

ORDINANCE NO. 2018-__

AN ORDINANCE AUTHORIZING THE SALE TO BES PROPERTIES, LLC OF AN APPROXIMATELY 2.7 ACRE PORTION OF CARLSBAD AIRPORT INDUSTRIAL PARK COMMONLY KNOWN AS 5212 PETROLEUM DRIVE.

WHEREAS, the City of Carlsbad (hereinafter "City") holds title to Lot "G" Carlsbad Airport Industrial Park, Unit 6, as shown on the attached Exhibit "A" with a common address of 5212 Petroleum Drive (hereinafter referred to as the "Property"); and

WHEREAS, BES Properties, LLC, a New Mexico limited liability company (hereinafter "Buyer"), desires to purchase the Property for such uses as are permitted by law, including but not limited to the requirements of Chapter 3, Article II of the Carlsbad City code of Ordinances, as such may be amended from time to time; and

WHEREAS, the Property to be purchased by Buyer shall be subject to all restrictions set forth in Chapter 3, Article II of the Carlsbad City Code of Ordinances, as such may be amended from time to time, and subject to all covenants, conditions, restrictions, reservations, encumbrances, and easements of record or in open view; and

WHEREAS, the City desires to sell the Property for economic development purposes including the establishment of such uses as are permitted by law, including but not limited to the requirements of Chapter 3, Article II of the Carlsbad City code of Ordinances, as such may be amended from time to time; and

WHEREAS, property in the Carlsbad Airport Industrial Park was appraised by a qualified appraiser for Ten Thousand dollars an acre (\$10,000/acre); and

WHEREAS, the Property contains about 2.7029 acres; and

WHEREAS, BES Properties, LLC has offered to purchase the Property for One Hundred Thousand dollars (\$100,000.00) cash, a purchase price above the appraised value;

WHEREAS, the City has published notice of this sale prior to the consideration of this Ordinance as required by N.M.S.A. 1978, Sec. 3-54-1(D) (1999);

NOW THEREFORE, be it ordained by the Governing Body of the City of Carlsbad, County of Eddy, State of New Mexico, as follows:

1. The sale of the above described real estate by the City of Carlsbad to BES Properties, LLC, a New Mexico limited liability company, at a purchase price of One Hundred Thousand dollars (\$100,000.00) is hereby approved.

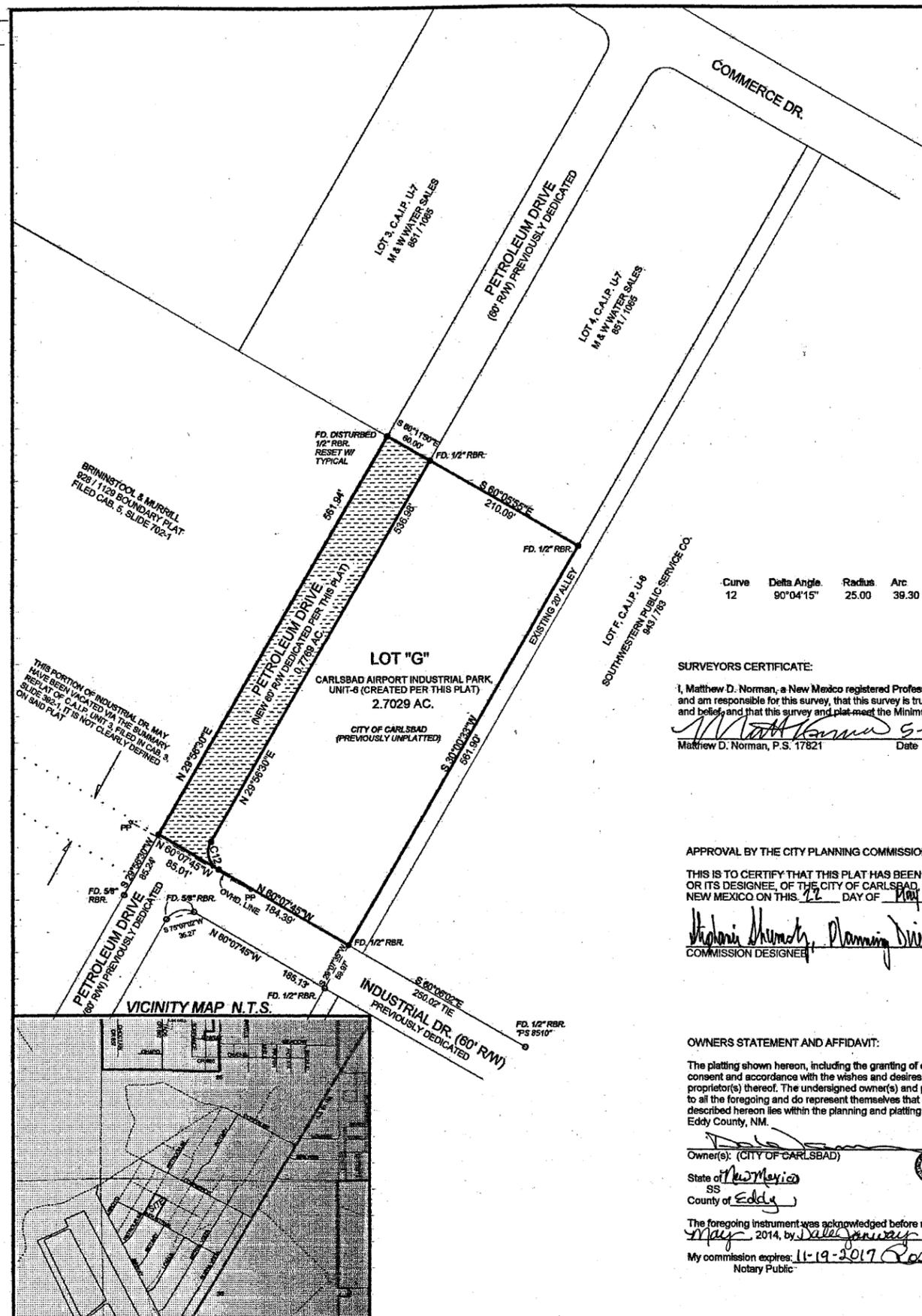
2. The City shall have a plat of the Property prepared and filed with the Eddy County Clerk's Office.
3. The total purchase price shall be due and payable to the City at closing.
4. The City shall purchase Title Insurance in the amount of the total purchase price. All other closing costs shall be borne by the Buyer.
5. The Mayor and City Administrator are authorized to execute all documents necessary to implement the terms of this ordinance.
6. Notice shall be published pursuant to the terms of N.M.S.A. 1978, Sec. 3-54-1 (1999).

DONE AND APPROVED this ____ day of _____, 2018.

DALE JANWAY, MAYOR

ATTEST:

CITY CLERK



RIGHT-OF-WAY AND BOUNDARY SURVEY OF

A PORTION OF PETROLEUM DRIVE RIGHT-OF-WAY AND THE BOUNDARY OF A PREVIOUSLY UN-PLATTED PARCEL, SAID PARCEL IS NOW TO BE KNOWN AS LOT "G", CARLSBAD AIRPORT INDUSTRIAL PARK, UNIT 6

WITHIN SECTION 36, T22S, R26E, N.M.P.M.
CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO
MAY, 2014

DESCRIPTION (PETROLEUM DRIVE)

A CERTAIN TRACT OF LAND SITUATE WITHIN THE NW1/4 SECTION 36, T22S, R26E, N.M.P.M. AND COMPRISING OF A PORTION OF PETROLEUM DRIVE, CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE PARCEL HEREIN DESCRIBED, WHENCE THE SOUTHEAST CORNER OF LOT 4, CARLSBAD AIRPORT INDUSTRIAL PARK, UNIT 7 BEARS S60°05'55"E, 210.09 FEET AND RUNNING THENCE AS THE EASTERLY R/W OF PETROLEUM DRIVE, S29°56'30"W, 536.98 FEET TO A POINT OF CURVATURE; THENCE, SOUTHEASTERLY, 39.30 FEET ALONG THE ARC OF CURVE BEARING TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 90°04'15", AND A CHORD BEARING S15°05'38"E, 35.38 FEET TO A POINT OF TANGENCY; THENCE ALONG THE SOUTHERLY R/W OF THIS PORTION OF PETROLEUM DRIVE, N60°07'45"W, 85.01 FEET TO THE SOUTHWEST CORNER; THENCE ALONG THE WESTERLY R/W OF PETROLEUM DRIVE, N29°56'30"E, 561.94 FEET TO THE NORTHWEST CORNER; THENCE, S60°11'50"E, 80.00 FEET TO THE NORTHEAST CORNER AND POINT OF BEGINNING AND CONTAINING 0.7769 ACRES MORE OR LESS.

DESCRIPTION (LOT "G")

A CERTAIN TRACT OF LAND SITUATE WITHIN THE NW1/4 SECTION 36, T22S, R26E, N.M.P.M., CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE PARCEL HEREIN DESCRIBED, WHENCE THE SOUTHEAST CORNER OF LOT "F", CARLSBAD AIRPORT INDUSTRIAL PARK, UNIT 6, BEARS S60°06'02"E, 250.02 FEET AND RUNNING THENCE ALONG THE NORTHERLY R/W OF INDUSTRIAL DRIVE, N60°07'45"W, 184.39 FEET TO A POINT OF CURVATURE; THENCE, NORTHWESTERLY, 39.30 FEET ALONG THE ARC OF CURVE BEARING TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A DELTA ANGLE OF 90°04'15", AND A CHORD BEARING N15°05'38"W, 35.38 FEET TO A POINT OF TANGENCY; THENCE ALONG THE EASTERLY R/W OF PETROLEUM DRIVE, N29°56'30"E, 536.98 FEET TO THE NORTHWEST CORNER; THENCE LEAVING SAID R/W, S60°05'55"E, 210.09 FEET TO THE NORTHEAST CORNER; THENCE, S60°00'33"W, 561.90 FEET TO THE SOUTHEAST CORNER AND POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED AND CONTAINING 2.7029 ACRES MORE OR LESS.

Curve	Delta Angle	Radius	Arc	Tangent	Chord	Chord Bearing
12	90°04'15"	25.00	39.30	25.03	35.38	N 15°05'38"W

SURVEYORS CERTIFICATE:

I, Matthew D. Norman, a New Mexico registered Professional Land Surveyor, certify that I conducted and am responsible for this survey, that this survey is true and correct to the best of my knowledge and belief, and that this survey and plat meet the Minimum Standards for Surveying in New Mexico.

Matthew D. Norman 5-13-14
Matthew D. Norman, P.S. 17821 Date



APPROVAL BY THE CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION, OR ITS DESIGNEE, OF THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO ON THIS 22 DAY OF May, 2014.

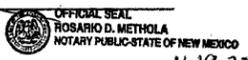
Victoria Shumsky
COMMISSION DESIGNEE

OWNERS STATEMENT AND AFFIDAVIT:

The platting shown hereon, including the granting of easements as shown, is with the free consent and accordance with the wishes and desires of the undersigned owner(s) and proprietor(s) thereof. The undersigned owner(s) and proprietor(s) do hereby freely consent to all the foregoing and do represent themselves that I am so authorized to act, the property described hereon lies within the planning and platting jurisdiction of the City of Carlsbad, Eddy County, NM.

Owner(s): (CITY OF CARLSBAD)
State of New Mexico
County of Eddy
My commission expires: 11-19-2017

The foregoing instrument was acknowledged before me this 21st day of May, 2014, by Darlene Rospin
My commission expires: 11-19-2017 *Rosario D. Methola*
Notary Public



DISCLOSURE:

THE PURPOSE OF THIS PLAT IS TO SHOW THE PREVIOUSLY UN-PLATTED PORTION OF THE PETROLEUM DRIVE R/W AND THE BOUNDARY OF THE SIMULTANEOUSLY SURVEYED (BECAUSE ALL ADJOINING BOUNDARIES HAVE ALREADY BEEN DEFINED), UN-PLATTED 2.7 ACRE PARCEL OF LAND WHICH IS NOW TO BE KNOWN AS LOT "G", CARLSBAD AIRPORT INDUSTRIAL PARK, UNIT 6. NO NEW ROADS OR PARCELS ARE BEING CREATED HEREON. THIS SURVEY IS SHOWING PREVIOUSLY UNDEFINED / UN-PLATTED LANDS.

SURVEY NOTES:

1. Unless otherwise noted all set corners are 5/8" rebar stakes with plastic cap impressed "MDN 17821"
2. Date of field survey APRIL, 2014.
3. Basis of Bearings are GRID "NM East Zone" NAD 1983, Distances are Ground.
4. The property shown hereon is NOT within a Special Flood Hazard Area as shown on F.E.M.A., F.I.R.M. Map number 35015C1325D Effective June 4, 2010.
5. The property shown hereon is subject to all Easements, Conditions, Restrictions and Reservations of record or in existence.
6. FILE NAME: PETROLRW.ZAK

FILING AND RECORDING

FILED FOR RECORD IN THE EDDY COUNTY CLERKS OFFICE ON THE 4th DAY OF June, 2014.

AT 2:17 A.M./P.M. CABINET 6 SLIDE 77-1
Darlene Rospin
COUNTY CLERK
Amy Bauer
DEPUTY

INDEXING INFORMATION FOR THE COUNTY CLERK

ASSESSED OWNER(S): CITY OF CARLSBAD
SECTION(S): SECTION 36, T22S, R26E, N.M.P.M.
SUBDIVISION: CARLSBAD AIRPORT INDUSTRIAL PARK



SURVEY PREPARED BY:
MDN SURVEYING CO.
1104 ELGIN RD.
CARLSBAD, NM 88220
575-234-3505