

**ORDINANCE 3039; COUNCIL BILL 23-033**

**AN ORDINANCE AMENDING CHAPTER 7.8, ARTICLE I, LOCAL ECONOMIC DEVELOPMENT ACT (LEDA), SECTION 7.8-3.-LEDA PLAN, OF THE LAS CRUCES MUNICIPAL CODE (LCMC) 1997, AS AMENDED AND ADOPTING A LEDA PLAN IN ACCORDANCE WITH THE SAME.**

The City Council is informed that:

**WHEREAS**, in 1993 the New Mexico State Legislature enacted NMSA 1978 section 5 -10 -1 to 5- 10 - 13, titled the "Local Economic Development Act" (the "Act ") to allow for the use of public resources for economic development; and

**WHEREAS**, in 2004 the City of Las Cruces adopted the Las Cruces Local Economic Development Plan 2004 by Ordinance No. 2122 to implement the authority of the State Act; and

**WHEREAS**, New Mexico House Bill 352 adopted during the 2013 New Mexico legislative session amended NMSA 1978, Section 5 -10 -10 to incorporate specific requirements relating to the substantive contributions from a qualifying entity and relating to security provided by a qualifying entity to ensure performance of its obligations under a project participation agreement; and

**WHEREAS**, in 2013 the legislature adopted additional amendments to the State Act requiring security for state and local contributions to local economic development projects; and

**WHEREAS**, at this time, the Las Cruces Local Economic Development Plan will be amended to include two additional project participation funding models: a Local model and a Catastrophic model; and

**WHEREAS**, the Local model includes public contribution plus private investment in the form of: in-kind services, jobs, expanded tax base, property or other thing or service of value for the expansion of the economy; and

**WHEREAS**, the Catastrophic model includes public contribution in the form of State allocated Jr. Money, plus private investment in the form of: in-kind services, new or saved jobs, expanded tax base, property or other thing or service of value for the expansion of the economy.

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

**(I)**

**THAT** the Las Cruces Municipal Code 1997, as amended, Chapter 7.8, Article I, Section 7.8-3.-LEDA Plan of the Las Cruces Municipal Code 1997 is hereby amended as indicated in Exhibit "A" and attached hereto.

**(II)**

**THAT** the Las Cruces Local Economic Development Plan as indicated in Exhibit "B" and attached hereto is adopted with the proposed additions to the project participation funding models.

**(III)**

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

**DONE AND APPROVED this 20 day of June 2023**



APPROVED

Mayor

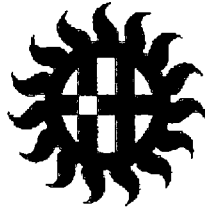
Christine Rivera  
City Clerk

**Moved by: Tessa Abeyta**

**Seconded by: Becki Graham**

**AYES** Kasandra Gandara, Ken Miyagishima, Yvonne Flores, Johana Bencomo, Becki Graham,  
Becky Corran, Tessa Abeyta

**NAYS**



## City Council Action and Executive Summary

**3039; Council  
Bill 23-033**

**Type of Action:**

☐ Resolution

☒ Ordinance

☐ TIDD Resolution

**District:** ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ N/A

**1st Reading:** June 5, 2023

**Adopted:** June 20, 2023

**Drafter:** Chris Faivre

**Department:** Economic Development

**Program:** Line of Business: Business Development

**Title:** AN ORDINANCE AMENDING CHAPTER 7.8, ARTICLE I, LOCAL ECONOMIC DEVELOPMENT ACT (LEDA), SECTION 7.8-3.-LEDA PLAN, OF THE LAS CRUCES MUNICIPAL CODE (LCMC) 1997, AS AMENDED AND ADOPTING A LEDA PLAN IN ACCORDANCE WITH THE SAME.

**TYPE OF ACTION:** ☐ Administrative ☒ Legislative ☐ Quasi-Judicial

### **PURPOSE(S) OF ACTION:**

To add an updated LEDA plan to Las Cruces Municipal Code as required by NMSA 1978 section 5-10-1 to 5-10-13, titled the "Local Economic Development Act".

### **BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

In 2004, the City of Las Cruces adopted the Las Cruces Local Economic Development Plan under the authority granted through NMSA 1978, Section 5 -10 -1 to 5- 10 -13, also known as the Local Economic Development Act (LEDA). The plan was codified in Ordinance No. 2122 and allowed the City to be proactive in recruiting, retaining, and growing local business to the benefit of the local economy.

In the 2013 New Mexico legislative session, House Bill 352 authorized municipalities to amend their local economic development plans to include project security requirements. Also known as "49 clawback provisions", these new requirements would allow the City to recover costs put towards an approved economic development project if the terms of the agreement were not met. In order to protect the City's investment in local economic development projects, the project security requirements need to be added. The Las Cruces Economic Development Plan was amended to include the changed enacted under House Bill 352.

At this time, the Las Cruces Local Economic Development Plan will be amended and adopted via ordinance - per New Mexico State Statue - to include two additional funding options:

- Local Model - Public contribution plus private investment in the form of: in-kind services, jobs, expanded tax base, property or other thing or service of value for the expansion of the economy; and
- Catastrophic model – Public contribution in the form of State allocated Jr. Money, plus private investment in the form of: in-kind services, new or saved jobs, expanded tax base, property or other thing or service of value for the expansion of the economy.

The Catastrophic model will be funded with State of New Mexico Junior Money made available in FY24 to the City by way of Senator Carrie Hamblen.

### **SUPPORT INFORMATION:**

Exhibit "A" – Corrected version of code

Exhibit "B" - LEDA Plan

Attachment "A" – Redline version of code

**PLAN(S):**

Department Strategic Business Plan, Elevate Las Cruces

**COMMITTEE/BOARD REVIEW:**

Economic Development PRC

**DOES THIS AMEND THE BUDGET?:**

☐ Yes

☒ No

**Does this action amend the Capital Improvement Plan (CIP)?**

☐ Yes

☒ No

**Does this action align with Elevate Las Cruces?**

☒ Yes

☐ No

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will amend Section 7.8-3 of the Las Cruces Municipal Code (LCMC) and approve the adoption of the Las Cruces Local Economic Development Plan.
2. Vote "No"; this will not amend Section 7.8-3 of the Las Cruces Municipal Code (LCMC) and will not approve the adoption of the Las Cruces Local Economic Development Plan.
3. Vote "Amend"; this could modify the Ordinance and would need further direction from the City Council to staff.
4. Vote "Table"; this will postpone consideration of the Ordinance and would need further direction from City Council to staff.

**REFERENCE INFORMATION:**

Ordinance No. 2697

PART II - MUNICIPAL CODE  
Chapter 7.8 - ECONOMIC DEVELOPMENT  
ARTICLE I. LOCAL ECONOMIC DEVELOPMENT ACT (LEDA)

---

***ARTICLE I. LOCAL ECONOMIC DEVELOPMENT ACT (LEDA)***

**Sec. 7.8-1. Short title and legislative intent.**

This chapter shall be known as and may be cited as the "Local Economic Development Act."  
(Ord. No. 2873 , § I, II(Exh. A), 9-17-18)

**Sec. 7.8-2. Enabling legislation.**

The New Mexico State Legislature enacted NMSA 1978 sections 5-10-1 to 5-10-13 titled the "Local Economic Development Act" (the "Act") allows for the use of public resources for economic development.  
(Ord. No. 2873 , § I, II(Exh. A), 9-17-18)

**Sec. 7.8-3. LEDA plan.**

The LEDA plan will be adopted by ordinance in accordance with NMSA 1978, Article 5-10-6(A).  
(Ord. No. 2873 , § I, II(Exh. A), 9-17-18)

**Secs. 7.8-4—7.8-99. Reserved.**

## **Local Economic Development Plan 2023**

**Prepared by**

**City of Las Cruces Economic Development Department**

**July 2023**

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## Local Economic Development Act

The Local Economic Development Act, “the Act,” authorizes local governments to use public resources on economic development projects. It was initiated as a constitutional amendment, put to a statewide vote in the 1994 general election and approved by the voters.

### Definitions

“Arts and cultural district” means a developed district of public and private uses that is created pursuant to the Arts and Cultural District Act (Sections 15-5A-1 through 15-5A-7 NMSA 1978);

“Catastrophic Incident” is a sudden and devastating event that can cause significant harm or damage to a business and its assets. Such incidents can result from natural disasters like floods, earthquakes, or tornadoes, human-made events like fires, explosions, or acts of terrorism, or technological failures like equipment malfunctions, power outages, or cyber-attacks. These incidents can lead to significant operational disruptions, loss of critical data, and financial losses. In the case of equipment failure or malfunction, catastrophic incidents can cause significant downtime, increased maintenance costs, or even lead to equipment loss or destruction.

“Cultural facility” means a facility that is owned by the state, a county, a municipality or a qualifying entity that serves the public through preserving, educating and promoting the arts and culture of a particular locale, including theaters, museums, libraries, galleries, cultural compounds, educational organizations, performing arts venues and organizations, fine arts organizations, studios and media laboratories and live-work housing facilities;

“Department” means the economic development department;

“Economic development project” or “project” means the provision of direct or indirect assistance to a qualifying entity by the City of Las Cruces includes the purchase, lease, grant, construction, reconstruction, improvement or other acquisition or conveyance of land, buildings or other infrastructure; public works improvements essential to the location or expansion of a qualifying entity; payments for professional services contracts necessary for the City of Las Cruces to implement a plan or project; the provision of direct loans or grants for land, buildings or infrastructure; technical assistance to cultural

facilities; loan guarantees securing the cost of land, buildings or infrastructure in an amount not to exceed the revenue that may be derived from the municipal infrastructure gross receipts tax or the county infrastructure gross receipts tax; grants for public works infrastructure improvements essential to the location or expansion of a qualifying entity; grants or subsidies to cultural facilities; purchase of land for a publicly held industrial park or a publicly owned cultural facility; and the construction of a building for use by a qualifying entity;

“Governing body” means the city council, city commission or board of trustees of a municipality or the board of county commissioners of a county;

“Local government” means the City of Las Cruces;

“Municipality” means an incorporated city, town or village;

“Person” means an individual, corporation, association, partnership or other legal entity;

“Qualifying entity” means a corporation, limited liability company, partnership, joint venture, syndicate, association or other person that is one or a combination of two or more of the following:

- A. An industry for the manufacturing, processing or assembling of agricultural or manufactured products;
- B. A commercial enterprise for storing, warehousing, distributing or selling products of agriculture, mining or industry, but, other than as provided in subsection (E) or (F) of this definition, not including any enterprise for sale of goods or commodities at retail or for distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities;
- C. A business, including a restaurant or lodging establishment, in which all or part of the activities of the business involve the supplying of services to the general public or to governmental agencies or to a specific industry or customer, but, other than as provided in subsection (E) of this subsection, not including businesses primarily engaged in the sale of goods or commodities at retail;
- D. An Indian nation, tribe or pueblo or a federally chartered tribal corporation;

- E. A telecommunications sales enterprise that makes the majority of its sales to persons outside New Mexico;
- F. A facility for the direct sales by growers of agricultural products, commonly known as farmers' markets;
- G. A business that is the developer of a metropolitan redevelopment project;

"Regional government" means any combination of municipalities and counties that enter into a joint powers agreement to provide for economic development projects pursuant to a plan adopted by all parties to the joint powers agreement.

"Retail business" means a business that is primarily engaged in the sale of goods or commodities at retail and that is located:

- In a municipality with a population, according to the most recent federal decennial census, of:
  - fifteen thousand or less; or
  - more than fifteen thousand if the economic development project is not funded or financed with state government revenues; or
- in an unincorporated area of the county.

## Restrictions on Public Expenditures

- A. Local or regional government shall provide public support for economic development projects as permitted pursuant to Article 9, Section 14 of the Constitution of New Mexico only as provided in the Local Economic Development Act or as otherwise permitted by law. Funds are awarded at the City of Las Cruces' discretion and based on availability of funds.
- B. The total amount of public money that may be expended for economic development projects in a fiscal year may not exceed ten percent of the annual general fund expenditures for the same period. The limit does not apply to:
  - The value of any land or building contributed to an economic development project;
  - Revenue generated through the gross receipts tax local option for advancing economic development plans and projects;

- The proceeds of a revenue bond issue to which municipal infrastructure gross receipts tax revenue is pledged;
  - Funds donated by private entities to be used for defraying the cost of a project
- C. In order to fund projects within an arts and cultural district, this can include cultural facilities or retail businesses, the City needs to adopt an ordinance in favor of said projects. In order to qualify for funding, the ordinance for a project must meet the qualifications at the state and local level as defined in the Local Economic Development Act, or projects, as defined in the Statewide Economic Development Finance Act.

## Purpose

LEDA is a tool that is aligned with the Economic Development Strategic Plan and the Comprehensive Plan along with the goals we share with our economic development partners. The Economic Development Strategic Plan strengthens Las Cruces' economic development efforts by making certain public resources available for specific economic development projects. The plan is compatible with the guiding principles of Economic Prosperity from the Comprehensive Plan. These principles are:

1. Economic Diversity
2. Business & Industry Support
3. Ready Workforce & Environment

Las Cruces Economic Development Strategic Plan anticipates close cooperation and coordination with our economic development partners. These would include the Mesilla Valley Economic Development Alliance (MVEDA), Arrowhead Center at NMSU, SCORE, WESST and other Business Assistance agencies. Some of these organizations work with MVEDA which markets the City and surrounding region to private businesses for expansion and in-turn to promote job growth. Arrowhead Center encourages economic development by serving as an incubator for entrepreneurship and start-up businesses in technology related fields. SCORE and WESST encourage the development of entrepreneurship and start-up businesses in fields other than technology. The City's involvement with these groups provides additional resources and competencies to fulfill its various economic development strategies.

The City of Las Cruces provides resources of value to individual businesses through LEDA resulting in a higher tax base and the creation of quality jobs; this is assuming the provision of these resources does not violate the anti-donation clause. The resources Las Cruces may offer include land, buildings, infrastructure, and financial incentives.

## Goals

The basic overall strategy is focused on three goals outlined in the City's current comprehensive planning document.

- **Economic diversity:** Identify opportunities, partnerships and policies that encourage diversification of the local economy toward industries and businesses that develop and use advanced technology with the expectation that such diversification will sustain local economic growth into the future. Develop and diversify the economy in likely sectors such as aerospace, high technology, professional and technical services, value-added agricultural processing, supplier businesses to maquiladora manufacturers, and local retail. Jobs in preferred clusters raise the average salary level and promote self-sustaining growth into the future.
- **Business and industry support:** Identify possible incentives, innovate and develop methods that encourage retention, expansion and attraction of businesses that can develop the infrastructure and enhance economic growth. Business Retention and Expansion builds capacity and brings the community together to identify barriers and opportunities for growth.
- **Ready workforce and environment:** Encourage those members of the community who are eligible to participate in the workforce but do not. Identify and create adaptable and responsive business climate through training, education and partnerships.

## Las Cruces Resources Available for Economic Development Project

Public contribution or support for an economic development project shall be provided in exchange for a substantive contribution from the qualifying entity. Public contribution can include public resources, services, and financial incentives. The plan envisions that public benefits from economic development projects will equal or exceed public costs.

### Resources

- Land
- Buildings
- Infrastructure

### Services

- Engineering, architectural, legal, appraisal, environmental assessment, and various professional services
- Liaise with state economic development programs and services
- Workforce Development

## Financial Incentives

- Property tax abatement
- Waiving of infrastructure hook-up fees
- Waiving of various Permit fees
- Provision of cash grants
  - General Fund
  - Program funds from private donation and any revenue derived by the program

## Criteria of Eligible Project

There are four models for project participation as follows:

- 1) Preferred model - Public contribution plus private investment in desired industry clusters equals new jobs with above average salaries.
  - 2) Basic model - Public contribution plus private investment equals new jobs.
  - 3) Local model – Public contribution plus private capital investment of at least \$250,000 plus an investment in the form of: in-kind services, jobs, expanded tax base, property or other thing or service of value for the expansion of the economy.
  - 4) Catastrophic model – Public contribution in the form of State allocated Jr. Money, plus private investment in the form of: in-kind services, new or saved jobs, expanded tax base, property or other thing or service of value for the expansion of the economy.
- Business must be registered and in compliance with Las Cruces and New Mexico business regulations.
  - Project must be executed by a qualifying entity
  - Preferred and Basic model Projects must result in new jobs which are intended to be permanent. Contract jobs such as project construction jobs do not count as new jobs; the cost of construction is part of the private business investment.
  - Funding in all four models will be distributed on a case-by-case basis depending on the needs of qualifying entity and the availability of funds.

## Economic Development Project Application

A qualifying entity interested in participating in a project must meet with the City's Economic Development Department as part of the LEDA Application process. The business must submit a completed application form to the Economic Development

Department supplied by the City. The application will seek to gather information that will help the City evaluate the:

- applicant's financial strength,
- applicant's management capability,
- applicant's commitment to the community,
- feasibility of the proposed economic development project, and
- project benefit(s) to the City.

The information required are details on the company including general facts such as type of ownership, management team members background information, operational profile, financial information along with proposed project specific details. Additional information may be required and requested by the City to aid in its evaluation of the business or the project itself. The City will maintain business sensitive information to the degree allowed by law. The City will conduct due diligence with respect to the applicant by using well established credit analysis firms to make that determination.

## Safeguards

The review and evaluation of the application guided by prudent lending practices will provide the foundation for safeguarding public resources. However, the City will require formal security instruments to safeguard public resources and indemnify the City from loss if the qualifying entity ceases operation, relocates or otherwise defaults or reneges on its contractual obligations to the City. The security shall secure the qualifying entity's obligations based on terms stated in the project participation agreement and shall reflect the amount of public support provided to the qualifying entity and the substantive contribution expected from the qualifying entity.

The City of Las Cruces shall retain a security interest to protect its investment. The type of security will depend on the type of project and the type of assistance provided by the City. The type of security may include but not necessarily be limited to:

- Letter of credit in the City's name;
- Performance bond equal to the City's contribution to the project;
- A mortgage or lien on property or equipment;
- Pro-rated reimbursement of City's contribution should the company reduce the work force or leave the community prior to the agreed-upon term;
- Various forms of insurance;
- MOU or signed agreement between City and participating business;
- Other security agreeable to both parties.

## Project Participation Agreement

Following an evaluation and approval of an application, the City and the applicant will develop a project participation agreement. The agreement is the formal document that sets out the contributions and obligations of both parties to the economic development project. The economic development project requires approval by ordinance of the Las Cruces City Council. The City Council will approve the project participation agreement. The project participation agreement will include but not be limited to the following items:

- The economic development goals of the project; these would include but may not be limited to:
  - a. Job creation
  - b. Wage considerations
  - c. Public to private investment ratio
- The contributions to the project from the City and qualifying entity;
- The PPA will define when and how City resources will be distributed;
- Schedule for project development and completion;
- Measurable performance objectives;
- Performance review procedures and actions to be taken to correct unsatisfactory performance;
- Security provided to the City;
- Manner by which the project may be terminated and the City's investment may be recovered; and
- The period in which the City will retain an interest in the project.

## Termination

At any time after approval of the local economic development plan, the Las Cruces City Council may enact an ordinance terminating the local economic development plan and dissolving or terminating any or all projects.

Any unexpended and unencumbered balances remaining in any project fund or account upon repeal of the plan and termination or dissolution of a project shall be transferred to the economic development fund.

## Severability Clause

If any section, paragraph, clause, or provision of this Local Economic Development Plan, or any section, paragraph, clause, or provision of any regulation promulgated hereunder shall for any reason be held to be invalid, unlawful, or enforceable, the invalidity, illegality, or unenforceability of such section, paragraph, clause, or provision shall not affect the validity of the remaining portions of this Local Economic Development Plan or the regulation so challenged.



PART II - MUNICIPAL CODE  
Chapter 7.8 - ECONOMIC DEVELOPMENT  
ARTICLE I. LOCAL ECONOMIC DEVELOPMENT ACT (LEDA)

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***ARTICLE I. LOCAL ECONOMIC DEVELOPMENT ACT (LEDA)***

**Sec. 7.8-1. Short title and legislative intent.**

This chapter shall be known as and may be cited as the "Local Economic Development Act."  
(Ord. No. 2873 , § I, II(Exh. A), 9-17-18)

**Sec. 7.8-2. Enabling legislation.**

The New Mexico State Legislature enacted NMSA 1978 sections 5-10-1 to 5-10-13 titled the "Local Economic Development Act" (the "Act") allows for the use of public resources for economic development.  
(Ord. No. 2873 , § I, II(Exh. A), 9-17-18)

**Sec. 7.8-3. LEDA plan.**

A plan will be adopted by ~~resolution~~ ordinance.  
(Ord. No. 2873 , § I, II(Exh. A), 9-17-18)

**Secs. 7.8-4—7.8-99. Reserved.**

**Affidavit of Publication**

Ad # 0005719096

**This is not an invoice**

**CITY OF LAS CRUCES**  
PO BOX 20000  
ATTN: CITY CLERK'S OFFICE  
LAS CRUCES, NM 88004-9002

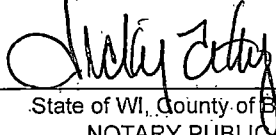
I, a legal clerk of the **Las Cruces Sun News**, a newspaper published daily at the county of Dona Ana, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published;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

**06/04/2023**

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

Subscribed and sworn before me this June 4, 2023:

  
State of WI, County of Brown  
NOTARY PUBLIC  
9/19/25  
My commission expires

**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 the Regular City Council Meeting Held on June 20, 2023:

Council Bill No. 23-032; Ordinance No. 3038: An Ordinance Repealing Chapter 2, Subdivision XV. Downtown Parking Committee of the Las Cruces Municipal Code 1997, as Amended.

Council Bill No. 23-033; Ordinance No. 3039: An Ordinance Amending Chapter 7.8, Article I, Local Economic Development Act (LEDA), Section 7.8-3 LEDA Plan, of the Las Cruces Municipal Code (LCMC) 1997, as Amended and Adopting a LEDA Plan in Accordance with the Same.

Council Bill No. 23-034; Ordinance No. 3040: An Ordinance Authorizing a Real Estate Purchase Agreement Between the City of Las Cruces and BHD Land Development LLC, for the Sale of Approximately 17.53 Acres of Municipally-Owned Land within the Las Cruces Innovation and Industrial Park for the Purchase Price of \$581,700.00, in Accordance with Provision of LCMC 1997, Section 2-1312.

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 25th day of May, 2023.

Christine Rivera, CMC  
City Clerk  
#5719096, Sun-News, June 4, 2023

VICKY FELTY  
Notary Public  
State of Wisconsin

Ad # 0005719096  
PO #:  
# of Affidavits 1

**This is not an invoice**

# Legal Advertising Affidavit

Richard Coltharp, who being duly sworn as the publisher 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 Attorney**

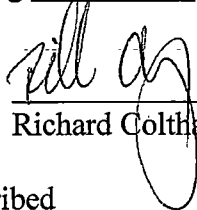
In the matter of:

### **Notice of Intent to Adopt**

Council Bill No. 23-032; Ordinance No. 3038:

Council Bill No. 23-033; Ordinance No. 3039

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 **06/02/2023**

  
Richard Coltharp

Sworn to and subscribed  
before me this day **06/02/2023**

in the

CITY OF LAS CRUCES  
COUNTY OF DOÑA ANA  
STATE OF NEW MEXICO

  
Notary Public

MARGARET ANN ADAMS  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
COMMISSION # 1138740  
COMMISSION EXPIRES: 09-09-2026

Advertising Costs: \$67.04

**NOTICE OF INTENT TO ADOPT**

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of the City of Las  
Cruces, New Mexico,  
Hereby Gives Notice  
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Regular City Council  
Meeting Held on

June 20, 2023:  
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3038: An Ordinance  
Repealing Chapter  
2, Subdivision XV.  
Downtown Parking  
Committee of the  
Las Cruces Munic-  
ipal Code 1997, as  
Amended.

Council Bill No. 23-  
033; Ordinance No.  
3039: An Ordinance  
Amending Chapter  
7.8, Article I, Local  
Economic Develop-  
ment Act (LEDA),  
Section 7.8-3 LEDA  
Plan, of the Las  
Cruces Municipal  
Code (LCMC) 1997,  
as Amended and  
Adopting a LEDA  
Plan in Accordance  
with the Same.

Council Bill No. 23-  
034; Ordinance No.  
3040: An Ordinance  
Authorizing a Real  
Estate Purchase  
Agreement Between  
the City of Las  
Cruces and BHD  
Land Development  
LLC, for the Sale  
of Approximate-  
ly 17.53 Acres of  
Municipally-Owned  
Land within the Las  
Cruces Innovation  
and Industrial Park  
for the Purchase  
Price of \$581,700.00,  
in Accordance with  
Provision of LCMC  
1997, Section 2-1312.  
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 25th day of  
May, 2023.

Christine Rivera,  
CMC, City Clerk

**Dates: 06/02, 2023**

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# Las Cruces Sun News.

PART OF THE USA TODAY NETWORK

## Affidavit of Publication

Ad # 0005747457

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CITY OF LAS CRUCES  
PO BOX 20000  
ATTN: CITY CLERK'S OFFICE  
LAS CRUCES, NM 88004-9002

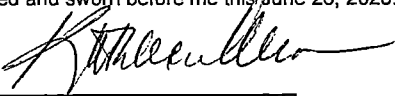
I, a legal clerk of the Las Cruces Sun News, a newspaper published daily at the county of Dona Ana, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that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

06/25/2023

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

Subscribed and sworn before me this June 26, 2023:

  
State of WI, County of Brown  
NOTARY PUBLIC

  
My commission expires

### 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 June 20, 2023:

Council Bill No. 23-032: Ordinance No. 3038: An Ordinance Repealing Chapter 2, Subdivision XV, Downtown Parking Committee of the Las Cruces Municipal Code 1997, as Amended.

Council Bill No. 23-033: Ordinance No. 3039: An Ordinance—Amending Chapter 7.8, Article I, Local Economic Development Act (LEDA), Section 7.8-3 LEDA Plan, of the Las Cruces Municipal Code (LCMC) 1997, as Amended and Adopting a LEDA Plan in Accordance with the Same.

Council Bill No. 23-034: Ordinance No. 3040: An Ordinance Authorizing a Real Estate Purchase Agreement Between the City of Las Cruces and BHD Land Development LLC, for the Sale of Approximately 17.53 Acres of Municipally-Owned Land within the Las Cruces Innovation and Industrial Park for the Purchase Price of \$581,700.00, in Accordance with Provision of LCMC 1997, Section 2-1312.

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 21st day of June, 2023.

Christine Rivera, CMC  
City Clerk  
#5747457, Sun-News, June 25, 2023

KATHLEEN ALLEN  
Notary Public  
State of Wisconsin

Ad # 0005747457

PO #:

# of Affidavits: 1

This is not an invoice

# **Legal Advertising Affidavit**

Richard Coltharp, who being duly sworn as the publisher 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**

In the matter of:

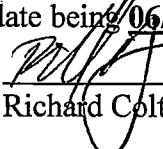
### **Notice of Adoption**

Council Bill No. 23-032; Ordinance No. 3038:

Council Bill No. 23-033; Ordinance No. 3039:

Council Bill No. 23-034; Ordinance No. 3040:

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 06/30/2023,

  
Richard Coltharp

Sworn to and subscribed  
before me this day 06/30/2023,  
in the  
CITY OF LAS CRUCES  
COUNTY OF DOÑA ANA  
STATE OF NEW MEXICO

  
Notary Public

Advertising Costs: \$65.39

**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  
June 20, 2023:  
Council Bill No. 23-  
032; Ordinance No.  
3038: An Ordinance  
Repealing Chapter  
2, Subdivision XV.  
Downtown Parking  
Committee of the  
Las Cruces Munic-  
ipal Code 1997, as  
Amended. Council  
Bill No. 23-033; Or-  
dinance No. 3039; An  
Ordinance Amending  
Chapter 7.8, Article  
I, Local Economic  
Development Act  
(LEDA), Section  
7.8-3 LEDA Plan,  
of the Las Cruces  
Municipal Code  
(LCMC) 1997, as  
Amended and Adopt-  
ing a LEDA Plan in  
Accordance with the  
Same. Council Bill  
No. 23-034; Ordi-  
nance No. 3040: An  
Ordinance Autho-  
rizing a Real Estate  
Purchase Agreement  
Between the City of  
Las Cruces and BHD  
Land Development  
LLC, for the Sale  
of Approximate-  
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Municipally-Owned  
Land within the Las  
Cruces Innovation  
and Industrial Park  
for the Purchase  
Price of \$581,700.00,  
in Accordance with  
Provision of LCMC  
1997, Section 2-1312.  
Copies Are Available  
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Working Hours at  
the Office of the City  
Clerk. Witness My  
Hand and Seal of the  
City of Las Cruces on  
this the 21st day of  
June, 2023.  
Christine Rivera,  
CMC City Clerk  
**Dates: 06/30, 2023**

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