

ORDINANCE NO. 2019- 22

**AN ORDINANCE AUTHORIZING THE SALE
OF THE REAL PROPERTY COMMONLY
KNOWN AS 5000 WEST CHURCH STREET TO
BRANSON PROPERTIES LLC FOR \$90,000.**

WHEREAS, the City of Carlsbad, hereinafter "City", holds title to the real estate commonly known as 5000 West Church Street, and more particularly described as follows:

THE SURFACE ESTATE ONLY OF:

Lot 5A of the Denny Subdivision Lot 5 Line Adjustment, as shown on the official plat thereof on file with the County Clerk of Eddy County, New Mexico in Cabinet 7, Slide 336, and containing 2.12 acres more or less

Hereinafter referred to as the Property.

WHEREAS, the City finds that the 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, a qualified appraiser appraised the Property's value as Three Hundred Seventy-One Thousand Dollars (\$371,000.00) as of August 10, 2018; and

WHEREAS, the appraiser found that the highest and best use of the Property was as an office with living quarters for employees; and

WHEREAS, in its Request for Bids No. 2018-19, the City requested proposals for the purchase of the Property; and

WHEREAS, the Request for Bids was published one time in the *Carlsbad Current-Argus* on September 30, 2018, and the Request was posted on the City of Carlsbad's website; and

WHEREAS, the bidding closed on October 26, 2018, with no bids received in response to that Request; and

WHEREAS, the Request for Bids No. 2018-19, was extended and published again on the City's website homepage and the City's Facebook page beginning on November 29, 2018; and

WHEREAS, the bidding closed on December 31, 2018, with two bids received in response to the Request for Bids; and

WHEREAS, the two bids were for \$35,000 and \$50,000; and

WHEREAS, at its meeting on January 22, 2019, the Carlsbad City Council voted to reject both bids; and

WHEREAS, after the January 22, 2019 Carlsbad City Council Meeting, the City offered the Property for sale a third time, this time offering it on the open market; and

WHEREAS, the third attempt to sell the property was advertised through a social media outreach on the City's Facebook page, on the City of Carlsbad's website homepage and on the Procurement Department's webpage, and by word of mouth; and

WHEREAS, the only offer received during the third sale was made in January 2019 and was for \$80,000; and

WHEREAS, the City continued to offer the Property on the open market by listing the Property's sale on the City's website homepage and the Purchasing Department's webpage, continued Facebook advertising, and word of mouth and direct outreach to potential buyers; and

WHEREAS, on March 26, 2019, Branson Properties LLC gave the City of Carlsbad its written offer to purchase the property for Ninety Thousand Dollars (\$90,000) subject to the conditions and stipulations listed in the sale offer letter attached as Exhibit "A"; and

WHEREAS, the City desires to sell the Property to Branson Properties LLC for Ninety Thousand Dollars (\$90,000); 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 Property as described

THE SURFACE ESTATE ONLY OF:

Lot 5A of the Denny Subdivision Lot 5 Line Adjustment, as shown on the official plat thereof on file with the County Clerk of Eddy County, New Mexico in Cabinet 7, Slide 336, and containing 2.12 acres more or less

by the City of Carlsbad to Branson Properties LLC for Ninety Thousand Dollars (\$90,000) is hereby approved.

2. The total purchase price shall be due and payable to the City at closing.

3. The Branson Properties LLC shall purchase Title Insurance in the amount of the total purchase price. All other costs shall be borne by Branson Properties LLC.

4. The sale of the Property shall be subject to the conditions and stipulations listed in the sale offer letter attached as Exhibit "A".
5. The Mayor and City Administrator are authorized to execute all documents necessary to implement the terms of this ordinance.
6. Notice shall be published pursuant to the terms of N.M.S.A. 1978, Sec. 3-54-1 (1999).

DONE AND APPROVED this 14th day of May, 2019.

/s/Dale Janway
DALE JANWAY, MAYOR

ATTEST:

/s/Nadine Mireles
CITY CLERK