

**NOTICE OF INTENT TO ADOPT AN ORDINANCE**

**AN ORDINANCE AUTHORIZING THE DONATION OF THE TRACT OF  
TOWN-OWNED LAND KNOWN AS THE "OLD HILLCREST HOSPITAL SITE"  
FOR AN AFFORDABLE HOUSING PROJECT.**

**The Council of the Town of Silver City, Grant County, New Mexico hereby gives notice of its intention to adopt an amendment to the Town of Silver City Code of Ordinances. This notice is given the title as follows:**

**ORDINANCE NO. 1254**

**AN ORDINANCE AUTHORIZING THE DONATION OF THE TRACT OF  
TOWN-OWNED LAND KNOWN AS THE "OLD HILLCREST HOSPITAL SITE"  
FOR AN AFFORDABLE HOUSING PROJECT.**

**WHEREAS**, on December 13, 2016, the Town Council of the Town of Silver City adopted Resolution No. 2016-34 with reference to the Town-owned real estate commonly referenced as the “Old Hillcrest Hospital Site”, finding that “the aforesaid parcel of real property (hereinafter, “Property”) is hereby affirmed to be “non-essential” to the Town for a present or future municipal purpose under the circumstance that the projected use of the property will be exclusively for the construction of affordable housing”; and

**WHEREAS**, Bethel Development, Inc. (“Applicant”) is a private, for-profit business entity licensed to do business in New Mexico, whose primary business purpose is the construction of affordable housing projects in New Mexico and other states; and

**WHEREAS**, Applicant has submitted an application for Town assistance under the provisions of Chapter 9, Section 9-4, in the creation of an affordable housing project within the Town, which application has been deemed complete by the Director of the Community Development Department; and

**WHEREAS**, the Applicant is specifically requesting that the Town donate the Town-owned Old

Hillcrest Hospital Site, (more particularly described in Appendix A, attached hereto and incorporated herein by this reference); and

**WHEREAS**, Chapter 48, Section 48-22 of the Town’s Municipal Code states that all Town-owned properties within the boundaries of the municipality are presumed to be “essential” for municipal purposes and may not be sold, leased or exchanged without an opposing finding of “non essential”. However, an exception to the presumption of being “essential” exists when the proposed use is to be for affordable housing; and

**WHEREAS**, such donation is permissible with appropriate protections for the Town in the form of conditions and deed restrictions, all under the Town’s Affordable Housing Ordinance, codified in Chapter 9 of the Town’s Municipal Code; and

**WHEREAS**, the Town Council finds that such donation and consideration of a waiver of fees will be of benefit to the Town, and will contribute to the health, safety and welfare of the Town;

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

1. The Town shall donate and convey the two parcels of real property commonly known as the “Old Hillcrest Hospital Site”, as more particularly described in Appendix A hereto, to a single purpose limited liability company whose ownership and management shall be Bethel Development, Inc.; and
2. The Town Manager is authorized to waive such fees as may be customarily imposed on private construction projects within the Town as he deems appropriate as in the best interests of the Town. Such discretion includes the authority to deny such waivers of fees, or to grant them, fully or in part; and
3. The Town Manager is authorized to impose such conditions upon the conveyance in order to

protect the interests of the Town, which conditions shall include, but not be limited to, deed restrictions, covenants of performance, and all such other conditions that he may deem appropriate to protect the Town and to ensure the use of the donated property is limited to the construction of an affordable housing project consistent with that indicated in the Application.

**PASSED, ADOPTED AND APPROVED** by vote of the Council of the Town of Silver City, Grant County, New Mexico, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(Seal)

**TOWN OF SILVER CITY**

\_\_\_\_\_  
Ken Ladner, Mayor

Attest:

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

Consideration of the final adoption of such proposed ordinance will not take place until at least two (2) weeks subsequent to the date of this notice and only at a public meeting called and held in accordance with Section 3-17-3, N.M.S.A. 1978. Consideration of adoption of said ordinance is currently scheduled for and will not take place prior to \_\_\_\_\_.

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

\_\_\_\_\_  
Date