

8052 STANFORD



BUILDING AND STANDARDS BOARD AGENDA ITEM # 4 FOR
WEDNESDAY, OCTOBER 31, 2012

ENVIRONMENTAL SERVICES DEPARTMENT
CODE COMPLIANCE DIVISION

MEMORANDUM

October 25, 2012

TO: The Honorable Chairman and Board Members

THROUGH: Kurt Fenstermacher, Deputy Director, Code Compliance Department

FROM: Bill Stern, C.B.O., Deputy Building Official

SUBJECT: 8052 Stanford Ct (Rear), El Paso, Texas, 79907

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

- 1) First investigated on July 7th, 2012. The single family dwelling was built in 1941 according to Central Appraisal records, constructed of adobe walls with plaster coating and a wood framed roof structure. The structure was found abandoned, in an advanced state of disrepair, and subject to future harborage by vagrants and unwanted persons. The exterior of the structure is showing signs of rapid deterioration due to lack of maintenance and exposure to the elements. Large chunks of the exterior plaster coating have fallen off exposing the underlying adobe to the elements and posing a risk of future collapse. There are numerous structural cracks throughout the structure and foundation. The property is full of weeds, tires, trash and debris.
- 2) A certified condemnation letter was mailed on August 6th, 2012 to Fidela C. Yanez.
- 3) Certified notices of the public hearing scheduled for October 31st, 2012, were mailed to the owners and all interested parties on Oct. 11th, 2012.
- 4) As of October 10th 2012 , \$16,016.80 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 cannot be rehabilitated; and
- 5) That the structure be demolished 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.

Code Compliance Division
October 25, 2012

NOTICE OF VIOLATION

Fidela C. Yanez
13875 Wild Flower Dr.
El Paso, Texas 79938-9380

Re: 8052 Stanford Court (Rear)
Blk: 7 Ascarate
Lot: TR 4
Zoned: R-3
ENHS12-00342
7108 2133 3932 6909 1722

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 **Address 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. 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. Elevators, dumbwaiters and escalators shall be maintained. [Sec. 606.1, 606.2]
- w. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- x. 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]
- y. 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]
- z. 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]

- aa. 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]
- bb. 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.

Nathan Walsh
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, 2 Civic Center Plaza , Council Chamber, 2nd Floor, El Paso, Texas 79901

DATE: Oct. 31st, 2012

TIME: 5:30 P.M.

PROPERTY: 8052 Stanford Ct. (Rear), EL PASO, TEXAS also described as Tract 4, Block 7, Ascarate Grant, herein after referred to the "Property".

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, Fidela Yanez, 13875 Wild Flower Drive El Paso TX, 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 20th 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 July 7th, 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 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,]
- d. 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]
- e. 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.

The Owner[s] [are][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[s] fail(s) 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
CONTENT

John Batoon
Assistant City Attorney

APPROVED AS TO

Bill Stern, C.B.O.
Deputy Building Official
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 Notice regarding the property located at 8052 Stanford CT (Rear) was PUBLISHED in the official City newspaper on the ____ day of _____, 2012.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 8052 Stanford CT (rear) was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Fidela Yanez
13875 Wild Flower DR
El Paso, TX 79938

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 8052 Stanford CT (rear), 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 8052 Stanford CT (rear) 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 8052 Stanford CT (rear), 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 8052 Stanford CT (rear), was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court
500 E. San Antonio Avenue, Suite 703
El Paso, Texas 79901

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 8052 Stanford CT (rear), 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 8052 Stanford CT (rear), El Paso, Texas.

Date: _____
Time: _____
Inspector: _____



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: 10-19-2012

REP. DISTRICT: 7

ADDRESS: 8052 Stanford (Rear)

ZONED: R-3

LEGAL DESCRIPTION: 7 Ascarate TR 4 4791.60 SQ FT

OWNER: Fidela C. Yanez

**ADDRESS: 13875 Wild Flower Dr
El Paso, TX 79938**

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: Type V, Adobe with wood framed roof.

FOOTINGS: Concrete

CONDITION: Unable to determine condition, footings are underground and must be evaluated by an engineer to determine actual condition.

FOUNDATION WALL: Adobe

CONDITION: Poor. Showing signs of deterioration/cracks due to lack of maintenance.

FLOOR STRUCTURE: Unknown

CONDITION: Unable to determine due to restricted access/visibility.

EXTERIOR WALLS: Adobe

HEIGHT: 12' +/-

THICKNESS: 9"-10" +/-

CONDITION: Poor, failing. Several large cracks and a large section of adobe has collapsed.

INTERIOR WALLS & CEILINGS: Unknown

CONDITION: Unable to determine due to restricted access/visibility.

ROOF STRUCTURE: Unknown

CONDITION: Unable to determine. A licensed roofing contractor in the state of Texas should be hired to evaluate the roofing system.

DOORS, WINDOWS, ETC.: Wood frame windows and doors.

CONDITION: Poor, windows and doors badly dilapidated and will need to be replaced.

MEANS OF EGRESS: Does not meet egress requirements.

CONDITION: Poor

PLUMBING: Unable to determine due to restricted access/visibility. A licensed plumbing contractor must be hired to evaluate the entire plumbing system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

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

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

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: Yes

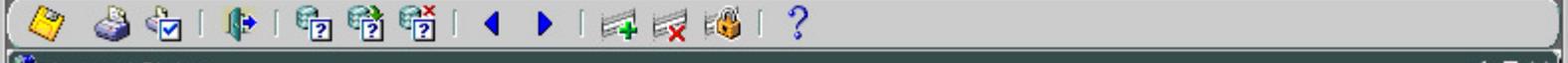
BARRICADED: No

POLICE AID REQD.: No

REMARKS: Structure abandoned, dilapidated and in a severe state of disrepair. The department recommends that the structure be demolished within (30) days and the property be cleaned within thirty (30) days, maintained clean and free of weeds, trash, and debris.

Nathan J. Walsh

Building Inspector



Account Status Go To:

EVAR 10/10/2012 12:15: ACTEP
 ACT8006 v1.225 **ACCOUNT NO(A76599900700401): YEAR = 2007, LEGAL STATUS = ACTIVE, CAUSE NUMBER = 2007TX1364**

Account Information		Tax Units		Tax Unit, Yr, Rec. Type	
Account No.	<input type="text" value="A765-999-0070-0401"/>	Roll Code	<input type="text" value="REAL PROPERT"/>	Tax Unit Description	<input type="text"/>
Certified Owner	<input type="text" value="YANEZ FIDELA C"/>				
Parcel Address	<input type="text" value="8052"/>	<input type="text" value="STANFORD CT-(REAR)"/>			
Amount Due as of	<input type="text" value="10/10/2012"/>	CAD No.	<input type="text" value="266858"/>		
		List of Tax Units	<input type="text" value="1 5 6 7 8 9009 9089"/>		
		<input type="button" value="AG INCLUDED"/>	<input type="button" value="Remove Fees"/>	<input type="checkbox"/> Countywide	
					<input type="button" value="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	\$82,135					\$2,220.71	\$0.00	\$0.00	\$2,220.71	\$0.00	\$0.00	\$2,220.71	
2011	\$48,274					\$1,664.83	\$0.00	\$0.00	\$1,664.83	\$574.23	\$0.00	\$2,239.06	
2010	\$48,274					\$1,272.77	\$0.00	\$0.00	\$1,272.77	\$752.71	\$0.00	\$2,025.48	
2009	\$49,054					\$1,268.71	\$0.00	\$0.00	\$1,268.71	\$932.46	\$0.00	\$2,201.17	
2008	\$16,020					\$415.54	\$0.00	\$0.00	\$415.54	\$365.06	\$0.00	\$780.60	
2007	\$16,020					\$423.83	\$0.00	\$0.00	\$423.83	\$433.37	\$0.00	\$857.20	
2006	\$15,532					\$452.09	\$0.00	\$0.00	\$452.09	\$527.23	\$0.00	\$979.32	
2005	\$15,532					\$494.66	\$0.00	\$0.00	\$494.66	\$648.18	\$0.00	\$1,142.84	
2004	\$15,532					\$498.60	\$0.00	\$0.00	\$498.60	\$676.86	\$0.00	\$1,175.46	
Last Payment Date <input type="text" value="Over65"/>						Totals	\$11,893.36	\$2,247.58	\$0.00	\$9,645.78	\$6,371.02	\$0.00	\$16,016.80
Last Payer <input type="text"/>						<input type="button" value="Alert"/>							