CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: **DEVELOPMENT SERVICES**

AGENDA DATE: **JULY 18, 2006**

CONTACT PERSON/PHONE: **WILLIAM V. STERN (915) 541-4800**

DISTRICT(S) AFFECTED: 4

SUBJECT:
APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include $ amount if applicable.

Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

5629 Hemmingway Drive **Rico Alvarez**	$3,174.53	District 4

BACKGROUND / DISCUSSION:
Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action?

N/A

PRIOR COUNCIL ACTION:
Has the Council previously considered this item or a closely related one? If so, when?

N/A

AMOUNT AND SOURCE OF FUNDING:
How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

BOARD / COMMISSION ACTION:
Enter appropriate comments or N/A

N/A

**********REQUIRED AUTHORIZATION**********

LEGAL: (if required) _____ **FINANCE:** (if required) _____

OTHER: _____
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

OFFICE OF THE CITY ATTORNEY
MEMORANDUM

CONFIDENTIAL ATTORNEY-CLIENT AND/OR ATTORNEY WORK PRODUCT COMMUNICATION
NOT INTENDED FOR PUBLIC DISSEMINATION

DATE: **July 5, 2006**

TO: **R. Alan Shubert, P.E., Director**
Development Services Department

FROM: **Cindy J. Crosby, Assistant City Attorney** CC

SUBJECT: **Agenda Item for Consent Agenda**

The following lien should be considered on the City Council Consent Agenda.

5629 Hemmingway Drive	$3,174.53	District 4

The attached Condemnation Lien is in accordance with Texas Local Government Code §214.001(n). City Council previously conducted public hearings on this property and ordered that measures be taken to ensure that the property was made safe. After the Owners of the property failed to comply with such orders, various City departments took action on behalf of the Owners to ensure that the property was made safe.

The costs incurred for this property include those associated with notifying all parties having an interest in the property of the public hearings, as follows:

Notification	$262.15
Notification	$316.05
Notification	$418.95
Notification	$276.85
Title Report	$150.00
Street Department Costs	$1,750.53
TOTAL	$3,174.53

If I can provide further information, please call me.

cc: Juanita Gardea, City Comptroller's Office

Document Name:BPI/13/CONDEMNATION LIEN 5629 HEMMINGWAY DRIVE
Document #: 23394
Author_Id: CCRO

RESOLUTION

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso Municipal Code, the City Council of the City of El Paso, by Resolution dated the 27th day of July, 2005, after due notice and hearing, ordered RICO ALVAREZ, record Owner of the hereinafter described property that the Buildings be secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to secure the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to secure the Buildings and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of securing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

> Lot 5, Block 98, Sun Valley Addition Unit Nine, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 9, Page 60, Plat Records of El Paso County, Texas, Texas, municipally known and numbered as 5629 Hemmingway Drive, El Paso, Texas,

to be $1,750.53, performed by the Street Department of the City of El Paso, and $1,424.00, performed by the City Attorney's Office and the City Clerk's Office, making a total of $3,174.53. The City Council finds that the work was completed on the 11th day of May, 2006, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of THREE THOUSAND ONE HUNDRED SEVENTY-FOUR AND 53/100 DOLLARS ($3,174.53) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

ADOPTED this _____ day of_____, 2006.

CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Carolyn J. Crosby
Assistant City Attorney

APPROVED AS TO CONTENT:

R. Alan Shubert, Director
Development Services Department

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this _____ day of _____, 2006 by_____, as _____of the City of El Paso.

_____
Notary Public, State of Texas
Notary's Printed or Typed Name:

_____

(Seal)

PREPARED IN THE OFFICE OF:
City Attorney's Office
#2 Civic Center Plaza
El Paso, Texas 79901-1196

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(contact person: William V. Stern, Code Enforcement, (915) 541-4800)

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