

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-20-120 ENACTMENT NO. _____

SPONSORED BY: Pat Davis

1 **RESOLUTION**
2 **CONSIDERING WHETHER R-19-217 (ENACTMENT R-2020-078), WHICH**
3 **DETERMINED THAT A NUISANCE, SUBSTANDARD DWELLING OR STRUCTURE**
4 **IN NEED OF ABATEMENT AT 318 MESILLA ST NE 87108 WITHIN THE CITY**
5 **LIMITS OF ALBUQUERQUE, NEW MEXICO, IS SO RUINED, DAMAGED AND**
6 **DILAPIDATED AS TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH,**
7 **PEACE OR SAFETY AND THAT IT IS TO BE REQUIRED TO BE REMOVED,**
8 **SHOULD BE ENFORCED OR RESCINDED.**

9 **WHEREAS, the buildings or structures and premises are located at 318 Mesilla**
10 **Street NE, Albuquerque, New Mexico, within Bernalillo County, which location is**
11 **more particularly described as: SO 5FT OF LOT 19 & ALL LOT 20 & NO 15FT OF**
12 **LOT 21 BLK 2 DELNORTE SUBD; and**

13 **WHEREAS, on August 3, 2020, the City Council approved R-19-217 (“the**
14 **Removal Resolution”), which required the removal of the buildings or structures**
15 **at 318 Mesilla Street NE, and the Removal Resolution was signed by the Mayor**
16 **and enacted as R-2020-078; and**

17 **WHEREAS, Section 3-18-5 NMSA 1978 and Section 2 of the Removal**
18 **Resolution provide that within ten days of the receipt of a copy of the Removal**
19 **Resolution, the owner of the structures shall commence removing the structures,**
20 **or file a written objection with the municipal clerk asking for a hearing before the**
21 **governing body of the municipality; and**

22 **WHEREAS, the owner of the property filed a written objection to the Removal**
23 **Resolution requesting a hearing before the City Council; and**

24 **WHEREAS, pursuant to Section 3-18-5 NMSA 1978, if such a written objection**
25 **is filed, the Council shall:**

26 **(1) Fix a date for a hearing on its resolution and the objection;**

1 **(2) Consider all evidence for and against the Removal Resolution at the**
2 **hearing; and**

3 **(3) Determine if its resolution should be enforced or rescinded; and**

4 **WHEREAS, if the council acts to “pass” this resolution the Removal**
5 **Resolution will be rescinded and the buildings or structures will be allowed to**
6 **remain in place, or if the Council acts to “not pass” or otherwise fails to pass this**
7 **resolution, the Removal Resolution will remain in full force effect, and the**
8 **buildings or structures will be required to be removed.**

9 **BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
10 **ALBUQUERQUE:**

11 **After a hearing during which all evidence presented for and against the**
12 **Removal Resolution was considered, the Removal Resolution (R-19-**
13 **217/Enactment No. R-2020-078) is hereby rescinded.**

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32