

**ORDINANCE NO. 540**

**AN ORDINANCE AUTHORIZING THE SALE TO ANDRES ARREOLA AND DANIEL TORRES OF A TWO LOT PARCEL OF LAND LOCATED ON THE SOUTHEAST CORNER OF MAIN STREET AND JEFFERSON AVENUE.**

**WHEREAS**, the City of Lovington, hereinafter "City", holds title to two (2) lot parcel of certain real property located in Lovington, Lea County, New Mexico and being more particularly described as Lots 5 and 6, Block 2, Original Lovington Subdivision as found in Book 004, Page 340; and

**WHEREAS**, the City finds that this real property 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. 102215 the City requested proposals for the purchase of this real property; and

**WHEREAS**, all proposals received in response to RFP No. 102215 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**, Andres Arreola and Daniel Torres, hereinafter "Mr. Arreola and Mr. Torres", submitted a response to the RFP in which they offered to purchase this real property, with such property more particularly described on Exhibit "A" attached hereto and incorporated herein and hereinafter referred to as the "Property"; and

**WHEREAS**, Mr. Arreola and Mr. Torres proposed to use to construct and operate a brick oven pizza restaurant and craft brewery; and

**WHEREAS**, Mr. Arreola and Mr. Torres acknowledges that development and construction of any structures on the Property must be designed to conform with the character of the downtown district and such designs must be reviewed and approved by the Lovington City Commission; and

**WHEREAS**, Mr. Arreola and Mr. Torres shall make no offensive use of the Property; and

**WHEREAS**, Mr. Arreola and Mr. Torres shall not use or lease the Property, or any part thereof for permanent or temporary residences or RV or trailer parks; and

**WHEREAS**, Mr. Arreola and Mr. Torres 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**, development of the Property shall begin within twelve (12) months of acquisition of the Property from the City; and

**WHEREAS**, business operations shall begin within eighteen (18) months of acquisition of the Property from the City; and

**WHEREAS**, the City shall retain the right of first refusal should Mr. Arreola and Mr. Torres 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 Mr. Arreola and Mr. Torres or any future owners must have prior approval by the City of Lovington; and

**WHEREAS**, Mr. Arreola and Mr. Torres or any future owner(s) shall not violate any ordinances or other regulations of the City of Lovington or County of Lea, or any other state or federal rule, regulation or law, now in force or hereinafter adopted, which in any manner shall affect the use of the premises.

**WHEREAS**, Mr. Arreola and Mr. Torres proposal is that they would purchase the Property for one hundred dollars (\$100); and

**WHEREAS**, the City desires to sell the Property to The Parking Lot Depot, LLC for the remuneration described as it is located in a Metropolitan Redevelopment Area and the described use conforms to the City of Lovington Comprehensive Plan and Downtown Master Plan; 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 Mr. Arreola and Mr. Torres for one hundred dollars (\$100) for a total purchase price of one hundred dollars (\$100) 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 Mr. Arreola and Mr. Torres

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 23<sup>RD</sup> DAY of NOVEMBER, 2015.



*Scotty Gandy*  
 SCOTTY GANDY, MAYOR

ATTEST:

*Carol Ann Hogue*  
 CAROL ANN HOGUE, CITY CLERK

STATE OF NEW MEXICO  
 COUNTY OF LEA  
 FILED

NOV 24 2015

at 9:21 o'clock A M  
 and recorded in Book 1993  
 Page 673  
 Pat Chappelle, Lea County Clerk  
 By C. Sandoval Deputy



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