

Town of Mesilla, New Mexico

RESOLUTION NO. 2024-5

A RESOLUTION BY THE BOARD OF ADJUSTMENTS (BOA) FINDINGS AND CONCLUSIONS ON A VARIANCE REQUEST TO SUBDIVIDE REAL PROPERTY, 2410 CALLE BODEGA, MESILLA, NM 88046; CASE #061857.

WHEREAS, a tract of land situated in the Town of Mesilla, New Mexico, being part of Lot 7 Clay-Barro Place Subdivision filed in April 2003, in Book 20, Pages 314-315, Dona Ana County record and having been vacated from the Clay Barro Place Subdivision via Vacation Plat filed and recorded on June 28, 2007, in the Records of the Clerk of Dona Ana County, New Mexico, Plat #4597, Book#22, Page 243.

WHEREAS petitioners Kevin and Connie McGinley each conveyed their respective undivided one-fourth interest in real property to Petitioner McGinley Farms LLC, by that of certain Special Warranty Deed dated May 8, 2019.

WHEREAS Stacey and Tyler Clayshulte being the other partial heirs of the real property holding each undivided one-fourth interest.

WHEREAS Stacey Clayshulte conveyed her interest in the real property to Tyler Clayshulte by a Quitclaim Deed; thus the petitioner McGinley Farms LLC and Tyler Clayshulte owning one-half of interest in the real property.

WHEREAS McGinley Farms LLC and Tyler Clayshulte submitted a petition to partition real property to State of New Mexico, Dona Ana County 3rd Judicial District Court, case number D-307-PB-2020-00196.

WHEREAS Judge Arrieta judgement to partition real property into two parcels: one shall be owned by McGinley Farms LLC, 3.86 acres along with water rights and the other shall be owned by Tyler Clayshulte, 1.14 acres along with structures located on said parcel.

NOW THEREFORE, Town of Mesilla, Board of Adjustments, heard testimony of petitioner and facts presented by staff regarding the request and court order set by State of New Mexico, Dona Ana County 3rd District Court approving petition to partition real property. Decision to **APPROVE** based on being consistent with 3rd District Court recognizing probate code NMSA 1978, Section 45.3.911, pursuant to the provisions of the Uniform Partition of Heirs Property Act.; and Mesilla Town Code (MTC); 18.85.040(A) there being exceptional or extraordinary circumstances or conditions applicable to the property.

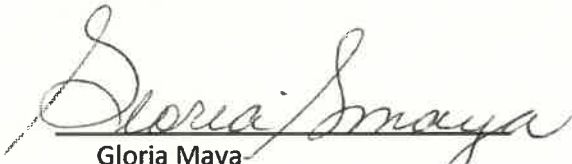
Madam Chair Cadena – **approved**; based on MTC 18.85.040(A) and 3rd District Court order to partition.


Commissioner Gallegos – **approved**; based on MTC 18.85.040(A) and 3rd District Court order to partition.

Commissioner Page - **approved**; based on MTC 18.85.040(A) and 3rd District Court order to partition.

REQUEST TO partition real property at 2410 Calle Bodegas, Mesilla NM 88046,
APPROVED this 25th day of July, 2024.

ATTEST:


Gloria Maya
Mesilla Town Clerk/Treasurer


Bibiana Cadena-
Board of Adjustment Chairperson

