

**ORDINANCE NO. 08-02**

**AN ORDINANCE OF THE CITY OF ROSWELL AUTHORIZING THE SALE OF A PARCEL OF VACANT LAND KNOWN AS 810 WEST BRASHER ROAD, ROSWELL, NEW MEXICO. SUBJECT PROPERTY IS APPROXIMATELY 9.66 ACRES.**

WHEREAS, the City of Roswell, New Mexico, has declared the disposition of the parcel of land listed herein for the sum of Thirty Five Thousand Dollars (\$35,000.00) as an equitable price 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 is commonly known as 810 West Brasher Road, Roswell, New Mexico. The parcel of land is currently vacant and consists of approximately 9.66 acres. The legal description of subject property is:

McCarson Summary Replat Tract A

**SECTION 2.** Buyer: Church on the Move

**SECTION 3.** Terms: Buyer agrees to pay cash at closing in the amount of Thirty Five Thousand dollars (\$35,000.00). Buyer will provide earnest monies in the amount of Three Thousand Five Hundred dollars (\$3,500.00) to be deposited with the Title Company. Earnest monies shall be non-refundable in the event the Buyer decides not to purchase the property; otherwise, earnest monies shall be applied towards the purchase price. The City will provide title commitment and any instruments affecting title within 15 days of open of escrows. Closing is subject to publication of Ordinance 08-02; Public Hearing to be held Thursday, May 10, 2008; Council adoption of the Ordinance at the May, 10, 2008 regularly scheduled City Council meeting; and subsequent publication of Ordinance followed by a 45 day referendum period.

**SECTION 4.** Value: Thirty Five Thousand dollars (\$35,000.00). Value established by an appraisal dated January 17, 2008.

**SECTION 5.** Buyer: Church on the Move, 901 West Brasher Road, Roswell, New Mexico 88203.

**SECTION 6.** Purpose: 1) To allow for the sale of excess municipally owned property; 2) to facilitate Church on the Move's development plans for growth; and 3) to promote economic development and growth in the area.

**SECTION 7.** Repealer: All ordinances or parts of ordinances in conflict or inconsistent herewith are to be hereby repealed to the extent of such conflict or inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.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 8.** 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 9.** Effective date: This ordinance shall be effective forty-five 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.

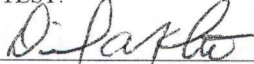
**SECTION 10.** Authorization: On or after the effective date of this ordinance, the Mayor, City Clerk, or other City officials as may be necessary, are hereby authorized to execute the documents of sale and deed in accord with the terms of this agreement.

PASSED, ADOPTED, SIGNED AND APPROVED on this 8th day of May, 2008.

CITY SEAL

  
\_\_\_\_\_  
Sam D. LaGrone, Mayor

ATTEST:

  
\_\_\_\_\_  
Dave Kunko, City Clerk