

606 Nino Aguilera



BUILDING AND STANDARDS BOARD AGENDA ITEM # 5 FOR
WEDNESDAY, APRIL 25, 2007

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
April 19, 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: 606 Nino Aguilera Street, El Paso, Texas 79901

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

First investigated October 17, 2006. The brick building was built in 1912 as a single family dwelling. The building was found in a state of disrepair, open and abandoned and being used as harborage by unwanted persons. The stucco exterior has signs of deterioration due to lack of maintenance and exposure to the elements. The interior of the building shows evidence of deterioration and roof leaks.

A certified condemnation letter was mailed to Leonardo Talamantes & 1, 606 Nino Aguilera Street, El Paso, Texas 79901.

Certified notices of the public hearing scheduled for April 25, 2007 were mailed to the owners and all interested parties on April 12, 2007.

There has been no response from the owner

5) As of April 18, 2007, there are \$406.02 owed in taxes.

The Department recommends that it be found:

That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and

That the building is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and

That the structure's certificate of occupancy be revoked; and

That the structure can be repaired; and

That the structure be secured and maintained secure within 30 days; and

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 DEPARTMENT, DIRECTOR



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

**DEVELOPMENT SERVICES DEPARTMENT
BUILDING STANDARDS ENFORCEMENT**

October 26, 2006

Leonardo Talamantes & 1
606 Nino Aguilera St.
El Paso, Texas 79901-3542

Re: 606 Nino Aguilera
Blk: 51 Magoffin
Lots: 14 & 15
Zoned: A3
COD 06-18175
Certified Mail Receipt #
7105 8873 0193 6301 3869

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.

606 Nino Aguilera 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 606 Nino Aguilera 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.

606 Nino Aguilera

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:

Manuela 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 **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 **606 Nino Aguilera St.**, in El Paso, Texas, which property is more particularly described as:

LEGAL DESCRIPTION: Lots 14 and 15, Block 51, MAGOFFIN ADDITION, to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Book 14, Page 19, Plat Records of El Paso County, Texas; municipally known and numbered as 606 Tornillo, El Paso, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, **Leonardo Talamantes and Nasario Pedroza Solis** (the "**Owners**"), **606 Nino Aguilera AKA 606 Tornillo**, 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 Owner, 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 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:

Roberta Cross
Assistant City Attorney
Department

Bill Stern, C.B.O.
Chief Building Inspector
Building Permits and Inspections

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 **606 Nino Aguilera St.**, 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 **606 Nino Aguilera St.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Nasario Pedroza Solis
606 Nino Aguilera St.
El Paso, TXexas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **606 Nino Aguilera St.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Leonardo Talamantes
606 Aguilera St.
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **606 Nino Aguilera St.**, 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 **606 Nino Aguilera St.**, 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 **606 Nino Aguilera St.**, 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 **606 Nino Aguilera St.**, 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 **606 Nino Aguilera St.**, 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 **606 Nino Aguilera St.**, El Paso, Texas.

Date:

Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: April 17, 2007

REP. DISTRICT: 8

ADDRESS: 606 Nino Aguilera Street, El Paso, Texas 79901

ZONED: A - 3

LEGAL DESCRIPTION: Lots 14 & 15, Block 51, Magoffin Addition, to the City of El Paso, El Paso County, State of Texas, according to the plat thereof on file in Book 14, Page 19, Plat Records of El Paso County, Texas; municipally known and numbered as 606 Tornillo, El Paso, Texas.

OWNER: Leonardo Talamantes & 1 **ADDRESS:** 606 Nino Aguilera Street

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: Type V, brick veneer with stucco

FOOTINGS: Concrete slab on grade

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

FOUNDATION WALL: Brick with masonry grout.

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

FLOOR STRUCTURE: Wood with wood frame covered with carpet and/or linoleum.

CONDITION: A structural engineer or registered contractor must be hired to evaluate the flooring system.

EXTERIOR WALLS: Brick veneer with stucco finish.

HEIGHT: 10' +/-

THICKNESS: 10" +/-

CONDITION: Fair. A structural engineer should be hired to evaluate structural elements of the building and submit a report on the corrections required to make the building safe.

INTERIOR WALLS & CEILINGS: Wood frame with sheetrock

CONDITION: Fair, minor general repairs required to correct condition.

ROOF STRUCTURE: Wood frame with built up roof covering.

CONDITION: Unable to determine condition of roof. A registered roof or building contractor should be hired to evaluate the entire roofing system and submit a report to this department on the corrective action required to bring the roof system up to minimum code compliance.

DOORS, WINDOWS, ETC.: Wood doors and wood frame windows with wrought iron.
CONDITION: Bad. Will need to repair or replace all doors and widows, so they are operational and meet egress requirements.

MEANS OF EGRESS: Does not meet code requirements.
CONDITION: Poor. Windows need replacing or repairs done to make them operational.

PLUMBING: Unable to determine. A licensed plumber should be hired to bring system up to code.

ELECTRICAL: Unable to determine. A licensed electrician should be hired to bring system up to code.

MECHANICAL: Non-existing. A licensed mechanical contractor should be hired to bring system up to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

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

REMARKS: The brick structure was built in 1912 as a single-family residence. It was found to be open and abandoned. The property should be secured and cleaned of all weeds, trash and debris.

Nellie Avalos
Building Inspector

**EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL
DISTRICT ENVIRONMENTAL HEALTH**



MEMORANDUM

DATE: November 12006

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

FROM: Samuel Jarvis, Senior Environmental Health Inspector

SUBJECT: Condemnation Report

RE: 606 Niño Aguilera

An inspection of the property was conducted at 606 Niño Aguilera and the conditions checked were found in violation of Title 9 of the El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA
N/A

SECTION 9.04.340 – ACCUMULATIONS

Accumulation trash, junk, old tires and debris were noted through out the property. Five twenty gallons of old paint was also noted on the property.

SECTION 9.16 - NUISANCE

The junk, trash and debris along with the old tires are creating vermin harborage.

SECTION 9.16.010 – DESIGNATED

Roof damage was noted on the house.

SECTION 9.28 -RAT CONTROL

Evidence of rodents was noted throughout the property. The neighbors are also complaining of the rodents coming from the vacant house.