COUNCIL AGENDA ITEM # ___ FOR
TUESDAY, FEBRUARY 1ST, 2005

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

January 11, 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: 4001 Laredo Avenue (Rep. District #8)

Scheduling a public hearing to be held on February 22nd, 2004 to determine if the property located at 4001 Laredo Avenue 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 owner of record as of December 6th, 2004, Estate of Juana C. Saucedo, C/O Jesus & Cecilio Saucedo, 1117 Coral Palm Court, El Paso, Texas 79936, has been notified of the violations at this property. District #8

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

DEPARTMENT: BUILDING PERMITS AND INSPECTIONS

AGENDA DATE: FEBRUARY 1ST, 2005

CONTACT PERSON/PHONE: TOM MAGUIRE 541-4588

DISTRICT(S) AFFECTED: 8

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 4001 LAREDO AVENUE.

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: [signature] for the Director

(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
September 3, 2004

Juana C. Saucedo (EST)
C/O Jesus & Cecilio Saucedo
930 N. Clark Dr.
El Paso, Texas 79905-2143

Re: 4001 Laredo Ave.
Lots: 19 & 20
Blk: 44, Woodlawn
Zoned: A-3
COD04-14016
Certified Mail Receipt #
7004 0550 0000 7862 0327

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

4001 Laredo Avenue

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 4001 Laredo Avenue has the following violations:

a. The foundation has not been maintained in a safe manner.

b. The floors have not been maintained in a safe manner.

c. The walls have not been maintained in a safe manner free of holes and cracks.

d. The roof structure has not been maintained free of defects that may cause leaks.

e. The means of egress is/are inadequate and do not meet minimum code requirements.

f. The plumbing system is inadequate and does not meet minimum code requirements.

g. The electrical system is inadequate and does not meet minimum code requirements.

h. The HVAC system is inadequate and does not meet minimum code requirements.

i. The structure is open and accessible to unauthorized entry.

j. The premises are full of weeds, trash, and debris.

k. 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.

4001 Laredo Avenue

l. In the event you fail to correct these violations within 30 days, the case will be 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, secured, repaired or demolished as per Sec. 18.52.040.

m. 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.

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:

Edward G. Marquez
Building Inspector

EGM/rl

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: EM

Juana C. Saucedo (EST)
C/O Jesus & Cecilio Saucedo
930 N. Clark Dr.
El Paso, Texas 79905-2143
Re: 4001 Laredo Ave.

Lh #3

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☒ Addressee

B. Received by (Printed Name) | C. Date of Delivery 6-8-04

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

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7004 0550 0000 7862 0327

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

7004 0550 0000 7862 0327

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 Reciept Fee (Endorsement Required)	SEP 03 2004
Restricted Delivery Fee (Endorsement Required)	

EM

Postmark Here

Juana C. Saucedo (EST)
C/O Jesus & Cecilio Saucedo
930 N. Clark Dr.
El Paso, Texas 79905-2143
Re: 4001 Laredo Ave.

PS Form 3800, June 2002 See Reverse for Instructions

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 22nd day of February, 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 4001 Laredo Ave, in El Paso, Texas, which property is more particularly described as:

> Lots 19 and 20, Block 44, W. B. LATTA'S ADDITION TO THE City of El Paso, "WOODLAWN", an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 13, Page 53, Plat Records of El Paso County, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Estate of Juana C. Saucedo, C/O Jesus & Cecilio Saucedo, 11717 Corral Palm, El Paso, TX, 79936, 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 1st day of February, 2005.

APPROVED AS TO FORM:

Lisa A. Hayes
Assistant City Attorney

APPROVED AS TO CONTENT:

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 February 1st , 2005 regarding the property located at 4001 Laredo Ave, El Paso, TX, 79905, 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, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated February 1st, 2005 regarding the property located at 4001 Laredo Ave, was PUBLISHED in the official City newspaper on the ____day of_____, 2005.

_____
Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated February 1st, 2005 regarding the property at 4001 Laredo Ave, El Paso, TX, 79905, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

JUANA C. SAUCEDO, (DECEASED)
4001 LAREDO AVE
EL PASO, TX 79905

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated February 1st, 2005 regarding the property at 4001 Laredo Ave, El Paso, TX, 79905, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

JESUS E SAUCEDO & CECILIO SAUCEDO
11717 CORRAL PALM
EL PASO, TX 79936

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated February 1st, 2005 regarding the property at 4001 Laredo Ave, El Paso, TX, 79905, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

TORIBIO & ROSA O. MARTINEZ
4001 LAREDO AVE
EL PASO, TX 79905

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated February 1st, 2005 regarding the property at 4001 Laredo Ave, El Paso, TX, 79905, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

JESUS & CECILIO SAUCEDO
930 N. CLARK DR
EL PASO, TX 79905

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated February 1st, 2005 regarding the property at 4001 Laredo Ave, El Paso, TX, 79905, 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 February 1st, 2005 regarding the property at 4001 Laredo Ave, El Paso, TX, 79905, 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 February 1st, 2005 regarding the property at 4001 Laredo Ave, El Paso, TX, 79905, 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 4001 Laredo Ave, El Paso, TX, 79905, El Paso, Texas.

Date:_____

Time:_____

_____

Inspector

UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: September 3, 2004 **REP. DISTRICT:** 8

ADDRESS: 4001 Laredo Avenue **ZONED:** A-3

LEGAL DESCRIPTION: Lots 19 and 20, Block 44, W. B. Latta's Addition to the City of El Paso, "Woodlawn", an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 13, Page 33, Plat Records of El Paso County, Texas

OWNER: Estate of Juana Saucedo, C/O Jesus and Cecilio Saucedo **ADDRESS:** 1117 Coral Palm Court

BUILDING USE: Open and abandoned commercial building

TYPE OF CONSTRUCTION: V

FOOTINGS: Concrete footing with wood flooring
CONDITION: Unable to verify due to condition of building.

FOUNDATION WALL: N/A
CONDITION:

FLOOR STRUCTURE: Wood frame floor or nonexistent and slab on grade. May require an engineer to determine condition.
CONDITION:

EXTERIOR WALLS: 2 x 4 with plywood sheathing unfinished in some areas or stucco falling off walls.

HEIGHT: 8' **THICKNESS:** 4"

CONDITION: Severely damaged by weather

INTERIOR WALLS & CEILINGS: Nonexistent in some areas wood frame
CONDITION: Severely damaged by weather

ROOF STRUCTURE: Wood frame plywood sheathing and rolled roofing
CONDITION: Severely damaged by over exposure to weather and no maintenance.

DOORS, WINDOWS, ETC.: Wood frame doors severely damaged by weather and windows have metal and or wood frames missing or broken.
CONDITION:

MEANS OF EGRESS: N/A
CONDITION:

PLUMBING: Extremely poor. Unable to determine condition. May require a licensed plumber to verify condition.

ELECTRICAL: Non-existent. Unable to determine condition. May require a licensed electrician to verify condition.

MECHANICAL: Non-existent. Unable to determine condition. May require a mechanical contractor to verify condition.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 1

WARNING POSTED: Yes **BARRICADED:** No **POLICE AID REQD.:** No

REMARKS: This property is open and abandoned and is being frequented by unwanted ~~vermin.~~ People. The structure should be demolished and the property cleaned of all weeds, trash and debris.

Edward G. Marquez
Building Inspector