

2626 SAN DIEGO



BUILDING AND STANDARDS BOARD AGENDA ITEM # 7 FOR
WEDNESDAY, SEPTEMBER 24, 2008

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
September 12, 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: 2626 San Diego Avenue, El Paso, Texas 79930

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

- 1) First investigated August 12, 2008. The single family dwelling was built in 1957. At the time of inspection it was found with an unstable flooring system, inadequate electrical, mechanical and plumbing systems. 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 Jesus Topete, 9223 Morelia Road, El Paso, Texas 79907.
- 3) Certified notices of the public hearing scheduled for September 24, 2008, were mailed to the owners and all interested parties on September 11, 2008.
- 4) As of September 15, 2008, no taxes are owed.

The owner has been notified of the 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 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 structure's certificate of occupancy be revoked; and
- 4) That the main structure can be rehabilitated; and
- 5) That the accessory structure be demolished within thirty (30) days; and
- 6) That the main structure be secured and maintained secure within thirty (30) days; and
- 7) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (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



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, DISTRICT 4
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JOYCE WILSON
CITY MANAGER

VICTOR Q. TORRES
DIRECTOR

DEVELOPMENT SERVICES DEPARTMENT

BUILDING STANDARDS ENFORCEMENT

August 23, 2008

Jesus Topete
9223 Morelia Rd
El Paso, Texas 79907-3327

Re: 2626 San Diego Ave.
Blk: 52 Highland Park
Lot: 17 & 18
Zoned: R-5
COD08-19923
Certified Mail Receipt #
7007 3020 0001 2771 0674

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

2626 San Diego Ave.

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 **2626 San Diego 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]
- i. 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.

2626 San Diego Ave.

- 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, 5th 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 **24th** day of **September, 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 **2626 San Diego Avenue**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lots 17 and 18, Block 52, HIGHLAND PARK ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the map on file in the Office of the County Clerk of El Paso County, Texas

are 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, Jesus Topete & Clara Topete, 9223 Morelia Road, El Paso, Texas 79907-3327 and 2626 San Diego, El Paso, Texas, 79930, Stephen R. Johnson, Trustee for Beneficial Texas, Inc., Inc., 8004 Indiana Avenue, Suite 648, Lubbock Texas, 79423, David J. Ellis, Trustee for Ruben Ruiz, 4115 Trowbridge Drive, El Paso, Texas, 79903, Ruben Ruiz, 3700 Mountain, El Paso, Texas, 79930, and Beneficial Texas, Inc., 10501 Gateway West, Suite 640, Yarbrough Plaza, El Paso, Texas, 79925 (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, 5th 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.

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:

Mark Shosmith
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Inspector
Building Permits and Inspection D

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 2626 San Diego 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 2626 San Diego Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jesus Topete & Clara Topete
9223 Morelia Road
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2626 San Diego Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Stephen R. Johnson
Trustee for Beneficial Texas, Inc.
8004 Indiana Avenue, Ste 649
Lubbock, Texas 79423

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2626 San Diego Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

David J. Ellis,
Trustee for Ruben Ruiz
4115 Trowbridge Dr.
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2626 San Diego Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ruben Ruiz
3700 Mountain
El Paso, Texas 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2626 San Diego Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Beneficial Texas, Inc.
10501 Gateway West, Suite 640
Yarbrough Plaza
El Paso, Texas 79925

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 2626 San Diego 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 2626 San Diego 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 2626 San Diego 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 2626 San Diego 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 2626 San Diego 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 2626 San Diego Avenue, El Paso, Texas.

Date:
Time:

Inspector

**CITY OF EL PASO
ENVIRONMENTAL SERVICES**



M E M O R A N D U M

DATE: 09-03-2008

MEMO TO: William Stern C.B.O., Residential Inspector Supervisor

FROM: Jesus H. Arenas, Associate Code Compliance Inspector

SUBJECT: Condemnation Report #COD08-19923

RE: 2626 San Diego, 52 Highland Park, Lots 17 & 18

An inspection of the property was conducted on 09-02-2008 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

Storage room is made out of corrugated metal and needs repair on the alley side.

SECTION 9.04.340 – ACCUMULATIONS

Grass/weeds were noted at the time of inspection. Tree sapling is also growing along the fence line on the East side of the house.

SECTION 9.16 - NUISANCE

Trash bags and wood debris were noted at time of the inspection. Clean up was in progress at time of visit.

SECTION 9.16.010 – DESIGNATED

House is secured. The roof is severely damaged and the perimeter wall/fence is also in need of repair. The back window is also broken.

SECTION 9.28 -RAT CONTROL

Rodent evidence was not noted on the premise.