This staff report will analyze two proposals, a Master Plan and Zone Change request. Staff will present both cases concurrently and interchangeably during the meeting presentation. The Planning and Zoning Commission will make recommendation for approval or denial on each case separately.

REPORT CONTENTS: (1) Case Analysis and Staff Recommendation. (2) Supporting Documents (3) GIS Information and Maps.
BACKGROUND

The Vado Del Cerro Village and Community District (zoning district) was established on July 27, 2006 by the Board of County Commissioners, encompassing 5,758 acres of “mapped zoned” area. Per the Doña Ana County Land Use Regulations and Zoning Ordinance No. 158-95, “The Community District designation implements Comprehensive Plan policies that recognize that rapidly urbanizing areas of the County require more direction for land use than rural areas.

The applicant is requesting a 25.73 acre Zone Change from Community Commercial: Neighborhood Commercial (CC-1) to Community Residential: Single Family Residential (CR-1). In addition, the applicant is seeking to establish a 35.36 acre Phased Master Plan that will include the Zone Change request. The CR-1 residential zone is for single-family site-built homes and related uses necessary to serve residential areas. One site built dwelling unit per lot is allowed. The CC-1 zone is for neighborhood commercial activities and small-scale freestanding businesses that will serve the proposed residential areas.

The 25.73 acre zone change is indicated as Phase I, II, and III on the Master Plan. Tierra Del Sol Housing Corporation (TDSHC) a regional housing development corporation, will acquire Phase I for approximately 52 proposed lots with options to buy additional property from Willa Esslinger Farms LLC (owner) indicated as Phase II and III on the Master Plan. TDSHC will then submit a Preliminary Plat Subdivision Application for the Phase I composed of 12 acres. TDSHC provided a Zoning Request Narrative with a Market Feasibility Statement indicating a need for housing in the area, see attached on page 21.

Existing Conditions & Zoning:
The 35.36 acre parcel is vacant, has access from Vado Drive (NM 227) a 100 ft., State paved right-of-way. The Mesilla Valley Metropolitan Planning Organization classifies Vado Drive as a Minor Arterial. There is an existing El Paso Electric Co. power line easement traversing from the northwest to the southeast along the western portion of the property.

SURROUNDING ZONING AND LAND USE

<table>
<thead>
<tr>
<th>Site</th>
<th>ZONING</th>
<th>LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH</td>
<td>CR-1 COMMUNITY RESIDENTIAL</td>
<td>MIXED RESIDENTIAL</td>
</tr>
<tr>
<td></td>
<td>CC-1 COMMUNITY COMMERCIAL</td>
<td>NEIGHBORHOOD COMMERCIAL</td>
</tr>
<tr>
<td>SOUTH</td>
<td>CC-1 COMMUNITY COMMERCIAL</td>
<td>VACANT</td>
</tr>
<tr>
<td>EAST</td>
<td>CC-3 COMMUNITY COMMERCIAL</td>
<td>TRUCK STOP</td>
</tr>
<tr>
<td></td>
<td>REGIONAL</td>
<td>VACANT</td>
</tr>
<tr>
<td></td>
<td>CC-1, COMMUNITY COMMERCIAL</td>
<td></td>
</tr>
<tr>
<td>WEST</td>
<td>CRAG-5 COMMUNITY RESIDENTIAL</td>
<td>VACANT</td>
</tr>
<tr>
<td></td>
<td>AGRICULTURE</td>
<td></td>
</tr>
</tbody>
</table>
The proposed 25.73 acre Zone Change is within the 35 acre parcel (CC-1 zone) located on the south side of Vado Drive (NM 227). The area surrounding the Zone Change request is mostly undeveloped. The surrounding land uses to the south, southwest and west of the proposed Zone Change are primarily tilled agriculture, idle or fallow. A truck stop is located approximately 800 ft. to the east and a dairy structure is located approximately 1,200 ft. feet to the southeast. A General Dollar Store is located 800 feet to the north which was built within the last 3 years.

APPLICABLE PLANS, POLICIES, CRITERIA AND CASE LAW FOR APPROVAL

DOÑA ANA COUNTY COMPREHENSIVE PLAN 1995-2015, ONE VALLEY ONE VISION: 2040 REGIONAL PLAN

MILLER CRITERIA

The Supreme Court of New Mexico, Miller versus Albuquerque, September 9, 1976, stated: “The fundamental justification for an amendatory or repealing zoning ordinance is a change of conditions making the amendment or repeal reasonably necessary to protect the public interest. Also, a zoning amendment may cover and perfect previous defective ordinances or correct mistakes or injustices therein.”

SPOT ZONE

Spot Zoning (Bennett v. City Council For City of Las Cruces, 1999-NMCA-15, 126 N.M. 619) is determined on an ad hoc basis, considering:

1) the disharmony with the surrounding area;
2) the size of the area rezoned; and
3) the benefit of the rezoning to the community or the owner of the parcel.

DOÑA ANA COUNTY CODE CHAPTER 250: LAND USE AND ZONING

ARTICLE 2 ADMINISTRATIVE RESPONSIBILITIES

250-12. Community Development Department.

The Community Development Department (CDD) shall consist of the CDD Director as its executive head and those employees of Doña Ana County under his/her supervision and direction. The CDD Director shall act as Zoning Administrator or appoint a Zoning Administrator to administer the provisions of this chapter, and in addition thereto and in furtherance of its authority, the CDD Director shall:

C. Receive, review, analyze, file and bring to the P&Z applications for zone changes, variances, planned unit developments, special use permits, high-intensity residential uses and site plans for its review and disposition in accordance with the provisions of this chapter.

B. The Planning and Zoning Commission being duly appointed shall:

(3) Receive, hear and make recommendations to the County Commission on approval or denial of zone change requests.

250-17. Application and hearing procedures; fees; appeals.

C. Public hearing notice requirements. This chapter, its amendments, zone changes, planned unit development permits, special use permits, high-intensity residential and variances may become effective only after a public hearing has been held at which all interested parties and/or citizens shall have an opportunity to be heard. Signs, supplied by the Community Development Department, shall be posted for a minimum of 15 calendar days on the subject property in a conspicuous location, to notify adjacent property owners and passersby of the proposed land use request. Notice of the time and place of the public hearing shall be published at least 15 calendar days prior to the date of the hearing in a newspaper with general circulation in the jurisdiction of the Doña Ana County Commission and the Planning and Zoning Commission, and, for information only, in a paper with general circulation in the geographic area where the site of the proposed action is located. Whenever a parcel, lot, or area of land is to be considered for a zone change, variance, special use permit, high-intensity residential or planned unit development permit, notice of public hearing shall be mailed by first-class mail to the owners, as shown by the records of the County Assessor, of lots or land within 300 feet of and in every direction from the area under consideration, excluding distances devoted to public rights-of-way. In case there are not at least 10 such owners within the three-hundred-foot distance, then the distance will be extended until 10 such owners are included and notified, provided the area of notification does not exceed a one-mile radius.

250-19. Zone changes.

A. Generally. The Planning and Zoning Commission may, from time to time, recommend changing the zoning classification of parcels of land within a zoning district. These changes in zoning classification shall be for the purpose of meeting the land use needs of the residents of the County and shall conform to the intent of the Comprehensive Plan. Zone changes may be initiated by the County Commission, Planning and Zoning Commission, Community Development Department, or by application of any person or party owning property to be considered for a zone change.

B. Application for a zone change. An applicant for a zone change shall complete and submit the approved application form in accordance with the procedures established herein. The applicant shall be the property owner, have some controlling interest in the property, or have the written consent and signature of the property owner. In addition, the application shall include the following information:

(1) The legal description and address of the property for the zone change.

(2) The property’s present and proposed zoning classification.
(3) The reasons for requesting the zone change.

(4) A general site plan showing arrangement of uses proposed and the relationship of the uses to abutting streets and properties. The general site plan is for information only and is not intended to be used in approval of subsequent building plans, unless required by the Planning and Zoning Commission at the hearing.

C. Public hearing. No zone change shall be approved until a public hearing has been held thereon by the Planning and Zoning Commission and Board of County Commissioners in accordance with the procedures established herein (§ 250-17C).

D. Hearing and decision by the Planning and Zoning Commission. The Planning and Zoning Commission shall review, hear, and recommend approval or denial of a request for a zone change. In its deliberations, the Planning and Zoning Commission shall consider all oral and written statements from the applicant, the public, the County staff, and its own members. The Planning and Zoning Commission shall not recommend approval of a zone change request unless it finds the zone change is in the public interest and is in conformance with the goals of: Comprehensive Plan for Doña Ana County; One Valley, One Vision 2040 Regional Plan; and all sub-area and Master Plans as adopted by the Board of County Commissioners and is consistent with the character of the surrounding area. A denial of a zone change request by the Planning and Zoning Commission shall be final, unless the applicant files an appeal to the Board of County Commissioners. Such appeal shall be sent to the Zoning Administrator within 30 calendar days after the Planning and Zoning Commission's decision, and shall state the error or errors in the decision of the Planning and Zoning Commission.

E. Limitations, amendments, and revisions. The Planning and Zoning Commission may recommend approval or denial of a request for a zone change, or table it for not more than one regularly scheduled P&Z meeting, or for a period of time specified at the public hearing.

F. Final approval or denial. The Board of County Commissioners at a public hearing shall make final approval or denial of a zone change request.

G. Zoning Map. Upon approval of the Board of County Commissioners, the new zoning classification shall be recorded on the official zoning maps of the County.

H. Appeal. Appeal of a decision by the Board of County Commissioners to approve or deny a zone change request must be filed by the affected party with the District Court within 30 days of the date of the decision.

Article VI – Community District


A. The CR-1 classification is intended as a residential zone for single-family site-built homes only in the Community District, and related uses necessary to serve residential areas.
### CR-1 Community Residential: Single-Family Residential

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum number of dwellings</td>
<td>1 dwelling unit per lot</td>
</tr>
<tr>
<td>Minimum lot size</td>
<td>6,000 square feet; or NMED standards</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>60 feet</td>
</tr>
<tr>
<td>Minimum lot depth</td>
<td>70 feet</td>
</tr>
<tr>
<td>Minimum setbacks</td>
<td></td>
</tr>
<tr>
<td>Front yard</td>
<td>25 feet¹</td>
</tr>
<tr>
<td>Rear yard</td>
<td>25 feet</td>
</tr>
<tr>
<td>Side yard</td>
<td>5 feet</td>
</tr>
<tr>
<td>Maximum height</td>
<td>35 feet</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td></td>
</tr>
<tr>
<td></td>
<td>See Article IX, § 250-82.</td>
</tr>
<tr>
<td>Private access driveway</td>
<td>Driveways may not exceed 150 feet in length without an approved turnaround unless reviewed and approved by the County Fire Marshal; 25 feet of driveway width for non-dedicated streets or driveways within a lot for two-way traffic and 20 feet for one-way traffic. Legal nonconforming lots may be developed with existing and improved access.</td>
</tr>
<tr>
<td>Street access</td>
<td>50-foot-wide right-of-way or easement with 24 feet of improved roadway</td>
</tr>
<tr>
<td>Off-street parking</td>
<td></td>
</tr>
<tr>
<td></td>
<td>See Article X.</td>
</tr>
<tr>
<td>Erosion control</td>
<td>See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.</td>
</tr>
<tr>
<td>Landscaping and buffering</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Ponding requirements</td>
<td>Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood</td>
</tr>
</tbody>
</table>
CR-1 Community Residential: Single-Family Residential

Signs: Not applicable
Site plan: Required
Permitted uses: See Article XI, Land Use Classification Matrix.

250-53. CC-1 Community Commercial: Neighborhood Commercial

A. The CC-1 classification is intended to establish a zone for neighborhood commercial activities and small-scale freestanding businesses.

**CC-1 Community Commercial: Neighborhood Commercial**

- Minimum lot size: NMED standards, if applicable
- Minimum lot width: 60 feet
- Minimum lot depth: 70 feet
- Minimum setbacks:
  - Front: 25 feet
  - Rear: 15 feet
  - Side: 7 feet
- Maximum height: 40 feet
- Accessory buildings: See Article IX, § 250-82.
- Private access driveway: See Design Development Standards.
- Street access: 50-foot-wide right-of-way or easement with 24 feet of improved roadway
- Off-street parking: See Article X.
- Erosion control: See Chapter 172, Erosion Control; may require compliance with NPDES per the EPA.
- Landscaping and Buffering: See Article V.
CC-1 Community Commercial: Neighborhood Commercial

Ponding requirements Must comply with Chapter 157, Design Standards, and the design standards as amended for one-hundred-year flood

Lighting See Article IX, § 250-87.

Signs See Article IX, § 250-88.

Site plan See Article II, § 250-14.

Permitted uses See Article XI, Land Use Classification Matrix, for detailed list.

AGENCY REVIEW COMMENTS

DAC Advance Planning: Comprehensive Plan/Master Plan

1. The proposed Zone Change and Master Plan request meets the following goals, policies and actions of the One Valley One Vision: 2040 Regional Plan:
   • Land Use
     a. Goal 6-1-5: Guide development in a manner that will both protect the rights of private landowners and the interests of the public.
     b. Goal 6-1-7: Encourage the development of communities with a mixture of land uses.
   • Economy
     a. Goal 6-10-1: Sustain and attract economic activities that play a vital role to the region in providing jobs, services, and adding to quality of life.

DAC Engineering Department: No issues, look forward to future submittals.

New Mexico Department of Transportation: This development will impact NM 227 and will require an access permit.

DAC Flood Commission: Positive recommendation.

DAC Utilities: Doña Ana County Utilities does provide Sanitary Sewer services near the area located on the north side of Hwy 227 and on a portion of the south side of Hwy 227. An application for water services has not been requested. Service is available but a ready willing and able letter has not been requested which would outline conditions for water services.

Lower Rio Grande PWWA: We have a 12 inch water line along the south side of Hwy 227 (Vado Drive). We have plenty of capacity and the pressure (fire flow) would be sufficient since that line provides water to satisfy State fire flow requirements for Vado Elementary.

DAC Fire Marshal: No issues with Fire Code.
DAC Building Services: All permits shall be applied for or issued prior to construction.

DASO Codes: No Violations.

County Rural Addressing: No comments.

Gadsden Independent School District: No apparent concerns. Space for new students is available at Vado Elementary.

NOTICE / NOTIFICATION

Forty-eight (48) letters of notification were mailed, no letters in support or opposition have been received.

Legal Notification was posted in the Las Cruces Sun-News on Wednesday May 11, 2016.

Signs were posted on the property.

Agenda was posted on the County Web Site.

STAFF ANALYSIS

APPLICABLE CASE LAW

Spot Zone

Spot Zoning (Bennett v. City Council For City of Las Cruces, 1999-NMCA-15, 126 N.M. 619) is determined on an ad hoc basis, considering:

- the disharmony with the surrounding area;
- the size of the area rezoned; and
- the benefit of the rezoning to the community or the owner of the parcel.

The Zone Change is not a “spot zone”, as there is considerable similarity with the community on the north side of Vado Drive, both in scale and the proposed land uses such as residential and commercial. The Master Plan also shows appropriate commercial land uses along the south side of Vado Drive making for a good transitional land use along a Minor Arterial followed by residential development. The 35 acre Master Plan benefits not just one property owner but the community at large. It will provide for needed housing and bring in more residents that will help sustain commercial development.

Miller Criteria

The Supreme Court of New Mexico, Miller versus City of Albuquerque, September 9, 1976, stated: “The fundamental justification for an amendatory or repealing zoning ordinance is a change of conditions making the amendment or repeal reasonably necessary to protect the public interest. Also, a zoning amendment may cover and perfect previous defective ordinances or correct mistakes or injustices therein.”

The Vado Del Cerro Community has seen a notable change of conditions such as improvements to infrastructure such as water, wastewater, flood control and transportation and increases in residential development. Since the adoption of the Vado Del Cerro Community Zoning District, improvements to infrastructure such as water,
wastewater, flood control and transportation have occurred. Residential development such as the Casas del Quinto Sol Subdivision consisting of 24 lots was built across from the proposed Master Plan and Zone Change. Also in near proximity, a Zone Change was approved for a future Medical Health Management Company and a neighborhood car wash is now operating in the area. The New Mexico Department of Transportation realigned Stern Drive and reconfigured the intersection of Stern Drive and Vado Drive. In 2005 the Gadsden Independent School District located the Vado Elementary School approximately 1 mile west on NM 227. The Doña Ana County Flood Commission has built various diversionary structures redirecting the water flows to ponding areas and away from residential development. The Doña Ana County Utility Department provides liquid waste services in close proximity and indicates it can serve the location of the proposed Zone Change. The Lower Rio Grande Public Works Authority (water provider) has done system improvements such as the Berino/Mesquite-Del Cerro Water Project that resulted in plenty of fire flow capacity and water pressure for future development.

COMPREHENSIVE PLANS

The Master Plan and Zone Change promote the goals of the Doña Ana County Comprehensive Plan 1995-2015, One Valley One Vision 2040 Regional Plan, and Plan 2040 adopted August 25, 2015, which will coincide with the adoption and effective date of the Unified Development Code.

- Primary Goal Five: Adopt and Implement a Land Use Plan
  - Develop a land use plan that maximizes the efficiency of existing and future infrastructure, community facilities, and services within the county.
    - The Vado Del Cerro Community District has experienced improvements to its infrastructure and services, encouraging development in areas where the infrastructure is in place.
  - Encourage the development of urban centers to accommodate rapid growth.
    - The proposed location of the Master Plan and Zone Change is within a community experiencing growth and is adding to further urbanization in an area with adequate infrastructure.
  - Maintain and protect residential areas from incompatible land uses.
    - The proposed site of the Master Plan and Zone Change being on the south side of Vado Drive is largely undeveloped and any existing and future commercial development can be mitigated by proper design of the residential and commercial development by means of buffering/landscaping.
  - Promote and guide the development and location of commercial uses to balance economic growth and quality of life.
    - The plan associated with the proposed Master Plan and Zone Change retains commercial uses in close proximity to the residential land use proposal, thus encouraging walking rather than driving to commercial locations.

“One Valley, One Vision: 2040”—Regional Plan
- Land Use
  - Goal 6-1-5: Guide development in a manner that will both protect the rights of private landowners and the interests of the public.
• The proposed Master Plan and Zone change demonstrates the ability of a land owner to move forward with a development that is in the interest of the public.

Goal 6-1-7: Encourage the development of communities with a mixture of land uses.
• Introduction of additional residential land use supports the continuation of a mixture of land uses in the area.

❖ Economy

Goal 6-10-1: Sustain and attract economic activities that play a vital role to the region in providing jobs, services, and adding to quality of life.
• The proposed Master Plan and Zone Change and build out of a residential and commercial development provides an increase in population that will help sustain and attract economic development activities.

• “Plan 2040”

❖ Strategy 1: Guide future development patterns
  II. Develop Scenarios for Growth: Develop and continue to update, well-coordinated scenarios for absorbing new growth.
  III. Support Existing Communities: Minimize the cost of extensions to infrastructure thus ensuring the investment is justified by need.
  IV. Promote Affordable Communities: Promote compact development so that it can be serviced in an economical sustainable manner making for affordable development.

❖ The proposal supports County Resolution No 2015-64, the Doña Ana County Affordable Housing Plan, 2015, establishing affordable housing in Doña Ana County.

STAFF FINDINGS:

1. The request of this application is consistent with Section 250-19.C, of the Doña Ana County Code, regarding Applications and Hearing Procedures for Zone Changes.
2. All notification and notice requirements have been met per Section 250-17.C. of the Ordinance.
3. The property is outside of any incorporated municipal zoning authority and the Las Cruces Extra-Territorial Zone, and is within Doña Ana County.
4. The Doña Ana County Planning & Zoning Commission has jurisdiction to review this application.
5. The Master Plan and the Zone Change meet the goals, policies and actions of:
   b. The One Valley, One Vision 2040 Regional Plan; Land Use, Goals, 6-1-5, 6-1-7 and Goal, Economy 6-10-1.
   c. The Plan 2040 Comprehensive Plan adopted August 25, 2015, which will coincide with the adoption and effective date of the Unified Development Code: Strategy 1 Guide future development patterns.
6. The proposal supports County Resolution No 2015-64, the Doña Ana County Affordable Housing Plan, 2015, establishing affordable housing, in Doña Ana County.

7. Per the 1999 Bennett ruling, the Master Plan and Zone Change is not considered a “spot zone”, because the 35 acre Master Plan and 25 acre Zone Change is large enough to not be considered a spot zone. The Master Plan and Zone Change would be in harmony, both in scale and land uses with the community. The Master Plan also depicts appropriate commercial land uses along the south side of Vado Drive making for a good transitional land use along a Minor Arterial. The Master Plan and Zone change benefits not just one property owner but the community at large. It will provide for needed housing bring in more residents helping to sustain commercial development.

8. Per the “Miller Criteria,” the CR-1 Zone Change request meets the change of conditions criteria. There has been system and facility improvements to infrastructure including water, wastewater, flood control and transportation and increases in residential development, since the establishment of the Vado Del Cerro Village and Community District.

STAFF RECOMMENDATION:

Based on staff findings and staff analysis, the Master Plan and Zone Change request promote the goals of the Doña Ana County Comprehensive Plan 1995-2015, One Valley One Vision 2040 Regional Plan, Plan 2040 and meets the “Miller” Criteria, and is not considered a spot zone; therefore, staff recommends:

1. Approval of the Master Plan, Case # MP16-001.
2. Approval of the Zone Change, Case # CZ16-001.
25.73 ACRE PARCEL
SITUATE WITHIN
NORTHWEST ¼ OF SECTION 21, TOWNSHIP 25 SOUTH, RANGE 3 EAST
NEW MEXICO PRINCIPAL MERIDIAN
DONA ANA COUNTY, NEW MEXICO

A parcel of land being 25.73 Acres situate within the Northwest ¼ of Section 21,
Township 25 South, Range 3 East, New Mexico Principal Meridian, Dona Ana County,
New Mexico, Vado, New Mexico, being part of a 35.36 Acre Parcel, owned by Willa
Esslenger Farms LLC, PIDNO. 17-04136, and being more particularly described by metes
and bounds as follows:

BEGINNING at a point marking the Northwest corner of the parcel herein described, also
being a point on the Southeast Right-of-Way line of Vado Drive (NM 227), whence a
found U.S.G.L.O. Brass Cap marking the North ¼ corner of Section 21, Township 25
South, Range 3 East, bears the following 3 calls, N 32°-31'-00"E, 341.27 feet distance to
a found 5/8" rebar with Tag 8081, N 89°-31'-50"E, 801.29 feet to a found ¼ inch rebar,
and N 00°-20'-04"E, 1325.70 feet;

THENCE, from the "POINT OF BEGINNING", and leaving the Southeast Right-of-Way
line of Vado Drive, S 57°-29'-00"E, 446.49 feet to a point;

THENCE, N 32°-31'-00"E, 420.62 feet to a point;

THENCE, S 87°-57'-38"E, 381.13 feet to a point, marking the Northwest Corner of the
parcel herein described;

THENCE, S 00°-21'-47"W, 1132.46 feet to the Southeast corner of the parcel herein
described;

THENCE, S 89°-35'-24"W, 1319.55 feet to a found rebar with cap No. 5939, marking
the Southwest corner of the parcel herein described;

THENCE, N 00°-06'-47"W, 260.66 feet to a point;

THENCE, N 89°-35'-24"E, 224.48 feet to a point on the Southwest line of the El Paso
Electric Company Easement;

Page 1 of 2
25.73 Acre Parcel, (continued)

THENCE, along the El Paso Electric Company Easement, N 28°-40'-28"W, 362.41 feet to a point on the Southeast Right-of-Way line of Vado Drive (NM 227);

THENCE, along the Southeast Right-of-Way line of Vado Drive, N 32°-28'-30"E, 82.10 feet to a point on the Northwest line of El Paso Electric Company Easement;

THENCE, leaving the Vado Drive Right-of-Way line, and along the El Paso Electric Company Easement, S 28°-24'-50"E, 235.87 feet to a point;

THENCE, leaving the El Paso Electric Company Easement, N 32°-31'-00"E, 528.24 feet to a point;

THENCE, N 57°-29'-00"W, 206.49 feet to a point on the Southeast Right-of-Way line of Vado Drive (NM 227);

THENCE, along the Southeast Right-of-Way line of Vado Drive (NM 227), N 32°-31'-00"E 50.0 feet to the "POINT OF BEGINNING" of the parcel herein described, and containing 1,120.734 square feet or 25.73 Acres, "MORE OR LESS”.

“Certificate”

I, Ronald W. King, New Mexico Registered Land Surveyor, hereby certify that this Legal Description was prepared by me or under my direct supervision from field notes of an actual survey, and that such is true and correct to the best of my knowledge and belief.

Ronald W. King
N.M. P.E. & L.S. No. 5948
Job # 355-635zc-1

Date
SKYLINE ENGINEERS, INC.
PO BOX 20
SANTA TERESA, NEW MEXICO 88008

12.00 ACRE PARCEL
SITUATE WITHIN
NORTHWEST ¼ OF SECTION 21, TOWNSHIP 25 SOUTH, RANGE 3 EAST
NEW MEXICO PRINCIPAL MERIDIAN
DONA ANA COUNTY, NEW MEXICO

A parcel of land being 12.00 Acres situate within the Northwest ¼ of Section 21,
Towmship 25 South, Range 3 East, New Mexico Principal Meridian, Dona Ana County,
Vado, New Mexico, being a part of PID No. 17-04136, and being more particularly
described by metes and bounds as follows:

BEGINNING at a point marking the Northwest corner of the parcel herein described, also
being a point on the southeast Right-of-Way line of Vado Drive (NM 227), whence, a
found U.S.G.I.O. Brass Cap marking the North ¼ corner of Section 21, Township 25
South, Range 3 East, bears the following 3 calls, N 32°-31'-00"E, 341.27 feet distance,
N 89°-31'-50"E, 801.29 feet to a found 5/8" rebar with Tag No. 8081, and
N 00°-20'-04"E, 1325.70 feet;

THENCE, from the “POINT OF BEGINNING”, and leaving the Southwest Right-of-
Way line of Vado Drive, S 57°-29'-00"E, 446.49 feet;

THENCE, N 32°-31'-00"E, 70.00 feet to a point;

THENCE, S 57°-29'-00"E, 160.00 feet to a point;

THENCE, S 32°-31'-00"W, 10.00 feet to a point;

THENCE, S 57°-29'-00"E, 100.00 feet to a point;

THENCE, N 32°-31'-00"E, 180.00 feet to a point;

THENCE, S 57°-29'-00"E, 8.23 feet to a point;

THENCE, S 00°-21'-14"W, 601.29 feet to a point;

THENCE, S 89°-35'-24"W, 130.00 feet to a point;
12.00 Acres Parcel, continued

THENCE, S 00°-24'-36"E, 100.00 feet to a point;

THENCE, S 89°-35'-24"W, 190.00 feet to a point;

THENCE, N 00°-24'-36"W, 100.00 feet to a point;

THENCE, S 89°-35'-24"W, 133.84 feet to a point;

THENCE, S 00°-24'-36"E, 100.00 feet to a point;

THENCE, S 89°-35'-24"W, 255.00 feet to a point on the Northeast Easement line (Electric)

THENCE, along the Easement line N 28°-24'-50"W, 162.91 feet to a point;

THENCE, across the El Paso Electric Company Easement S 61°-19'-32"W, 70.00 feet to a point on the Southwest line of the El Paso Electric Company Easement;

THENCE, along the Southwest line of the El Paso Electric Company Easement, N 28°-40'-28"W, 362.41 feet to a point on the Southeast Right-of-Way line of Vado Drive (NM 227)

THENCE, along the Southeast Right-of-Way line of Vado Drive (NM 227) N 32°-28'-30"E, 82.10 feet to a point on the Northeast line of the El Paso Electric Company Easement;

THENCE, along the Northeast line of the El Paso Electric Company Easement, S 28°-24'-50"E, 235.87 feet;

THENCE, leaving the Northeast line of the El Paso Electric Company Easement, N 32°-31'-00"E, 528.42 feet to a point;

THENCE, N 57°-29'-00"W, 206.90 feet to a point on the Southeast Right-of-Way line of Vado Road (NM 227);

THENCE, along the Southeast Right-of-Way line of Vado Drive (NM 227) N 32°-31'-00"E, 50.00 feet distance to the "POINT OF BEGINNING" of the parcel herein described, and containing 522,647 square feet or 12.00 Acres "MORE OR LESS".

"Certificate"

I, Ronald W. King, New Mexico Registered Land Surveyor, hereby certify that this Legal Description was prepared by me or under my direct supervision from field notes of an actual survey, and that such is true and correct to the best of my knowledge and belief.

__________________________________________  __________________________
Ronald W. King-date
N.M. P.E. & L.S. No. 5948
Job #355-635zc-2

Page 2 of 2
March 31, 2016

ZONING REQUEST NARRATIVE

Tierra Del Sol is requesting a zoning change on a 25.73 Acre Parcel of land at Vado, New Mexico, said 25.73 acre parcel is part of a 35.36 Acre Parcel owned by Willie Esslinger Farms, LLC, PID No. 17-04136. The present zoning is CC-1, and they are requesting a CR-1 Zoning on the 25.73 acres. The County Planning Department requests that Tierra Del Sol provide them a narrative of the area.

LOCATION:

25.73 Acres at Vado, next to the Dollar General Store, across Vado Drive (NM 227) from Casas de Quinto Sol Subdivision.

NO. OF PROPOSED LOTS:

25.73 Acres divided into ±105 lots as shown on drawing.

POPULATION:

±105 Lots at 3.5 Residences per lot= ±367 people.

TRAFFIC GENERATED:

±105 Lots at 9 trips per day= ±945 trips. This will impact Vado Drive, I-10, and NM HWY 478. When subdivided a TIA will be required.

NEED FOR HOUSING:

See attached market feasibility statement. Tierra Del Sol has a list of 88 Applicants interested in single family housing in Vado.

WATER SUPPLY:

See email from Lower Rio Grande PWW A. Attached, Water System will be designed when subdivided.
SEWER SUPPLY:
Will connect to Dona Ana County Sewer System in the area, which serves Casas de Quinto Subdivision. Sewer System will be designed when subdivided.

IMPACT OF ZONE CHANGE ON SURROUNDING AREA:
Tierra Del Sol has built houses on all the remaining lots in Quintas de Sol Subdivision, and has a list of 88 Applicants interested in a single family home in the Vado Area. This zoning change has 50 proposed lots which will help supply the housing need in the area. These addition houses will help support the commercial in the area, and should be a favorable impact on the area.

SEE ATTACHMENTS
MARKET FEASIBILITY STATEMENT

Introduction

The purpose of this report is to evaluate the market feasibility of the proposed subdivision for single and data extrapolated from the Dona Ana County Affordable Housing Plan, 2015. This in-house market analysis is not intended to represent a market study that conforms to national standards for professional market analysts. The end-user is Tierra del Sol Housing Corporation and through reference includes the commonly accepted definitions of key terms used in market studies for affordable housing projects.

Tierra del Sol Housing Corporation was incorporated in 1973 as a statewide non-profit organization to provide affordable housing opportunities to individuals and families with very low-to low-income to moderate incomes. Its primary focus has been the development of single family housing through the mutual self-help construction method. Using this sweat equity method of construction, Tierra del Sol has assisted first-time homebuyer to build their homes in Dona Ana and Otero Counties. Its success in the development of 790 of single family housing units attests to the continuing demand for housing in the rural areas and colonias of southern Dona Ana County. This record of success has served as the best outreach and marketing for continued development of single family housing in the primary market area. The current waiting list for single family housing compiled by Tierra del Sol numbers XXXX applicants.

Primary Market Area

The Primary Market Area generated for the subject subdivision development is defined as the smallest geographic area expected to generate most of the support for the proposed single family housing development. The Vado subdivision site encompasses the communities of Vado, Mesquite, La Mesa, San Miguel, Berino, Chaparral and the cities of Sunland Park and Anthony, New Mexico; and other rural areas of Dona Ana County.

Project Description

The proposed project involves the construction of a new single family housing subdivision for the construction of 48 unit single family homes. The proposed subdivision will be developed using both public and private financing. This includes SHOP funds from the U.S. Department of Housing and Urban Development; loans from RCAC, a national intermediary based in Sacramento, California; LISC, also a national intermediary involved in housing, economic and community development; the Housing Assistance Council, a national coalition of rural housing and community developers and with the proposed use of the Housing Trust Fund from the New Mexico Mortgage Finance Authority.

Additionally, financing for the construction of individual single family housing will be through the Section 502 Direct Loan Program from the USDA Rural Housing Service. Rural Development Section 502 loans are made to each individual homebuyer under 80% of the AMI. The self-help program loans are closed up front before the housing construction begins. At the time of loan closing the land is purchased by the individual self-help participant.

By definition, the self-help housing program is a construction method by which participating individuals are organized in groups of approximately eight participants. The size of the group is based on the
number of self-help participants who are qualified for a mortgage by Rural Development. Historically, Tierra del Sol has found that a group of eight participants and more effectively and more efficiently work on a construction schedule. This pragmatic approach maximizes Tierra del Sol construction supervision and manageability of construction materials and supervision of subcontractors, etc. Historically, the grouping of families for construction is incorporated into the program design of the Tierra del Sol Section 523 Technical Assistance program with the attendant results of 5 groups of eight families for 40 units of housing during a two year period.

Affordable Housing

Tierra del Sol Housing Corporation provides safe, quality, affordable housing to those moderate and below income families. Affordable housing is defined by HUD and the housing industry for a household where no more than 30 percent of a household’s monthly income is needed for rent, for mortgage payment and utilities. When the proportion of the household income needed to pay housing costs exceeds 30 percent, a household is considered “cost burdened”.

Existing empirical data from Tierra del Sol Housing Corporation based on the total construction costs for a typical three bed-room home constructed under the self-help housing method is $110,000. Generally, very low income clients qualify for the average $110,000 mortgage, low income clients qualify for an average mortgage of $130,000 and moderate income clients qualify for an average mortgage of $152,000. According the Realtor.com the average listing price for the median income value of a home in Dona Ana was $137,000 from 01/01/2015 to 12/31/2015.

Need for Affordable Homeownership

The Dona Ana County Affordable Housing Plan identifies the existing need as follows.

Based on Census estimates there is an estimated 6,500 homeowners and 4,300 renter households pay more than 30% of their income for housing. Households earning 50% of AMI and above are candidates for affordable homeownership. Households with incomes below 50% AMI are most likely to need subsidized rental housing.

Based on census estimates, nearly 2,000 households live in crowded conditions and 400 households live in extreme overcrowding. As with cost burdened households, the appropriate solution to relieving overcrowding will depend on tenure household income.

Even though a large number of homeowners bear a cost burden, homeowners are less likely to move than renters. Based on interviews with housing providers and discussions with the County’s Affordable Housing Review Team, an estimated 600 low to moderate income households are seeking to purchase a home. These include both cost burdened households and households living in crowded conditions that need a larger home.
In summary, according to the aforementioned plan, affordable homeownership is targeted at the population at 30-to-80% AMI. The current need is projected to be 600 total units. It is estimated that the additional future need will be 40 to 50 units of affordable single family units per year.

Population

The population of Dona Ana County increased from 174,973 in 2000 to 213,460, in 2013, an increase of 38,487 residents, which is an 18% increase.

Hispanics comprise the majority of the residents in Dona Ana County. The Hispanic population of New Mexico is ranked as the 36th largest population in the United States with 47.3% identified as Hispanic or Latino population.

The median resident age is 36.7 years for Dona Ana County per the Dona Ana County website. The Dona Ana County median age is lower than the state wide median age, according to the New Mexico Demographic by Cubit.

Household Characteristics

The average household size for Dona Ana County is 2.79. Of the total households in Dona Ana County, 27% are considered below the poverty level.

In Dona Ana county households with single parent have some of the highest rates of poverty especially for those with single mothers. In Dona Ana County there are 12,090 single female parent households. This is 16.4% of all Dona Ana County households. Of these single female parent households, 7,363 [10%] have children under 18 years of age.

Income

The 2015 Area Median Income according to HUD guidelines, for Dona Ana County is $44,000 and according to the New Mexico Demographics by Cubit for 2014, the median income for the population of Dona Ana County was $38,426. Tierra del Sol Housing Corporation serves families with extremely low income of 30% and less of median income, families with very low income from 31% to 50% of median income, families with low income from 51% to 50% of median income and families with moderate income from 81% to 100% of median income.

Using HUD’s income limits and New Mexico Demographics by Cubit source, roughly 46% of Dona Ana County falls under low income. And of that, 27% of those are below poverty levels.

According to the United States Census “Quick Facts” dated 2008 – 2012, 66.1% of the work force in Dona Ana County is for private wage and salary workers, 26.1% of the workforce is for government workers and 7.7% are self-employed.
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