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

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

April 12, 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: 3404 Montridge Court (Rep. District #2)

Scheduling a public hearing to be held on May 18th , 2004 to determine if the property located at 3404 Montridge Court 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 March 23rd , 2004, Robert C. & Mary Oberlander, P. O. Box 640773, El Paso, Texas 79904, have been notified of the violations at this property. District #2

CITY CLERK DEPARTMENT
2004 APR 14 PM 3 25

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 18th 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 3404 Montridge Court, in El Paso, Texas, which property is more particularly described as:

> Lot 12 plus the East 1 foot of Lot 11 and the West 1 foot of Lot 13, Block 6, Monterrey Park, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 20, Page 13, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Robert C. & Mary Oberlander, P. O. Box 640773, El Paso, Texas 79904, 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 20th day of April, 2004.

APPROVED AS TO FORM:

Teresa Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:

Tom Maguire
Housing Compliance Supervisor

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
March 9, 2004

Robert C. & Mary Oberlender
P. O. Box 640773
El Paso, Texas 79904-0773

Re: 3404 Montridge Ct.
Lots: 12 & E 1 Ft. of 11 &
W 1 Ft. of 13
Blk: 6, Monterrey Park Replat
Zoned: R-3
COD04-02674
Certified Mail Receipt #
7003 1680 0000 1712 0978

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

3404 Montridge Court

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 3404 Montridge Court 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.

3404 Montridge Ct.

I. 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.

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

f El Paso
enter Plaza
901-1196

and Inspections
rcement

7003 1680 0000 1712 0978

RETURN RECEIPT REQUESTED

Robert C. & Mary Oberlender
P. O. Box 640773
El Paso, Texas 79904-0773

OBER773 799042007 1N 07 03/12/04
RETURN TO SENDER

NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER

7990440799041196

7003 1680 0000 1712 0978

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)
MAR 10 2004
Postmark Here

76

Robert C. & Mary Oberlender
P. O. Box 640773
El Paso, Texas 79904-0773
Re: 3404 Montridge Ct.

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: 76

Robert C. & Mary Oberlender
P. O. Box 640773
El Paso, Texas 79904-0773
Re: 3404 Montridge Ct.

Lt #3

2. Article Number
(Transfer from service label) 7003 1680 0000 1712 0978

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

Return Receipt 102595-02-M-1540

UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: 2-25-04 **REP. DISTRICT:** 2

ADDRESS: 3404 Montridge Court **ZONED:** R-3

LEGAL DESCRIPTION: Lots 12 & E 1 Ft. of 11 & W 1 Ft. of 13, Block 6, Monterrey Park Replat

OWNER: Robert & Mary Oberlander **ADDRESS:** 3404 Montridge Court, El Paso, TX 79904

BUILDING USE: Abandoned single family home

TYPE OF CONSTRUCTION: III

FOOTINGS: Reinforced concrete
CONDITION: No structural failure apparent.

FOUNDATION WALL: N/A
CONDITION:

FLOOR STRUCTURE: Reinforced concrete
CONDITION: No apparent structural defects.

EXTERIOR WALLS: Brick veneer

HEIGHT: 8' **THICKNESS:** 8"

CONDITION: Fair. No apparent structural defects.

INTERIOR WALLS & CEILINGS: 2 x 4 wood frame, sheetrock
CONDITION: No apparent structural defects.

ROOF STRUCTURE: Wood sheathing, asphalt shingle
CONDITION: Very poor. Tiles missing, gutter collapsing, roof needs to be replaced.

DOORS, WINDOWS, ETC.: Aluminum slide windows, wooden doors.
CONDITION: Very poor. Window broken, screens missing, wooden doors vandalized and need repair or replacing.

MEANS OF EGRESS: N/A
CONDITION:

PLUMBING: Water is off. A licensed plumber needs to evaluate system and make his recommendations or bring system up to code.

ELECTRICAL: Electrical power is off. A licensed electrician is needed to evaluate electrical system and make recommendations and/or bring system up to code.

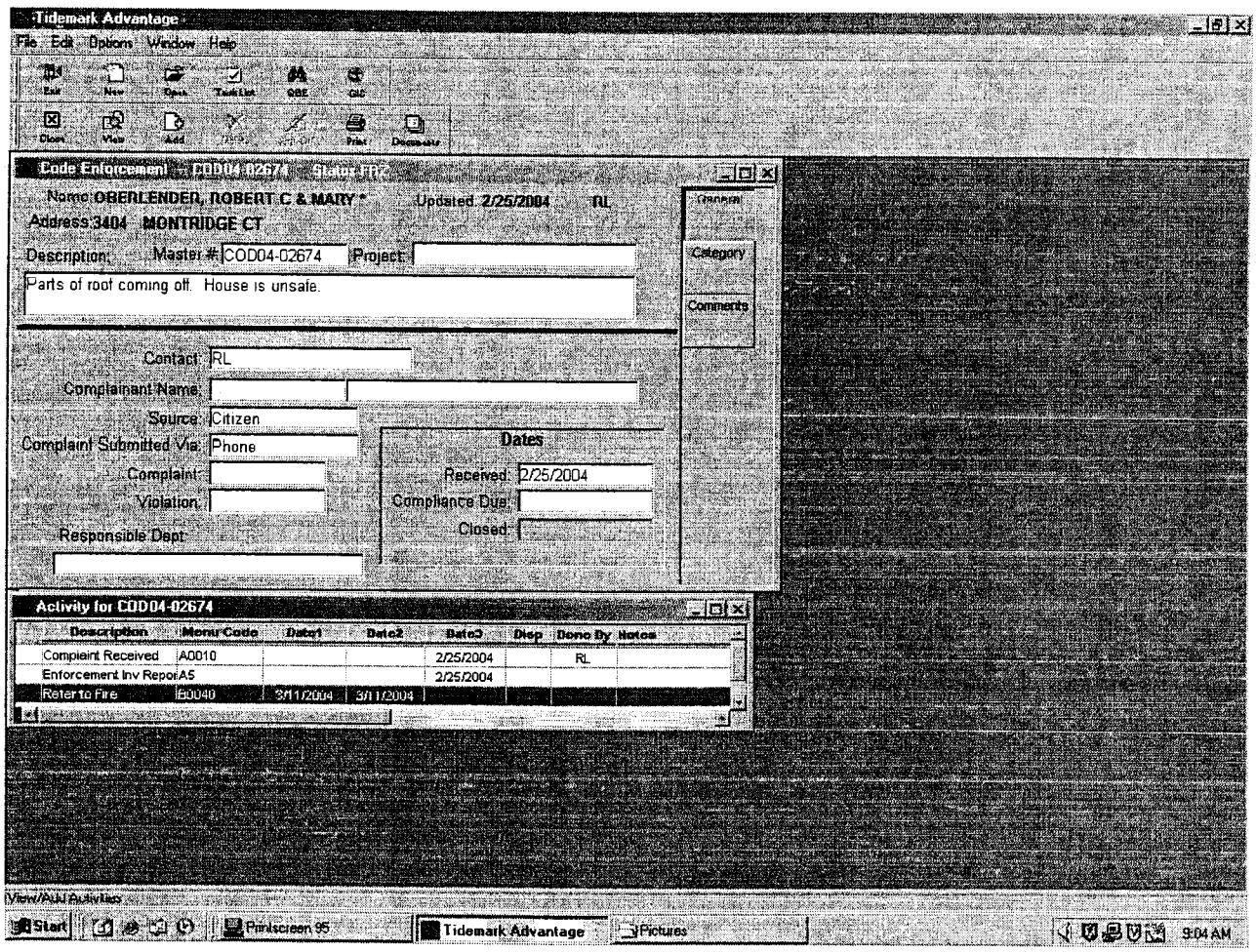
MECHANICAL: Non-functional, A/C in poor shape. A licensed mechanical contractor needs to evaluate mechanical system and make recommendations and/or bring system up to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

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

REMARKS: This structure is open and abandoned and has been vandalized. The structure is generally sound, and needs to be secured until repairs are made.

Timothy H. Grabe
Building Inspector


Tidemark Advantage
File Edit Options Window Help
Code Enforcement - COD04-02674 - Status: FR2
Name: OBERLENDER, ROBERT C & MARY *
Updated: 2/25/2004
RL
Address: 3404 MONTRIDGE CT
Description:
Master #: COD04-02674
Project:
Parts of roof coming off. House is unsafe.
General
Category
Comments
Contact: RL
Complainant Name:
Source: Citizen
Complaint Submitted Via: Phone
Complaint:
Violation:
Responsible Dept:
Dates
Received: 2/25/2004
Compliance Due:
Closed:
Activity for COD04-02674
Description
Menu Code
Date1
Date2
Date3
Disp
Done By
Notes
Complaint Received
A0010
2/25/2004
RL
Enforcement Inv Repor
A5
2/25/2004
Refer to Fire
B0040
3/11/2004
3/11/2004
View/Add Activities
Start
Printscreen 95
Tidemark Advantage
Pictures
9:04 AM

Tidemark Advantage

File Edit Options Window Help

View / Edit Activity

Activity: 0040 Desc: Refer to Fire

Updated: 3/11/2004 SIC

Disposition:

Hold Level: No hold

Dates

Date Referred: 3/11/2004

Date Received: 3/11/2004

Date Completed:

Calendar Tag: FDCM

Report Tag:

Assigned To: 903

Done By:

Notes:

X Coordinate:

Y Coordinate:

Date Z

OK

Help

Responsible Dept.

View/Add Activities

Start | Printscreen 95 | Tidemark Advantage | Pictures | 9:04 AM