

1701 N. STANTON



BUILDING AND STANDARDS BOARD AGENDA ITEM # 7 FOR
WEDNESDAY, July 28, 2010
DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
July 21, 2010

TO: The Honorable Chairman and Board Members

THROUGH: John Neal- The Interim Director of Code Enforcement

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

SUBJECT: 1701 N. Stanton, El Paso, Texas 79902

On March 31, 2010, a hearing was held before the Building and Standards Commission at City Council Chambers and it was found:

- 1) That the structures located on said property are an urban nuisance; and
- 2) That the structures located on said property are currently unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- 3) That the structures are not in substantial compliance with municipal ordinances regulating structural or service systems integrity and disposal of refuse; and
- 4) That the structures can be repaired; and

The Building and Standards Commission ordered the owner:

- 1) That the structures be secured and maintained secured within thirty (30) days; and
- 2) That an engineer be hired to submit plans within thirty (30) days and to repair the arbor within sixty (60) days; and
- 3) That the premises be cleaned and maintained cleaned of all weeds, trash, and debris within thirty (30) days; and

As of July 28, 2010:

- 1) The structures have not been secured; and
- 2) That an engineer was not hired to submit plans within thirty (30) days and to repair the arbor within sixty (60) days, however the arbor has been partially repaired without engineered plans or permits; and
- 3) That the premises has not been cleaned of all weeds trash and debris.

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

- 1) That the owner(s) of said property, Franklin Acquisition, L.L.C., 4800 North Stanton, #160, El Paso, Texas 79902; Herbert Ehrlich, Attorney at Law, Scherr, Legate & Ehrlich, P.L.L.C., 109 North Oregon Street, 12th Floor, El Paso, Texas 79901-1133; William David Abraham, P.O. Box 1797, El Paso, Texas 79949-1797; Katz Realty Company, Inc., 4050 Rio Bravo, Suite 201, El Paso, Texas 79902; and Robert Malooly, 930 Raynolds, El Paso, Texas 79903.

were notified of the requirements of the El Paso City Property Maintenance Code Chapter 18.50, and their need to comply with these requirements; and

- 2) That after notification and hearing, the owner has failed to fully comply with the March 31, 2010 Building and Standards Commission Order.

More specifically, that the owner has not complied with the Commission's Order:

- 1) That the structures be secured and maintained secured within thirty (30) days; and
- 2) That an engineer be hired to submit plans within thirty (30) days and to repair the arbor within sixty (60) days; and
- 3) That the premises be cleaned and maintained cleaned of all weeds, trash, and debris within thirty (30) days; and

Since the owner is not in substantial compliance with the Building and Standards order of March 31, 2010. The Department recommends that the Building and Standards Commission enter the following order:

Recommended order:

Since the owner is not in substantial compliance with the Building and Standards order of March 31, 2010. The Department recommends that the Building and Standards Commission enter the following order:

- 1) That the owner be assessed civil penalties in the amount of \$100 per day from May 31, 2010 through July 28, 2010, a total of fifty-nine (59) days, for a total amount of \$5,900. This figure is based on the fact that the owner is not in substantial compliance with the order and this sum is a reasonable amount required to bring the property into compliance with the order; and
- 2) That the City Clerk file a certified copy of the Order with the District Clerk of the County of El Paso.
- 3) That the owner be placed on notice that continued failure to comply with the Building and Standards Commission Order of March 31, 2010, may result in additional and more severe penalties.

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 **1701 N. Stanton St.**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lots 1 and 2, and the South 3.5 feet of Lot 3, Block 76, ALEXANDER ADDITION, an addition to the City of El Paso, El Paso County, Texas also known as 1701 N. Stanton, El Paso, Texas.

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, Franklin Acquisition, L.L.C. 4800 North Stanton, #160, El Paso, Texas 79902; Herbert Ehrlich, Attorney at Law, Scherr, Legate & Ehrlich, P.L.L.C., 109 North Oregon Street, 12th Floor, El Paso, Texas 79901-1133; William David Abraham, P.O. Box 1797, El Paso, Texas 79949-1797; Katz Realty Company, Inc., 4050 Rio Bravo, Suite 201, El Paso, Texas 79902; and Robert Malooly, 930 Raynolds, El Paso, Texas 79903 (the "**Owners**") are listed as the Owners 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 certify that a true and correct copy of the foregoing Notice regarding the property at **1701 N. Stanton St.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Franklin Acquisition, L.L.C.
4800 N. Stanton #160
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **1701 N. Stanton St.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

William David Abraham
P. O. Box 1797
El Paso, Texas 79949-1797

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **1701 N. Stanton St.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Herbert Ehrlich
Attorney at Law
Scherr, Legate & Ehrlich, P.L.L.C.
109 N. Oregon St. 12th Floor
El Paso, Texas 79901-1133

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **1701 N. Stanton St.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Katz Realty Company, Inc.
4050 Rio Bravo, Suite 201
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **1701 N. Stanton St.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Robert Malooly
930 Raynolds
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **1701 N. Stanton St.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Richard Esper
521 Texas
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **1701 N. Stanton St.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mr. John A. Schwartz, Trustee
415 N. Mesa
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **1701 N. Stanton St.** was HAND-DELIVERED to:

David Bingham
619 Arizona
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **1701 N. Stanton St.** was HAND-DELIVERED to:

Imperial Arms, J.V.
6040 Surety
El Paso, Texas 79905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **1701 N. Stanton St.** was HAND-DELIVERED to:

Robert T. Pearson
214 W. Franklin
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **1701 N. Stanton St.** was HAND-DELIVERED to:

Joseph (SIB) Abraham, Jr.
Attorney at Law
P. O. Box 512312
El Paso, Texas 79951-0004

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **1701 N. Stanton 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 **1701 N. Stanton 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 **1701 N. Stanton 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 **1701 N. Stanton 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 **1701 N. Stanton 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 **1701 N. Stanton St.** El Paso, Texas.

Date:
Time:

Inspector