

# CITY of ALBUQUERQUE

## TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-21-155 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Isaac Benton, by request

1 RESOLUTION

2 A NUISANCE, SUBSTANDARD DWELLING OR STRUCTURE IN NEED OF  
3 ABATEMENT AT 1804 HIGH 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 1804 High St  
8 SE ALBUQUERQUE NM 87107, which is located and is more particularly  
9 described as: \* 008 011EASTERN ADD 1ST EXT SO; 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 AUSTIN WILLIE N ETUX, record owner of said building,  
23 structure or premises shall commence removal of same within ten (10) days  
24 after service of a copy of this Resolution or within said ten (10) day period, file  
25 written objection to findings herein with the City Clerk/Recorder of the City of  
26 Albuquerque, asking for a hearing before the City Council.

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[Bracketed/Strikethrough Material] - Deletion

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

7       Section 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
8 clause, word or phrase of this resolution is for any reason held to be invalid or  
9 unenforceable by any court of competent jurisdiction, such decision shall not  
10 affect the validity of the remaining provisions of this resolution. The Council  
11 hereby declares that it would have passed this resolution and each section,  
12 paragraph, sentence, clause, word or phrase thereof irrespective of any  
13 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**

October 5, 2020

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

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

**SUBJECT:** Resolution of Nuisance Abatement of a Substandard Building at: 1804 HIGH ST SE 87102

The attached resolution requests that the building located at 1804 HIGH ST SE Albuquerque, New Mexico 87102, 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 \$19,164.

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

Resolution of Nuisance Abatement of a Substandard Building at: 1804 HIGH ST SE,  
Albuquerque, New Mexico 87102

Approved:

Approved as to Legal Form:

DocuSigned by:

Sarita Nair

1/6/2021 | 10:51 AM MST  
Date

Chief Administrative Officer

DocuSigned by:

Esteban A. Aguilar, Jr.

12/7/2020 | 12:50 PM MST

Date

City Attorney

Recommended:

DocuSigned by:

Brennon Williams

12/7/2020 | 12:35 PM MST

Date

Director

**FISCAL IMPACT ANALYSIS**

TITLE: 1804 HIGH ST SE 87102

R: X O: \_\_\_\_\_

\* 008 011EASTERN ADD 1ST EXT SO

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<br>2022 | 2023 | 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 :**

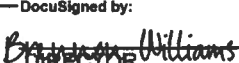
Structure poses an extreme hazard and is substandard and a nuisance to the neighborhood surrounding community and to inquisitive minors. The structure will continue to dilapidate causing life safety issues. This is a substandard and a nuisance property.

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

PREPARED BY:


APPROVED:

DocuSigned by:  
  
 DEBBIE DAMLERSKI  
 3757C512CDF0493...

DocuSigned by:  
  
 B. Williams  
 933EF6DB14264BE... 12/7/2020 | 12:35 PM MST  
 DIRECTOR (date)

REVIEWED BY:

DocuSigned by:  
  
 LINDA CUTLER PADILLA  
 FCDEF84DBFCD480...

DocuSigned by:  
  
 Lawrence J. Davis  
 BD22ED7BFD9344E... 1/6/2021 | 12:17 PM MST  
 BUDGET OFFICER (date)

DocuSigned by:  
  
 Cynthia Sanchez  
 E02C282349CC47D...



Address: 1804 HIGH ST  
SE \_ Legal Description: \*  
008 011EASTERN ADD  
1ST EXT SO

Approx. 1444 sq ft not to  
scale

50'



## **Cover Analysis**

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

**A substandard, nuisance structure located at 1804 HIGH ST SE 87102 and legally described as, \* 008 011EASTERN ADD 1ST EXT SO, 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**

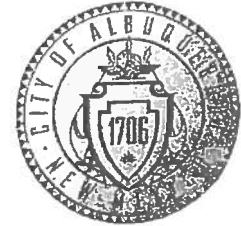
### **4. How much will it cost and what is the funding source?**

**The estimated cost is \$19,164 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**

# CITY OF ALBUQUERQUE



**CODE ENFORCEMENT**  
Plaza Del Sol Building, Suite 500  
600 2nd Street NW  
Albuquerque, NM 87102  
Telephone (505) 924-3450 Fax (505) 924-3847

Richard J. Berry, Mayor

27-JUN-2013

## NOTICE AND ORDER WITH APPEAL

**Owners:** AUSTIN, WILLIE N ETUX  
1804 HIGH ST SE  
ALBUQUERQUE, NM 87102

### RE: 1804 HIGH ST SE ALBUQUERQUE, NM 87102

On 26-JUN-2013, the City of Albuquerque Planning Department, Code Enforcement Division,  
PO Box 1293 made an inspection of the building or structure owned, occupied, or controlled by you at:

1804 HIGH ST SE, ALBUQUERQUE, NM 87102,

Albuquerque

which is more particularly described as:

\* 008 011EASTERN ADD 1ST EXT SO LOT 8, BLOCK 11, SUBDIVISION  
New Mexico 87103 EASTERN ADDN FIRST EXTENSION SOUTH, ALBUQUERQUE, NEW  
MEXICO.

www.cabq.gov 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.

**Description of Violation(s) found on the property located at  
1804 HIGH ST SE:**

**Substandard dwelling (Section: 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 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.

**General dilapidation or inadequate maintenance (Section: 14-3-4-2(L)):** Inadequate sanitation includes general dilapidation or inadequate maintenance.

**Nuisance as defined in this code (Section: 14-3-4-4):** Any nuisance as defined in this code.

**Hazardous wiring (Section: 14-3-4-5):** Hazardous wiring includes 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.

PRIOR TO OCCUPANCY ALL UTILITIES SHALL BE RESTORED.

**Hazardous plumbing (Section: 14-3-4-6):** Hazardous plumbing includes 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.

PRIOR TO OCCUPANCY ALL UTILITIES SHALL BE RESTORED.

**Hazardous mechanical (Section: 14-3-4-7):** Hazardous mechanical equipment includes 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.

PRIOR TO OCCUPANCY ALL UTILITIES SHALL BE RESTORED.

**Faulty weather protection (Section: 14-3-4-8(A)):** Faulty weather protection includes deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows, doors and basement hatchways.

**Failure to act within 12 months (Section: 14-3-5-12):** *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. 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 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.*

## ORDER

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

Vacate the building or structure on or before 15-JUL-2013. 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 15 DAYS of the date of this Order. The repairs must be completed by 19-AUG-2013.

### NOTICE ADMINISTRATIVE REMEDIES

IF THE PROPERTY IS NOT SECURED BY 15-JUL-2013 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 \$250.00 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: 15-JUL-2013.

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 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 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 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) 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)924-3465. Please reference Notice and Order number 2013000109.

A handwritten signature in black ink, appearing to read 'Ricardo Vialpando', with a stylized, sweeping flourish.

***RICARDO VIALPANDO***

Code Enforcement Inspector  
Planning Department  
City of Albuquerque

AFFIDAVIT OF SERVICE  
FOR POSTING AND MAILING  
OF NOTICE AND ORDER

STATE OF NEW MEXICO }  
COUNTY OF BERNALILLO } ss

I, RICARDO VIALPANDO being duly sworn upon Oath, state that on 1/15/15 posted a copy of  
the Notice and Order at 1804 HIGH ST SE 87102

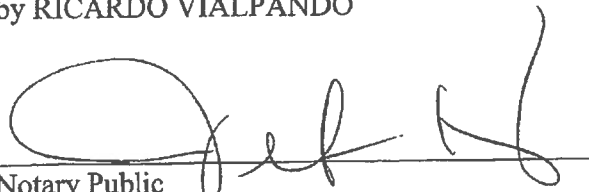
mailed a copy of the Notice and Order by certified mail to the owner on 1/15/15

Addressed to:  
AUSTIN WILLIE N ETUX  
1804 HIGH ST SE  
ALBUQUERQUE NM 87102 4734

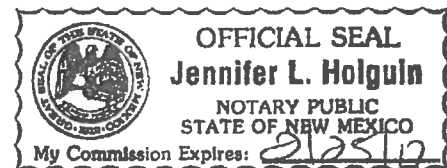
RICARDO VIALPANDO, Code Enforcement Inspector  
Code Enforcement Division  
Planning Department  
City of Albuquerque  
924-3465

SUBSCRIBED AND SWORN TO me on this 15<sup>th</sup> day of January, 20 15.

by RICARDO VIALPANDO

  
Notary Public

My commission expires 2/25/17.





## 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:

1804 HIGH ST SE 87102

008 011EASTERN ADD 1ST EXT SO

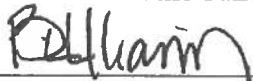
Owner & Owner's address:

AUSTIN WILLIE N ETUX  
1804 HIGH ST SE  
ALBUQUERQUE NM 87102 4734

Property described above is in violation of the City Housing Code: **Notice and Order dated 15 -JAN-15.**

### 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](mailto:bnwilliams@cabq.gov)  
Code Compliance Manager  
Code Enforcement Division  
Planning Department  
City of Albuquerque

Doc# 2015005691

01/26/2015 10:48 AM Page: 1 of 7  
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 16<sup>th</sup> day of JAN 20 15.



Notary Public

My Commission Expires 2/25/17

