

5629 HEMINGWAY DRIVE



BUILDING AND STANDARDS BOARD AGENDA ITEM # 8 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: 5629 Hemingway Drive

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

- 1) First investigated August 2004.. The building was found to be open and abandoned. On July 27, 2005 The Building Standard Commission ordered the owner to secure the building, Secure the roof and all penetrations into the building and clean premises. No repairs have been made nor has the building been secured. The building continues to disintegrate. The building has been used as a harborage by unwanted persons.
- 2) A certified condemnation letter was mailed to Rico Alvarez, 5629 Hemingway Drive, El Paso, Texas 79924.
- 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, \$47,709.56 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.

BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
October 11, 2004

Rico Alvarez
5629 Hemmingway Drive
El Paso, Texas 79924-2422

Re: 5629 Hemmingway Dr.
Lot: 5
Blk: 98, Sun Valley
Zoned: R-3
COD04-15762
Certified Mail Receipt #
7004 1160 0007 2324 9901

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 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- c. Boarded up, fenced, or otherwise secured in any manner in if:
 - i. The building constitutes a danger to the public even though secured entry, or
 - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 5629 Hemmingway Drive has the following violations:

- a. The roof structure has not been maintained free of defects that may cause leaks. [Sec304.7]

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 received 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
Building Inspector

BS/rl

SENDER, COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <i>Rico Alvarez</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to: <i>BS</i></p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>Rico Alvarez 5629 Hemmingway Drive El Paso, Texas 79924-2422 Re: 5629 Hemmingway Drive</p> </div> <p style="text-align: center;"><i>LR #13</i></p>	<p>B. Received by (Printed Name) _____ Date of Delivery <i>OCT 18 2004</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>PS Form 3811, February 2004</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p style="text-align: center;">7004 1160 0007 2324 9901 Return Receipt</p>

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

BUILDING PERMITS AND INSPECTIONS
ENFORCEMENT DIVISION **OCT 18 2004**
#2 CIVIC CENTER PLAZA, 5TH FLOOR CITY OF EL PASO
EL PASO, TX 79901-1196 **BUILDING SERVICES**



NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the 27th day of July, 2005 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso will hold a public hearing on the question of whether the Building located on the property at 5629 Hemmingway Drive, in El Paso, Texas, which property is more particularly described as:

Lot: 5, Block 98, Sun Valley Addition Unit Nine, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 9, Page 60, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Rico Alvarez, 5629 Hemmingway Drive, El Paso, Texas 79924, is listed as the Owner of the real property described herein.

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; and

The Owner, 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 Titles 18 of the code 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 owners, 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 Subsection 238.080 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:

- l) 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 \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as 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; and

That 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.

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 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, even if you do not.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lisa A. Hayes
Assistant City Attorney

Tom Maguire
Chief Building Inspector

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated July 27th, 2005 regarding the property located at 5629 Hemmingway Drive, was PUBLISHED in the official City newspaper on the ____ day of _____, 2005.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated July 27th, 2005 regarding the property at 5629 Hemmingway Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Rico Alvarez
5629 Hemmingway Drive
El Paso, Texas 79924

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice dated July 27th, 2005 regarding the property at 5629 Hemmingway Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Abdul Alvarez
5629 Hemmingway Drive
El Paso, Texas 79924

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice dated July 27th, 2005 regarding the property at 5629 Hemmingway Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Roger L. Moore
7705 North Loop Drive
El Paso, Texas 79915

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice dated July 27th , 2005 regarding the property at 5629 Hemmingway Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Victor Apodaca
107 S. Kansas Street
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice dated July 27th , 2005 regarding the property at 5629 Hemmingway Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Apodaca Bail Bonds
110 N. Campbell Street
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice dated July 27th , 2005 regarding the property at 5629 Hemmingway Drive, 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 dated July 27th , 2005 regarding the property at 5629 Hemmingway Drive, 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 dated July 27th , 2005 regarding the property at 5629 Hemmingway Drive, 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 was POSTED at 5629 Hemmingway Drive, El Paso, Texas.

Date:

Time:

Inspector

ORDER OF THE BUILDING STANDARDS COMMISSION

OF THE CITY OF EL PASO

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the Building Standards Commission in writing that he is of the opinion that the structure located on the property at **5629 Hemmingway**, in El Paso, Texas, which property is more particularly described as follows:

Lots: 5, Block 98, Sun Valley Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 9, Page 60, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in 18.50 of the El Paso City Code; and

WHEREAS, Rico Alvarez, 5629 Hemmingway Drive, El Paso, Texas 79924, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before the Building Standards Commission at 5:30 p.m. on July 27th, 2005; and

WHEREAS, no one appeared.

IT IS THEREFORE, ORDERED ADJUDGED AND DECREED BY THE BUILDING STANDARDS COMMISSION OF THE CITY OF EL PASO:

1. That Building Standards Commission having heard the evidence, and being persuaded by a preponderance of same, makes the following findings:
 - A. That the structure located on said property is an urban nuisance and violates the following provisions of the International Property Maintenance Code, which has been adopted by the City of El Paso and codified at 18.50 of the City Code:
 - (i) Section 304.7 - The roof structure has not been maintained free of defects that may cause leaks.
 - (ii) Section 301.3 – The structure is open and accessible to unauthorized entry.
 - B. That in order to be made safe, all of the aforementioned violations must be cured.
 - C. That the structure located on said property is currently unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - D. That the structure is not in substantial compliance with municipal ordinances regulating structural or service systems integrity and disposal of refuse; and

- E. The structure's certificate of occupancy is hereby revoked; and
 - F. Because of the Owner(s) failure to supply any drawings, plans, or reports to indicate otherwise, the structure cannot be repaired.
2. That the Building Standards Commission hereby orders the Owner(s) to comply with the following requirements:
- A. That the building be secured within thirty (30) days, and remain secured; and
 - B. That the roof of the structure be secured with plywood at all penetrations into the building within thirty (30) days and remain secured; and
 - C. That the premises be cleaned of all weeds, trash and debris within thirty (30) days; and
 - D. The Owner(s) are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
3. That upon failure of the Owner(s) to comply with this Order, any mortgagees, lienholders, and/or other persons having an interest in the property have an additional ten (10) days to secure the structure and to clear the property of all weeds, trash and debris.
4. That upon failure of the Owner(s) to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may request a Hearing before the Building Standards Commission to advise them of the owner(s) failure to comply. At such hearing, the Building Standards Commission shall be asked to make the following findings and orders:
- A. To find the Owner(s) in violation of this Order of the Building Standards Commission;
 - B. To find that the mortgagees, lienholders and other interested parties have not performed any work to bring the structure and premises into compliance with this Order;
 - C. To Order the City of El Paso to perform the work required to secure the property from unwanted entry and clear the premises of weeds, trash and debris and to assess the costs of the work as a lien against the property;
 - D. To find that any lien assessed is due and payable within thirty (30) days of the date the City of El Paso completes the work;
 - E. To Order that any assessment or civil penalties imposed will accrue interest at a rate of ten percent (10%) per annum accruing from the date of assessment until paid in full;

F. To assess a civil penalty for failure to comply with this Order as allowed by Texas Local Government Code §54.017.

5. **RIGHT TO APPEAL:** *The decision of the Building Standards Commission is final (see discussion of rehearing, below). An appeal may be filed by verified petition in State District Court, setting forth that the decision of the Commission is illegal, in whole or in part, and specifying the grounds of the illegality. Petition for appeal must be filed by the owner(s) or interested party within thirty (30) days of receipt of notice of the Order of the Commission. Appeals in District Court are limited to hearings under the substantial evidence rule.*

A rehearing by the Building Standards Commission may only be granted in the following circumstances:

- A. *Proper request is made within twenty (20) days of receipt of notice of the Order of the Commission*
- B. *Rehearing fees of five hundred and forty dollars (\$540.00) are furnished with the rehearing request. The Building Standards Commission may waive these fees in cases of financial hardship based on written affirmation from the applicant.*

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the City Clerk shall cause copies of this Order to be served on the record owner(s) and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the 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 this office no later than the twentieth (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.

Signed this 27TH day July, 2005.

BUILDING STANDARDS COMMISSION

Chairman, Panel B

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lisa A. Hayes
Assistant City Attorney

Thomas Maguire, Chief Building Inspector
Building Permits & Inspections Department

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the 30th day of November, 2005 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso will hold a public hearing on the question of whether the Order that the Building And Standards Commission adopted on July 27th, 2005 for building located on the property at **5629 Hemmingway**, in El Paso, Texas, which property is more particularly described as follows;

Lot 5, Block 98, Sun Valley Addition Unit Nine, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 9, Page 60, Plat Records of El Paso County, Texas

has been complied with and to determine what action should be taken by the City to bring the property into to compliance with the order that the Building and Standards Commission adopted

According to the real property records of the County of El Paso, Texas, **Rico Alvarez 5629 Hemmingway** is listed as the Owner of the real property described herein.

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.

If the Owner has failed, neglected or refused 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 shows that the property is the Owner's lawful homestead and;
- III) appoint a receiver as permitted by state law.
- IV) Provide 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.

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, 4th 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.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Theresa A. Cullen-Garney
Deputy City Attorney

Bill Stern, C.B.O.
Residential Inspector Supervisor
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 5629 Hemmingway Drive, was PUBLISHED in the official City newspaper on the _____ day of _____, 2005.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 5629 Hemmingway Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Rico Alvarez
5629 Hemmingway Drive
El Paso, Texas 79924

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5629 Hemmingway Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Abdul Alvarez
5629 Hemmingway Drive
El Paso, Texas 79924

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5629 Hemmingway Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Roger L. Moore
7705 North Loop Drive
El Paso, Texas 79915

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5629 Hemmingway Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Victor Apodaca
107 S. Kansas Street
El Paso, Texas 79901

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5629 Hemmingway Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Apodaca Bail Bonds
110 N. Campbell Street
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5629 Hemmingway Drive, 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 5629 Hemmingway Drive, 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 5629 Hemmingway Drive, 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 was POSTED at 5629 Hemmingway Drive, El Paso, Texas.

Date:
Time:

Inspector

ORDER OF THE BUILDING AND STANDARDS

COMMISSION OF THE CITY OF EL PASO

WHEREAS, the Director for Development Services of the City of El Paso has conducted an investigation and has reported to the Building and Standards Commission in writing that he is of the opinion that the structure located on the property at **5629 Hemmingway Drive**, in El Paso, Texas, 79924, which property is more particularly described as follows:

Lot 5, Block 98, Sun Valley Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 9, Page 60, Plat Records of El Paso County, Texas.

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use

WHEREAS, Rico Alvarez, 5629 Hemmingway Drive, El Paso, Texas 79924, record owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before the Building and Standards Commission at **5:30 p.m., on November 30th, 2005**; and

WHEREAS, no one appeared.

IT IS THEREFORE, ORDERED ADJUDGED AND DECREED BY THE BUILDING AND STANDARDS COMMISSION OF THE CITY OF EL PASO:

1. That the Owner(s) mortgages, lienholders, and/or any other person having an interest in the property failed to comply with the Order, dated July 27th, 2005, the City of El Paso, through its Director for Development Services, shall:
 - A. Secure the structure; and
 - B. Clean the property of all weeds, trash and debris; and
 - C. Assess the cost of the work noted above as a lien against the property which will become due and payable within thirty (30) days of the date the City of El Paso completes the work; and
 - D. Provide for any other remedies permitted by State law.
2. **RIGHT TO APPEAL:** *The decision of the Building and Standards Commission is final (see discussion of rehearing, below). An appeal may be filed by verified petition in State District Court, setting forth that the decision of the Commission is illegal, in whole or in part, and specifying the grounds of the illegality. Petition for appeal must be filed by the owner(s) or interested party within twenty (20) days of receipt of notice of the Order of the Commission. Appeals in District Court are limited to hearings under the substantial evidence rule.*

A rehearing by the Building and Standards Commission may only be granted in the following circumstances:

- A. Proper request is made within twenty (20) days of receipt of notice of the Order of the Commission; and*
- B. Rehearing fees of five hundred and forty dollars (\$540.00) are furnished with the rehearing request. The Building and Standards Commission may waive these fees in cases of financial hardship based on written affirmation from the applicant.*

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the City Clerk shall cause copies of this Order to be served on the record owner(s) and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own or have an interest in the 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 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 this office no later than the twentieth (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.

ADOPTED on this 30th day of November 2005.

BUILDING AND STANDARDS COMMISSION

Chairman, Panel B

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Josette Flores
Assistant City Attorney

Bill Stern, C.B.O., Residential Inspector Supervisor
Development Services Department
Building Permits & Inspections 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 dated November 30th, 2005, regarding the property located at 5629 Hemmingway Drive, El Paso, Texas, 79924, was PUBLISHED in the official City newspaper on the _____ day of _____, 2005.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 5629 Hemmingway Drive, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Rico Alvarez
5629 Hemmingway Drive
El Paso, Texas 79924

Date: _____
Time: _____

Inspector _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 5629 Hemmingway Drive, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Abdul Alvarez
5629 Hemmingway Drive
El Paso, Texas 79924

Date: _____
Time: _____

Inspector _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 5629 Hemmingway Drive, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Roger L. Moore
7705 North Loop Drive
El Paso, Texas 79915

Date: _____
Time: _____

Inspector _____

I certify that a true and correct copy of the foregoing Notice dated July 27th , 2005 regarding the property at 5629 Hemmingway Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Victor Apodaca
107 S. Kansas Street
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice dated July 27th , 2005 regarding the property at 5629 Hemmingway Drive, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Apodaca Bail Bonds
110 N. Campbell Street
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5629 Hemmingway Drive, 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 5629 Hemmingway Drive, 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 5629 Hemmingway Drive, 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 5629 Hemmingway Drive, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Linbarger, Goggan, Blair & Sampson
215 N. Stanton Street, 2nd Floor
El Paso, Texas 79901

Date: _____
Time: _____

Inspector _____

I certify that a true and correct copy of the foregoing Notice was POSTED at 5629 Hemmingway Drive, El Paso, Texas.

Date _____:
Time: _____

Inspector _____



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: January 18, 2007

ADDRESS: 5629 Hemmingway Drive

ZONED: R-3

LEGAL DESCRIPTION: Lot 5, Block 98, Sun Valley Addition Unit Nine, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 9, Page 60, Plat Records of El Paso County, Texas

OWNER: Rico Alvarez

ADDRESS: 5629 Hemmingway Drive

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: V – Wood frame with brick veneer

FOOTINGS: Subterranean concrete footings and monolithic

CONDITION: Concrete slab shows no sign of settlement, however, the foundation should be evaluated by an engineer to determine actual condition.

FLOOR STRUCTURE: Concrete slab on grade with V.A. tile and carpet.

CONDITION: Poor

EXTERIOR WALLS: 2 x 4 wood framing with brick veneer

HEIGHT: 8'

THICKNESS: 9"

CONDITION: Fair – Exterior brick needs to be cleaned and the mortar needs to be repointed.

INTERIOR WALLS & CEILINGS: 2 x 4 wood framing with ½ inch sheetrock.

CONDITION: Poor. Most of the sheetrock is falling off the walls due to roof leaks and attic space is inhabited by pigeons.

ROOF STRUCTURE: 2 x 6 roof rafters with 2 x 6 ceiling joist with ½ “ plywood sheathing and asphalt shingle.

CONDITION: Poor – The roof is collapsing, it must be completely removed and replaced.

DOORS, WINDOWS, ETC.: Doors are wood and must be replaced, all windows are aluminum frame and need basic reconditioning or replacement.

CONDITION: Poor.

MEANS OF EGRESS: N/A

CONDITION:

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 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 compliance.

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

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS: This open and abandoned single-family residence is located in a well-maintained middle class neighborhood. The roof structure is in collapse and pigeons are roosting in that attic. This department recommend this structure be demolished and the lot cleaned.

Zuleika Davila
Building Inspector