

2507 ELM



BUILDING AND STANDARDS BOARD AGENDA ITEM # 5 FOR
WEDNESDAY, JUNE 25, 2008

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
June 19, 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: 2507 Elm Street, El Paso, Texas 79930

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

On April 30, 2008, a hearing was held before the Building and Standards Commission at City Council Chambers and it was found that the structure located on said property is substandard, unfit for human habitation or use and a hazard to the public health, safety, and welfare, and the structure is not in substantial compliance with the Municipal Ordinances regulating fire protection, structural integrity, and disposal of refuse. The Building and Standards Commission ordered the owners to secure the structure clean the premises of all weeds, trash and debris within (30) days and submit plans for the rehabilitation of the structure within 30 days; and obtain permits for rehabilitation of the building within (60) sixty days. The owners were ordered to appear before the Building and Standards Commission on June 25, 2008, to determine if the Building and Standards Commission Order of April 30, 2008 has been complied with and to determine penalties if the Building and Standards Commission Order has not been complied with.

To date the Building and Standards Commission Order has been complied with. The structure has been secured and the property has been cleaned off all weeds, trash and debris. Plans for rehabilitation were submitted on May 30, 2008.

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 2507 Elm Street, 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 2507 Elm Street, 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 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Victor Salazar
2507 Elm Street
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Patricia Burgos
2507 Elm Street
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ramon Salazar
2507 Elm Street
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Moises Salazar
1060 North Carolina
El Paso, Texas 79915

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Irma T. Pantoja
2507 Elm Street
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Maria Del Carmen Gonzalez
2507 Elm Street
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Lina Lucia Ruedas
2507 Elm Street
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Cecilia Artalejo
2507 Elm Street
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Maria Del Carmen Gonzalez
Route 9, Box 321
Silver City, New Mexico 88061

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Irma T. Pantoja
3214 East San Antonio Street
El Paso, Texas 79905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Moises Salazar
Route 9, Box 321
Silver City, New Mexico 88061

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Lina Lucia Ruedas
2600 East Yandell
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Cecilia Artalejo
2914 Lebanon
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Victor Salazar
10633 Candlewood
El Paso, Texas 79935

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Velia Margarita Parga
2853 Calle Princesa Juana
Santa Fe, New Mexico 87505

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Patricia Burgos
441 Pendale
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Patricia Salazar Burgos
3204 Montana Suite D
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Moises Salazar
1711 Fred Adkins
El Paso, Texas 79936

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Hope Nunez
2702 Elm Street
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Maria Morales
C/O David Escobar
8811 Alameda
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Maria Morales
C/O Maria Hernandez
2110 E. Yandell
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Alejandra Chavez
12257 Tierra Inca Dr.
El Paso, Texas 79938

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Alejandra Chavez
C/O David Escobar
8811 Alameda
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Alejandra Chavez
C/O Maria Hernandez
2110 E. Yandell
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Arturo Morales
C/O David Escobar
8811 Alameda
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Arturo Morales
C/O Maria Hernandez
2110 E. Yandell
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Lorena Chavez
C/O David Escobar
8811 Alameda
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Lorena Chavez
C/O Maria Hernandez
2110 E. Yandell
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Bertha A. Martinez
145 Riverside Dr.
El Paso, Texas 79915

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jesus Villalobos
C/O Anderson Anderson
Bright & Crout P.C.
1533 Lee Trevino #205
El Paso, Texas 79936

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Clyde A. Pine Jr.
Mounce, Green, Myers,
Safi & Galatzan
P. O. Box Drawer 1977
El Paso, Texas 79950-1977

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Texas Commerce Bank-El Paso
Trust Real Estate Dept.
P. O. Drawer 140
El Paso, Texas 79980

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Vicenta A. Salazar
2507 Elm Street
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm Street, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jesus Villalobos
10441 Seawood
El Paso, Texas 79935

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2507 Elm 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 2507 Elm 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 2507 Elm 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 2507 Elm 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 2507 Elm 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 2507 Elm Street, 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 building located on the property at **2507 Elm St.**, in El Paso, Texas, which property is more particularly described as:

Legal Description: The South 43 feet of Lots 17 through 20, Block 120, HIGHLAND PARK ADDITION THIRD AMENDED MAP, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Volume 13, Page 8, Real Property Records, El Paso County, Texas municipally known as 2507 Elm Street, El Paso, Texas.

and which is subject to that certain Building and Standards Commission Order dated April 30, 2008 has been brought into compliance with said Order, and if not to determine penalties.

According to the real property records of the County of El Paso, Texas, Moises Salazar & 7, (the "**Owners**"), 1060 N. Carolina, El Paso, Texas 79915, Irma T. Pantoja, 2507 Elm Street, El Paso, Texas, 79930, Maria Del Carmen Gonzalez, 2507 Elm Street, El Paso, Texas 79930, Lina Lucia Ruedas, 2507 Elm Street, El Paso, Texas 79930, Cecilia Artalejo, 2507 Elm Street, El Paso, Texas 79930, Victor Salazar, 10633 Candelwood Street, El Paso, Texas 79935, Patricia Burgos, 2507 Elm Street, El Paso, Texas, 79930 and Ramon Salazar, 2507 Elm Street, El Paso, Texas, 79930 (the "**Owners**"), are listed as the owners of the real property described herein.

The Owners of said property are hereby ordered to appear before the Building and Standards Commission on any mortgages, lien holders, and other persons having an interest in said property are entitled to appear before the commission at said date, hour, and place.

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 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 Owners and all other persons having an interest in the property as provided by law.

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.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Mark Shoesmith
Assistant City Attorney

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

ORDER OF THE BUILDING AND STANDARDS
COMMISSION OF THE CITY OF EL PASO

WHEREAS, the Deputy Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the Building and Standards Commission in writing that he is of the opinion that the structure located on the property at **2507 Elm Street**, in El Paso, Texas, which property is more particularly described as follows:

Legal Description: The South 43 feet of Lots 17 through 20, Block 120, HIGHLAND PARK ADDITION THIRD AMENDED MAP, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Volume 13, Page 8, Real Property Records, El Paso County, Texas municipally known as 2507 Elm Street, El Paso, Texas.

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; do not meet the minimum standards for continued use and occupancy contained in 18.50 of the El Paso City Code; and

WHEREAS, Moises Salazar & 7, (the “Owners”), 1060 N. Carolina, El Paso, Texas 79915, Irma T. Pantoja, 2507 Elm Street, El Paso, Texas, 79930, Maria Del Carmen Gonzalez, 2507 Elm Street, El Paso, Texas 79930, Lina Lucia Ruedas, 2507 Elm Street, El Paso, Texas 79930, Cecilia Artalejo, 2507 Elm Street, El Paso, Texas 79930, Victor Salazar, 10633 Candelwood Street, El Paso, Texas 79935, Patricia Burgos, 2507 Elm Street, El Paso, Texas, 79930 and Ramon Salazar, 2507 Elm Street, El Paso, Texas, 79930, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before the Building and Standards Commission at 5:30 p.m. on April 30, 2008 and

WHEREAS, Lina Lucia Ruedas and Fermin Dorado Jr. appeared.

IT IS THEREFORE, ORDERED ADJUDGED AND DECREED BY THE BUILDING AND STANDARDS COMMISSION OF THE CITY OF EL PASO:

1. That having heard the evidence, and being persuaded by a preponderance of same, the Building and Standards Commission makes the following findings:
 - A. That the structure located on said property is an urban nuisance; and
 - B. That the structure located on said property is currently unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - C. That the structure is not in substantial compliance with municipal ordinances regulating structural or service systems integrity and disposal of refuse; and
 - D. That the structure may possibly be repaired.
 - E. That in order to be made safe, all of the aforementioned violations must be corrected.
2. That the Building and Standards Commission hereby orders the structure’s certificate of

occupancy revoked and the Owner to comply with the following requirements:

- A. That the main structure be secured and maintained secured within thirty (30) days; and
 - B. That the premises be cleaned and maintained clean of all weeds, trash and debris within 30 days; and
 - C. To submit plans for the rehabilitation of the structure within thirty (30) days; and
 - D. Obtain permits for the rehabilitation of the building within sixty (60) days; and
 - E. Owner to appear at a hearing scheduled for June 25, 2008 to determine if the Building Standards Commission order of April 30, 2008 has been complied with and if not to determine penalties.
3. That upon failure of the Owner to comply with this Order, any mortgagees, lienholders, and/or other persons having an interest in the property have an additional ten (10) days to clear the property of all weeds, trash, and debris, and secure/demolish the structure on the property.
 4. That upon failure of the Owner, mortgagees, lienholders, and/or any other person having an interest in the property to comply with this Order, the City of El Paso, through its Director for Building Permits and Inspections, shall:
 - A. Demolish the main structure; and
 - B. Clean the property and maintain clean of all weeds, trash and debris; and
 - C. Assess the cost of the work noted above as a lien against the property which will become due and payable within thirty (30) days of the date the City of El Paso completes the work; and
 - D. Provide for any other remedies permitted by State law; and
 5. That upon failure of the Owner(s) to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may request a hearing before the Building and Standards Commission to:
 - A. Determine the amount and duration of civil penalties the City of El Paso may recover for failure to comply with this Order as allowed by Texas Local Government Code Chapter 54; and
 - B. Provide any other remedies permitted by State law.
 6. When this Order has been filed in the deed records of the county in which the property that is the subject of this Order is located, execution of this Order shall not be affected by a sale or other transfer of such property. Any person or entity acquiring an interest in such property after this Order has been so filed is subject to the requirements of this Order.

7. **RIGHT TO APPEAL:** *The decision of the Building and Standards Commission is final (see discussion of rehearing, below). An appeal may be filed by verified petition in State District Court, setting forth that the decision of the Commission is illegal, in whole or in part, and specifying the grounds of the illegality. Petition for appeal must be filed by the owner(s) or interested party within twenty (20) days of receipt of notice of the Order of the Commission. Appeals in District Court are limited to hearings under the substantial evidence rule. A rehearing by the Building and Standards Commission may only be granted in the following circumstances:*

- A. *Proper request is made within twenty (20) days of receipt of notice of the Order of the Commission; and*
- B. *Rehearing fees of five hundred and forty dollars (\$540.00) are furnished with the rehearing request. The Building and Standards Commission may waive these fees in cases of financial hardship based on written affirmation from the applicant.*

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the City Clerk shall cause copies of this Order to be served on the record owner(s) and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own or have an interest in the 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 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 this office no later than the twentieth (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.

ADOPTED on this 30th day of April, 2008.

BUILDING AND STANDARDS COMMISSION

Bob Ayoub, Chairman, Panel B

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Mark Shosmith
Assistant City Attorney

Bill Stern, C.B.O., Chief Building Inspector
Development Services Department
Building Permits & Inspection Division