

CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. R-19-154 ENACTMENT NO. _____

SPONSORED BY: Pat Davis, by request

1 RESOLUTION

2 A NUISANCE, SUBSTANDARD DWELLING OR STRUCTURE IN NEED OF
3 ABATEMENT AT 200 UTAH ST NE 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 200 UTAH ST
8 NE ALBUQUERQUE NM 87108, which is located and is more particularly
9 described as: * 001 012MESA VERDE L1 & 2; 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 MTGLQ INVESTORS LP, record owner of said building,
23 structure or premises shall commence removal of same within ten (10) days
24 after service of a copy of this Resolution or within said ten (10) day period, file
25 written objection to findings herein with the City Clerk/Recorder of the City of
26 Albuquerque, asking for a hearing before the City Council.

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

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

SUBJECT: Resolution of Nuisance Abatement of a Substandard Building at: 200 Utah St NE

The attached resolution requests that the building located at 200 Utah St NE 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.

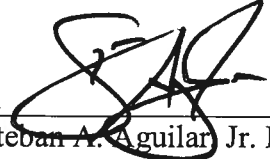
Resolution of Nuisance Abatement of a Substandard Building at: 200 UTAH St NE,
Albuquerque, New Mexico 87108

Approved:

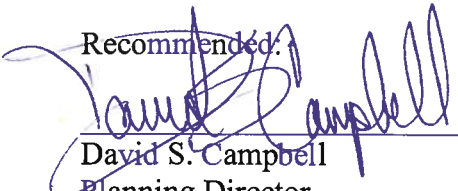
Approved as to Legal Form:



Sarita Nair
Chief Administrative Officer
Date 5/22/19



Esteban A. Aguilar Jr. ESQ.
City Attorney
Date 5-10-19

Recommended:


David S. Campbell
Planning Director
Date 5/3/19

Cover Analysis

1. What is it?

A substandard, nuisance structure located at 200 Utah St NE 87108 and legally described as, * 001 012MESA VERDE L1 & 2, 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: 200 Utah St NE
 * 001 012MESA VERDE L1 & 2

R: X O:
FUND: 110

DEPT: Planning 14919000

- 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:

		Fiscal Years			
		2019	2020	2021	Total
Base Salary/Wages					-
Fringe Benefit:	30.440%		-	-	-
Subtotal Personnel		-	-	-	-
Operating Expenses			-		-
Property			-	-	-
Indirect Costs	%				-
Total Expenses		\$ -	\$ -	\$ -	\$ -
<input type="checkbox"/> Estimated revenues not affected					-
<input checked="" type="checkbox"/> 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:

Debbie Abbott
 FISCAL ANALYST

APPROVED:

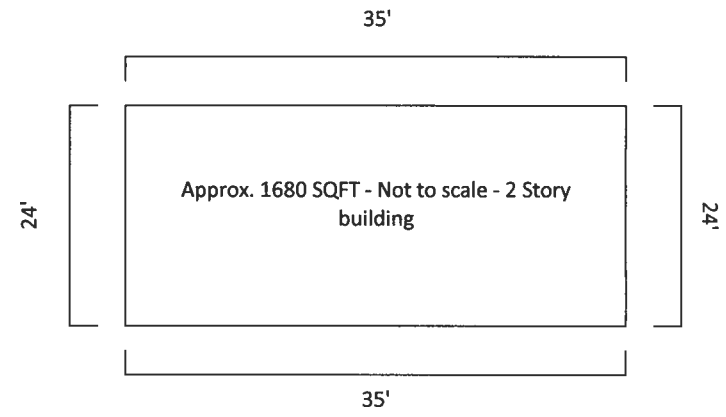
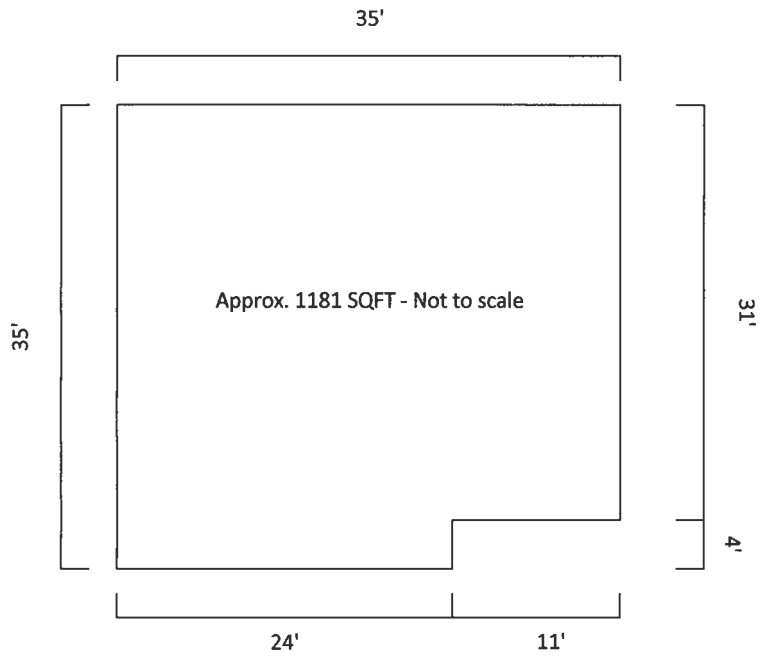
David Campbell 5/3/19
 DIRECTOR (date)

REVIEWED BY:

J Ma
 EXECUTIVE BUDGET ANALYST

Concepcion 5/28/19
 BUDGET OFFICER (date)

Boon 5/28/19
 CITY ECONOMIST



200 UTAH ST NE LEGAL DESCRIPTION:

* 001 012MESA VERDE L1 & 2

CITY OF ALBUQUERQUE

CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500

600 2nd Street NW

Albuquerque, NM 87102

Tel: (505) 924-3850 Fax: (505) 924-3847



Richard J. Berry, Mayor

Nov 21, 2017

NOTICE AND ORDER WITH APPEAL

**ELAM JEFF & TEJA L
2925 YORK ST
DENVER, CO 80205**

Dear Property Owner:

The City of Albuquerque Planning Department, Code Enforcement Division, made an inspection of the building or structure owned, occupied, or controlled by you at: 200 UTAH ST NE, Albuquerque, NM 87108 on Nov 20, 2017

The Property is more particularly described as:

LOT 1, BLOCK 12, SUBDIVISION MESA VERDE ADDN

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.

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.

Sincerely,

Christopher Romero
Code Enforcement Specialist
(505) 924-3363

File Number: CF-2017-030108

Job Number: 054618840-001

Initial Print Date: Nov 21, 2017

CITY OF ALBUQUERQUE

CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500
 600 2nd Street NW
 Albuquerque, NM 87102
 Tel: (505) 924-3850 Fax: (505) 924-3847



Richard J. Berry, Mayor

Description of Violation(s) found on the property located at:
 Address: **200 UTAH ST NE, Albuquerque, NM 87108**

The above-described premises have been inspected and the following violations of City laws and regulations have been found:

Violation Type	Violation Description	Resolve By Date
14-3-4-2 Inadequate Sanitation	All weeds, trash, and outdoor storage shall be removed from property. If the property is not cleaned, the City will have the property cleaned and place a lien on the property for the costs. Prior to the property being reoccupied a final inspection by this office must be completed.	Nov 28, 2017
14-3-4-8 Faulty Weather Protection	At the time of inspection the dwellings contained broken windows and doors. All exterior doors shall be repaired to include weather stripping to prevent the exterior elements from entering the home. All broken window panes shall be replaced. Prior to the property being reoccupied a final inspection by this office must be completed.	Nov 28, 2017
14-3-4-2 Inadequate Sanitation	Due to the lack of electrical power, the dwelling(s) do not have the required electrical lighting. Adequate lighting shall be provided to all areas of dwellings. Prior to the property being reoccupied a final inspection by this office must be completed.	Nov 28, 2017
14-3-4-4 Nuisance	It is evident the vacant unsecured vandalized units are being used by transients and/or minors. All broken windows and doors shall be secured to prevent transients and/or minors from entering. Prior to the property being reoccupied a final inspection by this office must be completed.	Nov 28, 2017
14-3-5-12 Substandard Buildings	Properties deemed substandard for 12 months or longer, may go before City Council for condemnation. Prior to the substandard designation being released, a final	Nov 21, 2018

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Albuquerque, NM 87102

Tel: (505) 924-3850 Fax: (505) 924-3847



Richard J. Berry, Mayor

	inspection by this office must be completed.	
14-3-4-1 Substandard Building Defined	The occupied dwellings were found lacking gas, electrical and water service. All utilities shall be restored by the appropriate utility company no later than November 28, 2017 or the unit(s) will be vacated and posted as substandard. Prior to the property being reoccupied a final inspection by this office must be completed.	Nov 28, 2017
14-3-2-3 Sanitation	The water service shall be reinstated by the Bernalillo County Water Utility Authority prior to the unit(s) being reoccupied. Prior to the property being reoccupied a final inspection by this office must be completed.	Nov 28, 2017

Code Sections	Code Description
14-3-4-2(L)	General dilapidation or inadequate maintenance.
14-3-4-8(A)	Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows, doors and basement hatchways
14-3-4-2(J)	Lack of required electrical lighting.
14-3-4-4(E)	Buildings in an unsecured state that are not securely fenced or adequately lighted to prevent access to trespassers, criminals or others unauthorized to enter for the purpose of committing a nuisance or unlawful act or that constitutes an attractive nuisance for children.
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 the 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.
14-3-4-1	Any building or portion thereof, including any dwelling unit, guest room or suite of

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Richard J. Berry, Mayor

	rooms, or the premises on which the same is located, in which there exists any of the following listed conditions [set forth in §§ 14-3-4-2 et seq.] 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.
14-3-2-3[C][1]	All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.

File Number: CF-2017-030108

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Richard J. Berry, Mayor

ORDER

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

Vacate the building or structure on or before Nov 27, 2017. 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 1 DAY of the date of this Order. The repairs must be completed by Nov 28, 2017.

NOTICE ADMINISTRATIVE REMEDIES

IF THE PROPERTY IS NOT SECURED BY Nov 27, 2017 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 WILL BE PLACED AGAINST THE PROPERTY ASSOCIATED WITH THESE ACTIONS.

Pursuant to Section 14-3-5-3 a 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: Dec 05, 2017.

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 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 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) 924-3363. Please reference Notice and Order number CF-2017-030108.

Christopher Romero
Code Enforcement Specialist
(505) 924-3363

File Number: CF-2017-030108

Job Number: 054618840-001

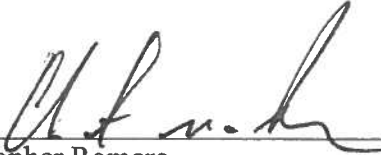
Initial Print Date: Nov 21, 2017

AFFIDAVIT OF SERVICE
FOR POSTING AND MAILING
OF NOTICE AND ORDER

STATE OF NEW MEXICO }
COUNTY OF BERNALILLO } SS

I, Christopher Romero, being duly sworn upon Oath, state that on 11/21/2017, posted a copy of the Notice and Order at 200 UTAH ST NE, Albuquerque, NM 87108, and mailed a copy of the Notice and Order by certified mail to the owner on 11/21/2017.

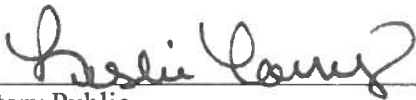
Addressed to: **ELAM JEFF & TEJA L**
2925 YORK ST
DENVER, CO 80205



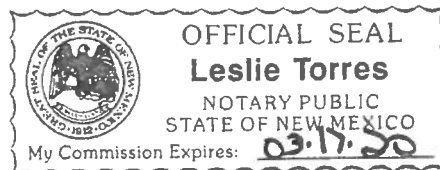
Christopher Romero
Code Enforcement Specialist
Code Enforcement Division
Planning Department
City of Albuquerque
(505) 924-3363

SUBSCRIBED AND SWORN TO me on this 10th day of December, 2017.

by Christopher Romero.



Notary Public



My commission expires 03.17.20.

7

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:

Property Address: **200 UTAH ST NE, Albuquerque, NM 87108**

Legal Description: **LOT 1, BLOCK 12, SUBDIVISION MESA VERDE ADDN**

Parcel Number (UPC): **10-190-5742014042101**

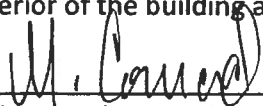
Owner & Owner's Address: **ELAM JEFF & TEJA L
2925 YORK ST
DENVER, CO 80205**

Processing Fee: \$50.00
Filing Fee: \$25.00

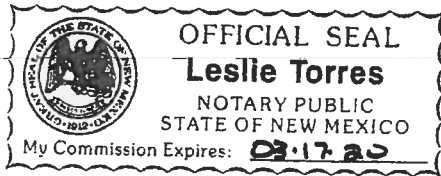
The property described above is in violation of the City Housing Code: **Notice and Order dated Nov 21, 2017**

Attached Are Copies of Findings

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



Code Compliance Administrator
Planning, Code Enforcement Division
City of Albuquerque



STATE OF NEW MEXICO } SS
COUNTY OF BERNALILLO

The foregoing instrument was acknowledged before me by Matthew Conrad this 1th day of December, 2017.


Notary Public

My Commission Expires 03-17-20