

**CITY OF LOVINGTON**  
**REGULAR MEETING OF PLANNING AND ZONING COMMISSION**  
TUESDAY, FEBRUARY 9, 2016 4:00 P.M.  
TO BE HELD AT 214 SOUTH LOVE STREET

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**AGENDA**

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

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**OPEN MEETING**

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- Call To Order
- Approval of Agenda
- Consideration of the Regular Meeting Minutes of January 12, 2016

**NON- ACTION ITEMS**

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- Staff Report on Action Items Approved by City Commission

**ACTION ITEMS**

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- Consider approval of Encroachment on City easement at 609 S Third Street, Lovington, NM
- Consider approval of Encroachment on City easement at 610 W Aspen Ave. Lovington, NM

**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 PLANNING & ZONING COMMISSION  
TUESDAY, JANUARY 12, 2016 @ 4:00 P.M.  
**HELD IN CITY COMMISSION CHAMBERS, 214 SOUTH LOVE STREET**

**PURPOSE OF MEETING:**

- Consider Zoning change for Dimsha Estates: Block 2 lot 6 & 7, from Zone A single family to Zone B multi family

**PRESENT:** Members: Vice Chairman Randy Pettigrew, Member David Lynch, Bobby Kimbro, Abel Cabello, Clint Laughrin, and Betty Price.

**ALSO PRESENT:** City Manager James Williams, City Attorney Patrick McMahon, Fire Inspector Skip Moorhead, Planning and Zoning Coordinator Crystal Ball, Code Enforcement Laura Brock, City Clerk Carol Ann Hogue, Administrative Assistant Anna Juarez and Chairman Kallie Windsor

**CALL TO ORDER:** The meeting was called to order by Vice Chairman Randy Pettigrew at 4:00 p.m.

**APPROVAL OF AGENDA:** Vice Chairman Pettigrew called for a motion. Member Price so moved to amend agenda to read Consideration of the Regular Meeting Minutes of December 15, 2015 instead of December 8, 2015 as published; Member Laughrin second. Motion was approved.

**Chairman Kallie Windsor arrives at 4:02 p.m.**

**APPROVAL OF REGULAR MINUTES OF DECEMBER 15, 2015:** Chairman Windsor called for a motion to approve the regular minutes of December 15, 2015. Member Price so moved. Member Lynch seconded. Motion was approved.

**NON-ACTION ITEMS:**

**Staff Report on Action Items Approved by City Commission:** Nothing to present.

Planning and Zoning Coordinator Crystal Ball was introduced.

**ACTION ITEMS:**

**CONSIDER ZONING CHANGE FOR DIMSHA ESTATES: BLOCK 2 LOT 6 & 7, FROM ZONE A SINGLE FAMILY TO ZONE B MULTI FAMILY:** Planning and Zoning Coordinator Crystal Ball addressed Commission of changing lot 4 – 13 from Zone A single family to Zone B multi family, not only lot 6 & 7. City Attorney McMahon advised the Commission to either discuss the lot 6 & 7 identified in advertisement, but City will have to re-advertise to consider lot 4 & 5, 8-13 to give the public the opportunity to consider zone change. Commission, Staff, and Stan Dimsha discussed and clarified amount of lots needing zone change. City Attorney McMahon stated for Commission to open action item for consideration and allow for public comment, then table item; and come back after advertisement of all lots which need a zone change. Vice Chairman Pettigrew so moved to consider zoning change for Dimsha Estates: Block 2 Lot 6 & 7, from Zone A single family to Zone B multi family; Member Price seconded. Mary Haarmeyer was not notified of

meeting and the neighbors were not aware until Lucinda Falkner informed Mrs. Haarmeyer of meeting and zone change. Commission and Staff discussed distance of notification notice for surrounding area. Vice Chairman Pettigrew stated inside subdivision when making changes and taking an existing zoning to spot zone it affects everyone in that subdivision; yes, by state law you only have to notify neighbors in 100 foot distance. Mr. Dimsha stated until he is able to get zone change and an interested building investor, he will not change the covenants. Mary Haarmeyer stated neighbors need to be educated on what Mr. Dimsha is doing, so neighbors can be supportive of the new townhomes. Susan Falkner asked about the price range of new townhomes; Mr. Dimsha stated price range for new townhomes will be \$250-300 thousand; townhouses will not be rented and new homes will not be duplexes. Mrs. Falkner stated concerns with decrease in value. Members and Mrs. Falkner discussed where and how to get the restrictive covenants for Dimsha Addition. Members and Mr. Dimsha discussed how to make changes to subdivision. Chairman Windsor called for a motion to consider variance. Member Pettigrew so moved to table action item as listed and request staff review filing of the Dimsha Estates or Dimsha Addition and review covenants to verify if zone change can be done. Member Lynch seconded. With no further discussion, all Aye. Motion was approved.

**PUBLIC COMMENT:**

No public comment was made.

**OTHER COMMENT:**

No other comment was made.

**ADJOURNMENT:**

There being no further business the meeting adjourned at 4:39 p.m.

**APPROVED:** \_\_\_\_\_

**CHAIRMAN, KALLIE WINDSOR**

**ATTEST:** \_\_\_\_\_

**VICE CHAIRMAN, RANDY PETTIGREW**

CITY OF LOVINGTON  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: FEBRUARY 9, 2016



TYPE:  RESOLUTION  ORDINANCE  PROCLAMATION  INFORMATION  OTHER ACTION

**SUBJECT:** 609 S. Third Street. Lovington, NM 88260  
**DEPARTMENT:** Community Services  
**SUBMITTED BY:** Crystal R. Ball, Planning & Zoning Coordinator  
**DATE SUBMITTED:** August 8, 2016

**STAFF SUMMARY:**

Owners Juan and Sylvia Vega are requesting an easement encroachment of 14' of the property, built on the City's Easement.

**FISCAL IMPACT:**

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

(Finance Director)

**ATTACHMENTS:**

Request letter of Encroachment Easement from owner Juan and Sylvia Vega.  
Exhibit A, 609 S Third Street property survey document  
City's recommended encroachment document and Exhibit B 609 S Third Street City recommendation

**RECOMMENDATION:**

Consider a motion to grant the easement encroachment 13'1" of the carport attached to the dwelling at 609 S. Third Street, Lovington, NM 88260. Request owner Juan M Vega proceed with the process of requesting a variance on the said carport for the improper set backs. Please make note that the dwelling in itself was built in 1960 therefore the residence set back of 12'3" from the front property line is accepted and grandfather in. Consider a motion to deny the CMU fence encroachment of 11'1", SEE ATTACHED CONTINUED RECOMMENDATIONS

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

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

**Continued Recommendations:**

Request owner to move CMU fence back 11'1" to the property line. Encroachment of the CMU fence denial is based on the safety issues of vehicles backing out of the carport. The existing CMU fence is impairing the view to back out into traffic and for street traffic to see a vehicle backing out of the carport located @ 609 S Third Street, Lovington, NM 88260.

**ENCROACHMENT EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

That the City of Lovington, a New Mexico municipal corporation ("Grantor"), whose address is PO Box 1268, Lovington, Nm 88260, acting for good and valuable consideration, grants to Juan Vega and Sylvia Vega, a married couple whose address is 609 S Third Street, Lovington, NM 88260, and its successors and assigns ("Grantee"), an encroachment easement, under, over and across the real property described on Exhibit "A" attached hereto and incorporated herein by reference ("Encroachment Easement") for maintenance, repair, modifications and replacement of the said 13'1' of the carport attached to the dwelling.

TO HAVE AND HOLD the said right and Encroachment Easement for the uses and purposes aforesaid unto the Grantee, their successors and assigns, until such time that the encroachment easement portion of the carport attached to the dwelling is no longer used for residential purposes.

WITNESS my hand and seal the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF LOVINGTON:

ATTEST:

\_\_\_\_\_  
SCOTTY GANDY, Mayor

\_\_\_\_\_  
CAROL ANN HOGUE, City Clerk

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Corporation's Notary

STATE OF NEW MEXICO        )

SS:

COUNTY OF LEA                )

This instrument was acknowledged before me on \_\_\_\_\_ day of \_\_\_\_\_, 2016, by Scotty Gandy, Mayor and Carol Ann Hogue, Cdity Clerk of the City of Lovington, a New Mexico corporation, on behalf of the corporation.

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

My Commission Expires:

\_\_\_\_\_

BUYER: CARLOS ESTRADA

GARY EIDSON, PS  
P.O. BOX 2344  
HOBBS, NEW MEXICO 88241  
(575) 318-1157  
W.O. #15364  
DSS DATE: 11/16/15

IMPROVEMENT LOCATION REPORT:

THIS REPORT:

TO TITLE COMPANY: ELLIOTT & WALDRON TITLE AND ABSTRACT COMPANY COMMITMENT NUMBER: 15-2062

TO UNDERWRITER: FIRST AMERICAN TITLE INSURANCE COMPANY

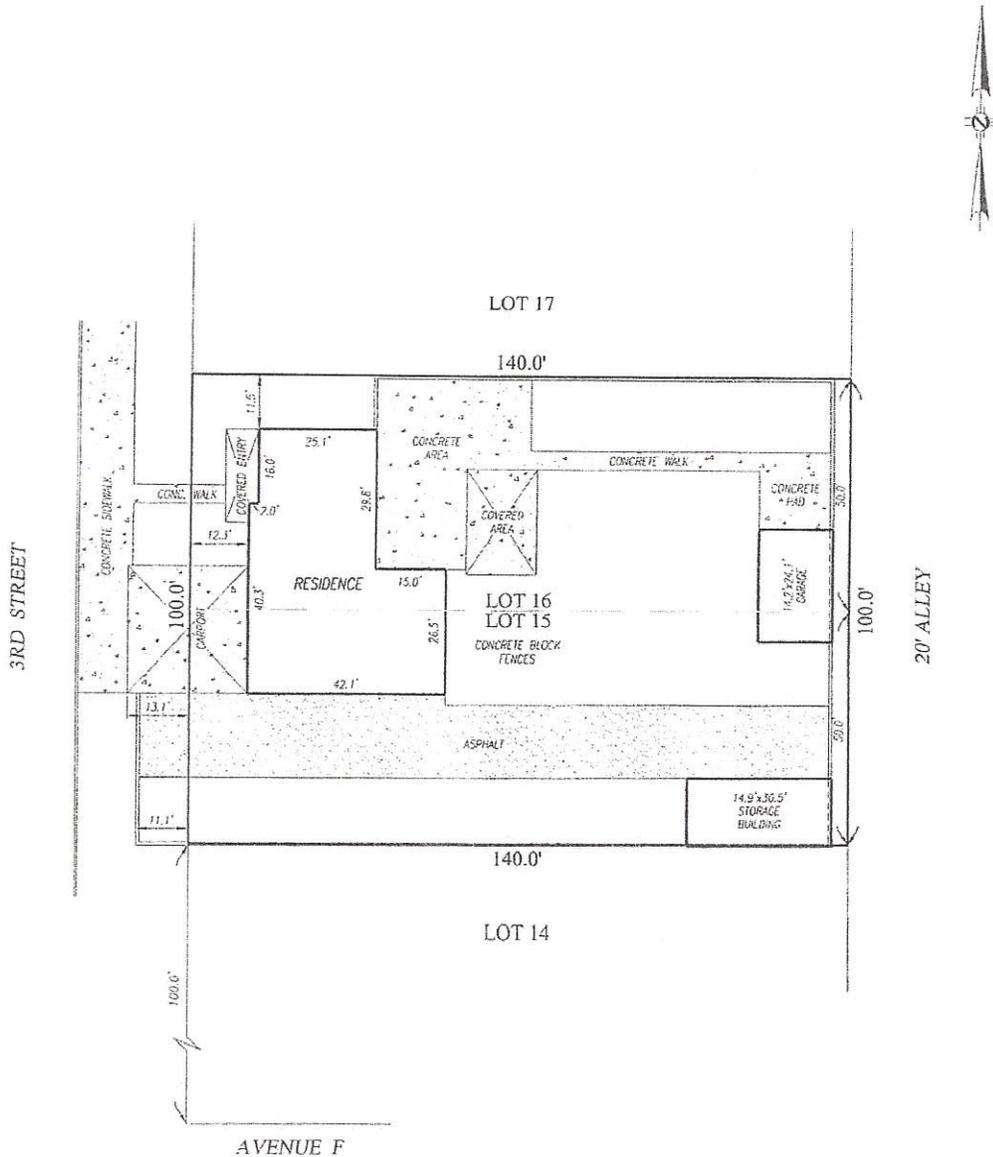
TO LENDER: SUN WEST MORTGAGE COMPANY, INC. DBA SUN WEST MORTGAGE USA

that on NOVEMBER 13, 2015, an accurate inspection was made by Gary Eidson, PS, of the premises situated in LOTS 15 AND 16, BLOCK B, HILLCREST ADDITION TO THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO.

609 S. 3RD ST.

(street address if applicable)

PLAT REFERENCE: Bearings, distances and curve data are taken from the following plot (include filing information if available). THE MAP OF THE HILLCREST ADDITION TO THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO, IS ON FILE IN THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO.



THIS REPORT IS NOT FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE. THIS IS NOT A BOUNDARY SURVEY AND MAY NOT BE SUFFICIENT FOR REMOVAL OF THE SURVEY EXCEPTION FROM AN OWNER'S TITLE POLICY. IT MAY OR MAY NOT REVEAL ENCROACHMENTS, OVERLAPS, CONFLICTS IN BOUNDARY LINES, SHORTAGES IN AREA, OR OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE BOUNDARY SURVEY.

IMPROVEMENT LOCATION REPORT

THIS REPORT FURTHER STATES

as to the existence of the following at the time of my last inspection:

1. Evidence of rights of way, old highways or abandoned roads, lanes, trails or driveways, sewer, drains, water, gas or oil pipelines on or crossing said premises (show location, if none visible, so indicate):

NONE

2. Springs, streams, rivers, ponds, or lakes located, bordering on or through said premises:

NONE

3. Evidence of cemeteries or family burial grounds located on said premises (show location):

NONE

4. Overhead utility poles, anchors, pedestals, wires or lines overhanging or crossing said premises and serving other properties (show location):

NONE

5. Joint driveways or walkways, joint garages, party walls or rights of support, steps or roofs in common or joint garages:

NONE

6. Apparent encroachments. If the building, projections or cornices thereof, or signs affixed thereto, fences or other indications of occupancy appear to encroach upon or overhang adjoining property, or the like appear to encroach upon or overhang inspected premises, specify all such (show location):

CARPORT ON WEST SIDE AND CONCRETE BLOCK FENCE ON SOUTH AND WEST SIDE APPEAR TO OCCUPY A PORTION OF 3RD STREET.

7. Specify physical evidence of boundary lines on all sides:

FENCE ON SOUTH AND NORTH SIDE, ALLEY ON EAST SIDE AND STREET ON WEST SIDE OF LOTS.

8. Is the property improved? (If structure appears to encroach or appears to violate set back lines, show approximate distances):

YES, SEE SKETCH

9. Indications of recent building construction, alterations or repairs:

NONE

10. Approximate distance of structure from at least two lot lines must be shown.

SEE SKETCH

Gary G. Eidson 11/17/15  
SURVEYOR DATE

THE ABOVE INFORMATION IS BASED ON BOUNDARY INFORMATION TAKEN FROM A PREVIOUS SURVEY AND MAY NOT REFLECT THAT WHICH MAY BE DISCLOSED BY A BOUNDARY SURVEY.



BUYER: CARLOS ESTRADA

GARY EIDSON, PS

P.O. BOX 2344  
HOBBBS, NEW MEXICO 88241  
(575) 318-1157

IMPROVEMENT LOCATION REPORT:

THIS REPORT:

W.O. #15364  
DSS DATE: 11/16/15

TO TITLE COMPANY: ELLIOTT & WALDRON TITLE AND ABSTRACT COMPANY COMMITMENT NUMBER: 15-2062

TO UNDERWRITER: FIRST AMERICAN TITLE INSURANCE COMPANY

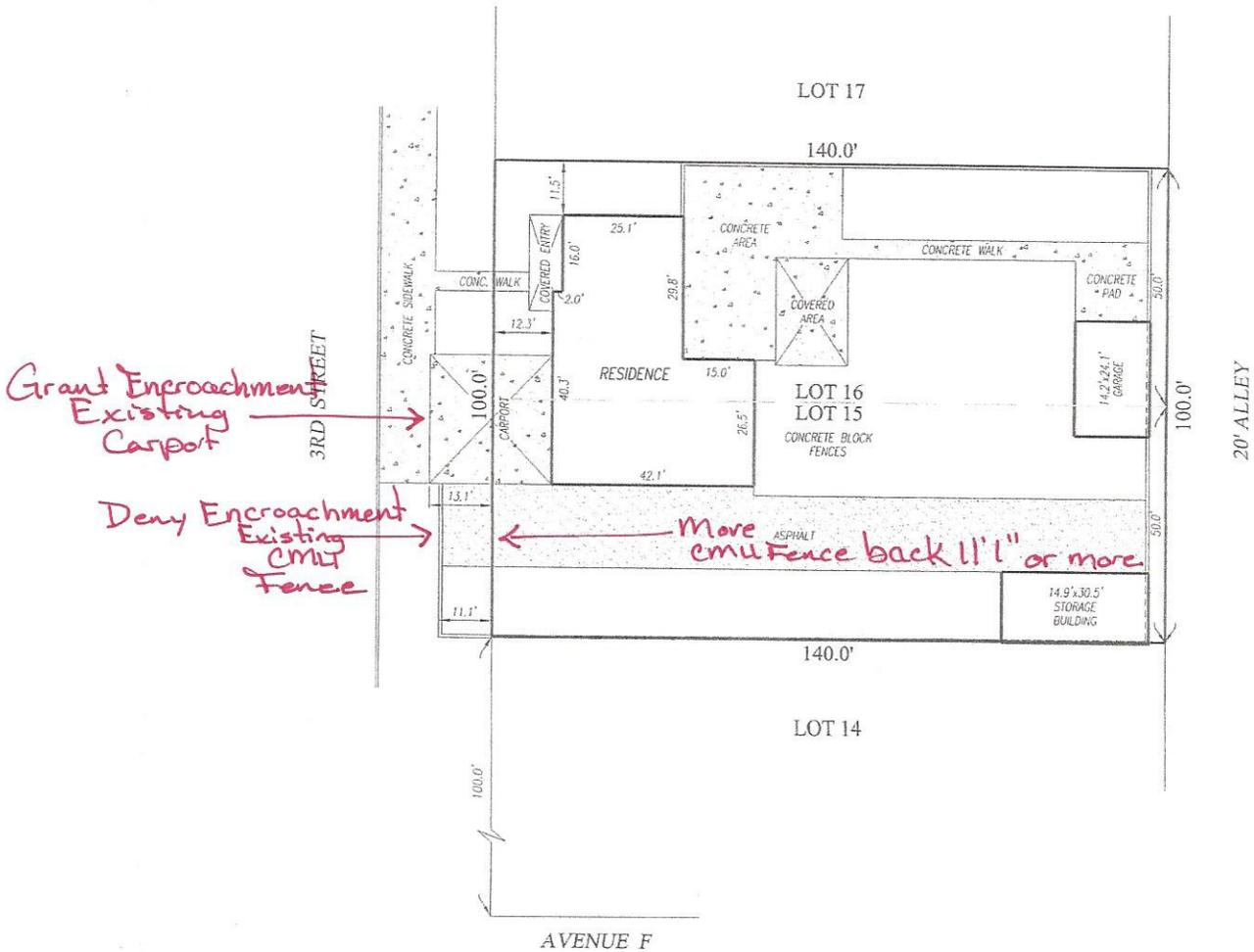
TO LENDER: SUN WEST MORTGAGE COMPANY, INC. DBA SUN WEST MORTGAGE USA

that on NOVEMBER 13, 2015, an accurate inspection was made by Gary Eidson, PS, of the premises situated in LOTS 15 AND 16, BLOCK 8, HILLCREST ADDITION TO THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO.

609 S. 3RD ST.

(street address if applicable)

PLAT REFERENCE: Bearings, distances and curve data are taken from the following plat (include filing information if available). THE MAP OF THE HILLCREST ADDITION TO THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO, IS ON FILE IN THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO.



"Exhibit B"

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BUYER: CARLOS ESTRADA

GARY EIDSON, PS

P.O. BOX 2344  
HOBBS, NEW MEXICO 88241  
(575) 318-1157

IMPROVEMENT LOCATION REPORT:

W.O. #15364  
DSS DATE: 11/16/15

THIS REPORT:

TO TITLE COMPANY: ELLIOTT & WALDRON TITLE AND ABSTRACT COMPANY COMMITMENT NUMBER: 15-2062

TO UNDERWRITER: FIRST AMERICAN TITLE INSURANCE COMPANY

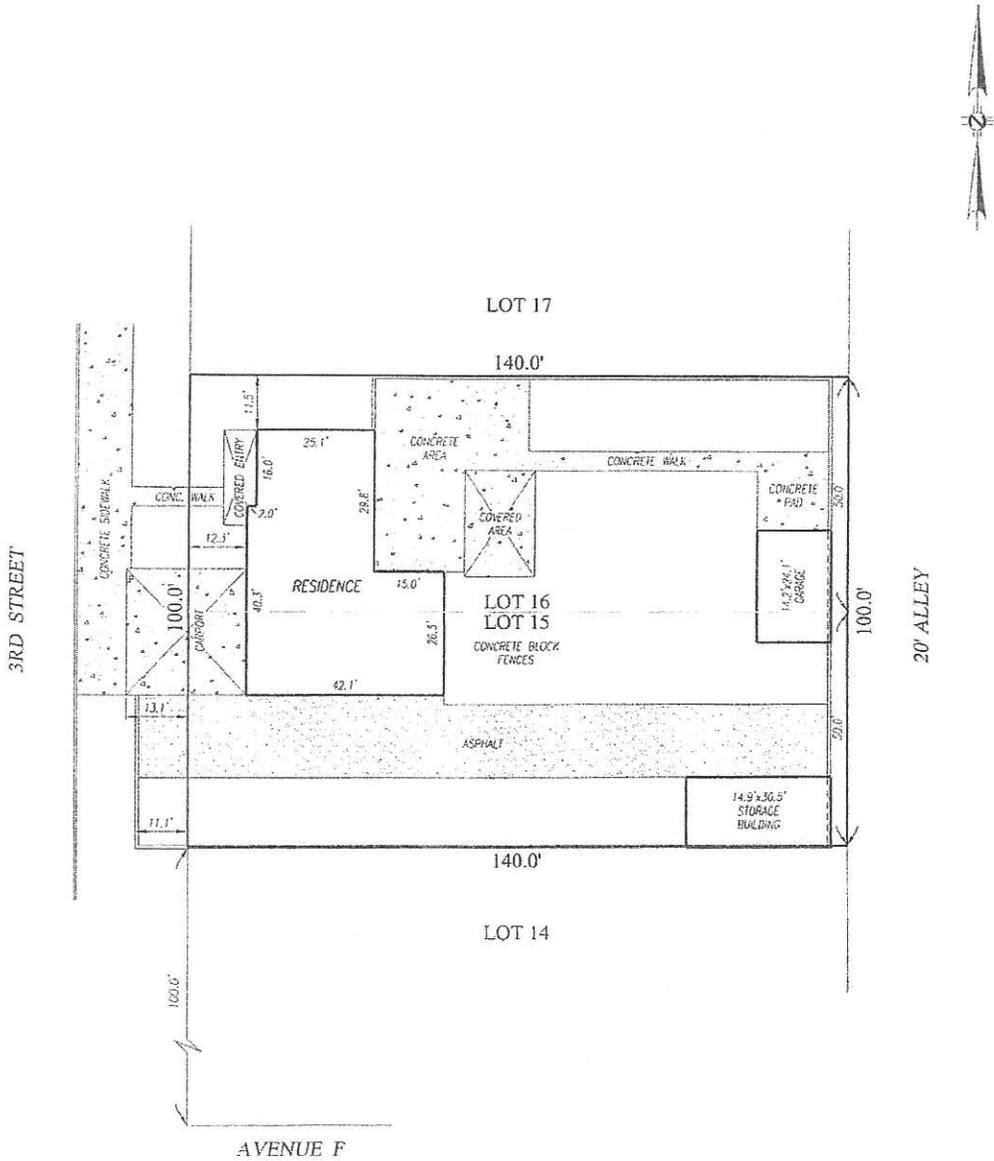
TO LENDER: SUN WEST MORTGAGE COMPANY, INC. DBA SUN WEST MORTGAGE USA

that on NOVEMBER 13, 2015, an accurate inspection was made by Gary Eidson, PS, of the premises situated in LOTS 15 AND 16, BLOCK 8, HILLCREST ADDITION TO THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO.

609 S. 3RD ST.

(street address if applicable)

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IMPROVEMENT LOCATION REPORT

THIS REPORT FURTHER STATES

as to the existence of the following at the time of my last inspection:

1. Evidence of rights of way, old highways or abandoned roads, lanes, trails or driveways, sewer, drains, water, gas or oil pipelines on or crossing said premises (show location, if none visible, so indicate):

NONE

2. Springs, streams, rivers, ponds, or lakes located, bordering on or through said premises:

NONE

3. Evidence of cemeteries or family burial grounds located on said premises (show location):

NONE

4. Overhead utility poles, anchors, pedestals, wires or lines overhanging or crossing said premises and serving other properties (show location):

NONE

5. Joint driveways or walkways, joint garages, party walls or rights of support, steps or roofs in common or joint garages:

NONE

6. Apparent encroachments. If the building, projections or cornices thereof, or signs affixed thereto, fences or other indications of occupancy appear to encroach upon or overhang adjoining property, or the like appear to encroach upon or overhang inspected premises, specify all such (show location):

CARPORT ON WEST SIDE AND CONCRETE BLOCK FENCE ON SOUTH AND WEST SIDE APPEAR TO OCCUPY A PORTION OF 3RD STREET.

7. Specify physical evidence of boundary lines on all sides:

FENCE ON SOUTH AND NORTH SIDE, ALLEY ON EAST SIDE AND STREET ON WEST SIDE OF LOTS.

8. Is the property improved? (If structure appears to encroach or appears to violate set back lines, show approximate distances):

YES, SEE SKETCH

9. Indications of recent building construction, alterations or repairs:

NONE

10. Approximate distance of structure from at least two lot lines must be shown.

SEE SKETCH

Gary G. Eidson 11/17/15  
SURVEYOR DATE

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CITY OF LOVINGTON  
COMMISSION STAFF SUMMARY FORM

MEETING DATE: FEBRUARY 9, 2016



TYPE:  RESOLUTION  ORDINANCE  PROCLAMATION  INFORMATION  OTHER ACTION

SUBJECT: 610 W Aspen Ave. Lovington, NM 88260  
DEPARTMENT: Community Services  
SUBMITTED BY: Crystal R. Ball, Planning & Zoning Coordinator  
DATE SUBMITTED: August 8, 2016

**STAFF SUMMARY:**

Owners Austin and Mercedes Bosquez are requesting an easement encroachment of 3' of the corner of their dwelling which was built on the City's Easement.

**FISCAL IMPACT:**

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

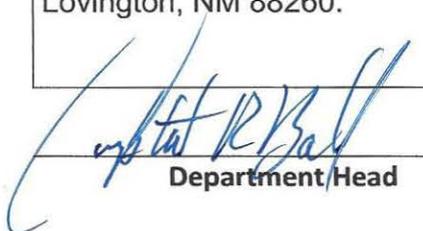
(Finance Director)

**ATTACHMENTS:**

Request letter of Encroachment Easement from owners Austin and Mercedes Bosquez.  
610 W Aspen property survey document.

**RECOMMENDATION:**

Consider a motion to grant the easement encroachment 3' of the dwelling at 610 W Aspen, Lovington, NM 88260. Request owners Austin and Mercedes Bosquez proceed with the process of requesting a variance on the said property for the improper backs of the dwelling located at 610 W Aspen, Lovington, NM 88260.

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

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

**ENCROACHMENT EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

That the City of Lovington, a New Mexico municipal corporation ("Grantor"), whose address is PO Box 1268, Lovington, New Mexico 88260, acting for good and valuable consideration, grants to Austin Bosquez and Mercedes Bosquez, a married couple, whose address is 610 W Aspen Ave., Lovington, New Mexico 88260, and its successors and assigns ("Grantee"), an encroachment easement in, under, over, upon and across the real property described on Exhibit "A" attached hereto and incorporated herein by reference ("Encroachment Easement") for the maintenance, repair, modifications and replacement of the said 3' of the corner of the dwelling.

TO HAVE AND HOLD the said right and Encroachment Easement for the uses and purposes aforesaid unto the Grantee, their successors and assigns, until such time that the encroachment easement portion of the dwelling is no longer used for residential purposes.

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF LOVINGTON:

ATTEST:

\_\_\_\_\_  
SCOTTY GANDY, MAYOR  
Date: \_\_\_\_\_

\_\_\_\_\_  
CAROL ANN HOGUE  
Date: \_\_\_\_\_

COPORATION'S NOTARY

STATE OF \_\_\_\_\_)

COUNTY OF \_\_\_\_\_)

This instrument was acknowledged before me on \_\_\_\_ day of \_\_\_\_\_, 2016,

By Scotty Gandy, Mayor and Carol Ann Hogue, City Clerk of City of Lovington, a New Mexico corporation, on behalf of the corporation.

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

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

BUYER: AUSTIN BOSQUEZ

GARY EIDSON, PS

P.O. BOX 2344  
HOBBS, NEW MEXICO 88241  
(575) 318-1157

W.O. #15189.5  
DSS DATE: 6/14/15

IMPROVEMENT LOCATION REPORT:

THIS REPORT:

TO TITLE COMPANY: ELLIOTT & WALDRON TITLE AND ABSTRACT COMPANY COMMITMENT NUMBER: 15-491W5

TO UNDERWRITER: COMMONWEALTH LAND TITLE INSURANCE COMPANY

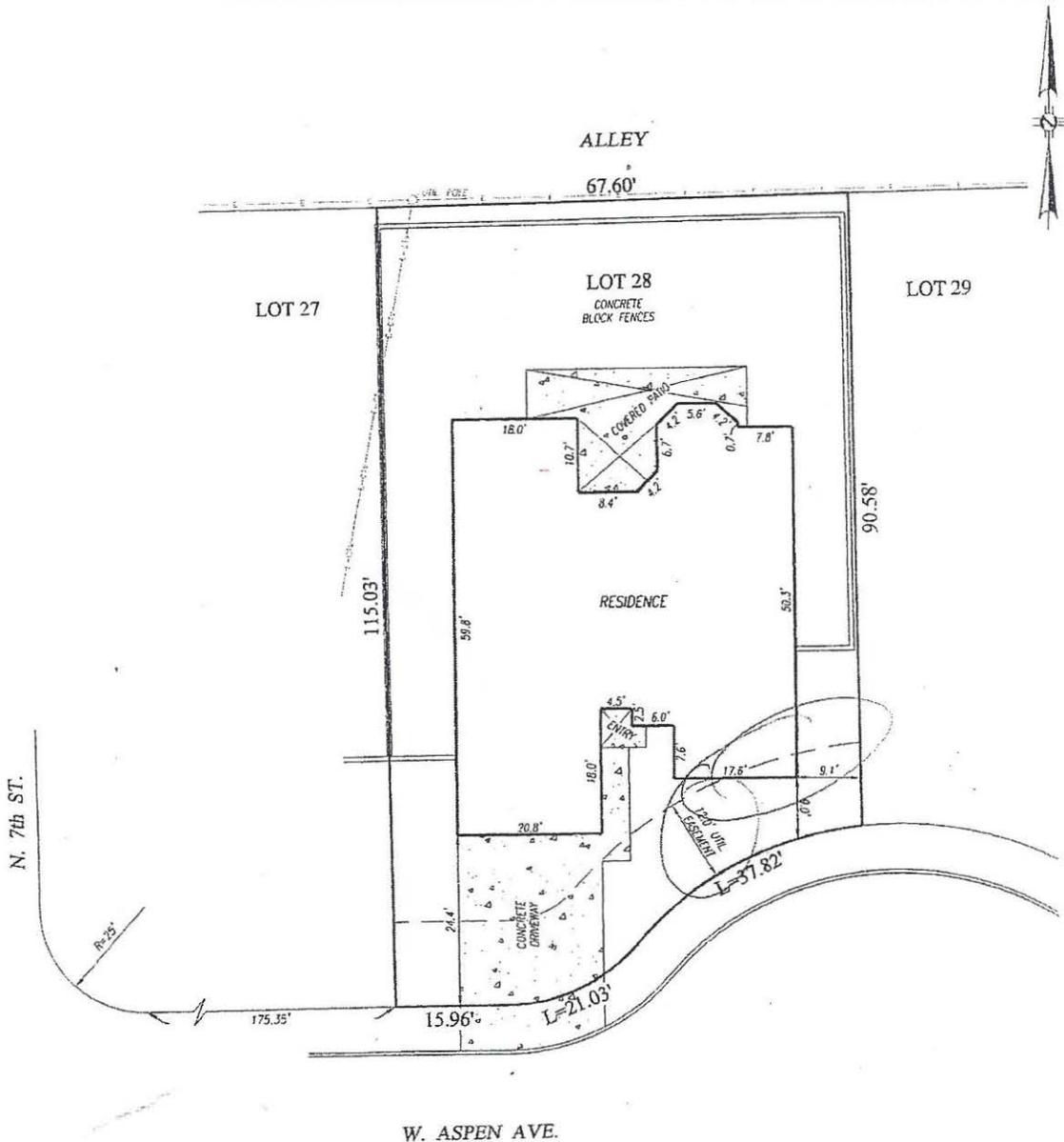
TO LENDER: SUNWEST MORTGAGE

that on JUNE 12, 2015, an accurate inspection was made by Gary Eidson, PS, of the premises situated in LOT 28, SUNRISE ADDITION, CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO.

610 W. ASPEN AVE.

(street address if applicable)

PLAT REFERENCE: Bearings, distances and curve data are taken from the following plat (include filing information if available). SUNRISE ADDITION TO THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO, FILED MAY 30, 2013, IN BOOK 1838, ON PAGE 681, IN THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO



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