

2927 MOUNTAIN



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RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 2927 Mountain Ave., in El Paso, Texas, which property is more particularly described as follows:

Lots: 13 & 14, Block 7, Military Heights

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 Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Hector and Bertha Correra, 3116 Aurora Ave., El Paso, Texas 79930, Alfonso Correra, 5101 Bragg Ave., El Paso, Texas 79930, Manuel Correra (deceased) and Arturo Correra (deceased), record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on January 13th, 2004; and

WHEREAS, Hector Correra, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the main structure and accessory buildings located on said property is unsafe, substandard; unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structures are not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structures can be repaired.
2. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the structures be vacated and be secured within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That the Owners of said Buildings are hereby ordered to comply with all requirements of the Resolution; and

RECORDED - PUBLIC

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **27th** day of **May, 2009** 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 buildings located on the property at **2927 Mountain Avenue**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 13 and Lot 14, in Block 7, of MILITARY HEIGHTS addition to the City of El Paso, El Paso County, Texas

are unsafe and dangerous, because of the following violations:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structures are open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. The structures need 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. [Sec. 108.2]

According to the real property records of the County of El Paso, Manuel Correa, Jr., 5227 Kodiak, El Paso, Texas 79924, Manuel Correa, Jr., 2927 Mountain, El Paso, Texas, 79904, Alfonso Correa, 5101 Bragg Avenue, El Paso, 79904, Hector and Bertha Correa, 3116 Aurora, El Paso, Texas, 79930, Arturo Correa, 2927 Mountain, El Paso, Texas, 79904, Estate of Manuel Correa, Jr., and Arturo Correa c/o Karen Ann Pelletier, 4157 Rio Bravo, El Paso, Texas, 79902, Bertha Correa c/o Daniel Mena, 2333 North Piedras, El Paso, Texas, 79930, Ana Rosa Fernandez, 2927 Mountain, El Paso, Texas, 79904 and Ricardo Correa, 2927 Mountain, El Paso, Texas, 79904 ("the **Owners**") 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.

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 buildings 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:

Mark Shoemith
Assistant City Attorney

APPROVED AS TO CONTENT:

Bill Stern, C.B.O.
Chief Building Official
Building Permits and Inspection 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 2927 Mountain Avenue was PUBLISHED in the official City newspaper on the ____day of _____, 2009.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 2927 Mountain 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 2927 Mountain Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Manuel Correa, Jr.
5227 Kodiak
El Paso, Texas 79924

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2927 Mountain Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Manuel Correa, Jr.
2927 Mountain Avenue
El Paso, Texas 79904

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2927 Mountain Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Hector & Bertha Correa
3116 Aurora
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2927 Mountain Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Arturo Correa
2927 Mountain
El Paso, Texas 79904

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2927 Mountain Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Estate of Manuel Correa, Jr. & Arturo Correa
c/o KarenAnn Pelletier
4157 Rio Bravo
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2927 Mountain Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Bertha Correa
c/o Daniel Mena
2333 N. Piedras
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2927 Mountain Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ana Rosa Fernandez
2927 Mountain
El Paso, Texas 79904

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2927 Mountain Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ricardo Correa
2927 Mountain
El Paso, Texas 79904

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2927 Mountain 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 2927 Mountain 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 2927 Mountain 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 2927 Mountain Avenue 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:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 2927 Mountain Avenue, El Paso, Texas.

Date:

Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: May 15, 2009

REP. DISTRICT: 2

ADDRESS: 2927 Mountain Avenue

ZONED: R-4

LEGAL DESCRIPTION: Lot 13 and 14, Block 7, of MILITARY HEIGHTS addition to the City of El Paso, El Paso County, Texas.

OWNER: Manuel Correa

ADDRESS: 2927 Mountain Avenue
El Paso, Texas 79930

BUILDING USE: Single family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Unable to determine

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

FOUNDATION WALL: Concrete

CONDITION: Fair. Signs of cracks on the walls noted. A structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: Hardwood, wood frame/wood floor planks.

CONDITION: Poor. Some of the floor areas covered by carpeting are burnt. In other areas it feels soft and uneven.

EXTERIOR WALLS: Face brick

HEIGHT: 12' +/-

THICKNESS: 8" +/-

CONDITION: Fair. Signs of cracks noted due to exposure to elements and lack of maintenance. A structural engineer or contractor should be hired to evaluate conditions and make recommendations.

INTERIOR WALLS & CEILINGS: Wood frame/Sheetrock

CONDITION: Poor. Majority of ceilings will require replacement due to roof leaks. Walls will require repair due to vandalism and lack of maintenance.

ROOF STRUCTURE: Gable roof, wood frame covered w/composition.

CONDITION: Poor. The roof is badly deteriorated and exposing the sheathing, roof leaks noted.

A registered 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.: Wood frame windows and wooden doors.

CONDITION: Poor. The doors and windows are broken and will require replacement or repair.

MEANS OF EGRESS: Does not meet code.

CONDITION: Poor. The doors and windows will need to be replaced or repaired to become fully operable.

PLUMBING: A licensed plumbing contractor must be hired to evaluate the entire plumbing system and submit a report to this department on the corrective action required to bring the system to minimum code compliance.

ELECTRICAL: A licensed electrical contractor must be hired to evaluate the entire electrical system and submit a report to this department on the corrective action required to bring the system up to minimum code and compliance.

MECHANICAL: A licensed mechanical contractor must be hired to evaluate the entire mechanical system and submit a report to the department system and submit a report to the department on the corrective action required to bring the system up to minimum code compliance.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: No

BARRICADED: No

POLICE AID REQD.: No

REMARKS:

This is a single family dwelling built in 1912. These structures are currently open and abandoned and in an advanced state of disrepair. This department recommends that the structures be secured and maintained secure. That the property be cleaned and maintained clean.

Nellie Avalos

Building Inspector