

2905 N PIEDRAS



BUILDING AND STANDARDS BOARD AGENDA ITEM # 5 FOR
WEDNESDAY, FEBRUARY 25, 2009

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
February 18, 2009

TO: The Honorable Chairman and Board Members

THROUGH: Victor Q. Torres – The Director of Development Services

FROM: Bill Stern, C.B.O., Chief Building Official

SUBJECT: 2905 Piedras Street, El Paso, Texas 79930

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

- 1) First investigated February 18, 2008. The single family dwelling with detached garage was built in 1917. Initially, the complaint came from the El Paso Electric Company. During a follow up investigation, it was found open, abandoned and being used as harborage by unwanted persons. There were also signs of drug paraphernalia. The electrical, mechanical and plumbing systems are inadequate. The stucco exterior has signs of deterioration due to lack of maintenance and exposure to the elements. The roof ceiling assembly and coverings have not been maintained and show evidence of deterioration and leaks.
- 2) A certified condemnation letter was mailed to Andres Morales, 2905 Piedras St., El Paso, Texas 79930.
- 3) Certified notices of the public hearing scheduled for February 25, 2009 were mailed to the owners and all interested parties on February 11, 2009.
- 4) As of February 18, 2009, there is \$3,242.67 owed in taxes.

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

- 1) That the structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structures are 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 main structure be secured within thirty (30) days and maintained secure until rehabilitated; and
- 5) That the unpermitted additions be demolished within thirty (30) days; and
- 6) That the premises be cleaned 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.

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

February 19, 2008

Aurelia Morales
2905 N Piedras St
El Paso, Texas 79930-3601

Re: 2905 N Piedras St
Blk: 135 Highland Park
Lot: N 60 Ft of 1 to 4
Zoned: C2
COD08-02817
Certified Mail Receipt #
7007 0710 0001 1381 9508

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 **2905 N Piedras St.** has the following violations:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].

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:

Nellie Avalos
Building Inspector

MA/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **25th** day of **February, 2009** 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 buildings located on the property at **2905 N. Piedras Street**, in El Paso, Texas, which property is more particularly described as:

Legal Description: The North 60 feet of Lots 1, 2,3 and 4, Block 135, HIGHLAND PARK ADDITION, an addition to the City of El Paso, El Paso County, Texas.

are unsafe and dangerous, because of the following violations:

- a. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- b. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- c. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
- d. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- e. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- f. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec.603.1]
- h. The structures are 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 structures 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]

According to the real property records of the County of El Paso, Andres Morales (the "**Owner**"), 2905 N. Piedras Street, El Paso, Texas, 79930 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 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 Owners 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:

Mark Shoemith
Assistant City Attorney

APPROVED AS TO CONTENT:

Bill Stern, C.B.O.
Chief Building Official
Building Permits and Inspection 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 2905 N. Piedras Street was PUBLISHED in the official City newspaper on the ____day of _____, 2009.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 2905 N. Piedras Street was HAND-DELIVERED to:

Andres Morales
2905 N. Piedras Street
El Paso, Texas 79930

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2905 N. Piedras Street was HAND-DELIVERED to:

Texas State Attorney General
(Child Support)
6460 Hiller, Suite A
El Paso, Texas 79925

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2905 N. Piedras Street 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 2905 N. Piedras Street 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 2905 N. Piedras Street 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 2905 N. Piedras Street 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 2905 N. Piedras Street 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 2905 N. Piedras Street, El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: February 18, 2009

REP. DISTRICT: 2

ADDRESS: 2905 North Piedras Street

ZONED: C - 2

LEGAL DESCRIPTION: The North 60 feet of Lots 1, 2, 3 and 4, Block 135, HIGHLAND PARK ADDITION, an addition to the City of El Paso, El Paso County, Texas.

OWNER: Andres Morales

ADDRESS: 2905 North Piedras Street
El Paso, Texas 79903

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: V, wood frame w/brick face and stucco covering

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: Rubble stone w/masonry grout

CONDITION: Fair. No notable cracks or deficiencies found

FLOOR STRUCTURE: Wood frame w/hardwood covered with asphalt tile/carpet on main structure and slab on grade on accessory structure

CONDITION: A structural engineer or registered contractor must be hired to evaluate the flooring system.

EXTERIOR WALLS: Brick face and stucco covering

HEIGHT: 10' - 15' +/-

THICKNESS: 10" - 12"

CONDITION: Fair. A structural engineer should be hired to evaluate structural elements of the building and submit a report on the corrections required to make the building safe.

INTERIOR WALLS & CEILINGS: Wood frame, wood paneling and sheetrock w/ plaster

CONDITION: Poor. Deteriorated ceiling shows signs of leaks and collapse, the walls require repair.

ROOF STRUCTURE: Gable roof, wood framing with rolled composition roof covering.

CONDITION: Poor. Deteriorated, a registered roofing 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.: Wood frame w/aluminum windows and wrought iron doors.

CONDITION: Poor. Will need to repair or replace all doors and windows since they are broken and so they become operational and meet egress requirements.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. Windows need replacing or repairs done to make them operational.

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

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

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

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: Yes

REMARKS: This is an open and abandoned single-family dwelling. The unpermitted addition should be demolished within thirty (30) days. The remaining structures should be secured until rehabilitated and the property cleaned of all weeds, trash and debris within thirty (30) days.

Nellie Avalos

Building Inspector

**CITY OF EL PASO
ENVIRONMENTAL SERVICES**



M E M O R A N D U M

DATE: 03-05-08
MEMO TO: William Stern C.B.O., Residential Inspector Supervisor
FROM: Salvador Reyes, Associate Code Inspector
SUBJECT: Condemnation Report #COD08-02817
RE: 2905 N Piedras 135 Highland Park, Lot N 60ft of 1 to 4

An inspection of the property was conducted on 03-03-08 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA

From the side walk you can see furniture, tires and a refrigerator.

SECTION 9.04.340 – ACCUMULATIONS

In the southwest corner of the property there is a pile of trash to include a mattress, pallets, clothing, and rags.

SECTION 9.16 - NUISANCE

High vegetation was not noted through out the premises.

SECTION 9.16.010 – DESIGNATED

Premise was occupied

SECTION 9.28 -RAT CONTROL

Rodent evidence was not noted on the premise.

SECTION 9.08 Junk Vehicles.

In the backyard there was an old box type ice cream truck with flat tires and broken windows.

SECTION 9.16 - NUISANCE

High vegetation was not noted through out the premises.

SECTION 9.16.010 – DESIGNATED

Premise was occupied

SECTION 9.28 -RAT CONTROL

Rodent evidence was not noted on the premise.

SECTION 9.08 Junk Vehicles.

In the backyard there was an old box type ice cream truck with flat tires and broken windows.