

Corrected
DISCLOSURE STATEMENT FOR
TIERRA ESCONDIDA PHASE I
(A MAJOR ETZ SUBDIVISION)

May 31, 2005

ACKNOWLEDGEMENT

I HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THE SUBDIVISION
DISCLOSURE STATEMENT.

NAME

DATE

NAME

DATE

ADDRESS

ADDRESS

I HEREBY ACKNOWLEDGE THAT I VISITED THE LAND DESCRIBED IN THIS
DISCLOSURE STATEMENT.

NAME

DATE

NAME

DATE

TIERRA ESCONDIDA PHASE I

(A MAJOR ETZ SUBDIVISION)

JANUARY 12, 2005

PAGE 1	TITLE & ACKNOWLEDGEMENT
PAGE 2	TITLE & INDEX
PAGE 3-11	DISCLOSURE

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

DISCLOSURE STATEMENT

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

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

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

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

1 NAME OF SUBDIVISION

Tierra Escondida Phase I

2 NAME AND ADDRESS OF SUBDIVIDER

JAKE'S DEVELOPMENT CORPORATION
2100 Sorrento Place
Las Cruces, NM 88005

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

CAMILLE HINES
EXIT REALTY
3529 Foothills Dr..
Las Cruces, NM 88011

4 SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED

	<u>Present</u>	<u>Anticipated</u>
lot)	Vacant Land	52 Lots (including 1 Common Area
	139.65 acres (of a 377.07 acre tract)	139.65 acres

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

4.24 acres (Lot 158)

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

1.30 acres (Lot 33)

7 NAME AND ADDRESS OF HOLDER OF LEGAL TITLE

JAKE'S DEVELOPMENT CORPORATION
5465 Remington Rd
Las Cruces, NM 88011

8 NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE

JAKE'S DEVELOPMENT CORPORATION
5465 Remington Road
Las Cruces, NM 88011

9 CONDITION OF TITLE

Title is in fee simple to Jakes Development Corporation. 1st National Bank of Mesilla holds first mortgage.

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

NONE

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

NONE

12 ESCROW AGENT

NONE

13 UTILITIES

Jakes Development, Inc. will install underground electrical infrastructure and pull boxes along the right of way and in the utilities easements to the boundary of all lots within La Tierra Escondida. Each lot needs a transformer and each lot owner will be responsible for installation of their own transformer. Each prospective lot buyer shall contact El Paso Electric Company to arrange for the location and installation of additional facilities and transformers to provide primary voltage as needed, by use of a "Line Extension Agreement." However, transformers are not needed until construction activities begin. The use of a "Line Extension Agreement" may result in little or no cost to the owner for the placement of additional facilities. A complete explanation of the "Line Extension Agreement" and how it works is available at the El Paso Electric Company and is on file and also available at the Public Regulatory Commission (PRC).

Type of Utility	Estimated Initial Cost	Estimated Monthly Cost
Water	\$420	\$60
Telephone	\$125	\$35 for basic service
Electric	\$1,500- \$4,500; average \$3,000	\$300-\$400
Natural Gas	\$125	\$60

Liquid Waste Disposal	\$2,500-\$3,500	\$30
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For Solid Waste Disposal, please see Item 28.

All cost estimates are based on the developer's general knowledge. **A potential lot owner is not entitled to rely on these estimates, and should contact utility services providers to obtain direct information about the actual costs for utilities for the lot prior to purchase.**

14 INSTALLATION OF UTILITIES

<u>Utility Date</u>	<u>Installation Responsibility</u>	<u>Available</u>
Water	Jornada Water Company	At Closing
Telephone	Qwest	At Closing
Electricity	El Paso Electric	At Closing
Natural Gas	Rio Grande Natural Gas	At Closing
Liquid Waste Disposal	Buyer	At Closing
Solid Waste Disposal	Buyer	At Closing

15 UTILITY LOCATION

The developer is providing utility services to each lot. (Not including Solid and Liquid Waste Disposal. As estimated in the covenants, all utilities are required to be underground).

	Above ground	Underground
Electricity	_____	_____X_____
Natural Gas	_____	_____X_____
Water	_____	_____X_____
Telephone	_____	_____X_____
Liquid Waste Disposal	_____	_____X_____
Solid Waste Disposal	_____X_____	_____N/A_____

16 WATER USE

Water will be provided for residential use only.

17 AMOUNT OF WATER

Jornada Water Company will provide the daily quantity of water desired by each parcel

owner.

18 WATER DELIVERY

Jornada Water Company will deliver water via ten and eight inch water mains that will serve this area. The sources of the water are various wells in this area.

19 WATER SYSTEM EXTENSION

N/A

20 LIFE EXPECTANCY OF THE WATER SUPPLY

Jornada Water Company 50 Plus Years

21 WELLS (IF APPLICABLE)

N/A

22 SURFACE WATER (IF APPLICABLE)

N/A

23 STATE ENGINEER'S OPINION ON WATER

N/A

24 WATER QUALITY

Water is presently suitable for residential use and meets all New Mexico Department quality parameters. The water quality is good for human consumption; there has been no evidence of contamination. There are no qualities that would make the water unsuitable, and there are no quality parameters that have been exceeded.

25 ENVIRONMENTAL DIVISION'S OPINION ON WATER QUALITY

N/A

26 LIQUID WASTE DISPOSAL

The proposed method of liquid waste disposal for this subdivision will be by individual septic tank and leach field systems. Each individual lot owner will be responsible for obtaining a permit to install the septic tank and leach field system from the New Mexico Environmental Department. The soil percolation rate in this area ranges from 12 to in excess of 54 inches/hr.

NOTE: NO OTHER LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN THIS SUBDIVISION OTHER THAN A SYSTEM APPROVED BY THE BOARD

OF COUNTY COMMISSIONERS OR THE NEW MEXICO ENVIRONMENT DEPARTMENT. PRIOR TO OCCUPANCY, ALL LOTS MUST HAVE EVIDENCE OF A FUNCTIONING LIQUID WASTE DISPOSAL SYSTEM INSTALLED BY A LICENSED CONTRACTOR OR PLUMBER IN ACCORDANCE WITH PERMITS ISSUED BY THE NEW MEXICO ENVIRONMENT DEPARTMENT, INSPECTED BY THE CONSTRUCTION INDUSTRIES DIVISION, AND VERIFIED BY THE OFFICE OF BUILDING INSPECTION.

27 ENVIRONMENTAL DIVISION'S OPINION ON LIQUID WASTE DISPOSAL

N/A

28 SOLID WASTE DISPOSAL

Each lot owner will be responsible for contracting with a licensed commercial disposal service, or for the storage and disposal of his own solid waste in compliance with N.M.E.D. regulations.

Tierra Escondida Phase I Subdivision is approximately 2.9 miles North East of the solid waste transfer station at Las Cruces, NM. Average disposal fee is \$2.50/cubic yard.

29 ENVIRONMENTAL IMPROVEMENT DIVISION'S OPINION ON SOLID WASTE DISPOSAL

N/A

30 TERRAIN MANAGEMENT

The subdivision infrastructure will be designed to comply with ETZ Subdivision Code and Design Standards requirements. The general layout of the development is designed so as to maintain the existing terrain characteristics and soil disturbance is to be limited to only that required for the construction of streets and other necessary infrastructure, driveways, dwellings and small yards. Existing drainage patterns will be maintained insofar as possible with easements, rights-of-way, and designated drainage control areas as established by the Final Plat. Restrictive Covenants limit locations of walls to within building envelopes to be approved by the Tierra Escondida Design Committee - no walls are permitted around the total lot perimeters. Individual grading plans and drainage calculations are required for each lot to obtain a building permit and will be subject to the approval of the Developers, the Homeowners Association, as well as the ETZ Building Officials. The following calculation should be utilized for determining the on-lot ponding required for a typical residence, which would create 6,000 sq.ft. of impervious area:

$$6,000 \text{ sq.ft.} \times (2.8'' \text{ of rainfall} / 12'') = 1,400 \text{ cu.ft. of ponding required}$$

Tierra Escondida Phase I Subdivision is located within Zone X, as shown on the current FEMA Flood Insurance Rate Map No. 35013C0675 E, effective September 27, 1991.

Zone "X" includes areas outside of 500-year flooding.

31 NATURAL RESOURCES CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT

N/A

32 SUBDIVISION ACCESS

From University Avenue and I-25, travel south on Las Alturas Drive (East side frontage road of I-25) to Tellbrook Road. Turn Left on Tellbrook Road and proceed Northeast for approximately 2 miles to the intersection with Sonoma Ranch Boulevard. Turn Right on Sonoma Ranch Boulevard and proceed Southwest for approximately 1 mile to the intersection with Via Escondida. Turn Right on Via Escondida and enter Tierra Escondida subdivision. Walking trails to be located within the subdivision are to be exclusively maintained by the La Tierra Escondida Community Association.

33 STATE HIGHWAY AND TRANSPORTATION DEPARTMENT'S OPINION ON ACCESS

N/A

34 DEVELOPMENT

The developer intends to develop the existing site in three different phases. The first phase, to begin upon the City of Las Cruces ETZ approval of construction drawings, will have 1.3 acre to 4.24 acre lots with 4-plus acre lots adjacent to the existing development to the West. The first proposed phase will have 51 residential lots and 1 Common Area lot, totalling 139.65 acres. All roads and improvements within the shown Phase 1 boundary will be built and provide access to the development and the lots to be developed in Phase 1. Via Escondida will be dedicated to and maintained by Doña Ana County, while the other interior streets will be gated and maintained by the private home owners' association.

35 MAINTENANCE

Doña Ana County will maintain Via Escondida and the offsite roadways of Sonoma Ranch Boulevard and Tellbrook Road. Maintenance of the other interior streets will be by the La Tierra Escondida Community Association. Maintenance of roadside drainage structures within the subdivision will also be the responsibility of the Association. Maintenance of the emergency gravel access road and gates within the 40' wide emergency access and utility easement and 40' right-of-way known as Las Piedras will be by the Association. Maintenance of on-lot ponding is the responsibility of the owner.

36 ADVERSE CONDITIONS

There are no adverse or unusual conditions at the time of the recording of the Plat for La Tierra Escondida.

37 RECREATIONAL FACILITIES

There are multiple recreational activities in the Common Areas such as tennis courts, playground equipment and fitness paths.

38 FIRE PROTECTION

The Las Alturas Volunteer Fire Department is located approximately 3.5 miles northwest on Sotol Drive and serves this Subdivision. Response time is approximately 4 to 20 minutes.

39 POLICE PROTECTION

The Doña Ana County Sheriff's Department has jurisdiction to respond to emergency calls. The New Mexico State Police Department main office is located on East University Avenue, east of Interstate 25. The State police check in at the sheriff's sub-station frequently as needed.

40 PUBLIC SCHOOLS

(All Distances are "As the crow flies")

Tombaugh Elementary School:	6.8 miles
Zia Middle School:	8.3 miles
Las Cruces High School:	8.5 miles