

RESOLUTION NO. 1617

WHEREAS, the City of Roswell Planning and Zoning Commission heretofore on 16 January 1975, has recommended for acceptance and approval of the municipal governing body the proposed vacation for public use of that certain ten (10) foot strip of land within the City of Roswell described as:

A ten (10) foot strip of land lying and being immediately North of and adjacent to the West 55 feet of Lot 12 and all of Lots 13, 14, 15, 16, 17, 18, 19, 20 and 21 in Block 1, Starlite Addition to the City of Roswell, Chaves County, New Mexico as shown on the official plat thereof on file in the office of the County Clerk of said Chaves County,

as shown in the official Minutes of said Commission.

WHEREAS, Pacific Coast Properties, Inc., a Delaware Corporation and/or New Mexico K-Marts, a Limited Partnership, in consideration of the vacation of the above described lands have heretofore agreed to execute and deliver to City of Roswell as Grantee, their good and sufficient instruments, dedicating rights of way for public use upon lands described as:

Commencing at the NE corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9, T11S, R24E, NMPM, thence S. 0° 19' W., a distance of 33.2 feet to the point and place of beginning; thence N. 89° 58' W., a distance of 529.25 feet; thence S. 0° 12' W., a distance of 14 feet; thence S. 89° 58' E., a distance of 529.25 feet; thence N. 0° 19' E., a distance of 14 feet to the point and place of beginning, containing 0.187 acres, more or less, along the South side of Hobbs Street.

Commencing at the NE corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T11S, R24E, NMPM, thence S. 0° 19' W., a distance of 308.97 feet to the point and place of beginning; thence S. 0° 19' W. 346.30 feet; thence S. 88° 50' E. 7.95 feet; thence S. 0° 16' W. 150.9 feet to the North right of way line of Frazier Street; thence N. 88° 49' W. along the North right of way line of Frazier Street, a distance of 20 feet; thence N. 0° 16' E., a distance of 122.95 feet; thence N. 44° 44' W., a distance of 11.24 feet; thence N. 0° 19' E., a distance of 346.30 feet; thence N. 45° 19' E., a distance of 26.77 feet to the point and place of beginning, containing 0.219 acres, more or less, along the East side of the tract belonging to K-Mart.

WHEREAS, City of Roswell no longer requires the above described land for public use as an alley.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY, THE CITY COUNCIL OF ROSWELL, NEW MEXICO:

1. That said tract or parcel of land described in the first paragraph hereof be, and the same hereby is vacated as an alley for public use, and that title to said land is hereby vested in and automatically reverts back to the owners abutting thereon in equal proportion as provided by law. That said City makes no claim of right, title or interest of, in or to any part or portion of the tract or parcel of land herein vacated, including utility easements. Vested easements or existing rights of other public utilities in and upon land vacated herein, if any, shall be and remain unaffected by this Resolution of vacation.

2. By reason of inadvertent and erroneous description of lands purporting to be vacated per Resolution No. 1540, adopted and approved on January 9, 1973 and recorded in Miscellaneous Book 143 at page 634, in the office of the County Clerk of Chaves County, New Mexico, and to avert possible title defects, said Resolution No. 1540 is hereby rescinded in its entirety. Plat purporting to vacate lands described as:

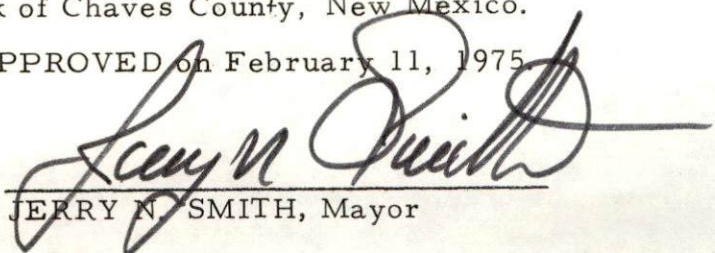
The North 10 feet of the $N\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$ Section 9, T11S, R24E, NMPM, also described as that alley 10 feet wide, lying immediately North of and adjacent to Lots 12 through 21, both inclusive, in Block 1, Starlite Addition as shown on the official plat of said Starlite Addition in the City of Roswell, New Mexico

accepted and approved on January 4, 1973 by City of Roswell Planning and Zoning Commission ^{and filed} ~~file~~ in the office of the County Clerk of Chaves County, New Mexico in Plat Book E at page 45, on May 3, 1973, is hereby declared void, of no further force and effect, and ^{said plat is} directed to be so marked upon its face.

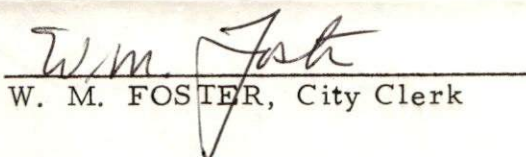
3. That a certified true copy of this Resolution is directed to be filed in the office of the County Clerk of Chaves County, New Mexico.

ADOPTED, SIGNED AND APPROVED on February 11, 1975

CITY SEAL


JERRY N. SMITH, Mayor

ATTEST:


W. M. FOSTER, City Clerk