BUILDING AND STANDARDS BOARD AGENDA ITEM # ___ FOR WEDNESDAY, MARCH 29th, 2006

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
March 6, 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: 9217 Leonardo Avenue

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

1) First investigated December 8, 2005. The building was found to be open and abandoned and in an advanced state of disrepair. This is a single-family dwelling built in 1951. On February 13, 2001, the City of El Paso City Council ordered the owners to secure the primary structure and clean the premises of all weeds, trash and debris within 30 days. The owners did follow the order but did not maintain it secure and maintain the premises. The building has been used as a harborage by unwanted persons.
2) A certified condemnation letter was mailed to Felipa Ortega, 9217 Leonardo Avenue, El Paso, Texas 79907 on December 14, 2005.
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, $436.11 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 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

9217 Leonardo Avenue

4) That since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, the building cannot be repaired; and
5) That the main structure be demolished 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
December 12, 2005

Felipa Ortega
9217 Leonardo Ave.
El Paso, Texas 79907-5516

Re: 9217 Leonardo Ave.
North Valumbrosa #2
Tract: 106
Zoned: R-4
COD05-19199
Certified Mail Receipt #
7105 8873 0193 6300 0104

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 9217 Leonardo Avenue has the following violations:

a. The foundation has not been maintained in a safe manner. [Sec.305.4]

b. The floors have not been maintained in a safe manner. [Sec.305.4]

c. The walls have not been maintained in a safe manner free of holes and cracks. [Sec.304.6]

d. The roof structure has not been maintained free of defects that may cause leaks. [Sec304.7]

e. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec702.4]

f. The plumbing system is inadequate and does not meet minimum code requirements. [Sec504.1]

g. The electrical system is inadequate and does not meet minimum code requirements. [Sec604.3]

h. The HVAC system is inadequate and does not meet minimum code requirements. [Sec603.1]

i. The structure is open and accessible to unauthorized entry. [Sec301.3]

j. The premises are full of weeds, trash, and debris [Sec302.1 & Sec302.4].

k. 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]

9217 Leonardo Avenue

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 DEVELOPMENT SERVICES:

Wayne Fannin

Wayne Fannin
Building Inspector

WF/rl

Firmbook Report

12/14/2005-12/14/2005

CMN	TRACKING	NAME	ADDRESS	
7105 8873 0193 6300 0098	114 S VIRGINIA ST	FEDERAL ACCEPTANCE CORP.	804 CHERRY HILL LN.	EL PASO TX 79912-3325
7105 8873 0193 6300 0104	9217 LEONARDO AVE.	FELIPA ORTEGA	9217 LEONARDO AVE.	EL PASO TX 79907-5516
7105 8873 0193 6300 0111	2206 SILVER AVE.	JESUS HERRERA II LUISA HERRERA	4316 MARCUS URIBE DR.,	EL PASO TX 79934-3759
7105 8873 0193 6300 0128	2270 TIERRA HUMEDA	LAHONDRIA WALKER	2270 TIERRA HUMEDA	EL PASO TX 79938-4460
7105 8873 0193 6300 0135	114 S. VIRGINIA ST.	TEXAS GAS SERVICE ATTN: BEA AGUILAR	4700 POLLARD ST.	EL PASO TX 79930
7105 8873 0193 6300 0142	114 S. VIRGINIA ST.	TEXAS GAS SERVICE ATTN: JAIME CARLOS	4700 POLLARD ST.	EL PASO TX 79930
7105 8873 0193 6300 0159	114 S. VIRGINIA ST.	EL PASO ELECTRIC CO.	123 W. MILLS ST.	EL PASO TX 79901
7105 8873 0193 6300 0166	9217 LEONARDO AVE.	TEXAS GAS SERVICE ATTN: BEA AGUILAR	4700 POLLARD ST.	EL PASO TX 79930
7105 8873 0193 6300 0173	9217 LEONARDO AVE.	TEXAS GAS SERVICE ATTN: JAIME CARLOS	4700 POLLARD ST.	EL PASO TX 79930
7105 8873 0193 6300 0180	9217 LEONARDO AVE.	EL PASO ELECTRIC CO.	123 W. MILLS AVE.	EL PASO TX 79901

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

CERTIFIED MAIL

7105 5873 0198 6300 0104

RETU

FELIPA ORTEGA
9217 LEONARDO AVE.
EL PASO TX 79907-5516

VAC LOT

VACANT

RECEI

DEC 19 20

CITY OF EL PA
DEVELOPMENT SE
DEPARTMEN

79907+5516-17 C032

MAILED FROM ZIP CODE 79901
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0004370995 DEC 14 2005
PITNEY BOWES
UNITED STATES POSTAGE

FORM CML-5 FERRARELLI, INC.

TEAR FROM BOTTOM UP

COMPLETE THIS SECTION ON DELIVERY

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

1. Article Addressed to:

FELIPA ORTEGA
9217 LEONARDO AVE.
EL PASO TX 79907-5516
9217 LEONARDO AVE.

3. Service Type
☒ Certified Mail

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)* 7105 8873 0193 6300 0104

PS Form 3811, July 1999 Domestic Return Receipt

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 **9217 Leonardo Avenue**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 106 of the North Valumbrosa Subdivision Number 2, as shown on the Hardaway Contracting Company, Inc., map of the North Valumbrosa No. 2 Subdivision in Ysleta, Texas, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, **Luis Ortega and Felipa Ortega** (both deceased) (the "**Owners**"), **9217 Leonardo Avenue, El Paso, Texas 79907**, are listed as the owners of the real property described herein.

According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

The Owners of said property are 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 Owners, 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.

CERTIFIED MAIL RECEIPT #7105 8873 0193 6300 2689

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 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 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 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 regarding the property located at **9217 Leonardo Avenue** was PUBLISHED in the official City newspaper on the ____day of_____, 2006.

_____
Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at **9217 Leonardo Avenue** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Luis & Felipa Ortega (both deceased)
9217 Leonardo Avenue
El Paso, Texas 79907

Date:_____
Time:_____

_____
Inspector

I I certify that a true and correct copy of the foregoing Notice regarding the property at **9217 Leonardo Avenue** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Teresa Gonzalez
9036 Benito Way
El Paso, Texas 79907

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **9217 Leonardo Avenue** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Guadalupe Quintana
1219 Roswell Street
El Paso, Texas 79915

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **9217 Leonardo Avenue** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ofelia Lopez
628 Maxine Drive
Socorro, Texas 79927

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **9217 Leonardo Avenue** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Manuel Ortega
9036 Benito Way
El Paso, Texas 79907

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **9217 Leonardo Avenue** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Luis Ortega
9036 Benito Way
El Paso, Texas 79907

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **9217 Leonardo Avenue** was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **9217 Leonardo Avenue** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **9217 Leonardo Avenue** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **9217 Leonardo Avenue** 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 **9217 Leonardo Avenue** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

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

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at **9217 Leonardo Avenue** El Paso, Texas.

Date:_____
Time:_____

_____
Inspector

UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: 12/8/05 **REP. DISTRICT:**

ADDRESS: 9217 Leonardo Avenue **ZONED:** R-4

LEGAL DESCRIPTION: North Valumbrosa #2, Tract 106

OWNER: Felipa Ortega **ADDRESS:** 9217 Leonardo Avenue

BUILDING USE: Single-family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: None, The adobe bricks are set on bare earth.
CONDITION: There are no footings to inspect.

FOUNDATION WALL: None
CONDITION: This type of construction has 2" X 8" rough sawn timbers set into the adobe walls at 16" apart and placing the floor structure load on adobe bricks.

FLOOR STRUCTURE: The floor is made of 1" x 2" tongue and groove wood flooring planks sitting on 2" x 8" rough sawn floor joists.
CONDITION: Poor, The floor joist are in fairly good condition, however, the floor decking (1" X 2" wood flooring) is very dry and has buckled at the rear entrance door. All flooring has been exposed to the weather elements due to lack of maintenance and a roof leak.

EXTERIOR WALLS: Adobe with stucco finish

HEIGHT: 8' **THICKNESS:** 12"

CONDITION: Poor, there are cracks in the walls which allow rain water between the exterior stucco and adobe bricks which is washing away at some of the lower adobe bricks.

9217 Leonardo Avenue

INTERIOR WALLS & CEILINGS: 2" x 4" wood studs with sheetrock, Ceiling joists are made up of 2" X 8" rough sawn timbers placed on top of the adobe bricks.
CONDITION: Poor, There are two interior walls, one has wood paneling on it that due to maintenance is falling off and the other has several holes that appear as if someone kicked the holes into it. Repairs will be required on both walls. **Ceiling:** Due to lack of roof repairs and maintenance, there are roof leaks that has caused most of the ceiling sheetrock to fall.

ROOF STRUCTURE: 2" x 4" rough sawn roof rafters with built up asphalt rolled roofing material.
CONDITION: Very Poor, No maintenance has been taken on this roof for a long time. The rolled roofing material is dry, cracking and has become very weathered that bricks are placed on top of it to hold it down. There are large areas where the rolled roofing material has failed at the mastic joints allowing the elements to enter and damage the interior of the structure.

DOORS, WINDOWS, ETC. Wood framed doors and windows.
CONDITION: Poor, The doors are out of plumb, weather beaten, broken and dry rotted due to lack of maintenance and the windows are in the same condition with broken glazing throughout all windows. All windows and front entrance door is boarded up at the present time.

MEANS OF EGRESS: Does not meet code requirements.
CONDITION: Poor, The windows are non-operable and not of the minimum code requirements for size of free opening space. The doors are out of plumb and do not open to its full capacity due to buckling in the floor.

PLUMBING: Very poor. No plumbing exists at this time. A licensed plumber must be hired to evaluate the plumbing system and submit a report to this department on their findings with the corrections required to bring the system up to current minimum code requirements.

ELECTRICAL: Very poor. No electrical services are connected to the structure at this time. A licensed electrical contractor must be hired to evaluate the electrical system and submit a report to this department on their findings with the corrections required to bring the system up to current minimum code requirements.

MECHANICAL: Very poor. No mechanical services are connected to the structure at this time. A licensed electrical contractor must be hired to evaluate the electrical system and submit a report to this department on their findings with the corrections required to bring the system up to current minimum code requirements.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

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

9217 Leonardo Avenue

REMARKS: This is an open and abandoned single-family dwelling. There are dry timbers, grasses and weeds throughout all sides of the property. I recommend that the structure be demolished and the premises cleaned of all weeds, trash and debris within 30 days and maintained the premises clean.

Wayne Fannin
Building Inspector