



Resolution # 2017-052

**RESOLUTION FINDING BUILDINGS, STRUCTURES,
RUINS, RUBBISH, WRECKAGE OR DEBRIS ON A LOT OFF
OF PLEASANT VALLEY DRIVE TO BE A MENACE TO
PUBLIC COMFORT, HEALTH, PEACE OR SAFETY AND
REQUIRING REMOVAL**

WHEREAS, Lot 15-A , Block 6 Mountain Valley Subdivision are within the jurisdiction of Torrance County and William & Stacey Cochrell- are the record owners of said property; and,

WHEREAS, the above described property constitute a single illegal 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 3; 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 -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;

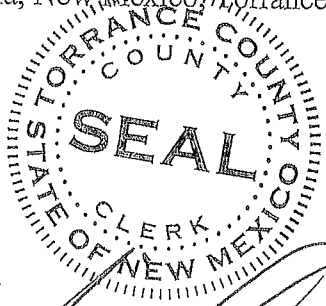
NOW, THEREFORE, BE IT RESOLVED, that the Torrance County Commission hereby:

1. **FINDS** that the Properties described as: Lot 15A, Block 6 Mountain Valley Subdivision have upon them a building, structure, ruins, rubbish, wreckage or debris which is a menace to the public comfort, health, peace or safety; and,

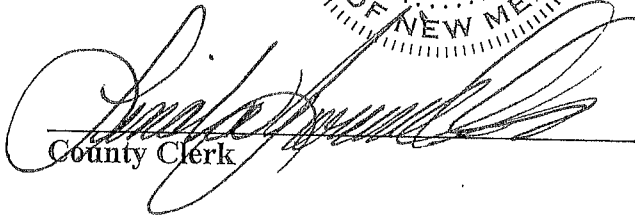
2. **ORDERS**, William & Stacy Cochrell -other owner(s), occupant(s) or agent(s) in charge of Lot 15A, Block 6 Mountain Valley Subdivision to remove the Debris from said properties; and,

3. **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 25TH day October of 2017.

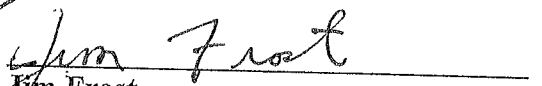


Attest:


County Clerk

TORRANCE COUNTY COMMISSION


Javier Sanchez, Chair


Jim Frost



Julia DuCharme

Exhibit 1

Torrance County
Code Enforcement
Notice of Violation

Date: 1/10/17

Case #: 17-006

To: William & Stacy Cochrell
20 El Arco Dr. NE
Alb, NM 87123

Location: Lot 15-a, block 6 Mountain
Valley subdivision

An inspection of the above property reveals an apparent violation of one or more of the Torrance County Ordinances: the County Zoning Ordinance, the Subdivision Ordinance, or the Solid Waste Ordinance.

Ordinance# or NMSA#: 94-12-5-A,B,C,D,E ; NMSA 1978 30-8-1

Type of violations: illegal dumping of tires and debris, public nuisance

Corrective Action Required: remove all illegal dumping

This will be your **ONLY NOTICE** on this matter. Please take the necessary corrective action on this matter by 1/21/17. If this compliance date doesn't allow you sufficient time to correct the problem, please contact me upon the receipt of this letter. If you believe that you have received this Notice in error, or you would like to discuss your options, contact me within ten (10) days of receipt of this letter to avoid any court actions. I can be reached at (505) 544-4392, by fax at (505) 384-5294, or you may come by the Torrance County Offices in Estancia.

Failure to take the required action may subject you to civil or criminal proceedings and penalties. Pursuant to Section 27 of the Zoning Ordinance, each violation is punishable by a fine up to \$300 and/or up to 90 days in jail. Additionally, state law authorizes injunctive remedies for violations of the Zoning Ordinance (NMSA 1978 & 3-21-10). Pursuant to section 16 of the Solid Waste Ordinance, depending on the type of violation, each separate offence is punishable by a fine up to \$300/90 days in jail or a fine up to \$1000. For public nuisances, state law provides a fine up to \$500 and/or up to 6 months in jail (NMSA 1978, 30-8-1 and 31-19-1). Pursuant to Section 11 of the Subdivision Ordinance, violations are punishable by a fine up to \$300 and/or up to 90 days in jail. Additionally, the New Mexico Subdivision Act authorizes injunctive remedies (NMSA 1978, 47-6-26). Pursuant to (NMSA 1978, 47-6-27), a first offence for violating the New Mexico Subdivision Act is punishable by a fine up to \$10,000 and/or up to one year in prison.

Sincerely,

Daniel De Costa
Code Enforcement Officer
Phone: (505) 544-4392
E-mail: ddecosta@tcnm.us

Certified mail#: 70150920000018362875