

# 5540 EDINBURG DRIVE



**BUILDING AND STANDARDS BOARD AGENDA ITEM #6 FOR  
WEDNESDAY, OCTOBER 30, 2013**

**ENVIRONMENTAL SERVICES DEPARTMENT**

**CODE COMPLIANCE DIVISION**

**MEMORANDUM**

October 1, 2013

**TO:** The Honorable Chairman and Board Members

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

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

**SUBJECT:** 5540 Edinburg Drive, El Paso, Texas, 79924

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

- 1) First investigated on July 25<sup>th</sup> 2011. Recently investigated on November 15, 2012, September 6, 2013 and October 16, 2013. This single family dwelling was built on or about 1969, constructed of wood with brick veneer and a wood framed roof structure. The property was found open, abandoned and accessible to unwanted visitors. The structure is in an advanced state of disrepair due to fire damage from a fire Incident that occurred on February 22, 2010. There is also trash and debris accumulation inside the abandoned structure and throughout the property.
- 2) A certified condemnation letter was mailed to Jaime Javier Tucker 10369 Kellogg St. El Paso TX 79924.
- 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 03, 2013, \$ 1,707.19 is owed in taxes.

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 structure's certificate of occupancy be revoked; and
- 4) That the structure can be rehabilitated; and
- 5) That the structure be secured and maintained secure within thirty (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.

## 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 Chamber, 300 N. Campbell, 1st Floor, El Paso, Texas 79901

**DATE:** **October 30, 2013**

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

**PROPERTY:** **5540 Edinburg Drive, EL PASO, TEXAS** also described as Lot 2, Block 108, Sun Valley Addition, Unit Twelve, an addition to the City of El Paso, El Paso County, Texas according to the map thereof on file in Volume 18, Page 4, Plat 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, Jaime Javier Tucker, 10369 Kellogg St., El Paso, TX 79924 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 16, 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. Swimming pools, Spas and Hot Tubs shall be maintained in a clean and sanitary condition, and in good repair, proper enclosures are required for swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth [Sec.303.1 & 303.2]
- c. 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]
- d. 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]
- e. 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,]
- f. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. [Sec. 307.1.1]
- g. 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]
- h. 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]
- i. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3 ]
- j. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5 ]
- k. 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]
- l. 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]

- m. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- n. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- o. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- p. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec.506.1, 506.2, 506.3]
- q. 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]
- r. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- s. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- t. 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]
- u. 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]
- v. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- w. 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]
- x. 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]
- y. 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 ]
- z. 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 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. 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

---

John R. Batoon  
Assistant City Attorney

APPROVED AS TO CONTENT

---

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 5540 Edinburg Dr., 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 Notice regarding the property at 5540 Edinburg Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jaime Javier Tucker  
10369 Kellogg St.  
El Paso, TX 79924-2537

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

I certify that a true and correct copy of the foregoing Notice regarding the property at 5540 Edinburg Dr. 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 5540 Edinburg Dr. 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 5540 Edinburg Dr. 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 5540 Edinburg Dr. 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 5540 Edinburg Dr. 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 5540 Edinburg Dr. El Paso, Texas.

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



# UNSAFE STRUCTURES REPORT

## BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** September 06, 2013

**REP. DISTRICT:** 4

**ADDRESS:** 5540 Edinburg Drive

**ZONED:** R-3

**LEGAL DESCRIPTION:** Lot 2, Block 108, Sun Valley Addition, Unit Twelve

**OWNER:** JAIME JAVIER TUCKER      **ADDRESS:** 10369 KELLOGG ST

EL PASO, TX 79924-2537

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

**TYPE OF CONSTRUCTION:** V, wood frame w/brick veneer

**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:** Concrete and some carpet covering

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

**EXTERIOR WALLS:** Brick veneer with wood frame

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

**THICKNESS:** 8' - 10' +/-

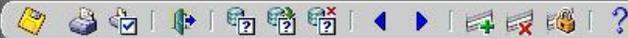
**CONDITION:** Poor. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

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

**CONDITION:** Poor. Interior walls and ceilings have sustained fire damage throughout. 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:** Wood frame Composite Shingle roof covering.

**CONDITION:** Fair. A registered roofing contractor licensed in the state of Texas must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into code compliance.



Account Status

Prev. Acc... Next Acc... Prev. Owner Next Owner Acct History Acct Summary **Notes** Documents

Go To:

EVAR  
ACT8006 v1.241

10/03/2013 08:00  
ACTEP

STATUS DETAIL **Expand Fees** Summary

**Account Information**

Account No. S816-999-1080-0400 Roll Code REAL PROPERTY  
 Certified Owner TUCKER JAIME J  
 Parcel Address 5540 EDINBURG DR  
 Amount Due as of 10/03/2013 CAD No. 297591

**Tax Units**

Tax Unit Description  
 List of Tax Units  
 1 3 6 7 8  
 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	\$65,461					\$1,707.69	\$1,707.69	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2011	\$66,166					\$1,695.44	\$1,695.44	\$0.00	\$0.00	\$118.68	\$0.00	\$0.00
2010	\$83,475					\$2,121.57	\$2,121.57	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2009	\$88,075	Y	Y			Excodes \$1,314.76	\$328.69	\$0.00	\$986.07	\$721.12	\$0.00	\$1,707.19
2008	\$90,612	Y	Y			Excodes \$1,352.22	\$1,352.22	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2007	\$87,346	Y	Y			Excodes \$1,337.91	\$1,337.91	\$0.00	\$0.00	Fees \$439.51	\$0.00	\$0.00
2006	\$76,374	Y	Y			Excodes \$1,293.33	\$1,293.33	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$62,378	Y				Excodes \$1,675.06	\$1,675.06	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$59,158	Y				\$1,567.92	\$1,567.92	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Totals</b>						<b>\$23,250.31</b>	<b>\$22,264.24</b>	<b>\$0.00</b>	<b>\$986.07</b>	<b>\$1,349.82</b>	<b>\$0.00</b>	<b>\$1,707.19</b>

Last Payment Date 12/21/2012

Last Payer JAIME J TUCKER

Alert

Year

