

CITY ORDINANCE NO. CO-037-2024

AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL DECLARING THE BUILDING OR STRUCTURE LOCATED AT 408 SAINT JOHN STREET, LAFAYETTE, LOUISIANA, OWNED BY DOMATHILDE BROWN (ESTATE) AND DARLENE ELAIRE, 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 408 Saint John Street, Lafayette, Louisiana, owned by Domathilde Brown (Estate) and Darlene Elaire, 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, Domathilde Brown (Estate) and Darlene Elaire, 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 408 Saint John Street, Lafayette, Louisiana, owned by Domathilde Brown (Estate) and Darlene Elaire, 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 408 Saint John Street, Lafayette, Louisiana, owned by Domathilde Brown (Estate) and Darlene Elaire, 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:

A certain parcel of ground; together with all the improvements thereon, situated in the Mills addition in the City of Lafayette, La., being the northern portion of lot number Seventy-five (75) of said addition according to plat thereof on file in the recorder's office of this Parish; the parcel herein sold measuring forty-six feet front on St. John Street by a depth of one hundred and forty feet, and being bounded north by lot No. 72, south by the other portion of said lot No. 75 not herein sold, east by St. John Street and west by lot No. 74;

Being a portion of the same lot acquired by Rachid Saloom who was married to

Beulah Meaux, from Winnie Portlock et als. by Act No. 35194 in the records of the Clerk of Court for Lafayette Parish, and from Moses Portlock by act of even date herewith.

Being the same property acquired by DOMATHILDE PARKER, widow of Alfred Brown, by an Act of Cash Sale, dated April 15, 1926, and recorded in the records of the Clerk of Court for Lafayette Parish, under Act No. 77147. See also Act of Correction #83709

Said lot having a municipal address of 408 and 408 ½ Saint John Street, Lafayette, La.

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: February 14, 2024

THRU: Rachel Godeaux
Anne Famoso



FROM: Kathy Trahan

SUBJECT: Condemnation of Building

OWNER: Domathilde Brown (Estate) and Darlene Elaine,
c/o Gerald J. Block, attorney appointed

ADDRESS: 408 Saint John St, Lafayette, LA

PROPERTY DESCRIPTION:

1. Building Description: Brick Veneer House & Rear Structure

2. Legal Description:

A certain parcel of ground; together with all the improvements thereon, situated in the Mills addition in the City of Lafayette, La., being the northern portion of lot number Seventy-five (75) of said addition according to plat thereof on file in the recorder's office of this Parish; the parcel herein sold measuring forty-six feet front on St. John Street by a depth of one hundred and forty feet, and being bounded north by lot No. 72, south by the other portion of said lot No. 75 not herein sold, east by St. John Street and west by lot No. 74;

Being a portion of the same lot acquired by Rachid Saloom who was married to Beulah Meaux, from Winnie Portlock et als. by Act No. 35194 in the records of the Clerk of Court for Lafayette Parish, and from Moses Portlock by act of even date herewith.

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Said lot having a municipal address of 408 and 408 ½ Saint John Street, Lafayette, La.

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 23-1316-PMC

Generated 2/14/2024

Site Address 408 SAINT JOHN ST
LAFAYETTE, LA 70501

Type / Subtype
RESIDENTIAL SINGLE FAMILY,

Owner Domethilde Brown (Estate) - C/O Darlene Elaire

Agent N/A

Address 1124 E Vermillion St., Lafayette, LA 70501

Address

Phone Cell

Phone Cell

Officer Micki Capritto

Use: Residential

Type Construction: Brick Veneer

Occupancy: Vacant

Commodes:

Tubs:

Showers:

Lavatories:

Kitchen:

Full Baths:

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

Exterior Inspection

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 26-258(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.
- 3 26-259(e) All accessory Structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- 4 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.
- 5 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.
- 6 26-260(b)(4) All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- 7 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.
- 8 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.

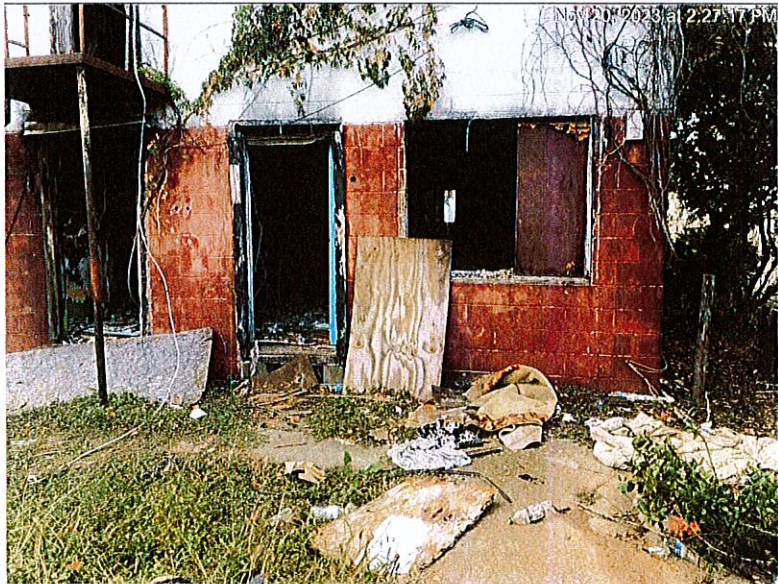
**LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT
PROPERTY MAINTENANCE CODE
INSPECTOR'S REPORT**

- 9 26-260(o) All glazing materials shall be maintained free from substantial cracks and holes.
-
- 10 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.
-
- 11 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.
-
- 12 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.
-

Photos for Project 23-1316-PMC

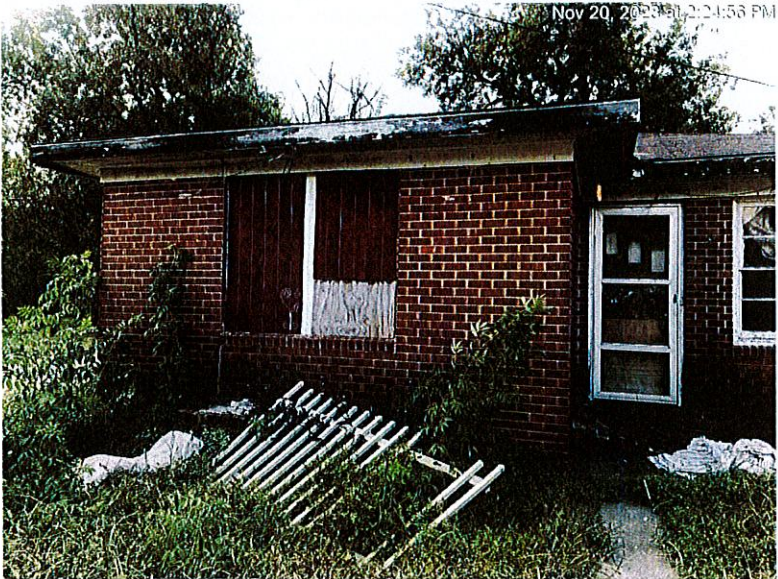


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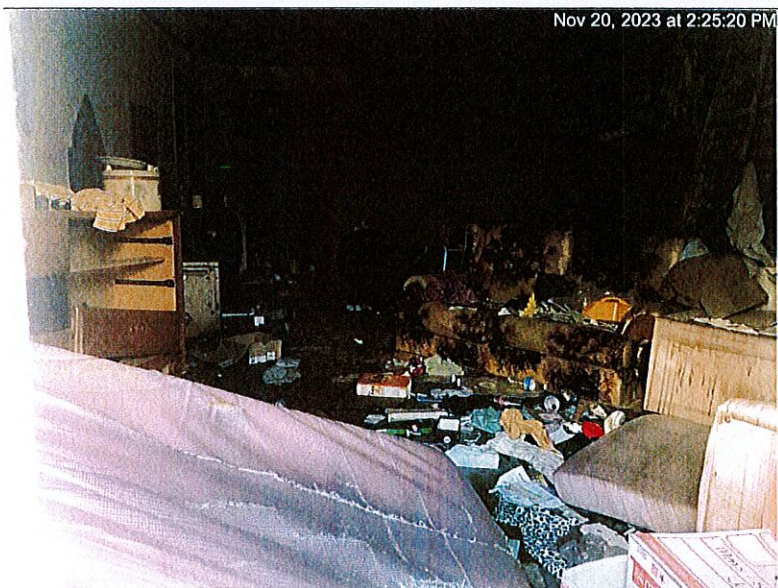


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Photos for Project 23-1316-PMC



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Internal Memorandum

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

TO: Rachel Godeaux
DATE: February 14, 2024

FROM: Anne Famoso

SUBJECT: CONDEMNATION ORDINANCE FOR:
408 SAINT JOHN ST
DOMATHILDE BROWN (ESTATE) AND DARLENE ELAIRE,
C/O GERALD J. BLOCK, ATTORNEY APPOINTED

Attached is an ordinance requesting condemnation of the house located at 408 Saint John St, 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 March 05, 2024.



Anne Famoso
Interim Director

AF/tw

Attachment

RECEIVED

FEB 16 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 408 Saint John St, Lafayette, Louisiana, Owned By Domathilde Brown (Estate), and Darlene Elaire, 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: March 05, 2024
 - B) FINAL ADOPTION: April 02, 2024
4. **DOCUMENTATION INCLUDED WITH THIS REQUEST:**
 - A) Cover Memo from Director (1 page)
 - B) Submittal Item Justification Form (1 page)
 - C) Proposed Ordinance (3 pages)
 - D) Internal Memo from Kathy Trahan, Compliance Manager (5 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