

RESOLUTION NO. 2452

A RESOLUTION REQUIRING THE REMOVAL AND/OR DEMOLITION OF CERTAIN DAMAGED AND DILAPIDATED BUILDINGS, STRUCTURES OR PREMISES; PROVIDING THAT THE CITY SHALL HAVE A LIEN FOR THE COST OF REMOVAL; PRESCRIBING THE PROCEDURE INCIDENT TO SUCH REMOVAL AND/OR DEMOLITION AND DECLARING CERTAIN PROPERTY TO BE IN SUCH STATE OF DISREPAIR, DAMAGE AND DILAPIDATION AS TO CONSTITUTE A DANGEROUS BUILDING AND A PUBLIC NUISANCE PREJUDICIAL TO THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

WHEREAS, it is the opinion of the City Council of the City of Roswell, New Mexico, that those certain buildings or structures upon the premises located as follows and purportedly owned of record, or occupied by the parties hereinafter named, are and have become in such state of disrepair, damage and dilapidation 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 set forth in Exhibit "A".

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

1. That the buildings or structures set forth in Exhibit "A" are declared to be in such state of disrepair, damage and dilapidation as to constitute a dangerous building within the purview of Article 3-18-5 (NMSA 1978), as well as being a public nuisance prejudicial to the public health, safety and general welfare. That such dangerous buildings or structures set forth, if any, cannot reasonably be repaired so that they will no longer exist in violation of the terms of the ordinance.

2. The owners, occupants, if any, or agent in charge of said premises be, and they hereby are ordered and required to remove such dangerous buildings, or structures within a reasonable time thereafter not to exceed fifteen (15) days from the receipt of notice by certified mail or from date of publication of this resolution as hereinafter provided, and as the case may be. In the event such removal be not commenced by such owner, occupant or agent, or written objection thereto be filed with the City Clerk within ten (10) days after service of a copy of this resolution by certified mail or by publication, requesting a hearing, then and in such event, the City Manager is hereby authorized and directed to cause such dangerous buildings or structures to be removed at the sole cost and expense of the owner, owners or other parties having an interest in said 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 dangerous buildings or structures to be removed and give title to them or their components to the removing person or persons.

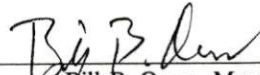
3. In the event the owner or other interested party aggrieved shall file his protest within the time herein provided, requesting a hearing, on the matter, the City Council shall fix a date for hearing, at which time said Protestants shall be entitled to be heard in person, by agent or attorney, and the 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, and the owner(s) shall fail or neglect to comply with said decision of the City Council, they shall have a right of appeal to a court of competent jurisdiction by giving notice of such appeal to the City Council within the (10) days after the date of the City Council decision, together with his petition for court review duly filed with the Clerk of the Court within thirty (30) days of the date of the decision complained of.

4. Upon the adoption of this resolution, it shall be the duty of the City Building Inspector to notify the owner, occupant or agent in charge of such building or structure of the adoption of this resolution by serving a copy thereof upon him by certified mail, return receipt requested; and

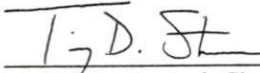
in the event such owner, occupant or agent cannot be found or served within said City as hereinabove provided, such notice may be served by posting a copy of said resolution upon the premises complained of, followed by legal publication of said resolution one time in a newspaper of general circulation within the city.

ADOPTED AND APPROVED the 8th day of April 1999.

CITY SEAL


Bill B. Owen, Mayor

ATTEST:


Timothy D. Stoessel, City Clerk

April 8, 1999
Resolution #2452

Exhibit A
Page 1

Owner	Location	Condition
Mary Anaya 706 E. Albuquerque Roswell, NM 88201	814 E. 5th Greenwood Rediv Blk 1 Lot 4	Dilapidated/deterioration open to public, inadequate maintenance
Samuel Chacon 1014 S. Mulberry Roswell, NM 88201	1019 A So. Mulberry Johnson Lt 2 Blk 1 Fruitland Lt 9	Dilapidated/deterioration open to public, inadequate maintenance
E. K. Cannon, Jr. 3445 E. Rubio Ln. Yuma, AZ 85365	1021 So. Mulberry Johnson Lt 2 Blk Fruitland Lt 10	Dilapidated/deterioration open to public, inadequate Maintenance
Albert Peyton 815 E. Albuquerque Roswell, NM 88201	1005 S. Stanton South Highland Rediv Blk 1A Lots 9, 11	Dilapidated/deterioration open to public, inadequate Maintenance
Vera Mae Dennis 113 E. Poe St Roswell, NM 88201	915 E. Summit Barnett's Blk 14 Lots 7, 8	Dilapidated/deterioration open to public, inadequate Maintenance
Wilfred Brady 214 E. Albuquerque Roswell, NM 88201	306 E. Chisum Fruitland Blk 4 Lt 3 W18'N150' Fruitland Blk 4 Lt 4 E82'N150'	Dilapidated/deterioration open to public, inadequate Maintenance
Gonzalo Mendez Rose Mendez 3802 W. Alameda St. or 1211 N. Kansas or 319 E. Ballard Roswell, NM 88201 also	3802 W. Alameda St. Capitan Heights Amnd Blk 7 Lots 17, 18, 19, 20	Dilapidated/deterioration open to public, inadequate Maintenance
Household Finance Corp Attn: Sandra Moore 961 Weigel Drive Elmhurst, IL 60126		