

4645 N MESA



BUILDING AND STANDARDS BOARD AGENDA ITEM # 4 FOR
WEDNESDAY, APRIL 29, 2009

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

April 22, 2009

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: 4645 N. Mesa Street, El Paso, Texas 79912

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

- 1) First investigated on April 1st, 2009 by a combination of City Departments including Development Services, El Paso Police and Fire. The motel was built in 1959. Upon investigation the structures were found to have property maintenance violations. The concrete landings are separating from the bearing supports. The interior walls contain several holes and graffiti. The floor system has sustained water damage making it soft and uneven. The roof ceiling assembly and roof coverings are badly deteriorated from water intrusion due to roof and plumbing leaks. Portions of the soffit are deteriorated and show signs of decayed wood members. The fire suppression, electrical, mechanical and plumbing systems are inadequate, unsafe and dangerous.
- 2) A certified condemnation letter was mailed to A C V C Corporation and Ashim & Velia Chauduri, 4645 N. Mesa, El Paso, Texas, 79912.
- 3) Certified notices of the public hearing scheduled for April 29, 2009, were mailed to the owners and all interested parties on April 15, 2009.
- 4) As of April 22, 2009, there are no taxes owed.

The owners have been notified of the property maintenance violations at this property, to date there has been some 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 can be rehabilitated; and
- 5) That the structures be vacated and maintained vacant within thirty (30) days; and
- 6) That the main electrical service entrance be disconnected from the building within thirty (30) days; and
- 7) That temporary power be supplied to units #113, 213, 128, 223 and 228 for on site security detail; and

- 8) That the structures be secured and maintained secure within thirty (30) days; and
- 9) That the property be secured with 6' chain link fence within thirty (30) days
- 10) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
- 11) 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.

Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S



DEVELOPMENT SERVICES DEPARTMENT

April 2, 2009

Ashim & Velia Chaudhuri
4645 N Mesa St #110
El Paso, Texas 79912-6182

Re: 4645 N Mesa St.
Blk: E L De Shazo Surv 218 Abst 7407
Lot: TR 2-D
Zoned:C3
BSC09-00354
Mail Receipt #
7008 1300 0001 0407 0445

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

Mayor
John F. Cook

City Council

District 1
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District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Melina Castro

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

4645 N Mesas St.

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 **4645 N Mesa St., El Paso, Texas 79912**, 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]

In addition, all systems, devices and equipment to detect a fire, activate an alarm or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code. [Sec 704]

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.

In addition to the above referenced violations, an addition was made to the property with electrical and plumbing work without the required permits.

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.

4645 N, Mesa

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 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.

Sincerely,

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

WS/nms

C: Victor Q. Torres, Director

Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S

DEVELOPMENT SERVICES DEPARTMENT
April 2, 2009



ACVC Corp
4645 N Mesa St.
El Paso, Texas 79912-6182

Re: 4645 N Mesa St.
Blk: E L De Shazo Surv 218 Abst 7407
Lot:2-D (5.1707 AC) & 2-E-1 (1.1350 AC) (6.3057
AC)
Zoned:C3
BSC09-00354
Mail Receipt #
7008 1300 0001 2771 0803

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18.50.106.1.3 Structure Unfit for Human Occupancy.

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4645 N Mesas St.

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4645 N Mesa St.

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 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.

Sincerely,

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

WS/nms

C: Victor Q. Torres, Director

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **29th** day of **April, 2009** 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 **4645 N. Mesa Street**, in El Paso, Texas, which property is more particularly described as:

Legal Description: A portion of land being Tract 2D and Tract 2E1, E.L. DESHAZO SURVEY NO. 218 or H.L. MUNDY SURVEY NO, 218, in the City of El Paso, El Paso County, Texas, according to the survey of said E.L. DESHAZO SURVEY NO, 218 or H.L. MUNDY SURVEY NO. 218 made by El Paso County, Texas.

are 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]
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- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]

In addition, all systems, devices and equipment to detect a fire, activate an alarm or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code. [Sec 704]

According to the real property records of the County of El Paso, Ashim Chaudhuri and Velia Chaudhuri, ACVC Corporation, 4645 North Mesa Street, El Paso, Texas 79912, Eugene F. Weimer, Trustee for Compass Bank, 17218 Preston Road, 3rd Floor, Dallas, Texas 75252, Francis M. Flato, Trustee-Administrator, U.S. Small Business Administration, 4300 Amon Carter Blvd, Suite 114, Fort Worth, Texas 76155, U.S. Small Business Administration, 2120 Riverfront Drive, Suite 100, Littlerock, AR 72202, Internal Revenue Service, 700 East San Antonio Avenue, El Paso, Texas, 79901, Internal Revenue Service, 801 Broadway, Nashville TN, 37203 (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 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:

- l) 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 Shoesmith
Assistant City Attorney

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

Department

I certify that a true and correct copy of the foregoing Notice regarding the property at 4645 N. Mesa Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Internal Revenue Service
801 Broadway
Nashville, TN 37203

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4645 N. Mesa Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Sam Sipes
6006 N. Mesa St., Suite 110
El Paso, Texas 79912

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4645 N. Mesa Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ashim & Velia Chaudhuri
310 Horizon Vista Blvd.
Belen, NM 87002

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4645 N. Mesa 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 4645 N. Mesa 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 4645 N. Mesa 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 4645 N. Mesa 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 4645 N. Mesa Street, El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: April 1, 2009

REP. DISTRICT: 8

ADDRESS: 4645 N. Mesa St.

ZONED: C – 3

LEGAL DESCRIPTION: E L De Shazo Surv 218, Abstat 7407. 2-D (5.1707 AC) & 2-E-1 (1.1350 AC)

OWNER: ACVC Corp

ADDRESS: 4645 N. Mesa St.
El Paso, Texas 79912

BUILDING USE: Motel/Hotel

TYPE OF CONSTRUCTION: III A

FOOTINGS: Poured 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:

FLOOR STRUCTURE: 1st level, concrete/2nd floor wood carpet and composition tile.

CONDITION: Portions of the carpet and composite tile system are deteriorated due to water damage and wear and tear.

EXTERIOR WALLS: Concrete block

HEIGHT: 20"

THICKNESS: 8"

CONDITION: Fair.

INTERIOR WALLS & CEILINGS: Gypsum Board and drop ceilings

CONDITION: Significant portions of the walls and ceilings are badly deteriorated from water intrusion due to roof and plumbing leaks.

ROOF STRUCTURE: Flat/tar and gravel

CONDITION: Very poor. Evidence of leaks inside the building. Portions of the soffit have deteriorated. Extensive damage to ceilings, walls and electrical system due to roof leakage.

DOORS, WINDOWS, ETC.: Metal sash windows and wood doors.

CONDITION: Poor. Will need to replace all doors and windows, so they are operational and meet egress requirements.

MEANS OF EGRESS: Metal stairway with concrete landings.

CONDITION: Structural separation from bearing supports and landings is evident. There are tripping hazards stair treads due to lack of maintenance.

PLUMBING: Plumbing system portions have been modified and do not meet code requirements. There are missing bathtub/shower and lavatory trim, exposed water lines, improper DWV fitting and drains. Leaks throughout plumbing system have caused extensive damage to walls and ceilings. A licensed plumber should be hired to install a compliant plumbing system.

ELECTRICAL: Portions of the electrical system have been modified and do not meet minimum code requirements. There are missing over current devices for sub panels, exposed electrical (romex) cable, exterior MC or green fill not permitted. Missing panel covers and plastic covers on surface mounts. Additions and service to main service panel shall required load calculations to determine code compliance. Water penetration to electrical fixture post an immediate hazardous situation. A licensed electrician should be hired to bring system up to code.

MECHANICAL: Incorrect insulation, insulation that has water damage has to be replaced, duct system not insulated accurately. A licensed mechanical contractor should be hired to install a compliant mechanical system.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 5-6

WARNING POSTED: No

BARRICADED: No

POLICE AID REQD.: No

REMARKS: This motel/hotel building was built in 1959, and is in an advanced state of disrepair due to lack of maintenance. Electrical, mechanical, plumbing and roof system have been compromised and deteriorated due to not obtaining proper permits and lack of basic maintenance.

Nellie Avalos

Building Inspector

**CITY OF EL PASO
ENVIRONMENTAL SERVICES**



M E M O R A N D U M

DATE: April 16, 2009

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

FROM: Jesus H. Arenas, Code Compliance Inspector

SUBJECT: Condemnation Report #COD09-07512, BSC09-00354

RE: 4645 N. Mesa, E L De Shazo Surv 218 Abst 7407, Lot Tr 2-D

An inspection of the property was conducted on 4-16-2009 and the conditions checked were in reference to of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE MANAGEMENT - STORAGE AREA

Trash cans and dumpster are present on the premises. They are being used by motel staff.

SECTION 9.04.340 – ACCUMULATIONS

There is a small amount of trash on the premises. Most of it is wind blown material. Sand bags were also noted around the court yard.

SECTION 9.16 - NUISANCE

There are numerous feral cats on the premises at the time of this inspection. There is a fish pond with fish in it and the water quality is very bad.

SECTION 9.16.010 – DESIGNATED

This is an abandoned motel. There is a small maintenance crew living on the premises providing upkeep. Two empty pools are also present.

SECTION 9.28 -RAT CONTROL

Rodent evidence was not noted on the premise.