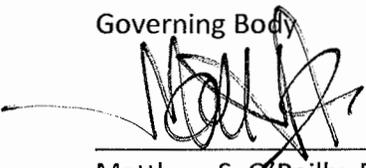


City of Santa Fe, New Mexico

memo

DATE: March 14, 2016

TO: Governing Body

FROM: 
Matthew S. O'Reilly, P.E.
Asset Development Director

CC: Edward Vigil, Property Manager
Asset Development Office

ITEM

Request for final approval of the sale of a portion of Early Street right-of-way containing approximately 3,109.5 square feet adjoining the easterly boundary of 1092 Early Street by William M. Scott and Carolyn S. Scott (Matthew O'Reilly).

BACKGROUND

The subject property is an unused portion of the southern-most terminus of the Early Street right-of-way acquired by the City of Santa Fe by means of plat dedication recorded in Plat Book 9, page 35, records of Santa Fe County, New Mexico. The Scotts have requested to purchase this portion of right-of-way from the City to use for employee parking and as a staging area for their landscaping business at 1092 Early Street. The subject property is the primary access to the parcel at 1092 Early Street. Easements will be reserved for the existing City wastewater infrastructure and an existing drainage pathway through the property.

The city's Public Works Committee and Finance Committee approved this sale in concept on October 13, 2015 and October 19, 2015 respectively pending the review and approval of an appraisal and new survey of the property. The applicant has now submitted the required MAI-certified appraisal and survey of the parcel and these have been reviewed and found acceptable by the Asset Development Office. The appraisal has established the market value of the subject property as \$20,000. The conceptually-approved Quitclaim Deed has been revised to incorporate the legal description of the property derived from the survey plat prepared by Sierra Land Surveying Inc., on December 1, 2015.

RECOMMENDATIONS

The Asset Development Office recommends final approval of the sale of this portion of right-of-way with conditions as shown on the attached Quitclaim Deed that: 1) obligate the purchaser to consolidate the purchased property with their adjacent parcel; and 2) make the area subject to

a fifteen-foot (15') drainage easement, a twenty-foot (20') sanitary sewer easement and, a reservation for any other existing utilities.

This sale will benefit the City by generating revenue at the time of sale, by partially relieving the City from liability and maintenance responsibility for property, and by placing the property back on the tax rolls. The sale will benefit the purchaser by increasing the size of their existing parcel and by allowing for their existing gate and fencing thereto to remain in place without a separate agreement with the City.

REQUESTED ACTION

Please approve this request for final approval of the sale of this portion of real property.

- Exhibits: A – Plat of Boundary Survey for the City of Santa Fe – Parcel 1;
B – Appraisal Report prepared by Pendelton Appraisal dated 12/8/15 (relevant sections);
C – Draft Quitclaim Deed;
D – Copies of Public Works Committee & Finance Committee minutes/approvals;
E – Request by William Scott to purchase land from the City of Santa Fe;
F – Copy of Article 3-54-1 NMSA 1978.

BUSINESS UNIT/LINE ITEM:

21117.460150

Pendleton Appraisal, Ltd.

Real Estate Appraisers and Consultants

**MARKET VALUE ESTIMATE
Appraisal Report of Real Estate**

**Scott's Irrigation Proposed Acquisition of
City of Santa Fe Early Street Right-of-Way
Adjacent to 1092 Early Street #7
Santa Fe, New Mexico 87505**

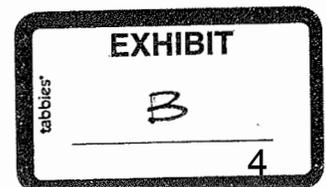
Prepared for

**Mr. William M. Scott
Scott's Irrigation and Landscaping
1092 Early Street #7
Santa Fe, New Mexico 87505**

**Effective Date of Appraisal -- as of December 8, 2015
Date of Appraisal Inspection**

Prepared by

**PENDLETON APPRAISAL, LTD.
Matthew H. Pendleton, MAI**



Pendleton Appraisal, Ltd.
Real Estate Appraisers and Consultants

Matthew H. Pendleton, MAI

December 10, 2015

Mr. William M. Scott
Scott's Irrigation and Landscaping
1092 Early Street #7
Santa Fe, New Mexico 87505

Re: City Street Right-of-Way Acquisition
1092 Early Street #7 at Scott's Irrigation

Dear Max:

I have estimated the current market value of the referenced property illustrated on the attached survey plat.

The intended use of this appraisal is to provide land value information to be used in negotiations for acquisition of the appraised land from the City of Santa Fe.

The effective date of this appraisal is December 8, 2015 coinciding with the most recent appraisal inspection.

Property History

The appraised property is street right-of-way owned by the City of Santa Fe. The appraised parcel has been used in the past as a parking area for Scott's Irrigation being within the southern end of the Early Street extension.

The square footage of the appraised area has been established recently by a property boundary survey. The intention of the parties is for a sale of the property from the City to the Scott's Irrigation ownership entity.

The appraised land area according to the 2015 survey is 0.0714 acres or equivalent to 3,109.5 square feet.

Assumptions for Appraisal

The specific assumptions for this appraisal are as follows.

The size of the appraised property has been provided by David Cooper of Sierra Land Surveying as being 3,109.5 square feet in its current form as of this appraisal.

The underlying land has been appraised in raw vacant condition prior to and excluding any existing or proposed improvements by Scott's Irrigation and Landscaping.

The underlying zoning upon which land value would be based is the existing C2 commercial zoning as reflected on the City of Santa Fe Zoning Map.

In conclusion, the estimated land value for the appraised property, under the assumptions and conditions outlined in the attached appraisal as of December 8, 2015, may be stated as follows.

Final Value Estimate	City Street Right-of-Way	
	Fronting Scott's Irrigation	1092 Early Street #7
	As Though Vacant	Existing C2 Zoning 3,109.5 sf
		\$20,000

A synopsis of the appraisal is provided on the following Appraisal Summary.

With regards,
PENDLETON APPRAISAL, LTD.


Matthew H. Pendleton, MAI

QUITCLAIM DEED

The CITY OF SANTA FE, a municipal corporation, herein "Grantor", whose address is 200 Lincoln Avenue, Santa Fe, NM 87501, for good and adequate consideration paid, quitclaims to WILLIAM M. SCOTT and CAROLYN S. SCOTT, husband and wife, herein "Grantee", whose address is 828 East Zia Road, Santa Fe, NM 87505, the following described real estate within the City and County Santa Fe, New Mexico, being more particularly described as follows:

Parcel 1 as shown and delineated on plat entitled "Plat of Boundary Survey for the City of Santa Fe Parcel 1, A portion of Early Street within the City of Santa Fe, Santa Fe County, New Mexico projected Section 26, T. 17 N., R. 9 E., N.M.P.M.", filed for record as Instrument No. _____ in Plat Book _____, Page _____, in the records of Santa Fe County, New Mexico.

Subject to reservations, restrictions, easements of record and taxes for the year of 2016 and thereafter.

Further, by this deed, the real estate is subject to the following conditions:

1. The property shall not be considered a legal lot of record for any purpose, but rather shall be consolidated with the adjoining lands commonly known as Tract A-6 at 1092 Early Street by Grantee.
2. The parcel herein conveyed is subject to a twenty-foot (20') wide sanitary sewer easement within the northerly portion with rights incident thereto.
3. The parcel is subject to a fifteen-foot (15') wide drainage and utility easement crossing subject premises with rights incident thereto.

Witness my hand and seal this _____ day of _____, 2016.

GRANTOR:
CITY OF SANTA FE

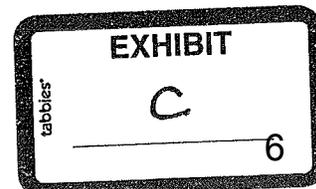
BY: _____
JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY



- 9) REQUEST FOR CONCEPT APPROVAL OF THE SALE AND PARTIAL VACATION OF A PORTION OF EARLY STREET RIGHT-OF-WAY CONTAINING APPROXIMATELY 3,080 SQUARE FEET ADJOINING THE EASTERLY BOUNDARY OF 1092 EARLY STREET BY WILLIAM M. SCOTT AND CAROLYN S. SCOTT (**MATTHEW O'REILLY**)

Committee Review:

Finance Committee (Scheduled)

10/19/15

- 10) REQUEST FOR CONCEPT APPROVAL OF THE SALE AND VACATION OF A PORTION OF THE ARROYO TENORIO STREET RIGHT-OF-WAY AND FORMER ACEQUIA MADRE DITCH RIGHT-OF-WAY KNOWN AS "TRACT A" CONTAINING APPROXIMATELY 2,158 SQUARE FEET ADJOINING THE SOUTHERLY BOUNDARY OF 424 ARROYO TENORIO BY GARY L. SWANSON AND JANE W. SWANSON, CO-TRUSTEES OF THE SWANSON FAMILY TRUST OF 2007 (**MATTHEW O'REILLY**)

Committee Review:

Finance Committee (Scheduled)

10/19/15

- 11) REQUEST FOR APPROVAL OF A RESOLUTION ACKNOWLEDGING THE CITY OF SANTA FE'S OPERATING BUDGET DEFICIT AND ITS OUTLOOK; AND COMMITTING TO ADOPT POLICIES CONSISTENT WITH BEST PRACTICES TO ADDRESS THIS DEFICIT AND ITS OUTLOOK (**COUNCILOR MAESTAS**) (**OSCAR RODRIGUEZ**)

Committee Review:

Public Utilities Committee (Scheduled)

10/07/15

Finance Committee (Scheduled)

10/19/15

Council (Scheduled)

10/28/15

- 12) REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO RESEARCH AND REPORT ON DEVELOPMENT OF A RAIN WATER HARVESTING AND WATER CATCHMENT PROGRAM ASSOCIATED WITH RESIDENTIAL, COMMERCIAL AND CITY-OWNED BUILDINGS AND PROPERTY (**COUNCILORS IVES AND BUSHEE**) (**CARYN GROSSE**)

Committee Review:

Public Utilities Committee (Scheduled)

10/07/15

Finance Committee (Scheduled)

10/19/15

Council (Scheduled)

10/28/15

- 13) REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING POLICIES FOR GUIDING THE MANAGEMENT OF THE CITY'S FINANCES AND FOR ASSISTING THE GOVERNING BODY AND CITY STAFF IN EVALUATING CURRENT ACTIVITIES AND FUTURE PLANS (**MAYOR GONZALES**) (**OSCAR RODRIGUEZ**)

Committee Review:

Finance Committee (Scheduled)

10/19/15

Council (Scheduled)

10/28/15



**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
TUESDAY, OCTOBER 13, 2015**

ITEM 9

REQUEST FOR CONCEPT APPROVAL OF THE SALE AND PARTIAL VACATION OF A PORTION OF EARLY STREET RIGHT-OF-WAY CONTAINING APPROXIMATELY 3,080 SQUARE FEET ADJOINING THE EASTERLY BOUNDARY OF 1092 EARLY STREET BY WILLIAM M. SCOTT AND CAROLYN S. SCOTT (**MATTHEW O'REILLY**)

PUBLIC WORKS COMMITTEE ACTION: Approved

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO			
COUNCILOR BUSHEE	Excused		
COUNCILOR DIMAS	Excused		
COUNCILOR DOMINGUEZ	X		
COUNCILOR IVES	X		

**SUMMARY INDEX FOR
PUBLIC WORKS/CIP & LAND USE COMMITTEE
October 13, 2015**

ITEM	ACTION	PAGE
1. Call to Order	Convened at 5:00 p.m.	1
2. Roll Call	Quorum Present	1
3. Approval of Agenda	Approved as presented	1
4. Approval of Consent Agenda	Approved as amended	1
5. Approval of Minutes - September 28, 2015	Approved as presented	2
CONSENT AGENDA LISTING	Listed	2-3
CONSENT AGENDA DISCUSSION		
7. MRC Soccer Valley Improvements	Approved	3-4
→ 9. Early Street ROW sale	Approved	4
10. Arroyo Tenorio ROW Sale	Approved	4-5
16. Matters from Staff	None	5
17. Matters from the Committee	Discussion	5
18. Matters from the Chair	Comments	5
19. Next Meeting:	October 26, 2015	5
20. Adjournment	Adjourned at 5:40 p.m.	5

Mr. Kluck reported that the Parks and Recreation Department is recommending that the BMX track should remain where it is.

Councilor Dominguez asked Councilor Rivera if this was the intent of the Finance Committee at their discussion.

Councilor Rivera agreed that it should remain and not be included for demolition in the Master Plan.

Councilor Dominguez moved to approve CIP Project #523A/NM State Cap #14-1-2004 for municipal recreation sports complex (MRC) Soccer Valley Improvements and Expansion of the MRC Soccer Valley with noted staff recommendations. Councilor Ives seconded the motion and it passed by unanimous voice vote.

9. **REQUEST FOR CONCEPT APPROVAL OF THE SALE AND PARTIAL VACATION OF A PORTION OF EARLY STREET RIGHT-OF-WAY CONTAINING APPROXIMATELY 3,080 SQUARE FEET ADJOINING THE EASTERLY BOUNDARY OF 1092 EARLY STREET BY WILLIAM M. SCOTT AND CAROLYN S. SCOTT (MATTHEW O'REILLY)**

Committee Review:

Finance Committee (Scheduled)

10/19/15

Mr. O'Reilly provided the Committee members a more legible plat of the area under discussion. Staff had no additional comments other than what was in the staff memo.

Councilor Dominguez moved for concept approval of the request. Councilor Ives seconded the motion and it passed by unanimous voice vote.

10. **REQUEST FOR CONCEPT APPROVAL OF THE SALE AND VACATION OF A PORTION OF THE ARROYO TENORIO STREET RIGHT-OF-WAY AND FORMER ACEQUIA MADRE DITCH RIGHT-OF-WAY KNOWN AS "TRACT A" CONTAINING APPROXIMATELY 2,158 SQUARE FEET ADJOINING THE SOUTHERLY BOUNDARY OF 424 ARROYO TENORIO BY GARY L. SWANSON AND JANE W. SWANSON, CO-TRUSTEES OF THE SWANSON FAMILY TRUST OF 2007 (MATTHEW O'REILLY)**

Committee Review:

Finance Committee (Scheduled)

10/19/15

Mr. O'Reilly stated that the staff report, as is normal for a sale of land like this, recommends that this parcel be consolidated with the connecting parcel. He said Mr. Bové, Commissioner of the Acequia Madre for the last 33 years requested that a notation be placed on the plat to show the previous location of this portion on the Acequia Madre Master Plan. The plat shows the residence directly below the parcel that is separate. Staff is recommending that it be noted on the plat that it was a part of the Acequia Madre for historical purposes.

Mr. Bové explained to the Committee that this portion goes by a more recent name called "the appendage." It once served the Penitentiary until that facility was moved to Highway 14 in 1950. This partial acequia operated until the late 1940s and Ms. Bové remembers that the river did run when the Penitentiary was there. This partial is within the age range of 200 years and was a spur for the



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
OCTOBER 19, 2015 – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 10/16/15 TIME 9:10am

SERVED BY Yolanda Green

RECEIVED BY Alicia Martus

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES:

Regular Finance Committee – September 15, 2015

CONSENT AGENDA

- 6. Request for Concept Approval of the Sale and Partial Vacation of a Portion of Early Street Right-of-Way Containing Approximately 3,080 Square Feet Adjoining the Easterly Boundary of 1092 Early Street by William M. Scott and Carolyn S. Scott. (Matthew O'Reilly)
7. Request for Concept Approval of the Sale and Partial Vacation of a Portion of the Arroyo Tenorio Street Right-of-Way and Former Acequia Madre Ditch Right-of-Way known as "Tract A" Containing Approximately 2,158 Square Feet Adjoining the Southerly Boundary of 424 Arroyo Tenorio by Gary L. Swanson and Jane W. Swanson, Co-Trustees of the Swanson Family Trust of 2007. (Matthew O'Reilly)
8. Request for Approval of Amendment No. 1 to Professional Services Agreement – Development of a Project Plan for Recruiting Members to Participate in a Makerspace to be Opened 2016; Make Santa Fe, LLC. (Kate Noble)
9. Request for Approval of Federal Highway Administration Section 112 Transportation Planning Funds for the Santa Fe Metropolitan Planning Organization; New Mexico Department of Transportation and Approval of Budget Increase in the Amount of \$35,568. (Mark Tibbetts)
10. Request for Approval of Procurement Under State Price Agreement and Amended Grant Agreement – Fourteen (14) Program Vehicles for Senior Services Division; Don Chalmers Ford, Creative Bus Sales, CED/Don Chalmers and State of New Mexico Aging and Long-Term Services Department. (Ron Vialpando)
11. Request for Approval of Procurement Under State Price Agreement – Replace Exercise Equipment at Mary Esther Gonzales, Pasatiempo and Luisa Senior Centers; The Fitness Superstore. (Ron Vialpando)

ACTION SHEET
ITEM FROM FINANCE COMMITTEE MEETING OF 10/19/15
FOR CITY COUNCIL MEETING OF 10/28/15

ISSUE:

6. Request for Concept Approval of the Sale and Partial Vacation of a Portion of Early Street Right-of-Way Containing Approximately 3,080 Square Feet Adjoining the Easterly Boundary of 1092 Early Street by William M. Scott and Carolyn S. Scott. (Matthew O'Reilly)

FINANCE COMMITTEE ACTION:

Approved as Consent item.

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS

STAFF FOLLOW-UP:

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR TRUJILLO	X		
COUNCILOR RIVERA	X		
COUNCILOR LINDELL	Excused		
COUNCILOR MAESTAS	X		
CHAIRPERSON DOMINGUEZ			

4-13-15

**SUMMARY OF ACTION
FINANCE COMMITTEE MEETING
Monday, October 19, 2015**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	2
→ APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT AGENDA LISTING		2-4
APPROVAL OF MINUTES – SEPTEMBER 15, 2015	Approved	4
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT AND EXEMPT PROCUREMENT- CITY-WIDE COPIER EQUIPMENT, MAINTENANCE AND SERVICE AGREEMENTS FOR ITT COMMUNICATIONS DEPARTMENT; ROCKY MOUNTAIN BUSINESS SYSTEMS	Approved	4-5
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PROMOTE SANTA FE TO SURROUNDING REGION BY DISTRIBUTING THE SANTA FE TRAVEL PLANNERS TO FILL BROCHURE RACKS LOCATED IN AND AROUND TARGETED CITIES; CERTIFIED FOLDER DISPLAY SERVICE, INC.	Postponed then approved on reconsideration of Agenda approval	5-7
REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING THE PLACEMENT OF A QUESTION ON THE BALLOT OF A SPECIAL ELECTION, TO BE HELD IN CONJUNCTION WITH THE REGULAR ELECTION ON MARCH 1, 2016, TO ASK THE VOTERS OF THE CITY OF SANTA FE WHETHER OR NOT THE SANTA FE MUNICIPAL CHARTER SHOULD BE AMENDED TO INCLUDE A PROVISION TO ESTABLISH AN INDEPENDENT OFFICE OF INSPECTOR GENERAL FOR THE CITY OF SANTA FE	Approved	7-13

VIGIL, EDWARD J.

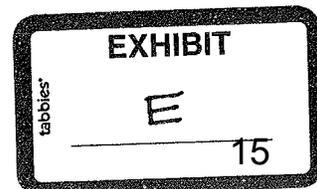
From: scottirrigation2@aol.com
Sent: Tuesday, August 18, 2015 3:24 PM
To: VIGIL, EDWARD J.
Subject: South end of early street purchase option

Hello Edward,

I am writing to express my interest in purchasing the south end of early street adjacent to my property at 1092 Early , tract A - 6

Thank you

William M. Scott
505-660-0831



**ARTICLE 54
SALE OR LEASE OF PROPERTY**

Section

- 3-54-1. Authority to sell or lease municipal utility facilities or real property; notice; referendum.
- 3-54-2. Sale, exchange and gift of property.
- 3-54-3. Supplemental method for disposing of municipal property.

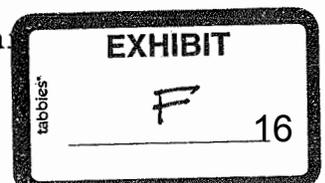
3-54-1. Authority to sell or lease municipal utility facilities or real property; notice; referendum.

A. A municipality may lease or sell and exchange any municipal utility facilities or real property having a value of twenty-five thousand dollars (\$25,000) or less by public or private sale or lease any municipal facility or real property of any value normally leased in the regular operations of such facility or real property, and such sale or lease shall not be subject to referendum.

B. A municipality may lease or sell and exchange any municipal utility facilities or real property having an appraised value in excess of twenty-five thousand dollars (\$25,000) by public or private sale or lease, subject to the referendum provisions set forth in this section. The value of municipal utility facilities or real property to be leased or sold and exchanged shall be determined by the appraised value of the municipal utility facilities or real property and not by the value of the lease. An appraisal shall be made by a qualified appraiser and submitted in writing to the governing body. If the sale price is less than the appraised value, the governing body shall cause a detailed written explanation of that difference to be prepared, and the written explanation shall be made available to any interested member of the public upon demand.

C. If a public sale is held, the bid of the highest responsible bidder shall be accepted unless the terms of the bid do not meet the published terms and conditions of the proposed sale, in which event the highest bid which does meet the published terms and conditions shall be accepted; provided, however, a municipality may reject all bids. Terms and conditions for a proposed public sale or lease shall be published at least twice, not less than seven days apart, with the last publication no less than fourteen days prior to the bid opening, and in accordance with the provisions of Subsection J of Section 3-1-2 NMSA 1978.

D. Any sale or lease of municipal utility facilities or real property entered into pursuant to Subsection B of this section shall be by ordinance of the municipality. Such an ordinance shall be effective seventy days after its adoption, unless a referendum election is held pursuant to this section. The



ordinance shall be published prior to adoption pursuant to the provisions of Subsection J of Section 3-1-2 NMSA 1978 and Section 3-17-3 NMSA 1978 and shall be published after adoption at least once within one week after adoption, pursuant to the provisions of Subsection J of Section 3-1-2 NMSA 1978. Such publications shall concisely set forth at least:

- (1) the terms of the sale or lease;
- (2) the appraised value of the municipal utility facilities or real property;
- (3) the time and manner of payments on the lease or sale;
- (4) the amount of the lease or sale;
- (5) the identities of the purchasers or lessees; and
- (6) the purpose for the municipality making the lease or sale.

E. In order to call for a referendum election on a sale or lease ordinance, a petition must be filed with the municipal clerk:

- (1) no later than sixty days after the adoption of the sale or lease ordinance;
- (2) containing the names, addresses and signatures of at least fifteen percent of the qualified electors of the municipality; and
- (3) containing the following heading on each page of the petition reprinted as follows:

ZOOM TO VIEW THE FOLLOWING FORM

"PETITION FOR A REFERENDUM

We, the undersigned registered voters of (insert name of municipality) petition the governing body of (insert name of municipality) to conduct a referendum election on ordinance number Ordinance number would cause a (insert "sale" or "lease") of municipal (insert "real property" or "utility facilities").

Date	Name (printed)	Address
	Signature."	

F. Section 3-1-5 NMSA 1978 shall apply to all petitions filed calling for a referendum election on a sale or lease ordinance.

G. If the municipal clerk certifies to the municipal governing body that the petition does contain the minimum number of valid names, addresses and signatures required to call a referendum election on the sale or lease ordinance, the municipal governing body shall adopt an election resolution within fourteen days after the date the clerk makes such certification, calling for a referendum election on the sale or lease ordinance. The election resolution shall be adopted and published pursuant to the provisions of the Municipal Election Code [Chapter 3, Articles 8 and 9 NMSA 1978] governing special elections, and shall also concisely set forth:

- (1) the terms of the sale or lease;
- (2) the appraised value of the municipal utility facilities or real property;
- (3) the time and manner of payments on the lease or sale;
- (4) the amount of the lease or sale;
- (5) the identities of all purchasers or lessees; and
- (6) the purpose for the municipality making the lease or sale.

H. The referendum election on the sale or lease ordinance shall be held not later than ninety days after the election resolution is adopted. Such election shall be held at a special or regular municipal election and shall be conducted as a special election in the manner provided in the Municipal Election Code. Any qualified elector of the municipality may vote in such a referendum election.

I. If a majority of the votes cast are to approve the sale or lease ordinance, the sale or lease ordinance shall be effective after the election results have been canvassed and certified. If a majority of the votes cast are to disapprove the sale or lease ordinance, the ordinance shall not be effective.

History: 1953 Comp., 3-54-1, enacted by Laws 1983, ch. 115, 1; 1985, ch. 208, 119.

Cross-references. - As to lease of parking facilities, see 3-50-8 and 3-51-8 NMSA 1978.

Repeals and reenactments. - Laws 1983, ch. 115, 1, repealed former 3-54-1 NMSA 1978, relating to authority to sell or lease

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municipal utility or real property used for municipal purposes, and enacted a new 3-54-1 NMSA 1978.

"Terms" defined. - The word "terms" as used in Paragraph (1) of Subsection D refers to the amount, time and manner of payments. *City of Clovis v. Southwestern Pub. Serv. Co.*, 49 N.M. 270, 161 P.2d 878 (1945).

Am. Jur. 2d, A.L.R. and C.J.S. references. - 56 Am. Jur. 2d *Municipal Corporations, Counties, and Other Political Subdivisions* 549 to 559.

Right to lease or convey park, square, or common, 18 A.L.R. 1259, 63 A.L.R. 484, 144 A.L.R. 486.

Sufficiency of compliance with condition of sale or lease by municipality of public utility plants, 52 A.L.R. 1052.

Mortgage or pledge of property or income therefrom, 71 A.L.R. 828.

Lease or sale of municipal plant, or contract therefor, as affecting right of municipality to compete, 118 A.L.R. 1030.

Implied or inherent power of municipal corporation to sell its real property, 141 A.L.R. 1447.

Constitutional prohibition of municipal corporation lending its credit or making donation as applicable to sale or leasing of its property, 161 A.L.R. 518.

Off-street public parking facilities, 8 A.L.R.2d 373.

Granting or taking of lease of property by municipality as within authorization of purchase or acquisition thereof, 11 A.L.R.2d 168.

Maintenance by municipal corporations of tourist or trailer camps, motor courts or motels, 22 A.L.R.2d 774.

Conveyance by municipality as carrying title to center of highway, 49 A.L.R.2d 982.

Power of municipality to sell, lease, or mortgage public utility plant or interest therein, 61 A.L.R.2d 595.

Ordinance as to sale or other disposition of municipal property as within operation of initiative and referendum provisions, 72 A.L.R.3d 1030.

63 C.J.S. *Municipal Corporations* 962.

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