

ORDINANCE NO. 1289

A PART OF SECTIONS 15, 21, AND 22 OF TOWNSHIP 11 SOUTH, RANGE 24 EAST, N.M.P.M., CHAVES COUNTY, NEW MEXICO PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; 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 provision of 3-7-17 NMSA 1978, known as the "Petition Method", said lands being described as:

A part of Sections 15, 21, and 22 of Township 11 South, Range 24 East, N.M.P.M., Chaves County, New Mexico; more particularly described by Metes and Bounds as: Beginning at a point on the East Right-Of-Way line of Atkinson Avenue which is the Southwest Corner of Lot 5 of Block 34 of Fruitland Subdivision; Thence South 89°06'.49" East along the North Right-of-Way of Prager Avenue a distance of 640.64 feet to the Southeast corner of Lot 6 Block 34 Fruitland Subdivision; Thence South 0°03'55" East along the east lot lines of lots 3 and 6 of Block 41 of Fruitland subdivision a distance of 1426.55 feet to a point on the South Right-Of-Way of Brasher Road; Thence North 89°06'14" West along the South Right-Of-Way of Brasher Road a distance of 650.25 feet to the East Right-Of-Way of Atkinson Avenue; Thence South 0°02'26" East along the East Right-Of-Way of Atkinson Avenue a distance of 610.36 feet; Thence North 87°30'23" West along the south line of the N/2NE/4NE/4 of Section 21 a distance of 693.93 feet; Thence south 0°04'11" West a distance of 12.09 feet to the southeast corner of that tract conveyed to Town & Country Sports Enterprises by deed recorded in Deed Book 300 at Page 767; Thence South 77°43'02" West along the south boundary of the above referenced Town & Country property a distance of 226.58 feet to the East Right-Of-Way line of U.S. Highway 285; Thence South 78°18'45" West perpendicular to the highway centerline a distance of 200.00 feet to the West Right-of-way line of U.S. Highway 285; Thence North 11°41'15" West along the West Right-Of-Way line of U.S. Highway 285 a distance of 802.58 feet to the South line of Section 16, Township 11 South, Range 24 East; Thence South 87°57'42" East along the South line of Section 16 a distance of 1253.44 feet to the Southeast corner of Section 16; Thence South 89°06'14" East a distance of 29.97 feet to a point on the East Right-Of-Way of Atkinson Avenue; Thence North 0°04'52" West along the East Right-of-Way of Atkinson Avenue a distance of 1366.37 feet to the Point of Beginning; and containing 40.0376 acres more or less including adjacent road rights-of-way.

2. WHEREAS, (a) the said territory hereby sought to be annexed is contiguous to the municipality; (b) the petitioner 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 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 extend 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 not be less than five (5) days after publication hereof.


PASSED, ADOPTED, SIGNED AND APPROVED ON MAY 8, 1997.

CITY SEAL



THOMAS E. JENNINGS, MAYOR

ATTEST:



Timothy D. Stoessel, City Clerk

City of Roswell