

ORDINANCE 1258

AN ORDINANCE OF THE CITY OF ROSWELL AUTHORIZING THE SALE OF A HOUSE AND 10 ACRES, MORE OR LESS, 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 a house and ten (10) acres formerly known as the Allison House located approximately seven (7) miles southeast of Roswell, and is more particularly described as follows:

Tract B, Tweedy/Allison Farm Survey, Chaves County, New Mexico, filed in the office of the County Clerk Chaves County, New Mexico, Book S-1, page 65, dated September 26, 1994, containing 10 acres, more or less.

EXCEPTING all mineral rights and water rights.

Section 2. Terms: The sale price shall be \$186,001.00 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 all closing costs except Title Insurance which will be purchased by the City. Sale is subject to an existing farm lease to Roswell Vegetable Farms, Inc. ending December 31, 1995.

Section 3. Value: The appraised value of the property as established by the appraisal of Lee Allison, SRA, Roswell, New Mexico 88201, dated March 2, 1994, is \$131,000.00. The amount to be received by the City of Roswell from the sale is \$186,001.00

Section 4. Purchaser: Mr. Leonard Vandenburg
6944 Vineyard Road
Dexter, New Mexico 88230

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 Conflict: All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.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 (70) days after its adoption unless a referendum election is held pursuant to Section 3-54-1(D) or (E), NMSA 1978. A petition calling for a referendum election on this sale of property must be filed no later than sixty (60) 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.

THE CITY OF ROSWELL, GEORGIA, HAS THE HONOR TO ANNOUNCE THAT THE CITY COUNCIL HAS ADOPTED THE FOLLOWING RESOLUTION:

RESOLUTION NO. 12345, PASSED AT A REGULAR MEETING OF THE CITY COUNCIL HELD AT THE CITY CLERK'S OFFICE, ON THE 15TH DAY OF JANUARY, 1940.

WHEREAS, the City Council has the honor to acknowledge the receipt of a letter from the Board of Health, dated the 10th day of January, 1940, in which the Board of Health has requested that the City Council take certain action with respect to the health of the City of Roswell;

AND WHEREAS, the City Council has considered the request of the Board of Health and has determined that it is in the best interests of the City of Roswell to take the following action:

That the City Council do hereby pass a resolution, to be known as the Health Resolution, which shall read as follows: "Resolved, that the City Council do hereby request the Board of Health to take such action as may be necessary to protect the health of the City of Roswell, and to report to the City Council on or before the 15th day of February, 1940, the results of such action."

IT IS HEREBY ORDERED THAT THE CITY CLERK DO CAUSE THIS RESOLUTION TO BE PRINTED AND PUBLISHED IN THE CITY DIRECTORY FOR THE YEAR 1940, AND THAT SHE DO CAUSE THE SAME TO BE RECORDED IN THE OFFICE OF THE CITY CLERK.

WITNESSED MY HAND AND THE SEAL OF THE CITY OF ROSWELL, GEORGIA, THIS 15TH DAY OF JANUARY, 1940.

ATTEST: CITY CLERK

ALL ORDINANCES AND RESOLUTIONS OF THE CITY COUNCIL SHALL BE IN WRITING AND SHALL BE SIGNED BY THE CITY CLERK.

THE CITY CLERK SHALL BE RESPONSIBLE FOR THE PROPER RECORDING AND PUBLICATION OF ALL ORDINANCES AND RESOLUTIONS OF THE CITY COUNCIL.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE, THIS 15TH DAY OF JANUARY, 1940.

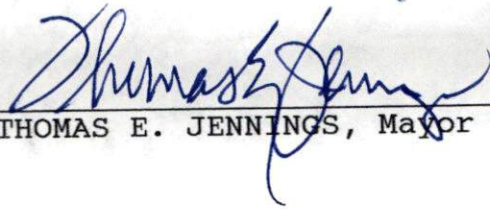
ATTEST: CITY CLERK

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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.

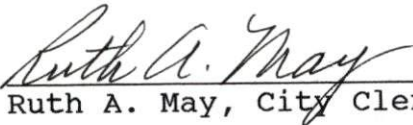
PASSED, ADOPTED AND APPROVED the 9th day of February, 1995.

CITY SEAL



THOMAS E. JENNINGS, Mayor

ATTEST:



Ruth A. May, City Clerk