

ORDINANCE NO. 2004-08-10-001

AN ORDINANCE MAKING FINDINGS OF FACT; FINDING THE STRUCTURES 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 house and any outbuilding structures 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 June 8th, 2004, was provided by certified U.S. mail to all persons with an ownership interest in the Structures, to the extent such interests could be ascertained;

WHEREAS, on June 8, 2004, at 6:30 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 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 Structures;

WHEREAS, on June 8, 2004, at 6:30 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 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:

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 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 were 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 and removing the Structures, including all remnants thereof on the above described property, within thirty (30) days from the date of the public hearing.

SECTION 5. The owners of interests in the Structures and property above described were 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 the Structures situated upon the property described in Section 2 above.

SECTION 6. In the event the City directly or by contract demolishes and clears the Structures, 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.

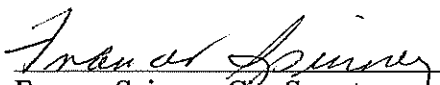
SECTION 7. It is hereby ordered that the property identified in Section 2 and the owners thereof are assessed a civil penalty for failing to timely comply with City Ordinance, as well as, the *Tex. Loc. Gov't Code* § 214.001, et seq. As provided in §214.0015 *Tex. Loc. Gov't Code*, the City Council hereby assesses a civil penalty in the amount of \$1,000.00 per day against the owner of the property referenced and described in Section 2 for violations on the date set forth below. 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 10th day of August, 2004.

ATTEST:

THE CITY OF KEMPNER, TEXAS



Frances Spinney, City Secretary



Roger Fancher, Mayor

