

Resolution # 2011-35.

**RESOLUTION FINDING BUILDINGS, STRUCTURES, RUINS, RUBBISH, WRECKAGE OR DEBRIS UPON TRACT EIGHTY SIX (86), SECTION FIFTEEN (15), BETTER KNOWN AS 161 MARC DRIVE IN ESTANCIA AND TRACT EIGHTY SEVEN (87), SECTION FIFTEEN (15), ONE LOT EAST OF 161 MARC DRIVE IN ESTANCIA, TO BE A MENACE TO PUBLIC COMFORT, HEALTH, PEACE OR SAFETY AND REQUIRING REMOVAL**

**WHEREAS**, Tract Eighty Six (86), Section Fifteen (15), better known as 161 Marc Drive in Estancia, is within the jurisdiction of Torrance County and, Willow Lake Country Club, care of Lois Cunningham, is the record owner of said property; and,

**WHEREAS**, Tract Eighty Seven (87), Section Fifteen (15), One lot East of 161 Marc Drive in Estancia, is within the jurisdiction of Torrance County and Joseph Wilson, care of Virginia Hoover, is the record owner of said property; and,

**WHEREAS**, the above described properties (the "Properties") are contiguous and constitute a single illegal tire dump site (the "Site"); and,

**WHEREAS**, scrap tires, ruins, rubbish, wreckage, debris, and other types of solid waste (hereinafter collectively referred to as "Debris") are strewn across the Properties constituting the Site, as shown by the photographs attached to this Resolution as Exhibits P&Z 1 through 5; and,

**WHEREAS**, the Debris threatens the public comfort, health, peace or safety in Torrance County by creating a breeding ground for diseases, vectors and vermin, posing a fire danger, posing a danger to human health, and depressing property values; and,

**WHEREAS**, Torrance County has received a grant from the State of New Mexico to remove illegal tire dump sites such as those found on the Properties; and,

**WHEREAS**, it is in the interest of the citizens of Torrance County to maximize the County's limited resources to remove the illegal tire dump sites and illegal debris simultaneously; and,

**WHEREAS**, Torrance County has the authority, pursuant to NMSA 1978, § 3-18-5, to require the removal of such unhealthful Debris;

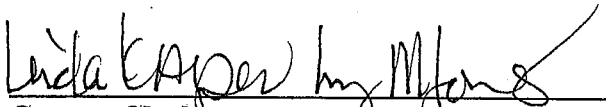
**NOW, THEREFORE, BE IT RESOLVED**, that the Torrance County Commission hereby:

1. **FINDS** that the Properties described as  
Tract Eighty Six(86), Section Fifteen (15), better known as 161 Marc Drive Estancia; and  
Tract Eighty Seven (87), Section Fifteen (15), One lot East of 161 Marc Drive in Estancia,  
have upon them a building, structure, ruins, rubbish, wreckage or debris which is a menace to the public comfort, health, peace or safety; and,
2. **ORDERS** the Willow Lake Country Club, care of Lois Cunningham, other owner, occupant or agent in charge of Tract Eighty Six(86), Section Fifteen (15), better known as 161 Marc Drive Estancia, Debris from said property; and,
3. **ORDERS** Joseph Wilson, care of Virginia Hoover, other owner, occupant or agent in charge of Tract Eighty Seven (87), Section Fifteen (15), One lot East of 161 Marc Drive in Estancia, to remove the Debris from said property; and,
4. **AUTHORIZES** the Torrance County Manager to cause the removal of the Debris and to file a lien against each of the above described properties for the cost of removing the Debris, if the owner, occupant or agent in charge of a respective property fails to commence removal of the Debris on their property or fails to file a written objection to this Resolution within ten (10) days of the receipt or posting of this Resolution as specified in NMSA 1978, § 3-18-5.

**DONE** at Estancia, New Mexico, Torrance County this 28<sup>th</sup> day of September, 2011.



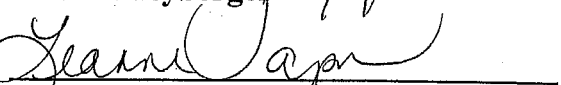
Attest:

  
County Clerk

**TORRANCE COUNTY COMMISSION**

  
Venessa Chavez Gutierrez, Chair

  
Lonnie Freyberger

  
Leann Tapia