

ORDINANCE NO. 2013-02

AN ORDINANCE ENACTING SUBDIVISION REGULATIONS FOR THE CITY OF ANTHONY, NEW MEXICO.

WHEREAS, we, the Mayor and the Board of Trustees did duly publish notice of adoption of ordinance in accordance with law; and

WHEREAS, we, the Mayor and the Board of Trustees did hold several duly noticed Public Hearings; and

WHEREAS, we, the Mayor and the Board of Trustees did consider testimony from staff and the public before reaching its decision; and

WHEREAS, we, the Mayor and the Board of Trustees did consider testimony in person and in writing from Anthony Water and Sanitation District and Tierra Del Sol Housing Corp., before reaching its decision; and

WHEREAS, we, the Mayor and the Board of Trustees does make the following findings:

1. That it is in the best interest of the public at large and of the City as an institution to enact subdivision regulations in order to provide for the harmonious development of the municipality and its environs, coordination of streets, adequate open space for traffic, recreation, drainage, light and air, and the distribution of population and traffic which tend to create conditions favorable to the health, safety, convenience, prosperity or general welfare of the residents of the municipality; and
2. That it is in the best interest of the public at large and of the City as an institution to enact subdivision regulations in order to provide for the safety, preserve the health, promote prosperity and improve the morals, order, comfort and convenience of the municipality and its inhabitants.

BE IT RESOLVED BY THE MAYOR AND THE BOARD OF TRUSTEES OF THE CITY OF ANTHONY, DOÑA ANA COUNTY, NEW MEXICO, that the mayor and the Board of Trustees for the City of Anthony, New Mexico hereby adopts the following Subdivision Regulations enacted to read as follows:

CHAPTER

SUBDIVISION REGULATIONS

ARTICLE

Article I – General Provisions

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Article I – General Provisions

- Section 1: Short Title
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Section 1. SHORT TITLE. This Ordinance may be cited as the “Subdivision Regulations of the City of Anthony, New Mexico.”

Section 2. AUTHORITY.
This Ordinance is adopted pursuant to the enabling provisions of §§ 3-17-1 and 3-19-6 NMSA 1978, as amended.

Section 3. PURPOSE.
The purpose of this ordinance is to establish subdivision regulations for the City, thereby providing for:

1. the harmonious development of the municipality and its environs, coordination of streets, adequate open space for traffic, recreation, drainage, light and air, and the distribution of population and traffic which tend to create conditions favorable to the health, safety, convenience, prosperity or general welfare of the residents of the municipality; and
2. the safety, preserving the health, promoting prosperity and improving the morals, order, comfort and convenience of the City and its inhabitants.

3. More specifically, provisions of the subdivision regulations are designed to achieve the following objectives in newly subdivided areas:
 - A. Adequate provisions for light and air, public open spaces, water supply, drainage, sanitation including sewer service, and public facilities;
 - B. Economy in governmental expenditure and adequate reimbursement of the city for services performed;
 - C. Safe, convenient circulation of people, goods and vehicles;
 - D. Accurate and complete surveying, and preparation and recording of plats;
 - E. Coordination of land development in accordance with orderly physical patterns as stated in adopted plans and policies as may have been or may hereafter be adopted by the Board of Trustees; and
 - F. The preservation of historical sites and areas.

Section 4. JURISDICTION.

These subdivision regulations shall govern all platting or replatting of land within the City of Anthony corporate limits.

Section 5. INTERPRETATION.

The provisions of these subdivision regulations shall be held to be minimum requirements to meet the expressed intent of the subject regulations. Where the provisions of these regulations impose greater restrictions than those of other ordinances or regulations, the provisions of these regulations shall prevail. Where the provisions of any other ordinance or local regulation impose greater restrictions than those of these regulations, the provisions of such other ordinance or local regulation shall prevail.

Section 6. SEVERABILITY.

Should any section, subsection, paragraph, sentence, phrase, clause or provision of this Ordinance for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, sentence, phrase, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 7. REPEALER.

All ordinances or resolutions or parts thereof, inconsistent with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency or conflict. This repealer shall not be construed to revive any ordinance or resolution or part thereof, heretofore repealed.

Section 8. EFFECTIVE DATE.

This ordinance shall be in full force and effect after its adoption, approval, and publication as provided by law.

Section 9. STATE LAW REFERENCES. Planning and Platting (§3-19-1 et seq., NMSA 1978); Subdivisions; Planning and Platting (§ 3-20-1 et seq., NMSA 1978).

Article II – Definitions & Fee Schedule

- Section 1: Definitions
- Section 2: Fee Schedule For Subdivisions

Section 1. DEFINITIONS.

1. “Alley” means a minor public way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
2. “Area plan” is a plat or sketch of any planned future development of undeveloped land which is contiguous to a proposed subdivision and is under the control or ownership of the developer. Such plan should indicate general land uses and major thoroughfares.
3. “Arterial street” means a four-lane roadway which is used primarily for serving large volumes of traffic.
4. “Average daily traffic” for the purposes of determining roadway width, shall be one hundred ten percent (110%) of the value calculated as two (2) vehicles per residence and six (6) trips per vehicle per day at ultimate development. The calculation shall include ultimate development of adjacent land based on existing zoning, should it be determined by the Planning & Zoning Commission that access through a subdivision will be required to reach said adjacent land.
5. “Bike paths” means a portion of a roadway or separate pathway designated for use by bicycles.
6. “Block” means property bounded on one side by a street and the other three (3) sides by a street, railroad right-of-way, waterway, unsubdivided areas, or other definite barriers.
7. “Board of Trustees” means the governing body of the City of Anthony, New Mexico. Final approval of all subdivision plats in the planning and platting jurisdiction of the City rests with this body.

8. "Building line" means a line established by the setback requirements as provided in the zoning code for the City of Anthony.
9. "City" or "City of Anthony" means the City of Anthony, New Mexico.
10. "City Attorney" means an attorney employed or retained by the City whose duties include reviewing and approving contracts or agreements entered into by the City.
11. "City Clerk" means the City Clerk of the City of Anthony, New Mexico.
12. "Collector street" means a street which carries traffic from local streets to arterial streets and highways.
13. "Condominium" means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Condominium development shall follow the guidelines of the subdivisions regulations.
14. "County" means Doña Ana County, New Mexico.
15. "County Clerk" means the elected clerk of the County or the Clerk's authorized representative.
16. "Cul-de-sac" means a minor street with only one outlet and culminated by a turnaround.
17. "Drainage course" means a natural watercourse or indenture for the drainage of surface waters.
18. "Drainage plan" means a plan indicating an on-site drainage proposal, the passage of stormwaters through the development and safe discharge of runoff onto adjacent lands or into storm drainage facilities. Also, a comprehensive analysis of (a) the existing storm drainage conditions of a proposed development, and (b) the disposal of the runoff which is generated by the proposed development.

19. "Easement" means a grant by the property owner of the use, for specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons.
20. "Engineer" means a person who is engaged in the practice of engineering and is qualified to so practice as attested by his legal registration as a professional engineer in the State of New Mexico.
21. "Improvements" includes infrastructure such as streets, curbs, gutters, sidewalks, fire hydrants, storm drainage facilities, bike paths, trails, and water, sewer, and gas systems or parts thereof.
22. "Land surveyor" means a person who engages in the practice of land surveying and is qualified to so practice as attested by his legal registration as a land surveyor in the State of New Mexico.
23. "Lot" means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development. It also is a tract of land described by metes and bounds and held in separate ownership, as shown on the records of the County Clerk.
24. "Major thoroughfare" means a street that carries or that planning evidence indicates will carry a large volume of traffic.
25. "Master plan" means the general plan of the City of Anthony or any of its parts, for the physical development of the area within the planning and platting jurisdiction of the City which has been adopted by the Board of Trustees.
26. "May" means the following: When a requirement in these regulations uses the word "may" instead of "shall", the requirement will be necessary only if directed by the Planning & Zoning Commission.
27. "Minor residential street" means a street of relatively short length that provides direct access to a limited number of abutting residential properties and is designed to discourage its use by through traffic.

28. "Municipal code" means the ordinances, or a compilation thereof, of the City of Anthony known as the municipal code.
29. "Performance bond" means a surety bond made out to the City of Anthony in an amount equal to the estimated full cost of the improvements; said cost being estimated by the developer and approved by the City of Anthony after inspection and review, and surety bond being legally sufficient to secure to the City of Anthony that the said improvements will be construed in accordance with these regulations.
30. "Planning & Zoning Commission" means the officially appointed Planning & Zoning Commission of the City of Anthony, New Mexico.
31. "Plat" or "Replat" is a map, chart, survey, or plan certified by a land surveyor and/or registered engineer which contains a description of subdivided or resubdivided land with ties to permanent survey monuments.
32. "Private road" means a street within or serving a subdivision which is not dedicated to public use and is not maintained or otherwise serviced by the City of Anthony.
33. "Public rights-of-way" means the total area of land deeded, reserved by plat, or otherwise acquired by the City, the County, or the State of New Mexico.
34. "Resubdivision" means the replatting of any lot or group of lots by any means including changes in existing lot lines for the purpose of leasing, transferring title, or conveying to another person by a clear and understandable description of the legal boundaries or such lot.
35. "Roadway" means that portion of the street available for vehicular traffic.
36. "Roadway width," for the purpose of determining road cross-section, shall be the width of the portion of the roadway used by vehicles. It shall not include the area occupied by the curb and gutter and/or sidewalk.

37. "Setback" means the lateral distance between the right-of-way line of the street or property line and building, gas pump, curb base, display stand or other object.
38. "Shall" means the following: The word "shall" is mandatory.
39. "Sidewalk" means a pedestrian walkway with permanently improved surfacing.
40. "Street" means a public way, which has been dedicated, or reserved by plat, other than an alley, which affords the principal means of access to abutting property.
41. "Subdivider" means a person who undertakes the subdivision of land as set forth in these regulations. A person includes any individual, establishment, estate, trust, receiver, cooperative, association, club, corporation, company, firm, partnership, joint venture, syndicate or other entity.
42. "Subdivision" means the subdivision of land into two (2) or more parts by platting or by metes and bounds description for the purpose of sale for building purposes, laying out a municipality or any part thereof, adding to a municipality, laying out suburban lots or resubdivision.
43. "Summary Subdivision" means a subdivision of land consisting of no more than two (2) parcels of land or is a replat where the combination or recombination of portions of previously platted lots does not increase the total number of lots. Summary subdivisions shall be in substantial conformity with the subdivision regulations of the City of Anthony. The applicability of the summary subdivision procedure may be determined by the Planning & Zoning Commission.
44. "Zoning Ordinance" means the City of Anthony ordinance designed to promote the public health, safety, and the general welfare, and to regulate or restrict within the City of Anthony, the height, number of stories and size of buildings and other structures, percentage of lot that may be occupied, size of yards, courts, and other open space, density of population, and location and use of buildings, structures and land for trade, industry, residence, floodplain or other purposes; to divide the City into districts or zones of such number, shape, area and form as is necessary to carry out the purpose of these regulations, and to regulate or restrict the

erection, construction, repair or use of buildings, structures, or land in each district or zone, to provide for the administering of these regulations; and to provide for amendments, or changes hereto.

Section 2. FEE SCHEDULE FOR SUBDIVISIONS.

- A. Preliminary Plat: \$20.00/lot for the first 20 lots and \$15.00/lot thereafter, with a minimum of \$250.00.
- B. Final Plat: \$20.00/lot for the first 20 lots and \$15.00/lot thereafter, with a minimum of \$200.00.
- C. Additional Fees for Unusual Circumstances: Where additional review by the Planning & Zoning Commission is required, then the City may charge an additional review fee to defray the cost of such review. Review fees shall be only for professional services rendered to the Planning & Zoning Commission, that is, if the Planning & Zoning Commission does not have the proper personnel to assist them in reviewing reports, plans and plats.
- D. An engineering inspection and plat review fee of one and three quarter percent (1 $\frac{3}{4}$ %) of the total estimated cost of development of the subdivision will be paid by the subdivider prior to the final acceptance of the subdivision by the City.

Article III – Procedure

- Section 1: Preapplication Procedure
- Section 2: Preliminary Plat Procedure
- Section 3: Final Plat Procedure

Section 1. PREAPPLICATION PROCEDURE.

- A. Prior to the filing of an application for approval of a preliminary plat, the subdivider is requested to confer with the planning staff and other City departments so as to become acquainted with these regulations.
- B. The preapplication conference with the planning staff does not require a formal application, fee, or the filing of a plat, and is considered an advisable step in the procedure rather than mandatory. The planning staff does not assume any responsibility for a lack of understanding of these regulations on the part of the subdivider, and any advice or opinion as to the feasibility of the proposed subdivision expressed by the planning staff

shall not bind any subsequent actions of the Planning & Zoning Commission or the Board of Trustees relative to the proposal.

- C. The subdivider shall then submit to the Planning & Zoning Commission a preliminary plan and supporting data. This step does not require formal application or filing of a plat with the Planning & Zoning Commission.
- D. Within thirty-five (35) business days, the Planning & Zoning Commission shall inform the subdivider that the plans and data as submitted or as modified do or do not meet the objectives of these regulations, and it shall express its reasons therefor.

Section 2. PRELIMINARY PLAT PROCEDURE.

- A. Application for subdivision approval shall be submitted to the planning staff on prescribed forms. Application forms are available at City Hall.
- B. All completed applications and plats shall be submitted no later than fifteen (15) business days prior to the day of the regular meeting of the Planning & Zoning Commission at which time it is to be considered. All applicants should submit plats as early as possible to ensure that required review can be accomplished. At this time, all preliminary plat review fees shall have been in full prior to placing the application on the Planning & Zoning Commission agenda.
- C. Eight (8) copies of the preliminary plat and supplemental material will be submitted by the subdivider with the written application. The planning staff shall review the preliminary plat and supplemental material.
- D. The application and preliminary plat of the subdivision shall be placed on the Planning & Zoning Commission agenda. The subdivider or his representative shall be notified by mail to the address on the plat of the time, place and date of the public hearing not less than five (5) business days before the day of the hearing.
- E. The subdivider shall notify by certified mail, return receipt requested, all owners of property located in whole or in part, within three hundred (300) feet, exclusive of streets, of the parcel to be subdivided, notifying said property owners of the time, place and date of the public hearing at which the preliminary plat is to be considered and describing the proposed subdivision. The subdivider shall further provide the Planning & Zoning Commission with return receipts as evidence of the subdivider's efforts to

notify said property owners. Where a proposed subdivision faces an existing public street, the measurement of three hundred (300) feet shall be made from points on either side of the street, excluding the street from the three hundred (300) foot measurement.

- F. The subdivider shall be responsible for providing preliminary plats and other information determined to be necessary for the purpose of describing the subdivision. Signs will be posted on the property with subdivision application forms, plats and supporting data, by planning staff. Signs will be posted at intervals of one hundred fifty (150) feet across the front lot line of the tract proposed to be subdivided.

- G. It shall be the responsibility of the subdivider or his representative to make the presentation before the Planning & Zoning Commission. Action taken by the Planning & Zoning Commission shall be recorded in the minutes of the public hearing. A copy of said minutes shall be furnished to the subdivider. Approval of a preliminary plat shall not constitute approval of the final plat. Preliminary approval shall confer upon the subdivider the rights and guarantee during the two (2) year period from the date of approval, that the general terms and conditions under which the preliminary approval was granted will not be affected by any changes and/or amendments to these regulations. Approval of a preliminary plat shall be effective for two (2) years. The Planning & Zoning Commission may approve a plat as submitted or it may require certain conditions for approval. When these conditions are met and confirmed by the Planning & Zoning Commission it shall be considered approved as a preliminary plat.

- H. If the preliminary plat is denied by the Planning & Zoning Commission, the subdivider or his representative has the right to appeal the decision. The appeal shall be submitted in writing to the City Clerk and it shall then be placed on the agenda of the Board of Trustees for their consideration.

Section 3. FINAL PLAT PROCEDURE.

- A. Two (2) masters of reproducible stable base material and eight (8) copies of the final plat along with supplemental material shall be furnished to the planning staff by the subdivider. The final plat shall substantially conform to the preliminary plat as approved, including any modifications and conditions specified. It may constitute only that part of the approved preliminary plat which the subdivider proposes to record and develop at that time; provided however, that such part conforms to all requirements of these regulations; and provided further, that the Planning & Zoning

Commission may require the subdivider to include or exclude whatever part of the preliminary plat it deems necessary for orderly development.

- B. Application for approval of the final plat shall be submitted in writing on the City's prescribed form not less than fifteen (15) business days prior to the day of the Planning & Zoning Commission public hearing at which it is to be considered. The planning staff shall review the final plat. Also, at this time, it shall be determined that all review fees have been paid in full prior to placing the application on the Planning & Zoning Commission agenda. The subdivider or his representative shall be notified by mail of the time, place and date of the public hearing when the final plat is to be considered which date shall not be less than five (5) business days before the day of the public hearing. The subdivider or his representative must make the presentation at the Planning & Zoning Commission's public hearing and also before the Board of Trustees. Prior to final plat submittal, approval by the affected utilities shall be obtained.
- C. The Planning & Zoning Commission will either recommend approval or disapprove or defer to a later date the final plat at the public hearing at which it is to be considered. If the plat is disapproved by the Planning & Zoning Commission, the reasons for the disapproval shall be referenced and attached to two (2) copies of the final plat and such action shall be dated and verified by the signatures of the chairman and secretary of the Planning & Zoning Commission. One verified copy shall be returned to the subdivider and the other shall become a part of the files of the planning staff. If the final plat is approved, the planning staff shall draft the resolution for the subdivision and submit it to the City Clerk to place on the agenda of the Board of Trustees for its consideration. The Board of Trustees shall approve or disapprove a final plat within thirty (35) calendar days of the day of final submission of the final plat which day of final submission shall be the day the planning staff drafts the resolution for the subdivision and submits it to the City Clerk for placement on the agenda of the Board of Trustees for its consideration. Following final approval by the Board of Trustees and the Planning & Zoning Commission of the plat, and having met the conditions of these regulations, the signatures of the chairman and secretary of the Planning & Zoning Commission and the Mayor of the City of Anthony shall be affixed to the master plat.
- D. One (1) copy of the signed master plat shall be maintained in a suspense file by the planning staff. No building permits shall be issued until it has been filed and recorded at the County Clerk's office and one (1) recorded copy has been returned to the planning staff.

- E. It shall be the subdivider's responsibility to file and record with the County Clerk the final plat.
- F. A signed copy of the restrictive covenants and disclosure statement will be required by the City of Anthony prior to filing of the final plat.
- G. A traffic study may be required by the Planning & Zoning Commission for any proposed high intensity subdivisions and/or in any situation the Planning & Zoning Commission deems necessary.

Article IV – Suitability Of Land

- Section 1: Geographic Suitability
- Section 2: Grading
- Section 3: Area Plan

Section 1. GEOGRAPHIC SUITABILITY.

- A. With reference to the master plan and the zoning ordinance, land shall be suited to the purpose for which it is to be subdivided.
- B. Land which is not programmed to have adequate public or private water, sanitary sewer service, or flood control facilities, within a reasonable time, shall not be subdivided for purposes which require such services.
- C. Possible environmental problems and the availability of adequate paved street access, fire protection, police protection, refuse service, public schools, parks and recreation facilities, and individually provided utilities, shall be evaluated in considering the subdividing of land.
- D. Land with the following types of problems may have subdivision approval withheld until it is demonstrated by means of an engineering analysis, submitted by the developer, that such hazards have been or will be eliminated:
 - 1. Special drainage conditions.
 - 2. Difficult topography.
 - 3. Soil conditions which are unusually limiting.

4. Other geographic hazards to life, health, or property.

Section 2. GRADING.

- A. No person shall proceed with any grading in relation to a proposed subdivision until the City has approved a drainage plan. Such grading shall be consistent with the recommendation of an approved drainage plan as required by these regulations.
- B. The subdivider shall give consideration to the preservation of trees, scenic points, historic places, and other community landmarks where feasible.
 1. If significant archaeological/historical resources are shown to be present, the City encourages consultation prior to development with a local archaeological and historic preservation specialist.
 2. The City will require consultation with the New Mexico Historic Preservation Division – Cultural Review Board, or similar state agency if such agency is no longer in existence, prior to issuance of any demolition permit of structures identified as historically significant or grading permit.
- C. Subdivisions shall be laid out so as to match existing topography insofar as possible.
- D. No corner lot shall be platted, replatted, designed, cleared or developed to have over a three (3) foot rise above the final street level, including any proposed or future terracing or fencing within the clear sight triangle, i.e., triangle created by connecting points thirty (30) feet from the point of intersection of back of curb tangent of subject corner lot.

Section 3. AREA PLAN.

If the subdivider owns or controls more land contiguous to the land the subdivider wishes to subdivide immediately, an area plan for the adjacent properties is required. The subdivider shall submit an area plan with the subdivider's subdivision plat.

Article V – Plats And Data For Preliminary Approval

- Section 1: Preliminary Plat
Section 2: Storm Drainage Analysis Plan
Section 3: Improvements

Section 1. PRELIMINARY PLAT.

The preliminary plat shall be at a minimum scale of one inch (1") equals one hundred feet (100'). In no case shall it be on less than eighteen inch (18") by twenty-four inch (24") sheets of paper. It shall show existing conditions and all proposals, including the following:

- A. Name of proposed subdivision, name and address of subdivider, agent, and principal persons preparing the preliminary plat.
- B. Scale and north arrow.
- C. Proposed benchmark locations, proposed location of and method of tie to permanent survey monuments, and proposed location and type of subdivision control monuments. Descriptions of all monuments found or set.
- D. Plat boundary lines: bearing in degrees, minutes, and seconds; distances in feet and hundredths.
- E. Existing conditions of the site and its environs shall include the following:
 - 1. Present site designation or subdivision name.
 - 2. Easements on site: location, width and purpose.
 - 3. Public right-of-way on and within one hundred fifty feet (150') of the site: name, type, and width of paving.
 - 4. Utilities on and adjacent to the site: location and size of water wells, water reservoirs, water line, sanitary and storm sewers; location of gas line, fire hydrants, electric and telephone poles, and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the direction, distance, and size of nearest lines.
 - 5. Ground elevation on the side based on mean sea level datum as established by the U.S. Coast and Geodetic Survey:
 - a. For land that slopes less than approximately one percent (1%), show contour lines at intervals of not more than one

foot (1') and spot elevations at all breaks in grade along all drainage channels or swales, and at selected points not more than one hundred feet (100') apart in all directions.

- b. For land that slopes approximately between two percent (2%) to five percent (5%), show contour lines at intervals of not more than two feet (2').
 - c. For land that slopes more than five percent (5%), show contour lines at intervals of not more than five feet (5').
6. Existing storm drainage facilities on and adjacent to the site.
 7. Conditions on adjacent land significantly affecting design of the subdivision. Approximate direction and gradients of ground slope, character and location of development, and building types.
 8. Zoning on and adjacent to the site. If the area proposed to be subdivided is zoned Single-Family Residential, Commercial and is adjacent to active agricultural operations, then the subdivider shall be responsible for the installation of a wall or fencing between the subdivision and the agricultural operation. The Planning & Zoning Commission shall determine if the standards proposed for the wall/fence are adequate during the preliminary plat stage of development.
 9. A statement of ownership, signed by the subdivider.
 10. Total area of the proposed plat to the nearest one-tenth (1/10) acre.
- F. Location map showing location of the site in relation to well-known landmarks and town boundaries.
 - G. Proposed lot lines and public right-of-way lines; street names; right-of-way and street widths; indicate roadways intended to be private, rights-of-way for public services or utilities, and any limitations thereof.
 - H. All lots in any subdivision shall meet the requirements of the zoning ordinance and each lot shall be dimensioned in such a manner that setbacks as required by the zoning ordinance shall be met for any structure

or building that may be or will be constructed on the lot. No platted lot within a subdivision shall contain less square footage than that required by the zoning ordinance.

- I. Number or letter to identify each proposed lot and block.
- J. Locations, dimensions, approximate areas, and purpose of lots proposed to be reserved for the public.
- K. Sites and approximate area for any multifamily dwellings or nonresidential uses.
- L. Every lot shall front on or have access to a public street.
- M. All public entity easements and improvements.

Section 2. STORM DRAINAGE ANALYSIS PLAN.

A storm drainage analysis and plat shall be prepared and signed by a professional engineer registered in the State of New Mexico to include the following:

- A. An up-to-date topographic survey or contour map of the area to be subdivided and contributing watershed showing existing structures and pavement and denoting existing elevations above mean sea level of all land features and improvements that would affect drainage.
- B. An aerial photograph at the scale of one inch (1") equals one hundred feet (100') or one inch (1") equals two hundred feet (200') showing the area to be subdivided.
- C. A drainage report with a map identifying and locating all rivers, creeks, arroyos, draws, washes or any other channel having definite banks and bed with visible evidence of the occasional flow of water. It shall include computations of the watershed area draining into each watercourse, identification and analysis of permeability of soils in each watershed, and calculations based on the S.C.S. Engineering Field Manual procedures for estimating runoff from a one hundred (100) year frequency storm of:
 - 1. The volume and peak discharge of storm surface waters emanating from higher lands and drainage through the area to be subdivided (external drainage).

2. The volumes and peak discharge of internal drainage originating from the land to be subdivided prior to and after completion of the proposed development.
- D. A detailed storm drainage plan showing how the runoff from a one hundred (100) year storm will be maintained on the property being subdivided. Means of detention basins, retention basins, swales on lots or any other method approved by the Planning & Zoning Commission so as to ensure that the new development will not increase the peak discharge load on the existing drainage system or cause damage to properties at lower elevations. A map submitted with the plan shall indicate all points of entry and discharge of storm runoff prior to and after development, as well as proposed easements and structures provided for containment or controlled discharge of storm drainage. Points of discharge of natural watercourses shall not be altered by the development.
 - E. A grading plan showing any proposed alteration, including finished elevations of areas to be graded, paved areas, building sites, retention or detention areas, retaining walls, and other structures. It shall be accompanied by a signed agreement by the owner of the lands being platted binding on his or her heirs or subsequent owners, that no grading, land filling, excavating or other alteration will be done except pursuant to the approved or amended grading plan.
 - F. The plan shall show that all property within the subdivision is developed in such a manner the flood damage will be minimized and that construction and substantial improvements are elevated to the one hundred (100) year flood level, if the property lies in an area which has been designated a floodplain under the National Flood Insurance Program. New water and sewer systems (including on-site systems) shall be located to avoid impairment of contamination during flooding.
 - G. Areas which will be inundated by runoff from a one hundred (100) year or greater frequency storm shall not be divided into lots for sale in any proposed subdivision.
 - H. A copy of the subdivision plat and drainage plan will be provided to any public entity with holdings in the area for their review in order to avoid urban conflicts with the operation and maintenance of utility systems. Their review shall be advisory only.

Section 3. IMPROVEMENTS.

A report on the proposed method of installing utilities, street paving, curb and gutter, sidewalks, and sewer service shall be prepared and submitted to include the approximate time for accomplishing such improvements. Such improvements shall be based on the maximum population density allowed in the zoning district in which the subdivision is located.

Article VI – Plats And Data For Final Approval

Section 1: Final Plat

Section 1. FINAL PLAT.

- A. A final plat shall be drawn in ink on tracing cloth or drafting film such as mylar or acetate. Drawings shall be at a scale of one inch (1”) equals one hundred feet (100’). In no case shall it be on less than eighteen inch (18”) by twenty-four inch (24”) sheets of paper. This final plat may be submitted for approval in contiguous sections.
- B. The final plat shall show the name of the subdivision and name of the subdivider.
- C. The final plat shall show title, scale, north arrow, and date of survey.
- D. Plat boundary lines shall be shown giving the bearings in degrees, minutes, and seconds. Distances shall be show in feet and hundredths.
- E. Location and description of all monuments found or set within the plat area, including bench marks with elevation shown, and property corners.
- F. Zoning shall be shown with boundaries shown as streets, highways, or property lines.
- G. Lot lines and right-of-way lines, existing and proposed; lines to be eliminated shall be dashed. Names of streets, right-of-way widths of all streets and alleys; private streets shall be so designated. The radius of all curves; lengths of all tangents on all rights-of-way; accurate dimensions, bearings, and deflection angles of all curves.

- H. Location, dimensions, and purpose of all easements, existing or proposed, and any limitations thereof.
- I. Number or letter to identify each lot and block. Also, address of each individual lot in accordance with the City's numbering system, if applicable.
- J. Location, dimensions, area, and purposes of lots proposed to be reserved for the public.
- K. Reference to recorded subdivision plats of adjoining platted land by recorded name and date.
- L. Statement that the subdivision is with the free consent and in accordance with the desire of the undersigned owner of the land, acknowledged in a manner required for acknowledgment of deeds.
- M. Signed statements by the subdivider dedicating public rights-of-way, and granting all required easements for public use.
- N. Certification and seal by a registered, licensed surveyor of the State of New Mexico in accordance with the laws of the State of New Mexico, certifying the accuracy of the survey and plat, that he or she prepared or supervised preparation of the plat, and that he or she has shown all required easements.
- O. Certification by the City Clerk or authorized agent that all streets, curbs, gutters, sidewalks, lighting conduit (if provided), and drainage requirements have been provided, and that the drainage analysis plan has been approved.
- P. Certification by authorized representatives of the local water, wastewater, electric, gas, telephone, and communications utilities that their system needs have been met. All final plats must contain a place for signatures of acceptance by all relevant utilities.
- Q. Certification by the authorized agent of the local water and wastewater utility that water, fire hydrants, and sewer systems needs have been provided. Prior to the City approving a final plat, the developer shall

submit a report to the Planning & Zoning Commission and to the Board of Trustees from the local water and wastewater utility. The report must approve the plat without any contingencies not resolved and such resolutions approved by the local water and wastewater utility. The authorized representative(s) of the local water and wastewater utility must certify that the developer has complied with all of the requirements of the local water and wastewater utility. All final plats must contain a place for signatures of acceptance by the authorized representative(s) of the local water and wastewater utility.

R. Guarantees of Performance. Before a subdivision plat is placed on the agenda of the Planning & Zoning Commission to be considered for a recommendation for final approval, one of the following must be submitted by the subdivider:

1. Subdivision Completion. A written agreement signed by the subdivider to construct all required improvements after the subdivision receives final approval from the Board of Trustees, but prior to filing and recording the final plat at the County Clerk's office. The subdivider shall not receive the final signed plat for filing from the City until all required improvements have been inspected and approved by the City or their authorized representatives. If the improvements are not completed by the completion date, the subdivision shall revert to a preliminary status.

2. Security Agreements.

a. If the subdivider prefers to file the final plat prior to completion of improvements in the subdivision, then the subdivider shall provide a security agreement. The amount of such security must cover the projected cost of all required improvements. The amount shall be based on the projected costs at the time improvements are scheduled for completion. The projected costs shall be verified and approved by the City Clerk or authorized representative. One of the following types of security shall be filed with the City:

i. Performance Bond. A surety bond acceptable to cover estimated costs of the improvements.

ii. Escrow Account. An account established with a bank or financial institution in the amount of the projected cost of improvements which can only be

drawn upon by the City to cover the costs of improvements.

iii. Irrevocable Standby Letter of Credit. Irrevocable authority granted to the City to draw a draft for the projected cost of improvements.

b. All security agreements shall be approved at to form by the City Clerk or authorized representative prior to submission to the Planning & Zoning Commission for approval and shall also be submitted with the final plat to the Board of Trustees for approval. After final approval by the Board of Trustees, the agreement establishing the form of security shall be filed with the City Clerk. Upon satisfactory completion of the improvements agreed upon, the security and indemnity agreement shall be released in writing by the City Clerk and shall be returned to the developer.

3. Form of Security and Indemnity Agreement.

a. Prior to presentation of a final plat the developer shall indicate to the Planning & Zoning Commission and the Board of Trustees whether the method used for completion of improvements will be tentative approval prior to filing of the final plat or acceptance of a security and indemnity agreement by the City.

b. During the period of tentative approval, (before completion of improvements), if a developer wishes to submit a security and indemnity agreement it shall specify the amount of time within which the improvements must be completed. In no case shall the agreement exceed the twenty-two (22) months for completion under the tentative approval, but must conform to the date twenty-two (22) months from Board of Trustees approval of the final plat.

c. Required elements of an indemnity agreement shall include:

i. A statement that indemnitor is the developer of the subdivision within the platting jurisdiction of the City and that compliance with the City's subdivision regulations requires certain guarantees of performance for the development of improvements.

- ii. A statement providing for the indemnitor to indemnify the City from any and all costs, damages, and legal expenses resulting from the City having to construct improvements in said subdivision, up to a specific dollar amount for all improvements required with final approval of the final plat by the Board of Trustees. An accompanying quote or signed contract shall be required.
 - iii. A statement of the amount of time allowed for the developer to complete the improvements. In no case shall the date exceed twenty-two (22) months from the date of approval of the final plat by the Board of Trustees. The agreement shall provide that the developer shall be permitted to sell or otherwise dispose of any lot within the subdivision at any time within the twenty-two (22) month period.
 - iv. An accompanying irrevocable letter of credit or irrevocable escrow account or performance bond, to be made a part of the indemnity agreement. The security agreement shall contain specifically named improvements and a description of the method to be used for disbursing funds from the security. The security agreement shall extend at least sixty (60) days beyond the required date for completion of the improvements.
 - v. A statement providing for the remaining funds that have not yet been released for improvements, to be released to the City up to the limits of the indemnity agreement, with legal recourse to collect any additional moneys expended by the City for completion of the project, should the described improvements not be completed within the time agreed upon.
- d. Upon satisfactory completion of the required improvements and acceptance by the City, the security and indemnity agreement shall be released in writing by the City and shall be returned to the developer.

- S. Master plats shall not be signed by the Board of Trustees or the Planning & Zoning Commission until these conditions have been met.

Article VII – Design Standards

- Section 1: Lot Size And Frontage.
- Section 2: Street Location And Arrangement.
- Section 3: Alley Location.
- Section 4: Street And Alley Standards.
- Section 5: Road Requirements.
- Section 6: Utility Improvements.

Section 1. LOT SIZE AND FRONTAGE.

The following lot sizes and frontage shall be used as minimums in the design of newly platted lots in subdivisions: See Zoning Ordinance.

Section 2. STREET LOCATION AND ARRANGEMENT.

- A. The character, extent, width, and location of all streets shall conform to the master plan and policies of the City and shall be consistent and appropriate in their relationship to existing and planned streets, topographic conditions, public convenience, efficiency of traffic flow, safety, and the proposed uses of the land to be served by such streets.
- B. Where an arterial or collector street is not shown in the master plan and there is not an adopted future street line, the arrangement of streets in a subdivision shall either:
 - 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - 2. Conform to a plan for the neighborhood properly approved by the City to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impractical.

Section 3. ALLEY LOCATION.

- A. Alleys shall not be provided where other provision is made for service access such as off-street loading, refuse collection, and parking consistent with and adequate for the uses proposed. If alleys are provided, they shall be paved by the developer in accordance with City specifications.

- B. In the General Commercial, the C zone, alleys shall be provided where the subdivision contains more than three (3) contiguous lots. The alleys shall comply with the development standards.

Section 4. STREET AND ALLEY STANDARDS.

- A. When rights-of-way for public streets and alleys are needed, they shall be provided in accordance with the standards and requirements described as follows:
1. Major thoroughfare: one hundred twenty feet (120').
 2. Secondary thoroughfare: eighty feet (80').
 3. Collector street: sixty-six feet (66').
 4. Minor residential street: fifty-five feet (55').
 5. Cul-de-sac: fifty foot (50') radius.
 6. Frontage road: sixty-six feet (66').
 7. Alley: a minimum width of twenty feet (20').
 8. Streets which terminate in a cul-de-sac shall be no longer than five hundred feet (500').
- B. Bike paths and trails, on subsections (A)(1) through (3) of this section, shall be as follows:
1. Right-of-way, minimum: ten feet (10').
 2. Pavement width: eight feet (8').
- C. Street jogs with centerline offsets of less than one hundred twenty-five feet (125') shall not be permitted.
- D. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no streets shall intersect any major or secondary thoroughfare or arterial street at less than seventy-five degrees (75°) and no collector or minor street at less than sixty degrees (60°).

- E. Property lines at street intersections shall be rounded with a radius of ten feet (10'), or a greater radius where the Planning & Zoning Commission will deem it, whenever necessary to permit the construction of a curb (having a fifteen foot (15') radius) without curtailing the sidewalk at a street corner to less than normal width.
- F. Street names shall be used which will not duplicate or be confused with the names of existing streets. Where a proposed street is to be a continuation of an existing street, the proposed street shall have the name of the existing street. The use of the suffix "street," "avenue," "boulevard," "drive," "lane," "place," or "court" shall not be a distinction sufficient to avoid confusion; therefore duplicates with different suffixes shall not be used.
- G. All streets within the subdivision shall be provided with traffic and street signs by the subdivider in accordance with the Manual of Uniform Traffic Control Devices.
- H. The road cross-section of all subdivisions shall comply with the following standards:

Average Daily Traffic	Standard Cross-Section
0 – 150	30-foot roadway width plus curb and gutter
150 – 300	32-foot roadway plus curb and gutter with sidewalk
300 – 500	34-foot roadway width plus curb and gutter with sidewalk
In excess of 500	36-foot roadway width plus curb and gutter with sidewalk

The above standards are subject to the following conditions and adjustments:

1. Roll over curb may be used depending on the necessary application as determined by the Planning & Zoning Commission. The area between the curbs shall be surfaced with concrete or asphalt meeting the standard specifications of the City

2. For average daily traffic flows up to three hundred (300), the curb and gutter may be omitted at the discretion of the Planning & Zoning Commission:
 - a. The drainage pattern as proposed is not dependent on the curb and gutter.
 - b. All ponding areas, whether on private or public right-of-way, are constructed at the time the subdivision roads are built.
3. If in an area requiring both curb and gutter with sidewalk, the curb and gutter is omitted, the sidewalk shall be retained. The top of the sidewalk shall be set flush with the surface of the adjacent roadway.
4. For the purpose of determining section requirements, the highest average daily traffic projection shall govern all streets within the subdivision.

- I. All work in public ways shall meet or exceed City specifications.

Section 5. ROAD REQUIREMENTS.

- A. Unless otherwise stipulated by the City, all materials incorporated within and work performed in the construction of streets shall meet the requirements of the appropriate portions of the most recent versions of the New Mexico State Highway Department Standard Specifications and/or Detail Specifications of the City's Design Standards for road construction, whichever are more stringent. Sections not listed shall not relieve the subdivider from complying with standards of a recognized authority approved by the City.
- B. The subdivider shall be required to prove that materials supplied and items constructed meet these regulations. Certifications and test results shall verify such factors including but not limited to asphalt grades, aggregate gradations, mix design, application rates, and compaction percentages.
- C. The City has the right to require materials that will enhance economics and facilitate operations associated with long-term maintenance efforts. Materials that meet State of New Mexico and the above referenced

standards without having City approval for utilization within a particular street section might not be acceptable per se.

- D. In new subdivisions, the City will require maximum safety and efficiency of traffic flow by minimizing the number of automobile access points along arterials or collectors. Lots with private drives fronting on arterials or collectors are discouraged. In no case shall an access road in a newly platted subdivision be permitted which is closer than three hundred feet (300') from the intersection of two arterial streets, an arterial and collector street or two (2) collector streets.
- E. Accompanying the preliminary plat, a road construction plan shall be submitted. It will be of similar size and format to the preliminary plat and shall be a reproducible drawing. It shall give the following information:
1. Name and width of each street and associated right-of-way.
 2. Centerlines of street right-of-way with dimensions between intersections, centerlines, or tract boundary lines.
 3. Locations, dimensions, and purposes of any easements.
 4. Longitudinal and transverse slopes.
 5. Typical sections including width, thickness, material composition, and compaction requirements of all courses.
 6. Material specifics, invert elevations, sizes, slopes, and drainage channel requirements of all drainage structures.
 7. Identification, location, and miscellaneous particulars of all utilities to be located within the rights-of-ways.
 8. Obstruction clearing widths.
 9. Existing and proposed contours.
 10. Adequate curve data to allow construction as intended.

11. Survey markers and ties.
12. Professional engineer stamp will be required on road plans.

The review of the preliminary plat shall include a review of the road construction plan and related information.

- F. **Preliminary Road Acceptance.** Preliminary acceptance is an initial approval of the roads by the City. It shall follow an official inspection and written report of findings by the City's engineer. Accompanying the subdivider's written request for such an inspection shall be an updated version of the road construction plan. It shall contain a statement from the subdivider's engineer that the information contained thereon is as constructed. Such inspection and report shall verify and certify that the dedicated roads have been constructed according to and meet design standards of these regulations.
- G. **Final Road Acceptance.** The subdivider shall maintain the accepted roads in good repair for a test wear period of twenty-four (24) months from the date the roads pass preliminary acceptance. During such time, the City shall advise the subdivider to take those actions necessary to keep the roads in the same general condition that they were in for the preliminary inspection. If in the opinion of the City, the subdivider does not adequately maintain the roads or if unusual or excessive reconstruction or maintenance obligations seem evident, the City reserves the right to extend the test wear period.

Section 6. UTILITY IMPROVEMENTS.

- A. The subdivider shall be responsible for costs of installing water, gas, and sewer lines, if provided, of adequate size to serve the development, but in no case shall there be less than a six inch (6") water line, an eight inch (8") sewer line, and a two inch (2") gas line.
- B. All utilities shall meet the standards, ordinances and policies of each utility provider.
- C. All utility improvements shall meet or exceed the utility provider and City specifications. The subdivider of a subdivision within the City limits and within the City extraterritorial subdivision and zoning jurisdiction shall make necessary arrangements to serve each lot with adequate water and sewer service from the local water and sewer utility provider. Any individual or private systems installed in this area shall be illegal and all

development shall be connected to the local water and sewer utility provider's system.

- D. The subdivider of subdivisions within the City limits and within the City extraterritorial subdivision and zoning jurisdiction shall be responsible for and shall coordinate with the local water utility provider for the installation of fire hydrants. Locations shall be approved primarily by the local water utility provider. The local water utility provider will then coordinate with the City fire department and the Planning & Zoning Commission.
- E. Subdivisions within the City limits and within the City extraterritorial subdivision and zoning jurisdiction shall have sewer lines connected to the sanitary sewer system of the local sewer utility provider. Sewer lines shall be accessible to each lot within the subdivision. Said sewer lines shall be constructed in accordance with the standards established by the local sewer utility provider and shall be subject to its approval and the approval of the City.
- F. The City will not approve density development greater than one (1) unit per acre in an area which is flood prone or has a high water table unless it is connected to the local sewer utility provider's sewage collection system.
- G. A storm drainage system adequate to serve the needs of the proposed new streets and the entire subdivision will be required in new subdivisions. Where an adequate public storm sewer main is available at the platted subdivision boundary, the subdivider shall construct a storm drainage system and connect with such storm sewer main of adequate size. Drainage improvements shall maintain any natural watercourse insofar as practical and shall prevent the collection of water in any low spot unless it is to be specified as a ponding area in the drainage plan. At a minimum, developers shall design and construct a drainage pond for the proposed subdivision to handle the water flow of the land being developed.
- H. The developer shall be required to install underground utilities in all new developments. New installations of overhead utility poles and lines will not be permitted. The use of existing overhead utility poles is permitted at the sole discretion of the Board of Trustees.

- I. Subdivisions shall base all required utility lines on the maximum population density allowed by the zoning district in which the subdivision is located.
- J. The subdivider shall be responsible for all the costs associated with the extending of utilities, roadways, or other necessary infrastructure from existing improved development to the site proposed for development according to the City's capital improvement plan and Master Plan.

Article VIII – Alternate Summary Procedure

- Section 1: Requirements.
- Section 2: Utility Connections.
- Section 3: Lot Splits Prohibited.
- Section 4: Serial Summary Platting Prohibited.
- Section 5: Approval.

Section 1. REQUIREMENTS.

- A. Storm drainage analysis plans may not be required unless specifically requested by the Planning & Zoning Commission.
- B. Plats of survey with a metes and bounds description with a minimum scale of one inch (1") equals one hundred feet (100') certified by a registered land surveyor in the State of New Mexico with accompanying land description will be a suitable means of description for the purposes of this article. Final approved plats shall be submitted on eighteen inch (18") by twenty-four inch (24") reproducible mylar.
- C. Guarantees of performance and security and indemnity agreements will not be required unless specifically requested by the Planning & Zoning Commission and/or the Board of Trustees.
- D. Disclosure statements will not be required unless specifically requested by the Planning & Zoning Commission.
- E. Public hearing may not be required unless specifically requested by the Planning & Zoning Commission.

- F. Posting requirements will be limited to two (2) signs being posted on the property requested to be subdivided. Information will include a description of the subdivision and date, time and place of the meeting at which it is to be considered by the Planning & Zoning Commission.

Section 2. UTILITY CONNECTIONS.

All lots in commercial (C) and residential (R) zones shall be provided with connections to the local water & sewer utility provider and storm drainage system in accordance with plans approved by the Planning & Zoning Commission.

Section 3. LOT SPLITS PROHIBITED.

In no case shall lot splits be permitted which do not meet the standards established in the zoning district in which the lot split development is proposed.

Section 4. SERIAL SUMMARY PLATTING PROHIBITED.

Serial summary platting will not be permitted. Resubdivision of tracts which have been subdivided by summary platting shall not be resubdivided by summary subdivision for a minimum of three (3) years from the date of the filing of the original summary subdivision.

Section 5. APPROVAL.

Approval by this summary procedure shall be endorsed on the plat and such approval shall be conclusive evidence of the approval of the City. Following approval of the subdivision by the Board of Trustees and the Planning & Zoning Commission, the plat shall be signed by the chairman and secretary of the Planning & Zoning Commission and the Mayor.

Article IX – Variances And Exceptions

- Section 1: Allowed When.
- Section 2: Application.
- Section 3: State Law Mandatory.
- Section 4: Final Approval.
- Section 5: Waivers.

Section 1. ALLOWED WHEN.

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulations would result in inhibiting the achievement of the objectives of these regulations, the Planning & Zoning Commission

may vary, modify, or waive the requirements. No variance shall be allowed when such variance is requested because of inadequate drainage.

Section 2. APPLICATION.

Application for any variation shall be submitted in writing by the subdivider at the time the preliminary plat is filed, and shall state fully the grounds for the application and the facts relied upon by the subdivider.

Section 3. STATE LAW MANDATORY.

In no case shall any variation or modification be contrary to the mandatory requirements of state law. The variation shall not be in conflict with any zoning ordinance and map.

Section 4. FINAL APPROVAL.

Final approval of variances granted by the Planning & Zoning Commission rests with the Board of Trustees.

Section 5. WAIVERS.

Specifications or supplementary data required by these regulations for a preliminary or final plat may be waived whenever such specifications or data are determined by the Planning & Zoning Commission to be unnecessary for the consideration of the plat. Final approval of waivers granted by the Planning & Zoning Commission rests with the Board of Trustees.

Article X – Penalties

- Section 1: Penalty For Use Of Unapproved Or Unrecorded Plat.
- Section 2: Penalty For Improper Recording.

Section 1. PENALTY FOR USE OF UNAPPROVED OR UNRECORDED PLAT.

Any owner, or agent of the owner, of any land located within the planning and platting jurisdiction of the City who transfers or sells such land prior to approval and recordation of the necessary plat with the County Clerk, as required in these regulations, shall be deemed guilty of a misdemeanor, and upon conviction shall be penalized in the manner prescribed by state law. The description of the land by metes and bounds in the instrument of transfer of land shall not exempt the transaction from such penalties.

Section 2. PENALTY FOR IMPROPER RECORDING.

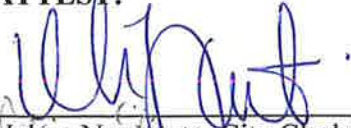
PASSED, ADOPTED, AND APPROVED THIS 19TH DAY OF MARCH, 2013.

APPROVED:



Arnulfo Castañeda, Mayor

ATTEST:



Velma Navarrete, City Clerk/Treasurer



ROLL CALL VOTE:

Trustee Murillo	<u>YES</u>
Trustee Gonzalez	<u>YES</u>
Trustee Madrid	<u>YES</u>
Trustee Scott	<u>YES</u>

First Publication: January 22nd – February 06, 2013

ORDINANCE 2013-02

-REVISION-

AN ORDINANCE ENACTING SUBDIVISION REGULATIONS FOR THE CITY OF ANTHONY, NEW MEXICO.

Section 2. FEE SCHEDULE FOR SUBDIVISIONS

- D. Construction observation, field engineering, quality assurance testing, and administration fees, including plat review, will be assessed to the developer at three and one quarter percent (3.25%) of the total estimated cost of development of the subdivision, which will be paid by the sub-divider prior to release of building permits.