

4011 TYLER



BUILDING AND STANDARDS BOARD AGENDA ITEM # 8 FOR
WEDNESDAY, MAY 27, 2009

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
May 15, 2009

TO: The Honorable Chairman and Board Members

THROUGH: Victor Q. Torres - The Director of Development Services

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

SUBJECT: 4011 Tyler Avenue, El Paso, Texas 79930

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

- 1) First investigated December 13, 2009. The single family dwelling was built in 1946. The structure was found open and abandoned and in an advanced state of disrepair due to lack of maintenance and exposure to the elements. The exterior plaster coating has fallen off in several areas exposing the underlying wood members to the elements. The roof ceiling assembly and coverings have not been maintained and are showing signs of deterioration. The plumbing, electrical and mechanical systems are nonexistent and inadequate.
- 2) A certified condemnation letter was mailed to Jorge Juarez, 3337 Voss Drive, El Paso, Texas, 79936.
- 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) As of May 13, 2009, \$1,427.34 in current and delinquent taxes is owed.

The owners have been notified of the 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 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 thirty (30) days; and
- 6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
- 7) That upon notification of the Building and Standards Commission order to all interested parties 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
April 21, 2009

Jorge Juarez
3337 Voss Dr.
El Paso, Texas 79936-1916

Re: 4011 Tyler Avenue
Blk: 57 Morningside Heights
Lot: 8
Zoned: C4
BSC09-00241
Mail Receipt #:7007 3020 0001 2772 6430

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

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 **4011 Tyler 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.

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:

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 **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 **4011 Tyler Avenue**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lots 7 and 8, Block 57, AMENDED MAP OF MORNINGSIDE HEIGHTS ADDITION, an addition to the City of El Paso, El Paso County, Texas according to the map thereof in File in Book 11, Page 33, Plat Records of El Paso County, Texas, also known as 4011 Tyler, 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 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, Jorge Juarez and Maria Juarez, 4011 Tyler, El Paso, Texas, 79930, and Jorge Juarez and Maria Juarez, 3337 Voss Drive, El Paso, Texas, 79936-1916, Pablo Martinez and Neima Martinez, c/o Stephen Anderson and William Crout, Trustees, Anderson, Anderson, Bright & Crout, 1533 Lee Trevino, #205, El Paso, Texas, 79936, Pablo and Neima Martinez, 10504 Drillstone, El Paso, Texas, 79925 (“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 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:

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 4011 Tyler 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 4011 Tyler 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 4011 Tyler Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jorge & Maria Juarez
4011 Tyler
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4011 Tyler Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jorge & Maria Juarez
3337 Voss Drive
El Paso, Texas 79936

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4011 Tyler Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Pablo & Neima Maritnez
c/o Stephen Anderson & William Crout, Trustees
Anderson, Anderson, Bright & Crout
1533 Lee Trevino #205
El Paso, Texas 79936

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4011 Tyler Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Pablo & Neima Martinez
10504 Drillstone
El Paso, Texas 79925

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4011 Tyler 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 4011 Tyler 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 4011 Tyler 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 4011 Tyler 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 4011 Tyler Avenue, El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: May 18, 2009

REP. DISTRICT: 2

ADDRESS: 4011 Tyler Avenue

ZONED: C-4

LEGAL DESCRIPTION: Lots 7 & 8, Block 57, Morningside Heights

OWNER: Jorge Juarez

ADDRESS: 3337 Voss Drive
El Paso, TX 79936

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: V wood framed w/stucco covering

FOOTINGS: Concrete

CONDITION: Unable to determine.

FOUNDATION WALL: N/A

CONDITION: N/A

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

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

EXTERIOR WALLS: 2 x 4 wood framing with stucco covering

HEIGHT: 10' +/-

THICKNESS: 9" +/-

CONDITION: Poor. The structure has sustained notable cracks due to lack of maintenance. A structural engineer or registered contractor must 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: 2 x 4 with sheetrock and plaster.

CONDITION: Poor. The structure has sustained notable cracks due to lack of maintenance. A structural engineer or registered contractor must be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

ROOF STRUCTURE: Flat roof with 2 x 4 rafters with 1 x 6 sheathing cover and asphalt roll composition roof covering.

CONDITION: Poor. The roof system is disintegrating due to lack of maintenance. Entire roof structure and roofing must be replaced.

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

CONDITION: Poor. The doors and windows must be replaced to meet minimum egress requirements and become operational.

MEANS OF EGRESS: N/A

CONDITION: Poor. The doors and windows must be replaced to meet minimum egress requirements and become operational.

PLUMBING: Entire plumbing system must be replaced by a licensed plumber.

ELECTRICAL: Entire electrical system must be replaced by a licensed electrician.

MECHANICAL: Entire mechanical system must be replaced by a licensed mechanical contractor.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

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

REMARKS: This open and abandoned single family residence was built in 1946. This dilapidated building cannot be feasibly rehabilitated. The structure should be demolished and the premises 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: May 12, 2009

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

FROM: Lisa M. Luzunaris, Assoc. Code Compliance Inspector

SUBJECT: Condemnation Report #COD09-09604, BSC09-00241

RE: 4011 Tyler Ave., 57 Morningside Heights, Lot 9

An inspection of the property was conducted on May 12, 2009 and the conditions checked were in reference to Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE MANAGEMENT - STORAGE AREA

N/A

SECTION 9.04.340 – ACCUMULATIONS

There was some wood debris and trash noted (mostly on the side of the house).

SECTION 9.16 - NUISANCE

Some of the windows were broken and not boarded down properly. The roof is caving in and parts of it are missing.

SECTION 9.16.010 – DESIGNATED

This is a single family dwelling with a collapsing roof, broken windows, and a crumbling exterior.

SECTION 9.28 -RAT CONTROL

Rodent evidence was not noted on the premise.