2420 E. Yandell

BUILDING AND STANDARDS BOARD AGENDA ITEM #9
FOR
WEDNESDAY, APRIL 30, 2008

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
April 17, 2008

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., Chief Building Inspector

SUBJECT: 2420 E. Yandell Drive

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

1) First investigated September 19, 2007. The abandoned metal storage warehouse was built in 1950 and sustained fire damage in September 18, 2007. The structure was found to be open and abandoned, in a state of disrepair and being used as harborage by unwanted persons.
2) A certified condemnation letter was mailed to Harold W. Crumley, 1215 Country Club Road, Apt. 34, Santa Teresa, NM 88008-9766.
3) Certified notices of the public hearing scheduled for April 30, 2008, were mailed to the owners and all interested parties on April 17, 2008.
4) As of April 8, 2008, no taxes are owed.

The owner has been notified of the violations at this property, to date there has been no response or corrective action taken, 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 is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3) That the structures' certificate of occupancy be revoked; and;
4) That the structure cannot be repaired; and
5) That the structure be demolished within 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.

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
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BETO O'ROURKE, DISTRICT 8

R. ALAN SHUBERT, P.E., C.B.O.
DEVELOPMENT SERVICE DIRECTOR

DEVELOPMENT SERVICES DEPARTMENT

BUILDING STANDARDS ENFORCEMENT
February 11, 2008

Harold W. Crumley
1215 Country Club Rd Apt. 34
Santa Teresa, NM 88008-9766

Re: 2420 E. Yandell Dr.
Blk: 79 Bassett
Lot: 4 & W 1/2 of 3
Zoned: C4
COD07-25359
Certified Mail Receipt #
7006 2760 0002 2898 5617

To All Owners, Lienholders, and Mortgagees:

n 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.

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 **2420 E Yandell Dr.** has the following violations:

a. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]

b. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]

c. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]

d. The structure is open and accessible to unauthorized entry. [Sec. 301.3]

e. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].

f. 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.

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 54l-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

Nellie 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 **30th** day of **April, 2008** 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 **2420 E. Yandell Dr.**, in El Paso, Texas, which property is more particularly described as:

> **Legal Description: 2420 E. Yandell, more particularly described as Lot 4 and W 1/2 of Lot 3 (4500.00 sq. ft), Block 79, BASSETT SUBDIVISION, City of El Paso, El Paso County, Texas, Parcel #B202-000-0790-0600.**

is unsafe and dangerous, because of the following violations:

a. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]

b. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]

c. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]

d. The structure is open and accessible to unauthorized entry. [Sec. 301.3]

e. The premises shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].

f. 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, Harold W. Crumley, (the "**Owner**")**,** 1215 Country Club Rd, Apt. 34, Santa Teresa, N.M. 88008-9766 is listed as the owner 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 Owner 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 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 Owner, 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 Owner fails, 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 Owner, 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 Owner 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 Owner 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 Owner and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

Mark Shoesmith
Assistant City Attorney

Department

APPROVED AS TO CONTENT:

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

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 2420 E. Yandell Dr. was PUBLISHED in the official City newspaper on the ____day of_____, 2008.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 2420 E. Yandell Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Harold W. Crumley
1215 Country Club Rd., Apt. 34
Santa Teresa, N.M. 88008-9766

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2420 E. Yandell Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

R. Jon Crumley
4772 Pinecreek Ln.
El Paso, Texas 79922

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2420 E. Yandell Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Flowers Baking Co.
P. O. Box 1338
Thomasville, Georgia, 31799
Thomas County

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2420 E. Yandell Dr. 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 2420 E. Yandell Dr. 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 2420 E. Yandell Dr. 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 2420 E. Yandell Dr. 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 2420 E. Yandell Dr. 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 2420 E. Yandell Dr. El Paso, Texas.

Date:
Time:

Inspector

UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: April 8, 2008 **REP. DISTRICT:** 8

ADDRESS: 2420 E. Yandell Drive. **ZONED:** C – 4

LEGAL DESCRIPTION: 2420 E. Yandell, more particularly described as Lot 4 and W ½ of Lot 3 (4500.00 sq. ft.), Block 79, BASSETT SUBDIVISION, City of El Paso, El Paso County, Texas.Parcel #B202-999-0790-0600.

OWNER: Harold W. Crumley **ADDRESS:** 1215 Country Club Road #34
Santa Teresa, NM 88008

BUILDING USE: Abandoned Storage Warehouse

TYPE OF CONSTRUCTION: I

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
CONDITION: Poor. Unfinished.

EXTERIOR WALLS: Metal w/steel frame.

HEIGHT: 15' +/- **THICKNESS:** 4 +/-"

CONDITION: Very poor. Sustained fire damage and deteriorated due to exposure to the elements. 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: Open area with metal framing.
CONDITION: Very poor. Deteriorated, due to lack of maintenance and fire damage. 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: Pitched metal roof.
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.: Metal frame doors and windows.
CONDITION: Poor. Doors and windows are broken will need to replace all 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 storage warehouse built in 1950 sustained fire damage on September 18, 2007. It is in an advanced state of disrepair due to lack of maintenance and exposure to the elements. The structure should be demolished and the property cleaned of all weeds, trash and debris. The abandoned junk vehicle should be removed.

Robert Gonzalez
Building Inspector