

**ORDINANCE NO. 1279**

**An Ordinance to amend the Official Zoning Map for several tracts of land from a Rural District to Open Space District of Town owned property on Boston Hill for tracts of land described as: Portions of: Quarter: NE S: 09 T: 18S R: 14W APEX MS 1725 15.80 AC; Quarter: NE S: 09 T: 18S R: 14W FIERRO NO 2 MS 1725 20.60 AC; Quarter: NE S: 09 T: 18S R: 14W FIERRO NO 5 MS 1725 11.60 AC; Quarter: NE S: 09 T: 18S R: 14W FIERRO NO 6 MS 1725 9.60 AC; Quarter: NE S: 04 T: 18S R: 14W PAR VALUE MS 1589 20.30 AC; Quarter: NE S: 04 T: 18S R: 14W PT SILVER PICK MS 1494 11.363 AC; Quarter: NE S: 09 T: 18S R: 14W SAM JOHNSON MS 1581 20.60 AC; All of: Quarter: NE S: 10 T: 18S R: 14W VIRGIN MS 1581 20.60 AC; Quarter: NE S: 10 T: 18S R: 14W MIKADO MS 1725 20.60 AC; Quarter: NE S: 10 T: 18S R: 14W ADONIS MS 1725 20.600 AC; Quarter: NE S: 10 T: 18S R: 14W CALIFORNIA MS 1725 20.60 AC; Quarter: NE S: 09 T: 18S R: 14W PLYMOUTH ROCK MS 1725 20.60 AC; Quarter: NE S: 09 T: 18S R: 14W COVE MS 1725 20.60 AC; Quarter: NE S: 10 T: 18S R: 14W NORTH EXT VOLCANO MS 154 15.18 AC; S: 10 T: 18S R: 14W PT NORTH EXTENSION VOLCANO M S 154 2.00 AC (CEMETERY TANK SITE); Quarter: NE S: 10 T: 18S R: 14W ATLANTIC MS 1585 10.721 AC; Quarter: NE S: 09 T: 18S R: 14W INEVITABLE MS 1521 20.648 AC; Quarter: NE S: 10 T: 18S R: 14W ATLAS MS 1784 18.300 AC; Quarter: NE S: 03 T: 18S R: 14W KING BOLT MS 1784 18.70 AC; Quarter: NE S: 04 T: 18S R: 14W MOLLIE GIBSON'S COUSIN MS 1494 17.938 AC; Quarter: NE S: 04 T: 18S R: 14W NAID QUEEN MS 1589 15.40 AC; S: 04 T: 18S R: 14W PT SILVER KING MS 1494 5.164 A; The applicant is the Town of Silver City.**

**WHEREAS**, on February 19, 2019, the applicant, the Town of Silver City, filed an application requesting a Map Amendment/Zone Change which would rezone that area from Rural District to Open Space. 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 April 2, 2019 the Planning and Zoning Commission of the Town of Silver City heard a request to rezone the parcel of land described above from Rural District to Open Space 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 Open Space District with the findings that the proposed amendment is 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, the proposed amendment will not adversely impact the public health, safety or general welfare and will promote the original purposes of the Land Use Code, 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 in Appendix A, attached hereto, from Rural District to Open Space District.

**PASSED, ADOPTED, AND APPROVED** by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 28<sup>th</sup> day of May, 2019.

(Seal)

/s/ \_\_\_\_\_  
Ken Ladner, Mayor

Attest:

/s/ \_\_\_\_\_  
Ann L. Mackie, Town Clerk

## APPENDIX A

The property is described as follows:

Portions of:

Quarter: NE S: 09 T: 18S R: 14W APEX MS 1725 15.80 AC  
Quarter: NE S: 09 T: 18S R: 14W FIERRO NO 2 MS 1725 20.60 AC  
Quarter: NE S: 09 T: 18S R: 14W FIERRO NO 5 MS 1725 11.60 AC  
Quarter: NE S: 09 T: 18S R: 14W FIERRO NO 6 MS 1725 9.60 AC  
Quarter: NE S: 04 T: 18S R: 14W PAR VALUE MS 1589 20.30 AC  
Quarter: NE S: 04 T: 18S R: 14W PT SILVER PICK MS 1494 11.363 AC  
Quarter: NE S: 09 T: 18S R: 14W SAM JOHNSON MS 1581 20.60 AC

All of:

Quarter: NE S: 10 T: 18S R: 14W VIRGIN MS 1581 20.60 AC  
Quarter: NE S: 10 T: 18S R: 14W MIKADO MS 1725 20.60 AC  
Quarter: NE S: 10 T: 18S R: 14W ADONIS MS 1725 20.600 AC  
Quarter: NE S: 10 T: 18S R: 14W CALIFORNIA MS 1725 20.60 AC  
Quarter: NE S: 09 T: 18S R: 14W PLYMOUTH ROCK MS 1725 20.60 AC  
Quarter: NE S: 09 T: 18S R: 14W COVE MS 1725 20.60 AC  
Quarter: NE S: 10 T: 18S R: 14W NORTH EXT VOLCANO MS 154 15.18 AC  
S: 10 T: 18S R: 14W PT NORTH EXTENSION VOLCANO M S 154 2.00 AC  
(CEMETERY TANK SITE)  
Quarter: NE S: 10 T: 18S R: 14W ATLANTIC MS 1585 10.721 AC  
Quarter: NE S: 09 T: 18S R: 14W INEVITABLE MS 1521 20.648 AC  
Quarter: NE S: 10 T: 18S R: 14W ATLAS MS 1784 18.300 AC  
Quarter: NE S: 03 T: 18S R: 14W KING BOLT MS 1784 18.70 AC  
Quarter: NE S: 04 T: 18S R: 14W MOLLIE GIBSON'S COUSIN MS 1494  
17.938 AC  
Quarter: NE S: 04 T: 18S R: 14W NAID QUEEN MS 1589 15.40 AC  
S: 04 T: 18S R: 14W PT SILVER KING MS 1494 5.164 A