

220 FRONTERA RD.



**BUILDING AND STANDARDS BOARD AGENDA ITEM #3 FOR
WEDNESDAY, October 3, 2012**

**ENVIRONMENTAL SERVICES DEPARTMENT
CODE COMPLIANCE DIVISION**

**MEMORANDUM
September 26, 2012**

TO: The Honorable Chairman and Board Members

THROUGH: Kurt Fenstermacher, Deputy Director, Code Compliance
Department

FROM: Bill Stern, C.B.O., Deputy Building Official

SUBJECT: 220 Frontera, El Paso, Texas, 79922

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

- 1) First investigated on March 20, 2012. The structure was found to be in an advanced state of disrepair. The structure has been used as harborage by rodents and is an attractive nuisance to vagrants.
- 2) A certified condemnation letter was mailed to Elizabeth Santoscoy.
- 3) Certified notices of the public hearing scheduled for October 3, 2012, were mailed to the owners and all interested parties on September 12, 2012.
- 4) As of September 19, 2012 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 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 structure be registered as a vacant structure in accordance with the sections of the Vacant Building Ordinance; and
- 4) That the structure can be rehabilitated; and
- 5) That the structure be secured and maintained secure within thirty (30) days; and
- 6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 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
May 3, 2012

NOTICE OF VIOLATION

Elizabeth Santoscoy
2100 Home Show Ln.
El Paso, Texas 79936-4026

Re: 220 Frontera Rd.
Blk: 1 Vineyard Estates
Lot: 1
Zoned: R-3
ENHS12-00199
7108 2133 3932 6354 4231

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 Chapter 2.38 of this code.

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

18.50.108.1.1 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 **220 Frontera Rd., El Paso, Texas, 79922** 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. The floors have not been maintained in a safe manner. [Sec. 304.1.1.9]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6 & Sec.305.2]
- 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 structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. 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]
- k. 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 18.02.103.10.3.3 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.

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

DATE: October 3, 2012

TIME: 5:30 p.m.

PROPERTY: 220 FRONTERA, EL PASO, TEXAS also described as Lot 1, Block 1 Vineyard Estates to the City of El Paso, El Paso County, Texas.

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, Elizabeth Santoscoy, 2100 Home Show Lane, El Paso, Texas 79936-4026, JPMC Specialty Mortgage, LLC, 3415 Vision Drive in Columbus, Ohio 43219 and U.S. Small Business Administration, 10737 Gateway West, No. 300 in El Paso, Texas 79935, are the owners, herein after referred to as the “Owner” 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, if applicable, state the name and last known address of the person who acquired the property from you on said affidavit. 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 3, 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 structure has 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 structure is 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 structure needs 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

John R. Batoon
Assistant City Attorney

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

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 220 Frontera, El Paso, Texas 79922 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 220 Frontera, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Elizabeth Santoscoy
2100 Home Show Lane
El Paso, Texas 79936-4026

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 220 Frontera, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

JPMC SPECIALTY MORTGAGE, LLC
3415 Vision Drive
Columbus, Ohio 43219

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 220 Frontera, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

U.S. Small Business Administration
ATTN: Legal Notice
10737 Gateway West, No. 300
El Paso, Texas 79935

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 220 Frontera, 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 220 Frontera, 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 220 Frontera, 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 220 Frontera, 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 220 Frontera, 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 220 Frontera, El Paso, Texas.

Date: _____

Time: _____

Inspector: _____



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: September 26, 2012

REP. DISTRICT: 8

ADDRESS: 220 Frontera

ZONED: R-3

LEGAL DESCRIPTION: Block 1 Vineyard Estates Lot 1 an addition to the City of El Paso. El Paso County, Texas.

OWNER: Elizabeth Santoscoy

ADDRESS: 220 Home Show Ln
El Paso, Texas, 79936

BUILDING USE: Single Family Dwelling

TYPE OF CONSTRUCTION: III B

FOOTINGS: Covered-Unable to determine

CONDITION: A structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: Unable to determine

CONDITION:

EXTERIOR WALLS: Concrete Masonry Unit (CMU) Wall

HEIGHT: 8'-11'

THICKNESS: 7 1/2"

CONDITION: Good

INTERIOR WALLS & CEILINGS: Wood stud partitions and wood roof rafters covered with drywall.

CONDITION: Needs work. Ceiling rafters have drywall attached to it that have penetrations that need patching and painting. Interior walls have drywall attached to it that have penetrations that need patching and painting. Most of the walls are missing drywall on the lower half of the partitions.

ROOF STRUCTURE: Wooden rafters with wood sheathing and asphalt shingles covering.

CONDITION: Minor repairs might be required. A licensed/registered roofing/building contractor should be hired to evaluate and determine the actual condition of the roof system.

DOORS, WINDOWS, ETC.: Wood framed doors and windows, some with wrought iron guards.

CONDITION: All windows have the glass intact and there overall condition is good. However, they lack both general cleanliness and insect screens. All doors are in good condition but might require some general maintenance.

MEANS OF EGRESS: Obstructed

CONDITION: Some of the windows have wrought iron guards which would require a safety/quick release system.

PLUMBING: Poor

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

ELECTRICAL: Poor

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

MECHANICAL: Poor

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

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: Structure is currently vacant.

WARNING POSTED: N/A

BARRICADED: N/A

POLICE AID REQD.: N/A

REMARKS: The land surrounding the structure is currently covered in weeds and vegetation. Due to the overall lack of maintenance it has become a harborage for rodents and a possible attractive nuisance for vagrants and children.

Raul Carrillo
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 09/19/2012 11:29:48
ACTEP

STATUS DETAIL **Expand Fees** Summary

Account Information

Account No. V856-999-0010-0100 Roll Code REAL PROPERTY

Certified Owner SANTOSCOY ELIZABETH

Parcel Address 220 FRONTERA RD

Amount Due as of 09/19/2012 CAD No. 41389

Tax Units

Tax Unit Description _____

List of Tax Units 1 3 6 7 8 8001 8062

AG INCLUDED Remove Fees Countywide

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
2011	\$58,734	Y				Exemption \$1,268.77	\$1,268.77	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2010	\$58,734	Y				Exemption \$1,256.65	\$1,256.65	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2009	\$60,161	Y				Exemption \$1,265.00	\$1,265.00	\$0.00	\$0.00	\$96	\$1,265.00	\$0.00
2008	\$60,149	Y				Exemption \$1,268.96	\$1,268.96	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2007	\$60,149	Y				Exemption \$1,283.13	\$1,283.13	\$0.00	\$0.00	\$166.81	\$0.00	\$0.00
2006	\$75,455	Y				Exemption \$1,935.73	\$1,935.73	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$77,761	Y				Exemption \$2,155.38	\$2,155.38	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$78,000	Y				\$2,153.21	\$2,153.21	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2003	\$72,594	Y				\$1,939.94	\$1,939.94	\$0.00	\$0.00	\$174.60	\$0.00	\$0.00
Totals						\$26,415.50	\$26,415.50	\$0.00	\$0.00	\$342.37	\$1,265.00	\$0.00

Last Payment Date _____ Last Payer _____

Alert

10:29 AM 9/19/2012