

ORDINANCE NO. 986

AN ORDINANCE OF THE CITY OF ROSWELL REPEALING ORDINANCES NO. 979 AND 975, ANNEXING CERTAIN PORTIONS OF SECTIONS 27 AND 34, TOWNSHIP 10 SOUTH, RANGE 24 EAST (BETTER KNOWN AS SPRING RIVER PARK) TO THE CITY OF ROSWELL, PROVIDING FOR REPEALER, PROVIDING FOR SEVERABILITY, AND FIXING AN EFFECTIVE DATE.

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

1. That Ordinances No. 975 and 979 of the City of Roswell be, and the same hereby are, repealed.

2. WHEREAS, Petition has heretofore been filed seeking annexation of certain lands to the City of Roswell, New Mexico under and by virtue of the provisions of 14-7-17 NMS 1953, known as the "Petition Method", said lands being described as:

A tract of land lying in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, all in Twp. 10 So., Rge. 24 E., N. M. P. M., being more particularly described as follows: Starting at the NW corner of Section 34, this being the point and place of beginning, thence S. 1°00' E. along the west line of Section 34 a distance of 1128.7 feet; thence N. 89°48' E. a distance of 241 feet; thence S. 1°00' E. a distance of 60 feet; thence N. 89°48' E. a distance of 80 feet; thence S. 1°00' E. a distance of 143 feet to a point 10 feet south of the south line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34; thence N. 89°48' E. parallel to the south line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34 a distance of 509.0 feet; thence N. 1°00' W. a distance of 10 feet to a point on the south line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34; thence N. 89°48' E. along the south line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34 a distance of 508.69 feet, more or less, to the SE corner of Lot 40, Eastview Subdivision, official plat on file in the office of the Chaves County Clerk; thence northerly along the east line of said Lot 40 to a point on the north right-of-way line of College Boulevard being 30 feet north of the south line of Section 27; thence S. 89°37' W. parallel to the south line of Section 27 a distance of 1335.3 feet to a point on the west line of Section 27; thence southerly along the west line of Section 27 a distance of 30 feet to the SW corner of Section 27, this being the place and point of beginning. Described tract contains 40.396 acres, more or less.

3. WHEREAS, Findings-of-Fact and Conclusion-of-Law are made as follows:

a. FINDINGS-OF-FACT: (1) That said territory hereby sought to be annexed is contiguous to the municipality; (2) That the City of Roswell, New Mexico, a municipal corporation, is the sole owner in its entirety of the lands hereby sought to be annexed; (3) That said Petition for Annexation is accompanied by a map showing the external boundary of the territory

proposed to be annexed and the relationship of said territory to the existing boundary of the municipality, which map is hereto attached as Exhibit "A", and (4) That municipal services can be made available to said territory hereby sought to be annexed.

b. CONCLUSION-OF-LAW: (1) That annexation of said territory hereinabove described embraces and shall be inclusive of all streets and public ways located along the boundary of the territory hereby annexed.

4. ANNEXATION. That said parcels or tracts of land hereinabove described be, and the same hereby are annexed as part and parcel of the City of Roswell, New Mexico for all legal purposes.

5. EFFECTIVE DATE. That this annexation shall be and become consummate 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 be not less than five (5) days after publication hereof.

6. APPEAL. Within thirty days after the filing of an authenticated copy of this ordinance with survey plat attachment in the office of the County Clerk as aforesaid, any person aggrieved may appeal to the District Court for review of the validity of annexation proceedings herein.

7. 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 extent 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.


8. 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.

PASSED, ADOPTED, SIGNED AND APPROVED on December 9, 1975.

CITY SEAL


JERRY N. SMITH, Mayor

ATTEST:


W. M. Foster, City Clerk