

3911 NATIONS



BUILDING AND STANDARDS BOARD AGENDA ITEM # 4 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: 3911 Nations Avenue, El Paso, Texas 79930

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

- 1) First investigated February 3, 2009. The single family dwelling was built in 1920. The exterior plaster coating has fallen off in several areas exposing the underlying adobe to the elements. The interior and exterior walls contain several cracks compromising the structure. The floor system shows signs of deterioration. The roof ceiling assembly, roof coverings and framing have not been maintained and are showing signs of deterioration and decay. The accessory structure is deteriorating due to exposure to the elements.
- 2) A certified condemnation letter was mailed to Tirso S. Ballesteros, 3911 Nations Avenue, El Paso, Texas, 79930.
- 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, no taxes are 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 main structure and accessory 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 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 can be repaired; and
- 5) That the main structure be secured and maintained secure within thirty (30) days; and
- 6) That the accessory structure be demolished within thirty (30) days; and
- 7) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
- 8) 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 13, 2009

Tirso S. Ballesteros
3911 Nations Ave.
El Paso, Texas 79930-6327

Re: 3911 Nations Ave.
Blk: 102 Grandview
Lot: 11 & E 10 Ft of 12 & W 7.333 Ft of 10
ZONED: R4
Case Number BSC09-00001
Mail Receipt #:7007 3020 0001 2772 0055

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:

18.50.106.1 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

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

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.
3911 Nations Ave.

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 3911 Nations Ave., El Paso, Texas, is in violation of the requirements found in the following sections of the 2003 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- 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 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

3911 Nations Ave.

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:

Nellie Avalos
Inspector
Building Inspector

MA/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 buildings located on the property at **3911 Nations Avenue**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 11 and the East 10 feet of Lot 12 and the West 7.333 feet of Lot 10, Block 102, GRANDVIEW ADDITION, an addition in the City of El Paso, El Paso County, Texas, the plat thereof on file in Volume 11, Page 60, Real Property Records, El Paso County, Texas

are 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 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]

According to the real property records of the County of El Paso, Tirso Silva Ballesteros, 3911 Nations Avenue, El Paso, Texas 79930, Paul Baumgartner, 11212 Montwood, El Paso, Texas 79936 and Paul Baumgartner c/o Anderson, Anderson & Bright, 1533 Lee Trevino, Ste 205, El Paso, Texas 79936 (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 Shoesmith
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 3911 Nations Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Paul Baumgartner
c/o Anderson, Anderson & Bright
1533 Lee Trevino, Ste 205
El Paso, Texas 79936

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3911 Nations 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 3911 Nations 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 3911 Nations 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 regarding the property at 3911 Nations Avenue 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 3911 Nations Avenue, El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: March 23, 2009

REP. DISTRICT: 2

ADDRESS: 3911 Nations Avenue

ZONED: R-4

LEGAL DESCRIPTION: 102 Grandview, Lot 11 & 10 Ft of 12 & W 7.333 Ft of 10

OWNER: Tirso S. Ballesteros

ADDRESS: 3911 Nations Avenue

BUILDING USE: Single family dwelling

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: Masonry

CONDITION: Fair. Signs of deterioration noted due to lack of maintenance. A structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: Wood frame/wood floor planks

CONDITION: Poor. The floor is soft and concave in several areas exposing the deteriorated wood. A structural engineer or registered contractor should be hired to evaluate the flooring system.

EXTERIOR WALLS: Adobe w/stucco covering

HEIGHT: 12' +/-

THICKNESS: 12" +/-

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 w/plaster covering.

CONDITION: Poor. Ceiling has collapsed due to roof leaks and lack of maintenance. Walls contain structural cracks and holes. 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 windows and wooden doors.

CONDITION: Poor. Doors and windows will need to be replaced 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: None

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

REMARKS: This single family dwelling was built in 1920. The structure is open and abandoned and in an advanced state of disrepair. This department recommends that the structure be secured within thirty (30) days and maintained secure until rehabilitated, to demolish the accessory structure and the property be cleaned within thirty (30) days.

Nellie Avalos

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 #BSC09-00001

RE: 3911 Nations Ave, 102 Grandview. Lot 11 & E 10 ft. of 12 & W
7.333 ft.

An inspection of the property was conducted on 03-17-09 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

Open tool shed with paint cans/buckets and some tables.

SECTION 9.04.340 – ACCUMULATIONS

N/A

SECTION 9.16 - NUISANCE

Inspection revealed some trash, rubbish and construction debris.

SECTION 9.16.010 – DESIGNATED

The building is unsecured. It is noted that at the time of this inspection that the front door is unlocked and the perimeter fence (front & back) are also unsecured. This condition gives vagrants access onto the property.

SECTION 9.28 -RAT CONTROL

Rodent evidence was not noted on the premise.