

ORDINANCE NO. 537

AN ORDINANCE REPEALING ORDINANCE 535 AND REPLACING IT WITH AN ORDINANCE AUTHORIZING THE SALE TO CHRISTOPHER OLIVAS d/b/a THE PARKING LOT DEPOT, LLC OF APPROXIMATELY 5.0 ACRES OF REAL PROPERTY IN LEA COUNTY BEING A PORTION OF THE PROPERTY COMMONLY KNOWN AS THE LOVINGTON INDUSTRIAL PARK.

WHEREAS, the City of Lovington, hereinafter "City", holds title to approximately 5.0 acres of certain real property located at a tract of land located in the SE ¼ of Section 25, Township 16S, R36E N.M.P.M, City of Lovington, Lea County, New Mexico and being more particularly described by metes and bounds as follows:

Commencing at a found 5/8" rebar, being used as the SE corner of Section 25; thence 89°14'44"W 1233.43 feet along the South line of Section 25 to the Northeast right of way of New Mexico State Highway 18; thence N40°13'00"W 1823.39 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" for the Point of Beginning; thence continuing N40°13'00"E at 333.20 feet a found T-rail right of way marker continuing in all 532.72 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348", from which a T-rail right of way marker bears N40°13'00"W 800.75 feet; thence N49°47'00"E 408.84 feet to a set 5/8" rebar with red plastic cap marked "HICK NMPS 12348"; thence S40°13'00"E 532.72 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S49°47'00"W 408.84 feet to the point of beginning, and being Tract "B" of that certain plat dated 6-17-13, filed 6-27-13, in Book 1843, Page 852, Lea County Records, Lea County, New Mexico.

and;

WHEREAS, the City finds that the 5.0 acres is no longer essential to any municipal purpose and the City's interests would be best served by the sale of the property; and

WHEREAS, in Request for Proposal No. 040615 the City requested proposals for the purchase of the 5.0 acre property; and

WHEREAS, all proposals received in response to RFP No. 040615 were evaluated based upon the proposed utilization of the property, proposer's capacity to achieve the proposed use, the economic impact of the proposed use, and the purchase price offered; and

WHEREAS, Christopher Olivas, d/b/a The Parking Lot Depot, LLC, hereinafter "The Parking Lot Depot, LLC", submitted a response to the RFP in which they offered to purchase approximately 5.0 acres, with such property more particularly described on Exhibit "A" attached hereto and incorporated herein and hereinafter referred to as the "Property"; and

WHEREAS, The Parking Lot Depot, LLC proposed to use the Property for a facility to produce and sell a patented product called Pitch Black Asphalt Emission Sealcoat; and

WHEREAS, The Parking Lot Depot, LLC knows and understands that there are no water rights, rights to sand, gravel, or caliche being conveyed by the City; and

WHEREAS, The Parking Lot Depot, LLC shall make no offensive use of the Property; and

WHEREAS, The Parking Lot Depot, LLC shall not use or lease the Property, or any part thereof for permanent or temporary residences or RV or trailer parks; and

WHEREAS, The Parking Lot Depot, LLC shall not use or lease the Property, or any part thereof for any use that is extra hazardous on account of fire, chemical waste or for any purposes that is a nuisance or that is offensive to other tenants or occupants of other structures in the vicinity; and

WHEREAS, The Parking Lot Depot, LLC shall provide the City Material Safety Data sheets for all chemicals uses, stored or brought onto the Property. The Parking Lot Depot, LLC shall provide the City with a copy of a Spill Prevention Plan for their operations on the Property and shall make itself familiar with the sensitive nature of the municipal freshwater wellfield; and

WHEREAS, The Parking Lot Depot, LLC will complete development of the Property and begin business operations within twelve (12) months of acquisition of the Property from the City; and

WHEREAS, the City shall retain the right of first refusal should The Parking Lot Depot, LLC desire to sell the property; and

WHEREAS, prior to the sale of the Property to another individual or group, the sale must be approved by the City of Lovington; and

WHEREAS, any additional or change of use of the Property by The Parking Lot Depot, LLC or any future owners must have prior approval by the City of Lovington; and

WHEREAS, The Parking Lot Depot, LLC or any future owner(s) shall agree upon annexation by the City of Lovington and will file no protests against annexation; and

WHEREAS, The Parking Lot Depot, LLC's proposal is that they would purchase the Property for fifty thousand dollars (\$50,000); and

WHEREAS, the City desires to sell the Property to The Parking Lot Depot, LLC for the remuneration described; 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 Lovington, County of Lea, State of New Mexico, as follows:

1. The sale of the Property as described on Exhibit "A" by the City of Lovington to Christopher Olivas d/b/a The Parking Lot Depot, LLC for fifty thousand dollars (\$50,000) for a total purchase price of fifty thousand dollars (\$50,000) 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 costs shall be borne by The Parking Lot Depot, LLC.
4. The Mayor and City Manager 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, Sect.3-54-1 (1999).

ADOPTED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON ON THE 22ND DAY of JUNE, 2015.



Scotty Gandy
SCOTTY GANDY, MAYOR

ATTEST:

Carol Ann Hogue
CAROL ANN HOGUE, CITY CLERK