

3923 Laredo Ave.



BUILDING AND STANDARDS BOARD AGENDA ITEM # 8 FOR
WEDNESDAY, March 28, 2007

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
March 21, 2007

TO: The Honorable Chairman and Board Members

THROUGH: Larry Nichols, C.B.O. – The Director for Building Permits and Inspections

FROM: Bill Stern, C.B.O., Chief Building Inspector

SUBJECT: 3923 Laredo, El Paso, Texas 79905

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

- 1) First investigated January 12, 2007. The building was found to be open and abandoned. The building has been used as a harborage by unwanted persons.
- 2) A certified condemnation letter was mailed to Anastacio Garcia, 3923 Laredo Ave., El Paso, Texas 79905
- 3) Certified notices of the public hearing scheduled for March 28, 2007 were mailed to the owners and all interested parties on March 15, 2007.
- 4) There has been no response from the owner.
- 5) As of March 14, 2007, \$126.48 in taxes are owed.

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 building 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) The structure can be repaired; and
- 5) That the main structure and accessory building be secured and maintained secured within 30 days; and
- 6) That the premises be cleaned of all weeds, trash, and debris within 30 days; and
- 7) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

JOHN COOK
MAYOR

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
January 25, 2007

Anastacio Garcia
3923 Laredo Avenue
El Paso, Texas 79905-4215

Re: 3923 Laredo Ave.
Blk: 45 Woodlawn
Lot: 23 & 24 (homesite)
Zoned: A3
COD07-00370
Certified Mail Receipt #
7105 8873 0193 6301 8369

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 **3923 Laredo Ave.** has the following violations:

- 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

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **28th** day of **March, 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 **3923 Laredo Ave.**, in El Paso, Texas, which property is more particularly described as:

LEGAL DESCRIPTION: Lots 23 and 24, Block 45, WOODLAWN ADDITION, an addition to the City of El Paso, EL Paso County, Texas, according to the map known and numbered as 3923 Laredo, El Paso, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, **Anastacio H. Garcia (the "Owner"), 3923 Laredo Ave., El Paso, Texas 79905** is listed as the owner of the real property described herein.

According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division of the Building Permits and Inspections Department, 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 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 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 regarding the property located at **3923 Laredo Ave.** 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 **3923 Laredo Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Anastacio H. Garcia
3923 Laredo
El Paso, Texas 79905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3923 Laredo Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Gregorio Garcia
4433 N. Stanton #312
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3923 Laredo Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

United States Attorney
Financial Litigation Unit
601 N. W. Loop 410, Suite 600
San Antonio, Texas 78216

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3923 Laredo Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur
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 **3923 Laredo Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District
5801 Trowbridge Avenue
El Paso, Texas 79925

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3923 Laredo Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer,
Linebarger, Heard & Perez LLP
ATTN: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **3923 Laredo 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 **3923 Laredo Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court
500 E. San Antonio Avenue, Suite 703
El Paso, Texas 79901

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at **3923 Laredo Ave.**, El Paso, Texas.

Date:

Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: March 19, 2007

REP. DISTRICT:

ADDRESS: 3923 Laredo Avenue

ZONED: A3

LEGAL DESCRIPTION: Lots 23 and 24, Block 45, WOODLAWN ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Volume 13, Page 53, Plat Records of El Paso County, Texas.

OWNER: Anastacio Garcia **ADDRESS:** 3923 Laredo Avenue, El Paso, Texas 79905-4215

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: Type V, wood framing covered with stucco

FOOTINGS: Reinforced concrete

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

FOUNDATION WALL: N/A

CONDITION: N/A

FLOOR STRUCTURE: Concrete slab on grade covered with tile and or carpet.

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

EXTERIOR WALLS: Wood framing covered with stucco and masonry.

HEIGHT: 8' to 10" +/-

THICKNESS: 8" +/-

CONDITION: Fair. Chunks of stucco on exterior walls are missing must be replaced at several locations. Paint, patch and repair required.

INTERIOR WALLS & CEILINGS: Wood frame, plaster/drywall.

CONDITION: Fair.

ROOF STRUCTURE: Wood framing with rolled composition roof covering.

CONDITION: No evidence of water leaks found. A roofing contractor or building contractor must be hired to evaluate the roofing system.

DOORS, WINDOWS, ETC.: Wood doors and wood frame windows with wrought iron guards.

CONDITION: Fair. Will need minor repairs or replace some and windows to meet egress requirements.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Fair. Minor repairs or replacement required to meet egress requirements.

PLUMBING: Unable to determine. A licensed plumber should be hired to bring system up to code.

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

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

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS: This is an open and abandoned single-family residence. The department recommends the structure be secured, the property cleaned of all weeds, trash and debris and the property maintained clean and secure.

Nellie Avalos

Building Inspector