

5909 DELTA



BUILDING AND STANDARDS BOARD AGENDA ITEM # 6 FOR
WEDNESDAY, SEPTEMBER 24, 2008

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
September 12, 2008

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: 5909 Delta Drive, El Paso, Texas 79905

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

- 1) First investigated April 2, 2008. The single family dwelling was built in 1954. It was found open, abandoned, vandalized and being used as harborage by unwanted persons. The interior walls contain several holes, the floor is scorched and the plumbing system is inadequate. The roof ceiling assembly and roof coverings have not been maintained and are showing signs of deterioration.
- 2) A certified condemnation letter was mailed to Primitivo N. and Maria V. Pena, 5909 Delta Drive, El Paso, Texas 79905.
- 3) Certified notices of the public hearing scheduled for September 24, 2008, were mailed to the owners and all interested parties on September 11, 2008.
- 4) As of September 15, 2008, \$2,923.50 in taxes is owed.

The owner has 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 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 structure's certificate of occupancy be revoked; and
- 4) That the structures can be rehabilitated; and
- 5) That the structures 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



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
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JOYCE WILSON
CITY MANAGER

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

DEVELOPMENT SERVICES DEPARTMENT

BUILDING STANDARDS ENFORCEMENT

April 16, 2008

Primitivo N & Maria V Pena
5909 Delta Dr.
EL Paso, Texas 79905-5320

Re: 5909 Delta Dr.
Blk: 10 Parkdale
Lot: 23
Zoned: R4
COD08-05259
Certified Mail Receipt #
7007 3020 0001 2772 6835

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

5909 Delta Dr.

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 **5909 Delta Dr.** has the following violations:

- a. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- b. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- c. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
- d. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- e. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- f. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- g. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- h. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- i. 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.

5909 Delta Dr.

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, 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 MEETING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **24th** day of **September, 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 buildings located on the property at **5909 Delta Drive**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 23, Block 10, PARKDALE ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to map and plat thereof of record in Plat, Book 1, Page 57 of the Plat Records of El Paso County, Texas, which property is known as 5909 Delta Drive, in El Paso, Texas.

are unsafe and dangerous, because of the following violations:

- a. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- b. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
- c. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- d. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- e. 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 of El Paso, Primitivo N. Pena & Maria V. Pena, 5909 Delta Drive, El Paso, Texas 79905 and First Savings and Loan of El Paso, Lienholder, W.C. Peticolas, 506 N. Mesa St., El Paso, Texas 79902 (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:

- 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 Shoesmith
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 located at 5909 Delta Drive 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 5909 Delta Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Primitivo N. Pena
& Maria V. Pena
5909 Delta Drive
El Paso, Texas 79905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5909 Delta Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

First Savings & Loan of El Paso, Lienholders
W.C. Petticolos, Trustee
506 N. Mesa St.
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5909 Delta 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 5909 Delta 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 5909 Delta 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 5909 Delta 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 5909 Delta 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 5909 Delta Drive, El Paso, Texas.

Date:

Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: September 15, 2008

REP. DISTRICT: 3

ADDRESS: 5909 Delta Drive.

ZONED: R4

LEGAL DESCRIPTION: Lot 23, Block 10, PARKDALE ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to map or plat thereof of record in Plat, Book 1, Page 57, of the Plat Records of El Paso County, Texas, which property is known as 5909 Delta Drive, in El Paso, Texas.

OWNER: Primitivo N. & Maria V. Pena

ADDRESS: 5909 Delta Drive
El Paso, Texas 79905-5320

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: V, wood frame w/stucco

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 slab on grade w/asphalt tile.

CONDITION: Fair. Tile will need replacement due to vandalism.

EXTERIOR WALLS: Wood frame with stucco/masonry

HEIGHT: 12' +/-

THICKNESS: 10" - 12"

CONDITION: Fair. No structural deficiencies found. 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 w/sheetrock and plaster.

CONDITION: Poor. Walls and ceilings have been vandalized will require repair/replacement. A structural engineer should be hired to evaluate structural elements of the building and submit a report of the required corrections to make the buildings safe

ROOF STRUCTURE: Wood frame w/composition shingle built up roofing.

CONDITION: Poor. A structural engineer licensed in the state of Texas 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/metal doors and windows with wrought iron.

CONDITION: Poor. Doors have been removed and several windows are broken. Will need to replace doors and windows, so they are operational and meet egress requirements.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. Windows and doors must be replaced to make them operational.

PLUMBING: A licensed plumber should be hired to install a compliant plumbing system.

ELECTRICAL: A licensed electrician should be hired to bring system up to code.

MECHANICAL: A licensed mechanical contractor should be hired to install a compliant mechanical system.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

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

REMARKS: This abandoned single family residence was built in 1954. The structure was found open, abandoned, vandalized and in a state of disrepair. The structure should be secured and maintained secure and the property cleaned of all weeds, trash and debris.

Nellie Avalos
Building Inspector