

5727 MACIAS



BUILDING AND STANDARDS BOARD AGENDA ITEM #6 FOR
WEDNESDAY, JUNE 10, 2009

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
June 24, 2009

TO: The Honorable Chairman and Board Members

THROUGH: Victor Q. Torres – Director for Development Services

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

SUBJECT: 5727 Macias Street, El Paso, Texas 79905

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

- 1) First investigated July 2, 2007, at which time it was boarded and secured. The single family dwelling located in the front of this property was built in 1944. The structure contains severe structural cracks throughout. The roof and ceiling assembly and coverings are sagging due to lack of maintenance and are showing signs of deterioration exposing the decaying wood membranes. At the time of the most recent investigation on May 8, 2009, the structure was found open and abandoned and in a dire state of disrepair with bulging walls and exposed underlying adobe.
- 2) A certified condemnation letter was mailed to Abraham Ortega and Maria Marisela Ortega.
- 3) Certified notices of the public hearing scheduled for June 24, 2009, were mailed to the owners and all interested parties on June 8, 2009.
- 4) As of June 8, 2009, \$4,568.93 in delinquent and current 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, 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 structure's certificate of occupancy be revoked; and
- 4) That the main structure located in the front cannot be rehabilitated, and
- 5) That the main structure located in the front 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;

- 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

R. ALAN SHUBERT, PE, CBO
DEVELOPMENT SERVICES DEPARTMENT, DIRECTOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES DEPARTMENT

BUILDING STANDARDS ENFORCEMENT
June 22, 2007

Abraham & Maria M Ortega
5727 Macias St.
El Paso, Texas 79905-1810

Re: 5727 Macias St.
Blk: 7 Hughes S/D Blk 2 Alameda Acres
Lot: 25 & 26 & E 5 FT of 24 & W 2 FT
Of E 7 FT of N 27 FT of 24
Zoned: R5
COD07-16921
Certified Mail Receipt #
7105 8873 0190 1000 6268

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 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.

5727 Macias St.

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 **5727 Macias St.** has 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]

As a result of the aforementioned violations, the following action may be taken:

5727 Macias St.

- 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:

Raul Bueno
Building Inspector

RB/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **24th** day of **June, 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 **5727 Macias Street**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lots 25 and 26 and East 6 feet of South 93 feet and East 8 feet of North 27 feet of Lot 24 in Block 7, HUGHES SUBDIVISION of Block 2 ALAMEDA ACRES, also known as 5727 Macias Street, El Paso, El Paso County, Texas

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, Abraham Ortega and Maria Marisela Ortega, 5727 Macias Street, El Paso, Texas, 79905 and Rafael Paez and Mandrea Paez, 403 East Fourth, Muleshoe, Texas 79347 (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 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 Owners and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Mark Shoemith
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Inspector
Development Services 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 5727 Macias Street 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 5727 Macias Street 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 5727 Macias Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Abraham Ortega
& Maria Marisela Ortega
5727 Macias
El Paso, Texas 79905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5727 Macias Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Rafael Paez & Mandrea Paez
403 East Fourth
Muleshoe, Texas 79347

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5727 Macias Street 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 5727 Macias Street 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 5727 Macias Street 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 5727 Macias Street 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 5727 Macias Street, El Paso, Texas.

Date:
Time:



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: May 18, 2009

REP. DISTRICT: 3

ADDRESS: 5727 Macias Street

ZONED: R-5

LEGAL DESCRIPTION: Lots 25 and 26 and East 6 feet of South 93 feet and East 8 feet of North 27 feet of Lot 24 in Block 7, HUGHES SUBDIVISION of Block 2 ALAMEDA ACRES, also known as 5727 Macias Street, El Paso, El Paso County, Texas

OWNER: Abraham Ortega and Maria Marisela Ortega

ADDRESS: 5727 Macias Street
El Paso, TX 79905

BUILDING USE: Single family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: N/A

CONDITION:

FOUNDATION WALL: Rubble stone with masonry grout.

CONDITION: Poor condition. A structural engineer must be hired to evaluate actual condition.

FLOOR STRUCTURE: Wood framing, hardwood floor in most areas with vinyl tile added in some areas..

CONDITION: Poor. Broken floor panels and water damage.

EXTERIOR WALLS: Adobe walls covered with stucco.

HEIGHT: 14' +/-

THICKNESS: 8" +/-

CONDITION: Poor. Walls have major structural cracks and are crumbling. 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.

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INTERIOR WALLS & CEILINGS: Ceilings are sheetrock and walls are stucco.

CONDITION: Poor. Ceiling and walls have moisture damage due to roof leaks. Walls have major cracks and are bulging and crumbling. 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: Rolled composition roof and wood frame.

CONDITION: Poor. The roof system is in advanced state of disrepair.

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

CONDITION: Poor, broken windows and wood frame windows in advanced state of disrepair.

MEANS OF EGRESS: Does not meet code requirements.

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

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

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

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

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

WARNING POSTED: No

BARRICADED: No

POLICE AID REQD.: No

REMARKS: The main structure built in 1946 is a hazard to public health, safety and welfare and should be condemned as substandard and unfit for habitation or use, and the premises cleaned of all weeds, trash and debris.

Raul Bueno

Building Inspector