

RESOLUTION NO. 2008-33

**A RESOLUTION VACATING ALL
OF THE RIMROCK ROAD RIGHT-OF-WAY**

WHEREAS, the Town Council of the Town of Silver City received a request from Nick Chavez to vacate all of the Rimrock Road right-of-way lying east of Blackhawk Road comprising 35,023.2 Square Feet or 0.804 Acres; and

WHEREAS, Nick Chavez purchased Lot 141 Indian Hills Subdivision Unit No. 4 on February 22, 2005; and

WHEREAS, Mr. Chavez had made an arrangement for access to Lot 141 from Swan Street with an adjacent property owner; and

WHEREAS, access from Swan Street is no longer available; and

WHEREAS, Lot 141 is the only lot being served by Rimrock Road; and

WHEREAS, the cost of bringing Rimrock Road up to Town standards for one parcel would be prohibitive; and

WHEREAS, the provisions of Section 151.092 (Q) of the Land Use Code of the Town of Silver City have been met; and

WHEREAS, the Community Development Staff recommends that the property be vacated and conveyed to Nick Chavez; and

WHEREAS, the Town Council accepts such recommendation; and

WHEREAS, the Town Council has determined that the Rimrock Road right-of-way located east of Blackhawk Road shall not be needed for a future street or other public purposes;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Silver City, Grant County, New Mexico, that a mapped but not constructed road right-of-way situated east of Blackhawk Road, Town of Silver City, is hereby declared non-essential, vacated and sold to Nick Chavez, based on the following Findings:

Findings

1. The Property shall be conveyed by quitclaim deed to Nick Chavez who has requested the vacation and is the owner of the real estate described as Lot 141, Indian Hills Subdivision, Unit No. 4, and shall pay the appraised value of this right-of-way in cash. In addition, Nick Chavez shall pay all costs incurred in connection with the conveyance including the appraisal; cost of publication; research costs; cost of survey; deed preparation; recording fees; and any attorney fees.

2. The property is located within the Town of Silver City and is zoned Residential A.
3. Town Departments have reviewed the request and have concluded that there are no problems associated with the sale of this mapped but not constructed right-of-way.
4. The property has been appraised as having a value of \$24,100.00.
5. The property shall not, hereafter, be subject to public use.

Conditions:

1. The applicant must retain an easement for utilities connecting Swan Street ad Blackhawk Road.
2. That Rimrock Road be merged with Lot 141 to provide frontage on Blackhawk Road.

PASSED, APPROVED AND ADOPTED this 14th day of October, 2008.

(Seal)

/s/

James R. Marshall, Mayor

Attest:

/s/

Yolanda C. Holguin, Acting Town Clerk