

7305 DALE ROAD



**BUILDING AND STANDARDS BOARD AGENDA ITEM #8 FOR
WEDNESDAY, MARCH 25, 2015**

**CITY DEVELOPMENT DEPARTMENT
BUILDING SAFETY DIVISION**

MEMORANDUM
March 17, 2015

TO: The Honorable Chairman and Board Members

THROUGH: Victor Morrison-Vega, Deputy Director, City Development Department

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

SUBJECT: 7305 Dale Rd., El Paso, TX 79915-2505

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

- 1) First investigated on or about April 2001. Recently inspected on August 14, September 10 and October 8, 2014. The structures were condemned on June 12, 2001 by City Council and again on January 29, 2009 and October 29, 2014 by the City of El Paso's Building and Standards Commission to clean the premises of all weeds, trash and debris and demolish all the structures if no proof of financial assistance or no permits were obtained within thirty (30) days of the October 29th BSC final order. The single family dwelling was built on or about 1950 and several alterations added and removed without the required permits since 2009. The structure is currently being illegally inhabited by the homeowners with the electrical, mechanical and plumbing systems all in violation. The joists are over spanned and the exposed lumber shows evident signs of dry rot and decay. The dwelling is a threat to all occupants and guests due to illegal connection and disbursement of electrical supply and propane gas throughout the home.
- 2) A certified condemnation letter was mailed to the owner Remedios & Sylvia Alvarez
- 3) Certified notices of the public hearing scheduled for March 25, 2015 were mailed to the owner and all interested parties on September 08, 2014.
- 4) As of March 17, 2015, \$208.56 is owed in taxes.

The owners have been notified of the property violations at this property. To date there has been little corrective actions taken, and therefore the Department recommends that the owners be hereby ordered to:

- 1) Vacate the property within ten (10) days; and
- 2) That the homeowners pay the fine assessed of \$2,600 by the City Council order of June 12th, 2001 for noncompliance and reinstated in November 2014 from the October 2014 Building and Standards Commission meeting where the Owners were present; and
- 3) That the Building and Standards Commission hereby orders the structures' certificate of occupancy remain revoked.
- 4) The Owners have failed to comply with the previous Orders, the City of El Paso, through the Building Safety Division of the City Planning and Inspection, may:
 - a. Demolish the structures;
 - b. Clear the Property inside and out of all weeds, trash, debris and personal property of the owners at the expense of the owners pursuant to Section 214.001 of the Texas Local Government Code;
 - c. Seek reimbursement from the Owners for the cost of complying with this Order and shall result in a lien being placed against the Property.
 - d. The City will employ the assistance of any peace officer under El Paso City Ordinance 2.38.070 B(1)(b).
 - e. In accordance with the El Paso City Ordinance 2.38.070(1)(b), the El Paso Police department will assist in the removal of the owners.

Building Safety Division
August 14, 2014
NOTICE OF VIOLATION

ALVAREZ REMEDIOS & SYLVIA
7305 DALE RD.
EL PASO, TX 79915-2502

Re: 7305 DALE RD.
Blk:10 STILES GARDEN
Lot:20 (0.473 ACRE)
Zoned: A - 2
Case Number: ENHS14-01137
91 7199 9991 7030 7756 7930

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 **7305 Dale Rd.** 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. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- g. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- h. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- i. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- j. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- k. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec.506.1, 506.2, 506.3]
- l. The drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. [Sec. 507.1]
- m. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- n. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- o. The building must comply with the minimum criteria of the provisions for electrical facilities. [Sec. 604.1,604.2, 604.3, 604.3.1, 604.3.1.1, 604.3.2, 604.3.2.1]
- p. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- q. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- r. Means of egress & Emergency escape opening - A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- s. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. [Sec. 703.1, 703.2]

- t. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times. [Sec. 704.1, 704.1.1, 704.2, 704.3, 704.4]
- u. 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]
- v. 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 City Development Department, Building Safety 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 City Development Department, Building Safety 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 Building Safety Division office, 801 Texas Ave., El Paso, Texas, 79901, 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 (915) 240-2273.

Alexandro Esparza
Building Inspector

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **25th** day of **March, 2015** in El Paso City Hall, Council Chambers, 300 N. Campbell, 1st Floor El Paso, Texas 79901, the Building and Standards Commission of El Paso will hold a public hearing on the question of whether the building located on the property at **7305 Dale Road**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 20, Block 10, STILES GARDENS, an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in Volume 3, Page 9, Plat Records of El Paso County, Texas.

and which is subject to that certain Building and Standards Commission Order dated **October 29, 2014** has been brought into compliance with said Order, and if not to determine penalties.

According to the real property records of the County of El Paso, Texas, Remedios Alvarez and Sylvia Alvarez, Victor Manuel Alvarez and Victor Manuel Alvarez as trustee for Omar Alvarez, 7305 Dale Road, El Paso, Texas 79915 (the "Trustee") are listed as the Owners of the real property described herein.

The Owners were ordered to vacate the property within thirty (30) days of November 11, 2014. The Owners of said property are hereby ordered to appear again 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.

If the Owners fail, 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 Owners 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 shows that the property is the Owners' 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.

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 and Safety Division of the Planning & Inspections Department, 801 Texas, El Paso, Texas 79901,, 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.

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 **7305 Dale Road, El Paso, Texas 79907** 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 _____, 2015 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 _____, 2015.

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 **7305 Dale Road, El Paso, Texas 79907** was PUBLISHED in the official City newspaper on the ____day of _____, 2015.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at **7305 Dale Road, El Paso, Texas 79907** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Remedios Alvarez and Sylvia Alvarez,
Victor Manuel Alvarez
and Victor Manuel Alvarez (trustee)
7305 Dale Road
El Paso, Texas 79915

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **7305 Dale Road, El Paso, Texas 79907** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

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

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **7305 Dale Road, El Paso, Texas 79907** 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 **7305 Dale Road, El Paso, Texas 79907** 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 **7305 Dale Road, El Paso, Texas 79907** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Clerk, Probate Department
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 **7305 Dale Road, El Paso, Texas 79907** 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 **7305 Dale Road, El Paso, Texas 79907**

Date: _____
Time: _____

Inspector

NOTICE

TO: Remedios and Beatrice Alvarez, 7305 Dale Road, El Paso, Texas 79915

On June 12, 2001, a Public Hearing was held by the City Council regarding the property located at 7305 Dale Road which property is more particularly described as:

Lot: 20, Block 10, Stiles Gardens, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 3, Page 9, Plat Records of El Paso County, Texas.

The City Council finds that the Building is substandard, unfit for habitation or use, and therefore a hazard to the public health, safety and welfare, that the Buildings are not in substantial compliance with the Municipal Ordinances, and that the Buildings can not be repaired, and orders the Owners to:

- 1) Demolish all of the dilapidated accessory structures within 30 days; and
- 2) Remove all junk vehicles within 30 days; and
- 3) Clean the premises of all weeds, trash and debris within 30 days; and
- 4) Secure the primary structure from unwanted entry within 30 days; and
- 5) Appear at a Public Hearing in City Council Chambers on August 7th, 2001 to determine if the council's resolution has been complied with and if not to determine penalties.

A complete copy of the Resolution may be obtained at the City Clerk's office, #2 Civic Center Plaza, El Paso, Texas 79901.

GIVEN UNDER MY HAND AND SEAL of the City of El Paso, this 12th day of June 2001.

THE CITY OF EL PASO



City Clerk

NOTICE

TO: Remedios & Beatrice Alvarez, 7305 Dale Road, El Paso, Texas 79915

On June 12th and August 7th, 2001 Public Hearings were held by the City Council regarding the property located at 7305 Dale Road which property is more particularly described as:

Lot: 20, Block 10, Stiles Gardens, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 3, Page 9, Plat Records of El Paso County, Texas.

The City Council found that the accessory structures are substandard, unfit for habitation or use, and therefore a hazard to the public health, safety and welfare, that the accessory buildings are not in substantial compliance with the Municipal Ordinances, and that the accessory buildings are not feasible to repair and orders;

- 1) That the Owners are hereby assessed the following civil penalties: \$100 a day for each of the 26 days during which the City Council Order of June 12th, 2001 was not complied with; for total of \$2,600 and
- 2) That the City Clerk file a certified copy of this Order with the District Clerk of the County of El Paso; and
- 3) That the Owners are hereby placed on notice that continuing failure to comply with the City Council's Order to secure the Building and clean the premises of all weeds, trash, and debris may result in additional penalties.

A complete copy of the Resolution (Order) may be obtained at the City Clerk's office, #2 Civic Center Plaza, El Paso, Texas 79901.

GIVEN UNDER MY HAND AND SEAL of the City of El Paso, this 7th day of August, 2001.

THE CITY OF EL PASO

Carole Guter
City Clerk

**ORDER OF THE BUILDING AND STANDARDS COMMISSION OF
THE CITY OF EL PASO**

WHEREAS, the Director for Development Services of the City of El Paso has conducted an investigation and has reported to the Building and Standards Commission in writing that he is of the opinion that the structures located on the property at 7305 Dale Road, in El Paso, Texas, which property is more particularly described as follows:

Legal Description: Lot 20, Block 10, STILES GARDENS ADDITION, an addition to the City of El Paso, El Paso County, Texas and being the property at 7305 Dale Road, El Paso, Texas.

are dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in 18.50 of the El Paso City Code; and

WHEREAS Remedio and Sylvia Alvarez, Victor Manuel Alvarez and Victor Manuel Alvarez as trustee for Omar Alvarez, 2207 Edgebrook Avenue, Modesto, CA 95354 (the "Trustee") is listed as the trustee of the real property described herein, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before the Building and Standards Commission at 5:30 p.m. on January 28, 2009; and

WHEREAS, Sylvia and Remedios Alvarez, owners and Eddie Holguin, electrician hired by the property owners appeared.

IT IS THEREFORE, ORDERED ADJUDGED AND DECREED BY THE BUILDING AND STANDARDS COMMISSION OF THE CITY OF EL PASO:

1. That having heard the evidence, and being persuaded by a preponderance of same, the Building and Standards Commission makes the following findings:
 - A. That the structures located on said property are an urban nuisance; and
 - B. That the structures located on said property are currently unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - C. That the structures are not in substantial compliance with municipal ordinances regulating structural or service systems integrity and disposal of refuse; and
 - D. That in order to be made safe, all of the aforementioned violations must be corrected.
2. ~~That the Building and Standards Commission hereby orders the structure's certificate of occupancy remain revoked and the Owners to comply with the following requirements:~~
 - A. That the premises be cleaned and maintained cleaned of all weeds, trash, and debris within thirty (30) days; and

2009 JAN 28 10:00 AM
 2009 JAN 28 10:00 AM

City of El Paso
Building and Standards Commission

- B. That the structures be secured and maintained secured within thirty (30) days; and
 - C. That plans be submitted to the City of El Paso and that permits be obtained before any work is done on the property; and
 - D. That the property owners be given 90 days to obtain the required permits and bring the property into substantial compliance with the codes requiring minimum standards for occupancy
 - E. That the structures be demolished if the owners do not comply with the Building and Standards Commission order dated January 28, 2009.
3. That upon failure of the Owners to comply with this Order, any mortgagees, lienholders, and/or other persons having an interest in the property have an additional ten (10) days to clear the property of all weeds, trash, and debris and secure the structures on the property.
4. That upon failure of the Owners, mortgagees, lienholders, and/or any other person having an interest in the property to comply with this Order, the City of El Paso, through its Director for Building Permits and Inspections, shall:
- A. Demolish the structures; and
 - B. Clean the property of all weeds, trash and debris; and
 - C. Assess the cost of the work noted above as a lien against the property which will become due and payable within thirty (30) days of the date the City of El Paso completes the work; and
 - D. Provide for any other remedies permitted by State law.
5. That upon failure of the Owners to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may request a hearing before the Building and Standards Commission to:
- A. Determine the amount and duration of civil penalties the City of El Paso may recover for failure to comply with this Order as allowed by Texas Local Government Code Chapter 54; and
 - B. Provide any other remedies permitted by State law.
6. **When this Order has been filed in the deed records of the county in which the property that is the subject of this Order is located, execution of this Order shall not be affected by a sale or other transfer of such property. Any person or entity acquiring an interest in such property after this Order has been so filed is subject to the requirements of this Order.**
7. **RIGHT TO APPEAL: The decision of the Building and Standards Commission is final (see discussion of rehearing, below). An appeal may be filed by verified petition in State District Court, setting forth that the decision of the Commission is illegal, in whole or in part, and specifying the grounds of the illegality. Petition for appeal must be filed by the owner(s) or interested party**

within twenty (20) days of receipt of notice of the Order of the Commission. Appeals in District Court are limited to hearings under the substantial evidence rule.

A rehearing by the Building and Standards Commission may only be granted in the following circumstances:

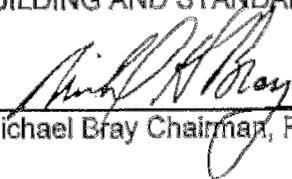
- A. Proper request is made within twenty (20) days of receipt of notice of the Order of the Commission; and*
- B. Rehearing fees of five hundred and forty dollars (\$540.00) are furnished with the rehearing request. The Building and Standards Commission may waive these fees in cases of financial hardship based on written affirmation from the applicant.*

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the City Clerk shall cause copies of this Order to be served on the record owner(s) and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own or have an interest in the 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 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 this office no later than the twentieth (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.

ADOPTED on this 28th day of January, 2009.

BUILDING AND STANDARDS COMMISSION



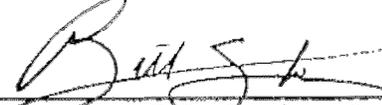
Michael Bray Chairman, Panel A

APPROVED AS TO FORM:



Mark Shoemith
Assistant City Attorney

APPROVED AS TO CONTENT:



Bill Stern, C.B.O., Chief Building Inspector
Development Services Department
Building Permits & Inspection Division

RECEIVED
JAN 29 2009
CITY CLERK'S OFFICE

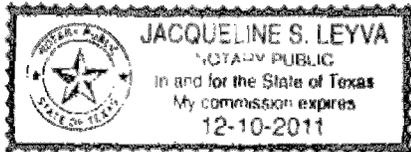
I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated January 28, 2009 regarding the property located at 7305 Dale Road was filed with the County Clerk's Office, the official public records of real property for El Paso County.

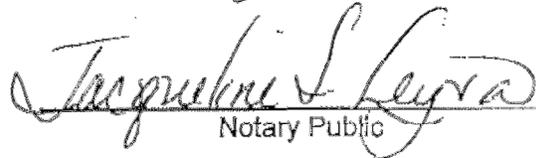

Richarda Duffy Momsen

Executed this 13th day of February, 2009 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 13th day of February, 2009.




Notary Public

CITY CLERK OFFICE
65720 10 410353

Doc# 20090010652

#Pages 4 #FPages 1

02/18/2009 09:51 AM

Filed & Recorded in
Official Records of

EL PASO COUNTY

MELIA BRIONES

COUNTY CLERK

Fees \$28.00

5

I hereby certify that this instrument was filed on the date and time stamped
hereon by me and was duly recorded by document number in the Official
Public Records of Real Property in El Paso County.



EL PASO COUNTY, TEXAS

Melia Briones

[Faint, illegible text]

Please return to Drawer 151
CITY CLERK'S OFFICE
2 Civic Center Plaza
El Paso, TX 79901-1198

151/5

ORDER No. ENHS14-01137
OF THE CITY OF EL PASO
BUILDING AND STANDARDS COMMISSION

An order of the Building and Standards Commission (the "Commission") abatement of the substandard and dangerous structures located at **7305 Dale Road, EL PASO, TX** also described as **Lot 20, Block 10, STILES GARDENS**, an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in Volume 3, Page 9, Plat Records of El Paso County, Texas.

WHEREAS, the Commission finds that proper notice has been provided as required by Chapter 2.38 of the El Paso City Code to the identified interested parties identified as: **Remedios Alvarez and Sylvia Alvarez, Victor Manuel Alvarez and Victor Manuel Alvarez as trustee for Omar Alvarez, 7305 Dale Road, El Paso, Texas 79915**, ("herein referred to as the "Owners"); and

WHEREAS, Remedios Alvarez, Sylvia Alvarez and Christina Alvarez did appear; and

WHEREAS, based on the evidence presented, the Commission finds the Property is in violation of 18.50 of the El Paso City Code; and

WHEREAS, the structures constitute dangerous structures and, as such, are a nuisance condition that constitute a hazard to the health, safety and welfare of the citizens and is likely to endanger persons and property; and

WHEREAS, the Commission takes notice of and incorporates all evidence presented at the hearing and incorporates the same into the body of this Order for all purposes;

THEREFORE, IT IS ORDERED ADJUDGED AND DECREED BY THE CITY OF EL PASO BUILDING AND STANDARDS COMMISSION:

1. The Owners are hereby ordered to:
 - a. Vacate the property within thirty (30) days; and
 - b. That all junked vehicles be removed within thirty (30) days; and
 - c. That the homeowners pay the fine assessed of \$2,600 by the City Council order of June 12th, 2001 for noncompliance; and
 - d. That the owners comply with all municipal animal ordinances within thirty (30) days; and

- e. That the owners be given thirty (30) days to obtain permits and/or provide documentation of financial assistance or/upon failure of owner to provide such documentation, the subject property is ordered to be demolished; and
 - f. Clear the Property inside and out of all weeds, trash, and debris within thirty (30) days from the date of this Order and maintain the property clear of all weeds, trash, and debris thereafter;
 - g. All work performed at the Property must be done in compliance with all applicable sections of the El Paso City Code and state and federal regulations and statutes.
2. That the Building and Standards Commission hereby orders the structures' certificate of occupancy remain revoked.
 3. Alternatively, if the Owners fail to comply with this Order, the City of El Paso, through the Building and Safety Division of the City Development Department, may:
 - a. Demolish the structures;
 - b. Clear the Property inside and out of all weeds, trash and debris;
 - c. Seek reimbursement from the Owners for the cost of complying with this Order and that the expense if not satisfied, shall result in a lien being placed against the Property.
 - d. The City may employ the assistance of any peace officer under El Paso City Ordinance 2.38.070 B(1)(b).
 4. **When this Order has been filed in the real property records of El Paso County it is binding on subsequent grantees, lienholders, or other transferees of an interest in the Property.**
 5. **REHEARING: a person affected by this order may request a rehearing by the same Commission panel that issued this Order. Only ONE hearing may be requested. The Building and Standards Commission may grant a rehearing only under the following circumstances:**
 - A. Proper request is made within thirty (30) days of receipt of notice of the Order of the Commission; and*
 - B. No appeal of this Order has been taken as allowed pursuant to paragraph 6, below; and*
 - C. Rehearing fees of five hundred and forty dollars (\$540.00) are furnished with the rehearing request. The rehearing request shall*

state the basis for requesting the rehearing. The Building and Standards Commission may waive these fees in cases of financial hardship based on written affirmation from the applicant.

6. **RIGHT TO APPEAL:** *The decision of the Building and Standards Commission is the final administrative remedy. An appeal may be filed by verified petition in State District Court, Petition for appeal must be within thirty (30) days of receipt of this Order. All appeals to the district court will be heard de novo.*

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the City Clerk shall cause copies of this Order to be served on the record owner(s) and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own or have an interest in the 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 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 this office 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.

This Order is considered Adopted and Entered upon the signed date and signature of the Chairman of the Building and Standards Commission Chairman.

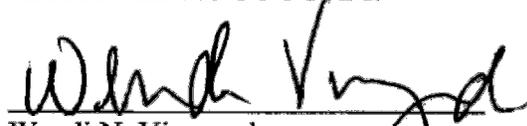
ADOPTED on this 6 day of November
2014.

BUILDING AND STANDARDS COMMISSION



Andrew Haggerty, Chairman, Panel B

APPROVED AS TO FORM:



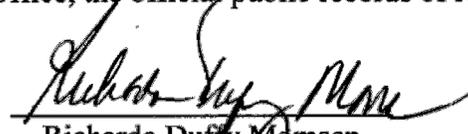
Wendi N. Vineyard
Assistant City Attorney

APPROVED AS TO CONTENT:



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

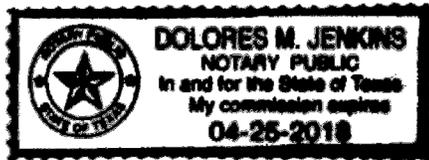
I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing ORDER of the Building and Standards Commission dated 11/6/14 regarding the property located at 7305 Dale Rd. was filed with the County Clerk's Office, the official public records of real property for El Paso County.

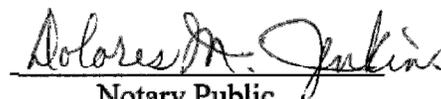

Richarda Duffy Momsen

Executed this 11th day of Nov., 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 11th day of November, 2014.




Notary Public

CITY CLERK DEPT.
2014 NOV 11 AM 9:25

Doc# 20140073179
#Pages 4 #FPages 1
11/13/2014 9:51:49 AM
Filed & Recorded in
Official Records of
El Paso County
Dalia Briones
County Clerk
Fees \$38.00

5
RC

I hereby certify that this instrument was filed on the date and time stamped
hereon by me and was duly recorded by document number in the Official
Public Records of Real Property in El Paso County.



Dalia Briones

EL PASO COUNTY, TEXAS



PLEASE RETURN TO DRAWER 151
City of El Paso
City Clerk's Office, 1st Floor
300 N. Campbell
El Paso, Texas 79901

DORADO
ENGINEERING, INC
ENGINEERS SURVEYORS PLANNERS

April 8, 2009

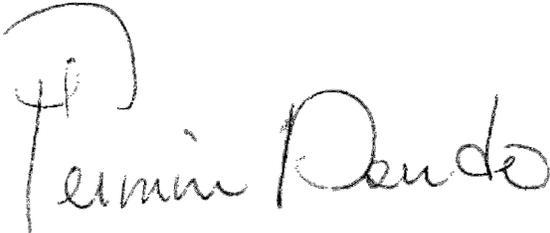
RE: 7305 Dale Road
Visual Structural Inspection

Dear Madam/Sir,

At the request of Mr. Alejandro Lozano I conducted a visual structural inspection on the building located at 7305 Dale Road, on April 3, 2009.

During my walk through inspection I found no serious structural faults on the building. The visual cracks on the existing concrete floor are cosmetic and do not represent a settlement problem. The outside cinder block walls are structurally safe and do not show any signs of settlement. The building is in need of cosmetic repairs. The building is structurally safe.

Please advise if additional information is necessary.



Fermin Dorado, P.E.



April 8, 2009

(alexandrolozano@yahoo.com.)

From: Stern, William V.
Sent: Monday, April 20, 2009 12:02 PM
To: 'doradoengineering@sbcglobal.net'
Cc: 'alexandrolozano@yahoo.com'; Torres, Victor
Subject: 7305 Dale

Mr. Dorado,

I received a report from your office concerning the cursory inspection of the structure at 7305 Dale. This structure was condemned by the Building and Standards Commission on January 28th, 2009. This structure was built without permits or inspections and does not meet the minimum requirement of the Residential building code. I have attached photographs of the conditions that were presented to the Commission.

In the report of your inspection you state that the outside cinder block walls are structurally safe.

Which elevation or cinder block walls are you referring to?

Is it your opinion that the deteriorating exterior adobe walls in the referenced Photographs are structurally sound?

Thank You for your assistance in this matter.

Bill Stern C.B.O.

Chief Building Inspector

Development Services Department

2 Civic Center Plaza - 5th Floor

El Paso, Texas 79901

Phone (915) 541-4800 / Fax (915) 541-4814

City of


Texas



UNSAFE STRUCTURES REPORT

CITY DEVELOPMENT

DATE OF EXAMINATION: August 14, 2014

REP. DISTRICT: 3

ADDRESS: 7305 Dale Road

ZONED: A - 2

LEGAL DESCRIPTION: Lot 20, Block 10, STILES GARDENS ADDITION, an addition to the City of El Paso, El Paso County, Texas.

OWNER: Remedios & Sylvia Alvarez

ADDRESS: 7305 Dale Road
El Paso, Texas 79915

BUILDING USE: Illegally Inhabited single family dwelling

TYPE OF CONSTRUCTION: V, Adobe w/wood frame and stucco covering.

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: Adobe w/stucco.

CONDITION: Poor, notable cracks and crumbling found in several areas, the deteriorating plaster is exposing the underlying adobe. A structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: Wood with wood frame.

CONDITION: Poor, found some areas where the floors are uneven. A structural engineer or registered contractor must be hired to evaluate the flooring system.

EXTERIOR WALLS: Adobe w/stucco.

HEIGHT: 12' +/-

THICKNESS: 10" - 12"

CONDITION: Poor, the structure contains several holes and has sustained notable cracks due to lack of maintenance and exposure to the elements. 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 are visible cracks on the walls and leaks on the ceiling. The joists are over spanned and deteriorated. 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: Flat 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, several windows and doors have been broken. Will need to replace or repair 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: Poor. A licensed plumber should be hired to bring system up to code.

ELECTRICAL: Poor. A licensed electrician should be hired to bring system up to code.

MECHANICAL: Poor. A licensed mechanical contractor should be hired to bring system up to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: Unable to determine. 2 or possibly 3

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: Yes

REMARKS: This single family dwelling is being illegally inhabited by homeowners due previous condemnation orders by City Council in June 2001 and again by City of El Paso's Building and Standards Commission on January 2009. The structure has no certificate of occupancy and the property does not have safe electrical service or gas service. There have been several additions made to the home without the required permits as well as accessory structures without permits built on the property. The structures should be secured demolished and the property cleaned of all weeds, trash and debris.

Alexandro Esparza
Building Inspector

TAX REPORT

Appraisal & Collection Technologies - EL PASO

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 03/17/2015 11:16:09
ACT8006 v1.264 ACTEP

STATUS DETAIL Expand Fees Summary

Account Information

Account No. S658-999-0100-7700 Roll Code REAL PROPERT

Certified Owner ALVAREZ REMEDIOS & SYLVIA

Parcel Address 7305 DALE RD

Amount Due as of 03/17/2015 CAD No. 135461

Tax Units

Tax Unit Description

List of Tax Units

1 5 6 7 8 8005 9009

AG INCLUDED Remove Fees Countywide

Tax Unit, Yr, Rec. Type

Tax Unit []

Year []

Rec. Type []

Multi Select

Amount Due/Paid Information

Year	Gross Value	H	O	V	D	Excodes	Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due
2014	\$58,825	Y	Y			Excodes	\$191.34	\$0.00	\$0.00	\$191.34	\$17.22	\$0.00	\$208.56
2013	\$58,825	Y	Y			Excodes	\$139.80	\$139.80	\$0.00	\$0.00	\$9.79	\$0.00	\$0.00
2012	\$58,825	Y	Y			Excodes	\$105.85	\$105.85	\$0.00	\$0.00	\$7.41	\$0.00	\$0.00
2011	\$56,754	Y	Y			Excodes	\$84.77	\$84.77	\$0.00	\$0.00	\$5.94	\$0.00	\$0.00
2010	\$56,754	Y	Y			Excodes	\$63.96	\$63.96	\$0.00	\$0.00	\$4.47	\$0.00	\$0.00
2009	\$23,052	Y	Y			Excodes	\$55.15	\$55.15	\$0.00	\$0.00	\$22.78	\$6.74	\$0.00
2008	\$52,066	Y	Y			Excodes	\$394.06	\$394.06	\$0.00	\$0.00	\$130.27	\$0.00	\$0.00
2007	\$52,066	Y	Y			Excodes	\$386.00	\$386.00	\$0.00	\$0.00	\$247.55	\$0.00	\$0.00
2006	\$47,056	Y	Y			Excodes	\$391.66	\$391.66	\$0.00	\$0.00	\$220.08	\$0.00	\$0.00
Totals							\$7,195.91	\$7,004.57	\$0.00	\$191.34	\$2,727.41	\$6.74	\$208.56

Last Payment Date [] Last Payer [] Alert