



VILLAGE OF CORRALES

RESOLUTION NO. 17-036

A RESOLUTION REQUIRING THE PROMPT REMOVAL OF RUINED, DAMAGED AND DILAPIDATED MATERIALS, INOPERABLE MOTOR VEHICLES AND OTHER VEHICLES, CONSTRUCTION DEBRIS AND OTHER RUBBISH AND TRASH TO ABATE AN IMMEDIATE MENACE TO THE PUBLIC COMFORT, HEALTH, SAFETY AND WELFARE AT 245 MAESTAS LANE, BEING TRACT 46B1F, M.R.G.C.D. MAP 18, 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 REMOVAL OF ALL RUINED, DAMAGED AND DILAPIDATED MATERIALS, INOPERABLE MOTOR VEHICLES AND OTHER VEHICLES, CONSTRUCTION DEBRIS AND OTHER RUBBISH AND TRASH FROM 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 IN ACCORDANCE WITH STATUTE; AUTHORIZING THE ADMINISTRATION OF THE VILLAGE OF CORRALES TO CAUSE THE REMOVAL OF THE RUINED, DAMAGED AND DILAPIDATED MATERIALS, INOPERABLE MOTOR VEHICLES AND OTHER VEHICLES, CONSTRUCTION DEBRIS AND OTHER RUBBISH AND TRASH IF THE OWNER OR OWNERS OF THE PROPERTY DO NOT TIMELY UNDERTAKE SUCH ACTIONS; PROVIDING THAT THE VILLAGE OF CORRALES SHALL RECOVER ITS COSTS INCURRED FOR REMOVAL OF THE RUINED, DAMAGED AND DILAPIDATED MATERIALS, INOPERABLE MOTOR VEHICLES AND OTHER VEHICLES, CONSTRUCTION DEBRIS AND OTHER RUBBISH AND TRASH 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 245 Maestas Lane, being Tract 46B1F, M.R.G.C.D. Map 18 (the "Property") in the Village of Corrales (the "Village") and the County of Sandoval, contain large amounts of ruined, damaged and dilapidated materials, inoperable motor vehicles and other vehicles, construction debris and other rubbish and trash; and

WHEREAS, the Governing Body has been reliably informed that the Property and the materials accumulated thereon constitute a fire hazard and an imminent threat to the public health, safety and welfare of residents of the Village, and are in violation of various provisions of the Village Code prohibiting the accumulation of such materials on properties in the Village; and

WHEREAS, the Governing Body is further informed that Asusena Maestas, identified as an owner of the Property, and her son Ronnie Espinosa were contacted by Village officials in August 2017 and advised to clean up the Property, but no such clean-up has occurred; and

WHEREAS, the Village administration has received numerous complaints from neighbors regarding the unsatisfactory condition of the Property; and

WHEREAS, for the foregoing reasons the Governing Body determines that it is necessary that the ruined, damaged and dilapidated materials, inoperable motor vehicles and other vehicles, construction debris and other rubbish and trash be promptly removed from the Property so that the Property is no longer a threat to the public health, safety and welfare; and

WHEREAS, ownership interests in the Property are unclear to the Village because the records of the Sandoval County Assessor show that the Property is owned by Isidoro and Maria Maestas of Corrales, whose relationship to other claimants of an interest in the Property is unknown to the Village; and

WHEREAS, in the event that no owner of the Property, or claimant to an interest in the Property, timely commences and completes removal of the ruined, damaged and dilapidated materials, inoperable motor vehicles and other vehicles, construction debris and other rubbish and trash from the Property, then the Village pursuant to Section 3-18-5, NMSA 1978, is authorized and empowered to cause the removal of the ruined, damaged and dilapidated materials, inoperable motor vehicles and other vehicles, construction debris and other rubbish and trash from the Property, in order 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 Village for the removal of the ruined, damaged and dilapidated materials, inoperable motor vehicles and other vehicles, construction debris and other rubbish and trash 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 ruined, damaged and dilapidated materials, inoperable motor vehicles and other vehicles, construction debris and other rubbish and trash located upon the premises at 245 Maestas Lane in the Village of Corrales and the County of Sandoval (the "Property") constitute and are hereby declared to be seriously detrimental and a menace to the public comfort, health, safety and welfare of the Village and its residents and property owners.

2. Prompt removal of the ruined, damaged and dilapidated materials, inoperable motor vehicles and other vehicles, construction debris and other rubbish and trash from the Property is required to protect the public comfort, health, safety and welfare of the Village 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 all claimants of an interest in the Property, whether or not shown in the records of the Sandoval County Assessor) are hereby ordered to commence and promptly to bring to completion the abatement of the hazardous conditions on the Property as required herein, to remove all ruined, damaged and dilapidated materials, inoperable motor vehicles and other vehicles, construction debris and other rubbish and trash from the Property, and to bring the Property into such condition that it no longer constitutes a menace to the public comfort, health, safety and welfare, to the full and complete satisfaction of the Village as determined by the Mayor or his designee.

4. The Owners are further ordered to provide for the future security of the Property to prevent any further dumping or disposal of ruined, damaged and dilapidated materials, inoperable motor vehicles and other vehicles, construction debris and other rubbish and trash thereon, 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 or his designee.

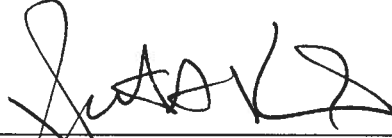
5. Abatement of the unsatisfactory conditions on the Property as provided herein shall commence no later than ten (10) days following service of this Resolution upon the Owners, which service shall be deemed complete upon the mailing of a copy of this Resolution to all persons named as owners in the records of the Sandoval County Assessor 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 removal of all ruined, damaged and dilapidated materials, inoperable motor vehicles and other vehicles, construction debris and other rubbish and trash 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 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 Village Clerk of the Village of Corrales, and the Village will thereupon set a hearing before the Governing Body to consider this Resolution and the objections, in accordance with Section 3-18-5(D), NMSA 1978.

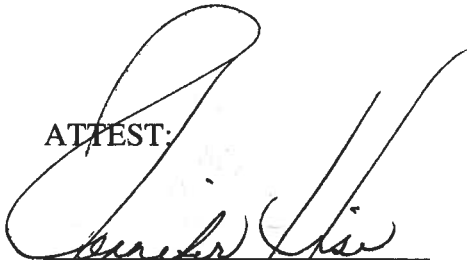
PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 12th day of September, 2017.

APPROVED:



The Honorable Scott Kominiak
Mayor, Village of Corrales

ATTEST:



Jennifer Hise
Village Clerk

Persons to Receive Notice by Mail:

Asusena Maestas
P.O. Box 741
Corrales, New Mexico 87048

Isidoro & Maria Maestas
P.O. Box 234
Corrales, New Mexico 87048