



Legislation Text

File #: R-20-29, Version: 2

CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-20-29 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton

RESOLUTION

Considering Whether R-20-5 (Enactment R-2020-027), Which Determined That A Nuisance, Substandard Dwelling Or Structure In Need Of Abatement At 1112 Iron Ave SW 87102 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To The Public Comfort, Health, Peace Or Safety And That It Is To Be Required To Be Removed, Should Be Enforced Or Rescinded (Benton)

CONSIDERING WHETHER R-20-5 (ENACTMENT R-2020-027), WHICH DETERMINED THAT A NUISANCE, SUBSTANDARD DWELLING OR STRUCTURE IN NEED OF ABATEMENT AT 1112 IRON AVE SW 87102 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TO THE PUBLIC COMFORT, HEALTH, PEACE OR SAFETY AND THAT IT IS TO BE REQUIRED TO BE REMOVED, SHOULD BE ENFORCED OR RESCINDED.

WHEREAS, the buildings or structures and premises are located at 1112 Iron Avenue SW, Albuquerque, New Mexico, within Bernalillo County, which location is more particularly described as: *011 054RAYNOLDS ADDN & L12; and

WHEREAS, on March 2, 2020, the City Council approved R-20-05 ("the Removal Resolution"), which required the removal of the buildings or structures at 1112 Iron Avenue SW, and the Removal Resolution was signed by the Mayor and enacted as R-2020-027; 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; and
- (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- (3) determine if its resolution should be enforced or rescinded; and

WHEREAS, if the council acts to “pass” this resolution the Removal Resolution will be rescinded and the buildings or structures will be allowed to remain in place, or if the Council acts to “not pass” or otherwise fails to pass this resolution, the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-20-05/Enactment No. R-2020-027) is hereby rescinded. However, the City shall prioritize continued monitoring of this property, and if any nuisance conditions return or continue to persist into the future, the Planning Department shall swiftly prepare a subsequent nuisance abatement resolution for Council Action, and shall act swiftly to complete any and all associated abatement measures including but not limited to removal of structures.

X:\CL\SHARE\CL-Staff_Legislative Staff\Legislation\24 Council\R-29final.docx