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SERVICE SOLUTIONS SUCCESS

DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)



DEPARTMENT: DEVELOPMENT SERVICES

AGENDA DATE: SEPTEMBER 1, 2009

CONTACT PERSON/PHONE: VICTOR Q. TORRES, (915) 541-4557

DISTRICT(S) AFFECTED: 8

SUBJECT:

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 City Code:

208 Ward Avenue \$5,417.64 District 8
Marcelina Martinez

BACKGROUND / DISCUSSION:

The Building Standards Commission conducted a public hearing on March 31, 2009 and ordered that the main structure at 208 Ward Avenue be secured and clean of all weeds, trash, and debris within 30 days. The cost incurred for this property at 208 Ward Avenue includes a total of \$5,417.64 which is \$4,065.85 performed by the Street Department and \$1,367.79 performed by the City Clerk's Office and Development Services Department.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Building Standards Commission - Public Hearing - March 31, 2009

REQUIRED AUTHORIZATION

LEGAL: (if required) FINANCE: (if required)

DEPARTMENT HEAD: Victor Q. Torres, Development Services Director

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

Mayor John F. Cook

City Council

District 1 Ann Morgan Lilly

District 2 Susie Byrd

District 3 Emma Acosta

District 4 Carl L. Robinson

District 5 Rachel Quintana

District 6 Eddie Holguin Jr.

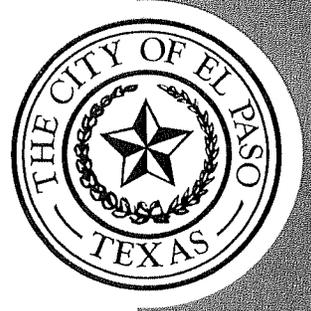
District 7 Steve Ortega

District 8 Beto O'Rourke

City Manager Joyce A. Wilson

APPROVED FOR AGENDA:

CITY MANAGER: _____ DATE: _____



Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

Development Services Department
Victor Q. Torres – Director

2 Civic Center Plaza – 5th Floor · El Paso, Texas 79901 · (915) 541-4622 · Fax (915) 541-4799



**OFFICE OF THE CITY ATTORNEY
M E M O R A N D U M**

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

DATE: August 17, 2009

TO: Victor Q. Torres, Director
Building Permits and Inspections
Development Services Department

FROM: Cynthia Osborn, Assistant City Attorney *CO*

SUBJECT: Agenda Item for Consent Agenda

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

208 Ward Avenue \$5,417.64 District 8

The attached Condemnation Lien is in accordance with Texas Local Government Code §214.001(n). The Building and Standards Commission previously conducted public hearings on this property and ordered that measures be taken to ensure that the property was made safe. After the Owner of the property failed to comply with such orders, various City departments took action on behalf of the Owner 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	\$585.84
Notification	629.95
Title Report	150.00
Street Department	<u>4,051.85</u>
TOTAL	<u>\$5,417.64</u>

If I can provide further information, please call me.

cc: Lisa Ramirez-Tobias, Capital Assets Administrator
Financial Services Department

RESOLUTION

WHEREAS, in accordance with Chapter 18.50 of the City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 31st day of March, 2009, after due notice and hearing, issued an order to MARCELINA MARTINEZ, record Owner of the hereinafter described property that the main structure and accessory structure be secured within thirty (30) days and to clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner and any mortgagee or lienholder having 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 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 structure and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

All of Lot numbered 7, except the South 5 feet thereof in Block 76-B of Ward's Subdivision of Block 76 of Magoffin's Addition to the City of El Paso, in El Paso County, Texas, according to the map of Ward's Subdivision of record in the front of Book 423, Deed Records of El Paso County, Texas, municipally known and numbered as 208 Ward Avenue, El Paso, Texas,

to be \$4,051.85, performed by the Street Department of the City of El Paso, and \$1,367.79, performed by the City Clerk's Office and Development Services Department, making a total of \$5,417.64. The City Council finds that the work was completed on the 5th day of June, 2009, 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 FIVE THOUSAND FOUR HUNDRED SEVENTEEN AND 64/100 DOLLARS (\$5,517.64) 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 _____, 2009.

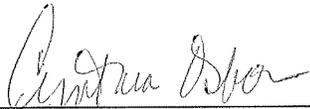
CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



Victor Q. Torres, Director
Building Permits and Inspections
Development Services Department

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this _____ day of _____, 2009 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