

RESOLUTION NO. 2023-30

A RESOLUTION DECLARING THE BUILDING OR STRUCTURE, OR THE PREMISES LOCATED AT 313 NORTH NEW YORK AVENUE ALAMOGORDO, OTERO COUNTY, NEW MEXICO, TO BE RUINED, DAMAGED, AND DILAPIDATED TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE, OR SAFETY, AND ORDERING ITS ABATEMENT

WHEREAS, the governing body of the City of Alamogordo, New Mexico, finds that there is located within the City a certain building, structure, or premises at 313 North New York Avenue, as more particularly described on the attached Exhibit 1 (the "Property"); and,

WHEREAS, the governing body does further find that the Code Enforcement Manager has investigated the condition of the Property and has found the same to be so ruined, damaged, and dilapidated, or covered with ruins, rubbish, wreckage, or debris, that it constitutes a menace to the public comfort, health, peace or safety so as to warrant abatement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION:

Section 1. That the findings of said Code Enforcement Manager, in regard to the Property, attached hereto as Exhibit 2, are hereby approved and adopted, and that the Property is found to be ruined, damaged, and dilapidated, so as to constitute a menace to the public comfort, health, peace or safety pursuant to Section 3-18-5, NMSA, 1978.

Section 2. That Mr. Jose Emanuel Trevizo, the record owner of the Property, is hereby ordered to commence removal of the building or structure from the Property within ten (10) days after service of a copy of this Resolution, or within said ten (10) day period, file written objection to findings herein with the City Clerk of the City of Alamogordo, asking for a hearing before the City Commission.

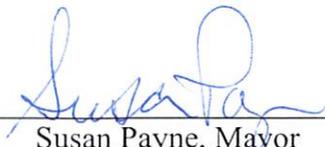
Section 3. That if there is a failure of compliance with the provision of Section 2 herein, the City of Alamogordo shall proceed to remove said building or structure from the Property and abate said unsafe condition, at the cost and expense of said record, with said cost and expense constituting a lien against the building or structure so removed, and against the Property, as allowed by law.

Section 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word, or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The Commission hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word, or phrase thereof, irrespective of any provisions being declared unconstitutional or otherwise invalid.

PASSED, APPROVED AND ADOPTED, this 25th day of July 2023.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

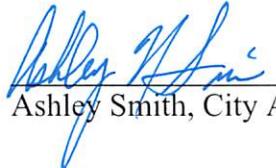


By: 
Susan Payne, Mayor

ATTEST:


Rachel Hughs, City Clerk

APPROVED AS TO FORM:


Ashley Smith, City Attorney



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Account: R010828

Location

Account Number *R010828*
Situs Address 313 NEW YORK AVE
Previous Parcel ID 01-01151
Parcel Sequence
Neighborhood A1 - South Central Alamogordo
Tax Area 01_R
Parcel Number 01N4055094108401
Legal Summary Subd: ALAMO BLOCKS Lot: 17
 Block: 8
Appraiser STEVE BOYLE

Owner Information

Owner Name TREVIZO, JOSE EMANUEL
Owner Address PO BOX 2335
 LAS CRUCES, NM 88004

Assessment History

Actual (2023)	\$1,648
Primary Taxable	\$549
Tax Area: 01_R	Mill Levy:
	26.030000
Type	Actual Assessed Acres
Residential	\$1,648 \$549 0.069
Land	

Transfers

Sale Date	Sale Price	Doc Description
		Deed
		Probate
		Probate
		Special Warranty Deed

Tax History

Tax Year	Taxes
*2023	\$14.28
2022	\$14.28

Images

- [Map](#)
- [Photo](#)
- [GIS](#)

* Estimated

Focusing On: 313 NEW YORK AVE ALAMOGORDO 88310



Exhibit "2"

Case #: 202301004

Case Date: 04/28/23

Address Number: 313

Street Name: New York N.

Complainant Phone: 5754393337

Description: Dilapidated Structure

Complainant Address: 2010 Oregon Ave

Complainant Name: Sides

Reinspection: 05/24/2023

Compliance Inspection :

Property Owners : Trevizo, Jose Emanuel

Court case number:

DOB:

ID #:

Court Date:

Status: Signed Search Warrant

Assigned To: JOSH SIDES

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
01N4055094108401	313 N. NEW YORK AVE	Subd: ALAMO BLOCKS Lot: 17 Block: 8	TREVIZO, JOSE EMANUEL		

Activities

Date	Activity Type	Description	Employee	Status
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05/08/2023	Inspection	<p>On 05/08/2023, I, Code Enforcement Manager Josh Sides, was made aware of a property on the Delapidated Structures list for Code Enforcement. The property listed was 313 N. New York Ave., Alamogordo, Otero County, New Mexico. I proceeded to the address to inspect the property. Upon arrival, I observed the building in violation of the City of Alamogordo Code of Ordinances 8-03-080- International Property Maintenance Code (IPMC) Adopted, as well as multiple IPMC violations, including 301.3 Vacant Structures and Land, 302.7 Accessory Structures, 302.9 Defacement of Property, 304.1.1 Unsafe Conditions-subsections 3, 5, 7, 8, and 11, 304.2 Protective Treatment, 304.4 Structural Members, 304.6 Exterior Walls, 304.10 Stairways, Decks, Porches, and Balconies, 304.13 Window, Skylight, and Door Frames, 304.15 Doors, and 306.1.1 Unsafe Conditions subsections 4 and 6.</p> <p>I took photographs of the residence, which were uploaded to iWorQ. I drafted an IPMC letter to send to the property owner, identified as Jose Trevizo.</p>	JOSH SIDES	Non-Compliance
06/02/2023	Inspection	<p>On 06/02/2023, I, Code Enforcement Manager Josh Sides, learned Code Enforcement received the return receipt showing the property owner received the IPMC letter.</p>	JOSH SIDES	Closed
06/22/2023	Inspection	<p>On 06/22/2023, I, Code Enforcement Manager Josh Sides, applied for and was granted a 12th Judicial District Court Administrative Search Warrant for 313 New York Ave. by Judge Jessen.</p>	JOSH SIDES	Closed

Notes

Date	Note	Created By:
2023-06-02	Signed, certified mail label returned 06/02/2023	Jessica Wing

Uploaded Files

Date	File Name
06/02/2023	15617403-New York, 313, Trevizo, Signed Certified.pdf
05/23/2023	15506289-New York, 313, IPMC, Pre-mailing.pdf
05/08/2023	15333197-JoshSides-05-08-2023-16-32-30-UTC-313 N New York.jpg
05/08/2023	15333198-JoshSides-05-08-2023-16-33-49-UTC-313 N New York.jpg
05/08/2023	15333200-JoshSides-05-08-2023-16-33-56-UTC-313 N New York.jpg
05/08/2023	15333201-JoshSides-05-08-2023-16-34-04-UTC-313 N New York.jpg
05/08/2023	15333192-JoshSides-05-08-2023-16-34-12-UTC-313 N New York.jpg
05/08/2023	15333193-JoshSides-05-08-2023-16-34-24-UTC-313 N New York.jpg
05/08/2023	15333194-JoshSides-05-08-2023-16-34-40-UTC-313 N New York.jpg
05/08/2023	15333195-JoshSides-05-08-2023-16-32-18-UTC-313 N New York.jpg
05/08/2023	15333196-JoshSides-05-08-2023-16-32-25-UTC-313 N New York.jpg