

CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. R-19-216 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton, by request

1 RESOLUTION

2 A NUISANCE, SUBSTANDARD DWELLING OR STRUCTURE IN NEED OF
3 ABATEMENT AT 615 ARNO ST SE 87102 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 615 ARNO ST
8 SE ALBUQUERQUE NM 87102, which is located and is more particularly
9 described as: H H ADD L4 BLK 37 X L5 BK 2 C W LEWIS H AD; 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, N.M.S.A., 1978.

22 Section 2. That MCCLAIN DONNA LEIGH, 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: October 17, 2019

TO: Klarissa J. Peña, President, City Council

FROM: Timothy M. Keller, Mayor *TK*

SUBJECT: Resolution of Nuisance Abatement of a Substandard Building at: 615 Arno St SE

The attached resolution requests that the building located at 615 Arno St SE, Albuquerque, New Mexico 87102, 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: 615 Arno St SE,
Albuquerque, New Mexico 87102

Approved:

Approved as to Legal Form:

S.N.

Sarita Nair
8 Chief Administrative Officer
11/27/19
Date

SA

Esteban A. Aguilar, Jr. ESQ.
25 City Attorney
10-30-2019
Date

Recommended:

B.W.

Brennon Williams
Planning Director
25-oct-2019
Date

Cover Analysis

1. What is it?

A substandard, nuisance structure located at 615 Arno St SE, ALBUQUERQUE NM 87102 and legally described as, H H ADD L4 BLK 37 X L5 BK 2 C W LEWIS H AD, 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: 615 Arno St SE
H H ADD L4 BLK 37 X L5 BK 2 C W LEWIS H AD

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		\$ -	\$ -	\$ -	\$ -
<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.

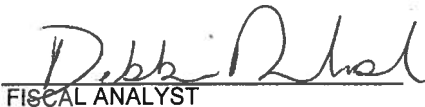
Number of Positions created

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:


FISCAL ANALYST

APPROVED:

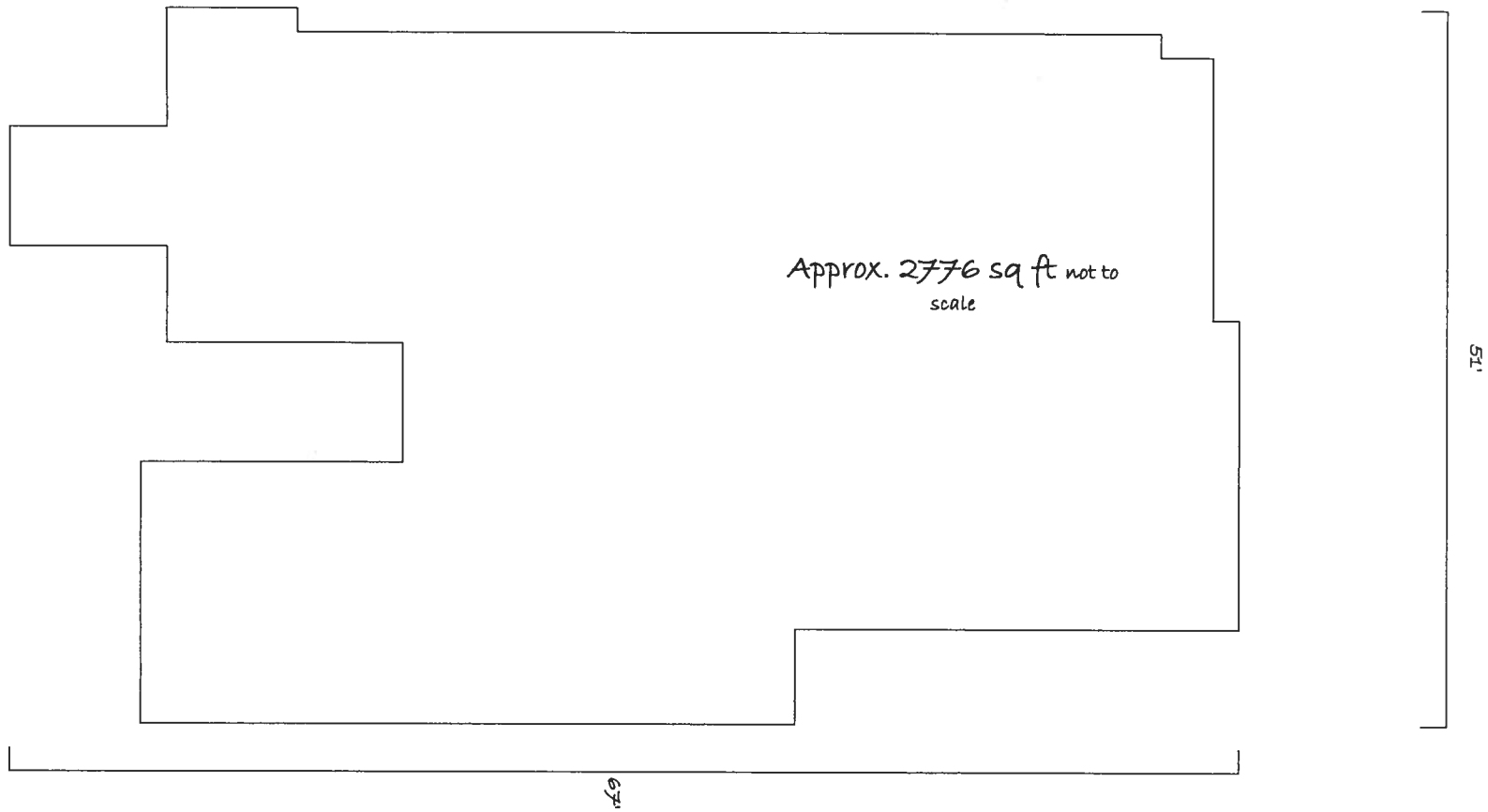

DIRECTOR (date)

REVIEWED BY:

EXECUTIVE BUDGET ANALYST

BUDGET OFFICER (date)

CITY ECONOMIST



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

Richard J. Berry, Mayor

27-AUG-2015

NOTICE AND ORDER WITH APPEAL

Owners: MCCLAIN, DONNA LEIGH
6925 WILLOUGHBY LN
ORLANDO, FL 32812

RE: 615 ARNO ST SE ALBUQUERQUE, NM 87102

On 26-AUG-2015, the City of Albuquerque Planning Department, Code Enforcement Division,
PO Box 1293 made an inspection of the building or structure owned, occupied, or controlled by you at:

615 ARNO ST SE, ALBUQUERQUE, NM 87102,

Albuquerque

which is more particularly described as:

H H ADD L4 BLK 37 X L5 BK 2 C W LEWIS H AD LOT 4, BLOCK 37,
New Mexico 87103 SUBDIVISION HUNINGS HIGHLAND ADDN, ALBUQUERQUE, NEW
MEXICO.

www.cabq.gov

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.

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

Substandard dwelling (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.*

Due to the violations listed in this Notice and Order, it has been determined that the structure is substandard and is creating a nuisance to the neighborhood and surrounding community. Structure has been in a dilapidated state for an extended period of time without adequate maintenance and is creating a nuisance to the neighborhood and surrounding community.

General dilapidation or inadequate maintenance (Section: 14-3-4-2(L)): *Inadequate sanitation includes general dilapidation or inadequate maintenance.*

All weeds, trash, and outdoor storage shall be removed from property.

Nuisance as defined in this code (Section: 14-3-4-4): *Any nuisance as defined in this code.*

Due to violations listed in this Notice and Order, it has been determined that the dwelling is Substandard. Dwelling is vacant and unsecured posing a hazard and a nuisance to the neighborhood and surrounding community.

Hazardous wiring (Section: 14-3-4-5): *Hazardous wiring includes 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.*

All electrical wiring, wiring components and equipment shall be inspected by a licensed contractor and all necessary repairs shall be made. All required permits shall be attained prior to work commencing. Once determined safe, in compliance and prior to dwelling being occupied, electrical services shall be reactivated by PNM.

Hazardous plumbing (Section: 14-3-4-6): *Hazardous plumbing includes 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.*

All plumbing and plumbing components shall be inspected by a licensed contractor and all necessary repairs shall be made. All required permits shall be attained prior to work commencing. Once determined safe, in compliance and prior to dwelling being occupied, water services shall be reactivated by ABCWUA.

Hazardous mechanical (Section: 14-3-4-7): Hazardous mechanical equipment includes 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.

All mechanical and mechanical components shall be tested and inspected by a licensed contractor and all necessary repairs shall be made. Once determined safe, in compliance and prior to dwelling being occupied, gas services shall be restored by NM Gas Company.

Faulty weather protection (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 or missing windows and doors shall be repaired or replaced to open close and lock as designed.

Failure to act within 12 months (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

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

Vacate the building or structure on or before 09-SEP-2015. 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 10 DAYS of the date of this Order. The repairs must be completed by 15-OCT-2015.

NOTICE ADMINISTRATIVE REMEDIES

IF THE PROPERTY IS NOT SECURED BY 09-SEP-2015 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: 09-SEP-2015.

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)924-3455. Please reference Notice and Order number 2015000203.



ANGELO METZGAR


Code Enforcement Inspector
Planning Department
City of Albuquerque

AFFIDAVIT OF SERVICE
FOR POSTING AND MAILING
OF NOTICE AND ORDER

STATE OF NEW MEXICO }
COUNTY OF BERNALILLO } SS

I, Angelo Metzgar, being duly sworn upon Oath, state that on 8/27/2015, posted a copy of the Notice and Order at 615 ARNO ST SE, Albuquerque, New Mexico, 87102, and mailed a copy of the Notice and Order by certified mail to the owner on 8/27/2015.

Addressed to: MCCLAIN, DONNA LEIGH
6925 WILLOUGHBY LN
ORLANDO, FL 32812


Angelo Metzgar, Senior Code Enforcement Inspector
Code Enforcement Division

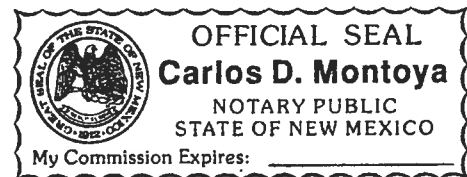
Planning Department
City of Albuquerque
(505) 924-3455

SUBSCRIBED AND SWORN TO me on this 27th day of August, 2015,

by Angelo Metzgar.


Notary Public

My commission expires May 10th 2017.



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:

615 ARNO ST SE

Legal Description: **H H ADD L4 BLK 37 X L5 BK 2 C W H AD**

UPC: **1 014 057 373 189 42510**

Owner & Owner's address:

**MCCLAIN DONNA LEIGH
6925 WILLOUGHBY LN
ORLANDO FL 32812 3733**

Doc# 2015090859


10/16/2016 03:17 PM Page: 1 of 2
REL R:\$25.00 M. Toulouse Oliver, Bernalillo County



The property described above is in violation of the City Housing Code: **Notice and Order dated August 27, 2015.**

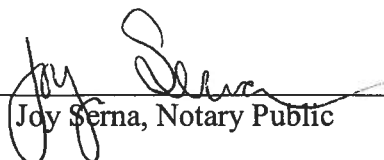
Attached Are Copies of Findings

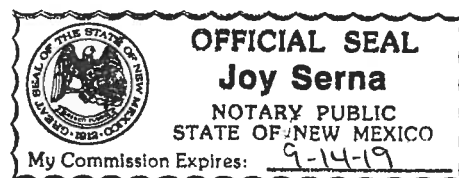
Notice of the condition of the property was given to the owner in the following manner: Posted onto a front exterior door of the building and mailed certified mail.


Brennon Williams, Signature
Code Enforcement Division
Planning, Code Compliance Manager
City of Albuquerque

STATE OF NEW MEXICO } SS
COUNTY OF BERNALILLO

The foregoing instrument was acknowledged before me by Brennon Williams this 25th day of ³⁵September, 2015.


Joy Serna, Notary Public



My Commission Expires 9-14-19











