

CITY OF ROSWELL

RESOLUTION NO. 03-38

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.

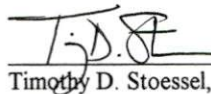
4. Upon the adoption of this resolution, it shall be the duty of the City Building Inspector to notify the owner, occupant or agent in charge of such building or structure of the adoption of this resolution by serving a copy thereof upon him by certified mail, return receipt requested; and in the event 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 9th day of October 2003.

CITY SEAL


Bill B. Owen, Mayor

ATTEST:


Timothy D. Stoessel, City Clerk

Resolution # 03-38
October 9, 2003

Exhibit A
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Name	Location	Condition
Mark Bunner 9069 Buckingham St. White Lake, MI 48386	89 W. Byrne St. Pecos Valley Village Blk 4 Lt 2	Dilapidated/deterioration open to public, inadequate maintenance
Johnnie Johnson c/o Daniel Joseph King 805 E. Deming St. Roswell, NM 88203	805 E. Deming St. Barnett's Blk 6 Lt 10 W25'	Dilapidated/deterioration open to public, inadequate maintenance
Ralph L. Gonzales Jr. 1490 Gaviota Ave. Long Beach, CA 90804	404 E. Albuquerque St. South Roswell Blk 31 Lt 5	Dilapidated/deterioration open to public, inadequate maintenance
Daniel & Angie Malcara c/o Raymond Hidalgo 805 E. Albuquerque St. Roswell, NM 88203	803 E. Albuquerque St. Flora Vista Blk 5 Lots 31-32	Dilapidated/deterioration open to public, inadequate maintenance
La Salle Bank National Assoc. c/o EMC Mortgage Corp. Suite 200 909 Hidden Ridge Dr. Irving, TX 75014-1358	28 W. Eyman St. Pecos Valley Village Blk 5 Lt 44	Dilapidated/deterioration open to public, inadequate maintenance
Doris Jane Acosta 5910 Tokay Rd. NE Albuquerque, NM 87107-4928	507, 507 1/2 S. Delaware Ave. Pauly Blk 15 Lot 9 Pauly Blk 15 Lot 10 S2	Dilapidated/deterioration open to public, inadequate maintenance