

BUILDING AND STANDARDS BOARD AGENDA ITEM # ____ FOR
WEDNESDAY, FEBRUARY 22, 2006

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
February 14, 2006

TO: The Honorable Chairman and Board Members

THROUGH: R. Alan Shubert, P. E., C.B.O. – Development Services Director

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

SUBJECT: 103 Valencia Pl (Rear)

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

- 1) First investigated September 8, 2005. The building was found to be in an advanced state of disrepair. The structure is a two story multi-family dwelling with a combination of CMU and wood frame with plaster and wood siding exterior walls built at the rear of the property. No permits or certificate of occupancy are on record for the building.
- 2) A certified condemnation letter was mailed to Paulino B. Valles and Elva Valles, 103 Valencia Pl, El Paso, Texas 79905
- 3) Certified notices of the public hearing scheduled for February 22, 2006 were mailed to the owners and all interested parties on February 10, 2006
- 4) There has been no response from the owner.

The Department recommends that it be found:

- 1) ~~That the 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 can not be repaired; and~~
- 4) ~~That the structure be demolished within 30 days; and~~
- 5) ~~That the premises be cleaned of all weeds, trash, and debris within 30 days.; and~~
- 6) ~~That the junk vehicles be removed; 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
DIRECTOR



2017
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

**BUILDING PERMITS &
INSPECTIONS DEPARTMENT**

BUILDING STANDARDS ENFORCEMENT
September 21, 2005

Paulino B. & Elva Valles
103 N. Valencia Place
El Paso, Texas 79905-3332

Re: 103 Valencia Place Rear
Lots: 30 to 33
Blk: 2, Sambrano
Zoned: R-5
COD05-14941
Certified Mail Receipt #
7005 0390 0005 7581 5133

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.

#2 Civic Center Plaza, 5th Floor, El Paso, Texas 79901
915.541.4800 Telephone 915.541.4664 Fax www.elpasotexas.gov

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.

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 103 Valencia Place Rear has the following violations:

- a. The foundation has not been maintained in a safe manner.
 - b. The floors have not been maintained in a safe manner.
 - c. The walls have not been maintained in a safe manner free of holes and cracks.
 - d. The roof structure has not been maintained free of defects that may cause leaks.
 - e. The means of egress is/are inadequate and do not meet minimum code requirements.
 - f. The plumbing system is inadequate and does not meet minimum code requirements.
 - g. The electrical system is inadequate and does not meet minimum code requirements.
 - h. The HVAC system is inadequate and does not meet minimum code requirements.
-
- i. The premises are full of weeds, trash, and debris.

In addition to the above violations, the referenced property has revealed violations of the El Paso Zoning Ordinance [Section 20.14.020].

Specifically, the property may be utilized as single-family dwelling or a duplex occupancy only.

A duplex is defined as, "A building designed for or occupied exclusively by two families living independently of each other" [Section 20.02.300].

103 Valencia Place Rear

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:



Leo CassoLopez
Building Inspector

LC/rl

SENDER: COMPLETE THIS SECTION

- 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.

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *Elva Valles* Agent Addressee

B. Received by (Printed Name) *ELVA VALLES* C. Date of Delivery *SEP 27 2005*

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

1. Article Addressed to:
LC

Paulino B. & Elva Valles
 103 N. Valencia Place
 El Paso, Texas 79905-3332
 Re: 103 Valencia Place

Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) *LC #3*
 7005 0390 0005 7581 5133

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	<i>LC</i>
Certified Fee		
Return Receipt Fee (Endorsement Required)	<i>SEP 22 2005</i>	
Restricted Delivery Fee (Endorsement Required)		

Postmark Here

Paulino B. & Elva Valles
 103 N. Valencia Place
 El Paso, Texas 79905-3332
 Re: 103 Valencia Place *Rear*

PS Form 3800, June 2002 See Reverse for Instructions

7005 0390 0005 7581 5133

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the 22nd day of February, 2006 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 **103 Valencia Pl (Rear)**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lots 30, 31, 32 and 33, Block 2, SAMBRANO SUBURB, a subdivision in the City of El Paso, El Paso County, Texas, according to the map thereof recorded in the Plat Records of El Paso County, Texas known as 103 North Valencia Place, El Paso, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Paulino B. Valles and Elva Valles (the "**Owners**"), 103 Valencia Pl, El Paso, Texas 79905 are listed as the owners 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, 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.

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 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 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.

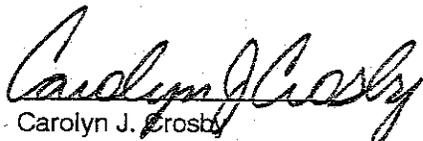
If the Owner fails, neglects or refuses to comply with the order of the Commission the City may pursue one, or more of the following actions:

- 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 shows 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:



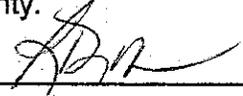
Carolyn J. Crosby
Assistant City Attorney

APPROVED AS TO CONTENT:



Bill Stern, C.B.O.
Residential Inspector Supervisor
Building Permits and Inspections Department

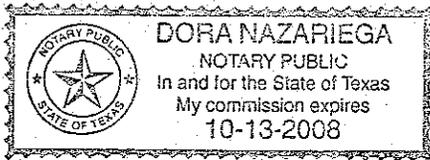
I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice of Public Hearing regarding the property located at 103 Valencia Pl (Rear) El Paso, Texas, 79905, was filed with the County Clerk's Office, the official public records of real property for El Paso County.


Richarda Duffy Momsen

Executed this 7th day of February, 2006 on behalf of the City of El Paso, Texas, by Richarda Duffy Momsen in her capacity as City Clerk.

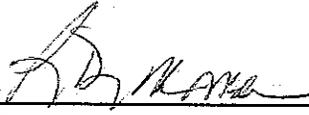
STATE OF TEXAS
COUNTY OF EL PASO

Subscribed and sworn to before me, this 8th day of February, 2006.




Notary Public

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 103 Valencia Pl (Rear) El Paso, Texas, 79905, was PUBLISHED in the official City newspaper on the 8th day of February, 2006.


Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 103 Valencia Pl (Rear) El Paso, Texas, 79905, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Paulino B. Valles and Elva Valles
103 Valencia Pl
El Paso, Texas 79905

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 103 Valencia Pl (Rear) El Paso, Texas, 79905, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Rick C. Barnes
P.O. Box 37091
El Paso, Texas 79937

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 103 Valencia Pl (Rear) El Paso, Texas, 79905, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Bill's Texas Plumbing
% William Levy
1407 Lomaland, Suite 105
El Paso, Texas 79935

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 103 Valencia PI (Rear) El Paso, Texas, 79905, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Gloria L. Mijares
1065 Green Lilac Cir
El Paso, Texas 79915

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 103 Valencia PI (Rear) El Paso, Texas, 79905, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Gloria L. Mijares
9004 Mt. Etna Dr.
El Paso, Texas 79904

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 103 Valencia PI (Rear) El Paso, Texas, 79905, 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 103 Valencia PI (Rear) El Paso, Texas, 79905, 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 103 Valencia PI (Rear) El Paso, Texas, 79905, 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 103 Valencia PI (Rear) El Paso, Texas, 79905, 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 regarding the property at 103 Valencia PI (Rear) El Paso, Texas, 79905, 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 103 Valencia PI (Rear) El Paso, Texas, 79905.

Date: _____

Time: _____

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: February 7, 2006

ADDRESS: 103 Valencia Pl (Rear)

ZONED: R-5

LEGAL DESCRIPTION: Lots 30, 31, 32 and 33, Block 2, SAMBRANO SUBURB, a subdivision in the City of El Paso, El Paso County, Texas, according to the map thereof recorded in the Plat Records of El Paso County, Texas known as 103 North Valencia Place, El Paso, Texas.

OWNER: Paulino B. Valles and Elva Valles

ADDRESS: 103 Valencia Pl, El Paso, Texas 79905

BUILDING USE: Multi-family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Unable to determine
CONDITION: Unable to determine condition of footing due to subterranean placement. A general contractor should be hired to evaluate actual condition.

FOUNDATION WALL: N/A
CONDITION: N/A

FLOOR STRUCTURE: Slab on grade.
CONDITION: Bad. A general contractor should be hire to evaluate actual condition.

EXTERIOR WALLS: CMU/wood frame with stucco finish/wood siding

HEIGHT: 18' +/- **THICKNESS:** 8" +/-

CONDITION: Bad. A general contractor should be hire to evaluate actual condition.

**INTERIOR WALLS
& CEILINGS:
CONDITION:**

Wood framing with sheetrock/plaster.
Bad. The walls and ceilings will need to be repaired, plastered and painted. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe

**ROOF STRUCTURE:
CONDITION:**

Wood frame with build-up roofing
Bad. A registered roofing contractor or building contractor must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into code compliance.

**DOORS, WINDOWS, ETC.
CONDITION:**

Wood frame and doors. Steel frame windows
Most of the doors need replacing. All windows need to be operable and re-glazed.

MEANS OF EGRESS:

Does not meet code.

PLUMBING:

Bad. Need to hire a License Plumber to evaluate the system and bring the system up to code.

ELECTRICAL:

Bad. Need to hire a License Electrician to evaluate the system and bring the system up to code.

MECHANICAL:

Bad. Need to hire a License Mechanical Contractor to evaluate the system and bring the system up to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None.

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

REMARKS:

I recommended that the structure be demolished within 30 days. That the property be cleaned and maintained cleaned of all weed, trash and debris within 30 days and all junk vehicle be removed within 30 days.



Leo CassoLopez
Building Inspector

20060214 TC8006

CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS

101743

ACCOUNT S05299900206100
UNITS:01 03 06 07 08
VALLES, PAULINO B & ELVA

AMT DUE AS OF: 20060214 ROLL R ALT OWN
OMIT(-)/SEL(+)
2 SAMBRANO
30 TO 33 (10247 SQ FT)

103 N VALENCIA PL

EL PASO

TX 79905-3332

ACRES	.2353		PARCEL ADDRESS			103 VALENCIA	TOTAL DUE
YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEES	PAYMENTS	
2005	91900	X V	2318.15	01/31/2006		2318.15	.00
2004	89082	X V	2073.40	01/27/2005		2073.40	.00
2003	68574	X	1818.32	12/30/2003		1818.32	.00
2002	71049	Y	1879.36	01/30/2003		1879.36	.00
2001	71049	Y	1853.36	01/30/2002		1853.36	.00
2000	69612	Y	1758.33	01/22/2001		1758.33	.00
1999	69612	Y	1751.09	01/29/2000		1751.09	.00
1998	69612	Y	1802.28	01/29/1999		1802.28	.00
1997	69612	Y	1679.03	01/28/1998		1679.03	.00
TOTAL			.00	.00	.00		
LAST PAYOR OWNER						PAGE TOTAL	.00
						CUMULATIVE TOTAL	.00

MORE YEARS ON NEXT PAGE