

RESOLUTION NO. 1787

A RESOLUTION REQUIRING THE REMOVAL OR DEMOLITION OR 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 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 or 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 indicated:

<u>Owner or Occupant</u>	<u>Location</u>	<u>Condition Complained of</u>
1. Carl Essary Floyd New Mexico, 88118	1414 S. Jackson N-45' Lot #8, Block #29, South Highlands	All walls buckling, unsafe, fire hazard, openly and readily accessible to children and transients, public nuisance.
2. Mary Lou or Prese Torres 316 E. Jefferson Roswell, NM 88201	508 S. Ohio Lot #5, Block #17 Pauly Subdivision	Fire hazard, deteriorated, unsanitary, unsafe, attractive to children and transients, menace to public health, morals, and general welfare.
3.		
4.		
5.		

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 hereinabove set forth be, and the same hereby are declared to be in such state of disrepair, damage and dilaplidation as to constitute a dangerous building within the purview of Section 10-36, City Code, City of Roswell, and Article

3-18-5 (NMSA, 1953), as well as being a public nuisance prejudicial to the public health, safety and general welfare. That such dangerous buildings or structures hereinabove set forth, if any, cannot reasonably be repaired so that they will no longer exist in violation of the terms of the ordinance.

2. That 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 the 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, 1953), and cause the dangerous buildings or structures to be removed and give the title to them of their components to the removing person or persons.

3. In the event such owner or other interested party aggrieved shall file his protest the time herein provided, requesting a hearing in the matter, the City Council shall thereafter fix a day for hearing therein and thereon at which time said protestants shall be entitled to be heard in person, by agent, or attorney and the City Council shall consider evidence submitted for and against said removal order, and shall determine whether or not its previous action should be enforced or rescinded; it shall be determined that the removal order should be enforced, and the owner or owners shall fail or

neglect to comply with said order or decision of the City Council shall have a right of appeal to a court of competent jurisdiction by giving notice of such appeal to the City Council within ten (10) days after the day of issuance of such order or decision together with his petition for court review therein duly filed with the Clerk of the Court within thirty (30) days of the date of issuance of the order or decision complained of.

4. Upon the adoption of this resolution, it shall be the duty of the City Building Inspector 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 hereinabove provided, such notice may be served by posting a copy of said resolution upon the premises complained followed by legal publication of said resolution one time in a newspaper of general circulation within the City.

ADOPTED, SIGNED AND APPROVED on this the 12th day of August, 1980.

CITY SEAL


L. C. Stiles, Mayor

ATTEST:


SARAH L. CARTER, CITY CLERK