

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-21-156 ENACTMENT NO. _____

SPONSORED BY: Lan Sena, by request

1 RESOLUTION

2 A NUISANCE, SUBSTANDARD DWELLING OR STRUCTURE IN NEED OF
3 ABATEMENT AT 832 ESTANCIA DR NW 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 832 Estancia Dr
8 NW ALBUQUERQUE NM 87105, which is located and is more particularly
9 described as: LT 18 BLK 160 VALENCIA VILLAGE A REPL OF DE BLASSIE
10 &TENORIO'S SUB'S OF 1947 TRS 159 & 160 AIRPORT UNIT IN THE TOWN OF
11 ATRISCO GRANT; and

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

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

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

24 Section 2. That SANCHEZ CIPPRIANA, record owner of said building,
25 structure or premises shall commence removal of same within ten (10) days
26 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

October 5, 2020

TO: Pat Davis, President, City Council

FROM: Timothy M. Keller, Mayor

SUBJECT: Resolution of Nuisance Abatement of a Substandard Building at: 832 ESTANCIA DR NW 87105

The attached resolution requests that the building located at 832 ESTANCIA DR NW Albuquerque, New Mexico 87105, 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 \$21,672.

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

Resolution of Nuisance Abatement of a Substandard Building at: 832 ESTANCIA DR NW, Albuquerque, New Mexico 87105

Approved:

Approved as to Legal Form:

DocuSigned by:



Sarita Nair

1/26/2021 | 11:51

Date

Chief Administrative Officer

DocuSigned by:

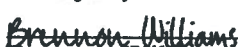

Esteban A. Aguilar, Jr.
City Attorney

1/21/2021 | 3:18 PM MST

Date

Recommended:

DocuSigned by:


Brennan Williams
Planning Director

1/21/2021 | 2:55 PM MST

Date

FISCAL IMPACT ANALYSIS

TITLE: 832 ESTANCIA DR NW 87105

R: X O:

LT 18 BLK 160 VALENCIA VILLAGE A REPL OF DE BLASSIE & TENORIO'S SUB'S OF
1947 TRS 159 & 160 AIRPORT UNIT IN THE TOWN OF ATRISCO GRANT

FUND: 110

DEPT: Planning

[x] 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 Benefit	30.440%		-	-	-
Subtotal Personnel		-	-	-	-
Operating Expenses			-		-
Property			-	-	-
Indirect Costs	%				-
Total Expenses		\$ -	\$ -	\$ -	\$ -
[] 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 Domkowski
FISCAL ANALYST
3767C512CDF0493...

DocuSigned by:

Bryan Williams 1/21/2021 | 2:55 PM MST
DIRECTOR (date)
933EF6DB14264BE...

REVIEWED BY:

DocuSigned by:

LADA CUTLER PADILLA
EXECUTIVE BUDGET ANALYST
FCDEF84DBFCD480...

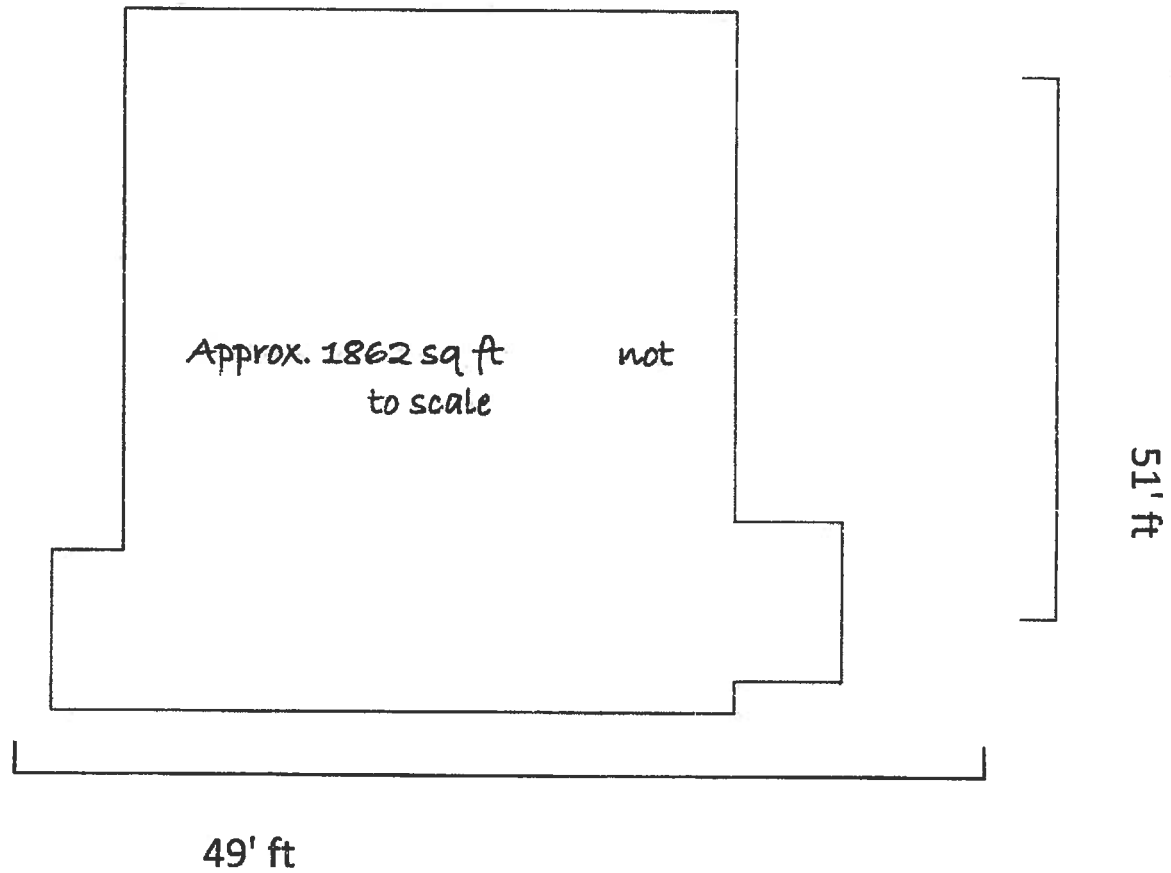
DocuSigned by:

Lawrence L Davis 1/26/2021 | 1:57 PM MST
BUDGET OFFICER (date)
BD22ED7BF09344E...

DocuSigned by:

Cynthia Barker
CITY ECONOMIST
E02C282349CC47D...

Address: 832 ESTANCIA DR
NW 87105 _ Legal Description: _
LT 18 BLK 160 VALENCIA
VILLAGE A REPL OF DE
BLASSIE STENORIO'S SUB'S
OF 1947 TRS 159 § 160
AIRPORT UNIT IN THE TOWN
OF ATRISCO GRANT



Cover Analysis

1. What is it?

A substandard, nuisance structure located at 832 ESTANCIA DR NW 87105 and legally described as, LT 18 BLK 160 VALENCIA VILLAGE A REPL OF DE BLASSIE & TENORIO'S SUB'S OF 1947 TRS 159 & 160 AIRPORT UNIT IN THE TOWN OF ATRISCO GRANT, 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 \$21,672 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
Tel: (505) 924-3850 Fax: (505) 924-3847



Tim Keller, Mayor

Apr 17, 2018

NOTICE AND ORDER WITH APPEAL

**SANCHEZ CIPRIANA
832 ESTANCIA DR NW
ALBUQUERQUE, NM 87105**

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: **832 ESTANCIA DR NW, Albuquerque, NM** on Apr 17, 2018

The Property is more particularly described as:

LT 18 BLK 160 VALENCIA VILLAGE A REPL OF DE BLASSIE & TENORIO'S SUB'S OF 1947 TRS 159 & 160
AIRPORT UNIT IN THE TOWN OF ATRISCO GRANT LOT 18, BLOCK 160, SUBDIVISION VALENCIA VILLAGE

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,

Kenneth Martinez
Code Enforcement Specialist
(505) 924-3831

File Number: CF-2018-026270

Job Number: 063786115-001

Initial Print Date: Apr 17, 2018

CITY OF ALBUQUERQUE

CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500

600 2nd Street NW

Albuquerque, NM 87102

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



Tim Keller, Mayor

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

Address: **832 ESTANCIA DR NW, 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
14-3-4-4 Nuisance	All broken windows and doors shall be secured to prevent transients and minors from entering.	May 2, 2018
14-3-4-4 Nuisance	The accumulation of discarded items, trash, inoperative vehicles, and weeds make this property an eyesore to the surrounding neighborhood.	May 2, 2018
14-3-4-1 Substandard Building Defined	This occupied dwelling was found lacking gas, electrical and water service. All utilities shall be restored by the appropriate utility company no later than May 2, 2018 or this unit will be vacated and posted as substandard on this date.	May 2, 2018

Code Sections	Code Description
14-3-4-4(B)	Buildings that have broken windows or doors constituting hazardous conditions and inviting trespassers or malicious mischief.
14-3-4-4(D)	Buildings whose maintenance is so out of harmony and conformity with the maintenance and quality of adjacent or nearby properties as to cause substantial diminution in the enjoyment, use or property value of such adjacent or nearby properties.
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.

File Number: CF-2018-026270

Job Number: 063786115-001

Initial Print Date: Apr 17, 2018

CITY OF ALBUQUERQUE

CODE ENFORCEMENT

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600 2nd Street NW
Albuquerque, NM 87102
Tel: (505) 924-3850 Fax: (505) 924-3847



Tim Keller, Mayor

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 Apr 17, 2018.

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 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) 924-3831. Please reference Notice and Order number CF-2018-026270.

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 CONTEPLATED 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-2018-026270

Job Number: 063786115-001

Initial Print Date: Apr 17, 2018

CITY OF ALBUQUERQUE

CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500

600 2nd Street NW

Albuquerque, NM 87102

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



Tim Keller, Mayor

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 2, 2018.

If you have any questions concerning this Notice and Order, or the cited violations, please call me at: (505) 924-3831. Please reference Notice and Order number CF-2018-026270.

Kenneth Martinez
Code Enforcement Specialist
(505) 924-3831

File Number: CF-2018-026270

Job Number: 063786115-001

Initial Print Date: Apr 17, 2018

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: **832 ESTANCIA DR NW, Albuquerque, NM**

Legal Description: **LT 18 BLK 160 VALENCIA VILLAGE A REPL OF DE BLASSIE & TENORIO'S SUB'S OF 1947 TRS 159 & 160 AIRPORT UNIT IN THE TOWN OF ATRISCO GRANT LOT 18, BLOCK 160, SUBDIVISION VALENCIA VILLAGE**

Parcel Number (UPC): **10-110-5807235320316**

Owner & Owner's Address: **SANCHEZ CIPRIANA 832 ESTANCIA DR NW ALBUQUERQUE, NM 87105**

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

The property described above is in violation of the City Housing Code: **Notice and Order** dated **Apr 17, 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.

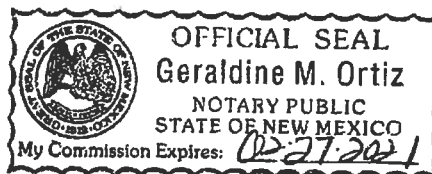

Kenneth Martinez, Code Enforcement Specialist
Planning, Code Enforcement Division
City of Albuquerque

STATE OF NEW MEXICO } SS
COUNTY OF BERNALILLO

The foregoing instrument was acknowledged before me by Kenneth Martinez this 31st day of May, 2018


Notary Public

My Commission Expires 05-27-2021



Doc# 2018055865

05/26/2018 11:17 AM Page: 1 of 7
NOT R:\$25.00 Linda Stover, Bernalillo County

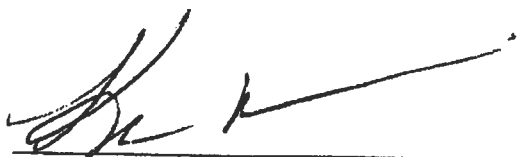


AFFIDAVIT OF SERVICE
FOR POSTING AND MAILING
OF NOTICE AND ORDER

STATE OF NEW MEXICO }
COUNTY OF BERNALILLO } SS

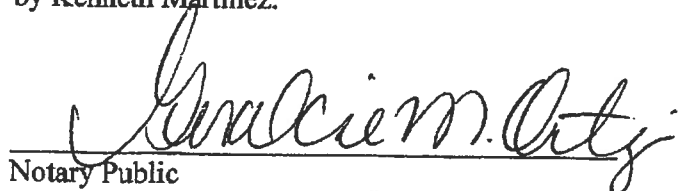
I, Kenneth Martinez, being duly sworn upon Oath, state that on 4/17/2018, posted a copy of the Notice and Order at 832 ESTANCIA DR NW, Albuquerque, NM, and mailed a copy of the Notice and Order by certified mail to the owner on 4/17/2018.

Addressed to: **SANCHEZ CIPRIANA 832 ESTANCIA DR NW
ALBUQUERQUE, NM 87105**



Kenneth Martinez
Code Enforcement Specialist
Code Enforcement Division
Planning Department
City of Albuquerque
(505) 924-3831

SUBSCRIBED AND SWORN TO me on this 31st day of May, 2018,
by Kenneth Martinez.


Notary Public

My commission expires 02-27-2021

