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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 4 Ordinance/Resolution# 12-142

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of February 21, 2012
 (Adoption Date)

TITLE: A RESOLUTION APPROVING AN AGREEMENT FOR THE DEDICATION AND DEVELOPMENT OF A PORTION OF MESA GRANDE DRIVE.

PURPOSE(S) OF ACTION:

To approve an agreement.

COUNCIL DISTRICT: 6		
<u>Drafter/Staff Contact:</u> Marcia B. Driggers	<u>Department/Section:</u> Legal/City Attorney	<u>Phone:</u> 541-2128
<u>City Manager Signature:</u> 		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

23-27, LLC ("Sonoma"), a New Mexico limited liability company, desires to expedite to the extent possible the dedication and development of a portion of Mesa Grande Drive from approximately Oñate High School southerly about two (2) miles to the proposed easterly extension of Sonora Spring Boulevard. To accomplish the dedication, Sonoma proposes to obtain ownership from the New Mexico State Land Office of approximately 28.188 acres of land which Sonoma will dedicate to the City along with additional lands owned by Sonoma for the above referenced portion of the Mesa Grande Drive right of way, which will be a combined width of 120 feet.

Sonoma has previously designed a twenty-four inch (24") ductile iron CIP water transmission line, which will be fully located within the proposed Mesa Grande Drive right of way to be dedicated to the City and which design plans have been approved in concept by the City's Utilities Department. The City's Utilities Department is willing to pay Sonoma for the design of the twenty-four inch (24") ductile iron CIP water transmission line.

Sonoma has also discussed with the City's Public Works Department the expedited development of that portion of Mesa Grande Drive to be dedicated to the City. To expedite the development, Sonoma proposes to design the Mesa Grande Drive roadway and drainage improvements and proposes to be reimbursed for its design costs as provided in a separate agreement to be negotiated between the parties and approved by the City Council at a later date.

The above referenced general provisions have been incorporated into an Agreement for the Dedication and Development of a Portion of Mesa Grande Drive attached as Exhibit "A" to this

(Continue on additional sheets as required)

Resolution, which Agreement is not in final form. Staff seeks Council authorization for staff to finalize the attached Agreement and for the City Manager to execute the finalized Agreement so long as it does not materially deviate from the attached Agreement.

If staff determines in its sole discretion that the proposed finalized Agreement materially deviates from the attached Agreement, staff will submit the revised Agreement for separate Council approval in a new Resolution.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A".

SOURCE OF FUNDING:

Is this action already budgeted? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)	
<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.		
Does this action create any revenue? N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY _____.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

(Continue on additional sheets as required)

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will authorize staff to execute a finalized version of the Agreement attached as Exhibit "A" so long as the final version is in substantially the same form as Exhibit "A".
2. Vote "No"; this will not authorize staff to finalize the Agreement attached as Exhibit "A".
3. Vote to "Amend"; this could provide further direction to staff as to the final version of the Agreement attached as Exhibit "A".
4. Vote to "Table"; this could postpone consideration and finalization of the Agreement.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A

(Continue on additional sheets as required)

RESOLUTION NO. 12-142**A RESOLUTION APPROVING AN AGREEMENT FOR THE DEDICATION AND DEVELOPMENT OF A PORTION OF MESA GRANDE DRIVE.**

The City Council is informed that:

WHEREAS, 23-27, LLC ("Sonoma"), a New Mexico limited liability company, desires to expedite to the extent possible the dedication and development of a portion of Mesa Grande Drive from approximately Oñate High School southerly about two (2) miles to the proposed easterly extension of Sonora Spring Boulevard; and

WHEREAS, to accomplish the dedication, Sonoma proposes to obtain ownership from the New Mexico State Land Office of approximately 28.188 acres of land which Sonoma will dedicate to the City along with additional lands owned by Sonoma for the above referenced portion of the Mesa Grande Drive right of way, which will be a combined width of 120 feet; and

WHEREAS, Sonoma has previously designed a twenty-four inch (24") ductile iron CIP water transmission line, which will be fully located within the proposed Mesa Grande Drive right of way to be dedicated to the City and which design plans have been approved in concept by the City's Utilities Department; and

WHEREAS, the City's Utilities Department is willing to pay Sonoma for the design of the twenty-four inch (24") ductile iron CIP water transmission line; and

WHEREAS, Sonoma has also discussed with the City's Public Works Department the expedited development of that portion of Mesa Grande Drive to be dedicated to the City. To expedite the development, Sonoma proposes to design the Mesa Grande Drive roadway and drainage improvements and proposes to be

reimbursed for its design costs as provided in a separate agreement to be negotiated between the parties and approved by the City Council at a later date; and

WHEREAS, the above referenced general provisions have been incorporated into an Agreement for the Dedication and Development of a Portion of Mesa Grande Drive attached as Exhibit "A" to this Resolution, which Agreement is not in final form; and

WHEREAS, staff seeks Council authorization for staff to finalize the attached Agreement and for the City Manager to execute the finalized Agreement so long as it does not materially deviate from the attached Agreement; and

WHEREAS, if staff determines in its sole discretion that the proposed finalized Agreement materially deviates from the attached Agreement, staff will submit the revised Agreement for separate Council approval in a new Resolution.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces.

(I)

THAT City staff is hereby authorized to execute the finalized version of the Agreement for the Dedication and Development of a Portion of Mesa Grade Drive attached as Exhibit "A" so long as the final version is in substantially the same form as Exhibit "A".

(II)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

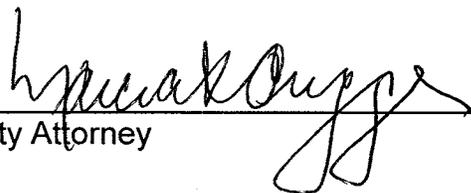
VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Smith:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Thomas:	_____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

ASST 

 City Attorney

**AGREEMENT FOR THE DEDICATION AND
DEVELOPMENT OF A PORTION OF MESA GRANDE DRIVE**

THIS Agreement is entered into on this ____ day of _____, 2012 between the **City of Las Cruces** ("City"), a New Mexico municipal corporation, and **23-27, LLC** ("Sonoma Ranch"), a New Mexico limited liability company.

Background

1. The development of Mesa Grande Drive south of U.S. Highway 70 from approximately Onate High School southerly to a projected extension of Sonora Springs Boulevard, a distance of over two (2) miles, conforms with the Las Cruces MPO Metropolitan Transportation Plan and the City's Water Utility Capital Improvement Plan.

2. The City's water utility has funding in place to construct a twenty-four inch (24") ductile iron capital improvement project water transmission line within the Mesa Grande Drive right of way south of U.S. Highway 70 from approximately Onate High School southerly to a projected extension of Sonora Springs Boulevard.

3. The proposed Mesa Grande Drive alignment from approximately Onate High School southerly to a projected extension of Sonora Springs Boulevard consists of lands which the State Land Office claims ownership of as shown on Exhibit "A" and lands presently owned or controlled by Sonoma Ranch as shown on Exhibit "B". The land shown on Exhibit "A", which also includes a temporary grading easement, is hereafter referred to as the State Land Office Right of Way, and the land shown on Exhibit "B" is hereafter referred to as the Sonoma Ranch Right of Way.

4. Sonoma has previously prepared design plans for the twenty-four inch (24") ductile iron CIP water transmission line which is fully located within the proposed new alignment of Mesa Grande Drive. The design plans have been approved in concept by the City's Utilities Department but minor modifications may be required based on staff review comments.

5. The City is responsible for the design and construction costs of water capital improvement projects which are paid for by water development impact fees. The City's Utility Extensions Policy approved in Council Resolution No. 98-208 allows the City to give development impact fee credits to developers who design and/or construct a capital improvement project prior to the City's design and construction schedule.

6. Sonoma Ranch does not want development impact fee credits for its design costs for the twenty-four inch (24") water transmission CIP. However, it is willing to sell the design plans, which will be currently stamped by a professional engineer and have been approved in concept by the City's Utilities Department, to the City.

7. City Public Works Department staff has also discussed the design and construction of Mesa Grande Drive roadway and drainage improvements within the proposed right of way, and the parties desire to provide for such in a separate agreement to negotiated between the parties as provided for herein below.

Conditions

1. Sonoma Ranch will obtain from the State Land Office ownership of the State Land Office Right of Way consisting of 28.188 acres, more or less, and the necessary Temporary Grading Easement consisting of 14.824 acres, more or less, as shown on Exhibit "A".

2. As the sole owner of the lands, Sonoma Ranch will then file an application with the City for the dedication of the State Land Office Right of Way as shown on Exhibit "A" in combination with the Sonoma Ranch Right of Way as shown on Exhibit "B" so that the full width of Mesa Grande Drive right of way from Onate High School to the projected easterly extension of Sonora Springs Boulevard to be dedicated to the City will be one hundred and twenty feet (120').

3. After approval of the dedication by the City's Planning and Zoning Commission and after the dedication plat has been recorded and within thirty (30) days of receipt of a final set of design plans approved by staff and currently stamped by a professional engineer, whichever comes later, the City will pay Sonoma Ranch the sum of \$155,000 for the design plans for the twenty-four inch (24") ductile iron CIP water transmission line. Approval of the final set of design plans by staff should enable the City to commence construction of the twenty-four inch (24") ductile iron CIP water transmission line within the dedicated Mesa Grande right of way.

4. City staff engineer's estimate for the construction of the twenty-four inch (24") ductile iron CIP water transmission line is \$2,100,000. City staff estimates that the design costs for such a project would be 7.4% of the construction cost.

5. Because the Utilities Department has funding available to construct the CIP water transmission line, the line will be constructed as a stand alone project in advance of the construction of the Mesa Grande Drive roadway, drainage, and other utility improvements referenced hereafter in paragraph 8.

6. By a separate agreement to be negotiated between the Public Works Department and Sonoma Ranch and to be approved hereafter by the City Council, Sonoma Ranch will provide design plans for the construction of Mesa Grande Drive for all of the roadway and drainage elements within the Mesa Grande Drive dedicated right of way. At this time, the Public Works Department and Sonoma Ranch estimate that the design plans will be \$330,000. City staff engineer's estimate for the construction of Mesa Grande Drive is \$11,400,000. City staff usually estimates that the design costs for such a project would be 10-15% of the construction costs; therefore, the proposed \$330,000 design cost would be a reasonable price for the design plans.

7. Sonoma Ranch would be willing to be reimbursed for the design plans for the roadway and drainage construction project with a combination of cash and credits that could be applied towards standard City services such as tertiary water from the City's reclaimed water facility, development impact fees, or other non-cash reimbursements that are acceptable to both parties.

8. The City's Public Works Department agrees to place the construction of Mesa Grande Drive from Oate High School to the projected easterly extension of Sonora Springs Boulevard as a top priority in the Department's regularly scheduled 5-Year Capital Improvements Plan after the roadway and drainage impact fees have been implemented, and to recommend to the City Council the immediate funding of said construction project with proceeds from the Impact Fee Bond proceeds. This commitment should enable the City to commence construction of the Mesa Grande Drive roadway and drainage improvements within the first quarter of the calendar year after the roadway and drainage impact fees have been implemented.

CITY OF LAS CRUCES

DRAFT

By: _____
Robert L. Garza, PE
City Manager

23-27, LLC

DRAFT

By: _____
(Signature)

(Printed Name)

PLAT 60 SURVEY OF A 120 FOOT WIDE RIGHT-OF-WAY EASEMENT AND A TEMPORARY GRADING WEASEMENT THROUGH STATE LANDS IN SECTIONS 23, 26, 27 AND 35, T.22S., R.2E., N.M.P.M. OF THE U.S.G.L.O. SURVEYS EAST OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO
SCALE: 1" = 300' APRIL 4, 2007

DESCRIBED CENTERLINE

A STRIP OF LAND, 120 FEET WIDE, BEING 60 FEET TO EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT ON THE NORTH LINE OF SECTION 35, T.22S., R.2E., N.M.P.M., WHENCE A U.S.G.L.O. BRASS CAP FOUND FOR THE CORNER COMMON TO SECTIONS 34 AND 35, T.22S., R.2E., AND SECTIONS 2 AND 3, T.23S., R.2E., BEARS S.89°38'45"E, 342.46 FEET;

THENCE FROM THE POINT OF BEGINNING, N.21°02'34"W, 531.30 FEET TO A POINT, WHENCE CENTERLINE 'B' BEARS S.89°38'45"E, 342.46 FEET;

THENCE CONTINUING ALONG THE CENTERLINE OF THIS EASEMENT, N.21°02'34"W, 175.78 FEET TO A POINT OF CURVATURE;

THENCE AROUND THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1400.00 FEET, AN ARC LENGTH OF 508.39 FEET, WHOSE CENTRAL ANGLE IS 20.48 23' AND WHOSE LONG CHORD BEARS N.10°38'33"W, 503.60 FEET TO A POINT ON THE WEST LINE OF SECTION 35 FOR A POINT OF TANGENCY;

THENCE ALONG SAID SECTION LINE, N.00°14'12"W, 1479.95 FEET TO A U.S.G.L.O. BRASS CAP FOUND FOR THE 1/4 CORNER COMMON TO SECTIONS 34 AND 35 FOR AN ANGLE POINT OF THIS EASEMENT;

THENCE CONTINUING ALONG SAID SECTION LINE, N.00°11'33"W, 1391.23 FEET TO A POINT OF CURVATURE;

THENCE LEAVING SAID SECTION LINE, AROUND THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1400.00 FEET, AN ARC LENGTH OF 204.89 FEET, WHOSE CENTRAL ANGLE IS 8°23'08" AND WHOSE LONG CHORD BEARS N.4°00'00"E, 204.71 FEET TO A POINT OF TANGENCY;

THENCE N.8°11'34"E, 910.89 FEET TO A POINT, WHENCE CENTERLINE 'C' BEARS THE FOLLOWING TWO COURSES:

THENCE N.8°14'26"W, 68.84 FEET TO A POINT OF CURVATURE;

THENCE AROUND THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 200.00 FEET, AN ARC LENGTH OF 16.71 FEET, WHOSE CENTRAL ANGLE IS 4°17'16" AND WHOSE LONG CHORD BEARS N.84°12'04"W, 16.71 FEET FOR THE END OF THIS CENTERLINE;

THENCE CONTINUING ALONG THE CENTERLINE OF THIS EASEMENT, N.8°11'34"E, AT 164.02 FEET A POINT ON THE NORTH LINE OF SECTION 35, AND AT 217.48 A POINT OF CURVATURE;

THENCE AROUND THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1400.00 FEET, AN ARC LENGTH OF 479.04 FEET, WHOSE CENTRAL ANGLE IS 19.3618" AND WHOSE LONG CHORD BEARS N.1°36'35"W, 476.71 FEET FOR A POINT OF TANGENCY;

THENCE N.11°24'44"W, 2226.05 FEET TO A POINT OF CURVATURE;

THENCE AROUND THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1400.00 FEET, AN ARC LENGTH OF 273.76 FEET, WHOSE CENTRAL ANGLE IS 11°12'14" AND WHOSE LONG CHORD BEARS N.05°48'37"W, 273.33 FEET TO A POINT ON THE WEST LINE OF SECTION 26 FOR A POINT OF TANGENCY;

THENCE ALONG SAID SECTION LINE, N.00°12'30"W, 455.88 FEET TO A U.S.G.L.O. BRASS CAP FOUND FOR THE CORNER COMMON TO SECTIONS 22, 23, 26 AND 27, T.22S., R.2E., FOR AN ANGLE POINT OF THIS EASEMENT;

THENCE ALONG THE WEST LINE OF SECTION 23, N.00°23'21"W, 3329.00 TO A POINT ON THE NORTH LINE OF THE S.1/2 N.1/2 N.1/4 SW.1/4 OF SECTION 23, IDENTICAL TO THE SOUTH LINE OF THE CITY OF LAS CRUCES ANNEXATION OF OSATE HIGH SCHOOL, FOR THE END OF THIS CENTERLINE, WHENCE A 1" IRON ROD FOUND FOR THE 1/4 CORNER COMMON TO SECTIONS 22 AND 23 BEARS N.00°23'21"W, 332.74 FEET. SAVE AND EXCEPT ALL PORTIONS OF THIS EASEMENT WITHIN PRIVATE LANDS IN SECTION 34, T.22S., R.2E., N.M.P.M. OF THE U.S.G.L.O. SURVEYS.

AREA OF RIGHT-OF-WAY THROUGH STATE LANDS

S1/2 N1/2 NW1/4 SW1/4 SECTION 23, T.22S., R.2E.	0.458 AC.	TEMPORARY GRADING EASEMENT 'A'	1.681 AC.
S1/2 NW1/4 SW1/4 SECTION 23, T.22S., R.2E.	0.917 AC.	TEMPORARY GRADING EASEMENT 'B'	1.920 AC.
SW1/4 SW1/4 SECTION 23, T.22S., R.2E.	1.835 AC.	TEMPORARY GRADING EASEMENT 'C'	0.166 AC.
NW1/4 NW1/4 SECTION 26, T.22S., R.2E.	2.682 AC.	TEMPORARY GRADING EASEMENT 'D'	0.734 AC.
SW1/4 SW1/4 SECTION 26, T.22S., R.2E.	3.736 AC.	TEMPORARY GRADING EASEMENT 'E'	0.198 AC.
SW1/4 SW1/4 SECTION 26, T.22S., R.2E.	3.703 AC.	TEMPORARY GRADING EASEMENT 'F'	4.125 AC.
NE1/4 NE1/4 SECTION 27, T.22S., R.2E.	3.704 AC.		
NW1/4 NW1/4 SECTION 35, T.22S., R.2E.	1.018 AC.		
SW1/4 NW1/4 SECTION 35, T.22S., R.2E.	3.223 AC.		
SW1/4 NW1/4 SECTION 35, T.22S., R.2E.	1.831 AC.		
NW1/4 SW1/4 SECTION 35, T.22S., R.2E.	1.816 AC.		
SW1/4 SW1/4 SECTION 35, T.22S., R.2E.	3.265 AC.		
TOTAL	21.888 AC.		
			TOTAL - 14,824 AC.

CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD	CH-LENGTH	DELTA
C1	1400.00'	508.39	N10°38'33"W	503.60	20.48 23'
C2	1400.00'	204.89	N04°00'00"E	204.71	8.23 08"
C3	1400.00'	479.04	N01°36'35"W	476.71	19.36 18"
C4	1400.00'	273.76	N05°48'37"W	273.33	11.12 14"

NOTES

1. BASIS OF BEARINGS IS FROM A COORDINATE SYSTEM DEVELOPED BY SONOMA RANGE SURVEYING LTD.CO., AND IS BASED ON U.S.G.L.O. RECORD INFORMATION.
2. NO PORTION OF THIS EASEMENT LIES WITHIN PRIVATE LANDS IN SECTION 34. ALL PORTIONS OF THIS EASEMENT WITHIN SECTION 34 WILL BE DEDICATED SEPARATELY TO COMPLETE THE FULL WIDTH OF THIS EASEMENT.

SURVEYOR'S CERTIFICATION

I, JUSTIN W. MILLER, A NEW MEXICO PROFESSIONAL SURVEYOR CERTIFY THAT I CONDUCTED AND AM RESPONSIBLE FOR THIS SURVEY. THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED BY THE NEW MEXICO SUBDIVISION ACT AND THAT THIS INSTRUMENT IS A BOUNDARY SURVEY PLAT OF AN EXISTING TRACT OR TRACTS.

JUSTIN W. MILLER, PLS 07292 DATE

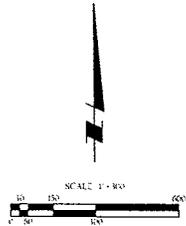
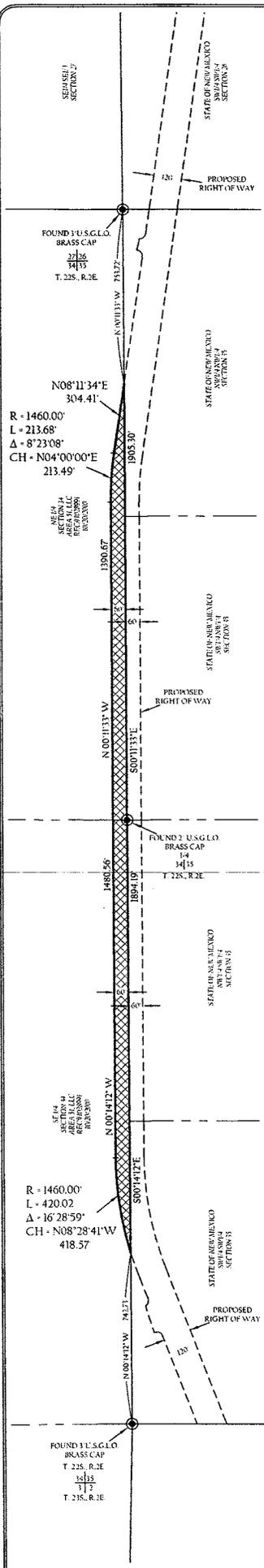


EXHIBIT A

Coronado Land Surveying
 P.O. Box 6314
 Las Cruces, NM 88006
 (505) 644 6239
 File No. 07049 DWG

61
**PLAT OF SURVEY OF A 60 FOOT WIDE RIGHT-OF-WAY EASEMENT
 THROUGH PRIVATE LAND IN SECTION 34,
 T.22S., R.2E., N.M.P.M. OF THE U.S.G.L.O. SURVEYS
 LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO
 SCALE: 1" = 300' FEBRUARY 1, 2012**



DESCRIBED RIGHT-OF-WAY EASEMENT :

A STRIP OF LAND, 60 FEET WIDE, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SECTION 34, T. 22S., R. 2E., N.M.P.M., WHENCE A U.S.G.L.O. BRASS CAP FOUND FOR THE CORNER COMMON TO SECTIONS 26, 27, 34 AND 35, T.22S., R.2E., BEARS N00°11'33\"/>

THENCE FROM THE POINT OF BEGINNING, ALONG THE EAST LINE OF SECTION 34, S.00°11'33\"/>

THENCE CONTINUING ALONG THE EAST LINE OF SECTION 34, S.00°14'12\"/>

THENCE LEAVING SAID SECTION LINE, AROUND THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1460.00 FEET, AN ARC LENGTH OF 420.02 FEET, WHOSE CENTRAL ANGLE IS 16°28'59\"/>

THENCE N.00°14'12\"/>

THENCE N.00°11'33\"/>

THENCE AROUND THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1460.00 FEET, AN ARC LENGTH OF 213.68 FEET, WHOSE CENTRAL ANGLE IS 8°23'08\"/>

THENCE N.08°11'34\", 304.41 TO THE POINT OF BEGINNING, CONTAINING 4.758 ACRES OF LAND, MORE OR LESS.

DEDICATION

THE RIGHTS-OF-WAY EASEMENT SHOWN HEREON CONTAIN 4.758 ACRES OF LAND, MORE OR LESS. THESE RIGHTS-OF-WAY HAVE BEEN DEDICATED FOR THE USE OF THE PUBLIC IN ACCORDANCE WITH THE WISHES OF THE UNDERSIGNED OWNERS OF THE LAND SHOWN HEREON.

I, THE UNDERSIGNED OWNER DO HEREBY SET MY HAND THIS _____ DAY OF _____, 2012.

DALE A. SCHUELLER, MEMBER
 AREA 31, L.L.C.
 141 ROADRUNNER PARKWAY, SUITE 224
 LAS CRUCES, NM 88001

INSTRUMENTS OF TITLE REC.# 1028991 (8/3/2007), REC.#110212 (4/27/2011)

STATE OF NEW MEXICO) SS.
 COUNTY OF DOÑA ANA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2012 BY DALE A. SCHUELLER, MEMBER OF SONOMA RANCH NORTH, LLC.

(NOTARY PUBLIC) _____

MY COMMISSION EXPIRES: _____

PLAT NO. _____ RECEPTION NO. _____

STATE OF NEW MEXICO) SS.
 COUNTY OF DOÑA ANA)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE _____ DAY OF _____, 2012 AT _____ O'CLOCK AND DULY RECORDED IN PLAT RECORD _____ PAGE(S) _____ FILED IN THE RECORDS OF SAID COUNTY.

COUNTY CLERK _____

DEPUTY CLERK _____

NOTES:

1. BASIS OF BEARINGS IS FROM A COORDINATE SYSTEM DEVELOPED BY SONOMA RANCH SURVEYING LTD.CO., AND IS BASED UPON U.S.G.L.O. RECORD INFORMATION. THIS BASIS OF BEARINGS IS CONSISTENT WITH THE SONOMA RANCH EAST II ANNEXATION PLAT (INCLUDING THE ENTIRE EAST HALF OF SECTION 34) RECORDED MAY 9, 2005 IN PLAT RECORD 21, PAGE 198 OF THE DOÑA ANA COUNTY RECORDS.

2. ALL FOUND MONUMENTATION AS SHOWN MATCHES RECORD INFORMATION AS RECORDED ON THE SONOMA RANCH EAST II ANNEXATION PLAT.

3. THE 60' WIDE PORTION OF PROPOSED MESA GRANDE, AS SHOWN BY THE HATCHED AREA, IS THE ONLY PORTION OF THAT RIGHT OF WAY BEING DEDICATED BY THIS PLAT. THE HATCHED AREA REPRESENTS THE LIMITS OF THE RIGHT OF WAY WITHIN PRIVATE LANDS IN SECTION 34, T. 22S., R. 2E., N.M.P.M.

4. THE REMAINING PORTION OF PROPOSED MESA GRANDE, AS SHOWN BY A DASHED LINE AND LABELED AS PROPOSED RIGHT OF WAY, BELONGS TO A DIFFERENT OWNER AND SHALL BE DEDICATED BY A SEPARATE DOCUMENT. THE SURVEY PLAT FOR THAT PORTION OF THE PROPOSED RIGHT OF WAY WAS PREPARED IN 2007 BY CORONADO LAND SURVEYING, INC. OF LAS CRUCES AS A PART OF THE MESA GRANDE PROJECT.

CITY OF LAS CRUCES APPROVALS

THIS PLAT HAS BEEN APPROVED BY THE CITY OF LAS CRUCES AND ALL THE REQUIREMENTS FOR APPROVAL IN THE ABOVE PLAT HAVE BEEN COMPLIED WITH TO THE SATISFACTION OF THE CITY OF LAS CRUCES. SUBJECT TO ANY AND ALL CONDITIONS REQUIRED BY THE PLANNING AUTHORITY FOR THE APPROVAL OF THIS PLAT.

BY: _____ DATE: _____
 DIRECTOR OF COMMUNITY DEVELOPMENT

BY: _____ DATE: _____
 DIRECTOR OF UTILITIES

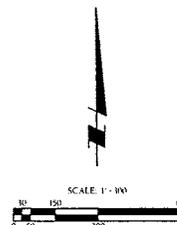
BY: _____ DATE: _____
 DIRECTOR OF PUBLIC WORKS

CITY COUNCIL APPROVALS

APPROVED AT THE REGULAR MEETING OF THE LAS CRUCES CITY COUNCIL THIS _____ DAY OF _____, 2012.

BY: _____ DATE: _____
 MAYOR, CITY OF LAS CRUCES

BY: _____ DATE: _____
 CITY CLERK, CITY OF LAS CRUCES



SURVEYOR'S CERTIFICATION

I, JUSTIN W. MILLER, A NEW MEXICO PROFESSIONAL SURVEYOR CERTIFY THAT I CONDUCTED AND AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED BY THE NEW MEXICO SUBDIVISION ACT AND THAT THIS INSTRUMENT IS A BOUNDARY SURVEY PLAT OF AN EXISTING TRACT OR TRACTS.

JUSTIN W. MILLER, PLS 17372 DATE _____

EXHIBIT B

Coronado Land Surveying
 6106 Blue Mountain Drive
 Las Cruces, NM 88012
 (575) 644-6239
 File No. 12005 DWG