

CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. R-19-156 ENACTMENT NO. _____

SPONSORED BY: Pat Davis, by request

1 RESOLUTION

2 A NUISANCE, SUBSTANDARD DWELLING OR STRUCTURE IN NEED OF
3 ABATEMENT AT 8400 CHICO RD 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 8400 CHICO RD
8 NE ALBUQUERQUE NM 87108, which is located and is more particularly
9 described as: * 032 006MESA VERDE & 33; 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 MONTES MANUEL & ENRRQUETA, record owner of
23 said building, structure or premises shall commence removal of same within
24 ten (10) days after service of a copy of this Resolution or within said ten (10)
25 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 *TK*

SUBJECT: Resolution of Nuisance Abatement of a Substandard Building at: 8400 Chico Rd NE

The attached resolution requests that the building located at 8400 Chico Rd 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: 8400 CHICO RD NE,
Albuquerque, New Mexico 87108

Approved:

Approved as to Legal Form:

SN

Sarita Nair
Chief Administrative Officer

5/22/19

Date

ASL
Esteban A. Aguilar, Jr.

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 8400 Chico Rd NE 87108 and legally described as, * 032 006MESA VERDE & 33, 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: 8400 Chico Rd NE
* 032 006MESA VERDE & 33

R: X O:

FUND: 110

DEPT: Planning / 4919000

☒ 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:

Dabi Dahal
FISCAL ANALYST

APPROVED:

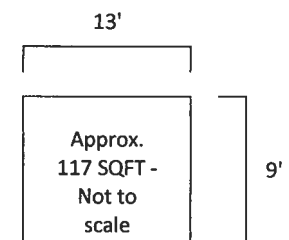
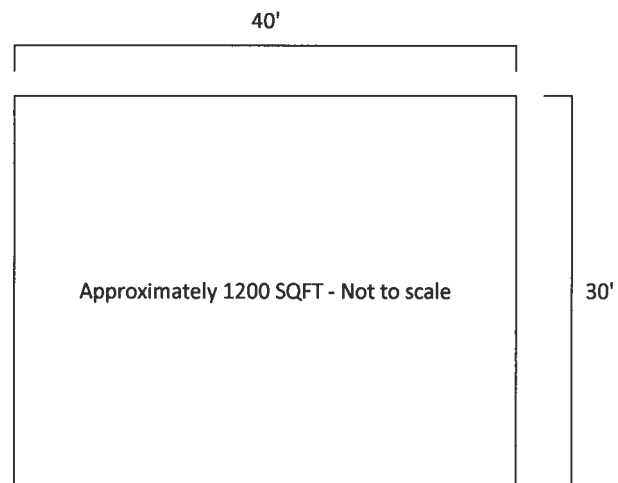
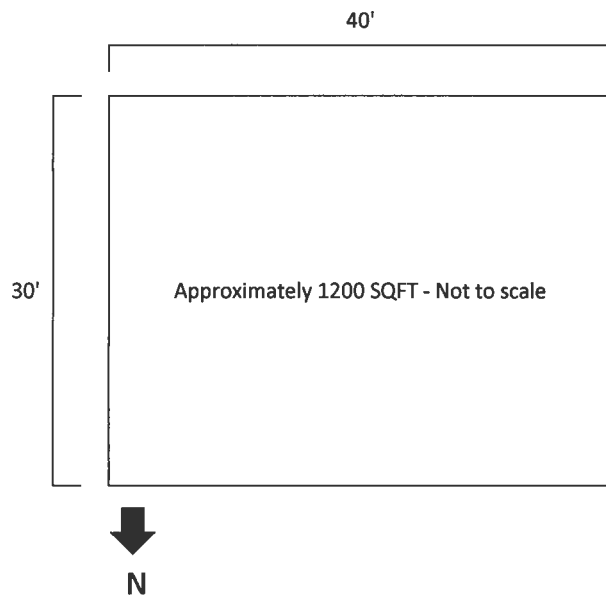
[Signature] 5/3/19
DIRECTOR (date)

REVIEWED BY:

[Signature]
EXECUTIVE BUDGET ANALYST

[Signature] 5/28/19
BUDGET OFFICER (date)

[Signature] 5/28/19
CITY ECONOMIST



8400 CHICO RD NE - Legal Description: *
032 006MESA VERDE & 33

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



Aug 1, 2018

NOTICE AND ORDER WITH APPEAL

**MONTES MANUEL & ENRRIQUETA
8400 CHICO RD NE
ALBUQUERQUE, NM 87108**

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: 8400 CHICO RD NE, Albuquerque, NM on Aug 1, 2018

The Property is more particularly described as:

* 032 006MESA VERDE & 33 LOT 32, BLOCK 6, 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

A handwritten signature in black ink, appearing to read 'C. Romero'.

File Number: CF-2018-035598

Job Number: 069740486-001

Initial Print Date: Aug 1, 2018

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



Description of Violation(s) found on the property located at:

Address: **8400 CHICO RD NE, Albuquerque, NM**

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
14-3-4-4 Nuisance	All broken and/or missing windows and doors shall be repaired or replaced to open, close and lock as designed, prior to the dwelling being reoccupied.	Sep 17, 2018
14-3-4-1 Substandard Building Defined	An inspection of the subject property was performed and revealed people living on the property. While posted substandard, the dwelling shall remain vacant and secured with the exterior free of weeds and litter. Animals shall not be on the premises while posted substandard. An occupied dwelling shall have all utilities active and supplied by the appropriate utility company. If any gas supplied appliances are red tagged by the NM Gas Company, all corrections shall be completed by a licensed plumber with the required permits obtained with the Building and Safety Division prior to the home being reoccupied.	Sep 17, 2018
14-3-5-12 Substandard Buildings	Due to the violations listed in this Notice and Order, it has been determined that the subject property is substandard and shall be brought into compliance or razed.	Sep 17, 2018
14-3-3-2 Mechanical Requirements	It has been determined that the subject property lacks Gas services to the home. Prior to the dwelling being reoccupied, gas services shall be restored by the proper utility company. In commencing with repairs all permits shall be obtained.	Sep 17, 2018
14-3-4-4 Nuisance	This office was contacted due to the dwelling being found in a dilapidated state and being used by transients. The accumulation of discarded items, trash, syringes and weeds make this property an eyesore to the surrounding neighborhood. While vacant, the structure shall remain secured with the exterior free of weeds and litter. You must then repair or demolish the building or structure.	Sep 17, 2018

File Number: CF-2018-035598

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Code Sections	Code Description
14-3-4-4(B)	Buildings that have broken windows or doors constituting hazardous conditions and inviting trespassers or malicious mischief.
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 [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.
14-3-5-12	<p>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.</p> <p>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.</p>
14-3-3-2(A)(3)	Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in the Mechanical Code and in this code. Where mechanical ventilation is provided in lieu of the natural ventilation required by § 14-3-2-2(C), such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.
14-3-4-4(D)	Buildings whose maintenance is so out of harmony and conformity with the maintenance and quality of adjacent or nearby properties as to cause substantial diminution in the enjoyment, use or property value of such adjacent or nearby properties.

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600 2nd Street NW

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NOTICE OF ADMINISTRATIVE REMEDIES

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 dispute the violations and findings listed above by appealing 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 fifteen calendar days from Aug 1, 2018.

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. Adjudication by 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) 924-3363. Please reference Notice and Order number CF-2018-035598.

ORDER

IF THE PROPERTY IS NOT SECURED AND THE VIOLATIONS LISTED ABOVE REMAIN OUTSTANDING BY 5:00 PM ON THE EFFECTIVE DATE OF THIS NOTICE AND ORDER, AND IF NO APPEAL IS FILED PRIOR TO 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 CONTEPLATED IN THIS PARAGRAPH ARE IN ADDITION TO ANY OTHER REMEDIES PROVIDED BY LAW.

ADDITIONALLY, A CERTIFICATE OF SUBSTANDARD BUILDING WILL BE FILED AT THE COUNTY CLERKS OFFICE. A LIEN WILL BE PLACED AGAINST THE PROPERTY ASSOCIATED WITH THESE ACTIONS.

File Number: CF-2018-035598

Job Number: 069740486-001

Initial Print Date: Aug 1, 2018

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

AS THE OWNER OF THE BUILDING OR STRUCTURE, YOU WILL HEREBY BE ORDERED TO SECURE THE BUILDING IN THE FOLLOWING MANNER SHOULD (1) YOU FAIL TO TIMELY APPEAL THIS NOTICE AND ORDER TO THE HOUSING ADVISORY AND APPEALS COMMITTEE OR, (2) THE HOUSING ADVISORY AND APPEALS COMMITTEE AFFIRMS THIS NOTICE AND ORDER:

Vacate the building or structure on the effective date of the order. After vacating the building or structure, you must then secure all accessible openings and entrances to the building(s) within one (1) day of the effective date of the 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 one (1) day of the effective date of this Order. The repairs must be completed by Sep 17, 2018.

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-2018-035598.

Christopher Romero
Code Enforcement Specialist
(505) 924-3363

File Number: CF-2018-035598

Job Number: 069740486-001

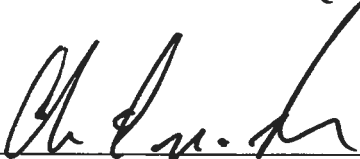
Initial Print Date: Aug 1, 2018

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 8/1/2018, posted a copy of the Notice and Order at 8400 CHICO RD NE, Albuquerque, NM, and mailed a copy of the Notice and Order by certified mail to the owner on 8/1/2018.

Addressed to: **MONTES MANUEL & ENRRIQUETA**
8400 CHICO RD NE
ALBUQUERQUE, NM 87108

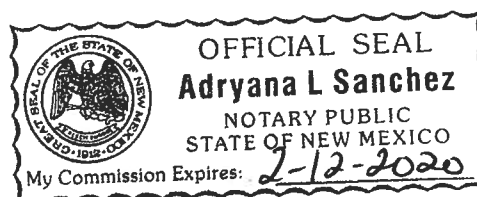


Christopher Romero
Code Enforcement Specialist
Code Enforcement Division
Planning Department
City of Albuquerque
(505) 924-3363

SUBSCRIBED AND SWORN TO me on this 8 day of 23, 2018,
by Christopher Romero.


Notary Public

My commission expires 2-12-2020



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: **8400 CHICO RD NE, Albuquerque, NM**

Legal Description: * **032 006MESA VERDE & 33 LOT 32, BLOCK 6, SUBDIVISION MESA VERDE ADDN**

Parcel Number (UPC): **10-190-5745312841318**

Owner & Owner's Address: **MONTES MANUEL & ENRRQUETA
8400 CHICO RD NE
ALBUQUERQUE, NM 87108**

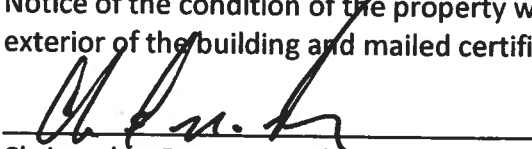
Processing Fee: \$90.00

Filing Fee: \$25.00

The property described above is in violation of the City Housing Code: **Notice and Order** dated **Aug 1, 2018**

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.


Christopher Romero, Code Enforcement Specialist
Planning, Code Enforcement Division
City of Albuquerque

STATE OF NEW MEXICO } SS
COUNTY OF BERNALILLO

Doc# 2018077982

09/05/2018 02:51 PM Page: 1 of 7
NOT R:\$25.00 Linda Stover, Bernalillo County



The foregoing instrument was acknowledged before me by Christopher Romero this 8 day of 23, 2018


Notary Public

My Commission Expires 2-12-2020

