

5625 KENSINGTON



**BUILDING AND STANDARDS BOARD AGENDA ITEM #4 FOR
WEDNESDAY, OCTOBER 29, 2008**

**DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS**

**MEMORANDUM
October 21, 2008**

TO: The Honorable Chairman and Board Members

THROUGH: Victor Q. Torres – The Director for Development Services

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

SUBJECT: 5625 Kensington Circle, El Paso, Texas 79924

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

- 1) First investigated May 29, 2008. This single family dwelling was built in 1963. Upon investigation it was found with broken doors and windows, open, abandoned and being used as harborage by vagrants. The structure is in an advanced state of disrepair, the deteriorated roof and ceiling assembly has collapsed due leaks and lack of maintenance.
- 2) A certified condemnation letter was mailed to Antonio Salazar, 5625 Kensington Circle, El Paso, Texas, 79924-2426.
- 3) Certified notices of the public hearing scheduled for October 29, 2008, were mailed to the owners and all interested parties on October 14, 2008.
- 4) As of October 21, 2008, \$984.12 in taxes is owed.

The owner has been notified of the violations at this property, to date there has been no corrective action taken, 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 structures can be repaired; and
- 4) That the structures be secured within thirty (30) days and maintained secure until rehabilitated; and
- 5) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
- 6) That all junk vehicles be removed 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.

JOHN COOK
MAYOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, P.E., C.B.O.
DEVELOPMENT SERVICE DIRECTOR

DEVELOPMENT SERVICES DEPARTMENT

BUILDING STANDARDS ENFORCEMENT

June 2, 2008

Antonio Salazar
5625 Kensington Cir.
El Paso, Texas 79924-2426

Re: 5625 Kensington Cir.
Blk: 100 Sun Valley
Lot: 9
Zoned: R3
COD08-11885
Certified Mail Receipt #
7005 1160 0004 6075 4064

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 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 **5625 Kensington Cir.** has the following violations:

- a. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- b. The premises are full of weeds, trash, and debris. [Sec. 302.1 & Sec. 302.4]
- c. 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]

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:

Robert Gonzalez
Building Inspector

RG/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **29th** day of **October, 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 building located on the property at **5625 Kensington Circle**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 9, Block 100, SUN VALEY ADDITION UNIT TEN, an addition to the City of El Paso, County, Texas, according to the map and plat there of record in the Office of the County Clerk, El Paso County, Texas, together with all improvements thereon, said property being commonly known as 5625 Kensington Circle, El Paso, 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, Antonio Salazar, 6320 Franklin Ridge, El Paso, Texas 79912, Amelia Salazar (wife) C/O Lois Cesar Labrado, Atty., 2601 Montana Ave, El Paso, Texas 79902, Jose E Troche, Atty., 1215 Montana Ave., El Paso, Texas 79902, and Matt G. Watson, Atty, 423 Executive Center Blvd. El Paso, Texas, 79902, (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:

- l) 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:

Mark Shoesmith
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Inspector
Building Permits and Inspection 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 5625 Kensington Circle 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 5625 Kensington Circle was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Antonio Salazar (son)
6320 Franklin Ridge
El Paso, Texas 79912

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5625 Kensington Circle was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Amelia Salazar (wife)
C/O Lois Cesar Labrado, Atty.
2601 Montana Ave.
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5625 Kensington Circle was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jose E. Troche, Atty.
1216 Montana Ave.
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5625 Kensington Circle was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Matt G. Watson, Atty.
423 Executive Center Blvd.
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5625 Kensington Circle 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 5625 Kensington Circle 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 5625 Kensington Circle 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 5625 Kensington Circle 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 5625 Kensington Circle 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 5625 Kensington Circle, El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: October 7, 2008

REP. DISTRICT: 1

ADDRESS: 5625 Kensington Cir, El Paso, Texas 79924

ZONED: R-3

LEGAL DESCRIPTION: Lot 9, Block 100, SUN VALLEY ADDITION UNIT TEN, an addition to the City of El Paso, County, Texas, according to the map and plat thereof of record in the Office of the County Clerk, El Paso County, Texas, together with all improvements thereon, said property being commonly known as 5625 Kensington Circle, El Paso, Texas 79924

OWNER: Antonio Salazar

ADDRESS: 5625 Kensington Cir.
El Paso, Texas 79924

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: Type V

FOOTINGS: Concrete footing

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

FOUNDATION WALL: None

CONDITION: N/A

FLOOR STRUCTURE: Concrete slab on grade.

CONDITION: Poor to fair. A structural engineer should be hired to evaluate actual condition of flooring system and submit a report to this department on all corrective actions required to bring the floor system up to minimum standards.

EXTERIOR WALLS: Wood framed with siding and brick veneer.

HEIGHT: 10' +/-

THICKNESS: 8" +/-

CONDITION: Very poor, due to lack of maintenance and exposure to the elements. A structural engineer should be hired to evaluate entire framing system components for structural stability and submit a report to this department on all corrective action required to bring this system to minimum code compliance.

INTERIOR WALLS & CEILINGS: Wood frame with sheetrock.

CONDITION: Poor. A structural engineer should be hired to evaluate structural elements of the building and submit a report to this department on corrective actions required to bring this system into minimum code compliance.

ROOF STRUCTURE: Wood framed, slight gable.

CONDITION: Very poor. Roofing material detaching and deteriorating and decking exposed to weather elements. A registered roofing contractor should be hired to evaluate the roofing system and submit a report of required corrective actions to bring this roofing system into code compliance.

DOORS, WINDOWS, ETC.: Wood framed doors and aluminum framed windows..

CONDITION: Very poor. Doors and windows will need to be replaced and doors and windows are inoperable and accessible to entry.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor.

PLUMBING: A licensed plumber should be hired to bring plumbing system us to code.

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

MECHANICAL: A licensed mechanical contractor should be hired bring mechanical system us 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 1963 was found open and abandoned and in an advanced state of disrepair. This department recommends that the structures be secured within thirty (30) days and maintained secure until rehabilitated. That the property be cleaned and maintained clean of all weeds, trash and debris within thirty (30) days. That all the junk vehicles be removed within thirty (30) days.

Robert Gonzalez

Building Inspector

**CITY OF EL PASO
ENVIRONMENTAL SERVICES**

M E M O R A N D U M

DATE: July 18, 2008

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

FROM: Carlton Brown, Associate Code Compliance Inspector

SUBJECT: Condemnation Report # COD08-11885

RE: 5625 Kensington Cir 100 Sun Valley, Lot 9

An inspection of the property was conducted on 7/18. The conditions of the house checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA

7 Junk Vehicles visible from R.O.W. 3 outside fenced area and 4 inside fenced area

SECTION 9.04.340 – ACCUMULATIONS

There is accumulation of rubbish/ debris in visible from R.O.W on the side of the house and the back yard. Rugs, Wood, Metal pieces

SECTION 9.16 - NUISANCE

High vegetation viewed on the side of the house. I also viewed bees nesting flying in and out of the outside water faucet in the front of the house.

SECTION 9.16.010 – DESIGNATED

The premises are secured by chain link fence, all front windows has bars 3 of which are broken, glass and plexi-glass. I observed light fixture not covered, exposed to the elements with an extension cord attached. The down draft A/C is exposed on all three sides. I' am not sure if the damper is in place, this could be possible entrance for small animals. The roofing shingles are detached from the left side of the roof; the fascia board is also exposed in the front of the house.

SECTION 9.28 -RAT CONTROL

From the outside of the fenced area I could view some of the inside of the house which is very much disorganized and possibly prone to rodents.