

**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: 3025 E. San Antonio Avenue (Rep. District #8)

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

- 1) First investigated October 1st, 2004. The building was found to be in an advanced state of disrepair. The building has been used as a harborage by unwanted persons.
- 2) A certified condemnation letter was mailed to Fermin Sosa.
- 3) Certified notices of the public hearing scheduled for February 1st, 2005 were mailed to the owners and all interested parties on January 5th, 2005.
- 4) There has been no response from the owner.

The Department recommends that it be found:

- 1) That the main structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the building is 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) Since no plans or documents have been submitted to indicate otherwise, the structure can not be repaired; and
- 5) That the main structure be demolished within 30 days; and
- 6) That the premises be cleaned of all weeds, trash, and debris within 30 days.

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

DEPARTMENT: BUILDING PERMITS AND INSPECTIONS

AGENDA DATE: FEBRUARY 1, 2005

CONTACT PERSON/PHONE: TOM MAGUIRE 541-4800

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.

APPROVE A RESOLUTION TO DECLARE THE PROPERTY AT 3025 E. SAN ANTONIO AVENUE UNFIT FOR USE OR HABITATION AND A HAZARD TO THE PUBLIC HEALTH, SAFETY AND WELFARE.

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?

APPROVE, DISAPPROVE OR POSTPONE DEPARTMENT RECOMMENDATIONS.

PRIOR COUNCIL ACTION:

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

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?

COST OF ACTION TO BE BILLED TO OWNER IF COUNCIL ORDER NOT COMPLIED WITH, LIEN PLACED ON PROPERTY, IF NECESSARY.

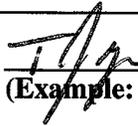
BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

N/A

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

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

DEPARTMENT HEAD:  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
October 1, 2004

Fermin Sosa
3025 E. San Antonio Ave.
El Paso, Texas 79905

Re: 3025 E. San Antonio Ave.
Lot: 13
Blk: B Moeller
Zoned: A-3
COD02-08583
Certified Mail Receipt #
7004 0550 0000 7862 2154

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

3025 E. San Antonio 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 3025 E. San Antonio 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.

3025 E. San Antonio Avenue

- 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.

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:



Sebastian Campos
Building Inspector

SC/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: **SC**

**Fermin Sosa
3025 E. San Antonio Ave.
El Paso, Texas 79905
Re: 3025 E. San Antonio Ave.**

LA #3

2. Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

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

7004 0550 0000 7862 2154

Receipt

102595-02-M-1540

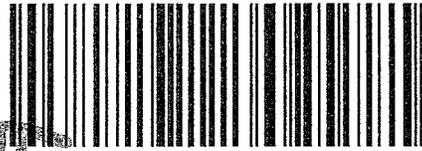
7004 0550 0000 7862 2154

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	<div style="font-size: 2em; font-weight: bold;">SC</div> <div style="font-weight: bold;">Postmark Here</div>
Certified Fee	
Return Receipt Fee <small>(Endorsement Required)</small>	
Restricted Delivery Fee <small>(Endorsement Required)</small>	
Fermin Sosa 3025 E. San Antonio Ave. El Paso, Texas 79905 Re: 3025 E. San Antonio Ave.	
PS Form 3800, June 2002 See Reverse for Instructions	

CERTIFIED MAIL™



The City of El Paso
Two Civic Center Plaza
El Paso, Texas 79901-1196



7004 0550 0000 7862 2154



**Building Permits and Inspections
Code Enforcement**

RETURN RECEIPT REQUESTED

Fermin Sosa
3025 E. San Antonio Ave.
El Paso, Texas 79905

- Moved, N
- No such i
- Wrong ad

OCT 05 2004
CITY OF EL PASO
BUILDING SERVICES

79905+3622542/1196



7004 0550 0000 7862 2154

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)	OCT 07 2004
Restricted Delivery Fee (Endorsement Required)	

SC
Postmark Here

Fermin Sosa
3025 E. San Antonio Ave.
El Paso, Texas 79905
Re: 3025 E. San Antonio 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 1st 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 3025 E. San Antonio Avenue, in El Paso, Texas, which property is more particularly described as:

Lot: 13, Block B, Moeller's Addition to Garden Subdivision of East El Paso, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 14, Page 21, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Martina Pulido Sosa, 3025 E. San Antonio Avenue, El Paso, Texas 79905, 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.

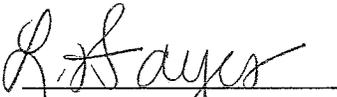
Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

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.

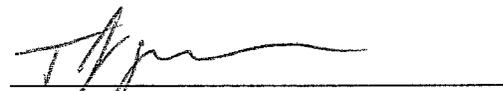
Adopted this 28th day of December, 2004.

APPROVED AS TO FORM:



Lisa A. Hayes
Assistant City Attorney

APPROVED AS TO CONTENT:



Tom Maguire
Housing Compliance Supervisor

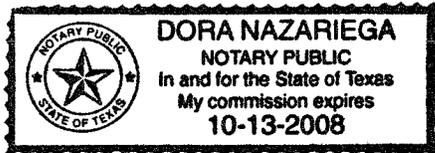
I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated December 28th, 2004 regarding the property located at 3025 E. San Antonio Avenue, was filed with the County Clerk's Office, the official public records of real property for El Paso County.

Diana Nuñez - Deputy City Clerk
for Richarda Duffy Momsen

Executed this 28TH day of December, 2004 on behalf of Deputy
the City of El Paso, Texas, by ~~Richarda Duffy Momsen~~ in her capacity as City Clerk.
Diana Nuñez

STATE OF TEXAS
COUNTY OF EL PASO

Subscribed and sworn to before me, this 28th day of December, 2004.



Dora Nazariega
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 December 28th, 2004 regarding the property located at 3025 E. San Antonio Avenue, was PUBLISHED in the official City newspaper on the 30TH day of December, 2004.

for
Diana Norez - Deputy City Clerk
Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated December 28th, 2004 regarding the property at 3025 E. San Antonio Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Martina Pulido Sosa
3025 E. San Antonio Ave.
El Paso, Texas 79905

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated December 28th, 2004 regarding the property at 3025 E. San Antonio Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Lorenzo and Amalia Vasquez
4102 Pershing Dr.
El Paso, Texas 79903

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated December 28th, 2004 regarding the property at 3025 E. San Antonio Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Fermin Sosa
5437 Fire Ridge Cir.
El Paso, Texas 79932

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated December 28th, 2004 regarding the property at 3025 E. San Antonio Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Frank J. Galvan, Jr.
306 Caples Building
El Paso, Texas 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated December 28th, 2004 regarding the property at 3025 E. San Antonio Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Lorenzo Vasquez
8526 Starling Dr.
El Paso, Texas 79907

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated December 28th, 2004 regarding the property at 3025 E. San Antonio Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Maria Sosa Villegas
3025 E. San Antonio Ave.
El Paso, Texas 79905

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated December 28th, 2004 regarding the property at 3025 E. San Antonio Avenue, 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 December 28th, 2004 regarding the property at 3025 E. San Antonio Avenue, 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 December 28th, 2004 regarding the property at 3025 E. San Antonio Avenue, 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 3025 E. San Antonio Avenue, El Paso, Texas.

Date: _____
Time: _____

Inspector

EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT

ENVIRONMENTAL HEALTH

MEMORANDUM

DATE: October 12, 2004

MEMO TO: Tom Maguire, Housing Compliance Supervisor

FROM: Jorge Ramirez, Sr. Environmental Health Inspector 

SUBJECT: Condemnation Report

RE: 3025 San Antonio Ave. 79901

An inspection of the property was conducted on October 11, 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:
Of garbage, tall vegetation, branches and broken glass were seen.

SECTION 9.16 - NUISANCE:
Strong urine odors were detected in front of the structure.

SECTION 9.16.010 - DESIGNATED:
N/A

SECTION 9.28 - RAT CONTROL:
This structure is vacant and decaying. Evidence of mice droppings was seen. The structure is right next to other occupied homes. This situation needs immediate attention.

If you require additional assistance on this matter, please call me at (915) 860-2378 or Fax (915) 860-1081.



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: 12-1-04

REP. DISTRICT: 8

ADDRESS: 3025 E. San Antonio Avenue

ZONED: A-3

LEGAL DESCRIPTION: Lot 13, Block B, Moeller's Addition to Garden Subdivision of East El Paso, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 14, Page 21, Plat Records of El Paso County, Texas

OWNER: Martina Pulido Sosa

ADDRESS: 3025 E. San Antonio Avenue

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Bad

CONDITION: Footings are cracked and deteriorated due to ground settlement.

FOUNDATION WALL: Foundation is made of native stone and reinforced.

CONDITION: Bad. Stone and concrete reinforcement has deteriorated, causing shifting on the building.

FLOOR STRUCTURE: Inside of house is made of wood slates and concrete slabs.

CONDITION: Bad concrete slabs.

EXTERIOR WALLS: Adobe and plaster.

HEIGHT: 8' to 10'

THICKNESS: 12" to 16"

CONDITION: Bad. Cracks on plaster.

INTERIOR WALLS & CEILINGS: Adobe and plaster.

CONDITION: Bad. Cracks on walls.

ROOF STRUCTURE: Wooden framing with rolled roof covering.

CONDITION: Bad. Water damage. Elements have caused cracks on roof leaks causing damage.

DOORS, WINDOWS, ETC.: Windows are constructed of wood.

CONDITION: Bad. Windows have deteriorated due to broken glass panes. Doors are split from routing weather conditions.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor.

PLUMBING: Bad. A licensed plumber should be hired to replace system.

ELECTRICAL: Bad. A licensed electrician should be hired to determine actual condition.

MECHANICAL: Bad. A licensed mechanical contractor should be hired to determine actual condition.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: No

BARRICADED: No

POLICE AID REQD.: No

REMARKS: The structure should be demolished and the property cleaned of all weeds, trash and debris.



Sebastian Campos

Building Inspector