



STATE OF TEXAS

§

IN THE COMMISSIONERS COURT

COUNTY OF COMAL

§

**ORDER TO ABATE NUISANCE AT 804 BUCKINGHAM DRIVE**

**WHEREAS**, the Comal County Commissioners Court desires to abate nuisances in accordance with Comal County Public Nuisance Abatement Order #82 and the laws of the State of Texas in the interest of the health, safety and welfare of the citizens of Comal County, Texas;

**WHEREAS**, Texas Health and Safety Code §343.011(c)(5) states that a public nuisance is “maintaining a building in a manner that is structurally unsafe or constitutes a hazard to safety, health, or public welfare because of inadequate maintenance, unsanitary conditions, dilapidation, obsolescence, disaster, damage, or abandonment or because it constitutes a fire hazard”;

**WHEREAS**, Texas Health and Safety Code §343.021 states that a County may abate a public nuisance under Chapter 343 by demolition or removal;

**WHEREAS**, Texas Health and Safety Code §343.023 states that a County may by Order assess the costs of abating the public nuisance, the cost of legal notification by publication, and an administration fee of not more than \$100.00 against the property on which the public nuisance exists;

**WHEREAS**, personal service was not obtainable and the address of the person to be notified is unknown; as such, written notice was posted on the premises on which the nuisance exists and was published in the New Braunfels Herald-Zeitung on August 6, 2015, and August 13, 2013, in accordance with Texas Health and Safety Code §343.022 and Comal County Public Nuisance Abatement Order #82; and

**WHEREAS**, the Comal County Commissioners Court finds that on the property located at 804 Buckingham Drive, Rolling Hills Estates Unit 2, Lot 292 and 293, Comal County, Texas, are buildings that are maintained in a manner that is structurally unsafe or constitutes a hazard to safety, health, or public welfare because of inadequate maintenance, unsanitary conditions, dilapidation, obsolescence, disaster, damage, or abandonment or because it constitutes a fire hazard;

**NOW THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF COMAL COUNTY THAT** upon proper notice as required by law, and upon motion duly made and seconded, and passed by a majority vote, as indicated by the signatures of the Commissioners below, that 804 Buckingham Drive, Rolling Hills Estates Unit 2, Lot 292 and 293, Comal County, Texas, is hereby declared a public nuisance.

**BE IT FURTHER ORDERED THAT** that the public nuisance located at 804 Buckingham Drive, Rolling Hills Estates Unit 2, Lot 292 and 293, Comal County, Texas, be abated, and the County Purchasing Agent and the County Engineer are authorized to take action to abate such public nuisance.

**BE IT FURTHER ORDERED THAT** the costs of abating the public nuisance, the cost of legal notification by publication, and an administrative fee of \$100.00 be assessed against the property with a lien in the real property records.

**EFFECTIVE THIS 15th DAY OF OCTOBER, 2015.**

*Absent*

SHERMAN KRAUSE, COUNTY JUDGE

*Donna Eccleston*  
DONNA ECCLESTON,  
COUNTY COMMISSIONER PCT. #1  
*Acting County Judge*

*Kevin Webb*  
KEVIN WEBB,  
COUNTY COMMISSIONER PCT. #3

*Scott Haag*  
SCOTT HAAG,  
COUNTY COMMISSIONER PCT. #2

*Jen Crowover*  
JEN CROWOVER,  
COUNTY COMMISSIONER PCT. #4

ATTEST: *Bobbie Koepf*  
BOBBIE KOEPP, COUNTY CLERK

