

# 3215 MISSOURI



**BUILDING AND STANDARDS BOARD AGENDA ITEM #7 FOR  
WEDNESDAY, JULY 31, 2013**

**ENVIRONMENTAL SERVICES DEPARTMENT  
CODE COMPLIANCE DIVISION**

**MEMORANDUM  
July 10, 2013**

**TO:** The Honorable Chairman and Board Members

**THROUGH:** Elda Rodriguez-Hefner, Division Manager, Code Compliance Department

**FROM:** Tom Maguire, C.B.O., Deputy Building Official

**SUBJECT:** 3215 E. Missouri, El Paso, Texas, 79903-4201

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

- 1) First investigated on October 26, 2012. And recently investigated on several occasions, between June 2013 and July 2013. These single family dwellings was built on or about 1929. Upon investigation the structures were found open, abandoned and in a state of disrepair. Also being used as harborage by vagrants. The roof/ceiling assembly and roof coverings show signs of deterioration due to lack of maintenance and water damage. There is evidence of settlement causing the wood floors to sag. There is evidence of inadequate electrical, plumbing and mechanical systems. Most of the doors and windows are broken and in disrepair. There is trash and debris throughout.
- 2) A certified condemnation letter was mailed to Irma & Johnny L Harrelson on Nov 5, 2012.
- 3) Certified notices of the public hearing scheduled for July 31,2013, were mailed to the owners and all interested parties on July 10, 2013
- 4) As of July 17, 2013, \$12,861.48 in taxes is owed.

The owners have been notified of the property violations at this property, to date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

- 1) That the structures are 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 remain revoked; and
- 4) That the structures cannot be rehabilitated; and
- 5) That the structures be demolished within thirty (30) days; and
- 6) That the premises be cleaned within thirty (30) days & maintained clean thereafter; and
- 7) That upon failure by the owners 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.

Code Compliance Division  
October 31, 2012

**NOTICE OF VIOLATION**

IRMA & JOHNNY L HARRELSON  
3215 E MISSOURI AVE  
EL PASO, TX 79903-4201

Re: 3215 Missouri Ave.  
Blk: 68 EAST EL PASO  
Lot: 13 & W 1/2 OF 14 (5250 SQ FT)  
Zoned: R-5  
ENHS12-00854  
7199 9991 7030 7650 8387

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, Property Maintenance Code, which states:

**18.50.108.1 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 Title 2.38 of the Municipal Code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

**18.50.108.1.1 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.

**18.50.108.1.2 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.

**18.50.108.1.3 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 3215 E Missouri, El Paso, Texas, 79903 is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. All *exterior property, accessory structures and premises* shall be maintained in a clean, safe and sanitary condition, All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9 ]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The building must comply with the minimum criteria of the provisions for required facilities. [Sec. 502.1, 502.2, 502.3, 502.4,502.4.1, 502.5]
- e. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- f. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- g. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- h. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner. [Sec. 605.1, 605.2, 605.3]
- i. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- j. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times. [Sec. 704.1, 704.1.1, 704.2, 704.3, 704.4 ]
- 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. [Sec. 108.2]
- l. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Prosecutor's Office for court proceedings. The court will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.10.3.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Environmental Services Department, Code Compliance Division 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 Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, 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 599-6290.

Roger Iveson  
Chief Building Inspector

## NOTICE OF PUBLIC HEARING

### **To all interested parties:**

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the “Commission”, at the following time and place:

**LOCATION:** City Hall, City Council Chambers, 300 North Campbell Street, 1<sup>st</sup> Floor, El Paso, Texas 79901

**DATE:** July 31st, 2013

**TIME:** 5:30 p.m.

**PROPERTY:** **3215 E. Missouri Ave., El Paso, TX** also described as Lots 13 and the west one-half of Lot 14 of the East El Paso Addition, Block 68, an addition to the City and County of El Paso.

The Property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, Irma & Johnny L. Harrelson, 3215 E. Missouri Avenue, El Paso, TX 79903-4201 are the owners; herein after referred to as the “Owners” of the Property. 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 from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Property, even if you do not.

On or about October 26, 2012, an inspection of the Property was conducted by the Environmental Services Division and the following violations were identified:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9 ]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1,

304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]

- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The building must comply with the minimum criteria of the provisions for required facilities. [Sec. 502.1, 502.2, 502.3, 502.4,502.4.1, 502.5]
- e. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- f. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- g. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- h. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- i. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- j. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times. [Sec. 704.1, 704.1.1, 704.2, 704.3, 704.4 ]
- 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. [Sec. 108.2]

The Owners are entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owners advocates for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owners fail to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order.

The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. A copy of the ordinance adopting the most current version of Chapter 2.38 is enclosed. The bylaws may be obtained at the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907 or by calling (915) 599-6290.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

**FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.**

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM

APPROVED AS TO CONTENT

---

John R. Batoon  
Assistant City Attorney

---

Tom Maguire, C.B.O.  
Deputy Building Official  
City Development 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 3215 E. Missouri Avenue, El Paso, Texas was PUBLISHED in the official City newspaper on the \_\_\_\_day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 3900 La Luz Avenue, El Paso, TX, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Irma Harrelson & Johnny Harrelson  
3215 E. Missouri Avenue  
El Paso, TX 79903-4201

Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 3215 E. Missouri Avenue, El Paso, TX, 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 3215 E. Missouri Avenue, El Paso, TX, 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 3215 E. Missouri Avenue, El Paso, TX, 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 3215 E. Missouri Avenue, El Paso, TX, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Clerk, Probate Dept.  
500 E. San Antonio Avenue, Suite 105  
El Paso, Texas 79901

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 3215 E. Missouri Avenue, El Paso, TX, 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 3215 E. Missouri Avenue, El Paso, TX, El Paso, Texas.

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_



# UNSAFE STRUCTURES REPORT

## BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** June 26, 2013

**REP. DISTRICT:** 2

**ADDRESS:** 3215 E. Missouri Ave

**ZONED:** R-5

**LEGAL DESCRIPTION:** Lot 13 and the west one-half of Lot 14 of the East El Paso Addition, Block 68, an addition to the City of El Paso, County Of El Paso, municipally known and numbered as 3215 E. Missouri.

**OWNER:** Irma & Johnny Harrelson

**ADDRESS:** 3215 E. Missouri Avenue  
El Paso, TX 79903

**BUILDING USE:** Single family dwelling

**TYPE OF CONSTRUCTION:** Veneer

**FOOTINGS:** Unable to determine.

**CONDITION:** Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

**FOUNDATION WALL:** N/A

**CONDITION:** N/A

**FLOOR STRUCTURE:** Poor. Sagging foundation.

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

**EXTERIOR WALLS:** Dilapidated brick veneer walls.

**HEIGHT:** 8' to 10'

**THICKNESS:** 8" to 10"

**CONDITION:** Poor. Due to lack of maintenance the plaster coating has fallen in several areas exposing the adobe to elements causing structural deficiencies on the wall system. 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 ceilings.

**CONDITION:** Poor. The walls and ceilings will need to be repaired, painted. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

**ROOF STRUCTURE:** Flat roof, wood framing with rolled composition.

**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 frame doors and windows.

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

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

**CONDITION:** Poor. Windows and doors need replacing or repairs done to make them operational.

**PLUMBING:** A licensed plumber should be hired to replace system.

**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 open and abandoned single-family residence. The exterior walls are showing signs of advanced deterioration. The original structure should be demolished within thirty (30) days; the deteriorated accessory structure should also be demolished within thirty (30) days and the property cleaned of all weeds, trash and debris.

Rafael Balli-Berlange  
**Building Inspector**

Appraisal & Collection Technologies - EL PASO

Action Edit Query Record Field Help Entitlements Accounts Statements Window

ORACLE

Account Status

Prev. Acc... Next Acc... Prev. Owner Next Owner Acct History Acct Summary **Notes** Documents Go To: \_\_\_\_\_

EVAR 07/17/2013 12:21  
ACT8006 v1.235 ACTEP

STATUS DETAIL **Expand Fees** Summary

**Account Information**

Account No. **E014-999-0680-2600** Roll Code REAL PROPERT  
 Certified Owner HARRELSON IRMA & JOHNNY L  
 Parcel Address 3215 E MISSOURI AVE  
 Amount Due as of 07/17/2013 CAD No. 148683

**Tax Units** Tax Unit Description  
 List of Tax Units  
 1 3 6 7 8 9009  
 AG INCLUDED  **Remove Fees** Countywide  **Multi Select**

**Tax Unit, Yr, Rec. Type**  
 Tax Unit  
 Year  
 Rec. Type

**Amount Due/Paid Information**

Year	Gross Value	H	O	V	D	Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due
2012	\$84,645					\$2,606.17	\$0.00	\$0.00	\$2,606.17	\$909.01	\$0.00	\$3,515.18
2011	\$83,433					\$2,137.90	\$0.00	\$0.00	\$2,137.90	\$1,186.80	\$0.00	\$3,324.70
2010	\$83,433	Y			Y	<b>Exemption</b>	\$1,425.64	\$0.00	\$1,425.64	\$992.88	\$0.00	\$2,418.52
2009	\$88,907	Y			Y	<b>Exemption</b>	\$1,466.20	\$0.00	\$1,466.20	\$1,231.05	\$0.00	\$2,697.25
2008	\$86,518	Y			Y	<b>Exemption</b>	\$1,441.47	\$949.07	\$492.40	\$413.43	\$0.00	\$905.83
2007	\$90,000	Y			Y	<b>Exemption</b>	\$1,386.63	\$1,386.63	\$0.00	\$0.00	\$0.00	\$0.00
2006	\$77,144	Y				<b>Exemption</b>	\$1,865.51	\$1,865.51	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$66,390	Y				<b>Exemption</b>	\$1,800.32	\$1,800.32	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$64,587	Y					\$1,736.56	\$1,736.56	\$0.00	\$0.00	\$0.00	\$0.00
<b>Totals</b>						<b>\$27,797.50</b>	<b>\$19,669.19</b>	<b>\$0.00</b>	<b>\$8,128.31</b>	<b>\$4,733.17</b>	<b>\$0.00</b>	<b>\$12,861.48</b>

Last Payment Date  
 Last Payer

**Alert**

11:22 AM 7/17/2013