

3511 POLK AVE.



BUILDING AND STANDARDS BOARD AGENDA ITEM # 4 FOR
WEDNESDAY, January 31, 2007

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
January 19, 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: 3511 Polk Avenue

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

- 1) First investigated July 25, 2006. The building was found to be in an advanced state of disrepair. The building has been used as a harborage by unwanted persons.
- 2) A certified condemnation letter was mailed to Andrea Rodriguez, 4336 Buckingham Dr., El Paso, Texas 79902.
- 3) Certified notices of the public hearing scheduled for January 31, 2007 were mailed to the owners all interested parties on January 16, 2007.
- 4) There has been no response from the owner.
- 5) As of January 8, 2007, \$755.16 are owed in taxes.

The Department recommends that it be found:

- 1) That the main structure and accessory buildings be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the buildings are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure can be repaired; and
- 4) That the main structure be secured and maintained secured within 30 days; and
- 5) That the premises be cleaned of all weeds, trash, and debris within 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

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



CITY COUNCIL
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
October 5, 2006

Andrea Rodriguez
4336 Buckingham Dr.
El Paso, Texas 79902-1348

Re: 3511 Polk Ave.
Lots: 85 Morningside Heights
Blk: 11 & 12
Zoned: R4
COD06-17329
Certified Mail Receipt #
7105 8873 0193 6301 2091

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.

3511 Polk Ave.

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 **3511 Polk Ave.** 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:

Bill Stern, C.B.O.
Residential Inspector Supervisor

WS/nms

		COMPLETE THIS SECTION ON DELIVERY	
		A. Received by (Please Print Clearly)	B. Date of Delivery
		C. Signature X <i>Rafael B...</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: Andrea Rodriguez 4336 Buckingham Dr. El Paso TX 79902-1348 3511 Polk		D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
		RECEIVED OCT 11 2006	
		3. Service Type <input checked="" type="checkbox"/> Certified MAIL SERVICES DEPARTMENT	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Copy from service label)		7105 8873 0193 6301 2091	
PS Form 3811, July 1999		Domestic Return Receipt	

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#3

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **31st** day of **January, 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 building located on the property at **3511 Polk Ave.**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lots 11 and 12, Block 85, MORNINGSIDE HEIGHTS, addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Andrea Rodriguez (the "**Owner**"), 3511 Polk Ave., El Paso, Texas 79930, 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 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 Owner, 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 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 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:

Roberta Cross
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Inspector
Building Permits and Inspections 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 3511 Polk Ave. 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 3511 Polk Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Andrea Rodriguez
4336 Buckingham Dr.
El Paso, Texas 79902-1348

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3511 Polk 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 3511 Polk 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 Road
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3511 Polk 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 3511 Polk 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 was POSTED at 3511 Polk Ave., El Paso, Texas.

Date:

Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: January 10, 2007

ADDRESS: 3511 Polk, El Paso, Texas 79930-3428

LEGAL DESCRIPTION: Lots 11 and 12, Block 85, MORNINGSIDE HEIGHTS, addition to the City of El Paso, El Paso County, Texas

OWNER: Andrea Rodriguez

ADDRESS: 3511 Polk, El Paso, Texas 79930-3428

BUILDING USE: Abandoned, single-family dwelling

TYPE OF CONSTRUCTION: V, Adobe walls with wood frame roof.

FOOTINGS: Unable to determine.

CONDITION: Unable to determine condition of footing due to subterranean placement.

FOUNDATION WALL: Concrete

CONDITION: Fair. Signs of cracks on the walls indicate possible settlement of footings and foundation walls.

FLOOR STRUCTURE: Unable to determine

CONDITION: Unable to determine condition due to floor covering.

EXTERIOR WALLS: Adobe, stucco/brick

HEIGHT: 10' +/-

THICKNESS: 8" - 10" +/-

CONDITION: Fair. Signs of cracks, vegetation growing through.

INTERIOR WALLS & CEILINGS: Wood frame, plaster, drywall.

CONDITION: Fair.

ROOF STRUCTURE: Wood frame.

CONDITION: A registered roof contractor must be hired to evaluate roof system.

DOORS, WINDOWS, ETC.: Wooden doors and metal casing windows.

CONDITION: Fair.

MEANS OF EGRESS: Does not meet Code.

CONDITION: Fair.

PLUMBING: Unable to determine condition. 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: Unable to determine condition. 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: Unable to determine condition. 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: No **BARRICADED:** No **POLICE AID REQD.:** No

REMARKS: The department recommends that the main structure be secured and maintained secure until rehabilitated, and to clean the property and maintained clean of all weeds, trash and debris within 30 days.

Nellie Avalos

Prev Account | Next Account | Prev Owner | Next Owner | Add History | **Notes** | Co. To:

EVAR
 ACT8006 v1.150
 01/08/2007 09:51:39
 ACTEP

STATUS:DETAIL | Expand Fees | Summary

Account Information
 Account No: **0794-999-0850-3108** Owner No: **0**
 Certified Owner: **RODRIGUEZ, ANDREA**
 Parcel Address: **3311 POLK AVE**
 Amount Due: **01/08/2007** Roll Code: **REAL PROPERTY**
 Tax Units: **3 6 7 8** Tax Unit Description:
 Tax Unit, Yr, Rec. Type:
 Tax Unit: **3** Yr: **07** Rec. Type: **01**
 AG INCLUDED Parsonage Fees Countywide Multi Select

Amount Due/Paid Information
 Year Gross Value H10-V-D Exemption Descr Levy Paid Levy WFT-Off Remaining Levy Fees Refund Amount Due

Year	Gross Value	H10-V-D	Exemption	Descr	Levy	Paid Levy	WFT-Off	Remaining Levy	Fees	Refund	Amount Due
2008	\$34,361	Y			\$737.93	\$737.93	\$0.00	\$737.93	\$0.00	\$0.00	\$737.93
2005	\$30,971	Y	Exemption		\$894.40	\$892.79	\$0.00	\$11.61	\$5.62	\$0.00	\$17.23
2004	\$29,418	Y			\$944.15	\$944.15	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2003	\$25,748	Y			\$522.73	\$522.73	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2002	\$25,748	Y			\$518.12	\$518.12	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2001	\$25,748	Y			\$509.82	\$509.82	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2000	\$34,379	Y			\$741.43	\$741.43	\$0.00	\$0.00	\$98.73	\$0.00	\$0.00
1999	\$34,379	Y			\$737.22	\$737.22	\$0.00	\$0.00	\$288.02	\$0.00	\$0.00
1998	\$34,379	Y			\$755.39	\$755.39	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals					\$6,587.39	\$6,587.39	\$0.00	\$749.54	\$360.97	\$0.00	\$755.46

Last Payment Date: **01/08/2007** Last Payer: