

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

DEPARTMENT: DEVELOPMENT SERVICES

AGENDA DATE: DECEMBER 23, 2008

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

DISTRICT(S) AFFECTED: 2 & 8

SUBJECT:

Placing a condemnation lien on the following properties (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:

- | | | |
|--|------------|------------|
| 1. 2831 Frankfort Avenue | \$4,046.76 | District 2 |
| Enrique Martinez and Fermina Morales de Martinez | | |
| 2. 3923 Laredo Avenue | \$4,468.93 | District 8 |
| Anastacio H. Garcia | | |

BACKGROUND / DISCUSSION:

N/A

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: _____
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

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

RESOLUTION

WHEREAS, in accordance with Chapter 18.50 of the El Paso City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 23rd day of January, 2007, after due notice and hearing, issued an order to ENRIQUE MARTINEZ and FERMINA MORALES , record Owners of the hereinafter described property that the main 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 Owners 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:

Lot 4 and the East one-half of Lot 5, in Block 119 of the Highland Park Addition to the City of El Paso, in El Paso County, Texas, municipally known and numbered as 2831 Frankfort Avenue, El Paso, Texas,

to be \$2,952.24, performed by the Street Department of the City of El Paso, and \$1,094.52, performed by the City Clerk's Office and Development Services Department, making a total of \$4,046.76. The City Council finds that the work was completed on the 30th day of July, 2007, 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 FOUR THOUSAND FORTY-SIX AND 76/100 DOLLARS (\$4,046.76) 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 _____, 2008.

CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Mark Shoemith
Mark Shoemith
Assistant City Attorney

Victor Q. Torres
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 _____, 2008 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

08 DEC 11 PM 3:08
CITY CLERK DEPT.

RESOLUTION

WHEREAS, in accordance with Chapter 18.50 of the El Paso City Code, the City Council of the City of El Paso, by Order dated the 28th day of March, 2007, after due notice and hearing, issued an order to ANASTACIO H. GARCIA, record Owner of the hereinafter described property that the main structure be secured, demolish accessory structures 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, demolish accessory structures 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, demolishing the accessory structures and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 23 and 24, Block 45, Woodlawn Addition, an addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in Volume 13, Page 53, Plat Records of El Paso County, municipally known and numbered as 3923 Laredo Avenue, El Paso, Texas,

to be \$3,332.89, performed by the Street Department of the City of El Paso, and \$1,136.04, performed by the City Clerk's Office and Development Services Department, making a total of \$4,468.93. The City Council finds that the work was completed on the 10th day of September, 2007, 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 FOUR THOUSAND FOUR HUNDRED SIXTY-EIGHT AND 93/100 DOLLARS (\$4,468.93) 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 _____, 2008.

CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Mark Shoosmith
Mark Shoosmith
Assistant City Attorney

Victor Q. Torres
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 _____, 2008 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

08 DEC 11 PM 3:09
CITY CLERK DEPT.