3303 Frutas

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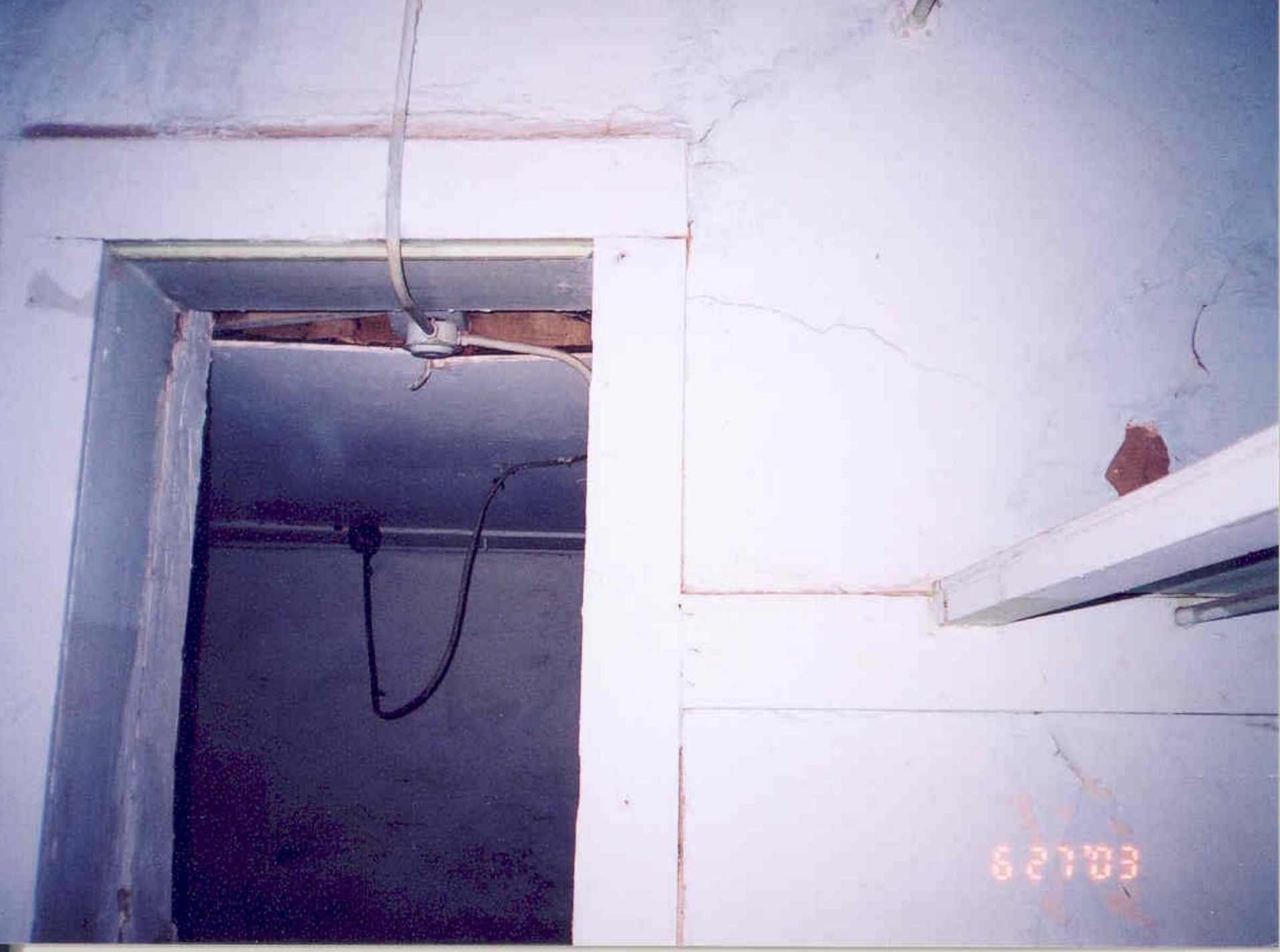
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CITY CLERK DEPARTMENT
2004 FEB 12 AM 10 30

COUNCIL AGENDA ITEM # ___ FOR
TUESDAY, FEBRUARY 17TH, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
February 11, 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: 3303 Frutas Avenue (Rep. District #8)

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

1) First investigated July 1st, 2003. The building was found to be open and abandoned and in an advanced state of disrepair. The building has been used as a harborage by unwanted persons.
2) A certified condemnation letter was mailed to Margarita Alvarez, 3544 East Glen Drive, Apt. B, El Paso, Texas 79936.
3) Certified notices of the public hearing scheduled February 17th, 2004 were mailed to the owners and all interested parties on January 30th, 2004.
4) As of February 11th, 2004, $7,173.03 are owed in taxes.
5) There has been insufficient response from the owner.

The Department recommends that it be found:

1) That the main structure and accessory buildings 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's certificate of occupancy be revoked; and
4) That the structures can be repaired; and
5) That the main structure and accessory buildings be demolished within 30 days; and
6) 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
July 2, 2003

Margarita Alvarez
3544 East Glen Dr. Apt. B
El Paso, Texas 79936-1000

Re: 3303 Frutas Ave.
Lots: E 20 Ft. of 2 & W 15 Ft. of 3
Blk: 28, East El Paso
Zoned: A-3
COD03-10319
Certified Mail Receipt #
7002 2030 0005 7055 8361

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

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

3303 Frutas Avenue

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 3303 Frutas 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 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 condemnation proceedings. The City Council will decide if the building should be condemned, vacated, secured, repaired or demolished as per Sec. 18.52.040.

3303 Frutas Avenue

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 condemnation 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:

Victor Gonzalez
Building Inspector

VG/rl

7002 2030 0005 7055 8361

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OFFICIAL USE

Postage	$
Certified Fee	JUL 03 2003
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

V6

Postmark Here

Margarita Alvarez
3544 East Glen Dr. Apt. B
El Paso, Texas 79936-1000
Re: 3303 Frutas Ave.

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: V6

Margarita Alvarez
3544 East Glen Dr. Apt. B
El Paso, Texas 79936-1000
Re: 3303 Frutas Ave.

LA #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

2. Article Number (Transfer from service label) 7002 2030 0005 7055 8361

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 17th day of February, 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 3303 Frutas Ave., in El Paso, Texas, which property is more particularly described as:

> Lot: The East 20 feet of Lot 2 and the West fifteen feet of Lot 3, Block 28, SUPPLEMENTAL MAP NO. 1 OF EAST EL PASO, TEXAS, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 1, Page 51, Plat Records of El Paso County, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Margarita Alvarez, 3544 East Glen Dr. Apt. B, El Paso, Texas 79936, 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:

CERTIFIED MAIL RECEIPT #7003 1680 0000 1712 2408

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 13th day of January, 2004.

THE CITY OF EL PASO

Joe Wardy, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Teresa Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:

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

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 January 13th, 2004 regarding the property located at 3303 Frutas Ave., El Paso, Texas, was filed with the County Clerk's Office, the official public records of real property for El Paso County.

Richarda Duffy Momsen

Executed this 14th day of January, 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 20th day of January, 2004

CECILIA FLORES
NOTARY PUBLIC
In and for the State of Texas
My Commission Expires
October 6, 2006

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 January 13th, 2004 regarding the property located at 3303 Frutas Ave., El Paso,Texas, was PUBLISHED in the official City newspaper on the 22nd day of January, 2004.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated January 13th, 2004 regarding the property at 3303 Frutas Ave., El Paso, Texas, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Margarita Alvarez
3544 East Glen Apt. B
El Paso, Texas 79936

Date:_____
Time:_____

Inspector

I certify that a true and correct copy of the foregoing Notice dated January 13th, 2004 regarding the property at 3303 Frutas Ave., El Paso, Texas, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Pola Jackson
811 E. 99th St.
Los Angeles, CA 90032

Date:_____
Time:_____

Inspector

I certify that a true and correct copy of the foregoing Notice dated January 13th, 2004 regarding the property at 3303 Frutas Ave., El Paso, Texas, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

George & Mary Alvarez
5398 Navarro St.
Los Angeles, CA 90032

Date:_____
Time:_____

Inspector

I certify that a true and correct copy of the foregoing Notice dated January 13th, 2004 regarding the property at 3303 Frutas Ave., El Paso, Texas, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Amelia Arizmendez
515 North Clementime St.
Los Angeles, CA 92805

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated January 13th, 2004 regarding the property at 3303 Frutas Ave., El Paso, Texas, 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 day January 13th, 2004 regarding the property at 3303 Frutas Ave., El Paso, Texas, 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 January 13th, 2004regarding the property at 3303 Frutas Ave., El Paso, Texas, 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 3303 Frutas Ave., El Paso, Texas.

Date:_____

Time:_____

_____

Inspector

7003 1680 0000 1712 2408

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(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)	JAN 30 2004
Restricted Delivery Fee (Endorsement Required)	

CC

Postmark Here

Margarita Alvarez
3544 East Glen Apt. B
El Paso, Texas 79936
Re: 3303 Frutas Ave.

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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- 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: CC

Margarita Alvarez
3544 East Glen Apt. B
El Paso, Texas 79936
Re: 3303 Frutas Ave.

Int Drip

2. Article Number (Transfer from service label) 7003 1680 0000 1712 2408

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

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

UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: June 24,2003 **REP. DISTRICT:** 8

ADDRESS: 3303 Frutas Ave. **ZONED:** A-3

LEGAL DESCRIPTION: The East 20 feet of Lots 2 and the West fifteen feet of Lot 3, Block 28, SUPPLEMENTAL MAP NO. 1 OF EAST EL PASO, TEXAS, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 1, Page 51, Plat Records of El Paso County, Texas.

OWNER: Margarita Alvarez **ADDRESS:** 3544 East Glen Dr. Apt. B, El Paso, Texas 79936

BUILDING USE: Abandoned, single-family dwelling

TYPE OF CONSTRUCTION: V, Masonry, adobe, and CMU walls with wood frame roof.

FOOTINGS: Unable to determine.
CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: N/A
CONDITION: N/A

FLOOR STRUCTURE: Concrete
CONDITION: Bad – Showing signs of cracking and uneven settlement.

EXTERIOR WALLS: Masonry, adobe, and CMU.
HEIGHT: 8'+/- **THICKNESS:** 8"-10"+/-
CONDITION: Poor – Due to poor maintenance and exposure to the weather elements, there are signs of cracking and deterioration on the exterior walls. A structural engineer must be hired to determine the structural stability of the building.

INTERIOR WALLS & CEILINGS: Wood frame, plaster.
CONDITION: Bad - Due to the poor condition of the roof. There is heavy damage to the interior walls and ceiling.

ROOF STRUCTURE: Wood frame, build-up roofing.
CONDITION: Bad – Due to very poor maintenance and exposure to the weather elements.

DOORS, WINDOWS, ETC.: Wooden doors, and wood frame windows.
CONDITION: Extremely poor. All doors and glass on windows need to be replaced.

MEANS OF EGRESS: Does not meet code.
CONDITION: Poor.

PLUMBING: Extremely poor. A licensed plumber should be hired to replace system.

ELECTRICAL: Extremely poor. A licensed electrical contractor should be hired to bring system up to code.

MECHANICAL: Non-existent. A licensed mechanical contractor should be hired to make repairs to comply with code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

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

REMARKS: The main structure and all accessory structures should be demolished and the property cleaned of all weeds, trash and debris. A structural engineer should be hired to evaluate all structural aspects, if the structures are to be renovated.

Leo Casso-Lopez
Building Inspector

EL PASO CITY-COUNTY HEALTH &ENVIRONMENTAL DISTRICT

ENVIRONMENTAL HEALTH

M E M O R A N D U M

DATE: October 1, 2003

MEMO TO: Tom McGuire, Housing Compliance Supervisor

FROM: Jorge Ramirez, Sr. Environmental Health Inspector

SUBJECT: Condemnation Report

RE: 3303 Frutas Ave. 79905

An inspection of the property was conducted on October 1, 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, trash and pile of old clothing was seen.

SECTION 9.16 – NUISANCE:
N/A

SECTION 9.16.010 – DESIGNATED:
N/A

SECTION 9.28 -RAT CONTROL:
Structure is decaying and open. These conditions can serve as a potential vermin harborage.

Note: Evidence of neighborhood kids using property was seen.

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

CITY OF EL PASO
OCT 06 2003
Received Building Svc

Name: ALVAREZ, MARGARITA Updated 7/1/2003 RL

Address: 3303 FRUTAS AVE

Description: Master #: COD03-10319 Project:

Open and ab

View / Edit Activity

Activity: 0040 Desc: Refer to Fire Updated 12/3/2003 933

Disposition: DONE Hold Level: No hold

Dates

Date Referred: 9/29/2003

Date Received: 9/29/2003

Date Completed: 10/2/2003

Calendar Tag: FDCM

Report Tag:

Assigned To: 933

Done By: 933

Notes:

this stucture is open and unsecured, structure is in a very poor condition, bad all around. structure needs to be secured until demolition can be carried out.

Edit | Sign Off | Date 2 | OK | Help

Ready