

# 8865 Leopoldo Street



**BUILDING AND STANDARDS BOARD AGENDA ITEM #8 FOR  
WEDNESDAY, MAY 28, 2008**

**DEVELOPMENT SERVICES  
BUILDING PERMITS AND INSPECTIONS**

**MEMORANDUM**

June 9, 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: 8865 Leopoldo Street

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

- 1) This structure was first investigated in October 26, 2006. The building was found to be in an advanced state of disrepair, open and abandoned. On April 30, 1996, the El Paso City Council asked the owner to vacate and secure the building, remove illegal roof structure, clean premises and maintain the building secured until rehabilitated. Since no repairs had been made and the building continued to disintegrate the Building and Standards Commission ordered the owner to demolish the primary and accessory structures on December 20, 2006. Due to this property being sold in May 1, 2007, tax sale, the new owner, Elizabeth J. Veliz would like to rehabilitate the structure.
- 2) Certified notices of the public hearing scheduled for June 25, 2008, were mailed to the owners and all interested parties on June 13, 2008.
- 3) The owner through her representative, Sam Romo, General Contractor is appealing to the Building and Standards Commission
- 4) As of May 20, 2008, there are \$1,207.79 in taxes owed.

The owner has been notified of the violations at this property and the Department recommends the following:

- 1) That for approval for rehabilitation of the structure, Mr. Sam Romo has submitted plans, specifications and the required engineering reports for review and the documents have been reviewed and found to be in compliance with all applicable building code requirements; and
- 2) That the main structure and accessory building can be repaired; and
- 3) That the building be rehabilitated within 60 days; and
- 4) That the main structure and accessory building be secured and maintained secured within 30 days; and
- 5) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
- 6) 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 October 30, 2006

Alfredo Avila  
8865 Leopoldo St.  
El Paso, Texas 79907-5408

Re: 8865 Leopoldo St.  
BIK: 37 Ysleta  
Lots: TR 11-P  
Zoned: R4  
COD06-06-19072  
Certified Mail Receipt #  
7105 8873 0193 6301 3906

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.

8865 Leopoldo 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 **8865 Leopoldo 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]

8865 Leopoldo St.

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, 5<sup>th</sup> 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:

Zuleika Davila  
Building Inspector

ZCD/nms

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice of Public Hearing regarding the property located at 8865 Leopoldo St., was filed with the County Clerk's Office, the official public records of real property for El Paso County.

Richarda Duffy Momsen

Executed this \_\_\_\_ day of \_\_\_\_\_, 2008 on behalf of the City of El Paso, Texas, by Richarda Duffy Momsen in her capacity as City Clerk.

STATE OF TEXAS  
COUNTY OF EL PASO

Subscribed and sworn to before me, this \_\_\_\_ day of \_\_\_\_\_, 2008.

Notary Public

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 8865 Leopoldo St. 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 8865 Leopoldo St. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

E. H. Pena  
306 Caple Bldg  
El Paso, Texas 79902

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 8865 Leopoldo St. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Elizabeth J. Veliz  
9220 McCabe Drive  
El Paso, Texas 79925

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 8865 Leopoldo St. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Elizabeth J. Veliz  
8865 Leopoldo  
El Paso, Texas 79907

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 8865 Leopoldo St. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

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

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 8865 Leopoldo St. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

John H. Trien  
9920 Dyer  
El Paso, Texas 79924

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 8865 Leopoldo St. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Sam Romo  
4732 Chisos LN  
El Paso, Texas 79904

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 8865 Leopoldo St. 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

8865 Leopoldo St. 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 8865 Leopoldo St. 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 8865 Leopoldo St. 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 8865 Leopoldo St. 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 8865 Leopoldo St., El Paso, Texas.

Date:  
Time:

Inspector

## 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 **8865 Leopoldo St.**, in El Paso, Texas, which property is more particularly described as:

**Legal Description: Tract 11-P, Block 37, YSLETA GRANT, an addition to the 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 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 shall be maintained in a clean, safe and sanitary condition free 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 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, Elizabeth J. Veliz, (the “**Owner**”), 9220 McCabe Dr., El Paso, Texas 79925, 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, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> 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 Owner of said property is 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 Owner, 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 Owner, 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 Owner fails, neglects or refuses 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 Owner, 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 Owner 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 Owner shows 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 Owner and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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Mark Shoemith  
Assistant City Attorney

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Bill Stern, C.B.O.  
Chief Building Inspector  
Building Permits and Inspection Department



# UNSAFE STRUCTURES REPORT

## BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** October 26, 2006

**REP. DISTRICT:** 6

**ADDRESS:** 8865 Leopoldo Street

**ZONED:** R-4

**LEGAL DESCRIPTION:** Tract 11P, Block 37, Ysleta Grant, an addition to the City of El Paso, El Paso County, Texas; municipally known and numbered as 8865 Leopoldo Street, El Paso, Texas

**OWNER:** Alfredo Avila.

**ADDRESS:** 8865 Leopoldo Street  
El Paso, Texas 79907

**BUILDING USE:** Single family dwelling

**TYPE OF CONSTRUCTION:** V

**FOOTINGS:** Concrete footings

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

**FOUNDATION WALL:** None

**CONDITION:** N/A

**FLOOR STRUCTURE:** Concrete slab on grade

**CONDITION:** Unable to determine condition of floor structure due to subterranean placement and coverings. A general contractor/structural engineer should be hired to evaluate actual condition.

**EXTERIOR WALLS:** Cinder Block/2 x 4 framing – stucco finish

**HEIGHT:** 8'

**THICKNESS:** 10-12"

**CONDITION:** Fair. Minimum repairs will be required.

**INTERIOR WALLS & CEILINGS:** Wood frame/sheetrock

**CONDITION:** Fair. Holes on walls and ceilings will need to be repaired, plastered and painted.

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**ROOF STRUCTURE:** Wood frame with built up and shingle roofing.

**CONDITION:** A registered roof contractor must be hired to evaluate roof system.

**DOORS, WINDOWS, ETC.:** Aluminum frame windows and wood doors

**CONDITION:** Broken windows and doors will need to be replaced.

**MEANS OF EGRESS:** Does not meet egress.

**CONDITION:**

**PLUMBING:** Bad. 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:** 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.:** Yes

**REMARKS:**

This department recommends that the primary building and accessory structure as well as any unpermitted structures be demolished within 30 days, that the property be cleaned and maintained cleaned of all weeds, trash and debris within 30 days and that all junked vehicles be removed from property within 30 days.

Zuleika Davila

**Building Inspector**