

CITY OF ROSWELL
RESOLUTION NO.14-51

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.

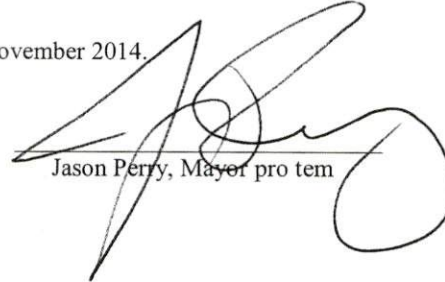
2. The owners, occupants, if any, or agent in charge of said premises be, and they hereby are ordered and required to remove such dangerous buildings, or structures within a reasonable time thereafter not to exceed fifteen (15) days from the receipt of notice by certified mail or from date of publication 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 13th day of November 2014.

CITY SEAL



Jason Perry, Mayor pro tem



ATTEST:

 Sharon Coll, City Clerk

Resolution #14-51
 November 13, 2014

Exhibit A
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LOCATION	CONDITION	NAME
612 GREENBRIER ST. DALE BELLAMAH UNIT 1 BLOCK 4 LOT 4	DILAPIDATED/ DETERIORATION OPEN TO PUBLIC, INADEQUATE MAINTENANCE	CASAREZ, ROSENDO PO BOX 2052 ROSWELL, NM 88202-2052
106 S. PENNSYLVANIA AVE. WEST SIDE BLOCK 47 LOT 4	DILAPIDATED/ DETERIORATION OPEN TO PUBLIC, INADEQUATE MAINTENANCE	BARRETTE, RICHARD; BARRETTE, LINDA C. 1710 LAKE FRANCIS DRIVE APOPKA, FL 32712 <i>(alternative mailing address)</i> 924 BRENTWOOD DR. APOPKA, FL 32712
600 S. MISSOURI AVE. ALAMEDA HEIGHTS BLOCK 10 LOT 1 N2	DILAPIDATED/ DETERIORATION OPEN TO PUBLIC, INADEQUATE MAINTENANCE	MARTINEZ, HEATHER L. 104 SUMMER RIDGE DR. SUMMERVILLE, SC 29485
705 ½ S. MICHIGAN AVE. LEWIS 1ST AMND BLOCK 1 LOT 4 E2	DILAPIDATED/ DETERIORATION OPEN TO PUBLIC, INADEQUATE MAINTENANCE	LUCERO, GLISERIO; LUCERO, CHRIS 312 S. MAIN ST. ROSWELL, NM 88203
2322 N. GARDEN AVE. ROGERS BLOCK 1 LOT 1	DILAPIDATED/ DETERIORATION OPEN TO PUBLIC, INADEQUATE MAINTENANCE	LEYBA, LORENZO; LEYBA, BENNY 617 W. SUMMIT ST. ROSWELL, NM 88203
808 W. 8 TH ST. DUNNS REDIV BLOCK 0 LOT 27	DILAPIDATED/ DETERIORATION OPEN TO PUBLIC, INADEQUATE MAINTENANCE	ELLINGTON, WILLIAM E.; ELLINGTON, DEBRA M. 808 W. 8 TH ST. ROSWELL, NM 88201

LOCATION	CONDITION	NAME
905 W. 8 TH ST. RIVERSIDE HEIGHTS BLOCK 9 LOT 4 W50'	DILAPIDATED/ DETERIORATION OPEN TO PUBLIC, INADEQUATE MAINTENANCE	ELLINGTON, WILLIAM E.; ELLINGTON, DEBBIE M. 808 W. 8 TH ST. ROSWELL, NM 88201
907 W. 8 TH ST. RIVERSIDE HEIGHTS BLOCK 9 LOT 3 E50'	DILAPIDATED/ DETERIORATION OPEN TO PUBLIC, INADEQUATE MAINTENANCE	ELLINGTON, WILLIAM E.; ELLINGTON, DEBBIE M. 808 W. 8 TH ST. ROSWELL, NM 88201
1201 STONE ST. 32-10-24E NW4NW4 E165' W330' S209'N1301'	DILAPIDATED/ DETERIORATION OPEN TO PUBLIC, INADEQUATE MAINTENANCE	HERRERA, EDMUNDO; HERRERA, MARIA 1205 STONE ST. ROSWELL, NM 88201
2814 N. WASHINGTON AVE. BERRENDO IRRIGATED FARMS BLOCK 20 LOT 13 N2LESS N 8 FT FOR ROAD	DILAPIDATED/ DETERIORATION OPEN TO PUBLIC, INADEQUATE MAINTENANCE	GUTIERREZ, JOSEPHINE; JOE JR.; VIRGINIA; THOMAS; & GUTIERREZ MUSIAK, HELEN C/O HELEN MUSIAK 90 S. LAKESHORE DR. RANSOM CANYON, TX 79366
1001 W. 14 TH ST. HOWARD PLACE BLOCK 2 LOT 1	DILAPIDATED/ DETERIORATION OPEN TO PUBLIC, INADEQUATE MAINTENANCE	CHAVEZ, MICHAEL F.; CHAVEZ, TESSA C. 1509 S. ADAMS DR. ROSWELL, NM 88203
413 E. 5 TH ST. #1/2 BELLE PLAIN LOT 72 W 50' E 178' QUARTER SW S 33 T 10S R 24E	DILAPIDATED/ DETERIORATION OPEN TO PUBLIC, INADEQUATE MAINTENANCE	FLORES, ELIBORIO URBINA; AVALOS, AMPARO 1513 S. MONROE ROSWELL, NM 88203
1509 S. GARDEN AVE. PORTER & JOHNSON BLOCK 0 LOT 20	DILAPIDATED/ DETERIORATION OPEN TO PUBLIC, INADEQUATE MAINTENANCE	RIVERA, HECTOR; RODRIGUEZ, ESTHER 1509 S. GARDEN AVE. ROSWELL, NM 88203
102 S. MULBERRY AVE. ACEQUIA BLOCK 2 LOT 1 & LOT 2	DILAPIDATED/ DETERIORATION OPEN TO PUBLIC, INADEQUATE MAINTENANCE	MUELLER, JUANITA L. 4705 FARMINGTON RD. SHERMAN, TX 75092
1200 E. WALNUT ST. DOC COVINGTON BLOCK 3 LOT 10	DILAPIDATED/ DETERIORATION OPEN TO PUBLIC, INADEQUATE MAINTENANCE	PAUL, ROBERTA 224 TAN BARK DR. LEWISTOWN, PA 17044