

CITY OF ROSWELL

RESOLUTION NO. 03-02

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.

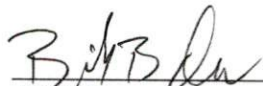
2. The owners, occupants or agents in charge of said premises are hereby ordered to remove such accumulated rubbish, weeds, wreckage or debris within ten (10) days of the receipt of notice by certified mail or from the date of publication of this resolution. In the event such removal is not commenced 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 13th day of February 2003..

CITY SEAL



Bill B. Owen, Mayor

ATTEST:



Timothy D. Stoessel, City Clerk

Approx 2301 N. Grand Ave. (O) Howard Lewis Blk 2 Lot 19 W20'S46' Howard Lewis Blk 2 Lot 20 S46' John P. DiPaolo Shirley R. DiPaolo 4349 E. Mountain Vista Dr. Phoenix, AZ 85048	1210 N. Delaware Ave. (C) 32-10-24 NW4NW4 W191' E612' N75' S555' Mae Dell Smith Byron F. & Howard Jr. Smith 9719 Stone St. NW Albuquerque, NM 87114-6017
2304 N. Sherman Ave. (O) Rogers Blk 2 Lot 10 Lucy L. Smith c/o R. L. Smith 2302 N. Sherman Ave. Roswell, NM 88201	Approx 803 N. Lea Ave. (O) West Side Summary Plat 1 Lot 9A Wilson R. Hicks Onie M. Hicks 1516 S. Kentucky Ave. Roswell, NM 88203
2321 N. Sherman Ave. (O) Rogers Blk 1 Lot 23 Eugene A. Villain 2415 N. Main St. Roswell, NM 88201	1406 S. Elm Ave. (C) Johnson & Allison S2 Blk 2 Lots 5,6,7,8 Fruitland Blk 7 Lot 4 Daniel Montoya Mary Montoya 1408 S. Elm Ave. Roswell, NM 88203
Approx 900 Blk E Country Club Rd.(O) Country Club Place Lots 1 thru 78 Jasper Conner Ethel J. Conner P O Box 14588 Albuquerque, NM 87101 and/or Jasper Conner Ethel J. Conner 10214 Theresa Pl. Albuquerque, NM 87111	1414 S. Mulberry Ave. (O) Johnson & Allison S 2 Blk 2 Lots 5, 6, 7, 8 Fruitland Blk 6 Lot 8 Erminia Vegara 2811 S. Largo Dr. Roswell, NM 88203
1306 E. Country Club Rd. (O) Pendergrass Lot 12 Ernestina Nevarez 1308 E. Country Club Rd. Roswell, NM 88201	508 - 508 ½ E. Third St. (C) Lea Lot 78 Sidney Foster P O Box 0722 Roswell, NM 88202-0722
1308 E. Country Club Rd. (O) Pendergrass Lot 11 Ernestina Nevarez 1308 E. Country Club Rd. Roswell, NM 88201	1404 S. Cahoon Ave. (O) Johnson & Allison S 2 Blk 2 Lots 5, 6, 7, 8 Fruitland Blk 1 Lots 1, 2, 3, 4 Jeran Fraser 6328 Caminito El Cervato San Diego, CA 92111-6852
Approx 1200 Blk E. Berrendo Rd. (O) Linda Estado North Lot 9 Charles D. Roorck Connie D. Roorck 3826 E. Crossroads Roswell, NM 88203	Approx 2600 S. Lea Ave. (O) Desert Acres Blk 1, Lots 1 thru 4 Fred Teel c/o James Robert Teel P O Box 207 Lake Arthur, NM 88253-0207
	Approx 2600 S. Lea Ave. (O) Desert Acres Blk 1, Lots 5 thru 8 Fred Teel c/o James Robert Teel P O Box 207 Lake Arthur, NM 88253-0207

Approx 2600 S. Lea Ave. (O)
Desert Acres Blk 2, Lots 1 thru 4
Fred Teel
c/o James Robert Teel
P O Box 207
Lake Arthur, NM 88253-0207

203 S. Montana Ave. (C)
Wright's Blk 9 Lot 11
David Ernie & Nancy Ann Lovato
2 La Paloma Pl.
Roswell, NM 88201

1412 W. Tilden St. (O)
Fair Park Blk 12 Lot 7
Joe & Gina Sisneros
1618 N. Delaware Ave.
Roswell, NM 88201

515 S. Sequoia Ave. (O)
Shearman Addn Blk 2 Lot 12 N50.2'
Shearman Addn Blk 2 Lot 13 S16.1'
R. G. Sallie & Jeffery Slator
21 Camino Arroyo Seco
Española, NM 87532-9422