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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2024-9**

**INTRODUCED BY:**

Councilor Carol Romero-Wirth

Councilor Michael Garcia

**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 RUBBISH, 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 performed 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 8<sup>th</sup>, 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 1<sup>st</sup>, 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 22<sup>nd</sup>,  
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 27<sup>th</sup> day of March, 2024.

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Alan Webber (Apr 3, 2024 08:30 MDT)

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ALAN WEBBER, MAYOR

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ATTEST:

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Geralyn Cardenas (Apr 3, 2024 09:03 MDT)

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GERALYN CARDENAS, INTERIM CITY CLERK

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APPROVED AS TO FORM:

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Erin McSherry (Apr 2, 2024 22:11 MDT)

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ERIN K. McSHERRY, CITY ATTORNEY

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*Legislation/2024/Resolutions/2024-9(R)/2069 Calle Contento Demolition*