

7721 MATAMOROS



**BUILDING AND STANDARDS BOARD AGENDA ITEM #7 FOR
WEDNESDAY, JANUARY 30, 2013**

**ENVIRONMENTAL SERVICES DEPARTMENT
CODE COMPLIANCE DIVISION**

**MEMORANDUM
January 24, 2013**

TO: The Honorable Chairman and Board Members

THROUGH: Karl Rimkus, Interim Division Manager, Code Compliance Department

FROM: Tom Maguire, C.B.O., Deputy Building Official

SUBJECT: 7721 Matamoros, El Paso, Texas, 79915-2126

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

- 1) First investigated on August 10th, 2012, the structures were found to be open and abandoned and in an advanced state of disrepair. This single family dwelling was built in 1953, constructed of CMU with plaster coating and a wood framed roof structure. The ceiling joists in a rear addition are exposed, over spanned, and sagging. Most of the doors and several window panes are broken. There is an accumulation of personal belongings, furniture and trash strewn throughout the interior. The structure has been used as harborage by unwanted persons.
- 2) A certified condemnation letter was mailed to Bennie J. Gilmore on August 13th, 2012.
- 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, \$23,547.99 is owed in taxes

The owner has been notified of the property 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 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 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 main structure and mother in law quarters can be rehabilitated; and
- 5) That the main structure and mother in law quarters be secured and maintained secure 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 the accessory structure be demolished within thirty (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.

Code Compliance Division
August 13, 2012

NOTICE OF VIOLATION

Bennie J. Gilmore
7721 Matamoros Drive
El Paso, Texas, 79915-2126

Re: 7721 Matamoros Drive
Blk: 44 Hacienda Heights
Lot: 11
Zoned: R-3
ENHS12-00369
7108 2133 3932 6909 1692

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 **7721 Matamoros 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. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- e. 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]
- f. 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.

Inspector
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, 2nd Floor, El Paso, Texas 79901

DATE: January 30th, 2013

TIME: 5:30 p.m.

PROPERTY: 7721 Matamoros Dr., EL PASO, TEXAS also described as Lot 11, Block 44, of Hacienda Heights, Unit No. 5, 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, **The Estate of Bennie J. Gilmore, and Harold W. Gilmore**, are the owners, 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 20th 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 10th, 2012, an inspection of the Property was conducted by the Environmental Services Division and the following violations were identified:

- 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. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- e. 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]
- f. 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 ADDRESS **7721 Matamoros 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 **7721 Matamoros Dr., El Paso, TX**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

The Estate of Bennie J. Gilmore and Harold W. Gilmore
7721 Matamoros Dr.
El Paso, TX 79915-2126

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at **7721 Matamoros 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 **7721 Matamoros 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 **7721 Matamoros 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 **7721 Matamoros 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 **7721 Matamoros 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 **7721 Matamoros Dr., El Paso, TX**, El Paso, Texas.

Date: _____

Time: _____

Inspector: _____



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: January 22, 2012

REP. DISTRICT: 7

ADDRESS: 7721 Matamoros Dr., El Paso, TX

ZONED: R-3

LEGAL DESCRIPTION: Block 44, Hacienda Heights, Unit 5, Lot 11

OWNER: Bennie J. Gilmore and Harold W. Gilmore

ADDRESS: 7721 Matamoros Dr.
El Paso, TX 79915-2126

BUILDING USE: Abandoned single-family dwelling

TYPE OF CONSTRUCTION: Type V

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: N/A

FLOOR STRUCTURE: Concrete slab on grade w/carpet/linoleum covering and also wood floor planks.

CONDITION: Fair. There is an area in the middle where the wooden floor planks are broken.

EXTERIOR WALLS: CMU walls.

HEIGHT: 8'-10'+/-

THICKNESS: 8"-12"+/-

CONDITION: Fair. Exterior walls are starting to show some deterioration due to exposure to elements and lack of maintenance

INTERIOR WALLS & CEILINGS: 2 x 4 Wood frame with sheetrock and plaster covering.

CONDITION: Poor. The walls are in fair condition and the ceilings show some signs of water penetration due to leaks; the ceiling in the rear addition is showing signs of deterioration due to water damage by roof leakage and over spanned roof joists.

ROOF STRUCTURE: Wood frame with composition roll roof covering.

CONDITION: Poor. Deterioration is noted throughout due to lack of maintenance. A registered roofing contractor must be hired to evaluate roofing system and submit a report of required corrections to bring the roof system into code compliance.

DOORS, WINDOWS, ETC.: Wood frame doors, metal casement windows w/wrought iron guards.

CONDITION: Poor. Broken doors and broken window glass, doors and windows will need to be repaired or replaced so they are operational and to meet minimum code compliance

MEANS OF EGRESS: Does not meet means of egress

CONDITION: Poor. Doors and windows must be replaced to meet means of egress building code compliance.

PLUMBING: Unknown.

CONDITION: Poor. A licensed plumbing contractor must be hired to evaluate the entire plumbing system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

ELECTRICAL: Unknown. A licensed electrical contractor must be hired to evaluate the entire electrical system and submit a report to this department on the corrective action required to bring the system up to minimum code and compliance.

MECHANICAL: Unknown. A licensed mechanical contractor must be hired to evaluate the entire mechanical system and submit a report to the department system and submit a report to the department on the corrective action required to bring the system up to minimum code compliance.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: Yes **BARRICADED:** No **POLICE AID REQD. :** No

REMARKS: The single family dwelling was built in 1953. The structures were found open, abandoned, vandalized and being used as harborage by unwanted persons. The roof system is failing due to lack of maintenance. The doors and the glass on the casement windows are broken. There are weeds, trash and debris throughout the property. The department recommends that the main structure and the mother in law quarters be secured and maintained secured within thirty (30) days and that the property be cleaned of all weeds, trash and debris within thirty (30) days and the accessory structure be demolished within thirty (30) days.

Nathan J. Walsh
Building Inspector

Appraisal & Collection Technologies - EL PASO

Action Edit Query Record Field Help Entitlements Accounts Statements Window

ORACLE

Account Status

Prev. Acc... Next Acc... Prev. Owner Next Owner Acct History Acct Summary **Notes** Documents

Go To: _____

EVAR 01/16/2013 17:10
ACT8006 v1.225 ACTEP

STATUS DETAIL Expand Fees Summary

Account Information

Account No. H012-999-0440-9100 Roll Code REAL PROPRT

Certified Owner G Formatted Account No.

Parcel Address 7721 MATAMOROS DR

Amount Due as of 01/16/2013 CAD No. 160312

Tax Units

Tax Unit Description

List of Tax Units

1 5 6 7 8 9009 9089

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	Exemption	Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due
2012	\$95,984	Y				Exemption	\$2,086.96	\$0.00	\$0.00	\$2,086.96	\$0.00	\$0.00	\$2,086.96
2011	\$104,411	Y				Exemption	\$2,246.42	\$0.00	\$0.00	\$2,246.42	\$1,083.81	\$0.00	\$3,330.23
2010	\$104,411	Y				Exemption	\$2,224.77	\$0.00	\$0.00	\$2,224.77	\$1,393.12	\$0.00	\$3,617.89
2009	\$110,153	Y				Exemption	\$1,957.58	\$0.00	\$0.00	\$1,957.58	\$1,506.25	\$0.00	\$3,463.83
2008	\$101,713	Y				Exemption	\$2,646.21	\$0.00	\$0.00	\$2,646.21	\$1,605.71	\$0.00	\$4,251.92
2007	\$101,713	Y				Exemption	\$1,590.70	\$0.00	\$0.00	\$1,590.70	\$1,680.67	\$0.00	\$3,271.37
2006	\$84,322	Y				Exemption	\$1,602.45	\$0.00	\$0.00	\$1,602.45	\$1,923.34	\$0.00	\$3,525.79
2005	\$65,985	Y				Exemption	\$1,590.41	\$1,590.41	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$63,958	Y					\$1,543.10	\$1,543.10	\$0.00	\$0.00	\$604.12	\$0.00	\$0.00
Totals							\$26,682.38	\$12,327.29	\$0.00	\$14,355.09	\$10,003.10	\$0.00	\$23,547.99

Last Payment Date _____

Last Payer _____

Alert

4:10 PM 1/16/2013