

8036 Glendale



BUILDING AND STANDARDS BOARD AGENDA ITEM # 6 FOR
WEDNESDAY, March 28, 2007

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
March 15, 2007

TO: The Honorable Chairman and Board Members

THROUGH: Larry Nichols, C.B.O. – The Director for Building Permits and Inspections

FROM: Bill Stern, C.B.O., Chief Building Inspector

SUBJECT: 8036 Glendale Avenue, El Paso, Texas 79907

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

On November 29, 2006, 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 Ordinance 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 thirty (30) days.

To date the Building and Standards Commission Order of November 29, 2006 has not been complied with.

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

- 1) That the owner of said property Reyes and Susan Marquez, 4870 Krag Street, El Paso, Texas 79938 was notified of the requirements of Section 18.52.040 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 take the required action by demolition and cleaning of all weeds, trash and debris; and
- 5) that the City of El Paso assess the cost of the work noted above as a lien against the property which will become due and payable within thirty (30) days of the date the City of El Paso completes the work.

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

WHEREAS, the Director for Building Permits and Inspections 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 **8036 Glendale Ave.**, in El Paso, Texas, which property is more particularly described as follows:

Legal Description: The west 375 feet of Lot 9, Block 3, MESA VISTA NO.2, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 3, Page 51, Plat Records of El Paso County, Texas

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, **Reyes and Susan Marquez, 4870 Krag Street, El Paso, Texas 79938**, record Owner(s), 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 **November 29, 2006**.

WHEREAS, owners Reyes and Susan Marquez appeared; and

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

1. That having heard the evidence, and being persuaded by a preponderance of same, the Building and Standards Commission makes the following findings:
 - A. That the structures located on said property are an urban nuisance;
 - B. That the structures 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;
 - C. That the structures are not in substantial compliance with municipal ordinances regulating structural or service systems integrity and disposal of refuse;
 - D. That because of the Owner's failure to supply any drawings, plans, or reports to indicate otherwise; the structures cannot be repaired; and

2. That the Building and Standards Commission hereby orders the structure's certificate of occupancy revoked and the Owner(s) to comply with the following requirements:
 - A. That the building be demolished within thirty (30) days; and
 - 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 comply with the above mentioned requirements.
4. That upon failure of the Owner(s), mortgagees, lienholders, and/or any other person having an interest in the property to comply with this Order, the City of El Paso, through its Director for Building Permits and Inspections, shall:
 - A. Vacate and secure the structures; and
 - B. Clean the property of all weeds, trash and debris; and
 - C. Asses the cost of the work noted above as a lien against the property which will become due and payable within thirty (30) days of the date the City of El Paso completes the work; and
 - D. Provide for any other remedies permitted by State Law.
5. 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:
 - A. Determine the amount and duration of civil penalties the City of El Paso may recover for failure to comply with this Order as allowed by Texas Local Government Code Chapter 54; and
 - B. Provide any other remedies permitted by State law.
6. **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 twenty (20) days of receipt of notice of the Order of the Commission. Appeals in District Court are limited to hearings under the substantial evidence rule.*

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **28th** day of **March, 2007** in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso (the "**Commission**") will hold a public hearing on the question of whether the building located on the property at **8036 Glendale Avenue**, in El Paso, Texas, which property is more particularly described as:

Legal Description: The West 37.5 feet of Lot 9, Block 3, MESA VISTA NO.2, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 3, Page 51, Plat Records of El Paso County, Texas

and which is subject to that certain Building and Standards Commission Order dated November 29th, 2006 has been brought into compliance with said Order, and if not to determine penalties.

According to the real property records of the County of El Paso, Texas, **Reyes Marquez and Susan Marquez** (the "**Owners**"), **4870 Krag Street, El Paso, Texas 79938**, 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 mortgages, 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 Owners fail, neglect or refuse 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 expenses, 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 \$1,000.00 a day for each violation, or \$10,00 a day if the Owners 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 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 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:

APPROVED AS TO CONTENT:

Roberta Cross
Assistant City Attorney

Department

Bill Stern, C.B.O.
Chief Building Inspector
Building Permits and Inspections

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 8036 Glendale Avenue was PUBLISHED in the official City newspaper on the ____day of _____, 2007.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 8036 Glendale Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Reyes Marquez and Susan Marquez
4870 Krag
El Paso, Texas 79938

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 8036 Glendale Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Maria Teresa Arellano and Arturo Arellano
849 La Fayette Dr. Apt. 6A
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 8036 Glendale Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ball Brothers, L.L.L.P
2405 Bayshore Drive
Flower Mound, Texas 75022

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 8036 Glendale Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Adib Dagoub
C/O Anderson Anderson & Bright P.C.
Steven E. Anderson
1533 Lee Trevino #205
El Paso, Texas 79936

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 8036 Glendale Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Adib Dagoub
932 Tony Lama Street
El Paso, Texas 79915

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 8036 Glendale Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Adib Dagoub
8311 Comet
El Paso, Texas 79924

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 8036 Glendale Avenue 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 8036 Glendale Avenue 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 8036 Glendale Avenue 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 8036 Glendale Avenue 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 8036 Glendale Avenue 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 regarding the property at 8036 Glendale Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Warren Eaton
PO Box 2522
Durango CO 81302

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 8036 Glendale Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger & Perez, LLP
221 N. Kansas, Suite 1400
El Paso, Texas 79901

Date:
Time:

Inspector

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

Date:
Time:

Inspector