

174 N. Awbrey



BUILDING AND STANDARDS BOARD AGENDA ITEM # 8 FOR
WEDNESDAY, APRIL 25, 2007

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

April 18, 2007

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., Chief Building Inspector

SUBJECT: 174 North Awbrey Street, El Paso, Texas 79905

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

1. First investigated on July 31, 2006. The primary building was built in 1940. The building was found to be substandard and not in compliance with the property maintenance code, due to unsafe furnace, unsafe electrical system and structural problems. There is one primary structure built of adobe and plaster with a flat roof covered by rolled composition material and one accessory building built of CMU, with a gable roof that is currently being used as a house. The Building Permits and Inspections Department has no record of building permits being issued for this accessory structure.
2. A certified condemnation letter was mailed to Ignacio and Andrea Sotelo, 174 North Awbrey Street, El Paso, Texas, 79905.
3. Certified notices of the public hearing scheduled for April 25, 2007 were mailed to the owners and all interested parties on April 12, 2007.
4. There has been no response from the owner.
5. As of April 17, 2007, \$889.12 are owed in property taxes.

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 structure 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
4. That the structures can be repaired; and
5. That the main structure and accessory building be secured and vacated until rehabilitated within 30 days; and a
6. That the premises be cleaned of all weeds, trash, and debris within 30 days; and
7. That all junked vehicles be removed from premises within 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.

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, PE, CBO
DEVELOPMENT SERVICES DEPARTMENT, DIRECTOR



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

DEVELOPMENT SERVICES DEPARTMENT

BUILDING STANDARDS ENFORCEMENT
January 29, 2007

Ignacio & Andrea Sotelo
174 N. Awbrey St.
El Paso, Texas 79905-2902

Re: 174 N. Awbrey St.
Blk: A Collingsworth
Lot: PT of 11 (O.493 ACRE) 103.17' on W,
196.38' on N, 120' on E, 197. FT on S
Zoned: R-4
COD07-07-01311
Certified Mail Receipt #
7105 8873 0193 6301 8451

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.

174 N. Awbrey St.

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 2613 Mountain Avenue 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. Inspection has also revealed that you are in violation of the City of El Paso building codes and ordinances, Section 18.02.103.11 and 20.04.190 – Building Without a Permit.

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:

Zuleika Davila
Building Inspector

ZCD/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **25th** day of **April, 2007** 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 **174 North Awbrey Street**, in El Paso, Texas, which property is more particularly described as:

LEGAL DESCRIPTION: Part of Lot 11, 103.17' on W. 196.38' on N. 120' on E. 197' on S., Block A, COLLINGSWORTH ADDITION, to the City of El Paso, El Paso County, Texas, containing 0.493 acre, more or less, having a street address and known as 174 North Awbrey, El Paso, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, **Ignacio and Andrea Sotelo (the "Owners"), 174 North Awbrey Street**, 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 buildings 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 structures 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 fails, 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:

Roberta Cross
Assistant City Attorney

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

Building Permits and Inspection 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 **174 North Awbrey Street**, was PUBLISHED in the official City newspaper on the ____ day of _____, 2007.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at **174 North Awbrey Street**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ignacio and Andrea Sotelo
174 North Awbrey Street
El Paso, Texas 79905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **174 North Awbrey Street**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ignacio and Andrea Sotelo
181 North Awbrey Street
El Paso, Texas 79905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **174 North Awbrey Street**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ramona Macias
174 North Awbrey Street
El Paso, Texas 79905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **174 North Awbrey Street**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

H. Tati Santiesteban
174 North Awbrey
El Paso, Texas 79905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **174 North Awbrey Street**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

H. Tati Santiesteban
5028 Montoya Dr.
El Paso, Texas 79922

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **174 North Awbrey Street**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Monica Santiesteban Johnson
5028 Montoya Dr.
El Paso, Texas 79922

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **174 North Awbrey Street**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP

Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **174 North Awbrey Street**, 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 **174 North Awbrey Street**, 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 **174 North Awbrey Street**, 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 **174 North Awbrey Street**, 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 **174 North Awbrey Street**, El Paso, Texas.

Date:

Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: April 17, 2007

REP. DISTRICT: 3

ADDRESS: 174 North Awbrey Street

ZONED: R-4

LEGAL DESCRIPTION: Part of Lt 11, 103.17' on W. 196.38' on N. 120' on E. 197' on S., Block A, COLLINGSWORTH ADDITION, to the City of El Paso, El Paso county, Texas, containing 0.493 acre, more or less, having a street address and known as 174 North Awbrey, El Paso, Texas.

OWNER: Ignacio and Andrea Sotelo **ADDRESS:** 174 North Awbrey Street
El Paso, Texas 79905

BUILDING USE: Single Family Residence

TYPE OF CONSTRUCTION: V

FOOTINGS: Unable to determine.

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

FOUNDATION WALL: Concrete

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

FLOOR STRUCTURE: Slab on grade/wood framing with wood flooring.

CONDITION: Poor. Several low spots noted as well as broken flooring. A structural engineer or general contractor should be hired to evaluate actual condition.

EXTERIOR WALLS: Adobe/Plaster with sheetrock.

HEIGHT: 12' +/-

THICKNESS: 12" +/-

CONDITION: Fair. Several cracks noted due to lack of maintenance and exposure to the elements. A structural engineer or registered contractor should be hired to evaluate actual condition and make recommendations.

INTERIOR WALLS & CEILINGS: Wood frame with plaster and sheetrock.

CONDITION: Fair. Paint and patch will needed due to holes on walls and ceiling water damage

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ROOF STRUCTURE: Wood frame with built up roofing.

CONDITION: A registered roof contractor must be hired to evaluate roof system.

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

CONDITION: Fair. Some windows may require repair to become functional.

MEANS OF EGRESS: Meets minimum code requirements.

CONDITION:

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

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

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

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: Two families

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

REMARKS: This single family dwelling was built in 1940. The accessory structure is currently used as an apartment. Both structures are currently unsafe for habitation and a hazard to the public health, safety and welfare. The department recommends these structures be vacated and secured until rehabilitated and that proper permits be obtained within 30 days; and that premise be cleared of all weeds, trash and debris within 30 days; and that all junked vehicles be removed within 30 days.

Zuleika Davila

Building Inspector

ENVIRONMENTAL HEALTH



MEMORANDUM

DATE: February 09, 2007
MEMO TO: William Stern, Residential Inspector Supervisor
FROM: Blasa Roman., Environmental Health Inspector
SUBJECT: Condemnation Report
RE: 174 N. Awbrey St.

An inspection of the property was conducted on 174 N. Awbrey St. A Collingsworth, PT of 11 (0.493 ACRE) 103.17' on W, 196.38' on N, 120' on E, 197.5' on S 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

Trash and debris on backyard were noted.

SECTION 9.04.340 – ACCUMULATIONS

Accumulation of trash, junk material on backyard was noted.

SECTION 9.16 - NUISANCE

High and dry weeds over 12 inches was noted on backyard. Mold was found on shower bathroom and roach infestation inside of the house.

SECTION 9.16.010 – DESIGNATED

The structure is occupied and interior inspection was conducted. As per tenant, the roof leaks inside the house and stained and loose ceiling tiles were noted. There were some cracks on the wall outside of the property and broken windows were noted on apartments behind the house. Apartments were unsecured and vacant but do not appear to be used by vagrants. Tenant also stated that they will be vacating premises.

SECTION 9.28 -RAT CONTROL

There is evidence of rodent presence at this location.

If you require additional assistance on this matter, please call at.

TEL. (915) 594-1568

FAX (915) 594-9655

