

# 5031 ROSA



BUILDING AND STANDARDS BOARD AGENDA ITEM # 6 FOR  
WEDNESDAY, JULY 25, 2007  
DEVELOPMENT SERVICES

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

July 12, 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: 5031 Rosa Avenue

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

- 1) First investigated April 18, 2007. This flat roof, single family dwelling was built in 1949. Upon our investigation it was found to be open, abandoned and being used as harborage by unwanted persons. The building is in a state of disrepair due to roof leaks causing the sheetrock ceiling to collapse and a hazard to the public health, safety and welfare.
- 2) Certified notices were mailed to William Ertman, PO Box 183, Skull Valley, Arizona 86338.
- 3) Certified notices of the public hearing scheduled for July 25, 2007 were mailed to the owners and all interested parties on July 12, 2007.
- 4) As of July 2, 2007, \$5,404.59 is owed in taxes.

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 buildings 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 primary structure can be repaired; and
- 5) That the illegal dilapidated additions and accessory structure be demolished within 30 days, and
- 6) That the primary structure be secured and maintained secure within 30 days; and
- 7) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
- 8) That all junk vehicles be removed within 30 days, and
- 9) 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

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  
May 21, 2007

William Ertman  
P. O. Box 183  
Skull Valley, AZ 86338-0183

Re: 5031 Rosa Ave.  
Blk: 24 Brentwood Heights  
Lot: 1 & 2  
Zoned: R5  
COD07-13390  
Certified Mail Receipt #  
7105 8873 0190 1000 5377

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.

**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 **5031 Rosa Ave.** has the following violations:

- a. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- b. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- c. 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, 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:

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 **July, 2007** 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 **5031 Rosa Ave.**, in El Paso, Texas, which property is more particularly described as:

**LEGAL DESCRIPTION: Lots 1 and 2, Block 24, MAP OF BRENTWOOD HEIGHTS ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 5, Page 56, Plat Records of El Paso County, Texas**

are unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, **William Ertman (the "Owner"), P. O. Box 183, Skull Valley, AZ 86338**, 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 buildings 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 buildings 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 structures 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 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 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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Elaine S. Hengen  
Senior Assistant City Attorney

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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 at **5031 Rosa 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 **5031 Rosa Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

William Ertman  
P.O. Box 183  
Skull Valley, AZ 86338-0183

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **5031 Rosa Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

John R. King, Trustee  
711 N. Mesa Street  
El Paso, Texas 79902

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **5031 Rosa Ave.**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Pedro Medrano & Petra Medrano  
& Maria Estela Valenzuela  
El Paso, Texas 79935

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **5031 Rosa 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

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **5031 Rosa Ave.**, 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 **5031 Rosa 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

I certify that a true and correct copy of the foregoing Notice regarding the property at **5031 Rosa Ave.**, 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 **5031 Rosa Ave.**, 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 was POSTED at **5031 Rosa Ave.**, El Paso, Texas.

Date:

Time:

Inspector



# UNSAFE STRUCTURES REPORT

## BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** July 12, 2007

**ADDRESS:** 5031 Rosa Avenue                      **ZONED:** R5

**LEGAL DESCRIPTION:** Lots 1 and 2, Block 24, MAP OF BRENTWOOD HEIGHTS ADDITION an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 5, Page 56, Plat Records of El Paso County, Texas

**OWNER:** William Ertman,  
**ADDRESS:** P.O. Box 183, Skull Valley, AZ 86338

**BUILDING USE:** 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:** Masonry

**CONDITION:** Unable to determine condition of foundation.

**FLOOR STRUCTURE:** Slab on grade

**CONDITION:** Fair

**EXTERIOR WALLS:** Stucco/siding

**HEIGHT:** 10 ft. +/-

**THICKNESS:** 8 in. +/-

**CONDITION:** Good

**INTERIOR WALLS & CEILINGS:** Wood Frame, Sheetrock w/plaster walls, Lay-in Ceiling  
**CONDITION:** Fair walls, ceiling deteriorating

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**ROOF STRUCTURE:** Flat, wood frame, roll composition roof  
**CONDITION:** Bad, the roof is sagging and collapsing. A registered engineer must be hired to evaluate roof frame system

**DOORS, WINDOWS, ETC.:** Wood frame windows/wood doors.  
**CONDITION:** Good

**MEANS OF EGRESS:** Meets code.  
**CONDITION:** Good.

**PLUMBING:** 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.

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

**REMARKS:** . This structure has two illegal additions that need to be demolished. The structure should be secured and the property cleaned of all weeds, trash and debris and maintained clean and secure.

Nellie Avalos  
**Building Inspector**