

CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. R-19-214 ENACTMENT NO. _____

SPONSORED BY: Diane G. Gibson, by request

1 RESOLUTION

2 A NUISANCE, SUBSTANDARD DWELLING OR STRUCTURE IN NEED OF
3 ABATEMENT AT 5404 ALVARADO PL NE 87110 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 5404
8 ALVARADO PL NE ALBUQUERQUE NM 87110, which is located and is more
9 particularly described as: * E C NEW KIMO ADD RE; and

10 WHEREAS, the Planning Department, Code Enforcement Division of the
11 City of Albuquerque has investigated the condition of said building, structure
12 or 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, NMSA, 1978.

22 Section 2. That HANSON VICTORIA, 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.

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

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.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion



CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

Date: October 15, 2019

TO: Klarissa J. Peña, President, City Council

FROM: Timothy M. Keller, Mayor *TK*

SUBJECT: Resolution of Nuisance Abatement of a Substandard Building at: 5404 Alvarado Pl NE

The attached resolution requests that the building located at 5404 Alvarado Pl NE Albuquerque, New Mexico 87110, 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: 5404 Alvarado Pl NE,
Albuquerque, New Mexico 87110

Approved:

Approved as to Legal Form:

SN

Sarita Nair
Chief Administrative Officer
Date *10/31/19*

SA

Esteban A. Aguilar, Jr. ESQ.
City Attorney
Date *10-22-19*

Recommended:

BWilliams

Brennon Williams
Planning Director
Date *15-OCT-2019*

Cover Analysis

1. What is it?

A substandard, nuisance structure located at 5404 Alvarado Dr. NE, 87110 and legally described as, * E C NEW KIMO ADD RE, 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: 5404 Alvarado PI NE
* E C NEW KIMO ADD RE

R: X O:

FUND: 110

DEPT: Planning

☒ 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:

| | | 2020 | Fiscal Years 2021 | 2022 | Total |
|-------------------------------------|---------|------|----------------------|------|-------|
| Base Salary/Wages | | | | | - |
| Fringe Benefit: | 30.440% | | - | - | - |
| Subtotal Personnel | | - | - | - | - |
| Operating Expenses | | | - | | - |
| Property | | | - | - | - |
| Indirect Costs | % | | | | - |
| Total Expenses | | \$ - | \$ - | \$ - | \$ - |
| <hr/> | | | | | |
| [] 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:

Dubbi Dholi
FISCAL ANALYST

APPROVED:

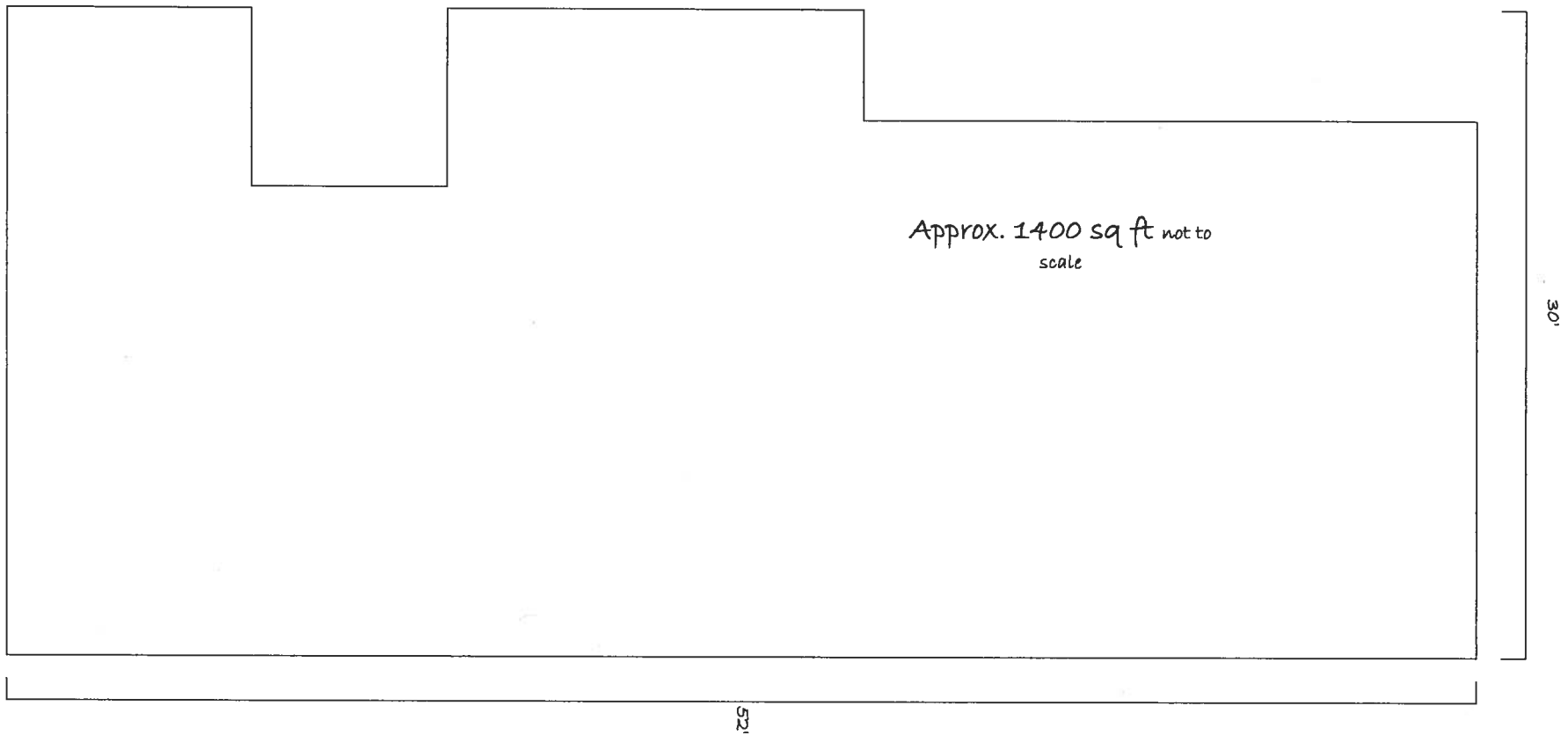
William 15 OCT 2019
DIRECTOR (date)

REVIEWED BY:

Indira Padilla
EXECUTIVE BUDGET ANALYST

Renee Martinez 12/24/19
BUDGET OFFICER (date)

Christine E. Bu
CITY ECONOMIST



N ↑

5404 Alvarado Pl NE
Legal Description: *E C
NEW KIMO ADD RE

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

Feb 14, 2017

NOTICE AND ORDER WITH APPEAL

**HANSON VICTORIA
4701 SAN ISIDRO NW
ALBUQUERQUE, NM 87107**

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: **5404 ALVARADO PL NE, Albuquerque, NM** on Feb 14, 2017

The Property is more particularly described as:

* E C NEW KIMO ADD RE LOT E, BLOCK C, SUBDIVISION NEW KIMO 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,

Patrick Sanchez
Code Enforcement Specialist
(505) 924-3451

File Number: CF-2017-013847

Job Number: 039547727-001

Initial Print Date: Feb 14, 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: **5404 ALVARADO PL 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 |
|---|---|-----------------|
| 14-3-5-12 Substandard Buildings | | Mar 20, 2017 |
| 14-3-4-5 Hazardous Wiring | Electric service to the unit needs to be current and operational prior to occupying unit. | Mar 20, 2017 |
| 14-3-4-7 Hazardous Mechanical Equipment | Gas service to this property has been terminated and needs to be restored by PNM prior to being occupied. | Mar 20, 2017 |
| 14-3-4-4 Nuisance | Property in its current condition is uninhabitable and is to remain vacant. | Mar 20, 2017 |
| 14-3-4-13 Inadequate Fire- Protection | Smoke detectors need to be present and operational with in unit. | Mar 20, 2017 |
| 14-3-4-1 Substandard Building Defined | The property in its current condition is deemed substandard and is uninhabitable. | Mar 20, 2017 |
| 14-3-4-6 Hazardous Plumbing | Water meter needs to be reinstalled and or turned on by C.O.A. WATER AUTHORITY prior to occupying. | Mar 20, 2017 |
| 14-3-4-2 Inadequate Sanitation | Water needs to be operational to unit prior to occupying. | Mar 20, 2017 |

| Code Sections | Code Description |
|---------------|---|
| 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</p> |

File Number: CF-2017-013847

Job Number: 039547727-001

Initial Print Date: Feb 14, 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

| | |
|-------------|---|
| | 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. |
| 14-3-4-5 | HAZARDOUS WIRING shall include all wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner. |
| 14-3-4-7 | HAZARDOUS MECHANICAL EQUIPMENT shall include all mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in a good and safe condition. |
| 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. |
| 14-3-4-13 | INADEQUATE FIRE-PROTECTION or FIREFIGHTING EQUIPMENT shall include all buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code and the Chief of the Fire Department, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy. |
| 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. |
| 14-3-4-6 | HAZARDOUS PLUMBING shall include all plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross-connections and siphonage between fixtures. |
| 14-3-4-2(E) | Lack of hot and cold running water to plumbing fixtures in a dwelling unit. |

File Number: CF-2017-013847

Job Number: 039547727-001

Initial Print Date: Feb 14, 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

ORDER

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

Vacate the building or structure on or before Feb 20, 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 Mar 20, 2017.

NOTICE ADMINISTRATIVE REMEDIES

IF THE PROPERTY IS NOT SECURED BY Feb 20, 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 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: Feb 20, 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) 924-3451. Please reference Notice and Order number CF-2017-013847.

Patrick Sanchez
Code Enforcement Specialist
(505) 924-3451

File Number: CF-2017-013847

Job Number: 039547727-001

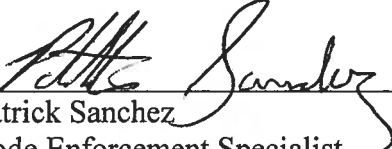
Initial Print Date: Feb 14, 2017

AFFIDAVIT OF SERVICE
FOR POSTING AND MAILING
OF NOTICE AND ORDER

STATE OF NEW MEXICO }
COUNTY OF BERNALILLO } SS


I, Patrick Sanchez, being duly sworn upon Oath, state that on 2/15/2017, posted a copy of the Notice and Order at 5404 ALVARADO PL NE, Albuquerque, NM, and mailed a copy of the Notice and Order by certified mail to the owner on 2/15/2017.

Addressed to: **HANSON VICTORIA**
4701 SAN ISIDRO NW
ALBUQUERQUE, NM 87107

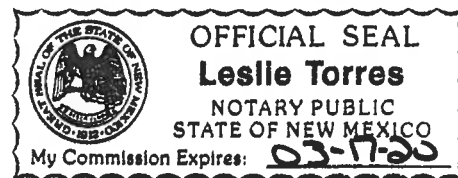


Patrick Sanchez
Code Enforcement Specialist
Code Enforcement Division
Planning Department
City of Albuquerque
(505) 924-3451

SUBSCRIBED AND SWORN TO me on this 16th day of June, 20 17,
by Patrick Sanchez.



Notary Public



My commission expires 03-17-20.

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: **5404 ALVARADO PL NE, Albuquerque, NM**

Legal Description: *** E C NEW KIMO ADD RE LOT E, BLOCK C, SUBDIVISION NEW KIMO ADDN**

Parcel Number (UPC): **10-180-5909403130311**

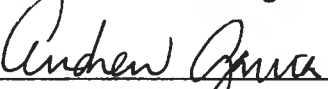
Owner & Owner's Address: **HANSON VICTORIA
4701 SAN ISIDRO NW
ALBUQUERQUE, NM 87107**

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

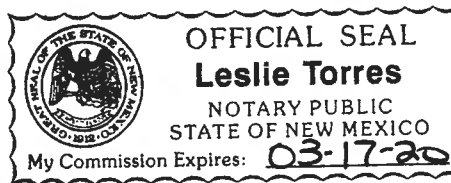
The property described above is in violation of the City Housing Code: **Notice and Order** dated **Feb 14, 2017**

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.


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 16th day of June, 2017.


Notary Public

My Commission Expires 03-17-20

Doc# 2017056304

06/12/2017 10:37 AM Page: 1 of 6
NOT R: \$25.00 Linda Stover, Bernalillo County





NSRES

Palomas Dr
Alvarado Pl















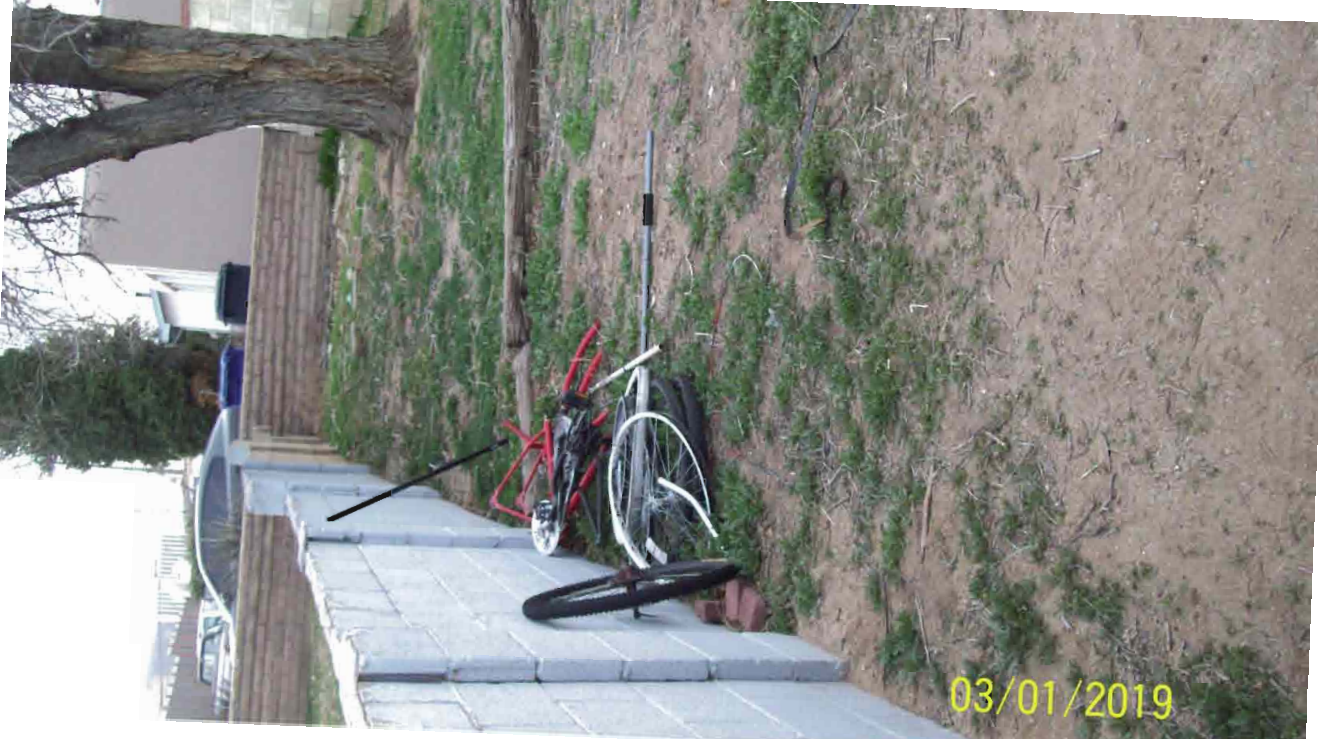
03/01/2019



03/01/2019



03/01/2019



03/01/2019



03/01/2019

03/01/2019





03/01/2019



03/01/2019



03/01/2019



03/01/2019



03/01/2019



03/01/2019



03/01/2019



03/01/2019



03/01/2019



03/01/2019









