

**SOCORRO COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**RESOLUTION 2011-89**

**A RESOLUTION FINDING PUBLIC NUISANCE & REQUIRING RENOVATION OR  
REMOVAL BY COUNTY**

**WHEREAS**, the Board of County Commissioners met in a regularly scheduled meeting on November 22, 2011 at 6:00 p.m. at the Socorro County Annex Building, 198 Neel Ave., Socorro, New Mexico 87801; and,

**WHEREAS**, on November 10, 2009 the Board of County Commissioners adopted the Abatement of Dangerous or Abandoned Buildings, Structures, Mobile or Manufactured Housing, Wreckage and Debris Ordinance of Socorro County, Ordinance No. 2009-02; and,

**WHEREAS**, On **February 15, 2011** , the County's Official sent a Section XII (E) Notice to all record owners of property interests in the below-described property, demanding correction/removal of over 20,000 tires, conditions constituting excessive wreckage, rubbish or debris, which conditions have not been corrected; and,

**WHEREAS**, On **October 17, 2011** , the County's Official sent a second Section XII (E) Notice to all record owners of property interests in the below-described property, again demanding correction/removal of over 20,000 tires, conditions constituting excessive wreckage, rubbish or debris, which conditions have not been corrected; and,

**WHEREAS**, Socorro County officials have been in constant contact with the owner(s) of the real property to encourage cleanup and develop a cleanup plan however the owner(s) have failed to take any action to abate or otherwise address the situation; and,

**WHEREAS**, storing 20,000 tires on the property is a violation of the New Mexico Recycling and Illegal Dumping Act. NMSA 1978, Section 74-13-4 (2005) (A person shall not store or use in a civil engineering application, except for agricultural use, more than one hundred scrap tires anywhere in this state, unless the person has a valid permit or registration from the department.) The violation of the New Mexico Recycling and Illegal Dumping Act is punishable as a felony pursuant to NMSA 1978, Section 74-13-16 (A)(2) (2005); and,

**WHEREAS**, Section XIII (C) of said Ordinance provides that upon presentation of a Report containing findings of the county's official, the Board of county Commissioners of Socorro County may, by resolution, find that the dangerous or abandoned building, manufactured or mobile home, wreckage, rubbish or debris is a public nuisance to the health, safety and welfare of Socorro County and requires the renovation or removal by the County of the building, structure, ruins, rubbish, wreckage or debris; and,

**WHEREAS**, the Board of County Commissioners find that the 20,000 tires on the property is a public nuisance to the health, safety and welfare of Socorro County and requires the removal by the County of the tires constituting wreckage, rubbish & debris.

**NOW THEREFORE, BE IT RESOLVED**, that the Socorro County Board of County Commissioners hereby find that the property described as follows:

Street Address:	N/A
Legal Description:	<b>Ranchos de Veguita, Lot 29</b>

is hereby found to contain dangerous wreckage, rubbish and debris, consisting of over 20,000 illegally stored loose tires. The over 20,000 tires on the property is a public nuisance to the health, safety and welfare of Socorro County and requires removal by the County of the rubbish, wreckage and debris.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution shall be filed and recorded with the County Clerk and served without delay upon all individual(s)/entity(ies) identified as having an interest in the subject property.

**BE IT FURTHER RESOLVED**, that if any individual(s)/entity(ies) identified as having an interest in the subject property cannot be served within Socorro County, a copy of this Resolution shall be posted on the building, structure or premises and a copy of this Resolution shall be published in a newspaper of general circulation.

**BE IT FURTHER RESOLEVED**, that within ten (10) days of receipt of a copy of this Resolution, or within ten(10) days within the posting and publishing of a copy of this Resolution, the individual(s)/entity(ies) identified as having an interest in the subject property are, jointly and severally, hereby required to commence removing the tires. Alternatively, any individual(s)/entity(ies) identified as having an interest in the subject property may file a written objection, pursuant to Section XIII (E) of the Ordinance, to the County Manager and request a public hearing on the issue before the Board of County Commissioners.

**BE IT FURTHER RESOLVED**, that after ten (10) days of receipt, or of publishing and posting of this Resolution, or within five days of a determination by the Board of County Commissioners that this Resolution be enforced, whichever is later, the County may remove the tires at the cost and expense of the property owner. However, any such removal shall be stayed pending any appeal to District Court.

**BE IT FURTHER RESOLVED**, that in the event the property owner(s) do not reimburse the County, the reasonable cost of removal, including any publication or mailing costs, shall constitute a lien, filed with the Office of the County Clerk of Socorro County on a form determined by the abatement officer, which lien shall attach the building, structure, ruin, rubbish, wreckage or debris so removed and against the lot or parcel of land from which it was removed. Nothing in this Resolution shall create any right by any party against the County for ownership or any alleged value of any such building, structure, ruin, rubbish, wreckage or debris.

**BE IT FURTHER RESOLVED**, that whenever the repairs ordered shall have been completed or the building(s) demolished and removed from the property so that it no longer exists as an abandoned building, structure, mobile or manufactured housing, wreckage or debris on the above-described property, the abatement officer shall file an amended lien by so stating, and either release the prior lien in the event the removal was commissioned by the owner(s), or reinstating the lien as a financial obligation only in the event the removal was commissioned by the County, whichever is appropriate.

**BE IT FURTHER RESOLVED**, that said lien may be foreclosed in the manner provided in §§ 3-16-1 through 3-16-6 and § 4-37-1 *et seq.* NMSA 1978.

**APPROVED, ADOPTED, AND PASSED** on this 22<sup>nd</sup> day of November, 2011.

**BOARD OF COUNTY COMMISSIONERS OF SOCORRO COUNTY**

Absent  
DANIEL P. MONETTE, CHAIR  
DISTRICT IV

[Signature]  
PAULINE JARAMILLO, VICE-CHAIR  
DISTRICT I

[Signature]  
PHILLIP ANAYA, COMMISSIONER  
DISTRICT III

[Signature]  
RUMALDO J. GRIEGO, COMMISSIONER  
DISTRICT II

[Signature]  
JUAN JOSE GUTIERREZ, COMMISSIONER  
DISTRICT V

ATTEST BY:

[Signature]  
REBECCA (BECKY) VEGA,  
COUNTY CLERK

