

ORDINANCE NO. 1191

AN ORDINANCE OF THE CITY OF ROSWELL AUTHORIZING SALE OF 12.104 ACRES OF LAND TO THE NEW MEXICO STATE HIGHWAY DEPARTMENT; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND FIXING THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the New Mexico State Highway Department desires to purchase 12.104 acres of land in Section 29, T 11 S, R 24 E, a portion of the property now occupied by the City's gravel pit on Sunset Road, and

WHEREAS, the Highway Department has determined the property is necessary for construction of the southwest quadrant of the Roswell Relief Route and has performed a property appraisal showing the value of the property to be \$2,200.00 per acre, and

WHEREAS, the Highway Department desires to purchase the City's entire interest in said property for cash;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE GOVERNING BODY, THE CITY COUNCIL, OF ROSWELL, NEW MEXICO, that:

Section 1. The sale of the 12.104 acres in Section 29, T 11 S, R 24 E of Chaves County, New Mexico as more fully described in Exhibit A attached hereto is hereby approved.

Section 2. The Mayor and City Clerk are hereby authorized to execute a deed conveying to the New Mexico State Highway Department or State of New Mexico the City's interest in the above property for consideration in the amount of \$26,628.80 and to approve on behalf of the City a 0.568 acre area for temporary construction use adjacent to the 12.104 acres. Compensation for the temporary construction use shall be \$171.20, for a total payment to the City of \$26,800.00.

Section 3. Sale of the subject property is subject to the referendum provisions of Section 3-54-1 NMSA 1978.

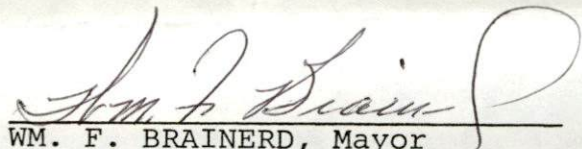
Section 4. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

Section 5. 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 6. This ordinance shall be effective on and after seventy (70) days following its adoption unless a referendum election is held pursuant to Section 3-54-1 NMSA 1978.

PASSED, ADOPTED, SIGNED AND APPROVED the 14th day of June, 1988.

CITY SEAL

  
WM. F. BRAINERD, Mayor

ATTEST:

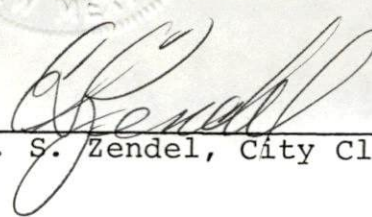
  
E. S. Zendel, City Clerk

EXHIBIT "A"

(6-3) A certain tract or parcel of land lying and being situated in the N1/2 of the NW1/4 of Section 29, T.11S., R.24E., NMPM, County of Chaves, State of New Mexico, being more particularly bounded and described as follows, to wit:

Beginning at a point, said point being Construction Centerline Station 85+66.24 of NMP ST-(F)-023-2(201), County of Chaves, State of New Mexico; from whence the North 1/4 corner of Section 29, T.11S., R.24E., NMPM bears N.01°23'20"W., 1261.46 feet; thence, S.01°23'20"E. 74.84 feet to a point; thence, S.87°21'06"W., 619.06 feet to a point; thence, S.87°22'06"W., 868.22 feet to a point of curvature; thence, northwesterly, 778.96 feet along the arc of a curve to the right, said curve having a radius of 2939.79 feet and a central angle of 15°10'54", (long chord bears N.85°02'27"W., 776.68 feet) to a point of tangency; thence, N.77°27'00"W., 400.26 feet to a point; thence, S.49°47'07"W., 121.02 feet to a point; thence, N.02°58'47"W., 355.68 feet to a point; thence, S.40°12'53"E., 159.23 feet to a point; thence, S.77°27'00"E., 441.94 feet to a point of curvature; thence southeasterly, 739.22 feet along the arc of a curve to the left, said curve having a radius of 2789.79 feet and a central angle of 15°10'54", (long chord bears S.85°02'27"E., 737.05 feet) to a point of tangency; thence, N.87°22'06"E., 1490.53 feet to a point; thence, S.01°23'20"E., 75.02 feet to the point of beginning.

Containing 424,943 square feet or 9.755 acres, more or less.

AND

(6-3-NRW) A certain tract or parcel of land lying and being situated in part of NW1/4, Section 29, T.11S., R.24E., NMPM, County of Chaves, State of New Mexico, being more particularly bounded and described as follows, to wit:

Beginning at a point, said point being 75 feet left of Construction Centerline Station P.C.100+55.14 of NMP ST-(F)-023-2(201), County of Chaves, State of New Mexico; from whence the NW corner of Section 29, T.11S., R.24E., NMPM bears N.46°47'50"W., 1850.52 feet; thence, S.87°22'05"W., 1251.26 feet to a point; thence, N.02°58'47"W., 133.62 feet to a point; thence, N.49°47'07"E., 121.02 feet to a point; thence, S.77°27'00"E., 400.26 feet to a point of curvature; thence, southeasterly, 778.96 feet along the arc of a curve to the left, said curve having radius of 2939.79 feet and a central angle of 15°10'54", (long chord bears S.85°02'27"E., 776.68 feet) to the point of beginning.

Containing 102,325 square feet or 2.349 acres, more or less.