

1430 MYRTLE



**BUILDING AND STANDARDS BOARD AGENDA ITEM #6 FOR
WEDNESDAY, MARCH 27, 2013**

**ENVIRONMENTAL SERVICES DEPARTMENT
CODE COMPLIANCE DIVISION**

**MEMORANDUM
March 21, 2013**

TO: The Honorable Chairman and Board Members
THROUGH: Karl Rimkus, Interim Division Manager, Code Compliance Department
FROM: Tom Maguire, C.B.O., Deputy Building Official
SUBJECT: 1430 Myrtle Avenue, El Paso, Texas, 79902-3012

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

- 1) First investigated on August 14th, 2012, the structures were found to be occupied and in an advanced state of disrepair. This commercial building was built in 1914, constructed of brick veneer over wood framing; and a wood framed roof structure. There is evidence of fire damage on the walls and ceiling exposing the joists. There is an accumulation of combustibles, trash and debris strewn throughout the interior. There are weeds, trash and debris throughout the property.
- 2) A certified condemnation letter was mailed to David Azerrad & Azbar Ltd. on September 19th, 2012.
- 3) Certified notices of the public hearing scheduled for March 27th, 2013, were mailed to the owners and all interested parties on March 7th, 2013.
- 4) As of March 11th, 2013, no taxes are owed in current taxes.

The owner has 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 multi-family 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 multi-family 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 multi-family structure be demolished within thirty (30) days; and
- 5) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
- 6) 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.

Code Compliance Division
September 19, 2012

NOTICE OF VIOLATION

AZBAR LTD
6516 Escondido Dr. Suite A7.
El Paso, TX 79912-2961

Re: 1430 Myrtle Ave.,
Blk: 33 Franklin Heights
Lot: FR 14 to 16 & E 18 FT 11 IN OF FR
13 (6555.61 SQ FT)
Zoned: M-1
Case Number: ENHS12-00497
Mail Receipt# 7108 2133 3932 6909 1654

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 Chapter 2.38 of this code.

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

18.50.108.1.1 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 **1430 Myrtle, El Paso, Texas, 79901**, 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. 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]
- b. 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,]
- c. 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]
- d. 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]
- e. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3]
- f. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- g. The requirement for Privacy, minimum room dimensions, prohibited occupancy or food preparation spaces not met. [Sec.404.1, 404.2, 404.3, 404.4, 404.5, 404.6, 404.7]
- h. The building must comply with the minimum criteria of the provisions for required facilities. [Sec. 502.1, 502.2, 502.3, 502.4,502.4.1, 502.5]
- i. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- j. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- k. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]

- l. 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]
- m. 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]
- n. 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]
- o. 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]
- p. 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 Prosecutor's Office for court proceedings. The court 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.

Nathan J. Walsh
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: El Paso Downtown Public Library, 501 N. Oregon, Auditorium, El Paso, Texas 79901

DATE: March 27, 2013

TIME: 5:30 p.m.

PROPERTY: 1430 MYRTLE AVENUE, EL PASO, TEXAS also described as Parcel 1: The East 18 feet, 11 inches of Lot 13 and all of Fractional Lots 14, 15 and 16, Block 33, FRANKLIN HEIGHTS ADDITION, an addition to the City of El Paso, 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, IADA BAR, LLC aka AZBAR LTD, 6516 Escondido, Ste. A7, El Paso, TX 79912-2961, is the owner, herein after referred to as the "Owner" 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 including 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 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 August 13, 2012 an inspection of the Property was conducted by the Environmental Services Division and the following violations were identified:

- q. 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]
- r. 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,]

- s. 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]
- t. 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]
- u. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3]
- v. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- w. The requirement for Privacy, minimum room dimensions, prohibited occupancy or food preparation spaces not met. [Sec.404.1, 404.2, 404.3, 404.4, 404.5, 404.6, 404.7]
- x. The building must comply with the minimum criteria of the provisions for required facilities. [Sec. 502.1, 502.2, 502.3, 502.4,502.4.1, 502.5]
- y. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- z. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- aa. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- bb. 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]
- cc. 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]
- dd. 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]
- ee. 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]

The Owner is entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owner advocates 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 Owner fails 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. A copy of the ordinance adopting the most current version of Chapter 2.38 is enclosed. 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

John R. Batoon
Assistant City Attorney

Tom Maguire, 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 regarding the property located at 1430 Myrtle Ave. El Paso, Texas was PUBLISHED in the official City newspaper on the ____ day of _____, 2013.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 1430 Myrtle Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

AZBAR LTD (IADA BAR, LLC)
6516 Escondido, Ste. A7
El Paso, TX 79912-2961

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 1430 Myrtle Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

IADA TERRA, LLC c/o David Azerrad
1315 Broadway #208
Hewlett, NY 11557

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 1430 Myrtle 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 1430 Myrtle 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 1430 Myrtle 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 1430 Myrtle Ave. 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 1430 Myrtle Ave. Street 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
1430 Myrtle Ave. El Paso, Texas.

Date: _____

Time: _____

Inspector: _____



UNSAFE STRUCTURES REPORT

CODE COMPLIANCE DIVISION

DATE OF EXAMINATION: March 11, 2013

REP. DISTRICT: 8

ADDRESS: 14 30 Myrtle Avenue

ZONED: M-1

LEGAL DESCRIPTION: The East 18 feet 11 inches of Lot 13, and all of fractional Lots 14, 15, and 16, Blk "33" of the FRANKLIN HEIGHTS ADDITION to the City of El Paso. El Paso County, Texas

OWNER: Azbar, Ltd.,

ADDRESS: 6516 Escondido Drive Ste# A7
El Paso, TX 79912-2961

BUILDING USE: Abandoned commercial building

TYPE OF CONSTRUCTION: V

FOOTINGS: Concrete.

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

FOUNDATION WALL: Concrete.

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

FLOOR STRUCTURE: 2 x 6 tongue and groove wood subfloor on top of 2 x 8 floor joist with some floor linoleum covering, vinyl tile covering or carpet.

CONDITION: Poor. The wooden floor is broken and concave; containing holes in several places due to lack of maintenance and fire damage.

EXTERIOR WALLS: Brick veneer over 2x4 wood.

HEIGHT: 10'-12' +/-

THICKNESS: 8"- 10" +/-

CONDITION: Poor. Brick veneer & mortar are pitted and exposing the underlying wood structure compromising the structural integrity.

INTERIOR WALLS & CEILINGS: Wood frame ceilings w/plaster veneer.

CONDITION: Poor. Interior walls & Ceiling are showing signs of deterioration due to lack of maintenance and fire damage. A structural engineer should be hired to evaluate actual condition.

ROOF STRUCTURE: Flat roof with rolled composition roof covering.

CONDITION: Poor. Roof structure is showing signs of deterioration due to lack of maintenance and fire damage. A registered roofing or building contractor should be hired to evaluate condition of roof system.

DOORS, WINDOWS, ETC.: Wood framed doors and windows.

CONDITION: Poor. The doors and windows are broken, deteriorated and missing hardware due to lack of maintenance and fire damage.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. Windows, doors and window glass will need to be replaced to make them operational to meet minimum code requirements.

PLUMBING: Unknown

CONDITION: A licensed plumbing contractor should be hired to evaluate the plumbing system condition.

ELECTRICAL: Unknown

CONDITON: Unknown. A licensed electrical contractor should be hired to evaluate the electrical system condition.

MECHANICAL: Unknown

CONDITION: Unknown. A licensed mechanical contractor should be hired to evaluate the mechanical system condition.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: No

BARRICADED: No

POLICE AID REQD.: No

REMARKS: The open and abandoned multi family dwelling was built in 1914. The structures were found open, abandoned and being used as harborage by unwanted persons. The structure is in an advanced state of disrepair. The brick veneer has become unstable due to lack of maintenance and fire damage. There is trash, weeds and debris throughout the property. The division recommends that the structures be demolished within thirty (30) days. That the property be cleaned of all weeds, trash and debris within thirty (30) days.

Kevin D Harrell
Building Inspector

Account Status

Prev. Acc... Next Acc... Prev. Owner Next Owner Acct History Acct Summary **Notes** Documents

Go To:

EVAR
ACT8006 v1.233

03/11/2013 11:48
ACTEP

STATUS DETAIL **Expand Fees** Summary

Account Information

Account No. **F607-999-0330-7300** Roll Code REAL PROPERT
 Certified Owner IADA TERRA LLC
 Parcel Address 1430 MYRTLE AVE
 Amount Due as of 03/11/2013 CAD No. 101728

Tax Units

Tax Unit Description
 List of Tax Units
 1 3 6 7 8
 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	Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due
2012	\$154,245					\$4,023.83	\$4,023.83	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2011	\$140,000					\$3,587.37	\$3,587.37	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2010	\$140,000					\$3,558.17	\$3,558.17	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2009	\$140,000					\$3,487.87	\$3,487.87	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2008	\$123,523					\$3,086.57	\$3,086.57	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2007	\$115,542					\$2,910.64	\$2,910.64	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2006	\$100,046					\$2,895.55	\$2,895.55	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$29,304					\$914.99	\$914.99	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$29,304					\$910.24	\$910.24	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals						\$31,343.38	\$31,343.38	\$0.00	\$0.00	\$514.66	\$0.00	\$0.00

Last Payment Date
 Last Payer

Alert

