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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2021-49

INTRODUCED BY:

Councilor Jamie Cassutt

A RESOLUTION

FINDING THE BUILDING AND PREMISES LOCATED AT 3003 CALLE CABALLERO TO BE RUINED, DAMAGED, AND DILAPIDATED AND A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE, AND SAFETY; ORDERING THE OWNER OF RECORD OF 3003 CALLE CABALLERO TO REMOVE THE BUILDNG, RUBBISH, AND DEBRIS FROM THE MUNICIPALITY; AND PROVIDING THAT IF THE OWNER OF RECORD OF 3003 CALLE CABALLERO DOES NOT REMOVE THE BUILDING RUBBISH, AND DEBRIS, THE CITY OF SANTA FE SHALL REMOVE THE BUILDING, RUBBISH, AND DEBRIS AND PLACE A LIEN ON THE PROPERTY IN AN AMOUNT OF THE COST OF THE CITY’S CLEAN-UP EFFORTS.

WHEREAS, on or about July 9, 2020, the residence located at 3003 Calle Caballero in the City of Santa Fe was badly damaged as a result of a fire; and

WHEREAS, since the fire occurred, the residence has been abandoned, neglected, and is frequently accessed by unhoused community members; and

WHEREAS, since the fire occurred, the City’s Police Department has received at least ten

1 calls for service to the property by concerned neighbors and, upon arrival the police have found people
2 who appear to be trespassers or squatters inside the burned building and on the property; and

3 **WHEREAS**, the City Building Inspector and Code Enforcement Officer have investigated
4 the property at 3003 Calle Caballero and have determined the residence is dangerous, unsanitary, and
5 unsafe and they recommend demolition of the residence; and

6 **WHEREAS**, New Mexico Statutes Annotated (NMSA) 1978, Section 3-18-5 “Dangerous
7 Buildings or Debris; Removal; Notice; Right of Municipality to Remove; Lien”, gives the governing
8 body of a municipality the authority to declare any building or structure that is ruined, damaged, and
9 dilapidated, or any premise that is covered with ruins, rubbish, wreckage, or debris a menace to the
10 public comfort, health, peace, and safety and to require the removal from the municipality of the
11 building, structure, ruins, rubbish, wreckage, or debris.

12 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
13 **CITY OF SANTA FE** that the building, ruins, rubbish and debris located at 3003 Calle Caballero,
14 Santa Fe, NM 87507, further described as LOT 3, BLK 1, UNIT 6, VISTA DEL SOL S/D, S4 T16N
15 R9E, is declared to be a menace to the public comfort, health, peace, and safety;

16 **BE IT FURTHER RESOLVED** that the owner, occupant, or agent in charge of the building
17 and premises at 3003 Calle Caballero, Santa Fe, NM 87507, further described as LOT 3, BLK 1, UNIT
18 6, VISTA DEL SOL S/D, S4 T16N R9E, as shown in the real estate records of the Santa Fe County
19 Clerk, is hereby ordered to remove the building, ruins, rubbish, and debris from the property within ten
20 (10) days of service of this Resolution or of the posting and publishing of a copy of this Resolution
21 under the authority granted to the municipality by NMSA 1978, Section 3-18-5;

22 **BE IT FURTHER RESOLVED** that if the owner of record, occupant, or agent in charge of
23 the building at 3003 Calle Caballero does not remove the building, ruin, rubbish, and debris from the
24 property within ten (10) days or request a hearing as allowed in NMSA 1978, Section 3-18-5, the City
25 may remove the building, ruin, rubbish, and debris from the property and place a lien on the property

1 for the cost of removing the building, ruin, rubbish, and debris.

2 **BE IT FURTHER RESOLVED** that the City may foreclose on the property in the manner
3 provided in NMSA 1978, Sections 3-36-1 through 3-36-6.

4 PASSED, APPROVED, and ADOPTED this 25th day of August, 2021.

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MAYOR ALAN WEBBER

9 ATTEST:

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[Kristine Mihelcic \(Aug 27, 2021 12:06 MDT\)](#)

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KRISTINE MIHELICIC, CITY CLERK

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APPROVED AS TO FORM:

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ERIN K. MCSHERRY, CITY ATTORNEY

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Legislation/2021/Resolutions/2021-49 Condemnation of 3003 Calle Caballero