

RESOLUTION NO. 2020

A RESOLUTION REQUIRING THE REMOVAL OF CERTAIN RUBBISH, WRECKAGE OR DEBRIS; PROVIDING THAT THE CITY SHALL HAVE A LIEN FOR THE COST OF REMOVAL; PRESCRIBING THE PROCEDURE INCIDENT TO SUCH REMOVAL AND DECLARING CERTAIN PROPERTY TO BE SO COVERED WITH RUBBISH, WRECKAGE OR DEBRIS AS TO CONSTITUTE A DANGEROUS BUILDING AND A PUBLIC NUISANCE PREJUDICIAL TO THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

WHEREAS, the City Council of the City of Roswell, New Mexico, finds that the premises located as follows and purportedly owned of record, or occupied by the parties named, have accumulated rubbish, wreckage or debris 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, by reason of the condition or conditions indicated, as follows:

<u>OWNER OR OCCUPANT</u>	<u>LOCATION</u>	<u>CONDITION COMPLAINED OF</u>
Marvin Hutchison 2404 N. Prairie Roswell, NM 88201	Lt. 8, 9, 10, Blk. 1, Country Club Subd., 2404, 06, 08 N. Prairie	Accumulated inoperative motor vehicles, unmowed weeds, and various debris covering the 3 lots. Enforcement efforts since 1981, including municipal court action, have not produced any improvement.
Charles Haar 806 S. Delaware Roswell, NM 88201	Lt. 4, Blk. 16, Pauly Addn., 506 S. Delaware	Accumulated solid waste, various mechanical remnants and other debris. Enforcement contact since 1984, including municipal court complaints has not produced any improvement.

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

1. That the premises set forth above are declared to be so covered with rubbish, wreckage or debris as to constitute a menace to the public comfort, health, peace, and safety within the purview of Article 30-18-5 (NMSA, 1978).

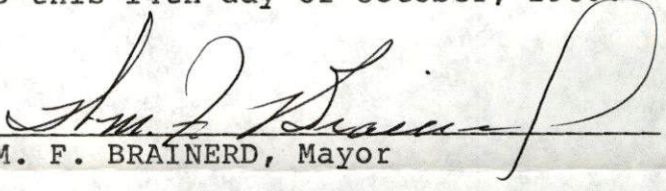
2. That the owners, occupants, if any, or agent in charge of said premises be, and they hereby are ordered to remove such accumulated rubbish, wreckage or debris within fifteen (15) days from the receipt of notice by certified mail or from the date of publication of this resolution. In the event such 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, 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 or land from which such removal was made and shall be foreclosed in the manner provided by law for the foreclosure of municipal liens. Alternatively, the City Manager may act pursuant to Article 3-18-5 (G) (NMSA, 1978), and cause the rubbish, wreckage, or debris to be removed and give title to them to the removing person or persons.

3. If in the event owner or other person aggrieved shall file a protest within the time provided, the City Council shall thereafter fix a day for hearing. At the hearing the protestants 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 should be enforced or rescinded; if it shall be determined that the removal order should be enforced.

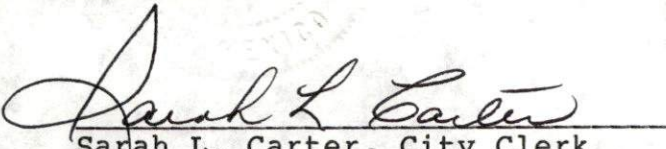
4. Persons aggrieved by the determination of the City Council have a right to appeal to a court of competent jurisdiction by giving notice of such appeal to the City Council within five (5) days after the day of issuance of such order or decision together with a petition for court review duly filed with 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 this 14th day of October, 1986.

CITY SEAL


WM. F. BRAINERD, Mayor

ATTEST:


Sarah L. Carter, City Clerk