

City of Elephant Butte

ORDINANCE NO. 114

**An Ordinance Amending Ordinance 91 and Ordinance 92
Providing for Approval of Amendments to the
TURTLEBACK MOUNTAIN RESORT PLANNED UNIT DEVELOPMENT**

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ELEPHANT BUTTE, THAT:

SECTION 1. TITLE

This Ordinance shall be known as the second amendment to Turtleback Mountain Resort Planned Unit Development, Ordinance 91 and 92.

SECTION 2. PURPOSE

The purpose of this Ordinance is to document the Elephant Butte City Council approval of changes to the Turtleback Mountain Resort Planned Unit Development. Original Ordinance 91 adopted February 3, 2006; with Ordinance 92 being adopted June 21, 2006.

SECTION 3. STATUTORY AUTHORITY

The authority for this Ordinance is found in Sections 3-19-5, 3-19-6, and 3-20-1 through 3-20-16, of the NMSA 1978.

SECTION 4. MUNICIPAL AUTHORITY

This Ordinance is created and adopted pursuant to the City of Elephant Butte Ordinance #88, the Planned Unit Development Ordinance and all amendments hereto.

SECTION 5. REFERENCE

The fourteen (14) sheet Turtleback Mountain Resort PUD document as amended is a part of this Ordinance by reference, and carried the same legal rights as the herein written document.

SECTION 5. AMENDMENTS

- A. Effective date of this ordinance as adopted is May 26, 2008.
- B. Sheet 10 of the PUD document – Change in densities in specific “Units”. Overall number of total dwelling units changed from 1,644 to 1,641
- C. Sheet 10 of the PUD document – Note #1 changed to allow more flexibility in density transfer between units.
- D. Sheet 11 of the PUD document – Change of various planning units into different phases of development

- E. Sheet 11 of the PUD document – Change of table for unit density
- F. Sheet 11 of the PUD document – Change of table for Vehicular Access Points
- G. Sheet 13 of the PUD document – Note Change of roadway cross section.

SECTION 6. SEVERABILITY

Should a court of competent jurisdiction, hold any section, paragraph, clause, or provision of this Ordinance invalid or unenforceable, it shall not affect any of the remaining provisions of this Ordinance.

SECTION 10. EFFECTIVE DATE

This Ordinance shall take effect five days after it is passed, approved, and adopted.

PASSED, APPROVED, AND ADOPTED THIS 21st DAY OF MAY, 2008.

Mayor Eunice Kent

ATTEST:

Mary Ann Dix, Municipal Clerk