7801 Santa Cruz

BUILDING AND STANDARDS BOARD AGENDA ITEM # 5 FOR TUESDAY, OCTOBER 30, 2007

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
October 19, 2007

TO: The Honorable Chairman and Board Members

THROUGH: Larry Nichols, C.B.O. – The Director for Building Permits and Inspections

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

SUBJECT: 7801 Santa Cruz Court, El Paso, Texas 79915

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

1) First investigated August 10, 2007. The building was found to be in an advanced state of disrepair. The building had a structural fire that was investigated by the Fire Department on June 7, 2007. Investigators surveyed the structure and noted heavy fire and heat damage to the carport and the east side of the primary structure. Investigators determined that this fire was accidental in nature due to children playing with a lighter. The structure has remained open and abandoned since the fire. The single family dwelling was built in 1952. The building has been used as a harborage by unwanted persons.
2) A certified condemnation letter was mailed to Eduardo Duron & wife Ester Duron, at 7801 Santa Cruz Court, El Paso, Texas 79915.
3) Certified notices of the public hearing scheduled for October 30, 2007 were mailed to the owners and all interested parties on October 17, 2007.
4) There has been no response from the owners.
5) As of October 18, 2007, $4,458.34 are owed in taxes.

The owner has been notified of the violations at this property to secure and clean the premises, to date there has been no response or corrective action taken, therefore the department recommends that it be found:

1) That the main 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 building is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3) That the structure's certificate of occupancy be revoked; and
4) That the structure can be repaired; and
5) That the main structure be secured within 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.

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, PE, CBO
DEVELOPMENT SERVICES DEPARTMENT, DIRECTOR

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

DEVELOPMENT SERVICES DEPARTMENT

BUILDING STANDARDS ENFORCEMENT
August 13, 2007

Eduardo & Esther Duron
7801 Santa Cruz Ct.
El Paso, Texas 79915-2105

Re: 7801 Santa Cruz Ct.
Blk: 6 Hervey Place
Lot: 1
Zoned: R3
COD07-21668
Certified Mail Receipt #
7105 8873 0190 1000 8705

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 **7801 Santa Cruz Ct.** has 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 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]

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 54l-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

Raul Bueno
Building Inspector

RB/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **30th** day of **October, 2007** 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 buildings located on the property at **7801 Santa Cruz Ct.**, in El Paso, Texas, which property is more particularly described as:

> **LEGAL DESCRIPTION: Lot 1, Block 6, HERVEY PLACE ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof on file in Volume 3, Page 39, Plat Records in the Office of the County Clerk of El Paso County, Texas**

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Eduardo Duron and wife Ester Duron **(the "Owners"),** 7801 Santa Cruz, El Paso, Texas 79915**,** are listed as the owner 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 buildings 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 structures 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:

_____
Ernesto Rodriguez
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
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 at **7801 Santa Cruz Ct.** was PUBLISHED in the official City newspaper on the ____day of_____, 2007.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at **7801 Santa Cruz Ct.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Eduardo & Ester Duron
7801 Santa Cruz Court
El Paso, Texas 79915

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **7801 Santa Cruz Ct.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Eduardo & Ester Duron
P. O. Box 26029
El Paso, Texas 79926

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **7801 Santa Cruz Ct.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mortgage Investment Company
420 Texas St.
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **7801 Santa Cruz Ct.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Victor Ibarra
7801 Santa Cruz Court
El Paso, Texas 79915

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **7801 Santa Cruz Ct.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Liberty Lending Services
P. O. Box 1000
Wilmington, OH 45177-1000

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **7801 Santa Cruz Ct.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Liberty Saving Bank F.S.B.
P. O. Box 1000
2251 rombach Ave.
Wilmington, OH 45177-1000

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **7801 Santa Cruz Ct.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Danny Ibarra
7801 Santa Cruz Court
El Paso, Texas 79915

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **7801 Santa Cruz Ct.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Esther S. Duran
7801 Santa Cruz Court
El Paso, Texas 79915

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **7801 Santa Cruz Ct.** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **7801 Santa Cruz Ct.** 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 **7801 Santa Cruz Ct.** 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 **7801 Santa Cruz Ct.** 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 **7801 Santa Cruz Ct.** 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 was POSTED at **7801 Santa Cruz Ct.** El Paso, Texas.

Date:
Time:

Inspector

UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: October 19, 2007 **REP. DISTRICT:** 6

ADDRESS: 7801 Santa Cruz Court **ZONED:** R-3

LEGAL DESCRIPTION: Lot 1, Block 6, HERVEY PLACE ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof on file in Volume 3, Page 39, Plat Records in the Office of the County Clerk of El Paso County Texas.

OWNER: Eduardo Duron & wife Ester Duron **ADDRESS:** 7801 Santa Cruz Court
El Paso, Texas 79915

BUILDING USE: Single family dwelling

TYPE OF CONSTRUCTION: V

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: N/A
CONDITION: N/A

FLOOR STRUCTURE: Slab on grade
CONDITION: Unable to determine due to floor covered by carpet and vinyl.

EXTERIOR WALLS: CMU

HEIGHT: 12' **THICKNESS:** 8"

CONDITION: Poor. Signs of wall failure noted. A structural engineer or registered contractor should be hired to evaluate the actual condition and make recommendation.

INTERIOR WALLS & CEILINGS: Wood frame with sheetrock.
CONDITION: Poor. Will need to be repaired. A register contactor should be hire to evaluate the wall and ceiling systems and make the required correction to bring the systems up to minimum code.

ROOF STRUCTURE: Wood frame with shingle roof.
CONDITION: Fair, except for fire damage to the east side of the primary structure and the carport. A register contactor should be hire to evaluate the roof system and make the required correction to bring the system up to minimum code.

DOORS, WINDOWS, ETC.: Wood frame doors. Metal frame windows.
CONDITION: Poor. Broken windows.

MEANS OF EGRESS: Meets code requirements.
CONDITION:

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

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

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

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

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

REMARKS: This is an open and abandoned single family dwelling. The building was found to be in an advanced state of disrepair. The building had a structural fire on June 7, 2007. The structure has remained open and abandoned since the fire. The department recommends that the main structure be secured within 30 days and premises be cleaned of all trash and weeds within 30 days.

Raul Bueno
Building Inspector