

2831 FRANKFORT AVE



BUILDING AND STANDARDS BOARD AGENDA ITEM # 6 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: 2831 Frankfort Avenue

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

- 1) First investigated August 28, 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 Enrique Martinez & Fermina Morales de Martinez, 2831 Frankfort, El Paso, Texas 79930-3417
- 3) Certified notices of the public hearing scheduled for January 31, 2007 were mailed to the owners all interested parties on January 13, 2007.
- 4) There has been no response from the owner.
- 5) As of January 8, 2007, \$1149.12 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 and accessory building 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
August 28, 2006

Enrique & Fermina Martinez
% Jesus E. Martinez
El Paso, Texas 79930-3417

Re: 2831 Frankfort
Lots: 119 Highland Park
Blk: 4 & E 1/2 of 5
Zoned: C2
COD06-12615
Certified Mail Receipt #
7105 8873 0193 6300 9077

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.

2831 Frankfort 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 **2831 Frankfort** has the following violations:

- h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. 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:

Building Inspector
WS/nms

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

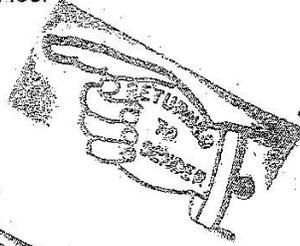
CERTIFIED MAIL

EL PASO TX 7

29 AUG 2005



7105 8873 0193 6300 9077



Handwritten: VM's 30-6

UNCLAIMED

Enrique & Fermina Martinez
% Jesus E. Martinez
2831 Frankfort
El Paso TX 79930-3487



RECEIVED

SEP 26 2006

CITY OF EL PASO
DEVELOPMENT SERVICES
DEPARTMENT

RECEIPT REQUESTED
UNCLAIMED



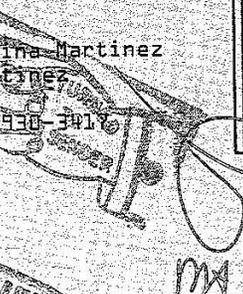
COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature Agent
 Addressee

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

1. Article Addressed to:
Enrique & Fermina Martinez
% Jesus E. Martinez
2831 Frankfort
El Paso TX 79930-3487
2831 Frankfort



UNCLAIMED

3. Service Type
 Certified Mail

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)

7105 8873 0193 6300 9077

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 **2831 Frankfort Ave.**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 4 and the East one-half of Lot 5, in Block 119 of the HIGHLAND PARK ADDITION to the City of El Paso, in El Paso County, Texas, known as 2871 Frankfort Avenue
is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Enrique Martinez and Fermina Morales de Martinez (the "**Owners**"), 2831 Frankfort Ave., El Paso, Texas 79930, are 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 Owners of said property are 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 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 Chapter 2, Subsection 2.38.080 of the Municipal Code of the City of El Paso, and pursuant to State law.

If the Owners fail, 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 2831 Frankfort 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 2831 Frankfort Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Enrique Martinez & Fermina Morales de Martinez
C/O Jesus E. Martinez
2831 Frankfort Ave.
El Paso, Texas 79930-3417

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2831 Frankfort Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Emma Hinkle Welch
C/O Louis Henry Hinkle
2831 Frankfort Ave.
El Paso, Texas 79930-3417

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2831 Frankfort Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

John H. Whitaker – Trustee
1520 Idlewilde
El Paso, Texas 79925

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2831 Frankfort Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jesus E. Martinez
2831 Frankfort Ave.
El Paso, Texas 79930-3417

Date:
Time:

I certify that a true and correct copy of the foregoing Notice regarding the property at 2831 Frankfort Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Amwest General Agency Inc.
P. O. Box 4500
Woodland hills, CA 91365

Date:
Time:

I certify that a true and correct copy of the foregoing Notice regarding the property at 22831 Frankfort 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 2831 Frankfort 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 2831 Frankfort 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 2831 Frankfort 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 2831 Frankfort Ave., El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: January 10, 2007

ADDRESS: 2831 Frankfort Ave, El Paso, Texas 79930-3417

LEGAL DESCRIPTION: Lot 4 and the East one-half of Lot 5, in Block 119 of the HIGHLAND PARK ADDITION to the City of El Paso, in El Paso County, Texas, known as 2831 Frankfort Avenue

OWNER: Enrique Martinez and Fermina Morales de Martinez **ADDRESS:** 2831 Frankfort Ave
% Jesus Martinez El Paso, Texas 79930-3417

BUILDING USE: Abandoned, single-family dwelling

TYPE OF CONSTRUCTION: V, wood frame, brick veneer covered with stucco.

FOOTINGS: Unable to determine.

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

FOUNDATION WALL: Concrete.

CONDITION: Fair. Signs of cracks, needs minor repairs.

FLOOR STRUCTURE: Wood frame covered with 3/4" decking and some carpet.

CONDITION: Fair.

EXTERIOR WALLS: Brick veneer with stucco outer coating.

HEIGHT: 10'+/-

THICKNESS: 8" - 10'+/-

CONDITION: Fair. Signs of cracks needs basic patch, paint and repair.

INTERIOR WALLS & CEILINGS: Wood frame with sheetrock and plaster veneer, tongue and groove, bead and board ceiling in some rooms.

CONDITION: Fair. Needs basic patch, paint and repair.

ROOF STRUCTURE: Hip, wood frame with 2 x 6 rafters and joists, with 1/2" plywood veneer covered with asphalt shingles.

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

DOORS, WINDOWS, ETC.: Wooden doors and windows

CONDITION: Fair.

MEANS OF EGRESS: N/A

CONDITION:

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, to clean the property and maintain clean of all weeds, trash and debris within 30 days.

Nellie Avalos
Building Inspector

Prev Account	Next Account	Prev Owner	Next Owner	Acc History	NOTE	Ca To							
EVAR						01/08/2007 09:50:58							
ACT8006 V1150						ACTEP							
STATUS DETAIL		Expand Data		Summary									
Account Information:													
Account No:	H453-899-1190-0900	Owner No:	0	Tax Units		Tax Unit, Yr, Rec. Type							
Certified Owner:	MARTINEZ, ENRIQUE & FERMINA			List of Tax Units		Tax Unit							
Parcel Address:	2831 FRANKFORT			3 6 7 8 6001		Year							
Amount Due as of:	01/08/2007	Roll Code:	REAL PROPERTY	AG INCLUDED Remove Fee Countywide		Rec. Type							
Multi Select													
Amount Due/Paid Information													
Year	Gross Value	H	O	V	D	Exemption	Base Levy	Paid Levy	Wtd. Off	Remaining Levy	Fees	Refund	Amount Due
2006	\$60,495	Y	Y			Exemption	\$430.17	\$0.00	\$0.00	\$430.17	\$0.00	\$0.00	\$430.17
2005	\$49,199	Y	Y			Exemption	\$497.00	\$0.00	\$0.00	\$497.00	\$231.95	\$0.00	\$718.95
2004	\$47,697	Y	Y				\$466.66	\$466.66	\$0.00	\$0.00	\$20.05	\$0.00	\$0.00
2003	\$37,388	Y	Y				\$319.38	\$319.38	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2002	\$37,388	Y	Y				\$315.63	\$315.63	\$0.00	\$0.00	\$0.01	\$0.00	\$0.00
2001	\$37,389	Y	Y				\$310.20	\$310.20	\$0.00	\$0.00	\$21.70	\$0.00	\$0.00
2000	\$38,839	Y	Y				\$289.51	\$289.51	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1999	\$36,839	Y	Y				\$284.88	\$284.88	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1998	\$36,839	Y	Y				\$271.88	\$271.88	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals							\$3,462.77	\$2,546.68	\$0.00	\$917.17	\$273.84	\$0.00	\$1,148.12
Last Payment Date:	01/25/1999												
Last Payer:	UNKNOWN												