

# **DESERT MIRAGE II SUBDIVISION**

## **Disclosure Statement for an ETZ Major Subdivision**

**February 25, 2014**

PLEASE READ THIS DISCLOSURE STATEMENT  
BEFORE YOU  
SIGN ANY DOCUMENTS OR AGREE TO ANYTHING

THIS DISCLOSURE STATEMENT IS INTENDED TO PROVIDE YOU WITH ENOUGH INFORMATION TO PERMIT YOU TO MAKE AN INFORMED DECISION ON THE PURCHASE OR LEASE OF PROPERTY DESCRIBED IN THIS STATEMENT. YOU SHOULD READ CAREFULLY ALL OF THE INFORMATION CONTAINED IN THIS STATEMENT BEFORE YOU DECIDE TO BUY OR LEASE THE DESCRIBED PROPERTY.

YOU SHOULD BE AWARE OF THE FACT THAT VARIOUS STATE AGENCIES HAVE ISSUED OPINIONS ON BOTH THE SUBDIVISION PROPOSAL AND WHAT IS SAID IN THIS DISCLOSURE STATEMENT ABOUT THE PROPOSAL. THESE OPINIONS, WHETHER FAVORABLE OR UNFAVORABLE, ARE CONTAINED IN THIS DISCLOSURE STATEMENT AND SHOULD ALSO BE READ CAREFULLY.

THE E.T.Z. COMMISSION HAS EXAMINED THIS DISCLOSURE STATEMENT TO DETERMINE WHETHER THE SUBDIVIDER CAN SATISFY WHAT HE HAS SAID IN THIS DISCLOSURE STATEMENT. HOWEVER, THE E.T.Z. COMMISSION DOES NOT VOUCH FOR THE ACCURACY OF WHAT IS SAID IN THIS DISCLOSURE STATEMENT. FURTHER, THIS DISCLOSURE STATEMENT IS NOT A RECOMMENDATION OR ENDORSEMENT OF THE SUBDIVISION BY EITHER THE E.T.Z. OR THE STATE. IT IS INFORMATIVE ONLY.

FINALLY, THE E.T.Z. COMMISSION RECOMMENDS THAT YOU SEE THE PROPERTY BEFORE BUYING OR LEASING IT.

**DESERT MIRAGE II SUBDIVISION**

**AN ETZ MINOR SUBDIVISION**

**DISCLOSURE STATEMENT**

1. NAME OF SUBDIVISION:

“Desert Mirage II Subdivision ”

2. NAME AND ADDRESS OF SUBDIVIDER:

Desert Mirage Inc.  
3615 W. Picacho  
Las Cruces, New Mexico 88005

3. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES OR LEASING IN NEW MEXICO:

The Real Estate Company  
2065 Cresta Court  
Las Cruces, New Mexico 88005

4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED:

Present: 26 Lots  
Anticipated: 118 Lots

5. SIZE OF LARGEST PARCEL OFFERED FOR SALE OR LEASE WITHIN THE SUBDIVISION:

1.23 acres

6. SIZE OF SMALLEST PARCEL OFFERED FOR SALE OR LEASE WITHIN THE SUBDIVISION:

1.00 acres

7. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE:

Desert Mirage Inc.  
3615 W. Picacho  
Las Cruces, New Mexico 88005

8. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE:

Desert Mirage Inc.  
3615 W. Picacho  
Las Cruces, New Mexico 88005

9. CONDITION OF TITLE:

Free and Clear

10. DISCLOSURE OF ALL LEGAL RAMIFICATIONS OF ANY EXISTING LIENS OR OBLIGATIONS WHICH MAY BE ATTACHED TO THE LAND PROPOSED FOR SUBDIVISION:

None

11. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD SUBJECTING THE SUBDIVIDED LAND TO ANY UNUSUAL CONDITIONS AFFECTING ITS USE OR OCCUPANCY:

Restrictive Covenants are to be filed with the Dona Ana County Clerk's office prior to the sale of any lots.

12. ESCROW AGENT:

Southwest Abstract & Title LTD  
1125 South Main  
Las Cruces, NM 88001

\*The subdivider does not have any interest or financial ties with the escrow agent.

### 13. UTILITIES:

WATER – Moongate Water Company  
9501 E. US Hwy 70  
Las Cruces, NM 88012  
(505) 382-7002

WASTEWATER - On-lot septic

PHONE - Century Link  
272 W. Griggs  
Las Cruces, NM 88005  
1-800-244-1111

ELECTRICITY - El Paso Electric Company  
201 N. Water  
Las Cruces, NM 88001  
(505) 526-5551

GAS - Individual on- lot liquid propane tank

SOLID WASTE COLLECTION - Private hauler will provide garbage and rubbish collection and disposal. It is the responsibility of the individual lot owner to contact and make the necessary arrangements with one of several services available in the area.

### 14. INSTALLATION OF UTILITIES:

Water, gas, telephone, television cable and primary electric main service lines and taps are to be installed by the developer at the time of subdivision construction. Wastewater service via on-lot septic tanks is the responsibility of each individual lot owner. All utilities will be available to all lots within six months of the commencement of lot sales. It is the responsibility of each lot owner to contact each utility company and make arrangements for individual utility connections. Solid waste disposal will be by a private trash collection service and shall be the responsibility of the individual property owners. Underground high voltage primary power is available. Each property owner should contact El Paso Electric Company to verify usable 120-240 volt power availability, a minimum of 4 – 6 weeks from date of request to date of service.

15. UTILITY LOCATION:

Utilities shall be provided as stated above, to all lots, and shall be located as shown on the approved plat of survey and construction drawings. All utilities will be underground.

16. WATER USE:

Water will be for domestic use only. The Moongate Water Company will provide the water. Water will not be provided for recreational use, exclusive of swimming pools and spas. There are no anticipated limitations, physical or legal, for the indicated uses. Water conservation methods include limiting lawns to 25% of lot area with the remainder xeriscaped. Low flow plumbing fixtures should be utilized. The Moongate Water Company will also use monthly meter readings to monitor usage by customers. The Moongate Water Company Water Users Agreement is attached at the end of this report.

17. AMOUNT OF WATER:

The water will become available for domestic and residential use upon individual lot owners signing a connection agreement with Moongate Water Company.

18. WATER DELIVERY:

For residential use, Moongate Water Company will provide service - a letter stating this is attached at the end of this report. Developer will install 8" and 12" main lines with a 3/4-inch stub out for each lot. Individual lot owners will install their own water meter and service lines into each individual lot.

19. WATER SYSTEM EXTENSION:

Each user will pay for the water used in accordance with the policies of the Moongate Water Company.

20. LIFE EXPECTANCY OF THE WATER SUPPLY:

SOURCE	LIFE EXPECTANCY
Ground water aquifer	50 years

21. WELLS:

Individual wells installed by individual lot owners may be established, with a permit issued from the New Mexico State Engineer's Office, for domestic use.

22. SURFACE WATER (IF APPLICABLE)

None.

23. STATE ENGINEER OPINION ON WATER:

Should the New Mexico State Engineer's office issue an opinion on this project, it will be attached at the end of this report.

24. WATER QUALITY:

Water provided by Moongate Water Company is presently suitable for residential use and meets all the New Mexico Environment Department (NMED) quality parameters.

25. ENVIRONMENT IMPROVEMENT DIVISION'S OPINION ON WATER QUALITY:

The NMED opinion on the quality of water will be attached at the end of this report if one is given. The Moongate Water Company is a licensed utility and complies with the testing requirements of the NMED.

26. LIQUID WASTE DISPOSAL:

For residential use, each individual lot shall have an NMED approved septic tank.

27. ENVIRONMENT IMPROVEMENT DIVISION'S OPINION ON LIQUID WASTE DISPOSAL:

The NMED opinion on liquid waste disposal will be attached at the end of this report if one is given.

## 28. SOLID WASTE DISPOSAL:

Private trash collection services are available for this subdivision. Individual lot owners will be responsible for arranging this service. The nearest transfer station is located approximately 6 miles away at the Las Cruces Corralitos Transfer Station on 2865 W. Amador.

## 29. ENVIRONMENT IMPROVEMENT DIVISION'S OPINION ON SOLID WASTE DISPOSAL:

The NMED opinion on solid waste disposal will be attached at the end of this report if one is given.

## 30. TERRAIN MANAGEMENT:

The soil in this subdivision is primarily classified as Terino-Casito Association (TF) as found in the "Soil Survey of Dona Ana County Area, New Mexico". These soils are suitable for subdivision purposes.

Subject property is not in a FEMA designated Special Flood Hazard Area (SFHA) as shown on the Flood Insurance Rate Map (FIRM) 35013C0675E. Localized flooding may occur in natural arroyo paths during rainfall events. No lots in this subdivision have grades that exceed 8%.

Based on the calculations and findings of the drainage report, the following conclusions and recommendations are made for this development.

### Stormwater Flow Paths

The geographical location of this development provides for moderate peak runoff rates. Both sheet flow, concentrated and channelized flows cross this development. Existing arroyos shall be utilized to convey offsite basin flows through the development. Drainage conveyed through these existing arroyo channels can reach depths up to 3 feet in some areas. The arroyo easements shown on the subdivision plat indicate the physical arroyo locations on the date of the field survey. Arroyos are subject to change physical location due to siltation and future native plant growth. The purpose of these easements is to maintain permanent unobstructed flow paths. It is not the intent of these easements to guarantee that one hundred percent of the one hundred year storm will fit within the widths of the easements as shown. This is due to the fact that the entire property is subject to sheet flows in depths not to exceed 1 foot. As such, the final house pad grades will need to be set to take this sheet flow depth into consideration.

### House Pad Construction

It is recommended that any house pads be constructed with a minimum finished pad elevation of 24 inches above the existing grade see grading and construction drawings. House pad fill materials should be compacted to 95 percent of ASTM D1557 and extended 5 feet beyond the perimeter of the home, then extended to natural ground at a slope not to exceed 3.2:1.

### Ponding Areas

All excess storm water drainage produced by lot development will be contained on each individual lot. These ponds will be constructed at the time of lot development. All excess storm water drainage produced by road development will be contained in roadside swales. These roadside swales will be constructed at the time of road construction. The storm water entering the subdivision via the arroyos will be channeled through it. It is important to note that no additional storm water is proposed to exit the property due to development. If the lot owner's proposed future upgrades and improvements a revised grading and drainage plan or a revised final drainage report shall be submitted for approval to Doña Ana County. Maintaining the drainage areas will be the responsibility of individual lot owner's.

### 31. NATURAL RESOURCES CONSERVATION DISTRICTS OPINION ON TERRAIN MANAGEMENT:

The Natural Resources Conservation Service District's opinion on terrain management will be Attached at the end of this report, if one is given.

### 32. SUBDIVISION ACCESS:

The subdivision is located 5.2 miles east of the intersection of University Avenue and Interstate 25 by way of Dripping Springs Road.

### 33. STATE DEPARTMENT OF TRANSPORTATION OPINION ON ACCESS:

The New Mexico Department of Transportation opinion on access will be attached at the end of this report if one is given.

### 34. DEVELOPMENT:

There are no additional recreation structures or other community improvements to be provided by the sub-divider not previously mentioned.

### 35. MAINTENANCE:

The subdivider's construction responsibility extends to the construction of roadway systems, water supply systems, drainage system and making available utilities to the lot line. The Moongate Water Company will maintain all water distribution systems stated above. There will be a monthly charge as established by Moongate Water Company for water and other system maintenance.



36. ADVERSE CONDITIONS:

There are no adverse or unusual conditions affecting the use or occupancy of this property.

37. RECREATIONAL FACILITIES:

There are no recreational facilities, actual or proposed, within the subdivision.

38. FIRE PROTECTION:

The Talavera Volunteer Fire Department will provide fire protection from a station located approximately 1.0 miles south of the subdivision. Fire hydrants will be placed within the subdivision in accordance with the county Fire Marshall standards. Fire flow provided will be a minimum of 1,000 gallons per minute (gpm) for a 2 hour duration period.

39. POLICE PROTECTION:

This Extra-Territorial Zone development is under the jurisdiction of the Dona Ana County Sheriff's Department and the New Mexico State Police Department.

40. PUBLIC SCHOOLS:

Elementary School students will attend Hillrise Elementary School at 1400 S Curnutt, Las Cruces, NM 88011.

Middle School students will attend Lynn Middle School at 950 Walnut, Las Cruces, NM 88001

Senior High students will attend Centennial High School  
1950 Sonoma Ranch Blvd, Las Cruces, NM 88011

## ACKNOWLEDGEMENTS

I, the undersigned owner, hereby set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_

State of New Mexico)

) ss

County of Dona Ana )

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

\_\_\_\_\_, \_\_\_\_\_, by

Notary Public

My Commission Expires: \_\_\_\_\_

