

ORDINANCE NO. 1240

AN ORDINANCE OF THE CITY OF ROSWELL AUTHORIZING THE SALE OF APPROXIMATELY 6.60 ACRES OF MUNICIPALLY OWNED REAL PROPERTY LOCATED WITHIN THE CITY OF ROSWELL, CHAVES COUNTY, AND MORE COMMONLY KNOWN AS 202 SOUTH SUNSET AVENUE; 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 6.60 acres addressed as 202 South Sunset Avenue and formerly known as the Roswell Family Y.M.C.A. and is more particularly described as follows:

That part of the SE1/4 NE1/4 NE1/4 of Section 6 in Township 11 South of Range 24 East of the New Mexico Principal Meridian, which is North of the North line of Alameda Avenue in the City of Roswell, County of Chaves and State of New Mexico, EXCEPTING the East 60 feet thereof which was conveyed to the County of Chaves by Deed dated March 6, 1902 and recorded in Book O of Deed Records, at Page 120.

Section 2. Terms: The sale price shall be ninety thousand dollars (\$90,000) 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 is to be established by the appraisal of A. B. Caird and Associates Real Estate Services, 4316 Wellesley Drive, N.E., Albuquerque, New Mexico, 87107, and will be submitted to the City of Roswell prior to City Council consideration of the sale. The appraised value is expected to exceed \$150,000. The amount to be received by the City of Roswell from the sale is \$90,000.00.

Section 4. Purchaser: Noah's Ark Christian Preschool and Day Care
Owned by First Church of the Nazarene, Inc.
501 North Sycamore
Roswell, New Mexico 88201

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

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 Conflict: All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency.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.

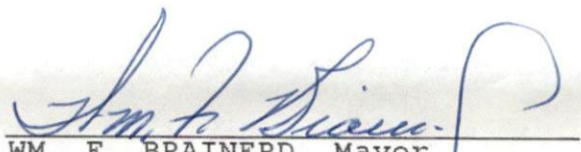
Section 7. Severability: If any section, paragraph, clause or provision of this ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.

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(E), 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. 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 8th day of July, 1993.

CITY SEAL


WM. F. BRAINERD, Mayor

ATTEST:


Ruth A. May, City Clerk