CITY CLERK DEPARTMENT
2004 APR 14 PM 3 26

COUNCIL AGENDA ITEM # ___ FOR
TUESDAY, APRIL 20TH, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
April 13, 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: 111 Buena Vista Street (Rep. District #3)

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

1) First investigated August 20th, 2003. The building was found to be in an advanced state of disrepair.
2) A certified condemnation letter was mailed to Charles Jr. & Doreen Wylie AKA Charles Jr. & Doreen Wiley, 7309 O'Dell Drive, El Paso, Texas 79934.
3) Certified notices of the public hearing scheduled April 20th, 2004 were mailed to the owners and all interested parties on April 1st, 2004.
4) As of April 2nd, 2004, $2,131.31 are owed in taxes.
5) There has been insufficient action by 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 can be repaired; and
4) That the main structure and accessory structures be secured within 30 days and maintained secure; and
5) That the premises be cleaned of all weeds, trash, and debris within 30 days.

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
August 27, 2003

Charles & Doreen Wylie
7309 O'Dell Dr.
El Paso, Texas 79934

Re: 111 Buena Vista St.
Lot: 4
Blk: 2, Clardy #1
Zoned: R-4
COD03-12487
Certified Mail Receipt #
7002 2030 0005 7056 1941

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the main and accessory structures are 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

c. Boarded up, fenced, or otherwise secured in any manner in if:

111 Buena Vista Street

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 111 Buena Vista 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. 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 thirty (30) days from receipt of this letter.

l. In the event you fail to correct these violations within 30 days, the case will be 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, secured, repaired or demolished as per Sec. 18.52.040.

111 Buena Vista Street

m. 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:

Timothy H. Grabe
Building Inspector

THG/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: T6

Charles & Doreen Wylie
7309 O'Dell Dr.
El Paso, Texas 79934
Re: 111 Buena Vista St.

Lt #3

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ 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

EL PASO TX 2003

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) 7002 2030 0005 7056 1941

PS Form 3811, August 2001 Domestic 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

Postage	$
Certified Fee	
Return Reciept Fee (Endorsement Required)	AUG 29 2003
Restricted Delivery Fee (Endorsement Required)	

T6

Postmark Here

7002 2030 0005 7056 1941

Charles & Doreen Wylie
7309 O'Dell Dr.
El Paso, Texas 79934
Re: 111 Buena Vista St.

PS Form 3800, June 2002 See Reverse for Instructions

COPY

UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: 8/20/03 **REP. DISTRICT:** 8

ADDRESS: 111 Buena Vista Street **ZONED:** R-4

LEGAL DESCRIPTION: Lot 4, Block 2, Clardy #1

OWNER: Charles & Doreen Wylie **ADDRESS:** 7309 O'Dell Dr.

BUILDING USE: Residential

TYPE OF CONSTRUCTION: V – Wood frame, masonry

FOOTINGS: Reinforced concrete
CONDITION: Poor – masonry separating. A structural engineer should be hired to evaluate and make recommendations as to repairs.

FOUNDATION WALL: Concrete, rock
CONDITION: Poor – masonry separating. A structural engineer should be hired to evaluate and make recommendations as to repair.

FLOOR STRUCTURE: Concrete, 2 x 6 wood framing and wood sheathing.
CONDITION: Poor. Areas sagging and some areas need replacing.

EXTERIOR WALLS: Concrete, stone
HEIGHT: 8' **THICKNESS:** 12"
CONDITION: Poor. Some areas are crumbling. A structural engineer should be hired to evaluate and recommend repairs.

INTERIOR WALLS & CEILINGS: 2 x 4 Wood frame, plaster
CONDITION: Poor. Numerous cracks and separation.

ROOF STRUCTURE: Asphalt shingles, wood sheathing.
CONDITION: New roof needed including sheathing replaced.

DOORS, WINDOWS, ETC.: Wood sash, casement windows, wood doors
CONDITION: Poor. Wood needs replacing, broken panes, doors need replacing.

MEANS OF EGRESS: Windows, doors
CONDITION: Windows don't meet 22" x 24" standard

PLUMBING: Water is off. A licensed plumber should be hired to evaluate and/or repair.

ELECTRICAL: Electricity is off. A licensed electrician should be hired to evaluate and bring electrical system up to code.

MECHANICAL: Swamp cooler needs replacing. A licensed mechanical contractor should be hired to evaluate and make repairs to mechanical system.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 3

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

REMARKS: Main structure should be evaluated by a structural engineer to determine feasibility to repair and needs to be secured. Accessory structure has 3 tenants. The accessory structure doesn't meet minimum housing standards and needs to be brought up to code. Additional accessory structures need to be permitted or removed. Property needs to be cleaned of all weeds, trash, debris and junk vehicles.

Timothy H. Grabe
Building Inspector

El Paso Fire Department
Fire Prevention

To: Building Inspector Supervisor
Department: Building Services, Code Enforcement
From: Anastacio Moreno, Fire Inspector
Date: September 5, 2003

Condemnation Report

Address: 111 Buena Vista
Legal Description: Block 2, Clardy #1, Lot4

Conditions Found:

	Good	Fair	Poor
Doors			xxxxx
Windows			xxxxx
Walls			xxxxx
Roof			xxxxx
Interior			xxxxx
Grounds			xxxxx
Other			xxxxx

Disposition: This structure is an old rock and masonry structure Structure is open and unsecured. There are broken windows. There are two junked vehicles in backyard. There is tall brush and overgrowth throughout. There are some combustibles stored inside structure.

Recommendations: This property is a life, health, and safety hazard. Structure must be secured until demolition or needed repairs can be carried out.

Attachments:

EL PASO CITY-COUNTY HEALTH &ENVIRONMENTAL DISTRICT

ENVIRONMENTAL HEALTH

MEMORANDUM

DATE: September 4, 2003

MEMO TO: Tom McGuire, Housing Compliance Supervisor

FROM: Jorge Ramirez, Sr. Environmental Health Inspector JR

SUBJECT: Condemnation Report

RE: 111 Buena Vista St. 79905

An inspection of the property was conducted on September 3,2003 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 tall vegetation, debris and a junk vehicle were seen.

SECTION 9.16 – NUISANCE:
N/A

SECTION 9.16.010 – DESIGNATED:
N/A

SECTION 9.28 -RAT CONTROL:
The front structure looks vacant and the small apartment in the rear is occupied. Both structures are decaying.

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

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 111 Buena Vista Street, in El Paso, Texas, which property is more particularly described as:

> Lot: 4, Block 2, Clardy-Fox Subdivision, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 7, Page 33, 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 Jr. and Doreen Wylie AKA Charles Jr. and Doreen Wiley, 7309 O'Dell Drive, El Paso, Texas 79934, 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 23rd day of March, 2004.

APPROVED AS TO FORM:

Teresa Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:

R. Alan Shubert, P. E.
Building Permits and Inspections Director