

CITY OF ROSWELL

RESOLUTION NO. 02-03

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agent or attorney and the City Council shall consider evidence whether or not its previous action shall be enforced or rescinded; if it shall be determined that the removal order should be enforced.

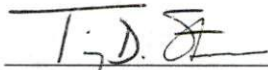
4. Persons aggrieved by the determination of the City Council have a right to appeal to a court of competent jurisdiction by giving notice of such appeal to the City Council within five (5) days after the day of issuance of such order or decision, together with a petition for court review duly filed 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 14th day of February 2002.

CITY SEAL


Bill B. Owen, Mayor

ATTEST:


Timothy D. Stoessel, City Clerk

103 N. Washington Ave. (O)
West Side Blk 13 Lot 9
Cendant Mortgage Corp.
6000 Atrium Way
Mt. Laurel, NJ 08054

207 W. 9th St. (C)
North Spring River Blk 5 Lot 8 S90'E50'
North Spring River Blk 5 Lot 9 S90E50'
William or Guadalupe Van Verth
P O Box 526
Animas, NM 88202-0526

900 E. 23rd St. (O)
Military Hieghts Lot 17
W127.1'E451.8'N257.5'W367.1'E451.8'S383.4'
The Columbians
P O Box 1083
Roswell, NM 88202-1083

400 Blk West Brasher Rd. (C)
Fruitland Blk 25 Lot 8
Constellation Estates
P O Box 2167
Roswell, NM 88202-2167

500 Blk West Brasher Road (C)
Fruitland Blk 25 Lots 5-6
Constellation Estates
P O Box 2167
Roswell, NM 88202-2167

611 W. Jaffa St. (C)
South Plains Park Blk 6 Lot 9
Eri-Crys Inc.
c/o Jane Grandgeorge
608 Cobean
Roswell, NM 88201

512 E. 4th St. (O)
Lea Lot 26
Glenn M. Parker
c/o Myrline Chance
708 W. 3rd St.
Roswell, NM 88201

321 E. 7th St. (O)
Belle Plain Lot 53 W44'
Robert Berry
32 Kiva Court
Sandia Park, NM 87047

Approx 400, 402 E. 7th St. (O)
Belle Plain Lot 58 E88'
Madison Trust
W. F. Madison Trustee
P O Box 255
Roswell, NM 88202-0255

Approx 707 E. Albuquerque St. (O)
Barnett's Blk 1 Lot 1 E68'
Debbie Anaya
704 E. Albuquerque St.
Roswell, NM 88203

512 S. Holland Ave. (O)
4-11-24 E2SW4SE4NE4W135'E158'N50'S300'
Marco Parra
5000 Old Clovis Hwy.
Roswell, NM 88201