

# 815 E. Fourth



BUILDING AND STANDARDS BOARD AGENDA ITEM # 4 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: 815 E. Fourth Ave., El Paso, Texas 79901

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

- 1) First investigated December 6, 2006. The building was built in 1900 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 exterior of the building has signs of deterioration due to lack of maintenance and exposure to the elements. The ceiling shows evidence of roof leaks.
- 2) A certified condemnation letter was mailed to Faustino Gomez, 2703 Idalia Avenue, El Paso, Texas 79930.
- 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) Contact was made with Carlos Ochoa spouse of Louisa Linda Gomez, one of the owners, he was advised of housing violations and to date the property remains open and abandoned.
- 5) As of April 18, 2007, there are \$471.34 owed in taxes.

The Department recommends that it be found:

- 1) That the 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 building 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 structure can be repaired; and
- 5) That the structure be secured and remain secure within 30 days; and
- 6) 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  
December 6, 2006

Faustino Gomez  
2703 Idalia Ave.  
El Paso, Texas 79930-3611

Re: 815 E. Fourth Ave.  
Blk: 111 Campbell  
Lots: 44.5 Ft. of 1 Beg 31 Ft W of Sec  
Zoned: A3  
COD06-22921  
Certified Mail Receipt #  
7105 8873 0193 6301 6143

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.

815 E. Fourth 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 **815 E. Fourth Ave.** 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.

815 E. Fourth Ave.

**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, 5<sup>th</sup> 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 **815 E. Fourth Ave.**, in El Paso, Texas, which property is more particularly described as:

**LEGAL DESCRIPTION: 44.5 Ft. of Lot 1 Beg 31 Ft. W of SEC, Block 111,  
Campbell Subdivision in the City of El Paso, State of Texas**

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, **Mario Gomez, Leonor Gomez Terrazas, Louisa Linda Gomez and Emilio Faustino Gomez** (the "**Owners**"), **2703 Idalia, El Paso, Texas 79930**, 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, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> 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:

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Roberta Cross  
Assistant City Attorney

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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 **815 E. Fourth Ave.**, 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 **815 E. Fourth Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Emilio Faustino Gomez  
15307 Woodhill Ct.  
Horizon City, Texas 79928

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **815 E. Fourth Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mario Gomez  
2703 Idalia Ave.  
El Paso, Texas 79930

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **815 E. Fourth Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Leonor Gomez Terrazas  
11445 Damasco  
El Paso, Texas 79936

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **815 E. Fourth Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Guadalupe Gomez Hall  
P. O. Box 134  
Happy, Texas 79042

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **815 E. Fourth Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Martha Day  
P. O. Box 123  
Tulia, Texas 79088-0123

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **815 E. Fourth Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Louisa Linda Gomez  
2703 Idalia Ave.  
El Paso, Texas 79930

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **815 E. Fourth Ave.**, 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 **815 E. Fourth Ave.**, 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 **815 E. Fourth Ave.**, 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 **815 E. Fourth Ave.**, 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 **815 E. Fourth Ave.**, 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 **815 E. Fourth Ave.**, El Paso, Texas.

Date:

Time:

Inspector



# UNSAFE STRUCTURES REPORT

## BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** April 17, 2007

**REP. DISTRICT:** 8

**ADDRESS:** 815 E. Fourth Ave.

**ZONED:** A - 3

**LEGAL DESCRIPTION:** 44.5 ft of Lot 1 Beg 31 ft W of SEC, Block 111, Campbell Subdivision in the City of El Paso, El Paso County, State of Texas

**OWNER:** Faustino Gomez      **ADDRESS:** 2703 Idalia Avenue, El Paso, Texas 79930

**BUILDING USE:** Abandoned single family dwelling

**TYPE OF CONSTRUCTION:** Type V, adobe and stucco

**FOOTINGS:** Rubble stone with masonry grout.

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

**FOUNDATION WALL:** Rubble stone with masonry grout.

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

**FLOOR STRUCTURE:** Wood with wood frame.

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

**EXTERIOR WALLS:** Adobe, wood frame and stucco finish.

**HEIGHT:** 11' +/-

**THICKNESS:** 12" +/-

**CONDITION:** Poor. Due to lack of maintenance and exposure to the elements, some of the wall system is failing around the exterior. 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:** Adobe with plaster, wood frame with sheetrock

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

**ROOF STRUCTURE:** Wood frame with rolled composition 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 structure was built in 1900 as a single-family residence. It was found to be open and abandoned. The exterior walls are showing signs of advanced deterioration. The property should be secured and cleaned of all weeds, trash and debris.

Nellie Avalos  
**Building Inspector**