RECEIVED
JUL 28
CITY OF EL PASO
CITY CLERK'S OFFICE

COUNCIL AGENDA ITEM # ___ FOR
TUESDAY, AUGUST 3RD , 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

July 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: 10600 Michelle Lane (Rep. District #4)

Scheduling a public hearing to be held on August 31st , 2004 to determine if the property located at 10600 Michelle Lane 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 July 6th , 20-04, Charles E. Martin, 10600 Michelle Lane, El Paso, Texas 79924, has been notified of the violations at this property. District #4

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
June 4, 2004

Charles E. & Caroline Martin

Re: 10600 Michelle Ln.
Lot: 43
Blk: 27, Apollo Heights
Zoned: R-3S
COD04-07280
Certified Mail Receipt #
7003 2260 0002 9957 0819

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

10600 Michelle Lane

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 10600 Michelle Lane has the following violations:

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

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

c. 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.

d. 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:

Bill Stern
Building Inspector

BS/rl

ENDER: 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.

Article Addressed to: BS

Charles E. & Caroline Martin

I 14

Lt #3

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

Article Number
(*Transfer from service label*) 7003 2260 0002 9957 0819

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

7003 2260 0002 9957 0819

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)	JUN 07 2004
Restricted Delivery Fee (Endorsement Required)	

BS

Postmark Here

Charles E. & Caroline Martin

PS Form 3800, June 2002 See Reverse for Instructions

7992 4 1814 67

JUN 14 2004

Building Permits and Inspections
Code Enforcement

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

7003 2260 0002 9957 0819

RETURN RECEIPT REQUESTED

Charles E. & Caroline Martin
10600 Michelle Ln.
El Paso, Texas 79924-1814

CERTIFIED MAIL

PM 07 JUN 2004

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 31st day of August, 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 10600 Michelle Lane, in El Paso, Texas, which property is more particularly described as:

> Lot: 43, Block 27, Apollo Heights Unit Eight, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 49 Page 17 Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Charles E. Martin, 10600 Michelle Lane, El Paso, Texas 79924, 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 3rd day of August, 2004.

APPROVED AS TO FORM:

Marvin Foust
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 August 3rd , 2004 regarding the property located at 10600 Michelle Lane, 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 _____, 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 ____ day of _____, 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 August 3rd , 2004 regarding the property located at 10600 Michelle Lane, was PUBLISHED in the official City newspaper on the ____ day of_____, 2004.

_____
Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated, August 3rd , 2004 regarding the property at 10600 Michelle Lane, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Charles and Caroline Martin

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 3rd , 2004 regarding the property at 10600 Michelle Lane, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Ida Subia

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 3rd , 2004 regarding the property at 10600 Michelle Lane, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Matthew Turner

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 3rd , 2004 regarding the property at 10600 Michelle Lane, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Guadalupe Zubia

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 3rd , 2004 regarding the property at 10600 Michelle Lane, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Great Financial Bank

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 3rd , 2004 regarding the property at 10600 Michelle Lane, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Caroline A. Martin

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 3rd , 2004 regarding the property at 10600 Michelle Lane, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Charles E. and Wendie M. Martin

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 3rd , 2004 regarding the property at 10600 Michelle Lane, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Lincoln Senice Management

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 3rd , 2004 regarding the property at 10600 Michelle Lane, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Charles E. Martin, Jr.

'36

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 3rd , 2004 regarding the property at 10600 Michelle Lane, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Windy Martin

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 3rd , 2004 regarding the property at 10600 Michelle Lane, 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 August 3rd , 2004 regarding the property at 10600 Michelle Lane, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
ıd

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated August 3rd , 2004 regarding the property at 10600 Michelle Lane, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

El Paso Central Appraisal District
5

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 10600 Michelle Lane, El Paso, Texas.

Date:_____
Time:_____

_____
Inspector

20040728 TC8006 CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS 160323

ACCOUNT A64299902708500 AMT DUE AS OF: 20040728 ROLL R ALT OWN
UNITS:01 03 06 07 08 OMIT(-)/SEL(+)
MARTIN, CHARLES E & CAROLINE 27 APOLLO HEIGHTS
LOT 43
10600 MICHELLE LN (7878 SQ FT)

EL PASO TX 79924-1814
ACRES .1808 PARCEL ADDRESS 10600 MICHELLE LN

YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEES	PAYMENTS	TOTAL DUE
2003	69456		2101.21	12/15/2003		2101.21	.00
2002	65674		1973.42	12/19/2002		1973.42	.00
2001	65674		1947.76	12/23/2001		1947.76	.00
2000	63638		1836.72	12/29/2000		1836.72	.00
1999	63638		1831.27	12/20/1999		1831.27	.00
1998	63638		1890.92	12/21/1998		1890.92	.00
1997	65522		1809.13	12/24/1997		1809.13	.00
	TOTAL		.00	.00	.00		

LAST PAYOR TRANSAMERICA R.E. TAX SVC. PAGE TOTAL .00
CUMULATIVE TOTAL .00

ENTER NEXT ACCOUNT