

# 1908 MAGOFFIN



BUILDING AND STANDARDS BOARD AGENDA ITEM # 10 FOR  
WEDNESDAY, JULY 30, 2008

DEVELOPMENT SERVICES  
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

July 21, 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: 1908 Magoffin Avenue, El Paso, Texas 79901

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

- 1) First investigated April 18, 2008. The abandoned commercial buildings were built in 1912 and altered in 1950. The two story building sustained fire damage on May 17, 2008 compromising the structure and making it unsound. The roof and ceiling assembly have inadequate support, there are exposed and missing studs, cracks and dry rot on the walls. The buildings were found to be open and abandoned, full of graffiti, vandalized and being used as harborage by unwanted persons.
- 2) A certified condemnation letter was mailed to Irma Leticia Caudillo & 2, 2524 Rudder Place, El Paso, Texas 79936.
- 3) Certified notices of the public hearing scheduled for July 30, 2008, were mailed to the owners and all interested parties on July 15, 2008.
- 4) As of July 08, 2008, \$3,210.61 in taxes is owed.

The owner has been notified of the violations at this property to secure and clean the premises. Subsequent to the fire the property was secured. Ms. Irma Caudillo was contacted by this department informing her of continued unwanted entry at this property she conveyed to us that she wants the property demolished; 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 structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structures' certificate of occupancy be revoked; and
- 4) That the structures cannot be repaired; and
- 5) That the structure be demolished and the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and

- 6) 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.

JOHN COOK  
MAYOR



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

JOYCE WILSON  
CITY MANAGER

R. ALAN SHUBERT, P.E., C.B.O.  
DEVELOPMENT SERVICE DIRECTOR

## DEVELOPMENT SERVICES DEPARTMENT

### BUILDING STANDARDS ENFORCEMENT

April 22, 2008

Irma L Caudilo & 2  
2524 Rudder Pl  
El Paso, Texas 79936-3026

Re: 1908 Magoffin Ave.  
Blk: 29 Bassett  
Lot: E 23 Ft of 11 & N 49.8 Ft of W 2  
Ft of 11 & N 49.8 Ft of E 1 Ft of 12  
Zoned: A2  
COD08-07321  
Certified Mail Receipt #  
7005 1160 0004 6080 6602

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

1908 Magoffin Ave.

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 **1908 Magoffin 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 **30th** day of **July, 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 buildings located on the property at **1908 Magoffin Avenue**, in El Paso, Texas, which property is more particularly described as:

**Legal Description: Lot 11, except the westerly 2 feet of the South 70.2 feet thereof; and the North 49.8 feet of the East 1 foot of Lot 12, Block 29, BASSETT ADDITION to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 5, Page 21, Plat Records of El Paso County, Texas, and commonly known as 1908 Magoffin, El Paso, Texas.**

are unsafe and dangerous, because of the following violations:

- a. The structures are open and accessible to unauthorized entry. [Sec. 301.3]
- b. The premises shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- c. The structures needs to be secured from unwanted entry and ongoing vandalism, and the premises need 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, Irma Leticia Caudillo, 2524 Rudder Place, El Paso, Texas 79936, Lulu Caudillo, 14440 SW 68<sup>th</sup> Street, Miami, FL, 33183, and Diana Caudillo, 10703 Pescador Dr, El Paso, Texas 79935 (the "**Owners**"), 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, 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 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.

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:

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Mark Shoesmith  
Assistant City Attorney

APPROVED AS TO CONTENT:

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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 located at 1908 Magoffin Avenue 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 1908 Magoffin Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Irma Leticia Caudillo  
2524 Rudder Place  
El Paso, Texas 79936

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1908 Magoffin Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Lulu Caudillo  
14440 SW 68<sup>th</sup> Street  
Miami, FL 33183

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1908 Magoffin Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Diana Caudillo  
10703 Pescador Dr.  
El Paso, Texas 79935

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1908 Magoffin Avenue 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 1908 Magoffin Avenue 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 1908 Magoffin Avenue 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 1908 Magoffin Avenue 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 1908 Magoffin Avenue 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 1908 Magoffin Avenue, El Paso, Texas.

Date:  
Time:

Inspector



# UNSAFE STRUCTURES REPORT

## BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** July 10, 2008

**REP. DISTRICT:** 8

**ADDRESS:** 1908 Magoffin Avenue

**ZONED:** C - 2

**LEGAL DESCRIPTION:** Lot 11, except the Westerly 2 feet of the South 70.2 feet there; and the North 49.8 feet of the East 1 foot of Lot 12, Block 29, BASSETT ADDITION to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 5, Page 21, Plat Records of El Paso County, Texas, and commonly known as 1908 Magoffin, El Paso, Texas.

**OWNER:** Irma Leticia Caudillo

**ADDRESS:** 2524 Rudder Place  
El Paso, Texas 79936  
14440 SW 68<sup>th</sup> Street  
Miami, FL 33183  
10703 Pescador Drive  
El Paso, Texas 79935

Lulu Caudillo

Diana Caudillo

**BUILDING USE:** Abandoned two story Commercial Building

**TYPE OF CONSTRUCTION:** V, CMU, wood frame with brick veneer, corrugated sheet metal and wood shakes.

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

**FLOOR STRUCTURE:** Combination, wood frame w/hardwood floor and concrete on slab.

**CONDITION:** Poor, due to exposure to the elements and lack of maintenance and fire damage. A structural engineer or registered contractor must be hired to evaluate the flooring system.

**EXTERIOR WALLS:** CMU, brick veneer, corrugated sheet metal, wood shakes and wood framing w/stucco.

**HEIGHT:** 25' +/-

**THICKNESS:** 10" - 12"

**CONDITION:** Poor, sustained fire damage. 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:** Wood frame, sheetrock w/ plaster

**CONDITION:** Poor. Deteriorated walls due to lack of maintenance and fire damage throughout interior of structure. A structural engineer should be hired to evaluate structural elements of the building and submit a report of the required corrections to make the buildings safe

**ROOF STRUCTURE:** TJI, 1 x 4 lathing covered with corrugated sheet metal.

**CONDITION:** Poor. 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 and metal frame doors and windows with wrought iron.

**CONDITION:** Poor the windows are gone. Will need to replace all doors and widows, so they are operational and meet egress requirements.

**MEANS OF EGRESS:** Does not meet code requirements.

**CONDITION:** Poor. Windows and doors must be replaced to make them operational.

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

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

**MECHANICAL:** A licensed mechanical contractor should be hired to bring system up to code.

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:** None

**WARNING POSTED:** Yes

**BARRICADED:** No

**POLICE AID REQD.:** No

**REMARKS:** This is an abandoned two story commercial building that sustained fire damage on May 17, 2008. The structure was built in 1912, is in an advanced state of disrepair, vandalized and being used as harborage by unwanted persons. The structure should be demolished and the property cleaned of all weeds, trash and debris.

Nellie Avalos

**Building Inspector**



# UNSAFE STRUCTURES REPORT

## BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** July 10, 2008

**REP. DISTRICT:** 8

**ADDRESS:** 1908 Magoffin Avenue

**ZONED:** C - 2

**LEGAL DESCRIPTION:** Lot 11, except the Westerly 2 feet of the South 70.2 feet there; and the North 49.8 feet of the East 1 foot of Lot 12, Block 29, BASSETT ADDITION to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 5, Page 21, Plat Records of El Paso County, Texas, and commonly known as 1908 Magoffin, El Paso, Texas.

**OWNER:** Irma Leticia Caudillo

**ADDRESS:** 2524 Rudder Place  
El Paso, Texas 79936  
14440 SW 68<sup>th</sup> Street  
Miami, FL 33183  
10703 Pescador Drive  
El Paso, Texas 79935

Lulu Caudillo

Diana Caudillo

**BUILDING USE:** Abandoned Commercial Building

**TYPE OF CONSTRUCTION:** V, wood frame with corrugated sheet metal.

**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:** Poured concrete.

**CONDITION:** Fair. A structural engineer or registered contractor must be hired to evaluate actual condition.

**FLOOR STRUCTURE:** Concrete on slab.

**CONDITION:** Fair. A structural engineer or registered contractor must be hired to evaluate the flooring system.

**EXTERIOR WALLS:** Wood framing w/corrugated sheet metal.

**HEIGHT:** 10' +/-

**THICKNESS:** 10" - 12"

**CONDITION:** Fair, contains graffiti. 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:** Open area, wood frame w/sheetrock, there is no ceiling.  
**CONDITION:** Poor, unfinished wall with exposed studs. Deteriorated due to lack of maintenance and vandalism. A structural engineer should be hired to evaluate structural elements of the building and submit a report of the required corrections to make the buildings safe

**ROOF STRUCTURE:** Trusses w/sheathing covered with corrugated sheet metal.  
**CONDITION:** Fair. 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 frame doors, no windows.  
**CONDITION:** Poor, one of the doors was completely removed Will need to replace the doors.

**MEANS OF EGRESS:** Does not meet code requirements.  
**CONDITION:** Poor. Doors must be replaced to make them operational and to meet code.

**PLUMBING:** None. A licensed plumber should be hired to bring system up to code.

**ELECTRICAL:** None. A licensed electrician should be hired to bring system up to code.

**MECHANICAL:** None. A licensed mechanical contractor should be hired to bring system up to code.

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:** None

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

**REMARKS:** This is an abandoned commercial building built in 1950. The structure is in an advanced state of disrepair, vandalized and being used as harborage by unwanted persons. The structure should be demolished and the property cleaned of all weeds, trash and debris.

Nellie Avalos  
Building Inspector