

1701 STANTON



BUILDING AND STANDARDS BOARD AGENDA ITEM # 5 FOR
WEDNESDAY, MARCH 31, 2010

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
March 23, 2010

TO: The Honorable Chairman and Board Members

THROUGH: Victor Q. Torres. – The Director for Development Services

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

SUBJECT: 1701 N. Stanton, El Paso, Texas 79902

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

- 1) First investigated January 19, 2010. These structures located in the NCO (Neighborhood Conservancy Overlay) district were built in 1920 out of wood frame and brick. Upon investigation the structures were found open and abandoned and being used as harborage by vagrants. The walls contain graffiti and there are holes on the floors. The arbor columns show signs of deterioration and are in danger of collapse. The electrical, plumbing and mechanical systems are inadequate and not up to code.
- 2) A certified condemnation letter was mailed to Acquisitions Franklin LLC.
- 3) Certified notices of the public hearing scheduled for March 31, 2010, were mailed to the owners and all interested parties on March 10, 2010.
- 4) As of March 23, 2010, no taxes are owed.

The owners have been notified of the violations at this property, to date there has been no 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 structures can be repaired; and
- 5) That the structures be secured and maintained secure within thirty (30) days; and
- 6) That the arbor be demolished within thirty (30) days' and
- 7) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
- 8) 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.

DEVELOPMENT SERVICES DEPARTMENT
February 8, 2010

NOTICE OF VIOLATION

Acquisitions Franklin LLC
P O Box 512312
El Paso, Texas 79951-0004

Re: 1701 N. Stanton St.
Blk: 76 Alexander
Lot: 1 & 2 & S 3.5 Ft of 3
Zoned: A-3 NCO
BSC10-00098
Mail Receipt #:
7009 1410 0001 7187 0433

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 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 **address, city, address, zip code** 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 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]
- k. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Building and Standards Commission at a hearing scheduled by this department.

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.

Nellie 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 **31st** day of **March, 2010** 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 **1701 North Stanton**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lots 1 and 2, and the South 3.5 feet of Lot 3, Block 76, ALEXANDER ADDITION, an addition to the City of El Paso, El Paso County , Texas also known as 1701 N. Stanton, El Paso, 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 structures are 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 structures need 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, Texas, Franklin Acquisition, L.L.C. 4800 North Stanton, #160, El Paso, Texas 79902; Herbert Ehrlich, Attorney at Law, Scherr, Legate & Ehrlich, P.L.L.C., 109 North Oregon Street, 12th Floor, El Paso, Texas 79901-1133; William David Abraham, P.O. Box 1797, El Paso, Texas

79949-1797; Katz Realty Company, Inc., 4050 Rio Bravo, Suite 201, El Paso, Texas 79902; and Robert Malooly, 930 Raynolds, El Paso, Texas 79903 (the “**Owners**”), 1701 N. Stanton, 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:

Cynthia Osborn
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 1701 N. Stanton was PUBLISHED in the official City newspaper on the ____ day of _____, 2010.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 1701 N. Stanton was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Franklin Acquisition, L.L.C.
4800 N. Stanton, #160
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1701 N. Stanton was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

William David Abraham
P.O. Box 1797
El Paso, Texas 79949-1797

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1701 N. Stanton was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Herbert Ehrlich
Attorney at Law
Scherr, Legate & Ehrlich, P.L.L.C.
109 N. Oregon St, 12th Floor
El Paso, Texas 79901-1133

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1701 N. Stanton was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Katz Realty Company, Inc.
4050 Rio Bravo, Suite 201
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1701 N. Stanton was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Robert Malooly
930 Reynolds
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1701 N. Stanton was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Richard Esper
521 Texaco
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1701 N. Stanton was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mr. John A. Schwartz, Trustee
415 N. Mesa
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1701 N. Stanton was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

David Bingham
619 Arizona
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1701 N. Stanton was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Imperial Arms, J.V.
6040 Surety
El Paso, Texas 79905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1701 N. Stanton was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Robert T. Pearson
214 W. Franklin
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1701 N. Stanton was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Joseph (SIB) Abraham, Jr.
Attorney at Law
P.O. Box 512312
El Paso, Texas 79951-0004

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1701 N. Stanton 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 1701 N. Stanton 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 1701 N. Stanton 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 1701 N. Stanton 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 1701 N. Stanton 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 1701 N. Stanton, El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: February 8, 2010

REP. DISTRICT: 6

ADDRESS: 1701 N. Stanton

ZONED: A3NCO

LEGAL DESCRIPTION: B1

OWNER: Franklin Acquisition, L.L.C.

ADDRESS: 4800 North Stanton, #160
El Paso, Texas 79902

BUILDING USE: Single family dwelling

TYPE OF CONSTRUCTION: V-Wood frame and brick

FOOTINGS: Concrete

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

FOUNDATION WALL: Split faced stone masonry w/grout.

CONDITION: Fair. Will require some pointing and maintenance.

FLOOR STRUCTURE: Concrete slab in basement, 1st and 2nd floors-hardwood.

CONDITION: Fair. There are portions of the floor system that contain holes in the areas that new unpermitted plumbing took place. A structural engineer should be hired to evaluate actual condition.

EXTERIOR WALLS: Wood frame/brick

HEIGHT: 20' +/-

THICKNESS: 10" - 12"

CONDITION: Fair. The exterior brick wall surfaces on main and accessory structures require some maintenance and pointing. A structural engineer should be hired to evaluate actual condition.

INTERIOR WALLS & CEILINGS: Gypsum board on wood framing.

CONDITION: Poor. The ceilings show exposed wood frame throughout and some holes, The walls have been tagged w/graffiti and some of them have been replaced/repared. A structural engineer should be hired to evaluate actual condition.

ROOF STRUCTURE: Shingle Pitched Roof

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

DOORS, WINDOWS, ETC.: Wood frame doors and windows.

CONDITION: Poor. Numerous doors and windows throughout the dwelling are broken and dilapidated and will require repair or replacement to become operational and meet minimum code requirements.

MEANS OF EGRESS: Does not meet code.

CONDITION: Poor. All the components of the egress paths shall be repaired to meet egress requirements.

PLUMBING: A licensed plumber should check all water and drain lines for leaks or broken pipes in order to bring the system up to code.

ELECTRICAL: A licensed electrical contractor should be hired to verify that the electrical system has not been compromised due to the dwelling's structural instability.

MECHANICAL: A licensed mechanical contractor should be hired to verify that the mechanical system is operational and meets code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: One

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS: This two story family residence located in an NCO district was built in 1920. At the time of inspection it was found open and accessible to vagrants. The arbor shows signs of collapsing columns and dry deteriorated wood. The department recommends that the structures be secured, the arbor be demolished and the property cleaned within thirty (30) days.

Nellie Avalos
Building inspector