

# 469 MYRA



**BUILDING AND STANDARDS BOARD AGENDA ITEM #3 FOR  
WEDNESDAY, NOVEMBER 28, 2012**

**ENVIRONMENTAL SERVICES DEPARTMENT  
CODE COMPLIANCE DIVISION**

MEMORANDUM  
November 19, 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: 469 MYRA ST, El Paso, Texas, 79915

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

- 1) First investigated on May 02, 2012. The structure was found to be in an advanced state of disrepair. This residential structure was built in 1947, according to Central Appraisal records; the structure has been used as harborage by unwanted persons, and is in an advanced state of disrepair due to the lack of maintenance.
- 2) A certified condemnation letter was mailed to Jesus Gomez and Maria Gomez.
- 3) Certified notices of the public hearing scheduled for November 28, 2012, were mailed to the owners and all interested parties on November 07, 2012.
- 4) As of November 12, 2012, \$782.16 is owed in current 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 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 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  
February 8, 2012

**NOTICE OF VIOLATION**

Maria S. Gomez  
Juanita Quijada  
831 E. 52<sup>nd</sup> St.  
Tacoma, WA 98404-2702

Re: 469 Myra St.  
Blk: Linda Vista  
Lot: S 100 Ft. of N 200 Ft. of 43 (Exc  
Wly Pt)  
Zoned: R-3  
ENHS12-00071  
7108 2133 3932 6880 8017

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 **469 Myra St., El Paso, Texas, 79915** 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 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 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 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 599-6244.

Daniel Lopez  
Building Inspector

DL/nms

## 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, 2<sup>nd</sup> Floor, El Paso, Texas 79901

**DATE:** November 28, 2012

**TIME:** 5:30 p.m.

**PROPERTY:** 469 MYRA STREET, EL PASO, TEXAS also described as the Southerly 100 feet of the Northerly 200 feet of Tract 43 of the LINDA VISTA SUBDIVISION, El Paso County, Texas.

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, Jesus Gomez and Maria Gomez, 469 Myra Street, TX 79915-3209, are the owners, herein after referred to as the "Owners" 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 20<sup>th</sup> 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 September 5, 2012 an inspection of the Property was conducted by the Environmental Services Division and the following violations were identified:

- a. 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]

- b. 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 Owners are 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 Owners fail 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

APPROVED AS TO

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John R. Batoon  
Assistant City Attorney

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

Enclosures:

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 469 Myra Street, El Paso, Texas 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 469 Myra Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jesus Gomez & Maria Gomez  
469 Myra Street  
El Paso, TX 79915-3109

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 469 Myra 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 469 Myra 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 469 Myra 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 469 Myra 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 regarding the property at 469 Myra 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, TX 79901

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice was POSTED at 469 Myra Street, El Paso, Texas.

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_



# UNSAFE STRUCTURES REPORT

## BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** September 18, 2012

**REP. DISTRICT:** 7

**ADDRESS:** 469 Myra

**ZONED:** R-3

**LEGAL DESCRIPTION:** LINDA VISTA S 100 FT OF N 200 FT OF 43 (EXC WLY PT)  
(8500.00 SQ FT)

**OWNER:** MARIA S. GOMEZ

**ADDRESS:** 469 Myra  
El Paso, TX. 79915

**BUILDING USE:** Residential

**TYPE OF CONSTRUCTION:** V-B

**FOOTINGS:** Concrete

**CONDITION:** Subterranean placement, the footings should be evaluated by a structural engineer

**FOUNDATION WALL:** Concrete foundation

**CONDITION:** No visual evidence of damage

**FLOOR STRUCTURE:** Wood floor system with slab on grade addition

**CONDITION:** Subflooring is in disrepair in some locations

**EXTERIOR WALLS:** Wood framed walls / Alternate materials (wood boxes)

**HEIGHT:** 7' +/- 1'

**THICKNESS:** 6" +/- 2"

**CONDITION:** Unapproved Materials (wood boxes) used to construct walls

**INTERIOR WALLS & CEILINGS:** Wood Framed

**CONDITION:** In disrepair

**ROOF STRUCTURE:** Wood framed

**CONDITION:** Over framed Roof addition is in poor condition

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

**CONDITION:** doors and windows are in poor condition

**MEANS OF EGRESS:** Doors and Windows  
**CONDITION:** Window in sleeping room is obstructed

**PLUMBING:** In disrepair

**ELECTRICAL:** In disrepair

**MECHANICAL:** In disrepair

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0**

**WARNING POSTED: Y**

**BARRICADED: N**

**POLICE AID REQD.: N**

**REMARKS:** The structure was found to be in an advanced state of disrepair. This residential structure was built in 1947, according to Central Appraisal records; the structure has been used as harborage by unwanted persons, and is in an advanced state of disrepair due to the lack of maintenance. The department recommends that the structures cannot be rehabilitated. That the structures be demolished within thirty (30) days and that the premises be cleaned within thirty (30) days.

**Roger Iveson**  
**Chief Building Inspector**



Account Status

Go To:

EVAR

11/12/2012 11:19

ACT8006 v1.225

ACTEP

Account Information

Account No.  Roll Code

Certified Owner

Parcel Address

Amount Due as of  CAD No.

Tax Units

Tax Unit Description

List of Tax Units

1	5	6	7	8		
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Countywide

Tax Unit, Yr, Rec. Type

Tax Unit

Year

Rec. Type

Amount Due/Paid Information

Year	Gross Value	H	O	V	D	Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due
2012	\$28,929					\$782.16	\$0.00	\$0.00	\$782.16	\$0.00	\$0.00	\$782.16
2011	\$28,929	Y	Y			Exemption \$91.69	\$91.69	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2010	\$28,929	Y	Y			Exemption \$87.29	\$87.29	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2009	\$28,929	Y	Y			Exemption \$85.19	\$85.19	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2008	\$28,929	Y	Y			Exemption \$86.18	\$86.18	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2007	\$28,929	Y	Y			Exemption <b>Base Levy</b> 18	\$85.18	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2006	\$26,975	Y	Y			Exemption \$78.44	\$78.44	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$25,363	Y	Y			Exemption \$141.64	\$141.64	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$24,843	Y	Y			\$135.34	\$135.34	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Totals</b>						<b>\$2,438.96</b>	<b>\$1,656.80</b>	<b>\$0.00</b>	<b>\$782.16</b>	<b>\$16.53</b>	<b>\$0.00</b>	<b>\$782.16</b>

Last Payment Date

Last Payer