

CITY OF ROSWELL  
RESOLUTION NO.15-03

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 8<sup>th</sup> day of January 2015.

CITY SEAL

  
Dennis J. Kintigh, Mayor



  
Sharon Coll, City Clerk

Resolution #15-03  
January 08, 2015

Exhibit A  
Page 1

Location	Condition	Name
3900 N. Main St. Berrendo Irrigated Farms Block 17 Lot 8 S132' N944' E330'	Dilapidated/ Deterioration Open To Public, Inadequate Maintenance	Marley Ranches, LTD. PO Box 1658 Roswell, NM 88202-1658
1204 N. Union Ave. 32-10-24 NW 4 NW 4 N71.29' S431.29' E175'	Dilapidated/ Deterioration Open To Public, Inadequate Maintenance	Gaby Y. Nasrallah; Linda M. Nasrallah 5108 W. Alameda St. Roswell, NM 88203
1203 N. Michigan Ave. 32-10-24 NE4NW4 W 182.2' E408' N50' S370'	Dilapidated/ Deterioration Open To Public, Inadequate Maintenance	Virginia Valencia 709 Poplar St. Farmington, NM 87401
3009 Vassar Dr. Mesa Verde Rediv Block 1 Lot 5	Dilapidated/ Deterioration Open To Public, Inadequate Maintenance	Marylou Pineda 3009 Vassar Dr. Roswell, NM 88203
2902 S. Emerald Dr. South Plains Park Replat Block 3A Lot 16	Dilapidated/ Deterioration Open To Public, Inadequate Maintenance	Max L. Lueras PO Box 2522 Roswell, NM 88202
914 W. Forest St. North Plains Park Block 4 Lot 8	Dilapidated/ Deterioration Open To Public, Inadequate Maintenance	Jesse N. Davis; Katrina L. Davis 1039 N. Main St. Carlsbad, NM 88220
1422 W. 2nd St. S 6 T 11S R 24E NE 4 NE 4 NE 4W 100' S 150' N 180'	Dilapidated/ Deterioration Open To Public, Inadequate Maintenance	Jorge Pereira 1202 Baylor Dr. Roswell, NM 88203
304 S. Richardson Ave. South Roswell Block 7 Lot 13	Dilapidated/ Deterioration Open To Public, Inadequate Maintenance	Henry Grishaber C/O Christine Myall 2216 Cove Court Discovery Bay, CA 94505

Location	Condition	Name
711 W. 11th St. Keith Block 6 Lot 7	Dilapidated/ Deterioration Open To Public, Inadequate Maintenance	Kirby H. Miller; Jessie Miller 3715 Glenwood Dr. Roswell, NM 88201-9208
713 W. 11th St. S 32 T 10S R 24E SE 4 NW 4 W 50' E 557' N 163'	Dilapidated/ Deterioration Open To Public, Inadequate Maintenance	Antonio J. Duran 801 W. 11th St. Roswell, NM 88201
805 W. 11th St. S 32 T 10S R 24E SE 4 NW 4 W 58.5' E 615.5' N 175'	Dilapidated/ Deterioration Open To Public, Inadequate Maintenance	Pablo Ibarra 805 W. 11th St. #A Roswell, NM 88201-8245
703 E. Alameda St. Acequia Block 3 Lot 37 & Lot 38	Dilapidated/ Deterioration Open To Public, Inadequate Maintenance	George Gonzales; c/o Caroline G. Silvas 1708 N. Missouri Roswell, NM 88201
715 E. Tilden St. Flora Vista Block 2 Lot 35 Thru Lot 37	Dilapidated/ Deterioration Open To Public, Inadequate Maintenance	Rafael Rivera c/o Gilbert R. Rivera 1474 Hwy 170 La Plata, NM 87418