

MEMO

TO: Town Council

FROM: Peter Russell
Community Development Director

REF.: Proposed Property and Easement Acquisition
Alcorta Property

DATE: December 8, 2005

At the August 23 Town Council meeting, the Council directed the Trails & Open Space Coordinator to negotiate a purchase price for the Alcorta property. A price of \$38,500 has been negotiated for both the 5.69 acre tract west of the Pope Mill Site and associated easements east of the Pope Mill Site. The 5.69 acre tract appraised at \$46,100 on July 19, 2005.

Background

-Council Resolution 2004-17 authorized the submittal of a grant application to the State Parks Division of the NM Energy Mineral and Natural Resources Department (EMNRD) under the New Mexico Recreation Trails Program. The purpose of the grant application was funding to acquire fee simple property adjacent to the Town-owned Pope Mill Site for Trails and Open Spaces purposes.

-Execution of a Joint Powers Agreement with EMNRD occurred in February 2005. The Town will receive \$37,500 in Federal Highway Administration funds with the Town providing a match of \$9,375, (\$5475 – cash, \$3900 – in-kind). The cash is available in the Trails & Open Space fund.

-The property proposed for acquisition with the grant funds is an undeveloped 5.69-acre tract east and southeast of the Pope Mill Site and easements across the California Mill Site that will provide access from the Hwy. 90 right-of-way. The property provides a connection between the Pope Mill Site and the property donated by the 1st NM Bank and includes a portion of San Vicente Creek. This is shown on the attached map.

-A Phase I Preliminary Site Assessment was completed in June 2002. This Assessment covered a broad area, including the property proposed for acquisition. Potential areas of environmental degradation were identified west and south of San Vicente Creek that were associated with an old dump and former mill sites. The property proposed for acquisition was surveyed in order to create a parcel that expressly avoids these areas.

SILVER CITY

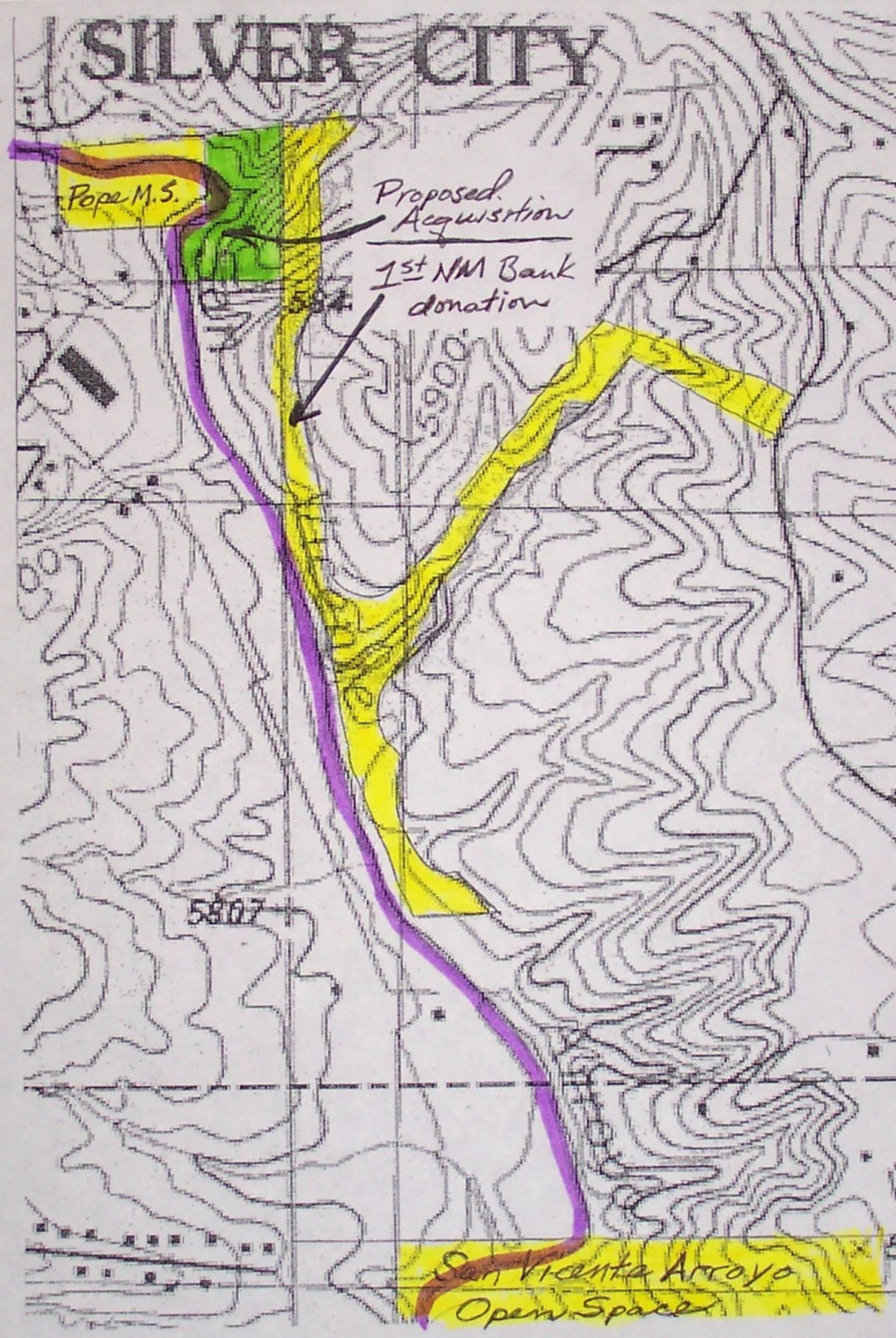
Pope M.S.

Proposed Acquisition

1st NM Bank donation

58107

San Vicente Arroyo
Open Space





RESOLUTION 2005-42

**APPROVING THE PURCHASE OF PROPERTY
FOR TRAILS & OPEN SPACE DEVELOPMENT**

WHEREAS, The Town's Comprehensive Plan recommends the establishment of an open space network with trail corridors for recreation, conservation of natural resources, education and tourism; and

WHEREAS, The Town's Trails & Open Spaces Plan identified priority projects including the San Vicente Creek Trail and Open Space that includes a riparian ecosystem with perennial surface water; and

WHEREAS, The Town approved and adopted Resolution No. 2004-17 authorizing a grant application under the New Mexico Recreation Trails Program for the purpose of acquisition of property adjacent to the Town owned Pope Mill Site; and

WHEREAS, The Town received a grant of \$37,500 for open space acquisition with the execution of a Joint Powers Agreement with the New Mexico Energy, Minerals and Natural Resources Department in February of this year; and

WHEREAS, The Town has negotiated the purchase for \$38,500 of 5.69 acres along San Vicente Creek to the east of the Pope Mill Site along with trail easements west of the Pope Mill Site from Mr. Vicente Alcorta.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF SILVER CITY THAT:

1. The Town of Silver City enter into a Purchase and Sale Agreement with Vicente Alcorta to acquire the property and easements as described in the Agreement and attachments thereto.
2. The Mayor of the Town of Silver City is hereby authorized to execute the Agreement on behalf of the Town.

PASSED, APPROVED and ADOPTED this 13th day of December 2005.

TOWN OF SILVER CITY
A municipal corporation

Terry Fortenberry, Mayor

Attest:

Jane Toomajanian, Town Clerk

PURCHASE & SALE AGREEMENT

This Agreement is made this _____ day of _____, 20____ by and between **VICENTE ALCORTA** (“Seller”), of 3725 South Clark Street, Tucson, Arizona and the **TOWN OF SILVER CITY**, a Municipal Corporation (“Purchaser”) of P.O. Box 1188, Silver City, New Mexico.

WHEREAS, Seller has fee simple ownership of certain real property located in Grant County, New Mexico, within which there is a 5.69 acre tract, more particularly described as follows:

(See attached Exhibit A); and

WHEREAS, Purchaser desires to purchase Seller’s interest therein and Seller desires to sell same; and

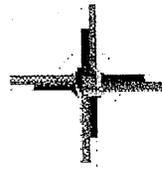
WHEREAS, Seller has fee simple ownership of certain real property located in Grant County, New Mexico, known as the “California Mill Site”; and

WHEREAS, Purchaser desires to acquire easements from Seller and Seller desires to grant same, within the “California Mill Site”, more particularly described as follows:

(See attached Exhibit B).

NOW, THEREFORE, it is agreed by the parties that:

1. **PRICE:** Seller shall sell the property described in Exhibit A and grant the easements described in Exhibit B to Purchaser, and Purchaser shall purchase same for the sum of **THIRTY EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$38,500.00)**, with full payment at closing.
2. **CLOSING:** The closing date shall be at Grant County Title Company, Silver City, New Mexico within forty-five days of the receipt by Grant County Title Company of an executed purchase and sale agreement, or at such other time mutually agreed upon by the Parties. Possession shall be at closing.
3. **TITLE:** Seller shall provide a good and sufficient warranty deed to said property conveying such property to Purchaser free and clear of all encumbrances other than reservations, rights or easements contained in any instrument of record and zoning restrictions.
4. **PRORATION OF INSURANCE AND TAXES:** Insurance and taxes shall be prorated between the Parties as of the closing date as herein specified and each Party shall bear its own costs.
5. **TITLE INSURANCE:** Purchaser shall request a preliminary commitment for title insurance within **FIVE (5) DAYS** of the execution of this Agreement.



**zia engineering
& environmental
consultants, LLC.**

December 17, 2004

DESCRIPTION OF A 5.692 ACRE TRACT
(Area in Section 3, T.18S., R.14W.)

A tract of land situate within the Town of Silver City, Grant County, New Mexico, within the east 1/2 of Section 3, T.18S., R.14W., N.M.P.M. of the U.S.G.L.O. Surveys, and being more particularly described as follows, to wit:

BEGINNING at an aluminum cap found for the closing corner of Sections 2 and 3, T.18S., R.14W., on the southerly line of the Silver City Town site for the northeast corner of this tract,

THENCE from the point of beginning, leaving said town site line, and along the east line of Section 3, S.00°20'50"W., 640.10 feet to a 1/2 iron rod set for the southeast corner of Section 3 and the southeast corner of this tract;

THENCE along the south line of Section 3, S.88°58'20"W., 453.13 feet to the southwest corner of this tract;

THENCE leaving said section line, N.10°21'48"W., 277.14 feet to a corner of this tract, said point lying on the south line of the Pope Mill Site;

THENCE along the south and east lines of the Pope Mill Site, the following two courses and distances:

N.85°00'00"E., 194.52 feet to a corner of this tract, being identical to the southeast corner of the Pope Mill Site;

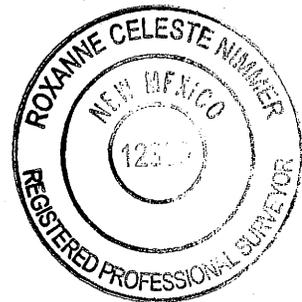
THENCE N.05°00'00"W., 330.00 feet to the northwest corner of this tract, being identical to the northeast corner of the Pope Mill Site and lying on the south line of the Silver City Town Site line;

THENCE along said town site line, N.85°00'00"E., 343.07 feet to the point of beginning, containing 5.692 acres of land, more or less.

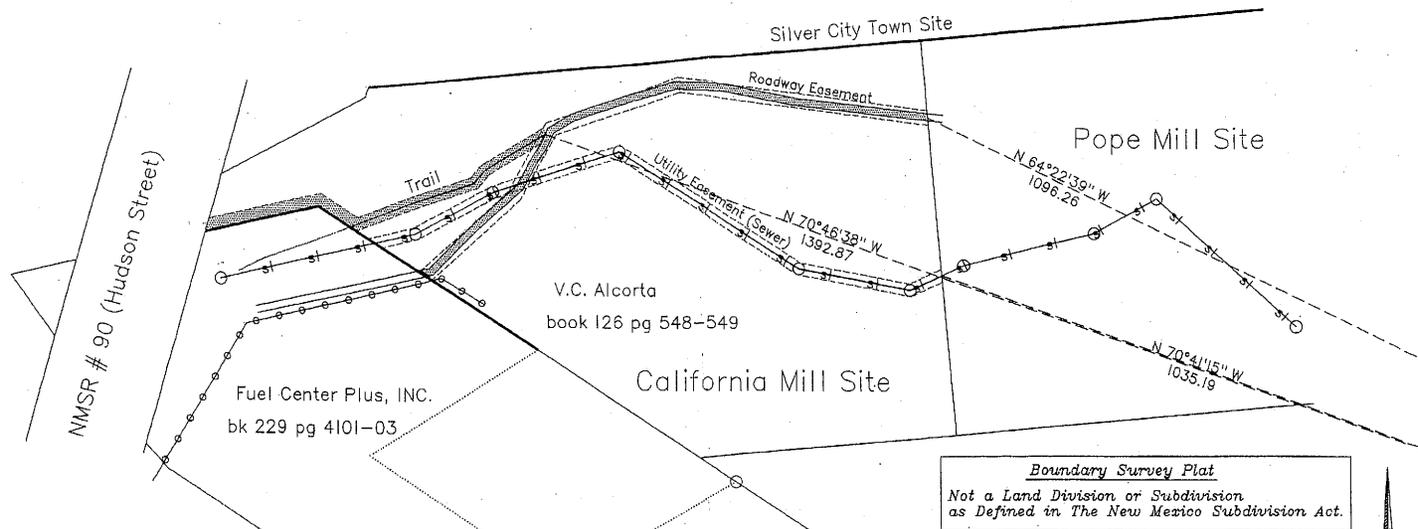
Subject to easements and reservations of record. Description prepared by Roxanne C. Nimmer, NMPS No. 12800 from the notes of an actual field survey.

Roxanne C. Nimmer, NMPS No. 12800

12/17/04
Date of Survey



Alcorta to Town of Silver City Easements



A 10-foot wide Utility Easement (Sewer) Over, Under and Upon that Portion of the "California Mill Site" within Section 3, T18S,R14W, N.M.P.M., Grant County, New Mexico, Lying 5.00 Feet on each side of the Following Described Centerline:

Beginning at a Point on the Easterly Line of Said Mill Site, which bears N70°41'15"W, 1035.19 Feet from a Point for the Southeast Corner of Said Section 3;
 Thence S65°55'12"W, 29.68 Feet to AP-1;
 Thence N79°41'43"W, 96.37 Feet to AP-2;
 Thence N57°44'29"W, 181.40 Feet to AP-3;
 Thence S72°21'54"W, 112.56 Feet to AP-4;
 Thence S62°11'58"W, 74.30 Feet to AP-5;
 Thence S76°48'55"W, 34.81 Feet to a Point on the Northerly Line of the Fuel Center Plus, INC. Tract (book 229 page 4101-03) the END of this Easement.
 This Description is a Result of an Actual Survey by Nicholas John Tucci, #11231.

A 12-foot wide Roadway Easement over and upon that portion of the "California Mill Site" within Section 3, T18S,R14W, N.M.P.M., Grant County, New Mexico, lying 6.00 feet on each side of the following described Centerline:

Beginning at a point on the Easterly Line of Said Mills Site which bears N64°22'39"W, 1096.26 Feet from a Point for the Southeast Corner of Said Section 3;
 Thence N83°07'35"W, 215.30 Feet to AP-1;
 Thence S71°05'52"W, 114.36 Feet to AP-2;
 Thence S29°00'38"W, 62.86 Feet to AP-3;
 Thence S48°24'06"W, 101.59 Feet to a Point on the Northerly Line of the Fuel Center Plus, INC. Tract (book 229 page 4101), the END of this Easement.
 This Description is a Result of an Actual Survey by Nicholas John Tucci, #11231.

A 10-foot wide Trail Easement (Foot) over and upon that portion of the "California Mill Site" within Section 3, T18S,R14W, N.M.P.M., Grant County, New Mexico, Lying 5.00 feet on each Side of the Following Described Centerline:

Beginning at a Point which bears N70°46'38"W, 1392.87 Feet from a Point for the Southeast Corner of Said Section 3;
 Thence S59°37'11"W, 56.84 Feet to AP-1;
 Thence S41°10'56"W, 14.34 Feet to AP-2;
 Thence S71°59'56"W, 53.88 Feet to AP-3;
 Thence S69°01'18"W, 57.00 Feet to a Point on the Northerly Line of the Fuel Center Plus, INC. Tract (book 229 page 4101-03) Thence Lying 10.00 feet Right of Said Fuel Center Plus Tract the following Courses:
 N58°50'49"W, 32.61 Feet to AP-4;
 S77°08'48"W, 97.78 Feet to a Point on the Easterly Right-of-Way Line of Hudson Street the END of This Easement.

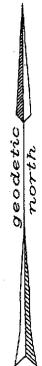
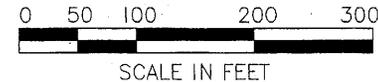
This Description is a Result of an Actual Survey by Nicholas John Tucci, #11231.

Boundary Survey Plat
 Not a Land Division or Subdivision
 as Defined in The New Mexico Subdivision Act.

Indexing Information for County Clerk
Owner: Town of Silver City
Location: California Mills Site
Section 3, T18S,R14W

Plat Revised Oct. 4, 2005

Section 3, T18S,R14W



This is to certify that I am a Licensed Surveyor in New Mexico and that this plat and description were prepared from the field notes of an actual survey made by me or under my supervision in accordance with the New Mexico Standards for Surveying and that it is true and correct to the best of my knowledge and belief.



Nicholas John Tucci PS 11231

QUAIL SPRINGS SURVEYORS & MAPPERS
 PO BOX 4001 SILVER CITY, NEW MEXICO