

10972 YOGI BERRA



BUILDING AND STANDARDS BOARD AGENDA ITEM # 5 FOR
WEDNESDAY DECEMBER 16, 2009

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
December 4, 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: 10972 Yogi Berra. El Paso, Texas 79924

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

- 1) First investigated August 28, 2009. The single family dwelling was built in 1987. This open and abandoned structure was found ransacked and in some disrepair. It is being frequently entered by area students, teenagers and is used as a harborage by vagrants. The main structure was found full of animal droppings. There are some broken doors and windows that will need to be replaced or repaired. There is evidence of ceiling leaks and broken sections of interior walls that will need to be repaired.
- 2) A certified condemnation letter was mailed to Mr. Donald J, Ellis, Sr. and all interested parties.
- 3) Certified notices of the public hearing scheduled for December 16, 2009 were mailed to all interested parties on November 23, 2009
- 4) As of November 24 2009 a combined total of \$2,488.89 in current and delinquent taxes is owed, \$1865.87 for 2009 and \$623.02 for 2008.

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 structures be secured within thirty (30) days and maintained secure until rehabilitated; 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.

DEVELOPMENT SERVICES DEPARTMENT
September 1, 2009

NOTICE OF VIOLATION

Donald J Ellis Sr.
10972 Yogi Berra Cir.
El Paso, Texas 79934-3283

Re: 10972 Yogi Berra Cir.
Blk: 5 Cooperstown
Lot: 13
Zoned: R5S
BSC09-00641
Mail Receipt #:
7008 1300 0001 0407 9969

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 **10972 Yogi Berra Cir., El Paso, Texas, 79934** 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, 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.

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 **16th** day of **December, 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 building located on the property at **10972 Yogi Berra Cir.**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 13, Block 5, COOPERSTOWN SUBDIVISION, an addition in the City of El Paso, El Paso County, Texas according to the plat thereof on file in Book 60, Page 36 and 36A, in Plat Records in the Office of the County Clerk in 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 of El Paso Donald J. Ellis, Sr., 10972 Yogi Berra Circle, El Paso, Texas, 79924 and Fort Bliss Federal Credit Union, P. O. Box 24902, El Paso, Texas 79914-9002 (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 Owner and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

Cynthia S. Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:

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 10972 Yogi Berra Cir. was PUBLISHED in the official City newspaper on the ____ day of _____, 2009.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 10972 Yogi Berra Cir. 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 10972 Yogi Berra Cir. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Donald J Ellis, Sr.
10972 Yogi Berra Cir.
El Paso, Texas 79924

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 10972 Yogi Berra Cir. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Fort Bliss Federal Credit Union
P. O. Box 24902
El Paso, Texas 79914-9002

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 10972 Yogi Berra Cir. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Pioneer Savings & Trust, F.A.
6068 Gateway East
El Paso, Texas 79905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 10972 Yogi Berra Cir. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Gateway Mortgage Co.
13601 Preston Rd. Suite 900W
Dallas, Texas 75240

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 10972 Yogi Berra Cir. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

American Title Co.
13501 Preston Rd
Slate 405 E Tower
Dallas, Texas 75240
GF #296153-N

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 10972 Yogi Berra Cir. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Lomas Mortgage USA, Inc.
8600 Harry Hines Blvd.
Dallas, Texas 75235

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 10972 Yogi Berra Cir. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Cynthia E Ellis
3312 Sheppard #51
El Paso, Texas 79904

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 10972 Yogi Berra Cir. 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 10972 Yogi Berra Cir. 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 10972 Yogi Berra Cir. 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 10972 Yogi Berra Cir. 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 10972 Yogi Berra Cir., El Paso, Texas.

Date:

Time:

Inspector

**CITY OF EL PASO
ENVIRONMENTAL SERVICES**



M E M O R A N D U M

DATE: September 30, 2009

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

FROM: Carlton Brown, Assoc. Code Compliance Insp.

SUBJECT: Condemnation Report # BSC09-00641
Case # COD09-22103

RE: 10972 Yogi Berra Cir. 5 Cooperstown, Lot 13

An inspection of the property was conducted on 9/29/09 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: There is a storage shed in the back yard, Pad Locked

SECTION 9.04.340 – ACCUMULATIONS: High, Grass, Weeds in the front and back yards and Debris that includes dead tree branches, metal, and wood.

**SECTION 9.16 - NUISANCE
Mosquitoes, Roaches, and large amount of Flies due to the H/W/G on the property.**

SECTION 9.16.010 – DESIGNATED: This is a 2-story home w/torn window screens on both lower and upper level. Damage roof seen from the backside of the dwelling. Broken front windows

SECTION 9.28 -RAT CONTROL: During the inspection I did see rat droppings on the front porch.

If you require additional information or assistance, please feel free to call at Tel. (915) 774-4500 or Fax: at 774-4520