

CITY OF ROSWELL

RESOLUTION NO. 08-08

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agent or attorney and the City Council shall consider evidence whether or not its previous action shall be enforced or rescinded; if it shall be determined that the removal order should be enforced.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 13th day of March 2008.

CITY SEAL

ATTEST:


David A. Kunko, City Clerk


Sam D. LaGrone, Mayor

1000 S. Atkinson Ave. (O) 4-11-24 Sec4N200'S1190'W195.34'E225.4' NE Tri N200'S1190.4'W127'E352.34' 4-11-24 SE4132.49'S1832.8'W167.12'E666' N122.69'S1823'W406.78'E1072.78'E of R/R less 1.1885 ac Henry B. Ornelas P. O. Box 177 Roswell, NM 88202-0177	332 E. Eighth (O) Belle Plain Lot 48 E50' Rheanna L. Hughes 332 E. Eighth St. Roswell, NM 88203
421 E. Third (O) Lea Lot 56 Manuel Lee Bustos 1021 12 th St. Las Vegas, NM 87701	340 E. Eighth (O) Belle Plain Lot 47 W52.8'E105.6' Jesus & Maria Ontiveros 2309 N. Shartell Ave. Roswell, NM 88201
414 E. Hendricks (O) South Roswell Blk 18 Lot 13 Susie Thompson 1004 S. Plains Park Dr. Roswell, NM 88203	804 S. Atkinson Ave. (O) 4-11-24 E2E2NE4SE4W294.42'E334.42' E2NE4SEE37.55'N150'/E167.1'S734.8 A A & S Inc. P O Box 410 Blackhawk, CO 80422
307 E. Sixth (C) Belle Plan Lot 61 W50'E114' Hermenegildo Gutierrez Sylvia Gutierrez 59 Von Leuven Roswell, NM 88203	Approx 1325 E. Hoagland St. (O) Hoagland Amend Blk 3 Lot 3 E50' Daniel Gutierrez Robert Gutierrez 615 E. Cherry St. Roswell, NM 88201
900 E. Alameda (O) Rose Lot 1 W51'E105' Samuel J & Priscilla M. Pena 4721 Commanche NE Albuquerque, NM 87110	Approx 1323 E. Hoagland St. (O) Hoagland Amend Blk 3 W50'E100' Filadelfia Gutierrez 615 E Cherry St. Roswell, NM 88201
902 E Alameda (O) Rose Lot 1 W 108' Samuel J & Priscilla M. Pena 4721 Commanche NE Albuquerque, NM 87110	Approx 1611-1617 S. Poplar Ave. (O) Denney Lots 16, 17, 18, 19 Santiago Granger Belia Granger 2910 Standpipe Rd. Carlsbad, NM 88220
322 E. Eighth (O) Belle Plain Lot 49 E50' Robert Berry P O Box 436 Silver Lake, MN 55381-0436	1610 S. Mulberry Ave. (O) Denney Lots 6, 7, 8 Rudy Sedillo 1615 S. Mulberry Ave. Roswell, NM 88203
324 E. Eighth (O) Belle Plain Lot 48 W 50' Roy D. & Lynnae T. Benson 13704 Poinsettia Ct. SE Albuquerque, NM 87123	1504 S. Mulberry Ave. (O) McLemore's Lot 3 J. T. Randle 3703 Zinnia Rd. Roswell, NM 88201-9522
	1512 S. Mulberry Ave. (O) McLemore's Lot 7 J. T. Randle 3703 Zinnia Rd. Roswell, NM 88201-9522

1514 S. Mulberry Ave. (O)
McLemore's Lot 8
J. T. Randle
3703 Zinnia Rd.
Roswell, NM 88201-9522

1414 S. Mulberry Ave. (O)
Johnson-Allison S2Blk 2 Lots, 5,6,7,8
Fruitland Blk 6 Lot 8
Erminia Vegara
2811 S. Largo Dr.
Roswell, NM 88203

1406 S. Garden Ave. (O)
South Highland Redivision
Blk 29B Lot 4
Julia Rodriguez
934 W. 15 1/2 St.
Houston, TX 77008

1718, 1720 S. Monroe Dr. (O)
South Park Blk 5 Lot 10 & 11
lying south of Lot 11 9-11-24
Roswell Tower, Inc.
P O Box 1168
Roswell, NM 88202-1168

1600 N. Michigan Ave. (O)
Lawrence & Hodges Blk 5 Lot 11
Pruitt Family Trust
Gary W. & Patricia Pruitt Trustees
905 Bel-Aire Dr.
Roswell, NM 88201

1823 N. Kansas Ave. (O)
Allison Rediv Blk 1 Lot 24
David Schiesel
21 E. Speedway
Tucson, AZ 85705