

CITY OF ROSWELL  
RESOLUTION NO. 13-35

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agent or attorney and the City Council shall consider evidence whether or not its previous action shall be enforced or rescinded; if it shall be determined that the removal order should be enforced.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 8<sup>th</sup> day of August 2013.



A handwritten signature in black ink, which appears to be "Del Jurney", is written over a horizontal line. Below the signature, the name "Del Jurney, Mayor" is printed in a standard font.

A handwritten signature in black ink, which appears to be "Sharon Coll", is written over a horizontal line. Below the signature, the name "Sharon Coll, City Clerk" is printed in a standard font.

ROSWELL, NEW MEXICO  
CITY COUNCIL  
REGULAR ITEM ABSTRACT  
Meeting of August 8, 2013

Consent Item

# \_\_\_\_\_

Subject: Resolution No. 13-35

Department: Code Enforcement	COMMITTEE: Planning and Zoning
Attachment: Resolution No. 13-35 & Exhibit A	Information Contact: Mike Mathews, Code Enforcement Phone Number: 624-6700 x 298

Purpose:

The Resolution shall mandate the cleanup of approximately twenty-nine (29) separate properties within the City.

Need:

At present, no more efficient means is available to enforce the requirements that property within the City limits be kept clean and orderly. Citation of property owners requires they be present in Roswell. Even the citations do not provide for the actual clean up and cannot give the City the right to file a lien for the cleanup expense. This procedure is cumbersome, but should result in resolution of some more severe situations.

Impact:

Adoption of the resolution will probably cause a number of people to voluntarily clean up their property. Most of the balance will be cleaned up by the City and liens will be filed and later foreclosed. A few people may appeal the resolution to Council and a hearing will have to be provided to hear their appeals. Overall, the resolution should affect rapid cleanup of this season's weeds and other debris, followed by an extended collection period.

Recommendation:

The Planning and Zoning Committee recommends the City Council approve this resolution and placed on the consent agenda.

501 S. Lea Alameda Heights Blk 7 Lot 2 W. 57.7' N. 140' Terry A. Holl & Terrie L. Hall 6 Victoria Ct. Roswell, NM 88201	(C)	207 W. Hendricks South Roswell Blk 10 Lot 8 Harold Ashcraft 1017 Rancho Rd. Roswell, NM 88203	(O)
209 W. Hendricks South Roswell Blk 10 Lot 6 Harold Ashcraft 1017 Rancho Rd. Roswell, NM 88203	(O)	608 Hickory Dale Bellamah Unit 1 Blk 5 Lot 6,7 W. 43.96' Teresa R. Estrada PO Box 2805 Anthony, NM 88021	(C)
113 E. Tilden St. South Roswell Blk 5 Lot 24 Ralph L. Gonzales Jr. 1490 Gaviota Ave. Long Beach, CA 90804	(C)	706 E. Deming St. Barnetts Blk 10 Lot 7 Eddie Mae Wesson; Geraldine Spencer 2344 W. 29 <sup>th</sup> Place Los Angeles, CA 90018	(O)
Approx. 115 E. Tilden St. South Roswell Blk 5 Lots 26,28 Ralph L. Gonzales Jr. 1490 Gaviota Ave. Long Beach, CA 90804	(C)	813 E. Deming St. Barnetts Blk 6 Lot 2 Richard Otis Barton III 701 Washington St. Artesia, NM 88210	(O)
300 E. 2 <sup>nd</sup> St. Mc Cune Blk 3 Lots 7,8,9,10,11 Bewer Oil Co. P.O. Box 1347 Roswell, NM 88211-1347	(O)	2004 S. Sunset Ave. Sunset Industrial Park Blk 1 Lot 2,3 Novak Summary Replat Lot A & B Shannon A. Hellums 6223 Devonian Rd. Roswell, NM 88201	(O)
102 N. Lincoln Ave. Mc Cune Blk 3 Lot 12 W137' & Lot 13 Brewer Oil Co. P.O. Box 1347 Roswell, NM 88211-1347	(O)	905 S. Elm Ave. Barnetts Blk 14 Lot 13 & Lot 14 Martha Berlinda Torrez; et al 1651 Ironton St. Aurora, CO 80010	(O)
521 E. 4 <sup>th</sup> St. Lea Lot 20 E2 W50' Alex M. Torres; Ramona R. Torres 521 E. 4 <sup>th</sup> St. Roswell, NM 88201	(O)	1215, 1217 S. Elm Ave. Hendersons Blk 0 Lot 12 & Lot 13 Sampson L. Davis c/o Bill Davis 3187 S. Cathy Cir. Aurora, CO 80013	(C)
1209 E. Walnut St. Doc Covington Blk 2 Lot 15 Sterling F. Lewis; et ux 1209 E. Walnut St. Roswell, NM 88203	(C)	325 E. Hervey St. Keiths Southside Rediv Blk 7 Lot 35 Matrix Financial Services Corporation 1 Corporate Center Dr., Ste. 360 Lake Zurich, IL 60047	(O)
901 E. Walnut St. Acequia Blk 6 Lot 21 & Lot 22 Della Chavarria 901 E. Walnut St. Roswell, NM 88203	(O)	10 E. Byrne St. Pecos Valley Village Blk 6 Lot 5 Sylvia Bingham; Robert Bingham 3906 W. Smith Ln. Hobbs, NM 88240	(O)



<p>Approx. 2301 N. Washington Ave. (O)  La Sierra Unit I-A Lot 21  Ron or Marotzke  92 W. Blevins  Artesia, NM 88210</p>	<p>Approx. 2303-2305 N. Washington Ave. (O)  La Sierra Unit I-A Lot 23 &amp; 24  Larry or Connie Jessen  2716 N. Pennsylvania Ave. #57  Roswell, NM 88201</p>
<p>2501 Gaye Dr. (C)  Coronado Replat Blk 2 Lot 1  Ronnie or Marsha McClarrin  2501 Gaye Dr.  Roswell, NM 88201</p>	<p>600 N. Kentucky Ave. (O)  McAlpine Summary Plat Lot B  James Beaver  600 N. Kentucky Ave.  Roswell, NM 88201</p>
<p>1210 W. 3<sup>rd</sup> St. (C)  Central Park Blk 12 Lot 7  W 7' &amp; Lot 8 &amp; Lot 9 E 13'  BOKF, NA  DBA Bank of Oklahoma, NA  7060 S. Yale Suite 200  Tulsa, OK 74136</p>	<p>1507 N. Pontiac (O)  Schnedars  Blk 3 Lot 14  Raymond Franco  1507 N. Pontiac  Roswell, NM 88201</p>
<p>Approx. 10 Sierra Blanca Circle (C)  Berrendo Meadows  Unit 3 Lot 1  Paul Taylor III  P.O. Box 344  Roswell, NM 88202</p>	<p>1313 W. 21<sup>st</sup> St. (O)  Sorrento Subdivision Lot 92  Suburban Mortgage Co.  2510 W. Dulap Ave. 5<sup>th</sup> Floor  Phoenix, AZ 85021</p>
<p>1307 N. Kentucky Ave. (O)  West Side Blk 60 Lot 10 &amp; 11  N 25' S 25'  Kurt Gass  1509 Latigo  Roswell, NM 88201</p>	<p>Approx. 3108 Diamond A (C)  Cooley Blk 2 Lot 1  Randy or Morene Wagner  1103 Kachina Dr.  Roswell, NM 88201</p>
<p>1907 N. Garden Ave. (C)  Sherrell Heights  Blk 1 Lot 4  Marshall or Marisela Decker  130 Sagebrush Valley Rd.  Hagerman, NM 88232-9608</p>	