

8161 VALLEY VIEW



**BUILDING AND STANDARDS BOARD AGENDA ITEM #3 FOR
WEDNESDAY, November 20th, 2013
ENVIRONMENTAL SERVICES DEPARTMENT
CODE COMPLIANCE DIVISION
MEMORANDUM
November 14th, 2013**

TO: The Honorable Chairman and Board Members

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

FROM: Ron Roth, C.B.O., Deputy Building Official

SUBJECT: 8161 Valley View Dr., El Paso, Texas 79907

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

- 1) First investigated on November 9th 2007, again on January 2nd 2008, July 7th 2010, March 23rd 2011, July 31st 2012, November 5th 2013, and most recently, November 11th 2013. This single family dwelling was built in 1954 of wood frame roof system and cinderblock and plaster covered walls. The structure was found open, abandoned, and in an advanced state of disrepair being used as harborage by unwanted persons. Drug paraphernalia has been found at this property. There is an accessory structure located at the back yard, which has a collapsed roof. Piles of trash are found at both the main residence and accessory structure, which pose a fire and health hazard. Due to proximity to area schools, this property poses a threat for school-aged children. There is trash and debris throughout the property. Interior and exterior walls are showing signs of structural separation and wall failure.
- 2) A certified condemnation letter was mailed to Beatrice A. Dearo, 9161 Valley View Dr., El Paso, Texas, 79907 on April 29th, 2013.
- 3) Certified notices of the public hearing scheduled for November 20th, 2013 were mailed to the owners and all interested parties on November 5th, 2013.
- 4) As of November 11th 2013, \$10,997.06 in taxes are owed.

The owners have been notified of the property maintenance violations at this property.

To date there has been no 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 the accessory structure be demolished within (30) days; and
- 8) 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

April 29, 2013

NOTICE OF VIOLATION

Beatriz A. Dearo
8161 Valleyview Dr.
El Paso, Texas 79907-7421

Re: 8161 Valleyview Dr.
Blk: 1 La Paloma Park
Lot: 17
Zoned: R-3
Case Number ENHS11-00093

Mail Receipt # 7199 9991 7030 7458 9555

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 **8161 Valley View Dr., El Paso, Texas, 79907** is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. All *exterior property, accessory structures* and *premises* shall be maintained in a clean, safe and sanitary condition, All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- e. All *exterior property* and *premises*, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- f. All structures shall be kept free from insect and rodent *infestation*. All structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to prevent re-infestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- g. 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]
- h. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- i. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- j. 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]
- k. 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]
- l. 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]

- m. 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]
- n. 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]
- o. 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 J. Walsh
Building Inspector

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **20th day of November, 2013**, in the Council Chambers of City Hall, 300 N. Campbell, 1st Floor, 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 **8161 Valley View**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 17, Block 1, LA PALOMA PARK, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof recorded in Volume 12, Page 42, of the Plat Records of El Paso County, Texas.

are unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, ARTURO E. DEARO and DANNY GUEVARA, 8161 Valley View Drive, (the "**Owners**"), is listed as the owner (s) 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 Code Compliance 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.

A complete copy of the notice may be obtained at the City Clerk's Office, 300 N. Campbell, El Paso, Texas 79901.

The City of El Paso

City Clerk



UNSAFE STRUCTURES REPORT

CODE COMPLAINT DIVISION

DATES OF EXAMINATION: November 9th 2007, January 2nd 2008, July 7th 2010, March 23rd 2011, July 31st, 2012, and November 5th & 11th, 2013

REP. DISTRICT: 7

ADDRESS: 8161 Valley View Dr.

ZONED: R-3

LEGAL DESCRIPTION: Lot 17, Block 1, LA PALOMA PARK addition to the City of El Paso, El Paso County, Texas, according to the map or plat thereof recorded in Volume 12, Page 42, of the Plat Records of El Paso County, Texas

OWNER: Danny Guevara, grandson and Arturo E. Dearo,
Son of Beatriz A. Dearo, deceased.

ADDRESS: 8161 Valley View Dr.
El Paso, Texas 79907

BUILDING USE: Abandoned single family residence

TYPE OF CONSTRUCTION: V

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: Concrete/C.M.U. with plaster coating.

CONDITION: Poor. Notable cracks found in several areas. A structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: Concrete.

CONDITION: Unable to determine. Vinyl floor coverings and carpet covering being used throughout house. A structural engineer or registered contractor must be hired to evaluate the flooring system.

EXTERIOR WALLS: C.M.U. with plaster coating., brick and stucco masonry, also some wood paneling.

HEIGHT: 10' +/-

THICKNESS: 10" - 12" +/-

CONDITION: Poor. Mortar joints on wall show deterioration and movement which compromises to the structural integrity. Notable cracks on walls. Plaster cracks and deterioration due to element exposure and lack of maintenance. A structural engineer should be hired to evaluate structural elements of the building and submit a report on the corrections required to make the building safe.

INTERIOR WALLS & CEILINGS: C.M.U. with plaster coating.

CONDITION: Poor. Notable cracks and shifting of walls compromise the structural integrity of wall systems. A structural engineer should be hired.

ROOF STRUCTURE: Wood frame gable roof with asphalt shingles.

CONDITION: Fair. 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.: Wooden doors and frame. Aluminum frame windows. Wrought iron doors.

CONDITION: Poor. Broken doors and windows must be repaired or replaced to make them operational and meet requirements.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. Windows and doors must be replaced or repaired to meet egress requirements.

PLUMBING: N/A

ELECTRICAL: 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 and compliance.

MECHANICAL: A licensed mechanical 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 and compliance.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:

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

REMARKS: The department recommends this abandoned single family residence to be boarded and secured within thirty (30) days and that the accessory structure be demolished within thirty 30 days. In addition, that the property be cleaned and maintained cleaned of all trash and debris within thirty (30) days.

Nathan J. Walsh
Chief Building Inspector

Account Status

Go To:

EVAR 11/11/2013 13:26
 ACT8006 v1.241 ACTEP

ACCOUNT NO(L06499900104900); YEAR = 2008, LEGAL STATUS = ACTIVE, CAUSE NUMBER = 2009TX601

STATUS DETAIL **Expand Fees** Summary

Account Information		Tax Units		Tax Unit, Yr, Rec. Type	
Account No.	<input type="text" value="L064-999-0010-4900"/>	Roll Code	<input type="text" value="REAL PROPERT"/>	Tax Unit Description	<input type="text"/>
Certified Owner	<input type="text" value="DEARO BEATRIZ A"/>	List of Tax Units	<input type="text" value="1 5 6 7 8 8001 9009"/>	Tax Unit	<input type="text"/>
Parcel Address	<input type="text" value="8161 VALLEY VIEW DR"/>			Year	<input type="text"/>
Amount Due as of	<input type="text" value="11/11/2013"/>	AG INCLUDED	<input type="checkbox"/>	Rec. Type	<input type="text"/>
CAD No.	<input type="text" value="94962"/>	Remove Fees	<input type="checkbox"/>	Countywide	<input type="checkbox"/>
				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
2013	\$46,414					\$1,304.35	\$0.00	\$0.00	\$1,304.35	\$0.00	\$0.00	\$1,304.35
2012	\$69,194					\$1,870.81	\$0.00	\$0.00	\$1,870.81	\$859.94	\$0.00	\$2,730.75
2011	\$71,778					\$2,505.43	\$0.00	\$0.00	\$2,505.43	\$1,150.46	\$0.00	\$3,655.89
2010	\$71,778					\$1,892.46	\$0.00	\$0.00	\$1,892.46	\$1,413.61	\$0.00	\$3,306.07
2009	\$72,543					\$1,876.21	\$1,876.21	\$0.00	\$0.00	\$885.07	\$0.00	\$0.00
2008	\$71,836					\$2,700.27	\$2,700.27	\$0.00	\$0.00	\$1,146.42	\$0.00	\$0.00
2007	\$71,836					\$1,900.50	\$1,900.50	\$0.00	\$0.00	\$1,442.89	\$0.00	\$0.00
2006	\$65,000	Y	Y			Excodes \$559.76	\$559.76	\$0.00	\$0.00	\$499.20	\$0.00	\$0.00
2005	\$55,705	Y	Y			Excodes \$612.76	\$612.76	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals						\$19,151.68	\$11,578.63	\$0.00	\$7,573.05	\$7,664.61	\$0.00	\$10,997.06

Last Payment Date: Last Payer:
Alert