BUILDING AND STANDARDS BOARD AGENDA ITEM # ___ FOR WEDNESDAY, July 26, 2006

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
July 11, 2006

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., Residential Inspector Supervisor

SUBJECT: 8329 Vance Place

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

1) First investigated March 28, 2006. The structure known as 8329 Vance Place was found to be in an advanced state of disrepair. The building is a one story single-family dwelling built in 1950, constructed of CMU walls with plaster and a wood frame roof. Interior and exterior walls have not been maintained in good repair, structurally sound nor sanitary. The roof and ceiling show signs of deterioration and decay due to severe roof leaks. The electrical, plumbing and mechanical systems are not up to code and pose a threat to the health, safety and welfare of any possible occupants.
2) A certified condemnation letter was mailed to Lucia Hamilton, 8329 Vance Place, El Paso, Texas 79907.
3) Certified notices of the public hearing scheduled for July 26, 2006 were mailed to the owners and all interested parties on July 10, 2006.
4) There has been no response from the owner.
5) As of July 11, 2006, $1,384.28 are owed in taxes.

The Department recommends that it be found:

1) That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2) That the building 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 can not be repaired; and
5) That the structure be demolished within 30 days; and
6) That the premises be cleaned of all weeds, trash, and debris within 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.

ITEM #4

COPY

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, PE, CBO
DEVELOPMENT SERVICES 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

BUILDING PERMITS AND INSPECTIONS DIVISION

BUILDING STANDARDS ENFORCEMENT
March 31, 2006

Lucia Hamilton
8329 Vance Pl.
El Paso, Texas 79907-4230

Re: 8329 Vance Pl.
Tract: 31
Blk: Peterson
Zoned: R-4
COD06-03982
Certified Mail Receipt #
7105 8873 0193 6300 4133

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 8329 Vance Place has the following violations:

a. The foundation has not been maintained in a safe manner. [Sec.305.4]

b. The floors have not been maintained in a safe manner. [Sec.305.4]

c. The walls have not been maintained in a safe manner free of holes and cracks. [Sec.304.6]

d. The roof structure has not been maintained free of defects that may cause leaks. [Sec304.7]

e. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec702.4]

f. The plumbing system is inadequate and does not meet minimum code requirements. [Sec504.1]

g. The electrical system is inadequate and does not meet minimum code requirements. [Sec604.3]

h. The HVAC system is inadequate and does not meet minimum code requirements. [Sec603.1]

i. The structure is open and accessible to unauthorized entry. [Sec301.3]

j. The premises are full of weeds, trash, and debris [Sec302.1 & Sec302.4].

k. 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. [Sec108.2]

8329 Vance Place

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 DEVELOPMENT SERVICES:

Manuel Fierro
Building Inspector

MF/rl

Firmbook Report

7105 8873 0193 6300 4133
7105 8873 0193 6300 4133

3/30/2006-3/30/2006

CMN	TRACKING	NAME	ADDRESS	
7105 8873 0193 6300 4133	8329 VANCE PL.	LUCIA HAMILTON	8329 VANCE PL.	EL PASO TX 79907-4230

RECEIVED

APR 05 2006

PE DEPARTMEN

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)*

B. Date of Delivery

C. Signature

X Lucia C Hamilton ☐ Agent ☒ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

1. Article Addressed to:

LUCIA HAMILTON
8329 VANCE PL.
EL PASO TX 79907-4230
8329 VANCE PL.

YSLETA STA EL PASO TX 2006 USPS

3. Service Type

X ☒ Certified Mail

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

Lt #3

2. Article Number *(Copy from service label)* 7105 8873 0193 6300 4133

PS Form 3811, July 1999 Domestic Return Receipt

MAR 31 2006

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **26th** day of July, **2006** 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 **8329 Vance Place**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 31, Peterson Subdivision, in El Paso County, Texas, according to the map thereof on file in the back of Book 595, Deed Records of El Paso County, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, **Ben L. Ivey and Rudy Janosek** (the "**Owners**"), **8329 Vance Place,** are listed as the owners 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, 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.

The Owners of said property are 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 Owners, 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 Owners, 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.

CERTIFIED MAIL RECEIPT #7105 8873 0193 6300 7189

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

APPROVED AS TO FORM:

Carolyn J. Crosby
Assistant City Attorney

APPROVED AS TO CONTENT:

for Bill Stern, C.B.O.
Residential Inspector Supervisor
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 of Public Hearing regarding the property located at **8329 Vance Place**, was filed with the County Clerk's Office, the official public records of real property for El Paso County.

Richarda Duffy Momsen

Executed this 5th day of July, 2006 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 6th day of July, 2006.

DOLORES M. JENKINS
NOTARY PUBLIC
In and for the State of Texas
My commission expires
04-25-2010

Dolores M. Jenkins
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 **8329 Vance Place,** was PUBLISHED in the official City newspaper on the 6th day of July, 2006.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at **8329 Vance Place**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Gumecindo Saenz, Bertha B. Saenz
1284 Elm St.
El Paso, Texas 79930-2808

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **8329 Vance Place**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ben L. Ivey & Rudy Janosek
960 N. Americas Avenue
El Paso, Texas 79907-7105

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **8329 Vance Place**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Lucia Hamilton
8329 Vance Place
El Paso, Texas 79907

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **8329 Vance Place**, 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 **8329 Vance Place**, 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 **8329 Vance Place**, 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 **8329 Vance Place,** 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 **8329 Vance Place**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Home Mortgage Company of El Paso
10645 Cadigan Drive
El Paso, Texas 79935-1205

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **8329 Vance Place**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Federal National Mortgage Association
International Plaza 2
14221 Dallas Parkway #200
Dallas, Texas 75254

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **8329 Vance Place**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Gumecindo Saenz, Bertha B. Saenz
8329 Vance Place
El Paso, Texas 79907

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **8329 Vance Place**, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ben L. Ivey & Rudy Janosek
8329 Vance Place
El Paso, Texas 79907

Date:_____
Time:_____

_____
Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at **8329 Vance Place**, El Paso, Texas.

Date:_____

Time:_____

_____

Inspector

Firmbook Report

7/06/2006-7/06/2006

7105 8873 0193 6300 7165
7105 8873 0193 6300 7264

CMN	TRACKING	NAME	ADDRESS	
7105 8873 0193 6300 7165	8329 VANCE PL	GUMECINDO SAENZ BERTHA B. SAENZ	1284 ELM ST	EL PASO TX 79930-2808
7105 8873 0193 6300 7172	8329 VANCE PL	BEN L. IVEY RUDY JANOSEK	960 N. AMERICAS AVE	EL PASO TX 79907-7105
7105 8873 0193 6300 7189	8329 VANCE PL	LUCIA HAMILTON	8329 VANCE PL	EL PASO TX 79907
7105 8873 0193 6300 7196	8329 VANCE PL	HOME MORTGAGE COMPANY OF EL PASO	10645 CARDIGAN DR	EL PASO TX 79935-1205
7105 8873 0193 6300 7202	8329 VANCE PL	FEDERAL NATIONAL MORTGAGE ASSOCIATION	INTERNATIONAL PLAZA 2 14221 DALLAS PARKWAY #200	DALLAS TX 75254
7105 8873 0193 6300 7219	8329 VANCE PL	GUMECINDO SAENZ BERTHA B. SAENZ	8329 VANCE PL	EL PASO TX 79907
7105 8873 0193 6300 7226	8329 VANCE PL	BEN L. IVEY & RUDY JANOSEK	8329 VANCE PL	EL PASO TX 79907
7105 8873 0193 6300 7233	8329 VANCE PL	GOVERNOR OF THE YSLETA DEL SUR PUEBLO INDIAN TRIBE	119 S. OLD PUEBLO RD	EL PASO TX 79907
7105 8873 0193 6300 7240	8329 VANCE PL	EL PASO CENTRAL APPRAISAL DISTRICT	5801 TROWBRIDGE AVE	EL PASO TX 79925
7105 8873 0193 6300 7257	8329 VANCE PL	GOVERNOR OF THE YSLETA DEL SUR PUEBLO INDIAN TRIBE	119 S. OLD PUEBLO RD	EL PASO TX 79907
7105 8873 0193 6300 7264	8329 VANCE PL	EL PASO COUNTY PROBATE COURT	500 E. SAN ANTONIO AVE SUITE 703	EL PASO TX 79901

UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: September 12, 2005

ADDRESS: 8329 Vance **ZONED:** R-4

LEGAL DESCRIPTION: Peterson TR 31

OWNER: Lucia Hamilton **ADDRESS:** 8329 Vance Place, El Paso, Texas 79908

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: CMU wall.
CONDITION: Concrete masonry unit (CMU) walls. Poor. Visual Cracks noted on foundation walls.

FLOOR STRUCTURE: Wood Frame
CONDITION: Unable to determine due to floor covering. A structural engineer should be hired to evaluate the actual condition.

EXTERIOR WALLS: CMU walls with plaster concrete masonry units (CMU_ with plaster finish.

HEIGHT: 10' **THICKNESS:** 8"

CONDITION: Poor. Visual cracks noted. A structural engineer should be hired to evaluate the actual condition.

INTERIOR WALLS & CEILINGS: Wood frame with sheet rock.
CONDITION: Poor. Ceiling and roof need to be repaired.

ROOF STRUCTURE: Wood frame with build up roofing.

CONDITION: Poor. Registered roofing contractor or registered building contractor must be hired to e4valuate the roofing system and submit a report.

DOORS, WINDOWS, ETC.: Wood doors with metal casement windows..
CONDITION: Fair.

MEANS OF EGRESS: Does not meet code requirements.
CONDITION: Poor. The type, height placement and free open space of the windows do not meet current code requirements.

PLUMBING: Poor. A licensed plumbing contractor should be hired to evaluate the plumbing system.

ELECTRICAL: Poor. A licensed electrical contractor should be hired to evaluate the electrical system.

MECHANICAL: Poor. A licensed mechanical contractor should be hired to evaluate the mechanical system.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

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

REMARKS: This is an open and abandoned single-family residence. The exterior walls are showing signs of advanced deterioration. The structure should be demolished and the property cleaned of all weeds, trash and debris.

Zuleika Davila
Building Inspector