

105 N. OREGON



BUILDING AND STANDARDS BOARD AGENDA ITEM # 8 FOR
WEDNESDAY, April 27, 2016

PLANNING & INSPECTIONS
BUILDING SAFETY DIVISION

MEMORANDUM
April 27, 2016

TO: The Honorable Chairman and Board Members

THROUGH: Victor Morrison-Vega, Deputy Director, Planning & Inspections

FROM: Laura Foster, Architect, Building Safety Manager

SUBJECT: 105 N. Oregon, El Paso, Texas 79901

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

- 1) This building was first investigated for property maintenance violations, pursuant to these proceedings, in November 2009. This building sits on the corner of Oregon and San Antonio and is also known as the American Furniture Building. The building is constructed of reinforced concrete and was built in 1921. There were four businesses located on the ground floor of this 7 story building, upon initial investigation. Multiple building, health and safety code violations were found during the investigation and notice was sent to Caples Land Company, LLC via certified mail.
- 2) On February 17, 2010, a meeting was held with the property owner at which time the various violations were shown to him. On March 5, 2010, the building was declared an imminent danger and emergency action was taken to vacate the building, barricade the sidewalk and alley and the electric meters were ordered to be removed. Subsequently, minimal measures were taken by the owner to abate the hazardous conditions that were causing imminent danger and the first floor tenants were allowed to re-occupy on March 15, 2010.
- 3) A hearing was held by the Building and Standards Commission on March 31, 2010 at which time the following was ordered:
 - a. That the structure is substandard; and
 - b. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. That the structure can be rehabilitated; and
 - d. That an electrician be hired to evaluate the entire electrical system and make the required repairs and remove all non permitted or illegal wiring, equipment or distribution systems within sixty (60) days; and
 - e. That a contractor be hired to repair all noncompliant plumbing installations and repair the required restrooms, install a ventilation system in the restroom and provide access from all occupied tenant spaces to the restrooms within sixty (60) days; and

- f. That all non permitted installations of partitions and ceilings be removed within sixty (60) days; and
 - g. That all non permitted mechanical systems be removed within sixty (60)days; and
 - h. That all broken window glass be removed and the openings be protected by covering with plywood within sixty (60) days; and
 - i. That all components of all egress paths shall be restored to the required rating and the required panic hardware be installed within sixty (60) days; and
 - j. That all non permitted storage and accumulations of materials, articles, trash and debris be removed within sixty (60) days; and
 - k. That the fire code violations listed in the Fire department correction notice of January 19, 2010 be corrected and the fire escape be repaired; and
 - l. That if the requirements of #d through #k are not complied with within sixty (60) days the structures certificate of occupancy be revoked and that the structure be vacated; and
 - m. That the structure be secured and maintained secure until rehabilitated; and
 - n. 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.
- 4) On or about May 24, 2010, the owners filed a request for an injunction, enjoining the City from enforcing the March 31, 2010, Building and Standards Commission Order. The trial court granted the injunction. The City appealed the ruling of the trial court to the 8th Court of Appeals.
 - 5) On January 23, 2013, the 8th Court of Appeals reversed the decision of the trial court finding that the trial court's grant of injunction against the City was improper. On September 20, 2013, the Texas Supreme Court denied the owner's Petition for Review. On remand, the trial court granted the City's Motion for Summary Judgment in November 2015., thus reinstating the March 31, 2010 Order of the Commission in its entirety.
 - 6) On or about February 26, 2016 contact began with the property owner and/or his representatives regarding the March 31, 2010 final orders of the Building and Standards Commission. Multiple conversations and site visits were conducted to date, resulting in minimal property improvements.
 - 7) Notice of intent of the City to enforce the orders of March 31, 2010 and letters of possible utility meter removals were mailed via certified letter(s) to the property owner and posted at the property on March 18, 2016.
 - 8) Certified notices of the public hearing scheduled for April 27, 2016, were mailed to the owner and all interested properties on April 7, 2016.
 - 9) As of April 18, 2016, \$48,939.64 taxes are owed.
 - 10) To date, compliance with the Building and Standards Commission Order dated March 31, 2010, has not occurred.

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

- 1) That the owner of said property, William Abraham (Sole member), Caples Land Company, LLC, PO Box 1797, El Paso, Texas, 79949-1797 (the "Owner") was notified of the violations of Section 18.50 and the requirement to comply with these codes; and
- 2) That after notification, the owner has failed to comply with the order that the Building and Standards Commission adopted on March 31, 2010; and
- 3) That the property that is subject to the order is not the owner's homestead; and
- 4) That the Building and Standards Commission assesses a civil penalty against the owner in an amount not to exceed \$1,000 a day, pursuant to section 2.38.070B.1.c of the City Code; and
- 5) That the owner has failed to comply with the order of March 31, 2010 from May 31, 2010 through April 27, 2016 a total of 2,158 days.

The Department further recommends that since the owner has not complied with the Building and Standards Commission Order of March 31, 2010:

- 1) That the owner be assessed the following civil penalties: A total of \$1,000 a day for 2,158 days, during which time the Building and Standards Commission Order of March 31, 2010 was not complied with for a total of \$2,158,000.00; and
- 2) That the March 31, 2010 Order of the Building and Standards Commission be adjusted to order the following:
 - a. An electrician shall be hired to evaluate the entire electrical system and make the required repairs and remove all non-permitted or illegal wiring, equipment or distribution systems within thirty (30) days; and
 - b. A contractor shall be hired to repair all noncompliant plumbing installations and repair the required restrooms, install a ventilation system in the restroom and provide access from all occupied tenant spaces to the restrooms within thirty (30) days; and
 - c. All unpermitted installations of partitions and ceilings shall be removed within thirty (30) days; and
 - d. All unpermitted and abandoned mechanical systems be removed within thirty (30) days; and
 - e. All broken window and door glass shall be removed and the openings be protected as per board and secure standards illustrated in the International Property Maintenance Code within thirty (30) days; and
 - f. All components of all egress paths shall be restored to the required rating and the required panic hardware shall be installed within thirty (30) days; and
 - g. All unpermitted storage and accumulations of materials, articles, animal droppings and remains, trash and debris shall be removed within thirty (30) days; and
 - h. The fire code violations listed in the Fire Department correction notice of January 19, 2010 shall be corrected within thirty (30) days; and
 - i. If the requirements of #a through #h are not brought into compliance within thirty (30) days that the structure shall be vacated, cleared of debris and waste products, secured and maintained secure for no longer than one (1) year, after which period of time if the requirements have not been met, the structure must be demolished or is subject to other remedies available as established by the state; and

- j. 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.
- 3) That the City Clerk file a certified copy of this Order with the District Clerk of the County of El Paso.

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

WHEREAS, the Deputy 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 105 N. Oregon Street , in El Paso, Texas, which property is more particularly described as follows:

Legal Description: A part of Lots 32 and 33, Block 6, as shown on the map or plat of the town of El Paso, Made by Anson Mills in El Paso County, Texas, described by metes and bounds hereto and made a part hereof.

Is dilapidated and substandard and 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 According to the real property records of the County of El Paso, Texas, Caples Land Company, LLC, 105 N. Oregon, El Paso, Texas, 79901 and Serhan Investments, Inc. (Lienholder), 2527 Morehead, El Paso, Texas, 79930 (the "Owners") are listed as the owners, were duly notified according to law to appear at a public hearing before the Building and Standards Commission at 5:30 p.m. on March 31st 2010; and

WHEREAS, William D. Abraham, representative of Caples Land Company, LLC appeared

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 structure is substandard; and
 - B. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - C. That the structure can be rehabilitated; and
 - D. That in order to be made safe, all of the aforementioned violations must be corrected.

2. That the Building and Standards Commission hereby orders the Owner(s) to comply with the following requirements:
 - A. That an electrician be hired to evaluate the entire electrical system and make the required repairs and remove all non permitted or illegal wiring, equipment or distribution systems within sixty (60) days; and
 - B. That a contractor be hired to repair all noncompliant plumbing installations and repair the required restrooms, install a ventilation system in the restroom and provide access from all occupied tenant spaces to the restrooms within sixty (60) days; and
 - C. That all non permitted installations of partitions and ceilings be removed within sixty (60) days; and
 - D. That all non permitted mechanical systems be removed within sixty (60)days; and
 - E. That all broken window glass be removed and the openings be protected by covering with plywood within sixty (60) days; and
 - F. That all components of all egress paths shall be restored to the required rating and the required panic hardware be installed within sixty (60) days; and
 - G. That all non permitted storage and accumulations of materials, articles, trash and debris be removed within sixty (60) days; and
 - H. That the fire code violations listed in the Fire department correction notice of January 19, 2010 be corrected and the fire escape be repaired; and
 - I. That if the requirements of #A through #H are not complied with within sixty (60) days the structures certificate of occupancy be revoked and that the structure be vacated; and
 - J. That the structure be secured and maintained secure until rehabilitated; 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 order of the Building and Standards commission
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:

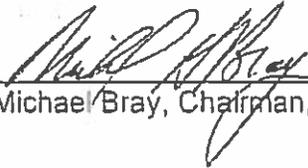
- A. Determine the amount and duration of civil penalties the City of El Paso may recover for failure to comply with this Order as allowed by Texas Local Government Code Chapter 54; and
 - B. Provide any other remedies permitted by State law.
5. When this Order has been filed in the deed records of the county in which the property that is the subject of this Order is located, execution of this Order shall not be affected by a sale or other transfer of such property. Any person or entity acquiring an interest in such property after this Order has been so filed is subject to the requirements of this Order.
6. **REHEARING:** a person affected by this order may request a rehearing by the same Building and Standards Commission panel that issued this Order. Only ONE hearing may be requested. The Building and Standards Commission may grant a rehearing only under the following circumstances:
- A. *Proper request is made within twenty (20) days of receipt of notice of the Order of the Commission; and*
 - B. *No appeal of this Order has been taken as allowed pursuant to paragraph 8, below; and*
 - C. *Rehearing fees of five hundred and forty dollars (\$540.00) are furnished with the rehearing request. The rehearing request shall state the basis for requesting the rehearing. The Building and Standards Commission may waive these fees in cases of financial hardship based on written affirmation from the applicant.*
7. **RIGHT TO APPEAL:** *The decision of the Building and Standards Commission is final. 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 in this matter. Appeals in District Court are limited to hearings under the substantial evidence rule.*

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 or have an interest in the 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 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.

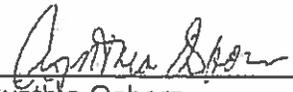
ADOPTED on this 31st day of March, 2010.

BUILDING AND STANDARDS COMMISSION



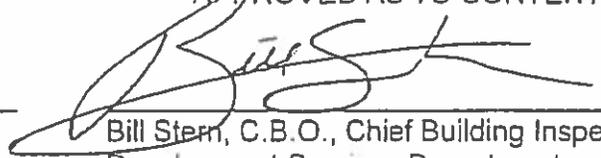
Michael Bray, Chairman, Panel A

APPROVED AS TO FORM:



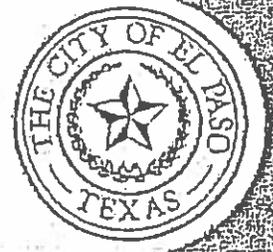
Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



Bill Stern, C.B.O., Chief Building Inspector
Development Services Department
Building Permits & Inspection Division

Dedicated to Outstanding Customer Service for a Better Community



January 19, 2010

Billy Abraham
Building Owner
105 N. Oregon
El Paso, TX. 79901

Dear Mr. Abraham:

Thank you for the cooperation that was extended to us during our recent inspection of the vacant areas of your building at 105 N. Oregon. Our goal of a fire-safe community relies on teamwork between our inspection staff, the citizens and businesses of the community. In general, we found your facility to be non-compliant with the fire code (The International Fire Code 2003), which is enforced by City of El Paso. The following violations were noted and shall require your immediate attention and correction:

Fire Protection Equipment

- Sprinkler system is currently "yellow" tagged, which requires service. Correct violations noted on tag. (2003 IFC, Chapter 9 Section 901.6).
- No fire sprinkler system monitoring. (2003 IFC, Chapter 9 Section 903.4.2).
- No fire extinguisher in common lobby area(s). (2003 IFC, Chapter 9 Section 906.1).
- No current tag(s) displayed on the exterior both standpipes. (2003 IFC, Chapter 9 Section 912.6).
- Lacking sprinkler head coverage. (NFPA 13)
- A data plate is required for the sprinkler system. (NFPA 13)
- Fire extinguishers are required in accessible areas. (2003 IFC, Chapter 9 Section 906).

Means of Egress

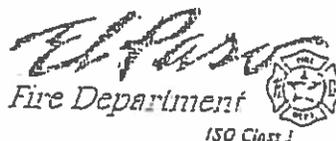
- All exit lights and emergency lights require being functional at all times, including back-up power for the occupied areas of the building. (Chapter 10 Section 1006)
- No exit lights from accessible floors from first floor to second floor (employee's restroom) for the occupied areas of the building. (Chapter 10 Section 1006)
- Obstructed egress. Maintain clear and accessible. (Chapter 10 Section 1006)

Electrical Violations

- Improper electrical wiring within the facility. (International Electrical Code 2003)
Examples: Exposed electrical wiring; Outlets requiring cover plates; Using Romex ® within a commercial building; Illegal electrical wiring; Electrical panel boxes missing cover plates; etc.
- Label all electrical rooms. (2003 IFC, Chapter 6 Section 605.3.1)

Hazardous Materials

- Improper storage of hazardous materials. Remove all hazardous materials. (2003 IFC, Chapter 3 Section 311.4)



<p>SENDER: COMPLETE THIS SECTION</p> <ul style="list-style-type: none"> ■ 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. <p>1. Article Addressed to:</p> <p>William David Abraham 717 E. San Antonio Street El Paso, Texas 79901 Ref: 105 N. Oregon St - MA</p>	<p style="text-align: center;">COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery William David Abraham 4/2/00</p> <p>D. Is delivery restricted? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, the following restrictions apply: RESTRICTED</p> <p style="text-align: center;">APR 2 R ZUIU</p> <p style="text-align: center;">CITY OF EL PASO</p> <p>3. Service DEVELOPMENT SERVICES <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2. Article Number 7009 2820 0002 5JJ4 6359 <i>(transfer from service label)</i></p> <p>PS Form 3811, February 2004 Domestic Return Receipt 102565-02-M-1540</p>
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NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the 27th day of April, 2016, in the Council Chambers of City Hall, 300 N. Campbell, 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 105 N. Oregon St., in El Paso, Texas, which property is more particularly described as:

Legal Description: A part of Lots 32 and 33, Block 6, as shown on the map or plat of the town of El Paso, Made by Anson Mills in El Paso County, Texas, described by metes and bounds hereto and made a part hereof.

and which is subject to that certain Building and Standards Commission Order dated March 31, 2010, has been brought into compliance with said Order, and if not to determine penalties or adjustments to said Order.

According to the real property records of the County of El Paso, Texas, Caples Land Company, LLC, 105 N. Oregon, El Paso, Texas, 79901 (the "Owner") is listed as the Owner of the real property described herein.

The Owner of said property is 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 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 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 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.

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 and Safety Division, Planning & Inspections Department, 801 Texas Avenue, El Paso, Texas, 79901, 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:



John F. Batoon
Senior Assistant City Attorney



Laura Foster, AIA
Architect, Building Safety Division Manager
Planning & 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 of Public Hearing regarding the property located at 105 N. Oregon St., El Paso, Texas, 79901, was filed with the County Clerk's Office, the official public records of real property for El Paso County.

Richarda Duffy Momsen

Executed this ____ day of _____, 2016 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 ____ day of _____, 2016.

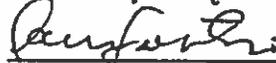
Notary Public

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 105 N. Oregon St., El Paso, Texas, 79901, was PUBLISHED in the official City newspaper on the ____ day of _____, 2016.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon St., El Paso, Texas, 79901, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

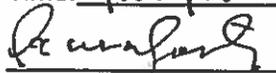
Caples Land Company, LLC
105 North Oregon Street
El Paso, Texas 79901

Date: 4-7-16
Time: 4:00 pm


Laura Foster, AIA

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon St., El Paso, Texas, 79901, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

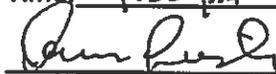
Serhan Investments, Inc.
2527 Morehead
El Paso, Texas 79930

Date: 4-7-16
Time: 4:00 pm


Laura Foster, AIA

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon St., El Paso, Texas, 79901, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

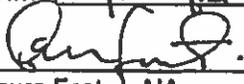
Neill & Strelitz
Alexander V. Neill
501 Executive Center Blvd. #200
El Paso, Texas 79912

Date: 4-7-16
Time: 4:00 pm


Laura Foster, AIA

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon St., El Paso, Texas, 79901, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

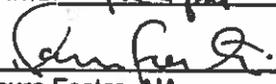
William David Abraham
717 E. San Antonio Street
El Paso, Texas 79901

Date: 4.7.16
Time: 4:00 pm


Laura Foster, AIA

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon St., El Paso, Texas, 79901, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

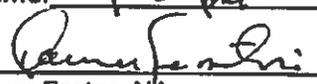
Joseph Sib Abraham Jr.
4308 Ridgecrest
El Paso, Texas 79902

Date: 4.7.16
Time: 4:00 pm


Laura Foster, AIA

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon St., El Paso, Texas, 79901, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

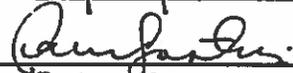
Caples Land Company, LLC
C/O Abraham S B
TDC#1987187
1536 IH-10 East
Fl. Stockton, Texas 79735

Date: 4.7.16
Time: 4:00 pm


Laura Foster, AIA

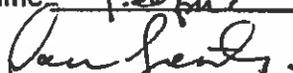
I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon St., El Paso, Texas, 79901, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Edward Abraham
3737 N. Mesa Ste J
El Paso, Texas 79912

Date: ~~4.7.16~~ 4.7.16
Time: 4:00 pm

Laura Foster, AIA

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon St., El Paso, Texas, 79901, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Juliann Smith
Assistant to Wm D. Abraham
Abraham Commission Co.
P. O. Box 1797
El Paso, Texas 79949-1797

Date: 4.7.16
Time: 4:00 pm

Laura Foster, AIA

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon St., El Paso, Texas, 79901, was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
300 N. Campbell
El Paso, TX 79901

Date: 4.7.16
Time: 4:00 pm

Laura Foster, AIA

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon St., El Paso, Texas, 79901, 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: ~~4.7.16~~ 4.7.16
Time: 4:00 pm

Laura Foster, AIA

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon St., El Paso, Texas, 79901, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

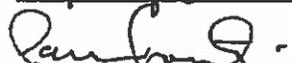
El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: 4-7-16
Time: 7:00 pm


Laura Foster, AIA

I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon St., El Paso, Texas, 79901, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court
500 E. San Antonio Avenue, Suite 105
El Paso, Texas 79901

Date: 4-7-16
Time: 4:00 pm


Laura Foster, AIA

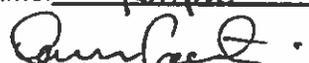
I certify that a true and correct copy of the foregoing Notice regarding the property at 105 N. Oregon St., El Paso, Texas, 79901, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, TX 79901

Date: 4-7-16
Time: 4:00 pm


Laura Foster, AIA

I certify that a true and correct copy of the foregoing Notice was POSTED at 105 N. Oregon St., El Paso, Texas, 79901.

Date: 4-7-16
Time: 4:00 pm


Laura Foster, AIA



Planning & Inspections Department

Mayor

Oscar Leeser

City Council

District 1

Peter Svarzbein

District 2

Larry Romero

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Claudia Ordaz

District 7

Lily Limón

District 8

Cortney C. Niland

City Manager

Tommy Gonzalez

BUILDING SAFETY DIVISION
March 18, 2016
NOTICE TO BOARD & SECURE

Caples Land Company, LLC
105 N. Oregon Street
El Paso, Texas 79901

Re: 105 N. Oregon
Blk: 6 Mills
Lot: 112 Ft. on Oregon X 120 Ft. on E
Zoned: C-5 H-nc
BSC09-00951
Cert. Mail

To All Interested Parties:

The property at **105 N. Oregon** was ordered by the Building and Standards Commission to be **secured and work undertaken to accomplish Items A through J of such order** within thirty (30) days after **March 31, 2010**. A recent inspection of the property has revealed the order of the commission has not been complied with.

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A lien will be placed against the property if the cost is not paid by the owner.

You will receive no further notice from this Department. If you have any questions, please contact Laura Foster at (915) 238-3514.

Thank you,

Laura Foster, AIA
Architect, Planning & Inspection Department

Larry F. Nichols – Department Head
City 3 | 801 Texas | El Paso, Texas 79901 | (915) 212-0083

“Delivering Outstanding Services”



City Development Department

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March 18, 2016
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Serhan Investments, Inc.
2527 Morehead
El Paso, Texas 79930

Re: 105 N. Oregon
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BUILDING SAFETY DIVISION

March 18, 2016

NOTICE TO BOARD & SECURE

William J. Mounce
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El Paso, Texas 79950

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BUILDING SAFETY DIVISION

March 18, 2016

NOTICE TO BOARD & SECURE

William David Abraham
717 E. San Antonio Street
EL Paso, Texas 79901

Re: 105 N. Oregon

Blk: 6 Mills

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BUILDING SAFETY DIVISION
March 18, 2016
NOTICE TO BOARD & SECURE

Joseph Sib Abraham Jr.
4308 Ridgecrest
El Paso, Texas 79902

Re: 105 N. Oregon
Blk: 6 Mills
Lot: 112 Ft. on Oregon X 120 Ft. on E
Zoned: C-5 H-nc
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March 18, 2016
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BUILDING SAFETY DIVISION

March 18, 2016

NOTICE TO BOARD & SECURE

Edward Abraham
3737 N. Mesa Ste J
El Paso, Texas 79912

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BUILDING SAFETY DIVISION

March 18, 2016

NOTICE TO BOARD & SECURE

Caples Land Company Inc.
C/O Abraham S B
TDC#1987187
1536 IH-10 East
Ft. Stockton, Texas 79735

Re: 105 N. Oregon

Blk: 6 Mills

Lot: 112 Ft. on Oregon X 120 Ft. on E

Zoned: C-5 H-nc

BSC09-00951

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Tommy Gonzalez

BUILDING SAFETY DIVISION
March 18, 2016
NOTICE TO BOARD & SECURE

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

Re: 105 N. Oregon
Blk: 6 Mills
Lot: 112 Ft. on Oregon X 120 Ft. on E
Zoned: C-5 H-nc
BSC09-00951

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City Manager

Tommy Gonzalez

BUILDING SAFETY DIVISION
March 18, 2016
NOTICE TO BOARD & SECURE

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

Re: 105 N. Oregon
Blk: 6 Mills
Lot: 112 Ft. on Oregon X 120 Ft. on E
Zoned: C-5 H-nc
BSC09-00951
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City Development Department

City 3 | 801 Texas Avenue | El Paso, Texas 79901 | (915) 212-0083

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Tommy Gonzalez

BUILDING SAFETY DIVISION

March 18, 2016

NOTICE TO BOARD & SECURE

City of El Paso
C/O City Clerk
300 N. Campbell Street
El Paso, Texas 79901

Re: 105 N. Oregon
Blk: 6 Mills
Lot: 112 Ft. on Oregon X 120 Ft. on E
Zoned: C-5 H-nc
BSC09-00951
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BUILDING SAFETY DIVISION
March 18, 2016
NOTICE TO BOARD & SECURE

El Paso County Clerk, Probate Dept.
500 E. San Antonio Avenue, Ste 105
El Paso, Texas 79901

Re: 105 N. Oregon
Blk: 6 Mills
Lot: 112 Ft. on Oregon X 120 Ft. on E
Zoned: C-5 H-nc
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BUILDING SAFETY DIVISION
March 18, 2016
NOTICE TO BOARD & SECURE

Delgado, Acosta, Spencer, Linebarger,
Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, Texas 79901

Re: 105 N. Oregon
Blk: 6 Mills
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Tommy Gonzalez

Building Safety Division

March 18, 2016

NOTICE OF VIOLATION

Caples Land Company Inc.
C/O Abraham S B
TDC#19877187
1536 IH-10 East
Ft. Stockton, Texas 79735

Re: 105 N. Oregon

Blk: 6 Mills

Lot: 112 Ft. on Oregon X 120 Ft. on E

Zoned: C-5 H-nm

BSC09-00951

Cert. Mail

To Whom It May Concern:

By authority of Chapter 18.02.108.10 of the El Paso Municipal Code, the electrical service at the referenced property will be disconnected at the request of the Planning & Inspections Department, Building Safety Division due to Municipal Code violations.

If you have any questions, please contact me at (915) 238-3514.

Laura Foster, AIA
Architect, Planning & Inspection Department

LF/

Larry F. Nichols – Department Head

City 3 | 801 Texas | El Paso, Texas 79901 | (915) 212-0083

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March 18, 2016

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Cert. Mail

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By authority of Chapter 18.02.108.10 of the El Paso Municipal Code, the electrical service at the referenced property will be disconnected at the request of the Planning & Inspections Department, Building Safety Division due to Municipal Code violations.

If you have any questions, please contact me at (915) 238-3514.

Laura Foster, AIA
Architect, Planning & Inspection Department

LF/



City Development Department

City 3 | 801 Texas Avenue | El Paso, Texas 79901 | (915) 212-0083
Dedicated to Outstanding Customer Service for a Better Community



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City Council

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Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Lily Limón

District 8

Cortney C. Niland

City Manager

Tommy Gonzalez

Building Safety Division

March 18, 2016

NOTICE OF VIOLATION

Joseph Sib Abraham Jr.
4308 Ridgecrest
El Paso, Texas 79902

Re: 105 N. Oregon

Blk: 6 Mills

Lot: 112 Ft. on Oregon X 120 Ft. on E

Zoned: C-5 H-nm

BSC09-00951

Cert. Mail

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Cortney C. Niland

City Manager

Tommy Gonzalez

Building Safety Division

March 18, 2016

NOTICE OF VIOLATION

Joseph Sib Abraham Jr.
717 E. San Antonio Street
El Paso, Texas 79901

Re: 105 N. Oregon

Blk: 6 Mills

Lot: 112 Ft. on Oregon X 120 Ft. on E

Zoned: C-5 H-nm

BSC09-00951

Cert. Mail

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Tommy Gonzalez

Building Safety Division

March 18, 2016

NOTICE OF VIOLATION

Edward Abraham
3737 N. Mesa Ste J
El Paso, Texas 79912

Re: 105 N. Oregon
Blk: 6 Mills
Lot: 112 Ft. on Oregon X 120 Ft. on E
Zoned: C-5 H-nm
BSC09-00951
Cert. Mail

To Whom It May Concern:

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Tommy Gonzalez

Building Safety Division

March 25, 2016

NOTICE OF VIOLATION

El Paso Electric Company
123 W. Mills Ave.
El Paso, Texas 79901

Attention: Laurie Fleming #213

Re: 105 N. Oregon

To Whom It May Concern:

On **March 31, 2010** the Building and Standard Commission passed a resolution to condemn the property located at **105 N. Oregon Street, El Paso, Texas, 79901**.

The Building will be scheduled to be **secured and work undertaken to accomplish Items A through of such order** and the premises cleaned of all trash and debris on or after **March 25, 2016**.

I am informing you of this so that if you have any equipment or lines that need to be removed or protected, you will have the opportunity to do so.

If you have any questions regarding this, please contact Laura Foster at (915) 238-3514.

Very truly yours,

Laura Foster, AIA
Architect, Planning & Inspection Department



Planning & Inspections Department

Mayor

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City Council

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Cortney C. Niland

City Manager

Tommy Gonzalez

Building Safety Division

March 18, 2016

NOTICE OF VIOLATION

El Paso Water Utilities
1154 Hawkins Blvd.
El Paso, TX 79925

Attention: Engineering Dept.

Re: 105 N. Oregon St., El Paso, Texas 79901

Dear Mr. Felipe Lopez:

On **March 31, 2010** the Building and Standard Commission passed a resolution to condemn the property located at **105 N. Oregon Street, El Paso, Texas, 79901**.

The Building will be scheduled to be **secured and work undertaken to accomplish Items A through of such order** and the premises cleaned of all trash and debris on or after **March 25, 2016**.

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If you have any questions regarding this, please contact Laura Foster at (915) 238-3514.

Very truly yours,

Laura Foster, AIA
Architect, Planning & Inspection Department

Larry F. Nichols – Department Head
City 3 | 801 Texas | El Paso, Texas 79901 | (915) 212-0083

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Claudia Ordaz

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Cortney C. Niland

City Manager

Tommy Gonzalez

Building Safety Division

March 18, 2016

NOTICE OF VIOLATION

Texas Gas Service
4700 Pollard St.
El Paso, TX 79930

Attention: Gina Aguilar
Fax - 680-8323

Re: 105 N. Oregon St., El Paso, Texas 79901

Dear Mrs. Aguilar:

On **March 31, 2010** the Building and Standard Commission passed a resolution to condemn the property located at **105 N. Oregon Street, El Paso, Texas, 79901**.

The Building will be scheduled to be **secured and work undertaken to accomplish Items A through of such order** and the premises cleaned of all trash and debris on or after **March 25, 2016**.

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If you have any questions regarding this, please contact Laura Foster at (915) 238-3514.

Very truly yours,

Laura Foster, AIA
Architect, Planning & Inspection Department

Larry F. Nichols – Department Head
City 3 | 801 Texas | El Paso, Texas 79901 | (915) 212-0083

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Cortney C. Niland

City Manager

Tommy Gonzalez

Building Safety Division

March 18, 2016

NOTICE OF VIOLATION

El Paso Electric Company
7240 Brogan Dr.
El Paso, TX 79915

Attention: Carmen Nichols

Re: 105 N. Oregon St., El Paso, Texas 79901

On **March 31, 2010** the Building and Standard Commission passed a resolution to condemn the property located at **105 N. Oregon Street, El Paso, Texas, 79901**.

The Building will be scheduled to be **secured and work undertaken to accomplish Items A through of such order** and the premises cleaned of all trash and debris on or after **March 25, 2016**.

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If you have any questions regarding this, please contact Laura Foster at (915) 238-3514.

Very truly yours,

Laura Foster, AIA
Architect, Planning & Inspection Department

Building Safety Division

Larry F. Nichols – Department Head

City 3 | 801 Texas | El Paso, Texas 79901 | (915) 212-0083

“Delivering Outstanding Services”



Planning & Inspections Department

March 18, 2016
NOTICE OF VIOLATION

Mayor
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Claudia Ordaz

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Lily Limón

District 8
Cortney C. Niland

City Manager
Tommy Gonzalez

Texas Gas Service
Engineering Department
4700 Pollard St.
El Paso, TX 79930

Attention: Jerry Sanchez
Fax - 680-8323

Re: 105 N. Oregon St., El Paso, Texas 79901

Dear Mr. Sanchez:

On **March 31, 2010** the Building and Standard Commission passed a resolution to condemn the property located at **105 N. Oregon Street, El Paso, Texas, 79901**.

The Building will be scheduled to be **secured and work undertaken to accomplish Items A through of such order** and the premises cleaned of all trash and debris on or after **March 25, 2016**.

I am informing you of this so that if you have any equipment or lines that need to be removed or protected, you will have the opportunity to do so.

If you have any questions regarding this, please contact Laura Foster at (915) 238-3514.

Very truly yours,

Laura Foster, AIA
Architect, Planning & Inspection Department

Larry F. Nichols – Department Head
City 3 | 801 Texas | El Paso, Texas 79901 | (915) 212-0083

“Delivering Outstanding Services”



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: April 15, 2016

REP. DISTRICT: 8

ADDRESS: 105 N. Oregon Street

ZONED: C5HNC

LEGAL DESCRIPTION: A part of Lots 32 and 33, block 6, as shown on the map or plat of the town of El Paso, made by Anson Mills in El Paso County, Texas.

OWNER: Caples Land Company, LLC

ADDRESS: 105 N. Oregon Street
El Paso, Texas 79901

BUILDING USE: Commercial multistory building

TYPE OF CONSTRUCTION: Type II; reinforced concrete with some brick, hollow terracotta masonry and stucco veneer; one ground floor area observed to have wood joist retrofits at floorplate.

FOUNDATION: Concrete

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

FLOOR STRUCTURE: Formed in place concrete

CONDITION: Fair. Visual survey of exposed structure shows virtually no damage except to finishes, with various locations at mechanical and electrical penetrations and rust on expanded mesh lath where there has been water penetration. A structural engineer or registered contractor must be hired to evaluate the flooring system.

EXTERIOR WALLS: Brick and hollow terracotta block on reinforced concrete.

HEIGHT: 75' +/-

THICKNESS: 10" +/-

CONDITION of SHELL: Good. Walls and floorplates show some sites of superficial water damage from plumbing system and rain, as well as various small floor penetrations made for HVAC and electrical work. Some repair is necessary, along with firestopping and rating. A structural engineer should be hired to evaluate structural elements of the building and submit a report on the corrections required to make the building safe.

INTERIOR WALLS & CEILINGS: Wood frame, plaster on metal lath, sheetrock w/plaster

CONDITION: Fair. The walls and ceilings show damage from penetrations, leaks and decay due to lack of maintenance. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the buildings safe.

ROOF STRUCTURE: Flat roof, poured concrete, built up

CONDITION: Poor. Improper flashing and neglect of maintenance allowing for water penetration. A registered roofing contractor or building contractor must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into code compliance.

DOORS, WINDOWS, ETC.: Metal frame doors and windows.

CONDITION: Fair. The glass panes on some of doors are cracked and several windows are broken and will need to be repaired or replaced so they are operational and meet egress requirements.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. All the components of all egress paths shall be restored to the required rating in order to meet egress requirements.

PLUMBING: A licensed plumber should be hired to bring system up to code.

ELECTRICAL: A licensed electrician should be hired to bring system up to code.

MECHANICAL: A licensed mechanical contractor should be hired to bring system up to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: Two businesses

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS: This multistory commercial building was built in 1921 and underwent a major façade remodel in 1951. There are two businesses located on the ground floor, but the remaining 6 floors and basement are vacant and contain combustible materials posing a hazard to the tenants and surrounding area. The department recommends the structure be rehabilitated by the standards of the Orders, as per International Property Maintenance Code, International Existing Building Code and the International Building Code within thirty (30) days; if not that the structure be vacated and secured and maintained secure owner can demonstrate engagement of licensed trades and full compliance with the Orders.

Laura Foster
Architect

Account Status

Prev. Acc... Next Acc... Prev. Owner Next Owner Acct History Acct Summary Notes Documents Go To:

ACT8006 v1.273

04/18/2016 13:06
ACTEP

STATUS DETAIL | **Expand Fees** | **Summary**

Account Information
 Account No. **1473-999-0060-0100** Roll Code **REAL PROPERTY**
 Certified Owner **CAPLES LAND COMPANY INC**
 Parcel Address **105 N OREGON ST**
 Amount Due **04/18/2016** CAD No. **205403**

Tax Units
 List of Tax Units
 1 3 6 7 8 33 8001
 AG INCLUDED Remove Fees Countywide

Tax Unit, Yr, Rec. Type
 Tax Unit
 Year
 Rec. Type **Multiselect**

Amount Due/Paid Information		Amount Due/Paid Information											
Year	Gross Value	H	O	V	D	Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due	
2015	\$843,494					\$24,393.11	\$2,825.00	\$0.00	\$21,568.11	\$5,963.59	\$0.00	\$27,531.70	
2014	\$843,494					\$24,092.57	\$10,000.00	\$0.00	\$14,092.57	\$7,315.37	\$0.00	\$21,407.94	
2013	\$843,494					\$23,837.15	\$23,837.15	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
2012	\$843,494					\$23,016.61	\$23,016.61	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
2011	\$843,494					\$22,625.93	\$22,625.93	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
2010	\$843,494					\$22,450.06	\$22,450.06	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
2009	\$843,494					\$22,026.44	\$22,026.44	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
2008	\$873,904					\$22,885.63	\$22,885.63	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
2007	\$915,163					\$24,152.18	\$24,152.18	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
Last Payment Date						Totals	\$502,285.53	\$466,624.85	\$0.00	\$35,660.68	\$58,962.93	\$0.00	\$48,939.64
Last Payer						Alert							