

518 BATAAN



BUILDING AND STANDARDS BOARD AGENDA ITEM # 9 FOR
WEDNESDAY, NOVEMBER 17, 2010

CODE COMPLIANCE DIVISION

MEMORANDUM

October 29, 2010

TO: The Honorable Chairman and Board Members

THROUGH: Kurt Fenstermacher, Deputy Director, Code Compliance Division

FROM: Bill Stern, Deputy Building Official

SUBJECT: 518 Bataan Circle, El Paso, Texas, 79903

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

- 1) First investigated on September 30, 2010, after referral by the El Paso Police Department. The structures were found open, in a state of disrepair and accessible to unwanted entry by vagrants. According to Central Appraisal records the single family dwelling was built in 1951. The roof and ceiling assembly and roof coverings have not been maintained showing signs of rapid deterioration due to lack of maintenance and exposure to the elements. There are signs of settlement around the CMU structure. There has not been any running water service since September 2003.
- 2) A certified condemnation letter was mailed to Anna M. Kolb on October 1, 2010.
- 3) Certified notices of the public hearing scheduled for November 17, 2010, were mailed to the owners and all interested parties on November 1, 2010.
- 4) As of October 29, 2010, \$3,017.69 in taxes is owed.

The owners have been notified of the property maintenance violations at this property to date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

- 1) That the structures are substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structures are 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 structures cannot be rehabilitated; and
- 5) That the structures be demolished within thirty (30) days; and
- 6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (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 1, 2010

NOTICE OF VIOLATION

Anna M Kolb
518 Bataan Dr.
El Paso, Texas 79903-5101

Re: 518 Bataan Cir.
Blk: 4 El Valle
Lot: 58
Zoned: R-5
BSC10-00922
7009 1410 0001 7186 8003

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:

18.50.106.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Chapter 2.38 of this code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50.106.1.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

18.50.106.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

18.50.106.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **518 Bataan Cir., El Paso, Texas, 7 9903**, is in violation of the requirements found in the following sections of the 2003 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- k. 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 Building and Standards Commission at a hearing scheduled by this department.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The City Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.9.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Building Permits and Inspections Department because of Electrical Code violations.

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

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the 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 599-3691.

Nellie Avalos
Building Inspector

MA/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the 17th day of **November, 2010** in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso (the "**Commission**") will hold a public hearing on the question of whether the buildings located on the property at **518 Bataan Circle**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 58 in Block 4, EL VALLE ADDITION to the City of El Paso, El Paso County, Texas, according to the map thereof on file in the Back of Book 610 of the Deed Records of El Paso County, Texas, also known as 518 Bataan Circle, El Paso, Texas.

are unsafe and dangerous, because of the following violations:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structures are open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. The structures need to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of trash and debris within

(30) days from receipt of this letter. [Sec. 108.2]

According to the real property records of the County of El Paso, Texas, Anna M. Kolb, 518 Bataan Circle, El Paso, Texas, 79903 (“the **Owner**”) is listed as the owner of the real property described herein.

According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division of the Environmental Services Department, 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 send the affidavit, it will be presumed that you own the property described in this notice.

The Owner of said property is hereby ordered to appear before the Building and Standards Commission and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before the Commission at said date, hour, and place to show cause why said building should not be declared a nuisance and ordered to be abated. The Owner, lien holders, mortgagees, or any other person having an interest in the property is hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Title 18, as mandated by Section 18.50 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the Owner, lien holders, mortgagees, or any other person having an interest in the property must present to the Commission any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to the Commission at this hearing.

The time periods, which govern the completion of work ordered by the commission, are outlined in Chapter 2, Subsection 2.38.080 of the Municipal Code of the City of El Paso, and pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of the Commission the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said building in an amount not to exceed \$1,000.00 a day for each violation, or \$10.00 a day if the Owner shows that the property is the Owner’s lawful homestead; and

III) appoint a receiver as permitted by state law; and

IV) any other remedies permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full;

The City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Cynthia Osborn
Assistant City Attorney

Bill Stern, C.B.O.
Deputy Building Official
Code Compliance Division

I certify that a true and correct copy of the foregoing Notice regarding the property at 518 Bataan Circle was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Anna M. Kolb
518 Bataan Circle
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 518 Bataan Circle 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 518 Bataan Circle 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 518 Bataan Circle 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 518 Bataan Circle 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 518 Bataan Circle 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 518 Bataan Circle El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: 9/30/10

REP. DISTRICT: 2

ADDRESS: 518 Bataan Circle

ZONED: R-5

LEGAL DESCRIPTION: Lot 58, Block 4, El Valle Addition

OWNER: Anna M. Kolb

ADDRESS: 518 Bataan Circle
El Paso, Texas 79903

BUILDING USE: Dilapidated open and abandoned single family dwelling

TYPE OF CONSTRUCTION: IV – Cinder block

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 slab on grade

CONDITION: Poor. Unable to determine condition of floor system. A structural engineer should be hired to evaluate actual condition of the flooring system.

EXTERIOR WALLS: CMU

HEIGHT: 10' +/-

THICKNESS: 8" +/-

CONDITION: Fair. Only cleaning and minor repairs are needed.

INTERIOR WALLS & CEILINGS: 2 x 4 Wood framing covered with sheet rock.

CONDITION: Poor. The sheet rock ceiling & walls contain holes exposing the dry rotted wood membranes.

ROOF STRUCTURE: Flat roof, wood frame w/rolled composition roofing.

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

DOORS, WINDOWS, ETC.: Wood frame doors and metal frame windows
CONDITION: Poor. Most doors and windows are broken and need to be replaced to meet egress.

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

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

ELECTRICAL: A licensed electrician should be hired to bring system up to code.

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

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 1

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

REMARKS: This substandard dilapidated single family dwelling built in 1951 is a danger to the occupant and the general public. The main structure should be vacated and secured within thirty (30) days and maintained secure until rehabilitated. The deteriorated, dry rotted accessory structures should be demolished within thirty (30) days. The property should be cleaned within thirty (30) days and maintained clean.

Nellie Avalos
Building Inspector

Appraisal & Collection Technologies - EL PASO

Action Edit Query Record Field Help Entitlements Window

ORACLE

Account Status

Prev Account Next Account Prev Owner Next Owner Acct History Notes Go To: _____

EVAR 11/01/2010 09:07:41
ACT8006 v1.207 ACTEP

STATUS DETAIL Expand Fees Summary

Account Information

Account No. E416-999-0040-2500 Roll Code REAL PROPERT
 Certified Owner KOLB ANNA M
 Parcel Address 518 BATAAN CIR
 Amount Due as of 11/01/2010 Owner No. 0

Tax Units

Tax Unit Description
 List of Tax Units 1 3 6 7 8 9009
 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
2000	\$21,907	Y	Y			\$101.41	\$101.41	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1999	\$21,907	Y	Y			\$99.33	\$99.33	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1998	\$21,907	Y	Y			\$99.33	\$99.33	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1997	\$21,907					\$98.17	\$0.00	\$0.00	\$98.17	\$201.01	\$0.00	\$299.18
1996	\$21,907					\$98.87	\$0.00	\$0.00	\$98.87	\$216.08	\$0.00	\$314.95
1995	\$21,864					\$99.10	\$0.00	\$0.00	\$99.10	\$230.26	\$0.00	Amount Due 6
1994	\$17,859					\$65.11	\$29.34	\$0.00	\$35.77	\$88.04	\$0.00	\$123.81
1993	\$17,859	Y	Y			\$62.25	\$17.56	\$0.00	\$44.69	\$109.89	\$0.00	\$154.58
					Exemption							
Totals						\$2,429.67	\$950.14	\$0.00	\$1,479.53	\$1,538.16	\$0.00	\$3,017.69

Last Payment Date _____
 Last Payer UNKNOWN **Alert**

FRM-40102: Record must be entered or deleted first.

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