

1319 E Seventh



BUILDING AND STANDARDS BOARD AGENDA ITEM # 7 FOR
WEDNESDAY, July 25, 2007

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
July 9, 2007

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: 1319 E. Seventh Avenue

On May 30, 2007 a hearing was held before the Building and Standards Commission at City Council Chambers and it was found that the structures located on said property are substandard, unfit for human habitation or use and a hazard to the public health, safety, and welfare, and the structures are not in substantial compliance with the Municipal Ordinances regulating fire protection, structural integrity, and disposal of refuse. The Building and Standards Commission ordered the owner to vacate, secure and clean the premises of all weeds, trash and debris within (30) days. The owner was ordered to present building plans, specifications, drawings, reports from design professionals and any other required documents at the Building and Standards Commission on July 25, 2007 to determine if the structures can be repaired. The owner was ordered to appear before Building and Standards Commission on July 25, 2007, to determine if the Building and Standards Commission Order of May 30, 2007 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 not been complied with.

The Department recommends that the Building and Standards Commission make the following findings:

- 1) That the owner of said property Marco Vera, 5849 Teal Lane, El Paso, Texas 79924 was notified of the requirements of Section 18.50 and the need to comply with these requirements; and
- 2) That after notification, the structures were vacated and secured, the owner cleaned the property of all weeds, trash and debris within 30 days; and
- 3) To date no building plans, specifications, drawings, reports from design professionals and any other required documents to determine if the structures can be repaired, have been presented to this department.

The Department recommends that the Building and Standards Commission order:

- 1) That the owner has not complied with the Building and Standards Commission Order of May 30, 2007; and
- 2) That the Building and Standards Commission order the Deputy Director of Development Services to demolish the structures, clean and maintain the premises clean of all weeds, trash and debris.
- 3) That the City Clerk file a certified copy of the Order with the County Clerk of the County of El Paso; and

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
April 5, 2007

Marco A Vera
5849 Teal
El Paso, Texas 79924

Re: 1319 E Seventh Avenue
Blk: 40 Magoffin
Lot: Fr 1 to 3
Zoned: A3
COD07-04803
Certified Mail Receipt #
7105 8873 0190 1000 2543

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.

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.

1319 E Seventh Avenue

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 1319 E Seventh Avenue 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 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

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

WHEREAS, the 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 **1319 E. Seventh Ave.**, in El Paso, Texas, which property is more particularly described as follows:

LEGAL DESCRIPTION: Fractional Lots 1, 2 and 3, Block 40, MAGOFFIN ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 14, Page 9, Plat Records of El Paso County, Texas

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

WHEREAS, **Marco Antonio Vera, 5849 Teal Lane, El Paso, Texas 79924**, record Owner, 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 **May 30, 2007**; and

WHEREAS, Marco A. Vera, Pearl A. Vera and Fernando Chacon, attorney for Candelario Garcia 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 structures located on said property are an urban nuisance; and
 - B. That the structures located on said property are currently unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - C. That the structures are not in substantial compliance with municipal ordinances regulating structural or service systems integrity and disposal of refuse; and
 - D. 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(s) to comply with the following requirements:
 - A. That the structures be vacated, secured and maintained secure within thirty (30) days; and
 - B. That all documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented at the next Building and Standards Commission meeting scheduled for July 25, 2007, to determine if the structures can be repaired, and
 - C. That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
3. That upon failure of the Owner(s) to comply with this Order, any mortgagees, lienholders, and/or persons having an interest in the property have an additional ten (10) days to clear the property of all weeds, trash, and debris, demolish all the structures on the property, and
4. That upon failure of the Owner(s), mortgagees, lien holders, 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. Vacate and secure and maintain secured; and
 - B. Clean the property 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.
5. That upon failure of the Owner 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. **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 May, 2007.

BUILDING AND STANDARDS COMMISSION

Tedd Richardson, Chairman, Panel **A**

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Elaine S. Hengen
Senior Assistant City Attorney

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

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 at **1319 E. Seventh Ave.**, was PUBLISHED in the official City newspaper on the ____ day of _____, 2007.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at **1319 E. Seventh Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Marco Antonio Vera
5849 Teal
El Paso, Texas 79924

I certify that a true and correct copy of the foregoing Notice regarding the property at **1319 E. Seventh Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Candelario Garcia
1319 E. Seventh #6
El Paso, Texas 79901

I certify that a true and correct copy of the foregoing Notice regarding the property at **1319 E. Seventh Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Marco A Vera
14121 La Breck St
El Paso, Texas 79938

I certify that a true and correct copy of the foregoing Notice regarding the property at **1319 E. Seventh Ave.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, Texas 79901

I certify that a true and correct copy of the foregoing Notice regarding the property at **1319 E. Seventh Ave.**, was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

I certify that a true and correct copy of the foregoing Notice regarding the property at

1319 E. Seventh Ave., 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

I certify that a true and correct copy of the foregoing Notice regarding the property at **1319 E. Seventh Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

I certify that a true and correct copy of the foregoing Notice regarding the property at **1319 E. Seventh Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court
500 E. San Antonio Avenue, Suite 703
El Paso, Texas 79901

I certify that a true and correct copy of the foregoing Notice was POSTED at **1319 E. Seventh Ave.**, El Paso, Texas.

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **25th** day of **July, 2007** in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso will hold a public hearing on the question of whether the buildings located on the property at **1319 E. Seventh Ave.**, in El Paso, Texas, which property is more particularly described as:

LEGAL DESCRIPTION: Fractional Lots 1, 2 and 3, Block 40, MAGOFFIN ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 14, Page 9, Plat Records of El Paso County, Texas

and which is subject to that certain Building and Standards Commission Order dated **May 30, 2007** has been brought into compliance with said Order, and to determine penalties.

According to the real property records of the County of El Paso, Texas, **Marco Antonio Vera (the "Owner"), 5849 Teal Lane, El Paso, Texas 79924**, are listed as the owner of the real property described herein.

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.

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.

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:

Elaine S. Hengen
Senior Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Inspector
Building Permits and Inspections 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 at **1319 E. Seventh Ave.**, was PUBLISHED in the official City newspaper on the ____ day of _____, 2007.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at **1319 E. Seventh Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Marco Antonio Vera
5849 Teal
El Paso, Texas 79924

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **1319 E. Seventh Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Candelario Garcia
1319 E. Seventh #6
El Paso, Texas 79901

Date:
Time:

Inspector

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Marco A Vera
14121 La Breck St
El Paso, Texas 79938

Date:
Time:

Inspector

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Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, Texas 79901

Date:
Time:

Inspector

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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 **1319 E. Seventh Ave.**, 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

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El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date:
Time:

Inspector

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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 was POSTED at **1319 E. Seventh Ave.**, El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: April 26, 2007

REP. DISTRICT: 8

ADDRESS: 1319 E. Seventh Avenue

ZONED: A - 3

LEGAL DESCRIPTION: Fractional Lots 1, 2 and 3, Block 40, MAGOFFIN ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 14, Page 9, Plat Records of El Paso County, Texas.

OWNER: Marco A. Vera **ADDRESS:** 5849 Teal Lane, El Paso, Texas 79924

BUILDING USE: Multifamily dwellings

TYPE OF CONSTRUCTION: V, adobe/CMU with wood frame and plaster

FOOTINGS: Unable to determine condition of footing due to subterranean placement.

CONDITION: A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: Concrete.

CONDITION: Poor condition, cracks and crumbling found in several areas. A structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: Wood with wood frame.

CONDITION: Poor, found several areas where the floors are concave, uneven and a trip hazard. A structural engineer or registered contractor must be hired to evaluate the flooring system.

EXTERIOR WALLS: Adobe/CMU with plaster.

HEIGHT: 10" +/-

THICKNESS: 14" +/-

CONDITION: Bad, due to lack of maintenance and exposure to the elements, some of the wall system is failing around the exterior. 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: Walls adobe with plaster, ceilings sheetrock with plaster
CONDITION: Poor, several severe cracks due to settlement noted. 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.

ROOF STRUCTURE: Flat roof consisting of wood framing with rolled composition roof covering.
CONDITION: Several roof leaks 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 code compliance.

DOORS, WINDOWS, ETC.: Wood doors with wrought iron and wood/metal frame windows.
CONDITION: Bad. Will need to repair or replace all doors and some windows, so they are operational and meet egress requirements.

MEANS OF EGRESS: Does not meet code requirements.
CONDITION: Poor. Doors need replacing

PLUMBING: Poor. A licensed plumber should be hired to bring system up to code.

ELECTRICAL: Poor. A licensed electrician should be hired to bring system up to code.

MECHANICAL: Non-existing. A licensed mechanical contractor should be hired to bring system up to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: Three families.

WARNING POSTED: Yes **BARRICADED:** No **POLICE AID REQD.:** No

REMARKS: These apartments consist of two separate buildings built in 1910 as multifamily dwellings. The exterior walls are showing signs of advanced deterioration. The structure should be evaluated by a structural engineer to determine if the property should be repaired or demolished. The property should be cleaned of all weeds, trash and debris.

Nellie Avalos
Building Inspector