

326 E BORDERLAND



BUILDING AND STANDARDS BOARD AGENDA ITEM # 5 FOR
TUESDAY, MARCH 31, 2009

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
March 23, 2009

TO: The Honorable Chairman and Board Members

THROUGH: Victor Q. Torres - The Director of Development Services

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

SUBJECT: 326 E. Borderland Road, El Paso, Texas 79932

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

- 1) First investigated January 22, 2009. The attached multi family dwellings were built in 1960. The electrical, mechanical and plumbing systems are inadequate. The exterior plaster coating is coming apart in several areas. The interior walls contain several holes exposing the wooden studs. The floor system in several apartments is unfinished, concave and shows signs of decaying wood. The roof ceiling assembly, roof coverings and framing have not been maintained and are showing signs of deterioration and decay.
- 2) A certified condemnation letter was mailed to Mary Martinez, 8700 Castner, El Paso, Texas, 79907.
- 3) Certified notices of the public hearing scheduled for March 31, 2009 were mailed to the owners and all interested parties on March 17, 2009.
- 4) As of March 19, 2009, \$3,931.20 in taxes is owed.

The owners have been notified of the 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 structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structures' certificate of occupancy be revoked; and
- 4) That the main structure be vacated within thirty (30) days; and

- 5) That the main structure can be repaired; and
- 6) That the main structure be secured within thirty (30) day and maintained secure until rehabilitated; and
- 7) That the accessory structures be demolished within thirty (30) days; and
- 8) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
- 9) That upon notification of the Building and Standards Commission order to all interested parties 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.



BUILDING STANDARDS ENFORCEMENT
February 2, 2009

Mary Martinez
8700 Castner Dr
El Paso, Texas 79907-1857

Re: 326 E Borderland
Blk: Nellie D Mundy Sur 241 Abst 8425
Lot: TR 56-B
ZONED: R3
BSC09-00425
7007 3020 0001 2772 1731

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.

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Melina Castro

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

326 Borderland Rd.

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 **326 Borderland Rd.** has the following violations:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- 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:

Rodolfo Valles
Building Inspector

RV/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **31st** day of **March, 2009** 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 **326 E. Borderland Road**, in El Paso, Texas, which property is more particularly described as:

Legal Description: A 0.337 acre parcel of land in the NELLIE D. MUNDY SURVEY NO. 241, El Paso County, Texas.

is unsafe and dangerous, because of the following violations:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises shall be maintained in a clean, safe and sanitary condition free 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 trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

According to the real property records of the County of El Paso, Mary Martinez, 8700 Castner, El Paso, Texas 79907-1857 & 326 East Borderland Road, El Paso, Texas 79932, Victor H. Falvey, Trustee, 8732 Alameda Avenue, El Paso, Texas, 79907, Jose

Duran d/b/a GJM Enterprises, Inc., P. O. Box 13441, El Paso, Texas 79913 and Charles Haddad c/o Victor H. Falvey, 8732 Alameda, El Paso, Texas 79907 (the “**Owners**”) 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.

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 Owners and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Mark Shosmith
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Official
Building Permits and Inspection Department

I certify that a true and correct copy of the foregoing Notice regarding the property at 326 E. Borderland Road was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jose Duran d/b/a/ GJM Enterprises, Inc.
P. O. Box 13441
El Paso, Texas 79913

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 326 E. Borderland Road was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Charles Haddad
c/o Victor H. Falvey
8732 Alameda ave.
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 326 E. Borderland Road 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 326 E. Borderland Road 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 326 E. Borderland Road 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 regarding the property at 326 E. Borderland Road 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 326 E. Borderland Road, El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: March 23, 2009

REP. DISTRICT: 1

ADDRESS: 326 E. Borderland Road

ZONED: R-3

LEGAL DESCRIPTION: A 0.337 acre parcel of land in the NELLIE D. MUNDY SURVEY NO. 241, El Paso, County.

OWNER: Mary Martinez

ADDRESS: 8700 Castner, El Paso, Texas 79907 and
326 East Borderland Road, El Paso, TX 79932

BUILDING USE: Attached Multi family dwellings

TYPE OF CONSTRUCTION: V

FOOTINGS: Concrete

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

FOUNDATION WALL: Brick and Concrete

CONDITION: Fair. Signs of cracks noted on the walls and bricks require pointing. A structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: Wood frame/wood floor planks

CONDITION: Poor. The floors in several apartments are unfinished and concave in several areas exposing the deteriorated and decaying wood. A structural engineer or registered contractor should be hired to evaluate the flooring system.

EXTERIOR WALLS: Brick w/stucco covering

HEIGHT: 12' +/-

THICKNESS: 8" +/-

CONDITION: Poor. Signs of cracks and holes noted due to exposure to elements and lack of maintenance. A structural engineer or contractor should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

INTERIOR WALLS & CEILINGS: Wood frame/Sheetrock

CONDITION: Poor. Ceiling has collapsed due to roof leaks and lack of maintenance. Walls contain holes and decay exposing the wood studs and framing. A structural engineer should be hired to evaluate the structural elements and submit a report of required corrections to make the building safe

ROOF STRUCTURE: Flat roof, wood frame with rolled roof composition covering.

CONDITION: Poor. Roof leaks and decayed wood members noted. 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 compliance.

DOORS, WINDOWS, ETC.: Wood frame/Aluminum frame windows and wooden doors.

CONDITION: Poor. Some doors and windows will need to be replaced or repaired to become fully operable.

MEANS OF EGRESS: Does not meet code.

CONDITION: Poor.

PLUMBING: A licensed plumbing contractor must be hired to evaluate the entire plumbing system and submit a report to this department on the corrective action required to bring the system to minimum code compliance.

ELECTRICAL: A licensed electrical contractor must be hired to evaluate the entire electrical system and submit a report to this department on the corrective action required to bring the system up to minimum code and compliance.

MECHANICAL: A licensed mechanical contractor must be hired to evaluate the entire mechanical system and submit a report to the department system and submit a report to the department on the corrective action required to bring the system up to minimum code compliance.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: Six

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS:

This is an attached multi family dwelling built in 1960. Two of the apartments are occupied and others are open and abandoned and in an advanced state of disrepair. This department recommends that the apartment structure be secured within thirty (30) days and maintained secure until rehabilitated and that any additions that were not permitted be legalized. To demolish the accessory structures and the property be cleaned within thirty (30) days.

Rudy Valles

Building Inspector

**CITY OF EL PASO
ENVIRONMENTAL SERVICES**



M E M O R A N D U M

DATE: 03-19-09

MEMO TO: William Stern C.B.O., Residential Inspector Supervisor

FROM: Jesus H. Arenas, Code Compliance Inspector

SUBJECT: Condemnation Report #BSC09-00425

RE: 326 E Borderland, Nellie D Mundy Sur 241 Abst 8425

An inspection of the property was conducted on 03-18-09 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA

There is a make-shift wooden structure in the back of one of the units. It is being used to store household items.

SECTION 9.04.340 – ACCUMULATIONS

Inspection reveals some overgrown weeds in the back of one of the living units.

SECTION 9.16 - NUISANCE

It is noted that during the inspection of the complex, in one of the apartments, the tenants have sofas and appliances in the back. Animal feces was also observed in one of the back yards.

SECTION 9.16.010 – DESIGNATED

This is an occupied, multiple family dwelling complex.

SECTION 9.28 -RAT CONTROL

Rodent evidence was not noted on the premise.