

ORDINANCE NO. 2019-08

AN ORDINANCE AUTHORIZING THE SALE TO XTO HOLDINGS, LLC OF TRACTS A, B, C, AND D CARLSBAD AIRPORT INDUSTRIAL PARK REPLAT AND LAND DIVISION OF TRACT 3-B-1 AND 3-B-2, UNIT 5, WITHIN THE SW 1/4 OF SECTION 25, T22S, R26E, N.M.P.M., CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO MARCH, 2017, FILED WITH THE EDDY COUNTY CLERK ON THE 24TH DAY OF MARCH 2017 IN CABINET 6, SLIDE 685 AND THE SALE OF THE REAL PROPERTY IDENTIFIED AS THE 60'-WIDE FRONTAGE ROAD DEDICATED ON THAT SAME PLAT, CONTAINING A TOTAL OF ABOUT 46.524 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:

TRACT A, CARLSBAD AIRPORT INDUSTRIAL PARK REPLAT AND LAND DIVISION OF TRACT 3-B-1 AND 3-B-2, UNIT 5, WITHIN THE SW 1/4 OF SECTION 25, T22S, R26E, N.M.P.M., CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO MARCH, 2017, FILED WITH THE EDDY COUNTY CLERK ON THE 24TH DAY OF MARCH 2017 IN CABINET 6, SLIDE 685, containing about 11.028 acres.

THE SURFACE ESTATE ONLY OF:

TRACT B, CARLSBAD AIRPORT INDUSTRIAL PARK REPLAT AND LAND DIVISION OF TRACT 3-B-1 AND 3-B-2, UNIT 5, WITHIN THE SW 1/4 OF SECTION 25, T22S, R26E, N.M.P.M., CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO MARCH, 2017, FILED WITH THE EDDY COUNTY CLERK ON THE 24TH DAY OF MARCH 2017 IN CABINET 6, SLIDE 685, containing about 11.051 acres.

THE SURFACE ESTATE ONLY OF:
TRACT C, CARLSBAD AIRPORT INDUSTRIAL
PARK REPLAT AND LAND DIVISION OF TRACT
3-B-1 AND 3-B-2, UNIT 5, WITHIN THE SW 1/4
OF SECTION 25, T22S, R26E, N.M.P.M., CITY OF
CARLSBAD, EDDY COUNTY, NEW MEXICO
MARCH, 2017, FILED WITH THE EDDY
COUNTY CLERK ON THE 24TH DAY OF MARCH
2017 IN CABINET 6, SLIDE 685, containing about
11.050 acres.

THE SURFACE ESTATE ONLY OF:
TRACT D, CARLSBAD AIRPORT INDUSTRIAL
PARK REPLAT AND LAND DIVISION OF TRACT
3-B-1 AND 3-B-2, UNIT 5, WITHIN THE SW 1/4
OF SECTION 25, T22S, R26E, N.M.P.M., CITY OF
CARLSBAD, EDDY COUNTY, NEW MEXICO
MARCH, 2017, FILED WITH THE EDDY
COUNTY CLERK ON THE 24TH DAY OF MARCH
2017 IN CABINET 6, SLIDE 685, containing about
11.027 acres.

AND

THE SURFACE ESTATE ONLY OF:
THE 60'-WIDE FRONTAGE ROAD ABUTTING
TRACTS A, B, C, AND D TO THE SOUTHEAST
DEDICATED ON THE CARLSBAD AIRPORT
INDUSTRIAL PARK REPLAT AND LAND
DIVISION OF TRACT 3-B-1 AND 3-B-2, UNIT 5,
WITHIN THE SW 1/4 OF SECTION 25, T22S,
R26E, N.M.P.M., CITY OF CARLSBAD, EDDY
COUNTY, NEW MEXICO MARCH, 2017, FILED
WITH THE EDDY COUNTY CLERK ON THE 24TH
DAY OF MARCH 2017 IN CABINET 6, SLIDE 685,
containing about 2.368 acres.

(hereinafter "Property"); and

WHEREAS, XTO Holdings, LLC, a Delaware limited liability company (hereinafter "XTO"), 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 to be purchased by XTO 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 the Property at a value of Two Million One Hundred Ninety-One Thousand Five Hundred Forty-Six Dollars (\$2,191,546); 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 XTO Holdings, LLC at a purchase price of Two Million One Hundred Ninety-One Thousand Five Hundred Forty-Six Dollars (\$2,191,546) is hereby approved.
2. The terms of the sale shall be pursuant to the Purchase and Sale Agreement attached as Exhibit "A".
3. The City shall purchase Title Insurance in the amount of Two Million One Hundred Ninety-One Thousand Five Hundred Forty-Six Dollars (\$2,191,546).
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 26th day of February, 2019.

/s/Dale Janway
DALE JANWAY, MAYOR

ATTEST:

/s/Nadine Mireles
CITY CLERK