



Legislation Details (With Text)

File #: R-20-120
Type: Resolution **Status:** Failed
File created: 12/7/2020 **In control:** City Council
Final action: 1/4/2021
Enactment date: **Enactment #:**

Effective date:

Title: Considering Whether R-19-217 (Enactment R-2020-078), Which Determined That A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 318 Mesilla St NE 87108 Within The City Limits Of Albuquerque, New Mexico, Is So Ruined, Damaged And Dilapidated As To Be A Menace To The Public Comfort, Health, Peace Or Safety And That It Is To Be Required To Be Removed, Should Be Enforced Or Rescinded (Davis)

Sponsors:

Indexes:

Code sections:

Attachments: 1. R-120

Date	Ver.	Action By	Action	Result
1/4/2021	1	City Council	Passed	Fail
12/7/2020	1	City Council	Introduced	
12/7/2020	1	President	To be heard at the Council Meeting	

CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL

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

SPONSORED BY: Pat Davis

RESOLUTION

Considering Whether R-19-217 (Enactment R-2020-078), Which Determined That A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 318 Mesilla St NE 87108 Within The City Limits Of Albuquerque, New Mexico, Is So Ruined, Damaged And Dilapidated As To Be A Menace To The Public Comfort, Health, Peace Or Safety And That It Is To Be Required To Be Removed, Should Be Enforced Or Rescinded (Davis)

WHEREAS, the buildings or structures and premises are located at 318 Mesilla Street NE,

Albuquerque, New Mexico, within Bernalillo County, which location is more particularly described as: SO 5FT OF LOT 19 & ALL LOT 20 & NO 15FT OF LOT 21 BLK 2 DELNORTE SUBD; and

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

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

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

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

- (1) Fix a date for a hearing on its resolution and the objection;
- (2) Consider all evidence for and against the Removal Resolution at the hearing; and
- (3) Determine if its resolution should be enforced or rescinded; and

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

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

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

