

9043 ALAMEDA



BUILDING AND STANDARDS BOARD AGENDA ITEM # 6 FOR
WEDNESDAY, JANUARY 28, 2009

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
January 13, 2009

TO: The Honorable Chairman and Board Members

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

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

SUBJECT: 9043 Alameda Avenue, El Paso, Texas 79907-6527

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

- 1) First investigated September 12, 2008. The mixed use commercial and multifamily building was built in 1926. There are several broken windows. The exterior walls contain several cracks and the decorative plaster veneer is falling off. The interior walls and ceiling show signs of cracks and contain several holes. At the time of initial investigation the structure was occupied. The tenants have relocated and the structure is vacant.
- 2) Certified condemnation letters were mailed to Charles T. Nowlin and Mike Bumgardner.
- 3) Certified notices of the public hearing scheduled for January 28, 2009, were mailed to the owners and all interested parties on January 16, 2009.
- 4) As of January 13, 2008, no taxes are owed.

The owner has 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 it be found:

- 1) That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structure is 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 be secured within thirty (30) days and maintained secure until rehabilitated; and
- 5) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
- 6) 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.

JOHN COOK
MAYOR



JOYCE WILSON
CITY MANAGER

VICTOR Q. TORRES
DIRECTOR

CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES DEPARTMENT

BUILDING STANDARDS ENFORCEMENT

September 19, 2008

Charles T. Nowlin
1243 White Pine St
San Antonio, Texas 78232-3446

Re: 9043 Alameda Avenue Apt 1A
Blk: 2 Harris
Lot: E Pt of 1
Zoned: C1
BSC08-00020
Certified Mail Receipt #
7007 3020 0001 2772 1144

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 International 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.

9043 Alameda Ave. Apt. 1A

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 **9043 Alameda Ave. Apt. 1A** has 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]

9043 Alameda Apt. 1A

- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]

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.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

Zuleika Davila
Building Inspector

ZCD/nms

JOHN COOK
MAYOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, DISTRICT 4
Rachel Quintana, District 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

JOYCE WILSON
CITY MANAGER

VICTOR Q. TORRES
DIRECTOR

DEVELOPMENT SERVICES DEPARTMENT

BUILDING STANDARDS ENFORCEMENT
September 19, 2008

Mike Bumgardner
4601 Hondo Pass St. D
El Paso, Texas 79924

Re: 9043 Alameda Avenue Apt 1A
Blk: 2 Harris
Lot: E Pt of 1
Zoned: C1
BSC08-00020
Certified Mail Receipt #
7007 3020 0001 2772 1236

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- d. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
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- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]

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.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

Zuleika Davila
Building Inspector

ZCD/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **28th** day of **January, 2009** 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 **9043 Alameda Ave.**, in El Paso, Texas, which property is more particularly described as:

Legal Description: A portion of Lot 1, Block 2, HARRIS TRACT, El Paso County, Texas, according to the plat thereof, recorded in Volume 4, Page 33, Plat Records of El Paso County, 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]

According to the real property records of the County of El Paso, Martha Franco Munoz, Trustee, Eflen L. & Margarita Franco, Revocable Trust. 7155 North Loop, El Paso, Texas, 79915 (the "**Trustee**"), Martha Franco Munoz, Trustee, Eflen L. & Margarita Franco, Revocable Trust. 9043 Alameda Avenue, El Paso, Texas 79907-6527, (the "**Trustee**"), Charles T. Nowlin, 9403 Alameda, El Paso, Texas 79907-6527, (the "**Owner**"), Karen A. Nowlin, P. O. Box 17422, El Paso, Texas, 79917, (the "**Owner**") are listed as the owners 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 Owners of said property are 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 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 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 Owners, 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 Owners fail, neglect or refuse 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 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 \$1,000.00 a day for each violation, or \$10.00 a day if the Owners show 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:

Mark Shosmith
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 9043 Alameda Ave. was PUBLISHED in the official City newspaper on the ____day of _____, 2009.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 9043 Alameda Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Martha Franco Munoz, Trustee,
Efren L & Margarita Franco, Revocable Trust
7155 North Loop
El Paso, Texas 79915

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 9043 Alameda Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Martha Franco Munoz, Trustee,
Efren L & Margarita Franco, Revocable Trust
9043 Alameda Avenue
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 9043 Alameda Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Charles T. Nowlin
9403 Alameda
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 9043 Alameda Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Charles T. Nowlin
9043 Alameda
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 9043 Alameda Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Charles T. Nowlin
1243 White Pine
San Antonio, Texas 78232

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 9043 Alameda Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Karen A. Nowlin
P. O. Box 17422
El Paso, Texas 79917

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 9043 Alameda Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mike Bumgardner
4601 Hondo Pass, Ste D
El Paso, Texas 79924

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 9043 Alameda Ave. 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 9043 Alameda 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
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 9043 Alameda 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 9043 Alameda Ave. 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 9043 Alameda 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 9043 Alameda Ave. , El Paso, Texas.

Date:

Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: January 8, 2009

REP. DISTRICT:

ADDRESS: 9043 Alameda Avenue

ZONED: C - 1

LEGAL DESCRIPTION: A portion of Lot 1, Block 2, HARRIS TRACT, El Paso County, Texas, according to the plat thereof, recorded in Volume 4, Page 33, Plat Records of El Paso County, Texas.

OWNER(S): Martha F. Munoz, Trustee
Efren L. & Margarita Franco

ADDRESS: 7155 North Loop
El Paso, TX 79915

Martha F. Munoz, Trustee
Efren L. & Margarita Franco

9043 Alameda Avenue
El Paso, TX 79907

Charles T. Nowlin

1243 White Pine Street
San Antonio, Texas 78232

BUILDING USE: Mixed use Commercial and Multi family dwelling

TYPE OF CONSTRUCTION: V, CMU w/wood frame and decorative plaster veneer

FOOTINGS: Reinforced concrete.

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 on 1st floor; 2 x 8 joists covered with ¾" decking on 2nd floor.

CONDITION: Poor. Unfinished, uncovered concrete on 1st floor, wooden floor improperly maintained. A structural engineer or registered contractor must be hired to evaluate the flooring system.

EXTERIOR WALLS: CMU, w/stucco covering and decorative plaster veneer.

HEIGHT: 30' +/-

THICKNESS: 8" +/-

CONDITION: Poor. Due to lack of maintenance and exposure to the elements, some of the wall system is failing around the exterior at ground level. 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 frame with sheetrock

CONDITION: Poor. Due to lack of maintenance and vandalism, several walls contain holes exposing the lumber, others are tagged with graffiti and ceilings show signs of leaks. 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.

ROOF STRUCTURE: Built up flat roof, wood framing with rolled roof composition covering.

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.: Metal exterior doors and metal sash windows.

CONDITION: Poor. Broken doors and windows will need to be replaced so they are operational and meet egress and code requirements.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. The windows and doors will need to be replaced so they are operational and meet egress and code requirements.

PLUMBING: A licensed plumbing contractor should be hired to evaluate and bring the system up to code.

ELECTRICAL: A licensed electrical contractor should be hired to evaluate and bring the system up to code.

MECHANICAL: A licensed mechanical contractor should be hired to evaluate and bring the 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 a mixed use multi-family dwelling built in 1926. Upon investigation the structure was occupied but has since been vacated. Some doors and windows are broken the interior has been tagged with graffiti and is in a state of disrepair. The structure should be secured until rehabilitated. The property should be cleaned of all weeds, trash and debris.

Nellie Avalos

Building Inspector