

CITY OF ROSWELL

RESOLUTION NO. 07-27

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.

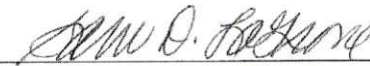
2. The owners, occupants or agents in charge of said premises are hereby ordered to remove such accumulated rubbish, weeds, wreckage or debris within ten (10) days of the receipt of notice by certified mail or from the date of publication of this resolution. In the event such removal is not commenced 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 11th day of October 2007.

CITY SEAL



Sam D. LaGrone, Mayor

ATTEST:



David A. Kunko, City Clerk

2301 N. Grand Ave. (C)
Howard Lewis Blk 2 Lot 19 W20' S46'
Howard Lewis Blk 2 Lot 20 S46'
John P DiPaolo
Shirley R DiPaolo
3601 Woodhaven Ct.
Bedford, TX 76021-2433

507 W. Seventh St. (C)
West Side Blk 24 Lot 8 E53.33'
West Side Blk 24 Lot 9 E53.33'
West Side Blk 24 Lot 10 E53.33' S40'
Thomas Jeffery
1107 W. Sunshine
Roswell, NM 88203

905 N. Washington Ave. (C)
West Side Blk 5 Lot 10
Virginia Price
P O Box 1125
Ruidoso Downs, NM 88346-1125

205 E. Twenty-Third St. (C)
Howard Lewis Blk 2 Lot 22 E60'
Theron L & Lupe Loving
P O Box 3135
Roswell, NM 88202-3135

503 W. Seventeenth St. (C)
Military Heights Blk 44 Amend
Lot 44 W59.21' E176.21'
Keith Dowser
Allison Wolff
2200 Chapparal Ave #69
Clovis, NM 88101

1106 W. First St. (O)
Wright's Blk 5 Lot 13 E 1/2
Wright's Blk 5 Lot 14 E 1/3
Lane Russell Henley
1106 W. 1st St.
Roswell, NM 88203

406 N. Elm Ave. (C)
Mapes Blk 2 Lot 6
Mark David Allen
1370 Taylor
Penryn, CA 95663

1415 E. Hoagland St. (O)
Hoagland Amend Blk 3 Lot 11
Elmer L. Smith, Jr.
107 Kircher
Carlsbad, NM 88220

Approx 347 E. 8th St. (O)
33-10-24 NE4SW4E120'W1250'N82.7'
Alejandro N Ogas
Elisa Rodriguez
345 E. 8th St.
Roswell, NM 88201

1623 S. Main St. (C)
Trigg Family Trust Summary Plat Lot 1
La Raza Pizza, Inc.
dba Pizza Hut
P O Box 8008
Amarillo, TX 79114
and/or
LaRaza Pizza, Inc.
11906 E. Central
Wichita, KS 67206

Approx 33 W. Wells St. (O)
Pecos Valley Village Blk 15 Lot 17
Donald A. Henry
Judith A. Henry
16 A St.
Roswell, NM 88203

1623 S. Mulberry Ave. (O)
Mayes Blk 7 Lots 13, 14
Robert Basinger
8470 State Hwy 20
Eucha, OK 74342

913 E. Bland St. (C)
Jackson's Lot 9
W. O. Havens
1605 Willow View
Longview, TX 75601

1600 E. Tilden St. (O)
Burton Tracts A, B, C, D
State of New Mexico
Property Control Division
Joseph Montoya Bldg.
1100 St. Francis Dr.
Santa Fe, NM 87501

1104 E. Walnut St. (O)
Vaughn Blk 6 Lot 5
Francisco T. Cobian
Rosa Cobian
7 E. Orchard Park Rd.
Dexter, NM 88230

Approx 738-742 E. Alameda St. (O)
Flora Vista Blk 1 Lots 7,8,9,10,11,12
Joe Albarez
c/o Alice G. Draeger
2500 N. Cambridge Ave.
Roswell, NM 88201