

CITY OF ROSWELL

RESOLUTION NO. 09-06

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agent or attorney and the City Council shall consider evidence whether or not its previous action shall be enforced or rescinded; if it shall be determined that the removal order should be enforced.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 12th day of March 2009.

CITY SEAL

ATTEST:



Sam D. LaGrone, Mayor



David A. Kunko, City Clerk

1809 N. Missouri Ave. (O)
Baumgartner's Redivision Blk 2 Lot 18
Pete M. Reyes
605 S. Ocean
Lake Elsinore, CA 92736

2109 N. Prairie Ave. (C)
Prairie Lot 4
P.T. Productions, Inc.
c/o Paul Taylor III
P O Box 344
Roswell, NM 88202-0344

42 Geiger Pl. (O)
Pecos Valley Village Blk 12 Lot 14
Pecos Valley Village Tract D Undiv ½ int.
Steven B. Anderson & Vivian M. Anderson
5116 Temple Dr.
Amarillo, TX 79110

75 & 77 E. Wells. St. (O)
Pecos Valley Village Blk 10 Lot 16
Ronnie L. Bishop
P O Box 5783
Roswell, NM 88202-5783

103 E. Wells (O)
Pecos Valley Village Blk 10 Lot 9
Eliander Trust Harry F. Jr. Trustee
c/o Kevin Eliander
29 Robinson St.
Newman, GA 30263

307 E. Van Buren St. (C)
Mitchell Redivi. Blk A Lot 14
George Provoost
505 Dakota SE
Albuquerque, NM 87108

303 E. Van Buren St. (C)
Mitchell Rediv Blk A Lot 12
Tom & Kathleen L. Benavides
2515 Hams Rd. SW
Albuquerque, NM 87105-5311

106 W. Byrne (O)
Pecos Valley Village Blk 1 Lot 1
Pecos Valley Village Blk 1 Lot 2
Johanna Van Arkel
8134 S. Albany
Chicago, IL 60652