RESOLUTION NO. 2276

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 the 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, that:

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 Article 3-18-5 (NMSA 1978), 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 or as hereinafter provided. In the event such removal is not commenced by such owner, occupant or agent, or written objection or request for a hearing is filed with the City Clerk within ten (10) days after service of a copy of this resolution by certified mail or by publication, then and in such event, the City Manager is hereby authorized and directed to cause 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 said lien 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 said buildings or structures or components thereof 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 to appeal to the City Council within the (10) days after the date of the City Council decision, together with a 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 buildings or structures of the adoption of this resolution by serving a copy thereof upon said person(s) 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 of, followed by legal publication of said resolution one time in a newspaper of general circulation within the city.

ADOPTED AND APPROVED the 8th day of June, 1995.

City of Roswell

Thomas E. Jennings
Mayor

CITY SEAL

ATTEST:

Ruth A. May, City Clerk

EXHIBIT A

Resolution #2276 June 8, 1995

Owner	Location	Conditions
Reuben Hancock P.O. Box 1121 Roswell NM, 88201	805 1/2 East Deming St. Barnett's Subdivision Block 6, Lot 10 E 25'	Open to Public, Structural deterioration of walls and roof.
Albert S. Jimenez % Roberto Hernandez Auto Route West Box 936 Roswell, NM 88201	1009 E. Hendricks St. Rose Subdivision Lot 9 E 110.17'	Open to Public, Structural deterioration of walls and roof.
Ralph Tellez Mary Tellez 208 W. 7th St. Roswell, NM 88201	320 South Main St./ 103 West Tilden St. South Roswell Subd., Block , Lots 31, 32	Open to Public, Structural deterioration of walls and roof due to fire.
Roswell AFB, LTD % Strategic Inv. of Oregon Inc. P.O. Box 870 Corvallis, OR 97339-0870	Approx. 136-138 E. Byrne Street. Pecos Valley Village, Block 6, Lots 42, 43	Open to Public, Structural deterioration of walls and roof.
Juanita Conley % Mary L. Green 2011 Gila Road Odessa, TX 97963-2231	340 East Lewis St. Keith's Southside, Block 7, Lot 2 W 50' Keith's Southside, Block 7, Lot 3 E 2	Open to Public, Structural deterioration of walls and roof, used by transients