

**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