

ORDINANCE NO. 09-01

AN ORDINANCE OF THE CITY OF ROSWELL AUTHORIZING THE SALE OF A PARCEL OF VACANT LAND KNOWN AS 2513 WEST COLLEGE BOULEVARD, ROSWELL, NEW MEXICO.

WHEREAS, the City of Roswell, New Mexico, has declared the disposition of the parcel of land listed herein for the sum of Fifty Thousand Dollars (\$50,000.00) 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 2513 West College Blvd, Roswell, New Mexico. The parcel of land is currently vacant. The legal description of subject property is:

Beginning at the S.E. corner of tract F of O.M.A. subdivision as recorded in Plat Book R, page 33 of the Chaves County Clerk's Office.

Thence N 00 03' 58" W 200 feet, thence N 89 19' 48" E 250 feet, thence S 00 03' 58" E 200 feet, thence S 89 19' 48" W 250 feet ± to the P.O.B. Containing 1.148 acres ±.

BE IT FURTHER KNOWN that the owner and proprietor of the described tract have caused the same to be platted with their free consent and in accordance with their desire into what is known and hereby designated as MASONIC TEMPLE SUMMARY PLAT in the City of Roswell, Chaves County, New Mexico and do hereby dedicate all streets, alleys, and easements shown on this plot for the public use and benefit. Recorded in Plat Book 1, page 027A of the Chaves County Clerk's office on July 7, 2009.

SECTION 2. Buyer: Roswell Masonic Building Association

SECTION 3. Terms: Buyer agrees to pay cash at closing in the amount of Fifty Thousand dollars (\$50,000.00). Buyer will provide earnest monies in the amount of Five Thousand dollars (\$5,000.00) 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. All closing costs and fees are to be split equally between the seller and buyer. Closing is subject to: publication of Ordinance 09-01 and rezoning of the tract from R-1 to C-1; Public Hearing on the Ordinance to be held Thursday, May 14th, during the City Council meeting scheduled at 7:00 pm; Council adoption of the Ordinance at the May, 14th, 2009 City Council meeting; and subsequent publication of the adopted Ordinance, followed by a 45 day referendum period.

Sale subject to all easements and right of way of record.

SECTION 4. Value: Fifty Thousand dollars (\$50,000.00). Value established by appraisal dated February 26, 2009. Appraisal completed by Kunkel & Associates, Inc.

SECTION 5. Buyer: Roswell Masonic Building Association, Roswell, New Mexico 88203.

SECTION 6. Purpose: 1) To allow for the sale of excess municipally owned property; 2) to facilitate the Roswell Masonic Building Association 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 14th day of May, 2009.

CITY SEAL


Sam D. LaGrone, Mayor

ATTEST:


Dave Kunko, City Clerk