

BUILDING AND STANDARDS BOARD AGENDA ITEM # ____ FOR
WEDNESDAY, MARCH 29TH, 2006

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

March 13, 2006

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: 1048 Richard Drive

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

- 1) First investigated January 26, 2006. The building was found to be open and abandoned. This is a single-family dwelling built in 1960. The building is in very good condition requiring minimal maintenance and repairs at this time. The front and rear yards have overgrown dry grasses, weeds and trees, which have caught on fire once so far.
- 2) A certified condemnation letter was mailed to Mary B. Gibson, 4716 Tumbleweed Avenue, El Paso, Texas 79924-3038 on January 30, 2006.
- 3) Certified notices of the public hearing scheduled for March 29, 2006 were mailed to the owners and all interested parties on March 16, 2006.
- 4) As of March 6, 2006, \$5,512.88 are owed in taxes.
- 5) There has been no response from the owner.

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 buildings are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the structure can be repaired; and
- 5) That the main structure be 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 DIRECTOR



COPY

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

BUILDING PERMITS AND INSPECTIONS

BUILDING STANDARDS ENFORCEMENT
January 30, 2006

Mary B. Gibson
4716 Tumbleweed Ave.
El Paso, Texas 79924-3038

Re: 1048 Richard Drive
Tract: 489
Blk: Loma Terrace #4-C
Zoned: R-3
COD06-00711
Certified Mail Receipt #
7105 8873 0193 6300 1453

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.

1048 Richard Drie

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 1048 Richard Drive has the following violations:

- a. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec702.4]
- b. The plumbing system is inadequate and does not meet minimum code requirements. [Sec504.1]
- c. The electrical system is inadequate and does not meet minimum code requirements. [Sec604.3]
- d. The HVAC system is inadequate and does not meet minimum code requirements. [Sec603.1]
- e. The structure is open and accessible to unauthorized entry. [Sec301.3]
- f. The premises are full of weeds, trash, and debris [Sec302.1 & Sec302.4].
- g. 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. [Sec108.2]

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.

1048 Richard Drive

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 DEVELOPMENT SERVICES:



Wayne Fannin
Building Inspector

WF/rl

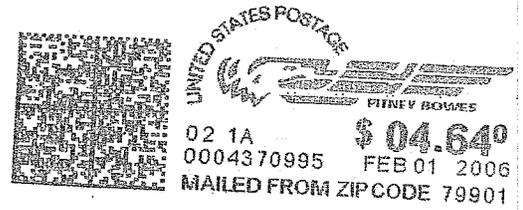
ment
if

CERTIFIED MAIL



7105 8873 0193 6300 1453

NR/LN
2468
2-2-06



RETURN RECEIPT REQUESTED

MARY B. GIBSON
4716 TUMBLEWEED AVE.
EL PASO TX 79924-3038

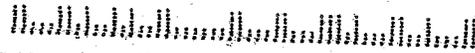
RECEIVED

FEB 21 2006

CITY OF EL PASO
DEVELOPMENT SERVICES
DEPARTMENT

UNCLAIMED
FEB 02 2006
FEB 09 2006

73801/118



COMPLETE THIS SECTION ON DELIVERY

TEAR FROM BOTTOM UP

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature
X Agent
 Addressee

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

Article Addressed to:

MARY B. GIBSON
4716 TUMBLEWEED AVE.
EL PASO TX 79924-3038
1048 RICHARD DR.

3. Service Type
 Certified Mail

4. Restricted Delivery? (Extra Fee) Yes

lt #3

Article Number (Copy from service label)

7105 8873 0193 6300 1453

P

1/30/2006-1/30/2006

Firmbook Report

CMN	TRACKING	NAME	ADDRESS	
7105 8873 0193 6300 1453	1048 RICHARD DR.	MARY B. GIBSON	4716 TUMBLEWEED AVE.	EL PASO TX 79924-3038
7105 8873 0193 6300 1460	1048 RICHARD DR.	TEXAS GAS SERVICE ATTN: BEA AGUILAR	4700 POLLARD ST.	EL PASO TX 79930
7105 8873 0193 6300 1477	1048 RICHARD DR.	TEXAS GAS SERVICE ATTN: JAIME CARLOS	4700 POLLARD ST.	EL PASO TX 79930
7105 8873 0193 6300 1484	1048 RICHARD DR.	EL PASO ELECTRIC CO.	123 W. MILLS AVE.	EL PASO TX 79901

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



MEMORANDUM

DATE: March 07, 2006
MEMO TO: William Stern, Residential Inspector Supervisor
FROM: Jesus B. Gomez Jr., Environmental Health Inspector
SUBJECT: Condemnation Report
RE: 1048 Richards Dr.

An inspection of the property was conducted on 1048 Richards Dr. Loma Terrace #4-C, Tract 489 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04.340 – ACCUMULATIONS

There are some high weeds in both the front and back yard. There is also some accumulation of trash and debris in the front yard.

SECTION 9.16 - NUISANCE

There is some accumulation of high weed in both front and back yards. There is also some trash debris in the front yard as well as some trees that had been burned.

SECTION 9.16.010 – DESIGNATED

The structure appears to be in sound condition except for a possible roof leak in one of the bedrooms and some rotted wood around the roofline. Structure is not completely secured, but shows no sign of being used by vagrants.

SECTION 9.28 -RAT CONTROL

There is evidence of rodent presence inside the structure.

If you require additional assistance on this matter, please call at.
TEL. (915) 594-1568

copy



**MEMORANDUM
BUILDING PERMITS AND INSPECTIONS
BUILDING STANDARDS ENFORCEMENT**

TO: Thomas Gamboa, Health Supervisor
FROM: Bill Stern, C.B.O., Residential Inspector Supervisor *WBF*
SUBJECT: Condemnation Report Request COMPLAINT #: COD06-00711
DATE: January 30, 2006

We are submitting the following case to the City Attorney for condemnation proceedings:

Owner: Mary B. Gibson

Address: 1048 Richard Drive

Legal Description: Loma Terrace #4-C, Tract 489

We are requesting reports from your department in order to proceed with condemnation of this building.

If you have any questions regarding this matter, please contact me at 541-4800.

WF/rl

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the 29th day of March, 2006 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 building located on the property at **1048 Richard Drive**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Tract 489, Loma Terrace No. 4C, an addition to the City of El Paso, El Paso County, Texas, also known as 1048 Richard Drive, El Paso, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, **Mary B. Gibson** (the "**Owner**"), **4716 Tumbleweed Avenue, El Paso, Texas 79924-3038** and **Mary B. Gibson, 1048 Richard Drive, El Paso, Texas 79907**, 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, 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 building 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 Owners, lien holders, mortgagees, or any other person having an interest in the property must present to the Commission any evidence showing that the structure 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.

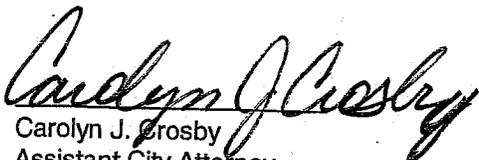
If the Owner fails, neglects or refuses to comply with the order of the Commission the City may pursue one, or more of the following actions:

- 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 Owner, 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 shows 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.

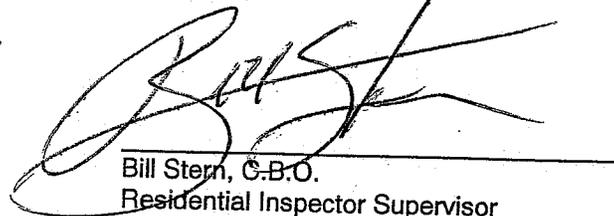
Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full;

The City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:


Carolyn J. Crosby
Assistant City Attorney

APPROVED AS TO CONTENT:


Bill Stern, C.B.O.
Residential Inspector Supervisor
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 **1048 Richard Drive** was filed with the County Clerk's Office, the official public records of real property for El Paso County.

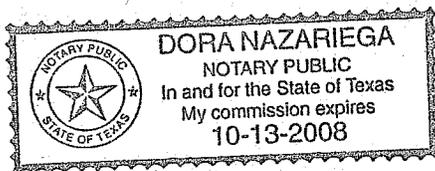


Richarda Duffy Momsen

Executed this 9th day of March, 2006 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 10th day of March, 2006.



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 **1048 Richard Drive** was PUBLISHED in the official City newspaper on the 10th day of March, 2006.



Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at **1048 Richard Drive** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mary B. Gibson
4716 Tumbleweed Avenue
El Paso, Texas 79924-3038

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **1048 Richard Drive** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mary B. Gibson
1048 Richard Drive
El Paso, Texas 79907

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **1048 Richard Drive** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Dick Gibson, Jr.
4716 Tumbleweed Avenue
El Paso, Texas 79924-3038

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **1048 Richard Drive** 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 **1048 Richard Drive** 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 **1048 Richard Drive** 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 **1048 Richard Drive** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Linbarger, Goggan, Blair & Sampson
215 N. Stanton Street, 2nd Floor
El Paso, Texas 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **1048 Richard Drive** 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 **1048 Richard Drive, El Paso, Texas.**

Date: _____

Time: _____

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: 01/26/06

REP. DISTRICT:

ADDRESS: 1048 Richard Drive

ZONED: R-3

LEGAL DESCRIPTION: Loma Terrace #4-C, Tract 489

OWNER: Mary B. Gibson

ADDRESS: 4716 Tumbleweed Avenue

BUILDING USE: Single family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Concrete

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

FOUNDATION WALL: None

CONDITION: N/A

FLOOR STRUCTURE: Concrete slab on grade.

CONDITION: Unable to determine condition of the floor structure due to it being covered with tile or carpet. A structural engineer should be hired to evaluate the actual condition.

EXTERIOR WALLS: Concrete masonry units (CMU) with stucco exterior finish.

HEIGHT: 8'

THICKNESS: 9"

CONDITION: Good. No signs of wall failure are noticeable, however, a structural engineer should be hired to evaluate the actual condition.

INTERIOR WALLS & CEILINGS: 2" x4" wood framing with sheetrock.

CONDITION: Fair to bad. There are signs of water leaks in two bedroom walls, which already have caused small damage. All bedroom walls have holes in them. Ceilings are in fair condition requiring patch and paint.

1048 Richard Drive

ROOF STRUCTURE: Wood framed trusses with asphalt shingles.

CONDITION: Fair. A registered roofing contractor or registered building contractor must be hired to evaluate the roofing system and submit a report on the required corrections to bring the roof system into code compliance.

DOORS, WINDOWS, ETC.: Wood doors with metal casement windows.

CONDITION: Fair. One bedroom door will require replacement. Windows are operational, however, the type and height placement does not meet current code compliance.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Fair. The type, height placement and free open space of the windows do not meet current code requirements.

PLUMBING: Fair. A licensed plumber should be hired to evaluate the plumbing system and submit a report on the corrections required to bring the system into code compliance.

ELECTRICAL: Fair. A licensed electrician should be hired to evaluate the electrical system and submit a report on the corrections required to bring the system into code compliance.

MECHANICAL: Fair. A licensed mechanical contractor should be hired to evaluate the system and submit a report on the corrections required to bring the system into code compliance.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: No

BARRICADED: No

POLICE AID REQD.: No

REMARKS: This is an open and abandoned single-family dwelling built in 1960. The structure is in fairly good condition requiring little maintenance and painting at the present time. I recommend that this building be secured and maintained secured until rehabilitated. Clean premises of all weeds, trash and debris and maintain premises clean.

Wayne Fannin
Building Inspector