

# CITY of ALBUQUERQUE

## TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-21-154 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Pat Davis, by request

1 RESOLUTION

2 A NUISANCE, SUBSTANDARD DWELLING OR STRUCTURE IN NEED OF  
3 ABATEMENT AT 404 MESILLA 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 404 Mesilla St  
8 SE Albuquerque NM 87108, which is located and is more particularly  
9 described as: LT 2A A REPL OF LTS 1 & 2 BLK 4 EMIL MANN ADDN CONT  
10 0.1860 AC M/L; 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 CANO RAUL & ELSA CAMERENA, record owner of said  
24 building, structure or premises shall commence removal of same within ten  
25 (10) days after service of a copy of this Resolution or within said ten (10) day

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1 period, file written objection to findings herein with the City Clerk/Recorder of  
2 the City of 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: March 09, 2021

**TO:** Cynthia Borrego, President, City Council

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

**SUBJECT:** Resolution of Nuisance Abatement of a Substandard Building at: 404 Mesilla St SE 87108

The attached resolution requests that the building located at 404 Mesilla St SE, 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 \$27,780.00.

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

Resolution of Nuisance Abatement of a Substandard Building at: 404 Mesilla St SE NM, Albuquerque, New Mexico 87108

Approved:

Approved as to Legal Form:

DocuSigned by:

3/18/2021 | 4:27 PM, MDT

Sarita Nair

Date

Chief Administrative Officer

DocuSigned by:

3/16/2021 | 12:52 PM, MDT

Esteban A. Aguilar, Jr.

Date

City Attorney

Recommended:

DocuSigned by:

3/16/2021 | 12:40 PM, MDT

Brennan Williams

Date

Planning Director

**FISCAL IMPACT ANALYSIS**

TITLE: 404 Mesilla St SE Albuquerque NM 87108

R: X O:

LT 2A A REPL OF LTS 1 &amp; 2 BLK 4 EMIL MANN ADDN CONT 0.1860 AC M/L

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:

		2021	Fiscal Years 2022	2023	Total
Base Salary/Wages					-
Fringe Benefits	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:

Debbie Dombroski  
FISCAL ANALYST

APPROVED:

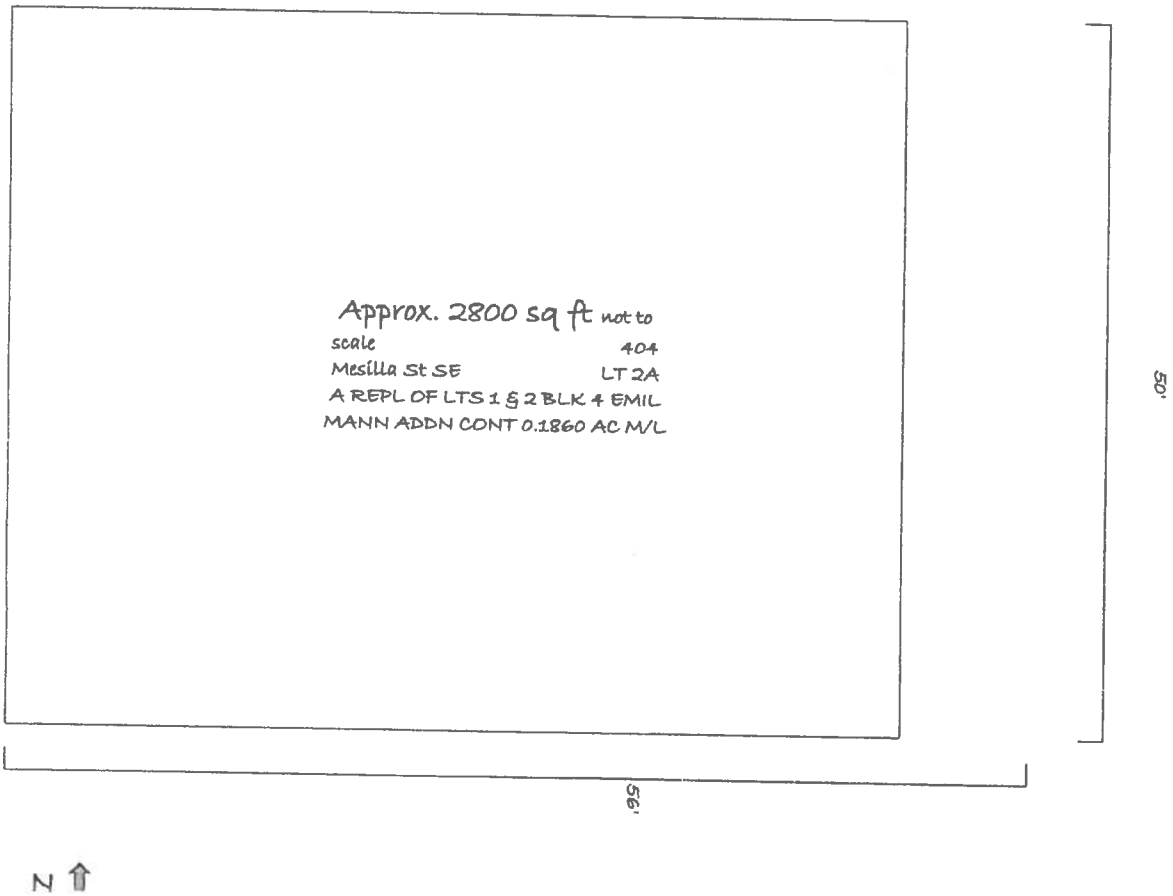
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Bryan Williams 3/16/2021 | 12:40 PM MDT  
DIRECTOR (date)  
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REVIEWED BY:

DocuSigned by:  
UNDA CUTLER PADILLA  
EXECUTIVE BUDGET ANALYST  
FCDEF84DBFCD4B0...

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Lawrence L Davis 3/19/2021 |  
BUDGET OFFICER (date)  
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DocuSigned by:  
Cristine Barber 3/19/2021 | 10:49 PM MDT  
CITY ECONOMIST  
E02C282349CC47B...



## Cover Analysis

**1. What is it?**

**A substandard, nuisance structure located at 404 Mesilla St SE and legally described as, LT 2A A REPL OF LTS 1 & 2 BLK 4 EMIL MANN ADDN CONT 0.1860 AC M/L, 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 \$27,780.00 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**

## 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: 404 MESILLA ST SE, Albuquerque, NM

Legal Description: LT 2A A REPL OF LTS 1 & 2 BLK 4 EMIL MANN ADDN CONT 0.1860 AC M/L

Parcel Number (UPC): 10-190-5610551522215

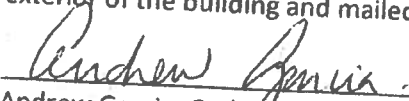
Owner & Owner's Address: CANO RAUL & ELSA CAMARENA  
1107 9TH ST SW  
ALBUQUERQUE, NM 87102-

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

The property described above is in violation of the City Housing Code: Notice and Order dated Dec 12, 2016

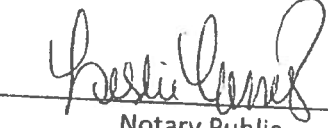
### Attached Are Copies of Findings

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.

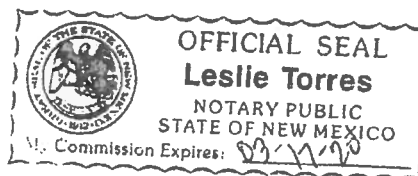
  
Andrew Garcia, Code Compliance Manager  
Planning, Code Enforcement Division  
City of Albuquerque

STATE OF NEW MEXICO } ss  
COUNTY OF BERNALILLO

The foregoing instrument was acknowledged before me by Andrew Garcia this 13<sup>th</sup> day of December 2016.

  
Notary Public

My Commission Expires 03-17-20



Doc# 2016116742

12/29/2016 02:28 PM Page: 1 of 6  
NOT R:828.00 Linda Stever, 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



Richard J. Berry, Mayor

Dec 12, 2016

### NOTICE AND ORDER WITH APPEAL

**CANO RAUL & ELSA CAMARENA  
1107 9TH ST 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: 404 MESILLA ST SE, Albuquerque, NM on Dec 9, 2016

The Property is more particularly described as:

LT 2A A REPL OF LTS 1 & 2 BLK 4 EMIL MANN ADDN CONT 0.1860 AC M/L

UPC: 1 019 056 105 515 22215

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,

A handwritten signature in black ink, appearing to read "Angelo D. Metzgar".

Angelo D. Metzgar

Safe City Strike Force Supervisor

ametzgar@cabq.gov

(505) 924-3455

File Number: CF-2016-015390

Job Number: 034611395-001

Initial Print Date: Dec 12, 2016

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## 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



Richard J. Berry, Mayor

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

Address: **404 MESILLA 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
14-3-4-8 Faulty Weather Protection	All broken and or missing windows and doors shall be repaired or replaced to open close and lock as designed.	Dec 9, 2016
14-3-4-5 Hazardous Wiring	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 attained prior to work commencing. Once determined safe, in compliance and prior to dwelling being occupied, electrical services shall be reactivated by PNM.	Dec 9, 2016
14-3-4-7 Hazardous Mechanical Equipment	All mechanical and mechanical components shall be tested and inspected by a licensed contractor and all necessary repairs shall be made. Once determined safe, in compliance and prior to dwelling being occupied, gas services shall be restored by NM Gas Company.	Dec 9, 2016
14-3-4-6 Hazardous Plumbing	All plumbing and plumbing components shall be inspected by a licensed contractor and all necessary repairs shall be made. All required permits shall be attained prior to work commencing. Once determined safe, in compliance and prior to dwelling being occupied, water services shall be reactivated by ABCWUA.	Dec 9, 2016
14-3-4-1 Substandard Building Defined	Due to violations listed in this Notice and Order, your property is Substandard and is causing a public nuisance for the neighborhood and surrounding community. The property must be secured, brought up to code, and restored to a safe habitable condition. This property is to remain secured and clean at all times. A lien will be filed against the property for the securing and or cleaning of your property when necessary. The structure was secured and a lien will be filed for the costs.	Dec 9, 2016
14-3-4-4 Nuisance	Property was found unsecured with trespassers occupying the units creating a nuisance to the community. Dwelling does not have active gas, water or electrical services causing it to be substandard and creating a nuisance to the neighborhood and surrounding community. City used its administrative authority	Dec 9, 2016

File Number: CF-2016-015390

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## 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



Richard J. Berry, Mayor

to secure the property and place a lien on the property.

Code Sections	Code Description
14-3-4-8(A)	Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows, doors and basement hatchways
14-3-4-5	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.
14-3-4-6	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.
14-3-4-1	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(E)	Buildings in an unsecured state that are not securely fenced or adequately lighted to prevent access to trespassers, criminals or others unauthorized to enter for the purpose of committing a nuisance or unlawful act or that constitutes an attractive nuisance for children.

File Number: CF-2016-015390

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# 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



Richard J. Berry, Mayor

### ORDER

You, as the owner of the building or structure, are hereby ordered to:

Vacate the building or structure on or before 12/09/2016. After vacating the building or structure, you must then secure all accessible openings and entrances to the building(s) within five (5) days of the date of this 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 1 DAYS of the date of this Order. The repairs must be completed by 12/09/2016.

#### NOTICE ADMINISTRATIVE REMEDIES

IF THE PROPERTY IS NOT SECURED BY 12/09/2016 AT 5:00 PM, AND IF NO APPEAL IS FILED BY 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.

A CERTIFICATE OF SUBSTANDARD HAS BEEN FILED AT THE COUNTY CLERKS OFFICE. A LIEN OF \$400.00 WILL BE PLACED AGAINST THE PROPERTY ASSOCIATED WITH THESE ACTIONS.

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 appeal 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: 12/09/2016.

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 and adjudication of 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-2016-015390.

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

File Number: CF-2016-015390

Job Number: 034611395-001

Initial Print Date: Dec 12, 2016

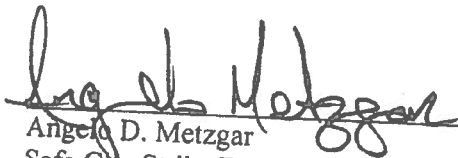
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AFFIDAVIT OF SERVICE  
FOR POSTING AND MAILING  
OF NOTICE AND ORDER

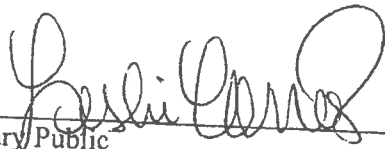
STATE OF NEW MEXICO }  
COUNTY OF BERNALILLO } SS

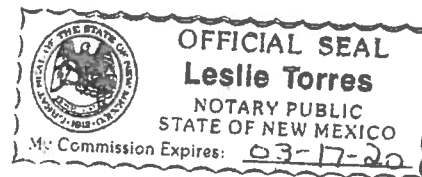
I, Angelo Metzgar, being duly sworn upon Oath, state that on 12/12/2016, posted a copy of the Notice and Order at 404 MESILLA ST SE, Albuquerque, NM, and mailed a copy of the Notice and Order by certified mail to the owner on 12/12/2016.

Addressed to: CANO RAUL & ELSA CAMARENA  
1107 9TH ST SW  
ALBUQUERQUE, NM 87102-

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

SUBSCRIBED AND SWORN TO me on this 12th day of December, 2016,  
by Angelo Metzgar.

  
Notary Public



My commission expires 03-17-20.



