

ORDINANCE NO. 1136

**AN ORDINANCE AUTHORIZING THE PRIVATE EXCHANGE OF
PROPERTIES OWNED BY THE TOWN OF SILVER CITY FOR PROPERTIES
OWNED BY L&R PARTNERSHIP AND BY
J.C. ROBINSON AND THOMAS LIVERMORE**

INTRODUCED BY COUNCILOR SIMON WHEATON-SMITH

WHEREAS, the Town of Silver City owns a tract of land that is .501 acres and identified by parcel number 3-081-102-271-487 in the records of the Grant County Assessor; and

WHEREAS, the Town of Silver City also owns an adjacent tract of land that is .370 acres and identified by parcel number 3-081-102-274-503 in the records of the Grant County Assessor; and

WHEREAS, these Town tracts are currently undeveloped; and

WHEREAS, these Town tracts were acquired as a possible site for building an Extreme Sports Park that will be managed by the Gila Institute for Tots to Teens (GIFTT); and

WHEREAS, L&R Properties owns a tract of land that is .930 acres and identified by parcel number 3-081-102-248-488 in the records of the Grant County Assessor; and

WHEREAS, this tract of land is currently managed by GIFTT as a site for a temporary Extreme Sports Park; and

WHEREAS, J.C. Robinson and Thomas R. Livermore own an adjacent tract of land that is .240 acres and identified by parcel number 3-081-102-263-500 in the records of the Grant County Assessor; and

WHEREAS, this tract of land is currently managed by GIFTT as an extension of the Community Built Park, which is public property owned by the Town and managed by GIFTT for recreational purposes; and

WHEREAS, the private tracts of land are undeveloped; and

WHEREAS, all of the tracts identified above border on the northernmost portion of Santa Rita Street, which is undeveloped; and

WHEREAS, Western Bank owns and occupies five tracts of land immediately west of the Town's two undeveloped tracts that border Santa Rita Street; and

WHEREAS, Western Bank seeks to expand its current location to keep up with anticipated future growth; and

WHEREAS, Western Bank would like to acquire the Town-owned tract identified by parcel number 3-081-102-2714-503 (This proposed acquisition is identified as Tract C on Exhibit 1); and

WHEREAS, Western Bank would also like to acquire a substantial portion (.419 acres) of the Town-owned tract identified by parcel number 3-081-102-271-487 (This proposed acquisition is identified as Tract B on Exhibit 1); and

WHEREAS, Western Bank has proposed that the Town of Silver City convey Tracts C and B to L&R Properties in exchange for the tract that is owned by L&R Properties and identified by parcel number 3-081-102-248-488 (This proposed exchange tract identified as Tract A on Exhibit 1) and for the tract that is owned by J.C. Robinson and Thomas R. Livermore and identified by parcel number 3-081-102-263-500 (This proposed exchange tract is identified as Tract D on Exhibit 1); and

WHEREAS, J.C. Robinson, an authorized representative of L&R Properties and of J.C. Robinson and Thomas R. Livermore, has submitted in application to accomplish the land exchange proposed by Western Bank; and

WHEREAS, Western Bank will purchase Tracts C and B from L&R Properties if the proposed exchange is accomplished; and

WHEREAS, the exchange application includes legal surveys of all the tracts involved in the proposed land exchange; and

WHEREAS, the combined size of the privately-owned Tracts A and D is 1.170 acres and the combined size of the Town-owned Tracts C and B is .789 acres; and

WHEREAS, the privately-owned portion of the proposed land exchange is .381 acres larger than the Town-owned portion; and

WHEREAS, the land exchange application includes formal appraisals of tracts involved in the proposed land exchange; and

WHEREAS, the appraised value of the combined privately-owned Tracts A and D is \$133,150 and the appraised value of the combined Town-owned Tracts C and B is \$132,000; and

WHEREAS, the privately-owned portion of the land exchange is valued as worth \$1,135 more than the Town-owned portion; and

WHEREAS, all tracts proposed for the land exchange lie within municipal boundaries; and

WHEREAS, Tracts A and D are currently managed by GIFTT for recreational purposes that are consonant with the purpose of the Community Built Park; and

WHEREAS, acquisition of Tracts A and D would ensure the permanent consonance of that use and prevent other uses from occurring there that might conflict with the purpose of the park; and

WHEREAS, acquisition of Tracts A and D would enable the Town to vacate the northernmost part of Santa Rita Street thereby eliminating vehicular traffic traveling past the Community Built Park and enhancing public safety; and

WHEREAS, acquisition of Tracts A and D (1.17 acres) combined with the remnant part of Town-owned land (.082 acres) from which Tract B is drawn and with the vacation of the northern part of Santa Rita Street (.320 acres) would altogether increase the size of the Community Built Park by 1.57 acres in a manner such that all of the park would lie entirely within a single common boundary; and

WHEREAS, Tracts C and B will be used for economic development purposes that will also contribute to the vitality of the business area along Highway 180 West.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, that Tracts C and B are non-essential to municipal purposes and shall be privately exchanged for Tracts A and D as proposed in the application submitted by J.C. Robinson with the following conditions:

1. The Town reserves a 20-foot wide drainage easement across Tract C for the purpose of providing drainage to an Extreme Sports Park; and
2. Western Bank assigns to the Town a 20-foot wide drainage easement across its own property such that the drainage easement across Tract C has reasonable access to Silva Creek; and
3. Western Bank constructs the necessary feature to provide drainage for the Extreme Sports Park across Tract C and its own property to Silva Creek; and
4. Tracts C and B are merged as part of the land exchange; and
5. L&R Properties and Western Bank agree to access the merged Tracts C and B from the Bank's current property and Highway 180 West only; and
6. L&R Properties and Western Bank agree not to challenge the vacation of Santa Rita Street for a distance measured from the southwest corner of Tract C to the northern end of the street; and
7. L&R Properties agree not to seek any portion of that part of Santa Rita Street that is vacated.

PASSED, ADOPTED AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 11th day of September , 2007.

TOWN OF SILVER CITY

/s/

(Seal)

James R. Marshall, Mayor

ATTEST:

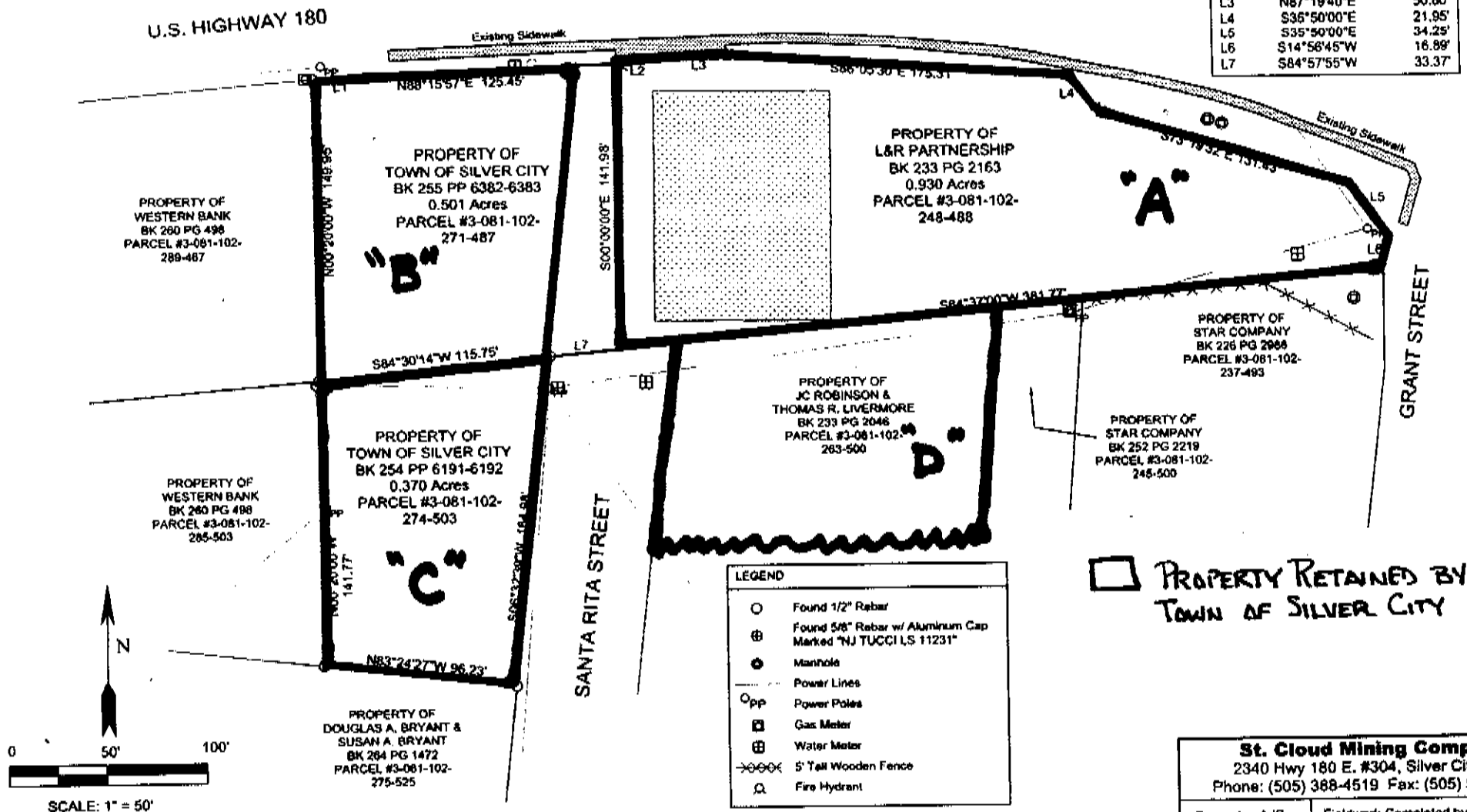
/s/

Ann L. Mackie, Town Clerk

Exhibit 1

PRELIMINARY SKETCH OF PROPERTY OF L&R PARTNERSHIP & THE TOWN OF SILVER CITY WITHIN PART OF LOTS 11 & 13 OF FRASER'S SURVEY, & LOT 3 OF SECTION 34, T17S, R14W, NMPM. SILVER CITY, GRANT COUNTY, NEW MEXICO

LINE	BEARING	HORIZ DIST
L1	N84°37'00"E	24.05'
L2	N0°00'13"W	3.01'
L3	N87°19'40"E	50.80'
L4	S35°50'00"E	21.95'
L5	S35°50'00"E	34.25'
L6	S14°56'45"W	16.88'
L7	S84°57'55"W	33.37'



LEGEND	
○	Found 1/2" Rebar
⊕	Found 5/8" Rebar w/ Aluminum Cap Marked "NJ TUCCI LS 11231"
●	Manhole
—	Power Lines
○	Power Poles
⊠	Gas Meter
⊞	Water Meter
⊗	5' Tall Wooden Fence
⊙	Fire Hydrant

PROPERTY RETAINED BY TOWN OF SILVER CITY

St. Cloud Mining Company 2340 Hwy 180 E. #304, Silver City, NM Phone: (505) 388-4519 Fax: (505) 534-9100		
Drawn by: AJS	Fieldwork Completed by: Snure	
Reviewed by: AJS	Date: July 3, 2007	Revision: A