

Introduction

It is important for you to know that life in the country is a little different from life in the city. County governments are not able to provide the same level of service that city governments provide. To that end, we are providing you with the following information to help you make an educated and informed decision to purchase rural land.

Access/Roads

The fact that you can drive to your property does not necessarily guarantee that you, your guests or emergency service vehicles can achieve the same level of access at all times.

There may be questions with the legal aspects of access, especially if you gain access across property belonging to others. It is wise to obtain legal advice and understand the easements that may be necessary when these types of questions arise.

Eddy County maintains approximately 1300 miles of roads, but private and public roads that are not maintained by the county serve many rural properties. There are many public roads that are not maintained by anyone (subdivision roads, etc.). Make sure you know what type of maintenance, blading, snow removal, etc., to expect and who will provide that maintenance prior to finalizing your purchase. **FYI-Eddy County road crews plow to the outside of the road, remember this when choosing a site for your mailbox, also it is your responsibility to clear your driveway approach.**

School buses travel only on roads that have been designated by the school district as bus routes. Check with your school district. If you have school age children, you may need to drive them to the nearest bus stop.

During severe weather, even the best maintained roads could become impassable. You may need a four-wheel drive vehicle to travel during those episodes, which could last for several days. Natural disasters, especially floods, can destroy roads. Eddy County will repair county maintained roads; however, other roads are the responsibility of the landowners that use those roads. Because of these circumstances, emergency response times (sheriff, fire, EMS, etc.) cannot be guaranteed.

The Eddy County Road Department requires various permits for things such as utility lines, access roads, signs, etc. Check with them to see if your road falls within their jurisdiction. The majority of the roads within Eddy County are unpaved. Be aware that unpaved roads pose many challenges such as dust, rutting and mud. If your road is unpaved, do not assume that one day it will be. Be sure that you consider these issues when making your decision to locate in rural areas. For more information contact the Eddy County Road Department at (505) 885-4835.

Many large construction vehicles cannot navigate small, narrow roads. If you plan to build, it is prudent to check out construction access.

Mail delivery is not available to all areas of the county. Ask the postmaster to describe the system for your area. Newspaper delivery is similarly not always available to rural areas. Check with the newspaper of your choice before assuming you can get delivery.

New Construction

Public water or sewer and other services may or may not be available in rural areas.

Building Permits

The County does not issue building permits. This service is provided by the City of Artesia, City of Carlsbad or the New Mexico Construction Industries Division of the State of New Mexico.

Prior to applying for a building permit, contact Eddy County Special Services department for an address and flood plain certificate. According to Eddy County Ordinances 43 and 44, all building permits and manufactured housing permits need a floodplain manager's signature.

Sewer

Contact the servicing municipality to see if sewer service is available to your property. If sewer service is not available, you will need to obtain a permit to construct an approved septic system or other treatment process.

The type of soil you have available for a leach field will be very important in determining the cost and function of your system. Some soils in the County will not absorb septic effluent. Permits for septic systems may be obtained from the New Mexico Environmental Department (505) 885-9023.

Soils

There are some areas of Eddy County that contain soils with highly expandable clays such as Bentonite which may crack foundations, twist beams and make the installation of conventional septic systems difficult, expensive and sometimes impossible. Bedrock near the ground surface can also impact building and septic system construction. Many areas of Eddy County also have a water table near the surface. Some areas have water tables, which fluctuate greatly in depth depending on the season.

Some platted lots in Eddy County have lots which individually do not allow for current construction practices on single lots. Multiple lots may be required for adequate spacing of wells and septic systems.

Water

Contact the servicing water district to see if you have access to a supply of treated domestic water. If you do not have access to a supply of treated domestic water, you will

have to locate an alternative supply. The most common method is use of a domestic water well. Permits for wells are granted by the State Engineer's Office. The quality and quantity of well water can vary considerably from location to location and from season to season. It may also be difficult to find enough water to provide for your needs even if you can secure the proper permit.

Services

It may be necessary to cross property owned by others in order to extend utility service to your property in the most cost efficient manner. It is important to make sure that the proper easements are in place to allow lines to be extended to your property.

Eddy County does not provide county wide trash service. The County does operate or maintain several convenience stations as well as the Sand Point Landfill. Commercial trash pick up is available in most parts of the County, however, in some cases, your only option may be to haul your trash to the landfill or transfer station.

Burning residential trash in the county is illegal.

Your property

Easements

Easements may require you to allow construction of roads, power lines, water lines, sewer lines, irrigation ditches, etc. across your land. Check these issues carefully.

Mineral rights

Many property owners do not own the mineral rights under their property. Owners of mineral rights have the right to extract their minerals which may cause a change in the surface characteristics. It is very important to know what minerals may be located under the land and who owns them.

Pipelines

Before digging or drilling, look for notices of pipelines in the area. Written agreements, or easements, between landowners and pipeline companies allow pipeline companies to construct and maintain pipeline rights-of-way across privately owned property.

Check your property records, check for signs, and call before you dig. Pipeline markers are a warning device and **are not** intended to be used as a physical guide for digging operations. The route of an underground pipeline is marked at intervals with caution signs warning of the pipeline's location. These markers are usually placed at road crossings, railroad crossings, fence lines and at various points across ranchlands and agricultural areas.

Property lines

You may be provided with a description of your property, but unless the land has been surveyed and pins placed by a licensed surveyor, you cannot assume that it is accurate. Fences that separate properties are not always aligned with the property lines. A survey of the land is the only way to confirm the location of your property lines.

Subdivisions

Many subdivisions have restrictive covenants that limit the use of the property. It is important to obtain a copy of the covenants (or confirm there are none) and make sure that you can live with those rules. Also, a lack of covenants can cause problems between neighbors. It is the property owner's responsibility to enforce the covenants, not the County. Violations of subdivision covenants are handled through civil action.

Irrigation or drainage ditch/Water rights

If you have an irrigation or drainage ditch running across your property there is a good possibility that the owners of the ditch or their representatives have the right to come onto your property to maintain the ditch.

Water rights that are sold with the property may not give you the right to use the water from any ditches crossing your land without coordinating with the owner or the person who controls the water. It is important to make sure that any water rights your purchase with the land will provide enough water for your needs. The water flowing in irrigation ditches belongs to someone. You cannot assume that because the water flows across your property, you can use it. The State Engineer's Office (call 505-887-9511 for contact information) can answer these questions for you.

Flowing water can be a hazard, especially to young children. Before you decide to locate your home near an active ditch, consider the possible danger to your family.

Mother Nature

Rural residents usually experience more problems when the elements and earth turn unfriendly. Here are some thoughts for you to consider.

The physical characteristics of your property can be positive and negative. Trees are a beautiful amenity, but can also involve your home in a fire and cause damage during strong winds. Building at the top of a forested draw should be considered as dangerous as building in a flash flood area. Defensible perimeters are very helpful in protecting buildings from fire and inversely can protect the land from igniting if your house catches

on fire. If you start a fire, you are responsible for paying for the cost of extinguishing that fire.

The topography of the land can tell you where the water will go in the case of heavy precipitation. When property owners fill in ravines, they have found that the water that drained through that ravine now drains through their house.

Many fallow farms are being developed as residential sites. Because most fields were designed for flood irrigation, it is important to raise the homes' foundation considerably prior to construction. If not, even houses in areas not designated for flood hazard may flood.

Flash floods can occur, especially during the summer months, and turn a dry gully into a river. It is wise to take this possibility into consideration when building. Spring run-off can cause a very small creek to become a major river. Some residents have had to use sandbags to protect their homes. The county does not provide sandbags, equipment or people to protect private property from flooding. For that information and flood plain determination, contact the Eddy County Special Services Department (505) 887-9511.

Agriculture

Agriculture is an important business in Eddy County. If you choose to live among the farms and ranches of our rural countryside, do not expect county government to intervene in the normal day-to-day operations of your agri-business neighbors. In fact, New Mexico has "Right to Farm" legislation (47-9-1) that protects farmers and ranchers from nuisance and liability lawsuits, enabling them to continue farming and ranching. New Mexico also has an open range law. This means if you do not want cattle, sheep or other livestock on your property, it is your responsibility to fence them out. It is not the responsibility of the rancher to keep his/her livestock off your property.

Animals can be dangerous. Bulls, stallions, rams, boars, etc. can attack human beings. Children need to know that it is not safe to enter pens where animals are kept. Teach your children by example to honor all posted no trespassing signs.

There may be other private property rights issues that relate to agriculture. The Eddy County Cooperative Extension Service (505-887-6595) can help you with these issues.

In conclusion

We have offered these comments in the sincere hope that it can help you enjoy your decision to reside in Eddy County. It is not our intent to dissuade you, only to inform you.