

ORDINANCE NO. 2005-06-28-001

AN ORDINANCE MAKING FINDINGS OF FACT; FINDING THE 1972 TRAVEL TRAILER LOCATED AT West ½ - Lot 11, Block 15 TO BE DILAPIDATED, SUBSTANDARD AND UNFIT FOR HUMAN HABITATION; FINDING THE STRUCTURES A PUBLIC NUISANCE AND A HAZARD TO THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITY; ORDERING THE NUISANCE BE ABATED; ORDERING A CIVIL PENALTY; AND MAKING OTHER PROVISIONS.

WHEREAS, this action concerning the 1972 Travel Trailer, Registration No. 3312152, License No. 420-C5H located at West ½ of Lot 11, Block 15, Kempner, Texas (the "Structures") is being taken in accordance with the City's Codes, Ordinances and § 214.001, Texas Local Government Code;

WHEREAS, written notice of a public hearing held on April 26th, 2005, was provided by certified U.S. mail to all persons with an ownership interest in the Structure, to the extent such interests could be ascertained;

WHEREAS, on April 26th, 2005, at 7:00 p.m. a public hearing was scheduled and held at Kempner City Hall, Council Chambers, 298 Pecan Street, Kempner, Texas, to determine if the Structure, more particularly described in Section 2 is dilapidated, substandard, unfit for human habitation and constitute a hazard to the public safety and health, and should be further declared a public nuisance;

WHEREAS, the City researched the real property records of Lampasas County, and directed city employees to examine the tax records, the Appraisal District records, the records of the Texas Secretary of State and the assumed name records to determine the owners, mortgagors and lienholders with interests in the Structure;

WHEREAS, on April 26th, 2005, at 7:00 p.m. the Council convened the public hearing at Council Chambers, to determine if the Structure should be declared a public nuisance;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMPNER, TEXAS, THAT:

SECTION 1. The City Council finds all of the above recitals to be true and correct and incorporates the same in this Ordinance as findings of fact.

SECTION 2. The City Council hereby declares the structure on the property described as follows:

1972 Travel Trailer Serial #0000000003322152, License #421-C5H
Located West ½ of Lot 11, Block 15, Kempner, Lampasas County,
Texas to be a public nuisance, and to be a public nuisance pursuant
to the terms and provisions of the City Ordinance, and Section 214.001,
et. seq. Texas Local Government Code.

SECTION 3. It is hereby found and determined that the Structure located on the property described in Section 2 hereinabove are dilapidated, substandard and unfit for human habitation and are a hazard and danger to the public health, safety and welfare.

SECTION 4. The owner of the structure described in Section 2 was ordered and directed to abate the nuisance within thirty (30) days after the date of the public hearing by obtaining a proper permit and demolishing or removing the Structure, including all remnants thereof on the above described property, within thirty (30) days from the date of the public hearing.

SECTION 5. The owner of interests in the Structure above described was given notice of the public hearing and these proceedings, and each of them shall also be provided with a written copy of this Ordinance by certified mail, return receipt requested, and, after the expiration of thirty (30) days from date of service of said letter save and except one or more of the owners of the Structures abates the nuisance in the manner provided hereinabove in Section 4, the City shall directly or by contract with a third party demolish or remove the Structures situated upon the property described in Section 2 above.

SECTION 6. In the event the City directly or by contract demolishes or removes the Structure, the Mayor is directed to cause a lien to be filed against the property and recorded in the deed records of the County as provided by law, to secure the City's costs and expenses for or with respect to the demolition and clearing of said property.

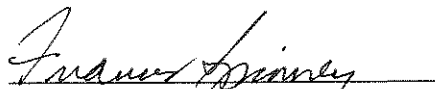
SECTION 7. It is hereby ordered that the property identified in Section 2 and the owners thereof are assessed a civil penalty for failing to timely comply with City Ordinance, as well as, the *Tex. Loc. Gov't Code* § 214.001, et seq. As provided in §214.0015 *Tex. Loc. Gov't Code*, the City Council will not assess a civil penalty against the owner of the property referenced and described in Section 2. The City Secretary is directed to file with the district clerk of Lampasas County a certified copy of this Ordinance.

SECTION 8. The City Secretary is further directed to prepare or cause to be prepared and to file a notice of the public hearing and description of the public hearing, with a certified copy of this Ordinance attached, in the real property records of Lampasas County, Texas.

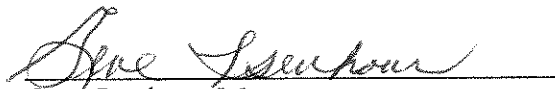
ADOPTED this the 28th day of June, 2005.

ATTEST:

THE CITY OF KEMPNER, TEXAS



Frances Spinney, City Secretary



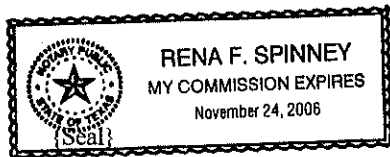
Gene Isenhour, Mayor

STATE OF TEXAS *

COUNTY OF LAMPASAS *

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY
PERSONALLY APPEARED GENE ISENHOUR, KNOWN TO ME TO BE THE
PERSON WHO'S NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT,
AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE
PURPOSES AND CONSIDERATION THEREIN EXPRESSED, IN THE CAPACITY
THEREIN STATED, AND AS THE ACT AND DEED OF SAME.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 28TH DAY OF
JUNE, 2005.



Rena F. Spinney
Rena F. Spinney
Notary Public
State of Texas

AFTER RECORDING PLEASE RETURN TO:

**City of Kempner
City Secretary
P.O. Box 660
Kempner, TX 76539**

CERTIFICATION OF ORDINANCE

I, Frances Spinney, City Secretary of the City of Kempner, Texas do hereby Certify that the foregoing is a true and correct copy of the Ordinance No. 2005-06-28 -002 that was adopted by the City Council of Kempner on June 28,, 2005 for the City of Kempner, Texas.

In witness whereof, I hereto set my hand and affix the official seal of the City of Kempner, Texas this 30th day of June, 2005.

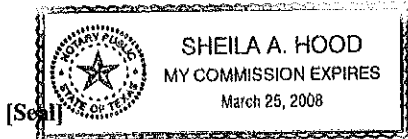


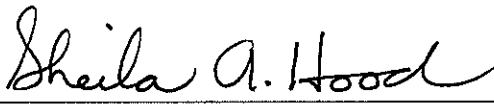
Frances Spinney, City Secretary

STATE OF TEXAS *
*
COUNTY OF LAMPASAS *

BEFORE ME, the undersigned authority, on this day personally appeared Frances Spinney, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to e that she executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of same.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 30TH day of June, 2005.





Notary Public
State of Texas

PUBLISHER'S AFFIDAVIT

I solemnly swear that the attached notice was published in the **Lampasas Dispatch Record**, a newspaper of general circulation which has been continuously and regularly published for a period of not less than one year preceding the dates of publication of the attached notice, that the said notice was published in the issue(s) of such newspaper on the day(s) of July 5, 2005.

James F. Lowe

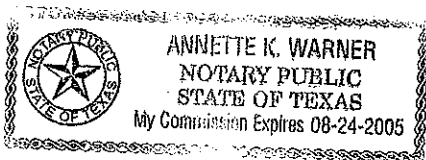
**Publisher, Fred E. Lowe
or James F. Lowe**

SWORN TO AND SUBSCRIBED BEFORE ME BY James F. Lowe

this the 29 day of July, 2005, to certify which witness my hand and seal of office.

Annette K. Warner

Notary Public, State of Texas



AUG 02 2005

APR 29 2005

**A PUBLIC HEARING FOR VIOLATIONS OF ORDINANCE NUMBER
2004-03-23-002 AND CHAPTER 214 TEX. LOC. GOV'T CODE WAS
HELD ON THE 26TH DAY OF APRIL, 2005, AT 7:00 P.M. BY THE CITY
OF KEMPNER, TEXAS.**

NOTICE IS HEREBY GIVEN that the Kempner Board of Appeals and Adjustments held a Public Hearing at the City Council Chambers at 298 Pecan Street, City Hall, Kempner, Texas, on the above date and time to receive input on the following:

To consider evidence and act upon the written report of the Building Standards Commission who recommends demolition and/or disposal of the travel trailer located at West ½ of Lot 11, Block 15, Kempner, Lampasas County, Texas described as:

A 1972 Travel Trailer #0000000003312152, license #420-C5H registered to Rick Wiggins of Eddy, Texas, located at the West ½ of Lot 11, Block 15, Kempner, Lampasas County, Texas on property belonging to Mr. and Mrs. Carl Anderson.


At this public hearing, the Board of Appeals and Adjustments have determined that the structures and remnants thereof located on the above described property contained dilapidated, substandard and unfit structures constituting a Dangerous Building and hereby order the owner(s) and person(s) with interest therein to abate the nuisance and secure the premises within thirty (30) days by obtaining a proper permit and demolishing and/or removing the structures and remnants thereof.

Failure to comply with this order may result in the City demolishing and securing the structures and causing a lien to be filed against the above-described property and taking other such actions as permitted by ordinance and State law.

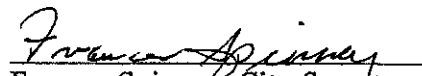
A copy of this order may be requested by contacting Frances Spinney, City Secretary, at 512-932-2180, 298 Pecan Street, Kempner, Texas 76539

THIS ORDER WAS APPROVED BY CITY COUNCIL AT MEETING HELD APRIL 26, 2005.

APPROVED:


Gene Isenhour, Mayor

ATTEST:

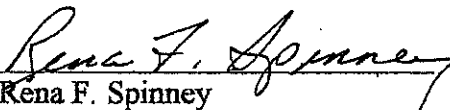

Frances Spinney, City Secretary

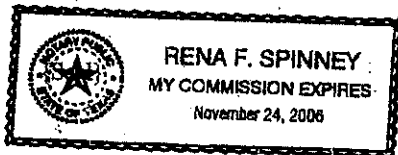
STATE OF TEXAS *

COUNTY OF LAMPASAS *

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THEREIN STATED, AND AS THE ACT AND DEED OF SAME.

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APRIL, 2005.


Rena F. Spinney
Notary Public
State of Texas

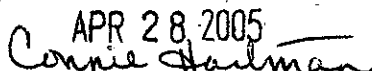


117456

FILED FOR RECORD

2:00 PM

APR 28 2005


CONNIE HARTMANN, COUNTY CLERK
LAMPASAS COUNTY, TEXAS

DEPUTY