

# 6016 MANILA



BUILDING AND STANDARDS BOARD AGENDA ITEM # 8 FOR  
WEDNESDAY JANUARY 27, 2010

DEVELOPMENT SERVICES  
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

January 19, 2010

TO: The Honorable Chairman and Board Members

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

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

SUBJECT: 6016 Manila Drive, El Paso, Texas 79924

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

- 1) First investigated September 15, 2009. The single family dwelling was built in 1961. This open and abandoned structure was found in a state of disrepair and being used as harborage by vagrants.. The front and side doors on the main structure have been removed making it accessible to area teenagers. There are some broken windows that will need to be replaced or repaired. The walls contain several holes; the bedroom carpets are in an unsanitary condition. The exterior environment is full of weeds, trash and debris.
- 2) A certified condemnation letter was mailed to Ricardo Perez and all interested parties.
- 3) Certified notices of the public hearing scheduled for January 27, 2010 were mailed to all interested parties on January 12, 2010.
- 4) As of January 19, 2010 no taxes are owed.

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 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 can be repaired; and
- 5) That the main and accessory structures be secured within thirty (30) days and maintained secure until rehabilitated; and
- 6) That the tin/steel attachment to the main structure be demolished within thirty (30) days; and
- 7) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (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.

DEVELOPMENT SERVICES DEPARTMENT  
December 15, 2009

**NOTICE OF VIOLATION**

Ricardo Perez  
6016 Manila Dr.  
El Paso, Texas 79924-5633

Re: 6016 Manila Dr.  
Blk: 22 Dolphin Terrace  
Lot: 12  
Zoned: R4  
BSC09-00700  
Mail Receipt #:  
7008 1300 0001 0407 1895

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 **6016 Manila Dr., El Paso, Texas, 79924** 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 Building and Standards Commission at a hearing scheduled by this department.

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, 5<sup>th</sup> 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.

Robert Gonzalez  
Building Inspector

RG/nms

## NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **27th** day of **January, 2010** 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 **6016 Manila Drive**, in El Paso, Texas, which property is more particularly described as:

**Legal Description: Lot 12, Block 22, DOLPHIN TERRACE UNIT 3, an addition to the City of El Paso, El Paso County, Texas according to the plat thereof on file in Volume 1, Page 49, Real Property Records, 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 shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. The structures need to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

According to the real property records of the County Ricardo Perez, 6016 Manila Drive, El Paso, Texas, 79924, Nationstar Mortgage, 2828 North Harwood, Dallas, Texas

75201-1516, and Nationstar Mortgage, 350 Highland Drive, Lewiston, Texas 75067 (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, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> 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 are 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 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 Owners and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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Cynthia S. Osborn  
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 6016 Manila Drive was PUBLISHED in the official City newspaper on the \_\_\_\_day of \_\_\_\_\_, 2010.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 6016 Manila Drive 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 6016 Manila Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ricardo Perez  
6016 Manila Dr.  
El Paso, Texas 79924

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6016 Manila Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Nationstar Mortgage  
3828 North Harwood  
Dallas, Texas 75201-1516

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6016 Manila Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Nationstar Mortgage  
350 Highland Drive  
Lewiston, Texas 75067

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6016 Manila Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Fieldstone Mortgage Company  
11000 Broken Land Pkwy, #600  
Columbia, MO 21044

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6016 Manila Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Rob Budhwa  
11000 Broken Land Pkwy, #600  
Columbia, MO 21044

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6016 Manila Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

First American RFS  
450 E. Boundary St.  
Chapin, SC 29036  
Attn: Nationstar Mortgage Tracking

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6016 Manila Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

General American Corporation  
2425 West Loop South, Ste 700  
Houston, Texas 70027

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6016 Manila Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Baxter & Schwartz P.C.  
5450 N.W. Central Dr. Ste 307  
Houston, Texas 77092-2063

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6016 Manila Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Tony Jenkins Chase Home Finance LLC  
P. O. Box 4025  
Monroe, LA 71203  
Attn: Reconveyance Services

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6016 Manila Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Hughes, Waters & Askanase, LLP  
333 Clay, Suite 2900  
Houston, Texas 77002

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6016 Manila Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Charles Thomas Nation  
or Tammy Neff or Beverly Mitrosin  
or Carolyn A. Taylor  
1525 Walnut Hill Lane  
Irving, Texas 75038  
Substitute Trustee  
c/o Land Records of Texas

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6016 Manila Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ricardo Perez  
379 Bean Ct  
El Paso, Texas 79927-4209

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 6016 Manila Drive 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 6016 Manila Drive 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 6016 Manila Drive 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 6016 Manila Drive 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 6016 Manila Drive, El Paso, Texas.

Date:

Time:

Inspector



# UNSAFE STRUCTURES REPORT

## BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** January 19, 2009

**REP. DISTRICT:** 2

**ADDRESS:** 6016 Manila Dr., El Paso, Texas 79924

**ZONED:** R-4

**LEGAL DESCRIPTION:** Lot 12, Block 22, Dolphin Terrace Unit 3, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 1, Page 49, Real Property Records, El Paso County, Texas

**OWNER:** Ricardo Perez

**ADDRESS:** 6016 Manila Dr.  
El Paso, Texas 79924

**BUILDING USE:** Open and abandoned single family dwelling

**TYPE OF CONSTRUCTION:** V, Wood frame with brick veneer and siding

**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:** N/A

**CONDITION:** N/A

**FLOOR STRUCTURE:** Concrete with ceramic tile and carpet covering

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

**EXTERIOR WALLS:** Wood frame walls with brick veneer and siding

**HEIGHT:** 12' +/-

**THICKNESS:** 8"- 10" +/-

**CONDITION:** Fair. Walls show signs of disrepair due to 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:** Sheetrock on wood frame

**CONDITION:** Fair. The walls and ceilings will require repairs due to lack of maintenance. There are several holes on walls.

**ROOF STRUCTURE:** Wood frame. Low slope covered with mineral surfaced roll roofing.  
**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.:** Wood frame doors, aluminum frame with aluminum windows.  
**CONDITION:** Poor. Some window glass has been broken or windows missing.

**MEANS OF EGRESS:** Does not meet minimum requirements.  
**CONDITION:** Poor. The front door and frame has been removed. Also a side door and frame has been removed.

**PLUMBING:** Unknown. A licensed plumber should be hired to bring system up to code.  
**CONDITION:** Unknown. Evaluate the plumbing system and submit a report to this department on the corrective actions requested to bring system to minimum requirements.

**ELECTRICAL:** Unknown. A licensed electrician should be hired to bring system up to code.  
**CONDITION:** Unknown. Evaluate the electrical system and submit a report to this department on the corrective actions required to bring the system to minimum requirements.

**MECHANICAL:** A licensed mechanical contractor should be hired to bring system up to code.  
**CONDITION:** Unknown. Evaluate the mechanical system and submit a report to this department on corrective actions required to bring the system up to minimum requirements.

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:** None

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

**REMARKS:** The open and abandoned single-family dwelling was built in 1961. The structure was found to be open, abandoned and in a state of disrepair and is being used as harborage for vagrants. The department recommends the structures be secured within thirty (30) days, until rehabilitated, the tin/steel attachment to main structure be demolished within thirty (30) days and the property be cleared of all weeds, trash and debris within thirty (30) days.

Robert Gonzalez  
**Building Inspector**

**CITY OF EL PASO  
ENVIRONMENTAL SERVICES**



**M E M O R A N D U M**

**DATE:** January 6, 2010

**TO:** William Stern C.B.O., Chief Building Inspector

**FROM:** Robert Morales – Code Compliance Inspector

**SUBJECT:** Condemnation Report – Complaint # BSC09-00700  
COD09-28452

**RE:** 6016 Manila Dr. 22 Dolphin Terrace, Lot 12

An inspection of the property was conducted on January 5, 2010, and the conditions checked were in violation of Title 9 - Health and Safety, El Paso Municipal Code.

**SECTION 9.04.340 - ACCUMULATIONS**

Trash and debris observed in front yard.

**SECTION 9.04.360 – VEGETATION AND WEEDS**

Tall grass noted, front and backyard.

**SECTION 9.16 - NUISANCE**

Anti freeze containers filled with oil and an oil drain pan with oil observed on East side of house.

**SECTION 9.16.010 – DESIGNATED**

Front and back doors secured. Broken window front bedroom, and open window in carport area.

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