

ORDINANCE NO. 2018-30

AN ORDINANCE ANNEXING A PORTION OF LAND CONTAINING +/-19.60 ACRES MORE OR LESS, CONTIGUOUS TO THE CITY OF CARLSBAD, NEW MEXICO, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH CANAL STREET AND EAST CHERRY LANE, LEGALLY DESCRIBED AS THE VACATED LOTS 1, 2, 3, & 4 OF BLOCK 11, LA HUERTA SUBDIVISION, AND BANNISTER TRACT 3, LA HUERTA BLOCK 11 REPLAT, CARLSBAD, EDDY COUNTY, NEW MEXICO, PURSUANT TO THE PETITION METHOD PROVIDED FOR IN SECTION 3-7-1 ET. SEQ., NMSA 1978.

WHEREAS, a petition for annexation of territory contiguous to the City of Carlsbad has been presented to the Governing Body of the City of Carlsbad; and

WHEREAS, said petition is accompanied by a map showing the external boundary of the territory proposed to be annexed and its relationship to the existing boundary of the City of Carlsbad, New Mexico.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, NEW MEXICO:

Section 1. Subject to the proviso contained in Section 2 hereof, the City of Carlsbad hereby consents to the annexation of 19.60 acres, more or less, of contiguous territory situated in Eddy County, New Mexico, located at the southeast corner of the intersection of N. Canal St. and E. Cherry Ln., legally described as follows:

THE VACATED LOTS 1, 2, 3, & 4 OF BLOCK 11, LA HUERTA  
SUBDIVISION, AND BANNISTER TRACT 3, LA HUERTA BLOCK  
11 REPLAT

Section 2. A copy of this ordinance and the plat of said property shall be filed in the office of the County Clerk of Eddy County. After such filing, the property shall be included in and be a part of the City of Carlsbad. Appeal may be made by any person owning land within this said territory to the District Court of Eddy County within thirty (30) days on the grounds and in the manner provided by law.

INTRODUCED, PASSED, ADOPTED, AND APPROVED THIS 13<sup>TH</sup> DAY OF  
NOVEMBER, 2018.

/s/Dale Janway

DALE JANWAY, MAYOR

ATTEST:

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/s/Nadine Mireles

CITY CLERK

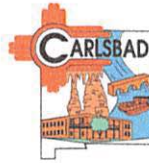
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**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, August 6, 2018, at 5:00 p.m.**

**Meeting Held in the Annex Planning Room  
114 S. Halagueno**



CITY OF CARLSBAD  
CARLSBAD, NEW MEXICO

**PLANNING AND ZONING COMMISSION**

Monday, August 6, 2018 at 5:00 PM  
Municipal Annex 114 S. Halagueno Street  
Planning Room

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Meeting held July 2, 2018.
4. Consider a Motion to remove from Table a request for a Temporary Use Permit for Temporary Housing to be located at 3815 National Parks Hwy.
5. Consider a recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 3815 National Parks Hwy.
6. Consider recommendation to Council for an Annexation of approximately 28.75 acres located at the southeast corner of the intersection of E. Cherry Ln. and N. Canal St.
7. Consider recommendation to Council for an Application of "R-1" Residential 1 Zoning approximately 28.75 acres located at the southeast corner of the intersection of E. Cherry Ln. and N. Canal St.
8. Consider approval of a Preliminary Plat for Carlston Ranch, a Master Planned Community, zoned "PUD" Planned Unit Development.
9. Consider approval or denial of a Conditional Use Permit for the installation of a Mobile Home Park to be located at 812 George Shoup Relief Route.
10. Consider a recommendation to Council for a Zone Change request for approximately 81 acres, located at 812 George Shoup Relief Route, "I" Industrial District to "C-2" Commercial 2 District.
11. Consider approval or denial of a Conditional Use Permit for the installation of a Mobile Home Park to be located at 3003 Boyd Dr.
12. Consider a recommendation to Council for a Zone Change request for approximately acres, located at 3003 Boyd Dr., "I" Industrial District to "C-2" Commercial 2 District.
13. Consider a recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 2621 Socorro Rd.
14. Consider approval of a Variance request to reduce the required side-yard setback from 5' to 0' at 816 N. Mesquite St., zoned "R-1" Residential 1 District.
15. Consider approval of a Variance request to allow a subdivision of property that will create parcels consisting of less than the required one acre, for a property outside

of the corporate boundary, but within the City's 5-Mile Platting and Permitting Jurisdiction.

16. Consider a recommendation to Council for a Zone Change request for approximately 0.27 acres, located at 111 S. Mesa St., "R-2" Residential 2 District to "C-2" Commercial 2 District.
17. Consider a recommendation to Council for a Zone Change request for approximately 2.35 acres, located at 3621 San Jose Blvd., "R-R" Rural Residential District to "C-2" Commercial 2 District.
18. Consider appointment of Patricia Carrasco, Deputy Director of Planning and Regulation, as a Designee of the Planning and Zoning Commission.
19. Report regarding Summary Review Subdivisions.
20. Adjourn.

If you require hearing interpreter, language interpreters or auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's office at (575) 887-1191 at least 48 hours prior to the scheduled meeting time.



**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &  
ZONING COMMISSION HELD IN THE MUNICIPAL ANNEX PLANNING ROOM, 114 S.  
HALAGUENO STREET, AUGUST 6, 2018, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
JAMES MCCORMICK  
BRIGIDO GARCIA  
BRAD NESSER  
LASON BARNEY**

**CHAIRPERSON  
COMMISSION SECRETARY  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT: NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
TRYSHA CARRASCO  
JOHN LOWE  
EILEEN RIORDAN  
RON MYERS  
WES NICHOLS**

**PLANNING DIRECTOR  
PLANNING DEPUTY DIRECTOR  
DEPUTY CITY ADMINISTRATOR  
CITY ATTORNEY  
DIRECTOR OF UTILITIES  
DEPUTY DIRECTOR OF UTILITIES**

**SECRETARY PRESENT:**

**PATTIE PISTOLE**

**PLANNING AND REGULATION  
DEPARTMENT SECRETARY**

**OTHERS PRESENT:**

**CONNIE RILEY  
BRENDA RILEY  
SHAUNA RODGERS  
LINDA BALTZELL  
MATT BALTZELL  
RUSS POWER  
STAN PATCHET  
JANE PATCHET  
MARY G. CAMPBELL  
HELEN ROGERS  
TINA SWINDELL  
DON FISHER  
TRENT & KACEY CORNUM  
JOE M. MELENDREZ  
DEAN BAIR  
JUDY A. PITMAN  
KEN & LINDA YEAGER  
TRACY FRANCES  
PAUL POMPEO  
TRICIA BANISTER  
KELLY JOHNSON  
ALAN WOOD  
AMANDA MASHAW  
DEBBIE DOSS  
GLENN BAILEY  
BARBARA LUCIA JONES  
CHERYL STATHAM**

**201 W. CHERRY  
201 W. CHERRY  
1705 N. CANAL  
205 W. CHERRY LANE  
1822 TROY DRIVE  
1310 N. CANAL  
306 E. PEACH LANE  
306 E. PEACH LANE  
1601 N. CANAL  
1633 CONCORD AVENUE  
117 W. CHERRY LANE  
1632 CONCORD  
106 DOPORTO COURT  
816 N. MESQUITE STREET  
2406 CAMINO DEL OSO  
215 W. SIXTH  
305 E. PEACH LANE  
1530 ARBOR COURT  
LAS CRUCES, NEW MEXICO  
1910 GWENDA / 218 E. PEACH  
3003 S. BOYD DRIVE  
210 E. CHERRY LANE  
1703 N. CANAL  
1613 N. CANAL STREET  
1613 N. CANAL STREET  
202 E. CHERRY LANE  
218 E. CHERRY LANE**

TERRY STATHAM  
BEVERLY ALLEN  
JESUS & CELIA PARSLAY  
ELIZABETH LICKLITER  
LEE ADAMS  
BRUCE HALEY  
MARCUS MCNAMARA  
RITA NELSON  
DONNA IVY  
MAXIE BOREN  
TRAVIS IVES  
ANNELLE MATUYA  
STACY BRITAIN  
GEORGE DUNAGAN  
OFFICER C. GARCIA  
PAUL MILLER  
DAVID LANGHAM  
MARIA BETTY BLEA

218 E. CHERRY LANE  
1621 N. CANAL  
2915 CONNIE ROAD  
1910 SANDY LANE  
ROSWELL, NEW MEXICO  
ROSWELL, NEW MEXICO  
TEXAS  
1620 N. GUADALUPE  
515 W. FOX  
605 ELORA DRIVE  
PO BOX 554  
1507 S. COUNTRY CLUB  
1710 N. GUADALUPE  
212 W. STEVENS  
101 N. HALAGUENO  
SOUDER & MILLER

Time Stamps and headings below correspond to recording of meeting and the recording is hereby made a part of the official record.

0:00:00      Start Recording [5:04:52 PM]

0:00:08      **1.      Roll call of Voting Members and Determination of Quorum.**

Roll was called, confirming the presence of a quorum of commission members. The following members were present—Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Nesser, Mr. Garcia; Absent—None.

0:00:26      **2.      Approval of Agenda.**

Mr. Patterson explained that the applicants for Items 9, 10, and 13 had withdrawn their applications and wished to be removed from the Agenda. Mr. Nesser made a motion to approve the amended Agenda, which omitted those items; Mr. Barney seconded the motion. The vote was as follows: Yes— Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia; No—None; Abstained—None; Absent—None. The motion carried.

0:01:53      **3.      Approval of Minutes from the Meeting held July 2, 2018.**

Mr. McCormick made a motion to approve the Minutes; Mr. Garcia seconded the motion. The vote was as follows: Yes— Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia; No—None; Abstained—None; Absent—None. The motion carried.

0:02:40      **4.      Consider a Motion to remove from Table a request for a Temporary Use Permit for Temporary Housing to be located at 3815 National Parks Hwy.**



Motion was made by **Mr. McCormick** to remove the Temporary Use request from Table. **Mr. Barney** seconded the motion. The vote was as follows: **Yes– Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; No–None; Abstained–None; Absent–None. The motion carried.

0:03:31      **5. Consider a recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 3815 National Parks Hwy.**

**Mr. Patterson** recommended denial of the request. He said he had not heard anything from the applicant, even though he had sent the applicant a letter about the item being tabled at the last meeting. The applicant was not present at either meeting.

**Mr. McCormick** made a motion to deny the Temporary Use Permit; **Mr. Garcia** seconded the motion. Motion carried to deny the request. The vote was as follows: **Yes– Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; No–None; Abstained–None; Absent–None. The motion carried to deny the request.

0:05:33      **6. Consider recommendation to Council for an Annexation of approximately 28.75 acres located at the southeast corner of the intersection of E. Cherry Ln. and N. Canal St.**

**Ms. Blea, Mr. Langham, Mr. Boren, and Mr. Ives** came forward to present their request. **Mr. Patterson** explained that the applicants had originally wanted to zone part of the property “C-1”, but had changed their application. Lots 43, 44, and 52 were withdrawn from the annexation, and the remainder would all be zoned “R-1”. There had been a lot of feedback from the community, and Staff recommended approval provided all the property were to be zoned residential. **Ms. Blea** added that the **Ives** had been here for 100 years and wanted to build custom homes on 1/3, 1/2, and 1/4-acre lots. All the property is intended to be zoned residential.

During Public Comment, there were questions about what the “R-1” designation means, the size of the lots, and safety issues in the area. Many of the concerns dealt with living in the County and the upcoming subdivision plat, so they did not pertain to the issue at hand. **Mr. Riley** wanted to know if manufactured homes would be allowed. **Mr. Patterson** answered that doublewides are allowed in any zone within the City. **Mr. Langham** inserted that there would not be any manufactured homes in the subdivision. **Mr. Fisher** had no problem with the homes, but was concerned about the size of the lots. **Mr. Patchett** brought up the problem of narrow roads and waiting for trains. **Mr. Yeager** said he was satisfied and wished the applicant luck on everything. **Mr. Cornum** said the applicant had been very responsive to what the community and residents need. **Ms. Banister** was happy with the revised plat and thought it would be good. **Ms. Nelson** was not in favor of the annexation and worried about overcrowding schools and bits and pieces being pulled from the county into the city. **Ms. Allen** welcomed housing for friends and neighbors, but worried about the mailboxes, bus stop, and the CID. **Mr. Knott** suggested that she contact the post office, school board, and CID, since these are not issues the City can correct. **Mr. Riley** didn’t object to the plat since there was no commercial zoning included, but wondered about the effects on water pressure. **Mr. Myers** said that standard water pressure in the city is 60 p.s.i.

**Mr. Garcia** made a motion to recommend approval of the Annexation with the changes discussed:

- 1) Lots 43, 44, and 52 were removed from the annexation request and will remain in the County, and
  - 2) None of the annexed property will be zoned commercial; the request is for all of the property to be zoned R-1 now.
- Mr. Nesser** seconded the motion. The vote was as follows: **Yes– Mr. Nesser, Mr. Knott, Mr. Barney, Mr. Garcia**; No–None; Abstained– **Mr. McCormick**; Absent–None. The motion carried.



1:20:47        **7. Consider recommendation to Council for an Application of “R-1” Residential 1 Zoning for approximately 28.75 acres located at the southeast corner of the intersection of E. Cherry Ln. and N. Canal St.**

**Mr. Patterson** explained that this item goes hand in hand with the previous item. Initially, the applicant had wanted to include commercial zoning, but had amended the application to have only “R-1” zoning. Planning Staff recommended approval, but since Lots 43, 44, and 52 have been withdrawn from the request for both annexation and zoning, the acreage will need to be adjusted. We will need an updated plat showing the changes.

There was no public comment. **Mr. Barney** made a motion to recommend approval of the Zone Change of “R-1” for all the property, and **Mr. Garcia** seconded the motion. The vote was as follows: **Yes– Mr. Nesser, Mr. Knott, Mr. Barney, Mr. Garcia**; No–None; **Abstained– Mr. McCormick**; Absent–None. The motion carried.

1:24:08        **8. Consider approval of a Preliminary Plat for Carlston Ranch, a Master Planned Community, zoned “PUD” Planned Unit Development.**

**Mr. Patterson** said that this plat is part of the Montclair Development, a 1300-acre master community that was approved in 2017. Part of that development is this preliminary plat of 63 tracts with lots ranging from five to ninety acres. Planning Staff recommended approval. **Mr. Miller** said that on the north end, the industrial part will probably not be further subdivided. On the south, it will be further subdivided.

There was no public comment. **Mr. McCormick** made a motion to approve the Preliminary Plat; **Mr. Barney** seconded the motion. The vote was as follows: **Yes– Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; No–None; Abstained–None; Absent–None. The motion carried.

1:28:47        **11. Consider approval or denial of a Conditional Use Permit for the installation of a Mobile Home Park to be located at 3003 Boyd Dr.**

**Mr. Johnson**, from Constructors, was present to answer any questions about the request. Constructors has found a need to bring in workers from out of town for construction jobs, but they are having to house them in hotels and apartments. Staff recommended approval with the following conditions: 1) Approval of the zone change from “I” to “C-2” by City Council and 2) Updated legal description of property and site plan showing all the requirements for Mobile Home Parks, per Sec. 56-42(t). **Mr. Johnson** added that they bring in over 100 workers from El Paso and Las Cruces to fill positions here, and in one month they spent over \$250,000 for motel rooms. It just isn’t sustainable for them to continue this way. They need to find a solution to the problem.

There was no public comment. **Mr. Nesser** made a motion to approve the Conditional Use with the recommendations listed. **Mr. Garcia** then seconded the motion. The vote was as follows: **Yes– Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; No–None; Abstained–None; Absent–None. The motion carried.

1:33:12        **12. Consider a recommendation to Council for a Zone Change request for approximately acres, located at 3003 Boyd Dr., “I” Industrial District to “C-2” Commercial 2 District.**



**Mr. Patterson** explained that this item corresponds to the previous item. Since mobile home parks are prohibited in "I" zoning, the applicant needs the "C-2" zoning and a Conditional Use Permit to move forward. Staff recommended approval. **Mr. Knott** asked about spot zoning. **Mr. Patterson** answered that property to the east will most likely change to "C-2" in the future and that the comprehensive plan notes that spot zoning may be necessary in some cases. Boyd Drive is already moving towards becoming a more commercial area.

There was no public comment. **Mr. Barney** made a motion to recommend approval of the Zone Change; which was seconded by **Mr. Garcia**. The vote was as follows: **Yes— Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; **No—None**; **Abstained—None**; **Absent—None**. The motion carried.

1:37:06      **14. Consider approval of a Variance request to reduce the required side-yard setback from 5' to 0' at 816 N. Mesquite St., zoned "R-1" Residential 1 District.**

**Mr. Patterson** explained that the applicant wants to build a carport where he already parks his cars, but this will cause a side setback of zero feet. The structure will be built of noncombustible material, so the spread of fire is unlikely. Staff recommended approval, provided the carport was open for emergency access and a building permit is obtained prior to installation. **Mr. Melendrez** affirmed that the carport will be open and will be 8' tall with legs on the sides, so there won't be any problem with visibility. When asked about drainage onto neighboring property, **Mr. Melendrez** explained that the neighbor has an American Metal fence and a concrete drive there.

There was no public comment. **Mr. McCormick** motioned to approve the Variance. **Mr. Garcia** seconded. The vote was as follows: **Yes— Mr. Nesser, Mr. McCormick, Mr. Barney, Mr. Garcia**; **No— Mr. Knott**; **Abstained—None**; **Absent—None**. The motion carried.

1:45:49      **15. Consider approval of a Variance request to allow a subdivision of property that will create parcels consisting of less than the required one acre, for a property outside of the corporate boundary, but within the City's 5-Mile Platting and Permitting Jurisdiction.**

**Ms. Swindell & Mr. Fisher** attended the meeting to present the application and answer any questions. **Mr. Patterson** explained that the City has jurisdiction over platting and building within five miles of the City limits. Without a variance, a piece of property located outside city limits in our jurisdiction cannot be split into less than one acre. The applicant wants to split the property into two parcels (not three, as he originally thought) of 1½ and ¼-acre lots. There are now three houses on the land. Staff recommended approval, provided the NMED approved the septic system and the appropriate permits were obtained. **Ms. Swindell** said they have the permit now. The reason they want to replat the property is to divide out the portion that her cousin has lived on for twenty-eight years, where by court order she is allowed to live until her death. They can then deed the property to her, so she owns it and doesn't have to pay rent, and they can also sell the other portion. This will give her cousin peace of mind and make the other property easier to sell. They've paid \$20,000 already to do upgrades for her property, including an electric pump for septic where she had a cesspool.

During public comment, **Mr. Britton** said he approved and just didn't want trailers or man camps moving in. **Ms. Allen** said she supports the Variance, but wondered about the irrigation rights. **Mr. Knott** referred her to CID manager, Dale Ballard. **Mr. Riley** said he didn't necessarily have a problem with houses there, but didn't want trailers there. **Ms. Mashaw** asked if they could give a variance with deed restrictions. **Mr. Patterson** answered that he didn't think we have a right to do that and say who they can sell to. **Ms. Swindell** added that they can't control what new owners do with the property, but they have



tried to screen buyers. They don't want a man camp or trucking company next to their cousin. **Ms. Rogers** said she didn't receive a notice letter, even though she lives across the street. **Ms. Swindell** showed her the list that the City provided her of surrounding property owners.

**Mr. McCormick** made a motion to approve the Variance to divide the property into two parcels. **Mr. Garcia** seconded the motion. The vote was as follows: **Yes—Mr. McCormick, Mr. Knott, Mr. Garcia;** **No—Mr. Nesser, Mr. Barney;** Abstained—None; Absent—None. The motion carried.

2:22:24        **16. Consider a recommendation to Council for a Zone Change request for approximately 0.27 acres, located at 111 S. Mesa St., "R-2" Residential 2 District to "C-2" Commercial 2 District.**

**Mr. and Mrs. Parsley** recently bought the property under the impression that it was commercial property, where a radiator shop had once been. They didn't find out it was residential until they were already cleaning it up. They want to meet all the codes and do everything right. They may want to lease the property to a food truck in the future. Staff recommended approval.

There was no public comment. **Mr. Nesser** made a motion to recommend approval of the Zone Change; **Mr. McCormick** seconded his motion. The vote was as follows: **Yes—Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia;** No—None; Abstained—None; Absent—None. The motion carried.

2:33:51        **17. Consider a recommendation to Council for a Zone Change request for approximately 2.35 acres, located at 3621 San Jose Blvd., "R-R" Rural Residential District to "C-2" Commercial 2 District.**

**Mr. Haley, Mr. Adams, and Mr. McNamara** came forward to answer any questions regarding the request. They want a zone change so that they can build an 80-room hotel there, Mainstay Suites. Staff recommended approval.

There was no public comment. **Mr. McCormick** motioned to recommend approval of the Zone Change, and **Mr. Barney** seconded. The vote was as follows: **Yes—Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia;** No—None; Abstained—None; Absent—None. The motion carried.

2:37:10        **18. Consider appointment of Patricia Carrasco, Deputy Director of Planning and Regulation, as a Designee of the Planning and Zoning Commission.**

In the past, the Board has appointed the Director and Deputy Director of Planning as designees to sign simple subdivision plats for the summary review process. With the resignation of the previous Deputy, **Mr. Patterson** is the only one allowed to sign plats. Now that we have a new Deputy Director, **Mr. Patterson** asked that **Ms. Carrasco** also be allowed to review and sign off on plats.

**Mr. Garcia** made a motion to approve the appointment, and **Mr. Barney** seconded. The vote was as follows: **Yes—Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia;** No—None; Abstained—None; Absent—None. The motion carried.



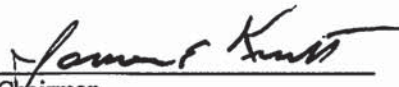
2:40:27

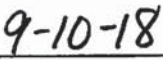
**20. Adjourn.**

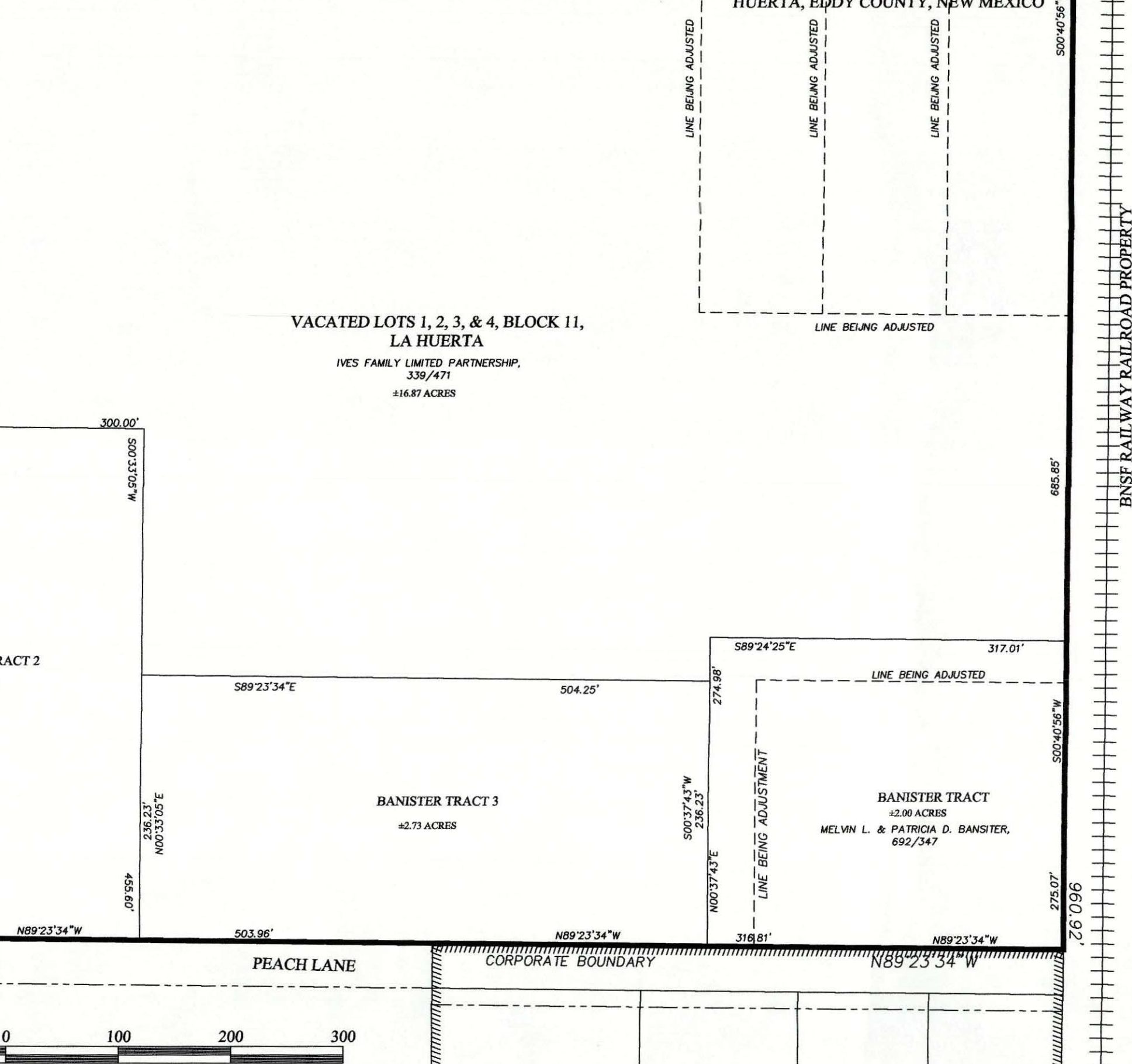
Meeting was adjourned before Item 19 was addressed.

2:40:38

Stop Recording [7:53:40 PM]

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Date



BLOCK 11, LA HUERTA, THEN N89°23'34"W, ALONG THE NORTH LINE, FOR 300.00 FEET, TO THE EAST RIGHT-OF-WAY OF CANAL STREET; THEN RIGHT-OF-WAY, FOR 959.94 FEET BACK TO THE POINT OF BEGINNING OR LESS.

AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND C

CONTAINING BANISTERS TRACT AS FOLLOWS: BEGINNING AT THE POINT OF BEGINNING OF BANISTER TRACT 2; THEN N89°23'25"W, ALONG THE SOUTH LINE, FOR 317.01 FEET; THEN S89°24'25"E FOR 317.01 FEET; THEN S00°40'56"W FOR 275.07 FEET TO THE POINT OF BEGINNING. CONTAINING 2.73 ACRES, MORE OR LESS.

AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND C

AND CONTAINING BANISTERS TRACT 2 AS FOLLOWS: BEGINNING AT THE POINT OF BEGINNING OF BANISTER TRACT 1; THEN N00°33'05"E, ALONG THE WEST LINE, FOR 455.60 FEET; THEN S00°33'05"W FOR 455.60 FEET; THEN N89°23'34"W, ALONG THE SOUTH LINE, FOR 300.00 FEET TO THE POINT OF BEGINNING. CONTAINING 3.00 ACRES, MORE OR LESS.

AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND C

AND CONTAINING BANISTERS TRACT 3 AS FOLLOWS: BEGINNING AT THE POINT OF BEGINNING OF BANISTER TRACT 2; THEN N00°33'05"E, ALONG TRACT 2, FOR 455.60 FEET; THEN S89°23'34"E FOR 504.25 FEET; THEN S00°37'43"W, ALONG TRACT 2, FOR 236.23 FEET; THEN N89°23'34"W, ALONG THE SOUTH LINE, FOR 300.00 FEET TO THE POINT OF BEGINNING. CONTAINING 2.73 ACRES, MORE OR LESS.

AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND C

I, MELVIN R. PYEATT, JR., A NEW MEXICO PROFESSIONAL SURVEYOR, CERTIFY THAT THIS SURVEY, AND THE PLAT THEREON, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY AND PLAT COMPLY WITH THE STANDARDS FOR SURVEYING IN NEW MEXICO.

APPROVAL BY THE CITY PLANNING COMMISSION  
THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN INSPECTED AND APPROVED BY THE PLANNING COMMISSION, OR ITS DESIGNEE, OF THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO.

*Melvin R. Pyeatt, Jr.*  
COMMISSION DESIGNEE  
9/13/13

MELVIN R. PYEATT, JR., 423 W. GREEN ST., CARLSBAD, N.M., 88220, CERTIFICATE NO. 12345. TELE. 885-6867, FAX 885-6867

THIS PLAT IS EXEMPT FROM THE STATE SUBDIVISION ACT, AND THE COUNTY SUBDIVISION ORDINANCE, UNDER 47-6-2 M(7) DEFINITIONS; THE DIVISION OF LAND RESULTING ONLY IN THE ALTERATION OF PARCEL BOUNDARIES, AND THE NUMBER OF PARCELS IS NOT INCREASED.

ENTITLEMENT EXEMPTION FILED ON

*Melvin L. Banister*  
Melvin L. Banister  
1910 Gwenda Dr.  
Carlsbad, NM 88220

*Patricia D. Banister*  
Patricia D. Banister  
1910 Gwenda Dr.  
Carlsbad, NM 88220

*Travis L. Ives*  
Travis L. Ives  
Ives Family Limited Partnership  
Travis Ives, Signee for the Ives Family Limited Partnership

OWNERS STATEMENT AND AFFIDAVIT  
STATE OF NEW MEXICO

OWNERS STATEMENT AND AFFIDAVIT  
STATE OF NEW MEXICO


SE
SEC
SUBDIV
OWNER
CITY:
COUNTY:
STATE:
DATE:

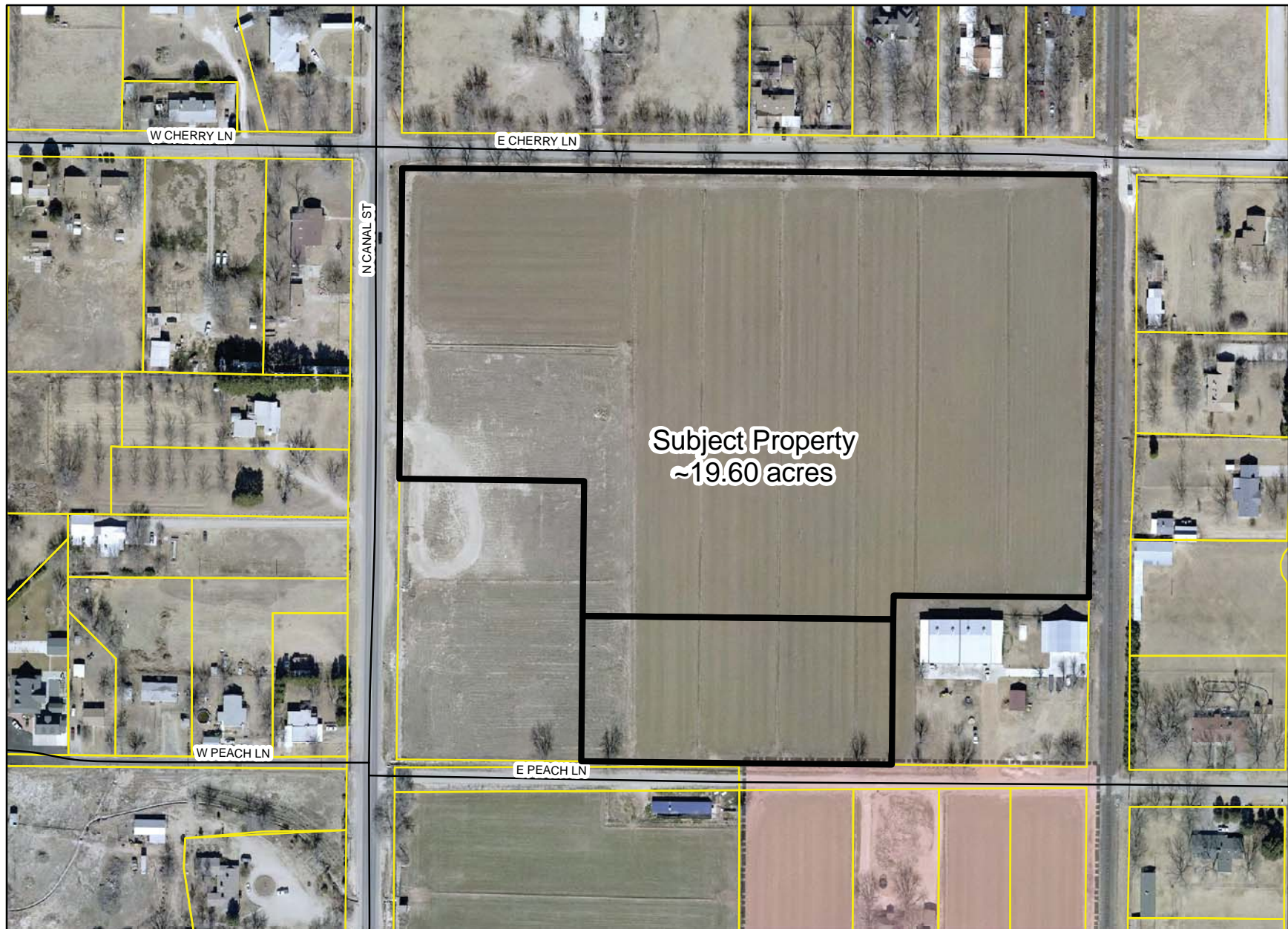




# Annexation of approximately 19.60 acres

## Legend

 Carlsbad City Boundary

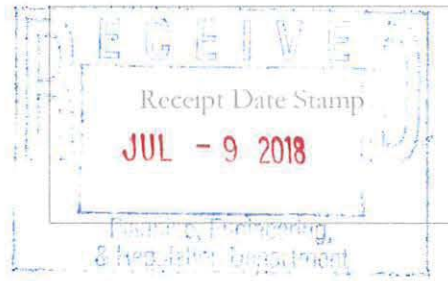


0 250 500 1,000 Feet



**CITY OF CARLSBAD**  
Engineering Department  
11/8/2018





## CITY OF CARLSBAD

*Planning, Engineering,  
and Regulation Department*

114 S. Halagueno (PO Box 1569)  
Carlsbad, NM 88221  
Phone (575) 885-1185  
Fax (575) 628-8379

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# APPLICATION FOR ANNEXATION

(SEE 3-7-17 NMSA, 1978, FOR PETITION REQUIREMENTS)

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## PROCESS FOR ACCEPTANCE AND REVIEW OF PLANNING AND ZONING COMMISSION MATTERS

1. The Planning and Zoning Commission's regularly scheduled meetings are on the FIRST MONDAY OF THE MONTH. Applicant should obtain an Application Packet for the particular type of request (Zone Change, Subdivision, Variance, Annexation, Special Property Use, etc.) from the City of Carlsbad, Planning, Engineering, and Regulation Office.
2. With the exception of Summary Reviews, **Applicant must submit a completed Application to the Planning, Engineering, and Regulation Office on, or before, the FIRST FRIDAY OF THE MONTH prior to the desired Commission meeting.** (As per Section 3-20-8 NMSA 1978 and Chapter 47 Code of Ordinances, Summary Reviews may be submitted at any time.) The minimum application packet submittal is one (1) copy of the Application with original signatures and all required supporting documents. If desired, a letter of explanation or clarification may also be provided. The required non-refundable application fee is due with submittal of the application.

The desired maximum size for all documents is 11"x17". **However, if the applicant wishes to support his or her application with larger size documents, an original and fifteen (15) copies need to be provided. (For Summary Review—an original and three (3) copies are required.)** Separate arrangements for copying these large documents may be possible, but will incur additional costs.

3. The Planning, Engineering, and Regulation Office will give the Application an initial cursory review. If deficiencies or questions are noted, the Applicant will be advised and provided an opportunity to supplement the Application. If the Applicant fails to complete and resubmit the application prior to the above deadline, the matter will not be heard until the next subsequent Commission meeting. The original application fee will be retained and will suffice for the specific original application for a period of four months from the date of the original application.
4. Applications appearing complete will be set for full evaluation by City Staff prior to the Commission meeting. The purpose of this evaluation is to develop and provide a full briefing report for the Commission. Applicants will be advised of deficiencies noted during this review and will be afforded opportunity to supplement their application during their presentation to the Commission, if they so desire.

# PETITION FOR ANNEXATION

(SEE 3-7-17 NMSA, 1978, FOR PETITION REQUIREMENTS)

Application Date: 6-5-18

Fee Paid: \$50.00 pd

I/We, the undersigned owners of the following described real estate, do by our signature, hereby present the City of Carlsbad with this petition for Annexation under Article 7, Section 3-17 et. seq. NMSA 1978, which regulates the annexation of land. As the property owner(s), I/we understand that all required information must be provided in accordance with these regulations. In addition, I/we understand that the construction or upgrade of public infrastructure may be required as a condition of approval. In this case, a Development Agreement or an Assessment District may be required by the City. As the applicant, I/we may be required to provide a financial guarantee for the construction of said improvements. The financial guarantee and timeline for completion are subject to approval by the City.

<u>Jves Estates</u>		<u>28.7</u>
NAME OF PROPERTY OWNER		ACREAGE
<u>PO Box 554</u>		
ADDRESS		
<u>Carlsbad</u>	<u>NM</u>	<u>88221</u>
CITY	STATE	ZIP
<u>817-487-3432</u>		
PHONE	EMAIL	
<u>Travis Chaves</u>		<u>7-9-18</u>
SIGNATURE		DATE

<u>/</u>		<u>/</u>
NAME OF PROPERTY OWNER		ACREAGE
<u>/</u>		
ADDRESS		
<u>/</u>	<u>/</u>	<u>/</u>
CITY	STATE	ZIP
<u>/</u>	<u>/</u>	
PHONE	EMAIL	
<u>/</u>	<u>/</u>	
SIGNATURE		DATE

Legal description of property being annexed (attach copy of Annexation Plat):

lot 1,2,3, La Huerta Plat of Part of lot 1 Block 11

Total acreage: 28.75

Current Zoning: \_\_\_\_\_

Proposed Zoning: \_\_\_\_\_ (Please attach a completed Zoning Change application, a separate fee may be required)