

RESOLUTION 2006-04

**DECLARING A PORTION OF THE FOLLOWING PARCELS NON-ESSENTIAL
FOR MUNICIPAL PURPOSES, DESCRIBED AS A PORTION
OF LOTS 1, 3, 5, 7 AND 8 OF BLOCK 229, FRASER SUBDIVISION**

WHEREAS, Lots 1, 3, 5, 7 and 8 were purchased by the Town along with the purchase of the Bank of America Building in 2000; and

WHEREAS, The Silver City Shamrock business is encroaching upon a 10.00 ft. x 161.25 ft. rectangular strip of land comprised of the south 10.00 ft. of Lots 7 and 8, and a 11.39 ft. x 171.26 ft. rectangular strip of land comprised of the west 11.39 ft. of Lots 1, 3, 5 and 7, making the total area encompassed by the encroachment plus or minus 0.076 acre (or plus or minus 3,311 sq. ft.); and

WHEREAS, This property is located within the Town of Silver City and is zoned commercial; and

WHEREAS, The Title Company cannot insure the title and transfer of the Silver City Shamrock to the buyer until this boundary problem is resolved; and

WHEREAS, The Community Development Department has analyzed these properties and recommends the properties be declared non-essential for municipal purposes.

NOW THEREFORE, BE IT RESOLVED by the Council of the Town of Silver City, New Mexico, that the above-described portions of Lots 1, 3, 5, 7 and 8 be declared non-essential for municipal purposes and sold based on the following Findings and Condition:

Findings:

1. The Town has owned the property since 2000; and
2. The property is located within the Town and is zoned commercial; and
3. The property is presently a portion of the Town owned parking lot lying south of Gough Park and is described as a 10.00 ft. x 161.25 ft. rectangular strip of land comprised of the south 10.00 ft. of Lots 7 and 8, and a 11.39 ft x 171.26 ft. rectangular strip of land comprised of the west 11.39 ft. of Lots 1, 3, 5 and 7. Total area encompassed by the encroachment is plus or minus 0.076 acre (or plus or minus 3,311 sq. ft.); and
4. Town Departments and the Trails and Open Space Coordinator have reviewed the request and concluded that there are no problems associated with this land sale; and
5. The property has been appraised as having a value of \$5,200; and

6. This declaration complies with procedures in Resolution 96-36 for the disposal of real property valued over \$5,000.
7. The purchaser shall pay the appraised value of these properties as well as all costs incurred in connection with the conveyance including: appraisal, title insurance, publication costs, survey, deed preparation, recording fees and attorney fees.

Condition:

Access to the water meter located at the northwest corner of the property will remain unobstructed at all times.

PASSED, APPROVED AND ADOPTED THIS 24th day of January 2006.

/s/ Terry Fortenberry

Terry Fortenberry, Mayor

Attest:

/s/ Jane Tomajanian

Jane Tomajanian, Town Clerk