

ORDINANCE NO. 1146

AN ORDINANCE AMENDING THE TOWN'S OFFICIAL ZONING MAP BY REZONING FROM RURAL TO RESIDENTIAL B PART OF THE NE 1/4 AND THE SE 1/4 OF SECTION 15 OF THE TOWN OF SILVER CITY BOUNDED BY RIDGE ROAD TO THE EAST, AND GENERALLY SOUTHEAST OF HIGHWAY 90.

WHEREAS, on April 21, 2008, Silver 400 LLC filed an application with the Community Development Department requesting a rezoning of their property from Rural to Residential B; and

WHEREAS, on June 3, 2008, the Planning and Zoning Commission of the Town of Silver City heard a request to rezone the tract of land described above from Rural to Residential B; and

WHEREAS, the Planning and Zoning Commission recommends approving the rezoning of the requested area to Residential B; and

WHEREAS, the Council accepts such recommendation;

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

A 15.626 acre tract of land being situated in Section 15, T.18S, R.14W, N.M.P.M., Grant County, New Mexico, being described more particularly as follows:

Beginning at Corner # 1, the Southwest corner of the tract herein described, From whence the Section Corner common to Section 15, 16, 21 & 22 bears S60°38'43"W, 3496.42 feet distant; Thence N05°42'55"E, a distance of 1,625.28 feet to corner # 2; Thence Northeasterly 92.94 feet along a non-tangential curve to the left, having a radius of 217.40 feet and a chord bearing of N56°28'37"E, 92.23 feet distant to corner # 3; Thence S41°54'49"E, a distance of 206.58 feet to corner # 4; Thence Southeasterly 525.91 feet, along a curve to the right, having a radius of 650.00 feet, and Chord Bearing of S18°44'05"E, 511.68 feet distant to corner # 5; Thence S04°26'38"W, a distance of 1,061.98 feet to corner # 6; Thence S83°43'47"W, a distance of 294.28 feet to corner # 7; Thence N69°49'42"W, a distance of 177.15 feet to the POINT OF BEGINNING. Containing 680,653.65 square feet or 15.626 acres, more or less.

is hereby zoned Residential B according to the provisions of the 2005 Code of Ordinances of the Town of Silver City, Title XV, Chapter 151, Section 151.092 (B), based on at least one of the following Findings:

Findings

1. The proposed amendment is in substantial compliance with the Town's Comprehensive Plan;
2. The proposed amendment will not adversely affect the implementation of the goals and policies of the Town's Comprehensive Plan;
3. The proposed amendment is justified in order to correct a mistake in the Town's Comprehensive Plan;

4. The proposed amendment will not adversely impact the public health, safety or general welfare and will promote the original purposes of the Land Use Code;
5. The proposed amendment responds to changed conditions, such as changes in assumptions on capital investments, road locations, population trends, land committed to development, density, use or further studies that have been completed since adoption of the Land Use Code;
6. The proposed amendment is necessary in order to respond to State and/or Federal legislation;
7. The proposed amendment provides additional flexibility in meeting the objectives of this Land Use Code without lowering the standards of the Land Use Code.

PASSED, ADOPTED, AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, on this 24th day of June 2008.

(SEAL)

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk