



VILLAGE OF CORRALES

RESOLUTION NO. 12-030

A RESOLUTION REQUIRING THE PROMPT SECURING OR REMOVAL OF RUINED, DAMAGED AND DILAPIDATED MATERIALS TO ABATE AN IMMEDIATE MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE AND SAFETY AT 173 WEST VALVERDE ROAD, BEING TRACT B-1A OF THE LANDS OF SUZANNE L. GILLILAND, IN THE VILLAGE OF CORRALES, SANDOVAL COUNTY, NEW MEXICO (THE "PROPERTY"); REQUIRING THE OWNER OR OWNERS OF THE PROPERTY PROMPTLY TO COMMENCE AND COMPLETE THE SECURING OF THE PROPERTY AGAINST ENTRY OR THE REMOVAL FROM THE PROPERTY OF ALL RUINED, DAMAGED AND DILAPIDATED MATERIALS, INCLUDING BUT NOT LIMITED TO CONSTRUCTION OF A SECURE FENCE SURROUNDING THE RESIDENCE AND SWIMMING POOL ON THE PROPERTY, OR IN THE ALTERNATIVE FILLING THE SWIMMING POOL AND SECURING THE RESIDENCE AGAINST UNAUTHORIZED ENTRY; PROVIDING THAT 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 VILLAGE OF CORRALES, AS PROVIDED BY STATUTE; AUTHORIZING THE ADMINISTRATION OF THE VILLAGE OF CORRALES TO CAUSE THE SECURING, ABATEMENT OR REMOVAL OF THE RUINED, DAMAGED AND DILAPIDATED MATERIALS IF THE OWNER OR OWNERS OF THE PROPERTY DO NOT TIMELY UNDERTAKE SUCH REMOVAL; PROVIDING THAT THE VILLAGE OF CORRALES SHALL RECOVER ITS COSTS INCURRED FOR SECURING, ABATEMENT OR REMOVAL OF THE RUINED, DAMAGED AND DILAPIDATED MATERIALS AS AND TO THE EXTENT PROVIDED BY STATUTE.

WHEREAS, it has been brought to the attention of the Village Council, the Governing Body of the Village of Corrales (hereinafter, the "Governing Body"), that the premises at 173 West Valverde Road, being Tract B-1A of the Lands of Suzanne L. Gilliland (the "Property") in the Village of Corrales (the "Village") and the County of Sandoval, have been abandoned and are presently unoccupied and unsecured; and

WHEREAS, the Governing Body has been reliably informed that the swimming pool on the Property is in a state of disrepair, without an adequate cover or security, and contains sufficient water to drown a child or animal falling into it; and

WHEREAS, the Governing Body has been further informed that the residence on the Property is unsecured and open to intruders, and on July 4, 2012, was damaged by intruders who also set fire to materials within the residence, which fire was fortunately extinguished in its early stages by Village police officers who were called to the scene by a neighbor; and

WHEREAS, the Property is unfenced and lacks any site security or protection, of any nature whatsoever, from entry or intrusion onto the Property; and

WHEREAS, by reason of the foregoing conditions the residence and swimming pool on the Property have become damaged, ruined and dilapidated so that they constitute an imminent menace to the health and safety of any person who might enter onto the Property; and

WHEREAS, for the foregoing reasons the Governing Body determines that it is necessary that the area containing the residence and the swimming pool be securely fenced to prevent intrusion, or that alternative measures be taken to ensure that the residence and the swimming pool do not constitute a danger to the community; and

WHEREAS, the Governing Body is reliably informed that ownership of the Property and the interests of various claimants in the Property have become a matter of dispute and are the subject of litigation in the case of *U.S. Bank v. White et al.*, Cause No. D-1329-CV-2010-00912, pending in the Thirteenth Judicial District Court for Sandoval County; and

WHEREAS, in the absence of a clear determination of ownership of the Property, notice of this Resolution should be made by serving a copy of this Resolution upon all attorneys and *pro se* parties of record in *U.S. Bank v. White et al.* and by posting a copy of this Resolution on the Property; and

WHEREAS, in the event that no owner of the Property, or claimant to an interest in the Property, timely commences and completes the securing of the residence and the swimming pool on the Property against entry, or in the alternative takes other measures to secure the Property, satisfactory to the Village, then the Village pursuant to Section 3-18-5, NMSA 1978, is authorized and empowered to cause the securing of the Property and the ruined and dilapidated materials thereon to provide for the public comfort, health, peace and safety; and

WHEREAS, pursuant to Section 3-18-5(F), NMSA 1978, any costs incurred by the Village for the securing of the Property against entry and the securing of the dilapidated materials thereon 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.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Village of Corrales, New Mexico, that:

1. The damaged, ruined and dilapidated structural elements located upon the premises at 173 West Valverde Road in the Village of Corrales and the County of Sandoval (the "Property"), including specifically the unsecured residence and the swimming pool thereon, constitute and are hereby declared to be an imminent and serious menace to the public comfort, health, peace and safety of the Village and its residents and property owners.

2. Prompt abatement of the hazardous conditions on the Property, by securing the residence and swimming pool against entry or by other measures satisfactory to the Village of Corrales, is required to protect the public comfort, health, peace and safety of the Village and its residents and property owners. The Property shall be deemed adequately secured if the entire area containing the residence and the swimming pool are secured within a chain-link fence no less than six (6) feet in height, with three strands of barbed wire along the entire top of the fence.

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 all claimants of an interest in the Property) are hereby ordered to commence and promptly to bring to completion the abatement of the hazardous conditions on the Property as required herein 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 Village as determined by the Mayor in his discretion.

4. The Owners are further ordered to provide for the future security of the Property to prevent any further damage thereto and to prevent any further menace to the public comfort, health, peace and safety of the Village and its residents and property owners, to the full and complete satisfaction of the Village as determined by the Mayor in his discretion.

5. Abatement of the unsatisfactory conditions on the Property as provided herein shall commence no later than ten (10) days following service of this Resolution upon the Owners, which service shall be deemed complete upon the mailing of a copy of this Resolution to all attorneys and *pro se* parties of record in *U.S. Bank v. White et al.* and the posting of a copy of this Resolution on the Property, and such abatement and removal shall be vigorously and continuously prosecuted until the unsatisfactory conditions have been fully resolved to the satisfaction of the Village as provided herein.

6. In the event that abatement of the unsatisfactory conditions on the Property is not commenced and completed by the Owners, or any of them, within the time periods specified herein or such extension or extensions of time as may be lawfully required in accordance with Section 3-18-5, NMSA 1978, then the Village administration shall and is hereby instructed to undertake the abatement of such unsatisfactory conditions by the fencing and/or removal of the ruined, dilapidated and dangerous materials from the Property in the manner provided by Section 3-18-5, NMSA 1978. As provided in Section 3-18-5(F), the reasonable costs incurred by the Village to abate the unsatisfactory conditions on the Property and to bring the Property into such condition that it no longer constitutes a menace to the public comfort, health, peace and safety, 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 Village Clerk of the Village of Corrales, and the Village 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 Village of Corrales, New Mexico, this 17th day of July, 2012.

APPROVED:



The Honorable Philip Gasteyer
Mayor, Village of Corrales

ATTEST:



Juan J. Reyes
Village Clerk