

CHAVES COUNTY BOARD OF COMMISSIONERS
REGULAR BUSINESS MEETING AGENDA

November 20, 2014 –9:00 a.m.

Chaves County Administrative Center – Joseph R. Skeen Building
Commission Chambers - #1 St. Mary's Place

CALL TO ORDER

PLEDGE OF ALLEGIANCE

DETERMINATION OF QUORUM

APPROVAL OF MINUTES

AGENDA ITEMS

A. PUBLIC HEARINGS

1. Zoning Case Z 2014-7-Request for a Special Use Permit
2. Zoning Case Z 2014-8-Request for a Special Use Permit
3. Zoning Case Z 2014-9-Request to Rezone Property from Agricultural to Commercial
4. Zoning Case Z 2014-10-Request for a Special Use Permit
5. Zoning Case Z 2014-11-Request for a Special Use Permit
6. Proposed Ordinance O-088-Relating to Economic Development Planning
7. Proposed Amendment to Ordinance #7

B. AGREEMENTS AND RESOLUTIONS

8. Agreement A-14-042-between Chaves County and DFA/Local Government Division
9. A. Amendment No. 1 to Agreement A-14-011-between Chaves County and the State of New Mexico, DFA/Local Government Division for the Fiscal Year 2014-2015 Local DWI Grant Program
- B. Agreement A-14-041-between Chaves County and Wings for L.I.F.E. for Professional Services
10. Resolution R-14-056-Holiday Schedule for 2015
11. Resolution R-14-058-Authorizing the Revision of the Chaves County Permanent Fund Investment Policy

12. Resolution R-14-059-Budget Increase to Fiscal Year 2014-2015 Final Budget for Other Grants and Contracts
13. Resolution R-14-060-Declaring the Intent of Chaves County to Issue a Promissory Note for the Construction at the Detention Centers
14. Resolution R-14-061-Approval of Transfer Adjustments

C. OTHER BUSINESS

15. Authorization to Execute Compliance Documents
16. Permission to Publish for a Public Hearing Regarding Proposed Ordinances O-089, O-090 and O-091 Hold Harmless Gross Receipts Tax
17. Permission to Publish for a Public Hearing Regarding Adoption of Revision #3 to Ordinance #44, Chaves County Right-of-Way Use Permit Ordinance

APPROVAL OF CHECKS

APPROVAL OF REPORTS

**UNSCHEDULED COMMUNICATIONS LIMITED TO FIVE MINUTES PER VISITOR
NO FORMAL ACTION TAKEN BY COMMISSION**

- **COUNTY MANAGERS' COMMUNICATIONS**
- **COMMISSIONER'S COMMUNICATIONS**
- **SIGNATURE OF DOCUMENTS**
- **ADJOURNMENT**

If you are an individual with a disability who is in need of a reader, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing of a meeting, please contact the County Commissioner's office at 575-624-6600. This should be done at least one week prior to the meeting. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the County Commissioner's office if a summary or other type of accessible format is needed.



Planning and Zoning Commission

Summary of Commission Action

Hearing Date: None

CASE NUMBER:	Z 2014-7		
ACTION REQUESTED:	Petition for the Issuance of a Special Use Permit		
PURPOSE:	To permit the use of a Wireless Telecommunications Facility (Cell Tower)		
PETITIONER:	Benjamin Orgel, representing Tower Ventures, Inc.		
PROPERTY LOCATION:	Just east of Milepost 22 on Aberdeen Road		
COMPLIANCE WITH COMPREHENSIVE PLAN:	Yes	COMPLIANCE WITH CHAVES COUNTY ZONING ORDINANCE:	Upon Approval of Special Use Permit
STAFF RECOMMENDATION:	Approval, subject to 9 Conditions of Approval		
PLANNING COMMISSION ACTION	This petition was not heard by the Chaves County Planning Commission due to a lack of a quorum at either its October or November meeting		
CONDITIONS OF APPROVAL:	<ol style="list-style-type: none"> 1. Current and future development of the site shall be in substantial conformance with the information supplied on the site plan submitted with the Special Use Permit petition; 2. A Building Permit and all inspections required by the Building Official shall be accomplished; 3. The tower constructed shall accommodate co-location of at least two other wireless communications antenna arrays, including, if needed, access from public service providers; 4. Access to the site (via the private unpaved driveway easement) be designed and constructed to accommodate appropriate maintenance service vehicle traffic; 5. Legal descriptions for the lease area and all access easements shall be recorded with the Chaves County Clerk; 6. Any lighting which may be needed for security or other purposes be shielded from surrounding uses and be developed in accordance with the New Mexico Night Skies Act; 7. A letter and determination of no hazard to air navigation from the FAA shall be obtained and submitted to the Planning Department prior to operation of the facility; 		

	<ol style="list-style-type: none">8. The Special Use Permit be granted for a period of thirty (30) years, and will expire on November 1, 2044, unless Condition No. 9 applies; and9. If the facility remains inoperative for a period of 12 consecutive months, it shall be removed by the owner or petitioner, unless a non-use permit for a prescribed period is granted by Chaves County.
EXHIBITS:	Planning Department Revised Staff Report, November 12, 2014 Attachments a. through g.

**CHAVES COUNTY
PLANNING COMMISSION
PLANNING AND ZONING REPORT**

APPLICATION NO: Z 2014-07 DATE OF HEARING: November 12, 2014

NAME OF APPLICANT: Benjamin Orgel/Tower Ventures, Inc.

REASON FOR HEARING: Special Use Permit, to erect a new Wireless

 Telecommunications Facility (Cell Tower)

1. REQUEST:

Issuance of a Special Use Permit to erect a Wireless Telecommunications Facility (Cellular Tower), construct a related equipment shelter, and provide a (maintenance) vehicle and utility access easement to the Lease Area.

2. LOCATION OF PROPERTY:

On vacant land located in far southeastern Chaves County, along Aberdeen Road. The subject property is located on the north side of Aberdeen Road, at approximate milepost 22.4. The site is approximately ½ mile east of the intersection of Aberdeen Road and the Hagerman Cut-Off Road.

The UPN of the subject property is 4-167-086-526-270-000000.

An address will need to be assigned to this facility lease area during the site/building plan review process.

The wireless telecommunications facility is physically located in the NW¼ NE¼ of Section 1, Township 15 South, Range 29 East. The proposed facility will be sited on a 60' by 60' (3,600 square foot) lease area located at Latitude 33° 02' 56.64" and Longitude 103° 58' 47.77". The subject property is owned by Bogle Farms, Inc., and contains 1,200± acres of land.

3. NATURE OF REQUEST:

The petitioner (Benjamin Orgel, TV 6-W, LLC) proposes to erect a Wireless Telecommunications Facility, which consists of a guyed cell tower measuring 340' in height, and a related equipment shelter. The tower will be designed to support cellular communications and wireless data services. Each of the guy wire anchors will be surrounded by an enclosure with a 4' high chain link fence. The tower will be designed to accommodate 4 antenna arrays. An additional microwave dish measuring up to 6' in diameter will also be attached to the proposed tower. The equipment shelter will be contained within an area surrounded by a 6' high chain link fence, and be secured.

4. **COMMISSION DISTRICT:**

The subject property is located in Commission District Number 2. This District is represented by Commissioner Kim Chesser.

5. **NATURE OF SURROUNDING LAND USE AND ZONING:**

In accordance with *Article V* of the *Chaves County Zoning Ordinance*, this parcel and all adjacent properties are zoned Agricultural. The subject property is located in Area I. The majority of the adjacent properties are vacant. An oil storage facility and pipeline header field are located on land approximately ¼ mile to the west of the subject property. The nearest residential dwelling unit is located several miles from the subject property.

6. **KEY ISSUES:**

Staff has not identified any significant key issues related to this request.

7. **EXISTING SITE ACCESS:**

Access to the site will be via an existing 20' wide privately owned unpaved driveway which has direct access to Aberdeen Road.

A 20' wide utility easement is proposed to run from the proposed lease area to existing power infrastructure, located along the Aberdeen Road right of way. This easement will tie into existing electrical utility service to power the proposed wireless telecommunications facility.

8. **LAND USE HISTORY:**

There are no records of past land use petitions or zoning violations on the subject property.

9. **CHAVES COUNTY COMPREHENSIVE PLAN:**

The proposed land use is in general conformance with the Chaves County Comprehensive Plan, Commercial and Industrial Land Use Goals and Policies.

10. **ZONING ORDINANCE AND COUNTY CODE REQUIREMENTS:**

Special Use Permits

Special Use Permits are governed by *Article XVIII* of the *Chaves County Zoning Ordinance*. The Ordinance permits the Planning Commission and the Board of Chaves County Commissioners to impose appropriate conditions and safeguards, which may include a specified period of time for the Special Use Permit to protect the general plan to conserve and protect the property values in the neighborhood.

Section 2, Supplemental Regulations, 11. states, "Before issuance of any special permit for any of the above buildings or uses, the Board of Chaves County Commissioners shall refer the proposed application to the Planning and Zoning Commission, which commission shall be given sixty (60)

days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood traffic conditions, public utility facilities, and other matters pertaining to the general welfare. No action shall be taken upon the application for the proposed building or use above referred to until and unless the report to the Chaves County Planning and Zoning Commission has been filed. Provided, however, that if no report is received from the Chaves County Planning and Zoning Commission within sixty (60) days, it shall be assumed that approval of the application has been given by said Commission."

Appeals

Section 2, Supplemental Regulations, 12. states, "Any aggrieved persons or any officer, department, board, or bureau of the Zoning Authority affected by the decision of approval, disapproval, or any conditions required of the Ordinance Enforcement Officer may appeal to the Zoning Authority. The appeal procedure will be in accordance with Article 1, Section 5.H.9."

Article I, General Statements, Section 5, Zoning Ordinance – Mode of Determination, Establishment, Official Zoning Map, Enforcement, Amendment, Supplementation, Repeal or Appeal, H. Amendment, Supplementation or Repeal 9. Appeals to Zoning Authority – Grounds – Stay of proceedings. states, in part,

- b. "Any aggrieved persons or any officer, department, board, or bureau of the zoning authority affected by a decision of an administrative officer, commission, or committee in the enforcement of Sections 3-21-1 through 3-21-14 N.M.S.A., 1978 Compilation, or ordinance, resolution, rule or regulation adopted pursuant to these sections may appeal to the zoning authority. An appeal shall stay all proceedings in furtherance of the action appealed unless the Ordinance Enforcement Officer, commission, or committee from whom the appeal is taken, certifies that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property. Upon certification, the proceedings shall not be stayed except by order of district court after notice to the official, commission, or committee from whom the appeal is taken and due cause shown."
- c. "When an appeal alleges that there is error in any order, requirement, decision, or determination by an administrative official, commission, or committee in the enforcement of Sections 3-21-1 through 3-21-14 N.M.S.A., 1978 Compilation, or any ordinance, resolution, rule, or regulation adopted pursuant to these sections, the Board of Chaves County Commissioners by a two-thirds ($\frac{2}{3}$) vote of all its members may:
 1. authorize, in appropriate cases and subject to appropriate conditions and safeguard, special conditions to the terms of the zoning ordinance or resolution;
 - (a) which are not contrary to the public interest;
 - (b) where, owing to special conditions, a literal enforcement of the zoning ordinance will result in unnecessary hardship; and
 - (c) so that the spirit of the zoning ordinance is observed and substantial justice done; or

2. *In conformity with Sections 3-21-1 through 3-21-14 N.M.S.A., 1978 Compilation;*
- (a) reverse any order, requirement, decision, or determination of an administrative official, commission, or committee;*
 - (b) decide in favor of the appellant; or*
 - (c) make any change in any order, requirement, decision, or determination of an administrative official, commission or committee.”*

Article XIV, Wireless Telecommunications Facilities, Section 2, Application: *“All new and modified wireless telecommunications facilities must apply for a Special Use Permit pursuant to Section 2.5 of this Ordinance and be scheduled for public hearing and approved by the Commission. Special Use Permits for wireless telecommunications facilities will be 30 year permits unless special conditions arise during the application and approval process. In addition to the information already required by this Ordinance, applications must include:*

- A.** *Documentation that demonstrates the need for the wireless telecommunications facility to provide service within the County including propagation studies of the proposed site and all surrounding and existing sites.*

Finding: The information supplied by the petitioner demonstrates the need to establish improved wireless communications service in this area. The tower is designed at a height to provide enhanced E911 service and to effectively extend the coverage area. This efficiency effectively reduces the number of additional towers in this area needed to serve the anticipated future wireless need.

- B.** *Description of the proposed tower and antennas and all related fixtures, structures, and appurtenances, including height above pre-existing grade, materials, colors and lighting.*

Finding: The siting of this facility is at a significant distance from residential dwelling units and other potentially incompatible land uses.

- C.** *The design of the tower and antennas showing the calculations of the tower’s capacity to accommodate multiple users. Applications for new wireless telecommunications facilities shall examine the feasibility of designing a proposed tower to accommodate at least 2 additional antenna arrays equal to those proposed by the applicant. This requirement may be waived if the applicant can demonstrate, in writing, that future shared usage of the tower is not technologically feasible, is commercially impracticable, or creates an unnecessary hardship or practical difficulty.*

Finding: The tower is designed to accommodate up to 4 future co-locates.

- D.** *Site plan of the site showing the location of the tower, equipment structures, driveways, fences, etc.*

Finding: The petitioner has submitted a detailed site and elevation plan for public review in support of the Special Use Permit petition.

E. A written statement from the owner of the proposed tower that he/she and his/her successors in interest will negotiate in good faith for the shared use of the proposed tower.

Finding: The petitioner indicates that the facility is designed to accommodate up to four future co-locators.

Section 3. Location. A. Wireless telecommunications facilities shall locate in accordance with the following priorities:

- 1. On existing towers or other structures without increasing the height of the tower or structure.*
- 2. Along major traffic corridors*
- 3. In Agricultural areas*
- 4. In Residential areas*

Finding: The proposed facility will be a new facility, as there are no existing facilities within 5 miles to accommodate a co-locate. The proposed site is located along Aberdeen Road, a rural road with a very low ADT (average daily traffic count), which is designated as a future major traffic corridor. The land use of adjacent properties is predominantly non-irrigated agricultural. The proposed site is located some distance (several miles) from residential areas, which is the least desirable area to site wireless telecommunications facilities.

B. The applicant shall submit a written report demonstrating the applicant's review of sites in the vicinity of the proposed location demonstrating the technological reason for the site selection, and a detailed, written explanation why sites of higher priority were not selected.

Finding: A report has been submitted with the petition, and is included within this report as an attachment [Attachment e].

C. An applicant may not by-pass sites of higher priority by stating the proposed site is the only site leased or selected. If co-location is not an option, the applicant must explain why co-location is commercially, or otherwise, impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of commercial impracticability or hardship.

Finding: There are no existing wireless telecommunications facilities located a reasonable distance of this site. Therefore, preparing an agreement between providers is not applicable.

D. The Commission may approve any site located within an area in the above list of priorities, provided that the Findings indicate that the proposed site is in the best interest of the health, safety and welfare of the residents of Chaves County and will not have a detrimental effect on the nature and character of the community and neighborhood.

Finding: Staff finds that the site selected for the wireless telecommunications facility is appropriate.

E. The Commission may disapprove the action requested for any of the following reasons:

- 1. A conflict with safety and safety-related codes and requirements.*
- 2. A conflict with the historic nature or character of a neighborhood or historic district.*
- 3. The use or construction of a facility is contrary to an already stated purpose of a specific zoning or land use designation.*
- 4. A conflict with the provisions of the Chaves County Zoning Ordinance or any other County ordinances.*

Finding: Staff finds that there are no issues that have arisen during the review of this petition for a wireless telecommunications facility that may create or have created any conflict with any of the above criteria.

Section 4. Colocation

All new or modified wireless telecommunications facilities should develop their plans to allow reasonable requests by the County to use space on the tower and compound for public service radio facilities such as police, fire, emergency, homeland security, etc., at a reasonable charge. The County should have access to their equipment on a 24/7 basis for maintenance and operating purposes. Condition of Approval Number 3 addresses the Colocation requirement.

Section 5. Height, Lot Size, and Setbacks

Wireless telecommunication facility towers are exempt from height requirements. The facility is proposed to stand at 340' above ground level. Minimum setbacks are as follows:

	Required:	Proposed to tower:	Proposed to Lease Area:
Front Yard:	50'	>330'	>300'
Rear Yard:	50'	1,174'	1,144'
Side yard (east):	20'	1,746'	1,716'
Side yard (west):	20'	3,533'	3,513'

Section 6. Appearance and Visibility

The site is situated on land that is predominantly flat with little vertical relief. Visual impacts to traffic driving on Aberdeen Road cannot be mitigated, as land in this area is open and contains native grasses and vegetation. The nearest residential dwelling unit is located more than 5 miles distant.

The only artificial lighting that will be attached to the tower that staff is aware of is that which is required by the Federal Communications Commission and the Federal Aviation Administration.

Section 7. Security

The existing facility appears to have been designed to meet industry standards and appears to be in compliance with all federal and local safety requirements. The wireless antenna and equipment

shelter “lease area” will be surrounded by a 6’ high chain link fence to prevent unauthorized access.

Finding: Staff finds that the site incorporates adequate security measures.

Section 8. Signs

No new signs are proposed.

Finding: Staff finds that the petition meets this requirement.

Section 9. Abandonment

Condition of Approval 9 addresses this requirement.

Section 10. State and Federal Regulations

The applicant acknowledges this requirement.

Section 11. Exemptions

No exemptions are applicable to this application.

11. STAFF ANALYSIS AND FINDINGS:

General Findings:

Staff finds that there are no wireless telecommunications facilities located within several miles of the subject property.

Staff finds that communication towers are an essential component of life for health and safety purposes, as well as their ability to provide day to day convenience for Chaves County residents. Cell towers also provide an economic benefit to the County.

Staff further finds that the use of existing cellular facilities have not been injurious to the public health, safety, morals and general welfare of the community, and likely will not be so in the foreseeable future. The use or value of the area adjacent to the property does not appear to be affected substantially in an adverse manner by incorporating the proposed land use.

Staff further finds that the site is suitable for the proposed land use and the surrounding properties seem compatible with the proposed land use.

Special Use Permits:

Finding: The land use proposed requires issuance of a Special Use Permit upon a duly noticed public hearing.

Floodplain:

Finding: The subject property is not located within a FEMA floodplain.

Setbacks:

Findings: All required yard setbacks and building separation requirements will be met by the proposal.

Compatibility with the Chaves County Comprehensive Plan:

Finding: Although not regulatory in its scope of authority, the Chaves County Comprehensive Plan contains narrative that supports commercial and industrial land development. Chaves County is located within a predominantly agricultural and ranching region of the state and nation. Commercial and Industrial land uses locating along major traffic corridors are generally in conformance with the goals and objectives of the Chaves County Comprehensive Plan.

Compatibility with Surrounding Land Uses:

Finding: Lot sizes in the immediate area typically range from several hundred to several thousand acres in size. Most of the parcels are undeveloped and consist of open range. Many parcels are owned by governmental entities. Staff finds that the proposed facility will not have a detrimental impact on the character of the immediate area, traffic conditions or public utility facilities, and will likely not have an impact in the future.

Public Participation:

Finding: No comments or protests have been received from the adjacent property owners as a result of public notification and legal advertising of the Special Use Permit petition as of October 27, 2014.

No comments were received from the Federal Aviation Administration (FAA).

No comments were received from the Federal Communications Commission (FCC).

Permits:

A Building Permit application will be required, and periodic inspections, including an electrical inspection, shall be required prior to the facility becoming operational.

12. RECOMMENDATION:

Staff believes that approving a Special Use Permit for the land use on the subject property is appropriate, given its general location.

Staff finds that the only item missing from the application is a letter of determination of no hazard to air navigation from the Federal Aviation Administration (FAA). Towers exceeding an overall height of 200' are subject to approval from the FAA.

Staff recommends approval of this Special Use Permit petition, Case No. Z 2014-7, subject to nine Conditions of Approval that are designed to ensure compliance with the Wireless Telecommunications Facilities Ordinance, and to mitigate potential negative impacts on surrounding land uses:

1. Current and future development of the site shall be in substantial conformance with the information supplied on the site plan submitted with the Special Use Permit petition;
2. A Building Permit and all inspections required by the Building Official shall be accomplished;
3. The tower constructed shall accommodate co-location of at least two other wireless communications antenna arrays, including, if needed, access from public service providers;
4. Access to the site (via the private unpaved driveway easement) be designed and constructed to accommodate appropriate maintenance service vehicle traffic;
5. Legal descriptions for the lease area and all access easements shall be recorded with the Chaves County Clerk;
6. Any lighting which may be needed for security or other purposes be shielded from surrounding uses and be developed in accordance with the New Mexico Night Skies Act;
7. A letter and determination of no hazard to air navigation from the FAA shall be obtained and submitted to the Planning Department prior to operation of the facility;
8. The Special Use Permit be granted for a period of thirty (30) years, and will expire on November 1, 2044, unless Condition No. 9 applies; and
9. If the facility remains inoperative for a period of 12 consecutive months, it shall be removed by the owner or petitioner, unless a non-use permit for a prescribed period is granted by Chaves County.

13. BOARD OF CHAVES COUNTY COMMISSIONERS PUBLIC HEARING:

The recommendation of the Planning and Zoning Commission will be presented for public review and action at the **November 20, 2014** regular meeting of the Board of Chaves County Commissioners. This public hearing will begin at 9:00AM Mountain Standard Time.

14. ATTACHMENTS:

- a. Petition for Case Review, Chaves County Planning & Zoning Department
- b. Vicinity Map
- c. Assessor's Aerial Map
- d. Site Development Plan
- e. Detailed Reports, Leaco Management, and TV6-W, LLC, dated August 29, 2014
- f. Profile Elevation of the Wireless Telecommunications Facility (cellular tower)
- g. Photos of site



CHAVES COUNTY APPLICATION CHAVES COUNTY ZONING ORDINANCE

Case Number: 2 2014-7 Date Received: 9/4/14 Fee: \$ 150.00

Type of Request: Rezoning Special Use Variance Change of Use

Name of Property Owner: TVG-W, LLC Phone Number: 901.244.4001

Mailing Address: 4091 Viscount Avenue Memphis, TN 38118

Name of Applicant: Benjamin O'Gel

Mailing Address: 4091 Viscount Avenue Memphis, TN 38118 Home Phone Number: 901.244.283381

Business Phone Number: 901.244.4001

Applicant Status: Owner Agent Tenant Other _____

Case Address, Legal Description, and Parcel Number: Section - 11, Township 15 South Range - 29 East. Parcel # - 4-167-086-526-270-000 000

Present Land Use: Agriculture land

Intended Use: cellular communication tower

Present Zoning: AGRICULTURE Requested Zoning: NO CHANGE

Applicant's Reason for Requested Change: (Use back if more space is needed) _____

33 52 56.6A

- 103 58 47.5

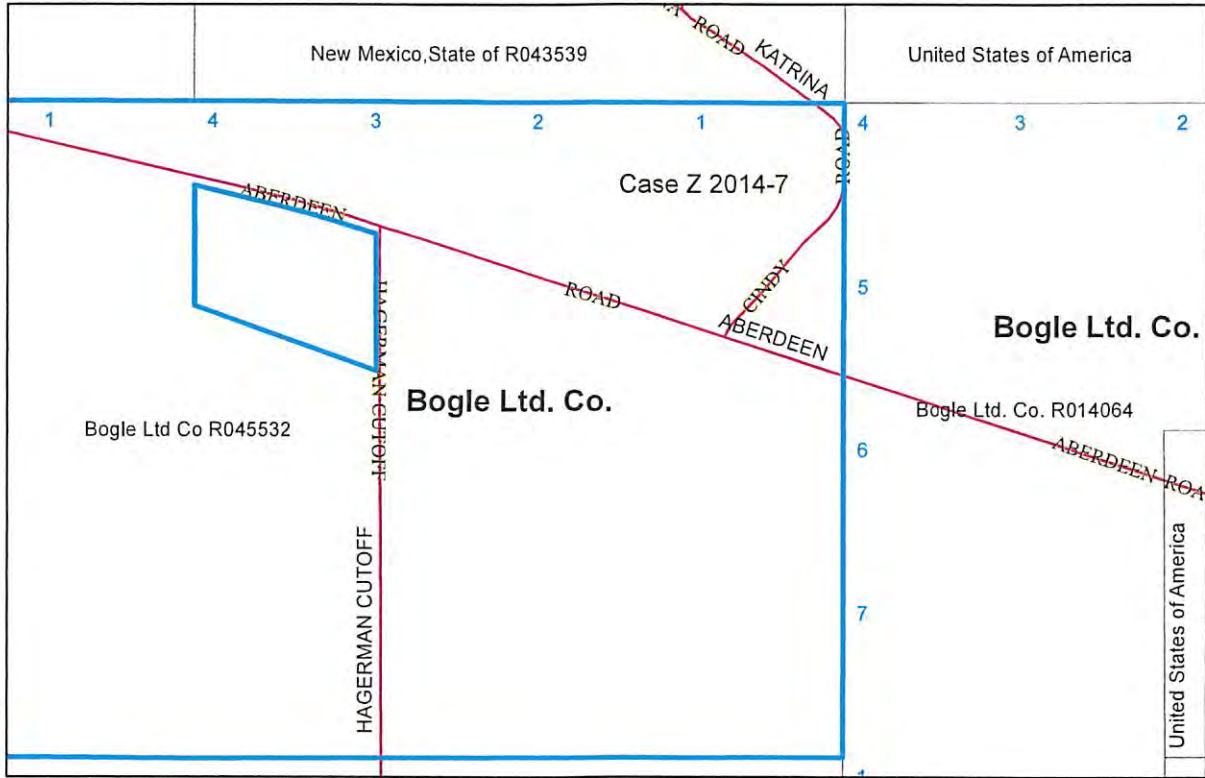
I ACKNOWLEDGE THAT I HAVE BEEN INFORMED OF THE DATES, TIMES, AND LOCATIONS OF THE PUBLIC MEETINGS WHICH I OR MY AGENT MUST ATTEND IN ORDER TO FULFILL THE REQUIREMENTS OF THIS APPLICATION.

[Signature] Date: 9/3/14

Owner's Signature Date

a.

VICINITY MAP

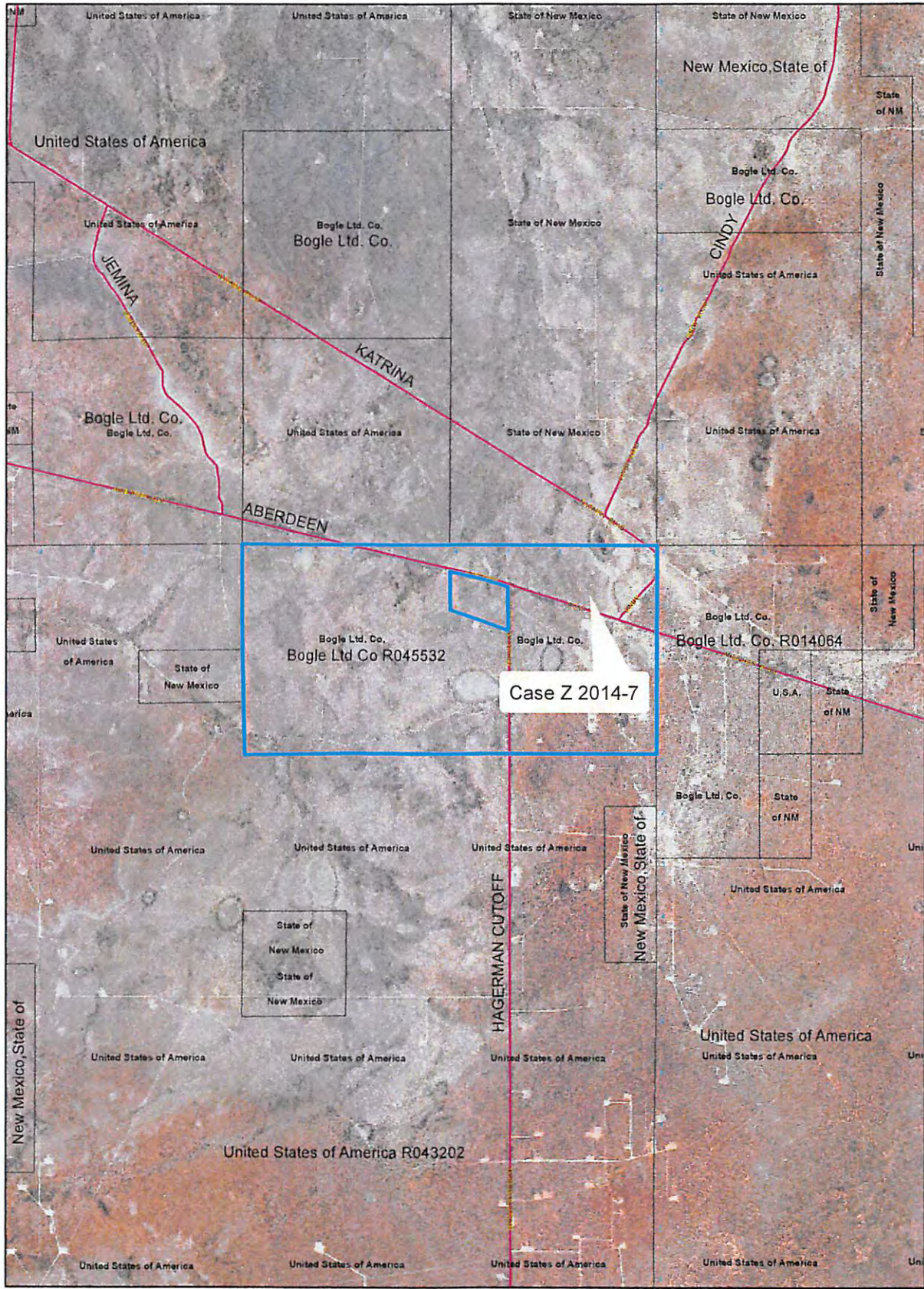


CASE Z 2014-7

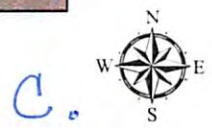
b.



AERIAL MAP

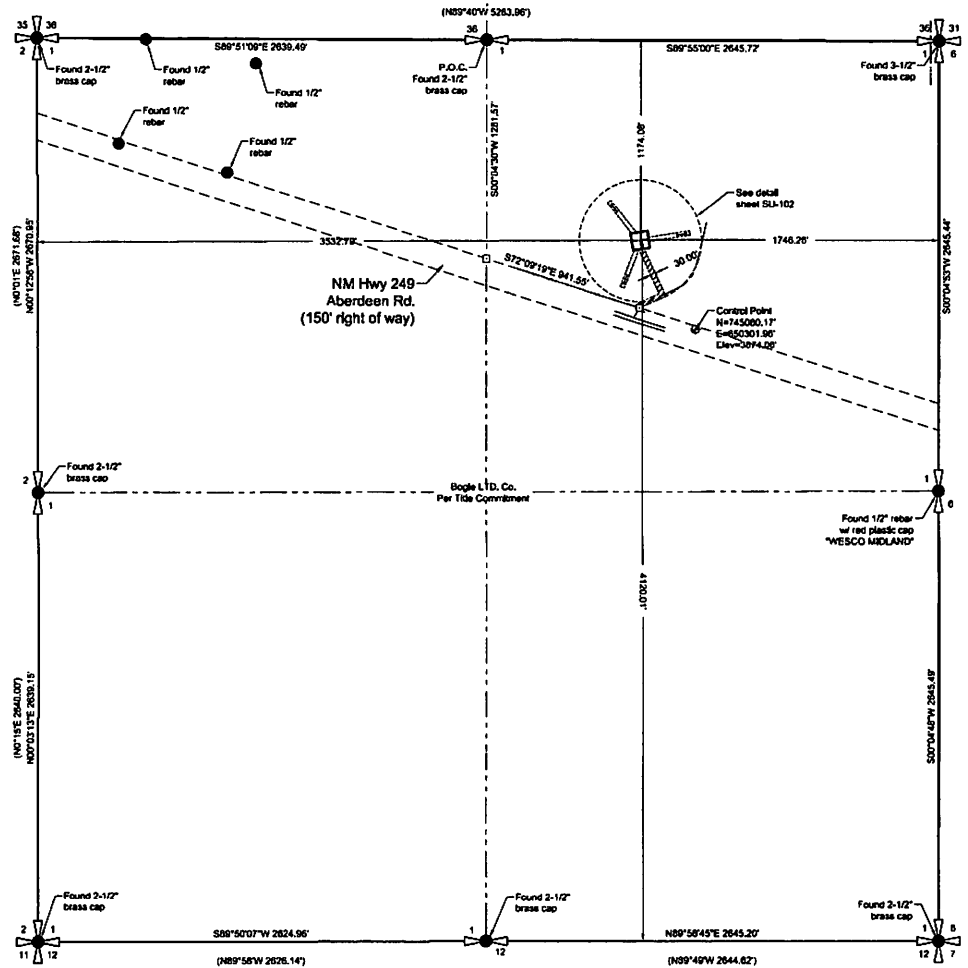


Case Z 2014-7



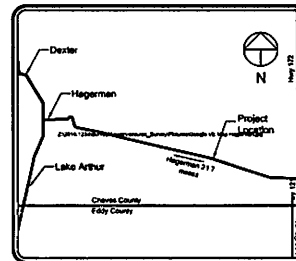
HAGERMAN CUTOFF TOWER BOUNDARY SURVEY FOR CLAIM OF EXEMPTION

NE1/4, SECTION 1, T15S, R29E, N.M.P.M., CHAVES COUNTY, NEW MEXICO

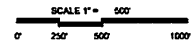


BASIS OF BEARING

The basis of bearing for this survey is Grid North based on the New Mexico State Plane Coordinate System, East Zone, as determined by GPS/GNSS observations. Ground coordinates are modified by scaling about a control point located at N033°03'08.59", W103°58'54.04" by a combined scale factor of 0.999741323. True north can be obtained by applying a convergence angle of -00°11'30" at the Point of Commencement.



VICINITY MAP
N.T.S.

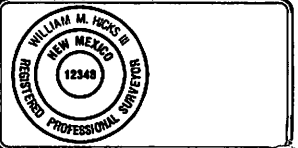


LEGEND

- Found as noted
- Calculated point
- ⊕ Found section corner
- ⊕ Found quarter section corner
- Easement centerline
- Easement line
- Section line
- Section quarter line
- - - Right of way fence
- Overhead electric
- - - Overhead electric
- ▨ Easement
- XX'XX'XX' XX'XX' Measured bearing and distance
- XX'XX'XX' XX'XX' Record bearing and distance

PETTIGREW & ASSOCIATES PA
ENGINEERING | SURVEYING | TESTING
DEFINING QUALITY SINCE 1965
100 E. Navajo - Suite 100, Hobbs New Mexico 88240
T 575 393 9827 F 575 393 1543
Pettigrew.us

PROJECT SURVEYOR: J. Baker
DRAWN BY: C. Johnson



INDEXING INFORMATION FOR COUNTY CLERK
OWNER: Bogle LTD. Co.
LOCATION: NE1/4, Section 1, T15S, R29E, N.M.P.M., Eddy County, New Mexico

REVISIONS

No.	DATE	DESCRIPTION

State of New Mexico, County of _____
I hereby certify that this instrument was filed for record on:
The _____ Day of _____
20 ____ A.D.
At _____ O'Clock _____ M.
Cabinet _____ Side _____
Book _____ Page _____
By _____
County Clerk
By _____
Deputy

CLAIM OF EXEMPTION OF HAGERMAN CUTOFF TOWER FOR TV8-W, LLC

PROJECT NUMBER: 2014.1234

SHEET: 1 of 2
SU - 101

TV6-W, LLC

4091 Viscount Ave Memphis, TN 38118-6106

Phone: 901 794-9494

Fax: 901 366-5736

August 29, 2014

Mr. Anders Sheridan
Planning and Zoning Director
Chaves County, New Mexico Department of Planning and Zoning
#1 St. Mary's Place, Suite # 180
Roswell, NM 88203

RE: Letter of Intent and Requested Zoning Conditions for a Three Hundred Forty Foot (340') Guyed Tower Located on Parcel ID # 4-167-086-526-270-000000

Mr. Sheridan:

TV6-W, LLC, of 4091 Viscount Avenue Memphis, TN 38118 proposes to construct a Three Hundred Forty Foot (340') guyed tower located on Parcel ID # 4-167-086-526-270-000000. The tower it will be built to support cellular communications and wireless data services. The tower will be designed to support four (4) antenna arrays. In addition to the placement of the four (4) cellular antenna arrays, the tower approval needs to include one (1) microwave dish up to six feet (6') in diameter.

The equipment will be placed within a 60'x60' fenced area. TV6-W, LLC is proposing to construct a Six Foot (6') chain link fence to secure the ground base equipment and is proposing to construct a Four Foot (4') fence to secure and enclose the guy wire anchors.

There is a need for improved cellular coverage in this area of Chaves County. The CMCS equipment planned for the proposed tower cannot be accommodated on any existing structures because there are no appropriate existing structures or pending structures to accommodate the planned equipment, taking into account, among other factors, the licensees' system requirements. Therefore, the proposed tower is needed so that the licensees can provide better cellular coverage and can improve its E911 emergency services network. The citizens of Chaves County benefit each time a licensee expands its network coverage because each site enhances the licensee's ability to provide emergency response services.

TV6-W, LLC appreciates the Chaves County Department of Planning and Zoning's consideration of this application. Please contact me at (901) 428-3381 if you have any questions concerning this application.

Sincerely,



Benjamin Orgel

TV6-W, LLC

e.
4 pages

TV6-W, LLC

4091 Viscount Ave Memphis, TN 38118-6106

Phone: 901 794-9494

Fax: 901 366-5736

August 29, 2014

Mr. Anders Sheridan
Planning and Zoning Director
Chaves County, New Mexico Department of Planning and Zoning
#1 St. Mary's Place, Suite # 180
Roswell, NM 88203

RE: Collocation Letter for Communications Tower

Mr. Sheridan:

TV6-W, LLC commits to allow shared use of the proposed tower at in capacities based on existing and planned use, and if a future applicant agrees in writing to pay any reasonable charge for shared use, the potential use is technically compatible and the future applicant is in good standing.

Sincerely,



Benjamin Orgel
TV6-W, LLC

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August 29, 2014

Mr. Anders Sheridan
Planning and Zoning Director
Chaves County, New Mexico Department of Planning and Zoning
#1 St. Mary's Place, Suite # 180
Roswell, NM 88203

RE: Governmental Compliance Letter for Communications Tower

Mr. Sheridan:

The proposed tower at will comply with all regulations administered by the Federal Aviation Administration, the Federal Communications Commission and all applicable governmental bodies.

Sincerely,



Benjamin Orgel
TV6-W, LLC



To whom it may concern,

Leaco is in the process of expanding data coverage in the rural to very rural areas of Southeastern New Mexico. Requests for data access to 3G and 4G speeds in these areas has been driven by the exponential growth in the gas and oil industry, and also by a push to cover as much of the rural areas as possible now that machine to machine (M2M) is experiencing growth and its requirements for quick and efficient data access is growing as well. Leaco's recent participation and acceptance of the FCC mandate under the 901 Mobility project has afforded Leaco and its served community the opportunity for access to these type of speeds. This can only be made possible through partnerships with tower building and leasing companies that are willing to invest the resources and tower real-estate in our rural areas.

In accordance with the FCC and after Leaco's due diligence search for candidate locations, it was determined that these are indeed under/non served areas. There are no existing towers in these locations. Leaco is building cell sites in rural Eddy county under the 901 Mobility program to provide rural data coverage in these un-served areas. When the areas being covered are extremely rural, the most financially responsible solution to the need is not necessarily more towers, but taller towers that will extend the coverage efficiently. Not providing this needed coverage will be detrimental to the needs of an aggressively growing industry and would negatively impact the ability to provide services for things such as energy automation and M2M solutions.

Regards,
Leaco Management
Leaco Rural Telephone, Coop., Inc.
220 W Broadway
Hobbs, NM 88240

Designed Appurtenance Loading

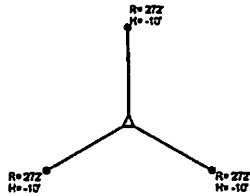
Elev	Description	Tx-Line
340	Leg Dish Mount	
340	3T-Boom(R) - 12R Face - 3R Standoff	
340	(1) 3' H.P. Dish	(1) LMR-600
340	(1) 12" x 12" x 6" Panel	(3) 1/4"
340	(8) BXA-185063/12CF_#	(12) 1/2"
340	(3) RRU360Ss	(3) 1/2"
330	3T-Boom(R) - 12R Face - 3R Standoff	
330	(3) RRH 700MHz	
330	(8) QXW-808X8018X-OP-EDINs	(12) 1 5/8"
320	3T-Boom(R) - 12R Face - 3R Standoff	
320	(12) 6' x 1' x 3/8 Panels	(12) 1 5/8"
310	3T-Boom(R) - 12R Face - 3R Standoff	
310	(12) 6' x 1' x 3/8 Panels	(12) 1 5/8"
170	Leg Dish Mount	
170	(1) 6' Solid Dish w/ Radome	(1) EW63

Base Reactions

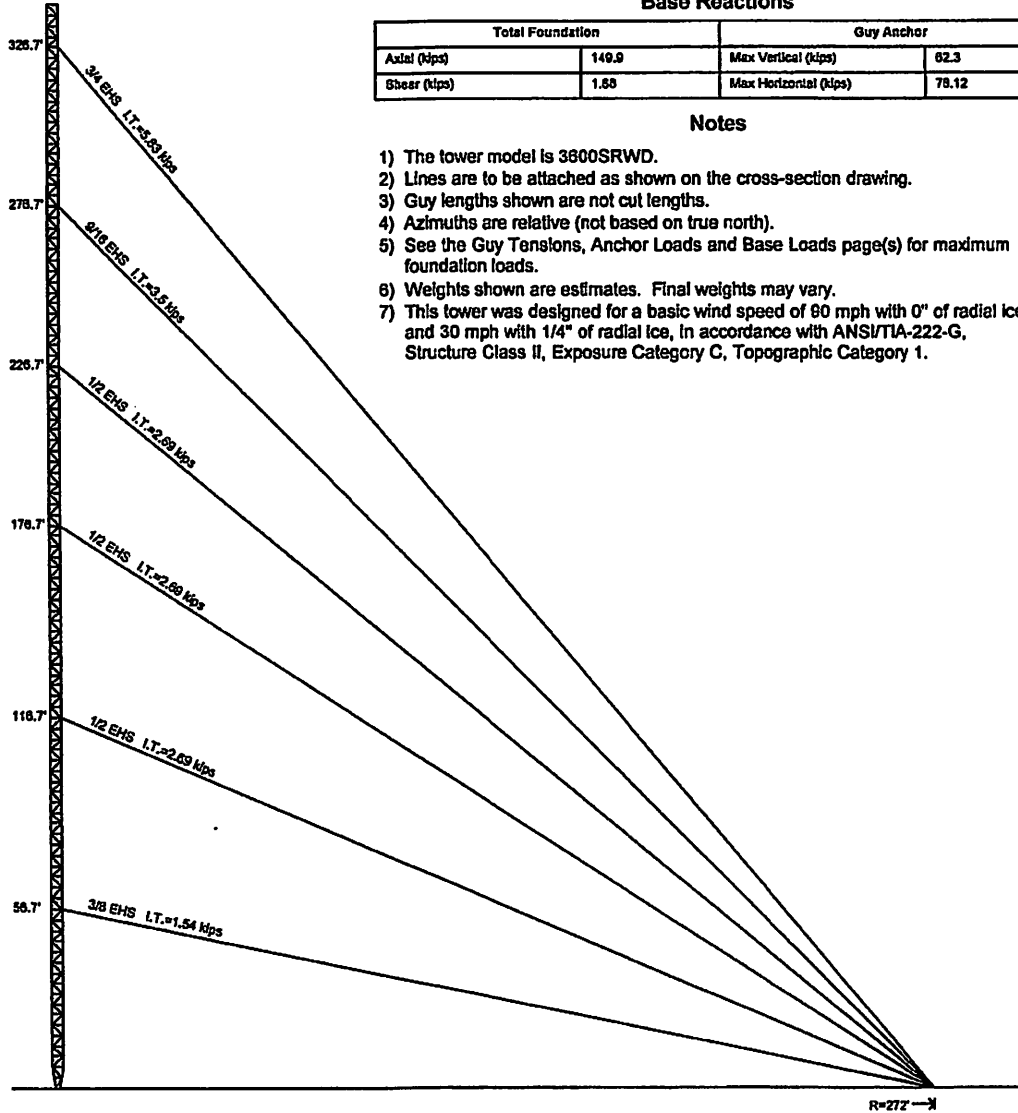
Total Foundation		Guy Anchor	
Axial (kips)	149.9	Max Vertical (kips)	62.3
Shear (kips)	1.58	Max Horizontal (kips)	78.12

Notes

- 1) The tower model is 3800SRWD.
- 2) Lines are to be attached as shown on the cross-section drawing.
- 3) Guy lengths shown are not cut lengths.
- 4) Azimuths are relative (not based on true north).
- 5) See the Guy Tensions, Anchor Loads and Base Loads page(s) for maximum foundation loads.
- 6) Weights shown are estimates. Final weights may vary.
- 7) This tower was designed for a basic wind speed of 80 mph with 0' of radial ice, and 30 mph with 1/4" of radial ice, in accordance with ANSI/TIA-222-G, Structure Class II, Exposure Category C, Topographic Category 1.



SIZES ARE PRELIMINARY AND MAY CHANGE UPON FINAL DESIGN									
Legs	2.0 S.R.	1.75 S.R.	2.0 S.R.	1.75 S.R.	1.75 S.R.	2.0 S.R.	1.75 S.R.	2.0 S.R.	1.75 S.R.
Diagonals	1.0 S.R.								
Horizontals	0.75 S.R.								
Brace Bolts	Welded Sections								
Face Width	3"								
Panel Count/Height	102 @ 3.333'								
Section Height	1077	1083	1111	1083	1111	1083	1111	1083	1111



<p>Sabre Industries Towers and Poles</p>	<p>Sabre Communications Corporation 7101 Southbridge Drive P.O. Box 658 Sioux City, IA 51102-0658 Phone: (712) 259-0390 Fax: (712) 279-0614</p>	<p>Quote: 15-2747-JDS</p>
	<p>Customer: Tower Ventures II LLC</p>	<p>Site Name: Roswell, NM</p>
	<p>Description: 340' 3800SRWD</p>	<p>Date: 7/24/2014</p>
	<p>By: JV</p>	<p>Page: 1</p>
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