

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.

Sponsored by Councilor Cynthia Ann Bettison.

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 that the Town waive all fees for permitting, inspections, and other fees normally imposed on a construction project within the Town including the policy of mandated recapture of investment costs incurred by the Town relating to the subject property; 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 and charges 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 and charges 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 and charges, 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 10th day of January, 2017.

TOWN OF SILVER CITY

(Seal)

/s/

Ken Ladner, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk