7429 Rose Lane Cir.

JUN 7 2004

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CITY CLERK DEPARTMENT
2004 MAR 9 PM 2 27

COUNCIL AGENDA ITEM # ___ FOR TUESDAY, MARCH 16TH, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
March 8, 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: 7429 Rose Circle (Rep. District #3)

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

1) First investigated September 11th, 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 Teresa C. Lerma, 1417 Montana Avenue, El Paso, Texas 79902-5617.
3) Certified notices of the public hearing scheduled March 16th, 2004 were mailed to the owners and all interested parties on February 17th, 2004.
4) As of March 8th, 2004, $828.25 are owed in taxes.
5) There has been insufficient response 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's certificate of occupancy be revoked; and
4) That no documentation having been submitted to prove otherwise, the Department contends that the structure and accessory building cannot be repaired; and
5) That the main structure and accessory building be demolished within 30 days; and
6) That the premises be cleaned of all weeds, trash, and debris within 30 days and maintain clean.

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 16th 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 7429 Rose Circle, in El Paso, Texas, which property is more particularly described as:

Paisano, Pt. of 23 Beg. 39 Ft. W of NEC (178.18 Ft. on N, 125.72 Ft. on E, 155.28 Ft. on S, Irreg on St)

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Teresa L. Lerma and Eduardo N. Lerma, 1417 Montana Avenue, El Paso, Texas 79902, 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:

CERTIFIED MAIL RECEIPT #7003 1680 0000 1711 9842

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 10th 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

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 February 10th , 2004 regarding the property located at 7429 Rose Circle, was filed with the County Clerk's Office, the official public records of real property for El Paso County.

Richarda Duffy Momsen

Executed this 10th day of February, 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 16th day of February, 2004.

DORA NAZARIEGA
NOTARY PUBLIC
In and for the State of Texas
My commission expires 10-05-2004

Notary Public

7003 1680 0000 1711 9842

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OFFICIAL USE

Postage	$
Certified Fee	
Return Reciept Fee (Endorsement Required)	FEB 17 2004
Restricted Delivery Fee (Endorsement Required)	

WF

Postmark Here

Teresa L. Lerma and Eduardo N.
Lerma
1417 Montana Avenue
El Paso, Texas 79902
Re: 7429 Rose Circle

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: WF

Teresa L. Lerma and Eduardo N.
Lerma
1417 Montana Avenue
El Paso, Texas 79902
Re: 7429 Rose Circle

1st Trip

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Teresa Corral — ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) T Corral — C. Date of Delivery 2/8/04

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*) 7003 1680 0000 1711 9842

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

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
September 25, 2003

Teresa C. Lerma
1417 Montana Ave.
El Paso, Texas 79902-5617

Re: 7429 Rose Cir.
Lot: Pt. of 23 Beg. 39 Ft. W
Of NEC (178.18 Ft. on N, 125.72
Ft. on E, 155.28 Ft. on S, Irreg. On St)
Blk: Paisano
Zoned: R-2
COD03-15051
Certified Mail Receipt #
7003 1010 0004 5303 9114

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:

7429 Rose Circle

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 7429 Rose Circle 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.

7429 Rose Circle

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:

Wayne Fannin

Wayne Fannin
Building Inspector

WF/rl

7003 1010 0004 5303 9114

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OFFICIAL USE

Postage	$
Certified Fee	
Return Reciept Fee (Endorsement Required)	SEP 26 2003
Restricted Delivery Fee (Endorsement Required)	

WF

Postmark Here

Teresa C. Lerma
1417 Montana Ave.
El Paso, Texas 79902-5617
Re: 7429 Rose Circle

PS Form 3800, June 2002 ... 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: WF

Teresa C. Lerma
1417 Montana Ave.
El Paso, Texas 79902-5617
Re: 7429 Rose Circle

Ch #3

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Teresa Lerma ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) C. Date of Delivery
SEP 30 2003

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*) 7003 1010 0004 5303 9114

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

Edit | New | Open | Task List | GBE | GIS

Close | View | Add | Delete | Sign Off | Print | Documents

Name: LERMA, TERESA C Updated: 9/23/2003 RL

Address: 7429 ROSE CIR

Description: Master #: COD03-15051 Project:

Open and abandoned

General | Category | Comments

Description	Menu Code	Date1	Date2	Date3	Disp	Done By	Notes
Complaint Received	A0010			9/23/2003		RL	
Enforcement Inv Repor	A5			9/23/2003			
Refer to Fire	B0040	9/29/2003	9/29/2003	1/29/2004	DONE	936	Unsecured, trash rubb
Case Closed	A0020			11/4/2003	DONE	WBF	Bldg. Permit # BLD03-
UnFreeze Case	M300			12/9/2003	DONE	SIC	To add activity for EPF
Refer to Fire	B0040	12/10/2003	12/10/2003	1/22/2004	DONE	936	Building is fenced in.

View / Edit Activity

Activity: 0040 Desc: Refer to Fire Updated: 1/22/2004 936

Disposition: DONE Hold Level: No hold

Dates

Date Referred: 12/10/2003

Date Received: 12/10/2003

Date Completed: 1/22/2004

Calendar Tag: FDCM

Report Tag:

Assigned To: 936

Done By: 936

Notes:

Building is fenced in. Windows are open and unsecured.
Previous fires at this location indicate that this will continue to be an immediate danger to life and health for the community.
Building should be secured until demolition can be carried out.

X-Coordinate:

Y-Coordinate:

Edit | Sign Off | Date 2 | OK | Help

View/Add Activities

Start | Printscreen 95 | Tidemark Adv... | Inbox - Microsoft... | 8:03 AM

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: 7429 Rose Cir. 79915

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:
N/A

SECTION 9.16 – NUISANCE:
N/A

SECTION 9.16.010 – DESIGNATED:
N/A

SECTION 9.28 -RAT CONTROL:
N/A

Note: No health hazards noted.

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

UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: 9/11/03 **REP. DISTRICT:** 3

ADDRESS: 7429 Rose Cir. **ZONED:** R-3

LEGAL DESCRIPTION: Paisano, Pt. of 23 Beg. 39 Ft. W of NEC (176.16 Ft. on N, 125.72 Ft. on E, 155.26 Ft. on S Irreg on St.)

OWNER: Teresa C. Lerma **ADDRESS:** 1417 Montana Avenue (79902)

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Concrete
CONDITION: Fair, footing is cracked and deteriorated due to ground settlement, needs minor patch and repair.

FOUNDATION WALL: Has a crawl space. Foundation is made of native stone and reinforced concrete.
CONDITION: Fair, the concrete plaster and reinforcement has deteriorated causing the rock boulders to be loose, causing shifting on the building structure. Need minor patch and repair.

FLOOR STRUCTURE: Inside of house is made of wood slates and concrete slab.
CONDITION: Fair, shifting of structure and fire damage has caused floor to be uneven and sunken and burned areas need repair on burnt wood areas.

EXTERIOR WALLS: Native rubble stone and conventional framing

HEIGHT: 18' **THICKNESS:** 12"

CONDITION: Fair, weather and ground movement have caused deteriorating cracks and separation on the hollow brick exterior walls, second floor wood walls have been damaged by fire. Need to replace burnt wood walls and patch and repair brick walls.

INTERIOR WALLS & CEILINGS: Wood frame structure with plaster and sheet rock.
CONDITION: Fair, holes, cracks, fire damage and lack of repair have caused considerable damage inside. Need to reconstruct, path & paint interior walls.

ROOF STRUCTURE: The building has a flat roof, wood frame with rolled roof covering.
CONDITION: Fair, water damage, fire damage, and the elements have caused cracks on roof covering causing water leaks and frame damage. Need to patch or reroof, and maintain or replace roof joist.

DOORS, WINDOWS, ETC.: Windows are constructed of metal and doors of wood.
CONDITION: Poor, doors and windows have deteriorated due to broken glass panes. Wood door split from routing weather conditions. Windows and doors need to be repaired or replaced.

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

PLUMBING: Fair, plumbing fixtures need to be repaired due to seal malfunction and vandalism.

ELECTRICAL: Fair, electrical wiring has faulty electrical outlets and switches caused by fire damage, and vandalism. Need to replace and rewire the house.

MECHANICAL: Fair, heating and cooling equipment have been damaged due to fire and vandalism. Need to repair or install new complete system to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: No **BARRICADED:** No **POLICE AID REQD.:** None

REMARKS: The home and garage has not been repaired and area has not been cleaned by owner. The home has suffered damage due to elements, poor maintenance, fire damage, and vandalism. The home is open and abandoned and used by transients. I recommend the home and garage be secured and premise cleaned of all weeds, trash and debris.

Wayne Fannin

Wayne Fannin
Building Inspector

20040308 TC8006 CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS 105137

ACCOUNT P08999900107300 AMT DUE AS OF: 20040308 ROLL R ALT OWN
UNITS:01 05 06 07 08 OMIT(-)/SEL(+)
LERMA, TERESA C PAISANO
PT OF 23 BEG 39 FT W OF NEC
1417 MONTANA AVE (178.18 FT ON N, 125.72 FT ON E,
155.28 FT ON S, IRREG ON ST)
EL PASO TX 79902-5617
ACRES .5770 PARCEL ADDRESS 7429 ROSE

YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEES	PAYMENTS	TOTAL DUE
2003	25122		759.86	759.86	68.39	.00	828.25
2002	25122		750.92	01/15/2003		750.92	.00
2001	25122		739.55	09/16/2002	281.04	1020.59	.00
2000	25122		724.57	10/02/2001	183.68	908.25	.00
1999	25122		720.73	10/02/2001	323.61	1044.34	.00
1998	62341		1837.49	10/02/2001	1078.61	2916.10	.00
1997	62341		1761.82	10/02/2001	1881.33	3643.15	.00
		TOTAL	759.86	759.86	68.39		

LAST PAYOR OWNER PAGE TOTAL 828.25
NOTE EXISTS CUMULATIVE TOTAL 828.25
ENTER NEXT ACCOUNT