

CITY OF ROSWELL
RESOLUTION NO.14-13

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 Roswell Municipal code section 16-12, 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.

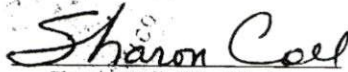
4. Upon the adoption of this resolution, it shall be the duty of the City Building Inspector to notify the owner, occupant or agent in charge of such building or structure of the adoption of this resolution by serving a copy thereof upon him by certified mail, return receipt requested; and in the event such owner, occupant or agent cannot be found or served within said City as herein above 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 10th day of April 2014.

CITY SEAL


Dennis J. Kintigh, Mayor

ATTEST:


Sharon Coll, City Clerk

Resolution #14-13
April 10, 2014

Exhibit A
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Location	Condition	Name
507 W. 4 th St. West Side Blk 21 Lots 9 E 50' 10 E 50' 11 E 50'	Dilapidated/deterioration open to public, inadequate maintenance	Bank Of America NA 400 Countrywide Way SV-35 Simi Valley, CA 93065
1417 Jackson Ave. South Highlands Redivision Blk 29B Lots 11 & 12 S 32'	Dilapidated/deterioration open to public, inadequate maintenance	Valenzuela Trust; Alfred & Margie 702 Brazos St. Roswell, NM 88201
911 N. Virginia Ave. North Spring River Blk 8 Lots 11, 12, 13	Dilapidated/deterioration open to public, inadequate maintenance	Morris Or Holly Schertz 1407 S. Sunset Ave. Roswell, NM 88203
206 & 206 1/2 S. Michigan Ave. Ovards Blk 8 Lot 4	Dilapidated/deterioration open to public, inadequate maintenance	Smith CME Church c/o Christine Ragsdale 400 N. Light Plant Rd #32 Aztec, NM 87410
1403 S. Mulberry Ave. Johnson & Allison S2 Blk 2 Lots 5-8 Fruitland Blk 7 Lot 23	Dilapidated/deterioration open to public, inadequate maintenance	Rosa Bayon 2600 Americare St. NW Apt. 10206 Albuquerque, NM 87120
700 N. Kansas Ave. Pauly Blk 23 Lot 6 S 10'	Dilapidated/deterioration open to public, inadequate maintenance	Carlton Or David Blewett 1612 W. 8 th St. Roswell, NM 88201
608 E. Mathews St. S 4 T 11S R 24E NE 4SW 4 W75.66' E248' N150' S410'	Dilapidated/deterioration open to public, inadequate maintenance	Timothy Ray Gavi; Juanita G. Gavi 608 E. Mathews St. Roswell, NM 88203
303 E. 2 nd St. Lea Lot 121	Dilapidated/deterioration open to public, inadequate maintenance	Gary & Susie Carter 303 E. 2 nd St. Roswell, NM 88201

Location	Condition	Name
110 S. Elm St. Acequia Blk 1 Lots 13 & 14	Dilapidated/deterioration open to public, inadequate maintenance	Betty Hernandez 931 Foothill Rd. SW Albuquerque, NM 87105
714 E. Alameda St. Flora Vista Blk 5 Lots 5 & 6	Dilapidated/deterioration open to public, inadequate maintenance	Manuel Marquez c/o Carlos Marquez 714 E. Alameda St. Roswell, NM 88203
501 E. Albuquerque St. (Rear Structure) South Roswell Blk 17 Lot 2	Dilapidated/deterioration open to public, inadequate maintenance	Adolph Marquardt; Mark Marquardt 501 E. Albuquerque St. Roswell, NM 88203
1101 E. 1 st St. Doc Covington Blk 4 Lot 5	Dilapidated/deterioration open to public, inadequate maintenance	George S & Adra M. Mc Connell 1600 W. Hendricks Apt. 30 Roswell, NM 88203
221 E. 2 nd St. Original Roswell Blk 16 Lots 6 & 7	Dilapidated/deterioration open to public, inadequate maintenance	Morris E. Or Holly K. Shertz 1407 S. Sunset Ave. Roswell, NM 88203
201 N. Main St. (East Wall) Original Roswell Blk 13 Lots 8 & 9	Dilapidated/deterioration open to public, inadequate maintenance	Bernard Ginsberg Trust Benjamin B. Ginsberg Estate P.O. Box 100 Roswell, NM 88202-100
222 E. 3 rd St. Original Roswell Blk 16 Lot 1-3	Dilapidated/deterioration open to public, inadequate maintenance	Morris Or Holly Schertz 1407 S. Sunset Ave. Roswell, NM 88203
210 N. Grand Ave. Original Roswell Blk 16 Lots 4 & 5	Dilapidated/deterioration open to public, inadequate maintenance	Morris E. Or Holly K. Shertz 1407 S. Sunset Ave. Roswell, NM 88203
1510 Stanton Ave. Fruitland Blk 4 Lot 3	Dilapidated/deterioration open to public, inadequate maintenance	Annie T. Aguilar 1511 Stanton Ave. Roswell, NM 88203
703 E. 3rd St. Vista Verde Rediv Amend Blk 1 Lot 9	Dilapidated/deterioration open to public, inadequate maintenance	Moises Barrios; Michael Barrios 35 West Wells Roswell, NM 88203
101 N. Main St. Original Roswell Blk 14 Lot 8	Dilapidated/deterioration open to public, inadequate maintenance	Linton L. Miller; Nancy A. Miller P.O. Box 1239 Roswell, NM 88202-1239
206 N. Virginia Ave. Original Roswell Blk 13 Lot 5 And Lot 6 & Lot 7	Dilapidated/deterioration open to public, inadequate maintenance	Clyde E. Blackwell; c/o Pegi Blackwell Naranjo 3102 N. Montana Ave. Roswell, NM 88201