

BUILDING AND STANDARDS BOARD AGENDA ITEM # ____ FOR
WEDNESDAY, APRIL 26, 2006

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

April 12, 2006

TO: The Honorable Chairman and Board Members

THROUGH: Larry Nichols, C.B.O. – The Director for Building Permits and Inspections

FROM: Bill Stern, C.B.O., Residential Inspector Supervisor

SUBJECT: 2851 Pershing Drive

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

- 1) First investigated November 23, 2004. This location was initially investigated for building without a permit. The investigation revealed that the initial permit obtained was for a 6' high CMU wall with wrought iron on top of the CMU wall. A stop work order was issued and all work at this address has ceased. No building permits have been obtained. The structure is unsafe, parts of the wall are collapsing and due to the structure being open and accessible, this location has become a harborage for unwanted persons.
- 2) A certified condemnation letter was mailed to Dulce A. Chavez and Newel A. Brooker, 2747 Grant Avenue, El Paso, Texas 79930-2731 on November 23, 2004.
- 3) Certified notices of the public hearing scheduled for April 26, 2006 were mailed to the owners and all interested parties on April 12, 2006
- 4) As of April 10, 2006, there are no taxes owed at this property.
- 5) There has been no response from the owner.

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 be demolished within 30 days; and
- 4) That the premises be cleaned of all weeds, trash, and debris within 30 days; and
- 5) 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.

COPY

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, P.E.
DIRECTOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

BUILDING PERMITS & INSPECTIONS DEPARTMENT

HOUSING COMPLIANCE

April 8, 2005

Dulce A. Chavez and Newel A. Brooker
2747 Grant Avenue
El Paso, Texas 79930-2731

Re: 2851 Pershing Drive
Lots: 17 & W 15 FT OF 18
Blk: 97, Bassett
Zoned: C-4
COD04-18629
Certified Mail Receipt #
7004 0750 0003 1322 5452

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

2851 Pershing Drive

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 2851 Pershing Drive has the following violations:

- a. The walls have not been maintained in a safe manner free of holes and cracks.
- b. The structure is open and accessible to unauthorized entry.
- c. The premises are full of weeds, trash, and debris.
- d. 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.

In addition to the above violations, it has been determined that the structure in question has been built without the required documentation or permits.

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.

2851 Pershing Drive

- 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:

A handwritten signature in black ink, appearing to read 'Bill Stern', written over a horizontal line.

Bill Stern
Building Inspector

BS/rl



The City of El Paso
Two Civic Center Plaza
El Paso, Texas 79901-1196

**Building Permits and Inspections
Code Enforcement**

CERTIFIED MAIL



7004 0750 0003 1322 5452



U.S. POSTAGE
04.42:
M METER 713578

JUN 06 2005 RETURN RECEIPT REQUESTED

UNCLAIMED
DULCE A. CHAVEZ AND NEWEL A. BROOKER
3001
4/12/05
SS
ROT 5-12

Dulce A. Chavez and Newel A. Brooker
2747 Grant Avenue
El Paso, Texas 79930-2731

79930+2731 DV 1196

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (<i>Printed Name</i>) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;"><i>DS</i></p> <p>Dulce A. Chavez and Newel A. Brooker 2747 Grant Avenue El Paso, Texas 79930-2731 Re: 2851 Pershing Drive</p> <p style="text-align: center;"><i>L6 # 15</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center;">7004 0750 0003 1322 5452</p>
<p>PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540</p>	

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, P.E.
DIRECTOR



copy
CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
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JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

BUILDING PERMITS & INSPECTIONS DEPARTMENT

HOUSING COMPLIANCE

November 23, 2004

Dulce A. Chavez
Newel A. Brooker
2747 Grant Avenue
El Paso, Texas 79930-2731

Re: 2851 Pershing Drive
Blk: 97, Bassett
Lots: 17 & W 15 Ft. of 18
Zoned: C-4
COD04-18629
Certified Mail Receipt #
7004 1160 0007 2325 8347

Greetings:

A recent inspection by personnel from this office at the above-mentioned address has revealed violations of the City of El Paso Building Codes.

Specifically, a structure is being built without the required building permits.

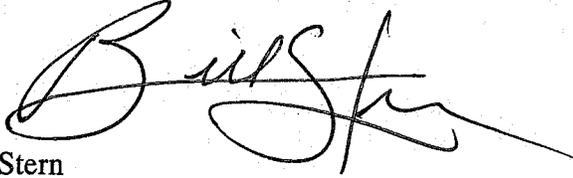
Be advised all work at this address must stop until the required permits are obtained.

Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City.

2851 Pershing Drive

If you should have any questions, please call me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

A handwritten signature in black ink, appearing to read "Bill Stern". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Bill Stern
Building Inspector

BS/rl

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PS

Dulce A. Chavez
 Newel A. Brooker
 2747 Grant Avenue
 El Paso, Texas 79930-2731
 Re: 2851 Pershing Drive

*ck*2. Article Number
(Transfer from service label)

7004 1160 0007 2325 8347

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

COMPLETE THIS SECTION ON DELIVERY

A. Signature

 X*[Handwritten Signature]* Agent Addressee

B. Received by (Printed Name)

Fabian Saucedo

C. Date of Delivery

*NOV 2 4 2004*D. Is delivery address different from item 1?
If YES, enter delivery address below: Yes No

3. Service Type

 Certified Mail Express Mail Registered Mail Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

CITY OF EL PASO



BUILDING PERMITS & INSPECTIONS DEPARTMENT

CORRECTION NOTICE
STOP WORK NOTICE
DISAPPROVAL NOTICE

Job Address: 2851-2853 PENDING Permit No. BLD04-1046

BLDG. COMBO C.H.P. ELEC HVAC PLBG SIGNS ZONING FIRE

INSPECTION THIS DATE INDICATES THAT THE FOLLOWING ITEMS REQUIRE YOUR IMMEDIATE ATTENTION:

STOP ALL WORK - BEYOND
SCOPE OF PERMIT
NO PLOT PLAN NO BUILDING
PLAN

CONSTRUCTION MAY MAY NOT PROCEED PRIOR TO CORRECTION OF ABOVE.

RE-INSPECTION IS IS NOT REQUIRED. RE-INSPECTION FEE

REC'D BY: _____ DATE/TIME: 11/17/04 1:30

INSPECTOR: STERN PHONE: 541-4800

DO NOT REMOVE THIS NOTICE

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the 26th day of **April 2006** 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 building located on the property at **2851 Pershing Drive**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 17 and the West 15 feet of Lot 18, Block 97, Bassett Addition, an addition to the City of El Paso, being more particular described in Volume 1058, Page 2127, Deed Records of El Paso County, Texas
is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, **Dulce Alexandra Chavez and Newel A. Brooker** (the "**Owners**"), **2747 Grant Avenue, 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, 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.

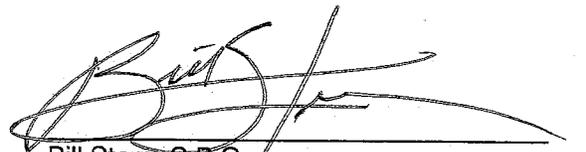
Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full;

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:


Carolyn J. Crosby
Assistant City Attorney

APPROVED AS TO CONTENT:


Bill Stern, C.B.O.
Residential Inspector Supervisor
Building Permits and Inspections Department

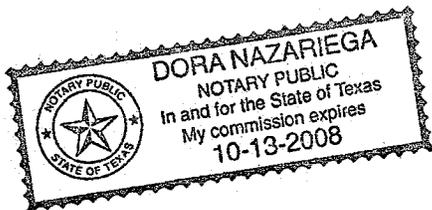
I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice of Public Hearing regarding the property located at **2851 Pershing Drive**, was filed with the County Clerk's Office, the official public records of real property for El Paso County.


Richarda Duffy Momsen

Executed this 11th day of April, 2006 on behalf of the City of El Paso, Texas, by Richarda Duffy Momsen in her capacity as City Clerk.

STATE OF TEXAS
COUNTY OF EL PASO

Subscribed and sworn to before me, this 14th day of April, 2006.




Notary Public

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 **2851 Pershing Drive** was PUBLISHED in the official City newspaper on the 13th day of April, 2006.


Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at **2851 Pershing Drive**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Dulce Alexandra Chavez
2747 Grant Avenue
El Paso, Texas 79930

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **2851 Pershing Drive**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Newel A. Brooker
2747 Grant Avenue
El Paso, Texas 79930

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **2851 Pershing Drive**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Campanario Partnership L.P.
505 Upson Drive
El Paso, Texas 79902

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **2851 Pershing Drive**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Larry A. Baskind
300 E. Main Suite 908
El Paso, Texas 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **2851 Pershing Drive**, 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 **2851 Pershing Drive**, 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 **2851 Pershing Drive**, 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 **2851 Pershing Drive**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Linbarger, Goggan, Blair & Sampson
215 N. Stanton Street, 2nd Floor
El Paso, Texas 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **2851 Pershing Drive**, 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 **2851 Pershing Drive**, El Paso, Texas.

Date: _____
Time: _____

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: April 5, 2006

REP. DISTRICT:

ADDRESS: 2851 Pershing Drive

ZONED: C-4

LEGAL DESCRIPTION: Lot 17 and the West 15 feet of Lot 18, Block 97, Bassett Addition

OWNER: Dulce Alexandra Chavez and Newel A. Brooker
Paso, Texas 79930

ADDRESS: 2747 Grant Avenue, El

BUILDING USE: Unfinished building

TYPE OF CONSTRUCTION: II

FOOTINGS: Unable to determine.

CONDITION: Unable to determine due to areas covered by concrete.

FOUNDATION WALL: N/A

CONDITION: No foundation walls

FLOOR STRUCTURE: Concrete

CONDITION: Good.

EXTERIOR WALLS: CMU walls

HEIGHT: 5 to 10 feet

THICKNESS: 6"

CONDITION: Unfinished walls. A wall unit is collapsing over.

INTERIOR WALLS & CEILINGS: N/A None exists at this location.

CONDITION:

ROOF STRUCTURE: N/A No roof exists at this location.

CONDITION:

DOORS, WINDOWS, ETC.: N/A No windows or door exist at this location.

CONDITION:

2851 Pershing Drive

Page 2

MEANS OF EGRESS: None No means of egress.
CONDITION:

PLUMBING: No plumbing system at this location.

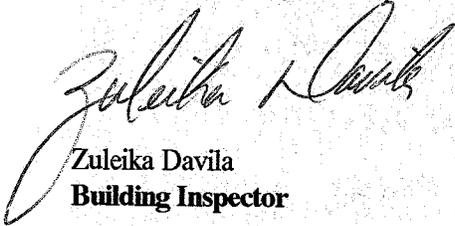
ELECTRICAL: No electrical system at this location.

MECHANICAL: No mechanical system at this location.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

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

REMARKS: This is an unfinished wall structure. No building permits were ever obtained. Due to structure being abandoned, this location has become harbor to unwanted persons. The Department recommends that the walls be demolished within 30 days and that the property be cleaned of all trash and debris within 30 days.



Zuleika Davila
Building Inspector

EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT

ENVIRONMENTAL HEALTH

MEMORANDUM

COPY

DATE: April 18, 2005

MEMO TO: Tom Maguire, Housing Compliance Supervisor

FROM: Jorge Ramirez, Sr. Environmental Health Inspector *JR*

SUBJECT: Condemnation Report

RE: 2851 Pershing Dr. 79903

An inspection of the property was conducted on April 18, 2005, 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:
N/A

SECTION 9.04.340 - ACCUMULATIONS:
Of tall vegetation and trash was seen throughout the property.

SECTION 9.16 - NUISANCE:
N/A

SECTION 9.16.010 - DESIGNATED:
N/A

SECTION 9.28 - RAT CONTROL:
The property consists of an unfinished building, which is open. These condition serves as a potential vermin harborage.

If you require additional assistance on this matter, please call me at (915) 860-2378 or Fax (915) 860-1081.

FILE

20060410 TC8006

CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS

075324

ACCOUNT B20299909703100
UNITS:01 03 06 07 08 61
CHAVEZ, DULCE A
BROOKER, NEWEL A
2747 GRANT AVE

AMT DUE AS OF: 20060410 ROLL R ALT OWN
- OMIT(-)/SEL(+) 61
97 BASSETT
17 & W 15 FT OF 18
(4800 SQ FT)

EL PASO

TX 79930-2731

ACRES	.1102		PARCEL ADDRESS			2851 PERSHING		
YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEEES	PAYMENTS	TOTAL	DUE
2005	29556		922.86	01/31/2006		922.86		.00
2004	26480		822.52	01/31/2005		822.52		.00
2003	28766		870.24	11/30/2003		870.24		.00
2002	57466		1726.78	03/31/2003	155.43	1882.21		.00
2001	51407		1524.62	11/30/2003	824.82	2349.44		.00
2000	51225		1478.45	11/30/2003	1003.86	2482.31		.00
1999	51225		1474.06	11/30/2003	1204.30	2678.36		.00
1998	63225		1878.65	11/30/2003	1790.07	3668.72		.00
1997	63225		1745.71	11/22/2002	2201.16	3946.87		.00

TOTAL

.00

.00

.00

LAST PAYOR SOUTHWEST ESCROW, INC.

PAGE TOTAL

.00

NOTE EXISTS

CUMULATIVE TOTAL

.00

MORE YEARS ON NEXT PAGE