

615 ARIZONA



**BUILDING AND STANDARDS BOARD AGENDA ITEM #6 FOR
WEDNESDAY, MAY 28, 2008**

**DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS**

MEMORANDUM

May 14, 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: 615 Arizona Avenue

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

- 1) First investigated July 9, 2007. The detached garage was built in 1925. The structure is in an advanced state of disrepair, the roof assembly has not been maintained and some of the roofing material has blown off. The roof rafters are undersized and overspanned. The ceiling shows signs of leaks and deterioration. The headers over the garage door openings are deflecting, the walls contain several cracks and most of the wooden doors are broken. A permit was obtained for general repairs in October 2007, and has since expired due to no activity. The structure is being used as harborage by unwanted persons.
- 2) Certified condemnation letters were mailed to Lauriano and Maria Rodriguez, 589 E. Lisa Drive, Chaparral, NM 88021 and to AZ Apts, LTD, 6516 Escondido Drive, Suite A7, El Paso, Texas, 79912.
- 3) Certified notices of the public hearing scheduled for May 28, 2008, were mailed to the owners and all interested parties on May 16, 2008.
- 4) As of May 8, 2008, no taxes are owed.

The owner has been notified of the violations at this property, to date there has been no 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 be demolished within 30 days; and
- 4) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
- 5) 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



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
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

JOYCE WILSON
CITY MANAGER

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

DEVELOPMENT SERVICES DEPARTMENT

BUILDING STANDARDS ENFORCEMENT
October 11, 2007

Lauriano & Maria Rodriguez
569 E Lisa Dr.
Chaparral, NM 88021-7810

Re: 615 Arizona Ave.
Blk: 6 Alexander
Lot: 17 & W 13 FT of 18 & E 4 FT of W
17 FT of N 24 FT of 18
Zoned: A3
COD07-18172
Certified Mail Receipt #
7007 1490 0000 8720 4153

Greetings:

A recent inspection of the above referenced address has revealed that the accessory structure is in violation of the Standard Housing Code, Sec. 305.15 – Accessory Structures,

Garages, storage buildings, and other accessory structures shall be maintained and kept in good repair and sound structural condition.

The accessory building at **815 Arizona Ave.** is dilapidated, weatherbeaten, structurally unsound, and constitutes a fire hazard.

The structure is approximately seventy-five (75) percent deteriorated and must be reconstructed to meet the Standard Building Code, or demolished and the premises cleaned of all debris. Building permits must be obtained whether you reconstruct or demolish the structure within 30 days of receipt of this letter.

This case is being submitted to the City Attorney's office for condemnation proceedings. The City Council will decide if the building should be condemned, vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

615 Arizona 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 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 **28th** day of **May, 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 **615 Arizona Avenue**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 17 and the South 96 feet of the West 13 feet of Lot 18 and the North 24 feet of the West 17 feet of Lot 18, Block 276, CAMPBELL ADDITION a/k/a Lot 17 and the West 13 feet of Lot 18 and the East 4 feet of the West 17 feet of the North 24 feet of Lot 18, Block 6, Alexander Addition an addition to the City of El Paso, El Paso County, Texas.

is unsafe and dangerous, because of the following violations:

- a. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- b. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- c. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
- 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]

According to the real property records of the County of El Paso, Texas, Lauriano and Maria De Jesus Rodriguez, (the "**Owners**"), 615 Arizona Ave., El Paso, Texas 79902 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 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:

Mark Shoesmith
Assistant City Attorney

APPROVED AS TO CONTENT:

Bill Stern, C.B.O.
Chief Building Inspector
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 615 Arizona Avenue 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 615 Arizona Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Lauriano & Maria de Jesus Rodriguez
615 Arizona Avenue
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 615 Arizona Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Floyd & Salwa Hanna
4316 Larchmont
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 615 Arizona Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ramsey M. Esper
433 Stonebluff Road
El Paso, Texas 79912

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 615 Arizona Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

John Robert King
3409 North 10th, Ste 100
McAllen, Texas 78501

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 615 Arizona Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

AZ Apts. LTD
6516 Escondido Ste. A7
El Paso, Texas 79912

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 615 Arizona Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Lauriano & Maria Rodriguez
569 E. Lisa Dr.
Chaparral, NM 88021-7810

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 615 Arizona 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 615 Arizona 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 615 Arizona 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 615 Arizona 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 615 Arizona 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
615 Arizona Avenue, El Paso, Texas.

Date:

Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: May 1, 2008

REP. DISTRICT: 8

ADDRESS: 615 Arizona Avenue.

ZONED: A – 3

LEGAL DESCRIPTION: Lot 17 and the South 96 feet of the West 13 feet of Lot 18 and the North 24 feet of the West 17 feet of Lot 18, Block 276, CAMPBELL ADDITION, a/k/a Lot 17 and the West 13 feet of Lot 18 and the East 4 feet of the West 17 feet of the North 24 feet of Lot 18, Block 6, Alexander Addition an addition to the City of El Paso, El Paso County, Texas

OWNER: Lauriano and Maria de Jesus Rodriguez

ADDRESS: 569 E. Lisa Drive
Chaparral, NM 88021

BUILDING USE: Open and abandoned detached garage

TYPE OF CONSTRUCTION: V, CMU with wood frame

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: Rubble stone w/masonry grout

CONDITION: N/A

FLOOR STRUCTURE: Concrete slab

CONDITION: Poor. Unfinished

EXTERIOR WALLS: CMU and wood frame with paneling.

HEIGHT: 12' +/-

THICKNESS: 10" - 12"

CONDITION: Poor, there are notable cracks on the CMU walls and deterioration 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: CMU with wood frame

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: Composition built up roofing w/wood frame.

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.: Wood frame doors no windows.

CONDITION: Poor. The entrance doors to the garage area consist of deflecting headers and broken doors. Will need to replace all doors, so they are operational and meet egress requirements.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. Doors must be replaced to make them operational.

PLUMBING: There is no plumbing in this structure.

ELECTRICAL: There is no electrical system in this structure.

MECHANICAL: There is no mechanical system in this structure

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

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

REMARKS: This open and deteriorated garage was built in 1925. The structure is adjacent to an alley, full of graffiti and accessible by vagrants. It is in an advanced state of disrepair due to lack of maintenance. The structure should be demolished and the property cleaned of all weeds, trash and debris.

Nellie Avalos
Building Inspector

**EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT
ENVIRONMENTAL HEALTH**



MEMORANDUM

DATE: October 19, 2007

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

FROM: Samuel Jarvis, Senior Environmental Health Inspector

SUBJECT: Condemnation Report

RE: 615 Arizona Ave.

An inspection of the property was conducted at 615 Arizona and the conditions checked were found in violation of Title 9 – of the El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA

None

SECTION 9.04.340 – ACCUMULATIONS

None

SECTION 9.16 - NUISANCE

None

SECTION 9.16.010 – DESIGNATED

Structure good condition, some leaks from outside air conditioner

SECTION 9.28 -RAT CONTROL

N/A