

# CITY of ALBUQUERQUE

## TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-20-22 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Pat Davis, by request

1 RESOLUTION

2 A NUISANCE, SUBSTANDARD DWELLING OR STRUCTURE IN NEED OF  
3 ABATEMENT AT 412 GEORGIA ST SE 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 412 GEORGIA  
8 ST SE ALBUQUERQUE NM 87107, which is located and is more particularly  
9 described as: N 52.3FT OF THE S 412.3FT OF THE W1/2 BLK 6 MESA PARK  
10 ADDITION CONT .1860 AC; and

11 WHEREAS, the Planning Department, Code Enforcement Division of the  
12 City of Albuquerque has investigated the condition of said Building, structure  
13 of premises and has found same to be so ruined, damaged and dilapidated  
14 that it constitutes a menace to the public comfort, health, peace or safety and  
15 warrants abatement and removal.

16 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
17 ALBUQUERQUE:

18 Section 1. That the findings of said Code Enforcement, in regard to said  
19 building, structure or premises, be and are hereby approved and adopted and  
20 that said building, structure or premises is found to be ruined, damaged and  
21 dilapidated, as to be a menace to the public comfort, health, peace or safety  
22 pursuant to Section 3-18-5, N.M.S.A., 1978.

23 Section 2. That SEIDENSCHWARZ TODD, record owner of said building,  
24 structure or premises shall commence removal of same within ten (10) days  
25 after service of a copy of this Resolution or within said ten (10) day period, file

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1 written objection to findings herein with the City Clerk/Recorder of the City of  
2 Albuquerque, asking for a hearing before the City 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: January 31, 2020

**TO:** Patrick Davis, President, City Council

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

**SUBJECT:** Resolution of Nuisance Abatement of a Substandard Building at: 412 Georgia St SE, Albuquerque, NM 87107

The attached resolution requests that the building located at 412 Georgia St SE Albuquerque, New Mexico 87107, 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 \$25,680.00.

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

**Resolution of Nuisance Abatement of a Substandard Building at: 412 Georgia St SE,  
Albuquerque, New Mexico 87107**

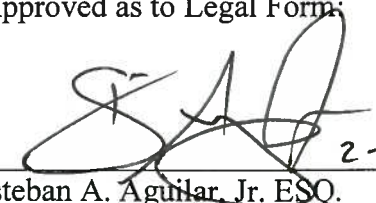
Approved:

Approved as to Legal Form:

  
\_\_\_\_\_  
Sarita Nair  
Chief Administrative Officer

2/26/20


Date

  
\_\_\_\_\_  
Esteban A. Aguilar, Jr. ESQ.  
City Attorney

2-4-2020

Date

Recommended:

  
\_\_\_\_\_  
Brennon Williams  
Planning Director

31 JAN - 2020

Date



## **Cover Analysis**

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

**A substandard, nuisance structure located at 412 Georgia St SE, 87108 and legally described as, N 52.3FT OF THE S 412.3FT OF THE W1/2 BLK 6 MESA PARK ADDITION CONT .1860 AC, 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 \$25,680.00 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: 412 Georgia St SE, Albuquerque, NM 87107  
N 52.3FT OF THE S 412.3FT OF THE W1/2 BLK 6 MESA PARK  
ADDITION CONT .1860 AC

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.

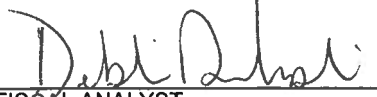
Number of Positions created

### 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:

  
FISCAL ANALYST

APPROVED:

 31-JAN-2020  
DIRECTOR (date)

REVIEWED BY:

  
EXECUTIVE BUDGET ANALYST

 2/12/2020  
BUDGET OFFICER (date)

 2/12/20  
CITY ECONOMIST



## OVERVIEW OF THE HISTORY OF THE PROPERTY

The subject property is a multi-residential building located in the International District. Due to a structure fire, the building was deemed substandard March 18<sup>th</sup>, 2018. There has been no repairs or progress to the property since the building was deemed substandard. The structure remains vacant and in a dilapidated condition. Police, Code Enforcement and Albuquerque Fire Rescue personnel have responded to the site multiple times from March 2018 to January 2020 for various issues that include; fires, disturbances, unsecured building and weeds and litter violations. The site has become a magnet for vagrants and vandals that leave behind trash, graffiti and used needles. The building contains fire damage (interior & exterior), missing fixtures and broken/boarded windows.

Despite Code Enforcement's notices and accumulating liens, the owner has done little to keep the property clean and secured and no attempt to repair the structure. The building is an eyesore and nuisance to the community. Code Enforcement believes that it is in the best interest of Public Safety to have this nuisance building razed.

Christopher Romero  
Senior Code Enforcement Specialist  
(505) 924-3363  
[cvromero@cabq.gov](mailto:cvromero@cabq.gov)



Address: 412 GEORGIA ST SE Legal

Description: N 52.3FT OF THE S

412.3FT OF THE W1/2 BLK 6

MESA PARK

ADDITION CONT .1860 AC

Approx. 4136 sq ft not to  
scale

53'

104'

N ↑



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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: **412 GEORGIA ST SE, Albuquerque, NM**

Legal Description: **N 52.3FT OF THE S 412.3FT OF THE W1/2 BLK 6 MESA PARK ADDITION CONT .1860 AC**

Parcel Number (UPC): **10-180-5643650412915**

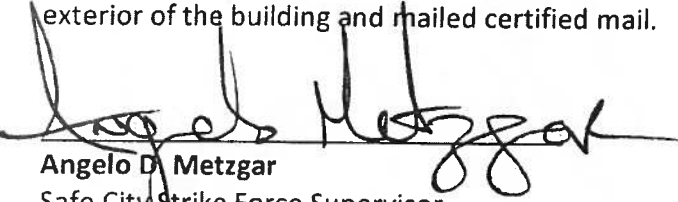
Owner & Owner's Address: **SEIDENSCHWARZ TODD  
PO BOX 11112  
ALBUQUERQUE, NM 87192**

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

The property described above is in violation of the City Housing Code: **Notice and Order dated Mar 19, 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.

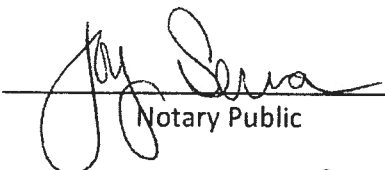
  
Angelo D. Metzgar  
Safe City Strike Force Supervisor  
City of Albuquerque  
STATE OF NEW MEXICO } SS  
COUNTY OF BERNALILLO

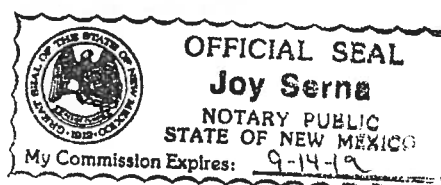
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05/25/2018 12:41 PM Page: 1 of 8  
NOT R: \$23.00 Linda Stover, Bernalillo County



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

  
Notary Public  
My Commission Expires 9-14-19





# 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



Mar 20, 2018

### NOTICE AND ORDER WITH APPEAL

**SEIDENSCHWARZ TODD  
PO BOX 11112  
ALBUQUERQUE, NM 87192**

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: 412 GEORGIA ST SE and 408 GEORGIA ST SE Albuquerque, NM on Mar 19, 2018

The Property is more particularly described as:

N 52.3FT OF THE S 412.3FT OF THE W1/2 BLK 6 MESA PARK ADDITION CONT .1860 AC

Parcel Number (UPC): 10-180-5643650412915

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,

Angelo D. Metzgar  
Safe City Strike Force Supervisor  
City of Albuquerque  
Phone: (505) 924-3455  
ametzgar@cabq.gov

File Number: CF-2018-005358

Job Number: 061824589-001

Initial Print Date: Mar 20, 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: **412 GEORGIA ST SE and 408 GEORGIA ST SE 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	A Resolution of Condemnation of the structure may be presented to City Council if property is still substandard and boarded after 12 months. If passed, the structures will be demolished and a lien will be placed for the cost associated with this action.	May 3, 2018
14-3-4-8 Faulty Weather Protection	All broken and or missing windows and doors shall be repaired or replaced to open close and lock as designed.	May 3, 2018
14-3-4-3 Structural Hazards	Due to damage to structures located at 408 Georgia SE and 412 Georgia SE all missing, damaged, and rotted interior wall coverings shall be repaired or replaced to include tape, texture and paint. As required.	May 3, 2018
14-3-4-5 Hazardous Wiring	Due to fire damage at 412 Georgia SE, 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 obtained prior to work commencing. Once determined safe, in compliance and prior to dwelling being occupied, electrical services shall be reactivated by PNM.	May 3, 2018
14-3-4-7 Hazardous Mechanical Equipment	Due to fire damage at 412 Georgia SE, all mechanical and mechanical components shall be tested and inspected by a licensed contractor and all necessary repairs shall be made. All required permits shall be obtained prior to work commencing. Once determined safe, in compliance and prior to dwelling being occupied, gas services shall be restored by NM Gas Company.	May 3, 2018
14-3-4-10 Faulty Materials of Construction	Due to fire damage to the structure at 412 Georgia SE, the construction materials are no longer in a good and safe condition. You are to contact Building Safety with the City of Albuquerque, arrange an inspection and correct all noted violations.	May 3, 2018

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14-3-4-1 Substandard Building Defined	Due to severe fire damage to the structure located at 412 Georgia SE, all dwelling units are substandard. Gas and electrical utilities have been deactivated by their respective companies creating substandard conditions as the units lack required lighting and heating. In addition to this, dwellings located at the address of 408 Georgia SE were also required to be vacated due to smoke, smoke damage and fumes creating a hazardous condition to the tenants. Fire damaged areas to the structure at 412 Georgia SE are to be inspected by Building Safety Division of the City of Albuquerque and all violations corrected to bring the property into compliance. Damage to drywall to the units at 408 Georgia SE shall be repaired along with all residual smoke damage and fumes.	May 3, 2018
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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 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.</p>
14-3-4-8(A)	Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows, doors and basement hatchways
14-3-4-3(K)	Every interior wall and ceiling is free of holes and large cracks. Every interior wall and ceiling is free of loose plaster and other structural material, the collapse of which might constitute an accident hazard. Plaster, paint, and all other surface materials are of such character as to be easily cleanable and are reasonably smooth, clean, and tight.

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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.
14-3-4-10	FAULTY MATERIALS OF CONSTRUCTIONS shall include all materials of construction except those which are specifically allowed or approved by this code and the Building Code, and which have been adequately maintained in 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.

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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 Mar 20, 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) 924-3455. Please reference Notice and Order number CF-2018-005358.

## 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-2018-005358

Job Number: 061824589-001

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# CITY OF ALBUQUERQUE

## CODE ENFORCEMENT

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600 2<sup>nd</sup> Street NW

Albuquerque, NM 87102

Tel: (505) 924-3850 Fax: (505) 924-3847



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 May 3, 2018.

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 CF-2018-005358.

Angelo D. Metzgar  
Safe City Strike Force Supervisor  
City of Albuquerque  
ametzgar@cabq.gov

File Number: CF-2018-005358

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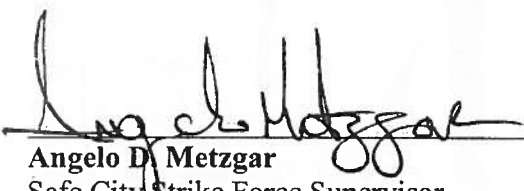


AFFIDAVIT OF SERVICE  
FOR POSTING AND MAILING  
OF NOTICE AND ORDER

STATE OF NEW MEXICO }  
COUNTY OF BERNALILLO } SS

I, Angelo Metzgar, being duly sworn upon Oath, state that on 3/20/2018, posted a copy of the Notice and Order at 412 GEORGIA ST SE, Albuquerque, NM, and mailed a copy of the Notice and Order by certified mail to the owner on 3/20/2018.

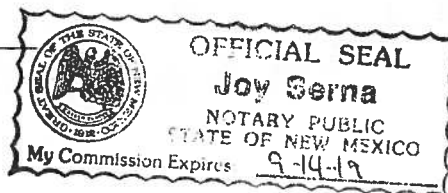
Addressed to: **SEIDENSCHWARZ TODD**  
**PO BOX 11112**  
**ALBUQUERQUE, NM 87192**

  
\_\_\_\_\_  
**Angelo D. Metzgar**  
Safe City Strike Force Supervisor  
City of Albuquerque  
600 2nd St NW Suite 500  
Albuquerque NM 87102  
Phone: (505) 924-3455  
ametzgar@cabq.gov

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

  
\_\_\_\_\_  
Notary Public

My commission expires 9-14-19.











412

TENANT  
PARKING  
ONLY  
ALL OTHERS  
TOWED AT  
OWNER'S EXPENSE

SUBSTANDARD  
BUILDING  
DO NOT ENTER  
UNLAWFUL TO OCCUPY

NO TRESPASSING  
VIOLATORS WILL BE PROSECUTED IN  
ACCORDANCE WITH THE CITY OF  
ALBUQUERQUE CRIMINAL CODE 12-2-5  
PUNISHABLE BY A FINE OF NOT MORE  
THAN \$200, OR BY IMPRISONMENT  
NOT EXCEEDING 90 DAYS, OR BOTH.































