

CITY ORDINANCE NO. CO-026-2024

AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL DECLARING THE BUILDING OR STRUCTURE LOCATED AT 802 OMEGA DRIVE, LAFAYETTE, LOUISIANA, OWNED BY CANDACE RENEE LANDRY 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 an authorized official within the Community Development and Planning Department of the Lafayette City-Parish Consolidated Government that recommends the condemnation and demolition of the certain building(s) or structure(s) located at municipal number 802 Omega Drive, Lafayette, Louisiana, owned by Candace Renee Landry, 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, Candace Renee Landry, c/o Gerald J. Block, Attorney Appointed, and any occupant(s) residing therein, 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(s) or structure(s) located at 802 Omega Drive, Lafayette, Louisiana, owned by Candace Renee Landry, 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(s) or structure(s) located at 802 Omega Drive, Lafayette, Louisiana, owned by Candace Renee Landry, c/o Gerald J. Block, Attorney Appointed, to be condemned and further ordered to be demolished. The legal description upon which the building(s) or structure(s) is/are located is/are as follows:

That certain lot or parcel of ground, together with all buildings and improvements thereon and thereunto, and with all rights, ways, servitudes, privileges and appurtenances thereunto appertaining, and being known and designated as LOT 105 OF BELLE CHASSE GARDENS SUBDIVISION, a subdivision of the Parish of Lafayette, Louisiana, on that certain plat of survey prepared by Domingue, Szabo & Associates, dated April 14, 1964 and revised September 17, 1964, January 2, 1965 and March 25, 1965, attached to that act recorded under Entry No. 489243 of the records of Lafayette Parish, Louisiana, and made a part hereof by reference, and being described with reference thereto as having a frontage of 85.0 feet on Omega

Drive by a depth along its northerly line of 122 feet and a depth along its southerly line of 160.62 feet with a rear or easterly line of 54.10 feet, and is bounded westerly by said Omega Drive, northerly by Lot 106, southerly by Lot 104, and easterly by portions Lots 103 and 102, all of said subdivision, and having such other dimensions, boundaries and measurements as are more fully shown on said plat of survey.

Being the same property acquired by Russell Anthony Hein by that certain Cash Sale dated September 12, 2005 and recorded in the public records of Lafayette Parish, Louisiana under Entry No. 2005-46087.

Bearing the municipal address of 802 Omega Drive, Lafayette, Louisiana 70506.

SECTION 5: The building(s) or structure(s) located on the aforescribed property 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 the following option:

1. Said owner, or his designated agent, may demolish and remove said building(s) or structure(s) under the following conditions:
 - A. Said owner, or his designated agent, shall execute a written contract with the City of Lafayette and/or the Lafayette City-Parish Consolidated Government, which contract shall obligate him to demolish and remove said building(s) or structure(s) 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 the aforescribed contract with the City of Lafayette and/or the Lafayette City-Parish Consolidated Government and shall provide a bond in the amount of \$50,000.00 in favor of the City of Lafayette and/or the Lafayette City-Parish Consolidated Government, guaranteeing performance by the owner, or his designated agent, of the obligation under the aforescribed contract.
 - C. The contract and bond shall be in the form provided by the City of Lafayette and/or the Lafayette City-Parish Consolidated Government. Any such surety bond shall be made either by a cash deposit with the City of Lafayette and/or 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 individual bonds 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 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 City of Lafayette and/or the Lafayette City-Parish Consolidated Government undertakes the 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(s).

SECTION 8: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 9: 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.

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Internal Memorandum

Community Development and Planning
Compliance Division (9030)

TO: Lafayette City Council
Lafayette Mayor-President, Monique B. Boulet

DATE: January 29, 2024

THRU: Rachel Godeaux
Anne Famoso

FROM: Kathy Trahan

SUBJECT: Condemnation of Building

OWNER: Candace Renee Landry,
c/o Gerald J. Block, attorney appointed

ADDRESS: 802 Omega Drive, Lafayette, LA

PROPERTY DESCRIPTION:

1. Building Description: Brick Veneer House

2. Legal Description:

That certain lot or parcel of ground, together with all buildings and improvements thereon and thereunto, and with all rights, ways, servitudes, privileges and appurtenances thereunto appertaining, and being known and designated as LOT 105 OF BELLE CHASSE GARDENS SUBDIVISION, a subdivision of the Parish of Lafayette, Louisiana, on that certain plat of survey prepared by Domingue, Szabo & Associates, dated April 14, 1964 and revised September 17, 1964, January 2, 1965 and March 25, 1965, attached to that act recorded under Entry No. 489243 of the records of Lafayette Parish, Louisiana, and made a part hereof by reference, and being described with reference thereto as having a frontage of 85.0 feet on Omega Drive by a depth along its northerly line of 122 feet and a depth along its southerly line of 160.62 feet with a rear or easterly line of 54.10 feet, and is bounded westerly by said Omega Drive, northerly by Lot 106, southerly by Lot 104, and easterly by portions Lots 103 and 102, all of said subdivision, and having such other dimensions, boundaries and measurements as are more fully shown on said plat of survey.

Being the same property acquired by Russell Anthony Hein by that certain Cash Sale dated September 12, 2005 and recorded in the public records of Lafayette Parish, Louisiana under Entry No. 2005-46087.

Bearing the municipal address of 802 Omega Drive, Lafayette, Louisiana 70506.

Lafayette City Council members and Lafayette Mayor-President, Monique B. Boulet:

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 damaged and in disrepair. 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.

Kathy L. Trahan
Compliance Manager
Community Development and Planning

**LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT
PROPERTY MAINTENANCE CODE
INSPECTOR'S REPORT**

Case Number 23-242-PMC

Generated 1/29/2024

Site Address 802 OMEGA DR
LAFAYETTE, LA 70506

Type / Subtype
N/A

Owner FOXTROT LIENS/TAX YEAR 2017 - CANDACE
RENEE LANDRY

Agent FOXTROT LIENS/TAX YEAR 2017 - MELISSA CASTILLE

Address PO BOX 82668, LINCOLN, NE 68501

Address 18165 E PETROLEUM DRIVE, BATON ROUGE, LA
70809

Phone Cell

Phone Cell

Officer Micki Capritto

Use: Residential Type Construction: Brick Veneer Occupancy: Owner

Commodes: Tubs: Showers: Lavatories: Kitchen: Full Baths:

Hot Water: Type Heat: Electricity: No Gas:

Conditions Indicate: Rehabilitate

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 26-258(b) - A person shall not occupy as an Owner or Occupant or permit another person to occupy Premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Article. It shall be unlawful for any person to occupy as an Owner or Occupant, or permit another person to occupy, any Building or Structure that is not properly connected to and actively receiving those types of utilities necessary to comply with this PMC.
- 2 26-278(a) All electrical Equipment, wiring and appliances shall be properly installed and maintained in a safe and Approved manner.
- 3 26-258(b) - A person shall not occupy as an Owner or Occupant or permit another person to occupy Premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Article. It shall be unlawful for any person to occupy as an Owner or Occupant, or permit another person to occupy, any Building or Structure that is not properly connected to and actively receiving those types of utilities necessary to comply with this PMC.
- 4 26-258(c) - All vacant land, including undeveloped land, and all lots, plots, or parcels of land containing vacant Structures shall be maintained in a clean, safe, secure and sanitary condition as provided in this Article so as not to adversely affect the public health or safety.
- 5 26-259(e) All accessory Structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- 6 26-259(g) All swimming pools, spas, and hot tubs shall be maintained in a clean and sanitary condition and in good repair with a functioning filtration system.
- 7 26-260(a) - Exterior Structure - The exterior of a Structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- 8 26-260(b)(1) - Exterior Surfaces - All exterior surfaces, including but not limited to: doors, door and window frames, cornices, porches, trim, balconies, decks, and fences, shall be maintained in good condition.
- 9 26-260(b)(2) Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Substantial peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

**LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT
PROPERTY MAINTENANCE CODE
INSPECTOR'S REPORT**

- 10 26-260(c) - Premises Identification - Buildings shall have Approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabetic letters. Numbers shall be a minimum of four inches in height with a minimum width of .5 inches.

- 11 26-260(d) All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads of the Structure's legal use and occupancy.

- 12 26-260(e) All foundation walls must be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

- 13 26-260(f) Exterior walls must be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

- 14 26-260(g) The roof and flashing shall be sound, tight and not have defects that admit rain. Roofs must be adequate to prevent dampness or deterioration in the walls or interior portion of the Structure. Roof drains, gutters and downspouts must be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that it falls onto adjacent property. Roof tiles, shingles, and any other attachments shall be properly attached and kept in good condition.

- 15 26-260(o) All glazing materials shall be maintained free from substantial cracks and holes.

- 16 26-260(r) All exterior doors, door assemblies and hardware shall be maintained in good condition and all exterior doors shall lock tightly to secure the door.

- 17 26-261(a) - Interior structure - The interior of a Structure and Equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

- 18 26-261(b) All structural members shall be maintained structurally sound, and capable of supporting the imposed loads of the Structure's legal use and occupancy.

- 19 26-261(c) - Interior surfaces - All interior surfaces shall be maintained in a good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracks or loose plaster, decayed wood and other defective surface conditions shall be corrected. Holes in interior walls shall be sealed as necessary.

- 20 26-261(f) Every interior door shall fit reasonably within its frame and shall be capable of being opened and closed by being properly and securely attached to jams, headers, or tracks as intended by the manufacturer.

- 21 26-262(a) The components of a Structure and Equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

- 22 26-263(a) Exterior property and Premises, and the interior of every Structure, shall be maintained in a clean, safe and sanitary condition, free from any accumulation of trash, litter, debris, garbage, waste, rubbish or other similar material.

- 23 26-278(a) All electrical Equipment, wiring and appliances shall be properly installed and maintained in a safe and Approved manner.

Photos for Project 23-242-PMC

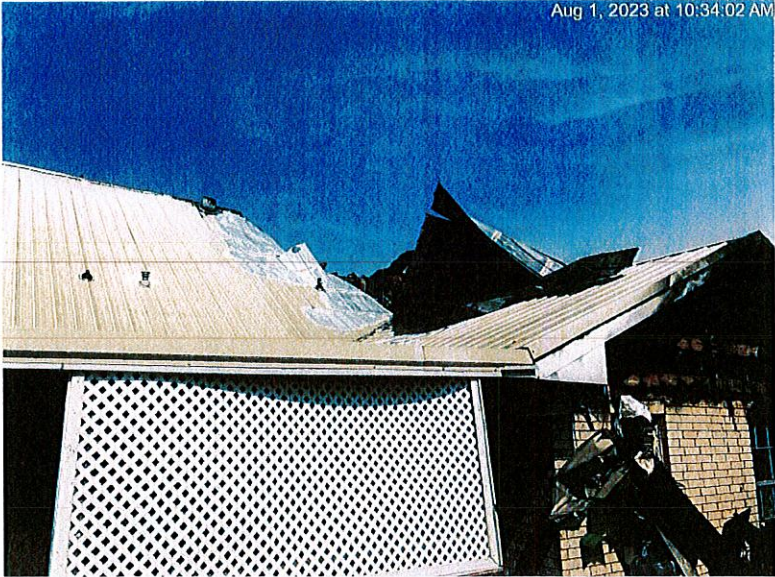


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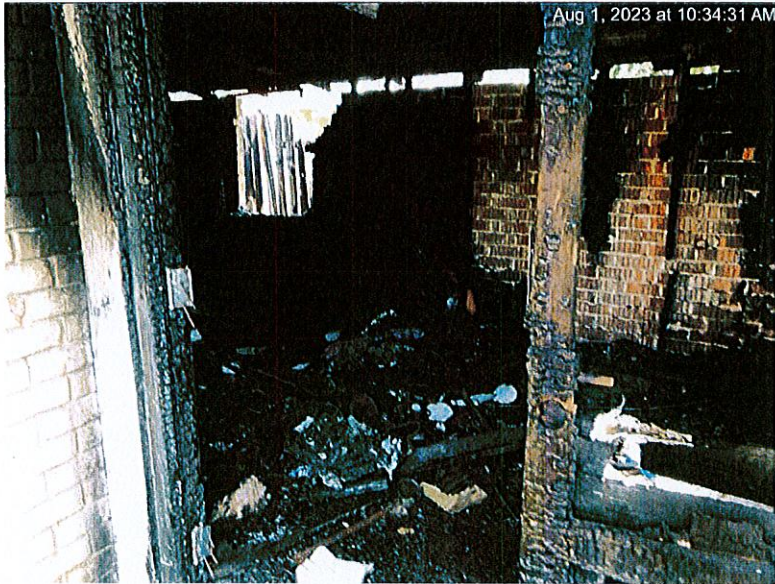


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Photos for Project 23-242-PMC



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	8/1/23	8/1/23	<input checked="" type="checkbox"/>



Internal Memorandum

Community Development and Planning Department
Office of the Director (Route 9041)

TO: Rachel Godeaux

DATE: January 30, 2024

FROM: Anne Famoso

SUBJECT: CONDEMNATION ORDINANCE FOR:
802 OMEGA DRIVE
CANDACE RENEE LANDRY,
C/O GERALD J. BLOCK, ATTORNEY APPOINTED

Attached is an ordinance requesting condemnation of the house located at 802 Omega Drive, Lafayette, Louisiana, along with the recommendation to demolish/condemn, inspector's report, and agenda item submittal form.

If all is in order, please place on the agenda for introduction on February 20, 2024.

A handwritten signature in blue ink that reads "Anne Famoso".

Anne Famoso
Interim Director

AF/tw

Attachment

RECEIVED

JAN 31 2024

Lafayette Consolidated Government
Chief Administrative Office

LAFAYETTE CITY COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

1. **JUSTIFICATION FOR REQUEST:** An Ordinance Of The Lafayette City Council Declaring The Building Or Structure Located At 802 Omega Drive, Lafayette, Louisiana, Owned By Candace Renee Landry, C/O Gerald J. Block, Attorney Appointed, To Be Dilapidated And Dangerous To The Public Welfare And Ordering The Condemnation Of Same.
2. **ACTION REQUESTED:** Adoption by the Lafayette City Council.
3. **REQUEST ACTION OF COUNCIL:**
 - A) INTRODUCTION: February 20, 2024
 - B) FINAL ADOPTION: March 19, 2024
4. **DOCUMENTATION INCLUDED WITH THIS REQUEST:**
 - A) Cover Memo from Director (1page)
 - B) Submittal Item Justification Form (1 page)
 - C) Proposed Ordinance (3 pages)
 - D) Internal Memo from Kathy Trahan, Compliance Manager (6 pages)
5. **FISCAL IMPACT:**
_____ Fiscal Impact (Explain)

_____XXX_____ No Fiscal Impact

Development and Planning 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:



Anne Famoso
Interim Community Development & Planning Director

Approved for agenda:



Rachel Godeaux
Chief Administrative Officer