

4637 R.L. SHOEMAKER



**BUILDING AND STANDARDS BOARD AGENDA ITEM #9 FOR
THURSDAY, FEBRUARY 27, 2014**

**ENVIRONMENTAL SERVICES DEPARTMENT
CODE COMPLIANCE DIVISION**

**MEMORANDUM
February 12, 2014**

TO: The Honorable Chairman and Board Members

THROUGH: Elda Rodriguez-Hefner, Division Manager, Code Compliance Department

FROM: Ron Roth, C.B.O., Deputy Building Official

SUBJECT: 4637 R. L. Shoemaker Drive, El Paso, Texas, 79924

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

- 1) First investigated on September 12th 2013. Recently investigated on February 12, 2014 and February 25, 2014. This single family dwelling was built on or about 1982, constructed of wood with brick veneer and a wood framed roof structure. The property was found open, abandoned and accessible to unwanted visitors. The structure is in an advanced state of disrepair due to lack of maintenance and exposure to the elements. There is also trash and debris accumulation inside the abandoned structure and throughout the property.
- 2) A certified condemnation letter was mailed to Bennie Graham and Flora T. Graham, 11041 177th St., Jamaica, NY 11433-3527.
- 3) Certified notices of the public hearing scheduled for February 27, 2014, were mailed to the owners and all interested parties on February 12, 2014.
- 4) As of February 12, 2014, \$9,807.26 is owed in taxes.

The owners have been notified of the property violations at this property. To date there has been no response or corrective action taken, 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 can be rehabilitated; and
- 5) That the structure be secured and maintained secure within thirty (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 owners 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
SEPTEMBER 23, 2013
NOTICE OF VIOLATION

GRAHAM BENNIE & FLORA T.
11041 177th St.
JAMAICA, NY 11433-3527

Re: 4637 R L Shoemaker Dr.
Blk: 8 CASTNER HEIGHTS
Lot: 15 (13176 SQ FT)
Zoned: R-4
ENHS12-0811
9171999991703077561510

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:

18.50.108.1 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 Title 2.38 of the Municipal Code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50.108.1.1 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

18.50.108.1.2 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.

18.50.108.1.3 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 4637 R L Shoemaker is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- f. 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]
- g. 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 Environmental Services Department, Code Compliance Division.

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 Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.10.3.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Environmental Services Department, Code Compliance Division 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 599-6290.

Alexandro Esparza
Building Inspector

NOTICE OF PUBLIC HEARING

To all interested parties:

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the "Commission", at the following time and place:

LOCATION: City Hall, City Council Chambers, 300 N. Campbell Street, 1st Floor, El Paso, Texas 79901

DATE: February 27, 2014

TIME: 5:30 p.m.

PROPERTY: 4637 R. L. Shoemaker Dr., El Paso, Texas, Lot 15, Block 8, CASTNER HEIGHTS UNIT ONE, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof recorded in Volume 53, Page 3 and 3A, Plat Records of El Paso County, Texas.

The property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, Bennie Graham and Flora T. Graham, 11041 177th St., Jamaica, NY 11433-3527, are the owners, herein after referred to as the "Owners" of the property. 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 from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Code Compliance Division of Environmental Services, 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 execute and deliver the affidavit, it will be presumed that you own or have an interest in the Property, even if you do not.

On or about September 12, 2013, an inspection of the property was conducted by the Environmental Services Division and the following violations were identified:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1

conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]

- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- f. 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]
- g. 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 Environmental Services Department, Code Compliance Division.

The Owners are entitled to show cause that the Property is safe, does not constitute dangerous structures and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owners advocate for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owners fail to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the final order. The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. The bylaws may be obtained at the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907 or by calling (915) 599-6290.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM

APPROVED AS TO CONTENT

Wendi N. Vineyard
Assistant City Attorney

Ron Roth, C.B.O.
Deputy Building Official

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice of Public Hearing regarding the property located at **4637 R.L. SHOEMAKER DR.** was filed with the County Clerk's Office, the official public records of real property for El Paso County.

Richarda Duffy Momsen

Executed this ____ day of _____, 2014 on behalf of the City of El Paso, Texas, by Richarda Duffy Momsen in her capacity as City Clerk.

STATE OF TEXAS
COUNTY OF EL PASO

Subscribed and sworn to before me, this ____ day of _____, 2014.

Notary Public

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 **4637 R.L. SHOEMAKER DR.** was PUBLISHED in the official City newspaper on the ____ day of _____, 2014.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at **4637 R.L. SHOEMAKER DR.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Bennie Graham and Flora T. Graham
11041 177th St.
Jamaica, NY 11433-3527

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at **4637 R.L. SHOEMAKER DR.** was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
300 N. Campbell
El Paso, TX 79901

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at **4637 R.L. SHOEMAKER DR.** 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 **4637 R.L. SHOEMAKER DR.** 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 **4637 R.L. SHOEMAKER DR.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Clerk, Probate Dept.
500 E. San Antonio Avenue, Suite 105
El Paso, Texas 79901

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at **4637 R.L. SHOEMAKER DR.** 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 **4637 R.L. SHOEMAKER DR.** El Paso, Texas.

Date: _____
Time: _____
Inspector: _____



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: February 12, 2014

REP. DISTRICT: 4

ADDRESS: 4637 R.L. Shoemaker Dr.

ZONED: R-4

LEGAL DESCRIPTION: Lot 15, Block 8, Castner Heights Unit One

OWNER: Bennie Graham and
Flora T. Graham

ADDRESS: 11041 177th St.
Jamaica, NY 11433-3527

BUILDING USE: Abandoned Single-Family Dwelling

TYPE OF CONSTRUCTION: V, wood frame w/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: N/A

CONDITION: N/A

1st FLOOR STRUCTURE: Concrete and some carpet and vinyl covering

CONDITION: Fair. A structural engineer should be hired to evaluate actual condition.

2nd FLOOR STRUCTURE: Wood Framing and some carpet and vinyl covering

CONDITION: Fair. A structural engineer should be hired to evaluate actual condition.

EXTERIOR WALLS: Brick veneer with wood frame

HEIGHT: 8' - 12' +/-

THICKNESS: 6' - 8' +/-

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

INTERIOR WALLS & CEILINGS: Wood framing w/ gypsum board covering

CONDITION: Poor. Interior walls and ceilings are water damaged due to exposure to the elements. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

ROOF STRUCTURE: Wood frame Composite Shingle roof covering.

CONDITION: Poor. The roof is dilapidated and there are parts of it exposed to the elements. A registered roofing contractor 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 frame doors and aluminum frame windows.

CONDITION: Fair. Will need to replace or repair doors and windows, so they are operational and meet egress requirements.

MEANS OF EGRESS: Meets code requirements.

CONDITION: Fair. Windows and doors must be replaced to make them operational.

PLUMBING: Substandard plumbing installation and fixtures. A licensed plumber should be hired to bring system up to code.

ELECTRICAL: Substandard electrical installation and fixtures: A licensed electrician should be hired to bring system up to code.

MECHANICAL: Substandard mechanical installation and equipment. A licensed mechanical contractor should be hired to bring system up to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS: This single family dwelling was built on or about 1982 and found open and abandoned and in a state of disrepair. There are unhealthy and unsanitary existing conditions throughout the inside of the property and poses potential danger to unauthorized occupants. The windows and doors are broken and show signs of deterioration due to lack of maintenance. The structure should be secured within thirty (30) days. The premises should be cleaned of all weeds, trash and debris within thirty (30) days and be maintained clean of all weeds, trash and debris.

Alexandro Esparza
Building Inspector

TAX REPORT

Appraisal & Collection Technologies - EL PASO

ORACLE

Action Edit Query Record Field Help Entitlements Accounts Statements Window

Account Status

Prev. Acc... Next Acc... Prev. Owner Next Owner Acct History Acct Summary **Notes** Documents Go To: _____

EVAR **ACCOUNT NO(C23199900802900): PAID IN FULL** 02/12/2014 10:16: ACTEP

ACT8006 v1.242

STATUS DETAIL Expand Fees Summary

Account Information

Account No. **C231-999-0080-2900** Roll Code REAL PROPERTY

Certified Owner GRAHAM BENNIE & FLORA T

Parcel Address 4637 R L SHOEMAKER DR

Amount Due as of 02/12/2014 CAD No. 116355

Tax Units

Tax Unit Description

List of Tax Units

1 3 6 7 8 9009 9089

AG INCLUDED Remove Fees Countywide **Multi Select**

Tax Unit, Yr, Rec. Type

Tax Unit _____

Year _____

Rec. Type _____

Amount Due/Paid Information

Year	Gross Value	H	O	V	D	Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due
2013	\$155,087					\$4,164.48	\$0.00	\$0.00	\$4,164.48	\$291.52	\$0.00	\$4,456.00
2012	\$155,087					\$4,045.78	\$467.29	\$0.00	\$3,578.49	\$1,772.77	\$0.00	\$5,351.26
2011	\$155,087					\$3,973.96	\$3,973.96	\$0.00	\$0.00	\$1,683.10	\$0.00	\$0.00
2010	\$155,087					\$3,941.61	\$3,941.61	\$0.00	\$0.00	\$2,236.10	\$0.00	\$0.00
2009	\$156,490					\$5,398.68	\$5,398.68	\$0.00	\$0.00	\$2,771.38	\$0.00	\$0.00
2008	\$149,773					\$3,742.50	\$3,742.50	\$0.00	\$0.00	\$561.38	\$0.00	\$0.00
2007	\$149,773					\$3,772.95	\$3,772.95	\$0.00	\$0.00	\$565.95	\$0.00	\$0.00
2006	\$124,638					\$3,607.29	\$3,607.29	\$0.00	\$0.00	\$252.52	\$0.00	\$0.00
2005	\$104,725					\$3,269.93	\$3,269.93	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals						\$58,825.38	\$51,082.41	\$0.00	\$7,742.97	\$10,134.72	\$0.00	\$9,807.26

Last Payment Date _____

Last Payer _____

Alert

9:16 AM 2/12/2014