

**ORDINANCE NO. 1136**

**AN ORDINANCE AUTHORIZING THE PRIVATE EXCHANGE OF  
PROPERTIES OWNED BY THE TOWN OF SILVER CITY FOR PROPERTIES  
OWNED BY L&R PARTNERSHIP AND BY  
J.C. ROBINSON AND THOMAS LIVERMORE**

**INTRODUCED BY COUNCILOR SIMON WHEATON-SMITH**

**WHEREAS**, the Town of Silver City owns a tract of land that is .501 acres and identified by parcel number 3-081-102-271-487 in the records of the Grant County Assessor; and

**WHEREAS**, the Town of Silver City also owns an adjacent tract of land that is .370 acres and identified by parcel number 3-081-102-274-503 in the records of the Grant County Assessor; and

**WHEREAS**, these Town tracts are currently undeveloped; and

**WHEREAS**, these Town tracts were acquired as a possible site for building an Extreme Sports Park that will be managed by the Gila Institute for Tots to Teens (GIFTT); and

**WHEREAS**, L&R Properties owns a tract of land that is .930 acres and identified by parcel number 3-081-102-248-488 in the records of the Grant County Assessor; and

**WHEREAS**, this tract of land is currently managed by GIFTT as a site for a temporary Extreme Sports Park; and

**WHEREAS**, J.C. Robinson and Thomas R. Livermore own an adjacent tract of land that is .240 acres and identified by parcel number 3-081-102-263-500 in the records of the Grant County Assessor; and

**WHEREAS**, this tract of land is currently managed by GIFTT as an extension of the Community Built Park, which is public property owned by the Town and managed by GIFTT for recreational purposes; and

**WHEREAS**, the private tracts of land are undeveloped; and

**WHEREAS**, all of the tracts identified above border on the northernmost portion of Santa Rita Street, which is undeveloped; and

**WHEREAS**, Western Bank owns and occupies five tracts of land immediately west of the Town's two undeveloped tracts that border Santa Rita Street; and

**WHEREAS**, Western Bank seeks to expand its current location to keep up with anticipated future growth; and

**WHEREAS**, Western Bank would like to acquire the Town-owned tract identified by parcel number 3-081-102-2714-503 (This proposed acquisition is identified as Tract C on Exhibit 1); and

**WHEREAS**, Western Bank would also like to acquire a substantial portion (.419 acres) of the Town-owned tract identified by parcel number 3-081-102-271-487 (This proposed acquisition is identified as Tract B on Exhibit 1); and

**WHEREAS**, Western Bank has proposed that the Town of Silver City convey Tracts C and B to L&R Properties in exchange for the tract that is owned by L&R Properties and identified by parcel number 3-081-102-248-488 (This proposed exchange tract identified as Tract A on Exhibit 1) and for the tract that is owned by J.C. Robinson and Thomas R. Livermore and identified by parcel number 3-081-102-263-500 (This proposed exchange tract is identified as Tract D on Exhibit 1); and

**WHEREAS**, J.C. Robinson, an authorized representative of L&R Properties and of J.C. Robinson and Thomas R. Livermore, has submitted in application to accomplish the land exchange proposed by Western Bank; and

**WHEREAS**, Western Bank will purchase Tracts C and B from L&R Properties if the proposed exchange is accomplished; and

**WHEREAS**, the exchange application includes legal surveys of all the tracts involved in the proposed land exchange; and

**WHEREAS**, the combined size of the privately-owned Tracts A and D is 1.170 acres and the combined size of the Town-owned Tracts C and B is .789 acres; and

**WHEREAS**, the privately-owned portion of the proposed land exchange is .381 acres larger than the Town-owned portion; and

**WHEREAS**, the land exchange application includes formal appraisals of tracts involved in the proposed land exchange; and

**WHEREAS**, the appraised value of the combined privately-owned Tracts A and D is \$133,150 and the appraised value of the combined Town-owned Tracts C and B is \$132,000; and

**WHEREAS**, the privately-owned portion of the land exchange is valued as worth \$1,135 more than the Town-owned portion; and

**WHEREAS**, all tracts proposed for the land exchange lie within municipal boundaries; and

**WHEREAS**, Tracts A and D are currently managed by GIFTT for recreational purposes that are consonant with the purpose of the Community Built Park; and

**WHEREAS**, acquisition of Tracts A and D would ensure the permanent consonance of that use and prevent other uses from occurring there that might conflict with the purpose of the park; and

**WHEREAS**, acquisition of Tracts A and D would enable the Town to vacate the northernmost part of Santa Rita Street thereby eliminating vehicular traffic traveling past the Community Built Park and enhancing public safety; and

**WHEREAS**, acquisition of Tracts A and D (1.17 acres) combined with the remnant part of Town-owned land (.082 acres) from which Tract B is drawn and with the vacation of the northern part of Santa Rita Street (.320 acres) would altogether increase the size of the Community Built Park by 1.57 acres in a manner such that all of the park would lie entirely within a single common boundary; and

**WHEREAS**, Tracts C and B will be used for economic development purposes that will also contribute to the vitality of the business area along Highway 180 West.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO**, that Tracts C and B are non-essential to municipal purposes and shall be privately exchanged for Tracts A and D as proposed in the application submitted by J.C. Robinson with the following conditions:

1. The Town reserves a 20-foot wide drainage easement across Tract C for the purpose of providing drainage to an Extreme Sports Park; and
2. Western Bank assigns to the Town a 20-foot wide drainage easement across its own property such that the drainage easement across Tract C has reasonable access to Silva Creek; and
3. Western Bank constructs the necessary feature to provide drainage for the Extreme Sports Park across Tract C and its own property to Silva Creek; and
4. Tracts C and B are merged as part of the land exchange; and
5. L&R Properties and Western Bank agree to access the merged Tracts C and B from the Bank's current property and Highway 180 West only; and
6. L&R Properties and Western Bank agree not to challenge the vacation of Santa Rita Street for a distance measured from the southwest corner of Tract C to the northern end of the street; and
7. L&R Properties agree not to seek any portion of that part of Santa Rita Street that is vacated.

PASSED, ADOPTED AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

TOWN OF SILVER CITY

(Seal)

\_\_\_\_\_  
James R. Marshall, Mayor

ATTEST:

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Ann L. Mackie, Town Clerk

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