



Hobbs City Commission
Regular Meeting
City Hall, City Commission Chamber
200 E. Broadway, 1st Floor Annex, Hobbs, New Mexico

Monday, May 15, 2017 - 6:00 p.m.

Sam D. Cobb, Mayor

Marshall R. Newman
Commissioner - District 1

Cynthia D. Calderon
Commissioner - District 2

Patricia A. Taylor
Commissioner - District 3

Joseph D. Calderón
Commissioner - District 4

Garry A. Buie
Commissioner - District 5

Don R. Gerth
Commissioner - District 6

A G E N D A

*City Commission Meetings are
Broadcast Live on KHBX FM 99.3 Radio
and Available via Livestream at www.hobbsnm.org*

CALL TO ORDER AND ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes of the May 1, 2017, Regular Commission Meeting
2. Minutes of the May 1, 2017, Commission Work Session - 5:00 p.m.
3. Minutes of the May 1, 2017, Commission Work Session - 7:30 p.m.

PROCLAMATIONS AND AWARDS OF MERIT

4. Proclamation Proclaiming the Month of May, 2017, as "Pediatric Stroke Awareness" (Veronica Granger)

5. Proclamation Proclaiming the Week of May 15 - 20, 2017, as "Police Week" (*Police Chief Chris McCall*)
6. Proclamation Proclaiming the Week of May 21 - 27, 2017, as "Emergency Medical Services Week" (*Fire Chief Manny Gomez*)

PUBLIC COMMENTS (*For non-agenda items.*)

CONSENT AGENDA (*The consent agenda is approved by a single motion. Any member of the Commission may request an item to be transferred to the regular agenda from the consent agenda without discussion or vote.*)

DISCUSSION

7. Results from the City of Hobbs' Citizen Survey (*J. J. Murphy*)

ACTION ITEMS (Ordinances, Resolutions, Public Hearings)

8. Resolution No. 6547 - Approval of Preliminary Budget for FY 17-18 (*Toby Spears*)
9. Consideration of Approval of a Memorandum of Agreement Between the City of Hobbs and the Hobbs Municipal Schools Regarding the 21st Century Community Learning Centers Grant Initiative (*Britt Lusk*)
10. **PUBLICATION**: Proposed Ordinance Amending Chapter 16 of the Hobbs Municipal Code Relating to Subdivisions (*Kevin Robinson*)
11. Resolution No. 6548 - Approving the Preliminary and Final Plan for Murrillo Subdivision, Pending County Approval, as Recommended by the Planning Board, Located Northeast of the Intersection of Chance St. And North Grimes St. (*Kevin Robinson*)
12. Resolution No. 6549 - Approving the Preliminary and Final Plan for Sanchez Subdivision as Recommended by the Planning Board Located Southwest of the Intersection of Pawnee Road and North Pool Street (*Kevin Robinson*)

13. Resolution No. 6550 - Consideration of Affirmation or Denial of a Decision of the City of Hobbs Planning Board Regarding Issuance of a Tower Permit in Compliance with Hobbs Municipal Code 18.12 for a Cell Tower to be Located Northwest of the Intersection of Bender Blvd. and Lovington Highway Upon Property Owned by City Commissioner Garry Buie d/b/a Buie Capital Ventures, LLC (*Kevin Robinson*)
14. Resolution No. 6551 - Authorizing a Grant Application for the FY 2016 Fire Prevention and Safety Grant for the Purchase of a Fire Safe House Trailer (*Shawn Williams*)

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

15. Next Meeting Dates:

- ▶ City Hall for a Day, **Thursday, May 18, 2017**, 12:30 p.m. to 4:30 p.m.,
Corner of McKinley and Marland Streets
West of La Tienda Grocery Store, 400 East Marland
- ▶ Town Hall Meeting, **Thursday, May 18, 2017**, 5:00 p.m. to 7:00 p.m.,
Booker T. Washington Elementary School, 1200 East Humble
- ▶ Regular Meeting - **Monday, June 5, 2017**, at 6:00 p.m.

ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the above meeting, please contact the City Clerk's Office at (575) 397-9207 at least 72 hours prior to the meeting or as soon as possible.



CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 15, 2017

SUBJECT: City Commission Meeting Minutes

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: May 10, 2017
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

The following minutes are submitted for approval:

- ▶ Regular Commission Meeting of May 1, 2017
- ▶ Commission Work Session #1 - May 1, 2017 @ 5:00 pm
- ▶ Commission Work Session #2 - May 1, 2017 @ 7:30 pm

Fiscal Impact:

Reviewed By: _____
Finance Department

N/A

Attachments:

Minutes as referenced under "Summary".

Legal Review:

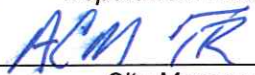
Approved As To Form: _____
City Attorney

Recommendation:

Motion to approve the minutes as presented.

Approved For Submittal By:



Department Director


City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

Minutes of the regular meeting of the Hobbs City Commission held on Monday, May 1, 2017, in the City Commission Chamber, 200 East Broadway, 1st Floor Annex, Hobbs, New Mexico.

Call to Order and Roll Call

Mayor Cobb called the meeting to order at 6:00 p.m. and welcomed everyone in attendance to the meeting. The City Clerk called the roll and the following answered present:

Mayor Sam D. Cobb
Commissioner Marshall R. Newman
Commissioner Cynthia Calderon
Commissioner Patricia A. Taylor
Commissioner Joseph D. Calderón
Commissioner Garry A. Buie
Commissioner Don Gerth

Also present:

J. J. Murphy, City Manager
Mike Stone, City Attorney
Chris McCall, Police Chief
Brian Dunlap, Deputy Police Chief
Charles Cunningham, Police Captain
Clipper Miller, Police Lieutenant
Manny Gomez, Fire Chief
Barry Young, Deputy Fire Chief
Raymond Bonilla, Community Services Director
Todd Randall, City Engineer
Shelia Baker, Senior Staff Engineer
Kevin Robinson, Development Coordinator
Ronny Choate, General Services Director
Tim Woomer, Utilities Director
Toby Spears, Finance Director
Deborah Corral, Assistant Finance Director
Nicholas Goulet, Human Resources Director
Ron Roberts, Information Technology Director
Doug McDaniel, Parks and Recreation Director
Linda Howell, Rockwind General Manager
Matt Hughes, Golf Superintendent
Wade Whitehead, Parks Superintendent
Britt Lusk, Administrative Services Director
Dalia Conken, Senior Affairs Coordinator
Meghan Mooney, Director of Communications
Shannon Carter, Municipal Court Administrator
Sandy Farrell, Library Director
Ann Betzen, Risk Manager/Executive Assistant
Mollie Maldonado, Deputy City Clerk
Jan Fletcher, City Clerk
21 citizens

Invocation and Pledge of Allegiance

Commissioner Taylor delivered the invocation and Commissioner Buie led the Pledge of Allegiance.

Approval of Minutes

Commissioner Joseph Calderón moved that the minutes of the regular meeting held on April 17, 2017, be approved as presented. Commissioner Newman seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Joseph Calderón yes, Taylor yes, Buie yes, Gerth yes, Cobb yes. The motion carried.

Proclamations and Awards of Merit

Proclamation Proclaiming the Month of May, 2017, as "Building Safety Month".

Mayor Cobb proclaimed the month of May, 2017, as "*Building Safety Month*". He presented the proclamation to Fire Chief Manny Gomez and Mr. Benjamin Maynes, Building Official. Mr. Maynes explained the process of obtaining building permits, etc.

Public Comments

Mr. Oscar Gonzalez, citizen, requested clarification on the public comment segment of the Commission meetings. Mr. Mike Stone, City Attorney, stated by state statute, citizens may attend and listen to the Commission meetings. He stated it is the practice of the Commission to allow public comments. Mr. Stone further stated it is not the position of the Commission to answer questions but just to listen to public comments. Mr. Gonzalez stated the Commission needs to be consistent and fair to all citizens during public comments.

Ms. Helen Houston, citizen, stated she attended the Hobbs Police Department Police and Community Together (PACT) recently held at Booker T. Washington. She stated it was a great event and she mingled with police officers and asked questions. She challenged the Commission and staff to better explain their duties are so everyone can learn together.

Consent Agenda

Mayor Cobb explained the Consent Agenda and the process for removing an item from the Consent Agenda and placing it under Action Items.

Commissioner Buie moved for approval of the following Consent Agenda Item(s):

Resolution No. 6540 - Determining that Certain Structures are Ruined, Damaged and Dilapidated Requiring Removal from the Municipality (309 West Berry).

Commissioner Newman seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Joseph Calderón yes, Taylor yes, Buie yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolutions and supporting documentation are attached and made a part of these minutes.

Commissioner Newman stated that Mr. Raymond Bonilla, Community Services Director, and his staff do an excellent job. He stated he would like to clarify that when someone reports a complaint regarding a condemnation, it requires due process before it can come before the Commission.

Discussion

There were no items presented for discussion.

Action Items

PUBLICATION: Proposed Ordinance Repealing Resolution No. 5329 Code of Ethics/Related Party Policy for the City of Hobbs and Adopting an Ordinance Amending Chapter 2 of the Hobbs Municipal Code Which Shall be the City of Hobbs Code of Conduct.

Mr. Mike Stone, City Attorney, explained the proposed ordinance and stated it will repeal Resolution No. 5329 known as the Code of Ethics/Related Party Policy. He stated the New Mexico Legislature made changes to the State's ethics statute, known as the Governmental Conduct Act, which made the Act applicable to municipalities as of July 1, 2011. Mr. Stone stated the proposed ordinance language is identical or stricter than the Governmental Conduct Act on issues that apply to municipalities. He stated a new Procurement Ordinance was adopted by the Commission at its last meeting. Mr. Stone reviewed the details of the ethics ordinance and stated it will be very encompassing and again stated it will replace the City's existing ethics policy.

There being no comments from the audience or Commission, Commissioner Taylor moved to publish notice of intent to adopt the proposed ordinance at a later date. Commissioner Newman seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried.

Consideration of RFP No. 492-17 to Provide Golf Instruction Services at Rockwind Community Links Golf Course and Recommendation to Accept Proposal from Camren Bergman d/b/a CJB Golf, LLC.

Mr. Doug McDaniel, Parks and Recreation Director, stated RFP No. 492-17 to Provide Golf Instruction was sent out to vendors and only one proposal was received. He stated an evaluation committee comprised of staff from Finance, Parks and Recreation, Rockwind Community Links Golf Course and the City Manager's Office reviewed the proposal and it is the committee's recommendation to accept the proposal from CJB Golf, LLC. He stated Ms. Linda Howell, Rockwind General Manager, will explain more detail about the services which will be provided under the contract.

Ms. Howell stated that CJB Golf, LLC, has submitted a comprehensive plan for golf instruction and custom club fittings. She stated included in the plan is the creation and implementation of a player development program that will focus on developing the skills of local youth golfers to participate on high school golf teams, preparation to play college golf and obtaining scholarships as well as mentoring those who aspire to play on the PGA Tour. Ms. Howell further stated a variety of adult golf clinics/player development opportunities will also be provided. She stated providing these services at the golf course will boost merchandise sales. Ms. Howell provided scenarios on the benefit of this service being provided at the golf course.

In reply to Commissioner Gerth's inquiry, Ms. Howell stated by offering clinics/player development, it will also increase the number of rounds of golf played at the golf course.

In response to Commissioner Cynthia Calderon's question, Ms. Howell stated the City will set up some free programs for citizens to participate, and CJB Golf, LLC, will bill the City for those services. She stated the amount to be paid under the contract is not to exceed \$20,000.00 for billable services. Ms. Howell stated CJB Golf, LLC, will receive all monies paid on the club fittings, and the City will be billed for services not to exceed \$20,000.00. She stated the Golf Course staff agreed to eliminate a \$19,000.00 position in order to provide services from CJB Golf, LLC.

There being no further discussion, Commissioner Buie moved to approve RFP No. 492-17 to provide golf instruction services at Rockwind Community Links Golf Course and accept the proposal from Camren Bergman d/b/a CJB Golf, LLC, in an amount not to exceed \$20,000.00 of billable services. Commissioner Gerth seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the supporting documentation are attached and made a part of these minutes.

Resolution No. 6541 - Consideration of RFP No. 493-17 for Comprehensive Financial Audit Services and Recommendation to Accept Proposal from Moss Adams, LLP.

Mr. Toby Spears, Finance Director, explained the RFP No. 493-17 and stated proposals were advertised and mailed out to seven firms. He stated four responses were received of which one was determined to be non-responsive. Mr. Spears stated the criteria used to evaluate the firms were capabilities, work requirements and audit approach, technical experience and cost. He stated it is the recommendation of staff to award the RFP to Moss Adams, LLP.

In reply to Mayor Cobb's question, Mr. Spears stated the same auditor may not be utilized more than six consecutive years under state law.

There being no further discussion, Commissioner Joseph Calderón moved to approve Resolution No. 6536 and RFP No. 492-17 to provide audit services and to accept the proposal from Moss Adams, LLP, in the amount of \$59,922.00 including GRT for FY2017, \$60,563.00 including GRT for FY2018 and \$61,193.00 for FY2019. Commissioner Taylor seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 6542 - Approving the FY 2017 3rd Quarter Lodgers' Tax Financial Report for the New Mexico Department of Finance and Administration (DFA).

Mr. Spears stated the New Mexico Department of Finance Administration (DFA) recommends approval of quarterly reports for the Lodgers' Tax Fund. He explained the details of the 3rd Quarter Report and stated the cash balance of the fund as of March 31, 2017, is in the amount of \$367,191.73 with transfers of \$251,229.76 and a balance of \$115,961.97.

In reply to Mayor Cobb's inquiry, Mr. Spears stated the allocations can change and this is just a fund report to submit to DFA.

In response to Commissioner Buie's question, Mayor Cobb stated a work session will be held soon to discuss lodgers' tax funding. Mr. Murphy agreed and stated he encourages holding a work session on the topic in order to get feedback from the Commission regarding how to best allocate lodgers' tax funds.

There being no further discussion, Commissioner Joseph Calderón moved to approve Resolution No. 6542 as presented. Commissioner Newman seconded the motion and the

vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 6543 - Approving the FY 2017 3rd Quarter Financial Report for the New Mexico Department of Finance and Administration (DFA).

Ms. Deborah Corral, Assistant Finance Director, stated that DFA requires municipalities to approve DFA Financial Reports quarterly by its governing body. She stated the cash balance at the end of March, 2017, is \$109,083,649.98 for all funds (restricted and unrestricted). Ms. Corral further stated that Hobbs' year-to-date actual revenues and expenditures for the period ending March, 31, 2017, is in the amount of \$79,554,000.31 and \$87,017,743.57, respectively.

There being no discussion, Commissioner Newman moved to approve Resolution No. 6543 as presented. Commissioner Buie seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

FINAL ADOPTION: Ordinance No. 1102 - Approving a Real Estate Purchase Agreement to Sell and Convey Property Located at 105 West Broadway to Richard Martin for the Purchase Price of \$86,000.00.

Mr. Murphy explained the ordinance and stated the property located at 105 West Broadway originally belonged to Mainstreet Hobbs, Inc., who donated it to the City. He stated a new appraisal was conducted on property which was in the amount of \$86,000.00. He stated Mr. Richard Martin will purchase the property at its appraised value. Mr. Murphy stated the funds received will be utilized to help offset the costs for improvements to the public parking behind 105 West Broadway as the City retained ownership of the parking lot.

Proper publication having been made, and there being no public comment or discussion, Commissioner Newman moved that Ordinance No. 1102 approving the sale of real property at 105 West Broadway be adopted as presented. Commissioner Buie seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Buie yes, Gerth yes, Joseph Calderón yes. The motion carried. Copies of the ordinance and real estate purchase agreement are attached and made a part of these minutes.

Resolution No. 6544 - Approving a Development Agreement with ALJO Development, LLC, Concerning the Development of Market Rate Single Family Housing Located Within the Tanglewood Unit 2 Subdivision.

Mr. Kevin Robinson, Development Coordinator, stated ALJO, LLC, has requested a Development Agreement concerning the development of single family housing units located within the Tanglewood Unit 2 Subdivision which will consist of 42 lots. He stated the developer is requesting infrastructure incentives of \$420,000.00 which is similar to the terms of the Black Gold Estates development agreement with the exception of a two-year termination period.

Mr. Albert Caballero with ALJO Development, LLC, stated the proposed lots at the Tanglewood Unit 2 Subdivision will be available to local builders. He stated he is opposed to selling all of the lots to a private developer because the goal is to help local builders.

There being no further discussion, Commissioner Cynthia Calderon moved to approve Resolution No. 6544 as presented. Commissioner Taylor seconded the motion and the vote was recorded as follows: Newman no, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie no, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 6545 - Approving an Infrastructure Oversize Development Agreement with ALJO Development, LLC, Concerning the Oversizing of Municipal Infrastructure Within the Tanglewood Unit 2 Subdivision.

Mr. Todd Randall, City Engineer, explained that the proposed infrastructure development agreement would allow the developer, ALJO Development, LLC, to receive reimbursement for oversized sewer, water and a hybrid Major Collector Roadway Section on a pro-rata basis. He stated the total reimbursement to the developer under this agreement would not exceed \$68,500.00.

In response to Commissioner Newman's inquiry, Mr. Randall stated the cost would increase in the future if the development agreement is not approved because the roadway would have to be torn up in order to construct and oversize the sewer, etc.

There being no further discussion, Commissioner Taylor moved to approve Resolution No. 6545 as presented. Commissioner Joseph Calderón seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderón yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Consideration of Approval of Bid No. 1555-17 for the Phase 10 Waterline Replacement Project and Recommendation to Accept Bid from Entrench, Inc., in the Amount of \$695,574.00 Not Including GRT.

Mr. Randall explained the bid and stated the scope of work includes the installation of a 6" and 8" waterline, fire hydrants, new water service laterals and miscellaneous concrete and pavement patches at various locations throughout Hobbs. He stated it is the staff recommendation to award the bid to Entrench, Inc. Mr. Randall expressed appreciation to Mr. Tim Woomer, Utilities Director, for his work and foresight in implementing the 1997 Waterline Replacement Project in 1997. He stated there is only nine miles remaining for replacement of 2" pipe.

There being no discussion, Commissioner Joseph Calderón moved to approve Bid No. 1555-17 for Phase 10 Waterline Replacement Project to Entrench, Inc., in the amount of \$742,959.98 including GRT. Commissioner Cynthia Calderon seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the supporting documentation are attached and made a part of these minutes.

Resolution No. 6546 - Consideration of Affirmation or Denial of a Decision of the City of Hobbs Planning Board Regarding Issuance of a Tower Permit in Compliance with Hobbs Municipal Code 18.12 for a Cell Tower to be Located Northwest of the Intersection of Bender Blvd. and Lovington Highway Upon Property Owned by City Commissioner Garry Buie d/b/a Buie Capital Ventures, LLC.

In response to Mr. Stone's inquiry as to whether a representative of Verizon Wireless is present at tonight's meeting, there was no comment from the audience. Thus, Mr. Stone recommended that the item be tabled since a representative from Verizon Wireless is not present at tonight's meeting.

There being no discussion, Commissioner Joseph Calderón moved to table Resolution No. 6546 as recommended. Commissioner Newman seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie abstain, Gerth yes, Cobb yes. The motion carried.

Closed Session

Mayor Cobb stated the City Commission convened in closed session on Wednesday, April 19, 2017, at 5:00 p.m. for discussion of limited personnel matters, specifically the City Manager's employment contract. The matters discussed in the closed meeting were

limited only to discussion of limited personnel matters, specifically the City Manager's employment contract. No action was taken during the meeting.

Comments by City Commissioners, City Manager

Mayor Cobb stated after adjournment, the City Commission will take a short break for 10 minutes and then convene into a work session for discussion of the FY 17-18 Preliminary Budget.

Adjournment

There being no further discussion or business, Commissioner Joseph Calderón moved that the meeting adjourn. Commissioner Newman seconded the motion. The vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 7:20 p.m.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Minutes of the work session of the Hobbs City Commission held on Monday, May 1, 2017, at 5:00 p.m. in the City Commission Chamber at City Hall, 200 East Broadway, Hobbs, New Mexico.

Mayor Cobb called the work session to order and welcomed everyone in attendance. The following were present:

Mayor Sam D. Cobb
Commissioner Marshall Newman
Commissioner Cynthia Calderon
Commissioner Pat Taylor
Commissioner Joseph D. Calderón
Commissioner Garry A. Buie
Commissioner Don Gerth

Also present were Mr. J. J. Murphy, City Manager, Mr. Mike Stone, City Attorney, Ms. Jan Fletcher, City Clerk and Ms. Mollie Maldonado, Deputy Clerk. Other staff members and public were also present.

Mayor Cobb stated the purpose of the work session is to hear FY 17-18 funding requests by Economic Development and Marketing Entities (*Exempt Entities, HMC 3.25.030*)

Funding requests were presented from the following agencies:

Economic Development Corporation	
Professional Services Agreement	\$ 200,000.00
Airline Service	\$ 500,000.00
Special Projects	\$ 50,000.00
Hobbs Chamber of Commerce	\$ 75,000.00
Hispano Chamber of Commerce	\$ 60,000.00
African American Chamber of Commerce	\$ 40,000.00
Juneteenth Committee	\$ 25,000.00

Economic Development Corporation of Lea County

Mr. Tres Hicks, Chairman of the Economic Development Corporation of Lea County (EDC), and Mr. Steve Vierck, President and CEO of the EDC, presented an overview of the initiatives and services provided to the City of Hobbs. Mr. Vierck stated the EDC is primarily dedicated to recruiting new employers and assisting with the retention and expansion of Hobbs and Lea County businesses. The EDC has

been doubling its marketing and participation in industry conferences and trade shows such as CORENET, FABTECH, Natural Food Products, Global Petroleum and Select USA to attract and expand businesses. Mr. Vierck stated a new initiative this year was organizing group visits to the headquarters of energy companies having significant operations within Lea County and to meet with their key executives to encourage expansion of facilities and other investments. He stated the EDC will be advancing its EnergyPlex brand through advertising and other forms of marketing. Mr. Vierck also explained that the EDC has expanded its business retention and expansion programming to link local businesses to helpful resources and market opportunities. The EDC has also expanded its marketing efforts to promote the FlyHobbs air service program.

Mr. Hicks stated at an event approximately one week ago, comments were received that having access to a great regional transportation system and air accessibility is a big advantage for Hobbs in its future planning.

A brief discussion was held on the best way to track use of the air service. Mr. Vierck stated while it is difficult, it can be done. He provided some statistics from an analysis that was done in 2014 on the economic impact from airport service in New Mexico. He stated the numbers could be understated as air traveling workers often stay longer than tourists.

Mr. Finn Smith, Chair-Elect of the EDC, stated the EDC has been very successful in its business expansion services by bringing payroll into Hobbs with potentially more in the future, and he requested that the Commission take this fact into consideration when funding the EDC's request.

Hobbs Chamber of Commerce

Ms. Patty Collins, Executive Director of the Hobbs Chamber of Commerce, presented an overview of the work activities of the Hobbs Chamber. She distributed marketing material to the Mayor and City Commissioners and highlighted a new design for the City map. She stated many promotional items are distributed to visitors at the Chamber Office and also mailed upon request. Ms. Collins highlighted the Chamber's website with a link to Hobbs Jobs which provides a list of available jobs in the community. She stated the Chamber promotes shopping locally in Hobbs through a flyer which is distributed in the local newspaper. Ms. Collins stated another event, Febrewary Fest, was very successful. She stated the Chamber is bringing back Hobbs August Nites to be held on August 19, 2017, and that the Hobbs Holiday Tournament is also planned. The Chamber continues to fundraise to meet its obligation as requested by the City. Ms. Collins stated the membership of the Hobbs Chamber is curenly at 400 members.

In response to Commissioner Newman's question, Ms. Collins confirmed that the land previously donated to the Chamber on the Seminole Hwy. was given back to the owner due to timing issues. Additional land could be an option in the future.

Hobbs Hispano Chamber of Commerce

Mr. Saul Villareal, Executive Director of the Hobbs Hispano Chamber of Commerce, presented an overview of the services provided by the Hispano Chamber. He stated the Chamber currently has 300 members. He described events such as Fiesta de Salud, Pan Dulce, Mariachi Christmas and ribbon cutting services offered by the Hispano Chamber. He stated the goal of the Hispano Chamber is to strengthen the business community through increased collaboration and increased contact with its members. He stated the Hispano Chamber will have a booth this year at the Lea County Fair. Mr. Villareal expressed appreciation to the City Commission for its support and recognized other community partners who work with the Hispano Chamber.

Hobbs African American Chamber of Commerce

Ms. Helen Houston, Executive Director of the Hobbs African American Chamber of Commerce, stated it has been going strong since 2011 and its membership is growing. Ms. Houston described the work activities and events of the African American Chamber of Commerce. She stated the new name of the agency is the "New Mexico National Black Chamber of Commerce". Ms. Houston stated the goal of the Chamber is growth and to add additional chambers within their organization. She reviewed the history of the Chamber and stated their events such as the Empowerment Conference, Dress for Success, Chess Tournament, Pink Ball, Scholaships, Winter Masquerade and Data Dashboard have all been very successful. She stated it currently has 101 members. Ms. Houston stated the request of the Hobbs African American Chamber of Commerce is \$40,000 and that \$25,000 is for the Juneteenth Committee. She requested that their funds be paid directly to them as they now have their own 501(c)(3).

In response to Commissioner Newman's question, the representatives of all three Chambers stated many businesses are members of more than one Chamber. Ms. Houston stated they try not to duplicate services or events. Mr. Villareal and Ms. Collins stated each agency shares all Chamber events through social media and work closely together to promote Hobbs.

Mayor Cobb thanked everyone for attending the work session and for the presentations. There being no further discussion by the Commission, the meeting adjourned at 5:55 p.m.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Minutes of the work session of the Hobbs City Commission held on Monday, May 1, 2017, at 7:30 p.m. in the City Commission Chamber at City Hall, 200 East Broadway, Hobbs, New Mexico.

Mayor Cobb called the work session to order and welcomed everyone in attendance. The following were present:

Mayor Sam D. Cobb
Commissioner Marshall Newman
Commissioner Cynthia Calderon
Commissioner Pat Taylor
Commissioner Joseph D. Calderón
Commissioner Garry A. Buie
Commissioner Don Gerth

Also present were Mr. J. J. Murphy, City Manager, Mr. Mike Stone, City Attorney, Ms. Jan Fletcher, City Clerk and Ms. Mollie Maldonado, Deputy Clerk. Other staff members and public were also present.

FY 17-18 Preliminary Budget - (General Fund Budget)

Mr. Murphy began the discussion with some introductory remarks regarding the preliminary budget for FY 17-18. He stated it is imperative for the Commission to schedule another work session to discuss a revision to the Lodgers' Tax ordinance and funding for the Social Service agencies and exempt agencies. Mr. Murphy stated with three new Commissioners, an additional work session could be helpful to go over the budget. He encouraged the Commissioners to ask questions as all of the Department Staff experts are present to answer questions.

Mr. Toby Spears, Finance Director, stated the adoption of the budget is one of the most important functions of the City. He stated the definition of a budget is a legal binding document to set expectations for the services provided by the City. Mr. Spears stated seven areas will be covered during the budget presentation:

1. Preliminary Budget Process
2. Revenue and Reserve Limits
3. General Fund Expenditures and Overall Fund Expenditures
4. General Fund Carryovers / Cash Flowback / Capital Outlay
5. Salary and Benefits
6. Special Revenue Funds
7. Enterprise Funds

Mr. Spears reviewed the budget timeline and stated the City will need to take action and adopt the preliminary budget as it is due to the New Mexico Department of Finance and Administration by June 1, 2017. The final budget for FY 17 and the adjusted budget for FY 18 will be adopted at the Commission meeting on July 17, 2017. Mr. Spears explained the clawback on projects in which funds were

budgeted in FY 17 but not spent. He stated the beginning cash balance is \$21 million with revenue projected at \$48 million, expenses projected at \$57 million and transfers of \$4.4 million. He stated the projected balance at the end of the year will be \$7.7 million resulting in a 13% reserve.

In answer to Commissioner Gerth's question, Mr. Murphy stated the 13% reserve is a real number. Mr. Spears added that it does not include clawback amounts at this time. The proposed budget is all new dollars and does not include carryovers.

In answer to Mayor Cobb's inquiry, Mr. Spears stated some State funding is included but no assumptions have been made on any Legislative appropriations.

In his PowerPoint presentation, Mr. Spears highlighted the spot price of a barrel of oil as compared with the City's budget. He stated overall revenue projections are cautious and gross receipts tax (GRT) is projected at \$3.36 million per month for a total of \$40 million in GRT and \$45 million in total general fund revenue for the year. He highlighted the 5-year trend in GRT revenue, general fund revenue and reserve limits. Mr. Spears noted that GRT revenue, charges for services and property taxes are the top three revenues for the City.

General Fund Revenue:

Budgeted Gross Receipts Taxes*	\$ 37,171,746
Charges for Services	\$ 2,403,790
Property Taxes	\$ 3,049,476
TOTAL GENERAL FUND REVENUE	\$ 45,625,012

TOTAL BUDGETED OVERALL REVENUE \$ 93,771,977

*GRT budgeted at \$3.36 million monthly

In response to Mayor Cobb's question regarding property tax revenue, Mr. Spears stated he has not yet seen the new property valuation so the same revenue amount as the prior year is being used until such time as the new valuations are reconciled.

Mr. Spears stated the revenue activity reflected is the 9-month period of time from July 1, 2017, through March 31, 2017, which is balanced to the City's DFA quarterly reports. He reminded the Commission that revenue numbers can always be adjusted on a quarterly basis, if needed.

Mr. Spears presented the following summary of general fund expenditures and overall fund expenditures:

Total Budgeted Expenditures	\$ 110,918,863
Total Budgeted General Fund	\$ 57,631,633
<u>General Fund Breakdown:</u>	
Personnel and Benefits	\$ 37,171,746
Operating	\$ 16,522,766
Capital Outlay	\$ 3,937,121
Transfers	\$ (4,410,248)

Mr. Spears stated that capital expenditures are listed on pages 14 - 18 in the preliminary draft budget book provided to the Commission. He stated capital outlay purchases mainly consist of tangible assets and total \$3.7 million and capital projects are \$7 million.

In reply to Mayor Cobb's question regarding water and sewer line replacement costs, Mr. Randall stated the City is getting some very good competitive bid prices at this time and contractors are mobilizing fairly quickly. In further response to Mayor Cobb's inquiry, Mr. Randall stated the 5% bidder preference is applicable as long as Federal funds are not being utilized.

Mr. Murphy reviewed the salary and benefits for City employees.

	<u>2018</u>	<u>2017</u>	<u>2016</u>
Salary and Ben.	\$46,200,042	\$41,680,170	\$40,472,797
Budgeted FTE Count	593	493.25	492

Assumptions:

- 2% COLA increase in salary
- 3% Merit
- 7.72% increase in health insurance premiums (enrollment driven)
- (4.2%) decrease in funding workers compensation TRUST FUND (claims, modifier and payroll – Total Budget \$500,000 to \$599,000)

Proposed FTE Count:	<u>2018</u>	<u>2017</u>
Police	145.00	135.00
Fire	101.00	95.00
Engineering	14.50	15.00
Parks	95.00	87.00
CORE*	70.50	0.00
Clerk/Hobbs Express	15.50	15.50
General Services	30.00	30.00
Administration	47.50	44.75
Utilities	57.00	55.00
Finance/DMV	<u>17.00</u>	<u>16.00</u>
TOTAL	593.00	493.25

Mr. Murphy explained to the Commission that the difference in the FTE count from FY 17 to FY 18 of the 100 additional FTE is the projected 75 FTE positions at the CORE. He said the City will be using the wait-and-see approach, and he commended the Parks and Recreation Department for looking at the hours and services that will be provided. Once the facility opens, the City will be able to make a better determination on the hours of operation such as whether the water park needs to be open during the weekdays. The City will adapt then and budget accordingly. Mr. Murphy emphasized he does not want to minimize staffing at the pool features for safety reasons. He would like to see the facility open with maximum staffing level and determine the need and availability of lifeguards when many are at school.

Mr. Murphy stated a 2% cost-of-living adjustment (COLA) is proposed for City employees along with a merit increase of up to 3% with each department having an average of 2% available for award. He stated every percent correlates to about \$300,000 in cost. He said some employees are leaving City employment to work for other government agencies, going to work in the oilfield and choosing other employers because of better health plans and better pay. With regard to the merit increase, Mr. Murphy stated when a flat 3% merit increase is available, most employees think it is an automatic increase. Mr. Murphy stated employees with poor performance or those who are on a performance improvement plan should not receive the same merit increase as those who go above and beyond in doing more in their job performance.

A discussion was held on the amount of funds that the City will receive from the New Mexico Junior College (NMJC) and the Hobbs Municipal Schools (HMS)

related to the CORE. For the FY 18 budget year, it will be \$50,000 from the HMS and \$150,000 from the NMJC. Thereafter, it will be \$100,000 from the HMS and \$300,000 from the NMJC. Mr. Murphy stated that the University of the Southwest has pledged a work study opportunity for students interested in working at the CORE.

In answer to Commissioner Joe Calderón's question, Mr Murphy stated the County is not included but a partnership with the County can be discussed with County Commissioners.

With regard to the 2% COLA and 3% merit increases, Commissioner Newman stated he understands the overall 2% COLA increase for everyone; however, he expressed concern that the 3% merit increase should be available to everyone deserving of a merit increase. He stated some employees could be at a disadvantage if their evaluation is at the end of the fiscal year when all of the merit increases have been given out.

Mr. Murphy stated he remembers recommending a \$500 bilingual incentive to the City Commission and the Commission increased the incentive to \$1,500. If the Commission desires to award a flat 3% merit increase, City staff will be happy to comply and do so without using a 2% average. He stated the employees have given up pay in this downturn time too as employees did not receive any merit increase last year.

Commissioner Calderón also expressed concern with using the 2% average. He inquired what would happen if an employee was topped out in their pay range.

Mr. Nicholas Goulet, Human Resources Director, stated some of the employees are close to the top of their pay ranges. Mr. Murphy stated the cap on the page ranges were moved by 15% in the past. The City could look at adjusting the maximums again. Mr. Murphy stated he does understand wage compression but many long term employees are close to reaching the caps.

In further reply to Commissioner Newman's comments, Mr. Murphy stated he will have a discussion with Department Heads that the 3% is not an automatic increase for employees. Commissioner Newman again reiterated that he is not supportive of the 2% averaging method.

Commissioner Buie stated insurance premiums went up last year for employees and there was also no merit increase. He agreed that the City should look at allowing a merit increase of 3% for employees and the budget can be cut elsewhere to fund the merit increase.

Mr. Murphy stated the projected health insurance increase is 7.72% which is attributed to higher enrollment numbers. Right now, due to the programs put in place by the City Commission, no increase is projected for health insurance related to usage.

In response to Commissioner Gerth's question, Mr. Goulet stated that 19 of 98 employees who left employment with the City stated it was because of better pay and benefits elsewhere. He stated the City is struggling with the quantity of applications being received. In June of 2016 during a one-week period, there were 53 applicants for an Equipment Operator position. In April of 2017, during a one-week period, there were only 3 applicants. He stated it is becoming more difficult to fill positions, specifically specialized positions such as police and fire.

Mr. Spears added that the City's ordinance on the maximum number of employees capped at 550 may need to be revised.

In continuing with the presentation, Mr. Spears reviewed the Health Insurance Trust Funds as well as the revenue, expenditures and transfers for the Special Revenue Funds.

Mayor Cobb noted that the overall salary and benefits for all departments has increased from \$41,680,170 million to \$46,200,042 million or about \$4.5 million higher. Mr. Murphy stated the full 3% merit increase is included in the projections. Mr. Spears stated that flowback and carryovers, including personnel and benefits, could be an estimated amount of \$1.2 million. He explained that flowback results when a project is budgeted but not spent.

Mr. Spears specifically reviewed a snapshot with detail of the CORE Special Revenue Fund as follows:

2017 Current Budget (as of April 26, 2017) for CORE (subject to carryover in July 2017)

EXPENDITURES:	<u>Budget</u>	<u>Actual</u>
Operating Expenditures	\$ 54,715	\$ 19,157
Capital Outlay:		
Equipment/Furniture	\$ 1,708,074	\$ 0
Design	\$ 2,226,455	\$ 994,375
Construction	\$ 56,358,622	\$ 18,301,615
TOTAL	\$ 60,347,866	\$ 19,315,147
REVENUES:		
NMJC Appropriation	\$ 10,000,000	\$ 9,950,000
Hobbs Schools Appropriation	\$ 1,000,000	\$ 1,000,000
Local Grant Appropriation	\$ 27,500,000	\$ 0
City of Hobbs Transfer Appropriation	\$ 25,015,000	\$ 0
TOTAL	\$ 63,515,000	\$ 10,950,000

With regard to the CORE Special Revenue Fund, Mr. Spears stated the Joint Powers Agreement between all the partners requires that it be a Special Revenue Fund and requires a minimum balance of \$75,000.

Mr. Spears also explained the Enterprise Fund which relates to Utilities and the Wastewater Treatment Plant.

Mr. Murphy stated one-on-one time can be scheduled to review the budget detail for the three new Commissioners or for anyone. Another work session will be scheduled to discuss the final details.

Mr. Spears reminded the Commission of the timeline for the budget which must be submitted to DFA by June 1, 2017. He stated it is a big process and results in a big 200-page book.

Following some brief discussion, Mayor Cobb stated the Commission is only discussing the budget and will not be voting tonight.

Mr. Murphy stated all topics can be discussed at the next work session. He expressed thanks and appreciation to Mr. Spears, Ms. Deb Corral, the Department Heads and staff for all their countless hours of work in compiling the budget.

Mayor Cobb stated the Commission will be taking a look at the expenses in each Department, too. He stated the Commission and staff will work together and look at all expenses. He said there will be no global assumptions.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Office of the Mayor
Hobbs, New Mexico

PROCLAMATION

WHEREAS, stroke occurs at a rate of 1 in 1600 to 4000 live births each year and in 12 in 100,000 children per year, with stroke being the sixth leading cause of death in children; and

WHEREAS, between 50 and 85 percent of infants and children who have a Pediatric Stroke will have serious, permanent neurological disabilities, including paralysis, seizures, speech and vision problems, attention, learning and behavioral difficulties, and may require ongoing physical therapy and surgeries; and

WHEREAS, the life-long health concerns and treatments resulting from Pediatric Stroke result in a heavy financial and emotional toll on the child, the family, and society; and

WHEREAS, very little is known about the cause, treatment and prevention of Pediatric Stroke; Pediatric Stroke risk factors, symptoms, prevention efforts, and treatment are often different in children than in adults; only through medical research can effective treatment and prevention strategies for Pediatric Stroke be identified and developed; and

WHEREAS, an early diagnosis and commencement of treatment of Pediatric Stroke greatly improves chances of recovery and prevention of recurrence.

NOW, THEREFORE, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim May 2017 as

“PEDIATRIC STROKE AWARENESS MONTH”

in the City of Hobbs and urge all citizens to join me in supporting the efforts, programs, services, and advocacy the Children’s Hemiplegia and Stroke Association provides as they strive to enhance public awareness of Pediatric Stroke.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of May, 2017, and cause the seal of the City of Hobbs to be affixed hereto.

SAM D. COBB, Mayor

ATTEST:



JAN FLETCHER, City Clerk



Office of the Mayor
Hobbs, New Mexico

PROCLAMATION

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the City of Hobbs Police Department play an essential role in safeguarding the rights and freedoms of the citizens of our city; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the City of Hobbs Police Department has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service.

NOW, THEREFORE, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim May 15-20, 2017, as

"POLICE WEEK"

and call upon all citizens of Hobbs and upon all patriotic, civil, and educational organizations to observe this week with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, which by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of May, 2017, and cause the seal of the City of Hobbs to be affixed hereto.

SAM D. COBB, MAYOR

ATTEST:



JAN FLETCHER, CITY CLERK



PROCLAMATION

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, the Hobbs Fire Department responds to over 6,500 EMS calls annually; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week.

NOW, THEREFORE, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim the week of May 21-27, 2017, as

"EMERGENCY MEDICAL SERVICES WEEK"

With the theme, "**EMS Strong; Always in Service**", I encourage the community to visit your local fire station for free blood pressure and blood glucose checks; and a tour of your station and its equipment.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of May, 2017, and cause the seal of the City of Hobbs to be affixed hereto.

SAM D. COBB, MAYOR

ATTEST:



JAN FLETCHER, CITY CLERK





ACTION ITEMS



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 15, 2017

SUBJECT: Consideration of Preliminary FY 2018 Budget
DEPT. OF ORIGIN: Finance
DATE SUBMITTED: May 9, 2017
SUBMITTED BY: Deborah Corral, Assistant Finance Director

Summary:

Pursuant to applicable state law the preliminary budget must be approved and submitted to the Local Government Division of the NMDFA by June 1st. This proposed preliminary budget includes \$57,531,632.73 in proposed General Fund expenditures and \$110,918,862.51 in proposed expenditures for all funds. Revenues in the General Fund are projected at \$48,266,904.38 and total revenue projections for all funds are set at \$93,771,977.07. Current projected general fund cash reserve is set at 13% with a preliminary ending cash balance for all funds of \$27,379,760.09.

Fiscal Impact:


Reviewed By: 
Finance Department

Annual budgeting process has more fiscal impact than any other city policy issue.

Attachments:

Resolution and Support Material

Legal Review:

Approved As To Form: 
City Attorney

Motion to approve the resolution

Recommendation:

Approved For Submittal By:


Department Director


City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____	Continued To: _____
Ordinance No. _____	Referred To: _____
Approved _____	Denied _____
Other _____	File No. _____

CITY OF HOBBS

RESOLUTION NO. 6547

2017-2018 PRELIMINARY BUDGET CONSIDERATION
(106th FISCAL YEAR)

WHEREAS, the Governing Body of the Municipality of Hobbs, State of New Mexico has developed a preliminary budget for fiscal year 2017 - 2018; and

WHEREAS, said preliminary budget was developed on the basis of need and through cooperation with all user departments, elected officials and other department supervisors; and

WHEREAS, the official meetings for the review of said documents were duly advertised and held on May 1, 2017 and May 15, 2017, in compliance with the State Open Meetings Act; and

WHEREAS, it is the majority opinion of this Commission that the proposed preliminary budget meets the requirements as currently determined for fiscal year 2017 -2018.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Governing Body of the Municipality of Hobbs, State of New Mexico, hereby adopts the preliminary budget herein above described and respectfully requests approval from the Local Government Division of the Department of Finance and Administration.

PASSED, ADOPTED, APPROVED AND RESOLVED in session this 15th day of May, 2017.

MUNICIPAL GOVERNING BODY OF
HOBBS, NEW MEXICO

SAM D. COBB, Mayor

GARRY BUIE, Commissioner

PATRICIA TAYLOR, Commissioner

CYNTHIA CALDERON, Commissioner

MARSHALL NEWMAN, Commissioner

JOSEPH D. CALDERÓN, Commissioner

DON GERTH, Commissioner

ATTEST:

JAN FLETCHER, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 15, 2017

SUBJECT: Memorandum of Agreement between the City of Hobbs and the Hobbs Municipal Schools

DEPT. OF ORIGIN: Administrative Services
DATE SUBMITTED: May 9, 2017
SUBMITTED BY: Britt Lusk, Administrative Services Director

Summary:

Last year the City of Hobbs and Hobbs Municipal School entered into an agreement to work together for the 21st Century Community Learning Centers Grant. Through this agreement the City made available for programming the City of Hobbs Teen Center. The City also agreed to transport students via Hobbs Express to various learning centers. This MOA slightly differs from the previous year. The Teen Center will become a destination location and Hobbs Express will transport to one less location. This is an opportunity to work together to provide academic, artistic and cultural enrichment opportunities in order to meet state and local standards in core academic subjects such as reading, math and science for the youth of Hobbs.

Fiscal Impact:

Reviewed By: _____

Finance Department

Pending budget approval

Attachments:

Copy of MOA
Copy of Teen Center Budget and Explanation as a Destination Location

Legal Review:

Approved As To Form: _____

City Attorney

Recommendation:

Motion to approve the MOA

Approved For Submittal By:



Department Director


City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved _____ Denied _____
Other _____ File No. _____

MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF HOBBS
AND THE HOBBS MUNICIPAL SCHOOLS

THIS AGREEMENT is made and entered into on the _____ day of _____, 2017, between the CITY OF HOBBS, NEW MEXICO, a municipal corporation, (hereinafter referred to as "City") and the HOBBS MUNICIPAL SCHOOL DISTRICT, (hereinafter referred to as "School").

WHEREAS, the 21st Century Community Learning Centers Grant Initiative (hereinafter referred to as "21st CCLCG") is a federally funded grant School has been awarded. The grant provides funding for students to be involved in an after school educational program in Learning Centers four days per week, three hours per day, during the bulk of the school year;

WHEREAS, in conjunction with the 21st CCLCG, School is desirous of utilizing the City's public transportation services to assist in transporting students on high demand routes to community Learning Centers that provide academic enrichment opportunities;

WHEREAS, in conjunction with the 21st CCLCG, School is desirous of utilizing City's Teen Center as a Destination Location;

WHEREAS, the City has the technical and professional expertise required for the operation of public transportation services in the City of Hobbs, and has equipment and properly licensed drivers in order to perform the necessary transportation services;

WHEREAS, City's Teen Center is an appropriate facility and location to be utilized as a Destination Location; and

WHEREAS, the parties desire to approve this Memorandum of Agreement, by and through their respective School Board and Commission, to memorialize their agreement regarding the transportation services and use of the Teen Center as a Destination Location in conjunction with the 21st CCLCG.

NOW, THEREFORE, THE PARTIES HEREBY COVENANT AND AGREE AS FOLLOWS:

I.
PURPOSE

The purpose of this Memorandum of Agreement is to delineate the duties and rights of the parties regarding School's implementation of the 21st CCLCG and City's

role in the 21st CCLCG. City shall provide its Teen Center as a specific location to be utilized as a Destination Location and provide public transportation to students for transportation to various Learning Centers throughout Hobbs connected to the 21st CCLCG, as fully set forth herein. The parties understand City has not budgeted any funds for its participation in the 21st CCLCG and City shall not be responsible to provide funding for additional staffing or expenses associated with the 21st CCLCG. It is the expectation that there will not be additional expenses to the City of Hobbs in regards to direct services that may be covered under the grant.

II. DUTIES

A. CITY DUTIES

City will ensure the following duties are met:

1. City will make the Teen Center available as a 21st CCLCG Destination Location during scheduled activities and reasonable times, as determined by the Teen Center Manager, or his designee, for School staff preparation to conduct 21st CCLCG activities. All 21st CCLCG activities and preparation shall be scheduled through the Teen Center Manager, or his designee.
2. City agrees to operate appropriate public transportation services from August 1, 2017, through May 31, 2018, to include the pickup of passengers on high demand routes connected with the 21st CCLCG which are destined as follows:

Will Rogers Elementary School to the Boys & Girls Club
Edison Elementary School to the Boys & Girls Club
3. The parties agree that no transportation services will be provided during inclement weather or emergency situations or during City-observed and/or school observed holidays. Hobbs Schools needs to be notified a week in advance when possible of no transportation services in order to notify parents.
4. City agrees to provide safe, clean, public transportation vehicles and maintain general liability insurance in the amount of \$1,000,000 during the term of this contract.
5. All passengers must follow appropriate rules of passenger conduct, as determined by City's Director of Transportation, or her designee. Failure to abide by the rules will result in loss of passenger transportation privileges. For

elementary students, a non-certified School employee will oversee students from their home school to the various after school sites.

B. SCHOOL DUTIES

School will ensure the following duties are met:

1. School shall provide all funding or expenses associated with necessary staffing, equipment, furnishings (as per the requirements of the grant), IT requirements/upgrades or computers/installation connected with the 21st CCLCG. City shall not be expected to provide any additional staff associated with the 21st CCLCG Learning Center activities.
2. School shall be responsible for the implementation and cost of any background investigation(s) for School and/or City personnel required for the 21st CCLCG.
3. School shall be responsible for all programing costs associated with the 21st CCLCG. There are costs that the grant cannot cover due to the grant guidelines: food, building maintenance, construction, daily operation, supplanting.
4. School shall be responsible for all snacks provided to the 21st CCLCG participants. Hobbs School's Nutritional Services will provide snacks for the 21st Century students.
5. School shall be responsible and pay the cost of high demand route transportation service for each passenger transported under the 21st CCLCG or companion program in the amount of \$10.00 per student per month. This amount will be determined by the number of students using the transportation services. Both entities will meet should expenses exceed the total budgeted amount.
6. Each passenger who uses the high demand route transportation service will pay the monthly student fare rate of \$10.00. No pro-rated fare will be allowed and no cash will be accepted from students. City will submit an invoice to the School on or before the 5th day of each month for all fares incurred during the preceding month. School shall promptly remit payment of all amounts owed within 30 days from receipt of any invoice(s).

INDEMNIFICATION

1. City shall indemnify and hold the School harmless based on any negligent acts of City and/or its employees, Commission and agents in connection with the 21st CCLCG Learning Center activities and City staffing.
2. School agrees to indemnify and hold City harmless based on any negligent acts of School and/or its employees, Board and agents in connection with the 21st CCLCG Learning Center activities and School staffing.

IV. INSURANCE

Both City and School shall maintain liability insurance or qualify as a self-insured entity to adequately cover Learning Center Activities associated with the 21st CCLCG program.

V. SOVEREIGN IMMUNITY

Nothing in this agreement shall be construed as waiving governmental sovereign immunity as to City or School and any and all requirements in conjunction with governmental sovereign immunity.

VI. TERM

This Agreement shall be in effect from August 1, 2017 until May 31, 2018. The parties may extend this agreement for the 2018-2019 school year, and each school year thereafter in connection with the 21st Century Grant with the parties' mutual agreement and City Commission and School Board approval. Future agreements shall be approved on or before May 31 of each subsequent year.

VII. NEW MEXICO DOT VIOLATIONS

In the event this Agreement violates any terms and conditions of the City's Memorandum of Agreement with the New Mexico Department of Transportation for the operation of public transportation services within the City of Hobbs, this Agreement shall terminate immediately.

**VIII.
MERGER OF AGREEMENT**

The agreement incorporates all agreements, covenants and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this Agreement. No prior statements, representations, promises or agreement of understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in the Agreement.

**IX.
THIRD PARTY BENEFICIARIES**

It is specifically agreed between the parties executing the Agreement that it is not intended by any of the provisions of any part of the Agreement to create in the public or any member thereof, a third party beneficiary, or to authorize anyone not a party to the Agreement to maintain, pursuant to the provisions of the Agreement, a suit of any nature, including but not limited to suits alleging wrongful death, bodily and/or personal injury to person(s), damages to property(ies), and/or any cause of action.

**X.
SEVERABILITY**

If any provision of this Memorandum of Understanding is found to be invalid or unenforceable for any reason, the remaining provisions will continue to be valid and enforceable. If a court finds that any provision of this Memorandum of Understanding is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision will be deemed to be written, construed, and enforced as so limited

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

THE CITY OF HOBBS, NEW MEXICO

BY: _____
SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

APPROVED AS TO FORM:

MICHAEL H. STONE, City Attorney

HOBBS MUNICIPAL SCHOOLS

BY: _____
T. J. PARKS,
Superintendent

Teen Center (Destination Location)

(\$11,316.00)	Bussing B & G (Students from 3 MS taken to Teen Center for after school program on Wednesdays \$8,856; Field Trips \$492; Events \$1,968)
(\$2,042.00)	Site Coordinators (1 Certified Teacher will organize and report for the grant purposes, paid \$18.90/hr for 3 hours/ 1 day for 36 weeks)
(\$26,300.00)	Sub-Contractor items: Mural Project \$3,000; Media Arts \$4,000; Rock Band \$10,500; Strings Class \$4,400; Zumba Class \$4,400. This is the preliminary list and may be subject to change as needed with grant coordinator's approval.)
\$3,000	Facility Rental for programming: Weekly Wednesday Classes (2 rooms and snack room and half the gym for 2 hours every week for 30 weeks)
\$2,550	Facility Rental for programming: Field Trips (game room, conference room, half gym, rock wall, and snack room for 2 hours every field trip for 6 days during the year)
\$2,000	Facility Rental for programming: Events (2 rooms and snack room and half the gym for 2 hours a day for four days)
\$4,000	Facility Rental for programming: Events (2 rooms and snack room and half the gym for 2 hours a day for eight days)
\$11,550 (\$39,658)	SUB-CONTRACT TOTAL FOR THE CITY OF HOBBS (FINE ARTS INKIND CONTRIBUTION)

All workers are required to have fingerprinting and background checks paid by the 21st CCLC grant. Any red flags will be discussed between the Official Negotiator for HMS and the Teen Center representative. No Fees will be charged to any 21st CCLC student enrolled in the program. All details of the MOU are contingent on the attainment and sustainability of the 21st CCLC Grant by the Hobbs Municipal Schools. Meetings between the City of Hobbs and Hobbs Municipal Schools will be held as requested. Snack are an in-kind expense provided by Hobbs Municipal Schools.



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 15, 2017

SUBJECT: AN ORDINANCE AMENDING TITLE 16 OF THE CITY OF HOBBS MUNICIPAL CODE.

DEPT. OF ORIGIN: Planning Department
DATE SUBMITTED: May 8, 2017
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: First Reading of the Ordinance amending Title 16 of the City of Hobbs Municipal Code. The City of Hobbs Municipal Code Title 16 Subdivisions has been in place in relatively the same format since 1998 (Ord. #842 & #843) with minor amendments being made in 2009 - 2011 (Ord. #1012, #1027 & #1041).

Fiscal Impact:

No fiscal impact.

Reviewed By:

[Signature]
Finance Department

Attachments: Ordinance; Planning Board Packet.

Legal Review:

Approved As To Form:

[Signature]
City Attorney

Recommendation:

Staff recommends consideration to approve publication of the Ordinance.

Approved For Submittal By:

[Signature]
Department Director

[Signature]
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved _____ Denied _____
Other _____ File No. _____

CITY OF HOBBS

ORDINANCE NO. _____.

AN ORDINANCE TO AMEND TITLE 16 OF THE HOBBS MUNICIPAL CODE IN ITS ENTIRETY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the following Chapter of the Hobbs Municipal Code be and is hereby amended in their entirety.

Title 16 - SUBDIVISIONS

Chapter 16.04 - GENERAL PROVISIONS AND ADMINISTRATION

16.04.010 - Definitions.

For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. Streets and Alleys. The term "street" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place or otherwise.
1. "Major and Minor Arterial streets and highways" are those which are used primarily for large volumes of traffic. For development purposes, arterial streets are generally located along section lines.
 2. "Major Collector streets" are those which carry moderately high volumes of traffic and, for development purposes, are generally located along half section lines.
 3. "Minor Collector streets" are those which carry moderate volumes of traffic from major collectors or arterials. For development purposes, these streets are generally located halfway between collector or arterial streets.
 4. "Minor Residential streets" are those which are used primarily for access to abutting properties. This category carries low traffic volumes and includes residential or industrial streets.
 5. "Marginal access streets" are minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
 6. "Cul-de-sac" is a local street with only one (1) outlet and having an appropriate vehicle turnaround terminal for the safe and convenient reversal of traffic flows.

7. "Alleys" are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street
 8. Pavement widths shall be as prescribed within the City of Hobbs Major Thoroughfare Plan.
- B. "Subdivide" or "subdivision" for the purpose of approval by a Municipal Planning Authority means:
1. For the area of land within the corporate boundaries of the municipality, or within the extraterritorial planning and platting jurisdiction, the division of land into two (2) or more parts by platting or by metes and bounds description into tracts for the purposes set forth in subsection C of this section. Those subdivisions within the extraterritorial jurisdiction creating tracts of 5 acres or larger, regardless of the number of tracts created shall be reviewed under the Alternate Summary Procedure of this Code.
- C. The division of land pursuant to subsection (B)(1) of this section shall be for the purpose of:
1. Sale;
 2. Laying out a municipality or any part thereof;
 3. Adding to a municipality;
 4. Laying out of lots; or
 5. Resubdivision.

(Ord. 842 § 2, 1998; prior code § 25-1)

16.04.020 - Variances and modifications.

- A. Hardships. Where the Planning Board finds that extraordinary hardships may result from strict compliance with this title, it may vary the regulations contained in this title, so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of such regulations.
- B. Large Scale Developments. The standards and requirements of this title may be modified by the Planning Board in the case of a plan and program for a new town, complete community or neighborhood unit which, in the judgment of the Planning Board, provide adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provide such covenants or other legal provisions as will assure conformity to and achievement of the plan.
- C. Conditions in Granting. In granting variances and modifications, the Planning Board may require such conditions as will, in its judgment, assure substantially the objectives of the standards or requirements so varied or modified.

(Prior code § 25-2)

Chapter 16.08 - PLATS AND PLATTING PROCEDURE

16.08.010 - Application fee.

Upon submittal of any plat as set forth in this chapter for consideration, the applicant shall pay to the City a fee in the sum of fifty dollars (\$50.00), for a subdivision eligible for summary process approval, or one hundred dollars (\$100.00) for a subdivision ineligible for summary process approval. No action shall be taken on such application unless such fee is paid.

(Prior code § 25-3)

16.08.020 – Sketch Plan Preliminary Review.

- A. For the purpose of expedience and reducing subdivision design and development costs, a subdivider may submit a Sketch Plan for Preliminary Review in accordance with the requirements provided herein. The Sketch Plan Review is intended to provide general advice to the subdivider about the procedures and data requirements for subdivision review and approval.
- B. No fee shall be required for the Sketch Plan Preliminary Review.
- C. Neither the subdivider nor the municipality shall be bound by any statements or determinations made during the Sketch Plan Preliminary Review.
- D. A sketch plan submitted for preliminary review by the subdivider shall show the proposed layout of streets and lots, with estimated dimensions and other relevant site information. The location of the proposed subdivision must be adequately described on a general map of the area.

16.08.030 - Preliminary plat—Generally

- A. The subdivider shall submit to the Planning Board a preliminary plat, together with stamped construction plans and other supplementary material as specified in Section 16.08.030.
- B. Four (4) copies of the preliminary plat, stamped construction plans and supplementary material shall be submitted to the Planning Department along with the preliminary application fee. The Planning Department and City Engineer shall review such submittal for compliance hereto.
- C. Following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him or her, the City Engineer shall, within fifteen (15) days, act thereon as submitted or modified. If approved, the City Engineer shall express his approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express his disapproval and his or her reasons therefor, to the Planning Board.
- D. The action of the City Engineer shall be noted on two (2) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider and the other retained by the City Engineer.
- E. Conditional approval of a preliminary plat shall not constitute approval of the final plat (subdivision plat). Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

(Prior code § 25-4)

16.08.040 - Preliminary plat—Form and contents—Supplementary material.

The preliminary plat and accompanying supplementary material shall meet the following requirements:

- A. General Subdivision Information. General subdivision information shall describe or outline the existing conditions of the site and the proposed development, as necessary to supplement the drawings required in this section. This information shall include data on existing covenants, land characteristics and available community facilities and utilities and information describing the subdivision proposal, such as number of residential lots, typical lot width and depth, business area, playgrounds, park areas and other public areas, proposed protective covenants and proposed utilities and street improvements. Municipal franchisee utility service providers shall be notified of the proposed subdivision and such notice submitted to the City on a form acceptable by the City Engineer.

- B. Location Map. A location map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence such subdivision. Such map shall include development name and location; main traffic arteries; public transportation lines; shopping centers, elementary and high schools, parks and playgrounds and other community features, such as railroad stations, hospitals and churches; title scale; north arrow; and date. Proper certification shall be made upon the plat by a reputable, registered civil engineer or land surveyor, ascertaining that the plan represents a survey made by him and that all necessary monuments are accurately and correctly shown upon the plan. The engineer shall place such monuments as required by the City or by the City Engineer, and they shall be set at all corners and angle points of curve and at such intermediate points as shall be required by the City.
- C. Topographic Data. Topographic data required as a basis for the preliminary plat, pursuant to subsection D of this section, shall include existing conditions as follows, except when otherwise specified by the Planning Board:
1. Boundary lines: bearings and distances;
 2. Easements: location, width and purpose;
 3. Streets on and adjacent to the tract: names and rights-of-way, width and location; type, width and elevation of surfacing; any legally established centerline elevations; walks, curbs, gutters, culverts, etc.
 4. Utilities on and adjacent to the tract: location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles and street lights; if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers;
 5. Ground elevations on the tract, based on a datum plane approved by the City Engineer, along all drainage channels or swales and at selected points not more than one hundred (100) feet apart in all directions; show contours with an interval of not more than one (1) foot if ground slope is regular and such information is sufficient for planning purposes;
 6. Subsurface conditions on the tract, if required by the City Engineer: location results of tests made to ascertain subsurface soil, rock and ground water, unless test pits are dry at a depth of five (5) feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.
 7. Other conditions on the tract: watercourses, marshes, rock outcrop, wooded areas, isolated preservable trees, houses, barns, shacks and other significant features;
 8. Other conditions on adjacent land: approximate direction and gradient of ground slope, including any embankments or retaining wall; character and location of buildings, railroads, power lines, towers and other nearby land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land, refer to subdivision plat by name, recordation date and number and show approximate percent built up, typical lot size and dwelling type;
 9. Photographs, if required by the Planning Department; camera locations, directions of views and key numbers;
 10. Proposed or existing land use on and adjacent to the tract;
 11. When known, proposed public improvements: highways or other major improvements planned by public authorities for future construction on or near the tract;
 12. Key plan, showing location of the tract;
 13. Title and certificates: present tract designation according to official records in office of appropriate records; title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow, datum, benchmarks, certification of registered civil engineer or surveyor and date of survey.

- D. Scale—Proposals. The preliminary plat (general subdivision plan) shall be at a scale of one hundred (100) feet to one (1) inch or larger. It shall show all existing conditions required in subsection C of this section and shall show all proposals, including the following:
1. Streets: names; right-of-way and roadway widths; approximate grades and gradients; similar data for alleys, if any;
 2. Other rights-of-way or easements: location, widths and purpose;
 3. Location of utilities, if not shown on other exhibits;
 4. Lot lines, lot numbers and block numbers;
 5. Sites to be reserved or dedicated for parks, playgrounds or other public uses;
 6. Sites, if any, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses, exclusive of single-family dwelling;
 7. Minimum building setback lines;
 8. Site data, including number of residential lots, typical lot size and acres in parks, etc.;
 9. Title, scale, north arrow and date.
- E. Other Preliminary Plans. When required by the City Engineer, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross section of the proposed subdivision; typical cross section of the proposed grading, roadway; and preliminary plan for proposed sanitary and storm sewers, with grades and sizes indicated. All elevations shall be based on a datum plane approved by the City Engineer.
- F. Draft of Protective Covenants. A draft of protective covenants, whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development, shall be included if proposed by the developer.
- G. Base flood elevation data shall be generated for subdivision proposals and other proposed development and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser.

(Prior code § 25-5)

16.08.050 - Final Plat—Generally.

- A. The final plat shall conform substantially to the preliminary plat as approved, and if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he or she proposes to record and develop at the time; provided, that such portions conform to all requirements of this title.
- B. Application for approval of the final plat shall be submitted in writing to the Planning Department at least ten (10) days prior to the meeting at which it is to be considered. All submittals for final plat approval shall include a Certification of Compliance from the Engineer of Record certifying that all municipal infrastructures are in place and has been installed as per plans and City of Hobbs Standards. Such certification shall be in a form acceptable to the City Engineer.
- C. A set of as-builts in printed and electronic format, as prescribed by the City Engineer, shall be prepared as specified in Section 16.08.050 and shall be submitted to the City Engineer concurrently with the application for final plat approval.
- D. The Planning Board shall approve or disapprove the final plat within thirty-five (35) days after final submission thereof and thereafter forward to the City Commission the report of their approval or disapproval.

- E. The City Commission shall, at their next regular meeting and within thirty (30) days, approve or disapprove the final plat.

(Prior code § 25-6)

16.08.060 - Final plat—Form and contents—Supplementary material.

The final plat and accompanying supplementary material shall meet the following requirements:

- A. Generally. The final plat shall be drawn in ink on tracing cloth on sheets eighteen (18) inches wide by twenty-four (24) inches long or twenty-six (26) inches wide by thirty-four (34) inches long and shall be at a scale of one hundred (100) feet to one (1) inch, or larger where necessary; the plat may be on several sheets, accompanied by an index sheet showing the entire subdivision. For larger subdivisions, the final plat may be submitted for approval progressively in continuous sections, satisfactory to the Planning Department. The final plat shall show the following:
1. Primary control points, approved by the City Engineer, or description and ties to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred;
 2. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites, with accurate dimensions, bearing or deflection angles and radii, arcs and central angles of all curves;
 3. Name and right-of-way width of each street or other right-of-way;
 4. Location, dimensions and purpose of any easements;
 5. Number to identify each lot or site;
 6. Purpose for which sites, other than residential lots, are dedicated or reserved;
 7. Location and description of monuments;
 8. Names of record owners of adjoining unplatted land;
 9. Reference to recorded subdivision plats of adjoining platted land by record name, date and number;
 10. Certification by surveyor or engineer, certifying to accuracy of surveys and plat;
 11. Certification title, showing that applicant is the land owner.
 12. Statement by owner dedicating streets, rights-of-way and any sites for public use;
 13. Title, scale, north arrow and date;
 14. Certificates for approval by the Planning Board;
 15. Certificates for approval by the City Commission.
- B. Cross Sections and Profiles of Streets. Cross sections and profiles of streets shall be included, showing grades approved by the City Engineer. The profiles shall be drawn by City standard scales and elevations and shall be based on a datum plane approved by the City Engineer.
- C. Certificate Concerning Improvements. A certificate by the City Engineer shall be included, certifying that the subdivider has complied with one (1) of the following alternatives:
1. All improvements have been installed in accordance with the requirements of this title and with the action of the City Engineer giving conditional approval of the preliminary plat. The City is in receipt of Certification by the Engineer of Record that all municipal infrastructures are in place and has been installed as per plans and City of Hobbs Standards.

2. A surety company bond, City of Hobbs Resolution accepting a Development Agreement or other security acceptable to the Planning Board has been filed with the City Clerk, in sufficient amount to assure such completion of all required improvements.
3. Other Data. Such other certificates, affidavits, endorsements or deductions shall be included as may be required by the Planning Department in the enforcement of this title.

(Prior code § 25-7)

Chapter 16.12 - ALTERNATE SUMMARY PROCEDURE

16.12.010 - Eligible subdivisions.

- A. Division of land into two (2) or more parcels by platting or metes and bounds description for specific purposes listed in Section 16.04.010(C) requires subdivision approval by the Municipal Planning Authority. To expedite the process for proposed subdivisions containing no more than 3 (three) lots excluding areas for dedication, subdivisions or resubdivision of property may be approved by summary procedure for the following:
 1. Subdivisions of not more than three (3) parcels of land; or
 2. Resubdivisions, where the combination or recombination of portions of previously platted lots does not increase the total number of lots.
- B. The land shall abut on a public street or streets of adequate width and is so situated that no additional streets, alleys, easements for utilities or other public property are required; or if required to conform to other public streets, alleys or other public ways and such additional property is shown on the plat as "Herein Dedicated", or if within the extraterritorial jurisdiction those public ways required being conveyed as a surface and sub-surface easement.

(Ord. 843 (part), 1998: prior code § 25-15)

16.12.020 - Submittal requirements.

To be considered, four (4) copies of a summary plat meeting the following conditions shall be submitted to the City Manager's designated representative:

The summary plat for both residential and nonresidential developments shall be in conformance with the final plat requirements for standard subdivisions. A certification of approval shall be on the plat for the signature of the City Manager's designated representative, to be attested by the City Clerk.

- A. For residential subdivisions, the summary plat shall be accompanied by support plans and documentation showing compliance with construction improvement requirements for a standard subdivision, as necessary.
- B. For a nonresidential subdivision being processed under this procedure, the plat shall include the following items necessary for the City Manager's designated representative to review and approve the following items of consideration: proposed property boundaries, existing adjacent streets or alleys, and existing intersection and driveway locations on streets or roadways adjacent to and across from the tracts. This information will be reviewed along with existing water and sewer locations to serve the site.

(Ord. 843 (part), 1998: prior code § 25-16)

16.12.030 - Approval procedure.

- A. The City Manager's designated representative is authorized to approve subdivisions meeting the conditions of this section and conforming to the provisions of this chapter and shall, within ten (10) days of final submittal of all requested information, accept the proposed subdivision or send a written rejection detailing the reason for the rejection. Any municipal infrastructures serving the subdivision shall be completed or adequate surety provided prior to receiving final approval.
- B. The subdivider or the City Manager's designated representative may choose to have the subdivision reviewed by the Planning Board under the standard procedures if difficulties or unusual circumstances exist.
- C. Plats approved under this section shall be signed by the City Manager's designated representative and attested by the City Clerk and shall be reported to the Planning Board at its next regularly scheduled meeting and shall be included in the minutes of the meeting indicating such approval as coming under this section.

(Ord. 843 (part), 1998: prior code § 25-17)

16.12.040 - [Required improvements; summary process approval; city building permits, etc.]

- A. For all new subdivisions and re-subdivisions, all improvements will be required to be completed at the summary process approval or at the final plat filing, unless adequate financial security has been approved by the Planning Board and City Commission.
- B. For all City building permits, the permit application must contain plans for the complete construction of all of the required improvements within the abutting right-of-way to the property, including City utilities, paved streets, sidewalks, curbing, and traffic signals if applicable. The City will furnish required street signs. For properties with two (2) or more un-built platted streets abutting the property, the Developer shall build to the length of the longest frontage.
- C. For all City building permits for new residential structures and mobile home placement permits, the lot, tract, parcel or real property containing the location of the new structure shall abut a dedicated public right-of-way with a paved street pursuant to minimum standards as specified by the City Engineer. If the permit location does not abut a paved dedicated street or is both unpaved and not dedicated, the permit applicant must cause the street to be dedicated and paved prior to the building permit being issued, unless adequate financial security has been approved by the Planning Board and City Commission.
- D. If the permit location's nearest property line is two hundred (200) feet or more from the nearest paving, it shall be exempt from the paving requirement, providing a future assessment agreement is executed by the owner of record. In no case shall a permit be granted unless a public dedicated right-of-way exists for access.

(Ord. No. 1012, §§ 1, 2, 5-4-2009; Ord. No. 1027, 12-7-2009)

Editor's note— Ord. No. 1012, § 1, adopted May 4, 2009, repealed former § 16.12.040, which pertained to construction of nonresidential lot improvements. Section 2 of said ordinance enacted provisions designated as a new § 16.12.040 to read as herein set out. See also the Code Comparative Table and Disposition List.

Chapter 16.16 - DESIGN STANDARDS AND IMPROVEMENTS

16.16.010 - Streets.

- A. Arrangement and Character Generally. The arrangement, character, extent, width, grade and location of all streets shall conform to the current City of Hobbs Major Thoroughfare Plan Map, master plan or part thereof, and shall be considered in their relation to existing and planned streets, to topographical conditions and to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- B. Arrangement Where same not Shown in City of Hobbs Major Thoroughfare Plan Map. Where such is not shown in the current City of Hobbs Major Thoroughfare Plan Map or part thereof, the arrangement of streets in a subdivision shall either:
 - 1. Provide for the continuation of appropriate projection of existing streets in surrounding areas; or
 - 2. Conform to a plan for the neighborhood approved or adopted by the Planning Board to meet a particular situation, where topographical or other conditions make continuance or conformance to existing streets impracticable.
- C. Minor Residential Streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- D. Special Treatment for Subdivisions Containing Major or Minor Collector Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Board may require marginal access streets, reverse frontage with screen planting or walls contained in a non-access reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- E. Subdivisions Bordering on or Containing Railroad or Limited Access Highway Rights-of-Way. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts. Such distance shall be determined with due regard for the requirements of approach grades and future grade separations.
- F. Reserve Strips. Reserve strips controlling access to streets shall be prohibited, except where their control is definitely placed in the City under conditions approved by the Planning Board.
- G. Street Jogs. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
- H. Tangents. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
- I. Curves Connecting Street Lines. When connecting street lines deflect from each other at any one (1) point by more than ten (10) degrees, they shall be connected by a curve, with a radius adequate to insure a sight distance of not less than two hundred (200) feet for minor residential and collector streets and of such greater radius as the Planning Board shall determine for special cases.
- J. Angle of Intersection. Streets shall be laid out as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than sixty (60) degrees.
- K. Right-of-Way Widths. Street right-of-way widths shall be as shown in the City of Hobbs Major Thoroughfare Plan.
- L. Half Streets. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this title. Where the Planning Board finds it will be feasible to require the dedication of the other half when the adjoining property is subdivided wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

- M. Dead-End Streets. Dead-end streets, designed to be so permanently, shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet.
- N. Street Grades. No street grade shall be less than 0.1 percent.

(Prior code § 25-8)

16.16.020 - Alleys.

- A. Required—Exceptions. Alleys shall be provided in all areas; except, that the Planning Board may waive this requirement in residential or commercial areas where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with an adequate provision for the uses proposed.
- B. Width. The width of an alley shall not be less than twenty (20) feet.
- C. Alley Intersections. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, the corner shall be cut off sufficiently to permit safe vehicular movement.
- D. Dead-End Alleys shall be avoided where possible but, if unavoidable, shall be provided with adequate turning around facilities at the dead end, as determined by the Planning Board.
- E. If secondary continual vehicular access to the rear of residential lots is desired by a Developer, the secondary access to the lots must be created by a dedicated public rear access alley with a right of way width of no less than twenty four (24) feet and paving width of no less than twenty (20) feet. A private drive is not acceptable to serve as a rear alley to provide secondary continual vehicular access to residential lots unless a homeowner or similar association or organization has been created to permanently own and maintain the private rear access alley. Such an association must be legally created prior to approval of the final plat containing any private alleys in residential subdivisions.

(Prior code § 25-9)

(Ord. No. 1012, § 3, 5-4-2009)

16.16.030 - Easements.

- A. Generally. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.
- B. Stormwater Easements or Drainage Rights-of-Way. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the alignment of such watercourse, or such construction as will be adequate for the purposes, and as approved by the Planning Board.

(Prior code § 25-10)

16.16.040 - Blocks.

- A. The lengths, widths and shapes of blocks shall be determined with regard to:
 - 1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - 2. Requirements as to lot sizes and dimensions;

3. Needs for convenient access, circulation, control and safety of street traffic;
 4. Limitations and opportunities of topography.
- B. Block lengths shall not exceed eight hundred eighty (880) feet, measured along the property lines.

(Prior code § 25-11)

16.16.050 - Lots.

- A. Appropriateness for Location and Type of Development and Use. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- B. Dimensions Generally.
1. Minimum lot width for each lot containing a detached structure shall be thirty-five (35) feet.
 2. Minimum lot width for each lot containing an attached structure shall be twenty five (25) feet. For attached structures, lot width dimensions less than twenty-five (25) feet may also be approved by the City, pending review and approval of adequate parking, site design and other relevant factors by the Planning Board and City Commission. Minimum side yard setback on corner lots shall be ten (10) feet on the side of the lot contiguous to the side street.
- C. Commercial and Industrial Property. Depth and width of property reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- D. Corner Lots for Residential Use. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- (E) Access to Existing Public Streets. The subdividing of the land shall be such as to provide, by means of a public street, and each lot shall be provided with a thirty-five (35) feet minimum access to an existing public street. Minimum access width for each lot fronting a cul-de-sac shall be thirty (30) feet minimum measured on the property line to the curb line, and a thirty-five (35) feet minimum width measured at the building setback line. Each "Flag" lot, defined herein as a parcel of land accessible only by an extension of land connecting a public access street to the building site area of the parcel, shall have a minimum continuous access width of thirty-five (35) feet. Access shall mean a contiguous and continuous direct property boundary connecting to the public street.
- F. Double and Reverse Frontage Lots. Double frontage and reverse frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, across which there shall be no right of access, shall be provided along the line of lots abutting such traffic artery or other disadvantageous use.
- G. Intersections of Side Lot and Street Right-of-Way Lines. Side lot lines at the intersection with street right-of-way lines shall be substantially at right angles or radial to street lines.

(Prior code § 25-12)

(Ord. No. 1041, §§ 1—3, 3-7-2011)

16.16.060 - Street or sidewalk improvements defined.

"Street or sidewalk improvements" include any installation of curbs, pavement, sidewalks, drainage, utilities, signs, lights and any other such improvements which meet the approval of the Planning Board and conform to standards and specifications prescribed by the City Commissions.

(Prior code § 25-13)

16.16.070 - Required improvements.

The following improvements shall be required pursuant to this chapter:

- A. Monuments. Monuments of a type and design as approved by the Planning Department shall be placed at all block corners, angle points, points of curves in streets, street intersections and points as shall be required by the Planning Department. Such monuments may be of iron pipe not less than three-quarters ($\frac{3}{4}$) of an inch in diameter and two (2) feet in length, driven securely into solid earth, with the grades of same being at grade with established paving, flush with natural grade of the earth's surface or on existing paving. A four-inch bolt and washer may be used.
- B. Street Improvements. Street improvements shall include substantial permanent street signs at each intersection, such signs to be of a material and design as prescribed by the City Commission.
- C. Design Details and Construction Standards. Design details and construction standards for utility and street improvements shall conform to standard details and specifications adopted by the City Engineer and approved by the City Commission.

(Prior code § 25-14)

PASSED, ADOPTED AND APPROVED this ___ day of _____, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Mr. Hicks said the next item is to approve the Preliminary Plat off Chance Street. He said his firm is the surveyor group in this project. Mr. Robinson said this has not gone to the County Planning and Zoning. He said this is a dedication of Chance and a dedication of a cul-de-sac which will be the continuation of Illinois. He said this would give each individual property adjacent to the proposed cul-de-sac access to a dedicated right-of-way. He said there is a dedication to a surface and subsurface infrastructure easement going from Illinois north. He said that would be on the line of the Major Thoroughfare Plan and an extension of Fowler.

Mr. Ramirez asked how many lots would it be? Mr. Robinson said 4 lots. Mr. Hicks asked about what the status of the development of Chance Street. Mr. Robinson said it is a County maintained Roadway.

Mr. Hicks asked if they are requiring the developers to build the cul-de-sac on Illinois? Mr. Reid said yes because there no way to get to the back property without it. He said Fire Trucks need to be able to get in there and back out.

Mr. Penick left the meeting at 11:06 am.

Mr. Kesner made a motion, seconded by Mr. Drennan to approve the Preliminary Plat for the Murrillo development pending County approval. Mr. Robinson asked if would be proper to do a preliminary and final approval? The Board agreed. Mr. Kesner, seconded by Mr. Drennan amended the motion to approve the Preliminary and Final Plat as long it is compliant with the county. The vote on the motion was 4-0 and the motion carried.

8) Review and Consider proposed amendment of Municipal Code Title 16 (Subdivision Regulations).

Mr. Robinson said the Municipal staff and the County staff have had numerous meetings about Title 16. He said the municipal subdivision regulations and the county subdivision regulations are extremely compatible. He said the issue has been the claim of exemption. He said that is when the person is exempt from county rules and regulations for their subdivision. He said the municipality has in Title 16 that any plat above 5 acres does not require municipal approval. He said within the ETJ it leaves a possibility of a plat that is 10 acres is divided where one tract of land is not contiguous to a public right-of-way. He said as everything sets today the municipality would not be required to approve that plat and the county only has to approve the claim of exemption.

The Board discussed the recent changes made to this Code. Mr. Hicks said the Board has had numerous meetings on this item and he recommends this be approved and sent to the City Commission with the amendments. Mr. Ramirez made a motion, seconded by Mr. Drennan to approve the Municipal Code Title 16 and send it to the City Commission. The vote on the motion was 4-0 and the motion carried.

9) Adjournment.

With nothing further to discuss the meeting adjourned at 11:52 am.

Title 16 - SUBDIVISIONS

Chapter 16.04 - GENERAL PROVISIONS AND ADMINISTRATION

16.04.010 - Definitions.

For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. Streets and Alleys. The term "street" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place or otherwise.

1. "Major and Minor Arterial streets and highways" are those which are used primarily for large volumes of traffic. For development purposes, arterial streets are generally located along section lines.
2. "Major Collector streets" are those which carry moderately high volumes of traffic and, for development purposes, are generally located along half section lines.
3. "Minor Residential Collector streets" are those which carry moderate volumes of traffic between from local streets and major collectors or arterials. For development purposes, these streets are generally located halfway between collector or arterial streets.
4. "Local streets Minor Residential streets" are those which are used primarily for access to abutting properties. This category carries low traffic volumes and includes residential or industrial streets.
5. "Marginal access streets" are minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
6. "Cul-de-sac" is a local street with only one (1) outlet and having an appropriate vehicle turnaround terminal for the safe and convenient reversal of traffic flows.
7. "Alleys" are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street
8. Pavement widths shall be measured back to back of curbs, where curbs are required as prescribed within the City of Hobbs Major Thoroughfare Plan.

B. "Subdivide" or "subdivision" for the purpose of approval by a Municipal Planning Authority means:

1. ~~For the area of land within the corporate boundaries of the municipality, the division of land into two (2) or more parts by platting or by metes and bounds description into tracts for the purposes set forth in subsection C of this section; and~~

~~For the area of land within the corporate boundaries of the municipality, or within the extraterritorial planning and platting jurisdiction, the division of land into two (2) or more parts by platting or by metes and bounds description into tracts for the purposes set forth in subsection C of this section. Those subdivisions within the extraterritorial jurisdiction creating tracts of 5 acres or larger, regardless of the number of tracts created shall be reviewed under the Alternate Summary Procedure of this Code.~~

~~2. For the area of land within the municipal extraterritorial subdivision and platting jurisdiction, the division of land into two (2) or more parts by platting or by metes and bounds description into tracts of less than five (5) acres in any one (1) calendar year for the purposes set forth in subsection C of this section.~~

C. The division of land pursuant to subsection (B)(1) or (2) of this section shall be for the purpose of:

1. Sale;
2. Laying out a municipality or any part thereof;
3. Adding to a municipality;
4. Laying out of lots; or
5. Resubdivision.

(Ord. 842 § 2, 1998: prior code § 25-1)

16.04.020 - Variances and modifications.

- A. Hardships. Where the Planning Board finds that extraordinary hardships may result from strict compliance with this title, it may vary the regulations contained in this title, so that substantial justice may be done and the public interest secured; ~~provided~~, provided that such variation will not have the effect of nullifying the intent and purpose of such regulations.
- B. Large Scale Developments. The standards and requirements of this title may be modified by the Planning Board in the case of a plan and program for a new town, complete community or neighborhood unit which, in the judgment of the Planning Board, provide adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provide such covenants or other legal provisions as will assure conformity to and achievement of the plan.
- C. Conditions in Granting. In granting variances and modifications, the Planning Board may require such conditions as will, in its judgment, assure substantially the objectives of the standards or requirements so varied or modified.

(Prior code § 25-2)

Chapter 16.08 - PLATS AND PLATTING PROCEDURE

16.08.010 - Application fee.

Upon ~~the filings~~submittal of any plat ~~application~~—as set forth in this chapter for consideration, the applicant shall pay to the City ~~an application~~ fee in the sum of ~~twenty-five~~ fifty dollars (\$2550.00), ~~plus twenty-five cents (\$0.25) an acre for each acre of the proposed subdivision~~ for a subdivision eligible for summary process approval, or one hundred dollars (\$100.00) for a subdivision ineligible for summary process approval. No action shall be taken on such application unless such fee is paid.

(Prior code § 25-3)

16.08.020 — Sketch Plan Preliminary ~~plat~~—~~Generally~~Review.

- A. For the purpose of expedience and reducing subdivision design and development costs, a subdivider may submit a Sketch Plan for Preliminary Review in accordance with the requirements provided herein. The Sketch Plan Review is intended to provide general advice to the subdivider about the procedures and data requirements for subdivision review and approval.
- B. No fee shall be required for the Sketch Plan Preliminary Review.
- C. Neither the subdivider nor the municipality shall be bound by any statements or determinations made during the Sketch Plan Preliminary Review.

- D. A sketch plan submitted for preliminary review by the subdivider shall show the proposed layout of streets and lots, with estimated dimensions and other relevant site information. The location of the proposed subdivision must be adequately described on a general map of the area.

16.08.030 - Preliminary plat—Generally

- A. The subdivider shall submit to the Planning Board a preliminary plat, together with **improvement stamped construction** plans and other supplementary material as specified in Section 16.08.030.
- B. Four (4) copies of the preliminary plat, **stamped construction plans** and supplementary material shall be submitted to the Planning ~~Board with a written application for conditional approval. At the time the preliminary application is filed,~~ Department along with the preliminary application fee ~~shall be paid.~~ The Planning ~~Board Department and shall thereupon refer the application to the~~ City Engineer ~~for his or her consideration~~ shall review such submittal for compliance hereto.
- C. Following ~~review of the preliminary plat and other material submitted, for conformity thereof to this title, and~~ negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him or her, the City Engineer shall, within fifteen (15) days, act thereon as submitted or modified. If approved, the City Engineer shall express his approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express his disapproval and his or her reasons therefor, to the Planning Board.
- D. The action of the City Engineer shall be noted on two (2) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider and the other retained by the City Engineer.
- E. Conditional approval of a preliminary plat shall not constitute approval of the final plat (subdivision plat). Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

(Prior code § 25-4)

16.08.0430 - Preliminary plat—Form and contents—Supplementary material.

The preliminary plat and accompanying supplementary material shall meet the following requirements:

- A. General Subdivision Information. General subdivision information shall describe or outline the existing conditions of the site and the proposed development, as necessary to supplement the drawings required in this section. This information shall include data on existing covenants, land characteristics and available community facilities and utilities and information describing the subdivision proposal, such as number of residential lots, typical lot width and depth, business area, playgrounds, park areas and other public areas, proposed protective covenants and proposed utilities and street improvements. **Municipal franchisee utility service providers shall be notified of the proposed subdivision and such notice submitted to the City on a form acceptable by the City Engineer.**
- B. Location Map. A location map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence such subdivision. Such map shall include development name and location; main traffic arteries; public transportation lines; shopping centers, elementary and high schools, parks and playgrounds and other community features, such as railroad stations, hospitals and churches; title scale; north arrow; and date. Proper certification shall be made upon the plat by a reputable, registered civil engineer or land surveyor, ascertaining that the plan represents a survey made by him and that all necessary monuments are accurately and correctly shown upon the plan. The engineer shall place such monuments as required by the City or by the City Engineer, and they shall be set at all corners and angle points of curve and at such intermediate points as shall be required by the City.

C. Topographic Data. Topographic data required as a basis for the preliminary plat, pursuant to subsection D of this section, shall include existing conditions as follows, except when otherwise specified by the Planning Board:

1. Boundary lines: bearings and distances;
2. Easements: location, width and purpose;
3. Streets on and adjacent to the tract: names and rights-of-way, width and location; type, width and elevation of surfacing; any legally established centerline elevations; walks, curbs, gutters, culverts, etc.
4. Utilities on and adjacent to the tract: location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles and street lights; if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers;
5. Ground elevations on the tract, based on a datum plane approved by the City Engineer, along all drainage channels or swales and at selected points not more than one hundred (100) feet apart in all directions; show contours with an interval of not more than one (1) foot if ground slope is regular and such information is sufficient for planning purposes;
6. Subsurface conditions on the tract, if required by the **Planning Board** **City Engineer**: location results of tests made to ascertain subsurface soil, rock and ground water, unless test pits are dry at a depth of five (5) feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.
7. Other conditions on the tract: watercourses, marshes, rock outcrop, wooded areas, isolated preservable trees, houses, barns, shacks and other significant features;
8. Other conditions on adjacent land: approximate direction and gradient of ground slope, including any embankments or retaining wall; character and location of buildings, railroads, power lines, towers and other nearby land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land, refer to subdivision plat by name, recordation date and number and show approximate percent built up, typical lot size and dwelling type;
9. Photographs, if required by the **Planning Board** **Department**; camera locations, directions of views and key numbers;
10. **Zoning** **Proposed or existing land use** on and adjacent to the tract;
11. When known, proposed public improvements: highways or other major improvements planned by public authorities for future construction on or near the tract;
12. Key plan, showing location of the tract;
13. Title and certificates: present tract designation according to official records in office of appropriate records; title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow, datum, benchmarks, certification of registered civil engineer or surveyor and date of survey.

D. Scale—Proposals. The preliminary plat (general subdivision plan) shall be at a scale of one hundred (100) feet to one (1) inch or larger. It shall show all existing conditions required in subsection C of this section and shall show all proposals, **including** **including** the following:

1. Streets: names; right-of-way and roadway widths; approximate grades and gradients; similar data for alleys, if any;
2. Other rights-of-way or easements: location, widths and purpose;
3. Location of utilities, if not shown on other exhibits;
4. Lot lines, lot numbers and block numbers;

5. Sites to be reserved or dedicated for parks, playgrounds or other public uses;
 6. Sites, if any, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses, exclusive of single-family dwelling;
 7. Minimum building setback lines;
 8. Site data, including number of residential lots, typical lot size and acres in parks, etc.;
 9. Title, scale, north arrow and date.
- E. Other Preliminary Plans. When required by the City Engineer, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross section of the proposed subdivision; typical cross section of the proposed grading, roadway ~~and sidewalks~~; and preliminary plan for proposed sanitary and storm sewers, with grades and sizes indicated. All elevations shall be based on a datum plane approved by the City Engineer.
- F. Draft of Protective Covenants. A draft of protective covenants, whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development, shall be included if **proposed by the developer**.
- G. **Base flood elevation data shall be generated for subdivision proposals and other proposed development and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser.**

(Prior code § 25-5)

16.08.040-050 - Final Plat—Generally.

- A. The final plat shall conform substantially to the preliminary plat as approved, and if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he or she proposes to record and develop at the time; provided, that such portions conform to all requirements of this title.
- B. Application for approval of the final plat shall be submitted in writing to the ~~City Engineer~~ **Planning Department** at least ten (10) days prior to the meeting at which it is to be considered. ~~At the time the final subdivision plat is filed, the required fee shall be paid~~ **All** submittals for final plat approval shall include a **Certification of Compliance** from the Engineer of Record certifying that all municipal infrastructures are in place and has been installed as per plans and City of Hobbs Standards. Such certification shall be in a form acceptable to the City Engineer.
- C. ~~Four (4) copies of the final plat and other exhibits required for approval~~ **A set of as-builts in printed and electronic format, as prescribed by the City Engineer**, shall be prepared as specified in Section 16.08.050 and shall be submitted to the City Engineer ~~within six (6) months after approval of the preliminary plat; otherwise, such approval shall become null and void, unless an extension of time is applied for and granted by the Planning Board~~ **concurrently with the application for final plat approval.**
- D. The Planning Board shall approve or disapprove the final plat within thirty-five (35) days after final submission thereof and thereafter forward to the City Commission the report of their approval or disapproval.
- E. The City Commission shall, at their next regular meeting and within thirty (30) days, approve or disapprove the final plat.

(Prior code § 25-6)

16.08.050-060 - Final plat—Form and contents—Supplementary material.

The final plat and accompanying supplementary material shall meet the following requirements:

- A. Generally. The final plat shall be drawn in ink on tracing cloth on sheets eighteen (18) inches wide by twenty-four (24) inches long or twenty-six (26) inches wide by thirty-four (34) inches long and shall be at a scale of one hundred (100) feet to one (1) inch, or larger where necessary; the plat may be on several sheets, accompanied by an index sheet showing the entire subdivision. For larger subdivisions, the final plat may be submitted for approval progressively in continuous sections, satisfactory to the Planning ~~Board~~Department. The final plat shall show the following:
1. Primary control points, approved by the City Engineer, or description and ties to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred;
 2. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites, with accurate dimensions, bearing or deflection angles and radii, arcs and central angles of all curves;
 3. Name and right-of-way width of each street or other right-of-way;
 4. Location, dimensions and purpose of any easements;
 5. Number to identify each lot or site;
 6. Purpose for which sites, other than residential lots, are dedicated or reserved;
 7. Location and description of monuments;
 8. Names of record owners of adjoining unplatted land;
 9. Reference to recorded subdivision plats of adjoining platted land by record name, date and number;
 10. Certification by surveyor or engineer, certifying to accuracy of surveys and plat;
 11. Certification title, showing that applicant is the land owner.
 12. Statement by owner dedicating streets, rights-of-way and any sites for public use;
 13. Title, scale, north arrow and date;
 14. Certificates for approval by the ~~City Engineer and by the~~ Planning Board;
 15. Certificates for approval by the City Commission.
- B. Cross Sections and Profiles of Streets. Cross sections and profiles of streets shall be included, showing grades approved by the City Engineer. The profiles shall be drawn by City standard scales and elevations and shall be based on a datum plane approved by the City Engineer.
- C. Certificate Concerning Improvements. A certificate by the City Engineer shall be included, certifying that the subdivider has complied with one (1) of the following alternatives:
1. All improvements have been installed in accordance with the requirements of this title and with the action of the City Engineer giving conditional approval of the preliminary plat. [The City is in receipt of Certification by the Engineer of Record that all municipal infrastructures are in place and has been installed as per plans and City of Hobbs Standards.](#)
 2. A surety company bond, [City of Hobbs Resolution accepting a Development Agreement](#) or other security acceptable to the Planning Board has been filed with the City Clerk, in sufficient amount to assure such completion of all required improvements.
 3. Other Data. Such other certificates, affidavits, endorsements or deductions shall be included as may be required by the Planning ~~Board~~Department in the enforcement of this title.

(Prior code § 25-7)

Chapter 16.12 - ALTERNATE SUMMARY PROCEDURE

16.12.010 - Eligible subdivisions.

- A. Division of land into two (2) or more parcels by platting or metes and bounds description for specific purposes listed in Section 16.04.010(C) requires subdivision approval by the Municipal Planning Authority. To expedite the process for ~~two (2) or three (3) lot~~ proposed subdivisions ~~containg no more than 3 (three) lots excluding areas for dedication~~, subdivisions or resubdivision of property may be approved by summary procedure for the following:
1. Subdivisions of not more than three (3) parcels of land; or
 2. Resubdivisions, where the combination or recombination of portions of previously platted lots does not increase the total number of lots.
- B. The land shall abut on a public street or streets of adequate width and is so situated that no additional streets, alleys, easements for utilities or other public property are required; or if required to conform to other public streets, alleys or other public ways and such additional property is shown on the plat as "Herein Dedicated", or if within the extraterritorial jurisdiction those public ways required being conveyed as a surface and sub-surface easement. ~~The land shall abut on a street or streets of adequate width in a partially platted area and is so situated that no additional streets, alleys, easements for utilities or other public property are required; or if required to conform to other public streets, alleys or other public ways and such additional property is shown on the plat as "Herein Dedicated."~~

(Ord. 843 (part), 1998: prior code § 25-15)

16.12.020 - Submittal requirements.

To be considered, four (4) copies of a summary plat meeting the following conditions shall be submitted to the City Manager's designated representative:

The summary plat for both residential and nonresidential developments shall be in conformance with the ~~Step I and Step III~~ final plat requirements for standard subdivisions. A certification of approval shall be on the plat for the signature of the City Manager's designated representative, to be attested by the City Clerk.

- A. For residential subdivisions, the summary plat shall be accompanied by support plans and documentation showing compliance with ~~Step III~~ construction improvement requirements for a standard subdivision, as necessary.
- B. For a nonresidential subdivision being processed under this procedure, the plat shall include the following items necessary for the City Manager's designated representative to review and approve the following items of consideration: proposed property boundaries, existing adjacent streets or alleys, and existing intersection and driveway locations on streets or roadways adjacent to and across from the tracts. This information will be reviewed along with existing water and sewer locations to serve the site.

(Ord. 843 (part), 1998: prior code § 25-16)

16.12.030 - Approval procedure.

- A. The City Manager's designated representative is authorized to approve subdivisions meeting the conditions of this section and conforming to the provisions of this chapter and shall, within ten (10) days of final submittal of all requested information, accept the proposed subdivision or send a written rejection detailing the reason for the rejection. Any ~~required construction for residential~~ **municipal infrastructures serving the subdivisions**, shall be completed or adequate surety provided prior to receiving final approval.
- B. The subdivider or the City Manager's designated representative may choose to have the subdivision reviewed by the Planning Board under the standard procedures if difficulties or unusual circumstances exist.
- C. Plats approved under this section shall be signed by the City Manager's designated representative and attested by the City Clerk and shall be reported to the Planning Board at its next regularly scheduled meeting and shall be included in the minutes of the meeting indicating such approval as coming under this section.

(Ord. 843 (part), 1998: prior code § 25-17)

16.12.040 - [Required improvements; summary process approval; city building permits, etc.]

- A. For all new subdivisions and re-subdivisions, all improvements will be required to be completed at the summary process approval or at the final plat filing, unless adequate financial security has been approved by the Planning Board and City Commission.
- B. For all City building permits, the permit application must contain plans for the complete construction of all of the required improvements within the abutting right-of-way to the property, including City utilities, paved streets, sidewalks, curbing, and traffic signals if applicable. The City will furnish required street signs ~~and street lights, if needed~~. For properties with two (2) or more un-built platted streets abutting the property, the Developer shall build to the length of the longest frontage.
- C. For all City building permits for new residential structures and mobile home placement permits, the lot, tract, parcel or real property containing the location of the new structure shall abut a dedicated public right-of-way with a paved street pursuant to minimum standards as specified by the City Engineer. If the permit location does not abut a paved dedicated street or is both unpaved and not dedicated, the permit applicant must cause the street to be dedicated and paved prior to the building permit being issued, unless adequate financial security has been approved by the Planning Board and City Commission. ~~The City will post notice signs to inform the public of this policy on affected streets.~~
- D. If the permit location's nearest property line is two hundred (200) feet or more from the nearest paving, it shall be exempt from the paving requirement, **providing a future assessment agreement is executed by the owner of record**. ~~but in~~ no case shall a permit be granted unless a public dedicated right-of-way exists for access.

(Ord. No. 1012, §§ 1, 2, 5-4-2009; Ord. No. 1027, 12-7-2009)

Editor's note— Ord. No. 1012, § 1, adopted May 4, 2009, repealed former § 16.12.040, which pertained to construction of nonresidential lot improvements. Section 2 of said ordinance enacted provisions designated as a new § 16.12.040 to read as herein set out. See also the Code Comparative Table and Disposition List.

Chapter 16.16 - DESIGN STANDARDS AND IMPROVEMENTS

16.16.010 - Streets.

- A. Arrangement and Character Generally. The arrangement, character, extent, width, grade and location of all streets shall conform to the current ~~official-City-map~~City of Hobbs Major Thoroughfare Plan Map, master plan or part thereof, and shall be considered in their relation to existing and planned streets, to topographical conditions and to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- B. Arrangement Where ~~Samesame~~ not Shown in City of Hobbs Major Thoroughfare Plan Map~~City-Map or-Master-Plan~~. Where such is not shown in the current City of Hobbs Major Thoroughfare Plan Map~~official-City-map, master-plan~~ or part thereof, the arrangement of streets in a subdivision shall either:
 - 1. Provide for the continuation of appropriate projection of existing ~~principal~~ streets in surrounding areas; or
 - 2. Conform to a plan for the neighborhood approved or adopted by the Planning Board to meet a particular situation, where topographical or other conditions make continuance or conformance to existing streets impracticable.
- C. Minor Residential Streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- D. Special Treatment for Subdivisions Containing ~~Major or Minor Arterial-Collector~~ Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Board may require marginal access streets, reverse frontage with screen planting or walls contained in a non-access reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- E. Subdivisions Bordering on or Containing Railroad or Limited Access Highway Rights-of-Way. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts. Such distance shall be determined with due regard for the requirements of approach grades and future grade separations.
- F. Reserve Strips. Reserve strips controlling access to streets shall be prohibited, except where their control is definitely placed in the City under conditions approved by the Planning Board.
- G. Street Jogs. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
- H. Tangents. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
 - I. Curves Connecting Street Lines. When connecting street lines deflect from each other at any one (1) point by more than ten (10) degrees, they shall be connected by a curve, with a radius adequate to insure a sight distance of not less than two hundred (200) feet for minor residential and collector streets and of such greater radius as the Planning Board shall determine for special cases.
- J. Angle of Intersection. Streets shall be laid out as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than sixty (60) degrees.
- K. Right-of-Way Widths. Street right-of-way widths shall be as shown in the ~~master-plan-and, where-not shown therein, shall not be less than as follows:~~

Arterial streets	80 feet
------------------------	---------

-City of Hobbs Major Thoroughfare Plan.

- L. Half Streets. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this title. Where the Planning Board finds it will be ~~practicable~~-feasible to require the dedication of the other half when the adjoining property is subdivided wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- M. Dead-End Streets. Dead-end streets, designed to be so permanently, shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet.
- N. Street Grades. No street grade shall be less than 0.1 percent.

(Prior code § 25-8)

16.16.020 - Alleys.

- A. Required—Exceptions. Alleys shall be provided in all areas; except, that the Planning Board may waive this requirement in residential or commercial areas where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with an adequate provision for the uses proposed.
- B. Width. The width of an alley shall not be less than twenty (20) feet.
- C. Alley Intersections. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, the corner shall be cut off sufficiently to permit safe vehicular movement.
- D. Dead-End Alleys shall be avoided where possible but, if unavoidable, shall be provided with adequate turning around facilities at the dead end, as determined by the Planning Board.
- E. If secondary continual vehicular access to the rear of residential lots is desired by a Developer, the secondary access to the lots must be created by a ~~dedicated public street or a~~ dedicated public rear access alley with a right of way width of no less than twenty four (24) feet and paving width of no less than twenty (20) feet. A private drive is not acceptable to serve as a rear alley to provide secondary continual vehicular access to residential lots unless a homeowner or similar association or organization has been created to permanently own and maintain the private rear access alley. Such an association must be legally created prior to approval of the final plat containing any private alleys in residential subdivisions.

(Prior code § 25-9)

(Ord. No. 1012, § 3, 5-4-2009)

16.16.030 - Easements.

- A. Generally. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.
- B. Stormwater Easements or Drainage Rights-of-Way. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the alignment of such watercourse, or such construction as will be adequate for the purposes, and as approved by the Planning Board.

(Prior code § 25-10)

16.16.040 - Blocks.

- A. The lengths, widths and shapes of blocks shall be determined with regard to:
 - 1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - 2. ~~Zoning~~ Requirements as to lot sizes and dimensions;
 - 3. Needs for convenient access, circulation, control and safety of street traffic;
 - 4. Limitations and opportunities of topography.
- B. Block lengths shall not exceed eight hundred eighty (880) feet, measured along the property lines.

(Prior code § 25-11)

16.16.050 - Lots.

- A. Appropriateness for Location and Type of Development and Use. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- B. Dimensions Generally.
 - 1. Minimum lot width for each lot containing a detached structure shall be thirty-five (35) feet.
 - 2. Minimum lot width for each lot containing an attached structure shall be twenty five (25) feet. For attached structures, lot width dimensions less than twenty-five (25) feet may also be approved by the City, pending review and approval of adequate parking, site design and other relevant factors by the Planning Board and City Commission. Minimum side yard setback on corner lots shall be ten (10) feet on the side of the lot contiguous to the side street.
- C. Commercial and Industrial Property. Depth and width of property reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- D. Corner Lots for Residential Use. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- (E) Access to Existing Public Streets. The subdividing of the land shall be such as to provide, by means of a public street, and each lot shall be provided with a thirty-five (35) feet minimum access to an existing public street. Minimum access width for each lot fronting a cul-de-sac shall be thirty (30) feet minimum measured on the property line to the curb line, and a thirty-five (35) feet minimum width measured at the building setback line. Each "Flag" lot, defined herein as a parcel of land accessible only by an extension of land connecting a public access street to the building site area of the parcel, shall have a minimum continuous access width of thirty-five (35) feet. Access shall mean a contiguous and continuous direct property boundary connecting to the public street.
- F. Double and Reverse Frontage Lots. Double frontage and reverse frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, across which there shall be no right of access, shall be provided along the line of lots abutting such traffic artery or other disadvantageous use.
- G. Intersections of Side Lot and Street Right-of-Way Lines. Side lot lines at the intersection with street right-of-way lines shall be substantially at right angles or radial to street lines.

(Prior code § 25-12)

(Ord. No. 1041, §§ 1—3, 3-7-2011)

16.16.060 - Street or sidewalk improvements defined.

"Street or sidewalk improvements" include any installation of curbs, pavement, sidewalks, drainage, utilities, signs, lights and any other such improvements which meet the approval of the Planning Board and conform to standards and specifications prescribed by the City Commissions.

(Prior code § 25-13)

16.16.070 - Required improvements.

The following improvements shall be required pursuant to this chapter:

- A. Monuments. Monuments of a type and design as approved by the Planning BoardDepartment shall be placed at all block corners, angle points, points of curves in streets, street intersections and points as shall be required by the Planning BoardDepartment. Such monuments may be of iron pipe not less than three-quarters ($\frac{3}{4}$) of an inch in diameter and two (2) feet in length, driven securely into solid earth, with the grades of same being at grade with established paving, flush with natural grade of the earth's surface or on existing paving. A four-inch bolt and washer may be used.
- B. Street Improvements. Street improvements shall include substantial permanent street signs at each intersection, such signs to be of a material and design as prescribed by the City Commission.
- C. Design Details and Construction Standards. Design details and construction standards for utility and street improvements shall conform to standard details and specifications adopted by the City Engineer and approved by the City Commission.

(Prior code § 25-14)

Title 16 - SUBDIVISIONS

Chapter 16.04 - GENERAL PROVISIONS AND ADMINISTRATION

16.04.010 - Definitions.

For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. Streets and Alleys. The term "street" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place or otherwise.
 - 1. "Major and Minor Arterial streets and highways" are those which are used primarily for large volumes of traffic. For development purposes, arterial streets are generally located along section lines.
 - 2. "Major Collector streets" are those which carry moderately high volumes of traffic and, for development purposes, are generally located along half section lines.
 - 3. "Minor Collector streets" are those which carry moderate volumes of traffic from major collectors or arterials. For development purposes, these streets are generally located halfway between collector or arterial streets.
 - 4. "Minor Residential streets" are those which are used primarily for access to abutting properties. This category carries low traffic volumes and includes residential or industrial streets.
 - 5. "Marginal access streets" are minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
 - 6. "Cul-de-sac" is a local street with only one (1) outlet and having an appropriate vehicle turnaround terminal for the safe and convenient reversal of traffic flows.
 - 7. "Alleys" are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street
 - 8. Pavement widths shall be as prescribed within the City of Hobbs Major Thoroughfare Plan.
- B. "Subdivide" or "subdivision" for the purpose of approval by a Municipal Planning Authority means:
 - 1. For the area of land within the corporate boundaries of the municipality, or within the extraterritorial planning and platting jurisdiction, the division of land into two (2) or more parts by platting or by metes and bounds description into tracts for the purposes set forth in subsection C of this section. Those subdivisions within the extraterritorial jurisdiction creating tracts of 5 acres or larger, regardless of the number of tracts created shall be reviewed under the Alternate Summary Procedure of this Code.
- C. The division of land pursuant to subsection (B)(1) of this section shall be for the purpose of:
 - 1. Sale;
 - 2. Laying out a municipality or any part thereof;
 - 3. Adding to a municipality;
 - 4. Laying out of lots; or
 - 5. Resubdivision.

(Ord. 842 § 2, 1998; prior code § 25-1)

16.04.020 - Variances and modifications.

- A. Hardships. Where the Planning Board finds that extraordinary hardships may result from strict compliance with this title, it may vary the regulations contained in this title, so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of such regulations.
- B. Large Scale Developments. The standards and requirements of this title may be modified by the Planning Board in the case of a plan and program for a new town, complete community or neighborhood unit which, in the judgment of the Planning Board, provide adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provide such covenants or other legal provisions as will assure conformity to and achievement of the plan.
- C. Conditions in Granting. In granting variances and modifications, the Planning Board may require such conditions as will, in its judgment, assure substantially the objectives of the standards or requirements so varied or modified.

(Prior code § 25-2)

Chapter 16.08 - PLATS AND PLATTING PROCEDURE

16.08.010 - Application fee.

Upon submittal of any plat as set forth in this chapter for consideration, the applicant shall pay to the City a fee in the sum of fifty dollars (\$50.00), for a subdivision eligible for summary process approval, or one hundred dollars (\$100.00) for a subdivision ineligible for summary process approval. No action shall be taken on such application unless such fee is paid.

(Prior code § 25-3)

16.08.020 – Sketch Plan Preliminary Review.

- A. For the purpose of expedience and reducing subdivision design and development costs, a subdivider may submit a Sketch Plan for Preliminary Review in accordance with the requirements provided herein. The Sketch Plan Review is intended to provide general advice to the subdivider about the procedures and data requirements for subdivision review and approval.
- B. No fee shall be required for the Sketch Plan Preliminary Review.
- C. Neither the subdivider nor the municipality shall be bound by any statements or determinations made during the Sketch Plan Preliminary Review.
- D. A sketch plan submitted for preliminary review by the subdivider shall show the proposed layout of streets and lots, with estimated dimensions and other relevant site information. The location of the proposed subdivision must be adequately described on a general map of the area.

16.08.030 - Preliminary plat—Generally

- A. The subdivider shall submit to the Planning Board a preliminary plat, together with **NM Licensed Professional Engineer** stamped construction plans and other supplementary material as specified in Section 16.08.030.
- B. Four (4) copies of the preliminary plat, stamped construction plans and supplementary material shall be submitted to the Planning Department along with the preliminary application fee. The Planning Department and City Engineer shall review such submittal for compliance hereto.
- C. Following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him or her, the City Engineer shall, within fifteen (15) days, act thereon as submitted or modified. If approved, the City Engineer shall express his approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express his disapproval and his or her reasons therefor, to the Planning Board.
- D. The action of the City Engineer shall be noted on two (2) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider and the other retained by the City Engineer.
- E. Conditional approval of a preliminary plat shall not constitute approval of the final plat (subdivision plat). Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

(Prior code § 25-4)

16.08.040 - Preliminary plat—Form and contents—Supplementary material.

The preliminary plat and accompanying supplementary material shall meet the following requirements:

- A. General Subdivision Information. General subdivision information shall describe or outline the existing conditions of the site and the proposed development, as necessary to supplement the drawings required in this section. This information shall include data on existing covenants, land characteristics and available community facilities and utilities and information describing the subdivision proposal, such as number of residential lots, typical lot width and depth, business area, playgrounds, park areas and other public areas, proposed protective covenants and proposed utilities and street improvements. Municipal franchisee utility service providers shall be notified of the proposed subdivision and such notice submitted to the City on a form acceptable by the City Engineer.
- B. Location Map. A location map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence such subdivision. Such map shall include development name and location; main traffic arteries; public transportation lines; shopping centers, elementary and high schools, parks and playgrounds and other community features, such as railroad stations, hospitals and churches; title scale; north arrow; and date. Proper certification shall be made upon the plat by a reputable, registered civil engineer or land surveyor, ascertaining that the plan represents a survey made by him and that all necessary monuments are accurately and correctly shown upon the plan. The engineer shall place such monuments as required by the City or by the City Engineer, and they shall be set at all corners and angle points of curve and at such intermediate points as shall be required by the City.
- C. Topographic Data. Topographic data required as a basis for the preliminary plat, pursuant to subsection D of this section, shall include existing conditions as follows, except when otherwise specified by the Planning Board:
 - 1. Boundary lines: bearings and distances;
 - 2. Easements: location, width and purpose;

3. Streets on and adjacent to the tract: names and rights-of-way, width and location; type, width and elevation of surfacing; any legally established centerline elevations; walks, curbs, gutters, culverts, etc.
 4. Utilities on and adjacent to the tract: location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles and street lights; if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers;
 5. Ground elevations on the tract, based on a datum plane approved by the City Engineer, along all drainage channels or swales and at selected points not more than one hundred (100) feet apart in all directions; show contours with an interval of not more than one (1) foot if ground slope is regular and such information is sufficient for planning purposes;
 6. Subsurface conditions on the tract, if required by the City Engineer: location results of tests made to ascertain subsurface soil, rock and ground water, unless test pits are dry at a depth of five (5) feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.
 7. Other conditions on the tract: watercourses, marshes, rock outcrop, wooded areas, isolated preservable trees, houses, barns, shacks and other significant features;
 8. Other conditions on adjacent land: approximate direction and gradient of ground slope, including any embankments or retaining wall; character and location of buildings, railroads, power lines, towers and other nearby land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land, refer to subdivision plat by name, recordation date and number and show approximate percent built up, typical lot size and dwelling type;
 9. Photographs, if required by the Planning Department; camera locations, directions of views and key numbers;
 10. Proposed or existing land use on and adjacent to the tract;
 11. When known, proposed public improvements: highways or other major improvements planned by public authorities for future construction on or near the tract;
 12. Key plan, showing location of the tract;
 13. Title and certificates: present tract designation according to official records in office of appropriate records; title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow, datum, benchmarks, certification of registered civil engineer or surveyor and date of survey.
- D. Scale—Proposals. The preliminary plat (general subdivision plan) shall be at a scale of one hundred (100) feet to one (1) inch or larger. It shall show all existing conditions required in subsection C of this section and shall show all proposals, including the following:
1. Streets: names; right-of-way and roadway widths; approximate grades and gradients; similar data for alleys, if any;
 2. Other rights-of-way or easements: location, widths and purpose;
 3. Location of utilities, if not shown on other exhibits;
 4. Lot lines, lot numbers and block numbers;
 5. Sites to be reserved or dedicated for parks, playgrounds or other public uses;
 6. Sites, if any, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses, exclusive of single-family dwelling;
 7. Minimum building setback lines;
 8. Site data, including number of residential lots, typical lot size and acres in parks, etc.;

9. Title, scale, north arrow and date.
- E. Other Preliminary Plans. When required by the City Engineer, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross section of the proposed subdivision; typical cross section of the proposed grading, roadway; and preliminary plan for proposed sanitary and storm sewers, with grades and sizes indicated. All elevations shall be based on a datum plane approved by the City Engineer.
- F. Draft of Protective Covenants. A draft of protective covenants, whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development, shall be included if proposed by the developer.
- G. Base flood elevation data shall be generated for subdivision proposals and other proposed development and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser.

(Prior code § 25-5)

16.08.050 - Final Plat—Generally.

- A. The final plat shall conform substantially to the preliminary plat as approved, and if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he or she proposes to record and develop at the time; provided, that such portions conform to all requirements of this title.
- B. Application for approval of the final plat shall be submitted in writing to the Planning Department at least ten (10) days prior to the meeting at which it is to be considered. All submittals for final plat approval shall include a Certification of Compliance from the Engineer of Record certifying that all municipal infrastructures are in place and has been installed as per plans and City of Hobbs Standards. Such certification shall be in a form acceptable to the City Engineer.
- C. A set of as-builts in printed and electronic format, as prescribed by the City Engineer, shall be prepared as specified in Section 16.08.050 and shall be submitted to the City Engineer concurrently with the application for final plat approval.
- D. The Planning Board shall approve or disapprove the final plat within thirty-five (35) days after final submission thereof and thereafter forward to the City Commission the report of their approval or disapproval.
- E. The City Commission shall, at their next regular meeting and within thirty (30) days, approve or disapprove the final plat.

(Prior code § 25-6)

16.08.060 - Final plat—Form and contents—Supplementary material.

The final plat and accompanying supplementary material shall meet the following requirements:

- A. Generally. The final plat shall be drawn in ink on tracing cloth on sheets eighteen (18) inches wide by twenty-four (24) inches long or twenty-six (26) inches wide by thirty-four (34) inches long and shall be at a scale of one hundred (100) feet to one (1) inch, or larger where necessary; the plat may be on several sheets, accompanied by an index sheet showing the entire subdivision. For larger subdivisions, the final plat may be submitted for approval progressively in continuous sections, satisfactory to the Planning Department. The final plat shall show the following:

1. Primary control points, approved by the City Engineer, or description and ties to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred;
 2. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites, with accurate dimensions, bearing or deflection angles and radii, arcs and central angles of all curves;
 3. Name and right-of-way width of each street or other right-of-way;
 4. Location, dimensions and purpose of any easements;
 5. Number to identify each lot or site;
 6. Purpose for which sites, other than residential lots, are dedicated or reserved;
 7. Location and description of monuments;
 8. Names of record owners of adjoining unplatted land;
 9. Reference to recorded subdivision plats of adjoining platted land by record name, date and number;
 10. Certification by surveyor or engineer, certifying to accuracy of surveys and plat;
 11. Certification title, showing that applicant is the land owner.
 12. Statement by owner dedicating streets, rights-of-way and any sites for public use;
 13. Title, scale, north arrow and date;
 14. Certificates for approval by the Planning Board;
 15. Certificates for approval by the City Commission.
- B. Cross Sections and Profiles of Streets. Cross sections and profiles of streets shall be included, showing grades approved by the City Engineer. The profiles shall be drawn by City standard scales and elevations and shall be based on a datum plane approved by the City Engineer.
- C. Certificate Concerning Improvements. A certificate by the City Engineer shall be included, certifying that the subdivider has complied with one (1) of the following alternatives:
1. All improvements have been installed in accordance with the requirements of this title and with the action of the City Engineer giving conditional approval of the preliminary plat. The City is in receipt of Certification by the Engineer of Record that all municipal infrastructures are in place and has been installed as per plans and City of Hobbs Standards.
 2. A surety company bond, City of Hobbs Resolution accepting a Development Agreement or other security acceptable to the Planning Board has been filed with the City Clerk, in sufficient amount to assure such completion of all required improvements.
 3. Other Data. Such other certificates, affidavits, endorsements or deductions shall be included as may be required by the Planning Department in the enforcement of this title.

(Prior code § 25-7)

Chapter 16.12 - ALTERNATE SUMMARY PROCEDURE

16.12.010 - Eligible subdivisions.

- A. Division of land into two (2) or more parcels by platting or metes and bounds description for specific purposes listed in Section 16.04.010(C) requires subdivision approval by the Municipal Planning

Authority. To expedite the process for proposed subdivisions ~~containg~~containing no more than 3 (three) lots excluding areas for dedication, subdivisions or resubdivision of property may be approved by summary procedure for the following:

1. Subdivisions of not more than three (3) parcels of land; or
2. Resubdivisions, where the combination or recombination of portions of previously platted lots does not increase the total number of lots.

B. The land **within the Municipal Boundaries** shall abut on a public street or streets of adequate width and is so situated that no additional streets, alleys, easements for utilities or other public property are required; or if required to conform to other public streets, alleys or other public ways and such additional property is shown on the plat as "Herein Dedicated", or if within the extraterritorial jurisdiction those public ways required ~~being~~may be conveyed as a surface and sub-surface easement **or a dedication, which fee vests in Lea County.**

(Ord. 843 (part), 1998: prior code § 25-15)

16.12.020 - Submittal requirements.

To be considered, four (4) copies of a summary plat meeting the following conditions shall be submitted to the City Manager's designated representative:

The summary plat for both residential and nonresidential developments shall be in conformance with the final plat requirements for standard subdivisions. A certification of approval shall be on the plat for the signature of the City Manager's designated representative, to be attested by the City Clerk.

- A. For residential subdivisions, the summary plat shall be accompanied by support plans and documentation showing compliance with construction improvement requirements for a standard subdivision, as necessary.
- B. For a nonresidential subdivision being processed under this procedure, the plat shall include the following items necessary for the City Manager's designated representative to review and approve the following items of consideration: proposed property boundaries, existing adjacent streets or alleys, and existing intersection and driveway locations on streets or roadways adjacent to and across from the tracts. This information will be reviewed along with existing water and sewer locations to serve the site.

(Ord. 843 (part), 1998: prior code § 25-16)

16.12.030 - Approval procedure.

- A. The City Manager's designated representative is authorized to approve subdivisions meeting the conditions of this section and conforming to the provisions of this chapter and shall, within ten (10) days of final submittal of all requested information, accept the proposed subdivision or send a written rejection detailing the reason for the rejection. Any municipal infrastructures serving the subdivision shall be completed or adequate surety provided prior to receiving final approval.
- B. The subdivider or the City Manager's designated representative may choose to have the subdivision reviewed by the Planning Board under the standard procedures if difficulties or unusual circumstances exist.
- C. Plats approved under this section shall be signed by the City Manager's designated representative and attested by the City Clerk and shall be reported to the Planning Board at its next regularly scheduled meeting and shall be included in the minutes of the meeting indicating such approval as coming under this section.

(Ord. 843 (part), 1998: prior code § 25-17)

16.12.040 - [Required improvements; summary process approval; city building permits, etc.]

- A. For all new subdivisions and re-subdivisions, all improvements will be required to be completed at the summary process approval or at the final plat filing, unless adequate financial security has been approved by the Planning Board and City Commission.
- B. For all City building permits, the permit application must contain plans for the complete construction of all of the required improvements within the abutting right-of-way to the property, including City utilities, paved streets, sidewalks, curbing, and traffic signals if applicable. The City will furnish required street signs. For properties with two (2) or more un-built platted streets abutting the property, the Developer shall build to the length of the longest frontage.
- C. For all City building permits for new residential structures and mobile home placement permits, the lot, tract, parcel or real property containing the location of the new structure shall abut a dedicated public right-of-way with a paved street pursuant to minimum standards as specified by the City Engineer. If the permit location does not abut a paved dedicated street or is both unpaved and not dedicated, the permit applicant must cause the street to be dedicated and paved prior to the building permit being issued, unless adequate financial security has been approved by the Planning Board and City Commission.
- D. If the permit location's nearest property line is two hundred (200) feet or more from the nearest paving, it shall be exempt from the paving requirement, providing a future assessment agreement is executed by the owner of record. In no case shall a permit be granted unless a public dedicated right-of-way exists for access.

(Ord. No. 1012, §§ 1, 2, 5-4-2009; Ord. No. 1027, 12-7-2009)

Editor's note— Ord. No. 1012, § 1, adopted May 4, 2009, repealed former § 16.12.040, which pertained to construction of nonresidential lot improvements. Section 2 of said ordinance enacted provisions designated as a new § 16.12.040 to read as herein set out. See also the Code Comparative Table and Disposition List.

Chapter 16.16 - DESIGN STANDARDS AND IMPROVEMENTS

16.16.010 - Streets.

- A. Arrangement and Character Generally. The arrangement, character, extent, width, grade and location of all streets shall conform to the current City of Hobbs Major Thoroughfare Plan Map, master plan or part thereof, and shall be considered in their relation to existing and planned streets, to topographical conditions and to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- B. Arrangement Where same not Shown in City of Hobbs Major Thoroughfare Plan Map. Where such is not shown in the current City of Hobbs Major Thoroughfare Plan Map or part thereof, the arrangement of streets in a subdivision shall either:
 - 1. Provide for the continuation of appropriate projection of existing streets in surrounding areas; or
 - 2. Conform to a plan for the neighborhood approved or adopted by the Planning Board to meet a particular situation, where topographical or other conditions make continuance or conformance to existing streets impracticable.
- C. Minor Residential Streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.

- D. Special Treatment for Subdivisions Containing Major or Minor Collector Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Board may require marginal access streets, reverse frontage with screen planting or walls contained in a non-access reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- E. Subdivisions Bordering on or Containing Railroad or Limited Access Highway Rights-of-Way. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts. Such distance shall be determined with due regard for the requirements of approach grades and future grade separations.
- F. Reserve Strips. Reserve strips controlling access to streets shall be prohibited, except where their control is definitely placed in the City under conditions approved by the Planning Board.
- G. Street Jogs. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
- H. Tangents. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
- I. Curves Connecting Street Lines. When connecting street lines deflect from each other at any one (1) point by more than ten (10) degrees, they shall be connected by a curve, with a radius adequate to insure a sight distance of not less than two hundred (200) feet for minor residential and collector streets and of such greater radius as the Planning Board shall determine for special cases.
- J. Angle of Intersection. Streets shall be laid out as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than sixty (60) degrees.
- K. Right-of-Way Widths. Street right-of-way widths shall be as shown in the City of Hobbs Major Thoroughfare Plan.
- L. Half Streets. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this title. Where the Planning Board finds it will be feasible to require the dedication of the other half when the adjoining property is subdivided wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- M. Dead-End Streets. Dead-end streets, designed to be so permanently, shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet.
- N. Street Grades. No street grade shall be less than 0.1 percent.

(Prior code § 25-8)

16.16.020 - Alleys.

- A. Required—Exceptions. Alleys shall be provided in all areas; except, that the Planning Board may waive this requirement in residential or commercial areas where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with an adequate provision for the uses proposed.
- B. Width. The width of an alley shall not be less than twenty (20) feet.
- C. Alley Intersections. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, the corner shall be cut off sufficiently to permit safe vehicular movement.

- D. Dead-End Alleys shall be avoided where possible but, if unavoidable, shall be provided with adequate turning around facilities at the dead end, as determined by the Planning Board.
- E. If ~~secondary-continual~~primary vehicular access to the rear of residential lots is desired by a Developer, the ~~secondary-continual~~primary vehicular access to the lots must be created by a dedicated public rear access alley with a right of way width of no less than twenty four (24) feet and paving width of no less than twenty (20) feet. A private drive is not acceptable to serve as a rear alley to provide ~~secondary-continual~~primary vehicular access to residential lots unless a homeowner or similar association or organization has been created to permanently own and maintain the private rear access alley. Such an association must be legally created prior to approval of the final plat containing any private alleys in residential subdivisions.

(Prior code § 25-9)

(Ord. No. 1012, § 3, 5-4-2009)

16.16.030 - Easements.

- A. Generally. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.
- B. Stormwater Easements or Drainage Rights-of-Way. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the alignment of such watercourse, or such construction as will be adequate for the purposes, and as approved by the Planning Board.

(Prior code § 25-10)

16.16.040 - Blocks.

- A. The lengths, widths and shapes of blocks shall be determined with regard to:
 - 1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - 2. Requirements as to lot sizes and dimensions;
 - 3. Needs for convenient access, circulation, control and safety of street traffic;
 - 4. Limitations and opportunities of topography.
- B. Block lengths shall not exceed eight hundred eighty (880) feet, measured along the property lines.

(Prior code § 25-11)

16.16.050 - Lots.

- A. Appropriateness for Location and Type of Development and Use. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- B. Dimensions Generally.
 - 1. Minimum lot width for each lot containing a detached structure shall be thirty-five (35) feet.
 - 2. Minimum lot width for each lot containing an attached structure shall be twenty five (25) feet. For attached structures, lot width dimensions less than twenty-five (25) feet may also be approved by the City, pending review and approval of adequate parking, site design and other

relevant factors by the Planning Board and City Commission. Minimum side yard setback on corner lots shall be ten (10) feet on the side of the lot contiguous to the side street.

- C. Commercial and Industrial Property. Depth and width of property reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- D. Corner Lots for Residential Use. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- (E) Access to Existing Public Streets. The subdividing of the land shall be such as to provide, by means of a public street, and each lot shall be provided with a thirty-five (35) feet minimum access to an existing public street. Minimum access width for each lot fronting a cul-de-sac shall be thirty (30) feet minimum measured on the property line to the curb line, and a thirty-five (35) feet minimum width measured at the building setback line. Each "Flag" lot, defined herein as a parcel of land accessible only by an extension of land connecting a public access street to the building site area of the parcel, shall have a minimum continuous access width of thirty-five (35) feet. Access shall mean a contiguous and continuous direct property boundary connecting to the public street.
- F. Double and Reverse Frontage Lots. Double frontage and reverse frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, across which there shall be no right of access, shall be provided along the line of lots abutting such traffic artery or other disadvantageous use.
- G. Intersections of Side Lot and Street Right-of-Way Lines. Side lot lines at the intersection with street right-of-way lines shall be substantially at right angles or radial to street lines.

(Prior code § 25-12)

(Ord. No. 1041, §§ 1—3, 3-7-2011)

16.16.060 - Street or sidewalk improvements defined.

"Street or sidewalk improvements" include any installation of curbs, pavement, sidewalks, drainage, utilities, signs, lights and any other such improvements which meet the approval of the Planning Board and conform to standards and specifications prescribed by the City Commissions.

(Prior code § 25-13)

16.16.070 - Required improvements.

The following improvements shall be required pursuant to this chapter:

- A. Monuments. Monuments of a type and design as approved by the Planning Department shall be placed at all block corners, angle points, points of curves in streets, street intersections and points as shall be required by the Planning Department. Such monuments may be of iron pipe not less than three-quarters ($\frac{3}{4}$) of an inch in diameter and two (2) feet in length, driven securely into solid earth, with the grades of same being at grade with established paving, flush with natural grade of the earth's surface or on existing paving. A four-inch bolt and washer may be used.
- B. Street Improvements. Street improvements shall include substantial permanent street signs at each intersection, such signs to be of a material and design as prescribed by the City Commission.

C. Design Details and Construction Standards. Design details and construction standards for utility and street improvements shall conform to standard details and specifications adopted by the City Engineer and approved by the City Commission.

(Prior code § 25-14)



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 15, 2017

SUBJECT: RESOLUTION TO APPROVE THE PRELIMINARY AND FINAL PLAN FOR MURRILLO SUBDIVISION, PENDING COUNTY APPROVAL, AS RECOMMENDED BY THE PLANNING BOARD. Located northeast of the intersection of Chance St. and N. Grimes within the extra-territorial platting jurisdiction of the City of Hobbs, submitted by property owner Rosalba Murillo AKA Rosalda Murillo.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: May 8, 2017
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: The Preliminary & Final Plan for Murrillo Subdivision is submitted by property owner Rosalba Murillo AKA Rosalda Murillo. The proposed subdivision is located northeast of the intersection of Chance St. and N. Grimes, and within the extra-territorial platting jurisdiction of the City of Hobbs, the proposed subdivision is compliant with MC Title 16 pending the installation of the required public infrastructures being the cul-de-sac of Illinois. The proposed subdivision encompasses +/- 9.36 acres and will contain 4 lots. The Planning Board reviewed this subdivision on April 18, 2017 and voted 4 to 0 to recommend approval pending County compliance and approval.

Fiscal Impact:

Reviewed By:

[Signature]
Finance Department

This subdivision is located within the Extraterritorial Jurisdiction of the City of Hobbs; each structure will be served by domestic water wells and private sewer systems. Lea County will assume maintenance of any infrastructure dedicated upon their acceptance of the same.

Attachments: Resolution, Preliminary\Final Plan, Planning Board Minutes.

Legal Review:

Approved As To Form:

[Signature]
City Attorney

Recommendation:

Consideration of Approval of the Resolution to approve the Preliminary\Final Plan for Murrillo Subdivision pending County compliance and approval, as recommended by the Planning Board.

Approved For Submittal By:

[Signature]
Department Director

[Signature]
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No.
Ordinance No.
Approved
Other

Continued To:
Referred To:
Denied
File No.

CITY OF HOBBS

RESOLUTION NO. 6548

A RESOLUTION TO APPROVE THE PRELIMINARY AND FINAL PLAN FOR MURRILLO SUBDIVISION, PENDING COUNTY APPROVAL, AS RECOMMENDED BY THE PLANNING BOARD.

WHEREAS, property owner Rosalba Murillo AKA Rosalda Murillo have submitted a Preliminary and Final Plan for Murrillo Subdivision, for review by the City Planning Board; and

WHEREAS, the subdivision's Preliminary and Final Plan was reviewed and recommended for approval by the Hobbs Planning Board, pending County compliance and approval, at the April 18, 2017 meeting; and

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BOARD OF THE CITY OF HOBBS, NEW MEXICO, that

1. The City of Hobbs hereby grants Preliminary and Final Plan Approval, pending County compliance and approval, to Murrillo Subdivision, as recommended by the Planning Board; and
2. The City officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 15th day of May, 2017.

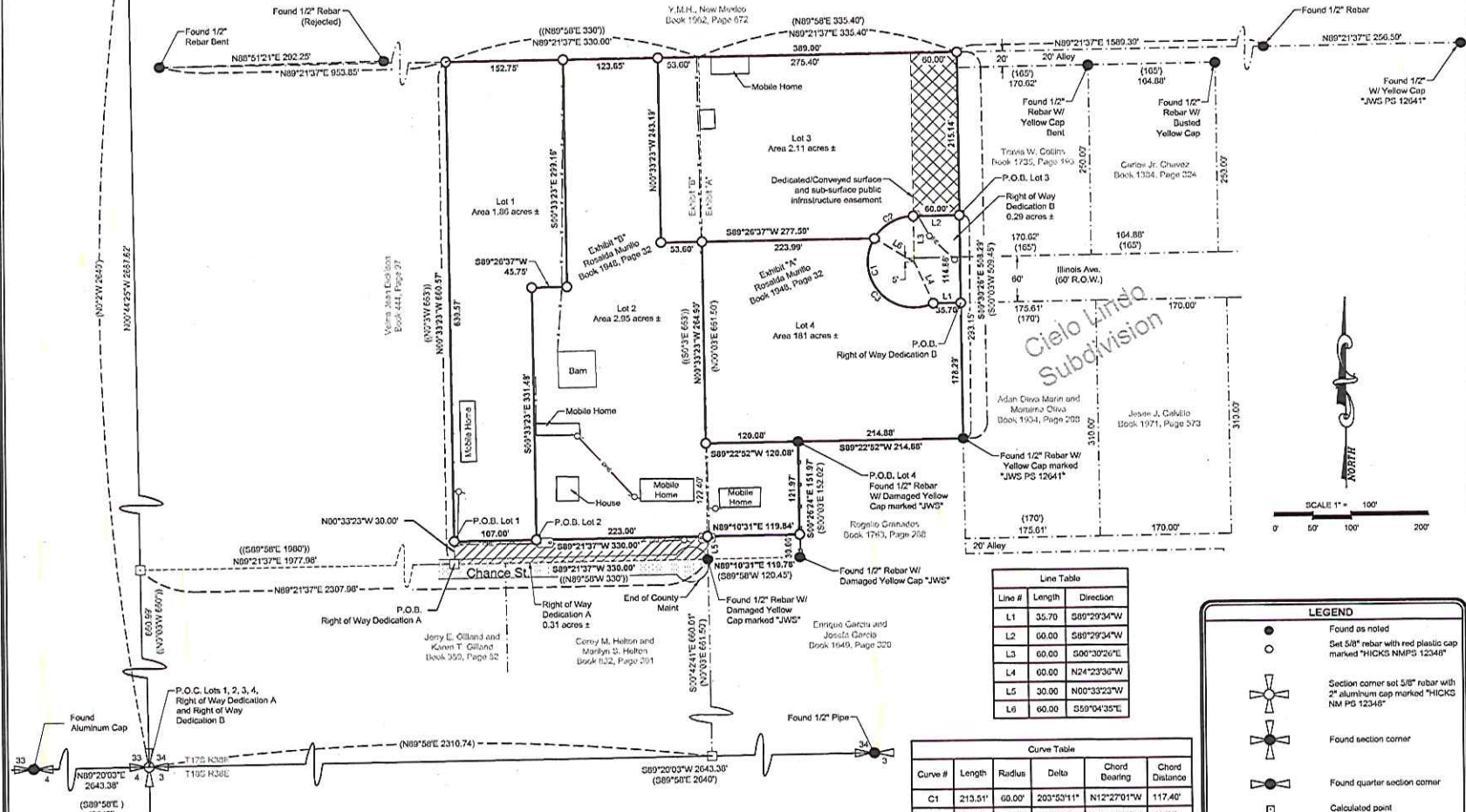
SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, CITY CLERK

MURRILLO SUBDIVISION

A CITY OF HOBBS SUBDIVISION AND LEA COUNTY TYPE 3A SUBDIVISION
 LOCATED IN THE SW1/4 OF SECTION 34, T17S, R38E, N.M.P.M., LEA COUNTY, NEW MEXICO.



RECORD DESCRIPTION - PER DEED BOOK 1048, PAGE 32

Exhibit "A"
 A tract of land located in the Southwest Quarter (SW1/4) of Section 34 Township 17 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Beginning at the Southwest corner of this tract which lies N89°58'E along the South line of said Section, a distance of 2310.74 feet (2310.00 feet record) and N00°03'E, 661.50 feet from the Southwest corner of said Section; then N00°03'E, 661.50 feet; then N89°58'E, 335.40 feet; then S00°03'W, 509.48 feet; then S89°58'W, 214.95 feet; then S00°03'W, 152.02 feet; then S89°58'W, 120.45 feet to the point of beginning.

Exhibit "B"
 Section 34 Township 17S Range 38E 5.02 ACLOC SE4SW4 TR Beginning N0°3'W 660' & S89°58'E 1980' From SW Corner of LTH N0°3'W 663', S89°58'E 330', S0°3'E 663', N89°58'W 330' To Beginning.

BASIS OF BEARING

The basis of bearing for this survey is Grid North based on the New Mexico State Plane Coordinate System, East Zone, as determined by GPS/GNSS observations. Ground coordinates are obtained by scaling about a control point located at N32°40'03.64577", W103°10'44.87982" by a combined scale factor of 0.9998824473. True north can be obtained by applying a convergence angle of 00°38'52.33" at a 1/2" robar with damage yellow cap marked "JWS" being the Point of Beginning of Lot 4.

CERTIFICATE OF SURVEY

I, William M. Hicks, III New Mexico Professional Surveyor, hereby certify that this Subdivision Plat was prepared from an actual ground survey performed by me or under my supervision, that this survey is true and correct to the best of my knowledge and belief. That this Subdivision Plat and the field survey upon which it is based meet the Minimum Standards for Surveying in New Mexico.

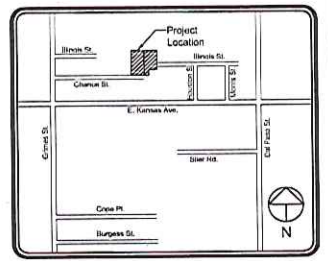
William M. Hicks, III NMPS #12348 Date

Line Table

Line #	Length	Direction
L1	35.70	S89°29'34"W
L2	60.00	S89°29'34"W
L3	60.00	S00°30'26"E
L4	60.00	N24°23'30"W
L5	30.00	N00°33'23"W
L6	60.00	S59°04'35"E

Curves Table

Curve #	Length	Radius	Delta	Chord Bearing	Chord Distance
C1	213.51'	60.00'	203°53'11"	N12°27'01"W	117.40'
C2	61.33'	60.00'	58°34'09"	S60°12'30"W	56.79'
C3	152.18'	60.00'	145°19'01"	S41°44'06"E	114.55'



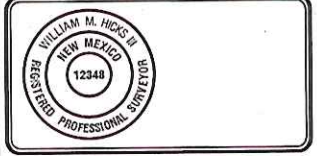
VICINITY MAP N.T.S.

LEGEND

- Found as noted
- Set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"
- ⊕ Section corner set 5/8" rebar with 2" aluminum cap marked "HICKS NM PS 12348"
- ⊕ Found section corner
- ⊕ Found quarter section corner
- Calculated point
- ⊕ Power pole
- ⊕ Gas meter
- Lot line
- Building line
- Property line
- Chainlink fence
- Barbed wire fence
- Metal fence
- Overhead electric line
- Asphalt
- Right of way dedication
- Dedicated/Conveyed surface and sub-surface public infrastructure easement
- Measured bearing and distance
- Exhibit A record bearing and distance
- Exhibit B record bearing and distance

PETTIGREW & ASSOCIATES PA
 ENGINEERING | SURVEYING | TESTING
 DEFINING QUALITY SINCE 1965
 100 E. Navajo - Suite 100, Hobbs New Mexico 88240
 T 575 393 9827 F 575 393 1543
 Pettigrew.us

PROJECT SURVEYOR: J. Daker
 DRAWN BY: J. Esquivel



INDEXING INFORMATION FOR COUNTY CLERK

OWNER:
 Rosalba Murillo

LOCATION:
 Located in the SW1/4 of Section 34, T17S, R38E, N.M.P.M., Lea County, New Mexico.

REVISIONS

No.	DATE	DESCRIPTION

State of New Mexico, County of _____, I hereby certify that this instrument was filed for record on:
 20 ____ A.D.
 At ____ O'Clock ____ M.
 Cabinet ____ Slide ____
 Book ____ Page ____
 By _____ County Clerk
 By _____ Deputy

PLAT OF MURILLO SUBDIVISION FOR ROSALBA MURILLO

PROJECT NUMBER: 2016.1109

SHEET: 1 of 2
SU - 101

NEW DESCRIPTION - LOT 1

A tract of land located in the SW1/4 of Section 34, T17S, R38E, N.M.P.M., Lea County, New Mexico and being more particularly described by metes and bounds as follows:

Commencing at a 5/8" rebar with 2" aluminum cap marked "HICKS NMPS 12348" set for the southwest corner of Section 34, Township 17 South, Range 38 East, N.M.P.M., Lea County, New Mexico, then N00°44'25"W 660.99 feet along the West line of said Section 34 to a calculated point, and N89°21'37"E 1977.98 feet to a calculated point, and N00°33'23"W 30.00 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" for a Point of Beginning; Thence N00°33'23"W 630.57 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N89°21'37"E 152.75 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°33'23"E 299.16 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°26'37"W 45.75 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°33'23"E 331.48 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°21'37"W 107.00 feet to the Point of Beginning, Containing 1.86 acres ±.

NEW DESCRIPTION - LOT 2

A tract of land located in the SW1/4 of Section 34, T17S, R38E, N.M.P.M., Lea County, New Mexico and being more particularly described by metes and bounds as follows:

Commencing at a 5/8" rebar with 2" aluminum cap marked "HICKS NMPS 12348" set for the southwest corner of Section 34, Township 17 South, Range 38 East, N.M.P.M., Lea County, New Mexico, then N00°44'25"W 660.99 feet along the West line of said Section 34 to a calculated point, and N89°21'37"E 1977.98 feet to a calculated point, and N00°33'23"W 30.00 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N89°21'37"E 107.00 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N00°33'23"W 331.48 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N89°26'37"E 45.75 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N00°33'23"W 299.16 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N89°21'37"E 123.65 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°33'23"E 243.19 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°26'37"E 53.60 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°33'23"E 264.90 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N89°22'52"E 120.08 feet to a found 1/2" rebar with damaged yellow cap marked "JWS"; thence S00°26'24"E 121.97 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°10'31"W, 119.84 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°21'37"W, 223.00 feet to the Point of Beginning, Containing 2.95 acres ±.

NEW DESCRIPTION - LOT 3

A tract of land located in the SW1/4 of Section 34, T17S, R38E, N.M.P.M., Lea County, New Mexico and being more particularly described by metes and bounds as follows:

Commencing at a 5/8" rebar with 2" aluminum cap marked "HICKS NMPS 12348" set for the southwest corner of Section 34, Township 17 South, Range 38 East, N.M.P.M., Lea County, New Mexico, then N00°44'25"W 660.99 feet along the west line of said Section 34 to a calculated point, and N89°21'37"E passing a calculated point at 1977.98 feet and continuing for a total distance of 2307.98 feet to a found 1/2" rebar with damaged yellow cap marked "JWS", and N89°10'31"E 119.78 feet to a found 1/2" rebar with damaged yellow cap marked "JWS", and N00°26'24"W passing a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 30.00 feet and continuing for a total distance of 151.97 feet to a found 1/2" rebar with damaged yellow cap marked "JWS", and N89°22'52"E 214.88 feet to a found 1/2" rebar with yellow cap marked "JWS PS 12641", and N00°30'26"W passing a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 178.29 feet and continuing for a total distance of 293.15 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" for a Point of Beginning; Thence S89°29'34"W 60.00 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" a point of curvature, thence 61.33 feet along an arc of a 60.00 foot radius curve to the left having a delta angle S89°34'09" and a chord bearing of S60°12'30"W 58.70 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°26'37"W 277.50 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N00°33'23"W, 243.19 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N89°21'37"E, 389.00 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°30'26"E, 215.14 feet to the Point of Beginning, Containing 2.11 acres ±.

NEW DESCRIPTION - LOT 4

A tract of land located in the SW1/4 of Section 34, T17S, R38E, N.M.P.M., Lea County, New Mexico and being more particularly described by metes and bounds as follows:

Commencing at a 5/8" rebar with 2" aluminum cap marked "HICKS NMPS 12348" set for the southwest corner of Section 34, Township 17 South, Range 38 East, N.M.P.M., Lea County, New Mexico, then N00°44'25"W, 660.99 feet along the west line of said Section 34 to a calculated point, and N89°21'37"E passing a calculated point at 1977.98 feet and continuing for a total distance of 2307.98 feet to a found 1/2" rebar with damaged yellow cap marked "JWS", and N89°10'31"E 119.78 feet to a found 1/2" rebar with damaged yellow cap marked "JWS", and N00°26'24"W passing a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 30.00 feet and continuing for a total distance of 151.97 feet to a found 1/2" rebar with damaged yellow cap marked "JWS" for a Point of Beginning; Thence S89°22'52"E 120.08 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N00°33'23"W 264.90 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N89°26'37"E 223.99 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" a point on a non-tangent curve to the left having a 60.00 foot radius bearing S50°04'35"E; thence 152.18 feet along the arc of said non-tangent curve having a delta angle of 145°19'01" and a chord bearing S41°44'06"E 114.55 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348", a point of non-tangency; thence N89°29'34"E 35.67 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°30'26"E 178.29 feet to a found 1/2" rebar with yellow cap marked "JWS PS 12641"; thence S89°22'52"W, 214.88 feet to the Point of Beginning, Containing 1.81 acres ±.

DESCRIPTION OF RIGHT OF WAY DEDICATION A

A tract of land located in the SW1/4 of Section 34, T17S, R38E, N.M.P.M., Lea County, New Mexico and being more particularly described by metes and bounds as follows:

Commencing at a 5/8" rebar with 2" aluminum cap marked "HICKS NMPS 12348" set for the southwest corner of Section 34, Township 17 South, Range 38 East, N.M.P.M., Lea County, New Mexico, then N00°44'25"W 660.99 feet along the west line of said Section 34 to a calculated point, and N89°21'37"E 1977.98 feet to a calculated point, and N00°33'23"W 30.00 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N89°21'37"E passing a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N00°33'23"W 30.00 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N89°21'37"E passing a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N00°33'23"W 30.00 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N89°10'31"E 119.84 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°26'24"E 30.00 feet to a found 1/2" rebar with damaged yellow cap marked "JWS"; thence S89°10'31"W 119.78 feet to a found 1/2" rebar with damaged yellow cap marked "JWS"; thence S89°21'37"W 330.00 feet to the Point of Beginning, Containing 0.31 acres ±.

DESCRIPTION OF RIGHT OF WAY DEDICATION B

A tract of land located in the SW1/4 of Section 34, T17S, R38E, N.M.P.M., Lea County, New Mexico and being more particularly described by metes and bounds as follows:

Commencing at a 5/8" rebar with 2" aluminum cap marked "HICKS NMPS 12348" set for the southwest corner of Section 34, Township 17 South, Range 38 East, N.M.P.M., Lea County, New Mexico, then N00°44'25"W, 660.99 feet along the west line of said Section 34 to a calculated point, and N89°21'37"E passing a calculated point at 1977.98 feet and continuing for a total distance of 2307.98 feet to a found 1/2" rebar with damaged yellow cap marked "JWS", and N89°10'31"E 119.78 feet to a found 1/2" rebar with damaged yellow cap marked "JWS", and N00°26'24"W 152.02 feet to a found 1/2" rebar with damaged yellow cap marked "JWS", and N89°22'52"E 214.88 feet to a found 1/2" rebar with yellow cap marked "JWS PS 12641", and N00°30'26"W 178.29 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" for a Point of Beginning; Thence S89°29'34"W 35.70 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" a point on a non-tangent curve to the right having a 60.00 foot radius bearing N24°23'36"W; thence 213.51 feet along the arc of said non-tangent curve having a delta angle 203°53'11" and a chord bearing of N12°27'01"W 117.40 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" a point of tangency; thence N89°29'34"W 60.00 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°30'26"E 114.86 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" being the Point of Beginning, Containing 0.29 acres ±.

OWNERS STATEMENT AND AFFIDAVIT

State Of New Mexico:
County Of Lea:

The undersigned first duly sworn on oath, state: On behalf of the owners and proprietors we have of our own free will and consent caused this plat with its tracts to be platted and the areas shown and described hereon as right of way dedication and easements to be dedicated to the public forever. The property described on this plat lies within the platting jurisdiction of City of Hobbs and Lea County.

By _____
Rosalba Murillo AKA Rosalda Murillo

ACKNOWLEDGMENT

State Of New Mexico:
County Of Lea:

On this _____ day of _____, 20____, before me, _____, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Witness my hand and official seal the day and year last above written.

My commission expires: _____.

Notary Public

CERTIFICATE OF APPROVAL BY THE LEA COUNTY PLANNING & ZONING

Be it known that this subdivision plat, was submitted to the Lea County Planning and Zoning Board, assembled at a meeting on _____ day of _____, 2017 A.D., and the Roadway Dedication and the dedicated/conveyed surface and sub-surface public infrastructure easement as shown in the attached plat was thereby approved and accepted by a majority of the board.

Attest:

Chairman County Clerk

ACKNOWLEDGMENT

State Of New Mexico:
County Of Lea:

On this _____ day of _____, 2017, before me appeared, _____ and _____, known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Witness my hand and official seal the day and year last above written.

Notary Public

My commission expires: _____.

CERTIFICATE OF APPROVAL BY THE LEA COUNTY COMMISSION

Be it known that this subdivision plat was submitted to the commissioners of Lea County, New Mexico assembled at a meeting on this _____ day of _____, 2017 A.D., and the Roadway Dedication as shown on the attached plat was thereby approved and accepted by a majority of the of the board.

In witness whereof, the Board of Lea County Commissioners of Lea County, New Mexico has caused this instrument to be signed on its behalf by its chairman and attested by the Lea County Clerk on this _____ day of _____, 2017 A.D.

Attest:

Ron Black, Chairman County Clerk

ACKNOWLEDGMENT

State Of New Mexico:
County Of Lea:

On this _____ day of _____, 2017, before me appeared, _____, known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Witness my hand and official seal the day and year last above written.

Notary Public

My commission expires: _____.

CERTIFICATE OF APPROVAL CITY PLANNING BOARD

The Plat, Restrictions and Dedication reviewed and approved the _____ day of _____, 20____ A.D. by the City Planning Board of Hobbs, New Mexico.

Chairman

ACKNOWLEDGMENT

State Of New Mexico:
County Of Lea:

On this _____ day of _____, 2017, before me appeared, _____, known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Witness my hand and official seal the day and year last above written.

Notary Public

My commission expires: _____.

CERTIFICATE OF APPROVAL CITY COMMISSION

I, Jan Fletcher, the duly appointed and acting City Clerk of the City of Hobbs, Lea County, New Mexico, do hereby certify that the foregoing plat in Lea County, New Mexico, was approved by the commission of the City of Hobbs by Resolution No. _____ on the _____ day of _____, 20____.

Jan Fletcher, City Clerk

ACKNOWLEDGMENT

State Of New Mexico:
County Of Lea:

On this _____ day of _____, 20____, before me, _____, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Witness my hand and official seal the day and year last above written.

My commission expires: _____.

Notary Public

PETTIGREW & ASSOCIATES PA
ENGINEERING | SURVEYING | TESTING
DEFINING QUALITY SINCE 1965
100 E. Navajo - Suite 100, Hobbs New Mexico 88240
T 575 393 9827 F 575 393 1543
Pettigrew.us

PROJECT SURVEYOR: J. Baker
DRAWN BY: J. Esquivel



INDEXING INFORMATION FOR COUNTY CLERK
OWNER:
Rosalda Murillo
LOCATION:
Located in the SW1/4 of Section 34, T17S, R38E, N.M.P.M., Lea County, New Mexico.

REVISIONS

No.	DATE	DESCRIPTION

State of New Mexico, County of _____, I hereby certify that this instrument was filed for record on:
The _____ Day of _____, 20____ A.D.
At _____ O'Clock _____ M.
Cabinet _____ Slide _____
Book _____ Page _____
By _____ County Clerk
By _____ Deputy

PLAT OF MURILLO SUBDIVISION FOR ROSALBA MURILLO

PROJECT NUMBER:
2016.1109

SHEET: **2** of **2**
SU - 102

permit. The vote on the motion was 5-0 and the motion carried.

7) Review and Consider Preliminary Plat Approval of a proposed subdivision located northeast of the intersection of Chance St. and North Grimes within the Extra-Territorial Jurisdiction.

Mr. Hicks said the next item is to approve the Preliminary Plat off Chance Street. He said his firm is the surveyor group on this project. Mr. Robinson said this has not gone to the County Planning and Zoning. He said this is a dedication of Chance and a dedication of a cul-de-sac which will be the continuation of Illinois. He said this would give each individual property adjacent to the proposed cul-de-sac access to a dedicated right-of-way. He said there is a dedication to a surface and subsurface infrastructure easement going from Illinois north. He said that would be on the line of the Major Thoroughfare Plan and an extension of Fowler.

Mr. Ramirez asked how many lots would it be? Mr. Robinson said 4 lots. Mr. Hicks asked about the status of the development of Chance Street. Mr. Robinson said it is a County maintained Roadway.

Mr. Hicks asked if they are requiring the developers to build the cul-de-sac on Illinois? Mr. Reid said yes because there is no way to get to the back property without it. He said Fire Trucks need to be able to get in and out also.

Mr. Penick left the meeting at 11:06 am.

Mr. Kesner made a motion, seconded by Mr. Drennan to approve the Preliminary Plat for the Murrillo development pending County approval. Mr. Robinson asked if would be proper to do a preliminary and final approval? The Board agreed. Mr. Kesner, seconded by Mr. Drennan amended the motion to approve the Preliminary and Final Plat as long it is compliant with the county. The vote on the motion was 4-0 and the motion carried.

8) Review and Consider proposed amendment of Municipal Code Title 16 (Subdivision Regulations).

Mr. Robinson said the Municipal staff and the County staff have had numerous meetings about Title 16. He said the municipal subdivision regulations and the county subdivision regulations are extremely compatible. He said the issue has been the claim of exemption. He said that is when the person is exempt from county rules and regulations for their subdivision. He said the municipality has in Title 16 that any plat above 5 acres does not require municipal approval. He said within the ETJ it leaves a possibility of a plat that is 10 acres being divided where one tract of land is not contiguous to a public right-of-way. He said as everything sets today the municipality would not be required to approve that plat and the county only has to approve the claim of exemption.

The Board discussed the recent changes made to this Code. Mr. Hicks said the Board has had numerous meetings on this item and he recommends this be approved and sent to the City Commission with the amendments. Mr. Ramirez made a motion, seconded by Mr. Drennan to approve the amendments to Municipal Code Title 16 and send it to the City Commission. The vote on the motion was 4-0 and the motion carried.



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 15, 2017

SUBJECT: RESOLUTION TO APPROVE CONDITIONALLY THE PRELIMINARY AND FINAL PLAN FOR SANCHEZ SUBDIVISION AS RECOMMENDED BY THE PLANNING BOARD. Located southwest of the intersection of Pawnee and N. Pool within the extra-territorial platting jurisdiction of the City of Hobbs, submitted by property owner Pablo Sanchez.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: May 8, 2017
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: The Preliminary & Final Plan for Sanchez Subdivision is submitted by property owner Pablo Sanchez. The proposed subdivision is located southwest of the intersection of Pawnee and N. Pool, and within the extra-territorial platting jurisdiction of the City of Hobbs, the proposed subdivision is compliant with MC Title 16 with one exception. Public infrastructure, in this case an improved publicly maintained roadway, is not extended fully to the western boundaries of the parent parcel creating an "infrastructure gap" of +/- 113'. The proposed subdivision encompasses +/- 7.92 acres and will contain 4 lots. The Planning Board reviewed this subdivision on August 16, 2016 and voted 5 to 0 to recommend approval subject to the property owner installing the required infrastructures or entering into a Development Agreement with the County.

Fiscal Impact:

Reviewed By: [Signature]
Finance Department

This subdivision is located within the Extraterritorial Jurisdiction of the City of Hobbs; each structure will be served by domestic water wells and private sewer systems. Lea County will assume maintenance of any infrastructure dedicated upon their acceptance of the same.

Attachments: Resolution, Preliminary\Final Plan, Planning Board Minutes.

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

Consideration of Approval of the Resolution to approve conditionally the Preliminary\Final Plan for Sanchez Subdivision, as recommended by the Planning Board.

Approved For Submittal By:

[Signature]
Department Director

[Signature]
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved _____ Denied _____
Other _____ File No. _____

CITY OF HOBBS

RESOLUTION NO. 6549

A RESOLUTION TO APPROVE CONDITIONALLY THE PRELIMINARY AND FINAL PLAN FOR SANCHEZ SUBDIVISION AS RECOMMENDED BY THE PLANNING BOARD.

WHEREAS, property owners Pablo Sanchez have submitted a Preliminary and Final Plan for Sanchez Subdivision, for review by the City Planning Board; and

WHEREAS, the subdivision's Preliminary and Final Plan was reviewed and recommended for approval conditionally by the Hobbs Planning Board at the August 16, 2016 meeting; and

WHEREAS, approval herewith is subject to the property owner installing the required infrastructures or entering into a Development Agreement with the County.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BOARD OF THE CITY OF HOBBS, NEW MEXICO, that

1. The City of Hobbs hereby grants Preliminary and Final Plan Approval Conditionally to Sanchez Subdivision, as recommended by the Planning Board; and
2. The City officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 15th day of May, 2017.

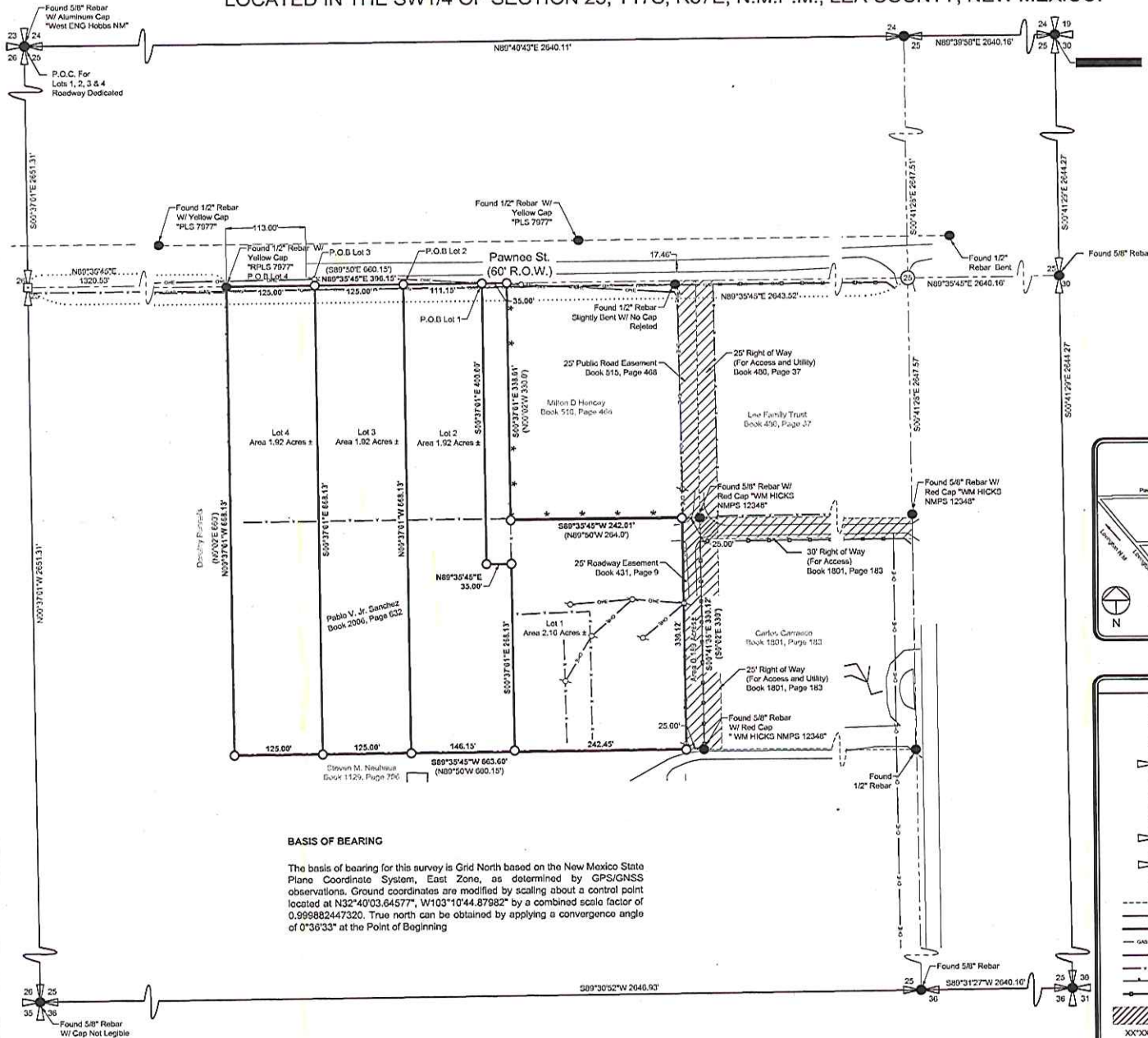
SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, CITY CLERK

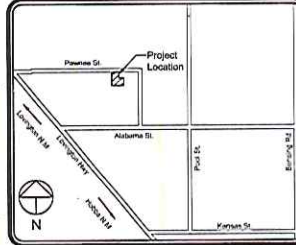
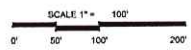
SANCHEZ SUBDIVISION

A LEA COUNTY TYPE 3A SUBDIVISION AND A CITY OF HOBBS SUBDIVISION
 LOCATED IN THE SW1/4 OF SECTION 25, T17S, R37E, N.M.P.M., LEA COUNTY, NEW MEXICO.



BASIS OF BEARING

The basis of bearing for this survey is Grid North based on the New Mexico State Plane Coordinate System, East Zone, as determined by GPS/GNSS observations. Ground coordinates are modified by scaling about a control point located at N32°40'03.64577", W103°10'44.87982" by a combined scale factor of 0.999882447320. True north can be obtained by applying a convergence angle of 0°36'33" at the Point of Beginning

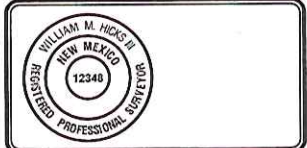


LEGEND

- Found as noted
- Set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"
- Calculated point
- Calculated Section corner
- Calculated Quarter Section corner
- Found section corner
- Found quarter section corner
- Section section corner
- Lot line
- Section line
- Property line
- GAS --- Gas line
- OHC --- Overhead electric line
- Barbed wire fence
- Cinder block fence
- Metal fence
- /// Easement
- XXX'XXX" XX'XX" Measured bearing and distance
- (XX'XXX" XX'XX") Record bearing and distance

PETTIGREW & ASSOCIATES PA
 ENGINEERING | SURVEYING | TESTING
 DEFINING QUALITY SINCE 1965
 100 E. Navajo - Suite 100, Hobbs New Mexico 88240
 T 575 393 9827 F 575 393 1543
 Pettigrew.us

PROJECT SURVEYOR: J. Baker
 DRAWN BY: D. Trevizo



INDEXING INFORMATION FOR COUNTY CLERK

OWNER:
Pablo Sanchez

LOCATION:
Located in the SW1/4 of Section 25, T17S, R37E, N.M.P.M., City of Hobbs, Lea County, New Mexico.

REVISIONS

No.	DATE	DESCRIPTION

State of New Mexico, County of _____
 I here by certify that this instrument was filed for record on:
 The _____ Day of _____,
 20 _____ A.D.
 At _____ O'Clock _____ M.
 Cabinet _____ Slide _____
 Book _____ Page _____
 By _____
 County Clerk
 By _____
 Deputy

SUBDIVISION PLAT OF SANCHEZ SUBDIVISION FOR PABLO SANCHEZ

PROJECT NUMBER:
2016.1078

SHEET: 1 of 2
SU - 101

RECORD DESCRIPTION - PER DEED BOOK 2006, PAGE 632

Tract 1

A tract of land located in the Northeast Quarter of the Southwest Quarter of Section 25, Township 17 South, Range 37 East, N.M.P.M., Lea County, New Mexico being more particularly described as follows:

Beginning S89°50'E 1320.3 feet from the Northwest corner of the Southwest Quarter of said Section 25; thence S89°50'E 660.15 feet; thence S00°02'E 330.0 feet; thence N89°50'W 660.15 feet; thence N00°02'W 330.0 feet to the point of beginning, LESS AND EXCEPT a tract BEGINNING at a point which lies S89°50'E 1716.45 feet from the West Quarter Corner of said Section 25; thence S89°50'E 264.0 feet; thence S00°02'E 330.0 feet; thence N89°50'W 264.0 feet; thence N00°02'W 330.0 feet to the point of beginning.

Tract 2

A tract of land located in the Northeast Quarter of the Southwest Quarter of Section 25, Township 17 South, Range 37 East, N.M.P.M., Lea County, New Mexico being further described as follows; BEGINNING S89°50'E 1320.3 feet and S0°02'E 330 feet from the Northwest corner of the Southwest Quarter of said Section 25; thence S89°50'E 660.15 feet; thence S0°02'E 330 feet; thence N89°50'W 660.15 feet; thence N0°02'E 330 feet to the point of beginning

Subject to reservation, restrictions and easements appearing of record with warranty covenants.

LEGAL DESCRIPTION NEW LOT 1

A tract of land located in the SW1/4 of Section 25, T17S, R37E, N.M.P.M., City of Hobbs, Lea County, New Mexico and being more particularly described by metes and bounds as follows:

Commencing at a found 5/8" rebar with Aluminum cap marked "West Eng. Hobbs NM", being the northwest corner of Section 25; thence S00°37'01"E 2651.31 feet along the west line of Section 25; thence N89°35'45"E along the north line of the Southwest Quarter of Section 25 passing a found 1/2" rebar with yellow cap marked "RPLS 7977" at 1320.53 feet, passing a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 1445.53 feet, also passing a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 1570.53 feet and continuing for a total distance of 1681.88 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" for a Point of Beginning; thence N89°35'45"E 35.00 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°37'01"E 338.01 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°35'45"W 242.01 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°41'36"E 330.12 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°35'45"W 242.45 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N00°37'01"W 266.13 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°35'45"W 35.00 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N00°37'01"W 400.00 feet to the Point of Beginning.

Containing 2.16 acres, more or less.

LEGAL DESCRIPTION NEW LOT 2

A tract of land located in the SW1/4 of Section 25, T17S, R37E, N.M.P.M., City of Hobbs, Lea County, New Mexico and being more particularly described by metes and bounds as follows:

Commencing at a found 5/8" rebar with Aluminum cap marked "West Eng. Hobbs NM", being the northwest corner of Section 25; thence S00°37'01"E 2651.31 feet along the west line of Section 25; thence N89°35'45"E along the north line of the Southwest Quarter of Section 25 passing a found 1/2" rebar with yellow cap marked "RPLS 7977" at 1320.53 feet, passing a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 1445.53 feet and continuing for a total distance of 1570.53 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" for a Point of Beginning; thence N89°35'45"E 111.15 feet along the north line of the Southwest quarter of Section 25 to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°37'01"E 400.00 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N89°35'45"E 35.00 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°37'01"E 266.13 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°35'45"E 146.15 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N00°37'01"W 668.13 feet to the Point of Beginning.

Containing 1.92 acres, more or less.

LEGAL DESCRIPTION NEW LOT 3

A tract of land located in the SW1/4 of Section 25, T17S, R37E, N.M.P.M., City of Hobbs, Lea County, New Mexico and being more particularly described by metes and bounds as follows:

Commencing at a found 5/8" rebar with Aluminum cap marked "West Eng. Hobbs NM", being the northwest corner of Section 25; thence S00°37'01"E 2651.31 feet along the west line of Section 25; thence N89°35'45"E along the north line of the Southwest quarter of Section 25 passing a found 1/2" rebar with yellow cap marked "RPLS 7977" at 1320.53 feet and continuing for a total distance of 1445.53 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" for a Point of Beginning; thence N89°35'45"E 125.00 feet along the north line of the Southwest quarter of Section 25 to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°37'01"E 668.13 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°35'45"W 125.00 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N00°37'01"W 668.13 feet to the Point of Beginning.

Containing 1.92 acres, more or less.

LEGAL DESCRIPTION NEW LOT 4

A tract of land located in the SW1/4 of Section 25, T17S, R37E, N.M.P.M., City of Hobbs, Lea County, New Mexico and being more particularly described by metes and bounds as follows:

Commencing at a found 5/8" rebar with Aluminum cap marked "West Eng. Hobbs NM", being the northwest corner of Section 25; thence S00°37'01"E 2651.31 feet along the west line of Section 25; thence N89°35'45"E 1320.53 feet along the north line of the Southwest quarter of Section 25 to a found 1/2" rebar with yellow cap marked "RPLS 7977" for a Point of Beginning; thence N89°35'45"E 125.00 feet along the north line of the Southwest quarter of Section 25 to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°37'01"E 668.13 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°35'45"W 125.00 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N00°37'01"W 668.13 feet to the Point of Beginning.

Containing 1.92 acres, more or less.

CERTIFICATE OF SURVEY

I, William M. Hicks, III New Mexico Professional Surveyor, hereby certify that this Summary Subdivision Plat was prepared from an actual ground survey performed by me or under my supervision, that this survey is true and correct to the best of my knowledge and belief. That this Summary Subdivision Plat and the field survey upon which it is based meet the Minimum Standards for Surveying in New Mexico.

William M. Hicks, III NMPS #12348 Date

OWNERS STATEMENT AND AFFIDAVIT

State of New Mexico: _____
County of Lea: _____

The undersigned first duly sworn on oath, state: On behalf of the owners and proprietors we have of our own free will and consent caused this plat with its tracts to be plotted, and the tract described and shown hereon as Easement A and Easement B to be dedicated to the public forever for road and utility access. The property described on this plat lies within the platting jurisdiction of Lea County.

By Pablo V. Sanchez Jr.

ACKNOWLEDGMENT

State Of New Mexico: _____
County Of Lea: _____

On this _____ day of _____, 20____, before me, Pablo V. Sanchez Jr. to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Witness my hand and official seal the day and year last above written.

My commission expires: _____

Notary Public _____

**CERTIFICATE OF APPROVAL
LEA COUNTY PLANNING AND ZONING BOARD**

Be it known that this subdivision plat was submitted to the Lea County Planning and Zoning Board, New Mexico assembled at a meeting on the _____ day of _____, 20____ and was thereupon approved and accepted by a majority of the members of the said board.

In witness whereof the Planning and Zoning Board of Lea County, New Mexico has caused this instrument to be signed on it's behalf by it's chairman and attested by the County Clerk of Lea County, New Mexico on this _____ day of _____, 20____.

Attost: Planning and Zoning Board
Lea County, New Mexico

Pat Chappello, County Clerk Kallie Windsor, Chairman

ACKNOWLEDGMENT

State of New Mexico: _____
County of Lea: _____

The Foregoing instrument was Acknowledged before me this _____ day of _____, 20____ by the above County Clerk and Chairman of the Planning and Zoning Board.

Witness my hand and official seal the day and year last above written.

My Commission Expires _____

Notary Public _____

CERTIFICATE OF MUNICIPAL APPROVAL

I, Kevin Robinson, Development Director for the City of Hobbs, Lea County, New Mexico, do hereby certify that the foregoing plat in the City of Hobbs, Lea County, New Mexico, was reviewed and deemed compliant with the Municipal Summary Process Regulations on this _____ day of _____, 20____.

Kevin Robinson, Development Director

Jan Fletcher, City Clerk

ACKNOWLEDGMENT

State of New Mexico: _____
County of Lea: _____

On this _____ day of _____, 20____, before me, Kevin Robinson and Jan Fletcher to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

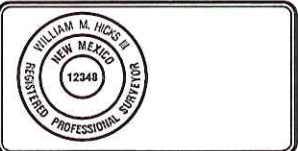
Witness my hand and official seal the day and year last above written.

My Commission Expires: _____

Notary Public _____

PETTIGREW & ASSOCIATES PA
ENGINEERING | SURVEYING | TESTING
DEFINING QUALITY SINCE 1965
100 E. Navajo - Suite 100, Hobbs New Mexico 88240
T 575 393 9827 F 575 393 1543
Pettigrew.us

PROJECT SURVEYOR: J. Baker
DRAWN BY: D. Trevizo



**INDEXING INFORMATION
FOR COUNTY CLERK**

OWNER:
Pablo Sanchez

LOCATION:
Located in the SW1/4 of Section 25, T17S, R37E, N.M.P.M., City of Hobbs, Lea County, New Mexico.

REVISIONS

No.	DATE	DESCRIPTION

State of New Mexico, County of _____
I here by certify that this instrument was filed for record on:
The _____ Day of _____,
20____ A.D.
At _____ O'Clock _____ M.
Cabinet _____ Slide _____
Book _____ Page _____
By _____
County Clerk
By _____
Deputy

**SUMMARY SUBDIVISION PLAT
OF
SANCHEZ SUBDIVISION
FOR
PABLO SANCHEZ**

PROJECT NUMBER:
2016.1078

SHEET: 2 of 2
SU - 102

- 5) Review and Consider Preliminary and Final Plat Approval for the Sanchez Subdivision, as submitted by Pablo Sanchez, property owner. Located southwest of the intersection of Pawnee Street and N. Pool Street and within the extra-territorial platting jurisdiction of Hobbs, the proposed subdivision is compliant with MC Title 16 with one exception. Public infrastructure, in this case an improved publicly maintained roadway, is not extended fully to the western boundaries of the parent parcel creating an "infrastructure gap" of +/-113'.

Mr. Sanderson arrived at the meeting at 10:13.

Mr. Hicks said his firm has worked on this item. Mr. Robinson said this is in the extra-territorial platting jurisdiction of Hobbs. He said this is a four lot subdivision so it does not qualify for a summary subdivision so it will have to be reviewed by the Planning Board and then by the City Commission and County Commission. He said it is 100% compliant with all of the municipal codes with the exception of the infrastructure gap which is 113 feet on Pawnee. He said the infrastructure is not extended through their western property line. He said city staff has sent county staff two development agreements.

Mr. Shaw said he has been working with the county on Pawnee Road. He said Mr. Bruce Reid was going to make some recommendations to the County Commission about doing something with Pawnee Road. He said when the subdivision was done the County did not oversee it and there has been an issue ever since. Mr. Hicks said his staff understood from Mr. Reid that the land owners were going to get together and pave the 113 feet. Mr. Robinson said the city is asking for either the pavement of the roadway to the western property line or an agreement with the county. Mr. Sanchez said Mr. Reid said he would either have to put up the money to chip seal the 113 feet or work with the county and pay higher property taxes for 7 years. Mr. Hick said if they do an improvement district the people across the street would pay half. Mr. Shaw said if they put a paving district together it will include everyone on the street.

Mr. Shaw made a motion, seconded by Mr. Penick to approve the subdivision as recommended by staff, subject to entering in a development agreement on the 113 feet of Pawnee or paving the 113 feet by the owner. The vote on the motion was 5-0 and the motion carried.

- 6) Review and Consider Preliminary Plat Approval for the Tiger Trails Subdivision, as submitted by James Owensby, property owner and located northwest of the intersection of Sockwell and N. Fowler Street and within the extra-territorial platting jurisdiction of Hobbs. MC Title 16 allows a maximum block length of 880 linear feet while LC Code 16.2.1 – F allows a maximum block length of 1,320 linear feet. The proposed block length of +/- 1,215', would be compliant with the County's Code but would require a municipal variance.

Mr. Robinson said this is a preliminary plat approval and the staff statement is incorrect. He said he has the block length as plus or minus 1215' which would be compliant. He said this in a continual street without an intersection for an intersecting street which is how block



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 15, 2017

SUBJECT: RESOLUTION TO CONSIDER AN AFFIRMATION OR DENIAL OF A DECISION OF THE CITY OF HOBBS PLANNING BOARD ISSUING A TOWER PERMIT IN COMPLIANCE WITH MUNICIPAL CODE 18.12 FOR A CELL TOWER TO BE LOCATED NORTHWEST OF THE INTERSECTION OF BENDER AND LOVINGTON HIGHWAY UPON PROPERTY OWNED BY BUIE CAPITAL VENTURES, LLC.

DEPT. OF ORIGIN: Planning Division
DATE SUBMITTED: May 8, 2017
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: The Planning Department received an application for a Tower Permit for a new cell tower to be located northwest of the intersection of Bender and Lovington Highway. Upon receipt of a complete application surrounding property owners were notified and notifications were published as required per Municipal Code 18.12. The City of Hobbs Planning Board held a public meeting on April 17, 2017 and voted 4 to 1 to issue a tower permit at this location. (see Planning Board Packet and Draft Minutes attached)

The Resolution is written so that a YES Vote to approve the Resolution affirms the decision of the Planning Board and allows the tower permit to be issued.

Options for the City Commission to consider are 1) Vote YES to Approve the Resolution and affirm the Planning Boards decision; 2) Vote YES to Approve the Resolution and affirm the Planning Boards decision with modifications; 3) Vote NO on the Resolution and disallow the issuance of a tower permit.

Fiscal Impact:

Reviewed By: [Signature]
Finance Department

Action on the Resolution does not appear to have a direct fiscal impact on the City budget.

Attachments: Resolution, Planning Board packet and Draft Minutes.

Legal Review:

The property where the cell tower is proposed to be located is owned by Buie Capital Ventures, LLC (Commissioner Garry Buie). Commissioner Buie's ownership interest was disclosed at the Planning Board prior to its deliberations. Given the property ownership this matter was referred to the City Commission for tower application final approval. Commissioner Buie will recuse himself from all deliberations and vote in this matter.

Approved As To Form: [Signature]
City Attorney

Recommendation:

Study the issues and render a decision on the information presented.

Approved For Submittal By:

[Signature]
Department Director
[Signature]
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved _____ Denied _____
Other _____ File No. _____

CITY OF HOBBS

RESOLUTION NO. 6550

A RESOLUTION TO CONSIDER AN AFFIRMATION OR DENIAL OF A DECISION OF THE CITY OF HOBBS PLANNING BOARD ISSUING A TOWER PERMIT IN COMPLIANCE WITH MUNICIPAL CODE 18.12 FOR A CELL TOWER TO BE LOCATED NORTHWEST OF THE INTERSECTION OF BENDER AND LOVINGTON HIGHWAY UPON PROPERTY OWNED BY BUIE CAPITAL VENTURES, LLC.

WHEREAS, the City of Hobbs Planning Board considered the issue of issuing a tower permit upon property located northwest of the intersection of Bender and Lovington Highway in a public meeting held on April 18, 2017; and

WHEREAS, the City of Hobbs Planning Board found the application to be in compliance with Municipal Code 18.12 and voted 5 to 0 to issue a tower permit for a cell tower at this location.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that:

A. The City of Hobbs hereby _____
affirms / affirms with modifications / denies

_____ the decision of the Planning Board to issue a tower permit for a new cell tower upon property to be located northwest of the intersection of Bender and Lovington Highway.

B. The City officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 15th day of May, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

- 5) **Public Hearing to Review and Consider issuance of a Tower Permit for a cell tower to be located northwest of the intersection of W. Bender Boulevard and N. Lovington Highway upon property owned by Buie Capital Ventures, LLC, as submitted by Verizon Wireless.**



BLACK & VEATCH
Building a world of difference.

BLACK & VEATCH CORPORATION
5885 MEADOWS ROAD, SUITE 700
LAKE OSWEGO, OR 97035 USA
+1 503-443-4463 | PROVANCEKS@BV.COM

April 4, 2017

VIA FEDERAL EXPRESS DELIVERY

City of Hobbs
c/o Mr. Kevin Robinson, Planning Dept.
200 E. Broadway
Hobbs, NM 88240

**RE: Verizon Wireless Application for Tower Permit and Variance
for a Proposed Wireless Telecommunications Facility
Site Name: NM6 Grimes ("Alt #3 Pemco" RL)
Site Address: 1108 W. Bender Blvd.
Parcel I.D. #4-960-225-090-340**

Dear Mr. Robinson:

Verizon Wireless respectfully submits this application for Tower Permit and variance in accordance with Section 12 of the City of Hobbs Tower Regulation Ordinance. Enclosed please find proofs of the newspaper publication notice, Public Hearing Sign posted at the property, and certified notification letters mailed to adjacent property owners for the above-referenced address. Also enclosed are three (3) sets of revised sized site plans and photosimulations. A check in the amount of \$500 for the application fee has been previously submitted.

Per Section 12, the notification requirements have been met for Notice of Public Hearing before the Planning Board on April 18, 2017.

Verizon Wireless is proposing to construct a wireless telecommunications facility consisting of a 70' tall monopole structure placed within a proposed 30' x 40' fence compound area, along with ground equipment cabinets and generator placed near the base of the tower.

This application is to solidify all necessary land use approvals required for Verizon Wireless to proceed to a building permit to install the wireless telecommunications facility. Pursuant to the FCC Shot Clock Process the jurisdiction acknowledges that it has a 90 day review process for site modifications and 150 days for new build sites. A copy of the FCC Shot Clock Declaratory Ruling will be provided to you upon request.

Verizon Wireless respectfully requests placement on the agenda of the April 18, 2017 Planning Board meeting for consideration and approval of this Tower Permit request. If you should have any questions or require any additional information, please feel free to contact me.

Sincerely,
Black & Veatch Corporation

Kevin Provance
Land Use Planner / Planning Manager

Enclosures



BLACK & VEATCH
Building a world of difference.

BLACK & VEATCH CORPORATION
5885 MEADOWS ROAD, SUITE 700
LAKE OSWEGO, OR 97035 USA
+1 503-443-4463|PROVANCEKS@BV.COM



**CELLCO PARTNERSHIP
d/b/a VERIZON WIRELESS (“VZW”)**

**CITY OF HOBBS
APPLICATION
FOR
TOWER PERMIT
AND
VARIANCE**

**1108 W. BENDER BOULEVARD
HOBBS, NEW MEXICO
APN# 4-960-225-090-340**

SITE NAME: NM6 GRIMES (“Alt #3 Pemco” RL)



TABLE OF CONTENTS

Exhibit A	-	City of Hobbs Application for Tower Permit and Variance with signatures of Verizon Wireless agent and property owner
Exhibit B	-	Property Data / Legal Description
Exhibit C	-	List of property owners within residential test area 400' for public hearing notification
Exhibit D	-	Project Overview
Exhibit E	-	Standards for Tower Regulations
Exhibit F	-	Schedule B Title Report
Exhibit G	-	FCC License
Exhibit H	-	GIS map of adjacent towers depicting separation distance
	-	List of Nearby towers with addresses
	-	Photos of Nearby towers
Exhibit I	-	Proofs of notice of public hearing sign posted, notice letter certified mailings & newspaper legal notice publication
Exhibit J	-	Site Plan and Survey
Exhibit K	-	Photosimulations

INSTALLATION/REPLACEMENT OF CELL TOWERS WITHIN HOBBS NEW MEXICO

District #: 6 Permit #:
Date: March 3, 2017 Fee Collected: \$500.00

Firm Name: Verizon Wireless c/o Black & Veatch Corp.

Contact Person: Kevin Provance, Agent for Verizon Wireless

Address: 5885 Meadows Road, Suite 700, Lake Oswego, OR 97035

Phone: 503-443-4463 Fax: 248-594-9337

Proposed Start Date: To Be Determined

Proposed Location: 1108 W. Bender Blvd., Hobbs, NM 88241

Description of Proposed Work: Verizon Wireless is proposing to construct a wireless telecommunications facility consisting of a 70' monopole structure placed within a 30' x 40' lease area, along with equipment cabinets and 10' x 4' generator on a concrete pad placed near the base of the tower.

NEW COMMUNICATION FACILITY

Height: 70'

Distance to Nearest Residential Subdivision: *Approximately 600' to nearest residential structure.*

EXTENSION OF EXISTING COMMUNICATION FACILITY

Existing Height:

Proposed Height:

Distance to Nearest Residential Subdivision:

REPLACEMENT OF EXISTING COMMUNICATION FACILITY

Existing Height:

Proposed Height:

Distance to Nearest Residential Subdivision:

Distance Between Existing and Proposed Towers:

Proposed Date to Remove Existing Facility:

OTHER

Submission must include a plat or map with the proposed location of the communication facility in relation to the residential subdivision sealed by a Registered Professional Land Surveyor. The plat or map must include a radius of 300 feet from the base of the center of the proposed structure extending to the boundary of the subdivision. The plat or map must include the maximum height

of the structure. Please provide State Plane North American Datum (NAD 83 x,y coordinates) of the center of the structure.

The submission must also include all necessary FCC and/or FAA permits.

Verizon Wireless (VZW) is a corporation whose facilities and operations are licensed by the Federal Communication Commission (FCC) and regulated by the Federal Aviation Administration (FAA). Wireless antennas are inspected periodically and are subject to governmental regulations. This proposed facility will meet the standards set forth by the FCC for exposure to radio-frequency (RF) energy. Permits are not required by the FCC or FAA, but rather the FCC issues a frequency license and the FAA issues a Determination of No Hazard report.

Signature of Firm Name Representative



Printed Name of Firm Name Representative

Kevin Provance, Agent for Verizon Wireless

Signature of Property Owner

Refer to attached Letter of Authorization

Printed Name of Property Owner

Pemco of New Mexico, Inc. / Buie Capital Ventures, LLC

STAFF USE:

Location Map Attached

300' Radius Shown on Aerial

Proposed Structure 300' or more from Existing Residential Subdivision

Proposed Extension Less than 10'

Distance between proposed & existing structure less than 50 feet

Does this permit require a Variance? Yes No

City of Hobbs

Planning Department

200 E. Broadway

Hobbs, New Mexico

(575)397-9351 office

LETTER OF AUTHORIZATION

BUIE CAPITAL VENTURES, LLC
2605 Lovington Highway
Hobbs, NM 88240
Verizon Wireless, Site Name: **NM6 Grimes**

Property Address: 1120 Bender Blvd (temporary address of 1108 W. Bender), Hobbs, NM 88241

Parcel I.D. #: 4-960-225-090-340

RE: Approvals

The undersigned, the Property Owner of the above described property (the "Property"), does hereby authorize Verizon Wireless and its representatives, as Property Owner's agent (the "Authorized Agent") for the purpose of completing and/or filing any application, form, map, drawing, site plan or other document, in obtaining any zoning approval, variance, special permit or other land use approval or building permit (collectively, the "Approvals"), required to provide Verizon Wireless with lawful access to, and the ability to use the Property for the purpose of installing, erecting or otherwise placing tower structure, antennas, support structures and related equipment on the Property. Property Owner shall fully cooperate with Verizon Wireless and its agents in obtaining any required Approvals.

"PROPERTY OWNER"

BY: Cynthia Buie
(Print Name)

SIGNATURE: Cynthia Buie

TITLE: Vice President

DATE: 3-24-17

PROJECT DATA:

Verizon Wireless Site Name: NM6 Grimes ("Alt #3 Pemco" RL);

Applicant: Black & Veatch Corporation on behalf of Cellco Partnership, d/b/a Verizon Wireless ("VZW");

Applicant Contact: Kevin Provance, 5885 Meadows Road, Suite 700, Lake Oswego, OR 97035; Phone: 505-443-4463, fax: 503-443-4499; email: provanceks@bv.com;

Property Profile: 1120 Bender Blvd., Hobbs, NM 88241; Parcel ID: 4-960-225-090-340;

Property Legal Description: Section 21, Township 18 South, Range 38 East, Lot 1 beginning at the Southeast Corner of Section 21 to point of beginning of replat at Pemco Subdivision;

Property Owner: Buie Capital Ventures, LLC

Property Contact: Gary Buie, President, 2605 N. Lovington Highway, Hobbs, NM 88241, 575-392-5553, pemconm@aol.com .

NM6 Grimes Lease Area Legal Description

A portion of:

A parcel of land for the purpose of a telecommunications equipment lease area, situate within the Southeast one-quarter (SE 1/4) of Section 21, Township 18 South (T18S), Range 38 East (R38E) of the New Mexico Principal Meridian (N.M.P.M.), Lea County, New Mexico, said lease area comprising a portion of LOT 1, PEMCO SUBDIVISION, as the same is shown and designated on the plat thereof filed in the office of the County Clerk of Lea County, New Mexico on December 4, 2015 as Instrument No. 42896, said lease parcel of land being more particularly described by metes and bounds as follows:

Commencing at a 1/2 inch rebar with no ID found at an angle point on the Southerly line of said LOT 1, said Point of Commencement also being the Northeasterly corner of that certain tract of land conveyed to the New Mexico Electric Service Company on August 5, 1954, recorded in Book 175, Page 314 as Instrument No. 39602; thence, from said Point of Commencement, N 77°33'49" W, a distance of 282.12 feet to the Southeast corner and Point of Beginning of the lease parcel of land herein described;

Thence, S 89°18'41" W, a distance of 40.00 feet;

Thence, N 00°41'19" W, a distance of 30.00 feet;

Thence, N 89°18'41" E, a distance of 40.00 feet;

Thence, S 00°41'19" E, a distance of 30.00 feet to the Point of Beginning.

The above described lease parcel contains 1,200.0 square feet of land.

Lease Area Land Description

A strip of land for the purpose of an access and utility easement to serve a telecommunications equipment lease area, situate within the Southeast one-quarter (SE 1/4) of Section 21, Township 18 South (T18S), Range 38 East (R38E) of the New Mexico Principal Meridian (N.M.P.M.), Lea County, New Mexico, said strip of land crossing a portion of LOT 1, PEMCO SUBDIVISION, as the same is shown and designated on the plat thereof filed in the office of the County Clerk of Lea County, New Mexico on December 4, 2015 as Instrument No. 42896, said strip of land being twenty (20.00) feet in width and lying ten (10.00) feet on each side of the following described centerline:

Commencing at a 1/2 inch rebar with no ID found at an angle point on the Southerly line of said LOT 1, said Point of Commencement also being the Northeasterly corner of that certain tract of land conveyed to the New Mexico Electric Service Company on August 5, 1954, recorded in Book 175, Page 314 as Instrument No. 39602; thence, from said Point of Commencement, N 77°33'49" W, a distance of 282.12 feet to the Southeast corner of said telecommunications equipment lease area; thence, along the South line of said lease area, S 89°18'41" W, a distance of 29.69 feet to the Point of Beginning of this access and utility easement centerline;

Thence, S 02°17'38" W, a distance of 64.22 feet;

Thence, S 00°41'42" E, a distance of 125.13 feet to a point on the North right-of-way line of West Bender Boulevard and the termination point of this access and utility easement centerline.

WELL SERVICES DIVISION OF STC
919 CONGRESS AVENUE
SUITE 1450
AUSTIN, TX 78701

FAUGHT EVERETT ETUX
70 NE LOOP 410
SUITE 180
SAN ANTONIO, TX 78216

FAUGHT EVERETT ETUX
70 NE LOOP 410
SUITE 180
SAN ANTONIO, TX 78216

PEMCO OF NEW MEXICO INC

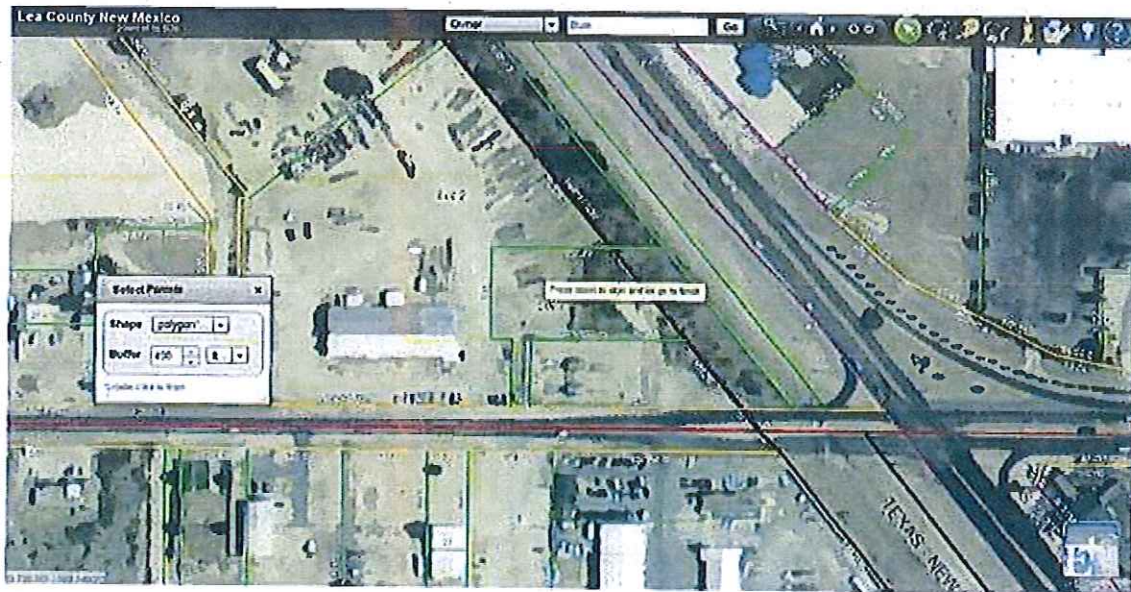
PO BOX 428
HOBBS, NM 88241

FARMERS & PLANTERS LP
PO BOX 1920
HOBBS, NM 88241

BUIE CAPITAL VENTURES LLC
2605 LOVINGTON HWY
HOBBS, NM 88240

SOUTHWESTERN PUBLIC SERVICE
CO
PO BOX 1979
DENVER, CO 80201

NM6 Grimes 400' buffer map of parcels



Lea County New Mexico

Owner: [dropdown] | Buis: [dropdown] | Go

Map Plus Info

Parcel Using Address Property Address

ACTIONS	Parcel	TracId	Name	Mailing Address	Property Address
[icon]	4000026040001	2604	WELL SERVICES DIVISION OF STC	819 CONGRESS AVENUE SUITE	1106 BENDER BLVD
[icon]	4000135550001	13555	FAUGHT EVERETT ETUX	70 NE LOOP 410 SUITE 180 S/	
[icon]	4000136090001	13609	FAUGHT EVERETT ETUX	70 NE LOOP 410 SUITE 180 S/	1201 BENDER BLVD
[icon]	4000407010001	40701	PEMCO OF NEW MEXICO INC	PO BOX 428 HOBBS NM 88241	1120 BENDER BLVD
[icon]	4950915162849	203297	FARMERS & PLANTERS LP	PO BOX 1920 HOBBS NM 88241	1225 BENDER BLVD
[icon]	4960225090340	211113	BUE CAPITAL VENTURES LLC	2605 LOVINGTON HWY HOBB	

Lea County New Mexico

Owner: [dropdown] | Buis: [dropdown] | Go

Map Plus Info

Parcel Using Address Property Address

ACTIONS	Parcel	TracId	Name	Mailing Address	Property Address
[icon]	4000026040001	2604	WELL SERVICES DIVISION OF STC	819 CONGRESS AVENUE SUITE	1106 BENDER BLVD
[icon]	4000135550001	13555	FAUGHT EVERETT ETUX	70 NE LOOP 410 SUITE 180 S/	
[icon]	4000136090001	13609	FAUGHT EVERETT ETUX	70 NE LOOP 410 SUITE 180 S/	1201 BENDER BLVD
[icon]	4000407010001	40701	PEMCO OF NEW MEXICO INC	PO BOX 428 HOBBS NM 88241	1120 BENDER BLVD
[icon]	4950915162849	203297	FARMERS & PLANTERS LP	PO BOX 1920 HOBBS NM 88241	1225 BENDER BLVD
[icon]	4960225090340	211113	BUE CAPITAL VENTURES LLC	2605 LOVINGTON HWY HOBB	
[icon]	4970302104047	90083	SOUTHWESTERN PUBLIC SERVICE	PO BOX 1979 DENVER CO 802	

Lea County New Mexico

Owner: [dropdown] | Buis: [dropdown] | Go

Layer Manager

Imagery On/Off

Imagery Transparency: [slider]

Basemap Transparency: [slider]

Layer Groups:

- OwnerParcel
- Annotation
- Points

Map Plus Info

Parcel Using Address Property Address

ACTIONS	Parcel	TracId	Name
[icon]	4000026040001	2604	WELL SERVICES DIVISION OF STC
[icon]	4000135550001	13555	FAUGHT EVERETT ETUX
[icon]	4000136090001	13609	FAUGHT EVERETT ETUX
[icon]	4000407010001	40701	PEMCO OF NEW MEXICO INC
[icon]	4950915162849	203297	FARMERS & PLANTERS LP
[icon]	4960225090340	211113	BUE CAPITAL VENTURES LLC
[icon]	4970302104047	90083	SOUTHWESTERN PUBLIC SER

PROJECT OVERVIEW
PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY
CITY OF HOBBS, NEW MEXICO

Petitioner

Cellco Partnership, d/b/a Verizon Wireless provides wireless telecommunication services to the public in regional markets across the United States, as well as in more than 200 destinations around the world. Verizon Wireless has the largest nationwide voice and data network with over 107 million subscribers, operating the nation's fastest and most advanced 4G network and the largest and most reliable 3G network. Verizon Wireless is licensed by the Federal Communication Commission (FCC) and regulated by the Federal Aviation Administration (FAA).

Verizon Wireless is a major provider of wireless telephone service in the State of New Mexico. Benefits of wireless telecommunications include:

- **Public Safety:** More than 70% of all 911 calls nationwide are from wireless phones per FCC on March, 2015.
- **Alternative to Landline System:** More than 40% of all US households are served by wireless carriers only according to CTIA as of June, 2015. Where there is a landline phone in use, wireless serves as a back-up to the landline system. The demand for wireless data services is expected to grow 650% between 2013 and 2018 (CTIA, June 2015).
- **Lifestyle and Convenience:** Wireless telecommunications support the productive and busy lifestyles of people in the City of Hobbs by increasing productivity and reducing stress. More than 75% of prospective home buyers prefer strong wireless communications (RootMetrics, June 2015).

Statement of Necessity

As part of its continued deployment in the State of New Mexico, Verizon Wireless engineers have identified the need for a wireless telecommunications facility to serve the City of Hobbs. A preliminary network design is prepared based on many factors, including the characteristics of the community, available radio frequencies, and wireless equipment capabilities. A selected "search area" and other requirements for the site are provided to property consultants who visit the area to identify and rank potential sites. This search area represents the area in which a facility must be located to allow it to function as an integral unit in the wireless telecommunications system. Wireless telecommunication facilities are laid out in a grid pattern and the spacing, height and location of this component site are critical for the successful operation of the system. The property at 1180 W. Bender Boulevard meets the engineering criteria for the necessary site in this area.

Property Search

Once the need for a wireless telecommunications facility is identified, Verizon Wireless studies the local zoning regulations to determine the most appropriate zoning districts within the search area to locate their facility. Verizon Wireless is dedicated to working with local officials to site its facilities in locations appropriate to the community. Whenever feasible, Verizon Wireless strives to acquire sites that utilize existing structures, blend with the local character, and are unobtrusive to the community. When construction of a new facility is required, sites are chosen by their proximity to compatible land uses whenever feasible. It is important to remember that wireless telecommunication facilities must be considered as part of a network, not as individual locations. Wireless Telecommunication facilities can be likened to links in a chain, one link adds to the next, making the network design larger. Once these links, or wireless telecommunication facilities, are constructed, it is difficult to adjust the network design or move individual sites.

Description of Property

The proposed wireless telecommunication facility is located at 1108 Bender Boulevard and the property is owned by Buie Capital Ventures, LLC. The parcel is zoned Industrial (I) and currently serves as an oil industrial machine business on the property. The parcel is surrounded by property zoned Industrial (I) to north and west, and Commercial/Retail/Office/Svcs (C) to the south and east. Verizon Wireless will be leasing a 30' x 40' space in the northern portion of the property. Access will be via an existing access driveway off W. Bender Blvd. There are no other existing tall structures which meet Verizon Wireless requirements for the necessary site in this search area and the parcel is located at the major traffic intersection of N. Lovington Highway and W. Bender Blvd.

Nature of Request/Zoning Analysis

Verizon Wireless is requesting approval for a Tower Permit with variances and any other permits necessary to construct a wireless telecommunications facility, consisting of a 70' monopole tower structure along with related antenna equipment, including placing equipment cabinets and outdoor generator with approximate dimensions of 4' x 10' within a proposed 30' x 40' fence compound area. The proposed tower design will blend in with the surrounding industrial environment, specifically to blend in with the utility substation corridor on the corner of N. Lovington Highway & W. Bender Blvd.

Pursuant to Ordinance No. 1036, titled "Tower Regulation Ordinance," Section 18.12.030, "Tower Permit Required" of the City of Hobbs Zoning Ordinance, Verizon Wireless' proposed use requires a Tower Permit as follows:

"A. Prior to filing an application for a City Building Permit, an application for a Tower Permit shall be submitted to the Planning Department and reviewed and considered for approval in accordance with the provisions of this chapter prior to the construction, placement or alteration of any tower or tower structure, as defined in this chapter and not specifically excluded herein, that is located within the boundaries of the municipality."

In addition, pursuant to Section 18.12.130, "Variance requests and procedures" of the City of Hobbs Zoning Ordinance, Verizon Wireless' proposed use requires a variance from tower separation distance requirement as follows:

"F. If a variance is requested from the requirements of this chapter regarding the minimum distances between towers, for an antenna tower less than two thousand (2,000) feet from the nearest tower, the variance shall not be granted unless, in addition to finding that each of the conditions expressed above are satisfied, the Planning Board, after public hearing, finds that no approved tower or tower structure can accommodate the applicant's proposed antenna because the applicant has demonstrated any of the following:

1. The approved tower or tower structure located within two thousand (2,000) feet of the proposed tower will not meet the applicant's engineering requirements; ...

3. The approved tower or tower structure located within two thousand (2,000) feet of the proposed tower does not have sufficient structural strength and cannot reasonably be reinforced to provide sufficient structural strength; ...

5. The approved tower or tower structure located within two thousand (2,000) feet of the proposed tower is not adaptable to accommodate additional antenna arrays or the costs required to share or adapt the approved tower or tower structure are unreasonable;"

The proposed wireless telecommunications facility is located less than 2,000' from three (3) nearby towers. A Pemco owned lattice tower is located approximately 1,040' at N. Lovington Hwy. from VZW's proposed tower. Two (2) guyed radio towers owned by KPER-FM at W. Bender Blvd. 0.5 KM West of St. Hwy 18 intersection are located approximately 1,072' and 1,100' from VZW's proposed tower. Therefore, due to the fact that the separation distance is less than 2,000', VZW respectfully requests a variance from the separation distance requirement for these three (3) nearby towers. The three nearby towers are not designed for wireless telecommunications equipment.

There are two (2) other nearby towers that are located more than 2,000 feet from VZW's proposed tower. They are Insite NM078 and American Tower Corp. #373225. A map depicting the location of nearby towers is provided in Exhibit H.

Finally, Verizon Wireless' proposed use meets the beautification corridor requirement of Section 18.12.60, "Tower Structure" as follows:

"B. Towers and antennas shall meet the following requirements: ...

4. If any tower is located within a beautification corridor as defined herein, the tower shall be required to be designed and constructed with camouflage design or as a camouflage tower structure that blends into the surrounding environment and is visually unobtrusive. Examples of a camouflage design or tower are architecturally screened, roof-mounted or building mounted antenna/array/equipment, or designed and treated as an architectural element to blend with the existing building, designs that conceal the antenna, array and

equipment, man-made trees, clock towers, bell towers, steeples, light poles, and similar alternative-design mounting structures."

The proposed wireless telecommunications facility is setback approximately 230' to the edge of W. Bender Blvd., a beautification corridor, and is setback approximately 390' to the edge of Lovington Hwy, also a beautification corridor. Due to the surrounding structures located on the property with uses of a utility substation and oil industrial machine business, VZW's proposed tower design will blend in architecturally with the existing surrounding structures.

The proposed wireless telecommunications facility will conform to all other applicable City of Hobbs regulations. Further, all setbacks will be complied with and no streets, rights-of-way or easements will be encroached upon. After construction, this site will provide 911 and emergency communication as well as improved wireless coverage in this section of the City of Hobbs.

Statement of Operations

Once the construction of the wireless telecommunications facility is complete and the telephone switching equipment is fine-tuned, visitation to the site by service personnel for routine maintenance will occur approximately once a month. The site is entirely self-monitored and connects directly to a central office where sophisticated computers alert personnel to any equipment malfunction or breach of security. The wireless telecommunications facility will be unstaffed, with no regular hours of operation and no impact to existing traffic patterns.

Compliance with Federal Regulations

Verizon Wireless will comply with all applicable FCC rules governing construction requirements, technical standards, interference protection, power and height limitations, and radio frequency standards. In addition, the company will comply with all applicable FAA rules on site location and operation.

STANDARDS FOR TOWER REGULATIONS

CITY OF HOBBS, NEW MEXICO

SECTION 5. LOCATION OF TOWERS.

A. A tower permit shall not be approved for the construction of a tower on a lot, tract or parcel of land where the construction of a tower is prohibited, expressed or implied, by duly recorded deed restrictions or covenants running with the land.

Please refer to Exhibit F for Schedule B of the Title Report stating there are no covenants or restrictions associated with this property. However, easements are described and also shown on Sheet SU1 the survey included with the site plans in Exhibit K.

The proposed wireless telecommunications facility will consist of constructing a 70' monopole structure. The wireless telecommunications facility will have no negative aesthetic impact to the existing property and surrounding area. The proposed wireless telecommunications facility will have no adverse impact on the surrounding property, or the uses and enjoyment of adjoining property for the purposes already permitted. Rather, wireless telecommunications will have a positive influence on the development of this area. The proposed wireless telecommunications facility will be in harmony with the appropriate and orderly development of the surrounding area and will comply with all applicable zoning regulations. Wireless telephones provide an alternate communication system which has repeatedly proven its effectiveness in emergency situations and is commonly being used by police and fire departments to protect the general public's health, safety and welfare.

Wireless telephone technology provides many benefits to the communities it serves. These services include, but are not limited to, the following:

- 911 program allowing motorists to summon aid and report dangerous situations.
- Support for emergency services by providing wireless communications to paramedics, firefighters, and law enforcement agencies.
- The ability to transmit data allowing for immediate access to vital information.
- A backup system to the land-line system in the event of a natural or man-made disaster.
- Immediate access to national hazardous material data bases from the site of a hazardous material spill.
- Communication capabilities in remote areas, enhancing the safety of travelers by allowing immediate access to emergency assistance.
- Support for the busy lives of people in the area, reducing stress and increasing productivity.

Due to the fact that Verizon Wireless (VZW) has been sensitive in selecting a site that will minimize the impact on the surrounding property, its facility will be compatible with the existing environment and will not disrupt any future development of the area. Due to its diminutive size, with a lease area of 30' x 40', and its location in an industrial zoned area, it will not impede the normal and orderly development and improvements of surrounding property for uses permitted in the industrial zoning district.

B. In a residential area, a tower permit shall not be approved for the construction or alteration of a tower structure.

Not applicable. The proposed facility is located in the Industrial zoning district.

C. A tower permit shall not be approved for the construction or alteration of a tower structure unless the proposed tower structure is located a distance at least equal to the applicable setback area established by subsection (5f) below.

The proposed wireless telecommunications facility meets and/or exceeds all applicable setbacks. The proposed wireless telecommunications facility is located over 88' to the north property line, 328' from the east property line, 77' from the south property line, and 77' from the west property line. Therefore, the proposed facility will meet the required 110% tower height setback of 77'.

D. In an historic district, and in an area within five hundred (500) feet of an historic district, a tower permit shall not be approved for the construction or alteration of a tower structure.

Not applicable. The proposed facility will be located in the Industrial zoning district.

E. A tower permit shall not be issued for the construction or alteration of a tower structure in a structure in a public gathering area or within 100 feet of such an area. A tower permit shall not be issued for the construction or alteration of a tower structure in a park or on a tract surrounded by a park, or within 100 feet of a park boundary.

Not applicable. The proposed facility will be located in the Industrial zoning district.

F. A tower permit shall not be approved for the construction or alteration of a tower structure unless the distance between the center of the base of a tower to all property boundaries is at least 110% of the height of the tower or tower structure, whichever is greater. The foregoing measurement shall be made to the nearest point on each property line within the setback area. For all tower parcels, the tower must be designed so that it cannot fall on any contiguous property.

As stated above, the proposed wireless telecommunications facility meets and/or exceeds all applicable setbacks. The proposed wireless telecommunications facility is located over 88' to the north property line, 328' from the east property line, 77' from the south property line, and 77' from the west property line. Therefore, the proposed facility will meet the required 110% tower height setback of 77'.

G. If a survey is provided by the applicant for residential lots, the measurement shall instead be made as follows:

1. If a residence has been constructed on the lot, the measurement shall be from the tower structure to the nearest outside wall of the residential structure on each lot; or
2. If a residence has not been constructed on the lot, the measurement shall be from the tower structure to the center of the residential lot minus 25 feet.

There are no residential structures located on the subject parcel. Please refer to Exhibit J for the survey on Sheets SU1 and SU2.

H. A tower permit shall not be approved for the construction or alteration of a tower structure within 2,000 feet of any other previously approved or permitted tower structure, other than a tower structure for which a permit would not be required under this article. For purposes of this requirement, a tower is considered to be "approved" when a tower permit or a City building permit has been issued pursuant to this article and the tower structure has been constructed or any building permit issued thereunder remains in effect. The Planning Department shall develop rules and procedures for establishing precedent to the extent of conflict between two or more tower structures.

VZW is requesting a variance from this requirement. The proposed wireless telecommunications facility is located less than 2,000 feet from three (3) existing towers. Refer to Exhibit H for a list and map of the nearest, adjacent existing towers. The three (3) existing tower structures do not meet VZW's engineering requirements and do not appear to meet VZW's antenna loading requirements. There are two (2) other nearby towers that are located more than 2,000 feet from VZW's proposed tower. They are Insite NM078 and American Tower Corp. #373225. For further explanation, refer to the variance request in Section 13.

I. Property uses and distances referred to in this section shall be determined as of the date and time that the completed tower permit application is filed.

VZW acknowledges this requirement. Please refer to Exhibit J for the site plans depicting the distances of the tower to property lines.

J. Availability of Suitable Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Board that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Substantial evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the

applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

There are three (3) existing towers located less than 2,000' from VZW's proposed wireless telecommunications facility, however, they are over 1,000' from VZW's proposed wireless telecommunications facility. As stated previously, the location and design of these three (3) existing towers do not meet VZW's engineering requirements and do not appear to meet VZW's antenna loading requirements. **The three (3) nearby towers are not designed and built for wireless telecommunication equipment, nor for collocation of for wireless telecommunication equipment.** In addition, there are two (2) nearby towers that are located more than 2,000 feet from VZW's proposed tower. They are Insite NM078 and American Tower Corp. #373225. A map, list and photos depicting the location of nearby towers are provided in Exhibit H.

2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

As stated above, there are no existing towers or other structures which meet VZW's system design and engineering requirements for the required site in this area. The relative location of this property makes it unique for the purpose of locating a wireless telecommunications facility based on the need for strict adherence to the grid plan, and as such, is not generally applicable to other property in the Industrial District or throughout the City of Hobbs. VZW is proposing to construct a 70' monopole structure, which is the minimum height necessary for its antennas to effectively transmit and receive signal. Wireless telecommunication facilities are laid out in a grid pattern and the height, spacing and location of this component site are critical for the successful operation of the system. The subject property meets the engineering criteria for the necessary site in this area.

3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

The existing PEMCO lattice tower located on Lovington Hwy does not have sufficient structural strength to support VZW's wireless design and engineering requirements for the required site in this area. The existing two (2) KPER-FM radio station guyed towers are not designed to support wireless telecommunications, nor meet FCC wireless engineering standards. Furthermore, the three (3) nearby towers are not designed or built to handle any wireless telecommunication carrier equipment. These three (3) nearby towers are designed for signage and advertising purposes or for AM-FM radio broadcast purposes.

4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

The existing two (2) KPER-FM radio station guyed towers could potentially cause signal frequency interference with VZW's wireless signal if VZW collocated their equipment on these towers. It is standard best practice in the wireless telecommunications industry to not co-locate on radio or television broadcast towers due to potential radio frequency signal interference.

5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

The costs associated with either adopting the Pemco owned lattice tower to meet VZW's structural and engineering requirements or collocation on the KPER-FM radio towers are presumed to be unreasonable. The Pemco tower would have to be deconstructed and reconstructed in order to meet FCC and VZW's standards. As it stands, the Pemco tower is not constructed to FCC wireless telecommunications standards. Collocation on either of the two (2) KPER-FM radio broadcast towers could potentially cause additional structural engineering costs and additional lease costs.

6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

The existing three (3) nearby towers would reduce the integrity of VZW's overall wireless network in the vicinity. The relative location of this property makes it unique for the purpose of locating a wireless telecommunication facility based on the need for strict adherence to the spacing and height requirements of the grid plan. Furthermore, the PEMCO tower cannot be used for wireless commercial carriers. This tower's function serves as an advertising sign for the PEMCO business and emulates an oil-rig tower for marketing purposes. For the two (2) KPER-FM radio station broadcast towers, their broadcast equipment could cause radio frequency signal interference with wireless telecommunications carrier equipment. In addition, the two (2) nearby towers that are located more than 2,000 feet from VZW's proposed tower are deemed unsuitable due to the spacing and signal coverage required for the integrity of VZW's network design.

7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

As stated above, there are no existing towers or other structures which meet VZW's system design and engineering requirements for the required site in this area. There is no feasible alternative technology which replaces the need for this application. The relative location of this property makes it unique for the purpose of locating a wireless telecommunication facility based on the need for strict adherence to the grid plan. The subject property meets the engineering criteria for the necessary site in this area.

SECTION 6. TOWER STRUCTURE.

A. Each antenna tower structure for which a permit is approved and issued shall be designed, engineered and constructed to accommodate the placement of a minimum of two antenna arrays. This requirement shall not apply to a camouflage tower.

VZW's proposed wireless telecommunications facility will allow one (1) additional co-locator in addition to VZW's antenna array.

B. Towers and antennas shall meet the following requirements:

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

VZW's proposed wireless telecommunications facility will have a galvanized steel, grey color finish and will be painted to match the nearby utility substation poles. Refer to the note on the site plans on Sheet C3. Verizon Wireless will comply with all applicable Federal Aviation Administration (FAA) regulations regarding tower finish requirements.

2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

The establishment, maintenance and operation of this facility will be wholly contained within the 30' x 40' lease parcel which is adequate space for a wireless telecommunications facility. As this facility is unstaffed, a 7' high chain link fence will surround the site in order to protect private property. The facility will be located in the northern section of the parcel in order to minimize any adverse effects or visual impacts on nearby properties. The parcel is surrounded by Industrial (I) to north and west, and Commercial/Retail/Office/Svcs (C) to the south and east. Due to the Industrial nature of this area, this facility will not have an adverse effect on permitted uses or surrounding properties. Therefore, this facility will be adequately screened from public view and access. The tower facility is located and designed and to be painted to match the utility substation facilities.

3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

Not applicable. VZW is proposing to construct a new monopole tower structure. The color of VZW's proposed tower structure will be painted to match the surrounding

structures, so as to blend in with the nearby utility substation.

4. If any tower is located within a Beautification Corridor as defined herein, the tower shall be required to be designed and constructed with camouflage design or as a camouflage tower structure that blends into the surrounding environment and is visually unobtrusive. Examples of a camouflage design or tower are architecturally screened, roof-mounted or building mounted antenna/array/equipment, or designed and treated as an architectural element to blend with the existing building, designs that conceal the antenna, array and equipment, man-made trees, clock towers, bell towers, steeples, light poles, and similar alternative-design mounting structures.

The proposed wireless telecommunications facility is located within the Bender Blvd. Beautification Corridor. Therefore, to address the aforementioned concerns, VZW is proposing a design that will blend into the surrounding environment. First, the placement of the proposed monopole structure will be in-line with the other electrical utility poles at the existing electrical utility substation. Second, the antenna array is designed to be flush-mounted to the pole to minimize the visual appearance, and will resemble a unipole or other utility pole. Finally, VZW will paint the proposed wireless telecommunications facility to match the nearby electrical poles located at the substation. Therefore, VZW's proposed wireless telecommunications facility will be of a camouflaged design to blend into the surrounding utility substation environment and will be visually unobtrusive.

C. Each tower structure for which a permit is approved and issued shall be designed, engineered and constructed to include appropriate lightning conductors and grounding connection to minimize the dangers from lightning, as approved by the New Mexico State Electrical Inspector.

VZW will comply with all applicable State rules and regulations regarding lightning and electrical grounding standards relating to wireless telecommunication facilities. The proposed tower structure will not be lit.

SECTION 7. FENCING REQUIREMENTS.

A. Security Fence.

1. The base of a tower shall be completely enclosed by a fence, wall, or barrier which limits climbing access to the tower and any supporting systems, lines, wires, buildings or other structures.

2. The fence, wall or barrier required by subsection (a) shall not be less than eight feet in height with no openings, holes or gaps larger than four inches measured in any direction. Gates and doors opening directly into the area enclosed by a fence, wall or barrier, as required by this section, shall be equipped with a lock to keep the doors or gates securely closed and locked at all times. Tower sites located within industrial yard areas with existing secure fencing of the entire yard may construct secure fencing six feet in height.

3. The requirements of this section do not apply to:
 - a) Any tower located on a building that is not designed or built primarily to support the tower, provided that the general public has no physical access to the tower, or
 - b) Existing tower sites having existing adequate security fences at least six feet in height.

The proposed Verizon Wireless facility will be designed to the highest industry standards and will be in compliance with all federal and local safety requirements. VZW will install a 7' high chain link security fence around the equipment. The fence gate is locked with a key-access locking device. There are numerous alarms inside the compound which range from fire alarms, to security/access breach alarms, heat and equipment performance alarms. All alarms are monitored remotely 24/7 from the Verizon Wireless network operations center, which serves as the emergency point of contact for the site. There will be no safety hazard posed as a result of the proposed installation.

Should the Planning Board require an 8' tall fence, then VZW can revise the site plans to raise the height of the fence at time of building permit application submittal, as a condition of approval.

B. Screening fence.

1. The base of a tower, including all mechanical equipment and accessory structures, shall be screened from view of residential lots by an opaque screening fence designed to meet minimum standards of the City Screening, Buffering and Lighting Policy and built to provide privacy with a minimum height of eight (8) feet.
2. The screening fence may contain gates or doors allowing access to the tower and accessory structures for maintenance purposes, which shall be kept completely closed except for maintenance purposes and shall be located a minimum of 18 feet from the public right-of-way.
3. The screening fence requirement of this section does not apply to:
 - a) Any tower constructed or placed a distance of more than three hundred feet from all residential lots, or any tower within an industrial yard; or
 - b) Any tower located on a building that is not designed or built primarily to support the tower, provided that the general public has no physical access to the tower, or
 - c) Any tower located more than fifty (50) feet from a public street right-of-way, unless within a beautification corridor.

Not applicable. Refer to Exhibit J for site plan and survey depicting the location of the proposed facility, equipment compound with fence, and equipment cabinets. The proposed wireless telecommunications facility is located in the Industrial zoning district, and is more than 50' from a public street right-of-way. The location of VZW's proposed wireless telecommunications facility is located within an industrial yard area that is within an existing secure fence area.

C. When both sections above regarding a security fence and a screening fence are applicable, a single fence conforming to all applicable requirements of both sections may be provided.

VZW's proposed wireless telecommunications facility only requires a security fence.

SECTION 8. LANDSCAPING.

A tower site is not required to have landscaping unless the tower site is located within fifty (50) feet of any City street, unless within a beautification corridor. Towers located on public alleys are exempt unless the location is within fifty (50) feet of a public street, unless within a Beautification Corridor. If required, the landscaping shall comply with City landscaping standards as determined by the Planning Department.

Refer to Exhibit K for site plan and survey depicting the location of the proposed facility. The proposed wireless telecommunications facility is located within the W. Bender Blvd. beautification corridor. However, VZW is proposing a camouflaged designed tower to blend in with the existing environment, therefore, VZW's proposed wireless telecommunications facility will meet this requirement. VZW will utilize existing landscaping at the intersection of W. Bender Blvd. and N. Lovington Hwy, so VZW's proposed wireless telecommunications facility will be adequately screened from view. The lease area is not adequate to support landscaping, nor would it be practical to maintain the landscaping, due to the surrounding industrial uses. VZW can mitigate the landscaping requirement by adding additional landscaping at the intersection of W. Bender Blvd. and N. Lovington Hwy. as a condition of approval. VZW will comply with all other landscaping standards and conditions of approval as may be required by the Planning Board.

SECTION 9. SIGNS AND LIGHTING.

A. No signs shall be allowed on an antenna or tower. Lettering, signs, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall not be placed on or affixed to any part of a tower, antenna array or antenna, other than as required by FCC regulations regarding tower registration or other applicable law.

The only sign proposed is one that identifies the Provider and emergency telephone numbers and will comply with FCC regulations.

B. A tower or tower structure shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required by law or regulation, a design that reasonably complies with the City Screening, Buffering and Lighting Policy and minimizes disturbance to any adjacent residence(s) or public building shall be utilized.

The tower is not proposed to be lit unless explicitly required by the Federal Aviation Administration (FAA).

SECTION 10. APPLICATION PROCEDURES FOR A TOWER PERMIT.

A. An application for a Tower Permit shall be submitted to the Planning Department in the time and manner prescribed by the City Planner. The applicant shall, with the filing of the completed Tower Permit application, submit payment of the appropriate Tower Permit fees established by the City Commission that are calculated to reasonably cover the expenses of administering the provisions of this article.

VZW will comply with this requirement. The Tower Permit fee is enclosed with the application in Exhibit A.

B. The application shall not be considered complete unless accompanied by any and all drawings, building plans, if available, descriptive data, information on the height, structure, and appearance of the tower, filing fees, ownership and/or lease information, site map showing legal boundary, tower location and street access, all applicable restrictive covenants and other pertinent data that may be required by the City Planner. Each application for a Tower Permit or for a waiver shall include a complete list of those owners, as is indicated by the most recently approved tax rolls, of all properties within the residential test area of the proposed tower site. The application must be signed by both the tower owner or applicant and the real property owner.

VZW will comply with this requirement. Please refer to site plan and survey in Exhibit J, the filing fee in Exhibit A, property details in Exhibit B, Schedule B Title Report in Exhibit E, list of adjacent property owners within the residential test area in Exhibit C, and signature of applicant and property owner in Exhibit A.

C. In the event that any of the required documentation, data, reports or drawings contains any false or erroneous information known to the applicant, then any permit issued pursuant to that false or erroneous information shall be void with the same force and effect as if it had never been issued.

VZW acknowledges this requirement.

D. An application for a Tower Permit shall not be approved for a tower that is not in conformance with the regulations prescribed in this article unless a written application for a variance has been submitted to and approved by the City.

VZW acknowledges this requirement. Therefore, VZW's respectfully requests a variance

from the tower separation distance requirements as incorporated within this tower permit application. Furthermore, VZW is proposing stealth, camouflage design in order to meet the beautification corridor requirements.

E. The City Planner shall issue a Tower Permit for location, placement or siting of a tower only if it meets the requirements of this article.

VZW acknowledges this requirement. VZW respectfully requests approval of its Tower Permit application and request for variances.

F. On or before the fortieth (40th) calendar day following the filing of the application with all required documentation and data, the City Planner shall issue to the applicant a written notice of disapproval or preliminary approval of the Tower Permit. Any notice of disapproval of a Tower Permit application must include a written report explaining in detail the reasons for disapproval. Any preliminary approval shall be subject to the protest provisions of this section, and, if no protest is timely filed thereunder, shall become a final approval on the business day next following the close of the protest period. The issuance of a written notice to the applicant shall be complete upon the deposit of the properly addressed notice in the United States mail, first class postage paid.

Verizon Wireless acknowledges this requirement. VZW respectfully requests approval of its Tower Permit application and variance request. VZW will respond to any documentation and data requested by the City Planner or Planning Board. VZW kindly reminds the Planning Department of the FCC Shot Clock Process, whereby the jurisdiction acknowledges that it has a 90 day review process for site modifications and 150 days for new build sites.

SECTION 11. TOWER PERMIT ISSUANCE AND INDEMNIFICATION.

In accepting a Tower Permit, Permittee is required to agree to and shall indemnify, defend and hold the City, the City Commission of the City of Hobbs, its individual Commissioners, its officers, employees and agents harmless from any and all causes of action, suits, claims, judgments, losses, costs, expenses, and liens of every kind and nature, including but not limited to court costs and attorney's fees, arising or alleged to have arisen out of Permittee's performance in construction and operation of the Tower, Permittee's negligent actions, provision of services or failure to render services, or any violation of this Ordinance by Permittee of the approved Tower Permit.

VZW acknowledges this requirement.

SECTION 12. NOTIFICATION PROCEDURES.

A. The notice requirements of this section apply only to applications for tower permits for the construction, placement or alteration of towers subject to the requirements of this article and for variances from the requirements of this article.

VZW acknowledges this requirement.

B. When an application for variance is not filed as part of the original application for a tower permit, the notice requirements of this section apply separately to the variance application.

VZW acknowledges this requirement.

C. The Applicant shall post and maintain adequate notice sign(s) on the subject tower site and on street accesses leading to the tower site for a minimum of thirty (30) calendar days beginning no later than the sixth calendar day following the date of the filing of the required completed application with the department. Sign(s) shall be posted no more than fifteen (15) feet from the public right-of-way that is used as access to the tower site. The sign shall face each public right-of-way bordering the tower site and the lettering on the sign shall be legible from the public right of way. Each sign shall be a minimum of four by four feet in size, with lettering that complies with specifications promulgated by the Planning Department. The sign locations shall be approved by the Planning Department prior to erecting the signs.

VZW has complied with this requirement. Refer to Exhibit I for proof of notice sign posting.

1. The sign shall contain at a minimum the items of information including the proposed site of a tower; proposed maximum height above grade of the proposed tower; applicant information, contact information where additional information concerning this project may be obtained, and the date of the public hearing of the Planning Board to consider the variance.

VZW has complied with this requirement.

2. If, in the opinion of the City Planner, compliance with the requirements of this section is insufficient to provide adequate notification of the pending tower permit application, the City Planner may require the applicant to post additional signs or larger signs to be erected at locations as he/she deems advisable.

VZW has complied with this requirement if requested to do so.

D. Written notice of the filing of each application for a tower permit or an application for a variance, as provided for herein, shall be given to all property owners within the boundaries of the residential area or setback area, as applicable, as indicated by the most recently approved tax rolls. Notice to all owners of record shall

be deemed given if properly addressed and deposited in the United States mail, with first class postage paid. The required written notice shall be in a form prescribed by the Planning Department and shall be mailed no later than the tenth calendar day following the filing of the required completed application. The written notice shall include a map showing the proposed tower site and the surrounding residential test area or setback area, as applicable.

VZW has complied with this requirement. A notice letter has been mailed via certified mail, along with a map of the proposed site to the selected nearby residents. Refer to Exhibits C, I & J, proof of certified notice letters sent, site plan, and map of the surrounding residential test area and tower setback area.

E. Written notice shall be published at least once in a local newspaper of general circulation by the department not later than the seventh calendar day following the date of filing of the required completed application. The notice shall be published in the section of the newspaper in which other legal notices are commonly published, and shall be headed with the following words: "NOTICE OF PROPOSED TOWER CONSTRUCTION." The notice shall state the height of the tower and location of the proposed tower site, describe the intended use of the tower, the date of intended permit approval or the date of the Planning Board Hearing, if applicable, and advise that additional information may be obtained by writing or calling the Planning Department.

VZW has complied with this requirement. Refer to Exhibit I for the newspaper legal notice publication by the Hobbs News Sun.

F. The "written notice" required above shall include at a minimum the following information on the proposed site of a tower; proposed maximum height above grade of the proposed tower; applicant information, contact information where additional information concerning this project may be obtained, and the date of the Public Hearing of the Planning Board to consider the variance.

VZW has complied with this requirement. Refer to Exhibit I for the newspaper legal notice publication.

G. The applicant shall be responsible for paying all costs associated with the giving of notice under this article.

VZW acknowledges this requirement.

SECTION 13. VARIANCE REQUESTS AND PROCEDURES.

A. Variance.

1. Variances are authorized deviations from the property development standards in this chapter. A variance may be appropriate when strict enforcement would represent a unique, undue and unnecessary hardship on a particular property.

2. A complete application for a variance shall be submitted by a property owner, or an agent acting on behalf of the property owner, to the Planning Department, on a form prescribed by the City, along with a nonrefundable fee, which may be established from time to time by the City Commission. Under no circumstances shall a variance be proposed or considered that would authorize a use of property for a tower that is not otherwise permitted in accordance with this chapter. The property owner must sign the variance request.
- B. *Planning Department Action on Minor Variations.* The Planning Department shall have the authority to find that a variance application involves a minor variation, which shall include any proposed variation from a property development standard in this chapter that would be a deviation of a minor nature from such adopted standard. In any such case, the Planning Department may grant an administrative approval that does not require any further review or action by the Planning Board. Any such approval must meet the conditions for considering variances herein. If the Planning Department determines that an application does not meet these conditions and does not merit approval, then the matter may be referred to the Planning Board for review and action if requested by the applicant. The record of Planning Department review and approval of minor variations shall be available for public inspection, upon reasonable request, during normal business hours. In no case shall the Planning Department consider a variance for reducing setback distances in these ordinances or any substantive variance from the ordinance.
 - C. *Planning Board Public Hearings on Variances.* For all variance applications not deemed minor by the Planning Department, the Planning Board, after due notice, shall hold a public hearing on an application for a variance. At the public hearing, the Planning Board shall consider the application, the report of the Planning Department, the relevant supporting materials and the public testimony given at the public hearing. After the close of the public hearing, the Planning Board shall vote to approve, approve with conditions, table or disapprove the application for a variance.
 - D. *Conditions for Considering Variances.* To approve an application for a variance, the Planning Board shall make an affirmative finding that each of the following criteria, without exception, is met:
 1. Such variance will not alter the essential character of the neighborhood in which the property or structure is located or the property for which the variance is sought.
 2. Granting the variance will not adversely affect the health, safety or welfare of the public.
 3. Special circumstances must exist that are peculiar to the land and the special circumstances are not self-imposed or the result of the actions of the applicant.
 4. Literal interpretation and strict enforcement of the terms and provisions of this chapter would cause an unnecessary and undue hardship.
 5. The variance, if granted, will not be contrary to the public interest as implemented in this chapter.
 6. Consistent with the City's police power authority over towers, the variance, if granted, will not be detrimental to the public health, safety, or welfare;
 7. The variance, if granted, will not result in a violation of any other applicable ordinance, regulation or statute enforceable by the City.
 8. The variance, if granted, will not result in the violation of any applicable deed restriction or zoning regulation or the location of a tower in a park.

9. Granting the variance is the minimum action that will make possible reasonable use of the land or structure and which would carry out the spirit of this chapter and would result in substantial justice.
- E. The Planning Board may impose such conditions on a variance as are necessary to accomplish the purposes of this chapter, to prevent or minimize adverse impacts upon the public and neighborhoods and to ensure compatibility. All conditions imposed upon any variance shall be expressly set forth in writing with the granting of such variance.
- F. If a variance is requested from the requirements of this chapter regarding minimum distances between towers, for an antenna tower less than two thousand (2,000) feet from the nearest tower, the variance shall not be granted unless, in addition to finding that each of the conditions expressed above are satisfied, the Planning Board, after public hearing, finds that no approved tower or tower structure can accommodate the applicant's proposed antenna because the applicant has demonstrated any of the following:
 1. The approved tower or tower structure located within two thousand (2,000) feet of the proposed tower will not meet the applicant's engineering requirements;

VZW respectfully request a variance from the 2000' separation distance requirement. There are three (3) nearby towers located more than 1000' from VZW's proposed wireless telecommunication facility. A Pemco owned lattice tower is located approximately 1,040' at N. Lovington Hwy. from VZW's proposed tower. Two (2) guyed radio towers owned by KPER-FM at W. Bender Blvd. 0.5 KM West of State Hwy 18 intersection are located approximately 1,072' and 1,100' from VZW's proposed tower. As stated previously, the location and design of these three (3) existing towers do not meet VZW's engineering requirements and do not appear to meet VZW's antenna loading requirements for the required site in this area. The three (3) nearby towers are not designed and built for wireless telecommunication equipment, nor for collocation of wireless telecommunication equipment. Therefore, due to the fact that the separation distance is less than 2,000', VZW respectfully requests a variance from the separation distance requirement for these three (3) nearby towers.

2. The approved tower or tower structure located within two thousand (2,000) feet of the proposed tower is not of sufficient height to meet the applicant's specific engineering requirements;
Not applicable.
3. The approved tower or tower structure located within two thousand (2,000) feet of the proposed tower does not have sufficient structural strength and cannot reasonably be reinforced to provide sufficient structural strength;

As stated previously, the existing PEMCO lattice tower located on Lovington Hwy does not have sufficient structural strength to support VZW's wireless design and engineering requirements for the required site in this area. The existing two (2) KPER-FM radio station guyed towers are not designed to support wireless telecommunications, nor meet FCC wireless engineering standards. Furthermore, the three (3) nearby towers are not designed or built to handle any wireless telecommunication carrier equipment. These three (3) nearby towers are designed for signage and advertising purposes or for AM-FM radio broadcast

purposes. Therefore, these three (3) nearby towers cannot be reinforced to accommodate wireless telecommunications carrier equipment.

4. The antenna array of the approved tower or tower structure located within two thousand (2,000) feet of the proposed tower would cause electromagnetic interference with the antenna array of the proposed tower, or the antenna on the proposed tower or tower structure to be located within than two thousand (2,000) feet of the approved tower would cause interference with the antenna array of the approved tower;

The existing two (2) KPER-FM radio station guyed towers could potentially cause signal frequency interference with VZW's wireless signal if VZW collocated their equipment on these towers. It is standard best practice in the wireless telecommunications industry to not co-locate on radio or television broadcast towers due to potential radio frequency signal interference.

5. The approved tower or tower structure located within two thousand (2,000) feet of the proposed tower is not adaptable to accommodate additional antenna arrays or the costs required to share or adapt the approved tower or tower structure are unreasonable;

As stated previously, the costs associated with either adopting the Pemco owned lattice tower to meet VZW's structural and engineering requirements or collocation on the KPER-FM radio towers are presumed to be unreasonable. The Pemco tower would have to be deconstructed and reconstructed in order to meet FCC and VZW's standards. As it stands, the Pemco tower is not constructed to FCC wireless telecommunications standards. Collocation on either of the two (2) KPER-FM radio broadcast towers would cause additional structural engineering costs and additional lease costs.

6. The approved tower or tower structure located within two thousand (2,000) feet of the proposed tower is not available for co-location because the owner of the approved tower or tower structure or the owner of the tract on which the approved tower or tower structure is located refuses to agree to reasonable terms necessary to accommodate the requirements for the proposed antenna; and/or

Not applicable.

7. The approved tower or tower structure located within two thousand (2,000) feet of the proposed tower is not suitable for the specific requirements for the proposed antenna due to other factors as demonstrated by the applicant, taking into account any federal or state licenses the applicant may have received to conduct its business.

As stated previously, the existing three (3) nearby towers would reduce the integrity of VZW's overall wireless network in the vicinity. The relative location of this property makes it unique for the purpose of locating a wireless telecommunication facility based on the need for strict adherence to the spacing and height requirements of the grid plan. Furthermore, the PEMCO tower cannot be used for wireless commercial carriers. This tower's function serves as an advertising sign for the PEMCO business and emulates an oil-rig tower for marketing purposes. For the two (2) KPER-FM radio station broadcast towers, their broadcast equipment could cause radio frequency signal interference with

wireless telecommunications carrier equipment. In addition, the two (2) nearby towers that are located more than 2,000 feet from VZW's proposed tower are deemed unsuitable due to the spacing and signal coverage required for the integrity of VZW's network design.

SECTION 15. MAINTENANCE AND INSPECTION.

A. All buildings, structures, supporting structures, wires, fences or ground areas used in connection with a tower shall be maintained in a safe condition and in good working order. All equipment or machinery required by the Building Code, the Fire Code or any other applicable regulation or ordinance for a building or structure or supporting structure or device shall be maintained in good working order. The owner or operator of a tower shall be responsible for the maintenance of the tower, supporting structures, buildings, fences and ground areas.

Once the construction of the wireless facility is complete and the telephone switching equipment is fine-tuned, visitation to the site by service personnel for routine maintenance will occur once a month in a van-type vehicle. The site is entirely self-monitored and connects directly to a central office where sophisticated computers alert personnel to any equipment malfunction or breach of security. Therefore, the proposed facility will be in harmony with the general and specific purposes of building and fire codes and with the regulations of the City of Hobbs.

B. By applying for a tower permit under this article, the applicant specifically grants permission to the city, its duly authorized agents, officials and employees, to enter upon the property for which a permit or variance is sought, after first providing reasonable notice, for the purpose of making all inspections required or authorized to be made under this article, the Fire Code, the Building Code, this Code or any other applicable regulation, rule or ordinance.

VZW's will comply with this requirement to allow access to its proposed facility and lease area for inspection purposes, however, as lessee of the property, the city will have to obtain consent from the underlying property owner.

SECTION 16. ABANDONMENT AND REMOVAL OF TOWERS.

- A. Any privately owned tower that is out of service and not operated for a continuous period of twelve (12) months shall be determined to be abandoned by the City. The City Planner may issue a notice of abandonment to the tower owner that is determined to be abandoned. The owner shall have the right to respond within thirty (30) days from the date of the notice of abandonment. If sufficient information is received by the City from the owner to demonstrate that the tower has not been abandoned, the City Planner shall cancel the notice of abandonment.
- B. If the tower is determined to be abandoned, the tower owner shall remove same within ninety (90) days of receipt of notice from the City notifying the owner of the abandonment. If the antenna or tower is not removed within the ninety-day period, the City may remove the tower at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the antenna or tower. The

City Attorney is hereby authorized to pursue all necessary legal remedies to implement the provisions of this subsection.

VZW acknowledges this requirement and will comply with any conditions placed on the Tower Permit.

SECTION 17. TOWER PARCEL REQUIREMENTS.

A. Each Tower Parcel shall be a legally created tract of land, such as a separate subdivided property or a permanent easement. All permanent easements must be recorded as a separate land area with the Lea County Clerk. The Permanent Easement or Summary Subdivision must be approved in final form and recorded and attached with the approved Tower Permit.

VZW has complied with this requirement. The property owner has subdivided the property and has a separate parcel I.D. for VZW's lease area. Refer to Exhibit B for the legal description of the new parcel.

B. Each Tower Parcel shall have legal access in the form of direct access to a public right-of-way or permanent easement, as determined by the Planning Department. Conditions for additional access requirements may be required for approval of a Tower Permit.

VZW acknowledges this requirement and will comply with any conditions placed on the Tower Permit.

C. Deed restriction affidavit.

1. Every applicant for a tower permit or a variance shall furnish to the Planning Department an affidavit setting forth that the applicant is familiar with the title to the real property to which the requested permit appertains and that the intended use will not violate any applicable deed restrictions. The affidavit shall be accompanied with a certified copy of the instruments containing the deed restrictions, the instrument of revocation or termination, the declaratory judgment or any other recorded document containing restrictions that affect the use of the property.

VZW will comply with this requirement. Refer to Exhibit F for the Schedule B Title Report demonstrating there are no recorded restrictions that affect the use of this property.

2. A tower permit shall not be issued until the requested affidavit and supporting documentation has been produced. Any permit issued on the basis of erroneous documentation known to the applicant or an affidavit which contains false information known to the applicant is void with the same force and effect as if it had never been issued and without the necessity of any action by the city or any other person or agency. A tower permit shall not be issued for the construction or alteration of a tower if the use or the intended use will be in

violation of the recorded deed restrictions.

VZW will comply with this requirement. Refer to Exhibit F for the Schedule B Title Report demonstrating there are no recorded restrictions that affect the use of this property.

D. Every applicant for a tower permit or a variance shall furnish to the Planning Department documentation that the applicant owns the Tower Parcel or has the property owner's permission to apply for a permit. If the applicant does not own the property, both the applicant and the property owner are required to sign the permit request and Tower Permit, if approved.

Refer to the signed Tower Permit application as Exhibit A.

Report of Title

5030 COMPREHENSIVE FULL TITLE REPORT (INCLUDES 40 YEAR DEED HISTORY & ORIGINAL COPIES)

This Report of Title is for informational purposes only and is not to be considered as a commitment to issue any form of title insurance policy. The report is for the use and benefit of the addressee only, and liability is hereby limited to the amount of the fee paid therefore.

US TITLE SOLUTIONS FILE NO.50397-NM1501-5030
REFERENCE NO. 20141082622 SITE NAME NM6 Grimes

PREPARED FOR: Black & Veatch on behalf of Verizon Wireless - New Mexico
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Parcel 4000407010001

COUNTY: Lea

US TITLE SOLUTIONS

FILE NO. 50397-NM1501-5030 REFERENCE NO. 20141082622

REPORT OF TITLE

1 DATE OF THIS REPORT 3/2/2015

EXAMINED THRU 1/16/2015

2 THE ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS REPORT IS:

Fee Simple

3 TITLE TO SAID ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS REPORT IS AT THE EFFECTIVE DATE HEREOF VESTED IN:

Pemco of New Mexico, Inc., a New Mexico Corporation

SOURCE OF TITLE:

Vesting made by Deed Book 1367 at Page 278 in Instrument No. 04415, as corrected by Deed Book 1391 at Page 68 in Instrument No. 09639 .

4 THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

A tract of land situate within the Southeast Quarter of Section 21, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Beginning at a point which is located N89°59'00"E, 807.95 feet and N00°09'11"W, 40.00 feet from the South Quarter corner of said Section 21; Thence N00°09'11"W, 385.53 feet along the West line of the original Jimmy Evans Property; Thence N89°50'07"E, 22.77 feet to the South corner of the Pemco Property; Thence N50°29'00"E, 465.65 feet to the East corner of the Pemco Property, a point also being on the Westerly right-of-way line of the Texas-N.M. Railroad; Thence S39°31'00"E, 721.55 feet to a point on the Westerly right-of-way of said Texas-N.M. Railroad and said point also being the Northeast corner of the Southwestern Public Service Co. Property; Thence S89°55'27"W, 297.78 feet to the Northwest corner of the Southwestern Public Service Co. Property; Thence S00°01'07"E, 124.72 feet to a point on the North right-of-way of Sander Blvd. and said point being the Southwest corner of the Southwestern Public Service Co. Property; Thence S89°59'00"W, 541.85 feet to the point of beginning. Said tract contains 7.99 acres, more or less.

US TITLE SOLUTIONS

FILE NO. 50397-NM1501-5030 REFERENCE NO. 20141082622

SCHEDULE B

THIS IS NOT A COMMITMENT OR PRELIMINARY REPORT OF TITLE TO ISSUE A POLICY OR POLICIES OF TITLE INSURANCE. THE EXHIBITS SET FORTH HEREIN ARE INTENDED TO PROVIDE YOU WITH NOTICE OF MATTERS AFFECTING TITLE TO THE LAND DESCRIBED IN THIS REPORT.

1. Taxes, tax liens, tax sales, water rates, sewer and assessments set forth in schedule herein.
2. Mortgages returned herein. (-0-). See Separate Mortgage Schedule.
3. Any state of facts which an accurate survey might show or survey exceptions set forth herein.
4. Rights of tenants or person in possession.

(Judgments, Liens and UCC)

- 5 None within period searched

(Covenants/Restrictions)

- 6 None within period searched

(Easements and Rights of Way)

7. Easement by William Cecil Grimes and wife, June Gibbins Grimes to New Mexico Electric Service Company, a Corporation, dated 8/3/1954 recorded 8/5/1954 in book 175 page 314 in Instrument No :39602.
Notes: Utility Easement
8. Partial Release of Easement by Shell Pipe Line Corporation, a Maryland corporation, dated 5/8/1974 recorded 5/28/1974 in book 319 page 6 in Instrument No :38628.
Notes: Partial Release of Easement
9. Rights-of-Way and Easements by Shell Pipeline Company LP, a Delaware limited partnership, formerly known as Equilon Pipeline Company LLC, a Delaware limited liability company, successor in interest in interest to Texaco Pipeline, Inc., Shell Pipe Line LLC, and Shell Pipe Line Corporation, by a series of mergers to All American Pipeline, L.P., dated 7/22/2002 recorded 8/12/2002 in book 1164 page 397 in Instrument No :25497.
Notes: Assignment of Rights-of-Way and Easements

(Other Filed Documents)

10. Application for Permit to Install Utility Facilities with Public Right

of Way dated 11/17/1971 recorded 12/6/1971 in book 300 page 658 in Instrument No. 10221.

11. Community Property Settlement Agreement between Peggy V. Evans and James L. Evans dated 11/9/1983 recorded 11/14/1983 in book 423 page 33 .

US TITLE SOLUTIONS
FILE NO. 50397-NM1501-5030 REFERENCE NO. 20141082622

MORTGAGE SCHEDULE

None within period searched

TAX SEARCH

1. TAX ID :4000407010001

Total Assessed Value:\$114,286.00

Period :2014 Payment Status: Current

Tax Amount : \$5,350.06

Other Information : 1st 1/2 2014 Tax in the amount of \$3,566.71 Paid. 2nd
1/2 2014 Tax in the amount of \$1,783.35 due by 5/10/2015.

US TITLE SOLUTIONS

FILE NO. 50397-NM1501-5030 REFERENCE NO. 20141082622

DEED CHAIN

1. Vesting made by Deed Book 1367 at Page 278 in Instrument No. 04415, as corrected by Deed Book 1391 at Page 68 in Instrument No. 09639 to Pemco of New Mexico, Inc., a New Mexico Corporation.
2. Warranty Deed made by William Cecil Grimes, a single man to James L. Evans dated 8/15/1957 recorded on 5/5/1959 in book 234 page 350 .
Notes: Surface Only
3. Assignment made by Southern Union Gas Company, a Delaware corporation to Vernah Scott Moyston, individually and as life tenant under the Will of Roy C. Moyston, deceased, doing business as Hobbs Gas Company dated 10/1/1964 recorded on 11/5/1964 in book 225 page 229 Instrument No. 25288.
4. Conveyance made by Southern Union Gas Company, a Delaware corporation to Vernah Scott Moyston, individually as as life tenant under the Will of Roy C. Moyston, deceased, doing business as Hobbs Gas Company dated 10/1/1964 recorded on 11/5/1964 in book 287 page 105 Instrument No. 25286.
5. Warranty Deed made by New Mexico Bank and Trust Company, Executor and Trustee under the Last Will and Testament of William Cecil Grimes, Deceased to James L. Evans and/or Peggy Evans, his wife, as Joint Tenants with Right of Survivorship dated 4/11/1974 recorded on 4/15/1974 in book 340 page 268 Instrument No. 37126.
Notes: Surface Title Only
6. Probate of the Estate of William Cecil Grimes, Deceased recorded on 12/10/1979.
7. Warranty Deed made by New Mexico Bank and Trust Company, Trustee for Cynthia June Grimes Grebe to Cynthia June Grimes Grebe dated 6/23/1980 recorded on 7/14/1980 in book 382 page 400 Instrument No. 27176.
Notes: 1/9th Interest

Surface Only
8. Special Warranty Deed made by New Mexico Bank and Trust Company, Trustee for Cynthia June Grimes Grebe to Cynthia June Grimes Grebe dated 6/23/1980 recorded on 7/14/1980 in book 382 page 402 Instrument No. 27178.
Notes: 1/9th Interest

Surface Only
9. Special Warranty Deed made by New Mexico Bank and Trust Company, Trustee for Cynthia June Grimes Grebe to Cynthia June Grimes Grebe dated 6/23/1980 recorded on 7/14/1980 in book 382 page 403 .
Notes: 1/9th Interest

Surface Only

10. Special Warranty Deed made by New Mexico Bank and Trust Company, Trustee for William Cecil Grimes Maddox to William Cecil Grimes Maddox dated 8/20/1980 recorded on 9/2/1980 in book 383 page 485 Instrument No. 30132.
Notes: 1/9th Interest

Surface Only

11. Special Warranty Deed made by New Mexico Bank and Trust Company, Trustee for William Cecil Grimes Maddox to William Cecil Grimes Maddox dated 8/20/1980 recorded on 9/2/1980 in book 383 page 486 Instrument No. 30133.
Notes: 1/9th Interest

Surface Only

12. Special Warranty Deed made by New Mexico Bank and Trust Company, Trustee for William Cecil Grimes Maddox to William Cecil Grimes Maddox dated 8/20/1980 recorded on 9/2/1980 in book 383 page 487 Instrument No. 30134.
Notes: 1/9th Interest

Surface Only

13. Quit Claim Deed made by Peggy V. Evans to James L. Evans dated 11/21/1983 recorded on 12/8/1983 in book 409 page 112 Instrument No. 20154.
Notes: See Community Property Settlement Agreement recorded 11/14/1983 in Book 423 Page 33

14. Conveyance and Assignment made by Shell Oil Company, a Delaware corporation to Shell Western E&P Inc., a Delaware corporation dated 12/20/1983 recorded on 2/27/1984 in book 426 page 620 Instrument No. 24347.

15. Special Warranty Deed made by James L. Evans, a single man to James L. Evans, Trustee of the James L. Evans Trust, established the 7th day of December, 1984 dated 12/21/1984 recorded on 3/21/1985 in book 418 page 253 Instrument No. 46687.

16. Warranty Deed made by First Interstate Bank of Lea County, formerly New Mexico Bank and Trust Company, trustee for William Cecil Grimes Maddox to William Cecil Grimes Maddox dated 3/11/1985 recorded on 4/2/1985 in book 418 page 465 Instrument No. 47450.
Notes: 1/9th Interest

17. Warranty Deed made by William Cecil Grimes Maddox to James L. Evans Trust dated 3/11/1985 recorded on 4/2/1985 in book 418 page 467 Instrument No. 47451.

Notes: 2/9ths Interest

18. Warranty Deed made by First Interstate Bank of Lea County, formerly New Mexico Bank and Trust Company, trustee for William Cecil Grimes Maddox to James L. Evans Trust dated 3/11/1985 recorded on 4/2/1985 in book 418 page 469 Instrument No. 47452.
Notes: 1/9th Interest
19. Warranty Deed made by Cynthia Junes Grimes Grebe to James L. Evans Trust dated 3/17/1985 recorded on 4/2/1985 in book 418 page 471 Instrument No. 47453.
Notes: 2/9ths Interest
20. Warranty Deed made by First Interstate Bank of Lea County, formerly New Mexico Bank and Trust Company, trustee for Cynthia June Grimes Grebe to James L. Evans Trust dated 3/11/1985 recorded on 4/2/1985 in book 418 page 473 Instrument No. 47454.
Notes: 1/9th Interest
21. Warranty Deed made by Mary Evelyn Grimes Maddox to James L. Evans Trust dated 3/11/1985 recorded on 4/2/1985 in book 418 page 475 Instrument No. 47455.
Notes: 3/9ths Interest
22. Warranty Deed made by Patricia Mae Carson, Trustee of the James L. Evans Trust to B & B Machine Shop, Inc., a New Mexico corporation dated 7/22/1985 recorded on 7/23/1985 in book 420 page 780 Instrument No. 54155.
Notes: Surface Estate Only
23. Special Warranty Deed made by First Interstate Bank of Lea County, Trustee for Cynthia June Grimes Neal Grebe to Cynthia June Grimes Neal Grebe dated 10/10/1985 recorded on 10/18/1985 in book 422 page 788 Instrument No. 59427.
Notes: 1/9th Interest
24. Quit Claim Deed made by First Interstate Bank of Lea County, Trustee for William Cecil Grimes Maddox to William Cecil Maddox dated 8/29/1989 recorded on 10/6/1989 in book 455 page 784 Instrument No. 51414.
Notes: All Remaining Interest
25. Quit Claim Deed made by William Cecil Maddox to James L. Evans Trust dated 3/27/1990 recorded on 4/4/1990 in book 461 page 531 Instrument No. 60820.
Notes: 1/9th Interest
26. Warranty Deed made by Smith International, Inc., a Delaware corporation (Smith International, Inc., is the surviving corporation in a merger with Star Tool Co., a New Mexico corporation, as documented by

Certificate of Merger filed with the New Mexico Public Regulation Commission on July 6, 2001, and Star Tool Co. was the surviving corporation in a merger with B&B Machine Shop, Inc., a New Mexico corporation, as documented by a Certificate of Merger filed with the New Mexico Public Regulation Commission on July 6, 2001) to Pemco of New Mexico, Inc., a New Mexico Corporation dated 4/6/2005 recorded on 4/11/2005 in book 1367 page 278 Instrument No. 04415.

27. Correction Warranty Deed made by Smith International, Inc., a Delaware corporation (Smith International, Inc., is the surviving corporation in a merger with Star Tool Co., a New Mexico corporation, as documented by Certificate of Merger filed with the New Mexico Public Regulation Commission on July 6, 2001, and Star Tool Co. was the surviving corporation in a merger with B&B Machine Shop, Inc., a New Mexico corporation, as documented by a Certificate of Merger filed with the New Mexico Public Regulation Commission on July 6, 2001) to Pemco of New Mexico, Inc., a New Mexico corporation dated 7/29/2005 recorded on 8/4/2005 in book 1391 page 68 Instrument No. 09639.
Notes: Corrects the Legal Description in Deed recorded in Book 1367 Page 278

Call Sign	WQJQ693	Radio Service	WU - 700 MHz Upper Band (Block C)
Status	Active	Auth Type	Regular
Market			
Market	REA005 - Central	Channel Block	C
Submarket	0	Associated Frequencies (MHz)	000746.00000000- 000757.00000000 000776.00000000- 000787.00000000
Dates			
Grant	11/26/2008	Expiration	06/13/2019
Effective	09/16/2013	Cancellation	
Buildout Deadlines			
1st	06/13/2013	2nd	06/13/2019
Notification Dates			
1st		2nd	

Licensee			
FRN	0003290673	Type	General Partnership
Licensee			
Cellco Partnership 1120 Sanctuary Pkwy, #150 GASA5REG Alpharetta, GA 30009-7630 ATTN Regulatory		P:(770)797-1070 F:(770)797-1036 E:LicensingCompliance@VerizonWireless.com	





Contact			
Verizon Wireless Licensing Manager LicensingCompliance@VerizonWireless.com Alpharetta, GA 30009-7630 ATTN Regulatory		P:(770)797-1070 F:(770)797-1036 E:LicensingCompliance@VerizonWireless.com	

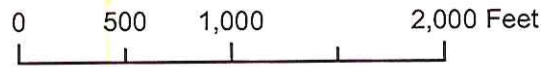
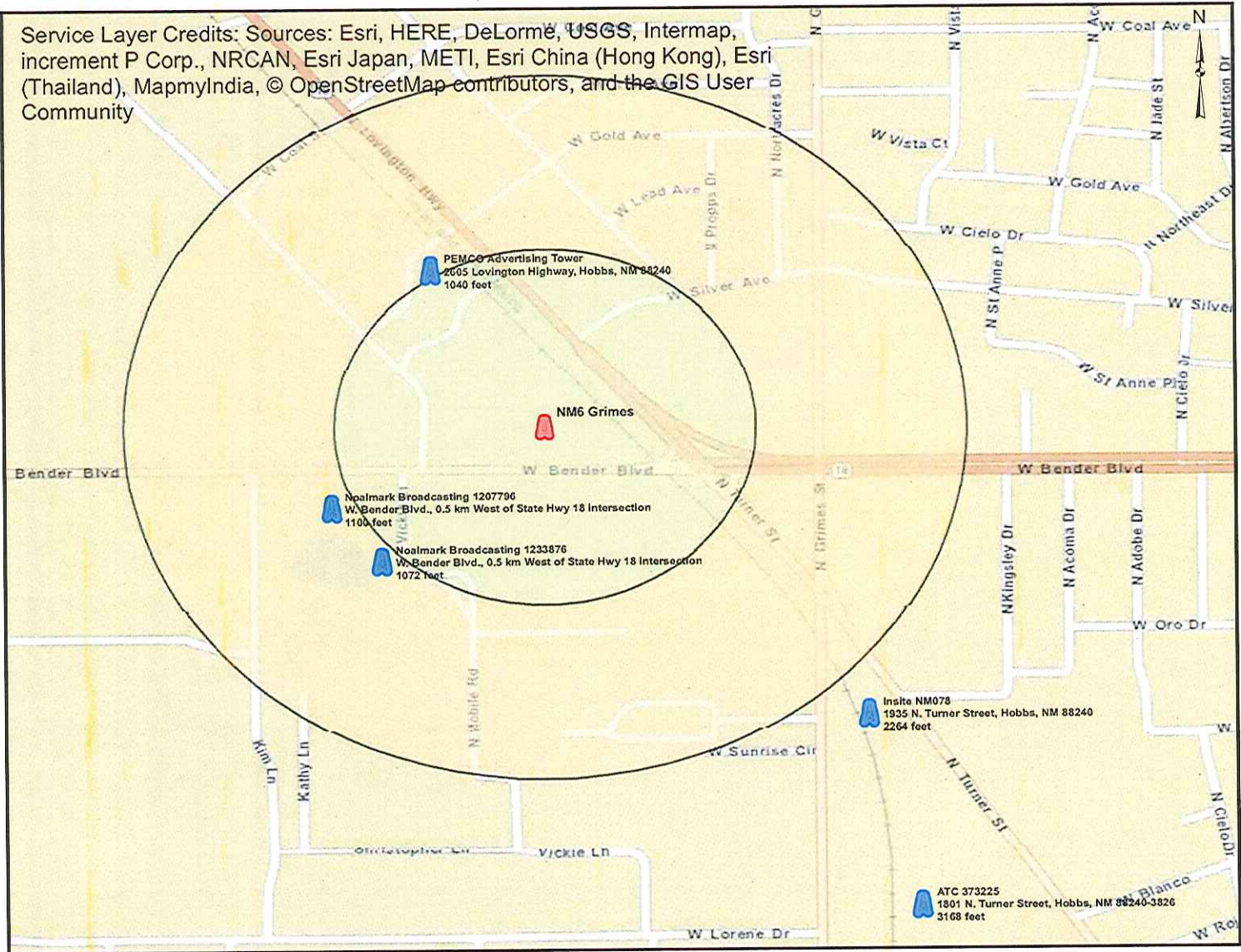
Ownership and Qualifications			
Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes
Alien Ownership The Applicant answered "No" to each of the Alien Ownership questions.			
Basic Qualifications The Applicant answered "No" to each of the Basic Qualification questions.			
Tribal Land Bidding Credits This license did not have tribal land bidding credits.			

Demographics			
Race			
Ethnicity			Gender

VZW NM6 Grimes

Service Layer Credits: Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

	Adjacent_Towers
	NM6 Grimes
	1000 feet
	2000 feet



Author: Land Services & Acquisition Group, Telecommunications Division, Black & Veatch Corporation

April 4, 2017

	A	B	C	D	E	F	G	H	I
1	LATITUDE	LONGITUDE	TWR OWNER	SITE NUMBER	SITE NAME	ADDRESS	TWR TYPE	STRUCTURE HT	DISTANCE FROM TOWER (feet)
2	32.7219	-103.1441	Insite	NM078	North Turner	1935 N. Turner Street, Hobbs, NM 88240	Lattice	110'	2264
3	32.7189	-103.1433	ATC	373225	Hobbs 2 Downtown	1801 N. Turner Street, Hobbs, NM 88240-3826	Monopole	100'	3168
4	32.7243	-103.1516	Noalmark Broadcasting	1233876	KPER-FM Tower #1	W. Bender Blvd., 0.5 km West of State Hwy 18 Intersection	Guyed	110'	1072
5	32.7251	-103.1524	Noalmark Broadcasting	1207796	KPER-FM Tower #2	W. Bender Blvd., 0.5 km West of State Hwy 18 Intersection	Guyed	91'	1100
6	32.7288	-103.1508	PEMCO		Advertising Tow PEMCO Tower	2605 Lovington Highway, Hobbs, NM 88240	Lattice	Unknown	1040



Google Earth

© Google
© Google
© INECI

**PROPERTY PROPOSED FOR
TOWER PERMIT**

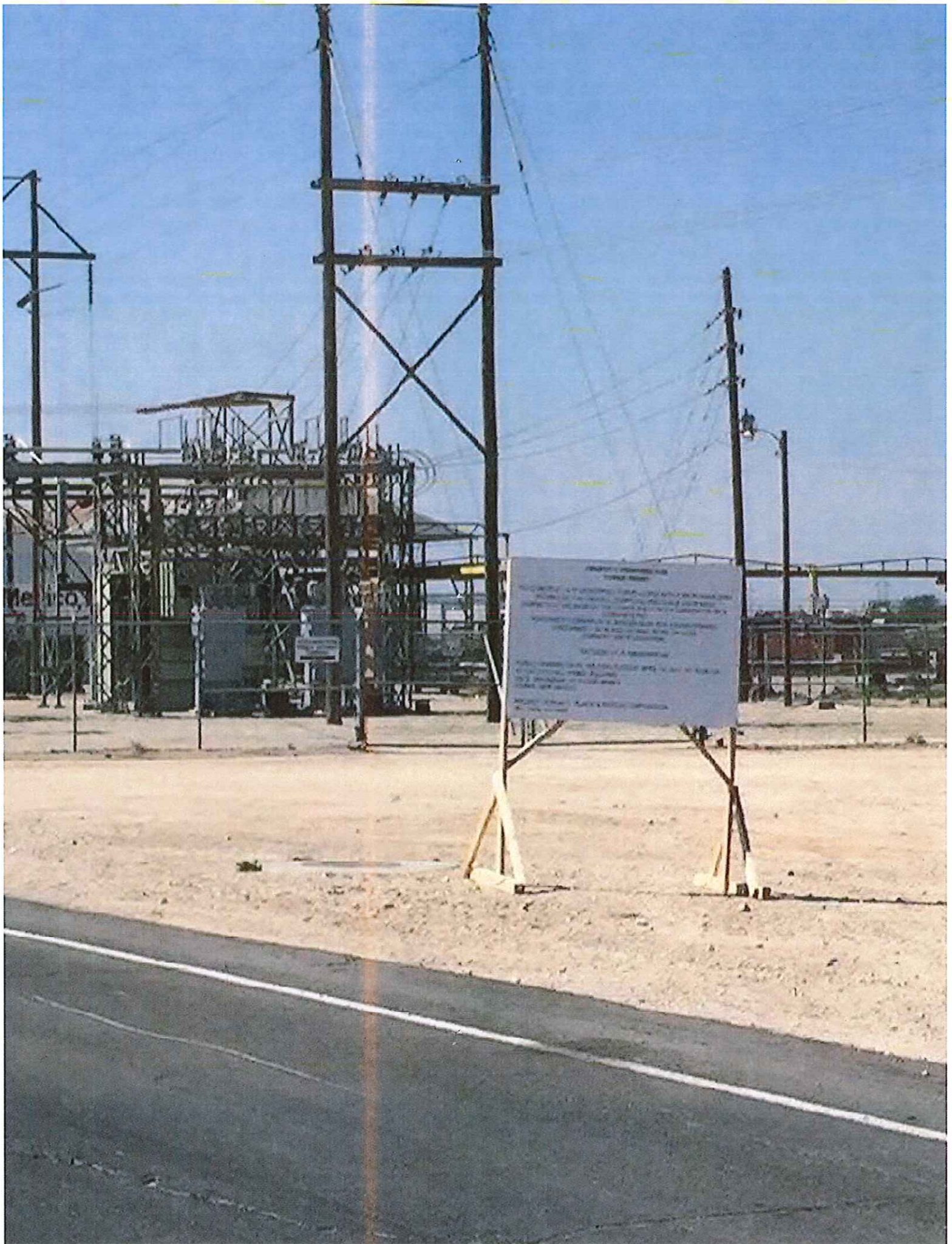
TO CONSTRUCT A 70' MONOPOLE TOWER ALONG WITH A MICROWAVE DISH
WITHIN A 30' X 40' FENCED COMPOUND AND PLACE EQUIPMENT
CABINETS AT THE BASE OF THE TOWER AND A 10' X 4' GENERATOR ON A
CONCRETE PAD.

NORTHWEST CORNER OF W. BENDER BLVD. & N. LOVINGTON HWY
CONTAINING 1.94 ACRES OF LAND, MORE OR LESS.
CURRENT USE IS INDUSTRIAL.

TAX CODE I.D. # 4990225090340

PUBLIC HEARING TO BE HELD ON TUESDAY, APRIL 18, 2017, AT 10:00 A.M.
AT THE CITY HALL ANNEX BUILDING *
200 E. BROADWAY 1ST FLOOR ANNEX
HOBBS, NEW MEXICO

PROJECT CONTACT: BLACK & VEATCH CORPORATION
TEL: (505) 443-6401



PROYECTO DE CONSTRUCCION DE UN SUBESTACION
COMUNIDAD AUTONOMA DE YUCATAN

ESTE ESPACIO ESTA RESERVADO PARA LA CONSTRUCCION DE UN SUBESTACION DE 138KV. SE PROHIBE EL PASO DE PERSONAS Y VEHICULOS EN ESTE ESPACIO SIN EL CONSENTIMIENTO DEL PERSONAL ENCARGADO DE LA OBRERA.

SE PROHIBEN LAS ACTIVIDADES QUE PUEDAN OBSTACULIZAR O DAÑAR LA OBRERA.

SE PROHIBEN LAS ACTIVIDADES QUE PUEDAN OBSTACULIZAR O DAÑAR LA OBRERA.

SE PROHIBEN LAS ACTIVIDADES QUE PUEDAN OBSTACULIZAR O DAÑAR LA OBRERA.

Mexico



BLACK & VEATCH
Building a world of difference.

BLACK & VEATCH CORPORATION
5885 MEADOWS ROAD, SUITE 700
LAKE OSWEGO, OR 97035 USA
+1 503-443-4463 | PROVANCEKS@BV.COM

March 20, 2017

VIA U.S. FIRST CLASS MAIL

Attn: Property Owner (Resident)

**RE: Verizon Wireless Application for Tower Permit
for a Proposed Wireless Telecommunications Facility
Site Name: NM6 Grimes
Site Address: 1120 Bender Blvd.
Parcel I.D. #4-000-407-010-001**

Dear Resident:

Verizon Wireless is pleased to announce deployment of its wireless service to the City of Hobbs' residents. As the nation's largest operator of wireless voice and data networks, Verizon Wireless is proposing to expand its network of cell sites within the City of Hobbs. Many residents in your community are counting on Verizon Wireless to provide quality service so they can stay connected to families, friends, and emergency services if needed. In order to satisfy these needs, Verizon Wireless is improving its antenna facilities network system in the City of Hobbs.

In accordance with the City of Hobbs Zoning Ordinance No. 1036, titled Tower Regulation Ordinance, Section 12, titled, "Notification Procedures", this letter serves as notice that Verizon Wireless is proposing a wireless telecommunications facility consisting of a 70' monopole tower placed within a 30' x 40' lease area, along with equipment cabinets and 10' x 4' generator pad placed near the base of the tower.

The proposed facility will be located at the 1120 Bender Blvd. at the Northwest corner of W. Bender Blvd. and N. Lovington Hwy., Hobbs, NM 88240. Enclosed is a location map of the site.

The Planning and Zoning Commission will consider this request at a Public Hearing on:

April 18, 2017
Time: 10:00 a.m.
Place: City Hall Annex Building
200 E. Broadway, 1st Floor Annex
Hobbs, NM 88240

Verizon Wireless encourages you to contact our representative with any questions, suggestions, or concerns. For details about this request, please contact Verizon Wireless' representative, Kevin Provance, at (503) 443-4463 or e-mail provanceks@bv.com or the City Planner at (575) 397-9351.

Thank you for your time to consider this matter, and if you require any additional information, please do not hesitate to call.

Sincerely,
Black & Veatch Corporation

Kevin Provance
Land Use Planner / Planning Manager

Enclosures

FRANKLIN
 32405 FRANKLIN RD
 FRANKLIN
 NH
 48025-9998
 2586050907

03/20/2017 (800)275-8777 10:40 AM

Product Description	Sale Qty	Final Price
Unnum Parcel	1	
Pkup		
First-Class Mail Letter	1	\$0.49
(Domestic)		
(DENVER, CO 80201)		
(Weight:0 Lb 0.50 Oz)		
(Expected Delivery Day)		
(Thursday 03/23/2017)		
Certified	1	\$3.35
(@USPS Certified Mail #)		
(7003226000046526758)		
Return Receipt	1	\$2.75
(@USPS Return Receipt #)		
(9590940306515183834676)		
First-Class Mail Letter	1	\$0.49
(Domestic)		
(HOBBS, NH 88241)		
(Weight:0 Lb 0.50 Oz)		
(Expected Delivery Day)		
(Thursday 03/23/2017)		
Certified	1	\$3.35
(@USPS Certified Mail #)		
(70140510000012135282)		
Return Receipt	1	\$2.75
(@USPS Return Receipt #)		
(9590940306515183834669)		
First-Class Mail Letter	1	\$0.49
(Domestic)		
(HOBBS, NH 88240)		
(Weight:0 Lb 0.50 Oz)		
(Expected Delivery Day)		
(Thursday 03/23/2017)		
Certified	1	\$3.35
(@USPS Certified Mail #)		
(70093410000043113556)		
Return Receipt	1	\$2.75
(@USPS Return Receipt #)		
(9590940306515183834706)		
First-Class Mail Letter	1	\$0.49
(Domestic)		
(HOBBS, NH 88241)		
(Weight:0 Lb 0.50 Oz)		
(Expected Delivery Day)		
(Thursday 03/23/2017)		
Certified	1	\$3.35
(@USPS Certified Mail #)		
(70093410000043113563)		
Return Receipt	1	\$2.75
(@USPS Return Receipt #)		
(9590940306515183834690)		
First-Class Mail Letter	1	\$0.49
(Domestic)		
(AUSTIN, TX 78701)		
(Weight:0 Lb 0.50 Oz)		
(Expected Delivery Day)		
(Thursday 03/23/2017)		
Certified	1	\$3.35
(@USPS Certified Mail #)		
(70032260000465264801)		
Return Receipt	1	\$2.75
(@USPS Return Receipt #)		
(9590940306515183834652)		
First-Class Mail Letter	1	\$0.49
(Domestic)		
(SAN ANTONIO, TX 78216)		
(Weight:0 Lb 0.50 Oz)		
(Expected Delivery Day)		
(Thursday 03/23/2017)		
Certified	1	\$3.35
(@USPS Certified Mail #)		
(70093410000043113549)		
Return Receipt	1	\$2.75
Total		\$39.54
Credit Card Reald		\$39.54
(Card Name:MasterCard)		
(Account #:XXXXXXXXXXXX4178)		
(Approval #:104050)		
(Transaction #:029)		

190796.3865

BRIGHTEN SOMEONE'S MAILBOX. Greeting cards available for purchase at select Post Offices.

7009 3410 0000 4311 3556

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

HOBBS, NM 88240 **OFFICIAL USE**

Postage	\$3.75
Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.50

Sent To: Buie Capital Venture USPS
 Street, Apt. No.; or PO Box No.: 2605 Lovington Hwy.
 City, State, ZIP+4: Hobbs, NM 88240

Postmark Here: MAR 20 2017
 03/20/2017

PS Form 3800, August 2005 See Reverse for Instructions

7009 3410 0000 4311 3549

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For delivery information visit our website at www.usps.com.

SAN ANTONIO, TX 78216 **OFFICIAL USE**

Postage	\$3.75
Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.50

Sent To: Faust Everett USPS
 Street, Apt. No.; or PO Box No.: 70 NE Loop 410, Ste. 180
 City, State, ZIP+4: San Antonio, TX 78216

Postmark Here: MAR 20 2017
 03/20/2017

PS Form 3800, August 2005 See Reverse for Instructions

7014 0510 0000 1213 5282

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For delivery information visit our website at www.usps.com.

HOBBS, NM 88241 **OFFICIAL USE**

Postage	\$3.75
Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.50

Sent To: PEMCO of New Mexico Inc
 Street, Apt. No.; or PO Box No.: P.O. Box 428
 City, State, ZIP+4: Hobbs, NM 88241

Postmark Here: MAR 20 2017
 03/20/2017

PS Form 3800, August 2005 See Reverse for Instructions

7003 2260 0004 6526 4801

U.S. Postal Service™
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 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

AUSTIN, TX 78701 **OFFICIAL USE**

Postage	\$3.75
Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.50

Sent To: Well Services Div of JTC
 Street, Apt. No.; or PO Box No.: 919 Congress Ave. Ste. 1450
 City, State, ZIP+4: Austin TX, 78701

Postmark Here: MAR 20 2017
 03/20/2017

PS Form 3800, June 2002 See Reverse for Instructions

7003 2260 0004 6526 7758

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

DENVER, CO 80201 **OFFICIAL USE**

Postage	\$3.75
Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.50

Sent To: Southwestern Pub Service
 Street, Apt. No.; or PO Box No.: P.O. Box 1979
 City, State, ZIP+4: Denver, CO 80201

Postmark Here: MAR 20 2017
 03/20/2017

PS Form 3800, June 2002 See Reverse for Instructions

7009 3410 0000 4311 3563

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

HOBBS, NM 88241 **OFFICIAL USE**

Postage	\$3.75
Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.50

Sent To: Farmers & Planters LP
 Street, Apt. No.; or PO Box No.: P.O. Box 1920
 City, State, ZIP+4: Hobbs, NM 88241

Postmark Here: MAR 20 2017
 03/20/2017

PS Form 3800, August 2005 See Reverse for Instructions

LEGAL NOTICE
March 22, 2017

**NOTICE OF PROPOSED
TOWER CONSTRUCTION**

Property proposed for Tower Permit in the City of Hobbs, New Mexico. To construct a 70' monopole tower along with a microwave dish within a 30' x 40' fenced compound and place equipment cabinets at the base of the tower, and a 10' x 4' generator placed on a concrete pad. Property is located at Northwest Corner of W. Bender Blvd. & N. Lovington Hwy., containing 1.94 acres of land, more or less. Current use is Industrial, tax code I.D.# 4960225090340.

Public hearing to be held on Tuesday, April 18, 2017 at 10:00 a.m. at the City Hall Annex Building 200 E. Broadway, 1st Floor Annex, Hobbs, New Mexico.

Project Contact: Black & Veatch Corporation, tel. (503) 443-4463.
#31654



PLANNING DEPARTMENT

200 E. Broadway St.
Hobbs, NM 88240

575-397-9351 bus
575- 397-9227 fax

City of Hobbs, New Mexico

March 14, 2017

Black & Veatch Corporation
Kevin Provance
5885 Meadows Road, Suite 700
Lake Oswego, OR 97035

Subject: Verizon Wireless Application for Tower Permit, 1120 Bender Blvd.

The tower permit application for 1120 Bende Blvd. is under review. Please proceed with notifications, as they are proposed in the application. On the notice sign, bold (in order to draw attention) the information pertaining to the location site and contact. Also, submit for our records, the signature of the property owner that is to accompany the application.

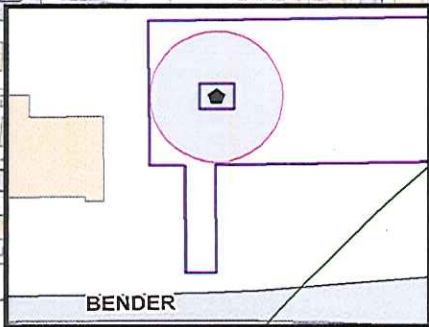
Due to conditions of the application deviating from Hobbs Municipal Code Chapter 18.12, a variance request is required. The variance will be presented to the Planning Board on Tuesday, April 18th at 10:00 AM. The variance needs to address the following:

- 18.12.050 H. – proposed tower would be within 2,000 feet of previously approved or permitted tower structure (see attached map)
- 18.12.060 B4. – proposed tower is within a beautification corridor (see attached map) and is not of a camouflage design as camouflage design is defined in 18.12.020
- 18.12.080 – landscaping is not addressed in application

Refer to 18.12.130 regarding Variance Request and Procedures.

If you have any questions or need any additional information please contact Shelia Baker at 575-391-4113.




Kevin Robinson – Development Director

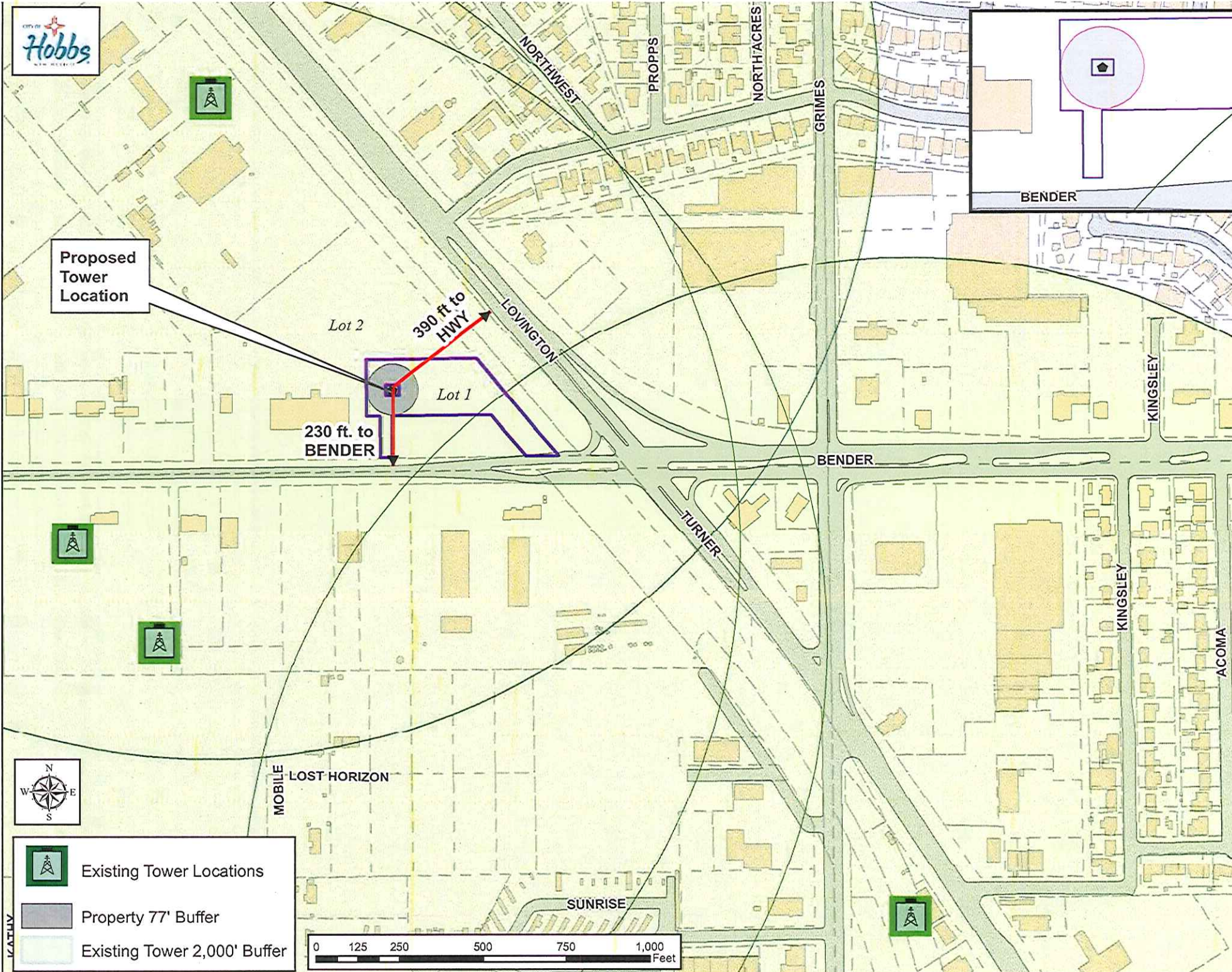
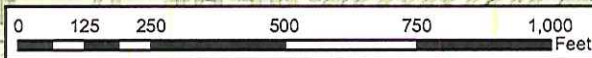


Proposed Tower Location

Lot 2
Lot 1
230 ft. to BENDER
390 ft. to HWY



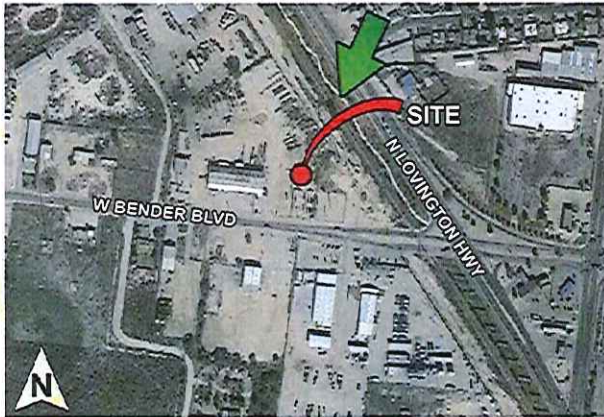
-  Existing Tower Locations
-  Property 77' Buffer
-  Existing Tower 2,000' Buffer



NM6 GRIMES

NEW 69'-0" MONOPOLE

LOCATION



PROPOSED



EXISTING



NORTHEAST ELEVATION (LOOKING SOUTHWEST)

Disclaimer: These photographic simulations have been provided to aid in visualizing how the proposed wireless telecommunications facility shown herein would appear if constructed. While these renderings are not an exact science, they have been prepared diligently to accurately reflect dimensions, scale, depth, coloring, texture, and other important elements in the proposed design insofar as the digital medium allows. Taken together with the engineering drawings and other materials submitted with the application, they are fair and reasonable visual depictions of how the proposed site would appear.

verizon Verizon Wireless
4821 Eubank NE
Albuquerque, NM 87111

J5 INFRASTRUCTURE J5 Infrastructure Partners
767 N Star Road
Star, ID 83669
AZ - CA - CO - ID - NM - NV - TX - UT

SITE ADDRESS:
1108 W. BENDER BLVD
HOBBS, NEW MEXICO 88240
32°43'34.82" N
103°08'56.71" W

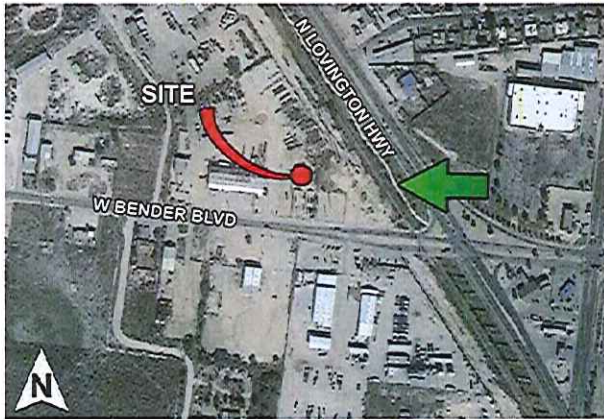
Sheet No.

1

NM6 GRIMES

NEW 69'-0" MONOPOLE

LOCATION



EXISTING



PROPOSED



EAST ELEVATION (LOOKING WEST)

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Sheet No.

2

NM6 GRIMES

NEW 69'-0" MONOPOLE

LOCATION



PROPOSED



EXISTING



SOUTHWEST ELEVATION (LOOKING NORTHEAST)

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Sheet No.

3

**PLANNING BOARD MEETING
MINUTES
April 18, 2017**

The Hobbs Planning Board met on April 18, 2017 at 10:00 a.m. at City of Hobbs Annex Building, First Floor Commission Chambers, located at 200 E. Broadway, Hobbs, NM 88240 with Mr. W.M. "Tres" Hicks Chairman presiding.

Members Present:

Tres Hicks, Chairman
Guy Kesner, Vice Chairman
Bill Ramirez
Brett Drennan
Dwayne Penick

Members Absent:

Larry Sanderson
Bobby Shaw

Also present were members of the public and City staff as follows:

Kevin Robinson, Development Director
Todd Randall, City Engineer
Julie Nymeyer, Staff Secretary
Shelia Baker, Senior Staff Engineer
Bruce Reid, County Planner
Dennis Holmberg
Amy McKenzie, Black & Veatch

Commissioner Buie
Bruce Reid, County Planner
Ben Maynes, Building Official
Mike Stone, City Attorney
George Stanley
Jeremy Baker

1) Call To Order.

Vice Chairman Kesner called the meeting to order at 10:05 am.

2) Review and Consider Approval of Agenda.

The first item of business was to review and approve the Agenda for the March 21, 2017 meeting. Mr. Hicks asked if there were any changes or additions to the Agenda? Mr. Robinson said there are no changes or additions to the agenda. Mr. Ramirez made a motion, seconded by Mr. Drennan to approve the agenda as presented. The vote on the motion was 4-0 and the motion carried.

3) Review and Consider Approval of Minutes.

March 21, 2017 – Regular Meeting

Mr. Kesner asked if everyone has had a chance to read the Regular Minutes from March 21, 2017? Mr. Kesner said on number 9 of the minutes he made a statement about oversizing. He said he is not opposed to the city paying for oversizing. He said the developer would not be responsible for oversizing if the city saw a need to oversize the infrastructure. Mr. Ramirez

made a motion seconded by Mr. Drennan to approve the minutes as amended. The vote on the motion was 4-0 and the motion carried.

Mr. Hicks arrived at the meeting 10:08 am

4) Communications from Citizens.

There were no communications from citizens.

5) Public Hearing to Review and Consider issuance of a Tower Permit for a cell tower to be located northwest of the intersection of W. Bender Boulevard and N. Lovington Highway upon property owned by Buie Capital Ventures, LLC, as submitted by Verizon Wireless.

Mr. Robinson said this is a cell tower than will be located NW of the intersection of Bender and Lovington Hwy. He said the proper notification has been done. He said originally there were three things left off the cell tower application; 1) existing cell towers, 2) landscaping, 3) camouflage. He said once they notified the developer they did send and amended packet.

Mr. Robinson said the existing towers within 2000 linear feet are not suitable for the development. He said the camouflaging is required because it is within the beautification corridor. He said then there is the landscaping. He said the city wants the developer to comply with the landscaping ordinance. He said the square feet that is required seems a little onerous. He said the developer said they would mitigate the landscaping issue placing some type of landscaping of the Boards choice. Mr. Kesner asked how far from the Railroad tracks and how far from the roadway will the tower site be. Mr. Hicks said 200 feet from Bender and 300 feet from Lovington Highway.

Mr. Ramirez asked how tall the pole was? Ms. McKenzie said 70 foot monopole. She said it is designed to be a flush mount.

Mr. Stone said he appreciated the opportunity to speak with the Board. He said it has come to their attention yesterday that this piece of property is owned by one of the City Commissioners. He said he wants it to be clear and have public disclosures that this is owned by Mr. Buie. He said the current rules are for the Planning Board to review any cell tower application. He said staff believes that the Board should consider the application and the report of the Planning Board and supporting materials with any public testimony that might come before the Board will be sent to the City Commission. He said after the hearing you will approve, approve with conditions, table or disapprove. He said because this property is owned by a City Commissioner the Legal Department is asking you to accomplish your task as you would with any other proposal. He said your decision will be termed as a recommendation and sent to the City Commission for final approval. He said it is another step of transparency to make sure everyone involved understands and knows that a City Commissioner owns this piece of property. He said they are asking the Board to do exactly what they would normally do.

Mr. Hicks opened the public hearing at 10:20 am. He asked if there were any members of the public that would like to speak for or against the proposed tower location. There were

no comments. Mr. Hicks closed the public hearing at 10:21 am. He turned the item over to the Planning Board for comment.

Mr. Ramirez asked if there were any negative letters in response to this variance? Mr. Robinson said no. Mr. Kesner asked how tall the Pemco tower was? Ms. McKenzie said 65 feet. Mr. Kesner said then it is about the same height. Ms. McKenzie said yes. She said this tower is really about the capacity more than the coverage. She said Hobbs is really growing and the use of data and voice is increasing. She said one other provider will be able to use this tower.

Mr. Hicks said the specs require an 8 foot fence but you are proposing a 7 foot? Ms. McKenzie said they could amend that to be an 8 foot. Mr. Hicks said since there is a double fence he didn't think they would have to do that. Mr. Kesner said he did not think there was a lot of need for landscaping on that location. He said that it will not be visited very often.

Mr. Robinson said staff is recommending a landscaping component because it will be relatively near the existing trail project. Ms. McKenzie said they would like to be exempt from the landscaping. She said they would have to bore under the railroad to get irrigation. Mr. Kesner said from his perspective it is not going to make a lot of improvement on the geographical area because of the industrial sites already located there. Mr. Penick asked if it could be some type of desert landscaping? Mr. Robinson said yes it could with rocks and a succulent plant. He said the Board has a lot of latitude as far as landscaping. Mr. Hicks said he would be ok with something that was xeriscaping that didn't require water. Ms. McKenzie said they would be doable for them. Mr. Hicks said the city is being a partner by participating in those types of projects. He said it is consistent with the development on West Bender.

Mr. Kesner made a motion, seconded by Mr. Drennan to approve the Tower permit with the recommendation of no landscaping. The vote on the motion was 4-1 with Mr. Hicks against and the motion carried.

- 6) Review and Consider Development of a Recreational Vehicle Park (RVP), on a 10 +/- acre undivided parent parcel located southeast of the intersection of Aspen and N. Dal Paso. This property received a Special Use Permit to Amend the Planning District Map and allow development of a RVP from the Planning Board in a public meeting held on February 17, 2015.

Mr. Robinson said in 2015 the municipality did grant a Special Use permit for the usage of an RV Park this location. He said the Special Use permit is in effect until the permit is rescinded or taken off the map. He said there are public infrastructures with the development of this site. He said there is a waterline just north of the south property line. He said the developer would like to tap the existing waterline. He said the developer will be resubmitting the plans. Mr. George Stanley said it will be run back through their engineers for the final plans. Mr. Hicks said he has not seen anything that has changed in the area that would change their decision from the last time.

Mr. Ramirez made a motion, seconded by Mr. Penick to continue the existing RV Park

permit. The vote on the motion was 5-0 and the motion carried.

- 7) Review and Consider Preliminary Plat Approval of a proposed subdivision located northeast of the intersection of Chance St. and North Grimes within the Extra-Territorial Jurisdiction.

Mr. Hicks said the next item is to approve the Preliminary Plat off Chance Street. He said his firm is the surveyor group on this project. Mr. Robinson said this has not gone to the County Planning and Zoning. He said this is a dedication of Chance and a dedication of a cul-de-sac which will be the continuation of Illinois. He said this would give each individual property adjacent to the proposed cul-de-sac access to a dedicated right-of-way. He said there is a dedication to a surface and subsurface infrastructure easement going from Illinois north. He said that would be on the line of the Major Thoroughfare Plan and an extension of Fowler.

Mr. Ramirez asked how many lots would it be? Mr. Robinson said 4 lots. Mr. Hicks asked about the status of the development of Chance Street. Mr. Robinson said it is a County maintained Roadway.

Mr. Hicks asked if they are requiring the developers to build the cul-de-sac on Illinois? Mr. Reid said yes because there is no way to get to the back property without it. He said Fire Trucks need to be able to get in and out also.

Mr. Penick left the meeting at 11:06 am.

Mr. Kesner made a motion, seconded by Mr. Drennan to approve the Preliminary Plat for the Murrillo development pending County approval. Mr. Robinson asked if would be proper to do a preliminary and final approval? The Board agreed. Mr. Kesner, seconded by Mr. Drennan amended the motion to approve the Preliminary and Final Plat as long it is compliant with the county. The vote on the motion was 4-0 and the motion carried.

- 8) Review and Consider proposed amendment of Municipal Code Title 16 (Subdivision Regulations).

Mr. Robinson said the Municipal staff and the County staff have had numerous meetings about Title 16. He said the municipal subdivision regulations and the county subdivision regulations are extremely compatible. He said the issue has been the claim of exemption. He said that is when the person is exempt from county rules and regulations for their subdivision. He said the municipality has in Title 16 that any plat above 5 acres does not require municipal approval. He said within the ETJ it leaves a possibility of a plat that is 10 acres being divided where one tract of land is not contiguous to a public right-of-way. He said as everything sets today the municipality would not be required to approve that plat and the county only has to approve the claim of exemption.

The Board discussed the recent changes made to this Code. Mr. Hicks said the Board has had numerous meetings on this item and he recommends this be approved and sent to the City Commission with the amendments. Mr. Ramirez made a motion, seconded by Mr. Drennan to approve the amendments to Municipal Code Title 16 and send it to the City Commission. The vote on the motion was 4-0 and the motion carried.

9) **Adjournment.**

With nothing further to discuss the meeting adjourned at 11:52 am.

Tres Hicks, Chairman

DRAFT



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 15, 2017

SUBJECT: FY2016 Fire Prevention and Safety (FPS) Grant
DEPT. OF ORIGIN: Fire Department
DATE SUBMITTED: May 11, 2017
SUBMITTED BY: Shawn Williams, Fire Marshal

Summary:

The Purpose of the Fire Prevention and Safety Grant is to fund fire prevention and safety activities which are designed to reach high-risk target groups and mitigate incidences of deaths and injuries caused by fire and fire-related hazards. In continuing the mission of providing public education to promote fire safety and prevention to the community of Hobbs, the Hobbs Fire Department has identified the need to purchase a new Fire Safe House trailer. This will allow the department to promote fire safety and fire prevention education across the community utilizing updated technology. The Department of Homeland Security and Federal Emergency Management Agency is responsible for the implementation and administration of the Fire Prevention and Safety Grant, which also falls under the Assistance to Firefighters grant program.

Fiscal Impact:

Reviewed By: [Signature]
Finance Department

All applicants seeking the Fire Prevention and Safety Grant to carry out an activity shall agree to make available non-federal funds to carry out such activity in an amount equal to and not less than 5% of the grant awarded. This cost share will be automatically calculated by the grant system.

The Fire Safe House will cost approximately \$85,000. The grant will cover 95% of the cost, or \$80,953, while the city will be responsible for 5% of the cost, or \$4,047. The funds will be taken from the Hobbs Fire Department's Fire Protection Fund.

Attachments:

- 1. Resolution

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

Approval of resolution and to proceed with the application for the Fire Prevention and Safety (FPS) Grant.

Approved For Submittal By:

[Signature] Department Director
[Signature] City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved _____ Denied _____
Other _____ File No. _____

CITY OF HOBBS

RESOLUTION NO. 6551

A RESOLUTION AUTHORIZING THE MAYOR TO APPROVE
A GRANT APPLICATION FOR THE FY2016
FIRE PREVENTION AND SAFETY GRANT

WHEREAS, the Hobbs Fire Department is eligible to participate in the FY16 Fire Prevention and Safety (FPS) Grant; and

WHEREAS, the purpose of the FPS Grant is to fund fire prevention and safety activities which are designed to reach high-risk target groups; and

WHEREAS, these funds will be utilized to purchase a Fire Safe House trailer which will allow the Hobbs Fire Department to promote fire safety and fire prevention across the community utilizing updated technology;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Mayor be and hereby is, authorized and directed to approve proceeding with the application for the Fire Prevention and Safety Grant.

PASSED, ADOPTED AND APPROVED this 15th day of May, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk