

# 815 S TAYS



**BUILDING AND STANDARDS BOARD AGENDA ITEM #6 FOR  
WEDNESDAY, OCTOBER 3, 2012**

**CODE COMPLIANCE DIVISION**

**MEMORANDUM**

September 20, 2012

**TO:** The Honorable Chairman and Board Members

**THROUGH:** Kurt Fenstermacher, Deputy Director, Code Compliance Division

**FROM:** Bill Stern, Deputy Building Official

**SUBJECT:** 815 Tays Street, El Paso, Texas, 79901

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

- 1) First investigated on May 30, 2012 due to a referral from EPPD. The single family dwelling was built in 1924, according to Central Appraisal records, constructed of Adobe walls with brick veneer in the front and plaster coating throughout the rest of the structure and a wood framed roof structure. The structure was found open, abandoned, in an advanced state of disrepair and being used as harborage by vagrants. The structural integrity has been compromised due to lack of maintenance and exposure to the elements. The plaster coating has fallen in several areas exposing the underlying adobe to the elements. The roof and ceiling assembly is failing and allowing natural light to seep through. There are holes, cracks and graffiti throughout the walls. There is drug paraphernalia throughout the interior of the structure. The plumbing, electrical and mechanical systems are none existent. The property is full of weeds, trash and debris.
- 2) A certified condemnation letter was mailed to Raul M. Aguilar.
- 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 owners have been notified of the property maintenance violations at this property. To date there has been no 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 structures' 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  
June 13, 2012

**NOTICE OF VIOLATION**

Raul M. Aguilar  
243 S. Glenwood St.  
El Paso, Texas 79905-4621

Re: 815 Tays St.  
Blk: 42 Magoffin  
Lot: 3  
Zoned: C-1  
ENHS12-00401  
7108 2133 3932 7087 0163

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 **815 S. Tays St., El Paso, Texas, 79901**, 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.

Nellie Avalos  
Building Inspector

MA/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, 2<sup>nd</sup> Floor, El Paso, Texas 79901

**DATE:** October 3, 2012

**TIME:** 5:30 p.m.

**PROPERTY:** 815 TAYS STREET, EL PASO, TEXAS also described as the All of Lot 3, in Block 42, of the MAGOFFIN ADDITION to the City of El Paso, in 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, Raul M. Aguilar, 243 Glenwood Street, El Paso, TX 79905-4621, Adelina A. Gill, 1805 Georgia Place, El Paso, TX 79902, Mary Yanez, 8517 Shaver Drive, El Paso, Texas 79925, Manuel Aguilar, 1908 Apple Spring, Leander, TX 78641, Teresa Nunez, 1157 Turn To Street, El Paso, TX 79936, Cecilia Hernandez, 1401 St. Vrain Street, No. 9, El Paso, TX 79902, Andrew Allen-Aguilar, 11512 Wiginton Drive, TX 78758 and Brian Allen-Aguilar, 8536 N. Capital of Texas Hwy, No. 1036, Austin, TX 78759, 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 20<sup>th</sup> 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  
CONTENT

APPROVED AS TO

---

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 815 Tays Street, 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 815 Tays Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Raul M. Aguilar  
243 Glenwood Street  
El Paso, TX 79905-4621

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 815 Tays Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Adelina A. Gill  
1805 Georgia Place  
El Paso, TX 79902

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 815 Tays Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mary Yanez  
8517 Shaver Drive  
El Paso, TX 79925

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 815 Tays Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Manuel Aguilar  
19108 Apple Spring  
Leander, TX 78641

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 815 Tays Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Teresa Nunez  
1157 Turn To Stret  
El Paso, TX 79936

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 815 Tays Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Cecilia Hernandez  
1401 St. Vrain Street, No. 9  
El Paso, TX 79902

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 815 Tays Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Andrew Allen-Aguilar  
11512 Wiginton Drive  
Austin, TX 78758

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 815 Tays Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Brian Allen-Aguilar  
8536 N. Capital of Texas Hwy, No. 1036  
Austin, TX 78759

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 815 Tays Street 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 815 Tays Street 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 815 Tays Street 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 815 Tays Street 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 815 Tays Street 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 815 Tays Street, El Paso, Texas.

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_



# UNSAFE STRUCTURES REPORT

## BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** September 11, 2012

**REP. DISTRICT:** 8

**ADDRESS:** 815 S. Tays

**ZONED:** C - 1

**LEGAL DESCRIPTION:** Lot 3, Block 42, MAGOFFIN ADDITION to the City of El Paso, Texas

**OWNER:** Raul M. Aguilar

**ADDRESS:** 243 S. Glenwood  
El Paso, Texas 79905

**BUILDING USE:** Abandoned single family dwelling

**TYPE OF CONSTRUCTION:** V, Wood frame, adobe w/brick veneer in front and plaster coating throughout the rest of the structure.

**FOOTINGS:** Concrete

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

**FOUNDATION WALL:** Concrete stem wall supporting the brick veneer in front.

**CONDITION:** Poor, disintegrating w/notable cracks and crumbling found in several areas. A structural engineer should be hired to evaluate actual condition.

**FLOOR STRUCTURE:** Hardwood floors constructed of wood planks.

**CONDITION:** Poor, stripped wood, deteriorated and decaying; some planks are missing in the floor system exposing the crawl space. A structural engineer or registered contractor must be hired to evaluate the flooring system.

**EXTERIOR WALLS:** Adobe w/brick veneer and plaster coating.

**HEIGHT:** 12' +/-

**THICKNESS:** 10" - 12"

**CONDITION:** Poor. There are several notable cracks on the brick veneer and the underlying adobe is exposed in several areas due to lack of maintenance and exposure to the elements. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

**INTERIOR WALLS & CEILINGS:** Wood frame w/plaster coating.

**CONDITION:** Poor, there are several cracks, holes and graffiti on the walls; the ceiling is sagging and has collapsed in some areas exposing the deteriorated lumber and the over spanned joists. A structural engineer should be hired to evaluate the structural elements of the building and submit a report of the required corrections to make the buildings safe.

**ROOF STRUCTURE:** Flat roof, wood framing with rolled composition covering.

**CONDITION:** Poor, disintegrating 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 frame doors and windows some w/metal mesh and wrought iron guards.

**CONDITION:** Poor. Several windows and doors are broken. Will need to replace or repair doors and windows, so they are operational and meet egress requirements.

**MEANS OF EGRESS:** Does not meet code requirements.

**CONDITION:** Poor. Windows and doors must be replaced to make them operational.

**PLUMBING:** A licensed plumber should be hired to bring system up to code.

**ELECTRICAL:** A licensed electrician should be hired to bring system up to code.

**MECHANICAL:** A licensed mechanical contractor should be hired to bring system up to code.

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:** None

**WARNING POSTED:** Yes      **BARRICADED:** No      **POLICE AID REQD.:** No

**REMARKS:** This single family dwelling built in 1924 was found open, abandoned and being used as harborage by vagrants as a drug gallery and is in a state of disrepair. The department recommends that the structure be demolished within thirty (30) days; and that the property be cleaned of all weeds, trash and debris within thirty (30) days and maintained clean of all weeds, trash and debris..

Nellie Avalos

**Building Inspector**

Account Status

Prev\_Acc... Next Acc... Prev.Owner Next Owner Acct History Acct Summary **Notes** Go To: \_\_\_\_\_

EVAR 09/19/2012 11:24:38  
 ACT8006 v1.221 ACTEP

STATUS DETAIL **Expand Fees** Summary

**Account Information**

Account No. **M028-999-0420-1900** Roll Code REAL PROPERT

Certified Owner AGUILAR RAUL M

Parcel Address 815 TAYS ST

Amount Due as of 09/19/2012 CAD No. 268882

**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	\$32,368					\$829.39	\$829.39	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2010	\$32,368					\$822.65	\$822.65	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2009	\$32,368					\$806.39	\$806.39	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2008	\$24,363					\$608.78	\$608.78	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2007	\$22,672					\$571.14	\$571.14	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2006	\$22,672					\$656.18	\$656.18	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$22,672					\$707.92	\$707.92	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$22,672					\$704.24	\$704.24	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2003	\$22,672					\$685.88	\$685.88	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Totals</b>						<b>\$10,352.69</b>	<b>\$10,352.69</b>	<b>\$0.00</b>	<b>Remaining Levy</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

Last Payment Date \_\_\_\_\_ Last Payer \_\_\_\_\_

Alert