

VILLAGE OF CLOUDCROFT

Minutes of the Special Council Meeting of the Governing Body for the Village of Cloudcroft held on Monday, February 22, 2021 at 4:00 p.m., in the Village Council Chambers, 201 Burro Avenue, Cloudcroft, NM.

Mayor William M. Denney called the meeting to order at 4:00 p.m. with the following Council members providing a full Quorum: Present/absent:

Trustee / Mayor Pro Tem John Tieman - present
Trustee – George Mitchell - present
Trustee – Bruce Smaga - present
Trustee – James Maynard – absent

The following Village staff and guests were present: Barbara K. Garcia, Village Clerk/Treasurer; Jini Turri, Administrator; Jefferson Rhodes, Village Attorney; Sheila Tanner, Deputy Clerk; Debbie Loper, Future Real Estate, James McCraw (Item #1)

The pledge of allegiance to the US and NM flags was led by Mayor William M. Denney. (Item #2)

APPROVAL OF AGENDA:

Mayor Denney entertained a motion to approve the Agenda for the Special Meeting of February 22, 2021. Trustee Tieman made such motion, Trustee Mitchell seconded the motion and upon vote of Trustees Smaga, Tieman and Mitchell all voting "aye" the motion carried unanimously. (Item #3)

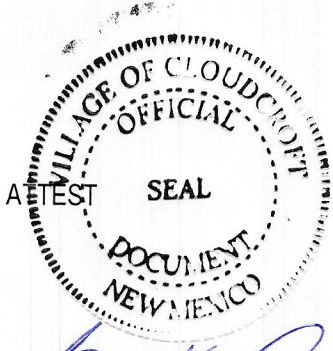
NEW BUSINESS: *Property encroachment - 205-A Swallow, James Nicholas McCraw*

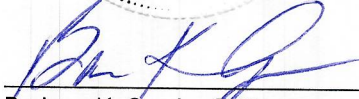
The Governing Body reviewed and discussed the presented documents of original plat, proposed replat B for Lot 8A, Block 19 Cloudcroft Subdivision and appraisal report prepared by Mel Elkins, CGREA, CES, CCI, High Mountain Appraisal Services. Trustee Smaga questioned if by doing this the Village was setting a precedence and was advised by Attorney Rhodes that each request would be taken on a case-by-case presentation and that the Governing Body had the right to refusal of sale. It was discussed that lenders are now requiring that the entire property that a house sits on must be in the owners' name prior to sale, and the Village will require an appraisal prior to each one and review to ensure that the street is not being impacted in such a fashion that it will no longer be usable. Attorney Rhodes drew attention to SKETCH, page 9 of the appraisal that shows a 4' recommended sale down the East and South side of the lot and stated that this is not included in the Quit Claim Deed presented and ensured that the Mr. McCraw understood that this was not part of the sale from the Village of Cloudcroft. Mr. McCraw stated that he understood that he was purchasing only the area of the existing encroachment.

EXECUTIVE SESSION: *Real Property & Water Rights §10-15-1.H (8) Concerning 205-A Swallow*

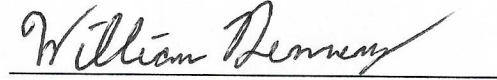
Governing Body did not recess to Executive Session but choose to stay in session with the Agent and Owner to further negotiations. Trustee Mitchell made a motion to accept the sale of the encroached property to owner James McCraw as described for the sale price of \$2,066. Trustee Tieman seconded the motion. Upon further discussion Trustee Smaga reiterated that this was only for the encroached area and not what was presented as proposed 4' recommended down East and South side of the lot. Trustee Tieman stated that this was a sale that was only good for today, and not future residents that may have to comply with Village Code setbacks. Mayor Denney called for a vote, with Trustees Smaga, Tieman and Mitchell all voting "Aye". Motion carries unanimously (Item #4)

ADJOURNMENT: Mayor Denney stood for a motion to adjourn the meeting of February 22, 2021, Trustee Smaga made such motion, Trustee Tieman seconded the motion, and the meeting was adjourned at 4:22 p.m. (Item #5)





Barbara K. Garcia, CPO
Village Clerk/Treasurer



William M. Denney
Mayor