

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Environmental Services Department
AGENDA DATE: December 22, 2009
CONTACT PERSON/PHONE: Ellen Smyth, 915/621-6719
DISTRICT(S) AFFECTED: 6

SUBJECT:
Release of Lien for 9217 Leonardo

BACKGROUND / DISCUSSION:
The Environmental Services Department is requesting the release of lien for two liens placed against 9217 Leonardo, May 20, 2008 and October 13, 2009 in the amount of \$988.21. On October 6, 2009, the City Council has approved the acquisition of the property. This property is for the right of way expansion for the Roseway Drainage Project and for ponding area for Roseway Street.

PRIOR COUNCIL ACTION: N/A

AMOUNT AND SOURCE OF FUNDING: N/A

BOARD / COMMISSION ACTION: N/A

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

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

DEPARTMENT HEAD: _____
(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:** _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Release of Lien regarding the property located at 9217 Leonardo.

That the City Attorney's Office be authorized to file a Non-suit and any related appropriate documents releasing any claim in the following lawsuit: *City of El Paso v. Ortega, Luis*; Cause No. 2006-3406 in the 34th District Court, currently pending in the El Paso County District Clerk's Office.

ADOPTED this _____ day of _____ 2009.

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Josette Flores
Assistant City Attorney

Ellen A. Smyth, P.E., Director
Environmental Services Department

STATE OF TEXAS)
)
COUNTY OF EL PASO)

RELEASE

WHEREAS, in accordance with Section 9.04.380 of the El Paso City Code, entitled Abatement, after providing the notices to the owner of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation, weeds or other objectionable, unsightly or unsanitary matter in violation of the El Paso City Code, and the owner failed to comply after due notice, the City's Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds and/or other rubbish; and

WHEREAS, the El Paso City Council, in accordance with Section 9.04.380 of the El Paso City Code, declared the total amount of EIGHT HUNDRED NINETY FIVE AND 33/100 DOLLARS (\$895.33) to be a lien on the hereinafter described property by the Resolution(s) dated May 20, 2008 and October 13, 2009, and recorded with the Deed Records of El Paso County, Texas as follows:

<u>Date of Resolution</u>	<u>Recorded Document Number</u>	<u>Amount</u>
May 20, 2008	20080044083	\$639.40
October 13, 2009	20090074003	\$255.93

WHEREAS, in accordance with the Resolution(s) referenced above, the City of El Paso has calculated the interest on said lien at ten percent (10%) per annum totaling NINETY-TWO AND 88/100 DOLLARS (\$92.88) in accrued interest to date; and,

WHEREAS, on October 6, 2009, the City Council of the City of El Paso authorized the purchase of the property at issue and desires a release of the property covered by said lien, in the total amount of NINE HUNDRED EIGHTY EIGHT AND 21/100 DOLLARS (\$988.21).

NOW, THEREFORE, in consideration of the above, the City of El Paso, does release the following property from the above-mentioned lien:

9217 Leonardo Avenue, more particularly described as Tract 106 (14193 Sq Ft), North Valumbrosa #2 Subdivision, El Paso, El Paso County, Texas, Parcel #N525-999-0010-2800

(SIGNATURES BEGIN ON THE FOLLOWING PAGE)

EXECUTED this _____ day of _____, 2009.

CITY OF EL PASO

Joyce A. Wilson
City Manager

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Josette Flores
Assistant City Attorney

Ellen A. Smyth, P.E., Director
Environmental Services Department

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on the _____ day of _____, 2009, by _____, as _____ of the City of El Paso, a Texas municipal corporation, as the act and deed of the City of El Paso.

Notary Public, State of Texas