

1 ten (10) days after service of a copy of this Resolution or within said ten
2 (10) day period, file written objection to findings herein with the City
3 Clerk/Recorder of the City of Albuquerque, asking for a hearing before
4 the City Council.

5 Section 3. If there is a failure of compliance with the provision of
6 Section 2 herein, the City of Albuquerque shall proceed to remove said
7 building, structure or premises and abate said unsafe condition and the
8 cost thereof shall constitute a lien against such property so removed
9 and against said lot or parcel of land from which such removal be made,
10 all as required and allowed by law

11 Section 4. SEVERABILITY CLAUSE. If any section, paragraph,
12 sentence, clause, word or phrase of this resolution is for any reason held
13 to be invalid or unenforceable by any court of competent jurisdiction,
14 such decision shall not affect the validity of the remaining provisions of
15 this resolution. The Council hereby declares that it would have passed
16 this resolution and each section, paragraph, sentence, clause, word or
17 phrase thereof irrespective of any provisions being declared
18 unconstitutional or otherwise invalid.




CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

Date: February 12, 2020

TO: Patrick Davis, President, City Council

FROM: Timothy M. Keller, Mayor 

SUBJECT: Resolution of Nuisance Abatement of a Substandard Building at: 8411 Central Avenue NE Albuquerque, NM 87108

The attached resolution requests that the building located at 8411 Central Avenue NE Albuquerque, New Mexico 87108, 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 \$37,435.00.

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


Resolution of Nuisance Abatement of a Substandard Building at: 8411 Central Avenue NE, Albuquerque, New Mexico 87108

Approved:

Approved as to Legal Form:



Sarita Nair
Chief Administrative Officer

3/2/20
Date


Esteban A. Aguilar, Jr. ESQ.
City Attorney

2-14-2020
Date

Recommended:


Brennon Williams
Planning Director

12-FEB-2020
Date

Cover Analysis

1. What is it?

A substandard, nuisance structure located at 8411 Central Ave NE 87108 and legally described as, * 004 006MESA VERDE E POR ALL L4 5 6 7 & 8, 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 \$37,435.00 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: 8411 Central Ave NE 87108

R: X O:

* 004 006MESA VERDE E POR ALL L4 5 6 7 & 8

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:

Debbi R. Abel
FISCAL ANALYST

APPROVED:

D. L. Hann 08-Nov-2019
DIRECTOR (date)

REVIEWED BY:

Carol Ann Padilla
EXECUTIVE BUDGET ANALYST

[Signature] 2/4/2020
BUDGET OFFICER (date)

C. Boer 2/3/2020
CITY ECONOMIST

Address: 8411 CENTRAL AVE NE 87108
Legal Description: * 004 006 MESA VERDE
E POR ALL L4 5 6 7 8



Approx. 5315 sq ft not to scale

77'

69'

* 2nd story - 756 sq ft not to scale

28'

27'

Safe City Strike Force
Planning department
600 2nd Street NW
Albuquerque NM 87102 Suite 500
May 30, 2014

NOTICE AND ORDER

Date: May 30, 2014

To: DOLORES PADILLA OTERO PR ESTATE OF CECILIA B OTERO
& DONLJO OTERO ETAL

Address :10909 SNOWBIRD DR NW
ALBUQUETQUE NM 87114

Re: Property located at **8415 Central NE ALBUQUERQUE, NM 87108**

On May 27, 2014 the Safe City Strike Force Office made an inspection of the Building or structure owned, occupied or controlled by you at **8415 Central NE, Albuquerque 87108 New Mexico** which is more particularly described as:
*** 004 006MESA VERDE E POR ALL L4 5 6 7 & 8 UPC # 1 019 057 459 067 41303**

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 your vacant and/or abandoned building was also found to be unsecured, vandalized thru out the structure. The City of Albuquerque has utilized its administrative authority and secured your abandoned property. We were contacted by APD regarding complaints that they have received from the surrounding property owners. The complaint is that transient and/or vagrants were occupying the vacant abandoned unit in your control. The vagrants have gained access thru the broken window on the second story and rear doors of the first floor which we have secured. The property is also covered trash and debris that must be removed from the property. A lien for all cost associated with the securing and cleaning will be filed against the property for all cost incurred. You are also required to register your vacant home with the City of Albuquerque. Please see the attached City Ordinance 14-3-5-14.

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. You are also required by City ordinance to register you vacant building with the Planning Department. This property is to remain secured and clean at all times. A lien will be filed against the property for the securing of your property. The north bedroom window was found unsecured, west side of structure plumbing access panel under window was removed and south side entrance door was unlocked at the time of our inspection.

14-3-5-14 VACANT BUILDING MAINTENANCE.

(A) The owner of a vacant building shall apply to the Albuquerque Code Enforcement for and obtain a vacant building maintenance license 15 days prior to vacating the premises. The business maintenance license shall be renewed annually. The owner shall pay an annual fee to renew the business maintenance license. Albuquerque Code Enforcement shall establish the amount of the fee by regulation.

(B) Application for a vacant building maintenance license shall be made on a form provided by Albuquerque Code Enforcement and verified by the owner. The application shall disclose all measures to be taken to ensure that the vacant building will be kept weather tight and secure from trespassers, safe for entry by police officers and firefighters in times of emergency, and, together with its premises, free from nuisance and in good order.

(C) At the time of application, the owner shall arrange for inspection of the vacant building by Albuquerque Code Enforcement. If the owner fails or refuses to consent to and arrange for an inspection, Albuquerque Code Enforcement shall first obtain a search warrant from a court of competent jurisdiction to authorize inspection of the vacant building.

(D) Albuquerque Code Enforcement shall inspect the vacant building for the purpose of determining the structural integrity of the vacant building; the repairs necessary to ensure its structural integrity; that it will be safe for entry by fire fighters and police officers in time of emergency; and that the vacant building and

its contents do not present a hazard to the public during the time that the building remains vacant.

(E) Albuquerque Code Enforcement shall issue any orders for work needed to:

(1) Adequately protect the vacant building from intrusion by trespassers and from deterioration by the weather; and

(2) Insure that allowing the vacant building to remain will not be detrimental to the public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood, and will not pose any extraordinary hazard to police officers or fire fighters entering the vacant building in times of emergency.

(F) Within 45 days of the issuance of any orders, the owner shall bring the vacant building into compliance with any orders that may have been issued as conditions for the issuance of the license.

(G) Albuquerque Code Enforcement shall issue a vacant building maintenance license only after inspecting the building and concluding that the building complies with the Uniform Housing Code. The Mayor is authorized to administer and enforce the Uniform Housing Code as provided in §§ 14-3-5-1 et seq. if the vacant building does not comply with any other provisions of the Uniform Housing Code. Albuquerque Code Enforcement shall have the authority to inspect the vacant building at any time.

(H) The owner shall notify Albuquerque Code Enforcement 15 days before a vacant building becomes inhabited so that Albuquerque Code Enforcement can inspect the vacant building prior to occupancy.

(Ord. 45A-2004)

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 May 30, 2014. After vacating the building or structure, you must repair the building or structure. In repairing the building or structure, all required permits must be secured and the work physically commenced within five days of the date of this Order. The repairs must be completed by June 30, 2014.

Notice of Intent to proceed Administratively

IF THE PROPERTY IS NOT SECURED AND THE LOT CLEANED BY June 11, 2014 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.

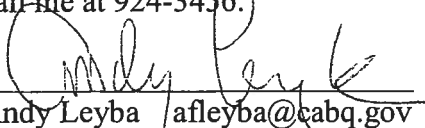
All repairs must be completed in a workman-like manner and in compliance with all applicable Codes with all Permits and Inspections required.

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.

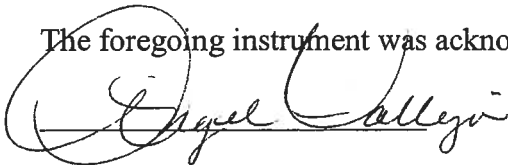
A hearing on a properly and timely filed appeal to the Housing Advisory and Appeals Committee will be scheduled within ten (10) days prior to the date of the hearing. Only those matters or issues specifically raised by the appellant shall be considered in the hearing.

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

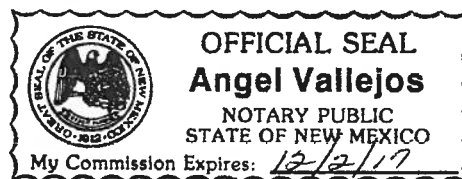

Andy Leyba afleyba@cabq.gov
Safe City Strike Force Supervisor
Planning Department
600 2nd Street NW
Suite 500
Albuquerque, New Mexico 87102

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

The foregoing instrument was acknowledged before me this 30th day of May, 2014.



My commission expires: 12/2/17



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

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

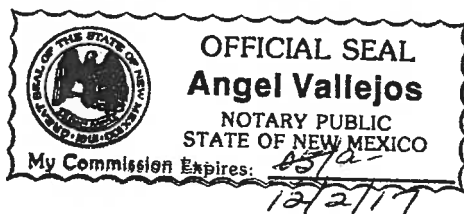
I Andy Leyba being first duly sworn upon Oath state that on May 30, 2014, I posted a copy of the Notice and Order and mailed a copy by Certified Mail, Pertaining to the property at 8415 Central NE, Albuquerque, New Mexico 87108 addressed to Dolores Padilla Otero & Cecilia Otero & Donjo Otero the owner, occupant, agent or heir.

Signed: Andy Leyba

SUBSCRIBED AND SWORN TO before me this 30th day
of May 2014.

My commission expires: 12/2/17

Angel Vallejos
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:

8411 CENTRAL AVE NE 87108
* 004 006MESA VERDE E POR ALL L4 5 6 7 & 8

Owner & Owner's address:

PADILLA DOLORES OTERO PR ESTATE OF
CECILIA B OTERO & DONLJO OTERO ETAL
10909 SNOWBIRD DR NW
ALBUQUERQUE NM 87114

The property described above is in violation of the City Housing Code: **Notice and Order dated 05-30-14**.

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

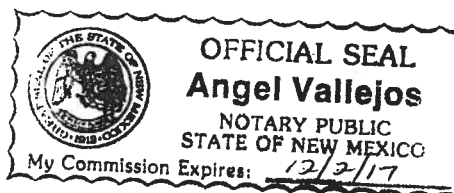
Doc# 2014052562

07/01/2014 02:08 PM Page: 1 of 8
NOT R \$25.00 M. Toulouse Oliver, Bernalillo County



STATE OF NEW MEXICO } SS
COUNTY OF BERNALILLO

The foregoing instrument was acknowledged before me by Brennon Williams this 27th day of June 2014.


Notary Public

My Commission Expires 12/2/17



PLEASE
HAVE RESPECT
DONT BE A
FUUKIN CASTER
RESPECT!!
CISCOS
ROOM











MM
13.11
X3
loco
POR LOCO
Yanez
hender

TRADINGS









2 Year Limited Warranty
44.97



BD Insulin Syringe

with the BD Micro-Fine™ IV Needle
For U-100 Insulin
Not Made with Natural Rubber Latex
Non-Toxic - Non-Pyrogenic
Contents: 500 syringes (5 cartons of 100 syringes)

STERILE R

Sterilized using irradiation
Do not re-use
Do not use if package is damaged



REF 329465 0.5mL U-100
BD InsulinSyringe
with the BD Micro-Fine™ IV Needle
Two Unit Scale
Not Made with Natural Rubber Latex

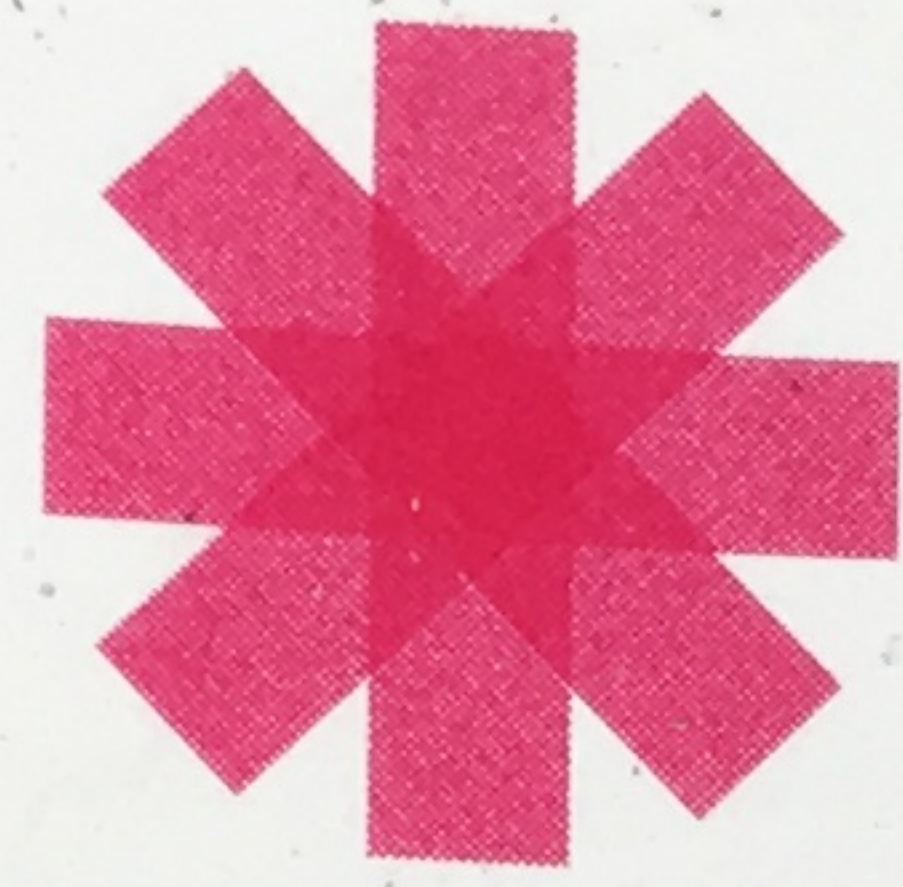
0.35mm (28G) 12.7mm (1/2")

LOT 8113620 2018-05-01 2023-04-30

(17)230430(10)8113620(30)500

50382903294652





4 mg

/0.1 mL intranasal spray (2 units per box)

See front panel and blister pack for full instructions.
Dedicated Outreach & Prevention Education (D.O.P.E.) Services

Lot: 171771 Exp: 01/31/2020

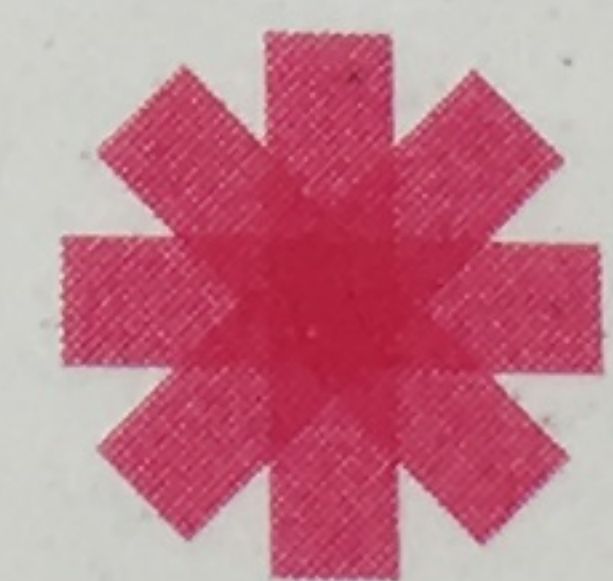
Mfg: Adapt Pharma, Inc.

Patient: Tory White

Date: 8-31-18

Rx: Naloxone HCL 4 mg/0.1mL

Qty: 2



NARCAN[®] (naloxone HCl)
NASAL SPRAY









HERSHEY'S
miniatures
Classic
bag

BD Insulin Syringe
with 100% BD Microfine Insulin
U-100 human
insulin up to 50 units
0.5mL (20G) x 1.25mm
Needle
0.5mL
329465

BD Insulin Syringe
with 100% BD Microfine Insulin
U-100 human
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Needle
0.5mL
329465

HERSHEY'S
miniatures
Classic
bag

HERSHEY'S
miniatures
Classic
bag

Discarded cigarette

Discarded syringe

























5500
SACK

DO NOT ENTER
NO ENTRY

DO NOT ENTER
NO ENTRY



