

CITY OF ROSWELL

RESOLUTION NO. 05-29

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agent or attorney and the City Council shall consider evidence whether or not its previous action shall be enforced or rescinded; if it shall be determined that the removal order should be enforced.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 8th day of September 2005.

CITY SEAL


Bill B. Owen, Mayor

ATTEST:


Timothy D. Stoessel, City Clerk

1400 N. Maple Ave. (O)
Keith Block 1 Lot 4
Edward T. Strehlou
1108 Sudderth Dr.
Ruidoso, NM 88345-6226
or
Edward T. Strehlou
P O Box 6522
Akron, Ohio 44312-0522

1602 N. Kentucky Ave. (C)
Life Ministries Summary Plat Tract B
Voyal Hickey, Maudine Hickey,
Voyal Joann Hickey Rice
122 N. Canyon Beeman Bldg
Carlsbad, NM 88220
or
Voyal Hickey, Maudine Hickey,
Voyal Joann Hickey Rice
312 Halaqueno
Carlsbad, NM 88220

1814 N Missouri Ave. (O)
Hewalt Blk 1 Lot 5
Benito and Adelaida Cedillo
1814 N. Missouri Ave.
Roswell, NM 88201

704 E. Country Club Rd. (C)
Country Club Block 1 Lot 1 E50'
Country Club Block 1 Lot 2 E50'
Miguerta June Chavez
704 E. Country Club Rd.
Roswell, NM 88201

4001 N. Main St. (C)
16-10-24 W2' N838.16' S2964.16' E469.8'
W529.8' So. of South Berrendo Creek
Paul Klister
P O Box 115
Appleton, WI 54914-0115

413 S. Pine Ave. (C)
Thorne Blk 2 Lot 14
Kevin Dale Stites
Sherry Ann Stites
413 S. Pine Ave.
Roswell, NM 88203

109 W. Tilden St. (O)
South Roswell Blk 6 Lot 12 E 10'
South Roswell Blk 6 Lot 14 W20'
Mario Ray Gamboa
109 W. Tilden St.
Roswell, NM 88203

211 W. Deming St. (O)
South Roswell Blk 39 Lot 4
Dedee Norton / James Norton
211 W. Deming St.
Roswell, NM 88203

910 S. Plains Park Dr. (C)
Plains Park 2 Blk 5 Lot 17 W4'
Plains Park 2 Blk 5 Lot 18
Electric Portfolio Corp
3815 SW Temple
Salt Lake City, UT 84115

1512 W. Second St. (C)
Fair Park Blk 2 Lots 9, 10, 11, 12
Jeanne M. Kunko
1610 S. Kentucky Ave.
Roswell, NM 88203