

# 708 HILLS



BUILDING AND STANDARDS BOARD AGENDA ITEM #11 FOR  
WEDNESDAY, OCTOBER 30, 2013

ENVIRONMENTAL SERVICES DEPARTMENT  
CODE COMPLIANCE DIVISION

**MEMORANDUM**

**October 10, 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: 708 Hills, AKA 708 ½ - 710 Hills, El Paso, Texas, 79901-3039

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

- 1) The property was condemned on September 29, 2010 to be maintained secure and clean; then condemned on April 23, 2013 to be demolished and cleaned. Calls from the EPPD prompted several investigations between November 2012 and October 2013. The single family dwelling was built on or about 1930 and throughout the years became a multi-family dwelling without the required permits. Upon investigation the structure was found open, abandoned, in a state of disrepair and being used as harborage by unwanted persons. The roof and ceiling assembly and roof coverings show signs of deterioration due to lack of maintenance and water infiltration. The interior deteriorated walls contain graffiti. The floor system is uneven and water damaged. The masonry rock foundation wall shows signs of deterioration and the grout has disintegrated causing structural deficiencies. The original exterior brick walls are failing and the added brick veneer is separating. There is evidence of inadequate electrical, plumbing and mechanical systems. Most of the doors and windows are broken and in disrepair. The property is full of weeds, trash and debris.
- 2) A certified condemnation letter was mailed to Rafael Yepiz (current owner).
- 3) Certified notices of the public hearing scheduled for October 30, 2013 were mailed to the owners and all interested parties on October 10, 2013
- 4) As of October 4, 2013, \$1,447.09 in taxes is owed.

The current owner has been notified of the property violations at this property, to date there has been minimal corrective action taken, and therefore the Department recommends that it be found:

- 1) That the structure is substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structures' certificate of occupancy 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 within thirty (30) days & 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 3, 2013  
**NOTICE OF VIOLATION**

Rafael Yepiz  
2357 Tierra Blanda  
El Paso, TX 79938

Re: 708 Hills  
Blk: 48 Magoffin  
Lot: 14 & 15  
Zoned: A-3  
ENHS13-00946  
9171999991703080422884

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 **708 Hills Street** 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. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3 ]
- g. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5 ]
- h. 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]
- i. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- j. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec.506.1, 506.2, 506.3]
- k. 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]

- l. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- m. 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]
- n. 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]
- o. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- p. 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]
- q. 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]
- r. 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 ]
- s. 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 (7) 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 Building and Standards Commission 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.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 599-6290.

Nellie Avalos  
Building Inspector

## **NOTICE OF PUBLIC HEARING**

### **To all interested parties:**

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the "Commission", at the following time and place:

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

**DATE:** October 30, 2013

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

**PROPERTY:** 708 S. Hills, EL PASO, TEXAS also described as Lots 14 and 15, Block 48, MAGOFFIN ADDITION, El Paso County, Texas, according to the plat thereof, recorded in Records for 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, Rafael Yepiz, 2357 Tierra Blanda, El Paso, Texas 79938 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 November 6, 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 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]
- f. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3 ]
- g. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5 ]
- h. 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]
- i. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- j. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- k. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- l. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec.506.1, 506.2, 506.3]
- m. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- n. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- o. 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]
- p. 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]

- q. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- r. 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]
- s. 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 ]
- t. 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 Owner advocates for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation. If the Owners fail to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order. The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. A copy of the ordinance adopting the most current version of Chapter 2.38 is enclosed. The bylaws may be obtained at the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907 or by calling (915) 599-6290.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

**FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.**

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM

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, 708 S Hills, El Paso, Texas 79901-3039, 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 708 S Hills St, El Paso, Texas 79901-3039, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Rafael Yepiz  
2357 Tierra Blanda  
El Paso, Texas 79938

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

I certify that a true and correct copy of the foregoing Notice regarding the property at 708 S Hills St, El Paso, Texas 79901-3039, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ralph Miranda, Trustee  
4621 Pershing  
El Paso, Texas 79903

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

I certify that a true and correct copy of the foregoing Notice regarding the property at 708 S Hills St, El Paso, Texas 79901-3039, 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 708 S Hills St, El Paso, Texas 79901-3039, 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 708 S Hills St, El Paso, Texas 79901-3039, 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 708 S Hills St, El Paso, Texas 79901-3039, 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 708 S Hills St, El Paso, Texas 79901-3039, 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 708 S Hills St, El Paso, Texas 79901-3039, El Paso, Texas.

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

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

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

**ORDER No. ENHS12-00550**  
**OF THE CITY OF EL PASO BUILDING AND STANDARDS**  
**COMMISSION**

**An order of the Building and Standards Commission (the “Commission”) abatement of the substandard and dangerous structures located at 708 Hills St., El Paso, Texas, also described as: Lots 14 and 15, Block 48, MAGOFFIN ADDITION, El Paso County, Texas, according to the plat thereof, recorded in Records for El Paso County, Texas.**

**WHEREAS**, the Commission finds that proper notice has been provided as required by Chapter 2.38 of the El Paso City Code to the identified interested parties identified as Francis Febres & Ricardo Vasquez, 708 ½ S. Hills Street, El Paso, TX 79901-3039 herein after collectively referred to as the “Owner”; and

**WHEREAS**, Owners did not appear; and

**WHEREAS**, based on the evidence presented, the Commission finds the Property is in violation of 18.50 of the El Paso City Code; and

**WHEREAS**, the structure constitutes to be a dangerous structure and, as such, is a nuisance condition that constitutes a hazard to the health, safety and welfare of the citizens and is likely to endanger persons and property; and

**WHEREAS**, the Commission takes notice of and incorporates all evidence presented at the hearing and incorporates the same into the body of this Order for all purposes;

**THEREFORE, IT IS ORDERED ADJUDGED AND DECREED BY THE CITY OF EL PASO BUILDING AND STANDARDS COMMISSION:**

1. The Owners are hereby ordered to:
  - a. That the structure’s certificate of occupancy remain revoked; and
  - b. That the multi-family structure be demolished within thirty (30) days; and
  - c. That the premises be cleaned of all weeds, trash and debris within thirty (30) days and maintained clean thereafter; and
  - d. All work performed at the Property must be done in compliance with all applicable sections of the El Paso City Code and state and federal regulations and statutes.
2. Alternatively, if the Owners fail to comply with this Order, the City of El Paso, through the Code Compliance Division of the Environmental Services Department, may:

- a. Demolish the multi-family structure within thirty (30) days;
- b. Clear the Property of all weeds, trash and debris within thirty (30) days;

Seek reimbursement from the Owners for the cost of complying with this order and that the expense if not satisfied, shall result in a lien being placed against the Property.

3. **When this Order has been filed in the real property records of El Paso County it is binding on subsequent grantees, lienholders, or other transferees of an interest in the Property.**
4. **REHEARING: a person affected by this order may request a rehearing by the same Commission panel that issued this Order. Only ONE hearing may be requested. The Building and Standards Commission may grant a rehearing only under the following circumstances:**
  - a. *Proper request is made within twenty (20) days of receipt of notice of the Order of the Commission; and*
  - b. *No appeal of this Order has been taken as allowed pursuant to paragraph 6, below; and*
  - c. *Rehearing fees of five hundred and forty dollars (\$540.00) are furnished with the rehearing request. The rehearing request shall state the basis for requesting the rehearing. The Building and Standards Commission may waive these fees in cases of financial hardship based on written affirmation from the applicant.*
5. **RIGHT TO APPEAL: The decision of the Building and Standards Commission is the final administrative remedy. An appeal may be filed by verified petition in State District Court, Petition for appeal must be within thirty (30) days of receipt of this Order. All appeals to the district court will be heard de novo.**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED**, that the City Clerk shall cause copies of this Order to be served on the record owner(s) 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 or have an interest in the 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 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.

**ADOPTED on this 24th day of April, 2013.**

**BUILDING AND STANDARDS COMMISSION**

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Andrew Haggerty, Chairman, Panel B

APPROVED AS TO FORM:

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Wendi Vineyard  
Assistant City Attorney

APPROVED AS TO CONTENT:

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Roger Iveson, Chief Building Inspector  
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 ORDER of the Building and Standards Commission dated April 24, 2013, regarding the property located at 708 Hills St, El Paso, Texas, 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 ORDER of the Building and Standards Commission dated April 24, 2013, regarding the property at 708 Hills St, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Francis Febres & Ricardo Vasquez  
708 ½ S. Hills St.  
El Paso, Texas 79901-3039

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

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

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

I certify that a true and correct copy of the foregoing ORDER of the Building and Standards Commission dated April 24, 2013, regarding the property at 708 Hills St, El Paso, Texas, 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 ORDER of the Building and Standards Commission dated April 24, 2013, regarding the property at 708 Hills St, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe  
AKA The Tigua Indian Community  
119 S. Old Pueblo Road  
El Paso, TX 79907

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

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

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

I certify that a true and correct copy of the foregoing ORDER of the Building and Standards Commission dated April 24, 2013, regarding the property at 708 Hills St, El Paso, Texas, 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 ORDER of the Building and Standards Commission dated April 24, 2013, regarding the property at 708 Hills St, El Paso, Texas, 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 ORDER of the Building and Standards Commission dated April 24, 2013, regarding the property at 708 Hills St, El Paso, Texas, 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 ORDER of the Building and Standards Commission dated April 24, 2013 was POSTED at 708 Hills St, El Paso, Texas.

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

CITY CLERK DEPT.

10 OCT -7 PM 2:00

**ORDER OF THE BUILDING AND STANDARDS**  
**COMMISSION OF THE CITY OF EL PASO**

**WHEREAS**, the Director of Development Services of the City of El Paso has conducted an investigation and has reported to the Building and Standards Commission in writing that he is of the opinion that the structure located on the property at **708 Hills St.**, in El Paso, Texas, which property is more particularly described as follows:

**Legal Description: Lots 14 and 15, Block 48, MAGOFFIN ADDITION, El Paso County, Texas according to the plat thereof, recorded in Records for El Paso County Texas and municipally known as 708 ½ S. Hills Street, El Paso, Texas.**

is dilapidated and substandard and a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in 18.50 of the El Paso City Code; and

**WHEREAS** According to the real property records of the County of El Paso, Texas, **Francis Febres and Ricardo Vasquez, 708 1/2 South Hills Street, El Paso, Texas, 79901**, (the "Owners"), are listed as the owners, were duly notified according to law to appear at a public hearing before the Building and Standards Commission at **5:30 p.m. on September 29, 2010**; and

**WHEREAS**, Lorenzo Alaniz, representative, appeared.

**IT IS THEREFORE, ORDERED ADJUDGED AND DECREED BY THE BUILDING AND STANDARDS COMMISSION OF THE CITY OF EL PASO:**

1. That having heard the evidence, and being persuaded by a preponderance of same, the Building and Standards Commission makes the following findings:
  - A. That the structure located on said property is an urban nuisance; and
  - B. That the structure located on said property is currently unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - C. That the structure is not in substantial compliance with municipal ordinance regulating fire protection, structural or service systems integrity and disposal of refuse; and
  - D. That the certificate of occupancy be revoked; and
  - E. That the structure can be rehabilitated; and
  - F. That in order to be made safe, all of the aforementioned violations must be corrected.

CITY CLERK DEPT.  
10 OCT -7 PM 2:00

2. That the Building and Standards Commission hereby orders the structure's certificate of occupancy revoked and the Owner(s) to comply with the following requirements:
  - A. That the structure be vacated within thirty (30) days; and
  - B. That the structure be secured within thirty (30) days and maintained secured; and
  - C. That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and be maintained clean of all weeds, trash, and debris.
3. That upon failure of the Owner(s) to comply with this Order, any mortgagees, lienholders, and/or other persons having an interest in the property have an additional ten (10) days to comply with the order of the Building and Standards commission.
4. That upon failure of the Owner(s), mortgages, lienholders, and/or any other person having an interest in the property to comply with this Order, the City of El Paso, through its Code Compliance Division of the Environmental Services Department, may:
  - A. Secure the structure; and
  - B. Clean the property of all weeds, trash and debris; and
  - C. Provide for any other remedies permitted by state law
5. That upon failure of the Owner(s) to comply with this Order, the City of El Paso through its Code Compliance Division of the Environmental Services Department may request a hearing before the Building and Standards Commission to:
  - A. Determine the amount and duration of civil penalties the City of El Paso may recover for failure to comply with this Order as allowed by Texas Local Government Code Chapter 54; and
  - B. Provide any other remedies permitted by State law.
6. **When this Order has been filed in the deed records of the county in which the property that is the subject of this Order is located, execution of this Order shall not be affected by a sale or other transfer of such property. Any person or entity acquiring an interest in such property after this Order has been so filed is subject to the requirements of this Order.**
7. **REHEARING: a person affected by this order may request a rehearing by the same Building and Standards Commission panel that issued this Order. Only ONE hearing may be requested. The Building and Standards Commission may grant a rehearing only under the following circumstances:**

CITY CLERK DEPT.

10 OCT -7 PM 2:00

- A. **Proper request is made within twenty (20) days of receipt of notice of the Order of the Commission; and**
- B. **No appeal of this Order has been taken as allowed pursuant to paragraph 8, below; and**
- C. **Rehearing fees of five hundred and forty dollars (\$540.00) are furnished with the rehearing request. The rehearing request shall state the basis for requesting the rehearing. The Building and Standards Commission may waive these fees in cases of financial hardship based on written affirmation from the applicant.**
8. **RIGHT TO APPEAL: The decision of the Building and Standards Commission is final. An appeal may be filed by verified petition in State District Court, setting forth that the decision of the Commission is illegal, in whole or in part, and specifying the grounds of the illegality. Petition for appeal must be filed by the owner(s) or interested party within thirty (30) days of receipt of notice of the Order of the Commission in this matter. Appeals in District Court are limited to hearings under the substantial evidence rule.**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED**, that the City Clerk shall cause copies of this Order to be served on the record owner(s) 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 or have an interest in the 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 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 twentieth (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.

**ADOPTED on this 29th day of September, 2010.**

**BUILDING AND STANDARDS COMMISSION**

  
\_\_\_\_\_  
Gregory Bowling, Chairman, Panel A



# UNSAFE STRUCTURES REPORT

## ENVIRONMENTAL SERVICES DEPARTMENT

**DATE OF EXAMINATION:** September 16, 2013                      **REP. DISTRICT:** 8

**ADDRESS:** 708, AKA 708 ½ -710 Hills                      **ZONED:** A-3

**LEGAL DESCRIPTION:** 48 Magoffin Addition, Lots 14 & 15

**OWNER:** Francis Febres & Ricardo Vasquez                      **ADDRESS:** 708 ½ Hills Street  
El Paso, Texas 79901

**BUILDING USE:** Abandoned multi-Family Dwellings

**TYPE OF CONSTRUCTION:** III Brick/CMU/Adobe w/wood frame and plaster coating

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

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

**FOUNDATION WALL:** Masonry rock

**CONDITION:** Poor. The foundation wall shows signs of deterioration and the grout has disintegrated causing structural deficiencies. A structural engineer should be hired to evaluate actual condition.

**FLOOR STRUCTURE:** Concrete slab on grade in rear unpermitted addition and wood subfloor on top of 2 x 8 floor joist with some floor linoleum covering and vinyl tile covering.

**CONDITION:** Poor. A section of the floor system has become concave and uneven. Portions of the finish floor covering are missing, have deteriorated or broken.

A structural engineer or registered contractor must be hired to evaluate the flooring system

**EXTERIOR WALLS:** Brick / C.M.U. / Adobe w/plaster coating.

**HEIGHT:** 10' +/-

**THICKNESS:** 10" - 12"

**CONDITION:** Poor. Plaster coating is deteriorated exposing the underlying adobe to the elements. Mortar joints on both brick and concrete block walls have deteriorated compromising the structural integrity. The added brick veneer is separating and detaching. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

**INTERIOR WALLS & CEILINGS:** Wood framing w/gypsum board covering

**CONDITION:** Poor. Interior walls and ceilings have being damaged due to water infiltration from the faulty roof system and lack of maintenance; vandalism and graffiti are evident throughout the structure.

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

**CONDITION:** Poor, disintegrating due to lack of maintenance. A registered roofing contractor or building contractor must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into code compliance.

**DOORS, WINDOWS, ETC.:** Wood frame doors and windows, some with wrought iron guards.

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

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

**CONDITION:** Poor. An addition built without required permits does not meet the egress requirements at all. Windows and doors must be replaced to make them operational. Shall need to remove wrought iron window guards and meet minimum egress requirements at bedrooms.

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

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

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

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

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

**REMARKS:** According to the 1956 Polk Directory this shows up as a single family residence. The single family dwelling was built on or before 1930 and throughout the years became a multifamily dwelling. Upon investigation it was found open, abandoned, in a state of disrepair and being used as harborage by unwanted persons. Substandard electrical, plumbing and mechanical installations pose potential hazards. The roof and ceiling assembly show signs of deterioration due to lack of maintenance allowing water infiltration to cause damage to the interior. The Certificate of Occupancy should remain revoked. The department recommends that the structure be demolished. The premises should be cleaned and maintained clean of all weeds, trash and debris.

Nellie Avalos  
**Building Inspector**

Appraisal & Collection Technologies - EL PASO

Action Edit Query Record Field Help Egtitlements Accounts Statements Window

ORACLE

Account Status

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

EVAR 10/03/2013 09:15  
ACT8006 v1.241 ACTEP

STATUS DETAIL Expand Fees Summary

**Account Information**

Account No. M028-999-0480-6100 Roll Code REAL PROPERT  
 Certified Owner FEBRES FRANCIS & VASQUEZ RICARDO  
 Parcel Address 708 S HILLS ST  
 Amount Due as of 10/03/2013 CAD No. 58085

**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	\$38,321					\$999.69	\$0.00	\$0.00	\$999.69	\$447.40	\$0.00	\$1,447.09
2011	\$38,321					\$981.94	\$981.94	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2010	\$54,515					\$1,385.52	\$1,385.52	\$0.00	\$0.00	\$570.51	\$0.00	\$0.00
2009	\$54,515					\$2,016.15	\$2,016.15	\$0.00	\$0.00	\$607.96	\$0.00	\$0.00
2008	\$48,443					\$1,210.49	\$1,210.49	\$0.00	\$0.00	\$715.61	\$0.00	\$0.00
2007	\$48,443					\$1,220.33	\$1,220.33	\$0.00	\$0.00	\$896.99	\$0.00	\$0.00
2006	\$45,215	Y				Excodes \$1,060.53	\$1,060.53	\$0.00	\$0.00	\$917.15	\$0.00	\$0.00
2005	\$45,215	Y				Excodes \$1,139.16	\$1,139.16	\$0.00	\$0.00	\$367.39	\$0.00	\$0.00
2004	\$45,215	Y				\$1,134.83	\$1,134.83	\$0.00	\$0.00	\$548.71	\$0.00	\$0.00
<b>Totals</b>						<b>\$21,560.24</b>	<b>\$20,560.55</b>	<b>\$0.00</b>	<b>\$999.69</b>	<b>\$11,144.91</b>	<b>\$0.00</b>	<b>\$1,447.09</b>

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

Year

8:16 AM 10/3/2013