

RESOLUTION 2006-16

VACATING THE WEST HALF OF ROBERT AVENUE LYING ADJACENT TO THE EASTERN BOUNDARY OF THE SENIOR CENTER

WHEREAS, The east half of the undeveloped Robert Avenue was previously vacated and was sold to the owner of 129 Victoria Street; and

WHEREAS, The west half of Robert Avenue was fenced by the present owner of 129 Victoria Street and has been used as a driveway and access to the rear of the property; and

WHEREAS, Jennifer Stroehmann has made an offer on the property addressed 129 Victoria Street, contingent on the purchase of the west half of Robert Avenue; and

WHEREAS, The Community Development Department and other departments have analyzed this property and recommend that it be vacated.

NOW THEREFORE, BE IT RESOLVED by the Council of the Town of Silver City, New Mexico, that the above-described undeveloped west half of Robert Avenue shall not be needed for a future street or other public purposes and is hereby vacated, with the following findings and conditions:

Findings

1. The street right-of-way is located within the municipal limits of the Town, and
2. The requested vacation conforms to the Town's Comprehensive Plan, the Land Use Code and any relevant policies adopted by the Town, and
3. The proposed vacation does not endanger the health, safety or general welfare of the community, and
4. The Town has no current or future need for the street right-of-way proposed for vacation.

Conditions

1. There shall be recorded a 10 foot utility easement across the entire north end of the vacated property and a 10 foot utility and drainage easement along the entire west boundary of the vacated property.
2. Property owners served by the utility easements shall have access to the easements at all times for the purpose of maintenance.

PASSED, APPROVED AND ADOPTED this 25th day of April 2006.

/s/ *James R. Marshall*
James R. Marshall, Mayor

Attest:

/s/ *Jane Toomajanian*
Jane Toomajanian, Town Clerk