

3023 MOREHEAD



BUILDING AND STANDARDS BOARD AGENDA ITEM # 8 FOR
WEDNESDAY, SEPTEMBER 30, 2009

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
September 22, 2009

TO: The Honorable Chairman and Board Members

THROUGH: Victor Q. Torres - The Director of Development Services

FROM: Bill Stern, C.B.O., Chief Building Inspector

SUBJECT: 3023 Morehead Avenue, El Paso, Texas 79930

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

- 1) The single family dwelling was built in 1930. A recent investigation conducted on July 30, 2009 revealed the dwelling open and abandoned and being used as harborage by unwanted persons. The electrical, mechanical and plumbing systems are nonexistent. The exterior walls contain several cracks and the mortar grout filling is deteriorated and disintegrating. The roof and ceiling assembly have not been maintained and show signs of leaks
- 2) A certified condemnation letter was mailed to Cesar and Romelia Reyna, 3023 Morehead Avenue, El Paso, Texas, 79905.
- 3) Certified notices of the public hearing scheduled for September 30, 2009 were mailed to the owners and all interested parties on September 15, 2009.
- 4) As of September 10, 2009, no taxes are owed.

The owners have 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 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 structures' certificate of occupancy be revoked; and
- 4) That the structure can be repaired; and
- 5) That the structure be secured within thirty (30) day and maintained secure until rehabilitated; and
- 6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
- 7) That upon notification of the Building and Standards Commission order to all interested parties 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.

DEVELOPMENT SERVICES DEPARTMENT
July 27, 2009

NOTICE OF VIOLATION

Cesar & Romelia Reyna
3023 Morehead Ave.
El Paso, Texas 79930-3727

Re: 3023 Morehead Ave.
Blk: 3 Military Heights
Lot: 11 & 12
Zoned: R4
BSC09-00493
Mail Receipt #:
7008 1300 0001 0407 7354

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 **3023 Morehead Ave., El Paso, Texas, 79930** 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 means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- b. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- c. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- d. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- e. 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]
- f. 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 Building and Standards Commission at a hearing scheduled by this department.

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, 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 **30th** day of **September, 2009** 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 **3023 Morehead Ave.**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lots 11 and 12, in Block 3, MILITARY HEIGHTS ADDITION to the City of El Paso, El Paso County, Texas.

is unsafe and dangerous, because of the following violations:

- a. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- b. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- c. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- d. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- e. 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]

According to the real property records of the County of El Paso, D. Carr's Incorporated, 3023 Morehead, El Paso, Texas, 79930 and D. Carr's Incorporated, 1900 Meandering Way, McKinney, Texas, 75071 (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 is 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:

Cynthia Osborn
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Inspector
Development Services 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 3023 Morehead Ave. was PUBLISHED in the official City newspaper on the ____ day of _____, 2009.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 3023 Morehead 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 3023 Morehead Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

D. Carr's Incorporated
3023 Morehead Ave.
El Paso, Texas 79930

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3023 Morehead Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

D. Carr's Incorporated
1900 Meandering Way
McKinney, Texas 75071

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3023 Morehead Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Romelia R. Reyna
1900 Meandering Way
McKinney, Texas 75071

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3023 Morehead Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Louie Reyna
4 Sherman St.
Newport, RI 02840

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3023 Morehead Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Christina M. Williams
13115 Bavarian Dr.
San Diego, CA 92129-2367

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3023 Morehead Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Stephen Reyna
2124 Paseo del Prado
El Paso, Texas 79936

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3023 Morehead Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Anthony James Reyna
9709 Gardenia Ct.
El Paso, Texas 79925

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3023 Morehead Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Melissa Bianca Penk
6604 Bluebonnet Dr.
Rowlett, Texas 75089

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3023 Morehead 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 3023 Morehead 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 3023 Morehead 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 3023 Morehead 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 3023 Morehead Ave., El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: September 22, 2009

REP. DISTRICT: 2

ADDRESS: 3023 Morehead Avenue

ZONED: R-4

LEGAL DESCRIPTION: Lot 11 and 12, Block 3, MILITARY HEIGHTS ADDITION to the City of El Paso, El Paso County, Texas.

OWNER: Cesar and Romelia Reyna

ADDRESS: 3023 Morehead Avenue
El Paso, Texas 79930

BUILDING USE: Single family dwelling

TYPE OF CONSTRUCTION: V

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 of the footings.

FOUNDATION WALL: Rubble stone w/masonry grout.

CONDITION: Fair. Signs of cracks on the walls noted. A structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: Wood frame w/asphalt tile covering.

CONDITION: Fair. A structural engineer or registered contractor should be hired to evaluate actual condition.

EXTERIOR WALLS: Stone w/masonry grout.

HEIGHT: 8 - 10' +/-

THICKNESS: 8" +/-

CONDITION: Fair. Signs of cracks noted due to exposure to elements and lack of maintenance. A structural engineer or contractor should be hired to evaluate conditions and make recommendations.

INTERIOR WALLS & CEILINGS: Wood frame/Sheetrock

CONDITION: Poor. Ceilings will require replacement due to roof leaks and lack of maintenance. Walls will require repair due to vandalism and lack of maintenance.

ROOF STRUCTURE: Flat roof, wood frame covered w/rolled roof composition.

CONDITION: Fair. The roof system is deteriorated and some roof leaks were noted.

A registered 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 casement windows and wooden doors.

CONDITION: Poor. The doors and windows are broken and will require replacement or repair.

MEANS OF EGRESS: Does not meet code.

CONDITION: Poor. The doors and windows will need to be replaced or repaired to become fully operable.

PLUMBING: 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 to minimum code compliance.

ELECTRICAL: 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 and compliance.

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

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: No

BARRICADED: No

POLICE AID REQD.: No

REMARKS:

This is a single family dwelling built in 1930. The structures is currently open and abandoned and in an advanced state of disrepair. This department recommends that the structure be secured and maintained secure until rehabilitated. That the property be cleaned and maintained clean.

Nellie Avalos

Building Inspector

