

# 313 N CAROLINA



**BUILDING AND STANDARDS BOARD AGENDA ITEM #6 FOR  
WEDNESDAY, JANUARY 30, 2013**

**ENVIRONMENTAL SERVICES DEPARTMENT  
CODE COMPLIANCE DIVISION**

**MEMORANDUM**

January 23, 2013

**TO:** The Honorable Chairman and Board Members

**THROUGH:** Karl Rimkus, Code Compliance Manager, Code Compliance Division

**FROM:** Tom Maguire, Deputy Building Official

**SUBJECT:** 313 North Carolina Drive, El Paso, Texas 79915-2837

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

- 1) First investigated on August 10th, 2012. Recently investigated on January 22nd, 2013 the structure was found in an advanced state of disrepair and being used for storage by the property owner. This single family dwelling was built before 1955, constructed of adobe with stucco finish and CMU, and a wood framed roof structure. The stucco coating has fallen, exposing the underlying Adobe and causing structural failure and the walls to become compromised. The building is leaning to the front towards the sidewalk and gas meter. The floor system is non-existent in the majority of the structure with a small concrete portion at the rear which is buckled and settled. The plumbing and mechanical systems are nonexistent. The electrical system does not meet Code requirements with exposed wiring and conduit throughout the structure. There is trash and debris accumulation inside the abandoned structure.
- 2) A certified condemnation letter was mailed to Manuel Ramirez.
- 3) Certified notices of the public hearing scheduled for January 30th, 2013 were mailed to the owners and all interested parties on January 10th, 2013.
- 4) As of January 16th, 2013, \$1,186.78 in taxes is owed.

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

- 1) That the structure is 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 cannot be rehabilitated; and
- 5) That the structure 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.

Code Compliance Division  
January 24, 2013

**NOTICE OF VIOLATION**

Manuel Ramirez  
348 Falby Ct  
El Paso, Texas 79915-2822

Re: 313 North Carolina Drive  
Blk: 19 Ysleta  
Lot: TR 5-B (0.56 Acre)  
Zoned: R-3  
ENHS12-00560  
7108 2133 3932 6909 1579

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:

**18.50.108.1 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 Title 2.38 of the Municipal Code.

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

**18.50.108.1.1 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.

**18.50.108.1.2 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.

**18.50.108.1.3 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 **313 North Carolina Drive, El Paso, Texas, 79915** 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. 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]
- d. 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]
- e. 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 18.02.103.10.3.3 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.

Nathan J. Walsh  
Building Inspector

## NOTICE OF PUBLIC HEARING

### **To all interested parties:**

The owners, mortgagee, lien holders and any others with a legal interest in the property 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:** El Paso City Hall, 2 Civic Center Plaza, Council Chamber, 2<sup>nd</sup> Floor, El Paso, Texas 79901

**DATE:** January 30<sup>th</sup>, 2013

**TIME:** 5:30 p.m.

**PROPERTY:** 313 N. Carolina Dr., El PASO, TEXAS also described as Tract 5B, Block 19, Ysleta Grant, an addition to the City of El Paso, El Paso County, Texas.

The Property has 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, **Manuel Ramirez, 348 Falby Ct., El Paso, TX**, is the owner, herein after referred to as the "Owner" of the Property. 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 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 20<sup>th</sup> 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 Property, even if you do not.

On or about August 13<sup>th</sup>, 2012, an inspection of the Property was conducted by the Environmental Services Division and the following violations were identified:

- f. 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 ]

- g. 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]
- h. 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]
- i. 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]
- j. 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.

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 advocates 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 Property is safe or that it 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

---

Bill Stern, C.B.O.  
Deputy Building Official  
Code Compliance Division

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 **313 N. Carolina Dr., El Paso, Texas** 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 **313 N. Carolina Dr. El Paso, TX** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Manuel Ramirez  
348 Falby Ct  
El Paso, TX 79915-2882

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at **313 N. Carolina Dr., El Paso, TX** 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 **313 N. Carolina Dr., El Paso, TX** 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 **313 N. Carolina Dr., El Paso, TX**, 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 **313 N. Carolina Dr., El Paso, TX**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court  
500 E. San Antonio Avenue, Suite 803  
El Paso, Texas 79901

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at **313 N. Carolina Dr., El Paso, TX**, 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 **313 N. Carolina Dr., El Paso, Texas**.

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_



# UNSAFE STRUCTURES REPORT

## CODE COMPLIANCE DIVISION

**DATE OF EXAMINATION:** August 10th, 2012

**REP. DISTRICT:** 3

**ADDRESS:** 313 N. Carolina Drive

**ZONED:** R-3

**LEGAL DESCRIPTION:** Tract 5B, Block 19, Ysleta Grant to the City of El Paso.  
El Paso County, Texas

**OWNER:** Manuel Ramirez

**ADDRESS:** 348 Falby Ct  
El Paso, Texas 79915-2822

**BUILDING USE:** Abandoned single family dwelling

**TYPE OF CONSTRUCTION:** V

**FOOTINGS:** N/A

**CONDITION:** N/A

**FOUNDATION WALL:** N/A

**CONDITION:** N/A

**FLOOR STRUCTURE:** Front 75 percent dirt, rear 25 percent concrete slab on grade.

**CONDITION:** Poor. Concrete portion badly cracked and settled.

**EXTERIOR WALLS:** Front 85 percent exposed Adobe with stucco veneer, rear 15 percent CMU.

**HEIGHT:** 10'-12' +/-

**THICKNESS:** 8"- 14" +/-

**CONDITION:** Poor. Stucco veneer is badly cracked and falling away, exposing the underlying Adobe, compromising the walls and structural integrity.

**INTERIOR WALLS & CEILINGS:** Ceilings-non-existent, walls-plaster coating over Adobe.

**CONDITION:** Poor. Ceiling is non-existent, roof rafters and ceiling joists exposed, allowing entrance of natural light. Interior walls contain graffiti and are showing signs of cracking and deterioration from lack of maintenance and moisture accumulation.

**ROOF STRUCTURE:** Flat roof with rolled composition roof covering.

**CONDITION:** Poor. A registered roofing or building contractor should be hired to evaluate condition of roof system.

**DOORS, WINDOWS, ETC.:** Wood framed doors and windows.

**CONDITION:** Poor. The doors and windows are broken, deteriorated and missing hardware due to lack of maintenance.

**MEANS OF EGRESS:** Does not meet code requirements.

**CONDITION:** Poor. Windows, doors and window glass will need to be repaired or replaced to make them operational to meet minimum code requirements.

**PLUMBING:** Non-existent

**CONDITION:** N/A

**ELECTRICAL:** Poor

**CONDITON:** Exposed conduit and wires. A licensed electrical contractor should be hired to evaluate the electrical system condition.

**MECHANICAL:** N/A

**CONDITION:** N/A

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:** None

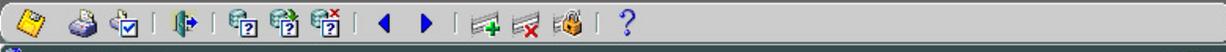
**WARNING POSTED:** No

**BARRICADED:** No

**POLICE AID REQD.:** No

**REMARKS:** The abandoned single family dwelling was found abandoned and being used as storage by the owner. The structure is in an advanced state of disrepair and has a noticeable lean towards the front sidewalk and gas meter. The stucco veneer has fallen exposing the underlying Adobe and there are numerous large structural cracks. The ceiling system is non-existent throughout the structure and the roof is allowing the entrance of natural light. There is trash, weeds and debris throughout the property. The division recommends that the structure be demolished within thirty (30) days. That the property be cleaned of all weeds, trash and debris within thirty (30) days.

Nathan J. Walsh  
Building Inspector



Account Status

Prev. Acc... Next Acc... Prev. Owner Next Owner Acct History Acct Summary **Notes** Documents Go To: \_\_\_\_\_

EVAR ACT8006 v1.225 01/16/2013 17:09 ACTEP

STATUS DETAIL **Expand Fees** Summary

**Account Information**

Account No. **Y805-999-0190-0508** Roll Code REAL PROPERT

Certified Owner RAMIREZ MANUEL

Parcel Address 313 N CAROLINA DR

Amount Due as of 01/16/2013 CAD No. 370189

**Tax Units** Tax Unit Description

List of Tax Units 1 5 6 7 8 8005 9500

AG INCLUDED Remove Fees Countywide

**Tax Unit, Yr, Rec. Type**

Tax Unit \_\_\_\_\_

Year \_\_\_\_\_

Rec. Type \_\_\_\_\_

**Multi Select**

**Amount Due/Paid Information**

Year	Gross Value	H	O	V	D	Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due
2012	\$43,894					\$1,186.78	\$0.00	\$0.00	\$1,186.78	\$0.00	\$0.00	\$1,186.78
2011	\$43,894	Y				Exemption \$799.20	\$799.20	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2010	\$43,894	Y				Exemption \$790.17	\$790.17	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2009	\$49,520	Y				Exemption \$900.96	\$900.96	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2008	\$47,906	Y				Exemption \$866.87	\$866.87	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2007	\$47,906	Y				Exemption \$888.91	\$888.91	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2006	\$45,408	Y				Exemption \$931.26	\$931.26	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$43,070					\$1,371.70	\$1,371.70	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$42,679					\$1,370.05	\$1,370.05	Write-Off \$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Totals</b>						<b>\$19,001.25</b>	<b>\$17,814.47</b>	<b>\$0.00</b>	<b>\$1,186.78</b>	<b>\$1,453.05</b>	<b>\$0.00</b>	<b>\$1,186.78</b>

Last Payment Date \_\_\_\_\_ Last Payer \_\_\_\_\_

Alert