

RESOLUTION NO. 2399

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agent or attorney and the City Council shall consider evidence whether or not its previous action shall be enforced or rescinded; if it shall be determined that the removal order should be enforced.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 the 12th day of February, 1998.

CITY SEAL


Thomas E. Jennings, Mayor

ATTEST:


Timothy D. Stoessel, City Clerk

2301 N. Atkinson Ave. (o)
27-10-24 S2NW4NW4N&W of AT&SF RR
ATRI
Tract 320'x350'x450'
Cibola Energy Corp.
P O Box 1668
1005 Marquette
Albuquerque, NM 87103

Approx. 2300 Blk North Grand Ave.(o)
Salees Lot 34
Salees E
330'W470'S475'N835'/E180.37'W650.37'
N160'S300' of Unnumbered Tract Adj.
Naranjo, Ltd.
P O Box 477
Roswell, NM 88202-0477

Approx. 2300 Blk North Grand Ave.(o)
Salees Lots 35, 36
Salees S140'E30.37' of unnumbered tract
adjacent to lot 36
Naranjo, Ltd.
P O Box 477
Roswell, NM 88202-0477

2319 North Texas Ave (o)
Eakins Lot 17
Ronald & Pearl Alexander
Alex & Betty Pankey
57 Brentwood Road
Roswell, NM 88201

2321 North Texas Ave. (o)
Eakins Lot 16
Ronald & Pearl Alexander
Alex & Betty Pankey
57 Brentwood Road
Roswell, NM 88201

2401 North Mesa Ave. (o)
Country Club Blk 1 Lot 13
John M. Curtis
33 Morningside
Roswell, NM 88201
Also:
c/o 104 Pecos Road
Tularosa, NM 88352

2307 North Prairie Ave. (o)
Military Heights Lot 1 N50'S260'E125'W150'
Porfirio Fierro
P.O. Box 31
Roswell, NM 88202-0031

307 North Sycamore Ave. (o)
31-10-24
N2SW4SW4S300'N1918.96'W330' M/L
Chew Trust, Jack & Susie Trustees
12 Stephen Circle
Roswell, NM 88201

908 North Union Ave. (o)
32-10-24 SW4NW4E132'N50'S530'
SE4NW4W8'N50'S530'
Darr-Friend Blk Lot 8
Charles S. Smith
Elaine M. Smith
3410 N. Atkinson
Roswell, NM 88201

910 North Union Avenue (o)
32-10-24 SW4NW4E132'N35'S555'
SE4NW4W8'N35'S555'
Darr-Friend Blk 1 Lot 6 S10'
Darr-Friend Blk 1 Lot 7
Chales S. Smith
Elaine M. Smith
3410 N. Atkinson Ave.
Roswell, NM 88201

1510 Pontiac Drive (o)
29-10-24SW4SW4N94'S368'E100'W330'
Schnedar's Tract A N94'S330'
Barzel Varela
2720 S. 104 East Avenue
Tulsa, OK 74129

Approx 3203 Dow Dr (o)
Dow Moore Summary Plat Lot 2
Taylor Faust Construction, Inc.
P O Box 344
Roswell, NM 88202-0344

3600 West College Blvd. (o)
36-10-23 NW4NW4N635'W662.3'
Featherstone Developement Corp.
1801 W. 2nd St.
Roswell, NM 88201

Area west of Kensington Court (o)
& Victoria Court
Delta West Unit 1 Tr A Sum Replat Tract A2
Block Dot Ranch, Inc.
HC30, Box 5679
Roswell, NM 88202-9804

607 West Country Club Road (o)
Berrendo Irrigated Farms
Blk20 Lot 37 E125'W250'S143'
Glenn P. Moradian
1101 Kachina Dr.
Roswell, NM 88201