

RESOLUTION 18-62

A RESOLUTION ALLOWING WAIVER OF MUNICIPAL LIENS IN EXCHANGE FOR REBUILDING ON VACANT PROPERTY

WHEREAS, City Council of the City of Roswell (the "Council") finds that there are many parcels of real property throughout the City of Roswell (the "City") which have been lying vacant for significant periods of time; and

WHEREAS, the Council further finds that many such properties continue to lie vacant, despite having been acquired by real estate developers for residential and commercial development; and

WHEREAS, the Council finds that vacant properties within the City contribute to urban blight, crime and other nuisances; and

WHEREAS, the City holds municipal liens, pursuant to NMSA 1978, §3-36-1 *et seq.*, on many such vacant properties; and

WHEREAS, the Council wishes to encourage and incentivize the development of new, high quality residences, commercial buildings, and other appropriate structures on vacant properties in the City, in order to eliminate and prevent urban blight and its associated nuisances; and

WHEREAS, the Council finds that waiving and releasing the City's municipal liens on vacant parcels in exchange for construction, by developers, of City-approved structures on such properties would provide a good value to the City and substantial benefit to its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO, that:

1. The City Council hereby authorizes the City Manager or his/her designee to waive and release its municipal liens on vacant properties located within the City, in exchange for the construction, by the owners, of City-approved structures thereon, where the City finds that such waiver and release would provide a good value to the City.

2. The City shall only enter into an agreement to waive and release its liens as provided for above, where it finds that the owner of such vacant property is a reputable real estate developer, or, in the City's discretion, the owner of the property, presents a plan for construction which meets the City's approval.

3. In determining whether to approve construction of a structure, the City shall consider, on a lot by lot basis, the surrounding buildings, character of the neighborhood, zoning, and other relevant factors to ensure that the proposed structure is appropriate and will advance the purposes of this resolution.

4. As a condition of waiving and releasing its lien, the City shall require that the owner begin and complete construction within a reasonable time period, as determined by the City, based upon the type and nature of structure, and any other relevant factors.


5. As a further condition of waiving and releasing its lien, the City shall require the owner to acquire all necessary and relevant permits for construction, and to comply with all City, state and federal laws in the construction.

6. The City shall not waive and release its lien until construction is actually complete and approved by the City, and the City shall secure any extensions of its lien during the construction period necessary to secure its interest against the running of any applicable statutes of limitation.

7. The owner, and not the City, shall be solely responsible for recording the Release of Lien in the real property records, and bear the costs thereof.

PASSED, ADOPTED, SIGNED and APPROVED the 12th day of October, 2018.

CITY SEAL



Dennis Kintigh, Mayor

ATTEST:



Sharon Coll, City Clerk