

CITY ORDINANCE NO. CO-118-2022

AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL DECLARING THE BUILDING OR STRUCTURE LOCATED AT 140 ½ WARREN STREET, LAFAYETTE, LOUISIANA, OWNED BY RUFUS PERON AND OLIVIA CELESTINE, C/O GERALD J. BLOCK, ATTORNEY APPOINTED, TO BE DILAPIDATED AND DANGEROUS TO THE PUBLIC WELFARE AND ORDERING THE CONDEMNATION OF SAME

BE IT ORDAINED by the Lafayette City Council, that:

SECTION 1: La. R.S. 33:4761, *et seq.* allows the governing authority of any municipality to condemn and cause to be demolished or removed any building or structure within the municipality when it is in a dilapidated and dangerous condition which endangers the public welfare.

SECTION 2: The Lafayette City Council has received a written report from the Housing Inspector II of Community Development and Planning Department of the Lafayette City-Parish Consolidated Government that recommends the condemnation and demolition of a certain building or structure located at municipal number 140½ Warren Street, Lafayette, Louisiana, owned by Rufus Peron and Olivia Celestine, c/o Gerald J. Block, Attorney Appointed. A copy of the written report is attached hereto and incorporated herein.

SECTION 3: A notice to show cause will be served on said owner, Rufus Peron and Olivia Celestine, c/o Gerald J. Block, attorney appointed, setting a hearing which will be held at the date and time of the final adoption of this ordinance, all in accordance with the provisions of La. R.S. 33:4761, *et seq.*

SECTION 4: It is in the opinion of the Lafayette City Council, as the governing authority of the Lafayette City-Parish Consolidated Government, that the facts prove that the building or structure located at 140 ½ Warren Street, Lafayette, Louisiana, owned by Rufus Peron and Olivia Celestine, c/o Gerald J. Block, Attorney Appointed, is in such a dilapidated and dangerous condition as to possibly cause immediate loss or damage to persons or property and thereby creates a dangerous condition and endangers the public welfare. Accordingly, the Lafayette City Council does hereby order the building or structure located at 140 ½ Warren Street, Lafayette, Louisiana, owned by Rufus Peron and Olivia Celestine, c/o Gerald J. Block, Attorney Appointed, to be condemned and demolished. The legal description upon which the building or structure is located is as follows:

That certain lot of ground, together with all improvements thereon, situated in the MATHIAS-HENGES SUBDIVISION, to the Parish of Lafayette, La., and according to official plat of survey thereof prepared by V. E. Smith, c. e., of date March 1923 and of record in the Conveyance Records of the Parish of Lafayette, La., is known and designated as Lot 7 of Block 1 of said Mathias-Henges Subdivision. Said lot having a front of 50 feet on a 40 foot road known as 'Henges St., by a depth in parallel lines of 100 feet, and being bounded North by Lot 6, Block 1, South by Lot 8, Block 1, East by said 40 foot road known as Henges Street, and West by a 30 foot road separating said lot from property of Rev. Philip Kelly, or assigns, and being a portion of the same property acquired by vendor by act number 359444, book Y-25 at page 359 of the Conveyance Records of Lafayette Parish, La.

Said lot having a municipal address of 140 ½ Warren Street, Lafayette, La

SECTION 5: The aforescribed building or structure will be demolished by the Lafayette City-Parish Consolidated Government after 30 days from the effective date of this ordinance unless said owner, or his designated agent, exercises one of the following options:

1. Said owner, or his designated agent, may demolish and remove said building or structure under the following conditions:
 - A. Said owner, or his designated agent, shall execute a written contract with the Lafayette City-Parish Consolidated Government, which contract shall obligate him to demolish and remove said building within 30 days from the effective date of this ordinance.
 - B. Within 15 days from the effective date of this ordinance, said owner, or his designated agent, shall execute with the Lafayette City-Parish Consolidated Government the aforescribed contract and shall provide a bond in the amount of \$25,000.00 in favor of the Lafayette City-Parish Consolidated Government, guaranteeing performance by the owner, or his designated agent, of the obligation under the aforementioned contract.
 - C. The contract and bond shall be in the form provided by the Lafayette City-Parish Consolidated Government. Any such surety bond shall be made either by a cash deposit with the Lafayette City-Parish Consolidated Government or shall be written by a surety or insurance company on the U.S. Department of the Treasury Financial Management Service list of approved bonding companies which is published annually in the Federal Register, or by a Louisiana domiciled insurance company with at least an A minus rating in the latest printing of the A M Best Key Rating Guide to write individuals bond up to ten (10%) percent of the policy holder's surplus as shown in the A M Best Key Rating Guide or by an insurance company that is either domiciled in Louisiana or owned by Louisiana residents and is licensed to write surety bonds.
2. Said owner, or his designated agent, may repair said building or structure under the following conditions:
 - A. Said owner, or his designated agent, shall execute a written contract with the Lafayette City-Parish Consolidated Government, which contract shall

obligate the owner to make all repairs within 90 days from the effective date of this ordinance. The necessary repairs shall be all those repairs as specified by the Housing Inspector II with Community Development and Planning Department of the Lafayette City-Parish Consolidated Government.

- B. Within 15 days from the effective date of this ordinance, said owner, or his designated agent, shall execute with the Lafayette City-Parish Consolidated Government the original contract, together with a bond in the amount of \$50,000.00, in favor of the Lafayette City-Parish Consolidated Government guaranteeing performance by the owner, or his designated agent, of the obligations under the aforementioned contract.
- C. The contract and bond shall be in the form provided by the Lafayette City-Parish Consolidated Government. Any such surety bond shall be made either by a cash deposit with the Lafayette City-Parish Consolidated Government or shall be written by a surety or insurance company on the U.S. Department of the Treasury Financial Management Service list of approved bonding companies which is published annually in the Federal Register, or by a Louisiana domiciled insurance company with at least an A minus rating in the latest printing of the A M Best Key Rating Guide to write individuals bond up to ten (10%) percent of the policy holder's surplus as shown in the A M Best Key Rating Guide or by an insurance company that is either domiciled in Louisiana or owned by Louisiana residents and is licensed to write surety bonds.

SECTION 6: Should the owner fail or refuse to comply with the contract and bond as above stipulated, the Lafayette City-Parish Consolidated Government will execute upon the performance bond filed by the owner, or his designated agent, and will proceed with the repair or demolition of the condemned building with all costs thereof, as well as all other costs, legal interest and attorney's fees, as provided by La. R.S. 33:4761, *et seq.*, being taxed as a lien on the property and this also shall be the personal obligation of the owner.

SECTION 7: If the Lafayette City-Parish Consolidated Government undertakes the condemnation, demolition, and removal, the cost of demolition and removal, as well as all legal interest on said amount together with attorney's fees and costs incurred with reference to the condemnation and demolition, shall create a lien and privilege on the immovable property which

privilege lien shall be preserved by the filing and recording of an affidavit signed by the Lafayette Mayor-President and recorded in the mortgage records of the Parish of Lafayette. The said lien shall not be canceled until all amounts, including costs, attorney's fees and interest have been paid. The privilege and lien may be enforced by assessing the amount of the privilege and lien against the immovable property as a tax to be assessed against the property. The costs shown in the privilege and lien shall also be the personal obligations and liability of the owner.

SECTION 8: Anything herein contained to the contrary notwithstanding (particularly Section 10 hereof), this ordinance shall not be operative unless and until, no later than 20 days from the date of adoption of this ordinance by the Lafayette City Council, the Lafayette Mayor-President shall have issued a written notice to the Lafayette Clerk of the Council that this ordinance is made operative. If such written notice is timely issued, all references in this ordinance to "from the effective date of this ordinance" shall mean and be construed as "from the date of written notice by the Lafayette Mayor-President as provided in Section 7 hereof"

SECTION 9: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 10: This ordinance shall become effective upon signature of the Lafayette Mayor-President, the elapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon an override of a veto, whichever occurs first.

* * * * *



RECEIVED

DS
JUN 24 2022

Lafayette Consolidated Government
Chief Administrative Officer

Internal Memorandum

Community Development and Planning Department
Codes Division (9020)

TO: Cydra Wingerter **DATE:** July 22, 2022

FROM: Mary Sliman

SUBJECT: **CONDEMNATION ORDINANCE FOR:
140 ½ WARREN STREET
RUFUS PERON AND OLIVIA CELESTINE,
C/O GERALD J. BLOCK, ATTORNEY APPOINTED**

Attached is an ordinance requesting condemnation of the building located at 140½ Warren Street, Lafayette, La, along with a case synopsis, recommendation to demolish/condemn and inspector's report and agenda item submittal form.

If all is in order, please place on the agenda for introduction on July 19, 2022.

A handwritten signature in black ink that reads "Mary Sliman".

Mary Sliman, Director
Community Development and Planning Department

MS/mh

Attachment

Internal Memorandum

Community Development and Planning Department
Codes Division (9020)

TO: Lafayette City Council
Lafayette Mayor-President, Joshua S. Guillory

DATE: July 22, 2022

THRU: Cydra Wingerter
Mary Sliman
Bruce Williams

CMV
MS
BEW

FROM: Randy Viator

SUBJECT: Condemnation of Building

OWNERS: Rufus Peron and Olivia Celestine, c/o Gerald J. Block, attorney appointed

ADDRESS: 140½ Warren Street, Lafayette, LA

PROPERTY DESCRIPTION:

1. Building Description: Wood frame house
2. Legal Description:

That certain lot of ground, together with all improvements thereon, situated in the MATHIAS-HENGES SUBDIVISION, to the Parish of Lafayette, La., and according to official plat of survey thereof prepared by V. E. Smith, c. e., of date March 1923 and of record in the Conveyance Records of the Parish of Lafayette, La., is known and designated as Lot 7 of Block 1 of said Mathias-Henges Subdivision. Said lot having a front of 50 feet on a 40 foot road known as Henges St., by a depth in parallel lines of 100 feet, and being bounded North by Lot 6, Block 1, South by Lot 8, Block 1, East by said 40 foot road known as Henges Street, and West by a 30 foot road separating said lot from property of Rev. Philip Kelly, or assigns, and being a portion of the same property acquired by vendor by act number 359444, book Y-25 at page 359 of the Conveyance Records of Lafayette Parish, La.

Said lot having a municipal address of 140½ Warren Street, Lafayette, La.

Lafayette City Council members and Lafayette Mayor-President, Joshua S. Guillory:

The building described above has been found to be dilapidated and dangerous for the following reasons:

See inspector's report.

The building because of its condition endangers the public welfare for the following reasons: It is in disrepair and infested with rodents and insects. The condition of the building, therefore, creates a serious hazard for the health and safety of the general public.

I, therefore, recommend that the building be condemned forthwith as provided for in La. R.S. 33:4761, *et seq.*



Randy Viator
Housing Inspector II
Community Development and Planning Department

LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT

PROPERTY MAINTENANCE CODE

INSPECTOR'S REPORT

Case Number PC2020-0175

4/21/2022

Site Address 140 1/2 WARREN ST

Type / Subtype
BUILDING / VACANT AND SECURE

LAFAYETTE, LA 70501

Owner PERON, RUFUS

Agent

Address 335 JACKSON STREET

Address

LAFAYETTE

LA 70501-8115

Phone

Cell

Phone

Cell

Officer Mark Harson

Use: Residential

Type Construction:

Wood Frame

Occupancy:

Vacant

Commodes:

0 Tubs:

0

Showers:

0 Lavatories:

0

Kitchen:

0 Full Baths:

0

Hot Water:

Type Heat:

Electricity: No

Gas:

Conditions Indicate:

DEMOLISH

The findings of inspection contained herein are intended to report conditions of non-compliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the building and premises. No warranty of the operation, use, or durability of equipment and materials not specifically cited herein is expressed or implied.

NOTES

NON-COMPLIANCE CODE VIOLATIONS ARE LISTED BELOW:

- 1 SECTION 102.2 - Maintenance - All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this code in a building when erected, altered, or repaired, shall be maintained in good working order.
- 2 SECTION 305 - INTERIOR STRUCTURE - (Ceilings) - Repair or replace ceilings to be substantially rodent proof and in sound condition.
- 3 Section 305 Interior Structure. Interior of structure shall be maintained free of deterioration and capable of supporting the loads of the structure.
- 4 SECTION 305.2 - Structural Members - (Floors) - Repair or replace floors to be substantially rodent proof, in sound condition, and capable of supporting normal loads.
- 5 SECTION 604 - ELECTRICAL FACILITIES - (Service Entrance and Wiring) - Update electrical service entrance and wiring, to be installed, connected and maintained in accordance with the provisions of the National Electrical Code as adopted by the L.C.G. Planning, Zoning and Codes Departments.
- 6 SECTION 304.6 - Exterior Walls - (Siding) - Repair or replace exterior siding to be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain, or dampness to the interior of structure.
- 7 SECTION 304.4 - Structural Members - (Support Posts) - Repair or replace support post(s) to be in sound condition and capable of supporting normal loads

8 SECTION 304.9 - Overhang extensions (Soffit) - Repair or replace soffit to be free of holes, breaks, rotting boards, and any other conditions which might admit rain or dampness.

9 SECTION 304.7 - Roofs and drainage - Repair or replace roof to be structurally sound and maintained in a safe manner and have no defects which might admit rain or dampness to the interior of structure.

10 SECTION 304.4 - Structural Members (Rafters) - Repair or replace all rafters showing signs of damage or deterioration.

11 SECTION 307 - RUBBISH AND GARBAGE (Premises Clean-up) - Clean up premises.

12 SECTION 304.2 - Protective treatment (Painting) - Paint exterior of structure including doors, windows, overhang, and trim.

13 SECTION 302.7 - Accessory structures (Garages/Sheds) - Repair garage/shed to be in sound structural condition.

14 SECTION 304.9 - Overhang extensions (Fascia) - Repair or replace fascia to be free of holes, breaks, rotting boards, and any other conditions which might admit rain or dampness.

15 SECTION 304.1 - General - (Ceilings) - Repair or replace ceiling(s) to be in sound condition and capable of supporting normal loads.



Internal Memorandum

Community Development and Planning Department
Codes Division (9020)

TO: Randy Viator **DATE:** July 22, 2022
FROM: Mark Harson
SUBJECT: Case Synopsis – 140 ½ Warren Street, Lafayette, Louisiana
Rufus Peron and Olivia Celestine,
c/o Gerald J. Block, attorney appointed

12-16-2020 Complaint was made concerning the condition of the house and property. Initial inspection was performed on the house. Code enforcement case started. Took photos.

12-30-2020 Certified letter was mailed to the owner.

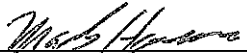
07-01-2021 Follow up inspection was made. House was vacant and secure. Repairs have not started.

07-23-2021 Follow up inspection was made. House was vacant and secure roof is starting to collapse.

04-21-2022 Follow up inspection was made. House was vacant and secure. Repairs have not started.

04-27-2022 Randy Viator met with attorney Gerald Block to discuss his work in condemning 140 ½ Warren Street.

NOTE: The house is in disrepair. No effort has been made by the owner to repair or demolish the house. Condemnation proceedings are recommended to demolish the house.



Mark Harson
Housing Inspector I

LAFAYETTE CITY COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

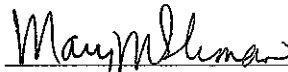
1. **JUSTIFICATION FOR REQUEST:** An Ordinance of the Lafayette City Council is required to declare one (1) residential building located at 140½ Warren Street, Lafayette, LA., owned by Rufus Peron and Olivia Celestine, c/o Gerald J. Block, attorney appointed to be dilapidated and dangerous to the public and to order the condemnation and demolition of same.
2. **ACTION REQUESTED:** Adoption by the Lafayette City Council.
3. **REQUEST ACTION OF COUNCIL:**
 - A) **INTRODUCTION:** July 19, 2022
 - B) **FINAL ADOPTION:** August 16, 2022
4. **DOCUMENTATION INCLUDED WITH THIS REQUEST:**
 - A) Cover Memo from Director (1page)
 - B) Submittal Item Justification Form (1 page)
 - C) Proposed Ordinance (6 pages)
 - D) Internal Memo from Randy Viator, Housing Inspector II (3 pages)
 - E) Internal Memo from Mark Harson, Housing Inspector I (1 page)
5. **FISCAL IMPACT:**

_____Fiscal Impact (Explain)

XXX No Fiscal Impact

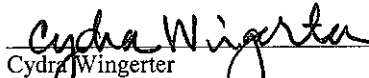
Community Development and Planning Department will contract to have this building or structure demolished at a cost of about \$ 5,000.00. A lien will be placed on this property for this amount and it will be collected after one year through the Lafayette City-Parish Consolidated Government's tax collection procedure. Total cost to the Lafayette City-Parish Consolidated Government is \$0.

Recommended by:



Mary Sliman, Director
Community Development and Planning Department

Approved for agenda:



Cydra Wingarter
Chief Administrative Officer

DISPOSITION OF ORDINANCE NO. CO-118-2022

1. This ordinance was introduced: Final disposition by Council:
July 19 _____, 2022 _____, 2022
YEAS: Naquin, YEAS:
Hebert, Cook, Lazard
- NAYS: None NAYS:
- ABSENT: Lewis ABSENT:
- ABSTAIN: None ABSTAIN:
2. Notice of Public Hearing: This ordinance was published by Title and Notice of Public Hearing was published in the Advertiser on July 22, 2022.
3. This ordinance was presented to the Mayor-President for approval on _____, 2022, at _____ o'clock ____m.

CLERK OF THE COUNCIL

4. Disposition by Mayor-President:
- I hereby:
- A. Approve this ordinance, the _____ day of _____, 2022, at _____ o'clock ____m.
- B. Veto this ordinance, the _____ day of _____, 2022, at _____ o'clock ____m., veto message is attached.
- C. Line item veto certain items this _____ day of _____, 2022, at _____ o'clock ____m., veto message is attached.

MAYOR-PRESIDENT

5. Returned to Council Office with/without veto message on _____, 2022, at _____ o'clock ____m.
6. Reconsideration by Council (if vetoed):
- On _____, 2022, the Council did/refused to adopt this ordinance after the Mayor-President's veto.
7. Returned to the Council Office without signature of Mayor-President (*unsigned*) on _____, 2022, at _____ o'clock ____m.

If not signed or vetoed by the Mayor-President, and ten days have elapsed since this ordinance was presented to him for action, same has been automatically approved.

CLERK OF THE COUNCIL

8. Full publication of this ordinance was made in the Advertiser on _____, 2022.