RESOLUTION OF THE CITY OF LOVINGTON
LEA COUNTY, NEW MEXICO

RESOLUTION 2016-18

A RESOLUTION APPROVING AN ENCROACHMENT EASEMENT AT 609 SOUTH THIRD STREET, LOVINGTON, NEW MEXICO

WHEREAS, the owners of real property located at 609 South Third Street have requested an encroachment easement for the carport that has been built on City right-of-way; and

WHEREAS, this request was presented to the Lovington Planning and Zoning Commission on February 9, 2016; and

WHEREAS, the Planning and Zoning Commission recommended approval of the encroachment easement contingent upon the owner removing the cinder block fence identified on Exhibit A or the Encroachment Easement; and

WHEREAS, this has been presented to the Lovington City Commission for final approval.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Lovington approves the encroachment contingent upon the removal of the cinder block fence as identified on Exhibit A of the Encroachment Easement, attached hereto for reference.

DONE THIS 22ND DAY OF FEBRUARY, 2016.

_____
SCOTTY GANDY, MAYOR

ATTEST:

_____
CAROL ANN HOGUE, CITY CLERK

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 their 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. The grant of this encroachment easement is subject to the grantee's removal the cinder block fence, identified on Exhibit "A" which has encroached on the City's Easement by 11'1".

TO HAVE AND HOLD the said right and Encroachment Easement of 13'1" of the existing carport attached to the home, 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:

_____

SCOTTY GANDY, Mayor

Date: _____

ATTEST:

_____

CAROL ANN HOGUE, City Clerk

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, City Clerk of the City of Lovington, a New Mexico corporation, on behalf of the corporation.

_____

NOTORY PUBLIC

My Commission Expires:

_____

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

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

BUYER: CARLOS ESTRADA

IMPROVEMENT LOCATION REPORT:

THIS REPORT:

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

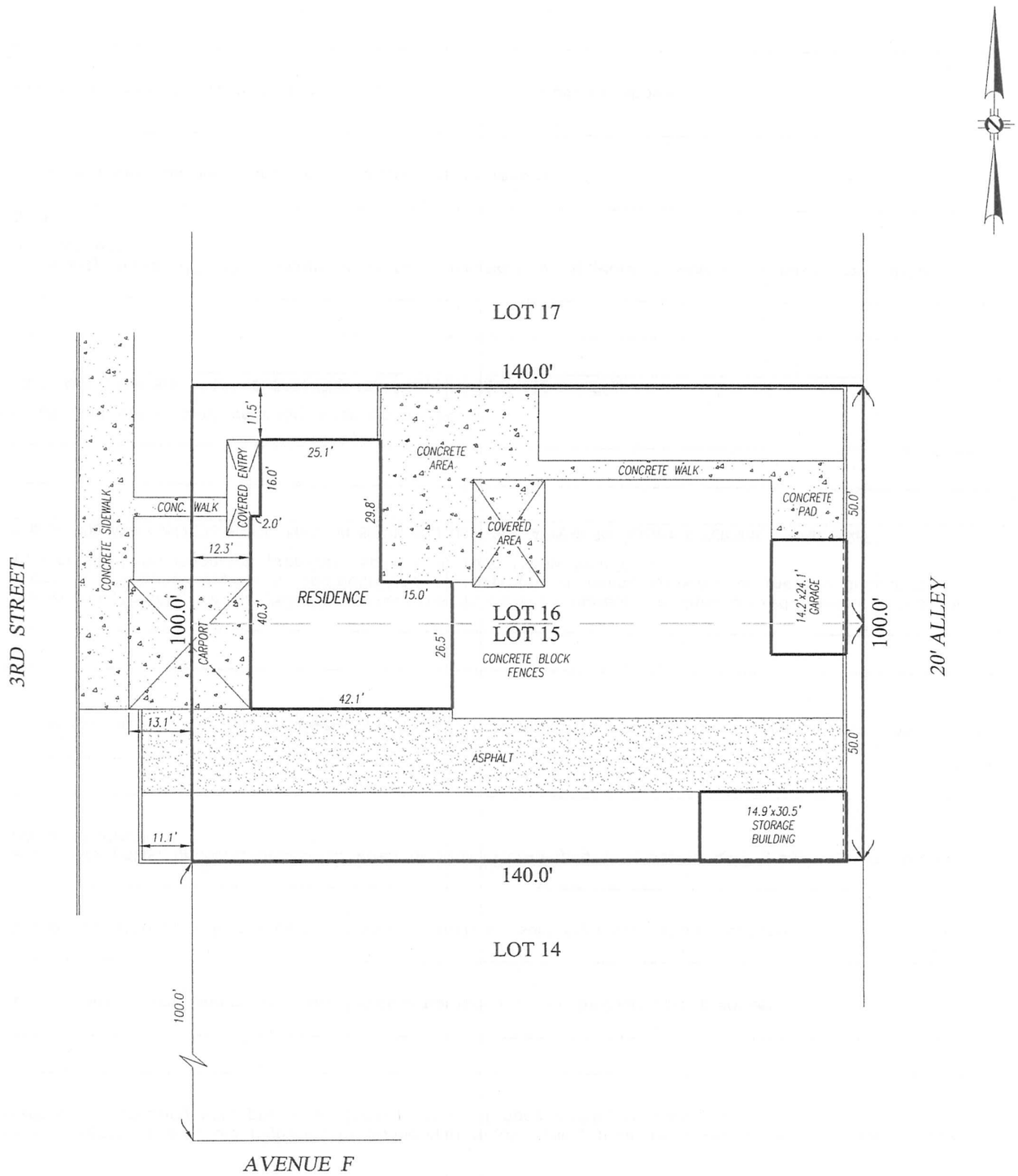
TO UNDERWRITER: FIRST AMERICAN TITLE INSURANCE COMPANY

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

that on NOVEMBER 13, 20 15, 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.



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.

GARY G. EIDSON
NEW MEXICO
12641
REGISTERED PROFESSIONAL SURVEYOR