

AGENDA
City of Hobbs Planning Board – Regular Meeting
February 21, 2017 at 10:00 AM

W. M. “Tres” Hicks, Chairman
Bill Ramirez
Brett Drennan
Larry Sanderson

Guy Kesner, Vice Chairman
Bobby Shaw
Dwayne Penick

Tentative Agenda for the Planning Board Regular Session Meeting to be held on Tuesday, February 21, 2017 at 10:00 AM at the City of Hobbs Annex Building, First Floor Commission Chambers located at 200 E. Broadway, Hobbs, NM 88240.

AGENDA

- 1) Call To Order.**
- 2) Review and Consider Approval of Agenda.**
- 3) Review and Consider Approval of Minutes.**

January 17, 2017 – Regular Meeting

- 4) Communications from Citizens.**
- 5) Review and Consider a proposed vacation of a portion of Tomlinson within the Chaparral Subdivision located within the Extra Territorial Jurisdiction.**
- 6) Review and Consider a proposed subdivision creating a 1.3 acre Tract to contain an RV Park located north of Pilot on Goings Road and accompanying Development Agreements for the development of Goings Road adjacent to the Tract.**
- 7) Review and Consider proposed amendment of Municipal Code Title 16 (Subdivision Regulations).**
- 8) Adjournment.**

The City will make every effort to provide reasonable accommodations for people with disabilities who wish to attend a public meeting. Please notify the City at least 24 hours before the meeting. Telephone 397-9351.

“Notice is hereby given that a quorum of the Hobbs City Commission may be in attendance at this meeting.”

**PLANNING BOARD MEETING
MINUTES
January 17, 2017**

The Hobbs Planning Board met on January 17, 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
Bobby Shaw
Bill Ramirez
Larry Sanderson
Dwayne Penick

Members Absent:

Bill Ramirez

Also present were members of the public and City staff as follows:

Kevin Robinson, Development Director
Todd Randall, City Engineer
Julie Nymeyer, Staff Secretary
Brandon Waylon
Daniel Johncox
Gary Jones

Commissioner Buie
Bruce Reid, County Planner
Ben Maynes, Building Official
Dennis Holmberg
Seborn South

- 1) Chairman W.M. “Tres” Hicks called the meeting to order at 10:03 am.
- 2) **Review and Consider Approval of Agenda.**

The first item of business was to review and approve the Agenda for the January 17, 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. Shaw made a motion, seconded by Mr. Sanderson to approve the agenda as presented. The vote on the motion was 6-0 and the motion carried.

- 3) **Review and Consider Approval of Minutes.**

December 20, 2016 – Regular Meeting

Mr. Hicks asked if everyone has had a chance to read the Regular Minutes from December 20, 2016. Mr. Hicks said there was one minor correction which is the spelling of Ms. Elyce Gobat’s name. Mr. Sanderson made a motion seconded by Mr. Drennan to approve the minutes as corrected. The vote on the motion was 6-0 and the motion carried.

4) Communications from Citizens.

There was no communications from Citizens.

- 5) Review and Consider Variance to Municipal Code Chapter 16.16.050 B-1 (Lots) as requested by Robert Smith, property owner. Minimum width for a newly created lot containing a detached structure is 35'; the property owner is proposing to replat five 25' lots creating 3 lots. One of the lots proposed to be created is not compliant with MC 16.16.050 B-1 having a width of 31'. The proposed replat is located on Burke between Clinton and Park.**

Mr. Robinson said 35 feet is the minimum requirement for a single family unit and the owner is requesting a variance for 31 feet instead of the 35 feet required. Mr. Shaw asked if there was plenty of room for a single wide to be moved into that space if that unit is ever moved? Mr. Kesner said if you move the mobile home off of that lot and then the owner of the land has a 31 foot lot that you cannot do anything with. He said if you grant this variance then it will have to be granted perpetually. Mr. Robinson said correct, once that lot is there then it is there forever. He said right now it will now be a big deal because there is just one owner.

Mr. Hicks said it seems like there is room in the development to make the lot 35 foot meeting the standard by allowing a variance on the setback until the mobile homes are replaced. He said then the issue is eventually fixed. Mr. Kesner said the Board has recommended making the notations on the plat that as the units are replaced it must be replaced in a compliant position. Mr. Hicks said you would not be able to sale the lots now anyway because there are so many encroachments. Mr. Kesner made a motion, seconded by Mr. Penick to grant the variance of the 31' lot. The vote on the motion is 5-1 with Mr. Hicks opposing. Mr. Shaw said staff should recommend to the owner Mr. Hicks suggestion before this is recorded. Mr. Randall said staff will follow up with the surveyor and the developer of the property.

- 6) Review and Consider Tanglewood, Unit 2 at Ranchview Estates Preliminary Plan as submitted by property owner Western States Development Group, LLC.**

Mr. Robinson said this is a Preliminary Plan review for Tanglewood Unit 2. He said the municipality and this Board has been instrumental at making changes amending Title 16. He said this is one of those items that have been changed somewhat in Title 16. He said Tanglewood Unit 2 did receive preliminary plan approval on July 7th 2014. He said subsequently they are going to start development of Unit 2 now. He said it has been longer than 6 months so the preliminary plan review under today's Title 16 is void. He said traditionally they have taken preliminary plat approvals to the Commission. He said that is not required per our ordinance but it is an extra assurance to the developer that the Planning Board and the Commission has granted preliminary plan approval. He said staff has made some slight red line changes.

Mr. Shaw said he is going to abstain from this item because he is involved in this project. Mr. Hicks asked if there were any comments or questions from the Board? Mr. Kesner made

a motion, seconded by Mr. Penick to approve the preliminary plan with staff comments. The vote on the motion was 5-0 and with Mr. Shaw abstaining.

- 7) **Review and Consider various variance requests for proposed development to be located adjacent to the Lovington Highway north of the Holiday Inn Express as submitted by Hawkins Companies, property owner. Variance Request #1 is a setback variance; Lovington Highway is classified as a Major Arterial with a required setback of 40' from the property line; the proposed structures are requested to be located 20' from the property line requiring a 20' variance. Variance #2 is a parking variance; total buildout will produce +/- 188,863 sq. ft. of retail space requiring 944 parking spaces per MC 15.20, the developer is proposing 850 parking spaces requiring a variance of 94 spaces. Variance #3 is a sign variance; MC 15.32.030 C-3 allows one multi-business shopping center sign comprised of 288 sq. ft. sign face total, the developer is proposing two multi-business shopping center sign comprised of 288 sq. ft. sign face total.**

Mr. Robinson said this is variance request from Hawkins Development Group. He said this item came before this board at the last meeting for a variance on a single parcel that they purchased within their proposed master development area. He said it extends from the Holiday Inn Express north to the projected Magnolia Street. He said at the last meeting the variance was for the Verizon site which is the furthest south lot was denied. He said the development of the entire site would require three variances. He said it would be for a setback variance, a parking variance and a sign variance. He said staff has been in extensive discussions about developer agreements.

Mr. Robinson said Mr. Brandon Waylon with the Hawkin's group is here to speak. He said he had every intention of being at the last meeting but he went to the Commission Meeting instead of the Planning Board Meeting.

Mr. Waylon said they are looking at three variances needed for this property. He said one is the setback standard. He said they are requesting a 20 foot setback on the frontage. He said the second request is a modification to the off street parking standard. He said instead of the five parks per thousand they are requesting four. He said they are above that but they would like a little flexibility. He said the third variance will be for the signage.

Mr. Waylon said the first variance he would like to discuss if the signage. He said the code allows one sign for the shopping center to be 288 sq. feet of which 144 sq. feet have to go to the name of the shopping center. He said they believe the area is really going to change with the C.O.R.E. going in. He the site plan right now is 14 acres with 148,000 square feet of retail development with 17 different buildings with a possible 30 different tenants. He said what they are looking for is two signs for the center. He said they would like an aggregate of 288 feet spread on 2 signs.

Mr. Waylon said the second request is the slight modification to the off-street parking standard. He said the site plan before you today has 740 off street parking spaces, he said by code it would require 744 so they are 4 spaces short. He said in phase II there will be approximately a 40 thousand square foot building and they can add about 100 spaces to that.

He said full build out for phase I and phase II they will have approximately 188,000 square feet of development with 850 parking spaces provided which is about 90 short of the standard.

Mr. Hicks asked if their square footage is total building foot prints? Mr. Waylon said yes. Mr. Hicks said it is his assumption that each one of the buildings will have some type of storage. He said storage does not count against parking requirements. Mr. Waylon said his only hesitation is that he doesn't know who will be in some of these tenant spaces and he doesn't know how big their storage area will be versus their retail space. He said there will be a varied retail use so there will be a fluctuation in the parking field.

Mr. Hicks said 94 short is less than 15% of the total required. He said based on the assumption of storage he doesn't see that as an issue. He said he would encourage them to do a mix of compact and larger parking spaces.

Mr. Waylon said the last request he would like to make today is the setback variance. He handed out a packet that details three site plans. He said if you push the setback to the 40 foot they can easily move four of the buildings within the same area they are located and meet the setback but two of the buildings would get pushed back. He said it is the pushing back of the larger buildings that would require the drive isle to be moved back. He said then the parking field in front of their larger in line boxes gets reduced. He said they want to be the best two proposals in front of the Real Estate Committee and the parking field is one of the biggest things they look at.

Mr. Waylon said if the Board approves the 20 foot setback it will make a better situation that what is currently out there today. He said there is 35 feet of edge of pavement to the property line. So there is 75 feet for right-of-way improvement before you get to the property line and their buildings would be 20 feet behind that.

Mr. Kesner said he would like to see limited access off Lovington Highway. Mr. Waylon said if someone was trying to enter the shopping center they could pull out of the lane of travel and then decelerate for a safer situation. He said it is his understanding that diversifying the access points and giving them as many as possible keeps people from loading up and having difficulty getting in and out of the property. He said they are trying to strike a balance of getting people off and on the property.

Mr. Robinson said currently as the initial Master Plan site is proposed to be developed there are two accesses with an additional access of the Verizon Store to the south. Mr. Waylon said that he believes it is written in Verizon lease that they have access to Lovington Highway.

Mr. Shaw asked if there would be traffic control on Magnolia? Mr. Robinson said yes that is in the works. Mr. Kesner said his concern is not egress into the shopping center it is coming out of the shopping center. Mr. Hicks said limiting left turns is the biggest traffic incident problem. Mr. Randall said without this large project combining all these properties to create one point that will warrant a traffic signal then what they would have is individual driveways going into each property.

Mr. Hicks asked about the sign variance request. He asked if they were asking for two signs for 288 square feet plus the center name above it? Mr. Waylon said correct. Mr. Robinson said this Board could make things a little easier and give a variance for two shopping center signs.

Mr. Hicks asked if they granted the 20 foot setback would that apply to the Verizon Store and all the other stores? Mr. Waylon said yes. Mr. Hicks asked if the 20 foot would be landscaping? Mr. Waylon said absolutely.

Mr. Hicks asked for a motion on the sign variance first. Mr. Penick made a motion, seconded by Mr. Drennan to approve the variance for two shopping center signs contingent on the Developers Agreement. The vote on the motion was 4-0 with Mr. Hicks and Mr. Shaw abstaining.

Mr. Kesner made a motion, seconded by Mr. Sanderson for the off street parking variance from 1 per 1000 foot to 4 per 1000 foot subject to the development agreement. The vote on the motion is 4-0 with Mr. Shaw and Mr. Hicks abstaining.

Mr. Drennan made a motion, seconded by Mr. Penick to approve with the 20 foot variance for the entire project with the ingresses and egresses shown on the drawing.

Mr. Hicks asked Mr. Randall about the one lane in and two lanes out on the drawing. He asked if it would discourage left turn traffic by only providing one lane out? Mr. Randall said yes it would potentially discourage left turn traffic but it will also back everyone else up. He said the Highway department on this corridor doesn't want a driveway any more than 600 foot spacing. He said their rules for driveways and accesses points on an arterial are a lot less restrictive than this.

Mr. Kesner said if they are going to keep all three access points? He and said he is in favor of restricting right in and right out and can they do that during the construction phase similar to the one Walmart has. Mr. Hicks asked if he would like the motion to be amended? Mr. Kesner and Mr. Penick said yes. Mr. Hicks said left in is ok but left out is what you want restricted? Mr. Kesner said yes. Mr. Waylon said if they have to accept a reduced access then the middle access would be the access to do it.

Mr. Drennan amended the motion, seconded by Mr. Penick to have access as shown except the middle access is restricted to a right in, right out, left in only. The vote on the motion was 4-0 with Mr. Hicks and Mr. Shaw abstaining.

8) Review and Consider proposed subdivision located southwest of the intersection of Jones Road and Bensing within the extra territorial jurisdiction of the Municipality, as submitted by property owners.

Mr. Robinson said this is a claim of exemption located on Jones Road. He said there is a need for a dedication. He said the Lea County Subdivision Regulations they do not have an opportunity to accept a dedication on a claim of exemption. He said dedications have always been problematic. He said the Municipality does not want to own property in the ETZ and the County does not have to accept a dedication.

Mr. Gary Jones said when you dedicate land to the public it triggers a sequence of events that legally have to be met. He said you have to sever the tract of land from its parent tract and the land owner has to be willing to dedicate the land to the public. He said the second thing is the county has to accept the dedication. He said the county does not require that the land be dedicated.

Mr. Jones said if you follow the law and the rules of dedication you have sever the tract and null and void any claim of exemptions. He said Mr. Robinson has the Municipal Code on there but the municipality does not have the authority to extend your Municipal Code outside your cooperate boundaries.

Mr. Shaw said the City Attorney Mr. Stone discussed easements giving surface and subsurface rights. He asked Mr. Jones about doing an easement with surface and subsurface rights? Mr. Jones said a title company guy told him when you said subsurface that means minerals. He said that would be a question for an attorney. He said Lea County does not have a utility department so why would they accept utility easements? He said nowhere in the subdivision regulations does it say it has to have an easement. He asked his clients if they would be willing to give an easement and they said no.

Mr. Robinson said city staff did offer options of how to be compliant with our existing rules and regulations. He said one of the options was the subdivision of the property. He said the municipality did not request or force a subdivision. He said it was the least expensive option because the address assignment manual states that each individual property could be address with a driveway.

Mr. Hicks said the municipal Title 16 states that access must be here on dedicated. He said it is the only written rules that the city has related to planning and platting and they do have planning and platting authority. Mr. Jones said he sees a lot of problems with the City asking people to dedicate roadway in the County.

Mr. Hicks said they had a meeting last week about relooking at the address manual for some of these county roads. He asked Mr. Jones if the electric line has an easement? Mr. Jones said he did not do a title search. Mr. Hicks said then there is an electric line with a prescriptive easement at least, he said there is a road with a prescriptive easement at least and fences that encroach. He said we cannot make our standards fit. He asked staff if there would be any long term impacts to approving this without the dedication, knowing that someday there will likely be a need for a road improvement and the land owners will have to come to some type of agreement. Mr. Robinson said there has already been municipal infrastructure installed on Bensing. He said this is an area with not the greatest water supply and may need a water source from the municipality. He said these are the opportunities and if you don't get them at this point then they are very difficult to get them later.

Mr. Shaw said one of the things brought up in last week's meeting was the issue of two dwellings on the same land. He said it triggers some issues that could come up. Mr. Robinson said asking these land owners to dedicate an easement which is an encumbrance on their propertyt is the fairest and least painful thing to work around.

Mr. Hicks asked the Board to make a decision on this item. Mr. Shaw made a motion, seconded by Mr. Drennan to approve this subdivision and issue a variance to the Tile 16 rules. The vote on the motion was 5-1 with Mr. Hicks opposing and the motion carried.

9) Review and Consider proposed subdivision located northeast of the terminus of West Bender, as submitted by property owners.

Mr. Jones said this is where Bender dead ends. Mr. Robinson said this is a summary subdivision plat because it is three tracts. Mr. Hicks asked for staff's opinion. Mr. Robinson said it will require approval by the Lea County Planning and Lea County Commission. He said there is a dedication that is a section north of this which is Zia Crossing. He said 100 foot right-of-way was dedicated on east part of the property line. Mr. Kesner said he thought that the Mr. Needham with the County would recommend this to be dedicated. Mr. Kesner made a motion, seconded by Mr. Penick to approve the subdivision with the requirement for dedication of existing roadway area as required by the MTP on the south side of the tracts along Bender. The vote on the motion was 6-0 and the motion carried.

10) Adjournment.

With nothing further to discuss the meeting adjourned at 12:13 pm.

Tres Hicks, Chairman

- 5) **Review and Consider a proposed vacation of a portion of Tomlinson within the Chaparral Subdivision located within the Extra Territorial Jurisdiction.**

Chaparral Subdivision

Of The
NE/4 of Section 4, T 18S, R 38E, N.M.P.M.
Lea County, New Mexico

SCALE: 1" = 300'

43163

DEDICATION

STATE OF NEW MEXICO)
COUNTY OF LEA) SS

KNOW ALL MEN BY THESE PRESENTS:

THAT THE SUBDIVISION SHOWN HEREON AND HEREBY DESIGNATED AS THE CHAPARRAL SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 4; THENCE N. 89° 58' W. 2641.0 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 4; THENCE S 0° 02' 30" W. 2639.86 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE S. 89° 57' 35" E. 2641.9 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 4; THENCE N. 0° 01' 20" E. 2640.17 FEET TO THE PLACE OF BEGINNING.

IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS THEREOF, SURVEYED AND SUBDIVIDED ACCORDING TO THE TRACTS AS THEY APPEAR ON THE PLAT AFFIXED HEREON AND THE STREETS AND EASEMENTS AS THEY APPEAR ON SAID PLAT ARE DEDICATED TO THE USE OF THE PUBLIC.

THERE IS HEREBY RESERVED BY THE PREVIOUS OWNER OF SAID LAND ALL OF THE OIL, GAS AND OTHER MINERALS LOCATED THEREIN AND THEREUNDER.

IN WITNESS WHEREOF THE UNDERSIGNED OWNER AND PROPRIETOR OF SAID LAND, L. F. (ALSO KNOWN AS LEWIS) ISAACS, JOINED BY HIS WIFE, NELLA ISAACS, HAVE HERETO SET THEIR HANDS THIS 7th DAY OF July, 1970 A. D.

L.F. Isaacs
L. F. ISAACS

Nella Isaacs
NELLA ISAACS

NOTARY PUBLIC

STATE OF NEW MEXICO)
COUNTY OF LEA) SS

ON THIS 7th DAY OF July, 1970 A. D., BEFORE ME PERSONALLY APPEARED L. F. (ALSO KNOWN AS LEWIS) ISAACS AND HIS WIFE NELLA ISAACS, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT THE SAME WAS DONE AS THEIR OWN FREE ACT AND DEED.

MY COMMISSION EXPIRES: 5-27-73

[Signature]
NOTARY PUBLIC

CERTIFICATE OF APPROVAL BY COUNTY COMMISSIONERS

STATE OF NEW MEXICO)
COUNTY OF LEA) SS

BE IT KNOWN BY THE AFFIXED PLAT OF THE CHAPARRAL SUBDIVISION CONSISTING OF LAND SUBDIVIDED AS A PROPOSED SUBDIVISION IN LEA COUNTY, NEW MEXICO, WAS SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS OF LEA COUNTY, NEW MEXICO ASSEMBLED AT A MEETING ON THE 18 DAY OF August, 1970 A. D. AND THE SUBDIVISION AS SHOWN ON THE PLAT WAS THEREUPON ACCEPTED AND APPROVED BY A MAJORITY OF THE MEMBERS OF THE BOARD.

IN WITNESS WHEREOF THE BOARD OF COUNTY COMMISSIONERS OF LEA COUNTY, NEW MEXICO, HAS CAUSED THIS INSTRUMENT TO BE SIGNED ON ITS BEHALF, BY ITS CHAIRMAN AND ATTESTED TO BY THE COUNTY CLERK OF LEA COUNTY, NEW MEXICO, ON THIS 18 DAY OF August, 1970 A. D.

ATTEST:
Effie Haldiman
COUNTY CLERK

[Signature]
CHAIRMAN OF THE BOARD

CERTIFICATE OF MUNICIPAL APPROVAL

STATE OF NEW MEXICO)
COUNTY OF LEA) SS

I, PAULINE W. LONG THE DULY APPOINTED, QUALIFIED AND ACTING CITY CLERK OF THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING PLAT OF THE CHAPARRAL SUBDIVISION, LEA COUNTY, NEW MEXICO, WAS APPROVED BY THE CITY COMMISSION OF THE CITY OF HOBBS, BY RESOLUTION NO. 1517 ON THE 29th DAY OF June, 1970 A. D.

Pauline W. Long
CITY CLERK

CERTIFICATE OF APPROVAL BY CITY PLANNING COMMISSIONERS

THE PLAT, RESTRICTIONS AND DEDICATION, APPROVED AND ACCEPTED THIS 29th DAY OF JUNE, 1970 BY THE CITY PLANNING COMMISSION OF HOBBS, NEW MEXICO.

Charles R. Miller by firm
CHAIRMAN

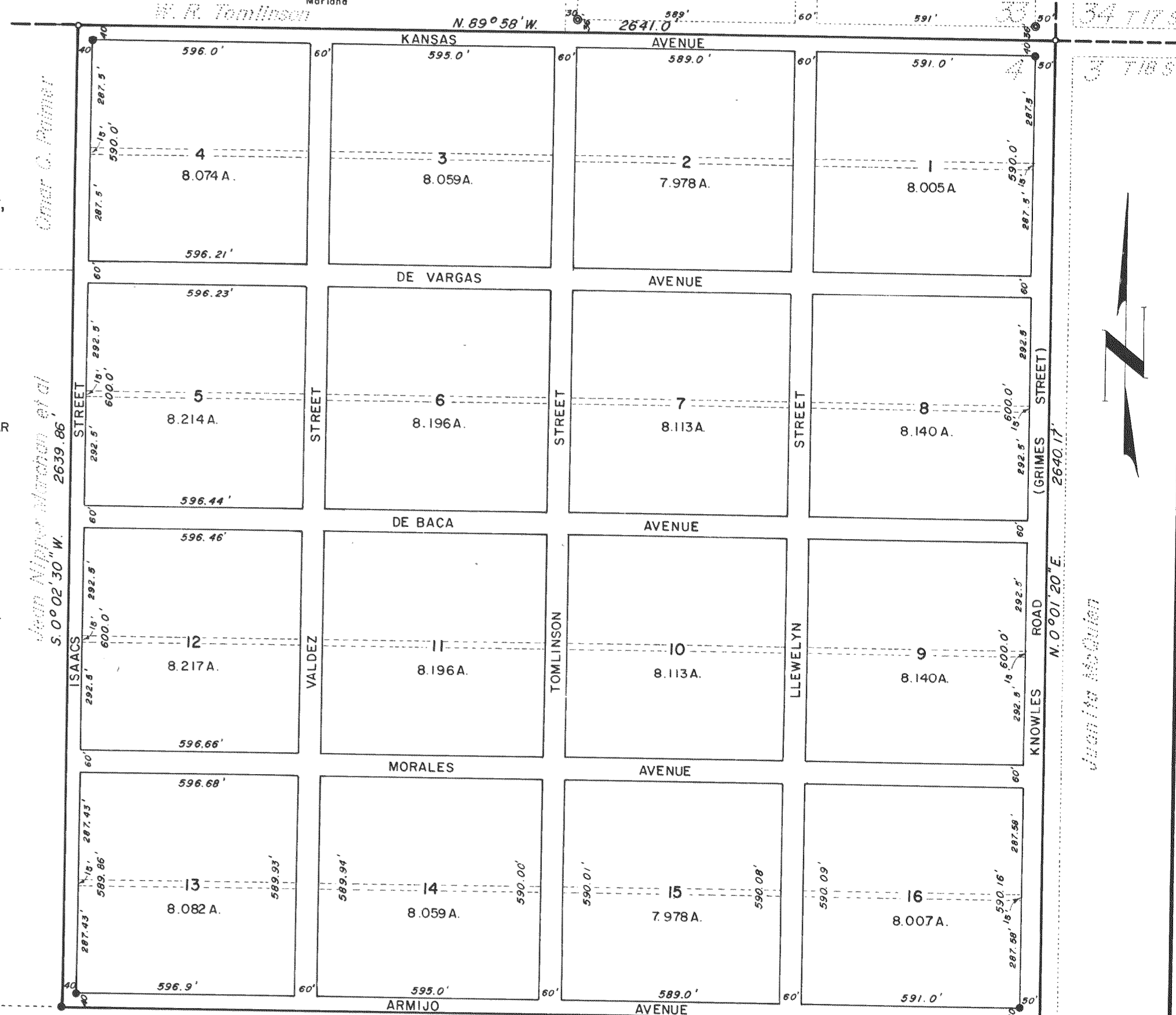
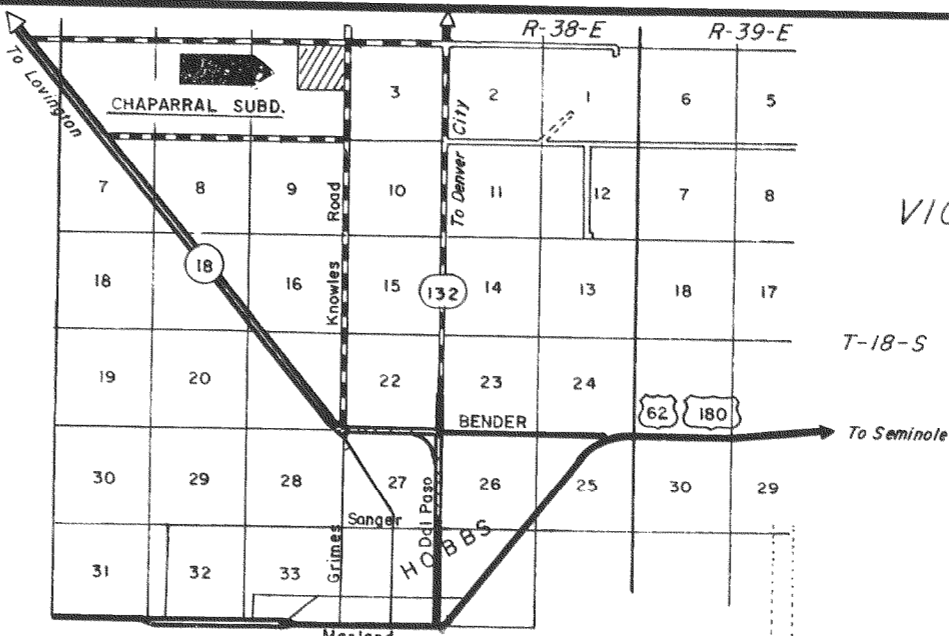
James M. Murray
SECRETARY

CERTIFICATE OF COMPLIANCE

THE DEVELOPER HEREBY AGREES TO CONSTRUCT, AT HIS EXPENSE, ALL ROADS IN THIS SUBDIVISION INCLUDING, BUT NOT LIMITED TO, GRADING, DRAINAGE AND BASE COURSE.

L.F. Isaacs
L. F. (LEWIS) ISAACS

Nella Isaacs
NELLA ISAACS



- = Concrete Monument w/ Brass Cap
- = 5/8" Iron Rod w/ Alum. Cap Set In Concrete
- = 5/8" Iron Rod w/ Alum. Cap.
- = 15' Utility Easement

CERTIFICATE OF SURVEYOR

I, JOHN W. WEST, REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT HEREON WAS PREPARED FROM NOTES TAKEN IN THE FIELD BY ME, OR UNDER MY SUPERVISION, AND THAT THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

IN WITNESS WHEREOF, I HERETO SET MY HAND AFFIXED MY OFFICIAL SEAL ON THIS 7th DAY OF July, 1970, A. D.

John W. West
JOHN W. WEST, P. E. & L. S. NO. 676



43163

STATE OF NEW MEXICO
COUNTY OF LEA
FILED

AUG 18 1970

at 9:40 o'clock A.M.
and recorded in Book 211
Page 16
EFFIE HALDIMAN, County Clerk
By [Signature] Deputy

JOHN W. WEST ENGINEERING CO.

ENGINEERING - SURVEYING
HOBBS, NEW MEXICO

May 1970

W Iowa Ave

W Kansas St

74

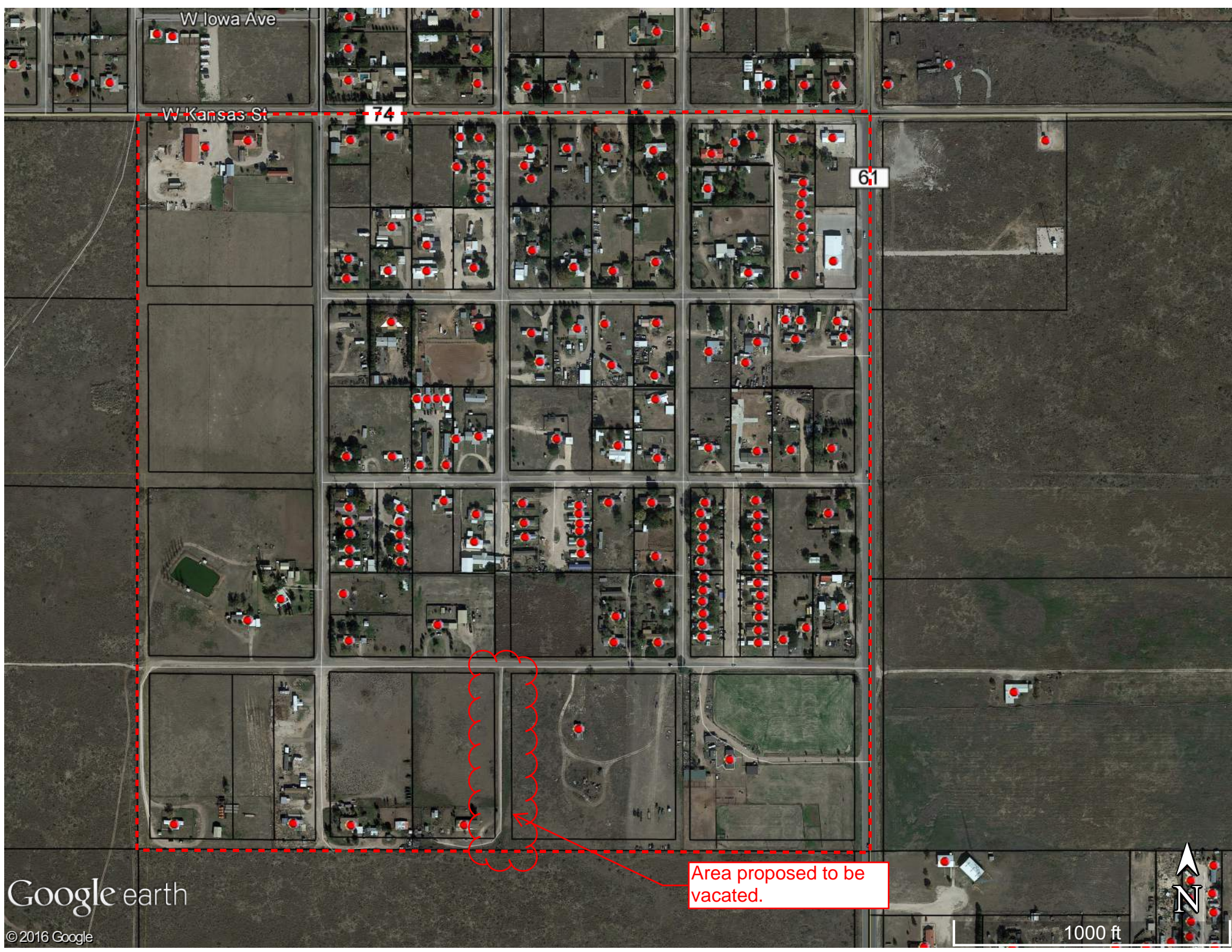
61

Google earth

© 2016 Google

Area proposed to be vacated.

1000 ft



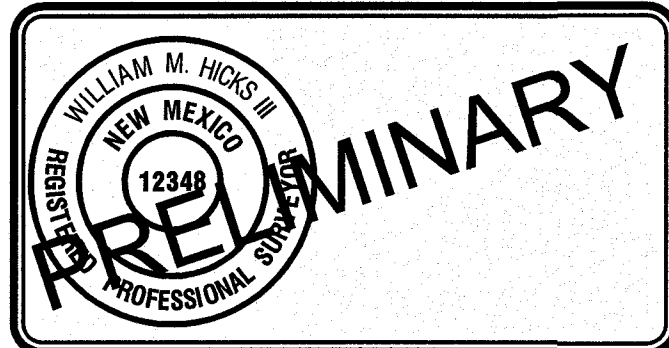
- 6) **Review and Consider a proposed subdivision creating a 1.3 acre Tract to contain an RV Park located north of Pilot on Goings Road and accompanying Development Agreements for the development of Goings Road adjacent to the Tract.**

GOINGS LANE RV PARK SUMMARY SUBDIVISION

KRESS JONES LAND DIVISION, KRESS & PATRICIA A. JONES
 LOCATED IN SECTION 31, T18S, R38E, N.M.P.M, CITY OF HOBBS, LEA COUNTY, NEW MEXICO.

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:
 KRESS JONES
 LOCATION:
 PART OF SECTION 31, T18S, R38E,
 N.M.P.M., CITY OF HOBBS, LEA COUNTY
 NEW MEXICO.

REVISIONS

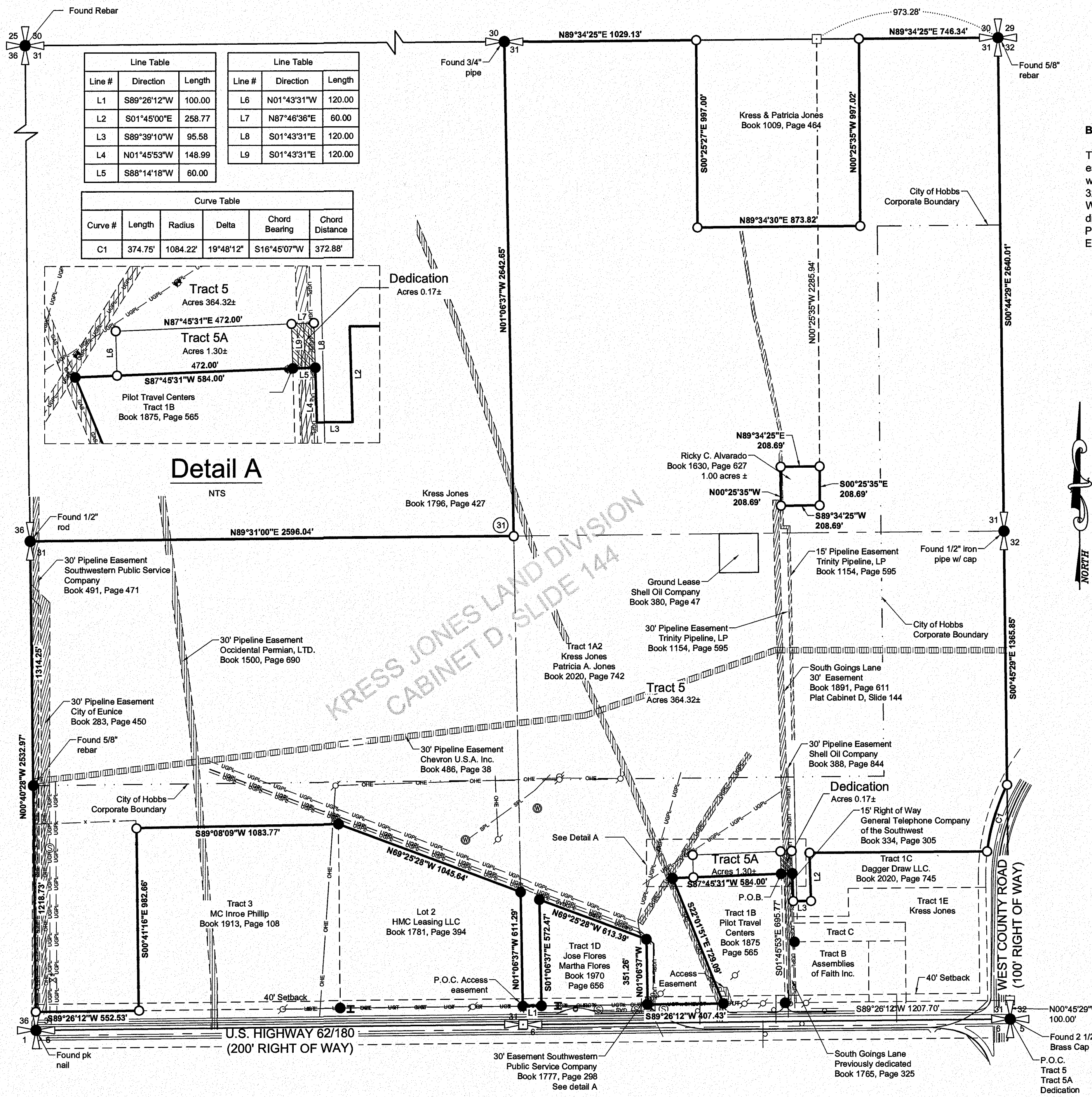
No.	DATE	DESCRIPTION

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
GOINGS LANE RV PARK
SUMMARY SUBDISION
 FOR
GOINGS LANE RV PARK

PROJECT NUMBER:
2016.1206

SHEET:
 1 of 2
SU - 101



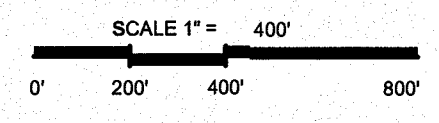
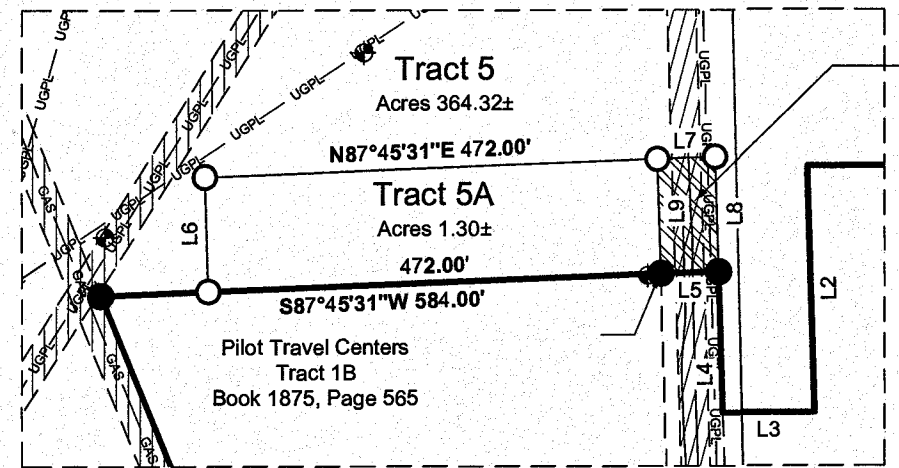
Line Table

Line #	Direction	Length
L1	S89°26'12"W	100.00
L2	S01°45'00"E	258.77
L3	S89°39'10"W	95.58
L4	N01°45'53"W	148.99
L5	S88°14'18"W	60.00

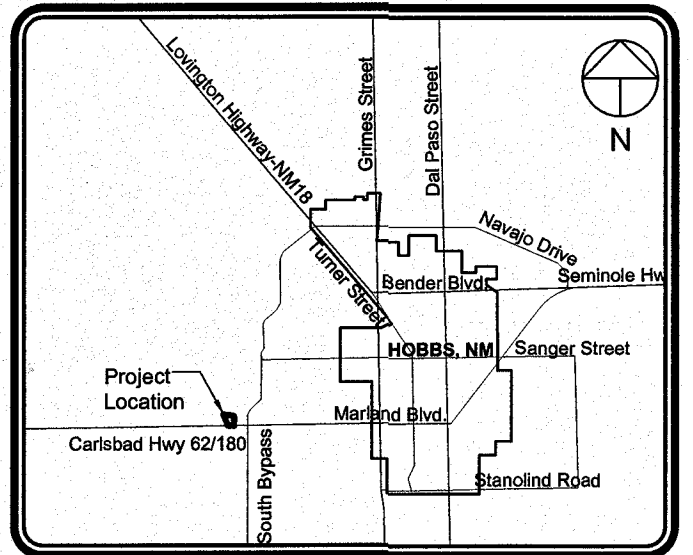
Line #	Direction	Length
L6	N01°43'31"W	120.00
L7	N87°46'36"E	60.00
L8	S01°43'31"E	120.00
L9	S01°43'31"E	120.00

Curve Table

Curve #	Length	Radius	Delta	Chord Bearing	Chord Distance
C1	374.75'	1084.22'	19°48'12"	S16°45'07"W	372.88'



BASIS OF BEARING
 The Basis of Bearing for this survey is a Control Network established for the City of Hobbs GIS Project. All observations were made from a control point having a Latitude of 32°42'42.05083" North, a Longitude of 103°08'39.73125" West. All observations were made using Real Time Differentially corrected positions obtained from a Global Positioning System. All bearings are grid based on NMSPC East Zone. All distances are ground distances.



LEGEND

- Found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" unless otherwise noted
- Set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"
- Calculated point
- ◻ Calculated quarter section corner
- ⊕ Found section corner
- ⊙ Found quarter section corner
- ⊕ Section section corner
- Lot line
- Section line
- Property line
- x-x- Barbed wire fence
- OHE Overhead electric
- GAS Gas line
- SPL Surface pipeline
- UGPL Underground pipeline
- UT Underground telephone
- ⊕ Water valve
- ⊕ Sign
- ⊕ Power pole
- ⊕ Sewer manhole
- ⊕ Right of way marker
- ⊕ Well
- ▨ Dedication
- ▨ Easement
- XX°XX'XX" XX.XX' Measured bearing and distance
- (XX°XX'XX" XX.XX') Record bearing and distance

GOINGS LANE RV PARK SUMMARY SUBDIVISION

KRESS JONES LAND DIVISION. KRESS & PATRICIA A. JONES

LOCATED IN SECTION 31, T18S, R38E, N.M.P.M, CITY OF HOBBS, LEA COUNTY, NEW MEXICO.

RECORD DESCRIPTION PER ASSEMBLIES OF FAITH CHURCH SUMMARY SUBDIVISION - RECORDED IN BOOK 1765, PAGE 325

EXISTING TRACT "A"

A tract of land situated in the Northeast Quarter and the South Half of Section 31, 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 lies N00°45'32"W along the East line of said Section 31 a distance of 100.00 feet and S89°25'25"W, 120.00 feet from the Southeast corner of said Section 31; thence S89°25'25"W along the North Right of Way of U.S. Highway 62/180, a distance of 438.58 feet; thence N00°48'16"W 326.70 feet; thence S89°35'22"W 656.50 feet; thence S01°45'53"E 328.24 feet to a point on the West Section line; thence N00°39'16"W along the West line of said Section 31, a distance of 2539.04 feet to the West quarter corner of said Section 31; thence N89°35'02"E along the North line of the Southwest Quarter of said Section 31 a distance of 2579.52 feet; thence N00°46'20"W along the West line of the Northeast Quarter of said Section 31, a distance of 2639.47 feet to the North Quarter corner of said Section 31; thence N89°34'30"E along the North Section line of said Section 31, a distance of 1029.15 feet; thence S00°25'35"E 997.00 feet; thence N89°34'30"E 873.82 feet; thence N00°25'35"W 997.00 feet to a point on the North Section line of said Section 31; thence N89°34'30"E along the North section line of said Section 31, a distance of 746.00 feet to the said Section 31, a distance of 2639.87 feet to the East quarter corner of Section 31; thence S00°45'32"E along the East line of said Section 31 a distance of 1313.36 feet to a point on a curve having a radius of 1079.66 feet through a distance of 574.32 feet; thence S00°45'32"E along the West right of way of West County Road, a distance of 660.84 feet to a point of beginning. Said tract of land containing 435.4712 acres, more or less. LESS AND EXCEPT a one acre tract of land beginning at a point which lies N89°34'25"E 973.30 feet and S00°25'35"E 208.70 feet, thence S89°34'25"W 208.70 feet; thence N00°25'35"W 208.70 feet; thence N89°34'25"E 208.70 feet to the point of beginning.

EXISTING LOT 1 RECORD DESCRIPTION PER BOOK 1774, PAGE 864

A tract of land located in the Northeast Quarter and the South Half of section 31, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Commencing at a found rebar with aluminum cap for the southeast corner of Section 31; thence N00°45'29"W along the East line of said Section 31 a distance of 100.00 feet; thence S89°26'12"W 120.00 feet along the north right of way of U.S. Highway 62/180 to the southeast corner of Tract A and the Point of Beginning; thence S89°26'12"W 437.71 feet along the north right of way of U.S. Highway 62/180 to a point; thence N00°38'01"W 326.27 feet to a point; thence S89°35'22"W 656.50 feet to a point; thence S01°45'53"E 328.10 feet to a point on the north right of way of U.S. Highway 62/180; thence S89°26'12"W 1409.00 feet along the north right of way line of U.S. Highway 62/180 to a set 5/8" rebar with plastic cap marked "HICKS NMPS 12348"; thence N01°06'37"W 611.28 feet to a set 5/8" rebar with plastic cap marked "HICKS NMPS 12348"; thence N69°25'25"W 1045.67 feet to a set 5/8" rebar with plastic cap marked "HICKS NMPS 12348"; thence S00°33'42"E 988.37 feet to a set 5/8" rebar with plastic cap marked "HICKS NMPS 12348" on the north right of way of U.S. Highway 62/180; thence S89°26'12"W 1634.17 feet along the north right of way of U.S. Highway 62/180 to a point; thence N00°40'28"W passing a found rebar at 1218.75 feet and continuing for a total of 2533.03 feet along the west line of Section 31 to a found 1/2" rod at the west quarter corner of Section 31; thence N89°31'05"E 2596.10 feet to a point; thence N01°06'37"W 2642.78 feet to a found 3/4" pipe at the north quarter corner of Section 31; thence N89°34'25"E along the North Section line of said Section 31, a distance of 1029.15 feet; thence S00°25'35"E 997.00 feet; thence N89°34'30"E 873.82 feet; thence N00°25'35"W 997.00 feet to a point on the North Section line of said Section 31; thence N89°34'30"E along the north Section line of said Section 31, a distance of 746.00 feet to a found 5/8" rebar at the northeast corner of Section 31; thence S00°44'29"E 2640.07 feet along the east line of Section 31 to a found 1/2" iron with cap at the east quarter corner of Section 31; thence S00°45'29"E 1313.36 feet along the east line of Section 31 to a point on a non-tangent curve, being the west right of way of West County Road, thence southwesterly along a curve to the left, concave to the southeast, having a radius of 1079.66 feet through an arc distance of 574.32 feet, and having a chord bearing S11°26'36"W a distance of 509.04 feet to a point; thence S00°45'32"E 660.04 feet along the west right of way of West County Road to the Point of Beginning. Said tract of land containing 418.180 acres more or less. LESS AND EXCEPT a one acre tract of land beginning at a point which lies N89°34'25"E 973.3 feet and S00°25'35"E 2289.0 feet from the Northeast corner of said Section 31; thence S00°25'35"E 208.7 feet; thence S89°34'25"W 208.7 feet; thence N00°25'35"W 208.7 feet; thence N89°34'25"E 208.7 feet to the Point of Beginning.

Dedication

A tract of land located in the Southeast Quarter of Section 31, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Commencing at a found 2 1/2" brass cap being used as the southeast corner of Section 31; then N00°45'29"W 100.00 feet along the East line of said Section 31; and S89°26'12"W 1207.70 feet along the north right of way of U.S. Highway 62/180 to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" being the southeast corner of Tract 1B, Pilot Travel Center, Summary Subdivision as recorded in Book 1875, Page 565, Lea County Records, Lea County, New Mexico; and N01°45'53"W 695.77' feet along the west line of South Goings Lane, previously dedicated in Book 1765, Page 325, Lea County Records, Lea County, New Mexico, to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" for a Point of Beginning; thence N01°43'31" W 120.00' feet to a 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N87°46'36" E 60.00' feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S01°43'31" E 120.00' feet to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S88°14'18" W 60.00' feet to the Point of Beginning and containing 0.17 acres, more or less.

NEW TRACT 1A DESCRIPTION

A tract of land located in the Northeast Quarter and the South Half of section 31, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Commencing at a found 2 1/2" brass cap being used as the southeast corner of Section 31; then N00°45'29"W 100.00 feet along the East line of said Section 31; and S89°26'12"W 1207.70 feet along the north right of way line of U.S. Highway 62/180 to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" being the southeast corner of Tract 1B, Pilot Travel Center, Summary Subdivision as recorded in Book 1875, Page 565, Lea County Records, Lea County, New Mexico; and N01°45'53"W 695.77' feet along the west line of South Goings Lane, previously dedicated in Book 1765, Page 325, Lea County Records, Lea County, New Mexico, to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" for a Point of Beginning; thence S87°45'31"W 584.00 feet along the north line of said Tract 1B, Summary Subdivision to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S22°01'51"E 729.09 feet along the west line of said Tract 1B, Summary Subdivision to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" on the north right of way line of U.S. Highway 62/180; thence S89°26'12"W 407.43 feet along the north right of way line of U.S. Highway 62/180 to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" being the southeast Tract 1D, Jose Flores, recorded in Book 1970, Page 656, Lea County Records Lea County, New Mexico; thence N69°25'28"W 613.39 feet along the north line of said Tract 1D to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S01°06'37"E 572.47 along the west line of said Tract 1D to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" on the north right of way line of U.S. Highway 62/180; thence S89°26'12"W 100.00 along the north right of way line of U.S. Highway 62/180 to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" being the southwest corner of Lot 2, HMC Leasing, recorded in Book 1781, Page 394, Lea County Records, Lea County, New Mexico; thence N01°06'37"W 611.29 feet along the east line of said Lot 2 to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N89°25'28"W 1045.64 feet along the north line of said Lot 2 to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°08'09"W 1083.77 feet along the north line of Tract 3, MC Inroe Philip, recorded in Book 1913, Page 108, Lea County Records, Lea County, New Mexico to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°41'16"E 982.66 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" to the north right of way line of U.S. Highway 62/180; thence S89°26'12"W 552.53 feet along the north right of way line of U.S. Highway 62/180 to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" on the west line of Section 31; thence N00°40'28"W 2532.97 feet along the west line of said Section 31 to a found 1/2" rod being the west quarter corner of said Section 31; thence N89°31'00"E 2596.04 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N01°06'37"W 2642.65 feet to a found 3/4" pipe being used as the north quarter corner of Section 31; thence N89°34'25"E 1029.13 feet along the north line of Section 31 to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°25'27"E 997.00 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N89°34'30"E 873.82 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N00°25'35"W 997.02 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" on the north line of Section 31; thence N89°34'25"E 746.34 feet along the north line of Section 31 to a found 5/8" rebar being used as the northeast corner of Section 31; thence S00°44'29"E 2640.01 feet along the east line of Section 31 to a found 1/2" iron pipe with cap being used as the east quarter corner of Section 31; thence S00°45'29"E 1365.85 feet along the east line of Section 31 to set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" on a non-tangent curve, being the west right of way line of West County Road, thence southwesterly along a curve to the left, concave to the southeast, having a radius of 1084.22 feet through an arc distance of 374.75 feet, and having a chord bearing of S16°45'07"W 372.88 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°35'23"W 954.04 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S01°45'00"E 258.77 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°39'10"W 95.58 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" on the east right of way line of said South Goings Lane; thence N01°45'53"W 148.99 feet along the east right of way line of said South Goings Lane to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S88°14'18"W 60.00 feet to the Point of Beginning. Said tract of land containing 363.86 acres more or less. LESS AND EXCEPT a one acre tract of land beginning at a point which lies S89°34'25"W 973.28 feet and S00°25'35"E 2285.94 feet from the found 5/8" rebar being used as the northeast corner of said Section 31; thence S00°25'35"E 208.69 feet; thence S89°34'25"W 208.69 feet; thence N00°25'35"W 208.69 feet; thence N89°34'25"E 208.69 feet to the Point of Beginning and containing 1.00 acres more or less.

Tract 5A

A tract of land located in the Southeast Quarter of Section 31, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Commencing at a found 2 1/2" brass cap being used as the southeast corner of Section 31; then N00°45'29"W 100.00 feet along the East line of said Section 31; and S89°26'12"W 1207.70 feet along the north right of way of U.S. Highway 62/180 to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" being the southeast corner of Tract 1B, Pilot Travel Center, Summary Subdivision as recorded in Book 1875, Page 565, Lea County Records, Lea County, New Mexico; and N01°45'53"W 695.77' feet along the west line of South Goings Lane, previously dedicated in Book 1765, Page 325, Lea County Records, Lea County, New Mexico, to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" for a Point of Beginning; thence S87°45'31"W 472.00' feet to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" as a property corner; thence N01°43'31" W 120.00' feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N87°45'31" E 472.00' feet to set a 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S01°43'31" W 120.00' feet to the Point of Beginning and containing 1.30 acres, more or less.

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 area shown hereon as Roadway Dedication to be dedicated to the public as described in fee simple forever. The property described on this plat lies within the platting jurisdiction of City of Hobbs.

By _____
Kress Jones

ACKNOWLEDGMENT

State Of New Mexico:
County Of Lea:

On this _____ day of _____, 20____, before me, _____ Kress Jones 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 MUNICIPAL APPROVAL

I, Kevin Robinson, Lead Project Manager 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, Lead Project Manager

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

NOTE

The survey descriptions shown hereon describe substantially the same property as that described in record documents. Differences are due to advances in technology and surveying practices. Survey descriptions were prepared solely to correct inaccuracies and misclosures in record documents and to accurately present conditions found at the time of survey.

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



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:
KRESS JONES

LOCATION:
PART OF SECTION 31, T18S, R38E,
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

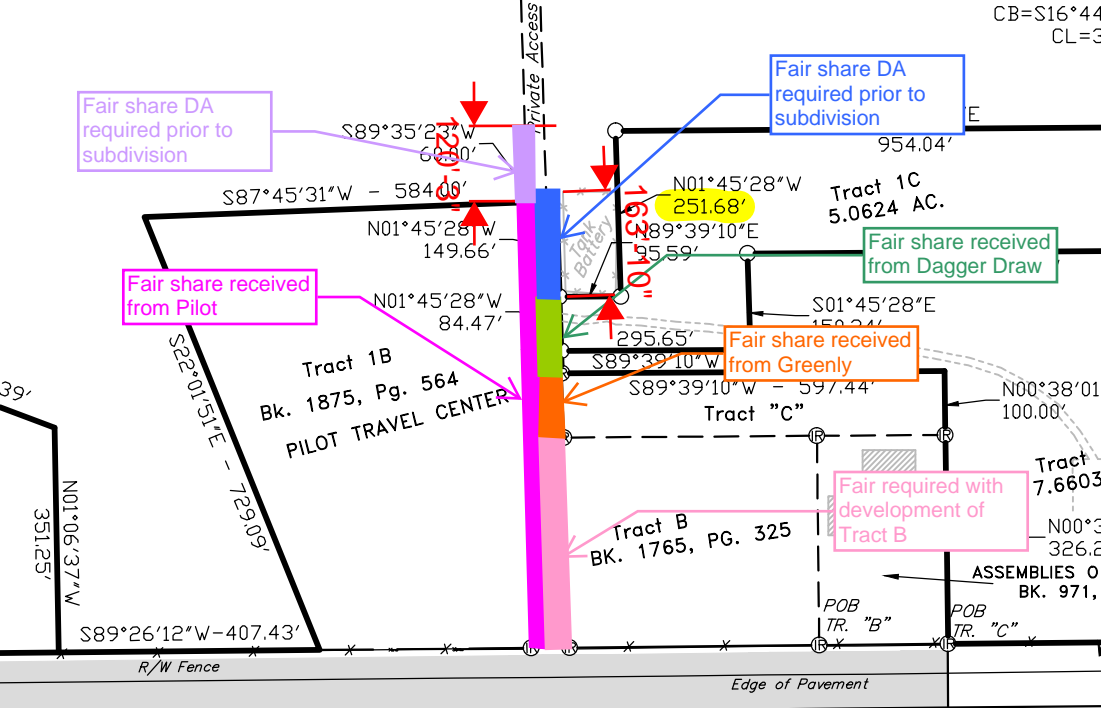
SUBDIVISION PLAT

GOINGS LANE RV PARK
SUMMARY SUBDIVISION
FOR

GOINGS LANE RV

PROJECT NUMBER:
2016.1206

SHEET: 2 of 2
SU - 102



INFRASTRUCTURE DEVELOPMENT AGREEMENT
Partial Extension of Goings Road

THIS AGREEMENT, made and entered into this ____ day of _____ 2017, between the City of Hobbs, New Mexico, a New Mexico Municipal Corporation, (hereafter called the "City"); and Kress Jones and Patricia Jones ,3729 W Sanger, Hobbs NM, 88240 (hereafter called "Developer").

RECITALS:

WHEREAS, Developer has decided to locate a new commercial enterprise on property located Northeast of the intersection of 62/180 and Goings Road, which is within the City limits of the City of Hobbs, and the development requires municipal infrastructure to be extended from the existing terminus to developers northern property line, said infrastructure to include sewer, water and roadway improvements as an industrial street section; and

WHEREAS, Developer desires to pay to the City the fair share infrastructure costs for that portion of the required public infrastructure adjacent to the developments east property line. Therefore, it has been determined by City and agreed by Developer that in lieu of Developer installing the required infrastructure at the time of development, Developer shall pay a one-time fair share assessment for required infrastructure improvements.

NOW, THEREFORE, in consideration of the above premises, the parties hereby agree as follows:

1. The Developer shall pay to the City, at time of summary subdivision plat approval, the fair share pro rata amount of Thirty Thousand Dollars (\$30,000.00), in lieu of installing municipal infrastructure required along the Developers west property line, said infrastructure to include sewer, water and roadway improvements as an industrial street section.
2. The Developer shall utilize the water and sewer to be located within Goings Road for the developments water and sewer service.
3. The City shall construct or cause to be constructed, municipal infrastructure improvements for that portion of Goings Road abutting the Developers west property line within 1 year from the execution of this agreement.
5. Responsibilities of the parties hereto are as follows:
 - A. The Developer shall:
 - 1) Pay for all costs for development pursuant to City policies, including the payment of the fair share pro rata infrastructure improvements as per this agreement.
 - 2) Comply with all City policies for building, landscaping, fire code, etc. for the remainder of the construction.
 - B. The City shall:
 - 1) Design or cause to be designed construction plans for the partial development of Goings Road.
 - 2) Construct or cause to be constructed, municipal infrastructure improvements for that portion of Goings Road adjacent to the Developers west property line within 1 year from the execution of this agreement.
6. All notices given pursuant to or in connection with this Agreement shall be made in writing and posted

Goings Road Extension East of RV Park, Page 2.

by regular mail, postage prepaid, to the City, ATTN: Planning Department, 200 E. Broadway, Hobbs, NM 88240; to Developer – Kress Jones and Patricia Jones ,3729 W Sanger, Hobbs NM, 88240, or to such other address as requested by either party. Notice shall be deemed to be received on the fifth day following posting.

7. This Agreement may be executed in one or more identical counterparts, and all counterparts so executed shall constitute one agreement which shall be binding on all of the parties.

8. This Agreement shall be subject to the laws of the State of New Mexico. Jurisdiction and venue relating to any litigation or dispute arising out of this Agreement shall be in the District Court of Lea County, New Mexico, only. If any part of this contract shall be deemed in violation of the laws or Constitution of New Mexico, only such part thereof shall be thereby invalidated, and all other parts hereof shall remain valid and enforceable.

9. Representations of City.

A. City is a duly organized and validly existing municipal corporation under the laws of the State of New Mexico with full municipal power to enter into this Agreement and to carry out the terms, conditions and provisions hereof.

B. City will continue review and processing of the development plans, and forthcoming building permit application in a forthright manner and with due diligence.

10. Representations of Developer.

To the best knowledge of Developer, there is no litigation, proceeding or governmental investigation either pending or threatened in any court, arbitration board or administrative agency against or relating to Developer to prevent or impede the consummation of this Agreement by Developer.

11. BREACH

A. The following events constitute a breach of this Agreement by Developer:

Developer's failure to perform or comply with any of the terms, conditions or provisions of this Agreement.

B. The following events constitute a breach of this Agreement by City:

City's failure to perform or comply with any of the terms, conditions or provisions of this Agreement.

12. REMEDIES UPON BREACH.

A. Any party may sue to collect any and all damages that may accrue by virtue of the breach of this Agreement.

B. If any party is found by a court to have breached this Agreement, the breaching party agrees to pay all reasonable costs, attorney's fees and expenses that shall be made or incurred by another party in enforcing any covenant or provision of this Agreement.

13. GOVERNING LAWS. This Agreement shall be governed by the laws of the State of New Mexico. Jurisdiction and venue relating to any litigation or dispute arising out of this Agreement shall be in the District Court of Lea County, New Mexico, only. If any part of this contract shall be deemed in violation of the laws or Constitution of New Mexico, only such part thereof shall be thereby invalidated, and all other parts hereof shall

Goings Road Extension East of RV Park, Page 3.

remain valid and enforceable.

14. **TERMINATION.** This Agreement shall be terminated upon the completion of all installation and construction defined herein.

15. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement among and between City and Developer and there are no other agreements or understandings, oral or otherwise, between the parties on the issues defined herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

CITY OF HOBBS

DEVELOPER – Kress Jones and Patricia Jones

Sam D. Cobb - Mayor

BY: _____

Its : _____

ATTEST:

Jan Fletcher, City Clerk

APPROVED AS TO FORM:

Michael Stone, City Attorney

INFRASTRUCTURE DEVELOPMENT AGREEMENT
Partial Extension of Goings Road

THIS AGREEMENT, made and entered into this ____ day of _____ 2017, between the City of Hobbs, New Mexico, a New Mexico Municipal Corporation, (hereafter called the "City"); and Margaretha Dyck and Abram Dyck, P.O. Box 2181, Hobbs, NM 88240 (hereafter called "Developer").

RECITALS:

WHEREAS, Developer has decided to locate a new commercial enterprise on property located Northeast of the intersection of 62/180 and Goings Road, which is within the City limits of the City of Hobbs, and the development requires municipal infrastructure to be extended from the existing terminus to developers northern property line, said infrastructure to include sewer, water and roadway improvements as an industrial street section; and

WHEREAS, Developer desires to pay to the City the fair share infrastructure costs for that portion of the required public infrastructure adjacent to the developments west property line. Therefore, it has been determined by City and agreed by Developer that in lieu of Developer installing the required infrastructure at the time of development, Developer shall pay a one-time fair share assessment for required infrastructure improvements.

NOW, THEREFORE, in consideration of the above premises, the parties hereby agree as follows:

1. The Developer shall pay to the City, at time of summary subdivision plat approval, the fair share pro rata amount of Twenty Two Thousand One Hundred Dollars (\$22,100.00), in lieu of installing municipal infrastructure required along the Developers west property line, said infrastructure to include sewer, water and roadway improvements as an industrial street section.
2. The Developer shall utilize the water and sewer to be located within Goings Road for the developments water and sewer service.
3. The City shall construct or cause to be constructed, municipal infrastructure improvements for that portion of Goings Road abutting the Developers west property line within 1 year from the execution of this agreement.
5. Responsibilities of the parties hereto are as follows:
 - A. The Developer shall:
 - 1) Pay for all costs for development pursuant to City policies, including the payment of the fair share pro rata infrastructure improvements as per this agreement.
 - 2) Comply with all City policies for building, landscaping, fire code, etc. for the remainder of the construction.
 - B. The City shall:
 - 1) Design or cause to be designed construction plans for the partial development of Goings Road.
 - 2) Construct or cause to be constructed, municipal infrastructure improvements for that portion of Goings Road adjacent to the Developers west property line within 1 year from the execution of this agreement.
6. All notices given pursuant to or in connection with this Agreement shall be made in writing and posted

by regular mail, postage prepaid, to the City, ATTN: Planning Department, 200 E. Broadway, Hobbs, NM 88240; to Developer – Margaretha Dyck and Abram Dyck, P.O. Box 2181, Hobbs, NM 88240, or to such other address as requested by either party. Notice shall be deemed to be received on the fifth day following posting.

7. This Agreement may be executed in one or more identical counterparts, and all counterparts so executed shall constitute one agreement which shall be binding on all of the parties.

8. This Agreement shall be subject to the laws of the State of New Mexico. Jurisdiction and venue relating to any litigation or dispute arising out of this Agreement shall be in the District Court of Lea County, New Mexico, only. If any part of this contract shall be deemed in violation of the laws or Constitution of New Mexico, only such part thereof shall be thereby invalidated, and all other parts hereof shall remain valid and enforceable.

9. Representations of City.

A. City is a duly organized and validly existing municipal corporation under the laws of the State of New Mexico with full municipal power to enter into this Agreement and to carry out the terms, conditions and provisions hereof.

B. City will continue review and processing of the development plans, and forthcoming building permit application in a forthright manner and with due diligence.

10. Representations of Developer.

To the best knowledge of Developer, there is no litigation, proceeding or governmental investigation either pending or threatened in any court, arbitration board or administrative agency against or relating to Developer to prevent or impede the consummation of this Agreement by Developer.

11. BREACH

A. The following events constitute a breach of this Agreement by Developer:

Developer's failure to perform or comply with any of the terms, conditions or provisions of this Agreement.

B. The following events constitute a breach of this Agreement by City:

City's failure to perform or comply with any of the terms, conditions or provisions of this Agreement.

12. REMEDIES UPON BREACH.

A. Any party may sue to collect any and all damages that may accrue by virtue of the breach of this Agreement.

B. If any party is found by a court to have breached this Agreement, the breaching party agrees to pay all reasonable costs, attorney's fees and expenses that shall be made or incurred by another party in enforcing any covenant or provision of this Agreement.

13. GOVERNING LAWS. This Agreement shall be governed by the laws of the State of New Mexico. Jurisdiction and venue relating to any litigation or dispute arising out of this Agreement shall be in the District Court of Lea County, New Mexico, only. If any part of this contract shall be deemed in violation of the laws or Constitution of New Mexico, only such part thereof shall be thereby invalidated, and all other parts hereof shall

remain valid and enforceable.

14. TERMINATION. This Agreement shall be terminated upon the completion of all installation and construction defined herein.

15. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement among and between City and Developer and there are no other agreements or understandings, oral or otherwise, between the parties on the issues defined herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

CITY OF HOBBS

DEVELOPER – Margaretha Dyck and Abram Dyck

Sam D. Cobb - Mayor

_____ .

BY: _____

Its: _____

ATTEST:

Jan Fletcher, City Clerk

APPROVED AS TO FORM:

Michael Stone, City Attorney

- 7) **Review and Consider proposed amendment of Municipal Code Title 16 (Subdivision Regulations).**

The following two sections of the Code are outstanding issues related to the ETJ needing to be resolved prior to a final recommendation for adoption to the City of Hobbs Commission. The first change is located in MC 16.04.010 – B and currently states:

- 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
 - 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.

staff's opinion is the above would be fine but for Section 7.5 of the Lea County Subdivision Regulations providing for a "Claim of Exemption" allowing for the subdivision of property greater than 5 acres within the ETJ without approval from any Governing Authority. Initially the following changes were proposed:

- 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.

of course the above as written would require the Municipality to approve every subdivision within the ETJ. With that being said staff is now proposing:

- 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.

again we would be approving every subdivision within the ETJ but streamlining the process for those subdivisions that would be receiving County P&Z and County Commission approval.

An issue has come up numerous times, primarily over the interpretation of a single word, in the following portion of the code:

16.12.010 Eligible subdivisions.

- B. 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."

neither the County Subdivision Regulations nor the Municipalities Subdivision Code allow a Subdivision to occur creating or adjacent to a private roadway. The Code above specifies an "Eligible Subdivision" that can be approved administratively under the "Alternate Summary Procedure" and as you can see does not allow for approval of a subdivision creating or adjacent to a private roadway. Acceptance by the County of a fee simple dedication, as required by the County Regulations, within the ETJ becomes a problem when the property owner requests a "Claim of Exemption". Although the Municipality, as the sole governing authority having jurisdiction after a "Claim of Exemption" has been granted by the County, may accept dedication of easements on behalf of the public in this case, we cannot accept a fee simple dedication on the County's behalf. The process of "dedicating a property right" (an easement) has been misconstrued by some to mean the same thing as "dedicating property" (fee simple) so the Code could be changed to read:

16.12.010 Eligible subdivisions.

- 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.

and the above changes would still require a "fee simple" dedication within the Municipal boundaries and would codify the dedicating, granting, reserving or somehow conveying a "property right" to the public within the ETJ.

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-c~~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, ~~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; ~~and~~.
 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, providing the same is compliant with County Subdivision Regulations.
- 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 filing~~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 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 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 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 ~~Same~~ not Shown in City of Hobbs Major Thoroughfare Plan ~~City Map or Master Plan~~. Where such is not shown in the current City of Hobbs Major Thoroughfare Plan ~~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
Collection, minor and marginal streets -----	60 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)