

133 ELVIRA



**BUILDING AND STANDARDS BOARD AGENDA ITEM # 4 FOR
WEDNESDAY, APRIL 28, 2010**

**DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS**

MEMORANDUM

April 14, 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: 133 Elvira Way, El Paso, Texas 79930

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

- 1) First investigated on November 4, 2009. The single family dwelling was built in 1973. The structure was found open, abandoned and accessible to vagrants. The exterior plaster coating has fallen due to lack of maintenance and exposure to the elements causing it to crumble. The roof/ceiling assembly and roof coverings have not been maintained and are showing signs of deterioration. The ceiling has collapsed due to water damage from leaks. The electrical meter is detached from the wall. The majority of the windows are broken.
- 2) A certified condemnation letter was mailed to Rodrigo Huerta.
- 3) Certified notices of the public hearing scheduled for April 28, 2010, were mailed to the owners and all interested parties on April 15, 2009.
- 4) As of April 15, 2010, \$19,468.02 in taxes is owed.

The owners have been notified of the property maintenance violations at this property, to date there has been no response or corrective action taken, and therefore 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 structure are 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 rehabilitated; and
- 5) That the structure be secured within thirty (30) days; and
- 6) That the premises be cleaned and maintained clean 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.

DEVELOPMENT SERVICES DEPARTMENT
August 18, 2009

NOTICE OF VIOLATION

Rodrigo Huerta
133 Elvira Way
El Paso, Texas 79922-1311

Re: 133 Elvira Way
Blk: 2 Salas
Lot: 4
Zoned: R-5
BSC09-00608
Mail Receipt #:
7008 1300 0001 0407 8030

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 **133 Elvira Way, El Paso, Texas, 79922** 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 structure is open and accessible to unauthorized entry. [Sec. 301.3]
- b. 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]
- c. 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.

Rodolfo Valles
Building Inspector

RV/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **28TH** day of **April, 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 building located on the property at **133 Elvira Way**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 4, of the SALAS SUBDIVISION in Block 2 in the City of El Paso, El Paso County, Texas according to the map and plat thereof filed for record in the back of Book 551, Deed Records and now in Record in Plat Book 13, at Page 24, in the Office of the County Clerk of El Paso County, Texas.

is unsafe and dangerous, because of the following violations:

- a. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- b. The structure needs 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, Juan Huerta, 133 Elvira Way, El Paso, Texas 79922-1311 and Baltazar Huerta, 4210 Hercules, El Paso, Texas 79904 (the "**Owners**"), 133 Elvira Way, 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 certify that a true and correct copy of the foregoing Notice regarding the property at 133 Elvira Way was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Rodrigo Huerta
133 Elvira Way
El Paso, Texas 79922-1311

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 133 Elvira Way was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Juan Huerta
133 Elvira Way
El Paso, Texas 79922-1311

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 133 Elvira Way was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Baltazar Huerta
4210 Hercules
El Paso, Texas 79904

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 133 Elvira Way 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 133 Elvira Way 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 133 Elvira Way 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 133 Elvira Way 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 133 Elvira Way 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 133 Elvira Way, El Paso, Texas.

Date:

Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: April 12, 2010

REP. DISTRICT: 8

ADDRESS: 133 Elvira Way.

ZONED: R-5

LEGAL DESCRIPTION: Lot 4, of the SALAS SUBDIVISION in Block 2 in the City of El Paso, El Paso County, Texas, according to map and plat thereof filed for record in the back of Book 551, Deed Records and now in Record in Plat Book 13, at Page 24, in the Office of the County Clerk of El Paso County, Texas.

OWNER: Rodrigo Huerta

ADDRESS: 133 Elvira Way
El Paso, Texas 79922-1311

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: V, wood frame w/stucco

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: N/A

CONDITION: N/A

FLOOR STRUCTURE: Concrete slab on grade w/asphalt tile.

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

EXTERIOR WALLS: Wood frame with stucco covering

HEIGHT: 12' +/-

THICKNESS: 10" - 12"

CONDITION: Fair. No structural deficiencies found some minor cracks. 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 w/sheetrock and plaster.

CONDITION: Poor. Ceiling has collapsed in the living room due to water damage from leaks and lack of maintenance. A structural engineer should be hired to evaluate structural elements of the building and submit a report of the required corrections to make the buildings safe

ROOF STRUCTURE: Wood frame w/composition shingle built up roofing.

CONDITION: Poor. A structural engineer licensed in the state of Texas must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into code compliance.

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

CONDITION: Poor. The majority of the windows are broken and the doors are deteriorated. Will need to replace doors and windows, so they are operational and meet egress requirements.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. Windows and doors must be replaced to make them operational.

PLUMBING: A licensed plumber should be hired to install a compliant plumbing system.

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

MECHANICAL: A licensed mechanical contractor should be hired to install a compliant mechanical system.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

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

REMARKS: This abandoned single family residence was built in 1973. The structure was found open, abandoned and in a state of disrepair. The structure should be secured and maintained secure and the property cleaned of all weeds, trash and debris.

Nellie Avalos

Building Inspector

**CITY OF EL PASO
ENVIRONMENTAL SERVICES**



M E M O R A N D U M

DATE: 12.11.09
TO: William Stern C.B.O., Chief Building Inspector
FROM: Salvador Reyes
SUBJECT: COD09-27181—BSC09-00608 133 Elvira
RE: 133 Elvira El Paso TX, 79922-1311..2 Salas LOT 4

An inspection of the property was conducted on 12.09.09 and the conditions checked were found [in / not in] violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04.340 - ACCUMULATIONS

Trash bags in backyard. A pallet of roofing shingles in front yard

SECTION 9.04.360 – VEGETATION AND WEEDS

No weeds just fallen leaves thru out..

SECTION 9.16 - NUISANCE

None noted

SECTION 9.16.010 – DESIGNATED

All windows are broken. Both front and back doors were locked.

SECTION 9.28 -RAT CONTROL

None noted.