

ORDINANCE NUMBER 13-08

**AN ORDINANCE OF THE CITY OF ROSWELL AUTHORIZING THE SALE OF A VACANT PARCEL OF LAND IN THE BRASHER INDUSTRIAL PARK.**

**WHEREAS**, the *City of Roswell* has declared the disposition of the parcel of land listed herein for the sum of Fifty-Six Thousand, Nine Hundred Dollars (\$56,900.00) as an equitable price in the best interest of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO, that:**

**SECTION 1. Description:** The municipal property to be sold is commonly known as 419 E. Brasher Road. The parcel of land is currently vacant. The legal description of the subject property is:

*Lots 1, 2, 3, 7, and 8 in Block 3 of BRASHER INDUSTRIAL PARK SUBDIVISION in the City of Roswell, County of Chaves and State of New Mexico as shown on the Official Plat thereof filed on October 22, 1999 and Recorded in Plat Book V at Page 6.*

*BE IT FURTHER KNOWN that the undersigned owners and proprietors of the above described tract are adjacent to a 20 foot alley and the undersigned owner and proprietor does hereby request that the City of Roswell Vacate and Convey to the undersigned adjacent owner the following described property as shown on this plat.*

*The West 600 feet of a 20 foot alley lying between Lots 1, 2, 7, and 8 in Block 3 of BRASHER INDUSTRIAL PARK SUBDIVISION in the City of Roswell, County of Chaves and State of New Mexico as shown on the Official Plat thereof filed on October 22, 1999 and Recorded in Plat Book V at Page 6.*

*BE IT FURTHER KNOWN that the undersigned owner and proprietor of the above described tracts have caused the same to be platted with their free consent and in accordance with their desire into what is known and hereby designated as BRASHER INDUSTRIAL PARK REDIVISION NO. 1 in the City of Roswell, Chaves County, New Mexico, and do hereby dedicate all streets, alleys, and easements shown on this plat for the public use and benefit.*

**SECTION 2. Buyer:** The Westmoreland Company, Inc. and/or assigns

**SECTION 3. Terms:** Buyer agrees to pay cash at closing to the City of Roswell in the net amount of Fifty-Six Thousand, Nine Hundred Dollars (\$56,900) and the buyer is responsible for paying all closing and development costs. Other terms and agreements included in the "Purchase and Sale Agreement" (attached).

**SECTION 4. Value:** Fifty-Six Thousand, Nine Hundred Dollars (\$56,900). Value established by appraisal dated March 14, 2013. Appraisal completed by Kunkel & Associates, Inc.

**SECTION 5. Purpose:** 1) To allow for the sale of excess municipally owned property; 2) to facilitate The Westmoreland Co. Inc. in development plans for growth; 3) to promote economic development and growth in the area.

**SECTION 6. Repealer:** All ordinances or parts of ordinances in conflict or inconsistent herewith are to be hereby repealed to the extent of such conflict or inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

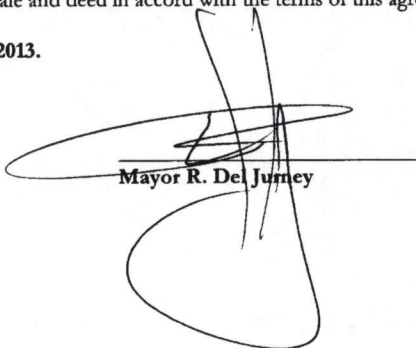
**SECTION 7. Severability:** If any section, paragraph, clause, or provision of this ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.

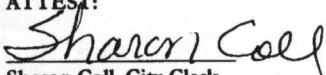
**SECTION 8. Effective Date:** This ordinance shall be effective Forty-Five (45) days after its adoption, unless a referendum election is held pursuant to Section 3054-1 (E) NMSA 1978. A petition calling for a referendum election on the sale of this property must be filed no later than thirty days after the adoption of the ordinance and must comply with requirements of Section 3-54-1(E) NMSA 1978. In the event that a referendum election is held, the effective date shall be as prescribed by statute.

**SECTION 9. Authorization:** On or after the effective date of this ordinance, the Mayor, City Clerk, or other City officials as may be necessary, are hereby authorized to execute the documents of sale and deed in accord with the terms of this agreement.

**PASSED, ADOPTED, AND APPROVED this 13th day of June, 2013.**



  
Mayor R. Del Juney

ATTEST:  
  
Sharon Coll, City Clerk