3.G

COUNCIL AGENDA ITEM # ___ FOR TUESDAY, October 12th, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
October 6, 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: 1105 Loma Verde Drive (Rep. District #6)

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

1) First investigated July 19th, 2004. 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 Lawrence W. & Catherine J. Few.
3) Certified notices of the public hearing scheduled October 12th, 2004 were mailed to the owners and all interested parties on September 20th, 2004
4) As of October 6th, 2004, $2,509.33 are owed in taxes.
5) There has been no response from the owner.

The Department recommends that it be found:

1) That the main structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2) That the building is 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 main structure can not be repaired; and
5) That the main structure be demolished and accessory structure be boarded up/secured and maintained secure within 30 days; and
6) That the premises be cleaned of all weeds, trash, and debris 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
July 20, 2004

Lawrence W. & Catherine Few
1105 Loma Verde Dr.
El Paso, Texas 79936-7808

Re: 1105 Loma Verde Dr.
Lot: O. A. Danielson SUR 312
ABST 10028
Tract 2-U
Zoned: R-3A
COD04-10221
Certified Mail Receipt #
7003 2260 0002 9957 0512

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

1105 Loma Verde Drive

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 1105 Loma Verde Drive 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.

l. In the event you fail to correct these violations within 30 days, the case will be 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, secured, repaired or demolished as per Sec. 18.52.040.

m. In addition to the above violations, there is work being done to an accessory structure, which is not properly permitted.

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:

Timothy H. Grabe
Building Inspector

THG/rl

7003 2260 0002 9957 0512

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CERTIFIED MAIL™ RECEIPT
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OFFICIAL USE

Postage	$
Certified Fee	
Return Reciept Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

T6

Postmark Here

JUL 20 2004

Lawrence W. & Catherine Few
1105 Loma Verde Dr.
El Paso, Texas 79936-7808
Re: 1105 Loma Verde Dr.

PS Form 3800, June 2002 — See Reverse for Instructions

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: T6

Lawrence W. & Catherine Few
1105 Loma Verde Dr.
El Paso, Texas 79936-7808
Re: 1105 Loma Verde Dr.

Lt #3

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Cathy Few ☐ Agent ☐ Addressee

B. Received by (Printed Name) CATHY FEW
C. Date of Delivery

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

JUL 24 2004

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 0512

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

6

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 12th day of October, 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 1105 Loma Verde Drive, in El Paso, Texas, which property is more particularly described as:

Tract: 2U, O. A. Danielson Survey No. 312 ABST 10028, an Addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Lawrence W. & Catherine J. Few, 1105 Loma Verde Drive, El Paso, Texas 79936, are listed as the Owners of the real property described herein.

The Owners of said property are 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 Owners, 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 Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

CERTIFIED MAIL RECEIPT #7004 1160 0007 2325 5223

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 Owners, 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 Owners 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 Owners show that the property is the Owner's lawful homestead and;

III) the Owners 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 Owners 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 14th day of September, 2004.

APPROVED AS TO FORM:

Marvin Foust
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 dated September 14th, 2004 regarding the property located at 1105 Loma Verde 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 14th day of September, 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 15th day of September, 2004.

NOTARY PUBLIC STATE OF TEXAS
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 September 14th, 2004 regarding the property located at 1105 Loma Verde Drive, was PUBLISHED in the official City newspaper on the 16th day of Sept, 2004.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated September 14th, 2004 regarding the property at 1105 Loma Verde Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Donald E. Wright and Virginia M. Wright
10017 Montana Ave.
El Paso, Texas 79925

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated September 14th, 2004 regarding the property at 1105 Loma Verde Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Lawrence W. & Catherine J. Few
1335 Loma Verde Drive
El Paso, Texas 79936

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated September 14th, 2004 regarding the property at 1105 Loma Verde Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

George W. Butterworth
111 S. Oregon Street Suite A
El Paso, Texas 79901

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated September 14th, 2004 regarding the property at 1105 Loma Verde Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:,

Schuyler B. Marshall
2508 Memphis Ave.
El Paso, Texas 79930

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated September 14th, 2004 regarding the property at 1105 Loma Verde Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Lawrence W. & Catherine J. Few
1105 Loma Verde Dr.
El Paso, Texas 79936

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated September 14th, 2004 regarding the property at 1105 Loma Verde 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 September 14th, 2004 regarding the property at 1105 Loma Verde 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 September 14th, 2004 regarding the property at 1105 Loma Verde 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 1105 Loma Verde Drive, El Paso, Texas.

Date:_____
Time:_____

_____
Inspector

7004 1160 0007 2325 5223

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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Certified Fee	
Return Reciept Fee (Endorsement Required)	SEP 20 2004
Restricted Delivery Fee (Endorsement Required)	

Postmark Here

EM

George W. Butterworth
111 S. Oregon Street Suite A
El Paso, Texas 79901
Re: 1105 Loma Verde Drive

PS Form 3800, June 2002 See Reverse for Instructions

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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: EM

George W. Butterworth
111 S. Oregon Street Suite A
El Paso, Texas 79901
Re: 1105 Loma Verde Drive

1st Trip

2. Article Number 7004 1160 0007 2325 5223

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

Return Receipt 102595-02-M-1540

UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: September 16, 2004 **REP. DISTRICT:** 6

ADDRESS: 1105 Loma Verde Drive **ZONED:** R-3A

LEGAL DESCRIPTION: Tract 2U, O. A. Danielson Survey No. 312

OWNER: Lawrence W. & Catherine J. Few **ADDRESS:** 1335 Loma Verde Drive, El Paso, Texas 79936

BUILDING USE: Single family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Reinforced concrete
CONDITION: Stained by fire/ possible damage due to fire

FOUNDATION WALL: N/A
CONDITION:

FLOOR STRUCTURE: Slab on grade
CONDITION: May require an engineer to determine any damage to integrity of concrete.

EXTERIOR WALLS: Brick veneer/wood frame

HEIGHT: +/- 9' – 0" **THICKNESS:** +/- 10"

CONDITION: Wall to north portion of house has been weakened by fire/south portion has been affected also.

INTERIOR WALLS & CEILINGS: GYP BD/non existent – Fire Damage
CONDITION: All areas of house are severely damaged due to fire.

ROOF STRUCTURE: Truss and rafter system damaged due to fire.
CONDITION:

DOORS, WINDOWS, ETC.: Aluminum frame
CONDITION: Some have been weakened by fire, several windows removed by possibly vandals.

MEANS OF EGRESS: N/A
CONDITION:

PLUMBING: Damaged due to fire. May require a licensed plumbing contractor to verify condition.

ELECTRICAL: Damaged due to fire. May require a licensed electrical contractor to verify condition.

MECHANICAL: Damaged due to fire. May require a licensed mechanical contractor to verify condition.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 2

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

REMARKS: Half of the roof has been removed exposing the rest of the damage to roof/duct work (mechanical system) and electrical wiring. Entire house has severe structural damage. Recommend entire structure be demolished.

Edward G. Marquez
Building Inspector

20041006 TC8006 CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS 134610

ACCOUNT X31299900005350 AMT DUE AS OF: 20041006 ROLL R ALT OWN
UNITS:01 06 07 08 09 OMIT(-)/SEL(+)
FEW, LAWRENCE W & CATHERINE O A DANIELSON SUR 312 ABST 10028
TR 2-U (1.00 ACRE)

1105 LOMA VERDE DR

EL PASO TX 79936-7808
ACRES 1.0000 PARCEL ADDRESS 1105 LOMA VERDE

YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEES	PAYMENTS	TOTAL DUE
2004	89846	X	2509.33	2509.33		.00	2509.33
2003	133145	X	3808.83	12/26/2003		3808.83	.00
2002	133145	Y	3797.17	01/03/2003		3797.17	.00
2001	133145	Y	3679.89	01/31/2002		3679.89	.00
2000	132808	Y	3557.56	11/03/2000		3557.56	.00
1999	132808	Y	3466.78	01/31/2000		3466.78	.00
1998	132808	Y	3557.68	12/03/1998		3557.68	.00
1997	137046	Y	3375.88	02/03/1998		3375.88	.00
		TOTAL	2509.33	2509.33	.00		

LAST PAYOR OWNER PAGE TOTAL 2509.33
CUMULATIVE TOTAL 2509.33

ENTER NEXT ACCOUNT