

RESOLUTION 2008-06

**A RESOLUTION VACATING A PORTION
OF THE MAIN STREET RIGHT-OF-WAY**

WHEREAS, The Silver City Town Council received a request from David Palmer and Keri Webb to vacate the southerly 44.96 feet of a mapped, but not constructed, portion of South Main Street and a 54-foot wide portion of a mapped, but not constructed, portion of West Short Street containing a total of 5343.7 square feet or 0.123 acres; and

WHEREAS, the applicants desire to build a residence on Tract F, Block 2 of the Garcia Subdivision as shown on the attached Survey Plat Map; and

WHEREAS, there is neither a developed access nor developed infrastructure to Tract F; and

WHEREAS, the cost to the Town of providing approved access and infrastructure to Tract F is prohibitive, considering it will only serve Tract F; and

WHEREAS, vacating the above described portions of South Main and West Short Streets will allow the applicants to provide their own access and infrastructure extensions; 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 David Palmer and Keri Webb; and

WHEREAS, The Council accepts such recommendation; and

WHEREAS, The Council has determined that said portion of the mapped, but not constructed intersection of South Main Street and West Short Street 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 track of land being part of the mapped, but not constructed southerly portion of South Main Street and the mapped, but not constructed southerly portion of West Short Street located within the Town of Silver City, is hereby declared non-essential, vacated and sold to David Palmer and Keri Webb, based on the following findings.

Findings

1. The Property shall be conveyed by quit claim deed to David Palmer and Keri Webb who have requested the vacation. In consideration for this conveyance,

David Palmer and Keri Webb shall pay the appraised value of this portion of South Main Street and West Short Street in cash as well as the appraisal fees. In addition David Palmer and Keri Webb shall pay all costs incurred in connection with the conveyance, including cost of publication, research costs, and cost of survey, deed preparation, recording fees and any attorney fees.

2. The property is located within the Town and is zoned residential B.
3. Town Departments have reviewed the request and have concluded that there are no problems associated with the sale of this portion of South Main Street and West Short Street.
5. The property has been appraised as having a value of \$6400.00.
6. The property shall not, hereafter, be subject to public use.

PASSED, APPROVED AND ADOPTED this 22nd day of April, 2008.

(Seal)

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk