

CITY OF ESPAÑOLA

RESOLUTION No. 2018-28

A RESOLUTION REQUIRING THE PROMPT REMOVAL OF RUINED, DAMAGED AND DILAPIDATED STRUCTURES, MATERIALS, DEBRIS AND ABANDONED VEHICLES TO ABATE A MENACE TO THE PUBLIC COMFORT, HEALTH, SAFETY AND WELFARE AT THE FOLLOWING LOCATIONS:

1. 506 E. Chamisa St., Apartments 1-4
Española, NM 87532
2. 803 S. Riverside Dr.
Española, NM 87532
3. 112 N. Railroad Ave.
Española, NM 87532
4. 1908 A-C N. Riverside Dr.
Española, NM 87532
5. 312 Carr Ln.
Española, NM 87532
6. 750 N. Monterey Ln.
Española, NM 87532
7. 1015 W. Bond St.
Española, NM 87532
8. 1008 Calle Vigil
Española, NM 87532
9. 112 Calle Suazo
Española, NM 87532
10. 901 Calle Quintana
Española, NM 87532
11. 601 Old Hospital Rd.
Española, NM 87532
12. 906 E. Pueblo St.
Española, NM 87532
13. 718 & 800 A Fairview Ln.
Española, NM 87532
14. 516 C S. Riverside Dr.
Española, NM 87532
15. 117 S. Coronado Ave, Apartments 1-6
Española, NM 87532
16. 706 N. Paseo de Oñate
Española, NM 87532
17. 101 N. Riverside Dr.
Española, NM 87532
18. 415 A & B N. Riverside Dr.
Española, NM 87532
19. 804 A & B State Rd. 76
Española, NM 87532
20. 2227 A & B N. McCurdy Rd.
Española, NM 87532
21. 904 W. Don Filigonio
Española, NM 87532
22. 306 C N. Railroad Ave.
Española, NM 87532
23. 715 Alto Loop
Española, NM 87532
24. 714 Calle Algodones
Española, NM 87532
25. 706 Calle Algodones
Española, NM 87532
26. 706 W. Sanchez St.
Española, NM 87532
27. 116 S. Coronado Ave.
Española, NM 87532
28. 1016 W. Hill St.
Española, NM 87532

29. 1018 W. Hill St.
Española, NM 87532

30. 907 W. Bond St.
Española, NM 87532

31. 1003 A & B Calle Lopez
Española, NM 87532

32. 2119 A & B N. Riverside Dr.
Española, NM 87532

33. 2004 N. McCurdy Rd.
Española, NM 87532

34. 230 A & B N. Paseo de Oñate
Española, NM 87532

35. 208, 210, 212, 235, 217A, 227 A & B,
229 A & B, 231, 233 A & B, and 235 A
& B Calle Alamosa
Española, NM 87532

IN THE CITY OF ESPAÑOLA, SANTA FE AND/OR RIO ARRIBA COUNTIES, NEW MEXICO (THE "PROPERTIES"); REQUIRING THE OWNER OR OWNERS OF THE PROPERTIES TO PROMPTLY COMMENCE AND COMPLETE THE REMOVAL FROM THE PROPERTIES OF ALL RUINED, DAMAGED AND DILAPIDATED STRUCTURES, MATERIALS, DEBRIS AND ABANDONED VEHICLES, INCLUDING BUT NOT LIMITED TO STRUCTURES, ABANDONED MOTOR VEHICLES, MANUFACTURED OR MOBILE RESIDENTIAL/COMMERCIAL STRUCTURES, TRAVEL TRAILERS, WEEDS, DEAD TREE LIMBS, RUBBISH AND OTHER DEBRIS; PROVIDED THAT AN OWNER, OCCUPANT OR AGENT IN CHARGE OF ANY INDIVIDUAL PROPERTY MAY FILE WRITTEN OBJECTIONS TO THIS RESOLUTION SEEKING A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF ESPAÑOLA; AUTHORIZING THE ADMINISTRATION OF THE CITY OF ESPAÑOLA TO CAUSE REMOVAL OF THE RUINED, DAMAGED AND DILAPIDATED STRUCTURES, MATERIALS, DEBRIS AND ABANDONED VEHICLES IF OWNERS OF AN INDIVIDUAL PROPERTY DO NOT TIMELY UNDERTAKE SUCH REMOVAL AND PROVIDING THAT THE GOVERNING BODY OF THE CITY OF ESPAÑOLA ("CITY COUNCIL") AUTHORIZES THE CITY ADMINISTRATOR TO TAKE ACTIONS IT DEEMS NECESSARY OR CONVENIENT TO LIEN THE INDIVIDUAL PROPERTIES, PURSUE FORECLOSURE OF THE PROPERTY BY ANY AVAILABLE LEGAL REMEDY SO AS TO RECOVER ITS COSTS AND EXPENSES INCURRED IN CLEANING THE PROPERTY.

A. WHEREAS, it has been brought to the attention of the City Council that properties listed beginning on page 1 of this resolution, identified by owner or reputed owner, his, her or its address, the physical address of the property and the County Uniform Property Code number (UPC#) so contained in the Rio Arriba or Santa Fe County Assessor's data bases:

1. PROPERTY OWNER: Randolph J. & Julia R. Chavez
STREET ADDRESS OF PROPERTY: 506 E. Chamisa St., Apartments 1-4
Española, NM 87532
COUNTY: Rio Arriba
UPC NUMBER: 1-046-120-305-211
MAILING ADDRESS OF OWNER: 837 Palo Duro Ave.
Albuquerque, NM 87107-3836
STRUCTURE USE: Commercial

2. PROPERTY OWNER: Polk Taos Properties, Ltd.
STREET ADDRESS OF PROPERTY: c/o Neal Bryan
803 S. Riverside Dr.
Española, NM 87532
COUNTY: Rio Arriba
UPC NUMBER: 1-047-120-374-004
MAILING ADDRESS OF OWNER: 301 Garver Lane
Los Alamos, NM 87544
STRUCTURE USE: Commercial

3. PROPERTY OWNER: Ernestine Marioni
STREET ADDRESS OF PROPERTY: 112 N. Railroad Ave.
Española, NM 87532
COUNTY: Rio Arriba
UPC NUMBER: 1-046-120-279-172
MAILING ADDRESS OF OWNER: PO Box 800
Alcalde, NM 87511
STRUCTURE USE: Commercial

4. PROPERTY OWNER: ADE Properties, LLC.
STREET ADDRESS OF PROPERTY: 1908 A-C N. Riverside Dr.
Española, NM 87532
COUNTY: Rio Arriba
UPC NUMBER: 1-047-122-180-120
MAILING ADDRESS OF OWNER: 27328 I-25 E. Frontage Rd.
Santa Fe, NM 87508
STRUCTURE USE: Commercial

5. PROPERTY OWNER 1: USDA – Rural Housing
PROPERTY OWNER 2: Jacqueline Martinez
STREET ADDRESS OF PROPERTY: 312 Carr Ln.
Española, NM 87532
COUNTY: Rio Arriba
UPC NUMBER: 1-047-122-177-000
MAILING ADDRESS OF OWNER 1: Sun Avenue NE STE 130
Albuquerque, NM 87109
MAILING ADDRESS OF OWNER 2: 2111 Calle Cordelia
Española, NM 87532

- STRUCTURE USE: Residential
6. PROPERTY OWNER: Josephine Trujillo
STREET ADDRESS OF PROPERTY: 750 N Monterey Ln.
Española, NM 87532
COUNTY: Rio Arriba
UPC NUMBER: 1-047-121-377-178
MAILING ADDRESS OF OWNER: PO Box 4403
Fairview, NM 87533
STRUCTURE USE: Residential
7. PROPERTY OWNER: Erlinda E. Martinez & Miguel A. Lujan
STREET ADDRESS OF PROPERTY: 1015 W Bond St.
Española, NM 87532
COUNTY: Rio Arriba
UPC NUMBER: 1-046-120-009-171
MAILING ADDRESS OF OWNER: PO Box 2006
Española, NM 87532
STRUCTURE USE: Residential
8. PROPERTY OWNER: Jose B. & Margarita Baca
STREET ADDRESS OF PROPERTY: 1008 Calle Vigil
Española, NM 87532
COUNTY: Rio Arriba
UPC NUMBER: 1-046-120-025-179
MAILING ADDRESS OF OWNER: PO Box 889
San Juan Pueblo, NM 87566
STRUCTURE USE: Residential
9. PROPERTY OWNER 1: Rosa Sandoval, et al
PROPERTY OWNER 2: c/o Urbielewicz Murphree
PROPERTY OWNER 3: Carolyn & Elena Sanchez
STREET ADDRESS OF PROPERTY: Loretta Sandoval
112 Calle Suazo
Española, NM 87532
COUNTY: Rio Arriba
UPC NUMBER: 1-046-120-109-069
MAILING ADDRESS OF OWNER 1: 2469 Corrales Road, STE A-5
Corrales, NM 87048
MAILING ADDRESS OF OWNER 2: 3 Private Dr. 1131
Española, NM 87532
MAILING ADDRESS OF OWNER 3: 2300 El Nido Court NW
Albuquerque, NM 87104
STRUCTURE USE: Residential
10. PROPERTY OWNER: Jose & Sofia Romero
STREET ADDRESS OF PROPERTY: 901 Calle Quintana

COUNTY:	Española, NM 87532
UPC NUMBER:	Rio Arriba
MAILING ADDRESS OF OWNER:	1-046-120-107-057
	2706 Lower Floral Rd.
	Albuquerque, NM 87104
STRUCTURE USE:	Residential
11. PROPERTY OWNER:	Wilma E. Grubbs
STREET ADDRESS OF PROPERTY:	601 Old Hospital Rd.
	Española, NM 87532
COUNTY:	Rio Arriba
UPC NUMBER:	1-047-121-280-287
MAILING ADDRESS OF OWNER 1:	302 Bataan Dr.
	Albuquerque, NM 87121
MAILING ADDRESS OF OWNER 2:	PO Box 3126
	Española, NM 87532
STRUCTURE USE:	Residential
12. PROPERTY OWNER:	Gloria H. Tobey
STREET ADDRESS OF PROPERTY:	906 E Pueblo St.
	Española, NM 87532
COUNTY:	Rio Arriba
UPC NUMBER:	1-047-121-465-019
MAILING ADDRESS OF OWNER:	34088 Agaliya Court
	Lake Elsinore, CA 92532
STRUCTURE USE:	Residential
13. PROPERTY OWNER:	John Anthony Rayburn
STREET ADDRESS OF PROPERTY:	718 & 800 A Fairview Ln.
	Española, NM 87532
COUNTY:	Rio Arriba
UPC NUMBER:	1-047-121-377-205
MAILING ADDRESS OF OWNER:	3173 Rivera Circle
	Santa Fe, NM 87507-5417
STRUCTURE USE:	Residential
14. PROPERTY OWNER:	Christine A. Bustos, Philip Delgado &
STREET ADDRESS OF PROPERTY:	Eduardo F. Delgado
	516 C S. Riverside Dr.
	Española, NM 87532
COUNTY:	Rio Arriba
UPC NUMBER:	1-047-120-240-006
MAILING ADDRESS OF OWNER:	507 Middle San Pedro Rd.
	Española, NM 87532
STRUCTURE USE:	Residential/Commercial
15. PROPERTY OWNER:	Andres Arzarte

STREET ADDRESS OF PROPERTY:	117 S. Coronado Ave., Apartments 1-6
COUNTY:	Española, NM 87532
UPC NUMBER:	Rio Arriba
MAILING ADDRESS OF OWNER:	1-046-120-151-057
STRUCTURE USE:	94 Powanini
	Santa Fe, NM 87506
	Residential
16. PROPERTY OWNER:	Eddie Martinez
STREET ADDRESS OF PROPERTY:	706 N. Paseo de Oñate
COUNTY:	Española, NM 87532
UPC NUMBER:	Rio Arriba
MAILING ADDRESS OF OWNER:	1-046-120-116-464
STRUCTURE USE:	407 Hillcrest St.
	El Segundo, CA 90245
	Commercial
17. PROPERTY OWNER:	Destiny Herrera
STREET ADDRESS OF PROPERTY:	101 N. Riverside Dr.
COUNTY:	Española, NM 87532
UPC NUMBER:	Santa Fe
MAILING ADDRESS OF OWNER:	1-047-120-162-114
STRUCTURE USE:	PO Box 2147
	Santa Cruz, NM 87567
	Commercial
18. PROPERTY OWNER:	Joe M. Sanchez
STREET ADDRESS OF PROPERTY:	415 A-B N. Riverside Dr.
COUNTY:	Española, NM 87532
UPC NUMBER:	Santa Fe
MAILING ADDRESS OF OWNER:	1-047-120-150-285
STRUCTURE USE:	100 Austin Ct. Apt. 306
	San Pueblo, CA 94806
	Commercial
19. PROPERTY OWNER:	Pauline Brito
STREET ADDRESS OF PROPERTY:	804 A-B State Rd. 76
COUNTY:	Española, NM 87532
UPC NUMBER:	Santa Fe
MAILING ADDRESS OF OWNER:	1-047-120-385-245
STRUCTURE USE:	PO Box 975
	Santa Cruz, NM 87567
	Commercial
20. PROPERTY OWNER:	Willie & Irene Salazar
STREET ADDRESS OF PROPERTY:	2227 A & B N. McCurdy Rd.
	Española, NM 87532

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| COUNTY: | Rio Arriba |
| UPC NUMBER: | 1-047-122-384-320 |
| MAILING ADDRESS OF OWNER 1: | PO Box 4852 |
| | Fairview, NM 87533 |
| MAILING ADDRESS OF OWNER 2: | 1116 Calle Serrano |
| | Española, NM 87532 |
| STRUCTURE USE: | Residential |
| 21. PROPERTY OWNER: | Yolanda & Richard M. Salazar |
| STREET ADDRESS OF PROPERTY: | 904 W. Don Filigonio |
| | Española, NM 87532 |
| COUNTY: | Rio Arriba |
| UPC NUMBER: | 1-046-119-110-510 |
| MAILING ADDRESS OF OWNER: | 905 W. Don Filigonio |
| | Española, NM 87532 |
| STRUCTURE USE: | Residential |
| 22. PROPERTY OWNER: | Antonio C. & Nora B. Quintana |
| STREET ADDRESS OF PROPERTY: | 306 C N. Railroad Ave. |
| | Española, NM 87532 |
| COUNTY: | Rio Arriba |
| UPC NUMBER: | 1-046-120-280-275 |
| MAILING ADDRESS OF OWNER: | PO Box 304 |
| | Española, NM 87532 |
| STRUCTURE USE: | Residential |
| 23. PROPERTY OWNER: | Loreta Martinez & Agatha Trujillo |
| STREET ADDRESS OF PROPERTY: | 715 Alto Loop |
| | Española, NM 87532 |
| COUNTY: | Rio Arriba |
| UPC NUMBER: | 1-046-120-167-010 |
| MAILING ADDRESS OF OWNER: | PO Box 553 |
| | Canjilon, NM 87515 |
| STRUCTURE USE: | Residential |
| 24. PROPERTY OWNER: | Stella Garcia |
| STREET ADDRESS OF PROPERTY: | 714 Calle Algodones |
| | Española, NM 87532 |
| COUNTY: | Rio Arriba |
| UPC NUMBER: | 1-046-120-162-029 |
| MAILING ADDRESS OF OWNER: | Po Box 1752 |
| | Española, NM 87532 |
| STRUCTURE USE: | Residential |
| 25. PROPERTY OWNER: | Thurlow W.H. & Laura Caffey |
| STREET ADDRESS OF PROPERTY: | 706 Calle Algodones |
| | Española, NM 87532 |

COUNTY:	Rio Arriba
UPC NUMBER:	1-046-120-184-029
MAILING ADDRESS OF OWNER:	4801 Glenwood Hills Dr. NE Albuquerque, NM 87111
STRUCTURE USE:	Residential
26. PROPERTY OWNER:	Ercilia & Jennifer Archuleta, & Debbie Trujillo
STREET ADDRESS OF PROPERTY:	706 W. Sanchez St. Española, NM 87532
COUNTY:	Rio Arriba
UPC NUMBER:	1-046-120-191-048
MAILING ADDRESS OF OWNER:	PO Box 1734 Española, NM 87532
STRUCTURE USE:	Residential
27. PROPERTY OWNER:	Pacomino C. Mondragon
STREET ADDRESS OF PROPERTY:	116 S. Coronado Ave. Española, NM 87532
COUNTY:	Rio Arriba
UPC NUMBER:	1-046-120-127-056
MAILING ADDRESS OF OWNER:	PO Box 359 Ranchos De Taos, NM 87557
STRUCTURE USE:	Residential
28. PROPERTY OWNER:	Max C. & Irene Martinez
STREET ADDRESS OF PROPERTY:	1016 W. Hill St. Española, NM 87532
COUNTY:	Rio Arriba
UPC NUMBER:	1-046-120-031-105
MAILING ADDRESS OF OWNER 1:	PO Box 581 Española, NM 87532
MAILING ADDRESS OF OWNER 2:	PO Box 2031 Española, NM 87532
STRUCTURE USE:	Residential
29. PROPERTY OWNER:	Max C. Martinez
STREET ADDRESS OF PROPERTY:	1018 W. Hill St. Española, NM 87532
COUNTY:	Rio Arriba
UPC NUMBER:	1-046-120-023-105
MAILING ADDRESS OF OWNER 1:	PO Box 581 Española, NM 87532
MAILING ADDRESS OF OWNER 2:	PO Box 2031 Española, NM 87532
STRUCTURE USE:	Residential

30. PROPERTY OWNER: Thomas Cordova
STREET ADDRESS OF PROPERTY: 907 W. Bond St.
Española, NM 87532
COUNTY: Rio Arriba
UPC NUMBER: 1-046-120-087-166
MAILING ADDRESS OF OWNER: 600 Fairview Ln.
Española, NM 87532
STRUCTURE USE: Residential
31. PROPERTY OWNER: Hipolito and Griselda Chavez
STREET ADDRESS OF PROPERTY: 1003 A-B Calle Lopez
Española, NM 87532
COUNTY: Rio Arriba
UPC NUMBER: 1-046-120-034-493
MAILING ADDRESS OF OWNER: PO Box 1115
Española, NM 87532
STRUCTURE USE: Residential
32. PROPERTY OWNER: Sammy & Sandra Cordova
STREET ADDRESS OF PROPERTY: 2119 A-B N. Riverside Dr.
Española, NM 87532
COUNTY: Rio Arriba
UPC NUMBER: 1-047-122-276-312
MAILING ADDRESS OF OWNER: PO Box 327
Truchas, NM 87578
STRUCTURE USE: Commercial
33. PROPERTY OWNER: Eliseo and Mary Martinez
STREET ADDRESS OF PROPERTY: 2004 N. McCurdy Rd.
Española, NM 87532
COUNTY: Rio Arriba
UPC NUMBER: 1-047-122-406-212
MAILING ADDRESS OF OWNER: PO Box 4608
Fairview, NM 87533
STRUCTURE USE: Residential
34. PROPERTY OWNER: Vikki Munkres
STREET ADDRESS OF PROPERTY: 230 A-B N. Paseo De Oñate
Española, NM 87532
COUNTY: Rio Arriba
UPC NUMBER: 1-046-120-213-212
MAILING ADDRESS OF OWNER: PO Box 266
Española, NM 87532
STRUCTURE USE: Residential
35. PROPERTY OWNER: Caleb's Club Properties, LLC
36. c/o Louie Sandoval

STREET ADDRESS OF PROPERTY: 208, 210, 212, 235, 217A, 227 A & B, 229 A & B, 231, 233 A & B, 235 A & B Calle Alamosa Española, NM 87532
COUNTY: Rio Arriba
UPC NUMBER: 1-047-120-086-166
MAILING ADDRESS OF OWNER: 502 Calle Ben Vigil Española, NM 87532
STRUCTURE USE: Commercial

contain an accumulation of ruined, damaged and dilapidated structures, materials and debris, including abandoned motor vehicles, abandoned travel trailers, stick built and mobile structures, weeds, rubbish, trash, dead tree limbs and other debris; and

B. WHEREAS, cumulatively there are several thousand square feet of structures on these properties, some of which date back to the 1930's, collapsed roofs, missing windows, doors and holes allowing access to the elements causing toxic mold conditions, vectors, vermin and disease spreading conditions, the nature and extent of which can only be estimated based on the inventory and inspection documented under the direction of the City Manager and contained in the files of the Planning and Land Use Department, all of which are open to public inspection at the City Clerk's office, 405 N. Paseo de Oñate, Española, NM 87532-2619; and

C. WHEREAS, the unoccupied, abandoned, neglected, and ruined structures, damaged and dilapidated materials and debris on the Property are visually offensive, create fire hazards, harbor rodents, insects and other animals hazardous to the comfort, health and safety of the public much of which having been continuing and recurrent for decades; and

D. WHEREAS, over the past 20 years City, County, State, Tribal, Public Safety, Public Works, elected and appointed employees and officials have repeatedly responded to events and conditions on these properties including illegal drug and alcohol use and abuse, death of people and animals and fire threatening other residences, businesses and persons otherwise lawfully in the area; and

E. WHEREAS, a severe drought now afflicts the City (indeed the entire State of NM) and compounding the urgency of clean-up of the properties is the clear and present danger (as happened a few years ago in Los Alamos), of a wild fire erupting and spreading into the City; and

F. WHEREAS, to the extent some of these properties are occupied by people or animals', conditions on these properties constitute an immediate threat to the health and safety of the occupants; and

G. WHEREAS, the Governing Body finds that it is necessary to clean up the Properties and remove from them the uninhabitable, unrepairable or abandoned

structures and ruined, damaged and dilapidated materials and debris, including abandoned, inoperable and unusable motor vehicles, stationary or mobile, to ensure the comfort, health, safety and welfare of the public, including residents and owners of adjacent properties and the City pursuant to §3-18-5, NMSA 1978, is authorized and empowered to cause the removal and disposal of such and it is necessary to do so in order to provide for the public comfort, health, safety and welfare; and

H. WHEREAS, pursuant to §3-18-5(F), NMSA 1978, any costs incurred by the City, including costs of recovering all related expenses, for the removal, disposal and recovery of all expenses relating to ridding of the nuisance created by the ruined, damaged and dilapidated materials from the Properties shall constitute a lien upon the individual Property benefitted by the City cleanup, which lien may be foreclosed in accordance with §§3-36-1 through 3-36-6, NMSA 1978; and

I. WHEREAS, many of these Properties were platted and developed prior to 1971 and have been abandoned, neglected, remain vacant and unimproved and threatens the health, safety and welfare of persons or property due to erosion, flooding and inadequate drainage and §3-18-10(B), NMSA 1978 authorizes the City to exercise its power of eminent domain to condemn and take the Property in the manner provided by law.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Espanola, New Mexico, that:

1. The vacant, abandoned structures and ruined, damaged and dilapidated materials and debris, abandoned motor vehicles, travel trailers site built or manufactured structures located upon the Properties listed in Whereas A of this Resolution constitute and are hereby declared to be a public nuisance and an imminent and serious menace to the public comfort, health, safety and welfare of the City and its residents and property owners.

2. Prompt abatement of the conditions on the Properties, including removal from the Properties of ruined, damaged and dilapidated structures, materials and debris, including but not limited to trash, rubbish, weeds, dead tree limbs and other debris, as well as the abandoned and inoperable motor vehicles, travel trailers, site built or manufactured structures, is required to protect the public comfort, health, safety and welfare of the City, its residents and property owners.

3. Pursuant to this Resolution and §3-18-5, NMSA 1978, the owner or owners of the Properties (the "Owners," which term shall include the persons or entities identified as owners or reputed owners in County data bases and any other claimant of an interest in the Properties) are hereby ordered to commence and promptly to bring to completion the removal from the Properties of all ruined, damaged and dilapidated materials, including all trash, rubbish, weeds, dead tree limbs and other debris, abandoned and inoperable motor vehicles, travel trailers and site built or manufactured structures located on the Properties; to provide for the proper disposal or recycling of such; and to bring the Properties into such condition that they no longer constitute menaces to the

public comfort, health, peace and safety, to the full and complete satisfaction of the City as determined by the City Administration in the discretion of the City Manager.

4. Abatement of the unsatisfactory conditions on the Properties and removal of ruined, damaged and dilapidated materials as provided herein shall commence no later than ten (10) days following service of this Resolution upon the Owner, occupant, or agent in charge of an individual Property, which service shall be deemed complete upon the mailing of a copy of this Resolution to their last known mailing addresses and the posting of a copy of this Resolution on the individual Property. The City Clerk shall publish a notice of this Resolution being considered for possible action by the City Council at its 6:00 p.m. meeting October 23, 2018, one time in a newspaper of general circulation in Española. Such abatement and removal shall be commenced by an owner of an individual property within (10) days of receipt of a copy of this Resolution or within ten (10) days of the publication of this Resolution (whichever date is later) and shall be vigorously and continuously prosecuted until the unsatisfactory conditions have been fully resolved and the ruined, damaged and dilapidated materials entirely removed from the Property as provided herein.

5. In the event that abatement of the unsatisfactory conditions on the Property, including removal of ruined, damaged and dilapidated materials as provided herein, is not commenced and completed by the Owners, or any of them, within the time periods specified herein or an extension or extensions of time as may be lawfully required in accordance with §3-18-5, NMSA 1978, then the City administration shall and is hereby instructed to undertake the abatement of such unsatisfactory conditions and the removal of all ruined, damaged and dilapidated materials from the Property in the manner provided by §3-18-5, NMSA 1978. In the event the City administration finds it necessary to remove the abandoned vehicles with vehicle identity numbers, their removal and destruction shall be affected in accordance with §§66-3-119 through 66-3-121, NMSA 1978, and any other applicable statutes relating to the transport, destruction or dismantling of abandoned vehicles.

6. As provided in §3-18-5(F), NMSA 1978, the reasonable costs incurred by the City to abate the unsatisfactory conditions on the Property and for removal of ruined, damaged and dilapidated materials and to provide for proper disposal or recycling of such ruined, damaged and dilapidated materials, and to bring the Property into such condition that it no longer constitutes a menace to the public comfort, health, safety and welfare, shall be a lien upon the Property and shall be foreclosed in the manner provided by §§3-36-1 through 3-36-6, NMSA 1978.

7. If the Owners, or any of them, or any occupant of a Property or agent of an Owner of a Property objects to this Resolution or any provision hereof, such Owner, occupant or agent may, within ten (10) days following service or publication (whichever is later) of this Resolution as provided herein, file written objections in the office of the City Clerk of the City of Española, and the City will thereupon provide for a hearing before the Governing Body to consider application of this Resolution to the


Property of an objecting Owner and will consider and decide such objections in accordance with §3-18-5(D), NMSA 1978.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Española, New Mexico, this 23rd day of October, 2018.

ATTEST:

APPROVED


Melissa Velasquez
City Clerk, City of Española


Honorable Javier E. Sánchez
Mayor, City of Española

