

3003 PERSHING



BUILDING AND STANDARDS BOARD AGENDA ITEM #7 FOR
WEDNESDAY, JANUARY 27, 2010

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

January 19, 2010

TO: The Honorable Chairman and Board Members

THROUGH: Victor Q. Torres. – The Director for Development Services

FROM: Bill Stern, C.B.O., Chief Building Inspector

SUBJECT: 3003 Pershing Drive, El Paso, Texas, 79903

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

- 1) First investigated on October 30, 2009 upon investigation it was found that the accessory structures are open and abandoned and in a state of disrepair. The structures were built in 1916. They shell structures basically consist of deteriorating and decaying wood and pose a safety hazard to the public. The plumbing, electrical and mechanical systems are nonexistent. The rear yard is full of trash, debris and accumulation of the old construction material..
- 2) A certified condemnation letter was mailed to Miguel Fuentes and all interested parties.
- 3) Certified notices of the public hearing scheduled for January 27, 2010 were mailed to all interested parties on January 12, 2010
- 4) As of January 19, 2010, \$3,900.65 in taxes is owed

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

- 1) That the accessory structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the accessory structures 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 accessory structures cannot be repaired; and
- 5) That the accessory structures be demolished within thirty (30) days; and
- 6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
- 7) That upon failure by the owner 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.

DEVELOPMENT SERVICES DEPARTMENT
December 11, 2009

NOTICE OF VIOLATION

Miguel Fuentes
12555 Tierra Padre Ln
El Paso, Texas 79938-4408

Re: 3003 Pershing Dr.
Blk: 101 East El Paso
Lot: 3 & 1/2 of 2
Zoned: C4
BSC09-00972
Mail Receipt #:
7008 1300 0001 0407 1628

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:

18.50.106.1 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 Chapter 2.38 of this code.

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

18.50.106.1.1 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.

18.50.106.1.2 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.

18.50.106.1.3 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

The structure located at **3000 Pershing Dr. El Paso, Texas, 79930** is in violation of the requirements found in the following sections of the 2003 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. 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]

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

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The City Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.

- b. By authority of Chapter 18.02.103.9.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Building Permits and Inspections Department 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 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.

Nellie Avalos
Building Inspector

MA/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **27th** day of **January, 2010** in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso (the "**Commission**") will hold a public hearing on the question of whether the building located on the property at **3003 Pershing Drive**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 3 and the East 1/2 of Lot 2, Block 101, EAST EL PASO ADDITION to the City of El Paso, El Paso County, Texas, municipally known as 3003 Pershing Drive, El Paso, Texas.

is unsafe and dangerous, because of the following violations:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. The structures need to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

According to the real property records of the County of El Paso Maria Soledad Fuentes, 3003 Pershing Drive, El Paso, Texas, 79903 (the "**Owner**") is listed as the owner of the real property described herein.

According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division 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.

The Owner of said property is hereby ordered to appear before the Building and Standards Commission and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before the Commission at said date, hour, and place to show cause why said building should not be declared a nuisance and ordered to be abated. The Owner, lien holders, mortgagees, or any other person having an interest in the property is 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 Title 18, as mandated by Section 18.50 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 the Commission 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 the Commission at this hearing.

The time periods, which govern the completion of work ordered by the commission, are outlined in Chapter 2, Subsection 2.38.080 of the Municipal Code of the City of El Paso, and pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of the Commission 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 \$1,000.00 a day for each violation, or \$10.00 a day if the Owner shows that the property is the Owner's lawful homestead; and
- III) appoint a receiver as permitted by state law; and
- IV) any other remedies 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;

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.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Cynthia S. Osborn
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Official
Building Permits and Inspection Department

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 3003 Pershing Drive was PUBLISHED in the official City newspaper on the ____day of _____, 2010.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 3003 Pershing Drive 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 regarding the property at 3003 Pershing Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Maria Soledad Fuentes
1255 Tierra Padre Lane
El Paso, Texas 79938

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3003 Pershing Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Robert Malooly
930 Raynolds Suite A
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3003 Pershing Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mguel Fuentes
2612 Richmond
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3003 Pershing Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Miquel Fuentes
12555 Tierra Padre Ln
El Paso, Texas 79938

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3003 Pershing Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Aurelio Melucci
354 Valle Serrano Dr.
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3003 Pershing Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Miguel Angel Fuentes
3003 Pershing Dr.
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3003 Pershing Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Tacos El Indio
1155 Westmoreland
El Paso, Texas 79925

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3003 Pershing Drive 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 3003 Pershing Drive 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 3003 Pershing Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court
500 E. San Antonio Avenue, Suite 703
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3003 Pershing Drive 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 3003 Pershing Drive, El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: October 30, 2009

REP. DISTRICT: 8

ADDRESS: 3003 Pershing Drive

ZONED: C-4

LEGAL DESCRIPTION: Lot 3 and the East 1/2 of Lot 2, Block 101, EAST EL PASO ADDITION to the City of El Paso, El Paso County, Texas, municipally known as 3003 Pershing Drive, El Paso, Texas.

OWNER: Maria Soledad Flores

ADDRESS: 12555 Tierra Padre Lane
El Paso, TX 79938

BUILDING USE: Abandoned accessory structure

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: Unable to determine.

CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: Wood

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

EXTERIOR WALLS: Wood and some siding covering

HEIGHT: 10' +/-

THICKNESS: 5/8" to 1" +/-

CONDITION: Bad. Due to lack of maintenance and exposure to the elements, some of the wall system is failing. 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: Wood

CONDITION: Bad. The walls and ceilings are deteriorated and the decaying due to exposure to the elements and lack of maintenance. 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: Unable to determine, the roof assembly has collapsed in several areas.

CONDITION: Bad. 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.: Nonexistent

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

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: N/A

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

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

MECHANICAL: Nonexistent. 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: These open and abandoned accessory structures were built in 1916. The walls are decaying showing signs of advanced deterioration. The roof and ceiling assembly have collapsed in some areas. The structures should be demolished and the property cleaned of all weeds, trash and debris within thirty (30) days.

Nellie Avalos

Building Inspector

**CITY OF EL PASO
ENVIRONMENTAL SERVICES**



M E M O R A N D U M

DATE: January 6, 2010

TO: William Stern C.B.O., Chief Building Inspector

FROM: Robert Morales – Code Compliance Inspector

SUBJECT: Condemnation Report – Complaint # BSC09-00972
COD09-28453

RE: 3003 Pershing Dr. 101 East El Paso, Lot 3 & ½ of 2

An inspection of the property was conducted on January 5, 2010, and the conditions checked were in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04.340 - ACCUMULATIONS

Construction debris observed in backyard, near storage area.

SECTION 9.04.360 – VEGETATION AND WEEDS

No violation noted at time of inspection.

SECTION 9.16 - NUISANCE

Storage room in backyard is deteriorating.

SECTION 9.16.010 – DESIGNATED

Two unit dwelling is currently occupied and appears to be in good condition.

SECTION 9.28 -RAT CONTROL

Rodent evidence not noted on premise.