

THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

RESOLUTION NO. 2018- 89

---

**A RESOLUTION ADOPTED IN COMPLIANCE WITH SECTION 3-18-5 NMSA 1978, DECLARING THE PROPERTY LOCATED AT 21 FIN DEL SENDERO A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE OR SAFETY, CONFIRMING THAT SANTA FE COUNTY REMOVED DANGEROUS DEBRIS FROM 21 FIN DEL SENDERO, AND REQUESTING THAT THE COUNTY MANAGER HAVE THIS RESOLUTION SERVED ON THE PROPERTY OWNER AND THEREAFTER FILE A LIEN AGAINST THE PROPERTY IN THE AMOUNT OF THE COST OF THE REMEDIATION**

---

**WHEREAS**, real property located at 21 Fin del Sendero (the Property), more particularly described on the deed to said property which is attached hereto as Exhibit A, is located within the County; and

**WHEREAS**, the Property contained an estimated 9,000 deteriorating tires which were within an arroyo that runs perpendicular to Fin del Sendero, off of Camino La Tierra; and

**WHEREAS**, the tires were washing down the arroyo during rain events, constituted a fire hazard because they were exposed to the elements, and posed a hazard to the community because they are a breeding ground for mosquitos, rodents, and other wildlife; and

**WHEREAS**, Section 3-18-5 NMSA 1978, grants municipalities authority to declare a property a menace to the public comfort, health, peace or safety as a result of a building or structure on the property which is ruined, damages and dilapidated, or where the property is covered with ruins, rubbish, wreckage or debris, and require the removal from the property the nuisance; and

**WHEREAS**, the presence of the tires and junk vehicles (Dangerous Debris) on the Property qualified as dangerous rubbish, wreckage or debris which was a menace to the public comfort, health, peace or safety; and

**WHEREAS**, the Dangerous Debris had to be removed for the benefit of the public comfort health, peace and safety; and

**WHEREAS**, Section 3-18-5 NMSA 1978, requires that the County serve the Property Owner with a copy of this resolution and provide the Property Owner with ten days from the date of receipt of the resolution to commence removing the Dangerous Debris or file a written objection with the Santa Fe County Clerk asking for a hearing before the BCC at which time the BCC would determine if the resolution should be enforced or rescinded; and

**WHEREAS**, Section 3-18-5 NMSA 1978, further provides that the reasonable cost of the abatement paid for by the County shall constitute a lien against the lot or parcel of land from which it was removed and shall be foreclosed in the manner provided in Section 3-36-1 through 3-36-6 NMSA 1978; and

**WHEREAS**, as early as July 10, 2017, the County advised the Property Owner in writing that the Property required remediation to remove the Dangerous Debris and that if Santa Fe County expended funds on the remediation, the County would place a lien on the Property to secure reimbursement of the remediation costs; and

**WHEREAS**, the Property Owner was aware of the need for remediation and the requirement that the County file a lien in the amount of the cost of remediation; and

**WHEREAS**, on behalf of Santa Fe County, GM Emulsion LLC undertook the remediation, and coordinated the project with the Property Owner; and


**WHEREAS**, Santa Fe County paid GM Emulsions LLC \$134,709.69 for the remediation services.

**NOW, THEREFORE, BE IT RESOLVED** by the BCC as follows:

1. The BCC hereby declares that the Property, as a result of the Dangerous Debris that was located thereon, was a menace to the public comfort, health, peace or safety and the Dangerous Debris had to be removed;
2. Santa Fe County has already substantially complied with the process set forth in Section 3-18-5 NMSA 1978, by working with the Property Owner to complete the remediation in order to ensure that the Dangerous Debris on the Property was removed;
3. This Resolution shall be served on the Property Owner;
4. Unless the Property Owner requests a hearing within the ten days following service of this Resolution, the County, having already remediated the Dangerous Debris on the Property, and as authorized by Section 3-18-5 NMSA 1978, shall file a lien against some or all of the Property in the amount of \$134,709.69, the full amount expended by Santa Fe County in abating the Dangerous Debris.

**PASSED, APPROVED, AND ADOPTED this 28th day of August, 2018.**

**BOARD OF COUNT COMMISSIONERS  
OF SANTA FE COUNTY**

By:   
Anna Hansen, Chair

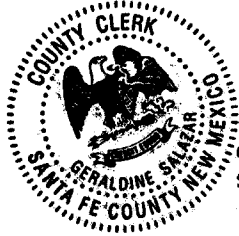
SFC CLERK RECORDED 08/30/2018

ATTEST:

APPROVED AS TO FORM:

*Geraldine Salazar*  
 Geraldine Salazar, County Clerk

*R. Bruce Frederick*  
 R. Bruce Frederick, County Attorney



COUNTY OF SANTA FE )  
 STATE OF NEW MEXICO ) ss

BCC RESOLUTIONS  
 PAGES: 3

I Hereby Certify That This Instrument Was Filed for  
 Record On The 30TH Day Of August, 2018 at 08:31:02 AM  
 And Was Duly Recorded as Instrument # 1866332  
 Of The Records Of Santa Fe County

Deputy *Estrella Martinez* )  
 Witness My Hand And Seal Of Office  
 Geraldine Salazar  
 County Clerk, Santa Fe, NM

SFC CLERK RECORDED 08/30/2018