

AGENDA ITEM: 5

Resolution R-15-015

MEETING DATE: April 16, 2015

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## STAFF SUMMARY REPORT

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ACTION REQUESTED BY: The Roswell-Chaves County Community

ACTION REQUESTED: Pass a Resolution Declaring Certain Property a Menace to the Public Health, Safety and General Welfare.

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ITEM SUMMARY:

The property at 6105 North Main Street has been a long standing hazard to the community.

Remedies to the situation reside within the powers of the Chaves County Board of Commissioners with the support of the community. The property is located at 6105 North Main Street, described as Lots 41-45 of Block 44 of Glen Alto Subdivision.

The condition of the property represents a hazard to the community. The primary hazard is fire concern and the immediate impact a conflagration would have upon two major highways and neighboring properties. In addition, the toxic hazards from fumes could affect neighbors, passersby, schools and businesses. The state of the property could encourage vermin. Debris from the property migrates eastward and causes the trashing and littering of numerous private and public properties, including roads.

If the County has to expend resources to resolve these matters it will be necessary to seek compensation, which could include a lien and ultimately the taking of the property by the County to recover the expenditure of public funds. Requiring the property to be rezoned for future use might also be a tool that keeps this from becoming a recurring problem.

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SUPPORT DOCUMENTS: Resolution, Exhibits, Photos

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SUMMARY BY: Marlin J. Johnson

TITLE: Planning & Zoning Director

**RESOLUTION NO. R-15-015**

**A RESOLUTION DECLARING CERTAIN PROPERTY, BUILDINGS, OR STRUCTURES TO BE A MENACE TO THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE; REQUIRING THE DEMOLITION AND/OR REMOVAL OF DAMAGED AND DILAPIDATED BUILDINGS, STRUCTURES, RUINS, RUBBISH, WRECKAGE, OR DEBRIS; PROVIDING THAT THE COUNTY SHALL HAVE A LIEN FOR THE COST OF DEMOLITION AND/OR REMOVAL; AND PRESCRIBING THE PROCEDURE INCIDENT TO SUCH DEMOLITION AND/OR REMOVAL.**

**WHEREAS**, it is the opinion of the Chaves County Commission that the following property:

6105 North Main Street  
Lots 41-45 of Block 4 of Glen Alto Subdivision  
Roswell, New Mexico

which, according to public record, is owned by:

Ernest J. R. Tricarico, (aka Rod Tricarico) & Codi M. Eakin (Buyers)  
Per the Notice of Sales Contract with  
Wheeler Development, Co. Inc. (Seller)

is covered with ruins, rubbish, wreckage, or debris, AND/OR contains buildings or structures that are in a state of disrepair, damage, and/or dilapidation, and is a menace to the health, safety, and general welfare of the inhabitants of the community based on facts submitted in Exhibit "A".

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the buildings or structures set forth in Exhibit "A" are declared to be in such state of disrepair, damage, and dilapidation as to constitute a dangerous building within the purview of Article 3-18-5 (NMSA, 1978), and/or that the property defined in Exhibit "A" is covered with ruins, rubbish, wreckage, and debris, and that the existing condition is considered to be a menace to the public health, safety, and general welfare.
2. That such dangerous buildings or structures be removed if any cannot reasonably be repaired so that they will no longer be considered a menace.
3. That any ruins, rubbish, wreckage, or debris be removed from the property so that the menace no longer exists.
4. That the owners, occupants, or agent in charge of said property are hereby ordered and required to remove such dangerous buildings, structures, ruins, rubbish, wreckage, or debris within a reasonable time not to exceed fifteen (15) days from the receipt of notice by certified mail or from date of publication of this resolution as hereinafter provided.

5. In the event that such removal is not commenced by the owner, occupant, or agent, or written objection requesting a hearing is not filed with the County Clerk, within (10) days after service of a copy of this resolution by certified mail or by publication, the County Manager is hereby authorized and directed to cause such dangerous buildings, structures, ruins, rubbish, wreckage, or debris to be removed at the sole cost and expense of the owner, owners, or other parties having an interest in said properties; and further, that the reasonable cost of such removal shall be and become a subsisting and valid lien against such property so removed and the lot, parcel, or land from which such removal was made. Alternatively, the County Manager may act pursuant to Article 3-18-5 (g) (NMSA, 1978) and cause the dangerous buildings, structures, ruins, rubbish, wreckage, or debris to be removed and grant to the person removing such materials the legal title to all salvageable materials in lieu of all other compensation.

6. In the event that any aggrieved owner or other interested party shall file his protest within the time herein provided requesting a hearing on the matter, the Chaves County Commission shall fix a date for hearing, at which time said Protestants shall be entitled to be heard in person or by agent or attorney. The Commission shall consider evidence whether or not its previous action should be enforced.

7. Upon the adoption of this resolution, it shall be the duty of the Codes Enforcement Officer to notify the owner, occupant, or agent in charge of such property, buildings, or structures of the adoption of this resolution by serving a copy upon him by certified mail, return receipt requested; and in the event such owner, occupant, or agent cannot be found or served within said County as hereinabove provided, such notice may be served by posting a copy of this resolution upon the subject property, followed by legal publication of said resolution one time in a newspaper of general circulation within the County.

**PASSED, APPROVED, ADOPTED AND SIGNED** this 16 day of April, 2015.

**BOARD OF CHAVES COUNTY COMMISSIONERS**

\_\_\_\_\_  
James W. Duffey, Chairman

\_\_\_\_\_  
Robert Corn, Vice-Chairman

**ATTEST:**

\_\_\_\_\_  
Kim Chesser, Member

\_\_\_\_\_  
Kyle D. "Smiley" Wooton, Member

\_\_\_\_\_  
Dave Kunko  
County Clerk

\_\_\_\_\_  
William E. Cavin, Member

CHAVES COUNTY NEW MEXICO

Declaration of Property as a Menace

Property Address 6105 North Main Street
Legal Description Lots 41-45 of Block 44 of Glen Alto Subdivision
Owner Rod Tricarico
Mailing Address P.O. Box 1285
Roswell, NM 88202

Rubbish, Wreckage or Debris dilapidated mobiles homes and other structures, ruins, rubbish, wreckage and debris

STATEMENT: The above listed property has been found to be substandard and for the following reason(s) not in compliance with the Roswell-Chaves County Extraterritorial Zoning Ordinance.

1. Zoning of property:

Comments:

- Residential
Commercial
Industrial

Not zoned, part of an industrial subdivision created prior to adoption of ETZ Ordinance

2. Use of property:

- Residence
X Outside storage of vehicles
Outside storage of appliances
X Dilapidated structures
X Commercial business
Tire storage
X Junkyard
X Trash and debris accumulation
X Solid waste disposal

[Blank lines for comments]

3. Public health:

- X Harborage for rodents
X Potential groundwater contamination
X Potential mosquito breeding
X Unsanitary conditions

[Blank lines for comments]

4. Public safety:

- X Fire hazard
X Attractive nuisance for children
X Risk to emergency personnel

[Blank lines for comments]

Comments

5. General welfare:

- X   Adverse effect on surrounding property values \_\_\_\_\_
- X   Unattractive nuisance for the neighborhood \_\_\_\_\_

Any property which has any or all of the conditions described above shall be deemed a menace if such conditions or defects exist to the extent that the life, property or safety of the public or the occupants of the property are endangered.

- Dangerous
- Not Dangerous

\_\_\_\_\_  
Date

\_\_\_\_\_  
Codes Enforcement Officer

Comments: Remedies to the situation reside within the powers of the Chaves County Board of Commissioners with the support of the community. The property is owned by Rod Tricarico and is located at 6105 North Main Street, described as Lots 41-45 of Block 44 of Glen Alto Subdivision.

The condition of the property represents a hazard to the community. The primary hazard is fire concern and the immediate impact a conflagration would have upon two major highways and neighboring properties. In addition, the toxic hazards from fumes could affect neighbors, passersby, schools and businesses. The state of the property could encourage vermin. Debris from the property is migrating eastward and causing the trashing and littering of numerous private and public properties, including roads.



Date: April 07, 2015  
R-15-016  
6105 N. Main Street

NO  
TRESPAS

  
*La Casa Tru-Co*  
**MOBILE HOME SERVICE  
& TRANSPORTING**  
P.O. BOX 1295 ROSWELL, NM 88202  
**623-8385**  
NM LIC-MHD KMCC-01997



Date: April 07, 2015  
R-15-016  
6105 N. Main Street



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Date: April 07, 2015  
R-15-061  
6105 N. Main Street



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R-15-016  
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