



VILLAGE OF CORRALES

RESOLUTION NO. 13-010

A RESOLUTION REQUIRING THE IMMEDIATE SECURING OF THE PROPERTY AND THE PROMPT REMOVAL OF RUINED, DAMAGED AND DILAPIDATED MATERIALS TO ABATE A MENACE TO THE PUBLIC COMFORT, HEALTH, SAFETY AND WELFARE AT 85 IDA COURT, BEING LOT NUMBER 20 OF THE SAGEBRUSH SUBDIVISION, IN THE VILLAGE OF CORRALES, SANDOVAL COUNTY, NEW MEXICO (THE "PROPERTY"); REQUIRING THE OWNER OR OWNERS OF THE PROPERTY IMMEDIATELY TO SECURE THE PROPERTY AND THEN PROMPTLY TO COMMENCE AND COMPLETE THE REMOVAL FROM THE PROPERTY OF ALL RUINED, DAMAGED AND DILAPIDATED MATERIALS LOCATED ON THE PROPERTY; 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 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 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 property at 85 Ida Court, being Lot Number 20 of the Sagebrush Subdivision (the "Property") in the Village of Corrales (the "Village") and the County of Sandoval, has been left abandoned; and

WHEREAS, the Property in its entirety is in a dilapidated and unsafe condition; and

WHEREAS, the Village for the protection of the public health, safety and welfare has caused the removal from the Property of living dogs, cats and an alpaca and intends to provide for their maintenance, protection and adoption as provided by law; and

WHEREAS, the Village for the protection of the public health, safety and welfare has caused the removal from the Property and the burial of the carcasses of deceased animals left on the Property; and

WHEREAS, by reason of the long-term presence of large quantities of animal waste and other wastes, which have not been cleaned up for a period of at least months if not years, the residence located on the Property has become filthy, unsanitary, damaged, ruined and dilapidated so that it constitutes an imminent menace to the health and safety of any person who might enter

onto the Property and, particularly, any person who might enter the residence located thereon; and

WHEREAS, it is presently unclear whether the condition of the residence on the Property is such that any portion of the residence can be salvaged for future use for any purpose, or whether in the alternative it will be necessary that the entire residence be dismantled and the materials thereof be removed to an appropriate solid waste or hazardous waste disposal facility; and

WHEREAS, the Governing Body is reliably informed that the record owner of the Property, due to ill health and the condition of the Property, will not be able to return to the Property and re-occupy the Property; and

WHEREAS, the Governing Body further is reliably informed that the Property is subject to mortgages, under the terms of which the record owner of the Property is deemed to be in default if the owner commits waste or destroys, damages or substantially changes the Property or allows the Property to deteriorate, leading to the presumption that the mortgage lenders may institute proceedings to take possession of and title to 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 removal of the ruined, damaged and dilapidated materials from the Property and restore the Property to a safe and sanitary condition, the Village pursuant to Section 3-18-5, NMSA 1978, is authorized and empowered to cause the removal of such ruined, damaged and dilapidated materials 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 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.

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

1. The property at 85 Ida Court, being Lot Number 20 of Sagebrush Subdivision in the Village of Corrales and the County of Sandoval (the "Property"), and in particular the residence located thereon, are in an unsafe and unsanitary condition and contain damaged, ruined and dilapidated structural elements that are hereby declared to be an imminent and serious menace to the public comfort, health, safety and welfare of the Village and its residents and property owners.

2. The Property must be immediately secured against unauthorized entry by erection of a secure fence around the entire perimeter thereof and/or by the secure boarding up of the residence thereon so as to prevent any unauthorized entry into the said residence.

3. Prompt abatement of the hazardous conditions on the Property, including removal from the Property of ruined, damaged and dilapidated materials and unsanitary waste materials, is required to protect the public comfort, health, peace and safety of the Village and its residents and property owners.

4. Due to the condition of the Property, and particularly the residence thereon, the Governing Body finds that the Property and the residence must be thoroughly inspected and evaluated by a person or persons professionally qualified and experienced in the remediation and demolition of properties and structures that have been damaged by the long-term presence of animal wastes and other biological waste materials to determine whether the residence, or any portion thereof, can be salvaged, or whether in the alternative the entire residence must be demolished and the materials properly disposed of.

5. 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 holders of a mortgage on the Property and claimants of an interest in the Property) are hereby ordered immediately to secure the Property, and in particular the residence located thereon, against any unauthorized entry, for the protection of the public health, safety and welfare.

6. Pursuant to this Resolution and Section 3-18-5, NMSA 1978, the Owners are further ordered promptly to commence and bring to completion a thorough evaluation of the residence and the Property by a person or persons professionally qualified and experienced in the remediation and demolition of properties and structures that have been damaged by the long-term presence of animal wastes and other biological waste materials to determine whether the residence, or any portion thereof, can be salvaged, and thereupon to cause the removal from the Property of all ruined, damaged and dilapidated materials, including demolition and removal of the entire residence if necessary; to provide for the 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, peace and safety, to the full and complete satisfaction of the Village as determined by the Mayor in his discretion.

7. The Owners are further ordered to provide for the future security of the Property after the removal of all ruined, damaged and dilapidated materials, 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.

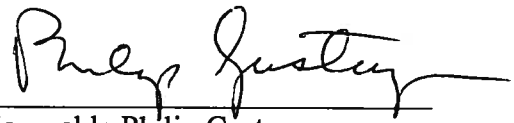
8. Abatement of the unsatisfactory conditions on the Property as provided herein shall commence no later than ten (10) days following service of this Resolution upon the Owners, which service shall be deemed complete upon the mailing of a copy of this Resolution to the record owner of the Property and the last known holders of any mortgages secured by the Property, and such abatement and removal 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.

9. 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 such extension or extensions of time as may be lawfully authorized or 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 and the removal of all ruined, damaged and dilapidated materials from the Property in the manner provided by Section 3-18-5, NMSA 1978. As provided in Section 3-18-5(F), NMSA 1978, the reasonable costs incurred by the Village to abate the unsatisfactory conditions on the Property and for removal of ruined, damaged and dilapidated materials, 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, peace and safety, shall be a lien upon the Property and may be foreclosed in the manner provided by Sections 3-36-1 through 3-36-6, NMSA 1978.

10. 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.

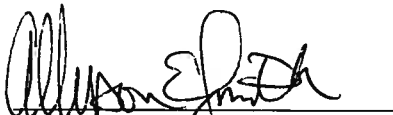
PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 26th day of February, 2013.

APPROVED:



The Honorable Philip Gasteyer
Mayor, Village of Corrales

ATTEST:



Allyson E. Smith
Village Deputy Clerk