

**GRANT COUNTY, NM
RESOLUTION NO. R-24-17**

**A RESOLUTION DECLARING THE ABANDONMENT AND VACATION
OF A PORTION OF NORTH SWAN STREET**

WHEREAS, pursuant to NMSA 67-2-7, any owner of lands abutting any highway, street, or road, their heirs or assigns may petition that a section of any public road, street or highway is no longer needed for public purposes, and may petition for a formal determination of abandonment or vacation; and

WHEREAS, Mr. George Attiyeh submitted a petition (Exhibit A) for the county to abandon a portion of North Swan Street, approximately 0.135 acres, as described on the attached plat (Exhibit B) (hereinafter referred to as the "Road"); and

WHEREAS, records identify the portion of the Road as a public right-of-way and a county-maintained road; and

WHEREAS, the County Road Department Director has no objection to the County abandoning the portion of the Road (Exhibit C); and

WHEREAS, the Board of County Commissioners appointed a Road Abandonment Committee pursuant to NMSA 67-5-4, the members of which reviewed the Road and recommend that it is not needed and that the County abandon and vacate a portion of the Road (Exhibit D); and

WHEREAS, the Grant County Board of Commissioners desires to abandon and vacate the Road which is approximately 0.135 acres.

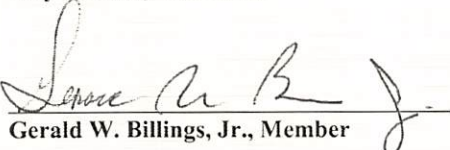
NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board of County Commissioners hereby abandons and vacates a portion of the Road, as described on the attached plat.
2. County staff shall order an appraisal and based on the value, County staff shall follow processes as outlined pursuant to NMSA 13-6-2D and NMSA 13-6-2.1A.
3. A copy of this Resolution and all exhibits shall be recorded in the Clerk's Office.

Passed and Approved by the Board County Commissioners this 14th day of March, 2024.


Chris M Ponce., Chair


Eloy Medina, Vice Chair


Gerald W. Billings, Jr., Member


Harry Browne, Member


Alicia Edwards, Member

ATTEST:

Marisa Castrillo, County Clerk

Charlene Webb

From: George Attiyeh <gattiyeh@hotmail.com> on behalf of George Attiyeh
Sent: Wednesday, October 11, 2023 10:42 AM
To: Charlene Webb
Subject: Request to Vacate

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Charlene,

This is a request to vacate the roadway immediately adjacent and leading to the property located at 4800 N Swan St, Silver City, NM 88061.

Please let me know if you need further information.

Best regards

George Attiyeh

Sent from my T-Mobile 5G Device

Get [Outlook for Android](#)

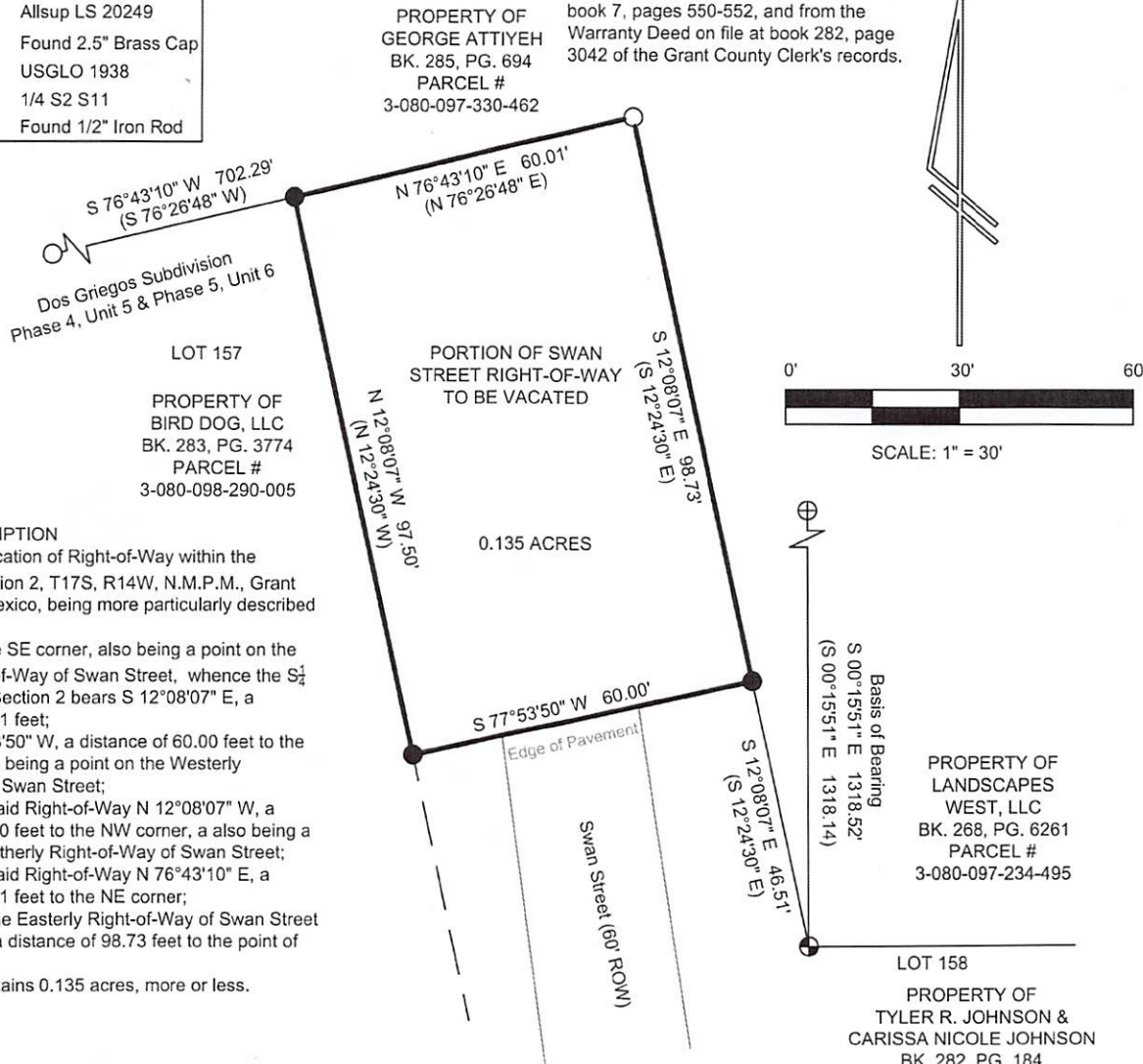
SURVEY OF A PROPOSED VACATION OF RIGHT-OF-WAY - WITHIN THE SE $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 2, T17S, R14W, N.M.P.M., GRANT COUNTY, NEW MEXICO

LEGEND

- Set 1/2" Iron Rod
Aluminum Cap
Allsup LS 20249
- Found 1/2" Iron Rod
Aluminum Cap
Allsup LS 20249
- ⊕ Found 2.5" Brass Cap
USGLO 1938
1/4 S2 S11
- ⊕ Found 1/2" Iron Rod

NOTES:

- 1) Basis of bearing is from the Warranty Deed on file at book 282, page 3042, of the Grant County Clerk's records.
- 2) Parenthetical values are record values from Dos Griegos Subdivision, Phase No. 4, Unit No. 5 and Phase No. 5, Unit No. 6, according to the Plat thereof by William Miller, dated November 2, 2005, on file at book 7, pages 550-552, and from the Warranty Deed on file at book 282, page 3042 of the Grant County Clerk's records.

**LEGAL DESCRIPTION**

A Proposed Vacation of Right-of-Way within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T17S, R14W, N.M.P.M., Grant County, New Mexico, being more particularly described as follows:

Beginning at the SE corner, also being a point on the Easterly Right-of-Way of Swan Street, whence the S $\frac{1}{4}$ Corner of said Section 2 bears S 12°08'07" E, a distance of 46.51 feet;
Thence S 77°53'50" W, a distance of 60.00 feet to the SW corner, also being a point on the Westerly Right-of-Way of Swan Street;
Thence along said Right-of-Way N 12°08'07" W, a distance of 97.50 feet to the NW corner, a also being a point on the Northerly Right-of-Way of Swan Street;
Thence along said Right-of-Way N 76°43'10" E, a distance of 60.01 feet to the NE corner;
Thence along the Easterly Right-of-Way of Swan Street S 12°08'07" E, a distance of 98.73 feet to the point of beginning.
Said parcel contains 0.135 acres, more or less.

SURVEYOR'S CERTIFICATE

I, Garret A. Allsup, New Mexico Professional Surveyor #20249, hereby certify that this Survey Plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief.

Garret A. Allsup, PS #20249
Survey # 20240122
January 23, 2024

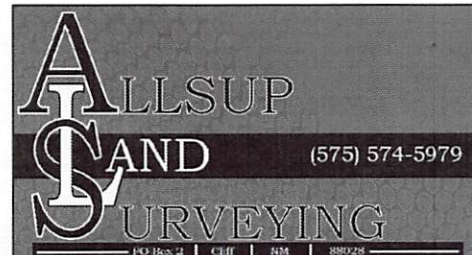
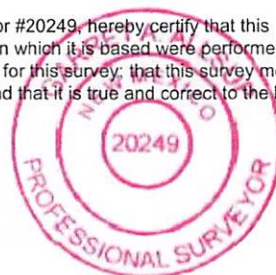


EXHIBIT C

Grant County Road Department

P.O. Box 1183
Silver City, NM 88062

Joe Grijalva
Road Director

November 14, 2023

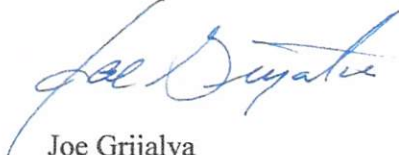
RE: end of North Swan Street

It has come to our attention that a resident of Swan Street would like to obtain a portion of right of way at the end of North Swan Street that is , currently, is not chip sealed or maintained by the county.

Grant County Road Department has no objections to the abandonment of this piece of North Swan Street. If the Road Abandonment committee supports the abandonment of said portion of road, the Road Department will be in full support.

If you have any questions feel free to contact me. (575) 597-1391

Sincerely.



Joe Grijalva
GC Road Director

CHRIS M. PONCE

TUDY MEDINA

MICKA EDWARDS

GRANT COUNTY



GERALD W. BILLINGS JR.

HARRY BROWNE

CHARLENE WEBB

February 7, 2024

Grant County Board of Commissioners
 Grant County Admin Center
 PO Box 898
 Silver City, NM 88062

Re: N. Swan St. Vacation

Dear Commissioners:

We, the Road Abandonment Committee, have reviewed the request for vacation of pt. of N. Swan St. in Silver City, NM, as identified on the attached map.

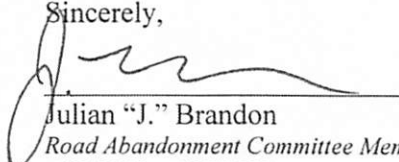
RECOMMENDATION: We find that the road is not needed by Grant County and recommend that the Board of Commissioners vacate the property. We find the abandonment/vacation:

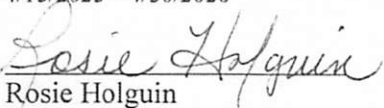
- Is not a detriment to the public interest, or property rights of adjacent parcels.
- Does not derive any individuals a reasonable means of ingress and egress to their property
- Does not adversely affect connectivity
- Does not access restrict access to public lands
- Road is prescriptive Easement

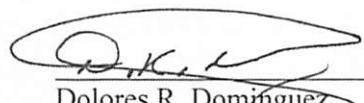
The following documents have been submitted and reviewed:

- ☒ Property Owner request for abandonment/with neighboring owner's approval
- ☒ Road Superintendent Recommendation Letter
- ☒ Map of subject area
- ☒ Survey (Dos Griegos Subdivision Plat Map) & Survey provided by Requestor
- ☒ Appraisal

Sincerely,


 Julian "J." Brandon
 Road Abandonment Committee Member
 4/13/2023 – 4/30/2026


 Rosie Holguin
 Road Abandonment Committee Member
 4/13/2023 – 4/30/2026


 Dolores R. Dominguez
 Road Abandonment Committee Member
 4/13/2023 – 4/30/2026

Office Of The Grant County Commissioners

1300 Highway 180 East, Silver City, NM 88061-7847 • P.O. Box 898, Silver City, NM 88062-0898

Telephone: (575) 574-0008 • Fax: (575) 574-0072