

ORDINANCE NO. 02-09

AN ORDINANCE OF THE CITY OF ROSWELL AUTHORIZING THE SALE OF APPROXIMATELY TEN (10) ACRES OF LAND LOCATED DIRECTLY SOUTH OF THE JOY CENTER AT THE OLD MUNICIPAL AIRPORT FRONTING ONTO NORTH MONTANA AVENUE, A MUNICIPALLY OWNED LOT LOCATED IN CHAVES COUNTY, TO THE ELKS LODGE #969; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND FIXING AN EFFECTIVE DATE.

WHEREAS, the City of Roswell, New Mexico, has declared the sale of the property listed herein for the sum of fifty-two thousand nine hundred and ninety-eight dollars (\$52, 998.00) as an equitable exchange in the best interest of the City;

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

Section 1. Description: The municipal property to be sold consists of approximately 10 acres of land south of the Joy Center at the Old Municipal Airport, fronting onto North Montana Avenue, Roswell, Chaves County, New Mexico.

Section 2. Terms: In exchange for the property to be sold, the Elks Lodge #969 shall pay donations to the City of Roswell for the sum of fifty-two thousand nine hundred ninety-eight dollars (\$52, 998.00), less expenses (for appraisals, land surveying, title fees, and any other expenses deemed necessary to accomplish the land trade [Ordinance No. 02-10] and sale per this ordinance) in the amount of nine thousand two hundred forty-three dollars (\$9, 243.00), for a period not to exceed five years. Donations for the remaining sum shall be made by the Elks Lodge #969 to the City of Roswell from their gaming and bingo proceeds in an amount of fifteen per cent (15%) of the proceeds. (This may or may not be made in monthly donations). These donations will go to the Parks and Recreation Department in a separate account set aside for the sole use at the Cielo Grande Sports Complex.

Section 3. Value: The value of the municipally owned property to be sold has been appraised at five thousand three hundred dollars (\$5,300.00) per acre by Ed McClelland & Co.

Section 4. Purchaser:

Elks Lodge #969
Roswell, NM 88201

Section 5. Purpose: 1) To allow the sale of excess municipally owned land; 2) to allow for good in-fill development; 3) to promote economic development and growth in the area; and 4) to provide the Elks Lodge #969 with suitable lot for the new lodge.

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 Repealer: All ordinances or parts of ordinances in conflict or inconsistent herewith are to be hereby repealed to the extent of such conflict or inconsistency.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.

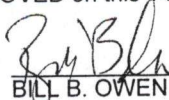
Section 7. Severability: If any section, paragraph, clause, or provision of this ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.

Section 8. Effective date: This ordinance shall be effective forty-five days after its adoption, unless a referendum election is held pursuant to Section 3-54-1(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 the 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 the ordinance, the Mayor, City Clerk, and 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, SIGNED, AND APPROVED on this 14th day of November, 2002.

CITY SEAL


BILL B. OWEN, Mayor

ATTEST:


TIMOTHY D. STOESEL, City Clerk