

RESOLUTION NO. 1971

A RESOLUTION OF THE CITY OF ROSWELL DECLARING CERTAIN PREMISES TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE OR SAFETY; REQUIRING THE ABATEMENT OF SAID MENACE; PROVIDING FOR ABATEMENT BY THE CITY; PROVIDING FOR APPEALS; PROVIDING FOR A LIEN FOR THE COSTS OF THE CITY'S ABATEMENT EFFORTS, AND PROVIDING FOR NOTICE TO THE SUBJECT PROPERTY OWNERS.

WHEREAS, Section 3-18-5 N.M.S.A. (1978) provides that a municipality may by resolution find that premises covered with ruins, rubbish, wreckage or debris is a menace to the public comfort, health, peace and safety, and

WHEREAS, the following properties are deemed to constitute menaces to the public comfort, health, peace and safety by reason of the debris, rubbish, and wreckage accumulated on each respective property, the properties being:

A tract in the City of Roswell, County of Chaves, New Mexico in the Northeast  $\frac{1}{4}$  of Section 4 Township 11 South, Range 24 East. Said tract being approximately bounded on the West by the Hondo River, on the North by East Second Street and on the South by Brown Road and having a collective street address of 1000 East Second Street. The aforesaid tract is comprised of five lesser sections that are more particularly described in the following referenced instruments all of which are on record in the office of the Chaves County Clerk:

1. Deed from Walter Finney, et ux to Ora H. Hester, dated June 10, 1942, Book 102, Page 43  
Deed from Steve Crosby to Ora H. Hester, dated March 13, 1940  
R. M. Hester to Ora H. Hester, dated March 8, 1961, Book 205, Page 123
2. R. M. Hester to Ora H. Hester, dated March 8, 1961, Book 205, Page 124
3. R. M. Hester to Ora H. Hester, dated March 8, 1961, Book 205, Page 125
4. R. M. Hester to Ora H. Hester, dated March 8, 1961, Book 205, Page 126
5. Deed from R. H. McCune et ux to Ora H. Hester, dated December 13, 1940, Book 97, Page 109.

Property Owner: Ora H. Hester  
1000 E. Second Street  
Roswell, New Mexico 88201

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

1. Declaration of Public Menace. The above described properties respectively constitute a menace to the public comfort, health, peace or safety by reason of the accumulated debris, rubbish and wreckage thereon.
2. Notice. A copy of this resolution shall be personally served on the owners, occupants or agents in charge of the above properties. Should such person as shown in the county real estate records not be available for service within the city then a copy of this resolution shall be posted on the premises and published one time.
3. Appeal to Governing Body. Within 10 days of such service, posting or publication the owner, occupant, or agent shall commence removal of the debris, rubbish and wreckage or file a written objection with the municipal clerk asking for a hearing before the governing body.


4. Abatement. If the owner, occupant, or agent in charge of the subject property shall fail to commence removal of the debris, rubbish and wreckage within a.) 10 days of the service, posting or publication or b.) within 5 days following the governing body's determination that this resolution shall be enforced or c.) following the district court's determination that sustaining the determination of the governing body then the City may remove the debris, rubbish and wreckage at the cost and expense of the owner.

5. Lien. The reasonable cost of the removal of the debris, rubbish and wreckage shall constitute a lien against the subject property.

6. Other Proceedings. Other proceedings consistent with the provisions of Section 3-18-5 N.M.S.A. (1978) are hereby expressly authorized as such may be reasonable and necessary.

ADOPTED, SIGNED AND APPROVED this 9<sup>th</sup> day of July, 1985.

CITY SEAL

  
PETER R. YORK, Mayor

ATTEST:

  
Sarah L. Carter, City Clerk