320 N. Carolina
JUN 10 2004

JUN 10 2004

APR 22 2004

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APR 22 2004

APR 22 2004

JUN 10 2004

COUNCIL AGENDA ITEM # ___ FOR
TUESDAY, JUNE 15TH, 2004

CITY CLERK DEPARTMENT
2004 JUN 9 01

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
June 9, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 320 N. Carolina Drive (Rep. District #7)

The following is a brief chronology of the investigation of the referenced location:

1) First investigated December 8th, 2003. The building was found to be in an advanced state of disrepair. The building has been used as a harborage by unwanted persons.
2) A certified condemnation letter was mailed to Victor Mendez, 2425 Red Rock Canyon Drive, El Paso, Texas 79930.
3) Certified notices of the public hearing scheduled June 15th, 2004 were mailed to the owners and all interested parties on June 1st, 2004.
4) As of February 12th, 2004, there are no taxes owed.
5) There has been no response from the owner.

The Department recommends that it be found:

1) That the main structure and accessory building be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2) That the buildings are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3) That the structure's certificate of occupancy be revoked; and
4) That the structure can be repaired; and
5) That the main structure be demolished within 30 days; and
6) That the premises be cleaned of all weeds, trash, debris and open storage within 30 days.

JOE WARDY
MAYOR

CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
December 15, 2003

Victor Mendez
2425 Red Rock Canyon
El Paso, Texas 79930-1725

Re: 320 Carolina Dr.
Lot: TR 31 EXC N 10 FT
Blk: Rosedale Farms #4
Zoned: R-3
COD03-18272
Certified Mail Receipt #
7003 1680 0000 1711 7763

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

> It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or

b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

320 Carolina Dr.

c. Boarded up, fenced, or otherwise secured in any manner in if:

i. The building constitutes a danger to the public even though secured entry, or

ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at **320 Carolina Dr.** has the following violations:

a. The foundation has not been maintained in a safe manner.

b. The floors have not been maintained in a safe manner.

c. The walls have not been maintained in a safe manner free of holes and cracks.

d. The roof structure has not been maintained free of defects that may cause leaks.

e. The means of egress is/are inadequate and do not meet minimum code requirements.

f. The plumbing system is inadequate and does not meet minimum code requirements.

g. The electrical system is inadequate and does not meet minimum code requirements.

h. The HVAC system is inadequate and does not meet minimum code requirements.

i. The structure is open and accessible to unauthorized entry.

j. The premises are full of weeds, trash, and debris.

k. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter.

320 Carolina Dr.

I. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

If you have any plans, reports or current permits which pertain to the property, you must submit them prior to this hearing to Building Permits and Inspections or bring them to Council Chambers the day of the hearing. Without these documents, no extensions of the deadlines can be granted.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

Wayne Fannin

Wayne Fannin
Building Inspector

WF/rvj

BUILDING PERMITS & INSPECTIONS
DEPARTMENT
ENFORCEMENT DIVISION
December 15, 2003

MENDEZ, VICTOR
2425 RED ROCK CYN
EL PASO, TX 79930-1725

PID # R75499900106400
Case #: COD03-18272
Location of Violation(s): 320 N CAROLINA

Legal Description:
ROSEDALE FARMS #4
TR 31 EXC N 10 FT (0.73 ACRE)

Dear Property Owner/Occupant

According to the real property records of El Paso County, you own the real property describe in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property describe in this notice, even if you do not.

It has come to our attention that the premises captioned above is in violation(s) of the City of El Paso Municipal Code.

You are hereby requested to **TERMINATE** such operation or use within 10 days from receipt of this notice.

Your attention to this matter will be appreciated. Should you have any questions, contact this office at 541-4801.

Sincerely

Wayne Fannin

Wayne Fannin
INSPECTOR

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

VICTOR MENDEZ
2425 RED ROCK CANYON
EL PASO, TEXAS 79930-1725
RE: 320 CAROLINA DR

WF

LTR#3 & Uses Not Permitted

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) Beatriz Mendez C. Date of Delivery 12-17

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7003 1680 0000 1711 7763

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

7003 1680 0000 1711 7763

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Restricted Delivery Fee (Endorsement Required)	

Postmark Here

VICTOR MENDEZ
2425 RED ROCK CANYON
EL PASO, TEXAS 79930-1725
RE: 320 CAROLINA DR

WF

PS Form 3800, June 2002 See Reverse for Instructions

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 15th day of June, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 320 N. Carolina Drive, in El Paso, Texas, which property is more particularly described as:

> Tract: 31, except the North 10 feet thereof, Rosedale Farms Map No. 4, an Addition to the City of El Paso, El Paso County, Texas, According to the map thereof on File in Book 3, Page 30, plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Victor Mendez, 2425 Red Rock Canyon Drive, El Paso, Texas 79930, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

CERTIFIED MAIL RECEIPT #7003 2260 0002 9957 3346

I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;

II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed $1000.00 a day for each violation, or $10 a day if the Owner shows that the property is the Owner's lawful homestead and;

III) the Owner may be confined in jail as permitted by state law and;

IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 18th day of May, 2004.

APPROVED AS TO FORM:

Teresa Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:

Tom Maguire
Housing Compliance Supervisor

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice May 18th, 2004 regarding the property located at 320 N. Carolina Drive, was filed with the County Clerk's Office, the official public records of real property for El Paso County.

Richarda Duffy Momsen

Executed this 18th day of May, 2004 on behalf of the City of El Paso, Texas, by Richarda Duffy Momsen in her capacity as City Clerk.

STATE OF TEXAS
COUNTY OF EL PASO

Subscribed and sworn to before me, this 19th day of May, 2004.

DORA NAZARIEGA
NOTARY PUBLIC
In and for the State of Texas
My commission expires 10-06-2004

Dora Nazariega
Notary Public

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated May 18th, 2004 regarding the property located at 320 N. Carolina Drive, was PUBLISHED in the official City newspaper on the 20th day of May, 2004.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated May 18th, 2004 regarding the property at 320 N. Carolina Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Victor Mendez
2425 Red Rock Canyon Drive
El Paso, Texas 79930

Date:_____
Time:_____

Inspector

I certify that a true and correct copy of the foregoing Notice dated May 18th, 2004 regarding the property at 320 N. Carolina Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Texas Commerce Bank
201E. Main Dr.
El Paso, Texas 79901

Date:_____
Time:_____

Inspector

I certify that a true and correct copy of the foregoing Notice dated May 18th, 2004 regarding the property at 320 N. Carolina Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Luis Andazola
6309 Palo Verde Pl.
El Paso, Texas 79912

Date:_____
Time:_____

Inspector

I certify that a true and correct copy of the foregoing Notice dated May 18th , 2004 regarding the property at 320 N. Carolina Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Victor Mendez
2204 Hibbert Place
El Paso, Texas 79903

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 18th , 2004 regarding the property at 320 N. Carolina Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Victor Diaz Mendez and Marco Rocha Villagrama
7027 Alameda Avenue
El Paso, Texas 79915

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 18th , 2004 regarding the property at 320 N. Carolina Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Comptroller of Public Accounts
111 E. 17th Street
Austin, Texas 78774

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 18th , 2004 regarding the property at 320 N. Carolina Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Stephen H. Field, Trustee
C/O Texas Commerce Bank
201 E. Main Drive
El Paso, Texas 79901

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 18th , 2004 regarding the property at 320 N. Carolina Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Stephen H. Field, Trustee
320 N. Carolina Dr.
El Paso, Texas 79915

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 18th , 2004 regarding the property at 320 N. Carolina Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Pearson & Pearson
214 West Franklin St.
El Paso, Texas 79901

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 18th , 2004 regarding the property at 320 N. Carolina Drive, was (HAND-DELIVERED) to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 18th , 2004 regarding the property at 320 N. Carolina Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 18th , 2004 regarding the property at 320 N. Carolina Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 320 N. Carolina Drive, El Paso, Texas.

Date:_____
Time:_____

_____
Inspector

UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: April 22, 2004 **REP. DISTRICT:** 7

ADDRESS: 320 North Carolina **ZONED:** R-3

LEGAL DESCRIPTION: Tract 31, except the North 10 feet, ROSEDALE FARMS MAP NO. 4, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 3, Page 30, Plat Records of El Paso County, Texas.

OWNER: Victor Mendez **ADDRESS:** 2425 Red Rock Canyon Dr., El Paso, Texas 79930

BUILDING USE: Abandoned single-family unit.

TYPE OF CONSTRUCTION: V, Wood frame w/stucco walls and wood frame roof.

FOOTINGS: Reinforce concrete.
CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: CMU Block
CONDITION: Fair.

FLOOR STRUCTURE: Wood frame with plywood.
CONDITION: Fair

EXTERIOR WALLS: Wood Frame with Stucco finish.
HEIGHT: 10'+/- **THICKNESS:** 10"+/-
CONDITION: Fair.

INTERIOR WALLS & CEILINGS: Wood frame.
CONDITION: Bad – The walls and ceilings are framed only no finish.

ROOF STRUCTURE: 2 x 6 wood rafters with build-up asphalt roofing.
CONDITION: Fair

DOORS, WINDOWS, ETC.: Wooden doors, and wood frame windows.
CONDITION: Poor. Will need to repair or replace all doors and windows so they are operational and meet egress requirements.

MEANS OF EGRESS: Does not meet current code requirements.
CONDITION: Poor – Windows need replacing or repairs done to make them operational.

PLUMBING: Non-existent. A licensed plumber should be hired to replace system.

ELECTRICAL: Non-existent. A licensed electrical contractor should be hired to bring system up to code.

MECHANICAL: Non-existent. A licensed mechanical contractor should be hired to make repairs to comply with code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: none

WARNING POSTED: No **BARRICADED:** No **POLICE AID REQD.:** No

REMARKS: This is an open and abandoned single-family residence. The structure and property is being used as a contractor yard. The structure should be secured and the property cleaned of all weed, trash and debris.

Leo Casso-Lopez
Building Inspector

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: LC

Victor Mendez
2425 Red Rock Canyon Drive
El Paso, Texas 79930
Re: 320 N. Carolina Dr.

1st Trip

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Beatriz Méndez ☐ Agent ☐ Addressee

B. Received by (Printed Name) Beatriz Méndez

C. Date of Delivery 6-2

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7003 2260 0002 9957 3346

PS Form 3811, August 2001 Domestic Return Receipt 02-M-1540

7003 2260 0002 9957 3346

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Return Reciept Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	JUN 01 2004

LC

Postmark Here

Victor Mendez
2425 Red Rock Canyon Drive
El Paso, Texas 79930
Re: 320 N. Carolina Dr.

PS Form 3800, June 2002 See Reverse for Instructions

EL PASO CITY-COUNTY HEALTH &ENVIRONMENTAL DISTRICT

ENVIRONMENTAL HEALTH

M E M O R A N D U M

DATE: December 19, 2003

MEMO TO: Tom Maguire, Housing Compliance Supervisor

FROM: Jorge Ramirez, Sr. Environmental Health Inspector

SUBJECT: Condemnation Report

RE: 320 N. Carolina Dr. 79915

An inspection of the property was conducted on December 19, 2003 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA:
N/A

SECTION 9.04.340 – ACCUMULATIONS:
Of piles of cinder blocks, lumber, tree branches and debris.

SECTION 9.16 – NUISANCE:
N/A

SECTION 9.16.010 – DESIGNATED:
N/A

SECTION 9.28 -RAT CONTROL:
The house is vacant and open. These conditions serve as a potential vermin harborage.

Note: The entire area is fenced in. The inspection was done from the out side.

If you require additional assistance on this matter, please call me at (915) 860-2378 or Fax (915) 860-1081.

20040212 TC8006 CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS 081516

ACCOUNT R75499900106400
UNITS:01 05 06 07 08
MENDEZ, VICTOR

AMT DUE AS OF: 20040212 ROLL R ALT OWN
OMIT(-)/SEL(+)
ROSEDALE FARMS #4
TR 31 EXC N 10 FT (0.73 ACRE)

2425 RED ROCK CYN

EL PASO TX 79930-1725

ACRES .7739 PARCEL ADDRESS 320 CAROLINA

YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEES	PAYMENTS	TOTAL DUE
2003	38340		1159.63	01/31/2004		1159.63	.00
2002	38340		1146.00	12/31/2002		1146.00	.00
2001	38340		1128.65	12/31/2001		1128.65	.00
2000	38340		1105.80	12/28/2000		1105.80	.00
1999	38340		1099.96	12/23/1999		1099.96	.00
1998	38340		1130.06	01/21/1999		1130.06	.00
1997	40428		1142.54	05/29/1998	148.55	1291.09	.00
		TOTAL	.00	.00	.00		

LAST PAYOR OWNER

PAGE TOTAL .00
CUMULATIVE TOTAL .00

ENTER NEXT ACCOUNT