

Resolution No. 86-15

# Appendix A to the Otero County Subdivision Regulations

## FORMS

Adopted March 27<sup>th</sup>, 2007

BLACK – EXISTING LANGUAGE

BLUE – PROPOSED ADDITIONS BY PLANNING COMMISSION 1/26/2009

RED – PROPOSED DELETIONS BY PLANNING COMMISSION

**FORM A-1**

**PLAT CERTIFICATIONS**

These certificates must be shown on the plat in the format provided by this appendix to the Otero County Subdivision Regulations. The language in these certificates shall not be altered.

Plat certifications required for **Summary Review Plats**:

**SURVEYOR'S CERTIFICATION**

I, \_\_\_\_\_, a New Mexico registered Professional Surveyor, certify that I conducted and am responsible for this survey, that this survey is true and correct to the best of my knowledge and belief, and that this survey and plat meet the Minimum Standards for Surveying in New Mexico.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

NMPS No. \_\_\_\_\_

**COUNTY PLANNING COMMISSION APPROVAL**

This plat has been submitted to, reviewed, and approved by the Otero County Planning Commission and is hereby approved for filing with the Otero County Clerk.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

Plat certifications required for **preliminary plats**:

**SURVEYOR'S CERTIFICATION**

I, \_\_\_\_\_, a New Mexico registered Professional Surveyor, certify that I conducted and am responsible for this survey, that this survey is true and correct to the best of my knowledge and belief, and that this survey and plat meet the Minimum Standards for Surveying in New Mexico.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

NMPS No. \_\_\_\_\_

**BOARD OF COUNTY COMMISSIONERS APPROVAL**

This plat has been submitted to, reviewed, and approved by the Board of County Commissioners of Otero County.

\_\_\_\_\_  
Commission Chairman

\_\_\_\_\_  
Date of Approval

\_\_\_\_\_  
ATTEST: Otero County Clerk

\_\_\_\_\_  
Date

Plat certifications required for **final plats**:

**SURVEYOR'S CERTIFICATION**

I, \_\_\_\_\_, a New Mexico registered Professional Surveyor, certify that I conducted and am responsible for this survey, that this survey is true and correct to the best of my knowledge and belief, and that this survey and plat meet the Minimum Standards for Surveying in New Mexico.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

NMPS No. \_\_\_\_\_

**UTILITY COMPANY REVIEW**

Copies of this plat have been submitted to the following utility companies and are satisfactory to meet the needs of the installation of available utilities. This plat is approved for easement purposes only. The signing of this plat by utility companies does not guarantee utility services to the subdivision.

\_\_\_\_\_ Electric Power Company

By: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_ Telephone Company

By: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_ Cable TV Company (if applicable)

By: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_ Gas Company (if applicable)

By: \_\_\_\_\_

Date: \_\_\_\_\_

Other (if applicable): \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

**BOARD OF COUNTY COMMISSIONERS APPROVAL**

This plat has been submitted to, reviewed, and approved by the Board of County Commissioners of Otero County and is hereby approved for filing with the Otero County Clerk.

\_\_\_\_\_  
Commission Chairman

\_\_\_\_\_  
Date of Approval

\_\_\_\_\_  
ATTEST: Otero County Clerk

\_\_\_\_\_  
Date

Plat No. \_\_\_\_\_

Reception No. \_\_\_\_\_

STATE OF NEW MEXICO )  
COUNTY OF OTERO )

I hereby certify that this instrument was filed for record on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m. and duly recorded in plat record \_\_\_\_\_, page(s) \_\_\_\_\_ in the Records of the Otero County Clerk and ex officio recorder of Otero County.

**FORM A-2**

**CLAIM OF EXEMPTION**

Claims of Exemption must be submitted on the form provided in this appendix to the Otero County Subdivision Regulations. The language of this form shall not be altered in any way.

To claim an exemption from the requirements of the Otero County Subdivision Ordinance, **all owners of record of the property involved** must complete this form, sign it before a notary public, and submit the **entire** form (except for the instruction pages) together with legible copies of all required documents and the \$15.00 fee to the County Planning Coordinator. Please fill in the number of all exemptions which apply and attach legible copies of all supporting documents. Failure to include all requested documentation will delay approval.

The Planning Coordinator will notify you in writing within thirty (30) days as to whether your claim of exemption has been granted, denied, or more information is needed. If the Claim of Exemption is granted, the original document will be completed and returned to you for filing with the Otero County Clerk. The original must be filed. If you wish to have the document returned to an agent (surveyor, real estate agent, etc.) upon being granted, please state the agent’s name, telephone number, and mailing address in the appropriate space on this form. If you do not hear from the Planning Coordinator within thirty (30) days, you may proceed with the land division you propose without needing to comply with the requirements of the Otero County Subdivision Regulations. If your claim of exemption is denied, you may either seek approval of a subdivision or appeal the denial as provided in the Otero County Subdivision Regulations.

**EXEMPTIONS AND REQUIRED DOCUMENTATION**

Exemption No.	Description and Required Documentation
1	The sale, lease, or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with §7-36-20 NMSA 1978, for the preceding three (3) years. <b>ATTACH CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF PARCEL OR COPY OF DEED PROPOSED FOR CONVEYING THE PARCEL.</b>
2	The sale or lease of apartments, offices, stores, or similar space within a building. <b>ATTACH COPIES OF ALL PROPOSED SALE OR LEASE DOCUMENTS.</b>
3	The division of land in which only gas, oil, mineral, or water rights are severed from the surface ownership of the land. <b>ATTACH COPIES OF ALL PROPOSED CONVEYANCING DOCUMENTS.</b>
4	The division of land created by court order where the order creates no more than one parcel per <b>part party</b> . <b>ATTACH CERTIFIED COPY OF COURT ORDER.</b>
5	The division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities. <b>ATTACH COPY OF PROPOSED CONVEYANCING DOCUMENTS AND DOCUMENTS RESTRICTING FUTURE USE TO GRAZING OR FARMING ACTIVITIES. SUCH DOCUMENTS MUST CONTAIN A COVENANT RUNNING WITH THE LAND AND REVOCABLE ONLY BY MUTUAL CONSENT OF THE BOARD OF COUNTY COMMISSIONERS AND THE PROPERTY OWNER THAT THE DIVIDED LAND WILL BE USED EXCLUSIVELY FOR GRAZING OR FARMING ACTIVITIES. THE COVENANT MUST BE SIGNED BY THE PROPERTY OWNER(S), THE BUYER(S) OR LESSEE(S), AND THE BOARD OF COUNTY COMMISSIONERS AND MUST BE FILED OF RECORD WITH THE COUNTY CLERK.</b>
6	The division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased. <b>ATTACH CERTIFIED SURVEY SHOWING ALL PARCELS AND PARCEL BOUNDARIES BEFORE AND AFTER PROPOSED ALTERATION.</b>

7	The division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member. As used herein the term "immediate family member" means a husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, step grandson, granddaughter, step granddaughter, nephew, and niece, whether related by birth or adoption. <b>ATTACH COPY OF PROPOSED CONVEYANCING DOCUMENT AND BIRTH CERTIFICATE, ADOPTION CERTIFICATE, OR OTHER DOCUMENT DEMONSTRATING FAMILY RELATIONSHIP CLAIMED. BAPTISMAL CERTIFICATES ARE <u>NOT</u> ACCEPTABLE DOCUMENTATION.</b>
8	The division of land created to provide security for mortgages, liens, or deeds of trust; provided that the division is not the result of a seller-financed transaction. <b>ATTACH COPIES OF ALL FINANCING DOCUMENTS.</b>
9	The sale, lease, or other conveyance of land that creates no parcel smaller than one-hundred forty (140) acres. <b>ATTACH CERTIFIED SURVEY SHOWING LOCATION AND SIZE OF PARCEL(S) OR COPY OF DEED PROPOSED FOR CONVEYING THE PARCEL.</b>
10	The division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in §501(c)(3) of the United States Internal Revenue Code of 1986, as amended; school, college, or other institution with a defined curriculum and a student body and faculty that conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching, or other specifically religious activity. <b>ATTACH COPIES OF I.R.S. EXEMPTION LETTER AND/OR OTHER I.R.S. DOCUMENTS DEMONSTRATING ENTITLEMENT TO EXEMPTION AND CERTIFIED SURVEY SHOWING LAND PROPOSED TO BE DONATED.</b>
11	The sale, lease, or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, within any five (5) year period; provided that a second or subsequent sale, lease, or other conveyance from the same tract of land within five (5) years of the first sale, lease, or other conveyance shall be subject to the provisions of the New Mexico Subdivision Act and these Regulations; provided further that a survey shall be filed with the Otero County Clerk indicating the five (5) year holding period for both the original tract and the newly created tract. <b>ATTACH CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF ORIGINAL TRACT, PARCEL PROPOSED TO BE DIVIDED, ANY PARCELS PREVIOUSLY DIVIDED FROM THE ORIGINAL PARCEL AND DATES OF ALL DIVISIONS.</b>
12	The division of land to create burial plots for a cemetery. ATTACH CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF PLOT(S) TO BE USED FOR BURIAL PURPOSES ONLY.

If a copy of a certified survey is not required and does not accompany the Claim of Exemption, the **exact** legal description of the property involved must be inserted in the appropriate space on the Claim of Exemption.

**CLAIM OF EXEMPTION**

I/We, \_\_\_\_\_  
(List all owners of record.)

\_\_\_\_\_, claim an exemption from the requirements of the New Mexico Subdivision Act and the Otero County Subdivision Regulations for the following reason(s). I certify that this transaction involves Exemption No(s). \_\_\_\_\_.

The property involved in this sale is described as follows: *(Insert exact legal description or note attachments.)*

I further certify that the information provided by me in this Claim of Exemption is true and correct and that all documents attached to or enclosed with this Claim of Exemption are originals or true, complete, and correct copies of the originals. *(Use separate page, if necessary, to list all owners of record.)*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print your name here

\_\_\_\_\_  
Print your name here

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, and Zip Code

\_\_\_\_\_  
City, State, and Zip Code

\_\_\_\_\_  
Telephone number(s)

\_\_\_\_\_  
Telephone number(s)

**SUBSCRIBED AND SWORN** to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

**PLEASE FILE this Claim of Exemption at the time of filing the instrument of conveyance.**

This claim has been approved	Otero County Case No. _____
Date: _____	_____
	Otero County _____

\*\*\*\*\*

STATE OF NEW MEXICO, County of Otero, ss. I hereby certify that this instrument was filed for record on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_m., and duly recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, of the Records of said County.

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
County Clerk

**Return original document to:**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street Address or P.O. Box

\_\_\_\_\_  
City, State, Zip Code

Telephone Number(s): \_\_\_\_\_

**FOR OFFICIAL USE ONLY**

The foregoing Claim of Exemption is **incomplete**. Please provide us with the following information and/or documents so that we can process your claim:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The foregoing Claim of Exemption is hereby **denied** for the following reason(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Otero County \_\_\_\_\_

**FOR OFFICIAL USE ONLY**

**FORM A-3**

**APPLICATION FOR SUMMARY REVIEW PLAT APPROVAL**

Application for summary review plat approval must be made on the form provided in this appendix to the Otero County Subdivision Regulations. The language of this form shall not be altered in any way.

**OTERO COUNTY SUBDIVISION REGULATIONS  
APPLICATION FOR SUMMARY REVIEW PLAT APPROVAL**

**INSTRUCTIONS**

Print or type clearly. Use additional sheets if necessary. All required attachments shall be submitted with this application form. Incomplete or inaccurate applications may delay decision dates. The completed application package must be submitted to the County Planning Coordinator by the subdivider or a designated agent and shall be in compliance with the requirements of the County Subdivision Regulations. Each application must be accompanied by the required administrative fee, summary review plat, and any other documentation required in Article 6 and the Appendices to these Regulations.

**NAME OF SUBDIVISION:**

**APPLICANT INFORMATION**

1. Subdivider Name: \_\_\_\_\_

Address: \_\_\_\_\_  
*(include street address or P.O. box, city, state, and zip code)*

Telephone Number(s): \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

2. Engineer/Surveyor Name: \_\_\_\_\_

Address: \_\_\_\_\_  
*(include street address or P.O. box, city, state, and zip code)*

Telephone Number(s): \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**SUBDIVISION INFORMATION**

3. Location of Subdivision *(attach map if necessary)*

4. This is a:  Type Three  Type Five Subdivision *(check one)*

5. Number of lots: \_\_\_\_\_ Total acreage: \_\_\_\_\_ acres Size of smallest lot: \_\_\_\_\_ acres

6. Does this subdivision lie within the extraterritorial jurisdiction of a municipality or village?  Yes  No

If yes, name of municipality or village having concurrent jurisdiction:

\_\_\_\_\_

**FORM A-4**

**APPLICATION FOR PRELIMINARY PLAT APPROVAL**

Application for preliminary plat approval must be made on the form provided in this appendix to the Otero County Subdivision Regulations. The language of this form shall not be altered in any way.

**OTERO COUNTY SUBDIVISION REGULATIONS  
APPLICATION FOR PRELIMINARY PLAT APPROVAL**

For subdivisions containing more than five (5) parcels.

**INSTRUCTIONS**

**Print or type clearly.** Use additional sheets if necessary. **All required attachments and supporting documentation shall be submitted with this application form.** Incomplete or inaccurate applications may delay public hearing or decision dates. The completed application package must be submitted to the County Planning Coordinator by the subdivider or a designated agent and shall be in compliance with the requirements of the Otero County Subdivision Regulations. **Each application must be accompanied by the required administrative fee.**

**NAME OF SUBDIVISION:**

**APPLICANT INFORMATION**

1. Subdivider Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
*Street Address or P.O. Box*  
\_\_\_\_\_  
*City State Zip Code*  
Telephone Number(s): \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_
  
2. Agent (if any) Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
*Street Address or P.O. Box*  
\_\_\_\_\_  
*City State Zip Code*  
Telephone Number(s): \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_
  
3. Engineer/Surveyor Name:  
Address: \_\_\_\_\_  
*Street Address or P.O. Box*  
\_\_\_\_\_  
*City State Zip Code*  
Telephone Number(s): \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_

**SUBDIVISION INFORMATION**

4. Name of Subdivision : \_\_\_\_\_

This is a (*check one*):     New Subdivision             Resubdivision  
    Succeeding Subdivision     Phased Subdivision

5. This is a Type     One     Two     Three ( ) **Three A**     Four    Subdivision    (*check one*)

6. Number of lots: \_\_\_\_\_    Total acreage: \_\_\_\_\_ acres    Size of smallest lot: \_\_\_\_\_ acres

7. Does this subdivision lie within the extraterritorial zone of a municipality or village?  
 Yes     No

If Yes, name of municipality or village having concurrent jurisdiction: \_\_\_\_\_

\_\_\_\_\_

**FORM A-5**

**APPLICATION FOR FINAL PLAT APPROVAL**

Application for final plat approval must be made on the form provided in this appendix to the Otero County Subdivision Regulations. The language of this form shall not be altered in any way.

**OTERO COUNTY SUBDIVISION REGULATIONS  
APPLICATION FOR FINAL PLAT APPROVAL**

**INSTRUCTIONS**

Print or type clearly. Use additional sheets if necessary. **All required attachments shall be submitted with this application form.** Incomplete or inaccurate applications may delay decision dates. The completed application package must be submitted to the County Planning Coordinator by the subdivider or a designated agent and shall be in compliance with the requirements of the County Subdivision Regulations.

**NAME OF SUBDIVISION:** \_\_\_\_\_

**GENERAL INFORMATION**

1. This is a Type \_\_\_\_\_ Subdivision                      Number of Lots: \_\_\_\_\_                      Total acreage \_\_\_\_\_ acres

2. Subdivider or Agent Name: \_\_\_\_\_

Address: \_\_\_\_\_

*Street Address or P.O. Box*

\_\_\_\_\_  
*City*

\_\_\_\_\_  
*State*

\_\_\_\_\_  
*Zip Code*

Telephone Number(s): \_\_\_\_\_

Signature \_\_\_\_\_                      Date \_\_\_\_\_

3. Engineer/Surveyor Name: Address:

Address: \_\_\_\_\_

*Street Address or P.O. Box*

\_\_\_\_\_  
*City*

\_\_\_\_\_  
*State*

\_\_\_\_\_  
*Zip Code*

Telephone Number(s): \_\_\_\_\_

Signature \_\_\_\_\_                      Date \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_

**SUPPLEMENTAL INFORMATION**

4. Have any changes to the proposed subdivision been made since the preliminary plat was approved?

Yes                       No

If yes, please attach a detailed explanation of such changes.

5. Have the required improvements been completed? \_\_\_\_\_

If not, attach improvement agreement to ensure completion of required improvements.

**FORM A-6**

**DISCLOSURE STATEMENT FOR SUBDIVISIONS  
CONTAINING FIVE OR FEWER PARCELS**

Disclosure statements must be prepared on the forms provided in this appendix to the Otero County Subdivision Regulations. The language of these disclosure statements shall not be altered in any way.

**DISCLOSURE STATEMENT**

FOR ALL SUBDIVISIONS CONTAINING FIVE AND FEWER PARCELS.

**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 statement 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 this disclosure statement. They may be favorable or unfavorable. You should read them closely.

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 other 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 revested 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 Otero 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:** \_\_\_\_\_

2. **SUBDIVIDER INFORMATION**

Name of Subdivider(s): \_\_\_\_\_

Address: \_\_\_\_\_

*Street Address or P.O. Box*

\_\_\_\_\_

*City*

*State*

*Zip Code*

**3. CONDITION OF TITLE**

**Please answer all of the following that are applicable:**

Number of mortgages existing on the property being subdivided: \_\_\_\_\_

Name and address of each mortgagee, and balance owing and summary of release provisions on each mortgage:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Number of real estate contracts on the subdivided land for which the subdivider is making payments as a purchaser: \_\_\_\_\_

For each real estate contract held on the subdivided land for which the subdivider is making payments as a purchaser, please state the name and address of each person holding the contract, balance owing on each real estate contract, and summary of default and release provisions of each real estate contract: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Statement of any other encumbrances on the land: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Statement of any other conditions relevant to the state of title: \_\_\_\_\_

\_\_\_\_\_

**4. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD THAT SUBJECT THE SUBDIVIDED LAND TO ANY CONDITIONS AFFECTING ITS USE OR OCCUPANCY**

State here all deed and plat restrictions affecting the subdivided land: \_\_\_\_\_

\_\_\_\_\_

Are there restrictive covenants for this subdivision?  Yes  No

If yes, attach copy of restrictive covenants to this disclosure statement.

**5. UTILITIES**

**Name of entity providing electricity:** \_\_\_\_\_

Please describe availability of electric service. Is electric service available to each parcel in the subdivision? If electric service is available to some but not all parcels in the subdivision, please state which parcels it will be available to: \_\_\_\_\_

\_\_\_\_\_

Electric utilities are:  above-ground  below-ground

Who is responsible for providing electric service to individual parcels?

Subdivider  Purchaser/Lessee

**Gas service:**  Propane  Natural

If natural gas is available, name of entity providing service: \_\_\_\_\_

Is natural gas service available to each parcel in the subdivision? If gas service is available to some but not all parcels in the subdivision, please state which parcels it will be available to: \_\_\_\_\_

Gas utilities are:  above-ground  below-ground

Who is responsible for providing gas service (either natural or propane) to individual parcels.?'

Subdivider  Purchaser/Lessee

**Water:**  Well  Shared well  Community system

Who is responsible for providing water service to individual parcels?

Subdivider  Purchaser/Lessee

*If water is to be provided by well or shared well, complete Section 9 of this form.*

*If water is provided by a community system, complete Section 8 of this form.*

**Is telephone service available to this subdivision?**  Yes  No

Name of entity providing telephone service: \_\_\_\_\_

Please describe availability of telephone service. Is telephone service available to each parcel in the subdivision? If telephone service is available to some but not all parcels in the subdivision, please state which parcels it will be available to: \_\_\_\_\_

Who is responsible for providing telephone service to individual parcels?

Subdivider  Purchaser/Lessee

Telephone utilities are:  above-ground  below-ground

**Method of liquid waste disposal:**  septic tank  Community System

Who is responsible for providing liquid waste disposal service to individual parcels?

Subdivider  Purchaser/Lessee

*Complete Section 10 of this form.*

**Method of solid waste disposal:**  Responsibility of Purchaser/Lessee  
 Responsibility of Subdivider

If purchaser/lessee is responsible for solid waste disposal, please state the address of the nearest Convenience Center or approved landfill and its distance in miles from the subdivision and/or the location of the nearest dumpster if a collection system is in use: \_\_\_\_\_  
\_\_\_\_\_

If subdivider is providing solid waste disposal, please describe the method or system to be used and the location of the landfill to be used: \_\_\_\_\_  
\_\_\_\_\_

**6. INSTALLATION OF UTILITIES**

Please state whether the following utilities are currently available to the subdivision (this question does not include availability to individual parcels). If not available at this time, state the date of installation of each utility:

Electricity:  Now available  
 Date to be installed: \_\_\_\_\_

Natural gas:  Now available  
 Date to be installed: \_\_\_\_\_

Water:  Now available  
 Date to be installed: \_\_\_\_\_

Telephone:  Now available  
 Date to be installed: \_\_\_\_\_

Liquid waste disposal:  Now available  
 Date to be installed: \_\_\_\_\_

**7. WATER AVAILABILITY**

Will water be used for anything other than domestic purposes, based on one family per lot?

Yes  No

If yes, describe water use (multi-family lots, orchards, farming, etc.): \_\_\_\_\_  
\_\_\_\_\_

Describe the availability and sources of water to meet the subdivision's maximum annual water requirements:

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---

---

Describe the means of water delivery within the subdivision:

---

---

Describe any limitations and restrictions on water use in the subdivision:

---

---

Summarize the provisions of any restrictive covenants or other restrictions requiring the use of water saving fixtures and other water conservation measures: \_\_\_\_\_

---

Describe what measures (such as meters), if any, will be employed to monitor or restrict water use in the subdivision: \_\_\_\_\_

---

**8. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS**

**If no community water system is to be used in this subdivision, please skip to the next question.**

Name and address of entity providing water: \_\_\_\_\_

---

Source of water and means of delivery: \_\_\_\_\_

---

Summary of any legal restrictions on either indoor or outdoor usage: \_\_\_\_\_

---

Statement that individual wells are prohibited, if such is the case: \_\_\_\_\_

---

---

**9. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS (if applicable)**

State whether wells will be provided by the subdivider or by the prospective purchaser/lessee:

\_\_\_\_\_

If wells are provided by purchaser/lessee, state the estimated cost to complete a domestic well, including drilling, pressure tank, control devices, storage and treatment facilities: \_\_\_\_\_

\_\_\_\_\_

If wells are provided by the subdivider, state the cost, if any to the purchaser/lessee: \_\_\_\_\_

\_\_\_\_\_

Summary of legal restrictions on either indoor or outdoor usage: \_\_\_\_\_

\_\_\_\_\_

Average depth to groundwater and the minimum and maximum well depths to be reasonably expected:

\_\_\_\_\_

\_\_\_\_\_

**10. LIQUID WASTE DISPOSAL**

Describe the precise type of liquid waste disposal system that is proposed for use within the subdivision:

\_\_\_\_\_

\_\_\_\_\_

Describe the responsibilities of both subdivider and purchaser/lessee in installing liquid waste disposal system: \_\_\_\_\_

\_\_\_\_\_

**NOTE: NO LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN THIS SUBDIVISION OTHER THAN A SYSTEM APPROVED FOR USE IN THIS SUBDIVISION BY THE BOARD OF COUNTY COMMISSIONERS AND THE NEW MEXICO ENVIRONMENT DEPARTMENT.**

**11. TERRAIN MANAGEMENT**

Describe the suitability for residential use of the soils in the subdivision as defined in the Natural Resource Conservation District's soil survey for Otero County: \_\_\_\_\_

\_\_\_\_\_

Describe any measures necessary for overcoming soil and topographic limitations, and who will be responsible for implementing these measures: \_\_\_\_\_

\_\_\_\_\_

Identify by lot and block numbers all parcels within the subdivision that are subject to flooding:

---

Identify by lot and block numbers all parcels within the subdivision located in whole or in part on slopes in excess of 8%: \_\_\_\_\_

---

Describe the surface drainage for all lots in the subdivision: \_\_\_\_\_

---

Describe the subsurface drainage for all lots in the subdivision as contained in the Natural Resource Conservation Soil Survey: \_\_\_\_\_

---

Describe the nature, location and completion dates of all storm drainage systems constructed or required to be constructed in the subdivision: \_\_\_\_\_

---

**12. SUBDIVISION ACCESS**

Name of town or village nearest to subdivision: \_\_\_\_\_

Distance in miles from nearest town to subdivision and the general route over which that distance is computed: \_\_\_\_\_

---

Describe access roads to the subdivision, including approximate width and surfacing: \_\_\_\_\_

---

State whether or not subdivision is accessible by conventional vehicle and whether it is accessible at all times of the year; also state any weather conditions that could affect access to the subdivision and any measures that will be necessary to gain access during these conditions: \_\_\_\_\_

---

Describe roads within the subdivision, including width and surfacing: \_\_\_\_\_

---

Does the subdivider propose to submit the roads within the subdivision to the County for maintenance?

Yes       No

**THIS DOES NOT GUARANTEE THAT ROADS WILL BE ACCEPTED FOR MAINTENANCE BY THE COUNTY.**

For roads proposed to be privately maintained or until the County accepts roads for public maintenance, who is responsible for maintenance of the roads?     Subdivider                       Purchaser

State how the roads will be maintained, describe any responsibilities and obligations lot owners will have with respect to road maintenance, and describe the measures taken to make sure that maintenance of the roads takes place (include responsibilities of property owners' association, if applicable): \_\_\_\_\_

---

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---

Who is responsible for maintenance of other improvements within the subdivision (water systems, parks, etc.)?

Subdivider                       Purchaser

State how the improvements will be maintained, describe any responsibilities and obligations lot owners will have with respect to maintenance of improvements, and describe the measures taken to make sure that maintenance of the improvements takes place (include responsibilities of property owners' association, if applicable): \_\_\_\_\_

---

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**NOTE: UNDER NEW MEXICO STATE LAW, LAND OWNERS ARE RESPONSIBLE FOR PROVIDING THEIR OWN FENCE IF THEY WANT TO KEEP LIVESTOCK OUT.**

**13. CONSTRUCTION GUARANTEES (if applicable)**

Describe any proposed roads, drainage structures, water treatment facilities or other improvements that will not be completed before parcels in the subdivision are offered for sale: \_\_\_\_\_

---

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**FORM A-7**

**DISCLOSURE STATEMENT FOR SUBDIVISIONS  
CONTAINING MORE THAN FIVE PARCELS**

Disclosure statements must be prepared on the forms provided in this appendix to the Otero County Subdivision Regulations. The language of these disclosure statements shall not be altered in any way.

**DISCLOSURE STATEMENT**

FOR ALL SUBDIVISIONS CONTAINING MORE THAN FIVE (5) PARCELS.

**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 statement 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 this disclosure statement. They may be favorable or unfavorable. You should read them closely.

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 other 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 revested 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 Otero 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:** \_\_\_\_\_

2. **SUBDIVIDER INFORMATION**

Name of Subdivider(s): \_\_\_\_\_

Address: \_\_\_\_\_  
*Street Address or P.O. Box*

\_\_\_\_\_  
*City State Zip Code*

**3. IN CHARGE OF SALES, LEASING, OR OTHER NAME AND ADDRESS OF PERSON  
CONVEYANCE IN NEW MEXICO**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

*Street Address or P.O. Box*

*City*

*State*

*Zip Code*

Telephone Number(s): \_\_\_\_\_

**4. SIZE OF SUBDIVISION, BOTH PRESENT AND ANTICIPATED**

Present

Anticipated

Number of parcels: \_\_\_\_\_

Number of parcels: \_\_\_\_\_

Number of acres: \_\_\_\_\_

Number of acres: \_\_\_\_\_

**5. SIZE (IN ACRES) OF LARGEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE  
WITHIN THE SUBDIVISION: \_\_\_\_\_**

**6. SIZE (IN ACRES) OF SMALLEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE  
WITHIN THE SUBDIVISION: \_\_\_\_\_**

**7. PROPOSED RANGE OF PRICES FOR SALES, LEASES OR OTHER CONVEYANCES:**

Lowest dollar amount: \_\_\_\_\_ Parcel size (in acres): \_\_\_\_\_

Highest dollar amount: \_\_\_\_\_ Parcel size (in acres): \_\_\_\_\_

**8. FINANCING TERMS**

Is owner financing available?  Yes  No

If Yes, please provide any information required by the Truth in Lending Act and Regulation Z:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**9. NAME AND ADDRESS OF PERSON WHO IS RECORDED AS HAVING LEGAL TITLE: Name:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

*Street Address or P.O. Box*

\_\_\_\_\_  
*City*

\_\_\_\_\_  
*State*

\_\_\_\_\_  
*Zip Code*

**NOTE: IF ANY OF THE HOLDERS OF LEGAL TITLE NAMED ABOVE IS A CORPORATION OR PARTNERSHIP, LIST THE NAMES AND ADDRESSES OF ALL OFFICERS OF THAT CORPORATION AND/OR PARTNERS IN THE PARTNERSHIP, INCLUDING DESIGNATION OF MANAGING PARTNER.**

**10. NAME AND ADDRESS OF PERSON WHO IS RECORDED AS HAVING EQUITABLE TITLE (if different from answer in Question 9):**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

*Street Address or P.O. Box*

\_\_\_\_\_  
*City*

\_\_\_\_\_  
*State*

\_\_\_\_\_  
*Zip Code*

**NOTE: IF ANY OF THE HOLDERS OF EQUITABLE TITLE NAMED ABOVE IS A CORPORATION OR PARTNERSHIP, LIST THE NAMES AND ADDRESSES OF ALL OFFICERS OF THAT CORPORATION AND/OR PARTNERS IN THE PARTNERSHIP, INCLUDING DESIGNATION OF MANAGING PARTNER.**

**11. CONDITION OF TITLE**

Include at least the following information where applicable:

Number of mortgages: \_\_\_\_\_

Name and address of each mortgagee: \_\_\_\_\_

\_\_\_\_\_

Balance owing and summary of release provisions for each mortgage: \_\_\_\_\_

\_\_\_\_\_

Number of real estate contracts on the subdivided land for which the subdivider is making payments as a purchaser: \_\_\_\_\_

\_\_\_\_\_

Name and address of each person holding a real estate contract as owner of the subdivided land for which the subdivider is making payments as a purchaser: \_\_\_\_\_

\_\_\_\_\_

Balance owing on each real estate contract: \_\_\_\_\_

\_\_\_\_\_

Summary of default and release provisions of each real estate contract: \_\_\_\_\_

\_\_\_\_\_

Statement of any other encumbrances on the land: \_\_\_\_\_

\_\_\_\_\_

Statement of any other conditions relevant to the state of title: \_\_\_\_\_

\_\_\_\_\_

**12. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD THAT SUBJECT THE SUBDIVIDED LAND TO ANY CONDITIONS AFFECTING ITS USE OR OCCUPANCY**

State here all deed and plat restrictions affecting the subdivided land: \_\_\_\_\_

\_\_\_\_\_

Are there restrictive covenants for this subdivision?  Yes  No

If yes, attach copy of restrictive covenants to this disclosure statement.

**13. ESCROW AGENT**

Has an escrow agent been assigned?  Yes  No

If answer is Yes, answer the rest of this question; if answer is No, skip to Question 14.

Name of escrow agent: \_\_\_\_\_

Address: \_\_\_\_\_

*Street Address or P.O. Box*

\_\_\_\_\_

*City*

*State*

*Zip Code*

Statement of whether or not the subdivider has any interest in or financial ties to the escrow agent: \_\_\_\_\_

\_\_\_\_\_

**14. UTILITIES**

**Name of entity providing electricity:** \_\_\_\_\_

Please describe availability of electric service. Is electric service available to each parcel in the subdivision? If electric service is available to some but not all parcels in the subdivision, please state which parcels it will be available to: \_\_\_\_\_

\_\_\_\_\_

Electric utilities are:  above-ground  below-ground

Who is responsible for providing electric service to individual parcels?

Subdivider  Purchaser/Lessee

If Purchaser/Lessee is responsible, state estimated cost of installation of electric service: \_\_\_\_\_

---

**Gas service:**  Propane  Natural

If natural gas is available, name of entity providing service: \_\_\_\_\_

Is natural gas service available to each parcel in the subdivision? If gas service is available to some but not all parcels in the subdivision, please state which parcels it will be available to: \_\_\_\_\_

---

Gas utilities are:  above-ground  below-ground

Who is responsible for providing gas service (either natural or propane) to individual parcels.?'

Subdivider  Purchaser/Lessee

If Purchaser/Lessee is responsible, state estimated cost of installation of electric service: \_\_\_\_\_

---

**Water:**  Well  Shared well  Community system

Who is responsible for providing water service to individual parcels?

Subdivider  Purchaser/Lessee

*If water is to be provided by well or shared well, complete Section 9 of this form.*

*If water is provided by a community system, complete Section 8 of this form.*

**Is telephone service available to this subdivision?**  Yes  No

Name of entity providing telephone service: \_\_\_\_\_

Please describe availability of telephone service. Is telephone service available to each parcel in the subdivision? If telephone service is available to some but not all parcels in the subdivision, please state which parcels it will be available to: \_\_\_\_\_

---

Who is responsible for providing telephone service to individual parcels?

Subdivider  Purchaser/Lessee

If Purchaser/Lessee is responsible, state estimated cost of installation of electric service: \_\_\_\_\_

Telephone utilities are:  above-ground  below-ground

**Method of liquid waste disposal:**  septic tank  Community System

Who is responsible for providing liquid waste disposal service to individual parcels?

Subdivider  Purchaser/Lessee

*Complete Section 24 of this form.*

**15. INSTALLATION OF UTILITIES**

Please state whether the following utilities are currently available to the subdivision (this question does not include availability to individual parcels). If not available at this time, state the date of installation of each utility:

Electricity:  Now available  
 Date to be installed: \_\_\_\_\_

Natural gas:  Now available  
 Date to be installed: \_\_\_\_\_

Water:  Now available  
 Date to be installed: \_\_\_\_\_

Telephone:  Now available  
 Date to be installed: \_\_\_\_\_

Liquid waste disposal:  Now available  
 Date to be installed: \_\_\_\_\_

Other:  Now available  
 Date to be installed: \_\_\_\_\_

**16. WATER AVAILABILITY**

Describe the maximum annual water requirements of the subdivision including water for indoor and outdoor domestic uses: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Describe the availability and sources of water to meet the subdivision's maximum annual water requirements:

---

---

---

Describe the means of water delivery within the subdivision: \_\_\_\_\_

---

Describe any limitations and restrictions on water use in the subdivision: \_\_\_\_\_

---

Summarize the provisions of any restrictive covenants or other restrictions requiring the use of water saving fixtures and other water conservation measures: \_\_\_\_\_

---

---

Describe what measures, if any, will be employed to monitor or restrict water use in the subdivision:

---

---

**17. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS**

Name and address of entity providing water: \_\_\_\_\_

---

Source of water and means of delivery: \_\_\_\_\_

---

Summary of any legal restrictions on either indoor or outdoor usage: \_\_\_\_\_

---

Statement that individual wells are prohibited, if such is the case: \_\_\_\_\_

---

**18. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS**

State whether wells will be provided by the subdivider or by the prospective purchaser/lessee:

---

If wells are provided by purchaser/lessee, state the estimated cost to complete a domestic well, including drilling, pressure tank, control devices, storage and treatment facilities: \_\_\_\_\_

\_\_\_\_\_

If wells are provided by the subdivider, state the cost, if any to the purchaser/lessee/conveyee: \_\_\_\_\_

\_\_\_\_\_

Summary of legal restrictions on either indoor or outdoor usage: \_\_\_\_\_

\_\_\_\_\_

Recommended total depth of well: \_\_\_\_\_

Average depth to groundwater and the minimum and maximum well depths to be reasonably expected:

\_\_\_\_\_

\_\_\_\_\_

Recommended total depth of well: \_\_\_\_\_

Estimated yield in gallons per minute of wells completed to recommended total depth: \_\_\_\_\_

\_\_\_\_\_

**19. LIFE EXPECTANCY OF WATER SUPPLY**

State the life expectancy of each source of water supply for the subdivision under full development of the subdivision: \_\_\_\_\_

\_\_\_\_\_

**20. SURFACE WATER\***

\*Not applicable where subdivider intends to provide water for domestic use.

Provide a detailed statement of the source and yield of the surface water supply and any restrictions to which the surface water supply is subject: \_\_\_\_\_

\_\_\_\_\_

**21. NEW MEXICO STATE ENGINEER'S OPINION ON WATER AVAILABILITY**

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico State Engineer regarding:

Whether or not 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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Whether or not the subdivider can fulfill the proposals in this disclosure statement concerning water, excepting water quality: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**22. WATER QUALITY**

Describe the quality of water in the subdivision available for human consumption: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe any quality that would make the water unsuitable for use within the subdivision: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State each maximum allowable water quality parameter that has been exceeded with the approval of the Board of County Commissioners and the name of the element, compound or standard that has exceeded that parameter: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**23. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON WATER QUALITY**

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

Whether or not the subdivider can furnish water of an acceptable quality for human consumption and measures to protect the water supply from contamination in conformity with state regulations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Whether or not the subdivider can fulfill the water quality proposal made in this disclosure statement:  
\_\_\_\_\_  
\_\_\_\_\_

Whether or not the subdivider's proposal for water quality conforms to the County's water quality regulations: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**24. LIQUID WASTE DISPOSAL**

Describe the precise type of liquid waste disposal system that is proposed and that has been approved by the Board of County Commissioners for use within the subdivision: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE: NO LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN THIS SUBDIVISION OTHER THAN A SYSTEM APPROVED FOR USE IN THIS SUBDIVISION BY THE BOARD OF COUNTY COMMISSIONERS**

**25. N.M. ENVIRONMENT DEPARTMENT'S OPINION ON LIQUID WASTE DISPOSAL**

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

Whether there are sufficient liquid waste disposal facilities to fulfill the requirements of the subdivision in conformity with state regulations: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Whether or not the subdivider can fulfill the liquid waste proposals made in this disclosure statement:

\_\_\_\_\_  
\_\_\_\_\_

Whether or not the subdivider's proposal for liquid waste disposal conforms to the County's liquid waste disposal regulations: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**26. SOLID WASTE DISPOSAL**

Solid waste disposal:

Responsibility of Purchaser/Lessee

Responsibility of Subdivider

If purchaser/lessee is responsible for solid waste disposal, please state the address of the nearest Convenience Center or approved landfill and its distance in miles from the subdivision and/or the location of the nearest dumpster if a collection system is in use: \_\_\_\_\_

\_\_\_\_\_

If subdivider is providing solid waste disposal, please describe the method or system to be used and the location of the landfill to be used: \_\_\_\_\_

\_\_\_\_\_

**27. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON SOLID WASTE DISPOSAL**

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

Whether or not there are sufficient solid waste disposal facilities to fulfill the requirements of the subdivision in conformity with state regulations: \_\_\_\_\_

\_\_\_\_\_

Whether or not the subdivider can fulfill the solid waste proposals made in this disclosure statement:

\_\_\_\_\_

Whether or not the subdivider's proposal for solid waste disposal conforms to the County's solid waste disposal regulations: \_\_\_\_\_

\_\_\_\_\_

**28. TERRAIN MANAGEMENT**

Describe the suitability for residential use of the soils in the subdivision as defined in the Natural Resource Conservation Service's soil survey for Otero County: \_\_\_\_\_

\_\_\_\_\_

Describe any measures necessary for overcoming soil and topographic limitations, and who will be responsible for implementing these measures: \_\_\_\_\_

\_\_\_\_\_

Identify by lot and block numbers all parcels within the subdivision that are subject to flooding:

\_\_\_\_\_

Identify by lot and block numbers all parcels within the subdivision located in whole or in part on slopes in excess of 8%: \_\_\_\_\_

Describe the surface drainage for all lots in the subdivision: \_\_\_\_\_  
\_\_\_\_\_

Describe the subsurface drainage for all lots in the subdivision (as per the Natural Resources Conservation Service's soil survey for Otero County): \_\_\_\_\_  
\_\_\_\_\_

Describe the nature, location and completion dates of all storm drainage systems constructed or required to be constructed in the subdivision: \_\_\_\_\_  
\_\_\_\_\_

**29. SOIL AND WATER CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT**

Include here the approved summary of the opinion received by the Board of County Commissioners from the Soil & Water Conservation District on:

Whether or not the subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage and soil erosion: \_\_\_\_\_  
\_\_\_\_\_

Whether or not the subdivider can satisfy the terrain management proposals made in this disclosure statement: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Whether or not the subdivider's terrain management proposals conform to the County's regulations on terrain management: \_\_\_\_\_  
\_\_\_\_\_

**30. SUBDIVISION ACCESS**

Name of town or village nearest to subdivision: \_\_\_\_\_

Distance in miles from nearest town to subdivision and the general route over which that distance is computed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe access roads to subdivision, including approximate width and surfacing: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State whether or not subdivision is accessible by conventional vehicle and whether it is accessible at all times of the year; also state any weather conditions that could affect access to the subdivision and any measures that will be necessary to gain access during these conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe the width and surfacing of all roads within the subdivision: \_\_\_\_\_

\_\_\_\_\_

**31. MAINTENANCE**

Does the subdivider propose to submit the roads within the subdivision to the County for maintenance?

Yes       No

**THIS DOES NOT GUARANTEE THAT ROADS WILL BE ACCEPTED FOR MAINTENANCE BY THE COUNTY.**

For roads proposed to be privately maintained or until the County accepts roads for public maintenance, who is responsible for maintenance of the roads?       Subdivider       Purchaser

State how the roads will be maintained, describe any responsibilities and obligations lot owners will have with respect to road maintenance, and describe the measures taken to make sure that maintenance of the roads takes place (include responsibilities of property owners' association, if applicable): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Who is responsible for maintenance of other improvements within the subdivision (water systems, parks, etc.)?

Subdivider       Purchaser

State how the improvements will be maintained, describe any responsibilities and obligations lot owners will have with respect to maintenance of improvements, and describe the measures taken to make sure that maintenance of the improvements takes place (include responsibility of property owners' association, if applicable): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NOTE: UNDER NEW MEXICO STATE LAW, LAND OWNERS ARE RESPONSIBLE FOR PROVIDING THEIR OWN FENCE IF THEY WANT TO KEEP LIVESTOCK OUT.**

**32. STATE HIGHWAY DEPARTMENT'S OPINION ON ACCESS**

Include here the approved summary of the opinion received by the Board of County Commissioners from the State Highway and Transportation Department on:

Whether or not the subdivider can fulfill the state highway access requirements for the subdivision in conformity with state regulations: \_\_\_\_\_

\_\_\_\_\_

Whether or not the subdivider can satisfy the access proposal made in this disclosure statement: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Whether or not the subdivider's access proposals conform to the County's regulations on access: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**33. CONSTRUCTION GUARANTEES**

Describe any proposed roads, drainage structures, water treatment facilities or other improvements that will not be completed before parcels in the subdivision are offered for sale: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe or attach all performance bonds, letters of credit or other collateral securing the completion of each proposed improvement: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**UNLESS THERE IS SUFFICIENT BOND, LETTER OF CREDIT OR OTHER ADEQUATE COLLATERAL TO SECURE THE COMPLETION OF PROPOSED IMPROVEMENTS, IT IS POSSIBLE THAT THE PROPOSED IMPROVEMENTS WILL NOT BE COMPLETED. CAUTION IS ADVISED.**

**34. ADVERSE OR UNUSUAL CONDITIONS**

State any activities or conditions adjacent to or nearby the subdivision, such as feed lots, dairies, cement plants or airports, that would subject the subdivided land to any unusual conditions affecting its use or occupancy: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_





**FORM A-8**

**AFFIDAVITS FOR REVIEW OF EASEMENTS  
BY UTILITY COMPANIES**

Affidavits for Review of Easements must be prepared on the forms provided in this appendix to the Otero County Subdivision Regulations. The language of these forms shall not be altered in any way.

**A F F I D A V I T**

By signing below, the following utility companies certify that the **Preliminary** plat for the \_\_\_\_\_ Subdivision has been reviewed and that the platted easements are satisfactory to meet the needs of the installation of utilities. The signing of this affidavit does not in any way guarantee utility services to the subdivision.

\_\_\_\_\_ Electric/Power Company

By: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Telephone Company

By: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Gas Company (If applicable)

By: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Cable TV Co. (If applicable)

By: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Other

By: \_\_\_\_\_ Date: \_\_\_\_\_

**A F F I D A V I T**

By signing below, the following utility companies certify that the **Summary Review** plat for the \_\_\_\_\_ Subdivision has been reviewed and that the platted easements are satisfactory to meet the needs of the installation of utilities. The signing of this affidavit does not in any way guarantee utility services to the subdivision.

\_\_\_\_\_ Electric/Power Company  
By: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Telephone Company  
By: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Gas Company (If applicable)  
By: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Cable TV Co. (If applicable)  
By: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Other  
By: \_\_\_\_\_ Date: \_\_\_\_\_

**FORM A-9**

**AFFIDAVIT FOR NOTIFICATION OF REVIEW  
OF STATE REGISTER OF CULTURAL PROPERTIES**

Affidavits for Notification of Review of State Register of Cultural Properties must be prepared on the form provided in this appendix to the Otero County Subdivision Regulations. The language of this form shall not be altered in any way.







16. A certificate by the Otero County Board of Commissioners or their designated representative certifying that The subdivider has complied with one of the following:

- 1. All improvements have been installed in accordance with the requirements of this Ordinance OR;
- 2. A performance bond, certificate of deposit or other security as approved by the Board of County Commissioners must be filed with the County Clerk in sufficient amount to assure completion of developer-provided improvements. The bond shall be based on engineering cost estimates. The performance bond will not be required after acceptance of a Maintenance Bond;
- 3. The maintenance bond in the amount of 15% of the performance bond must be filed and continued for the two-year test period of the developer-provided improvements after preliminary acceptance and until final acceptance by the Board of County Commissioners.
- 4. Entered into a contract with the Board of County Commissioners guaranteeing successful completion of all improvements.

\_\_\_\_\_

D. Two (2) copies of plat printed on sheets no larger than 24"x36", at a scale of 200' to 1" or larger, final disclosure Statement and supporting document, verified in compliance with this checklist accepted by the Subdivision Coordinator on this date:

\_\_\_\_\_

By :

\_\_\_\_\_

Subdivision Coordinator

\_\_\_\_\_

Date

# Form A-12

## CHECKLIST FOR SUMMARY REVIEW PLAT

This checklist shall be used by the Planning Coordinator in assuring that the summary review plat is complete for review and shall be submitted to the Planning Commission with the review materials.

### SUMMARY REVIEW PLAT CHECK LIST

Subdivision Name \_\_\_\_\_

Subdivision Type \_\_\_\_\_ Date Submitted \_\_\_\_\_ Incomplete Complete

- |  |       |       |
|--|-------|-------|
| A. Fee and completed application.  | _____ | _____ |
| B. Verification that taxes are not delinquent and are paid in full to date.  | _____ | _____ |
| C. Check Summary Review Plat for the following:  |       |       |
| 1. Title (subdivision's name), scale, north arrow, with all pages including Topography, any Plans, and Road Construction Plan prominently labeled "Summary Review Plat" and numbered in sequence (i.e. Pl of 1 or Pl of 4 etc); date of plat including month, day and year (mo/da/yr) plus date of survey (mo/yr) prominently marked.                | _____ | _____ |
| 2. Legal description including Range, Township, and Section within which the subdivision is located.   | _____ | _____ |
| 3. Location of subdivision in relation to well-known landmarks (vicinity map).   | _____ | _____ |
| 4. Subdivision boundary lines, easement and right-of-way lines & lines of all lots with ties to permanent markers.   | _____ | _____ |
| 5. Acreage measurements and identification numbers for each lot.   | _____ | _____ |
| 6. The location, dimensions, and purpose of all easements, dedicated sites, easements of record, book & page.  | _____ | _____ |
| 7. Delineation of any 100-year flood plain as designated by the Federal Emergency Management Agency (FEMA).  | _____ | _____ |
| 8. Existing and proposed utilities on and adjacent to the subdivision.   | _____ | _____ |
| 9. Locations, dimensions and purpose of any land to be dedicated to public use, including any improvements to be made to the land.   | _____ | _____ |
| 10. Location of any registered archaeological or culturally significant features on the site.  | _____ | _____ |
| 11. Names and addresses of the owners of the land to be subdivided and of contiguous property, the subdivider if other than the owner, and the land surveyor.  | _____ | _____ |
| 12. A vicinity map showing the relationship of the subdivision site to It's general surroundings, and the location of all existing drainage Channels, water and erosion control structures, watercourses and water bodies within three (3) miles of the subdivision on a U.S. Geological Survey map, scale 1:24000 (may be in disclosure statement). | _____ | _____ |
| 13. Existing topography and any regarding plans, with contour intervals Sufficient to evaluate drainage and existing flow paths, arroyos and Culverts and existing improvements and surface features.  | _____ | _____ |
| 14. The surveyor's certification (in the format provided in Appendix A of these Regulations) attesting to the compliance of the plat and accuracy of the survey, with the date of survey.  | _____ | _____ |
| 15. The certification (in the format provided in Appendix A of these Regulations) for Board of County Commissioners approval.  | _____ | _____ |

16. Certification by the Otero County Administrator or his designated Representative (in the format provided in Appendix A) that the Subdivider has complied with Article 8 of these Regulations and that The plat is approved for filing.

\_\_\_\_\_

D. **Road Construction Plans.**

\_\_\_\_\_

E. **Ten (10) copies of the plat printed on sheets no larger than 24"X36"** at a scale of 200' to 1" or larger verified in compliance with this checklist accepted by the Subdivision Coordinator on this date:

\_\_\_\_\_

By :

\_\_\_\_\_  
Subdivision Coordinator

\_\_\_\_\_  
Date

## COUNTY SUBDIVIDER'S CONTRACT

**THIS AGREEMENT** (hereinafter referred to as "the Agreement") is made by and between \_\_\_\_\_, (Developer or owner), (hereinafter referred to as "the Subdivider"), and Otero County, New Mexico, (hereinafter referred to as "the County") on the date set forth opposite the signature of each party but is effective on the date of approval of the final plat of \_\_\_\_\_ ( subdivision name).

**WHEREAS**, the Subdivider has applied for approval for a subdivision known as \_\_\_\_\_, (hereinafter referred to as "the Subdivision"), located within the boundaries and the planning and platting jurisdiction of the County; and,

**WHEREAS**, the Subdivider and the County wish to enter into a contract in accordance with the provisions of Section 5.4C, of the *County of Ordinance 07-02 of Otero County , New Mexico*.

**NOW, THEREFORE**, in consideration of the mutual benefits to be derived by the parties hereto, the County and the Subdivider agree as follows:

1. The Subdivider agrees to abide by and comply with the final layout and drawings as finally approved by the County and to complete the Subdivision in accordance with the final plans and specifications as approved by the County.

2. The Subdivider agrees to install all roads, utilities and other improvements required by Ordinance 07-02, of the *Code of Ordinances of Otero County, New Mexico*, according to the minimum standards specified in *Ordinance 07-02 of Otero County, New Mexico*, (hereinafter referred to as "the Regulations") each as amended and currently in effect at the time installation is begun, within two years from the date of approval of the Subdivision. The Subdivider further agrees to provide record drawings of the streets, utilities and other improvements required by *Ordinance 07-02 of Otero County, New Mexico*, when their installation is completed.

3. For a period ending one year after the County accepts the subdivision improvements for maintenance(after 20% occupancy), the Subdivider agrees to make all repairs to the construction work and replace all defective material or workmanship which may become apparent before or after the Subdivision shall have been completed and accepted by the County; and no acceptance or approval by the

County, its engineer or other agent or employee shall relieve the Subdivider from his obligations. The County shall not be deemed to have waived any of the requirements of this Ordinance by virtue of its acceptance of any easement or right-of-way from the Subdivider.

4. Within the Subdivision, and if required by this ordinance, the subdivider agrees to supply and install at his own expense required water lines of approved size, weight and quality in accordance with the County standards, as amended or updated.

5. The Subdivider agrees to protect drainage structures, to build bridges, culverts and such other drainage facilities in the area as may be necessary to protect the Subdivision, the County, and other lands in the area from floods by reason of such development.

6. The Subdivider agrees to compact all backfill, especially in roads, to ninety-five percent (95%) of density as determined by the modified Proctor method. Six (6) months after completion, the Subdivider shall regrade and repair, if required, or directed, all backfill.

7. The Subdivider agrees to lay and construct all required basecourse and paving, using standard specifications, and to connect such improvements with the existing roads as may be required by the County.

8. The Subdivider agrees to repair all damages to existing roads and utility lines, at no expense to the County.

9. The Subdivider agrees to use materials of good quality in performing the work and in developing and completing the Subdivision. The Subdivider further agrees to have laboratory tests performed as may be required by the County and to furnish reports of such tests to the County. Tests and samples shall be taken and analyzed by methods prescribed by the American Society for Testing Materials, or the American Association of State Highway Officials. The Subdivider shall agree to pay for such tests.

10. The Subdivider agrees that all work and/or utilities improvements regarding the Subdivision shall be performed and/or installed by the Subdivider in accordance with the Regulations and shall be subject to inspection and approval by the County and its duly designated agents and/or employees during the progress of the work. The Subdivider also agrees to pay to the City, upon approval of the final

subdivision plat and/or plans and specifications for utility installations to be done hereunder, the sum of one and one-half percent (1½%) of the estimated cost of all work and/or utilities improvements regarding the Subdivision, such costs to be established by the County at its sole discretion, for the County's expenses in connection with such checking and inspection. This inspection fee shall not be in lieu of the record drawings or any improvements required of the Subdivider.

11. The covenants under the Agreement shall be covenants running with the land and shall constitute a lien on the land in favor of the County to the extent of the cost of installing water lines and installing roads, and otherwise conforming to all the requirements of the Regulations. This lien shall not arise until the Subdivider is in default and the County has incurred costs or other obligations toward the construction of required improvements. The lien shall include interest at the statutory rate until the date of payment.

12. The Subdivider agrees that, prior to the occupancy of any homes or other structures in any given block of the Subdivision, all roads and all other work to be performed and/or constructed by the Subdivider pursuant to the Agreement shall be completed on that block.

13. The Agreement shall be binding upon the parties hereto, their respective heirs, assigns, successors, administrators and personal representatives.

14. The remedies provided herein are not exclusive and, in the event of breach, the County shall be entitled to pursue any other remedies provided by law.

15. The Subdivider and the County agree that the Agreement is to be interpreted according to the laws of the State of New Mexico and that the proper venue for any litigation regarding the Agreement shall be in Otero County, New Mexico.



