

RESOLUTION NO. 2018-1656

A RESOLUTION RESCINDING AND REPLACING RESOLUTION NO. 2018-1654 APPROVING THE SECURING OF THE BUILDING AND REMOVAL OF RUINS, RUBBISH, WRECKAGE AND DEBRIS FROM 653 W. ARRINGTON STREET (ADDRESSED AS 621 W. ARRINGTON STREET) IN THE CITY OF FARMINGTON, NEW MEXICO

WHEREAS, according to records of the San Juan County Assessor, the property located at 653 W. Arrington Street (addressed as 621 W. Arrington Street), is owned by the Bobby L. and Carrie S. Willis Trust; and

WHEREAS, the property located at 653 W. Arrington Street is situated in the City of Farmington, County of San Juan and State of New Mexico. The legal description of the property is as follows:

Lot 1A of MARKLEY ESTATES SUBDIVISION, REPLAT "C", in the City of Farmington, San Juan County New Mexico, as shown on said Replat of said Subdivision filed for record May 9, 2002 in Map File B-257-1, Book 1342, Page 20, records of said County.

WHEREAS, 653 W. Arrington Street formerly housed New Mexico Title Company; and

WHEREAS, 653 W. Arrington Street is a property involved in a civil action entitled *Financial Institutions Division v. New Mexico Title Co., et al.*, Cause No. D-101-CV-201200378, in the Santa Fe District Court; and

WHEREAS, on January 25, 2017, the court appointed Cheryl Ragsdale Special Master of the property located at 653 W. Arrington Street; and

WHEREAS, the Farmington Police Department received 65 calls for service to 653 W. Arrington Street from May through August 2017; and

WHEREAS, on August 18, 2017, Sgt. Roque Velarde of the Farmington Police Department contacted Code Compliance Officer Leonard Longhorn and asked that he take photos of the damage to the interior and refuse accumulation on the exterior of the building located at 653 W. Arrington Street; and

WHEREAS, on August 18, 2017, Code Compliance Officer Longhorn contacted Special Master Cheryl Ragsdale and requested that the building at 653 W. Arrington Street be secured in a way that would not allow any unauthorized individuals inside the building; and

WHEREAS, Special Master Cheryl Ragsdale informed the City of Farmington that there was no money available in the receivership to cover the cost of securing 653 W. Arrington Street; and

WHEREAS, the property located at 653 W. Arrington Street was deemed a public nuisance and safety hazard; and

WHEREAS, on August 23, 2017, Code Compliance Officer Longhorn sent a letter to the Bobby L. and Carrie S. Willis Trust at P.O. Box 377, Kirtland, NM 87417 regarding the need to board up all windows and entrances of the premises at 653 W. Arrington Street to assure that no person or persons can enter the property and to remove all weeds and refuse from the property and notified the Trust that if they failed to comply by September 25, 2017, the City Council would be asked for a "resolution to condemn the property" and any expenses incurred by the City of Farmington would be filed as a lien against the property; and

WHEREAS, on September 13, 2017, the letter to the Bobby L. and Carrie S. Willis Trust was returned to the City of Farmington as "unclaimed;" and

WHEREAS, on September 14, 2017, Ms. Ragsdale sent a letter to Director of Communication and Quality Performance Shaña Reeves giving the City permission to do what was necessary to keep the property at 653 W. Arrington Street safe and free of vandals because she, as the Special Master of the property, had no way of doing so; and

WHEREAS, it was determined that the property located at 653 W. Arrington Street was a menace to the public comfort, health, peace and safety of the city; and

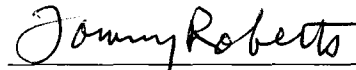
WHEREAS, it was necessary for the City of Farmington to expend \$2,105.07 to secure 653 W. Arrington Street in order to abate such menace in order to maintain the public comfort, health, peace and safety of the city; and

WHEREAS, due to the immediate threat to public safety and the need to abate the menace and maintain the health, peace and safety of the city, the City of Farmington secured the building and removed the ruins, rubbish, wreckage and debris prior to formally adhering to Section 3-18-5, *Dangerous buildings or debris; removal; notice; right of municipality to remove; lien*, NMSA 1978 and Section 12-2-28. *Resolution of city council finding premises covered with ruins, rubbish, wreckage or debris*, FCC 1998.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON:

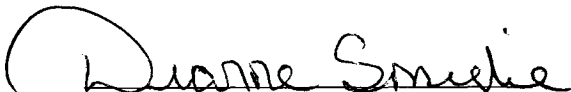
1. That the property located at 653 W. Arrington Street shall remain secured; and
2. That the City shall file a lien against the property located at 653 W. Arrington Street with the San Juan County Clerk in the amount of \$2,105.07.

PASSED, SIGNED, APPROVED and ADOPTED this 13th day of February 2018.


Tommy Roberts, Mayor

SEAL

ATTEST:


Dianne Smylie, City Clerk