

10457 HODGES



BUILDING AND STANDARDS BOARD AGENDA ITEM # 6 FOR
WEDNESDAY, FEBRUARY 23, 2011

CODE COMPLIANCE DIVISION

MEMORANDUM

January 20, 2011

TO: The Honorable Chairman and Board Members

THROUGH: Kurt Fenstermacher, Deputy Director, Code Compliance Division

FROM: Bill Stern, Deputy Building Official

SUBJECT: 10457 Hodges Circle, El Paso, Texas, 79924

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

- 1) First investigated on October 27, 2010. The single family dwelling was built in 1971. The structure was found open, abandoned and being used as harborage by vagrants and vandalized by neighborhood individuals. The exterior of the structure is showing signs of deterioration due to lack of maintenance and exposure to the elements. The siding, fascia, flashing and roof system are decaying and deteriorated due to lack of maintenance. There is trash, weeds and debris throughout the property.
- 2) A certified condemnation letter was mailed to Billie and Patsy Elkins on November 8, 2010.
- 3) Certified notices of the public hearing scheduled for February 23, 2011, were mailed to the owners and all interested parties on February 9, 2011.
- 4) As of January 1, 2011, \$5409.52 taxes are owed.

The owners have been notified of the property maintenance violations at this property to date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

- 1) That the structure is 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 structures' certificate of occupancy be revoked; and
- 4) That the structure can be rehabilitated; and
- 5) That the structure be secured within thirty (30) days; and
- 6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (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.

CODE COMPLIANCE DIVISION
November 8, 2010

NOTICE OF VIOLATION

Billie and Patsy Elkins
105 Chesapeake Estates Dr.
Stevensville, MD 21666-2939

Re: 10457 Hodges Cir.
Blk: 110 Sun Valley #12
Lot: 9
Zoned: R-3
BSC10-00982
7009 2820 0004 3726 1739

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, 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 **10457 Hodges Cir., El Paso, Texas, 79924**, is in violation of the requirements found in the following sections of the 2003 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- b. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- c. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- d. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- e. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- f. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- g. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- h. 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]
- i. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Building and Standards Commission at a hearing scheduled by this department.

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 Code Compliance Division office, 7969 San Paulo Dr., El Paso,

Texas, 79907, 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 599-3692.

Robert Gonzalez
Building Inspector

RG/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **23th** day of **February, 2011** 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 **10457 Hodges Cir.**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 9, Block 110, Sun Valley Addition Unit #12, an addition in the City of El Paso, El Paso County, Texas, according to the plat thereof on file in volume 18, Page 4, Plat records of El Paso County, Texas, with improvements located thereon known and numbered as 10457 Hodges, El Paso, Texas.

is unsafe and dangerous, because of the following violations:

- a. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- b. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
- c. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- d. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- e. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- f. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- g. The premises shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- h. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

According to the real property records of the County of El Paso, Texas, Virginia Helen Burton, 10457 Hodges Circle, El Paso, Texas, 79924 ("the **Owner**") 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 Environmental Services Department, 7969 San Paulo Drive, El Paso, Texas, 79907, 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 is 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.

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 Owners and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Cynthia Osborn
Assistant City Attorney

Bill Stern, C.B.O.
Deputy Building Official
Code Compliance Division

I certify that a true and correct copy of the foregoing Notice regarding the property at 10457 Hodges Cir. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Virginia Helen Burton
10457 Hodges Circle
El Paso, Texas 79924-2404

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 10457 Hodges Cir. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Elkins Billie & Patsy
105 Chesapeake Estates Dr.
Stevensville, MD 21666-2939

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 10457 Hodges Cir. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

ABN AMRO Mortgage Group, Inc.
7159 Corklan Drive
Jacksonville, FL 32258

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 10457 Hodges Cir. 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 10457 Hodges Cir. 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 10457 Hodges Cir. 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 10457 Hodges Cir. 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 regarding the property at 10457 Hodges Cir. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, TX 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 10457 Hodges Cir. El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: October 27, 2010

REP. DISTRICT: 4

ADDRESS: 10457 Hodges, El Paso, Texas, 79924

ZONED: R-3

LEGAL DESCRIPTION: Block 110 Sun Valley #12, Lot 9

OWNER: Billie and Patsy Elkins

ADDRESS: 105 Chesapeake Estates Dr.
Stevensville, MD 21666

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Concrete

CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: None

CONDITION: N/A

FLOOR STRUCTURE: Concrete.

CONDITION: Fair. Tile or carpet has been removed exposing concrete. Floors do not show signs of decay, deterioration or any signs of concrete defects.

EXTERIOR WALLS: Wood framed with brick veneers and composite siding.

HEIGHT: 10' - 12' +/-

THICKNESS: 8" - 10" +/-

CONDITION: Poor. Brick veneer, siding, wood and paint show signs of deterioration due to lack of maintenance and exposure to elements.

INTERIOR WALLS & CEILINGS: Wood framed walls and ceiling with sheetrock covering.

CONDITION: Good. Walls and ceilings have been refinished with fresh painting to include interior doors and frames.

ROOF STRUCTURE: Low pitch roof structure.

CONDITION: Poor. Roof structure is showing signs of deterioration due to lack of maintenance and exposure to elements. A structural engineer licensed in the state of Texas 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.: Wood doors on wood frame, aluminum frame windows.
CONDITION: Poor. Most glass on windows is broken. Broken doors are inoperable. Will need to replace doors and windows, so they are operational and meet egress requirements.

MEANS OF EGRESS: Does not meet means of egress.
CONDITION: Poor. Doors are not operable and windows are broken and inoperable. Will need to repair windows to meet egress requirements.

PLUMBING: Unknown.
CONDITION: A licensed plumber should be hired to bring plumbing system up to code.

ELECTRICAL: Unknown.
CONDITION: A licensed electrician should be hired to bring electrical system up to code.

MECHANICAL: Unknown.
A licensed mechanical contractor should be hired to bring mechanical system up to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

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

REMARKS: This abandoned single family residence was built in 1971. The structure was found open, abandoned with broken windows and being used as harborage by unwanted individuals. This abandoned structure has been an attraction for area teens and area school students. The roof, air conditioning unit and exterior of the structure show signs of deterioration due to lack of property maintenance. Trash, weeds and debris are present throughout the property. The department recommends that the property be secured within thirty (30) days and the property cleaned of all weeds, trash and debris within thirty (30) days.

Robert Gonzalez
Building Inspector