

**BUILDING AND STANDARDS BOARD AGENDA ITEM # ____ FOR
WEDNESDAY, January 25, 2006
DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS**

**MEMORANDUM
Date January 17, 2006**

TO: The Honorable Chairman and Board Members

THROUGH: R. Alan Shubert, P. E., C.B.O. – Development Services Director

FROM: Bill Stern, C.B.O., Residential Inspector Supervisor

SUBJECT: 180 Coronado Road

On August 31st, 2005 a hearing was held before the Building and Standards Commission at City Council Chambers and it was found that the structure located on said property is substandard, unfit for human habitation or use and a hazard to the public health, safety, and welfare, and the structure is not in substantial compliance with the Municipal Ordinances regulating fire protection, structural integrity, and disposal of refuse. The Building and Standards Commission ordered the owner to Demolish the structure and clean the premises of all weeds, trash and debris within (30) days. The owner was ordered to appear before Building and Standards Commission on January 25th, 2005 to determine if the Building and Standards Commission Order of August 31st, 2005 has been complied with and to determine penalties if the Building and Standards Commission Order has not been complied with.

To date the Building and Standards Commission Order has not been complied with.

The Department recommends that the Building and Standards Commission make the following findings:

- 1) That the owners of said property Antonio and Laura Mendoza, 1021 Arizona, El Paso Texas 79902 have been notified of the requirements of Section 18.50 and their need to comply with these requirements; and
- 2) That after notification, the owner failed to Demolish the building and clean the property of all weeds, trash and debris within 30 days; and
- 3) That the property which is subject to the Order is not the owner's homestead; and
- 4) That the City Council can assess a civil penalty against the owner in the amount not to exceed \$1,000 a day for each violation; and
- 5) That the owner has failed to comply with the Order, each day from October 1, 2005 through January 25th, 2005 a total of 117 days.

The Department recommends that the Building and Standards Commission order:

- 1) That the owner has not complied with the Building and Standards Commission Order of August 31, 2005; and
- 2) That the Building and Standards Commission Order the Director of Development Services to demolish the building and clean the premises of all weeds, trash and debris and to assess the cost of the work as a lien against the property; and
- 3) That any lien assessed is due and payable within (30) days of the date the City of El Paso completes the work; and
- 4) That the owner be assessed the following civil penalties: A total of \$25.00 a day for 117 days during which time the Building and Standards Commission Order of August 31, 2005 was not complied with for a total of \$2,925.00; and
- 5) That the City Clerk file a certified copy of the Order with the District Clerk of the County of El Paso.

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the 25th day of January, 2006 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso will hold a public hearing on the question of whether the Building located on the property at **180 Coronado Road** in El Paso, Texas, which property is more particularly described as:

Legal Description: The South 78 feet of Tract 10, CORONADO PLACE, an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof on file in Volume 7, Page 56, Plat Records of El Paso County, Texas; also known as 180 Coronado, El Paso, Texas 79907

and which is subject to that certain Building and Standards Commission Order dated August 31, 2005 has been brought into compliance with said Order, and to determine penalties.

According to the real property records of the County of El Paso, Texas, Antonio and Laura Mendoza, 1021 Arizona, El Paso, Texas, 79902, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before the Building and Standards Commission and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before the commission at said date, hour, and place.

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

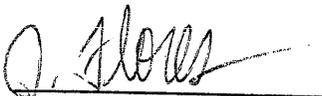
- I) the City will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1,000.00 a day for each violation, or \$10.00 a day if the Owner shows that the property is the Owner's lawful homestead; and
- III) appoint a receiver as permitted by state law; and
- IV) any other remedies 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;

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.

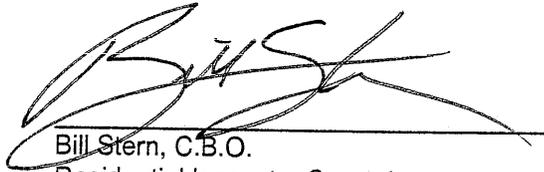
According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division 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.

APPROVED AS TO FORM:



Josette Flores
Assistant City Attorney

APPROVED AS TO CONTENT:



Bill Stern, C.B.O.
Residential Inspector Supervisor
Building Permits and Inspections Department

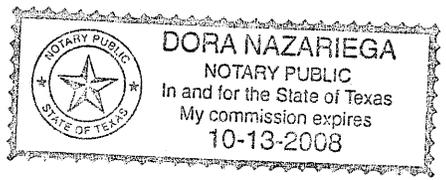
I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 180 Coronado Road was filed with the County Clerk's Office, the official public records of real property for El Paso County.

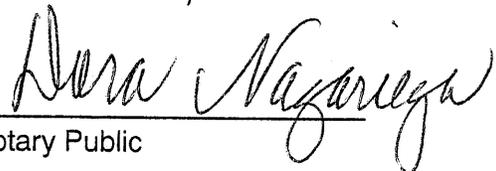

Richarda Duffy Momsen

Executed this 5th day of January, 2006 on behalf of the City of El Paso, Texas, by Richarda Duffy Momsen in her capacity as City Clerk.

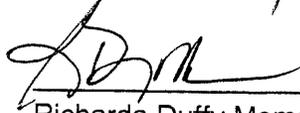
STATE OF TEXAS
COUNTY OF EL PASO

Subscribed and sworn to before me, this 9th day of January, 2006.




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 regarding the property located at 180 Coronado Road was PUBLISHED in the official City newspaper on the 7th day of JANUARY 2006.


Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 180 Coronado Road was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Antonio and Laura Mendoza
1021 Arizona
El Paso, TX 79902

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 180 Coronado Road was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

John Trien
9920 Dyer
El Paso, TX 79924

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 180 Coronado Road was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Robert L. Reinhardt
9924 Dyer
El Paso, Texas 79924

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 180 Coronado Road was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Sofia S. Veliz
2920 Nancy McDonald Dr.
El Paso, TX 79936-3362

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 180 Coronado Road was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Sofia S. Veliz
180 Coronado Road
El Paso, TX 79915

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 180 Coronado Road was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Classic American Homes
11240 Vista Del Sol #8
El Paso, TX 79936

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 180 Coronado Road 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 regarding the property at 180 Coronado Road 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 regarding the property at 180 Coronado Road 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 regarding the property at 180 Coronado Road was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Linbarger, Goggan, Blair & Sampson
215 N. Stanton Street, 2nd Floor
El Paso, Texas 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at _____ was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court
500 E. San Antonio Avenue, Suite 703
El Paso, Texas 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 180 Coronado Road El Paso, Texas.

Date: _____
Time: _____

Inspector

ORDER OF THE BUILDING AND STANDARDS
COMMISSION OF THE CITY OF EL PASO

WHEREAS, the Director for Development Services of the City of El Paso has conducted an investigation and has reported to the Building and Standards Commission in writing that he is of the opinion that the structure located on the property at **180 Coronado Road**, in El Paso, Texas, which property is more particularly described as follows:

Legal Description: The South 78 feet of Tract 10, CORONADO PLACE, an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof on file in Volume 7, Page 56, Plat Records of El Paso County, Texas; also known as 180 Coronado, El Paso, Texas 79915

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in 18.50 of the El Paso City Code; and

WHEREAS, Antonio Mendoza and Laura Mendoza, 3524 Alameda Avenue, El Paso, Texas, 79905, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before the Building and Standards Commission at 5:30 p.m. on August 31st, 2005; and

WHEREAS, Laura Mendoza appeared.

IT IS THEREFORE, ORDERED ADJUDGED AND DECREED BY THE BUILDING AND STANDARDS COMMISSION OF THE CITY OF EL PASO:

1. That Building and Standards Commission having heard the evidence, and being persuaded by a preponderance of same, makes the following findings:
 - A. That the structure located on said property is an urban nuisance.
 - B. That in order to be made safe, all of the aforementioned violations must be corrected.
 - C. That the structure located on said property is currently unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - D. That the structure is not in substantial compliance with municipal ordinances regulating structural or service systems integrity and disposal of refuse; and
 - E. The structure's certificate of occupancy is hereby revoked; and
 - F. Because of the Owner(s) failure to supply any drawings, plans, or reports to indicate otherwise, the structure cannot be repaired.
2. That the Building and Standards Commission hereby orders the Owner(s) to comply with the following requirements:

- A. That the building be demolished within thirty (30) days,
 - B. That the premises be cleaned of all weeds, trash and debris within thirty (30) days; and
3. That upon failure of the Owner(s) to comply with this Order, any mortgagees, lienholders, and/or other persons having an interest in the property have an additional ten (10) days to demolish the structure and to clear the property of all weeds, trash and debris.
 4. That upon failure of the Owner(s) to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may request a Hearing before the Building and Standards Commission to advise them of the owner(s) failure to comply. At such hearing, the Building and Standards Commission shall be asked to make the following findings and orders:
 - A. To find the Owner(s) in violation of this Order of the Building and Standards Commission;
 - B. To find that the mortgagees, lienholders and other interested parties have not performed any work to bring the structure and premises into compliance with this Order;
 - C. To Order the City of El Paso to perform the work required to secure the property from unwanted entry and clear the premises of weeds, trash and debris and to assess the costs of the work as a lien against the property;
 - D. To find that any lien assessed is due and payable within thirty (30) days of the date the City of El Paso completes the work;
 - E. To Order that any assessment or civil penalties imposed will accrue interest at a rate of ten percent (10%) per annum accruing from the date of assessment until paid in full;
 - F. To assess a civil penalty for failure to comply with this Order as allowed by Texas Local Government Code §54.017.
 5. **RIGHT TO APPEAL:** *The decision of the Building and Standards Commission is final (see discussion of rehearing, below). An appeal may be filed by verified petition in State District Court, setting forth that the decision of the Commission is illegal, in whole or in part, and specifying the grounds of the illegality. Petition for appeal must be filed by the owner(s) or interested party within thirty (30) days of receipt of notice of the Order of the Commission. Appeals in District Court are limited to hearings under the substantial evidence rule.*

A rehearing by the Building and Standards Commission may only be granted in the following circumstances:

- A. *Proper request is made within twenty (20) days of receipt of notice of the Order of the Commission*

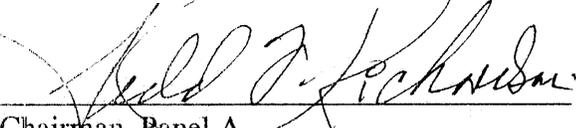
- B. *Rehearing fees of five hundred and forty dollars (\$540.00) are furnished with the rehearing request. The Building and Standards Commission may waive these fees in cases of financial hardship based on written affirmation from the applicant.*

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the City Clerk shall cause copies of this Order to be served on the record owner(s) and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the 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 this office no later than the twentieth (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.

Signed this 31 day of August, 2005.

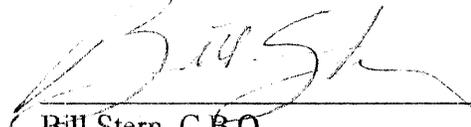
BUILDING AND STANDARDS COMMISSION


Chairman, Panel A

APPROVED AS TO FORM:


Raymond L. Telles
Assistant City Attorney

APPROVED AS TO CONTENT:


Bill Stern, C.B.O.
Residential Inspector Supervisor
Building Permits & Inspections Department

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Order dated August 31st, 2005, regarding the property located at 180 Coronado Road was PUBLISHED in the official City newspaper on the ____day of _____, 2005.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Order dated August 31st, 2005, regarding the property at 180 Coronado Road was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Antonio and Laura Mendoza
1021 Arizona
El Paso, TX 79902

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Order dated August 31st, 2005, regarding the property at 180 Coronado Road was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

John Trien
9920 Dyer
El Paso, TX 79924

Date: _____
Time: _____

Inspector

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Robert L. Reinhardt
9924 Dyer
El Paso, Texas 79924

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Order dated August 31st, 2005, regarding the property at 180 Coronado Road was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Sofia S. Veliz
2920 Nancy McDonald Dr.
El Paso, TX 79936-3362

Date: _____

Time: _____

Inspector

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Sofia S. Veliz
180 Coronado Road
El Paso, TX 79915

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Order dated August 31st, 2005, regarding the property at 180 Coronado Road was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Classic American Homes
11240 Vista Del Sol #8
El Paso, TX 79936

Date: _____

Time: _____

Inspector

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

Date: _____

Time: _____

Inspector

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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

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

Date: _____
Time: _____

Inspector

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Linbarger, Goggan, Blair & Sampson
215 N. Stanton Street, 2nd Floor
El Paso, Texas 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Order was POSTED at 180 Coronado Road El Paso, Texas.

Date: _____
Time: _____

Inspector

ORDER OF THE BUILDING STANDARDS COMMISSION
OF THE CITY OF EL PASO

WHEREAS, the Director for Development Services of the City of El Paso has conducted an investigation and has reported to the Building Standards Commission in writing that he is of the opinion that the structure located on the property at **180 Coronado**, in El Paso, Texas, which property is more particularly described as follows:

Lots: The South 78 feet of Tract 10, CORONADO PLACE, an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof on file in Volume 7, Page 56, Plat Records of El Paso County, Texas; also known as 180 Coronado, El Paso, Texas 79915

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in 18.50 of the El Paso City Code; and

WHEREAS, Antonio Mendoza and Laura Mendoza, 3524 Alameda Avenue, El Paso, Texas 79905, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before the Building Standards Commission at 5:30 p.m. on August 31st, 2005; and

WHEREAS, Laura Mendoza appeared.

**IT IS THEREFORE, ORDERED ADJUDGED AND DECREED BY THE
BUILDING STANDARDS COMMISSION OF THE CITY OF EL PASO:**

1. That Building Standards Commission having heard the evidence, and being persuaded by a preponderance of same, makes the following findings:
 - A. That the structure located on said property is an urban nuisance.
 - B. That in order to be made safe, all of the aforementioned violations must be corrected.
 - C. That the structure located on said property is currently unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - D. That the structure is not in substantial compliance with municipal ordinances regulating structural or service systems integrity and disposal of refuse; and
 - E. The structure's certificate of occupancy is hereby revoked; and
2. That the Building Standards Commission hereby orders the Owner(s) to comply with the following requirements:
 - A. That the building be demolished within thirty (30) days,

B. That the premises be cleaned of all weeds, trash and debris within thirty (30) days; and

A complete copy of the Order may be obtained at the City Clerk's Office, #2 Civic Center Plaza, El Paso, Texas, 79901

The City of El Paso

City Clerk

Firmbook Report

1/10/2006-1/10/2006

7105 8873 0193 6100 2278
7105 8873 0193 6100 2360

CMN	TRACKING	NAME	ADDRESS	
7105 8873 0193 6100 2278	180 Coronado-PH	Antonio & Laura Mendoza	1021 Arizona	El Paso TX 79902
7105 8873 0193 6100 2285	180 Coronado-PH	John Trien	9920 Dyer	El Paso TX 79924
7105 8873 0193 6100 2292	180 Coronado-PH	Robert L. Reinhardt	9924 Dyer	El Paso TX 79924
7105 8873 0193 6100 2308	180 Coronado-PH	Sofia S. Veliz	2920 Nancy McDonald Dr.	El Paso TX 79936
7105 8873 0193 6100 2315	180 Coronado-PH	Sofia S. Veliz	180 Coronado Road	El Paso TX 79915
7105 8873 0193 6100 2322	180 Coronado-PH	Classic American Homes	11240 Vista Del Sol #8	El Paso TX 79936
7105 8873 0193 6100 2339	180 Coronado-PH	Governor of the Ysleta Del Sur Pueblo Indian Tribe	AKA Tigua Indian Community 119 S. Old Pueblo Road	El Paso TX 79907
7105 8873 0193 6100 2346	180 Coronado-PH	El Paso Central Appraisal District	5801 Trowbridge Ave.	El Paso TX 79925
7105 8873 0193 6100 2353	180 Coronado-PH	Linbarger, Goggan, Blair & Sampson	215 N. Stanton St., 2nd Floor	El Paso TX 79901
7105 8873 0193 6100 2360	180 Coronado-PH	El Paso County Probate Court	500 E. San Antonio Ave., Suite 703	El Paso TX 79901