

May 18, 2010

425 S. Telshor Blvd.  
Suite C-103  
Las Cruces, NM  
88011-8237

[www.bhinc.com](http://www.bhinc.com)

voice: 505.532.8670  
facsimile: 505.532.8680  
toll free: 800.877.5332

Gadsden Independent School District  
Ralph Gallegos, Exec. Director of Energy Management & Construction  
P.O. Drawer 70  
Anthony, NM 88021

RE: **Chaparral High School, Subdivision Claim of Exemption**

Dear Mr. Gallegos,

On behalf of New Mexico State University, (NMSU) we are requesting a claim of exemption to Dona Ana County for an existing easement on GISD property that will provide access to the proposed NMSU/DACC Chaparral Center to be located directly North of the existing Chaparral High School. The request for a claim of exemption is the first step in the process to dedicate the parcel to Dona Ana County and establish it as County right of way. By completing the claim of exemption and dedicated right of way process, this will transfer the 60' x 274' parcel that is currently a utility and roadway easement to Dona Ana County and thus transfer all maintenance and liability to the County as well.

I have attached the Claim of Exemption Application to be reviewed, signed and notarized by the District. I have also provided the plat of survey, the easement description, and a copy of the site plans for the proposed facility for your review and records.

Thank you for your time in this matter and please do not hesitate to give me a call if you need any further information or have any questions concerning this matter. I can be contacted at 575.532.8670 or 575.644.4813.

Sincerely  
BOHANNAN HUSTON, INC.  
Las Cruces Office



David M. Shields, C.E.T.  
Project Manager

DMS/mb

enclosures

Cc: Tony Saenz, Alley & Associates





# DOÑA ANA COUNTY

COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
Building - Planning - GIS

845 North Motel Boulevard - Las Cruces, New Mexico 88007  
(575) 647-7350 - Fax: (575) 525-6131 Toll Free: 1 (877) 827-7200 - TTY: (575) 525-5951  
[www.donaanacounty.org](http://www.donaanacounty.org)

## CLAIM OF EXEMPTION APPLICATION

I, GISD, owner(s) of property in Book \_\_\_\_\_ and Page(s) \_\_\_\_\_, claim an exemption from the requirements of the New Mexico Subdivision Act and the Doña Ana County Subdivision Regulations No. 166-96, as amended, for the following reason:

- |                          |     |   |
|--------------------------|-----|---|
| <input type="checkbox"/> | 1.  | The sale, lease or other conveyance of any single 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.</b>  |
| <input type="checkbox"/> | 2.  | The sale or lease of apartments, offices, stores or similar space within a building.  |
| <input type="checkbox"/> | 3.  | The division of land within the boundaries of a municipality.   |
| <input type="checkbox"/> | 4.  | The division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land.  |
| <input type="checkbox"/> | 5.  | The division of land created by court order where the order creates no more than one parcel per party per tract or area of land; or if created through a probate proceeding, no more than one parcel per heir. Subsequent sale or division of any parcel so created shall be subject to these subdivision regulations. <b>ATTACH CERTIFIED COPY OF COURT ORDER.</b>   |
| <input type="checkbox"/> | 6.  | The division of land for grazing or farming activities, provided a deed restriction ensures that the land continues to be used for grazing or farming activities until such time as the property comes into compliance with these subdivision regulations. <b>ATTACH COPY OF PROPOSED CONVEYANCE DOCUMENTS AND DOCUMENTS RESTRICTING FUTURE USE TO GRAZING OR FARMING ACTIVITIES. SUCH DOCUMENTS MUST CONTAIN A DEED RESTRICTION RUNNING WITH THE LAND THAT THE DIVIDED LAND WILL BE USED FOR GRAZING OR FARMING ACTIVITIES.</b>  |
| <input type="checkbox"/> | 7.  | 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 SURVEYS SHOWING ALL PARCELS AND PARCEL BOUNDARIES BEFORE AND AFTER PROPOSED ALTERATION.</b>   |
| <input type="checkbox"/> | 8.  | The division of land to create burial plots in a cemetery. <b>ATTACH CERTIFIED SURVEYS AND DOCUMENTS CREATING OR VERIFYING THE EXISTENCE OF A CEMETERY.</b>   |
| <input type="checkbox"/> | 9.  | 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 from a tract of land per immediate family member, further, a deed restriction shall be included in the conveyancing documents which limits the further division, transfer, or conveyance in equity of any parcel that is originally sold or donated as a gift to the immediate family member, for a period of five (5) years following the transfer. As used herein the term "immediate family member" means 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, marriage, 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> |
| <input type="checkbox"/> | 10. | The division of land created solely to provide security for mortgages or liens; and not for the purposes of conveyance of legal or equitable title; provided that the division is not the result of a seller-financed transaction such as a real estate contract or deed of trust. <b>ATTACH COPIES OF ALL FINANCING DOCUMENTS, WHICH MUST INCLUDE A DEED RESTRICTION IDENTIFYING THAT THE DIVISION IS FOR FINANCING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF LEGAL OR EQUITABLE TITLE, EXCEPT IN THE CASE OF FORECLOSURE.</b>   |



- 11. The sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres. **ATTACH CERTIFIED SURVEY SHOWING LOCATION AND SIZE OF PARCEL(S).**
- 12. 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 State 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. **ATTACH COPIES OF I.R.S. EXEMPTION LETTER, AND/OR DOCUMENTS DEMONSTRATING ENTITLEMENT TO EXEMPTION AND CERTIFIED SURVEY SHOWING LAND PROPOSED TO BE DONATED.**
- 13. 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 division of land created by the sale, lease or other conveyance from the remaining 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; providing further that a survey shall be filed with the County Clerk indicating that the five (5) year holding period for the sale or division of the remaining tract and the further division of the newly created tract. **ATTACH CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF ORIGINAL TRACT, PARCEL PROPOSED TO BE DIVIDED, AND PARCELS PREVIOUSLY DIVIDED FROM THE ORIGINAL PARCEL AND DATES OF ALL DIVISIONS.**
- 14. The creation of a mobile home park as defined in these regulations. **ATTACH CERTIFIED SURVEY/SITE PLAN, SHOWING SIZE AND LOCATION OF TRACT AND LOT DEVELOPMENT WITHIN THE PARK.**
- 15. The purchase of land by a government entity for the purpose of constructing a public works project. **ATTACH CERTIFIED SURVEY OF PROJECT SHOWING LOCATION AND SIZE OF TRACT.**

Printed Name: Gadsden Independent School District  
 Physical Address: 4950 McNutt Road Sunland Park, NM 88063  
 Mailing Address: (same as above)  
 Telephone #: (575) 882-6252

I certify that I am the owner of the property subject to this application and that the information provided by me in this application is true and correct and that all the documents attached to this application are originals or true, complete and correct copies of the originals.

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

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

**ACKNOWLEDGMENT**

STATE OF NEW MEXICO)  
 COUNTY OF DOÑA ANA)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_

Notary Public \_\_\_\_\_  
 My Commission expires: \_\_\_\_\_ (Seal)

Application Fee \$ 25.00	Receipt #	APPROVED	DENIED
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Reason for denial: \_\_\_\_\_

County Planner: \_\_\_\_\_ Date: \_\_\_\_\_



# MOY SURVEYING, INC.

414 N. DOWNTOWN MALL LAS CRUCES, N.M. 88001  
PHONE: (575) 525-9683 - FAX (575) 524-3238

MARCH 24, 2010

## DESCRIPTION OF A 16,440.73 SQ. FT. 0.377 ACRE ROAD & UTILITY EASEMENT BEING PROPOSED EXTENSION OF PRESCOTT ANTHON DRIVE

An easement situate in Section 33, T.26S., R.5W., N.M.P.M. of the U.S.G.L.O. Surveys in Chaparral, Dona Ana County, New Mexico and being part of the Board of Education, Gadsen Independent School District Warranty Deed filed October 27, 2004, in Clerks Book 560, Pages 1031-1033, Dona Ana County records and in use by Chaparral High School and being more particularly described as follows, to wit:

Beginning at the Northwest corner of the easement herein described, being identical to the Northwest corner of Chaparral High School Tract and the Northeast corner of Lot 94, Galaway Subdivision No. 4, Phase II filed June 2, 2000, in Plat Book 19, Pages 447-449, Dona Ana County records;

Thence from the point of beginning and leaving the East line of said Lot 94 and along the North line of Chaparral High School Tract, N.89°59'15"E., at 30 feet to the Proposed site for D.A.C.C. and at 60.00 feet to a point for the Northeast corner of this easement;

Thence leaving the North line of said Chaparral High School Tract, S.00°04'27"E., 273.98 feet to a point for the Southeast corner of this easement;

Thence S.89°55'33"W., 60.00 feet to a point on the East line of said Lot 94 for the Southwest corner of this easement;

Thence along the East line of said Lot 94, N.00°04'27"W., 274.04 feet to the point of beginning, containing 16,440.72 sq. ft. 0.377 acre of land, more or less.

Information in the preparation of this description derives from Warranty Deed filed October 27, 2004, in Clerks Book 560, Pages 1031-1033 and Easement filed November 19, 1966, in Miscellaneous Book 71, Page 493, Dona Ana County records. Field notes by MOY SURVEYING INC., License #5939.

Job 10-0249

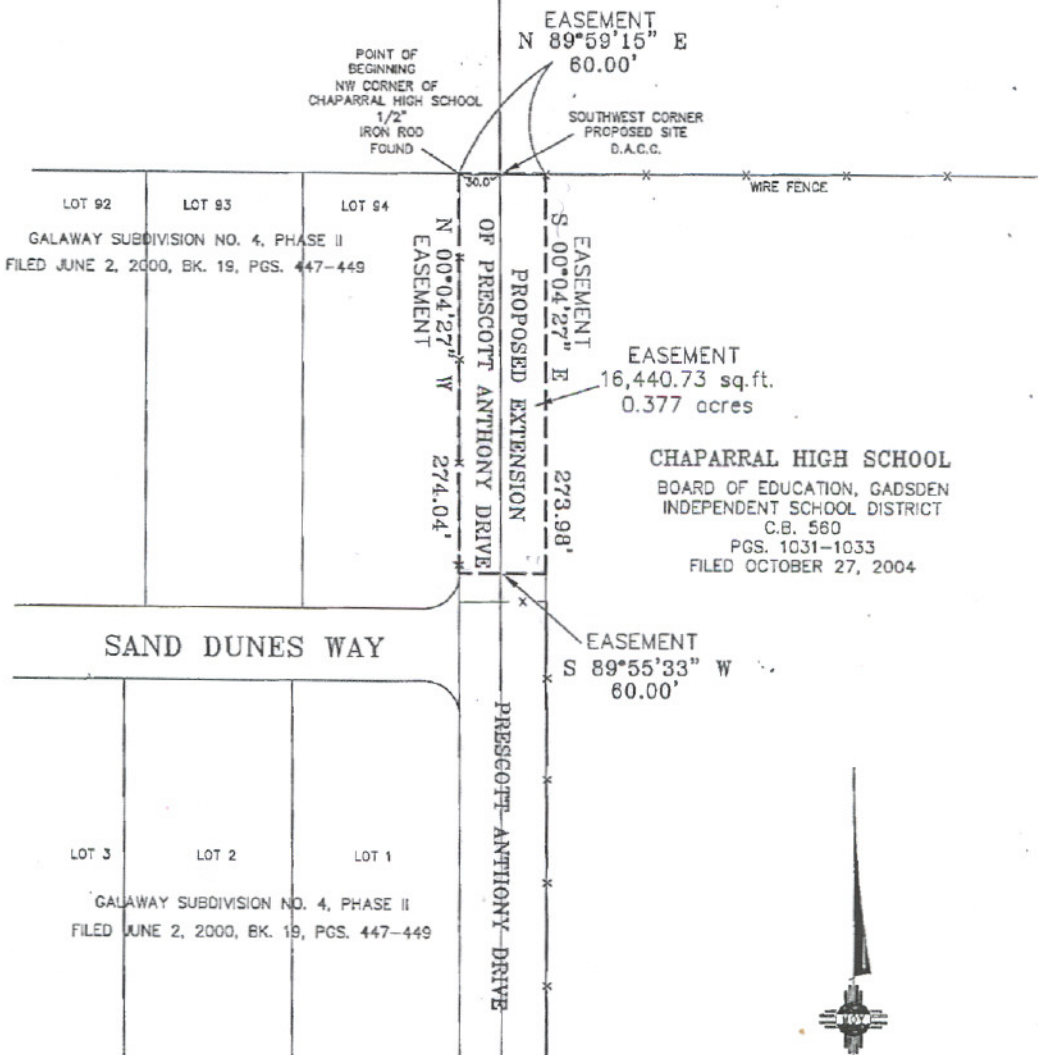
rl





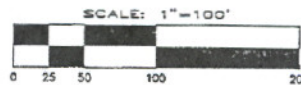
SE¼ NW¼  
FEDERAL LANDS

S½ SW¼ NE¼  
PROPOSED SITE  
FOR D.A.C.C.



NOTES:

INFORMATION IN THE PREPARATION OF THIS PLAS DERIVES FROM WARRANTY DEED FILED OCTOBER 27, 2004, IN CLERKS BOOK 560, PAGES 1031-1033 AND EASEMENT FILED NOVEMBER 19, 1966, IN MISCELLANEOUS BOOK 71, PAGE 493, DONA ANA COUNTY RECORDS.



PLAT OF SURVEY  
ON A 16,440.73 SQ. FT. 0.377 AC.  
ROAD & UTILITY EASEMENT BEING  
PROPOSED EXTENSION OF PRESCOTT ANTHONY  
DRIVE, IN SECTION 33, T.26S., R.5E., N.M.P.M.  
OF THE U.S.G.L.O. SURVEYS  
CHAPARRAL  
DONA ANA COUNTY, NEW MEXICO

I AM NEW MEXICO 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.

*Jorge Moy*

MOY SURVEYING INC.  
414 N. DOWNTOWN MALL  
LAS CRUCES, NEW MEXICO  
88001  
PHONE: (575) 525-9683  
FAX: (575) 524-3238

JOB NO. 10-0249  
DRAWN BY ROBERT E. LAWS  
FIELD BY KENNY & VICTOR  
DATE 3/24/10 SCALE: 1"=100'

05/18/10

DONA ANA COUNTY  
PROPERTY VALUATION

SCH DIST: 17 MAP CODE: 4-030-153-398-328 FLDR: 40341 YR: 2010 ST: NR

PROPERTY DESCRIPTION	FULL VALUE	ASSD VALUE
17-10771 NBRHD - 146		
0434994-A1		
9812051-A1		
13-26S-5E PT OF SEQTR		
75.11 PA VACANT LAND	82,600	27,533
75.11 PA TOTAL LAND APPRAISAL		27,533
TOTAL TAXABLE VALUE		27,533
PUBLIC SCHOOLS -2-		-27,533
TOTAL NET TAXABLE VALUE		0
	FULL VALUE	82,600

ACCT: 58206 BOARD OF EDUCATION OF GADSDEN  
INDEPENDENT SCHOOL DISTRICT  
PO BOX 70  
ANTHONY NM 88021

OFFICIAL  
MAIL DATE 03-31-10

## Section 9.2 Access to Public Way and Private Roadway Easements

- A. No new development or construction that requires a permit under the International Building Code, as adopted by Ordinance, shall be allowed on any lot unless it has legal access. All development shall include a minimum of fifty percent (50%) of the necessary additional right-of-way to conform to the required width as defined in this Ordinance if property is adjacent to the road right-of-way or road easement.
- B. All development shall include a minimum of fifty percent (50%) of the necessary additional right-of-way to conform to the required width as defined in this Ordinance if property is adjacent to the road right-of-way or road easement.
- C. Development connecting to or adjacent to a County arterial or collector shall provide adequate acceleration/deceleration lanes using standard engineering design practices based on the American Association of State Highway and Transportation Officials (AASHTO) regulation: A policy on Geometric Design of Highways and Streets or other appropriate/approved methods. The Zoning Administrator and Compliance Coordinator shall determine what an adequate design for acceleration/deceleration access lanes shall be, or other improvements based on appropriate engineering standards.
- D. Other than construction of a single-family dwelling on an existing lot, all development, including the creation of a lot through the claim of exemption process shall require that roads linking the development to a County or State maintained road shall be a minimum of fifty feet (50') of right-of-way or road and utility easement with a minimum width of twenty four feet (24') of improved roadway, unless a lesser width is approved by the Zoning Administrator. Based on an analysis by a Professional Engineer, the Zoning Administrator may reduce the required width to not less than thirty feet (30') of right-of-way or road and utility easement and twenty feet (20') of improved roadway if it is determined the lesser standard is sufficient for the potential traffic based on the potential number of lots served by the right-of-way and allowed uses, under current zoning. Composition of road surface shall be by design to withstand the proposed loading. Width and design may vary depending upon the use. Drainage swales and drainage structures shall be part of the road design.
- E. Driveways shall be spaced a minimum of one hundred fifty feet (150') from an intersection or a driveway used for off-street parking. For lots where this is not possible, driveways shall be spaced as far from the intersection as practical. Conflicts with adjoining driveways, exits, and entrances will be spaced to create the safest possible conditions for traffic movement and shall be justified by engineering analysis.
  - 1. Driveways linking residential development to a County or State maintained road or private easement shall meet the following standards: the drivable width shall be twenty five feet (25') wide for two-way traffic and twenty feet (20') for one-way traffic, the maximum length shall not exceed one hundred fifty feet (150') and shall serve not more than 1 driveway and/or 4 (four) dwelling units unless the site plan is approved by County Fire Marshal.
- F. Private roadway easements shall be maintained by adjacent property owners. New private roadway easements shall include a statement that adjacent property owners are responsible for maintenance. Such road maintenance agreements must be filed when a building permit or mobile home permit is issued.
- G. Existing substandard road easements in designated "colonias" are subject to the requirements for maintenance as outlined in the preceding paragraph.



- H. All development shall provide for a clear sight triangle at all intersections with or between all public and private roads and off-street multiple parking area entrances, exits, driveways to and from public and private roads, and at any unique geometrical situations involving horizontal, vertical, and skewed intersections or driveways (see example in Appendix E). The County Transportation Department may rely upon the American Association of State Highway and Transportation Officials (AASHTO), publication, *Policy on Geometric Design of Highways and Streets*, dated 1990 (and amendments thereto), in determining the appropriate design requirements for the particular intersection at issue.
1. A clear sight triangle (as shown in Appendix E) shall be an area of unobstructed vision, beginning at a point three feet (3') above the finished grade of the road at the lowest adjacent point on the edge of the pavement and bounded by one of the following:
    - a. The front and side property lines of a corner lot and a line connecting points thirty feet (30') from the intersections of the property or roadway easement lines of the lot;
    - b. The front and side lines of a private driveway, exit, or entrance and a line connecting points fifteen feet (15') from the intersection of the corner of the lines of the private driveway, exit or entrance; or
    - c. The front and side lines of a public or off-street multiple parking area driveway, exit or entrance and a line connecting points thirty feet (30') from the intersection of the corners of the lines of the public or off-street multiple parking area driveway, exit, or entrance.
  2. Within the clear sight triangle, no structure, including but not limited to signs or walls, shall be constructed or erected higher than three feet (3') from the edge of the pavement, except that barbed wire or other fences that do not obstruct the view of the roadway shall be allowed. No trees, shrubs, or other vegetation that would normally grow to a height of three feet (3') from the edge of the pavement shall be planted within the clear sight triangle.

### Section 9.3 Residential Development Standards

- A. Maximum number of dwelling units (site built homes or mobile homes) shall be no more than one (1) dwelling unit per lot in a Low Intensity Residential Land use classification.
- B. A combination of principal and accessory buildings may occupy no more sixty percent (60%) of the total area, providing all other development standards are met.
- C. The maximum accessory building footprints for all accessory buildings, except as applicable in paragraph D of this Section, shall be limited to ten percent (10%) of the total (gross) lot area and shall not exceed a combined total of five thousand square feet (5,000 ft<sup>2</sup>) except where a Special Use Permit has been issued.
- D. An accessory building of two hundred square feet (200 ft<sup>2</sup>) or less, no taller than eight feet (8') in height and not permanently affixed may be located five feet (5') from a rear or side yard setback and shall be limited to one per parcel.

### Section 9.4 Accessory Buildings: Residential Land Use Classifications

- A. Accessory buildings for agriculture use in residential land use classifications are subject to CR-AG standards and shall have an agricultural assessment per the County Assessor's Office.