

ORDINANCE NO. 02-10

AN ORDINANCE OF THE CITY OF ROSWELL AUTHORIZING A LAND TRADE WITH THE NEW MEXICO MILITARY INSTITUTE FOUNDATION OF THE CITY PROPERTY LOCATED SOUTH OF THE FUTURE PROPOSED NINETEENTH STREET EXPANSION, IN A DOLLAR-FOR-DOLLAR TRADE, FOR THE FOUNDATION'S TWO LOTS LOCATED AT SYCAMORE AVENUE AND COLLEGE BOULEVARD; 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 trade of property listed herein for an equal dollar-for-dollar amount 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. Descriptions: The municipal property to be traded consists of approximately thirty acres of the City of Roswell property commencing at the southeast corner of Nineteenth Street and Sycamore Avenue, running east south of Nineteenth Street, to the future proposed Nevada Avenue and having a depth of approximately six hundred and fifteen feet. The property which will become municipal property consists of two ten-acre lots owned by the New Mexico Military Institute Foundation, located directly south and east of the Immanuel Lutheran Church, located at Sycamore Avenue and College Boulevard. The first lot, Lot No. 2, is located directly east of the Immanuel Lutheran Church and fronts onto College Boulevard. The second lot, Lot No. 3, is located directly south of the Immanuel Lutheran Church and fronts onto Sycamore Avenue.

Section 2. Terms: This will be a trade of an equal value amount for property owned by the City in exchange for property owned by the New Mexico Military Foundation, with all expenses for this trade being paid for by the Elks Lodge #969, as outlined in Ordinance No. 02-09.

Section 3. Value: 1) The value of the municipally owned property to be traded has been appraised at approximately three thousand one hundred seventeen dollars (\$3,117.00) per acre; this is a lot comprising approximately thirty-eight and one-half (38.49) acres. 2) The value of the New Mexico Military Institute Foundation property, Lot No. 2, has been appraised at seven thousand seven hundred ninety-seven dollars (\$7,797.00) per acre; this is a lot comprising approximately ten (10.026) acres. 3) The value of the New Mexico Military Institute Foundation property, Lot No. 3, has been appraised at three thousand nine hundred eighty-eight dollars (\$3,988.00) per acre; this is a lot comprising approximately ten (10.03) acres. The Elks Lodge #969 will pay the expenses of appraisals, land surveying, title fees, and any other expenses deemed necessary to accomplish this land trade transaction. The amount of these expenses is five thousand two hundred forty-eight dollars (\$5,248.00).

Section 4. Trader:

New Mexico Military Institute Foundation
Roswell, NM 88201

Section 5. Purpose: 1) To allow an equitable exchange of municipal land for land of equal value; 2) To allow the City to consolidate the two lots being traded by the New Mexico Military Institute Foundation into the remainder of City's property at the Old Municipal Airport; and 3) To allow the New Mexico Military Institute Foundation to consolidate the land being traded by the City just south of its Muses Gate properties north of the proposed Nineteenth Street extension at Sycamore Avenue.

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 trade 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