



VILLAGE OF CORRALES

RESOLUTION NO. 09-016

A RESOLUTION REQUIRING THE PROMPT REMOVAL OF RUINED, DAMAGED AND DILAPIDATED MATERIALS TO ABATE AN IMMEDIATE MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE AND SAFETY AT 100 STELLA LANE, BEING LOT 1 OF THE CAMPOS DE SUEÑOS SUBDIVISION, IN THE VILLAGE OF CORRALES, SANDOVAL COUNTY, NEW MEXICO (THE "PROPERTY"); REQUIRING THE OWNER OR OWNERS OF THE PROPERTY PROMPTLY TO COMMENCE AND COMPLETE THE REMOVAL FROM THE PROPERTY OF ALL RUINED, DAMAGED AND DILAPIDATED MATERIALS, INCLUDING BUT NOT LIMITED TO CONSTRUCTED WOODEN FRAMING AND MATERIALS ATTACHED THERETO AND OTHER FLAMMABLE MATERIALS LOCATED ON THE PROPERTY; PROVIDING THAT THE OWNER, OCCUPANT OR AGENT IN CHARGE OF THE PROPERTY MAY FILE WRITTEN OBJECTIONS TO THIS RESOLUTION AND SEEK A HEARING BEFORE THE GOVERNING BODY OF THE VILLAGE OF CORRALES, AS PROVIDED BY STATUTE; AUTHORIZING THE ADMINISTRATION OF THE VILLAGE OF CORRALES TO CAUSE REMOVAL OF THE RUINED, DAMAGED AN DILAPIDATED MATERIALS IF THE OWNER OR OWNERS OF THE PROPERTY DO NOT TIMELY UNDERTAKE SUCH REMOVAL; PROVIDING THAT THE VILLAGE OF CORRALES SHALL RECOVER ITS COSTS INCURRED FOR REMOVAL OF THE RUINED, DAMAGED AND DILAPIDATED MATERIALS AS AND TO THE EXTENT PROVIDED BY STATUTE.

WHEREAS, it has been brought to the attention of the Village Council, the Governing Body of the Village of Corrales (hereinafter, the "Governing Body"), that the premises at 100 Stella Lane, being Lot 1 of the Campos de Sueños Subdivision (the "Property") in the Village of Corrales (the "Village") and the County of Sandoval, have been abandoned with a partially completed structure thereon for a period of more than one year; and

WHEREAS, the partially completed structure on the Property consists of concrete stem walls and a slab, upon which are erected wooden framing and attached structural elements of a highly flammable nature, and additional flammable materials separate from the structure are to be found on the Property; and

WHEREAS, the Property is unfenced and lacks any site security or protection, of any nature whatsoever, from entry or intrusion onto the Property; and

WHEREAS, by reason of exposure to the elements for a lengthy period of time the wooden framing and attached structural elements of the structure located on the Property have become damaged, ruined and dilapidated so that they constitute an imminent menace to the health and safety of any person who might enter onto the Property; and

WHEREAS, the Governing Body is reliably informed and hereby finds that the abandonment of the Property and the condition of the Property resulting from such abandonment further constitutes an

imminent and serious fire hazard which is a menace to the public comfort, health, peace and safety of the residents and property owners of the Village; and

WHEREAS, the Governing Body is reliably informed that ownership of the Property and the interests of various claimants in the Property have become a matter of dispute and are the subject of litigation in the case of *Eclipse Plumbing v. American Home, Inc.*, Cause No. D-1329-CV-2007-01613, pending in the Thirteenth Judicial District Court for Sandoval County; and

WHEREAS, in the absence of a clear determination of ownership of the Property, notice of this Resolution should be made by serving a copy of this Resolution upon all attorneys and *pro se* parties of record in *Eclipse Plumbing v. American Home, Inc.* and by posting a copy of this Resolution on the Property; and

WHEREAS, in the event that no owner of the Property, or claimant to an interest in the Property, timely commences and completes the removal of ruined, damaged and dilapidated materials (including but not necessarily limited to the wooden framing and attached structural elements) from the Property, the Village pursuant to Section 3-18-5, NMSA 1978, is authorized and empowered to cause the removal of such ruined, damaged and dilapidated materials to provide for the public comfort, health, peace and safety; and

WHEREAS, pursuant to Section 3-18-5(F), NMSA 1978, any costs incurred by the Village for the removal of ruined, damaged and dilapidated materials from the Property shall constitute a lien upon the Property, which lien may be foreclosed in accordance with Sections 3-36-1 through 3-36-6, NMSA 1978.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Village of Corrales, New Mexico, that:

1. The damaged, ruined and dilapidated structural elements located upon the premises at 100 Stella Lane, being Lot 1 of the Campos de Sueños Subdivision in the Village of Corrales and the County of Sandoval (the "Property"), constitute and are hereby declared to be an imminent and serious menace to the public comfort, health, peace and safety of the Village and its residents and property owners.

2. Prompt abatement of the hazardous conditions on the Property, including removal from the Property of ruined, damaged and dilapidated materials, including but not limited to the built wooden framing and attached structural elements, as well as all loose flammable materials on the Property, is required for to protect the public comfort, health, peace and safety of the Village and its residents and property owners.

3. Pursuant to this Resolution and Section 3-18-5, NMSA 1978, the owner or owners of the Property (the "Owners," which term shall include all claimants of an interest in the Property) are hereby ordered to commence and promptly to bring to completion the removal from the Property of ruined, damaged and dilapidated materials, including but not limited to the built wooden framing and attached structural elements and loose flammable materials located on the Property; to provide for the proper disposal or recycling of such ruined, damaged and dilapidated materials; and to bring the Property into such condition that it no longer constitutes a menace to the public comfort, health, peace and safety, to the full and complete satisfaction of the Village as determined by the Mayor in his discretion.

4. The Owners are further ordered to provide for the future security of the Property to prevent any further damage thereto and to prevent any further menace to the public comfort, health, peace

and safety of the Village and its residents and property owners, to the full and complete satisfaction of the Village as determined by the Mayor in his discretion.

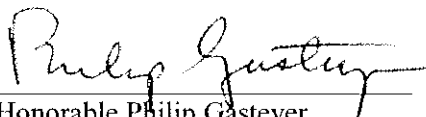
5. Abatement of the unsatisfactory conditions on the Property and removal of ruined, damaged and dilapidated materials as provided herein shall commence no later than ten (10) days following service of this Resolution upon the Owners, which service shall be deemed complete upon the mailing of a copy of this Resolution to all attorneys and *pro se* parties of record in *Eclipse Plumbing v. American Home, Inc.* and the posting of a copy of this Resolution on the Property, and such abatement and removal shall be vigorously and continuously prosecuted until the unsatisfactory conditions have been fully resolved and the ruined, damaged and dilapidated materials entirely removed from the Property as provided herein.

6. In the event that abatement of the unsatisfactory conditions on the Property, including removal of ruined, damaged and dilapidated materials as provided herein, is not commenced and completed by the Owners, or any of them, within the time periods specified herein or such extension or extensions of time as may be lawfully required in accordance with Section 3-18-5, NMSA 1978, then the Village administration shall and is hereby instructed to undertake the abatement of such unsatisfactory conditions and the removal of all ruined, damaged and dilapidated materials from the Property in the manner provided by Section 3-18-5, NMSA 1978. As provided in Section 3-18-5(F), the reasonable costs incurred by the Village to abate the unsatisfactory conditions on the Property and for removal of ruined, damaged and dilapidated materials (including removal of the wooden framing and attached structural elements and removal of loose flammable materials from the Property), to provide for proper disposal or recycling of such ruined, damaged and dilapidated materials, and to bring the Property into such condition that it no longer constitutes a menace to the public comfort, health, peace and safety, shall be a lien upon the Property and shall be foreclosed in the manner provided by Sections 3-36-1 through 3-36-6, NMSA 1978.

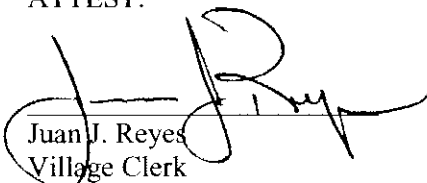
7. If the Owners, or any of them, or any occupant of the Property or agent of an Owner of the Property objects to this Resolution or any provision hereof, such Owner, occupant or agent may, within ten (10) days following service of this Resolution as provided herein, file written objections in the office of the Village Clerk of the Village of Corrales, and the Village will thereupon provide for a hearing before the Governing Body to consider this Resolution and the objections, in accordance with Section 3-18-5(D), NMSA 1978.

PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 10 day of March, 2009.

APPROVED:


The Honorable Philip Gasteyer
Mayor, Village of Corrales

ATTEST:


Juan J. Reyes
Village Clerk