

ORDINANCE NO. 1045

AN ORDINANCE ANNEXING A CERTAIN TRACT OF LAND LYING IN AND BEING A PART OF SECTIONS 17 AND 20, TOWNSHIP 11 SOUTH, RANGE 24 EAST: N.M.P.M., TOGETHER WITH ADJACENT STREETS AND RIGHTS-OF-WAY TO THE CITY OF ROSWELL; PROVIDING FOR SEVERABILITY; AND FIXING AN EFFECTIVE DATE.

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

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 3-7-17 NMSA 1978, known as the "Petition Method", said lands being described as:

A tract of land lying in and being a part of Sections 17 and 20, Township 11 South, Range 24 East, N.M.P.M. and being more particularly described as follows:

Beginning at the southwest corner of Unit No. 1, Dale Bellamah Addition as the same was recorded in the office of the County Clerk, Chaves County, New Mexico, on the 9th day of September, 1960, the same lying on the centerline of Washington Avenue; thence along the southerly line of said Unit No. 1, Dale Bellamah Addition to the following courses and distances; N 87°56' E, 1098.48 feet; thence S 45°51'30" E, 25.00 feet; thence S 00°21' W, 216.70 feet; thence S 89°39' E, 120.00 feet; thence N 83°56' E, 60.38 feet; thence S 89°39' E, 123.83 feet to the southwest corner of Unit No. 1, Dale Bellamah Addition; thence leaving the southerly line of said Unit No. 1, Dale Bellamah Addition easterly to the intersection of the east right-of-way of Kentucky Avenue as set forth by the plat of Fruitland Subdivision as the same was recorded in the office of the County Clerk, Chaves County, New Mexico, on the 26th day of November, 1902; thence southerly along the said east right-of-way of Kentucky Avenue to the intersection of the south right-of-way of Brasher Road being identical to the line 30 feet south of and parallel to the north section line of Section 20, Township 11 South, Range 24 East, N.M.P.M.; thence westerly along the said south right-of-way of Brasher Road to a point being identical to the southeast corner, being the intersection of the annexation lines, of the Amended Plat of Constellation Estates Subdivision as the same was recorded in the office of the County Clerk, Chaves County, New Mexico, the 20th day of November, 1975; thence N 00°31'40" E along the east right-of-way of Washington Avenue as set forth by the said Amended Plat of Constellation Estates Subdivision, 1359.73 feet to the northeast corner, being the intersection of the annexation lines, of the said Amended Constellation Estates Subdivision; thence S 87°53' W along the north line of the said Amended Constellation Estates Subdivision, 52.5 feet to a point in the centerline of Washington Avenue being identical to the southeast corner of Cannon Addition as the same was recorded in the office of the County Clerk, Chaves County, New Mexico, the 9th day of September, 1960; thence northerly along the centerline of the said Washington Avenue, the same being identical to the east line of the said Cannon Addition to the point of beginning.

Containing 51 acres more or less, subject to easements of record.

Also included in this annexation are 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.

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. 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. APPEAL. Within thirty (30) 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.

5. 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.

6. 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.

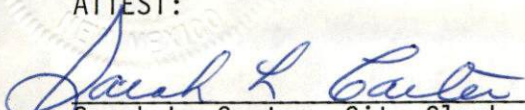
7. EFFECTIVE DATE. This annexation shall be and become consummate and effective on and after the filing of a duly authenticated copy of this ordinance, together with an official survey plat of the territory hereby annexed in the office of the County Clerk of Chaves County, New Mexico; provided that the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

PASSED, ADOPTED, SIGNED AND APPROVED on September 9, 1980.

CITY SEAL


L. C. STILES, Mayor

ATTEST:


Sarah L. Carter, City Clerk