

4605 ARLEN



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

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
December 1, 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: 4605 Arlen Avenue

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

- 1) First investigated June 27, 2008. The wood frame stucco covered multifamily structure was built in 1979. Upon investigation the multifamily dwelling was found with broken doors and windows. The interior has been vandalized and tagged with graffiti. It is open and abandoned and being used as harborage by vagrants
- 2) A certified condemnation letter was mailed to Rodolfo Punzalan & 4..
- 3) Certified notices of the public hearing scheduled for December 17, 2008, were mailed to the owners and all interested parties on December 11, 2008.
- 4) As of December 1, 2008, there is \$4,403.68 owed in current taxes.

The owners have been notified of the 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 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 structures' certificate of occupancy be revoked; and
- 4) That the structure can be repaired; and
- 5) That the structure be secured and maintained secure 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

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, PE, CBO
DEVELOPMENT SERVICES DEPARTMENT, DIRECTOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES DEPARTMENT

BUILDING STANDARDS ENFORCEMENT
October 27, 2008

Rodolfo Punzalan & 4
1420 Butterfield Ave.
San Dimas, CA 91773-1117

Re: 4605 Arlen Ave.
Blk: 21 Del Norte Acres
Lot: E 70 Ft of 23 & 24
Zoned: C3
BSC08-00301
Certified Mail Receipt #
7007 3020 0001 2772 4367

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.

4605 Arlen Ave.

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 **4605 Arlen Ave.** has 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 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]

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.

4605 Arlen Ave.

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

NOTICE OF PUBLIC MEETING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **17th** day of **December, 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 **4605 Arlen Avenue**, in El Paso, Texas, which property is more particularly described as:

Legal Description: East 70 feet of Lots 23 and 24, Block 21, DEL NORTE ACRES, according to the plat thereof on file in Book 8, Page 54, Plat Records of El Paso County, Texas.

is 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 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]

According to the real property records of the County of El Paso, Rodolfo Vallejos Punzalan and Angelita M. Punzalan, Anthony M. Punzalan, Rodolfo M. Punzalan, Jr., Roderick M. Punzalan, Gail M. Punzalan, Justin M. Punzlan, 1420 Butterfield Ave., San Dimas, CA 91773, Bayview Lon Servicing LLC, 4425 Ponce de Leon Blvd., Coral Gables, FL 33146 (the “**Owners**”), 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 are 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 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 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 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:

Mark Shosmith
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Official
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 4605 Arlen Avenue 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 4605 Arlen Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Rodolfo Vallejos Punzalan
& Angelita M Punzalan
1420 Butterfield Ave.
San Dimas, CA 91773

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4605 Arlen Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Anthony M. Punalan
1420 Butterfield Ave.
San Dimas, CA 91773

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4605 Arlen Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Rodolfo M. Punzalan, Jr.
1420 Butterfield Ave.
San Dimas, CA 91773

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4605 Arlen Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Roderick M. Punzalan
1420 Butterfield Ave.
San Dimas, CA 91773

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4605 Arlen Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Gail M. Punzalan
1420 Butterfield Ave.
San Dimas, CA 91773

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4605 Arlen Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Justin M. Punzlan
1420 Butterfield Ave.
San Dimas, CA 91773

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4605 Arlen Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Bayview Lon Servicing LLC
4425 Ponce de Leon Blvd.
Coral Gables, FL 33146

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4605 Arlen Avenue 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 4605 Arlen Avenue 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 4605 Arlen Avenue 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 4605 Arlen Avenue 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 4605 Arlen Avenue 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 4605 Arlen Avenue, El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: December 1, 2008

REP. DISTRICT: 2

ADDRESS: 4605 Arlen Avenue

ZONED: C - 3

LEGAL DESCRIPTION: East 70 feet of Lots 23 and 24, Block 21, DEL NORTE ACRES, according to the plat thereof on file in Book 8, Page 54, Plat Records of El Paso County, Texas.

OWNER(S): Rodolfo Punzalan & 4

ADDRESS: 4605 Arlen Avenue.
El Paso, TX 79904

BUILDING USE: Multi family dwelling

TYPE OF CONSTRUCTION: V, wood frame w/stucco coating

FOOTINGS: Reinforced 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 and metal frame w/concrete deck.

CONDITION: A structural engineer or registered contractor must be hired to evaluate the flooring system.

EXTERIOR WALLS: Wood frame w/stucco covering.

HEIGHT: 20' +/-

THICKNESS: 12"

CONDITION: Poor. Due to lack of maintenance and exposure to the elements, some of the wall system is failing around the exterior at ground level. 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: Wood frame with sheetrock

CONDITION: Poor. Due to lack of maintenance and vandalism, several walls have been torn down exposing the lumber, others are full of graffiti. 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.

ROOF STRUCTURE: Built up gable roof, wood framing with rolled roof composition covering.

CONDITION: Poor. 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.: Metal sash windows and wooden doors.

CONDITION: Poor. Broken doors and windows will need to be replaced so they are operational and meet egress and code requirements.

MEANS OF EGRESS: Metal w/concrete deck.

CONDITION: Fair. A structural engineer should be hired to evaluate the stairwell and exterior wooden deck and submit a report on the corrections required to bring them up to code.

PLUMBING: A licensed plumbing contractor should be hired to evaluate and bring the system up to code.

ELECTRICAL: A licensed electrical contractor should be hired to evaluate and bring the system up to code.

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

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS: This is a multi-family dwelling was built in 1979. Upon investigation the structure was found open and abandoned. The doors and windows are broken the interior has been vandalized and being used as harborage by vagrants. The structure should be secured until rehabilitated. The property should be cleaned of all weeds, trash and debris.

Nellie Avalos

Building Inspector

**CITY OF EL PASO
ENVIRONMENTAL SERVICES**



M E M O R A N D U M

DATE: 11-26-2008

MEMO TO: William Stern C.B.O., Residential Inspector Supervisor

FROM: Jesus H. Arenas, Code Compliance Inspector

SUBJECT: Condemnation Report #BSC08-00301

RE: 4605 Arlen Ave, 21 Del Norte Acres, E 70 Ft of 23 & 24

An inspection of the property was conducted on 11-24-2008 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA
N/A

SECTION 9.04.340 – ACCUMULATIONS
Overgrown weeds/grass noted at the time of inspection.

SECTION 9.16 - NUISANCE
Trash and rubbish inside and out of the dwelling noted at the time of inspection.
Broken glass is also found throughout the building.

SECTION 9.16.010 – DESIGNATED
This is a vacant apartment complex that is unsecured. It is being used by vagrants.

SECTION 9.28 -RAT CONTROL
Rodent evidence was not noted on the premise.