

# 8739 ORION PLACE



BUILDING AND STANDARDS BOARD AGENDA ITEM # 7 FOR  
WEDNESDAY, OCTOBER 27, 2010

CODE COMPLIANCE DIVISION

**MEMORANDUM**

October 14, 2010

TO: The Honorable Chairman and Board Members

THROUGH: Kurt Fenstermacher, Deputy Director, Code Compliance Division

FROM: Bill Stern, Deputy Building Official

SUBJECT: 8739 Orion Place, El Paso, Texas 79904

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

- 1) First investigated on September 14, 2006, was secured and cleaned after notification. Recent investigation took place on May 12, 2010. The single family dwelling was built in 1957, of wood frame with brick veneer covering with a pitched roof. The structure was found open, abandoned, vandalized, being used as harborage by vagrants and in a state of disrepair. The roof and ceiling assembly have not been maintained exposing the water damaged roof joists. The interior walls are full of graffiti and contain holes. The doors and windows continue to become open and broken. There are exposed electrical wires; the plumbing, mechanical and electrical systems are inadequate.
- 2) A certified condemnation letter was mailed to Elena D. Robinson on May 24, 2010.
- 3) Certified notices of the public hearing scheduled for October 27, 2010, were mailed to the owners and all interested parties on October 14, 2010.
- 4) As of October 12, 2010, \$27,963.16 in taxes is owed, including 2010.

The owners have been notified of the property maintenance violations at this property to date there has been no response and therefore the Division recommends that it be found:

- 1) That the structure is 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 rehabilitated; and
- 5) That the structure be secured within thirty (30) days and maintained secure; and
- 6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (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.

BUILDING STANDARDS ENFORCEMENT  
September 18, 2006

Elena D. Robinson  
8739 Orion Pl.  
El Paso, Texas 79904-1834

Re: 8739 Orion  
Lots: 2 SUNRISE COURTS  
Blk: Lot 23  
Zoned: R4  
COD06-11527  
Certified Mail Receipt #  
7105 8873 0193 6301

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.

**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 **8739 Orion** 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.

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.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

Zuleika Davila  
Building Inspector

ZCD/nms

CODE COMPLIANCE DIVISION  
May 24, 2010

**NOTICE OF VIOLATION**

Elena D. Robinson  
8739 Orion Pl  
El Paso, Texas 79904-1834

Re: 8739 Orion Pl.  
Blk 2 Sunrise Courts  
Lot: 23  
Zoned: R-4  
BSC10-00180  
Mail Receipt #  
7009 1410 0001 7187 3632

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.**

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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. 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 **8739 Orion Pl.** 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 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]
- j. 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:

- b. 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.

- c. 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 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 599-6291.

Nellie Avalos  
Building Inspector

MA/nms



**The City of El Paso**  
Code Compliance Division  
7969 San Paulo Drive  
El Paso, TX 79907



7009 1410 0001 7187-3632



*WAC*  
RETURN RECEIPT REQUESTED

8739 Orion Pl  
BSC10-00180  
Elena D. Robinson  
8739 Orion Pl  
El Paso, Texas 79904-1834

NIXIE 799 SE 1 70 06/09/10

RETURN TO SENDER  
VACANT  
UNABLE TO FORWARD

BC: 79907124659 \*1710-00972-01-37

7990431834 0047  
7990701246



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

8739 Orion Pl  
BSC10-00180  
Elena D. Robinson  
8739 Orion Pl  
El Paso, Texas 79904-1834

2. Article Number

(Transfer from service label)

7009 1410 0001 7187 3632

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

06-09-2010 RCVD

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

## NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **27<sup>th</sup>** day of **October, 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 **8739 Orion Place**, in El Paso, Texas, which property is more particularly described as:

**Legal Description: Lot 23, Block 2 of SUNRISE COURTS, an addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in the Book of Book 788 of the Deed 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 shall be maintained in a clean, safe and sanitary condition free 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 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, Texas, Mark T. Davis, 8739 Orion Place, El Paso, Texas, 79904, Olie S. Robinson, 8739 Orion Place, El Paso, Texas, 79904, Jesus Diaz De Leon, 8739 Orion Place, El Paso, Texas, 79904, Olie S. Robison, HCR 46 Box 431, Ruidoso, New Mexico, 88346, Jesus Diaz De Leon, Payless Bail Bonds, 123 North Campbell, El Paso, Texas, 79901 and Mark T. Davis, 1554 Lomaland Drive, El Paso, Texas, 79935, ("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 Environmental Services Department, 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 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:

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Cynthia Osborn  
Assistant City Attorney

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

I certify that a true and correct copy of the foregoing Notice regarding the property at 8739 Orion Place was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mark T. Davis  
8739 Orion Place  
El Paso, Texas 79904-1834

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 8739 Orion Place was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Olie S. Robinson  
8739 Orion Place  
El Paso, Texas 79904-1834

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 8739 Orion Place was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jesus Diaz De Leon  
8739 Orion Place  
El Paso, Texas 79904-1834

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 8739 Orion Place was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Olie S. Robinson  
HCR 46 Box 431  
Ruidoso, New Mexico 88346

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 8739 Orion Place was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jesus Diaz De Leon  
Payless Bail Bonds  
123 North Campbell  
El Paso, Texas 79901

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 8739 Orion Place was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mark T. Davis  
1554 Lomaland Drive  
El Paso, Texas 79935

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 8739 Orion Place 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 8739 Orion Place 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 8739 Orion Place 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 8739 Orion Place 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 8739 Orion Place 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 8739 Orion Place El Paso, Texas.

Date:  
Time:

Inspector



## **UNSAFE STRUCTURES REPORT**

### **BUILDING PERMITS AND INSPECTIONS**

**DATE OF EXAMINATION:** May 12, 2010

**REP. DISTRICT:** 2

**ADDRESS:** 8739 Orion Place

**ZONED:** R-4

**LEGAL DESCRIPTION:** Lot 23, Block 2 of SUNRISE COURTS, an addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in the Book of Book 788 of the Deed Records of El Paso County, Texas.

**OWNER:** Mark T. Davis

**ADDRESS:** 8739 Orion Place  
El Paso, Texas 79904

**BUILDING USE:** Single Family Dwelling

**TYPE OF CONSTRUCTION:** V

**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

**CONDITION:** Fair. Some portions of the finish floor covering are missing or deteriorated.

**EXTERIOR WALLS:** Wood Frame w /Brick Veneer

**HEIGHT:** 10' +/-

**THICKNESS:** 8" - 12"

**CONDITION:** Fair. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

**INTERIOR WALLS & CEILINGS:** Wood Framing with Gypsum Board Covering

**CONDITION:** Poor. Interior walls and ceilings have being damaged due to water leakage from the faulty roof structure and vandalism.

**ROOF STRUCTURE:** Gable with Asphalt Shingles

**CONDITION:** Poor. Disintegrating due to lack of maintenance. 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 and steel casement windows.

**CONDITION:** Poor. Several windows and doors are broken. Will need to replace or repair 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:** Adequate. A licensed registered Plumbing Contractor should be hire to asses the condition of the plumbing system.

**ELECTRICAL** Adequate A licensed registered Electrical Contractor should be hire to asses the condition of the electrical system

**MECHANICAL:** Adequate A licensed registered Mechanical Contractor should be hire to asses the condition of the mechanical system.

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

**WARNING POSTED:** Yes

**BARRICADED:** No

**POLICE AID REQD.:** No

**REMARKS:** This single family dwelling was built in 1957 and was found open, abandoned and vandalized. The structure was found in a state of disrepair and should be secured and / or rehabilitated. The property should be cleaned of all weeds, trash and debris.

Robert s. Gonzalez  
**Building Inspector**