COUNCIL AGENDA ITEM # ___ FOR
TUESDAY, MAY 11TH , 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

May 4th , 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: 6127-6135 N. Mesa Street (Rep. District #8)

Scheduling a public hearing to be held on June 2nd , 2004 to determine if the property located at 6127-6135 N. Mesa Street 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 owner of record as of March 22nd , 2004, Karl M. Friedman, 5647 A Cory Drive, El Paso, Texas 79932, has been notified of the violations at this property. District #8

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 2nd 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 6127-6135 N. Mesa Street, in El Paso, Texas, which property is more particularly described as:

Tract: 21, A. F. Miller Survey 214 Abstract 3598

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Karl M. Friedman, 5647 A Cory Drive, El Paso, Texas 79932, 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:

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 11th day of May, 2004.

APPROVED AS TO FORM:

Teresa Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:

Tom Maguire
Housing Compliance Supervisor

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 May 11th , 2004 regarding the property located at 6127-6135 N. Mesa Street, was PUBLISHED in the official City newspaper on the ____day of_____, 2004.

_____
Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated May 11th , 2004 regarding the property at 6127-6135 N. Mesa Street, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Karl M. Friedman
5651 Westside Road
El Paso, Texas 79932

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th , 2004 regarding the property at 6127-6135 N. Mesa Street, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Henry Scherr
744 Westside Road
El Paso, Texas 79932

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th , 2004 regarding the property at 6127-6135 N. Mesa Street, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Mary Vuocolo
744 Westside Road
El Paso, Texas 79932

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 6127-6135 N. Mesa Street, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Milray Building Corporation
413 Myrtle Avenue
El Paso, Texas 79901

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 6127-6135 N. Mesa Street, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Karl Friedman
529 Stonebluff Rd.
El Paso, Texas 79912

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 6127-6135 N. Mesa Street, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Allan Jay Friedman
1351 ½ C North Havenhurst
Los Angeles, California 90046

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 6127-6135 N. Mesa Street, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Etta Mae Scherr
744 Westside Road
El Paso, Texas 79932

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th , 2004 regarding the property at 6127-6135 N. Mesa Street, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Etta M. Scherr
744 Gomez Road
El Paso, Texas 79932

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th , 2004 regarding the property at 6127-6135 N. Mesa Street, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Edward F. Sherman
C/O Milray Building Corp.
413 Myrtle Avenue
El Paso, Texas 79901

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th , 2004 regarding the property at 6127-6135 N. Mesa Street, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Mary V. Friedman
6127-6135 N. Mesa St.
El Paso, Texas 79912

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th , 2004 regarding the property at 6127-6135 N. Mesa Street, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Karl M. Friedman
780 Romer Ray Dr.
El Paso, Texas 79932

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 6127-6135 N. Mesa Street, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Karl M. Friedman
6127-6135 N. Mesa St.
El Paso, Texas 79912

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 6127-6135 N. Mesa Street, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Karl M. Friedman
C/O Savage, Savage & Brown, Inc.
P. O. Box 2817
Wichita, Kansas 67201

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 6127-6135 N. Mesa Street, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Karl Friedman
5647 A Cory Dr.
El Paso, Texas 79932

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th, 2004 regarding the property at 6127-6135 N. Mesa Street, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Karl M. Friedman
1449 Pedro Figari Ave.
El Paso, Texas 79936

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th , 2004 regarding the property at 6127-6135 N. Mesa Street, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Allan J. Friedman
818 S. Gretna Green Way Apt. #201
Los Angeles, California 90049

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th , 2004 regarding the property at 6127-6135 N. Mesa Street, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Etta Mae Scherr
425 Myrtle Avenue
El Paso, Texas 799901

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice dated May 11th , 2004 regarding the property at 6127-6135 N. Mesa Street, 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 dated May 11th , 2004 regarding the property at 6127-6135 N. Mesa Street, 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 May 11th , 2004 regarding the property at 6127-6135 N. Mesa Street, 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 6127-6135 N. Mesa Street, El Paso, Texas.

Date:_____
Time:_____

_____
Inspector

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
February 6, 2004

Karl M. Friedman
780 Romer Ray Dr.
El Paso, Texas 79932-3033

Re: 6127-6135 N. Mesa St.
Tract: 21
Blk: A. F. Miller Surv 214 Abst 3598
Zoned: C-3
COD04-01836
Certified Mail Receipt #
7003 1680 0000 1711 9309

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structures are 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 structures, 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

6127-6135 N. Mesa Street

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 6127-6135 N. Mesa Street 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 plumbing system is inadequate and does not meet minimum code requirements.

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

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

h. The structures are open and accessible to unauthorized entry.

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

j. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structures are unsafe and if they 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.

6127-6135 N. Mesa Street

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:

Bill Stern
Building Inspector

BS/rl

551-7778

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: BS

Karl M. Friedman
780 Romer Ray Dr.
El Paso, Texas 79932-3033
Re: 6127-6135 N. Mesa St.

Ch #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) 7003 1680 0000 1711 9309

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

The City of El Paso
Two Civic Center Plaza
El Paso, Texas 79901-1196

Building Permits and Inspections
Code Enforcement

7003 1680 0000 1711 9309

PM
09 FEB
2004

RETURN RECEIPT REQUESTED

MAR 01 2004
CITY OF EL PASO
BUILDING SERVICES

Karl M. Friedman
780 Romer Ray Dr.
El Paso, Texas 79932-3033

UNCLAIMED

CN/2256/ar
2/10/04
2/17
2/25

79932-3033

EL PASO CITY-COUNTY HEALTH &ENVIRONMENTAL DISTRICT

ENVIRONMENTAL HEALTH

MEMORANDUM

DATE: February 17,2004

MEMO TO: Tom Maguire, Housing Compliance Supervisor

FROM: Jorge Ramirez, Sr. Environmental Health Inspector JR

SUBJECT: Condemnation Report

RE: 6127-6135 N. Mesa St. 79912

An inspection of the property was conducted on February 16, 2004 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 trash, broken glass, weeds, scrape tire and old furniture was seen.

SECTION 9.16 – NUISANCE:
N/A

SECTION 9.16.010 – DESIGNATED:
N/A

SECTION 9.28 -RAT CONTROL:
The structures are decaying. This condition serves as a potential vermin harborage.

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

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 2nd 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 6127-6135 N. Mesa Street, in El Paso, Texas, which property is more particularly described as:

Tract: 21, A. F. Miller Survey 214 Abstract 3598

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Karl M. Friedman, 5647 A Cory Drive, El Paso, Texas 79932, 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:

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 11th day of May, 2004.

APPROVED AS TO FORM:

Teresa Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:

Tom Maguire
Housing Compliance Supervisor