

COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, JANUARY 25TH, 2005

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

January 7, 2005

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 770 Hempstead Drive (Rep. District #1)

Scheduling a public hearing to be held on March 1st, 2005 to determine if the property located at 770 Hempstead Drive in the City of El Paso (Legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of record as of December 6th, 2004, Karen Pamela Smythe, Mabel S. Haith, 770 Hempstead Drive, El Paso, Texas 79912, have been notified of the violations at this property. District #1

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: BUILDING PERMITS AND INSPECTIONS

AGENDA DATE: January 25th, 2005

CONTACT PERSON/PHONE: TOM MAGUIRE 541-4588

DISTRICT(S) AFFECTED: 1

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

**AUTHORIZE CITY MANAGER TO PLACE AN ITEM ON THE AGENDA REGARDING
THE PROPERTY AT 770 HEMPSTEAD DRIVE.**

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

**ITEM TO BE PLACED FOR CONSIDERATION BY COUNCIL TO DETERMINE IF
REFERENCED PROPERTY IS A HAZARD TO THE PUBLIC HEALTH, SAFETY AND
WELFARE.**

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

N/A

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA: _____

CITY MANAGER: _____

DATE: _____

COPY

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

**BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
October 15, 2004**

Karen P. Smythe & 1
770 Hempstead Dr.
El Paso, Texas 79912-7086

Re: 770 Hempstead Dr.
Lot: 1
Blk: 18, West Hills #4
Zoned: R-3
COD04-16557
Certified Mail Receipt #
7004 1160 0007 2325 5599

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 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

770 Hempstead Drive

- c. Boarded up, fenced, or otherwise secured in any manner in if:
 - i. The building constitutes a danger to the public even though secured entry, or
 - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 770 Hempstead Drive has the following violations:

- a. The walls have not been maintained in a safe manner free of holes and cracks.
- b. The roof structure has not been maintained free of defects that may cause leaks.
- c. The plumbing system is inadequate and does not meet minimum code requirements.
- d. The electrical system is inadequate and does not meet minimum code requirements.
- e. The HVAC system is inadequate and does not meet minimum code requirements.
- f. The structure is open and accessible to unauthorized entry.
- g. The premises are full of weeds, trash, and debris.
- h. 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.
- i. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

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.

770 Hempstead Drive

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.

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 black ink, appearing to read "Leo CassoLopez", written in a cursive style.

Leo CassoLopez
Building Inspector

LC/rl

U.S. Postal Service[™]
CERTIFIED MAIL[™] RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com
OFFICIAL USE

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

LC

Postmark Here

OCT 16 2004

Karen P. Smythe & 1
 770 Hempstead Dr.
 El Paso, Texas 79912-7086
 Re: 770 Hempstead Dr.

PS Form 3800, June 2002 See reverse for instructions

7004 1160 0007 2325 5599

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>1. Article Addressed to:</p> <p>Karen P. Smythe & 1 770 Hempstead Dr. El Paso, Texas 79912-7086 Re: 770 Hempstead Dr.</p> <p>LC</p>	<p>A. Signature <input checked="" type="checkbox"/> Agent</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Addressee</p> <p>C. Date of Delivery 11-3-04</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>
<p>2. Article Number (Transfer from service label)</p> <p>7004 1160 0007 2325 5599</p> <p>PS Form 3811, February 2004</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><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>

102595-02-M-1540

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 1 st day of March, 2005 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 770 Hempstead Dr., in El Paso, Texas, which property is more particularly described as:

Lot 1, Block 18, WEST HILLS UNIT FOUR, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 61, Page 31, Plat Records of El Paso County, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Karen Pamela Smythe, Mabel S. Haith, 770 Hempstead Dr., El Paso, TX, 79912 is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, 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 Titles 17 and 18 of the code as mandated by Section 18.52.040 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 City Council 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 City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council 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 Owner, 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 \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as 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; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner 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 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.

Adopted this 25th day of January, 2005.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lisa A. Hayes
Assistant City Attorney

Tom Maguire
Housing Compliance Supervisor

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated January 25, 2005 regarding the property located at 770 Hempstead, 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 _____, 2005 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 _____, 2005.

Notary Public

I certify that a true and correct copy of the foregoing Notice dated January 25, 2004 regarding the property at 770 Hempstead Dr., was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Randolph C. Henson, Trustee
3200 Southwest Freeway, Suite 2000
Houston, TX 77027

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated January 25, 2005 regarding the property at 770 Hempstead Dr., 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 dated January 25, 2005 regarding the property at 770 Hempstead Dr., 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 dated January 25, 2005 regarding the property at 770 Hempstead Dr., 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 was POSTED at 770 Hempstead Dr., El Paso, Texas.

Date: _____

Time: _____

Inspector

20050107 TC8006

CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS

112102

ACCOUNT W14599901800100
UNITS:01 03 06 07 08
SMYTHE, KAREN P & 1
770 HEMPSTEAD DR

AMT DUE AS OF: 20050107 ROLL R ALT OWN
OMIT(-)/SEL(+)
18 WEST HILLS #4
LOT 1
6529.16 SQ FT

EL PASO		TX 79912-7086			LAWSUIT 2004TX356		
ACRES	.1499	PARCEL ADDRESS			770 HEMPSTEAD DR		
YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEEES	PAYMENTS	TOTAL DUE
2004	83315	X V	2269.96	2269.96		.00	2269.96
2003	74327	X	1992.37	1992.37	848.74	.00	2841.11
2002	71519	Y	1893.49	1893.49	1067.94	.00	2961.43
2001	71519	Y	1867.31	1867.31	1310.85	.00	3178.16
2000	68877	Y	1737.10	1737.10	1832.17	.00	3569.27
1999	68877	Y	1729.93	09/29/2000	657.37	2387.30	.00
1998	68877	Y	1780.43	07/31/1999	635.61	2416.04	.00
1997	73427	Y	1784.36	12/12/1997		1784.36	.00
TOTAL			9760.23	9760.23	5059.70		
LAST PAYOR OWNER						PAGE TOTAL	14819.93
NOTE EXISTS		SUIT PENDING				CUMULATIVE TOTAL	14819.93
ENTER NEXT ACCOUNT							

EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT

ENVIRONMENTAL HEALTH

MEMORANDUM

DATE : October 21, 2004
MEMO TO: Tom Maguire, Housing Compliance Supervisor
FROM : Linda Gallegos, Environmental Health Inspector
SUBJECT: Condemnation Report
RE: 770 Hempstead Drive

An inspection of the property was conducted on October 20, 2004 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA:

N/A

SECTION 9.04.340 - ACCUMULATIONS:

Trash was visible on the front and back yards. Dry weeds were evident throughout front yard and some were noted in the back yard. Evidence of household chemical on counters inside the structure. Trash was also seen inside the house.

SECTION 9.16 - NUISANCE:

N/A

SECTION 9.16.010 - DESIGNATED:

N/A

SECTION 9.28 - RAT CONTROL:

No evidence of rodents were noted, but there is a potential for rodent harborage.

NOTE: The structure is not secure. It has broken windows in the front and some in the sides, also the perimeter wall has a very large hole and poses a safety hazard. There is evidence of on going vandalism.

If you require additional assistance on this matter, please call me at (915) 860-2378.