

4120 CLIFTON



BUILDING AND STANDARDS BOARD AGENDA ITEM # 7 FOR
WEDNESDAY, FEBRUARY 28, 2007
DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

February 14, 2007

TO: The Honorable Chairman and Board Members

THROUGH: R. Alan Shubert, P. E., C.B.O. – Development Services Director

FROM: Bill Stern, C.B.O., Residential Inspector Supervisor

SUBJECT: 4120 Clifton, AKA 4118 Clifton, El Paso, Texas 79930

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

1. First investigated on November 20, 2006. The building was found to be in an advanced state of disrepair. The building has been used as a harborage by unwanted persons.
2. A certified condemnation letter was mailed to Maria Vargas, 3915 Memphis, El Paso, Texas 79930.
3. Certified notices of the public hearing scheduled for February 28, 2007 were mailed to the owners and all interested parties on February 16, 2007.
4. There has been no response from the owner.
5. As of February 13, 2007, no property taxes are due.

The Department recommends that it be found:

1. That the main structure and accessory building 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 cannot be repaired; and
5. That the main structure and accessory building be demolished within 30 days; and
6. That the premises be cleaned of all weeds, trash, and debris within 30 days; and junk vehicles be removed 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

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
November 27, 2006

Maria Vargas
3915 Memphis Ave.
El Paso, Texas 79930-5312

Re: 4120 Clifton Ave.
Blk: 48 Government Hill
Lots: 21 to 23
Zoned: R5
COD06-21703
Certified Mail Receipt #
7105 8873 0193 6301 5399

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 4120 Clifton Ave. 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 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]

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:

Manuela Avalos
Building Inspector

MA/nms

City Of El Paso
 Development Services Department
 #2 Civic Center Plaza, 5th Floor
 El Paso TX 79901-1196

First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10



UNITED STATES POSTAL SERVICE

1. Article Addressed to:
 Maria Vargas
 3915 Memphis Ave
 El Paso TX 79930-5312
 4120 Clifton

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **MARIA VARGAS** B. Date of Delivery **11-29-06**

C. Signature *Maria Vargas* Agent Addressee

Does delivery address differ from item 1? Yes No
 If YES, enter delivery address below

RECEIVED

NOV 30 2006

3. Service Type
 Certified Mail

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label) **7105 8873 0193 6301 5399**

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **28th** day of **February, 2007** 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 **4120 Clifton Avenue**, in El Paso, Texas, which property is more particularly described as:

LEGAL DESCRIPTION: Lots 21, 22 and 23, Block 48, GOVERNMENT HILL ADDITON, an addition to the City of El Paso, El Paso County, Texas, which has a property address of 4120 Clifton, El Paso, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, **Maria Vargas** (the "**Owner**"), **3915 Memphis Avenue, El Paso, Texas, 79930**, is listed as the owners 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 are 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, neglect or refuse 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 Owners, 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 Owner 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 Owners and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Roberta Cross
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Inspector
Building Permits and Inspections 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 of Public Hearing regarding the property located at **4120 Clifton Avenue**, 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 _____, 2007 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 _____, 2007.

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 **4120 Clifton Avenue**, was PUBLISHED in the official City newspaper on the ____day of _____, 2007.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at **4120 Clifton Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Maria Vargas
3915 Memphis
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **4120 Clifton Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Tomas Vargas
1405 Mundy
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **4120 Clifton Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Graciela Vargas Deslongchamps
1701 Weightman Circle
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **4120 Clifton Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Pablo Vargas
1104 Duke Ct.
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **4120 Clifton Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jose A. Vargas
1701 Weightman Circle
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **4120 Clifton Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ricardo Vargas
1208 Chelsea
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **4120 Clifton Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Irma Vargas Diaz
5156 Garry Owen
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **4120 Clifton Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Samuel Vargas
9805 Buckwood
El Paso, Texas 79925

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **4120 Clifton Avenue**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Hector Vargas
9300 Montana #2092
El Paso, Texas 79925

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **4120 Clifton 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 **4120 Clifton 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 **4120 Clifton 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 **4120 Clifton 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 was POSTED at **4120 Clifton Avenue**, El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: February 13, 2007

REP. DISTRICT: 8

ADDRESS: 4120 Clifton Avenue AKA 4118 Clifton Avenue

ZONED: R - 5

LEGAL DESCRIPTION: Lots 21, 22 and 23, Block 48, GOVERNMENT HILL ADDITION, an addition to the City of El Paso, El Paso County, Texas, which has a property address of 4120 Clifton, El Paso, Texas.

OWNER: Maria Vargas **ADDRESS:** 3915 Memphis, El Paso, Texas 79930-5312

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Unable to determine due to subterranean placement

CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: Wood frame, exposed

CONDITION: Poor, a structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: Wood frame

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

EXTERIOR WALLS: Stucco covered wood frame

HEIGHT: 10' +/-

THICKNESS: 8 - 10"

CONDITION: Poor, due to lack of maintenance and exposure to the elements, some of the wall system is failing around the exterior at ground level. 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, exposed studs
CONDITION: Poor

ROOF STRUCTURE: Hip roof, wooden framing with composition shingles
CONDITION: Poor, a registered roofing contractor or building contractor must be hired to evaluate the roofing system.

DOORS, WINDOWS, ETC.: Wood doors and wood frame windows.
CONDITION: Poor

MEANS OF EGRESS: Does not meet code requirements.
CONDITION: Poor

PLUMBING: None. A licensed plumber should be hired to evaluate entire plumbing system to bring the system up to minimum code.

ELECTRICAL: None. A licensed electrician should be hired to evaluate entire electrical system to bring the system up to minimum code.

MECHANICAL: Non-existing. A licensed mechanical contractor should be hired to evaluate entire mechanical system to bring the system up to minimum code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

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

REMARKS: This department recommends that the primary and accessory structures be demolished, that the property be cleaned and maintained clean of all weeds, trash and debris within 30 days. That all junk vehicles be removed from the property within 30 days.

Nellie Avalos
Building Inspector

**EL PASO CITY-COUNTY HEALTH
& ENVIRONMENTAL DISTRICT
ENVIRONMENTAL HEALTH**



MEMORANDUM

DATE: January 18, 2007
MEMO TO: William Stern, Residential Inspector Supervisor
FROM: Blasa Roman., Environmental Health Inspector
SUBJECT: Condemnation Report
RE: Address where violation is occurring

An inspection of the property was conducted on 4120 Clifton Avenue, 48 Government Hill, Lots 21 to 23 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

There accumulation of trash/debris throughout the backyard.

SECTION 9.04.340 - ACCUMULATIONS

There is accumulation of junk material and debris throughout the backyard

SECTION 9.16 - NUISANCE

There is accumulation of "junk" material, trash and unused furniture.

High and dry weeds on back yard that can cause breeding of insects.

SECTION 9.16.010 - DESIGNATED

The roof appears to be in poor conditions, two broken windows were seen. There is a porch in front of the property that appears in danger of collapsing. An interior inspection was not conducted as the property was secured. The structure does not appear to be used by vagrants.

SECTION 9.28 - RAT CONTROL

There is evidence of rodent's presence due to the accumulation of "junk" and debris around the property.

If you require additional assistance on this matter, please call at.

TEL. (915) 594-1568

FAX (915) 594-9655

Account Status

Prev Account | Next Account | Prev Owner | Next Owner | Acct History | Notes | Go To: _____

EVAR
ACT8005 v1.160
02/14/2007 09:24:43
ACTEP

STATUS DETAIL | Expand Fees | Summary

Account Information
 Account No: 0609-999-0480-8700 Owner No: 0
 Certified Owner: VARGAS, MARIA
 Parcel Address: 4120 CLFTON
 Amount Due as of: 02/14/2007 Roll Code: REAL PROPERTY

Tax Units
 Tax Unit Description: _____
 List of Tax Units: 1 2 3 4 5 6 7 8
 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
2005	\$45,000					\$1,405.09	\$1,405.09	\$0.00	\$0.00	\$143.68	\$0.00	\$0.00
2004	\$77,481					\$2,407.02	\$2,407.02	\$0.00	\$0.00	\$119.50	\$0.00	\$0.00
2003	\$68,381	Y	Y			\$770.04	\$770.04	\$0.00	\$0.00	\$84.71	\$0.00	\$0.00
2002	\$68,381	Y	Y			\$759.83	\$759.83	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2001	\$68,381	Y	Y			\$742.30	\$742.30	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2000	\$67,311	Y	Y			\$696.20	\$696.20	\$0.00	\$0.00	\$37.11	\$0.00	\$0.00
1999	\$67,311	Y	Y			\$686.35	\$686.35	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1998	\$67,311	Y	Y			\$686.35	\$686.35	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals						\$10,340.89	\$10,340.89	\$0.00	\$0.00	\$385.00	\$0.00	\$0.00

Last Payment Date: _____
 Last Payer: _____