

# 2600 PORTER



BUILDING AND STANDARDS BOARD AGENDA ITEM # 5 FOR  
WEDNESDAY, APRIL 29, 2009

DEVELOPMENT SERVICES  
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM  
April 22, 2009

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: 2600 Porter Avenue, El Paso, Texas 79930

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

- 1) Recent investigation was conducted on March 17, 2009. The single family dwelling was built in 1955. The electrical, mechanical and plumbing systems are inadequate. The joists are over spanned and the exposed lumber shows evident signs of dry rot and decay. The footings and foundation are inadequate to support the load causing shifting and settlement of the structure. The exterior plaster coating has fallen in several areas exposing the underlying adobe to the elements causing it to crumble. The interior walls contain severe holes and cracks. The roof ceiling assembly and roof coverings have collapsed in the bathroom, have not been maintained and are showing signs of deterioration.
- 2) A certified condemnation letter was mailed to Rachel Munoz.
- 3) Certified notices of the public hearing scheduled for April 29, 2009, were mailed to the owners and all interested parties on April 15, 2009.
- 4) As of April 22, 2009, \$5,825.30 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 cannot be rehabilitated; and
- 5) That the structure be demolished 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  
March 18, 2009

Rachel Munoz  
3708 Memphis Ave.  
El Paso, Texas 79930-5309

Re: 2600 Porter Ave.  
Blk: E Grandview  
Lot: 31 & 32  
Zoned: R5  
BSC09-00013  
Mail Receipt #  
7007 3020 0001 2771 9530

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

2600 Porter Ave.

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 **2600 Porter Ave., El Paso, Texas 79930**, 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 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.

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.

2600 Porter Ave.

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 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.

Sincerely,

Nellie Avalos  
Building Inspector

## NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **29th** day of **April, 2009** 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 **2600 Porter Avenue**, in El Paso, Texas, which property is more particularly described as:

**Legal Description: Lots 31 and 32, Block E, GRANDVIEW ADDITION  
to the City of EL Paso, El Paso County, Texas**

is unsafe and dangerous, because of 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]

According to the real property records of the County of El Paso, Rachel Munoz, 2600 Porter Avenue, El Paso, Texas 79930 and Rachel Munoz C/O Mountain View Health Care, 1600 Murchison Drive, El Paso, Texas 79902 (the "**Owners**") 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 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:

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Mark Shoesmith  
Assistant City Attorney

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Bill Stern, C.B.O.  
Chief Building Official  
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 2600 Porter Avenue was PUBLISHED in the official City newspaper on the \_\_\_\_day of \_\_\_\_\_, 2009.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 2600 Porter Avenue 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 2600 Porter Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Rachel Munoz  
2600 Porter Avenue  
El Paso, Texas 79930

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2600 Porter Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Rachel Munoz  
C/O Mountain View Health Care  
1600 Murchison Drive  
El Paso, Texas 79902

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2600 Porter Avenue 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 2600 Porter Avenue 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 2600 Porter Avenue 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 2600 Porter Avenue 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  
2600 Porter Avenue, El Paso, Texas.

Date:

Time:

Inspector



## **UNSAFE STRUCTURES REPORT**

### **BUILDING PERMITS AND INSPECTIONS**

**DATE OF EXAMINATION:** April 20, 2009

**REP. DISTRICT:** 2

**ADDRESS:** 2600 Porter Avenue

**ZONED:** R - 5

**LEGAL DESCRIPTION:** Lots 31 and 32, Block E, GRANDVIEW ADDITION to the City of El Paso, El Paso County, Texas.

**OWNER:** Rachel Munoz

**ADDRESS:** 2600 Porter Avenue  
El Paso, Texas 79930

**BUILDING USE:** Abandoned single family dwelling

**TYPE OF CONSTRUCTION:** V, Adobe w/wood frame and plaster coating.

**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:** Masonry covered w/plaster coating.

**CONDITION:** Poor, notable cracks and crumbling found in several areas. A structural engineer should be hired to evaluate actual condition.

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

**CONDITION:** Poor, the floors are warped, uneven and concave. A structural engineer or registered contractor must be hired to evaluate the flooring system.

**EXTERIOR WALLS:** Adobe w/plaster coating.

**HEIGHT:** 15' +/-

**THICKNESS:** 10" - 12"

**CONDITION:** Poor, the structure contains several notable cracks and the underlying adobe is exposed due to lack of maintenance and exposure to the elements. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

**INTERIOR WALLS & CEILINGS:** Wood frame ceilings covered w/sheetrock, walls w/ plaster coating.

**CONDITION:** Poor, there are severe structural cracks on the walls and the ceiling has collapsed in several rooms exposing the wooden studs. The joists are over spanned and deteriorated. A structural engineer should be hired to evaluate the structural elements of the building and submit a report of the required corrections to make the buildings safe.

**ROOF STRUCTURE:** Flat roof, wood framing with rolled composition covering.

**CONDITION:** Poor, disintegrating due to lack of maintenance. A registered roofing contractor or building contractor 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 windows w/wrought iron.

**CONDITION:** Poor. Several windows and doors have been broken. Will need to replace or repair 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 bring system up to code.

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

**MECHANICAL:** 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:** This single family dwelling is open and abandoned. The structure has sustained severe structural deterioration and should be demolished and the property cleaned of all weeds, trash and debris.

Robert S. Gonzalez  
**Building Inspector**

**CITY OF EL PASO  
ENVIRONMENTAL SERVICES**



**M E M O R A N D U M**

**DATE:** April 9, 2009

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

**FROM:** Jesus H. Arenas, Code Compliance Inspector

**SUBJECT:** Condemnation Report #COD09-06863, BSC09-00013

**RE:** 2600 Porter Ave, E Grandview, Lot 31 & 32

An inspection of the property was conducted on 4-09-2009 and the conditions checked were in reference to of Title 9 - Health and Safety, El Paso Municipal Code.

**SECTION 9.04 - SOLID WASTE MANAGEMENT - STORAGE AREA**

Unsecured, inspection reveals paint cans, trash & rubbish.

**SECTION 9.04.340 – ACCUMULATIONS**

None noted at this time.

**SECTION 9.16 - NUISANCE**

Some trash & rubbish (mostly in the basement), a tire and some rocks and bricks were noted at the time of this inspection.

**SECTION 9.16.010 – DESIGNATED**

This is an abandoned, unsecured home with an open window, downed wires and a collapsed roof.

**SECTION 9.28 -RAT CONTROL**

Rodent evidence was not noted on the premise.