

5540 LONGVIEW



BUILDING AND STANDARDS BOARD AGENDA ITEM # 9 FOR
WEDNESDAY, JUNE 29, 2011

CODE COMPLIANCE DIVISION

MEMORANDUM

June 16, 2011

TO: The Honorable Chairman and Board Members

THROUGH: Kurt Fenstermacher, Deputy Director, Environmental Services Department

FROM: Bill Stern., Deputy Building Official

SUBJECT: 5540 Longview, Circle. El Paso, Texas 79924

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

- 1) First investigated February 12, 2011. This single-family dwelling was built in 1976. The structure was found open, abandoned and ravaged by fire. The structural integrity, electrical, plumbing and mechanical systems of the building have been compromised due to extensive fire damage. Remaining portions of the damaged structural components pose a potential hazard as it is accessible. Trash and debris as a result of the fire is overflowing to adjacent properties.
- 2) A certified condemnation letter was mailed to Aida L .Ortiz ,Jose A. &Luz M. Ortiz on March 12, 2011
- 3) Certified notices of the public hearing scheduled for June 29, 2011, were mailed to the owners and all interested parties on June 16, 2011.
- 4) As of June 6, 2011 no taxes are owed.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

- 1) That the structure is 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 structure cannot be rehabilitated; and
- 5) That the structure 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; 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.

CODE COMPLIANCE DIVISION
February 15, 2011

NOTICE OF VIOLATION

Everhome Mortgage
8100 Nations Way
Jacksonville, Fl. 32256

Re: 5540 Longview Cir.
Blk: 23 Sarah Anne Park #2
Lot: 22
Zoned: R-3
BSC11-00081
7009 2820 0004 3728 3571

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, 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.

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 **5540 Longview Cir., El Paso, Texas, 79924** is in violation of the requirements found in the following sections of the 2003 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- 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]
- k. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Building and Standards Commission at a hearing scheduled by this department.

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 Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, 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 599-3692.

Robert Gonzalez
Building Inspector

RG/nms

CODE COMPLIANCE DIVISION
February 15, 2011

NOTICE OF VIOLATION

Aida L. Ortiz
Jose A & Luz M Ortiz
5540 Longview Cir.
El Paso, Texas 79924-1317

Re: 5540 Longview Cir.
Blk: 23 Sarah Anne Park #2
Lot: 22
Zoned: R-3
BSC11-00081
7009 2820 0004 3728

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, Property Maintenance Code, which states:

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- 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]
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- 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]
- k. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Building and Standards Commission at a hearing scheduled by this department.

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

- c. 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.
- d. 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 Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, 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 599-3692.

Robert Gonzalez
Building Inspector

RG/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **29th** day of **June, 2011** 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 **5540 Longview Circle**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 22, Block 23, Sarah Anne Park Unit 2 an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Vol. 41, pages 4, 4A and 4 B, plat records of 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 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 needs 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, Aida Luz Ortiz, Jose Antonio Ortiz and wife Luz M. Ortiz, 5540 Longview Circle, El Paso, Texas, 79924, ("the **Owners**") are 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 Environmental Services Department, 7969 San Paulo Drive, El Paso, Texas, 79907, 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 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 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 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 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 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 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 Owner and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Robert Almonte II
Assistant City Attorney

Bill Stern, C.B.O.
Deputy Building Official
Code Compliance Division

I certify that a true and correct copy of the foregoing Notice regarding the property at 5540 Longview Circle was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Aida Luz Ortiz
5540 Longview Circle
El Paso, Texas 79924

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5540 Longview Circle was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jose Antonio Ortiz
5540 Longview Circle
El Paso, Texas 79924

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5540 Longview Circle was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Luz M. Ortiz
5540 Longview Circle
El Paso, Texas 79924

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5540 Longview Circle was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Irwin Mortgage Corp.
6070 Gateway E #105
El Paso, Texas 79905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5540 Longview Circle was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Irwin Mortgage Corp.
10500 Kincaid Dr.
Fishers, IN 46038

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5540 Longview Circle was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Charles A. Brown
4620 Fairmont Parkway Ste. 109
Pasadena, Texas 77504

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5540 Longview Circle was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mortgage Electronic Registration Systems, Inc.
P. O. Box 2026
Flint, MI 48501-2026

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5540 Longview Circle was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Eric M. Martinez
4530 Montana
El Paso, Texas 79903
c/o Davis Law Firm

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5540 Longview Circle 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 5540 Longview Circle 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 5540 Longview Circle 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 5540 Longview Circle 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 5540 Longview Circle 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 5540 Longview Circle El Paso, Texas.

Date:

Time:

Inspector



UNSAFE STRUCTURES REPORT

CODE COMPLIANCE DIVISION

DATE OF EXAMINATION: February 12, 2011 **REP. DISTRICT:** 4

ADDRESS: 5540 Longview Cir.

ZONED: R-3

LEGAL DESCRIPTION: Lot 22, Blk 23, Sarah Anne Park Unit 2

OWNER: Aida Luz Ortiz
Jose A and Luz M. Ortiz

ADDRESS: 5540 Longview Cir.
El Paso, Texas 79924

BUILDING USE: Abandoned 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.

FOUNDATION WALL: N/A

CONDITION: N/A

FLOOR STRUCTURE: Concrete

CONDITION: Poor. House has sustained fire damage.

EXTERIOR WALLS: Brick veneer on wood frame

HEIGHT: 10'-12' +/-

THICKNESS: 8"- 10" +/-

CONDITION: Very poor. Exterior walls have sustained fire damage.

INTERIOR WALLS & CEILINGS: Gypsum board on wood frame walls and ceilings.

CONDITION: Very Poor. Interior walls and ceilings have sustained extensive fire damage.

ROOF STRUCTURE: Composite asphalt roof shingles on wood frame structure.

CONDITION: Very poor. Roof structure has sustained extensive fire damage, has collapsed in several places, and is in very compromising condition.

DOORS, WINDOWS, ETC.: Doors are wood on wood frame and windows are aluminum frame.

CONDITION: Very poor. All windows are fire destroyed.

MEANS OF EGRESS: Does not meet minimum code requirements.

CONDITION: Poor. Windows will need to be replaced to meet code requirements.

PLUMBING: Unknown

CONDITION: A licensed plumbing contractor should be hired to evaluate the plumbing system condition.

ELECTRICAL: Unknown

CONDITON: A licensed electrical contractor should be hired to evaluate the electrical system condition.

MECHANICAL: Unknown

CONDITION: A licensed mechanical contractor should be hired to evaluate the mechanical system condition.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS: This open and abandoned single-family dwelling was built in 1976. The structure was found open, abandoned and ravaged by fire. Due to extensive fire damage to walls, ceiling, and roof system, safety has clearly been compromised in the building's construction. A structural engineer should be hired to assess and evaluate the fire damage condition of the structure and determine if the structure should be demolished or rehabilitated. There is trash, weeds and debris throughout the property. This department recommends that the structures be demolished within thirty (30) days and the property be cleaned of all weeds, trash and debris within thirty (30) days. Whether demolition or rehabilitation takes place, permits will be required

Robert Gonzalez
Building Inspector