

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-20-6 ENACTMENT NO. _____

SPONSORED BY: Klarissa J. Peña, by request

1 RESOLUTION

2 A NUISANCE, SUBSTANDARD DWELLING OR STRUCTURE IN NEED OF
3 ABATEMENT AT 225 63RD ST NW 87105 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 225 63RD ST
8 NW ALBUQUERQUE NM 87105, which is located and is more particularly
9 described as: LOTS 18 THRU 22 CASA BLANCA 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 HAYES ELAINE V TRUSTEE HAYES RVT, record owner
23 of said building, structure or premises shall commence removal of same
24 within ten (10) days after service of a copy of this Resolution or within said ten
25 (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.

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CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

Date: October 31, 2019

TO: Klarissa J. Peña, President, City Council

FROM: Timothy M. Keller, Mayor *TK*

SUBJECT: Resolution of Nuisance Abatement of a Substandard Building at: 225 63rd ST NW 87105

The attached resolution requests that the building located at 225 63rd ST NW Albuquerque, New Mexico 87105, 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 \$104,425.

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

Resolution of Nuisance Abatement of a Substandard Building at: 225 63rd ST NW,
Albuquerque, New Mexico 87105

Approved:

Approved as to Legal Form:

S. Nair 12/20/19

Sarita Nair Date
Chief Administrative Officer

Samantha Hult 12/6/19

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

Recommended:

B. Williams 05 NOV 2019

Brennon Williams Date
Planning Director

Cover Analysis

1. What is it?

A substandard, nuisance structure located at 225 63rd ST NW and legally described as, LOTS 18 THRU 22 CASA BLANCA 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 \$104,425 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: 225 63rd ST NW

R: X O:

LOTS 18 THRU 22 CASA BLANCA ADD

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.

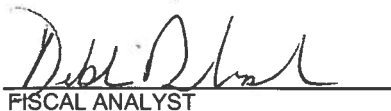
Number of Positions created

COMMENTS :

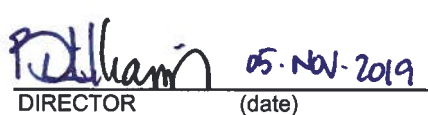
Structure poses an extreme hazard and is substandard and a nuisance to the neighborhood surrounding community and to inquisitive minors. The structure will continue to dilapidate causing life safety issues. This is a substandard and a nuisance property.

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

PREPARED BY:


FISCAL ANALYST

APPROVED:

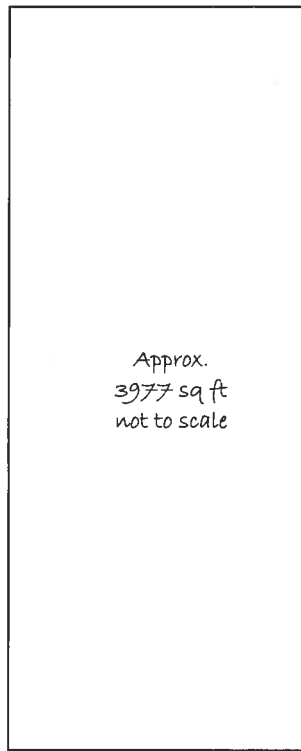
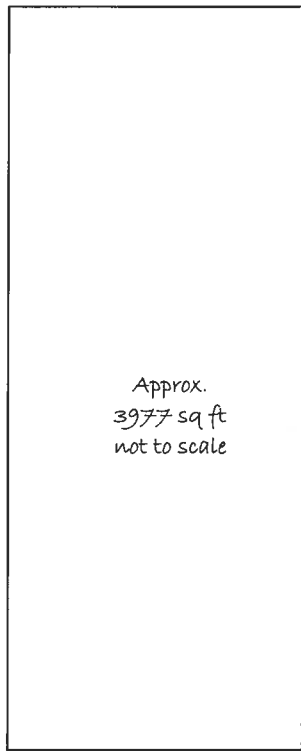
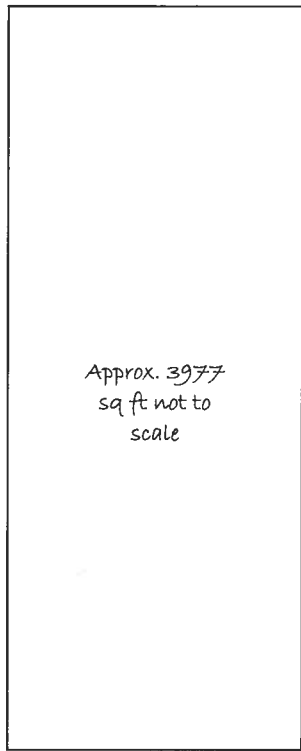
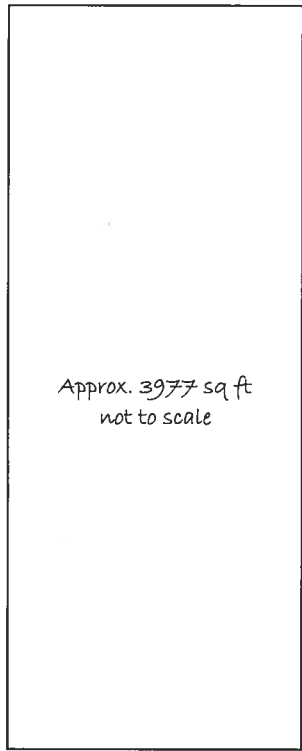
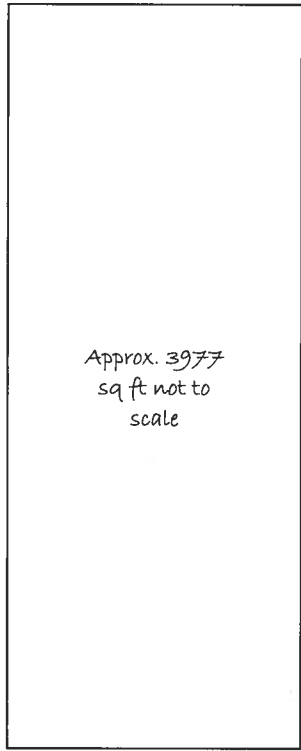
 05-Nov-2019
DIRECTOR (date)

REVIEWED BY:

 EXECUTIVE BUDGET ANALYST

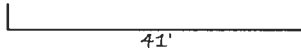
 BUDGET OFFICER (date) 12/12/19

 CITY ECONOMIST



Approx total square
footage, 5 structures
19885 sq ft not to scale

225 63rd ST NW Legal
Description: • LOTS 18 THRU 22
CASA BLANCA ADD



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



Oct 16, 2018

NOTICE AND ORDER WITH APPEAL

**HAYES ELAINE V TRUSTEE HAYES RVT
225 63RD ST NW
ALBUQUERQUE, NM 87105**

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: 225 63RD ST NW, Albuquerque, NM on Oct 16, 2018

The Property is more particularly described as:

LOTS 18 THRU 22 CASA BLANCA ADD LOT 21, BLOCK 0000, SUBDIVISION CASA BLANCA

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,

Gabriel Villegas
Code Enforcement Specialist
(505) 924-3828

File Number: CF-2018-046125

Job Number: 075582458-001

Initial Print Date: Oct 16, 2018

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



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

Address: **225 63RD ST NW, 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
14-3-4-4 Nuisance	At the time of inspection it was noted that various items were stored outdoors between building 221 and 225 63rd St. To include but not limited to multiple refrigerators.	Oct 19, 2018
14-3-4-8 Faulty Weather Protection	At time of inspection it was noted that apartment office at 225 63RD ST was missing the kitchen window. All broken windows shall be replaced.	Oct 19, 2018
14-3-4-2 Inadequate Sanitation	At time of inspection it was noted that water service was shut off to the entire apartment complex known as: 221 63rd ST apartments A,B,C, and D 225 63rd ST apartments A,B,C, and D 229 63rd ST apartments A,B,C, and D 233 63rd ST apartments A,B,C, and D 237 63rd ST apartments A,B,C, and D	Oct 19, 2018
14-3-4-2 Inadequate Sanitation	Lack of required electrical lighting. At the time of inspection it was noted that a resident was living in apartment B of 221 63rd St without electricity. Service shall repaired by PNM.	Oct 19, 2018
14-3-4-1 Substandard Building Defined	The complex is lacking water service to all occupied dwellings. Water service shall be restored no later than October 19, 2018 by 5:00pm. If the water service is not restored to the complex, the property owner shall be responsible for relocating all tenants. RELOCATION COSTS. The expenses reasonably incurred by a resident displaced from a residential building pursuant to action of the City of Albuquerque. Relocation costs shall be \$2,000 per family unless the resident can demonstrate special circumstances that make the relocation cost a greater amount. If special circumstances are demonstrated, relocation costs may include the actual cost of physically moving to a residential	Oct 19, 2018

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	building approved by the relocation agency (the "replacement unit"); costs of moving to a location outside of the immediate area; any security/damage deposit required by the replacement unit owner which exceed the amount of the security/ damage deposit recovered from the owner of the building the resident is moving from; utility deposits and hook up cost and the rent for the first month; costs of moving back to the residential building originally vacated after housing code compliance; and any other reasonable relocation costs.	
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Code Sections	Code Description
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.
14-3-4-8(A)	Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows, doors and basement hatchways
14-3-4-2(E)	Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
14-3-4-2(J)	Lack of required electrical lighting.
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.

File Number: CF-2018-046125

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600 2nd Street NW

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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 **OCT 19, 2018**.

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. 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) 924-3828. Please reference Notice and Order number CF-2018-046125.

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.

File Number: CF-2018-046125

Job Number: 075582458-001

Initial Print Date: Oct 16, 2018

CITY OF ALBUQUERQUE

CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500

600 2nd Street NW

Albuquerque, NM 87102

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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 repairs must be completed by Oct 19, 2018.

If you have any questions concerning this Notice and Order, or the cited violations, please call me at: (505) 924-3828. Please reference Notice and Order number CF-2018-046125.

Gabriel Villegas

Code Enforcement Specialist

(505) 924-3828

File Number: CF-2018-046125

Job Number: 075582458-001

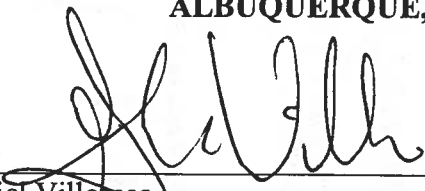
Initial Print Date: Oct 16, 2018

AFFIDAVIT OF SERVICE
FOR POSTING AND MAILING
OF NOTICE AND ORDER

STATE OF NEW MEXICO }
COUNTY OF BERNALILLO } SS

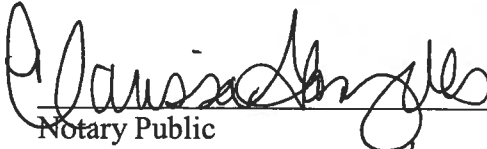
I, Gabriel Villegas, being duly sworn upon Oath, state that on 10/16/2018, posted a copy of the Notice and Order at 225 63RD ST NW, Albuquerque, NM, and mailed a copy of the Notice and Order by certified mail to the owner on 10/16/2018.

Addressed to: **HAYES ELAINE V TRUSTEE HAYES RVT**
225 63RD ST NW
ALBUQUERQUE, NM 87105

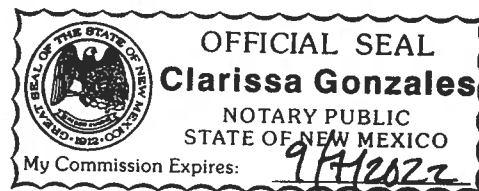


Gabriel Villegas
Code Enforcement Specialist
Code Enforcement Division
Planning Department
City of Albuquerque
(505) 924-3828

SUBSCRIBED AND SWORN TO me on this 25th day of October, 2018,
by Gabriel Villegas.



Notary Public
My commission expires 9/7/2022.



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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: **225 63RD ST NW, Albuquerque, NM**

Legal Description: **LOTS 18 THRU 22 CASA BLANCA ADD LOT 21, BLOCK 0000, SUBDIVISION CASA BLANCA**

Parcel Number (UPC): **10-110-5705137520316**

Owner & Owner's Address: **HAYES ELAINE V TRUSTEE HAYES RVT
225 63RD ST NW
ALBUQUERQUE, NM 87105**

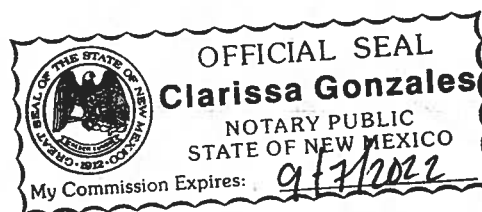
Processing Fee: \$90.00
Filing Fee: \$25.00

The property described above is in violation of the City Housing Code: **Notice and Order** dated **Oct 16, 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.


Gabriel Villescas, 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 Gabriel Villescas this 25th day of October 2018


Notary Public

My Commission Expires 9/7/2022

Doc# 2018105055

12/05/2018 10:47 AM Page: 1 of 7
NOT R:\$25.00 Linda Stover, Bernalillo County



Feb 15, 2019 at 8:44:28 AM
232 63rd St NW
Albuquerque NM 87105
United States









Feb 15, 2019 at 8:44:56 AM
221 63rd St NW
Albuquerque NM 87105
United States



Nov. 14, 2019 at 12:31:23 PM



Nov 14, 2019 at 12:32:49 PM



Nov 14, 2019 at 12:33:35 PM



Feb 15, 2019 at 8:44:58 AM
221 63rd St NW
Albuquerque NM 87105
United States



Feb 15, 2019 at 8:42:56 AM
221 63rd St NW
Albuquerque NM 87105
United States



Feb 15, 2019 at 8:43:02 AM
221 63rd St NW
Albuquerque NM 87105
United States



