

163-165 Newman



BUILDING AND STANDARDS BOARD AGENDA ITEM # 6 FOR
WEDNESDAY, NOVEMBER 28, 2007

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
November 13, 2007

TO: The Honorable Chairman and Board Members

THROUGH: Larry Nichols, C.B.O. – The Director for Building Permits and Inspections

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

SUBJECT: 163-165 Newman Street

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

- 1) First investigated September 18, 2007. The detached garage was found deteriorated with frail collapsing walls. The roof is completely gone.
- 2) A certified condemnation letter was mailed to Trinidad A C Delgado and Francisco Corral, 163 Newman Street #B, El Paso, Texas 79901.
- 3) Certified notices of the public hearing scheduled for November 28, 2007, were mailed to the owners and all interested parties on November 15, 2007.
- 4) As of November 15, 2007, no taxes are owed.

The owner has been notified of the violations at this property to demolish, secure and clean the premises, to date there has been no response or corrective action taken, 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 repaired; and
- 5) That the structure be demolished within 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.

JOHN COOK
MAYOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, 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

R. ALAN SHUBERT, P.E., C.B.O.
DEVELOPMENT SERVICE DIRECTOR

DEVELOPMENT SERVICES DEPARTMENT

BUILDING STANDARDS ENFORCEMENT

October 5, 2007

Trinidad AC Delgado
Francisco Corral
163 Newman St #B
El Paso, Texas 79901-1631

Re: 163-165 Newman St
Blk: 32 Franklin Heights
Lot: 79 Ft of 13 to 16 Beg 91 Ft S of
NEC & S 30 Ft of 13 & S 30 Ft of
W 10 Ft of 14
Zoned: C4
COD07-27116
Certified Mail Receipt #
7007 1490 0000 8721 5067

Greetings:

A recent inspection of the above referenced address has revealed that the accessory structure is in violation of the Standard Housing Code, Sec. 305.15 – Accessory Structures,

Garages, storage buildings, and other accessory structures shall be maintained and kept in good repair and sound structural condition.

The accessory building at **163-165 Newman St.** is dilapidated, weatherbeaten, structurally unsound, and constitutes a fire hazard.

The structure is approximately seventy-five (75) percent deteriorated and must be reconstructed to meet the Standard Building Code, or demolished and the premises cleaned of all debris. Building permits must be obtained whether you reconstruct or demolish the structure within 30 days of receipt of this letter.

This case is being submitted to the City Attorney's office for condemnation proceedings. The City Council will decide if the building should be condemned, vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

163-165 Newman

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:

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 **28th** day of **November, 2007** 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 **163-165 Newman Street**, in El Paso, Texas, which property is more particularly described as:

LEGAL DESCRIPTION: The South 109 feet of Lots 13 thru 16, SAVE AND EXCEPT the South 30 feet of Lots 15 and 16 and the South 30 feet of the Easterly 15 feet of Lot 14, Block 32, FRANKLIN HEIGHTS ADDITION, an addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Trinidad Ann Delgado Corral & Francisco Corral (**the "Owners"**), 163 Newman #8, El Paso, Texas 79901, are listed as the owners 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 Owners 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 buildings should not be declared a nuisance and ordered to be abated.

The Owners, 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 Owners, lien holders, mortgagees, or any other person having an interest in the property must present to the Commission any evidence showing that the structures 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 Owners fail, neglect or refuse 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 Owners, 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 Owners 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 Owners show 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 Owners and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Ernesto Rodriguez
Assistant City Attorney

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 at **163-165 Newman Street** was PUBLISHED in the official City newspaper on the ____day of _____, 2007.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Joseph Victor Delgado
163 Newman Street B
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Linda Lee McDaniel
163 Newman Street B
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Roberto A. Delgado
AKA Roberto Andres Delgado
20085 E. 118th Ave.
Commerce City, CO 80022-9703

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Trinidad Ann Delgado Corral
163 Newman St. #B
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Francisco Corral
163 Newman St. #B
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Juan Delgado
AKA Juan Francisco Delgado, Jr.
163 Newman St. #B
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Carlos C. Delgado
AKA Carlos Cesar Delgado
163 Newman St. #B
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Richard O. Delgado
163 Newman St. #B
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jose Blas Delgado
163 Newman St. #B
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

David Fernando Delgado
163 Newman St. #B
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Pinnfund USA
2051 Palomar Airport Road #100
Carlsbad, CA 92009-1416

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

First Collateral Services
1855 Gateway Blvd Ste 800
Concord, CA 94520

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

David Fernando Delgado
163-165 Newman Street
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

J P Morgan Chase Bank
450 West 33rd Street
New York, NY 10001

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Elizabeth F. Branham
15150 Preston Road, Ste 200
Dallas, Texas 75248

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

First American Title Special Default Services Division
3355 Michelson Way, Ste 250
Irvine, CA 92612
Attn: Joanne Bui

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Miguel Alejandro Flores @Tanzy & Borrego
2610 Montana Ave.
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Stuart C Cox
1760 N. Lee Trevino Dr.
El Paso, Texas 79936

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Phyllis Bracher
1760 N. Lee Trevino Dr.
El Paso, Texas 79936

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at **163-165 Newman Street** 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 **163-165 Newman Street** 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 **163-165 Newman Street**) 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 **163-165 Newman Street** 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 was POSTED at **163-165 Newman Street** El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: November 12, 2007

REP. DISTRICT: 8

ADDRESS: 163-165 Newman Street

ZONED: C - 4

LEGAL DESCRIPTION: The South 109 feet of Lots 13 thru 16, .SAVE AND EXCEPT the South 30 feet of Lots 15 and 16 and the South 30 feet of the Easterly 15 feet of Lot 14, Block 32, FRANKLIN HEIGHTS ADDITION, an addition to the City of El Paso, El Paso County, Texas.

OWNER: Trinidad Ann Delgado Corral and
Francisco Corral

ADDRESS: 163 Newman Street #B
El Paso, Texas 79901

BUILDING USE: Detached garage

TYPE OF CONSTRUCTION: V, adobe and CMU

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: None

CONDITION: N/A

FLOOR STRUCTURE: Concrete slab on grade.

CONDITION: Floor covered with debris unable to determine condition.

EXTERIOR WALLS: Adobe and CMU with plaster

HEIGHT: 8' - 10' +/-

THICKNESS: 10" - 12"

CONDITION: Poor. Most of the walls are gone due to lack of maintenance and exposure to the elements.

INTERIOR WALLS & CEILINGS: None.

CONDITION: Poor Both ceiling and walls have collapsed due to lack of maintenance.

ROOF STRUCTURE: Unable to determine.

CONDITION: Nonexistent, there is no roof.

DOORS, WINDOWS, ETC.: Wood doors and wood frame/metal windows.
CONDITION: Poor. Doors and windows are gone and/or broken.

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

PLUMBING: N/A

ELECTRICAL: N/A

MECHANICAL: N/A

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

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

REMARKS: This is a deteriorated and collapsing detached garage with two frail walls. The structure should be demolished and the property cleaned of all weeds, trash and debris within 30 days.

Nellie Avalos
Building Inspector