

# DESERT MIRAGE II SUBDIVISION

## Disclosure Statement for an ETZ Major Subdivision

19 May 2006

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. COMMISSION OR THE STATE. IT IS INFORMATIVE ONLY.

FINALLY, THE E.T.Z. COMMISSION RECOMMENDS THAT YOU SEE THE PROPERTY BEFORE BUYING OR LEASING IT. HOWEVER, IF YOU DO NOT SEE THE PROPERTY PRIOR TO PURCHASING OR LEASING IT, YOU HAVE SIX MONTHS FROM THE TIME OF PURCHASE OR LEASE TO INSPECT THE PROPERTY. UPON INSPECTING THE PROPERTY, YOU HAVE THREE DAYS FROM THE DATE OF INSPECTION TO RESCIND THE TRANSACTION AND RECEIVE ALL OF YOUR MONEY BACK, LESS CLOSING COSTS, FROM THE SUBDIVIDER. YOU MUST GIVE THE SUBDIVIDER NOTICE, IN WRITING, OF YOUR INTENT TO RESCIND WITHIN THREE DAYS OF YOUR INSPECTION OF THE PROPERTY.

**DESERT MIRAGE II SUBDIVISION  
AN ETZ SUBDIVISION  
DISCLOSURE STATEMENT**

1. NAME OF SUBDIVISION:

“DESERT MIRAGE II SUBDIVISION”

2. NAME AND ADDRESS OF SUBDIVIDER:

Dale & Sara Hopkins	Boyd Welch	Patty Pereyra
P.O. Box 247	2205 Desert Drive	P.O. Box 4080
Organ, New Mexico 88052	Las Cruces, NM 88001	Las Cruces, NM 88003

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

The Real Estate Company, Patty Pereyra/Broker  
P.O. Box 4080  
Las Cruces, New Mexico 88003

4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED:

Present: 4 Lots  
Anticipated: 118 Lots

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

1.79 acres

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

1.0 acres

7. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE:

Dale & Sara Hopkins  
P.O. Box 247  
Organ, New Mexico 88052

8. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE:

Dale & Sara Hopkins  
P.O. Box 247  
Organ, New Mexico 88052

Boyd Welch  
2205 Desert Drive  
Las Cruces, NM 88001

Patty Pereyra  
P.O. Box 4080  
Las Cruces, NM 88003

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:

Southwestern 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) 382-7001

WASTEWATER - On-lot septic

PHONE - Qwest Communications  
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 - LP GAS

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, telephone, 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. 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 6" water main lines with a 3/4-inch stub out for each lot. Individual lot owners are responsible to make a connection agreement with Moongate Water Company who will install their water meter and the service line to 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:

50 years life expectancy is expected using data taken from "Geohydrology of the Mesilla Ground-Water Basin, Doña Ana County, New Mexico, and El Paso County, Texas", (U.S. Geological Survey—Water Resources Investigations Report 92-4156, Albuquerque, 1993.)

21. WELLS:

None.

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.

All lots in this subdivision are not subject to flooding by a 500-year storm according to the latest FEMA map 35013C0675 E. 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 and concentrated 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 4 foot 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 18 inches above the highest adjacent grade as shown on the development 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 house pad construction. Excess stormwater generated from roadway construction will be contained in five roadway ponding areas. These ponds will be built at the time of roadway construction. The storm water coming in to 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.

### 31. NATURAL RESOURCES CONSERVATION DISTRICT'S OPINION ON TERRAIN MANGAGMENT:

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:

To access the subdivision, go east from the intersection of Telshor Blvd and University Ave on Dripping Springs Road approximately 3.5 miles to the intersection of Dripping Springs Road and Soledad Canyon Road. The subdivision entrances will be on the north side of Dripping Springs Road. The subdivision is ordinarily accessible by conventional vehicle in all seasons and under all weather conditions.

### 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. Maintenance of the access roads associated with this development is the responsibility of the Doña Ana County Transportation Department upon acceptance by the Dona Ana County Board of Commissioners and meeting all warranty requirements. Roadways will be the responsibility of the developer until that date. Ponding area maintenance will be the responsibility of individual lot owners.

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. Curnett.

Middle School students will attend Zia Middle School at 1300 W University Ave

Senior High students will attend Las Cruces High School 1755 El Paseo Road.