

CITY OF ROSWELL

RESOLUTION NO. 02-23

A RESOLUTION REQUIRING THE REMOVAL OF CERTAIN RUBBISH, WEEDS, WRECKAGE OR DEBRIS; PROVIDING THAT THE CITY SHALL HAVE A LIEN FOR THE COST OF REMOVAL AND DECLARING CERTAIN PROPERTY TO BE SO COVERED WITH RUBBISH, WEEDS, WRECKAGE OR DEBRIS AS TO CONSTITUTE A PUBLIC NUISANCE PREJUDICIAL TO HEALTH, SAFETY AND GENERAL WELFARE.

WHEREAS, the City Council of the City of Roswell, New Mexico, finds that the premises listed in Exhibit A attached hereto and purportedly owned of record, or occupied by the parties named, have accumulated rubbish, weeds, wreckage or debris so as to be a menace to the public health, safety and general welfare of the inhabitants of the community; and further, that it is in the public interest to require the removal thereof, according to law;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO, that:

1. The premises set forth in Exhibit A are declared to be so covered with rubbish, weeds, wreckage or debris as to constitute a menace to the public comfort, health, safety and general welfare within the purview of Article 3-18-5 NMSA 1978.

2. The owners, occupants or agents in charge of said premises are hereby ordered to remove such accumulated rubbish, weeds, wreckage or debris within ten (10) days of the receipt of notice by certified mail or from the date of publication of this resolution. In the event such removal is not commenced or written objection filed with the City Clerk within ten (10) days after service of a copy of this resolution, then the City Manager is authorized and directed to cause such accumulated rubbish, weeds, wreckage or debris to be removed at the sole cost and expense of the owner, or other parties having an interest in the properties, and further, that the reasonable cost of such removal shall be and become a subsisting and valid lien against such property so removed and the lot or parcel of land from which such removal was made and shall be foreclosed in the manner provided by law for the foreclosure of municipal liens.

3. In the event the owner or other person aggrieved shall file a protest within the time provided, the City Council shall thereafter fix a date for hearing. At the hearing, the protestant shall be entitled to be heard in person, by agent or attorney and the City Council shall consider evidence whether or not its previous action shall be enforced or rescinded; if it shall be determined that the removal order should be enforced.

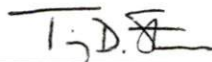
4. Persons aggrieved by the determination of the City Council have a right to appeal to a court of competent jurisdiction by giving notice of such appeal to the City Council within five (5) days after the day of issuance of such order or decision, together with a petition for court review duly filed with the Clerk of the Court within twenty (20) days of the date of issuance of the order or decision complained of.

ADOPTED, SIGNED AND APPROVED the 11th day of July 2002.

CITY SEAL


Bill B. Owen, Mayor

ATTEST:


Timothy D. Stoessel, City Clerk

408 N. Michigan Ave. (C)
Wildys Blk 1 Lot 4 S48.6'
W. Dwayne Hardwick
Mary L. Hardwick
P O Box 8161
Roswell, NM 88202-8161

1008 W. 8th St. (C)
Riverside Heights Amend Blk 23 Lot 3
David A. Stone
Elizabeth A. Stone
902 S. Washington Ave.
Roswell, NM 88201

1210 N. Washington Ave. (O)
32-10-24 NE4NW4E180'N50'S580'
Ronnie H. Proctor
Mary Ann Dudley
2340 Sanguinetti Lane #G
Stockton, CA 95205
and/or
Mary Ann Dudley
1005 N. Washington Ave.
Roswell, NM 88201
and/or
Lenora C. Finch
609 Turner
Las Cruces, NM 88005

1200 N. Washington Ave. (O)
Keith Amend Blks 4-5 TR ABC
Blk 4 Lot 1 E86'
Martin Perez
Griselda Perez
P O Box 1026
Roswell, NM 88202-1026
and/or
Gary Baker
Karen Baker
311 W. 7th St.
Roswell, NM 88201

Approx 2301-F N. Grand Ave. (C)
Howard Lewis Blk 2 Lt 19 W20'S46'
Howard Lewis Blk 2 Lt 20 S46'
John P. DiPaolo
Shirley R. DiPaolo
4349 E. Mountain Vista Dr.
Phoenix, AZ 85048

610 Redwood St. (O)
Dale Bellamah Blk 6 Lt 5
Fred & Elizabeth Papworth
P O Box 0006
Albuquerque, NM 87103

401 S. Hemlock Ave. (C)
Thorne Blk 1 Lt 20
Kenneth L. Mitchell
#7 Baton Rouge
Roswell, NM 88201

612 S. Aspen Ave. (C)
Day Sub Blk 1 Lt 6 S17'
Day Sub Blk 1 Lt 6 N47'
Danny P. & Jamie M. Mendoza
1523 S. Second
Tucumcari, NM 88401

101, 103 S. Michigan Ave. (O)
Ovard's Blk 6 Lts 13, 14
James Harold Corn
Corn & Whitner
Box 788
Alto, NM 88312

109 S. Michigan Ave. (O)
Ovard's Blk 6 Lot 10
c/o James Harold Corn
Box 788
Alto, NM 88312

707 Greenwood Dr. (O)
East Side B Blk 3 Lt 15
Cruzita A. Gonzalez
707 E. Greenwood Dr.
Roswell, NM 88201

704 Greenwood Dr. (O)
East Side B Blk 2 Lt 8
Fred E. Papworth
Elizabeth A. Papworth
P O Box 0006
Albuquerque, NM 87103-0006