

**CITY OF LAS VEGAS
RESOLUTION NO. 11-53**

A RESOLUTION DECLARING 803, 805, and 807 PECOS STREET WHICH IS OWNED BY AND CONTROLLED BY ELOISA U. PENA AND OCCUPIED BY RICHARD GARCIA TO BE DANGEROUS, COVERED WITH RUINS, RUBBISH, WRECKAGE AND DEBRIS AND A NUISANCE REQUIRING ABATEMENT.

WHEREAS, pursuant to Section 13-18-5, NMSA, 1978, whenever any building or structure is ruined, or any premise is covered with ruins, rubbish wreckage or debris, the governing body of a municipality may by resolution find that the ruined, damaged, and dilapidated building, structure or premises is a menace to the public comfort, health, peace, or safety and require the removal from the municipality the building, structure, ruins, rubbish, wreckage or debris; and

WHEREAS, the Las Vegas City Council has received evidence from the Community Development Department/Code Enforcement as to the condition of a parcel of land described herein, which is owned, or controlled by Eloisa U. Pena, and occupied by Richard Garcia and, whose addresses are 803, 805 and 807 Pecos Street, according to records at the San Miguel County Assessor's Office 807 Pecos is described in said records as "Lost 5 Blk 6 L.S. & jS Addition T of LV" (property code #1-095-093-323-172); and

WHEREAS, the property is a public nuisance and the premises are a menace to the public comfort, health, peace or safety of the community and is in violation of City of Las Vegas Ordinance 301 Sections 301-5 Public Nuisance; 301-6 Nuisance Declared, Section B Unsanitary Premises and Section C, Hazardous Premises, Section D, Accumulation of Solid Waste, Section G, Outdoor Vehicle Storage, and violates several fire codes. Items stored on the premises and visible from the public right of way in violations of City ordinances include but are not limited to a Ford Pick Up Truck, a Dodge Pick Up Truck, exercise equipment, recliner chair, benches, an old chest, and plywood boards thrown on the outside of the fence; and

WHEREAS, the City has notified the occupant of said property, Richard Garcia, via personal service of the violations requiring abatement. In the face of these notices, the occupant has allowed the nuisances to remain and continues to add and/or maintain more rubbish, wreckage, and debris to the premises, even after the City provided a solid waste container on said property to assist Richard Garcia in the cleanup of said property. The solid waste container was never used by Richard Garcia. Said property contains several fire hazards, such as, stacks of wood near neighboring houses, dog feces, hantavirus, weeds, and rodent attraction. A Richard Garcia was issued the following citations, November 19, 2009 for Unsanitary Premises, May 11, 2010 for Hazardous Premises and Unsanitary Premises, December 7, 2010 for Outdoor Vehicle Storage and Hazardous Premises, and Unsanitary Premises, and December 9, 2010 for Accumulation of Solid Waste.

WHEREAS, the Las Vegas Fire Department conducted a field inspection of the subject property on February 25, 2010, finding that said property had several piles of debris to include tires, engine parts, filing cabinets, wood pellets, old fencing, piles of wood scraps, camper shells, pots,

boxes, old ladders, lawn mowers, gas cans, and several piles of miscellaneous debris, inoperable vehicles, and horse trailers.

NOW, THEREFORE, the City Council of the City of Las Vegas, New Mexico, does hereby resolve:

A. That the above described parcel of land is a nuisance pursuant to Section 3-18-5, NMSA, 1978, is a menace to the public comfort, health, peace, or safety and requires abatement as follows: All unlicensed, inoperable vehicles, trailers, wreckage, rubbish and debris as described above and any other materials in violation of the Ordinance placed on the property since November 19, 2009 (the date the above inventory was taken) must be removed and properly disposed of.

B. The City shall serve a copy of this resolution on the owner, occupant or agent, including Eloisa U. Pena and Richard Garcia. If the owner, occupant or agent in charge of the building, structure, or premises cannot be served within the municipality, a copy of the resolution shall be posted on the building, structure or premises and a copy of the resolution shall be published one time.

C. Thereafter, and within ten (10) days after receipt of a copy of this resolution or of the posting and publishing of a copy of the resolution, the owner, occupant, or agent in charge of the building, structure or premises shall commence removing the ruins, rubbish, wreckage, and debris or file a written objection with the Municipal Clerk asking for a hearing before the governing body of the City of Las Vegas.

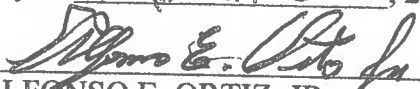
D. That if a written objection is filed, the Governing Body shall follow the provisions as set forth of 3-18-5 D, NMSA, 1978; fix a date for a hearing in its resolution and objection; consider all evidence for and against the removal resolution at the hearing; and determine if its resolution should be enforced or rescinded.

E. If the owner, occupant or agent in charge of the building, structure or premises fails to commence removing the ruins, rubbish wreckage, and debris as provided under 3-18-5 F, NMSA, 1978, the municipality may remove the ruins, rubbish wreckage, and debris at the cost and expense of the owner. The reasonable cost of removal shall constitute a lien against the building, structure, ruins, rubbish, wreckage and debris so removed and against the lot or parcels of land from which it was removed. The lien shall be foreclosed in the manner provided in sections 3-36-1 through 3-36-6, NMSA, 1978.

F. The municipality may pay for the costs of removal of any condemned building, structure, wreckage, rubbish or debris by granting to the person removing such materials, the legal title to all salvageable materials in lieu of all other compensation.

G. Any person or firm removing any condemned building, structure, wreckage, rubbish, or debris shall leave the premises form which the material has been removed in a clean, level and safe condition, suitable for further occupancy or construction and with all excavations filled.

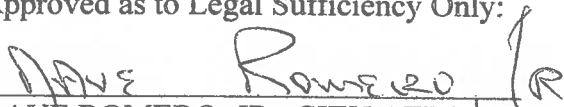
PASSED, APPROVED AND ADOPTED this 13 day of September, 2011.



ALFONSO E. ORTIZ, JR.
MAYOR OF THE CITY OF LAS VEGAS

ATTEST: 

CASANDRA FRESQUEZ, CITY CLERK

Approved as to Legal Sufficiency Only:


DAVE ROMERO, JR., CITY ATTORNEY