

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-20-4 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton, by request

1 RESOLUTION

2 A NUISANCE, SUBSTANDARD DWELLING OR STRUCTURE IN NEED OF
3 ABATEMENT AT 1308 8TH ST SW 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 1308 8th St SW
8 ALBUQUERQUE NM 87102, which is located and is more particularly
9 described as: * 023 NUANES ADD; 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 VARELA SILVIA PARRA & CARCAMO MAURICIO, record
23 owner of said building, structure or premises shall commence removal of
24 same within ten (10) days after service of a copy of this Resolution or within
25 said ten (10) day period, file written objection to findings herein with the City

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

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.

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: November 13, 2019

TO: Klarissa J. Peña, President, City Council

FROM: Timothy M. Keller, Mayor 

SUBJECT: Resolution of Nuisance Abatement of a Substandard Building at: 1308 8TH ST SW 87102

The attached resolution requests that the building located at 1308 8TH ST SW 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 \$20,000.00.


I am submitting this resolution to the City Council for their consideration and action.

**Resolution of Nuisance Abatement of a Substandard Building at: 1308 8TH ST SW,
Albuquerque, New Mexico 87102**


Approved:

Approved as to Legal Form:


Sarita Nair
Chief Administrative Officer
Date 12/20/19


Esteban A. Aguilar, Jr. ESQ.
City Attorney
Date 12/10/19

Recommended:


Brennon Williams
Planning Director
Date

Cover Analysis

1. What is it?

A substandard, nuisance structure located at 1308 8th Street SW and legally described as, * 023 NUANES ADD, 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 \$20,000.00 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: 1308 8TH ST SW 87102
* 023 NUANES ADD

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:

Debb D. Hall
FISCAL ANALYST

APPROVED:

R. Williams
DIRECTOR (date)

REVIEWED BY:

Andrew P. Palmer EXECUTIVE BUDGET ANALYST
12/12/19 BUDGET OFFICER (date)
ABou CITY ECONOMIST

Approx. 896 sq ft not to scale

28'

Address: 1308 8th St
SW Legal Description: *
023 NUANES ADD

32'



Safe City Strike Force

Planning Department
600 2nd Street NW
Albuquerque NM, Suite 500
April 10, 2015

NOTICE AND ORDER

Date: April 10, 2015

To: ALFONSO & DOROTHY A CANO
713 PRINCETON SE
ALBUQUERQUE NM 87106

Re: **1308 8th SW ALBUQUERQUE, NM 87102**

On April 8, 2015 the Safe City Strike Force Office and Albuquerque Fire Department/Arson made an inspection of the Building or structure owned, occupied or controlled by you at **1308 8th SW Albuquerque 87102 New Mexico** which is more particularly described as: ***023 NUANES ADD UPC #1 014 056 015 514 22326**

Violations of the Uniform Code ("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 accepted standards of health and safety provided for in the Code.

The Safe City Strike Force has found the above-referenced structure to be substandard under the provisions of the Code. The findings of the inspection are listed below:

FINDINGS AND SPECIFIC CODE VIOLATIONS

14-3-4-1 Substandard Building: Any building or portion thereof, including any dwelling, 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 for the 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.

In Particular, a substandard building includes a Nuisance which is defined in section 14-3-4-4 which incorporates section 14-3-1-4 ROA, and includes "abandoned wells, shafts, basements or excavations; abandoned refrigerators; or any structurally unsound fences or structures; or any lumber, trash fences or debris which may prove a hazard for inquisitive minors." A nuisance also includes any "nuisance known at common law or in equity jurisprudence." The property is a nuisance under the ordinance and in common law because it is unsecured and open to vagrants, homeless people and those who may have a propensity for criminal activity have been found on the premises.

The structure has been found to be a Nuisance due to life safety issues. The City of Albuquerque has Codes and Ordinances for minimum requirements of a property owner. The interior of the property is so badly maintained to the extent that it endangers the life, limb, health, property, safety or welfare of the public or any occupants. The property has been POSTED SUBSTANDARD due to a structure fire. The City of Albuquerque has utilized its administrative authority and secured your property. We were contacted by Albuquerque Fire Department reference structure fire, the structure was heavily damaged by the fire. The AFD Arson division had the utilities disconnected/removed. A lien for all cost associated with the securing your property will be filed against the property for all cost incurred.

Section 14-3-4-4 Any nuisance as defined in this Code. Your property has become a Public Nuisance for the Neighborhood and the City of Albuquerque. The property must be brought up to code, secured and restored to a safe occupancy condition.

ORDER

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

SECURE AND CLEAN YOUR VACANT-ABANDONED PROPERTY or structure on or before April 10, 2015. After vacating the building or structure, you must repair the building or structure. In repairing the building or structure damaged in the fire you will be required to obtain all necessary permits. And the work physically commenced within five days of the date of this Order. **The repairs must be completed by May 10, 2015**

Notice of Intent to proceed administratively

IF THE PROPERTY IS NOT SECURED AND THE LOT CLEANED BY April 10, 2015 AT 5:00 PM, THE CITY MAY CAUSE ANY STRUCTURES TO BE SECURED AND CLEANED WITHOUT FURTHER NOTICE TO ANY PARTIES, AND A LIEN WILL BE PLACED AGAINST THE PROPERTY FOR THE CITY'S COSTS ASSOCIATED WITH CAUSING THE PROPERTY TO BE SECURED AND CLEANED. THE ADMINISTRATIVE ACTION CONTEMPLATED IN THIS PARAGRAPH SHALL NOT AFFECT ANY RIGHTS OF APPEAL.

Structure must be secured; all doors and windows that cannot be secured must be boarded up within 5 days of the Notice.

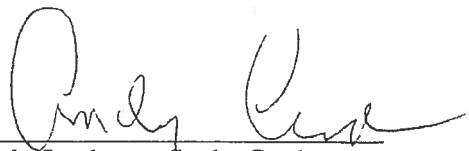
All repairs must be completed in a workman-like manner and in compliance with all applicable Codes with all Permits and Inspections required.

A form for filing an appeal is available in the Mayor's Office 11th floor, 1 Civic Plaza NW. This form, however, is not required 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 the appellants participating in the appeal. A brief statement setting forth the legal interest of each of the appellants in the building of 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 and their official mailing addresses and 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 from the Notice and Order will stay enforcement of the 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 with in 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.

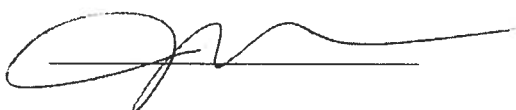
If you have any questions concerning this Notice and Order of the cited violations, please call me at 505-924-3456.



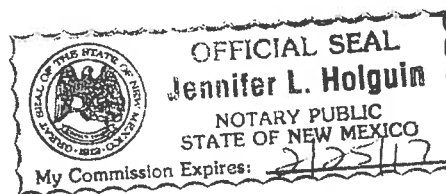
Andy Leyba affleyba@cabq.gov
Safe City Strike Force Supervisor
Planning Department
600 2nd Street NW
Suite 500
Albuquerque, New Mexico 87102

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

The foregoing instrument was acknowledged before me this 10th day of April, 2015.



My commission expires: 2/25/17



7010 1870 0001 0570 6856

U.S. Postal Service TM	
CERTIFIED MAIL TM RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
Sent To Alfonso & Dorothy Cano	
Street, Apt. No., or PO Box No. 713 Princeton SE Ref: 130884	
City, State, ZIP+4 Alb. NM 87106 SW	
PS Form 3800, August 2006 See Reverse for Instructions	

**AFFIDAVIT OF SERVICE NOTICE AND ORDER BY
POSTING**

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

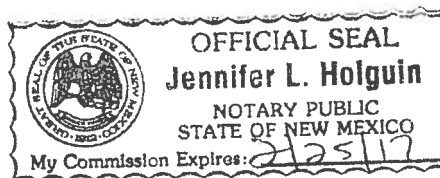
I Andy Leyba being first duly sworn upon Oath state that on April 10, 2015 I posted a copy of the Notice and Order and mailed a copy by Certified Mail, Pertaining to the property at 1308 8th SW, Albuquerque New Mexico 87102 addressed to Alfonso & Dorothy A Cano the owner, occupant, agent or heir.

Signed: Andy Leyba

SUBSCRIBED AND SWORN TO before me this 10th day
of April, 2015

My commission expires: 2/25/17

Jennifer L. Holguin
Notary Public



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:

**1308 8TH ST SW
ALBUQUERQUE NM 87102**

Legal Description: * **023 NUANES ADD**

UPC: 101405601551422326

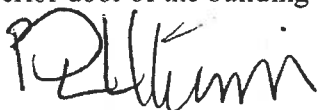
Owner & Owner's address:

**CANO ALFONSO & DOROTHY A
713 PRINCETON SE
ALBUQUERQUE NM 87106**

The property described above is in violation of the City Housing Code: **Notice and Order dated April 10, 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, bnwilliams@cabq.gov
Code Enforcement Division
Planning, Code Compliance Manager
City of Albuquerque

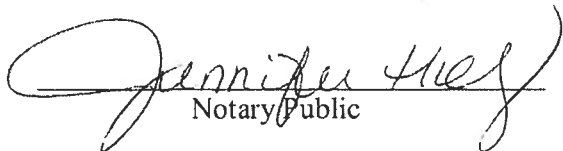
STATE OF NEW MEXICO } SS
COUNTY OF BERNALILLO

Doc# 2015032930

04/22/2015 09:48 AM Page: 1 of 6
NOT R: \$25.00 M. Toulouse Oliver, Bernalillo County



The foregoing instrument was acknowledged before me by Brennon Williams this 21st day of April 2015.



Notary Public

My Commission Expires 2/25/17

