

# CITY of ALBUQUERQUE

## TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-20-5 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Isaac Benton, by request

1 RESOLUTION

2 A NUISANCE, SUBSTANDARD DWELLING OR STRUCTURE IN NEED OF  
3 ABATEMENT AT 1112 IRON AVE 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 1112 Iron Ave  
8 SW ALBUQUERQUE NM 87102, which is located and is more particularly  
9 described as: \*011 054RAYNOLDS ADDN & L12; 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 MONTROYA CHARLES, 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: 10/28/2019

**TO:** Klarissa J. Peña, President, City Council

**FROM:** Timothy M. Keller, Mayor *TK*

**SUBJECT:** Resolution of Nuisance Abatement of a Substandard Building at: 1112 Iron Ave SW 87102

The attached resolution requests that the building located at 1112 Iron Ave 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 \$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: 1112 Iron Ave SW,  
Albuquerque, New Mexico 87102

Approved:

Approved as to Legal Form:

*Sarita Nair*  
Sarita Nair  
Chief Administrative Officer

*12/16/19 NS*  
Date

*Esteban A. Aguilar, Jr. ESQ.*  
Esteban A. Aguilar, Jr. ESQ.  
City Attorney

*11-14-19*  
Date

Recommended:

*Brennon Williams*  
Brennon Williams  
Planning Director

*29 OCT 2019*

Date

## **Cover Analysis**

### **1. What is it?**

**A substandard, nuisance structure located at 1112 Iron Ave SW 87102 and legally described as, \* 011 054RAYNOLDS ADDN & L12, 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: 1112 Iron Ave SW, Albuquerque NM 87102

R: X O:

\* 011 054RAYNOLDS ADDN & L12

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:

		Fiscal Years			
		2020	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:

Dubi Dholi  
FISCAL ANALYST

APPROVED:

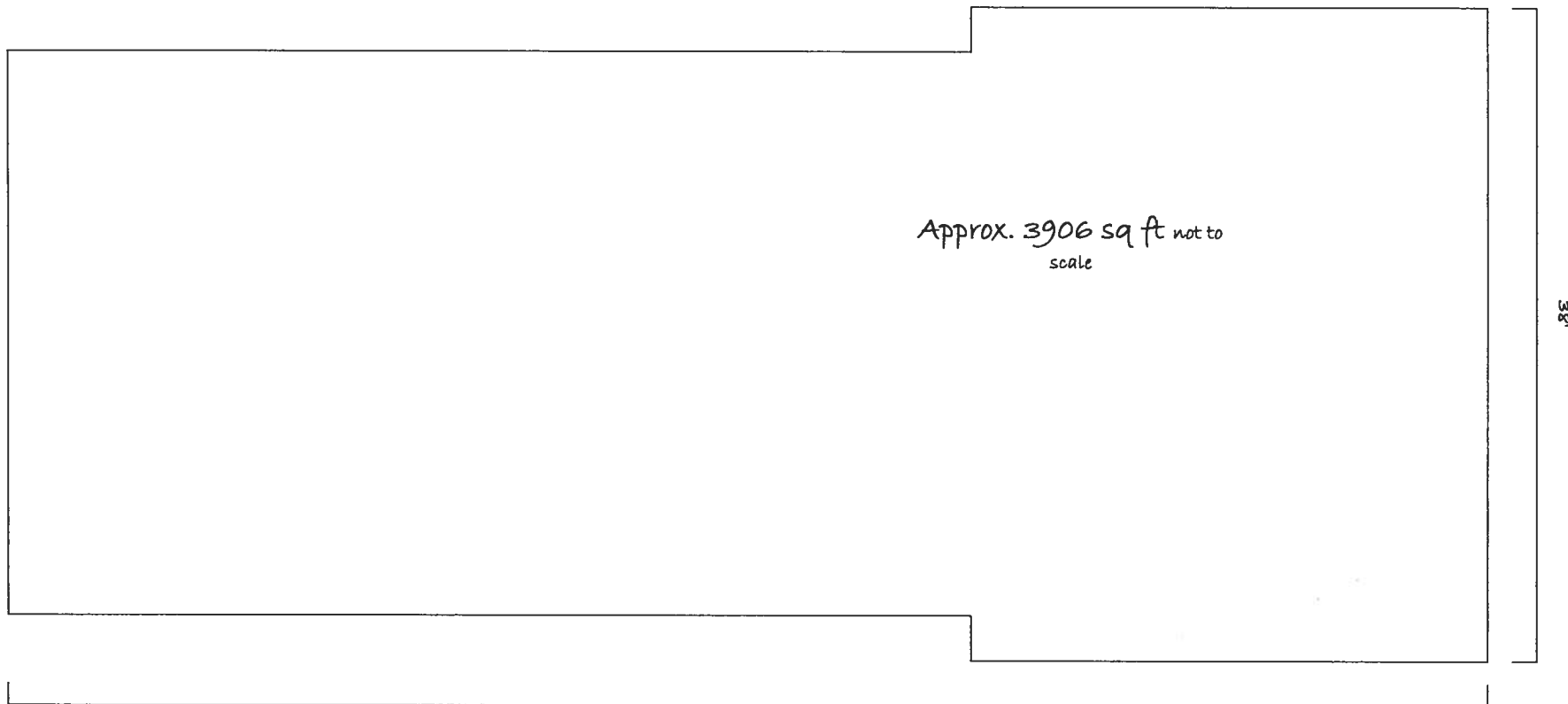
William 29 OCT 2019  
DIRECTOR (date)

REVIEWED BY:

Christopher Padilla  
EXECUTIVE BUDGET ANALYST

Renee Martinez 11/22/19  
BUDGET OFFICER (date)

Christine E. B.  
CITY ECONOMIST



N ↑

1112 Iron Ave SW Legal  
Description: \* 011  
054RAYNOLDS ADDN  
§ L12

# 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: **1112 IRON AV SW, Albuquerque, NM**

Legal Description: \* **011 054 RAYNOLDS ADDN & L12 LOT 12, BLOCK 54, SUBDIVISION RAYNOLDS ADDN**

Parcel Number (UPC): **10-130-5738828110313**

Owner & Owner's Address: **MONTOYA CHARLES  
1112 IRON AVE SW  
ALBUQUERQUE, NM 87102**

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

The property described above is in violation of the City Housing Code: **Notice and Order dated Apr 2, 2018**


## Attached Are Copies of Findings

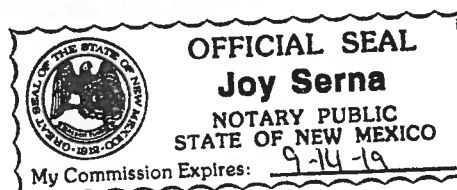
Notice of the condition of the property was given to the owner in the following manner: Posted onto the front exterior of the building and mailed certified mail.

  
Vicente Valencia, Code Enforcement Specialist  
Planning, Code Enforcement Division  
City of Albuquerque

STATE OF NEW MEXICO } SS  
COUNTY OF BERNALILLO

The foregoing instrument was acknowledged before me by Vicente Valencia this 11<sup>th</sup> day of May, 2018.

  
Notary Public  
My Commission Expires 9-14-19



Doc# 2018045846

05/25/2018 12:41 PM Page: 1 of 7  
NOT R:\$:5.00 Linda Stover, Bernalillo County



# CITY OF ALBUQUERQUE

## CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500  
600 2<sup>nd</sup> Street NW  
Albuquerque, NM 87102  
Tel: (505) 924-3850 Fax: (505) 924-3847



Tim Keller, Mayor  
Apr 2, 2018

### **NOTICE AND ORDER WITH APPEAL**

**MONTOYA CHARLES  
1112 IRON AVE SW  
ALBUQUERQUE, NM 87102**

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: **1112 IRON AV SW, Albuquerque, NM** on Apr 2, 2018

The Property is more particularly described as:

\* 011 054RAYNOLDS ADDN & L12 LOT 12, BLOCK 54, SUBDIVISION RAYNOLDS 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,

Vicente Valencia  
Code Enforcement Specialist  
(505) 924-3348

File Number: CF-2018-025233

Job Number: 062913883-001

Initial Print Date: Apr 2, 2018

# CITY OF ALBUQUERQUE

## CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500  
600 2<sup>nd</sup> Street NW  
Albuquerque, NM 87102  
Tel: (505) 924-3850 Fax: (505) 924-3847



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

Address: **1112 IRON AV SW, 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	As defined in the City of Albuquerque Uniform Housing Code.	May 4, 2018
14-3-4-6 Hazardous Plumbing	Dwelling is without water services thereby causing the dwelling to be substandard. Dwelling shall be vacated or have water service restored by the effective date of this Notice and Order. A final interior inspection shall be completed to confirm compliance.	Apr 17, 2018
14-3-4-7 Hazardous Mechanical Equipment	Dwellings are without gas services thereby causing the dwellings to be substandard. Dwelling shall be vacated or have gas service restored by the effective date of this Notice and Order. A final interior inspection shall be conducted to confirm compliance.	Apr 17, 2018
14-3-4-1 Substandard Building Defined	In addition to the violations listed in this Notice and Order, Dwelling is lacking Electrical services causing the dwelling to be substandard. Electrical services shall be reactivated by the prior to occupancy. A final interior inspection shall be completed to confirm compliance.	Apr 17, 2018
14-3-4-4 Nuisance	Upon exterior inspection, there was an accumulation of wood pallets, a shopping full of debris, a broken television and other miscellaneous items on the north and west side of the building. This activity is causing a public nuisance to the surrounding community. Clean and remove all mentioned items from the yard and dispose of accordingly.	May 4, 2018

Code Sections	Code Description
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.

File Number: CF-2018-025233

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	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.
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.
14-3-4-7	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.
14-3-4-1	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.
14-3-4-4(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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### 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 Apr 2, 2018.

A form for filing an appeal is available in the Code Enforcement Section office at 600 2<sup>nd</sup> 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) 924-3348. Please reference Notice and Order number CF-2018-025233.

File Number: CF-2018-025233

Job Number: 062913883-001

Initial Print Date: Apr 2, 2018

# CITY OF ALBUQUERQUE

## CODE ENFORCEMENT

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600 2<sup>nd</sup> Street NW  
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### 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 CONTEMPLATED 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.

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 immediate violations need to be repaired by April 17<sup>th</sup> 2018.** All other repairs must be completed by May 4, 2018.

If you have any questions concerning this Notice and Order, or the cited violations, please call me at: (505) 924-3348. Please reference Notice and Order number CF-2018-025233.

Vicente Valencia  
Code Enforcement Specialist  
(505) 924-3348

File Number: CF-2018-025233

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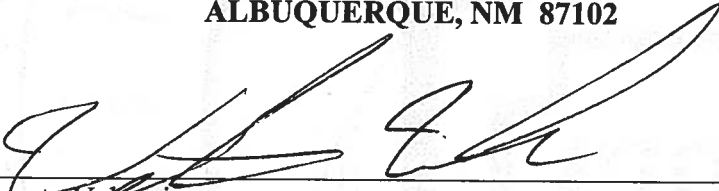


AFFIDAVIT OF SERVICE  
FOR POSTING AND MAILING  
OF NOTICE AND ORDER

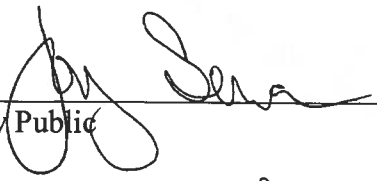
STATE OF NEW MEXICO }  
COUNTY OF BERNALILLO } SS

I, Vicente Valencia, being duly sworn upon Oath, state that on 4/2/2018, posted a copy of the Notice and Order at 1112 IRON AV SW, Albuquerque, NM, and mailed a copy of the Notice and Order by certified mail to the owner on 4/2/2018.

Addressed to: **MONTOYA CHARLES**  
**1112 IRON AVE SW**  
**ALBUQUERQUE, NM 87102**

  
\_\_\_\_\_  
Vicente Valencia  
Code Enforcement Specialist  
Code Enforcement Division  
Planning Department  
City of Albuquerque  
(505) 924-3348

SUBSCRIBED AND SWORN TO me on this 11<sup>th</sup> day of May, 2018,  
by Vicente Valencia.

  
\_\_\_\_\_  
Notary Public  
My commission expires 9-14-19.

