

5850 Auburn



BUILDING AND STANDARDS BOARD AGENDA ITEM #75 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: 5850 Auburn Avenue

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

- 1) First investigated December 3, 2007. The open and abandoned multi family dwellings were built in 1920. A permit was issued in 2006 for an addition, however the permit has expired and the project has been abandoned. There is evidence of ashes and vandalism in one of the units. The structures are being used as harborage by unwanted persons.
- 2) A certified condemnation letter was mailed to Jeanette Ornelas, 2919 E. Yandell, El Paso, Texas, 79903.
- 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, no taxes are 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 structures can be repaired; and
- 5) That the structures be secured and maintained secure within 30 days; and
- 6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 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



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

JOYCE WILSON
CITY MANAGER

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

DEVELOPMENT SERVICES DEPARTMENT

BUILDING STANDARDS ENFORCEMENT

December 5, 2007

Jeanette Ornelas
2919 E Yandell
El Paso, Texas 79903

Re: 5850 Auburn Ave.
Blk: Collingsworth Surv 13
Lot: TR 2-A
Zoned: R-4
COD07-30505
Certified Mail Receipt #
7007 0710 0001 1386 2399

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.

5850 Auburn Ave.

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 **5850 Auburn 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 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 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 **5850 Auburn Ave.** in El Paso, Texas, which property is more particularly described as:

**LEGAL DESCRIPTION: Tract 2A. COLLINSWORTH SUBDIVISION
SUPPLEMENTAL MAP, an addition to the City of El Paso, El Paso County, Texas,
according to the plat thereof on file in Volume 5, Page 13, Real Property
Records, El Paso County, Texas.**

is unsafe and dangerous.

- 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 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, Texas, Jeanette Ornelas (**the "Owner"**), 2919 E. Yandell Dr., El Paso, Texas 79903, 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:

APPROVED AS TO CONTENT:

Mark S. Shoesmith
Assistant City Attorney

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 **5850 Auburn 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 **5850 Auburn Ave.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jeanette Ornelas
2919 E. Yandell
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **5850 Auburn Ave.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mark Salloum
300 E. Main, Ste 908
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **5850 Auburn Ave.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Josefina G. Montes
8557 McKenzie
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **5850 Auburn Ave.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jeanette Ornelas
c/o Raul Garcia
6601 Montana, Ste J
El Paso, Texas 79925

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **5850 Auburn Ave.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jeanette Ornelas
7815 Eastern Ave.
Bell Gardens, CA
90201

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **5850 Auburn 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 **5850 Auburn 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 **5850 Auburn 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 **5850 Auburn 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 **5850 Auburn 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 **5850 Auburn Ave.** El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: February 13, 2008

REP. DISTRICT: 3

ADDRESS: 5850 Auburn Avenue

ZONED: R - 4

LEGAL DESCRIPTION: Tract 2A, COLLINGSWORTH SUBDIVISION SUPPLEMENTAL MAP, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 5, Page 13, Real Property Records, El Paso County, Texas.

OWNER: Jeanette Ornelas

ADDRESS: 2919 E. Yandell Dr
El Paso, Texas 79903

BUILDING USE: Abandoned Multi family dwellings

TYPE OF CONSTRUCTION: V, wood frame with brick veneer

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: Brick w/masonry grout

CONDITION: Fair. Some notable cracks and deficiencies found

FLOOR STRUCTURE: Wood frame w/hardwood

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

EXTERIOR WALLS: Brick veneer and wood frame with plaster.

HEIGHT: 12' +/-

THICKNESS: 10" - 12"

CONDITION: Poor, the structure has been gutted out and the remodeling project was abandoned. 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: Poor, exposed wood studs and unfinished/unprotected sheetrock. 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 rolled composition 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 windows.

CONDITION: Poor, all doors and windows have been removed. Will need to replace all doors and windows, 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: These are open and abandoned multi-family dwellings. The structures are being used as harborage by unwanted persons. The structures should be secured and the property cleaned of all weeds, trash and debris.

Nellie Avalos

Building Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: February 13, 2008

REP. DISTRICT: 3

ADDRESS: 5850 Auburn Avenue (rear)

ZONED: R - 4

LEGAL DESCRIPTION: Tract 2A, COLLINGSWORTH SUBDIVISION SUPPLEMENTAL MAP, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 5, Page 13, Real Property Records, El Paso County, Texas.

OWNER: Jeanette Ornelas

ADDRESS: 2919 E. Yandell Drive
El Paso, Texas 79903

BUILDING USE: Abandoned Multi family dwellings

TYPE OF CONSTRUCTION: V, wood frame with brick veneer and CMU

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: Brick veneer and CMU with plaster.

HEIGHT: 12' +/-

THICKNESS: 10" - 12"

CONDITION: Poor, the structure has sustained notable cracks and the brick veneer is coming away from the wood frame. 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: Poor, there is evidence of ashes and vandalism. 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 windows.

CONDITION: Poor, windows are broken. Will need to replace or repair all doors and windows, 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: These are open and abandoned multi-family dwellings. The structures are being used as harborage by unwanted persons. The structures should be secured and the property cleaned of all weeds, trash and debris.

Nellie Avalos

Building Inspector