

AGENDA
City of Hobbs Planning Board – Regular Meeting
March 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, March 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.**

February 21, 2017 – Regular Meeting

- 4) Communications from Citizens.**
- 5) Review and Consider front yard setback variance request for proposed development to be located adjacent to the Lovington Highway north of the Holiday Inn Express as submitted by Hawkins Companies, property owner. Lovington Highway is classified as a Major Arterial with a required setback of 40' from the property line; the proposed structure is requested to be located 20' from the property line requiring a 20' variance. (2nd Review)**
- 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 Agreement(s) for the development of Goings Road adjacent to the Tract. (2nd Review)**
- 7) Review and Consider a proposed Development Agreement with Tanglewood Unit 2 for oversizing of infrastructures within Ranchland.**
- 8) Review and Consider proposed amendment of Municipal Code Title 16 (Subdivision Regulations).**
- 9) Discussion Item:**

Municipal use of Fair Share Development Agreements adjacent to roadways greater than Minor Residential.
- 10) 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
February 21, 2017**

The Hobbs Planning Board met on February 21, 2017 at 10:00 a.m. at City of Hobbs Annex Building, First Floor Commission Chambers, located at 200 E. Broadway, Hobbs, NM 88240 with Mr. W.M. “Tres” Hicks Chairman presiding.

Members Present:

Tres Hicks, Chairman
Guy Kesner, Vice Chairman
Bill Ramirez
Larry Sanderson

Members Absent:

Brett Drennan
Dwayne Penick
Bobby Shaw

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

Kevin Robinson, Development Director
Todd Randall, City Engineer
Julie Nymeyer, Staff Secretary
Shelia Baker, Senior Staff Engineer

Commissioner Buie
Bruce Reid, County Planner
Ben Maynes, Building Official

1) Call To Order.

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 February 21, 2017 meeting. Mr. Hicks asked if there were any changes or additions to the Agenda? Mr. Robinson said there are no changes or additions to the agenda. Mr. Ramirez made a motion, seconded by Mr. Sanderson to approve the agenda as presented. The vote on the motion was 4-0 and the motion carried.

3) Review and Consider Approval of Minutes.

January 17, 2017 – Regular Meeting

Mr. Hicks asked if everyone has had a chance to read the Regular Minutes from January 17, 2017. Mr. Sanderson made a motion seconded by Mr. Ramirez to approve the minutes as presented. The vote on the motion was 4-0 and the motion carried.

4) Communications from Citizens.

There were no 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.

Mr. Robinson said that Chaparral Subdivision is a subdivision that was put in place in 1970 creating 16 individual parcels of approximately 8 acres. He said it did create the extension of Tomlinson. He said everything north of Morales and west to Valdez has been chip sealed. He said there is a proposal to vacate a portion of Tomlinson south of Morales. He said doing so would violate the 1320 block length that is required by the County subdivision codes. Mr. Hicks asked if it was because Llewellen is not developed? Mr. Robinson said yes but it is platted. Mr. Hicks asked if Tomlinson north of Morales is developed? Mr. Robinson said it is not developed within the immediate block. He said the half street that is developed is more of a driveway than a street. Mr. Hicks asked why they wanted the vacation? Mr. Robinson said he did not know for sure but he said there is an existing barn in the right of way.

Mr. Hicks said that he thought this item should be deferred to the county. Mr. Kesner made a motion to approve the vacation of Tomlinson. There was no second on the motion and the motion failed.

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.

Mr. Robinson said this is a proposed subdivision for an RV Park and this board has issued a special use permit for north of Pilot Gas Station. He said this is a subdivision and development agreements are attached for the fair share development for Goings Road. Mr. Robinson said it is not compliant with our code to allow a subdivision without a dedication of Goings Road. He said the development agreements allow the subdivision to occur. He said the Development Agreement also requires that a portion of the roadway cost be deposited with the municipality prior to the subdivision. He said then the city will build the roadway with funds from the agreements. Mr. Ramirez made a motion, seconded by Mr. Sanderson to approve the RV Park. The vote on the motion was 4-0 and the motion carried. Mr. Hicks said his company is involved with this item.

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

Mr. Hicks said that the subcommittee got together to discuss this item late last week. He said that he is going to recommend that this item be tabled by the Planning Board so the subcommittee can meet again to fine tune some of the existing issues. He said he would like to discuss this item and get any additional comments from the Planning Board and the public. He would also like to request that the Planning Board go through this document in total between now and next meeting.

Mr. Robinson said the subdivision rules and regulations adopted by the county and the city are there to protect the public. He said the first issue is our definition of what a subdivision is. He said the county has a definition of a subdivision which was granted to them by the

state. He said the municipality does not review a subdivision within the ETJ that creates a tract of 5 acres or larger. He said everything under 5 acres the city reviews. He said the problem that is occurring is there are tracts which are occurring which are above 5 acres within the ETJ that do not receive county or municipal approval. He said the public adjacent to those subdivisions are not being protected by either of the subdivision laws.

Mr. Robinson said the municipality is the only governmental authority that could be tasked with safe guarding public interest on a Claim of Exemption subdivision above 5 acres. He said county staff is excellent and they understand what all the rules and regulations are and they council every one of these people who are proposing to create a noncompliant parcel. He said when that person asks for a claim of exemption the county does not have the authority today to tell them they cannot do that because they are exempt.

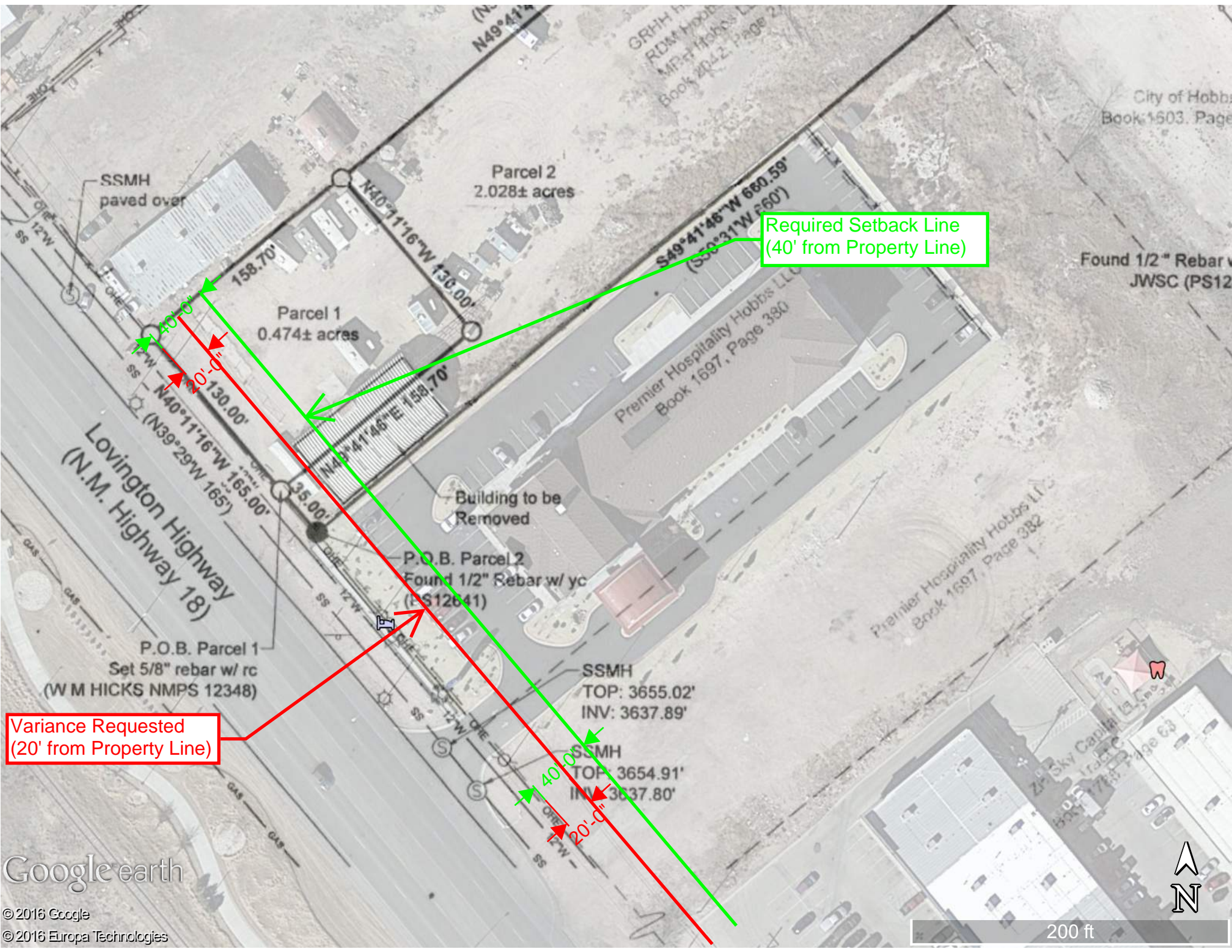
Mr. Hicks asked about alternate summary procedures in the city and how it affects the ability to accept dedications? Mr. Robinson said when he is saying we are protecting the public then you have to understand that governmental entities control property in two ways. He said they control property in fee simple. He said the county's regulations say that those dedications for roadways and such shall be dedicated fee simple to the county. He said the municipality also has property that is controlled fee simple. He said both entities also control properties for public trust. He said an easement is a great form of that. He said the city cannot force the county to accept fee simple dedications in the ETJ but the city does have the authority to accept from the public or from a property owner for the public encumbrances on the properties rights. After a lengthy discussion Mr. Sanderson, seconded by Mr. Ramirez made a motion to table this item until the next meeting. The vote on the motion was 4-0 and the motion carried.

8) Adjournment.

With nothing further to discuss the meeting adjourned at 11:10 am.

Tres Hicks, Chairman

- 5) **Review and Consider front yard setback variance request for proposed development to be located adjacent to the Lovington Highway north of the Holiday Inn Express as submitted by Hawkins Companies, property owner. Lovington Highway is classified as a Major Arterial with a required setback of 40' from the property line; the proposed structure is requested to be located 20' from the property line requiring a 20' variance. (2nd Review)**



Required Setback Line
(40' from Property Line)

Variance Requested
(20' from Property Line)

Google earth

© 2016 Google
© 2016 Europa Technologies

200 ft



City of Hobbs
Book 1603, Page

Found 1/2" Rebar w
JWSC (PS12

Premier Hospitality Hobbs LLC
Book 1697, Page 382

201 Sky Capital
Book 1785, Page 68

Parcel 2
2.028± acres

Parcel 1
0.474± acres

Building to be
Removed

P.O.B. Parcel 2
Found 1/2" Rebar w/ yc
(PS12641)

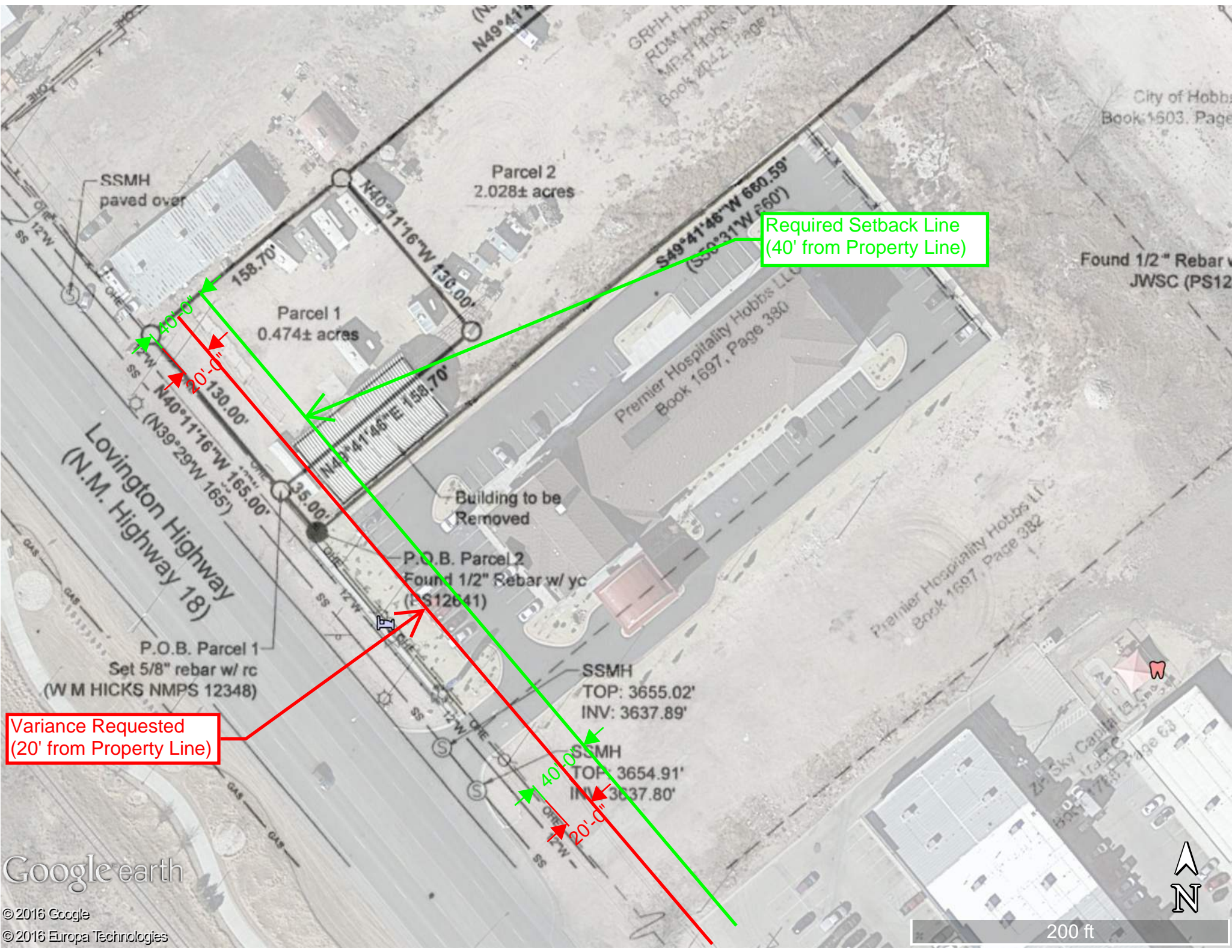
P.O.B. Parcel 1
Set 5/8" rebar w/ rc
(W M HICKS NMPS 12348)

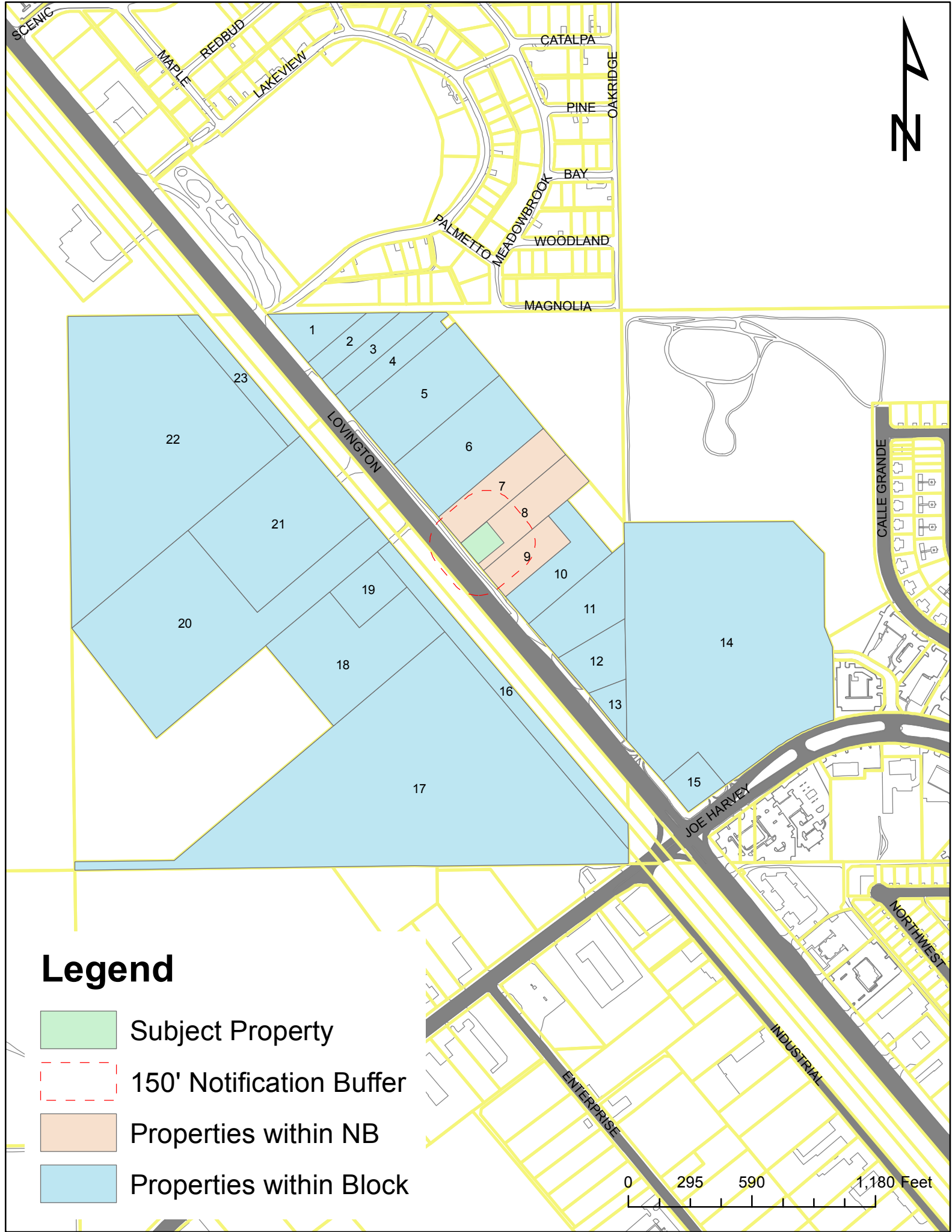
SSMH
TOP: 3655.02'
INV: 3637.89'

SSMH
TOP: 3654.91'
INV: 3637.80'

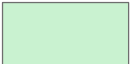



Lovington Highway
(N.M. Highway 18)

Premier Hospitality Hobbs LLC
Book 1697, Page 380





Legend

-  Subject Property
-  150' Notification Buffer
-  Properties within NB
-  Properties within Block





PLANNING DIVISION

200 E. Broadway St.
575-397-9351 bus
Hobbs, NM 88240
575- 397-9227 fax

City of Hobbs, New Mexico

March 14, 2017

RE: SETBACK VARIANCE REQUEST ALLOWING A STRUCTURE TO WITHIN 20' OF THE FRONT YARD PROPERTY LINE ADJACENT TO LOVINGTON HIGHWAY , SR 18, A MAJOR ARTERIAL REQUIRING A 40' FRONT YARD SETBACK FROM THE FRONT YARD PROPERTY LINE.

Dear Property Owner:

The City of Hobbs Planning Board has received a variance request to allow a 20' setback adjacent to a Major Arterial requiring a 40' setback. The City of Hobbs Planning Board will be reviewing this issue on March 21, 2017, on the first floor of the City Annex Building at 200 E. Broadway, at 10:00 a.m., in the City of Hobbs Commission Chambers. This notice is being sent to you as a property owner within 150' of the property proposing a variance from developmental standards promulgated within the City of Hobbs Major Thoroughfare Plan.

If you have questions, or written comments, please notify the City Planning Division at the above address, or call the office at (575)391-4111 if you have questions or comments.

Sincerely,

THE CITY OF HOBBS, NEW MEXICO



Kevin Robinson – Planning Department

Excerpt from 12/20/2016 Planning Board Minutes

- 5) **Review and Consider front yard setback variance request for proposed development to be located adjacent to the Lovington Highway north of the Holiday Inn Express as submitted by Hawkins Companies, property owner. Lovington Highway is classified as a Major Arterial with a required setback of 40' from the property line; the proposed structure is requested to be located 20' from the property line requiring a 20' variance.**

Mr. Robinson said this is a front yard setback variance request. He said Lovington Hwy is a major arterial requiring a 40 foot setback and the developer is proposing a 20 foot setback. He said the 20 foot setback will be on this single proposed structure. He said it will be located on a subdivision that was recently purchased. He said there are several existing structures located on the east side of Lovington Highway that are non-compliant with the Major Thoroughfare Plan as far as setbacks. He said the new structures which are located from Holiday Inn to Bender with the exception of Pet Smart are compliant. He said Pet Smart has about 30 or 35 foot setback.

Mr. Robinson said there is a master plan for the entire property being looked at today. Mr. Hicks asked if they were only asking for the variance for this one lot? He said it looks like they intend this for the entire master plan. Mr. Robinson said this is not a submittal and can be change. He said according to the master plan right now there will be two buildings that will require a variance setback.

Mr. Hicks asked what the staff's recommendation was and what the future need for development along Lovington Highway is. Mr. Robinson said that it is at the discretion of the Board. He said staff will be diligent in maintaining the site triangle.

Mr. Ramirez asked what the main reason for the variance was? Mr. Robinson said they would like to locate the structure closer to the property line for visibility. Mr. Shaw said he will be abstaining from this item because he is directly involved in the transaction. He said the developers have closed on this piece of this property early because Verizon wanted to be open mid to late 2017. He said from what he understands one of the requirements from Verizon is the position of the building of the lot.

Mr. Kesner said he is worried about traffic. He said he thinks they need to limit their access points off of Lovington Highway. He said with two accesses approximately 200 feet apart it would make more sense to move the entrance further north. Mr. Hicks said when they subdivided the lot they left a flag pole on the south side so the lot behind Verizon has access by the flag pole. Mr. Shaw said the primary access to the shopping center is further north. Mr. Randall said this will be one of four access points. Mr. Kesner said he thinks they have to limit access points off Lovington Highway. Mr. Randall said the Highway Departments standard is 660 feet between driveways except when a parcel has already been created. He said they typically will not deny access to a parcel that does not have a connection any place else.

Mr. Robinson said Hawkins Group has done a good job in Master Planning the entire site but we are only looking at the compliance of a portion of the site. He said if Hawking's went away tomorrow there could be numerous accesses to individual lots. He said you could

restrict the accesses to right in and right out only. Mr. Shaw said they do not own the property yet, this is a standalone issue now. Mr. Sanderson said if Verizon gets this variance then the other two parcels will want the same consideration. Mr. Randall said the Comprehensive Plan establishes several strategic corridors. He said this is a prime corridor for growth and he is excited to see development on all of these properties. Mr. Ramirez asked if it would affect the development? Mr. Shaw said he believed it would. Mr. Robinson said there are two parts to this setback. He said number one is the safety and the other is the aesthetics. Mr. Hicks said his company is involved in this project and he would also be abstaining. He said from an aesthetics perspective he doesn't think it is that big of a deal but he is concerned about the preservation of the corridor from the long term growth perspective. Mr. Sanderson said his concern is future developments on this corridor. Mr. Penick said he has seen a lot of Verizon stores set back in shopping centers.

Mr. Ramirez said if they are setting precedence then he will deny it because of the rest of the buildings. Mr. Hicks asked if it was a motion? Mr. Ramirez made a motion, seconded by Mr. Penick to deny the setback variance request. Mr. Shaw and Mr. Hicks abstained, Mr. Kesner said he opposed. He said he was more worried about the access than the setback. The vote on the motion was 3-1 and the motion was carried.

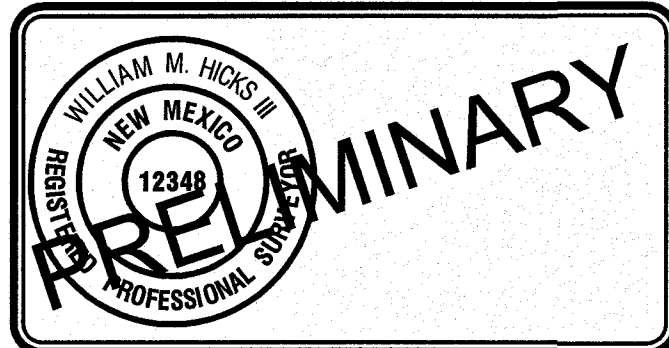
- 6) **Review and Consider a proposed subdivision creating a 1.3 acre Tract to contain an RV Park located north of Pilot on Goings Road and accompanying Development Agreement(s) for the development of Goings Road adjacent to the Tract. (2nd Review)**

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

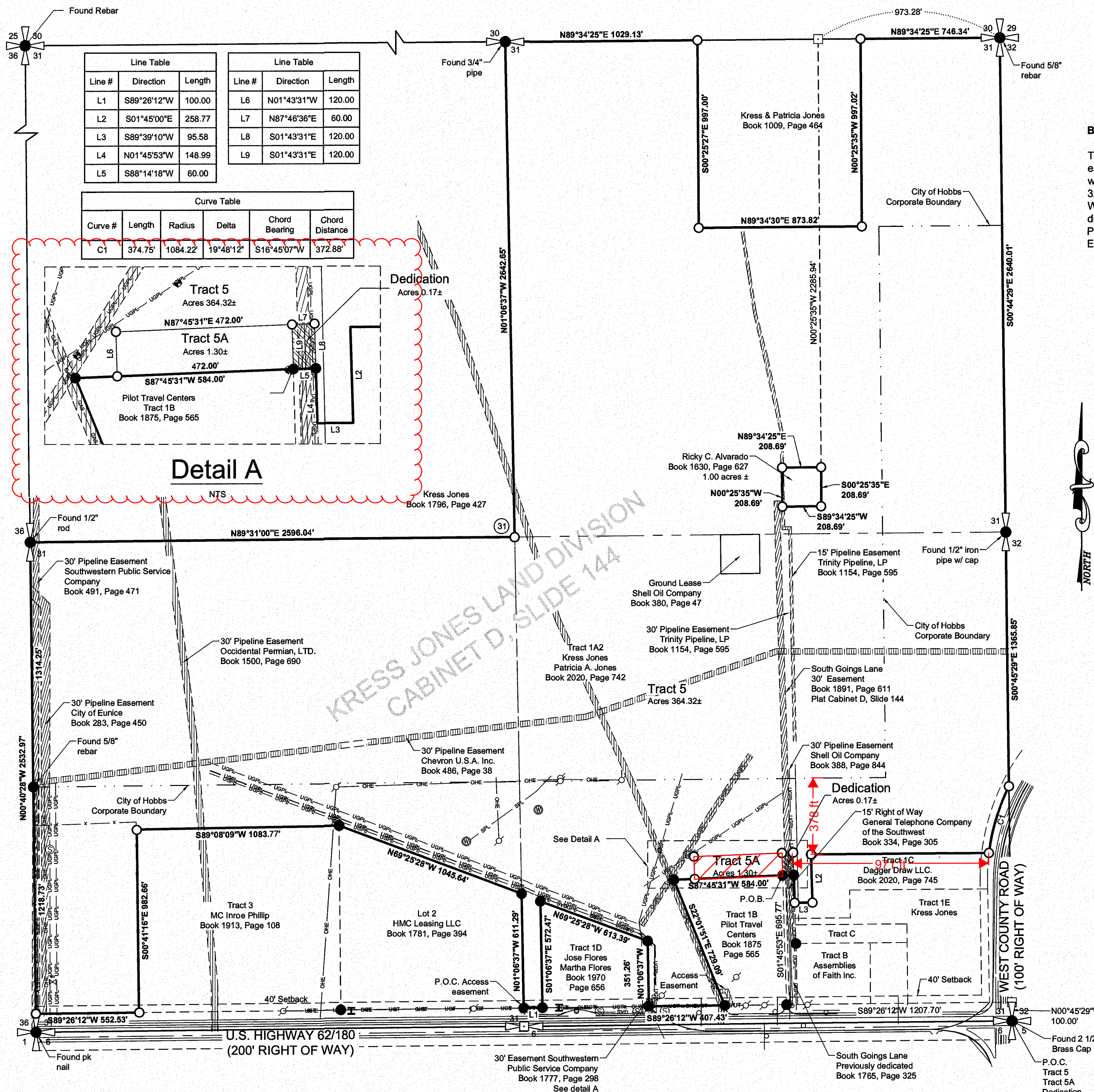
No.	DATE	DESCRIPTION

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



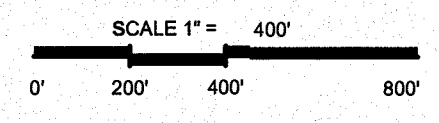
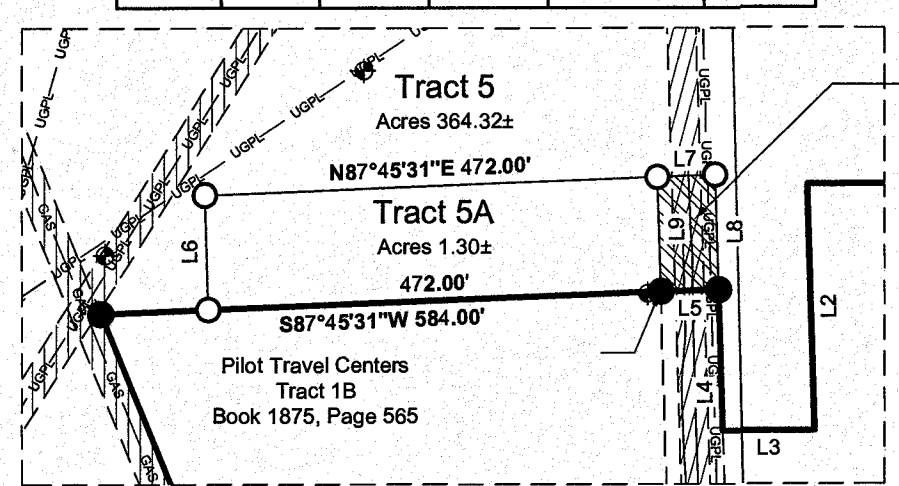
Line Table

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

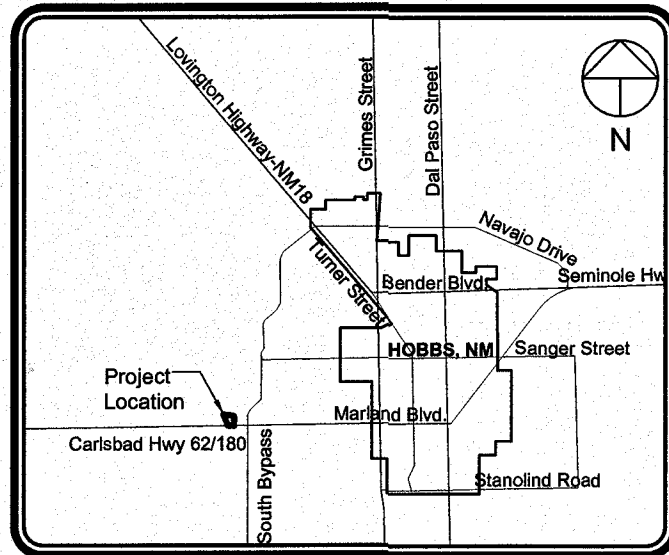
Line #	Direction	Length
L6	N01°43'31"W	120.00
L7	N87°46'36"E	60.00
L8	S01°43'31"E	120.00
L9	S01°43'31"E	120.00

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

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 Northwest 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 existing oil field development upon any future division of the parent parcel resulting in a lot located east of the projection of Goings Road or on or before five (5) years from the date this agreement is ratified. 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, upon any future division of the parent parcel resulting in a lot located east of the projection of Goings Road or on or before five (5) years from the date this agreement is ratified, the fair share pro rata amount of Thirty Thousand Dollars (\$30,000.00), in lieu of installing municipal infrastructure required along the Developers 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.

Goings Road Extension East of RV Park, Page 2.

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 – 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

Goings Road Extension East of RV Park, Page 3.

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 – Kress Jones and Patricia Jones

Sam D. Cobb - Mayor

BY: _____

Its : _____

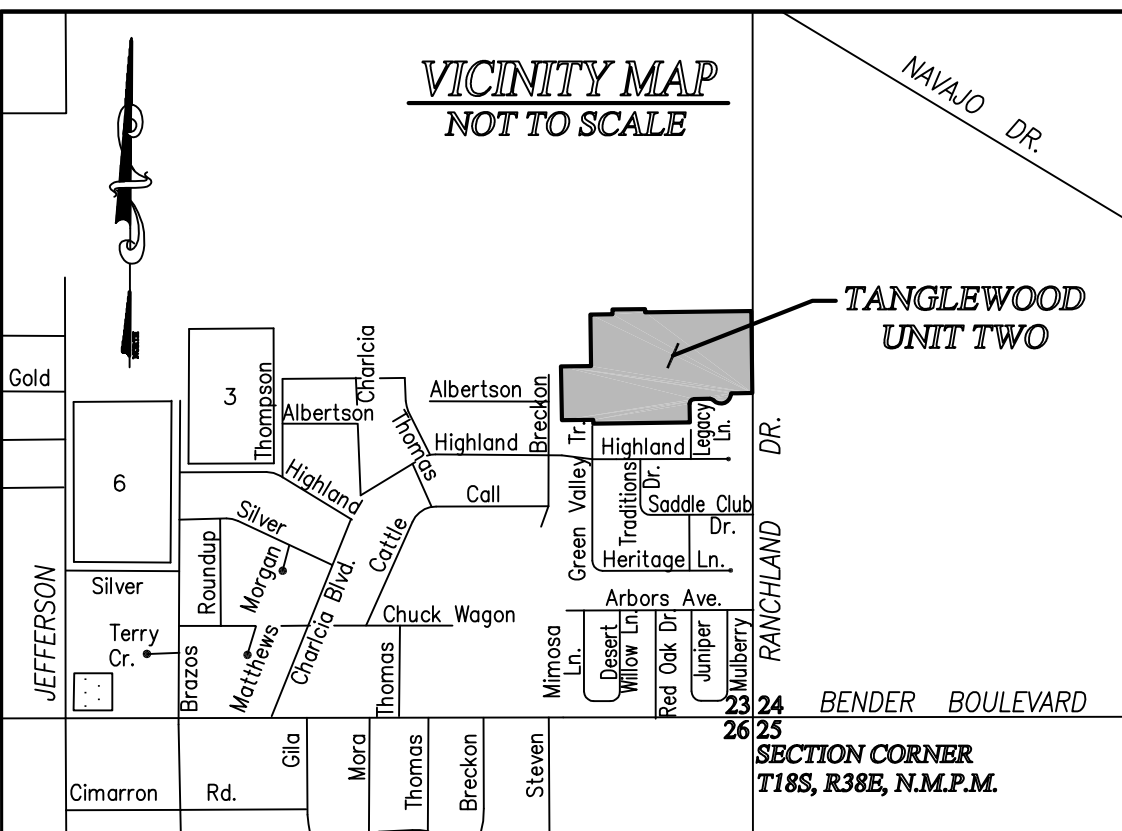
ATTEST:

Jan Fletcher, City Clerk

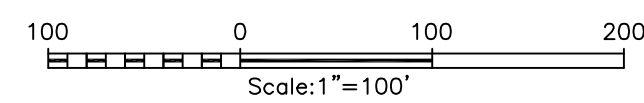
APPROVED AS TO FORM:

Michael Stone, City Attorney

- 7) **Review and Consider a proposed Development Agreement with Tanglewood Unit 2 for oversizing of infrastructures within Ranchland.**



TANGLEWOOD, UNIT TWO, AT RANCHVIEW ESTATES SUBDIVISION TO THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO



NOTES:

- 1) BEARINGS SHOWN HEREON ARE MERCATOR GRID AND CONFORM TO THE NEW MEXICO COORDINATE SYSTEM "NEW MEXICO EAST ZONE" NORTH AMERICAN DATUM 1983. DISTANCES ARE SURFACE VALUES.
- 2) SET 1/2" STEEL ROD W/CAP MARKED "JWSC PS12641" AT ALL CORNERS.
- 3) LOT SIDE SETBACK LINES ARE 5.0 FEET EXCEPT ALONG RIGHTS-OF-WAY, WHERE 10.00 FOOT SIDE SETBACK LINES APPLY. LOT FRONT SETBACK LINES ARE 21.00 FEET.
- 4) A ONE FOOT UTILITY EASEMENT IS HEREBY RESERVED AROUND AND WITHIN EACH LOT ADJOINING ALL RIGHTS-OF-WAY DEDICATED THIS PLAT.

LEGEND:

- DENOTES BUILDING SETBACK LINE
- - - DENOTES CENTERLINE OF ROADWAY
- R.O.W. - DENOTES RIGHT-OF-WAY
- - DENOTES FOUND 1/2" STL. ROD W/CAP MKD. "JWSC PS 12641"
- ⊙ - DENOTES SET 1/2" STL. ROD W/CAP MKD. "JWSC PS 12641"
- ⊙ - DENOTES CALCULATED CORNER
- - DENOTES DIMENSION POINT

CURVE TABLE			
CURVE	RADIUS	DELTA	ARC
C1	25.00	90°00'00"	39.27
C2	25.00	47°22'25"	20.67
C3	54.00	137°22'25"	129.47
C4	54.00	95°00'36"	89.54
C5	54.00	42°21'49"	39.93
C6	25.00	47°22'25"	20.67
C7	25.00	90°00'00"	39.27
C8	25.00	90°00'00"	39.27
C9	25.00	90°05'29"	39.31
C10	25.00	89°54'31"	39.23
C11	25.00	90°00'00"	39.27
C12	25.00	90°00'00"	39.27
C13	82.00	23°52'36"	34.17
C14	82.00	32°09'01"	46.01
C15	82.00	33°58'23"	48.62
C16	25.00	90°00'00"	39.27
C17	53.50	90°00'00"	84.04

LOT INFORMATION		
LOT	ACRES	SQ. FT.
1	0.19	8481.26
2	0.18	7991.04
3	0.18	7991.04
4	0.18	7991.04
5	0.18	7991.04
6	0.18	7991.04
7	0.19	8481.26
8	0.25	10925.81
9	0.16	6879.52
10	0.17	7605.00
11	0.17	7605.00
12	0.17	7605.00
13	0.17	7605.00
14	0.17	7605.00
15	0.21	9225.87
16	0.17	7605.00
17	0.21	9225.87
18	0.17	7605.00
19	0.17	7605.00
20	0.17	7605.00
21	0.17	7605.00
22	0.17	7605.00
23	0.17	7605.00
24	0.25	10673.30
25	0.24	10643.21
26	0.17	7605.00
27	0.17	7605.00
28	0.17	7605.00
29	0.17	7605.00
30	0.17	7605.00
31	0.19	8190.00
32	0.18	8055.87
33	0.17	7605.00
34	0.17	7605.00
35	0.17	7605.00
36	0.17	7605.00
37	0.17	7605.00
38	0.17	7605.00
39	0.20	8717.14
40	0.46	19885.62
41	0.27	11579.48
42	0.18	7745.43

LEGAL DESCRIPTION AND DEDICATION:

THE FOREGOING SUBDIVISION OF A CERTAIN TRACT OF LAND SITUATED WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, LYING IN THE SOUTH HALF OF SECTION 23, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 23, THEN N00°46'19"W 1335.51 TO THE POINT OF BEGINNING; THEN N89°17'55"E 40.00 FEET; THEN N00°46'19"W 792.76 FEET; THEN S89°19'10"W 567.00 FEET; THEN N00°40'50"W 18.00 FEET; THEN S89°19'10"W 174.00 FEET; THEN S00°40'50"E 26.00 FEET; THEN S89°19'10"W 117.00 FEET; THEN S00°40'50"E 275.00 FEET; THEN S89°19'10"W 159.80 FEET; THEN S00°43'48"E 286.38 FEET; THEN N89°19'10"E 167.75 FEET; THEN S00°40'50"E 20.48 FEET; THEN N89°19'10"E 515.00 FEET; THEN N00°40'50"W 99.86 FEET; THEN ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND AN ARC LENGTH OF 39.27 FEET; THEN N89°19'10"E 84.40 FEET; THEN ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 47°22'25" AND AN ARC LENGTH OF 20.67 FEET; THEN ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 54.00 FEET, A CENTRAL ANGLE OF 137°22'25" AND AN ARC LENGTH OF 129.47 FEET; THEN N89°19'10"E 33.98 FEET; THEN S00°46'19"E 356.29 FEET; THEN N89°17'55"E 40.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 12.39 ACRES MORE OR LESS.

SUBDIVIDED AS THE SAME APPEARS HEREON, WITH ALL RIGHTS-OF-WAY AS SHOWN BEING DEDICATED TO THE PUBLIC, COMPRISING TANGLEWOOD, UNIT TWO, AT RANCHVIEW ESTATES, TO THE CITY OF HOBBS, WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER AND PROPRIETORS THEREOF, NOTICE IS HEREBY GIVEN THAT THERE HAS BEEN FILED IN THE OFFICE OF THE COUNTY CLERK OF LEA COUNTY, NEW MEXICO, CERTAIN RESTRICTIVE COVENANTS APPLICABLE TO THE ABOVE DESCRIBED PROPERTY, WHICH SAID COVENANTS ARE RECORDED ON PAGE ___ OF BOOK ___, MISCELLANEOUS RECORDS OF SAID COUNTY.

OWNER: RICHARD LEMMON, MANAGING PARTNER
WESTERN STATES DEVELOPMENT GROUP, LLC

ACKNOWLEDGMENT:

STATE OF NEW MEXICO)
COUNTY OF LEA) SS

ON THIS ___ DAY OF _____, 2008, BEFORE ME PERSONALLY APPEARED RICHARD LEMMON, MANAGING PARTNER, WESTERN STATES DEVELOPMENT GROUP, LLC, TO ME KNOWN TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

CERTIFICATE OF APPROVAL BY THE CITY PLANNING BOARD:

THE PLAT, RESTRICTIONS AND DEDICATION APPROVED AND ACCEPTED THE ___ DAY OF _____, 2008 A.D. BY THE CITY PLANNING BOARD OF HOBBS, NEW MEXICO.

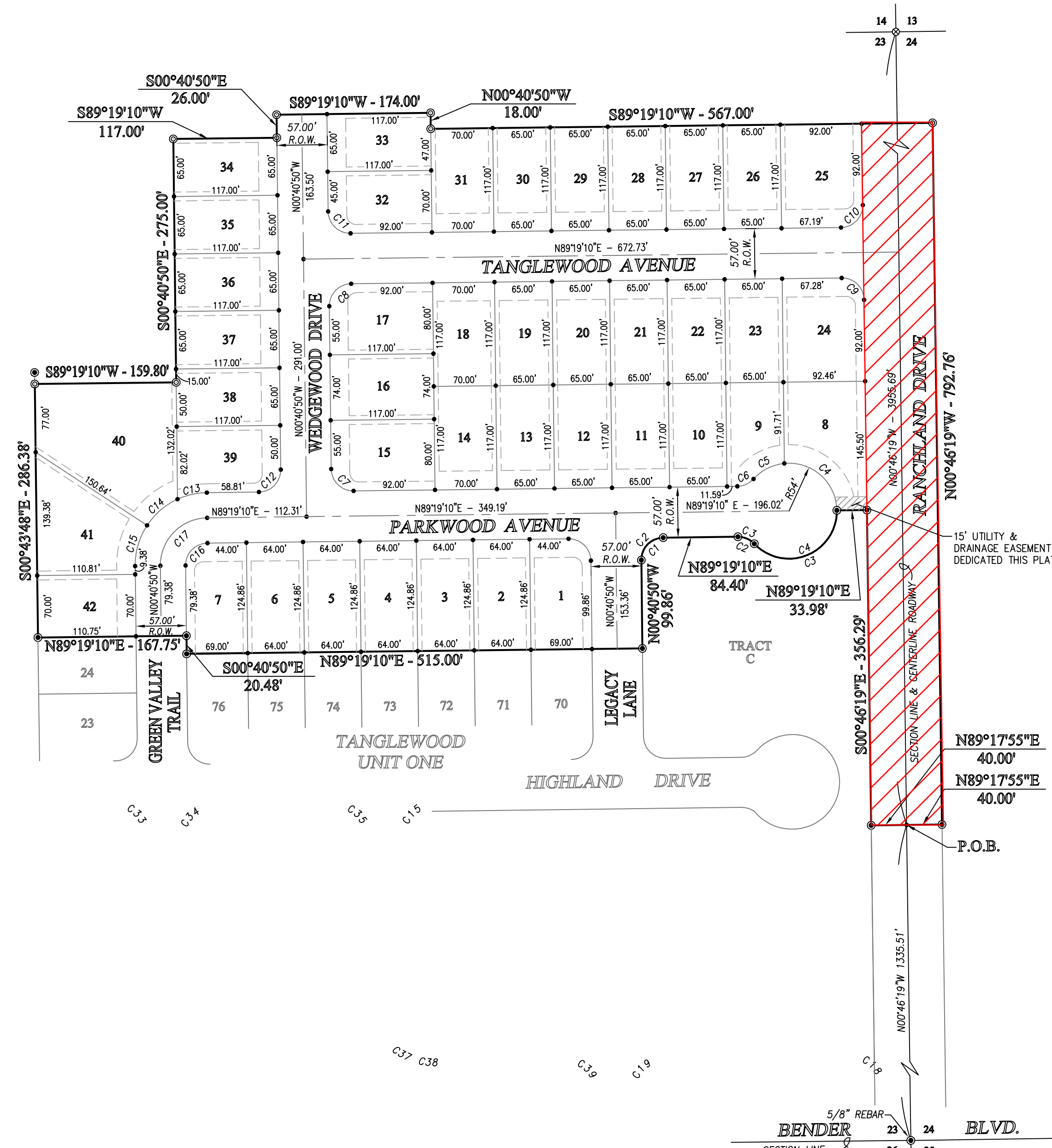
CHAIRMAN: WILLIAM M. HICKS, III

CERTIFICATE OF MUNICIPAL APPROVAL:

STATE OF NEW MEXICO)
COUNTY OF LEA) SS

I, JAN FLETCHER, THE DULY APPOINTED AND ACTING CITY CLERK OF THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING PLAT OF THE TANGLEWOOD, UNIT TWO, AT RANCHVIEW ESTATES SUBDIVISION, WAS APPROVED BY THE COMMISSION OF THE CITY OF HOBBS BY RESOLUTION No. ___ ON THE ___ DAY OF _____, 2008 A.D.

JAN FLETCHER, CITY CLERK



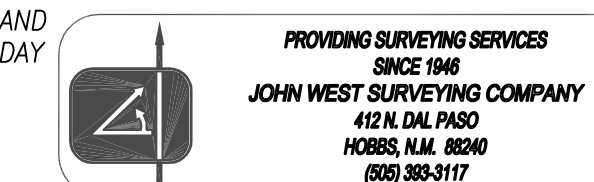
PRELIMINARY

SURVEYORS CERTIFICATE:

I, GARY G. EIDSON, A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR, CERTIFY THAT I CONDUCTED AND AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THIS SURVEY AND THE PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

IN WITNESS WHEREOF I HERETO SET HAND AND AFFIX MY OFFICIAL SEAL THIS ___ DAY OF _____, 2008, A.D.

GARY G. EIDSON N.M.L.S. 12641



STATE OF NEW MEXICO
COUNTY OF LEA
FILED:

_____, 2008

AT _____ O'CLOCK ___ M

AND RECORDED IN:

BOOK _____ PAGE _____

MELINDA HUGHES

LEA COUNTY CLERK

BY _____ DEPUTY

**TANGLEWOOD UNIT 2
DEVELOPMENT AGREEMENT**

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 Entrench Inc., 3311 N. Grimes Street, Hobbs, NM 88240 (hereafter called "Developer").

RECITALS:

WHEREAS, "Developer" has received Preliminary Plat Approval for Tanglewood Unit 2 Subdivision containing the projection of a portion of Ranchland within the subdivisions boundary. Said projection to contain municipal infrastructure to include sewer, water, Minor Collector Roadway improvements, sidewalk, curb and gutter; and

WHEREAS, that portion of Ranchland previously developed was initially developed with infrastructure exceeding the required minimums for a residential subdivision, specifically the installation of a 12" water main and a 12" sewer main; and

WHEREAS, the municipality has determined that it is beneficial to oversize the municipal infrastructure located within the projection of Ranchland thereby increasing capacity for future developments; specifically the installation of a 12" water main and a 12" sewer main. Therefore, it has been determined by City and agreed by Developer that the required infrastructure located within the projection of Ranchland shall be oversized from the required minimums to be specifically a 12" water main and a 12" sewer main; and

WHEREAS, that portion of Ranchland located south of the proposed projection was previously developed as a Major Collector Roadway Section, as specified with the City of Hobbs Major Thoroughfare Plan; and

WHEREAS, the municipality has determined that it is beneficial to oversize the municipal infrastructure located within the projection of Ranchland thereby increasing capacity for future developments; specifically the installation of a hybrid Minor Collector Roadway Section. Therefore, it has been determined by City and agreed by Developer that the required infrastructure located within the projection of Ranchland shall be oversized from the required minimums, a Minor Residential Urban Section, to be specifically a hybrid of Minor Collector Roadway Section, representation of a cross section and plan view attached hereto.

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

1. The Developer shall install infrastructures as specified in the Construction Plans that received Preliminary Plat approval from the City of Hobbs Planning Board on January 17, 2017, more specifically the installation of a 12" water main and a 12" sewer main within the projection of Ranchland.
2. The Municipality shall reimburse to the Developer, pending Engineer of Record Certification and Final Plat Approval, the actual cost difference between the 10" infrastructures required and the 12" infrastructures so installed. Providing said amount shall not exceed \$??,???.??
3. The Municipality shall reimburse to the Developer, pending Engineer of Record Certification and Final Plat Approval, the actual cost difference between the Minor Residential Roadway Section required and the Minor Collector Roadway Section so installed. Providing said amount shall not exceed \$(??,???.??)
4. Responsibilities of the parties hereto are as follows:
 - A. The Developer shall:
 - 1) Pay for all costs associated with developing Tanglewood Unit 2 as per the Construction Plans, fully compliant with Municipal Code Title 16.
 - 2) Submit to the Municipality 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

DA Ranchland Infrastructure Oversizing, Page 2.

Standards. Such certification shall be in a form acceptable to the City Engineer.

- 3) Submit to the Municipality the actual costs for those infrastructures oversized as per this agreement as well as the Engineer of Records cost estimate for installation of 10” infrastructures.

B. The City shall:

- 1) Provide as needed timely and responsive consultation and coordination assistance by the City Engineer and other City staff members regarding City design and construction issues for Subdivision development.
- 2) Reimburse to the Developer the actual cost difference between the 10” infrastructures required and the 12” infrastructures so installed. Providing said amount shall not exceed \$(??,???.??)

5. 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 – Entrench Inc., 3311 N. Grimes Street, 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.

6. 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.

7. 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.

8. 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 in a forthright manner and with due diligence.

9. 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.

10. 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.

11. 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.

12. 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.

13. TERMINATION. This Agreement shall be terminated upon the completion of all installation and construction defined herein or One Year from the date of Ratification of this Agreement.

14. 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 – Entrench Inc.

Sam D. Cobb - Mayor

BY:

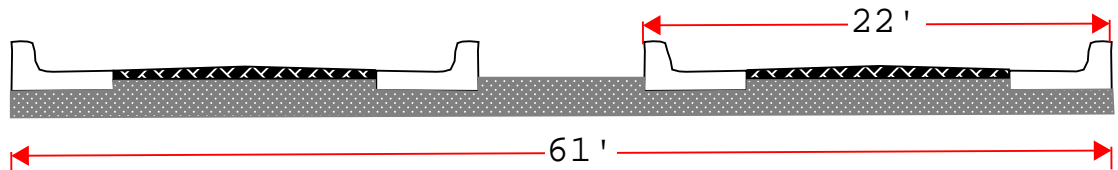
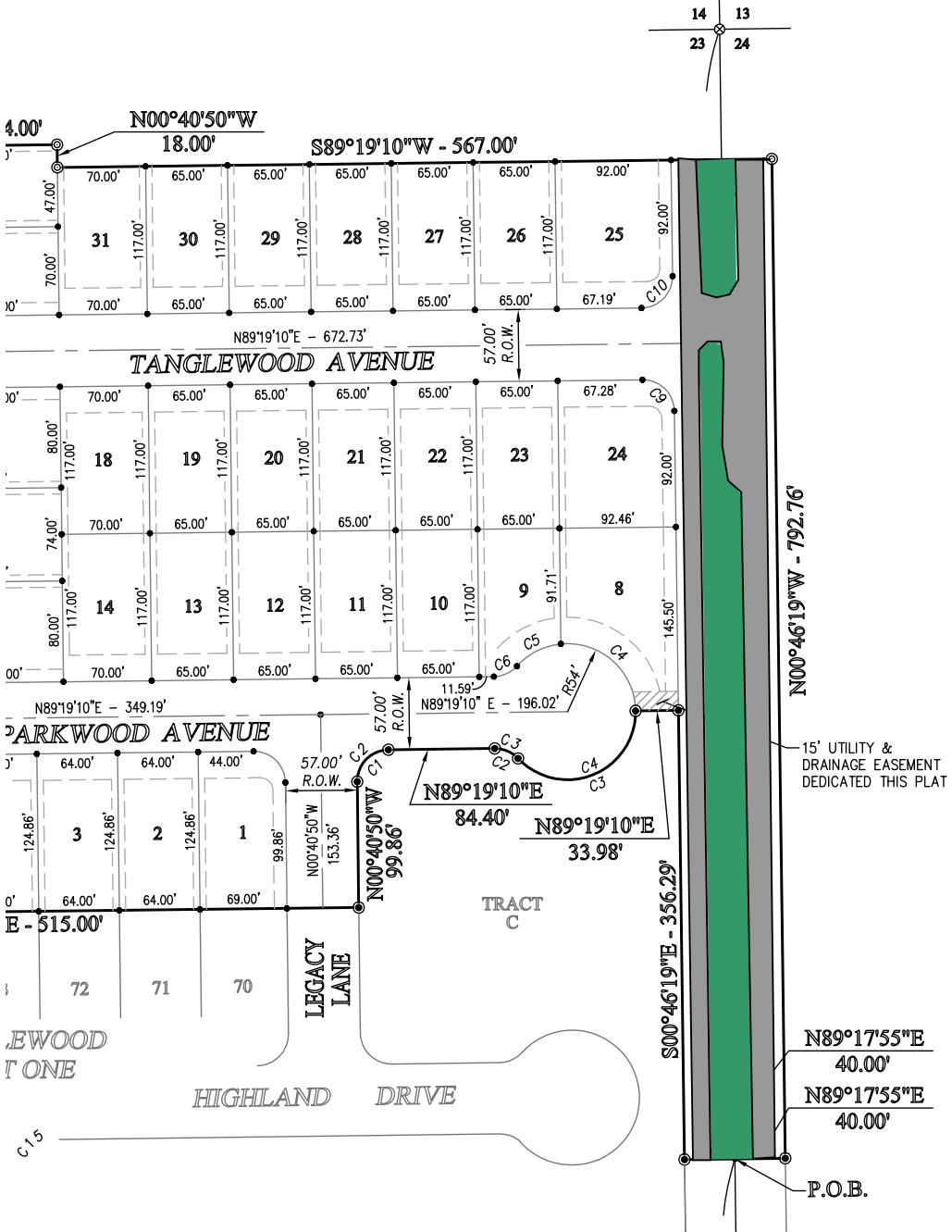
Its:

ATTEST:

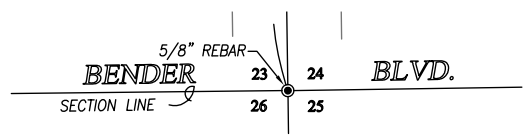
Jan Fletcher, City Clerk

APPROVED AS TO FORM:

Michael Stone, City Attorney



237 C38



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

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

(Prior code § 25-3)

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

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

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

16.08.030 - Preliminary plat—Generally

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

(Prior code § 25-4)

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

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

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

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

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

(Prior code § 25-5)

16.08.040-050 - Final Plat—Generally.

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

(Prior code § 25-6)

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

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

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

(Prior code § 25-7)

Chapter 16.12 - ALTERNATE SUMMARY PROCEDURE

16.12.010 - Eligible subdivisions.

- A. Division of land into two (2) or more parcels by platting or metes and bounds description for specific purposes listed in Section 16.04.010(C) requires subdivision approval by the Municipal Planning Authority. To expedite the process for ~~two (2) or three (3) lot~~ proposed subdivisions ~~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 ~~Samesame~~ not Shown in ~~City of Hobbs Major Thoroughfare Plan Map~~~~City Map or Master Plan~~. Where such is not shown in the current ~~City of Hobbs Major Thoroughfare Plan Map~~~~official City map, master plan~~ or part thereof, the arrangement of streets in a subdivision shall either:
 1. Provide for the continuation of appropriate projection of existing ~~principal~~ streets in surrounding areas; or
 2. Conform to a plan for the neighborhood approved or adopted by the Planning Board to meet a particular situation, where topographical or other conditions make continuance or conformance to existing streets impracticable.
- C. Minor ~~Residential~~ Streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- D. Special Treatment for Subdivisions Containing ~~Major or Minor Arterial-Collector~~ Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Board may require marginal access streets, reverse frontage with screen planting or walls contained in a non-access reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- E. Subdivisions Bordering on or Containing Railroad or Limited Access Highway Rights-of-Way. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts. Such distance shall be determined with due regard for the requirements of approach grades and future grade separations.
- F. Reserve Strips. Reserve strips controlling access to streets shall be prohibited, except where their control is definitely placed in the City under conditions approved by the Planning Board.
- G. Street Jogs. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
- H. Tangents. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
- I. Curves Connecting Street Lines. When connecting street lines deflect from each other at any one (1) point by more than ten (10) degrees, they shall be connected by a curve, with a radius adequate to insure a sight distance of not less than two hundred (200) feet for minor ~~residential~~ and collector streets and of such greater radius as the Planning Board shall determine for special cases.
- J. Angle of Intersection. Streets shall be laid out as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than sixty (60) degrees.
- K. Right-of-Way Widths. Street right-of-way widths shall be as shown in the ~~master plan and, where not shown therein, shall not be less than as follows:~~

Arterial streets	80 feet
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)

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.

9) Discussion Item:

Municipal use of Fair Share Development Agreements adjacent to roadways greater than Minor Residential.