

# 3116 FINDLEY



BUILDING AND STANDARDS BOARD AGENDA ITEM # 6 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 Inspector

SUBJECT: 3116 Findley Avenue, El Paso, Texas 79905

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

- 1) First investigated April 2, 2008. The single family dwelling was built in 1916. The electrical, mechanical and plumbing systems are no longer in place. The exterior plaster coating has fallen in several areas exposing the underlying adobe to the elements. The interior walls contain several holes and severe cracks compromising the structure. The floor system has failed. The roof ceiling assembly, roof coverings and framing have not been maintained and are showing signs of deterioration and decay.
- 2) Certified notices of the public hearing scheduled for February 25, 2009 were mailed to the owners and all interested parties on February 11, 2009.
- 3) As of February 18, 2009, \$17,069.35 in taxes is owed.

The City of El Paso is the Trustee of this property and therefore 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 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 the structure be demolished within thirty (30) days; and
- 5) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
- 6) That upon notification of the Building and Standards Commission order to all interested parties 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.

## 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 building located on the property at **3116 Findley Avenue**, in El Paso, Texas, which property is more particularly described as:

**Legal Description: Lot 8, Block 3, MIRAFLOR ADDITION, an addition to the City of El Paso, Texas.**

is 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 structure is 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 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]

According to the real property records of the County of El Paso, The City of El Paso (the "**Owner**") , 2 Civic Center Plaza, El Paso, Texas 79901, 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, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> 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:

APPROVED AS TO CONTENT:

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Mark Shoesmith  
Assistant City Attorney

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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 3116 Findley Avenue 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 3116 Findley Avenue 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 3116 Findley Avenue 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 3116 Findley Avenue 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 3116 Findley Avenue 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 3116 Findley Avenue 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 3116 Findley Avenue, El Paso, Texas.

Date:  
Time:

Inspector



# UNSAFE STRUCTURES REPORT

## BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** February 18, 2009

**ADDRESS:** 3116 Findley Avenue, El Paso, Texas 79905      **ZONED:** A-3

**LEGAL DESCRIPTION:** Lot 8, Block 3, MIRAFLOR ADDITION, an addition to the City of El Paso, Texas.

**OWNER:** City of El Paso, Trustee      **ADDRESS:** 2 Civic Center Plaza  
El Paso, Texas 79901

**BUILDING USE:** Single Family Dwelling

**TYPE OF CONSTRUCTION:** Type V, adobe w/plaster

**FOOTINGS:** Concrete

**CONDITION:** Poor. Inadequate (improper) footings, some areas of the footings that are visible are spalling, chipping and in an advanced state of disrepair. 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:** Wood frame w/hardwood

**CONDITION:** Poor. Some areas showed signs of cracks and failure. 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:** Adobe walls with stucco exterior finish

**HEIGHT:** 10' +/-

**THICKNESS:** 12" +/-

**CONDITION:** Poor. Due to lack of maintenance and exposure to the elements, much of the dwelling is in an advance state of disrepair. Spalling has occurred on some of the adobe walls, exposing the earthen adobe to the elements. 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:** Some interior walls are of conventional 2" X 4" stick framing with sheetrock ½" sheetrock, others are of adobe with stucco finish and the remainder of the walls are of concrete masonry units with stucco finish. Ceilings are of ½" sheetrock that leak.

**CONDITION:** Poor. There are structural cracks and holes throughout the walls, the ceiling will need to be repaired and or replaced

**ROOF STRUCTURE:** Flat roof with roll roofing composition material

**CONDITION:** Poor. Wood dry rot has occurred to the roofing members and exposed framing members. 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 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, there are several frayed wires and too many spliced electrical extension cords. 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:** TWO

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

**REMARKS:** This single family dwelling built in 1916. Due to the structure being in an advanced state of disrepair this department recommends that the structure be demolished and the premises be cleaned and maintained clean of all weeds, trash and debris.

Nellie Avalos

**Building Inspector**