

ORDINANCE NO. 1010

AN ORDINANCE ANNEXING CERTAIN PORTIONS OF SECTIONS 30 AND 29, TOWNSHIP 10 SOUTH, RANGE 24 EAST N. M. P. M. TOGETHER WITH ADJACENT STREETS AND RIGHTS-OF-WAY TO THE CITY OF ROSWELL; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND FIXING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY, THE CITY COUNCIL, OF ROSWELL, NEW MEXICO:

1. WHEREAS, Petition has heretofore been filed seeking annexation of certain lands to the City of Roswell, New Mexico under and by virtue of the provisions of 14-7-17 NMS 1953, known as the "Petition Method", said lands being described as:

Beginning at the NW corner of said Section 30; thence, S 00° 17' 15" W along the west line of said Section 30, a distance of 60 feet; thence, N 88° 53' 23" E a distance of 30 feet to the point of beginning of the tract of land herein described; thence, continuing N 88° 53' 23" E along the south right of way line of Country Club Road, a distance of 2843.77 feet; thence, N 89° 29' 28" E along the south right of way line of Country Club Road, a distance of 2817.45 feet; thence, S 89° 22' E along the south right of way line of Country Club Road, a distance of 2035.22 feet; thence, S 00° 38' W, a distance of 25.64 feet; thence, along a curve to the left with a radius of 270.0 feet, through an arc of 18° 45', an arc distance of 88.44 feet; thence S 18° 08' E, a distance of 230.96 feet; thence, along a curve to the left with a radius of 120.0 feet, through an arc of 71° 22', an arc distance of 149.47 feet; thence, S 89° 30' E, a distance of 156.36 feet; thence, along a curve to the right with a radius of 300.0 feet, through an arc of 15° 48', an arc distance of 82.73 feet; thence, S 73° 42' E, a distance of 15.81 feet to the west right of way line of Washington Avenue; thence, northeasterly along a curve to the right with a radius of 535.0 feet, through an arc of 06° 44' 49", an arc distance of 63.0 feet; thence, N 26° 16' E, a distance of 162.93 feet; thence, along a curve to the left with a radius of 470.0 feet, through an arc of 25° 45', an arc distance of 211.37 feet; thence, N 00° 30' E, a distance of 48.04 feet; thence, S 89° 13' 47" E along the south right of way line of Country Club Road, a distance of 2439.66 feet; thence, S 00° 03' W, a distance of 1863.72 feet; thence, N 89° 21' 33" W, a distance of 190.0 feet; thence, S 00° 03' W, a distance of 725.0 feet; thence, N 89° 21' 32" W along the north right of way line of 19th Street, a distance of 2239.96 feet; thence, N 88° 55' 36" W along the north line of 19th Street, a distance of 315.89 feet; thence, N 00° 30' E along the east right of way line of Michigan Avenue, a distance of 491.66 feet thence, N 88° 55' 36" W, a distance of 720.50 feet; thence, S 00° 30' W, a distance of 491.66 feet; thence, N 88° 55' 36" W, a distance of 270.30 feet; thence S 01° 04' 24" W, a distance of 30.0 feet; thence, N 88° 55' 36" W along the south line of the NW 1/4 of said Section 29, a distance of 1320.21 feet; thence, N 00° 24' 20" E a distance of 666.49 feet; thence, S 88° 50' 15" W, a distance of 737.07 feet; thence, S 00° 33' 15" W, a distance of 634.13 feet; thence, S 88° 56' 15" W, a distance of 160.06 feet; thence, S 00° 24' 20" W, a distance of 30.0 feet; thence, S 88° 56' 15" W, along the south line of the NE 1/4 of said Section 30, a distance of 1967.72 feet; thence, S 89° 01' 36" W along the south line of the NW 1/4 of said Section 30, a distance of 2819.79 feet; thence, N 00° 17' 15" E along the east right of way line of Sycamore Avenue, a distance of 2593.96 feet to the point of beginning and containing 610 acres, more or less.

Also included in this annexation is the rights of way adjacent to the above described tract of land and the rights of way lying within the above described tract of land, the rights of way being Sycamore Avenue adjacent to the

west line of the NW $\frac{1}{4}$ of said Section 30; that part of Country Club Road adjacent to the north line of said Sections 29 and 30 that is not within the corporate limits of the City of Roswell, that part of the 19th Street right of way not within the corporate limits of the City of Roswell, the east $\frac{1}{2}$ of Montana Avenue adjacent to the Summersgill Subdivision, a 30 foot wide right of way adjacent to the east, north and west boundary of the Military Heights Elementary School Subdivision Washington Avenue right of way and Union Avenue right of way lying within the above described tract of land.

Containing 636.75 acres, more or less.

2. WHEREAS, (a) The said territory hereby sought to be annexed is contiguous to the municipality; (b) The petitioners represent a majority of the number of acres sought to be annexed (c) The petition for Annexation is accompanied by a map showing the external boundary of the territory proposed to be annexed and the relationship of said territory to the existing boundary of the municipality, and (d) Municipal services can be made available to said territory hereby sought to be annexed.

3. ANNEXATION. That said parcels or tracts of land hereinabove described be, and the same hereby are annexed as part and parcel of the City of Roswell, New Mexico for all legal purposes.

4. EFFECTIVE DATE. That this annexation shall be and become consummate and effective on and after the filing of a duly authenticated copy of this ordinance, together with an official survey plat of the territory hereby annexed in the office of the County Clerk of Chaves County, New Mexico; provided that the effective date hereof shall be not less than five (5) days after publication hereof.

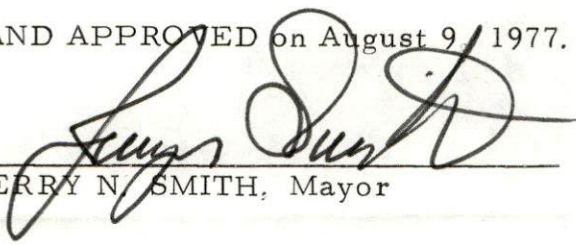
5. APPEAL. Within thirty days after the filing of an authenticated copy of this ordinance with survey plat attachment in the office of the County Clerk as aforesaid, any person aggrieved may appeal to the District Court for review of the validity of annexation proceedings herein.

6. REPEALER. All ordinances, parts of ordinances or sections of the Municipal Code in conflict or inconsistent herewith be, and the same hereby are repealed to the extent of such conflict or inconsistency. This repealer is not to be construed as reviving any ordinances, parts of ordinances, or sections of the Municipal Code heretofore repealed.

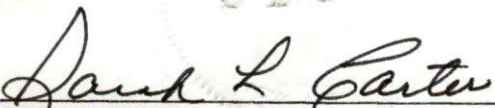
7. SEVERABILITY. If any section, paragraph, clause, or provision of this ordinance should for any reason be held invalid or unenforceable, such invalidity or unenforceability shall not affect any other part of this ordinance.

PASSED, ADOPTED SIGNED AND APPROVED on August 9, 1977.

CITY SEAL


JERRY N. SMITH, Mayor

ATTEST.


SARAH L. CARTER, Acting City Clerk