CITY OF LOVINGTON
REGULAR MEETING OF THE CITY COMMISSION

TUESDAY MAY 28, 2013 @ 5:30 P.M.
TO BE HELD AT 214 SOUTH LOVE STREET

AGENDA

Notice of this meeting has been given to the public in compliance with Section 10-15-4 NMSA 1978

OPEN MEETING

Call to Order	
Roll Call	
Invocation- Commissioner Benge	
Pledge of Allegiance- Commissioner Benge	
Approval of Agenda	
Approval of the Regular Minutes of May 13, 2013	TAB 1

NON-ACTION ITEMS:

Discussion of Library Board Appointment	TAB 2
Discussion of Youth Center Board Appointment	TAB 3
Discussion of Planning & Zoning Board Appointment	TAB 4

ACTION ITEMS:

Consideration of Approval of 2013-2014 Interim Budget	TAB 5
Consideration of Approval of Resolution 052813-01 – Central Plaza Phase II	TAB 6
Consideration of Amendment to Minutes of the August 13, 2012 Regular Commission meeting	TAB 7
Consideration of Approval of Drought Conditions Proclamation	TAB 8
Consideration of Approval of Two Hour Parking on Central & Washington between Main & Love Street	TAB 9
Consideration of Approval of Hibbett Sports Request for City Sales Tax Rebate	TAB 10
Consideration of Approval of Ordinance 506 – Lovington Affordable Housing Ordinance	TAB 11
Consideration of Approval of Ordinance 507 – Lovington Parks & Recreation Board	TAB 12
Consideration of Approval of Ordinance 508 - Mobile Business License & Transient & Itinerant Vendor Licenses	TAB 13
Consideration of Approval of Ordinance 509 – Amend Industrial Water Rate definition and establish Industrial Water Rate II	TAB 14
Consideration of Approval of Ordinance 510 – Amend Notice to Abate & Removal of Nuisance by City – Lien	TAB 15
Consideration of Approval of Setback Variance for Lots 25 & 36 at Sunrise Addition	TAB 16
Consideration of Approval of Setback Variance for Lot 9 of Fairview Addition	TAB 17
Consideration of Approval of Variance at 505 W. Harrison – Foundation for Manufactured Home	TAB 18

PUBLIC COMMENT

ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 575-396-2884 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk at 575-396-2884 if a summary or other type of accessible format is needed.

REGULAR MEETING OF THE CITY COMMISSION
MONDAY, MAY 13, 2013 @ 5:30 P.M.
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET

Present and answering roll call: Mayor Drummond, Commissioners Trujillo, Gandy, Granath and Benge.

Also present: City Manager Williams, Assistant City Manager Cobb, Chief of Police Bryant, Finance Director Stephens, Administrative Assistant Gutierrez, and City Attorney McMahon

Not Present: City Clerk Hogue,

Call to Order: The meeting was called to order by Mayor Drummond at 5:30 p.m.

Invocation: Commissioner Trujillo gave the invocation

Pledge of Allegiance: Commissioner Trujillo led the pledge

Approval of Agenda: Mayor Drummond asked for a motion to approve the agenda as submitted. Commissioner Gandy so moved to amend the agenda and add the Proclamation 051313-01- National Hospital Week to the first action item, move the Engineering Services Contract for Water Wells to the second action item and the Resolution 051313-01 – Judicial Complex Location to the third action item. Commissioner Trujillo seconded. Motion was approved.

Approval of the Regular Minutes of April 22 & Called Minutes of May 7, 2013: Mayor Drummond asked for a motion for approval of the regular minutes of April 22 & called minutes of May 7, 2013. Commissioner Trujillo so moved. Commissioner Benge seconded. Motion was approved.

NON-ACTION ITEMS:

Discussion of Tax Incentive for Prospective New Business: City Manager Williams addressed the Commissioners about a proposal from Hibbett Sports who wish to open a location in Lovington. They are in the process of lease negotiations and are requesting a rebate of the City's portion of the sales tax collected. The City collects 1.3% of the 6.8% taxes. Commissioner Trujillo stated that at least 10 employees or more to be considered. Evelyn Holguin stated that the property owner Tom Pyle would pick up the cost of improvements at this property. Commissioner Gandy did mention that it would not be fair for our local businesses, which did not get a tax break. No action was taken.

PROCLAMATION:

Consideration of Approval of Proclamation 051313-01 – National Hospital Week: Mayor Drummond called for a motion to approve the Proclamation 051313-01 – National Hospital Week. Commissioner Trujillo so moved. Commissioner Gandy seconded. Motion was approved.

ACTION ITEMS:

Consideration of Approval of Engineering Services Contract for Water Wells: Mayor Drummond called for a motion to approve the contract for water wells. Pettigrew & Associates submitted the contract for approval. The project was awarded $400,000 last year and is being funded through a Capital Outlay Appropriation. The contract was provided by the State of New Mexico Environmental Department. The contract will be sent off to the State for approval. Commissioner Trujillo so moved. Commissioner Gandy seconded. Motion was approved.

Consideration of Approval of Resolution 051313-01 – Judicial Complex Location: Mayor Drummond called for a motion to approve the resolution 051313-01. Staff prepared the resolution which specifies the desire to see the old Detention Facility demolished and the new Judicial Complex be built on that site. It also expresses that the City will provide any reasonable support to the County to ensure that this site is chosen. Lovington was awarded $500,000 for the Judicial Complex and would like to award this to the County for this project. Commissioner Trujillo so moved. Commissioner Granath seconded. Motion was approved.

Consideration of Approval of OMI Trucking Land Lease: Mayor Drummond called for a motion to approve the land lease agreement. Iram Ochoa of OMI Trucking is interested in leasing 5 acres of land in the industrial park. This area is south of Key Energy building. The first year will be $7,500 each additional year is $9,000 income. Commissioner Benge so moved. Commissioner Gandy seconded. Motion was approved.

Consideration of Approval of the 4th Annual Smokin' on the Plaza Event: Mayor Drummond called for a motion to approve the event. Connie Sevier and Tabatha Lawson addressed the Commissioners requesting permission to proceed with the map layout and add other events such as the beer garden, stunt show, motorcycle show, motorcycle games, and kids barbecue contest. The cash price award will be $10,000 to the winner this year. Commissioner Gandy stated his concerns about having enough garbage cans and if the business owners are being informed about the street closures. He suggested that advanced notice be sent to all businesses in a timely manner. Elaine Vejil stated that Curtis Fort will be showing his art work at the Lister building as well. Commissioner Granath so moved. Commissioner Benge seconded. Motion was approved.

Consideration of Approval of Dean Addition Final Plat: Mayor Drummond called for a motion to approve the plat. Harold Lawson addressed the Commissioners to request the final approval of the plat. Commissioner Benge so moved. Commissioner Gandy seconded. Motion was approved.

Consideration of Approval of Sunrise Addition Final Plat: Mayor Drummond called for a motion to approve the plat. David Gallegos addressed the Commissioners to request the final approval of the plat. Commissioner Trujillo so moved. Commissioner Gandy seconded. Motion was approved.

Consideration of Approval of Dimsha Addition Final Plat: Mayor Drummond called for a motion to approve the plat. Commissioner Trujillo so moved. Commissioner Gandy seconded. Motion was approved.

Consideration of Approval of Accounts Payables: Mayor Drummond called for a motion to approve the accounts payables. Commissioner Gandy so moved. Commissioner Granath seconded. Motion was approved.

PUBLIC COMMENT:

Clint Laughrin addressed the Commissioners about his concerns regarding the general poor conditions at the chaparral park. He is more concerned about the safety of the playground equipment, electrical wiring left out of the electric boxes, no grills at the picnic areas, not enough equipment at any parks, grass and bouncers not being permitted at the parks. Mayor Drummond mentioned to him that the City is working on these areas. City Manager Williams also stated that the department is working on the irrigation system and have purchased more fertilizer to make it better for the community. Commissioner Benge mentioned to Mr. Laughrin that the City is creating a Parks & Recreation Board and did invite him to be part of the board.

CLOSED SESSION:

At 6:20 p.m., Commissioner Trujillo moved to adjourn Regular Session and convene in Closed Session Pursuant to Section 10-15-1 NMSA 1978, Subsection H-8-Discussion of the purchase, acquisition, or disposal of real property or water rights and subsection H-7 regarding pending litigation. Commissioner Gandy seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Benge, aye; Commissioner Gandy, aye; and Commissioner Granath, aye.

At 6:32 p.m., Commissioner Granath moved to adjourn Closed Session and reconvene in Regular Session stating that matters discussed were limited only to those specified in the Motion and no action was taken. Commissioner Gandy seconded and a roll call vote was taken: Mayor Drummond, aye; Commissioner Trujillo, aye; Commissioner Benge, aye; Commissioner Gandy, aye; and Commissioner Granath, aye.

OTHER:

- Commissioner Gandy stated that the baseball fields on Love Street did not have handicap signs.
- Commissioner Benge stated that the City should show support at our community events.
- City Manager Williams stated that the new street sweeper was in and that he also spoke to Vicki Cooper, the Lobbyist and she said there is a potential for grants for the City.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:40 p.m.

APPROVED: _____

DIXIE DRUMMOND, MAYOR

ATTEST: _____

JAMES R. WILLIAMS, CITY MANAGER

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 28, 2013

TYPE: ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☑ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: Discussion of Library Board Appointment
DEPARTMENT: Library
SUBMITTED BY: Tueridia McBride, Librarian
DATE SUBMITTED: May 20, 2013

STAFF SUMMARY:

Jill Johnson has provided her resignation from the Lovington Public Library board due to her moving. Her current term expires in January of 2016.

Staff are requesting input from the public to provide names of interested individuals in the community willing to serve on this board.

FISCAL IMPACT:

REVIEWED BY: _____
(Finance Director)

ATTACHMENTS:

RECOMMENDATION:

Discussion only.

_____
Department Head

_____
City Manager

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 28, 2013

TYPE: ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☑ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: Youth Center Board Appointment
DEPARTMENT: Youth Center
SUBMITTED BY: Jamie Bailey
DATE SUBMITTED: May 21, 2013

STAFF SUMMARY:

The Youth Center Board has requested replacement of Justin Davis as a member of the Board. Mr. Davis' commitments have hindered his attendance at meetings.

This appointment would be for four years, as Mr. Davis's term expired on April 27, 2009.

FISCAL IMPACT: *REVIEWED BY:* _____ *(Finance Director)*

ATTACHMENTS:

RECOMMENDATION:

Discussion only.

_____ **Department Head**

_____ **City Manager**

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 28, 2013

TYPE: ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☑ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: Planning and Zoning Board Appointments
DEPARTMENT: Planning and Zoning Board
SUBMITTED BY:
DATE SUBMITTED: May 21, 2013

STAFF SUMMARY:

Nell Lewis and John Bernard have resigned their positions on the Lovington Planning and Zoning Board. We are requesting discussion regarding appointments to fill Mr. Bernards expiring term and to fill Mrs. Lewis current term (expires 5/2014).

The Board has recommended Abel Cabello as an appointment. In addition, the Board feels that a representative from a local utility company be appointed to serve on the Board.

FISCAL IMPACT: *REVIEWED BY:* _____ *(Finance Director)*

ATTACHMENTS:

RECOMMENDATION:

Discussion only.

_____ **Department Head**

_____ **City Manager**

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 28, 2013

TYPE: ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☑ **OTHER ACTION**

SUBJECT: Consider Approval of 2013-2014 Interim Budget
DEPARTMENT: Finance
SUBMITTED BY: Mashelle Stephens
DATE SUBMITTED: May 20, 2013

STAFF SUMMARY:

Staff have requested approval of the 2013-2014 interim budget. No major changes have been made since the Commission Workshop.

Once the interim budget is approved, it will be submitted to DFA for review and approval. Once that has been received, a resolution adopting the budget will be presented to Commission.

FISCAL IMPACT:

REVIEWED BY: _____
(Finance Director)

ATTACHMENTS:

RECOMMENDATION:

Motion to approve.

_____
Department Head

_____
City Manager

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: 5/28/13

TYPE: ☑ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: Central Plaza - Phase II
DEPARTMENT: City Manager's Office
SUBMITTED BY: Jared Cobb
DATE SUBMITTED: 5/20/13

STAFF SUMMARY:

Staff is working with Lovington MainStreet on a grant application offered through the New Mexico MainStreet Program. If awarded, the funding would be used to construct the second phase of Central Plaza, which consists of a multi-use park between the Lea Theatre and Lister Building. The facility will provide for passive recreation and be used as a venue for outdoor events. Planned amenities include public restrooms with storage, professional landscaping, a water feature, benches, removable tables and chairs.

FISCAL IMPACT: *REVIEWED BY:* _____ *(Finance Director)*

The grant proposal requests $100,000 for the project. A minimum match of $20,000 is required; however, the project will only be funded if it is considered to be "shovel ready". This entails having all of the funding in place to move forward with construction. The total project is estimated to cost $460,685, which includes contingency. We are requesting matching funds of $328,540 for project construction and an additional $32,145 to cover final design and engineering costs.

ATTACHMENTS:

Resolution No. 052813-01 and Exhibit A.

RECOMMENDATION:

Staff recommends approval of the resolution.

Department Head

City Manager

CITY OF LOVINGTON
RESOLUTION NO. 052813-01

A RESOLUTION OF THE LOVINGTON CITY COMMISSION TO PARTNER WITH LOVINGTON MAINSTREET ON THE SOLICITATION OF FUNDS AND CONSTRUCTION OF CENTRAL PLAZA – PHASE II AND SERVE AS THE FISCAL AGENT

WHEREAS, the City of Lovington desires to implement projects that revitalize and enhance our MainStreet District; and

WHEREAS, the City of Lovington and Lovington MainStreet held many community meetings in 2008-2009 to engage the public and receive input on the future of our downtown, including the MainStreet District; and

WHEREAS, the City of Lovington and Lovington MainStreet used the public input to develop a Downtown Master Plan with support from the Design and Planning Assistance Center, Bureau of Business and Economic Research, and the planning firm CommunityByDesign; and

WHEREAS, the second phase of the Central Plaza project, as identified in Exhibit A, would advance the goals of the Downtown Master Plan by providing a safe and attractive gathering place in the heart of downtown Lovington; and

WHEREAS, Lovington MainStreet has agreed to partner with the City of Lovington and provide in-kind services toward the project;

NOW, THEREFORE, BE IT RESOLVED, that the City of Lovington is wholly supportive of the Central Plaza – Phase II project and approves the submission of a funding proposal to the New Mexico MainStreet Program in the amount of $100,000, with matching funds not to exceed $328,540, an additional $32,145 for design and engineering costs, and agrees to serve as the fiscal agent and administer the funds.

APPROVED THIS 28th DAY OF MAY, 2013.

_____

DIXIE DRUMMOND, MAYOR

_____

CAROL ANN HOGUE, CITY CLERK

EXHIBIT A

Central Plaza – Phase II includes the construction of a multi-use park on Central Avenue between the Lea Theatre and Lister Building in the MainStreet District of Lovington, New Mexico. Planned features include a public restroom with storage area, park benches, professional landscaping, water feature, lighting, raised planter beds, removable chairs and tables.

Lighting will meet the goals and standards of the "Dark Skies" law as specified in the New Mexico Heritage Preservation Alliance text entitled "Consumer Guide to Night Sky Friendly Lighting".

All landscaping will conform to the drought-tolerant planting standards, as specified in the Office of the State of New Mexico Engineer's manual entitled "A Water Conservation Guide for Commercial, Institutional and Industrial Users".

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 28, 2013

TYPE: ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☑ **OTHER ACTION**

SUBJECT: Consider Amendment of Minutes
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: May 13, 2013

STAFF SUMMARY:

The vacation plat for North Main Street has been filed. During filing of the plat, it was noted that the minutes of the August 13, 2012 meeting reflect vacation of Main Street from Highway 82 to Gum Street. In order to keep the same address of the hospital, the vacation plat was modified. It is the recommendation that the minutes be amended to reflect Commission action on this item to read "as-filed."

FISCAL IMPACT: *REVIEWED BY:* _____
(Finance Director)

ATTACHMENTS:

Vacation Plat.
August 13, 2012 Commission Minutes

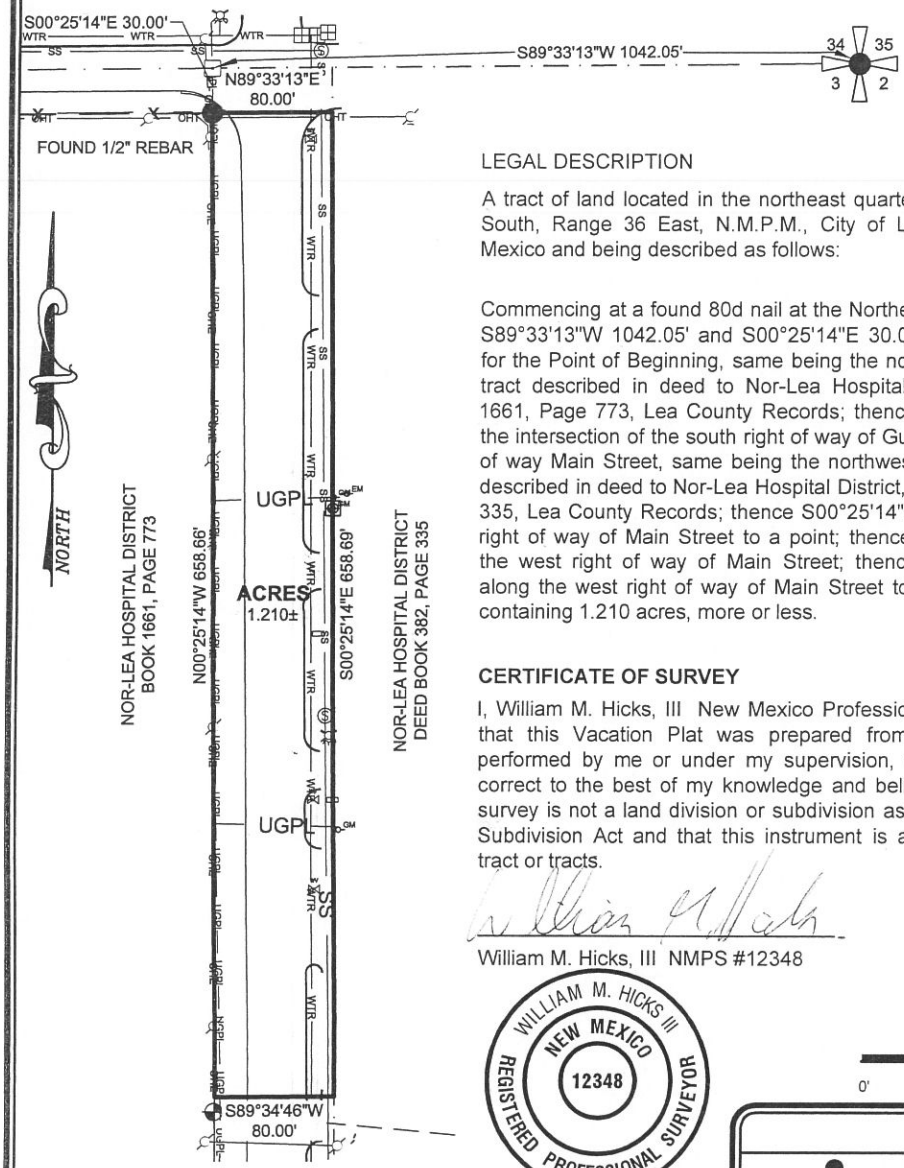
RECOMMENDATION:

Motion to amend minutes of August 13, 2012 to read vacation of Main Street "as-filed."

_____ **Department Head**

_____ **City Manager**

EXHIBIT "A"



LEGAL DESCRIPTION

A tract of land located in the northeast quarter of Section 3, Township 16 South, Range 36 East, N.M.P.M., City of Lovington, Lea County, New Mexico and being described as follows:

Commencing at a found 80d nail at the Northeast corner Section 3, thence S89°33'13"W 1042.05' and S00°25'14"E 30.00 feet to a found 1/2" rebar for the Point of Beginning, same being the northeast corner of that certain tract described in deed to Nor-Lea Hospital District, of record in Book 1661, Page 773, Lea County Records; thence N89°33'13"E 80.00 feet to the intersection of the south right of way of Gum Avenue with the east right of way Main Street, same being the northwest corner of that certain tract described in deed to Nor-Lea Hospital District, of record in Book 382, Page 335, Lea County Records; thence S00°25'14"E 658.69 feet along the east right of way of Main Street to a point; thence S89°34'46"W 80.00 feet to the west right of way of Main Street; thence N00°25'14"W 658.66 feet along the west right of way of Main Street to the Point of Beginning and containing 1.210 acres, more or less.

CERTIFICATE OF SURVEY

I, William M. Hicks, III New Mexico Professional Surveyor, hereby certify that this Vacation Plat was prepared from an actual ground survey performed by me or under my supervision, that this survey is true and correct to the best of my knowledge and belief. I further certify that this survey is not a land division or subdivision as defined in the New Mexico Subdivision Act and that this instrument is a Survey Plat of an existing tract or tracts.

William M. Hicks, III NMPS #12348 — Date: May 6, 2013

WILLIAM M. HICKS III NEW MEXICO 12348 REGISTERED PROFESSIONAL SURVEYOR

SCALE 1" = 100

0' 50 100 200

LEGEND

- Found as noted
- Calculated point
- Found section corner
- Found quarter section corner
- (#) Section section corner
- XX°XX'XX" XX.XX' Measured bearing and distance
- (XX°XX'XX" XX.XX') Record bearing and distance

BASIS OF BEARING

The basis of bearing for this survey is Grid North based on the New Mexico State Plane Coordinate System East Zone, as determined by a GPS control network. Coordinates are based on the New Mexico State Plane Coordinate System East Zone. Ground coordinates are modified by scaling about a control point located at 32°57'59.29"N and 103°20'55.97"W, by a combined scale factor of 0.9998296307. All drawing coordinates are scaled to ground. Elevations shown hereon are referenced to NAVD 1988. This map complies with the National Map Accuracy Standards.

INDEXING INFORMATION FOR COUNTY CLERK

OWNER: City of Lovington

LOCATION: NE 1/4 SECTION 3, TOWNSHIP 16 SOUTH, RANGE 36 EAST, NMPM LEA COUNTY, NEW MEXICO

REVISIONS

No.	DATE	DESCRIPTION

TYPE OF SURVEY: VACATION PLAT

PROJECT NAME: OF NORTH MAIN STREET

FOR CLIENT: NOR-LEA HOSPITAL

PROJECT SURVEYOR: Michael M. Ivey

DRAWN BY: Anthony Cruz

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

PROJECT NUMBER: 2011.1215

SHEET 1 of 1 SU - 101

Z:\2011.1215\ACAD Nor-Lea\ACAD VACATION.dwg 5/6/2013 9:23 AM

REGULAR MEETING OF THE CITY COMMISSION
Monday, August 13, 2012
CITY COMMISSION CHAMBERS, 214 S. LOVE STREET

Present and answering roll call: Mayor Drummond, Commissioners Benge, Trujillo, Granath and Gandy.

Also present: Interim City Manager Williams, Deputy City Clerk Hogue, Detective Rodriguez, City Attorney McMahon, Finance Director Stephens, and Administrative Assistant Juarez.

Call to Order: The meeting was called to order by Mayor Drummond at 5:30 P. M.

Invocation: Commissioner Gandy gave the invocation

Pledge of Allegiance: Commissioner Gandy led the pledge

Approval of Agenda: Mayor Drummond asked for a motion to approve the agenda as submitted. Commissioner Trujillo so moved with a second from Commissioner Benge. Mayor Drummond asked for a vote. Motion carried unanimously.

Approval of July 23, 2012 Regular Minutes and July 30, 2012 Special Minutes: Mayor Drummond asked for a motion for approval of the July 23, 2012 regular minutes and July 30, 2012 special minutes. Commissioner Benge so moved. Commissioner Trujillo seconded. Mayor Drummond called for a vote. Motion carried unanimously.

NON-ACTION ITEMS

Discussion of Approval of Purchasing Policy: Interim City Manager Williams suggested for Commissioners to consider incorporating purchasing policy for City. Commissioners will review and will consider policy as an action item next commission meeting.

ACTION ITEMS

Consideration of Request of Vacation of Main Street from the Intersection of Hwy 82 North of Gum Street: Mayor Drummond called for a motion. Commissioner Benge moved to approve vacation of Main Street from the intersection of Highway 82 North to Gum Street and seconded by Commissioner Trujillo. David Shaw, CEO, request to vacate area for expansion of parking lot for over 300 employees. There being no further discussion, motion was approved.

Consideration of Approval of Subdivision at 2233 Commercial Street: Commissioner Trujillo moved to approve subdivision at 2233 Commercial Street with the exception of utilities to be separated in less than one year. Commissioner Granath seconded. Motion carried unanimously.

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 28, 2013

TYPE: ☐ RESOLUTION ☐ ORDINANCE ☑ PROCLAMATION ☐ INFORMATION ☐ OTHER ACTION

SUBJECT: Drought Conditions Proclamation
DEPARTMENT: Fire Department
SUBMITTED BY: Terrance Lizardo, Fire Chief
DATE SUBMITTED: May 21, 2013

STAFF SUMMARY:

Fire Department staff have prepared for your consideration a drought conditions proclamation. The Palmer Drought Index, at the time this summary was prepared, list our area in an extreme drought (-4.17). The latest weekly report will be provided during the Commission Meeting.

By enacting this proclamation, it will restrict the sale and use of certain fireworks. In addition, it will limit the areas where fireworks may be used. This proclamation follows NMSA 1978 60-2C-8.1. This proclamation is valid for 30 days from the date enacted. It may be rescinded or extended by Commission action.

FISCAL IMPACT:

REVIEWED BY: _____
(Finance Director)

ATTACHMENTS:

Drought Conditions Proclamation
Palmer Index Map

RECOMMENDATION:

Motion to approve Drought Conditions Proclamation.

If drought conditions persist, this proclamation will require an extension at the June 10, 2013 meeting in order to provide coverage during the July 4th holiday.

_____
Department Head

_____
City Manager

CITY OF LOVINGTON

DROUGHT CONDITIONS PROCLAMATION

WHEREAS, the Governing Body of the City of Lovington has obtained information and forecasts from the National Weather Service concerning drought indices; and

WHEREAS, the Governing Body of the City of Lovington has obtained relevant information from the New Mexico State Forester concerning drought conditions; and

WHEREAS, the Governing Body of the City of Lovington held a public meeting on May 28, 2013, to determine whether the City of Lovington is affected by drought conditions and whether fireworks restrictions should be imposed within the municipal boundaries of the City; and

WHEREAS, the Governing Body made certain findings of fact based upon information provided during the public hearing; and

WHEREAS, one of the finding of the Governing Body was that the City was affected by drought conditions based on current drought indices published by the National Weather Service and other information supplied by the New Mexico State Forester.

NOW THEREFORE, BE IT PROCLAIMED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON:

Section 1: Drought conditions exist within the municipal boundaries of the City of Lovington.

Section 2: In addition to any ordinance that may have been enacted pursuant to NMSA 1978 §60-2C-8.1, the sale and use within the municipal boundaries of the City of Lovington of missile-type rockets, helicopters, aerial spinners, and stick type rockets is prohibited by this Proclamation.

Section 3: In addition to any ordinance that may have been enacted pursuant to NMSA 1978 §60-2C-8.1, the sale and use within the municipal boundaries of the City of Lovington of ground audible devices including chasers and firecrackers are prohibited by this Proclamation.

Section 4: The use of otherwise permissible fireworks, including: cone fountains, crackling devices, cylindrical fountains, flitter sparklers, ground spinners, illuminating torches, toy smoking devices, wand wheels is hereby limited to areas within the municipal boundaries that are paved or barren or to areas that have a readily accessible source of water.

Section 5: The Governing Body, having consulted with the State Forester, prohibits the use of all fireworks within areas that are covered wholly or in part by timber, brush, or native grass.

Section 6: This Proclamation is effective for a period of thirty days from this date.

APPROVED THIS 28th DAY OF MAY, 2013.

_____

DIXIE DRUMMOND, MAYOR

_____

CAROL ANN HOGUE, CITY CLERK

Palmer Drought Index - May 2012 to April 2013

NOAA/NESDIS/NCDC Climate Monitoring Group

Loop Mode: Fwd Swp

Animate Frames: << Stop >>

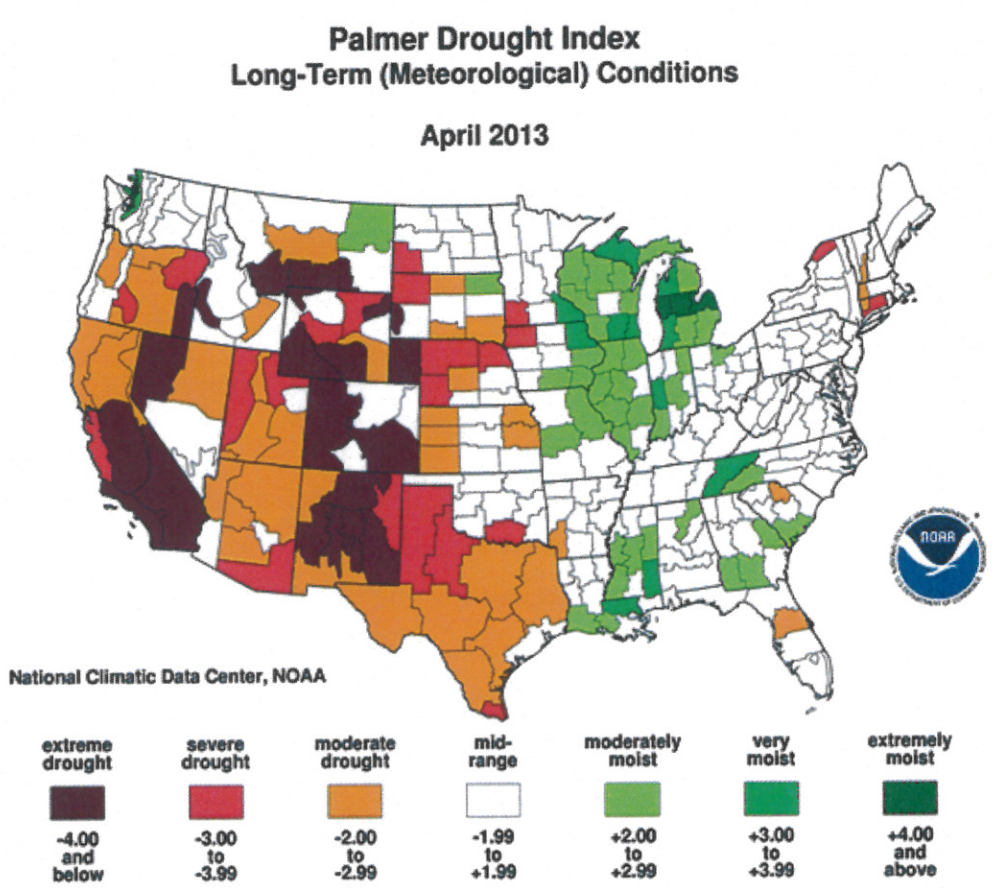
Dwell First: -First +First

Dwell Last: -Last +Last

Adjust Speed: Slow Fast

Advance One: < >

Frame No: Display Form 12



JavaScript GUI maintained by Richard Heim
NCDC's Climate Monitoring Group

http://www.ncdc.noaa.gov/oa/climate/research/prelim/drought/pdiimage.html
Downloaded Tuesday, 21-May-2013 18:20:15 EDT
Last Updated Monday, 20-May-2013 10:48:35 EDT by Richard.Heim@noaa.gov
Please see the NCDC Contact Page if you have questions or comments.

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 28, 2013

TYPE: ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☑ **OTHER ACTION**

SUBJECT: Consider Approval of 2 Hour Parking Signs
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: May 10, 2013

STAFF SUMMARY:

Business owners on the North and South sections of the town square have requested that 2 hour parking limit signs be placed. The signs would be installed on Central and Washington, between Main Street and Love Street.

FISCAL IMPACT: *REVIEWED BY:* _____ *(Finance Director)*

Staff time to place signs.

ATTACHMENTS:

RECOMMENDATION:

Motion to approve.

_____ **Department Head**

_____ **City Manager**

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 28, 2013

TYPE: ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☑ **OTHER ACTION**

SUBJECT: Consideration of Hibbett Sports Tax Rebate Request
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: May 20, 2013

STAFF SUMMARY:

As discussed at the previous City Commission meeting, Hibbett Sports has expressed interest in opening a store in Lovington. At the request of Commission, we have received answers to the following questions:

- This store will employ 8 persons.
- The location they are working on a lease agreement for is located in the complex at 9th and Avenue D. Per Hibbett's, the lease would be for 20 years. They have not finalized the lease as they are awaiting our response to their request.
- The initial request for tax rebate was the City's portion of sales tax collected for the first three years. They have advised they have also entered into agreements for 50% of City sales tax collected the first 6 years.
- If the agreement is entered into, they would submit their tax to the State. At the end of the year, they would provide proof to the City of taxes paid and the City would issue the rebate. This would require a MOU that they already have prepared.

FISCAL IMPACT: *REVIEWED BY:* _____ *(Finance Director)*

Hibbett Sports reports annual sales of $800,000 at each of their locations.

ATTACHMENTS:

Documentation received from Hibbett Sports.

RECOMMENDATION:

Motion to act in the best interests of Lovington.

_____ **Department Head**

_____ **City Manager**

HIBBETT SPORTS®

GAME TESTED. ATHLETE APPROVED.™

April 29, 2013

Dixie Drummond
Mayor of Lovington
214 S. Love Street
Lovington, New Mexico 88260

Re: Hibbett Sports Coming to Lovington!

Dear Mayor Drummond:

I am the Director of Tax for Hibbett Sporting Goods, and we are interested in locating a Hibbett Sports retail location in Lovington.

We hope you already know Hibbett Sports. We are a sporting goods retailer with locations in Hobbs and Roswell.

We believe there is an opportunity to locate a Hibbett Sports in Lovington, which would be beneficial to the citizens of Lovington through job creation, convenience, brand-name products, sales tax revenues, and employment taxes.

We are close to consummating a lease transaction to locate a store in Lovington that would enable us to be in Lovington for twenty (20) years. However, we need your help to make the opportunity economically feasible. We are requesting that the City of Lovington agree to the following very modest concession:

- A rebate of the city's portion of the sales tax collected for the first three years.

Attached is a brochure about Hibbett Sports and a Sample Press Release we'd like to send out if we can get the assistance we need to bridge the economics of the deal. Please call me at your earliest convenience to discuss this great opportunity.

Michael Crump
Director of Tax
(205) 380-7189

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April 29, 2013

CERTIFICATION OF INTENTIONS

I, Michael Crump, Director of Tax for Hibbett Sporting Goods, Inc. am duly authorized by Hibbett Sporting Goods, Inc. to make this Certification on its behalf, and the City of Lovington may rely upon this Certification.

Hibbett Sporting Goods, Inc. certifies that its Real Estate Committee has approved Lovington, New Mexico for a Hibbett Sports retail location.

Hibbett Sporting Goods, Inc. hereby certifies and commits to the City of Lovington, that in the event the following incentive is provided, Hibbett Sporting Goods, Inc. intends to open a Hibbett Sports retail location in the city, and shall enter into good faith negotiations with the prospective landlord to consummate a lease, enabling Hibbett Sports to open within the next six (6) months.

Requested Incentive

- A rebate of the city's portion of the sales tax collected for the first three years.

Michael Crump
Director of Tax
(205) 380-7189

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Notarization

State of Alabama)
)
County of Jefferson)

On April 29, 2013, before me, Twila Dothard, a Notary Public in and for said county, personally appeared Michael Crump, personally known to me, and who being duly sworn by me, says that he signed the above Certification of Intention.

Twila Dothard

Twila Dothard

Twila Dothard
Notary Public
Alabama, State at Large

My Commission Expires: January 6, 2015

HIBBETT SPORTS®

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Contact: Joy McCord
VP of Marketing
(205) 942-4292

HIBBETT SPORTING GOODS, INC. COMING SOON TO LOVINGTON, NEW MEXICO

BIRMINGHAM, Ala. (April 29, 2013) – Thanks to the Mayor of Lovington, national sporting goods retailer Hibbett Sporting Goods, Inc. is pleased to announce that its newest Hibbett Sports store will be opening in the Lovington, New Mexico market, employing approximately eight full and part-time team members.

Announcing the opening, Jeff Rosenthal, President and CEO of Hibbett Sports said, "We're thrilled to be opening a new store in Lovington. The Mayor of Lovington is dedicated to the people of this community and committed to bringing great companies like Hibbett Sports to Lovington."

The Mayor of Lovington said, "We are excited to welcome Hibbett Sports to Lovington. The new business will bring additional value to our city with desirable jobs and by producing taxes that bring revenue to the city."

"People in Lovington take their sports seriously, and we plan to give them the sporting goods products and know-how they've been looking for," added Rosenthal.

Hibbett Sports is a fast-growing operator of over 750 full-line sporting goods stores in small to mid-sized markets, most of them located in the Southeast, Mid-Atlantic and Midwest. The primary store format is a 5,000 square-foot store in dominant strip centers and enclosed malls.

Hibbett Sports offers a large selection of quality athletic equipment, footwear and apparel, with a focus on knowledgeable, friendly customer service, offering customers information they can't always get at other stores selling sports products. The company features an expansive selection of brand name merchandise, with an eye toward meeting the needs of the team and individual sports participants. Another priority is offering localized apparel and accessories so that a wide range of customers within each market will be able to find just what they're looking for.

Hibbett Sports has a long history of focusing on the needs of local teams and leagues, providing a variety of services to meet the needs of coaches and players alike.

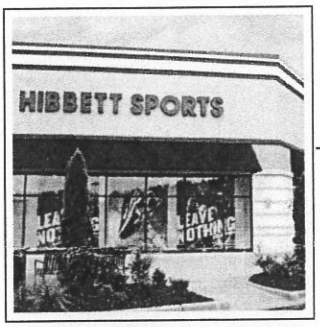
Hibbett Sports is the only sporting goods chain committed to serving small markets. Keeping costs low while keeping customers happy has proved to be a successful goal for Hibbett Sports as the company continues to successfully expand its number of stores across the U.S.

According to Rosenthal, from Hibbett Sports' beginning in 1945, the focus has been on serving the local community. "No matter how many stores we open, we don't lose sight of the fact that every town we serve is a hometown."

-###-

HIBBETT SPORTS®

GAME TESTED. ATHLETE APPROVED.™



Hibbett Sports is a fast-growing operator of over 750 full-line sporting goods stores in small to mid-sized markets, most of them located in the Southeast, Mid-Atlantic and Midwest. The primary store format is a 5,000 square foot store in dominant strip centers and enclosed malls, with an average sales volume per store of over $800,000 annually.

Hibbett offers a large selection of quality athletic equipment, footwear and apparel, with a focus on knowledgeable, friendly customer service, offering customers information they can't always get at other stores selling sports products. The company features an expansive selection of brand name merchandise with an eye toward meeting the needs of the team and individual athletes. Another priority is offering localized apparel and accessories so that a wide range of customers within each market will be able to find just what they're looking for.

With the buying power of a national company, we offer customers the convenience of buying the best in sporting goods right in their own neighborhoods, including products they couldn't find otherwise. Brands like Nike, Under Armour, Oakley and The North Face are offered in our stores. Wide assortments from each brand, hard to find in other stores, are readily available at Hibbett Sports, keeping sports enthusiasts shopping in their own communities.

Hibbett Sports takes pride in offering excellent customer service and bringing jobs to the area. The new store will employ approximately eight full and part time team members. On average, our stores generate over $800,000 in sales yearly, boosting tax revenues for the cities and counties in which we operate.

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 28, 2013

TYPE: ☐ **RESOLUTION** ☑ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: Consider Approval of Ordinance 506
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: May 20, 2013

STAFF SUMMARY:

Ordinance 506 creates the Lovington Affordable Housing Ordinance. This ordinance has been published for over 30 days to allow for public comment.

This ordinance has been reviewed and approved by the NM Mortgage Finance Authority.

FISCAL IMPACT:

REVIEWED BY: _____
(Finance Director)

ATTACHMENTS:

RECOMMENDATION:

Motion to approve.

_____
Department Head

_____
City Manager

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 28, 2013

TYPE: ☐ **RESOLUTION** ☑ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: Consider Adoption of Ordinance 507
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: May 20, 2013

STAFF SUMMARY:

Ordinance 507 will establish the City of Lovington Parks and Recreation Board. This ordinance has been advertised for the past 30 days to allow for public comment.

Commissioners will need to discuss the appointment of one Commissioner, three individuals who reside in the City of Lovington, one individual who resides in the Lovington ETZ, and two individuals between the ages of fifteen and twenty. This can be listed as a discussion item or action item at the next Commission Meeting, at the direction of the City Commission.

FISCAL IMPACT:

REVIEWED BY: _____
(Finance Director)

ATTACHMENTS:

Ordinance 507 - Lovington Parks and Recreation Board

RECOMMENDATION:

Motion to approve.

_____
Department Head

_____
City Manager

ORDINANCE NO. 507

An ordinance of the City of Lovington, New Mexico, enacting a new Chapter of Title 2, Division V, Chapter 2.90 creating the Lovington Parks and Recreation Board, the membership thereof and providing rules and regulations for the conduct of business of such board, and defining the powers and the duties thereof.

WHEREAS, the City of Lovington provides parks and recreational facilities for the citizens of our community; and

WHEREAS, the input of our citizens in regards to such facilities is valued.

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON, NEW MEXICO, that:

Chapter 2.90 Parks and Recreation Board of the Lovington Municipal Code of the City of Lovington, New Mexico, in the following form, is hereby enacted:

2.90.010 Intent

It is the intent of the City that the Parks and Recreation Advisory Board, hereinafter referred to as the "Board", shall:

A. Represent the community at large and not any specific recreational organization; and

B. The Board shall keep itself informed of City parks and recreation needs and to serve as a forum for public discussion; and

C. To encourage the general use of parks and recreation programs including cooperation with other agencies and organizations that are involved in providing recreation services for the public good.

2.90.020 Membership and Appointment

The Board shall consist of seven (7) members, one of whom shall be a duly elected and qualified member of the City Commission. The Mayor, with the approval and consent of the City Commission, shall appoint the remaining six (6) from citizens. Three (3) shall reside within the City limits of Lovington, one (1) within the Lovington Extraterritorial Zone, and two (2) members between the ages of fifteen (15) and twenty (20). The Mayor, recreation director, parks director, and superintendent of the Lovington Municipal Schools shall be ex officio members of the Board, but shall have no vote in any of its proceedings.

2.90.030 Terms of Office

Initially, the Mayor shall appoint to the Board three (3) members for one (1) year, two (2) members for two (2) years and one (1) member for three (3) years. The City Commission member so appointed shall serve for a term concurrent with their duly elected term as a member of the City Commission. Thereafter, the terms of all Board members, except the member who is a City Commissioner, shall be for three (3) years, and until their successors shall be appointed and qualified.

2.90.040 Vacancies

Vacancies occurring in the membership of the Board by reason of death, resignation, termination of residence in the city or removal from the Board for cause shall be filled by appointment by the Mayor, with the approval of the City Commission, for the unexpired part or portion of the vacant membership.

2.90.050 Compensation

Members of the parks and recreation board shall serve without compensation.

2.90.060 Organization

The Board members, when appointed, shall meet within fifteen (15) days after their appointment to organize by the election of one of their members as chairperson and one as vice chairperson. The terms of the officers so elected shall be for one year and until their successors are elected by an annual election of the membership of the Board.

2.90.070 Meetings

The Board shall hold a regular meeting at least once per quarter and convene such specially called meetings as it may deem appropriate. The Board meetings will comply with the New Mexico Open Meetings Act and reasonable notice shall be provided to the public. Minutes shall be kept of all Board meetings.

2.90.080 Removal From Office

Any member of the Board provided in this chapter may be removed by the City Commission. Any member of the Parks and Recreation Board who fails to attend three consecutive regular meetings of the Board, without valid reason approved by the Board, shall be deemed to have resigned his/her office, and upon notice of such resignation, the Mayor, with the approval of the City Commission, shall appoint someone to fill out such member's term.

2.90.090 Duties

The Board shall:

A. Carry out the policies of the City Commission and receive, study and recommend to the City Commission all requests by individuals or groups in reference to the activities, programs and plans of the commission.

B. Advise and consult with the City Commission on public reaction to the activities of the Board.

C. Make recommendations as to priority for additions to or construction of parks or recreation facilities.

D. Have no power to make any final determination upon any of the foregoing matters and shall have advisory powers only.

Passed, adopted and approved this ____ day of _____, 2013.

CITY OF LOVINGTON

_____
DIXIE DRUMMOND, Mayor

ATTEST:

_____
CAROL ANN HOGUE, City Clerk

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 28, 2013

TYPE: ☐ **RESOLUTION** ☑ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☐ **OTHER ACTION**

SUBJECT: Consider Approval of Ordinance 508
DEPARTMENT: City Clerk
SUBMITTED BY: Carol Ann Hogue, City Clerk
DATE SUBMITTED: May 20, 2013

STAFF SUMMARY:

Ordinance 508 will amend the Business Licenses and Regulations section of the municipal code. The proposed ordinance has been advertised over the past 30 days to allow for public comment.

This ordinance will enact a mobile business permit for use by established businesses who wish to conduct mobile operations. A fee of $100 per year would be charged if businesses elect to operate in this manner.

The transient and itinerant merchant license would be amended to a license issued for a period of 7 consecutive days. A $500 fee would be assessed each time the license is applied for.

The ordinance has also been amended to increase the fine amount to $500 per violation.

FISCAL IMPACT: *REVIEWED BY:* _____
(Finance Director)

Increase in vendor license fee income that will capture potentially lost GRT revenue. Existing itinerant or transient vendors would not be impacted until their current license expires in December.

ATTACHMENTS:

Ordinance 508

RECOMMENDATION:

Motion to approve.

_____ _____

Department Head **City Manager**

ORDINANCE NO. 508

AN ORDINANCE MODIFYING AND AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON THAT TITLE 5 CHAPTER 5.04 AND CHAPTER 5.56 BE AND HEREBY IS AMENDED AS FOLLOWS:

Chapter 5.04 – Business Registration and License Fees

5.04.15 Mobile business activity fee – Imposition

In addition to the business registration fee, there is imposed an annual mobile business activity fee of one hundred dollars for each calendar year for those persons who engage in mobile business activity. The mobile business activity fee may not be prorated for mobile business activity that occurs only once in any calendar year an/or for only a limited number of days in any calendar year.

Chapter 5.56 – Transient and Itinerant Merchants and Vendors

5.56.110 License – Expiration

A license issued under this chapter shall continue and be in force for a period not to exceed seven consecutive days for the sale of goods or merchandise between the hours of 8:00 a.m. and 8:00 p.m., which license shall expire at 8:00 p.m. on the seventh day. The fee required shall not be prorated or refunded.

5.56.190 Violation – Penalty

Anyone found guilty of violating the provision of this chapter shall be punished by a fine of up to five hundred dollars or imprisonment of up to ninety days, or by both such fine and imprisonment.

Passed, adopted and approved this ____ day of _____, 2013.

CITY OF LOVINGTON

_____
DIXIE DRUMMOND, Mayor

ATTEST:

_____
CAROL ANN HOGUE, City Clerk

ORDINANCE NO. 509

An ordinance of the City of Lovington, New Mexico, amending Section 13.12.06 and enacting a new Section 13.12.075 Industrial Water Rates II, of Title 13 - Rates, Billing and Collection, of the Lovington Municipal Code.

WHEREAS, the City of Lovington may provide potable water to Industrial Customers from its water facilities for the City's municipal water supply.

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON, NEW MEXICO, that:

Section 13.12.065 Industrial Water Rates, of the Lovington Municipal Code of the City of Lovington, New Mexico, in the following form, is hereby amended:

13.12.065 Industrial Water Rates

An Industrial Water Rate shall be charged and collected for businesses that obtain service from the waterworks systems of the city for use in production or manufacturing services on the site of their place of business. The water rates to be charged and collected by the city from each Industrial Customer shall be as follows:

Section 13.12.068 Industrial Water Rates II, of the Lovington Municipal Code of the City of Lovington, New Mexico, in the following form, is hereby enacted:

13.12.068 Industrial Water Rates II

An Industrial Water Rate II shall be charged and collected for customers or businesses that obtain service from the waterworks system of the City of Lovington for use or sale of such water off site from their principal place of business or from City of Lovington supply sites. The water rates to be charged and collected from each Industrial Customer II shall be as follows:

Amended rates shall become effective June 1, 2013 and may be adjusted to meet the needs of the City. Rate adjustments will take effect September 15th of each year.

First 1,000 gallons or less.	$7.10
Over 1,000 gallons	Additional $0.67 for each additional 100 gallons or part thereof

APPROVED, PASSED, AND ADOPTED this _____ day of _____, 2013.

CITY OF LOVINGTON

_____

DIXIE DRUMMOND, Mayor

ATTEST:

_____

CAROL ANN HOGUE, City Clerk

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 28, 2013

TYPE: ☐ RESOLUTION ☑ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☐ OTHER ACTION

SUBJECT: Consider Approval of Ordinance 509
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: May 20, 2013

STAFF SUMMARY:

Ordinance 509 amends Water Rates, Billing, and Collection. It has been advertised for over 30 days to allow for public comment.

This ordinance will modify the definition of Chapter 13.12.065 - Industrial Water Rates to incorporate the definition that an Industrial Water Rate will be collected for businesses that obtain service for use in production or manufacturing services on the site of their place of business.

A new chapter, 13.12.068, has been added to establish Industrial Water Rates II. This chapter states that a rate of $7.10 will be charged for the first 1,000 gallons or less, and each additional 100 gallons a charge of $0.67. Charges will be collected from customers obtaining service for use or sale of water off site of their principal place of business or from City of Lovington supply sites.

FISCAL IMPACT: *REVIEWED BY:* _____ *(Finance Director)*

Increase in fees collected for customers who fall into the Industrial Water Rate II classification.

ATTACHMENTS:

Ordinance 509

RECOMMENDATION:

Motion to approve

_____ **Department Head**

_____ **City Manager**

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 28, 2013

TYPE: ☐ RESOLUTION ☑ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☐ OTHER ACTION

SUBJECT: Consider Approval of Ordinance 510
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: May 20, 2013

STAFF SUMMARY:

Ordinance 510 will amend Chapter 8.28 of the Lovington Municipal Code and will allow the City to remove nuisances and files liens if necessary. This ordinance has been published for over 30 days to allow for public comment.

FISCAL IMPACT: *REVIEWED BY:* _____ *(Finance Director)*

Possible decrease in costs associated with condemnation and the ability to recoup expenses incurred from abating found nuisances.

ATTACHMENTS:

Ordinance 510

RECOMMENDATION:

Motion to approve.

_____ **Department Head**

_____ **City Manager**

ORDINANCE NO. 510

AN ORDINANCE MODIFYING AND AMENDING TITLE 8, CHAPTER 8.28 NUISANCES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON THAT TITLE 8 CHAPTER 8.28 BE AND HEREBY IS AMENDED AS FOLLOWS:

8.28.050 Notice to abate

If the provisions of Section 8.28.010 are not complied with, the City Manager or his/her authorized representative may whenever they he/she determines a nuisance exists and is then, or likely to become, detrimental to the public health or comfort of any person, shall notify the owner, lessee, occupant, or person having charge or control of any occupied or unoccupied lot or tract of land, of the non-compliance with the provisions of this chapter by the issuance of a ten-day written warning, requesting such person to abate or commence abatement of such condition.

8.28.080 Removal of Nuisance by City – Lien

In those cases where the owner, lessee, occupant, or person having charge or control of any occupied or unoccupied lot or tract of land, is a non-resident of the City or cannot be determined, and compliance in its entirety with the provisions set forth in the notice to abate or commence abatement has not occurred within ten (10) days, the City Manager may cause such nuisance to be abated. In any event, should it appear to be a matter of public necessity for health and safety reasons, the City Manager may give notice that the nuisance be abated immediately, in which event, should there be no compliance, and the City Manager is authorized to cause such nuisance to be removed immediately. The actual cost of the abatement, plus any other penalties or costs allowed by law in connection therewith, under any of the circumstances herein set out, shall be billed to the owner of record, who shall have fifteen (15) days to submit payment in full. Failure to remit payment shall cause a lien to be placed upon the property from which such nuisance was abated. The lien shall be foreclosed in the manner provided by law.

PASSED, ADOPTED AND APPROVED THIS _____ DAY OF _____, 2013.

CITY OF LOVINGTON

_____

DIXIE DRUMMOND, Mayor

ATTEST:

_____

CAROL ANN HOGUE, City Clerk

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 28, 2013

TYPE: ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☑ **OTHER ACTION**

SUBJECT: Consider Setback Variance in Sunrise Addition
DEPARTMENT: Planning and Zoning Board
SUBMITTED BY:
DATE SUBMITTED: May 20, 2013

STAFF SUMMARY:

The developers of the Sunrise Addition have requested a variance to setback requirements for lots 25 and 36. These lots are located on the corners of Aspen and 7th Street.

The contractor did make an error when building these two homes, which created the issue of not conforming to the requirement of having a 15 foot setback for the street side of a corner lot.

The Planning and Zoning Board made the recommendation to approve the variance request.

FISCAL IMPACT:

REVIEWED BY: _____
(Finance Director)

ATTACHMENTS:

Sunrise Addition Plat (Lots 25 and 26 are marked)

RECOMMENDATION:

Motion to approve variance.

_____
Department Head

_____
City Manager

SUNRISE ADDITION

LOCATED WITHIN THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO
SCALE: 1"=60' MAY 9, 2013

DEDICATION

THE FOREGOING SUBDIVISION OF THAT CERTAIN TRACT OF LAND FORMERLY BEING BLOCK 21, UNIT 6, APAULA HEIGHTS ADDITION AS RECORDED JUNE 13, 1962, BOOK 186, PAGE 305; BLOCK 25, UNIT 7, APAULA HEIGHTS ADDITION AS RECORDED FEBRUARY 13, 1962, IN BOOK 214, PAGE 165; LOTS 1, 2, 3, & 4, BLOCK 26 & LOTS 1, 2, 3, 4, 5, 6, BLOCK 29, UNIT 8, APAULA HEIGHTS ADDITION AS RECORDED MAY 18, 1977, BOOK 340, PAGE 907; AND TRACT ONE, LOVINGTON METHODIST CHURCH BOUNDARY SURVEY AS RECORDED SEPTEMBER 26, 2006, BOOK 1471, PAGE 878 OF THE LEA COUNTY CLERK RECORDS; THIS TRACT BEING LOCATED WITHIN THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID UNIT 6, APAULA HEIGHTS ADDITION, A FOUND 1/2" IRON PIPE, WHENCE N88°12'51"E 60.58 FEET TO A NAIL FOUND MARKING THE SOUTHEAST CORNER OF LOT 7, SEC. 4, T.16S., R.36E., N.M.P.M.; THENCE FROM THE POINT OF BEGINNING S88°12'51"W 362.07 FEET TO A 1/2" IRON ROD FOUND; THENCE N01°38'44"W 1023.66 FEET TO A 1/2" REBAR SET WITH YELLOW PLASTIC CAP MARKED 18619; THENCE N88°37'36"E 424.21 FEET TO A FOUND 1/2" REBAR WITH PLASTIC YELLOW CAP MARKED 6290; THENCE S01°33'27"E 460.00 FEET, 1/2" IRON ROD FOUND; THENCE S88°00'00"W 121.22 FEET, TO A 1/2" IRON PIPE; THENCE S01°39'27"E 110.22 FEET TO A 1/2" IRON PIPE; THENCE N88°00'00"E 121.02 FEET TO A 1/2" REBAR SET WITH YELLOW PLASTIC CAP MARKED 18619; THENCE S01°33'27"E 290.15 FEET, TO A 1/2" REBAR SET WITH YELLOW PLASTIC CAP MARKED 18619; THENCE S88°00'00"W 61.08 FEET, TO A 1/2" REBAR SET WITH YELLOW PLASTIC CAP MARKED 18619; THENCE S01°46'00"E 140.00 FEET, TO THE POINT OF BEGINNING, CONTAINING 9.433 ACRES.

SUBDIVIDED AS THE SAME APPEARS HEREON, WITH ALL RIGHTS-OF-WAY AND ALLEYS AS SHOWN BEING DEDICATED TO THE CITY OF LOVINGTON FOR PUBLIC RIGHTS-OF-WAY. THIS SUBDIVISION AND PLATTING ACTION SHALL BE KNOWN AS: SUNRISE ADDITION.

OWNER'S STATEMENT AND AFFIDAVIT

STATE OF NEW MEXICO;
COUNTY OF LEA:

THE UNDERSIGNED FIRST DULY SWORN ON OATH, STATE: ON BEHALF OF THE OWNERS AND PROPRIETORS, WE HAVE OF OUR OWN FREE WILL AND CONSENT CAUSED THIS PLAT WITH ITS TRACTS TO BE PLATTED. THE PROPERTY DESCRIBED ON THIS PLAT LIES WITHIN THE PLATTING JURISDICTION OF THE CITY OF LOVINGTON.

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME THIS

_______DAY OF_______________20_____

BY ______________________________

ACKNOWLEDGMENT
STATE OF NEW MEXICO:
COUNTY OF LEA:

ON THIS_______DAY OF__________, 20_____

BEFORE ME PERSONALLY APPEARED ______________ TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

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

MY COMMISSION EXPIRES:________________

NOTARY PUBLIC________________

CERTIFICATE OF MUNICIPAL APPROVAL

I, ______________ THE DULY APPOINTED AND ACTING CITY MANAGER FOR THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT THE PRECEDING PLAT IN THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO, WAS REVIEWED AND DEEMED COMPLIANT WITH THE MUNICIPAL SUBDIVISION REGULATIONS

ON THIS_____DAY OF __________ 20_____

CITY MANAGER________________

CITY CLERK________________

ACKNOWLEDGMENT
STATE OF NEW MEXICO:
COUNTY OF LEA:

ON THIS_______DAY OF__________, 20_____

BEFORE ME, ______________, CITY MANAGER, AND ______________ CITY CLERK, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

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

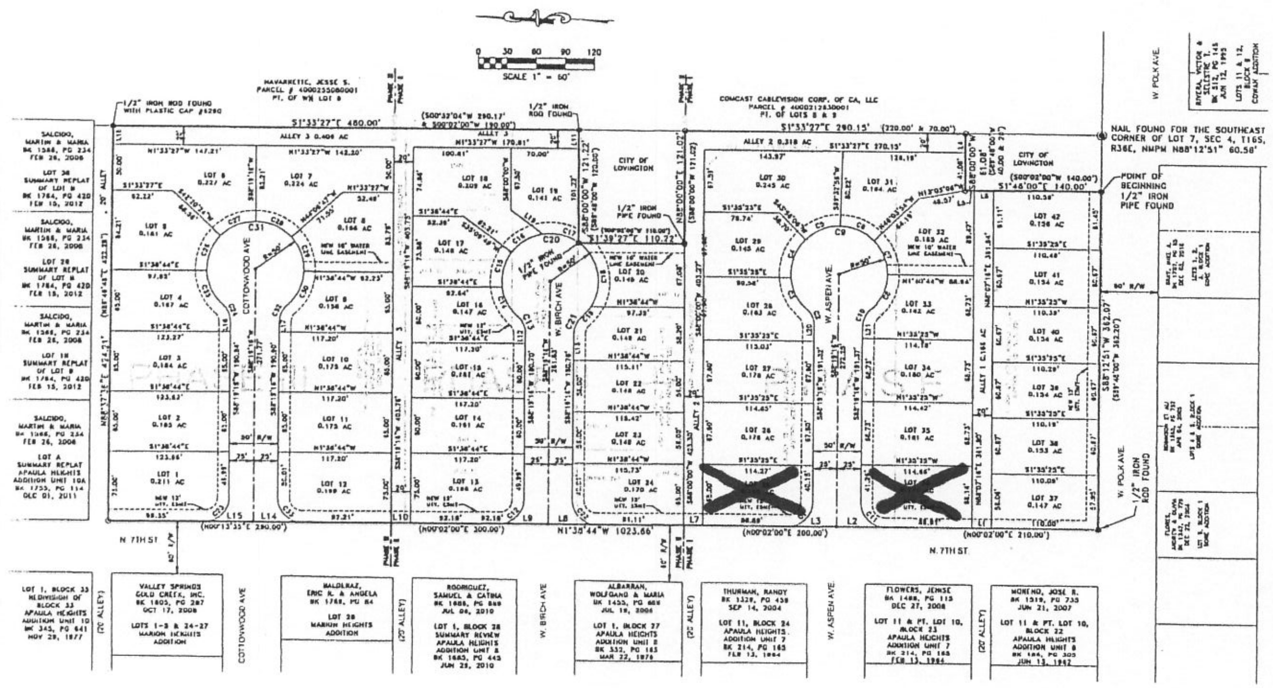
MY COMMISSION EXPIRES:________________

NOTARY PUBLIC________________

PARCEL LINE TABLE		
LINE No.	BEARING	DISTANCE
L2	S1°38'44"E	49.99'
L3	S1°38'44"E	50.01'
L7	S1°38'44"E	20.00'
L8	S1°38'44"E	49.99'
L9	S1°38'44"E	50.01'
L10	S1°38'44"E	20.00'
L12	S88°19'16"W	10.71'
L13	N88°19'16"E	28.74'
L14	S1°38'44"E	49.99'
L15	S1°38'44"E	50.01'
L16	S88°19'16"W	10.83'
L17	N88°19'16"E	10.98'
L18	N88°37'36"E	20.00'
L19	S35°09'48"W	41.77'
L20	S88°19'16"W	15.98'
L21	N88°19'16"E	12.65'

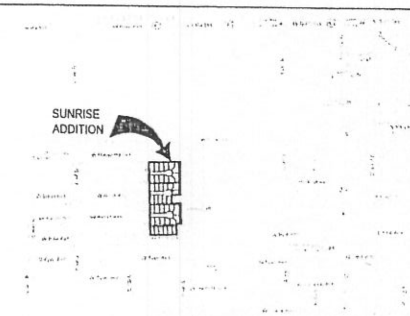
CURVE TABLE						
CURVE No.	DELTA	RADIUS	TAN	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	90°01'58"	25.00'	25.01'	39.28'	N46°39'45"W	35.37'
C2	48°11'23"	25.00'	11.18'	21.03'	S84°13'34"W	20.41'
C3	43°20'18"	50.00'	19.87'	37.82'	S81°46'01"W	3826.97'
C4	50°27'57"	50.00'	23.56'	44.04'	N71°17'53"W	3827.03'
C5	45°38'50"	50.00'	21.03'	39.81'	N23°15'29"W	38.78'
C6	44°23'10"	50.00'	20.40'	38.73'	N21°44'31"E	37.77'
C7	44°23'10"	50.00'	20.40'	38.73'	N68°07'41"E	3826.98'
C8	48°11'23"	50.00'	22.36'	42.05'	S67°35'03"E	3827.01'
C9	276°22'48"	50.00'	44.72'	241.19'	N1°40'44"W	66.67'
C10	48°11'23"	25.00'	11.18'	21.03'	S87°35'03"E	20.41'
C11	89°58'00"	25.00'	24.99'	39.26'	N43°30'16"E	35.35'
C12	90°02'00"	25.00'	25.01'	39.28'	N46°39'44"W	35.37'
C13	48°11'23"	25.00'	11.18'	21.03'	N84°13'34"E	20.41'
C14	40°38'07"	50.00'	18.50'	35.43'	S40°25'56"W	3826.85'
C15	44°25'48"	50.00'	20.42'	38.77'	N77°03'06"W	37.81'
C16	44°25'49"	50.00'	20.42'	38.77'	N32°37'17"W	37.81'
C17	44°25'48"	50.00'	20.42'	38.77'	N11°46'32"E	37.81'

CURVE TABLE						
CURVE No.	DELTA	RADIUS	TAN	LENGTH	CHORD BEARING	CHORD DISTANCE
C18	86°14'47"	50.00'	46.83'	75.24'	N77°08'48"E	68.34'
C19	16°14'26"	50.00'	7.13'	14.17'	S51°36'34"E	3826.82'
C20	276°22'48"	50.00'	44.72'	241.19'	N1°40'44"W	66.67'
C21	48°11'23"	25.00'	11.18'	21.03'	N87°35'03"W	20.41'
C22	89°56'00"	25.00'	24.99'	39.26'	N43°20'16"E	35.35'
C23	90°01'58"	25.00'	25.01'	39.28'	N46°39'44"W	35.37'
C24	48°11'23"	25.00'	11.18'	21.03'	S44°13'34"W	20.41'
C25	46°11'38"	50.00'	21.32'	40.31'	S43°13'42"W	39.23'
C26	46°00'52"	50.00'	21.23'	40.16'	N70°40'02"W	39.06'
C27	45°58'52"	50.00'	21.21'	40.13'	N24°40'10"W	39.06'
C28	47°33'58"	50.00'	22.03'	41.51'	N22°04'15"E	40.33'
C29	44°29'48"	50.00'	20.45'	38.83'	N68°08'07"E	37.86'
C30	46°07'38"	50.00'	21.28'	40.25'	S66°33'11"E	39.18'
C31	276°22'46"	50.00'	44.72'	241.19'	N1°40'44"W	66.67'
C32	48°11'23"	25.00'	11.18'	21.03'	S67°35'03"E	20.41'
C33	89°58'00"	25.00'	24.99'	39.26'	S43°20'16"W	35.35'



LEGEND

- ○ 1/2" IRON ROD SET WITH PLASTIC CAP NO. 18619
- ● MONUMENT FOUND AS DESCRIBED TAGGED LS# 18619
- MEASURED S00°00'00"E
- RECORD (S00°00'00"E)
- BOUNDARY
- VACATED LOTS



VICINITY MAP
NOT TO SCALE

NOTES:

1. ALL LOTS ARE WITHIN FLOOD ZONE "X" – "AREAS IN WHICH FLOOD HAZARDS ARE UNDETERMINED, BUT POSSIBLE;, A SHOWN SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAPS NUMBER 35025C0955 D EFFECTIVE DECEMBER 16, 2008.
2. THE PROPOSED 50' RIGHTS-OF-WAY SHOWN ARE HEREBY DEDICATED TO THE CITY OF LOVINGTON FOR PUBLIC ROADWAYS UPON THE FILING OF THIS PLAT. MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE CITY OF LOVINGTON.
3. THIS SUBDIVISION'S PROPOSED LAND USE IS FOR SINGLE-FAMILY RESIDENCES. THE MINIMUM LOT SIZE IS 5000 SF (0.115 AC).
4. ALLEYS 1, 2, AND 3 AS SHOWN HEREON ARE HEREBY DEDICATED TO THE CITY OF LOVINGTON FOR UTILITY PURPOSES. MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE CITY OF LOVINGTON.
5. WATER AND SEWER SERVICE SHALL BE PROVIDED BY THE CITY OF LOVINGTON.
6. GAS SERVICE IS NOT PROPOSED FOR THIS SUBDIVISION.
7. ALL PROPOSED EASEMENTS SHOWN HEREON ARE HEREBY GRANTED TO THE CITY OF LOVINGTON. PERMANENT STRUCTURES OR OTHER ENCROACHMENTS SHALL NOT BE ALLOWED TO INTERFERE WITH THE USE OF EASEMENTS SHOWN.
8. THE FOLLOWING PARCELS ARE HEREBY VACATED BY THE CITY OF LOVINGTON AS ADOPTED ON APRIL 22, 2013, AND REPLATTED INTO THE PROPOSED LOTS, TRACTS, AND RIGHTS-OF-WAY AS SHOWN: BLOCK 21, UNIT 6, APAULA HEIGHTS ADDITION AS RECORDED JUNE 13, 1962, BOOK 186, PAGE 305; BLOCK 25, UNIT 7, APAULA HEIGHTS ADDITION AS RECORDED FEBRUARY 13, 1962, IN BOOK 214, PAGE 165; LOTS 1, 2, 3, & 4, BLOCK 26 & LOTS 1, 2, 3, 4, 5, 6, BLOCK 29, UNIT 8, APAULA HEIGHTS ADDITION AS RECORDED MAY 18, 1977, BOOK 340, PAGE 907; AND TRACT ONE, LOVINGTON METHODIST CHURCH BOUNDARY SURVEY AS RECORDED SEPTEMBER 26, 2006, BOOK 1471, PAGE 878 OF THE LEA COUNTY CLERK RECORDS.
9. BASIS OF BEARING IS BASED ON GPS OBSERVATION USING GRID NORTH. NEW MEXICO STATE PLANE COORDINATE SYSTEM, EAST ZONE (NAD83) AT THE ½" IRON ROD FOUND CAP No. 6290 FOR THE NORTHEAST CORNER OF THIS SUBDIVISION. N714,847.0260 SFT, E841,289.0860 SFT.
10. ALL INTERNAL PROPERTY CORNERS WILL BE MONUMENTED WITHIN TWELVE MONTHS OF THE FILING OF THIS PLAT.

SURVEYOR'S CERTIFICATION

I, MICHAEL T. SANDERS, A NEW MEXICO 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 PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

MICHAEL T. SANDERS, PLS 18619 ________ DATE

SUMMIT ENGINEERING

FINAL PLAT
SUNRISE ADDITION
CITY OF LOVINGTON
LEA COUNTY, NEW MEXICO

DESIGNED BY: GDB
DRAWN BY: SVS
DATE: FEBRUARY 12, 2013
REVISIONS: APRIL 3, 2013
APRIL 29, 2013

SHEET: 1
OF: 1

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 28, 2013

TYPE: ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☑ **OTHER ACTION**

SUBJECT: Consider Approval of Variance - Fairview Addition
DEPARTMENT: Planning and Zoning
SUBMITTED BY:
DATE SUBMITTED: May 20, 2013

STAFF SUMMARY:

Mayra Perales has requested a variance for setbacks in the Fairview Addition, Block 8, Lot 9. This is a triangle shape property. Due to the shape, the home she is wishing to build will not fit properly within the required 25 foot setbacks.

The Planning and Zoning Board did recommend approving this variance contingent upon Mrs. Perales having a valid title to the land.

FISCAL IMPACT:

REVIEWED BY: _____
(Finance Director)

ATTACHMENTS:

Planning and Zoning Documents

RECOMMENDATION:

Motion to approve contingent on proving valid title to land.

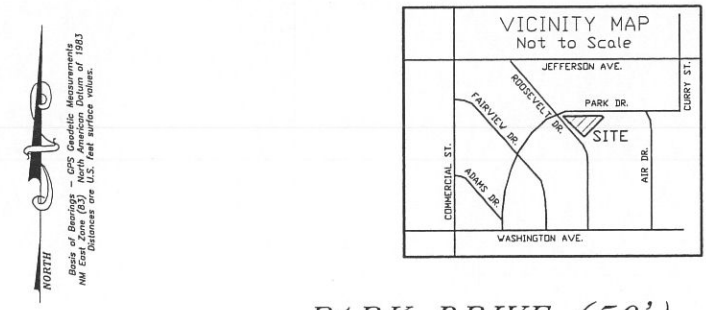
_____ **Department Head**

_____ **City Manager**

Site Plan Review Form

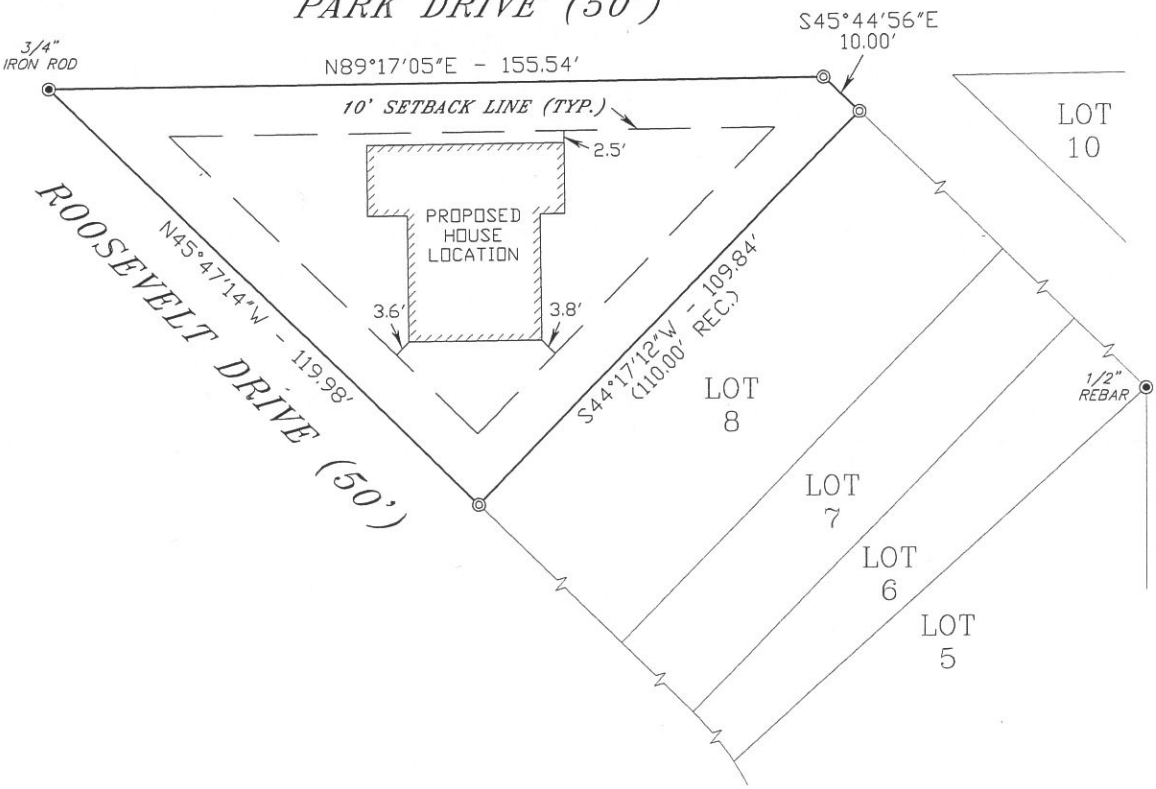
Applicants Name:	Jamie & Mayra Perales
Applicants Address:	
Applicants Phone Number, Fax, Email:	575-691-5060
Brief Description of Project:	This lot is shaped like a triangle therefore not allowing the house to fit properly with the required 25 feet setback. They are asking for a variance for 15 feet setbacks.
Subdivision, Zoning Information: Zone A,B,C,D, Name, Block, Lot, District	Zone B Fairview Add block 8 lot 9 011
Owner number	23124
Parcel Number	4000231240001
Applicants Status: Date Tentative	5-1-2013
P&Z Date and Time	5-20-2013 4:00pm
Officer Recommendations:	17.20.040 Front yard Front yard having a depth not less than twenty-five feet. Where lot have double frontage the required front yard shall be required on both streets.
Applicants Signature	
Date	
Officer Signature	Laura H Mays
Date	5-1-13

SURVEY OF LOT 9 OF BLOCK 8 OF THE FAIRVIEW ADDITION TO THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO



NORTH

Basis of Bearings – GPS Geodetic Measurements
NM East Zone (0301) North American Datum of 1983
Distances are U.S. feet surface values.



LEGAL DESCRIPTION

LOT 9 OF BLOCK 8 OF THE FAIRVIEW ADDITION TO THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO.

TERRY J ASEL
NEW MEXICO
15079
PROFESSIONAL LAND SURVEYOR

LEGEND

◉ — DENOTES FOUND MONUMENT AS NOTED
◎ — DENOTES SET 1/2" REBAR W/PVC CAP MARKED "NM 15079 TX 5204"

SURVEYORS CERTIFICATE

I, TERRY J. ASEL, NEW MEXICO PROFESSIONAL SURVEYOR NO. 15079, DO HEREBY 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 MEETS THE "MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO" AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS.

Terry J. Asel 5/20/2013

Terry J. Asel N.M. R.P.L.S. No. 15079

Asel Surveying
P.O. BOX 393 – 310 W. TAYLOR
HOBBS, NEW MEXICO – 575-393-9146

30' 0 30' 60' FEET
SCALE: 1"=30'

MAYRA PERALES

SURVEY OF LOT 9 OF BLOCK 8 OF THE FAIRVIEW ADDITION TO THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO

Survey Date: 05/15/13		Sheet 1 of 1 Sheets	
W.O. Number: 130515PS-b		Drawn By: KA	
Date: 05/20/13	130515PS-b.DWG	Scale:1"=30'	

Lea County

GIS INTERNET REPORT

Assessment Information

OWNER NUMBER: 23124 **UPC CODE:** 4000231240001

PARCEL NUMBER: 4000231240001

Owner Information	
Owner:	BAILEY, ELZADIE MC DANIEL
Mailing Address:	PO BOX 2158 LOVINGTON NM 88260
Property Address:	

Subdivision Information	
Name:	FAIRVIEW ADD ()
Unit:	
Block	8
Lot:	9

Legal Information
LOT 9 UNRECORDED TAX DEED

Other Information			
Taxable Value:	2677	**Deed Book:**	
Exempt Value:	0	**Deed Page:**	0
Net Value	2677	**District:**	011
Livestock Value:	0	**Section:**	
Manufactured Home Value:	0	**Township:**	
Personal Property:	0	**Range:**	
Land Value:	597	**Date Filed:**	0
Improvement Value:	7434	**Most Current Tax:**	$73.41
Full Value:	8031	**Year Recorded:**	

Lea County, New Mexico Disclaimer

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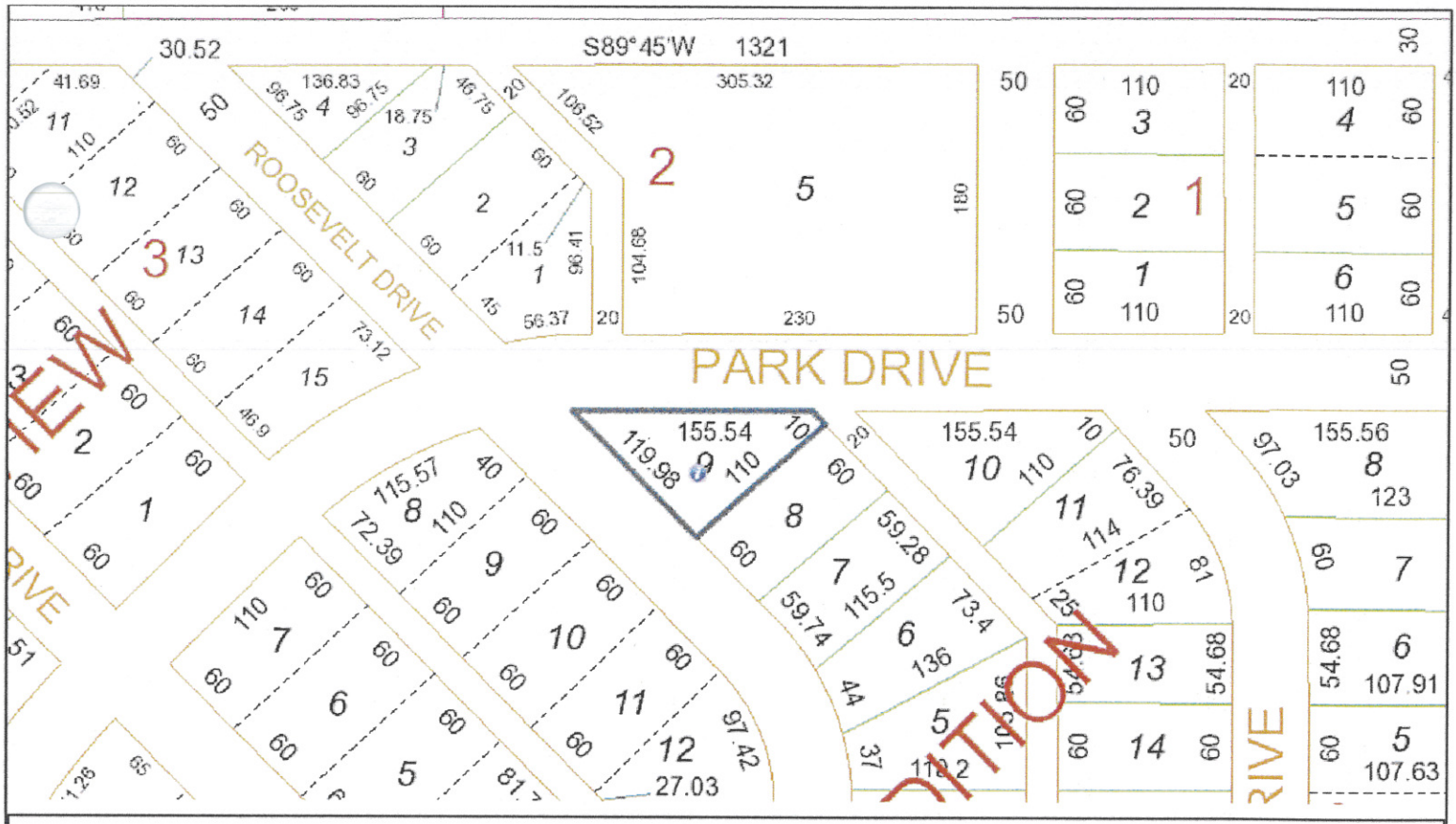
MAP TO BE USED FOR TAX PURPOSES ONLY. NOT TO BE USED FOR CONVEYANCE.



Lea County New Mexico

Printed Wed May 1 2013

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48404

JOINT TENANT
WARRANTY DEED

Demarco Ballard, Cameda Ballard, Husband and wife.

_____, for consideration paid grant ___ to

*Saime & Mayra Perales AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP,

whose address is 405 N. commerical Lovington N.M.

the following described real estate in Lea County, New Mexico:

Fairview Add Block 8 Lot 9, Lovington N.M.

with warranty covenants.

WITNESS _____ hand____ and seal ____ this 24th day of September, 2012.

Cameda Ballard

Demarco Ballard

Signature(s) of person(s) selling property

STATE OF NEW MEXICO)
ss:
County of Lea)

This instrument was acknowledged before me this 24th day of September, 2012.

by Demarco Ballard and Cameda Ballard
(Name(s) of Person(s) signing document)

My Commission Expires 8-4-2014

SEAL

Notary Public

OFFICIAL SEAL
Jessica Garcia
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 8-4-14

CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 28, 2013

TYPE: ☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **PROCLAMATION** ☐ **INFORMATION** ☑ **OTHER ACTION**

SUBJECT: Consider Variance at 505 W. Harrison
DEPARTMENT: Planning and Zoning Board
SUBMITTED BY:
DATE SUBMITTED: May 20, 2013

STAFF SUMMARY:

Manuel DeHaro has requested a variance to leave his double-wide trailer blocked, versus the permanent foundation required by City Ordinance.

Planning and Zoning recommended at the May 20, 2013 meeting to deny the request.

FISCAL IMPACT: *REVIEWED BY:* _____ *(Finance Director)*

ATTACHMENTS:

Planning and Zoning Documents

RECOMMENDATION:

Motion to deny variance request.

_____ **Department Head**

_____ **City Manager**

Site Plan Review Form

Applicants Name:	Manuel Detlaro
Applicants Address:	505 W. Harrison Ave
Applicants Phone Number, Fax, Email:	915-478-1445
Brief Description of Project:	Wants permission to leave his doublewide blocked verses on permanent foundation. 2013 Legacy House, 30X40
Subdivision, Zoning Information: Zone A,B,C,D, Name, Block, Lot, District	Zone B Cowan Add block 5 lot 8 011
Owner number	26160
Parcel Number	4000261600002
Applicants Status: Date Tentative	4-26-2013
P&Z Date and Time	5-20-2013 4:00pm

Officer Recommendations:

17.22.030 B. Regulations of manufactured housing

This ordinance states no manufactures home shall be located or used in residential purposes unless it meets all requirements applicable to single family site-built housing.

17.20.020 A. Permitted uses

In this ordnance it states the mobile home is to be set on a permanent foundation.

Applicants Signature	Date	Officer Signature	Date
		Laurel Mann	5-1-13

8
5
HARRI
Lea County New Mexico
Printed Wed May 1 2013
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