

**BURNET COUNTY COMMISSIONER COURT ORDER TO REMOVE PUBLIC NUISANCES
AND AUTHORIZATION TO TAKE ACTION SHOULD OWNERS FAIL TO ALLEVIATE
PUBLIC NUISANCES AND HEALTH HAZARDS**

On October 19, 2021, Burnet County Sheriff Deputy Paul Kowalik followed up on a public nuisance matter located at 11615 CR 404, Spicewood, Texas 78669 which is within the confines of Burnet County, Texas. At said location are multiple violations of Texas Health & Safety Code Chapter 343.011.

The Burnet County Commissioners Court makes the following findings regarding the existence of the nuisances found at 11615 CR 404, Spicewood, Texas 78669:

1. 343.011(c)(2)- Keeping, storing, or accumulating rubbish, including newspapers, abandoned vehicles, refrigerators, stoves, furniture, tires, and cans, on premises in a neighborhood or within 300 feet of a public street for 10 days or more, unless the rubbish or object is completely enclosed in a building or is not visible from a public street;

Rubbish in the form of more than 15 abandoned vehicles, various appliances, furniture, numerous tires, and other refuse can be found on the property which is visible from a public street and not contained in a building.

2. 343.011(c)(3)- Maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or other disease-carrying pests;

On the property there are multiple piles of trash and other detritus, open containers, barrels, and buckets without lids that collect water, piles of tires that collect water, and what appears to be an open pit that may have been an old septic tank. This and other items create an unsanitary condition and that is likely to attract or harbor mosquitoes, rodents, vermin, or other disease-carrying pests.

3. 343.011(c)(5)- 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;

The property contains a single wide mobile home that no longer has any exterior siding, is missing windows or doors; much of the floor is gone so the structure is open to the ground below; the interior is full of abandoned clothing, furniture, trash and other detritus, it is in a structurally unsafe condition that further constitutes a hazard to safety, health, and public welfare due to inadequate maintenance, unsanitary conditions, dilapidation, damage, and abandonment. The building constitutes a fire hazard. No reasonable number of repairs to the building are possible to make it fit for human habitation. There appears to be an old septic tank unburied and open creating a hazard.

4. 343.011(c)(12)- Discarding refuse on property that is not authorized for that activity;

The property has a large accumulation of refuse, rubbish, and trash. The property is not authorized as a trash disposal collection point. A permit by a State agency does not exist nor is the property licensed or permitted under Texas Health & Safety Code Chapter 361 (Solid Waste Disposal Act) for such activity.

5. 343.011(c)(13)- The surface discharge from an on-site sewage disposal system.

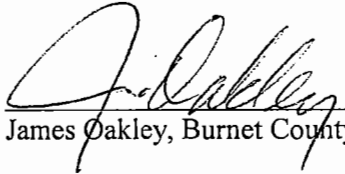
The property contains a sewage discharge system that is not connected to a sewage system or sewage septic tank for proper disposal of sewage. Sewage appears to be allowed to discharge directly onto the ground.

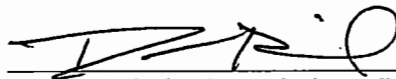
The Burnet County Commissioners Court Issues further findings and Issues the following Orders:

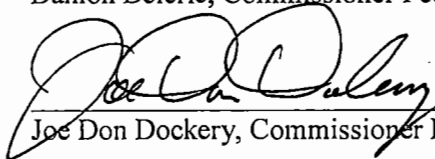
1. All of the public nuisance conditions described above are hereby affirmed to exist on the property by the Burnet County Commissioners Court. All such nuisances shall be abated by the owner, lessee, occupant(s), and persons in charge of the premises.
2. Texas Health & Safety Code Chapter 343 allows Burnet County to take action to address the health hazards and the public nuisance conditions found inside of Burnet County.
3. Texas Health & Safety Code Section 343.022 provides authorization to Burnet County to remove or demolish items or structures in order to abate a public nuisance.
4. This Order is notice to the owner, lessee, occupants, agents, and/or person in charge of the premises:
 - A. All specified conditions noted above exist and constitute a nuisance.
 - B. Upon service received, said individuals shall abate each nuisance on the property within 31 days.
 - C. This Order shall be served upon each owner, lessee, occupant, or person in charge of the premises. Service shall occur by personal service or registered mail or certified mail, return receipt requested or if personal service cannot be obtained or mailing address is unknown, then by posting a copy of this Order on the premises in addition to publishing it in a newspaper with general circulation inside of Burnet County twice within 10 consecutive days.
5. The following persons are owner(s), lessee(s), occupant(s), or person(s) in charge of the premises:
 - A. Wesley Rogers
 - B. Kahn Eric Lewis
 - C. Sara Diane Schulte
 - D. Scott Raymond Jackson
 - E. Craig Burkett
 - F. Heather Terry
 - G. Lee Lemieux
 - H. Rory Sharp
6. Should the owner, lessee, occupants, or person in charge of the premises fail to take action within the 31 days prescribed above, the Burnet County Commissioners Court shall then conduct a public hearing to authorize action to abate each nuisance still existing. Such action may include granting Burnet County officials, employees, and/or agents the authority to enter upon the property and remove, demolish, destroy, and/or take any necessary actions to address all nuisances.
7. Should Burnet County need to take action to abate the nuisances, then the costs, shall be assessed according to Texas Health & Safety Code 343.023. Those costs may include the costs of management, remediation, storage, transportation, and disposal; any damages incurred by Burnet County; any other expenses incurred by Burnet County, including the costs of legal notification

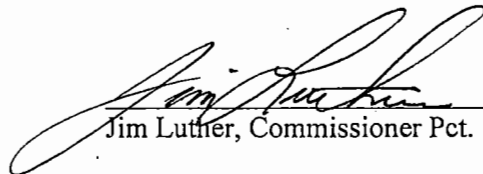
by publication; as well as, an administrative fee. Non-payment of these costs may result in a lien being place upon the property. Beginning 31 days after the assessment of the lien against the property interest will accrue at a rate of 10% per year.

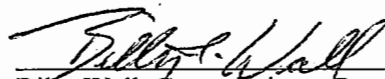
Signed on this 23rd day of November, 2021.


James Oakley, Burnet County Judge


Damon Beierle, Commissioner Pct. 2


Joe Don Dockery, Commissioner Pct. 4


Jim Luther, Commissioner Pct. 1


Billy Wall, Commissioner Pct. 3