TOWN OF EDGEWOOD

SUBDIVISION ORDINANCE
NO. 2014-03

Adopted August 6, 2014

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ORDINANCE NO. 2014-03

AN ORDINANCE ADOPTING REVISED SUBDIVISION REGULATIONS, REQUIREMENTS, AND PROCEDURES FOR THE TOWN OF EDGEWOOD, NEW MEXICO, PROVIDING FOR PENALTIES FOR ANY VIOLATION THEREOF, AND REPEALING ORDINANCE NO. 2005-14. BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF EDGEWOOD, NEW MEXICO, AS FOLLOWS:

SECTION 1. TITLE.

This ordinance may be cited as the "Subdivision Ordinance."

SECTION 2. AUTHORITY AND JURISDICTION.

A) **AUTHORITY.** This ordinance is adopted pursuant to §3-19-6 NMSA, 1978.

B) **JURISDICTION.** This Ordinance is designed to accomplish the procedures for the processing, consideration, and filing of plats lying within the corporate boundaries of the Town of Edgewood (hereinafter, the "Town"), and for property within the extraterritorial zone of the Town boundaries, which area is within the Town planning and platting jurisdiction pursuant to §3-19-5 and §3-20-5 NMSA 1978. No Subdivision of any land shall hereinafter be effected within the Town's area of jurisdiction except in accordance with the provisions of this Ordinance.

SECTION 3. PURPOSE.

This Ordinance is intended to create orderly and harmonious development of the Town and to establish conditions favorable to the health, safety, convenience, and general welfare of citizens of the Town and its area of jurisdiction.

The provisions of this Ordinance are designed to achieve adequate provision for light and air, public open spaces, water supply, drainage, sanitation including sewer facilities; economy in governmental expenditures and efficiency in governmental operations; safe, convenient circulation of people, goods, and vehicles; accurate and complete surveying, and preparation and recording of plats thereof; safety and suitability of land for contemplated development; and coordination of land development in accordance with orderly physical patterns as stated in official plans, policies, and such ordinances and codes in furtherance of plans and policies as may have been or may be hereafter adopted by the Town.

SECTION 4. INTERPRETATION.

The provisions of this Ordinance are intended to be minimum requirements to carry out the purpose stated herein and are not intended to interfere with any other laws, covenants, or ordinances. Whenever any of the provisions of this Ordinance are more or less restrictive than other laws, covenants, or ordinances, then whichever is more restrictive shall govern.

SECTION 5. DEFINITIONS.

A) **WORD FORMS.** Words used in the present tense include the future tense, and words used in the future tense include the present tense. All pronouns used in this Ordinance shall include the masculine, feminine, and neuter gender, in addition to the singular and the plural, and the context of this Ordinance shall be read accordingly. The words "shall"

and "must" are mandatory, and the word "may" is permissive. All words defined herein are capitalized throughout the text of this Ordinance.

B) DEFINITIONS. For the purpose of this Ordinance, standard dictionary definitions are used except for certain words or phrases used herein which shall be deemed as follows:

1. **ADJACENT PROPERTY.** The discrete residences, Lots or tracts which are located within 300 feet of the boundaries of the Lot(s) or tract(s) which are included within the area of a proposed Subdivision.
2. **ALLEY.** A public or private thoroughfare which affords only a secondary means of access to abutting property.
3. **BLOCK.** Property bounded on one side by a Roadway/Street and on the other sides by a Roadway/Street, waterway, including irrigation facilities, unsubdivided areas, or other definite barriers.
4. **CENTERLINE.** The line halfway between the Roadway/Street Public Right-of-Way lines.
5. **COMPREHENSIVE PLAN.** A Comprehensive Plan or any of its parts, adopted by the governing body, for the physical development of the area within the planning and platting jurisdiction of the Town for the general purpose of guiding and accomplishing coordinated and harmonious development.
6. **CUL DE SAC.** A short Roadway/Street intersecting another Roadway/Street and terminating in a vehicular turn-around.
7. **DRIVEWAY.** Any private road providing access from only one (1) Lot or private property to a Roadway/Street.
8. **EASEMENT.** An acquired or granted right of use which one person may have in the land of another.
9. **FINAL PLAT.** See PLAT, FINAL.
10. **FIRE CHIEF.** An individual certified by the State of New Mexico with authority to review plats of subdivision for compliance with applicable regulations delineated by the currently adopted Fire Code within the Town.
11. **IMPROVEMENTS.** Changes to the land and facilities necessary to prepare it for building sites including, but not limited to: grading, filling, Roadways/Streets, sidewalks, sanitary sewer and water system facilities, lines, and appurtenances, irrigation, drainage and flood control facilities, Roadway/Street lighting, and other facilities used by the public or used in common by owners of Lots within a Subdivision.
12. **LOT.** A tract or parcel of land which, exclusive of Public Right-of-Way, is:
    - **a.** Placed on the county clerk's records in accordance with this ordinance or predecessor ordinances, any applicable county subdivision ordinance or predecessor ordinances, or the laws of the State of New Mexico, whichever had jurisdiction at time of filing; or,
    - **b.** Held in separate ownership, as that parcel was shown on the records of the county assessor, prior to October 2, 1950, effective date of passage of a county resolution covering subdivision.
13. **MAJOR SUBDIVISION.** Any Subdivision which does not qualify as a Minor Subdivision, including all Subdivisions which will result in four (4) or more Lots on any single Lot which formerly existed, have infrastructure needs, or will result in Lots which are not accessible from existing Roadways/Streets. All Subdivisions

shall be treated as Major Subdivisions unless determined by the Town to be a Minor Subdivision.

14. **MINOR SUBDIVISION.** Any Subdivision resulting in no more than three (3) Lots on any single Lot which formerly existed, provided such single Lot was in existence in its current form a minimum of 365 days prior to the date of the application, has no infrastructure needs, and all resulting Lots must be accessible from existing Roadways/Streets. Only those Lots which meet all of the conditions set forth herein are eligible to be subdivided as a Minor Subdivision.
15. **MONUMENT.** One or more Permanent Survey Monuments and/or Subdivision Control Monuments.
16. **PERMANENT SURVEY MONUMENT.** A cap referenced to the New Mexico Coordinate System having the land surveyor's registration number inscribed thereon.
17. **PLANNING & ZONING COMMISSION (COMMISSION).** The body appointed by the Mayor with consent of the Governing Body with the power, authority, jurisdiction and duty to enforce and carry out the provision of law relating to planning, platting and zoning; and other power, authority, jurisdiction and duty incidental and necessary to carry out the purpose of Section 3-19-1 through 3-19-12 NMSA 1978; and to carry out the requirements of Articles 19, 20, and 21 of Chapter 3 of NMSA, 1978.
18. **PLANNING & ZONING OFFICIAL.** That person authorized by the Town to administer the provisions of this ordinance.
19. **PLAT.** A map, chart, survey, plan or Replat certified by a registered land surveyor which contains a description of a subdivided land with ties to Permanent Survey Monuments, said Plat to be placed on record.
20. **PLAT, FINAL.** The final map of all or a portion of a Subdivision or site plan conforming with the requirements stated herein, that is presented to the proper review authority for final approval.
21. **PLAT, PRELIMINARY.** A map of a Subdivision of land conforming with the requirements stated herein, that is submitted to the proper review authority for purposes of preliminary consideration and approval; the Subdivider achieves vested rights to Subdivision upon Preliminary Plat approval.
22. **PLAT, SKETCH.** A sketch or drawing of a Subdivision Plat conforming with the requirements stated herein, and used in the pre-application procedure prior to submission of the Preliminary Plat for a Subdivision.
23. **PRELIMINARY PLAT.** See PLAT, PRELIMINARY.
24. **PRIVATE LANE.** An Easement used for ingress or egress by persons or vehicles which is not a Public Right-of-Way and which provides access between a Public Right-of-Way and more than one (1) Lot.
25. **PUBLIC RIGHT-OF-WAY.** That public area of land deeded, dedicated by plat, or otherwise acquired by any unit of government and owned in fee for the purposes of movement of vehicles, pedestrian traffic, and/or for conveyance of public utility services, irrigation, or drainage.
26. **REPLAT.** The combination or recombination of portions of previously subdivided and recorded Lots where the total number of Lots is not increased and the resultant Lots comply with or exceed the requirements of applicable Town ordinances.
27. **ROADWAY/STREET.** That portion of a Public Right-of-Way or Private Lane

which is improved, designed, or ordinarily used for vehicular use, but not including Driveways, sidewalk, berm, or shoulder even though such sidewalk, berm, or shoulder is used by persons riding bicycles or other human-powered vehicles.

28. **SKETCH PLAT.** See PLAT, SKETCH.
29. **SUBDIVIDER.** Any person creating a Subdivision, including the owner, equitable owner, or any authorized representative.
30. **SUBDIVISION.**
    - **a.** The division of any Lot or tract of land, whether a Major Subdivision or Minor Subdivision, within the corporate boundaries of the Town, by metes and bounds description, into two (2) or more parts for the following purposes:
        - **i.** Sale for building purposes or lease;
        - **ii.** Laying out a municipality or any part thereof;
        - **iii.** Adding to a municipality;
        - **iv.** Laying out Subdivision Lots;
        - **v.** Resubdivision; or
        - **vi.** Any division of land created by court order.
    - **b.** The division of land within the Town extraterritorial planning and platting jurisdiction, into two (2) or more parts by metes and bounds description into tracts of less than five (5) acres in any one (1) calendar year.
31. **SUBDIVISION CONTROL MONUMENT.** A metal stake pipe or other approved marker which identifies position within a subdivided area and which is referenced to a Permanent Survey Monument.
32. **TOWN ENGINEER.** A professional engineer registered in accordance with the laws of New Mexico, and employed or contracted by the Town to perform work as directed.
32. **VACATION/VACATE.** The act of cancelling, rescinding, or rendering void a prior decision, order, or grant of legal right.
34. **WAIVER.** Foregoing from one (1) or more of the requirements of this Ordinance, upon making certain findings which indicate that a Waiver is appropriate and will not conflict with the intent of this Ordinance and is not detrimental to the health, safety, and welfare of the public.

SECTION 6. GENERAL INFORMATION AND GUIDANCE.

A) PLATTING PROCEDURE

1. Every applicant desiring to subdivide land into two (2) or more Lots shall furnish to the Planning & Zoning Commission a Plat of the proposed Subdivision prepared by a surveyor registered and licensed by the State of New Mexico and shall comply with the requirements of this Ordinance. Upon request, the Planning & Zoning Official shall furnish the applicant with basic information on the requirements.
2. Any proposed Subdivision, Replat, or vacation of a Plat occurring within the corporate limits of the Town shall conform to the requirements of this Ordinance and shall be submitted for review and approval by the Planning & Zoning Commission prior to filing with the county clerk, before beginning improvement activities or negotiating sale or lease of any Lot within the proposed Subdivision.
3. Any proposed Subdivision, Replat, or vacation of Plat occurring outside the corporate limits but within the three (3) mile planning and platting jurisdiction of the Town shall conform to the requirements of this Ordinance and, as supplemented by the provisions

of the appropriate county land subdivision regulations, and shall be submitted for concurrent review and approval by the Planning & Zoning Commission and the appropriate county commission prior to filing with the county clerk, before beginning improvement activities or negotiating sale or lease of any Lot within the proposed Subdivision.

B) CONSIDERATIONS FOR SUBDIVISION PLATTING. In order to provide guidance to applicants concerning acceptable proposed Plats, the following matters are fundamental:

1. **Suitability.** The Planning & Zoning Commission shall not approve a Subdivision of land if, from adequate investigations, it has been determined that in the best interest of the public health, safety or welfare, the land is not suitable for platting and development purposes of the kind proposed.
   - **a.** Geography. Land subject to flooding, land deemed to be topographically unsuitable, and land that is for other reasons uninhabitable, all as determined by the Planning & Zoning Commission shall not be platted for residential occupancy or for such other uses as it may increase danger to health, safety, or welfare or aggravate erosion or flood hazard.
   - **b.** Services. The availability of adequate, surfaced Roadways/Streets, adequate emergency access, fire protection, police protection, refuse service, public schools, parks and recreation facilities, and utility services shall all be weighed in considering the subdividing of land. The foregoing services are not all necessarily required; and the nature and extent of these services may affect the Planning & Zoning determination of suitability.
2. **Sewer.** Any Subdivision or Replat proposal which involves an extension of sanitary sewer lines will require a statement of sewer availability from the Town of Edgewood.
3. **Conformance of proposal to the Comprehensive Plan and other Land Use Plans.** Any Subdivision or Replat proposal which does not conform with goals, policies or other provisions of the Comprehensive Plan or other officially adopted land use plans shall not be approved.

C) DISCLOSURE OF OWNERSHIP INTERESTS AND APPOINTMENT OF AGENTS. Any applicant who proposes to subdivide land within the planning and platting jurisdiction of the Town of Edgewood shall be required to disclose the ownership interests in the property proposed to be subdivided, as well as provide sufficient documentation of appointment of an agent, if applicable. Documentation satisfactory to the Town to meet this requirement includes:

- **a.** True and correct copies of all current deeds or other documents showing any legal or equitable ownership interest in the property proposed to be subdivided; and/or
- **b.** An affidavit from each person or party thus identified as having an ownership interest, other than the named applicant, affirming under oath that the person or party authorizes the named applicant to proceed before the Planning & Zoning Commission on behalf of that person or party; and/or
- **c.** A notarized written appointment of agency signed by each owner of the property appointing as their representative anyone who seeks to appear on behalf of the owners before the Commission or otherwise assist in the preparation of information concerning the proposed subdivision of the property.
- **d.** Failure to make full and truthful disclosure of the matters addressed in this subsection shall be deemed a material misrepresentation and shall, in addition to any other civil or criminal penalties provided by law, result in denial of the

proposed Subdivision.

SECTION 7. PREAPPLICATION CONFERENCE.

A) **APPLICATION REVIEW.** In an effort to expedite the Subdivision process, all applicants seeking to subdivide land pursuant to this Ordinance shall submit a Sketch Plat and attend a preapplication conference with the Planning & Zoning Official to discuss the procedure for obtaining approval of a Plat prior to submission of its Preliminary Plat to the Planning & Zoning Commission. The Planning & Zoning Official shall also provide guidance to the applicant regarding any perceived conflicts between the proposal and the Town Comprehensive Plan, other Town land use plans, policies, zoning, and whether the proposal qualifies as a Minor Subdivision. The Planning & Zoning Official shall advise the applicant as appropriate regarding requirements for general layout of Public Ways, Public Right-of-Ways and Roadways/Streets, dedications of land, provision of infrastructure Improvements, drainage considerations, fire protection, and similar matters, as well as the availability of existing services. The Planning & Zoning Official may assist the applicant in analyzing the development and plan for its sound integration with the Town, and may therefore give informal guidance to the applicant at a stage when potential points of difference can be more easily resolved, thus simplifying official actions and reducing unnecessary expenses and delays for the applicant. However, the guidance, advice, and recommendations of the Planning & Zoning Official shall not be construed as binding upon the Planning & Zoning Commission or the Town governing body.

B) **MINOR/MAJOR SUBDIVISION DETERMINATION.** Upon receipt of an application, the Planning & Zoning Official shall determine whether the proposal is a Minor Subdivision or Major Subdivision. The Planning & Zoning Official shall immediately forward all applications to the Planning & Zoning Commission, noting whether the application is a Major Subdivision or Minor Subdivision. If the proposal will result in a Minor Subdivision, the application shall be processed in conformance with the procedures and requirements set forth in Section 8. If the proposal will result in a Major Subdivision, the application shall be processed in conformance with the procedures and requirements set forth in Section 9 through Section 11, and shall be subject to all the requirements for subdivision set forth herein. In the event the applicant and the Planning & Zoning Official disagree as to whether the proposal is a Minor Subdivision or Major Subdivision, the application shall be forwarded on to the Planning & Zoning Commission for a determination on whether the application shall be processed as a Minor Subdivision or Major Subdivision.

SECTION 8. MINOR SUBDIVISIONS.

A) The Planning & Zoning Commission shall review the application, hold a public hearing, and make a final determination on the application within sixty (60) days of receipt of the application by the Town.

1. The application for a Minor Subdivision shall be processed and approved by the Planning & Zoning Commission as a Plat heard in a single public hearing, and no Sketch Plat need be prepared. For the purpose of ensuring consistency among subdivision documents filed with the county clerk, the Plat format requirements for a Minor Subdivision shall be consistent with the requirements for a Final Plat for a Major Subdivision, but shall otherwise have no bearing on the interpretation of the

procedural requirements of this section.

2. The notice requirements for a public hearing on a Minor Subdivision are the same as those required for a public hearing on a Major Subdivision.
3. In the event the Planning & Zoning Commission fails to make a final determination on an application within sixty (60) days of the date the Planning & Zoning Official determines that the application qualifies as a minor subdivision, the application shall be deemed approved.

B) Minor Subdivisions on any given Lot and any resulting Lots following a previous Subdivision, may only be approved once annually. Any application for a Minor Subdivision which will result in a Minor Subdivision more frequently than once every 365 days shall be treated as a Major Subdivision regardless of whether the application meets all other requirements set forth herein for Minor Subdivisions.

C) CONTENTS OF PLAT.

1. **Disclosure of ownership interests and appointment of agents.** Any applicant who proposes to subdivide land within the planning and platting jurisdiction of the Town of Edgewood shall provide with the proposed Plat the following documents:
   - **a.** True and correct copies of all current deeds or other documents showing any legal or equitable ownership interest in the property proposed to be subdivided; and/or
   - **b.** An affidavit from each person or party thus identified as having an ownership interest, other than the named applicant, affirming under oath that the person or party authorizes the named applicant to proceed before the Planning & Zoning Commission or the Planning & Zoning Official on behalf of that person or party; and/or
   - **c.** A notarized written appointment of agency signed by each owner of the property appointing as their representative anyone who seeks to appear on behalf of the owners before the Commission, the Planning & Zoning Official, or otherwise assist in the preparation of information concerning the proposed subdivision of the property.
   - **d.** Failure to make full and truthful disclosure of the matters addressed in this subsection shall be deemed a material misrepresentation and shall, in addition to any other civil or criminal penalties provided by law, result in denial of the proposed Subdivision.
2. **Conformity with State Law.** The Plat shall be in conformity with the requirements of applicable state statutes, including but not limited to NMSA (1978), § 3-20-1, *et seq.* and NMSA (1978), § 47-6-1, *et seq.* as each may be amended from time-to-time, and shall be an accurate drawing designating specifically the land so laid out, and particularly describing the portions thereof intended to be dedicated for public use.
3. **Plat Requirements.** Unless waived by the Planning & Zoning Official, the Plat shall show at least the following:
   - **a.** Name of proposed Subdivision, name and address of applicant, agent and principal person preparing the Plat;
   - **b.** Scale and north arrow;
   - **c.** Proposed location and method of tie to Permanent Survey Monuments, and proposed location and type of Subdivision Control Monuments found or set;
   - **d.** Plat boundary lines, bearing in degrees, minutes and seconds, with basis for bearings noted on shown, distances in feet and hundredths;
   - **e.** The location of all present property lines, projected section lines, and

Roadways/Streets.

f. Existing & proposed conditions of the site and its environs including the following:
   1. Present site designation or Subdivision name.
   2. Easements on site: location, width, and purpose.
   3. Zoning on the site, including all applicable setback lines.
   4. Number or letter to identify each proposed Lot and Block;
   5. Total area of the proposed Plat to the nearest one-tenth (1/10) acre.
   6. The title under which the proposed Subdivision is to be recorded and the name of the land planner, engineer, registered land surveyor, the applicant and the owner of the tract, with the address of each such person to which any notice is to be sent.

4. **Consent and Dedication.** Statements signed by the owner or agent of the owner that the Subdivision is developed with the consent and in accordance with the desire of the owner of the land; and
5. **Certifications.** The following persons shall make the following certifications:
   a. Land surveyor. Certification shall be made in accordance with the laws of the State of New Mexico and applicable subdivision ordinances certifying the accuracy of the survey and Plat, the date of the survey, that the Plat was prepared by or under the supervision of the land surveyor, and that all Easements of record are identified thereon.
   b. County Treasurer. Certification shall be made that the previous ten (10) years' property taxes due and payable have been paid.

D) **Replat.** After final approval of any Minor Subdivision, no Lot shall be further subdivided or the area of the Minor Subdivision shall be modified except upon the submission of a Replat with the Planning & Zoning Official securing its approval in accordance with the procedures herein established. All Replats are subject to the requirements of this Ordinance and shall be processed consistent with the procedures set forth herein.

SECTION 9. MAJOR SUBDIVISIONS

A) GENERAL REQUIREMENTS APPLICABLE TO ALL APPLICATIONS.

1. **Application.** Upon reaching a general understanding established by the pre-application conference, the applicant shall submit to the Planning & Zoning Commission a written application, together with the original and ten (10) copies of the Preliminary Plat, improvement plans, and other supplementary material as specified herein or as may be required. The application package shall be submitted to the Planning & Zoning Official by the deadline identified by the Town in order to allow sufficient time for publication prior to the regular meeting of the Planning & Zoning Commission at which the Plat is to be presented for review.
2. **Plat Standards.** The Plat shall include all land owned or controlled by the applicant which is or may be suitable for or susceptible to the Subdivision or development. The Plat shall be drawn to a scale of no less than one (1) inch to one hundred (100) feet for the purposes of showing all details clearly. An adequate number of sheets, no larger than eighteen (18) by twenty-four (24) inches, shall be used to show the proposed Subdivision in its entirety. Where more than one (1) sheet is required, each sheet shall be numbered in relation to the total number of sheets involved, and each sheet shall have a small key map showing its relationship to the whole.
3. **Review.** The Planning & Zoning Commission shall review the Plat, supplementary

material, and comments by Town officials and other governmental agencies as may be appropriate. The Town may also require that restrictive covenants be filed in conjunction with the Plat, although such restrictive covenants will not be considered or acted upon by the Town. The applicant shall be responsible for all fees for engineering consultant review and approval.

4. **Annexation and/or Rezoning.** If annexation and/or rezoning is proposed or required to accomplish the development envisioned in connection with the Plat, the Planning & Zoning Commission may consider all such matters contemporaneously as a matter of efficiency. In the event the Planning & Zoning Commission elects to consider any matters separately, the Commission shall withhold conditional approval of the Plat until such time as annexation and/or rezoning shall be officially adopted by the Town governing body.
5. **Replat.** After final approval of any Plat, no Lot or Block shall be further subdivided or the area of any platting of any Roadway/Street or Easement established by said Plat shall be modified except upon the submission of a Replat with the Planning & Zoning Commission securing its approval in accordance with the procedures herein established. Vacation of any portion of Public Right-of-Way or public Easement requires approval of the Town governing body upon recommendation of the Planning & Zoning Commission. All Replats are subject to the requirements of this Ordinance and shall be processed consistent with the procedures set forth herein.
6. **Acceptance of Land.** Approval of the Final Plat by the Commission shall be deemed to constitute acceptance by the Town of dedication of public rights-of-way, other proposed public Easements, and public areas shown on the Plat, provided the Final Plat is properly recorded with the appropriate county clerk and the Town, and providing that all required infrastructure and any other conditions have been met as imposed by the Commission and have been installed and approved by the Town.

B) CONTENTS OF PRELIMINARY PLAT.

1. **Submission for review.**
   - **a.** Any applicant proposing to subdivide land shall complete and submit a Preliminary Plat application, ten (10) sets of all application materials as required in this section for review, and the required processing fees.
   - **b.** The Preliminary Plat application and submittal materials shall be filed at least fifteen (15) days prior to the regularly scheduled Planning & Zoning Commission meeting at which the Preliminary Plat application shall be heard.
2. **Disclosure of ownership interests and appointment of agents.** Any applicant who proposes to subdivide land within the planning and platting jurisdiction of the Town of Edgewood shall provide with the proposed Preliminary Plat the following documents:
   - **a.** True and correct copies of all current deeds or other documents showing any legal or equitable ownership interest in the property proposed to be subdivided; and/or
   - **b.** An affidavit from each person or party thus identified as having an ownership interest, other than the named applicant, affirming under oath that the person or party authorizes the named applicant to proceed before the Planning & Zoning Commission on behalf of that person or party; and/or
   - **c.** A notarized written appointment of agency signed by each owner of the property appointing as their representative anyone who seeks to appear on behalf of the owners before the Commission or otherwise assist in the preparation of

information concerning the proposed subdivision of the property.

d. Failure to make full and truthful disclosure of the matters addressed in this subsection shall be deemed a material misrepresentation and shall, in addition to any other civil or criminal penalties provided by law, result in denial of the proposed Subdivision.

3. **Conformity with State Law.** The Preliminary Plat shall be in conformity with the requirements of applicable state statutes, including but not limited to NMSA (1978), § 3-20-1, *et seq.* and NMSA (1978), § 47-6-1, *et seq.* as each may be amended from time-to-time, and shall be an accurate drawing designating specifically the land so laid out, and particularly describing the portions thereof intended to be dedicated for public use.

4. **Form of the Preliminary Plat.** The Plat shall include all land owned or controlled by the applicant which is or may be suitable for or susceptible to the Subdivision or development. Such Final Plat shall be produced by computer and printed in black ink, or drawn by hand in black ink to a scale of not more than one hundred (100) feet to the inch from an accurate survey. An adequate number of sheets, no larger than eighteen (18) inches by twenty-four (24) inches, shall be used to show the proposed Subdivision in its entirety. Where more than one (1) sheet is required to meet these requirements, each sheet shall be numbered in relation to the total number of sheets involved, each sheet shall have a small key map showing its relationship to the whole, and an index sheet of the same dimensions shall be attached showing the entire Subdivision on one (1) sheet.

5. **Preliminary Plat Requirements.** Unless waived by the Planning & Zoning Commission, the Preliminary Plat and accompanying documents shall show at least the following:

a. Name of proposed Subdivision, name and address of applicant, agent and principal person preparing the Preliminary Plat;

b. Scale and north arrow;

c. Proposed bench mark locations, proposed location and method of tie to Permanent Survey Monuments, and proposed location and type of Subdivision Control Monuments found or set;

d. Plat boundary lines, bearing in degrees, minutes and seconds, with basis for bearings noted on shown, distances in feet and hundredths;

e. The location of all present property lines, projected section lines, Roadways/Streets, buildings, watercourses, and other existing features within the area to be subdivided and similar information (except buildings and property lines) regarding land immediately adjacent thereto.

f. Existing & proposed conditions of the site and its environs including the following:

1. Present site designation or Subdivision name.

2. Easements on site: location, width, and purpose.

3. Utilities on and adjacent to the site: location and, if applicable, size of water wells, water lines, sanitary sewers, gas lines, fire hydrants, cable, electric and telephone lines.

4. Existing storm drainage facilities on and adjacent to the site.

5. Other significant conditions on the site: structures, trees, etc.

6. Conditions on adjacent land significantly affecting design of the Subdivision: approximate direction and gradients of ground slope; character and location of development.

7. Zoning on and adjacent to the site, including all applicable setback lines.

8. Locations of planned water wells, reservoirs, and pump stations; locations, dimensions and purpose of all Easements, public or private; rights-of-way for public services or utilities, and any limitations thereof;
   a. Number or letter to identify each proposed Lot and Block;
   b. Storm drainage management; For the purpose of minimizing or eliminating damage resulting from storm water runoff, the applicant shall be required to furnish a plan for storm drainage management if the Subdivision lies within a designated flood hazard area. Preparation of the drainage plan shall be done by a registered professional engineer and shall conform to the Town of Edgewood drainage ordinance and regulations, procedures, and any other standards as may be prescribed by state or federal laws.
   c. A letter of commitment from:
      1. The water company that will provide service to the Subdivision; and
      2. The Town of Edgewood regarding sewer availability.
   d. Ground elevation on the site based on mean sea level datum as established by the U.S. Coast and Geodetic Survey:
      1. For land that slopes less than one percent (1%), contour lines at intervals of not more than one (1) foot;
      2. For land that slopes between one percent and five percent (1% - 5%), contour lines at intervals of not more than two (2) feet; and
      3. For land that slopes more than five percent (5%), contour lines at intervals of not more than five (5) feet.
      4. Other significant conditions on the site; major rock outcrops, trees, structures, and the like.
   e. Zoning on and adjacent to the site; and
   f. Total area of the proposed Plat to the nearest one-tenth (1/10) acre.
   g. The title under which the proposed Subdivision is to be recorded and the name of the land planner, engineer, registered land surveyor, the applicant and the owner of the tract, with the address of each such person to which any notice is to be sent.
   h. The applicant shall provide an estimated schedule of Lot development. In particular, the schedule shall indicate when Roadway/Street paving, water service and sewer service will be provided.

6. **Public Hearing.** No Preliminary Plat shall be acted upon without a public hearing in accordance with Section 10 set forth herein.
7. **Approval of Preliminary Plat.**
   a. If upon conclusion of the hearing the Planning & Zoning Commission shall find that such Preliminary Plat satisfies the requirements of this section, the Chair of the Planning & Zoning Commission shall note the Commission's approval thereon in substantially the following language, which shall have been previously placed on the Plat: "The proposed plan of Subdivision as shown in the Preliminary Plat herein is approved and the Planning & Zoning Commission now is ready to receive the Final Plat of said Subdivision for consideration." The Commission Chair shall sign and date the approval statement.
   b. One (1) print of such Preliminary Plat so endorsed shall be returned to the applicant by personal delivery or mail, and one (1) print with such findings shall be

placed in the Town's files.

c. An applicant may be required to submit to the Planning & Zoning Commission an amended Preliminary Plat for the purpose of complying with any order of the Planning & Zoning Commission.

d. Approval of a Preliminary Plat is effective for one (1) year unless extended by the Planning & Zoning Commission, based on a finding that the delay has been unavoidable and the extension is in the public interest.

e. Conditional approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather, it shall be deemed an expression of approval to the layout submitted on the Preliminary Plat as a guide to the preparation of the Final Plat.

C) CONTENTS OF FINAL PLAT.

1. **Preparation of Final Plat.** Receipt by the applicant of a print of the Preliminary Plat approved by the Planning & Zoning Commission shall constitute authority for the applicant to proceed with further plans and specifications for installation of infrastructure Improvements. The applicant shall prepare a Final Plat application upon proof of compliance with the terms of the Planning & Zoning Commission's Preliminary Plat approval, all Town standards, this section, and any agreements which the applicant may have entered into for the purposes of receiving Preliminary Plat approval. The Final Plat must be prepared by a surveyor licensed and registered in New Mexico as required in NMSA 1978, Section 3-20-2, and by a licensed engineer if required.

2. **Final Plat submission.** Following Preliminary Plat approval and the presentation of proof by the applicant that he has complied with all Preliminary Plat requirements, the applicant shall complete and submit a Final Plat application and all application materials as required in this section for review.

3. **Disclosure of ownership interests and appointment of agents.** Any applicant who proposes to subdivide land within the planning and platting jurisdiction of the Town of Edgewood shall provide with the proposed Final Plat the following documents:

   a. True and correct copies of all current deeds or other documents showing any legal or equitable ownership interest in the property proposed to be subdivided;

   b. An affidavit from each person or party thus identified as having an ownership interest, other than the named applicant, affirming under oath that the person or party authorizes the named applicant to proceed before the Planning & Zoning Commission on behalf of that person or party; and

   c. A written appointment of agency signed by each owner of the property appointing as their representative anyone who seeks to appear on behalf of the owners before the Commission or otherwise assist in the preparation of information concerning the proposed subdivision of the property.

   d. Failure to make full and truthful disclosure of the matters addressed in this subsection shall be deemed a material misrepresentation and shall, in addition to any other civil or criminal penalties provided by law, result in denial of the proposed Subdivision.

4. **Form and Information to be included on the Final Plat.**

   a. **Conformity with State Statutes.** The Final Plat shall be in conformity with the requirements of applicable state statutes, including but not limited to NMSA (1978), § 3-20-1, *et seq.* and NMSA (1978), § 47-6-1, *et seq.* as each may be amended from time-to-time, and shall be an accurate drawing designating

specifically the land so laid out, and particularly describing the portions thereof intended to be dedicated for public use.

b. Form. The Plat shall include all land owned or controlled by the applicant which is or may be suitable for or susceptible to the Subdivision or development. Such Final Plat shall be produced by computer and printed in black ink, or drawn by hand in black ink to a scale of not more than one hundred (100) feet to the inch from an accurate survey. An adequate number of sheets, no larger than eighteen (18) inches by twenty-four (24) inches, shall be used to show the proposed Subdivision in its entirety. Where more than one (1) sheet is required to meet these requirements, each sheet shall be numbered in relation to the total number of sheets involved, each sheet shall have a small key map showing its relationship to the whole, and an index sheet of the same dimensions shall be attached showing the entire Subdivision on one (1) sheet.

c. Information. The Final Plat shall contain the following information:

1. Name and legal description of the Subdivision; name and address of applicant and agent; name and certification of licensed surveyor and any other principal persons preparing the Final Plat.
2. Scale and north arrow.
3. All survey Monuments shall be indicated and there shall be at least one (1) Permanent Survey Monument for each Subdivision. Location of and method of ties to Permanent Survey Monuments and location and type of Subdivision Control Monuments. Descriptions of all Monuments found or set. Monuments shall be referenced to the New Mexico coordinate system as established by the state.
4. Subdivision boundary lines; bearing in degrees, minutes, and seconds with basis for bearings noted or shown, distances in feet and hundredths. Total area of Plat to nearest one-hundredth acre.
5. Lot lines with bearings in degrees, minutes and seconds and distances in feet and hundredths; Public Right-of-Way and Roadway/Street widths; Centerline data; indicate Private Lanes; locations, dimensions, and purpose of all Easements, public or private; rights-of-way for public services or utilities and any limitations thereof.
6. Existing and proposed conditions of the site and its environs including the following:
   - **a.** Present site designation or Subdivision name.
   - **b.** Easements on site: location, width, and purpose.
   - **c.** Utilities on and adjacent to the site: location and, if applicable, size of water wells, water lines, sanitary sewers, gas lines, fire hydrants, cable, electric and telephone lines.
   - **d.** Existing storm drainage facilities on and adjacent to the site.
   - **e.** Other significant conditions on the site: structures, trees, etc.
   - **f.** Conditions on adjacent land significantly affecting design of the Subdivision:
     1. Approximate direction and gradients of ground slope;
     2. Character and location of development.
   - **g.** Zoning on and adjacent to the site, including all applicable setback lines.

7. Location map showing location of the site in relation to well-known landmarks, Adjacent Property owners and municipal boundaries. Indicate location and distance of Public Right-of-Way providing access to Subdivision. Include name, width, type and specifications of surfacing. Show reference to recorded Subdivision plats of platted Adjacent Property by recorded name, date, book, and page number in the office of the county clerk.
8. Number or letter to identify each Lot and Block.
9. Lot areas in acres to the nearest third decimal place. If private Roadways/Streets are proposed, Lot areas shall be shown inclusive and exclusive of the ingress and egress Easement.
10. The accurate location and dimensions of all property for dedication for public use, with the purpose indicated thereon, and of all property that is to be reserved by deed covenant for the common use of the property owners of the Subdivision.
11. The following language shall be placed upon each plat:

    Public utility Easements shown on this Plat are not exclusive and are dedicated for the common and joint use of the utilities designated on this plat, their successors and assigns, and for the use of any other public utilities whose use of said Easements is deemed to be in the public interest by the Town of Edgewood.

d. Consent and Dedication. Statements signed by the owner or agent of the owner that:

1. The Subdivision is developed with the consent and in accordance with the desire of the owner of the land;
2. The public rights-of-way and other public areas shown on the Plat are dedicated to the Town (if the Subdivision is within the Town boundaries) or to another appropriate governmental entity as specified on the Plat; and,
3. The Easements as shown on the Plat are granted for the specified use, showing whom they are granted and any conditions associated therewith.

e. Certifications. The following persons shall make the following certifications:

1. Land surveyor. Certification shall be made in accordance with the laws of the State of New Mexico and applicable subdivision ordinances certifying the accuracy of the survey and Plat, the date of the survey, that the Plat was prepared by or under the supervision of the land surveyor, and that all Easements of record are identified thereon.
2. County Treasurer. Certification shall be made that the previous ten (10) years' property taxes due and payable have been paid.
3. Authorized representatives of the local water, electric, gas, telephone, and cable utilities. Certification shall be made that their systems' needs have been met; this requirement may be waived for a Subdivision when the Planning & Zoning Commission determines that the requirements of such utilities are found to be unreasonable or not in the public interest.

f. Supplementary Material. The following supplementary reports shall be submitted with the Final Plat, as required by the Planning & Zoning Commission or the Town governing body.

1. Storm Drainage Management. The applicant shall furnish a plan for the collection and discharge of storm water from the Subdivision. The plan shall provide that the storm water shall not be discharged in a different manner, nor at a greater volume or rate than the storm water would naturally have flowed before development, as specified in the Grading & Drainage Ordinance.
2. Soils Analysis. The applicant shall provide a soil analysis by a qualified soil scientist to determine the adequacy of the soil for the proposed construction.
3. Special Problems Analysis. For land with difficult topography or other geographic hazards to life, health or property, a report and proposed solution shall be prepared satisfactory for the Planning & Zoning Commission and in compliance with all existing ordinances.
4. Improvement Plan. The applicant shall provide a detailed plan with specifications for all Improvements required to be installed. These may include Roadway/Street construction and surfacing, fences, utilities (water, gas, electric, sewage), and fire hydrants. The party responsible for maintenance after development is completed shall also be indicated when applicable, and a statement of willingness to accept maintenance, signed by the responsible party, shall be included. The plan shall include a schedule for Lot development, which shall indicate when Improvements will be provided.
5. Disclosure Statement. Prior to selling or leasing any land in a Subdivision, the applicant must provide a completed disclosure statement to the prospective purchaser or lessee in substantially the form set forth in the attached Exhibit A. A Disclosure Statements is not required for land in a Minor Subdivision.
6. Any other relevant information as determined by the Commission.

5. **Public Hearing.** No Final Plat shall be acted upon without a public hearing in accordance with Section 10 set forth herein.
6. **Action on Final Plat.** If the Final Plat is in conformance with the Preliminary Plat as approved and conforms with this Ordinance, it shall be approved by the Planning & Zoning Commission. Approval or disapproval shall be given within thirty-five (35) days of the date of Final Plat submission, unless the applicant agrees in writing to a deferral.
   a. **Approval of Final Plat.** If the Final Plat is approved by the Planning & Zoning Commission, such approval shall be recorded on the face of the original drawing of the Final Plat and on two (2) copies thereof and shall be dated and verified by the signatures of both the Chair of the Planning & Zoning Commission and the Mayor or a designated representative of the Council, and attested by the Town Clerk.
   b. **Disapproval of Final Plat.** Should the Final Plat be disapproved, the Planning & Zoning Commission shall express in writing the reasons for disapproval. The reasons for disapproval shall be referenced and attached to two (2) copies of the Final Plat. One (1) such copy shall be returned to the applicant and the other shall become a part of the files of the Town.
7. **Recording.** Within thirty-five (35) days of receipt of final unconditioned approval of the Final Plat by the Planning & Zoning Commission, and endorsement of the Final Plat by the Chair of the Commission, the Mayor, and Town Clerk, the applicant shall record the Plat in the office of the appropriate county clerk. A paper copy of the recorded Plat

shall be submitted to the Planning & Zoning Official within thirty-five (35) days of recordation. No building permits will be approved for development within said Subdivision until a copy of the recorded Plat has been received by the Planning & Zoning Official. Recordation in the appropriate office of the county clerk within thirty-five (35) days of approval by the Town creates a legal Subdivision. The Final Plat is in full force and effect only after having been duly recorded in the office of the appropriate county clerk and copies filed with the Planning & Zoning Official. Approval of the Final Plat shall become null and void if the Plat is not so recorded within six (6) months after the date of approval, unless an extension of time is granted by the Planning & Zoning Commission. Submittal for recording is the applicant's responsibility. In the case of a Replat, the applicant shall request the county clerk to mark the original Plat with the words "replatted" or "partially replatted" and refer on the original Plat to the filed location of the Replat. The Planning & Zoning Official shall mark the copies of the original Plat on file with the Town in a similar manner.

SECTION 10. PUBLIC HEARING.

A) **Public Hearing.** No Preliminary Plat or Final Plat shall be acted upon without a public hearing. An application submitted for approval shall contain the name and address of the person to whom a notice of hearing shall be sent. Notice of the time and place of the hearing on the Preliminary Plat or Final Plat shall be sent by certified mail to the applicant or his agent and all Adjacent Property owners of the proposed Subdivision, not less than fifteen (15) days before the date of the hearing. Public notice of the application shall be given in a newspaper of general circulation in the Town at least fifteen (15) days prior to the day of the hearing. The notice shall be published and shall indicate the location of the proposed Subdivision as well as where interested persons may examine the Preliminary Plat or Final Plat, and file comments. The applicant shall be responsible for all costs of public notice for the public hearing.

SECTION 11. REQUIRED IMPROVEMENTS.

A) **SUBDIVISION IMPROVEMENTS AGREEMENT.** Upon approval of the Final Plat by the Planning & Zoning Commission that includes an associated Improvements plan, the Subdivider shall execute a subdivision improvements agreement which guarantees completion of required Improvements consistent with that plan. The format of such agreement shall be set forth by the Planning & Zoning Official and the Town's attorney. After execution of a satisfactory subdivision improvements agreement, the Subdivider may proceed with the construction of all such Improvements.

B) **INSTALLATION ASSURANCE.** In the subdivision improvements agreement, the Subdivider shall post a suitable Improvements guarantee to accompany the subdivision improvements agreement in an amount estimated by a licensed professional engineer with concurrence of the Town Planning & Zoning Official and the Town's attorney. The guarantee shall be at the discretion of the Commission. Such guarantee may be by bond, letter of credit, escrow deposit, or other method acceptable to the Planning & Zoning Official and the Town's attorney, with a copy to the Town governing body after execution. The Town may, at its option, assess all or a portion of the property in the Subdivision for the cost of any outstanding obligations incurred under a subdivision improvements agreement and may record and foreclose against the property a municipal lien in accordance with §3-36-1, et. seq. NMSA 1978 or its successor municipal lien

statutes.

C) **COMPLETION.** All Improvements shall be certified by Licensed Professional Engineer and shall be prepared in a form that will be satisfactory to the requirements of the Planning & Zoning Commission and in compliance with all existing ordinances.

SECTION 12. DESIGN STANDARDS.

A) **ACCESS: ROADWAY/STREET LOCATION AND ARRANGEMENTS.** The area proposed to be subdivided shall have frontage on and direct access to a Roadway/Street and, if such Roadway/Street is not improved to the satisfaction of the Planning & Zoning Commission it shall be so improved to meet applicable standards. Roadway/Streets shall be suitably located, of sufficient width, and adequately improved to accommodate the prospective traffic, Public Right-of-Ways, and to afford satisfactory access to police, fire fighting and other emergency vehicles, and road maintenance equipment, and shall be coordinated so as to compose a convenient system.

1. **Basic Policies.**
   a. **Character.** The character, extent, width and location of all Roadways/Streets shall be consistent and appropriate in their relationship to existing and planned Roadways/Streets, topographic conditions, public convenience, safety and the proposed uses of land to be served by such Roadways/Streets.
   b. **Continuation.** The arrangement of Roadways/Streets in new Subdivisions shall make provisions for the direct continuation of the existing public Roadway/Street in adjoining Subdivision(s), or their proper projection where Adjacent Property is not subdivided, insofar as they may be necessary for public requirements. The Roadway/Street and Alley arrangement must also be such as to provide opportunity for access and use by Adjacent Property owners.

B) **ADDRESSING:** Addressing in the incorporated areas of the Town of Edgewood shall comply with the appropriate county standard for rural addressing, as well as meet the requirements set forth in this section. All Lots, occupied buildings, and residences shall be numbered according to their distances from the starting point of the Roadway/Street upon which such Lot, occupied building or residence fronts or is provided access to the Driveway entrance. Even numbers shall be assigned to one side of each Roadway/Street, and odd numbers shall be assigned to the other side of each Roadway/Street. State highways shall be addressed according to existing mile markers. All other Roadways/Streets that provide access to four (4) or more Lots, occupied buildings, or residences shall be considered to begin at the point where they branch from another Roadway/Street. If any Roadway/Street has both ends accessed from the same Roadway/Street, i.e. a loop road, the Roadway/Street shall be numbered in a clockwise direction.

C) **ROADWAY/STSREET NAMES:** Any Roadway/Street or Driveway, whether public or private, that accesses four (4) or more Lots, occupied buildings, or residences shall be approved by the rural addressing department of the appropriate county. Roadway/Street names shall not exceed eighteen (18) characters in length, including spaces, and shall not be duplicated within the Town of Edgewood or within any respective county. Land owners may request a specific name by following the same procedures as are used for Roadway/Street name changes delineated below in paragraph 3. However, the Town reserves the right at all times to determine whether a Roadway/Street name is appropriate,

subject to approval by the appropriate county.

D) **ROADWAY/STREET NAME CHANGES:** The Town of Edgewood Council may change existing Roadway/Street names as necessary to eliminate duplication or to otherwise serve the public interest and safety by petition agreement of a majority of the affected landowners. In addition, landowners may petition to change a Roadway/Street name by filing with the Town a petition signed by a majority of the number of land owners whose Lots, occupied buildings, or residences are accessed by the Roadway/Street. For the purposes of establishing a majority of the land owners, one (1) person per Lot, occupied building, or residence may sign the petition, i.e. one (1) Lot, one (1) vote; one (1) occupied building, one (1) vote; one (1) residence, one (1) vote. A public hearing shall be scheduled and notice shall be properly served on Adjacent Property owners. A final determination of the name change shall be made by the Town governing body. Once a Roadway/Street has been named, it may not be the subject of a petition for renaming for at least ten (10) years, unless the petitioning land owners can establish a need to rename the Roadway/Street based on public health, safety, or welfare.

E) **ROADWAY/STREET SIGNS:** All Roadway/Street signs shall conform to approved Town standards for color, overall size, lettering size, and height. Roadway/Street signs shall be installed and maintained by the Town except as follows:

1. Subdividers shall submit a proposed list of Roadway/Street names to the Town and the rural addressing division of the county for approval, shall provide the county assessors with a mylar sepia copy of the approved Subdivision Plat showing assigned Roadway/Street names and address numbers, and shall install and maintain Roadway/Street signs within their Subdivision upon assignment by the Town of Edgewood or rural addressing division of the county of approved Roadway/Street names, as may be established by the Town from time-to-time.
2. Land Owners requesting a Roadway/Street name change hereunder shall be responsible for the cost of replacing the Roadway/Street sign according to the established fee schedule for Roadway/Street name changes.

F) **NUMBERING REQUIREMENTS:** All Lots, occupied buildings, and residences located in the Town of Edgewood or developed pursuant to this Ordinance, shall be numbered. Numbers shall be assigned to all existing Lots, occupied buildings, and residences by the appropriate county rural addressing department. Where fewer than four (4) Lots, occupied buildings, and residences are accessed by a Roadway/Street or Driveway, those Lots, occupied buildings, and residences shall be further designated by a letter. The rural addressing system shall be maintained by the appropriate county.

G) **PLACEMENT OF NUMBERS:** It shall be the duty of the owner and/or occupant of each Lot, occupied building, or residence in the Town of Edgewood to have placed upon his or her property the number assigned by the county and to maintain and replace, when necessary, such numbers so that the number is at all times visible and readable. Numbers shall conform to the appropriate approved county standards for color and size. Numbers shall be permanently placed and maintained at the entrance to the Driveway from which such Lot, occupied building, or residence is accessed.

H) PROHIBITIONS: To ensure the maintenance and preservation of the rural addressing system, the Town imposes the following prohibitions.

1. No development permit shall be issued to any applicant or other person for any location until an address has been assigned to that location.
2. Only persons authorized by the Town may install or erect public Roadway/Street signs.
3. No Subdivider shall remove, alter, deface, or otherwise change or damage a Roadway/Street sign installed or maintained in accordance with this ordinance.
4. Permit required. No grading or construction of Roadways/Streets or Driveways shall proceed prior to the approval of a permit pursuant to the procedures of the Town's Grading and Drainage Ordinance, as it may be amended from time-to-time.

I) Engineering Criteria. Detailed intersection spacing and geometry, horizontal alignment for Roadways/Streets, Block corner property line configuration, and cul-de-sac configuration must meet acceptable engineering standards.

1. Cul de Sacs/Dead Ends. Cul de Sacs (dead end roads) shall not be longer than one thousand (1000) feet. At the closed end, there shall be a turn around having a minimum driving surface radius of at least forty-two (42) feet for Roadways/Streets under two hundred and fifty (250) feet long, and of at least fifty (50) feet for Roadways/Streets two hundred and fifty (250) feet and longer. A suitable alternative, such as a hammerhead turn around, may be acceptable if approved by the Planning & Zoning Official and the Fire Marshal. All turn around areas shall be designed to protect existing vegetation and steep terrain. There shall be a minimum Public Right-of-Way diameter at the closed end of one hundred (100) feet.
2. Turning Radii. All curb corners shall have radii or not less than twelve (12) feet and at important corners not less than twenty-four (24) feet or in accordance with accepted engineering practice.
3. Corners. At all acute corners the property corner shall be rounded.

J) Private Lane Standards. Private Lanes to provide access to Subdivision Lots may be created where Private Lanes can adequately *serve* all identified transportation, utility, and storm water handling requirements. Private Lanes shall be subject to the following conditions:

1. A Private Lane may be platted only where the Planning & Zoning Commission or the Town governing body determines that the Private Lane will always clearly function as a local Roadway/Street.
2. A Private Lane may be narrower than a public Roadway/Street provided the Roadway/Street width remains appropriate for its function. However, no Private Lane which provides access to the main body for two (2) to eight (8) Lots that do not abut a Public Right-of-Way may be narrower than twenty-four (24) feet. A Private Lane serving only one (1) Lot may not be narrower than twenty (20) feet. All private Roadways/Streets serving more than eight (8) Lots shall meet the same standards as for Public Rights-of-Ways and Roadway/Streets.
3. If a proposed Private Lane is planned to *serve* a Lot, it shall be shown on the Plat creating or modifying the Lot.
4. The Planning & Zoning Commission may require Private Lanes to provide public or private utility Easements, including Easements for storm water drainage.

5. If a Private Lane is approved, it shall be clearly identified as such on the Final Plat and the person or entity responsible for operation and maintenance shall be indicated on the Plat. Private Lanes must be sufficiently maintained to allow access by emergency vehicles. A legal instrument intended to assure future operation and maintenance of such Private Lane, such as an instrument creating a homeowner's association, shall be included in the Subdivider's submittals to the Planning & Zoning Commission and to the Town governing body as required in this ordinance under Final Plats and shall be referenced on the Plat.

K) Public Right-Of-Way Standards.

1. **Grade percentages.** Except as otherwise provided by the Grading & Drainage Ordinance, as it may be amended from time-to-time, vertical Roadway/Street grades shall not exceed the following:
   - **a.** Major and minor arterial Roadways/Streets or highways of four (4) lanes or more with a speed limit of 55 miles per hour or greater as permitted by law: six percent to eight percent (6%-8%) grade;
   - **b.** Collector Roadways/Streets of two (2) lanes with a speed limit of 25-35 miles per hour: ten percent (10%) grade;
   - **c.** Local Roadways/Streets of two (2) lanes with a speed limit of 25 miles per hour: eleven percent (11%) grade; and
   - **d.** Grades at the approach to intersections shall not exceed three percent (3%) for 100 linear feet from the intersection, excluding vertical curve distance.
2. **Cut and Fill.** All Roadways/Streets shall be located so as to minimize areas of cut and fill and shall be located to conform to sound terrain management principles. In general, fill slopes shall not exceed a 3:1 ratio and cut slopes shall not exceed a 2:1 ratio unless it can be demonstrated with additional submittals prepared by a licensed engineer that subject soils are stable enough to sustain higher cut and fill ratios.
3. **Local Gravel Roadways/Streets/Place, Lane or Cul-De-Sac.**
   - **a.** There shall be a minimum of two percent (2%) crown in the driving surface for water runoff.
   - **b.** Adequate provisions for drainage shall be installed at all waterway crossings. Culverts shall be as per the Town of Edgewood's Grading & Drainage Ordinance, and must be of sufficient gauge or thickness and length, and placed appropriately deep to withstand projected traffic loading and storm runoff. Where necessary to accommodate roadside drainage, Driveways entering Roadways/Streets shall have culverts installed. Driveways shall also be designed and constructed so as to prevent flowing water from entering onto or crossing the Roadway/Street.
   - **c.** A paved dip-section may be constructed, under appropriate conditions, to accommodate minor drainage for local Roadways/Streets, provided such drainage flows do not exceed 100 cfs. All dip-section designs must be approved by the Planning & Zoning Official. Only areas which can also be accessed via another route during a 100-year storm may have dip-sections.
4. **Walkways, Bike Trails, Equestrian Trails, and Water Courses.** The minimum Public Right-of-Way shall be ten (10) feet. When appropriate for purposes of public safety, sidewalks or walking paths may be required with paved Roadways/Streets of arterial classification. Surfacing of public sidewalks along Roadways/Streets may include concrete or brick. Other hard surface materials may be used if evidence is shown that

they are coordinated with streetscape and project design.

a. For Subdivisions of twenty-five (25) or more parcels, non-vehicular trails shall be required with Roadways/Streets of arterial, collector, and subcollector classification. In lieu of this requirement, an internal, off-road trail system may be substituted if the result connects existing trails and/or trail Easements, or assists in the creation of an area-wide trail network on adjacent lands.

b. Where a Subdivision is traversed by a trail recognized by the Town of Edgewood, a trail Easement shall be platted which conforms substantially with the trail. In lieu of this requirement, an alternative trail connection or access acceptable to the Town of Edgewood may be substituted.

5. Curb and Gutter Requirements; Waivers. Where development conditions indicate, curbs and gutters may be required for collector or arterial Roadways/Streets in order to control storm water runoff or facilitate the movement of traffic. Curbs and gutters may be waived if the following conditions are met to the satisfaction of the Commission:

a. An alternative design is provided which sufficiently demonstrates that the Waiver will not contribute to the deterioration of the pavement edge. Alternative design means a design according to AASHTO Standards.

b. A drainage report, site-by-site drainage and storm water control plan, or other analysis is provided showing curbing is not necessary to channel storm water; or

c. Substantial evidence is provided showing the curbing is not necessary to confine Driveway access to specific locations to maintain the function of the Roadway/Street.

L) ACCESS TO HIGHWAYS AND ARTERIALS; ROADWAY/STREET BUFFERING REQUIREMENTS.

a. Where a proposed Subdivision contains Lots abutting or adjacent to an arterial or highway, it shall be planned so as to avoid having Lots having frontage on said thoroughfares.

b. The Subdivision shall be laid out to have a minimum number of intersections with arterial Roadway/Street or highways and where appropriate, shall provide at least two (2) separate points of ingress and egress to assure adequate access and shall be designed for all weather conditions; cul-de-sacs or other Fire Marshall approved turn-arounds that comply with applicable development standards are permitted. Driveways from Lots shall access local Roadways/Streets and may access collector Roadways/Streets on a limited basis as approved by the Planning & Zoning Commission.

c. Where the Subdivision is traversed by or is adjacent to a state or federal highway, the Subdivision must satisfy, in addition to this Ordinance, the New Mexico Department of Transportation Regulations Covering Design and Construction of Driveways on Non-Controlled Access Highways in New Mexico.

M) NON-RESIDENTIAL DEVELOPMENT INGRESS & EGRESS.

All non-residential uses proposed shall share points of ingress and egress to the buildable area in accordance with the requirements of this subsection, unless it can be demonstrated that additional or separate access is required. All non-residential developments shall comply with the following:

1. Spacing between points of ingress and egress shall be determined by the posted design speed and intended function of the Roadway/Street creating access to the Buildable

Area, as follows:

NON-RESIDENTIAL CURB CUT SEPARATION	
MPH	**FEET**
25-30	200
30-35	270
35-40	315
40-45	375
45+	400+
***For Driveway spacing at speeds greater than 45 miles per hour, consult Table 6, Speed Change- Lane Length Requirements, for Driveway Spacing: NMDOT, Regulations for Driveways and Median Openings on Non-Access Controlled Highways.**	

2. No Driveway access may be located closer than one hundred and fifty (150) feet from an intersection.

3. No Driveway may be located closer than fifty (50) feet from any intersection turning lane location.

4. No structure or planting (at mature growth) that exceeds three (3) feet in height shall be permitted within a corner setback. Exceptions are permitted for utility poles, lighting standards, mailboxes, Town or state traffic signs, and trees if the lower canopy of the trees allow a clear line of sight between three (3) feet and seven (7) feet above the road grade.

N) WATER AND LIQUID WASTE DISPOSAL SERVICE. The Subdivider shall present evidence that adequate provisions have been made for potable water and liquid waste service to each Lot within the proposed Subdivision or Replat. Whenever a public sanitary sewer line exists within two hundred (200) feet of a proposed Subdivision site, such sanitary sewer service shall be extended by the Subdivider to serve each Lot within the proposed Subdivision. If private domestic well and/or liquid waste systems are proposed for use within the Subdivision based on the lack of any public sanitary sewer line near the proposed Subdivision site as specified herein, all such systems must comply with the requirements of the New Mexico Environment Department or its succeeding agency. A public sanitary sewer line is considered to exist if it is completed or it can reasonably be expected to be constructed within one hundred eighty (180) days of the date of application for final subdivision approval. Any proposed hook-ups to a public sanitary sewer system must meet all applicable Town requirements.

O) DRAINAGE.

1. No existing watercourse or other natural drainage system, whether on-site or off-site, shall be disturbed by any on-site building development or construction activity unless a Town Engineer approves the change in accordance with the Grading & Drainage Ordinance.

2. All floodways shall be dedicated as drainage Easements or drainage Public Right-of-Ways.

P) EROSION. No Subdivider shall remove or permit to be removed the existing ground cover in the Subdivision without making provisions to prevent wind and/or water erosion and resultant damage to adjacent properties in accordance with the U.S Environmental Agency's National Pollutant Discharge Elimination System (NPDES). In addition, Subdividers may be required to provide restrictive covenants which shall prohibit

unnecessary removal of ground cover.

Q) EASEMENTS. Easements of at least ten (10) feet in width shall be located such that each Lot can be served by all proposed utilities. Utility Easements shall be centered on the Lot lines. Such Easements shall be located according to a plan approved by the appropriate utility companies and the Planning & Zoning Commission. Utility Easements are encouraged to be placed parallel to access Easements so that maintenance of electric, gas or water lines will not create the need to disturb the Roadway/Street. In the event utility installation or maintenance requires disturbance of a Roadway/Street, such Roadway/Street will be restored to a condition equal to or better than its original condition. All public drainage Easements and Public Right-of-Way shall be dedicated in a sufficient width as necessary for the purposes of improving, reconstructing and/or protecting the water course.

R) LOTS. The Lot arrangement and design shall be such that all Lots will provide satisfactory and desirable building sites properly related to topography and the character of adjacent development. Every Lot shall have egress and ingress to a Roadway/Street.

S) PUBLIC SITES AND OPEN SPACES. Where a proposed park, playground, school or other public use is located in whole or in part in a Subdivision, the Planning & Zoning Commission may require the dedication or reservation of such area within the Subdivision in those cases in which the Commission deems such requirements to be reasonable.

T) FIRE HYDRANTS. Adequate fire protection shall be required for all Subdivision and Replats. The number and placement of fire hydrants required shall be as regulated by the Uniform Fire Code Standards as adopted by the Town. The Fire Chief or designee shall approve all hydrant locations and may impose more stringent requirements than those of this Ordinance if necessary to provide adequate fire protection to the Subdivision.

U) GEOMETRIC STANDARDS SUMMARY. Design criteria for Roadways/Streets are summarized in the following table:

Criteria	LOCAL		COLLECTORS	ARTERIALS	
	Place, Lane or Cul-de-sac	Subcollector		Minor	Major
Public Right-of-Way (feet)	24' to 50'	50'	50'	66' to 86'	100'
Minimum Driving Surface (feet)	20' to 22' Base Course	24' Base Course	24' Asphalt	24' Asphalt	24' Asphalt
Top course Depth (inches)	6"	6"	3"	4"	5"
Traffic Lanes	2	2	2	2 to 4	2 to 6
Lane Width (feet)	10' to 11'	12'	12'	12'	12'

Shoulder Width (feet)	**N/A**	**N/A**	**18" Base Course**	**6'**	**6'**
Max. Grade (percent)	**11**	**10**	**10**	**6-8**	**6-8**
Design Speed (mph)	**25**	**25**	**25-35**	**45-55**	**45-55**
Projected Average Daily Traffic (vehicles/day)	**0 to 300**	**301 to 600**	**601 to 1999**	**2000 to 4999**	**5000 +**
Lots or Units Served	**0 to 29**	**30 to 59**	**60 to 199**	**200 to 499**	**500 +**

V) **MAILBOX INSTALLATIONS.** A mailbox installation area shall be provided by the Subdivider for all developments consisting of ten (10) or more Lots. All mailbox installations must meet the requirements of the U.S. Postal Service and drainage culverts shall be required for entrance and exit areas to the mailboxes.

SECTION 13. WAIVERS, VARIANCES, AND MODIFICATIONS.

Whenever a tract to be subdivided is of such unusual size or shape, and/or is surrounded by other development or unusual conditions that would cause the strict application of the infrastructure requirements of this Ordinance to result in real difficulties and/or substantial hardships beyond those normally contemplated or expected, the Planning & Zoning Commission or the Town governing body may waive, vary, or modify those requirements to allow the Subdivider to develop the property in a reasonable manner, provided that the public welfare and interests are preserved. However, no Waiver, variance, modification, and/or exception may be granted if it will be detrimental to the public good or impairs the intent and purpose of this Ordinance. All Waivers, variances, modifications and exceptions shall be entered in the records of the Planning & Zoning Commission and must be accompanied by a statement setting forth the reasons justifying the decision. Further, in granting the Waiver, variance, modification, and/or exception, the Planning & Zoning Commission or the Town governing body may impose any conditions which will, in its judgment, substantially secure the objectives of the standards or requirements involved. This provision is inapplicable to Minor Subdivisions.

SECTION 14. VACATION.

A. Public rights-of-way may be Vacated by recording a new Subdivision plat. Such a request may be initiated by a request to Vacate filed by all the owners of property directly affected by the proposed Vacation or filed by the Town where it is found to be in the public interest.

1. Notice of the public hearing shall be mailed out to Adjacent Property owners informing them of the nature of the proposed Vacation and notifying them of the date, time and place of the hearing at least fifteen (15) days prior to the hearing.
2. The Planning & Zoning Commission shall determine whether or not the Vacation will adversely affect the interests of persons owning contiguous land and/or land within the Subdivision being Vacated. Findings of this determination shall be forwarded to the Town governing body for public hearing.
3. Public Hearing. Public notice in a newspaper of general circulation in the Town shall

be published at least fifteen (15) days before the date of the hearing; the notice shall indicate the location of the proposed Vacation, where a map of the proposed Vacation may be viewed, and information on the hearing.

4. If approved by the Town governing body, the statement of Vacation is endorsed "Approved". Such endorsement shall be within ten (10) days of the conclusion of the hearing.

B. Requests to Vacate any interior Lot line(s) and/or utility/drainage Easements shall be accompanied by ten (10) copies of an 8 ½ " x 11" map of the Lots to be Vacated which shall show, at a minimum, all of the following:

1. Lot lines to be vacated;
2. Adjoining Roadways/Streets and Adjacent Properties and Lots;
3. Names and addresses of Adjacent Property owners;
4. Title of the action requested (i.e., vacation of_____);
5. Name, complete address, and zip code of the petitioner;
6. Legal description of the property; and
7. A letter from any known utility companies providing service to the area stating their recommendations regarding the Vacation and any existing facilities they have over or across the property.

Interior Lot line(s) Vacations shall require an endorsement from the Planning & Zoning Commission and the matter shall be heard during a regular meeting of the Planning & Zoning Commission.

C. Recording. The Vacation is in full force and effect only after the approved statement declaring the Vacation has been recorded in the appropriate county clerk's office. The county clerk shall be requested to mark the original Plat with the words "Vacated" or "Partially Vacated" and refer on the Plat to the volume and page on which the statement of vacation is recorded. The applicant shall also provide a copy of the recorded statement of vacation by the county clerk to the Planning & Zoning Official.

SECTION 15. CONSTRUCTION REQUIREMENTS AND VIOLATIONS.

Construction which violates any provision of this Ordinance is strictly prohibited and no building permit shall be authorized, except in those cases where a Waiver, variance, modification, or exception has been granted through the variance procedure established herein or by the Planning & Zoning Commission prior to start of construction. Violations of the requirements of this provision shall be cause for legal action by the Town to have the violative construction stopped, corrected, and/or removed at the sole cost and expense of the Subdivider and/or any other person found to be violating this provision, and a penalty assessed.

SECTION 16. FEES.

Fees will be established by resolution of the Town governing body and will be subject to annual review and update.

SECTION 17. PENALTIES.

Violations of this Ordinance shall be punishable as follows:

1. Any person, partnership, association, corporation, public utility, private utility, or other legal entity who installs or causes to be installed any utility service, including but not limited to electricity, gas, water, sewer, telephone, or cable television

service to any location required by this ordinance to be assigned an address without first receiving a development permit and an address for that location shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars ($500.00) or imprisonment for a term not to exceed ninety (90) days, or both.

2. Any person who fails to properly place and maintain assigned address numbers on property owned or occupied by that person as required by this ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars ($500.00).
3. Any person who intentionally installs a Roadway/Street sign or assigned address number in violation of this ordinance or who intentionally removes, alters, defaces, changes, or conceals a Roadway/Street sign or assigned address number erected or installed pursuant to this ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars ($500.00) or by imprisonment for a term not to exceed ninety (90) days or both.
4. Any owner or agent of the owner, of any land located within the platting jurisdiction of the Town who transfers, sells, agrees to sell, or negotiates to sell the land by reference to or exhibition of or by other use of a Plat or subdivision of the land before the Plat has been approved as provided in this Ordinance and recorded in the office of the county clerk, shall be guilty of a misdemeanor. Upon conviction, the owner or his agent shall pay a penalty of five hundred dollars ($500.00) for each Lot transferred or sold, or agreed or negotiated to be sold. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town may enjoin the transfer or sale or agreement by action for injunction or may recover the penalty by civil action.

SECTION 18. APPEALS.

Any person aggrieved with any determination of the Planning & Zoning Commission acting under this Ordinance may file an appeal to the Town governing body by submitting a written application within fifteen (15) days of the Commission's decision. Appeals shall be filed with the Planning & Zoning Official.

Any person aggrieved with an appeal determination of the Town governing body acting under this Ordinance may file an appeal to the appropriate district court by submitting a written application within thirty (30) days of the Town governing body's decision. Appeals shall be filed with the Town Clerk, and the appropriate district court.

SECTION 19. AMENDMENT PROCEDURE.

The Town governing body may, from time to time, amend or modify this Ordinance after public hearing, due notice of which shall be given as required by law.

SECTION 20. PUBLIC RECORDS.

The Town Clerk shall keep public records of findings, decisions, and recommendations concerning all Subdivision Plats filed for review, including such actions as may be taken by the Planning & Zoning Commission and Town governing body through appeals or amendments to this Ordinance.

SECTION 21. SEVERALBILITY OF PROVISIONS.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Council to enact each section, subsection, sentence, clause or phrase of this Ordinance separately and independently of each other section, subsection, sentence clause or phrase.

PASSED, APPROVED AND ADOPTED by the Governing Body of the Town of Edgewood, Santa Fe County, New Mexico this **6th** day of **AUGUST, 2014.**

Brad E. Hill, Mayor

ATTEST:

Estefanie B. Muller, CMC, Clerk-Treasurer

"EXHIBIT A"

DISCLOSURE STATEMENT

PLEASE REVIEW PRIOR TO THE PURCHASE OF PROPERTY LOCATED WITHIN THE SUBDIVISION

THIS DISCLOSURE STATEMENT IS INTENDED TO PROVIDE YOU WITH INFORMATION TO MAKE AN INFORMED DECISION ON THE PURCHASE OR LEASE OF THE PROPERTY DESCRIBED IN THIS STATEMENT. YOU SHOULD READ CAREFULLY ALL THE INFORMATION CONTAINED IN THIS STATEMENT BEFORE YOU DECIDE TO BUY OR LEASE 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 TOWN OF EDGEWOOD PLANNING & ZONING COMMISSION HAS EXAMINED THIS DISCLOSURE STATEMENT TO DETERMINE WHETHER THE SUBDIVIDER CAN FULFILL THE CONDITIONS THAT THE SUBDIVIDER CLAIMS IN THE DISCLOSURE STATEMENT. HOWEVER, THE TOWN OF EDGEWOOD PLANNING & ZONING COMMISSION DOES NOT VOUCH FOR THE ACCURACY OF WHAT IS SAID IN THE DISCLOSURE STATEMENT. IN ADDITION, THE DISCLOSURE STATEMENT IS NOT A RECOMMENDATION OR ENDORSEMENT OF THE SUBDIVISION BY EITHER THE TOWN OF EDGEWOOD OR THE STATE. IT IS INFORMATIVE ONLY.

THE TOWN OF EDGEWOOD PLANNING & ZONING COMMISSION 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.

ANY DEED, REAL ESTATE CONTRACT, LEASE, OR OTHER INSTRUMENT CONVEYING AN INTEREST IN A PARCEL IN THE SUBDIVISION MUST BE RECORDED BY THE SUBDIVIDER WITH THE APPROPRIATE COUNTY CLERK WITHIN THIRTY (30) DAYS OF THE SIGNING OF SUCH INSTRUMENT BY THE PURCHASER, LESSEE, OR OTHER PERSON ACQUIRING AN INTEREST IN THE LAND.

BUILDING PERMITS, WASTEWATER PERMITS, AND/OR OTHER PERMITS MUST BE ISSUED BY STATE OFFICIALS BEFORE IMPROVEMENTS ARE CONSTRUCTED; ZONING APPROVAL FOR BUILDING PERMITS NEEDS TO BE SECURED PRIOR TO APPLYING TO THE STATE OF NEW MEXICO FOR A BUILDING PERMIT. YOU SHOULD INVESTIGATE THE AVAILABILITY OF SUCH PERMITS BEFORE YOU PURCHASE, LEASE, OR

OTHERWISE ACQUIRE AN INTEREST IN THE PROPERTY. YOU SHOULD ALSO DETERMINE WHETHER SUCH PERMITS ARE REQUIRED FOR CONSTRUCTION OF ADDITIONAL IMPROVEMENTS BEFORE YOU OCCUPY THE PROPERTY.

1. NAME OF SUBDIVISION
(Name of subdivision)

2. NAME AND ADDRESS OF SUBDIVIDER
(Name and address of subdivider)

3. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES, LEASING OR OTHER CONVEYANCE IN NEW MEXICO (OPTIONAL)
(Name, address, and telephone number of person in charge of sales, leasing, or other conveyance)

4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED (TABLE INSET):

PRESENT	ANTICIPATED
(NUMBER OF PARCELS)	(NUMBER OF PARCELS)
(NUMBER OF ACRES IN SUBDIVISION)	(NUMBER OF ACRES IN SUBDIVISION)

5. SIZE OF LARGEST PARCEL OFFERED FOR SALE OR LEASE WITHIN THE SUBDIVISION
(Size of largest parcel in acres)

6. SIZE OF SMALLEST PARCEL OFFERED FOR SALE OR LEASE WITHIN THE SUBDIVISION
(Size of smallest parcel in acres)

7. PROPOSED RANGE OF SELLING OR LEASING PRICES (OPTIONAL) TABLE INSET:

($= LOWEST AMOUNT)	(SIZE OF PARCELS SOLD, LEASED OR CONVEYED)
($= HIGHEST AMOUNT)	(SIZE OF PARCELS SOLD, LEASED OR CONVEYED)

8. FINANCING TERMS (OPTIONAL)
(Interest terms)
(Term of loan or contract)
(Minimum down payment)
(Service charges and/or escrow fees)
(Premium for credit life or other insurance if it is a condition for giving credit)
(Closing costs)

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE
(Name and address of all persons who are recorded as having legal title)
NOTE: IF ANY OF THE HOLDERS OF LEGAL TITLE NAMED ABOVE IS A CORPORATION, LIST THE NAMES AND ADDRESSES OF ALL OFFICERS OF THAT CORPORATION.

10. NAME AND ADDRESS OF PERSONS HAVING EQUITABLE TITLE
(Name and address of all persons who are recorded as having equitable title)
NOTE: IF ANY OF THE HOLDERS OF EQUITABLE TITLE NAMED ABOVE IS A CORPORATION, LIST THE NAMES AND ADDRESSES OF ALL OFFICERS OF THAT CORPORATION.

11. CONDITION OF TITLE
INCLUDE THE FOLLOWING INFORMATION, WHERE APPLICABLE:
(Number of mortgages)
(Name and address of each mortgage)
(Balance owing on each mortgage)
(Summary of the release provisions of each mortgage)
(Number of all 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 provisions of each real estate contract)
(Summary of 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 the 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)

13. ESCROW AGENT
(Name and address of escrow agent)
(Statement of whether or not the subdivider has any interest in or financial ties to the escrow agent)

14. UTILITIES – ESTIMATED COST PER LOT (TABLE INSET):

(NAME OF ENTITY PROVIDING ELECTRICITY, IF AVAILABLE)	(ESTIMATED COST)
(NAME OF ENTITY PROVIDING GAS SERVICE, IF AVAILABLE)	(ESTIMATED COST)
(NAME OF ENTITY PROVIDING WATER, IF AVAILABLE)	(ESTIMATED COST)

(NAME OF ENTITY PROVIDING TELEPHONE, IF AVAILABLE)	(ESTIMATED COST)
(NAME OF ENTITY PROVIDING LIQUID WASTE DISPOSAL, IF AVAILABLE)	(ESTIMATED COST)
(NAME OF ENTITY PROVIDING SOLID WASTE DISPOSAL, IF AVAILABLE)	(ESTIMATED COST)

15. INSTALLATION OF UTILITIES (TABLE INSET):

(ELECTRICITY)	(DATE)
(GAS)	(DATE)
(WATER)	(DATE)
(PHONE)	(DATE)
(LIQUID WASTE DISPOSAL)	(DATE)
(SOLID WASTE DISPOSAL)	(DATE)

16. UTILITY LOCATION

(If all utilities are to be provided to each parcel in the subdivision, please state here)
(If all utilities are to be provided to some but not all parcels in the subdivision, state which utilities will be provided to each parcel)
(State whether each utility will be above ground or underground)

17. 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 covenant 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)

18. 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)

19. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS
(State whether wells will be provided by the subdivider or by the prospective purchaser/lessee/conveyee)
(If wells are provided by purchase/lessee/conveyee, 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)
(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)

20. 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 the name, contaminant level, maximum contaminant level, expected adverse effects of the contaminant for domestic use, and the recommended treatment method to reduce the contaminant level to or below the maximum contaminant level for any contaminants which exceed the maximum contaminant levels.*_____

21. LIQUID WASTE DISPOSAL
(Describe the precise type of liquid waste disposal system that is proposed for use within the subdivision)
NOTE: NO LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN THIS SUBDIVISION OTHER THAN A SYSTEM APPROVED BY THE TOWN AND/OR THE STATE OF NEW MEXICO.

22. STATE OF NEW MEXICO'S OPINIONS
Include here the approved summary of all opinions received by the Edgewood Planning & Zoning Commission from any agency of the State of New Mexico, whether favorable or adverse, concerning any matter listed herein, including but not limited to:
*(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 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 all applicable regulations on access)

23. SOLID WASTE DISPOSAL
(Describe the means of solid waste disposal that is proposed for use within the subdivision)

24. TERRAIN MANAGEMENT

MAY SUBSTITUTE AN APPROVED GRADING AND DRAINAGE REPORT, OR SUMMARY

(Describe the suitability for residential use of the soils in the subdivision)
(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 number all parcels within the subdivision located in whole or in part on slopes in excess of 11%)
(Describe the surface drainage for all lots in the subdivision)
(Describe the subsurface drainage for all lots in the subdivision)
*(Describe the nature, location and completion dates of all storm drainage systems and structures constructed or required to be construed in the subdivision, and identify the entity which is responsible for construction and maintenance)*_____

25. SUBDIVISION ACCESS

(Describe access roads to subdivision)
(State whether or not subdivision is ordinarily accessible at all times of the year and under all weather conditions)
(Describe the width and surfacing of all roads within the subdivision)
(State whether the roads within the subdivision have been accepted for maintenance by the County or Town of Edgewood)
*(If the roads within the subdivision have not been accepted for maintenance by the County or Town, state how the roads will be maintained and describe lot owners' responsibilities and obligations with respect to road maintenance, including measures taken to ensure maintenance will take place).*_

26. 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).*_____

27. ADVERSE OR UNUSUAL CONDITIONS

*(State any activities or conditions adjacent to or nearby the subdivision that would subject the subdivided land to anything unusual affecting its use or occupancy, including but not limited to feed lots, dairies, cement plants, or airports)*_____

28. FIRE PROTECTION

(Distance to nearest fire station from subdivision, and route over which that distance is computed)
(State whether the fire department is full-time or semi-staffed)

29. POLICE PROTECTION

List the various police units that patrol the subdivision.
(Sheriff's Department, if applicable)
(Municipal Police, if applicable)
(State Police, if applicable)

30. PUBLIC SCHOOLS

(Name of and distance to nearest public elementary school serving the subdivision)
(Name of and distance to nearest public junior high or middle school serving the subdivision)
(Name of and distance to nearest public high school serving the subdivision)

31. RECREATIONAL FACILITIES
(REQUIRED FOR SUBDIVISIONS OF 100 OR MORE PARCELS)
(Describe all recreational facilities, actual and proposed, in the subdivision)
(State the estimated date of completion of each proposed recreational facility)
*(State whether or not there are any bonds, letters of credit or other collateral securing the construction of each proposed recreational facility and describe any such bond, letter of credit or other collateral)*___

32. HOSPITALS
(REQUIRED FOR SUBDIVISIONS OF 100 OR MORE PARCELS)
(Name of nearest hospital and health care facilities)

33. SHOPPING FACILITIES
(REQUIRED FOR SUBDIVISIONS OF 100 OR MORE PARCELS)
(A statement as to the availability of shopping facilities in the area, including the name, type, and location of existing facilities)

34. PUBLIC TRANSPORTATION
(REQUIRED FOR SUBDIVISIONS OF 100 OR MORE PARCELS)
(Describe all public transportation that serves the subdivision on a regular basis)

35. PROJECTED DATES OF COMPLETION
(REQUIRED FOR SUBDIVISIONS OF 100 OR MORE PARCELS)
*(State the projected dates upon which any of the items listed herein for which the Subdivider has responsibility will be completed)*_____