DOÑA ANA COUNTY
COMMUNITY PLANNING AND
ECONOMIC DEVELOPMENT DEPARTMENT

Building  ▫  Planning  ▫  GIS
845 North Motel Boulevard  ▫  Las Cruces, New Mexico 88007
(505) 647-7350  ▫  Fax: (505) 525-6131
Toll Free: 1 (877) 827-7200  ▫  TTY: (505) 525-5951
www.donaanacounty.org

DOÑA ANA COUNTY PLANNING AND ZONING COMMISSION
January 8, 2009

APPLICANT: Alex Wright
OWNER: Mountain Range Corp.
REQUEST: Preliminary Plat Approval for Tumbleweed Estates
LOCATION: Tumbleweed Drive, Chaparral NM
EXISTING ZONING: Performance District

CASE ANALYSIS

The Planning and Zoning Commission shall review and make recommendations for Approval, Conditional Approval or Denial of the following Preliminary Plat to the Board of County Commissioners (BOCC):

Case # SD08-004: Submitted by Mountain Range Corporation a Type Three B Subdivision to be known as Tumbleweed Estates. The applicant is proposing 10 lots on 8.35 acres, ranging in size from 0.750 acres to 0.800 acres. Access will be on to Annett’s Way, a 50 ft. right of way cul-de-sac with 28’ of asphalt surfacing connecting on to Tumbleweed Drive a 60 ft. County right-of-way. Water will be provided by the CBG Water Company. Wastewater is by an approved New Mexico Environment septic system, solid waste disposal is available either from El Paso Disposal or Chaparral Disposal. All of the proposed lots meet the minimum lot size requirements. The developer / lot owners are to maintain drainage areas. The applicant is proposing dedication and maintenance of Annett’s Way to the County if accepted by the BOCC, built to County Standards and is indicating all improvements will be in place prior to the recordation of the Final Plat.

Approval or Conditional Approval of the Preliminary Plat shall constitute approval of the proposed subdivision design and layout of streets, lots, blocks and utilities, and shall be used as a guide in the preparation of the Final Plat. Staff is recommending Approval of the Preliminary Plat of Tumbleweed Estates.

Characteristics of the Physical Site: Undisturbed natural desert landscape surrounded by residential development in a rural area.
AGENCY COMMENTS:

State of New Mexico Office of the State Engineer (OSE): A positive opinion is issued.

New Mexico Department of Transportation, Santa Fe: No further comments or concerns.

New Mexico Environment Department: Applicant needs to submit the appropriate National Pollutant Discharge Elimination System (NPDES) permit prior to beginning construction.

New Mexico Department of Cultural Affairs: Positive recommendation, there are no listed historic properties within the proposed subdivision.

La Union Soil and Water: The subdivision will conform to the Doña Ana County Subdivision Regulations.

CBG Water Company: The company is a New Mexico approved Water System and is ready, willing and able, to provide water service to the front of each lot within Tumbleweed Estates, see attached letter.

Community Development Department: Staff received comment from the New Mexico Environment Department on January 5, 2009, stating that item 4 of the WATER QUANTITY AND AVAILABILITY PLAN is incorrect. The disclosure statement states a home larger than a three bedroom can be placed on the property with additional leach field, this is incorrect. It needs to state: “a home larger than a three bedroom will require a non-discharging system or a ATU (Advanced Treatment System) with conventional disposal”. Staff will have applicant make appropriate changes to the Disclosure Statement.

County Engineering Department: All conditions have been met.

County Flood Commission: Positive recommendation.

DAC Fire Marshals: Positive recommendation. Fire flows are being met.

County Building Services: No Building Permit is required from this office at this time.

County Rural Addressing: Positive recommendation.

Doña Ana County Utilities: The proposed sewer system will be extended into the area in Phase IV, we are in Phase 1B and do not expect to move into the area for another two years. The system extensions are dependent on funding.

Community Notification:

- Signs were posted on the property.
Twenty-nine letters of notification were sent out. As of January 2, 2009, two letters of response have been received. Mr. Humberto Martinez, responder, does not appear to be within the area of notification. Mr. Miguel Martinez is the second responder, who is identified as #8 on the notification list. See attached.

PROPOSED FINDINGS AND STAFF RECOMMENDATIONS FOR TUMBLEWEED ESTATES PRELIMINARY PLAT

The Planning and Zoning Commission hereby recommends to the Board of County Commissioners Approval of the Preliminary Plat for Tumbleweed Estates based on staff recommendations, the analysis and the following findings:

1. This application is consistent with the Doña Ana County Subdivision Regulations (Ordinance No. 166-96, as amended), Articles 4 regarding procedures and requirements for the processing of Preliminary Plats.
2. The Doña Ana County Planning & Zoning Commission has jurisdiction to review this application. The property is outside of any incorporated municipal zoning authority and the Las Cruces Extra-Territorial Zone, and is within Doña Ana County.
3. This application is consistent with the Doña Ana County Land Use Regulations and Zoning Ordinance for PR-1 Low Intensity Residential as defined in the Performance District Standards.
4. The Tumbleweed Estates Preliminary Plats Data Requirements meet Section 4.5 of the Subdivision Ordinance for review by the Planning and Zoning Commission.
5. Staff recommended approval for Preliminary Plat Approval.
6. Approval Tumble Weed Estates is consistent with the goals and policies of the Doña Ana County Comprehensive Plan:

   a. Primary Goal 5: Allow for a variety of residential densities and housing types and a variety of minimum lot sizes to provide for rural, semi-rural and urban lifestyles.
   b. Primary Goal 6: Provide housing opportunities in rural and urban areas of the County that meet the needs of present and future populations in all socioeconomic groups.
To:
Dona Ana County Planning and Zoning Commission
Las Cruces, New Mexico                                         Tuesday Dec 30, 2008

From:
Humberto C. Martinez
670 Sagewood Drive
Chaparral, New Mexico 88081

Dear Sirs
   A neighbor and friend of mine showed me the "Notice of A Public Meeting' he had received and asked me if I had also received one and planned to attend. I did not receive one, which prompts me to take issue with this.

In seeing the notice I am prompted to raise numerous opposing arguments.
1) When I purchased my property in December 27, 1980, Delores Wright told me that the parcels could only be divided once, and only in half of their original size.
   I worked with Delores Wright in having her get elected for the Gadsden School Board and knew her on a personal basis. She often called me to translate for her with either her workers or other property owners.
2) The parcels of land that were divided into .75 acre lots were done only on Sunny Sands road and Edna Drive. This was also done by Delores Wright in order to provide low income people a place to also acquire land. The Streets of Sagewood and Tumbleweed were to be large tracts. Large tracts in order to allow each owner to have up to two (2) large animals like cows, steers, or horses. I myself had a cow and two steers at the same time. On all the other years, I had a horse.
3) The sewer treatment plant has come to Chaparral. This, in time, will force all property owners to hook up to it once it is installed in their street. Mountain Range Corporation will attempt to sell this lots with septic tanks. This is 'deceiving' to the buyers because they will soon have to pay the cost of the fees to connect to the sewer line. Which bring me to the next issue of contention.
4) Where did Mountain Range Corporation come from. In Chaparral there are only two (2) real estate groups. Colquitt and DeLara Estates. If this is approved, other owners in the Delara Estates subdivision should also be allowed to split their properties into .75 ac and .80 ac. Period.
   Please do not set a precedent. We purchased large lots because we wanted the open space of rural living. Not because we wished to live in a subdivision in El Paso, Anthony, or Las Cruces. There are numerous places where close living plots can be parcelled out. Please do not destroy our peace and quiet. Smaller lots mean more density, more crime. Only those with less capital will buy a smaller lot, which is fine, but there are other areas where they can do this right now. Colquitt is developing such smaller lots on the East end of Chaparral.
5) I am totally opposed to this being done. This is underhanded, and defrauding to those who have been here such a long time. Something is not right in this. Does not seem right, does not smell good. It bodes ill for this to proceed.

               Humberto C. Martinez
28 Dec 2008

ATTN: Luis Marmolejo,  (575) 525-6128
SUBJECT: Case # SD08-004. Mountain Range Corporation?

Mr. Marmolejo,

I have a lot of questions on a letter I received one week ago, on a proposed zoning change in Chaparral, ref case number stated above, which, if allowed, would be called "Tumbleweed Estates."

1. All reference lots in proposed zoning tract were originally owned by different individuals. What has happened to the original owners? WHO IS THE CURRENT OWNER OF "MOUNTAIN RANGE CORPORATION and the tracts, or parcel of land involved?"

2. When was "Mountain Range Incorporated?" And where?

3. When all these parcels were originally sold, in 5-acre, 10-acre, and larger tracts of land, it was with the written understanding that NONE of them could ever be subdivided into any parcel smaller than a 2.5-acre tract. So why are covenants of the original sale being violated? Not being honored and respected? Should remain a "Low Intensity Residential" zoning. People that prefer smaller lots can buy in other areas.

4. The original intent in the sale and development of this portion of Chaparral was for individuals to have 5-acre parcels, or larger. A few 2.5-acre tracts were sold, and were to remain that size. Only individual owners could subdivide their parcels. It was NEVER intended for one buyer, or corporation, to buy back several large parcels, then try to sneak them back into this sub-division as many tiny tracts of 0.75 acres to .0.80 acres. This is an underhanded, shady, and highly questionable method of conducting business. Makes me wonder if there may have been some under the table deals, or some still pending. Which leads me to the next two questions:

5. Why weren't ALL property owners within one-half mile of parcel in question not notified by mail of this proposed zoning change?

6. Why was such a short notification period given? Such actions should have a 90-day period for notification, questions, and public discussions. Note I say "discussions," not the singular "discussion."

7. What will be the impact on the area when sewage lines are constructed and every one with a house, trailer, etc is required to hook up and pay monthly fees? What are the estimated dates for this to take place?

8. I'm leery of this proposed zoning change. Doesn't pass the smell test. Too many red flags; far too many unanswered questions. With the limited information I have, I'm strongly opposed to the zoning change. If such a change would be allowed now, it could be repeated later in other parts of this sub-division, which is an outrageous violation of original covenant and promises made when parcels were originally sold.

Request a response to above questions by close of business on 30 Dec 2008. I'll call Mr. Marmolejo tomorrow, Monday, 29th of Dec.

If I cannot be at the annual business meeting of the ona ana county planning and zoning commission (Thurs., 8 Jan 2009, 0900 hrs), being held in Las Cruces, I'll ask one of my neighbors to attend.

Miguel Martinez
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DISCLOSURE STATEMENT

TUMBLEWEED ESTATES

CHAPARRAL
DONA ANA COUNTY
NEW MEXICO

MARCH 20th, 2008
DISCLOSURE STATEMENT

You should read this disclosure statement before you sign any documents or agree to anything.

This disclosure statement is intended to provide you with enough information to make an informed decision on the purchase, lease or acquisition of the property described in this statement. You should read carefully all of the information contained in this disclosure before you decide to buy, lease or otherwise acquire the described property.

Various public agencies may have issued opinions on both the subdivision proposal and the information contained in this disclosure statement. Summaries of these opinions are contained in the disclosure statement. They may be favorable or unfavorable. You should read them carefully.

The Board of County Commissioners has examined this disclosure statement to determine whether the subdivider can fulfill what the subdivider has said in this disclosure statement. However, the board of county commissioners does not vouch for the accuracy of what is said in this disclosure statement. In addition, this disclosure statement is not a recommendation or endorsement of the subdivision by either the County or the State. It is informative only.

The Board of County Commissioners recommends that you inspect the property before buying, leasing or otherwise acquiring it.

If you have not inspected the parcel before purchasing, leasing or otherwise acquiring it, you have six (6) months from the time of purchase, lease or acquisition to personally inspect the property. After inspecting the parcel within the six (6) month period, you have three (3) days to rescind the transaction and receive all your money back from the subdivider when merchantable title is reveded in the subdivider. To rescind the transaction you must give the subdivider written notice of your intent to rescind within three (3) days after the date of your inspection of the property.

County regulations require that any deed, real estate contract, lease or other instrument conveying an interest in a parcel in the subdivision be recorded with the county clerk.

Building permits, wastewater permits or other use permits must be issued by State or County officials before improvements are constructed. You should investigate the availability of such permits before you purchase, lease, or otherwise acquire an interest in the land. You should also determine whether such permits are requirements for construction of additional improvements before you occupy the property.
1. NAME OF SUBDIVISION:
   Tumbleweed Estates

2. NAME AND ADDRESS OF SUBDIVIDER:
   Mountain Range Corporation
   150 West Lisa Drive
   Chaparral, New Mexico 88081

3. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES, LEASING OR OTHER CONVEYANCE IN NEW MEXICO:
   Alexander L. Wright
   150 West Lisa Drive
   Chaparral, New Mexico 88081

4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED:

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<td>8.35 AC (Vacant Land)</td>
<td>7.63 AC divided into 10 lots</td>
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<td>(0.72 AC to be Dedicated R.O.W.)</td>
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5. SIZE OF LARGEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION:
   0.800 ACRE – Tumbleweed Drive Frontage lots (2)

6. SIZE OF SMALLEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION:
   .750 ACRE – Majority of the lots

7. PROPOSED RANGE OF PRICES FOR SALE, LEASE OR OTHER CONVEYANCE

   $35,000.00 0.750 ACRE X (6) = $210,000.00
   $35,000.00 0.800 ACRE X (2) = $70,000.00
   $35,000.00 0.769 ACRE X (2) = $70,000.00

   $350,000.00
8. FINANCING TERMS
   Interest Rate 12%
   Term Financing is 1 to 30 years
   Minimum Down Payment $1500.00
   Monthly Escrow Fee $5.00
   No credit life or other insurance required
   Closing Cost $350.00

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE
   Mountain Range Corporation
   150 West Lisa Drive
   Chaparral, New Mexico 88081

10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE
    Alexander L. Wright & Jeffrey S. Rose
    150 West Lisa Drive
    Chaparral, New Mexico 88081

11. CONDITION OF TITLE:
    No Mortgages - Title is free and clear

12. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD
    THAT SUBJECT THE SUBDIVIDED LAND TO ANY CONDITIONS
    AFFECTING ITS USE OR OCCUPANCY.
    RESTRICTIVE COVENANTS IN ATTACHED EXHIBIT 1
    A 35' building setback along Tumbleweed Drive frontage
    A 35' building setback along Annette's Way frontage
    A 25' building setback along the North & South Subdivision boundary lines
    A 20' building setback along the East Subdivision boundary line
    A 10' building setback along the side yard property lines
    A 10' Utility Easement within Lot 5
    A 12' utility easement & 23' drainage easement along the front property lines
    A 25' drainage easement along the South Subdivision boundary line
13. ESCROW AGENT

Desert View Trust
150 West Lisa Drive
Chaparral, New Mexico 88081

Alexander L. Wright is the owner of Desert View Trust (Escrow Agent)

14. UTILITIES:

El Paso Electric  If good local credit, co. will transfer account. Purchaser
                 pays ~$7.00 per foot for underground cable to home.

PNM             Gas Co. of N.M. - purchaser to pay $5.50 per foot for yard
                 line from meter to home. Purchaser responsible for
                 obtaining necessary installation and/or mercury test
                 permits.

Water:          $350.00 plus tax for hook-up charge.
CBG WATER CO.  Purchaser also has costs of yard line installation of approx.
                 $150.00. Minimum monthly bill for service is currently
                 $19.25. Water cost to customer is $2.62 per 1,000 gallons.

Telephone:      Approximately $100.00 which can be paid on installments
Qwest          with monthly bill.

Solid Waste     El Paso Disposal (small container) $15.00/mo
Disposal       Chaparral Disposal $12.00/mo

15. INSTALLATION OF UTILITIES

Electricity:  on or before 45 days after approval of subdivision
Natural Gas:  on or before 45 days after approval of subdivision
Water:        on or before 45 days after approval of subdivision
Telephone:   on or before 45 days after approval of subdivision
Liquid Waste: septic tank will be installed by the seller. (To be installed upon
              purchaser’s occupying land.)
Solid Waste:  Purchaser to have service at time of move in.
16. **UTILITY LOCATION:**

All utilities will be provided to the front of each lot.

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17. **WATER AVAILABILITY:**

A. The maximum annual water requirement, for both indoor and outdoor purposes, for each parcel in a subdivision within Dona Ana County shall be 0.75 acre-feet per year.

B. Low water-use landscaping techniques applying the principles of xeri-scaping are encouraged for areas watered by well water.

C. Recommendation for all domestic water fixtures is to install Water-Miser conservation units, designed to conform to the requirements of the administrative Building and Planning codes of Dona Ana County.

The source of water for the subdivision are two community wells in the Hueco Bolson Water Basin, owned by CBG Water Co. CBG Water Company owns water rights of 2,420 acre feet and is currently using approximately 200 acre feet per annum.

The water delivery within the subdivision is by way of the 12" main line with adequate isolation valves.

The water supply within the subdivision is limited to residential and small commercial use only.

The amount of water which may be used by each residential lot shall not exceed .75 acre feet per year as per Dona Ana County regulations.

Water is metered at the well head as well as at each individual residence in order to monitor water use in the subdivision.
18. FOR SUBDIVISION WITH COMMUNITY WATER SYSTEMS:

CBG Water Co.
150 West Lisa
Chaparral, New Mexico 88081

The source of water is two 750 ft., 16" wells, one 50HP at 420 feet pumping 285 GPM, and one 75HP at 440 feet pumping 425 GPM, with 165,000 gallons of storage and pressure pumps.

Individual wells are permitted.

19. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS

Water is provided by subdivider.

The average depth to groundwater and the minimum and maximum well depths are approximately 375 feet to Static Water Level with the recommended total depth of a well between 450 & 800 feet.

20. LIFE EXPECTANCY OF WATER SUPPLY

The life expectancy of each source of water supply for the subdivision under full development is estimated to be over 50 years.

21. LIQUID WASTE DISPOSAL: Included in the price of land is a 1200 gallon septic tank complete with leach line. Purchasers' costs to include the pipe to connect to septic tank. Cost will depend on distance from home to tank.

22. NEW MEXICO STATE ENGINEER'S OPINION ON WATER AVAILABILITY:

Exhibit 2 State Engineer's opinion on the adequacy of the water supply which will serve the subdivision. CBG Water Co. has 2,420 acre feet of water rights. Exhibit 2-A (page 1&2) the groundwater resources of the Hueco Bolson. On file with County Clerk's office.
23. WATER QUALITY:

State Environmental Improvement Division’s opinion on the quality of the water which will be provided to the subdivision marked as Exhibit 3 and Exhibit 2-A is the Las Cruces City Lab Analysis of water for CBG Water Company. Texas A&M University quality of water attached as Exhibit 3-B. On file with County Clerk’s office.

24. NEW MEXICO ENVIRONMENT DEPARTMENT’S OPINION ON WATER QUALITY.

25. LIQUID WASTE DISPOSAL

Environmental Improvement Division’s Opinions, Attached Exhibit 4. NO other liquid waste disposal system will be used in this subdivision unless subsequently approved by the Environmental Improvement Division and the Board. The sales price includes a 1200 gallon state approved septic tank installed. There will be no depression and all distribution lines dirt covering will drain away from the area, to preclude ponding. (Exhibit on file at County Clerk’s office).

26. N.M. ENVIRONMENTAL DEPARTMENT’S OPINION ON LIQUID WASTE DISPOSAL.

27. SOLID WASTE DISPOSAL:

There are a number of small commercial haulers within the Chaparral area that dispose solid waste. Each individual lot owner shall be responsible for contracting with one of the haulers. Note: Heavy commercial refuse trucks are not allowed at the Anthony transfer station, a New Mexico landfill.
28. NEW MEXICO ENVIRONMENT DEPARTMENT’S OPINION ON SOLID WASTE DISPOSAL.

29. TERRAIN MANAGEMENT:
Soils within Tumbleweed Estates are of the Onite-Pajarito association. Typically, the soil is deep and well drained sand to a depth of 60 inches or more with rapid permeability and having a moderate erosion hazard. The slopes within the subdivision are very mild, averaging 1% to 1.5%. The property is in an X designated zone as shown on the Flood Insurance Rate Map, Community Panel numbered 35013C0815E, dated September 27, 1991. Drainage easements within property lines to be maintained by the property owners. It is recommended that finished pad elevations for additional out buildings or custom built homes, within the lots, are to be a minimum of 12" above the existing ground.

30. NATURAL RESOURCES CONSERVATION DISTRICT’S OPINION ON TERRAIN MANAGEMENT. (See letter)

31. SUBDIVISION ACCESS:
The community nearest the subdivision is the unincorporated community of Chaparral, New Mexico, which begins 1/3 mile east. The nearest town is Anthony, New Mexico. Access to the subdivision from Anthony is north on State Highway A063 (4th Street) approximately 12 miles, East on State Highway #404 (O’Hara Road) approximately 7 miles, north on State Highway #213 (War Highway) for 400 feet, east on County Road #A028 (Lisa Drive) for approximately 1-1/4 mile to Tumbleweed Drive. Access to subdivision is available by conventional vehicles all seasons of the year under all weather conditions. The road within the subdivision (Annette’s Way) will be a 28 foot wide asphalt surface within a 50 foot right-of-way, approved by County standards on or before 90 days from approval of subdivision.

32. MAINTENANCE:
Annette’s Way will be constructed to county standards and eligible for acceptance for maintenance by the county one year after construction. The individual lot owners will be responsible for the maintenance of drainage areas unless otherwise accepted for maintenance by Dona Ana County or other entity. It shall be the responsibility of all individual lot owners to maintain any and all drainage or utility easements of record and restrictive covenants of record.
33. STATE HIGHWAY DEPARTMENT'S OPINION ON ACCESS (NMDOT previously stated that this development has no direct impact on their highways)

34. CONSTRUCTION GUARANTEES:

All proposed roads, drainage areas and other improvements will be completed before parcels in the subdivision are offered for sale. Or a letter of credit will be issued to guarantee improvements.

35. ADVERSE OR UNUSUAL CONDITIONS (none)

36. RECREATIONAL FACILITIES:

A 40 acre county recreational park has been designated in the area (1.5 miles east of the subdivision on Lisa Drive).

* tennis courts
* skate board park
* volleyball courts
* basketball courts

37. FIRE PROTECTION

This subdivision is serviced by a volunteer fire department located on Lisa Drive. Access to the subdivision is by way of Lisa Drive, connecting with Tumbleweed Drive. The Fire Department is located on Lisa Drive, approximately 3.5 miles East of the proposed subdivision.

38. POLICE PROTECTION

Dona Ana County Sheriff’s Department
Chaparral, sub-station

New Mexico State Police
Las Cruces, New Mexico

39. PUBLIC SCHOOL:

Nearest Elementary School is Chaparral Elementary K-3rd grade, Desert Trail Intermediate 4-6th grade, Chaparral Middle School 7-8th grade. Access to the elementary, intermediate and middle schools is east by way of County Road A028 (Lisa Drive) and is approximately 2 miles east of the subdivision. The nearest high school is Chaparral High, located approx. 4 miles east on County Road A028 (Lisa Drive).
40. HOSPITALS:

Memorial Medical Center
Telshor & University
Las Cruces, New Mexico 88001

The nearest hospital is located in Las Cruces, New Mexico. Access to the hospital is west on County Highway #A028 (Lisa Drive), to State Highway #213 (War Highway), south on #213 for 400 feet, West on State Highway #404 (O’Hara Road), north on State Highway A063 to interstate 10 West, approximately 20 miles, exit onto Interstate 25, North, approximately 1/2 mile, exit onto University to Telshor at hospital. The approximate mileage from the subdivision to the hospital is 30 miles.

41. SHOPPING FACILITIES

Within the Community of Chaparral, New Mexico, there are three convenient stores. Located on Lisa Drive is Chaparral General Store and Post Office and on McCombs Drive is Stires Super Market and Diamond Shamrock. Approximately 7 miles to the South by way of State Hwy #213 (War Highway), are several shopping centers including Wal-Mart, Lowes, and Albertsons, consisting of clothing, grocery, registration center, library, pet shop and toys. By going west on County Road A028 (Lisa Drive), to State Highway #213 (War Highway), south for 400 feet, west on State Highway #404 (O’Hara Road), for approximately 7 miles to El Paso, Texas.
42. PUBLIC TRANSPORTATION:

There is currently no public transportation.

43. AGRICULTURE:

New Mexico law includes statute (NMSA 47-9) cited as the Right to Farm Act.

44. CULTURAL AND HISTORIC PROPERTIES PROTECTION

There are not any properties within the boundary of this subdivision that have been entered into the New Mexico Register of Cultural Properties.
45. CERTIFICATION AND NOTARY

I certify that the information provided by me in this disclosure statement is true and correct.

ALEXANDER L. WRIGHT
150 West Lisa
Chaparral, New Mexico 88081
(505) 824-4614

STATE OF NEW MEXICO )
COUNTY OF DONA ANA )

The foregoing instrument was acknowledged before me this ______ day of
__________, 2008, by Alexander L. Wright, known to me to be the above named person.

Notary Public in and for
The State of New Mexico

My Commission Expires:

________________________________________________________________________

13
APPENDIX A

AMENDED
RESTRICTIVE COVENANTS
SOLID WASTE MANAGEMENT PLAN:

TUMBLEWEED ESTATES

ALEXANDER L. WRIGHT

150 WEST LISA DRIVE
CHAPARRAL, NEW MEXICO 88081

MARCH 20, 2008
SOLID WASTE MANAGEMENT PLAN:

Dona Ana County has Solid Waste Transfer Stations, with the closest in Anthony, N.M., off O’Hara and East of I-10. It is each lot owner’s responsibility to collect and dispose of his generated refuse. The following companies service the Chaparral area: Valley Trash Service of Sunland Park, NM, Silva Sanitation, Mesquite, N.M. and El Paso Disposal, El Paso, Texas.

All lots within Tumbleweed Estates are for sale only.
APPENDIX B

WATER SUPPLY STATEMENT

CBG WATER COMPANY
March 20, 2008

RE: Tumbleweed Subdivision, a Subdivision located in Section 16, Township 28 South, Range 5 East, N.M.P.M., Dona Ana County, New Mexico

TO WHOM IT MAY CONCERN:

CBG Water Company is a New Mexico approved Water System and is ready, willing, and able, to provide water service to the front of each lot within Tumbleweed Subdivision.

The water supply is declared water rights in the amount of 2420 acre feet, which is on file with the State Engineers Office. The life expectancy of the water controlled by CBG Water Company is 50+ years.

CBG Water Company is in compliance with the New Mexico Environmental Department’s standards for potable water.

CBG will accept for maintenance agreed upon improvements to the water system built to the standards CBG water Company and stamped by a registered engineer. Water supplies and fire hydrants shall be maintained by CBG along with required fire flows.

If you have any questions, please contact me at the above number.

Very truly yours,

[Signature]

Alexander L. Wright
System Manager

ALW/cmr
APPENDIX C
WATER SUPPLY STATEMENT
NEW MEXICO STATE ENGINEERS OFFICE
(IF RESPONSE IS RECEIVED)
WATER QUANTITY AND AVAILABILITY PLAN:

Attached Exhibit 1 State Engineer’s Opinion on the adequacy to supply water to Tumbleweed Estates.

1. Utility plan is further described in Engineer’s Utility drawings under separate cover.
2. Exhibit 2 NMED Opinion
3. Exhibit 3 letter from CBG Water Company as supplier of water to each lot within subdivision.

4. LIQUID WASTE MANAGEMENT PLANS:

Attached Exhibit 1: N.M. Environment Department’s opinion on 1200 gallon EID approved septic tank.

No other liquid waste disposal system will be used in the DeLara Estates North, Unit Five, Phases I, II, III and IV Subdivision unless subsequently approved by the N.M. Environment Department and the Board. The sales price of the lots include the State approved 1200 gallon septic tank and a 125', 3" perforated leach line installed by developer. The limitation on the septic system shall be dwelling not to include more than 3 bedrooms and 2 baths. Any home larger than 3 bedrooms and 2 baths will require additional leach line added to the design of the system and meet the requirements of the N.M. Environment Department. Any additional costs associated with the additional leach line or other additional requirements, shall be borne by purchaser at the time of installation. All tank systems distribution lines area terrain shall drain away from the leach pipe lines to preclude ponding.

1. Cover sheet attached.
   a. 6  1200 gallon septic tanks are installed when lot is purchased.
   a. 7  Disclosure Statement attached as Exhibit 2. (Separate cover)
   a. 8  See following information of #2, 3 and 4.

2. N/A

3. N/A

4. INDIVIDUAL LIQUID WASTE SYSTEMS:

All lots within Tumbleweed Estates will be sold with a 1200 gallon N.M. Environment department approved Septic Tank. Attached Exhibit 3 Individual Environment Department approved Septic Tank Permit.

NOTE: ALL EXHIBITS IN SOLID WASTE MANAGEMENT PLAN ARE ON FILE WITH THE DONA ANA PLANNING DEPARTMENT.
July 1, 2008

Mike Gallagher
Planner
Dona Ana County
845 North Motel Blvd.
Las Cruces, NM 88007

Re: First Preliminary and Final Subdivision Review for Tumbleweed Estates Subdivision

Dear Mr. Gallagher:

I am writing in response to your request for comments on the above referenced application received in our office June 2, 2008. My review of the State Register of Cultural Properties and the National Register of Historic Places shows that there are no historic properties listed in the State or National Register within the boundaries of the proposed subdivision.

I also checked our archaeological records database to determine if there are any known archaeological sites that are not listed on the Register within the subdivision. Our records show that there are no known archaeological sites within the boundaries of the subdivision. In addition, our records reveal that many of the roads nearby have been surveyed for cultural resources and no archaeological sites have been found. Because of this information, it appears that the potential for unknown archaeological sites to exist within subdivision boundaries is low.

If archaeological artifacts (i.e. pottery sherds, flaked stone, historic glass, ceramics, etc.) should be discovered during ground disturbing activities, the landowner is encouraged to contact this office so that we have the opportunity to evaluate the significance of the findings. If human burials are discovered, the local law enforcement agency with jurisdiction and the Office of the Medical Investigator (OMI) must be notified immediately. If the human remains are not medicolegal and they cannot be left in place, an archaeologist with a current unmarked human burial excavation permit for the state of New Mexico must excavate the remains. The landowner may be responsible for the costs associated with removing the burial, including analyses, reporting, tribal consultations, and curation of the remains.

If you have any questions, please do not hesitate to contact me. I can be reached by telephone at (505) 827-4064 or by email at michelle.ensey@state.nm.us.

Sincerely,

Michelle M. Ensey
Archaeologist

Log: 84444
Memorandum

To: Whom it May Concern

From: Ray Melendrez, Acting Area Manager, NMED Drinking Water Bureau

Date: January 2, 2009

Re: Water Quality for CBG Water Company Water System, NM3510707

This letter is to confirm that CBG Water Company Water System is a community public water supply system located in Doña Ana County and has a service area which includes Tumbleweed Estates. CBG Water Company Water System is regulated in accordance with the State of New Mexico Drinking Water Regulations 20.7.10 NMAC (incorporating 40 CFR 141), which governs public water supplies in New Mexico. As of this date the water system is in compliance with the water quality standards set forth in the regulations. This water system is regulated and monitored for compliance by staff of the New Mexico Environment Department, Drinking Water Bureau, in the Las Cruces Office.
June 26, 2008

Mr. Michael Gallagher  
Doña Ana County  
Planning and Development Department  
845 N. Motel Blvd.  
Las Cruces, NM 88001  

Re: Tumbleweed Subdivision  

Dear Mr. Gallagher:

The Water Use & Conservation/Subdivision Review Bureau of the Office of the State Engineer has reviewed the referenced subdivision proposal pursuant to the Doña Ana County Subdivision Regulations and the New Mexico Subdivision Act.

Based on the information provided, this office has determined that the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, and that the subdivider can fulfill the proposals in his disclosure statement concerning water, excepting water quality. Accordingly, a positive opinion is issued.

A staff memorandum providing specific comments is attached for your information. If you have any questions, please call Jerry Keller at 505-827-3845.

Sincerely,

[Signature]

John W. Longworth, P.E.  
Water Use & Conservation/Subdivision Review Bureau Chief

Encl.

cc: OSE Water Rights Division, Las Cruces Office

JK:jk
INTERDEPARTMENTAL MEMORANDUM

TO: Luis Marmolejo, Planner, DAC Community Planning and Economic Dev. Dept.

FROM: Michael Montoya, NMED Las Cruces Field Office

DATE: January 5, 2009

SUBJECT: SD08-004 Tumbleweed Estates

Thank you for the opportunity to comment on this proposal. The applicant is proposing a 10 lot subdivision with the lots varying in size from 0.75 to 0.80 acres. The total acreage is 8.351 acres. The property can be further identified by Parcel ID 17-10167, 17-10168, 17-09845 Range 5 East, T26S, and Section 16.

Wastewater Treatment and Disposal – The disclosure statement indicates this subdivision is to be serviced by individual liquid waste systems. The lots meet the minimum lots size of 0.75 acres (3 bedroom homes) for conventional septic systems. The disclosure statement states a home large than a three bedroom can be placed on the property with additional leach field, this is incorrect. Any home large than a three bedroom will require an non-discharging system or a ATU (Advanced Treatment System) with conventional disposal

Water Supply/Water Quality- See attached.

Solid Waste Disposal- The review packet indicated that solid waste disposal will be provided by a private collection company. Such arrangements are an acceptable way to meet the requirements of New Mexico’s Solid Waste Regulation provided that company disposes of the waste in a manner consistent with the requirements of the regulation. However, 20 NMAC 9.1, Section 106 B of the NM Solid Waste Regulation states “Any municipality with a population greater than 3,000 shall provide (either directly or through collection services contracted by the municipality) at least once weekly collection or as often as otherwise necessary to comply with the requirements of this Part [6-2-74; 5-14-89; 11-30-95].”

Surface Water- Provided
Based on the information presented thus far, we recommend the approval of the proposed action of this property provided the applicant complies with the above listed recommendations. Please feel free to contact me at 524-6300 if you have any questions.
July 14, 2008

Mike Gallagher
845 North Motel Boulevard
Las Cruces, NM
8807

RE: First Preliminary and Final Subdivision Review for Tumbleweed Estates

Dear Mr. Gallagher:

Your letter regarding the above named project was received in the New Mexico Environment Department (NMED) and was sent to various Bureaus for review and comment. Comments were provided by the Surface Water Quality Bureau and are as follows.

**Surface Water Quality Bureau**

The U.S. Environmental Protection Agency (USEPA) requires National Pollutant Discharge Elimination System (NPDES) permit coverage for storm water discharges from construction projects (common plans of development) that will result in the disturbance (or re-disturbance) of one or more acres (as of March 10, 2003), including expansions, of total land area. Because this project exceeds one acre, it requires appropriate NPDES permit coverage prior to beginning construction.

Among other things, this permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared for the site and that appropriate Best Management Practices (BMPs) be installed and maintained both during and after construction to prevent, to the extent practicable, pollutants (primarily sediment, oil & grease and construction materials from construction sites) in storm water runoff from entering waters of the U.S. This permit also requires that permanent stabilization measures (revegetation, paving, etc.), and permanent storm water management measures (storm water detention/retention structures, velocity dissipation devices, etc.) be implemented post construction to minimize, in the long term, pollutants in storm water runoff from entering these waters.

You should also be aware that EPA requires that all "operators" (see **Federal Register/Vol. 63, No. 128/Monday, July 6, 1998 pg 36509**) obtain NPDES permit coverage for construction projects. Generally, this means that at least two parties will require permit coverage. The
owner/developer of this construction project who has operational control over project specifications (probably Diaso, Inc. in this case), the general contractor who has day-to-day operational control of those activities at the site, which are necessary to ensure compliance with the storm water pollution plan and other permit conditions, and possibly other "operators" will require appropriate NPDES permit coverage for this project.

I apologize for the delay in getting this response to you. I hope this information is helpful to you.

Sincerely,

[Signature]

Georgia Cleverley
Environmental Impact Review Coordinator
NMED File #2671
October 21, 2008

Mr. Mike Gallagher
845 North Motel Boulevard
Las Cruces, NM 88007

RE: Tumbleweed Estates Subdivision

Dear Mr. Gallagher,

The appropriate engineers of the New Mexico Department of Transportation have reviewed the submitted material on the above referenced development and do not have any further comments or concerns.

If there are any questions or need further information you may contact me at (505) 476-3652 or by email at jeremy.lujan@state.nm.us.

Sincerely,

Jeremy Lujan
Property Asset Management Agent
Right of Way Bureau

FILE #: 1668
October 31, 2008

Board of Commissioners
Dona Ana County
County Manager's Complex
180 West Amador
Las Cruces, NM 88001

SUBJECT: Tumbleweed Estates (SD08-004)

To Whom It May Concern:

The La Union Soil & Water Conservation District has reviewed the plans and disclosure statement for the above mentioned subdivision and has found that it will conform to the Dona Ana County Subdivision Regulations.

If you have any questions concerning this matter, please contact our office at (575) 522-8775 Ext 116.

Sincerely,

Lisa Burrio
District Assistant
La Union SWCD

cc: DAC Planning Department