

ORDINANCE NO. 1298

An Ordinance to amend the Official Zoning Map from a Residential B-2 Zoning District to a Highway Commercial Zoning District for tracts of land described as: NE1/4 NE1/4, Section 35, T. 17S., R. 14W., N.M.P.M., Grant County, New Mexico, and more particularly described as: Beginning at the Northeast corner, on the North line of said NE 1/4 NE 1/4, at a point whence the Northeast corner of said Section 35, bears N. 88 degrees 51 minutes E., 493.84 ft. Dist.; thence S. 13 degrees 58 minutes E. 200.0 ft. to the Southeast corner; thence S. 88 degrees 51 minutes W., 451.21 ft. to the Southwest corner on the Easterly line of New Mexico State Highway NO. 25; thence N. 13 degrees 58 minutes E., 200.0 ft. along the Easterly line of said Highway to the Northwest corner, on the North line of said NE ¼ Ne1/4; thence 88 degrees 51 minutes E., 451.21 ft. to the place of beginning. Containing 2.000 acres more or less; NE1/4 NE1/4, Section 35, T. 17S., R. 14W., N.M.P.M., Grant County, New Mexico, described as follows: Beginning at the Northwest Corner, a point on the Easterly line of New Mexico State Highway NO. 25, whence the Northeast Corner of said Section 35, bears N. 77° 53'30"E., 1015.73 ft. distant; Thence N. 88°51'E., 451.21 ft. to the Northeast Corner; Thence S. 13°58"W, 100.00 ft. to the Southeast Corner; Thence S.88°51'W., 451.21 ft. to the Southwest Corner; Thence N.13°58'E., 100.00 ft. to the place of beginning. Containing 1.000 acres more or less; All that part of the NE1/4 NE1/4 of Section 35, T. 17S., R. 14W., N.M.P.M., Grant County, New Mexico, and more particularly described by metes and bounds as follows to wits: Beginning at the northwest corner of the tract herein described a point on the easterly right-of-way line of Pinos Altos Road, whence the northeast corner of said Section 35, T. 17S., R. 14W., N.M.P.M. (A USGLO Brass cap found in place) bears N68°43'21"E a distance of 1118.43 feet; thence, from the point of beginning, leaving said easterly right-of-way line, N88°51'00"E a distance of 451.15 feet to the northeast corner of the tract herein described; thence S15°17'47"W a distance of 430.02 feet to the southeast corner of the tract herein described: thence N76°13'46"W a distance of 101.71 feet to an angle point; thence N14°04'49"E a distance of 196.60 feet to an angle point; thence N84°58'00"W a distance of 326.71 feet to the southwest corner of the tract herein described a point on said easterly right-of-way line of Pinos Altos road; thence along said right-of-way line of Pinos Altos Road. N13°46'14"E a distance of 168.75 feet to the point and place of beginning. Containing 2.408 acres more or less; A 2.952+₋ acre tract of land being situated in the 35, T. 17S., R. 14W., N.M.P.M., Town of Silver City, Grant County, New Mexico, being described more particularly as follows: Beginning at Corner No. 1, a point on the East line of Pinos Altos Road, and from whence the Southwest Corner of the NE1/4NE1/4 bears in two courses S13°16'14"W, 268.33 ft and S89°59'44"W, 42.42 ft. distant; thence, along the East line of Pinos Altos Road, N13°46'14"E for 186.38 ft. to Corner No. 2; thence, leaving the East line of Pinos Altos Road, S81°16'00"E for 279.70 ft. to Corner No. 3; thence N13° 46'14"E for 143.92 ft. to Corner No. 4; thence S80°01'24"E for 44.53 ft. to Corner No. 5; thence S76°13'46"E for 222.25 ft. to Corner No. 6; thence S13° 36'14"W for 276.18 ft. to Corner No 7; thence N84° 43'49"W for 552.17ft., to the Point of Beginning. Containing 2.952 acres, more or less; A tract of land located in that portion of the NE1/4NE1/4 and the SE1/4NE1/4, Section 35, T17S., R1W., N.M.P.M., Grant County, New Mexico, described as follows: Beginning at the Northwest Corner, which bears S. 48°04'49"W., 1605.40 feet from the Northeast corner of said Section 35 (a found brass cap); Thence S.84°53'08"E., 551.58 ft. along an existing barbed wire fence to Cor.No.

2; Thence S13°57'58"W., 216.22 ft. to Cor. No. 3; Thence S.89°59'44"W., 561.92 ft. along an existing barbed wire fence to Cor. No. 4, a point on the Easterly line of Pinos Altos Road; Thence N. 13°33'01"E., 266.67 ft. along an existing barbed wire fence and also the Easterly line of said Pinos Altos Road to the point of beginning and containing 3.030 acres more or less. A request for a Map Amendment/Zone Change from a Residential A Zoning District to Highway Commercial Zoning District for a tract of land described as: A 0.1148 acre tract of land situate the SE1/4 SE 1/4 of Section 26, T.17S, R.14W., N.M.P.M., Grant County, New Mexico, being described more particularly as follows: Beginning at Corner NO. 1, from whence the Southeast Corner of Section 26 bears in three courses: S. 88°51'00"W., 225.30 ft., S. 13°50'00"W., 181.51 ft., and N. 88°51'00"E., 943.87 ft. distant; Thence N. 0°22'00"W., 100.00 ft. to corner No. 2, a set rebar and survkap; Thence N. 88°51'00"E., 50.00 ft to Corner No. 3, a set rebar and survkap; Thence S. 0°22'00"E., 100.00 ft to corner No. 4, a set rebar and survkap; Thence S. 88°51'00"W., 50.00 ft to the point and a place of beginning Containing 0.1148 acres more or less. The Applicant is the Town of Silver City.

The following parcel has been excluded from the zone change by the request of the parcel owner in this Ordinance No. 1298; Quarter: NE S: 35 T: 17S R: 14W PT NEQNEQ 1.00 AC, JOINT TENANTS.

WHEREAS, on October 19, 2020, the applicant, the Town of Silver City filed an application requesting a Map Amendment/Zone Change which would rezone that area from a Residential B-2 Zoning District to Highway Commercial Zoning District and Residential A Zoning District to Highway Commercial Zoning District. Said application was deemed complete by the Community Development Department and forwarded to the Planning and Zoning Commission for action thereon; and

WHEREAS, the property owners in and around the affected area were contacted by mail to elicit public comment and concerns about the proposed zone change; and

WHEREAS, on December 1, 2020, the Planning and Zoning Commission of the Town of Silver City heard a request to rezone the parcels of land described above from Residential B-2 Zoning District to Highway Commercial Zoning District and Residential A to Highway Commercial Zoning District and

WHEREAS, the Planning and Zoning Commission of the Town of Silver City recommended approval of the application; and

WHEREAS, the Planning and Zoning Commission recommends approving the rezoning of the requested area to Highway Commercial Zoning District with the findings that the proposed amendment is in substantial compliance (or not in substantial compliance) with the Town's Comprehensive Plan, the proposed amendment will not adversely affect the implementation of the goals and policies of the Town's Comprehensive Plan (or it will adversely affect the implementation of the goals and policies of the Town's Comprehensive Plan) , and the proposed

amendment provides additional flexibility in meeting the objectives of this Land Use Code without lowering the standards of the Land Use Code and

WHEREAS, the Town Council of the Town of Silver City, after the public hearing and an opportunity to review the record in its entirety, accepts such recommendation from the Planning and Zoning Commission and adopts the findings made therein;

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

The Town Council adopts the findings and recommendation of the Planning and Zoning Commission in their entirety and that The Town Council approves the application to re-zone the subject properties as described above, from Residential B-2 and Residential A Zoning Districts to Highway Commercial Zoning District.

PASSED, ADOPTED, AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 26th day of January 2021.

(Seal)

/s/ _____
Ken Ladner, Mayor

Attest:

/s/ _____
Ann L. Mackie, Town Clerk