

City of Socorro
Resolution No. 24-07-23f

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 Code Enforcement Officer Christopher Carrillo, 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:

1. Finding of Condition - That the building or structure in or on the premises of :

1100 Sean St., 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 or 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 23rd day of July, 2024.

CITY OF SOCORRO

By: Mary Ann Chavez-Lopez

Mary-Ann Chavez-Lopez, Mayor Pro Tem

attest:

Leopoldo Pineda

Leopoldo Pineda, City Clerk

**AFFIDAVIT OF CITY OF SOCORRO CODE ENFORCEMENT OFFICER
CHRISTOPHER CARRILLO**

STATE OF NEW MEXICO)

) ss.

COUNTY OF SOCORRO)

I, Christopher Carrillo, being duly sworn, depose and state as follows:

1. **Position:** I am the Code Enforcement Officer for the City of Socorro.
2. **Purpose:** This affidavit is submitted in support of a proposed City of Socorro (“City”) resolution to authorize action regarding the premises located at 1100 SEAN ST, Socorro, New Mexico, which constitute a nuisance due to overgrown vegetation and lack of maintenance.
3. **Property Ownership:** The property is owned by Mead Valley Inc., a company based out of Corona, CA.
4. **Public Complaint:** On April 5, 2024, a lady came with a complaint about the property being overgrown and a fire hazard. She also informed me that my predecessor had no luck contacting Mead Valley Inc. two years prior to my tenure as Code Enforcement Officer to clean the property.
5. **Initial Observation:** On Date after April 5, 2024, I observed the property at 1100 SEAN ST and noted significant overgrowth of weeds, grass, and vegetation, which poses a fire hazard and contributes to the unsightliness of the neighborhood.
6. **Violation Notice:** On April 8, 2024, I issued a notice of violation to Mead Valley Inc., informing them of the overgrown condition of the property and the requirement to comply with city ordinance 119-2 regarding property maintenance. I sent this notice via official letter with a return receipt requested.
7. **Return Receipt:** The return receipt was signed but not dated, and I received it back a month later.
8. **Follow-up Inspection:** Ten days after receiving the return receipt, I conducted a follow-up inspection and found that no attempt or progress had been made on the property. The property remained in violation of city ordinance 119-2.
9. **Final Notice:** I then sent another final letter of notice to Mead Valley Inc., giving them additional time to comply with the city’s ordinance.
10. **Continued Non-compliance:** As of today, July 18, 2024, no progress has been made on the property, and it remains in violation of city ordinance 119-2.
11. **City's Proposed Action:** It is my professional opinion that the City of Socorro should take immediate action to abate the nuisance by contracting services to clear the overgrown vegetation and ensure the property is maintained, with the costs of such abatement to be charged to Mead Valley Inc.

DATED: 7-18-2024.

Christopher Carrillo

Verification

I, Christopher Carrillo, being duly sworn, state on oath that all the representations in this Affidavit are true as far as I know or am informed, and that this Affidavit is true, accurate, and complete to the best of my knowledge and belief.

Christopher Carrillo 7-18-24

Christopher Carrillo

SUBSCRIBED AND SWORN TO before me on 7-18-2024, by Christopher Carrillo.

Kristy Padilla 7-18-2024

Notary Public

My commission expires: 2-1-2028

