

ORDINANCE NO. 2010-22

**AN ORDINANCE AUTHORIZING THE SALE
TO BES PROPERTIES, LLC OF
APPROXIMATELY 25.21 ACRES OF REAL
PROPERTY IN THE CARLSBAD AIRPORT
INDUSTRIAL PARK UNIT 6, REPLAT 1, LOTS
E AND F**

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

Carlsbad Airport Industrial Park Unit 6, Replat 1, Lots E and F, as shown on the official plat thereof on file in the office of the County Clerk of Eddy County, New Mexico, and containing 25.21 acres, more or less.

(hereinafter "Property"); and

WHEREAS, BES Properties, LLC (hereinafter "Buyer") desires to purchase the Property for manufacturing and assembly facilities; and

WHEREAS, the Property shall be subject to all covenants, conditions, restrictions, reservations, encumbrances, and easements of record or in open view, including, but not limited to all requirements set forth in Chapter 3, Article II of the Carlsbad City code of Ordinances, as it may be amended from time to time; and

WHEREAS, the City desires to sell the Property for economic development purposes including the establishment of manufacturing assembly facilities; 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 at Six Thousand Dollars per acre (\$6,000.00/acre) for a total purchase price of One Hundred Fifty One Thousand Two Hundred Sixty Dollars (\$151,260.00); 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 BES Properties, LLC at a purchase price of Six Thousand Dollars per acre (\$6,000.00/acre) for a total purchase price of One Hundred Fifty One Thousand Two Hundred Sixty Dollars (\$151,260.00) is hereby approved.

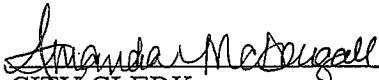
2. The total purchase price shall be due and payable to the City at closing.
3. The City shall purchase Title Insurance in the amount of the total purchase price. All other costs shall be borne by the Buyer.
4. The Mayor and City Administrator are authorized to execute all documents necessary to implement 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 21st day of December, 2010.



DALE JANWAY, MAYOR

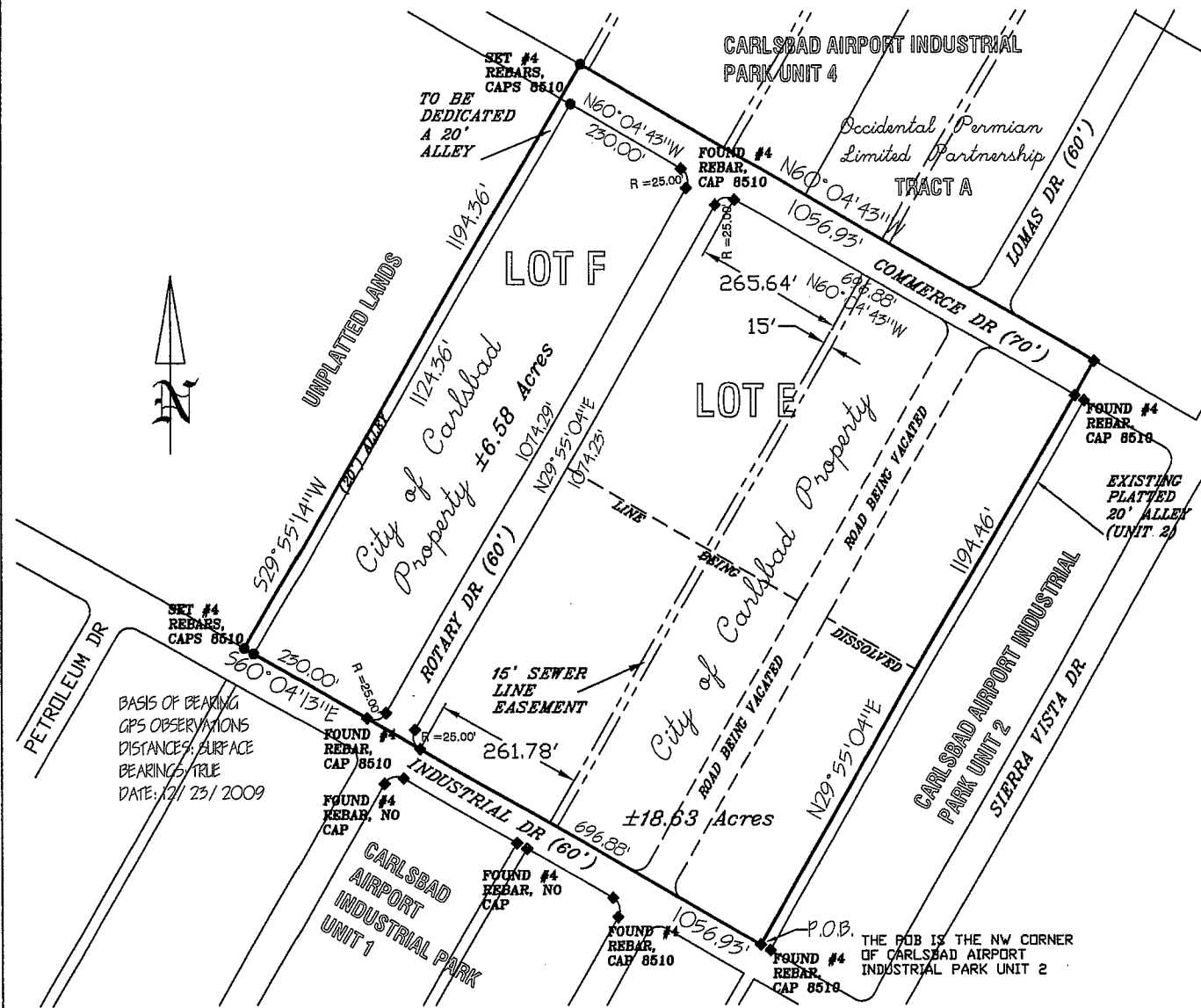
ATTEST:



CITY CLERK

CARLSBAD AIRPORT INDUSTRIAL PARK UNIT 6, REPLAT 1

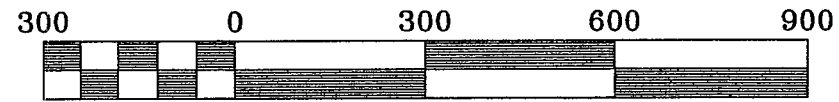
A RESURVEY OF LOTS A, B, C, D AND ±7.00 ACRES OF UNPLATTED LANDS SHOWN ON CARLSBAD AIRPORT INDUSTRIAL PARK UNIT 6 (CAB 5 SLIDE 177-1 (MREC)) TO THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO, LYING IN SEC 36, T22S, R26E, N.M.P.M., WHICH REPLAT IS CREATING LOTS E AND F, ROTARY DRIVE, AN ALLEY, ALONG WITH THE VACATION OF LOMAS DRIVE AND WHOSE PERIMETER IS DESCRIBED AS FOLLOWS:



BEGINNING AT THE WESTERLY CORNER OF CARLSBAD AIRPORT INDUSTRIAL PARK UNIT 2; THENCE N29°55'04"E, ALONG THE WESTERLY R.O.W. LINE OF AN ALLEY, FOR 1194.46 FEET TO THE NORTHERLY CORNER OF SAID UNIT 2, WHICH POINT ALSO LIES ON THE NORTHERLY R.O.W. OF COMMERCE DR.; THENCE N60°04'43"W, ALONG SAID NORTHERLY R.O.W., FOR 1056.93 FEET TO A POINT THAT LIES ON THE SOUTHERLY LINE OF CARLSBAD AIRPORT INDUSTRIAL PARK UNIT 4; THENCE S29°55'14"W FOR 1194.36 FEET TO THE NORTHERLY R.O.W. OF INDUSTRIAL DR., WHICH POINT ALSO LIES ON THE NORTHERLY LINE OF CARLSBAD AIRPORT INDUSTRIAL PARK UNIT 1; THENCE S60°04'13"E, ALONG SAID NORTHERLY R.O.W., FOR 1056.93 FEET TO THE POINT OF BEGINNING. CONTAINING 28.98 ACRES, MORE OR LESS,

AND TOGETHER WITH THE PUBLIC ROAD DEDICATIONS OF ROTARY DRIVE, BEING 60 FEET WIDE WITH 25 FOOT RADIUS CURVES, COMMERCE DRIVE, BEING 70 FEET WIDE WITH 25 FOOT RADIUS CURVES, AND A 20 FOOT ALLEY, BEING DESCRIBED AS SHOWN ON THIS PLAT, AND A 15 FOOT WIDE SEWER LINE EASEMENT BEING DESCRIBED AS SHOWN ON THIS PLAT,

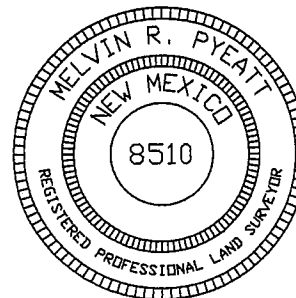
AND TOGETHER WITH THE VACATION OF LOMAS DRIVE BETWEEN COMMERCE DRIVE AND INDUSTRIAL DRIVE AS SHOWN ON THE CARLSBAD AIRPORT INDUSTRIAL PARK UNIT 6 PLAT (CAB 5 SLIDE 177-1 (MREC)).



Scale 1" = 300'

LEGEND

- ◇ CORNER FOUND
- CORNER SET
- LINE BEING DISSOLVED
- == NEW & OLD EASEMENTS



STATE OF NEW MEXICO, COUNTY OF EDDY, I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE 17th DAY OF December, 2010 A.D. AT 2:11 O'CLOCK P.M.

CABINET 5 SLIDE 0300-2
DARLENE ROSPRIM-COUNTY CLERK

BY Amy Armin DEPUTY

Dale Janway
CITY OF CARLSBAD
DALE JANWAY, MAYOR OF THE CITY OF CARLSBAD, NEW MEXICO

OWNERS STATEMENT AND AFFIDAVIT

STATE OF New Mexico ; SS
COUNTY OF Eddy ;
THE ABOVE SIGNED BEING FIRST DULY SWORN ON OATH, STATE:

AS THE OWNERS AND PROPRIETORS WE HAVE OF OUR OWN FREE WILL AND CONSENT CAUSED THIS PLAT WITH ITS TRACTS AND DEDICATED ROADS AND VACATED ROADS TO BE PLATTED. THE PROPERTY DESCRIBED ON THIS PLAT LIES WITHIN THE PLATTING JURISDICTION OF:

THE CITY OF CARLSBAD
SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME
THIS 17th DAY OF December, 2010

BY Dale Janway MAYOR OF THE CITY OF CARLSBAD, NEW MEXICO
Amanda McDougall CITY CLERK

INDEXING INFO. FOR CO. CLERK	
SEC. 36	T22S., R26E., N.M.P.M.
SUBDIVISION: CARLSBAD AIRPORT INDUSTRIAL PARK UNIT 6 REPLAT 1	
OWNER:	CITY OF CARLSBAD
CITY:	CARLSBAD
COUNTY:	EDDY
STATE:	NEW MEXICO
DATE:	DECEMBER 16, 2010
ACCESS:	YES
AREA:	±28.98 ACRES

APPROVAL BY THE CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS REPLAT HAS BEEN APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO, DURING A REGULARLY SCHEDULED MEETING HELD ON

THIS 17th DAY OF December, 2010.

James F. Knott CHAIRMAN
[Signature] SECRETARY

I, MELVIN R. PYEATT, A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR, CERTIFY THAT I CONDUCTED, AND AM RESPONSIBLE FOR THIS SURVEY, AND THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

Melvin Pyeatt
MELVIN R. PYEATT, 423 W. GREENE ST., CARLSBAD, N.M., 88220 CERTIFICATE NO. 8510 TELE. 885-6867 FAX 885-6867