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

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
February 13, 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: 9201 Santa Rosalia Court

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

1) First investigated January 17, 2006. This structure was built as an accessory structure (garage) in 1960 and converted into an apartment in 1991 without first obtaining all required permits. The structure is a single story unit made up of concrete mortar units and conventional stick framing with a stucco exterior finish. It was found to be open and abandoned and in an advanced state of disrepair. The structure does not meet any of the minimum codes for housing.
2) A certified condemnation letter was mailed to Francisco M. Trueba, 7054 Canary Court, El Paso, Texas 79915-3414, on January 24th, 2006.
3) Certified notices of the public hearing scheduled for February 22nd, 2006, were mailed to the owners and all interested parties on February 6th, 2006
4) As of February 13, 2006, taxes are owed in the amount of $3,115.96.
5) There has been no response from the owner.

The Department recommends that it be found:

1) That the structure and be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2) That the structure 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 since the owners have not submitted any building plans, specifications, reports from design professionals to indicate otherwise the structure cannot be repaired; and
5) That the 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 all abandoned inoperable vehicles be removed and destroyed; and
8) 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.

Copy

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
January 19, 2006

Francisco M. Trueba
7054 Canary Ct.
El Paso, Texas 79915-3414

Re: 9201 Santa Rosalia Ct.
Lot: 25
Blk: Singh
Zoned: R-4
COD06-00454
Certified Mail Receipt #
7105 8873 0193 6300 1095

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.

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 9201 Santa Rosalia Court 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]

9201 Santa Rosalia Court

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:

Wayne Fannin
Building Inspector

WF/rl

Firmbook Report

1/19/2006-1/19/2006

CMN	TRACKING	NAME	ADDRESS	
7105 8873 0193 6300 1064	103 VALENCIA REAR	TEXAS GAS SERVICE ATTN: BEA AGUILAR	4700 POLLARD ST.	EL PASO TX 79930
7105 8873 0193 6300 1071	103 VALENCIA REAR	TEXAS GAS SERVICE ATTN: JAIME CARLOS	4700 POLLARD ST.	EL PASO TX 79930
7105 8873 0193 6300 1088	103 VALENCIA REAR	EL PASO ELECTRIC CO.	123 W. MILLS AVE.	EL PASO TX 79901
7105 8873 0193 6300 1095	9201 SANTA ROSALIA	FRANCISCO M. TRUEBA	7054 CANARY CT.	EL PASO TX 79915-3414
7105 8873 0193 6300 1101	9201 SANTA ROSALIA	TEXAS GAS SERVICE ATTN: BEA AGUILAR	4700 POLLARD ST.	EL PASO TX 79930
7105 8873 0193 6300 1118	9201 SANTA ROSALIA	TEXAS GAS SERVICE ATTN: JAIME CARLOS	4700 POLLARD ST.	EL PASO TX 79930
7105 8873 0193 6300 1125	9201 SANTA ROSALIA	EL PASO ELECTRIC CO.	123 W. MILLS AVE.	EL PASO TX 79901

COMPLETE THIS SECTION ON DELIVERY

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

JAN 21 20[illegible]

C. Signature

X

☐ Agent
☐ Addressee

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

1. Article Addressed to:

FRANCISCO M. TRUEBA
7054 CANARY CT.
EL PASO TX 79915-3414
9201 SANTA ROSALIA

3. Service Type

☒ Certified Mail

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)* 7105 8873 0193 6300 1095

PS Form 3811, July 1999 Domestic Return Receipt

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 **9201 Santa Rosalia Court**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 25, SINGH ADDITION, an addition to the City of El Paso, being more particularly described in Volume 627, Page 383, Deed Records El Paso County, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Francisco Manuel Trueba, 7054 Canary Court, El Paso, Texas 79915 is listed as the owner of the real property described herein.

According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

The Owner of said property is hereby ordered to appear before the Building and Standards Commission and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before the Commission at said date, hour, and place to show cause why said building should not be declared a nuisance and ordered to be abated. The 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 Owner, lien holders, mortgagees, or any other person having an interest in the property must present to the Commission any evidence showing that the structure or part thereof is safe.

Certified Mail Receipt#7105 8873 0193 6100 3091

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 9201 Santa Rosalia Court, 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.

Dora Nazariega
Notary Public

DORA NAZARIEGA
NOTARY PUBLIC
In and for the State of Texas
My commission expires
10-13-2008

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 9201 Santa Rosalia Court, 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 9201 Santa Rosalia Court, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Francisco Manuel Trueba
7054 Canary Court
El Paso, Texas 79915

Date:_____
Time:_____

_____
Inspector

I I certify that a true and correct copy of the foregoing Notice regarding the property at 9201 Santa Rosalia Court, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Internal Revenue Service
ATTN; Grace Metro
700 E. San Antonio Avenue
El Paso, Texas 79901

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 9201 Santa Rosalia Court, 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 9201 Santa Rosalia Court, 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 9201 Santa Rosalia Court, 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 9201 Santa Rosalia Court, 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 9201 Santa Rosalia Court, 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

Firmbook Report

7105 8873 0193 6100 3053
7105 8873 0193 6100 3107

2/10/2006-2/10/2006

CMN	TRACKING	NAME	ADDRESS	
7105 8873 0193 6100 3053	9201SantaRosalia-PHr	Francisco Manuel Trueba	7054 Canary Court	El Paso TX 79915
7105 8873 0193 6100 3060	9201SantaRosalia-PHr	Internal Revenue Service Attn: Grace Metro	700 E. San Antonio Ave	El Paso TX 79901
7105 8873 0193 6100 3077	9201SantaRosalia-PHr	Governor of the Ysleta del Sur Pueblo Indian Tribe	AKA Tigua Indian Community 119 S. Old Pueblo Road	El Paso TX 79907
7105 8873 0193 6100 3084	9201SantaRosalia-PHr	El Paso Central Appraisal District	5801 Trowbridge Ave.	El Paso TX 79925
7105 8873 0193 6100 3091	9201SantaRosalia-PHr	Linbarger, Goggan, Blair & Sampson	215 N. Stanton St., 2nd Floor	El Paso TX 79901
7105 8873 0193 6100 3107	9201SantaRosalia-PHr	El Paso County Probate Court	500 E. San Antonio Ave., Suite 703	El Paso TX 79901

UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: January 17, 2006

ADDRESS: 9201 Santa Rosalia Court **ZONED:** R-4

LEGAL DESCRIPTION: Lot 25, SINGH ADDITION, an addition to the City of El Paso, being more particularly described in Volume 627, Page 383, Deed Records, El Paso County, Texas

OWNER: Francisco M. Trueba
ADDRESS: 7054 Canary Court
El Paso, Texas 79915

BUILDING USE: Open and Abandoned Garage converted into an Apartment without permits

TYPE OF CONSTRUCTION: V

FOOTINGS: Concrete/ Rubble stone with masonry grout
CONDITION: Poor. Due to failure to maintain and exposure to the elements some areas of the footings that are visible are spalling, chipping and in an advance state of corrosion. There are many areas that are covered by earth or concrete sidewalk that cannot be visually checked and will require a structural engineer to evaluate the footings for structural design strength for the load that was put on it.

FOUNDATION WALL: N/A
CONDITION: N/A

FLOOR STRUCTURE: Concrete slab on grade.
CONDITION: Poor. There are many areas that are covered by carpet or tile. Areas that were not covered showed signs of cracks and failure. The garage slab that is now holding up additions to the garage, is nothing more then the basic 4" slab without bond beam footings under load bearing walls. A structural engineer will need to be hired to evaluate the conditions of the floor system and submit a report to this department on all corrective actions required to bring the floor system up to minimum code.

EXTERIOR WALLS: Conventional 2" X 4" wood framing with either Stucco or Brick veneer siding.

HEIGHT: 7 to 8 Feet **THICKNESS:** Between 5 ½" to 9 ½".

CONDITION: Poor. Due to lack of maintenance and exposure to the elements, much of the walls are in an advance state of disrepair. Spalling has occurred on some of the walls, exposing it to the elements and wood rot has occurred to the roofing members. The exterior walls will require a structural engineer to evaluate the entire framing system components for structural stability and submit a report to this department on all corrective actions required to bring this system into minimum code compliance.

INTERIOR WALLS & CEILINGS: Interior walls are of conventional 2" X 4" stick framing with sheetrock ½" sheetrock. **Ceilings** are of ½" sheetrock that leak and most of the ceiling sheetrock.
CONDITION: Poor. Will require most of the ceiling to be replaced

ROOF STRUCTURE: Built-up Asphalt roll roofing material on 4"X 4" wood rafters with 1"X 6" sub-decking boards.
CONDITION: Poor. Leaks throughout the dwelling were noticeable. Some of the roof rafters were made up of 4"X 4" lumber that is rotten. A registered roofing contractor will need to be hired to evaluate the entire roofing system and submit a report of his findings to this department on the corrective action required to bring the system up to minimum code compliance.

DOORS, WINDOWS, ETC.: .: Wood framed doors and wood framed or metal framed windows.
CONDITION: Poor. Will need replacing to meet minimum code requirement for egress.

MEANS OF EGRESS: Does not meet code
CONDITION: Poor

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: NONE

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

REMARKS: This was a garage built in 1960 and had additions done to it that converted it into an Apartment without first obtaining all required permits and inspections, which now is open and abandoned. The structure is made up of several different types of construction materials. There are 3 abandoned vehicles on the property. Due to the structure being in an advanced state of disrepair and open to uninvited and unwanted occupants this department recommends that the structures be demolished, all vehicles be removed from the property and destroyed and the premises be cleaned of all weeds, trash and debris and maintained clean of all weeds, trash and debris.

Wayne Fannin

Wayne Fannin

Building Inspector

20060213 TC8006 CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS 090006

ACCOUNT S44599900102500 AMT DUE AS OF: 20060213 ROLL R ALT OWN
UNITS:01 05 06 07 08 46 OMIT(-)/SEL(+)
TRUEBA, FRANCISCO M SINGH
LOT 25
7054 CANARY CT (5784 SQ FT)

EL PASO TX 79915-3414 LAWSUIT 2005TX411
ACRES .1328 PARCEL ADDRESS 9201 SANTA ROSALIA

YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEES	PAYMENTS	TOTAL DUE
2005	30141		959.94	959.94	221.27	.00	1181.21
2004	28935		928.85	928.85	406.39	.00	1335.24
2003	23670	W	380.52	380.52	218.99	.00	599.51
2002	23670	Y	.00	00/00/0000		.00	.00
2001	23670	Y	.00	00/00/0000		.00	.00
2000	23222		.05	06/30/2003		.05	.00
1999	23222		548.70	06/30/2003	416.72	965.42	.00
1998	23222		684.47	06/30/2003	614.32	1298.79	.00
1997	21150		597.72	06/30/2003	618.95	1216.67	.00
		TOTAL	2269.31	2269.31	846.65		

LAST PAYOR OWNER PAGE TOTAL 3115.96
NOTE EXISTS SUIT PENDING CUMULATIVE TOTAL 3115.96
MORE YEARS ON NEXT PAGE