

County
Copy

SOCORRO COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION 2005-52

A RESOLUTION ADOPTING THE SOCORRO COUNTY VERSION OF THE "CODE OF
THE WEST"

WHEREAS, although many people find living in the unincorporated areas of Socorro County to be a very rewarding experience, such living presents unique issues and challenges not present in surrounding cities and towns or other parts of the United States; and,

WHEREAS, it is advisable to inform people of these unique issues and challenges, so that they can make an educated and informed decision about whether to purchase or develop land in the unincorporated areas of Socorro County; and,

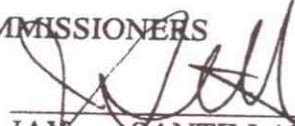
WHEREAS, the "Code of the West", first chronicled by the western novelist Zane Grey, provides a useful framework with which to inform people of the unique issues and challenges they might face in the unincorporated areas of Socorro County.

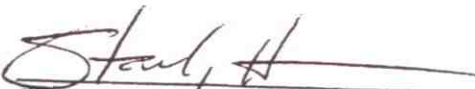
NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of the County of Socorro hereby adopts the Socorro County version of the "Code of the West", attached to and made a part of this Resolution as Exhibit "A".

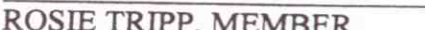
APPROVED, ADOPTED, AND PASSED on this 28th day of June, 2005.

BOARD OF COUNTY COMMISSIONERS


LAUREL ARMIJO, CHAIR


JAY SANTILLANES VICE-
CHAIRMAN


STANLEY HERRERA, MEMBER


ROSIE TRIPP, MEMBER


CHARLES GALLEGOS, MEMBER

ATTEST BY:

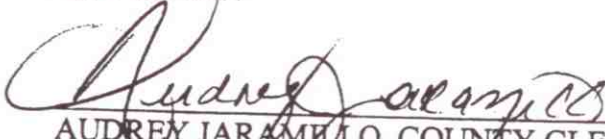

AUDREY JARAMILLO, COUNTY CLERK



Exhibit "A"

The Code of the West was first chronicled by the famous western writer, Zane Grey. The men and women who came to this part of the country during the northward expansion of Spain and Mexico and the westward expansion of the United States were bound by an unwritten code of conduct. The values of integrity and self reliance guided their decisions, actions and interactions. In keeping with that spirit, we offer this information to help the citizens of Socorro County who wish to follow in the footsteps of those rugged individualists by living outside city limits.

Life in the country is rich and rewarding, treasured by both Socorro County residents who have been here for generations, and those who have recently moved here. It is important new residents to know that life in the country is 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, the Board of County Commissioners is providing you with the following information to help you make an educated and informed decision to purchase rural land.

Access

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

- 1.1 - Emergency response times (Sheriff, fire suppression, medical care, etc.) cannot be guaranteed. Under some extreme conditions, you may find that emergency response is extremely slow and expensive.
- 1.2 - There can be problems 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.
- 1.3 - You can experience problems with the maintenance and cost of maintenance of your road. Socorro County maintains _____ miles of roads, but many rural properties are served by private and public roads which are maintained by private road associations. There are even some county roads that are not maintained by the county - no grading or snow plowing. There are even some public roads that are not maintained by anyone! Make sure you know what type of maintenance to expect and who will provide that maintenance.
- 1.4 - Extreme weather conditions can destroy roads. It is wise to determine whether or not your road was properly engineered and constructed.

- 1.5 - Many large construction vehicles cannot navigate small, narrow roads. If you plan to build, it is prudent to check out construction access.
- 1.6 - School buses travel only on maintained county roads that have been designated as school bus routes by the school district. You may need to drive your children to the nearest county road so they can get to school.
- 1.7 - In extreme weather, even county maintained roads can become impassable. You may need a four wheel drive vehicle with chains for all four wheels to travel during those episodes, which could last for several days.
- 1.8 - Natural disasters, especially floods, can destroy roads. Socorro County will repair and maintain county roads to the best of the County's ability, however, subdivision roads are the responsibility of the landowners who use those roads. A dry arroyo bed can become a raging torrent and wash out roads, bridges, and culverts. Residents served by private roads and/or bridges have been hit with large bills for repairs and/or reconstruction after floods.
- 1.9 - Unpaved roads generate dust, dust is still a fact of life for most rural residents.
- 1.10 - If your road is unpaved, it is highly unlikely that Socorro County will pave it in the foreseeable future. Check carefully with the County Road Department when any statement is made by the seller of any property that indicates any unpaved roads will be paved or upgraded!
- 1.11 - Unpaved roads are not always smooth and are often slippery when they are wet. You will experience an increase in vehicle maintenance costs when you regularly travel on rural county roads.
- 1.12 - Mail delivery is not available to most areas of the county. Ask the postmaster to describe the system for your area.
- 1.13 - Newspaper delivery is similarly not always available to rural areas. Check with the newspaper of your choice before assuming you can get delivery.
- 1.14 - Standard parcel and overnight package delivery can be a problem for those who live in the country. Confirm with the service providers as to your status.
- 1.15 - It may be more expensive and time consuming to build a rural residence due to delivery fees and the time required for inspectors to reach your site.

Utility Services

Water, sewer, electric, telephone and other services may be unavailable or may not operate at urban standards. Repairs can often take much longer than in towns and cities. Please review your options from the non-exhaustive list below.

- 2.1 - Telephone communications can be a problem, especially in the mountain areas of Socorro County. From time to time, the only phone service available has been a party line. If you have a private line, it may be difficult to obtain another line for fax or computer modem uses. Even cellular phones will not work in many areas.
- 2.2 - If sewer service is available to your property, (it most likely is not) it may be expensive to hook into the system. It also may be expensive to maintain the system you use.
- 2.3 - If sewer service is not available, you will need to use 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. Have the system checked by a reliable sanitation firm. You must have at least one acre per septic tank.
- 2.4 - If you have access to a supply of treated domestic water, the tap fees can be expensive. You may also find that your monthly cost of service can be costly when compared to municipal systems.
- 2.5 - 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 water well. Permits for wells are granted by the state engineer and the cost for drilling and pumping can be considerable. The quality and quantity of well water can vary considerably from location to location and from season to season. It is strongly advised that you research this issue very carefully.
- 2.6 - Not all wells can be used for watering of landscaping and/or livestock. Permits from the state engineer may restrict water to use to that which is used inside of a home. If you have other needs, make certain that you have the proper approvals before you invest. It may also be difficult to find enough water to provide for your needs even if you can secure the proper permit.
- 2.7 - Electric service is not available to every area of Socorro County. It is important to determine the proximity of electrical power. It can be very expensive to extend power lines to remote areas.
- 2.8 - It may be necessary to cross property owned by others in order to extend electric 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 built to your property.
- 2.9 - Electric power may not be available in two phase and three phase service configurations. If you have special power requirements, it is important to know what level of service can be provided to your property.
- 2.10 - If you are purchasing land with the plan to build at a future date, there is a possibility that electric lines (and other utilities) may not be large enough to accommodate you if others connect during the time you wait to build.

2.11 - The cost of electric service is usually divided into a fee to hook into the system and then a monthly charge for energy consumed. It is important to know both costs before making a decision to purchase a specific piece of property.

2.12 - Power outages can occur in outlying areas with more frequency than in more developed areas. A loss of electric power can also interrupt your supply of water from a well. You may also lose food in freezers or refrigerators and power outages can cause problems with computers as well. It is important to be able to survive for up to a week in severe cold with no utilities if you live in the country.

2.13 - Trash removal can be much more expensive in a rural area than in a city. In some cases, your trash dumpster may be several miles from your home. It is illegal to create your own trash dump in most instances. It is good to know the cost for trash removal as you make the decision to move into the country. In some cases, your only option may be to haul your trash to the landfill yourself. Recycling is more difficult because pick-up is not available in most rural areas.

Property

Wide open spaces ...

There are many issues that can affect your property. It is important to research these items before purchasing land.

3.1 - Not all lots are "legal". A parcel (subdivision of land) must have been created by County subdivision review, or existed before the County Subdivision Regulations came into effect in 1997 or the parcel must have been created through one of the 13 subdivision exemptions in New Mexico Law. You can check with the County Manager's office to determine if a parcel of land was properly subdivided before you buy it.

3.2 - Easements may require you to allow construction of roads, power lines, water lines, etc. across your land. There may be easements that are not of record. Check these issues carefully.

3.3 - Many property owners do not own the mineral rights under their property. Owners of mineral rights have the ability to change the surface characteristics in order to extract their minerals. It is very important to know what minerals may be located under the land and who owns them. Much of the rural land in Socorro County can be used for mining. Be aware that adjacent mining uses can expand and cause negative impacts.

3.4 - You may be provided with a plat of your property, but unless the land has been surveyed and pins placed by a licensed surveyor, you cannot assume that the plat is accurate.

3.5 - Fences that separate properties are often misaligned with the property lines. A survey of the land is the only way to confirm the location of your property lines.

- 3.6 - Many subdivisions and planned unit developments have covenants that limit the use of the property. It is important to obtain a copy of the covenants (or confirm that there are none) and make sure that you can live with those rules. Also, a lack of covenants can cause problems between neighbors. Socorro County does not enforce such private covenants. Check the subdivision's covenants to learn if an association has that responsibility; check with your Realtor (or some of your future neighbors) to learn if the association is functioning. A dysfunctional or non-existent association can cause problems for you, and even involve you in expensive litigation.
- 3.7 - Homeowners associations (HOAs) are required to take care of common elements, roads, open space, etc. A dysfunctional homeowners association or poor covenants can cause problems for you and even involve you in expensive litigation.
- 3.8 - Dues are almost always a requirement for those areas with a HOA. The by-laws of the HOA will tell you how the organization operates and how the dues are set.
- 3.9 - The surrounding properties will probably not remain as they are indefinitely. The view from your property may change. Check the recorded plat of your subdivision to see what uses are platted within it. In addition, check in the Socorro County Clerk's Office to determine if those uses may have been changes since the plat was recorded. You can also talk with the Socorro County Land Use Commission about the process that properties currently undergo for land use.
- 3.10 - If you have a ditch running across your property there is a good possibility that the owners of the ditch have the right to come onto your property with heavy equipment to maintain the ditch.
- 3.11 - 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 a neighbor who also uses the water. Other users may have senior rights to the water that can limit your use or require you to pay for the oversizing or other improving of the ditch.
- 3.12 - It is important to make sure that any water rights you purchase with the land will provide enough water to maintain fruit trees, pastures, gardens or livestock.
- 3.13 - The water flowing in irrigation ditches belongs to someone. You cannot assume that because the water flows across your property, you can use it.
- 3.14 - 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.
- 3.15 - You are responsible for keeping your dog on your own property. New Mexico law allows the shooting of dogs when they kill, injure or chase livestock or wildlife. It is the right of any owner of livestock so killed, injured or bothered by the actions of any dog to kill the dog while it is upon property controlled by the owner of the livestock. Avoid the

potential for tragedy and do the neighborly thing at the same time: keep your best friend in his own yard.

Mother Nature

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

- 4.1 - The physical characteristics of your property can be positive and negative. Trees are a wonderful environmental amenity, but can also involve your home in a forest fire. 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 forest fire and inversely can protect the forest from igniting if your house catches on fire. If you start a forest fire, you are responsible for paying for the cost of extinguishing that fire.
- 4.2 - Steep slopes can slide in unusually wet weather. Large rocks can also roll down steep slopes and present a great danger to people and property.
- 4.3 - Expansive soils, such as Navajo Clay (which is common in the foothills) can buckle concrete foundations and twist steel I-beams. You can know the soil conditions on your property if you have a soil test performed.
- 4.4 - North facing slopes or canyons rarely see direct sunlight in the winter. There is a possibility that snow will accumulate and not melt throughout the winter.
- 4.5 - 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.
- 4.6 - A flash flood can occur, especially during the summer months, and turn a dry arroyo into a river. It is wise to take this possibility into consideration when building.
- 4.7 - Spring run-off can cause a very small arroyo to become a major river. Many residents use sand bags to protect their homes. The county does not provide sand bags, equipment or people to protect private property from flooding.
- 4.8 - Nature can provide you with some wonderful neighbors. Most, such as deer and eagles are positive additions to the environment. However, even "harmless" animals like deer or elk can cross the road unexpectedly and cause traffic accidents. Rural development encroaches on the traditional habitat of coyotes, bobcats, mountain lions, rattlesnakes, prairie dogs, bears, mosquitoes and other animals that can be dangerous and you need to know how to deal with them. In general, it is best to enjoy wildlife from a distance and know that if you do not handle your pets and trash properly, it could cause problems for you and the wildlife.

Agriculture

- 5.1 - Farmers often work around the clock, especially during planting and harvest time. Dairy operators sometimes milk without stopping and hay is often swathed or baled at night. It is possible that adjoining agriculture uses can disturb your peace and quiet.
- 5.2 - Land preparation and other operations can cause dust, especially during windy and dry weather.
- 5.3 - Farmers occasionally burn their ditches to keep them clean of debris, weeds and other obstructions. This burning creates smoke that you may find objectionable.
- 5.4 - Chemicals (mainly fertilizers and herbicides) are often used in growing crops. You may be sensitive to these substances and many people actually have severe allergic reactions. Many of these chemicals are applied by airplanes that fly early in the morning.
- 5.5 - Animals and their manure can cause objectionable odors. What else can we say?
- 5.6 - Agriculture is an important business in Socorro 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 that protects farmers and ranchers from nuisance and liability lawsuits. It enables them to continue producing food and fiber.
- 5.7 - New Mexico 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. I.e. fence livestock off of your property.
- 5.8 - Before buying land you should know if it has noxious weeds that may be expensive to control and you may be required to control. Some plants are poisonous to horses and other livestock.
- 5.9 - 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.
- 5.10 - Much of Socorro County receives less than 8 inches of precipitation per year. As a result, we have a problem with overgrazing, and fugitive dust. Without irrigation, grass does not grow very well. There is a limit to the amount of grazing the land can handle. The Socorro County Extension Office can help you with these issues.
- 5.11 - Livestock may cause odors and noise that are objectionable to some people. If you find them annoying, you may want to find a parcel in another area of the county.
- 5.12 - Livestock are occasionally moved on public roads. When you encounter a livestock drive, please pull over to the side of the road and allow the drive to pass. Or, if a

rider directs you to move forward, do so slowly. The delay will cost you only a few minutes. Enjoy the scene; this is that "real west," and is a critical part of your neighbors' ability to make a living.

In Conclusion

Even though you pay property taxes to the county, the amount of tax collected does not cover the cost of the services provided to rural residents.

This information is by no means exhaustive. There are other issues that you may encounter that we have overlooked and we encourage you to be vigilant in your duties to explore and examine those things that could cause your move to be less than you expect.

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

A Brief History

Socorro County was established by the Territorial Legislature of New Mexico in 1852 with the City of Socorro as the county seat. At the time of the County's it stretched all the way from Texas to California. Subsequently, many counties have been carved out of Socorro County giving the County it's current boundaries.

Among the early inhabitants of the county were the pueblo people the "Piros" who settled in the area around 1200. Several centuries later the region was also populated by tribes to be later known as the Navajo's and Apaches.

In 1598 the village of Socorro was so named by Don Juan de Oñate who was given supplies by the Piro on his expedition through the area. Socorro is the Spanish word for "help/aid."

Throughout the 1600's Spanish missionaries were sent to the area to teach Christianity to the Piro, and the region also was host to a few Spanish settlements serving as stops along the Camino Real. Some of these early settlements were, La Joya, Luis López and Valverde.

In 1680, the "Pueblo Indians" revolted against the Spanish forcing the settlers to retreat to present day Mexico. Although New Mexico was re-conquered by the Spanish in 1692, the Socorro County area remained relatively uninhabited by European settlers, however the area was the site of numerous battles between the Spanish and native tribes.

By the 1810's the region was again permanently settled by the Spanish, including ranching villages such as San Antonio and trading stops along the Camino Real. The Socorro County area became part of Mexico in 1821, and the area continued to be colonized.

After war with Mexico in the late 1840's, the area of Socorro County became the territory of the United States. In 1854 Fort Craig was established at it's current location to protect European settlers from native tribes.

1861 brought the Civil War to Socorro County, most significantly the battle of Valverde, where Confederate forces were victorious over the Union army.

After the Civil War the region saw increased settlement and prosperity due to mining and ranching. Socorro County was known for being part of the "wild west" during the booming years of the 1880's. Some significant events include Sheriff Elfego Baca's famous shoot out, the Socorro vigilante movement as well as less dramatic events such as the founding of the New Mexico School of Mines in 1889.

The booming times came to an end in the 1920's leaving Socorro County as a peaceful agricultural community. During World War II the first atomic bomb was detonated in the County at Trinity site not far from San Antonio.

Today in Socorro County, ranching and farming is still the most vital part of the economy, but the County is also leading the way in the technological development of the county with the help of world renown research facilities such as New Mexico Tech, the VLA, and Stallion site to name a few.