

# 2731 PORTLAND



BUILDING AND STANDARDS BOARD AGENDA ITEM # 10 FOR  
WEDNESDAY, AUGUST 27, 2008

DEVELOPMENT SERVICES  
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM  
August 20, 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: 2731 Portland Ave.

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

- 1) First investigated September, 2001. The building was found to be open and abandoned and in an advanced state of disrepair. The building was being entered and being used as a harborage by unwanted persons. The building was ordered by city council to be secured and maintained secured and clean until rehabilitated. The building continued to deteriorate and was constantly being entered by unwanted persons. As a result of the building continuing to be an attractive nuisance the building was presented to the Building and Standards Commission and was condemned to be demolished on December 20<sup>th</sup> 2006. The building was foreclosed on by the city for outstanding taxes in February 2008. The building has recently been acquired and a request has been made by the new owner to be permitted to rehabilitate the building.
- 2) Certified notices of the public hearing scheduled for August 27, 2008 were mailed to the owners and all interested parties on August 15, 2008.

The Department recommends that it be found:

- 1) That the Building and standards Commission order of December 20, 2006 to demolish the building be stayed; and
- 2) That the Building and Standards Commission determine the length of time to stay the demolition order; and
- 3) That all the required documents for the buildings rehabilitation be submitted to development services department within 30 days; and
- 4) That the building be maintained secure and clean until rehabilitated; and
- 5) That a hearing be scheduled to determine if the structure can be repaired.

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **27th** day of **August 2008** in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso will hold a public hearing concerning the building located on the property at **2731 Portland Ave.**, in El Paso, Texas, which property is more particularly described as:

**LEGAL DESCRIPTION: Lots 31 and 32, in Block 39, MANHATTAN HEIGHTS ADDITION to the City of El Paso, Texas, also known and numbered as 2731 Portland Avenue, El Paso, Texas.**

The building was ordered to be demolished by an order of the Building and Standards Commission dated **December 20, 2006**. The matter that will be heard is whether the demolition order should be stayed and if so, for what period of time.

According to the real property records of the County of El Paso, Texas, **The City of El Paso is listed as the Trustee** of the real property described herein.

All interested parties 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.

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.

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.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Mark Shoesmith  
Assistant City Attorney

\_\_\_\_\_  
Bill Stern, C.B.O.  
Chief Building Inspector  
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 regarding the property located at 2731 Portland Ave. 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 2731 Portland Ave., was HAND DELIVERED to:

Juan Sandoval  
2 Civic Center Plaza  
El Paso Texas 79901

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2731 Portland Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Preservation Alliance  
P.O. Box 3670  
El Paso Texas 79923-3670

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2731 Portland 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 2731 Portland 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 2731 Portland 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 2731 Portland 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 regarding the property at 2731 Portland 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, TX 79901

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 2731 Portland Ave, El Paso, Texas.

Date:

Time:

Inspector

**ORDER OF THE BUILDING AND STANDARDS**  
**COMMISSION OF THE CITY OF EL PASO**

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the Building and Standards Commission in writing that he is of the opinion that the structure located on the property at **2731 Portland Ave.**, in El Paso, Texas, which property is more particularly described as follows:

**LEGAL DESCRIPTION: Lots 31 and 32, in Block 39, MANHATTAN HEIGHTS ADDITION to the City of El Paso, Texas, also known and numbered as 2731 Portland Avenue, El Paso, Texas**

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in 18.50 of the El Paso City Code; and

WHEREAS, **Marcelino Castillo, 2731 Portland Ave., El Paso, Texas 79930**, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before the Building and Standards Commission at 5:30 p.m. on **December 20, 2006**; and

WHEREAS, no one appeared.

**IT IS THEREFORE, ORDERED ADJUDGED AND DECREED BY THE BUILDING AND STANDARDS COMMISSION OF THE CITY OF EL PASO:**

1. That having heard the evidence, and being persuaded by a preponderance of same, the Building and Standards Commission makes the following findings:
  - A. That the structures located on said property are an urban nuisance; and
  - B. That the structures located on said property are currently unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - C. That the structures are not in substantial compliance with municipal ordinances regulating structural or service systems integrity and disposal of refuse; and
  - D. That because of the Owner's failure to supply any drawings, plans, or reports to indicate otherwise, the structures cannot be repaired; and

- E. That in order to be made safe, all of the aforementioned violations must be corrected.
2. That the Building and Standards Commission hereby orders the structure's certificate of occupancy revoked and the Owner to comply with the following requirements:
  - A. That the primary building and all accessory buildings be demolished within thirty (30) days; and
  - B. That the premises be cleaned of all weeds, trash, and debris within thirty (30) days; and
3. That upon failure of the Owner to comply with this Order, any mortgagees, lien holders, and/or other persons having an interest in the property have an additional ten (10) days to clear the property of all weeds, trash, and debris and secure the structure
4. That upon failure of the Owner, mortgagees, lien holders, and/or any other person having an interest in the property to comply with this Order, the City of El Paso, through its Director for Building Permits and Inspections, shall:
  - A. Demolish the primary and accessory structures; and
  - B. Clean the property of all weeds, trash and debris; and
  - C. Assess the cost of the work noted above as a lien against the property which will become due and payable within thirty (30) days of the date the City of El Paso completes the work; and
  - D. Provide for any other remedies permitted by State Law.
5. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may request a hearing before the Building and Standards Commission to:
  - A. Determine the amount and duration of civil penalties the City of El Paso may recover for failure to comply with this Order as allowed by Texas Local Government Code Chapter 54; and
  - B. Provide any other remedies permitted by State law.

6. **RIGHT TO APPEAL:** *The decision of the Building and Standards Commission is final (see discussion of rehearing, below). An appeal may be filed by verified petition in State District Court, setting forth that the decision of the Commission is illegal, in whole or in part, and specifying the grounds of the illegality. Petition for appeal must be filed by the owner(s) or interested party within twenty (20) days of receipt of notice of the Order of the Commission. Appeals in District Court are limited to hearings under the substantial evidence rule.*

*A rehearing by the Building and Standards Commission may only be granted in the following circumstances:*

- A. *Proper request is made within twenty (20) days of receipt of notice of the Order of the Commission; and*
- B. *Rehearing fees of five hundred and forty dollars (\$540.00) are furnished with the rehearing request. The Building and Standards Commission may waive these fees in cases of financial hardship based on written affirmation from the applicant.*

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED,** that the City Clerk shall cause copies of this Order to be served on the record owner(s) and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own or have an interest in the 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 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 this office no later than the twentieth (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.

**ADOPTED on this 20<sup>th</sup> day of December, 2006.**

BUILDING AND STANDARDS COMMISSION

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Chairman, Panel **B**

APPROVED AS TO FORM:

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Roberta B. Cross  
Assistant City Attorney

APPROVED AS TO CONTENT:

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Bill Stern, C.B.O., Chief Building Inspector  
Development Services Department  
Building Permits & Inspections Division