

**ORDINANCE NO. 1294**

**AN ORDINANCE APPROVING THE SALE OF TOWN OWNED PROPERTY AT 2830 LITTLE WALNUT ROAD, SILVER CITY, NEW MEXICO, ALL IN CONFORMANCE WITH CHAPTER 48, SECTIONS 48-20 ET SEQ. OF THE TOWN OF SILVER CITY MUNICIPAL CODE**

**Sponsored by: Councilor Lynda D. Aiman-Smith**

**WHEREAS**, the Town of Silver City is the owner of various parcels of improved and unimproved real property located within and without the municipal boundaries; and

**WHEREAS**, Article VII, Section 7 (49) of the Charter of the Town of Silver City expressly grants authority to the Town Council to regulate the disposal of all lands belonging to the Town; and

**WHEREAS**, Section 3-54-1 of the New Mexico Statutes grants authority to municipalities to lease or sell, or exchange any of its real property; and

**WHEREAS**, Chapter 48, Section 48-20 et seq. provides authority for, and a description of the processes required for the sale, lease or exchange of Town-owned property; and

**WHEREAS**, the Town owns a parcel of unimproved real property described as follows:

**Legal Description – Remainder Tract:**

A 1.611± acre tract of land situated in the NE1/4NW1/4 of Section 34, T. 17S., R. 14W., N.M.P.M., Town of Silver City, Grant County, New Mexico, being described more particularly as follows:

Beginning at Corner No. 1, a point from whence the North Quarter Corner of said Section 34 bears N44° 40' 05"E, 813.08 ft. distant;  
thence N89° 36' 00"W for 126.43 ft. to Corner No. 2;  
thence N07° 57' 48"W for 98.35 ft. to Corner No. 3;  
thence N12° 23' 34"W for 82.41 ft. to Corner No. 4;  
thence N05° 26' 55"W for 77.32 ft. to Corner No. 5;  
thence N04° 48' 19"E for 52.41 ft. to Corner No. 6;  
thence N01° 03' 12"E for 103.59 ft. to Corner No. 7;  
thence S88° 05' 59"E for 198.86 ft. to Corner No. 8;  
thence S05° 38' 10"W for 406.90 ft., to the Point of Beginning.

Containing 1.611 acres, more or less.

Subject to a 10.00 ft. wide Utility Easement adjoining the lines from Corner No. 2 to Corner No. 3, Corner No. 3 to Corner No. 4, Corner No. 4 to Corner No. 5, Corner No. 5 to Corner No. 6, and Corner No. 6 to Corner No. 7 of the above described tract.

Subject to easements, reservations, and restrictions of record, and such easements as may exist on the ground.,

and commonly known as 2830 Little Walnut Road, Silver City, New Mexico; and

**WHEREAS**, in Resolution 2020-06 dated February 25, 2020, the subject property was declared as property non-essential to the Town for municipal purposes and available for sale by competitive bid; and

**WHEREAS**, on June 24, 2020, an Invitation To Bid was published by the Town, seeking bidders for purchase of the above-referenced property. An additional publication was made in accordance with the requirements of Chapter 48, Section 48-29; and

**WHEREAS**, on July 9, 2020, the bids were disclosed, and the high bidder was determined to be Nick Chavez, whose address is P.O. Box 1283, Silver City, New Mexico; and

**WHEREAS**, Chapter 48, Section 48-30 requires that sales of municipal property valued at more than \$5,000 shall be by Ordinance, and the appraised value of the subject property is \$36,000; and

**WHEREAS**, the Town Council of the Town of Silver City finds that the sale of the referenced property is in the best interest of the Town, and provides generally for the health, safety, and well-being of the Town;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO**, that:

1. The parcel of Town-owned unimproved real property described as:

**Legal Description – Remainder Tract:**

A 1.611± acre tract of land situated in the NE1/4NW1/4 of Section 34, T. 17S., R. 14W., N.M.P.M., Town of Silver City, Grant County, New Mexico, being described more particularly as follows:

Beginning at Corner No. 1, a point from whence the North Quarter Corner of said Section 34 bears N44° 40' 05"E, 813.08 ft. distant;  
thence N89° 36' 00"W for 126.43 ft. to Corner No. 2;  
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thence S05° 38' 10"W for 406.90 ft., to the Point of Beginning.

Containing 1.611 acres, more or less.

Subject to a 10.00 ft. wide Utility Easement adjoining the lines from Corner No. 2 to Corner No. 3, Corner No. 3 to Corner No. 4, Corner No. 4 to Corner No. 5, Corner No. 5 to Corner No. 6, and Corner No. 6 to Corner No. 7 of the above described tract.

Subject to easements, reservations, and restrictions of record, and such easements as may exist on the ground., and commonly known as 2830 Little Walnut Road, Silver City, New Mexico shall be sold to the high bidder, Nick Chavez, whose address is P.O. Box 1283, Silver City, New Mexico.

2. At closing, and in compliance with Chapter 48, Section 48-29, the purchaser shall pay the purchase price, in cash, of \$37,569 and all costs associated with the sale including, but not limited to appraisal, survey, legal review and closing. Those costs as known to date are as follows: Survey-No charge; Legal review- \$250; Appraisal-\$450. Closing costs at title company (if used) and recording fees are additional costs, but not yet known.

3. The subject property is sold "as is", with no warranties or other representations other than the representation that the Town has good and sufficient title to convey.

4. The effective date of this Ordinance shall be forty-five (45) days after its adoption, and publication of this Ordinance shall be done in accordance with Chapter 48, Section 48-30.

**PASSED, ADOPTED AND APPROVED** by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 25th day of August, 2020.

(Seal)

TOWN OF SILVER CITY

/s/ \_\_\_\_\_  
Ken Ladner, Mayor

ATTEST:

/s/ \_\_\_\_\_  
Ann L. Mackie, Town Clerk