

CITY OF ESPANOLA

RESOLUTION No. 2017-18

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 510 and 526-534 NORTH RIVERSIDE DRIVE, ESPAÑOLA, NM, 87532 IN THE CITY OF ESPAÑOLA, SANTA FE AND RIO ARriba COUNTY, NEW MEXICO (THE "PROPERTY"); REQUIRING THE OWNER OR OWNERS OF THE PROPERTY PROMPTLY TO COMMENCE AND COMPLETE THE REMOVAL FROM THE PROPERTY OF ALL RUINED, DAMAGED AND DILAPIDATED STRUCTURES, MATERIALS, DEBRIS AND ABANDONED VEHICLES, INCLUDING BUT NOT LIMITED TO STRUCTURES, ABANDONED MOTOR VEHICLES, TRAVEL TRAILERS, WEEDS, DEAD TREE LIMBS, RUBBISH AND OTHER DEBRIS; PROVIDING THAT AS PROVIDED BY STATUTE THE OWNER, OCCUPANT OR AGENT IN CHARGE OF THE PROPERTY MAY FILE WRITTEN OBJECTIONS TO THIS RESOLUTION AND SEEK 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 THE OWNERS OF THE PROPERTY DO NOT TIMELY UNDERTAKE SUCH REMOVAL; PROVIDING THAT THE CITY OF ESPAÑOLA SHALL RECOVER ITS COSTS INCURRED FOR REMOVAL OF THE RUINED, DAMAGED AND DILAPIDATED STRUCTURES, MATERIALS, DEBRIS AND ABANDONED VEHICLES AS AND TO THE EXTENT PROVIDED BY STATUTE.

WHEREAS, it has been brought to the attention of the City Council, the Governing Body of the City of Española (hereinafter, the "Governing Body"), that the premises at 510 and 526-534 North Riverside Drive, Española, NM, 87532 commonly known as the Arrow Motel (the "Property"), as shown of the Santa Fe County Assessor's gov/map.php copy attached, in the City of Española (the "City") and the Counties of Santa Fe and Rio Arriba, contain an accumulation of ruined, damaged and dilapidated structures, materials and debris, including abandoned motor vehicles, abandoned travel trailers, weeds, rubbish, trash, dead tree limbs and other debris; and

WHEREAS, there are several thousand square feet of structures on the property, some of which date back to the 1950's, collapsed roofs, windows and doors allow 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 Department open to public inspection; and

WHEREAS, the unoccupied, abandoned, neglected, and ruined structures, damaged and dilapidated materials and debris on the Property are visually offensive, create a fire hazard, and harbor rodents, insects and other animals hazardous to the comfort, health and safety of the public; and

WHEREAS, the existence of the unoccupied, abandoned, ruined and neglected structures and accumulation of ruined, damaged and dilapidated materials and debris on the property is a continuing and recurrent problem existing since at least the year 2000; and

WHEREAS, in the last 17 years City, County, State, Tribal, Public Safety, Public Works, elected and appointed employees and officials have repeatedly responded to events and conditions on the property including illegal drug and alcohol use and abuse, death of people and animals and fire threatening other businesses and persons otherwise lawfully in the area; and

WHEREAS, the Governing Body is informed that the property is in an estate which is going through the process of identifying the heirs, inventorying and valuing the assets in preparation for distribution and this process is ongoing and the estate does not have the resources to carry out the effort needed to restore the property to a satisfactory condition; and

WHEREAS, the Governing Body finds that it is necessary to clean up the Property and remove from it the uninhabitable, unrepairable, abandoned structures and ruined, damaged and dilapidated materials and debris, including abandoned, inoperable and unusable motor vehicles and travel trailers, to ensure the comfort, health, safety and welfare of the public, including residents and owners of adjacent properties; and

WHEREAS, the City pursuant to Section 3-18-5, NMSA 1978, is authorized and empowered to cause the removal of such ruined, damaged and dilapidated materials and debris to provide for the public comfort, health, safety and welfare; and

WHEREAS, pursuant to Section 3-18-5(F), NMSA 1978, any costs incurred by the City for the removal of ruined, damaged and dilapidated materials from the Property shall constitute a lien upon the Property, which lien may be foreclosed in accordance with Sections 3-36-1 through 3-36-6, NMSA 1978; and

WHEREAS, the Arrow Motel Property was platted and developed prior to 1971 and has been abandoned, neglected, remaining vacant and unimproved and threatens the health, safety and welfare of persons or property due to erosion, flooding and inadequate drainage; and

WHEREAS, pursuant to Section 3-18-10(B), NMSA 1978, the City is authorized 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 and travel trailers located upon the premises at 510 and 526-534 North Riverside Drive, Española, NM, 87532 (Arrow Motel) in the City of Española and the Counties of Santa Fe and Rio Arriba (the "Property"), constitute and are hereby declared to be 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 hazardous conditions on the Property, including removal from the Property 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 and travel trailers on the Property, is required to protect the public comfort, health, safety and welfare of the City and its residents and property owners.

3. Pursuant to this Resolution and Section 3-18-5, NMSA 1978, the owner or owners of the Property (the "Owners," which term shall include the estate of Mela Atencio and any other claimant

of an interest in the Property, if any) are hereby ordered to commence and promptly to bring to completion the removal from the Property of all ruined, damaged and dilapidated materials, including all trash, rubbish, weeds, dead tree limbs and other debris, abandoned and inoperable motor vehicles and travel trailers located on the Property; to provide for the proper disposal or recycling of such; and to bring the Property into such condition that it no longer constitutes a menace to the public comfort, health, peace and safety, to the full and complete satisfaction of the City as determined by the Planning Director and the Mayor in their discretion.

4. Abatement of the unsatisfactory conditions on the Property 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 the Property, which service shall be deemed complete upon the mailing of a copy of this Resolution to their last known mailing addresses: Estate of Mela Atencio, P.O. Box 1130 Santa Cruz, N.M., 87567 and the posting of a copy of this Resolution on the Property. The City Clerk shall publish a copy of this Resolution one time in a newspaper of general circulation in Española. Such abatement and removal shall be commenced within (10) days of receipt of a copy or of the publication 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.

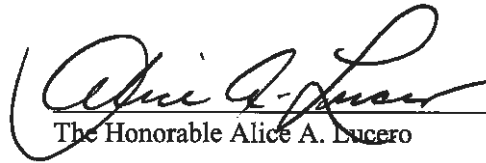
5. In the event that abatement of the unsatisfactory conditions on the Property, including removal of ruined, damaged and dilapidated materials as provided herein, is not commenced and completed by the Owners, or any of them, within the time periods specified herein or an extension or extensions of time as may be lawfully required in accordance with Section 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 Section 3-18-5, NMSA 1978. In the event the City administration finds it necessary to remove the abandoned motor vehicles and travel trailers, the removal and destruction of the motor vehicles and travel trailers shall be effected in accordance with Sections 66-3-119 through 66-3-121, NMSA 1978, and any other applicable statutes relating to the transport, destruction or dismantling of abandoned vehicles.

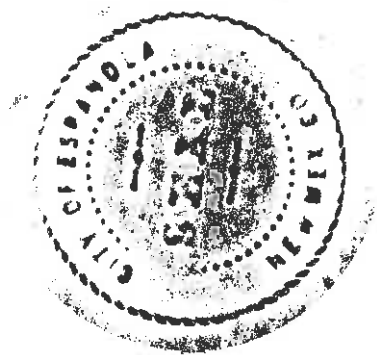
6. As provided in Section 3-18-5(F), NMSA 1978, the reasonable costs incurred by the City to abate the unsatisfactory conditions on the Property and for removal of ruined, damaged and dilapidated materials (including removal of abandoned motor vehicles and travel trailers) from the Property, to provide 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 Sections 3-36-1 through 3-36-6, NMSA 1978.

7. If the Owners, or any of them, or any occupant of the Property or agent of an Owner of the Property objects to this Resolution or any provision hereof, such Owner, occupant or agent may, within ten (10) days following service 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 this Resolution and the objections, in accordance with Section 3-18-5(D), NMSA 1978.

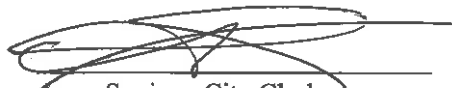
PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Española, New Mexico, this 11th day of July, 2017.

APPROVED:


The Honorable Alice A. Lucero



Attest:


Anna Squires, City Clerk



Santa Fe County Assessor's Office

(http://www.santafecountynm.gov/assessor)

SEARCH TYPE:

SEARCH VALUE:

Search

Parcel Number

PROPERTY INFORMATION

Parcel Number: 174840000

Find all properties around this property.

Printer friendly version of this property

LPG: 1047120200365000000

Physical Address:

510 & 620 TO 634 N RIVERSIDE DR
ESPANOLA, NM 87532

Owner Name:

ESTATE OF MELA ATENCIO

Find all properties for this owner.

Owner Mailing Address:

PO BOX 1130
SANTA CRUZ, NM 87867

Tax Code Area: 16-R

Section Township Range:

62 T20N R8E

Legal Description:

T20N R 8E S 2 NW 4.09 AC.

Plat Book:

Most Recent Deed:

Neighborhood: 1221001

ESPANOLA COMM PRIMARY

Find all properties for this neighborhood

Property Class: LOTR

Assessed Value:

See Notice of Value on Document Manager Page

(http://assessor.santafecountynm.gov/AXPortal)



If you are the owner of the property being researched and you believe there is a significant discrepancy in any of the information being shown, please click here to complete a Property Correction Form. (http://www.santafecountynm.gov/media/files/Property_Corrections.pdf) Submission instructions are available on the form.



Property Information (above) and parcel outlines/locations are current as of Friday, June 2, 2017. Property Detail and Sketches (below) are current as of Wednesday, March 15, 2017.