

# 3428 E. SAN ANTONIO



**BUILDING AND STANDARDS BOARD AGENDA ITEM #7 FOR  
WEDNESDAY, OCTOBER 30, 2013**

**ENVIRONMENTAL SERVICES DEPARTMENT  
CODE COMPLIANCE DIVISION**

**MEMORANDUM**

October 2, 2013

TO: The Honorable Chairman and Board Members

THROUGH: Elda Hefner Rodriguez, Division Manager, Code Compliance Department

FROM: Tom Maguire, C.B.O., Deputy Building Official

SUBJECT: 3428 E. San Antonio, El Paso, Texas, 79905-4920

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

- 1) First investigated on or about September 18, 2012. The single family dwelling was built on or about 1917, constructed of adobe and wood framing with plaster covering. The structure was condemned on March 29, 2005 to be secured and cleaned within thirty (30) days; if not maintained secure and clean after ninety (90) days it may be demolished. The structure was found open, abandoned and being used as harborage by unwanted persons. The structure shows signs of collapse due to structural deficiencies and deterioration due to lack of maintenance and exposure to the elements. The plaster covering is deteriorated exposing the underlying adobe walls and dry rot wood members. The roof and ceiling assembly shows exposed decaying wood members. The electrical, plumbing and mechanical systems are nonexistent. The property is full of weeds, trash and debris throughout the property.
- 2) A certified condemnation letter was mailed to Francisco Perez Ramirez.
- 3) Certified notices of the public hearing scheduled for October 25, 2013, were mailed to the owners and all interested parties on October 10, 2013.
- 4) As of October 3, 2013, no taxes are owed.

The owner has been notified of the property 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 structures' certificate of occupancy remain 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 of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; 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

October 2, 2012

**NOTICE OF VIOLATION**

Ramirez Francisco Perez  
201 N Copia St  
El Paso, Texas 79905-1203

Re: 3428 E San Antonio Ave  
Blk: K Payne  
Lot: N 59 FT OF 19  
Zoned: C1  
ENHS12-00761  
91 7199 9991 7030 7652 1508

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 Title 2.38 of the Municipal 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 **3428 E SAN ANTONIO AVE** 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. All *exterior property, accessory structures* and *premises* shall be maintained in a clean, safe and sanitary condition, All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9 ]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- e. All *exterior property* and *premises*, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- f. All structures shall be kept free from insect and rodent *infestation*. All structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- g. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3 ]
- h. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5 ]
- i. The requirement for Privacy, minimum room dimensions, prohibited occupancy or food preparation spaces not met. [Sec.404.1, 404.2, 404.3, 404.4, 404.5, 404.6, 404.7]
- j. The building must comply with the minimum criteria of the provisions for required facilities. [Sec. 502.1, 502.2, 502.3, 502.4,502.4.1, 502.5]
- k. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- l. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- m. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- n. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec.506.1, 506.2, 506.3]

- o. The drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance. [Sec. 507.1]
- p. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- q. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- r. The building must comply with the minimum criteria of the provisions for electrical facilities. [Sec. 604.1,604.2, 604.3, 604.3.1, 604.3.1.1, 604.3.2, 604.3.2.1]
- s. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner. [Sec. 605.1, 605.2, 605.3]
- t. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- u. Means of egress & Emergency escape opening - A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the *public way*. [Sec. 702.1, 702.2, 702.3, 702.4]
- v. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. [Sec. 703.1, 703.2]
- w. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times. [Sec. 704.1, 704.1.1, 704.2, 704.3, 704.4 ]
- x. 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]
- y. 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 Title 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.

Rodolfo Huerta Jr  
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:** City Hall, City Council Chambers, 300 N. Campbell Street, 1<sup>st</sup> Floor, El Paso, Texas 79901

**DATE:** October 30, 2013

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

**PROPERTY:** **3428 E. SAN ANTONIO, EL PASO, TEXAS** also described as Lot 19, Block "K", PYNE'S SUBDIVISION, A SUBDIVISION IN THE City of El Paso, being more particularly described in Volume 231, Page 2212, Deed Records of El Paso County, Texas SAVE AND EXCEPT, however the South 61 feet thereof, being more particularly described in Volume 231, Page 2205, Deed Records of 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, Francisco Perez Ramirez, 201 N. Copia St, El Paso, Texas 79905 is the owner, 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 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 October 2, 2012 an inspection of the Property was conducted by the Environmental Services Division and the following violations were identified:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9 ]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1

conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]

- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- f. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- g. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3 ]
- h. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5 ]
- i. The requirement for Privacy, minimum room dimensions, prohibited occupancy or food preparation spaces not met. [Sec.404.1, 404.2, 404.3, 404.4, 404.5, 404.6, 404.7]
- j. The building must comply with the minimum criteria of the provisions for required facilities. [Sec. 502.1, 502.2, 502.3, 502.4,502.4.1, 502.5]
- k. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- l. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- m. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- n. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec.506.1, 506.2, 506.3]
- o. The drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. [Sec. 507.1]
- p. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- q. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]

- r. The building must comply with the minimum criteria of the provisions for electrical facilities. [Sec. 604.1,604.2, 604.3, 604.3.1, 604.3.1.1, 604.3.2, 604.3.2.1]
- s. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- t. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- u. Means of egress & Emergency escape opening - A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- v. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. [Sec. 703.1, 703.2]
- w. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times. [Sec. 704.1, 704.1.1, 704.2, 704.3, 704.4 ]
- x. 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]

The Owner is 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 Owner fails 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. 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

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John R. Batoon  
Assistant City Attorney

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Tom Maguire, C.B.O.  
Deputy Building Official

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 3428 E. San Antonio was PUBLISHED in the official City newspaper on the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 3428 E. San Antonio was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Francisco Perez Ramirez  
201 N Copia St.  
El Paso, Texas 79905

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

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

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

I certify that a true and correct copy of the foregoing Notice regarding the property at 3428 E. San Antonio was HAND-DELIVERED to:

City of El Paso  
C/O City Clerk  
300 N. Campbell  
El Paso, TX 79901

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

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

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

I certify that a true and correct copy of the foregoing Notice regarding the property at 3428 E. San Antonio 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 3428 E. San Antonio 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 3428 E. San Antonio was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Clerk, Probate Dept.  
500 E. San Antonio Avenue, Suite 105  
El Paso, Texas 79901

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

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

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

I certify that a true and correct copy of the foregoing Notice regarding the property at 3428 E. San Antonio 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 3428 E. San Antonio El Paso, Texas.

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

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

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

RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structure located on the property at 3428 E. San Antonio Avenue in El Paso, Texas, which property is more particularly described as follows:

Lot: 19, Block K, D. M. Paynes Subdivision of East El Paso, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 4, Page 54, Plat Records of El Paso County, Texas, Save and Except a portion thereof conveyed to the State of Texas by Deed recorded in Book 231, Page 2205, Real Property Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Title 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.50; and

WHEREAS, Josefa Rangel Romo and Jose Vicente Rangel, 3428 E. San Antonio Avenue, El Paso, Texas 79905, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on March 29<sup>th</sup>, 2005; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. Since the owners have failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.
2. That the City Council hereby orders Owners to comply with the following requirements:
  - a. That the Building be secured within (30) days; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and

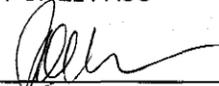
- c. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
    - d. If the structure is not maintained clean and secure after 90 days, it may be demolished.
    - e. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
    - f. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
  3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris or demolish the Building at its own expense, but for and on account of the Owners of said property; and
  4. That said Owners shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris or the demolition of the Building; and
  5. That the costs incurred by the City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash, and debris or the demolition of the Building shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
  6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
    - a. The City may 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
    - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
    - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
  7. That upon failure of the Owners, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
  8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within thirty (30) days after notice of this Resolution. The findings shall become final after thirty (30) days of receipt of Notice; and
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9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

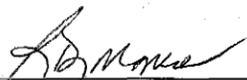
According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office 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, even if you do not.

Adopted this 29<sup>th</sup> day of March, 2005.

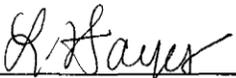
THE CITY OF EL PASO

  
\_\_\_\_\_  
Joe Ward, Mayor

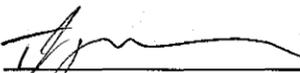
ATTEST:

  
\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lisa A. Hayes  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Tom Maguire  
Housing Compliance Supervisor



# UNSAFE STRUCTURES REPORT

## ENVIRONMENTAL SERVICES DEPARTMENT

**DATE OF EXAMINATION:** October 17, 2013

**REP. DISTRICT:** 8

**ADDRESS:** 3428 E. San Antonio

**ZONED:** C-1

**LEGAL DESCRIPTION:** Lot 19, Block "K", PAYNE'S SUBDIVISION, a subdivision in the City of El Paso, being more particularly described in Volume 231, Page 2212, Deed Records of El Paso County, Texas SAVE AND EXCEPT, however the South 61 feet thereof, being more particularly described in Volume 231, Page 2205, Deed Records of El Paso County, Texas.

**OWNER:** Francisco Perez Ramirez

**ADDRESS:** 201 N. Copia St., El Paso, Texas 79905

**BUILDING USE:** Abandoned Single-Family Dwelling

**TYPE OF CONSTRUCTION:** Type III - 12 inch Adobe, and some 4 inch brick veneer.

**FOOTINGS:** Unable to determine condition of footing due to subterranean placement.

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

**FOUNDATION WALL:** Concrete stem wall.

**CONDITION:** Poor. The stem wall shows signs of deterioration. A structural engineer should be hired to evaluate actual condition.

**FLOOR STRUCTURE:** 2"x 8" wood floor joist w/ 1"x 4" wood plank flooring.

**CONDITION:** Poor. Dilapidated floor system is deteriorated and sections of the wood planks are missing. A structural engineer should be hired to evaluate actual condition.

**EXTERIOR WALLS:** Adobe with plaster covering and some brick veneer.

**HEIGHT:** 16 ft. +/-

**THICKNESS:** 12 in. +

**CONDITION:** Poor. Plaster covering has fallen in several areas exposing the underlying adobe to the elements causing structural deficiencies and compromising the integrity of the structure. The brick veneer is detaching and stepping. 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:** Combination of adobe w/plaster and wood framed walls w/gypsum board; combination of suspended ceiling, some wood lath w/plaster coating and gypsum board ceilings.

**CONDITION:** Poor. Most of the ceiling has collapsed due to lack of maintenance and water infiltration allowing the elements and the exterior light to seep through. 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.

**ROOF STRUCTURE:** Built up roofing system with 1" x 8" sub-decking and 2" x 8" rafters.

**CONDITION:** Felt and Fiberglass roll roofing are deteriorated.

**DOORS, WINDOWS, ETC.:** No windows in place.

**CONDITION:** Non-existent

**MEANS OF EGRESS:** N/A  
**CONDITION:** N/A

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

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

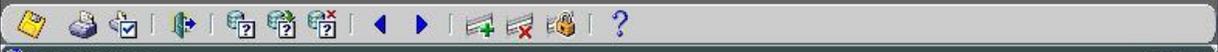
**MECHANICAL:** Substandard mechanical. A licensed mechanical contractor should be hired to bring the mechanical system up to code.

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:** 0

**WARNING POSTED:** YES      **BARRICADED:** NO      **POLICE AID REQD.:** NO

**REMARKS:** This single family dwelling was built on or about 1917 and was found open, abandoned and in a serious case of disrepair. The structure was condemned on March 29, 2005 to be secured and cleaned within thirty (30) day; if not maintained and secured within ninety (90) days it may be demolished. The structure is showing signs of structural deficiencies due to lack of maintenance and exposure to the elements. The structure should be demolished within thirty (30) days. The premises should be cleaned of all weeds, trash and debris within thirty (30) days and be maintained clean of all weeds, trash and debris.

Alexandro Esparza  
**Building Inspector**



Account Status

Prev. Acc... Next Acc... Prev. Owner Next Owner Acct History Acct Summary **Notes** Documents Go To:

EVAR 10/03/2013 08:03  
 ACT8006 v1.241 ACTEP

STATUS DETAIL Expand Fees Summary

**Account Information**

Account No: P652-999-000K-1700 Roll Code: REAL PROPERTY

Certified Owner: RAMIREZ FRANCISCO PEREZ

Parcel Address: 3428 E SAN ANTONIO AVE

Amount Due as of: 10/03/2013 CAD No. 55600

**Tax Units**

Tax Unit Description: List of Tax Units

1 3 6 7 8 9009 9089

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
2012	\$16,060					\$418.95	\$418.95	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2011	\$14,043					\$359.83	\$359.83	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2010	\$14,043					\$356.91	\$356.91	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2009	\$45,171					Excodes \$225.08	\$225.08	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2008	\$13,141					Excodes \$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2007	\$13,141					Excodes \$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2006	\$12,186					Excodes \$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$11,399					\$0.00	\$0.00	1,033.58	\$0.00	Fees \$0.00	\$0.00	\$0.00
2004	\$19,398					\$0.00	\$0.00	\$602.54	\$0.00	\$0.00	\$0.00	\$0.00
<b>Totals</b>						<b>\$6,633.50</b>	<b>\$6,633.50</b>	<b>\$1,889.14</b>	<b>\$0.00</b>	<b>\$9,227.27</b>	<b>\$0.00</b>	<b>\$0.00</b>

Last Payment Date: 01/28/2013 Last Payer: RAMIREZ FRANCISCO PEREZ