

**ORDINANCE NO. 2013- 09**

**AN ORDINANCE AUTHORIZING THE TRANSFER TO EDDY COUNTY, NEW MEXICO OF PARCEL 5B, UNIT 5, CARLSBAD AIRPORT INDUSTRIAL PARK, CONTAINING APPROXIMATELY 20.00 ACRES OF REAL PROPERTY.**

**WHEREAS**, the City of Carlsbad (hereinafter "City") holds title to the real estate described as follows:

**SURFACE ESTATE ONLY OF:**

Parcel 5B of the Carlsbad Airport Industrial Park Unit 5, as shown on the official plat thereof filed in Cabinet 5, Slide 635-1 in the office of the County Clerk of Eddy County, New Mexico, and containing 20.0000 acres, more or less.

(hereinafter "Property"); and

**WHEREAS**, Eddy County, New Mexico (hereinafter "County") desires to obtain title to the surface estate of the Property for the Eddy County Sheriff's headquarters; and

**WHEREAS**, the City desires to convey the surface estate of the Property to the County for that purpose; and

**WHEREAS**, a qualified appraiser has appraised the Property to have a value greater than twenty-five thousand dollars; and

**WHEREAS**, the City would convey title to the surface estate of the Property to the County at no charge for the Property, but subject to the following restrictions and reversions:

- A. The Property shall be used only for the Eddy County Sheriff's headquarters; and
- B. The Property shall be developed and in use as the Eddy County Sheriff's headquarters within thirty-six (36) months of the execution of the deed from the City to the County; and
- C. Should the Property cease to be used as the Eddy County Sheriff's headquarters for a period of twelve months (12 mo.) or longer, the Property shall revert to the City; and
- D. The Property shall be subject to all covenants, conditions, restrictions, reservations, encumbrances, and easements of record and in open view.

**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 conveyance of the above described real estate by the City of Carlsbad to Eddy County, New Mexico in consideration of the compliance with the covenants, conditions, restrictions and reservations described above is hereby approved.
2. The City shall execute a quitclaim deed to the County for the Property. All closing costs shall be borne by the County.
3. The Mayor and City Administrator are authorized to execute all documents necessary to implement the terms of this ordinance.
4. Notice shall be published pursuant to the terms of N.M.S.A. 1978, Sec. 3-54-1 (1999).

**DONE AND APPROVED** this 9th day of April, 2013.

/s/ Dale Janway  
DALE JANWAY, MAYOR

ATTEST:

Deputy /s/ Nadine Mireles  
CITY CLERK