

# 5647 FRUTAS



BUILDING AND STANDARDS BOARD AGENDA ITEM # 8 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: 5647 Frutas Avenue, El Paso, Texas 79905

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

- 1) First investigated January 24, 2008. The single family dwelling was built in 1963. The electrical and plumbing systems are inadequate. The exterior plaster coating has fallen in several areas exposing the underlying adobe to the elements. The interior walls contain several holes and corrosion Dry rot is evident and the exposed lumber is showing signs of deterioration and decay. The roof ceiling assembly and roof coverings have not been maintained and are showing signs of deterioration.
- 2) A certified condemnation letter was mailed to Emilio Sandoval, 5647 Frutas Avenue, El Paso, Texas 79905.
- 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 8, 2008, no taxes are owed.

The owner and the representative have been notified of the property maintenance violations at this property, to date there has been no corrective action taken, therefore 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 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 can be rehabilitated; and
- 5) That the structure be vacated within 30 days; and
- 6) That the 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 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

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  
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EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

## DEVELOPMENT SERVICES DEPARTMENT

### BUILDING STANDARDS ENFORCEMENT

February 18, 2008

Emilio Sandoval  
5647 Frutas Ave.  
El Paso, Texas 79905-1726

Re: 5647 Frutas Ave.  
Blk: 5 Hughes S/D Blk 1 Alameda Acres  
Lot: 27  
Zoned: R4  
COD08-01377  
Certified Mail Receipt #  
7007 0710 0001 1381 9553

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

5647 Frutas Ave.

The structure located at **5647 Frutas Ave.** 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 premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].

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 building located on the property at **5647 Frutas Avenue**, in El Paso, Texas, which property is more particularly described as:

**Legal Description: Lot 27, Block 5, HUGHES SUBDIVISION Block 1, ALAMEDA ACRES ADDITION, in EL Paso County, Texas, according to map and plat of said addition on file in the Office of the County Clerk 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 premises shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].

According to the real property records of the County of El Paso, Emilio Sandoval, 5647 Frutas Ave., and Roberto Sandoval, P. O. Box 315, Tornillo, Texas 79853 (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:

APPROVED AS TO CONTENT:

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Mark Shoesmith  
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 located at 5647 Frutas 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 5647 Frutas Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Emilio Sandoval  
5647 Frutas Ave.  
El Paso, Texas 79905

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5647 Frutas Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Roberto Sandoval  
P. O. Box 315  
Tornillo, Texas 79853

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5647 Frutas 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 5647 Frutas 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 5647 Frutas 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 5647 Frutas 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 5647 Frutas 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  
5647 Frutas Avenue, El Paso, Texas.

Date:

Time:

Inspector



# UNSAFE STRUCTURES REPORT

## BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** July 21, 2008

**ADDRESS:** 5647 Frutas Avenue, El Paso, Texas 79905      **ZONED:** R-5

**LEGAL DESCRIPTION:** Lot 27, Block 5, HUGHES SUBDIVISION Block 1, ALAMEDA ACRES ADDITION, in El Paso County, Texas, according to map and plat of said addition on file in the Office of the County Clerk of El Paso County, Texas.

**OWNER:** Emilio Sandoval

**ADDRESS:** 5647 Frutas Avenue, El Paso, Texas 79905

**BUILDING USE:** Multi-Family Dwellings

**TYPE OF CONSTRUCTION:** Type V, adobe w/plaster

**FOOTINGS:** Concrete

**CONDITION:** Poor. Inadequate (improper) footings, some areas of the footings that are visible are spalling, chipping and in an advanced state of corrosion. There are many areas that are covered by earth or concrete sidewalk that cannot be visually checked and will require a structural engineer to evaluate the footings for structural design strength for the load that was put on it.

**FOUNDATION WALL:** N/A

**CONDITION:** N/A

**FLOOR STRUCTURE:** Concrete slab on grade

**CONDITION:** Poor. There are areas that are covered by carpet or tile. Areas that were not covered showed signs of cracks and failure. A structural engineer will need to be hired to evaluate the conditions of the floor system and submit a report to this department on all corrective actions required to bring the floor system up to minimum code.

**EXTERIOR WALLS:** Wood framed Adobe walls with stucco exterior finish, some corrugated steel in an illegal addition.

**HEIGHT:** 10' +/-

**THICKNESS:** 12" +/-

**CONDITION:** Poor. Due to lack of maintenance and exposure to the elements, much of the dwelling is in an advanced state of disrepair. Spalling has occurred on some of the adobe walls, exposing the earthen adobe to the elements and wood rot has occurred to the roofing members and exposed framing members. The exterior walls will require a structural engineer to evaluate the entire framing system components for structural stability and submit a report to this department on all corrective actions required to bring this system into minimum code compliance.

**INTERIOR WALLS & CEILINGS:** Some interior walls are of conventional 2" X 4" stick framing with sheetrock ½" sheetrock, others are of adobe with stucco finish and the remainder of the walls are of concrete masonry units with stucco finish. **Ceilings** are of ½" sheetrock that leak.

**CONDITION:** Poor. There are structural cracks and holes throughout the walls, the ceiling will need to be repaired and or replaced

**ROOF STRUCTURE:** Flat roof with roll roofing composition material

**CONDITION:** Poor. Noticeable leaks throughout the dwelling, there is evidence of dry rot. A registered roofing contractor will need to be hired to evaluate the entire roofing system and submit a report of his findings to this department on the corrective action required to bring the system up to minimum code compliance.

**DOORS, WINDOWS, ETC.:** Wood framed doors and windows w/wrought iron.

**CONDITION:** Poor. Will need replacing to meet minimum code requirement for egress.

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

**CONDITION:** Poor

**PLUMBING:** Poor. 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:** Poor, there are several frayed wires and too many spliced electrical extension cords. 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 compliance.

**MECHANICAL:** Poor. A licensed mechanical contractor must be hired to evaluate the entire mechanical system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: TWO**

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

**REMARKS:** This single family dwelling built in 1963 and had additions done to it without permits. Due to the structure being in an advanced state of disrepair this department recommends that the structure be vacated, secured and the premises be cleaned and maintained clean of all weeds, trash and debris.

Nellie Avalos  
**Building Inspector**

**CITY OF EL PASO  
ENVIRONMENTAL SERVICES**



**M E M O R A N D U M**

**DATE:** February 29, 2008  
**MEMO TO:** William Stern C.B.O., Residential Inspector Supervisor  
**FROM:** David Chacon, Code Compliance Inspector  
**SUBJECT:** Condemnation Report #COD08-01377  
**RE:** 5647 Frutas Ave. (5 Hughes S/D Blk 1 Alameda Acres, Lot 27)

An inspection of the property was conducted on February 29, 2008 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

**SECTION 9.04 - SOLID WASTE STORAGE AREA**  
Open storage observed (stove, air condition, tires)

**SECTION 9.04.340 – ACCUMULATIONS**  
Trash and debris was noted.

**SECTION 9.16 - NUISANCE**  
High vegetation.

**SECTION 9.16.010 – DESIGNATED**  
Residence is still occupied.

**SECTION 9.28 -RAT CONTROL**  
Rodent evidence was not noted on the premise.