

ORDINANCE NO. 05-09

AN ORDINANCE ANNEXING A CERTAIN TRACT OF LAND BEING IN PART OF LOTS 18, 19 AND 20 OF THE HAMILTON FARMS SUBDIVISION, CONTAINING 37.26 ACRES MORE OR LESS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND FIXING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY, THE CITY COUNCIL OF ROSWELL, NEW MEXICO, that:

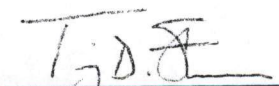
1. WHEREAS, Petition has heretofore been filed seeking annexation of certain lands to the City of Roswell, New Mexico, under and by virtue of the provision of 3-7-17 NMSA 1978, known as the "Petition Method," said lands being described as:

Part of Lots 18, 19, and 20 of Hamilton Farms Subdivision, Chaves County, New Mexico, being more particularly described as follows:
Commencing at the SE section corner of Section 26, T.10 S., R.24 E., N.M.P.M.; thence N89°23'W, 2666.43 feet to the point of beginning; thence N00°33'00"W, 871.60 feet; thence N31°03'27"E, 454.58 feet; thence N43°22'27"W, 73.25 feet; thence N89°55'51"W, 1135.75 feet; thence S00°47'00"E, 681.49 feet; thence S33°42'00"E, 761.00 feet; thence S89°56'00"E, 528.40 feet to the point of beginning.
AND BE IT KNOWN that the public right-of-way of East College Boulevard, approximately 6,870 feet long, more or less, hereon is being annexed. Containing 37.26 acres more or less.
2. WHEREAS, (a) the said territory hereby sought to be annexed is contiguous to the municipality; (b) the petitioner represents a majority of the number of acres sought to be annexed; (c) the petition is accompanied by a map of the territory proposed to be annexed and shows the relationship of said territory to the existing boundary of the municipality, and (d) municipal services can be made available to said territory hereby sought to be annexed.
3. ANNEXATION. Said parcels or tracts of land herein above described be, and the same hereby are annexed as part and parcel of the City of Roswell, New Mexico, for all legal purposes.
4. APPEAL. Within thirty (30) days after the filing of authenticated copy of this ordinance with survey plat attachment in the office of the County Clerk as aforesaid, any person aggrieved may appeal th the District Court for review of the validity of annexation proceedings herein.
5. REPEALER. All ordinances, parts of ordinances or sections of the Municipal Code in conflict or inconsistent herewith be, and the same hereby are repealed to the extend of such conflict or inconsistency. This repealer is not to be construed as reviving any ordinances, parts of ordinances or sections of the Municipal Code heretofore repealed.
6. SEVERABILITY. If any section, paragraph, clause or provision of this ordinance should for any reason be held invalid or unenforceable, such invalidity or unenforceability shall not affect any other part of this ordinance.
7. EFFECTIVE DATE. This annexation shall be and become consummated and effective on and after the filing of a duly authenticated copy of this ordinance, together with an official survey plat of the territory hereby annexed in the office of the County Clerk of Chaves County, New Mexico; provided that the effective date hereof shall not be less than five (5) days after.

PASSED, ADOPTED, SIGNED AND APPROVED on this 26th day of September, 2005.

CITY SEAL


BILL B. OWEN, Mayor


TIMOTHY D. STOESSEL, City Clerk