

**BURNET COUNTY COMMISSIONER COURT AUTHORIZATION ABATE PUBLIC
NUISANCES/HEALTH HAZARDS AND SEEK RECOVERY OF EXPENSES AT 208 DEER
SPRINGS DR.**

On October 10, 2023 and in open session, the Burnet County Commissioners Court found that the following violations of the Texas Health & Safety Code Chapter 343.011 existed at 208 Deer Springs Dr., BCAD Property ID# 116184, Burnet, Texas 78611, a property located within the confines of Burnet County:

1. 343.011(c)(1)- Keeping, storing, or accumulating refuse on premises in a neighborhood unless the refuse is entirely contained in a closed receptacle;

The property is located at the Deer Springs Subdivision. The property has extensive rubbish in the form of abandoned vehicles, various appliances, furniture, tires, and other refuse located thereon and not within a closed receptacle.

2. 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 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. This condition is within 300 feet of a public street and has existed form 10 days or more. Further, the following were also specifically found be to located at the site:

- a. 1995 Chevy PK Green Vin#2GCEC19H8S1251951 R/O: Henry Pete Bartoli
- b. 2002 Nissan PK Gray Vin#1N6ED29X22C323017 R/O: Kevin Vandivier

3. 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. This and other items create an unsanitary condition and that is likely to attract or harbor mosquitoes, rodents, vermin, or other disease-carrying pests. A foul odor has been noticed at the property after rainstorms.

4. 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 two recreation vehicle trailers meeting the definition of 'building' as defined under Texas Health & Safety Code 343.002(2) that are 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. Each building constitutes a fire hazard. No reasonable number of repairs to each building is possible to make it fit for human habitation. NOTE: The two recreation vehicle trailers are also considered to be rubbish as defined by Texas Health & Safety code 343.002(10) as placement of these items on the property are deemed to be an act of desugaring non-decayable waste.

5. 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.

On October 10, 2023, the Burnet County Commissioners Court further Found and Ordered:

1. All of the identified nuisances were to be fully abated by the owner, lessee, occupant(s), and persons in charge of the premises within 31 days of notice.
2. The following were identified to be the owner(s), lessee(s), occupant(s), or person(s) in charge of the premises:
 - a. John Carney W/M – 06/25/1972
 - b. Martie Hill W/F – 11/29/1970
 - c. Jo Hill W/F – 04/27/1989
 - d. Brandon Dehart W/M – 07/20/1997
 - e. Shianna Sinton W/F – 09/29/1997
 - f. Bobby Cordell W/F – 11/30/1971
 - g. Cory Simpson W/M – 08/02/1971
 - h. Riley (Georgia) W/F - Unknown
3. The Texas Health & Safety Code Chapter 343 allows a County to take action to address the health hazards and the public nuisance conditions.
4. The Texas Health & Safety Code Section 343.022 authorizes a County to remove or demolish items or structures in order to abate public nuisances.

On the 14th day of May 2024, the Burnet County Commissioners Court received an update from Burnet County law enforcement officials as to the progress in abating all of the public nuisances/health hazards at 208 Deer Springs Dr., BCAD Property ID# 116184, Burnet, Texas 78611. After review of the update presented, the Commissioners Court now makes the following findings:

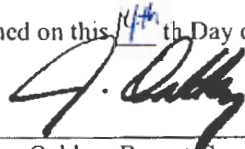
1. The Court finds that all of the owner(s), lessee(s), occupant(s), and/or person(s) in charge of the premises received notice and a copy of the Burnet County Commissioner's Court Order dated October 10, 2023 regarding this property. Service was provided in person to:
 - a. John Carney W/M – 06/25/1972
 - b. Martie Hill W/F – 11/29/1970
 - c. Jo Hill W/F – 04/27/1989
 - d. Brandon Dehart W/M – 07/20/1997
 - e. Shianna Sinton W/F – 09/29/1997
 - f. Bobby Cordell W/F – 11/30/1971
 - g. Cory Simpson W/M – 08/02/1971
2. A copy of the Burnet County Commissioner's Court Order dated October 10, 2023 regarding this property was posted at the property. The Commissioners Court finds the following was provided notice via posting at the property:
 - a. Riley (Georgia) W/F- Unknown
 - b. Any and all other persons who may have an interest on the property or in regards to any personal property, items, or rubbish found on said property

3. At least 31 days has passed after service was provided to all of the owner(s), lessee(s), occupant(s), and/or person(s) in charge of the premises and after the posting of the Order at the property.
4. No significant action to abate any of the identified public nuisances/health hazards has been taken by the owner(s), lessee(s), occupant(s), and/or person(s) in charge of the premises. All of the identified violations of Texas Health & Safety Code Chapter 343.011 continue to exist. Said nuisances are a public health hazard.

The Commissioners Court hereby issues the following Orders:

1. The Burnet County Commissioners Court hereby authorizes Burnet County to take action necessary to abate each nuisance found to exist at 208 Deer Springs Dr., BCAD Property ID# 116184, Burnet, Texas 78611. Such action includes the authorization of any Burnet County officials, employees, and/or agents the authority to enter upon the property and remove, demolish, destroy, and/or address all of the nuisances. Burnet County Commissioner Jim Luther is granted authority on behalf of the Burnet County Commissioners Court to organize the actions necessary to abate the nuisances found at this property.
2. Upon completion of all abatement action by Burnet County, then the costs shall be assessed as outlined by the Texas Health & Safety Code 343.023. Costs shall include the expenses associated with the 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. Said costs shall be provided to the owner(s), lessee(s), occupant(s), and/or person(s) in charge of the premises for payment. The 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.
3. The Court authorizes Burnet County officials, employees, and/or agents, including but not limited to law enforcement agents, to continue to enter upon the property as needed to ensure all removed and demolished/destroyed items causing a public nuisance do not return and/or to ensue no further public nuisance issues arise upon the property. Said authority shall expend for a period of five years from the date in which clean up actions are completed on the property and noted in the billing to be provided to the owner/lessee person in control of the property. Should any owner/lessee/or person in control of the property wish to challenge said authority granted anytime during this five-year time period, such person may request an audience before the Burnet County Commissioners Court for consideration.

Signed on this 14th Day of May, 2024.



James Oakley, Burnet County Judge
On Behalf of the Burnet County
Commissioners Court