

ORDINANCE NO. 1318

AN ORDINANCE PERMITTING THE SALE AND TRANSFER OF CERTAIN REAL PROPERTY, COMMONLY KNOWN AS THE “DORSEY SPRINGS” PROPERTY, TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE, PURSUANT TO CHAPTER 48, SECTION 48-24 OF THE TOWN OF SILVER CITY MUNICIPAL CODE.

WHEREAS, the Town of Silver City is the owner of a certain parcel of real estate known as the “Dorsey Springs” Property (hereinafter “Property”); and

WHEREAS, the Property is located in Grant County, New Mexico, and is approximately 40 acres in size (See Exhibit “A”, attached hereto and incorporated herein by reference); and

WHEREAS, Article VIII, Section 7 (49) of the Charter of the Town of Silver City expressly grants authority to the Town Council to regulate the disposal of all lands belonging to the Town; and

WHEREAS, Section 48-24 of the Town Code authorizes the Town Council to sell Town Property to political subdivisions of the State or Federal Government after a determination by the Council that such sale is in the Town's best interests and that said sale be by ordinance when the value of the property is in excess of \$15,000.00; and

WHEREAS, the Property’s location is outside the municipal boundary of the Town of Silver City, and deemed to be nonessential pursuant to Section 48-23 of the Town Code, and it does not inure to the benefit of the Town's water, sewer, utility infrastructure, parks and open spaces; and

WHEREAS, the United States Department of Agriculture, Forest Service (“Forest Service”), is a political subdivision of the United States of America, and as such is a public

entity; and

WHEREAS, Forest Service has requested that the Town of Silver City sell the Property to the Forest Service for the sale price of \$60,000.00, cash payment upon closing, which is equal to the appraised price (see Exhibit “B”, attached hereto and incorporated herein by reference), and said Property will be added to the Gila National Forest for Forest Service purposes; and

WHEREAS, the Property possesses no known water rights or known mineral rights; and

WHEREAS, the transfer of the Property to the Forest Service will preserve it for public use and is consistent with the Town’s Comprehensive Plan; and

WHEREAS, based on the recommendation of Town Staff, the Town Council finds that there are no present or future anticipated municipal purposes for the Property, nor any specific findings that would change the classification of the Property as nonessential; and

WHEREAS, the Property will be sold under the terms and conditions of the Option Purchase Agreement (“Agreement”), which is marked Exhibit “C”, and is attached hereto and incorporated herein by reference; and

WHEREAS, the Town Council finds that such transfer will be of benefit to the Gila National Forest, will preserve the Property as public property, and therefore is beneficial to the health, safety and welfare of the Town and its inhabitants; and

WHEREAS, notice by publication pursuant to NMSA 1978, Section 3-17-3 and Section 48-30 of the Town Code was given on Friday, April 14, 2023 by publication in the Silver City Daily Press.

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

1. That the Town approves the sale of the Property to the United States Department of Agriculture, Forest Service, upon the terms and conditions as specified in the Agreement, and that the sale is in the best interests of the Town and its inhabitants;
and
2. That the Town Manager, Alex C. Brown, is authorized to do all deeds and actions necessary, including the execution of any documents, including the Agreement, in the accomplishment of the intent as stated herein above.

PASSED, ADOPTED AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 9th day of _____, 2023.

TOWN OF SILVER CITY

(Seal)

Ken Ladner, Mayor

Attest:

Alfred Sedillo, Town Clerk