

RESOLUTION NO. 2023-32

A RESOLUTION DECLARING THE BUILDING OR STRUCTURE, OR THE PREMISES LOCATED AT 803 ARAPAHO TRAIL 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 803 Arapaho Trail, 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 Mrs. Sharon L. Carle, 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 22 ^{August} day of July 2023.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

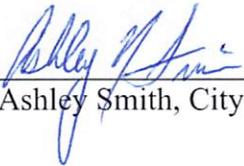


By: 
Susan Payne, Mayor

ATTEST:


Rachel Hughes, City Clerk

APPROVED AS TO FORM:


Ashley Smith, City Attorney



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Account: R016779

Location

Account Number R016779
Situs Address 803 ARAPAHO TRL
Previous Parcel ID 01-07354
Parcel Sequence
Neighborhood A19A - Arapaho Trail
Tax Area 01_R
Parcel Number 01N4056095017077
Legal Summary Subd: PLAINVIEW ACRES
 Lot: 13
Appraiser Sheldon Compton

Owner Information

Owner Name CARLE, SHARON L
Owner Address 803 ARAPAHO
 ALAMOGORDO, NM 88310

Assessment History

Actual (2023) \$59,556
Primary Taxable \$19,852
Exemption Adjustments:
 Head of Household (2,000)
Adjusted Taxable
Total \$17,852
Tax Area: 01_R **Mill Levy:** 26.030000

Type	Actual	Assessed	Acres	SQFT
Residential Land	\$6,633	\$2,211	0.138	
Residential Improvement	\$52,923	\$17,641		1415.000

Transfers

Sale Date	Sale Price	Doc Description
		Deed
		Deed
		Affidavit of Death Certificate
		Quit Claim Deed

Tax History

Images

Tax Year	Taxes
*2023	\$516.76
2022	\$516.76

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

* Estimated

Focusing On: 803 ARAPAHO TRL ALAMOGORDO 88310

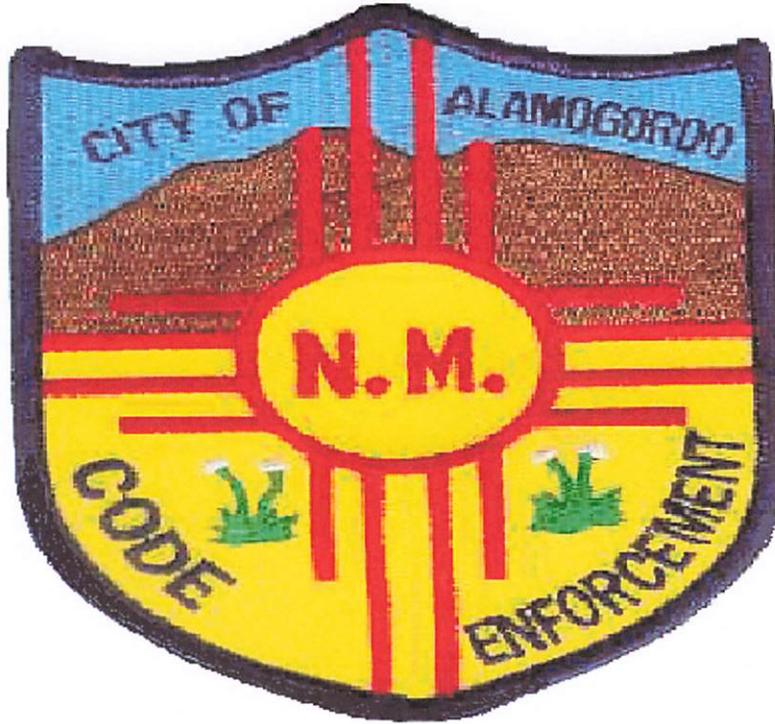


Exhibit "2"

Case #: 202201929

Case Date: 07/27/22

Address Number: 803

Street Name: Arapaho Trl.

Complainant Phone:

Description: WEEDS, DEBRIS, OUTDOOR STORAGE

Complainant Address:

Complainant Name:

Reinspection: 02/06/2023

Compliance Inspection : 05/17/2023

Property Owners : CARLE, SHARON L

Court case number: 2022-00124-CE

DOB: 10-17-1947

ID #:

Court Date: 09-08-2022

Status: Signed Search Warrant

Assigned To: JOSH SIDES

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
01N4056095017077	803 ARAPAHO TRL	Subd: PLAINVIEW ACRES Lot: 13	CARLE, SHARON L		

Activities

Date	Activity Type	Description	Employee	Status
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07/27/2022	Inspection		IRVING ESTRADA	Assigned
07/27/2022	Re-Inspection	all violations still present and getting worse there is now a red car with out a plate on it	IRVING ESTRADA	Non-Compliance
01/25/2023	Public Complaint	call came in about this property from 575-309-6879	JEREMY OTERO	Pending
01/31/2023	Prepare Criminal Complaint		JEREMY OTERO	Prepared criminal complaint
01/31/2023	Sent to Legal	SENT BY INTER OFFICE MAIL	JEREMY OTERO	Prepared criminal complaint
03/15/2023	Re-Inspection	PRE COURT INSPECTION	JEREMY OTERO	Non-Compliance
05/17/2023	Re-Inspection	pre court inspection 19 pictures added, property is emitting a really bad odor. court cases being dismissed on deplane and doss by Arron due to not being able to prove that they are the current resident per Arron. case will be turned over to Josh sides.	JEREMY OTERO	Non-Compliance
05/23/2023	Inspection	On 05/23/2023, I, Code Enforcement Manager Josh Sides, was made aware of a blighted property located at 803 Arapaho Trl., Alamogordo, Otero County, New Mexico. I was made aware of several complaints from various citizens about this property and the amount of trash and refuse in the front and back yards. I learned Code Enforcement tried to make contact with the property owner, however, the property owner was deceased. I further learned there were two subjects, Mr. Joshua Delaplane and Ms. Billie Doss that were staying at the residence. I was informed this property was an ongoing problem within the community. After consulting with the City of Alamogordo Legal Department, I drafted an International Property Maintenance Code Violation Letter and posted it to the front door of the residence listing the violations, remedies, and how to contact me.	JOSH SIDES	Closed
06/22/2023	Inspection	On 06/22/2023, I, code Enforcement Manager Josh Sides, applied for and was granted a 12th Judicial District Court Administrative Search Warrant by Judge Jessen.	JOSH SIDES	Closed

Violations

Date	Violation	Description	Notes	Status
07/27/2022	*14-01-020. - Accumulation of garbage, refuse and debris; removal.	(a)No person shall permit to accumulate upon premises owned, leased or occupied by him, any garbage or refuse, except in covered watertight containers made of metal or plastic.(b)No person shall throw, place, dump or dispose of any debris on any street, gutter, sidewalk or alley, nor shall any person allow the accumulation upon his property, of any debris for a longer period than five (5) days. Sites subject to an active building permit may accumulate these items for longer than five (5) days, but such items must be maintained in an orderly fashion so as not to impede on the property of others or create a hazard or attractive nuisance. Materials must be removed upon the completion of the permitted construction.(c)No person shall dump, deposit, place or dispose of any trash, debris, junk, or other matter on public property or upon the property of another without the written consent of the property owner.(d)No person shall cause or permit to remain upon any property, private or public, any dead animal, animal waste or vegetable or mineral matter or any composition or residue thereof which is in an unsanitary condition or is hazardous to public health.(e)Any unauthorized accumulation of garbage, refuse or debris is declared to be a nuisance and is prohibited.(f)No person shall cast, place, sweep or deposit		*Open

anywhere within the city any garbage, refuse or debris in such a manner that it may be carried or deposited by the elements upon the street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the city.

12/23/2022	*14-01-140. - Generally— Outdoor automotive storage.	The presence of a dismantled, partially dismantled, or inoperable vehicle, or motor vehicle or parts thereof on any street, occupied or unoccupied land within the city limits in violation of the terms of this section is a public nuisance. And/or any motor vehicle which does not have lawfully affixed thereto an unexpired license plate or plates	*Open
07/27/2022	*14-01-150. - Outdoor storage.	Junk means any manufactured good, appliance, fixture, furniture, machinery, vehicle, personal property or any other thing or part thereof, whether of value or valueless, that is demolished, discarded, dismantled, or in such a condition as to be generally unusable and/or inoperable in its existing state. This shall include by way of illustration only and without limitation wood, used lumber, paper, glass, bottles, rags, rubber, scrap metal, tin cans, scrap material, waste, concrete, rubble, boxes, crates, building materials, or machinery parts. (b)Declared nuisance. The presence of junk on any street, occupied or unoccupied land within the city limits in violation of the terms of this section is a public nuisance. (c)Prohibited acts. It is unlawful for any person, firm, or corporation to store, or permit to be stored or placed, or allow to remain on any public or private property or street or highway within the city limits any junk unless such junk is in an enclosed fence or wall and such junk is not visible from adjoining or surrounding property or from the street or streets or public ways. It shall be unlawful for any person to allow any vehicle regardless of condition to be left unattended on jacks or blocks for any length of time. Such activity shall be considered a public nuisance and a danger to the public welfare.	*Open
12/23/2022	*24-12-6-6.4. - Parking in alleys.	No person shall park a vehicle within an alley.	Closed
07/27/2022	*26-03-030. - Unlawful growth or accumulation on lots.	It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten (10) feet outside the property line where there is no curb, any growth of weeds to a greater height than six (6) inches, or any other accumulation of weeds.	*Open
07/27/2022	*8-01-180. - Display of address numbers.	(a)The correct numeric address of the property shall be permanently and prominently displayed on each commercial or residential structure within the city. Numbers shall be oriented for maximum visibility from the street on which the property is addressed, shall be at least two (2) inches in height, and shall be maintained in good order.(b)Commercial and residential structures within the city must comply with this requirement by March 1, 1990, and be maintained in compliance thereafter.(c)In addition to the addressing on the front of the residence, every new commercial or residential structure constructed or existing structure for which a permit to remodel is issued, after March 1, 2001 shall have a numeric address posted, which shall be oriented for maximum visibility from the alley. This address may be posted on the rear of the structure or on a fence as determined by visibility. The address shall be at least two (2) inches in height, and shall be maintained in good order.(d)All new construction projects located within the city shall have posted or otherwise affixed, a legible numerical address. The address shall be at least two (2) inches in height, and shall be maintained in good order throughout the execution of the construction project.	Closed

The responsible party for compliance with this subsection shall be the permit applicant.

12/23/2022	*8-07-040. - Obstruction on sidewalks.	(a)All sidewalks shall be kept clean from rocks and other obstructions, including ice and snow, by the owner, occupants or agents in charge of the abutting property.(b)All areas directly over sidewalks, to a height of eight (8) feet shall be maintained free of vegetation or other obstruction by the owners, occupants or agents in charge of the abutting property.(c)The area between the back of curb and the property line and all plantings therein shall be maintained by the owners, occupants or agents in charge of the abutting property.(d)No item which would obstruct pedestrians or effectively reduce the width of a sidewalk shall be placed in, on, over or under the sidewalk.	*Open
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Attached Letters

Date	Letter	Description
12/23/2022	Notice of Violation	SENT TO CURRENT RESIDENT
07/27/2022	Notice of Violation	

Notes

Date	Note	Created By:
2023-05-23	IPMC letter (laminated) was posted on the door at the property of 803 Arapaho Trail, Alamogordo, NM 88310, by Manager Joshua Sides on May 23, 2023, at 13:47PM	Jessica Wing
2023-05-17	additional pictures on case # 202202932	Jeremy Otero
2023-05-08	Neighbor called and said they issue is getting worse. 803 has begun to pile up trash/debris in the alleyway, causing obstructions for the neighbors.	Jessica Wing
2023-04-19	Anonymous call in complaint about 803 Arapaho TRail. Trash, weeds, debris.	Jessica Wing
2023-03-15	WATER ACCOUNT CLOSED & LOCKED ON 05-2022 LOCK WAS REPORTED BUSTED AND RELOCKED ON 07-2022, 09-2022, 11-2022, A KNOCKED OUT LOCK WAS INSTALLED ON 12-2022	Jeremy Otero
2023-02-22	APD Service aid is having RV towed from the alley.	Jeremy Otero
2023-01-31	I spoke with PNM about power at this property, they told me that the name on the account has been changed but could not give me the current name. they show that the power is active is all the information that was given.	Jeremy Otero
2023-01-31	APD had a trespassing call at 805 Arapaho I went by and meet with the officer and the people that was trespassed were from 803 Arapaho I was able to get the information from the officer of the people living at 803 Arapaho and filled a criminal complaint on Joshua Deplane and Billie Doss	Jeremy Otero
2022-11-17	second cousin to Sharon called 973-446-6670 and is working with attorney Wheler to get owner ship. Is aware of the squatters has called the police department and they still remain.	Jeremy Otero
2022-11-09	NOLLE PROSEQUI DUE TO OWNER BEING DECEASED	Irving Estrada
2022-11-01	Sharon Carle is deceased	Jeremy Otero

Uploaded Files

Date	File Name
05/23/2023	15511936-report-2023-05-23-20-39-00-UTC.pdf
05/23/2023	15510784-IPMC LETTER 803 Arapaho Trl.docx
05/17/2023	15440480-IMG_7127.JPG
05/17/2023	15440481-IMG_7128.JPG
05/17/2023	15440483-IMG_7129.JPG
05/17/2023	15440484-IMG_7130.JPG
05/17/2023	15440485-IMG_7131.JPG

05/17/2023	15440470-IMG_7121.JPG
05/17/2023	15440472-IMG_7122.JPG
05/17/2023	15440473-IMG_7123.JPG
05/17/2023	15440475-IMG_7124.JPG
05/17/2023	15440477-IMG_7125.JPG
05/17/2023	15440478-IMG_7126.JPG
05/17/2023	15440465-IMG_7116.JPG
05/17/2023	15440466-IMG_7117.JPG
05/17/2023	15440467-IMG_7118.JPG
05/17/2023	15440468-IMG_7119.JPG
05/17/2023	15440469-IMG_7120.JPG
05/17/2023	15440462-IMG_7113.JPG
05/17/2023	15440463-IMG_7114.JPG
05/17/2023	15440464-IMG_7115.JPG
03/15/2023	14740417-IMG_5366.JPG
03/15/2023	14740418-IMG_5367.JPG
03/15/2023	14740415-IMG_5364.JPG
03/15/2023	14740416-IMG_5365.JPG
03/15/2023	14740413-IMG_5362.JPG
03/15/2023	14740414-IMG_5363.JPG
03/15/2023	14740409-IMG_5360.JPG
03/15/2023	14740410-IMG_5361.JPG
03/15/2023	14740408-IMG_5359.JPG
08/12/2022	12534566-803 ARAPAHO 9 08-12-2022.JPG
08/12/2022	12534567-803 ARAPAHO 8 08-12-2022.JPG
08/12/2022	12534568-803 ARAPAHO 7 08-12-2022.JPG
08/12/2022	12534569-803 ARAPAHO 6 08-12-2022.JPG
08/12/2022	12534570-803 ARAPAHO 5 08-12-2022.JPG
08/12/2022	12534571-803 ARAPAHO 4 08-12-2022.JPG
08/12/2022	12534572-803 ARAPAHO 3 08-12-2022.JPG
08/12/2022	12534573-803 ARAPAHO 2 08-12-2022.JPG
08/12/2022	12534574-803 ARAPAHO 1 08-12-2022.JPG
08/11/2022	12527560-IMG_1368.JPG
08/11/2022	12527553-IMG_1361.JPG
08/11/2022	12527554-IMG_1362.JPG
08/11/2022	12527555-IMG_1363.JPG
08/11/2022	12527556-IMG_1364.JPG
08/11/2022	12527557-IMG_1365.JPG
08/11/2022	12527558-IMG_1366.JPG
08/11/2022	12527559-IMG_1367.JPG
07/27/2022	12391397-803 ARAPAHO 1.JPG