COUNCIL AGENDA ITEM # ___ FOR
TUESDAY, MARCH 30TH , 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

March 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: 148-150 N. Brown Street (Rep. District #8)

Scheduling a public hearing to be held on April 20th , 2004 to determine if the property located at 148-150 N. Brown Street 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 March 10th , 2004, Carlos Escobedo, 10540 Kendall Street, El Paso, Texas 79924, has been notified of the violations at this property. District #8

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 20th day of April, 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 148-150 N. Brown Street, in El Paso, Texas, which property is more particularly described as:

Lots: S 75 Ft. of 1 to 3 and 75 Ft. of W 15 Ft. of 4, Block 32, Franklin Heights

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Carlos Escobedo, 10540 Kendall Street, 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 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:

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 30th day of March, 2004.

APPROVED AS TO FORM:

Teresa Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:

Tom Maguire
Housing Compliance Supervisor

CONDEMNATION REPORT

BUILDING SERVICES DEPARTMENT

DATE OF EXAMINATION: 12/19/01 **REP. DISTRICT:** 8

ADDRESS: 148-150 N. Brown St. AKA 150 N. Brown St. **ZONED:** C-4

LEGAL DESCRIPTION: Block 32, Franklin Heights, S 75 ft. of 1 to 3 & S 75 ft. of W 15 ft. of 4

OWNER: Carlos Escobedo

BUILDING USE: Abandoned duplex

TYPE OF CONSTRUCTION: III

FOOTINGS: Reinforced concrete
FEASIBLE TO REPAIR: No
CONDITION: Fair. There is no evidence of structural failure. A licensed professional engineer should be hired to examine all structural elements of the building.

FOUNDATION WALL: Native stone rubble masonry
FEASIBLE TO REPAIR: No
CONDITION: Poor. The mortar is soft and crumbling.

FLOOR STRUCTURE: Wood framing with wood flooring
FEASIBLE TO REPAIR: No.
CONDITION: Very poor. The floor is partially burned and feels very soft, possibly due to water damage from roof leaks and broken out windows.

EXTERIOR WALLS: HEIGHT: 10-18' **THICKNESS:** 12"
FEASIBLE TO REPAIR: No
CONDITION: Poor. Fire and water damage and neglect have led to possible compromise of the strength of the outside walls. An engineer's report must be obtained for all structural elements.

INTERIOR WALLS & CEILINGS: Wood framing with plaster and sheetrock
FEASIBLE TO REPAIR: No
CONDITION: All of the walls and ceilings are damaged some from leaks and vandalism, others from fire. The walls must be replaced or repaired to meet code.

ROOF STRUCTURE: Wood frame and brick - asphalt roofing
FEASIBLE TO REPAIR: No
CONDITION: Time and neglect are evident in the condition of the roof. A thorough inspection of the roof structure must be made to determine what must be done to comply with code.

DOORS, WINDOWS, ETC.: Wood doors and windows
FEASIBLE TO REPAIR: No
CONDITION: The doors and windows are damaged or missing and must be replaced with code compliant units.

MEANS OF EGRESS: Concrete stairs in front, wood balcony and metal stairs in the back
FEASIBLE TO REPAIR: No
CONDITION: The rear balcony is badly deteriorated and must be completely replaced. Railings must be installed in the front.

PLUMBING: Fixtures broken and missing.

ELECTRICAL: Inadequate and damaged by vandals and fire must be replaced by a licensed electrician.

MECHANICAL: HVAC system not adequate. New system must be designed by a licensed HVAC contractor.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

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

REMARKS: This building has been open and abandoned for years. It has been the setting for drug use, gang activity, sexual assault and arson. I recommend that the structure be demolished and the lot cleaned of all weeds, trash and debris.

Tom Maguire
Inspector

JOE WARDY
MAYOR

CITY COUNCIL

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DISTRICT NO. 1

ROBERT A. CUSHING Jr.
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ANTHONY COBOS
DISTRICT NO. 8

BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
March 16, 2004

Carlos Escobedo
10540 Kendall St.
El Paso, Texas 79924-1908

Re: 150 N. Borwn St.
Lots: S 75 Ft. of 1 to 3 &
S 75 Ft. of W 15 Ft. of 4
Blk: 32, Franklin Heights
Zoned: C-4
00-04-0303
Certified Mail Receipt #
7003 2260 0002 9957 5654

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

150 N. Brown Street

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 150 N. Brown Street 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. 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.

150 N. Brown Street

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.

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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