

# 906 N MESA



BUILDING AND STANDARDS BOARD AGENDA ITEM # 7 FOR  
TUESDAY, NOVEMBER 25, 2008

DEVELOPMENT SERVICES  
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM  
November 17, 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: 906 N. Mesa Street

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

- 1) First investigated October 20, 2008. These structures were built in 1920 out of wood frame and brick veneer. Upon investigation the multifamily dwelling was found open and abandoned and being used as harborage by vagrants.
- 2) A certified condemnation letter was mailed to DDDG Investments II, LP.
- 3) Certified notices of the public hearing scheduled for November 25, 2008, were mailed to the owners and all interested parties on November 11, 2008.
- 4) As of November 4, 2008, there is \$3,348.29 owed in 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 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 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  
EMMA ACOSTA, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

JOYCE WILSON  
CITY MANAGER

VICTOR Q. TORRES  
DIRECTOR

## DEVELOPMENT SERVICES DEPARTMENT

### BUILDING STANDARDS ENFORCEMENT

October 22, 2008

DDDG Investments II LP  
154 N. Festival Dr. Villa E  
El Paso, Texas 79912-6258

Re: 906 N. Mesa St.  
Blk: 44 Hart  
Lot: 15 & 16  
Zoned: C4  
BSC08-00314  
Certified Mail Receipt #  
7007 3020 0001 2772 4404

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.

906 N. Mesa St.

**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 **906 N. Mesa St.** 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 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.

**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.**

906 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 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:

Nellie Avalos  
Building Inspector

MA/nms

## NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **25th** day of **November, 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 **906 N. Mesa St.**, in El Paso, Texas, which property is more particularly described as:

**Legal Description: Lots 15 and 16, Block 44, HARTS SURVEY NO. 9, according to Map No. 2 of Satterthwaite's Addition to the City of 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]
- 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 structures are 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, DDDG Investments II, LP, 154 N. Festival Dr. Villa E, El Paso, Texas 79912 (the “**Owner**”) is listed as the owner 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 Owner of said property is 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 buildings should not be declared a nuisance and ordered to be abated. The Owner, 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 Owner, 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 Owner fails, neglects or refuses 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 Owner, 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 Owner 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 Owner 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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Mark Shoesmith  
Assistant City Attorney

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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 906 N. Mesa St. 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 906 N. Mesa St. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

DDDG Investments II LP  
154 N. Festival Dr. Villa E  
El Paso, Texas 79912

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 906 N. Mesa St. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

DDDG Investments II, LP  
906 North Mesa St.  
El Paso Texas 79901

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 906 N. Mesa St. 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 906 N. Mesa St. 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 906 N. Mesa St. 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 906 N. Mesa St. 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 906 N. Mesa St. 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 906 N. Mesa St., El Paso, Texas.

Date:  
Time:

Inspector



# UNSAFE STRUCTURES REPORT

## BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** November 17, 2008

**REP. DISTRICT:** 8

**ADDRESS:** 906 N. Mesa

**ZONED:** C-4

**LEGAL DESCRIPTION:** Lots 15 and 16, Block 44, HARTS SURVEY NO. 9, ACCORDING TO Map No. 2 of Satterwaite's Addition to the City of El Paso County, Texas.

**OWNER:** DDDG Investments II, LP

**ADDRESS:** 154 N. Festival Drive, Villa E, El Paso, Texas 79912

**BUILDING USE:** Abandoned, Multifamily dwelling

**TYPE OF CONSTRUCTION:** V, Brick walls with wood frame

**FOOTINGS:** Unable to determine.

**CONDITION:** Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

**FOUNDATION WALL:** Stone w/masonry grout

**CONDITION:** Fair. Signs of cracks on the walls indicate possible settlement of footings and foundation walls. A structural engineer or contractor should be hired to evaluate actual condition.

**FLOOR STRUCTURE:** Wood frame with wood planks covered w/carpet or tile

**CONDITION:** Unable to determine condition due to floor covering.

**EXTERIOR WALLS:** Brick.

**HEIGHT:** 30' +/-

**THICKNESS:** 10" +/-

**CONDITION:** Poor. There are several cracks on the walls. A structural engineer or contractor should be hired to evaluate condition and make recommendations.

**INTERIOR WALLS & CEILINGS:** Wood frame, plaster, drywall.

**CONDITION:** Poor. There are many cracks on the walls and water damage ceilings.

**ROOF STRUCTURE:** Flat roof, wood frame, composition build-up roofing.

**CONDITION:** Poor. A contractor should be hired to evaluate condition and make recommendations

**DOORS, WINDOWS, ETC.:** Wooden doors, and wood frame windows.

**CONDITION:** Extremely poor. Most of the doors and glass on windows need to be replaced.

**MEANS OF EGRESS:** Does not meet code.

**CONDITION:** Poor.

**PLUMBING:** Poor. A licensed plumber should be hired to replace system.

**ELECTRICAL:** Poor. A licensed electrical contractor should be hired to bring system up to code.

**MECHANICAL:** Poor. A licensed mechanical contractor should be hired to make repairs to comply with code.

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:** 0

**WARNING POSTED:** Yes

**BARRICADED:** No

**POLICE AID REQD.:** No

**REMARKS:** The structures should be secured and maintained secure, and the property cleaned and maintained clean of all weeds, trash and debris until rehabilitated.

Nellie Avalos

**Building Inspector**