

**ORDINANCE NO. 1264**

**AN ORDINANCE AMENDING CHAPTER 48 (TOWN PROPERTY), ARTICLE II (SALE, LEASE OR EXCHANGE), SECTIONS 48-22, 48-24, 48-26 AND 48-27 OF THE TOWN OF SILVER CITY MUNICIPAL CODE**

**Sponsor: Mayor Ken Ladner**

**WHEREAS**, the Town of Silver City is the owner of various parcels of improved and unimproved real property located within and without the municipal boundaries; and

**WHEREAS**, Article VII, 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 3-54-1 of New Mexico Statutes grants authority to a municipality to lease or sell, or exchange any of its real property; and

**WHEREAS**, on March 13, 2007 the Town Council of the Town of Silver City adopted Ordinance No. 1126 which provided regulations and processes for the sale, lease or exchange of Town-owned property and now finds that certain modifications of that legislation are appropriate; and

**WHEREAS**, the Town Council of the Town of Silver City finds that adoption of the amendments and modifications described herein are in the best interest of the Town, and provide generally for the health, safety, and well being of the Town;

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

**Section 48-22 (a) (4)** is deleted in its entirety and replaced with:

(4) The subject property has a value of \$15,000 or less; or

**Section 48-22 (b)** is amended by adding a new subsection, which shall read:

(7) Any Town-owned trail or trail head designated by the Town Council or Town Manager as a part of a community trail system.

**Section 48-22 (d) (1)** is amended by adding the following paragraph to the subsection, which shall read:

(1) If a sale by competitive bid, the highest qualifying bid shall be deemed to be the fair market value of the property and may be sold at that price, except that the Town Council may reject all bids if it finds that a sale at that price under present circumstances would not be in the best interests of the Town.

**Section 48-22 (d) (3)** is amended by adding a final sentence to the subsection, which shall read:

(d) (3)... The Town Council may reject all bids if it finds that authorizing a lease at the bid price under present circumstances would not be in the best interests of the Town.

**Section 48-24** is amended by deleting the final sentence therein and replacing it with:

...Any such sale, exchange, lease or donation where the subject property has a value in excess of \$15,000 shall be by ordinance.

**Section 48-26** is deleted in its entirety and replaced with the following:

A new title of the Section and new text, which shall read:

**Sec. 48-26. Real property sold, leased, exchanged or donated pursuant to the Economic Development Act.**

Real property of any value may be sold to, exchanged with, donated, or leased to any qualified economic development project consistent with the economic development plan adopted by the Town Council and in accordance with the Local Economic Development Act (NMSA 1978, §5-10-1 et seq.).

**Section 48-27** is amended by deleting the first sentence and replacing it with:

Any sale or exchange of any utility facilities or real property by public or private sale having an appraised value in excess of \$100,000, whether within or without the municipal boundaries, shall be subject to the referendum provisions set forth in this section, unless otherwise provided by this article.

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**PASSED, ADOPTED AND APPROVED** by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 28th day of November, 2017.

TOWN OF SILVER CITY

(Seal)

/s/

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Ken Ladner, Mayor

Attest:

/s/

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Ann L. Mackie, Town Clerk