

432 CINECUE



BUILDING AND STANDARDS BOARD AGENDA ITEM # 7 FOR
WEDNESDAY, JUNE 25, 2008

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
June 16, 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: 432 Cinecue Way, El Paso, Texas 79907

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

- 1) First investigated February 5, 2008. The single family dwelling was built in 1951. The structure is shifting, the floors are buckling, the walls have notable cracks both on the exterior and interior. The roof ceiling assembly and roof coverings have not been maintained and are showing signs of deterioration. The roof rafters and ceiling joist are 2 x 4 wood framed and are overspanned which is causing rafter and joist deflection. The building was found to be open and abandoned, vandalized and being used as harborage by unwanted persons.
- 2) A certified condemnation letter was mailed to Property Asset Management, Inc., c/o Ocwen Loan Servicing, LLC, 12650 Ingenuity Drive, Orange County, FL 32826; Robin B. Carlson and Patricia Horan Carlson, PO Box 17634, El Paso, TX 79917; Clyde A. Pine, Jr., PO Drawer 1977, El Paso, TX 79950; US Department of Housing and Urban Development, Ft. Worth Regional Office, 801 Cherry Street, Unit 45, Suite 300, Fort Worth, TX 76102.
- 3) Certified notices of the public hearing scheduled for June 25, 2008, were mailed to the owners and all interested parties on June 13, 2008.
- 4) As of June 11, 2008, no taxes are owed.

The owner has been notified of the violations at this property to secure and clean the premises; to date there has been no response or corrective action taken, 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 structure's certificate of occupancy be revoked; and
- 4) That the structures cannot be repaired; and
- 5) That the structures be demolished within 30 days; and
- 6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
- 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



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
February 14, 2008

Robin Carlson
432 Cinecue Way
El Paso, Texas 79907-5853

Re: 432 Cinecue Way

Blk: Cinecue Park
Lot: Pts of (51, 52, 53) Beg 92.85' SW
Of NWC of 53 (Irreg on N-55.15' on E-236.93'
On S- 91.0' on W)
Zoned: RF
COD08-01939
Certified Mail Receipt #
7007 0710 0001 1381 9690

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.

432 Cinecue Way

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 **432 Cinecue Way** 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 structure is open and accessible to unauthorized entry. [Sec. 301.3]
- d. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- e. 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 **25th** day of **June, 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 buildings located on the property at **432 Cinecue Way**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Being the description of 0.409 acres of land known as a portion of Lots 51, 52, and 53, CINECUE PARK SUBDIVISION, City of El Paso, El Paso County, Texas

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 structure is open and accessible to unauthorized entry. [Sec. 301.3]
- d. The premises shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- e. The structure 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, Texas, Property Asset Management, Inc., C/o Ocwen Loan Servicing, Lienholder, 12650 Ingenuity Drive, Orlando, Orange County, FL 32826, Robin B. Carlson and Patricia Horan Carlson, P. O. Box 17634, El Paso, Texas, owners, 79917, Clyde A. Pine, Jr, Trustee for Fort Bliss Federal Credit Union, Lienholder, P. O. Drawer 1977, El Paso, Texas 79950. U. S. Department of Housing and Urban Development, Lienholder, Ft. Worth Regional Office, 801 Cherry Street, Unit 45, Suite 300, Forth Worth, Texas 76102 (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:

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 432 Cinecue Way 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 432 Cinecue Way was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Property Asset Management, LLC Inc.
C/O Ocwen Loan Servicing
12650 Ingenuity Drive
Orlando, Orange County, FL 32826

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 432 Cinecue Way was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Robin B. Carlson
& Patricia Horan Carlson
P. O. Box 17634
El Paso, Texas 79917

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 432 Cinecue Way was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Clyde A. Pine, Jr Trustee
PO Drawer 1977
El Paso, Texas 79950

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 432 Cinecue Way was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

US Department of Housing
And Urban Development, Lienholder
Ft. Worth Regional Office
801 Cherry Street, Unit 45, Suite 300
Forth Worth, Texas 76102

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 432 Cinecue Way was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

David C. Estrada
229 Caribe Circle
El Paso, Texas 79927

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 432 Cinecue Way was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

John H. Trien
9565 Dyer
El Paso, Texas 79924

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 432 Cinecue Way was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Michael W. Chuhay Family Trust
2605 Tahiti
El Paso, Texas 79925

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 432 Cinecue Way 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 432 Cinecue Way 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 432 Cinecue Way 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 432 Cinecue Way 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 432 Cinecue Way 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 432 Cinecue Way, El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: June 16, 2008

REP. DISTRICT: 7

ADDRESS: 432 Cinecue Way

ZONED: R - F

LEGAL DESCRIPTION: Being the description of 0.409 acres of land known as a portion of Lots`21, 22 and 23, GOVERNMENT HILL ADDITION, City of El Paso, El Paso County, Texas,

OWNER: Property Asset Management, Inc
c/o Ocwen Loan Servicing, LLC

ADDRESS: 12650 Ingenuity Drive
Orlando, Orange County, FL 32826

Robin B. Carlson and
Patricia Horan Carlson

PO Box 17634
El Paso, TX 79917

Clyde A. Pine, Jr., Trustee for Fort Bliss
Federal Credit Union

PO Drawer 1977
El Paso, TX 79950

US Department of Housing and Urban
Development, Ft. Worth Regional Office

801 Cherry Street, Unit 45, Ste 300
Fort Worth, TX 76102

BUILDING USE: Abandoned two story single family dwelling

TYPE OF CONSTRUCTION: V, adobe w/wood framing and stucco covering

FOOTINGS: Unable to determine due to subterranean placement

CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: Concrete

CONDITION: Poor, a structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: Combination, wood frame w/hardwood floor and concrete on slab

CONDITION: Poor, the floor is buckling, unstable and concave, the structure is shifting, a structural engineer or registered contractor must be hired to evaluate the flooring system.

EXTERIOR WALLS: Stucco covered adobe

HEIGHT: 20' +/-

THICKNESS: 8 - 10"

CONDITION: Poor, due to lack of maintenance and exposure to the elements, the wall system is failing, several notable structural cracks were found. 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: Wood frame w/sheetrock and/or plaster

CONDITION: Poor, missing ceiling, holes and cracks in walls, several areas with exposed wood. A structural engineer should be hired to evaluate structural elements of the building and submit a report of the corrections required to make the building safe.

ROOF STRUCTURE: Gable roof, wood framing with roll composition

CONDITION: Poor, a registered roofing contractor or building contractor must be hired to evaluate the roofing system.

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

CONDITION: Poor, most of the windows are broken, will require replacement of doors and windows.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor

PLUMBING: None. A licensed plumber should be hired to evaluate entire plumbing system to bring the system up to minimum code.

ELECTRICAL: None. A licensed electrician should be hired to evaluate entire electrical system to bring the system up to minimum code.

MECHANICAL: None. A licensed mechanical contractor should be hired to evaluate entire mechanical system to bring the system up to minimum code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS: The two story single family dwelling was built in 1951. Upon investigation it was found open and abandoned and in a state of disrepair. This department recommends that the primary and accessory structures be demolished, that the property be cleaned and maintained clean of all weeds, trash and debris within 30 days.

Nellie Avalos

Building Inspector