

BUILDING AND STANDARDS BOARD AGENDA ITEM # ____ FOR
WEDNESDAY, JULY 26, 2006

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

July 11, 2006

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., Residential Inspector Supervisor

SUBJECT: 10225 Fertell Drive

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

- 1) First investigated March 30, 2006. The building was found to be open and abandoned. The building is a one story single-family dwelling built in 1960, constructed of CMU walls and a wood frame roof. The building is in good condition requiring minimal maintenance and repairs at this time. The electrical, plumbing and mechanical systems will need to be evaluated by registered licensed contractors.
- 2) A certified condemnation letter was mailed to David D. Ludwick and Joanne M. Ludwick, 10225 Fertell Drive, El Paso, Texas 79924-3527.
- 3) Certified notices of the public hearing scheduled for July 26, 2006 were mailed to the owners and all interested parties on July 10, 2006..
- 4) There has been no response from the owner.
- 5) As of July 11, 2006, no taxes are owed.

The Department recommends that it be found:

- 1) That the main structure and accessory building be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the buildings are 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 be repaired; and
- 5) That the main structure and accessory structure be secured within 30 days, and maintained secured until rehabilitated; 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.

ITEM #3

COPY

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
April 20, 2006

David D. & Joanne M. Ludwick
10225 Fertell Dr.
El Paso, Texas 79924-3527

Re: 10225 Fertell St.
Lot: 231
Blk: 9, Yucca Village
Zoned: R-4
COD06-04536
Certified Mail Receipt #
7105 8873 0193 6300 4829

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.

10225 Fertell Street

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 10225 Fertell Street has the following violations:

- a. The structure is open and accessible to unauthorized entry. [Sec301.3]
- b. The premises are full of weeds, trash, and debris [Sec302.1 & Sec302.4].
- c. 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]

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.

10225 Fertell Street

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

A handwritten signature in cursive script that reads "Zully Davila".

Zully Davila
Building Inspector

ZD/rl

Firmbook Report

4/20/2006-4/20/2006

7105 8873 0193 6300 4829
7105 8873 0193 6300 4829

CMN	TRACKING	NAME	ADDRESS	
7105 8873 0193 6300 4829	10225 FERTELL ST	DAVID D. LUDWICK JOANNE M. LUDWICK	10225 FERTELL DR.	EL PASO TX 79924-3527

City Of El Paso
Development Services Department
#2 Civic Center Plaza, 5th Floor
El Paso TX 79901-1196

CERTIFIED MAIL



7105 8873 0193 6300 4829

Handwritten:
LW
DWD
2463
27 Apr 06

DAVID D. LUDWICK
JOANNE M. LUDWICK
10225 FERTELL DR.
EL PASO TX 79924-3527

RETURN RECEIPT REQUESTED

MAY 15 2006

CITY OF EL PASO
DEVELOPMENT SERVICES
DEPARTMENT



APR 27 2006
MAY 11 2006
MAY 13 2006

799243527-2579961/1196

1. Article Addressed to:

DAVID D. LUDWICK
JOANNE M. LUDWICK
10225 FERTELL DR.
EL PASO TX 79924-3527
10225 FERTELL ST

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature Agent
X Addressee

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)

7105 8873 0193 6300 4829

Domestic Return Receipt

PS Form 3811, July 1999

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the 26th day of **July, 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 **10225 Fertell Street**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 231, Block 9, Yucca Village, an addition in the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 13, Page 5, Plat records in the office of the County Clerk of El Paso County, Texas, municipally known and numbered at 10225 Fertell Street, El Paso, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, **David Dee Ludwick and Joanne M. Ludwick** (the "**Owners**"), **10225 Fertell Street, El Paso, Texas 79924**, 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 7271

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.

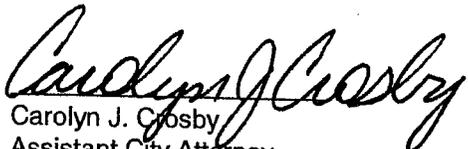
If the Owners fail, neglect or refuse to comply with the order of the Commission the City may pursue one, or more of the following actions:

- 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:


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

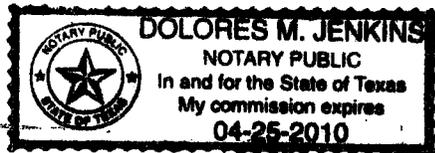
I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice of Public Hearing regarding the property located at **10225 Fertell Street**, was filed with the County Clerk's Office, the official public records of real property for El Paso County.

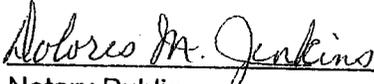

Richarda Duffy Momsen

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

STATE OF TEXAS
COUNTY OF EL PASO

Subscribed and sworn to before me, this 6th day of July, 2006.




Notary Public

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at **10225 Fertell Street** was PUBLISHED in the official City newspaper on the 5th day of July, 2006.


Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at **10225 Fertell Street**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

David Dee Ludwick & Joanne M. Ludwick
10225 Fertell Street
El Paso, Texas 79924

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **10225 Fertell Street**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Luis Ortiz Sr., and Maria L. Ortiz
10457 Adonis Drive
El Paso, Texas 79924

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **10225 Fertell Street**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Wilshire Funding Corporation
1776 South West Madison Street
Portland, Oregon 97205

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **10225 Fertell Street**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Wilshire Funding Corporation Mortgage
3 Park Plaza, 16th Floor
Irvine, California 92614

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **10225 Fertell Street**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mason McDuffie Mortgage Corporation A Delaware Corporation
1550 Parkside Drive
Walnut Creek, CA 94596

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **10225 Fertell Street**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Department of Solid Waste Management
7969 San Paulo Drive
El Paso, Texas 79915

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **10225 Fertell 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 **10225 Fertell 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 **10225 Fertell 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 **10225 Fertell 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 **10225 Fertell Street**, El Paso, Texas.

Date: _____

Time: _____

Inspector

Firmbook Report

7/06/2006-7/06/2006

7105 8873 0193 6300 7271
7105 8873 0193 6300 7356

CMN	TRACKING	NAME	ADDRESS	
7105 8873 0193 6300 7271	10225 FERTELL	DAVID DEE LUDWICK JOANNE M. LUDWICK	10225 FERTELL ST	EL PASO TX 79924
7105 8873 0193 6300 7288	10225 FERTELL ST	LUIS ORTIZ AND MARIA L. ORTIZ	10457 ADONIS DR	EL PASO TX 79924
7105 8873 0193 6300 7295	10225 FERTELL ST	WILSHIRE FUNDING CORP	1776 SOUTH WEST MADISON ST	PORTLAND OR 97205
7105 8873 0193 6300 7301	10225 FERTELL ST	WILSHIRE FUNDING CORP. MORTGAGE	3 PARK PLAZA, 16TH FLOOR	IRVINE, CA 92614
7105 8873 0193 6300 7318	10225 FERTELL ST	MASON MCDUFFIE MORTGAGE CORPORATION A DELAWARE	CORPORATION 1550 PARKSIDE DR	WALNUT CREEK CA 94596
7105 8873 0193 6300 7325	10225 FERTELL ST	DEPT OF SOLID WASTE MANAGEMENT	7969 SAN PAULO DR	EL PASO TX 79915
7105 8873 0193 6300 7332	10225 FERTELL ST	EL PASO CENTRAL APPRAISAL DISTRICT	5801 TROWBRIDGE AVE	EL PASO TX 79925
7105 8873 0193 6300 7349	10225 FERTELL ST	GOVERNOR OF THE YSLETA DEL SUR PUEBLO INDIAN TRIBE	119 S. OLD PUEBLO RD	EL PASO TX 79907
7105 8873 0193 6300 7356	10225 FERTELL ST	EL PASO COUNTY PROBATE COURT	500 E. SAN ANTONIO AVE SUITE 703	EL PASO TX 79901



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: July 18, 2006

ADDRESS: 10225 Fertell Drive

ZONED: R-4

LEGAL DESCRIPTION: 9 Yucca Village, Lot 231

OWNER: David D. & Joanne M. Ludwick
79924

ADDRESS: 10225 Fertell Drive, El Paso, Texas

BUILDING USE: Single family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Concrete

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

FOUNDATION WALL: None

CONDITION: N/A

FLOOR STRUCTURE: Concrete. Slab on grade.

CONDITION: Unable to determine condition of the floor structure due to covering. A structural engineer should be hired to evaluate the actual condition.

EXTERIOR WALLS: Concrete Masonry Units (CMU)

HEIGHT: 8'

THICKNESS: 8"

CONDITION: Good. No signs of wall failure are noticeable; however, a structural engineer should be hired to evaluate the actual condition.

INTERIOR WALLS & CEILINGS: Wood framing with sheetrock.

CONDITION: Fair. A registered roofing contractor must be hired to evaluate the roofing system.

ROOF STRUCTURE: Wood frame with gravel roofing.

CONDITION: Fair. A registered roofing contractor must be hired to evaluate the roofing system.

DOORS, WINDOWS, ETC.: Windows are aluminum frame. Doors are wood frame.

CONDITION: Fair. A couple of doors are broken and will need to be replaced.

MEANS OF EGRESS: Meets code requirements.

CONDITION: Good.

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 up to minimum code compliance.

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

MECHANICAL: A licensed mechanical contractor should be hired to evaluate the mechanical system and submit a report to this 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 an open and abandoned single-family dwelling. The structure is in fairly good condition. This department recommends that the main structure be secured until rehabilitated and that the accessory structure be demolished due to roof collapsing. Clean premises of all weeds, trash and debris and maintain clean.

Zuleika Davila

Building Inspector