

**REGULAR MEETING OF THE PLANNING & ZONING COMMISSION  
TUESDAY, MARCH 10, 2015 @ 4:00 P.M.  
HELD IN CITY COMMISSION CHAMBERS, 214 SOUTH LOVE STREET**

**PURPOSE OF MEETING:**

- Consider possible violation of Lovington Municipal Code Title 16 Subdivision of Land: Tract 4 on east side of North Eddy between Madison Avenue and Jefferson Avenue

**PRESENT:** Members: Chairman Kallie Windsor, Vice Chairman Randy Pettigrew, Member David Lynch, Gus Vigil, and Betty Price.

**NOT PRESENT:** Member Bobby and Abel Cabello

**ALSO PRESENT:** City Manager James Williams, Assistant City Manager Jared Cobb, City Attorney Patrick McMahon, Fire Inspector Skip Moorhead, City Planner Merideth Hildreth, and Administrative Assistant Anna Juarez

**CALL TO ORDER:** The meeting was called to order by Chairman Kallie Windsor at 4:30 p.m.

**APPROVAL OF AGENDA:** Chairman Windsor called for a motion to approve agenda as submitted. Member Price so moved. Member Pettigrew second. All aye, motion was approved.

**APPROVAL OF REGULAR MINUTES OF JANUARY 13, 2015 AND WORK SESSION MINUTES FEBRUARY 17, 2015:** Chairman Windsor called for a motion to approve the regular minutes of January 13, 2015 and work session minutes February 17, 2015. Member Price so moved. Member Vigil seconded. All aye, motion was approved.

**ACTION ITEMS:**

**CONSIDER POSSIBLE VIOLATION OF LOVINGTON MUNICIPAL CODE TITLE 16 SUBDIVISION OF LAND: TRACT 4 ON EAST SIDE OF NORTH EDDY BETWEEN MADISON AVENUE AND JEFFERSON AVENUE:** City Planner Hildreth addressed Board of tract of land within City limits may be undergoing division into lots, marketed for sale, and “sold under contract to individual buyer(s)” without application to the City for formal zoning, subdivision or replat process review. This tract’s northern boundary is Madison Avenue, the southern boundary is Jefferson Avenue, the western boundary is Eddy Street, and the eastern boundary is the contiguous property. The address assigned by Lea County is 418 North Eddy. The tract has never been developed with utilities and the usable area of this property is 100 feet by 300 feet; the property will require an alley utility easement to be created on the tract. City Planner Hildreth stated any mobile home will not fit the depth of property; warranty deed has not been transferred to Barrera’s. Chairman Windsor stated on Chaves side there is 25 feet that belongs to nobody; if property could be resurvey and tracts shifted. Commission and Staff discussed the legal description of land inconsistencies described on the warranty deed. Commission and Staff discussed alley easement requirement on tract; alley reducing size of tract 100 feet to 80 feet. Staffs recommends developer find an appropriate use and create a site plan for this tract with input from City Staff; if owner still plans to subdivide, lots cannot be sold until tract become lots

of record. Gerardo Solorzano stated surveyor staked lot; survey was not completed because of loss of 40 feet for alley easement. Mr. Solorzano received recommendation to sell as commercial property and not plat; tract is a big mystery. Mr. Solorzano felt Code Enforcement Laura Brock had given misinformed information on setbacks for mobile homes. Water Supervisor Wyatt Duncan stated the utilities run between Eddy and Chaves Street on Block 1 near Lot 12. City Attorney McMahon stated for Mr. Solorzano to subdivide tract following the proper rules and regulations; a surveyor and engineer will need to layout the formal process for utilities, access, locate property, and lot size. City Attorney McMahon stated all Mr. Solorzano questions will be answered by surveyor; planning and zoning will review plan to subdivide to make sure rules and regulations are followed. Vice Chairman Pettigrew stated for landowner may petition the City for vacation of Jefferson Street; work with City Staff on options on cost of utilities. Vice Chairman Pettigrew stated if lots are pre-existing and none of the lots have utilities, the landowner can petition for City to create a district for development of water and sewer; anyone who connects would have to pay portion within a seven year period, but not in this cases as the lots have not been previously platted as lots of record and since lots are being broken up, landowner will incur the initial cost upfront.

City Manager Williams and Assistant City Manager Cobb joined the meeting at 5:02 P.M.

Members discussed where the prescriptive right away and actual property line begin. Vice Chairman Pettigrew and City Attorney McMahon stated for Mr. Solorzano to work with surveyor and City Staff to design based on parameters of property; surveyor will inform Mr. Solorzano exactly where property line or prescriptive line will be, and where utilities can be located. Barrera asked if mobile home can be placed in this particular location. Chairman Windsor stated no, until tract is properly subdivided and mobile home will not fit in lot. Members and Staff discussed closure of Eddy Street; a survey will tell if or how much is part of the prescriptive easement. Members discussed strip of land with no owner; members recommended further research through a quiet title search or track book research with a lawyer, but property is owned by someone. Vice Chairman Pettigrew motioned to render a finding that the party or parties involved in developing and/or selling this property is/are in violation of the City of Lovington's Municipal Code Title 16: Subdivision of Land and must submit an application and comply with Title 16 and Title 17: Zoning, before any portion of this land is sold or placed under contract for sale or rent as separate lot(s); Member Price seconded. All aye, motion was approved

**NON ACTION ITEMS:** None

**PUBLIC COMMENT:** None

**OTHER COMMENT:** None

**ADJOURNMENT:**

There being no further business the meeting adjourned at 5:30 p.m.

**APPROVED:** \_\_\_\_\_  
**CHAIRMAN, KALLIE WINDSOR**

**ATTEST:** \_\_\_\_\_  
**VICE CHAIRMAN, RANDY PETTIGREW**

**CITY OF LOVINGTON**  
STAFF SUMMARY FORM



MEETING DATE: April 14, 2015

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

**SUBJECT:** Recommend approval of City annexation  
**DEPARTMENT:** Executive  
**SUBMITTED BY:** James R. Williams, City Manager  
**DATE SUBMITTED:** April 7, 2015

**STAFF SUMMARY:**

City staff, at the direction of the City Commission, have initiated the process of annexing the City well field, property located located North of Gilmore Road, as well as the "Industrial Park" located off of Stiles Road. In addition, the property owned by Legendary Services and Mico Services is being annexed. This property will be zoned Industrial, with the potential exception of the land being leased by Aries for the workforce housing project. Staff will provide more detail in regards to zoning classification.

Staff are requesting a recommendation approving the annexation and zoning classification.

**FISCAL IMPACT:**

REVIEWED BY: \_\_\_\_\_

(Finance Director)

Potential for increased GRT revenue.

**ATTACHMENTS:**

Annexation Plat

**RECOMMENDATION:**

Motion to recommend annexation proceed and define zoning classification.

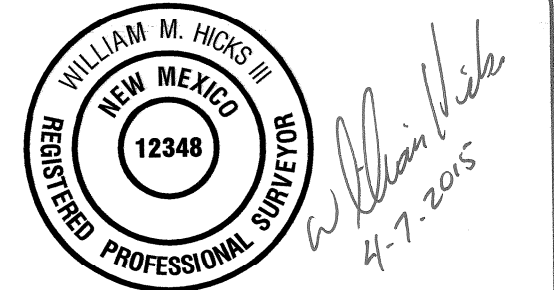
\_\_\_\_\_  
Department Head

*James R. Williams*

\_\_\_\_\_  
City Manager

PROJECT SURVEYOR: M. Kneeland

DRAWN BY: M. Mata



### INDEXING INFORMATION FOR COUNTY CLERK

OWNER:  
City of Lovington, et al.

LOCATION:  
Located in S1/2 of Section 11, SW1/4  
SW1/4 of Section 12, W1/2 of Section 13,  
E1/2, NE1/4 NW1/4 of Section 14, Section  
23, Section 25, NE1/4 and SE1/4 of  
Section 26, E1/2 of Section 35, Section  
36, T16S, R36E, Lea County New Mexico  
S1/2 SW1/4 of Section 30, Section 31,  
T16S, R37E, Lea County of New Mexico  
Section 1, E1/2 of Section 2, T17S, R36E,  
Lea County of New Mexico

State of New Mexico, County of \_\_\_\_\_,  
I here by certify that this instrument was filed for  
record on:

The \_\_\_\_\_ Day of \_\_\_\_\_,

20 \_\_\_\_\_ A.D.

At \_\_\_\_\_ O'Clock \_\_\_\_\_ M.

Cabinet \_\_\_\_\_ Slide \_\_\_\_\_

Book \_\_\_\_\_ Page \_\_\_\_\_

By \_\_\_\_\_,  
County Clerk

By \_\_\_\_\_,  
Deputy

### ANNEXATION EXHIBIT OF City of Lovington

FOR  
City of Lovington

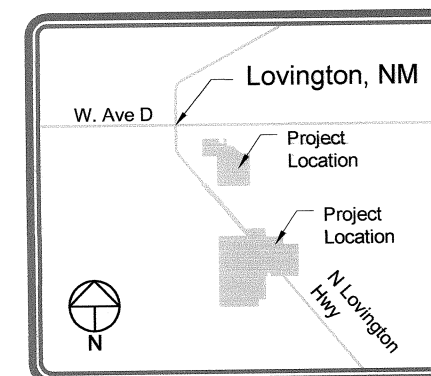
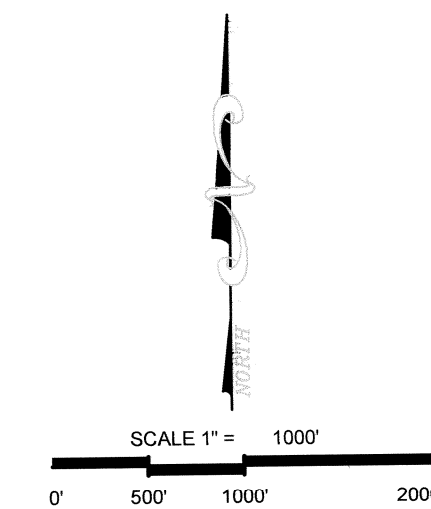
PROJECT NUMBER:  
**2015.1019**

SHEET: 1 of 3  
**SU - 101**

PROPERTY OWNERS			
PROPERTY NO.	OWNER	BK/PG	ACRES
1	City of Lovington	976/329	618.86
2	City of Lovington	1031/103	0.607
3	City of Lovington	985/434	140.08
4	City of Lovington	1135/727	79.50
5	City of Lovington	1135/724	79.75
Total Acres:			918.79

### NOTE:

This plat was prepared using record information.  
No field surveying was performed. This is not a  
survey.

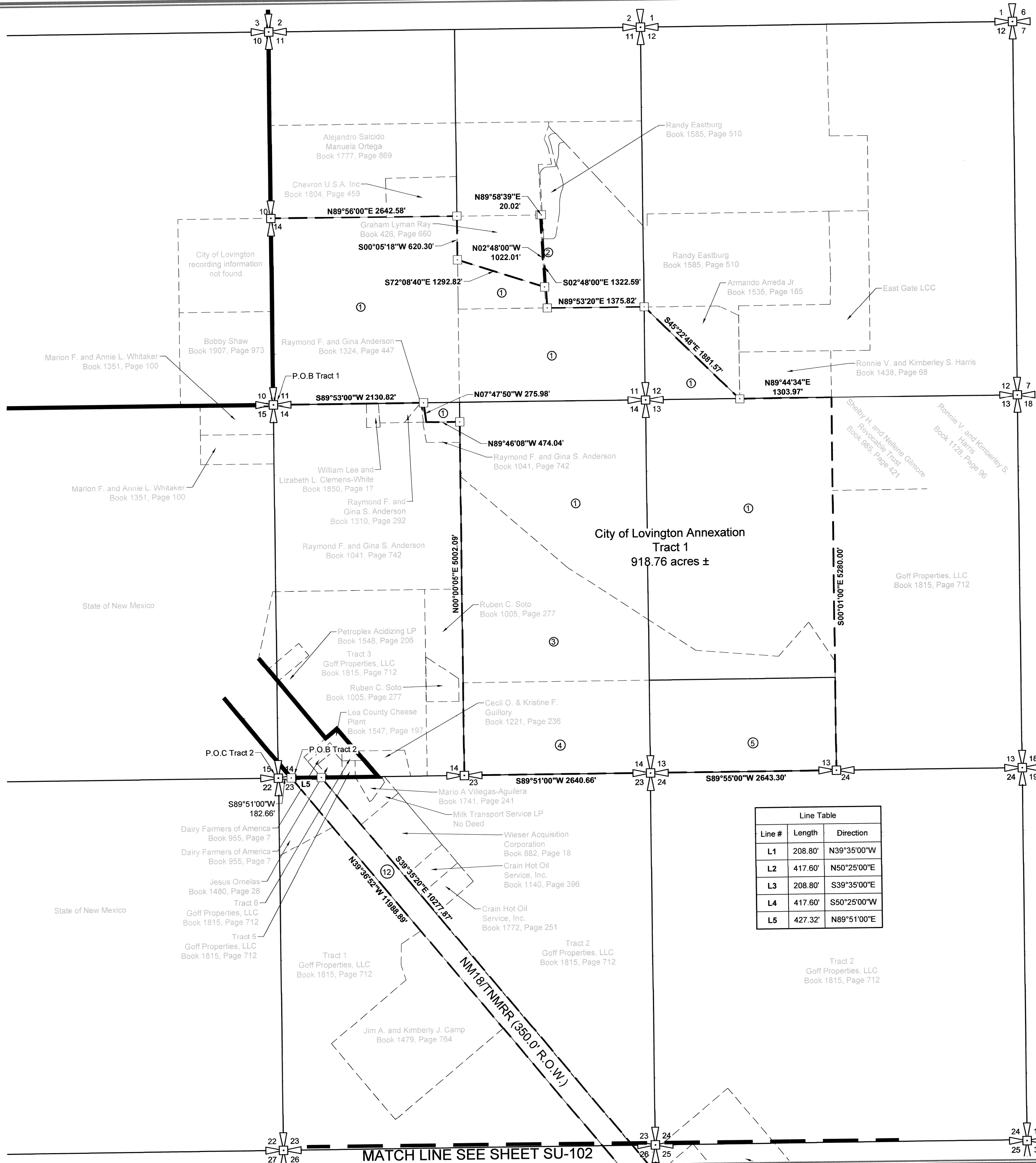


VICINITY  
MAP  
N.T.S.

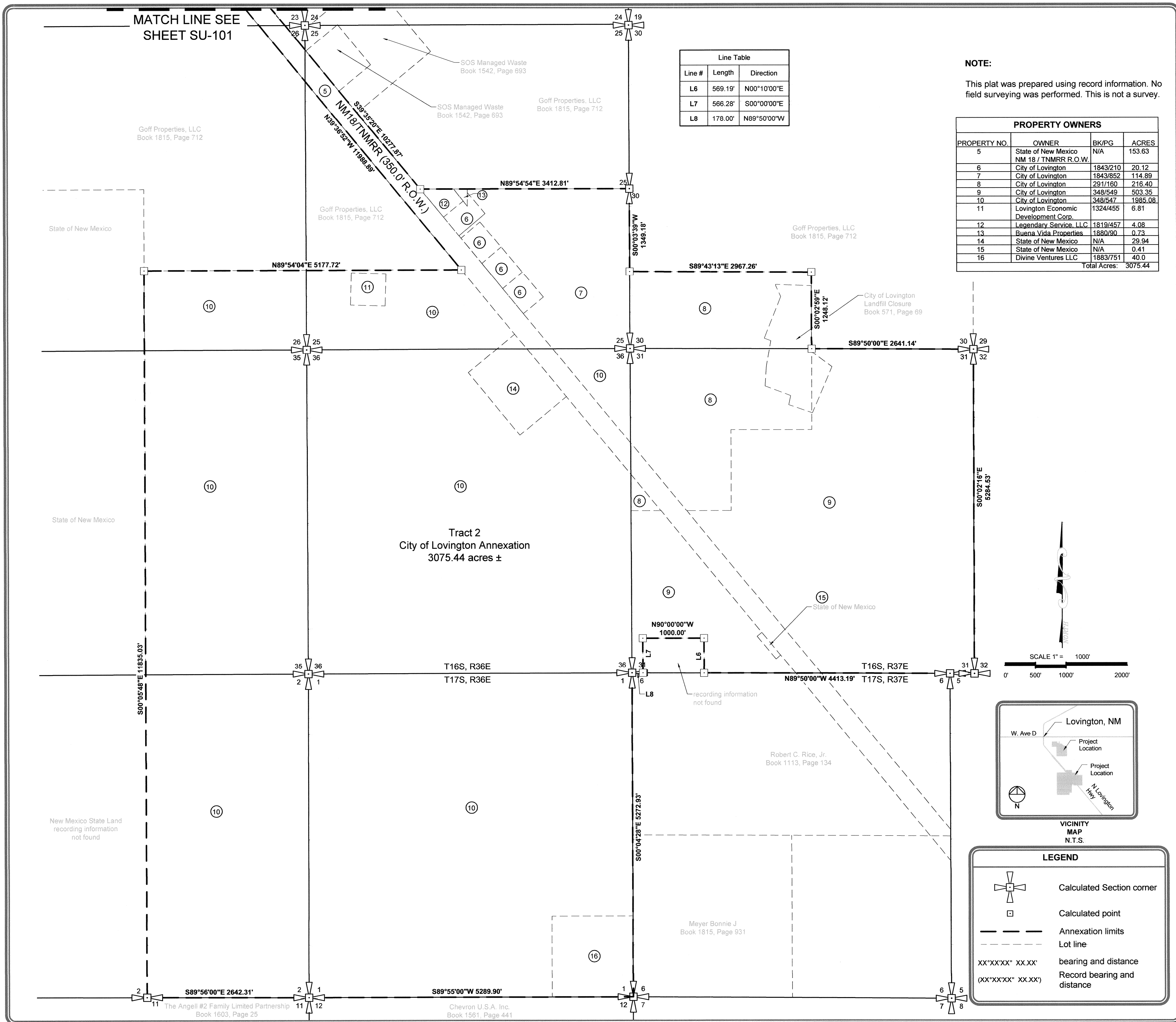
### LEGEND

- Calculated Section corner
- Calculated point
- Annexation limits
- Existing city limits
- Lot line bearing and distance
- Record bearing and distance

Line Table		
Line #	Length	Direction
L1	208.80'	N39°35'00"W
L2	417.60'	N50°25'00"E
L3	208.80'	S39°35'00"E
L4	417.60'	S50°25'00"W
L5	427.32'	N89°51'00"E







**PETTIGREW & ASSOCIATES PA**

ENGINEERING | SURVEYING | TESTING  
DEFINING QUALITY SINCE 1965

100 E. Navajo - Suite 100, Hobbs New Mexico 88240  
T 575 393 9827 F 575 393 1543  
Pettigrew.us

PROJECT SURVEYOR: M. Kneeland

DRAWN BY: M. Mata

INDEXING INFORMATION  
FOR COUNTY CLERK

OWNER:  
City of Lovington, et al.

LOCATION:  
Located in S1/2 of Section 11, SW1/4  
SW1/4 of Section 12, W1/2 of Section 13,  
E1/2, NE1/4 NW1/4 of Section 14, Section  
23, Section 25, NE 1/4 and SE1/4 of  
Section 26, E1/2 of Section 35, Section  
36, T16S, R36E, Lea County New Mexico  
S1/2 SW1/4 of Section 30, Section 31,  
T16S, R37E, Lea County of New Mexico  
Section 1, E1/2 of Section 2, T17S, R36E,  
Lea County of New Mexico

State of New Mexico, County of \_\_\_\_\_,  
I here by certify that this instrument was filed for  
record on:

The \_\_\_\_\_ Day of \_\_\_\_\_,  
20 \_\_\_\_\_ A.D.

At \_\_\_\_\_ O'Clock \_\_\_\_\_ M.

Cabinet \_\_\_\_\_ Slide \_\_\_\_\_

Book \_\_\_\_\_ Page \_\_\_\_\_

By \_\_\_\_\_,  
County Clerk

By \_\_\_\_\_,  
Deputy

ANNEXATION EXHIBIT  
OF  
City of Lovington-CES

FOR  
City of Lovington

PROJECT NUMBER:  
2015.1019

SHEET: 2 of 3  
SU - 102

PERIMETER DESCRIPTIONS COMPILED FROM RECORD DOCUMENTS

Tract 1 - Book 976, Page 329; Book 1031, Page 103, Book 985, 434; Book 1135, 727; and Book 1135, 724.

Tract 2 - Book 1843, Page 210; Book 1843, Page 852; Page 291, 160; Page 348, Page 549; Book 348, Page 547; Book 1324, Page 455; Book 1819, Book 457; Page 1880, Page 90; and Book 1883, Page 751.

Tract 1

A tract of land located in the S1/2 of Section 11, E1/2 and NW1/4 of Section 14, SW1/4 of Section 12, and the W1/2 of Section 13, T16S, R36E, N.M.P.M., Lea County, New Mexico, perimeter encompassing the following tracts described as follows:

Beginning at the SW corner of Section 11; thence N00°01'49"E 2644.55 feet along the west line of Section 11 to the west quarter corner of Section 11; thence N89°58'00"E 2642.58 feet to the center of Section 11; thence S00°05'18"W 620.30 feet to a calculated point; thence S72°08'40"E 1292.82 feet to a calculated point; thence N02°48'00"W 1022.01 feet to a calculated point; thence N89°58'39"E 20.02 feet to a calculated point; thence S02°48'00"E 1322.59 feet to a calculated point; thence N89°53'20"E 1375.82 feet to a calculated point on the east line of Section 11; thence S45°22'48"E 1881.57 feet to a calculated point on the north line of Section 13; thence N89°44'34"E 1303.97 feet along the north line of Section 13 to the north quarter corner of Section 13; thence S00°01'00"E 5280.00 feet to the south quarter corner of Section 13; thence S89°55'00"W 2643.30 feet along the south line of Section 13 to the corner common to Sections 13, 14, 23, and 24; thence S89°51'00"W 2640.66 feet along the south line of Section 14 to the south quarter corner of Section 14; thence N00°00'05"E 5002.09 feet to a calculated point; thence N89°46'08"W 474.04 feet to a calculated point; thence N07°47'50"W 275.98 feet to a calculated point on the north line of section 14; thence S89°53'00"W 2130.82 feet along the north line of Section 14 to the Point of Beginning.

Containing 918.79 acres ±

Tract 2

A tract of land located in Section 23, NE1/4 of Section 26, Section 25, Section 36, S1/2SE1/4 of Section 26, E1/2 of Section 35, T16S, R36E, N.M.P.M., Lea County, also located in E1/2 of Section 2, Section 1, T17S, R36E, N.M.P.M., Lea County, New Mexico, also located in the S1/2SW1/4 of Section 30, W1/2 of Section 31, T16S, R37E, N.M.P.M., Lea County, New Mexico, perimeter encompassing the following tracts described as follows:

Commencing at a calculated point being used as the northwest corner of Section 23 thence N89°51'00"E 182.66 feet to a calculated point for the Point of Beginning, thence N89°51'00"E 427.32 feet to a calculated point; thence S39°35'20"E along the northeasterly right of way of NM Hwy 18 10277.87 feet to a calculated point; thence N89°54'54"E 3412.81 feet to the east quarter corner of Section 25; thence S00°03'39"W 1349.18 feet along the east line of Section 25 to a calculated point; thence S89°43'13"E 2967.26 feet to a calculated point; thence S00°02'59"E 1248.12 feet to a calculated point; thence S89°50'00"E 2641.14 feet to the corner common to Sections 29, 30, 31, and 32; thence S00°02'16"E 5284.53 feet along the east line of Section 31 to the corner common to Sections 31 and 32; thence N89°50'00"W 4413.19 feet along the south line of Section 31 to a calculated point; thence N00°10'00"E 569.19 feet to a calculated point; thence N90°00'00"W 1000.00 feet to a calculated point; thence S00°00'00"E 566.28 feet to a calculated point on the south line of Section 31; thence N89°50'00"W 178.00 feet along the south line of Section 31 to the corner common to Sections 31, 36, 6, and 1; thence S00°04'28"E 5272.93 feet along the east line of Section 1 to corner common to Sections 1, 6, 7, and 12; thence S89°55'00"W 5289.90 feet along the south line of Section 1 to the southwest corner of Section 1; thence S89°56'00"E 2642.31 feet along the south line of Section 2 to the south quarter corner of Section 2; thence N00°05'48"W 11835.03 feet to a calculated point; thence N89°54'04"E 5177.72 feet to a calculated point on the southwesterly right of way of NM Hwy 18; thence N39°36'52"W along the southwesterly right of way of NM Hwy 18 11988.89 feet to the Point of Beginning.

Containing 3075.44 acres ±

CERTIFICATE OF SURVEY

I, William M. Hicks, III New Mexico Professional Surveyor, hereby certify that this Annexation Plat was prepared from record drawings, that this Annexation Plat is true and correct to the best of my knowledge and belief, and that this Annexation Plat meets the Minimum Standards for Surveying in New Mexico.

William M. Hicks April 7, 2015  
William M. Hicks, III NMPS #12348 Date

CERTIFICATE OF CITY PLANNING BOARD APPROVAL

This plat, restrictions and dedication, approved and accepted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ A.D. by the City Planning Board of the City of Lovington, New Mexico.

\_\_\_\_\_  
James Williams

ACKNOWLEDGMENT

State Of New Mexico:

County Of Lea:

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

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

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

CERTIFICATE OF APPROVAL

CITY COMMISSION

I, Carol Ann Hogue, the duly appointed and acting City Clerk of the City of Lovington, Lea County, New Mexico, do hereby certify that the foregoing plat in Lea County, New Mexico, was approved by the Commission of the City of Lovington by Resolution No. \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Carol Ann Hogue

ACKNOWLEDGMENT

State of New Mexico:

County of Lea:

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

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

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

OWNERS STATEMENT AND AFFIDAVIT

State of New Mexico:

County of Lea:

The undersigned first duly sworn on oath, state: On behalf of the owners and proprietors we have of our own free will and consent caused this plat with its tracts to be platted. The property described on this plat lies within the platting jurisdiction of City of Lovington.

By \_\_\_\_\_  
On Behalf of: Lovington Economic Development Corp Date

ACKNOWLEDGMENT

State Of New Mexico:

County Of Lea:

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_ On behalf of Lovington Economic Development Corp. 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



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DEFINING QUALITY SINCE 1965

100 E. Navajo - Suite 100, Hobbs New Mexico 88240  
T 575 393 9827 F 575 393 1543  
Pettigrew.us

PROJECT SURVEYOR: M. Kneeland

DRAWN BY: M. Mata



INDEXING INFORMATION  
FOR COUNTY CLERK

OWNER:  
City of Lovington, et al.

LOCATION:  
Located in S1/2 of Section 11, SW1/4 SW1/4 of Section 12, W1/2 of Section 13, E1/2, NE1/4 NW1/4 of Section 14, Section 23, Section 25, NE1/4 and SE1/4 of Section 26, E1/2 of Section 35, Section 36, T16S, R36E, Lea County New Mexico S1/2 SW1/4 of Section 30, Section 31, T16S, R37E, Lea County of New Mexico Section 1, E1/2 of Section 2, T17S, R36E, Lea County of New Mexico

State of New Mexico, County of \_\_\_\_\_, I here by certify that this instrument was filed for record on:

The \_\_\_\_\_ Day of \_\_\_\_\_,

20 \_\_\_\_ A.D.

At \_\_\_\_\_ O'Clock \_\_\_\_\_ M.

Cabinet \_\_\_\_\_ Slide \_\_\_\_\_

Book \_\_\_\_\_ Page \_\_\_\_\_

By \_\_\_\_\_,  
County Clerk

By \_\_\_\_\_,  
Deputy

ANNEXATION EXHIBIT  
OF  
City of Lovington-CES

FOR  
City of Lovington

PROJECT NUMBER:  
2015.1019

SHEET: 3 of 3  
SU - 103



**CITY OF LOVINGTON**  
STAFF SUMMARY FORM



MEETING DATE: April 10, 2015

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

SUBJECT: 501 East Washington Avenue Zone Change from Zone B to Zone C  
DEPARTMENT: Planning  
SUBMITTED BY: Merideth Hildreth, City Planner  
DATE SUBMITTED: April 10, 2015

**STAFF SUMMARY:**

Jesica Padilla has been operating Jessica's Restaurant since 2007, located at 501 East Washington Avenue. Prior to her ownership, this property has historically operated as a restaurant or other business. The company name is Jesicas Mexico Lindo.

Ms. Padilla is requesting that her property be rezoned from Multi-Family (Zone B) to Commercial (Zone C) so she can continue operating as a business.

**FISCAL IMPACT:**

REVIEWED BY: \_\_\_\_\_

(Finance Director)

**ATTACHMENTS:**

Planning & Zoning Application  
Location Map  
Warranty Deed

April 3, 2015 Letter sent to neighbors within 100 feet of property  
April 2, 2015 Written Zone Change Request Letter from Ms. Padilla  
List of Property Owners to whom notification of the Zone Change Request was sent via certified mail

**RECOMMENDATION:**

Staff recommends a motion to approve the Zone Change Request to Rezone the property located at 501 East Washinton Avenue (Lots 1 and 2 of Block 5 in the Fairview Addition to the City of Lovington, Lea County, New Mexico) from Multi-Family (Zone B) to Commercial (Zone C).

  
\_\_\_\_\_  
Department Head

  
\_\_\_\_\_  
City Manager

# PLANNING AND ZONING APPLICATION

Type(s): ☐ VARIANCE ☐ SPECIAL USE ☐ CONDITIONAL USE  
☒ ZONE CHANGE ☐ VACATION ☐ ANNEXATION  
☐ CARPORT ☐ RV PARK ☐ MOBILE HOME PARK  
☐ PLAT ☐ REPLAT ☐ ALTERNATE SUMMARY  
☐ BUILDING ☐ MOBILE/MANUFACTURED ☐ WATER CONNECTION  
☐ SEWER CONNECTION ☐ CURB CUT ☐ SIGN

Applicant Name: Jessica Padilla  
Mailing Address: 1202 West Van Buren  
Lovington, NM 88260  
Phone Number: 575-263-1443  
Property Address (Site Location): 501 East Washington Avenue  
Lovington, NM 88260  
Property Owner(s): Jessica Padilla

Brief Description of Request:

Request zone change from Multi-Family (B) to Commercial (C). Property is across from Lee County Fair Grounds.

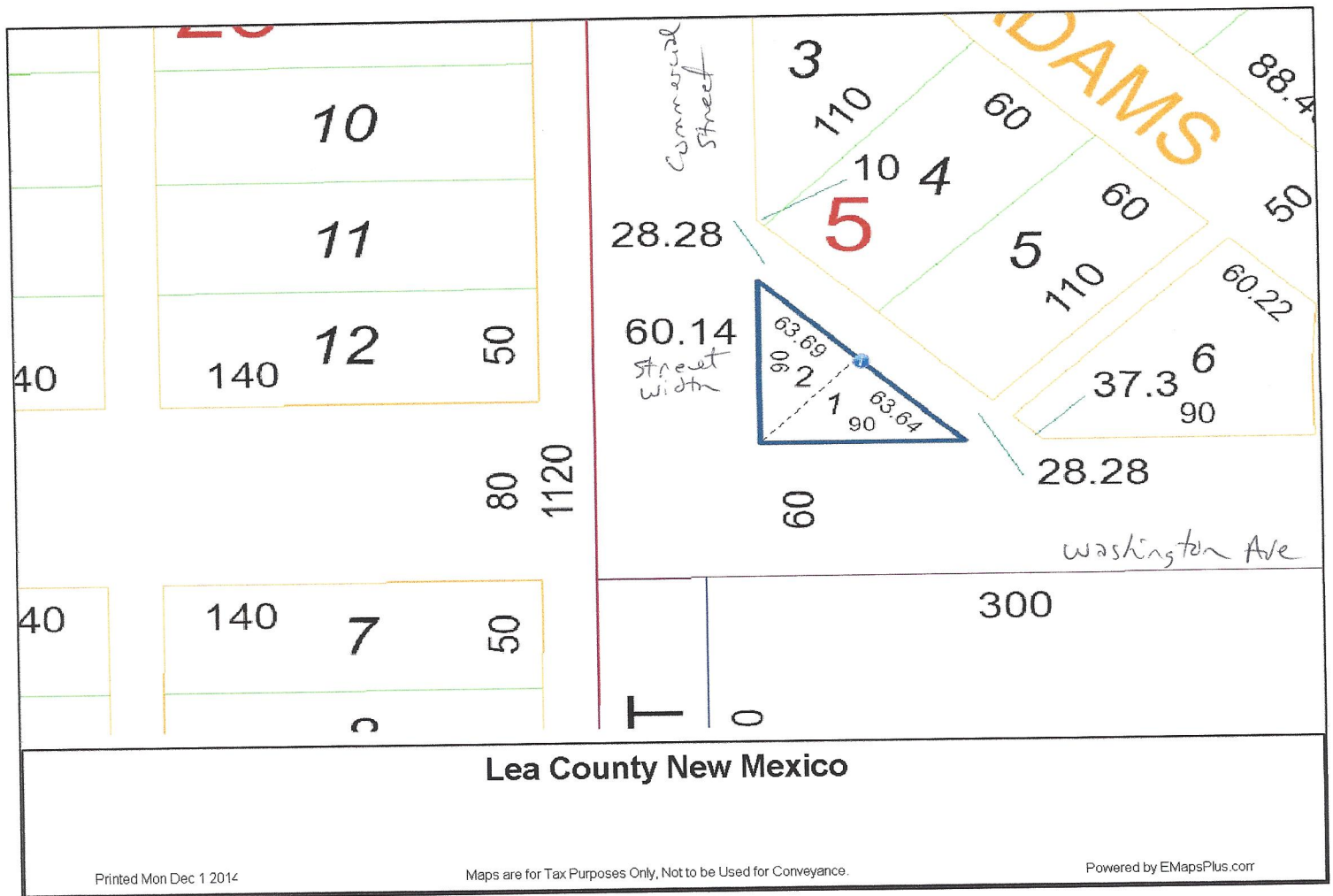
Subdivision: Fairview Addition Zone: ☐ A ☒ B ☐ C ☐ D  
Block: 5  
Lot: 1 & 2  
Owner Number: \_\_\_\_\_ Parcel Number: \_\_\_\_\_  
Book: \_\_\_\_\_ Page: \_\_\_\_\_

Present Use of Property: Has had restaurant at 501 East Washington since 2006. It was a Bar-B-Q Restaurant before that.

Applicant Signature: [Signature] Date: 4-2-15

To ensure placement on the agenda, submit all materials three weeks in advance of your scheduled meeting.

Date Received by Code Enforcement: 4.2.2015  
Code Enforcement Officer Name: Merideth Hildreth  
Code Enforcement Officer Signature: [Signature]



Jessica



WARRANTY DEED

PATRICIA HORNSBY TAYLOR DBA LEA COUNTY SEPTIC TANK SERVICE

, for consideration paid, grant to

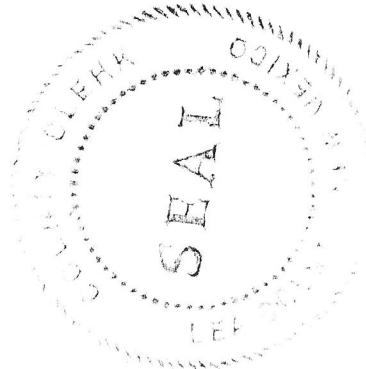
JESICA PADILLA (SINGLE)

whose address is 1609 N. Stevens, Hobbs, NM 88240

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

SURFACE TITLE ONLY:

Lots one and Two (1 & 2), Block Five (5), Fairview Addition  
to the City of Lovington, Lea County, New Mexico



with warranty covenants.

WITNESS hand and seal this day of

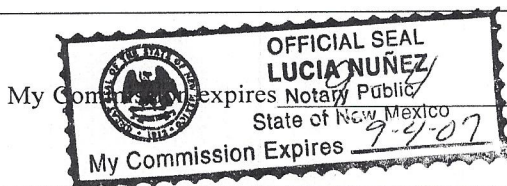
20

Patricia Hornsby-Taylor (Seal)  
(Seal)  
(Seal)  
(Seal)

STATE OF NEW MEXICO

County of Lea } s.s.

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of June  
20 06 by Patricia Hornsby-Taylor



My Commission Expires 9-4-07, 20 07.

Notary Public

STATE OF NEW MEXICO,  
County of Lea } s.s.

I hereby certify that this instrument was filed for  
record on the 30 day of  
November, A.D., 20 06

at 3:45 o'clock P M., and duly recorded in

Book 1482 Page 945 BOOK 1482 PAGE 945

Records of Deeds of said County.

Melinda Hughes  
County Clerk

By D. James, Deputy

Rec. Fees, \$

Return to Grantee

31522



# City of Lovington



214 South Love Street  
PO Box 1268  
Lovington, NM 88260

Bus: 575-396-3000  
Fax: 575-396-6328  
[planning@lovington.org](mailto:planning@lovington.org)

April 3, 2015

The purpose of this letter is to inform you that a request for a Zone Change has been submitted to the City of Lovington Planning and Zoning Commission. The property requesting the zone change is Jessica's Restaurant located at 501 East Washington Avenue in Lovington, New Mexico. The property is the triangle-shaped property on the northeast corner of Commercial and East Washington. (Property legal description: Lots one and two (1 & 2), Block 5 (5), Fairview Addition to the City of Lovington, Lea County, New Mexico.)

Currently, the property is zoned as Multi-Family (Zone B). The property owner is requesting that the zoning on her property be changed to Commercial (Zone C). Please see Ms. Padilla's letter on the reverse side requesting the zone change.

Public comment is welcome at the next meeting of the City of Lovington Planning and Zoning meeting scheduled for 4:00 p.m., on Tuesday, April 14, 2015. This case will also be presented to the City Commission on Monday, April 27, 2015 at the meeting scheduled for 5:30 p.m. Both meetings will be held at Lovington City Hall Commission Chambers located at 214 South Love Street in Lovington, New Mexico. This issue will be included as an item on the Planning and Zoning Commission's agenda and the City Commission's agenda.

If you have any questions, please contact me at 575-396-9301 or via email at [planning@lovington.org](mailto:planning@lovington.org).

Sincerely,

Merideth Hildreth, M.A., AICP  
City Planner



2 April, 2015

Jesica Padilla  
1201 West Van Buren  
Lovington, NM 88260

To Whom It May Concern:

I am the owner of Jesica's Mexico Lindo (Jesica's Restaurant) located at 501 East Washington. I bought the property in 2006, and opened the restaurant in 2007.

It was brought to my attention by the City of Lovington Code Enforcement Division that my property is zoned Multi-Family (Zone B).

I am requesting that my property be rezoned Commercial (Zone C) and that I be allowed to continue operating my business.

My property is located on the Corner of Commercial and East Washington Street across from the Lea County Fair Ground. It is separated from the rest of the Multi-Family Zone by an alley.

Thank you for considering my request.

Sincerely,



Jesica Padilla, Owner  
Jesica's Mexico Lindo

Jesica Padilla  
501 E Washington  
Lovington, NM 88260

Lea County  
Planning Department  
100 North Main, Suite 4  
Lovington, NM 88260

Manuel Garfio  
301 E Avenue D  
Lovington, NM 88260

Alvino Nunez  
502 E Adams Ave  
Lovington, NM 88260

Bernard Butcher  
504 E Adams Ave  
Lovington, NM 88260

Jose Manuel Campos  
715 W Avenue I  
Lovington, NM 88260

Darla L. Marshall  
118 S Fifth Street  
Lovington, NM 88260

Hope Vasquez  
1215 W Avenue K  
Lovington, NM 88260

Javier Vasquez  
1215 W Avenue K  
Lovington, NM 88260

Victor S. Serrano  
2902 Horizon Road  
Lovington, NM 88260

Annis Roberts  
1283 South 170 W  
Logan, UT 84321

# CITY OF LOVINGTON

## STAFF SUMMARY FORM



MEETING DATE: April 10, 2015

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

SUBJECT: Amend Resolution 2015-5 JL Reed Addition  
DEPARTMENT: Planning  
SUBMITTED BY: Merideth Hildreth, City Planner  
DATE SUBMITTED: April 10, 2015

### STAFF SUMMARY:

The owner of JL Reed Addition Unit 3 is requesting a replat amendment to Resolution No. 2015-5 to vacate a portion of Avenue J. The original resolution vacated the eastern 55 feet which should remain vacated. This amendment requests vacation of the western 55 feet. This replat includes dedication of right-of-way for the cul-de-sac on Avenue J.

This replat also includes consolidation of Lots 2, 3, 4, and 5 of Block 9 to create three lots from four lots.

### FISCAL IMPACT:

REVIEWED BY: \_\_\_\_\_

(Finance Director)

### ATTACHMENTS:

P&Z Application  
Letter dated March 25, 2015 from Robert Fierro  
Resolution 2015-5 adopted January 12, 2015  
Map of Replat Area

Vacation Plat and Replat 15th & Avenue J R-O-W  
Vacation Plat for Ave J cul-de-sac and Replat Lots  
Avenue J Plan & Profile  
Avenue J Utility Plan

### RECOMMENDATION:

Staff recommends a motion to approve vacation of the eastern 55 feet of Avenue J Right-of-Way; and replat Lots 8 and 9 (to create Lots 8A and 9A) of Block 5A; and Replat Lots 6 and 7 (to Create Lots 6A and 7A) of Block 8; and dedicate portions of the cul-de-sac right-of-way; and Replat Lots 8 and 9 (to Create Lots 8A and 9A) of Block 8; and Replat Lots 2, 3, 4, and 5 to Lots 2A, 3A, and 4A on Block 9.

Department Head

City Manager



## PLANNING AND ZONING APPLICATION

Type(s): ☐ VARIANCE ☐ SPECIAL USE ☐ CONDITIONAL USE

☐ ZONE CHANGE ☒ VACATION ☐ ANNEXATION

☐ CARPORT ☐ RV PARK ☐ MOBILE HOME PARK

☐ PLAT ☒ REPLAT ☐ ALTERNATE SUMMARY

☐ BUILDING ☐ MOBILE/MANUFACTURED ☐ WATER CONNECTION

☐ SEWER CONNECTION ☐ CURB CUT ☐ SIGN

**Applicant Name:** Fierro & Company, LLC (Robert Fierro)

**Mailing Address:** 2929 Coors Blvd. Suite 307-B  
Albuquerque, NM 87120

**Phone Number:** (505) 352-8930

**Property Address (Site Location):** Bounded West by vacated 15th Street in JL Reed Addition Unit 3, North by Alley south of Ave. I, east by 15th Street, and South by Alley north of Ave. L

**Property Owner(s):** 2JD3 Asset Management, LLC (Jo Ann and Jerry Domzalski)

**Brief Description of Request:**

Ordinance No. 2015-5 vacated a portion of Ave. <sup>3</sup>X. The description in this ordinance vacated the eastern 55-feet, but it should have been the western 55-feet (F&C's mistake). Therefore, the western 55-feet still needs to be vacated. Also, the replat of J.L. Reed Addition Unit 3 will dedicate Right-of-Way for the Cul-de-sac. The dedicated Right-of-Way needs to be approved by the City Commission.

**Subdivision:** JL Reed Unit 3 **Zone:** ☒ A ☒ B ☐ C ☐ D

**Block:** 5A, 8, and 3A

**Lot:** several lots

**Owner Number:** 2JD3 Asset Management, LLC **Parcel Number:** 4000261460003

**Book:** 1923 **Page:** 714

**Present Use of Property:**

Vacant.

**Applicant Signature:**

*Robert Fierro*

**Date:** 3-23-15

*To ensure placement on the agenda, submit all materials three weeks in advance of your scheduled meeting.*

**Date Received by Code Enforcement:**

3.25.15

**Code Enforcement Officer Name:**

*Merideth Hildner*

**Code Enforcement Officer Signature:**

*Merideth Hildner*



Fierro & Company

2929 Coors Blvd Suite

Albuquerque, NM 87120

(505) 352-8930 | www.fierrocompany.com

March 25, 2015

City of Lovington Planning Board Members  
Plaza del Sol  
214 S. Love  
Lovington, NM 88260

**RE: JL Reed Unit 3 Addition — Right-of-Way Vacation & Dedication**

Dear Board Members:

On January 12, 2015 the City Commissioner passed Resolution 2015-05 (See Attachment "A"). This resolution vacated 15<sup>th</sup> Street and 55-feet of Ave J in the JL Reed Unit Three (3) Addition. The purpose of the vacation was to reconfigure access to JL Reed Unit 3 Addition by adding a cul-de-sac at the end of Ave J and Ave K (See Attachment "B"). The attached exhibit is the road configuration presented before the commissioners. Resolution 2015-05 allowed the owner/developer (2JD3 Asset Management, LLC) to proceed with replatting several lots within the Addition which is being presented before the board. This replat seeks to vacate an additional 55-foot of Ave. J and dedicate the cul-de-sac right-of-way on Ave J (See Attachment "C").

Resolution 2015-05 described the vacation of Ave J as the eastern 55-feet of Lot 8 of Block 5A and Lot 7 of Block 8. There is a typo that was carried over from Fierro & Company to the owner/developer to the City. We sincerely apologize for this mistake. We intended the western 55-feet be vacated instead of the eastern 55-feet. We ask for your approval to vacate the western 55-feet as shown in Attachment C.

The developer/owner will like to dedicate right-of-way to the City to configure a cul-de-sac at the end of Ave. J. Roadway dedication must be accepted by the City; thus, the reason why this dedication is seeking your recommendation. The purpose of the replat is to 1) include the vacated right-of-way in the replatted lots, 2) show new road configuration, and 3) eliminate one (1) lot from the addition. Attached are draft sheets from the construction plan set on the design of Ave K.

Also attached in Appendix "D" are draft construction sheets on the road improvement and utilities within JL Reed Unit 3. Fierro & Company will continue working with the City and developer to iron out any design issues. We respectfully ask for your recommend to the City Commissioners on vacating the western 55-feet of Ave J and on the dedication of the cul-de-sac right-of-way on Ave J.

FIERRO & COMPANY

Robert Fierro, P.E., S.I.

President and Principal Engineer

Attachments



# **Attachment A**

RESOLUTION 2015- 5

**WHEREAS**, the developer of the J.L. Reed Addition, Unit 3, to the City of Lovington desires to replat the subdivision to create larger lots and create a cul-de-sac; and

**WHEREAS**, the proposed replat will require vacation of 15<sup>th</sup> Street and a portion of Avenue J located within the subdivision; and

**WHEREAS**, the existing lots impacted by this change are owned by the developer; and

**WHEREAS**, review by City staff has indicated that no City utilities are present and the proposed replat will have a positive impact on the subdivision.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Lovington City Commission vacates the following municipal streets:

1. The entire sixty (60) foot right-of-way of Fifteenth (15<sup>th</sup>) Street in the J.L. Reed Addition, Unit 3, to the City of Lovington, Lea County, New Mexico beginning at the Northern border of the subdivision and ending approximately 332 feet to the South.
2. The sixty (60) foot right-of-way of Avenue J adjacent to the eastern fifty-five (55) feet of Lot 8 of Block 5A and Lot 7 of Block 8 in the J.L. Reed Addition, Unit 3, to the City of Lovington, Lea County, New Mexico.

**FURTHERMORE**, the portion of Avenue K located in the J.L. Reed Addition, Unit 3, will remain as is, with future intention of the developer for this street to culminate with a cul-de-sac in Tract 5B when it is later subdivided.

DONE THIS 12<sup>th</sup> DAY OF JANUARY, 2015.

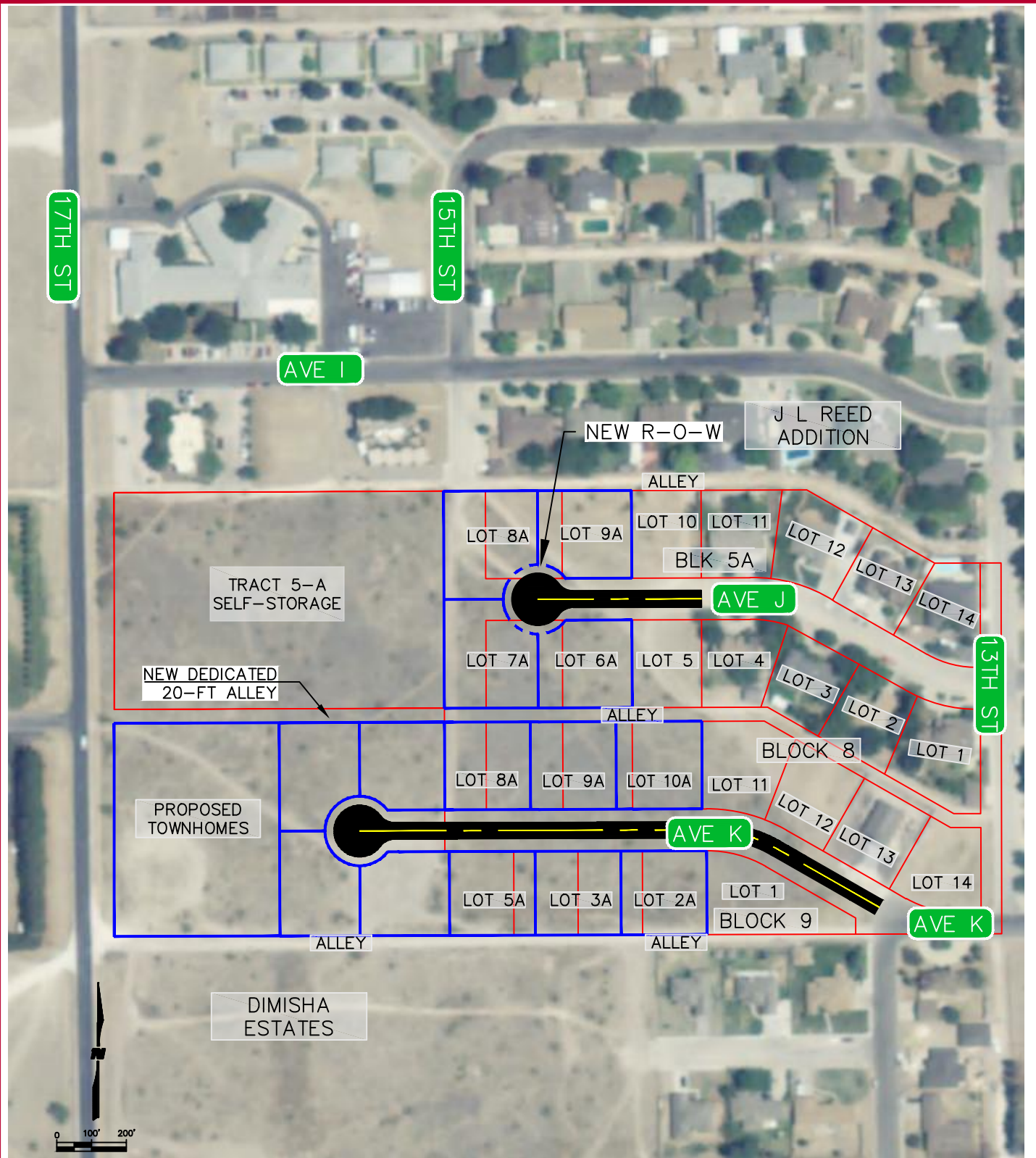


  
SCOTTY GANDY, MAYOR

ATTEST

  
CAROL ANN HOGUE, CITY CLERK

## **Attachment B**



## J L REED ADDITION UNIT 3

DEVELOPER:  
JOANN DOMZALSKI  
LOVINGTON, NM 88260

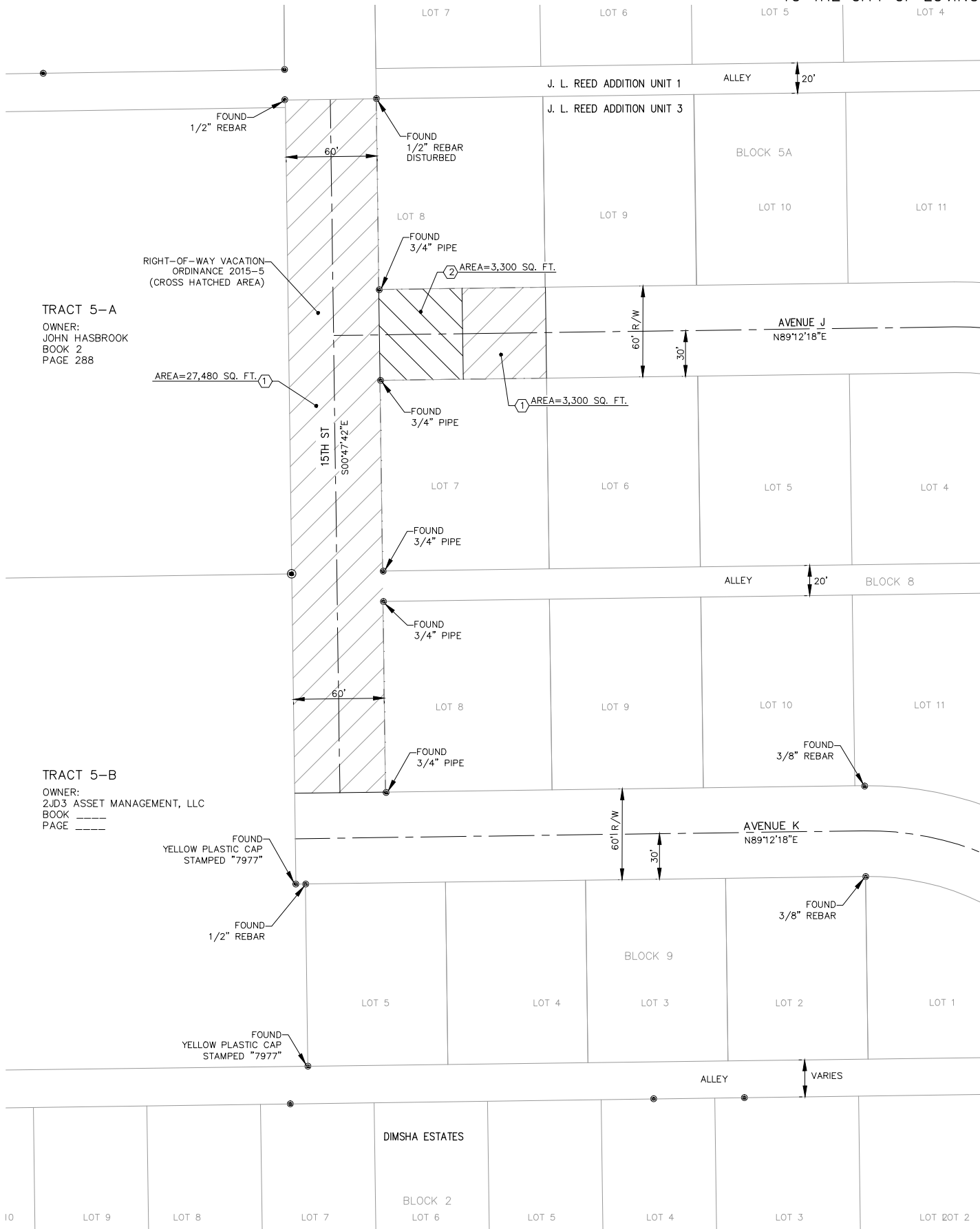
15TH ST VACATION  
AND PROPOSED DEVELOPMENT

FIERRO & COMPANY  
PO BOX 936  
LOVINGTON, NEW MEXICO 88260

## **Attachment C**

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DRAFT  
VACATION PLAT AND REPLAT  
LOTS 8 AND 9 OF BLOCK 5A, LOTS 6, 7, 8, AND 9 OF BLOCK 8, LOTS 3, 4, AND 5 OF BLOCK 9,  
AND VACATED RIGHT-OF-WAY OF 15TH STREET AND PORTION OF AVENUE J  
J. L. REED ADDITION, UNIT 3  
TO THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO



DESCRIPTION OF VACATED RIGHT-OF-WAY:

15TH STREET VACATION  
THE SIXTY (60) FOOT RIGHT-OF-WAY OF FIFTEENTH (15) STREET ADJACENT TO BLOCK 5A AND BLOCK EIGHT (8) OF J. L. REED ADDITION, UNIT 3 TO THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO.

AVENUE J VACATION  
THE SIXTY (60) FOOT RIGHT-OF-WAY OF AVENUE "J" ADJACENT TO LOT EIGHT (8) OF BLOCK 5A AND LOT SEVEN (7) OF BLOCK EIGHT (8) OF J. L. REED ADDITION, UNIT 3 TO THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO.

PURPOSE OF PLAT:

- SHOW VACATED RIGHT-OF-WAY OF 15TH ST. AND AVENUE J ON THE PLAT OF "J. L. REED ADDITION, UNIT 3" PER ORDINANCE 2015-5.
- REPLAT LOTS 8 AND 9 OF BLOCK 5A, LOTS 6, 7, 8, AND 9 OF BLOCK 8, LOTS 3, 4, AND 5 OF BLOCK 9, AND VACATED RIGHT-OF-WAY.
- CREATE NINE (9) LOTS FROM TEN (10) EXISTING LOTS.

DOCUMENTS FOR REFERENCE:

- PLAT TITLED "J. L. REED ADDITION, UNIT 3" BY JOHN W. SHERMAN, R.L.S. NO. 1559, DATED SEPTEMBER 12, 1978, PLAT RECORDED IN BOOK 359, PAGE 50, AS DOCUMENT NO. 5905, ON MAY 14, 1979, IN THE LEA COUNTY CLERK'S OFFICE, NEW MEXICO.
- PLAT TITLED "CORRECTED SUMMARY REVIEW PLAT FOR TRACT 5 LAND DIVISION" BY LYNN D. LANTZ, N.M.P.S. NO. 10856, DATED DECEMBER 15, 2014.

VACATE

- RIGHT-OF-WAY VACATED PER ORDINANCE 2015-5.
- VACATE RIGHT-OF-WAY PER THIS PLAT.

CERTIFICATE OF MUNICIPAL APPROVAL:

I, JAMES WILLIAMS, CITY MANAGER FOR THE CITY OF LOVINGTON, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING PLAT IN THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO WAS REVIEWED AND DEEMED COMPLIANT WITH THE NEW MEXICO SUMMARY PROCESS REGULATIONS ON THIS \_\_\_\_DAY OF\_\_\_\_\_, 2015.

JAMES WILLIAMS, CITY MANAGER

CAROL ANN HOGUE, CITY CLERK

ACKNOWLEDGEMENT:

STATE OF NEW MEXICO)  
) SS.  
COUNTY OF LEA)

ON THIS \_\_\_\_DAY OF\_\_\_\_\_, 2015, BEFORE ME PERSONALLY APPEARED JAMES WILLIAMS AND CAROL ANN HOGUE KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY, MONTH AND YEAR LAST ABOVE WRITTEN.  
MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC

OWNERS STATEMENT:

REPLAT OF LOTS 8 AND 9 OF BLOCK 5A, LOTS 6, 7, 8, AND 9 OF BLOCK 8, LOTS 3, 4, AND 5 OF BLOCK 9, AND VACATED RIGHT-OF-WAY OF 15TH STREET AND PORTION OF AVENUE J, J. L. REED ADDITION, UNIT 3 TO THE CITY OF LOVINGTON, LEA COUNTY NEW MEXICO.

LOTS ARE BEING REPLATTED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) THEREOF, AND IS SURVEYED AND SUBDIVIDED AS THEY APPEAR ON THE PLAT AFFIXED HEREIN.

2JD3 ASSET MANAGEMENT, LLC, JOANN DOMZALSKI REPRESENTATIVE

ACKNOWLEDGEMENT:

STATE OF NEW MEXICO)  
)SS.  
COUNTY OF LEA)

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.  
MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC

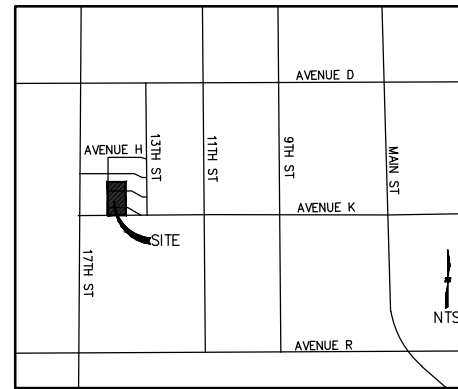
SURVEYOR'S CERTIFICATION

I, LYNN D. LANTZ, NEW MEXICO PROFESSIONAL SURVEYOR NO. 10856, DO HEREBY CERTIFY THAT THIS PLAT OF SURVEY WAS PREPARED FROM FIELD NOTES OF AN ACTUAL GROUND SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION; THAT IT ACCURATELY MEETS THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS.

LYNN D. LANTZ, N.M.P.S. No. 10856



Date



VICINITY MAP

**Fierro & Company**  
2929 COORS BLVD N.W.  
SUITE 307-B  
ALBUQUERQUE, NEW MEXICO 87120  
PH (505) 352-8930  
www.fierrocompany.com

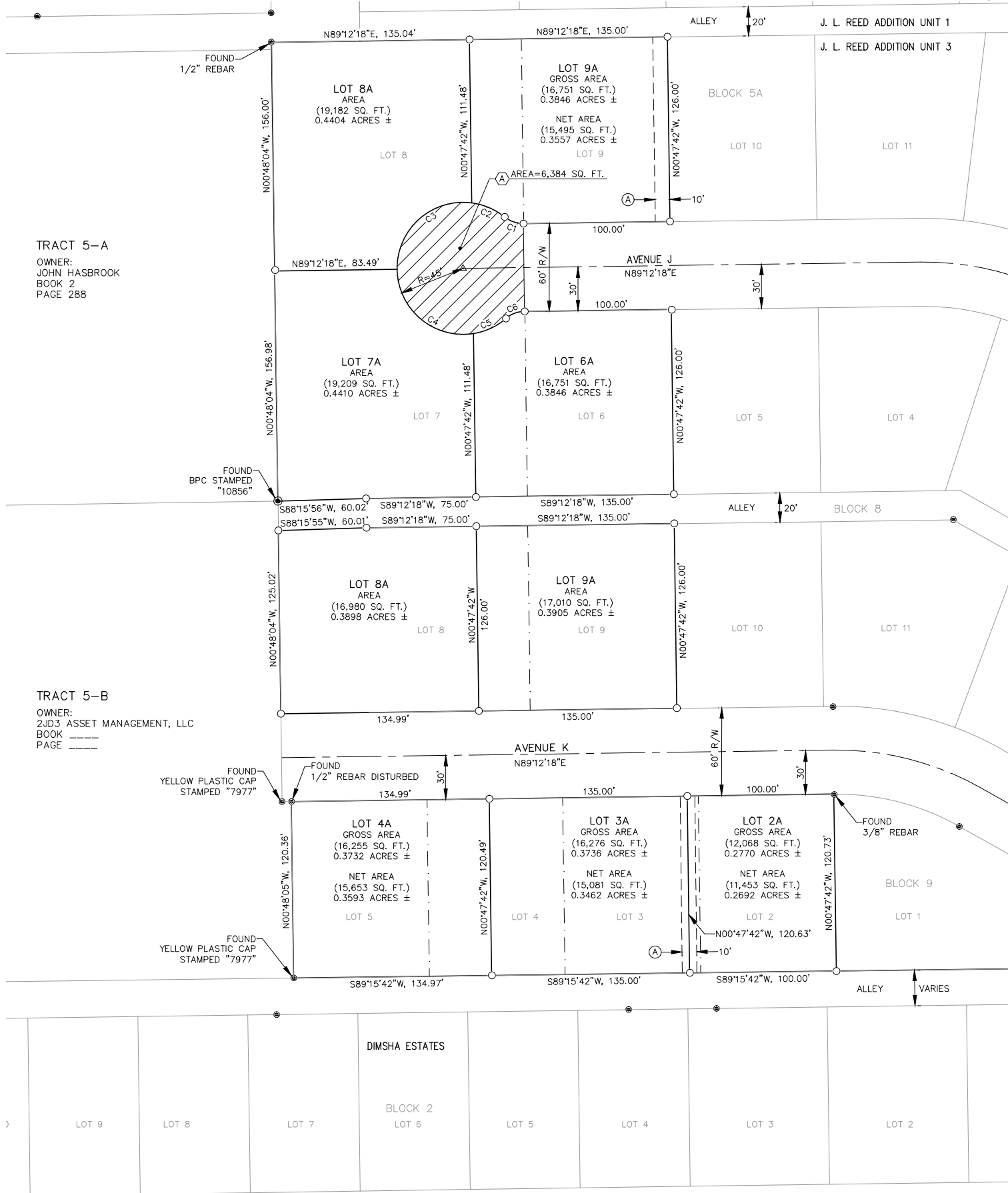
OWNER:	2JD3 ASSET MANAGEMENT, LLC
PROJECT NO:	152-01
FIELD WORK BY:	SAH
DRAWN BY:	OR
CHECKED BY:	RJF
SCALE:	1:40
DATE:	MARCH 2015
SHEET:	1 OF 2

STATE OF NEW MEXICO  
COUNTY OF LEA  
FILED  
\_\_\_\_\_, 2015,  
AT \_\_\_\_\_, O'CLOCK \_\_M AND RECORDED IN  
BOOK \_\_\_\_\_  
PAGE \_\_\_\_\_  
PAT CHAPPELLE, LEA COUNTY CLERK  
BY \_\_\_\_\_ DEPUTY



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DRAFT  
VACATION PLAT AND REPLAT  
LOTS 8 AND 9 OF BLOCK 5A, LOTS 6, 7, 8, AND 9 OF BLOCK 8, LOTS 3, 4, AND 5 OF BLOCK 9,  
AND VACATED RIGHT-OF-WAY OF 15TH STREET AND PORTION OF AVENUE J  
J. L. REED ADDITION, UNIT 3  
TO THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO



- NOTES:
1. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS NOTED OTHERWISE.
  2. BASIS OF BEARING IS NAD83 (2011) (EPOCH 2010.0000) NEW MEXICO EAST STATE PLANE ZONE ESTABLISHED FROM AN NGS OPUS SOLUTION USING DATA COLLECTED ON SEPTEMBER 12, 2013.
  3. PROPOSED UTILITY CONCEPTUAL PLAN TO BE SUBMITTED SEPARATELY.
  4. BUILDING FOOTPRINT SHOWN IS TYPICAL AND BEING BUILT BY DEVELOPER. FRONT, SIDE, AND REAR YARDS MEET CITY ORDINANCES.

NEW EASEMENTS

(A) 10-FOOT PUBLIC UTILITY EASEMENT GRANTED BY THIS PLAT.

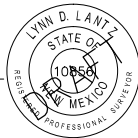
DEDICATION

(A) DEDICATE PUBLIC RIGHT-OF-WAY TO CITY OF LOVINGTON PER THIS PLAT.

- LEGEND
- FOUND CORNER AS NOTED
  - SET 18"x5/8" REBAR WITH BLUE PERMA CAP NMPS 10856
  - ⊗ CALCULATED CORNER
  - [GATE] GATE
  - X- FENCE
  - OHE- OVERHEAD ELECTRIC
  - P- POWER POLE
  - L- LIGHT POLE
  - G- GUY WIRE
  - - - OLD LOT LINE TO BE REMOVED
  - - - EASEMENT
- (N00°00'00"E, 00.00') RECORD BEARING & DISTANCE  
N00°00'00"E, 00.00' MEASURED BEARING & DISTANCE

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	13.86	20.00	39°42'54"	S70°56'15"E	13.59
C2	24.64	45.00	31°22'03"	N66°45'49"W	24.33
C3	77.24	45.00	98°20'52"	S48°22'44"W	68.10
C4	77.24	45.00	98°20'52"	S49°58'08"E	68.10
C5	24.64	45.00	31°22'03"	N65°10'25"E	24.33
C6	13.86	20.00	39°42'54"	S69°20'51"W	13.59

LYNN D. LANTZ, N.M.P.S. No. 10856



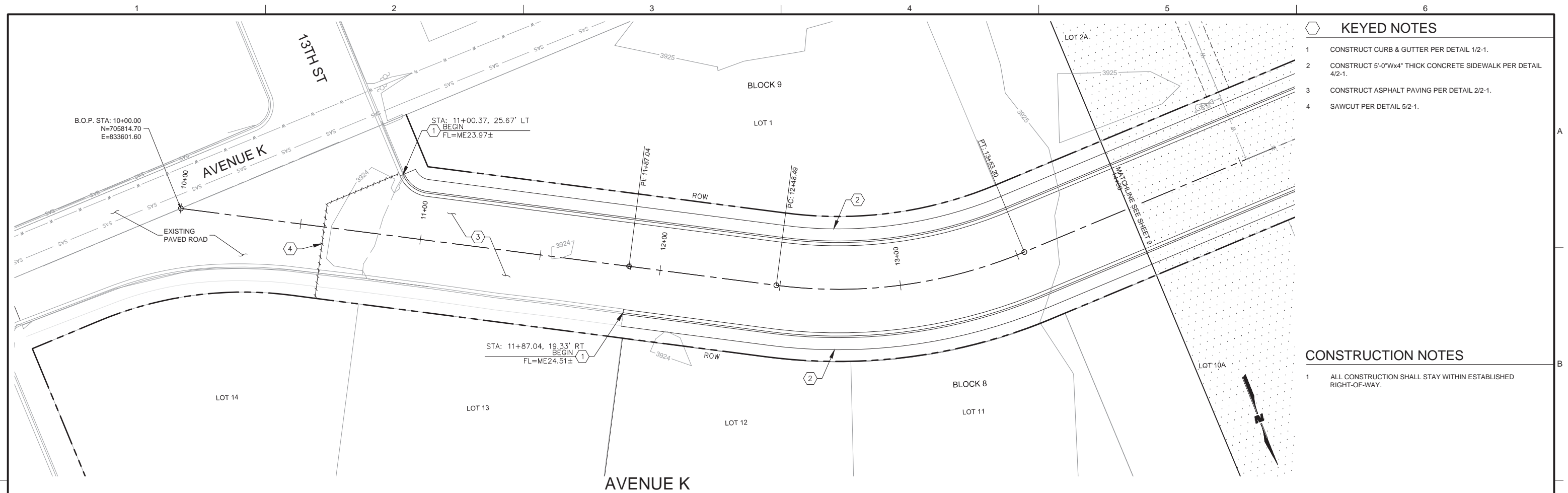
Date

 Fierro & Company 2929 COORS BLVD N.W. SUITE 307-B ALBUQUERQUE, NEW MEXICO 87120 PH (505) 352-8930 www.fierrocompany.com	OWNER:	2JD3 ASSET MANAGEMENT, LLC	STATE OF NEW MEXICO COUNTY OF LEA FILED _____, 2015, AT _____, O'CLOCK ____M AND RECORDED IN BOOK _____ PAGE _____ PAT CHAPPELLE, LEA COUNTY CLERK BY _____ DEPUTY
	PROJECT NO:	152-01	
	FIELD WORK BY:	SAH	
	DRAWN BY:	OR	
	CHECKED BY:	RJF	
	SCALE:	1:40	
	DATE:	MARCH 2015	
SHEET:	2 OF 2		

## **Attachment D**







DESIGNED: RJF										DRAFT #3 NOT FOR CONSTRUCTION	<div><div><div>FC</div></div><div>Fierro &amp; Company</div><div>FIERRO &amp; COMPANY, LLC 2929 COORS BLVD. SUITE 307-B ALBUQUERQUE, NM 87120 (505) 352-8930</div></div>	CLIENT: <div>JOANN DOMZALSKI &amp; JERRY DOMZALSKI D.B.A 2JD3 ASSET MANAGEMENT, LLC</div>	J. L. REED UNIT 3 AND DOMZALSKI SUBDIVISION	SHEET 8 of 12
DRAWN: OR									DWG 3-2					
CHECKED: RJF													DATE MARCH 27TH, 2015	
APPROVED: RJF	NO.	DATE	BY	REVISION									PROJ 151-01	

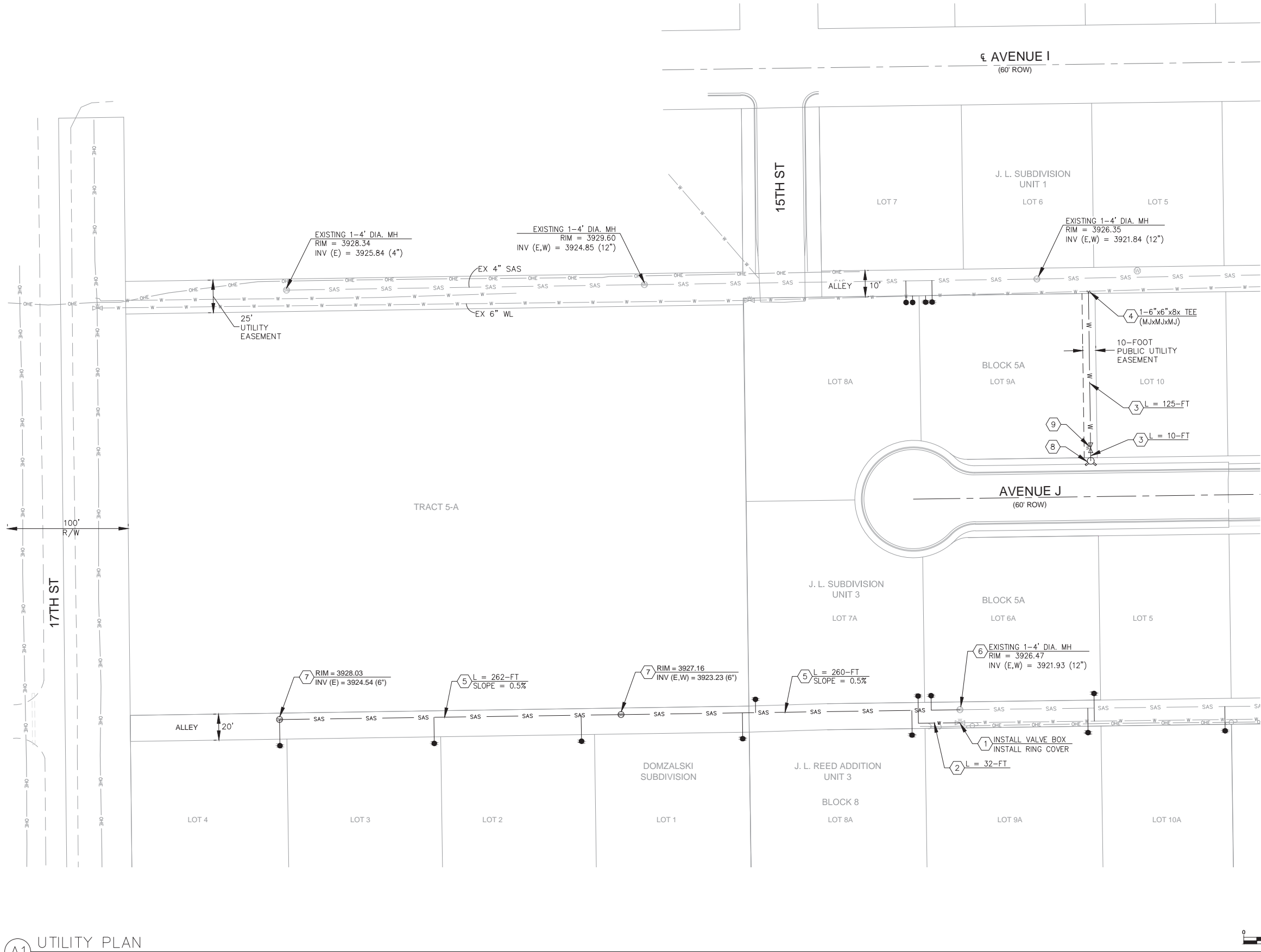







- 1 ALL IMPROVEMENTS SHALL BE CONSTRUCTED PER APWA NEW MEXICO STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, LATEST REVISION. SUPPLEMENTAL SPECIFICATIONS ARE LOCATED ON SHEET 1-2.
- 2 INSTALL ALL SEWER LINES PER APWA STD. DWG. 2125 AND 2145. COORDINATE WITH HOME BUILDER ON THE LOCATION OF EACH SERVICE LINE. INSTALL SERVICE LINE WITH 2" PVC SDR 35.
- 3 WATER SERVICE LINES TO BE INSTALLED CLOSE TO PROPERTY LINE AS PER HOME BUILDER DIRECTION. MEET CITY REQUIREMENTS ON END TREATMENT IF SERVICE LINE IS NOT DIRECTLY CONNECTED TO A NEW METER.
- 4 WATER PIPE TRENCH PER APWA STD. DWG. 2315. BEDDING IN EXCAVATED ROCK USE SPEC. STS-1 IN ADDITION TO APWA SPECS.

- 1 POTHOLE AND TRENCH TO FIND EXISTING BURIED WATER VALVE. CONNECT INTO EXISTING 6" WATER MAIN AT WATER VALVE. FIELD VERIFY EXACT LOCATION AND SIZE. NOTIFY CITY'S WATER DEPARTMENT AND ENGINEER IF DIAMETER IS NOT 6-INCHES.
- 2 INSTALL 6" PVC C-900 DR 18 WATERLINE. MINIMUM 3.0' COVER FROM FINISH GRADE TO TOP OF PIPE.
- 3 INSTALL 8" PVC C-900 DR 18 WATERLINE. MINIMUM 3.0' COVER FROM FINISH GRADE TO TOP OF PIPE.
- 4 INSTALL MECHANICAL JOINT AND RESTRAIN PER APWA STD. DWG. 2320.
- 5 INSTALL 8" PVC SDR 35 SANITARY SEWER.
- 6 CONNECT NEW SAS LINE TO EXISTING MANHOLE.
- 7 CONSTRUCT 1'-4" DIA. TYPE "C" MANHOLE PER APWA STD. DWG. 2101 OR CITY APPROVED.
- 8 INSTALL 1 - FIRE HYDRANT PER APWA STD. DWG. 2340 AND 2347.
- 9 INSTALL WATER VALVE (MUELLER A26441 OR APPROVED EQUAL), VALVE BOX, RING COVER FOR VALVE BOX, AND ANCHOR PER APWA STD. DWG. 2326, 2328 AND 2333 RESPECTIVELY. RING COVER FLUSH WITH FINISH GROUND.



## A1 UTILITY PLAN

DESIGNED: R.J.F.							DRAFT #3 NOT FOR CONSTRUCTION	<div> Fierro &amp; Company FIERRO &amp; COMPANY, LLC 2929 COORS BLVD. SUITE 307-B ALBUQUERQUE, NM 87120 (505) 352-8930</div>	CLIENT:  JOANN DOMZALSKI & JERRY DOMZALSKI D.B.A 2JD3 ASSET MANAGEMENT, LLC	J. L. REED UNIT 3 AND DOMZALSKI SUBDIVISION	SHEET 11 of 12
DRAWN: OR						DWG 4-1					
CHECKED: R.J.F.										DATE MARCH 27TH, 2015	
APPROVED: R.J.F.	NO.	DATE	BY	REVISION						PROJ 151-01	
										AVENUE J UTILITY PLAN	

# CITY OF LOVINGTON

## STAFF SUMMARY FORM



MEETING DATE: April 10, 2015

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

SUBJECT: Domzalski Subdivision Preliminary Plat Submission  
DEPARTMENT: Planning  
SUBMITTED BY: Merideth Hildreth, City Planner  
DATE SUBMITTED: April 10, 2015

### STAFF SUMMARY:

Review of Preliminary Plat to establish Domzalski Subdivision on Tract 5-B (see Warranty Deed and Exhibit "A" for Legal Description).

The application requests the creation of eight (8) lots for single-family residential.

The property is zoned Multi-Family (Zone B).

A REVISED UTILITY PLAN WILL BE PRESENTED AT THE P&Z MEETING ON APRIL 14, 2015.

### FISCAL IMPACT:

REVIEWED BY: \_\_\_\_\_

(Finance Director)

### ATTACHMENTS:

P&Z Application	Attachment A: Corrected Summary Review Plat for Tract 5 Land Division
Warranty Deed	Attachment B: Preliminary Plat Domzalski Subdivision
Legal Description	Attachment C: Topographic Survey
March 27, 2015 Letter	Construction Plans for JL Reed Unit 3 and Domzalski Subdivision (7 pages)

### RECOMMENDATION:

Staff recommends a motion to approve the preliminary plat with the provision that a drainage study be conducted and that a drainage and retention plan be submitted for review by staff and Planning and Zoning Commission prior to submission of the Final Plat.

  
Department Head

  
City Manager



## PLANNING AND ZONING APPLICATION

Type(s): ☐ VARIANCE ☐ SPECIAL USE ☐ CONDITIONAL USE  
☐ ZONE CHANGE ☐ VACATION ☐ ANNEXATION  
☐ CARPORT ☐ RV PARK ☐ MOBILE HOME PARK  
☒ PLAT ☐ REPLAT ☐ ALTERNATE SUMMARY  
☐ BUILDING ☐ MOBILE/MANUFACTURED ☐ WATER CONNECTION  
☐ SEWER CONNECTION ☐ CURB CUT ☐ SIGN

Applicant Name: Fierro & Company, LLC (Robert Fierro)  
Mailing Address: 2929 Coors Blvd. Suite 307-B  
Albuquerque, NM 87120  
Phone Number: (505) 352-8930  
Property Address (Site Location): Bounded by 17th Street to the west, Tract 5-B to the North (Proposed Spare Feet Storage),  
J.L. Reed Addition to the east, and Dimsha Estates to the South.  
Property Owner(s): 2JD3 Asset Management, LLC (Jo Ann and Jerry Domzalski)

Brief Description of Request: Create eight (8) lots from one (1) tract. Domzalski Subdivision.

Subdivision: NA Zone: ☒ A ☒ B ☐ C ☐ D  
Block: NA  
Lot: Tract 5-B  
Owner Number: Parcel Number: 4000346950001  
Book: Page:

Present Use of Property: Vacant.

Applicant Signature: Robert Fierro Date: 3-23-15

To ensure placement on the agenda, submit all materials three weeks in advance of your scheduled meeting.

Date Received by Code Enforcement: 3.24.15  
Code Enforcement Officer Name: Merideth Hildner  
Code Enforcement Officer Signature: [Signature]

32488

WARRANTY DEED

Burkeshaw, LLC, a New Mexico limited liability company

for consideration paid grants to

2JD3 Asset Management, LLC, a New Mexico limited liability company,

whose address is 122 West Adams Ave. Lovington, NM 88260

the following described real estate in LEA county, New Mexico:

FOR SURFACE TITLE ONLY

See Attached Exhibit "A"

Subject to reservations, restrictions and easements appearing of record.

With warranty covenants.

WITNESS our hands and seals on 03/11/15

Burkeshaw, LLC, a New Mexico  
limited liability company

By: \_\_\_\_\_

Ryan Burkett, Member

By: \_\_\_\_\_

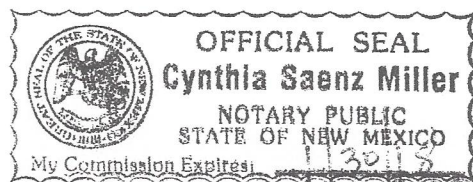
Bobby Shaw, Member

STATE OF NEW MEXICO )

)ss

COUNTY OF LEA )

This instrument was acknowledged before me on 03/12/15, by Ryan Burkett, Member and Bobby Shaw,  
Member on behalf of Burkeshaw, LLC, a New Mexico limited liability company



\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Exhibit "A"  
Legal Description  
Title Commitment No. 15- 2221W5

Tract 5-B, as shown on that certain Corrected Survey filed 1-16-14, in Book 2, Page 288, Survey Records, Lea County, New Mexico:

Commencing at the Southeast corner of the Southwest Quarter of the Northwest Quarter of Section 9, Township 16 South, Range 36 East, N.M.P.M. as monumented by a found 3/4 inch rebar; thence along the center line of said Section 9; S89°15'42"W a distance of 794.03 feet to the Southwest corner of J.L. Reed Addition Unit Three (3) to the City of Lovington, Lea County, New Mexico and being the Southeast corner of Tract 5-B as monumented by a found yellow plastic cap stamped "PS 7977", the point of beginning; thence continuing along said center line S89°15'42"W, 481.95 feet to the Southwest corner of said Tract 5-B; lying 50.00 feet East of the West Line of said Section; thence N00°37'27"W on a line parallel to and 50.00 feet East of the West line of said Section 9; 324.31 feet to the Southwest corner of Tract 5-A and being the Northwest corner of Tract 5-B; thence N89°08'02"E, 474.63 feet to the Southeast corner of Tract 5-A and being the Northeast corner of Tract 5-B lying on the West line of J.L. Reed Addition, Unit 3; thence along the West line of said J.L. Reed Addition 3; S00°48'04"E, 205.01 feet for a common corner to Tract 5-B and said J.L. Reed Addition Unit 3; thence N89°55'24"E 6.48 feet for a common corner to Tract 5-B and said J.L. Reed Addition, Unit 3; thence S00°48'05"E 120.36 feet to the Southwest corner of said J.L. Reed Addition Unit 3 and being the Southeast corner of Tract 5-B, the point of beginning.

32488

STATE OF NEW MEXICO  
COUNTY OF LEA  
FILED

MAR 13 2015

at 10:52 o'clock AM  
and recorded in Book 1947  
Page 762  
Pat Chappelle, Lea County Clerk  
By A. Beauchamp Deputy



BOOK 1947 PAGE 763





Fierro & Company

2929 Coors Blvd Suite  
Albuquerque, NM 87120  
(505) 352-8930 | www.fierrocompany.com

March 27, 2015

City of Lovington Planning Board Members  
Plaza del Sol  
214 S. Love  
Lovington, NM 88260

**RE: Domzalski Subdivision**

Dear Board Members:

This letter provides information on the proposed Domzalski Subdivision. Joann Domzalski and Jerry Domzalski D.B.A. 2JD3 Assest Management, LLC are the owners developing Tract 5-B into Domzalski Subdivision. They are also the majority land owners in J.L. Reed Addition Unit 3 and will be improving Avenue J and Avenue K to meet the City standard asphalt road.

Tract 5-B is proposed to be subdivided as Domzalski Subdivision. Refer to Attachment "A" for the Tract 5-B boundary and location. Eight lots will be created from the 3.56 acre tract. Refer to Attachment "B" for the Domzalski Subdivision's Preliminary Plat. The lots sizes are relatively large subdivision lots between 14,000 to 17,100 square feet (sq.ft). Access to the proposed subdivision will be from Avenue K. Avenue K is being extended from 13<sup>th</sup> Street through JL Reed Addition Unit 3 into Domzalski Subdivision. A cul-de-sac is proposed at the end of Avenue K for a turn-around.

Residents in JL Reed Unit 3 and the owners of Domzalski Subdivision want to limit traffic in their neighborhood, so a connection at 17<sup>th</sup> Street is not wanted by the residents nor land owners of these subdivisions. By not providing a through-way has many local benefits such as preventing traffic from stagnating on the by-pass road at intersections. Construction Plans have been prepared to service the lots with utilities and provide paved roadways. Refer to Appendix C for the construction plan set.

We respectfully ask for your approval of the Domzalski Subdivision's Preliminary Plat. Any comments the board or City has can be addressed on the Final Plat.

FIERRO & COMPANY

Robert Fierro, P.E., S.I.  
President and Principal Engineer

Attachments



# **Attachment A**



**CORRECTED SUMMARY REVIEW PLAT FOR TRACT 5 LAND DIVISION**  
 LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9,  
 TOWNSHIP 16 SOUTH, RANGE 36 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO

RECORDING INFORMATION OF PLAT BEING CORRECTED:  
 BOOK 2, PAGE 273, FILE NUMBER 27897 FILED IN THE OFFICE OF THE LEA COUNTY  
 CLERK ON NOVEMBER 17TH, 2014.

**PURPOSE OF CORRECTED PLAT**

1. FIX ERRORS IN LEGAL DESCRIPTIONS (DIRECTIONS AND INCORRECT WORDS).
2. CORRECTED LANGUAGE ON 25-FOOT UTILITY EASEMENT, 20-FOOT UTILITY EASEMENT, AND NEW ACCESS EASEMENT. THESE ARE EASEMENTS WITHIN TRACT 5-A AND NOT DEDICATED TO THE CITY NOR ADJOINING TRACTS/LOTS.
3. ADD LANGUAGE TO THE LEGAL DESCRIPTIONS ON CALL-OUTS TO COMMON CORNERS AND LINES.
4. OMIT THE EAST 10 FEET BEING RESERVED FOR LANDSCAPING OF THE ROADWAY DEDICATION. THE 50-FOOT ROADWAY DEDICATION DOES NOT HAVE ANY RESTRICTIONS OR RESERVATIONS.

**CERTIFICATE OF MUNICIPAL SUMMARY PROCESS APPROVAL:**

I, JAMES WILLIAMS, CITY MANAGER FOR THE CITY OF LOVINGTON, NEW MEXICO AND CAROL ANN HOGUE, CITY CLERK FOR THE CITY OF LOVINGTON, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING PLAT IN THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO WAS REVIEWED AND DEEMED COMPLIANT WITH THE NEW MEXICO SUMMARY PROCESS REGULATIONS ON THIS 14 DAY OF January, 2014.

JAMES WILLIAMS, CITY MANAGER

CAROL ANN HOGUE, CITY CLERK



**ACKNOWLEDGEMENT:**

STATE OF NEW MEXICO)

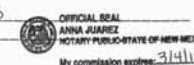
COUNTY OF LEA)

ON THIS 14 DAY OF January, 2014, BEFORE ME PERSONALLY APPEARED JAMES WILLIAMS AND CAROL ANN HOGUE KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

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

MY COMMISSION EXPIRES: March 4, 2015

Anna Suarez



NOTARY PUBLIC

**OWNERS STATEMENT:**

SAID TRACT 5 IS BEING SUBDIVIDED, THE SAID NEW EASEMENTS ARE BEING GRANTED, AND THE ROADWAY DEDICATED, WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) THEREOF, AND IS SURVEYED AND SUBDIVIDED AS THEY APPEAR ON THE PLAT AFFIXED HEREIN.

John Hasbrook HASBROOK LIVING TRUST REPRESENTATIVE

**ACKNOWLEDGEMENT:**

STATE OF CALIFORNIA)

COUNTY OF Butte)

ON THIS 23 DAY OF December, 2014, BEFORE ME PERSONALLY APPEARED John Hasbrook KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

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

MY COMMISSION

EXPIRES: February 1, 2015

John Hasbrook

NOTARY PUBLIC

Don Murphy STAFFORD BEESON TRUST (AKA SAFFORD LEASING)

**ACKNOWLEDGEMENT:**

STATE OF CALIFORNIA)

COUNTY OF Butte)

ON THIS 23 DAY OF December, 2014, BEFORE ME PERSONALLY APPEARED Don Murphy KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

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

MY COMMISSION

EXPIRES: February 1, 2015

Don Murphy

NOTARY PUBLIC



STATE OF NEW MEXICO  
 COUNTY OF LEA  
 FILED

January 16, 2014.

AT 8:28 O'CLOCK A.M. AND RECORDED IN

BOOK 2

PAGE 288

PAT CHAPPELLE, LEA COUNTY CLERK

By Myra Salmeron DEPUTY

THE FOREGOING TRACT FIVE (5) LAND DIVISION AS IN THAT CERTAIN WARRANTY DEED RECORDED UNDER FILE NUMBER 42484 OF THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO, INTO THE FOLLOWING DESCRIBED TRACTS:

TRACT 5-A:  
 COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 16 SOUTH, RANGE 36 EAST, OF THE N.M.P.M. AS MONUMENTED BY A FOUND 3/4 INCH REBAR;

THENCE ALONG THE CENTER LINE OF SAID SECTION 9 S89°15'42"W, A DISTANCE OF 1,275.98 FEET TO THE SOUTHWEST CORNER OF TRACT 5-B LYING 50 FEET EAST OF THE WEST LINE OF SAID SECTION 9;

THENCE N00°37'27"W ON A LINE PARALLEL TO AND 50.00 FEET EAST OF THE WEST LINE OF SAID SECTION 9, 324.31 FEET TO THE NORTHWEST CORNER OF SAID TRACT 5-B AND BEING THE SOUTHWEST CORNER OF TRACT 5-A, THE POINT OF BEGINNING;

THENCE CONTINUING N00°37'27"W ON A LINE PARALLEL TO AND 50.00 FEET EAST OF WEST LINE OF SAID SECTION 9, 333.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT 5-A;

THENCE N89°08'02"E, 473.72 FEET;

THENCE N00°30'32"W, 125.44 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF AVENUE I;

THENCE ALONG SAID RIGHT-OF-WAY N88°42'40"E, 59.63 FEET TO THE NORTHWEST CORNER OF LOT 7 OF J.L. REED ADDITION UNIT ONE (1) TO THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO;

THENCE LEAVING SAID RIGHT-OF-WAY S00°48'04"E, 146.00 FEET FOR A COMMON CORNER TO TRACT 5-A AND SAID J.L. REED ADDITION UNIT 1;

THENCE ALONG THE NORTH LINE OF J.L. REED ADDITION UNIT THREE (3) TO THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO S89°16'34"W, 60.38 FEET FOR A COMMON CORNER TO TRACT 5-A AND SAID J.L. REED ADDITION UNIT 3;

THENCE ALONG THE WEST LINE OF SAID J.L. REED ADDITION UNIT 3 S00°48'04"E, 313.03 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 5-A ALSO BEING THE NORTHEAST CORNER OF TRACT 5-B;

THENCE LEAVING THE WEST LINE OF SAID J.L. REED ADDITION UNIT 3 S89°08'02"W, 474.63 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 5-A, THE POINT OF BEGINNING, SAID TRACT 5-A CONTAINING 166,625 SQ.FT. OR 3.8252 ACRES MORE OR LESS GROSS AND 146,041 SQ.FT. OR 3.3526 ACRES NET MORE OR LESS.

TRACT 5-B:  
 COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 16 SOUTH, RANGE 36 EAST, OF THE N.M.P.M. AS MONUMENTED BY A FOUND 3/4 INCH REBAR;

THENCE ALONG THE CENTER LINE OF SAID SECTION 9 S89°15'42"W, A DISTANCE OF 794.03 FEET TO THE SOUTHWEST CORNER OF J.L. REED ADDITION UNIT THREE (3) TO THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO AND BEING THE SOUTHWEST CORNER OF TRACT 5-B AS MONUMENTED BY A FOUND YELLOW PLASTIC CAP STAMPED "PS 7977", THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID CENTER LINE S89°15'42"W, 481.95 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 5-B LYING 50.00 FEET EAST OF THE WEST LINE OF SAID SECTION 9;

THENCE N00°37'27"W ON A LINE PARALLEL TO AND 50.00 FEET EAST OF THE WEST LINE OF SAID SECTION 9, 324.31 FEET TO THE SOUTHWEST CORNER OF TRACT 5-A AND BEING THE NORTHWEST CORNER OF TRACT 5-B;

THENCE N89°08'02"E, 474.63 FEET TO THE SOUTHWEST CORNER OF TRACT 5-A AND BEING THE NORTHEAST CORNER OF TRACT 5-B LYING ON THE WEST LINE OF J.L. REED ADDITION, UNIT 3;

THENCE ALONG THE WEST LINE OF SAID J.L. REED ADDITION 3 S00°48'04"E, 205.01 FEET FOR A COMMON CORNER TO TRACT 5-B AND SAID J.L. REED ADDITION UNIT 3;

THENCE N89°55'24"E, 6.48 FEET FOR A COMMON CORNER TO TRACT 5-B AND SAID J.L. REED ADDITION UNIT 3;

THENCE S00°48'05"E, 120.36 FEET TO THE SOUTHWEST CORNER OF SAID J.L. REED ADDITION UNIT 3 AND BEING THE SOUTHWEST CORNER OF TRACT 5-B, THE POINT OF BEGINNING, SAID TRACT 5-B CONTAINING 155,102 SQ.FT. OR 3.5607 ACRES MORE OR LESS.

**ROADWAY DEDICATION:**

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 16 SOUTH, RANGE 36 EAST, N.M.P.M., CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO, AND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 16 SOUTH, RANGE 36 EAST, OF THE N.M.P.M. AS MONUMENTED BY A FOUND 3/4 INCH REBAR;

THENCE ALONG THE CENTER LINE OF SAID SECTION 9 S89°15'42"W, A DISTANCE OF 1,325.98 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 9; THE POINT OF BEGINNING;

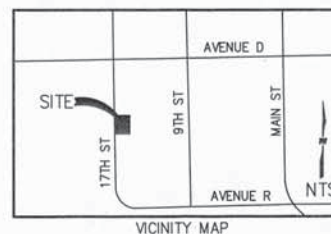
THENCE ALONG THE WEST LINE OF SAID SECTION 9 N00°37'27"W, 783.21 FEET TO THE NORTHWEST CORNER OF SAID TRACT;

THENCE N89°08'02"E, 50.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT;

THENCE S00°37'27"E ON A LINE PARALLEL TO AND 50.00 FEET EAST OF THE WEST LINE OF SAID SECTION 9, 783.31 FEET TO THE SOUTHWEST CORNER OF SAID TRACT;

THENCE S89°15'42"W, 50.00 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 9, THE POINT OF BEGINNING, SAID TRACT CONTAINING 39,164 SQ. FT. OR 0.8991 ACRES MORE OR LESS.

- LEGEND**
- FOUND SECTION CORNER AS NOTED
  - ⊗ CALCULATED CORNER
  - FOUND PROPERTY CORNER AS NOTED
  - SET 18"x5/8" REBAR WITH BLUE PERMA CAP N.M.P.S. 10856
  - WATER METER
  - WATER VALVE
  - SANITARY SEWER MANHOLE
  - WATER LINE
  - SANITARY SEWER LINE
  - OVERHEAD ELECTRIC
  - POWER POLE
  - GUY WIRE
  - (N00°00'00"E, 00.00') RECORD BEARING & DISTANCE
  - (N00°00'00"E, 00.00') MEASURED BEARING & DISTANCE



OWNER: MR. HASBROOK & MR. MURPHY  
 PROJECT NO: 141-07  
 FIELD WORK BY: RJF, SAH, LDL  
 DRAWN BY: RJF, OR  
 CHECKED BY: RJF, LDL  
 SCALE: 1:50  
 DATE: OCTOBER 2014  
 SHEET: 1 OF 1



**NOTES:**

1. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS NOTED OTHERWISE.
2. BASIS OF BEARING IS NAD83 (2011) (EPOCH 2010.0000) NEW MEXICO STATE PLANE ZONE.
3. THE UTILITY LOCATIONS SHOWN ARE FROM INFORMATION OBTAINED FROM THE CITY OF LOVINGTON'S WATER DEPARTMENT, FIELD SURVEY OF SURFACE UTILITIES AND THE UTILITY MARKINGS PROVIDED BY AN NM ONE CALL DESIGN SURVEY REQUEST.

**SURVEYOR'S CERTIFICATION**

I, LYNN D. LANTZ, NEW MEXICO PROFESSIONAL SURVEYOR NO. 10856, DO HEREBY CERTIFY THAT THIS PLAT OF SURVEY WAS PREPARED FROM FIELD NOTES OF AN ACTUAL GROUND SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION; THAT IT ACCURATELY MEETS THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS.

LYNN D. LANTZ, N.M.P.S. No. 10856

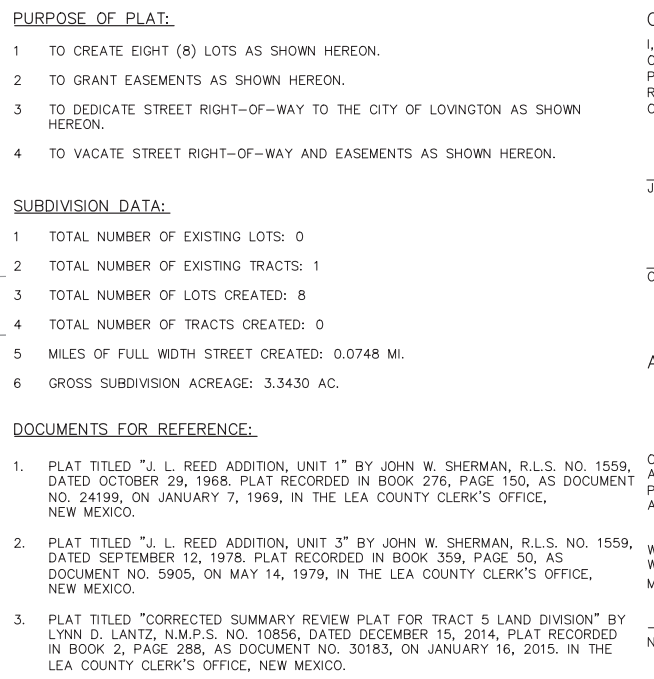


Date

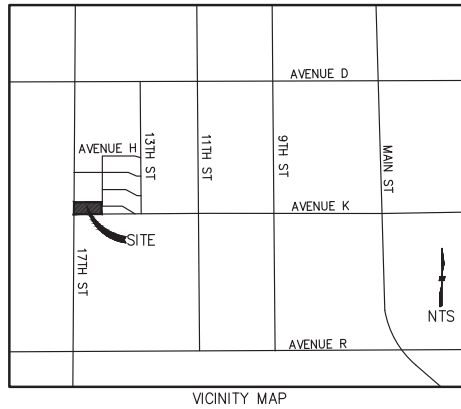


## **Attachment B**

## \\Seagate-4004ED\Public\PROJECTS\ENG\15100100\CADD\SHEETS\00\_SURVEY\151-01\_PRELIM PLAT.dwg 3/27/2015 3:00:00 PM

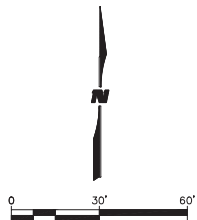


CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	13.86	20.00	39°42'54"	S70°56'15"E	13.59
C2	35.73	45.00	45°29'22"	N73°49'29"W	34.80
C3	66.15	45.00	84°13'33"	S41°19'04"W	60.35
C4	65.21	45.00	83°01'55"	S42°18'40"E	59.65
C5	36.66	45.00	46°40'59"	N72°49'53"E	35.66
C6	13.86	20.00	39°42'54"	S69°20'51"W	13.59



1. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS NOTED OTHERWISE.
2. BASIS OF BEARING IS NAD83 (2011) (EPOCH 2010.0000) NEW MEXICO EAST STATE PLANE ZONE ESTABLISHED FROM AN NGS OPUS SOLUTION USING DATA COLLECTED ON SEPTEMBER 12, 2013.

●	FOUND CORNER AS NOTED
○	SET 18"x5/8" REBAR WITH BLUE PERMA CAP NMPS 10856
(N00°00'00"E, 00.00')	RECORD BEARING & DISTANCE
N00°00'00"E, 00.00'	MEASURED BEARING & DISTANCE



**Fierro & Company**  
2929 COORS BLVD N.W.  
SUITE 307-B  
ALBUQUERQUE, NEW MEXICO 87120  
PH (505) 352-8930  
[www.fierrocompany.com](http://www.fierrocompany.com)

OWNER:	2JD3 ASSET MANAGEMENT, LLC
PROJECT NO:	151-01
FIELD WORK BY:	SAH
DRAWN BY:	OR
CHECKED BY:	RJF
SCALE:	1:30
DATE:	MARCH 2015
SHEET:	1 OF 1

JAMES WILLIAMS,	CITY MANAGER
CAROL ANN HOGUE,	CITY CLERK

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

MY COMMISSION EXPIRES: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC


OWNER: 2JD3 ASSET MANAGEMENT, LLC  
BY: JOANN DOMZALSKI & JERRY DOMZALSKI  
TITLE: LAND OWNERS

JOANN DOMZALSKI,	DATE
JERRY DOMZALSKI,	DATE

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME PERSONALLY  
 APPEARED \_\_\_\_\_  
 KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE  
 FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS  
 THEIR FREE ACT AND DEED.

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

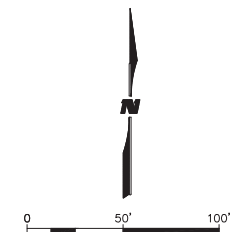
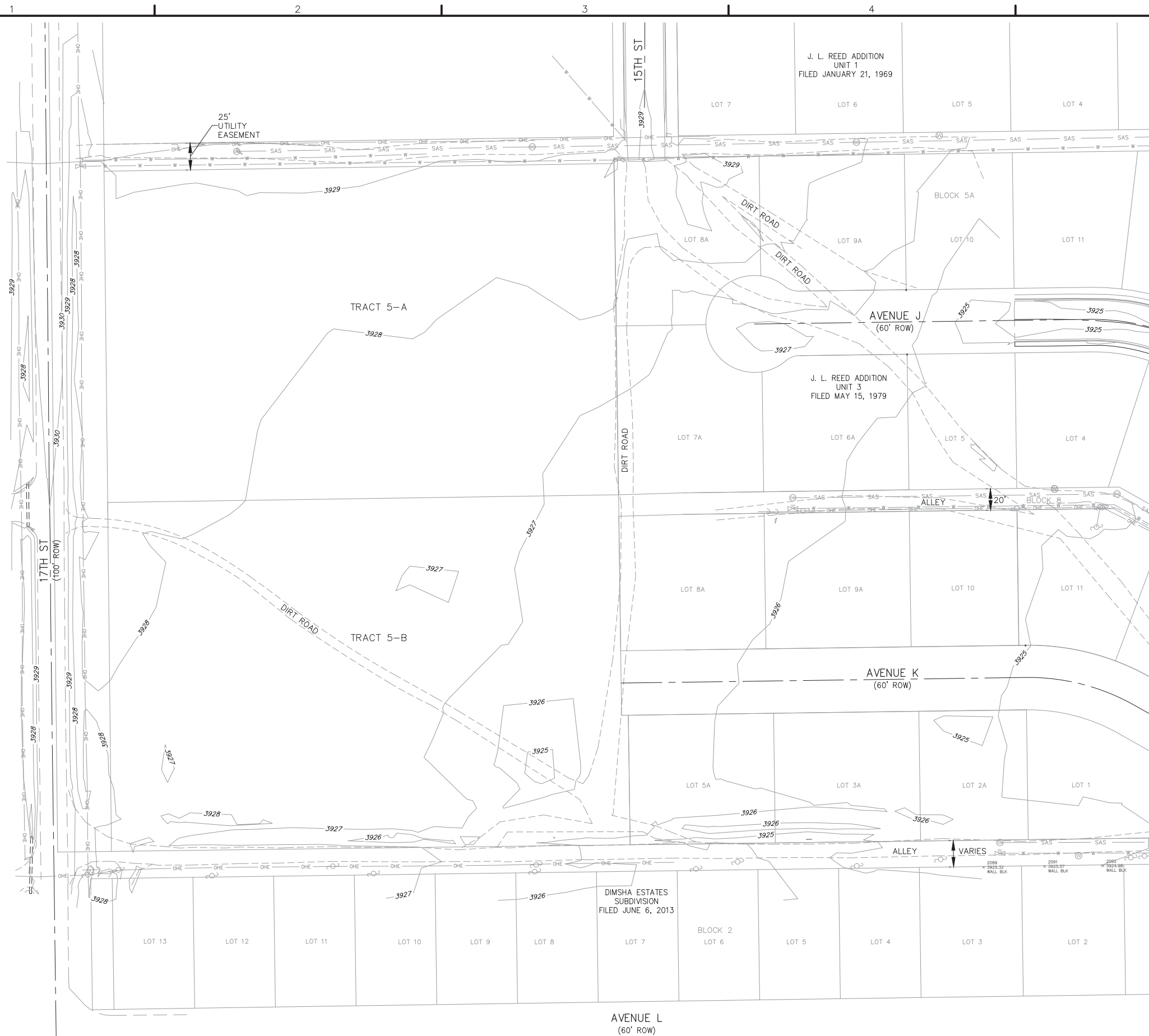
MY COMMISSION EXPIRES: \_\_\_\_\_

LYNN D. LANTZ, N.M.P.S. No. 10856  Date \_\_\_\_\_

















STATE OF NEW MEXICO  
COUNTY OF LEA  
FILED

\_\_\_\_\_, 2015,  
AT \_\_\_\_\_, O'CLOCK \_\_\_\_M AND RECORDED IN  
BOOK \_\_\_\_\_  
PAGE \_\_\_\_\_  
PAT CHAPPELLE, LEA COUNTY CLERK  
BY \_\_\_\_\_DEPUTY

## **Attachment C**



# LEGEND

	CONTROL POINT
	PROPERTY CORNER
	WATER METER
	WATER VALVE
	FIRE HYDRANT
	GUY WIRE
	POWER POLE
	SIGN
	BOLLARD
	ELECTRIC BOX
	ELECTRIC METER
	GAS METER
	LIGHT POLE
	CLEAN OUT
	PROPERTY BOUNDARY
	APPARENT PROPERTY BOUNDARY

SCALE: 1:50																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
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DRAFT #3

**PROJECT SITE**

AVENUE H

AVENUE I

AVENUE J

AVENUE K

AVENUE L

AVENUE M

CLAYTON AVE


17TH ST

13TH ST

11TH ST

9TH ST

NT

DESIGNED: RJF						DRAFT #3 NOT FOR CONSTRUCTION	<div> Fierro&amp;Company FIERRO &amp; COMPANY, LLC 2929 COORS BLVD. SUITE 307-B ALBUQUERQUE, NM 87120 (505) 352-8930</div>	CLIENT:  JOANN DOMZALSKI & JERRY DOMZALSKI D.B.A  2JD3 ASSET MANAGEMENT, LLC	J. L. REED UNIT 3 AND DOMZALSKI SUBDIVISION	SHEET 1 of 12
DRAWN: OR					DWG 1-1					
CHECKED: RJF									DATE MARCH 27TH, 2015	
APPROVED: RJF									PROJ 151-01	
	NO.	DATE	BY	REVISION						












- 1 ALL IMPROVEMENTS SHALL BE CONSTRUCTED PER APWA NEW MEXICO STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, LATEST REVISION. SUPPLEMENTAL SPECIFICATIONS ARE LOCATED ON SHEET 1-2.
- 2 INSTALL ALL SEWER LINES PER APWA STD. DWG. 2125 AND 2145. COORDINATE WITH HOME BUILDER ON THE LOCATION OF EACH SERVICE LINE. INSTALL SERVICE LINE WITH 2" PVC SDR 35.
- 3 WATER SERVICE LINES TO BE INSTALLED CLOSE TO PROPERTY LINE AS PER HOME BUILDER DIRECTION. MEET CITY REQUIREMENTS ON END TREATMENT IF SERVICE LINE IS NOT DIRECTLY CONNECTED TO A NEW METER.
- 4 WATER PIPE TRENCH PER APWA STD. DWG. 2315. BEDDING IN EXCAVATED ROCK USE SPEC. STS-1 IN ADDITION TO APWA SPECS.

- 1 POTHOLE AND TRENCH TO FIND EXISTING BURIED WATER VALVE. CONNECT INTO EXISTING 6" WATER MAIN AT WATER VALVE. FIELD VERIFY EXACT LOCATION AND SIZE. NOTIFY CITY'S WATER DEPARTMENT AND ENGINEER IF DIAMETER IS NOT 6-INCHES.
- 2 INSTALL 6" PVC C-900 DR 18 WATERLINE. MINIMUM 3.0' COVER FROM FINISH GRADE TO TOP OF PIPE.
- 3 INSTALL 8" PVC C-900 DR 18 WATERLINE. MINIMUM 3.0' COVER FROM FINISH GRADE TO TOP OF PIPE.
- 4 INSTALL MECHANICAL JOINT AND RESTRAIN PER APWA STD. DWG. 2320.
- 5 INSTALL 8" PVC SDR 35 SANITARY SEWER.
- 6 CONNECT NEW SAS LINE TO EXISTING MANHOLE.
- 7 CONSTRUCT 1'-4" DIA. TYPE "C" MANHOLE PER APWA STD. DWG. 2101 OR CITY APPROVED.
- 8 INSTALL 1 - FIRE HYDRANT PER APWA STD. DWG. 2340 AND 2347.
- 9 INSTALL WATER VALVE (MUELLER A26441 OR APPROVED EQUAL), VALVE BOX, RING COVER FOR VALVE BOX, AND ANCHOR PER APWA STD. DWG. 2326, 2328 AND 2333 RESPECTIVELY. RING COVER FLUSH WITH FINISH GROUND.

## A1 UTILITY PLAN

DESIGNED: R.J.F.						<b>DRAFT #3 NOT FOR CONSTRUCTION</b>	 <b>Fierro &amp; Company</b> FIERRO & COMPANY, LLC 2929 COORS BLVD. SUITE 307-B ALBUQUERQUE, NM 87120 (505) 352-8930	<b>CLIENT:</b>  <b>JOANN DOMZALSKI &amp; JERRY DOMZALSKI D.B.A 2JD3 ASSET MANAGEMENT, LLC</b>	<b>J. L. REED UNIT 3 AND DOMZALSKI SUBDIVISION</b>	SHEET 11 of 12
DRAWN: OR										DWG 4-1
CHECKED: R.J.F.										DATE MARCH 27TH, 2015
APPROVED: R.J.F.	NO.	DATE	BY	REVISION						PROJ 151-01



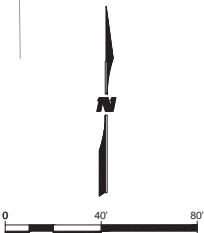
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- 2 INSTALL ALL SEWER LINES PER APWA STD. DWG. 2125 AND 2145. COORDINATE WITH HOME BUILDER ON THE LOCATION OF EACH SERVICE LINE. INSTALL SERVICE LINE WITH 2" PVC SDR 35.
- 3 WATER SERVICE LINES TO BE INSTALLED CLOSE TO PROPERTY LINE AS PER HOME BUILDER DIRECTION. MEET CITY REQUIREMENTS ON END TREATMENT IF SERVICE LINE IS NOT DIRECTLY CONNECTED TO A NEW METER.
- 4 WATER PIPE TRENCH PER APWA STD. DWG. 2315. BEDDING IN EXCAVATED ROCK USE SPEC. STS-1 IN ADDITION TO APWA SPEC.

1. POTHOLE AND TRENCH TO FIND EXISTING BURIED WATER VALVE. CONNECT INTO EXISTING 6" WATER MAIN AT WATER VALVE. FIELD VERIFY EXACT LOCATION AND SIZE. NOTIFY CITY'S WATER DEPARTMENT AND ENGINEER IF DIAMETER IS NOT 6-INCHES.
2. INSTALL 6" PVC C-900 DR 18 WATERLINE. MINIMUM 3.0' COVER FROM FINISH GRADE TO TOP OF PIPE.
3. INSTALL 8" PVC C-900 DR 18 WATERLINE. MINIMUM 3.0' COVER FROM FINISH GRADE TO TOP OF PIPE.
4. INSTALL MECHANICAL JOINT AND RESTRAIN PER APWA STD. DWG. 2320.
5. INSTALL 8" PVC SDR 35 SANITARY SEWER.
6. CONNECT NEW SAS LINE TO EXISTING MANHOLE.
7. CONSTRUCT 1'-4" DIA. TYPE "C" MANHOLE PER APWA STD. DWG. 2101 OR CITY APPROVED.
8. INSTALL 1 - FIRE HYDRANT PER APWA STD. DWG. 2340 AND 2347.
9. INSTALL WATER VALVE (MUELLER A26441 OR APPROVED EQUAL), VALVE BOX, RING COVER FOR VALVE BOX, AND ANCHOR PER APWA STD. DWG. 2326, 2328 AND 2333 RESPECTIVELY. RING COVER FLUSH WITH FINISH GROUND.

A street map showing the intersection of 13th St and Ave K. The map includes the following streets:

- Vertical streets: 13th St, 11th St, 9th St
- Horizontal streets: Ave I, Ave J, Ave K, Ave L, Clayton Ave, Ave M

A black dot is located on Ave K, between 13th St and 9th St. A line connects this dot to the text "SHEET LOCATION".



A1

DESIGNED: RJF						DRAFT #3 NOT FOR CONSTRUCTION	<div></div> <div>Fierro &amp; Company</div> <div>FIERRO &amp; COMPANY, LLC</div> <div>2929 COORS BLVD. SUITE 307-B</div> <div>ALBUQUERQUE, NM 87120</div> <div>(505) 352-8930</div>	CLIENT:  JOANN DOMZALSKI & JERRY DOMZALSKI D.B.A 2JD3 ASSET MANAGEMENT, LLC	J. L. REED UNIT 3 AND DOMZALSKI SUBDIVISION	SHEET 12 of 12
DRAWN: OR									DWG 4-2	
CHECKED: RJF									DATE MARCH 27TH, 2015	
APPROVED: RJF	NO.	DATE	BY	REVISION					PROJ 151-01	

# CITY OF LOVINGTON

## STAFF SUMMARY FORM



MEETING DATE: April 10, 2015

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

SUBJECT: Faye Heights Addition Replat Lots 22, 23, 24 Block 5  
DEPARTMENT: Planning  
SUBMITTED BY: Merideth Hildreth, City Planner  
DATE SUBMITTED: April 10, 2015

### STAFF SUMMARY:

Howard "Robbie" Roberts submitted a Subdivision Replat Application to Replat Lots 22, 23, and 24 of Block 5 in Faye Heights Addition in order to adjust lot lines, vacate an existing public utility (PUE) easement, and grant a new public utility easement PUE). This request includes granting the corner lot (at the intersection of Ninth Street and Carter Avenue) Lot 24 of Block 5 a 15-foot side yard setback instead of the 25-foot sideyard setback originally platted for the side yard adjacent to Ninth Street (corner lot). A 12-inch Sanitary Sewer (SAS) line is located in the middle of Lot 23 and is not within a dedicated easement. This application requests the vacation of the existing 12-foot PUE, where there is no SAS line, and dedication of a new 10-foot PUE over the existing SAS line. Lot line adjustments are also requested to accommodate the new configuration of the lots due to a change in the PUE.

### FISCAL IMPACT:

REVIEWED BY: \_\_\_\_\_

(Finance Director)

### ATTACHMENTS:

P&Z Application  
Replat  
Faye Heights Addition 1962 Plat Dedication

### RECOMMENDATION:

Staff recommends Motion for Approval of Request to Replat Lots 24, 23, 22 of Block 5, Faye Heights addition in order to vacate existing 12-foot Public Utility Easement, establish new 10-foot Public Utility Easement over the existing Sanitary Sewer (SAS) line, revise Lot 24 sideyard setback adjacent to Ninth Street from 25-feet to 15-feet, and adjust lot line between Lots 24 and 23.

  
Department Head

  
City Manager

## PLANNING AND ZONING APPLICATION

- Type(s): ☐ VARIANCE ☐ SPECIAL USE ☐ CONDITIONAL USE  
☐ ZONE CHANGE ☐ VACATION ☐ ANNEXATION  
☐ CARPORT ☐ RV PARK ☐ MOBILE HOME PARK  
☐ PLAT ☒ REPLAT ☐ ALTERNATE SUMMARY  
☐ BUILDING ☐ MOBILE/MANUFACTURED ☐ WATER CONNECTION  
☐ SEWER CONNECTION ☐ CURB CUT ☐ SIGN

Applicant Name:

Mailing Address:

Phone Number:

Property Address (Site Location):

Property Owner(s):

Brief Description of Request:

Subdivision:

Block:

Lot:

Owner Number:

Book:

Page:

Zone:

☐ A

☒ B

☐ C

☐ D

Present Use of Property:

Applicant Signature:

Date:

To ensure placement on the agenda, submit all materials three weeks in advance of your scheduled meeting.

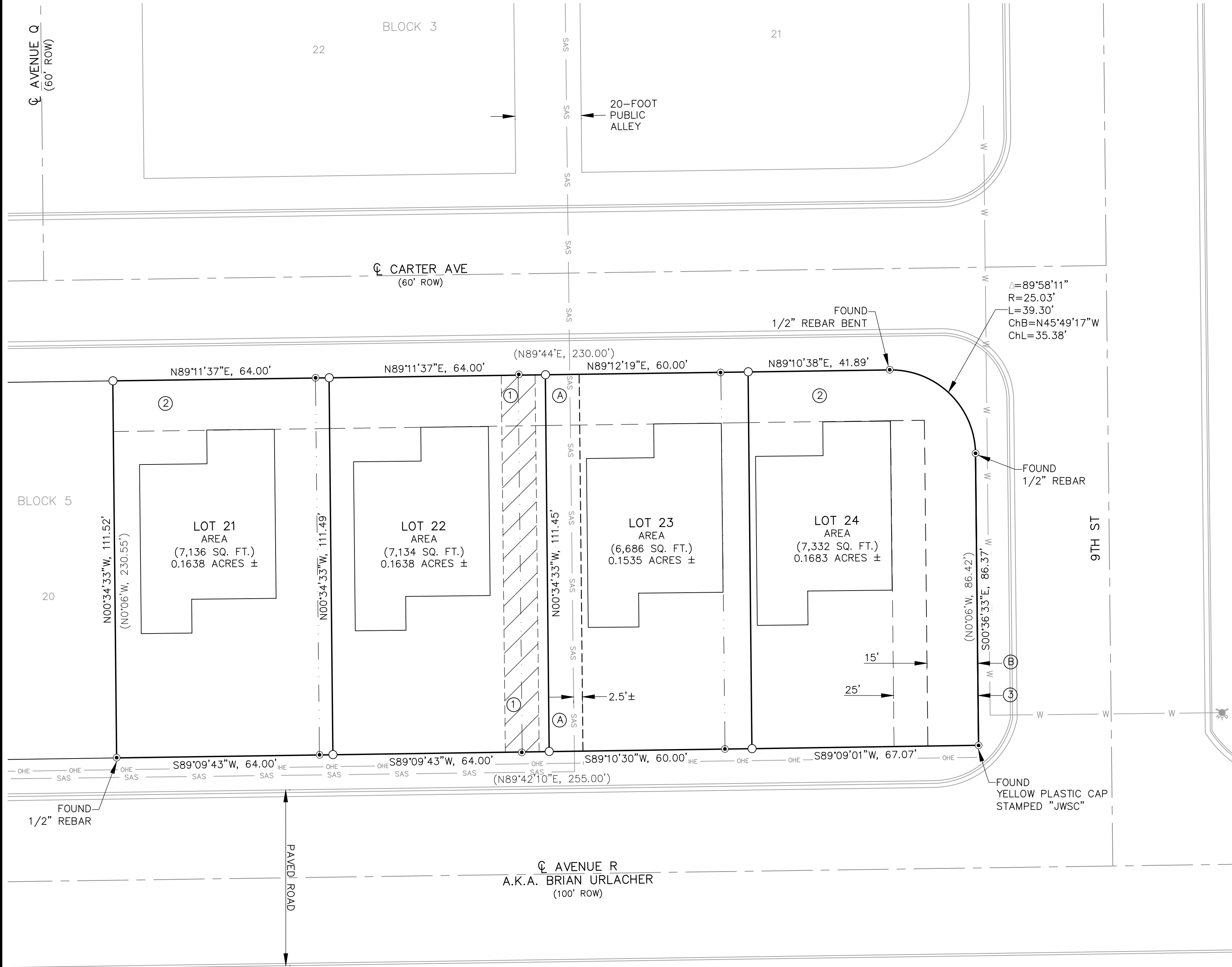
Date Received by Code Enforcement:

Code Enforcement Officer Name:

Code Enforcement Officer Signature:



SUMMARY REVIEW  
LOT LINE ADJUSTMENTS OF LOTS 21, 22, 23, AND 24, BLOCK 5, (AMENDED PLAT) FAYE ADDITION,  
CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO



PURPOSE OF PLAT:

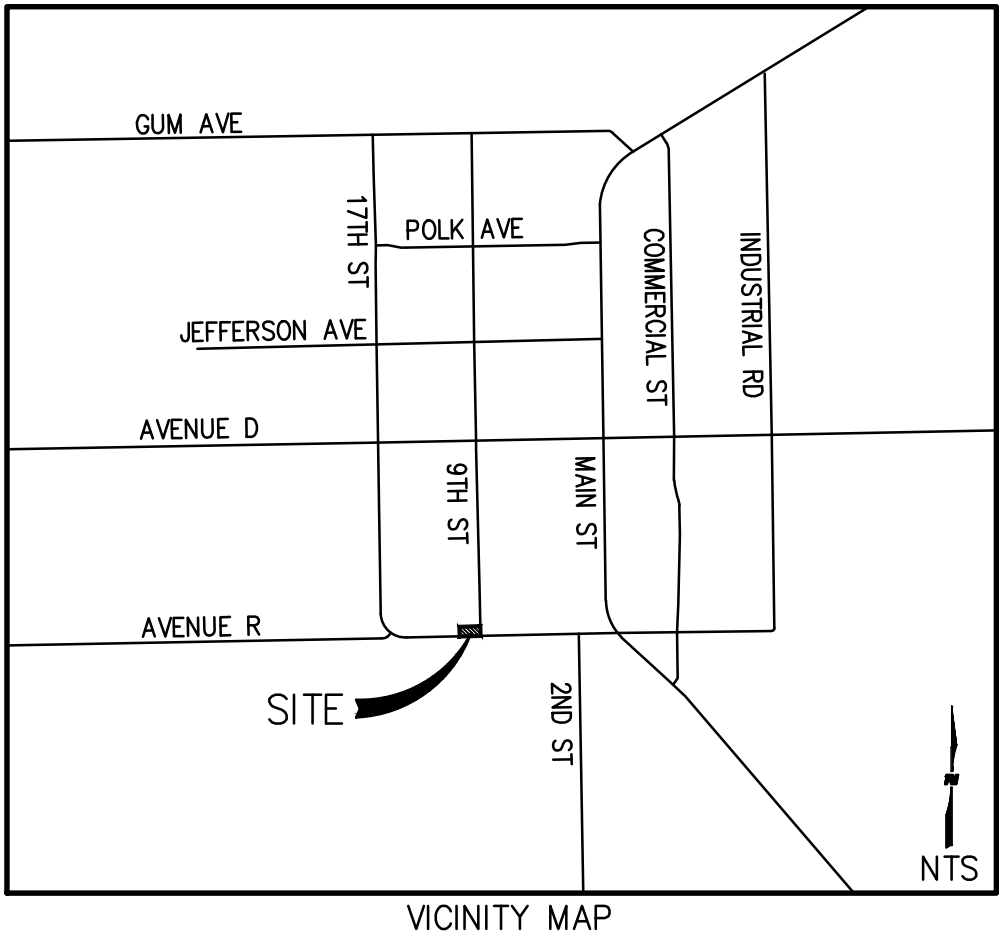
- VACATE EXISTING UTILITY EASEMENT. THE EXISTING 12-INCH SANITARY SEWER IS NOT WITHIN THIS EASEMENT.
- GRANT A NEW PUBLIC UTILITY EASEMENT TO CITY OF LOVINGTON FOR THE EXISTING 12-INCH SANITARY SEWER.
- ADJUST LOT LINES TO ACCOMMODATE THE NEW PUBLIC UTILITY EASEMENT AND SIZE THE ADJUSTED LOTS, SO THE DEVELOPER'S STANDARD HOME CAN BE PLACED ON THEM TO MEET SETBACKS AND NOT BUILT WITHIN THE NEW EASEMENT..

EXISTING EASEMENTS/SETBACKS

- EXISTING 10-FOOT UTILITY EASEMENT (MARCH 25 1963, BOOK 197, PAGE 2174) VACATED PER THIS PLAT.
- EXISTING 15' SETBACK LINE.
- EXISTING 25' SETBACK (AMENDED PLAT OF FAYE HEIGHTS ADDITION TO THE CITY OF LOVINGTON.) 15' VARIANCE PER THIS PLAT.

NEW EASEMENTS/SETBACKS

- 10-FOOT PUBLIC UTILITY EASEMENT GRANTED BY THIS PLAT.
- 15' SIDE YARD SETBACK VARIANCE PER THIS PLAT.



NOTES:

- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS NOTED OTHERWISE.
- BASIS OF BEARING IS NAD83 (2011) (EPOCH 2010.0000) NEW MEXICO STATE PLANE ZONE.

LEGEND

- FOUND PROPERTY CORNER AS NOTED
- SET 18"x5/8" REBAR WITH BLUE PERMA CAP NMPS 10856
- ⊙ GAS METER
- ⊕ GATE
- x— FENCE
- w— WATER LINE
- sas— 12-INCH SANITARY SEWER
- ohe— OVERHEAD ELECTRIC
- p— POWER POLE
- g— GUY WIRE
- s— SANITARY SEWER MH
- OLD LOT LINE TO BE ADJUSTED
- - - SETBACK
- - - EASEMENT
- ▨ EXISTING 10-FOOT UTILITY EASEMENT
- (N00°00'00"E, 00.00') RECORD BEARING & DISTANCE
- N00°00'00"E, 00.00' MEASURED BEARING & DISTANCE

CERTIFICATE OF MUNICIPAL APPROVAL:

I, JAMES WILLIAMS, CITY MANAGER FOR THE CITY OF LOVINGTON, NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING PLAT IN THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO WAS REVIEWED AND DEEMED COMPLIANT WITH THE NEW MEXICO SUMMARY PROCESS REGULATIONS ON THIS \_\_\_\_DAY OF \_\_\_\_\_, 2015.

JAMES WILLIAMS, CITY MANAGER

CAROL ANN HOGUE, CITY CLERK

ACKNOWLEDGEMENT:

STATE OF NEW MEXICO)  
) SS.  
COUNTY OF LEA)

ON THIS \_\_\_\_DAY OF \_\_\_\_\_, 2015, BEFORE ME PERSONALLY APPEARED JAMES WILLIAMS AND CAROL ANN HOGUE KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY, MONTH AND YEAR LAST ABOVE WRITTEN.  
MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC

OWNERS STATEMENT:

REPLAT OF LOTS 21, 22, 23, AND 24, BLOCK 5, (AMENDED PLAT) FAYE ADDITION, CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO.

SAID LOTS ARE BEING REPLATTED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) THEREOF, AND IS SURVEYED AND SUBDIVIDED AS THEY APPEAR ON THE PLAT AFFIXED HEREIN.

HOWARD D. ROBERTS, LAND OWNER

ALLYSON L. ROBERTS, LAND OWNER

ACKNOWLEDGEMENT:

STATE OF NEW MEXICO)  
)SS.  
COUNTY OF LEA)

ON THIS \_\_\_\_DAY OF \_\_\_\_\_, 2015, BEFORE ME PERSONALLY APPEARED KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.  
MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC

SURVEYOR'S CERTIFICATION

I, LYNN D. LANTZ, NEW MEXICO PROFESSIONAL SURVEYOR NO. 10856, DO HEREBY CERTIFY THAT THIS PLAT OF SURVEY WAS PREPARED FROM FIELD NOTES OF AN ACTUAL GROUND SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION; THAT IT ACCURATELY MEETS THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS.



LYNN D. LANTZ, N.M.P.S. No. 10856

Date

**Fierro & Company**  
2929 COORS BLVD N.W.  
SUITE 307-B  
ALBUQUERQUE, NEW MEXICO 87120  
PH (505) 352-8930  
www.fierrocompany.com

OWNER:	HOWARD & ALLYSON ROBERTS
PROJECT NO:	152-05
FIELD WORK BY:	RJF, SAH
DRAWN BY:	OR
CHECKED BY:	RJF, LDL
SCALE:	1:20
DATE:	MARCH 2015
SHEET:	1 OF 1

STATE OF NEW MEXICO  
COUNTY OF LEA  
FILED

\_\_\_\_\_, 2015,

AT \_\_\_\_\_, O'CLOCK \_\_M AND RECORDED IN

BOOK \_\_\_\_\_

PAGE \_\_\_\_\_

PAT CHAPPELLE, LEA COUNTY CLERK

BY \_\_\_\_\_DEPUTY