

ORDINANCE NO. 1322

AN ORDINANCE AUTHORIZING THE SALE AND TRANSFER OF A 0.436 ACRE TRACT OF REAL PROPERTY TO RICHARD MATA, PURSUANT TO CHAPTER 48, SECTION 48-22 (a) (5), and (d) OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY.

WHEREAS, the Town of Silver City is the owner of a certain parcel of real estate described as Lots 1, 3, 5, & 7 and the East 40 feet of Lots 9, 11, 13, & 15, Block 149, Fraser's Survey, being 0.436 acre more or less, and as further illustrated in Exhibit "A", survey of William Ulric Miller, Surveyor, attached hereto and incorporated herein by reference (hereinafter the "Property"); and

WHEREAS, the Property has a market value of \$15,200.00, as described in Exhibit "B", the appraisal report, which 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 48-22 (a) (5) of the Municipal Code authorizes the Town Council to sell Town property within the Town boundary after determination by the Council that such Property has minimal present or foreseeable benefit and value to the Town due to its size, shape or location; and

WHEREAS, pursuant to Section 48-22 (d) of the Municipal Code, competitive bidding would be inappropriate due to the size, shape, and location of the parcel, which renders it of true usefulness to only one party, being the Applicant, as the Property is landlocked, and only the Applicant is interested in purchasing the Property.

WHEREAS, as determined by the Community Development Department, the Town has no future plans to utilize the Property and the Property's size, shape and location renders the Property unusable for Town purposes; and

WHEREAS, based on the recommendation of Town Staff and supporting documents, the Town Council hereby finds that the Property has minimal value to the Town due to its size, shape or location, that there are no present or future anticipated municipal purposes for the Property, that competitive bidding is inappropriate due to the size, shape, and location of the parcel, which renders it of true usefulness to only one party, being the Applicant, after informing the only other adjoining landowner, the Applicant is the only party interested in purchasing the Property, and that the sale is appropriate for the health, safety and welfare of the Town and its inhabitants; and

WHEREAS, the following is in summary of this ordinance:

1. The term of the sale is a cash sale;
2. The value of the of the Property is \$15,200.00;
3. Payment will be due at closing;
4. The selling price of the Property is \$15,200, plus the cost of survey, appraisal, and closing costs; and
5. The purpose of the sale: : The Property has minimal value to the Town due to its size, shape or location, and there are no present or future anticipated municipal purposes for the Property.

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 Applicant for \$15,200.00 plus

the cost of survey, appraisal and closing costs, cash sale due at closing, as specified in the Real Estate Purchase Agreement, which is marked Exhibit “C” attached hereto and incorporated herein by reference, and that the sale is in the best interests of the Town and its inhabitants as specified herein; and

2. That the Town Manager, Alex C. Brown, is authorized to do all deeds and actions necessary, including the execution of any documents, 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 22nd day of August, 2023.

TOWN OF SILVER CITY

(Seal)

Ken Ladner, Mayor

Attest:

Alfred Sedillo, Town Clerk