

AN ORDINANCE OF THE CITY OF ROSWELL AUTHORIZING THE SALE OF APPROXIMATELY 1,520 ACRES OF MUNICIPALLY OWNED REAL PROPERTY LOCATED IN CHAVES COUNTY; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND FIXING AN EFFECTIVE DATE.

WHEREAS, the City Council of Roswell, New Mexico has declared the property listed herein as surplus and that the sale of such property would be in the best interests of the City,

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

Section 1. Description: The property to be sold consists of approximately 1,520 acres formerly known as the Trigg Ranch located some six miles south of West Second Street on Brown Road and is more particularly described as follows:

The W1/2 and W1/2NE1/4 of Section 3, S1/2 of Section 4, S1/2SE1/4 and SE1/4SW1/4 of Section 5, NE1/4 and E1/2NW1/4 of Section 8, NW1/4, N1/2SW1/4 and N1/2NE1/4 of Section 9, SE1/4NE1/4 of Section 10 all in Township 12 South, Range 23 East, N.M.P.M., Chaves County, New Mexico, and S1/2SW1/4 of Section 34, Township 11 South, Range 23 East, N.M.P.M., Chaves County, New Mexico.

EXCEPTING THEREFROM a tract of land in and around Trigg Well No. 2 being 200 feet east-west by 400 feet north-south located in the NW corner of the SE4 SW4 of Section 5; and a tract of land in and around Trigg Well No. 1 being 200 feet by 200 feet located in the W2 SW4 of Section 4; and a tract of land being 250 feet north-south by 450 feet east-west located in the NE corner of the SE4 SE4 of Section 5, all in Township 12 South, Range 23 East, N.M.P.M., Chaves County, New Mexico.

RESERVING a 30 foot road and water line easement along and parallel to the north line of the SE4 SW4 of Section 5 and the north line of the S2 SE4 of Section 5 from Trigg Well No. 2 to Trigg Well No. 1, and a 30 foot road easement along the west line of Section 4 and Section 9 from Trigg Well No. 1 to vacated County Road C3-120, and a 30 foot road easement over vacated County Road C3-120 across the NW4 of Section 9, and a 20 foot water pipeline easement across the S2 of Section 4 and the SW4 of Section 3, all in Township 12 South, Range 23 East, N.M.P.M., Chaves County New Mexico.

Section 2. Terms: The sale price shall be at the appraised value of the property and such amount shall be paid in cash upon closing. The sale price shall be paid in full to the City and the Purchaser shall be solely responsible for any title insurance or other closing costs in addition to the sale price.

Section 3. Value: The appraised value of the property as established by the appraisal of Kunkel & Associates, P. O. Box 757, Roswell, New Mexico, 88201, dated May 5, 1992 is \$81,000.00. The amount to be received by the City of Roswell from the sale is \$81,000.00.

Section 4. Purchaser: Brown Brothers Ranch
R.R. 1 3930 South Brown Road
Roswell, New Mexico 88201

Section 5. Purpose: This sale is intended to dispose of municipally owned surplus real property surface rights.

Section 6. Conflict: All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

Section 7. 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.

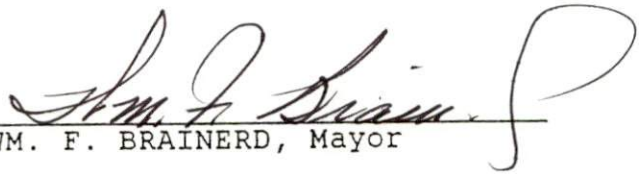
Section 8. Effective Date: This ordinance shall be effective seventy days after its adoption unless a referendum election is held pursuant to Section 3-54-1(D), NMSA (1978). A petition calling for a referendum election on this sale of property must be filed no later than sixty days following adoption of this ordinance and shall comply with the requirements of Section 3-54-1 NMSA (1978). In the event a referendum election is held the effective date shall be as prescribed by statute.

Section 9. Effective Date: This ordinance shall be effective seventy days after its adoption unless a referendum election is held pursuant to Section 3-54-1(E) NMSA (1978).

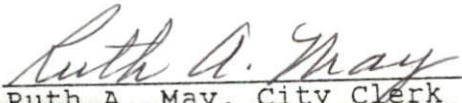
Section 10. Authorization: On or after the effective date of the ordinance, the Mayor, City Clerk and such other City officials as may be necessary are hereby authorized to execute the document of sale and deed in accord with the terms of this ordinance.

PASSED, ADOPTED, SIGNED AND APPROVED on this 10th day of September, 1992.

CITY SEAL


WM. F. BRAINERD, Mayor

ATTEST:


Ruth A. May, City Clerk