



VALENCIA COUNTY
RESOLUTION 2022-45

**A RESOLUTION FINDING PUBLIC NUISANCE REQUIRING RENOVATION OR
REMOVAL BY COUNTY**

RECITALS:

WHEREAS, the Board of County Commissioners met at a duly noticed and advertised meeting on 9/7/22 at 5:00 PM in the Valencia County Administration Building located at 444 Luna Avenue, Los Lunas, New Mexico 87031; and,

WHEREAS, NMSA 1978, Sections 4-37-1 *et seq.* provides that counties may adopt those resolutions and ordinances, not inconsistent with statutory or constitutional limitations place on counties, to discharge those powers necessary and proper to provide for the safety, convenience of the county and its inhabitants; and,

WHEREAS, on December 17, 2003, the Board of County Commissioners adopted the Abatement of Dangerous or Abandoned Buildings Ordinance of Valencia County, Ordinance No. 2003-2; and,

WHEREAS, On **24 MARCH 2022**, the County's abatement officer sent a Section 401.5 Notice to all record owners of property interests in the below-described property, demanding correction of conditions constituting dangerous or abandoned building(s), manufactured or mobile home(s), wreckage, rubbish or debris, which conditions have not been corrected; and,

WHEREAS, Section 402.6 of said Ordinance provides that upon presentation of a Report containing findings of the county's abatement officer, the Board of county Commissioners of Valencia County may, by resolution, find that the dangerous or abandoned building, manufactured or mobile home, wreckage, rubbish or debris is a public nuisance to the health, safety and welfare of Valencia County and requires the renovation or removal by the County of the building, structure, ruins, rubbish, wreckage or debris; and,

WHEREAS, the Board of County Commissioners so find.

NOW THEREFORE, BE IT RESOLVED, that the Valencia County Board of County Commissioners hereby find that the property described as follows:

Street Address:	33 CHAPEL DR LOS LUNAS NM 87031
Legal Description:	Parcel: 101803841847000000 Lot: 2 Subdivision: VISTA MONTANOSO ESTATE

is hereby found to contain a dangerous or abandoned building(s), manufactured or mobile home(s), wreckage, rubbish or debris, and is a public nuisance to the health, safety and welfare of Valencia County and requires the renovation or removal by the County of the building, structure, ruins, rubbish, wreckage or debris.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be filed and recorded with the County Clerk and served without delay upon all individual(s)/entity(ies) identified as having an interest in the subject property.

BE IT FURTHER RESOLVED, that if any individual(s)/entity(ies) identified as having an interest in the subject property cannot be served within Valencia County, a copy of this Resolution shall be posted on the building, structure or premises and a copy of this Resolution shall be published in a newspaper of general circulation.

BE IT FURTHER RESOLVED, that within ten days of receipt of a copy of this Resolution, or within ten days within the posting and publishing of a copy of this Resolution, the individual(s)/entity(ies) identified as having an interest in the subject property are, jointly and severally, hereby required to commence repairing the premises or removing the building(s), structure(s), wreckage, rubbish, or debris. Alternatively, any individual(s)/entity(ies) identified as having an interest in the subject property may file a written objection, pursuant to Section 403.1 of the Ordinance, to the County Manager and request a public hearing on the issue before the Board of County Commissioners.

BE IT FURTHER RESOLVED, that after ten days of receipt, or of publishing and posting of this Resolution, or within five days of a determination by the Board of County Commissioners that this Resolution be enforced, whichever is later, the County may remove the building, structure, ruins, rubbish, wreckage or debris at the cost and expense of the property owner. However, any such removal shall be stayed pending any appeal to District Court.

BE IT FURTHER RESOLVED, that in the event the property owner(s) do not reimburse the County, the reasonable cost of removal, including any publication or mailing costs, shall constitute a lien, filed with the Office of the County Clerk of Valencia County on a form determined by the abatement officer, which lien shall attach the building, structure, ruin, rubbish, wreckage or debris so removed and against the lot or parcel of land from which it was removed. Nothing in this Resolution shall create any right by any party against the County for ownership or any alleged value of any such building, structure, ruin, rubbish, wreckage or debris.

BE IT FURTHER RESOLVED, that whenever the repairs ordered shall have been completed or the building(s) demolished and removed from the property so that it no longer exists as an abandoned building, structure, mobile or manufactured housing, wreckage or debris on the above-described property, the abatement officer shall file an amended lien by so stating, and either release the prior lien in the event the removal was commissioned by the owner(s), or reinstating the lien as a financial obligation only in the event the removal was commissioned by the County, whichever is appropriate.