11661 Norman Montion

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COUNCIL AGENDA ITEM # ___ FOR
TUESDAY, JUNE 22ND , 2004

CITY CLERK DEPARTMENT
2004 JUN 17 AM 9 18

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
June 14, 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: 11661 Norman Montion Drive (Rep. District #5)

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

1) First investigated February 25th , 2004. The building was found to be 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 Ida M. Poole, 11661 Norman Montion Drive, El Paso, Texas 79936, on March 16th , 2004.
3) Certified notices of the public hearing scheduled June 22nd , 2004 were mailed to the owners and all interested parties on June 1st , 2004.
4) As of May 4th , 2004, $9,401.72 are owed in taxes.
5) There has been no response from 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 the structure can be repaired; and
5) That the main and accessory structures be demolished within 30 days; and
6) That the premises be cleaned of all weeds, trash, and debris within 30 days.

UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: 2/25/04 **REP. DISTRICT:** 5

ADDRESS: 11661 Norman Montion Drive **ZONED:** R-3A

LEGAL DESCRIPTION: Lot 43, Block 66, Vista Hills Unit #20

OWNER: Ida M. Poole **ADDRESS:** 11661 Norman Montion Drive

BUILDING USE: Abandoned single family home

TYPE OF CONSTRUCTION: III

FOOTINGS: Reinforced concrete
CONDITION: Fair. No indication of structural failure.

FOUNDATION WALL: N/A
CONDITION:

FLOOR STRUCTURE: Reinforced concrete slab on grade.
CONDITION: Fair.

EXTERIOR WALLS: Stucco & brick

HEIGHT: 18' **THICKNESS:** 8"

CONDITION: Fair.

INTERIOR WALLS & CEILINGS: 2 x 4 wood frame, sheetrock
CONDITION: Very poor. Numerous sections of sheetrock have been vandalized and would have to be replaced.

ROOF STRUCTURE: Wood sheathing, asphalt shingles
CONDITION: Fair. Some areas of roof need to be resealed.

DOORS, WINDOWS, ETC.: Aluminum slide windows, wood doors
CONDITION: Very poor. Windows have been broken and doors damaged from vandalization and would have to be replaced.

MEANS OF EGRESS: N/A
CONDITION:

PLUMBING: Water is off. A licensed plumber should be hired to evaluate system and bring up to code.

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

MECHANICAL: Very poor. Parts of mechanical system are missing. A licensed mechanical contractor should be hired to evaluate system and bring up to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

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

REMARKS: The general structure of the building is fair. Serious damage to interior by vandalization needs to be addressed. We recommend the structure be secured until repairs are made.

Timothy H. Grabe
Building Inspector

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
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DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
March 9, 2004

Ida M. Poole
11661 Norman Montion Dr.
El Paso, Texas 79936-0712

Re: 11661 Norman Montion Dr.
Lot: 43
Blk: 66, Vista Hills Unit 20
Zoned: R-3A
COD04-0261
Certified Mail Receipt #
7003 1680 0000 1712 0961

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

11661 Norman Montion Drive

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 11661 Norman Montion Drive 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 plumbing system is inadequate and does not meet minimum code requirements.

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

f. The HVAC system is inadequate and does not meet minimum code requirements.

g. The structure is open and accessible to unauthorized entry.

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

i. 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.

j. 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.

11661 Norman Montion Drive

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

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7003 1680 0000 1712 0961

RETURN RECEIPT REQUESTED

Ida M. Poole
11661 Norman Montion Dr.
El Paso, Texas 79936-0712

POOL661 799362007 1503 07 03/12/04
RETURN TO SENDER
POOLE
MOVED LEFT NO ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER

7993640799[illegible]1196

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	$	76
Certified Fee		
Return Reciept Fee (Endorsement Required)	MAR 10 2004	Postmark Here
Restricted Delivery Fee (Endorsement Required)		

7003 1680 0000 1712 0961

Ida M. Poole
11661 Norman Montion Dr.
El Paso, Texas 79936-0712
Re: 11661 Norman Motion Dr.

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

Ida M. Poole
11661 Norman Montion Dr.
El Paso, Texas 79936-0712
Re: 11661 Norman Motion Dr.

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) 7003 1680 0000 1712 0961

#3

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT

Tidemark Advantage

File Edit Define 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:

Date Z

OK

Help

Notes:

X-Coordinate:

Y-Coordinate:

Complaint Submitted Via:

Complaint:

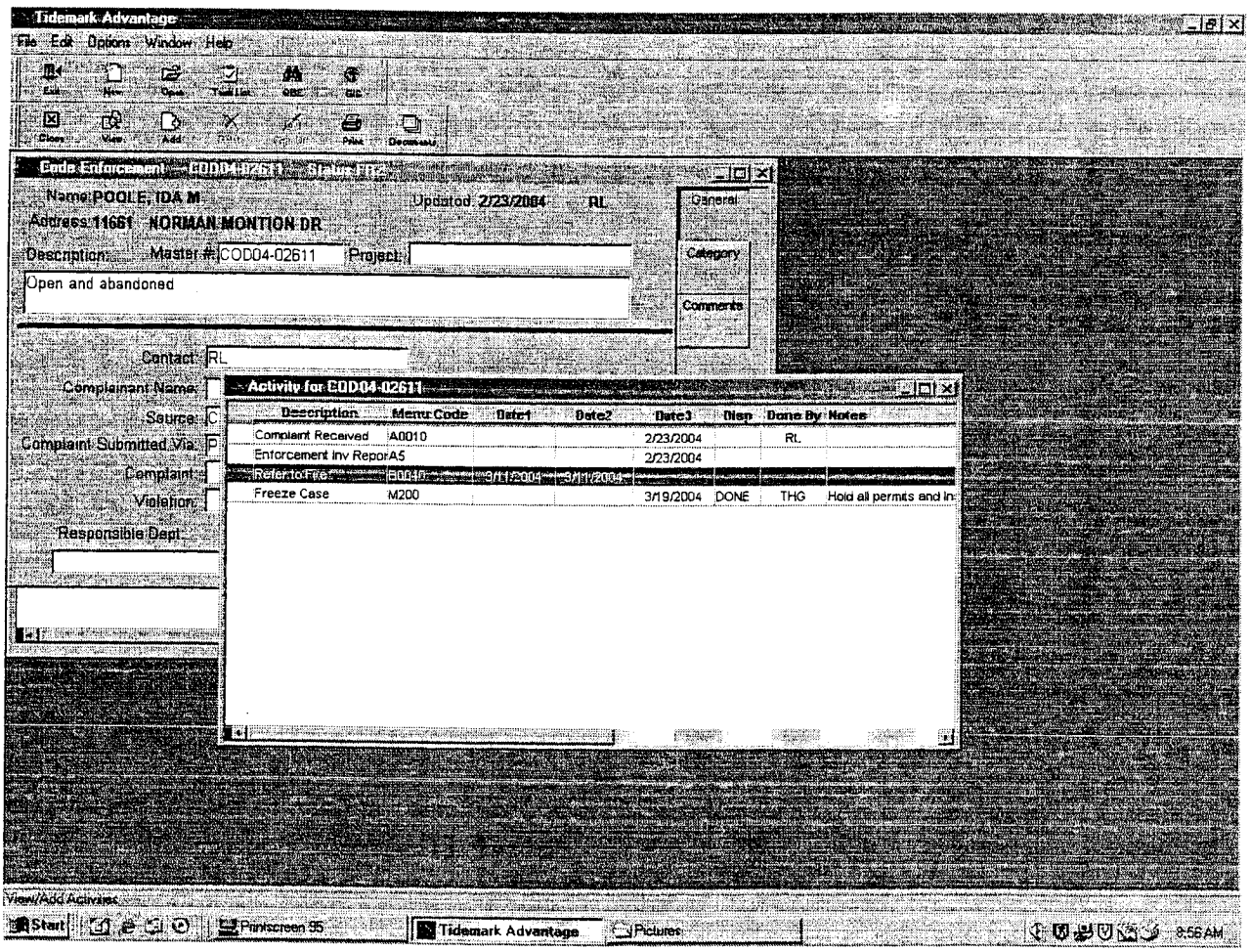
Violation:

Responsible Dept:

Enforcement Inv Report	A5			2/23/2004			
Refer to Fire	E0040	3/11/2004	3/11/2004				
Freeze Case	M200			3/19/2004	DONE	THG	Hold all permits and In-

View/Add Activities

Start | Printscreen 95 | Tidemark Advantage | Pictures | 0:50 AM


Tidemark Advantage
File Edit Options Window Help
Code Enforcement - COD04-02611 - Status: FR2
Name: POOLE, IDA M
Updated: 2/23/2004 RL
Address: 11661 NORMAN MONTION DR
Description: Master #: COD04-02611 Project:
Open and abandoned
General
Category
Comments
Contact: RL
Complainant Name:
Source:
Complaint Submitted Via:
Complaint:
Violation:
Responsible Dept:
Activity for COD04-02611
Description Menu Code Date1 Date2 Date3 Disp Done By Notes
Complaint Received A0010 2/23/2004 RL
Enforcement Inv Repor A5 2/23/2004
Refer to Fire B0040 3/11/2004 3/11/2004
Freeze Case M200 3/19/2004 DONE THG Hold all permits and In
View/Add Activities
Start
Printscreen 95
Tidemark Advantage
Pictures
8:56 AM

RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structures located on the property at 11661 Norman Montion, in El Paso, Texas, which property is more particularly described as follows:

> Lot: 43, Block 66, Vista Hills Unit Twenty, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 65, Page 35, Plat Records of El Paso County, Texas

are dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Ida M. Poole, 11661 Norman Montion Drive, El Paso, Texas 79936, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on May 18th , 2004; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

    a. That the structures located on said property are unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and

    b. That the structures are not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and

    c. The structure's certificate of occupancy is hereby revoked; and

    d. There has been no action or response from the owner.

2. That the City Council hereby orders Owner to comply with the following requirements:

    a. That the Buildings be secured within (30) days; and
    b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
    c. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and

d. That a compliance hearing be scheduled for June 22nd , 2004 to determine if the property has been cleaned and secured and, if not, to decide what action to take.
e. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
f. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Buildings and maintain the Buildings secure and clean the premises of all weeds, trash, and debris; and

3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may secure the Buildings and maintain the Buildings secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and

4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Buildings secure and cleaning the premises of all weeds, trash and debris; and

5. That the costs incurred by the City in connection with securing and maintaining the Buildings secure and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and

6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:

   a. The City may 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
   b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed $1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
   c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and

7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and

8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and

9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and

10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the 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 this office 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 18th day of May, 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:

Tom Maguire
Housing Compliance Supervisor

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 22nd day of June, 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 11661 Norman Montion Drive, in El Paso, Texas, which property is more particularly described as:

> Lot: 43, Block 66, Vista Hills Unit Twenty, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 65, Page 35, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Ida M. Poole, 11661 Norman Montion Drive, 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 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 25th day of May, 2004.

APPROVED AS TO FORM:

Teresa Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:

Tom Maguire
Housing Compliance Supervisor