

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2024-__

INTRODUCED BY:

Councilor Carol Romero-Wirth

A RESOLUTION

FINDING THE BUILDING AND PREMISES LOCATED AT 2069 CALLE CONTENTO (“PROPERTY”) TO BE RUINED, DAMAGED, AND DILAPIDATED, A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE, AND SAFETY, AND A PUBLIC NUISANCE; ORDERING THE OWNER OF RECORD OF THE PROPERTY (“OWNER”) TO REMOVE THE BUILDING, RUBBISH, AND DEBRIS FROM THE MUNICIPALITY OR OTHERWISE ABATE THE NUISANCE; AND PROVIDING THAT, IF THE OWNER DOES NOT REMOVE THE BUILDING RUBISH, AND DEBRIS, OR OTHERWISE ABATE THE NUISANCE, THE CITY OF SANTA FE SHALL ABATE THE NUISANCE AND PLACE A LIEN ON THE PROPERTY IN AN AMOUNT OF THE COST OF THE CITY’S CLEAN-UP EFFORTS.

WHEREAS, the property located at 2069 Calle Contento, Santa Fe, New Mexico, 87505, further, described as LOT 17, BLK 1, PH 1, 0.2235 AC, PLAZA DEL SUR S/D, S35 T17N R9E (the “Property”) is in the City of Santa Fe’s (“City’s”) jurisdiction, and it has been neglected, abandoned, and unoccupied for more than three years; and

1 **WHEREAS**, the Property has two structures: a single-family home and a detached garage;
2 and

3 **WHEREAS**, on March 16, 2023, Constituent Services observed noxious odors coming
4 from the single-family home on the Property, rats nesting on the Property, debris and litter
5 in the yard, and a junk vehicle in the garage; and

6 **WHEREAS**, on March 17, 2023, based on neighbors’ concerns and the observations from
7 the prior day, Constituent Services sent a warning notice, attached as Exhibit A, to the property
8 owner (“Owner”), stating that the City was going to initiate an internal nuisance investigation; and

9 **WHEREAS**, on March 29, 2023, Constituent Services sent notice, attached as Exhibit B,
10 to the Owner, via certified letter, alerting the Owner that the Property was unsafe and violated
11 Sections 10-9.4 and 10-9.5 of the Santa Fe City Code (“SFCC”) 1987 (“Letter”); and

12 **WHEREAS**, the Letter also alerted the Owner that the Owner could either submit an
13 abatement plan or request an appeal within fifteen (15) days of receiving the Letter; and

14 **WHEREAS**, the Letter also notified the Owner that if the Owner did not submit an
15 abatement plan for remediating the nuisance, the City could subject the Owner to a \$100 daily fine
16 for non-compliance, not to exceed ninety (90) days, in accordance with the City’s nuisance
17 abatement ordinance, Section 10-9.7, SFCC 1987; and

18 **WHEREAS**, Constituent Services did not receive a response from the Owner, nor has
19 Constituent Services identified evidence of any actions taken to resolve the issues on the Property
20 that were outlined in the Letter; and

21 **WHEREAS**, because the Owner was non-compliant and unresponsive for 90 days, the
22 Owner owes the City a total of nine thousand dollars (\$9,000) in cumulative daily fines for non-
23 compliance with the City’s nuisance abatement ordinance; and

24 **WHEREAS**, the City sent the Owner an invoice for the cumulative daily fines, attached
25 as Exhibit C; and

1 **WHEREAS**, as of February 15, 2024, the Owner owes the City five hundred twenty-two
2 dollars and one cent (\$522.01) for water and sewer service, which is documented in Owner’s
3 Account Statement, attached as Exhibit D; and

4 **WHEREAS**, the City’s Land Use Inspection and Enforcement Manager (“Manager”)
5 preformed two site inspections of the Property; and

6 **WHEREAS**, on June 8, 2023, the Manager sent a letter to the Owner, attached as Exhibit
7 E, alerting the Owner that the Manager had determined the structures located on the Property were
8 unsafe and, as a result, that the City was prohibiting any person from occupying or entering the
9 structures, except for the purpose of securing them, making required repairs, removing hazardous
10 condition, or demolishing the structures, and only after securing the required permits; and

11 **WHEREAS**, in the June 8th, 2023, letter, the Manager revoked the Property’s certification
12 of occupancy due to the unsafe conditions, pursuant to Section 7-1.1, SFCC 1987; and

13 **WHEREAS**, since January 1st, 2023, the Santa Fe Police Department (“SFPD”) has
14 received four calls for service for the Property regarding unsheltered individuals trespassing, taking
15 shelter, and squatting on the Property; and

16 **WHEREAS**, based on one of the calls for service, SFPD was dispatched on May 22nd,
17 2023, and SFPD arrested an unsheltered individual for trespassing on the property; and

18 **WHEREAS**, Constituent Services documented, in photographs attached as Exhibit F, that
19 the inside of the single-family home is unfit for human habitation for the following reasons: water
20 damage, an infestation of black mold, vandalism, torn out drywall, exposed rafters and framework,
21 a rotted floor, and a broken rear door that will not close; and

22 **WHEREAS**, the photographs attached in Exhibit F show the garage has been left open and
23 a junk vehicle is visible from the public street; and

24 **WHEREAS**, the Property has an overgrowth of weeds, and litter is strewn about the yard;
25 and

1 **WHEREAS**, the City and other utility-providers have disconnected the Property from all
2 utilities, including water, gas, and electricity; and

3 **WHEREAS**, NMSA 1978, Section 3-18-5, authorizes the Governing Body to declare any
4 building or structure that is ruined, damaged, and dilapidated, or any premises that is covered with
5 ruins, rubbish, wreckage, or debris, a menace to public comfort, health, peace and safety, and to
6 require the removal from the municipality of the building, structure, ruins, rubbish, wreckage, or
7 debris.

8 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
9 **CITY OF SANTA FE** that the Property, including the two structures and yard, is declared to be a
10 menace to the public comfort, health, peace, and safety.

11 **BE IT FURTHER RESOLVED** that the Owner, or any other occupant or agent in charge
12 of the Property, is hereby ordered to remove the building, ruins, rubbish, and debris from the
13 Property or otherwise abate the public nuisance within ten (10) days of service of this resolution or
14 of the posting and publishing of a copy of this resolution.

15 **BE IT FURTHER RESOLVED** that if the Owner of the Property does not remove the
16 building, ruins, rubbish, and debris from the Property and abate the public nuisance within ten (10)
17 days or request a hearing as allowed in NMSA 1978, Section 3-18-5, City-procured contractors or
18 City employees may remove the building, ruins, rubbish, and debris from the Property, abate the
19 public nuisance and, pursuant to NMSA 1978, Section 3-18-5(F), the City Clerk's Office shall
20 place a lien on the Property for the cost of removing the building, ruins, rubbish, and debris and the
21 abatement of the public nuisance.

22 **BE IT FURTHER RESOLVED** that, in the event the City places a lien on the Property
23 and the Owner does not request a hearing within ten (10) days; or in the event the Owner requests
24 a hearing, and at the end of the hearing, the Governing Body determines this resolution should be
25 enforced; the City Attorney may proceed to foreclose on the Property in the manner provided in

1 NMSA 1978, Sections 3-36-1 to -6, and collect reasonable attorney's fees, as provided in Section
2 10-9.10(F), SFCC 1987, in addition to collecting the cost of removing the building, ruins,
3 rubbish, and debris and any other costs involved in the abatement of the public nuisance.

4
5 PASSED, APPROVED, and ADOPTED this _____ day of _____, 2024.

6
7 _____
8 ALAN WEBBER, MAYOR

9 ATTEST:

10
11 _____
12 GERALYN CARDENAS, INTERIM CITY CLERK

13
14 APPROVED AS TO FORM:

15
16 _____
17 ERIN K. McSHERRY, CITY ATTORNEY

18
19
20
21
22
23
24
25 *Legislation/2024/Resolutions/2069 Calle Contento Demolition*



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909
www.santafenm.gov

Alan Webber, Mayor

Councilors:

Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Michael J. Garcia, District 2
Carol Romero-Wirth, District 2
Lee Garcia, District 3
Chris Rivera, District 3
Jamie Cassutt, District 4
Amanda Chavez, District 4

EXHIBIT A

March 17, 2023

Sent Via Certified Mail

RE: Public Nuisance Initiation – 2069 Calle Contento, Santa Fe, NM

Mimi Properties LLC
PO Box 67663
Albuquerque, NM 87193-7663

To Whom it may concern,

The City of Santa Fe is going to initiate an internal nuisance investigation of the property at 2069 Calle Contento. Per code, Nuisance investigation and abatement plan, section 10-9.5, when a property accumulates six (6) incidents within a six (6) month period an investigation shall consider the number and severity of the incidents; law enforcement, fire, or first responder statements; neighborhood testimony; past abatement plans; the relative impact of the incidents on the public; and any other available information with which to make a determination of a nuisance.

Sincerely,

Ned Doty

Constituent Services Division
P.O. Box 909
Santa Fe, NM 87504-0909
505-955-6028 ndoty@santafenm.gov

cc: Kevin Nault, Assistant City Attorney
Kristine Bustos-Mihelcic, Community Engagement Director / City Clerk



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Lee Garcia, District 3

Chris Rivera, District 3

Jamie Cassutt, District 4

Amanda Chavez, District 4

EXHIBIT B

Via Certified Mail

March 29, 2023

RE: Public Nuisance Notice – 2069 Calle Contento

Mimi Properties

PO Box 67663

Albuquerque, NM 87193-7663

To Whom it May Concern,

I sent you a certified letter on March 17, 2023, informing you that the City of Santa Fe was starting a Nuisance Investigation on your property at 2069 Calle Contento under City Code Section 10.9 SFCC 1987. The City of Santa Fe has determined that this property is a public nuisance due to the noxious odors coming from the house on the property and the rats nesting there, both of which invade neighboring properties and pose a risk to the health, safety, and welfare of neighborhood residents; the debris and litter on the property; and the vehicles stored on the property contrary to City Codes Sections 10-9.4 and 10-9.5

Under City Code Sections 10-9.5(B) you are required to provide an abatement plan to the City within fifteen (15) days after receipt of this letter. You may request a hearing to appeal this Notice as allowed under City Code Section 10-9.9. The request for a hearing must be made in writing and submitted to the address below within fifteen (15) days after receipt of this letter.



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EXHIBIT B

Your abatement plan must set forth how and when you will remove all the accumulated litter and debris on your property, how you will remove any vermin from the property and prevent new nests from being established, how you will prevent anyone from living on the property, how the existing house will be repaired or replaced, the covering or removal of the vehicles parked in the shed, and the overgrown weeds. If you do not timely submit an abatement plan or request an appeal, you can be fined \$100 for each day of non-compliance or further enforcement action in accordance with City's Nuisance Abatement Ordinance, Section 10-9.7.

Please let me know if you have any questions about the abatement plan. Please submit your abatement plan via email or mail at the addresses below. We look forward to working with you to resolve these issues.

Sincerely,

Ned Doty

Constituent Services Division

P.O. Box 909

Santa Fe, NM 87504-0909

505-955-6028 ndoty@santafenm.gov

cc: Kevin Nault, Assistant City Attorney

Kristine Bustos-Mihelcic, Community Engagement Director / City Clerk

Isabella Sharpe, Constituent Services Manager

Jose Gonzales, Lieutenant with the Santa Fe Police Department

Jason Sena, Code Enforcement Supervisor



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INVOICE

INVOICE # 2069 CALLE CONTENTO - #1

DATE: 6/30/2023

TO:

Mimi Properties

PO Box 67663

Albuquerque, NM 87193-7663

EXHIBIT C

QUANTITY	DESCRIPTION	DAILY FINE	TOTAL
78 Days	Public Nuisance fine pursuant to City Code	\$100.00	\$7,800.00
	10-9.7(c) Nuisance Abatement Ordinance Enforcement Provisions		
	2069 Calle Contento, Santa Fe, NM 87505 April 14, 2023 through June 30, 2023		
TOTAL DUE			\$7,800.00

Due IMMEDIATELY Upon Receipt

Make all checks payable to City of Santa Fe and mail to:

City of Santa Fe

Attention: Cashier's Office

PO Box 909

Santa Fe, NM 87504-0909

The date and time of nuisance notices, as well as reports, evidence, and timeline of non-compliance are included in the attached letters delivered to you by certified mail and hand-delivered to you on March 29, 2023.

You are hereby advised that you have the opportunity to appeal within fifteen (15) days pursuant to City Code section 10-9.9 Nuisance Abatement Ordinance Appeals.

Munis Org/Objs: 1002575 Constituent Services/Cr. 450100 Penalties and Dr. 108400 Other



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Amanda Chavez, District 4

INVOICE

INVOICE # 2069 CALLE CONTENTO - #2

DATE: 8/24/2023

TO:

Mimi Properties

PO Box 67663

Albuquerque, NM 87193-7663

EXHIBIT C

QUANTITY	DESCRIPTION	DAILY FINE	TOTAL
12 Days	Public Nuisance fine pursuant to City Code	\$100.00	\$1,200.00
	10-9.7(c) Nuisance Abatement Ordinance Enforcement Provisions		
	2069 Calle Contento, Santa Fe, NM 87505 July 1, 2023 - July 12, 2023,		
TOTAL DUE			\$1,200.00

Due IMMEDIATELY Upon Receipt

Make all checks payable to City of Santa Fe and mail to:

City of Santa Fe

Attention: Cashier's Office

PO Box 909

Santa Fe, NM 87504-0909

The date and time of nuisance notices, as well as reports, evidence, and timeline of non-compliance are included in the attached letters delivered to you by certified mail on March 29, 2023.

You are hereby advised that you have the opportunity to appeal within fifteen (15) days pursuant to City Code section 10-9.9 Nuisance Abatement Ordinance Appeals.

Munis Org/Objs: 1002575 Constituent Services/Cr. 450100 Penalties and Dr. 108400 Other



Santa Fe City Utilities
Phone (505) 955-4333 Fax (505) 955-4363
<http://www.santafenm.gov>
Utility Services Statement

p. 2/2

Customer MIMI PROPERTIES LLC
Account 00592091
Billing Period 01/18/24-02/15/24
Service Addr. # 13641
Service Address 2069 CALLE CONTENTO

Billing Summary

EXHIBIT D



Sewer Res Imp Septic Ser Chg
Service Total Including Tax

\$7.91
\$7.91



Resident SW Curbside Pickup
Service Total Including Tax

\$23.10
\$23.10

Finance Charge

\$7.26

Total New Charges

\$38.27

Previous Balance

\$483.74

Payments

\$0.00

Adjustments

\$0.00

Total Amount Due on 03/11/2024

\$522.01

I – Irrigation Months: May 1 thru August 31 – the first 10,000 gallons will be billed at the first tier rate; consumption above 10,000 gallons will be billed at the second tier rate.

NI – Non-Irrigation Months: September 1 thru April 30 – the first 7,000 gallons will be billed at the first tier rate; consumption above 7,000 gallons will be billed at the second tier rate.

Service Fees:

Reconnection for Nonpayment

8 am to 4 pm \$25.00
After 4 pm \$100.00

Delivery Fee for Two-Day Disconnect Notice \$10.00

NSF (Returned) Check Fee \$35.00

Tampering Fee (1st occurrence) \$200.00
Each occurrence thereafter \$400.00

Past Due accounts will be assessed a finance charge of 1.5% of any past due balance.

Please contact Customer Service (505) 955-4333 at least five (5) working days in advance of your lease end date. New leases will be processed as of date received.



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EXHIBIT E

NOTICE OF VIOLATION & ORDER

June 8, 2023

Mimi Properties LLC
PO Box 67663
Albuquerque, NM 87193-7663

Re: Unsafe Structure - Revocation of Certificate of Occupancy

A site inspection of your property at *2069 Calle Contento, Santa Fe NM*, on *June 8, 2023*, revealed that the two existing structures are vacant and unsecured. The abandoned residence is neglected, has broken windows, damage to electrical, and damage to plumbing systems. The roof leak has caused damage to the ceilings and walls. The detached garage is in disrepair, lacks maintenance, is insanitary, and contains filth and contamination. Both structures have become an attractive nuisance to children who might play in the buildings or structures to their danger, and has become a harbor for vagrants, criminals, or trespassers.

You are hereby notified that the residence is unsafe and in violation pursuant to 14.5.12 NMAC, Unsafe structures or other life safety hazard. The certificate of occupancy is hereby revoked because of unsafe conditions, per section 14.5.3.13 NMAC, Revocation or suspension, as amended and adopted by reference in *Chapter 7, City of Santa Fe Code*. The structures are dangerous to human life and the public welfare.

As the property owner you are hereby ordered to correct this unsafe condition no later than the close of business on *July 8, 2023*. You are required to demolish or restore the unsafe structure to abate the unsafe condition. The structure is unsafe, and its occupancy is prohibited. It shall be unlawful for any person to enter the structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or demolishing the same but only after securing the required permits.

Sincerely,

Bobby Padilla
Building Official
Land Use Department
City of Santa Fe
505-955-6503

EXHIBIT F



EXHIBIT F



EXHIBIT F



EXHIBIT F

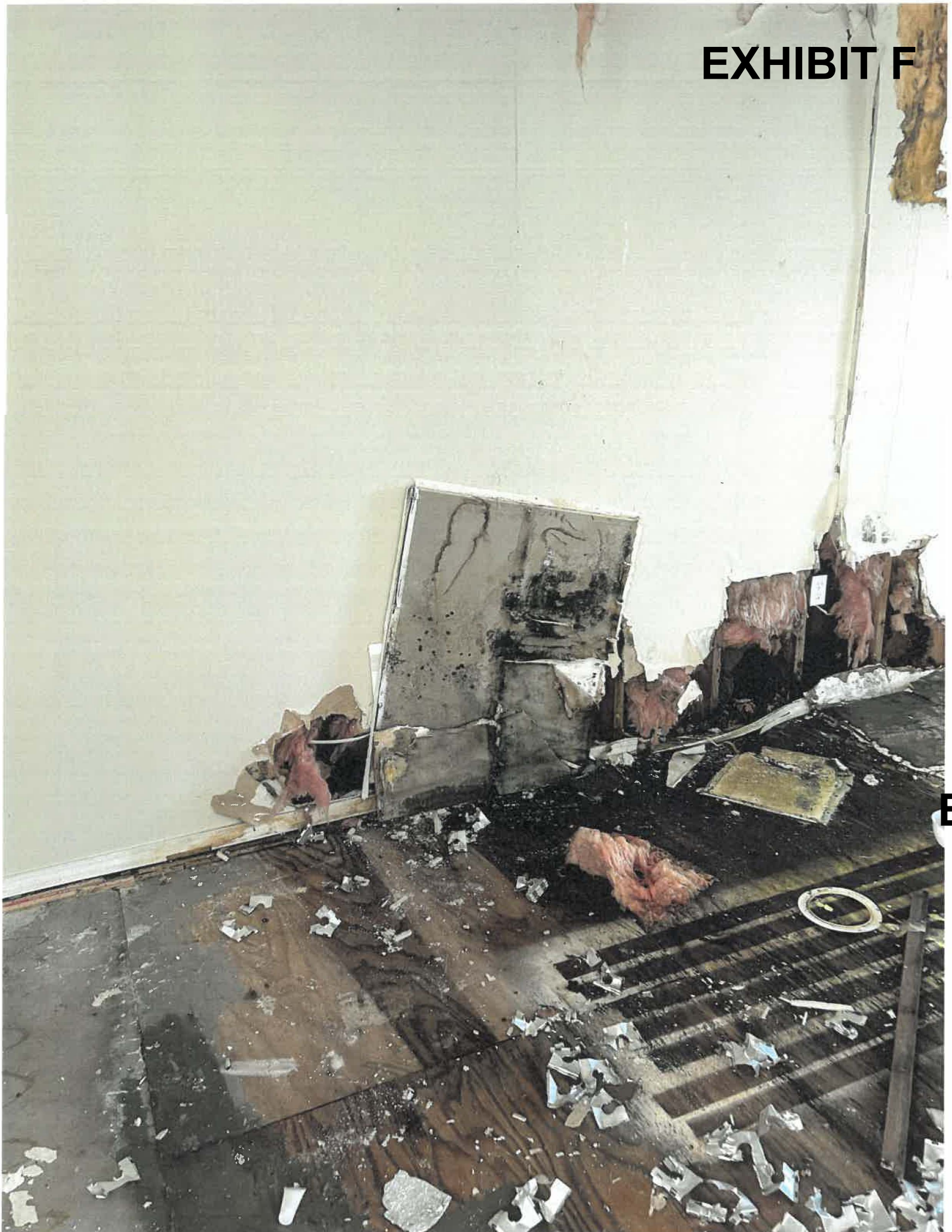


EXHIBIT F



EXHIBIT F



Exhibit F



EXHIBIT F



EXHIBIT F

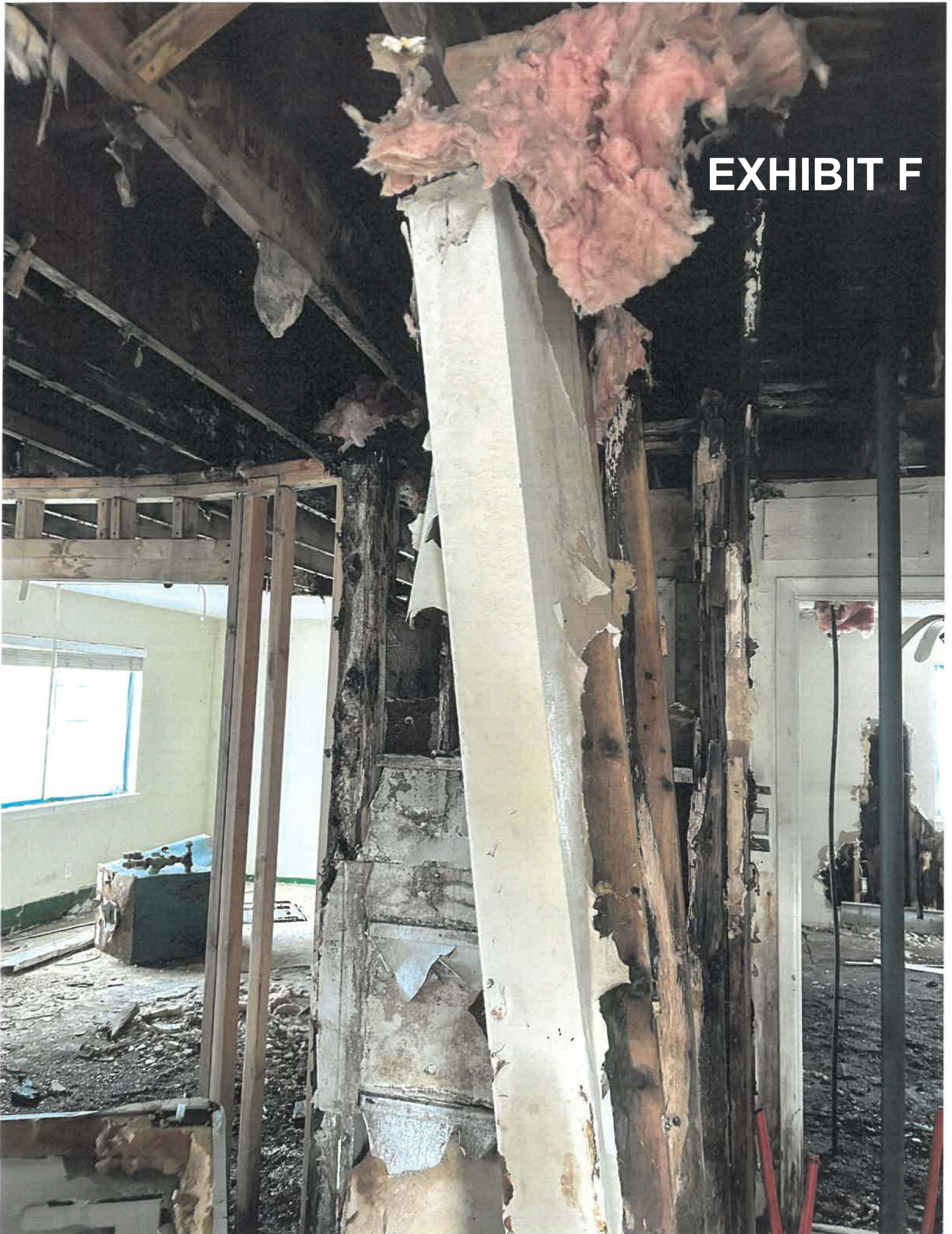


EXHIBIT F





EXHIBIT F

EXHIBIT F



EXHIBIT F



EXHIBIT F



EXHIBIT F



EXHIBIT F

