

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: 224 Hadlock

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

- 1) First investigated August 17, 2001. The building was found to be in an advanced state of disrepair. The structure is an open and abandoned one story single-family dwelling with CMU and plaster exterior walls built in 1942. The building has been used as a harborage by unwanted persons.
- 2) A certified condemnation letter was mailed to Luis Munoz, 10101 Buckwood Ave., El Paso, Texas
- 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's certificate of occupancy be revoked; and
- 4) That the structure can be repaired; and
- 5) That the structure be secured and maintained secured 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 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

BUILDING PERMITS AND INSPECTIONS

BUILDING STANDARDS ENFORCEMENT
December 29, 2005

Luis Munoz
10101 Buckwood Ave.
El Paso, Texas 79925-6925

Re: 224 Hadlock St.
Lots: 1 to 3
Blk: 4, Orchard Park
Zoned: R-5
COD05-19725
Certified Mail Receipt #
7105 8873 0193 6300 0845

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.

224 Hadlock Street

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 224 Hadlock Street has the following violations:

- a. The foundation has not been maintained in a safe manner. [Sec.305.4]
 - b. The floors have not been maintained in a safe manner. [Sec.305.4]
 - c. The walls have not been maintained in a safe manner free of holes and cracks. [Sec.304.6]
 - d. The roof structure has not been maintained free of defects that may cause leaks. [Sec304.7]
 - e. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec702.4]
 - f. The plumbing system is inadequate and does not meet minimum code requirements. [Sec504.1]
 - g. The electrical system is inadequate and does not meet minimum code requirements. [Sec604.3]
 - h. The HVAC system is inadequate and does not meet minimum code requirements. [Sec603.1]
-
- i. The structure is open and accessible to unauthorized entry. [Sec301.3]
 - j. The premises are full of weeds, trash, and debris [Sec302.1 & Sec302.4].
 - k. 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. [Sec108.2]

224 Hadlock Street

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 DEVELOPMENT SERVICES:



Leo CassoLopez
Building Inspector

LC/rl

RECEIVED

JAN 03 2006

CITY OF EL PASO
DEVELOPMENT SERVICES
DEPARTMENT

1. Article Addressed to:

LUIS MUNOZ
10101 BUCKWOOD AVE.
EL PASO TX 79925-6925
224 HADLOCK ST.

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *Luis Munoz* B. Date of Delivery *12-31-05*

C. Signature *[Signature]* Agent
 Addressee

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

3. Service Type

Certified Mail

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)

7105 8873 0193 6300 0845 *P*

COPY

RAYMOND C. CABALLERO
MAYOR



BUILDING SERVICES DEPARTMENT
CODE COMPLIANCE
September 7, 2001

CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

V. R. Munoz
9535 Acer, Apt., #604
El Paso, Texas 79925

Re: 224 Hadlock St.
Lots: 1 to 3
Blk: 4, Orchard Park
Zoned: R-5
01-08-0483

Greetings:

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:

224 Hadlock Street

- 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 224 Hadlock Street has the following violations:

- a. The floors have not been maintained in a safe manner.
- b. The walls have not been maintained in a safe manner free of holes and cracks.
- c. The roof structure has not been maintained free of defects that may cause leaks.
- d. In the event you fail to correct these violations within 30 days, the case will be submitted to the City Attorney's Office for condemnation proceedings. The City Council will decide if the building should be condemned, vacated, secured, repaired or demolished as per Sec. 18.52.040.

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 this office 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.

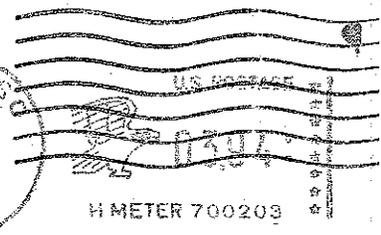
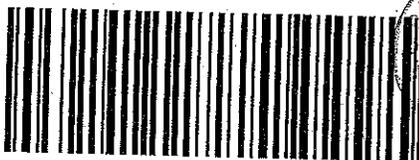
FOR THE DEPUTY DIRECTOR FOR BUILDING SERVICES:



Bill Stern
Building Inspector

BS/rl

CERTIFIED MAIL



7000 1530 0005 0829 2121

RETURN RECEIPT REQUESTED

The City of El Paso
100 Civic Center Plaza
El Paso, Texas 79901-1196

Services/Enforcement Division



CITY OF EL PASO

OCT 16 2001

received Building Svcs

V. R. Munoz
9535 Acer Apt. #604
El Paso, Texas 79925
NAME: V. R. Munoz
1st Notice: SEP 26 2001
2nd Notice: OCT 02 2001
3rd Notice: OCT 11 2001

LNNR
SEP 26 2001
H

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.

1. Article Addressed to: *BS*

V. R. Munoz
9535 Acer Apt., #604
El Paso, Texas 79925
Re: 224 Hadlock St.

9-7-01
Ltr #3

2. Article Number
(Transfer from service label) *7000 1530 0005 0829 2121*

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

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

4. Restricted Delivery? (Extra Fee) Yes

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

OFFICIAL USE

7000 1530 0005 0829 2121

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	<i>SEP 24 2001</i>
Restricted Delivery Fee (Endorsement Required)	

BS

Postmark Here

V. R. Munoz
 9535 Acer Apt., #604
 El Paso, Texas 79925
 Re: 224 Hadlock St.

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 **224 Hadlock**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lots 1, 2 and 3, Block 4, ORCHARD PARK ADDITION, an addition in El Paso County, Texas; and Lots 4, 5 and 6, ORCHARD PARK ADDITION, an addition in El Paso County, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, **Luis Munoz**, (the "Owner"), 10101 Buckwood Ave. El Paso, Texas 79925, is 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 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 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

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.

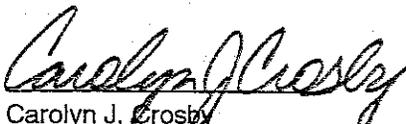
If the Owner fails, neglects or refuses to comply with the order of the Commission the City may pursue one, or more of the following actions:

- 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.

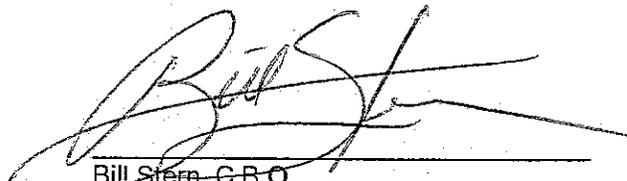
Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full;

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

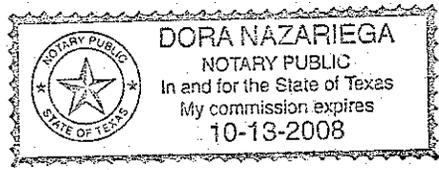
I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice of Public Hearing regarding the property located at 224 Hadlock, El Paso, Texas, 79905 was filed with the County Clerk's Office, the official public records of real property 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 224 Hadlock, El Paso, Texas, 79905 was PUBLISHED in the official City newspaper on the 17th day of February, 2006.


Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 224 Hadlock, El Paso, Texas, 79905, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jesus Munoz
10101 Buckwood Ave.
El Paso, Texas 79925

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 224 Hadlock, El Paso, Texas, 79905, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Luis Munoz
10101 Buckwood Ave.
El Paso, Texas 79925

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 224 Hadlock, 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 224 Hadlock, 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 224 Hadlock, 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 224 Hadlock, 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 224 Hadlock, 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 224 Hadlock, El Paso, Texas, 79905.

Date: _____

Time: _____

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: February 7, 2006

ADDRESS: 224 Hadlock

ZONED: R-5

LEGAL DESCRIPTION: Lots 1, 2 and 3, Block 4, ORCHARD PARK ADDITION, an addition in El Paso County, Texas; and Lots 4, 5 and 6, ORCHARD PARK ADDITION, an addition in El Paso County, Texas.

OWNER: Luis Munoz

ADDRESS: 10101 Buckwood Ave. El Paso, Texas 79925

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

FLOOR STRUCTURE: Wood Frame
CONDITION: Bad. A general contractor should be hire to evaluate actual condition.

EXTERIOR WALLS: CMU with stucco finish

HEIGHT: 12'+/-

THICKNESS: 8'+/-

CONDITION: Fair. 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:

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

ELECTRICAL:

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

MECHANICAL:

Unavailable. 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 cleaned and secured and maintained secure until rehabilitated, within 30 days. That the property be cleaned and maintained cleaned of all weed, trash and debris within 30 days.



Leo CassoLopez
Building Inspector

20060214 TC8006

CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS

101827

ACCOUNT 026399900400100
UNITS:01 03 06 07 08
MUNOZ, LUIS

AMT DUE AS OF: 20060214 ROLL R ALT OWN
OMIT(-)/SEL(+)
4 ORCHARD PARK
1 TO 3
(7650 SQ FT)

10101 BUCKWOOD AVE

EL PASO		TX 79925-6925			LAWSUIT 2001TX351		
ACRES	.1756	PARCEL ADDRESS				224 HADLOCK ST	
YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEES	PAYMENTS	TOTAL DUE
2005	59227		1849.30	1849.30	426.27	.00	2275.57
2004	56164		1744.56	1744.56	723.11	.00	2467.67
2003	43235		1307.96	1307.96	752.72	.00	2060.68
2002	43235		1299.16	1299.16	926.95	.00	2226.11
2001	43235		1282.27	1282.27	1091.85	.00	2374.12
2000	42143		1216.32	1216.32	1203.54	.00	2419.86
1999	42143		1212.71	1212.71	1367.32	.00	2580.03
1998	42143		1252.21	1252.21	1584.67	.00	2836.88
1997	42325		797.20	797.20	1356.36	1286.00	2153.56
TOTAL			11961.69	11961.69	10718.79		

LAST PAYOR OWNER

PAGE TOTAL 21394.48

NOTE EXISTS SUIT PENDING

CUMULATIVE TOTAL 21394.48

SUIT#2001TX351 8/16/01 JD 2-2-05