

ORDINANCE 10-16

AN ORDINANCE OF THE CITY OF COMMERCE, IMPOSING A LIEN UPON THE PROPERTY KNOWN AS THE VILLAGE APARTMENTS FOR DELINQUENT MUNICIPAL UTILITY SERVICES PROVIDED TO SAID PROPERTY AND APPROVING A NOTICE OF LIEN CREATING SUCH LIEN.

BE IT ORDAINED BY THE CITY OF COMMERCE, TEXAS:

WHEREAS, the City of Commerce has provided municipal utility services to the property known as the Village Apartments, owned or purported to be owned by Johnson Custom Homes; and

WHEREAS, the owner of said property has failed to pay for the municipality utility services provided in the amount of \$13,351.03, which amount has become delinquent according to the terms of the utility department of the City of Commerce; and

WHEREAS, Texas Local Government Code Section 402.0025 provides that a municipality may by ordinance impose a lien against an owner's property, unless it is a homestead as protected by the Texas Constitution, for delinquent bills for municipal utility service to the property; and

WHEREAS, the property known as the Village Apartments is not the homestead of any person;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF COMMERCE, TEXAS:

ARTICLE 1.

A lien is hereby imposed upon the property described in the Notice of Lien attached hereto in the amount of \$13,351.03 for delinquent bills for municipal utility service to the property. It is furthered ordained that the Acting City Manager is authorized to execute the attached Notice of Lien and to cause same to be filed of record in the real property records of Hunt County, Texas.

ARTICLE 2.

All Ordinances and parts of ordinances inconsistent with or in conflict with the provisions of this Ordinance shall be and the same are hereby expressly repealed.

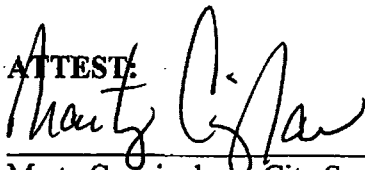
ARTICLE 3.

If any section, subsection, word, sentence, or phrase of this ordinance is declared to be invalid it shall not affect the validity of this ordinance.

PASSED AND APPROVED on the **FIRST READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 20 day of July, 2010.

PASSED AND APPROVED on the **SECOND READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 3 day of August 2010.

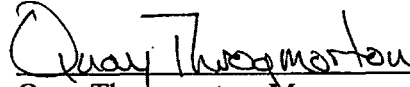
ATTEST:



Marty Cunningham, City Secretary

(seal)

CITY OF COMMERCE:



Quay Throemorton, Mayor

NOTICE OF LIEN

STATE OF TEXAS §
 §
COUNTY OF HUNT §

Pursuant to Section 402.0025 of V.T.C.A. Texas Local Government Code and to Ordinance Number 10-16 of the City of Commerce, Texas Code of Ordinances, notice is hereby given that the City of Commerce, a municipal corporation situated in the County of Hunt, State of Texas, acting by it's duly authorized representatives and under the authority contained in said sections and ordinances, on or about the following date referenced below, has provided municipal utility services, including water and sewer service as described below:

Date of utility service: Through July, 2009

Amount of Lien: \$13,351.03

The municipal utility services to certain real properties situated within the corporate limits of the City of Commerce, Hunt County, Texas and located or described as follows:

Curlin William Tr. 18, 5.35 acres, ID # A0219, Hunt County, Texas

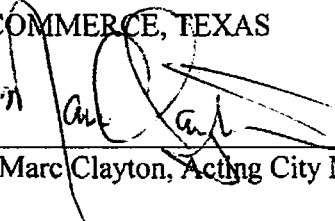
Said property is believed to be the property of:

The City of Commerce, has provided water and sewer service to the property, and has become entitled to payment therefore in the amount of \$ 13,351.03. Demand has been made upon the owner of the property, Johnson Custom Homes for payment of said amount. The amount of \$13,351.03 remains unpaid.

Pursuant to said The authority cited above, the City of Commerce, Texas has become vested with, and by this instrument does hereby perfect, a privileged lien against the property herein above described, to secure the payment of the said sum stated above, plus interest thereon at the rate of six percent (6%) per annum from and after the effective date hereof, the lien hereby created being inferior only to valid and existing tax liens and liens for street improvements.

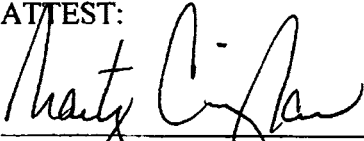
Done and signed by me, the Acting City Manager of the City of Commerce, Texas in its name, on this 4 day of August, 2010 by authority contained in the statute and ordinance stated above.

CITY OF COMMERCE, TEXAS

By: 

Marc Clayton, Acting City Manager

ATTEST:



Marty Cunningham, City Secretary

ACKNOWLEDGMENT

STATE OF TEXAS

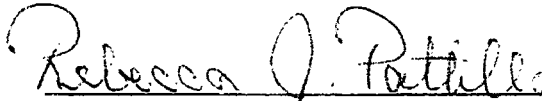
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COUNTY OF HUNT

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This instrument was acknowledged before me on August 4, 2010, by Marc Clayton, Acting City Manager for the City of Commerce, Texas, on behalf of said City.



Notary Public, State of Texas