4425 Sunrise
APR 2 2004

APR 2 2004

APR 2 2004

APR 2 2004

APR 2 2004

APR 2 2004

APR 2 2004

APR 2 2004

APR 2 2004

APR 2 2004

APR 2 2004

APR 2 2004

APR 2 2004

30
APR 2 2004

Please Do NOT
Disturb
after 7 PM
BABY SLEEPING

APR 2 2004

APR 2 2004

17
16
14
13
37
35
34
33
32
APR 2 2004

APR 2 2004

2
37
APR 2 2004

COUNCIL AGENDA ITEM # ___ FOR
TUESDAY, MARCH 9th , 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
March 3, 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: 4425 Sunrise Avenue (Rep. District #2)

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

1) First investigated May 28th , 2003. The building was found to be in an advanced state of disrepair with numerous safe housing code violations.
2) A certified condemnation letter was mailed to the owner, Michael V. Torres, 5104 Flower, El Paso, Texas 79905 on December 9th , 2003.
3) Certified notices of the public hearing scheduled March 9th , 2004 were mailed to the owners and all interested parties on February 24th , 2004.
4) As of March 3rd , 2004, $21,886.89 are owed in taxes.
5) The owner has been notified of the violations on the property and their need to bring the property into compliance. To date the structures are not in compliance.

The Department recommends that it be found:

1) That the structures 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's certificate of occupancy be revoked; and
4) That the structures can be repaired; and
5) That the structures be secured and maintained secure until the units are rehabilitated 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

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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
December 9, 2003

Michael V. Torrez
5104 Flower Dr.
El Paso, Texas 79905-5042

Re: 4425 Sunrise Ave.
Lot: 5, Del Norte Acres
Blk: W 160 Ft of 1
Zoned: A-2
CCOD03-06425
Certified Mail Receipt #
7003 1010 0004 5306 6813

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

4425 Sunrise Ave.

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 **4425 Sunrise Ave.** has the following violations:

a. The floors have not been maintained in a safe manner.

b. The walls have not been maintained in a safe manner free of holes and cracks.

c. The roof structure has not been maintained free of defects that may cause leaks.

d. The electrical system is inadequate and does not meet minimum code requirements.

e. The premises are full of weeds, trash, and debris.

f. 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:

William Stern
Building Inspector

WS/rvj

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:

MICHAEL V. TORREZ
5104 FLOWER DR.
EL PASO, TEXAS 79905-5042
RE: 4425 SUNRISE AVE.
WVS

LTR #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

DEC 7

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 1010 0004 5306 6813

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

UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: 12/21/03 **REP. DISTRICT:** 2

ADDRESS: 4425 Sunrise Avenue **ZONED:** A-2

LEGAL DESCRIPTION: Block 5, Del Norte Acres, W 160 Ft. of 1

OWNER: Michael V. Torres **ADDRESS:**

BUILDING USE: Dilapidated multifamily apartments

TYPE OF CONSTRUCTION: V – Cinder block with wood framing

FOOTINGS: Concrete
CONDITION: Appears to be no damage to footings, however, due to years of water infiltration of property, an engineer must assess the actual condition of the footings.

FOUNDATION WALL: N/A
CONDITION:

FLOOR STRUCTURE: Concrete slab on grade
CONDITION: Poor – Most if not all floor coverings must be replaced.

EXTERIOR WALLS: CMU

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

CONDITION: Fair – Only cleaning and minor repairs are needed.

INTERIOR WALLS & CEILINGS: 2 x 4 Wood framing covered with sheet rock.
CONDITION: Poor – The roof structure has many leaks and sheet rock must be replaced in many areas.

ROOF STRUCTURE: 2 x 6 covered with sheet rock
CONDITION: Poor – Needs all new roofing

DOORS, WINDOWS, ETC.: Wood doors and aluminum frame windows
CONDITION: Poor – Most doors and windows must be replaced and new windows must meet egress.

MEANS OF EGRESS: N/A
CONDITION:

PLUMBING: Most of the plumbing must be replaced to meet code. A licensed plumber must be hired to evaluate the entire plumbing system and make all the required repairs.

ELECTRICAL: The electrical system is substandard and must be evaluated by a licensed contractor and make the required repairs to meet code.

MECHANICAL: Substandard. Hire a mechanical contractor to evaluate entire system and make the repairs, which are needed to bring the system into compliance with the code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

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

REMARKS: This substandard dilapidated apartment building is a danger to the occupants. The building should be vacated and secured until it can be rehabilitated to meet all the current codes.

Bill Stern
Building Inspector

20040303 TC8006 CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS 084917

ACCOUNT D36199900500500 AMT DUE AS OF: 20040303 ROLL R ALT OWN
UNITS:01 03 06 07 08 - OMIT(-)/SEL(+) 61
TORREZ, MICHAEL V 5 DEL NORTE ACRES
W 160 FT OF 1
5104 FLOWER DR (49920 SQ FT)

EL PASO TX 79905-5042
ACRES 1.1460 PARCEL ADDRESS 4425 SUNRISE

YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEES	PAYMENTS	TOTAL DUE
2003	329650		9972.69	8972.69	807.54	1000.00	9780.23
2002	329650		9905.58	8355.17	3751.49	2173.21	12106.66
	TOTAL		19878.27	17327.86	5181.83		

PAGE TOTAL 21886.89
CUMULATIVE TOTAL 21886.89

LAST PAYOR OWNER
NOTE EXISTS
ENTER NEXT ACCOUNT

20040202 TC8006 CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS 140240

ACCOUNT D36199900500500 AMT DUE AS OF: 20040102 ROLL R ALT OWN
UNITS:01 03 06 07 08 OMIT(-)/SEL(+)
TORREZ, MICHAEL V 5 DEL NORTE ACRES
W 160 FT OF 1
5104 FLOWER DR (49920 SQ FT)

EL PASO TX 79905-5042
ACRES 1.1460 PARCEL ADDRESS 4425 SUNRISE

YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEES	PAYMENTS	TOTAL DUE
2003	329650		9972.69	9972.69		.00	9972.69
2002	329650		9905.58	8406.91	3581.35	2100.00	11988.26
	TOTAL		19878.27	18379.60	4182.68		

LAST PAYOR OWNER PAGE TOTAL 21960.95
NOTE EXISTS CUMULATIVE TOTAL 21960.95
ENTER NEXT ACCOUNT

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 9th day of March, 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 4425 Sunrise Avenue, in El Paso, Texas, which property is more particularly described as:

> The West 160 Feet of Lot 1, Block 5, Del Norte Acres, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 6, Page 1, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Michael V. Torres, 5104 Flower Drive, El Paso, Texas 79905, 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 17th day of February, 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