

**COUNCIL BILL NO. 18-026
ORDINANCE NO. 2850**

AN ORDINANCE AUTHORIZING A REAL ESTATE PURCHASE AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND F & A DAIRY PRODUCTS, INC. FOR THE SALE OF 180 ACRES OF MUNICIPALLY OWNED LAND WITHIN THE WEST MESA INDUSTRIAL PARK FOR THE PURCHASE PRICE OF \$267,000, IN ACCORDANCE WITH PROVISIONS OF LCMC 1997, SECTION 2-1312.

The City Council is informed that:

WHEREAS, an interest of purchase offer was received from F & A Dairy Products, Inc. ("F & A") for approximately 180 acres of municipal land in the West Mesa Industrial Park (the "Park"); and

WHEREAS, the property is generally located adjacent south and west of the existing F & A operations plant; and

WHEREAS, the purchase price is based on a value of \$1,483.33 per acre for a total purchase price of \$267,000; and

WHEREAS, the property was appraised by two local appraisers in November 2017. One appraiser concluded a value of \$4,150 per acre, while the other appraiser valued the property at \$4,450 per acre; and

WHEREAS, the City recognizes the importance of the continued development of the Park and is highly motivated to provide incentives to encourage existing businesses within the Park, such as F & A, to expand their facilities by developing under-utilized properties adjacent to their existing operations; and

WHEREAS, given the relatively low levels of land absorption in the Park, there is a value to selling this property now at \$1,483.33 per acre rather than holding on to it in anticipation of obtaining a higher price; and

WHEREAS, all net proceeds from the payment resulting from the property transfer and agreement must be deposited into the Economic Development Fund; and

WHEREAS, the closing date for the transfer will not occur until 45 days after the adoption of the Ordinance and would occur no later than 90 days after adoption.

NOW, THEREFORE, Be it Ordained by the Governing Body of the City of Las Cruces:

(I)

THAT the conveyance of a parcel of City owned property located within the West Mesa Industrial Park from the City to F & A, attached hereto as Exhibit "B", and made part of this Ordinance, is hereby approved.

(II)

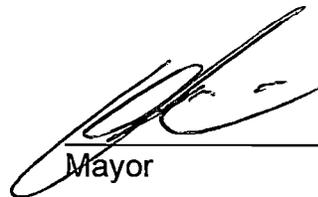
THAT all proceeds from the payment resulting from the property transfer and agreement must be deposited in the Economic Development Fund.

(III)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this 7 day of May, 2018.

APPROVED:



Mayor

ATTEST:



City Clerk

(SEAL)

Moved by: Sorg

Seconded by: Eakman

VOTE:

Mayor Miyagishima:	<u>Aye</u>
Councillor Gandara:	<u>Aye</u>
Councillor Smith:	<u>Aye</u>
Councillor Vasquez:	<u>Aye</u>
Councillor Eakman:	<u>Aye</u>
Councillor Sorg:	<u>Aye</u>
Councillor Flores:	<u>Aye</u>

APPROVED AS TO FORM:



City Attorney

REAL ESTATE PURCHASE AGREEMENT

THIS REAL ESTATE PURCHASE AGREEMENT is entered into on this 12th day of January, 2018, between **F & A Dairy Products, Inc.**, whose address is 355 Crawford Boulevard, Las Cruces, NM 88005 ("F & A") and the **City of Las Cruces**, a New Mexico municipal corporation ("City").

RECITALS

1. The City is the owner of the real property and improvements thereon as more particularly described in Exhibit "A," attached hereto and incorporated herein (the "Property").
2. The City desires to sell the Property to F & A.
3. F & A desires to purchase the Property for cash or certified funds.

NOW THEREFORE, for valuable consideration, the City and F & A agree as follows:

TERMS AND CONDITIONS

1) Purchase Price.

The purchase price for the Property shall be Two Hundred Sixty-Seven Thousand Dollars (\$267,000) cash or certified funds, payable as follows:

- A. \$10,000 as an earnest money deposit which F & A shall deposit with Dona Ana Title Company upon signing this Agreement by the parties; and
- B. \$257,000 in cash or certified funds at Closing (defined below).

2) Closing Date.

The "Closing" for the sale of the Property shall occur on a mutually agreeable date at least forty-five (45) days after the adoption of the ordinance authorizing F & A's acquisition of the Property pursuant to the terms of this Agreement (the "Ordinance") by the City Council (unless a referendum election is held pursuant to NMSA 1978, Section 3-54-1) and not more than ninety (90) days following the date of the Ordinance. The City Council approval of the Ordinance shall occur on a mutually agreeable date prior to the expiration of the Inspection Period (defined below).

3) **Inspection Period.**

The "Inspection Period" shall commence on the date of the City's execution of this Agreement (the "Acceptance Date") and shall end one hundred eighty (180) days from the Acceptance Date; provided, however, F & A shall be granted three (3) thirty (30) day extensions of the Inspection Period. F & A will provide written notification of its intent to exercise any such extension option prior to the expiration of the Inspection Period including any applicable extensions thereof.

During the Inspection Period, Buyer shall review all of the information regarding the Property provided by the City. In addition, during the Inspection Period, F & A may perform such other inspections and review such other information as reasonably desired by it. Such inspection, unless otherwise specified in this Agreement, shall be at F & A's sole expense. Such inspections and reviews may include, but are not limited to, physical inspection of the Property, environmental inspection of the Property, soil inspection, and review of governmental approvals and permits related to the Property zoning, title, survey, service agreements, management contracts, leases, and financial information.

- A. As soon as reasonably possible following the execution of this Agreement, the City shall furnish F & A a commitment of owner's policy of title insurance ("Commitment") for the Property together with full copies of all exceptions set forth therein, including but not limited to covenants, conditions, restrictions, reservations, easements, rights of way, assessments, liens and other matters of record. During the Inspection Period, F & A shall notify the City of its disapproval of any title discrepancies shown in the Commitment.
- B. The City shall have until fifteen (15) days prior to the Closing to eliminate any valid exception(s) or reservations, except patent reservation(s) from the policy of title insurance to be issued in favor of F & A, and if not eliminated, then the earnest money deposit and accrued interest, in its entirety, shall be refunded, unless F & A then elects to waive such condition. The policy of title insurance shall be a standard coverage policy in the amount of the total purchase price and shall be paid for by City.
- C. During the Inspection Period, F & A may disapprove the Property and/or any items related to the Property in its sole discretion for any reason or no reason. In such event, F & A may elect to either terminate this Agreement or give written notice to the City requesting that the City cure the items disapproved by F & A. In the event this contingency or any other contingency to this Agreement has not been eliminated or satisfied within the time limits and pursuant to the provisions herein, and unless F & A elects to waive the specific contingency by written notice to the City, this Agreement shall be deemed null and void, the earnest money deposit and accrued interest, in its entirety, shall be promptly returned to F & A, and neither party shall have any rights or liabilities under this Agreement.

- D. At Closing, the City shall execute and deliver a warranty deed conveying the Property to F & A, in fee simple, subject to all patent reservations and to all other existing liens, encumbrances and other exceptions of record except those exceptions and reservations which are eliminated by the City pursuant to this Agreement; provided, however, the Property shall be delivered free of any monetary liens and encumbrances other than taxes and assessments not yet due and payable.
- E. The City, to the best of its knowledge, represents and warrants to F & A as of the date of this Agreement and as of the date of Closing as follows: 1) the City is the sole owner of the Property and has the full right, power and authority to sell the Property to F & A as provided in this Agreement; 2) the City is not aware of any unpaid liens or assessments, or items which could result in a lien, related to the Property; 3) the Property is not subject to any historical Property designation and/or development limitation; 4) no other party has any rights to possession of the Property; 5) no work has been performed which has not been paid for or which could give rise to any mechanic's or materialmen's lien being filed against the Property; and 6) no lawsuit or other claim is pending or threatened against the City (with respect to the Property or the terms of this Agreement) and/or the Property.

4) Costs, Fees, and Alternative Dispute Resolution.

- A. All closing costs shall be paid by City to include, but not limited to, surveying fees, the Commitment of Title Insurance, Title Policy Premium. The City shall pay six percent (6%) of the sales price as a real estate commission and applicable gross receipts tax to F & A's buyer's representative, Steinborn/TCN Commercial Broker.
- B. Applicable real property taxes shall be prorated through the date of Closing based on the latest tax information available to the Title Company. The City shall pay all special assessments, standby charges, prorated charges and other similar charges and/or assessments existing at the time of the Closing.
- C. Prior to the institution of any litigation, however, the parties have the contractual duty to, in good faith, attempt to resolve any controversy hereunder at the least possible expense using alternative dispute resolution. Should alternative dispute resolution fail and litigation be brought, if either party is found by a court to have breached this Agreement, the other party may recover its costs, including reasonable attorney fees.

5) Compliance with Code and Statutes.

The City has complied or will comply with the requirements of the Las Cruces Municipal Code and New Mexico State statutes, and has or will obtain the authority to sell the Property to F & A.

6) Governing Laws.

This Agreement shall be subject to the laws of the State of New Mexico.

7) Default and Remedy.

- A. If City cannot perform this Agreement solely as a result of the passage of a negative referendum on the real estate sale pursuant to NMSA 1978, Section 3-54-1, this Agreement is automatically terminated and all monies paid by F & A shall be refunded to F & A promptly, including the earnest money deposit and accrued interest in its entirety.
- B. If F & A defaults in the performance of this Agreement by failure to complete the purchase after passage of an approval referendum on the real estate sale pursuant to NMSA 1978, Section 3-54-1, the City may keep the earnest money.

8) Risk of Loss.

In the event of a Material Change, as hereinafter defined, F & A shall have no obligation to complete its acquisition of the Property unless such Material Change has been approved in writing by F & A. For purposes of this Agreement, "Material Change" shall mean a change in the status of a use, occupancy, tenancy, financial condition or physical condition of the Property prior to Closing. All risk of loss or damage to the Property will pass from the City to F & A at Closing. In the event of a Material Change, F & A may, without liability, refuse to accept the conveyance of title and this Agreement shall be null and void in its entirety and the earnest money deposit and accrued interest, in its entirety, shall be promptly returned to F & A. Possession of the Property will be released to F & A at Closing.

9) Counterparts.

This Agreement may be executed in one or more identical counterparts, and all counterparts so executed shall constitute one agreement which shall be binding on the parties.

10) Successors and Assigns.

This Agreement shall inure to the benefit of and be binding upon the parties and their respective successors and assigns. Neither party may assign this Agreement or duties hereunder without the express written consent of the other party which consent shall not be unreasonably withheld.

11) Termination.

This Agreement shall be terminated on the closing date for sale of Property, unless either party terminates the Agreement prior to that date per the provisions of this Agreement.

12) Notice.

All notices given pursuant to or in connection with this Agreement shall be made in writing and posted by certified mail, postage prepaid, to the City of Las Cruces, Attn: City Attorney, P.O. Box 20000, Las Cruces, NM 88004; and to F & A Dairy Products, Inc., Attn: Robert Snyder, 355

Crawford Boulevard, Las Cruces, NM 88005 or to such address as requested by either party. Notice shall be deemed to be received on the fifth day following posting.

13) **Conditions Precedent.**

- A. Both the City and F & A have no obligation hereunder until this Agreement is approved by the City Council at a properly noticed public hearing. Should F & A decide to terminate this Agreement prior to a vote by City Council on this Agreement by giving written notice to terminate to the City Attorney, then the earnest money and accrued interest, in its entirety will be promptly returned to F & A.
- B. If the City Council approved this Agreement and its approval is rescinded by referendum as set forth in NMSA 1978, Section 3-54-1, this Agreement is terminated and the earnest money deposit and accrued interest, in its entirety shall be returned to F & A.

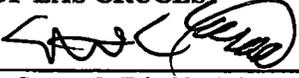
14) **Miscellaneous.**

- A. Inspection of the Property. After signing this Agreement, F & A or the designated agents of F & A, may inspect the Property and conduct tests deemed necessary by F & A at its expense; however, any damage to the Property will be repaired at F & A's expense promptly if this Agreement is terminated.
- B. F & A will be responsible for any additions, personal projects, and taxes on the Property from date of closing and thereafter. The City will be responsible for any of said taxes prior to the closing date.

IN WITNESS WHEREOF, the parties have signed this Agreement of the date first written above.

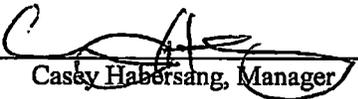
CITY OF LAS CRUCES

By: _____


Stuart C. Ed, City Manager

F & A DAIRY PRODUCTS, INC.

By: _____

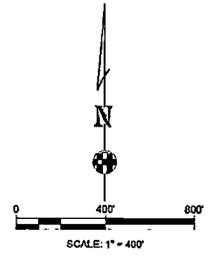
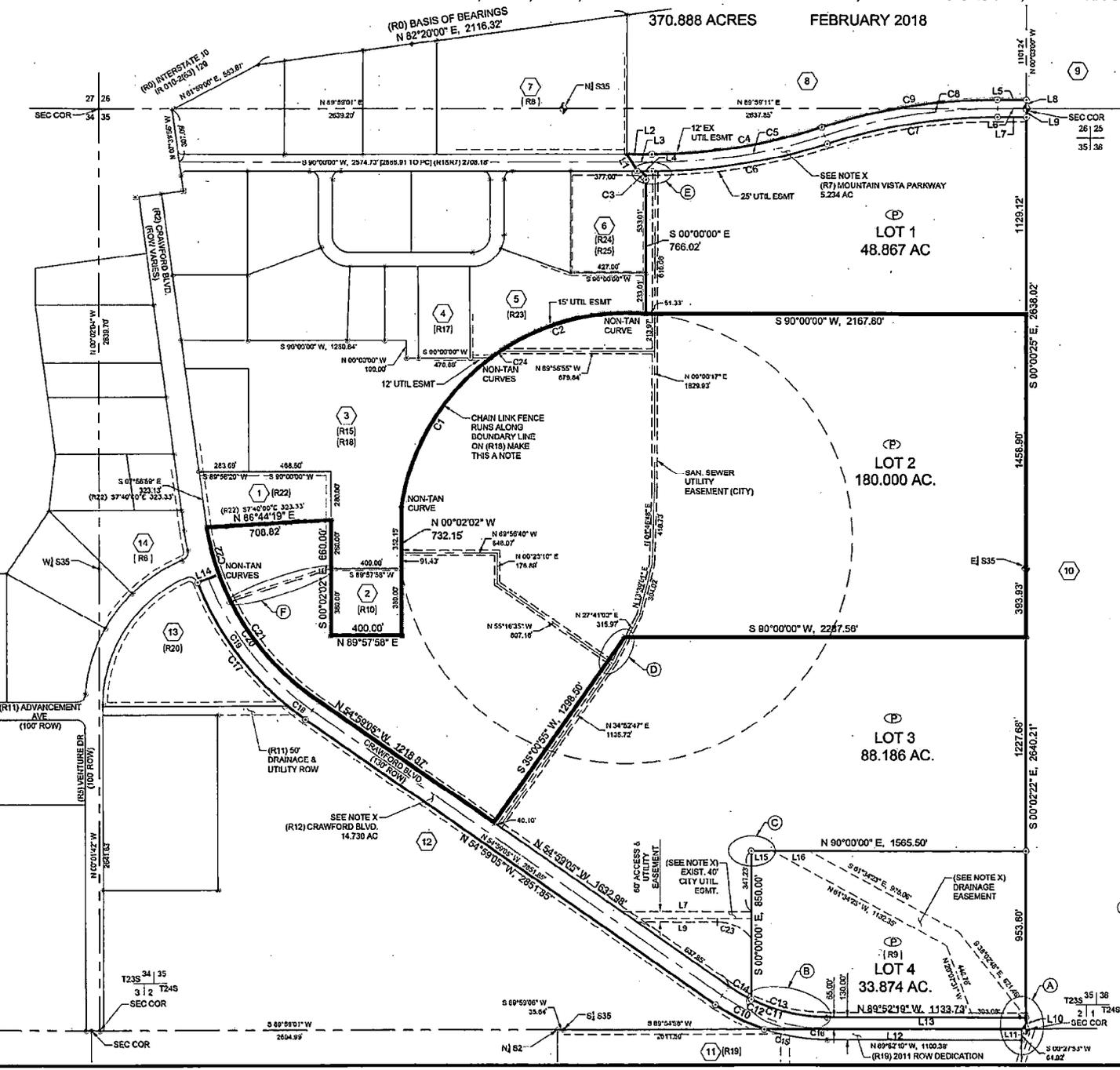

Casey Habersang, Manager

WEST MESA INDUSTRIAL PARK NO. 29

EXHIBIT "B"

A SUBDIVISION OF LANDS WITHIN THE WEST MESA INDUSTRIAL PARK AND BEING A REPLAT OF TRACT 1, WEST MESA INDUSTRIAL PARK NO. 8, FILED AUGUST 17, 1998, A REPLAT OF PARCEL B-1, WEST MESA INDUSTRIAL PARK PLAT NO. 5, AMENDED, FILED MAY 24, 2000 IN PLAT RECORD 19, PAGE 437, AND A REPLAT OF LOT 2, WEST MESA INDUSTRIAL PARK NO. 27, FILED AUGUST 17, 2007 IN PLAT RECORD 22, PAGES 315-316; IN THE RECORDS OF THE COUNTY CLERK, DONA ANA COUNTY

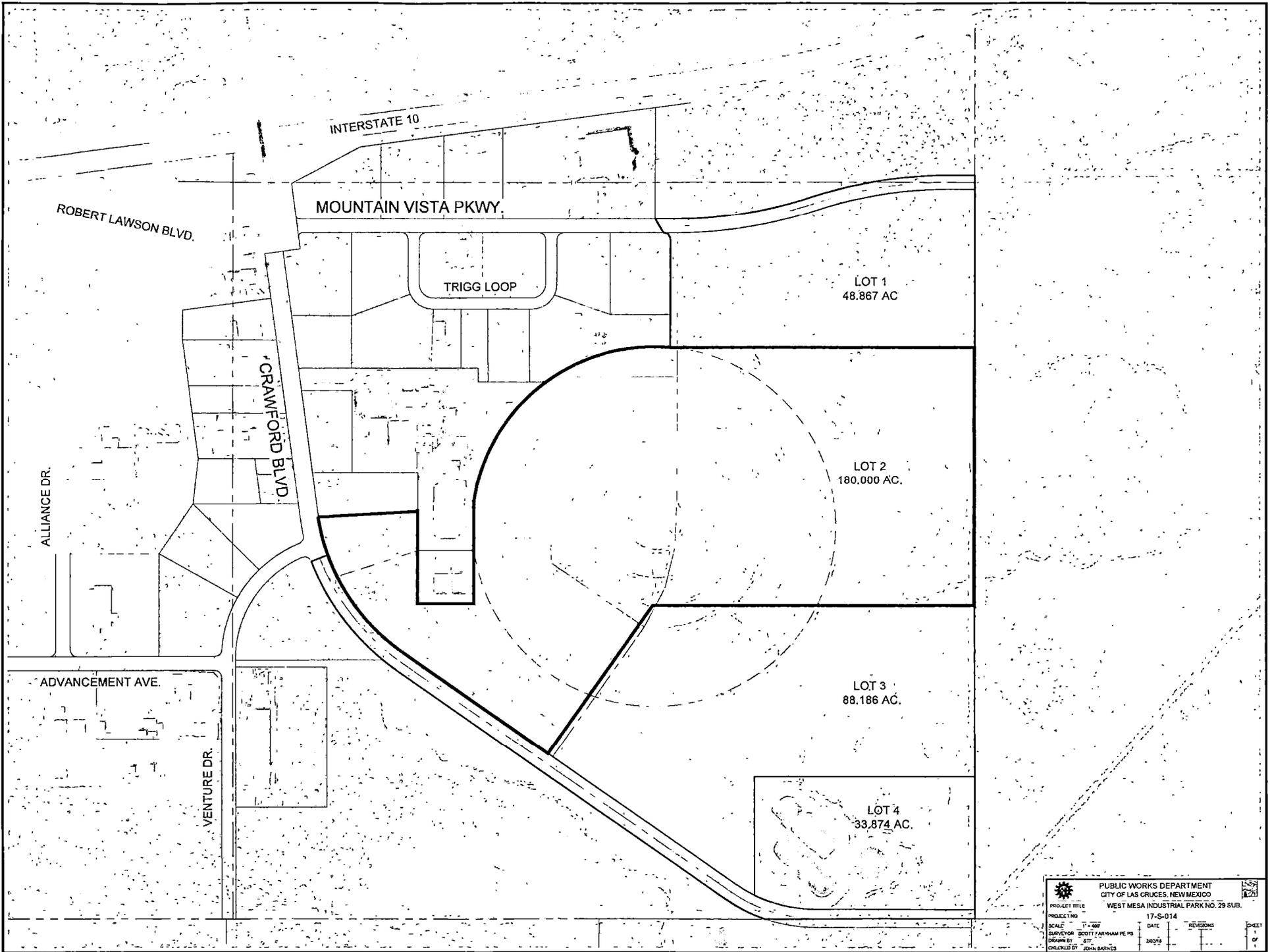
LOCATED IN SECTION 35, T.23S., R.1W., N.M.P.M. OF THE U.S.G.L.O. SURVEYS, CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO



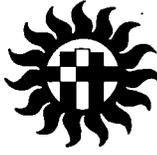
- LEGEND**
- ⊙ SET 1/2" REBAR & 2" AL. CAP MARKED "CITY OF LAS CRUCES NMPS 20095"
 - FOUND 1/2" REBAR
 - ⊕ FOUND 1/2" REBAR & PLASTIC CAP AS NOTED
 - ✦ FOUND PK NAIL / SHINNER LS 15519
 - (R1) RECORD DOCUMENT (SEE SH. 3)
 - ⊙ CALCULATED POINT
 - (P) DENOTES ON SITE PENDING TO BE MAINTAINED BY OWNER
 - SECTION LINE
 - (E) DETAIL CALLOUT (SEE SH. 3)
 - (12) PARCEL OWNERSHIP ID (SEE SH. 3)



PUBLIC WORKS DEPARTMENT CITY OF LAS CRUCES, NEW MEXICO				
PROJECT TITLE	WEST MESA INDUSTRIAL PARK NO. 29 SUBJ.			
PROJECT NO.	17-S-014			
SCALE	1" = 400'	DATE	2 1	REVISIONS
SURVEYOR	SCOTT FARNHAM PE, PS			2
DRAWN BY	STE	26310		3
CHECKED BY	JENNY BARNES			3



		PUBLIC WORKS DEPARTMENT CITY OF LAS CRUCES, NEW MEXICO		
PROJECT TITLE WEST MESA INDUSTRIAL PARK NO. 29 SUB.				
PROJECT NO. 17-S-014	SCALE 1" = 400'	DATE 10/2017	REVISIONS	SHEET 1
DESIGNED BY SCOTT FARNHAM PE PS	DRAWN BY STP	CHECKED BY JOHN BARNES		



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 18

Ordinance/Resolution# 2850

For Meeting of April 16, 2018
(Ordinance First Reading Date)

For Meeting of May 7, 2018
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

LEGISLATIVE

ADMINISTRATIVE

TITLE: AN ORDINANCE AUTHORIZING A REAL ESTATE PURCHASE AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND F & A DAIRY PRODUCTS, INC. FOR THE SALE OF 180 ACRES OF MUNICIPALLY OWNED LAND WITHIN THE WEST MESA INDUSTRIAL PARK FOR THE PURCHASE PRICE OF \$267,000, IN ACCORDANCE WITH PROVISIONS OF LCMC 1997, SECTION 2-1312.

PURPOSE(S) OF ACTION:

Approve the sale of City property.

COUNCIL DISTRICT: 4		
<u>Drafter/Staff Contact:</u> Bill R. Hamm	<u>Department/Section:</u> Economic Development/Land Management	<u>Phone:</u> 528-3410
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

This Ordinance authorizes the sale of 180 acres of municipal land in the West Mesa Industrial Park (the "Park") to F & A Dairy Products, Inc. ("F & A") for \$267,000. The purchase price is \$267,000, which is based on a value of \$1,500 per acre. A subdivision establishing the parcel boundaries is being finalized.

The property was appraised by two local appraisers in November 2017. One appraiser concluded a value of \$4,150 per acre, while the other appraiser valued the property at \$4,450 per acre as shown on Attachment "A".

The City recognizes the importance of the continued development of the Park and is highly motivated to provide incentives to encourage existing businesses within the Park, such as F & A, to expand their operations by developing under-utilized properties adjacent to their existing facilities. F & A has been an anchor business in the Park for over 21 years. Over that time, F & A has grown its cheese processing operation and presently owns approximately 38 acres and employs 120 people.

(Continue on additional sheets as required)

City staff and administration evaluated the property and determined that there is no foreseeable future City use for the land. Given the relatively low levels of land absorption at the Park, there is a value to selling this property to the adjacent business now at \$1,500 per acre rather than holding on to it in anticipation of obtaining a higher price. The property would be positioned for private industry utilization to be put into productive use and placed on the Doña Ana County tax rolls.

In the immediate term, F & A will expand its solar array system, which will incorporate an additional 4MW system at an estimated investment of \$5 million dollars. The project will place the land into productive use and will allow the company to operate the majority of daytime hours on energy produced by the system.

A memo providing further information regarding this sale amount is attached. The Las Cruces Municipal Code (LCMC) allows the City to sell land at below appraised value if a written explanation is provided. In this instance, the land is being sold to an adjacent business as an incentive to encourage that business to expand its existing facilities. The average value of the property according to the appraisals is \$4,300 per acre so this property is being sold at below appraised value.

No City infrastructure improvements are required as part of this sale and the City will pick up all closing costs. The City would be responsible for paying a 6% real estate commission as part of this land sale agreement, as authorized by Resolution 02-125. Steinborn TCN represents the buyer and will be responsible for coordinating the closing process. The 6% commission payment will be funded from the proceeds of the land sale. The purchase price amount of \$267,000 minus the 6% real estate commission of \$16,020 results in a final amount of \$250,980 to be deposited into the 1030 Economic Development Fund Number.

The Ordinance has been prepared in accordance with LCMC 1997, Section 2-1312. The closing date for the sale will not occur until 45 days after the adoption of the Ordinance and would occur no later than 90 days after adoption. This Ordinance has been published prior to its adoption and will be published at least once after its adoption.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", Real Estate Purchase Agreement.
3. Exhibit "B" Draft Survey Plat / Vicinity Map
4. Attachment "A", Summary of Property Appraisals (Full appraisal reports available for inspection in the Land and Real Estate Services Office).
5. Attachment "B", Memo detailing negotiated purchase price.

SOURCE OF FUNDING:

Is this action already budgeted? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from:
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the (# and Fund Name) Fund.
Does this action create any revenue?	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into this fund: 1030 in the amount of \$ _____ for FY _____.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
NA	NA	NA	NA	NA	NA

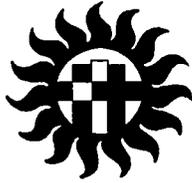
OPTIONS / ALTERNATIVES:

1. Vote "Yes"; on the Ordinance to approve the Real Estate Purchase Agreement to sell 180 acres of land within the West Mesa Industrial Park to F & A Dairy Products Inc. for \$267,000.00.
2. Vote "No"; on the Ordinance to reject the Real Estate Purchase and the City will retain ownership of the land.
3. Vote to "Amend"; modify the terms of the agreement and then adopt the proposal.
4. Vote to "Table"; the proposal and/or direct staff to seek alternative direction.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. Resolution No. 02-125



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of April 16, 2018
(Ordinance First Reading Date)

For Meeting of May 7, 2018
(Adoption Date)

TITLE:

AN ORDINANCE AUTHORIZING A REAL ESTATE PURCHASE AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND F & A DAIRY PRODUCTS, INC. FOR THE SALE OF 180 ACRES OF MUNICIPALLY OWNED LAND WITHIN THE WEST MESA INDUSTRIAL PARK FOR THE PURCHASE PRICE OF \$267,000, IN ACCORDANCE WITH PROVISIONS OF LCMC 1997, SECTION 2-1312.

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes No

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact		3410	3-16-18
Department Director		2166	3-28-18
Budget		2107	3/29/18
Assistant City Manager /William F. Studer, Jr.		2506	3-30-18
Assistant City Manager/David P. Dollahon		2078	3-30-2018
City Attorney		2010	4/2/18
City Clerk		2115	4/3/18



Amendment

MEMORANDUM

To: Mayor & City Council

From: Stuart C. Ed, City Manager

Date: May 3, 2018

Subject: Revision to Council Bill 18-026; Ordinance 2850 for City Council Meeting of May 7, 2018

Initials: *SC* for S.C.E.

File #: FG#18-068

Ordinance 2850, to be considered for approval at the meeting of May 7, 2018, requires a minor mathematical correction to two (2) of the Whereas paragraphs. The Ordinance proposes to sell 180 acres within the West Mesa Industrial Park to F & A Dairy Products, Inc. for \$267,000, which equates to \$1,483.33 per acre. Whereas paragraphs of the Ordinance cite a per acre price of \$1,500 per acre.

The Ordinance page in need of amendment is attached and highlighted.

These proposed revisions, assuming Council approves or with Council modification, will need to be incorporated within the Ordinance by amendment when Council considers the item at the May 7, 2018, regular City Council meeting. If there are any questions, please feel free to contact me.

Attachment A: Ordinance with highlighted text needing amendment.

- cc:** David Dollahon, Assistant City Manager
- cc:** William Studer, Assistant City Manager
- cc:** Jennifer Vega-Brown, City Attorney
- cc:** Linda Lewis, City Clerk

Initials: *JD*
Initials: *WJS*
Initials: *MBD* *for JVB 5/3/18*
Initials:

RECEIVED
MAY - 3 2018
 CITY OF LAS CRUCES
 ASST CITY MANAGER/COO

**NOTICE OF INTENT TO
ADOPT**

The City Council of The City of Las Cruces, New Mexico, Hereby Gives Notice of Its Intent to Adopt the Following Ordinance(s) at a Regular City Council Meeting to be Held on May 7, 2018:

(1) Council Bill No. 18-026; Ordinance No. 2850; An Ordinance Authorizing a Real Estate Purchase Agreement Between the City of Las Cruces and F & A Dairy Products, Inc. for the Sale of 180 Acres of Municipally Owned Land Within the West Mesa Industrial Park for the Purchase Price of \$267,000, in accordance with Provisions of LCMC 1997, Section 2-1312.

(1) Terms of Sale: \$10,000 Earnest money down (deposited with escrow), \$257,000 cash due at closing, 6% real estate commission of \$16,020 to be paid to buyer's representative (Steinborn Commercial), Final net to City \$250,980.

(2) Appraised Value: Two appraisals: \$740,000 and \$792,100 (Avg of \$766,050).

(3) Schedule of Payments: Full cash balance of \$257,000 due at closing.

(4) Amount of Purchase price: Proposed sale is \$267,000.

(5) Purchaser of Property: F & A Dairy Products, Inc.

(6) Purpose of Sale: Development of solar array and incentives to promote economic development for the expansion of existing business.

Copies Are Available for Inspection During Working Hours at the Office of the City Clerk. Witness My Hand and Seal of the City of Las Cruces on this the 9th day of April, 2018.

Linda Lewis, CMC
City Clerk

Dates: 04/13, 2018

NOTICE OF ADOPTION

The City Council of the City of Las Cruces, New Mexico, Hereby Gives Notice of Its Adoption of the Following Ordinance(s) at the Regular City Council Meeting Held on May 7, 2018:

(1) Council Bill No.-18-026; Ordinance No. 2850:--An Ordinance Authorizing a Real Estate Purchase Agreement Between the City of Las Cruces and F & A Dairy Products, Inc. for the Sale of 180 Acres of Municipally Owned Land Within the West Mesa Industrial Park for the Purchase Price of \$267,000. in accordance with Provisions of LCMC 1997, Section 2-1312.

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(2) Appraised Value: Two appraisals: \$740,000 and \$792,100 (Avg of \$766,050).

(3) Schedule of Payments: Full cash balance of \$257,000 due at closing.

(4) Amount of Purchase price: Proposed sale is \$267,000.

(5) Purchaser of Property: F & A Dairy Products, Inc.

(6) Purpose of Sale: Development of solar array and incentives to promote economic development for the expansion of existing business.

Copies Are Available for Inspection During Working Hours at the Office of the City Clerk. Witness My Hand and Seal of the City of Las Cruces on this the 8th day of May, 2018.

Linda Lewis, CMC
City Clerk

Date: 05/11, 2018

LEGAL NOTICES

Las Cruces Bulletin - your legal publication for Las Cruces and Doña Ana County, New Mexico

575-524-6160. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with the provisions of Chapter 72 NMSA 1978.

Dates: 04/13, 04/20, 04/27, 2018

NOTICE is hereby given that on March 23, 2018, Rodney J. Mary Lou, and John W. Tharp, 8965 N. Dona Ana Rd. Las Cruces, NM 88005, filed application numbered

LRG-05162-POD4, OSE File No. LRG-05162, with the State Engineer for Permit to Drill and Use a Supplemental Well within the Lower Rio Grande Underground Water Basin in Dona Ana County by drilling a proposed well LRG-05162-POD4 to a depth of 500 ft. with a 12 in. casing, located within the SE 1/4 of projected Section 9, Township 22S, Range 1E (NMPM) and more specifically located where Latitude and Longitude intersect at 32° 24' 19.91" N, 106° 50' 29.31" W (WGS84) on land owned by the applicants, to supplement existing well LRG-05162, located within the SE 1/4 of projected Section 9, Township 22S, Range 1E (NMPM) and more specifically where Latitude and Longitude intersect at 32° 24' 23.80" N, 106° 50' 21.87" W (WGS84), located on land owned by the applicants, and to supplement existing well

LRG-05162-POD2, located within the SE 1/4 of projected Section 9, Township 22S, Range 1E (NMPM) and more specifically located where Latitude and Longitude intersect at 32° 24' 22.35" N, 106° 50' 16.52" W (WGS84), located on land owned by the applicants for the continued diversion of the amount of water subject to all conditions and provisions contained in the Final Judgment and Settlement Agreement in Stream System Issue No. 101, SS-97-101, filed August 22, 2011, combined with surface water from the Elephant Butte Irrigation District for the irrigation of 87.37 acres of land, owned by the applicant, located within the SE 1/4 of projected Section 9, Township 22S, Range 1E, the W 1/2 SW 1/4 of projected Section 10, Township 22S, Range 1E, the NW 1/4 NW 1/4 of projected Section 15, Township 22S, Range 1E, and the NE 1/4 NE

1/4 of projected Section 16, Township 22S, Range 1E (NMPM), as described by Subfile No. LRN-28-004-0005 of the Lower Rio Grande Hydrographic Survey.

Well LRG-05162-POD4 will be located north of Dona Ana, NM and 1,200 feet west of the intersection of Dona Ana Rd and Harvey Farm Rd.

The applicant has requested emergency authorization to drill the proposed well under NMSA, 1978, Section 72-12-24

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (objection must be legible, signed, and include the writer's complete name, phone number, email address and mailing address). The objection to the approval of the application must be based on: (1) Impairment; if impairment, you must specifically identify your water rights; and/or (2) Public Welfare/Conservation of Water; if public welfare or conservation of water within the state of New Mexico, you must show how you will be substantially and specifically affected. The written protest must be filed, in triplicate, with the State Engineer, 1680 Hickory Loop, Suite J, Las Cruces, NM 88005 within ten (10) days after the date of the last publication of this Notice. Facsimiles (faxes) will be accepted as a valid protest as long as the hard copy is hand-delivered or mailed and postmarked within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to the Office of the State Engineer, 575-524-6160. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with the provisions of Chapter 72 NMSA 1978.

Dates: 04/13, 04/20, 04/27, 2018

NOTICE is hereby given that on March 30, 2018, Gregory Lane, 2093 San Jose Road, La Mesa, NM 88044, filed application numbered LRG-9569-POD2, OSE File Number LRG-09569, with the State Engineer for Permit to Change an Existing Water Right within the Lower Rio Grande Underground Water

Basin in Dona Ana County by drilling replacement well LRG-9569-POD2 with a 5-inch casing to a depth of 300 feet, on land owned by the applicant, located within the NW 1/4 SE 1/4 NW 1/4 of Section 14, Township 25S, Range 2E (NMPM) and more specifically located near the intersection of X=1,497,342 ft. & Y=413,586 ft., NMSP, Central NAD83, and discontinuing the use of existing well LRG-9569 located on land owned by the applicant, located within the NW 1/4 SE 1/4 NW 1/4 of Section 14, Township 25S, Range 2E (NMPM) and more specifically located near the intersection of X=1,497,340 ft. & Y=413,580 ft., NMSP, Central NAD 83, for the continued diversion of up to 3.0 acre-feet per annum for domestic one-household purposes as described by Subfile No.: LRS-28-009-0089 Right A of the Lower Rio Grande Hydrographic Survey. Proposed replacement well LRG-9569-POD2 will be located at the physical address of 2093 San Jose Road, La Mesa, NM. Existing well LRG-9569 will be properly plugged.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (objection must be legible, signed, and include the writer's complete name, phone number and mailing address). The objection to the approval of the application must be based on: (1) Impairment; if impairment, you must specifically identify your water rights; and/or (2) Public Welfare/Conservation of Water; if public welfare or conservation of water within the state of New Mexico, you must show how you will be substantially and specifically affected. The written protest must be filed, in triplicate, with the State Engineer, 1680 Hickory Loop, Suite J, Las Cruces, NM 88005 within ten (10) days after the date of the last publication of this Notice. Facsimiles (faxes) will be accepted as a valid protest as long as the hard copy is hand-delivered or mailed and postmarked within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to the Office of the State Engineer,

575-524-6160. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with the provisions of Chapter 72 NMSA 1978.

Dates: 04/13, 04/20, 04/27, 2018

NOTICE is hereby given that on March 7, 2018, Flechter Farms, Inc., 6105 Shalem Colony Trail Las Cruces, NM 88007, filed application numbered LRG-00860, OSE File LRG-00858 with the State Engineer for Permit to change the location of a well within the Lower Rio Grande Underground Water Basin in Dona Ana County by discontinuing the use of well LRG-00858, located within the SW 1/4 NW 1/4 of projected Section 21, Township 22S, Range 1E (NMPM), and more specifically located where Latitude and Longitude intersect at 32° 22' 52.61" N, 106° 51' 8.90" W (WGS84) on land owned by the applicant, and instead utilizing existing well LRG-00860, located within the NW 1/4 of projected Section 21, Township 22S, Range 1E (NMPM), and more specifically located where Latitude and Longitude intersect at 32° 22' 50.89" N, 106° 51' 7.53" W (WGS84) located on land owned by the applicant for the continued diversion of 3.0 acre feet per annum for multi-domestic household purposes.

Also on March 7, 2018, the applicant filed application number LRG-00860, OSE File LRG-00859 with the State Engineer for Permit to change the location of a well within the Lower Rio Grande Underground Water Basin in Dona Ana County by discontinuing the use of well LRG-00859 also known as (LRN04-0040), located within the NW 1/4 of projected Section 21, Township 22S, Range 1E (NMPM), and more specifically located where Latitude and Longitude intersect at 32° 22' 49.20" N, 106° 51' 1.22" W (WGS84) on land owned by the applicant, and instead utilizing well LRG-00860, located within the NW 1/4 of projected Section 21, Township 22S, Range 1E (NMPM), and more specifically located where Latitude and Longitude intersect at 32° 22' 50.89" N, 106° 51' 7.53" W (WGS84) located on land owned by the applicant for

the continued diversion of 3.0 acre feet per annum for domestic and livestock purposes.

Finally, on March 7, 2018, the applicant filed application number LRG-00860, OSE File LRG-00861 with the State Engineer for Permit to change the location of a well within the Lower Rio Grande Underground Water Basin in Dona Ana County by discontinuing the use of well LRG-861 also known as (LRN04-0036), located within the NW 1/4 of projected Section 21, Township 22S, Range 1E (NMPM), and more specifically located where Latitude and Longitude intersect at 32° 22' 50.81" N, 106° 51' 2.63" W (WGS84) on land owned by the applicant, and instead utilizing existing well LRG-00860, located within the NW 1/4 of projected Section 21, Township 22S, Range 1E (NMPM), and more specifically located where Latitude and Longitude intersect at 32° 22' 50.89" N, 106° 51' 7.53" W (WGS84) on land owned by the applicant for the continued diversion of 3.0 acre feet per annum for domestic one household purposes.

Well LRG-00860 is located approximately 0.7 miles southwest of the intersection of Shalem Colony Trail and North Valley Drive.

Old wells LRG-00858, LRG-00859 also known as (LRN04-0040), and LRG-00861 also known as (LRN04-0036) will all be plugged.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (objection must be legible, signed, and include the writer's complete name, phone number, email address-and mailing address). The objection to the approval of the application must be based on: (1) Impairment; if impairment, you must specifically identify your water rights; and/or (2) Public Welfare/Conservation of Water; if public welfare or conservation of water within the state of New Mexico, you must show how you will be substantially and specifically affected. The written protest must be filed, in triplicate, with the State Engineer, 1680 Hickory Loop, Suite J, Las Cruces, NM 88005

within ten (10) days after the date of the last publication of this Notice. Facsimiles (faxes) will be accepted as a valid protest as long as the hard copy is hand-delivered or mailed and postmarked within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to the Office of the State Engineer, 575-524-6160. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with the provisions of Chapter 72 NMSA 1978.

Dates: 04/06, 04/13, 04/20, 2018

NOTICE is hereby given that on October 2, 2017, James P. & Shara S. Montoya, 31 Box 62A, Caballo, NM 87931, filed applications numbered LRG-4861-POD3, LRG-16207-POD2, & LRG-16208-POD2, OSE File Nos. LRG-04861-1, L.R.G.-16207-1, & LRG-16208-1, with the State Engineer for Permit to Change an Existing Water Right within the Lower Rio Grande Underground Water Basin in Doña Ana County by discontinuing the use of the said existing wells and drilling replacement wells. All discontinued wells are to be plugged. Existing Wells: WELL NO. SUBDIVISION SECTION TOWNSHIP RANGE

LRG-4861 NW 1/4 NE 1/4 SE 1/4 25 24S 01W LRG-16207-POD1 SW 1/4 NE 1/4 NW 1/2 24S 01W LRG-16208-POD1 SE 1/4 SE 1/4 SE 1/4 7 24S 01E Replacement Wells: WELL NO. SUBDIVISION SECTION TOWNSHIP RANGE LRG-4861-POD3 NW 1/4 NE 1/4 SE 1/4 25 24S 01W LRG-16207-POD2 SW 1/4 NE 1/4 NW 1/4

22 24S 01W LRG-16208-POD2 SE 1/4 SE 1/4 SE 1/4 7 24S 01E

All replacement wells are to be drilled to a depth of approximately 500 feet with a 5-inch casing, on lands owned by New Mexico State Land Office & US Bureau of Land Management, for the continued diversion of groundwater only up to 3.0 acre-feet per annum per well for livestock watering, as described by Lower Rio Grande Hydrographic Survey Subfile Nos. L.R.0280321002 and L.R.0280321005. The applicant has requested emergency authorization to drill the proposed replacement wells under NMSA, 1978, Section 72-12-22. The replacement wells are to be located southwest of Las Cruces, NM and more specifically near the intersections of:

WELL NO. LRG-4861-POD3 LRG-16207-POD2 LRG-16208-POD2 X (ft.) 1442314 1429017 1447909 Y (ft.) (NMSP, Central NAD83) 433352 441093 447677

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (objection must be legible, signed, and include the writer's complete name, phone number and mailing address). The objection to the approval of the application must be based on: (1) Impairment; if impairment, you must specifically identify your water rights; and/or (2) Public Welfare/Conservation of Water; if public welfare or conservation of water within the state of New Mexico, you must show how you will be substantially and specifically affected. The written protest must be filed, in triplicate, with the State Engineer, 1680 Hickory Loop, Suite J, Las Cruces, NM 88005 within ten (10) days after the date of the last publication of this Notice. Facsimiles (faxes) will be accepted as a valid protest as long as the hard copy is hand-delivered or mailed and postmarked

within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to the Office of the State Engineer, 575-524-6160. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with the provisions of Chapter 72 NMSA 1978.

Dates: 04/06, 04/13, 04/20, 2018

Pecos 1 Self Storage 1320 Pecos Las Cruces, NM 88001

To Daniel Lopez 2508 Sonrisa Loop Las Cruces NM 88007

Notice is hereby given that all the contents of your storage unit #203 at Pecos 1 Self Storage will be sold at LIVE AUCTION or be disposed of to satisfy our lien in the amount of \$234.00. The contents of the unit consist of:

Box Spring & Misc. Household Items

DATE OF AUCTION: April 23, 2018

AUCTION STARTING AT: 9:30 a.m.

LOCATION OF AUCTION: Pecos 1 Self Storage 1320 Pecos Las Cruces NM 88001

LEASING SERVICES, INC. Carol Peña (575)525-0808

Dates: 04/06, 04/13, 2018

NOTICE OF INTENT TO ADOPT.

The City Council of The City of Las Cruces, New Mexico, Hereby Gives Notice of Its Intent to Adopt the Following Ordinance(s) at a Regular City Council Meeting to be held on May 7, 2018:

(1) Council Bill No. 18-0266 Ordinance No. 2850: An Ordinance Authorizing a Real Estate Purchase Agreement Between the City of Las Cruces and F & A Dairy Products, Inc. for the Sale of 180 Acres of Municipally Owned Land Within the West Mesa Industrial Park for the Purchase Price of \$267,000, in accordance with Provisions of LCMC 1997, Section 2-1312.

LEGAL NOTICES

Las Cruces Bulletin - your legal publication for Las Cruces and Doña Ana County, New Mexico

(1) Terms of Sale: \$10,000 Earnest money down (deposited with escrow), \$257,000 cash due at closing. 6% real estate commission of \$16,020 to be paid to buyer's representative (Steinhorn Commercial). Final net to City \$250,980.

(2) Appraised Value: Two appraisals: \$740,000 and \$792,100 (Avg of \$766,050).

(3) Schedule of Payments: Full cash balance of \$257,000 due at closing.

(4) Amount of Purchase price: Proposed sale is \$267,000.

(5) Purchaser of Property: F & A Dairy Products, Inc.

(6) Purpose of Sale: Development of solar array and incentives to promote economic development for the expansion of existing business.

Copies Are Available for Inspection During Working Hours at the Office of the City Clerk, Witness My Hand and Seal of the City of Las Cruces on this the 9th day of April, 2018.

Linda Lewis, CMC City Clerk

Date: 04/13, 2018

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT COURT

NO. CV-2018-586
MANUEL L. ARRIETA

IN THE MATTER OF THE PETITION OF NATHANIEL BLAKE IRIZARRY FOR CHANGE OF NAME

NOTICE OF PETITION TO CHANGE NAME

NOTICE IS HEREBY GIVEN that Nathaniel Blake Irizarry, a resident of the city of White Sands Missile Range, County of Doña Ana, State of New Mexico, and over the age of fourteen years, has filed a Petition to Change Name in the Third Judicial District Court, Doña Ana County, New Mexico, wherein he seeks to change his name from Nathaniel Blake Irizarry to Nathaniel Blake Solivan, and that this Petition will be heard before the Honorable Manuel L. Arrieta, District Judge, on the 23rd day of April, 2018, at the hour of 9:30 a.m., at the Doña Ana County Court-

house, 201 W. Picacho, Las Cruces, New Mexico.

Respectfully submitted,
/s/ Nathaniel Blake Irizarry
Nathaniel Blake Irizarry
11364 Hawk St.
White Sands Missile Range,
NM 88002
813-629-8773

Date: 04/06, 04/13, 2018

Pecos 2 Self Storage
1300 Pecos
Las Cruces, NM 88001

To
Mariah White
P.O. Box 403
Tyrone NM 88065

Notice is hereby given that all the contents of your storage unit #6 at Pecos 2 Self Storage will be sold at LIVE AUCTION or be disposed of to satisfy our lien in the amount of \$968.00. The contents of the unit consist of:

Mattress & Box Spring, Bedroom Set, Boxes & Misc. Household Furnishings

DATE OF AUCTION: April 23, 2018

AUCTION STARTING AT: 9:30 a.m.

LOCATION OF AUCTION:
Pecos 2 Self Storage
1300 Pecos
Las Cruces NM 88001

LEASING SERVICES, INC.
Carol Peña
(575)525-0808

Date: 04/06, 04/13, 2018

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT COURT

No. CV-2018-489
James T. Martin

IN THE MATTER OF THE PETITION OF PATRICIA ANN POLKA FOR CHANGE OF NAME

NOTICE OF PETITION TO CHANGE NAME

NOTICE IS HEREBY GIVEN that Patricia Ann Polka, a resident of the City of La Mesa, County of Doña Ana, State of New Mexico, and over the age of fourteen years, has filed a Petition to Change Name in the 3rd

District Court, Doña Ana County, New Mexico, wherein she seeks to change her name from Patricia Ann Polka to Patricia Ann Gurka, and that this Petition will be heard before the Honorable James T. Martin, District Judge, on the 24th day of April, 2018, at the hour of 8:30 a.m. at the Doña Ana County Courthouse, 201 W. Picacho, Las Cruces, New Mexico.

Respectfully submitted,
/s/ Patricia Ann Gurka
Patricia Ann Gurka
PO Box 497, Mesquite, NM
575-650-6619

Date: 04/06, 04/13, 2018

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT COURT

No. D-307-CV-2017-3274
Judge: Martin

DENKEN INVESTMENTS, Inc., Plaintiff,

v.

THE UNKNOWN HEIRS OF JOSE F. RAMIREZ, Deceased, et al., Defendants.

NOTICE OF SALE

Under and by virtue of a Money Judgment, Judgment of Foreclosure, and Judgment Granting Quiet Title, issued by the Third Judicial District Court on March 30, 2018, in which the Plaintiff, Denken Investments, Inc., was awarded a judgment against Defendants Eva Cordova and Delfino Cordova in the amount of \$18,108.77 as of December 30, 2016, together with interest therefor at 12.5% per annum, for a per diem interest of \$6.20 per day, and together with attorney's fees and costs in the amount of \$3,032.75, and a decree of foreclosure as therein set forth, by which I am commanded to sell the real property and improvements as shall hereinafter be described.

NOW, THEREFORE, notice is hereby given that on the 18th day of May, 2018, at the hour of 1:00 p.m., at the entrance of the Third Judicial District Court, 201 W. Picacho Avenue, Las Cruces, New Mexico, I will sell the following real estate, to-wit:

Lots 20 and 21 in Block I of

Grandview Annex Subdivision, located in the City of Las Cruces, Doña Ana County, New Mexico, as the same is shown and designated on the plat thereof filed for record in the office of the County Clerk of Doña Ana County, New Mexico on March 3, 1948 and recorded in Book 6 at page 71, Plat Records.

Having a common street address of 912 Luna, Las Cruces, New Mexico. Together with all improvements, to satisfy the Plaintiff's judgment in the total amount of \$23981.12, computed as of April 2, 2018, with estimated interest and costs of sale in the amount of \$1,047.78 to the date of sale.

Said sale shall be to the highest bidder for cash or certified funds, provided, however, that the Plaintiff shall be entitled to his all or part of its judgment.

Dated April 2, 2018.

/s/ Kenneth L. Beal
Kenneth L. Beal, Esq.
Special Master

Date: 04/06, 04/13, 04/20, 04/27, 2018

Public Auction

Laurie Findley
1560 N. 5TH STREET
LAS CRUCES, NM

06/06/2018- 10:00 AM

P.J. TRAILER - FLATBED
VIN #
4P5FR242XDR188817

ABANDON VEHICLE
LIEN

AMOUNT OWED- \$450.00

Date: 04/06, 04/13, 2018

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

No. D-307-CV-2017-01767

WELLS FARGO USA HOLDINGS, INC., Plaintiff,

vs.

A. SYLVIA ROMERO and DISCOVER BANK, Defendants.

NOTICE OF SALE

NOTICE IS HEREBY GIVEN that on April 18,

2018, at the hour of 10:00 a.m., the undersigned Special Master will, at the main entrance of the Doña Ana County Judicial Complex, 201 W. Picacho Avenue, Las Cruces, New Mexico, sell all the right, title and interest of the above-named Defendants in and to the hereinafter described real estate to the highest bidder for cash. The property to be sold is located at 1215 N Third Street, Las Cruces, and is situate in Doña Ana County, New Mexico, and is particularly described as follows:

Lots 40 and 41, Block 4, PARKER PLACE 2ND AMENDED SUBDIVISION, in the City of Las Cruces, Doña Ana County, New Mexico, as shown and designated on the plat thereof, filed in the office of the County Clerk of said County on January 6, 1951, in Book 7 Page(s) 12 of Plat Records.

THE FOREGOING SALE will be made to satisfy a judgment rendered by the above Court in the above entitled and numbered cause on March 13, 2018, being an action to foreclose a mortgage on the above described property. The Plaintiff's judgment, which includes interest and costs, is \$125,303.33 and the same bears interest at 4.89% per annum from February 16, 2018, to the date of sale. The Plaintiff and/or its assignees has the right to bid at such sale and submit its bid verbally or in writing. The Plaintiff may apply all or any part of its judgment to the purchase price in lieu of cash. The sale may be postponed and rescheduled at the discretion of the Special Master.

NOTICE IS FURTHER GIVEN that the real property and improvements concerned with herein will be sold subject to any and all patent reservations, easements, all recorded and unrecorded liens not foreclosed herein, and all recorded and unrecorded special assessments and taxes that may be due, Plaintiff and its attorneys disclaim all responsibility for, and the purchaser at the sale takes the property subject to, the valuation of the property by the County Assessor as real or personal property, affixture of any mobile or manufactured home to the land, deactivation of title to a mobile or manufactured home on the property, if any,

environmental contamination, and zoning violations concerning the property, if any.

NOTICE IS FURTHER GIVEN that the purchaser at such sale shall take title to the above described real property subject to a one month right of redemption.

Electronically filed /s/ Pamela A. Carmody
Pamela Carmody, Special Master
PO Drawer 16169
Las Cruces, NM 88004-6169
(575) 642-5567

Date: 03/23, 03/30, 04/06, 04/13, 2018

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT COURT

No. D-307-PB-2018-00036
Judge James T. Martin

IN THE MATTER OF THE ESTATE OF JOE ERNESTO RIVERA, Deceased,

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that the undersigned has been appointed the Personal Representative of this estate. All persons having claims against this estate are required to present their claims within four months after the date of the first publication of this Notice or the claims will be forever barred. Claims must be presented either to the undersigned Personal Representative in care of Joseph M. Holmes, P.A., PO Box 366, Las Cruces, New Mexico 88004-0366, or filed with the Third Judicial District Court, 201 W. Picacho, Las Cruces, New Mexico 88005. Dated: March 21, 2018

/s/ Maria Elena Rivera Rodriguez
Maria Elena Rivera Rodriguez, Personal Representative of the Estate of Joe Ernesto Rivera, Deceased

PREPARED & SUBMITTED BY:
JOSEPH M. HOLMES, P.A.
PO Box 366

Las Cruces, NM 88004-0366
(575) 524-0833
holmespa@zianet.com

/s/ Joseph M. Holmes
Joseph M. Holmes
Attorney for the Estate

Date: 04/06, 04/13, 04/20, 2018

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

No. D-307-CV-2017-02559

WELLS FARGO BANK, N.A., Plaintiff,

vs.

THE ESTATE OF DANNY CRUSE aka Danny R. Cruse, Deceased; MARIA MARGARITA CRUSE, Individually and as Personal Representative of the Estate of Danny Cruse aka Danny R. Cruse, Deceased; BRANDI MONIQUE CRUSE; REBEKKA SHEALEA LAWRENCE; and THE UNKNOWN HEIRS, DEVISEES OR LEGATEES OF DANNY CRUSE aka Danny R. Cruse, Deceased, Defendants.

NOTICE OF SALE

NOTICE IS HEREBY GIVEN that on April 25, 2018, at the hour of 10:00 a.m., the undersigned Special Master will, at the main entrance of the Doña Ana County Judicial Complex, 201 W. Picacho Avenue, Las Cruces, New Mexico, sell all the right, title and interest of the above-named Defendants in and to the hereinafter described real estate to the highest bidder for cash. The property to be sold is located at 3711 Pecos Lane, Las Cruces, and is situate in Doña Ana County, New Mexico, and is particularly described as follows:

Lot 20 in Block D of Desert Breeze Subdivision, Las Cruces, Doña Ana County, New Mexico, as the same is shown and designated on the plat of said Desert Breeze Subdivision, filed in the Office of the County Clerk of Doña Ana County, New Mexico on July 26, 2006 in Plat Book 21, Folio 714-717.

THE FOREGOING SALE will be made to satisfy a judgment rendered by the above Court in the above entitled and numbered cause

on March 19, 2018, being an action to foreclose a mortgage on the above described property. The Plaintiff's judgment, which includes interest and costs, is \$129,644.86 and the same bears interest at 5.00% per annum from February 28, 2018, to the date of sale. The Plaintiff and/or its assignees has the right to bid at such sale and submit its bid verbally or in writing. The Plaintiff may apply all or any part of its judgment to the purchase price in lieu of cash. The sale may be postponed and rescheduled at the discretion of the Special Master.

NOTICE IS FURTHER GIVEN that the real property and improvements concerned with herein will be sold subject to any and all patent reservations, easements, all recorded and unrecorded liens not foreclosed herein, and all recorded and unrecorded special assessments and taxes that may be due. Plaintiff and its attorneys disclaim all responsibility for, and the purchaser at the sale takes the property subject to, the valuation of the property by the County Assessor as real or personal property, affixture of any mobile or manufactured home to the land, deactivation of title to a mobile or manufactured home on the property, if any, environmental contamination on the property, if any, and zoning violations concerning the property, if any.

NOTICE IS FURTHER GIVEN that the purchaser at such sale shall take title to the above described real property subject to a one month right of redemption.

Electronically filed /s/ Pamela A. Carmody
Pamela A. Carmody, Special Master
PO Drawer 16169
Las Cruces, NM 88004-6169
(575) 642-5567

Date: 03/30, 04/06, 04/13, 04/20, 2018

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT

Case No.:
D-307-CV-2017-01918

DITECH FINANCIAL LLC, Plaintiff,

vs.

Legal Advertising Affidavit

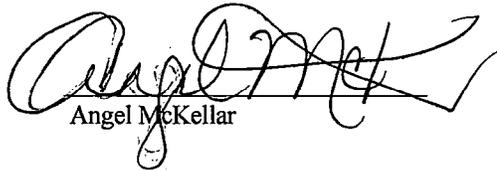
Angel McKellar, who, being duly sworn as the Advertising Assistant of the Las Cruces BULLETIN, a weekly newspaper of general distribution published in the City of Las Cruces, County of Doña Ana, State of New Mexico, disposes and states that the legal advertising for

CITY OF LAS CRUCES CITY ATTORNEY

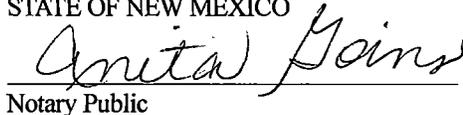
In the matter of:

NOTICE OF INTENT TO ADOPT The City Council of The City of Las Cruces, New Mexico, Hereby Gives Notice of Its Intent to Adopt the Following Ordinance(s) at a Regular City Council Meeting to be Held on May 7, 2018:

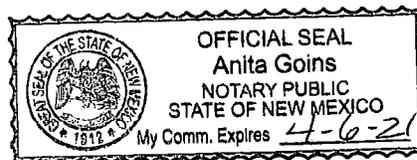
In accordance with the laws of the State of New Mexico, the attached was published in its entirety 1 time(s) in the Las Cruces BULLETIN, the first publication date being 04/13/2018 and subsequent publications being: , , .


Angel McKellar

Sworn to and subscribed
before me this day 04/13/2018
in the
CITY OF LAS CRUCES
COUNTY OF DOÑA ANA
STATE OF NEW MEXICO


Notary Public

Advertising Costs: \$75.07



NOTICE OF ADOPTION

The City Council of the City of Las Cruces, New Mexico, Hereby Gives Notice of Its Adoption of the Following Ordinance(s) at the Regular City Council Meeting Held on May 7, 2018:

(1) Council Bill No. 18-026: Ordinance, No. 2850: An Ordinance Authorizing a Real Estate Purchase Agreement Between the City of Las Cruces and F & A Dairy Products, Inc. for the Sale of 180 Acres of Municipally Owned Land Within the West Mesa Industrial Park for the Purchase Price of \$267,000, in accordance with Provisions of LCMC 1997, Section 2-1312.

(1) Terms of Sale: \$10,000 Earnest money down (deposited with escrow), \$257,000 cash due at closing. 6% real estate commission of \$16,020 to be paid to buyer's representative (Steinborn Commercial). Final net to City \$250,980.

(2) Appraised Value: Two appraisals: \$740,000 and \$792,100 (Avg of \$766,050).

(3) Schedule of Payments: Full cash balance of \$257,000 due at closing.

(4) Amount of Purchase price: Proposed sale is \$267,000.

(5) Purchaser of Property: F & A Dairy Products, Inc.

(6) Purpose of Sale: Development of solar array and incentives to promote economic development for the expansion of existing business.

Copies Are Available for Inspection During Working Hours at the Office of the City Clerk. Witness My Hand and Seal of the City of Las Cruces on this the 8th day of May, 2018.

Linda Lewis, CMC
City Clerk
Pub: May 13, 2018
#1246445

LAS CRUCES SUN-NEWS

AFFIDAVIT OF PUBLICATION

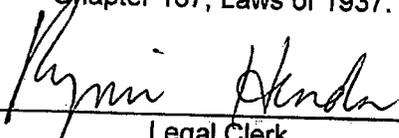
Ad No.
0001246445

Esther
CITY OF LAS CRUCES
PO BOX 20000
ATTN: CITY CLERK
LAS CRUCES NM 88004

I, a legal clerk of the **Las Cruces Sun-News**, a newspaper published daily at the county of Dona Ana, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

05/13/18

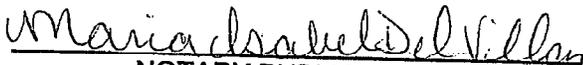
Despondent further states this newspaper is duly qualified to publish legal notice or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.



Legal Clerk

STATE OF NEW MEXICO **SS.**
County of Dona Ana

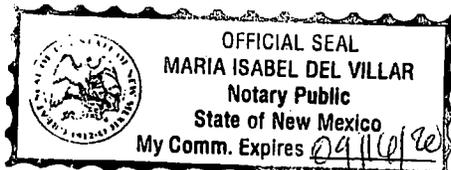
Subscribed and sworn before me this
14th of May 2018.



NOTARY PUBLIC in and for
Dona Ana County, New Mexico

September 14, 2020
My Commission Expires

Ad#:0001246445
P O:
of Affidavits :0.00



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Copies Are Available for Inspection During Working Hours at the Office of the City Clerk. Witness My Hand and Seal of the City of Las Cruces on this the 8th day of May, 2018.

Linda Lewis, CMC
City Clerk
Pub# 1246643

Run Dates: May 14, 2018

LAS CRUCES SUN-NEWS

AFFIDAVIT OF PUBLICATION

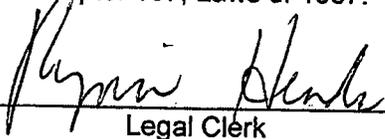
Ad No.
0001246643

Esther
CITY OF LAS CRUCES
PO BOX 20000
ATTN: CITY CLERK
LAS CRUCES NM 88004

I, a legal clerk of the **Las Cruces Sun-News**, a newspaper published daily at the county of Dona Ana, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

05/14/18

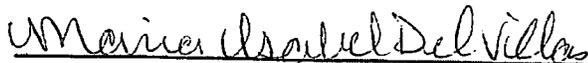
Despondent further states this newspaper is duly qualified to publish legal notice or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.



Legal Clerk

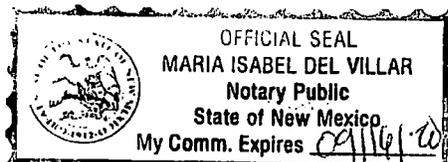
STATE OF NEW MEXICO SS.
County of Dona Ana

Subscribed and sworn before me this
14th of May 2018.


NOTARY PUBLIC in and for
Dona Ana County, New Mexico

September 16, 2020
My Commission Expires

Ad#:0001246643
P O:
of Affidavits :0.00



LEGAL NOTICES

Las Cruces Bulletin - your legal publication for Las Cruces and Doña Ana County, New Mexico

tem southwest of Doña Ana, NM, approximately 143 ft. southwest of the intersection of Big Tree Road and Taylor Road, and more specifically at the physical address of 915 W. Taylor Road.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (objection must be legible, signed, and include the writer's complete name, phone number, email address and mailing address). The objection to the approval of the application must be based on: (1) Impairment; if impairment, you must specifically identify your water rights; and/or (2) Public Welfare/Conservation of Water; if public welfare or conservation of water within the state of New Mexico, you must show how you will be substantially and specifically affected. The written protest must be filed, in triplicate, with the State Engineer, 1680 Hickory Loop, Suite J, Las Cruces, NM 88005 within ten (10) days after the date of the last publication of this Notice. Facsimiles (faxes) will be accepted as a valid protest as long as the hard copy is hand-delivered or mailed and postmarked within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to the Office of the State Engineer, 575-524-6160. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with the provisions of Chapter 72 NMSA 1978.

Dates: 05/11, 05/18, 05/25, 2018

NOTICE is hereby given that on January 24, 2018, Sunset Acres Residential Dev L.L.P., PO Box, filed application numbered L.R.G.-16580-1 in to L.R.G.-17227, OSE File Nos. L.R.G.-16580-1 & L.R.G.-17227, with the State Engineer, for Permit to Change Point of Diversion and Place of Use of Under-ground Water within the Lower Rio Grande Water Basin in Doña Ana County by transferring combined water rights associated with 11,709 acres of land owned by Sunset Acres Residential Dev L.L.P., located within the SE 1/4 of Section 22, Township 28S, Range 3E and the NE 1/4 of said Section 22 (NMPM), historically irri-

gated with well LRG-12128 (LRS21-0020) located within the NW 1/4 NE 1/4 of said Section 22 (NMPM) and more specifically located at or near the intersection of X = 1,575,221 ft. & Y = 308,630 ft. (NMSF, Central NAD83) as described by Subfile Order No.: LRS-28-021-0025 & transferring said combined rights to 11,709 acres of land within the NE 1/4 of Section 16, Township 18S, Range 4W (NM FM) that be irrigated with wells LRG-08494, LRG-08494-S, & LRG-08494-P0D5 more specifically described where X = 1,330,569.9 ft. & Y = 638,075.2 ft., X = 1,330,240.4 ft. & Y = 636,823 ft., & X = 1,328,437.8 ft. & Y = 635,256.9 ft. (NMSF, Central NAD83), respectively on land owned by Rodney S. & Amanda Franzoy. The site of proposed wells LRG-08494, LRG-08494-S, and LRG-08494-P0D5 will be located southeast of Garfield, NM & may be found approximately 0.41 mile east, 0.43 mile southeast, & 0.54 mile south of the intersection of Dandelion Ave and Highway 187, respectively.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (objection must be legible, signed, and include the writer's complete name, phone number, email address, and mailing address). The objection to the approval of the application must be based on: (1) Impairment; if impairment, you must specifically identify your water rights; and/or (2) Public Welfare/Conservation of Water; if public welfare or conservation of water within the state of New Mexico, you must show how you will be substantially and specifically affected. The written protest must be filed, in triplicate, with the State Engineer, 1680 Hickory Loop, Suite J, Las Cruces, NM 88005, within ten (10) days after the date of the last publication of this Notice. Facsimiles (faxes) will be accepted as a valid protest as long as the hard copy is hand-delivered or mailed and postmarked within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to the Office of the State

Engineer, (575) 524-6160. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with the provisions of Chapter 72 NMSA 1978.

Dates: 05/04, 05/11, 05/18, 2018

NOTICE is hereby given that on March 16, 2018, Donald C. Soukup, 5407 Rio Pecos Rd., Mynhill, NM 88539, filed application numbered LRG-03478-P0D2, OSE File No. LRG-03477-1, with the State Engineer for Permit to Change the Location of a Well within the Lower Rio Grande Underground Water Basin in Doña Ana County by discontinuing the use of well LRG-03477, located within the NW 1/4 of projected Section 8, Township 27S, Range 3E (NMPM), and did specifically located where Latitude and Longitude intersect at 31° 58' 38.93" N, 106° 39' 45.48" W (WGS84) on land owned by Rafael Alcantar Jr., Cesar Alcantar, and Maria Esther Khouri, by discontinuing the use of well LRG-03477-S-2, located within the NE 1/4 of projected Section 8, Township 27S, Range 3E (NMPM), and more specifically located where Latitude and Longitude intersect at 31° 58' 45.47" N, 106° 39' 18.34" W (WGS84) on land owned by Luis Nogales, L.L.C., and by discontinuing the use of well LRG-03477-S-2, located within the NE 1/4 of projected Section 8, Township 27S, Range 3E (NMPM), and more specifically located where Latitude and Longitude intersect at 31° 58' 27.60" N, 106° 39' 25.65" W (WGS84) on land owned by Los Nogales, L.L.C., and utilizing well LRG-03478-P0D2 located within the NW 1/4 NE 1/4 of projected Section 8, Township 27S, Range 3E (NMPM), and more specifically located where Latitude and Longitude intersect at 31° 58' 41.20" N, 106° 39' 27.87" W (WGS84) on land owned by the applicant, for the continued diversion of the amount of water subject to all conditions and provision contained in the Final Judgment and Settlement Agreement in Stream System Issue No. 101, SS-97-101, filed August 22, 2011, combined with surface water from the Elephant Butte Irrigation District for the irrigation of 1.0 acre of

land, owned by the applicant, located within the NE 1/4 of projected Section 8, Township 27S, Range 3E (NMPM), as described by Subfile Order No. LRS-28-015-0050-B Right A of the Third Judicial District Court, State of New Mexico, Doña Ana County.

Well LRG-03478-P0D2 is located north of La Union, NM, and may be found at the physical address of 775 Soukup Road.

Wells LRG-03477, LRG-03477-S, and LRG-03477-S-2 will be retained for other water rights.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (objection must be legible, signed, and include the writer's complete name, phone number, email address and mailing address). The objection to the approval of the application must be based on: (1) Impairment; if impairment, you must specifically identify your water rights; and/or (2) Public Welfare/Conservation of Water; if public welfare or conservation of water within the state of New Mexico, you must show how you will be substantially and specifically affected. The written protest must be filed, in triplicate, with the State Engineer, 1680 Hickory Loop, Suite J, Las Cruces, NM 88005 within ten (10) days after the date of the last publication of this Notice. Facsimiles (faxes) will be accepted as a valid protest as long as the hard copy is hand-delivered or mailed and postmarked within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to the Office of the State Engineer, 575-524-6160. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with the provisions of Chapter 72 NMSA 1978.

Dates: 05/04, 05/11, 05/18, 2018

NOTICE is hereby given that on March 29, 2018, Truin E. Rogers, 5275 Valle Bonita Drive, Las Cruces, NM 88007, filed application numbered LRG-17336-P0D2, OSE File Number LRG-17336-1, with the State Engineer for Permit to Change an Exist-

ing Water Right within the Lower Rio Grande Under-ground Water Basin in Doña Ana County by drilling replacement well LRG-17336-P0D2 with a 4-inch casing to a depth of 160 feet, on land owned by the applicant, located within the NW 1/4 NW 1/4 SW 1/4 of projected Section 23, Township 22S, Range 01E (NMPM) and more specifically located near the intersection of X=1,464,797 ft. & Y=502,272 ft., NMSF, Central NAD83, and discontinue the use of existing well LRG-17336-P0D1 (aka LRN06-0067) located on land owned by the applicant, located within the NW 1/4 SW 1/4 of said projection Section 23, and more specifically located near the intersection of X=1,464,847 ft. & Y=502,299 ft., NMSF, Central NAD 83, for the continued diversion of up to 3.0 acre-feet per annum for domestic one-household purposes as described by Subfile No.: LRN-28-006-0146-A Right C of the Lower Rio Grande Hydrographic Survey. Proposed replacement well LRG-17336-P0D2 will be located at the physical address of 5275 Valle Bonita Drive, Las Cruces, NM. Existing well LRG-17336-P0D1 will be properly plugged.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (objection must be legible, signed, and include the writer's complete name, phone number and mailing address). The objection to the approval of the application must be based on: (1) Impairment; if impairment, you must specifically identify your water rights; and/or (2) Public Welfare/Conservation of Water; if public welfare or conservation of water within the state of New Mexico, you must show how you will be substantially and specifically affected. The written protest must be filed, in triplicate, with the State Engineer, 1680 Hickory Loop, Suite J, Las Cruces, NM 88005 within ten (10) days after the date of the last publication of this Notice. Facsimiles (faxes) will be accepted as a valid protest as long as the hard copy is hand-delivered or mailed and postmarked within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can

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Dates: 05/04, 05/11, 05/18, 2018

NOTICE is hereby given that on March 30, 2018, Mark and Peggy Wint, 131 Mimosa Lane, Las Cruces NM 88001, filed application numbered LRG-17071-P0D1, OSE File No. LRG-17071-1, with the State Engineer for Permit to Change an Existing Water Right within the Lower Rio Grande Underground Water Basin in Doña Ana County by discontinuing use of existing well LRG-12913, located within the NW 1/4 of projected Section 32, T28S, R2E and drilling a new replacement well LRG-17071-P0D1 to be located at approximately X=1,483,051.87, Y=461,070.42 (N.M.S.P., Central Zone NAD 83, Foot) on land owned by the applicant for the continued irrigation of 0.28 acres owned by the applicant located within the NE 1/4 of said Section 32, as identified in Sub file Order no. LRG-28014020 land a continued diversion of an amount of water reserved for future determination by May 24, 1999 order of the third Judicial District Court, Doña Ana County, State of NM. The well can be generally described as being located approximately 1600ft north-east of the intersection of S Mhin St. and Mimosa Lane. Well LRG-12913 will be retained for other rights.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (objection must be legible, signed, and include the writer's complete name, phone number and mailing address). The objection to the approval of the application must be based on: (1) Impairment; if impairment, you must specifically identify your water rights; and/or (2) Public Welfare/Conservation of Water; if public welfare or conservation of water within the state of New Mexico, you must show how you will be substantially and specifically affected. The written protest must be filed, in triplicate, with the State Engineer, 1680 Hickory Loop, Suite J, Las Cruces, NM 88005 within ten (10) days after the date of the last publication of this Notice. Facsimiles (faxes) will be accepted as a valid protest as long as the hard copy is hand-delivered or mailed and postmarked within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can

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expansion of existing business.

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Linda Lewis, CMC
City Clerk

Date: 05/11, 2018

NOTICE TO PUBLIC

2002 Honda Civic VIN # 2HGES26712H609551 blue is being held at LUCHINS TOWING & RECOVERY located at 3521 W Picacho in Las Cruces, New Mexico for auction at 8 am on 7/16/18 at LUCHINS TOWING & RECOVERY due to mechanics lien of \$150,000 plus storage.

Dates: 04/27, 05/04, 05/11, 2018

NOTICE OF ADOPTION

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(1) Terms of Sale: \$10,000 Earnest money down (deposited with escrow). \$257,000 cash due at closing. 6% real estate commission of \$16,020 to be paid to buyer's representative (Steinhorn Commercial). Final net to City \$250,980.

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Linda Lewis, CMC
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Dates: 05/04, 05/11, 2018

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Dates: 05/04, 05/11, 2018

Legal Advertising Affidavit

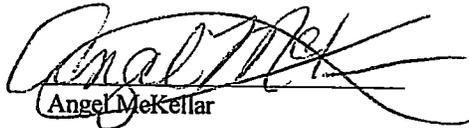
Angel McKellar, who, being duly sworn as the Advertising Assistant of the Las Cruces BULLETIN, a weekly newspaper of general distribution published in the City of Las Cruces, County of Doña Ana, State of New Mexico, disposes and states that the legal advertising for

CITY OF LAS CRUCES CITY ATTORNEY

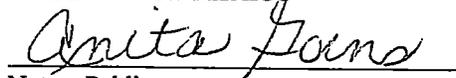
In the matter of:

NOTICE OF ADOPTION The City Council of the City of Las Cruces, New Mexico, Hereby Gives Notice of Its Adoption of the Following Ordinance(s) at the Regular City Council Meeting Held on May 7, 2018:

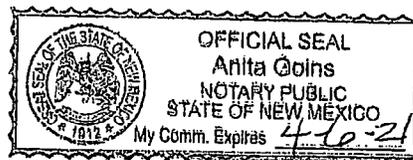
In accordance with the laws of the State of New Mexico, the attached was published in its entirety 1 time(s) in the Las Cruces BULLETIN, the first publication date being 05/11/2018 and subsequent publications being: , , .


Angel McKellar

Sworn to and subscribed
before me this day 05/11/2018
in the
CITY OF LAS CRUCES
COUNTY OF DOÑA ANA
STATE OF NEW MEXICO


Notary Public

Advertising Costs: \$78.48



LAS CRUCES SUN-NEWS

AFFIDAVIT OF PUBLICATION

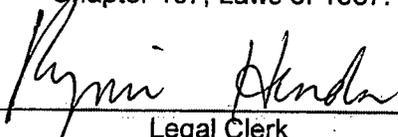
Ad No.
0001246445

Esther
CITY OF LAS CRUCES
PO BOX 20000
ATTN: CITY CLERK
LAS CRUCES NM 88004

I, a legal clerk of the **Las Cruces Sun-News**, a newspaper published daily at the county of Dona Ana, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

05/13/18

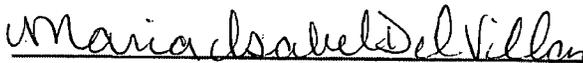
Despondent further states this newspaper is duly qualified to publish legal notice or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.

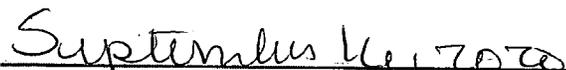


Legal Clerk

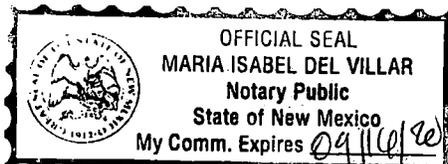
STATE OF NEW MEXICO **SS.**
County of Dona Ana

Subscribed and sworn before me this
14th of May 2018.


NOTARY PUBLIC in and for
Dona Ana County, New Mexico


My Commission Expires

Ad#:0001246445
P O :
of Affidavits :0.00



NOTICE OF ADOPTION

The City Council of the City of Las Cruces, New Mexico, Hereby Gives Notice of Its Adoption of the Following Ordinance(s) at the Regular City Council Meeting Held on May 7, 2018:

(1) Council Bill No. 18-026: Ordinance No. 2850: An Ordinance Authorizing a Real Estate Purchase Agreement Between the City of Las Cruces and F & A Dairy Products, Inc. for the Sale of 180 Acres of Municipally Owned Land Within the West Mesa Industrial Park for the Purchase Price of \$267,000, in accordance with Provisions of LCMC 1997, Section 2-1312.

(1) Terms of Sale: \$10,000 Earnest money down (deposited with escrow), \$257,000 cash due at closing. 6% real estate commission of \$16,020 to be paid to buyer's representative (Steinborn Commercial). Final net to City \$250,980.

(2) Appraised Value: Two appraisals: \$740,000 and \$792,100 (Avg of \$766,050).

(3) Schedule of Payments: Full cash balance of \$257,000 due at closing.

(4) Amount of Purchase price: Proposed sale is \$267,000.

(5) Purchaser of Property: F & A Dairy Products, Inc.

(6) Purpose of Sale: Development of solar array and incentives to promote economic development for the expansion of existing business.

Copies Are Available for Inspection During Working Hours at the Office of the City Clerk. Witness My Hand and Seal of the City of Las Cruces on this the 8th day of May, 2018.

Linda Lewis, CMC
City Clerk
Pub: May 13, 2018
#1246445

LAS CRUCES SUN-NEWS

AFFIDAVIT OF PUBLICATION

Ad No.
0001246643

Esther
CITY OF LAS CRUCES
PO BOX 20000
ATTN: CITY CLERK
LAS CRUCES NM 88004

I, a legal clerk of the **Las Cruces Sun-News**, a newspaper published daily at the county of Dona Ana, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

05/14/18

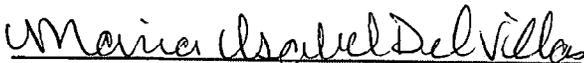
Despondent further states this newspaper is duly qualified to publish legal notice or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.

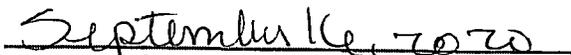


Legal Clerk

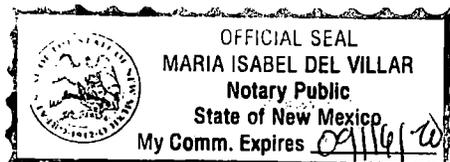
STATE OF NEW MEXICO ss.
County of Dona Ana

Subscribed and sworn before me this
14th of May 2018.


NOTARY PUBLIC in and for
Dona Ana County, New Mexico


My Commission Expires

Ad#:0001246643
P O :
of Affidavits :0.00



NOTICE OF ADOPTION

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Linda Lewis, CMC
City Clerk
Pub# 1246643

Run Dates: May 14, 2018