

4008 Pierce



BUILDING AND STANDARDS BOARD AGENDA ITEM # 7 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: 4008 Pierce Avenue

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

- 1) First investigated October 16, 2006. The building was found to be open and abandoned. The building has been used as a harborage by unwanted persons.
- 2) A certified condemnation letter was mailed to Edward Abraham, 3737 N. Mesa St., Ste. J, 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 19, 2007, \$506.87 are owed in taxes.

The Department recommends that it be found:

- 1) That the main 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 building 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 repaired; and
- 5) That the main structure be demolished within 30 days; and
- 6) That the premises be cleaned of all weeds, trash, and debris within 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.

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 16, 2006

Edward Abraham
3737 N. Mesa St. Ste J
El Paso, Texas 79902

Re: 4008 Pierce Ave.
Lots: 69 Morningside Heights
Blk: 24 & W 1/2 of 23
Zoned: A3
COD06-18180
Certified Mail Receipt #
7105 8873 0193 6301 3715

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.

4008 Pierce 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 **4008 Pierce Ave.** 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 plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- e. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- f. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- g. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- h. 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.

4008 Pierce Ave.

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
Residential Inspection Supervisor

WS/nms

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly) B. Redroza	B. Date of Delivery 10/19/06
C. Signature B. Redroza <input type="checkbox"/> Agent	
<input checked="" type="checkbox"/> Delivery address different from return address <input type="checkbox"/> Yes <input type="checkbox"/> Yes center delivery address <input type="checkbox"/> No	
1. Article Addressed to: Edward Abraham 3737 N. Mesa St. Ste J El Paso TX 79902 4008 Pierce	
3. Special Services <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered Mail <input type="checkbox"/> Signature Required DEPARTMENT	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Copy from service label) 7105 8873 0193 6301 3715	
PS Form 38 July 1999 Domestic Return Receipt	

UNITED STATES POSTAL SERVICE EL PASO TX 79902
 19 OCT 2006 PM 11
 United Way
 First-Class Mail
 Postage & Fees Paid
 USPS Form 3849

City of El Paso
 Development Services Department
 #2 Civic Center Plaza, 5th Floor
 El Paso TX 79901-1196

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 **4008 Pierce Ave.**, in El Paso, Texas, which property is more particularly described as:

Legal Description: The West 1/2 of Lot 23 and all of Lot 24, Block 69, MORNINGSIDE HEIGHTS ADDITION, an addition to the City of El Paso County, Texas, according to the plat thereof recorded in Book 11, Page 33, Plat Records of El Paso County, Texas, more commonly known as 4008 Pierce, El Paso, Texas.
is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Edward Abraham (the "**Owner**"), 3737 N. Mesa Street, Suite J, El Paso, Texas 79902-0000, 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 4008 Pierce 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 4008 Pierce Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Edward Abraham
3737 N. Mesa St. Ste J
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4008 Pierce Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Anderson Anderson Bright & Crout, P.C.
1533 Lee Trevino, Suite 205
El Paso, Texas 79936

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4008 Pierce Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ana Rosa Barrios
4008 Pierce Ave.
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4008 Pierce Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Graciana C. Hernandez
4008 Pierce Ave.
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4008 Pierce Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Edward Abraham
4008 Pierce Avenue
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4008 Pierce 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 4008 Pierce 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 4008 Pierce 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 4008 Pierce 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 4008 Pierce Ave., El Paso, Texas.

Date:

Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: January 18, 2007

REP. DISTRICT: 2

ADDRESS: 4008 Pierce Avenue

ZONED: A-3

LEGAL DESCRIPTION: The West 1/2 of Lot 23 and all of Lot 24, Block 69, MORNINGSIDE HEIGHTS ADDITION, an addition to the City of El Paso County, Texas, according to the plat thereof recorded in Book 11, Page 33, Plat Records of El Paso County, Texas, more commonly known as 4008 Pierce, El Paso, Texas

OWNER: Edward Abraham

ADDRESS: 3737 N. Mesa St. Ste. J
El Paso, Texas 79902

BUILDING USE: Single family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Concrete footings

CONDITION: Concrete slabs shows no sign of settlement footings, was done without permits and inspections. Footings should be evaluated by an engineer to determine actual condition.

FOUNDATION WALL: N/A

CONDITION: N/A.

FLOOR STRUCTURE: Slab on grade.

CONDITION: Fair

EXTERIOR WALLS: CMU, wood framing

HEIGHT: ±8'

THICKNESS: 8" – 4 1/2"

CONDITION: Very poor. Most of the additions to the main structure were done without permits and inspections and are not to code.

INTERIOR WALLS & CEILINGS: Plaster and sheetrock.

CONDITION: Very poor. There are holes and cracks throughout the building.

ROOF STRUCTURE: Wood framing and decking. Roll roofing.

CONDITION: Very poor. The roof leaks in several places and some of the roof structure has deteriorated due to leaks.

DOORS, WINDOWS, ETC.: Wood doors, wood and metal sash windows.

CONDITION: Very poor. Most of the doors and windows are damaged and need to be replaced with code compliant units.

MEANS OF EGRESS: Doors and windows.

CONDITION: Very poor. Not to code for emergency egress requirements.

PLUMBING: 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 should 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: Poor. 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: Poor. 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:

This structure is not in substantial compliance with the municipal ordinances. The structure is with made up of different types of construction materials. Additions were done without first obtaining all required permits and inspections. Due to the structure being in an advanced state of disrepair, this department recommends this structure be demolished within 30 days and premises be cleaned of all weeds, trash and debris.

Zuleika Davila

Building Inspector

EL PASO CITY COUNTY HEALTH DISTRICT
ENVIRONMENTAL HEALTH SERVICES

MEMORANDUM

DATE : 10-20-06
MEMO TO : Bill Stern, C.B.O., Residential Inspector Supervisor
FROM : Ben Blumenfeld, Environmental Health Inspector
SUBJECT : Condemnation Report Request
RE : 4008 Pierce

An inspection of the property was conducted on 10-20-06 and the conditions checked were found in violation of Title 9 – Health and Safety, El Paso Municipal Code.

Section 9.04 - SOLID WASTE STORAGE AREA:

Trash and garbage was noted in the front and back yard, junked vehicles were also noted on the property.

SECTION 9.04.340 – ACCUMULATIONS:

Rubbish, and debris were noted. Tall weeds were noted.

SECTION 9.16 - NUISANCE:

Bird feces were noted on the property, foul odors were noted.

SECTION 9.16.010 – DESIGNATED:

The property and structures need to be secured.

SECTION 9.28 – RAT CONTROL:

The property in its current state is a potential breeding ground for rodents.

Account Status

Prev. Account Next Account Prev. Owner Next Owner Acct History **Notes** Go To

VAR CTB006 v1.158 01/19/2007 13:47:10 ACTEP

STATUS DETAIL **Expand Fees** Summary

Account Information

Account No: M794-999-0690-5100 Owner No: 0

Authorized Owner: ABRAHAM, EDWARD

Parcel Address: 4008 PIERCE AVE

Amount Due as of: 01/19/2007 Roll Code: REAL PROPERTY

Tax Units: List of Tax Units: 3 6 7 8

Tax Unit Description: [Empty]

Tax Unit, Yr, Rec. Type: [Empty]

AG INCLUDED Remove Fees Countywide 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
06	\$19,379					\$560.87	\$0.00	\$0.00	\$560.87	\$0.00	\$0.00	\$560.87
05	\$19,379					\$605.09	\$605.09	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
04	\$19,379					\$601.95	\$601.95	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
03	\$17,444					\$527.72	\$527.72	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
02	\$19,194					\$576.76	\$576.76	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
01	\$19,194					\$569.25	\$569.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
00	\$19,194					\$553.97	\$553.97	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
99	\$19,194					\$552.34	\$552.34	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
98	\$19,194					\$570.33	\$570.33	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals						\$7,330.19	\$7,369.32	\$0.00	\$560.87	\$2,046.72	\$0.00	\$560.87

Last Payment Date: 01/31/1999

Last Payer: GUERRERO, LEOPOLDO & 1