

COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, OCTOBER 26TH, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

October 22, 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: 2608-2610 Aurora Avenue AKA 2608 Aurora Avenue #1 & #2 and
2610 ½ Aurora Avenue (Rep. District #2)

Scheduling a public hearing to be held on November 16th, 2004 to determine if the property located at 2608-2610 Aurora Avenue AKA 2608 Aurora Avenue #1 & #2 and 2610 ½ Aurora 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 owners of record as of August 23rd, 2004, Hector Correa and Bertha Correa, 3116 Aurora Avenue, El Paso, Texas 79930, have been notified of the violations at this property. District #2

04 OCT 22 AM 11

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING JR.
DISTRICT NO. 2

JOSE ALEXANDRÒ 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
August 3, 2004

Hector & Bertha A. Correa
3116 Aurora Ave.
El Paso, Texas 79930-4402

Re: 2608-2610 Aurora Ave.
AKA 2608 Aurora Ave. #1 & 2
Lots: 27 & E 23 Ft. of 28
Blk: 85, Highland Park
Zoned: R-4
COD04-11278
Certified Mail Receipt #
7003 2260 0002 9957 4909

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

2608-2610 Aurora Avenue AKA 2608 Aurora Avenue #1 & 2

- 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 2608-2610 Aurora Avenue AKA 2608 Aurora Avenue #1 & 2 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 premises are full of weeds, trash, and debris.
- j. 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.

2608-2610 Aurora Avenue AKA 2608 Aurora Avenue #1 & 2

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", with a stylized flourish at the end.

Leo CassoLopez
Building Inspector

LC/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: **LC**

Hector & Bertha A. Correa
 3116 Aurora Avenue
 El Paso, Texas 79930-4402
 Re: 2608-2610 Aurora Ave. AKA
 2608 Aurora Ave. #1 & 2

LC #3

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *Hector Correa* Agent Addressee

B. Received by (Printed Name) *HECTOR CORREA* C. Date of Delivery *8-2-04*

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) **7003 2260 0002 9957 4909**

PS Form 3811, February 2004 Domestic Return Receipt PSN 595-02-M-1540

7003 2260 0002 9957 4909

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)	AUG 03 2004
Restricted Delivery Fee (Endorsement Required)	

LC

Postmark Here

Hector & Bertha A. Correa
 3116 Aurora Avenue
 El Paso, Texas 79930-4402
 Re: 2608-2610 Aurora Ave. AKA
 2608 Aurora Ave. #1 & 2

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
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DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN RÓJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
August 4, 2004

Hector & Bertha A. Correa
3116 Aurora Ave.
El Paso, Texas 79930-4402

Re: 2608-2610 Aurora Ave.
AKA 2610 ½ Aurora Ave.
Lots: 27 & E 23 Ft. of 28
Blk: 85, Highland Park
Zoned: R-4
COD04-11279
Certified Mail Receipt #
7003 2260 0002 9957 4848

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

2608-2610 Aurora Avenue AKA 2610 ½ Aurora 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 2608-2610 Aurora Avenue AKA 2610 ½ Aurora 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 premises are full of weeds, trash, and debris.
- j. 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.

2608-2610 Aurora Avenue AKA 2610 1/2 Aurora Avenue

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:

A handwritten signature in black ink, appearing to read "Edward Marquez", with a stylized flourish at the end.

Edward Marquez
Building Inspector

EM/rl

7003 2260 0002 9957 4848

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 \$		EM
Certified Fee		
Return Receipt Fee (Endorsement Required)	AUG 05 2004	
Restricted Delivery Fee (Endorsement Required)		

Postmark Here

Hector & Bertha A. Correa
 3116 Aurora Ave.
 El Paso, Texas 79930-4402
 Re: 2608-2610 Aurora Ave. AKA
 2610 1/2 Aurora Avenue

PS Form 3811, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>x <i>Hector Correa</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery</p> <p><i>H. CORREA</i> <i>8-6-04</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>
<p>1. Article Addressed to: <i>EM</i></p> <p>Hector & Bertha A. Correa 3116 Aurora Ave. El Paso, Texas 79930-4402 Re: 2608-2610 Aurora Ave. AKA 2610 1/2 Aurora Avenue</p> <p><i>LA #3</i></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</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7003 2260 0002 9957 4848</p>

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 16th day of November, 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 2608-2610 Aurora Avenue AKA 2608 Aurora Avenue #1, #2 & 2610½ Aurora Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 27 and the East 23 feet of Lot 28, Block 85, Third Amended Map of Highland Park Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 13, Page 8, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Hector Correa and Bertha Correa, 3116 Aurora Avenue, El Paso, Texas 79930, are listed as the Owners of the real property described herein.

The Owners of said property are 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 Owners, 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 Owners fail, neglect or refuse 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 Owners, 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 Owners 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 Owners show that the property is the Owner's lawful homestead and;
- III) the Owners 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 Owners 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 26th day of October, 2004.

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 October 26th, 2004 regarding the property located at 2608-2610 Aurora Avenue AKA 2608 Aurora Avenue #1, #2 & 2610½ Aurora 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 ____ 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 October 26th, 2004 regarding the property located at 2608-2610 Aurora Avenue AKA 2608 Aurora Avenue #1, #2 & 2610½ Aurora Avenue, 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 October 26th, 2004 regarding the property at 2608-2610 Aurora Avenue AKA 2608 Aurora Avenue #1, #2 & 2610½ Aurora Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Hector Correa
3116 Aurora Ave.
El Paso, Texas 79930

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated October 26th, 2004 regarding the property at 2608-2610 Aurora Avenue AKA 2608 Aurora Avenue #1, #2 & 2610½ Aurora Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Bertha Correa
3116 Aurora Ave.
El Paso, Texas 79930

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated October 26th, 2004 regarding the property at 2608-2610 Aurora Avenue AKA 2608 Aurora Avenue #1, #2 & 2610½ Aurora Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Charles P. Guidry and Dixie Laverne Guidry
2617 Samoa St.
El Paso, Texas 79925

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated October 26th, 2004 regarding the property at 2608-2610 Aurora Avenue AKA 2608 Aurora Avenue #1, #2 & 2610½ Aurora Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Frank J. Galvan Jr., Trustee
521 Chelsea St.
El Paso, Texas 79905

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated October 26th, 2004 regarding the property at 2608-2610 Aurora Avenue AKA 2608 Aurora Avenue #1, #2 & 2610½ Aurora 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 October 26th, 2004 regarding the property at 2608-2610 Aurora Avenue AKA 2608 Aurora Avenue #1, #2 & 2610½ Aurora 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 October 26th, 2004 regarding the property at 2608-2610 Aurora Avenue AKA 2608 Aurora Avenue #1, #2 & 2610½ Aurora 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
2608-2610 Aurora Avenue AKA 2608 Aurora Avenue #1, #2 & 2610½ Aurora Avenue, El Paso,
Texas.

Date: _____

Time: _____

Inspector