

ORDINANCE NO. 2013-12

**AN ORDINANCE AUTHORIZING THE SALE
TO TESSENDERLO KERLEY SERVICES, INC.
OF PARCEL 7, CARLSBAD AIRPORT
INDUSTRIAL PARK UNIT 5, REPLAT #3,
CONTAINING APPROXIMATELY 5.78 ACRES
OF REAL PROPERTY.**

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

THE SURFACE ESTATE ONLY OF:
Parcel 7, Carlsbad Airport Industrial Park Unit 5,
Replat #3 as filed with the County Clerk in Cabinet 5,
Slide 88-1, containing about 5.78 acres.

(hereinafter "Property"); and

WHEREAS, Tessengerlo Kerley Services, Inc., 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 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, a qualified appraiser has appraised property within the Carlsbad Airport Industrial Park at a value of Six Thousand Dollars per acre (\$6,000.00/acre); and

WHEREAS, the City wishes to sell the Property to Buyer for a total purchase price of Thirty-four Thousand Seven Hundred Twenty-six Dollars and 80/100ths (\$34,726.80); and

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);

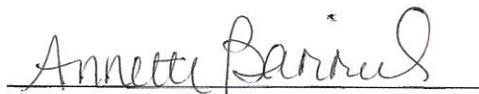
NOW THEREFORE, be it ordained by the Governing Body of the City of Carlsbad, County of Eddy, State of New Mexico, as follows:

1. The sale of the above described real estate by the City of Carlsbad to Tessengerlo Kerley Services, Inc. for a total purchase price of Thirty-four Thousand Seven Hundred Twenty-six Dollars and 80/100ths (\$34,726.80) is hereby approved.
2. The total purchase price shall be due and payable to the City at closing.
3. The City shall purchase Title Insurance in the amount of the total purchase price. All other closing costs shall be borne by the Buyer.
4. The Mayor and City Administrator are authorized to execute all documents necessary to implement the terms of this ordinance.
5. Notice shall be published pursuant to the terms of N.M.S.A. 1978, Sec. 3-54-1 (1999).

DONE AND APPROVED this 23 day of April, 2013.


DALE JANWAY, MAYOR

ATTEST:


CITY CLERK