

1717 E MISSOURI



BUILDING AND STANDARDS BOARD AGENDA ITEM # 6 FOR
WEDNESDAY, AUGUST 29, 2012

CODE COMPLIANCE DIVISION

MEMORANDUM

August 21, 2012

TO: The Honorable Chairman and Board Members

THROUGH: Kurt Fenstermacher, Deputy Director, Environmental Services Department

FROM: Bill Stern, Deputy Building Official

SUBJECT: 1717 E. Missouri Avenue, El Paso, Texas 79930

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

- 1) First investigated on August 24, 2011. Recently investigated on March 3, 2012 the structure was found open, abandoned and being used as harborage by unwanted persons and in an advanced state of disrepair. This single family dwelling was built in 1913, constructed of wood with brick and stucco finish and a wood framed roof structure. The brick veneer shows signs of structural failure. The stucco coating has been completely removed in some areas exposing the underlying wood frame structure and causing the walls to become compromised. The wooden floor system is concave and contains several holes. The plumbing, mechanical and electrical systems are nonexistent. There is trash and debris accumulation inside the abandoned structure.
- 2) A certified condemnation letter was mailed to Raul Hernandez and Martha Strickland.
- 3) Certified notices of the public hearing scheduled for August 29, 2012 were mailed to the owners and all interested parties on July 12, 2012.
- 4) As of August 21, 2012, \$ 7,915.88 taxes are owed.

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

- 1) That the structure is 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 cannot be rehabilitated; and
- 5) That the structure be demolished within thirty (30) days, and
- 6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (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.

Code Compliance Division
February 1, 2012

NOTICE OF VIOLATION

Raul Hernandez
Martha Strickland
3516 Saint Johns Dr.
Denton, Texas 76210-6780

Re: 1717 E. Missouri Ave.
Blk: 54 Franklin Heights
Lot: 24 & E 1/2 of 23
Zoned: C-4
ENHS12-00062
7108 2133 3932 6351 0854

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:

18.50.106.1 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 **1717 E. Missouri, El Paso, Texas, 79902** is in violation of the requirements found in the following sections of the 2003 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- b. 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 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 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 599-6244.

Daniel Lopez
Building Inspector

DL/nms

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: El Paso City Hall, 2 Civic Center Plaza, Council Chamber, 2nd Floor, El Paso, Texas 79901

DATE: August 29, 2012

TIME: 5:30 p.m.

PROPERTY: 1717 E. MISSOURI AVENUE, EL PASO, TEXAS also described as the East ½ of Lot 23 and all of Lot 24, in Block 54, of the FRANKLIN HEIGHTS ADDITION to the City 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, Mercedes Hernandez, 1717 E. Missouri, El Paso, TX 79902, Aurora Hernandez LaPoint, 1717 E. Missouri, El Paso, TX 79902, Enrique Hernandez, 1717 E. Missouri, El Paso, Texas 79902; Dunbar, Armendariz & Hegeman, Attn.: Carman B. Hegeman, 1700 Stanton, El Paso, TX 79902, Martha Yerke-Strickland, 3516 Saint Johns Drive, Denton, TX 76210, Tanya Brown, 101 W. Superior #503, Chicago, IL 60654, Celeste Chavira, 117 Spring Drive, Jacksonville, NC 28540 and Claudia Hernandez, 9515 Liberty Sound, Converse, Texas 78109, 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 20th 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 May 23, 2012 an inspection of the Property was conducted by the Environmental Services Division and the following violations were identified:

- a. The floors have not been maintained in a safe manner. (Code Sec. 304.1.1.9 of the 2009 International Property Maintenance Code (IPMC))
- b. The walls have not been maintained in a safe manner free of holes and cracks. (Sec. 304.6 & Sec.305.2 of the 2009 IPMC)
- c. The roof structures have not been maintained free of defects that may cause leaks. (Sec. 304.7 of the 2009 IPMC)

- d. The means of egress is/are inadequate and do not meet minimum code requirements. (Sec. 702.4 of the 2009 IPMC)
- e. The plumbing system is inadequate and does not meet minimum code requirements. (Sec. 504.1 of the 2009 IPMC)
- f. The electrical system is inadequate and does not meet minimum code requirements. (Sec. 604.3 of the 2009 IPMC)
- g. The HVAC system is inadequate and does not meet minimum code requirements. (Sec. 603.1 of the 2009 IPMC)
- h. The structures are open and accessible to unauthorized entry. (Sec. 301.3 of the 2009 IPMC)
- i. The premises are full of weeds, trash, and debris (Sec. 302.1 & Sec. 302.4 of the 2009 IPMC)
- j. The structures need to be secured from unwanted entry and ongoing vandalism. (Sec. 108.2 of the 2009 IPMC)

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 advocate 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

Lesley J. Nicholes
Assistant City Attorney

Bill Stern, C.B.O.
Deputy Building Official
Code Compliance Division

Enclosures:

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 1717 E. Missouri Avenue, El Paso, Texas was PUBLISHED in the official City newspaper on the ____ day of _____, 2012.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 1717 E. Missouri Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mercedes Hernandez
1717 E. Missouri Avenue
El Paso, TX 79902

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 1717 E. Missouri Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Aurora Hernandez LaPoint
1717 E. Missouri Avenue
El Paso, TX 79902

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 1717 E. Missouri Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Enrique Hernandez
1717 E. Missouri Avenue
El Paso, TX 79902

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 1717 E. Missouri Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Dunbar, Armendariz & Hegeman
Attn.: Carman B. Hegeman
1700 Stanton
El Paso, TX 79902

Date: _____
Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 1717 E. Missouri Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Martha Yerke-Strickland
3516 Saint Johns Drive
Denton, TX 76210

Date: _____
Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 1717 E. Missouri Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Tanya Brown
101 W. Superior #503
Chicago, IL 60654

Date: _____
Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 1717 E. Missouri Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Celeste Chavira
117 Spring Drive
Jacksonville, NC 28540

Date: _____
Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 1717 E. Missouri Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Claudia Hernandez
9515 Liberty Sound
Converse, TX 78109

Date: _____
Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 1717 E. Missouri 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 1717 E. Missouri 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 1717 E. Missouri 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 1717 E. Missouri 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 1717 E. Missouri 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 1717 E. Missouri Avenue, El Paso, Texas.

Date: _____

Time: _____

Inspector: _____



UNSAFE STRUCTURES REPORT

CODE COMPLIANCE DIVISION

DATE OF EXAMINATION: March 2, 2012

REP. DISTRICT: 8

ADDRESS: 1717 E. Missouri Ave.

ZONED: C-4

LEGAL DESCRIPTION: Lots 22 and East ½ of 23, Blk "54" of the FRANKLIN HEIGHTS to the City of El Paso. El Paso County, Texas

OWNER: Raul Hernandez

ADDRESS: 3516 St. Johns Drive
Denton, Texas 76210

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Rubble Stone w/mortar grout.

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

FOUNDATION WALL: Rubble stone w/mortar grout and concrete covering.

CONDITION: Poor. Missing rocks, disintegrating mortar grout, concrete covering is gone in several areas. Showing signs of deterioration due to lack of maintenance.

FLOOR STRUCTURE: 2 x 6 tongue and groove wood subfloor on top of 2 x 8 floor joist with some floor linoleum covering, carpet covering, and vinyl tile covering.

CONDITION: Poor. The wooden floor is broken and concave; containing holes in several places due to lack of maintenance.

EXTERIOR WALLS: Brick Veneer & Stucco veneer with wood frame.

HEIGHT: 10'-12' +/-

THICKNESS: 8"- 10" +/-

CONDITION: Poor. Brick veneer shows several structural cracks throughout the building. Stucco veneer is completely removed in areas exposing the underlying frame structure compromising the walls and structural integrity.

INTERIOR WALLS & CEILINGS: Wood frame ceilings w/plaster veneer.

CONDITION: Poor. Ceiling shows signs of deterioration due to lack of maintenance, exposed roof & ceiling assembly membranes. Interior walls contain graffiti and are showing signs of deterioration from lack of maintenance and moisture accumulation.

ROOF STRUCTURE: Pitched roof with asphalt shingles.

CONDITION: Poor. Disintegrating and collapsed due to lack of maintenance. 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 framed doors and windows.

CONDITION: Poor. The doors and windows are broken, deteriorated and missing hardware due to lack of maintenance.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. Windows, doors and window glass will need to be repaired or replaced to make them operational to meet minimum code requirements.

PLUMBING: Unknown

CONDITION: A licensed plumbing contractor should be hired to evaluate the plumbing system condition.

ELECTRICAL: Unknown

CONDITON: Unknown. A licensed electrical contractor should be hired to evaluate the electrical system condition.

MECHANICAL: Unknown

CONDITION: Unknown. A licensed mechanical contractor should be hired to evaluate the mechanical system condition.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS: The open and abandoned single family dwelling was built in 1913. The structure was found open, abandoned and being used as harborage by unwanted persons. The structure is in an advanced state of disrepair. The brick veneer shows signs of structural failure. The stucco veneer has fallen exposing the underlying wood frame. The ceiling system is in disrepair throughout the structure. There is trash, weeds and debris throughout the property. The division recommends that the structure be demolished within thirty (30) days. That the property be cleaned of all weeds, trash and debris within thirty (30) days.

Kevin D Harrell
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** Go To:

EVAR
ACT8006 v1.221 08/21/2012 16:02:46
ACTEP

STATUS DETAIL Expand Fees Summary

Account Information

Account No. F607-999-0540-6600 Roll Code REAL PROPERTY

Certified Owner HERNANDEZ RAUL

Parcel Address 1717 E MISSOURI AVE

Amount Due as of 08/21/2012 CAD No. 39019

Tax Units

Tax Unit Description

List of Tax Units

1 3 6 7 8

AG INCLUDED Remove Fees Countywide

Tax Unit, Yr, Rec. Type

Tax Unit Year Rec. Type Multi Select

Amount Due/Paid Information

Year	Gross Value	H	O	V	D	Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due
2011	\$90,119					\$2,309.23	\$0.00	\$0.00	\$2,309.23	\$978.05	\$0.00	\$3,287.28
2010	\$90,119					\$2,290.43	\$0.00	\$0.00	\$2,290.43	\$1,299.38	\$0.00	\$3,589.81
2009	\$86,152	Y	Y			Exemption \$610.88	\$0.00	\$0.00	\$610.88	\$427.91	\$0.00	\$1,038.79
2008	\$79,815	Y	Y			Exemption \$530.39	\$530.39	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2007	\$77,750	Y	Y			Exemption \$466.60	\$466.60	\$0.00	\$0.00	-\$10.00	\$0.00	\$0.00
2006	\$68,620	Y	Y			Exemption \$448.69	\$448.69	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$58,987	Y	Y			Exemption \$504.78	\$504.78	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$54,951	Y	Y			\$439.74	\$439.74	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2003	\$41,675	Y	Y			\$381.70	\$381.70	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals						\$10,054.86	\$4,844.32	\$0.00	\$5,210.54	\$2,705.24	\$0.00	\$7,915.88

Last Payment Date Last Payer

Alert

3:02 PM 8/21/2012