

**7812 WEST DRIVE**



**BUILDING AND STANDARDS BOARD AGENDA ITEM # 6 FOR  
WEDNESDAY, OCTOBER 27, 2010**

**CODE COMPLIANCE DIVISION**

**MEMORANDUM**

October 14, 2010

TO: The Honorable Chairman and Board Members

THROUGH: Kurt Fenstermacher, Deputy Director, Code Compliance Division

FROM: Bill Stern., Deputy Building Official

SUBJECT: 7812 West Dr., El Paso, Texas, 79915

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

- 1) First investigated on February 8, 2010. This single family dwelling was built in 1946. The structure was found open, abandoned, and in an advanced state of disrepair being used as harborage by vagrants. Interior walls are showing signs of structural separation and wall failure. The ceiling has collapsed in some areas due to the roofing system not being maintained and exposure to the elements. The wooden floors are deteriorated due to water damage and the faulty roof structure. There is trash, weeds and debris throughout the property.
- 2) A certified condemnation letter was mailed to Judson B. Harris and Velia S. Harris on July 27, 2010.
- 3) Certified notices of the public hearing scheduled for October 27, 2010, were mailed to the owners and all interested parties on October 14, 2010.
- 4) As of October 14, 2010, \$8996.19 is owed in taxes.

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 are 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 certificate of occupancy be revoked; and
- 4) That the structures cannot be rehabilitated; and
- 5) That the structures 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.

DEVELOPMENT SERVICES DEPARTMENT  
February 11, 2010

**NOTICE OF VIOLATION**

Judson B & Velia Harris  
7812 West Dr.  
El Paso, Texas 79915-3015

Re: 7812 West Dr.  
Blk: 5 North Loop gardens #1  
Lot: 9  
Zoned: C-1 C  
BSC10-00073  
Mail Receipt #:  
7009 1410 0001 7187 0501

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 **7812 West Dr., El Paso, Texas, 79915** 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 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 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 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, 5<sup>th</sup> 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.

Zuleika Davila  
Building Inspector

ZCD/nms

The City of El Paso  
City of El Paso  
700 San Pedro Drive  
El Paso, TX 79907

09 11 2008

RETURN RECEIPT DENIED

5/12  
5/12



7007 1420 0001 7247 0001

JOSSEN B & VERA HAYES  
10701 Vista Del Sol Dr Apt 15  
El Paso, Texas 79909-4025  
El Paso, TX 79909  
Rm 1912 West

758 00 1 09 08/17/10  
RETURN TO SENDER  
UNDELIVERABLE  
NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES  
7007 1420 0001 7247 0001

CERTIFIED MAIL

The City of El Paso  
Two Civic Center Plaza  
El Paso, Texas 79901-1135  
082120081534000008



7007 1420 0001 7247 0001



RECEIVED

RETURN RECEIPT REQUESTED  
CITY OF EL PASO  
COMMUNICATION SERVICES  
CONTRACT

Josson B & Vera Hayes  
2812 West Dr  
El Paso, Texas 79915-3015  
Rm 1912 West Dr - 2D

758 00 1 09 08/17/10  
RETURN TO SENDER  
UNDELIVERABLE  
NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES  
7007 1420 0001 7247 0001

2/22  
1-1

**SENDERS COMPLETE THIS SECTION**

Complete items A, B, and C. Also complete item D if you are mailing a letter or postcard.  
 Place your name and address in the return area on the back of the envelope.  
 Do not use this area for return addresses or on the front of space permits.  
 Article addressed to:

Addison B. Velsa Harris  
 7812 West Dr.  
 El Paso, Texas 79915-3015  
 Ref: 7812 West Dr. - 2D

ZIP Code: 7009  
 ZIP+4®: 7009 3430 0001 7347 0503  
 PS Form 3825, February 2004

**COMPLETE THIS SECTION ON ENVELOPE**

A. Signature:  Adult  Adult Signature  
 B. Postmark by (Postnet Mail):  City of Delivery  
 C. Is delivery address different from item 1?  Yes  No  
 If "Yes," enter delivery address below:

1. Return to:  Original Mail  Return Product for Identification  
 Registered  Insured Mail  Collect  
 2. Restricted Delivery?  Adult Mail  Yes  No

**SENDERS COMPLETE THIS SECTION**

Complete items A, B, and C. Also complete item D if you are mailing a letter or postcard.  
 Place your name and address in the return area on the back of the envelope.  
 Do not use this area for return addresses or on the front of space permits.  
 Article addressed to:

Addison B. Velsa Harris  
 10701 Vaina Dr Spt Apt 115  
 El Paso, Texas 79935-6832  
 BSCID-00073  
 Ref: 7812 West

ZIP Code: 7009  
 ZIP+4®: 7009 3430 0001 7347 3257  
 PS Form 3825, February 2004

**COMPLETE THIS SECTION ON ENVELOPE**

A. Signature:  Adult  Adult Signature  
 B. Postmark by (Postnet Mail):  City of Delivery  
 C. Is delivery address different from item 1?  Yes  No  
 If "Yes," enter delivery address below:

1. Return to:  Original Mail  Return Product for Identification  
 Registered  Insured Mail  Collect  
 2. Restricted Delivery?  Adult Mail  Yes  No

## NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **27<sup>th</sup>** day of **October, 2010** 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 **7812 West Drive**, in El Paso, Texas, which property is more particularly described as:

**Legal Description: Lot 9, Block 5, NORTH LOOP GARDENS, UNIT 1, addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Book 15, Page 10, Plat Records, County Clerk, El Paso County, Texas.**

is 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 structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises shall be maintained in a clean, safe and sanitary condition free 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 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, Texas, Judson B. Harris and Velia S. Harris, 7812 West Drive, El Paso, Texas 79915-3015 and Apodaca Bail Bonds, 110 North Campbell Street, El Paso, Texas, 79901, (“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 Environmental Services Department, 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 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 shows 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.  
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 of Public Hearing regarding the property located at 7812 West Drive was filed with the County Clerk's Office, the official public records of real property for El Paso County.

Richarda Duffy Momsen

Executed this \_\_\_\_ day of \_\_\_\_\_, 2010 on behalf of the City of El Paso, Texas, by Richarda Duffy Momsen in her capacity as City Clerk.

STATE OF TEXAS  
COUNTY OF EL PASO

Subscribed and sworn to before me, this \_\_\_\_ day of \_\_\_\_\_, 2010.

Notary Public

, 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 7812 West Drive was PUBLISHED in the official City newspaper on the \_\_\_\_day of \_\_\_\_\_, 2010.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 7812 West Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Judson B. and Velia S. Harris  
10701 Vista Del Sol Apt. 15  
El Paso, Texas 79935-4532

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 7812 West Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Judson B. and Velia S. Harris  
7812 West Drive  
El Paso, Texas 79915-3015

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 7812 West Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Apodaca Bail Bonds  
110 North Campbell Street  
El Paso, Texas 79901

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 7812 West Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Maria Rosa Harris  
7812 West Drive  
El Paso, Texas 79915

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 7812 West Drive 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 7812 West Drive 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 7812 West Drive 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 7812 West Drive 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 7812 West Drive 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 7812 West Drive El Paso, Texas.

Date:

Time:

Inspector

## UNSAFE STRUCTURES REPORT

### BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** October 11, 2010

**REP. DISTRICT:** 6

**ADDRESS:** 7812 West Drive

**ZONED:** A-2

**LEGAL DESCRIPTION:** Lot 9, Block 5, NORTH LOOP GARDENS, UNIT 1, addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Book 15, Page 10, Plat Records, County Clerk, El Paso County, Texas

**OWNER:** Judson B & Velia S. Harris

**ADDRESS:** 7812 West Drive  
El Paso, Texas 79915

**BUILDING USE:** Single family dwelling

**TYPE OF CONSTRUCTION:** III

**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

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

**FLOOR STRUCTURE:** Wood flooring/concrete/vinyl covering

**CONDITION:** Poor. Floors show evident signs of decay due to water damage from faulty roof system.

**EXTERIOR WALLS:** C.M.U. with plaster coating/wood frame

**HEIGHT:** 10' - 12' +/-

**THICKNESS:** 6" - 10"

**CONDITION:** Poor. Structural separation and wall failure is noticed due to lack of maintenance and exposure to elements.

**INTERIOR WALLS & CEILINGS:**

**CONDITION:** Poor. Ceilings have collapsed due to water dam

**ROOF STRUCTURE:** Wood frame/flat roof with rolled composition covering.

**CONDITION:** Poor. Disintegrating due to lack of maintenance. A registered roofing contractor should be hired to evaluate actual condition.

**DOORS, WINDOWS, ETC.:** Wood frame/metal frame.

**CONDITION:** Poor. Broken doors and windows will need to be replaced in order to make them operational.

**MEANS OF EGRESS:** Does not meet egress.

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

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

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

**MECHANICAL:** Inadequate. 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 was built in 1946. Structures and accessory units were found open, abandoned and being used as harborage by vagrants. The structures were found in an advanced state of disrepair. The department recommends these structures to be demolished within thirty (30) days and the property be cleaned of all weeds, trash and debris within thirty (30) days.

Zully Davila

**Building Inspector**