

**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2023-\_\_**

**INTRODUCED BY:**

Mayor Alan Webber

Councilor Jamie Cassutt

**A RESOLUTION**

**FINDING THE BUILDING AND PREMISES LOCATED AT 1004 CALLE FELIZ (PROPERTY) TO BE RUINED, DAMAGED, AND DILAPIDATED AND A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE, AND SAFETY; ORDERING THE OWNER OF RECORD OF THE PROPERTY TO REMOVE THE BUILDING, RUBBISH, AND DEBRIS; AND PROVIDING THAT, IF THE OWNER DOES NOT REMOVE THE BUILDING, RUBBISH, AND DEBRIS, THE CITY OF SANTA FE SHALL DO SO, SHALL PLACE A LIEN ON THE PROPERTY IN THE AMOUNT OF THE COST OF THE CLEAN-UP EFFORTS; AND SHALL FORECLOSE ON THE PROPERTY.**

**WHEREAS**, the residence and land located at 1004 Calle Feliz, Santa Fe, New Mexico 87507, further, described as LOT 6, BLK 17, UNIT 4, LA RESOLANA ADDITION S/D, 0.1377 AC, S4 T16N R9E (the Property) has been neglected, abandoned and unoccupied for over three years; and

**WHEREAS**, on April 5, 2023, the Office of Constituent Services notified the Property owner via certified letter that the residence is unsafe and violates 14.5.1.12, New Mexico



1 Administrative Code (“NMAC”) (see Exhibit A); and

2       **WHEREAS**, the property owner had the opportunity to either submit an abatement plan  
3 or request an appeal within fifteen (15) days of receiving the certified letter; and

4       **WHEREAS**, the certified letter notified the property owner that if they did not submit an  
5 abatement plan for remediating the nuisance, they could be subjected to a \$100 daily fine for non-  
6 compliance, not to exceed ninety (90) days, in accordance with City’s Nuisance Abatement  
7 Ordinance; and

8       **WHEREAS**, the property owner currently owes the City of Santa Fe a total of nine  
9 thousand dollars (\$9,000.00) in daily fines for non-compliance with the City Nuisance Abatement  
10 Ordinance (see Exhibit B); and

11       **WHEREAS**, Constituent Services has received complaints regarding rodents, odorous  
12 fumes, and toxic material; an unsightly trailer parked in the front yard; and trees on the property  
13 that are interfering with power lines and that are causing damage to the Property and surrounding  
14 properties (see Exhibit C); and

15       **WHEREAS**, on July 27, 2023, the City Building Inspector determined the structures were  
16 unsafe and, as a result, it is prohibited for any person to occupy or enter such structures except for  
17 the purpose of securing the structure, making the required repairs, removing the hazardous  
18 condition, or demolishing the same, but only after securing the required permits (see Exhibit D);  
19 and

20       **WHEREAS**, the City’s Inspection and Enforcement Manager determined the inside of the  
21 residence is a health hazard and safety concern; and

22       **WHEREAS**, the City’s Inspection and Enforcement Manager revoked the Property’s  
23 certificate of occupancy due to unsafe conditions per NMAC Section 14.5.3.13(F), as amended,  
24 and adopted by reference in Chapter 7, SFCC 1987; and

25       **WHEREAS**, there are twenty-seven (27) houses on Calle Feliz, and twenty-one (21)



1 homeowners have signed a petition supporting declaring the Property is a public nuisance (see  
2 Exhibit E); and

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

8 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
9 **CITY OF SANTA FE** that the building, ruins, rubbish, and debris located at the Property is  
10 declared to be a menace to the public comfort, health, peace, and safety.

11 **BE IT FURTHER RESOLVED** that the owner of the Property is hereby ordered to  
12 remove the building, ruins, rubbish, and debris from the Property within ten (10) days of service of  
13 this Resolution or of the posting and publishing of a copy of this Resolution under the authority  
14 granted to the City by NMSA 1978, Section 3-18-5.

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 within ten (10) days or request a hearing as  
17 allowed in NMSA 1978, Section 3-18-5, City-procured contractors or City employees may remove  
18 the building, ruins, rubbish, and debris from the Property and, pursuant to NMSA 1978, Section 3-  
19 18-5(F), at which point, the City Clerk's Office shall place a lien on the Property for the cost of  
20 removing the building, ruins, rubbish, and debris.

21 **BE IT FURTHER RESOLVED** that, in the event the City places a lien on the Property  
22 and the owner does not request a hearing within ten days, or in the event the owner requests a  
23 hearing and the governing body determines the resolution shall be enforced, the City Attorney may  
24 proceed to foreclose on the property in the manner provided in NMSA 1978, Sections 3-36-1 to 6.



1 PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

2

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4

ALAN WEBBER, MAYOR

6

7 ATTEST:

8

9

KRISTINE MIHELCIC, CITY CLERK

11 APPROVED AS TO FORM:

12

13 Erin McSherry  
Erin McSherry (Sep 15, 2023 13:51 MDT)

14 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/2023/Resolutions/1004 Calle Feliz Demolition - Nuisance Property*





# City of Santa Fe, New Mexico

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

[www.santafenm.gov](http://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

April 5, 2023

**RE: Public Nuisance Notice – 1004 Calle Feliz**

## Exhibit A

Carrington Mortgage Services  
1600 S Douglas Rd Ste 100 200-a  
Anaheim, CA 92806

To Whom it May Concern,

The City of Santa Fe has determined that your property at 1004 Calle Feliz is a public nuisance due to the numerous and long-standing Land Use Code violations and multiple complaints to the Constituent Services Department. We continue to receive complaints regarding rodents, odorous fumes and toxic material, the unsightly trailer parked in the front yard and the trees in the power lines that are causing damage to the property and surrounding properties. The inside of the house is a health hazard, and a troubling safety concern. These disturbances interfere with the public's right to a healthy, safe, and livable residential neighborhood.

There are twenty-seven (27) houses on Calle Feliz, and twenty-one (21) homeowners have signed a petition as supporting documents to declare the property is a public nuisance.

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.

Your abatement plan shall set forth how you are going to address the property's health hazard at 1004 Calle Feliz. If you do not timely submit an abatement plan or request an appeal, you could be subject to a daily \$100 fine for each day of non-compliance or further enforcement action in accordance with City's Nuisance Abatement Ordinance.





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Chris Rivera, District 3  
Jamie Cassutt, District 4  
Amanda Chavez, District 4

Please let us know if you have any questions about the abatement plan. Please submit your plan to Ned Doty at the email address below.

Sincerely,

Constituent Services Division  
P.O. Box 909  
Santa Fe, NM 87504-0909  
505-955-6028 [ndoty@santafenm.gov](mailto: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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## Exhibit B

## INVOICE

INVOICE # 1004 CALLE FELIZ - #1

DATE: 6/30/2023

**TO:**

Carrington Mortgage Services  
1600 S Douglas Rd Ste 100 200-a  
Anaheim, CA 92806

QUANTITY	DESCRIPTION	DAILY FINE	TOTAL
71 Days	Public Nuisance fine pursuant to City Code	\$100.00	\$7,100.00
	10-9.7(c) Nuisance Abatement Ordinance Enforcement Provisions		
	1004 Calle Feliz, Santa Fe, NM 87507 April 21, 2023 through June 30, 2023		
TOTAL DUE			\$7,100.00

**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 April 5, 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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Chris Rivera, District 3  
Jamie Cassutt, District 4  
Amanda Chavez, District 4

## INVOICE

INVOICE # 1004 CALLE FELIZ - #2

DATE: 8/24/2023

**TO:**

Carrington Mortgage Services  
1600 S Douglas Rd Ste 100 200-a  
Anaheim, CA 92806

QUANTITY	DESCRIPTION	DAILY FINE	TOTAL
19 Days	Public Nuisance fine pursuant to City Code	\$100.00	\$1,900.00
	10-9.7(c) Nuisance Abatement Ordinance Enforcement Provisions		
	1004 Calle Feliz, Santa Fe, NM 87507 July 1, 2023 – July 19, 2023		
TOTAL DUE			\$1,900.00

**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 to you on April 5, 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



Exhibit C











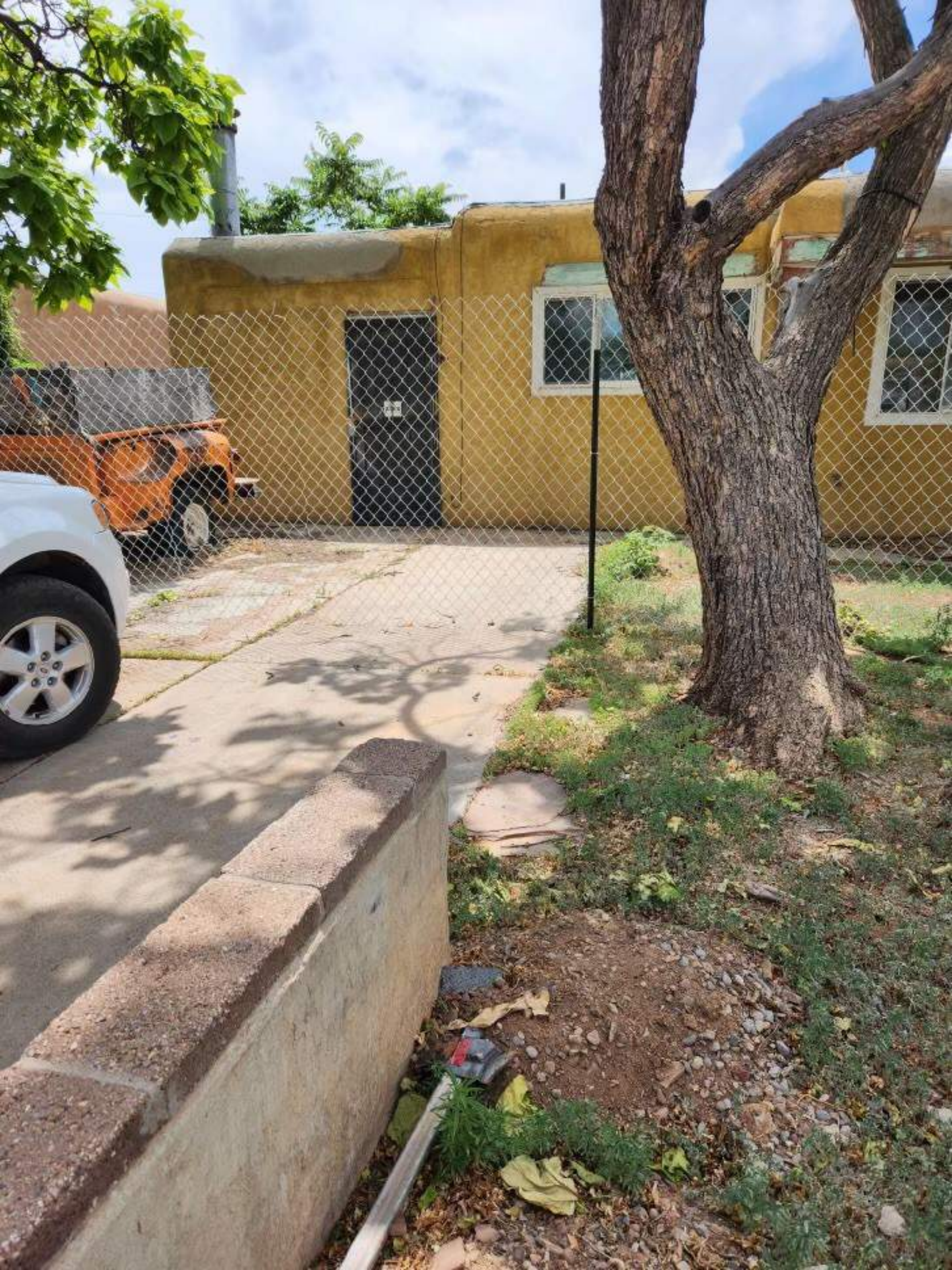




















































































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## NOTICE OF VIOLATION & ORDER

## Exhibit D

July 27, 2023

Deutsche National Trust  
1610 E. ST Andrew PL Unit B-150  
Santa Ana, California 92705

Re: Unsafe Structure -Revocation of Certificate of Occupancy

A site inspection of your property at *1004 Calle Feliz Santa Fe NM*, on *July 27, 2023*, revealed that the abandoned residence is neglected, in disrepair contains filth and contamination. Essential equipment required by City adopted codes that include utilities such as electrical service, water service and gas meters to maintain illumination, sanitary conditions and heating have been removed.

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 here by revoked because of unsafe condition 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 *August 27, 2023*. You are required to restore or demolish 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 such 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



**PETITION TO THE CITY OF SF  
1004 CALLE FELIZ**

# Exhibit E

*Address Data Source: Santa Fe County Assessor*

	Street Number	Status	Owner
<b>1</b>	988	NH	5 Attempts
<b>2</b>	989	NH	5 Attempts
<b>3</b>	990	Signed	
<b>4</b>	991	Signed	
<b>5</b>	992	Signed	
<b>6</b>	993	Signed	
<b>7</b>	994	Signed	
<b>8</b>	995	Signed	
<b>9</b>	996	Signed	
<b>10</b>	997	Vacant	Vacant (live in Texas)
<b>11</b>	998	Signed	
<b>12</b>	999	Signed	
<b>13</b>	1000	Signed	
<b>14</b>	1001	Vacant	Deceased
<b>15</b>	1002	Pit Bull	Couldn't access house
<b>16</b>	1003	Signed	
<b>17</b>	1004	Vacant	Deceased/Bank Owned
<b>18</b>	1005	Signed	
<b>19</b>	1006	Signed	
<b>20</b>	1007	Signed	
<b>21</b>	1008	Signed	
<b>22</b>	1009	Signed	
<b>23</b>	1010	Signed	
<b>24</b>	1011	Signed	
<b>25</b>	1012	Supports	Via Email (See Attached)
<b>26</b>	1013	Signed	
<b>27</b>	1015	Signed	

(Out of 27 homes on the block, 24 are occupied)

**Percent Signed/Support**      **87.5%**      (Or 21 out of 24 homes signed the petition)

**Percent Not Home**      **12.5%**      (5 Attempts each house)

**NH = Not Home**

**DS = Declined to Sign**      **0%**



# PETITION TO THE CITY OF SANTA FE

## 1004 CALLE FELIZ

We the undersigned residents, respectfully petition the City of Santa Fe (Mayor, City Council, City Staff) to declare the abandoned property located at 1004 Calle Feliz a public nuisance as defined in the amended Nuisance Abatement Ordinance, Section 10-9 SFCC 1987. We also petition the City of Santa Fe to condemn the property.

Despite our good faith efforts, this property has had a negative impact on surrounding neighbors for approximately 20 years. Past city administrations acknowledged that the property was out of compliance, yet 5 years later it continues to be a nuisance threatening harm to the neighbor's comfort, health, peace, well-being and safety.

NAME	ADDRESS	DATE	SIGNATURE
Patricia Garcia	1007 Calle Feliz	2-20-23	[Signature]
Antonia Pineda	1010 Calle Feliz	2-20-23	[Signature]
Ryan Brosche	1015 Calle Feliz	2-20-23	[Signature]
Leslie Eustice	1005 Calle Feliz	2-20-23	[Signature]
Danny Martinez	1009 Calle Feliz	2-20-23	[Signature]
John Romero	996 Calle Feliz	2-20-23	[Signature]
Rick Herrera	998 Calle Feliz	2-20-23	[Signature]
Tomás Harrison	995 Calle Feliz	2/20/23	[Signature]
Cleo & Mary	993 Calle Feliz	2/20/23	[Signature]
Chris Miller	991 Calle Feliz	2/20/23	[Signature]
Oriana Leo	992 Calle Feliz	2/20/23	[Signature]
Celia Torres	991 Calle Feliz	2-20-23	[Signature]
[Signature]	994 Calle Feliz	2/20/23	[Signature]
Reyna Mejia	1000 Calle Feliz	2/20/23	[Signature]
Karl Cardenas	1011 Calle Feliz	2/24/23	[Signature]
JAMES TRIGG	999 CALLE FELIZ	2/24/23	[Signature]



**PETITION TO THE CITY OF SANTA FE**  
**1004 CALLE FELIZ**

[illegible]