

AGENDA
City of Hobbs Planning Board – Regular Meeting
February 20, 2018 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 20, 2018 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 16, 2018 – Regular Meeting

- 4) Communications from Citizens.**
- 5) Review and Consider Preliminary Plat Approval for Zia Crossing Unit 6, as submitted by property owner, Black Gold Estates, LLC., and as previously approved by the Planning Board on July, 21 2015.**
- 6) Review and Consider Preliminary & Final Plat Approval for a proposed subdivision located southeast of the intersection of College Lane and Ja-Rob and within the municipalities extra-territorial jurisdiction, as submitted by property owner, Barbara Cox.**
- 7) Review and Consider placement of a Subdivision Monument Sign within property that will be dedicated to the public, specifically the median area of Ranchland Boulevard, with the Final Plat approval of Tanglewood Unit Two at Ranchview Estates Subdivision.**
- 8) Review and Consider placement of a Subdivision Monument Sign and bollards\posts within property that will be dedicated to the public with the Final Plat approval of the Meadows Subdivision, Unit 1.**
- 9) Review and Consider variance from MC 15.32.030 & 15.32.140 concerning the Reconstruction of an existing non-compliant Billboard located northeast of the intersection of Carlsbad Highway and Goings Lane.**
- 10) DISCUSSION ITEM – Review & discuss Sub-committees work on the proposed Right – of – way management Ordinance.**
- 11) 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 16, 2018**

The Hobbs Planning Board met on January 16, 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 Guy Kesner, Vice Chairman presiding.

Members Present:

Guy Kesner, Vice Chairman
Bill Ramirez
Brett Drennan
Larry Sanderson
Bobby Shaw
Dwayne Penick

Members Absent:

Tres Hicks, Chairman

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

Kevin Robinson, Development Director
Shelia Baker, Staff Engineer
Julie Nymeyer, Staff Secretary

Commissioner Buie
Dennis Holmberg

1) Call To Order.

Vice Chairman Kesner 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 16, 2017 meeting. Mr. Kesner asked if there were any changes or additions to the Agenda. Mr. Ramirez made a motion, seconded by Mr. Penick 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 13, 2017 – Regular Meeting

Mr. Kesner asked if everyone has had a chance to read the Regular Meeting Minutes from December 13, 2017? Mr. Drennan made a motion, seconded by Mr. Ramirez to approve the minutes as presented. The vote on the motion was 6-0 and the motion carried.

4) Communications from Citizens.

Commissioner Buie said this would probably be his last Planning Board Meeting and he thanked the Board for all their work. He said this Board has stood up and brought the

community in to City Hall. He said this Board has really stepped up for the community and he appreciates this Planning Board and thanked them for all their work.

5) Review and Consider Preliminary Plat Approval of a proposed subdivision, Albertsons Block 1 Subdivision, located southeast of the intersection of Glorietta and North Houston.

Mr. Robinson said this is the preliminary plat approval. He said this is currently going through DRT review. He said the engineer on this project has determined there is nothing that would stop this plat from allowing construction to begin. He said there are items the engineer would like additional details on. He said according to the City Engineer those details would not stop the construction. He said the engineer is recommending preliminary plat approval contingent upon additional details primarily on the sewer extension on Glorietta. Mr. Ramirez said basically the construction is what they have done before? Mr. Robinson said yes. Mr. Holmberg said the previous homes have been larger single homes and Habitat is finding out that is not necessarily the types of housing that is needed. He said these are townhomes with connecting walls. He said the ideal is to have a community and a family atmosphere.

Mr. Kesner said there is a need for a setback variance for the two lots that will be addressed off Glorietta. He said it is a minor collector which would require a 25 foot setback instead of a 10 foot setback that the attached structure will have on either side. Mr. Kesner said the garage will be accessed in the alleyway. Mr. Robinson said the setbacks are for the frontage so the house on Houston would not need a variance that is 10 foot from the property line. He said the side setback from Glorietta would still be 10 foot from the property line. He said it will be reflected on the final plat approval. He said so no variance is needed it will just be on the final plat approval. Mr. Kesner said the houses to the west of this development have already been built and the side lot setbacks are already 10 feet? Mr. Robinson said yes.

Mr. Kesner asked if there were any other questions about this item? Mr. Penick made a motion, seconded by Mr. Sanderson to approve the preliminary plat approval. The vote on the motion was 6-0 and the motion carried.

6) Review and Consider Final Plat Approval of Tanglewood Unit Two, located northwest of the intersection of Bender and Ranchland Drive.

Mr. Robinson said this is the final plat approval. He said this is being brought to the Board because of a timing issue. He said the Commission is the final acceptance of the subdivision. He said the City Engineer has been working closely with the developer and the developer's engineer. The city has not received the final engineer certification. He says that certification states that all the infrastructure is in place as per plans, specifications and standards that the city has adopted. He said the city has not received a set of as built for the new developments. He said the Board's approval will be contingent upon both of these items being received prior to being presented to the Commission. Mr. Kesner asked how wide the lots on Tanglewood were? Mr. Robinson said 65 feet.

Mr. Ramirez asked about the utility easement. Mr. Robinson said there is only one utility easement that is required. He said lot 8 has a utility easement through it. Mr. Robinson

said Ranchland is a major collector with an approved median in the middle that will be landscaped at the developer's expense. Mr. Kesner said but then maintained by the city once it is dedicated? Mr. Robinson said in the developer's agreement the developer must maintain it for 10 years and then it will be turned over to the city. Mr. Ramirez asked if service to all the lots will be in the front? Mr. Robinson said yes. Mr. Kesner said basically they need a motion to approve the final plat based on as built being provided to the engineering department? Mr. Robinson said yes. Mr. Sanderson made a motion, seconded by Mr. Penick to approve a conditional approval of the final plat approval of Tanglewood Unit 2 providing compliance of Municipal Code 16.0 prior to presentation to the City Commission. The vote on the motion was 6-0 and the motion carried.

7) Review and Consider Fence Height at front yard property line Variance for vacant property located west of 112 E. Taylor.

Mr. Robinson said this is a commercial property which is the reason it is brought to the Planning Board. He said the property owner has purchased this property and desires to use it as a storage facility for vehicles that will be serviced. He said every building that is located within this block is a zero lot line building. He said on a minor residential the fence height requirement is 2 feet and the setback is 25 foot. He said because the buildings are at a zero lot line there should not be any visual obstructions. He said the municipal code would require a 50 foot of all-weather asphalt or concrete surface in length from Taylor Street into the parking lot. He said the variance is for the 6 foot height at the zero lot line for a chain length fence.

Mr. Penick asked if it would be asphalt or hard surface? Mr. Robinson said it is not required for the entire parking lot just 50 foot of driveway entrance. Mr. Kesner asked if there was access from the alley way? Mr. Robinson said access from the alleyway is not allowed per code. He said in the past every variance that has been given to commercial properties the only requirement put on the property is that they have to improve the alleyway. He said in this case the alley is already improved with a chip sealed roadway. He said an alleyway variance is not being requested at this time. Mr. Kesner said he does not have a problem with the fence but thinks it will create parking issues. Mr. Penick made a motion, seconded by Mr. Ramirez to approve the fence variance. The vote on the motion was 6-0 and the motion carried.

8) DISCUSSION ITEM – Review & discuss proposed Right – of – way management Ordinance.

Mr. Robinson discussed the ordinance and said the subcommittee has had an initial meeting. He said present at the subcommittee meeting was the City Attorney, City Engineer and a franchisee of the municipality along with three of the Planning Board Members. He said the reason for the right-of-way management ordinance is for the city to have additional tools to better manage a public asset.

Mr. Shaw asked about the utility franchisee and said it definitely affects all of the utility companies. Mr. Robinson said Zia Gas was chosen for the first franchisee attendee at the meeting. He said the city believes with the right-of-way management ordinance will have an addition of a private non franchisee occupation. He said the broad outline of the ordinance will give preference for the occupation of public infrastructures, franchisee infrastructures

and then private permitted occupancies.

9) **Adjournment.**

With nothing further to discuss the meeting adjourned at 10:51 am.

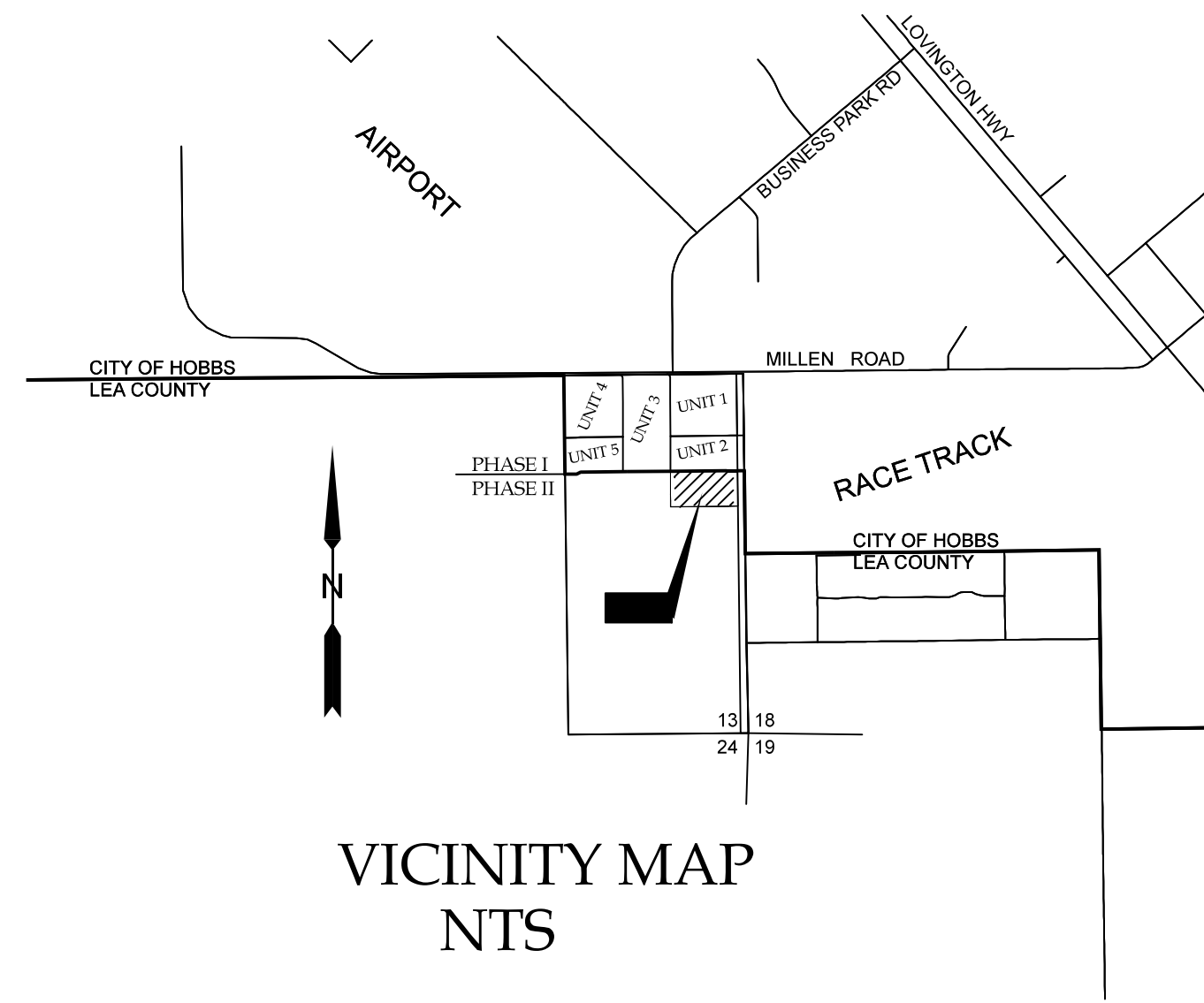
Tres Hicks, Chairman

February 20, 2018
Planning Board Regular Meeting

- 5) **Review and Consider Preliminary Plat Approval for Zia Crossing Unit 6, as submitted by property owner, Black Gold Estates, LLC., and as previously approved by the Planning Board on July, 21 2015.**

ZIA CROSSING SUBDIVISION PHASE II, UNIT 6

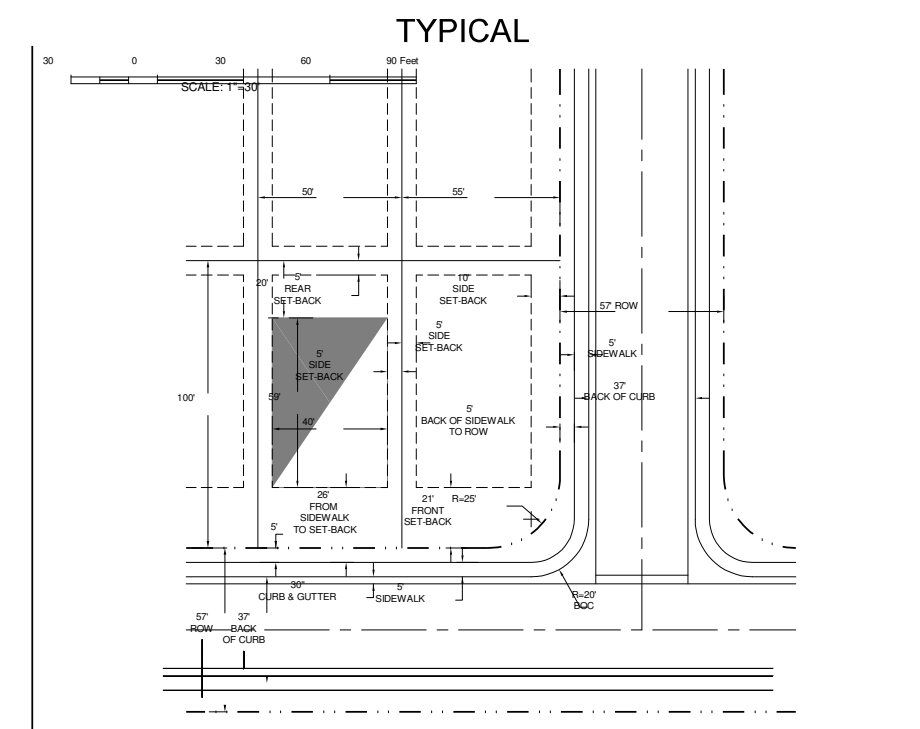
CITY OF HOBBS, LEA COUNTY, NEW MEXICO



VICINITY MAP
NTS

NOTES:

1. SET 1/2" REBAR WITH PLASTIC CAP MARKED LS 8685 AT ALL CORNERS AND BEGINNING AND END OF CURVES.
2. SEE PLAT # 15243 RECORDED IN LEA COUNTY
3. LOT SIDE SET BACK 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.



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS PLAT IS THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 13, T.18 S., R.37 E., N.M.P.M., BETWEEN THE FOUND MONUMENTS AS DESCRIBED IN THE CITY OF HOBBS GPS SURVEY REPORT AS #143 AT THE N1/4 CORNER AND #144 AT THE NE CORNER OF SAID SECTION 13.

i.e. N 89°26'36" E - 2642.09'

ALL DISTANCE SHOWN HEREON ARE GROUND VALUES

PHASE II, UNIT 6 DESCRIPTION and DEDICATION

ALL THAT PORTION OF THE NORTHEAST ¼ OF SECTION 13, TOWNSHIP 18 SOUTH, RANGE 37 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO, DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 13 BEARS N 03°20'20" E A DISTANCE OF 1432.02 FEET AND ALSO FROM WHICH THE NORTH 1/4 CORNER OF SAID SECTION BEARS N 61°14'312" W A DISTANCE OF 2918.52 FEET;
 THENCE S 00°39'55" W A DISTANCE OF 522.20 FEET ;
 THENCE S 89°20'07" W A DISTANCE OF 110.00 FEET ;
 THENCE S 88°41'22" W A DISTANCE OF 57.00 FEET ;
 THENCE S 89°28'22" W A DISTANCE OF 745.35 FEET ;
 THENCE S 89°28'22" W A DISTANCE OF 80.00 FEET;
 THENCE N 00°10'43" W A DISTANCE OF 524.25 FEET ;
 THENCE N 89°28'22" E A DISTANCE OF 80.00 FEET ;
 THENCE N 89°28'05" E A DISTANCE OF 750.90 FEET ;
 THENCE N 89°27'34" W A DISTANCE OF 57.01 FEET;
 THENCE N 89°20'05" E A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING, AND HAVING AN AREA OF 11.91 ACRES, MORE OR LESS.

SUBDIVIDED AS THE SAME APPEARS HEREON, WITH ALL RIGHTS-OF-WAY AS SHOWN HEREON DEDICATED TO THE PUBLIC, COMPRISING ZIA CROSSING SUBDIVISION, PHASE II, UNIT 6, 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: _____
 DANIEL W. DATTOLA AGENT FOR BLACK GOLD ESTATES, LLC.

SURVEYORS CERTIFICATE:

I, RANDY A. BOUET, 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.

RANDY A. BOUET, N.M.P.L.S. 8685 DATE _____

CERTIFICATE OF MUNICIPAL APPROVAL:

STATE OF NEW MEXICO) SS
 COUNTY OF LEA)

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 ZIA CROSSING SUBDIVISION, PHASE II, UNIT 6, WAS APPROVED BY THE COMMISSION OF THE CITY OF HOBBS BY RESOLUTION No. _____ ON THE ____ OF _____, 2018 A.D.

JAN FLETCHER, CITY CLERK

ACKNOWLEDGMENT :

STATE OF NEW MEXICO) SS
 COUNTY OF LEA)

ON THIS _____ DAY OF _____, 2018, BEFORE ME PERSONALLY APPEARED DANIEL W. DATTOLA, AGENT FOR BLACK GOLD ESTATES, LLC, TO ME KNOWN TO BE THE PERSON(S) DESCRIBED IN AND WHO 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

FOUR CORNERS SURVEYING, INC. 21150 COUNTY ROAD U, CORTEZ, CO 81321 970-682-4241		
DRAWN RAB	DATE 2/07/2018	ZIA CROSSING SUBDIVISION PHASE II, UNIT 6 CITY OF HOBBS, NEW MEXICO
APPROVED	DATE	
SCALE NOT TO SCALE	SHEET 1 OF 2	PROJECT NO. 925UNIT6TITLESHEET

LEA COUNTY SEAL

STATE OF NEW MEXICO
 COUNTY OF LEA
 FILED: _____, 2018
 AT _____ O'CLOCK _____ M
 AND RECORDED IN:
 BOOK _____ PAGE _____
 PAT CHAPPELLE
 LEA COUNTY CLERK
 BY: _____ DEPUTY

**CERTIFICATE OF APPROVAL
BY THE CITY PLANNING BOARD:**

THE PLAT, RESTRICTIONS AND DEDICATION APPROVED AND ACCEPTED THE _____ DAY OF _____, 2018, A.D.
 BY THE CITY PLANNING BOARD OF HOBBS, NEW MEXICO.

CHAIRMAN: WILLIAM M. HICKS III

ZIA CROSSING SUBDIVISION PHASE II, UNIT 6 = 52 LOTS

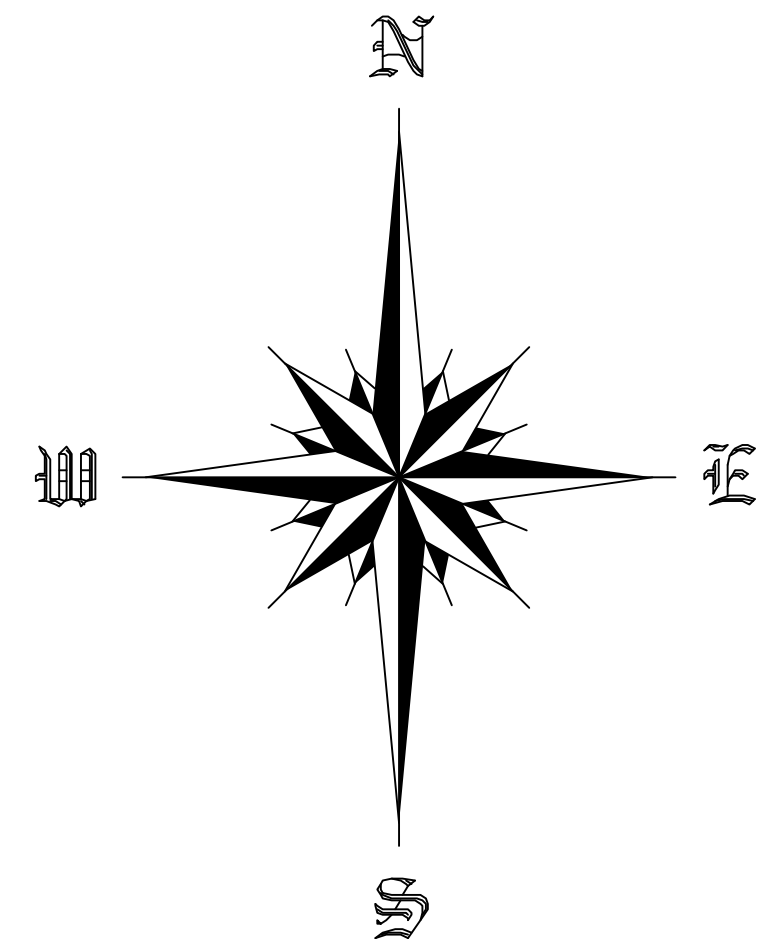
TOTAL ACREAGE = 11.91 AC.

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	47.23'	203.50'	13°17'51"	S 06°25'02" W	47.12'
C2	13.49'	146.50'	5°16'37"	S 10°25'39" W	13.49'
C3	39.12'	25.00'	89°39'05"	S 44°38'49" W	35.25'
C4	39.21'	25.00'	89°51'45"	N 45°35'46" W	35.31'
C5	41.86'	203.50'	11°47'05"	N 07°10'25" E	41.78'
C6	34.77'	146.50'	13°35'53"	N 06°16'02" E	34.69'
C7	38.48'	25.00'	88°11'29"	N 45°22'37" E	34.79'
C8	39.33'	25.00'	90°08'15"	N 44°24'14" E	35.40'
C9	39.42'	25.00'	90°20'55"	S 45°21'11" E	35.46'
C10	39.42'	25.00'	90°20'55"	S 45°21'11" E	35.46'
C11	21.62'	146.50'	8°27'14"	S 03°33'44" W	21.60'
C12	39.12'	25.00'	89°39'05"	S 44°38'49" W	35.25'
C13	39.21'	25.00'	89°51'45"	N 45°35'46" W	35.31'

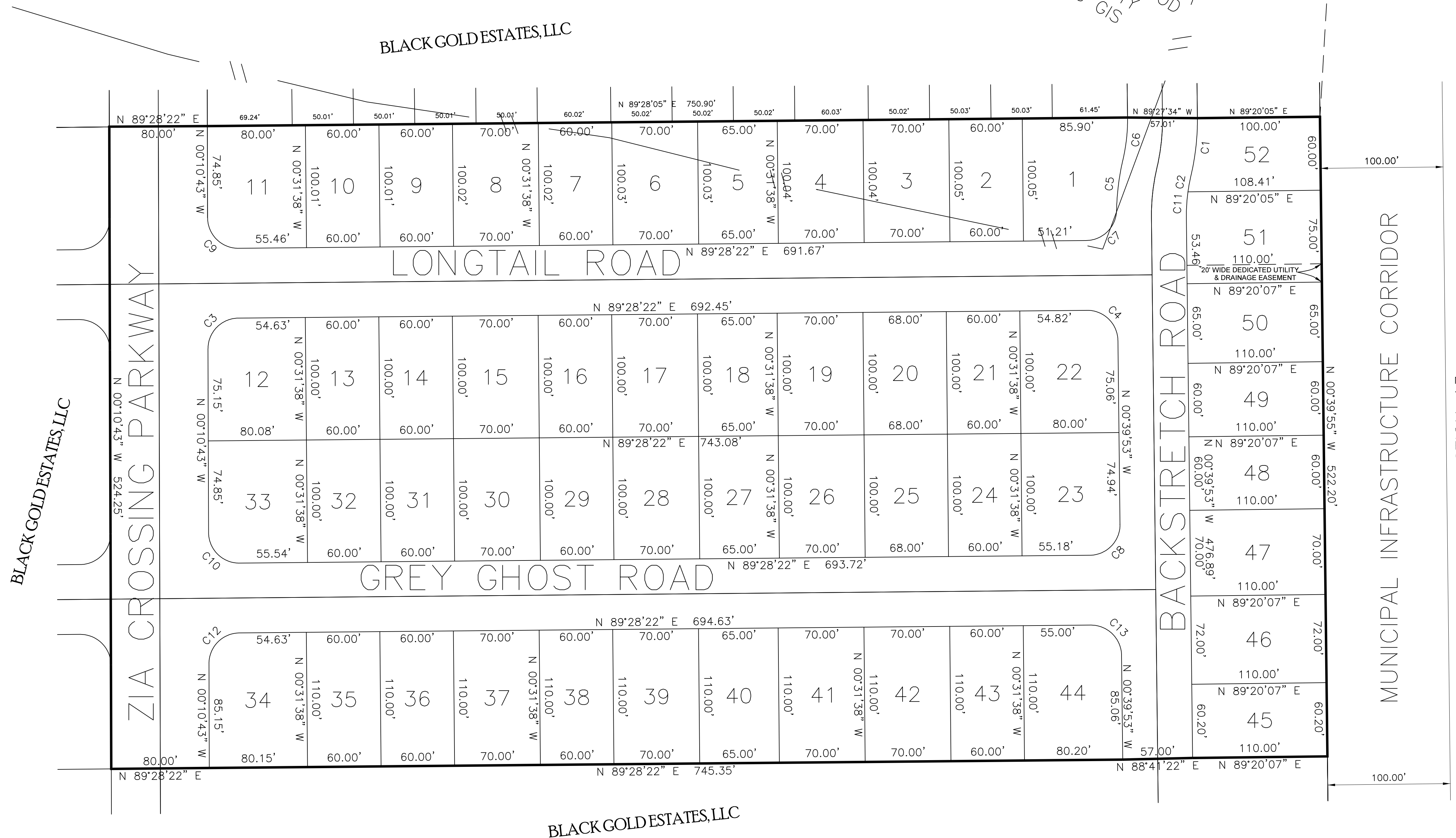
UNIT 2, PH I

EXTENTS OF FLOOD ZONE PER CITY MAP

TIE TO NE CORNER SECTION 13 FOUND CONCRETE MONUMENT WITH BRASS DISK



Area	Sq. Feet	Acres
1	7863.80	0.18
2	6003.05	0.14
3	7003.20	0.16
4	7002.80	0.16
5	6502.25	0.15
6	7002.05	0.16
7	6001.44	0.14
8	7001.32	0.16
9	6000.82	0.14
10	6000.53	0.14
11	7894.87	0.18
12	7845.71	0.18
13	6000.00	0.14
14	6000.00	0.14
15	7000.00	0.16
16	6000.00	0.14
17	7000.00	0.16
18	6500.00	0.15
19	7000.00	0.16
20	6800.00	0.16
21	6000.00	0.14
22	7854.64	0.18
23	7877.14	0.18
24	6000.00	0.14
25	6800.00	0.16
26	7000.00	0.16
27	6500.00	0.15
28	7000.00	0.16
29	6000.00	0.14
30	7000.00	0.16
31	6000.00	0.14
32	6000.00	0.14
33	7902.76	0.18
34	8647.37	0.20
35	6600.00	0.15
36	6600.00	0.15
37	7700.00	0.18
38	6600.00	0.15
39	7700.00	0.18
40	7150.00	0.16
41	7700.00	0.18
42	7700.00	0.18
43	6600.00	0.15
44	8674.12	0.20
45	6621.93	0.15
46	7920.22	0.18
47	7700.22	0.18
48	6600.15	0.15
49	6600.12	0.15
50	7150.10	0.16
51	8238.66	0.19
52	6188.51	0.14



EAST LINE OF SECTION 13

ZIA CROSSING PARKWAY = 80' ROW
 LONGTAIL ROAD = 57' ROW
 GREY GHOST ROAD = 57' ROW
 BACKSTRETCH ROAD = 57' ROW

FOUR CORNERS SURVEYING, INC.
 21150 COUNTY ROAD U, CORTEZ, CO 81321
 970-882-4241

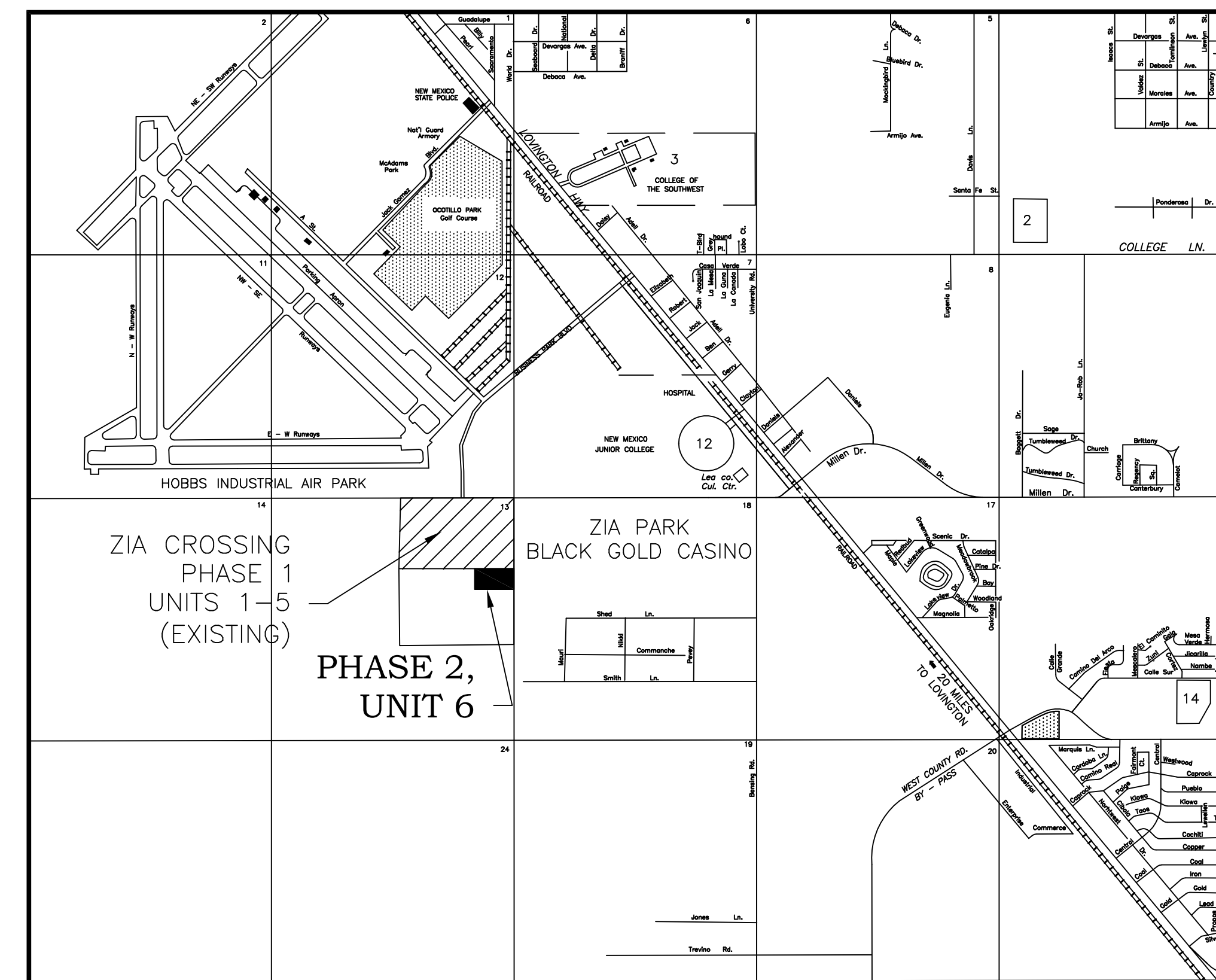
DRAWN	DATE	ZIA CROSSING SUBDIVISION
RAB	2/07/2018	PHASE II, UNIT 6
APPROVED	DATE	CITY OF HOBBS, NEW MEXICO
SCALE	SHEET	PROJECT NO.
1" = 100'	2 OF 2	925UNIT6SH2

SUBDIVISION PLANS ZIA CROSSING, UNIT 6

CITY OF HOBBS
LEA COUNTY, NEW MEXICO
NE/4 OF SECTION 13, TOWNSHIP 18 SOUTH RANGE 37 EAST

INDEX OF SHEETS

SHEET	DESCRIPTION
A1	COVER SHEET, INDEX OF DRAWINGS & LOCATION MAP
A2	GENERAL NOTES & MATERIALS SPECIFICATIONS
A3	MASTER LAYOUT
A4	UTILITY LAYOUT PLAN
B1	ZIA CROSSING PARKWAY ROAD PLAN & PROFILE
B2	LONGTAIL ROAD PLAN & PROFILE
B3	GREY GHOST ROAD PLAN & PROFILE
B4	BACKSTRETCH ROAD PLAN & PROFILE
D1	EAST DITCH PLAN AND PROFILE, PART 1 (STA 0+00 TO STA 31+00)
D2	EAST DITCH PLAN AND PROFILE, PART 2 (STA 31+00 TO STA 36+00)
I1	INTERSECTION DETAILS
I2	INTERSECTION DETAILS CONT. & UNIT 6 DRAINAGE DITCH DETAILS
W1	WATER DETAILS
R1	ROADWAY DETAILS
S1	SEWER DETAILS
U1	UNDERGROUND ELECTRIC/TELEPHONE/CABLE TRENCH LAYOUT <small>(Provided by Xcel Energy)</small>
U2	ELEC/TELE/CABLE TRENCH DETAILS & USPS CLUSTER BOX DETAILS
L1	LOT FILL LAYOUT
SW1	SIDEWALK LAYOUT



LOCATION MAP

Not to Scale

410 n. dal paso
hobbs, new mexico 88240
(575) 392-7918 bus
(575) 392-9114 fax



NO.	DATE	BY	CHK	ENGR	APP.	

ZIA CROSSING, UNIT 6

GENERAL NOTES & MATLS. SPECS.



Drawn By:	Checked by:
SMM	PLR
Date:	Disk:
7/06/15	GENERAL
File Name:	Job No.:
GENNOTES	

SHEET
A2
A2 of A4 sheets

ORIGINAL DRAWING SIZE 24" X 36"

GENERAL NOTES:

- ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE NEW MEXICO STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, AND THE CITY OF HOBBS STANDARDS.
- TRENCHES WILL CROSS PAVEMENT, NATIVE SOIL, AND COMPACTED CALICHE PADS. CONTRACTOR TO SAW-CUT EDGES AND CONSTRUCT PAVEMENT PATCH ACCORDING TO DETAILS.
- CONTRACTOR SHALL FIELD VERIFY THE LOCATION OF ALL UTILITIES FOR SIZE, TYPE, DEPTH AND LOCATION. EXISTING UTILITIES SHOWN ARE TAKEN FROM RECORD DRAWINGS AND FIELD OBSERVATIONS, CONTRACTOR SHALL FOLLOW NEW MEXICO ONE-CALL PROCEDURES.
- TRAFFIC CONTROL DEVICES SHALL BE INSTALLED, INSPECTED AND MAINTAINED BY CERTIFIED PERSONNEL. ENGINEER AND OWNER SHALL BE NOTIFIED AT LEAST 48 HOURS PRIOR TO ANY CHANGES IN TRAFFIC CONTROL PHASES, SO THAT THE OWNER CAN NOTIFY THE PUBLIC.
- CONTRACTOR SHALL MAINTAIN GOOD HOUSEKEEPING THROUGHOUT THE PROJECT AND UPON PROJECT COMPLETION THE RIGHT-OF-WAY SHALL BE FREE OF ROCKS GREATER THAN 2" DIAMETER. ROCKS GREATER THAN 2" IN DIAMETER SHALL BE CRUSHED OR REMOVED.
- CONTRACTOR SHALL MAINTAIN ACCESS TO ALL BUSINESSES AND ADJACENT LANDOWNERS DURING THE ENTIRE PROJECT.
- CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY UPON FINDING DIFFERING FIELD CONDITIONS.
- CONTRACTOR SHALL NOT DAMAGE EXISTING SURVEY MONUMENTS. ANY MONUMENTS DAMAGED DURING CONSTRUCTION SHALL BE REPLACED BY A LICENSED SURVEYOR AT THE CONTRACTOR'S EXPENSE.
- PAY ITEMS SHALL BE AS LISTED ON THE BID FORM. ITEMS SHALL BE MEASURED AND PAID FOR BY THE UNITS LISTED ON THE BID FORM. ITEMS NECESSARY FOR CONSTRUCTION AND NOT LISTED SHALL BE CONSIDERED INCIDENTAL TO THE ITEM BEING INSTALLED.
- MAXIMUM 300 LINEAR FEET OF WATERLINE TRENCH OR 350 LINEAR FEET OF SEWERLINE TRENCH (MANHOLE TO MANHOLE) OPEN AT A TIME UNLESS APPROVED BY OWNER IN ADVANCE.
- DITCH SPOIL TO BE PLACED BETWEEN DITCH AND ROADWAY WHERE FIELD CONDITIONS ALLOW.
- EXCAVATION AREAS TO BE PROPERLY FENCED WHEN CONSTRUCTION ACTIVITIES ALLOW, ESPECIALLY WHEN CONTRACTOR IS NOT WORKING IN THE AREA.
- OSHA EXCAVATION REGULATIONS TO BE OBSERVED AT ALL TIMES.
- WARNING LIGHTS ON TRAFFIC CONTROL DEVICES ARE NOT OPTIONAL ON THIS PROJECT.
- PROJECT SHALL NOT BE DEEMED COMPLETE UNTIL ALL ROADS, CURBS AND DRAINAGE STRUCTURES HAVE BEEN TESTED SHOWN TO PROPERLY DRAIN.
- SIGNS FOR PERMANENT TRAFFIC CONTROL (SPEED LIMITS, DIRECTIONS, ETC.) EXIST IN THE RIGHT-OF-WAY; THESE SIGNS WILL BE CAREFULLY AVOIDED OR REMOVED AND RE-INSTALLED AS PER NMDOT STANDARD DRAWINGS, SEE DETAILS.
- WHERE GRADES ARE SHOWN WITH TWO DIGITS PRECEDING THE DECIMAL POINT, IT SHALL BE ASSUMED THAT 3600 FEET IS ADDED.
- ALL CONCRETE USED IN THIS PROJECT SHALL INCLUDE FIBER REINFORCEMENT. FIBERS SHALL BE VIRGIN POLYPROPYLENE STRANDS (APPROX. 3/4 INCHES IN LENGTH). ALL CONCRETE SHALL CONTAIN APPROXIMATELY 1.5 LBS. OF FIBER PER CUBIC YARD OF CONCRETE. NO SEPARATE MEASUREMENT OF PAYMENT WILL BE MADE FOR SUCH WORK AND IT SHALL BE CONSIDERED INCIDENTAL TO THE CONSTRUCTION. FIBER REINFORCEMENT DOES NOT DELETE REQUIREMENTS FOR STEEL REINFORCEMENT WHEN REQUIRED ON DETAILS.
- CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS REQUIRED BY FEDERAL, STATE AND LOCAL AUTHORITIES.
- CONTRACTOR SHALL MINIMIZE DISTURBED VEGETATION AND IMPLEMENT NECESSARY BMP'S (BEST MANAGEMENT PRACTICES) IN COMPLIANCE WITH THEIR STORM WATER POLLUTION PREVENTION PLAN.

INSTALLATION OF WATER AND SEWER IMPROVEMENTS

Materials and equipment used in the installation of water and sewer improvements shall be new and unused, manufactured in compliance with standards published by the American Society for Testing and Materials (ASTM), the American Water Works Association (AWWA) or other published applicable standards.

Where specific items are called for by name, make or catalog number such reference shall be interpreted as establishing a standard quality and not construed as limiting competition. The use of substitutes is permissible in most cases, provided written request and proper certification are submitted to the ENGINEER for THE CITY'S review and approval prior to bidding. Installation, construction specifications, and testing requirements shall be governed by the 2006 New Mexico Standard Public Works Specifications and City of Hobbs Supplemental Specifications.

SANITARY SEWER SYSTEM

Collector: PVC, SDR 26, push on, gasketed sewer pipe
 Service: PVC, SCH 40 or SDR 21 push on, gasketed (or glued) sewer pipe
 Fittings: PVC, SCH 40, push on, gasketed (or glued) sewer pipe
 Manholes: Pre-cast reinforced concrete, 4 ft. inside diameter, type C Concentric manholes OR Pre-cast fiberglass manholes, 4 ft. inside diameter, type C OR Cast-in-place manholes may be permitted with prior approval from City. (Manhole opening to be 30 inches diameter, typical all manholes)
 Manhole ring and cover: Heavy Duty East Jordan Iron Works product #41430120A01 standard cast iron, bottom flange, 270 lb. manhole rim and lid, concealed pick slot.

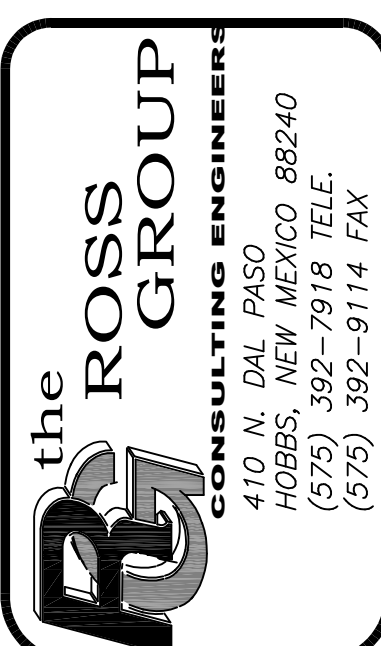
WATER SYSTEM

Distribution Lines (12 inch and Smaller): PVC, DR 18, Class 150, C 900 push on, gasketed water pipe OR HDPE, DR 17, C 906 blue or blue stripe.
 Fittings: Mechanical joint (MJ), class 250 Or 350 S.S.B. type, ductile iron pipe fittings for PVC. Polyethylene fittings may be MJ or fused fittings, ductile iron pipe sizes. All HDPE pipe shall utilize MJ adapters when connection to Ductile Iron Fittings. Mega Lug restrained fittings shall be used along with concrete thrust blocking. Valves may be FL x MJ when connected at fittings.
 Gate Valves: Mueller bonded resilient seat, non raising stem type, mechanical joint, fuse bonded epoxy coated inside and out, 2 inch operating nut, opens counter clockwise.
 Fire Hydrants: Kennedy Guardian K81D, 5 1/4 Main Valve Fire hydrant (Painted Chrome Yellow)
 Valve Box: Tyler 461S, or approved equal
 Water Meter Box: Regular Meter Box - East Jordan product number 32234002A04, round 18 in. x 18 in. and DFW Plastics Inc. plastic blue cover product number (18AMR-49). Commercial Meter Box - See Details if required.
 Water Service Laterals: 1 inch poly line shall be CT size and 2 inch poly lines shall be IP size. Service lateral saddles shall be shown on the City of Hobbs Standard Details. Commercial Services: See Meter Box Details if required.



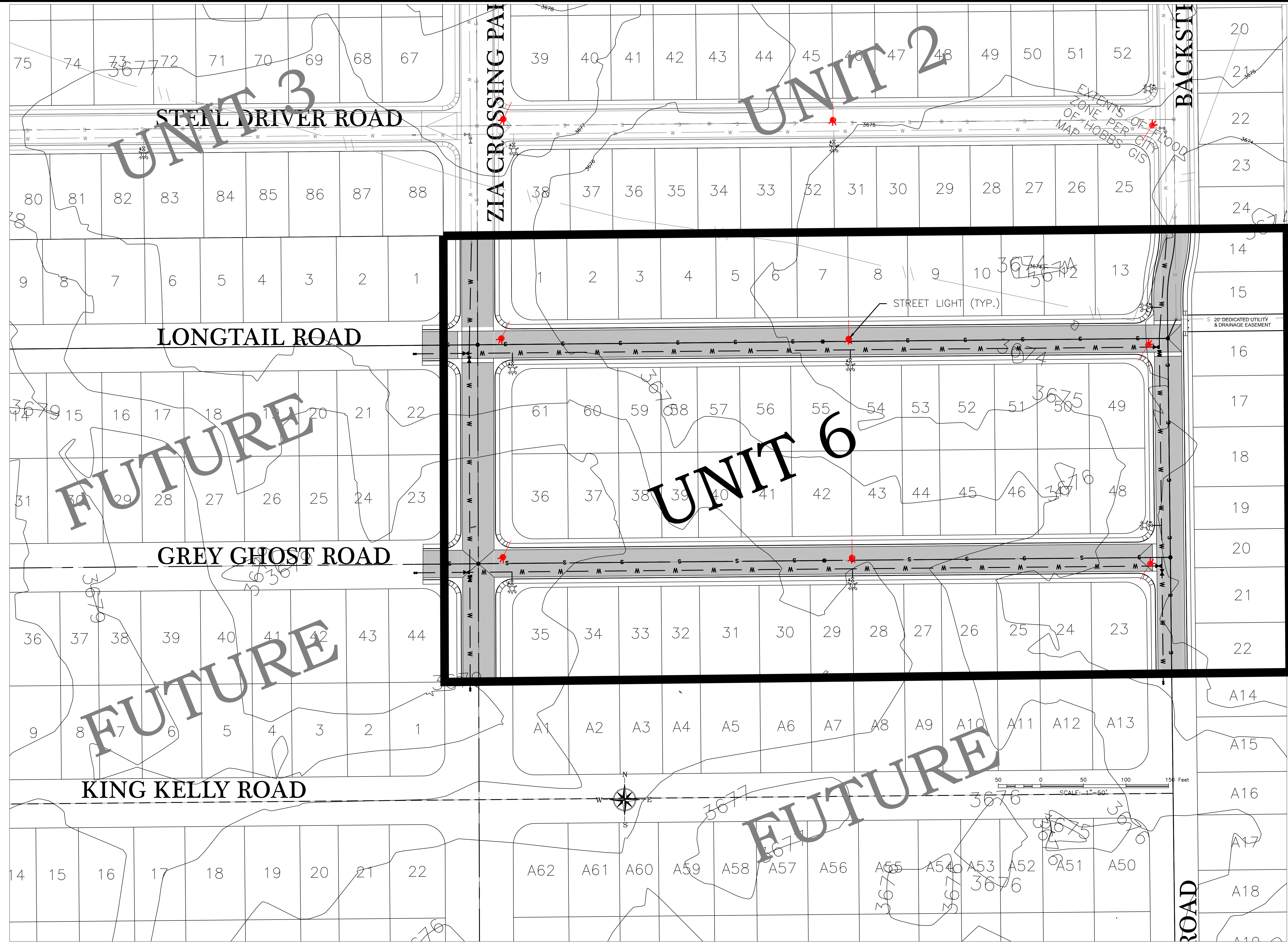
NO.	DATE	REVISIONS:
1		
2		
3		
4		
5		

ZIA CROSSING UNIT 6
MASTER LAYOUT

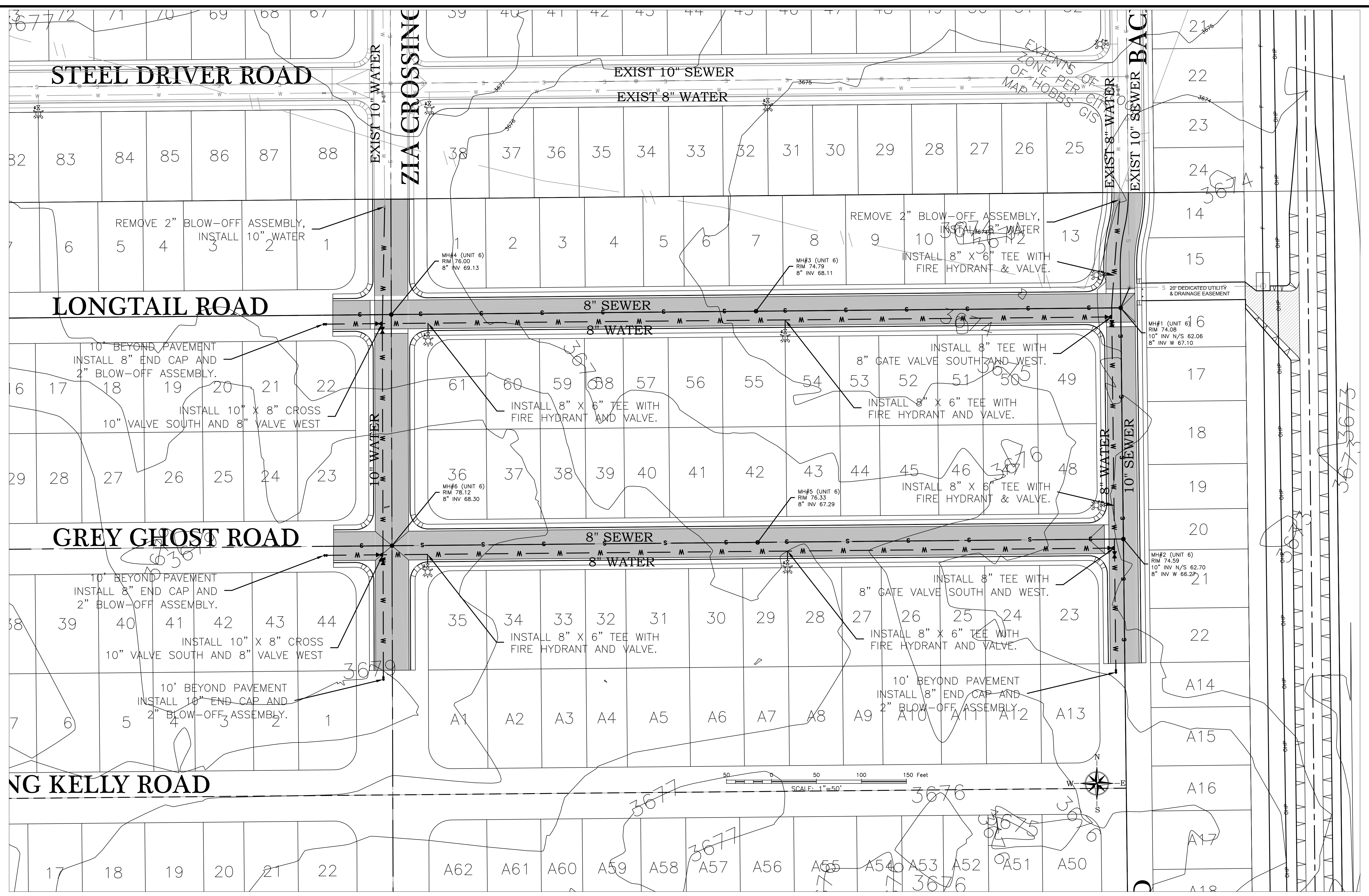


Drawn By:	Checked by:
SMM	PLR
Date:	Disk:
7/06/15	GENERAL
File Name:	Job No.:
BASE	

SHEET
A3
A3 of A4 sheets



ORIGINAL DRAWING SIZE 24" X 36"

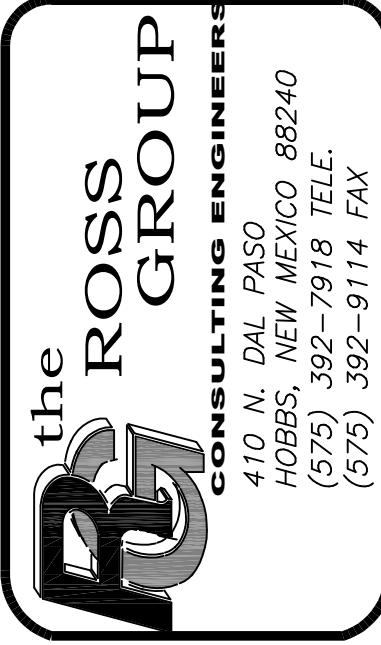


NOTE:

1. MANHOLE ADJUSTMENTS ARE NECESSARY FOR MANHOLE INSTALLED WITH PREVIOUS UNITS IN AREAS THAT DO NOT HAVE ROADWAY CONSTRUCTION UNTIL UNIT 6. MANHOLES LOCATED 10 FT. BEYOND UNIT 6 PAVEMENT DO NOT REQUIRE CONCRETE MH ADJUSTMENTS.
2. ALL MANHOLE RIM ELEVATIONS SHOWN ARE APPROXIMATE, MATCH FINISHED GRADE.
3. WATER SERVICES TO BE LOCATED WITHIN 5 FT. OF PROPERTY LINE AND SEWER SERVICE TO BE LOCATED MID-LOT UNLESS OTHERWISE DETERMINED.

NO.	DATE	REVISIONS:
1		
2		
3		
4		
5		

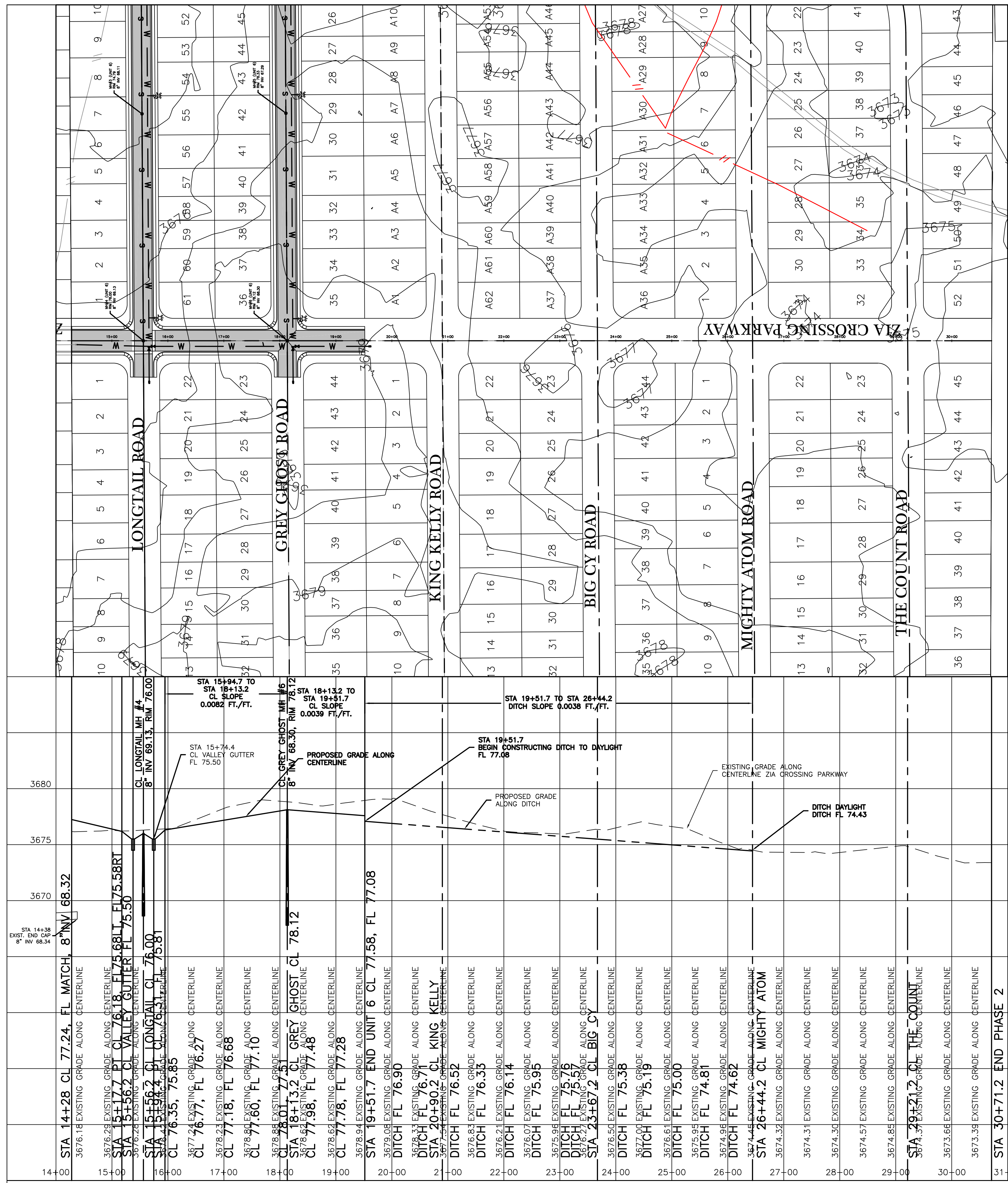
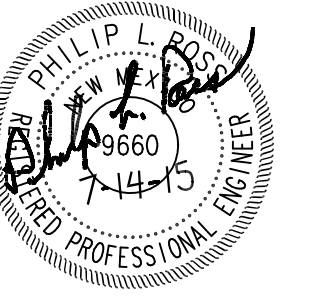
ZIA CROSSING UNIT 6
UTILITY LAYOUT



Drawn By:	Checked by:
SMM	PLR
Date:	Disk:
7/06/15	GENERAL
File Name:	Job No.:
BASE	

SHEET
A4
A4 of A4 sheets

ORIGINAL DRAWING SIZE 24" X 36"

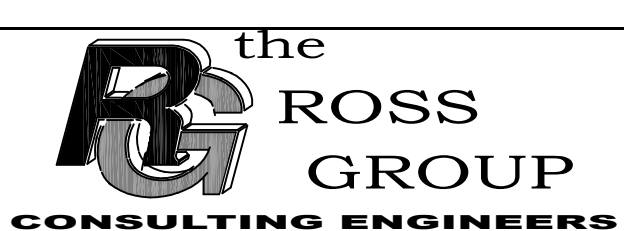


NOTE:
 1. ALL MANHOLE RIM ELEVATIONS SHOWN ARE APPROXIMATE, MATCH FINISHED GRADE.
 2. CONTOURS SHOWN ARE ONE FOOT CONTOURS BASED UPON EXISTING SURVEY PERFORMED BY FOUR CORNERS SURVEYING, INC. PRIOR TO UNIT 1 CONSTRUCTION.

NO.	REVISIONS	BY	DATE	DES

DATE
6/29/15

SCALE
H: 1" = 100'
V: 1" = 5'



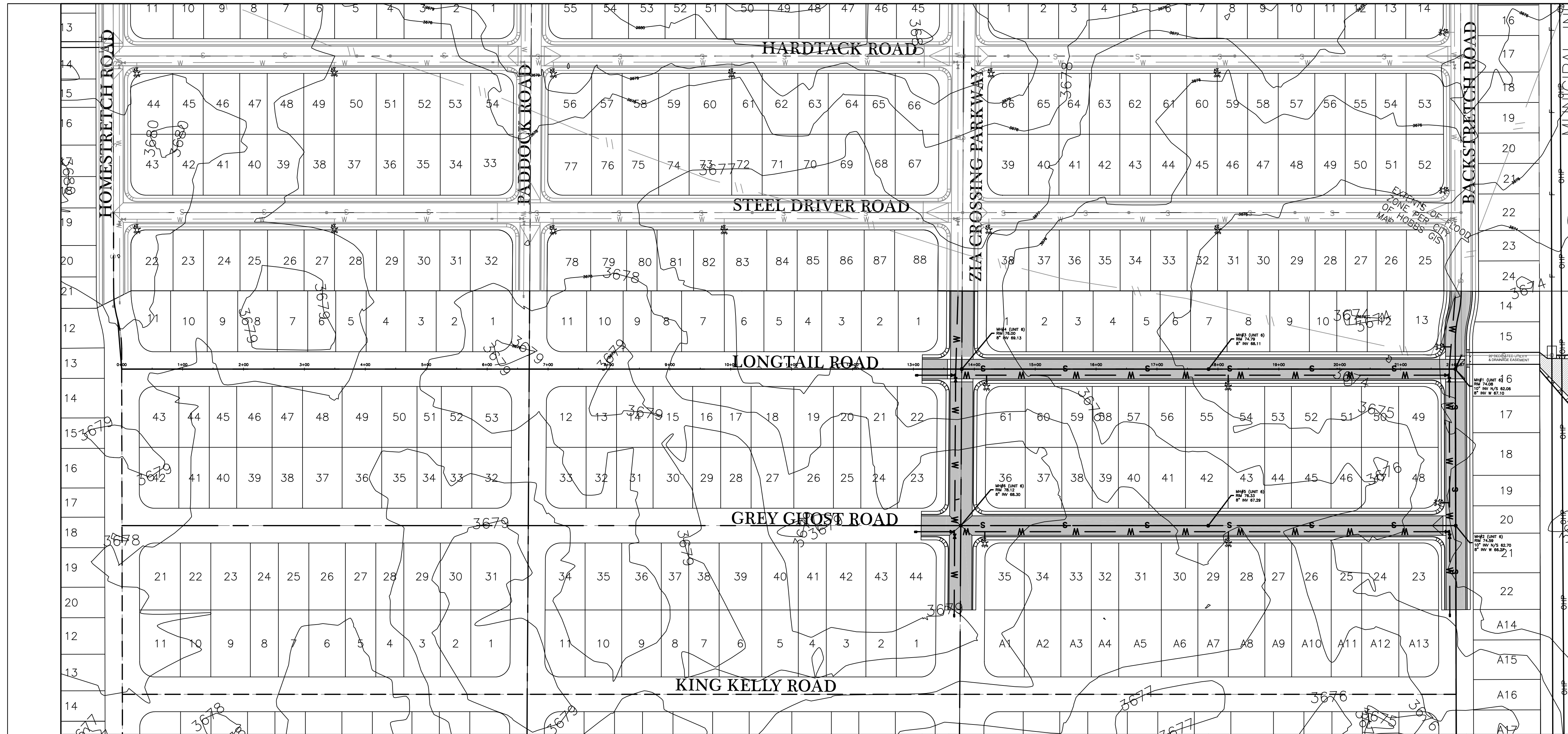
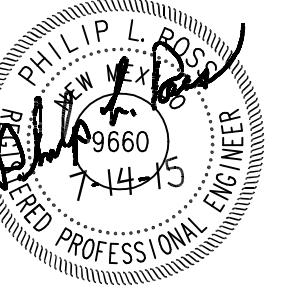
410 N. Dal Paso
 Hobbs, New Mexico 88240
 Telephone (575) 392-7918
 Fax (575) 392-9114

ZIA CROSSING SUBDIVISION
 PHASE 2 - UNIT 6

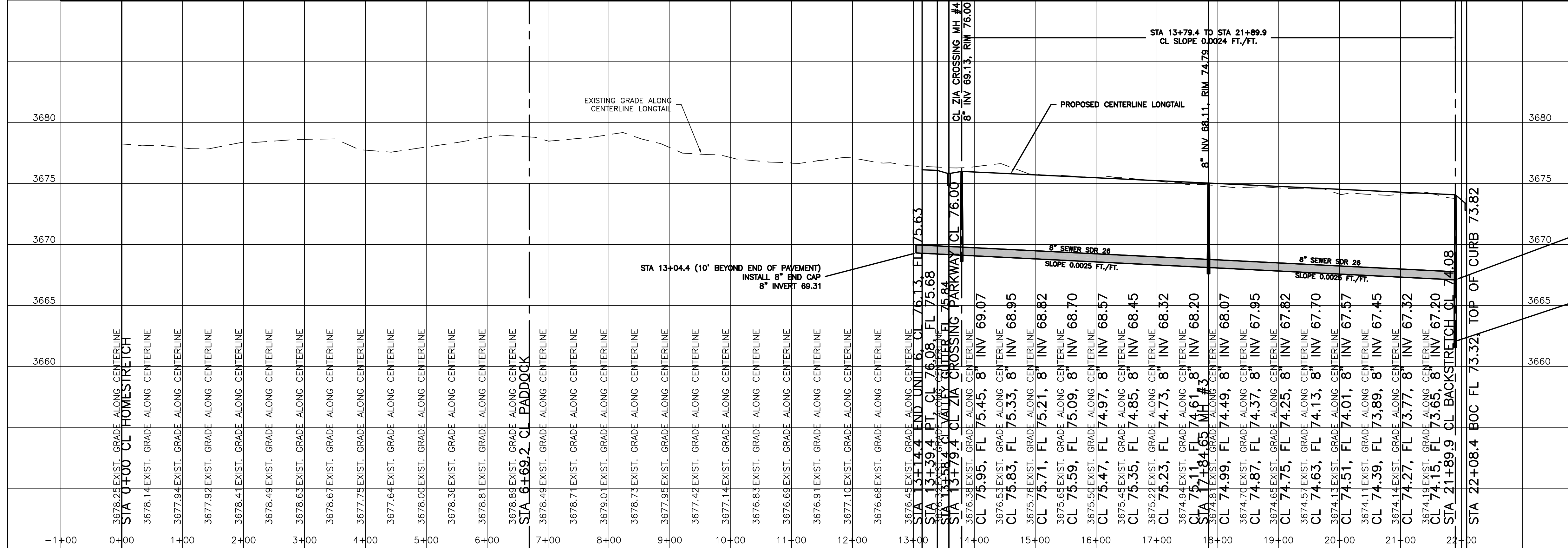
ZIA CROSSING PARKWAY PLAN & PROFILE
 STA 14+00 TO STA 30+71

SHEET
 B1
 OF
 B4

ORIGINAL DRAWING 24" X 36"



NOTE:
 1. ALL MANHOLE RIM ELEVATIONS SHOWN ARE APPROXIMATE, MATCH FINISHED GRADE.
 2. CONTOURS SHOWN ARE ONE FOOT CONTOURS BASED UPON EXISTING SURVEY PERFORMED BY FOUR CORNERS SURVEYING, INC. PRIOR TO UNIT 1 CONSTRUCTION.



NO.	REVISIONS	BY	DATE	DES
				DRN
				CHK
				APPD

DATE: 6/29/15
 SCALE: H: 1" = 100'
 V: 1" = 5'



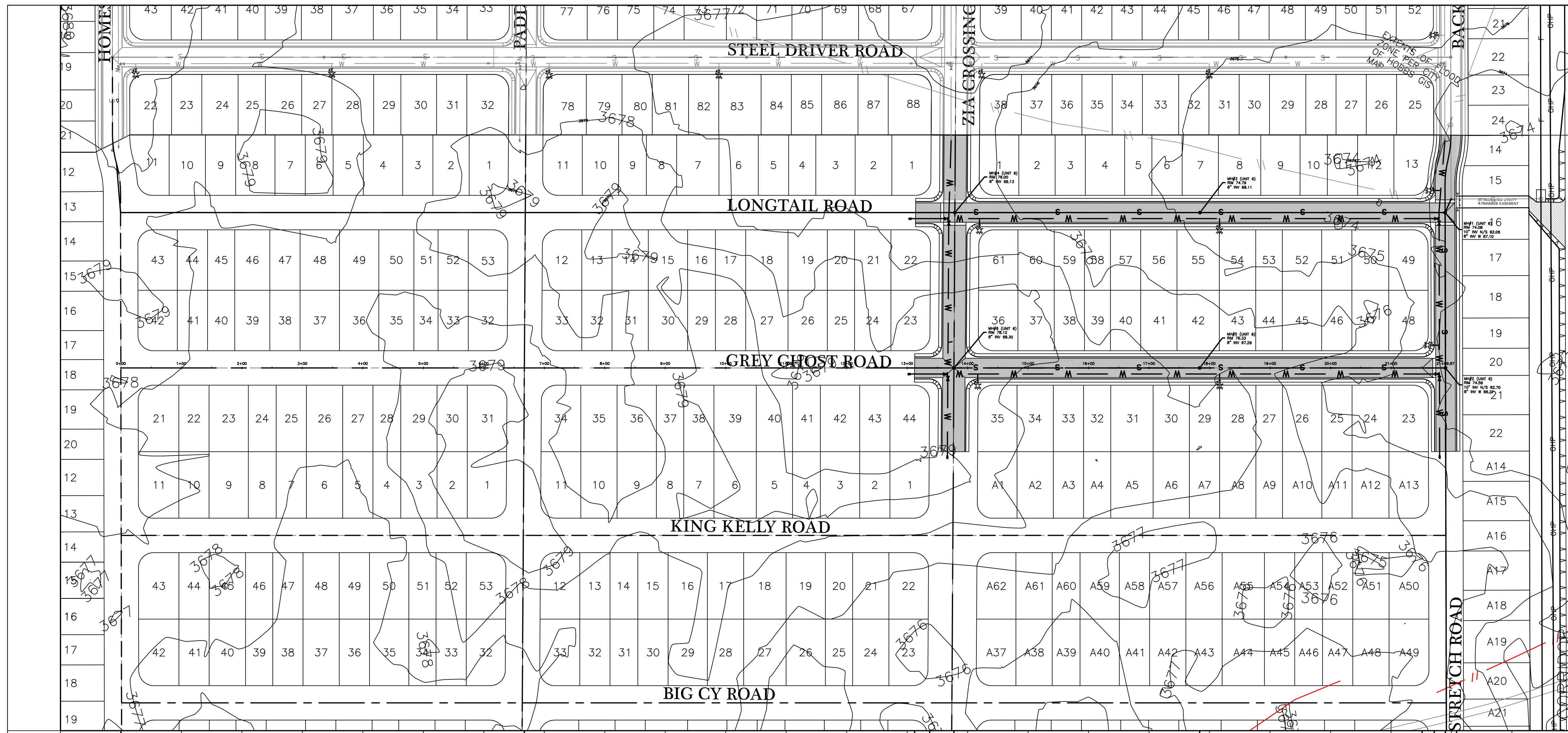
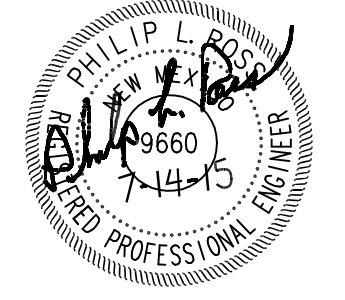
410 N. Dal Paso
 Hobbs, New Mexico 88240
 Telephone (575) 392-7918
 Fax (575) 392-9114

ZIA CROSSING SUBDIVISION
 PHASE 2 - UNIT 6

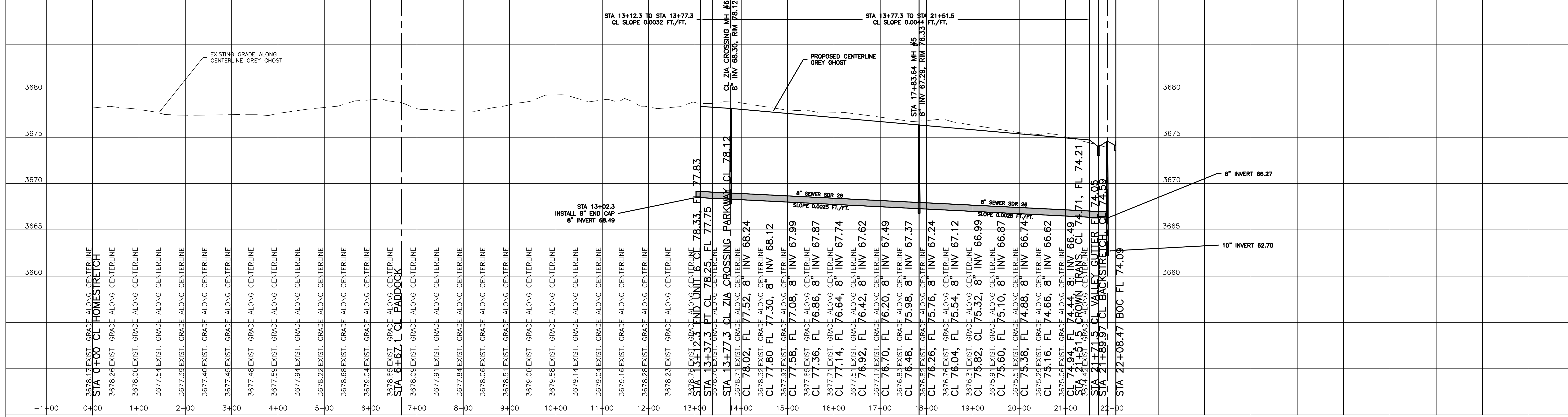
LONGTAIL PLAN & PROFILE
 STA 0+00 TO STA 21+89.9

SHEET
 B2
 OF
 B4

ORIGINAL DRAWING 24" X 36"



NOTE:
 1. ALL MANHOLE RIM ELEVATIONS SHOWN ARE APPROXIMATE, MATCH FINISHED GRADE.
 2. CONTOURS SHOWN ARE ONE FOOT CONTOURS BASED UPON EXISTING SURVEY PERFORMED BY FOUR CORNERS SURVEYING, INC. PRIOR TO UNIT 1 CONSTRUCTION.



NO.	REVISIONS	BY	DATE	DES
				DRN
				CHK
				APPD

DATE: 6/29/15
 SCALE: H: 1" = 100'
 V: 1" = 5'

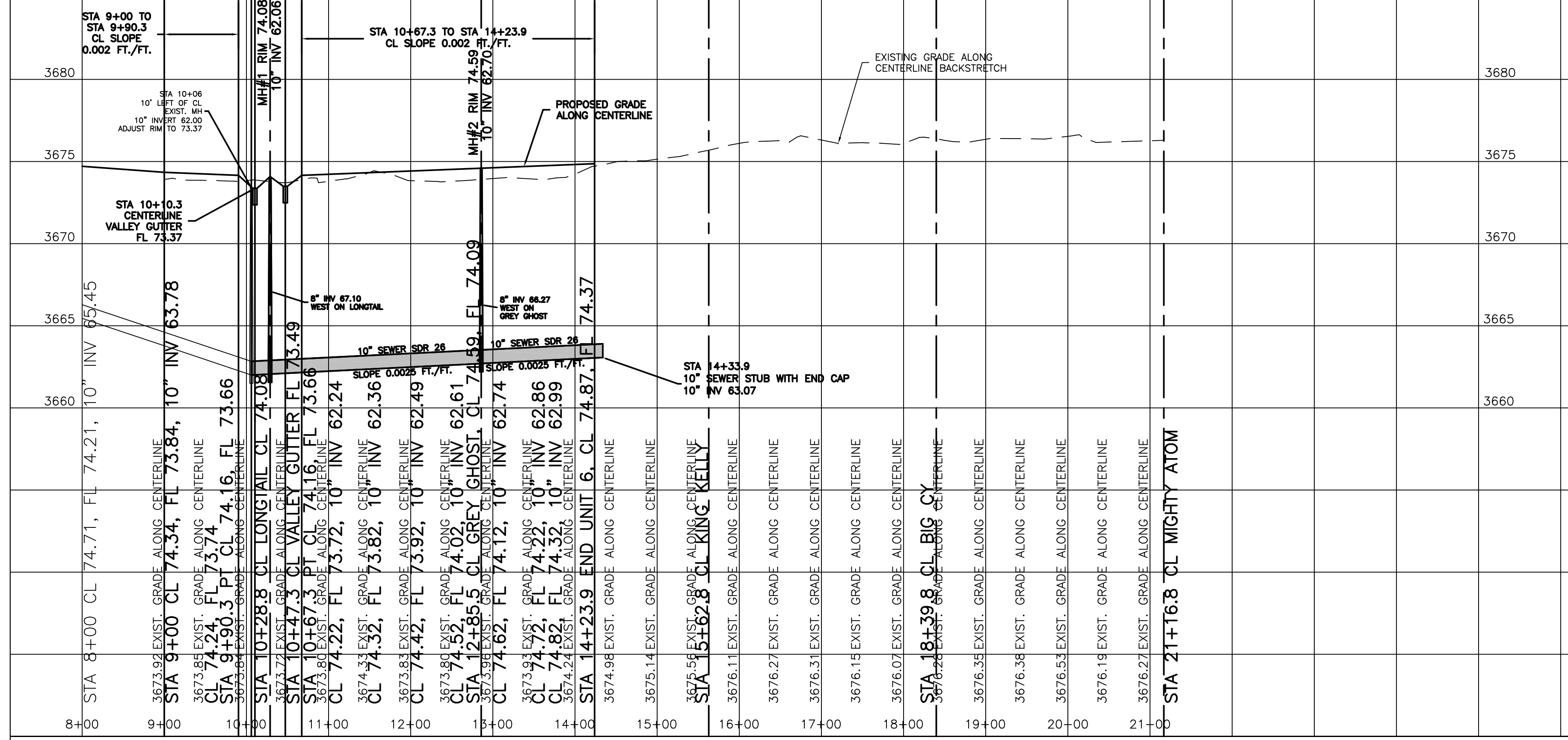
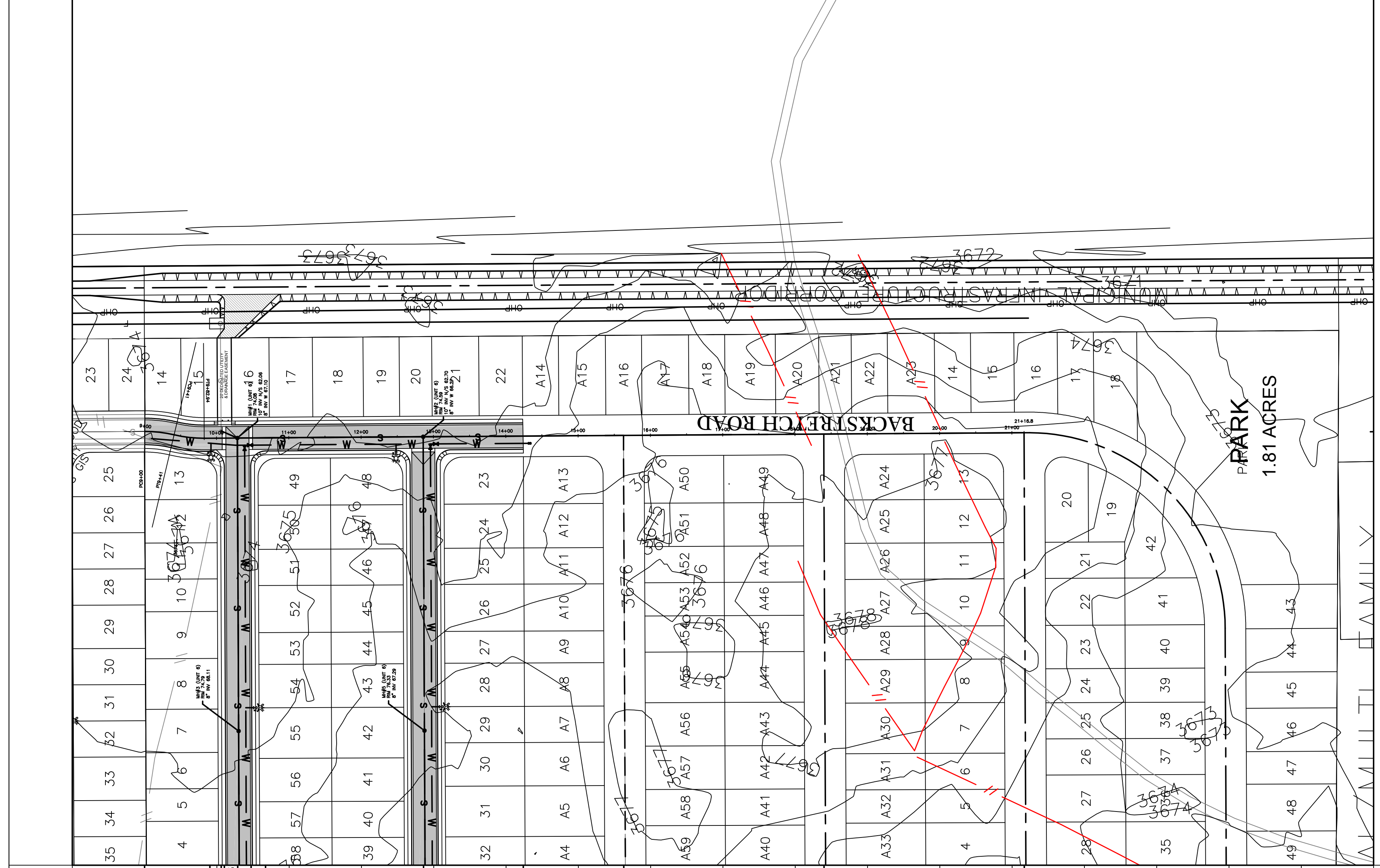
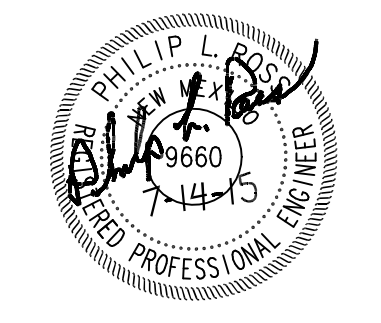
the ROSS GROUP
 CONSULTING ENGINEERS
 410 N. Dal Paso
 Hobbs, New Mexico 88240
 Telephone (575) 392-7918
 Fax (575) 392-9114

ZIA CROSSING SUBDIVISION
 PHASE 2 - UNIT 6

GREY GHOST PLAN & PROFILE
 STA 0+00 TO STA 21+89.97

SHEET
 B3
 OF
 B4

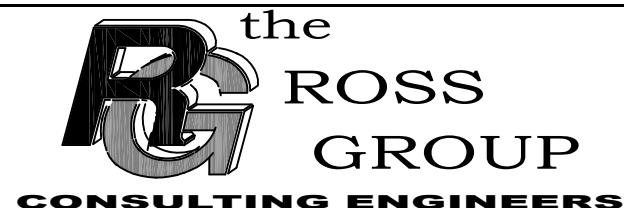
ORIGINAL DRAWING 24" X 36"



NOTE:
 1. ALL MANHOLE RIM ELEVATIONS SHOWN ARE APPROXIMATE, MATCH FINISHED GRADE.
 2. CONTOURS SHOWN ARE ONE FOOT CONTOURS BASED UPON EXISTING SURVEY PERFORMED BY FOUR CORNERS SURVEYING, INC. PRIOR TO UNIT 1 CONSTRUCTION.

NO.	REVISIONS	BY	DATE	DES

DATE: 6/26/15
 SCALE: H: 1" = 100'
 V: 1" = 5'



410 N. Dal Paso
 Hobbs, New Mexico 88240
 Telephone (575) 392-7918
 Fax (575) 392-9114

ZIA CROSSING SUBDIVISION
 PHASE 2 - UNIT 6

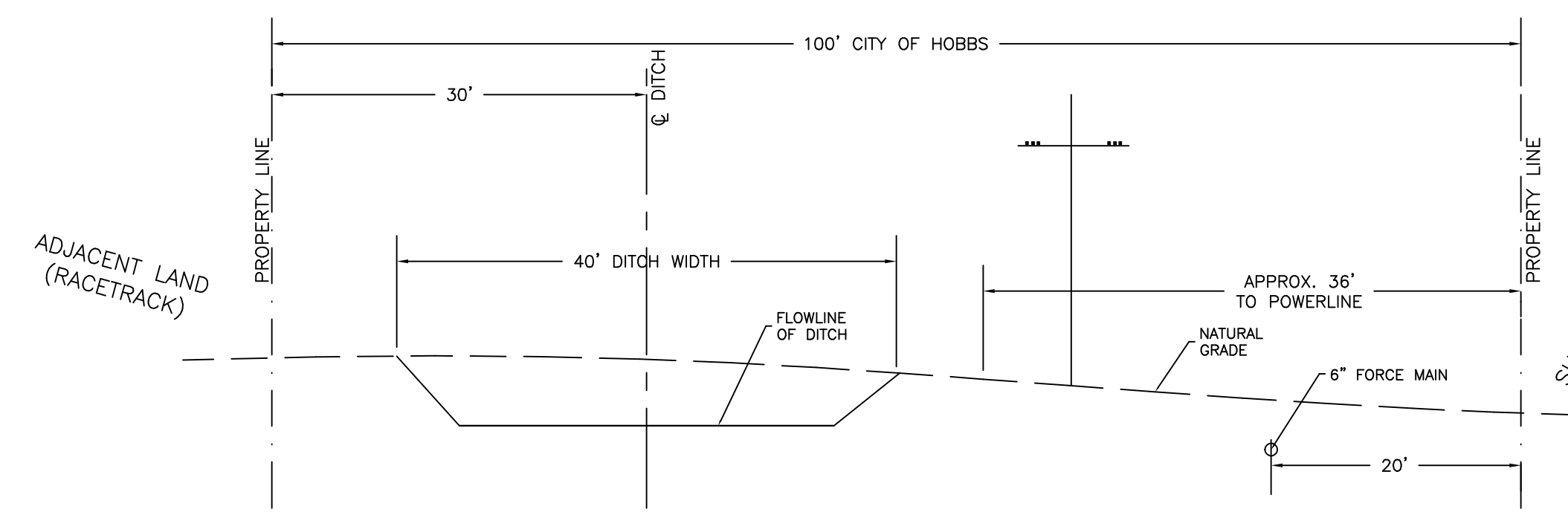
BACKSTRETCH PLAN & PROFILE
 STA 9+00 TO STA 21+16.8

SHEET
 B4
 OF
 B4

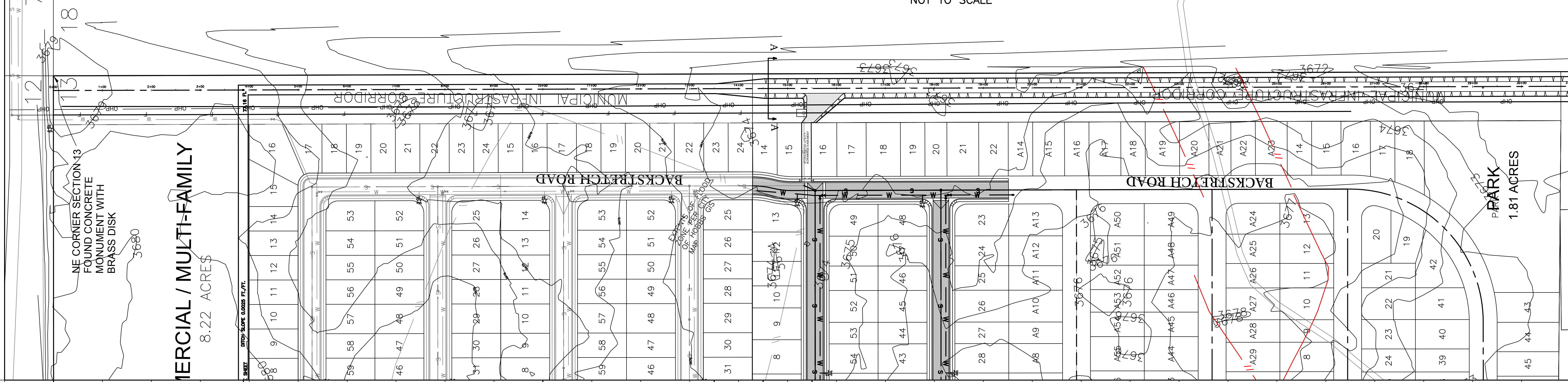
ORIGINAL DRAWING 24" X 36"



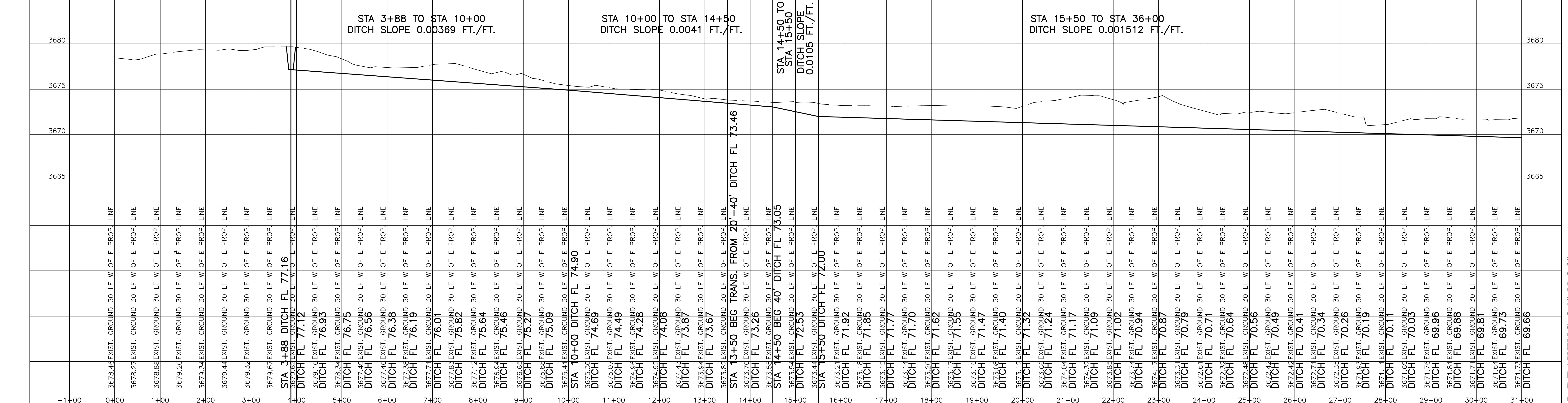
TYPICAL DITCH CROSS SECTION A-A
NOT TO SCALE



MERCIAL / MULTI-FAMILY
8.22 ACRES

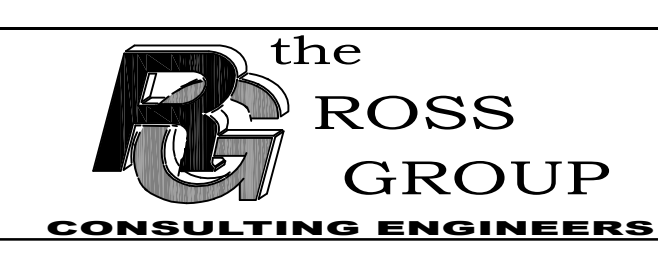


NE CORNER SECTION 13
FOUND CONCRETE
MONUMENT WITH
BRASS DISK
5680



NO.	REVISIONS	BY	DATE	DES	DATE
					DRN
					7/06/15
				CHK	
				APPD	

DATE: 7/06/15
SCALE:
H: 1" = 100'
V: 1" = 5'



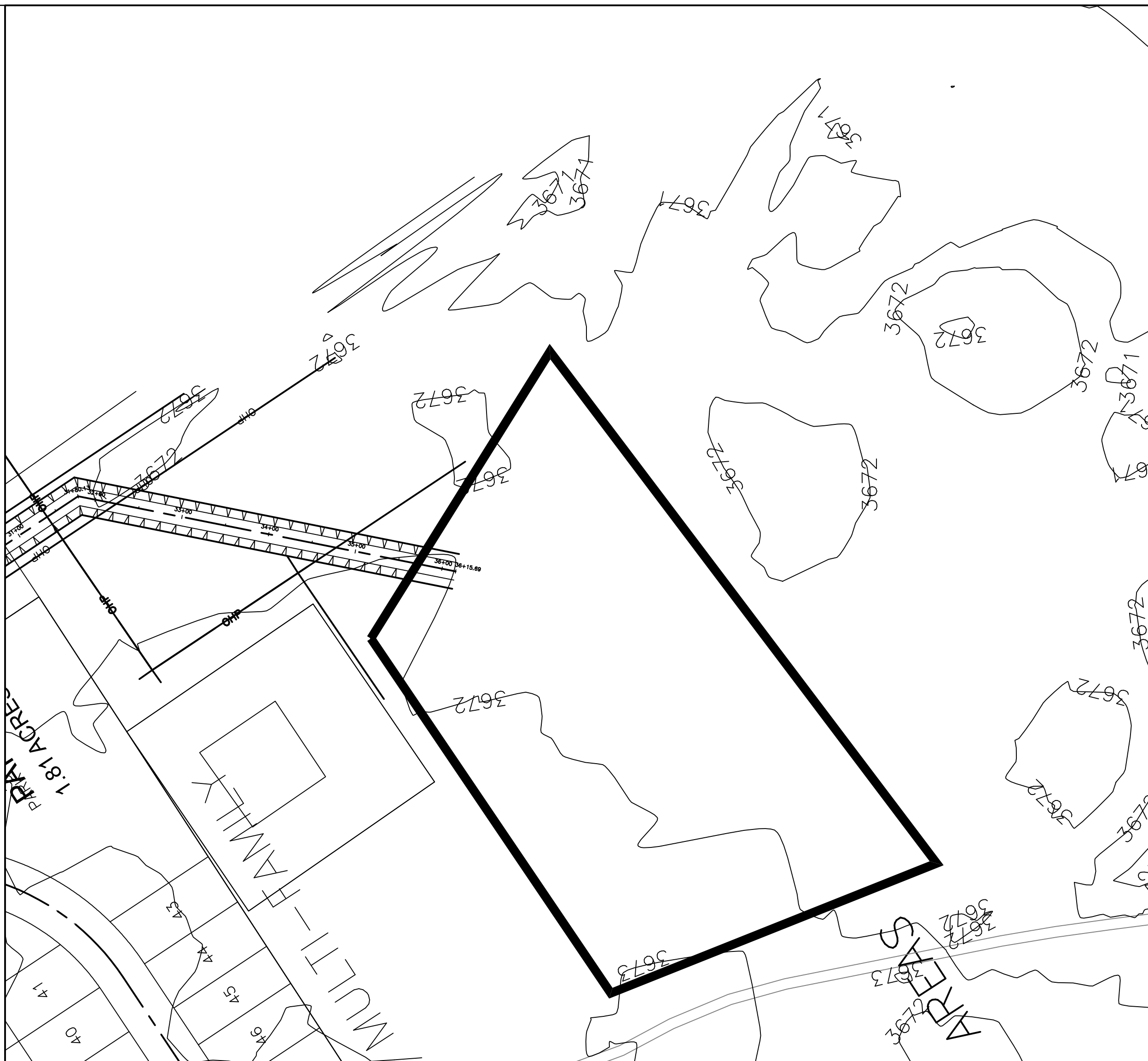
410 N. Dal Paso
Hobbs, New Mexico 88240
Telephone (575) 392-7918
Fax (575) 392-9114

ZIA CROSSING SUBDIVISION
PHASE 2 - UNIT 6

EAST DRAINAGE DITCH PLAN & PROFILE
STA 0+00 TO STA 31+00

SHEET
D1
OF
D2

ORIGINAL DRAWING 24" X 36"

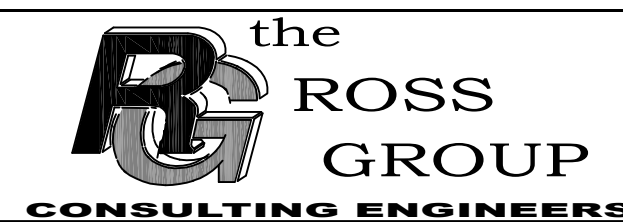


Station	Ground Elevation (ft.)	Proposed Ditch Elevation (ft.)	Slope	Notes
31+00	69.66	69.66	0.001512	DITCH FL 69.66
31+50	69.58	69.58	0.001512	DITCH FL 69.58
32+00	69.51	69.51	0.001512	DITCH FL 69.51
32+50	69.43	69.43	0.001512	DITCH FL 69.43
33+00	69.35	69.35	0.001512	DITCH FL 69.35
33+50	69.28	69.28	0.001512	DITCH FL 69.28
34+00	69.20	69.20	0.001512	DITCH FL 69.20
34+50	69.13	69.13	0.001512	DITCH FL 69.13
35+00	69.05	69.05	0.001512	DITCH FL 69.05
35+50	68.98	68.98	0.001512	DITCH FL 68.98
36+00	68.90	68.90	0.001512	DITCH FL 68.90

NO.	REVISIONS	BY	DATE	DES
				DRN
				CHK
				APPD

DATE
7/06/15

SCALE
H: 1" = 100'
V: 1" = 5'



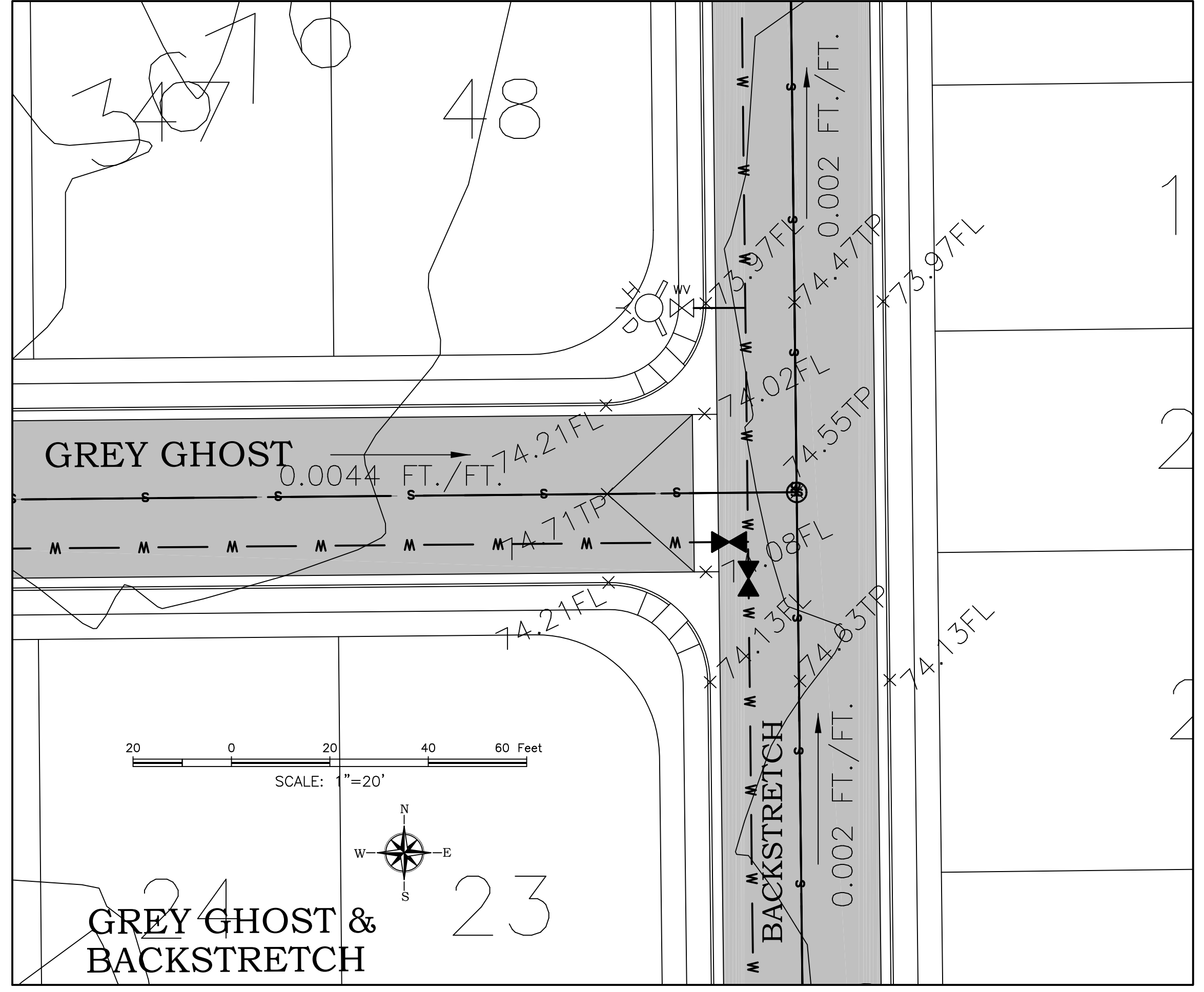
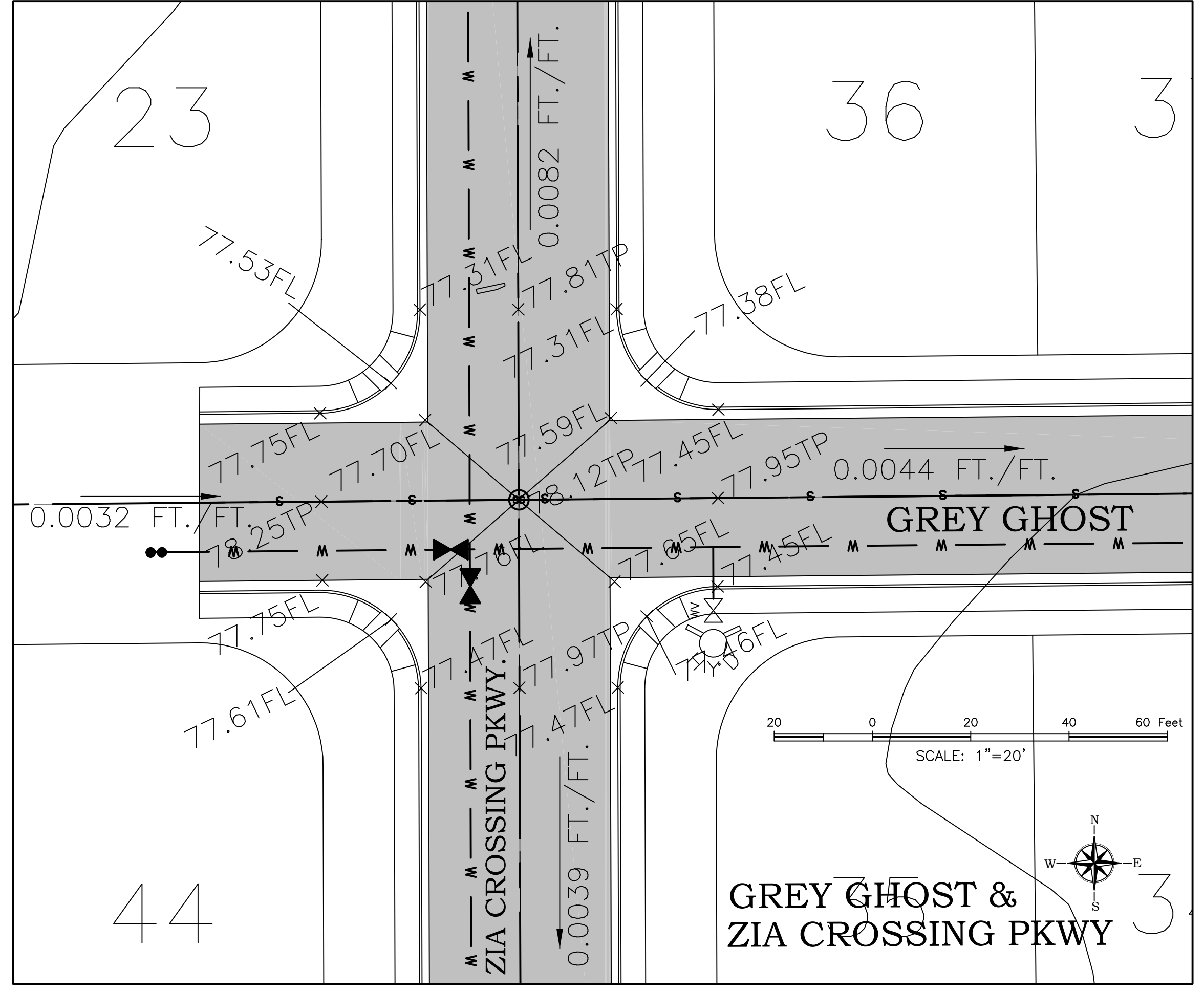
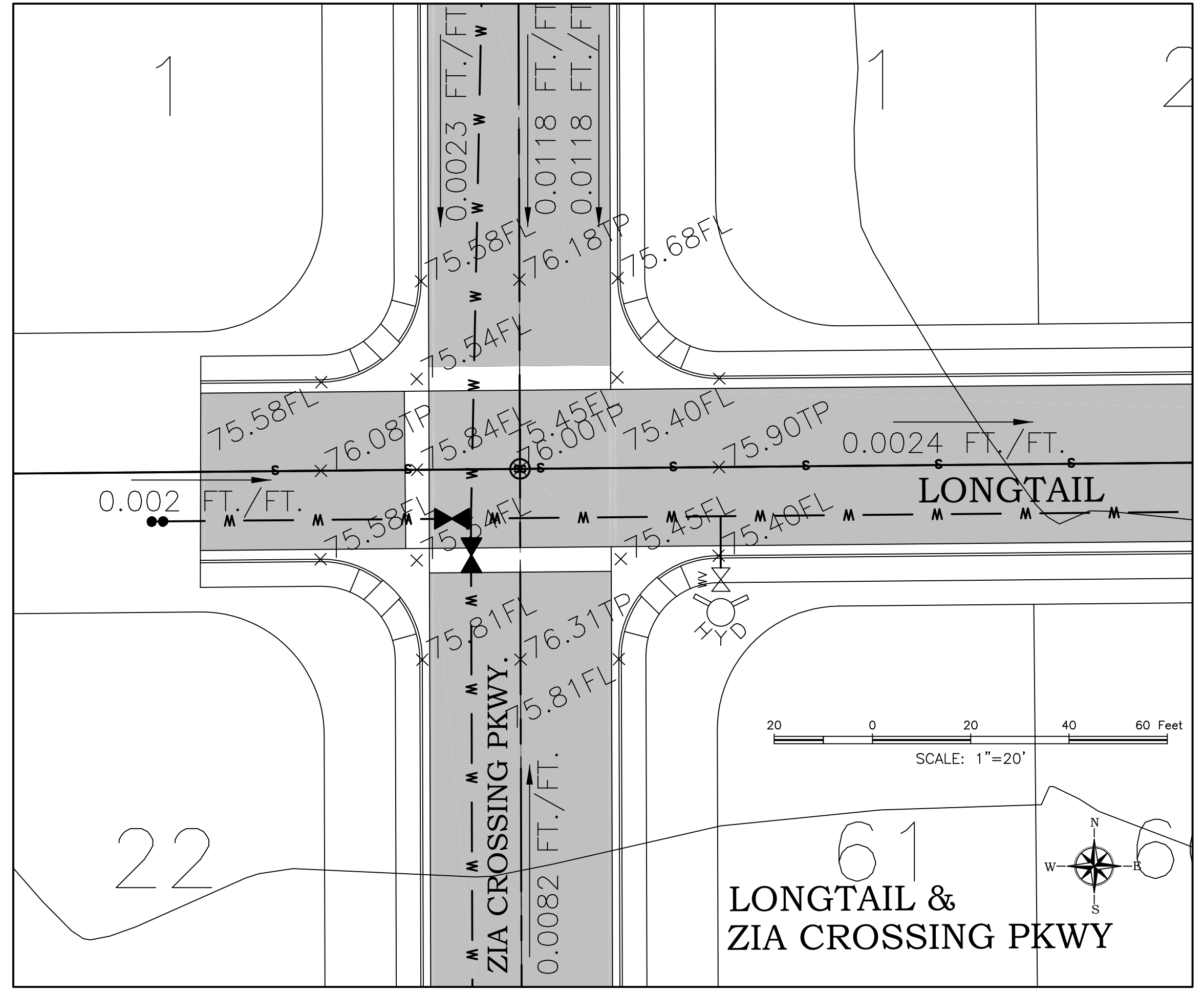
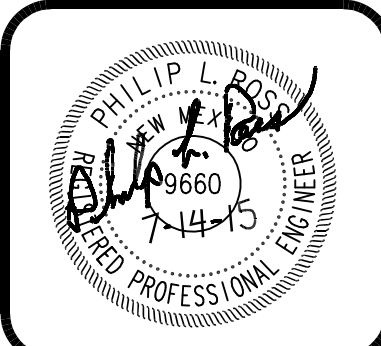
410 N. Dal Paso
Hobbs, New Mexico 88240
Telephone (575) 392-7918
Fax (575) 392-9114

ZIA CROSSING SUBDIVISION
PHASE 2 - UNIT 6

EAST DRAINAGE DITCH PLAN & PROFILE
STA 31+00 TO STA 36+00

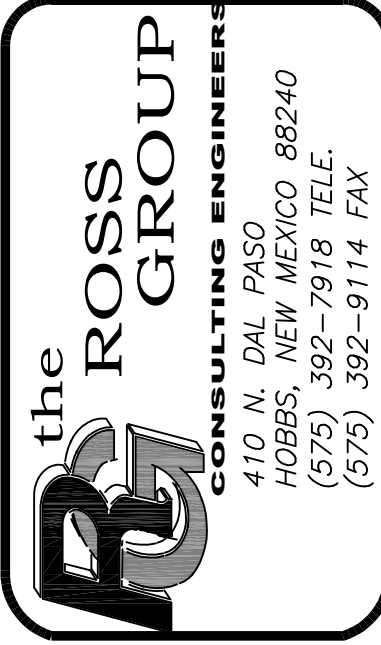
SHEET
D2
OF
D2

ORIGINAL DRAWING 24" X 36"



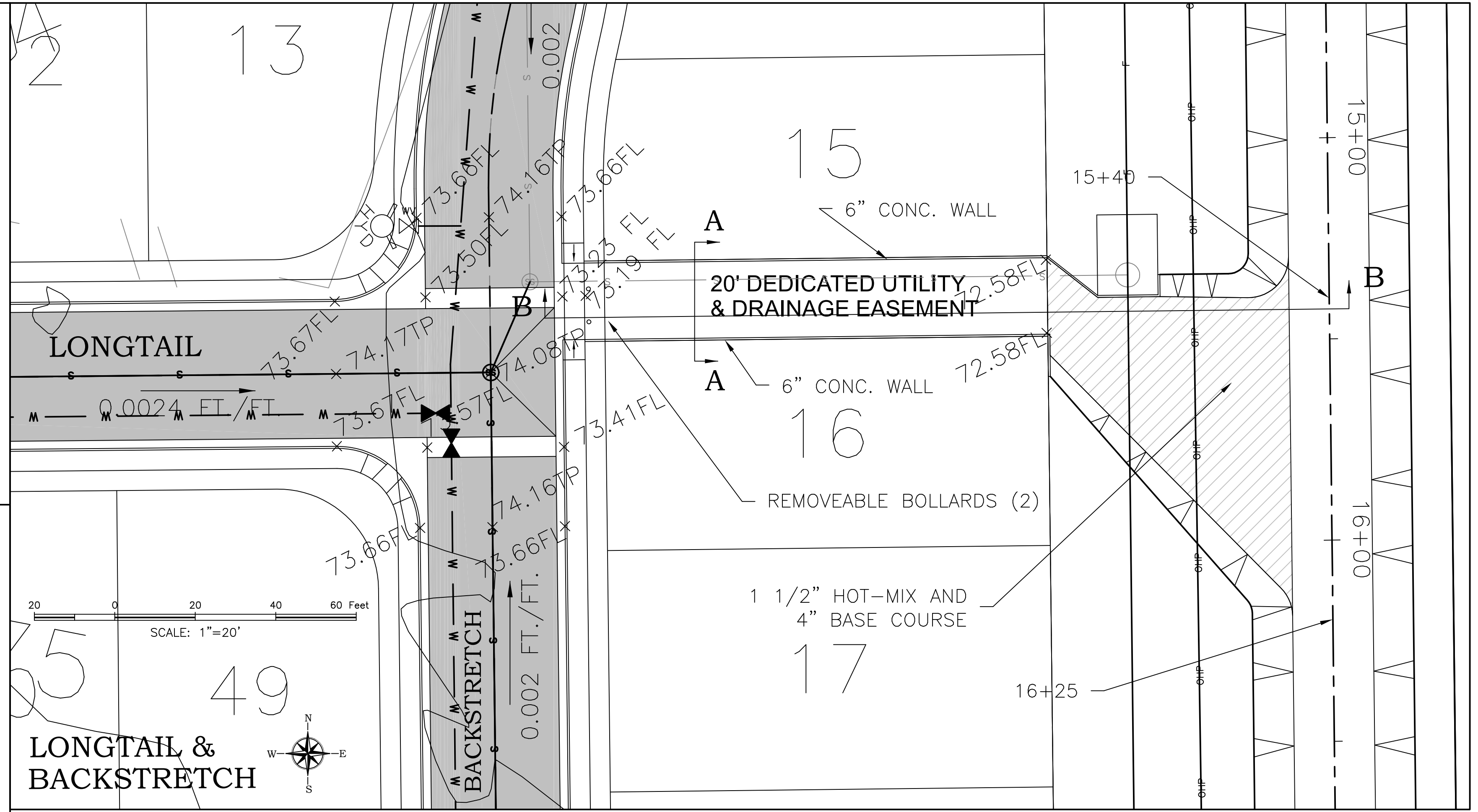
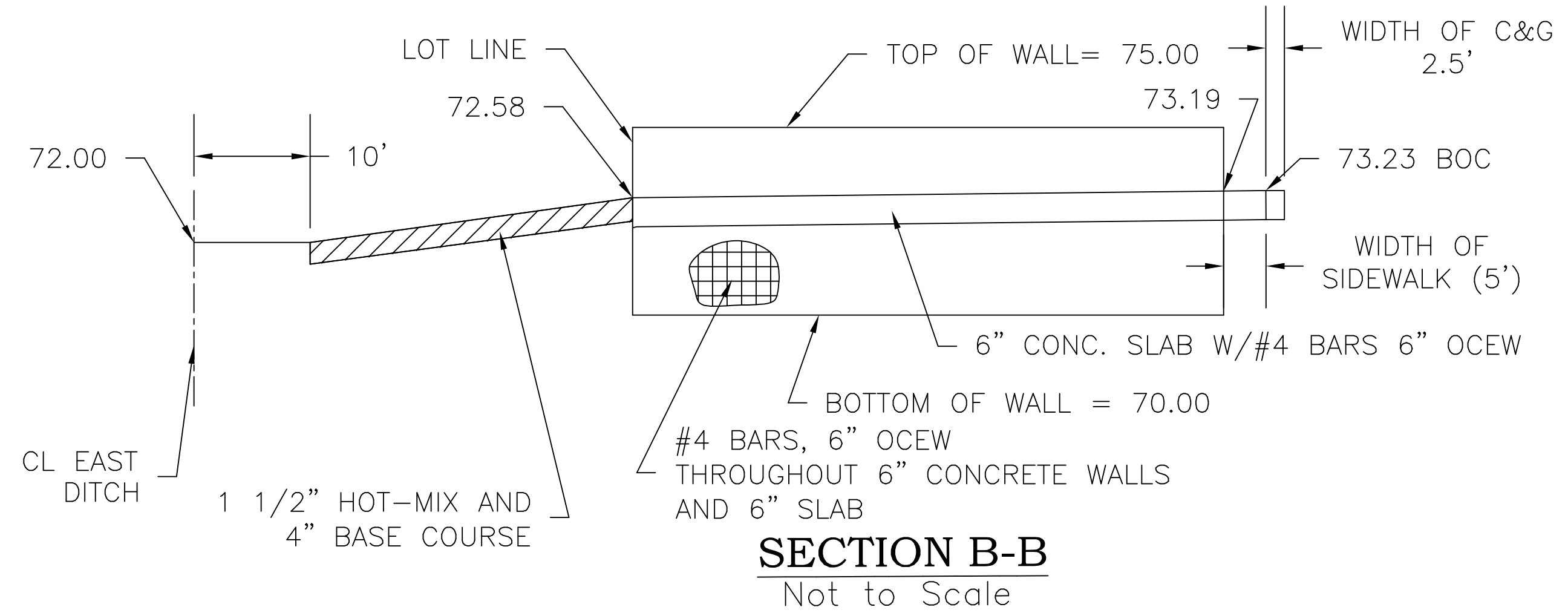
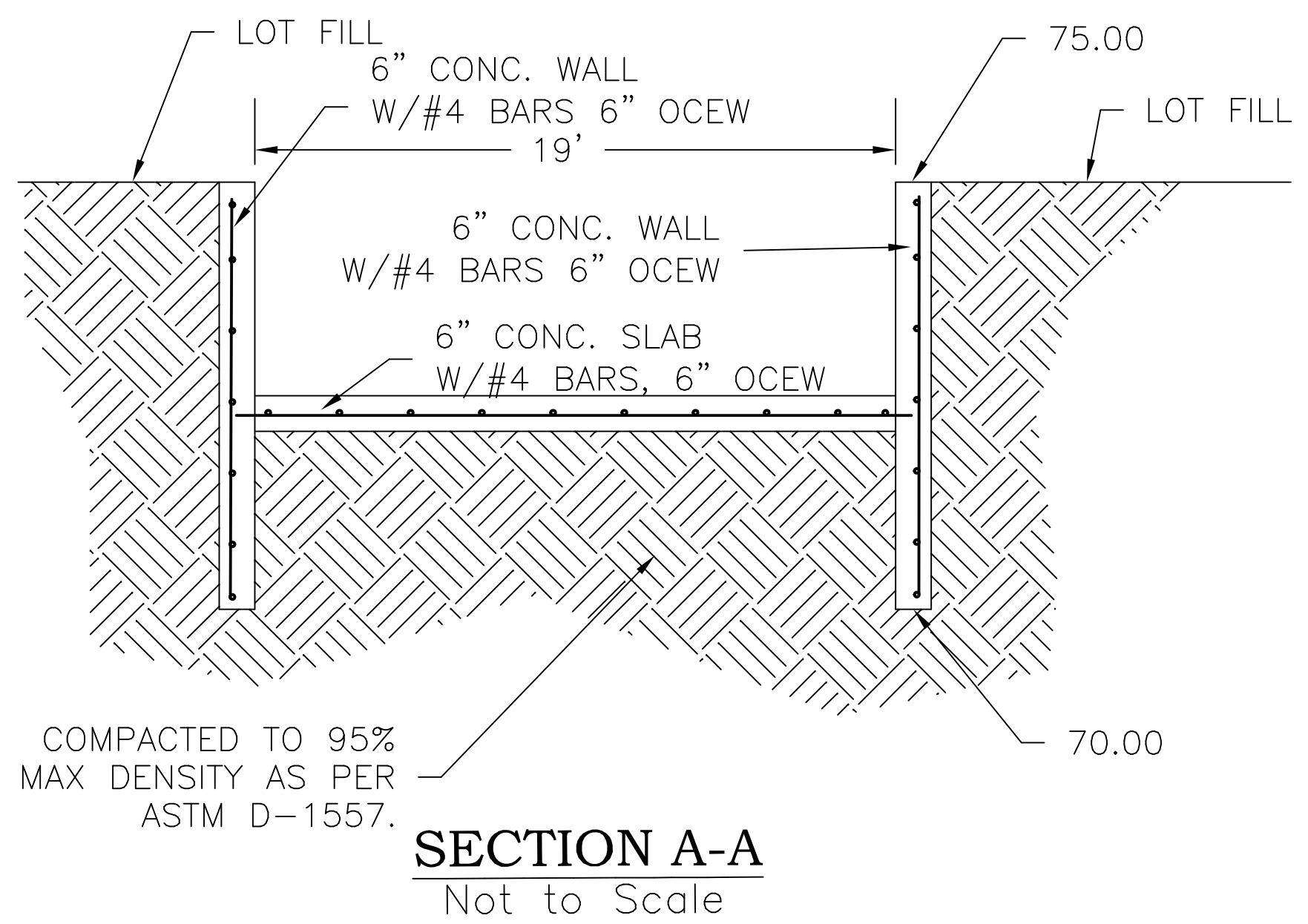
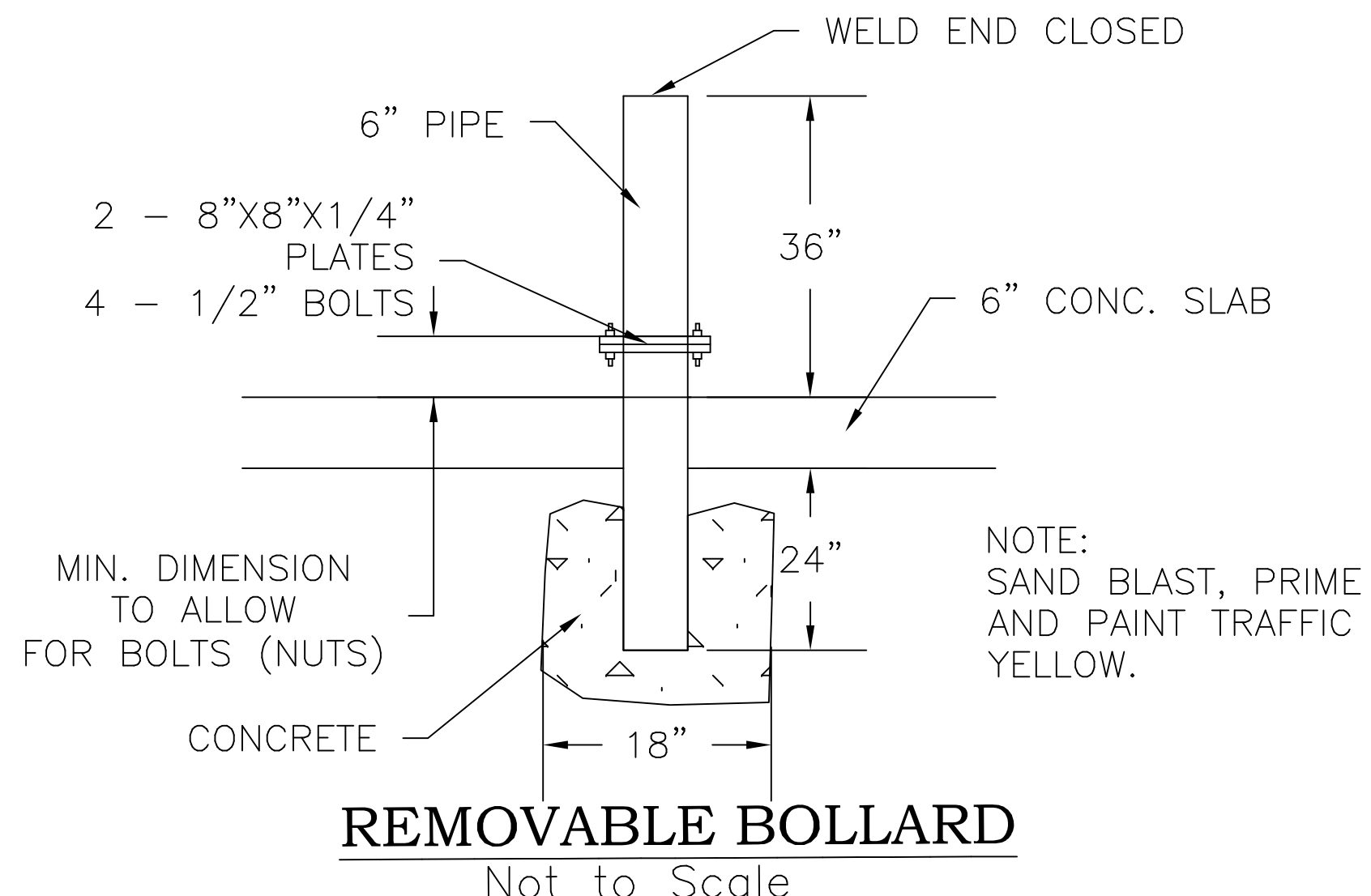
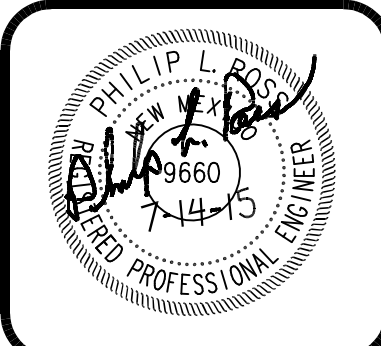
NO.	DATE	REVISIONS:	BY	CHK	ENGR	APP.
1						
2						
3						
4						
5						

ZIA CROSSING UNIT 6
INTERSECTION DETAILS



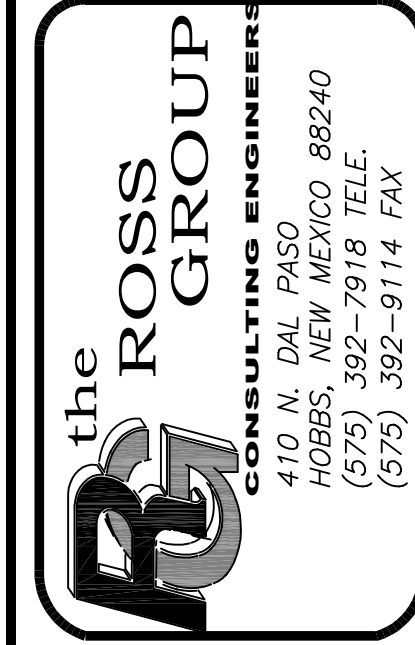
Drawn By: SMM	Checked by: PLR
Date: 7/06/15	Disk: GENERAL
File Name: BASE	Job No.:

ORIGINAL DRAWING SIZE 24" X 36"



NO.	DATE	REVISIONS:
1		
2		
3		
4		
5		

ZIA CROSSING UNIT 6
INTERSECTION DETAILS CONT.
AND DRAINAGE DITCH FOR UNIT 6 DETAILS



Drawn By: SMM	Checked by: PLR
Date: 7/06/15	Disk: GENERAL
File Name: BASE	Job No.:

ORIGINAL DRAWING SIZE 24" X 36"

NO.	DATE	REVISIONS:	BY	CHK	ENGR	APP.
1						
2						
3						
4						
5						

ZIA CROSSING UNIT 6

Drawn By:	Checked by:
SMM	PLR
Date:	Disk:
7/07/15	GENERAL
File Name:	Job No.:
WATER	

WATER METER DETAILS

GENERAL NOTES

- 3/4" CHECK VALVE (PROVIDED AND INSTALLED BY BUILDING PLUMBER)
- 5/8" X 3/4" METER (PROVIDED AND INSTALLED BY CITY OF HOBBBS)
- 3/4" X 1" METER BUSHING
- 1" FORD BALL VALVE OR MUELLER ANGLE METER STOP (ALT. METHOD ONLY)
- 1" MUELLER INSTA-TIGHT FITTING / 1" X 3/4" ADAPTOR
- PVC METER BOX (WESTERN IRON WORKS) & BLUE PLASTIC COVER (EAST JORDAN IRON WORKS)

GENERAL NOTES

- THE VALVE AND METER REGISTER BOX SHALL BE LOCATED UNDER THE LID OPENING.
- IF CONCRETE ENCASES, THE TOP OF THE METER BOX SHALL BE 1" ABOVE FINISH GRADE.

5/8" X 3/4" METERS

1" METER

DESIGN STD. NO.	103.00
SCALE, NTS	REVISIONS
DATE	APPROVAL
5/2008	

CITY OF HOBBBS ENGINEERING DEPARTMENT
CONSTRUCTION DETAILS & SPECIFICATIONS
DRAWN BY: ZS APPROVED BY: TTR

ALTERNATE 1" LATERAL INSTALLATION

GENERAL NOTES

- THE VALVE AND METER REGISTER BOX SHALL BE LOCATED UNDER THE LID OPENING.
- IF CONCRETE ENCASES, THE TOP OF THE METER BOX SHALL BE 1" ABOVE FINISH GRADE.

GENERAL NOTES

- TAPPING SADDLE (SMITH-BLAR 1/2 DOUBLE BALL WITH 1" OC OUTLET OR APPROVED EQUAL)
- BRONZE CORPORATION STOP (MUELLER 1-9008 OR APPROVED EQUAL) 1" OC INLET AND 1" CBS INSTA-TITE
- 1" CBS-308 8 POLYETHYLENE PIPE (RUEBNER NUMEX BRAND OR EQUAL)
- 1" FORD INSTA-TIGHT X MP FITTING
- 1" CURB STOP (FORD) 1" FIP X METER NUT
- 1" X 3/4" METER ADAPTOR (FORD)
- 5/8" X 3/4" METER TYP. (PROVIDED AND INSTALLED BY CITY OF HOBBBS)
- 1" X 3/4" METER ADAPTOR (FORD) (PROVIDED AND INSTALLED BY BUILDING PLUMBER)
- 1" CHECK VALVE (FORD 1831-444 OR EQUAL) METER NUT X FIP (PROVIDED AND INSTALLED BY BUILDING PLUMBER)
- PLASTIC METER BOX & COVER, REFER TO DESIGN STANDARD NO. 103.00
- WARNING TAPE
- STREET SURFACE
- STAMP OR CHISEL "A" 1/2" (3 INCHES HIGH AND 1/4 INCH DEPTH) INTO TOP OF CURB SURFACE

DESIGN STD. NO.	103.00
SCALE, NTS	REVISIONS
DATE	APPROVAL
5/2008	

CITY OF HOBBBS ENGINEERING DEPARTMENT
CONSTRUCTION DETAILS & SPECIFICATIONS
DRAWN BY: ZS APPROVED BY: TTR

1" LATERAL INSTALLATION

GENERAL NOTES

- THE VALVE AND METER REGISTER BOX SHALL BE LOCATED UNDER THE LID OPENING.
- IF CONCRETE ENCASES, THE TOP OF THE METER BOX SHALL BE 1" ABOVE FINISH GRADE.

GENERAL NOTES

- TAPPING SADDLE (SMITH-BLAR 1/2 DOUBLE BALL WITH 1" OC OUTLET OR APPROVED EQUAL)
- BRONZE CORPORATION STOP (MUELLER 1-9008 OR APPROVED EQUAL) 1" OC INLET AND 1" CBS INSTA-TITE
- 1" CBS-308 8 POLYETHYLENE PIPE (RUEBNER NUMEX BRAND OR EQUAL)
- 1" FORD INSTA-TIGHT X MP FITTING
- 1" CURB STOP (FORD) 1" FIP X METER NUT
- 1" X 3/4" METER ADAPTOR (FORD)
- 5/8" X 3/4" METER TYP. (PROVIDED AND INSTALLED BY CITY OF HOBBBS)
- 1" X 3/4" METER ADAPTOR (FORD) (PROVIDED AND INSTALLED BY BUILDING PLUMBER)
- 1" CHECK VALVE (FORD 1831-444 OR EQUAL) METER NUT X FIP (PROVIDED AND INSTALLED BY BUILDING PLUMBER)
- PLASTIC METER BOX & COVER, REFER TO DESIGN STANDARD NO. 103.00
- WARNING TAPE
- STREET SURFACE
- STAMP OR CHISEL "A" 1/2" (3 INCHES HIGH AND 1/4 INCH DEPTH) INTO TOP OF CURB SURFACE

DESIGN STD. NO.	103.00
SCALE, NTS	REVISIONS
DATE	APPROVAL
5/2008	

CITY OF HOBBBS ENGINEERING DEPARTMENT
CONSTRUCTION DETAILS & SPECIFICATIONS
DRAWN BY: ZS APPROVED BY: TTR

TYPICAL TRENCH AND BACKFILL DETAIL

GENERAL NOTES

- ALL TRENCHING SHALL BE IN ACCORDANCE WITH THE NEW MEXICO STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION 2008. SECTION 251 UNLESS OTHERWISE NOTED ON THIS SHEET.
- OSHA REQUIREMENTS HAVE NOT BEEN INCORPORATED INTO THIS DETAIL. CONTRACTOR SHALL CONFORM TO TRENCH SAFETY REQUIREMENTS ESTABLISHED BY OSHA.
- BOTTOM OF TRENCH IS TO BE ENCAVATED TO A SMOOTH, UNIFORM GRADE TO SECURE AN EVEN BEARING SURFACE FOR THE PIPE. IF THE TRENCH IS OVER ENCAVATED, THE FOUNDATION SHALL BE COMPACTED TO 98% MODIFIED PROCTOR PER ASTM D-1587.
- ONCE BEDDING THICKNESS HAS BEEN ESTABLISHED, THE THICKNESS SHALL NOT VARY MORE THAN 1/8" BETWEEN MANHOLES.
- ALL NEW MATERIALS SHALL COMPLY WITH CITY OF HOBBBS REQUIREMENTS AND BE NEW, UNUSED, AND OF THE BEST QUALITY AVAILABLE.
- DO NOT LAY OR EMBED PIPE IN STANDING OR RUNNING WATER. AT ALL TIMES PREVENT RUNOFF AND SURFACE WATER FROM ENTERING THE TRENCH. PROVIDE DAMS, CUTOFFS OR OTHER BARRIERS PERIODICALLY ALONG THE INSTALLATION TO PRECLUDE TRANSPORT OF WATER ALONG THE TRENCH BOTTOM BACKFILL. ALL TRENCHES AFTER THE PIPE IS RETIRED TO PREVENT DISTURBANCE OF PIPE AND EMBEDMENT.
- THE CONTRACTOR SHALL SCHEDULE FOR INSPECTION PRIOR TO INSTALLING PIPE AND PLACING ANY EMBEDMENT AND BACKFILL MATERIALS.
- MINIMUM PAVEMENT AND BASE COURSE THICKNESS ARE SHOWN ON THIS DETAIL. THE CONTRACTOR SHALL MATCH THE EXISTING PAVEMENT SECTION IF IT IS GREATER THAN SHOWN ON THIS DETAIL.

DESIGN STD. NO.	801.00
SCALE, NTS	REVISIONS
DATE	APPROVAL
5/2012	

CITY OF HOBBBS ENGINEERING DEPARTMENT
CONSTRUCTION DETAILS & SPECIFICATIONS
DRAWN BY: ZS APPROVED BY: TTR

CONCRETE VALVE SUPPORT DETAIL

PIPE SIZE	ELBOW ANGLE	BLOW (DMA)	BLOW (DMA)	TEE OR PLUG (DMA)	TEE OR PLUG (DMA)
4"	90°-45°	2	2	2	1
4"	22 1/2°-11 1/4°	2	2	2	2
6"	90°-45°	2	2	2	2
6"	22 1/2°-11 1/4°	2	2	2	2
8"	90°	3	3	3	3
8"	45°	2	2	2	2
8"	22 1/2°-11 1/4°	2	2	2	2
10"	90°	4	4	4	4
10"	45°	3	3	3	3
10"	22 1/2°-11 1/4°	2	2	2	2
12"	90°	5	5	5	5
12"	45°	4	4	4	4
12"	22 1/2°-11 1/4°	2	2	2	2
14"	90°	6	6	6	6
14"	45°	5	5	5	5
14"	22 1/2°-11 1/4°	2	2	2	2

GENERAL NOTES

- ALL CONCRETE PLACED SHALL BE MINIMUM 3000 PSI COMPRESSIVE STRENGTH.
- ALL BACKFILL SHALL BE PLACED IN 8" LIFTS AND COMPACTED TO 98% OF ASTM D-1587 DRY DENSITY.

DESIGN STD. NO.	100.00
SCALE, NTS	REVISIONS
DATE	APPROVAL
5/2008	

CITY OF HOBBBS ENGINEERING DEPARTMENT
CONSTRUCTION DETAILS & SPECIFICATIONS
DRAWN BY: ZS APPROVED BY: TTR

2" STAMPED BRASS MARKER

GENERAL NOTES

- VALVE BOX LOCATION TO BE APPROVED BY THE CITY.
- MECHANICAL RESTRAINT JOINT SHALL BE 8BAR IRON OR CITY ENGINEER APPROVED EQUAL.
- ALL BACKFILL SHALL BE PLACED IN 8" LIFTS AND COMPACTED TO 98% OF ASTM D-1587 DRY DENSITY.
- IF A VALVE IS REQUIRED FOR THE IMMEDIATE FUTURE EXPANSION OF A WATER SYSTEM, A CITY ENGINEER APPROVED CAP OR PLUG SHALL BE INSTALLED A MIN. OF 10" FROM VALVE.

DESIGN STD. NO.	100.00
SCALE, NTS	REVISIONS
DATE	APPROVAL
5/2008	

CITY OF HOBBBS ENGINEERING DEPARTMENT
CONSTRUCTION DETAILS & SPECIFICATIONS
DRAWN BY: ZS APPROVED BY: TTR

Kennedy Fire Hydrant Assembly

GENERAL NOTES

- FOLLOWING CITY FIRE HYDRANT STANDARDIZATION PROCEDURE, THE ONLY FIRE HYDRANT ALLOWABLE FOR INSTALLATION WILL BE THE KENNEDY GUARDIAN #K10, 5-1/2" MAIN VALVE.
- VALVE BOX LOCATION TO BE APPROVED BY THE CITY.
- ALL FIRE HYDRANTS SHALL HAVE AT LEAST 3 FEET OF CLEARANCE FROM LANDSCAPING, ROOMWAYS, UTILITY APPLIANCES, AND DRIVEWAYS, AROUND ITS CIRCUMFERENCE.
- LOCATE FIRE HYDRANTS IN PARKWAY BEHIND CURB & CUTTER IF AVAILABLE. OTHERWISE PLACE FIRE HYDRANT AT DIRECTION OF UTILITY DIRECTOR.
- HYDRANTS SHALL BE CONNECTED TO THE MAIN BY A 4" FIBER BONDED, EPOXY COATED MECHANICAL JOINT OR FLANGED BUSH MECHANICAL JOINTS. BUSHES SHALL BE FITTED WITH STRAPPING LUGS.
- BLUE RIBBED PAVEMENT REFLECTORS SHALL BE LOCATED IN FRONT OF EACH NEW FIRE HYDRANT ALONG THE CENTER LINE OF THE ROAD.
- THE COLOR OF THE FIRE HYDRANT SHALL BE CHROME YELLOW.

DESIGN STD. NO.	110.00
SCALE, NTS	REVISIONS
DATE	APPROVAL
5/2008	

CITY OF HOBBBS ENGINEERING DEPARTMENT
CONSTRUCTION DETAILS & SPECIFICATIONS
DRAWN BY: ZS APPROVED BY: TTR

CONCRETE VALVE SUPPORT DETAIL

DESIGN STD. NO.	100.00
SCALE, NTS	REVISIONS
DATE	APPROVAL
5/2008	

CITY OF HOBBBS ENGINEERING DEPARTMENT
CONSTRUCTION DETAILS & SPECIFICATIONS
DRAWN BY: ZS APPROVED BY: TTR

TRENCH AND BACKFILL GENERAL NOTES:

- CONTRACTOR SHALL OBSERVE ALL CONSTRUCTION SIGNING AND TRAFFIC CONTROL REQUIREMENTS OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.
- IN PAVED AREAS, NEW ASPHALT CONCRETE SHALL MATCH EXISTING ROADWAY GRADE AND SLOPE.
- RED BLOW SAND MATERIAL WITH 100% PASSING THE #8 SIEVE SHALL BE USED IN THE FLOWABLE CONCRETE BACKFILL.

OPTIONAL TRENCH AND BACKFILL FLOWABLE BACKFILL

NOT TO SCALE

DESIGN STD. NO.	100.00
SCALE, NTS	REVISIONS
DATE	APPROVAL
5/2008	

CITY OF HOBBBS ENGINEERING DEPARTMENT
CONSTRUCTION DETAILS & SPECIFICATIONS
DRAWN BY: ZS APPROVED BY: TTR

Kennedy Fire Hydrant Assembly

GENERAL NOTES

- FOLLOWING CITY FIRE HYDRANT STANDARDIZATION PROCEDURE, THE ONLY FIRE HYDRANT ALLOWABLE FOR INSTALLATION WILL BE THE KENNEDY GUARDIAN #K10, 5-1/2" MAIN VALVE.
- VALVE BOX LOCATION TO BE APPROVED BY THE CITY.
- ALL FIRE HYDRANTS SHALL HAVE AT LEAST 3 FEET OF CLEARANCE FROM LANDSCAPING, ROOMWAYS, UTILITY APPLIANCES, AND DRIVEWAYS, AROUND ITS CIRCUMFERENCE.
- LOCATE FIRE HYDRANTS IN PARKWAY BEHIND CURB & CUTTER IF AVAILABLE. OTHERWISE PLACE FIRE HYDRANT AT DIRECTION OF UTILITY DIRECTOR.
- HYDRANTS SHALL BE CONNECTED TO THE MAIN BY A 4" FIBER BONDED, EPOXY COATED MECHANICAL JOINT OR FLANGED BUSH MECHANICAL JOINTS. BUSHES SHALL BE FITTED WITH STRAPPING LUGS.
- BLUE RIBBED PAVEMENT REFLECTORS SHALL BE LOCATED IN FRONT OF EACH NEW FIRE HYDRANT ALONG THE CENTER LINE OF THE ROAD.
- THE COLOR OF THE FIRE HYDRANT SHALL BE CHROME YELLOW.

DESIGN STD. NO.	110.00
SCALE, NTS	REVISIONS
DATE	APPROVAL
5/2008	

CITY OF HOBBBS ENGINEERING DEPARTMENT
CONSTRUCTION DETAILS & SPECIFICATIONS
DRAWN BY: ZS APPROVED BY: TTR

TYPICAL TRENCH AND BACKFILL DETAIL

GENERAL NOTES

- ALL TRENCHING SHALL BE IN ACCORDANCE WITH THE NEW MEXICO STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION 2008. SECTION 251 UNLESS OTHERWISE NOTED ON THIS SHEET.
- OSHA REQUIREMENTS HAVE NOT BEEN INCORPORATED INTO THIS DETAIL. CONTRACTOR SHALL CONFORM TO TRENCH SAFETY REQUIREMENTS ESTABLISHED BY OSHA.
- BOTTOM OF TRENCH IS TO BE ENCAVATED TO A SMOOTH, UNIFORM GRADE TO SECURE AN EVEN BEARING SURFACE FOR THE PIPE. IF THE TRENCH IS OVER ENCAVATED, THE FOUNDATION SHALL BE COMPACTED TO 98% MODIFIED PROCTOR PER ASTM D-1587.
- ONCE BEDDING THICKNESS HAS BEEN ESTABLISHED, THE THICKNESS SHALL NOT VARY MORE THAN 1/8" BETWEEN MANHOLES.
- ALL NEW MATERIALS SHALL COMPLY WITH CITY OF HOBBBS REQUIREMENTS AND BE NEW, UNUSED, AND OF THE BEST QUALITY AVAILABLE.
- DO NOT LAY OR EMBED PIPE IN STANDING OR RUNNING WATER. AT ALL TIMES PREVENT RUNOFF AND SURFACE WATER FROM ENTERING THE TRENCH. PROVIDE DAMS, CUTOFFS OR OTHER BARRIERS PERIODICALLY ALONG THE INSTALLATION TO PRECLUDE TRANSPORT OF WATER ALONG THE TRENCH BOTTOM BACKFILL. ALL TRENCHES AFTER THE PIPE IS RETIRED TO PREVENT DISTURBANCE OF PIPE AND EMBEDMENT.
- THE CONTRACTOR SHALL SCHEDULE FOR INSPECTION PRIOR TO INSTALLING PIPE AND PLACING ANY EMBEDMENT AND BACKFILL MATERIALS.
- MINIMUM PAVEMENT AND BASE COURSE THICKNESS ARE SHOWN ON THIS DETAIL. THE CONTRACTOR SHALL MATCH THE EXISTING PAVEMENT SECTION IF IT IS GREATER THAN SHOWN ON THIS DETAIL.

DESIGN STD. NO.	801.00
SCALE, NTS	REVISIONS
DATE	APPROVAL
5/2012	

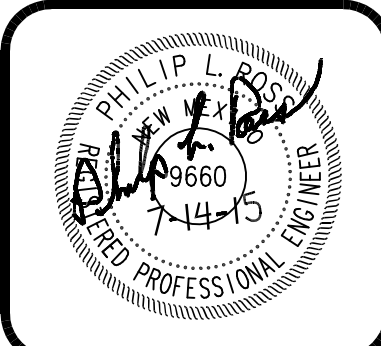
CITY OF HOBBBS ENGINEERING DEPARTMENT
CONSTRUCTION DETAILS & SPECIFICATIONS
DRAWN BY: ZS APPROVED BY: TTR

CONCRETE VALVE SUPPORT DETAIL

DESIGN STD. NO.	100.00
SCALE, NTS	REVISIONS
DATE	APPROVAL
5/2008	

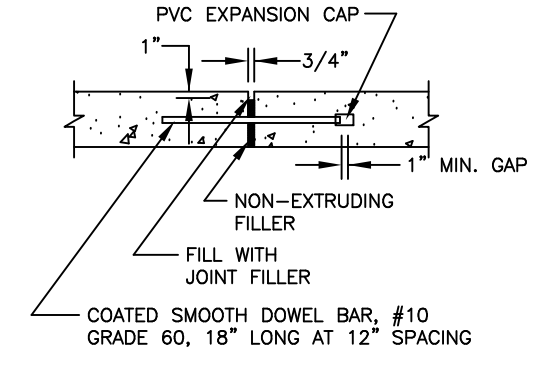
CITY OF HOBBBS ENGINEERING DEPARTMENT
CONSTRUCTION DETAILS & SPECIFICATIONS
DRAWN BY: ZS APPROVED BY: TTR

ORIGINAL DRAWING SIZE 24" X 36"



EXPANSION JOINT GENERAL NOTES:

1. JOINT SPACING SHALL BE AS SHOWN ON THE PLANS.
2. DOWEL BARS SHALL BE CENTERED IN SLAB.

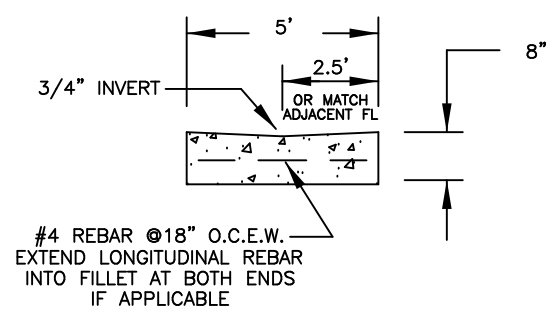


DOWELED EXPANSION JOINT
NOT TO SCALE

ROJOIN03

VALLEY GUTTER GENERAL NOTES:

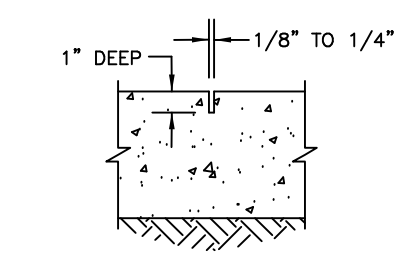
1. CONTRACTOR SHALL CONSTRUCT SEALED EXPANSION JOINTS AT 30' INTERVALS, AT END OF DAY'S POUR, AND AT 30-MINUTE INTERRUPTIONS.
2. CONTRACTOR SHALL CONSTRUCT TRANSVERSE CONTRACTION JOINTS (DUMMY JOINTS) AT 10' INTERVALS.
3. CONTRACTOR SHALL CONSTRUCT DOWELED EXPANSION JOINT AT MIDPOINT OF VALLEY GUTTER IF SHOWN ON THE PLANS.
4. ALL CONCRETE SHALL HAVE A MINIMUM STRENGTH OF 3,000 PSI AT 28 DAYS (CLASS A).
5. MATERIAL ON WHICH CONCRETE IS TO BE PLACED SHALL BE 8" MINIMUM APPROVED BASE COURSE MATERIAL COMPACTED TO 95% MAX. DENSITY AS DETERMINED BY AASHTO T-180. SUBGRADE BELOW BASE COURSE SHALL BE MIN. 6" COMPACTED TO 95% MAX. DENSITY AS DETERMINED BY AASHTO T-180.



CONCRETE VALLEY GUTTER 60" X 8"
NOT TO SCALE

CONTRACTION JOINT GENERAL NOTES:

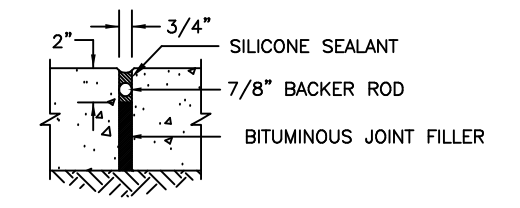
1. JOINT SPACING SHALL BE AS SHOWN ON THE PLANS.



SAWCUT TRANSVERSE CONTRACTION JOINT
NOT TO SCALE

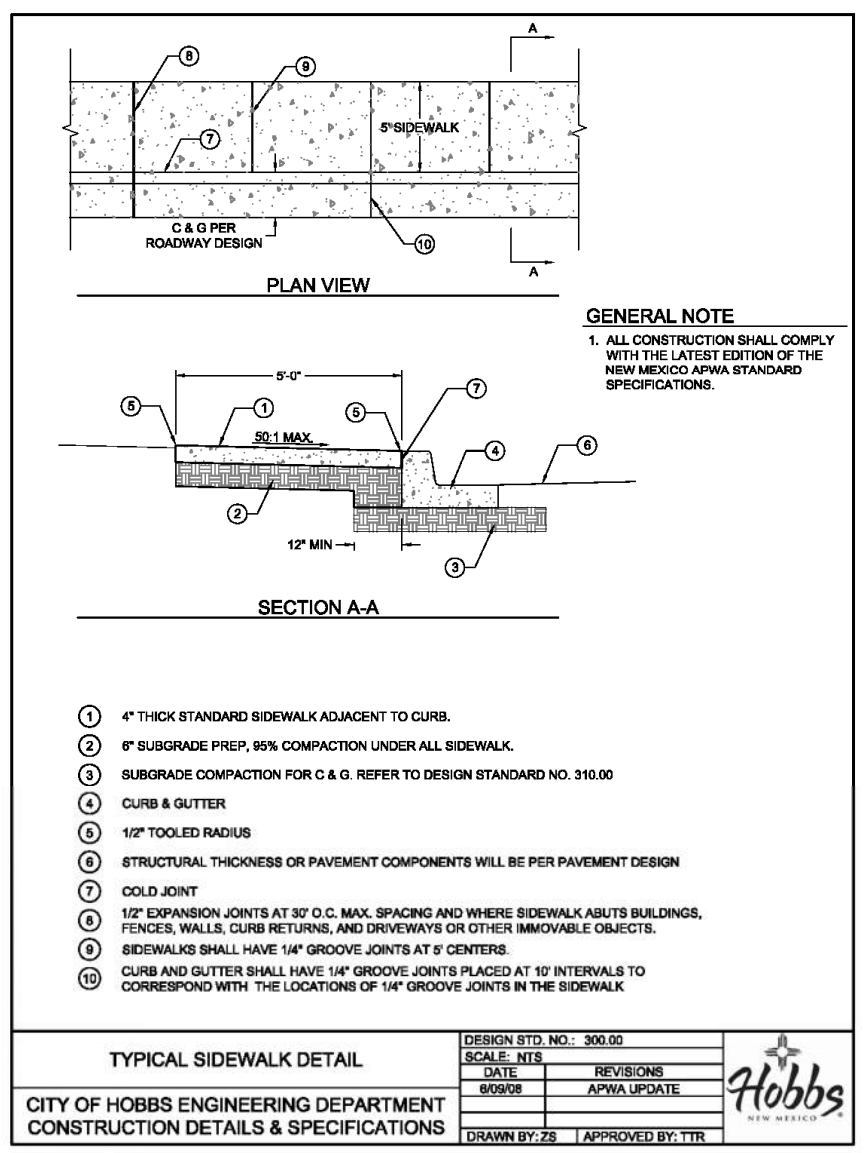
EXPANSION JOINT GENERAL NOTES:

1. JOINT SPACING SHALL BE AS SHOWN ON THE PLANS.

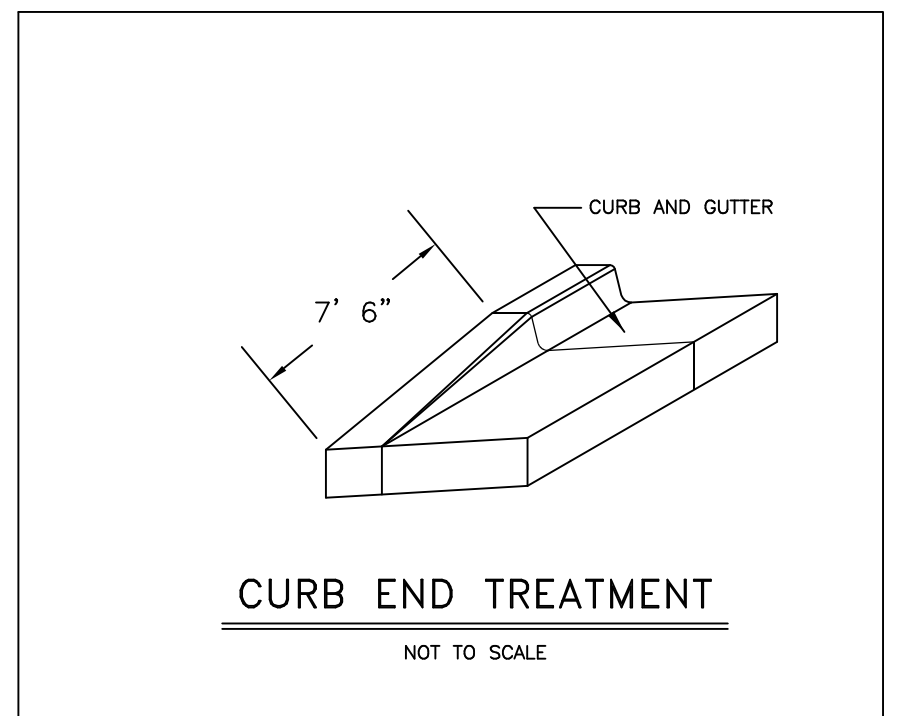


SEALED EXPANSION JOINT
NOT TO SCALE

ROJOIN02



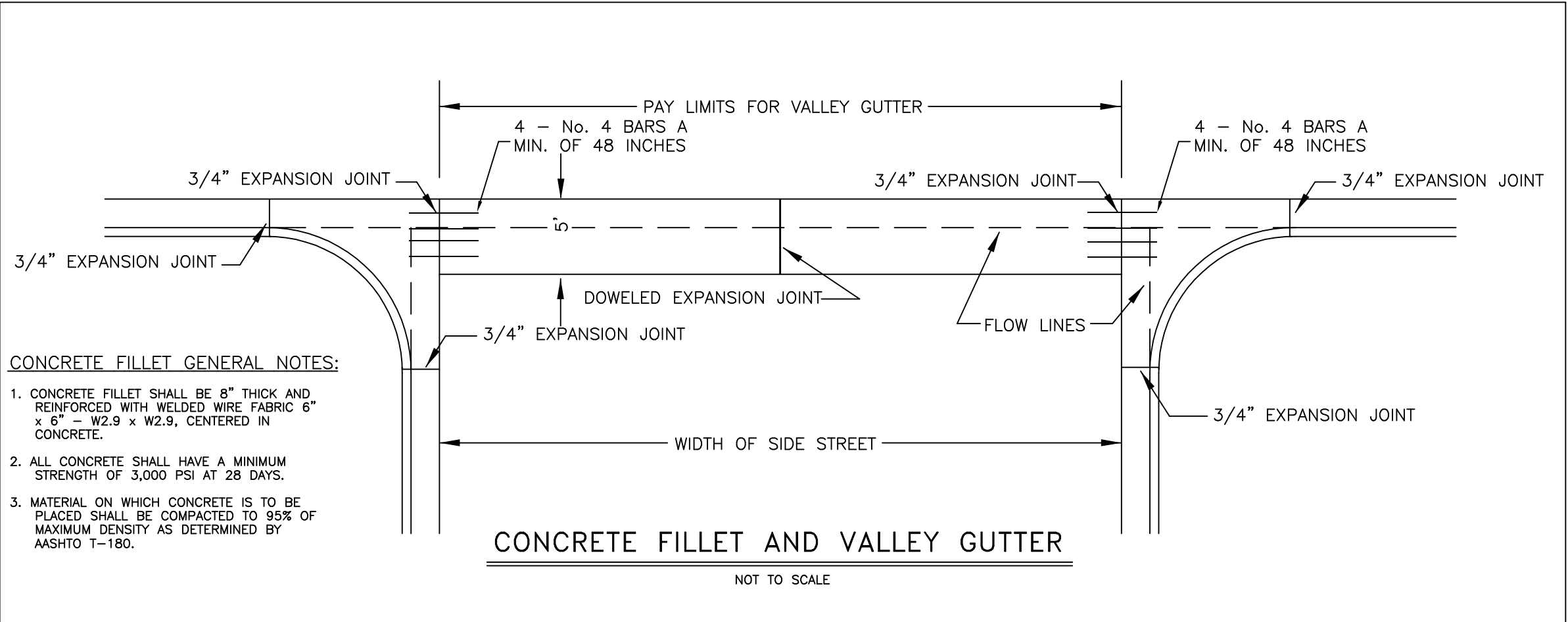
TYPICAL SIDEWALK DETAIL
CITY OF HOBBS ENGINEERING DEPARTMENT
CONSTRUCTION DETAILS & SPECIFICATIONS



CURB END TREATMENT
NOT TO SCALE

ROADWAY CONSTRUCTION GENERAL NOTES:

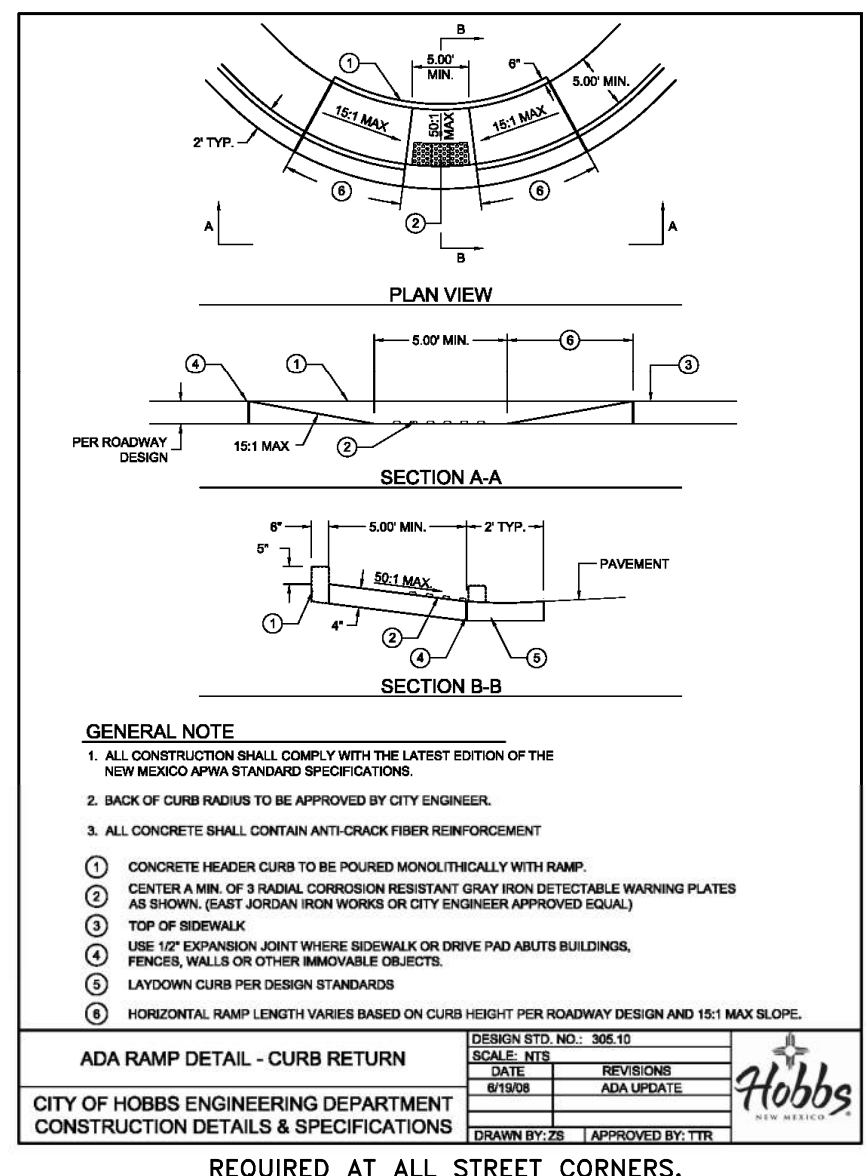
ALL CONCRETE WORK SHALL INCLUDE FIBER REINFORCEMENT. FIBERS SHALL BE VIRGIN POLYPROPYLENE STRANDS (APPROX. 3/4 inches IN LENGTH). ALL CONCRETE SHALL CONTAIN APPROXIMATELY 1.5 LBS. OF FIBER PER CUBIC YARD OF CONCRETE. NO SEPARATE MEASUREMENT OR PAYMENT WILL BE MADE FOR SUCH WORK AND SHALL BE CONSIDERED INCIDENTAL TO CONSTRUCTION. FIBER REINFORCEMENT DOES DELETE REQUIREMENT FOR STEEL REINFORCEMENT WHEN REQUIRED BY DETAILS ON THIS SHEET.



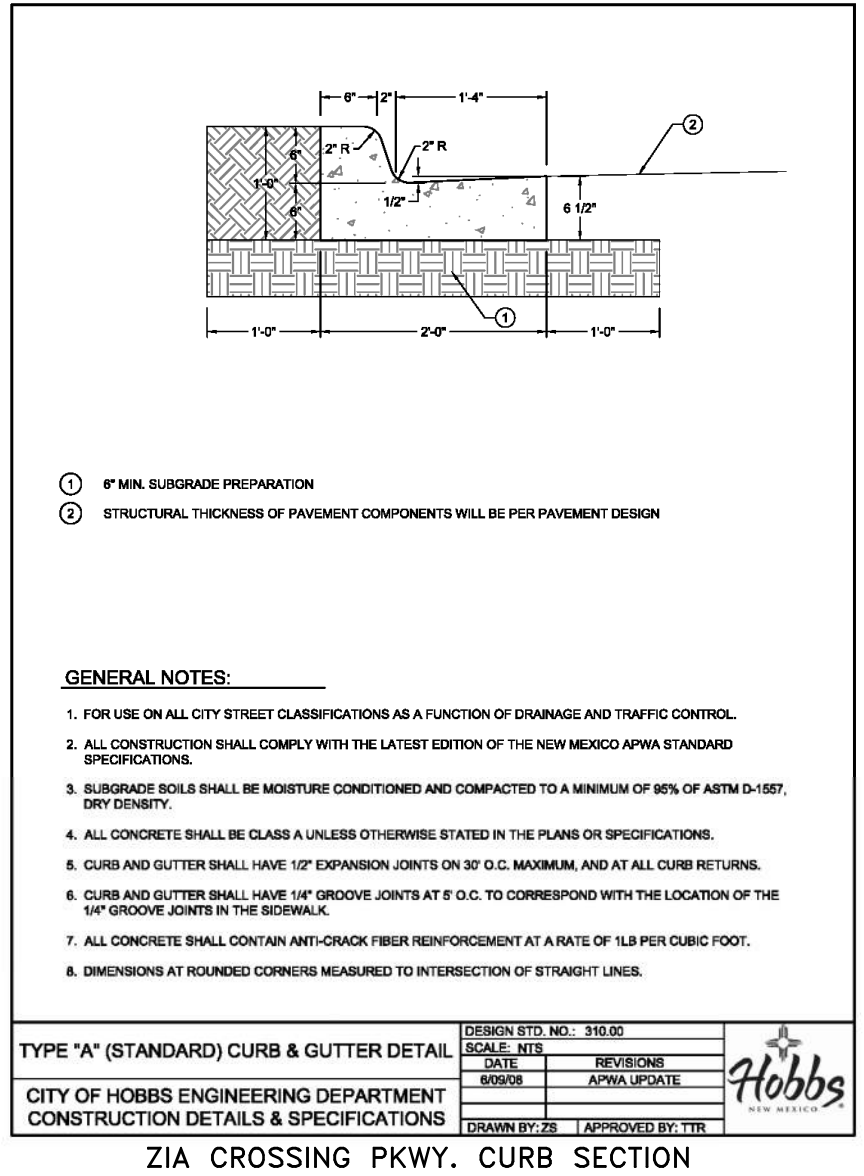
CONCRETE FILLET GENERAL NOTES:

1. CONCRETE FILLET SHALL BE 8" THICK AND REINFORCED WITH WELDED WIRE FABRIC 6" X 8" - W2.9 X W2.9, CENTERED IN CONCRETE.
2. ALL CONCRETE SHALL HAVE A MINIMUM STRENGTH OF 3,000 PSI AT 28 DAYS.
3. MATERIAL ON WHICH CONCRETE IS TO BE PLACED SHALL BE COMPACTED TO 95% OF MAXIMUM DENSITY AS DETERMINED BY AASHTO T-180.

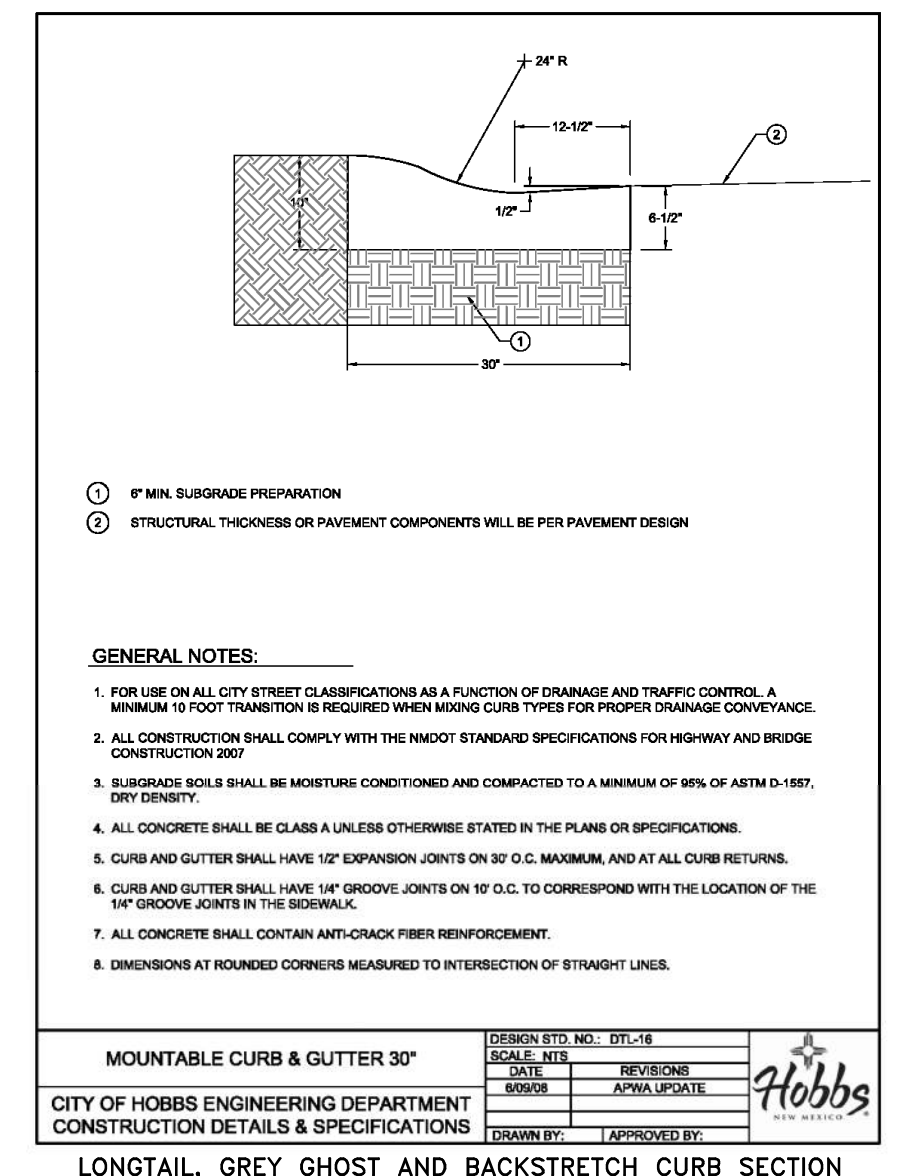
CONCRETE FILLET AND VALLEY GUTTER
NOT TO SCALE



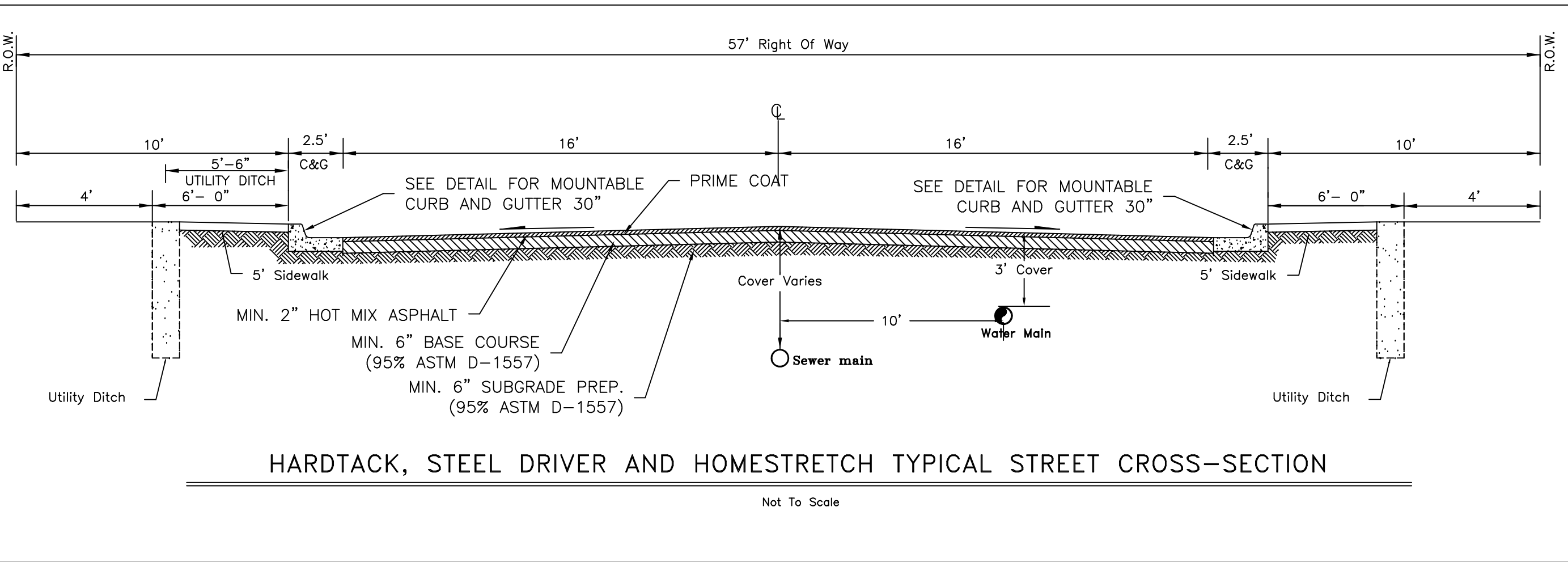
ADA RAMP DETAIL - CURB RETURN
CITY OF HOBBS ENGINEERING DEPARTMENT
CONSTRUCTION DETAILS & SPECIFICATIONS



TYPE 'A' (STANDARD) CURB & GUTTER DETAIL
CITY OF HOBBS ENGINEERING DEPARTMENT
CONSTRUCTION DETAILS & SPECIFICATIONS



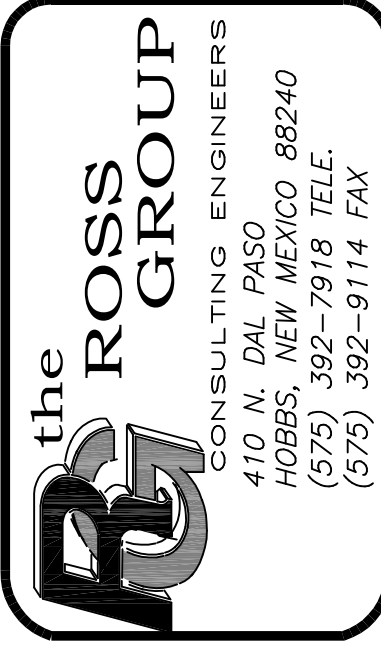
MOUNTABLE CURB & GUTTER 30"
CITY OF HOBBS ENGINEERING DEPARTMENT
CONSTRUCTION DETAILS & SPECIFICATIONS



HARDTACK, STEEL DRIVER AND HOMESTRETCH TYPICAL STREET CROSS-SECTION
Not To Scale

NO.	DATE	REVISIONS:	BY	CHK	ENGR	APP.
1						
2						
3						
4						
5						

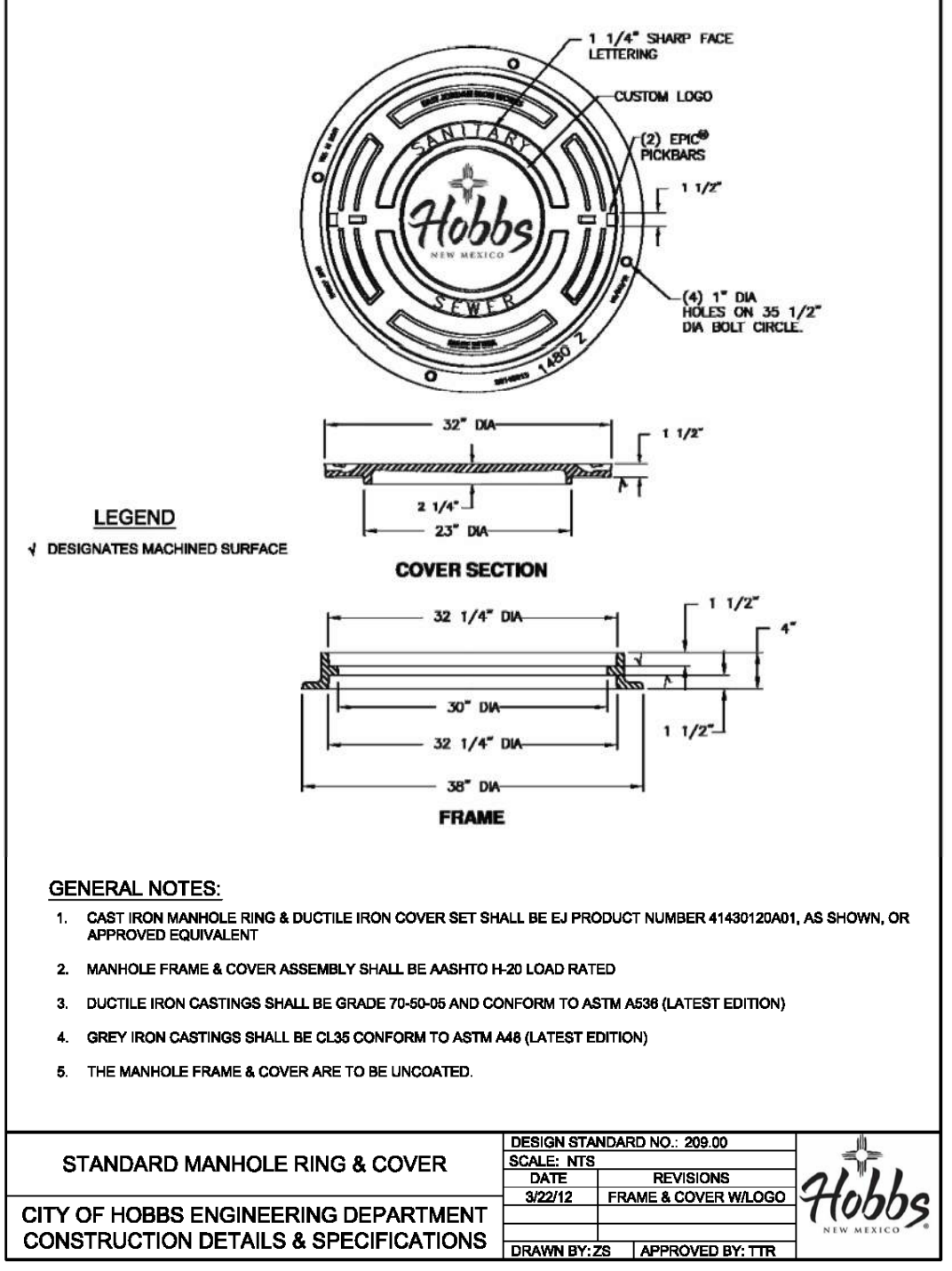
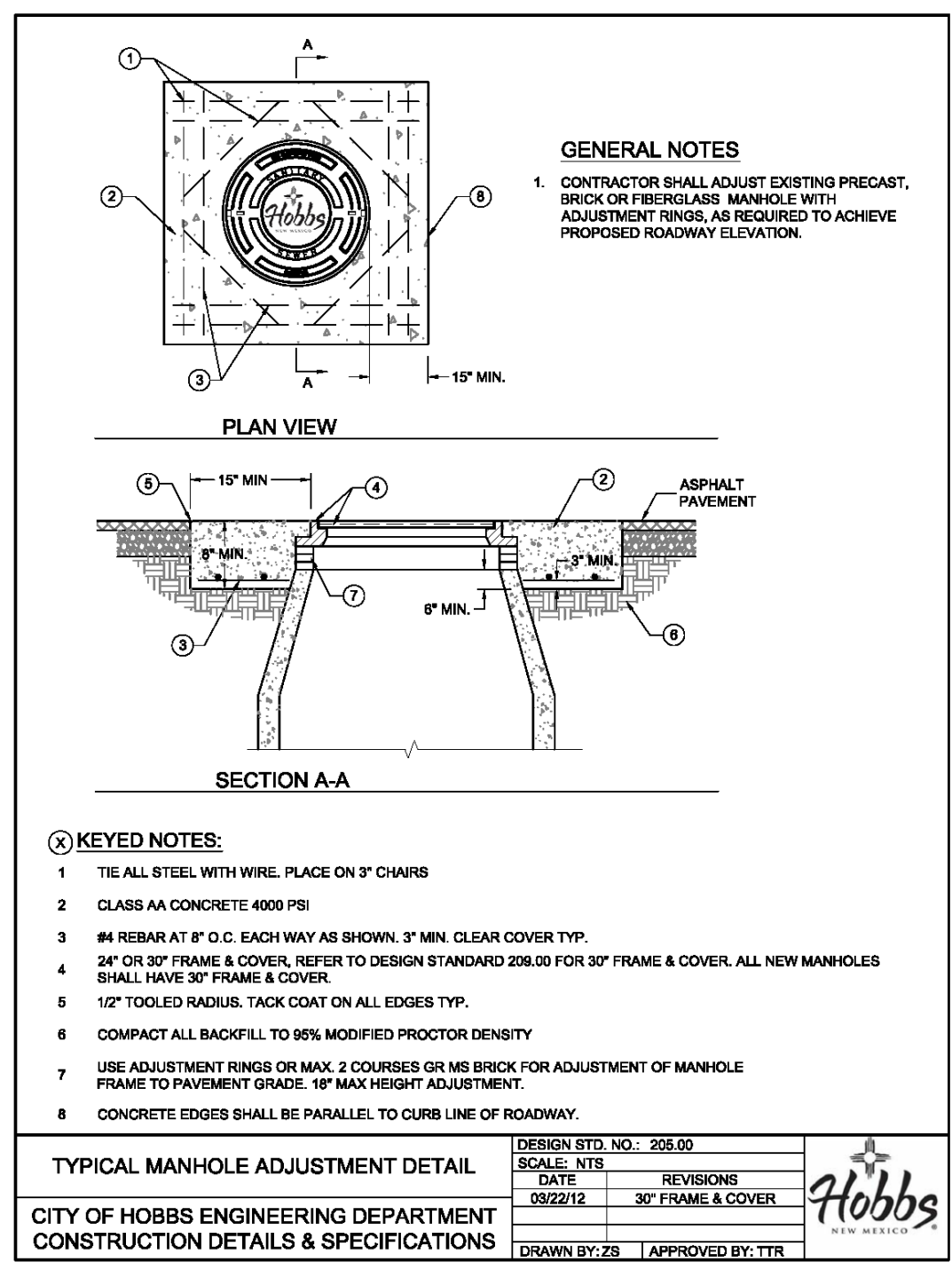
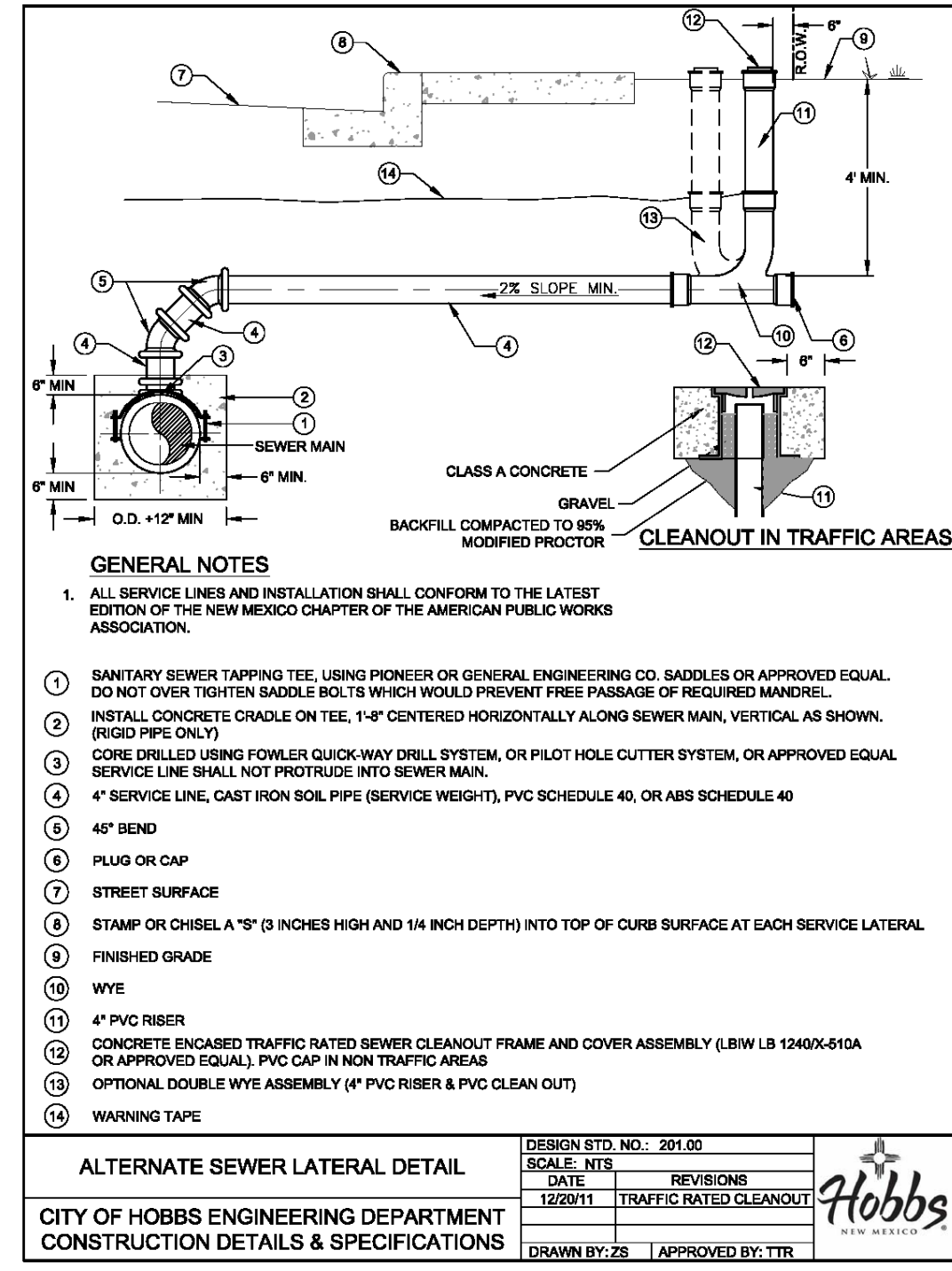
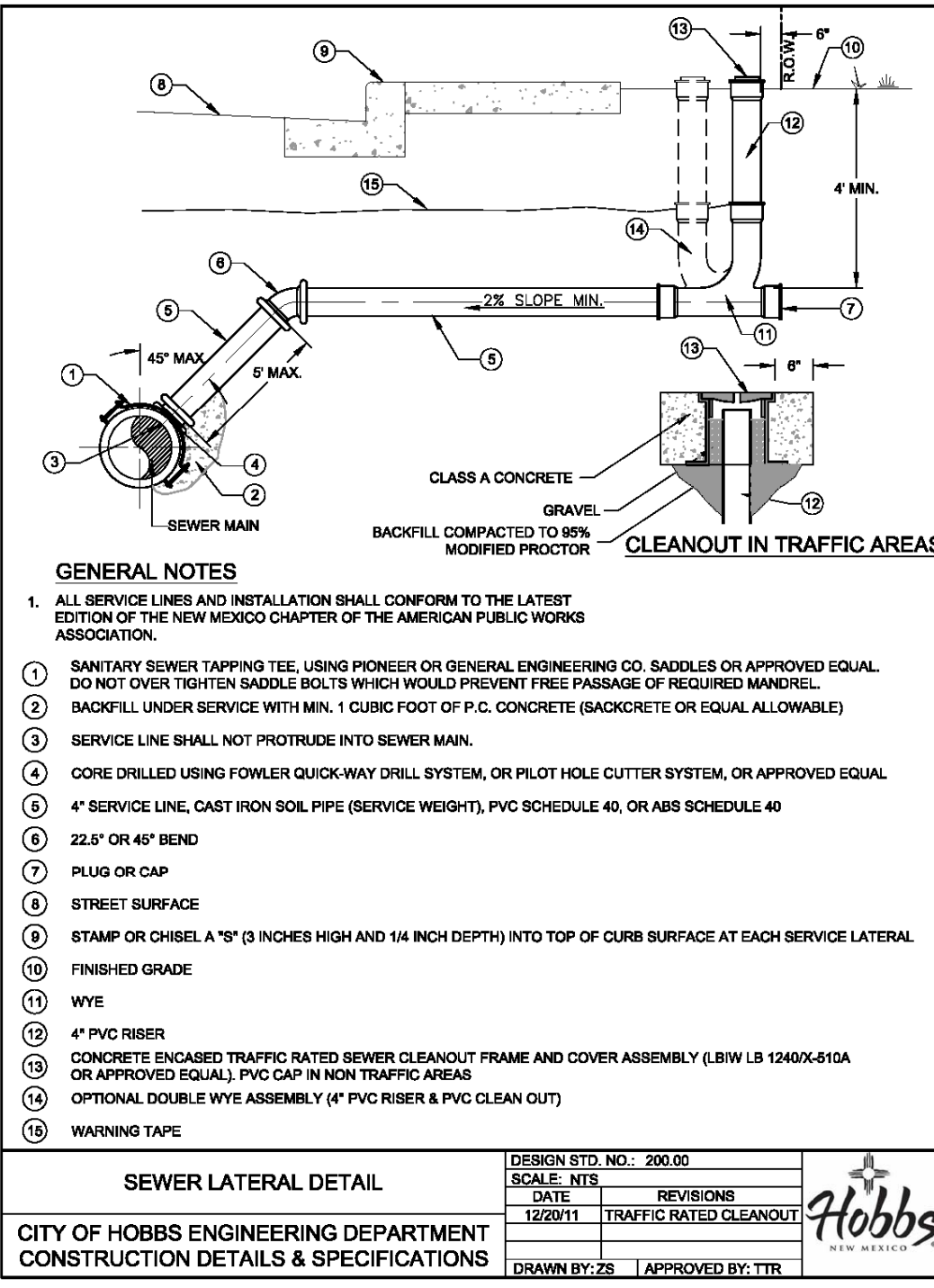
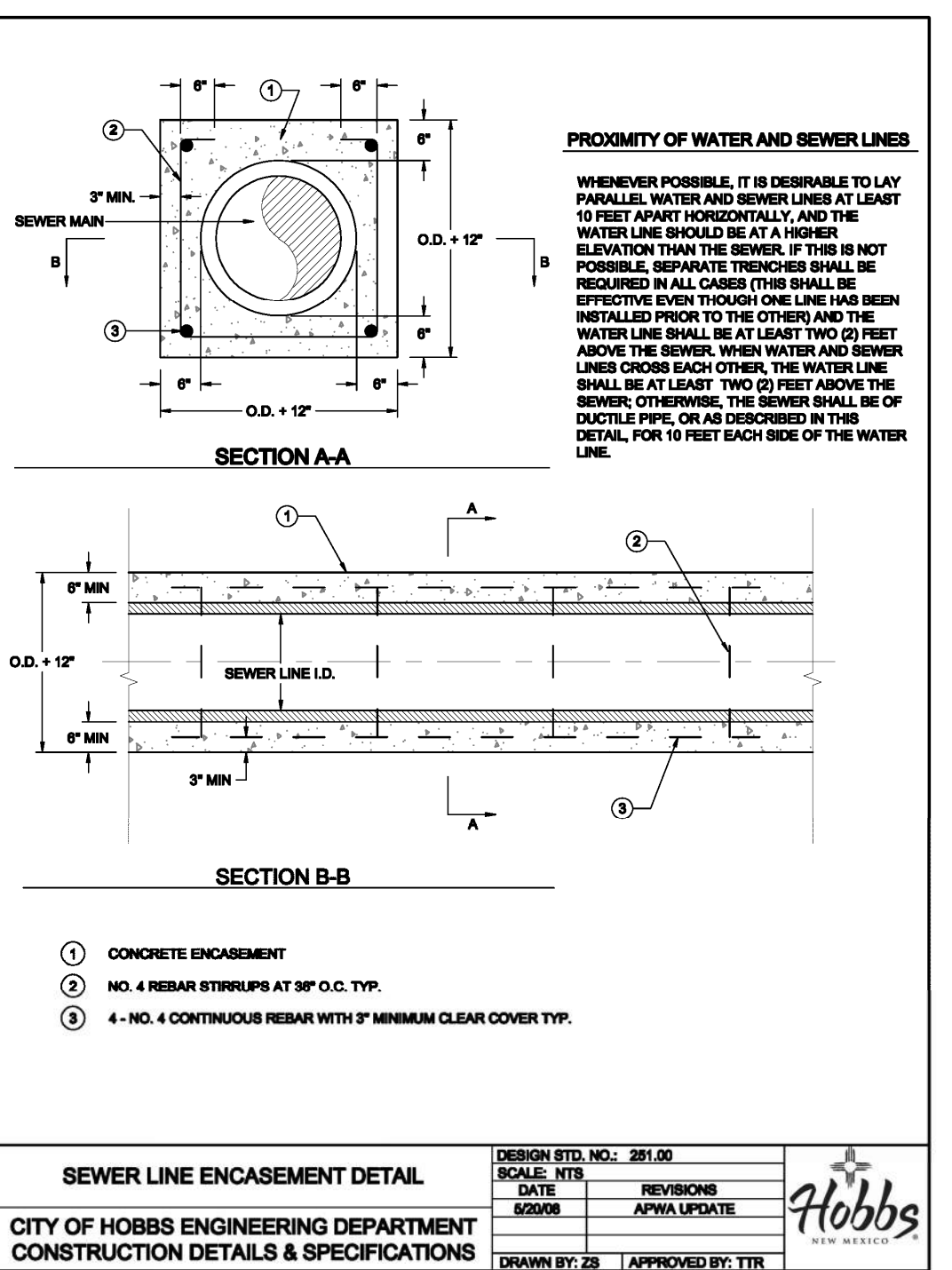
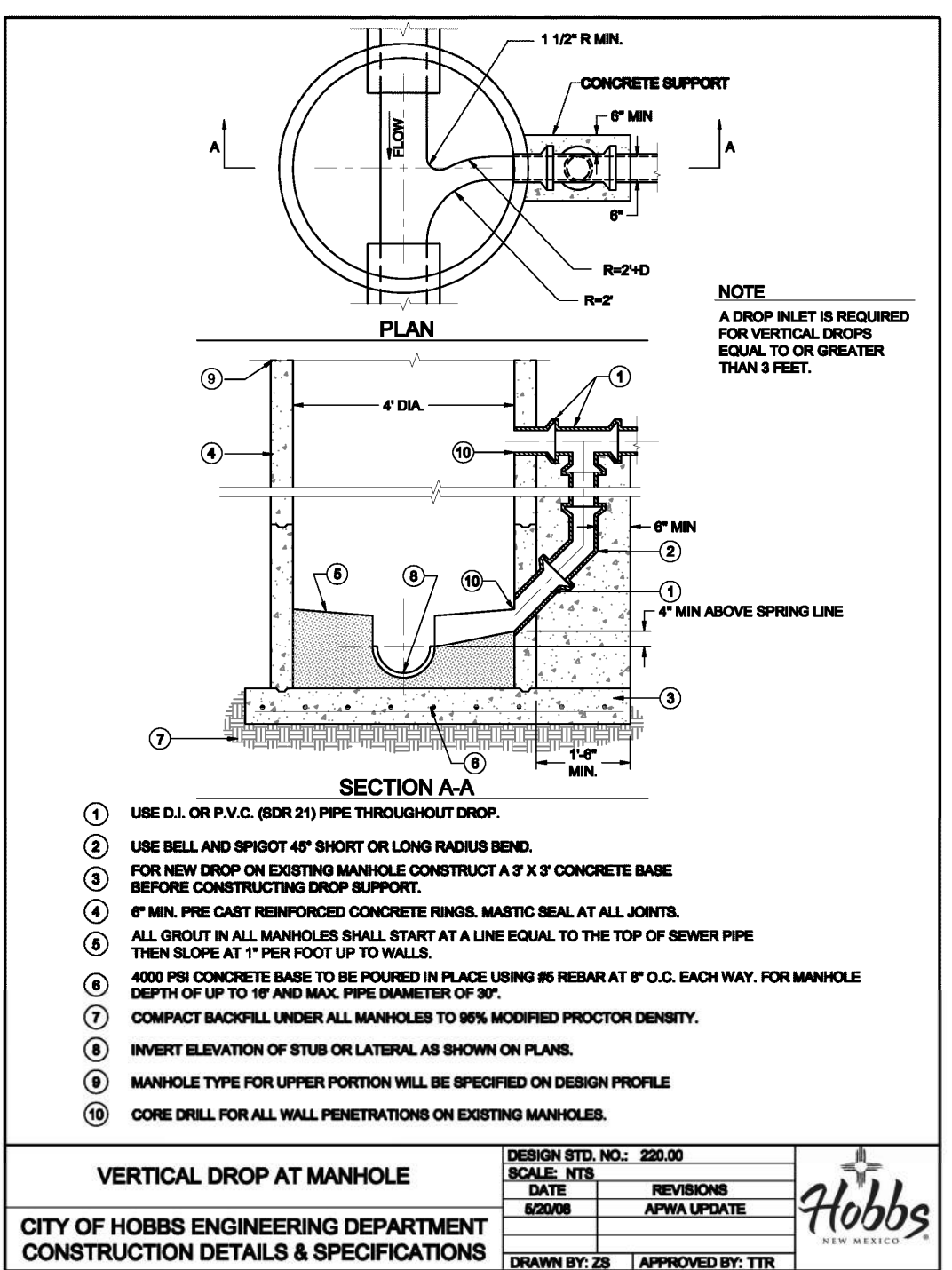
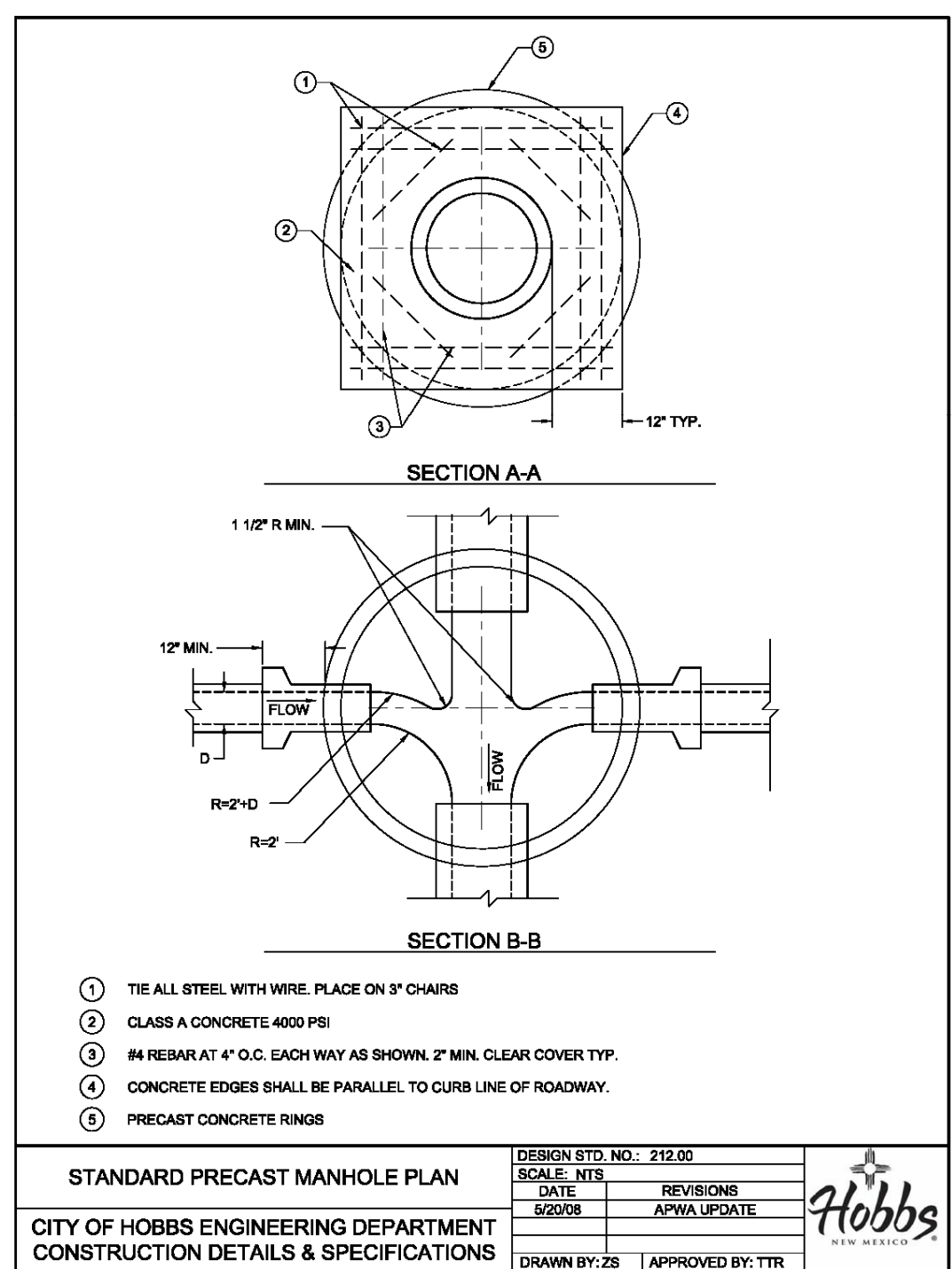
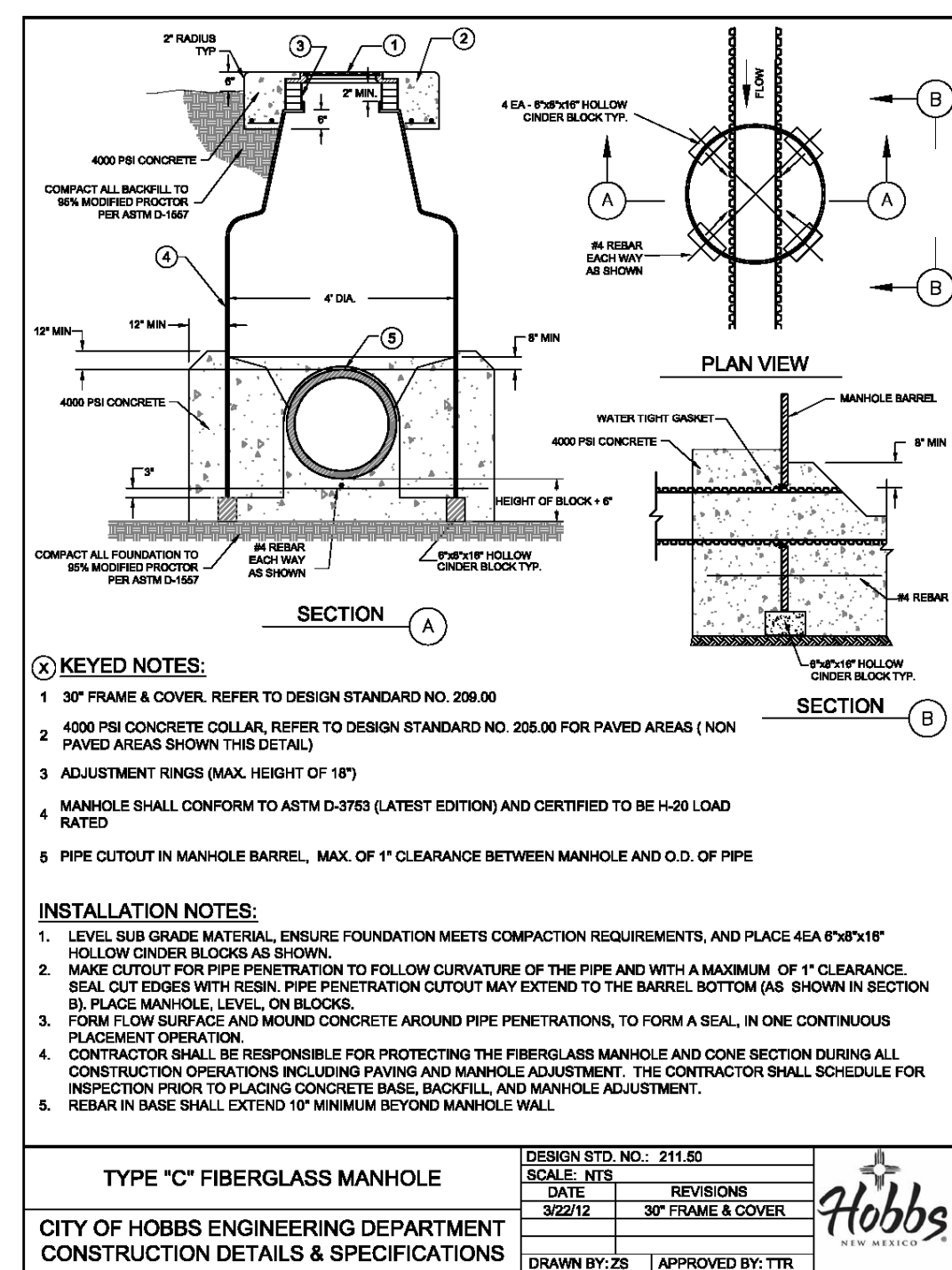
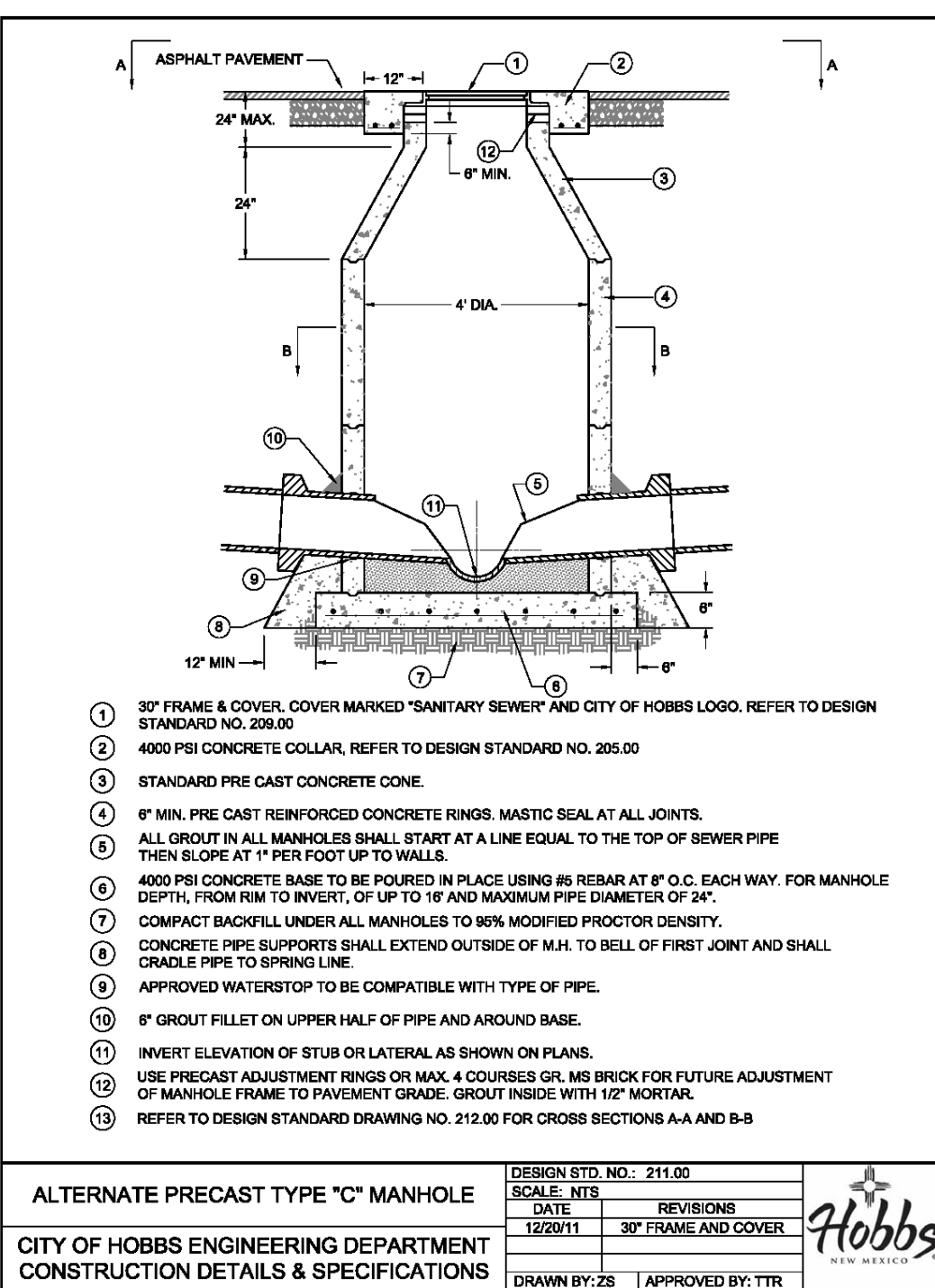
ZIA CROSSING UNIT 6
ROADWAY DETAILS



Drawn By:	Checked by:
SMM	PLR
Date:	Disk:
7/07/15	GENERAL
File Name:	Job No.:
ROAD	

SHEET
R1
R1 of R1 sheets

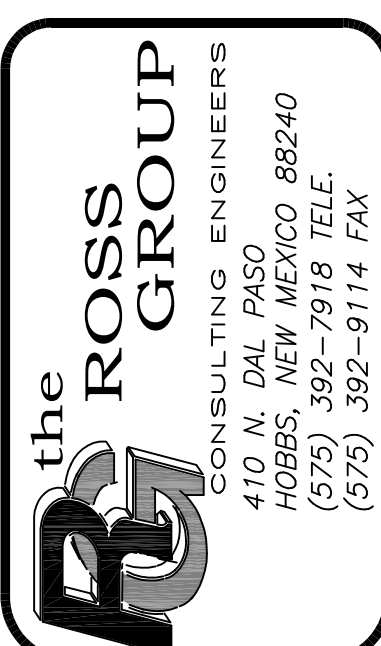
ORIGINAL DRAWING SIZE 24" X 36"



NO.	DATE	REVISIONS:	CHK	ENGR	APP.
1					
2					
3					
4					
5					

ZIA CROSSING UNIT 6

SEWER DETAILS



Drawn By:	Checked by:
SMM	PLR
Date:	Disk:
7/07/15	GENERAL
File Name:	Job No.:
SEWER	

SHEET
S1
S1 of S1 sheets

ORIGINAL DRAWING SIZE 24" X 36"

NOTE:
SEE WATER DETAILS (SHEET W1) FOR TRENCH DETAILS, BOTH MECHANICAL COMPACTION AND/OR FLOWABLE FILL.

BLACK GOLD ESTATES, LLC

ZIA CROSSING PARKWAY



LONGTAIL ROAD

GREY GHOST ROAD

BACKSTRETCH ROAD

MUNICIPAL INFRASTRUCTURE CORRIDOR

EAST LINE OF SECTION 13

PRELIMINARY - NOT FOR CONSTRUCTION - UNDER REVIEW

ORIGINAL DRAWING SIZE 24" X 36"

DRAWING PROVIDED BY XCEL ENERGY.

NO.	DATE	REVISIONS:	BY	CHK	ENGR	APP.
1						
2						
3						
4						
5						

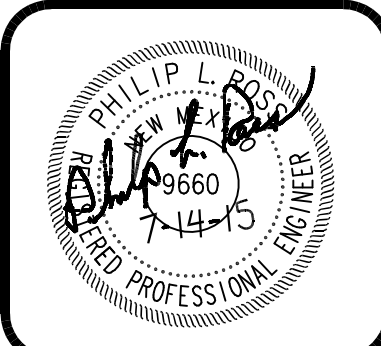
ZIA CROSSING UNIT 6
 UTILITY (ELECTRIC/CABLE/TELEPHONE)
 LAYOUT PLAN (BY XCEL ENERGY)

the ROSS GROUP
 CONSULTING ENGINEERS
 410 N. DAL PASO
 HOBBS, NEW MEXICO 88240
 (575) 392-7918 TELE.
 (575) 392-9114 FAX

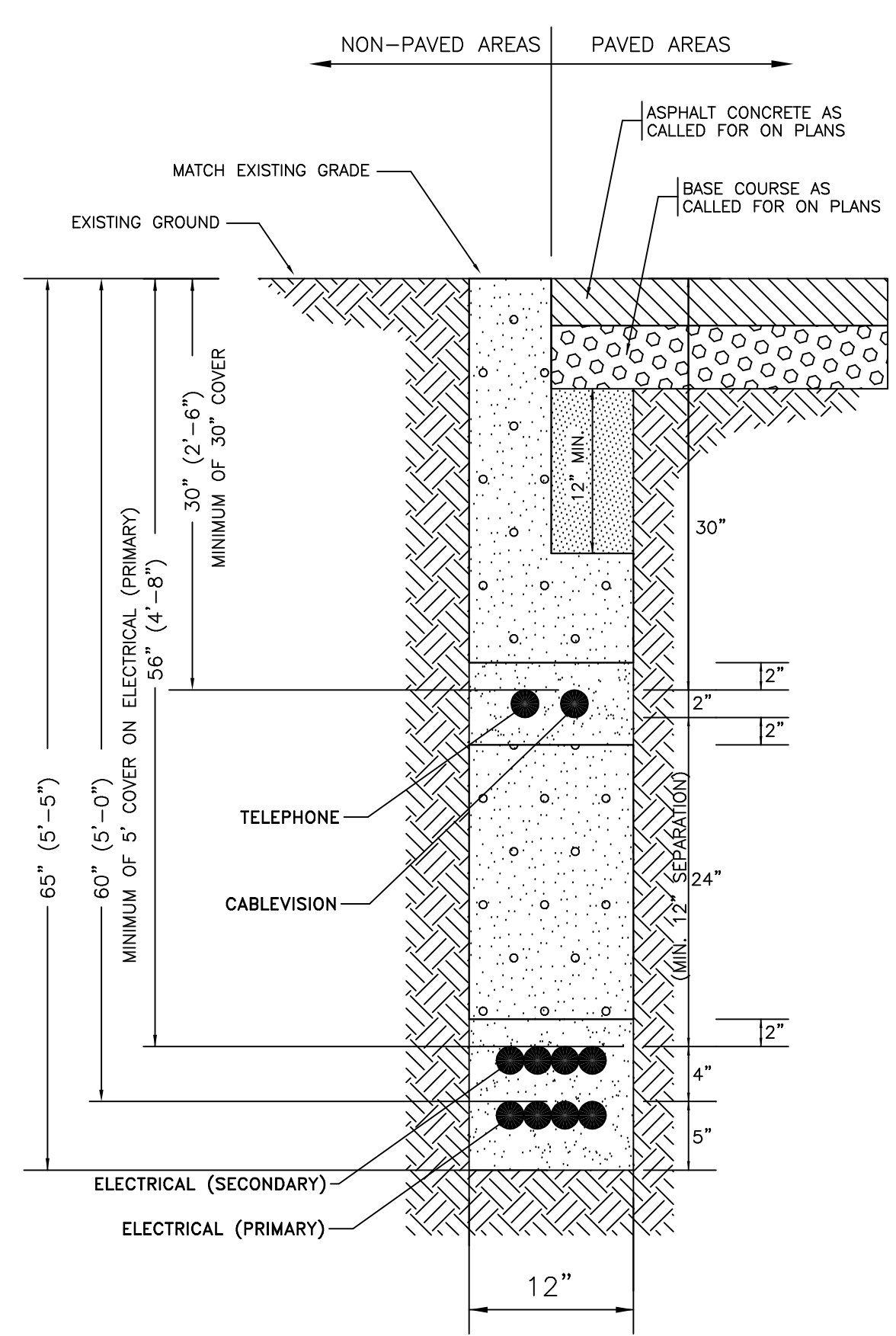
Drawn By: SMM	Checked by: PLR
Date: 7/07/15	Disk: GENERAL
File Name: ROADS	Job No.:

SHEET
U1
 U1 of U2 sheets

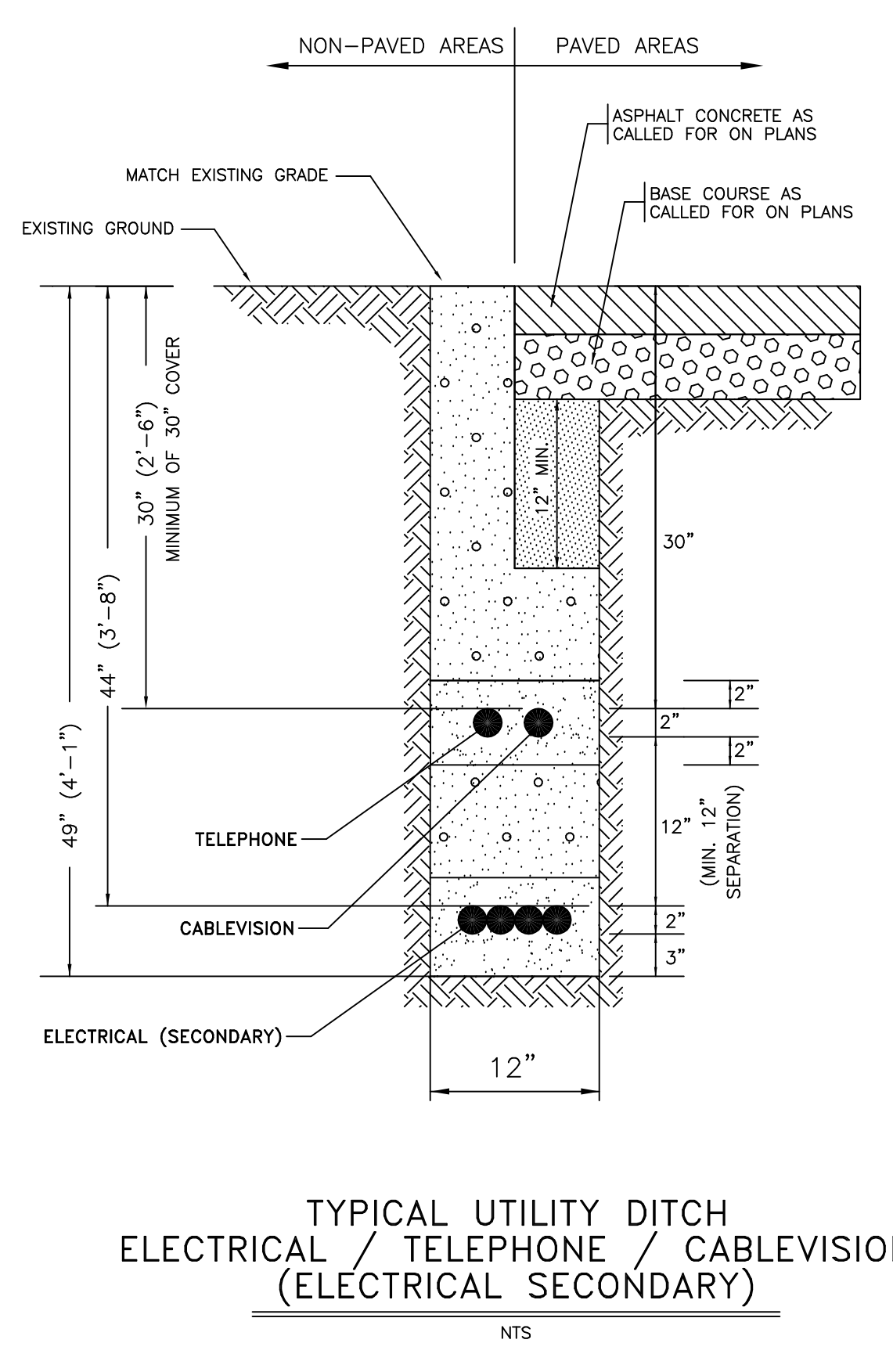
DRAWING PROVIDED BY XCEL ENERGY.



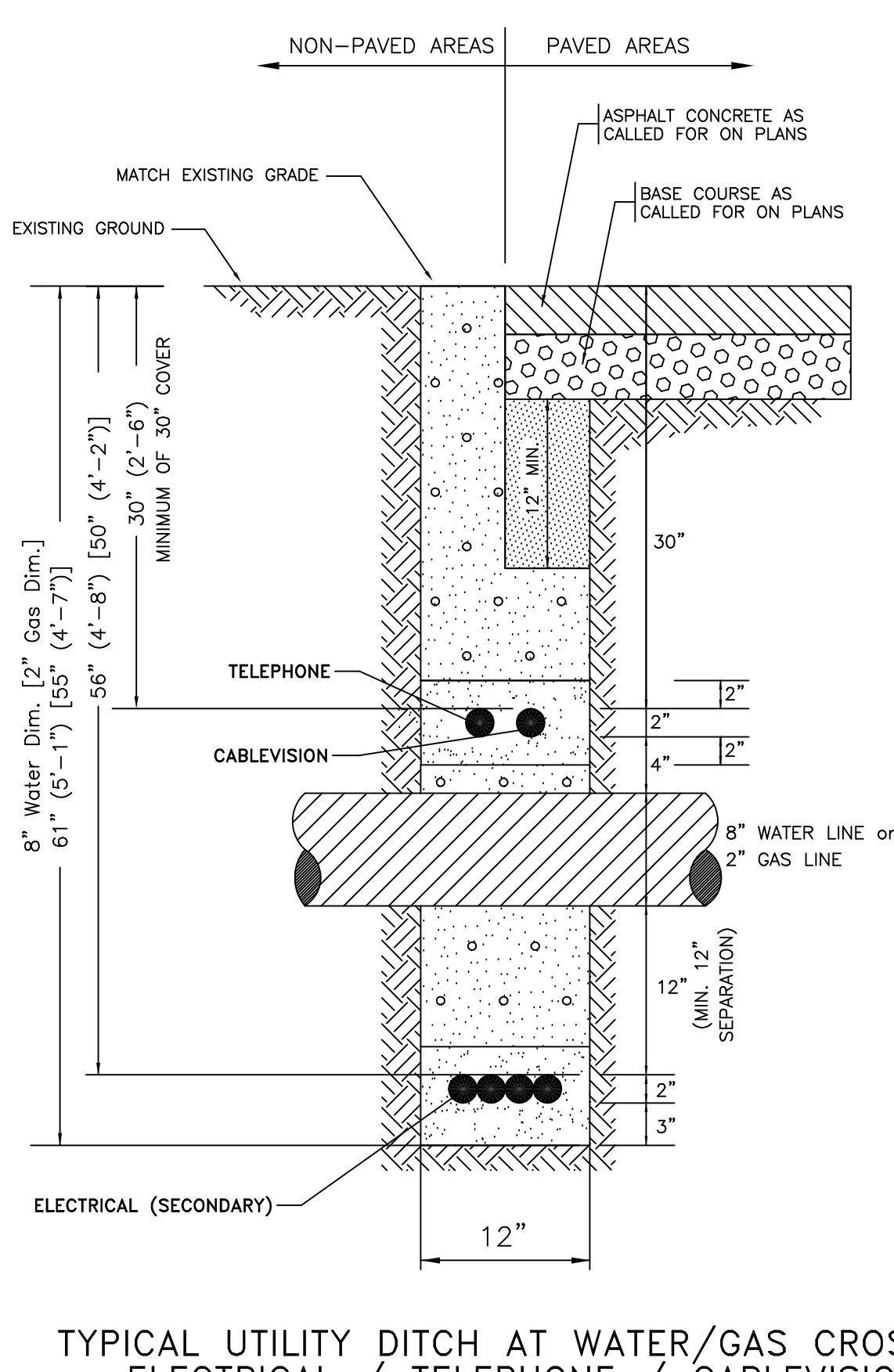
NO.	DATE	REVISIONS:	BY	CHK	ENGR	APP.
1						
2						
3						
4						
5						



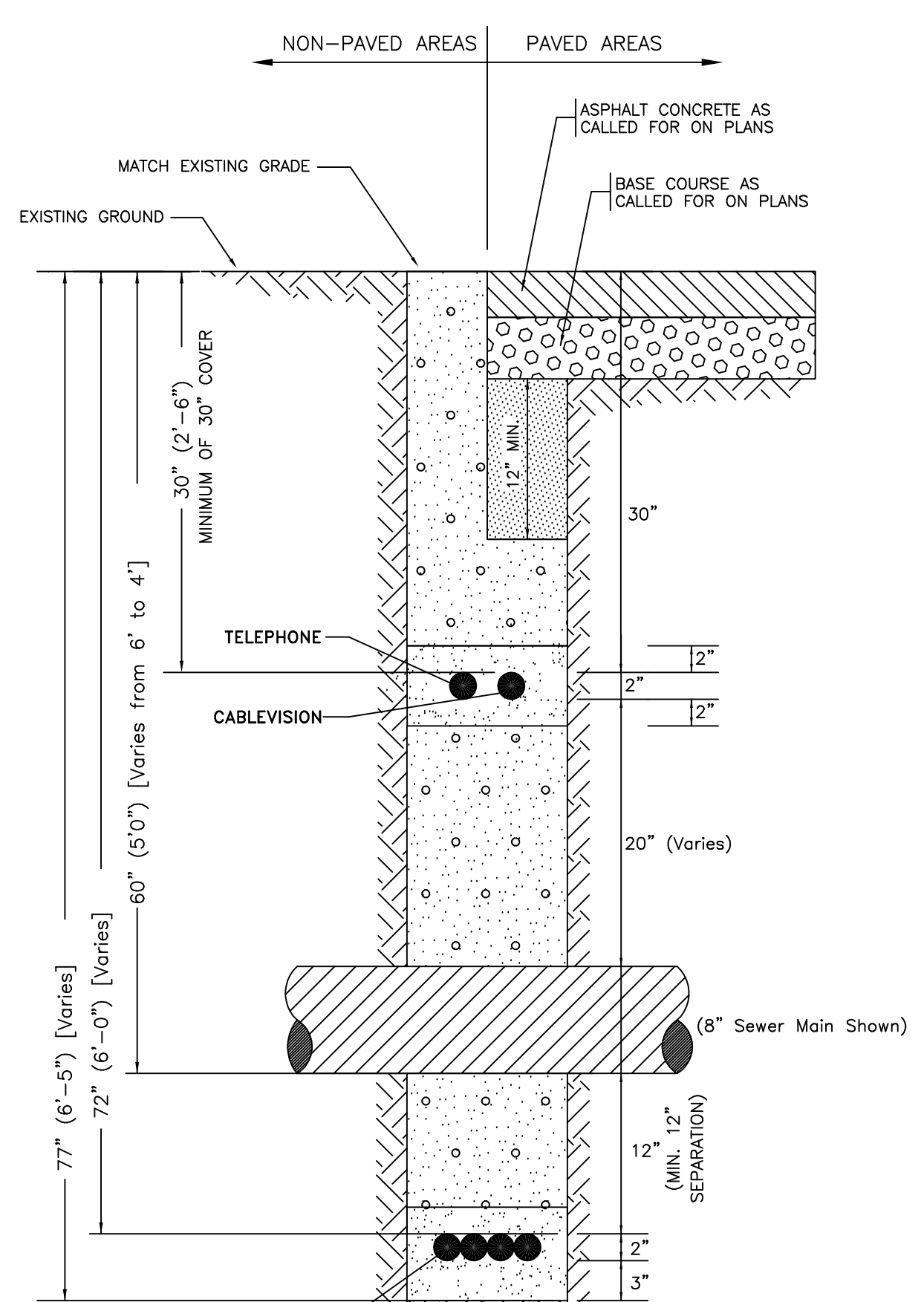
TYPICAL UTILITY DITCH
ELECTRICAL / TELEPHONE / CABLEVISION
(ELECTRICAL PRIMARY)
NTS



TYPICAL UTILITY DITCH
ELECTRICAL / TELEPHONE / CABLEVISION
(ELECTRICAL SECONDARY)
NTS



TYPICAL UTILITY DITCH AT WATER/GAS CROSSING
ELECTRICAL / TELEPHONE / CABLEVISION
(ELECTRICAL SECONDARY)
NTS



TYPICAL UTILITY DITCH AT SEWER CROSSING
ELECTRICAL / TELEPHONE / CABLEVISION
(ELECTRICAL SECONDARY)
NTS

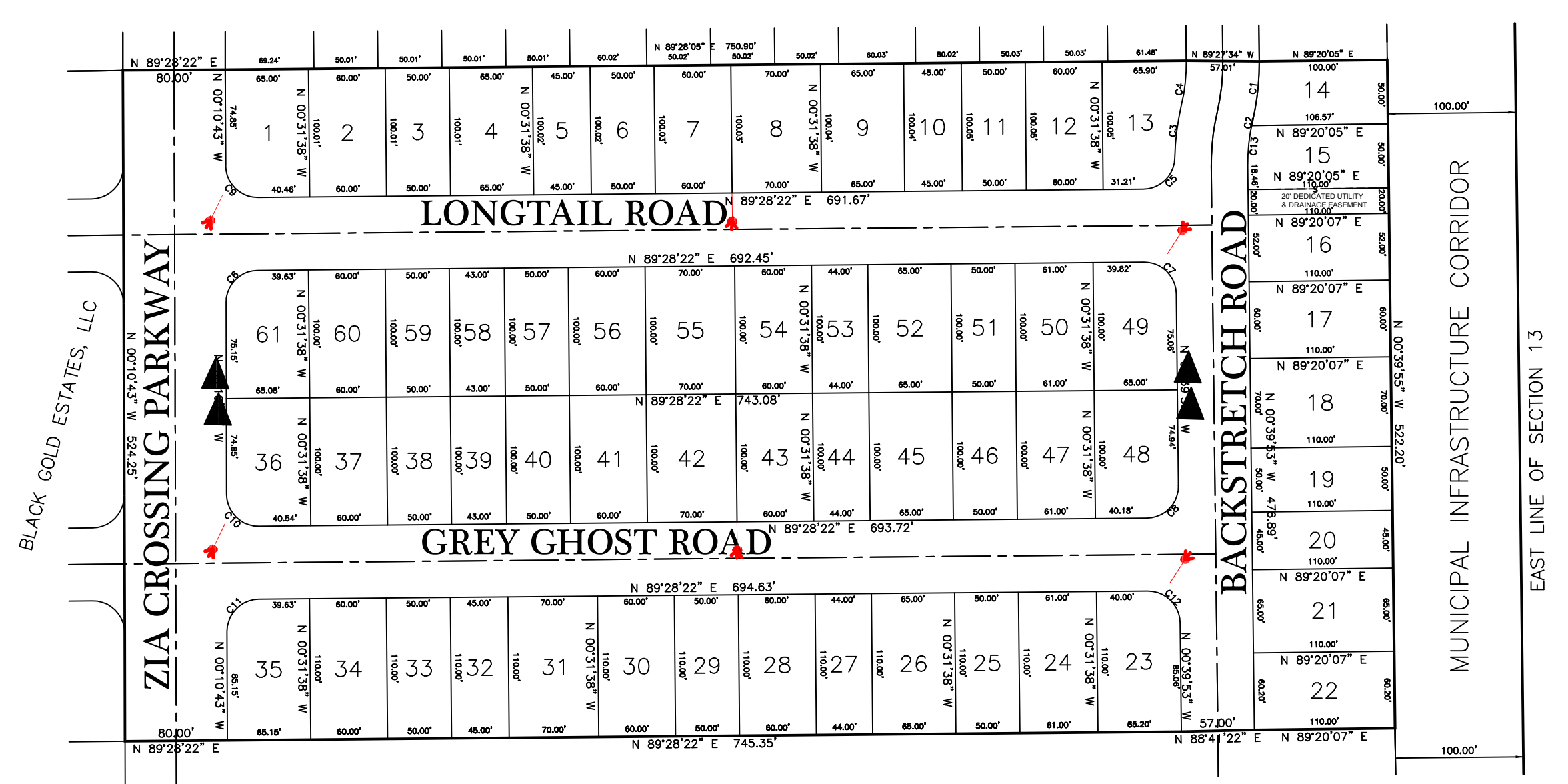
LEGEND
UTILITY DITCH COMPACTION AND MATERIAL REQUIREMENTS

NATIVE MATERIAL, 95% ASTM D-1557	SELECT BACKFILL MATERIAL, FREE FROM ROCKS GREATER THAN 1/4 INCH DIAMETER, DIRT CLODS, OR FROZEN MATERIAL
NATIVE MATERIAL, 90% ASTM D-1557	UNDISTURBED EARTH

CONSTRUCTION NOTES: DITCHING (UTILITY) CONTRACTOR

- DITCHES, BACKFILL MATERIALS, BACKFILL & COMPACTION PROVIDED BY DITCHING CONTRACTOR.
- DITCHING CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING WITH ALL UTILITY OWNERS AND FOR THE PROTECTION OF ALL FACILITIES AFTER THEIR INSTALLATION. IF APPLICABLE, GAS COMPANY SHALL DITCH, INSTALL, BACKFILL AND COMPACT THEIR OWN UTILITIES.
- ANY UTILITIES DAMAGED BY THE DITCHING CONTRACTOR DURING TRENCHING, COMPACTION, OR INSTALLING SERVICE LATERALS SHALL BE REPAIRED AND/OR REPLACED AT THE EXPENSE OF THE DITCHING CONTRACTOR.
- EXTRA DEPTH NECESSARY FOR THE ELECTRICAL PRIMARY AND SECONDARY TO CROSS UNDER WATER or SEWER LINES AS SHOWN IN THE TYPICAL DETAILS IS CONSIDERED INCIDENTAL AND NO EXTRA PAYMENT WILL BE MADE.

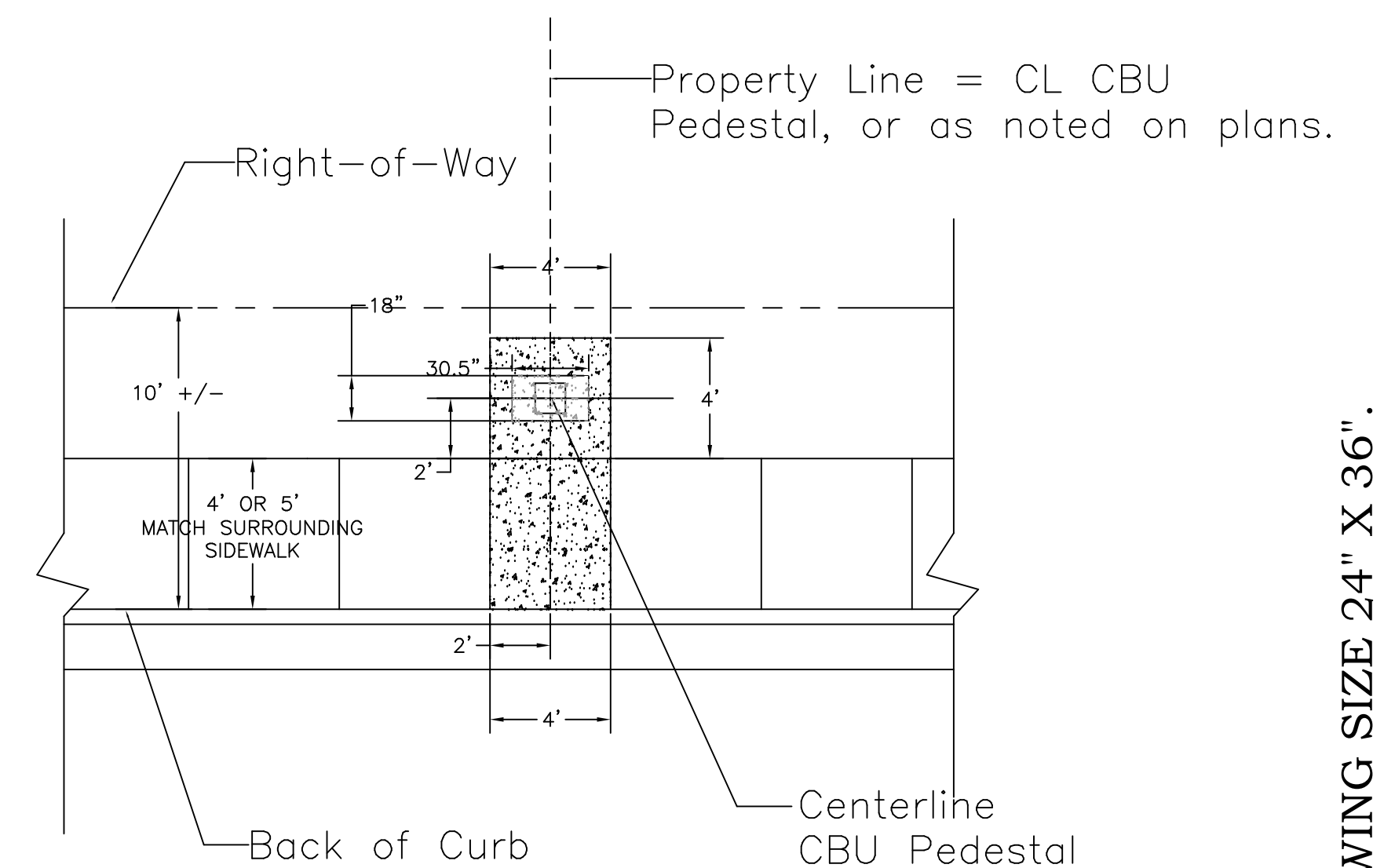
LEGEND ▲ 16 UNIT CBU (TOTAL 4)



CLUSTER BOX UNITS (CBU'S) GENERAL NOTES:

CBU'S AVAILABLE AT WWW.MAILBOXES.COM.

16 UNIT CBU TO BE MODEL NUMBER 3316, WITH PEDESTAL 3385. MANUFACTURED BY SALSURY INDUSTRIES - ALL ALUMINUM CONSTRUCTION CONTAINING AN OUTGOING MAIL SLOT AND 2 PARCEL LOCKERS EACH. ALL CBU KEYS TO BE DELIVERED TO THE ENGINEER FOR DELIVERY TO THE POST OFFICE.



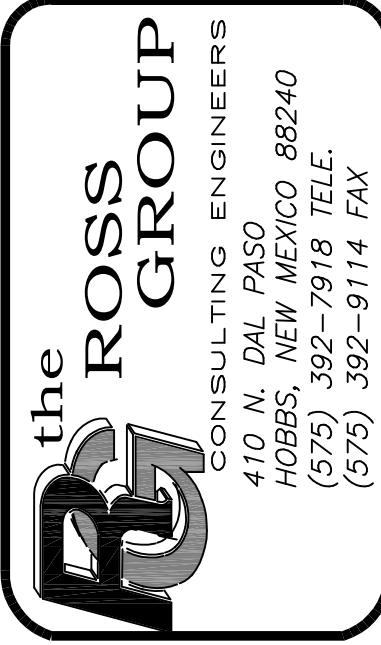
- Notes:
- Dimensions shown allow approximately 6.25' clearance in front of CBU (mailbox).
 - See manufacturer's installation guide for installation of CBU pedestal and box.
 - Centerline of CBU Pedestal shall not be located closer than 25' from curb return at corner lots.
 - If CBU placed in area with out curb and gutter, 4' x 4' sidewalk still required in front of slab for pedestal.

CLUSTER BOX UNIT (CBU) TYPE AND LOCATION

TYPICAL CLUSTER BOX UNIT (CBU) CONCRETE DETAIL

ORIGINAL DRAWING SIZE 24" X 36"

ZIA CROSSING UNIT 6
POST OFFICE CLUSTER BOX DETAILS
UTILITY (ELECTRIC/CABLE/TELEPHONE)
TRENCH DETAILS



Drawn By:	Checked by:
SMM	PLR
Date:	Disk:
7/07/15	GENERAL
File Name:	Job No.:
ROADS	

SHEET
U2
U2 of U2 sheets

LAND BACK ROAD

EL DRIVER ROAD

GTAIL ROAD

Y GHOST ROAD

LY ROAD

ZIA CROSSING PARKWAY

BACKSTRETCH RD

MUNICIPAL

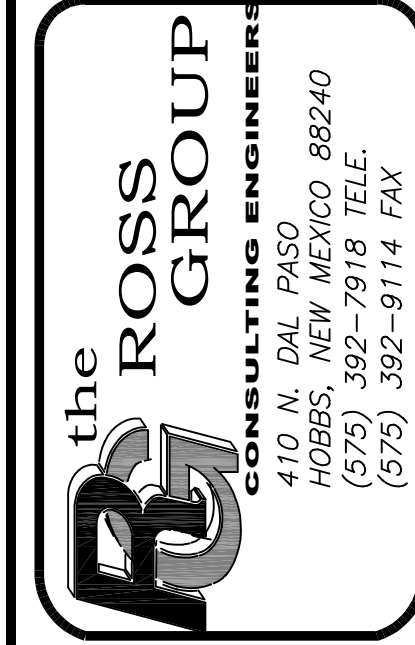


- NOTES:
1. LOT FILL TO BE FROM 31' BACK OF CURB TO REAR LOT LINE. THIS ALLOWS A 21' BUILDING SETBACK FROM THE PROPERTY LINE.
 2. BUILDING PAD FILL TO BE PLACED ON WATERED, MIXED AND ROLLED SUBGRADE MATERIAL.
 3. BUILDING PAD FILL TO BE COMPACTED TO 95% MAXIMUM DENSITY AS DETERMINED BY ASTM D-1557 (MODIFIED PROCTOR) WITHIN PLUS OR MINUS 2% OF OPTIMUM MOISTURE.
 4. CONTRACTOR TO SLOPE FRONT YARD FROM REQUIRED FILL TO BACK OF SIDEWALK.
 5. BACKYARD SWALE AND SIDE YARD SWALES TO BE CONSTRUCTED BY OTHERS (HOME BUILDER).



NO.	DATE	REVISIONS:
1		
2		
3		
4		
5		

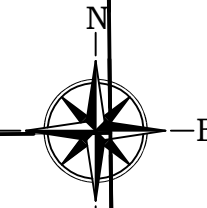
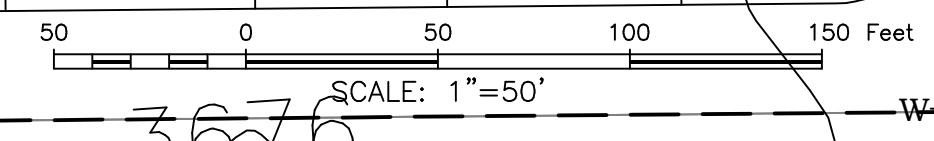
ZIA CROSSING UNIT 6
LOT FILL LAYOUT

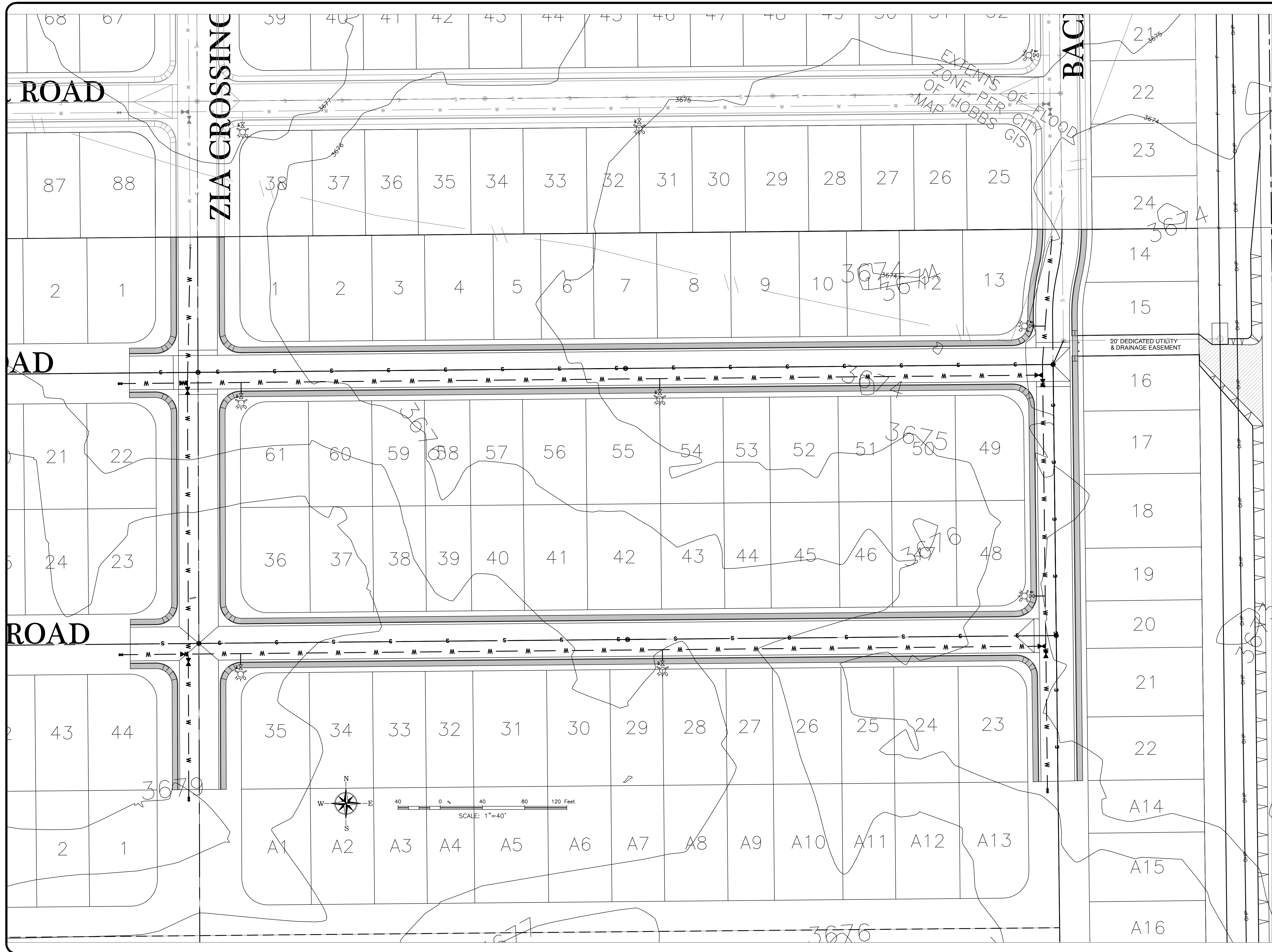


Drawn By:	Checked by:
SMM	PLR
Date:	Disk:
7/2/15	LOTS
File Name:	Job No.:
BASE	

SHEET
L1
L1 of L1 sheets

ELEVATION DATUM = NAVD88
ORIGINAL DRAWING SIZE 24" X 36"





NO.	DATE	REVISIONS:
1		
2		
3		
4		
5		

ZIA CROSSING UNIT 6
 SIDEWALK LAYOUT

the ROSS GROUP
 CONSULTING ENGINEERS
 410 N. DAL PASO
 HOBBS, NEW MEXICO 88240
 (575) 392-7918 TELE.
 (575) 392-9114 FAX

Drawn By:	Checked by:
SMM	PLR
Date:	Disk:
7/08/15	GENERAL
File Name:	Job No.:
BASE	

SHEET
SW1
 SW1 of SW1 sheets

ORIGINAL DRAWING SIZE 24" X 36"

February 20, 2018
Planning Board Regular Meeting

- 6) **Review and Consider Preliminary & Final Plat Approval for a proposed subdivision located southeast of the intersection of College Lane and Ja-Rob and within the municipalities extra-territorial jurisdiction, as submitted by property owner, Barbara Cox.**

Staff Notes:

The proposed subdivision is located within the ETJ adjacent to Ja-Rob a fully developed and County maintained Roadway. Municipal boundaries are +/- 1,000' from the southern property line, +/- 673' from the eastern property line and adjacent to the northern property line. Municipal utility services are located within College Lane and fully serve Windsor Estates (containing 37 single family units) located +/- 2,630' south of the proposed subdivision.

As the proposed subdivision is located within the ETJ (5 mile from the municipal boundary) the County and the Municipality shall each have jurisdiction concurrently, meaning that each governing authority would need to approve the subdivision as to their adopted rules and regulations. The proposed subdivision is a "Type Three A" for the County and therefore eligible, and subject to compliance with, the Summary Review Process under Article 6 (see excerpts below) of the County Subdivision Regulations.

Section 6.1. Summary Review Procedure

6.1.1. Qualifications. The following types of subdivisions shall be submitted to the County for approval under summary review procedure:

- A. All Type Three A subdivisions containing five (5) or fewer parcels of land.
- B. All Type Five subdivisions.

6.1.5. Review and Approval. Summary review plats submitted to the County for approval shall be approved or disapproved by the County Planning and Zoning Board at a public meeting within thirty (30) days of the date the summary review plat is deemed complete. The Board of County Commissioners has delegated to the County Planning and Zoning Board the authority to approve any subdivision under summary review.

6.1.6. Improvement Agreement. If, at the time of approval of the summary review plat, any public improvements have not been completed by the subdivider as required by these Regulations, the County Manager shall, as a condition preceding approval of the summary review plat require the subdivider to enter into an agreement with the County, on mutually agreeable terms, to thereafter complete the improvements at the subdivider's expense.

6.2.6. Dedication. The final plat shall contain a certificate stating that the Board of County Commissioners has accepted, accepted subject to improvement, or rejected, on behalf of the public, any land offered for dedication for public use in conformity with the terms of the offer of dedication.

- A. Included in each dedication shall be the following:

All areas of land shown for public use, including streets and alleys, are hereby dedicated to the public use and fee vests in Lea County. As a condition of acceptance, the Subdivider agrees to construct at his own expense, all roads, streets, and alleys within, and provide access to, the subdivision in full conformance with the requirements of the Lea County Subdivision Regulations and the approved schedule of compliance and, if required, phased development plan; and to sell or lease parcels only in accordance therewith.

The question on the proposed subdivision presented to the Board has to do with "improvements" as required by the County and the Municipal subdivision process, and more specifically the installation by the subdivider of any required street. Lea County subdivision Regulations Section 16.2.1 (A2&3) states that roads are necessary to "Protect public health and safety" and for "providing adequate access for public service vehicles". Additionally, Section 16.2.1 (C) states that "Within the

February 20, 2018
Planning Board Regular Meeting

extraterritorial jurisdiction area of each given town, all streets within a proposed subdivision shall be chipsealed”. Also, Section 16.2.1 (E) requires “a minimum (60) foot right-of-way, dedicated to the public use with fee vesting in Lea County, for all streets”, as well as imposing building setbacks on quarter-section lines of 35’ from the street right-of-way line. Lastly, and most importantly, Section 16.2.1 (F) states “Block lengths shall not exceed thirteen hundred twenty (1320) feet”. In the case of the proposed subdivision the distance from the northern boundary adjacent to College Lane to the southern boundary is +/- 1,635’ or +/- 315’ greater than the required block length.

City of Hobbs MC Title 16 does require that block lengths not exceed eight hundred eighty (880) feet, however, historically the municipality has been approving ETJ subdivisions compliant with the County’s 1,320’ block length requirement. This primarily is a nod to the decreased density of rural development and the larger frontages required for lots needing water wells and septic systems. However, both County and Municipal regulations are clear that the subdivider is responsible for providing any public infrastructure that is required.

Both Lea County Subdivision Regulations and City of Hobbs Subdivision Regulations have incorporated therein variance procedures whereby a subdivision that is not compliant with the adopted rules and regulations may be approved. The importance each authority places on the adopted subdivision regulation(s) is apparent based on the difficulty required to obtain a variance. The Lea County Board of Commissioners has retained the authority to grant variances from County Subdivision regulation (Section 7.4, included), however, the City of Hobbs Commission has bestowed unto the Planning Board variance authority (MC 16.04.020 included) provided that a variance “will not have the effect of nullifying the intent and purpose of such regulations.”

- 7.3.3. **Scheduling and Notification.** Within sixty (60) days after the date of receipt of the statement of vacation and payment of appropriate review fees, the Board of County Commissioners shall approve or deny the vacation, subject to the following:
- A. Action shall be taken at a public meeting.
 - B. At least fifteen (15) days before the proposed meeting, all owners of record of property within the subdivided land to be vacated and all owners of record of property contiguous to the subdivided land to be vacated shall have been notified by mail of the proposed vacation and the date, time and place of the public meeting at which the vacation will be considered by the Board of County Commissioners.
 - C. Relevant utilities and other agencies have been notified.
- 7.3.4. **Action.** In approving the vacation of all or a part of a final plat, the Board of County Commissioners shall decide whether the vacation will adversely affect the interests of persons on contiguous land or of persons within the subdivision being vacated. In approving the vacation of all or a portion of a final plat, the Board of County Commissioners may require that roads dedicated to the County in the final plat continue to be dedicated to the County.
- 7.3.5. **Filing.** The approved statement declaring the vacation of a portion or all of a final plat shall be filed in the office of the County Clerk. The County Clerk shall mark the final plat with the words "Vacated" or "Partially Vacated" and refer on the final plat to the volume and page on which the statement of vacation is recorded.
- 7.3.6. **Utilities.** The rights of any utility existing before the total or partial vacation of any final plat are not affected by the vacation of a final plat.

Section 7.4. Variances.

Where, a subdivider can demonstrate that strict compliance with the requirements of these Regulations would result in a substantial or unreasonable hardship to the subdivider because of exceptional topographic, soil or other surface or subsurface conditions, or that strict compliance with these Regulations would result in inhibiting the achievement of the objectives of these Regulations, the County may vary, modify, or waive the requirements.

- 7.4.1. **Planned Development Area.** The County may grant a variance from the standards and requirements of these Regulations if it is presented with a plan and program for a new town, a complete community, or a neighborhood unit, which, in the judgment of the County provides 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 provides such covenants and other legal provisions as will assure conformity to and achievement of the plan.
- 7.4.2. **Conditions and limitations.** A variance shall not be granted which will cause the County to absorb costs over and above those typically associated with subdivision approval. In recommending variances, the County Planning and Zoning Board may require such conditions as will:
- A. Substantially secure the objectives of the standards of these Regulations; and

- B. Not adversely affect the health, safety, and general welfare of the public, if otherwise consistent with the general purpose and intent of these Regulations and if not injurious or detrimental to the surrounding area.

7.4.3. Procedures. The following procedures and requirements shall apply to all requests for variances under these Regulations.

- A. Requests for variances shall be submitted in writing prior to or at the time of request for preliminary plat approval on a form provided by the County for that purpose.
- B. Variance requests shall be reviewed by the County Planning and Zoning Board in public hearings prior to or concurrent with public hearings that are held for recommendations for approval or denial of the preliminary plat.
- C. Notice of the request for variance shall be given in the same manner as notice is provided for any public hearing required in these Regulations and shall comply with the requirements of the Open Meetings Act of the State of New Mexico.
- D. Variance requests shall be submitted to the state or other reviewing agency having expertise with respect to the subject matter for which the variance is sought, and shall be governed by the same time limits.
- E. The County Planning and Zoning Board shall make written findings of fact regarding each of the requirements of these Regulations and shall produce those findings of fact and a recommendation on each request for variance. The record shall be submitted to the Board of County Commissioners for a final decision. The Commission may accept, reject, or modify the recommendation of the Planning and Zoning Board.
- F. Notice of the final decision and order shall be prepared, signed and filed with the County Manager's Office within five (5) working days after the final approval is obtained from Board of County Commissioners at the public hearing at which the variance is considered.

Section 7.5. Exemptions

7.5.1. Approval Required. It is unlawful for any person to divide a surface area of land, including land within a previously approved subdivision, into two or more parcels for the purpose of sale, lease or other conveyance or for building development, whether immediate or future, unless such person either obtains approval for a subdivision as provided in these Regulations or files and obtains approval for a Claim of Exemption as provided in this Article.

7.5.2. Verification of Exemption.

- A. Any person claiming entitlement to an exemption under the provision of these Regulations shall file a written claim of exemption on the form prescribed in the Appendix of these Regulations with the County Manager before making the land division for which the claim of exemption is made.
- B. The County Manager or his designee shall review the claim of exemption and supporting documents and shall mail written notice of whether the exemption has been approved or denied to the person claiming the exemption within thirty (30) days after receipt of the completed claim of exemption; provided, however, that the thirty (30) day period shall not begin to run until the person

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

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

16.04.020 - Variances and modifications.

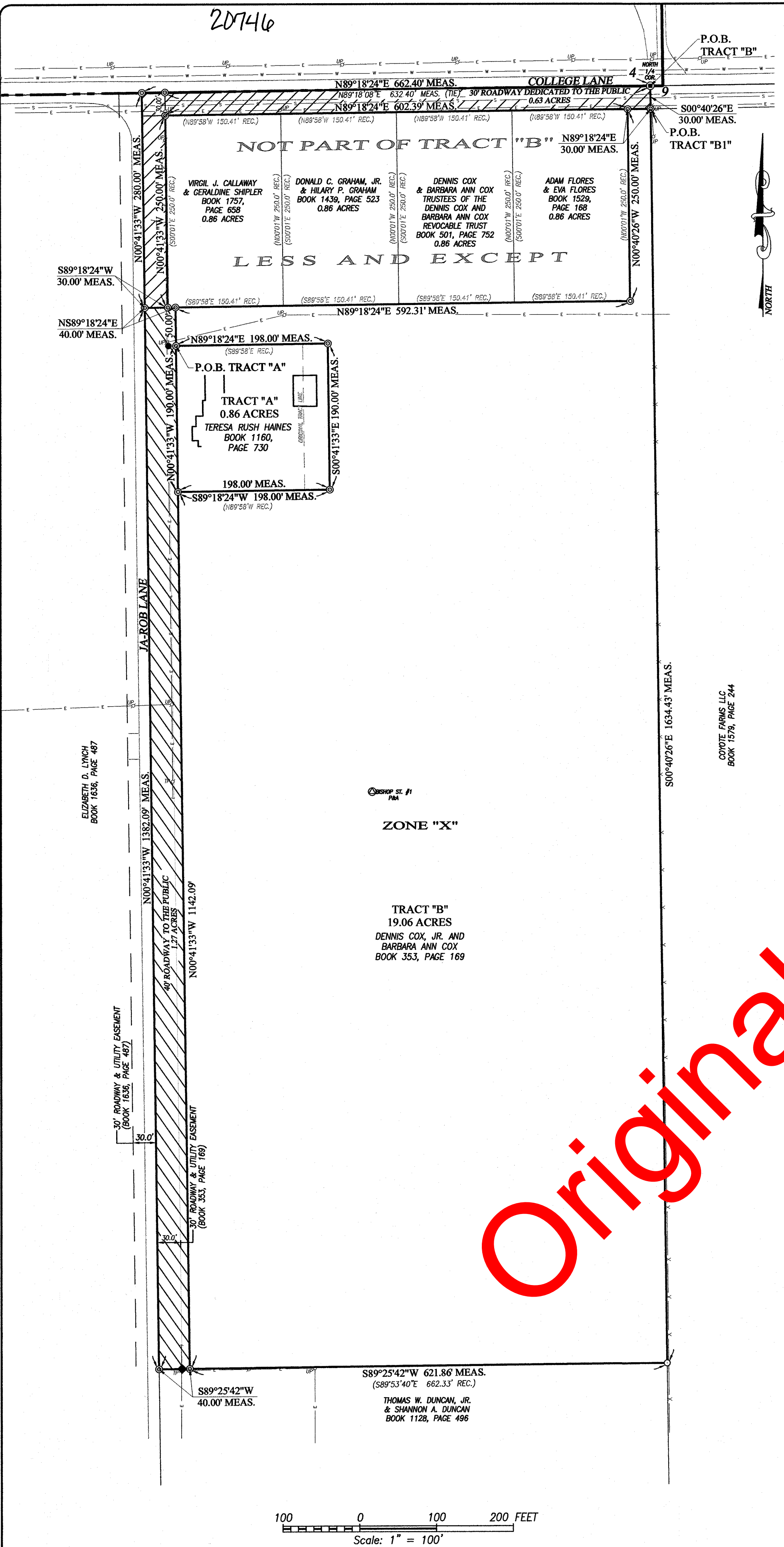
- A. Hardships. Where the Planning Board finds that extraordinary hardships may result from strict compliance with this title, it may vary the regulations contained in this title, so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect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

(Prior code § 25-2)

Chapter 16.08 - PLATS AND PLATTING PROCEDURE

16.08.010 - Application fee.

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

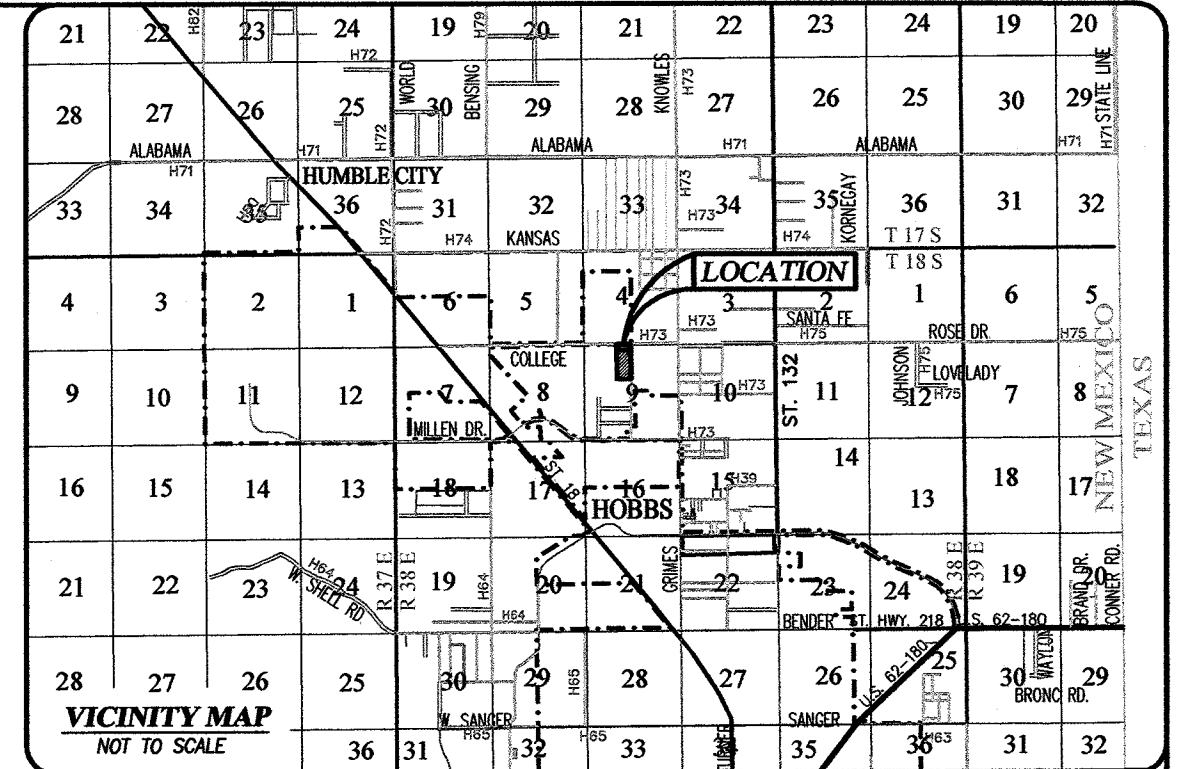


NOTE:

1) MEASURED BEARINGS SHOWN AS "MEAS." HEREON ARE MERCATOR GRID AND CONFORM TO THE NEW MEXICO COORDINATE SYSTEM "NEW MEXICO EAST ZONE" NORTH AMERICAN DATUM 1983. DISTANCES ARE SURFACE VALUES.

RECORD BEARINGS, IN PARENTHESIS, SHOWN AS (REC.) HEREON ARE RELATIVE TO THOSE BEARINGS DESCRIBED IN THOSE CERTAIN DEEDS OF RECORD FOR EACH TRACT.

2) CURRENT INGRESS/EGRESS TO THESE TRACTS IS VIA COUNTY ROAD 73 (COLLEGE LANE) AND/OR JA-ROB LANE.



CLAIM OF EXEMPTION - LEA COUNTY COX-HAINES LAND DIVISION

THE FOREGOING ALTERATION OF THE BOUNDARY OF THOSE CERTAIN TRACTS OF LAND DESCRIBED BY QUIT CLAIM DEED RECORDED IN BOOK 1160, ON PAGE 730 AND WARRANTY DEED RECORDED IN BOOK 353, ON PAGE 169, OF THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO, SAID TRACTS BEING SITUATED IN SECTION 9, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO BEING ALTERED AND REDESCRIBED AS FOLLOWS:

TRACT "A"
THAT CERTAIN TRACT OF LAND CONVEYED TO TERESA RUSH, BY QUIT CLAIM DEED RECORDED IN BOOK 1160, ON PAGE 730, IN THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO, AND BEING SITUATED IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO, BEING ENLARGED AND REDESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" STEEL ROD WITH CAP MARKED "JWSC P.S. 12641" SET FOR THE NORTHWEST CORNER OF THIS TRACT, WHICH LIES S89°18'24"W ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 632.40 FEET (N89°58'00"W 632.34 FEET RECORD), S00°41'33"E A DISTANCE OF 280.00 FEET (S00°01'30"W RECORD), N89°18'24"E A DISTANCE OF 10.00 FEET AND S00°41'33"E A DISTANCE OF 50.00 FEET FROM A 1/2" STEEL ROD WITH ALUMINUM CAP FOUND FOR THE NORTH QUARTER CORNER OF SAID SECTION 9; THEN N89°18'24"E A DISTANCE OF 198.00 FEET (S89°58'W RECORD) TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC P.S. 12641" SET FOR THE NORTHEAST CORNER OF THIS TRACT; THEN S00°41'33"E A DISTANCE OF 190.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC P.S. 12641" SET FOR THE SOUTHWEST CORNER OF THIS TRACT; THEN N89°18'24"E A DISTANCE OF 198.00 FEET (S89°58'W RECORD) TO A 1/2" STEEL ROD WITH CAP MARKED "PS 6541" FOUND FOR THE SOUTHWEST CORNER OF SAID TRACT; THEN N00°41'33"W A DISTANCE OF 190.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.86 ACRES MORE OR LESS.

TRACT "B":
A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO DENNIS COX, JR. AND BARBARA ANN COX, BY DEED RECORDED IN BOOK 353, ON PAGE 169, IN THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO, AND BEING SITUATED IN THE NORTH HALF (N/2) EAST HALF (E/2) EAST HALF (E/2) OF THE NORTHWEST QUARTER (NW/4) AND THE NORTHEAST QUARTER (NE/4) SOUTHWEST QUARTER (SW/4) NORTHWEST QUARTER (NW/4) OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" STEEL ROD WITH ALUMINUM CAP FOUND FOR THE NORTH QUARTER CORNER OF SAID SECTION 9 AND THE NORTHEAST CORNER OF THIS TRACT; THEN S00°40'26"E A DISTANCE OF 1664.43 FEET TO A 1/2" STEEL ROD FOUND FOR THE SOUTHWEST CORNER OF THIS TRACT; THEN S89°25'42"W A DISTANCE OF 661.86 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC P.S. 12641" SET FOR THE SOUTHWEST CORNER OF THIS TRACT; THEN N00°41'33"W A DISTANCE OF 190.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC P.S. 12641" SET FOR THE NORTH LINE OF SAID SECTION FOR THE NORTHWEST CORNER OF THIS TRACT; THEN N89°18'24"E ALONG SAID NORTH LINE OF SAID SECTION A DISTANCE OF 662.40 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT TRACT "A" DESCRIBED AS FOLLOWS:
BEGINNING AT A 1/2" STEEL ROD WITH CAP MARKED "PS 676" FOUND FOR THE NORTHWEST CORNER OF SAID TRACT, WHICH LIES S89°18'24"W A DISTANCE OF 632.40 FEET (N89°58'00"W 632.34 FEET RECORD) AND S00°41'33"E A DISTANCE OF 330.00 FEET (S00°01'30"W 330 FEET RECORD) FROM A 1/2" STEEL ROD WITH ALUMINUM CAP FOUND FOR THE NORTH QUARTER CORNER OF SAID SECTION 9; THEN N89°18'24"E A DISTANCE OF 208.00 FEET (S89°58'W RECORD) TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC P.S. 12641" SET FOR THE NORTHEAST CORNER OF SAID TRACT; THEN S00°41'33"E A DISTANCE OF 190.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC P.S. 12641" SET FOR THE SOUTHWEST CORNER OF SAID TRACT; THEN S89°18'24"W A DISTANCE OF 208.00 FEET (N89°58'W RECORD) TO A 1/2" STEEL ROD WITH CAP MARKED "PS 6541" FOUND FOR THE SOUTHWEST CORNER OF SAID TRACT; THEN N00°41'33"W A DISTANCE OF 190.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT: ADAM FLORES & EVA FLORES TRACT AS CONVEYED IN THAT CERTAIN WARRANTY DEED RECORDED IN BOOK 1529, ON PAGE 168, OF THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO.

LESS AND EXCEPT: DENNIS COX & BARBARA ANN COX, TRUSTEES OF THE DENNIS COX AND BARBARA ANN COX REVOCABLE TRUST TRACT AS CONVEYED IN THAT CERTAIN WARRANTY DEED RECORDED IN BOOK 501, ON PAGE 752, OF THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO.

LESS AND EXCEPT: DONALD C. GRAHAM, JR. & HILARY P. GRAHAM TRACT AS CONVEYED IN THAT CERTAIN WARRANTY DEED RECORDED IN BOOK 1439, ON PAGE 532, OF THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO.

LESS AND EXCEPT: VIRGIL J. CALLAWAY & GERALDINE SHIPLER TRACT AS CONVEYED IN THAT CERTAIN WARRANTY DEED RECORDED IN BOOK 1757, ON PAGE 658, OF THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO.

SAID TRACTS OF LAND BEING ALTERED AND REDESCRIBED WITH RIGHTS-OF-WAY AS SHOWN BEING DEDICATED TO THE PUBLIC, IT BEING THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS THEREOF SURVEYED AND ALTERED ACCORDING TO THE TRACTS AS THEY APPEAR ON THE PLAT AFFIXED HEREON.

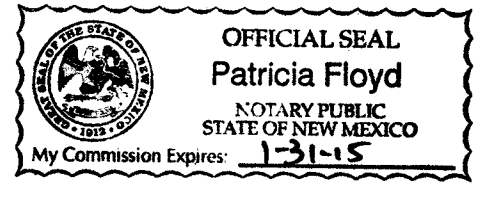
IN WITNESS WHEREOF, THE UNDERSIGNED OWNERS OF SAID LAND, HAVE HEREUNTO SET THEIR HAND THIS 14th DAY OF May, 2014.

Barbara Ann Cox
BARBARA ANN COX
BOOK 353, PAGE 169

ACKNOWLEDGMENT:

STATE OF NEW MEXICO
COUNTY OF LEA
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 14th DAY OF May, 2014 A.D., BY AND BARBARA ANN COX.

Patricia Floyd
NOTARY PUBLIC

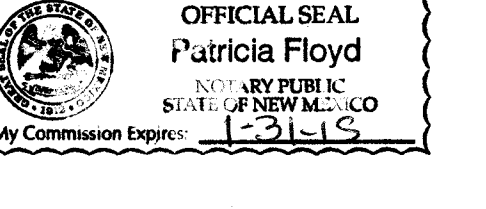


1-31-15
MY COMMISSION EXPIRES
Teresa Rush Haines
TERESA RUSH HAINES
BOOK 1160, PAGE 730

ACKNOWLEDGMENT:

STATE OF NEW MEXICO
COUNTY OF LEA
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 27th DAY OF May, 2014 A.D., BY TERESA RUSH HAINES.

Patricia Floyd
NOTARY PUBLIC



1-31-15
MY COMMISSION EXPIRES

TRACT "B1", A DESCRIPTION OF TRACT "B" REDESCRIBED PER THIS SURVEY WITH ROADWAY DEDICATIONS REMOVED:

THE REMAINING PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO DENNIS COX, JR. AND BARBARA ANN COX, BY DEED RECORDED IN BOOK 353, ON PAGE 169, IN THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO, AND BEING SITUATED IN THE NORTH HALF (N/2) EAST HALF (E/2) EAST HALF (E/2) OF THE NORTHWEST QUARTER (NW/4) AND THE NORTHEAST QUARTER (NE/4) SOUTHWEST QUARTER (SW/4) NORTHWEST QUARTER (NW/4) OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" STEEL ROD WITH CAP MARKED "JWSC P.S. 12641" SET FOR THE NORTHEAST CORNER OF THIS TRACT, WHICH LIES S00°40'26"E A DISTANCE OF 30.00 FEET FROM A 1/2" STEEL ROD WITH ALUMINUM CAP FOUND FOR THE NORTH QUARTER CORNER OF SAID SECTION 9; THEN S00°40'26"E A DISTANCE OF 1634.43 FEET TO A 1/2" STEEL ROD FOUND FOR THE SOUTHWEST CORNER OF THIS TRACT; THEN S89°25'42"W A DISTANCE OF 621.86 FEET TO A 1/2" STEEL ROD WITH ALUMINUM CAP MARKED "JWSC P.S. 12641" FOUND FOR THE SOUTHWEST CORNER OF THIS TRACT; THEN N00°41'33"W A DISTANCE OF 142.08 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC P.S. 12641" SET FOR A CORNER OF THIS TRACT; THEN N89°18'24"E A DISTANCE OF 198.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC P.S. 12641" SET FOR A CORNER OF THIS TRACT; THEN N00°41'33"E A DISTANCE OF 190.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC P.S. 12641" SET FOR A CORNER OF THIS TRACT; THEN S89°18'24"W A DISTANCE OF 198.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC P.S. 12641" SET FOR A CORNER OF THIS TRACT; THEN N89°18'24"E A DISTANCE OF 50.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC P.S. 12641" SET FOR A CORNER OF THIS TRACT; THEN N89°18'24"E A DISTANCE OF 592.31 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC P.S. 12641" SET FOR A CORNER OF THIS TRACT; THEN N00°40'26"W A DISTANCE OF 250.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC P.S. 12641" SET FOR THE MOST NORTHWESTERLY CORNER OF THIS TRACT; THEN N89°18'24"E A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, CONTAINING 19.06 ACRES MORE OR LESS.

CERTIFICATE OF APPROVAL OF EXEMPTION TO SUBDIVISION REGULATIONS BY LEA COUNTY:

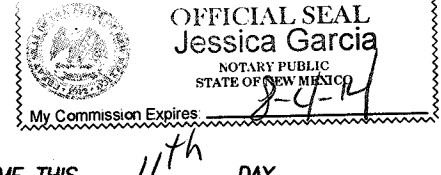
PURSUANT TO LEA COUNTY SUBDIVISION REGULATIONS, SECTION 7.5 (1997) CLAIM OF EXEMPTION MEET THE CRITERIA FOR THE DIVISION OF LAND RESULTING ONLY IN THE ALTERATION OF PARCEL BOUNDARIES WHERE PARCELS ARE ALTERED FOR THE PURPOSE OF INCREASING OR REDUCING THE SIZE OF CONTIGUOUS PARCELS AND WHERE THE NUMBER OF PARCELS IS NOT INCREASED AND IS APPROVED FOR A CLAIM OF EXEMPTION ON THIS 14th DAY OF May, 2014 A.D. LEA COUNTY ASSUMES NO RESPONSIBILITY FOR THE CONSTRUCTION OR MAINTENANCE OF ANY ROADWAY DEDICATION.

LEA COUNTY, NEW MEXICO
BY: *Michael Gallagher*
MICHAEL GALLAGHER, COUNTY MANAGER

ACKNOWLEDGMENT:

STATE OF NEW MEXICO
COUNTY OF LEA
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 14th DAY OF May, 2014 A.D., BY MICHAEL GALLAGHER, LEA COUNTY MANAGER.

Jessica Garcia
NOTARY PUBLIC



CERTIFICATE OF MUNICIPAL APPROVAL

I, KEVIN ROBINSON, DEVELOPMENT DIRECTOR FOR THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING PLAT WITHIN THE EXTRAJURISDICTIONAL JURISDICTION OF THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, WAS REVIEWED AND DEEMED COMPLIANT WITH THE MUNICIPAL SUMMARY PROCESS REGULATIONS ON THIS 27th DAY OF May, 2014 A.D.

Kevin Robinson
KEVIN ROBINSON, DEVELOPMENT DIRECTOR
ATTEST: *Jan Fletcher*
JAN FLETCHER, CITY CLERK



ACKNOWLEDGMENT:

STATE OF NEW MEXICO
COUNTY OF LEA
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 4th DAY OF June, 2014 A.D., BY KEVIN ROBINSON AND JAN FLETCHER.

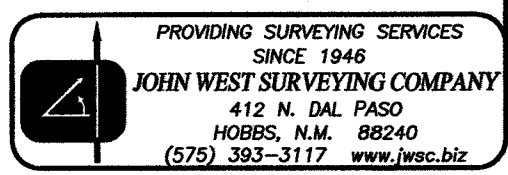
Andrea Bottshauser
ANDREA BOTTSHAUSER
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 1-31-17



SURVEYOR'S CERTIFICATE:

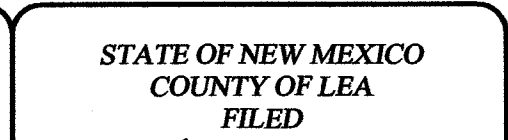
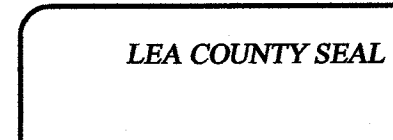
I, GARY G. EIDSON, NEW MEXICO PROFESSIONAL SURVEYOR No. 12641, DO HEREBY CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GARY G. EIDSON *Gary G. Eidson*
DATE: 5/30/14



Donna's Summary Subdivision (2013)
J3110377 Cox S9 T18 R38

JWSC File No.: E-3411
Survey Date: 04/26/13 Date: 02/26/14

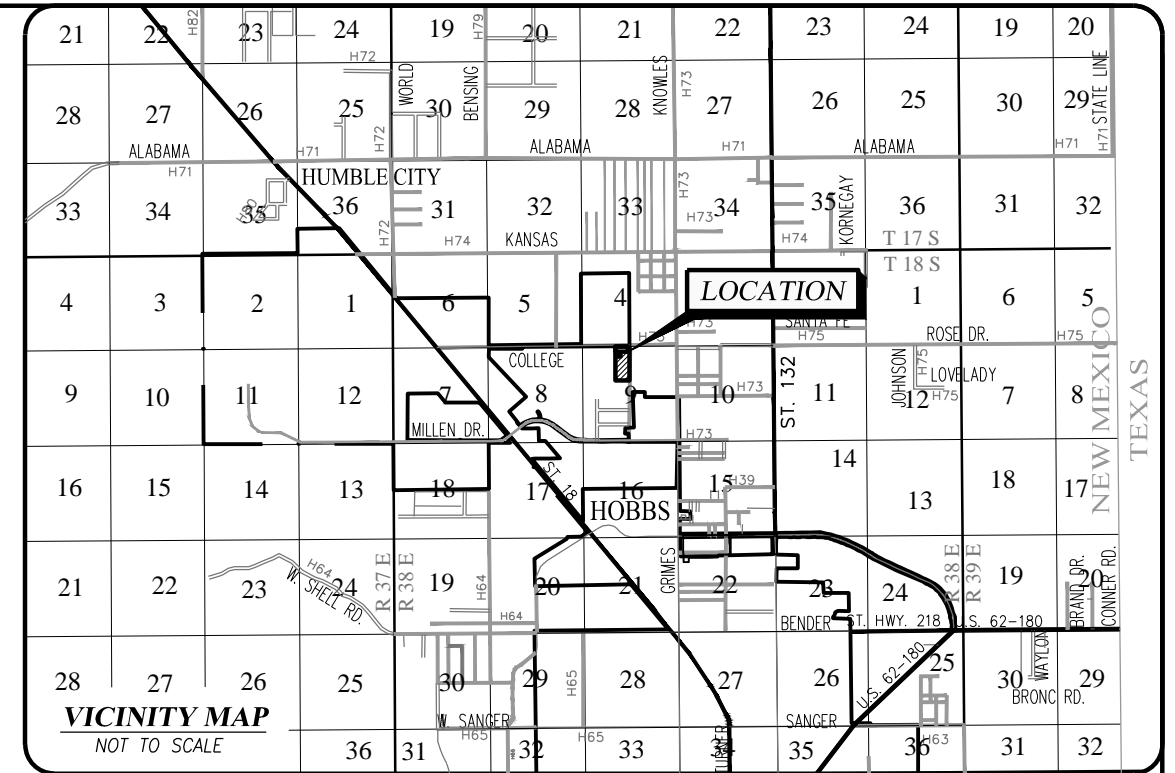


(Seal)
at 10:24 a.m. 2014
and recorded in:
Cabinet _____ Side _____
Book _____ Page _____
Pat Snipes Chappelle, Lea County Clerk
By: *Chantal* Deputy

412 N. DAL PASO
HOBBS, N.M. 88401
(505) 393-3117 www.jwsc.biz

SS-1337

This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.



CLAIM OF EXEMPTION - LEA COUNTY COX - HAINES BOUNDARY LINE ADJUSTMENT A BOUNDARY LINE ADJUSTMENT OF THOSE CERTAIN TRACTS OF LAND SITUATED IN THE EAST HALF OF THE WEST HALF OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M. LEA COUNTY, NEW MEXICO

TRACT "A1" TRACT "A" OF THAT CERTAIN CLAIM OF EXEMPTION - LEA COUNTY, COX - HAINES LAND DIVISION FILED JUNE 12, 2014, IN SURVEY BOOK 2, PAGE 217, LEA COUNTY RECORDS, LEA COUNTY, NEW MEXICO, AND BEING SITUATED IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO, BEING ENLARGED IN SIZE AND RE-DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET FOR THE NORTHWEST CORNER OF THIS TRACT, WHICH LIES S89°18'24"W ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 632.40 FEET, S00°41'33"E A DISTANCE OF 280.00 FEET, N89°18'24"E A DISTANCE OF 10.00 FEET AND S00°41'33"E A DISTANCE OF 30.00 FEET FROM A 1/2" STEEL ROD WITH ALUMINUM CAP FOUND FOR THE NORTH QUARTER CORNER OF SAID SECTION 9;

TRACT "B1": TRACT "B" OF THAT CERTAIN CLAIM OF EXEMPTION - LEA COUNTY, COX - HAINES LAND DIVISION FILED JUNE 12, 2014, IN SURVEY BOOK 2, PAGE 217, LEA COUNTY RECORDS, LEA COUNTY, NEW MEXICO, AND BEING SITUATED IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO, BEING REDUCED IN SIZE AND RE-DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET IN THE SOUTH RIGHT OF WAY LINE OF COLLEGE LANE FOR THE NORTHEAST CORNER OF THIS TRACT, WHICH LIES S00°40'26"E A DISTANCE OF 30.00 FEET FROM A 1/2" STEEL ROD WITH ALUMINUM CAP FOUND FOR THE NORTH QUARTER CORNER OF SAID SECTION 9; THEN S00°40'26"E A DISTANCE OF 1634.43 FEET TO A 1/2" STEEL ROD FOUND FOR THE SOUTHEAST CORNER OF THIS TRACT, THEN S89°25'42"W A DISTANCE OF 621.86 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" FOUND IN THE EAST RIGHT OF WAY LINE OF JA-ROB LANE FOR THE NORTHWEST CORNER OF THIS TRACT, THEN N00°41'33"W ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 1142.09 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" FOUND FOR A CORNER OF THIS TRACT, THEN N89°18'24"E A DISTANCE OF 198.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" FOUND FOR A CORNER OF THIS TRACT, THEN N00°41'33"E A DISTANCE OF 210.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET FOR A CORNER OF THIS TRACT, THEN S89°18'24"W A DISTANCE OF 198.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET IN THE EAST RIGHT OF WAY LINE OF JA-ROB LANE FOR A CORNER OF THIS TRACT, THEN N00°41'33"E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 30.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" FOUND FOR A CORNER OF THIS TRACT, THEN N89°18'24"E A DISTANCE OF 592.31 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" FOUND FOR A CORNER OF THIS TRACT, THEN N00°40'26"E A DISTANCE OF 250.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" FOUND IN THE SOUTH RIGHT OF WAY LINE OF COLLEGE LANE FOR THE MOST NORTHWESTERLY CORNER OF THIS TRACT, THEN N89°18'24"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, CONTAINING 18.97 ACRES MORE OR LESS.

TRACTS BEING ALTERED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS THEREOF SURVEYED AND SUBDIVIDED ACCORDING TO THE TRACTS AS THEY APPEAR ON THE PLAT AFFIXED HEREON. IN WITNESS WHEREOF, THE UNDERSIGNED OWNERS OF SAID LAND, HAVE HERETO SET THEIR HAND THIS DAY OF _____ 2017 A.D.

TERESA RUSH HAINES TRACT "A1" BARBARA ANN COX TRACT "B1"

ACKNOWLEDGMENT: STATE OF NEW MEXICO COUNTY OF LEA THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2017 A.D., BY BARBARA ANN COX.

NOTARY PUBLIC MY COMMISSION EXPIRES

ACKNOWLEDGMENT: STATE OF NEW MEXICO COUNTY OF LEA THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2017 A.D., BY TERESA RUSH HAINES.

NOTARY PUBLIC MY COMMISSION EXPIRES

CERTIFICATE OF APPROVAL OF EXEMPTION TO SUBDIVISION REGULATIONS BY LEA COUNTY: PURSUANT TO LEA COUNTY SUBDIVISION REGULATIONS, SECTION 7.5 (1997) CLAIM OF EXEMPTION MEET THE CRITERIA FOR THE DIVISION OF LAND RESULTING ONLY IN THE ALTERATION OF PARCEL BOUNDARIES WHERE PARCELS ARE ALTERED FOR THE PURPOSE OF INCREASING OR REDUCING THE SIZE OF CONTIGUOUS PARCELS AND WHERE THE NUMBER OF PARCELS IS NOT INCREASED AND IS APPROVED FOR A CLAIM OF EXEMPTION ON THIS _____ OF _____ 2017 A.D.

LEA COUNTY ASSUMES NO RESPONSIBILITY FOR THE CONSTRUCTION OR MAINTENANCE OF ANY ROADWAY DEDICATION. LEA COUNTY, NEW MEXICO BY: COREY NEEDHAM, LEA COUNTY MANAGER DESIGNEE

ACKNOWLEDGMENT: STATE OF NEW MEXICO COUNTY OF LEA THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2017 A.D., BY COREY NEEDHAM, LEA COUNTY MANAGER DESIGNEE.

NOTARY PUBLIC MY COMMISSION EXPIRES

CERTIFICATE OF MUNICIPAL APPROVAL I, KEVIN ROBINSON, DEVELOPMENT DIRECTOR FOR THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING PLAT WITHIN THE EXTRAJURISDICTIONAL JURISDICTION OF THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, WAS REVIEWED AND DEEMED COMPLIANT WITH THE MUNICIPAL SUMMARY PROCESS REGULATIONS ON THIS _____ DAY OF _____ 2017 A.D.

KEVIN ROBINSON, DEVELOPMENT DIRECTOR ATTEST: JAN FLETCHER, CITY CLERK

ACKNOWLEDGMENT: STATE OF NEW MEXICO COUNTY OF LEA THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2017 A.D., BY KEVIN ROBINSON AND JAN FLETCHER.

NOTARY PUBLIC MY COMMISSION EXPIRES

CERTIFICATE OF MUNICIPAL APPROVAL I, KEVIN ROBINSON, DEVELOPMENT DIRECTOR FOR THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING PLAT WITHIN THE EXTRAJURISDICTIONAL JURISDICTION OF THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, WAS REVIEWED AND DEEMED COMPLIANT WITH THE MUNICIPAL SUMMARY PROCESS REGULATIONS ON THIS _____ DAY OF _____ 2017 A.D.

KEVIN ROBINSON, DEVELOPMENT DIRECTOR ATTEST: JAN FLETCHER, CITY CLERK

ACKNOWLEDGMENT: STATE OF NEW MEXICO COUNTY OF LEA THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2017 A.D., BY KEVIN ROBINSON AND JAN FLETCHER.

NOTARY PUBLIC MY COMMISSION EXPIRES

CERTIFICATE OF MUNICIPAL APPROVAL I, KEVIN ROBINSON, DEVELOPMENT DIRECTOR FOR THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING PLAT WITHIN THE EXTRAJURISDICTIONAL JURISDICTION OF THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, WAS REVIEWED AND DEEMED COMPLIANT WITH THE MUNICIPAL SUMMARY PROCESS REGULATIONS ON THIS _____ DAY OF _____ 2017 A.D.

KEVIN ROBINSON, DEVELOPMENT DIRECTOR ATTEST: JAN FLETCHER, CITY CLERK

ACKNOWLEDGMENT: STATE OF NEW MEXICO COUNTY OF LEA THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2017 A.D., BY KEVIN ROBINSON AND JAN FLETCHER.

NOTARY PUBLIC MY COMMISSION EXPIRES

CERTIFICATE OF MUNICIPAL APPROVAL I, KEVIN ROBINSON, DEVELOPMENT DIRECTOR FOR THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING PLAT WITHIN THE EXTRAJURISDICTIONAL JURISDICTION OF THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, WAS REVIEWED AND DEEMED COMPLIANT WITH THE MUNICIPAL SUMMARY PROCESS REGULATIONS ON THIS _____ DAY OF _____ 2017 A.D.

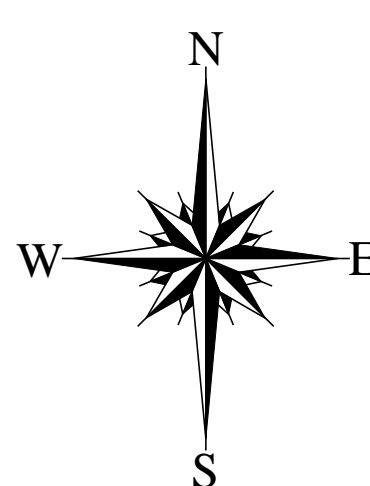
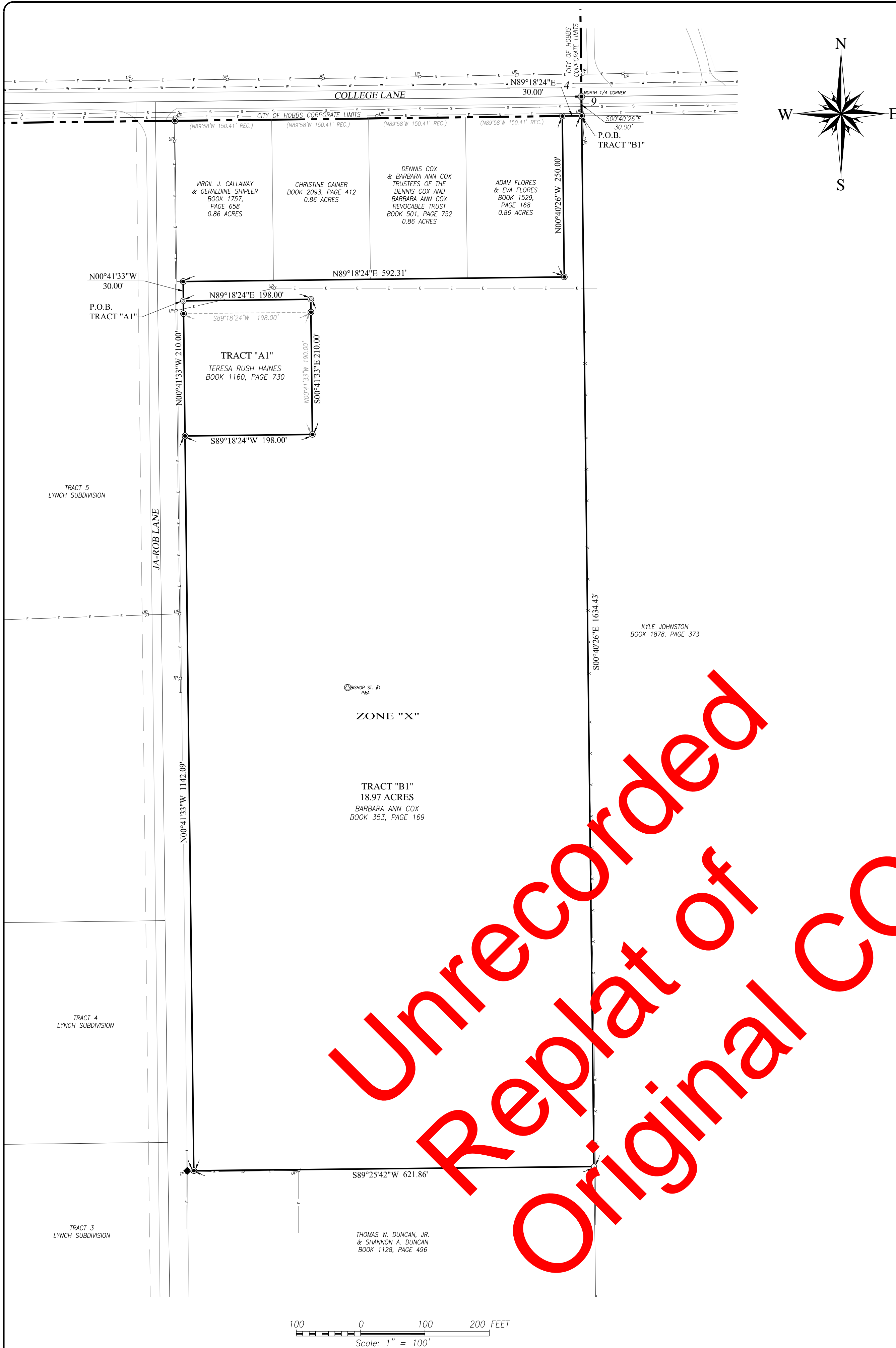
KEVIN ROBINSON, DEVELOPMENT DIRECTOR ATTEST: JAN FLETCHER, CITY CLERK

ACKNOWLEDGMENT: STATE OF NEW MEXICO COUNTY OF LEA THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2017 A.D., BY KEVIN ROBINSON AND JAN FLETCHER.

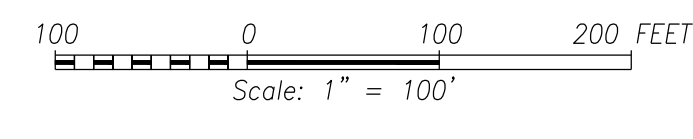
NOTARY PUBLIC MY COMMISSION EXPIRES

CERTIFICATE OF MUNICIPAL APPROVAL I, KEVIN ROBINSON, DEVELOPMENT DIRECTOR FOR THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING PLAT WITHIN THE EXTRAJURISDICTIONAL JURISDICTION OF THE CITY OF HOBBS, LEA COUNTY, NEW MEXICO, WAS REVIEWED AND DEEMED COMPLIANT WITH THE MUNICIPAL SUMMARY PROCESS REGULATIONS ON THIS _____ DAY OF _____ 2017 A.D.

KEVIN ROBINSON, DEVELOPMENT DIRECTOR ATTEST: JAN FLETCHER, CITY CLERK



Unrecorded Replat of Original COE



LEGEND:

- DENOTES SET 1/2" STEEL ROD W/CAP MARKED "JWSC P.S. 12641"
- DENOTES FOUND 1/2" STEEL ROD W/CAP MARKED "JWSC P.S. 12641"
- DENOTES FOUND 1/2" STEEL ROD W/ALUM. CAP
- DENOTES FOUND 1/2" STEEL ROD
- DENOTES FOUND 1/2" STEEL ROD W/CAP MARKED "PS 676"
- DENOTES FOUND 1/2" STEEL ROD W/ALUM. CAP MARKED "HICKS PS 12348"
- DENOTES FOUND 1/2" STEEL ROD W/CAP MARKED "PS 6541"
- DENOTES OIL WELL (PLUGGED & ABANDONED)
- DENOTES SEWER LINE W/MANHOLE
- DENOTES WATER LINE W/METER
- DENOTES ELECTRIC LINE
- DENOTES UTILITY POLE AS NOTED
- DENOTES UTILITY POLE
- DENOTES TRANSFORMER POLE
- DENOTES ANCHOR WIRE

GENERAL 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) RUNOFF FROM LOTS SHALL NOT EXCEED HISTORICAL VALUES.
3) EXISTING UTILITY LOCATIONS SHOWN ARE FROM INFORMATION OBTAINED FROM THE CITY OF HOBBS, DEPARTMENT OF PUBLIC WORKS AND FIELD SURFACE OBSERVATIONS.
4) WITH RESPECT TO THE FLOOD INSURANCE RATE MAP FOR LEA COUNTY, NEW MEXICO AND INCORPORATED AREAS, PANEL 1170 OF 2150, MAP NO. 5025C11700, EFFECTIVE DATE, DECEMBER 16, 2008, THIS PROPERTY IS SITUATED IN ZONE X, WHICH IS DEFINED AS "AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN."

SURVEYOR'S CERTIFICATE: I, GARY G. EIDSON, NEW MEXICO PROFESSIONAL SURVEYOR No. 12641, DO HEREBY CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



GARY G. EIDSON DATE:

PROVIDING SURVEYING SERVICES SINCE 1946 JOHN WEST SURVEYING COMPANY 412 N. DAL PASO HOBBBS, N.M. 88240 (575) 393-3117 www.jwsc.biz TBP/LS# 10021000

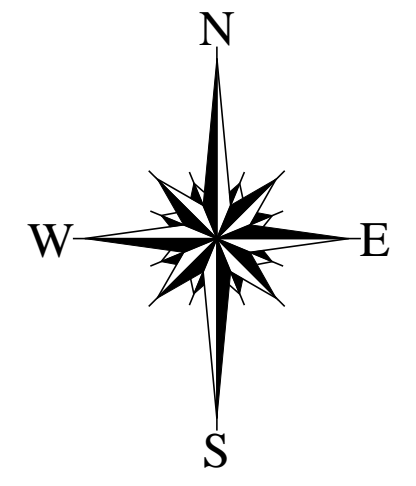
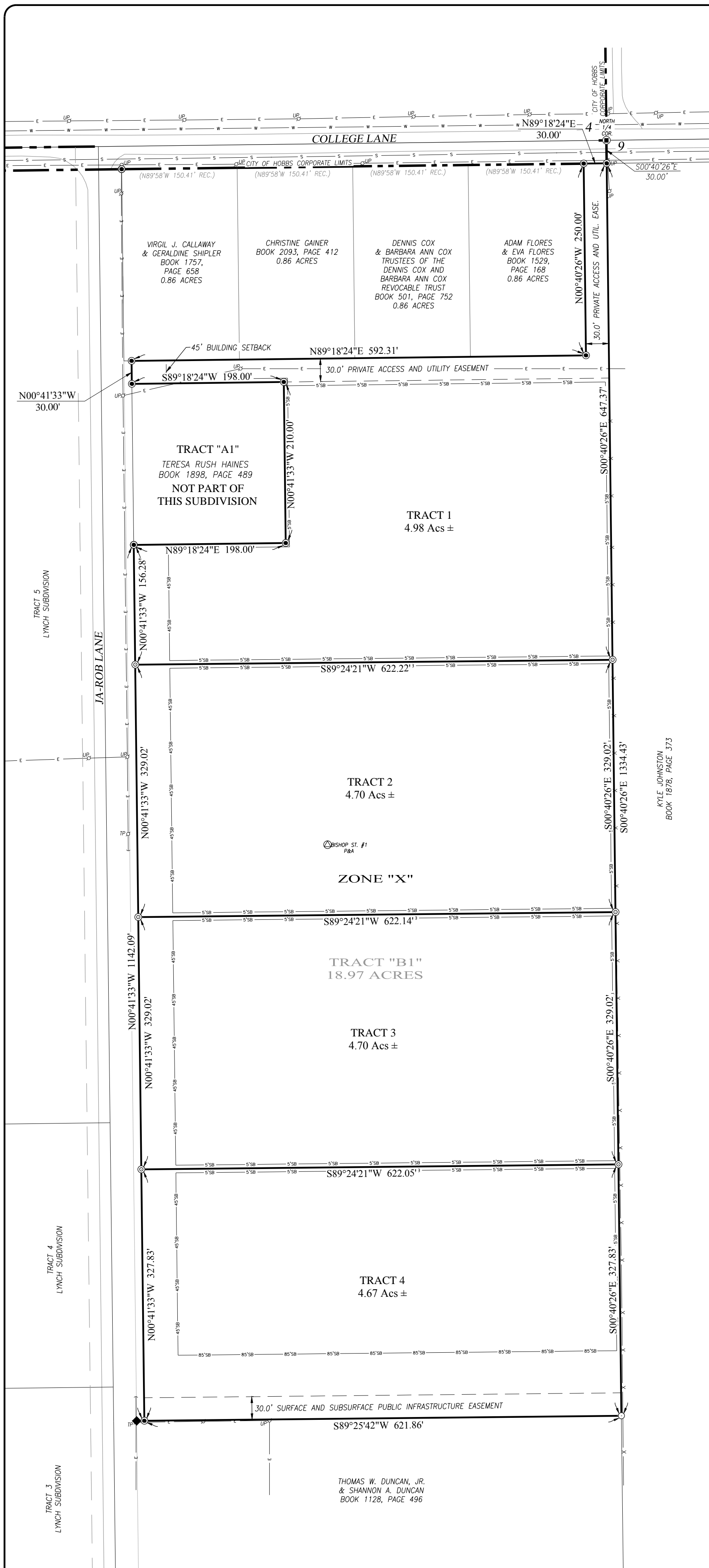
©(JamaS)\Claim of Exemption\2017\17110489 COE Barbara Cox 59 T185 R38E JWSC File No.: E-3411A CAD Date: 9/6/17

STATE OF NEW MEXICO COUNTY OF LEA FILED

and recorded in: Cabinet _____ Slide _____

PRELIMINARY FEBRUARY 1, 2018

This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.



BARBARA COX SUBDIVISION
A TYPE THREE "A" SUBDIVISION OF TRACT B1, AS DESCRIBED ON THAT CERTAIN "CLAIM OF EXEMPTION - LEA COUNTY, COX-HAINES BOUNDARY LINE ADJUSTMENT," FILED DECEMBER 18, 2017, IN SURVEY BOOK 2, PAGE 485, LEA COUNTY RECORDS AND BEING SITUATED IN THE EAST HALF OF THE WEST HALF OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO

GENERAL 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) EXISTING UTILITY LOCATIONS SHOWN ARE FROM INFORMATION OBTAINED FROM THE CITY OF HOBBS, DEPARTMENT OF PUBLIC WORKS AND FIELD SURFACE OBSERVATIONS.
3) WITH RESPECT TO THE FLOOD INSURANCE RATE MAP FOR LEA COUNTY, NEW MEXICO AND INCORPORATED AREAS, PANEL 1335 OF 2150, MAP No. 35025C1335D, EFFECTIVE DATE, DECEMBER 16, 2008, PORTIONS OF THIS PROPERTY ARE SITUATED IN THE FOLLOWING ZONES (GRAPHICAL LOCATION BASED ON INFORMATION PROVIDED BY THE CITY OF HOBBS ENGINEERING DEPARTMENT):
ZONE X (OUTSIDE). ZONE X IS DEFINED AS "AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN."

OWNER'S STATEMENT, DEDICATION AND AFFIDAVIT:

THE FOREGOING SUBDIVISION OF A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO BARBARA COX, BY DEED RECORDED IN BOOK 353, ON PAGE 169, IN THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO, AND BEING SITUATED IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET IN THE SOUTH RIGHT OF WAY LINE OF COLLEGE LANE FOR THE NORTHEAST CORNER OF THIS TRACT, WHICH LIES S00°40'26"E A DISTANCE OF 30.00 FEET FROM A 1/2" STEEL ROD WITH ALUMINUM CAP FOUND FOR THE NORTH QUARTER CORNER OF SAID SECTION 9; THEN S89°18'24"E A DISTANCE OF 1634.43 FEET TO A 1/2" STEEL ROD FOUND FOR THE SOUTHWEST CORNER OF THIS TRACT; THEN S89°25'42"W A DISTANCE OF 621.86 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" FOUND IN THE EAST RIGHT OF WAY LINE OF JA-ROB LANE FOR THE SOUTHWEST CORNER OF THIS TRACT; THEN N00°41'33"W ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 1142.09 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" FOUND FOR A CORNER OF THIS TRACT; THEN N89°18'24"E A DISTANCE OF 198.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" FOUND FOR A CORNER OF THIS TRACT; THEN N00°41'33"E A DISTANCE OF 210.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET FOR A CORNER OF THIS TRACT; THEN S89°18'24"W A DISTANCE OF 198.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" SET IN THE EAST RIGHT OF WAY LINE OF JA-ROB LANE FOR A CORNER OF THIS TRACT; THEN N00°41'33"E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 30.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" FOUND FOR A CORNER OF THIS TRACT; THEN N89°18'24"E A DISTANCE OF 592.31 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" FOUND FOR A CORNER OF THIS TRACT; THEN N00°40'26"W A DISTANCE OF 250.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" FOUND FOR A CORNER OF THIS TRACT; THEN N00°40'26"E A DISTANCE OF 250.00 FEET TO A 1/2" STEEL ROD WITH CAP MARKED "JWSC PS 12641" FOUND FOR A CORNER OF THIS TRACT; THEN N89°18'24"E ALONG SAID SOUTH RIGHT OF WAY LINE OF COLLEGE LANE FOR THE MOST NORTHWESTERLY CORNER OF THIS TRACT; THEN N89°18'24"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, CONTAINING 18.97 ACRES MORE OR LESS.

THIS PROPERTY LIES WITHIN THE PLANNING AND ZONING JURISDICTION OF LEA COUNTY AND THE CITY OF HOBBS EXTRATERRITORIAL JURISDICTION.

SAID PROPERTY BEING SUBDIVIDED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS THEREOF SURVEYED AND SUBDIVIDED ACCORDING TO THE TRACTS AS THEY APPEAR ON THE PLAT AFFIXED HEREON.

IN WITNESS WHEREOF, THE UNDERSIGNED OWNERS OF SAID LAND, HAVE HEREUNTO SET THEIR HAND THIS ____ DAY OF _____, 2018 A.D.

BARBARA ANN COX
BOOK 1898, PAGE 489

ACKNOWLEDGMENT:

STATE OF NEW MEXICO
COUNTY OF LEA
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2018 A.D., BY BARBARA ANN COX.

NOTARY PUBLIC

MY COMMISSION EXPIRES

CERTIFICATE OF APPROVAL BY THE LEA COUNTY PLANNING & ZONING BOARD:

BE IT KNOWN THAT THE PLAT "BARBARA COX SUBDIVISION", IN THE EAST HALF OF THE WEST HALF OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO, CONSISTING OF LAND SUBDIVIDED AS PROPOSED IN LEA COUNTY, NEW MEXICO, WAS SUBMITTED TO THE LEA COUNTY PLANNING AND ZONING BOARD, ASSEMBLED AT A MEETING ON THE ____ DAY OF _____, 2018 A.D., AND THE SUBDIVISION AS SHOWN IN THE ATTACHED PLAT WAS THEREBY APPROVED AND ACCEPTED BY A MAJORITY OF THE SAID BOARD.

KALLIE WINDSOR, CHAIRMAN

ATTEST: KEITH MANES, COUNTY CLERK

ACKNOWLEDGMENT:

STATE OF NEW MEXICO
COUNTY OF LEA
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2018 A.D. BY KALLIE WINDSOR AND KEITH MANES.

NOTARY PUBLIC

MY COMMISSION EXPIRES

CERTIFICATE OF APPROVAL BY THE CITY PLANNING BOARD:

THE PLAT, RESTRICTIONS AND DEDICATION REVIEWED AND APPROVED ON THE ____ DAY OF _____, 2018 A.D. BY THE HOBBS PLANNING BOARD OF HOBBS, NEW MEXICO.

CHAIRMAN: WILLIAM M. HICKS, III

ACKNOWLEDGMENT:

STATE OF NEW MEXICO
COUNTY OF LEA
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2018 A.D., BY WILLIAM M. HICKS.

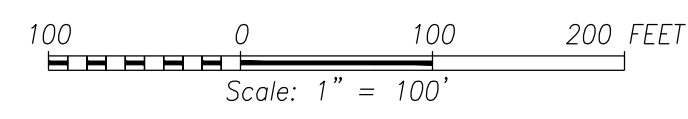
NOTARY PUBLIC

MY COMMISSION EXPIRES

CERTIFICATE OF MUNICIPAL APPROVAL BY RESOLUTION:

STATE OF NEW MEXICO
COUNTY OF LEA
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 "BARBARA COX SUBDIVISION," WAS APPROVED BY THE COMMISSION OF THE CITY OF HOBBS BY RESOLUTION No. _____ ON THE ____ DAY OF _____, 2018 A.D.

JAN FLETCHER, CITY CLERK



LEGEND:

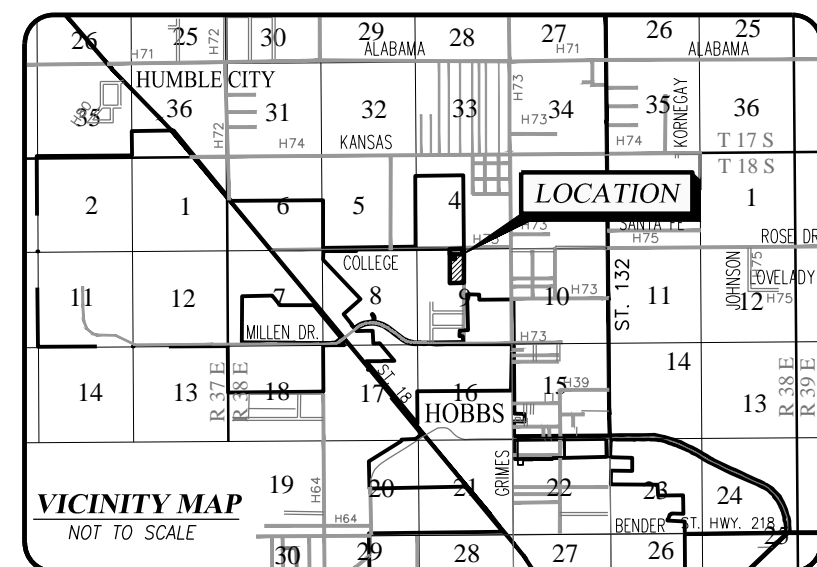
- - DENOTES SET 1/2" STEEL ROD W/CAP MARKED "JWSC P.S. 12641"
● - DENOTES FOUND 1/2" STEEL ROD W/CAP MARKED "JWSC P.S. 12641"
○ - DENOTES FOUND 1/2" STEEL ROD W/ALUM. CAP
○ - DENOTES FOUND 1/2" STEEL ROD
● - DENOTES FOUND 1/2" STEEL ROD W/CAP MARKED "PS 676"
◆ - DENOTES FOUND 1/2" STEEL ROD W/ALUM. CAP MARKED "THICKS PS 12348"
◇ - DENOTES FOUND 1/2" STEEL ROD W/CAP MARKED "PS 6541"
⊙ - DENOTES OIL WELL (PLUGGED & ABANDONED)
--- 85' --- DENOTES 85' BUILDING SETBACK LINE
--- 45' --- DENOTES 45' BUILDING SETBACK LINE
--- 5' --- DENOTES 5' BUILDING SETBACK LINE
--- S --- DENOTES SEWER LINE W/MANHOLE
--- W --- DENOTES WATER LINE W/METER
--- E --- DENOTES ELECTRIC LINE
--- U --- DENOTES UTILITY POLE AS NOTED
UP --- UTILITY POLE
TP --- TRANSFORMER POLE
--- --- DENOTES ANCHOR WIRE

SURVEYOR'S CERTIFICATE:

I, GARY G. EIDSON, NEW MEXICO PROFESSIONAL SURVEYOR No. 12641, DO HEREBY CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GARY G. EIDSON

PROVIDING SURVEYING SERVICES SINCE 1946
JOHN WEST SURVEYING COMPANY
412 N. DAL PASO HOBBBS, N.M. 88340
(575) 393-3117 www.jwsc.biz
TBL5# 10021000



Scale: One Inch = One Hundred Feet
CAD Drafter & Date: DSS - 02/01/18
JWSC W.O. No.: 17.11.0489
JWSC File No.: E-3411B
STATE OF NEW MEXICO
COUNTY OF LEA
FILED:
Date: _____
and recorded in:
Book _____ Page _____
Cabinet _____ Slide _____

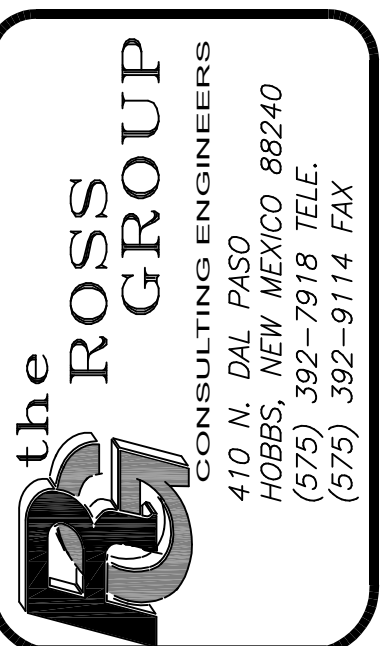
February 20, 2018
Planning Board Regular Meeting

- 7) **Review and Consider placement of a Subdivision Monument Sign within property that will be dedicated to the public, specifically the median area of Ranchland Boulevard, with the Final Plat approval of Tanglewood Unit Two at Ranchview Estates Subdivision.**



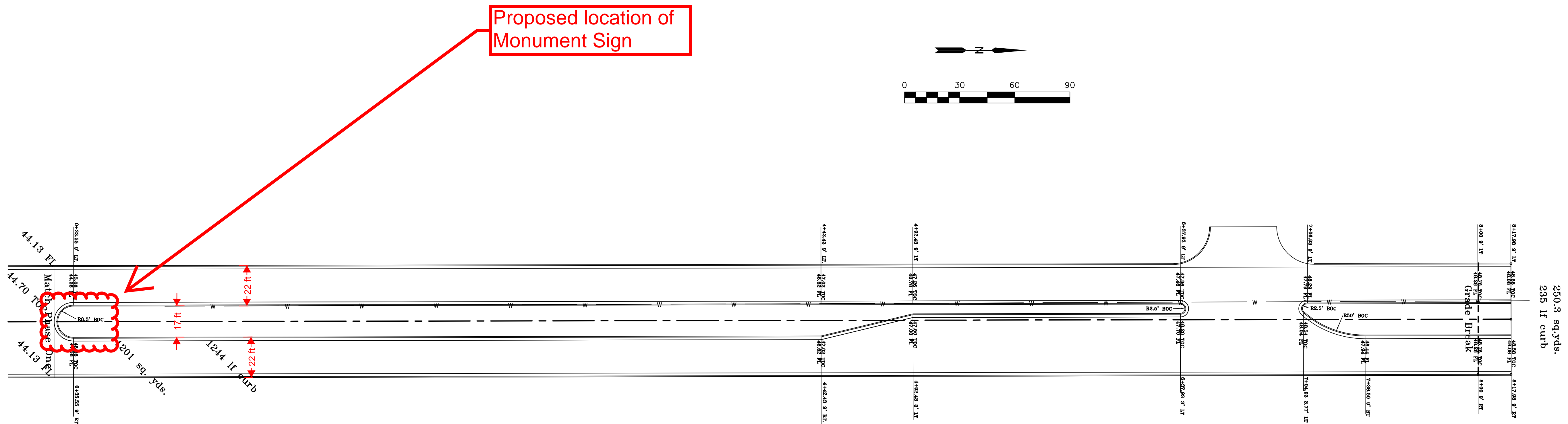
NO.	DATE	REVISIONS:	BY	CHK	ENGR	APP.
1						
2						
3						
4						
5						

TANGLEWOOD UNIT 2 AT RANCHVIEW ESTATES
RANCHLAND MEDIANS DETAIL



Drawn By:	Checked by:
PLR	PLR
Date:	Disk:
6-25-17	PROJECTS
File Name:	Job No.:

RANCHLAND MEDIANS SHEET
5A
5A of 15 +1 sheets

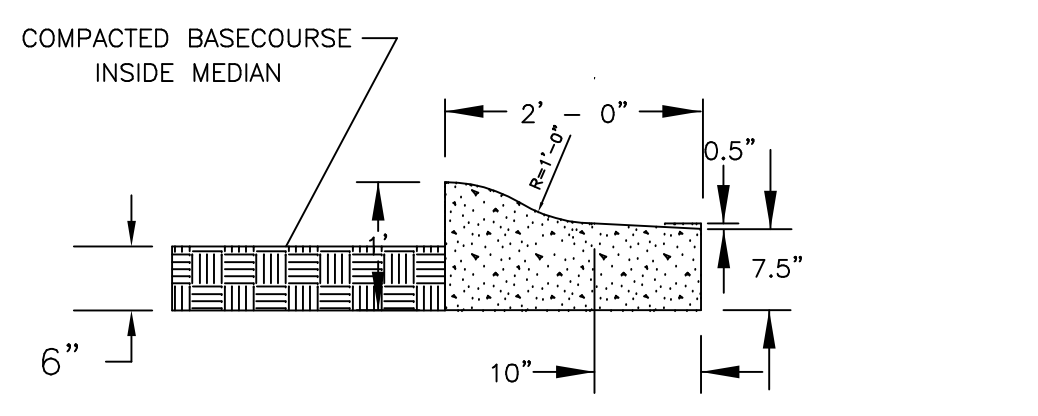


INSTALL 1" WATER SERVICE IN EACH MEDIAN

250.3 sq.yds.
235 lf curb

MOUNTABLE CURB AND GUTTER GENERAL NOTES:

- CONTRACTOR SHALL CONSTRUCT 3/4" TRANSVERSE BITUMINOUS EXPANSION JOINTS AT 30' INTERVALS, AT END OF DAY'S POUR, AND AT 30-MINUTE INTERRUPTIONS. WHEN CURB AND GUTTER IS PLACED BY MACHINE, INTERVAL MAY BE INCREASED TO 90'.
- CONTRACTOR SHALL CONSTRUCT TRANSVERSE CONTRACTION JOINTS (DUMMY JOINTS) AT 10' INTERVALS AND AT END OF RADIUS POINTS OR ISLAND NOSES.
- ALL CONCRETE SHALL HAVE A MINIMUM STRENGTH OF 3,000 PSI AT 28 DAYS.
- MATERIAL ON WHICH CONCRETE IS TO BE PLACED SHALL BE COMPACTED TO 90% OF MAXIMUM DENSITY AS DETERMINED BY AASHTO T-99, METHOD C.



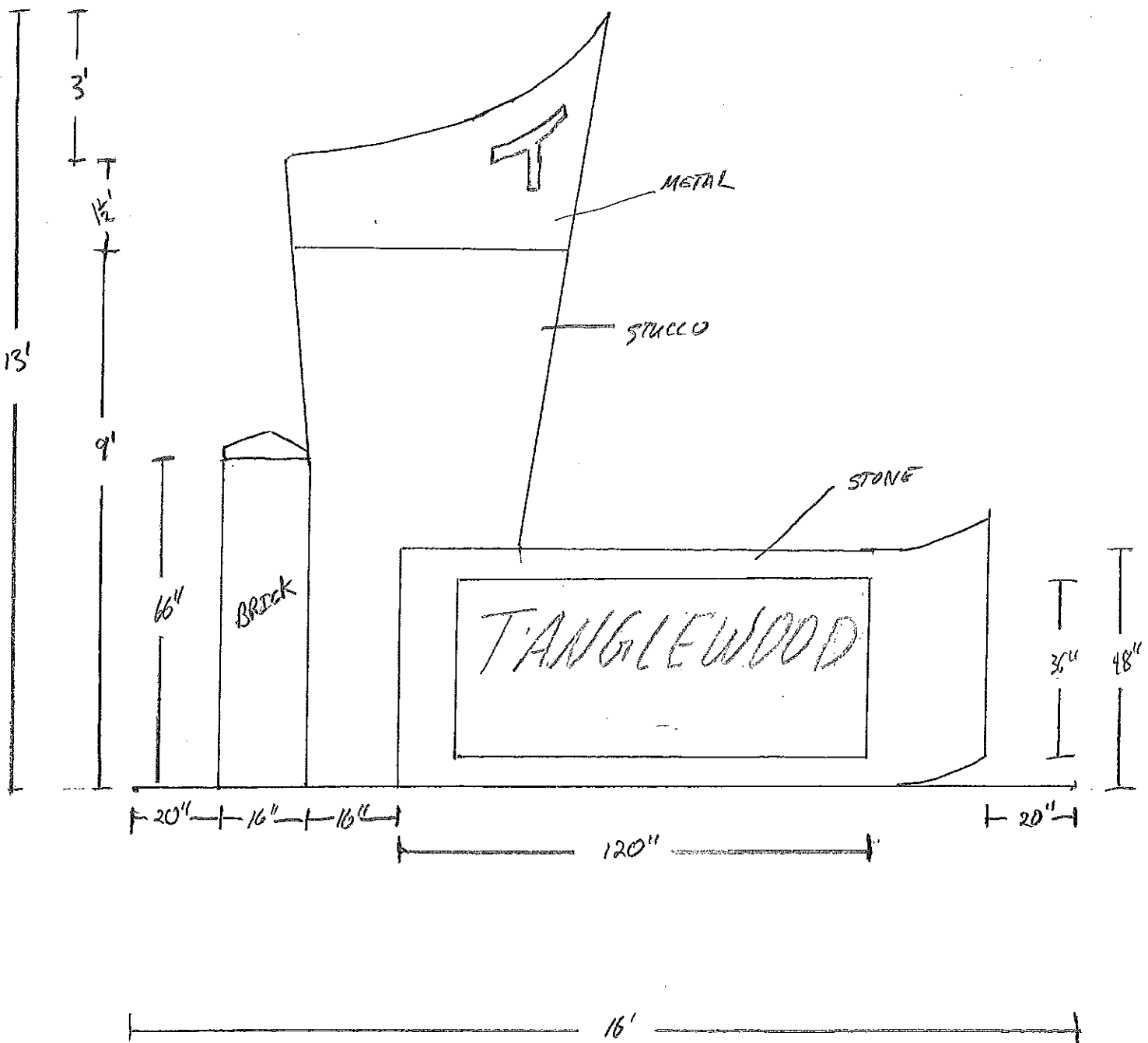
**MEDIAN CURB
CONCRETE MOUNTABLE (SPILL) CURB
AND GUTTER (8" X 24")**

NOT TO SCALE

ALSO DEVELOPMENT, LLC.

SIGN AT TANGLEWOOD

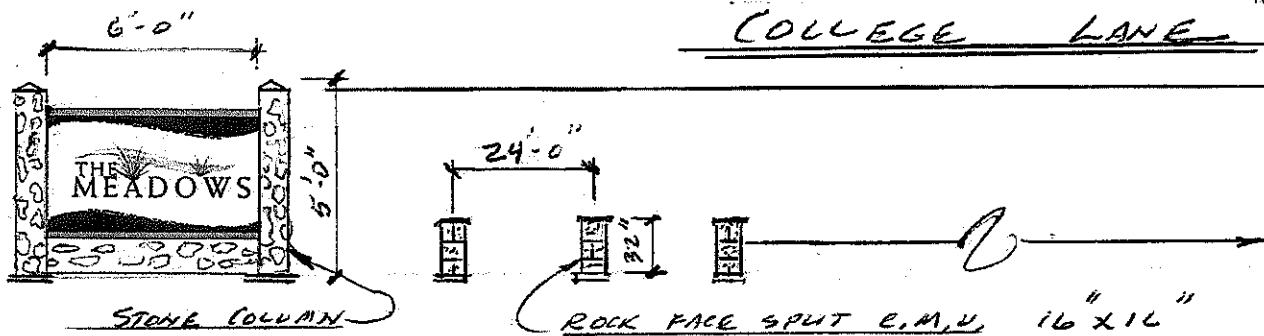
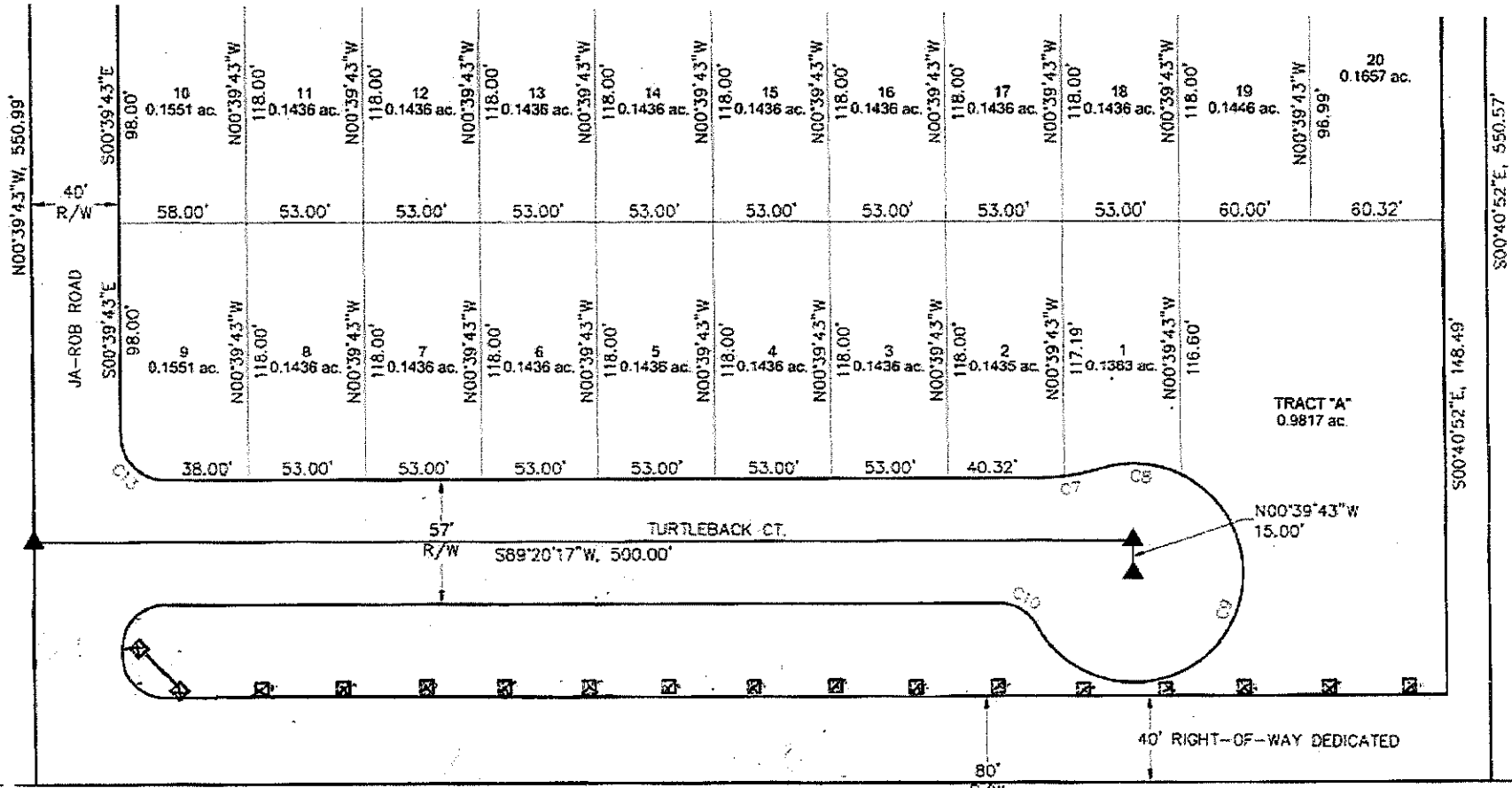
SIGN WILL BE CONSTRUCTED OF TWO 16X16X8 CINDER BLOCKS
ALL BLOCKS WILL FILLED SOLID W/CONCRETE AND #6 REBAR



February 20, 2018
Planning Board Regular Meeting

- 8) **Review and Consider placement of a Subdivision Monument Sign and bollards\posts within property that will be dedicated to the public with the Final Plat approval of the Meadows Subdivision, Unit 1.**

MONUMENTATION SCHEME



A stylized, monochromatic illustration of a meadow landscape. The scene features rolling hills in the background, rendered with fine horizontal lines. In the foreground, two large, spiky grasses with multiple blades radiating from a central point are positioned on either side of the text. The overall aesthetic is that of a woodcut or a fine-line print.

THE
MEADOWS

February 20, 2018
Planning Board Regular Meeting

- 9) **Review and Consider variance from MC 15.32.030 & 15.32.140 concerning the Reconstruction of an existing non-compliant Billboard located northeast of the intersection of Carlsbad Highway and Goings Lane.**

From: Carl Baxley <brightadsigns@windstream.net>
Sent: Monday, February 05, 2018 5:26 PM
To: Kevin Robinson
Subject: Variance request

Kevin

I would like to request a variance from planning and zoning committee on the location of the existing billboard located at 3300 W Marland. We would like to upgrade the board to an electronic double side message center. Please let me know if I can help further.

Carl



Pilot
PILOT
PILOT
PILOT

First Baptist
ASSEMBLY
of FAITH

LEWIS SPONCE
SUN FEB 6TH
10:30 AM

WALKER

For
God
and
Country

Desert
Reign

The
Freedom



Red pickup truck

SPEED LIMIT 60

SPEED LIMIT 60

Various small signs and logos


Large blank billboard

Desert Reign
The Freedom
For God and Country

Rusted metal debris



Pilot
335
PJ-FRESH
SUBWAY
Dunkin'

 Full Gospel
ASSEMBLY
of FAITH

Worship Services: 10:00 AM
Bible Study: 7:00 PM
Prayer Meeting: 7:00 PM
Singing: 7:00 PM
Pastor: Kevin Spencer

KEVIN SPENCER
SUN. FEB 4TH
10:30 AM

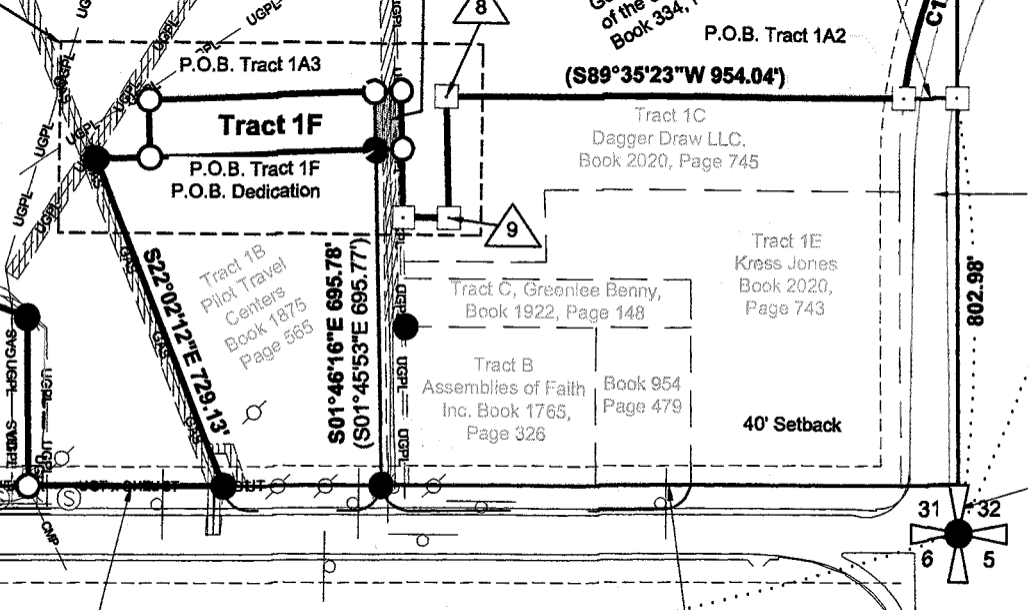
Pilot



ADVERTISE
HERE
575-290-0294



ADVERTISE
HERE
877-300-8088



$(S89^{\circ}35'23''W\ 954.04')$

Tract 1F

P.O.B. Tract 1F
P.O.B. Dedication

Tract 1C
Dagger Draw LLC.
Book 2020, Page 745

Tract 1B
Pilot Travel
Centers
Book 1875
Page 566

Tract C, Greenlee Benny,
Book 1922, Page 148

Tract 1E
Kress Jones
Book 2020,
Page 743

Tract B
Assemblies of Faith
Inc. Book 1765,
Page 326

40' Setback

$S22^{\circ}02'12''E\ 729.13'$

$S01^{\circ}46'16''E\ 695.78'$
 $(S01^{\circ}45'53''E\ 695.77')$

$802.98'$



February 20, 2018
Planning Board Regular Meeting

- 10) **DISCUSSION ITEM – Review & discuss Sub-committees work on the proposed Right – of – way management Ordinance.**

Proposed Ordinance

City of Hobbs Municipal Code entitled “Right of Way Management Regulations”

Chapter 12.20 RIGHT OF WAY MANAGEMENT REGULATIONS

- 12.20.010 Title.
- 12.20.020 Legislative findings.
- 12.20.030 Purposes.
- 12.20.040 Rules of Construction.
- 12.20.050 Definitions.
- 12.20.060 Authority.
- 12.20.070 Reservation of rights; police power.
- 12.20.080 Authorization required.
- 12.20.090 Construction standards.
- 12.20.100 Placement of facilities.
- 12.20.110 Relocation of facilities.
- 12.20.120 Restoration.
- 12.20.130 Work permits.
- 12.20.140 Business license.
- 12.20.150 Reimbursement of costs.
- 12.20.160 Administration and permitting to use space within the right of way.
- 12.20.170 Reserved.
- 12.20.180 Reports and records.
- 12.20.190 Bond of letter of credit.
- 12.20.200 Insurance.
- 12.20.210 Enforcement.
- 12.20.220 Indemnification.
- 12.20.230 Severability.

12.20.010 Title.

This chapter is known and may be cited as the CITY OF HOBBS RIGHT OF WAY MANAGEMENT ORDINANCE.

12.20.020 Legislative findings.

The City Commission hereby finds and declares:

A. That the public rights of way within the city can be partially occupied by infrastructures owned by the public, infrastructures owned by franchisees of the public utilized for the delivery of service so franchised and infrastructures owned by the private sector. ~~utilities and other service entities for facilities used in the delivery, conveyance, and transmission of services rendered by private or for profit entities, to the enhancement of the health, welfare, and general economic well-being of the city and its citizens;~~

B. That the public rights of way within the city are physically limited so that proper management by the city is necessary to maximize the efficiency and to minimize the costs to the taxpayers of the foregoing uses, to prevent foreclosure of future uses through premature exhaustion of available right of way capacity, and to minimize the inconvenience to the public from such facilities' construction, emplacement, relocation, and maintenance in the rights of way;

C. That the use of the public rights of way by multiple users renders more pressing the city's right of way management responsibilities;

D. That the public rights of way within the city are valuable public property acquired and maintained by the City at great expense to the taxpayers;

E. That the right to occupy portions of such public rights of way for limited times for the business of providing utility and information services is a valuable economic asset; and

F. The city's street and alley rights-of-way are owned or held by the city primarily for the purpose of pedestrian and vehicular passage and for the city's provision of essential public safety services, including police and fire services; the city's provision of public health services, including solid waste removal, sanitary sewer and storm drainage services; and other municipal operations and the means to support and provide those services — these interests are paramount.

12.20.030 Purposes.

The city commission adopts this chapter to better:

A. Manage a limited resource to the long term benefit of the public;

B. Recover and allocate the costs of managing the public rights of way;

C. Minimize inconvenience to the public occasioned by the emplacement and maintenance of facilities in the public rights of way;

D. Prevent premature exhaustion of capacity in the public rights of way to accommodate communications and other services; and

E. Promote competition in the provision of communications service in the city and ensure that citizens have a wide variety of services available to them by establishing clear and consistent rules by which providers may occupy the public rights of way.

12.20.040 Rules of construction.

A. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number, and words in the singular number include the plural number; and the masculine gender includes the feminine gender.

B. The words "shall" and "will" are mandatory, and "may" is permissive.

C. Unless otherwise specified, references to laws, ordinances or regulations shall be interpreted broadly to cover government actions, however nominated, and include laws, ordinances and regulations now in force or hereinafter enacted or amended.

D. Any conflict between this chapter and a city franchise agreement in favor of the terms of the city franchise agreement.

E. Nothing in this chapter shall be construed to create a special duty by the city to any owner or operator of a facility within the right of way.

F. Nothing in this chapter shall be construed to create any property interest or right to occupy space within the right of way whatsoever.

G. In the case of conflict, the rights granted to an owner or operator by federal or state law shall not be impaired.

12.20.050 Definitions.

For the purposes of this chapter the following terms, phrases, words, and abbreviations shall have the meanings given herein, unless otherwise expressly stated. Unless otherwise expressly stated, words not defined herein shall be given the meanings set forth in title 47 of the United States Code, as amended, and, if not defined therein, their common and ordinary meaning.

AFFILIATE: When used in relation to any person, means another person who de facto or de jure owns or controls, is owned or controlled by, or is under common ownership or control with, such person.

CITY: City of Hobbs, New Mexico, and any agency, department, or agent thereof.

CITY MANAGER: The person appointed pursuant to section 6.2 of this code or his\her designee.

CITY ENGINEER: The city engineer or the city engineer's designee.

COMMUNICATIONS FACILITY OR COMMUNICATIONS SYSTEM: Facilities for the provision of "communications services", as that term is defined herein.

COMMUNICATIONS SERVICES: Telecommunications services, interactive computer services, and any other services involving the transmission of information by electronic or optical signals, except that it shall not include cable service as that term is used in the cable communications policy act of 1984, as amended.

COMMISSION: The principal governmental body of the city of Hobbs, New Mexico, its officers, or a representative person or entity as may be designated to act on its behalf.

FACILITY OR FACILITIES: Any tangible asset in the public right of way ~~used to provide drainage, sanitary or storm sewer, gas, electric, water or communication/information services.~~

FEDERAL COMMUNICATIONS COMMISSION OR FCC: The federal communications commission or any successor.

FRANCHISE: An authorization granted by the city to an an person entity to construct, maintain, or emplace facilities generally upon, across, beneath, and over the public rights of way in the city, subject to the terms and conditions specified in a franchise agreement. The term also includes an authorization by the New Mexico PRC or other appropriate authority or as otherwise authorized by law.

FRANCHISE AGREEMENT: The contract entered into between the city and a grantee that sets forth the terms and conditions under which the franchise may be exercised.

GRANTEE: A person that has been granted a franchise by the city or right to operate within Hobbs or such other parties that wish to locate facilities in the right of way.

INFRASTRUCTURE OR INFRASTRUCTURES: to have the same meaning as FACILITY OR FACILITIES.

OWNER OR OPERATOR OF A FACILITY: Any person which has a possessory interest in such facility or which controls or is responsible for, through any arrangement, the management and operation of such facility.

PERMITTEE: A person who has received a permit to locate a facility or facilities within the right of way.

PERSON: Any individual, corporation, partnership, association, joint stock company, trust, governmental entity, or any other legal entity, but not the city

PUBLIC RIGHTS OF WAY: The surface and space above, on, and below any public highway, avenue, street, lane, alley, boulevard, concourse, driveway, bridge, tunnel, park, parkway, public easement, or right of way within the city in which the city now or hereafter holds any property interest which, consistent with the purposes for which it was dedicated or otherwise acquired, may be used for the purpose of constructing, operating, and maintaining a facility.

TELECOMMUNICATIONS: This term has the meaning ascribed to it in 47 USC section 153(43). TELECOMMUNICATIONS SERVICE: This term has the meaning ascribed to it in 47 USC section 153(46).

EXCAVATION ROW WORK PERMIT: An authorization issued by the city to enter upon the public rights of way at specified times and places to erect, construct, emplace, or otherwise work on facilities.

ROW OCCUPANCY EASEMENT PERMIT: An easement permit granted to a person, outside of a franchise agreement, specifying the location and terms allowing an emplacement of facilities within public right of ways.

12.20.060 Authority.

The City Commission, pursuant to the general powers; body politic and corporate powers, Section 3-18-1 NMSA 1978, specifically, to protect generally the property of its municipality and its inhabitants and to preserve peace and order within the municipality, enacts the ordinance codified in this chapter.

12.20.070 Reservation of rights; police power

All rights and privileges granted in a franchise agreement are subject to the police powers of the city and its rights under applicable laws and regulations to exercise its governmental powers to their full extent and to regulate a grantee and the construction, operation and maintenance of the grantee's system, including, but not limited to, the right to adopt, amend, and enforce ordinances and regulations as the city shall find necessary in the exercise of its police powers, the right to adopt and enforce applicable building, permitting and safety ordinances and regulations, the right to adopt and enforce ordinances and regulations relating to equal employment opportunities, and the right to adopt and enforce ordinances and regulations containing right of way, telecommunications, utility and cable television consumer protection and service standards and rate regulation provisions.

Further, nothing in this chapter shall prevent the City from constructing, repairing or replacing sewers; grading, paving, repairing, or replacing any right of way; or constructing, repairing, or replacing any other public work or facility, or from performing work pursuant to weather related activities or response to natural disasters. Nothing shall prevent the City from altering the layout or design of a right of way for public safety reasons.

12.20.080 Authorization required.

- A. No person shall install, erect, hang, lay, bury, draw, emplace, construct, reconstruct, maintain, or operate any facility upon, across, beneath, or over any public right of way in the city or other city property without first obtaining from the city the necessary authorization required under local, state or federal law.
- B. An owner or operator of facilities may be required to hold different authorizations for its use of the public rights of way to provide different services. For example, and without limitation, the owner or operator of facilities that provides both cable service and wireless internet service must obtain both a franchise agreement and any authorization needed to provide wireless internet service.

12.20.090 Construction standards.

- A. Compliance with Regulations; Safety Practices: Construction, operation, maintenance, and repair of facilities shall be in accordance with all applicable law and regulation, and with sound industry practice. All safety practices required by law shall be used during construction, maintenance, and repair of facilities.
- B. Excavations: No holder of any work permit for any facility shall dig, trench, or otherwise excavate in the public rights of way without complying with the provisions of the New Mexico one call system.
- C. Prevention Of Failures And Accidents: An owner or operator shall at all times employ at least ordinary care and shall install and maintain using commonly accepted methods and devices preventing failures and accidents that are likely to cause damage, injury, or nuisance to the public.
- D. Most Stringent Standards Apply: In the event of a conflict among codes and standards, the most stringent code or standard shall apply (except insofar as that standard, if followed, would result in a system that could not meet requirements of federal, state or local law, or is expressly preempted by other such standards).
- E. Construction Schedule: Every owner or operator shall, at least forty five (45) days prior to commencing significant construction activity (including a significant rebuild, upgrade, or repair to existing facilities)—emergencies excepted - upon, across, beneath, or over any public right of way in the city or other city property, strive to provide to the city in writing the date on which the owner or operator anticipates it will begin construction and the approximate length of time required for such construction. This timeframe represents a preference only.
- F. Coordination Of Construction With City: Prior to the erection, construction, upgrade, or rebuild of any facilities in the public right of way, the owner or operator of such facilities shall first submit to the city for written approval a concise description of the facilities proposed to be erected or installed, including engineering drawings, if required by the city, together with maps and plans indicating the proposed location of all such

facilities. The owner or operator shall provide the best information it has in such reasonable format as may be specified by the city engineer for the city's planning function. No such erection or construction shall be commenced by any person until approval therefor has been received from the city. At the time of such approval, the city shall inform the grantee whether the reports and other information described by subsection 12.20.180(C)(1) of this chapter shall be required with respect to the approved construction.

- G. **Coordination of Construction With Third Parties:** Developers or other parties planning the construction or opening of streets in the city shall provide reasonable notice to the city and to the owners or operators of facilities subject to this chapter so that joint trenching and joint emplacement of facilities may be conducted wherever practicable. Such owners and operators shall similarly provide notice to each other and to any relevant developers, for the same purpose. The city shall maintain a list of owners and operators of facilities subject to this chapter for reference by other parties.
- H. **City Engineer Stakeholder Meetings:** The city engineer may establish recurring meetings of businesses who make use of the right of way for their facilities and contractors who perform such work to discuss ongoing and upcoming projects to further the efforts of coordinating projects within the right of way.
- I. **Contractors and Subcontractors:** Any contractor or subcontractor used for work or construction, installation, operation, maintenance, or repair of facilities in the public rights of way must be properly licensed and insured under laws of the state and all applicable local ordinances. Each contractor or subcontractor shall have the same obligations with respect to its work as an owner or operator of the facility would have if the work were performed by the owner operator. An owner or operator shall be responsible for all activities carried out by its contractors, subcontractors and employees at the owner's or operator's request.
- J. **Publicizing Proposed Construction Work:** The owner or operator of facilities in the public rights of way shall notify the public prior to commencing any construction, other than emergency repair or overhead work that, in its determination, will significantly disturb or disrupt public property or have the potential to present a danger or affect the safety of the public generally. Written notice of such construction work shall be delivered to the city at least one week prior to commencement of that work. Notice shall be provided to those persons most likely to be affected by the work in at least one (1) of the following ways: by telephone, in person, by mail, by distribution of flyers to residences, by publication in local newspapers, by clearly legible signage at the location of the proposed work, or in any other manner reasonably calculated to provide adequate notice.

12.20.100 Placement of facilities.

- A. All facilities shall be installed and located to minimize interference with the rights and convenience of other property owners.
- B. An owner or operator of a facility shall not place facilities, equipment, or fixtures where they will interfere with any other facilities, or obstruct or hinder in any manner the

various utilities serving the residents of the city or their use of any public rights of way.

- C. The city may reasonably direct the specific placement of facilities to ensure that users of the public rights of way do not interfere with each other and that the public rights of way are used safely and efficiently. For example, in the case of an owner or operator of a fiber optic network that is not a franchisee, the city engineer may order extra ducts for fiber optic cable be installed for use by the city or other grantees or permittees when, in the opinion of the city engineer, the subject right of way is too congested due to existing facilities and space limitations or will likely be used by at least four other entities including the city for running fiber optic cable. Such company shall then certify to the city engineer the additional cost of said installation per linear foot which the city shall pay. Other future users of the surplus duct will be charged an upfront, one-time fee to locate in said duct to recover a proportional share of the city's upfront and carrying costs as calculated by the city engineer. This fee will be in addition to, and not in lieu of, any recurring, or one-time fee charged by city for location within the right of way.
- D. Every grantee or permittee that ceases operating or maintaining any facility shall, upon written request of the city within two (2) years of the cessation of maintenance of such facility, promptly remove it. Should the grantee or permittee neglect, refuse, or fail to remove such facility, the city may remove the facility at the expense of the grantee or permittee. The obligation to remove shall survive the termination of the franchise or permit for a period of two (2) years and shall be bonded. The city engineer may determine that it is in the best interests of the city to allow the facility to be wholly or partially abandoned in place.
- E. No owner or operator of a facility shall erect new aerial plant, other than to repair existing plant, in or on a public right of way in which both electric and telephone service providers have placed their lines underground, or in an area which the city has by ordinance forbidden new aerial plant to be constructed or existing aerial plant to be maintained.
- F. A grantee or permittee shall use, with the owner's permission, existing poles, conduits and other facilities whenever feasible. A grantee or permittee may not erect poles, conduits, or other facilities in public rights of way without the express permission of the city. Copies of agreements for use of conduits or other facilities shall be filed with the city upon city request.
- ~~G. To the extent practicable, aboveground equipment placed on private property shall be placed at the location requested by the property owner. An owner or operator shall provide affected homeowners with at least ten (10) days' advance written notice of its plans to install such equipment, and shall make reasonable efforts to confer with such homeowners before any work is done.~~
- ~~H. Whenever aboveground equipment is placed on private property within a utility easement, the grantee or permittee shall provide landscaping camouflage reasonably acceptable to the city engineer, at the grantee's or permittee's expense. It shall be the~~

~~grantee's or permittee's responsibility to negotiate the terms of the camouflage with the city engineer.~~

~~I.G.~~ The city engineer may develop and institute a standardized cross-section location protocol for new or reconstructed rights of way.

~~J. Unless exigent circumstances exist, no new facilities may be installed that disturb the roadway hard surface or subsurface/subbase within three years of the construction or reconstruction of the roadway.~~

12.20.110 Relocation of facilities.

The owner or operator of a facility on or within the public rights of way shall, at its own expense, upon written notice from the city reasonably in advance, promptly relocate any facility located on or within the public rights of way as the city may deem necessary or appropriate to facilitate the realignment (~~for public safety reasons~~), reconstruction, improvement or repair of public streets, sidewalks, curbs, drains, sewers, and public improvements of any sort; provided, however, that an operator may be permitted to abandon any property in place with the written consent of the city. This subsection does not apply to relocations covered by 12.20.100(F).

~~120.20.120~~ 12.20.120 Restoration.

- A. Unless governed contractually between the owner or operator and its customer, if an owner or operator of a facility disturbs a pavement, sidewalk, driveway or other surfacing, or landscaping, or other structure, either on private property or in public rights of way, the owner or operator shall, in a manner approved by the city engineer, replace and restore all pavement, sidewalk, driveway or other surfacing, or landscaping disturbed, in substantially the same condition and in a good, workmanlike, timely manner, in accordance with any standards for such work set by the city. Such restoration shall be undertaken within no more than ten (10) days after the damage is incurred, weather permitting, and shall be completed as soon as reasonably possible thereafter. The owner or operator shall guarantee and maintain restoration of a public improvement for at least one year against defective materials or workmanship.
- B. In the event an owner or operator of a facility fails to complete any work required for the protection or restoration of the public rights of way, or any other work required by city law or ordinance, within the time specified by and to the reasonable satisfaction of the city, the city, following notice and an opportunity to cure, may cause such work to be done, and the owner or operator of a facility shall reimburse the city the cost thereof within thirty (30) days after receipt of an itemized list of such costs; or the city may recover such costs through the security fund provided by an owner or operator of a facility, pursuant to the procedures for recovery from the security fund specified in the owner's or operator's franchise agreement.
- C. Any and all public rights of way, public property, or private property that is disturbed or damaged during the construction, repair, replacement, relocation, operation,

Commented [KR1]: Lets discuss further.

maintenance, or reconstruction of a system shall be promptly repaired by the owner or operator of a facility.

12.20.130 ~~Excavation-ROW Work permits~~ Permits.

- A. Unless otherwise provided by law, franchise, city authorization or emergency circumstances, no person shall install, erect, hang, lay, excavate, bury, draw, emplace, construct, or reconstruct any facility upon, across, beneath, or over any public right of way in the city, or enter into the public rights of way to work on a facility, without first obtaining an excavation permit therefor from the city. Notwithstanding the foregoing, under no provision in this chapter shall any excavation permit or other approval from the city be required to install, construct, repair, maintain or replace any service drop.
- B. Denial. The city engineer may deny an excavation permit for failure to meet the requirements of this chapter, failure to meet monetary obligations to the city or it is necessary to protect the health, safety and welfare or the right of way and its current use. Failure to meet the requirements includes, but is not limited to, striking or damaging another facility within the right of way.
- C. Large Capital Programs. The city engineer may develop and institute a special streamlined permit and inspection process for large capital programs by mutual agreement with the applicant or applicants in the case of a joint project after receiving authorizing from the city manager.
- D. The city engineer may issue a stop work order to anyone failing to secure the proper permit or for not following the ordinances or city standards.

12.20.140 Business license.

A franchise under this chapter does not render unnecessary or take the place of any generally applicable business license that may be required by the city for the privilege of transacting and carrying on a business within the city generally.

12.20.150 Reimbursement of costs.

All grantees or permittees will reimburse the city for its internal and out of pocket costs, including, but not limited to, attorney and consultant fees actually and reasonably incurred by the city in connection with an application for an initial franchise or permit under this chapter as determined by the city after it takes action on the application. Any application fee submitted with the application will be credited against this amount. The applicant will remit to the city payment for such costs within thirty (30) days of its receipt of the city's invoice.

12.20.160 Administration and permitting to use space within the right of way.

The city engineer shall oversee the following administrative functions:

- A. Collect any applicable fees from all owners or operators of facilities using public rights

of way in the city;

- B. After approval by separate ~~ordinance-resolution~~ of the applicability, amount and formula for a right of way occupancy fee, publish from time to time a schedule of applicable fees hereunder;
- C. Be responsible for the continuing enforcement of all terms and conditions of city-granted franchises as such pertains to the occupation of public right of ways.

The city engineer shall oversee permitting as follows:

- A. No person shall occupy or use public right-of-way for private purposes or the purpose of providing utility, communication, information or data services to customers without first obtaining a franchise or excavation permit from the city.
- B. The city shall not grant, issue, or enter into any franchise or occupation easement that grants or allows exclusive use or occupancy of the right-of-way. Any person seeking a franchise or excavation permit for use of city right-of-way shall make application for a franchise or excavation permit as provided in this chapter.
- C. An application for a franchise or excavation permit for an occupancy easement or use of a right-of-way shall be filed with the city engineer on a form developed and provided by the city engineer.

Authority to issue permit; form of permit and term.

- A. Permits required by this chapter shall be issued by the city engineer. The city engineer shall review each application and shall issue each permit which he or she determines to be in compliance with the requirements of this chapter and any other applicable local, state, or federal requirements. In issuing a permit, the city engineer may require a change in the proposed location of the permittee's equipment where necessary to avoid interference with other equipment placed within the public right-of-way.
- B. Permits issued pursuant to this chapter shall be in writing and shall be executed by the permittee. The form of permits to be issued pursuant to this division shall be uniform, but shall be subject to periodic review and modification. When available, the city engineer may implement an electronic or digital permit system.
- C. Limit on term of franchises; limit on initial or renewal term of permits.
 - (1) No franchise for use of the public right-of-way shall be granted for a term in excess of 10 years.
 - (2) No ~~permit issued~~ for use of the public right-of-way granted by the city engineer shall be issued or renewed for a term in excess of 10 years.
- D. ~~Existing Facilities. Any facilities~~ Non-franchisee facilities ~~emplaced and existing on or before November 1, 2017 and mapped are exempt prior to the adoption of this Ordinance located within a previously granted easement are ~~from~~ exempt from the~~

issuance of a permit.

Commented [KR2]: Discuss further.

E. Application for initial issuance of a permit; registration required.

A person desiring to obtain a permit allowing right of way -occupancy as required in this code shall make application for a permit for such use and occupancy as provided in this chapter, and shall pay an application fee for initial issuance of the permit. The application fee for initial issuance of a permit and any future changes thereto shall be effective upon its inclusion in a schedule of fees adopted by the city commission by resolution such fee shall be based upon the administrative costs of processing the permit. The application for initial issuance of a permit shall be filed with the city engineer not less than 60 days prior to the proposed effective date of the permit and shall be filed upon a form provided by the city for that purpose. The application shall include, at a minimum, the following information:

- (1) The name, address and telephone number of the applicant.
- (2) The name, address and telephone number of a responsible person whom the city may notify or contact at any time or in case of emergency concerning the equipment or utility system.
- (3) A statement of the purpose for the equipment or system proposed for installation in the public right-of-way, the type of service it will provide, and the intended customers\person which it will serve.
- (4) Any additional information which the city engineer in his or her discretion may require.

F. Issuance and renewal of permits; permit revocation and cancellation.

Prior to the initial issuance of a permit for use or occupancy of public right-of-way, the city engineer shall conduct a review of the permittee's background to determine the permittee's ability to meet the requirements as stated in this code. If on the basis of such review the city engineer determines that it would not be appropriate to issue the permit, the city engineer shall give notice of intent not to issue the permit as provided herein.

To obtain renewal of a permit, the permittee shall file a renewal application with the city engineer on the form provided by the city and pay an application fee for renewal of the permit. The renewal application fee and any future changes thereto shall be effective upon its inclusion in a schedule of fees adopted by the city commission by resolution. The renewal application shall be filed with the city engineer not less than 180 days prior to the expiration of the initial or any renewal term of the permit. Upon receipt of the renewal application, the city engineer shall conduct a review of the permittee and the permittee's prior use of the public right-of-way to determine the permittee's continued compliance with the requirements as stated herein. If on the basis of such review the city engineer determines that the permittee and the permittee's prior use of the public right-of-way complies with all requirements, the city engineer may renew the permit for an additional term of up to 10 years.

If on the basis of such review the city engineer determines that the permittee and the permittee's use of public right-of-way do not comply with one or more of the requirements as herein stated, the city engineer shall give notice of intent not to renew the permit. If a permittee holds multiple permits for use or occupancy of various rights-of-way within the city for the same or similar purpose, the permittee shall be required to renew all such permits under a single permit at such time as the earliest issued permit expires.

In determining the length of the term of an initial or a renewal permit, the city engineer shall take into consideration the likelihood that the city will require the use of the specific portion of the subject right-of-way for municipal purposes or that such use of the subject right-of-way will unduly burden the city or the public in its use of the subject right-of-way during the proposed term of the permit and the life cycle of the facilities to be deployed. A permit shall not be issued or renewed if the city engineer determines that any of the following conditions exist in the right-of-way proposed for permitting:

- (1) There is insufficient space in the right-of-way to accommodate the proposed use, given the other existing uses thereof;
- (2) The proposed private utility service connection would interfere with or conflict with existing or planned city equipment or utility equipment located or to be located in the right-of-way;
- (3) Such use is incompatible with adjacent public or private uses of that right-of-way;
- (4) Such use would involve an unacceptably high frequency of repair or maintenance to the private utility service equipment thereby requiring excessive excavation in or obstruction of the right-of-way; or
- (5) The construction or installation of such private utility service equipment would interfere with a public improvement undertaken or to be undertaken by the city or with an economic development project in which the city has an interest or investment.

If during the term of any permit the city engineer determines that the permit should be revoked due to the permittee's failure to comply with any of the requirements herein stated, the city engineer shall give notice of intent to revoke such permit.

G. The following shall constitute grounds for refusal to issue or renew a permit, or for revocation of a permit for use or occupancy of public right-of-way:

- (1) The permittee's failure to observe or comply with any of the following:
- (2) The permittee's use or prior use of public right-of-way has been conducted in full

and timely compliance with all laws and regulations applicable thereto, and the permittee has complied fully and in a timely manner with the requirements of any previously issued permit, and with the orders or instructions of city officials issued pursuant to this chapter; or

- (3) The permittee is current in the payment of permit fees, if applicable, and the permittee has made such payments fully and when due.
- (4) The permittee's commission of any of the following acts:
 - (a) The permittee has made a misleading statement or a material misrepresentation in connection with an application for initial issuance or renewal of a permit, in connection with its registration of its use of the public right-of-way or in connection with its use of public right-of-way; or
 - (b) The permittee has transferred its equipment, its business, or its permit to another person or has made a change in use of its equipment, without giving the city notice thereof and obtaining city consent thereto; or
 - (c) Striking or damaging another facility within the right of way.
 - (d) The subject right of way is highly congested and a reasonable likelihood exists in the city engineer's opinion that the space is needed in the future for a different service to a broader segment of the population.

The city engineer shall give notice of intent to cancel such permit if during the term of any permit the city engineer determines that:

- (1) The permittee's continued use of the public right-of-way will unduly burden the city or the public in its use of that property;
- (2) The public right-of-way for which the permit was issued will be required for municipal purposes during the term of the permit;
- (3) The permittee's equipment at a particular location will interfere with:
 - (a) A present or future city use of the right-of-way;
 - (b) A public improvement undertaken or to be undertaken by the city;
 - (c) An economic development project in which the city has an interest or investment;
or
 - (d) The public's safety or convenience in using the right-of-way for ordinary travel; or

(e) The public health, safety and welfare requires it.

Notice of intent not to renew a permit for use of the public right-of-way shall be given to the permittee, either by certified mail, return receipt requested, or by actual service or delivery thereof, which notice shall be given not more than 90 days after submission of the renewal application. Notice of intent to revoke or cancel a permit shall also be given to the permittee in the manner provided above. The notice shall set forth the grounds for refusal to issue or renew or for revocation or cancellation and shall inform the applicant or permittee of the right to an appeal hearing upon request. Such request for hearing shall be filed in writing with the Planning Department, and the hearing shall be scheduled and held by the Planning Board at their next regularly scheduled public meeting. At the hearing, the applicant or permittee shall have the burden of establishing that the grounds asserted in the notice do not exist. Upon the effective date of revocation or cancellation as provided in the city engineer's notice thereof, or upon the effective date specified in the city engineer's written decision upon the permittee's appeal, the permittee shall be required to cease its use and occupancy of the right-of-way or to remove or relocate its equipment therefrom, as provided in the notice or decision. Equipment not removed or relocated from the right-of-way as required in such notice or order shall be considered a nuisance and may be removed, relocated, or taken possession of by the city, at the permittee's expense. Except in emergency circumstances, the requirement to relocate, remove, or cease use of equipment shall be suspended during the pendency of any appeal taken by a permittee.

If a permit is refused or cancelled upon the basis that the subject city property is or will be required for municipal purposes, the applicant or permittee shall not be entitled to an appeal. However, in that event, the permittee shall be entitled to a partial refund of the annual fee already paid, such refund to be computed on the basis of 1/12 of the required annual fee multiplied by the number of unexpired whole months of the year remaining in the permit term. In all other cases where a permit is not issued or renewed or is revoked, no refund of any portion of the required annual fee shall be paid to the permittee.

Notwithstanding the notice and hearing requirements above, the city engineer may, in emergency circumstances, order the immediate relocation or removal of equipment from the right-of-way.

Regardless of any other provision, a refusal, cancellation or revocation may be appealed under the applicable processes specified in state or federal law.

Failure to secure, renew or comply. Any person who fails to secure or renew a franchise or permit required under this chapter or any franchisee or permittee who fails to comply with the requirements of the respective franchise or permit, or this chapter, or with any other applicable legal requirements shall, upon notification of such violation by the city engineer, immediately act either to abate the violation or to cease its use and occupancy of the right-of-way and remove its equipment or system from the right-of-way.

- H. Transfer of franchise, permit, lease, business, or equipment without city's consent; change in use of equipment without city's consent.

A permit issued pursuant to this chapter shall not be transferred to any other person without the prior written notice to the city engineer. A permittee shall not transfer the permit, the business, or the equipment in the right-of-way to another person without giving the city engineer 90 days' prior written notice of such proposed transfer. In such notice, the permittee shall clearly identify the proposed transferee, giving the name and address of a representative of the transferee who is authorized to discuss and provide information to the city regarding the transfer.

A franchisee or permittee shall not change the use of its equipment without giving the city 90 days' prior written notice of such proposed change in use. In such notice, the franchisee or permittee shall clearly and completely set forth the proposed change in use of equipment, how it would be accomplished, including any excavations required to accomplish such change, and projections as to the future maintenance implications of such change in use. Any proposed change in use of a franchisee's franchise's or permittee's equipment shall require the prior approval of the city engineer. Such approval may be withheld if the city engineer determines that the proposed use of the equipment at that location would be incompatible with or would likely damage or endanger other uses of the right-of-way, would involve a higher level of maintenance activities than the present use, would involve more street excavation or greater traffic disruption than the present use, or would be otherwise inappropriate.

- I. Amendment to permit.

If a permittee with a current permit issued pursuant to this division proposes to expand, reduce, relocate or modify any portion of its equipment or system within public right-of-way, the permittee shall file an application for an amendment to the current permit with the city engineer, shall pay the administrative application fee, and shall further comply with all other applicable requirements of this chapter. An application for an amendment to a current permit shall include relevant new information of the type required in connection with the initial application for a permit. If approved, the amended permit shall be issued by the city engineer in the same manner as the original permit. However, if the amendment involves only one or more new hook-on connections to the permitted utility system and if the new connections will be made entirely through the permittee's existing underground utility conduit or ducts so as not to require any excavation in the public right-of-way or by means of overhead wires or cables between existing utility poles, the permittee shall not be required to pay an additional administrative fee as part of the application for amendment.

- J. Duties of permittee.

The permittee shall be responsible for repairing or reimbursing other permitted or franchised utilities or other persons or entities lawfully using the right-of-way for any damage to their property caused by negligence of the permittee or its agents, employees or contractors in connection with the installation, construction, reconstruction, repair, operation, disconnection or removal of the permittee's equipment or system.

12.20.170 Reserved.

12.20.180 Reports and records.

Upon request, the city shall have the right to inspect and analyze at any time during normal business hours at the nearest office of an owner or operator of facilities, or, if such office is not in the city, then at such other location in the city as the city may reasonably designate, all books, receipts, maps, records, codes, programs, and disks or other storage media and other like material reasonably appropriate in order to monitor compliance with the terms of this chapter or applicable law. This includes not only the books and records directly relevant to enforcement of this chapter or the owner's or operator's franchise agreement that are held by the operator, but any books and records held by an affiliate, or any contractor, subcontractor or any person holding any form of management contract for the facilities in the public rights of way to the extent such books or records relate to the facilities. An owner or operator is responsible for collecting the information and producing it at a location as specified above. The city shall provide the owner or operator with advance notice stating the types of records sought to be reviewed and the reason for such review.

Contacts and maps: Unless this requirement is waived in whole or in part in writing by the city each owner or operator of facilities in the public rights of way shall maintain and produce or allow access upon request the following items:

An organizational chart with contact information for the portion of the organization most relevant to its operations within the right of way.

Detailed, updated maps depicting the location of all facilities located in public rights of way in the city.

Construction Updates: Unless this requirement is waived in whole or in part by the city, the owner or operator of facilities in the public rights of way shall deliver or make available upon request the following updates to the city:

Monthly construction reports to the city for any major construction undertaken in the public rights of way until such construction is complete. The owner or operator must submit updated as built system design maps to the city, or make them available for inspection, with notice of their availability, within thirty (30) days of the completion of system construction in any geographic area. These maps shall be developed on the basis of post-construction inspection by the owner or operator and construction personnel. Any departures from design must be indicated on the as built maps.

Reserved.

Records Required: An owner or operator of facilities in the public rights of way shall at all times maintain:

A full and complete set of plans, records, and "as built" maps showing the exact location of all

equipment installed or in use in the city, exclusive of customer service drops.

A file showing its plan and timetable for future major construction of the facilities.

Remote Site Visit: If any requested records, maps or plans, or other requested documents are too voluminous, or for security reasons cannot be copied and moved, then an owner or operator of facilities in the public rights of way may request that the inspection take place at some other location; provided, that the owner or operator must pay reasonable travel expenses incurred by the city in inspecting those documents or having those documents inspected by its designee, as charges incidental to the enforcing of the owner's or operator's franchise or other authorization for use of the public rights of way.

12.20.190 Bond or letter of credit.

No person shall install, erect, hang, lay, bury, draw, emplace, construct, reconstruct, maintain, or operate any facility upon, across, beneath, or over any public right of way in the city or other city property until the owner or operator shall have filed with the city administrator a bond and/or letter of credit, in a form acceptable to the city, running in favor of the city, to guarantee the obligations of the owner or operator under this chapter and applicable law. The amount of the bond or letter of credit shall be no less than the reasonable cost of removal of the facilities and restoration of any affected public rights of way or other property pursuant to this chapter.

12.20.200 Insurance.

An owner or operator shall maintain insurance covering its facilities and operations in the public rights of way, as specified in a specific provision of this chapter or in its franchise agreement. Upon request, proof of such insurance shall be submitted to the city engineer prior to beginning any said work.

12.20.210 Enforcement.

Penalties: For violation of provisions of this chapter the city may seek fines in the amounts of \$100 for a first offense within a year, \$200 for a second offense within a year, and \$300 for a third or subsequent offense within a year. The penalties shall be assessable against an owner or operator and shall be chargeable to its performance bond and/or letter of credit, at the city's discretion.

Injunctive Relief: In addition to any other remedies hereunder, the city may seek an injunction to mitigate or terminate a violation, or employ any other remedy available at law or equity, including, but not limited to, imposition of penalties pursuant to subsection A of this section.

Timely Performance Or Compliance: Any failure of the city to insist on timely performance or compliance by any person shall not constitute a waiver of the city's right to later insist on timely performance or compliance by that person or any other person.

Termination On Account Of Certain Assignments Or Appointments:

To the extent not prohibited by the United States bankruptcy code, a franchise under this chapter shall terminate automatically by force of law one hundred twenty (120) calendar days after an assignment for the benefit of creditors or the appointment of a receiver or trustee (including a debtor in possession in a reorganization) to take over the business of the owner or operator, whether in bankruptcy or under a state law proceeding; provided, however, that such franchise shall not so terminate if, within that one hundred twenty (120) day period:

Such assignment, receivership or trusteeship has been vacated; or

Such assignee, receiver, or trustee has cured any defaults and has fully complied with the terms and conditions of this chapter and any applicable agreement and has executed an agreement, approved by any court having jurisdiction, under which it assumes and agrees to be bound by the terms and conditions of this chapter and any applicable agreement.

In the event of foreclosure or other judicial sale of any of the facilities, equipment, or property of an owner or operator of facilities in the public rights of way, its franchise under this chapter shall automatically terminate thirty (30) calendar days after such foreclosure or sale, unless:

The city has approved a transfer to the successful bidder; and

The successful bidder has covenanted and agreed with the city to assume and be bound by the terms and conditions binding its predecessor. Any mortgage, pledge or lease of facilities in the public rights of way shall be subject and subordinate to the rights of the city under this chapter any applicable agreement, and other applicable law.

If a franchise under this chapter is terminated for any reason, the city may, at its discretion, require the grantee or permittee to remove its facilities from the public rights of way and to restore the public rights of way to their prior condition at the owner's or operator's expense, or that of their sureties. If an owner or operator whose franchise has been terminated fails, after reasonable notice from the city, to remove its facilities from the public rights of way, such facilities shall be deemed abandoned and ownership forfeited to the city.

Remedies Cumulative: All remedies specified in this chapter are cumulative unless otherwise expressly stated. The exercise of one remedy shall not foreclose use of another, nor shall the exercise of a remedy or the payment of liquidated damages or penalties relieve an operator of its obligations to comply with this chapter. In exercising any remedy specified in this chapter, including articles A and 8, the city shall comply with any substantive and procedural requirements for exercising such remedies in an owner's or operator's franchise agreement or other authorization.

Reduce or Waive Penalties: The city engineer or attorney may reduce or waive any of the above listed penalties for good cause shown.

12.30.220 Indemnification.

Any indemnity provided shall include, but not be limited to, the city's reasonable attorney fees

incurred in defending against any such claim, suit, or proceeding. Recovery by the city of any amounts under insurance, the performance bond or letter of credit, or otherwise shall not limit in any way a person's duty to indemnify the city, nor shall such recovery relieve a person of its obligations pursuant to a franchise or in any respect prevent the city from exercising any other right or remedy it may have.

12.20.230 Severability.

If any term, condition, or provision of this chapter shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the city and shall thereafter be binding on owners and operators.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.