

VILLAGE OF TAOS SKI VALLEY

RESOLUTION NO. 2019-372

A RESOLUTION FINDING THE PROPERTY AT 20 ZAP'S ROAD TO BE RUINED, DAMAGED AND DILAPIDATED TO THE EXTENT THAT THE PROPERTY IS A MENACE TO THE PUBLIC COMFORT, HEALTH AND SAFETY AND SHOULD BE REMOVED; DIRECTING STAFF TO SERVE THE RESOLUTION ON THE OWNER, OCCUPANT OR AGENT IN CHARGE OF THE PROPERTY AND ESTABLISH A TIME TO COMMENCE REMOVAL OF THE UNSAFE STRUCTURES PURSUANT TO NMSA 1978, § 3-18-5; TO USE VILLAGE FUNDS TO REMOVE THE STRUCTURE; AND TO PLACE A LIEN ON THE PROPERTY IN THE AMOUNT OF THE COSTS OF REMOVAL, AND TO FORECLOSE ON SAID LIEN.

WHEREAS, the Village of Taos Ski Valley Planning Officer inspected the structure situated at 20 Zap's Road on September 13, 2018 and the Building Official subsequently examined the property and structure on October 4, 2018;

WHEREAS, a copy of the Inspection Report of the Village Building Official is attached hereto;

WHEREAS, it appears from the Village designated Code Enforcement Official that the structure situated at 20 Zap's Road, consisting of a residential building at the address noted above, is ruined, damaged and dilapidated to the point that the structure is an immediate threat to the public comfort, health, peace or safety, in violation of numerous provisions of Ordinance No. 97-10 of the Village of Taos Ski Valley (adopting, with amendments, the International Building Code) to the extent that the structure is not safe for human occupation;

WHEREAS, the Municipal Code, NMSA 1978, § 3-18-5, permits a municipality organized and existing under the Laws of the State of New Mexico to make a finding that ruined, damaged or dilapidated structures are a menace to the public comfort, health, peace or safety;

WHEREAS, once such a resolution is approved, the Municipal Code requires the municipality to serve the resolution on the owner, occupant or agent in charge of the building, structure or premises and, in default of such service, post a copy of the resolution on the building, structure or premises and publish the resolution in a newspaper;

WHEREAS, within ten (10) days of the receipt of a copy of the resolution or of the posting and publishing of a copy of the resolution, the owner, occupant or agent in charge of the building shall commence removing the building, structure, or premises or file a written objection with the municipal clerk asking for a hearing before the governing body of the municipality;

WHEREAS, if the owner, occupant or agent in charge of the building, structure or premises fails to commence removing the building, structure, premises within ten (10) days of being served a copy of the resolution or of the posting and publishing of the resolution, or within five (5) days of the determination by the governing body that the resolution shall be enforced, the

municipality may remove the building, structure or premises at the cost and expense of the owner;

WHEREAS, the reasonable cost of removal pursuant to the previous paragraph shall constitute a lien against the building, structure or premises so removed and against the parcel from which it was removed;

WHEREAS, the lien placed pursuant to the previous paragraph may be foreclosed upon in the manner provided in the New Mexico Statutes;

WHEREAS, the municipality may pay for the costs of removal of any condemned building, structure or premises by granting to the person removing such material the legal title to all salvageable materials in lieu of other compensation;

WHEREAS, the structure at 20 Zap's Road is found to be ruined, damaged and dilapidated to the point that the structures are an immediate threat to the public comfort, health, peace or safety, in violation of numerous provisions of Ordinance No. 97-10 of the Village of Taos Ski Valley (adopting, with amendments, the International Building Code) to the extent that the structures are not safe for human occupation; and

WHEREAS, the structure should be immediately closed and removed from the site to protect the public comfort, health and safety and prevent loss or injury.

IT IS THEREFORE RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF TAOS SKI VALLEY, AS FOLLOWS:

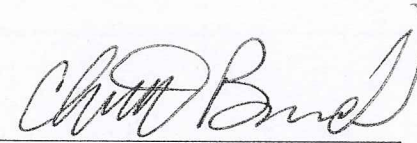
1. Village of Taos Ski Valley staff is directed to serve this Resolution on the owner, occupant or agent in charge of the property at 20 Zap's Road immediately or, if owner, occupant or agent cannot be found, to post the Resolution at 20 Zap's Road and publish the resolution once in the *Taos News*.
2. Village of Taos Ski Valley staff is directed to arrange for the removal of the structure at 20 Zap's Road, absent an appeal of this Resolution as specified in NMSA 1978, § 3-18-5(C)(D) and (E).
3. Village of Taos Ski Valley staff is directed to track the expenses of demolition and may pay for the costs of removal in part by granting to the person removing such material the legal title to all salvageable materials in lieu of other compensation.
4. Once the total cost of the demolition is determined, Village of Taos Ski Valley staff is directed to forthwith file a lien on the real property in the amount of the costs of demolition.
5. Village of Taos Ski Valley staff is directed to complete the demolition in such a way as to leave the premises in a clean, level and safe condition, suitable for further occupancy or construction and with all excavations filled.

6. Village of Taos Ski Valley staff is directed to foreclose on the lien placed on the property within a reasonable time following the completion of the aforementioned tasks.

PASSED, APPROVED and ADOPTED, this 9th day of October, 2018, at the Regular Meeting of the Village Council.

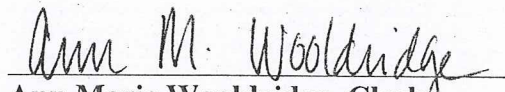
THE VILLAGE OF TAOS SKI VALLEY

By:



Christof Brownell, Mayor

ATTEST:


Ann Marie Wooldridge, Clerk