

# 222 MONTESTRUC



BUILDING AND STANDARDS BOARD AGENDA ITEM # 5 FOR  
WEDNESDAY, DECEMBER 17, 2008

DEVELOPMENT SERVICES  
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM  
December 8, 2008

TO: The Honorable Chairman and Board Members

THROUGH: Victor Torres. – The Director of Development Services

FROM: Bill Stern, C.B.O., Chief Building Official

SUBJECT: 222 Montestruc Court, El Paso, Texas 79901

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

- 1) First investigated April 15, 2008. The commercial building was built in 1912. The collisions from oversized vehicles and lack of maintenance have compromised the structure making it unsound. The roof and ceiling assembly has collapsed at the entrance to the structure. The building is full of graffiti and sustained some fire damage on November 21, 2003.
- 2) A certified condemnation letter was mailed to Flecher and Paul N. Pendergrass, 213 Hidden Crest Circle, El Paso, Texas 79912-3745.
- 3) Certified notices of the public hearing scheduled for December 17, 2008, were mailed to the owners and all interested parties on December 2, 2008.
- 4) As of December 1, 2008, \$2,248.90 is owed in current taxes.

The owner has been notified of the violations at this property. On May 8, 2008, Mr. Pendergrass contacted this office informing us a contractor had been hired and they (owners) would demolish the structure. To date there has been no corrective action taken and therefore the Department recommends that it be found:

- 1) That the structure be condemned as 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 cannot be repaired; and
- 5) That the structure be demolished and the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
- 6) 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  
VACANT, 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

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

## DEVELOPMENT SERVICES DEPARTMENT

### BUILDING STANDARDS ENFORCEMENT

April 15, 2008

Flecher & Paul N Pendergrass  
213 Hidden Crest Cir.  
El Paso, Texas 79912-3745

Re: 222 Montestruc Ct.  
Blk: 62 Campbell  
Lot: 11 to 13 & N 12 Ft of 14  
Zoned: C4  
COD08-05525  
Certified Mail Receipt #  
7007 3020 0001 2772 6828

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 **222 Montestruct Ct.** 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 premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- h. 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 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, 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 **17th** day of **December, 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 building located on the property at **222 Montestruc Court**, in El Paso, Texas, which property is more particularly described as:

**Legal Description: The North 9 feet of Lot 4, all of Lots 5 through 13, inclusive, and North 12 feet of Lot 14, Block 62, CAMPBELL ADDITION, an addition to the City of EL Paso, El Paso County, Texas, plus 198 square feet described in a Warranty Deed from Rio Grande, El Paso and Santa Fe Railroad Company to George H. Harvie, of record in Book 960, Page 546, County Clerk's Records, El Paso, County, Texas.**

is 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 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 premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- h. 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]

According to the real property records of the County of El Paso, Fletcher Ralph Pendergrass & Paul Neville Pendergrass (the "**Owners**") , 901 S. Santa Fe, El Paso, Texas 79901, 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, 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 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 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 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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Mark Shosmith  
Assistant City Attorney

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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 222 Montestruc Court 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 222 Montestruc Court was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Fletcher Ralph Pendergrass  
& Paul Neville Pendergrass  
901 S. Santa Fe  
El Paso, Texas 79901

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 222 Montestruc Court was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Fletcher Ralph Pendergrass  
& Paul Neville Pendergrass  
213 Hidden Crest  
El Paso, Texas 79912

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 222 Montestruc Court 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 222 Montestruc Court 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 222 Montestruc Court 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 222 Montestruc Court 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 222 Montestruc Court 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 222 Montestruc Court, El Paso, Texas.

Date:  
Time:

Inspector



# UNSAFE STRUCTURES REPORT

## BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** December 1, 2008

**REP. DISTRICT:** 8

**ADDRESS:** 222 Montestruc Court

**ZONED:** C - 4

**LEGAL DESCRIPTION:** The North 9 feet of Lot 4, all of Lots 5 through 13, inclusive, and North 12 feet of Lot 14, Block 62, CAMPBELL ADDITION, an addition to the City of El Paso, El Paso County, Texas, plus 198 square feet described in a Warranty Deed from the Rio Grande, El Paso and Santa Fe Railroad Company to George H. Harvie, of record in Book 960, Page 545, County Clerk's Records, El Paso, County, Texas.

**OWNER:** Fletcher Ralph Pendergrass &  
Paul Neville Pendergrass

**ADDRESS:** 901 S. Santa Fe  
El Paso, Texas 79901

**BUILDING USE:** Abandoned Commercial Building

**TYPE OF CONSTRUCTION:** IV, Brick

**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:** Rubble stone w/masonry grout

**CONDITION:** Crumbling in some areas due to exposure to the elements and damage caused by collision from oversized vehicles.

**FLOOR STRUCTURE:** Concrete slab on grade

**CONDITION:** Fair. Unfinished

**EXTERIOR WALLS:** Brick

**HEIGHT:** 12' +/-

**THICKNESS:** 10" - 12"

**CONDITION:** Poor. The brick walls show signs of deterioration due to exposure to the elements and damage caused by collision from oversized vehicles. 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 and steel frame ceiling and brick walls  
**CONDITION:** Poor. Unfinished walls and ceiling, the ceiling at the entrance has collapsed. 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:** Composition built up roofing, steel bar joists and columns.

**CONDITION:** Poor. A portion of the roof has collapsed. 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. Will need to replace all 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:** There is no mechanical system in this structure. 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 commercial building was built in 1945 and is in an advanced state of disrepair due to lack of maintenance. The structure should be demolished and the property cleaned of all weeds, trash and debris.

Nellie Avalos  
**Building Inspector**

**CITY OF EL PASO  
ENVIRONMENTAL SERVICES**



**M E M O R A N D U M**

**DATE:** 04-30-2008

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

**FROM:** Jesus H. Arenas, Associate Code Compliance Inspector

**SUBJECT:** Condemnation Report #COD 08-55525

**RE:** 222 Montestruc Ct., 62 Campbell, Lot 11 to 13 & N 12 Ft of 14

An inspection of the property was conducted on 04-29-2008 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

**SECTION 9.04 - SOLID WASTE STORAGE AREA**

None visible

**SECTION 9.04.340 – ACCUMULATIONS**

None Noted.

**SECTION 9.16 - NUISANCE**

Tire in the front of the building and on the West side of the premise. Rock debris in the SW corner of the building on Canal St. Graffiti on the side of the building (alley)

**SECTION 9.16.010 – DESIGNATED**

Building is secured with pad locks and chains. Noticed damage to the roof and walls. West side rolling door is also damaged.

**SECTION 9.28 -RAT CONTROL**

Rodent evidence was not noted on the premise.