

CITY CLERK DEPARTMENT
MAY 11 11 04

COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, MAY 4TH, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
April 28, 2004

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: 3106 Rivera Avenue (Rep. District #8)

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

- 1) First investigated February 4, 2004. The building was found to be open and abandoned and 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 Jose Madriles, 3106 Rivera Avenue, El Paso, Texas 79905.
- 3) Certified notices of the public hearing scheduled May 4, 2004 were mailed to the owners and all interested parties on April 9, 2004.
- 4) As of March 8, 2004, \$14,470.17 are owed in taxes.
- 5) There has been no response from the owner.

The Department recommends that it be found:

- 1) That the main structure and accessory building be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the buildings are 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) That the structure can be repaired; and
- 5) That the main structure and accessory building be demolished within 30 days; and
- 6) That the premises be cleaned of all weeds, trash, and debris within 30 days.

CITY CLERK DEPARTMENT
MAY 11 2004

5024

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
February 6, 2004

Jose Madriles
3106 Rivera Ave.
El Paso, Texas 79905-3520

Re: 3106 Rivera Ave.
Lots: 28 & 29
Blk: C, East El Paso
Zoned: A-3
COD04-01715
Certified Mail Receipt #
7003 1680 0000 1711 9224

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

3106 Rivera 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 3106 Rivera 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.

3106 Rivera 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.

If you have any plans, reports or current permits which pertain to the property, you must submit them prior to this hearing to Building Permits and Inspections or bring them to Council Chambers the day of the hearing. Without these documents, no extensions of the deadlines can be granted.

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:



Leo CassoLopez
Building Inspector

LCL/rl

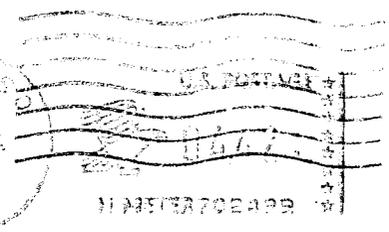


The City of El Paso
Two Civic Center Plaza
El Paso, Texas 79901-1196

Building Permits and Inspections
Code Enforcement



7003 1680 0000 1711 9224



NAME _____
L.S. NUMBER _____
JOB NUMBER _____
ISSUED _____

RETURN RECEIPT REQUESTED UNCLAIMED

L.M.I.
2-18-04

Jose Madriles
3106 Rivera Ave.
El Paso, Texas 79905-3520

79901/1196

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: *LC*

Jose Madriles
3106 Rivera Ave.
El Paso, Texas 79905-3520
Re: 3106 Rivera Ave.

Lh #3

2. Article Number

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

7003 1680 0000 1711 9224

Return Receipt

102595-02-M-1540

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

7003 1680 0000 1711 9224

Postage \$ _____
Certified Fee _____
Return Receipt Fee (Endorsement Required) **FEB 09 2004**
Restricted Delivery Fee (Endorsement Required) _____

LC

Postmark Here

Jose Madriles
3106 Rivera Ave.
El Paso, Texas 79905-3520
Re: 3106 Rivera 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 4th day of May, 2004 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 3106 Rivera Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 28 and 29, Block C, Supplemental Map No. 1 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 1, Page 51, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Jose Madriles, 3106 Rivera 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 owner, 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:

CERTIFIED MAIL RECEIPT #7003 2260 0002 9957 6736

- 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.

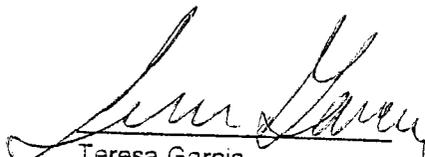
Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

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 6th day of April, 2004.

APPROVED AS TO FORM:


Teresa Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:


Tom Maguire
Housing Compliance Supervisor

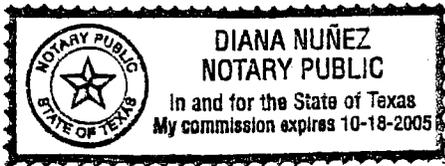
I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated April 6th, 2004 regarding the property located at 3106 Rivera Avenue, was filed with the County Clerk's Office, the official public records of real property for El Paso County.

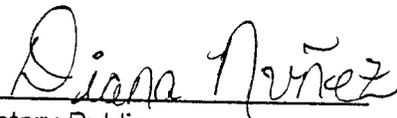

Richarda Duffy Momsen

Executed this 6th day of April, 2004 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 7th day of April, 2004.




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 April 6th, 2004 regarding the property located at 3106 Rivera Avenue, was PUBLISHED in the official City newspaper on the 8th day of April, 2004.


Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated April 6th, 2004 regarding the property at 3106 Rivera Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Jose Yadriles
3106 Rivera Ave.
El Paso, Texas 79905

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 6th, 2004 regarding the property at 3106 Rivera Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Louis J. Foght
DBA Phil's Plumbing Shop
7361 North Loop Dr.
El Paso, Texas 79915

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 6th, 2004 regarding the property at 3106 Rivera Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Rosa Clifford
203 E. 5th St., Apt. 302
Dallas, TX 75203

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 6th, 2004 regarding the property at 3106 Rivera Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Guadalupe Madriles Vega and Rosa Maria Madriles Clifford
C/O Frank J. Galvan
306 San Antonio Ave.
El Paso, Texas 79901

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 6th, 2004 regarding the property at 3106 Rivera 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 April 6th, 2004 regarding the property at 3106 Rivera 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 April 6th, 2004 regarding the property at 3106 Rivera 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
3106 Rivera Avenue, El Paso, Texas.

Date: _____

Time: _____

Inspector

NARRO
 1st Notice 4-15
 2nd Notice 4-21
 RETURN

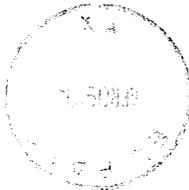
Jose Yadriles
 3106 Rivera Ave.
 El Paso, Texas 79905

RETURN RECEIPT REQUESTED

793 2260 0002 9957 6736



U.S. POSTAGE
 METROPOSTAGE



UNCLAIMED
 Code Enforcement

Building Permits and Inspections

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



7936 957 2002 0922 0007

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)	APR 20 2004

Postmark Here: LC

Jose Yadriles
 3106 Rivera Ave.
 El Paso, Texas 79905
 Re: 3106 Rivera Ave.

PS Form 3800, June 2002 See Reverse for Instructions

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: LC

Jose Yadriles
 3106 Rivera Ave.
 El Paso, Texas 79905
 Re: 3106 Rivera Ave.

2. Article Number: 7936 957 2002 0922 0007

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

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

4. Restricted Delivery? (Extra Fee) Yes



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: April 7, 2004

REP. DISTRICT: 8

ADDRESS: 3106 Rivera Ave.

ZONED: A-3

LEGAL DESCRIPTION: Lots: 28 and 29, Block C, Supplemental Map No. 1 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 1, Page 51, Plat Records of El Paso County, Texas.

OWNER: Jose Madriles **ADDRESS:** 3106 Rivera Ave., El Paso, Texas 79905

BUILDING USE: Abandoned, single-family dwelling

TYPE OF CONSTRUCTION: V, Brick walls with wood frame roof.

FOOTINGS: Unable to determine.

CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: Stone

CONDITION: Fair. Signs of cracks on the walls indicate possible settlement of footings and foundation walls. A structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: Wood frame with wood planks

CONDITION: Unable to determine condition due to floor covering.

EXTERIOR WALLS: Brick.

HEIGHT: 10'

THICKNESS: 10" +/-

CONDITION: Poor. There are many crack on the walls. A structural engineer should be hired to evaluate condition and make recommendations.

INTERIOR WALLS & CEILINGS: Wood frame, plaster, drywall.

CONDITION: Bad – There are many cracks on the walls and water damage ceilings.

ROOF STRUCTURE: Wood frame, build-up roofing.

CONDITION: Bad. Need to replace the roof.

DOORS, WINDOWS, ETC.: Wooden doors, and wood frame windows.
CONDITION: Extremely poor. All doors and glass on windows need to be replaced.

MEANS OF EGRESS: Does not meet code.
CONDITION: Poor.

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

ELECTRICAL: Extremely poor. A licensed electrical contractor should be hired to bring system up to code.

MECHANICAL: Non-existent. A licensed mechanical contractor should be hired to make repairs to comply with code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

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

REMARKS: The structure should be demolished and the property cleaned of all weeds, trash and debris. A structural engineer should be hired to evaluate all structural aspects, if the structure is to be renovated.



Leo Casso-Lopez
Building Inspector



Code Enforcement - EDD04-01715 - State DE

_ | 0 | X

Name: MADRILES, JOSE * Updated: 2/4/2

Address: 3106 RIVERA

Description: Master # COD04-01715 Project: []

Open and abandoned

Contact: RL []

Complainant Name: []

Source: Patrol []

Complaint Submitted Via: []

Complaint: [] Received: []

Violation: [] Compliance Due: []

View / Edit Activity

Activity: 0040 Desc: Refer to Fire

Updated: 2/19/2004 931

Disposition: DONE

Hold Level: No hold

Dates

Date Referred: 2/10/2004

Calendar Tag: FDCM

Date Received: 2/10/2004

Report Tag: []

Date Completed: 2/19/2004

Assigned To: 931

Done By: 931

Notes:

This is a masonry, wood frame structure, unoccupied and unsecure at this time. Doors and windows open or broken, old dry wood and tires in yard. This structure is a life, health and severe fire hazard and recommendation is for demolishment as

X-Coordinate: []

Y-Coordinate: []

Activity for EDD04-01715

Description	Menu Code	Date1	Date2	Date3	Disp	Done By	Notes
Web - Open Case for WOPC				3/8/2004	DONE	LCL	Title search 3/3/04
30 Day Notice	C605			3/8/2004	DONE	LCL	Letter #3 on 2/9/04
Refer to Fire	B0040	2/10/2004	2/10/2004	2/19/2004	DONE	931	This is a masonry, wo
Enforcement Inv Report	A5			2/4/2004			
Complaint Received	A0010			2/4/2004		RL	

EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT

ENVIRONMENTAL HEALTH

MEMORANDUM

DATE: February 11, 2004

MEMO TO: Tom Mcguire, Housing Compliance Supervisor

FROM: Samuel Jarvis, Sr. Environmental Health Inspector

SUBJECT: Condemnation Report

Re: 3106 Rivera Avenue

An inspection of the property was conducted on February 10, 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
Trash was noted around the solid waste storage area.

SECTION 9.04.340 - ACCUMULATIONS
Old furniture, tree stumps, weeds and trash were noted on the property.

SECTION 9.16 - NUISANCE
The tree stumps and the old furniture, weeds and trash are creating vermin harborage and are an eye sore to the public.

SECTION 9.16.010 - DESIGNATED
The building has been abandoned and has not been maintained for a long time. Broken windows and structural damage were noted. The building is not secure and poses a safety hazard to the surrounding neighbors.

SECTION 9.28 - RAT CONTROL
N/A

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

20040308 TC8006

CITY OF EL PASO TAX OFFICE

- ACCOUNT STATUS

144008

ACCOUNT E014999000C3600
UNITS:01 06 07 08 03
MADRILES, JOSE

AMT DUE AS OF: 20040308 ROLL R ALT OWN
OMIT(-)/SEL(+)
* C EAST EL PASO
28 & 29
(7000 SQ FT)

3106 RIVERA AVE

EL PASO		TX 79905-3520			LAWSUIT 2002TX798		
ACRES	.1607	PARCEL ADDRESS			3106 RIVERA		
YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEES	PAYMENTS	TOTAL DUE
2003	36047		1090.50	1090.50	276.44	.00	1366.94
2002	36047		1083.18	1083.18	486.33	.00	1569.51
2001	36047		1069.10	1069.10	627.55	.00	1696.65
2000	49731		1435.34	1435.34	1040.63	.00	2475.97
1999	49731		1431.08	1431.08	1235.03	.00	2666.11
1998	49731	YY Y	454.74	454.74	455.19	.00	909.93
1997	49731		435.08	435.08	420.50	.00	855.58
1996	49731		434.49	434.49	459.91	.00	894.40
1995	49731		432.39	432.39	611.83	.00	1044.22
TOTAL			7865.90	7865.90	5613.41		

LAST PAYOR NONE

PAGE TOTAL

13479.31

NOTE EXISTS

SUIT PENDING

CUMULATIVE TOTAL

14470.17

MORE YEARS ON NEXT PAGE

20040308 TC8006 CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS 144012

ACCOUNT E014999000C3600
UNITS:01 06 07 08 03
MADRILES, JOSE

AMT DUE AS OF: 20040308 ROLL R ALT OWN
OMIT(-)/SEL(+)
C EAST EL PASO
28 & 29
(7000 SQ FT)

3106 RIVERA AVE

EL PASO		TX 79905-3520				LAWSUIT 2002TX798
ACRES	.1607		PARCEL ADDRESS			3106 RIVERA
YEAR GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEEES	PAYMENTS	TOTAL DUE
1993	38963	298.64	298.64	692.22	.00	990.86

	TOTAL	298.64	298.64	692.22		
LAST PAYOR NONE					PAGE TOTAL	990.86
NOTE EXISTS	SUIT PENDING				CUMULATIVE TOTAL	14470.17
END OF YEARS FOR THIS ACCOUNT						