

3114 FINDLEY AVENUE



**BUILDING AND STANDARDS BOARD AGENDA ITEM #4 FOR
WEDNESDAY, JUNE 26, 2013**

**ENVIRONMENTAL SERVICES DEPARTMENT
CODE COMPLIANCE DIVISION**

**MEMORANDUM
June 19, 2013**

TO: The Honorable Chairman and Board Members

THROUGH: Elda Rodriguez-Hefner, Division Manager, Code Compliance Department

FROM: Tom Maguire, C.B.O., Deputy Building Official

SUBJECT: 3114 Findley Avenue, El Paso, Texas, 79905-3505

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

- 1) First investigated April 27, 2010 and condemned on June 30, 2010 to be maintained secure and clean. Recently investigated on several occasions between April 2013 and June 2013. The single family dwelling was built on or about 1916. The structures were found open, abandoned and being used as harborage by unwanted persons. The accessory structure was found with extensive damage due to lack of maintenance. The exterior walls are deteriorated; the plaster coating has fallen exposing the underlying adobe. There is trash, weeds and debris throughout the property.
- 2) A certified condemnation letter was mailed to Carmen R. Garcia on April 29, 2013
- 3) Certified notices of the public hearing scheduled for June 26, 2013 were mailed to the owners and all interested parties on June 6, 2013
- 4) As of June 5, 2013, \$7,373.76 in taxes is owed.

The owners have been notified of the property violations at this property, to date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

- 1) That the structures are substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure certificate of occupancy remain revoked; and
- 4) That the structure cannot be rehabilitated; and
- 5) That the structure be demolished within thirty (30) days; and
- 6) That the premises be cleaned within thirty (30) days & maintained clean thereafter; and
- 7) That upon failure by the owners or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Code Compliance Division
April 26, 2013

NOTICE OF VIOLATION

GARCIA CARMEN R
3114 FINDLEY
EL PASO, TX, 79905-3505

Re: 3114 FINDLEY
Blk: 3 MIRAFLOR
Lot: 7
Zoned: A-3
ENHS13-00273
91 7199 9991 7030 7614 2970

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 18.50, Property Maintenance Code, which states:

18.50 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Title 2.38 of the Municipal Code. [Sec.108.1]

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible. [Sec108.1.1]

18.50 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure. [Sec 108.1.2]

18.50 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public. [Sec. 108.1.3]

The structure located at **3114 Findley Ave** is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- f. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- g. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3]
- h. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- i. The building must comply with the minimum criteria of the provisions for required facilities. [Sec. 502.1, 502.2, 502.3, 502.4,502.4.1, 502.5]
- j. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- k. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- l. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- m. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec.506.1, 506.2, 506.3]

- n. The drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. [Sec. 507.1]
- o. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- p. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- q. The building must comply with the minimum criteria of the provisions for electrical facilities. [Sec. 604.1,604.2, 604.3, 604.3.1, 604.3.1.1, 604.3.2, 604.3.2.1]
- r. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- s. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- t. Means of egress & Emergency escape opening - A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- u. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. [Sec. 703.1, 703.2]
- v. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times. [Sec. 704.1, 704.1.1, 704.2, 704.3, 704.4]
- w. 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. [Sec. 108.2]
- x. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Prosecutor's Office for court proceedings. The court will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.108.10 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Environmental Services Department, Code Compliance Division because of Electrical Code violations.

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 Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, 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 599-6290.

Rafael Balli
Building Inspector

NOTICE OF PUBLIC HEARING

To all interested parties:

The owners, mortgagee, lien holders and any others with a legal interest in the properties described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the "Commission", at the following time and place:

LOCATION: City Hall, City Council Chambers, 300 N. Campbell Street, 1st Floor, El Paso, Texas 79901

DATE: June 26, 2013

TIME: 5:30 p.m.

PROPERTY: 3114 FINDLEY AVENUE, EL PASO, TEXAS also described as Lot 7, Block 3, MIRAFLOR ADDITION the City of El Paso, El Paso County, Texas.

The Properties have been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, Carmen R. Garcia, 3114 Findley Avenue, El Paso, Texas 79905-3505 is the owner herein after referred to as the "Owner" of the Property. If you no longer own or have an interest in the Properties, you must execute an affidavit stating that you no longer own or have an interest in the Properties and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907, no later than the 20th day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Properties, even if you do not.

On or about April 26, 2013 an inspection of the Properties was conducted by the Environmental Services Division and the following violations were identified:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]

- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- e. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- f. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- g. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- h. Means of egress & Emergency escape opening - A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- i. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. [Sec. 703.1, 703.2]
- j. The structures need 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. [Sec. 108.2]

The Owner is entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owner advocate for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Properties are safe or that they can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owner fails to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order.

The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. A copy of the ordinance adopting the most current version of Chapter 2.38 is enclosed. The bylaws may be obtained at the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907 or by calling (915) 599-6290.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM
CONTENT

APPROVED AS TO

John R. Batoon
Assistant City Attorney

Tom Maguire, C.B.O.
Deputy Building Official

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 3114 Findley Ave. was PUBLISHED in the official City newspaper on the ____ day of _____, 2013.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 3114 Findley Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Carmen R. Garcia
3114 Findley Ave.
El Paso, Texas 79905-3505

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 3114 Findley Ave. was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
300 N. Campbell
El Paso, TX 79901

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 3114 Findley Ave. 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 regarding the property at 3114 Findley Ave. 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 regarding the property at 3114 Findley Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Clerk, Probate Dept.
500 E. San Antonio Avenue, Suite 105
El Paso, Texas 79901

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 3114 Findley Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, TX 79901

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice was POSTED at 3114 Findley Ave. El Paso, Texas.

Date: _____
Time: _____
Inspector: _____



UNSAFE STRUCTURES REPORT

ENVIRONMENTAL SERVICES

DATE OF EXAMINATION: April 26, 2013

REP. DISTRICT: 8

ADDRESS: 3114 Findley Avenue

ZONED: A-3

LEGAL DESCRIPTION: Lot 7, Block 3, of MIRAFLORES ADDITION to the City of El Paso, County Of El Paso, Texas, and State of Texas, known as 3107 Findley Street.

OWNER: Carmen R. Garcia

ADDRESS: 3114 Findley Avenue
El Paso, TX 79905

BUILDING USE: Single family dwelling

TYPE OF CONSTRUCTION: V

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 slab on grade

CONDITION: Unable to determine. A structural engineer or registered contractor must be hired to evaluate the flooring system.

EXTERIOR WALLS: Dilapidated Adobe w/plaster covering.

HEIGHT: 8' to 10'

THICKNESS: 12" to 16"

CONDITION: Poor. Due to lack of maintenance and exposure to the elements, several notable cracks found on the wall system. A structural engineer should be hired to evaluate structural elements of the building and submit a report on the corrections required to make the building safe.

INTERIOR WALLS & CEILINGS: Adobe w/wood frame and plaster covering, sheetrock ceilings.

CONDITION: Poor. The walls and ceilings will need to be repaired, plastered and painted. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

ROOF STRUCTURE: Flat roof, wood framing with rolled composition.

CONDITION: Poor. A registered roofing contractor or building contractor must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into code compliance.

DOORS, WINDOWS, ETC.: Wood frame doors and windows with wrought iron.

CONDITION: Poor. Will need to repair or replace all doors and windows, so they are operational and meet egress requirements.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. Windows and doors need replacing or repairs done to make them operational.

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

ELECTRICAL: A licensed electrician should be hired to bring system up to code.

MECHANICAL: A licensed mechanical contractor should be hired to bring system up to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

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

REMARKS: This is an open and abandoned single-family residence. The exterior walls are showing signs of advanced deterioration. The original structure should be demolished within thirty (30) days; the deteriorated accessory structure should also be demolished within thirty (30) days and the property cleaned of all weeds, trash and debris.

Rafael Balli-Berlange
Building Inspector



Account Status Go To: _____

Prev. Acc... Next Acc... Prev. Owner Next Owner Acct History Acct Summary **Notes** Documents

EVAR **ACCOUNT NO(M48899900301900): YEAR = 2007, LEGAL STATUS = RELEASED JUDGMENT,** 06/05/2013 18:13
 ACT8006 v1.235 **CAUSE NUMBER = 2001TX224** ACTEP

STATUS DETAIL **Expand Fees** Summary

Account Information

Account No. **M488-999-0030-1900** Roll Code **REAL PROPERTY**

Certified Owner **GARCIA CARMEN R**

Parcel Address **3114 FINDLEY AVE**

Amount Due as of **06/05/2013** CAD No. **227958**

Tax Units Tax Unit Description

List of Tax Units: 1 3 6 7 8 9009 9089

AG INCLUDED Remove Fees Countywide **Multi Select**

Tax Unit, Yr, Rec. Type

Tax Unit: _____ Year: _____ Rec. Type: _____

Amount Due/Paid Information

Year	Gross Value	H	O	V	D	Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due	
2012	\$44,536					\$1,161.82	\$0.00	\$0.00	\$1,161.82	\$374.67	\$0.00	\$1,536.49	
2011	\$13,105					\$335.80	\$0.00	\$0.00	\$335.80	\$182.40	\$0.00	\$518.20	
2010	\$47,346					\$1,776.33	\$0.00	\$0.00	\$1,776.33	\$826.63	\$0.00	\$2,602.96	
2009	\$48,047					\$1,197.01	\$0.00	\$0.00	\$1,197.01	\$994.11	\$0.00	\$2,191.12	
2008	\$46,953	Y	Y			Exemption \$268.65	\$0.00	\$0.00	\$268.65	\$256.34	\$0.00	\$524.99	
2007	\$46,953	Y	Y			Exemption \$218.88	\$218.88	\$0.00	\$0.00	\$7.29	\$0.00	\$0.00	
2006	\$41,519	Y	Y			Exemption \$214.07	\$214.07	\$0.00	\$0.00	\$24.26	\$0.00	\$0.00	
2005	\$34,866	Y	Y			Exemption \$279.32	\$279.32	\$0.00	\$0.00	\$54.01	\$0.00	\$0.00	
2004	\$32,932	Y	Y			\$252.17	\$252.17	\$0.00	\$0.00	\$68.92	\$0.00	\$0.00	
Last Payment Date						Totals	\$7,062.50	\$2,322.89	\$0.00	\$4,739.61	\$3,934.68	\$0.00	\$7,373.76
Last Payer						Alert							