

R-2019-058

CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Timothy M. Keller, Mayor

FROM: Stephanie M. Yara, Director of Council Services

SY 8/22/19

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. R-18-79 A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 113 Eubank Blvd NE 87123 Within The City Limits Of Albuquerque, New Mexico Is So Ruined, Damaged And Dilapidated As To Be A Menace To The Public Comfort, Health, Peace Or Safety And That It Is To Be Required To Be Removed (Davis, by request), which was passed at the Council meeting of August 19, 2019, by a vote of 5 FOR AND 1 AGAINST.

For: Benton, Davis, Gibson, Jones, Sanchez

Against: Peña

Excused: Borrego, Harris, Winter

In accordance with the provisions of the City Charter, your action is respectfully requested.

SY:dm
Attachment
8/21/2019

CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. R-18-79 ENACTMENT NO. R-2019-058

SPONSORED BY: Patrick Davis, by request

1 RESOLUTION

2 A NUISANCE, SUBSTANDARD DWELLING OR STRUCTURE IN NEED OF
3 ABATEMENT AT 113 EUBANK BLVD NE 87123 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 113 EUBANK
8 SE ALBUQUERQUE NM 87123, which is located and is more particularly
9 described as: LOT H 008EXC NLY 20 OUT TO CITY BUENA VENTURA SUBD;
10 and

11 WHEREAS, the Safe City Strike Force of the City of Albuquerque has
12 investigated the condition of said building, structure of premises and has
13 found same to be so ruined, damaged and dilapidated that it constitutes a
14 menace to the public comfort, health, peace or safety and warrants abatement
15 and removal.

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

18 Section 1. That the findings of said Safe City Strike Force, in regard to
19 said building, structure or premises, be and are hereby approved and adopted
20 and that said building, structure or premises is found to be ruined, damaged
21 and dilapidated, as to be a menace to the public comfort, health, peace or
22 safety pursuant to Section 3-18-5, NMSA, 1978.

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

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

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

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

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1 PASSED AND ADOPTED THIS 19th DAY OF August, 2019
2 BY A VOTE OF: 5 FOR 1 AGAINST.
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4 For: Benton, Davis, Gibson, Jones, Sanchez

5 Against: Peña

6 Excused: Borrego, Harris, Winter
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11 Klarissa J. Peña, President
12 City Council
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14 APPROVED THIS 22 DAY OF August, 2019
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17 Bill No. R-18-79
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20 
21 Timothy M. Keller, Mayor
22 City of Albuquerque
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25 ATTEST:

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28 Katy Duhigg, City Clerk
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