

5959 YBARRA



BUILDING AND STANDARDS BOARD AGENDA ITEM #5 FOR
WEDNESDAY, JUNE 24, 2009

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
June 10, 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: 5959 Ybarra Court, El Paso, Texas 79905

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

- 1) First investigated December 26, 2007 at which time it was found to be secure. The single family dwelling was built in 1955. At the time of the most recent investigation on March 12, 2009, it was found open and abandoned, vandalized and being used as harborage by unwanted persons. The accessory structure is deteriorated and in a state of disrepair. The main structure contains broken doors and windows. The roof and ceiling assembly and coverings have not been maintained and are showing signs of deterioration. The property is full of rubbish and decaying wood.
- 2) A certified condemnation letter was mailed to Juan F. Jacquez and Maria Jacquez.
- 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, \$242.57 in 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 structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structures are 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 main structure can be rehabilitated, and
- 5) That the main structure be secured within thirty (30) days and maintained secure until rehabilitated; and
- 6) That the accessory structure be demolished within thirty (30) days, and
- 7) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and

- 8) 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

December 26, 2007

Juan F & Maria Jacquez
5959 Ybarra Ct
El Paso, Texas 79905-1939

Re: 5959 Ybarra Ct
Blk: D Deal
Lot: 18
Zoned: R5
COD07-31048
Certified Mail Receipt #
7007 0710 0001 1386 1514

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.

5959 Ybarra Ct.

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 **5959 Ybarra Ct.** has the following violations:

- a. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- b. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- c. 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 **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 buildings located on the property at **5959 Ybarra Court**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 18, Block D, DEAL ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in Volume 9, Page 4, Plat Records of El Paso County, Texas.

are unsafe and dangerous, because of the following violations:

- a. The structures are open and accessible to unauthorized entry. [Sec. 301.3]
- b. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- c. The structures need 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, Juan F. Jacquez and Maria Jacquez, 5959 Ybarra Court, El Paso, Texas, 79905 (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 5959 Ybarra Court 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 5959 Ybarra Court 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 5959 Ybarra Court was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Juan F. Jacquez
& Maria Jacquez
5959 Ybarra Court
El Paso, Texas 79905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5959 Ybarra Court was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

First Federal Savings Bank
Attn: Jody Rasimowicz
515 North Glager Drive
Pavilion, Fourth Floor
Wet Palm Beach, FL 33401

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5959 Ybarra Court was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Agustin Arellano
& Juana Arellano
2712 Cabot Place
El Paso, Texas 79935

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5959 Ybarra Court was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Copeland & Copeland
6070 Gateway East, Suite 402
El Paso, Texas 7905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5959 Ybarra Court was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Copeland
1533 N. Lee Trevino, Suite 204
El Paso, Texas 79936

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5959 Ybarra Court 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 5959 Ybarra Court 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 5959 Ybarra Court 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 5959 Ybarra Court 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 5959 Ybarra Court, El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: June 2, 2009

REP. DISTRICT: 3

ADDRESS: 5959 Ybarra Court

ZONED: R-5

LEGAL DESCRIPTION: Lot 18, Block D, DEAL ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in Volume 9, Page 4, Plat Records of El Paso County, Texas.

OWNER: Juan F. & Maria Jacquez

ADDRESS: 5959 Ybarra Court
El Paso, TX 79905

BUILDING USE: Single family dwelling

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 of the footings.

FOUNDATION WALL: Pier and beam

CONDITION: Fair. Signs of deterioration noted due to lack of maintenance. A structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: Wood frame/wood floor planks

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

EXTERIOR WALLS: Wood frame w/stucco covering

HEIGHT: 12' +/-

THICKNESS: 8" +/-

CONDITION: Poor. Signs of cracks and holes noted due to exposure to the elements and lack of maintenance. A structural engineer or contractor should 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: Wood frame w/plaster covering.

CONDITION: Poor. Ceiling assembly has not been maintained, walls contain holes. A structural engineer should be hired to evaluate the structural elements and submit a report of required corrections to make the building safe

ROOF STRUCTURE: Gable roof, wood frame with rolled roof composition covering.

CONDITION: Poor. Deteriorated roof covering and decayed wood members noted. A registered roofing contractor or building contractor must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into compliance.

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

CONDITION: Poor. Doors and windows will need to be replaced to become fully operable.

MEANS OF EGRESS: Does not meet code.

CONDITION: Poor.

PLUMBING: 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 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 and compliance.

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

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS: This single family dwelling was built in 1955. The structure is open and abandoned and in an advanced state of disrepair. This department recommends that the main structure be secured within thirty (30) days and maintained secure until rehabilitated and that the accessory structure be demolished and the property be cleaned within thirty (30) days.

Nellie Avalos

Building Inspector