BUILDING AND STANDARDS BOARD AGENDA ITEM # ___ FOR WEDNESDAY, MARCH 29TH , 2006

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
March 14, 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: 810 S. Oregon Street AKA 808 S. Oregon Street

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

1) First investigated March 4, 2004. The building was found to be in an advanced state of disrepair. This is a one story brick apartment building built in 1925. The building has been used as a harborage by unwanted persons.
2) A certified condemnation letter was mailed to Haraan Investments, C/O Harry Garber, 700 S. Santa Fe Street Suite A, El Paso, Texas 79901.
3) Certified notices of the public hearing scheduled for March 29' 2006 were mailed to the owners and all interested parties on March 16, 2006.
4) Since the property owner has failed to supply any building plans, specifications, engineer's report or any other relevant documents

The Department recommends that it be found:

1) That the 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 structure can not be repaired; and
5) That the structure be demolished within 30 days; and
6) That the premises be cleaned of all weeds, trash, and debris within 30 days; and
7) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: 3-24-04 **REP. DISTRICT:** 8

ADDRESS: 810 S. Oregon Street AKA 808 S. Oregon Street **ZONED:** SRR

LEGAL DESCRIPTION:

OWNER: Guadalupe Norman **ADDRESS:** 203 E. 7th Ave., El Paso, TX 79901

BUILDING USE: Residential apartment units

TYPE OF CONSTRUCTION: V wood frame, masonry

FOOTINGS: Reinforced concrete
CONDITION: Very poor – Numerous cracks, sinking

FOUNDATION WALL: N/A
CONDITION:

FLOOR STRUCTURE: Poor, numerous cracks and settling
CONDITION:

EXTERIOR WALLS: brick

HEIGHT: 8' **THICKNESS:** 8"

CONDITION: Very poor – Joints crumbling and falling out.

INTERIOR WALLS & CEILINGS: 2 x 4 wood frame wood lath, plaster
CONDITION: Very poor – Numerous holes and collapsing

ROOF STRUCTURE: Asphalt shingle, wood framing
CONDITION: Very poor – Sagging, whole roof structure needs to be replaced.

DOORS, WINDOWS, ETC.: Wood sash windows, wooden doors
CONDITION: Very poor – Most windows and doors needed to be replaced.

MEANS OF EGRESS: N/A
CONDITION:

PLUMBING: Water is off. The entire system need to be evaluated by a licensed plumber and brought up to code.

ELECTRICAL: Electricity is off. The entire system need to be evaluated by a licensed electrician and brought up to code.

MECHANICAL: Mechanical system is non-existent (same as above).

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

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

REMARKS: The apartment structures are extremely old and dilapidated and being used as a harborage for vagrants. Extreme damage to interior walls and ceiling by vagrants. We recommend the structures be demolished, as the cost to repair would likely exceed the value of the property.

Tom Maguire
Building Inspector

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, PE, CBO
DEVELOPMENT SERVICES DIRECTOR

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES

BUILDING PERMITS AND INSPECTIONS DIVISION

BUILDING STANDARDS ENFORCEMENT
November 16, 2005

Harann Investments, Inc.
700 S. Santa Fe Street Suite A
El Paso, Texas 79901-2234

Re: 810 S. Oregon Street
Lots: 15 & S 16 FT OF 14 & N 1 FT OF 16
Blk: 74, Campbell
Zoned: SRR
PID #C050-999-0740-5500
COD05-18617
Certified Mail Receipt #
7005 1160 0004 6080 5087

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 18.50 International Property Maintenance Code, which states:

> **18.50.106.1 General.**
> When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Chapter 2.38 of this code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

> **18.50.106.1.1 Unsafe Structures.**
> An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

18.50.106.1.2 Unsafe Equipment
Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

18.50.106.1.3 Structure Unfit for Human Occupancy.
A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at 810 S. Oregon Street has the following violations:

a. The foundation has not been maintained in a safe manner. [Sec.305.4]

b. The floors have not been maintained in a safe manner. [Sec.305.4]

c. The walls have not been maintained in a safe manner free of holes and cracks. [Sec.304.6]

d. The roof structure has not been maintained free of defects that may cause leaks. [Sec304.7]

e. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec702.4]

f. The plumbing system is inadequate and does not meet minimum code requirements. [Sec504.1]

g. The electrical system is inadequate and does not meet minimum code requirements. [Sec604.3]

h. The HVAC system is inadequate and does not meet minimum code requirements. [Sec603.1]

i. The structure is open and accessible to unauthorized entry. [Sec301.3]

j. The premises are full of weeds, trash, and debris [Sec302.1 & Sec302.4].

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. [Sec108.2]

810 S. Oregon Street

As a result of the aforementioned violations, the following action may be taken:

a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The City Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.

b. By authority of Chapter 18.02.103.9.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Building Permits and Inspections Department because of Electrical Code violations.

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 DEVELOPMENT SERVICES:

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

BS/rl

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the 29th day of March, 2006 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 **810 S. Oregon Street**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 15 and the South 16 feet of Lot 14 and the North 1 foot of Lot 16, Block 74, Campbell Addition, an addition to the City of El Paso, El Paso County.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, **Harann Investments, C/O Harry Garber** (the "**Owners**"), **700 S. Santa Fe Street Suite A, El Paso, Texas 79901,** are listed as the owners of the real property described herein.

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.

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 to show cause why said building should not be declared a nuisance and ordered to be abated. 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 Title 18, as mandated by Section 18.50 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 the Commission any evidence showing that the structure or part thereof is safe.

CERTIFIED MAIL RECEIPT #7105 8873 0193 6300 2528

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

The time periods, which govern the completion of work ordered by the commission, are outlined in Chapter 2, Subsection 2.38.080 of the Municipal Code of the City of El Paso, and pursuant to State law.

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 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 $1,000.00 a day for each violation, or $10.00 a day if the Owners show 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.

APPROVED AS TO FORM:

Carolyn J. Crosby
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 **810 S. Oregon Street** was PUBLISHED in the official City newspaper on the ____day of_____, 2006.

_____
Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at **810 S. Oregon Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Harann Investments, Inc.
810 S. Oregon Street
El Paso, Texas 79902

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **810 S. Oregon Street**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Harry A. Garbar
700 S. Santa Fe Street
El Paso, Texas 79901-2234

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **810 S. Oregon Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

James W. Fitzgerald
C/O 501 Executive Center, Suite 100
El Paso, Texas 79902

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **810 S. Oregon Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Terry L. Johnson
310 N. Mesa, Suite 300
El Paso, Texas 79901

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **810 S. Oregon Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Harann Investments, Inc.
700 S. Santa Fe Street Suite A
El Paso, Texas 79901

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **810 S. Oregon Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ryan & Sanders, LLP
Attn: Terry L. Johnson
310 N. Mesa Street Suite 300
El Paso, Texas 79901

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **810 S. Oregon Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

State National Bank
Attn: Mr. Tim Grenshaw
601 N. Mesa Street
El Paso, Texas 79901

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **810 S. Oregon Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Guadalupe Norman
810 S. Oregon Street
El Paso, Texas 79902

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **810 S. Oregon Street**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jose Roberto Avila and Albert R. Bloxom
C/O James W. Fitzgerald
501 Executive Center, Suite 100
El Paso, Texas 79902

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **810 S. Oregon Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Joseph F. Strelitz
501 Executive Center, Suite 100
El Paso, Texas 79902

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **810 S. Oregon Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Richard Grenier
148 Silver Shadow
El Paso, Texas 79912

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **810 S. Oregon Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

State National Bank
Attn: Tim Crenshaw
6044 Gateway East
El Paso, Texas 79905

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **810 S. Oregon Street** 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 **810 S. Oregon Street** 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 **810 S. Oregon Street** 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

810 S. Oregon Street 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 **810 S. Oregon Street** 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 **810 S. Oregon Street**, El Paso, Texas.

Date:_____
Time:_____

_____
Inspector

Stern, William V.

From: David Moerbe [DMoerbe@sos.state.tx.us]
Sent: Wednesday, March 08, 2006 7:38 AM
To: 'Stern, William V.'
Subject: RE:

Dear Mr. Stern,

In response to your request we find the following information:

HARANN INVESTMENTS, INC.
Filing #: 117076100
Entity type: Domestic For-Profit Corporation
Date of Filing: November 2, 1990
Status: In existence
Registered agent: Harry A. Garbar, 4241 PARK HILL DRIVE, El Paso, TX 79902
From the 2005 franchise tax public information report:
Entity address: 700 S. SANTA FE ST., EL PASO, TX 79901-2234
Management:
HARRY A. GARBAR (P/Dir)
M. GARBAR (Dir)
both @ 700 S. SANTA FE ST., EL PASO, TX 79901-2234
Our database does not contain telephone numbers.

Database searches are now available via our web based system called SOSDirect. There is a $1.00 search fee associated with use of the system; there is no fee to establish an account. This service will allow you to retrieve information regarding business entities at your convenience since the system is available 24/7. Please visit this site at www.sos.state.tx.us/corp/sosda Should you have any specific questions about SOSDirect, please call 512-475-2755.

Sincerely,

David Moerbe
Corporations Section

-----Original Message-----
From: Stern, William V. [mailto:SternWV@elpasotexas.gov]
Sent: Tuesday, March 07, 2006 3:13 PM
To: 'corpinfo@sos.state.tx.us'
Subject:

Please provide information on Harann Investments, Inc. I 'am showing the principle as Harry Garber with the address of 700 S.Santa Fe St. suite A El Paso Texas 79901. We need this information to condemn the property. Thank You

Bill Stern C.B.O.
Residential Inspector Supervisor
Building Permits and Inspections
541 - 4800