

3616 FILLMORE



BUILDING AND STANDARDS BOARD AGENDA ITEM #7 FOR
WEDNESDAY, JULY 30, 2008

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

July 18, 2008

TO: The Honorable Chairman and Board Members

THROUGH: Victor Torres–Director for Development Services

FROM: Bill Stern, C.B.O., Chief Building Inspector

SUBJECT: 3616 Fillmore, El Paso, Texas 79930

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

- 1) First investigated March 17, 2009. The building was found in an advanced state of disrepair. The original family dwelling was built in 1982. The interior plaster has fallen off in several areas exposing underlying wood members to the elements. Rafters are overspanned without adequate support presenting a danger from eminent structural collapse.
- 2) A certified condemnation letter was mailed to Evangelina Terrazas, 3616 Fillmore, El Paso Texas 79930.
- 3) Certified notices of the public hearing scheduled for May 27, 2009, were mailed to the owners and all interested parties on May 15, 2009.
- 4) There has been no contact with the owners.
- 5) As of April 30, 2009, \$0.00 in taxes is 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 structure's certificate of occupancy be revoked; and
- 4) That the structure cannot be repaired; and
- 5) That the structure be secured and boarded 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.



DEVELOPMENT SERVICES DEPARTMENT
March 18, 2009

Evangelina Terrazas
3616 Fillmore Ave.
El Paso, Texas 79930-5928

Re: 3616 Fillmore Ave.
Blk: 91 Morningside Heights
Lot: 24 & 25
Zoned: R5
BSC09-00169
Mail Receipt #
7007 3020 0001 2771 9547

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.

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Melina Castro

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

3616 Fillmore 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 **3616 Fillmore 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 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.

3616 Fillmore 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,

Sam Mendoza
Building Inspector

SM/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **27th** day of **May, 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 **3616 Fillmore Avenue**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lots 24 and 25, Block 91, MORNINGSIDE HEIGHTS ADDITION to the City of El Paso, El Paso County, Texas, municipally numbered 3616 Fillmore Avenue, El Paso, Texas 79930

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 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]
- g. 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.

According to the real property records of the County of El Paso, Mutual Federal Savings and Loan Association of El Paso, 517 N. Kansas, El Paso, Texas, 79901, R Neill Walshe, Trustee for Joseph McAuliffe, 3128 E. San Antonio, El Paso, Texas, 79901, Colbert Coldwell, Trustee for Lucille Elliott, 4171 N. Mesa St., Ste 8201, El Paso, Texas, 79902, Colbert Coldwell, 10590 Gateway East, EL Paso, Texas, 79927, Evangelina Terrazas, 710 S. Western Ave. #220, Liberal, KS, 67901, Joseph McAuliffe, 786 Hampton Rd, Ponfret Center, CT 06259, Joseph McAuliffe, 29 Camp Roosevelt, Lebanon, ME, 04027 and Lucille Elliott. 337 Clairmont, El Paso, Texas, 79912 (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, 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 is 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 is 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 Owner and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Mark Shoesmith
Assistant City Attorney

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 3616 Fillmore 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 3616 Fillmore 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 3616 Fillmore Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Colbert Coldwell
4171 N. Mesa St. Ste 8201
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3616 Fillmore Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mutual Federal Savings and Loan
Association of El Paso
517 N. Kansas
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3616 Fillmore Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Evangelina Terrazas
710 S. Western Ave. #220
Liberal, KS 67901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3616 Fillmore Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Colbert Coldwell
10590 Gateway East
El Paso, Texas 79927

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3616 Fillmore Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

R. Neill Walshe
3128 E San Antonio
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3616 Fillmore Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Lucille Elliott
337 Clairmont
El Paso, Texas, 79912

Date:
Time:

I certify that a true and correct copy of the foregoing Notice regarding the property at 3616 Fillmore 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 3616 Fillmore 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 3616 Fillmore 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 3616 Fillmore 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 regarding the property at 3616 Fillmore Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Joseph McAuliffe
786 Hampton Road
Ponfret Center, CT 06259

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3616 Fillmore Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Joseph McAuliffe
29 Camp Roosevelt
Lebanon, ME 04027

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 3616 Fillmore Avenue, El Paso, Texas.

Date:

Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: 04/23/09

REP. DISTRICT: 2

ADDRESS: 3616 Fillmore Ave.

Zone: R5

LEGAL DESCRIPTION: Lots 24 and 25, Block 91, Morningside Heights addition
To the City of El Paso, El Paso County, Texas, municipally numbered 3616 Fillmore
Avenue, El Paso, Texas 79930.

OWNER: Evangelina Terrazas

ADDRESS: 3616 Fillmore
El Paso, Tx 79930

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Concrete slab on grade
CONDITION: N/A

FOUNDATION WALL: N/A
CONDITION: N/A

FLOOR STRUCTURE: Concrete slab on grade w/linoleum
CONDITION: Poor

EXTERIOR WALLS: Plaster on wood frame

HEIGHT: 18' +/- **THICKNESS:** 8" +/-

CONDITION: Fair. A structural engineer should be hired to evaluate elements of the building.
Submit report on the corrections and make the building safe.

INTERIOR WALLS & CEILINGS: Wood frame covered w/sheetrock & plaster
CONDITION: Poor. A structural engineer should be hired to evaluate elements of the building.
Submit report on the corrections and make the building safe.

ROOF STRUCTURE: 90-flat

CONDITION: Poor. Roof has sustained water damage from corroding A/C. Collapsed ceiling has exposed deteriorated and decaying wood frame. A structural engineer licensed in the state of Texas must be hired to evaluate the roofing system and submit a report to bring the roof system in code compliance.

DOORS, WINDOWS, ETC.: Aluminum frame windows.

CONDITION: The doors and some windows are broken.

They will need to be replaced or repaired to make them operational and meet egress requirements.

MEANS OF EGRESS: N/A

CONDITION: N/A

PLUMBING: A licensed plumber must be hired to evaluate the entire system and submit a report on the corrective action required to bring the system up to minimum code compliance.

ELECTRICAL: A licensed electrical contractor must be hired to evaluate the entire electrical system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

MECHANICAL: A/C unit-shows signs of corrosion. A licensed mechanical contractor must be hired to evaluate the entire system and submit a report to this department on the corrective action required to bring the system up to minimum code and compliance.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: X

BARRICADED: No

POLICE AID REQD.: No

REMARKS: This single family dwelling home was built in 1982. It has suffered damage due to exposure to the elements, lack of maintenance and vandalism. The home is open and abandoned and appears to have been used as a harborage by unwanted persons. The structure should be secured and the property cleaned of all weed, trash and debris within (30) days.

Sam Mendoza

Building Inspector