

CITY OF ROSWELL

RESOLUTION NO. 03-16

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.

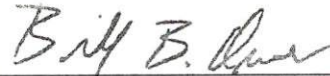
2. The owners, occupants or agents in charge of said premises are hereby ordered to remove such accumulated rubbish, weeds, wreckage or debris within ten (10) days of the receipt of notice by certified mail or from the date of publication of this resolution. In the event such removal is not commenced 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 10th day of July 2003.

CITY SEAL



Bill B. Owen, Mayor

ATTEST:



Timothy D. Stoessel, City Clerk

304 S. Kansas Ave. (C)
Pauly Blk 2 Lot 1
Floyd Merle Page
500 S. Cypress Ave.
Roswell, NM 88203

404 E. 4th St. (O)
Lea Lot 43
Lea Lot 44 S 92.4'
Larry Robert Stanton
P O Box 6262
Roswell, NM 88202-6262

1400 Tulane Dr. (O)
Mesa Manor Blk 37 Lot 9
Rural Housing
5105 Copper NE
Albuquerque, NM 87108

600 E. Bland St. (O)
Barnett's Blk 8 Lot 13
Sonny Romo
5134 W. Cambridge Ave.
Visalia, CA 93277-3423

1423 W. Hendricks St. (C)
Fair Park Blk 12 Lot 13
Arthur Campbell & Arthur R. Campbell
407 E. Sunrise Rd.
Roswell, NM 88201

423 E. 24th St. (C)
Military Heights Lot 3 W 69' E 414.15' S 100'
Consuelo De Leon
1018 S. Main St.
Las Cruces, NM 88001

1507 W. Walnut St. (O)
Fair Park Blk 3 Lot 13
Theodore Noe & Lorraine Valerio
P O Box 926
Montrose, CO 81402-0926

204 W. 8th St. (C)
Chambers Rediv Lot 3
Mrs. H. R. Avery
P O Box 3
Roswell, NM 88202-0003

606, 608 Hickory Dr. (C)
Dale Bellamah Blk 5 Lot 6
Dale Bellamah Blk 5 Lot 7 W 43.96'
John & Susan Ferguson
67 Stagecoach Rd.
Dexter, NM 88230

1705 Pontiac Dr. (O)
Crescent Heights Blk 5 Lot 11
Martha G. Quezada
1850 Sexton St., #7
Las Cruces, NM 88001

28 W. Byrne St. (O)
Pecos Valley Village Blk 5 Lot 44
La Salle Bank National Assoc.
c/o EMC Mortgage Co.
909 Hidden Ridge Dr. Suite 200
Irving, TX 75014-1358

812 Swinging Spear Rd. (C)
Tierra Berrenda 5 Amend Blk 3 Lot 13
William Bill V. Holland
3207 N. Garden Ave.
Roswell, NM 88201
and
Wells Fargo Home Mortgage
#1 Home Campus
Des Moines, IA 50238-0001

1502 S. Pennsylvania Ave. (O)
South Highlands Pennsylvania Blk 1 Lot 2
Hugh Rutley
P O Box 1372
Bridge City, TX 77611-1372

1205 Pecan Dr. (C)
College Park Blk 3 Lot 37
Ronald L. Grube
Donna J. Grube
2002 S. Richardson Ave.
Roswell, NM 88203