

401 Florence St.



BUILDING AND STANDARDS BOARD AGENDA ITEM #5 FOR
WEDNESDAY, JANUARY 30, 2008
DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
January 14, 2008

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: 401 S. Florence Street

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

- 1) First investigated February 27, 2006. The multifamily dwelling building was built in 1914. There are evident roof leaks, cracks and holes on the walls, exposed plumbing lines, and no heating facilities. Initially, the building was being repaired without the required permits, although some permits were obtained they have since expired due to no inspections and the structure continues to deteriorate.
- 2) A certified condemnation letter was mailed to Luis Anselmo Morales, 4006 Mountain Avenue, El Paso, Texas 79930.
- 3) Certified notices of the public hearing scheduled for January 30, 2008 were mailed to the owners and all interested parties on January 8, 2008.

The owner has been notified of the violations at this property, to date there has been no corrective action taken, 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 can be repaired; and
- 5) That the structure be vacated until rehabilitated within 30 days; and
- 6) That the structure be secured and maintained secure within 30 days; and
- 7) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
- 8) 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



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
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JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, P.E., C.B.O.
DEVELOPMENT SERVICE DIRECTOR

DEVELOPMENT SERVICES DEPARTMENT

BUILDING STANDARDS ENFORCEMENT

December 5, 2007

Luis A Morales
4006 Mountain Ave.
El Paso, Texas 79930-6638

Re: 401 S Florence St.
Blk: 139 Campbell
Lot: 9 & 10
Zoned: C4
COD07-30712
Certified Mail Receipt #
70-07 0710 0001 1386 2429

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 **401 S Florence St.** 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]
- 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:

Nellie 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 **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 **401 S. Florence St.** in El Paso, Texas, which property is more particularly described as:

LEGAL DESCRIPTION: Lots 9 and 10, Block 139, CAMPBELL ADDITION, an addition to the City of El Paso, El Paso County, Texas according to the plat thereof on file in Volume 2, Page 68, Real Property Records, El Paso County, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Luis A. Morales (**the "Owner"**), 4006 Mountain Ave., El Paso, Texas 79930, is 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 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 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:

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 **401 S. Florence St.** 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 **401 S. Florence St.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Luis Anselmo Morales
4006 Mountain Ave.
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **401 S. Florence St.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mike Ainsa, Trustee
5809 Acacia Circle
El Paso, Texas 79912

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **401 S. Florence St.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

San Francisco Historic LTD
P. O. Box 55
El Paso, Texas 79940

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **401 S. Florence St.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Paul N. Dipp
519 Rim Road
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **401 S. Florence St.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Michael I. Dipp
5315 Montoya
El Paso, Texas 79932

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **401 S. Florence St.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

George R. Dipp
5131 Thornton
El Paso, Texas 79932

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **401 S. Florence St.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mary Jeanne Dipp
5520 Ventana del Sol
El Paso, Texas 79912

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **401 S. Florence St.** 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 **401 S. Florence St.** 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 **401 S. Florence St.** 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 **401 S. Florence St.** 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 **401 S. Florence St.** 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 **401 S. Florence St.** El Paso, Texas.

Date:

Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: November 13, 2007

REP. DISTRICT: 8

ADDRESS: 401 S. Florence Street

ZONED: C4

LEGAL DESCRIPTION: Lots 9 and 10, Block 139 CAMPBELL ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 2, Page 68, Real Property Records, El Paso County, Texas

OWNER: Luis Anselmo Morales

ADDRESS: 4006 Mountain Avenue
El Paso, Texas 79930

BUILDING USE: Multifamily two story dwelling

TYPE OF CONSTRUCTION: V, Brick Veneer with wood frame

FOOTINGS: Concrete footings.

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

FOUNDATION WALL: Concrete.

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

1ST FLOOR STRUCTURE: Wood framing w/hardwood some covered w/asphalt tile

CONDITION: Floor coverings are deteriorating and must be repaired. A structural engineer or registered contractor must be hired to evaluate the flooring system.

2ND FLOOR STRUCTURE: Wood framing w/hardwood some covered w/asphalt tile

CONDITION: Floor coverings are deteriorating and must be repaired. A structural engineer or registered contractor must be hired to evaluate the flooring system.

EXTERIOR WALLS: Brick veneer

HEIGHT: 25' +/-

THICKNESS: 8" - 10" +/-

CONDITION: Fair. Due to lack of maintenance and exposure to the elements, some minor repairs and painting is recommended. 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, sheetrock w/plaster

CONDITION: Poor. Several units with holes and cracks on the walls due to lack of maintenance.

ROOF STRUCTURE: Flat roof, wood framing, built up with rolled roof composition

CONDITION: Poor. Roof leaks are evident in several locations. 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 doors and wood frame windows.

CONDITION: Bad. 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 to be replaced or repaired 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: There is no heating or air conditioning equipment. 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 REQ.: No

REMARKS: This is a multifamily dwelling without heating facilities as required by code. The floor system and walls are showing signs of advanced deterioration due to lack of maintenance. The structure should be vacated and secured. The property should be cleaned of all weeds, trash and debris.

Nellie Avalos

Building Inspector

**EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT
ENVIRONMENTAL HEALTH**



MEMORANDUM

DATE: December 13, 2007

MEMO TO: William Stern C.B.O., Residential Inspector Supervisor

FROM: Samuel Jarvis, Senior Environmental Health Inspector

Subject: Condemnation Report

RE: 401 S. Florence

An inspection of the property was conducted at 401 S. Florence and the conditions checked were found in violation of Title 9 – of the El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA

N/A

SECTION 9.04.340 – ACCUMULATIONS

N/A

SECTION 9.16 - NUISANCE

N/A

SECTION 9.16.010 – DESIGNATED

Apartments have no heaters.

SECTION 9.28 -RAT CONTROL

N/A