

RESOLUTION NO. 2008-19

**A RESOLUTION VACATING A PORTION
OF THE COOPER AND SAN VICENTE STREETS RIGHTS-OF-WAY**

WHEREAS, The Silver City Town Council received a request from Joe Ray and Senovia Ray, husband and wife, of Silver City, New Mexico, to vacate a 50 foot by 2.31 foot portion of Cooper Street and a 45 foot by 2.19 foot portion of San Vicente Street, containing a total of 198.8 square feet; and

WHEREAS, the applicants desire to sell their property described as Lots two and four, Block 24, Frazer Subdivision addressed as 510 S. Cooper St; and

WHEREAS, the buyer's lending institution will not finance any property, which encroaches into a right-of-way; and

WHEREAS, a portion of the dwelling, encroaches into the Town's right-of-way; and

WHEREAS, vacating the above described portions of South Cooper and San Vicente Streets will allow the applicants to complete the sale of their property; and

WHEREAS, the Provisions of Section 6.3.17 of the Land Use Code of the Town of Silver City have been met; and

WHEREAS, The Community Development Staff recommends that the property be vacated and conveyed to Joe Ray and Senovia Ray; and

WHEREAS, The Council accepts such recommendation; and

WHEREAS, The Council has determined that said portions of South Cooper Street and San Vicente Street shall not be needed for public purposes;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Silver City, Grant County, New Mexico that a 50 foot by 2.31 foot portion of South Cooper Street and a 45 foot by 2.19 foot portion of San Vicente Street is hereby declared non-essential, vacated and sold to Joe Ray and Senovia Ray, based on the following findings:

Findings

1. The Property shall be conveyed by quitclaim deed to Joe Ray and Senovia Ray who have requested the vacation. In consideration for this conveyance, Joe Ray and Senovia Ray shall pay the appraised value of this portion of South Cooper Street and San Vicente Street in cash as well as the appraisal fees. In addition Joe Ray and Senovia Ray shall pay all costs incurred in connection with the

conveyance, including cost of publication, research costs, and cost of survey, deed preparation, recording fees and any attorney fees.

2. The property is located within the Town and is zoned rural.

3. Town Departments have reviewed the request and have concluded that there are no problems associated with the sale of this portion of South Cooper Street and San Vicente Street.

4. The property has been appraised as having a value of \$400.

5. The property shall not, hereafter, be subject to public use.

PASSED, APPROVED AND ADOPTED this 27th day of May, 2008

(Seal)

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk