

ORDINANCE NO. 2018-05

**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 13th day of Feb, 2018.

/s/Dale Janway
DALE JANWAY, MAYOR

ATTEST:

/s/Nadine Mireles
CITY CLERK