3830 Johnson

BUILDING AND STANDARDS BOARD AGENDA ITEM #4 FOR WEDNESDAY, FEBRUARY 27, 2008

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
February 18, 2007

TO: The Honorable Chairman and Board Members

THROUGH: Larry Nichols, C.B.O. – The Director for Building Permits and Inspections

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

SUBJECT: 3830 Johnson Avenue

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

1) First investigated September 5, 2007. The single family dwelling was built in 1946. The structures were found open and abandoned and in an advanced state of disrepair due to neglect and lack of maintenance. The accessory structures are showing signs of decay. The structures are being used as harborage by unwanted persons.
2) A certified condemnation letter was mailed to Veronica S. Jarosz, 615 E. Schuster Avenue, Ste. 1, El Paso, Texas, 79902.
3) Certified notices of the public hearing scheduled for February 27, 2008, were mailed to the owners and all interested parties on February 15, 2008.
4) As of February 12, 2008, $488.71 in taxes is owed.

The owner has been notified of the violations at this property, to date there has been no response or corrective action taken, 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 structures' certificate of occupancy be revoked; and
4) That the main structure can be repaired; and
5) That the main structure be secured and maintained secure within 30 days; and
6) That the accessory structures be demolished within 30 days; and
7) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; 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.

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

R. ALAN SHUBERT, P.E., C.B.O.
DEVELOPMENT SERVICE DIRECTOR

DEVELOPMENT SERVICES DEPARTMENT

BUILDING STANDARDS ENFORCEMENT
November 20, 2007

Veronica S Jarosz
615 E Schuster Ave. Ste 1
El Paso, Texas 79902-4360

Re: 3830 Johnson Ave.
Blk: 121 Morningside Heights
Lot: 17 to 20
Zoned: R5
COD07-29096
Certified Mail Receipt #
7007 1490 0000 8721 5517

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 **3830 Johnson Ave.** has the following violations:

a. The structure is open and accessible to unauthorized entry. [Sec. 301.3]

b. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].

c. 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]

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 54l-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 **27th** day of **February, 2008** 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 **3830 Johnson Ave.** in El Paso, Texas, which property is more particularly described as:

LEGAL DESCRIPTION: Lots 19 and 20 in block 121 of the MORNINGSIDE HEIGHTS ADDITION to the City of El Paso, El Paso County, Texas. Lots 17 and 18 in Block 121 of the MORNINGSIDE HEIGHTS ADDITION to the City of El Paso, El Paso County, Texas.

is unsafe and dangerous.

a. The structure is open and accessible to unauthorized entry. [Sec. 301.3]

b. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].

c. 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, Texas, Veronica S. Jarosz **(the "Owner"),** 615 E. Schuster Ave., Ste 1, El Paso, Texas 79902**,** 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 buildings 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 structures 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 S. Shoesmith
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Bill Stern, C.B.O.
Chief Building Inspector
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 at **3830 Johnson Ave.** was PUBLISHED in the official City newspaper on the ____day of_____, 2008.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at **3830 Johnson Ave.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Veronica S. Jarasz
615 E. Schuster, Ste 1
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3830 Johnson Ave.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

James Kirby Read, Esq.
615 E. Schuster, Ste 1
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3830 Johnson Ave.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Maria R. Galarza
& Lorenzo Galarza
P. O. Box 90040
Albuquerque, NM 87199-0040

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3830 Johnson Ave.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Shirley White
3423 Jackson Ave.
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3830 Johnson Ave.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Peter Sarley Jarosk
3828 Johnson
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3830 Johnson Ave.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

J Crawford Kerr
6070 Gateway East, Ste 102
El Paso, Texas 79905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3830 Johnson Ave.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Brunson D. Moore, Esq.
214 W. Franklin
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3830 Johnson Ave.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

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

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3830 Johnson Ave.** 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 **3830 Johnson Ave.** 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 **3830 Johnson Ave.** 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 **3830 Johnson Ave.** 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 **3830 Johnson Ave.** El Paso, Texas.

Date:
Time:

Inspector

UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: February 8, 2008 **REP. DISTRICT:** 2

ADDRESS: 3830 Johnson Avenue **ZONED:** R - 4

LEGAL DESCRIPTION: Lost 19 and 20 in Block 121 of the MORNINGSIDE HEIGHTS ADDITION to the City of El Paso, El Paso County, Texas, Lots 17 and 18 in Block 121 of the MORNINGSIDE HEIGHTS ADDITION to the City of El Paso, El Paso County, Texas.

OWNER: Veronica Jarosz **ADDRESS:** 615 E Schuster, Ste 1
El Paso, Texas 79902

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: V, wood frame with Stucco/masonry

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: N/A
CONDITION: N/A

FLOOR STRUCTURE: Concrete slab on grade w/tile.
CONDITION: Fair. A structural engineer or registered contractor must be hired to evaluate the flooring system.

EXTERIOR WALLS: Stucco/masonry

HEIGHT: 12' +/- **THICKNESS:** 10" - 12"

CONDITION: Poor, the structure has sustained notable cracks due to lack of maintenance. A structural engineer should be hired to evaluate structural elements of the buildings and submit a report on the corrections required to make the building safe.

INTERIOR WALLS & CEILINGS: Wood frame, sheetrock w/ plaster
CONDITION: Fair. A structural engineer should be hired to evaluate structural elements of the building and submit a report of the required corrections to make the buildings safe

ROOF STRUCTURE: Gable roof, wood framing with composition shingle covering.
CONDITION: Poor, disintegrating due to lack of maintenance. 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.: Wood frame doors and casement windows w/wrought iron.
CONDITION: Fair. Will need to replace or repair all doors and widows, so they are operational and meet egress requirements.

MEANS OF EGRESS: Does not meet code requirements.
CONDITION: Poor. Windows and doors must be replaced 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.:** No

REMARKS: This is an open and abandoned single-family dwelling. The structures are being used as harborage by unwanted persons. The main structure should be secured, the accessory structures should be demolished and the property cleaned of all weeds, trash and debris.

Nellie Avalos
Building Inspector

EL PASO CITY-COUNTY HEALTH &ENVIRONMENTAL DISTRICT
ENVIRONMENTAL HEALTH

M E M O R A N D U M

DATE: December 6, 2007

MEMO TO: William Stern C.B.O., Residential Inspector Supervisor

FROM: Mary Lou Camacho, Environmental Health Inspector

SUBJECT: Condemnation Report

RE: 3830 Johnson Ave.

An inspection of the property was conducted at 3830 Johnson Ave. and the conditions checked were found in violation of Title 9 – of the El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA
Trash and debris was noted around the waste storage area.

SECTION 9.04.340 – ACCUMULATIONS
Trash, furniture, appliances, tires, buckets, creating a public eye sore.

SECTION 9.16 - NUISANCE
Eye sore, vermin harborage.

SECTION 9.16.010 – DESIGNATED
Homes are abandoned, not secured, broken windows, roofs in bad conditions, cracks noted in structure.

SECTION 9.28 -RAT CONTROL
N/A