

CERTIFIED MAIL

**ORDINANCE NO. 2006-03-28-001**  
**ORDER TO DEMOLISH OR REPAIR TO BRING**  
**INTO COMPLIANCE WITH CITY ORDINANCE**

**AN ORDINANCE MAKING FINDINGS OF FACT; FINDING THE STRUCTURES LOCATED AT LOTS 6, 7, 8, BLOCK 7 ON HWY 190, KEMPNER, TEXAS, TO BE DELAPIDATED, 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; PROVIDING FOR A CIVIL PENALTY; AND MAKING OTHER PROVISIONS.**

**WHEREAS**, this action concerning the house and any outbuildings structures located at **Lots 6, 7 and 8, Block 7**, Kempner, Texas (the "Structures") is being taken into accordance with the City's, Codes, Ordinances and § 214.001, Texas Local Government Code;

**WHEREAS**, written notice of a public hearing held on **March 28, 2006**, was provided by certified U.S. mail to Mr. Daman Mahana with an ownership interest in the Structures, to the extent such interests could be ascertained;

**WHEREAS**, on **March 28, 2006**, at **6:45 p.m.**, a public hearing was scheduled and held at Kempner City Hall, Council Chambers, 298 Pecan Street, Kempner, Texas to determine if the structures, more particularly described in Section 2 are dilapidated, substandard, unfit for human habitation and constitute 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 and the Lampasas County Appraisal District records, to determine the owners, mortgagors and lienholders with interests in the Structures;

**WHEREAS**, ON **March 28, 2006 at 6:45 p.m.**, the Council convened the public hearing at Council Chambers, to determine if the structures 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 hereby 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 structures and buildings on the property described as follows:

**Lots 6, 7 and 8, Block 7, 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 No. 2004-03-23-002, and  
Section 214.001, Et. Seq. Texas Local Government Code.

**SECTION 3.** It is hereby found and determined that the Structures 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 owners of the structures and other properties described in  
Section 2 are ordered and directed to abate the nuisance within thirty (30) days after date  
of the public hearing by obtaining a proper permit (if required) and demolishing or  
repairing the structure to be in compliance with Ordinance No 2004-03-23-002,  
including removing all debris on the above described property.

**SECTION 5.** The owner of interest in the structures and property above  
described was given notice of the public hearing and these proceedings, and they 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,  
if the owner(s) of the structures fail to abate the nuisance in the manner provided  
hereinabove in Section 4, the City shall directly or by contract with a third party to  
demolish the Structure(s) situated upon the property described in Section 2 above.

**SECTION 6.** In the event the City directly or by contract demolishes and clears  
the structure(s), 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 can be assed a civil penalty of up to \$1,000.00 per day against the owner  
of the property for failing to timely comply with City Ordinance, as well as, the Tex, Loc.  
Gov't Code § 214.001, et seq.

**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 ON THIS THE 28<sup>TH</sup> Day of March, 2006.**

**ATTEST:**

**THE CITY OF KEMPNER, TEXAS**

  
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Frances Spinney, City Secretary

  
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Paul Cook, Mayor Pro Tem