

3204 1/2 Frutas Ave.



BUILDING AND STANDARDS BOARD AGENDA ITEM # 6 FOR
WEDNESDAY, JANUARY 30, 2008

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
December 27, 2007

TO: The Honorable Chairman and Board Members

THROUGH: Larry Nichols, C.B.O. – The Director for Building Permits and Inspections

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

SUBJECT: 3204 1/2 Frutas Avenue

On October 30, 2007 a hearing was held before the Building and Standards Commission at City Council Chambers and it was found that the structures located on said property are substandard, unfit for habitation or use and a hazard to the public health, safety and welfare, and that the structures are not in substantial compliance with the Municipal Ordinances regulating fire protection, structural integrity and disposal of refuse. The Building and Standards Commission ordered the owner to demolish the structures and clean the premises of all weeds, trash and debris on or before December 30, 2007. A request for a rehearing was submitted to Larry Nichols, Building Official for Development Services on December 12, 2007, by Alan D Gluth, a representative for Josefina Montoya Mack, 2533 Sierra Street, Torrance, California, 90503, certified notices of the public hearing scheduled for January 30, 2008, were mailed to the owners and all interested parties on January 8, 2008. As of December 26, 2007, \$245.21 is owed in taxes.

The owner has been notified of the violations at this property, and has received a copy of the Building and Standards Commission order, of their need to demolish the structures on or before December 30, 2007, to date there has been no other corrective action taken, therefore the Department recommends that it be found:

- 1) That the structure is unsafe and dangerous and an attractive nuisance; and
- 2) That the structures be demolished immediately; and
- 3) That the premises be cleaned and maintained clean of all weeds, trash, and debris immediately;
and
- 4) 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

R. ALAN SHUBERT, PE, CBO
DEVELOPMENT SERVICES DEPARTMENT, DIRECTOR



ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES DEPARTMENT

BUILDING STANDARDS ENFORCEMENT
June 25, 2007

Josefina M Mack
2533 Sierra St.
Torrance, CA 90503-5247

Re: 3204 Frutas Ave. (rear)
Blk: 20 East El Paso
Lot: S 70 FT of 29 & 30
Zoned: A-3
COD07-14649
Certified Mail Receipt #
7105 8873 0190 1000 6275

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.

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 **3204 Frutas Ave. (rear)** has the following violations:

- a. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- b. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- c. 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.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

Manuela Avalos
Building Inspector

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **30th** day of **October, 2007** 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 buildings located on the property at **3204 1/2 Frutas Ave. (Rear)**, in El Paso, Texas, which property is more particularly described as:

LEGAL DESCRIPTION: The South 70 feet of Lots 29 and 30, Block 20, EAST EL PASO ADDITION to the City of El Paso, El Paso County, Texas, known as 3204 1/2 Frutas Avenue, El Paso, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Josefina Montoya Mack (**the "Owner"**), 2533 Sierra St, Torrance, Los Angeles County CA, 90503, 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 buildings 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 structures 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:

Ernesto Rodriguez
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Inspector
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 at **3204 1/2 Frutas Ave. (Rear)** was PUBLISHED in the official City newspaper on the ____ day of _____, 2007.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at **3204 1/2 Frutas Ave. (Rear)** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Josefina Montoya Mack
2533 Sierra Street
Torrance, Los Angeles County,
CA 90503

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3204 1/2 Frutas Ave. (Rear)** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

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

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3204 1/2 Frutas Ave. (Rear)** 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 **3204 1/2 Frutas Ave. (Rear)** 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 **3204 1/2 Frutas Ave. (Rear)** 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 **3204 1/2 Frutas Ave. (Rear)** 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 was POSTED at **3204 1/2 Frutas Ave. (Rear)** El Paso, Texas.

Date:
Time:

Inspector

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **30th** day of **January, 2008** 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 buildings located on the property at **3204 1/2 Frutas Ave. (Rear)**, in El Paso, Texas, which property is more particularly described as:

LEGAL DESCRIPTION: The South 70 feet of Lots 29 and 30, Block 20, EAST EL PASO ADDITION to the City of El Paso, El Paso County, Texas, known as 3204 1/2 Frutas Avenue, El Paso, Texas.

Should be granted a rehearing.

According to the real property records of the County of El Paso, Texas, Josefina Montoya Mack (**the "Owner"**), 2533 Sierra St, Torrance, Los Angeles County CA, 90503, 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 a rehearing should be granted.

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 structures 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:

- V) 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;
- VI) 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
- VII) appoint a receiver as permitted by state law; and
- VIII) 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:

Ernesto Rodriguez
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Inspector
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 at **3204 1/2 Frutas Ave. (Rear)** was PUBLISHED in the official City newspaper on the ____day of _____, 2008.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at **3204 1/2 Frutas Ave. (Rear)** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Josefina Montoya Mack
2533 Sierra Street
Torrance, Los Angeles County,
CA 90503

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3204 1/2 Frutas Ave. (Rear)** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Daniel Sanchez
10940 Ben Crenshaw
El Paso, Texas 79935

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3204 1/2 Frutas Ave. (Rear)** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Alan D. Gluth
Attorneys at Law
310 N. Mesa, Ste 300
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3204 1/2 Frutas Ave. (Rear)** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

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

Date:
Time:

Inspector

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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 **3204 1/2 Frutas Ave. (Rear)** 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 **3204 1/2 Frutas Ave. (Rear)** 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 **3204 1/2 Frutas Ave. (Rear)** 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 was POSTED at **3204 1/2 Frutas Ave. (Rear)** El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: October 15, 2007

REP. DISTRICT: 8

ADDRESS: 3204 1/2 Frutas Avenue (Rear)

ZONED: R - 5

LEGAL DESCRIPTION: The South 70 feet of Lots 29 and 30, Block 20, EAST EL PASO ADDITION to the City of El Paso, El Paso County, Texas, known as 3204 ½ Frutas Avenue, El Paso, Texas.

OWNER: Josefina Montoya Mack

ADDRESS: 3204 1/2 Frutas Avenue
El Paso, Texas 79905

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: V, adobe with wood frame and plaster.

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

FLOOR STRUCTURE: Concrete slab on grade covered w/tile.

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

EXTERIOR WALLS: Adobe walls covered with plaster.

HEIGHT: 8' – 10' +/-

THICKNESS: 10" - 12"

CONDITION: Poor. The walls have substantial cracks and portions of the wall have collapsed due to lack of maintenance and exposure to the elements of the weather.

INTERIOR WALLS & CEILINGS: Wood frame, sheetrock w/ plaster

CONDITION: Poor. The walls are collapsing.

ROOF STRUCTURE: Pitch roof, wood framing with rolled roof composition covering.

CONDITION: Poor. The roof is collapsing and has sustained substantial damage due to lack of maintenance and exposure to the elements of the weather.

DOORS, WINDOWS, ETC.: Wood doors and wood frame windows.

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 need replacing or repairs done to make them operational.

PLUMBING: A licensed plumber should be hired to bring system up to code.

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 structures should be demolished and the property cleaned of all weeds, trash and debris.

Nellie Avalos

Building Inspector