

105 N. OREGON



BUILDING AND STANDARDS BOARD AGENDA ITEM # 8 FOR
WEDNESDAY, July 28, 2010

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
July 28, 2010

TO: The Honorable Chairman and Board Members

THROUGH: John Neal – The Director for Environmental Services/ Code Enforcement

FROM: Bill Stern, C.B.O., Deputy Building Official

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 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 are four businesses located on the ground floor of this 7 story building. The basement and the 2nd through 7th floors are vacant and are being utilized for storage, which is a non-permitted use. The exterior of the building has a few areas that are missing stucco and need painting. The interior of the structure has electrical, mechanical and plumbing violations. Emergency escape routes required for the egress of the building occupants are being compromised by illegally constructed partitions, accumulation and storage of books, pallets and various types of trash and debris. The unoccupied areas of the building are being used to store combustibles such as old building materials, tires, boxes full of papers, documents, clothing, plumbing fixtures, restaurant equipment and thousands of pairs of used boots and shoes. A certified condemnation letter was mailed to Caples Land Company, LLC.
- 2) Certified notices of the public hearing scheduled for July 28, 2010, were mailed to the owners and all interested parties on July 15, 2010.
- 3) As of July 15, 2010, no taxes are owed.

The owners have been notified of the property maintenance violations at this property. A meeting was held with the property owner at the property on February 17th 2010, and the violations were pointed out to the owner. On March 5, 2010, emergency action was taken at the building and the owner was ordered to secure and vacate the building of all tenants, employees, patrons and visitors and the sidewalks and alley were barricaded to protect the general public from potential injury due to broken window glass falling. In addition, substantial electrical systems and equipment violations were observed in the building and the electrical meters were ordered removed by Development Services. A licensed electrician was hired and a permit was issued to repair and replace the dangerous electrical equipment on the first floor. The broken windows were repaired or boarded up. A thirty (30) day temporary electrical release was issued and power was returned to the first floor. The hazardous conditions that were causing imminent danger to the occupants were abated and the first floor was permitted to be occupied on March 15th 2010.

A hearing was held by the Building and Standards Commission on March 31, 2010 and upon the preponderance of the evidence submitted to the Building and Standards Commission the Commission made the following findings:

- 1) That the structure is substandard; and
- 2) That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure can be rehabilitated; and
- 4) 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
- 5) 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
- 6) That all non permitted installations of partitions and ceilings be removed within sixty (60) days; and
- 7) That all non permitted mechanical systems be removed within sixty (60) days; and
- 8) That all broken window glass be removed and the openings be protected by covering with plywood within sixty (60) days; and
- 9) 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
- 10) That all non permitted storage and accumulations of materials, articles, trash and debris be removed within sixty (60) days; and
- 11) 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
- 12) That if the requirements of #4 through #11 are not complied with within sixty (60) days the structures certificate of occupancy be revoked and that the structure be vacated; and
- 13) That the structure be secured and maintained secure until rehabilitated; and
- 14) 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.

To date the Building and Standards Commission Order has not been complied with.

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

- 1) **That the owner of said property William Abraham (Trustee), for the Caples Land Company, LLC, 105 N. Oregon, El Paso, Texas, 79901 and Serhan Investments, Inc. (Lienholder), 2527 Morehead, El Paso, Texas, 79930 (the "Owners") were notified of the requirements of Section 18.50 and their need to comply with these requirements; and**
- 2) That After notification, the owner has failed to comply with the order that 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 can assess a civil penalty against the owner the amount not to exceed \$1,000 a day; and
- 5) That the owner has failed to comply with the order from May 31, 2010 through July 28, 2010 a total of 59 days.

The Department 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 \$500 a day for (59) fifty nine days during which time the Building and Standards Commission Order of March 31, 2010 was not complied with for a total of \$29,500; and
- 2) That the City Clerk file a certified copy of the Order with the District Clerk of the County of El Paso and
- 3) That the owner be placed on notice that continuing failure to comply with the Building and Standards Commission Order of March 31, 2010, may result in additional and more severe penalties; and

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **28th** day of **July, 2010** in the Council Chambers of City Hall, #2 Civic Center Plaza, 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.

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 Owner of the real property described herein.

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.

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.

According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Cynthia Osborn
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Inspector
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 **105 N. Oregon St.**, 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 _____, 2010 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 _____, 2010.

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.** was PUBLISHED in the official City newspaper on the ____day of _____, 2010.

Richarda Duffy Momsen

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

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

Date:
Time:

Inspector

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

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

Date:
Time:

Inspector

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

William J. Mounce
P. O. Box 1977
El Paso, Texas 79950

Date:
Time:

Inspector

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

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

Date:
Time:

Inspector

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

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

Date:
Time:

Inspector

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

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

Date:
Time:

Inspector

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

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

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **105 N. Oregon St.** 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 **105 N. Oregon St.** 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 **105 N. Oregon St.** 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 **105 N. Oregon St.** 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 **105 N. Oregon St.** 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 **105 N. Oregon St.** El Paso, Texas.

Date:
Time:

Inspector