

7305 DALE



BUILDING AND STANDARDS BOARD AGENDA ITEM # 6 FOR
TUESDAY, NOVEMBER 25, 2008

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
November 17, 2008

TO: The Honorable Chairman and Board Members

THROUGH: Victor Q. Torres – The Director for Development Services

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

SUBJECT: 7305 Dale Road, El Paso, Texas 79915

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

- 1) Recent investigation was conducted on September 25, 2008. The single family dwelling was built in 1950. On June 12, 2001, this property was condemned by City Council to secure the primary structure, demolish all accessory structures, remove all junk vehicles and clean the premises. The electrical, mechanical and plumbing systems are inadequate. The joists are over spanned and the exposed lumber shows evident signs of dry rot and decay. The footings and foundation are inadequate to support the load causing shifting and settlement of the structure. The exterior plaster coating has fallen in several areas exposing the underlying adobe to the elements causing it to crumble. The interior walls contain several holes and cracks. The roof ceiling assembly and roof coverings have not been maintained and are showing signs of deterioration.
- 2) A certified condemnation letter was mailed to Remedios Alvarez.
- 3) Certified notices of the public hearing scheduled for November 25, 2008, were mailed to the owners and all interested parties on November 11, 2008.
- 4) As of November 18, 2008, there is \$1,020.33 in taxes 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 structures be condemned as 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 structures' certificate of occupancy be revoked; and
- 4) That the structures cannot be rehabilitated; and
- 5) That the structures be vacated within 30 days; and
- 6) That the structures be demolished within 30 days; and
- 7) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and

JOHN COOK
MAYOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

JOYCE WILSON
CITY MANAGER

VICTOR Q. TORRES
DIRECTOR

DEVELOPMENT SERVICES DEPARTMENT

- 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.

BUILDING STANDARDS ENFORCEMENT
September 23, 2008

Remedios Alvarez
7305 Dale Rd
El Paso, Texas 79915-2502

Re: 7305 Dale Rd
Blk: 10 Stiles Gardens
Lot: 20
Zoned: A2
BSC08-00044
Certified Mail Receipt #
7007 3020 0001 2772 0987

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 International 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 **7305 Dale Rd** has the following violations:

- a. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- b. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- c. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
- d. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- e. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- f. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- g. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].

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 Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, 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 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

Zuleika Davila
Building Inspector

ZCD/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **25th** day of **November, 2008** 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 building located on the property at **7305 Dale Road**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 20, Block 10, STILES GARDENS ADDITION, an addition to the City of El Paso, El Paso County, Texas and being the property at 7305 Dale Road, El Paso, Texas.

is unsafe and dangerous, because of the following violations:

- a. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- b. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- c. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
- d. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- e. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- f. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- g. The premises shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].

According to the real property records of the County of El Paso, Remedio and Sylvia Alvarez, Victor Manuel Alvarez and Victor Manuel Alvarez as trustee for Omar Alvarez, 2207 Edgebrook Avenue, Modesto, CA 95354 (the "**Trustee**") is listed as the trustee 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 Building Permits and Inspections, 5th floor, City Hall, 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:

Mark Shoesmith
Assistant City Attorney

APPROVED AS TO CONTENT:

Bill Stern, C.B.O.
Chief Building Inspector
Building Permits and Inspection Department

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 7305 Dale Road was PUBLISHED in the official City newspaper on the ____day of _____, 2008.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 7305 Dale Road was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Victor Manuel Alvarez/Omar Alvarez
2207 Edgebrook Avenue
Modesto, CA 95354

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 7305 Dale Road was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Remedios and Beatrice Alvarez
7305 Dale Road
El Paso, Texas 79915

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 7305 Dale Road was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Remedios and Sylvia Alvarez
7305 Dale Road
El Paso, Texas 79915

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 7305 Dale Road was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Tom B Newman Jr.
P. O. Box 655
El Paso, Texas 79944

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 7305 Dale Road was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Richarda Momsen, City Clerk
2 Civic Center Plaza, 2nd Floor
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 7305 Dale Road 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 7305 Dale Road 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 7305 Dale Road 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 7305 Dale Road 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 7305 Dale Road 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 7305 Dale Road, El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: November 18, 2008

REP. DISTRICT: 3

ADDRESS: 7305 Dale Road

ZONED: A - 2

LEGAL DESCRIPTION: Lot 20, Block 10, STILES GARDENS ADDITION, an addition to the City of El Paso, El Paso County, Texas.

OWNER: Remedios Alvarez

ADDRESS: 7305 Dale Road
El Paso, Texas 79915

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: V, Adobe w/wood frame and stucco covering.

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: Adobe w/stucco.

CONDITION: Poor, notable cracks and crumbling found in several areas, the deteriorating plaster is exposing the underlying adobe. A structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: Wood with wood frame.

CONDITION: Poor, found some areas where the floors are uneven. A structural engineer or registered contractor must be hired to evaluate the flooring system.

EXTERIOR WALLS: Adobe w/stucco.

HEIGHT: 12' +/-

THICKNESS: 10" - 12"

CONDITION: Poor, the structure contains several holes and has sustained notable cracks due to lack of maintenance and exposure to the elements. A structural engineer should be hired to evaluate structural elements of the buildings and submit a report on the corrections required to make the building safe.

INTERIOR WALLS & CEILINGS: Wood frame, sheetrock w/ plaster

CONDITION: Poor, there are visible cracks on the walls and leaks on the ceiling. The joists are over spanned and deteriorated. A structural engineer should be hired to evaluate structural elements of the building and submit a report of the required corrections to make the buildings safe.

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.

CONDITION: Poor, several windows and doors have been 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. Windows and doors must be replaced to make them operational.

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

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS: This single family dwelling is open and abandoned. Unpermitted construction was found at time of investigation. The structures should be demolished and the property cleaned of all weeds, trash and debris. This property was condemned in 2001 by City Council.

Robert S. Gonzalez
Building Inspector