

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
AGENDA
MONDAY, AUGUST 10, 2026**

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, August 10, 2026 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

Chris Sisney, Chairman
Susan Buhler, Vice Chairman
Esther Luchini, Member
Lisa Kent, Member
Molly Hammer, Member

1. APPROVAL OF AGENDA:

2. APPROVAL OF MINUTES:

- a. June 8, 2026

3. COMMENTS FROM THE PUBLIC (3 Minute Rule Applies):

4. Public Hearing:

- a. Discussion/Action: Conditional Use Permit for parcel # 2878573667187
- b. Discussion/Action: Summary Plat Amendment at 310 and 316 E Third Ave.
- c. Discussion/Action: Conditional Use Permit at 818 N Magnolia – Request for Shipping Container
- d. Discussion/Action: Request to vacate the public alley located within Block 4 of the Smith Terrance Subdivision pursuant to Section 15-18 of the Truth or Consequences Municipal Code.

5. New Business:

- a. Discussion/Action: Re-Appointment of member Esther Luchini.
- b. Discussion/Action: Re-Appointment of member Susan Buhler.
- c. Discussion/Action: Re-Appointment of member Chris Sisney.
- d. Discussion/Action: Re-Appointment of member Molly Hammer.
- e. Discussion/Action: Re-organization of Chairman and Vice-Chairman.

6. REPORTS FROM THE BOARD

7. REPORTS FROM STAFF

8. ADJOURNMENT

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, JULY 13, 2026**

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, July 13, 2026 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

Chris Sisney, Chairman
Susan Buhler, Vice Chairman
Esther Luchini, Member
Lisa Kent, Member Absent
Molly Hammer, Member Absent

ALSO PRESENT:

Traci Alvarez, Assistant City Manager
Katy Martinez, Deputy clerk

1. APPROVAL OF AGENDA:

Vice Chairman Buhler made a motion to approve the agenda with tabling 5a-e and item 6. Member Luchini seconded the motion. Motion carried unanimously.

2. APPROVAL OF MINUTES:

a) June 8, 2026.

Member Luchini made a motion to approve the minutes. Vice-Chairman Buhler seconded the motion. Motion carried unanimously.

3. COMMENTS FROM THE PUBLIC (3 Minute Rule Applies)

There were no comments from the public.

Deputy Clerk Martinez swore in the participants for the public hearings.

4. PUBLIC HEARINGS (5 Minute Rule Applies)

a) Discussion/Action: Summary Plat Amendment at 1700 Corzine St.

Assistant City Manager Alvarez: The item before you today is a request for a Summary Plat Amendment to divide the property located at 1700 Corzine Street into two separate lots using the City's Alternate Summary Procedure. This request is being considered under Section 15-15 of the Comprehensive Planning and Zoning Code. Staff has reviewed the application and the submitted survey. The property is located within the T-1 Transition District, and both proposed lots meet the minimum lot area required by the zoning code. The proposed lots will each have direct access to a city maintained street and are capable of being served by existing City water and wastewater utilities. The proposed division does not require the vacation of any public streets or utility easements and is consistent with the requirements of the Alternate Summary Procedure. As part of the consideration today, the Commission is also required to make findings of fact. Staff has reviewed the proposal against those criteria and the finds that the proposed lot split. Will not impair light and available to adjacent properties. Will not unreasonably increase traffic on public streets. Will not increase fire hazards or endanger public safety. Is consistent with the orderly growth and development of the community. Will not unreasonably impair surrounding property values. Will not adversely affect the public health, safety, or general welfare. Does not constitute spot zoning, as this request does not change the zoning designation and remains consistent with the existing T-1 District. Based on staff review, the application complies with the applicable subdivision and zoning requirements.

Tracy McGown Applicant: I am the current owner of the property. I requesting that the property be split for the following reasons. I have requested this approval to allow the property to be used more effectively while remaining consistent with the character of the surrounding neighborhood. The subdivision does not change the current use of the property. The non profit should it expand in the future plans to create satellite facilities rather than man bar equine to those we currently have residing on the property. The property is a current home to Equine Allias Recue and Sanctuary a local 501C3 non-profit dedicated to providing sanctuary for rescued equines. We currently visit the veterans home bringing out donkeys and ponies for the residence enjoyment. Our volunteers, for the most part seniors, come to the donkey magic farm home of the E.A.R.S program 4 times a week. The feedback from the valued members of our community indicates a strong interest in getting outside and helping others. The subdivision will help provide long-term stability and flexibility for both the property and the non-profit program. By subdividing the property, the non-profit will have a permanent home as the intent

is to transfer the one-acre parcel in entirety to the non-profit upon my death so it will continue on. Many times, people start horse rescues and then it just sort of dies with the founder because it's on their property and they are not able to continue and the animals are once again disbursed and displaced. We are trying to create a stable environment for the animals that we have there. We want to continue to be consistent in maintaining the character of their surrounding neighborhood. The subdivision does not change the current use of the property. I believe this request represents good stewardship of the land. It supports responsible property ownership, preserves the property's character and allows it to continue contributing positively to our community. I respectfully ask for your approval and I appreciate your consideration.

Chairman Sisney opened the public hearing.

Proponents:

Carlyn Peterson: I'm a volunteer of the Donkey Magic Farm and part of the E.A.R.S project. I am here to support the separation. I want to explain how this is so important to the community and to us volunteers personally. I have had personal experience of grooming these animals and having them trust me and allowing me to trust back. I have used them as meditation when I have been really freaked out, such as being in a hospital in another state and all alone. I have been able to draw on their strength from afar. By us helping those animals they are helping us. I also volunteer when we go to the Veterans' home and I have seen how the veterans open up and just talking about their childhood, what they have been through and how these animals mean so much to them and are very important to them. We hope to continue that program. I hope continue to get better and stronger so that I can keep taking care of them and supporting them financially through our E.A.R.S program.

Opponents:

No Opponents

Chairman Sisney closed the public hearing.

Member Luchini: How many donkeys are there?

Tracy McGown Applicant: We have 5 small equines which is kind of our mission. Keeping it to the smaller animals. We have 2 Shetland ponies that we picked up from neighborhood people. Many cities have a facility where they will take the farm animals that come in need of relocation. T or C really didn't have that. We have two twenty-six-year-old ponies, we have two donkeys and we have a little mule.

Member Luchini: Are you able to have more?

Tracy McGown Applicant: We have discussed this with the board. What we would like to do is start small satellite programs for people that may have appropriate properties like our selves. A lot of the rescues get way too many animals and they don't get individual attention. The goal would be to keep about 5 up there so we continue what little programing we do have that is the face of us for the community. The animals I have will get older and maybe not be able to do the walk to the veteran's home or participate in a program. In which case they could retire to a different property so that we could keep a flow of public face animals that can continue working and promoting non-profit.

Vice-Chairman Buhler made a motion to recommend approval to the City Commission for a Summary Plat Amendment at 1700 Corzine St. Member Luchini seconded the motion. Roll call vote was taken. Motion carried unanimously.

This item was Tabled

5. New Business:

- a. Discussion/Action: Re-Appointment of member Esther Luchini.
- b. Discussion/Action: Re-Appointment of member Susan Buhler.
- c. Discussion/Action: Re-Appointment of member Chris Sisney.
- d. Discussion/Action: Re Appointment of member Molly Hammer.
- e. Discussion/Action: Re-organization of Chairman and Vice-Chairman

This item was Tabled

6. Workshop:

7. REPORTS FROM THE BOARD:

No Reports from the Board

8. REPORTS FROM STAFF:

No Reposts from Staff

9. ADJOURNMENT:

Chairman Sisney adjourned the meeting at 4:14 p.m.

PASSED AND APPROVED ON THIS 10th DAY OF AUGUST, 2026.

Chris Sisney, Chairman
Planning & Zoning Board



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 8-10-2026

ITEM: Public Hearing/Discussion/Action: Conditional Use Permit and Variance Requests for parcel # 2878573667187

BACKGROUND:

Applicant is requesting approval of a **Conditional Use Permit** together with three associated **variance requests** to establish a secure towing and impound facility on property located at **1903 S. Broadway Street, Unit B**, within the C-1 General Commercial District. The proposed operation includes an enclosed impound yard for vehicles towed or impounded by local law enforcement agencies, perimeter security fencing, site lighting, surfacing improvements, and construction of an office building for customer service and retrieval of impounded vehicles.

The applicant currently performs towing and impound services for Sierra County and transports impounded vehicles to an existing secured yard in Anthony, New Mexico. Approval of this request would allow impounded vehicles to remain within Truth or Consequences, reducing travel time and expense for vehicle owners while providing a local secure storage facility. The applicant states that towing operations may occur twenty-four (24) hours per day due to law enforcement response requirements.

The application requests:

- **Conditional Use Permit** pursuant to Section 11-9-7(D)(22) to allow storage of wrecked or dismantled vehicles and parts as an accessory use associated with a wrecker service operation.
- **Variance No. 1:** Permit storage of customer-owned impounded vehicles pending legal disposition.
- **Variance No. 2:** Permit storage of more than five (5) wrecked or impounded vehicles on the site.
- **Variance No. 3:** Permit construction of an approximately 550-square-foot office building in lieu of the minimum 800-square-foot commercial building requirement.

The property is located within the **C-1 General Commercial District**.

- Section 11-9-7(D)(22) permits the storage of wrecked or dismantled vehicles and parts as a conditional accessory use to a vehicle repair establishment or body shop, subject to specific operational limitations. Section 11-9-7(D)(26) further recognizes wrecker services in accordance with those same storage provisions.
- The applicant's proposed use generally meets the intent of providing a commercial towing and impound operation but requests relief from specific operational standards established within the ordinance.

Requested Variances

- Variance No. 1 - The ordinance allows outdoor storage only for customer vehicles being repaired and returned to the customer.
The applicant requests authorization to store impounded vehicles owned by private individuals while legal notification periods, law enforcement holds, abandoned vehicle processing, or other statutory requirements are completed. These vehicles are not being stored for repair but for lawful impound purposes.
- Variance No. 2 - The ordinance limits exterior storage to five (5) wrecked vehicles.
The applicant requests approval to exceed this limitation because impound operations performed under contracts with the Truth or Consequences Police Department, Sierra County Sheriff's Office, and New Mexico State Police require significantly greater storage capacity than contemplated for a traditional repair facility.
- Variance No. 3 - The applicant proposes construction of an approximately 550-square-foot office building to serve as a customer reception and vehicle release office.
The City's commercial development standards generally require a minimum building size of approximately 800 square feet. The applicant indicates the proposed office will adequately serve the intended use while minimizing unnecessary construction costs and site impacts.

SUPPORT INFORMATION:

- Site Plan
- Scope of work from applicant
- Letters of Support
- Public Hearing Notice
- Applicable Code

In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:

1. Impair an adequate supply of light and air to adjacent property;
2. Unreasonably increase the traffic in public streets;
3. Increase the danger of fire or endanger the public safety;
4. Deter the orderly and phased growth and development of the community;
5. Unreasonably impair established property values within the surrounding area;
6. In any other respect impair the public health, safety and general welfare of the City; or
7. Constitute a spot zone and therefore adversely affect adjacent property values.

All actions or recommendations by the Planning and Zoning Commission shall be based on Findings of Facts as to the impacts of the proposal, using the criteria listed in numbers 1 through 7, above. The Planning and Zoning Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.

Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.gov	Phone: 575-952-0565	

From: [Ready Rigs Towing](#)
To: [Alvarez, Traci](#)
Subject: description of business
Date: Thursday, July 2, 2026 12:14:45 PM

Hello, Traci

This is Humberto Valenzuela with Ready Rigs Towing. We would like to develop 1903 S. Broadway St. # B into a wrecker storage facility to store vehicles that get impounded by T or C PD, Sierra County Sheriffs, and State Police. We've already got the rotation contract with Sierra County and are currently doing impounds, but having vehicles towed to Anthony, NM to our secured impound yard. If approved with the development in 1903 S. Broadway St. #B we are able to keep the vehicles in town , saving customers time and money. In this property we like to fence in the whole property to have secure and lit locational for vehicles being stored, also we like to put a per- fabricate building / office so customers could retrieve their vehicle. Some of these vehicles will be stored a little over 90 days while we process the paperwork for unclaimed vehicles. After we get all the paperwork completed vehicles will be transported to Anthony, NM or be sold. While on rotation this location will have tow trucks coming and leaving at all times (24/7) due not knowing when we may need to assist law enforcement. On this property I would level it and clear all the bushes and weed growing on the property and lay some screening or milings.

Thank you,

Humberto Valenzuela

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100ft



Truth or Consequences Police Department

Luis A. Tavizon, Chief

507 McAdoo Street
T or C, NM 87901

Phone: 575-894-1204
Fax: 575-894-6287

Professionalism, Respect, and Integrity



07/31/2026

To whom it may concern:

On behalf of the Truth or Consequences Police Department, we would like to extend our support of Ready Rigs Towing to establish a dedicated towing facility in our area. As one of our acting "on call" towing resources, this facility could reduce call out response time as well as provide a local facility for the owners to retrieve their property. With local resources, efficiency and customer service will improve and potentially be a more viable fiscal option for the community that could improve GRT funds.

Thank you for your consideration in the implementation of a local towing storage facility as the TCPD fully supports the project.

Respectfully,

Deanna Knull
Executive Assistant



Sierra County Sheriff's Office

855 Van Patten Street

Truth or Consequences, N.M. 87901

Sheriff Joshua Baker

Undersheriff Joel Trejo

(575) 894-9150 Phone

(575) 894-7938 Fax

August 3, 2026

To Whom It May Concern:

On behalf of the Sierra County Sheriff's Office, I am writing in support of Ready Rigs Towing and its applications for the business permits and licenses necessary to provide towing services within Sierra County.

The Sheriff's Office regularly requires towing and vehicle-recovery services in connection with traffic crashes, disabled and abandoned vehicles, arrests, vehicle impoundments, roadway hazards, and other public-safety incidents. Sierra County covers a large geographic area, and the availability of dependable towing companies is essential to ensuring timely responses, reopening roadways, protecting property, and reducing hazards to motorists and emergency personnel.

Sierra County law enforcement is currently in need of additional qualified towing services. The establishment of Ready Rigs Towing would increase local towing capacity and provide another resource to support law enforcement agencies, residents, motorists, and businesses throughout the county.

The Sierra County Sheriff's Office respectfully supports Ready Rigs Towing's efforts to obtain the required business permits and begin operations, provided the company satisfies all applicable federal, state, and local licensing, insurance, safety, equipment, and operational requirements. This letter expresses support for the availability of additional towing services and does not guarantee placement on any law-enforcement rotation list, contractual relationship, or future assignment of towing calls.

Thank you for your consideration of Ready Rigs Towing's permit applications. Please contact the Sierra County Sheriff's Office if additional information is needed.

Respectfully,

A handwritten signature in blue ink, appearing to read "Joshua Baker".

Joshua Baker

Sheriff

Sierra County Sheriff's Office

July 30, 2026

Letter of Recommendation for Ready Rigs Towing

To Whom It May Concern,

I am pleased to provide this letter of recommendation in strong support of Ready Rigs Towing's request to establish a tow yard within our county.

Ready Rigs has consistently demonstrated professionalism, reliability, and a strong commitment to providing prompt, dependable towing services. Their team has built a reputation for responding quickly, handling vehicles with care, and maintaining excellent communication with both customers and law enforcement personnel.

At present, the company operates from a location outside of our county, which can result in longer response times when services are needed. Establishing a tow yard within our county would significantly improve response times, allowing officers to return to service more quickly and reducing the amount of time they spend waiting on vehicle removals. This increased efficiency would benefit not only law enforcement agencies but also the public by helping clear roadways faster, reducing traffic delays, and improving overall public safety.

Having Ready Rigs maintain a local tow yard would provide our county with a dependable towing resource that is readily available when needed. Their proven reliability, professionalism, and commitment to quality service make them an excellent partner for assisting local law enforcement with accident scenes, vehicle impounds, abandoned vehicles, disabled motorists, lockouts, jump starts, fuel delivery, and other emergency situations.

I have every confidence that Ready Rigs will continue to uphold the highest standards of service and will be a valuable asset to our county. I strongly support their request to establish a tow yard locally and believe it will greatly benefit our community, our law enforcement officers, and the citizens they serve.

Thank you for your time and consideration of this request. If additional information is needed, please do not hesitate to contact me.

Sincerely,

Candy Torrez, Deputy Director



Sierra County Regional Dispatch Authority
575-894-7111
ctorrez@sierraco.org

PO Box 1603
Truth or Consequences, NM 87901

August 6, 2026

Planning and Zoning Board
City of Truth or Consequences

Delivery via Email: talvarez@torcnm.gov

Re: 1901A S. Broadway – Letter of Support

Dear Planning and Zoning Board Members:

I am writing as the owner of the commercial property adjacent to the subject property to express my support for the variance request that will be considered at the August 10 Planning and Zoning Board meeting.

I believe these variances will facilitate the productive use of a commercial property that has otherwise remained vacant and underutilized. Investment in commercial properties such as this contributes to the continued revitalization of our community and encourages additional private investment in the surrounding area.

My family is also working to establish an auto restoration business nearby, and we believe automotive-related businesses can complement one another and contribute to the long-term success of this commercial area. In our opinion, allowing reasonable variances to support improvements to the property and the storage of vehicles is consistent with the character and future potential of this commercial area.

For these reasons, I respectfully encourage the Planning and Zoning Commission to approve the requested variances.

Thank you for your consideration and for your service to our community.

Respectfully,



Kari Fresquez, Owner
1901B S. Broadway

*Rolf Hechler
Mayor*

*Destiny Mitchell
Mayor Pro-Tem*

*Amanda Forrister
Commissioner*



*505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673
www.torcnm.gov*

*Ingo Hoeppepner
Commissioner*

*Chaz M. Glines
Commissioner*

*Gary Whitehead
City Manager*

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences Planning & Zoning Commission will hold a Public Hearing during their regular scheduled meeting on Monday, August 10, 2026, to receive input regarding the following:

Public Hearing/Discussion/Action: Conditional Use Permit for parcel # 2878573667187. The applicant located at parcel # 2878573667187 is requesting approval of a Conditional Use Permit pursuant to Section 11-9-7(D)(22) of the City Code to allow the storage of wrecked or dismantled vehicles and parts as an accessory use associated with a wrecker service operation.

The applicant is also requesting the following variances:

1. A variance from Section 11-9-7(D)(22)(b) to allow the outdoor storage of vehicles owned by private customers, including impounded vehicles, which may remain on site pending disposition in accordance with applicable law.
2. A variance from Section 11-9-7(D)(22)(d) to permit the outdoor storage of more than five (5) wrecked or impounded vehicles at any one time.
3. A variance from the minimum commercial building size requirements to allow construction of an approximately 550-square-foot office building in lieu of the required minimum 800 square feet

The proposed development consists of a secure towing and impound yard, including perimeter fencing, lighting, surfacing improvements, and an office building for customer access and retrieval of impounded vehicles.

Please contact Traci Alvarez at (575) 952-0565 or by email at talvarez@torcnm.gov, if you have any questions regarding this Public Hearing.

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 4:00 p.m.

The agenda may be obtained on Friday, August 7, 2026, on the city website calendar at www.torcnm.gov; by contacting the City Clerk's Office at 575-894-6673; or by email to: torcclerk@torcnm.gov.

/s/ Angela A. Torres, CMC, City Clerk

Publish on the following date: Sentinel – Thursday, July 23, 2026

Sec. 11-9-7. C-1 General Commercial District.

- A. **PURPOSE.** The intent of the C-1 District is to provide for certain commercial/retail uses which serve both transient and local trade. The District is intended for areas surrounding major arterial or collector streets where a wide range of automobile-related service facilities, convenience goods and personal services are desirable and appropriate as a land use.
- B. **DEVELOPMENT STANDARDS.** Development standards and other requirements are provided in Articles X through XIV of this Code.
- C. **C-1 PERMITTED USES.**

• Accountant Office	• Arts and Crafts Studio
• Advertising Services	• Auditoriums
• Animal Hospital and Clinic	• Automobile Parking Lot
• Auto and Camper Sales, Service and Rental	• Gasoline Pumps
• Automotive Equipment	• Gasoline Stations
• Bakery	• Gift Shop
• Banking and Financial Institution	• Glass Cutting and Finishing
• Barber Shop and Beauty Parlor	• Golf Course
• Bathhouse or Spa	• Grocery Store
• Bicycle Sales and Service	• Gymnasium
• Boat and RV Storage	• Hardware Store
• Bookstores and Stationery Shops	• Heavy Equipment Sales
• Building and Other Construction-Contractor: office only	• Hobby Shop
• Business Service Establishment	• Hospital or Overnight Clinic
• Butcher Shop and Meat Sales	• Hotel and Motel
• Catering	• Household Appliance Sales and Service and Repair
• Cigarette and Cigar Shop	• Insurance Services
• Clinic	• Institutions, Public and Quasi-Public
• Clothing Store and Apparel Shop	• Jewelry Store
• Coffee Shop	• Kennel, Commercial
• Columbarium	• Laboratory (medical, dental or engineering)
• Community Center or Public Office Building	• Liquor Store - Taverns and Package Stores
• Convenience Store	• Pet Shop or Grooming Parlor
• Convention or Exhibition Hall	• Photographic Studio and Supply Store
• Country Club	• Plant Nursery
• Dance Hall or Music Academy	• Plumbing and Heating Shop
• Dentist Office	• Pool and Billiard Room
• Department Store	• Post Office
• Dressmaking Shop	• Private Club or Lounge
• Drugstore	• Public Park, Playground and Recreational
• Dry-cleaning and Steam cleaning Establishment	• Radio, Television Broadcasting Studios, Music Store
• Electrical Shop and Electricians	• Real Estate Services
• Farm Machinery	• Restaurant
• Farm and Ranch Products and Supplies	• Retail Sales
• Fast Food Sales including Drive-In Sales	• Roofing and Sheet Metal Shop

• Firewood Sales	• Shoe Repair
• Florist Shop	• Show and Sales Room for Business Products
• Food Store	• Skating Rink
• Frozen Food Locker	• Sporting Goods Store
• Funeral Home, Mortuary (including crematorium)	• Tailoring
• Furniture and Home Furnishings	• Taverns and Cocktail Lounges
• Taxicab Transportation	• Travel Agency
• Telephone Exchange Station	• Upholstery
• Telegraph and Messenger Service	• Variety Store
• Tire Sales and Service	• Warehousing and Storage
• Title and Abstracting Services	• Watch and Clock Sales and Service

D. **PERMITTED USES—WITH CONDITIONS.** The following C-1 uses are permitted in accordance with stated conditions and upon approval by the Planning and Zoning Commission.

1. Adult Entertainment Uses: Uses such as adult bookstores, adult movie theaters, and adult news racks, as defined in Article 8 of this Code, shall be permitted provided such use is located a minimum of three hundred (300) feet from a property line of any:
 - a. School;
 - b. Church;
 - c. Public park or recreational facility;
 - d. Residential District;
 - e. Another adult entertainment facility.

There shall be no public display visible outside of the building. In addition, display of adult pictures of other materials within a grocery store, bookstore, or other retail or wholesale store shall be concealed from public view.

2. Amusement Park or Enterprise: Subject to any other provisions and requirements of the Municipal Code. Temporary amusement enterprises are prohibited within three hundred (300) feet of any residential zoning District. Permanent amusement enterprises are prohibited within five hundred (500) feet of any residential zoning District.
3. Automobile Body and Repair Shop: Not permitted within one hundred (100) feet of any residential District.
4. Bank Drive-up Windows: Stacking lane(s) of one hundred eighty (180) feet by ten (10) feet for each drive-up must be provided and designed to insure that no bank traffic backs onto the street giving access. Banks must be located on a collector or arterial streets as shown on the City Street Plan.
5. Bowling Alley: Subject to approval of site and related plans. Bowling alleys are prohibited within three hundred (300) feet of any residential zoning District.
6. Bus or Motor Freight Terminal: Only when located on an arterial street as designated on the City Street Plan.
7. Car Washes: There shall be no run-off onto neighboring properties or streets resulting from the use. Any discharge into public liquid waste disposal systems shall be approved by the administrator of the system prior to approval of the business. If the subject property is not served by a public waste disposal system, approval from the New Mexico Environmental Department shall be required.

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8. Child Care Center, Nursery or Similar Use: Play areas shall be in accord with State licensing requirements and enclosed by a solid wall or fence five (5) feet in height.
 9. Christmas Tree Sales: Temporary, not prior to November 15, provided lots are cleaned and removed by December 31.
 10. Church: Only when located on an arterial or collector street as designated on the City Street Plan.
 11. Construction or Contractor's Yard: Yard shall be maintained in a neat and orderly fashion and enclosed by a fence at least six (6) feet in height except that the height shall be limited to three (3) feet above street curb within a clear site triangle as defined in this Code.
 12. Drive-In Theater: Subject to approval of site and related plans.
 13. Firewood Sales: No more than twenty (20) cords stored on site.
 14. Flea Market: Subject to any other requirements of the Municipal Code.
 15. Furniture Assembly (Accessory Use): Permitted only as an incidental or accessory use to retail sales. Maximum floor area for assembly shall not exceed three thousand (3,000) square feet, not exceed thirty percent (30%) of the total business floor area, and shall be within the same building.
 16. Gas Pressure Control Stations: (Public or Private Utility.)
 17. Heavy Equipment Repair (Accessory Use): Permitted only as an incidental or accessory use to heavy equipment sales. Floor area for repair shall not exceed three thousand (3,000) square feet and not exceed thirty percent (30%) of the total gross floor area. Welding is permitted only in conjunction with repair and shall not be used for the purpose of heavy equipment assembly.
 18. Miniature Golf Course: Subject to approval of site and related plans. Not permitted within one hundred (100) feet of any residential District.
 19. Mini Storage Units: Units shall not be used for commercial sales of products, merchandise, service or repair. (This does not preclude a business from using storage units solely for storage of commercial or business related items provide that the actual commercial operation or business is conducted elsewhere, and there is no external evidence of the business at the storage unit.)
 20. School, Public, Private or Trade: Sites shall be located on an arterial or collector street as shown on the City Street Plan.
 21. Shopping Center: Providing site, drainage, and related plans for the entire development are approved.
 22. Storage of Wrecked or Dismantled Vehicles and Parts (Accessory Use): The storage of wrecked and dismantled vehicles and parts thereof shall be permitted only as an incidental accessory use to a vehicle repair establishment or a body shop:
 - a. Storage shall be within an enclosed building or within a sight-obscuring fence at least six (6) feet in height;
 - b. Vehicles and parts stored at the exterior of the building shall be owned by customers of the business and such storage shall be only for the purpose of repair and return to customer;
 - c. Exterior storage of vehicles shall not remain on the premises for a period exceeding three (3) months;
 - d. A maximum of five (5) wrecked vehicles may be stored at the building exterior during any one time;
 - e. Exterior storage shall be a minimum of one hundred (100) feet from a residential District.

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23. Swimming Pools: Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.
 24. Television and Radio Towers and all Other Free Standing Towers (Public and Private Uses): Towers shall have manufacturer's specifications to withstand a 75 mph wind and shall be constructed to meet New Mexico Building Code standards.
 25. Welding (Accessory Use): Welding shall be permitted only as an incidental or accessory use necessary for the repair of vehicles or equipment permitted in the C-1 District. Welding uses shall be approved by the Fire Department and shall be in accord with any other provisions of the Municipal Code.
 26. Wrecker Service: In accord with storage of wrecked vehicle provisions of Item D.22 of this Section.
- E. *SPECIAL USES FOR C-1 DISTRICT.* The following uses require approval of the City Commission. Specific conditions and provisions for special use may be referred to in Article V.
1. Dwelling Unit: Special Use Permits are required for dwellings within the C-1 District upon lots or other parcels located directly adjacent to Broadway Avenue, Main Street or Date Street. Dwellings elsewhere within the C-1 District are permitted by right. Manufactured Homes (MH's) are permitted within the C-1 District subject to the provisions stated herein and in Articles 11 and 14.
 2. Apartments ten (10) unit minimum)
 3. Concrete Sales and Ready Mix
 4. Correctional Facilities and Institutions
 5. Heavy Equipment Repair and Service
 6. Kennel (Commercial)
 7. Manufactured Home Park or Subdivision: Subject to the provisions of Articles 11 and 14.
 8. Propane or Liquefied Petroleum Gas Distribution Point: Up to two thousand (2,000) gallons, not be located within three hundred thirty (330) feet of any residential zoning district, or within the area bounded by Date, Main and Austin Streets.
 9. Racetrack
 10. Residential Vehicle Park
 11. Recycle Purchase Center
 12. Stadium: Baseball, Football, Soccer or Track.
 13. Townhouses (R-2 Development Standards apply)
 14. Welding Shop



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 8-10-2026

ITEM:

Public Hearing/Discussion/Action – Summary Plat Amendment 310-316 E Third

BACKGROUND:

The applicant is requesting a **Summary Plat Amendment** using the **Alternate Summary Procedure** to adjust the property lines between **310 and 316 E. Third Avenue**. The properties are zoned **C-1 (Commercial)** and include **Lots 8, 9, and 10, Block 66, Original Townsite of Hot Springs**. The request does not create any new lots or a new subdivision it simply changes the existing tract boundaries. The application has been reviewed and appears to meet the requirements of the City's subdivision regulations for the Alternate Summary Procedure.

In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:

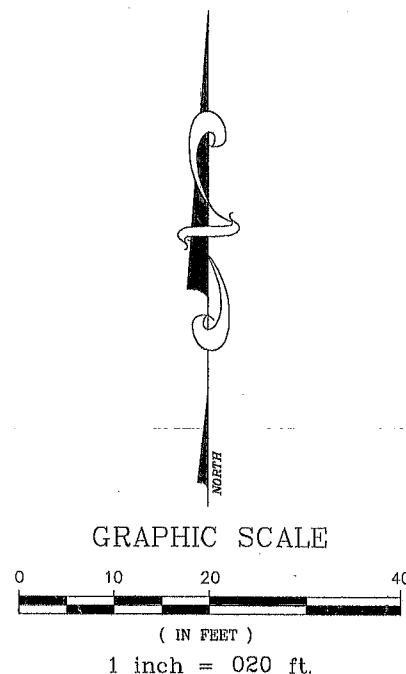
1. Impair an adequate supply of light and air to adjacent property;
2. Unreasonably increase the traffic in public streets;
3. Increase the danger of fire or endanger the public safety;
4. Deter the orderly and phased growth and development of the community;
5. Unreasonably impair established property values within the surrounding area;
6. In any other respect impair the public health, safety and general welfare of the City; or
7. Constitute a spot zone and therefore adversely affect adjacent property values.

All actions or recommendations by the Planning and Zoning Commission shall be based on Findings of Facts as to the impacts of the proposal, using the criteria listed in numbers 1 through 7, above. The Planning and Zoning Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.

SUPPORT INFORMATION:

- Summary Plat Survey
- Parcel Map
- Public Hearing Notice

Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.gov	Phone: 575-952-0565	



Notes:

These tracts are subject to easements, restrictions and reservations of record

The tracts shown hereon are located within the boundaries of Flood Zone X, "area determined to be outside 500-year flood plain"

The hereon described tract boundaries were altered under the City of Truth or Consequences Subdivision Codes, Ordinance Number 555, adopted May 23, 2006, (Chapter 15, Section 15, Alternate Summary Procedure)

Use drawing scale to determine measurements when not labeled

Reference:

Account No. 5169
Book 145, Page 1952, (Warranty Deed)
UPC 290-353-366-8322

Account No. 214
Book 146, Pages 988-990, (Notice of Real Estate Contract)
UPC 290-367-366-8316

Plat of Survey Book 1, Page 3625, (Boundary Survey Plat)

National Flood Insurance Program, Flood Insurance Rate Map for the City of Truth or Consequences, Sierra County, New Mexico, Community-Panel No. 350073 0005 C, (map revised July 16, 1996)

City of Truth or Consequences Subdivision Codes, Ordinance Number 555, (adopted May 23, 2006)

Legend:

round 5/8" rebar w/survcap stamped "NMPLS 13984" ●

round 5/8" rebar w/aluminum tag stamped "NMPLS 12129" □

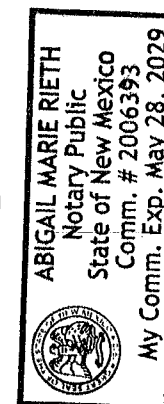
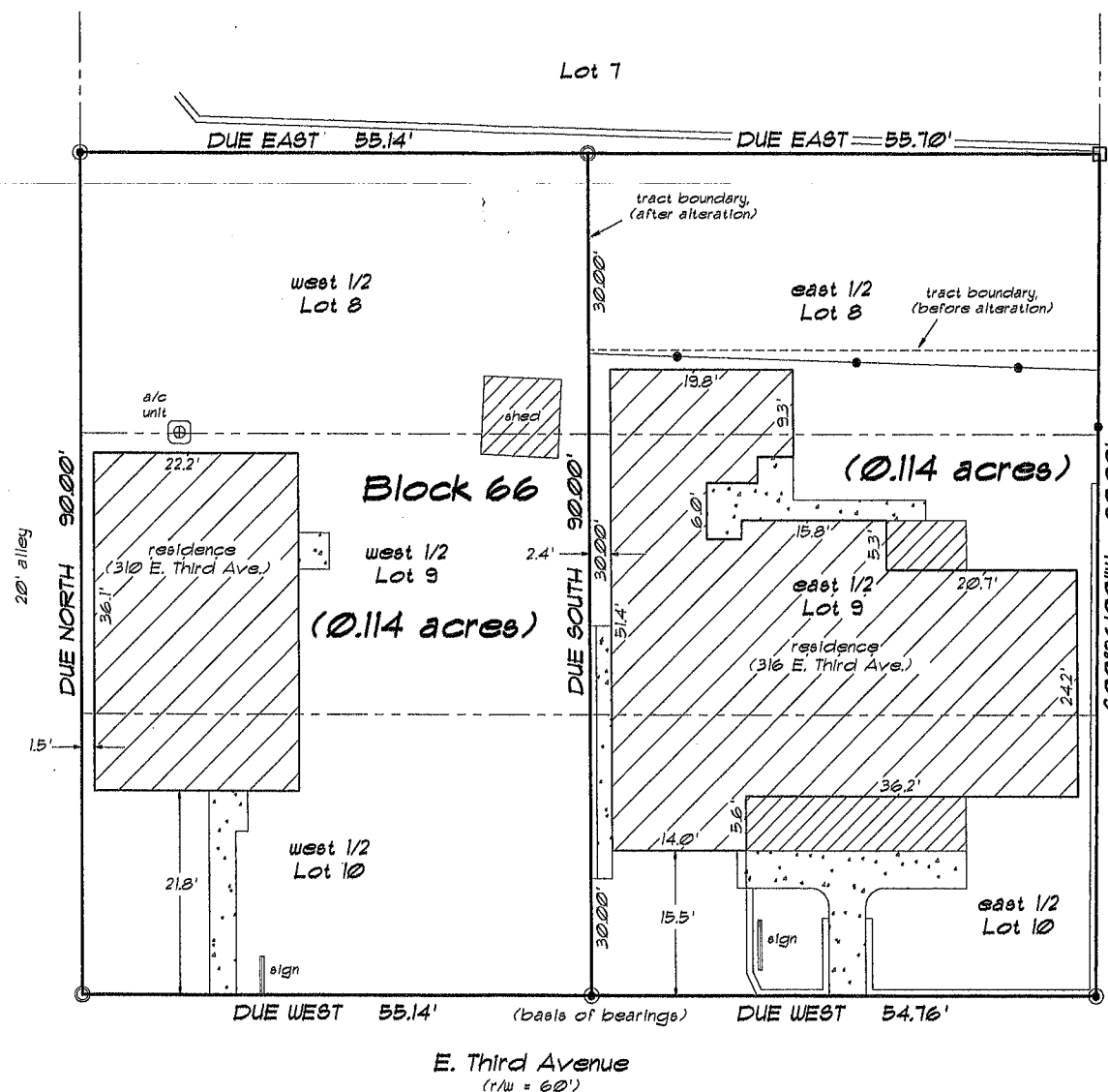
set 1/2" rebar w/survcap stamped "NMPLS 12129" ○

chain link fence ————●—————

block wall ————

ALTERNATE SUMMARY PROCEDURE-SUMMARY PLAT

of the alteration of tract boundaries
in Lots 8, 9 and 10, Block 66, Original Townsite of Hot Springs,
in the City of Truth or Consequences, Sierra County,
New Mexico



ACKNOWLEDGMENT

We, the undersigned owners of the hereon described property do hereby acknowledge, with our free consent, and in accordance with our wishes and desires, the alteration of tract boundaries as shown on this plat.

Tiffany Y. Howard

STATE OF NEW MEXICO)
COUNTY OF SIERRA)

The foregoing instrument was acknowledged before me this 11th day of June, 2026 by Tiffany Y. Howard

Abigail Marie Rieth
Notary Public

My Commission Expires: May 28, 2029

Kaitlin Garcia
Notary Public

STATE OF NEW MEXICO)
COUNTY OF SIERRA)

The foregoing instrument was acknowledged before me this 14th day of May, 2026 by Kaitlin Garcia

Christa Bianca Turpen
Notary Public

My Commission Expires: October 19, 2026

CHRISTA BIANCA TURPEN
Notary Public - State of New Mexico
Commission # 1122552
My Comm. Expires October 19, 2026

March 16, 2026

Chaparral Surveying, LLC

Professional Land Surveying

P.O. Box 629 Elephant Butte, New Mexico 87935

CERTIFICATE

This is to certify that I am a registered Professional Land Surveyor, that this plat is prepared from notes of field surveys made by me or under my supervision, that said surveys and this plat are true and correct to the best of my knowledge and belief.
I further certify that this survey is not a land division or subdivision as defined in the New Mexico Subdivision Act and that this is the alteration of tract boundaries of an existing tract or tracts.

This plat meets the minimum requirements of the Standards of Land Surveys in New Mexico.

David M. Benn
New Mexico Professional Surveyor
License Number 12129

INDEXING INFORMATION FOR COUNTY CLERK
Tiffany Y. Howard (5169)
Kaitlin Garcia (214)
Original Townsite of Hot Springs
Section 33, Tshp. 13 South, Rge. 4 West

The City of Truth or Consequences does hereby acknowledge the alteration of tract boundaries as shown on this plat.

Mayor:

Date:



2903533668322

This is an aerial photograph of a residential property. Two buildings are outlined with red rectangles. The building on the left has a dark roof, while the building on the right has a light-colored, corrugated metal roof. The surrounding area includes a paved driveway, some dry vegetation, and a concrete curb. A white van is partially visible in the bottom right corner.

2903673668316

*Rolf Hechler
Mayor*

*Destiny Mitchell
Mayor Pro-Tem*

*Amanda Forrister
Commissioner*



*505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673
www.torcnm.gov*

*Ingo Hoeppe
Commissioner*

*Chaz M. Glines
Commissioner*

*Gary Whitehead
City Manager*

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences Planning & Zoning Commission will hold a Public Hearing during their regular scheduled meeting on Monday, August 10, 2026, to receive input regarding the following:

Public Hearing/Discussion/Action: Summary Plat Amendment at 310 and 316 E Third Ave. The applicant wishes to divide the parcel as per Sec. 15-15 (Alternate Summary Procedure)

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 4:00 p.m.

Should you have any questions regarding this Public Hearing, please contact Traci Alvarez at (575) 952-0565 or by email at talvarez@torcnm.org.

The agenda may be obtained on Friday, August 7, 2026 on the city website calendar at www.torcnm.org; by contacting the City Clerk's Office at 575-894-6673; or by email to: torcclerk@torcnm.gov.

/s/ Angela A. Torres, CMC, City Clerk

Publish on the following date:

- Sentinel– Thursday, July 23, 2026



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 8-10-2026

ITEM:

Public Hearing/Discussion/Action: Conditional Use Permit (CUP) – Shipping Container – 818 N Magnolia St.

BACKGROUND:

The applicant has submitted a request for a Conditional Use Permit (CUP) to allow an existing shipping container to remain on the property located at **818 N. Magnolia Street**. The supporting site plan identifies the proposed location of the shipping container as an accessory storage structure on a residential lot. The City's shipping container regulations require that shipping containers placed within residential zoning districts obtain a Conditional Use Permit prior to placement. The applicant has advised staff that the container was installed after the ordinance became effective but was unaware that a Conditional Use Permit was required. Rather than pursuing enforcement action, staff worked with the property owner to submit the required application to bring the property into compliance with the City Code.

The request is therefore not seeking relief from the ordinance but is requesting the required Conditional Use Permit for an existing accessory shipping container.

In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:

1. Impair an adequate supply of light and air to adjacent property;
2. Unreasonably increase the traffic in public streets;
3. Increase the danger of fire or endanger the public safety;
4. Deter the orderly and phased growth and development of the community;
5. Unreasonably impair established property values within the surrounding area;
6. In any other respect impair the public health, safety and general welfare of the City; or
7. Constitute a spot zone and therefore adversely affect adjacent property values.

All actions or recommendations by the Planning and Zoning Commission shall be based on Findings of Facts as to the impacts of the proposal, using the criteria listed in numbers 1 through 7, above. The Planning and Zoning Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.

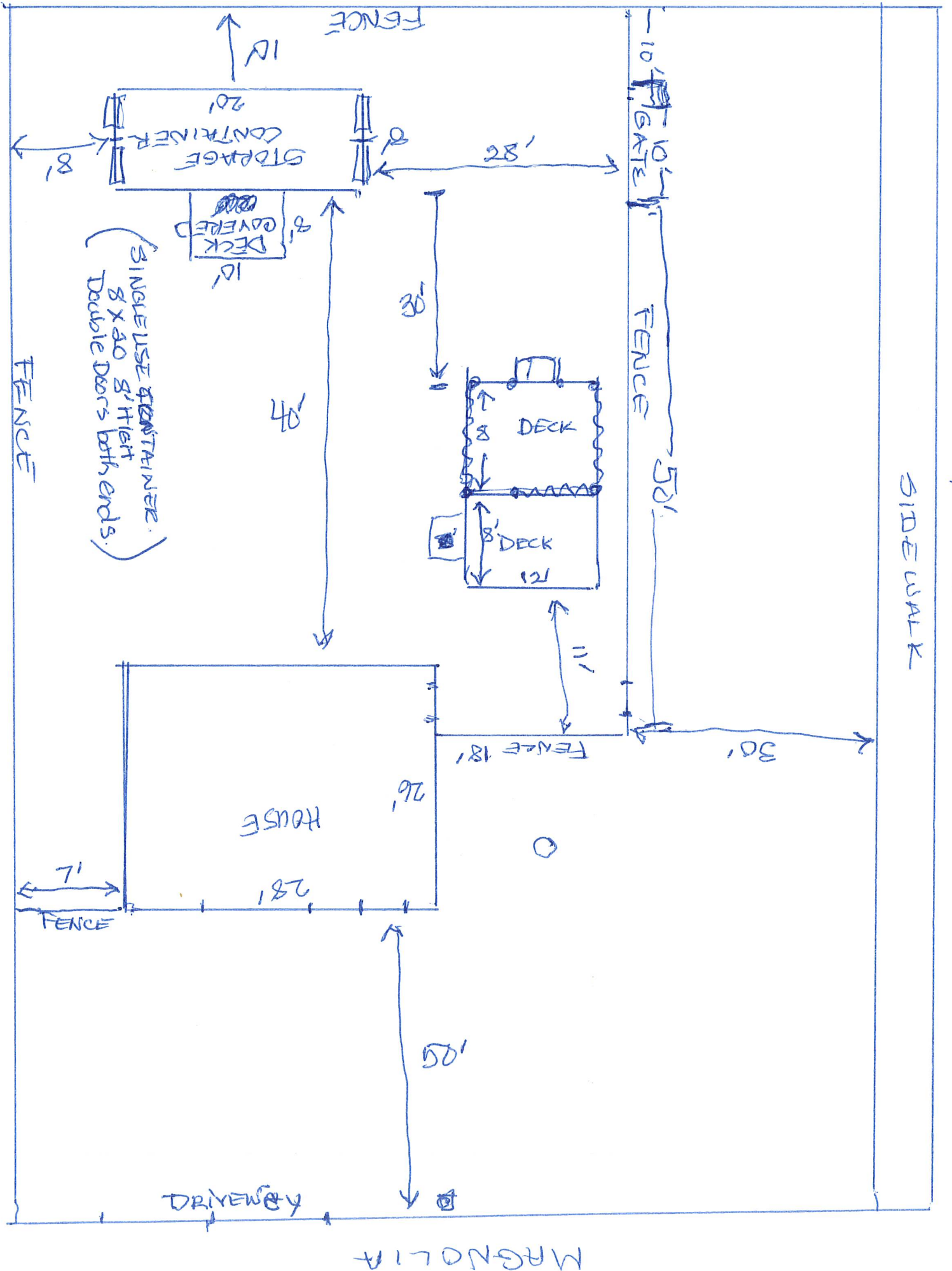
SUPPORT INFORMATION:

- Site Plan
- Parcel Map
- Applicable Code Reference
- Public Hearing Notice

Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.gov	Phone: 575-952-0565	

9th STREET

SIDEWALK



3021078860149

3021078860153

Sec. 11-10-4. Storage Units/Shipping Containers.

The regulation of storage units/shipping containers within the city limits of the City of Truth or Consequences shall be controlled by and shall conform to the regulations prescribed in this section. A storage unit/shipping container means a unit originally or specifically designed or used to store goods or merchandise during shipping or hauling by container ships, rail, commercial trucks, or other types of transportation.

- A. Placement of storage units/shipping containers within C-1, M-1 and T-1 districts are permitted as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions:
 - 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the boundaries of the Metropolitan Redevelopment Area (MRA) and Historic MainStreet District Area defined in the Downtown Master Plan.
 - 2. Containers may not exceed 46 feet in length and 10 feet in height
 - 3. Must be a subordinate use or structure customarily incidental to and located on the same lot with the principal use or building
 - 4. Interior lot: No less than ten (10) feet from main use or structure and in conformance with the front setback for that district and no less than five (5) feet from the property lines of side and rear yards
 - 5. Lots with more than one street frontage: No less than ten (10) feet from main use or structure, and no less than five (5) feet from the property line of yards without street frontage.
 - 6. May not encroach in the clear-sight triangle.
 - 7. Shall not create unsanitary or hazardous premises as outlined in Sec 6-74 and 6-75.
- B. Placement of storage units/shipping containers within Residential Districts is allowed as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions:
 - 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the following districts: R-1, R-2, R-3, R-4 and RR-1.
 - 2. Containers may not exceed 46 feet in length and 10 feet in height
 - 3. Must be a subordinate use or structure customarily incidental to and located on the same lot with the principal use or building
 - 4. Interior lot: No less than ten (10) feet from main use or structure and in conformance with the front setback for that district and no less than five (5) feet from the property lines of side and rear yards
 - 5. Lots with more than one street frontage: No less than ten (10) feet from main use or structure, and no less than five (5) feet from the property line of yards without street frontage.
 - 6. May not encroach in the clear-sight triangle.
 - 7. Shall not create unsanitary or hazardous premises as outlined in Sec 6-74 and 6-75.
- C. Temporary placement of storage containers within Conditional Use Areas are allowed through written approval of the Designated Zoning Official as long as they are not used for dwelling purposes for:
 - 1. The purpose of moving household contents in to or out of a house are allowed for up to 30 days in any 12-month period and can only be on the property or driveway.

-
2. The purpose of construction projects are allowed up to 3 months in any 12-month period from the time it's put on the construction site. The designated zoning official or designee may grant an extension but only if it is determined that:
- a. The storage unit/shipping container is located on a site with an active building permit
 - b. The storage container is necessary part of the construction process
 - c. Not be allowed in public right-of-way
 - d. Construction is moving forward in a timely manner and in accordance with generally accepted industry standards.

(Ord. No. 731, § 1, 8-10-22)

*Rolf Hechler
Mayor*

*Destiny Mitchell
Mayor Pro-Tem*

*Amanda Forrister
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*Gary Whitehead
City Manager*

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences Planning & Zoning Commission will hold a Public Hearing during their regular scheduled meeting on Monday, August 10, 2026, to receive input regarding the following:

Public Hearing/Discussion/Action: Conditional Use Permit at 818 N Magnolia – Request for Shipping Container

ARTICLE X. - ACCESSORY BUILDINGS - Sec. 11-10-4. - Storage Units/Shipping Containers. - B. Placement of storage units/shipping containers within Residential Districts is allowed as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions: 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the following districts: R-1, R-2, R-3, R-4 and RR-1.

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 4:00 p.m.

Should you have any questions regarding this Public Hearing, please contact Traci Alvarez at (575) 952-0565 or by email at talvarez@torcnm.org.

The agenda may be obtained on Friday, August 7, 2026 on the city website calendar at www.torcnm.org; by contacting the City Clerk's Office at 575-894-6673; or by email to: torcclerk@torcnm.gov.

/s/ Angela A. Torres, CMC, City Clerk

Publish on the following date:

- Sentinel– Thursday, July 23, 2026



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 8-10-2026

ITEM: Public Hearing/Discussion/Action: Request to vacate the public alley located within Block 4 of the Smith Terrace Subdivision

BACKGROUND:

Applicant is requesting to vacate the public alley located within **Block 4 of the Smith Terrace Subdivision** at **1300 North Silver Street**.

The property is owned by **1300 N. Silver Street NM, LLC and 1400 N. Silver Street NM, LLC** and is currently operated as a skilled nursing facility. The applicants have submitted a request to vacate the alley that runs through the middle of the building. According to the information provided, the alley was intended to be vacated as part of property transactions completed in 2004, but the vacation was never finalized or recorded. They are requesting that the City complete that process.

The applicant included historical documentation showing:

- The original 1951 subdivision plat that created the alley.
- Previous alley vacations in nearby blocks.
- A 1999 quitclaim deed for the adjacent Block 5 alley.
- A 2004 warranty deed conveying Block 4 that specifically referenced the alley as being **subject to City approval of vacation**.
- A 2004 boundary survey that also anticipated the alley being vacated.

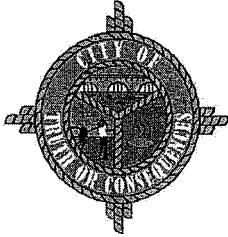
The ALTA survey included with the application confirms that the existing building occupies the area where the alley is located and identifies the alley as "vacated" based on the 2004 boundary survey, although no recorded City action was ever completed.

City departments, including Water/Wastewater, Streets, Planning & Zoning, and the Electric Department, reviewed the request and indicated approval.

SUPPORT INFORMATION:

Applicant Submittals – including survey/plat information
Applicable Code

Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.gov	Phone: 575-952-0565	



CITY OF TRUTH OR CONSEQUENCES

505 Sims Street, Truth or Consequences, New Mexico

Phone: 575-894-6673 ext. 353 Fax: 575-894-6690

REQUEST FOR VACATION APPLICATION

Date of Application 6-8-2026

Comes now the undersigned and hereby requests the City of Truth or Consequences, New Mexico to consider vacation of the following described property:

Alley running through 1300 N. Silver St.

REASON FOR VACATION: See attached "Support for Application to Vacate Alley"

Applicant Name: 1300 N Silver Steet NM LLC & 1400 N Silver Street NM LLC Telephone No.: (323) 739-1377

Address: 4525 Wilshire Blvd. Ste 210

City: Los Angeles State: CA Zip Code: 90010

E-mail Address: liz@vistapacificinc.com

Applicants Signature: [Signature]

TO BE COMPLETED BY THE CITY OF TRUTH OR CONSEQUENCES

Reviewed By:

Electric Department:	☒ Approved	☐ Disapproved	Date <u>6/16/2026</u>
Water/Wastewater:	☒ Approved	☐ Disapproved	Date <u>6/16/26</u>
Streets Department:	☒ Approved	☐ Disapproved	Date <u>6/18/26</u>
Planning/Zoning:	☒ Approved	☐ Disapproved	Date <u>6/19/26</u>

Utility Review Comments: _____

Support for Application to Vacate Alley

Owner: 1300 N Silver Street NM LLC
1400 N Silver Street NM LLC

Property Address: 1300 N. Silver Street
Truth or Consequences, NM 87901

Reason for Vacation:

1300 N Silver Street NM, LLC and 1400 N Silver Street NM, LLC together own commercial real property located in Truth or Consequences that is currently being used as a skilled nursing facility (see Aerial photo attached as **Exhibit A**). As the attached ALTA Survey shows (see ALTA Survey dated 6/17/2024 attached as **Exhibit B**), an alley runs through the building located at 1300 N. Silver Street (the “Alley”). According to land title records, the Alley was supposed to have been vacated back in 2004, but the vacation evidently was never completed. Included with this application are the following documents, which support the intent to vacate the Alley. Consistent with the original intent of all parties, including the City of T or C, 1300 N Silver Street NM, LLC asks the City to: 1) issue the final approval to vacate the Alley located within the boundaries of Block 4; and 2) record the documents necessary to complete the vacation process.

EXHIBIT #	DOCUMENT	DISCUSSION
C	Plat 35-A (filed 5/23/1951)	On or about April 28, 1950, this Plat created the alleys between the lots located within 9 blocks, including the subject Block 4.
D	Vacation of Alley (61/115)	On or about July 22, 1998, the City of T or C recorded a “Vacation of Alley” that vacated the alleys in Blocks 6, 7, 8, and 9.
E	Quitclaim Deed (72/486)	On or about May 26, 1999, the City of T or C recorded a QCD vacated the alley located on Block 5 and Barton Street, which ran between Blocks 4 and 5. The skilled nursing home facility occupies buildings located on both Block 4 and on Block 5.
F	Warranty Deed (101/3653)	On or about March 12, 2004, Edwin E. Martin Medical Associates, Inc. recorded a WD conveying Block 4 to Sierra Health Care, Inc, which included title to the alley “Subject to approval of vacation by City of T or C.”
G	Plat (1/4080)	On or about December 30, 2004, a Boundary Survey Plat was recorded for Block 4, again showing the anticipated vacation of the Alley.

B

SITE INFORMATION

NF: 1300 N SILVER STREET LLC
1300 NORTH SILVER STREET
TRUTH OR CONSEQUENCES, NEW MEXICO 87901
TOTAL AREA:
82,280 ± SQUARE FEET
1.889 ± ACRES
APN: 3021078260014

TITLE COMMITMENT INFORMATION

THE PROPERTY HEREON DESCRIBED IS THE SAME AS TRACT 1 AS DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NUMBER: 2871846-DA05, WITH A COMMITMENT DATE OF APRIL 29, 2024 AT 8:00 A.M.

SCHEDULE A DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IN SITUATED IN THE COUNTY OF SIERRA, STATE OF NEW MEXICO, AND IS DESCRIBED AS FOLLOWS:

TRACT 1:

ALL OF LOTS 1-12, BLOCK 4, SMITH TERRACE SUBDIVISION, LOCATED IN THE CITY OF TRUTH OR CONSEQUENCES, SIERRA COUNTY, NEW MEXICO AS SHOWN AND DESIGNATED ON THE PLAT FILED IN THE OFFICE OF THE COUNTY CLERK OF SIERRA COUNTY ON MAY 23, 1951, AS PLAT MAP NO. 35-A.

ALSO THAT ALLEY SITUATE WITHIN BLOCK 4, LYING BETWEEN LOTS 1-6 AND 7-12 ON THE WEST, SUBJECT TO APPROVAL OF VACATION BY CITY OF TRUTH OR CONSEQUENCES

THE PROPERTY DEPICTED & SHOWN HEREON IS THE SAME AS TRACT 1 AS DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NUMBER: 2871846-DA05, WITH A COMMITMENT DATE OF APRIL 29, 2024 AT 8:00 A.M.

NOTES CORRESPONDING TO SCHEDULE B

- 9 — PERPETUAL GRANT OF EASEMENT TO THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, A NEW MEXICO MUNICIPAL CORPORATION, FILED FOR RECORD ON MARCH 24, 2005 IN BOOK 103, PAGES 1392-1394, RECORDS OF SIERRA COUNTY, NEW MEXICO. (AFFECTS, PLOTTED AS SHOWN)
- 10 — EASEMENT(S) RESERVED ACROSS THE LAND, COVENANTS AND CONDITIONS AS SHOWN AND NOTED ON THE RECORDED PLAT, FILED IN THE OFFICE OF THE COUNTY CLERK OF SIERRA COUNTY, NEW MEXICO, ON MAY 23, 1951, AS PLAT NO. 35-A AND ON BOUNDARY SURVEY PLAT FILED ON DECEMBER 30, 2004 IN BOOK 1, PAGE 4808. (AFFECTS, PLOTTED AS SHOWN)

FLOOD ZONE INFORMATION

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 3500730005C, WHICH BEARS AN EFFECTIVE DATE OF 7/16/1996 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

ZONE "X" - AREA OF MINIMAL FLOOD HAZARD, USUALLY DEPICTED ON FIRMS AS ABOVE THE 500-YEAR FLOOD LEVEL. ZONE "X" IS THE AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD AND PROTECTED BY LEVEE FROM 100-YEAR FLOOD.

BASIS OF BEARING

THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH BASED ON THE WEST LINE OF THE SUBJECT PROPERTY. THE BEARING IS DENOTED AS S25°07'07"W PER GPS COORDINATE OBSERVATIONS NEW MEXICO STATE PLANE, WEST ZONE NAD83.

LATITUDE = 33°08'34.948"
LONGITUDE = -107°14'18.5573"
CONVERGENCE ANGLE = 00°19'30.81"

SIGNIFICANT OBSERVATIONS

SHED APPEARS TO CROSS PROPERTY LINE BY AS MUCH AS 2.0'.

PARKING INFORMATION

REGULAR=20
HANDICAP=2
TOTAL=22

UTILITY INFORMATION

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

ZONING INFORMATION

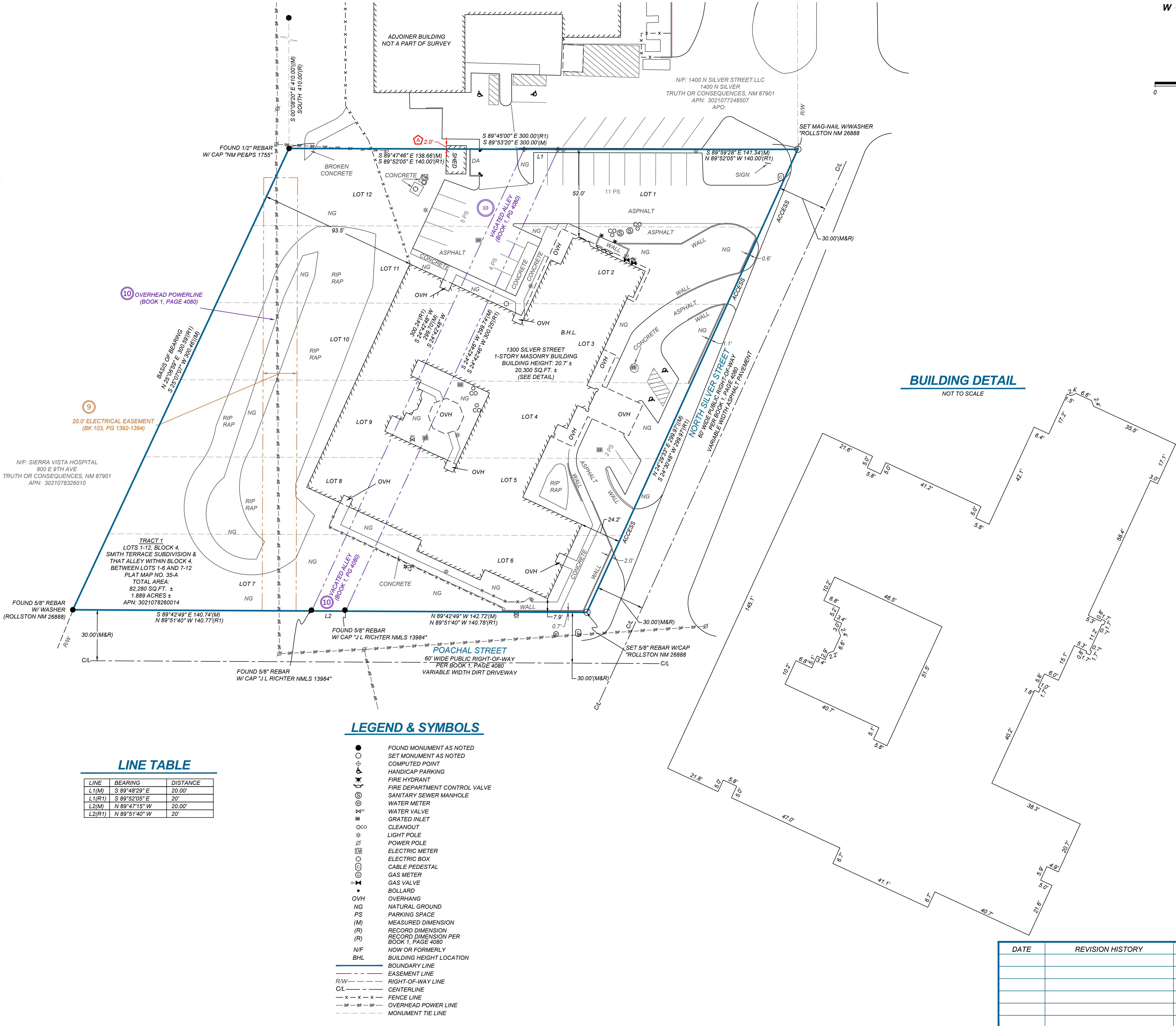
PROPERTY IS CURRENTLY ZONED: AWAITING ZONING REPORT			BECAUSE THERE MAY BE A NEED FOR INTERPRETATION OF THE APPLICABLE ZONING CODES, WE REFER YOU TO LANCASTER COUNTY FOR ZONING LAWS AND APPLICABLE CODES.
ITEM	REQUIRED	OBSERVED	
PERMITTED USE		ASSISTED LIVING FACILITY	
MIN. SETBACKS FRONT		24.2'	
MIN. SETBACKS SIDE		7.9'	
MIN. SETBACKS REAR		93.5'	
MAX. BUILDING HEIGHT		20.7'±	
MIN. LOT AREA		82,280 SQ.FEET±	
MIN. LOT WIDTH		299.97'	
MAX. BLDG COVERAGE		25%±	
PARKING REGULAR		20	
PARKING HANDICAP		2	
PARKING TOTAL		22	

ALTA/NSPS LAND TITLE SURVEY

1300 NORTH SILVER STREET

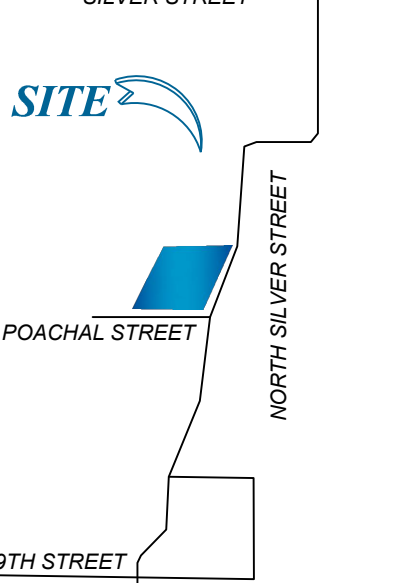
TRUTH OR CONSEQUENCES, SIERRA COUNTY, NEW MEXICO 87901

LOCATED IN: SECTION 34, TOWNSHIP 13 SOUTH, RANGE 4 WEST



VICINITY MAP

NOT TO SCALE



GENERAL NOTES

- SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY.
- DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.
- IN REGARD TO ALTA/NSPS TABLE A ITEM 16, THERE WAS NO OBSERVABLE EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR ADDITIONS EXCEPT AS SHOWN HEREON.
- IN REGARD TO ALTA/NSPS TABLE A ITEM 17, THERE WERE NO KNOWN PROPOSED CHANGES IN RIGHT OF WAY LINES, RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS EXCEPT AS SHOWN HEREON.
- AT THE TIME OF THE ALTA/NSPS SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL.
- AT THE TIME OF THE ALTA/NSPS SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A CEMETERY, ISOLATED GRAVE SITE OR BURIAL GROUNDS.
- COMPLETED FIELD WORK WAS JUNE 12, 2024.
- THE DISTANCES SHOWN HEREON ARE UNITS OF GROUND MEASUREMENT.
- THE NEAREST INTERSECTING STREET IS THE INTERSECTION OF SILVER STREET AND POACHAL STREET, WHICH IS LOCATED APPROXIMATELY 380' FROM THE SOUTHEAST CORNER OF THE SUBJECT PROPERTY.
- THE SUBJECT PROPERTY HAS DIRECT PHYSICAL ACCESS TO SILVER STREET, BEING A PUBLICLY DEDICATED RIGHT-OF-WAY.
- EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.
- NO SURVEYOR OR ANY OTHER PERSON OTHER THAN A LICENSED NEW MEXICO ATTORNEY MAY PROVIDE LEGAL ADVICE CONCERNING THE STATUS OF TITLE TO THE PROPERTY DESCRIBED IN THIS SURVEY (THE SUBJECT PROPERTY), THE PURPOSE OF THIS SURVEY, AND THE COMMENTS RELATED TO THE SCHEDULED CERTIFICATIONS, IS ONLY TO SHOW THE LOCATION OF BOUNDARIES AND PHYSICAL OBSTRUCTIONS IN RELATION THERETO, TO THE EXTENT THAT THE SURVEY INDICATES THAT THE LEGAL INSTRUMENT "AFFECTS" THIS IS SUBJECT PROPERTY. SUCH STATEMENT IS ONLY INTENDED TO INDICATE THAT PROPERTY BOUNDARIES INCLUDED IN SUCH INSTRUMENT INCLUDE SOME OR ALL OF THE SUBJECT PROPERTY. THE SURVEYOR DOES NOT PURPORT TO DESCRIBE HOW SUCH INSTRUMENT AFFECTS THE SUBJECT PROPERTY OR THE ENFORCEABILITY OR LEGAL CONSEQUENCES OF SUCH INSTRUMENT.
- NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS WERE TAKEN FROM SIERRA COUNTY GIS.
- THE SUBJECT PROPERTY SHOWN HEREON FORMS A MATHEMATICALLY CLOSED FIGURE AND IS CONTIGUOUS WITH THE ADJOINING PUBLIC RIGHT-OF-WAY AND/OR ADJOINING PARCELS WITH NO GAPS OR OVERLAPS.
- IN REGARD TO ALTA/NSPS TABLE A ITEM 10, NO VISIBLE DIVISION OR PARTY WALLS WITH RESPECT TO ADJOINING PROPERTIES WERE OBSERVED AT THE TIME THE FIELD SURVEY WAS PERFORMED, NOR WERE ANY DESIGNATED BY THE CLIENT.

SURVEYOR'S CERTIFICATE

TO: 1300 N SILVER STREET NM LLC AND 1400 N SILVER STREET NM, LLC EACH A DELAWARE LIMITED LIABILITY COMPANY; FIRST AMERICAN TITLE COMPANY, COMPUTERSHARE TRUST COMPANY, N.A., AS AGENT, AND DEUTSCHE BANK AG, NEW YORK BRANCH, AND THEIR SUCCESSORS AND/OR ASSIGNS; & FIRST AMERICAN TITLE INSURANCE COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(A), 6(B), 7(A), 7(B)(1), 7(C), 8, 9, 10, 11(A), 12, 13, 14, 15, 16, 17 AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 06/17/2024.

DATE OF PLAT OR MAP: 06/17/2024

I, ERIC MATTHEW ROLLSTON, NEW MEXICO PROFESSIONAL SURVEYOR NO. 26888, DO HEREBY CERTIFY THAT THIS BOUNDARY SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT AND THAT THIS INSTRUMENT IS A BOUNDARY SURVEY PLAT OF AN EXISTING TRACT OR TRACTS.

(SURVEYOR'S NAME) PS NO. DATE

ERIC M. ROLLSTON
PROFESSIONAL SURVEYOR 26888
STATE OF NEW MEXICO

Surveying
Engineering
Mapping

3825 N. SHILOH DRIVE - FAYETTEVILLE, AR 72703
EMAIL: SURVEY@BLEWINC.COM
OFFICE: 479.443.4506 FAX: 479.582.1883
WWW.BLEWINC.COM

SURVEYOR JOB NUMBER: 24-3414	SURVEY DRAWN BY: TSY - 06/17/2024
SURVEY REVIEWED BY: JEV	SHEET: 1 OF 1

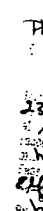
G

I, F.H. Black, do hereby certify that I am the land surveyor who prepared this plat from field notes of surveys made by me, and that the dimensions and bearings shown hereon are true and correct to the best of my knowledge and belief.

State of New Mexico } ss
County of Sierra }

Sworn to and subscribed before me this 28th
day of April, 1950.
My Commission Expires Jan 5, 1952

Notary Public



Dedicated
Research

NM LT 66211

SIERRA COUNTY
SHELLY TRUJILLO, COUNTY CLERK
202300454
Book 140 Page 772
1 of 3
03/01/2023 04:19:03 PM
BY TERESA

SPECIAL WARRANTY DEED

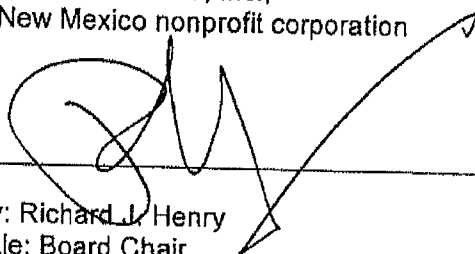
Sierra Health Care, Inc., a New Mexico nonprofit corporation, grants to 1300 N Silver Street NM LLC, a Delaware limited liability company, and 1400 N Silver Street NM LLC, a Delaware limited liability company, both having an address at c/o Vista Pacific 4525 Wilshire Blvd., Ste 210 Los Angeles, CA 90010, the following described real estate located in Sierra County, New Mexico, more particularly described on Exhibit "A" attached hereto.

Subject to patents, easements, reservations, restrictions and covenants of record and taxes for the year 2023 and thereafter.

With Special Warranty Covenants.

Dated: Feb 24, 2023

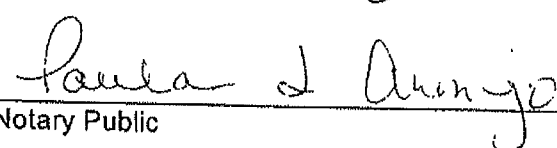
Sierra Health Care, Inc.,
a New Mexico nonprofit corporation


By: Richard J. Henry
Title: Board Chair

STATE OF NEW MEXICO

COUNTY OF

This instrument was acknowledged before me on
Feb 24, 2023, by Richard J. Henry


Notary Public

My commission expires:

STATE OF NEW MEXICO
NOTARY PUBLIC
PAULA J. ARMIJO
COMMISSION # 1080146
COMMISSION EXPIRES 03/13/2024

Law Office of Joshua R. Ashbaugh

411 E. Third Avenue, Suite 5
Truth or Consequences, NM 87901
jra@ashbaughco.com

Phone: 914-610-0932

Fax: 575-894-6578

March 4, 2026

1400 N Silver Street NM, LLC
1300 N Silver Street NM, LLC
c/o Vista Pacific
4525 Wilshire Blvd, Suite 210
Los Angeles, CA 90010

RE: Vacation of Alley

Dear Sir or Madam:

Greetings. This letter will confirm the scope and terms of my engagement.

I have agreed to act on behalf of 1300 N Silver Street NM, LLC, and 1400 N Silver Street NM, LLC, each a Delaware limited liability company, (the "Company").

I will undertake the following work on behalf of the Company:

1. Attempt to obtain a vacation from the City of Truth or Consequences, New Mexico (the "City") for the alley running through Block 4, Smith Terrace Subdivision, Truth or Consequences, New Mexico;
2. Prepare and record any documents associated with the aforementioned; and
3. Attend and represent the Company at any meetings of the Planning and Zoning Commission and/or the City Commission;

You agree to pay \$180 plus New Mexico gross receipts tax (\$195.08 total) per hour for my services. I will use my best efforts to round to the nearest minute, but in no event will rounding be more than 1/10 of an hour (i.e. 6 minutes).

You further agree to pay for all costs whatsoever associated with this matter. I am willing to cover the costs and be reimbursed by you.

You will appreciate I can make no guarantee of a successful conclusion in this matter.

I am required to disclose to you that I do not carry malpractice insurance.

Law Office of Joshua R. Ashbaugh

411 E. Third Avenue, Suite 5
Truth or Consequences, NM 87901
jra@ashbaughco.com

Phone: 914-610-0932

Fax: 575-894-6578

You hereby direct and authorize me to perform the aforementioned tasks and appoint me as a representative of the Company to act on behalf thereof for the matters expressly outlined in this letter and matters reasonably related to the same.

You acknowledge and affirm that you have authority to bind the Company to the matters contained in this letter.

You acknowledge that a person authorized to legally bind the Company may be required to execute instruments relating to the scope of this letter and hereby agree to execute such documents upon presentation and request.

If this letter fairly states our agreement, please so indicate by signing and returning it or a copy of it to me. You may return the fully executed letter via electronic mail to jra@ashbaughco.com.

Sincerely,



Joshua R. Ashbaugh
March 4, 2026

Accepted:
1300 N Silver Street NM, LLC
1400 N Silver Street NM, LLC



By: Elizabeth Hagins
Its Authorized Signatory

Date: 06/04/2026

EXHIBIT "A"

A certain tract of land situate within Section 34, Township 13 South, Range 4 West, NMPM, City of Truth or Consequences, Sierra County, New Mexico and being more particularly described as follows:

All of Lots 1-12, inclusive, Block 4 Smith Terrace Subdivision, City of Truth or Consequences, New Mexico, as shown on the plat filed in the Office of the County Clerk, Sierra County, New Mexico, on May 23, 1951.

ALSO: That alley situate within said Block 4, lying between Lots 1-6 on the east 7-12 on the west. Subject to approval of vacation by City of T or C.

AND

A tract of land situate in the SE 1/4 SE 1/4 SW 1/4 of Section 27 and the NE 1/4 NE 1/4 NW 1/4 of Section 34, Township 13 South, Range 4 West, NMPM, being Block 5, and Barton Street <vacated>, of the Smith Terrace Addition Subdivision, in Truth or Consequences, Sierra County, New Mexico and more particularly described as follows, to-wit:

Beginning at Corner 1, the NW Corner, said Corner being the NW Corner of Block 5, of the Smith Terrace Addition, whence the SW Corner of Section 27 bears S. 80° 01' W, a distance of 2369.6 feet;

Thence, Due South, a distance of 410.00 feet to Corner 2, said Corner being the NW Corner of Block 4;

Thence, S. 89° 45' 00" E, a distance of 300.00 feet to Corner 3, said Corner being the NE Corner of Block 4;

Thence, Due North, a distance of 410.00 feet to Corner 4, said Corner being the NE Corner of Block 5;

Thence, N. 89° 45' 00" W, a distance of 300.00 feet to Corner 1, the place of beginning.

AND

All that portion of Barton Street between Blocks 4 and 5, Smith Terrace Addition to the City of Truth or Consequences, Sierra County, New Mexico, and all of the alley and dedicated rights of way lying within the following described tract of land:

A tract of land in the SE 1/4 SE 1/4 SE 1/4 of Section 27 and the NE 1/4 NE 1/4 NW 1/4 of Section 34, Township 13 South, Range 4 West, NMPM, being Block 5 and Barton Street (vacated), of the Smith Terrace Addition Subdivision, in Truth or Consequences, Sierra County, New Mexico, and more particularly described as follows, to-wit:

Beginning at Corner 1, the NW Corner, said Corner being the NW Corner of Block 5 of the Smith Terrace Addition, whence the SW Corner of Section 27 bears S. 80° 01' W, a distance of 23389.6 feet;

Thence, DUE SOUTH, a distance of 410.0 feet to Corner 2, said Corner being the NW Corner of Block 4;

Thence, S. 89° 45' E, a distance of 300.0 feet to Corner 3, the SE Corner, said Corner being the NE Corner of Block 4;

Thence, DUE NORTH, a distance of 410.0 feet to Corner 4, the NE Corner, said Corner being the NE Corner of Block 5;

Thence, N. 89° 45' W, a distance of 300.0 feet to Corner 1, the place of beginning.



SIERRA COUNTY
SHELLY TRUJILLO, COUNTY CLERK
202300454
Book 140 Page 774
3 of 3
03/01/2023 04:19:03 PM
BY TERESA



VACATION OF ALLEY

WHEREAS, there is on file a map of the Townsite of Truth or Consequences, Sierra County, New Mexico, setting forth the alleys of said townsite;

WHEREAS, the City Commission is advised that a certain alley serves no public benefit, the same being described as follows:

That certain alley between Lots 1 through 5 of Block 6, Lots 1 through 12 of Block 7, Lots 1 through 12 of Block 8, and Lots 1 through 12 of Block 9, of Smith Terrace, a subdivision in the City of Truth or Consequences, New Mexico.

WHEREAS, the Commission is advised that FRANK B. LUCHINI and CORINA M. LUCHINI, husband and wife, being the owners of Lots 1 through 5 of Block 6, Smith Terrace shall receive the all of said alley which is contiguous to the eastern and western borders of Lots 1 through 5; that FRANK B. LUCHINI and CORINA M. LUCHINI, husband and wife, as the owners of Lots 1 through 6 and Lots 8 through 12 of Block 7 shall receive the east $\frac{1}{2}$ portion of said alley which is contiguous to the western border of Lots 1 through 6 and shall receive the west $\frac{1}{2}$ portion of said alley which is contiguous to the eastern border of Lots 8 through 12; that FRANK B. LUCHINI and CORINA M. LUCHINI, husband and wife, as the owners of Lots 1 through 12 of Block 9 shall receive all of said alley which is contiguous to Lots 1 through 12; that JOHN V. MONROE and MILDRED F.

MONROE, husband and wife, as the owners of Lot 7 of Block 7 shall receive the west ½ portion of said alley which is contiguous to the eastern border of Lot 7; that FRANK B. LUCHINI and CORINA M. LUCHINI, husband and wife, as owners of Lots 1 through 12 of Block 8 shall receive all of said alley which is contiguous to the eastern and western borders of Lots 1 through 12; that the same is not useful for street or utility purposes, the vacation will not adversely affect the interest of persons on contiguous land or persons within the City, and with the consent of said owners ought to be vacated under the condition that grantees give to the City of Truth or Consequences the continuing right to access for utility purposes including water and sewer, and

WHEREAS, no utilities will be lost to the City of Truth or Consequences or the public by vacating the same.

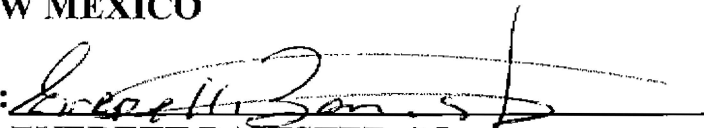
NOW, THEREFORE, the City Commission of Truth or Consequences, New Mexico, does hereby vacate the above-described alley in Truth or Consequences, Sierra County, New Mexico; and does transfer and quitclaim the public interest and right in and to the premises so vacated to FRANK B. LUCHINI and CORINA M. LUCHINI, husband and wife, and JOHN V. MONROE and MILDRED F. MONROE, husband and wife, of the specific portions described above; the County Clerk is directed to mark the original plat with the words "vacated" and refer on the plat to the

volume and page on which the statement of vacation is recorded. This transfer is done under the condition that the grantees grant to the City the continuing right of access to the conveyed land for utility purposes including water and sewer.

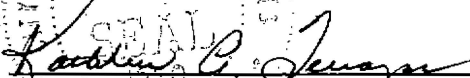
In the event the grantees fail to fully comply with any of the above restrictions, the property shall immediately revert back to the City of Truth or Consequences.

WITNESS its hand and seal this 22nd day of July, 1998.

**CITY OF TRUTH OR CONSEQUENCES,
NEW MEXICO**

BY: 
EVERETT BANISTER - Mayor

ATTEST:

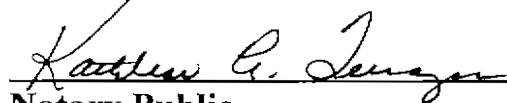

KATHLEEN TERRAZAS, City Clerk

STATE OF NEW MEXICO]

:SS.

COUNTY OF SIERRA]

The foregoing instrument was acknowledged before me this 22nd day of July, 1998, by EVERETT BANISTER, Mayor of the City of Truth or Consequences, New Mexico, on behalf of the City Commission.


Notary Public

My Commission Expires:
(SEAL) 3-15-2000



William Butler
P.O. Box 272
Jacc, NM 87701

Miscellaneous Book 61
Page 118

05024

STATE OF NEW MEXICO } ss
County of Sierra

I HEREBY CERTIFY that this
Instrument was filed for record on the
17th day of December A.D., 19 98
at 12:14 o'clock P. M. and duly
recorded in book 61 page 115-118
of Miscellaneous records.
Fees \$ 13.00

Lupe A. Carro
County Clerk, Sierra County, N. Mex.
By Alvin Woolf
Deputy

E

QUITCLAIM DEED

WARRANTY DEED BOOK 72
PAGE 486

F

City of Truth or Consequences, New Mexico, a public body corporate and politic duly organized and existing as a municipal corporation under the laws and constitution of the State of New Mexico, for consideration paid, grant to Sierra Health Care, Inc. whose address is 1400 N. Silver St., Truth or Consequences, New Mexico 87901, the following described real estate in Sierra County, New Mexico:

A tract of land situate in the SE1/4SE1/4SW1/4 of Section 27 and the NE1/4NE1/4NW1/4 of Section 34, Township 13 South, Range 4 West, NMPM, being Block 5, and Barton Street <vacated>, of the Smith Terrace Addition Subdivision, in Truth or Consequences, Sierra County, New Mexico and more particularly described as follows, to-wit:
Beginning at Corner 1, the NW Corner, said Corner being the NW Corner of Block 5 of the Smith Terrace Addition, whence the SW Corner of Section 27 bears S. 80 01' W, a distance of 2369.6 feet;

Thence, Due South, a distance of 410.00 feet to Corner 2, said Corner being the NW Corner of Block 4;

Thence, S. 89 45'00" E, a distance of 300.00 feet to Corner 3, said Corner being the NE Corner of Block 4;

Thence, Due North, a distance of 410.00 feet to Corner 4, said Corner being the NE Corner of Block 5;

Thence, N. 89 45'00" W, a distance of 300.00 feet to Corner 1, the place of beginning.

AND

All that portion of Barton Street between Blocks 4 and 5, Smith Terrace Addition to the City of Truth or Consequences, Sierra County, New Mexico, and all of the alley and dedicated rights of way lying within the following described tract of land:

A tract of land in the SE1/4SE1/4SW1/4 of Section 27 and the NE1/4NE1/4NW1/4 of Section 34, Township 13 South, Range 4 West, N.M.P.M., being Block 5 and Barton St. (vacated), of the Smith Terrace Addition Subdivision, in Truth or Consequences, Sierra County, New Mexico, and more particularly described as follows, to-wit:
beginning at Corner 1, the NW Corner, said corner being the NW Corner of Block 5 of the Smith Terrace Addition, whence the SW Corner of Section 27 bears S. 80 01' W, a distance of 2369.6 feet;

thence, DUE SOUTH, a distance of 410.0 feet to Corner 2, said corner being the NW Corner of Block 4;

thence, S. 89 45' E, a distance of 300.0 feet to Corner 3, the SE Corner, said corner being the NE Corner of Block 4;

thence, DUE NORTH, a distance of 410.0 feet to Corner 4, the NE Corner, said corner being the NE Corner of Block 5;

thence, N. 89 45' W, a distance of 300.0 feet to Corner 1, the place of beginning.

Witness my hand and seal — this 26th day of May, 19 99.

City of Truth or Consequences

Everett Bonister (Seal)

(Seal)

ACKNOWLEDGEMENT FOR CORPORATION

STATE OF New Mexico)

) ss.

COUNTY OF Sierra)

This instrument was acknowledged before me on May
26 19 99.

by Everett Bonister

(Name of Officer)

Mayor of City of Truth or Consequences

(Title of Officer)

(Corporation Acknowledgment)

a municipal corporation, on behalf of said corporation.

(State of Incorporation)

My commission expires: 3-15-2000

(Seal)

Kathleen G. Larragon
Notary Public

FOR RECORDER'S USE ONLY

STATE OF NEW MEXICO } ss
County of Sierra

I HEREBY CERTIFY that this
Instrument was filed for record on the
27th day of May A.D., 19 99
at 10:24 o'clock AM and duly
recorded in book 72 page 486
of Warranty Deed records.

Fees \$ 8.00

By Rupia Carrero
County Clerk, Sierra County, N. Mex.

By Conne Drew
Deputy

F

Book 101
Page 3653

WARRANTY DEED

Inc. REN

Edwin E. Martin Medical Associates, Inc., for consideration paid, grant to Sierra Health Care Center whose address is 1400 Silver St., T or C, NM 87901 the following described real estate in Sierra County, New Mexico:

A certain tract of land situate within Section 34, Township 13 South, Range 4 West, NMPM, City of Truth or Consequences, Sierra County, New Mexico and being more particularly described as follows:

All of Lots 1-12, inclusive, Block 4, Smith Terrace Subdivision, City of Truth or Consequences, New Mexico, as shown on the plat filed in the Office of the County Clerk, Sierra County, New Mexico, on May 23, 1951.

ALSO: That alley situate within said Block 4, lying between Lots 1-6 on the east and 7-12 on the west. Subject to approval of vacation by City of T or C.

SUBJECT TO: Restrictions, Reservations and Easements of record.

with warranty covenants.

Witness _____ hand(s) and seal this 12th day of March 2004

Edwin E. Martin Medical Associates, Inc.

Robert E. Martin

By President

(Seal)

(Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF _____

COUNTY OF _____

This instrument was acknowledged before me on _____, by Edwin E. Martin Medical Associates, Inc..

My Commission Expires: _____

Notary Public

ACKNOWLEDGMENT FOR CORPORATION

STATE OF New Mexico

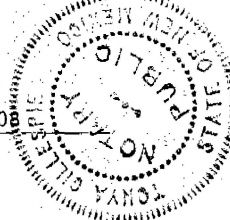
COUNTY OF Sierra

This Instrument was Acknowledged before me on 03/12/04, by Robert E. Martin, President of Edwin E. Martin Medical Associates corporation, on behalf of said Inc.

Jonny Gillespie
Notary Public

My Commission Expires: 02/25/08

STATE OF NEW MEXICO } SS County of Sierra
I HEREBY CERTIFY that this instrument was filed for record on the <u>18th</u> day of <u>Oct</u> A.D. 20 <u>04</u> at <u>2:29</u> o'clock <u>P</u> .M. and duly recorded in book <u>101</u> page <u>3653</u> Fee \$ <u>9.00</u>
<u>Janice A. Spingham</u> County Clerk, Sierra County, N.Mex.
By <u>Theresa Duffender</u> Deputy



Sierra Health Care, Inc.
Sec 34, T13S, R4W
Smith Terrace Subdivision

*Rolf Hechler
Mayor*

*Destiny Mitchell
Mayor Pro-Tem*

*Amanda Forrister
Commissioner*



*505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673
www.torcnm.gov*

*Ingo Hoeppner
Commissioner*

*Chaz M. Glines
Commissioner*

*Gary Whitehead
City Manager*

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences Planning & Zoning Commission will hold a Public Hearing during their regular scheduled meeting on Monday, August 10, 2026, to receive input regarding the following:

Public Hearing/Discussion/Action: Consider an application requesting the vacation of a public alley pursuant to Section 15-18 of the Truth or Consequences Municipal Code.

Request:

The applicants have requested that the City vacate the public alley located within Block 4 of the Smith Terrace Subdivision, generally described as the alley running between Lots 1 through 6 and Lots 7 through 12, located at 1300 North Silver Street

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 4:00 p.m.

Should you have any questions regarding this Public Hearing, please contact Traci Alvarez at (575) 952-0565 or by email at talvarez@torcnm.org.

The agenda may be obtained on Friday, August 7, 2026 on the city website calendar at www.torcnm.org; by contacting the City Clerk's Office at 575-894-6673; or by email to: torcclerk@torcnm.gov.

/s/ Angela A. Torres, CMC, City Clerk

Publish on the following date:

- Sentinel– Thursday, July 23, 2026

Sec. 15-18. Vacation of plats.

- A. *Purpose of vacation of plat:* A vacation of plat occurs when part or all of a filed subdivision plat is eliminated.
- B. *Cause:* All of or any part of a final plat filed with the County Clerk may be vacated if:
 - 1. The owners of record of the land proposed to be vacated sign an acknowledged statement declaring their wish that the plat or portion of a plat be vacated; or
 - 2. The City Commission finds that the plat's approval was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared.
- C. *Processes of vacation:* Vacations of plat that result in the decrease in the number of lots by not more than one lot may be processed using the Alternate Summary Process.
- D. *Statement of vacation:*
 - 1. The vacation of all or a portion of a final plat by the owners of land within a subdivision may be initiated by submittal to the City's Zoning Administrator of the statement of vacation bearing the acknowledged signatures of all owners of record of property within the subdivided land to be vacated.
 - 2. The vacation of all or a portion of a final plat by the owners of land within a subdivision may also be initiated by a vote of a majority of the City Commission.
 - 3. Statements of vacation shall be accompanied by a list of the names of all owners of record of property within and contiguous to the subdivided land to be vacated, and shall also be accompanied by acknowledged statements by the authorized representatives of all utility companies that have easements within the area proposed for vacation, which statements shall state the utilities' agreement to or opposition to such vacation insofar as it affects their rights to use dedicated easements in the subdivision.
- E. *Scheduling and notification:* Within 60 days of receiving a statement of vacation and the appropriate review fee, the City Commission shall approve or deny the vacation, subject to the following:
 - 1. Action shall be taken in a public meeting;
 - 2. At least 15 days prior to the meeting, notice of public hearing shall have been transmitted by first class mail to all owners of private property contiguous to or within 300 feet of the land to be vacated, and to all utilities with easements within or adjacent to the land proposed for vacation.
- F. *Action:* In approving conditionally approving or denying a vacation, the City Commission shall determine if the vacation is in the best interests of the public well-being, and whether any person is adversely affected by the vacation.
- G. *Right to retain roadways and utility easements:* The City Commission may require that dedicated roads within the area proposed for vacation remain dedicated, and may require that the rights of any utility existing before the vacation not be affected by the vacation.
- H. *Filing:* The City Commission's decision shall be filed in the records of the County Clerk of Sierra County by the applicant who shall also pay all required fees. When a vacation is approved, The County Clerk shall mark the final plat with the words "vacated" and shall refer on the final plat to the volume and page on which the statement of vacation is recorded. When a plat is partially vacated, both the City Commission's decision and the plat showing the partial vacation shall be filed in the records of the County Clerk of Sierra County. The County Clerk shall mark the final plat with the words "partially vacated" and shall refer on the final plat to both the volume and page on which the statement of vacation is filed, and the volume and page of the plat showing the area vacated.

(Ord. No. 555, 5-23-06)



City of Truth or Consequences

City Boards Application

Name: Esther Luchini Address: 80 Dove Lane Montezello NM 87439
Phone: 575.740.7372 Email: esluchini@yahoo.com

I am interested in serving as a member of one the following Boards:

- ☐ Airport Advisory Board ☐ Public Arts Advisory Board ☐ Recreation/Golf Course Advisory Board
☐ Public Utility Advisory Board ☐ Library Advisory Board ☐ Impact Fee Board
☐ Lodger's Tax Advisory Board ☒ Planning & Zoning Commission
☐ Other: _____

My qualifications are:

- Current member of Commission and wish to
continue

I hereby certify that my appointment to this board neither creates, nor should create, any conflict of interest for myself or the Board. I further confirm that any possible conflict of interest that may arise will be reported to the Board and the City Clerk.

Signature: Esther Luchini Date: 8 June 2026



City of Truth or Consequences

City Boards Application

Name: Susan E. Buhler Address: P.O. Box 71 Torrey, N.M. 87901
Phone: 281-615-9654 Email: SuzyJet@outlook.com

I am interested in serving as a member of one the following Boards:

- ☐ Airport Advisory Board ☐ Public Arts Advisory Board ☐ Recreation/Golf Course Advisory Board
☐ Public Utility Advisory Board ☐ Library Advisory Board ☐ Impact Fee Board
☐ Lodger's Tax Advisory Board ☒ Planning & Zoning Commission
☐ Other: _____

My qualifications are:

I am re-applying for a position on the
Planning and Zoning Commission Board.
Since July 2022 I have served on the
commission and it is my desire to serve
another term.

Thank you,

Susan E. Buhler

I hereby certify that my appointment to this board neither creates, nor should create, any conflict of interest for myself or the Board. I further confirm that any possible conflict of interest that may arise will be reported to the Board and the City Clerk.

Signature: Susan E. Buhler Date: 6-16-26



City of Truth or Consequences

City Boards Application

Name: CHRIS SISNEY Address: 952 VETER
Phone: 740-5802 Email: CSISNEY@EARTHLINK.NET

I am interested in serving as a member of one the following Boards:

- ☐ Airport Advisory Board ☐ Public Arts Advisory Board ☐ Recreation/Golf Course Advisory Board
☐ Public Utility Advisory Board ☐ Library Advisory Board ☐ Impact Fee Board
☐ Lodger's Tax Advisory Board ☒ Planning & Zoning Commission
☐ Other: _____

My qualifications are:

CURRENT MEMBER
I WISH TO RENEW MY TERM.

I hereby certify that my appointment to this board neither creates, nor should create, any conflict of interest for myself or the Board. I further confirm that any possible conflict of interest that may arise will be reported to the Board and the City Clerk.

Signature:  Date: 10 Jan 26



_____ **Email:** _____emhammer@gmail.com_____

☐ Other: _____

McHammer 6/30/20206