

CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. R-19-152 ENACTMENT NO. _____

SPONSORED BY: Pat Davis, by request

1 RESOLUTION

2 A NUISANCE, SUBSTANDARD DWELLING OR STRUCTURE IN NEED OF
3 ABATEMENT AT 516 KENTUCKY ST SE 87108 WITHIN THE CITY LIMITS OF
4 ALBUQUERQUE, NEW MEXICO IS SO RUINED, DAMAGED AND DILAPIDATED
5 AS TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE OR
6 SAFETY AND THAT IT IS TO BE REQUIRED TO BE REMOVED.

7 WHEREAS, the building, structure or premises is located at 516
8 KENTUCKY ST SE ALBUQUERQUE NM 87108, which is located and is more
9 particularly described as: * 006 016RHODES SUBD; and

10 WHEREAS, the Planning Department, Code Enforcement Division of the
11 City of Albuquerque has investigated the condition of said Building, structure
12 of premises and has found same to be so ruined, damaged and dilapidated
13 that it constitutes a menace to the public comfort, health, peace or safety and
14 warrants abatement and removal.

15 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
16 ALBUQUERQUE:

17 Section 1. That the findings of said Code Enforcement, in regard to said
18 building, structure or premises, be and are hereby approved and adopted and
19 that said building, structure or premises is found to be ruined, damaged and
20 dilapidated, as to be a menace to the public comfort, health, peace or safety
21 pursuant to Section 3-18-5, N.M.S.A., 1978.

22 Section 2. That CHANG RAMONA TRUSTEE CHANG 2013 RVLTL, record
23 owner of said building, structure or premises shall commence removal of
24 same within ten (10) days after service of a copy of this Resolution or within
25 said ten (10) day period, file written objection to findings herein with the City

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1 Clerk/Recorder of the City of Albuquerque, asking for a hearing before the City
2 Council.

3 Section 3. If there is a failure of compliance with the provision of Section 2
4 herein, the City of Albuquerque shall proceed to remove said building,
5 structure or premises and abate said unsafe condition and the cost thereof
6 shall constitute a lien against such property so removed and against said lot
7 or parcel of land from which such removal be made, all as required and
8 allowed by law

9 Section 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
10 clause, word or phrase of this resolution is for any reason held to be invalid or
11 unenforceable by any court of competent jurisdiction, such decision shall not
12 affect the validity of the remaining provisions of this resolution. The Council
13 hereby declares that it would have passed this resolution and each section,
14 paragraph, sentence, clause, word or phrase thereof irrespective of any
15 provisions being declared unconstitutional or otherwise invalid.

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CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

Date: April 25, 2019

TO: Klarissa J. Peña, President, City Council

FROM: Timothy M. Keller, Mayor *TMK*

SUBJECT: Resolution of Nuisance Abatement of a Substandard Building at: 516 Kentucky St SE

The attached resolution requests that the building located at 516 Kentucky St SE Albuquerque, New Mexico 87108, be abated and removed. Council approval is required according to N.M.S.A. Section 3-18-5, 1978.

In the event that the owners fail to demolish the condemned structure, the Planning Department will contract for the demolition and place a lien on the property. The estimated cost for demolition is \$24,500.

I am submitting this resolution to the City Council for their consideration and action.

Resolution of Nuisance Abatement of a Substandard Building at: 516 Kentucky St SE,
Albuquerque, New Mexico 87108

Approved:

Approved as to Legal Form:

SM

Sarita Nair
Chief Administrative Officer

5/22/19

Date

ASL

Esteban A. Aguilar, Jr. ESQ.
City Attorney

5-10-19

Date

Recommended
David S. Campbell

David S. Campbell
Planning Director

5/3/19

Date

Cover Analysis

1. What is it?

A substandard, nuisance structure located at 516 KENTUCKY ST SE 87108 and legally described as, * 006 016RHODES SUBD, in the City of Albuquerque.

2. What will this piece of legislation do?

Enable the removal of an unsafe, substandard, nuisance structure by a City Agency.

3. Why is this project needed?

Council approval is required for demolition of a Nuisance structure according to N.M.S.A. Section 3-18-5, 1998 and City Ordinance

4. How much will it cost and what is the funding source?

The estimated cost is \$24,500 from the General Fund. Upon completion of demolition, a lien will be filed which includes a demand for payment addressed to said owner(s).

5. Is there a revenue source associated with this Plan? If so, what level of income is projected?

None

FISCAL IMPACT ANALYSIS

TITLE: 516 Kentucky St SE
* 006 016RHODES SUBD

R: X O:

FUND: 110

DEPT: Planning / 4919000

- [x] No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- [] (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

		2019	Fiscal Years 2020	2021	Total
Base Salary/Wages					-
Fringe Benefit:	30.440%		-	-	-
Subtotal Personnel		-	-	-	-
Operating Expenses			-		-
Property			-	-	-
Indirect Costs	%				-
Total Expenses		\$ -	\$ -	\$ -	\$ -
[] Estimated revenues not affected					
[X] Estimated revenue impact					
			-	-	-
					-
					-
Total Revenue		\$ -	\$ -	\$ -	\$ -

These estimates do not include any adjustment for inflation.

* Range if not easily quantifiable.

Number of Positions created

COMMENTS :

Structure poses an extreme hazard and is substandard and a nuisance to the neighborhood surrounding community and to inquisitive minors. The structure will continue to dilapidate causing life safety issues. This is a substandard and a nuisance property.

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

PREPARED BY:

D. D. D. D.
FISCAL ANALYST

APPROVED:

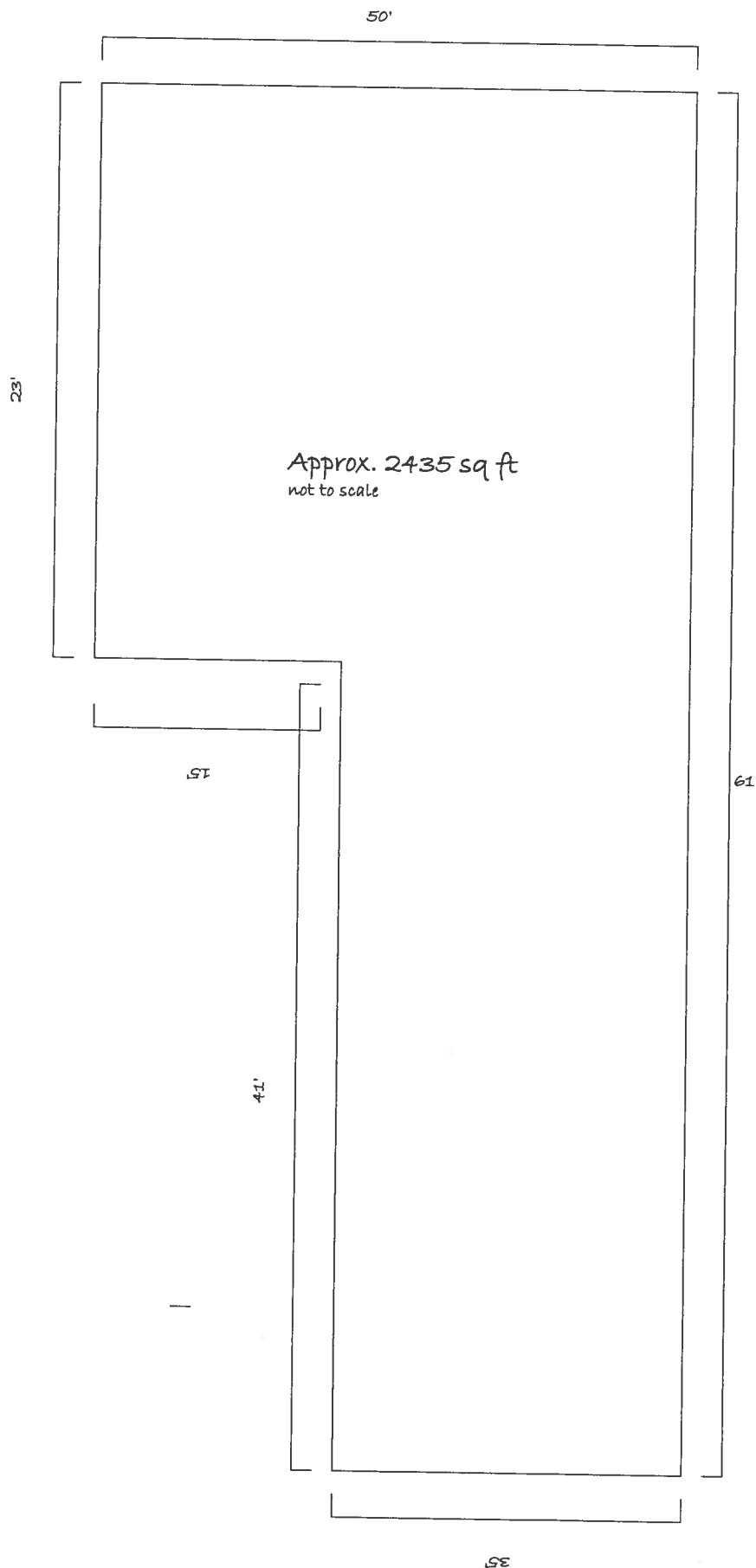
James Campbell 5/3/19
DIRECTOR (date)

REVIEWED BY:

S. H. H.
EXECUTIVE BUDGET ANALYST

James Campbell 5/28/19
BUDGET OFFICER (date)

Boone 5/28/19
CITY ECONOMIST



516 Kentucky St
SE Legal
Description: * 006
016RHODES SUBD



CITY OF ALBUQUERQUE

CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500
600 2nd Street NW
Albuquerque, NM 87102
Telephone (505) 924-3450 Fax (505) 924-3847



ALBUQUERQUE
NEW MEXICO

Richard J. Berry, Mayor

NOTICE AND ORDER WITH APPEAL 20-APR-2016

CHANG, RAMONA TRUSTEE CHANG 2013
4151 MIDVALE AVE
OAKLAND, CA 94602

RE: 516 KENTUCKY ST SE ALBUQUERQUE, NM 87108

On 20-APR-2016, the City of Albuquerque Planning Department, Code Enforcement Division, made an inspection of the building or structure owned, occupied, or controlled by you at:

516 KENTUCKY ST SE, ALBUQUERQUE, NM 87108,

which is more particularly described as:

PO Box 1293 * 006 016RHODES SUBD LOT 6, BLOCK 16, SUBDIVISION MESA PARK
ADDN RHODES REPLAT OF BLK 16, ALBUQUERQUE, NEW MEXICO.

Albuquerque Violations of the Uniform Housing Code, hereafter 'Code', City Council Ordinance No. 34-1986
and codified at 14-3-1-1 et seq ROA 1994, were found that must be corrected in order to maintain
the accepted standards of health and safety provided for in the Code.

New Mexico 87103 **FINDINGS**

The Code Enforcement Section has found the units to be substandard under the provisions of the Code. The findings of the inspection are as listed on the following page.

www.cabq.gov

**Description of Violation(s) found on the property located at
516 KENTUCKY ST SE:**

Section 14-3-4-2 (L) Inadequate sanitation includes general dilapidation or inadequate maintenance. All trash, debris, litter, and excessive storage shall be removed from property and dwelling. This includes any inoperable vehicles on property.

- *All weeds, trash, debris and litter shall be removed from property that is posing a hazard to residents, neighborhood and surrounding community.*

Section 14-3-4-8 (A) Faulty weather protection includes deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows, doors and basement hatchways. All broken and missing windows and doors shall be repaired or replaced.

- *All broken and or missing doors and windows shall be repaired or replaced.*

Section 14-3-4-4 Any nuisance as defined in this code.

- *Being that this property is a potential safety hazard with unsecured doors and windows allowing easy access for transients and minors and that the property is an overall eyesore to the surrounding neighborhood and surrounding community.*
- *Prior to unit being occupied or reoccupied gas fuel must be restored by NM Gas Company.*
- *Prior to unit being occupied power must be restored by PNM electrical services.*
- *Prior to unit being occupied water services shall be reactivated by the Albuquerque Bernalillo County Water Utility Authority and provide both hot and cold water to faucets.*

Section 14-3-4-1 Any building or portion thereof, including any dwelling unit, guest room, or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety or welfare of the public, or the occupants thereof shall be deemed and declared a SUBSTANDARD BUILDING.

Section: 14-3-5-11(A) Responsibilities of owners Every owner remains liable for violations of duties imposed upon him by this code even though an obligation is also imposed on the occupants of his building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this code.

Section: 14-3-5-11(B) Responsibilities of owners Every owner, or his agent, in addition to being responsible for maintaining his building in a sound structural condition, shall be responsible for keeping that part of the building or premises which he occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building or on the premises containing two or more dwelling units.

Section 14-3-5-12 All buildings or portions thereof which are determined to be substandard as defined in this code, are hereby declared to be nuisances and shall be abated by repair, rehabilitation, demolition, removal, or securing all accessible openings and entrances to building in accordance with the procedure as provided herein. Any building that has been determined to be substandard and which has been abated by securing all accessible openings and entrances shall be repaired, rehabilitated, demolished, or removed within 12 months of being secured. The failure to repair, rehabilitate, demolish or remove such building within 12 months shall be prima facie evidence that the building is a menace to the public comfort, health, peace, or safety and should be condemned. At the first City Council meeting following the 12 month period the administration shall present City Council with a Resolution of Condemnation as provided for in Section 3-18-5 NMSA 1978 and proceed with condemnation as provided for under that statute.

ORDER

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You, as the owner of the building or structure, are hereby ordered to:

Vacate the building or structure on or before 11-MAY-2016. After vacating the building or structure, you must then secure all accessible openings and entrances to the building(s) within five (5) days of the date of this order. Failure to comply with this order will result in the City securing the building and filing a lien against the property for the cost of securing the building. You must then repair or demolish the building or structure. In repairing or demolishing the building or structure, obtain all required permits and physically commence within 15 DAYS of the date of this Order.

The repairs must be completed by 13-JUN-2016.

NOTICE ADMINISTRATIVE REMEDIES

IF THE PROPERTY IS NOT SECURED BY 11-MAY-2016 AT 5:00 PM, AND IF NO APPEAL IS FILED BY THE EFFECTIVE DATE OF THIS NOTICE AND ORDER, THE CITY MAY CAUSE ANY STRUCTURES TO BE SECURED AND ALL TRASH AND DEBRIS REMOVED WITHOUT FURTHER NOTICE TO ANY PARTY, AND A LIEN WILL BE PLACED AGAINST THE PROPERTY FOR THE CITY'S COSTS ASSOCIATED WITH CAUSING THE PROPERTY TO BE SECURED AND/OR CLEANED. THE REMEDIES CONTEMPLATED IN THIS PARAGRAPH ARE IN ADDITION TO ANY OTHER REMEDIES PROVIDED BY LAW.

A CERTIFICATE OF SUBSTANDARD HAS BEEN FILED AT THE COUNTY CLERKS OFFICE. A LIEN OF \$250.00 WILL BE PLACED AGAINST THE PROPERTY ASSOCIATED WITH THESE ACTIONS.

Pursuant to Section 14-3-5-3 a 2 d ROA 1994, you or any person having any title or legal interest in the building or structure may appeal this Notice and Order or any action of the Code Enforcement Section to the Housing Advisory and Appeals Committee. In the case of demolition, the appeal procedure shall be as set forth in Section 3-18-5 NMSA 1978. The appeal must be in writing and filed with the Mayor's office prior to the effective date of this order. The effective date of this order is: 11-MAY-2016.

A form for filing an appeal is available in the Code Enforcement Section office at 600 2nd St. NW, Suite 500. The form is not necessary as long as the required information is included in the appeal. Pursuant to Section 14-3-5-4 ROA 1994, the required information includes: the names of all appellants participating in the appeal; a brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the appeal; a brief statement of the specific order or action protested, together with any material facts supporting the appellant's contentions; a brief statement of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside; the signatures of all parties named as appellants and their official mailing addresses; and a verification, by declaration under penalty of perjury, of at least one appellant as to the truth of the matters stated in the appeal.

An appeal of the Notice and Order will stay enforcement of that Notice and Order. Failure to file an appeal, however, shall constitute a waiver of the right to an administrative hearing and adjudication of the Notice and Order or to any portion thereof. A hearing on a properly and timely filed appeal to the Housing Advisory and Appeals Committee will be scheduled within ten (10) to sixty (60) days after receipt of the appeal. You will receive written notice of the time and place not less than ten (10) days prior to the date of the hearing. Only those matters or issues specifically raised by the appellant shall be considered in the hearing.

If you have any questions concerning this Notice and Order, or the cited violations, please call me at: (505)924-3412. Please reference Notice and Order number 2016000102.

JESSE FERNANDEZ

Code Enforcement Inspector
Planning Department
City of Albuquerque

CERTIFICATION OF SUBSTANDARD BUILDING

In accordance with City Housing Code, which is City Ordinance enactment No. 34-1986 and codified at 14-3-1-1 ET. Seq. ROA 1994, the City of Albuquerque certifies that the property described below is a substandard building and that the owner(s) has/have been so notified.

Address of substandard building/legal description:

516 KENTUCKY ST SE ALBUQUERQUE, NM 87108

Legal Description: LOT 006 016RHODES SUBD

UPC: 1 018 056 500 432 12324


Owner & Owner's address:

CHANG RAMONA TRUSTEE CHANG 2013 RVLT
4151 MIDVALE AVE
OAKLAND CA 94602

The property described above is in violation of the City Housing Code: **Notice and Order dated April 20, 2016.**

Attached Are Copies of Findings

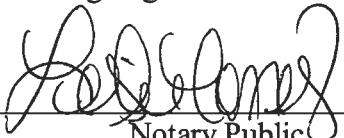
Notice of the condition of the property was given to the owner in the following manner: Posted onto a front exterior door of the building and mailed certified mail.



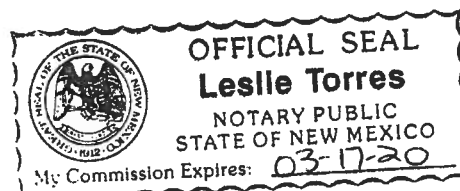
Andrew Garcia, Code Compliance Manager
Planning, Code Enforcement Division
City of Albuquerque

STATE OF NEW MEXICO } SS
COUNTY OF BERNALILLO

The foregoing instrument was acknowledged before me by Andrew Garcia this 17th day of MAY, 2016.



Notary Public



My Commission Expires 03-17-20

Doc# 2016045607

05/20/2016 08:49 AM Page: 1 of 7
NOT R:\$25.00 M. Toulouse Oliver, Bernalillo County

