

4823 VULCAN



DEVELOPMENT SERVICES DEPARTMENT
April 14, 2009



Willows Mobile Home Parking
4506 Vulcan Ave Trlr 212
El Paso, Texas 79904-3728

Re: 4823 Vulcan Ave.
Blk: Sunrise Acres #2
Lot: 159
Zoned: R4
BSC09-00112
Mail Receipt #
7008 1300 0001 0407 4131

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

4823 Vulcan 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 **4823 Vulcan Ave., El Paso, Texas 79904**, 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 structure is open and accessible to unauthorized entry. [Sec. 301.3]
- f. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- g. 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.

4823 Vulcan Ave.

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 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

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 buildings located on the property at **4823 Vulcan Avenue**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Tract 159, of SUNRISE ACRES NUMBER 2, subdivision in the City of El Paso, El Paso County, Texas, according to the map and plat thereof of records in Book 2, Page 7, Plat Records of El Paso County, Texas, together with all improvements thereon.

are 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 structures are open and accessible to unauthorized entry. [Sec. 301.3]
- f. The premises shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- g. The structures 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, Willows Mobile Home Park, Inc., 4605 Vulcan #212, El Paso, Texas, 79904, Sun Valley Baptist Temple, 9901 McCombs, El Paso, Texas, 79924, Jan L. Dutton, 4605 Vulcan #212, El Paso, Texas, 79904, (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 4823 Vulcan 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 4823 Vulcan 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 4823 Vulcan Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Willows Mobile Home Park, Inc.
4605 Vulcan #212
El Paso, Texas 79904

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4823 Vulcan Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Sun Valley Baptist Temple
9901 McCombs
El Paso, Texas 79924

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4823 Vulcan Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Janie Dutton
Willows Mobile Home Park
4506 Vulcan #212
El Paso, Texas 79904

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4823 Vulcan Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jan L. Dutton
4605 Vulcan #212
El Paso, Texas 79904

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4823 Vulcan 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 4823 Vulcan 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 4823 Vulcan 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 4823 Vulcan 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 4823 Vulcan Avenue, El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: May 15, 2009

REP. DISTRICT: 2

ADDRESS: 4723 Vulcan Avenue

ZONED: R – 4

LEGAL DESCRIPTION: Tract 159, of SUNRISE ACRES NUMBER 2, subdivision in the City of El Paso, El Paso County, Texas, according to map and plat thereof of records in Book 2, Page 7, Plat Records of El Paso County, Texas.

OWNER: Willows Mobile Home Park, Inc.

ADDRESS: 4605 Vulcan #212
El Paso, Texas 79904

BUILDING USE: Abandoned residence under construction

TYPE OF CONSTRUCTION: V

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: N/A.

HEIGHT: 12' +/-

THICKNESS: N/A

CONDITION: Poor. Walls are unfinished consisting only of wood framing. 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: N/A

CONDITION: Poor. Walls and ceiling are unfinished. 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: Hip roof, wood framing with composition shingle covering.

CONDITION: Fair. The roof is only partially complete. A structural engineer licensed in the state of Texas must be hired to evaluate the roofing system and install a compliant roof system.

DOORS, WINDOWS, ETC.: N/A

CONDITION: Poor. The windows are broken and some of the doors are missing.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. Windows and doors must be installed to become operational and meet egress requirements.

PLUMBING: There is only partial plumbing in this structure. A licensed plumber should be hired to install a compliant plumbing system.

ELECTRICAL: There is no electrical system. A licensed electrician must be hired to install a compliant electrical system.

MECHANICAL: There is no mechanical system in this structure. A licensed mechanical contractor must 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: The department recommends that this abandoned residential project be demolished and the property cleaned of all weeds, trash and debris within thirty (30) days.

Nellie Avalos

Building Inspector

**CITY OF EL PASO
ENVIRONMENTAL SERVICES**

M E M O R A N D U M

DATE: April 12th, 2009

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

FROM: Carlton Brown, Assoc. Code Compliance Insp.

SUBJECT: Condemnation Report # BSC09-00112
Case # COD09-09624

RE: 4823 Vulcan Ave. Sunrise Acres #2 Lot 159

An inspection of the property was conducted on 5/12/09 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 N/A

SECTION 9.04.340 – ACCUMULATIONS

Weeds, Grass, used Tire, Wood Scaffold, pile of rubble including stone, bricks, and trash

SECTION 9.16 - NUISANCE

There are piles of bird dropping viewed from open windows and the front door. Due to the amount of droppings rat droppings could also be present.

SECTION 9.16.010 – DESIGNATED

There are two windows open from the side of the house The front door is open, and the garage boarding is not very secure, small animals or a small body can get through.

SECTION 9.28 -RAT CONTROL

The only possible entrance is through the front door and the garage where the boarding is not secure.