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**CITY OF ELEPHANT BUTTE  
ORDINANCE NO. 199**

**AN ORDINANCE VACATING WOODS STREET  
PURSUANT TO NMSA 1978, SECTION 67-2-7**

**WHEREAS**, NMSA 1978, Section 67-2-7 authorizes political subdivisions of the state to vacate public roadways that are no longer needed for public purposes;

**WHEREAS**, on September 8, 2021 Lakeside RV Parks LLC submitted a petition to the governing body of the City of Elephant Butte requesting a determination that Woods Street be vacated as it is no longer needed for public purposes;

**WHEREAS**, on November 2, 2021 the Planning and Zoning Commission of the City of Elephant Butte reviewed the petition, examined petitioner’s representative, considered input from City staff concerning the historic use of Woods Street, and, based on the information gathered, recommended that the governing body vacate Woods Street as it is no longer needed for public purposes;

**WHEREAS**, the public was afforded an opportunity to provide input at a duly noticed meeting and hearing of the Governing Body of the City of Elephant Butte on November 17, 2021.

**NOW THEREFORE, BE IT ORDAINED** by the Governing Body of the City of Elephant Butte as follows:

Woods Street, which is identified in the attached plat and survey as Exhibits A and B respectively, is no longer needed for public purposes for these reasons:

- A. It does not provide any access for the public between public roadways or to any other private or public property as it dead ends within petitioner’s private property.
- B. Since the roadway lies wholly within petitioner’s private property, it is not part of any of the City’s future infrastructure or development plans.

- 34 C. It has been maintained for the preceding ten years wholly by petitioner pursuant to a  
35 now-expired maintenance agreement.
- 36 D. It would cost the City approximately \$5,000 annually to assume responsibility for  
37 maintenance.
- 38 E. Vacating the roadway will not prevent the City from having access to public utilities  
39 for maintenance and upgrades.
- 40 F. City Staff and the Planning and Zoning Commission both recommend that Woods  
41 Street be vacated.

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43 **BE IT ALSO ORDAINED** that Woods Street is formally determined not to serve any  
44 public purpose as it lies wholly within Petitioner’s private property, provides no access between  
45 roadways or to other private or public property.

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47 **BE IT FURTHER ORDAINED** that Woods Street is hereby vacated as a public roadway.

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49 **PASSED, APPROVED, AND ADOPTED** by the **Governing Body of the City of**  
50 **Elephant Butte, New Mexico, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

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Edna Trager  
Mayor

ATTEST:

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Rani Bush  
Clerk-Treasurer