

CITY OF SOCORRO
RESOLUTION No. 21-06-07B

CONDEMNING DANGEROUS BUILDINGS, RUINS, RUBBISH OR DEBRIS

WHEREAS, Section 3-18-5 NMSA 1978 and City of Socorro Ordinance Section 119, paragraphs 1-9, authorize the City to take action regarding buildings or structures which are ruined, damaged, or dilapidated, or premises containing refuse, rubbish, wreckage, or debris; and

WHEREAS, The City Council has the duty to determine from a personal inspection of the premises or from a proper report by a City employee or both, whether or not the premises should be condemned; and

WHEREAS, In the file with this proposed resolution is an Affidavit of City of Socorro Police Chief Mike Winders, the contents of which, together with the Exhibits, if any, have been studied by the City Council:

NOW THEREFORE, be it resolved by the Governing Body of the City of Socorro that:

1. **Finding of Condition** - That the building or structure in or on the premises of : **Sands Motel, 205 California Street, Socorro, New Mexico 87801** is ruined, damaged, or dilapidated, or the premises is covered with ruins, rubbish, wreckage, or debris.
2. **Menace to the Public** - That the condition of the buildings and structures upon the premises constitutes a menace to the public comfort, health, peace, or safety, and in order to protect the public, must be removed from the premises and from the City.
3. **Notice to Owner, Occupant or Agent** - That a copy of this Resolution shall be served on the owner, occupant, or agent in charge of the building, structure, or premises. If the owner, as shown by the real estate records of the County Clerk, occupant or agent in charge of the building, structure, or premises, cannot be served within the City, a copy of this Resolution shall be posted on the building, structure or premises, and a copy of this Resolution shall be published one time in a newspaper of general circulation in the City.
4. **Duty of Owner, Occupant, or Agent** - Within ten (10) days of the receipt of a copy of the Resolution or of the posting and publishing of a copy of the Resolution, the owner, occupant, or agent in charge of the building, structure, ruin, rubbish, wreckage, or debris, shall commence removing the buildings and structures or file a written objection with the City Clerk asking for a hearing before the governing body of the City of Socorro.
5. **Hearing, if Requested** - If a written objection is filed as required, the City Council shall:
 - a. Fix a date for a hearing on this Resolution and the objection.

- b. Consider all evidence for and against the removal resolution at the hearing; and
 - c. Determine if its resolution should be enforced or rescinded.
- 6. **Appeal to District Court** - Any person aggrieved by the determination of the City Council may appeal to the district court by:
 - a. Giving notice of appeal to the City Council within five days after the determination made by the City Council; and
 - b. filing a petition in the district court within twenty (20) days after the determination made by the governing body. The district court shall hear the matter de novo and enter judgment in accordance with its findings.
- 7. **Failure to Remove Buildings** – If the owner, occupant or agent in charge of the building, structure or premise fails to commence removing the buildings or structures:
 - a. Within ten (10) days of being served a copy of the resolution or of the posting and publishing of the resolution, or;
 - b. Within five (5) days of the determination by the City Council that the resolution shall be enforced, or;
 - c. After the district court enters judgment sustaining the determination of the City Council, the City may remove the building, structure, ruins, rubbish, wreckage, or debris at the cost and expense of the owner. The reasonable cost of the removal shall constitute a lien against the building, structure, ruin, rubbish, wreckage, or debris so removed, and against the lot or parcel 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.
- 8. **Cost of Removal** - The City 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 material in lieu of all other compensation.
- 9. **Clean up of Premises** - Any person or firm removing any condemned building, structure, wreckage, rubbish, or debris shall leave the premises from 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 7th DAY of June, 2021.



Ravi Bhasker, Mayor

ATTEST:



Leopoldo Pineda, City Clerk