

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4



Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: February 24, 2015

TO: Board of County Commissioners

FROM: Miguel "Mike" Romero, Development Review Specialist Sr. 

VIA: Katherine Miller, County Manager
Penny Ellis-Green, Growth Management Director
Vicki Lucero, Building and Development Services Manager 
Wayne Dalton, Building and Development Services Supervisor 

FILE REF.: BCC CASE # 14-5480 Homewise, Inc. Easement Vacation

ISSUE:

Homewise, Inc. Applicant, (Cornerstone Land Surveying), Jeffery Ludwig, Agent, request approval to vacate three (3) private access and utility block easements totaling 0.31 acres +/-.

The subject block easements are located in the Tessera Subdivision-Phase One, Within Section 17 & 20, Township 17 North, Range 9 East, (Commission District 2).

VicinityMap:



SUMMARY:

The subject block easements were created through the Tessera Subdivision Phase One Residential Subdivision Plat on April 5, 2007. The Applicant acquired Lots 1-10, 21-24, 26-34, 36-53, 55-69 and 71-88 of Phase One of the Tessera Subdivision by warranty deed recorded as instrument No. 1683091 in the Santa Fe County Clerk's Office on the 28th day of September 2012. The Applicant acquired an additional three (3) lots, lot 25 as instrument No. 1754051, lot 54 instrument as No. 17544052 and lot 70 as instrument No. 1754053 all recorded in the Santa Fe County Clerk's records on the 30th day of December 2014.

The Applicant stated upon approval of the easement vacation, Homewise Inc. (Applicant) will then be submitting an Application for a Lot Line Adjustment, which will incorporate the land from the vacated easements into the adjoining affordable lots. The Applicant owns all lots adjacent to the utility easement to be vacated and has verified that there are no lots with existing homes in the area where the private access and utility easement blocks are located.

The Applicant has contacted all the appropriate utility companies that would have utilities within the easement blocks or in the area of the easement blocks. The Applicant has provided correspondence from Century Link, NM Gas Company, PNM, Comcast Cable, Tessera Sewer Cooperative and Santa Fe County Utilities regarding the proposed vacation of the easement blocks (Refer to Exhibit 10). All utility companies have consented to the vacation of the utility easements blocks. The Applicant has also provided correspondence from the Tessera Homeowners Association acknowledging that they are in receipt of the proposed easement vacations (Refer to Exhibit 10). The Applicant states that no property owners or utility companies will be adversely affected by this proposed easement vacation.

The Applicant has provided sufficient noticing by providing notice to the New Mexican, which was published on February 17, 2015. The Applicant has also provided certified mail receipts (dated February 11, 2015) and certification of posting acknowledging that the public notice has been posted for 21 days on the property.

Article V, § 5.7.1 (Cause) of the Land Development Code states any Final Plat filed in the office of the County Clerk may be vacated or a portion of the Final Plat if:

- a) The owners of the land proposed to be vacated sign an acknowledgment statement, declaring the Final Plat or a portion of the Final Plat to be vacated, and the statement is approved by the Board; or
- b) The Board finds that a plat was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared by the County.

Article V, § 5.7.2 (Action) of the Code states; "action shall be taken at a public meeting. In approving the vacation of all or a part of a Final Plat, the Board shall decide whether the vacation will adversely affect the interests of persons on contiguous land or of persons within the subdivision

being vacated. In approving the vacation of all or a portion of a Final Plat, the Board may require that roads dedicated to the County in the Final Plat continue to be dedicated to the County."

Article V, § 5.7.3 (Filing) of the Code states; "the approved statement declaring the vacation of a portion or all of a Final Plat shall be filed in the office of the County Clerk."

Article V, § 5.7.4 (Utilities) states; "the rights of any utility existing before the total or partial vacation of any Final Plat are not affected by the vacation of a Final Plat."

This Application was submitted on November 10, 2014.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for this type of request.

APPROVAL SOUGHT: Approval to vacate three (3) private access and utility easement blocks on 0.31 acres +/- within the Tessera Subdivision phase one.

GROWTH MANAGEMENT AREA: El Centro, SDA-2

HYDROLOGIC ZONE: Basin Hydrologic Zone, minimum lot size per Code is 10 acres per dwelling unit. Lot size can be reduced to 2.5 acres per dwelling unit with signed and recorded water restrictions. The density as approved in the Amended Master Plan (2001), under the Extraterritorial Zoning Ordinance, was based on a portion of the property consisting of 34 acres within the Santa Fe Urban Area where the zoning allowed one residential unit per .50 acre when utilizing a community water and sewer system. The remaining 112 acres was within the basin zone which is one residential unit per 2.5 acres, including a 120 percent density bonus based on a minimum 60 percent open space.

FIRE PROTECTION: Agua Fria, Fire District.

WATER SUPPLY: Santa Fe County

LIQUID WASTE: Private Waste Water System (Tessera Sewer Cooperative) that is connected to the City of Santa Fe Sewer System.

VARIANCES: None

AGENCY REVIEW:	<u>Agency</u>	<u>Recommendation</u>
	Fire Prevention Division	Approval

STAFF RECOMMENDATION: Approval to vacate three (3) private access and utility easement blocks on 0.31 acres +/-, within the Tessera Subdivision Phase 1, subject to the following condition:

1. The Applicant shall file the portion of the Final Plat affected by the vacated easements with the County Clerk's Office (As per Article V § 5.7.3).

EXHIBITS:

1. Letter of request
2. Article V, § 5.7 (Vacation of Plats)
3. Site Photographs
4. Site Plan (Proposed Plat)
5. Recorded Survey Plat
6. Recorded Warranty Deeds
7. Aerial of site and Surrounding Area
8. Fire Prevention Letter
9. Public Noticing
10. Letters of Support



CORNERSTONE LAND SURVEYING



P.O. BOX 8348
SANTA FE, NEW MEXICO 87504
505-690-7010
nmls@cnspl.com

November 10, 2014

Mike Romero
Senior Development Review Specialist
Santa Fe County

Re: Homewise Inc.
Tessera Subdivision
Vacation of 3 Private Access & Utility Easements

Dear Mike,

We are submitting herewith the enclosed documents for your consideration on the above captioned project. The purpose of this submittal is to vacate 3 Private Access & Utility Easements within Tessera Subdivision. Upon approval of the above by Santa Fe County, Homewise Inc. will then be submitting an application for a Lot Line Adjustment, which will incorporate the land from the vacated easements into the adjoining **affordable lots**. (exhibit attached)

If you have any questions regarding this submittal, do not hesitate to contact me at the following number 690-7010 (cell)

Respectfully,

Jeffery Ludwig L.S.



December 30, 2014

TO: MIGUEL ROMERO

SENIOR DEVELOPMENT REVIEW SPECIALIST
SANTA FE COUNTY GROWTH MANAGEMENT DEPARTMENT

RE: VACATION OF 3 PRIVATE ACCESS & UTILITY EASEMENTS WITHIN TESSERA
SUBDIVISION-PHASE 1

THIS LETTER AUTHORIZES JEFFERY L. LUDWIG P.S., dba CORNERSTONE LAND
SURVEYING TO ACT AS HOMEWISE'S AGENT TO SUBMIT AN APPLICATION TO VACATE 3
PRIVATE ACCESS AND UTILITY EASEMENTS IN PHASE 1 OF THE TESSERA SUBDIVISION.


NAME: Robert Gibbs, Director of Real Estate Development

12/31/14

DATE

ADDRESS: Homewise, Inc.
1301 Siler Rd. Bldg. D. Santa Fe, NM 87507

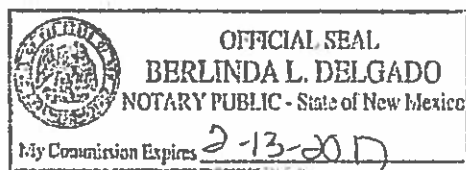
STATE OF NEW MEXICO)

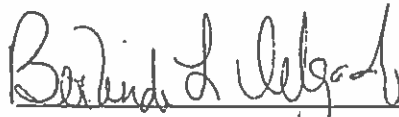
COUNTY OF SANTA FE)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 31 DAY
OF December, 2014

BY:

Robert Gibbs





NOTARY PUBLIC

MY COMMISSION EXPIRES

5.7 Vacation of Plats

- 5.7.1 Cause. Any final plat filed in the office of the County Clerk may be vacated or a portion of the final plat may be vacated if:
- the owners of the land proposed to be vacated sign an acknowledged statement, declaring the final plat or a portion of the final plat to be vacated, and the statement is approved by the Board; or
 - the Board finds that a plat was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared by the County.
- 5.7.2 Action. Action shall be taken at a public meeting. In approving the vacation of all or a part of a final plat, the Board shall decide whether the vacation will adversely affect the interests of persons on contiguous land or of persons within the subdivision being vacated. In approving the vacation of all or a portion of a final plat, the Board may require that roads dedicated to the County in the final plat continue to be dedicated to the County.
- 5.7.3 Filing. The approved statement declaring the vacation of a portion or all of a final plat shall be filed in the office of the County Clerk
- 5.7.4 Utilities. The rights of any utility existing before the total or partial vacation of any final plat are not affected by the vacation of a final plat.

5.8 Requirements Prior to Sale, Lease or Other Conveyance

It is unlawful to sell, lease, or otherwise convey land within a subdivision before the following conditions have been met:

- Final plat approval. The final plat shall be approved by the Board and shall be filed with the County Clerk. If a subdivision lies within more than one county, the final plat shall be approved by the Board of each county in which the subdivision is located and shall be filed with the County Clerk of each county in which the subdivision is located.
- Relevant documents. The subdivider shall furnish the Board a sample copy of sales contracts, leases and any other documents that will be used to convey an interest in the subdivided land.
- Permanent markers. All corners of all parcels and blocks within a subdivision shall be permanently marked with metal stakes in the ground and a reference stake placed beside one corner of each parcel.

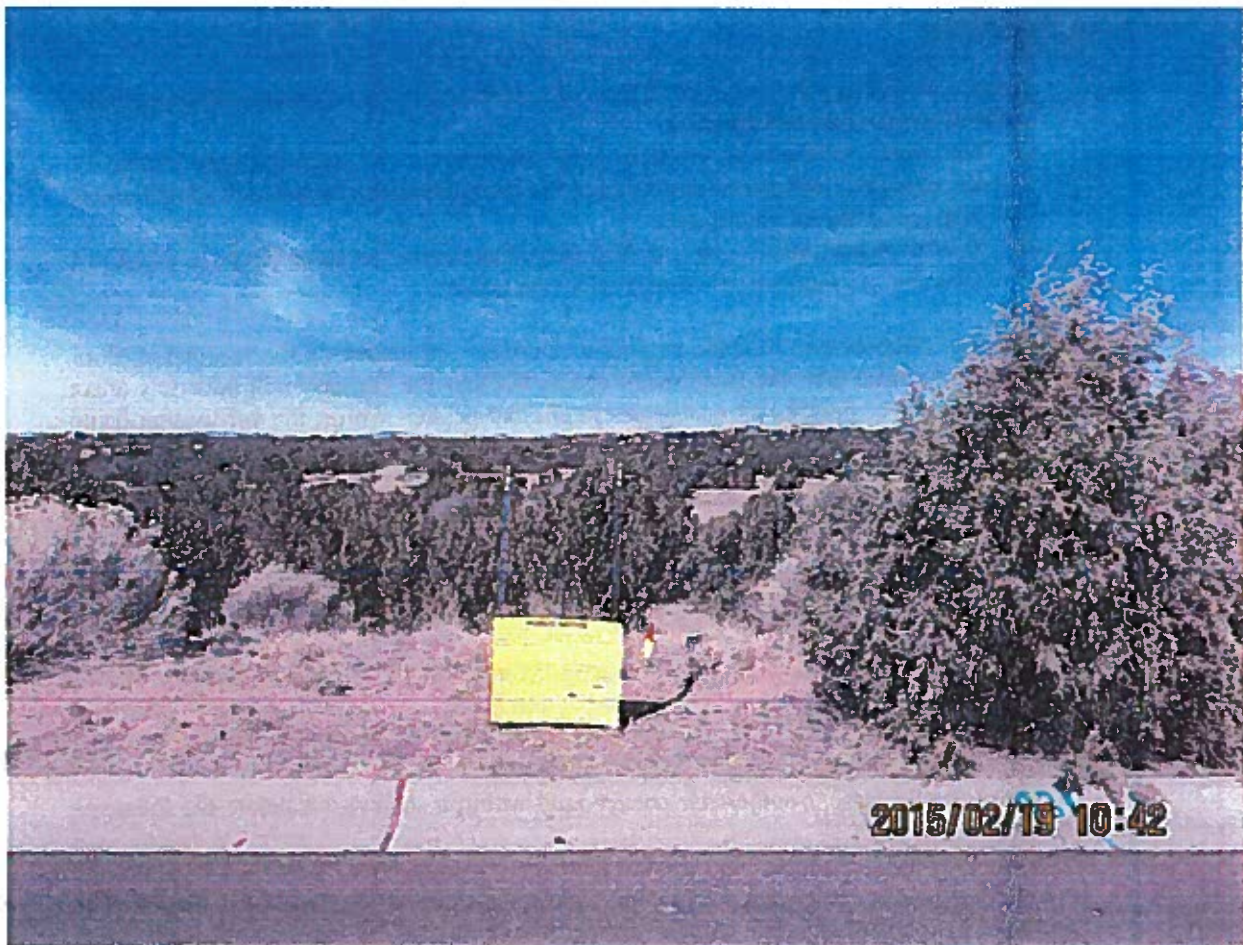
5.9 Succeeding Subdivisions

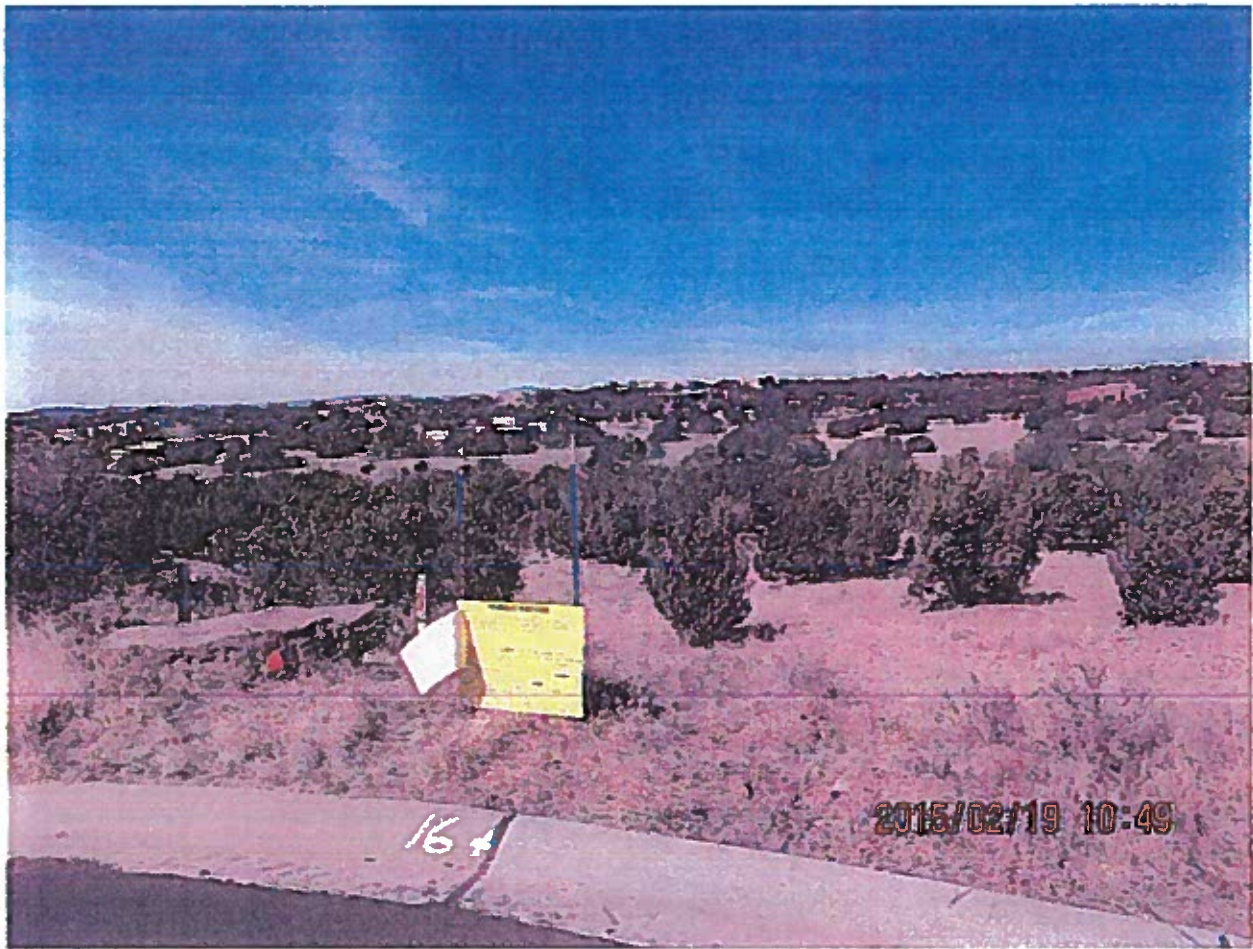
Any proposed subdivision may be combined and upgraded for classification purposes by the Board with a previous subdivision if the proposed subdivision includes:

- Part of a previous subdivision that has been created in the preceding seven (7) year period; or
- Any land retained by a subdivider after creating a previous subdivision when the previous subdivision was created in the preceding seven (7) year period.

History. Section 5 was updated and revised by Ordinance 1996-8 for the purpose of clarification and to bring this Section into compliance with the NMSA.







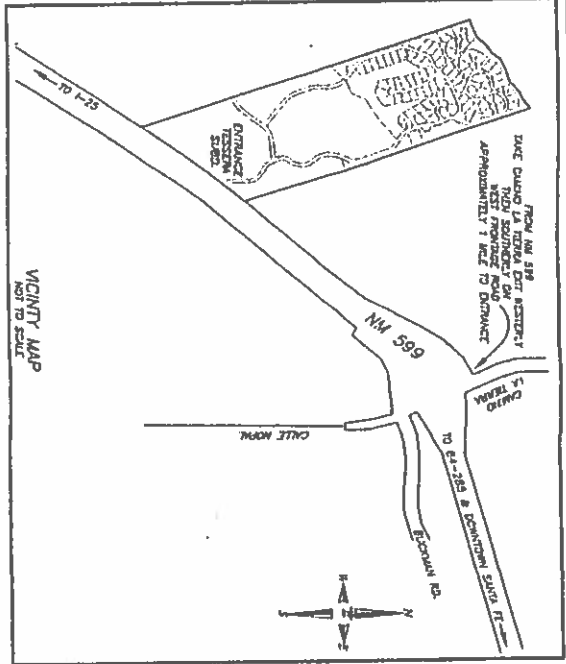


FROM ORIGINAL SUBDIVISION APPROVAL:

TESSERA SUBDIVISION, PHASE ONE, WAS APPROVED FOR 88
RECORDING PERMIT NO. 01-42122
RECORDING INSTRUMENT NO. 1 - COUNTY
GENERAL NOTES AND CONDITIONS FROM REFERENCE No. 1
OPEN SPACE IS SUBJECT TO DAMAGE, UTILITY, TRAIL, CENTRAL
MAINTENANCE OF STORM WATER RETENTION POOLS IS GRANTED
THROUGH THE OPEN SPACE.
CULVERTS SHALL BE INSTALLED AT ALL DRAINAGES, WHERE NEEDED.
PRIVATE WELLS ARE PROHIBITED WITHIN THIS SUBDIVISION.
NO FURTHER SUBDIVISION OF THESE LOTS IS PERMITTED. THIS
DOES NOT PROHIBIT LOT LINE ADJUSTMENTS OR CONSOLIDATIONS.
NO GUEST HOUSES ARE PERMITTED.
LOTS ARE PLATTED WITH A 7.5' EASEMENT ALONG ALL RIGHTS-
OF-WAY FRONTAGE FOR UTILITIES AND AN EASEMENT FOR SLOPE
CUTS AND FILLS ALONG RIGHTS-OF-WAY FOR CONSTRUCTION AND
MAINTENANCE OF ROADS AND TRAILS.
MAINTENANCE OF ROADS AND DRAINAGE STRUCTURES IS THE
RESPONSIBILITY OF THE TESSERA OWNERS ASSOCIATION. LAND
WASTE IS THE RESPONSIBILITY OF THE TESSERA SEWER
COOPERATIVE. ALL LOTS SHALL CONNECT TO THE TESSERA
COMMUNITY SEWER SYSTEM.
SHARED PARKWAYS ARE SUBJECT TO ACCESS AND UTILITY
EASEMENTS FOR THE BENEFIT OF THE SUBJECT LOTS.
THE SUBDIVISION IS SUBJECT TO THE PROVISIONS SET FORTH IN
THE DISCLOSURE STATEMENT RECORDED AS INSTRUMENT
NO. 1477741 IN THE RECORDS OF THE SANTA FE COUNTY CLERK'S
OFFICE.
THIS SUBDIVISION IS SUBJECT TO COMPLAINTS RECORDED AS
INSTRUMENT NO. 1477740 IN THE RECORDS OF THE SANTA FE
COUNTY CLERK.

PLAT-DEED REFERENCES

- 1) REFERENCE A PLAT OF SURVEY TITLED, "PLAT OF SURVEY SHOWING
TESSERA SUBDIVISION, PHASE ONE AND PHASE TWO (RESERVED FOR
FUTURE DEVELOPMENT), WITHIN SECTIONS 17 & 20, T-17-N, R-9-E,
N.M.P.M., SANTA FE COUNTY NEW MEXICO," DATED 07/30/04 BY ALAN
S. CUNTS, N.M.L.S. 13693 AND FILED FOR RECORD IN THE OFFICE OF
THE SANTA FE COUNTY CLERK IN PLAT BOOK 431 PAGES 5-14 AS
INSTRUMENT NO. 1477739
- 2) REFERENCE A SPECIAL WARRANTY DEED FROM LOS ALAMOS NATIONAL
LABORATORY TO SANTA FE COUNTY, FILED FOR RECORD IN THE OFFICE OF THE
SANTA FE COUNTY CLERK AS INSTRUMENT NO. 1683091
- 3) REFERENCE A PLAT OF SURVEY TITLED, "BOUNDARY SURVEY PLAT
PREPARED FOR THE COLLAGE OF THE CHARTERED BOROUGH OF SAN
MEXICO, BY DEED OF THE STATE OF NEW MEXICO AND FILED FOR RECORD
IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BOOK 430,
PAGE 13 AS INSTRUMENT NO. 1099047
- 4) REFERENCE A NEW MEXICO STATE HIGHWAY RIGHT-OF-WAY MAP
BEARING PROJECT NO. ST-7649 (2003)-2



SPECIAL BUILDING PERMIT CONDITIONS
THE INSTALLATION OF AN AUTOMATIC FIRE SUPPRESSION SYSTEM
IS NOW REQUIRED FOR ALL HOMES ON ALL LOTS.
THESE LOTS ARE SUBJECT TO UTILIZING THE COUNTY WATER
SYSTEM. INDIVIDUAL WELLS ARE NOT PERMITTED.
THESE LOTS ARE SUBJECT TO USING THE TESSERA SEWER
COOPERATIVE SEWER SYSTEM. NO INDIVIDUAL WASTEWATER
SYSTEMS SHALL BE ALLOWED.
LAND HEREON LIES WITHIN THE LIMITS OF THE FEMA
DESIGNATED 100-YEAR (1%) SPECIAL FLOOD HAZARD AREA. A
FLOODPLAIN DEVELOPMENT PERMIT IS REQUIRED PRIOR TO
COMMENCEMENT OF CONSTRUCTION ACTIVITY OF ANY KIND.
THE PARCELS, LOTS, OR TRACTS PLATTED HEREON ARE
SUBJECT TO ARTICLE IV, SECTION 3, AND ORDINANCE 2008-10,
AS WELL AS ALL PERTINENT COUNTY CODE AND ORDINANCES
AT THE TIME OF DEVELOPMENT.
THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND
RESCUE DEPARTMENT'S RIGHT OF APPOINTMENT FOR
DEVELOPMENT PERMIT.
DEVELOPMENT PERMITS FOR BUILDING CONSTRUCTION WILL NOT
BE ISSUED UNTIL REQUIRED IMPROVEMENTS FOR ROAD AND
EMERGENCY TURN-AROUND ARE COMPLETED AND APPROVED BY
STAFF.

771046

COUNTY OF SANTA FE APPROVAL
NOTES & CONDITIONS

COUNTY DEVELOPMENT PERMIT NO. 14-3005
DATE 4/10/14
COUNTY LAND USE ADMINISTRATOR
Vicki Oliver
COUNTY CLERK
DATE 3/27/2014
COUNTY RURAL ADDRESSING
DATE 3-28-14
COUNTY THE CLERK
DATE 4/10/14
COUNTY THE CLERK
DATE 4/10/14
COUNTY FLOOD PLAIN ADMINISTRATOR
DATE 4/10/14

THE LANDS SHOWN HEREON LIE WITHIN THE PLANNING AND PLATTING
JURISDICTION OF SANTA FE COUNTY.
MAINTENANCE OF PRIVATE ACCESS EASEMENTS, UTILITY EASEMENTS
AND/OR PRIVATE ROADS ARE NOT THE RESPONSIBILITY OF SANTA FE
COUNTY, UNLESS DEDICATED AND ACCEPTED FOR MAINTENANCE BY THE
SANTA FE COUNTY PUBLIC WORKS DEPARTMENT
AND THE BOARD OF COUNTY COMMISSIONERS.
THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF
ANY FURTHER DEVELOPMENT INCLUDING BUILDING PERMITS, ALL STANDARD
COUNTY PERMITS AND FEES MUST BE IN PLACE PRIOR TO
COMMENCEMENT OF CONSTRUCTION ACTIVITY OF ANY KIND.
DEVELOPMENT PERMITS FOR BUILDING CONSTRUCTION WILL NOT BE ISSUED
UNTIL REQUIRED IMPROVEMENTS FOR ROADS, FIRE PROTECTION, TERRAIN
MANAGEMENT, AND DRAINAGE ARE COMPLETED AND APPROVED.

ALL UTILITIES SHALL BE UNDERGROUND, EXCEPT PEDESTALS,
VALVES, METERS, ETC. WHERE NEEDED TO SERVICE AND MAINTAIN
SAID UTILITIES.
THE SANITARY SEWER SYSTEM IS PRIVATE AND SHALL BE
MAINTAINED BY THE TESSERA SEWER COOPERATIVE.
THESE LOTS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF
RECORD.
THIS DEVELOPMENT IS SUBJECT TO HOUSING OPPORTUNITY
AGREEMENT RECORDED AS INSTRUMENT NO. 1470000.
IF IMPROVISED SURFACE EXCEEDS 8000 SQ. FT. ON A LOT, A
LICENSED PROFESSIONAL ENGINEER MUST CALCULATE THE
ADDITIONAL PAVING FOR STORM WATER TO BE DETAINED ON THE
LOT.

SURVEY NOTES:

BASES OF BEARING IS GEODETIC AZIMUTH BASED ON GPS
OBSERVATIONS. ANY MONUMENTED LOTS AND BOUNDARIES
MAY BE UTILIZED AS A LOCAL BASIS OF BEARINGS.
BEARINGS ARE IN STATE PLANE CENTRAL ZONE - 14093
DISTANCES ARE GROUND
COMBINED SCALE FACTOR 0.999983283
WHERE NO RECORD DATA SHOWN MEASURED DIMENSIONS
ARE EQUIVALENT TO RECORD DIMENSIONS
BY GRAPHIC PLOTTING ONLY AND ACCORDING TO FEMA
FIRM PANEL 35049C 04000 DATED 12-04-12, A PORTION
OF LOTS 39 THRU 46 LIE WITHIN ZONE A, LOTS 21 THRU
24 AND LOT 30 LIE WITHIN ZONE X AND ARE AFFECTED
BY A 75' SETBACK FROM EDGE OF ZONE A. THE
REMAINING LOTS AND ALL OF PHASE TWO LIE WITHIN
ZONE X

NO EXISTING/RECORD SUBDIVISION EASEMENTS HAVE BEEN
VACATED BY THIS PLATTING
ALL EXISTING EASEMENTS SHOWN HEREON ARE FROM
REFERENCE 1
NEW EASEMENTS HAVE BEEN CREATED BY THIS PLATTING
AND ARE SHOWN ON SHEET 2 OF 5

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS BOUNDARY/EASEMENT SURVEY PLAT
AND THE FIELD SURVEY ON WHICH IT IS BASED WAS MADE BY
ME OR UNDER MY PERSONAL DIRECTION AND CONTROL, AND
THAT THE DATA SHOWN HEREON ARE TRUE AND CORRECT TO
THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS
SURVEY MEETS OR EXCEEDS THE STANDARD REQUIREMENTS OF
THE STATE OF NEW MEXICO. I HAVE REVIEWED THE RECORDS OF
THE STATE OF NEW MEXICO AND HAVE DETERMINED THAT THIS
PLAT COMPLIES WITH THE REQUIREMENTS OF THE NEW MEXICO
FOR PROFESSIONAL ENGINEERS AND SURVEYORS. FIELD WORK
COMPLETED IN OCTOBER & NOVEMBER 2013.

THIS IS A BOUNDARY SURVEY PLAT OF AN EXISTING SUBDIVISION
AND IS NOT A LAND DIVISION, OR SUBDIVISION AS DEFINED IN
THE NEW MEXICO SUBDIVISION ACT.

JEFFERY L. LUDWIG N.M.L.S. 13054 DATE 03-25-2014



COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed
for record on the 25th day of March, 2014, at
10:11 AM, at the County Clerk's Office, Santa Fe,
New Mexico, and is a true and correct copy of the
original as the same appears in the records of
Santa Fe County.
Witness my hand and Seal of Office
County Clerk, Santa Fe County, N.M.
Cecilia Martinez Deputy

CORNERSTONE
LAND SURVEYING
JEFFERY L. LUDWIG
N.M.L.S. No. 13054
505-690-7010 CELL
505-471-5477 OFFICE
P.O. BOX 8348
SANTA FE, NEW MEXICO
87504

SECTION(S)	TOWNSHIP	RANGE	GRANT
17 & 20	T-17-N	R-9-E	GRANT
			N.M.L.M.

EXHIBIT
S
ION

PHASE TWO - 69.36 ACRES ±
RESERVED FOR FUTURE DEVELOPMENT
COUNTY OF SANTA FE, NEW MEXICO

SHEET 1 OF 5	SCALE 1" = 300'
DATE 03/25/14	DRAWN BY LUDY
CHECKED BY LUDY	PROJECT NO. 13-003097

CONSENT AFFIDAVIT

KNOW ALL PERSONS BY THESE PRESENTS:
THAT THE UNDERSIGNED OWNER AND PROPRIETOR HAS REVIEWED
THIS PLAT, SAID PLAT WAS PREPARED TO SHOW A BOUNDARY
REPLACEMENT OF THE TESSERA SUBDIVISION, PHASE ONE, AND
PHASE TWO (RESERVED FOR FUTURE DEVELOPMENT), WITHIN
SECTIONS 17 & 20, T-17-N, R-9-E, N.M.P.M., SANTA FE COUNTY
NEW MEXICO, AND THAT THE DATA SHOWN HEREON ARE TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT
THIS SURVEY MEETS OR EXCEEDS THE STANDARD REQUIREMENTS
OF THE STATE OF NEW MEXICO. I HAVE REVIEWED THE RECORDS
OF THE STATE OF NEW MEXICO AND HAVE DETERMINED THAT
THIS PLAT COMPLIES WITH THE REQUIREMENTS OF THE NEW
MEXICO FOR PROFESSIONAL ENGINEERS AND SURVEYORS. FIELD
WORK COMPLETED IN OCTOBER & NOVEMBER 2013.
MICHAEL LOFTIN, EXECUTIVE DIRECTOR, HOUSEHOLD INC.
STATE OF NEW MEXICO
COUNTY OF SANTA FE
ON this 25th day of March, 2014, the foregoing instrument
was acknowledged before me by the person(s) whose name(s)
appear above.
Bridgette J. Delgado
NOTARY PUBLIC

3-25-2017

e-Recorded 1683091 09/28/12 SFC

6



e-Recorded 1683091 09/28/12 SFC

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

SPECIAL WARRANTY DEED
PAGES: 2

I Hereby Certify That This Instrument Was Filed for
Record On The 25TH Day Of September, A.D., 2012 at 04:53:33 PM
And Was Duly Recorded as Instrument # 1683091
Of The Records Of Santa Fe County

Deputy - MSALZR

Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

File No.: 01143-5428

WARRANTY DEED

Michael Hurlocker, an unmarried man

for consideration paid, grant(s) to

Homewise, Inc, a New Mexico corporation

whose address is: 1301 Siler Road Building D, Santa Fe, NM 87507,

the following described real estate in Santa Fe County, New Mexico:

Lot 25, as shown on, "Plat of Survey Showing Tessera Subdivision, Phase One and Phase Two (Reserved for Future Dev'mt.) within Sec. 17 & 20, T 17 N, R 9 E, N.M.P.M. Santa Fe County, New Mexico," filed for record as Instrument No. 1477739, in Plat Book 651, Pages 5-14, records of Santa Fe County, New Mexico.

Subject to: Reservations, restrictions, easements of record and taxes for 2015 and subsequent years.

with warranty covenants.

Executed this 30th day of December, 2014.

Michael Hurlocker

ACKNOWLEDGEMENT FOR NATURAL PERSONS

State of New Mexico
County of Santa Fe

The foregoing instrument was acknowledged before me on 30th day of December, 2014 by Michael Hurlocker.

Notary Public

My Commission Expires:



COUNTY OF SANTA FE }
STATE OF NEW MEXICO } ss

WARRANTY DEED
PAGES: 1

I Hereby Certify That This Instrument Was Filed for
Record On The 30TH Day Of December, A.D., 2014 at 01:02:10 PM
And Was Only Recorded as Instrument # 1754051
Of The Records Of Santa Fe County

Deputy - SDALTON

Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM



e-Recorded 1754051 12/30/14 SFC

File No.: 01143-5428

WARRANTY DEED

Michael Hurlocker as Trustee of the Michael Hurlocker Defined Benefit Pension Plan Trust u/a/d January 1, 1995,

for consideration paid, grant(s) to

Homewise, Inc, a New Mexico corporation

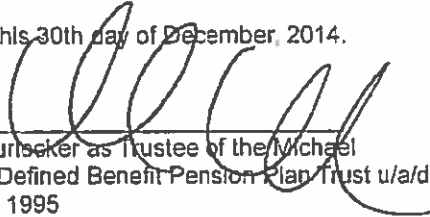
whose address is: 1301 Siler Road Building D, Santa Fe, NM 87507,

the following described real estate in Santa Fe County, New Mexico:

Lot 54, as shown on, "Plat of Survey Showing Tessera Subdivision, Phase One and Phase Two (Reserved for Future Dev'mt.) within Sec. 17 & 20, T 17 N, R 9 E, N.M.P.M. Santa Fe County, New Mexico," filed for record as Instrument No. 1477739, in Plat Book 651, Pages 5-14, records of Santa Fe County, New Mexico.

Subject to: Reservations, restrictions, easements of record and taxes for 2015 and subsequent years.
with warranty covenants.

Executed this 30th day of December, 2014.


Michael Hurlocker as Trustee of the Michael
Hurlocker Defined Benefit Pension Plan Trust u/a/d
January 1, 1995

ACKNOWLEDGEMENT FOR NATURAL PERSONS

State of New Mexico
County of Santa Fe

The foregoing instrument was acknowledged before me on 30th day of December, 2014 by Michael Hurlocker as Trustee of the Michael Hurlocker Defined Benefit Pension Plan Trust u/a/d January 1, 1995.


Notary Public _____

My Commission Expires: _____



4/29/18

COUNTY OF SANTA FE }
STATE OF NEW MEXICO } ss

WARRANTY DEED
PAGES: 1

I Hereby Certify That This Instrument Was Filed for
Record On The 30TH Day Of December, A.D., 2014 at 01:02:11 PM
And Was Duly Recorded as Instrument # 1754052
Of The Records Of Santa Fe County

Deputy - SDALTON

Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM



e-Recorded 1754052 12/30/14 SFC

File No.: 01143-5428

WARRANTY DEED

Tessera Lot 70, LLC, a New Mexico limited liability company,

for consideration paid, grant(s) to

Homewise, Inc, a New Mexico corporation

whose address is: 1301 Siler Road Building D, Santa Fe, NM 87507,

the following described real estate in Santa Fe County, New Mexico:

Lot 70, as shown on, "Plat of Survey Showing Tessera Subdivision, Phase One and Phase Two (Reserved for Future Dev'mt.) within Sec. 17 & 20, T 17 N, R 9 E, N.M.P.M. Santa Fe County, New Mexico," filed for record as Instrument No. 1477739, in Plat Book 651, Pages 5-14, records of Santa Fe County, New Mexico.

Subject to: Reservations, restrictions, easements of record and taxes for 2015 and subsequent years.

with warranty covenants.

Executed this 30th day of December, 2014.

Tessera Lot 70, LLC


Michael Hurlocker, Managing Member

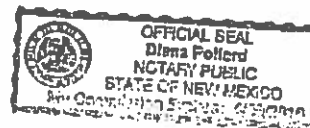
ACKNOWLEDGEMENT FOR NATURAL PERSONS

State of New Mexico
County of Santa Fe

The foregoing instrument was acknowledged before me on 30th day of December, 2014 by Michael Hurlocker as Managing Member of Tessera Lot 70, LLC, a New Mexico limited liability company, on behalf of said company.


Notary Public _____

My Commission Expires: _____



4/29/18

COUNTY OF SANTA FE	WARRANTY DEED
STATE OF NEW MEXICO	PAGES: 1
I Hereby Certify That This Instrument Was Filed for Record On The 30TH Day Of December, A.D., 2014 at 01:02:12 PM And Was Duly Recorded as Instrument # 1754053 Of The Records Of Santa Fe County	
Witness My Hand And Seal Of Office Geraldine Salazar County Clerk, Santa Fe, NM	
Deputy - SDALTON	



e-Recorded 1754053 12/30/14 SFC



Legend

- ROADS
- DRIVEWAYS
- PARCELS

1:7,031

1 inch represents 565,937.5 feet



2008 Imagery
2 FOOT CONTOURS

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of this map. User are solely responsible for confirming data accuracy.



February 24, 2015



2008 Imagery
2 FOOT CONTOURS



- Legend**
- ROADS
 - DRIVEWAYS
 - PARCELS

This information is for reference only.
Santa Fe County assumes no liability for
errors associated with the use of these data.
User are solely responsible for
confirming data accuracy.



February 24, 2015

Henry P. Roybal
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Hoffman
Commissioner, District 4

Liz Stefaniec
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Submittal Review

Date	2/11/2015		
Project Name	Homewise Inc. Vacation of Easements		
Project Location	Via Prima, Via Nova, & Via Bella		
Description	Vacation of Easements	Case Manager	Miguel Romero
Applicant Name	Homewise Inc.	County Case #	PCEV 14-5480
Applicant Address	1301 Siler Rd, Bldg. D Santa Fe, NM 87507	Fire District	Agua Fria
Applicant Phone	505-690-7010		
Review Type	Commercial <input type="checkbox"/>	Residential <input checked="" type="checkbox"/>	Sprinklers <input type="checkbox"/>
	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input type="checkbox"/>	
		Hydrant Acceptance <input type="checkbox"/>	Inspection <input type="checkbox"/>
			Lot Split <input type="checkbox"/>
Project Status	Approved <input checked="" type="checkbox"/>	Approved with Conditions <input type="checkbox"/>	Denial <input type="checkbox"/>

The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated.

Fire Department Access

Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

- **Fire Access Lanes**

Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) *When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.*



Curbs or signage adjacent to the building, fire hydrant, entrances and landscape medians in traffic flow areas shall be appropriately marked in red with 6" white lettering reading "FIRE LANE – NO PARKING" as determined by the Fire Marshal prior to occupancy. Assistance in details and information are available through the Fire Prevention Division.

▪ **Roadways/Driveways**

Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Roads shall meet the minimum County standards of 20' wide for fire apparatus access roads within this type of proposed development.

Driveways at the time of building shall meet the minimum County standards for fire apparatus access roads of a minimum 12' wide all-weather driving surface and an unobstructed vertical clearance of 13' 6" within this type of proposed development. If a gate is proposed it shall be minimum 14' wide.

▪ **Street Signs/Rural Address**

Section 901.4.4 Premises Identification (1997 UFC) Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

Section 901.4.5 Street or Road Signs. (1997 UFC) When required by the Chief, streets and roads shall be identified with approved signs.

▪ **Slope/Road Grade**

Section 902.2.2.6 Grade (1997 UFC) The gradient for a fire apparatus access road shall not exceed the maximum approved.

The fire access does not exceed 11% slope and shall have a minimum 28' inside radius on curves.

▪ **Restricted Access/Gates/Security Systems**

Section 902.4 Key Boxes. (1997 UFC) When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.

To prevent the possibility of emergency responders being locked out, all access gates should be operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System). Details and information are available through the Fire Prevention office.

Fire Protection Systems

▪ Hydrants

Shall comply with Article 9, Section 903 - Water Supplies and Fire Hydrants of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Section 903.4.2 Required Installations. (1997 UFC) *The location, number and type of the fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved.*

All fire hydrants shall be spaced so that the furthest buildable portion of a parcel shall be within one thousand feet (1,000') as measured along the access route.

Supply lines shall be capable of delivering a minimum of 500 gpm with a 20-psi residual pressure to the attached hydrants. The design of the system shall be accordingly sized and constructed to accommodate for the associated demands placed on such a system through drafting procedures by fire apparatus while producing fire flows. The system shall accommodate the operation of two pumping apparatus simultaneously from separate locations on the system.

▪ Fire Extinguishers

Article 10, Section 1002.1 General (1997 UFC) *Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the chief. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.*

General Requirements/Comments

▪ Inspections/Acceptance Tests

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

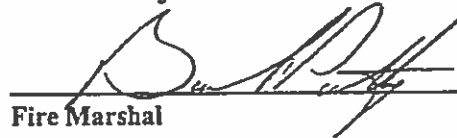
▪ Permits

As required

Final Status

Recommendation for Final Development Plan approval with the above conditions applied.

Buster Patty


Fire Marshal

2-11-15
Date

Through: David Sperling, Chief

File: DevRev/Agua Fria/Homewise Inc. Vacation of Easement/2.11.15

Cy: Miguel Romero, Land Use
Applicant
File

THE SANTA FE
NEW MEXICAN
Founded 1849

LEGAL # T02100153

BCC CASE # PCEV 14-5480

**NOTICE OF PUBLIC
HEARING**

Notice is hereby given that a public hearing will be held to consider a request by Homewise, Inc., Applicant, (Cornerstone Land Surveying), Jeffery Ludwig, Agent, for a request to vacate Three (3) Private Access and Utility Block Easements totaling 0.31 +/- acres. The Block Easements are located in the Tessera Subdivision-Phase One, Within Sections 17 & 20, Township 17 North, Range 9 East (Commission District 2). A public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on the 10th day of March 2015, at 5:00 p.m. on a petition to the Board of County Commissioners.

Please forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Commission taking action. All comments, questions and objections to the proposal may be submitted to the County Land Use Administrator in writing to P.O. Box 276, Santa Fe, New Mexico 87504-0276; or presented in person at the hearing.

Published in The Santa Fe New Mexican on February 17, 2015

EXHIBIT

9

SANTA FE NEW MEXICAN

Founded 1849

PINKEY, DIANE
P.O. BOX 8348
SANTA FE, NM 87504

ACCOUNT: 5644
AD NUMBER: 0000109333
LEGAL NO T02100153 P.O. #:
1 TIME(S) 71.40
AFFIDAVIT 20.00
TAX 6.66
TOTAL 88.06

AFFIDAVIT OF PUBLICATION

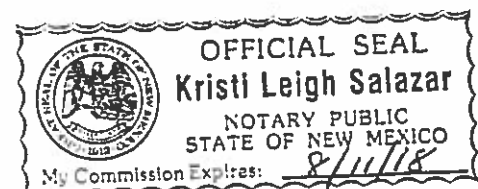
STATE OF NEW MEXICO
COUNTY OF SANTA FE

I, W. Barnard, being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe, Rio Arriba, San Miguel, and Los Alamos, State of New Mexico and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the Legal No T02100153 a copy of which is hereto attached was published in said newspaper 1 day(s) between 02/17/2015 and 02/17/2015 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 17th day of February, 2015 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

/s/ [Signature]
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 17th day of February, 2015

Notary Kristi Leigh Salazar
Commission Expires: August 11, 2018



26

CERTIFICATION OF POSTING

I herby certify that the public notice posting regarding Land Development

Case # PCÉV 14-548 was posted for 21 days on the property beginning

The 10th day of FEBRUARY. **

Jeffery Ludwig
Signature

*Photo of posting must be provided with certification

**PLEASE NOTE: Public notice is to be posted on the most visible part of the property. Improper legal notice will result in re-posting for an additional 21 days. It is the applicant's responsibility to ensure that the notice is on the property for the full 21 days.

STATE OF NEW MEXICO }
 }
COUNTY OF SANTA FE }

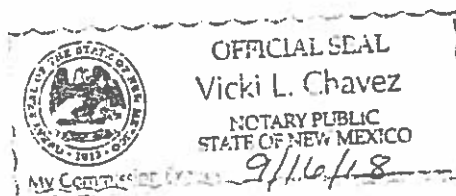
The foregoing instrument was acknowledged before me this 10 day of

February, 2015, By Jeffery Ludwig.

Vicki L. Chavez
Notary Public

My Commission Expires:

9/16/18



0998 ER25 5000 0010 9002

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

OFFICIAL USE
 SANTA FE NM 87502

Postage	\$ 0.49	0500
Certified Fee	\$3.30	16 Postmark Here
Return Receipt Fee (Endorsement Required)	\$2.70	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 6.49	02/11/2015

Sent To Home wise Inc.
 Street, Apt. No., or PO Box No. 1301 Siler Rd. Bldg. D
 City, State, ZIP+4 SANTA FE, NM 87502

PS Form 3800, June 2002 See Reverse for Instructions

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

2. Article Number
 (Transfer from service label) 7006 0100 0005 5783 8660

1. Article Addressed to:
Home wise Inc.
1301 Siler Rd. Bldg. D
SANTA FE, NM 87502

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

3. Service Type
☒ Certified Mail
☐ Registered
☐ Insured Mail
☐ Express Mail
☐ Return Receipt for Merchandise
☐ Restricted Delivery (Extra Fee)
☐ Yes

4. Is delivery address different from item 1?
☐ Yes
☒ No

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] ☐ Agent
 B. Received by (Printed Name) Richard A. Silva
 C. Date of Delivery 2/11/15
 D. Is delivery address different from item 1? ☐ Yes
☒ No

9498 ER25 5000 0010 9002

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

OFFICIAL USE
 SANTA FE NM 87508

Postage	\$ 0.49	0500
Certified Fee	\$3.30	16 Postmark Here
Return Receipt Fee (Endorsement Required)	\$2.70	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 6.49	02/11/2015

Sent To Gerald J. + Tore Shere
 Street, Apt. No., or PO Box No. 44 Camino Pacifica
 City, State, ZIP+4 SANTA FE, NM 87508

PS Form 3800, June 2002 See Reverse for Instructions

ES98 ER25 5000 0010 9002

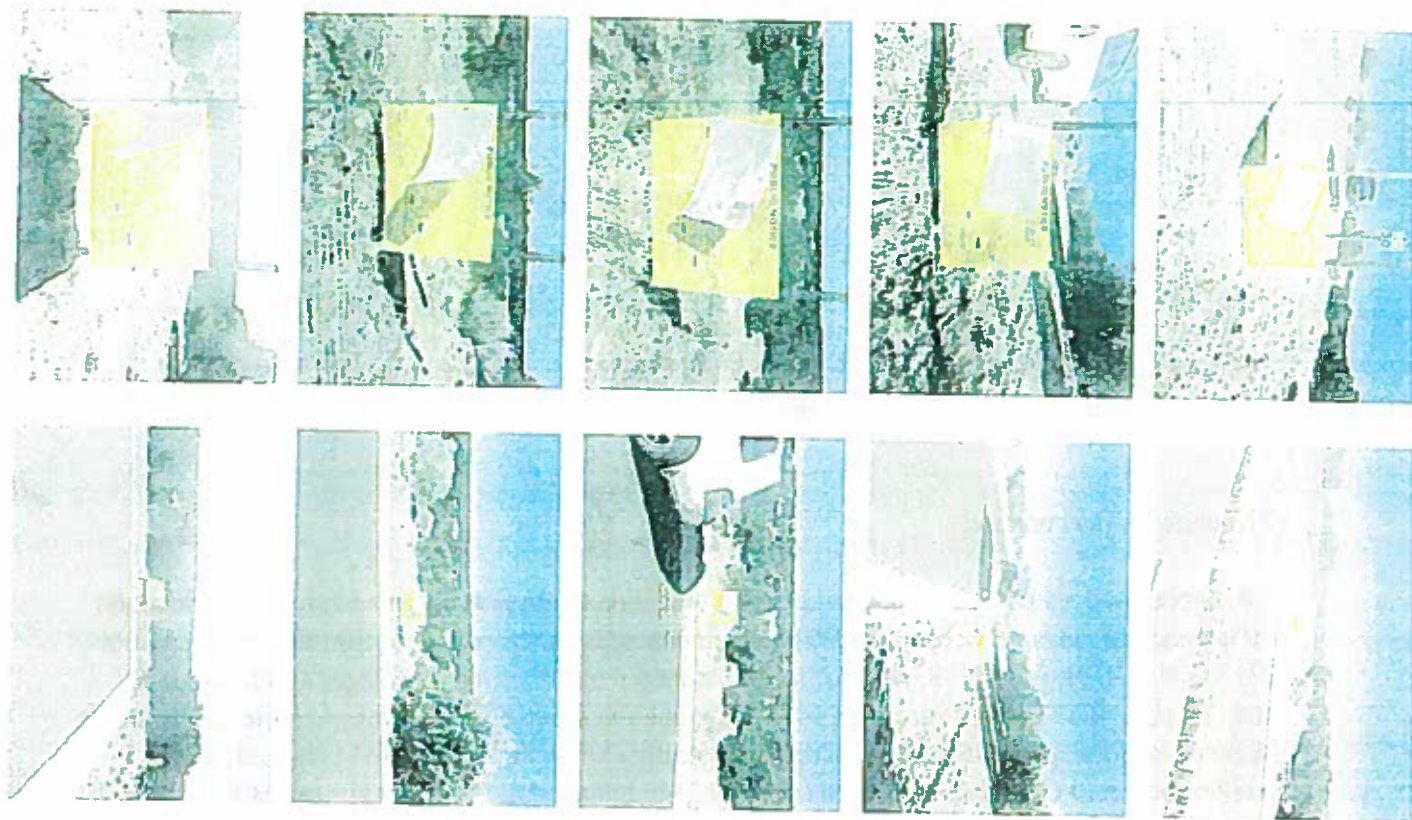
U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

OFFICIAL USE
 KEY BISCAYNE FL 33149

Postage	\$ 0.49	0500
Certified Fee	\$3.30	16 Postmark Here
Return Receipt Fee (Endorsement Required)	\$2.70	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 6.49	02/11/2015

Sent To Julia M. Stevens
 Street, Apt. No., or PO Box No. 609 Ocean Dr. #36
 City, State, ZIP+4 Key Biscayne, FL 33149

PS Form 3800, June 2002 See Reverse for Instructions



Letter of Consent

11/25/2014

RE: Consent to allow Homewise, Inc. to vacate and relocate three existing "Private Access and Utility Easements" within Phase 1 of the Tessera Subdivision.

To whom it may concern:

CenturyLink does hereby consent and has no objections to the proposed vacation and relocation of the existing Private Access and Utility Easements previously dedicated for the benefit of Lots 22, 23, 24, 25, 43, 44, 45, 83, 84, 85, and 86, as shown in Plat Book 771 Pages 46 through 50, and Plat Book 651 Pages 5 through 14. CenturyLink understands that Homewise, Inc. will soon be processing a replat of the subject area as generally shown on the attached plat draft, which will be subject to CenturyLink's final approval. We understand that the purpose of this vacation and relocation is to allow Homewise, Inc the ability to adjust the lot lines of their affordable lots to reduce the site development costs in order to help keep the houses affordable. CenturyLink facilities are behind the curb in the right of way and this vacation will not negatively affect our Operations and Maintenance.



Greg Hunt, Right-of-Way Engineer
Qwest Corporation, d/b/a CenturyLink QC

State of New Mexico

County of Bernalillo

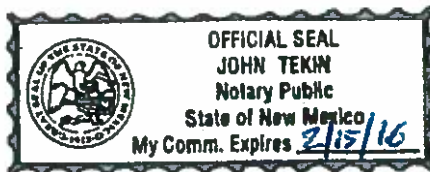
The foregoing instrument was acknowledged before me this 26th day of November, 2014 by Greg Hunt, Right-of Way Engineer for Quest Corporation, d/b/a CenturyLink QC.



Notary's official signature

2/15/2016

Commission expiration



Letter of Consent

11/18/2014

RE: Consent to allow Homewise, Inc. to vacate and relocate three existing "Private access and Utility Easements" within Phase 1 of the Tessera Subdivision.

To whom it may concern:

New Mexico Gas Company does hereby consent and has no objections to the proposed vacation and relocation of the existing Private Access and Utility Easements previously dedicated for the benefit of Lots 22, 23, 24, 25, 43, 44, 45, 83, 84, 85, and 86, as shown in Plat Book 771 Pages 46 through 50, and Plat Book 651 Pages 5 through 14. We understand that the purpose of this vacation and relocation is to allow Homewise, Inc the ability to adjust the lot lines of their affordable lots to reduce the site development costs in order to help keep the houses affordable. NMGCO facilities are behind the curb in the right of way and this vacation will have no effect on our Operations and Maintenance.

Frank G. Aragon, New Mexico Gas Company

Frank G. Aragon

State of New Mexico

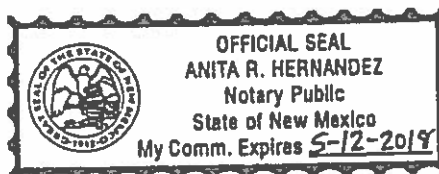
County of Santa Fe

The foregoing instrument was acknowledged before me this 18th day of November, 2014 by

Anita R. Hernandez

Anita R. Hernandez
Notary's official signature

May 12, 2018
Commission expiration





A personal commitment to New Mexico

Public Service Company of New Mexico
P.O. Box 1268
Santa Fe, NM 87504-1268

November 25, 2014

Letter of Consent

Rich Silva
Homewise, Inc.

RE: Consent to allow Homewise, Inc. to vacate and relocate three existing "Private access and Utility Easements" within Phase 1 of the Tessera Subdivision.

To whom it may concern:

Public Service Company of New Mexico has completed a site visit and reviewed the plat titled "Lot Line Adjustment Survey Plat, Prepared for Homewise, Inc., dated 11/13/14, Project No. 13-009 LLA", and does hereby consent and has no objections to the proposed vacation and relocation of the existing Private Access and Utility Easements previously dedicated for the benefit of Lots 22, 23, 24, 25, 43, 44, 45, 83, 84, 85, and 86, as shown in Plat Book 771 Pages 46 through 50, and Plat Book 651 Pages 5 through 14. We understand that the purpose of this vacation and relocation is to allow Homewise, Inc the ability to adjust the lot lines of their affordable lots to reduce the site development costs in order to help keep the houses affordable. PNM facilities are either behind the curb in the right of way, or in private easement, and this vacation will have no effect on our Operations and Maintenance as they currently exist.

Sincerely,

John E. Ortiz for Tom Dominguez

Tom Dominguez
Northern Operations Engineering Supervisor

Letter of Consent

11/10/2014

RE: Consent to allow Homewise, Inc. to vacate and relocate three existing "Private access and Utility Easements" within Phase 1 of the Tessera Subdivision.

To whom it may concern:

Comcast Cable do hereby consent and has no objections to the proposed vacation and relocation of the existing Private Access and Utility Easements previously dedicated for the benefit of Lots 22, 23, 24, 25, 43, 44, 45, 83, 84, 85, and 86, as shown in Plat Book 771 Pages 46 through 50, and Plat Book 651 Pages 5 through 14. We understand that the purpose of this vacation and relocation is to allow Homewise, Inc the ability to adjust the lot lines of their affordable lots to reduce the site development costs in order to help keep the houses affordable. Comcast facilities are behind the curb in the right of way and this vacation will have no effect on our Operations and Maintenance.

Dave Aikin, Comcast



State of New Mexico

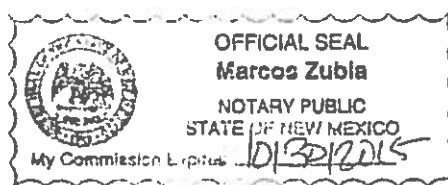
County of Santa Fe

The foregoing instrument was acknowledged before me this 13th day of November, 2014 by Dave Aikin.



Notary's official signature

10/30/2015
Commission expiration



Tessera Sewer Cooperative
8 Via Altera
Santa Fe, NM 87507

November 15, 2014

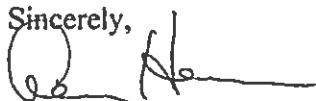
To Whom it May Concern:

RE: Consent to allow Homewise, Inc. to vacate and relocate three existing "Private Access and Utility Easements" within Phase 1 of the Tessera Subdivision

The Tessera Sewer Cooperative does hereby consent and has no objections to the proposed vacation and relocation of the existing Private Access and Utility Easements previously dedicated for the benefit of Lots 22, 23, 24, 25, 43, 44, 45, 83, 84, 85 and 86 as shown in Plat Book 771 Pages 46 through 50, and Plat Book 651 Pages 5 through 14. We understand that the purpose of this vacation and relocation is to allow Homewise, Inc. the ability to adjust the lot lines of their affordable lots to reduce the site development costs in order to help keep the houses affordable. Tessera Sewer Cooperative facilities are behind the curb in the right of way and this vacation will have no effect on our operations and maintenance.

~~Affect~~ Only
Affect

Sincerely,

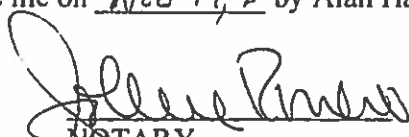


Alan Hann, President
The Tessera Sewer Cooperative

State of New Mexico
County of Santa Fe

Signed or attested before me on Nov 17, 2014 by Alan Hann.

Seal


NOTARY
My commission expires 10/24/14

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

SANTA FE COUNTY UTILITIES DIVISION

November 20, 2014

Richard A. Silva, Site Development Manager
Homewise, Inc.
1301 Siler Road, Building D
Santa Fe, NM 87507

RE: Consent to Allow Homewise, Inc. to Vacate and Relocate Three Existing Private Access and Utility Easements within Phase 1 of Tessera Subdivision.

Dear Mr. Silva:

The Santa Fe County Utilities (SFCU) Division has reviewed the proposed vacation and relocation of the existing private access and utility easements previously dedicated for the benefit of Lots 22, 23, 24, 25, 43, 44, 45, 83, 84, 85, and 86, as shown in Plat Book 771 Pages 46 through 50, and Plat Book 651 Pages 5 through 14. This includes the creation of an additional 20 feet of easement on Lot 42 and the open space to the north to close the gap between the Tessera and Las Campanas subdivisions, which provides better access to the interconnection between the two subdivisions. SFCU hereby consents and has no objections to the proposed vacation, relocation and creation of these easements.

We understand that the purpose of this vacation and relocation is to allow Homewise, Inc. the ability to adjust the lot lines of their affordable lots to reduce the site development costs in order to help keep the homes affordable. SFCU's infrastructure lies behind the curb in the right of way and this vacation will have no effect on our ability to operate and maintain utility infrastructure.

Please contact SFCU Infrastructure Manager Robert George at (505) 992-3046 or Engineering Associate Paul Casaus at (505) 986-6364, or contact me at 992-9872 if you have any questions or concerns.

Respectfully,

Claudia Borchert, Director
Santa Fe County Utilities Division

Richard Silva, Homewise, Inc. RE: Vacate and Relocate Three Existing Phase I Tessera Subdivision Easements
November 20, 2014
Page 2

CB:PC

CC: Vicki Lucero, Building and Development Manager Santa Fe County Landuse
Department, (via email to: vlopez@santafecountynm.gov)

Letter of Consent

11/10/2014

RE: Consent to allow Homewise, Inc. to vacate and relocate three existing "Private access and Utility Easements" within Phase 1 of the Tessera Subdivision.

To whom it may concern:

The Tessera Homeowner's Association, Inc. do hereby consent and has no objections to the proposed vacation and relocation of the existing Private Access and Utility Easements previously dedicated for the benefit of Lots 22, 23, 24, 25, 43, 44, 45, 83, 84, 85, and 86, as shown in Plat Book 771 Pages 46 through 50, and Plat Book 651 Pages 5 through 14. We understand that the purpose of this vacation and relocation is to allow Homewise, Inc the ability to adjust the lot lines of their affordable lots to reduce the site development costs in order to help keep the houses affordable.

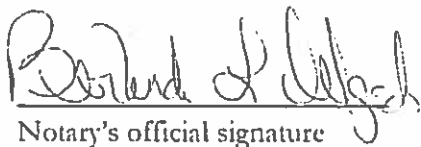
Robert Gibbs, President of the Board of Directors, Tessera Homeowner's Association, Inc



State of New Mexico

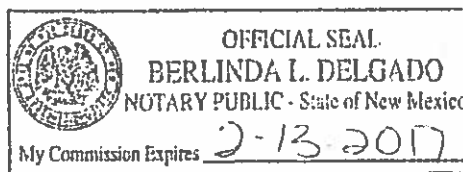
County of Santa Fe

The foregoing instrument was acknowledged before me this 12th day of November, 2014 by Robert Gibbs.



Notary's official signature

2-13-2017
Commission expiration



Letter of Consent

1/13/2015

RE: Consent to allow Homewise, Inc. to vacate and relocate three existing "Private access and Utility Easements" within Phase 1 of the Tessera Subdivision.

To whom it may concern:

Homewise Inc., being the Owner of Lot 25 do hereby consent and has no objections to the proposed vacation and relocation of the existing Private Access and Utility Easements previously dedicated for the benefit of Lots 22, 23, 24, 25, as shown in Plat Book 771 Pages 46 through 50, and Plat Book 651 Pages 5 through 14. The purpose of this vacation and relocation is to allow Homewise, Inc the ability to adjust the lot lines of their affordable lots to reduce the site development costs in order to help keep the houses affordable.

Michael Loftin, Executive Director, Homewise, Inc.



State of New Mexico

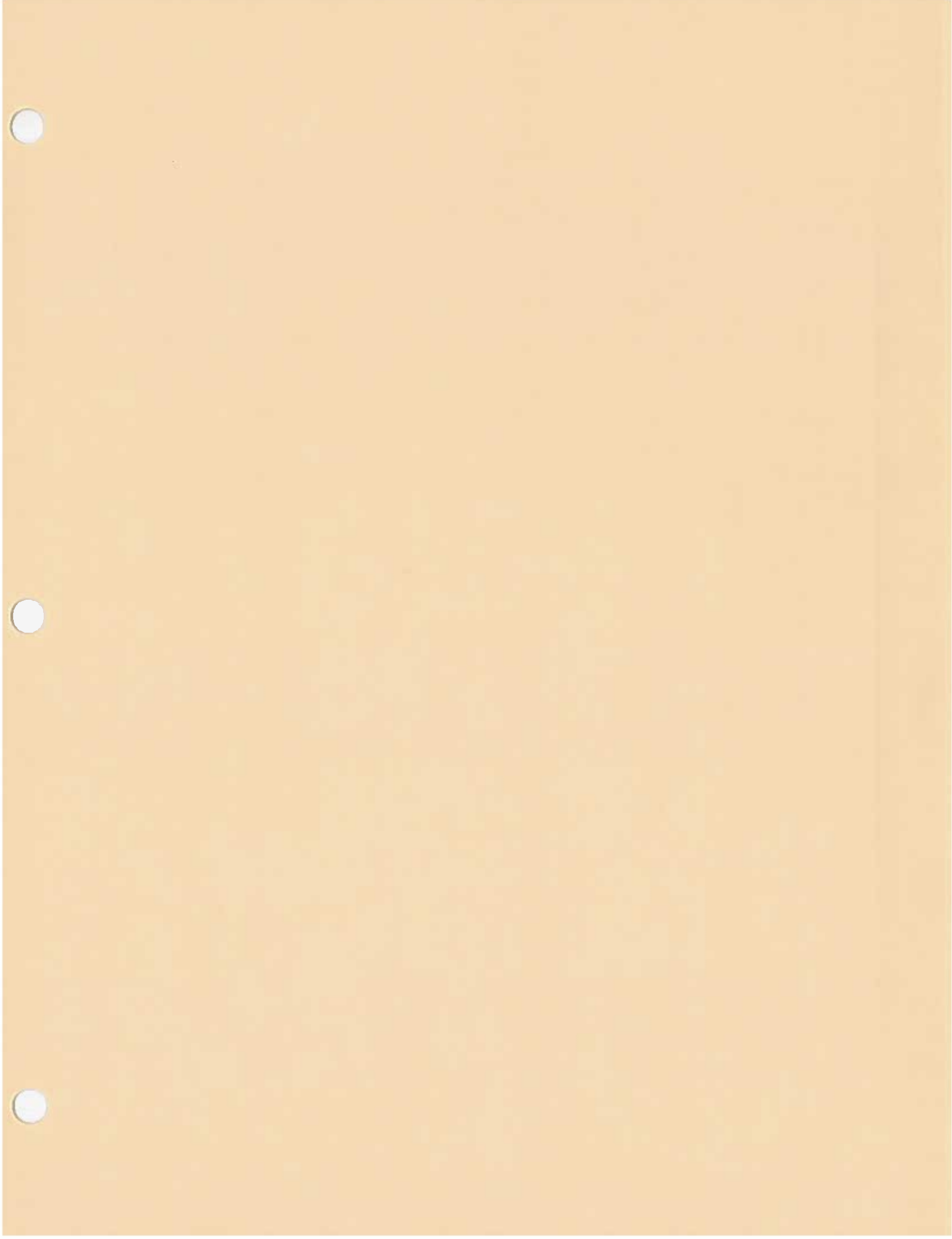
County of Santa Fe

The foregoing instrument was acknowledged before me this 23 day of January, 2015 by Michael Loftin.


Notary's official signature



Commission expiration



Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: February 24, 2015

TO: Board of County Commissioners

FROM: Jose E. Larrañaga, Development Review Team Leader *jet*

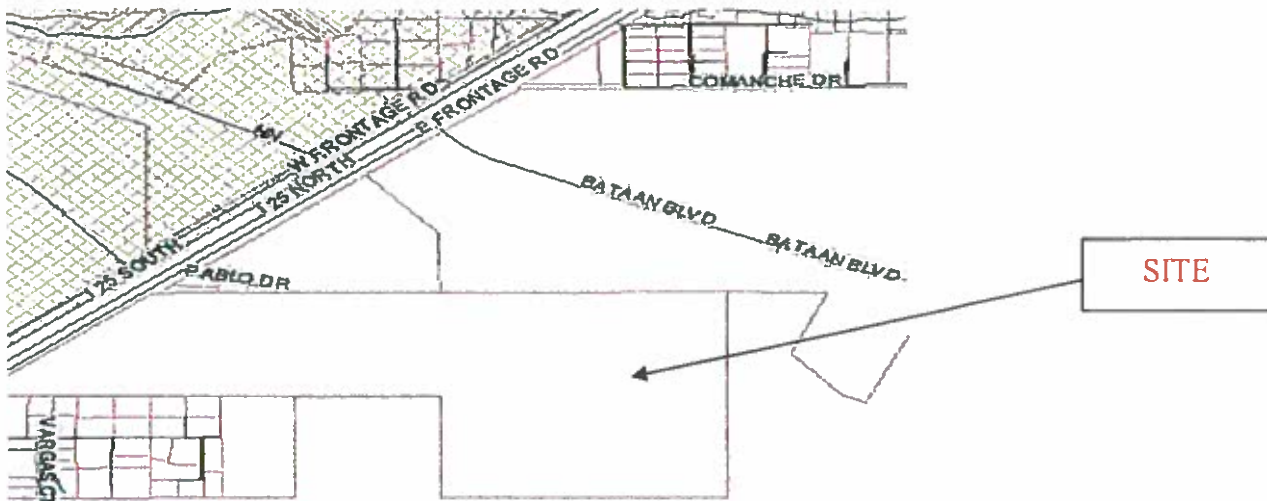
VIA: Katherine Miller, County Manager
Penny Ellis-Green, Growth Management Director *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: CDRC CASE # Z/DP 14-5380 Santa Fe County Solar Energy Center (PNM)

ISSUE:

Public Service Company of New Mexico, Applicant, Laurie Moye, Agent, requests Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 10 megawatt electric Solar Facility on a 100 acre site. The property is located south of the National Guard and takes access via the East I-25 Frontage Road, within Sections 3 & 4, Township 15 North, Range 8 East, (Commission District 5).

VICINITY MAP:



Map created with ArcGIS - Copyright (C) 1992-2014 CDRC Inc.

0 10,300ft

SUMMARY OF ADDITIONAL INFORMATION REQUESTED AND OBTAINED:

On February 10, 2015, the Board of County Commissioners (BCC) met on the above-referenced case. Staff presented a staff report (Exhibit 1), with exhibits, to the BCC, the Agent for the Applicant presented material and testified in support of the Application, and the BCC heard testimony from the public. The BCC tabled this case until the March 10, 2015, BCC Public Hearing.

The BCC identified specific issues to be addressed by staff. Those issues are identified below along with the response by staff:

1. Provide additional information on the two cultural resource sites identified in the archaeological report, prepared by Marron and Associates, and reviewed by the New Mexico Historic Preservation Division (SHPO):

Staff asked SHPO to elaborate on their comments regarding the two cultural resource sites identified in the archaeological survey. SHPO responded by stating the following:

- Archaeological site LA 180083 is a historic artifact scatter (40 artifacts total) dating from the 1880s to 1945. The artifacts are food related such as cans, crockery and glass stoppers. The site also has barrel hoops and a piece of window pane. The site is interpreted as a single episode trash dump.
- Archaeological site LA 180084 is also a historic artifact scatter (99 artifacts total) with a corral dating from the 1880s to 1945. Artifacts are similar to that of LA 180083 and comprise cans, glass, crockery, etc. The corral is constructed of juniper posts, sheep wire, and barbed wire. The artifact scatter is interpreted as a single episode trash dump.
- The historic trail (HCPI 34237) is approximately 5 m wide and was noted by a faint swale. Aerial maps of the project area were inspected and the segment appears to head in the direction of the modern community of Eldorado. The area in the vicinity of the project has been developed and it is unknown where the segment goes. It is likely that the segment is related to ranching in the area and is not associated with major road/trails in the area which includes the Camino Real. The Camino Real is closer to the Santa Fe River, which is to the west of the surveyed area.
- The area was historically used for ranching and General Land Office (GLO) records indicate that Tomas Narvaez obtained the area in 1922, so the artifacts, corral, and road segment may relate to his use of the area.
- In our opinion, all three historic properties are not significant and are not worthy of preservation. Although they will be impacted by the proposed development, because they are not significant, they do not need to be placed in a non-disturbance easement (Exhibit 12).

2. Provide information on efforts made by PNM to reach out to the Tesuque Pueblo in regards to cultural sites on the proposed site:

PNM states that: representatives from PNM met with Tesuque Pueblo Governor Milton Herrera and key members of the pueblo's council on Tuesday, February 17, 2015. The pueblo leaders communicated their concerns and we all agreed that working together during the early stages of a proposed project will help to avoid similar situations in the future. During the meeting, pueblo leaders provided a historical and traditional perspective that helped PNM representatives understand and appreciate their concerns of identifying and protecting cultural findings on their traditional homelands. PNM described the resources documented by cultural resource professionals, the state review process and PNM's internal environmental protection processes. The Pueblo had no additional site-specific information regarding the project.

In addition to the constructive dialogue between the Pueblo and PNM, a site visit has been scheduled for March 3. PNM will be sharing its standard discovery action plan, so that if any cultural remains are discovered during construction, all parties will understand the actions that will be initiated to respectfully address the Pueblo's cultural traditions and religious beliefs (Exhibit 13).

3. Provide information on Other Development and Master Plan Zoning:

Ordinance No. 1998-15 (an Ordinance amending Article III § 8 "Other Development") states: "subject to the requirements of this Section, all uses not otherwise regulated by the Code are permitted anywhere in the County provided a request for zoning approval is granted per Article III" (Exhibit 14).

Article III, § 4.4.1.a (Submittals) states "to zone or re-zone any parcel for a commercial or industrial non-residential district a master plan shall be submitted. Submittals and procedures for master plans are set forth in Article V, § 5.2". Article III goes on to require a Development Plan be submitted for individual uses to be permitted within the district (Exhibit 15).

4. Provide approved/recorded County Development Review Committee (CDRC) minutes of the December 18, 2014 meeting:

On December 18, 2014, the County Development Review Committee (CDRC) met and acted on this case. The decision of the CDRC was to recommend approval of the Applicants request for Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 10 megawatt electric Solar Facility on a 100 acre site, with staff conditions by a unanimous 6-0 voice vote. On January 15, 2015, the CDRC Meeting was cancelled due to a lack of a quorum. The December minutes were approved by the CDRC at their February 19th meeting and recorded on February 20, 2015 (December 18, 2014, CDRC Minutes attached as Exhibit 16).

**STAFF AND CDRC
RECOMMENDATION:**

Approval of Master Plan Zoning, Preliminary and Final Development Plan to allow a 10 megawatt electric Solar Facility on a 100 acre site subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the Master Plan/Final Development Plan.
 - a. The development shall comply with Article 1, Section 103.3.2-New Construction and Alterations of the 1997 Uniform Fire Code.
 - b. The proposed access, to the site, shall be constructed with six inches of compacted base course and twenty feet in width.
2. Master Plan/Final Development Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 7.2.2.

EXHIBITS:

1. February 10, Report
2. Master Plan/Final Development Plan Report
3. Proposed Plans
4. Agency Reviews and Comments
5. Aerial Photo of Site
6. Article III, § 8, Other Development
7. Article V, § 5.2.1.b
8. Article V § 7.2 (Final Development Plan)
9. Subsequent Info submitted by Applicant
10. Deed and Purchase Agreement
11. Proof of Legal Notice
12. Revised SHPO Review
13. Correspondence PNM-Tesuque Pueblo
14. Ordinance No. 1998-15
15. Article III, § 4.4.1.a
16. Recorded December 18th, CDRC Minutes
17. Legal Notice to Tesuque Pueblo

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: January 27, 2015

TO: Board of County Commissioners

FROM: Jose E. Larrañaga, Development Review Team Leader *JEL*

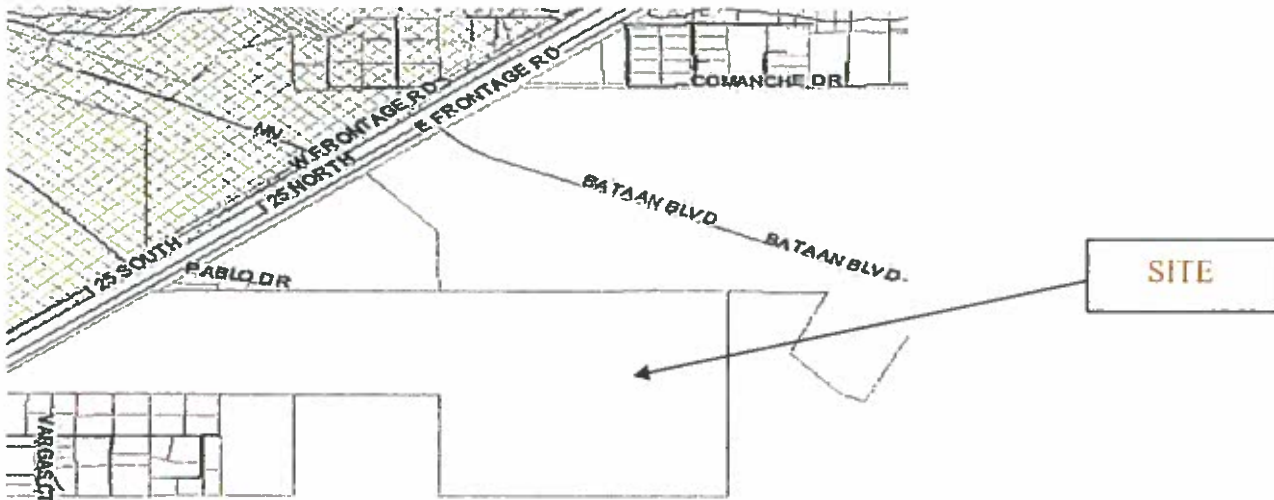
VIA: Katherine Miller, County Manager
Penny Ellis-Green, Growth Management Director
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: CDRC CASE # Z/DP 14-5380 Santa Fe County Solar Energy Center (PNM)

ISSUE:

Public Service Company of New Mexico, Applicant, Laurie Moya, Agent, requests Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 10 megawatt electric Solar Facility on a 100 acre site. The property is located south of the National Guard site and takes access via the East I-25 Frontage Road, within Sections 3 & 4, Township 15 North, Range 8 East, (Commission District 5).

VICINITY MAP:



Map created with ArcMap - Copyright © 1992-2014 Esri Inc.

0 1639ft



SUMMARY:

On December 18, 2014, the County Development Review Committee (CDRC) met and acted on this case. The decision of the CDRC was to recommend approval of the Applicants request for Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 10 megawatt electric Solar Facility on a 100 acre site, with staff conditions by a unanimous 6-0 voice vote.

Public Service Company of New Mexico (PNM) is requesting Master Plan Zoning, Preliminary and Final Development Plan approval to allow a ten (10) megawatt tracking solar electric generating facility on a 100 acre site. The solar panels are tracking panels which will be configured together in long rows which will be oriented north-south. Each row of panels are approximately 210 feet in length, (the row length varies depending on the amount of developable area) and will rotate together, making adjustments as the panels move to track the sun east to west. The solar modules will be mounted on a ground mounted rack. The height of the top of the panels at full-rotation (90 degree range of motion) will not exceed seven (7) feet from the natural grade. A distribution line will be extended to the site for the delivery of the electricity being generated by the facility. For safety and security reasons the facility will be enclosed by a chain link fence (7 feet high) with three (3) strands of barbed wire, eight (8) feet in total height.

The Applicant states: "the solar generating facility is needed to meet PNM's 2015 Renewable Energy Plan. The project is part of a utility distribution system for utility use for the greater public good and for the health, safety and welfare of the residents of Santa Fe County and will provide the community with a source of clean, renewable energy to support growth and economic development in the area".

The Applicant has submitted a subsequent letter and drawings in response to staff and review agency comments. The Applicant states that typically there are 4,000 panels per megawatt, therefore the proposed ten megawatt site will contain approximately 40,000 panels and will encompass approximately 75 acres of the 100 acre site. The site will also house five power converters (9' 11" in height, 14' 10" wide, and 4' 10" deep) and one switchgear facility (7' 10" in height, 12' 8" wide, and 4' deep). On October 28, 2014, the Applicant held an open house to discuss the proposed development. Notice was sent to 67 adjacent property owners and 3 attended the meeting. The Applicant states that "concerns of the individuals who attended the open house were primarily related to uncertainty as to what the facilities would look like and visibility of the site" (Exhibit 8).

Article III, § 8, Other Development (8.1 Uses Permitted) states: "All uses not otherwise regulated by the Code are permitted anywhere in the County".

Article V, § 5.2.1.b states: "a Master Plan is comprehensive in establishing the scope of a project, yet is less detailed than a Development Plan. It provides a means for the County Development Review Committee and the Board to review projects and the sub-divider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a Preliminary and Final Plat approval".

Article V § 7.2 (Final Development Plan) states: "the final development plan shall be submitted to the County Development Review Committee accompanied by a staff report. The County Development Review Committee shall review the plan and make a determination as to its compliance with the County General Plan and Code. The County Development Review Committee may recommend changes or additions to the plan as conditions of its approval. The final development plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved final development plan becomes the basis of development permits and for acceptance of public dedications. Any changes in the plan must be approved by the County Development Review Committee".

The owner of the Property acquired the Property by warranty deed recorded as Instrument # 1384270 in the Santa Fe County Clerk's records dated June 14, 2005. PNM is authorized by the property owner to pursue the request for Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 10 megawatt electric Solar Facility on the 100 acre site as evidenced by a copy of a purchase agreement contained in the record (Exhibit 10).

Notice requirements were met as per Article II § 2.4.2, of the Land Development Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty one days on the property, beginning on January 20, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on January 20, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners (Exhibit 11).

This Application was submitted on September 5, 2014.

Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Master Plan Zoning, Preliminary and Final Development Plan: the Application is comprehensive in establishing the scope of the project; the proposed use is in compliance with the uses associated with Other Development; and the Application satisfies the submittal requirements set forth in the Land Development Code.

The review comments from State Agencies and County staff establish that this Application, for Master Plan Zoning, Preliminary and Final Development Plan, is in compliance with: State requirements; Article III, § 8, Other Development (8.1 Uses Permitted); Article V, § 5 Master Plan Procedures; and Article V § 7.2 Final Development Plan of the County Land Development Code.

APPROVAL SOUGHT: Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 10 megawatt electric Solar Facility on a 100 acre site.

NBD-3

PLANNING:

The County Planning Department reviewed the Application and stated the following: Approval of the Master Plan, Preliminary and Final Development Plan will be consistent with the SGMP principles set forth in the Land Use Element (Chapter 2), Economic Development Element (Chapter 3), Renewable Energy and Energy Efficiency Element (Chapter 7) and is consistent with the SLDC including principles related to the Use Table (Appendix B). The project is in a proposed Mixed-Use zone where commercial solar energy production facility would be a conditional use.

**GROWTH MANAGEMENT
AREA:**

SDA - 1

ARCHAEOLOGIC:

An archaeological study was reviewed by the Historic Preservation Division (SHPO). SHPO has determined that the archaeological report identified two cultural resource sites, both of which were recommended not eligible for inclusion on the National Register of Historic Properties or the New Mexico State Register of Cultural Properties. HPD concurs with the recommendations and finds that no historic properties are affected by the undertaking. HPD has determined that based on the visual analysis that was performed, the undertaking will have no adverse effect on SR#1993, a state registered segment of El Camino Real.

ACCESS AND TRAFFIC:

The site will take access via the I-25 East Frontage Road onto a privately maintained road. The County Public Works Department has reviewed the Application and supports the request. The proposed access, to the site, shall be constructed with six inches of compacted base course and twenty feet in width.

FIRE PROTECTION:

Santa Fe County Fire Prevention Division reviewed this Application and recommends approval subject to the development complying with Article 1, Section 103.3.2-New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

WATER SUPPLY:

No on site water is required for this type of development.

LIQUID WASTE:

No on site liquid waste system is required for this type of development. NMED has reviewed the Application and had no comments related to any on-site liquid waste systems (septic systems) on the property. NMED had one concern regarding the herbicide(s) that may be used for weed control.

NBD-4

The Applicant shall use herbicides approved for this type of application and should be applied using methods to avoid run-off or off-site drift. The Applicant responded to this comment with the following: PNM contracts for weed control using certified weed control specialists. Herbicides are selected based on site specific conditions and at application rates as specified by the manufactures. In the past Surmount and Garlon 4 have been used. Typically herbicides on our solar facilities are applied as spot applications so as not to discourage acceptable native vegetation.

SOLID WASTE:

No solid waste will be created on this site.

FLOODPLAIN & TERRAIN MANAGEMENT:

The site contains slopes less than 15%, and minimal disturbance is expected. The disturbed area will be reseeded with native vegetation. The project complies with Article VII, Section 3 Terrain Management.

The Applicant's proposed site plan shows existing topography and vegetation. Disturbed areas will be reseeded and the reseeded is reliant on rain fall to take root. The project will have minimal runoff from any storm event. Therefore, the submittal is in conformance with Master Plan and Final Development Plan submittal requirements and complies with Article VII, Section 3.4.6 and Ordinance No. 2008-10 Flood Damage Prevention and Stormwater Management.

SIGNAGE AND LIGHTING:

The Applicant is proposing a "standard PNM sign", 16 square feet (4'x4') to be mounted on the chain link fence at the entry of the site. The sign shall not exceed 5 feet in height with a set back from the property line of 5 feet. Staff has determined that the Signage element of the Application complies with Article VIII (Sign Regulations).

No outdoor lighting proposed for this development..

PARKING:

No parking is proposed for this development.

EXISTING DEVELOPMENT:

The 100 acre parcel is currently vacant.

ADJACENT PROPERTY:

The site is bordered to the north by the National Guard site, a shooting range to the east, residential properties to the south/southwest and to the west is the I-25 East Frontage Road and I-25.

AGENCY REVIEW:

<u>Agency</u>	<u>Recommendation</u>
County Fire	Approval with Conditions
Utilities	Approval
Public Works	Approval
Planning	Approval
SHPO	Approval
NMED	Approval with Concerns
Planning	Approval

**STAFF AND CDRC
RECOMMENDATION:**

Approval of Master Plan Zoning, Preliminary and Final Development Plan to allow a 10 megawatt electric Solar Facility on a 100 acre site subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the Master Plan/Final Development Plan.
 - a. The development shall comply with Article 1, Section 103.3.2-New Construction and Alterations of the 1997 Uniform Fire Code.
 - b. The proposed access, to the site, shall be constructed with six inches of compacted base course and twenty feet in width.
2. Master Plan/Final Development Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 7.2.2.

EXHIBITS:

1. Master Plan/Final Development Plan Report
2. Proposed Plans
3. Agency Reviews and Comments
4. Aerial Photo of Site
5. Article III, § 8, Other Development
6. Article V, § 5.2.1.b
7. Article V § 7.2 (Final Development Plan)
8. Subsequent Info submitted by Applicant
9. December 18, 2014, CDRC Minutes
10. Deed and Purchase Agreement
11. Proof of Legal Notice

NBD-6



September 5, 2014

Mr. Jose Larranaga
Santa Fe County
Development Review Team Leader
P.O. Box 276
Santa Fe, NM 87504

Subject: Santa Fe County Solar Energy Center Project Submittal

Dear Mr. Larranaga:

PNM respectfully submits the Santa Fe County Solar Energy Center Project (Santa Fe County Solar Energy Center) application to Santa Fe County for approval. The Santa Fe County Solar Energy Center is needed to serve the meet PNM's 2015 Renewable Energy Plan. The project will consist of constructing a new 10 megawatt (MW) electric Solar Energy Center east of Interstate 25 on 100 acres of land. The proposed solar panels are single-axis tracking panels that will be configured together in long rows oriented north-south. Each row of panels will rotate together, making adjustments to the position as the panels move to track the sun east to west. PNM has an option to purchase this property and has access across the adjacent property from the I-40 Frontage road to the property.

The enclosed Santa Fe County Solar Energy Center submittal request includes the following components:

- Master Plan Zoning
- Completed Development Permit Application Form
- Preliminary and Final Development Plan Submittal Package with accompanying maps, drawings
- Water Budget and or Water Supply Plan is not applicable
- Proposed Utility Plan is not applicable as no utilities are necessary for the site
- Traffic Study is not applicable
- Signage and Lighting Plan is not applicable as PNM signage is fence mounted and there will be no lighting on the site

Please contact me at (505) 241-2792 if you have any questions, need any additional information, or if you would like to schedule a site visit with the planners, environmental scientists, and engineers who have technical knowledge of the project.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Moyer".

Laurie Moyer
Coordinator Regulatory Project & Public Participation



NBD-7

Enclosures:

- Development Review Application Form
- Master Plan Report Submittal, September 5, 2014
- Project Location Map
- Vicinity Map
- Agent Letter
- Warranty Deed
- Proof of Legal Lot – Option to Purchase
- Proof of Legal Access
- Taxes paid
- FEMA map w/site depicted thereon
- Historic Plat of the Property
- Topographic map with upstream contributing watershed
- Site Plan
- 9 copies of application and information
- 1 Reduced plan set

**Zone Change, Master Plan and Development Plan Report to Santa Fe County
September 5, 2014**

Name of Project: Santa Fe County Solar Energy Center
Applicant: PNM

Project & Land Use Description

Public Service Company of New Mexico (PNM) is requesting approval of a Zone Change, Master Plan and Development Plan for a 100 acre public utility facility for a 10 megawatt (MW) tracking solar generating site in Santa Fe County. The total estimated Project cost is approximately \$19 million. When it becomes operational, the Project will benefit Santa Fe County and local schools through increased property taxes in tax payments per year of approximately \$165,000 to the County. The in service date for the Project is December 31, 2015.

Existing land uses in the vicinity of site include New Mexico National Guard Facility to the north, shooting range to the east, undeveloped vacant land to the immediate south and a residential development to the southwest and undeveloped vacant land and I-25 frontage road and Interstate 25 to the west and a small residential development to the northwest.

The solar generating facility is needed to meet PNM's 2015 Renewable Energy Plan. The Project is part of a utility distribution system for utility use for the greater public good and for the health, safety and welfare of residents of Santa Fe County and will provide the community with a source of clean, renewable energy to support growth and economic development in the area.

Project Location and Legal

Section/Township/Range: Sections 3 and 4, Township 15 North, Range 8 East, N.M.P.M.
UPC #'s: 1-045-090-266-449 (account no. 99303581) and 1-046-090-079-408 (account no. 99303582)

Plat Book/Page: 590/11 (recorded on June 8, 2005 as document no. 1383479)

Deed Book/Page: Deed does not list book/page (recorded on June 14, 2005 as document no. 1384270)

Subdivision Name: No subdivision, metes and bounds description only

Acreage: parent parcel is 261.86 acres, PNM plans to acquire 100 acres only

Valuation: see attached assessment info, a total of \$417,790 for the combined assessed value

Description of the Project

The Project is an approximately 10 megawatt (MW) tracking solar electric generating facility. The proposed solar panels are tracking panels that will be configured together in long rows oriented north-south. Each row is approximately 210 feet in length and rows are typically connected in sections of approximately 145 feet. The row length varies depending on the amount of developable area. Each row of panels will rotate together, making adjustments to the position as the panels move to track the sun east to west.

Rows of tracking solar modules will be affixed to a direct buried, ground-mounted rack. The piers are pile driven to various depths at a minimum depth of 5 feet. The total height of the tracking panels will be approximately 6 feet 8 inches above ground. The ground under the tracking solar facility panels will be treated for dust suppression, soil stabilization and weed control.

The Project site will be accessed directly from I-40 Frontage Road along a permanent compacted in-situ soil private access drive approximately 40 feet in width and approximately 2683 feet in length which will be installed with locked entrance security gate. The Project will not generate traffic once it is built.

For public safety and security purposes, the tracking solar generating facility will be enclosed by a chain link security fence 7 feet in height topped with an additional 1 foot of 3 strands of barbed wire on top and may include concertina wire rolled at the foot.

Archaeological Report

An Archaeological report is pending.

Traffic Study/Address

Not applicable as the site will not generate any traffic after construction.

Address is pending.

Pre-Application Meeting Dates

The Santa Fe County Land Use Division Pre-Application Meeting with Santa Fe County Land Use Division representatives and PNM representatives and was held on June 19, August 25, 2014.

Signage and Lighting Plan

Signage at the tracking solar generating facility will include a standard PNM sign 4 feet x 4 feet in size permanently attached at the entry to the facility on the fence and standard PNM warning signs for safety will be attached and spaced at intervals along the property fence.

On-site lighting is not required for the Project and is not provided

Proposed Utility Plan

No utilities are required for this site. PNM will extend a distribution line to the site.

Landscaping Plan

Water is not available at the site; therefore, in keeping with the sustainable approach to the Project development, PNM proposes to leave the property in as natural condition as possible. Additional landscaping will not be installed on the site. Disturbed areas will be reseeded with native seed mix as necessary.

Water Budget and/or Water Supply Plan

Because no on-site water is required for the Project, a Santa Fe County Water Budget and/or Water Supply Plan is not applicable. PNM will take advantage of natural moisture to clean the tracking solar panels.

Fire Requirement

PNM will coordinate with the Santa Fe County Fire Chief regarding fire department/emergency response team ability to respond to an emergency at the site. Fire District: Turquoise Trail Volunteer Fire District

Phasing Schedule

Construction will begin in January 2015 and be completed by December 2015

FEMA Map

Panel 35049C0525D eff. 6/17/2008 and Panel 35049C05004E eff. 12/4/2012 (all Zone X)

Hydrologic Zone: Basin Fringe

Community Meeting for Commercial Development

Will be scheduled within two weeks

CALL BEFORE YOU DIG
THE RIGHT LOCUS
1-800-321-ALERT

REVISIONS

NAME	DATE
CLASS	PERIOD
TEACHER	ROOM

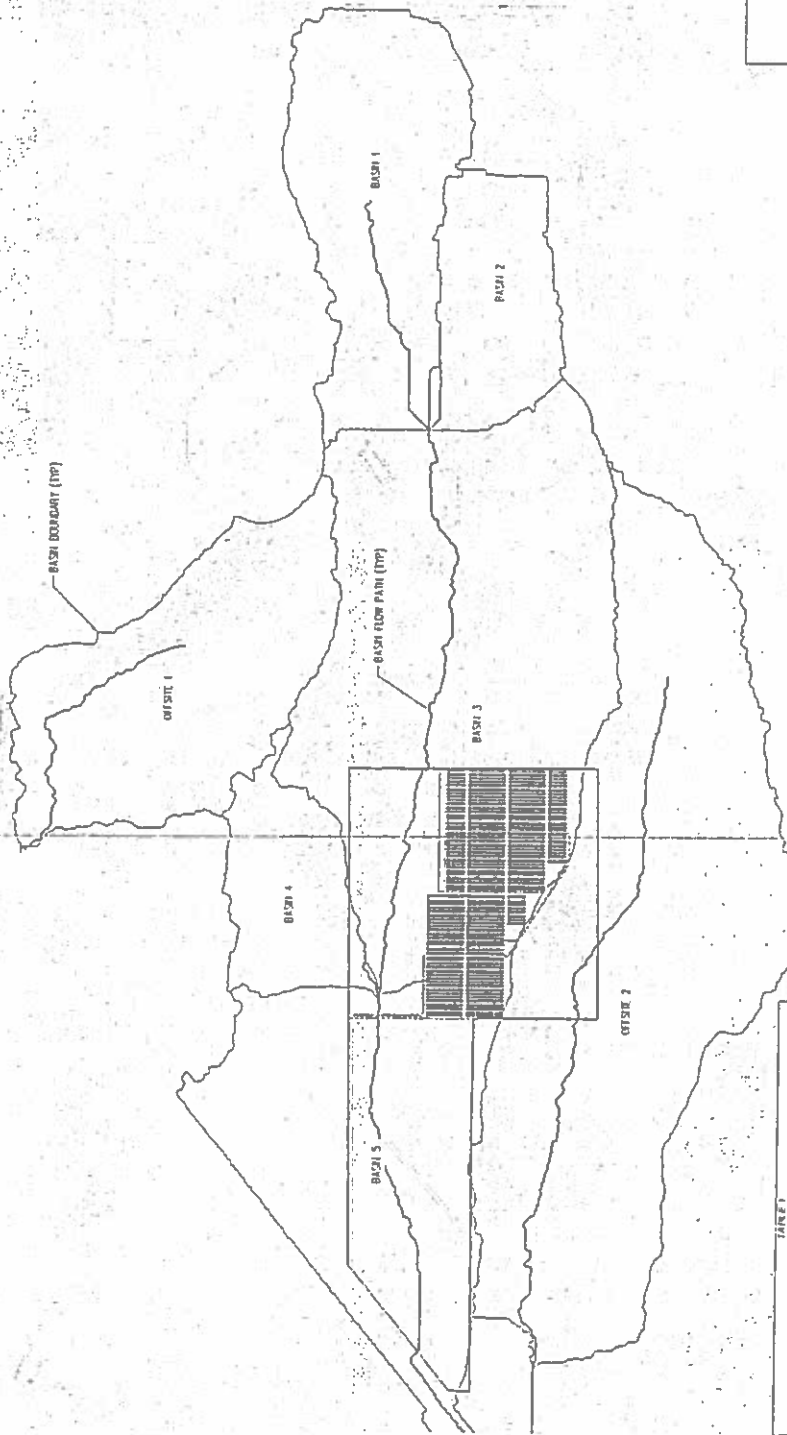
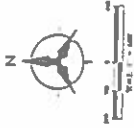
10

1. Bezeichnung & Version 2. Projekt 3. Umfeld 4. Ziele 5. Maßnahmen 6. Ergebnisse 7. Reflexion 8. Feedback 9. Summary 10. Verweise 11. Appendix 12. Index 13. Übersicht 14. Verweise 15. Appendix 16. Index 17. Übersicht 18. Verweise 19. Appendix 20. Index 21. Übersicht 22. Verweise 23. Appendix 24. Index 25. Übersicht 26. Verweise 27. Appendix 28. Index 29. Übersicht 30. Verweise 31. Appendix 32. Index 33. Übersicht 34. Verweise 35. Appendix 36. Index 37. Übersicht 38. Verweise 39. Appendix 40. Index 41. Übersicht 42. Verweise 43. Appendix 44. Index 45. Übersicht 46. Verweise 47. Appendix 48. Index 49. Übersicht 50. Verweise 51. Appendix 52. Index 53. Übersicht 54. Verweise 55. Appendix 56. Index 57. Übersicht 58. Verweise 59. Appendix 60. Index 61. Übersicht 62. Verweise 63. Appendix 64. Index 65. Übersicht 66. Verweise 67. Appendix 68. Index 69. Übersicht 70. Verweise 71. Appendix 72. Index 73. Übersicht 74. Verweise 75. Appendix 76. Index 77. Übersicht 78. Verweise 79. Appendix 80. Index 81. Übersicht 82. Verweise 83. Appendix 84. Index 85. Übersicht 86. Verweise 87. Appendix 88. Index 89. Übersicht 90. Verweise 91. Appendix 92. Index 93. Übersicht 94. Verweise 95. Appendix 96. Index 97. Übersicht 98. Verweise 99. Appendix 100. Index 101. Übersicht 102. Verweise 103. Appendix 104. Index 105. Übersicht 106. Verweise 107. Appendix 108. Index 109. Übersicht 110. Verweise 111. Appendix 112. Index 113. Übersicht 114. Verweise 115. Appendix 116. Index 117. Übersicht 118. Verweise 119. Appendix 120. Index 121. Übersicht 122. Verweise 123. Appendix 124. Index 125. Übersicht 126. Verweise 127. Appendix 128. Index 129. Übersicht 130. Verweise 131. Appendix 132. Index 133. Übersicht 134. Verweise 135. Appendix 136. Index 137. Übersicht 138. Verweise 139. Appendix 140. Index 141. Übersicht 142. Verweise 143. Appendix 144. Index 145. Übersicht 146. Verweise 147. Appendix 148. Index 149. Übersicht 150. Verweise 151. Appendix 152. Index 153. Übersicht 154. Verweise 155. Appendix 156. Index 157. Übersicht 158. Verweise 159. Appendix 160. Index 161. Übersicht 162. Verweise 163. Appendix 164. Index 165. Übersicht 166. Verweise 167. Appendix 168. Index 169. Übersicht 170. Verweise 171. Appendix 172. Index 173. Übersicht 174. Verweise 175. Appendix 176. Index 177. Übersicht 178. Verweise 179. Appendix 180. Index 181. Übersicht 182. Verweise 183. Appendix 184. Index 185. Übersicht 186. Verweise 187. Appendix 188. Index 189. Übersicht 190. Verweise 191. Appendix 192. Index 193. Übersicht 194. Verweise 195. Appendix 196. Index 197. Übersicht 198. Verweise 199. Appendix 200. Index 201. Übersicht 202. Verweise 203. Appendix 204. Index 205. Übersicht 206. Verweise 207. Appendix 208. Index 209. Übersicht 210. Verweise 211. Appendix 212. Index 213. Übersicht 214. Verweise 215. Appendix 216. Index 217. Übersicht 218. Verweise 219. Appendix 220. Index 221. Übersicht 222. Verweise 223. Appendix 224. Index 225. Übersicht 226. Verweise 227. Appendix 228. Index 229. Übersicht 230. Verweise 231. Appendix 232. Index 233. Übersicht 234. Verweise 235. Appendix 236. Index 237. Übersicht 238. Verweise 239. Appendix 240. Index 241. Übersicht 242. Verweise 243. Appendix 244. Index 245. Übersicht 246. Verweise 247.
--

SEEKING THE SITE FOR THE FUTURE

EXISTING SITE TOPOGRAPHY RESULTS WERE OBTAINED FROM EAST TO WEST EXISTING DRAINAGE BASINS AND FLOW PATTERNS WERE DETERMINED FROM SASSA P.E. 2001 DATA DATASET SUITABLE FOR THE DEVELOPMENT OF TWO-FOOT CONTOURS.

GENERAL NOTES GENERAL NOTES

[illegible]

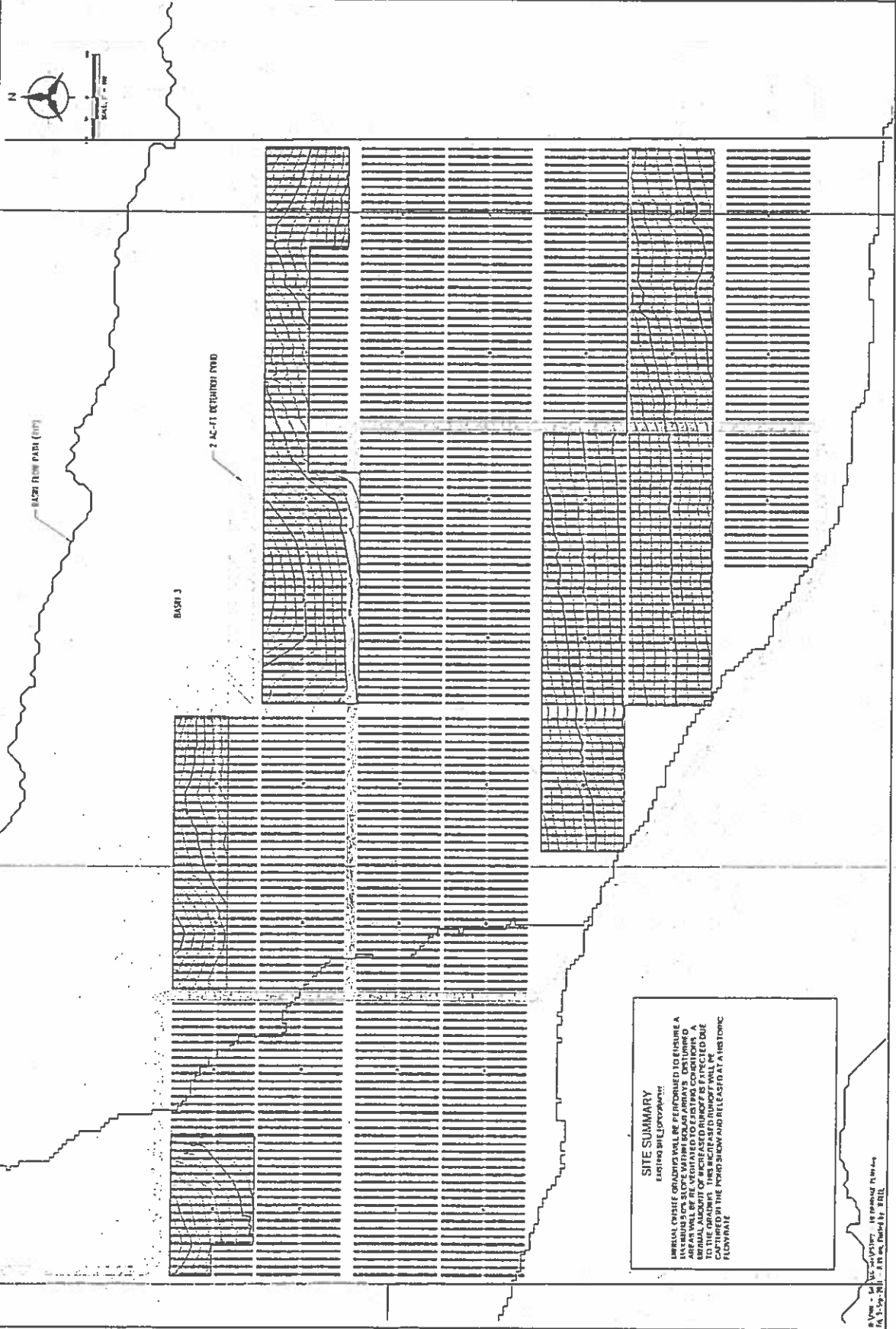
1. The first part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation $f(x) = \int_0^x f(t) dt$. It is shown that the function $f(x)$ is continuous and differentiable on the interval $[0, 1]$ and that it satisfies the differential equation $f'(x) = f(x)$. The solution of this equation is $f(x) = e^x - 1$.

Yours - 94-0658

1-Sep-2010 13:55 on P300-13f WPIA

NBD-13

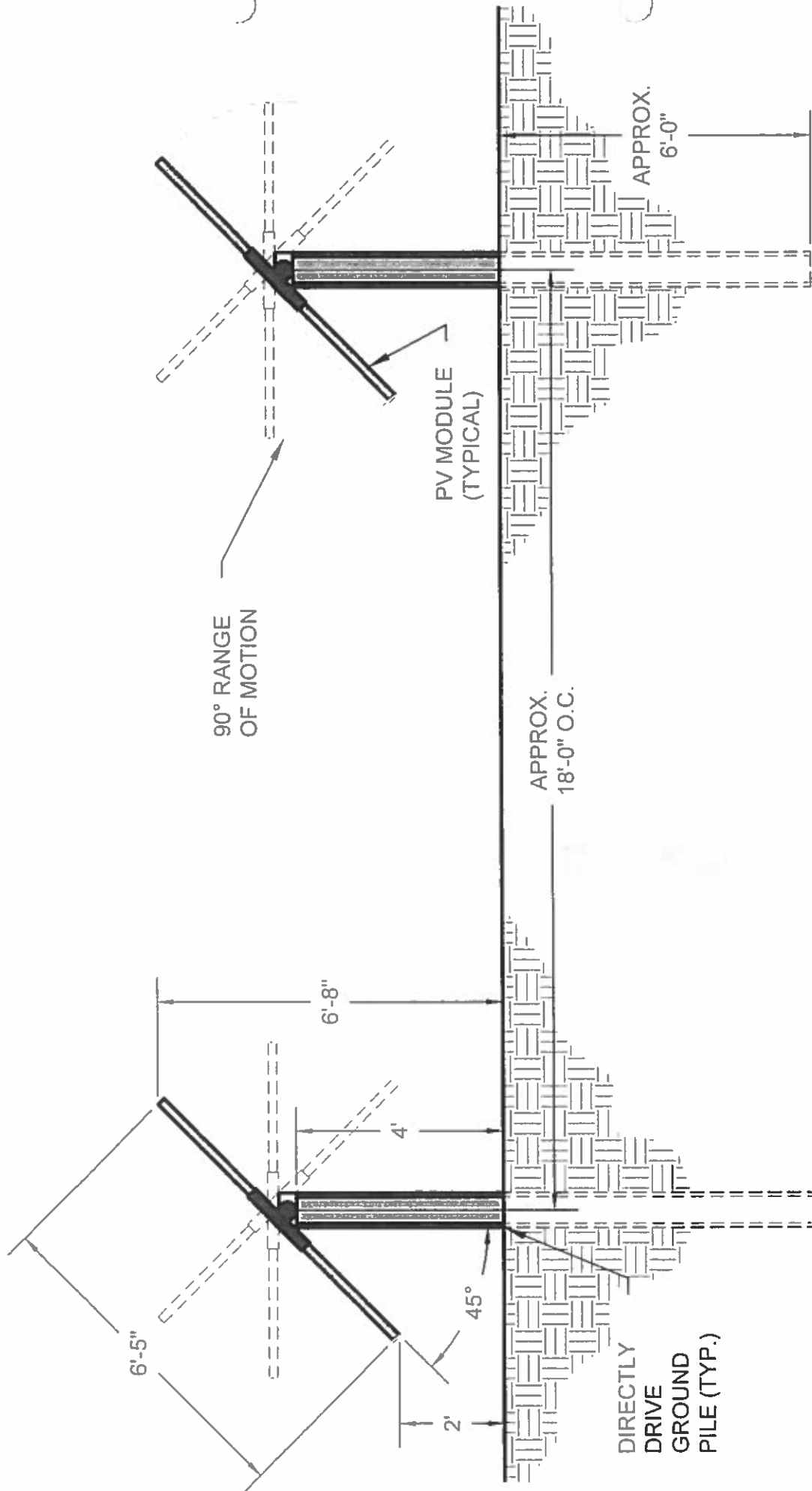
Callahan & Associates 10000 N. 10th St., Suite 100 Phoenix, AZ 85020 (602) 998-1111 FAX (602) 998-1112		C1 1
TERRAIN MANAGEMENT PLAN ON SITE GRADING & DRAINAGE		
PNN LG SITE SANTA FE COUNTY, NM		
DESIGNER SEAL DATE: 1-1-2000 SCALE: AS NOTED SHEET NO. 1 OF 1 PROJECT NO. 1-800-321-ALERT	REVISIONS DATE: 1-1-2000 BY: [Signature] DESCRIPTION: [Blank]	CALL BEFORE YOU DIG 1-800-321-ALERT FOR UTILITY LOCATES



SITE SUMMARY
 EXISTING BUILDING FOOTPRINT
 URBAN ON SITE GRADING SHALL BE REQUIRED TO MAINTAIN A MINIMUM 5% SLOPE WITHIN LULU AREAS. DRAINAGE AREAS WILL BE RE-VEGETATED TO EXISTING CONDITIONS. A 10% EXCESS FLOW RATE (EFR) SHALL BE MAINTAINED TO THE CATCH BASIN AND RELEASED AT A HISTORIC FLOW RATE.

1-1-2000
 1-1-2000
 1-1-2000

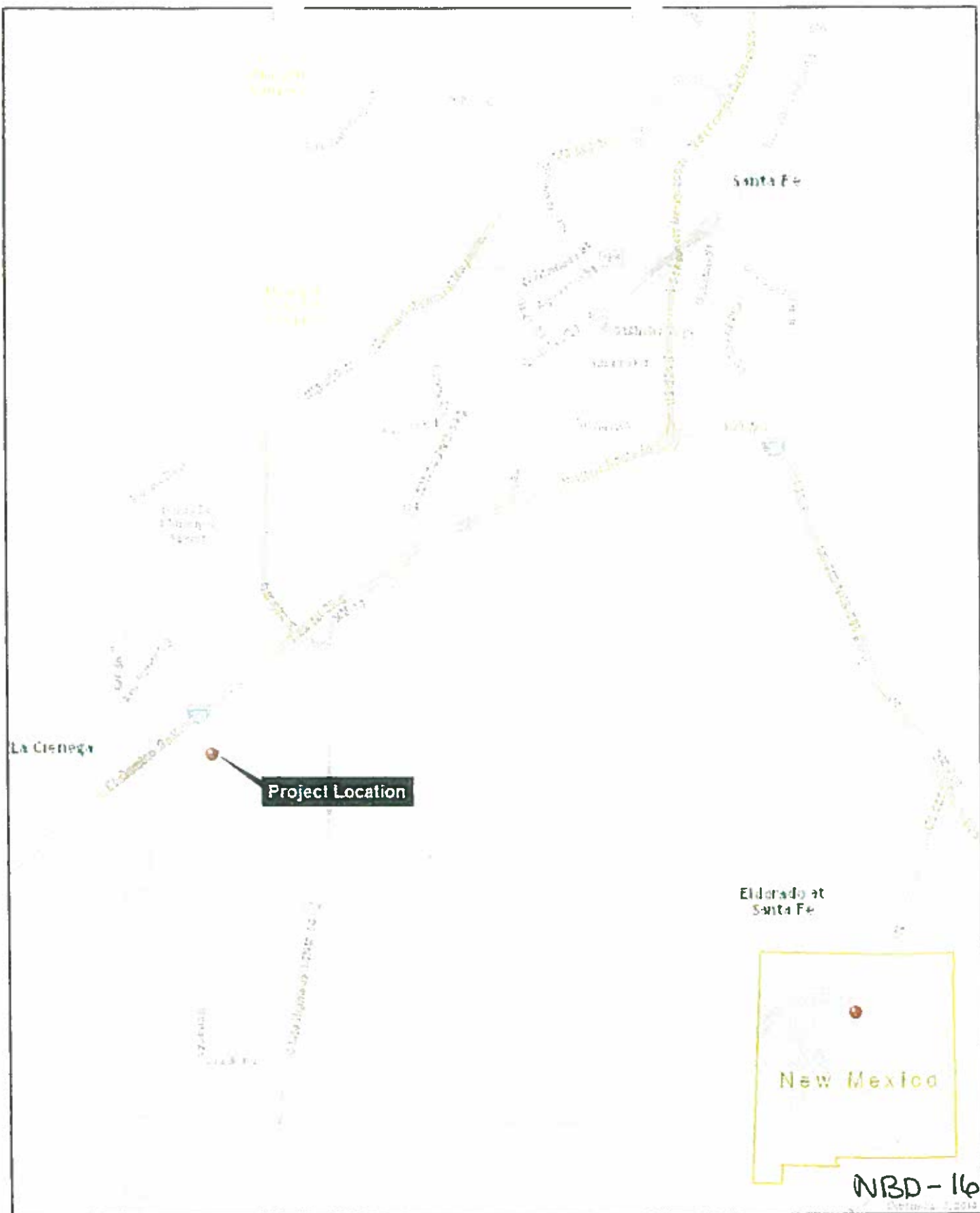
NB00-11



SINGLE-AXIS TRACKER - SECTION DETAIL

SCALE: NONE

NBD-15



Santa Fe County Solar Energy Center
Location and Vicinity Map





NEW MEXICO
ENVIRONMENT DEPARTMENT



SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

2540 Camino Edward Ortiz
Santa Fe, NM 87507
Phone (505) 827-1840 Fax (505) 827-1839
www.nmenv.state.nm.us

RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

September 16, 2014

Jose E. Larrañaga
Development Review Team Leader
Santa Fe County
P.O. Box 276
Santa Fe, NM 87504-0276

RE: Caja del Rio Solar Energy Center Project

Hello Mr. Larrañaga:

On behalf of Bob Italiano in this office, I have reviewed the information you provided for the referenced project. Due to the nature of the project, I have no comments related to any on-site liquid waste systems (septic systems) on the property.

One potential concern I have is related to the proposed weed control that is mentioned, just to ensure that the herbicide(s) used are approved for this type of application and that they are applied using methods to avoid run-off or off-site drift.

Please contact me with any questions or if you need additional information.

Sincerely,

Bill Brown
New Mexico Environment Department
2540 Camino Edward Ortiz
Santa Fe, NM 87507
505-827-1840 office
505-221-9227 cell



NBD-18



STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

Susana Martinez
Governor

BATAAN MEMORIAL BUILDING
407 GALISTEO STREET, SUITE 236
SANTA FE, NEW MEXICO 87501
PHONE (505) 827-6320 FAX (505) 827-6338

November 17, 2014

Jose E. Larrañaga
Development Review Team Leader
County of Santa Fe
102 Grant Avenue
P.O. Box 276
Santa Fe, NM 87504-0276

Re: CDRC Case # 14-5380, Z/FDP/DP Santa Fe County Solar Energy Project (PNM)

Dear Mr. Larrañaga,

This is in regard to previous correspondence regarding the Historic Preservation Division (HPD) review and comment of the above referenced development.

We have reviewed the archaeological report by Marron and Associates and the visual analysis document provided to HPD by Mr. Douglas Campbell of PNM Resources. The archaeological report identified two cultural resource sites, both of which were recommended not eligible for inclusion on the National Register of Historic Properties or the New Mexico State Register of Cultural Properties. HPD concurs with the recommendations, and finds that no historic properties are affected by the undertaking. Regarding the visual effect of the undertaking, HPD has determined that based on the visual analysis that was performed, the undertaking will have no adverse effect on SR #1993, a state registered segment of El Camino Real.

We appreciate you providing the requested information and documents.

Gerry Raymond
Sincerely,
Gerry Raymond for Michele Ensey
Historic Preservation Division
Log No.: 100293

NBD-19

Memorandum

To: Jose Larrañaga, Development Review Team Leader
From: Amy Rincon, Community Planner
cc: Robert Griego, Planning Manager
Date: October 2, 2014
Re: CDRC CASE # 14-5380 Solar Energy Center Project (PNM)

REVIEW SUMMARY: The Solar Energy Center Project (PNM) has been reviewed for compliance with the Santa Fe County Sustainable Growth Management Plan (SGMP) and it has been reviewed based on the Santa Fe County Sustainable Land Development Code (SLDC) which was approved by the Board of County Commissioners, but is not currently in effect.

Master Plan

The application is requesting Master Plan, Preliminary and Final Development Plan approval for a 5 megawatt electric solar energy center.

STAFF COMMENT:

Santa Fe County Sustainable Growth Management Plan 2010 (SGMP)

Approval of Master Plan, Preliminary and Final Development Plan will be consistent with the SGMP principles related to Land Use Element (Chapter 2)

- The project is within the Sustainable Development Area 1 (SDA-1), where growth is likely and being targeted to occur (2.2.5.1).
- The Future Land Use Map has a Mixed-Use Non-Residential category for the area (2.2.5.2).
- Land Use category of Mixed-Use Non-Residential is intended for light industrial and commercial along with other higher density options (2.2.5.2).

Approval of Master Plan, Preliminary and Final Development Plan is consistent with the SGMP including principles related to Economic Development Element (Chapter 3):

- One target industry that the County is pursuing is Green Industry- Energy and water Conservation Technology (3.2.4.1).
- Identify and support businesses that deploy renewable energy technologies(3.2.4.1).
- Infrastructure development including renewable energy to keep the local economy advancing (3.2.5).
- Fostering a "green grid" infrastructure (3.2.5.2).

Approval of the Master Plan, Preliminary and Final Development Plan is consistent with the SGMP including principles related to Renewable Energy and Energy Efficiency Element (Chapter 7):

NBD:CC

- Increases in energy demand and expansion by PNM are identified in the SGMP (7.2.1.1).
- Increasing local electrical supply could cut down on power from other areas in the state (7.2.1.2).
- Solar energy is possible for large-scale generating facilities (7.2.2.2)
- Utility scale solar energy projects are expected in the County (7.2.3.2)

Approval of the Master Plan, Preliminary and Final Development Plan is consistent with the SLDC including principles related to the Use Table (Appendix B):

- The project is in a proposed Mixed-Use zone where Commercial solar energy production facility would be a conditional use.

STAFF RECOMMENDATION:

Planning staff recommend approval of the Master Plan and Preliminary and Final Development Plan assuming the issues below are discussed and/or remedied.

Issues that need to further discussed/reviewed:

1. Ensure that view sheds are not impacted (SGMP 7.2.2.2).
2. Has PNM checked with Santa Fe Airport Manager about any electromagnetic frequency issues with aircraft instrumentation? There are three solar arrays near the airport, but all are 1-1.5 MW arrays- a 10MW array will likely have higher EMF.
3. What are the plans for a transmission line from the site? Easements?
4. Ensure that the community meeting has taken place and that the surrounding communities are aware of any impacts from this project.

NBD-21

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Development Review

Date	09/23/2014		
Project Name	Santa Fe County Solar Energy Center Project		
Project Location	East Frontage road – access south of Pablo Drive passed the National Guard.		
Description	Solar Energy Center – CDRC Case # 14-5380 Z/FDP/DP	Case Manager	Jose Larranaga
Applicant Name	Santa Fe County Solar Energy Center Project	County Case #	14-5380
Applicant Address	PO Box 276 Santa Fe, New Mexico 87504-0276	Fire District	Turquoise Trail
Applicant Phone	505-986-6296 Laurie Moya		
Review Type:	Commercial <input checked="" type="checkbox"/>	Residential <input type="checkbox"/>	Sprinklers <input type="checkbox"/>
	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input checked="" type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
Project Status:	Approved <input checked="" type="checkbox"/>	Approved with Conditions <input type="checkbox"/>	Denial <input type="checkbox"/>

The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated:

Fire Department Access

Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

- **Fire Access Lanes**

Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) *When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.*

- **Roadways/Driveways**

Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

NBD-25

The roadway meets the minimum County standards for fire apparatus access roads within this type of proposed development. The roadway shall be 20' wide County approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate width shall be 14' and an unobstructed vertical clearance of 13'6".

- **Street Signs/Rural Address**

Section 901.4.4 Premises Identification (1997 UFC) *Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.*

Section 901.4.5 Street or Road Signs. (1997 UFC) *When required by the Chief, streets and roads shall be identified with approved signs.*

All access roadway identification signs leading to the approved development area(s) shall be in place prior to the required fire hydrant acceptance testing. Said signs shall remain in place in visible and viable working order for the duration of the project to facilitate emergency response for the construction phase and beyond.

Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot or building site within 72 hours of the commencement of the development process for each building.

- **Slope/Road Grade**

Section 902.2.2.6 Grade (1997 UFC) *The gradient for a fire apparatus access road shall not exceed the maximum approved.*

There are no slopes the exceed 11%.

- **Restricted Access/Gates/Security Systems**

Section 902.4 Key Boxes. (1997 UFC) *When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.*

To prevent the possibility of emergency responders being locked out, all access gates should be operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System). Details and information are available through the Fire Prevention office.

Fire Protection Systems

Hydrants

Shall comply with Article 9, Section 903 - Water Supplies and Fire Hydrants of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

NBD-23

Section 903.4.2 Required Installations. (1997 UFC) *The location, number and type of the fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved.*

Fire hydrants subject to possible vehicular damage shall be adequately protected with guard posts in accordance with Section 8001.11.3 of the 1997 UFC.

All fire hydrants shall be spaced so that the furthest buildable portion of a parcel shall be within one thousand feet (1,000') as measured along the access route.

Fire hydrant locations shall be no further than 10 feet from the edge of the approved access roadways with the steamer connections facing towards the driving surface. Final fire hydrant locations shall be located in full view for incoming emergency responders. Landscape vegetation, utility pedestals, walls, fences, poles and the like shall not be located within a three foot radius of the hydrant per Article 10, Sections 1001.7.1 and 1001.7.2 of the 1997 UFC.

Supply lines shall be capable of delivering a minimum of 1,000 gpm with a 20-psi residual pressure to the attached hydrants. The design of the system shall be accordingly sized and constructed to accommodate for the associated demands placed on such a system through drafting procedures by fire apparatus while producing fire flows. The system shall accommodate the operation of two pumping apparatus simultaneously from separate locations on the system. All hydrants shall have NST ports. Final design shall be approved by the Fire Marshal.

All hydrants shall comply with Santa Fe County Resolution 2000-55, Hydrant color-coding, marking and testing.

- **Life Safety**

Fire Protection requirements listed for this development have taken into consideration the hazard factors of potential occupancies as presented in the developer's proposed use list. Each and every individual structure of a private occupancy designation will be reviewed and must meet compliance with the Santa Fe County Fire Code (1997 Uniform Fire Code and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code, which have been adopted by the State of New Mexico and/or the County of Santa Fe.

General Requirements/Comments

Inspections/Acceptance Tests

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

The developer shall call for and submit to a final inspection by this office prior to the approval of the Certificate of Occupancy to ensure compliance to the requirements of the Santa Fe County Fire Code (1997 UFC and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code.

Permits

As required

NBD-24

Final Status

Recommendation for Final Development Plan approval with the above conditions applied.

Renee Nix, Inspector

Renee Nix
Code Enforcement Official

9-23-14
Date

Through: Chief David Sperling

File: SFCSolarEnergy\092314\TT

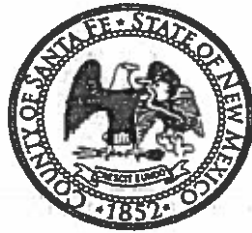
Cy: Buster Patty, Fire Marshal
Caleb Mente, Land Use
Applicant
District Chief Turquoise Trail
File

NBD-25

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Liz Stefanics
Commissioner, District 4

Kathy Holian
Commissioner, District 5

Kathrine Miller
County Manager

**PUBLIC WORKS DIVISION
MEMORANDUM**

Date: October 3, 2014

To: Jose Larranaga, Land Use Department

From: Paul Kavanaugh, Engineering Associate Public Works *PK*
Johnny P. Baca, Traffic Manager Public Works *JB*

Re: CRDC CASE # Z14-5380 Z/MP/PDP/FDP Santa Fe County Solar Energy Center Project (PNM).

The referenced project has been reviewed for compliance of the Land Development Code, and shall conform to roads and driveway requirements of **Article V (Subdivision Design Standards) and Section 8.1 (General Policy on Roads)**. The referenced project is located Southeast of East Frontage Road/ Bataan Boulevard intersection, and northeast of Interstate 25/ La Cienega Exit in projected Sections 3 & 4, Township 15 North, Range 8 East. The applicant is requesting Master Plan Zoning, Preliminary and Final Development Plan approval for a Solar Energy Center on 100 acres within a 261.86 acre tract.

Access:

The applicant is proposing to access the proposed site directly from I-25 East Frontage Road by a compacted dirt road.

Conclusion:

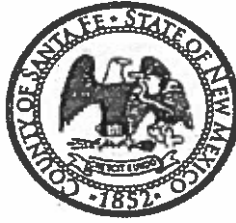
Public Works has reviewed the applicant's submittal and feels that they **can support** the above mentioned project.

NBD-21

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

September 30, 2014

Mr. Jose Larranaga
Commercial Development Case Manager
Santa Fe County Land Use Department
102 Grant Ave
Santa Fe, NM 87504

RE: CDRC CASE # 14-5380 Z/FDP/DP Santa Fe County Solar Energy Center Project (PNM)

Dear Jose,

This letter is in response to your request for a review of the Santa Fe County Solar Energy Center Project (PNM) designed by Bohannan Huston, dated 9/5/14.

Please be aware that any statements made here refer solely to Santa Fe County Solar Energy Center (PNM) Master Plan Zoning Preliminary and Final Development Plan, as you have described in your written inquiry and appurtenant documentation you submitted. If the parcel location or development concept is modified, or the current field conditions are modified in the future, this letter will be automatically invalidated, unless otherwise indicated in writing by Santa Fe County Utility Division (SFCUD).

Please note that in regards to water and sewer Santa Fe County Solar Energy Center Project (PNM) does not require either of these services for this type of project, which excludes SF County Utility from providing such services.

If you have any questions or concerns, please do not hesitate to contact us.

Respectfully,

Paul Casaus
Utilities Engineering Associate
Santa Fe County Utilities Department

NBD-27

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: September 25, 2014

TO: Jose Larranaga, Commercial Development Case Manager

FROM: John Lovato, Terrain Management *JD*

VIA: Penny Ellis-Green Growth Management Director
Vicki Lucero, Building and Development Services Manager
Wayne Dalton, Building and Development Services Supervisor

FILE REF: CDRC CASE # Z/PDP/DP 14-5380 PNM Solar Facility (LG Site)

REVIEW SUMMARY

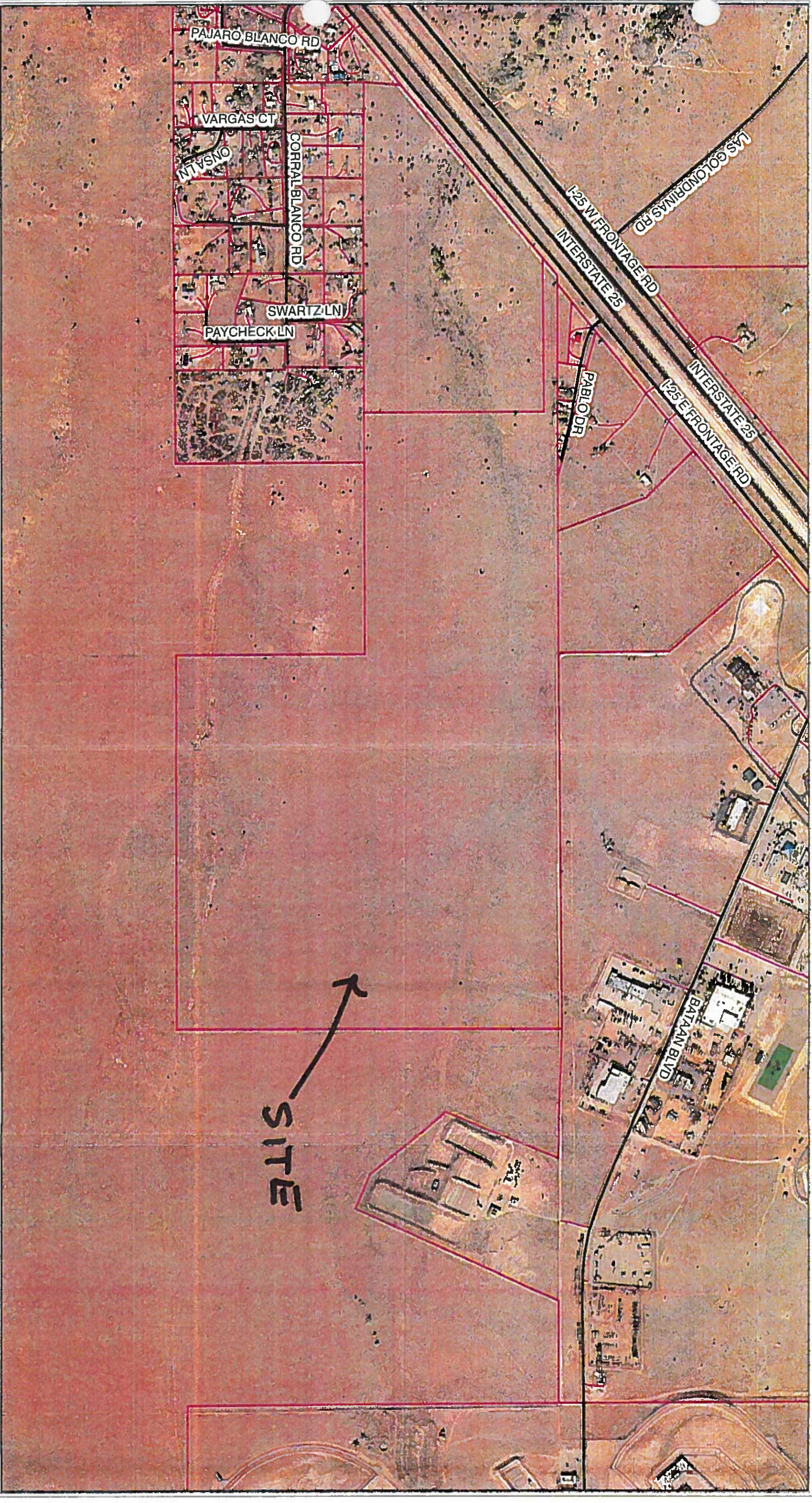
The referenced project has been reviewed for compliance with the Santa Fe County Land Development Code. The Applicant requests Development Plan approval to install a 10 Megawatt (MW) electric Solar Energy Center East of Interstate I-25 on 100 acres. The proposed solar panels are single-axis tracking panels that will be configured together in long rows oriented North-south. Each row is approximately 210 feet and rows are in connected section of approximately 145 feet. The project complies with Article VII, Section 3 Terrain Management.

Terrain Management

The slopes are less than 15%, and minimal disturbance is expected. The project complies with Article VII, Section 3 Terrain Management.

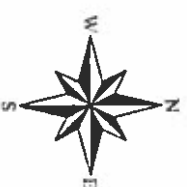
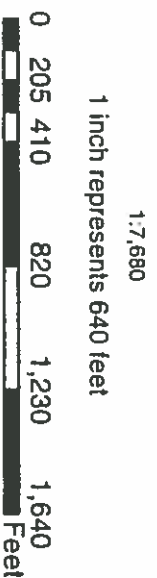
Storm Drainage and Erosion Control:

The Applicant's proposal shows a proposed site plan with existing topography and vegetation. Disturbed areas will be reseeded and the project will have minimal runoff from any storm event. Therefore, the submittal is in conformance with Development Plan submittal requirements and complies with Article VII, Section 3.4.6 and Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance. NBI 24



Legend

- ROADS
- DRIVEWAYS
- PARCELS



SITE →

2008 Imagery
2 FOOT CONTOURS

This information is for reference only.
Santa Fe County assumes no liability for
errors associated with the use of these data.
User are solely responsible for
confirming data accuracy.

1306028

7.1 Standards

Community service facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that:

- 7.1.1 The proposed facilities are necessary in order that community services may be provided for in the County, and
- 7.1.2 The use is compatible with existing development in the area and is compatible with development permitted under the Code.

7.2 Submittals and Review

The submittals and reviews for community service facilities shall be those provided for in Article III, Section 4.5.

Compiler's Note. Section 4.5 was amended by County Ordinance 1988-9, and consists of review procedures and submittals for any non-residential use requesting a zoning approval.

SECTION 8 - OTHER DEVELOPMENT8.1 Uses Permitted

All uses not otherwise regulated by the Code are permitted anywhere in the County. Such uses specifically include, but are not limited to utilities, parking facilities, and cemeteries.

8.2 Submittals, Reviews and Standards

Uses regulated by this Section 8 shall be considered large scale if they involve the grading and clearing of 10 or more acres, contiguously or cumulatively; and small scale if less disturbance of the land is involved. Development standards and criteria and submittal requirements are set forth in Sub-sections 4.4 and 4.5.

8.3 A development permit shall not be required for, and provisions of the Code shall not apply to, utility easements, utility rights-of-way, and construction of utility line extensions.

In addition to the above requirements, any development involving a water or sewer utility must be in conformance to an adopted Community Land Use and Utility Plan, unless system capacity is limited to that needed to serve existing development.

SECTION 9 - PARKING REQUIREMENTS9.1 The following parking requirements are established for the types of development listed:

TYPE OF USE	NUMBER OF PARKING SPACES
Wholesale	1 per 1 employee plus 1 per 500 sq. ft.
Office & Community Facilities	1 per 1 employee plus 1 per 300 sq. ft.
Medical Offices	1 per employee plus 1 per 250 sq. ft.

NBP-30

EXHIBIT

6

III - 87

fulfill the proposals contained in the subdivider's disclosure statement and in determining whether or not the subdivider's provisions for a subdivision conform with County regulations.

4.8 Common Promotional Plans

The Code Administrator will review proposed applications to determine whether there is a common promotional plan to subdivide a property. If it is determined that the land division does constitute a common promotional plan, the project shall comply with the procedures provided for in this Article V.

SECTION 5 - PROCEDURES AND SUBMITTALS

5.1 Pre-application Procedures

Prior to the filing of an application for approval of a preliminary plat, the subdivider shall confer with the Code Administrator to become acquainted with these subdivision regulations. At this pre-application conference, the subdivider shall be advised of the following:

1. Submittals required by the Code.
2. Type and/or class of the proposed subdivision.
3. Individuals and/or agencies that will be asked to review the required submittals.
4. Required improvements.
5. Conditions under which Master Plans and Development Plans are required as described in Sections 5.2 and 7.
6. A determination will be made as to the appropriate scale and format for plans and plats and as to the appropriateness of applicable submittal requirements.

5.2 Master Plan Procedure

5.2.1 Introduction and Description

- a. Master plans are required in the following cases:
 - i. All Type I, Type II, and Type IV subdivisions with more than one development phase or tract;
 - ii. As required in Article III for developments other than subdivisions; and
 - iii. Such other projects which may elect to apply for master plan approval.
- b. A master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval.
- c. The master plan submittal will consist of both plans and written reports which include the information required in 5.2.2 below. A typical submittal would include a vicinity map, a plan showing existing site data, a conceptual environmental plan with written documentation, a master plan map, a master plan report, a schematic utilities plan and the phasing schedule. Maps and reports may be combined or expanded upon at the discretion of the applicant to fit the particular development proposal as long as the relevant information is included.

5.2.2 Master Plan Submittals

- a. Vicinity Map: A vicinity map drawn at a scale of not more than 2,000 feet to one inch showing contours at twenty (20) foot intervals showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies located on the parcel and within three miles of the Parcel.

NBD-1

~~agency comments which relate to potential limitations of lot size, intensity, or character of development.~~

~~7.1.4 Criteria for development plan phase approval~~

- ~~a. Conformance to the approved master plan;
b. The plan must meet the criteria of Section 5.2.4 of this Article V.~~

→ 7.2 Final Development Plan

7.2.1 Submittals

A final development plan conforming to the approved preliminary plan and approved preliminary plat, if required, and containing the same required information shall be submitted. In addition, the final development plan shall show, when applicable, and with appropriate dimensions, the locations and size of buildings, heated floor area of buildings, and minimum building setbacks from lot lines or adjoining streets. Documents to be submitted at this time are: proof of ownership including necessary title documents, articles of incorporation and by-laws of owners' association; required disclosure statements; final engineering plans and time schedule for grading, drainage, and all improvements including roads, water system, sewers, solid waste, utilities; engineering estimates for bonding requirements; development agreements; and final subdivision plats, if required.

7.2.2 Review

The final development plan shall be submitted to the County Development Review Committee accompanied by a staff report. The County Development Review Committee shall review the plan and make a determination as to its compliance with the County General Plan and Code. The County Development Review Committee may recommend changes or additions to the plan as conditions of its approval. The final development plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved final development plan becomes the basis of development permits and for acceptance of public dedications. Any changes in the plan must be approved by the County Development Review Committee.

History. 1980 Comp. 1980-6. Section 7 of Article V was amended by County Ordinance 1987-1 adding language relating to master plans.

SECTION 8 - SUBDIVISION DESIGN STANDARDS

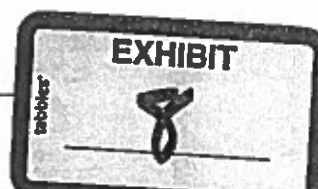
~~These standards shall be binding upon the subdivider unless modifications are justified by sound engineering principles. Such modifications from these standards may be approved by the Board after a review by the County Development Review Committee upon presentation of documented justification by a licensed professional engineer.~~

8.1 General Policy on Roads

8.1.1 General

~~The arrangement, character, extent, width, grade and location of all roads shall be considered in relation to convenience and safety, and to the proposed uses of land to be served by such roads. Prior to grading or roadway cuts, all applicable permits shall be granted by the Code Administrator.~~

NBD - 32





November 18, 2014

Mr. Jose Larranaga
Santa Fe County
Development Review Team Leader
P.O. Box 276
Santa Fe, NM 87504

Subject: PNM Response to Agency Comments for Caja del Rio Solar Energy Center Project Submittal and Santa Fe County Solar Energy Center Submittal

Dear Mr. Larranaga:

Caja del Rio Solar Energy Center PNM Responses to Agency Comments

Santa Fe Utilities Department and NM Environment Department:

PNM contracts for weed control using certified weed control specialists. Herbicides are selected based on site specific conditions and at application rates as specified by the manufactures. In the past Surmount and Garlon 4 have been used. Typically herbicides on our solar facilities are applied as spot applications so as not to discourage acceptable native vegetation.

Public Works Division:

A 12' driving surface of compacted dirt will be provided from the end of the existing driving surface of Old Cochiti Road using existing access easements to the site. PNM will provide a compacted dirt road 24 feet wide for access to the site.

Santa Fe County Solar Energy Center PNM Responses to Agency Comments

Santa Fe Utilities Department and NM Environment Department:

PNM contracts for weed control using certified weed control specialists. Herbicides are selected based on site specific conditions and at application rates as specified by the manufactures. In the past Surmount and Garlon 4 have been used. Typically herbicides on our solar facilities are applied as spot applications so as not to discourage acceptable native vegetation.

General Comments for both projects:

Fire Department:

Only qualified personnel are allowed inside PNMR substation/generation facilities. All unqualified personnel must be escorted by a competent person inside the gate. Solar is a form of distributed generation and interconnected with our grid. PNM electric facilities typically present a danger to fire responders due to the electrical currents in them; the same is true for a utility scale solar field. Electricity and water don't mix safely. PNM supports safety of its employees and all others and would not want fire responders put in harm's way. PNM does not expect a fire response to the solar sites.

Typically there are 4000 panels per megawatt so for Caja del Rio SEC a maximum of 20,000 panels and SFSEC a maximum of 40,000 panels.

NBD-33



The solar field to accommodate the panels is approximately 24 acres at the 40 acre CdRSEC parcel. The solar field for SFSEC would occupy approximately 75 acres of the 160 acre parcel. Interconnections to the existing distribution electric system will be made in accordance with existing county regulations. Should a variance from the underground utility ordinance be required, PNM will make to appropriate filings. At the SFSEC all of the utilities in this area are constructed overhead. Should a variance from the underground utility ordinance be required, PNM will make to appropriate filings. A final design and alignment for extension of service to the SFCSEC has not yet been determined and is outside the scope of this application. Attached are diagrams of the electrical equipment on site. Locations of the electrical equipment are attached. SFSEC has 5 power converters and one switchgear facility and CdRSEC has one power converter and one switchgear facility.

Community Planner:

1. PNM believes that view sheds are not impacted by the panels that at 6 feet 8 inches tall at full extension.
2. There are no electromagnetic frequency issues from a solar facility that could affect aircraft instrumentation.
3. This is an electric distribution line facility not transmission line facility. Therefore there are no transmission lines planned. Easements are granted with the platting action.
4. Access points are identified on the proposed plats attached to applications
5. A community meeting is not required however one was held on October 28 and adjacent property owners were notified.

PNM held an Open House on October 28, 2014 from 5:30 to 7:00 pm and the PNM Electric Service Center on Highway 14. PNM mailed to both adjacent property owners at CdRSEC and SFSEC. There were 6 people who attended the open house 3; for each solar site. Caja del Rio SEC had 10 adjacent property owners who were invited and SF County SEC had 67 adjacent property owners who were invited. Comments on the proposed developments were generally favorable. Concerns were primarily related to uncertainty as to what the facilities would look like and if they would be seen from a place of business

Please contact me at (505) 241-2792 if you have any questions, need any additional information, or if you would like to schedule a site visit with the planners, environmental scientists, and engineers who have technical knowledge of the project.

Sincerely,

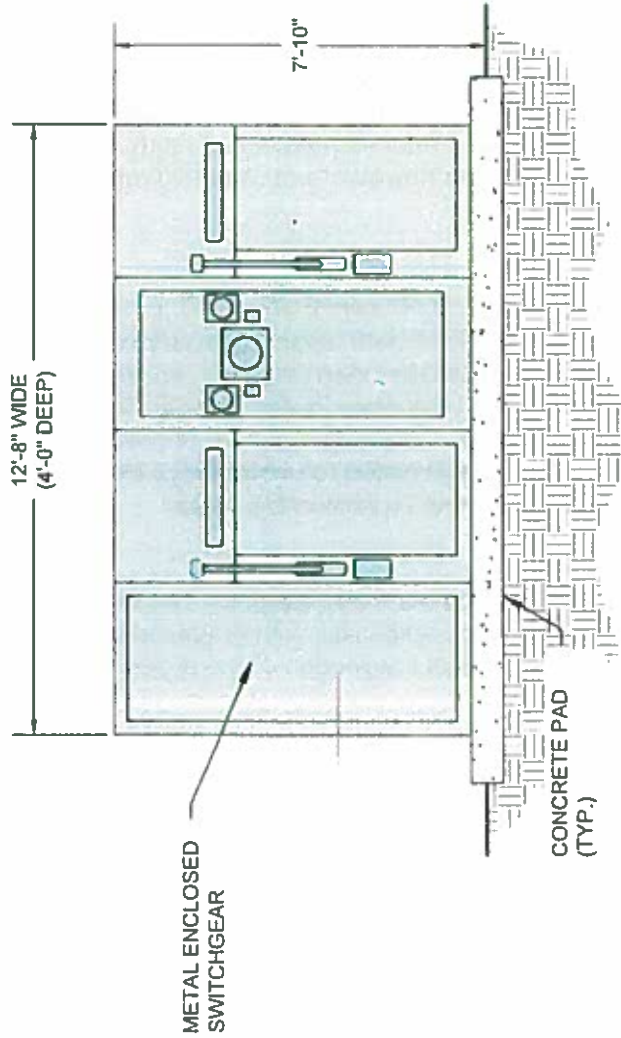


Laurie Moyer
Coordinator Regulatory Project & Public Participation

Enclosures:

- Site Plan Solar Panel Layout
- Electrical Equipment Diagrams

NBD-34



ELEVATION DETAIL - TYPICAL PV COMBINING SWITCHGEAR & METERING

SCALE NOTE

General Notes:

- A. THESE DRAWINGS ARE SCHEMATIC IN NATURE AND ARE NOT INTENDED TO SHOW ALL POSSIBLE CONDITIONS. IT IS INTENDED THAT COMPLETE ELECTRICAL SYSTEMS BE PROVIDED WITH ALL NECESSARY EQUIPMENT, APPURTENANCES, AND CONTROLS, COMPLETELY COORDINATED WITH ALL DISCIPLINES. EXACT EQUIPMENT PROVIDED IS SUBJECT TO CHANGE AND GIVEN QUANTITIES AND/OR DIMENSIONS MAY VARY SLIGHTLY.

affordable solar
4840 Pan American East Fwy NE
Albuquerque, New Mexico 87109-2720
(505) 244-1154 - www.affordable-solar.com

PROJECT NAME
PNM LG SITE - Equipment Elevations
Santa Fe County, New Mexico

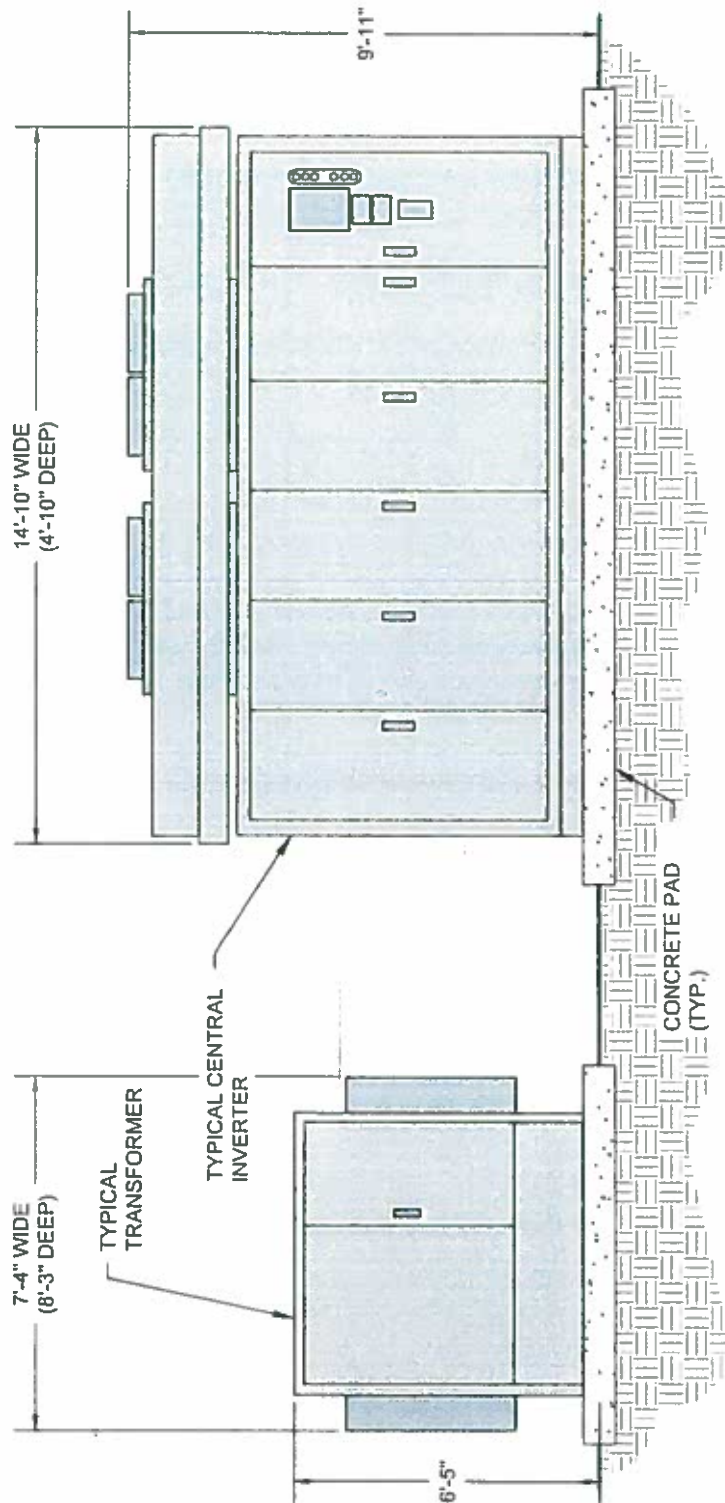
PROJECT NO.
-Proposal/Conceptual-
DATE
12 November 2014

SUPPLEMENTAL
DRAWING NO.

PV-3.0

THIS DRAWING IS THE PROPERTY OF AFFORDABLE SOLAR. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF AFFORDABLE SOLAR. THE INFORMATION CONTAINED HEREIN IS FOR GENERAL INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE.

NBD-30



ELEVATION DETAIL - TYPICAL POWER CONVERSION STATION EQUIPMENT

SCALE: NONE

General Notes:

- THESE DRAWINGS ARE SCHEMATIC IN NATURE AND ARE NOT INTENDED TO SHOW ALL POSSIBLE CONDITIONS. IT IS INTENDED THAT COMPLETE ELECTRICAL SYSTEMS BE PROVIDED WITH ALL NECESSARY EQUIPMENT, APPURTENANCES, AND CONTROLS, COMPLETELY COORDINATED WITH ALL DISCIPLINES. EXACT EQUIPMENT PROVIDED IS SUBJECT TO CHANGE AND GIVEN QUANTITIES AND/OR DIMENSIONS MAY VARY SLIGHTLY.

affordable solar
 4840 Pan American East Fwy NE
 Albuquerque, New Mexico 87109-2220
 (505) 244-1154 - www.affordable-solar.com

PROJECT NAME
 PNM LG SITE - Equipment Elevations
 Santa Fe County, New Mexico

PROJECT NO.
 -Proposal/Conceptual-

DATE
 12 November 2014

SUPPLEMENTAL
 DRAWING NO.

PV-2.0

THIS DRAWING IS THE PROPERTY OF AFFORDABLE SOLAR. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF AFFORDABLE SOLAR. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

NBD-36

WARRANTY DEED

George B. Paloheimo and Don Van Soelen as Trustees of the Rancho de las Golondrinas Charitable Trust u/a/d December 9, 1982, amended July 25, 1996

for consideration paid, grant

to IG Realty Holdings, LLC, a New Mexico limited liability company

whose address is PO Box 309 Santa Fe NM 87504

the following described real estate in Santa Fe County, New Mexico:

Beginning at the northeast corner of this tract being the 1/4 corner of Sections 34 T16N R8E and Section 3 T15N R8E, thence S.00°13'40"E., 2639.18 feet to the southeast corner of this tract; thence S.89°36'25"W., 2650.85 feet to a point being the 1/4 corner of Sections 3 and 4 T15N R8E; thence N.00°06'01"W., 1319.40 feet to a point; thence N.89°29'09"W., 1322.16 feet; thence S.89°38'20"W., 989.10 feet; thence S.89°46'21"W., 328.60 feet; thence S.89°39'59"W., 329.52 feet; thence S.89°41'32"W., 329.08 feet; thence S.89°50'46"W., 223.09 feet; thence S.89°54'50"W., 219.95 feet; thence S.89°55'55"W., 214.49 feet to the southwest corner of this tract; thence N.04°23'40"E., 226.21 feet; thence N.50°58'23"E., 568.90 feet; thence N.50°58'23"E., 999.53 feet; thence N.50°58'23"E., 139.22 feet to the northwest corner of this tract; thence N.89°32'49"E., 595.46 feet; thence N.89°32'39"E., 262.51 feet; thence N.89°31'49"E., 1753.44 feet; thence N.89°38'33"E., 2643.32 feet to the point and place of beginning, all as shown on plat of survey entitled "Boundary Survey of 261.86 Acres for Las Golondrinas Ranch lying within Sections 3 & 4, T15N, R8E, NMPM, Santa Fe County, New Mexico" by Richard A. Chatroop on May 2, 2005, filed June 8, 2005 as Document No. 1383479 and recorded in Plat Book 590, Page 011, in the records of Santa Fe County, New Mexico.

SUBJECT TO:

Taxes for the year 2005 and thereafter; and:

1. Reservations, Terms and Conditions contained in Patent from United States of America to Thomas Narvaez, dated February 10, 1922, and recorded in Patents Book A, Page 223, in the records of Santa Fe County, New Mexico.
2. Reservations, Terms and Conditions contained in Patent from United States of America to Jose Gonzales y Carrillo, dated February 10, 1922, and recorded in Patents Book B, Page 95, in the records of Santa Fe County, New Mexico.

(Continued)

with warranty covenants.

WITNESS OUR hand and seal this 10th day of June, 05

(Seal)

Don Van Soelen

(Seal)

(Seal)

George B. Paloheimo

(Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF Santa Fe

} ss.

This instrument was acknowledged before me on June 10th, 05

(date)

by George B. Paloheimo and Don Van Soelen as Trustees of the Rancho de las Golondrinas Charitable Trust u/a/d December 9, 1982, amended July 25, 1996, on behalf of said trust.

My Commission expires State of New Mexico

(Seal)

My Commission Expires 11-12-05

Manuel P. Rodriguez

Notary Public

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO,

COUNTY OF SANTA FE)

STATE OF NEW MEXICO) ss

WARRANTY DEED

PAGES 2

I Hereby Certify That This Instrument Was Filed for Record On The 14TH Day Of June, A D., 2005 at 10 54 And Was Duly Recorded as Instrument # 1384270 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office

Valerie Espinoza

Deputy Valerie Espinoza County Clerk, Santa Fe, NM

(Seal)

Notary Public

For Recorder's Use Only



EXHIBIT

10

NBD-42

CONTINUATION OF LEGAL DESCRIPTION

3. Easement from Y.A. & Lenora Paloheimo to Public Service Company of New Mexico, dated July 8, 1957, recorded in Book 136, Page 471, in the records of Santa Fe County, New Mexico.
4. Easement from Y.A. & Lenore Paloheimo to County of Santa Fe, dated January 4, 1954, recorded in Book 84, Page 53, in the records of Santa Fe County, New Mexico.
5. Powerline Easement, as shown on plat of survey for Y.A. Paloheimo Las Golodrinias Ranch by Morris A. Apodaca NMLS No. 5300 filed December 29, 1989, recorded in Plat Book 205, Page 16, in the records of Santa Fe County, New Mexico and all matters shown on plat of survey entitled "Boundary Survey of 261.86 Acres for Las Golondrinias Ranch lying within Sections 3 & 4, T15N, R8E, NMPM, Santa Fe County, New Mexico" by Richard A. Chatroop on May 2, 2005, filed June 8, 2005 as Document No. 1383479 and recorded in Plat Book 590, Page 011, in the records of Santa Fe County, New Mexico.

NOTES AND CONDITIONS:

APPROVAL: 9-25-09
DATE: 9-25-09
COUNTY LAND USE ADMINISTRATOR

DEVELOPMENT PERMIT NO. 9-25-09
DATE: 9-25-09
RURAL ADDRESSING 9-25-09
DATE: 9-25-09
PUBLIC WORKS 9-25-09
DATE: 9-25-09

1. MAINTENANCE OF ACCESS ROADS AND UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE LAND OWNERS UNLESS OTHERWISE MAINTAINED BY THE SANTA FE CO. PUBLIC WORKS DEPT.
2. LANDS SHOWN HEREON ARE OUTSIDE OF THE 100 YEAR FLOOD PLAIN IN ZONE A, ACCORDING TO F.I.M. PANEL #35049C-5030, 5040 & 5250 DATED 6/17/08.
3. PURSUANT TO THE SANTA FE COUNTY LAND DEVELOPMENT CODE, THE SOIL, PLANTING ON THIS PROPERTY IS DESIGNATED AS BEING MODERATE TO SEVERE REDUCTIONS IN PROPERTIES SHOULD TAKING POTENTIAL BROTHERS/SELLERS OF THIS PROPERTY SHOULD INDUCE WITH THE NEW AGE SELLERS OF THIS PROPERTY. WHETHER THESE SOILS ARE SUITABLE FOR CONVENTIONAL SEPTIC SYSTEM OR IF AN ALTERNATIVE SYSTEM IS REQUIRED.

4. SANTA FE COUNTY'S APPROVAL OF THIS SURVEY PLAT DOES NOT INCLUDE THE CONSTRUCTION OF THE SEPTIC SYSTEMS, ROADS, OR OTHER UTILITIES. THE PLAT IS FOR INFORMATION OF THE COUNTY LAND USE ADMINISTRATOR. IF THE PLAT IS REQUIRED THAT AN ADDITIONAL DEVELOPMENT PERMIT BE APPLIED FOR AND THEN APPROVED BY THE SANTA FE COUNTY LAND USE ADMINISTRATOR.
5. EXISTING NATURAL DRAINAGEWAYS WILL NOT BE MOVED OR IMPROVED WITHOUT THE WRITTEN APPROVAL OF THE LAND USE ADMINISTRATOR OR COUNTY HYDROLOGIST. DEVELOPMENT SHALL NOT IMPROVE HISTORIC FLOW PATTERNS OR PATTERNS TO OR FROM THESE LOTS.

6. THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT INCLUDING BUILDING PERMITS.
7. THE PARCELS AS PLATTED HEREON ARE SUBJECT TO ARTICLE VII, SECTION 3 OF THE SANTA FE COUNTY TERRITORIAL MANAGEMENT REGULATIONS AT THE TIME OF ANY DEVELOPMENT.
8. THE LANDS HEREON ARE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF SANTA FE.
9. THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR BUILDING PERMIT.

10. THESE TRACTS ARE SUBJECT TO THE REQUIREMENTS OF THE TERRITORIAL AFFIDAVIT FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDED AS INSTRUMENT NO. 27302 I-25 E. FRONTAGE RD.
11. NEW DRIVEWAY/ROAD ACCESS FROM I-25 FRONTAGE RD. IS SUBJECT TO APPROVAL BY THE STATE OF NEW MEXICO HIGHWAY DEPARTMENT.
12. ALL LANDS SHOWN HEREON HAVE SLOPES OF LESS THAN 15% AND THERE ARE NO NATURAL DRAINAGEWAYS OTHER THAN THOSE SHOWN AS PRANKAGE EASEMENTS.

SPECIAL BUILDING PERMIT CONDITIONS

BUILDINGS ON THESE LOTS ARE SUBJECT TO THE URBAN WILDLAND INTERFACE CODE.
DEVELOPMENT PERMITS FOR BUILDING CONSTRUCTION WILL NOT BE ISSUED UNTIL REQUIRED IMPROVEMENTS FOR ROADS, FIRE PROTECTION AND DRAINAGE ARE COMPLETED AS APPROVED BY STAFF.

LAND DIVISION OF
261.86 ACRES
FOR
LG REALTY HOLDINGS, LLC

PURPOSE: THIS PLAT CREATES TWO LOTS
LYING WITHIN SECTIONS 3 & 4, T15N, R8E,
NMPM, SANTA FE COUNTY,
NEW MEXICO.
NBD-44

RICK CHATROOP
PROFESSIONAL LAND SURVEYOR

NEW MEXICO REGISTRATION NO. 11011
(505) 470-0007 110 WALTON TRAIL RD. CERRILLOS, NM. 87010

LEGEND AND NOTES

- DENOTES POINT FOUND 5300 CAP OR AS NOTED
- DENOTES POINT SET THIS SURVEY
- DENOTES POINT CALCULATED
- DENOTES ROW PAUL
- DENOTES EASEMENT
- DENOTES OVERHEAD LINES
- DENOTES FENCE LINE

1. BASIS OF BEARING TAKEN FROM TRACT OF SURVEY FOR V.A. PUEBLO DE LAS COLORADAS RANCH, LA CIENAGA, SANTA FE COUNTY, NEW MEXICO, BY MORRIS A. APODACA R.S. #5300, AND FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BOOK 405, PG. 016.
2. DATA IN PARENTHESES IS FROM PLAT OF NOTE #1.
3. THIS PLAT IS SUBJECT TO ALL EASEMENTS, COVENANTS, AND CONDITIONS OF RECORD.

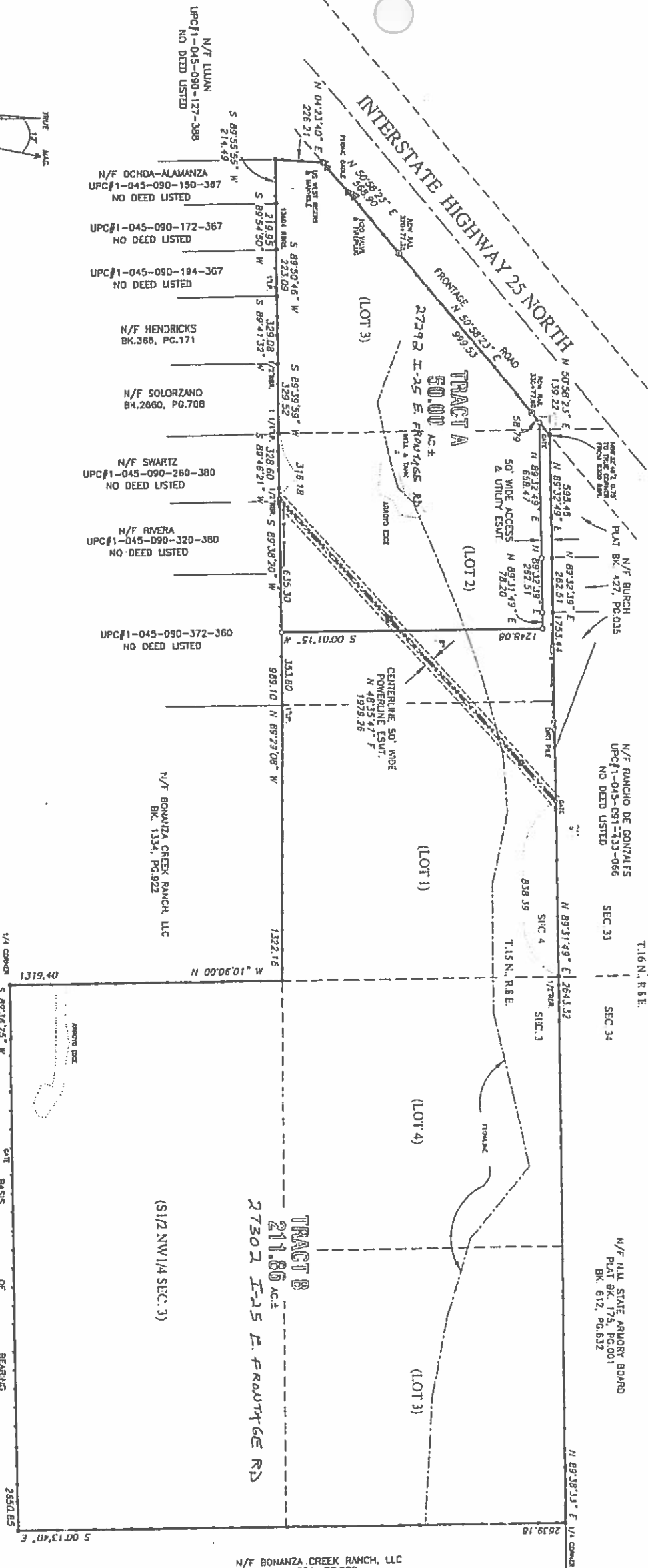
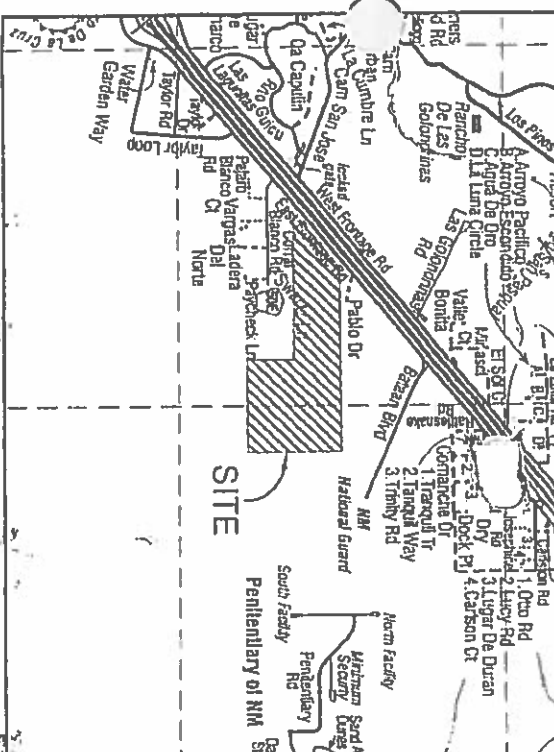
DEPOSITION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS, CAUSED TO BE DIVIDED THOSE LANDS SHOWN HEREON. THIS DIVISION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNERS. THE UNDERSIGNED ARE GRANTED EASEMENTS, COVENANTS, AND EXISTING UTILITIES OTHER EASEMENTS ARE GRANTED AS SHOWN. THIS DIVISION CONTAINS 261.86 ACRES, AND LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF SANTA FE, NEW MEXICO.

LG REALTY HOLDINGS, LLC
STATE OF New Mexico
COUNTY OF Santa Fe
THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY LG REALTY HOLDINGS, LLC
THIS 24th DAY OF September, 2009
MY COMMISSION EXPIRES 6/14/2013
NOTARY PUBLIC



VICINITY MAP



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES HEREON ARE AN ACCURATE DELINEATION OF A FIELD SURVEY COMPLETED BY ME OR UNDER MY DIRECTION ON JUNE 15TH, 2009, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEET THE STANDARDS FOR PROFESSIONAL LAND SURVEYORS PRACTICING IN NEW MEXICO.

RICHARD A. CHATROOP
N.M.P.L.S. #11011

NORTH
SCALE 1"=300'



COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that the instrument was filed for record on the 24th day of September, 2009, and was duly recorded in book 405, page 016, of the records of Santa Fe County.
Witness my Hand and Seal of Office
Rick Chatroop
County Clerk, Santa Fe County, N.M.
Deputy

PURCHASE AND SALE AGREEMENT

This PURCHASE AND SALE AGREEMENT ("Agreement") made this 23RD day of July, 2014 is hereby entered into by and between:

1. PARTIES

LG REALTY HOLDINGS, LLC, a New Mexico limited liability company, whose address is at

786 N St Francis Dr, Santa Fe, NM 87501 ("Seller"), and

PUBLIC SERVICE COMPANY OF NEW MEXICO, a New Mexico corporation, whose address is at 2401 Aztec Road NE, MS Z140, Albuquerque, New Mexico 87107 ("Buyer").

Seller and Buyer may be collectively referred to as "Parties" and individually as a "Party."

2. EFFECTIVE DATE

- 2.1. The effective date of this Agreement shall be defined as the latter of the last signature execution date below ("Effective Date").

3. AGREEMENT FOR THE PURCHASE AND SALE OF REAL PROPERTY

- 3.1. For and in consideration of the mutual promises contained herein, the Parties agree as follows:
- a. Seller hereby agrees to sell to Buyer, and Buyer hereby agrees to purchase from Seller that certain real property described below and any and all associated easements, rights, titles, interests, privileges, improvements and appurtenances, together with any and all mineral and water rights, and easements on adjoining lands of Seller hereinafter referred to in this Agreement (collectively, the "Property").
 - b. This Agreement is contingent on the Parties fulfilling certain conditions precedent as hereinafter described.

4. DESCRIPTION OF THE PROPERTY

- 4.1. Survey or Drawing. See Exhibit A for survey or general drawing of the Property containing approximately 100 acres, more or less. If the survey or general drawing of the Property is not complete or is inaccurate, this Agreement will not be invalid and a final survey will be completed or corrected to meet the requirements of the title company which will issue the title policy.

DS
M

NBP-45

- 4.2. *Legal Description.* See Exhibit B for legal description of the Property. If the legal description of the Property is not complete or is inaccurate, this Agreement will not be invalid and the legal description will be completed or corrected to meet the requirements of the title company that will issue the title policy.

5. PURCHASE PRICE

- 5.1. The purchase price for the Property, which the Buyer agrees to pay to the Seller and which the Seller agrees to accept, shall be the amount of [REDACTED] per acre, with the acreage to be determined by final survey as described above. ("Purchase Price").

6. EARNEST MONEY

- 6.1. Upon mutual acceptance of this Agreement the Buyer shall deposit [REDACTED] ("Earnest Money") with a title company of Buyer's choosing, as hereinafter designated, to be held in escrow. Any Earnest Money shall be applied towards the final Purchase Price and as otherwise distributed to Seller according to the terms and conditions stated in this Agreement.

7. NON-REFUNDABLE FEE TO SELLER

- 7.1. Upon mutual acceptance of this Agreement, the Buyer shall pay to the Seller a non-refundable fee of [REDACTED]. The non-refundable fee is in consideration for the execution of this Agreement and is in addition to and independent of any other consideration or payment provided for in this Agreement, is non-refundable, and will be retained by Seller despite any other term or condition of this Agreement.

8. TITLE COMPANY

- 8.1. The title company that will handle the closing (as hereinafter defined) of this transaction will be:

Stewart Title Co.
Attn: Debbie Henning, Escrow Officer
6759 Academy NE
Albuquerque, New Mexico 87109
Telephone: (505) 828-1700

("Title Company").

9. THE CLOSING

- 9.1. "Closing" is defined as the date on which Seller is required to execute the final deed transferring title to the Buyer and Buyer makes available to Seller the balance of the Purchase Price (minus Earnest Money). Closing shall be held at the offices of Title Company as soon as practicable, but in no event later than seven (7) calendar days after Buyer notifies Seller that Buyer is prepared to Close.

10. TITLE TO PROPERTY

- 10.1. The Seller will agree to transfer title to the Property to Buyer at closing by special warranty deed subject only to (i) any restrictions, reservations, and easements of record that are acceptable to and approved in writing by Buyer and (ii) ad valorem real estate taxes for the year in which the sale closes which are not yet due and payable (the "General Warranty Deed").

Special

11. TITLE POLICY

- 11.1. *Ordering Title Policy.* Within fifteen (15) calendar days from the Effective Date of this Agreement, Buyer will order and pay for a preliminary title insurance binder from Title Company evidencing that at closing Seller will be able to deliver an owner's title insurance policy insuring Buyer, as owner of the Property, for the full amount of the final Purchase Price, and showing that good and marketable fee simple title to the Property is vested in Seller, free of all liens, encumbrances, tenancies and restrictions with no exceptions other than a standard printed exception on the form of the title insurance policy relating to taxes for current and future years and those exceptions otherwise agreed to in writing by Buyer (the "Title Insurance Policy").
- 11.2. *Exceptions to Title Policy.* If there are any exceptions other than those referred to above, Buyer will have fifteen (15) calendar days from the receipt of the preliminary title insurance binder to so notify Seller. Seller will then have fifteen (15) calendar days from such notice in which to cure such title defects. If Seller is unable to cure during such time (i) Buyer may still proceed with closing without regard to such title defects, or (ii) Buyer may in its sole and absolute discretion allow Seller additional time to cure, or else (iii) Buyer reserves the right to unilaterally terminate this Agreement, in which event, the Earnest Money shall be returned to Buyer.

12. OBLIGATIONS AT CLOSING

- 12.1. *Seller Obligations at Closing.* At Closing, Seller shall deliver to Buyer:
- a. A final title insurance binder updated as of the date of Closing showing that the Property is free and clear of all encumbrances, mortgages,

judgments, liens, tenancies, and restrictions other than such as may have been agreed to in writing by Buyer; and

- b. The Special Warranty Deed;
- c. The Title Insurance Policy;

12.2. *Buyer's Obligations at Closing.* At Closing, Buyer shall.

- a. Pay to Seller the balance of the Purchase Price (minus Earnest Money).

13. CONDITIONS PRECEDENT TO CLOSING

13.1. *Due Diligence - General.* Buyer will, at its own expense, and as soon as reasonably practical after the signing of this Agreement conduct any and all due diligence it deems prudent or necessary to conduct in its sole and absolute discretion and may conduct any or all of the following activities: inspections, appraisals, studies, surveys, and testing, including but not limited to site inspections, title inspections, property appraisals, environmental studies, archeological studies, biological studies, soil studies, solar studies, land surveys, and geotechnical testing (collectively, "Due Diligence"). The Parties understand and agree that any Due Diligence conducted by Buyer or its Agents will be completed to the satisfaction of Buyer and that the results of any such Due Diligence must be acceptable to Buyer in its sole and absolute discretion.

13.2. *Acquisition of Government Approvals - General.* Buyer will, at its own expense, and as soon as reasonably practical after the signing of this Agreement, attempt to secure any and all necessary regulatory, local, city, county, state, and federal governmental approvals, including but not limited to New Mexico Public Regulation Commission ("NMPRC") approvals, any applications or registrations for any permits, licenses, vacations, variances, ordinances, amendments, rezoning, re-plats, and orders (collectively, "Government Approvals"). The Parties understand and agree that any Government Approvals that may be required must be obtained to the satisfaction of Buyer in its sole and absolute discretion.

14. TERMINATION AND ADEQUACY OF EARNEST MONEY

14.1. In the event (i) Due Diligence discovers any defect in the Property or otherwise renders the Property unsuitable for Buyer's intended use as determined in Buyer's sole and absolute discretion, or (ii) Government Approvals are unobtainable as determined in Buyer's sole and absolute discretion, Buyer reserves the right to unilaterally terminate this Agreement upon notice to Seller, in which event, any Earnest Money released and paid to Seller to date shall be kept by Seller subject to the terms and conditions of this Agreement. Seller acknowledges that such Earnest Money is full and adequate consideration for

this Agreement and that receipt of any Earnest Money is Seller's sole remedy for any such termination by Buyer. In the event of unilateral termination of this Agreement by Buyer as described above, the Title Company shall provide Buyer with any Earnest Money that has not been previously released to Seller.

15. RELEASE OF EARNEST MONEY TO SELLER

- 15.1. *Release of Earnest Money – General.* Buyer shall authorize Title Company to release Earnest Money to Seller, subject to the terms and conditions of this Agreement and as follows:
- a. In the event Due Diligence or Governmental Approvals are not completed or obtained by Buyer within six (6) months of the Effective Date, Buyer shall order Title Company to release the first installment of one-third (1/3) of the Earnest Money to Seller, which shall be non-refundable.
 - b. In the event Due Diligence or Governmental Approvals are not completed or obtained by Buyer within nine (9) months of the Effective Date, Buyer shall order Title Company to release the second installment of one-third (1/3) of the Earnest Money to Seller, which shall be non-refundable.
 - c. In the event Due Diligence or Governmental Approvals are not completed or obtained by Buyer within twelve (12) months of the Effective Date, Buyer shall order Title Company to release the last and third installment of one-third (1/3) of the Earnest Money to Seller, which shall be non-refundable.

16. EXPIRATION OF TERM AND EXTENSION OF AGREEMENT

- 16.1. *Expiration of Term.* The Parties understand and agree that Buyer shall have one (1) year from the Effective Date to conclude its Due Diligence and obtain all necessary Government Approvals, upon which time either (i) Closing shall be scheduled to occur, or else (ii) this Agreement shall expire of its own accord unless otherwise agreed to in writing by the Parties.
- 16.2. *Extension of Agreement.* Buyer at its sole discretion may extend this Agreement for an additional one (1) year term anytime prior to the expiration of this Agreement by depositing additional Earnest Money equal to the Earnest Money previously deposited, which shall be applied towards the final Purchase Price and as otherwise distributed to Seller according to the terms and conditions stated in this Agreement.

17. EASEMENTS ON ADJOINING LANDS OF SELLER

17.1. *Easements on Adjoining Lands.* Seller agrees to grant easements on adjoining lands owned by Seller for any electric distribution lines and any access roads (as defined below) as may be required by Buyer. The Parties agree to cooperate with each other in the location of such easements. Approval of any easements on adjoining lands owned by Seller shall not be unreasonably withheld by Buyer or Seller. Consideration for any such easements are included in the Purchase Price.

17.2. *Easement Requirements – General.*

- a. The easement documents shall be in form and content acceptable to Buyer. (See Exhibit C).
- b. The easements shall grant Buyer 24 hour, seven days per week, free and unfettered access to and from the Property, to and from any electric distribution lines, and to and from any access roads.

17.3. *Easements for Electric Distribution Lines.* Easements for electric distribution lines shall be no greater than 20-feet in width and shall extend to the nearest existing electric distribution line suitable for connection to the Project and the Property.

17.4. *Easements for Access Roads.* Easements for access roads shall be no greater than 50-feet in width and shall extend to the nearest arterial road or street if possible.

17.5. *Survey for Easements.* Easements for any electric distribution lines and access roads across adjoining lands of Seller shall be surveyed by Buyer as described earlier herein.

18. RIGHT OF ENTRY

18.1. *Right of Entry.* While this Agreement is in effect, Seller hereby grants and agrees to allow Buyer and its authorized agents, employees, contractors, subcontractors, successors, and assigns (collectively, "Agents") the right to immediate entry and free and unfettered access to and from the Property, adjoining lands, and onto the Property as reasonably required and at such reasonable times to conduct Due Diligence (the "Right of Entry").

18.2. *No Liens.* Buyer shall not permit to be placed against the Property, or any part thereof, any design professionals', mechanics', materialmen's, contractors', or subcontractors' liens with regard to Buyer's Due Diligence activities on the Property pursuant to the Right of Entry.

18.3. *Indemnification.* Buyer agrees to defend, indemnify and hold harmless Seller from any claims or damages caused by or arising from Buyer's Due

Diligence activities on the Property pursuant to the Right of Entry unless said claims or damages result from Seller's negligence or willful misconduct.

18.4. *Restoration of Property.* In the event Buyer does not enter into a purchase and sale agreement for the Property after conducting and completing its Due Diligence, Buyer will restore the Property to the physical condition it was in immediately prior to any Due Diligence activities conducted on the Property by Buyer or its Agents pursuant to the Right of Entry.

18.5. *Term of Right of Entry.* The duration of the Right of Entry shall last until all Due Diligence work is completed to the satisfaction of Buyer. However, in any event, the term shall not last longer than one (1) year from the Effective Date of this Agreement (as hereinafter defined), unless (i) otherwise agreed to in writing by the Parties, or (ii) this Agreement is extended as set forth in Section 16 of this Agreement.

19. SELLER REPRESENTATIONS, WARRANTIES, AND COVENANTS

19.1. *Seller Representation and Warranties.* Seller represents and warrants that as of date of execution of this Agreement and that at closing that:

- a. Seller has the legal right, power and authority to execute this Agreement and to sell the Property to Buyer.
- b. Seller has and will transfer to Buyer good and marketable fee simple record title to the Property, free from of all liens, encumbrances, tenancies and restrictions with no exceptions other than a standard printed exception on the form of the title insurance policy relating to taxes for current and future years and those exceptions otherwise agreed to in writing by Buyer.
- c. There are no mortgages, provisional registrations, improvements, easements, servitudes, liens, leases, unpaid taxes or any other charges or encumbrances on the Property. There are no defects which may prevent Buyer from acquiring title to the Property.
- d. There are no civil or administrative or other legal actions and disputes against or involving the Property, including but not limited to any contemplated or pending condemnations or confiscations of any part of the Property.
- e. Seller has not left, buried or disposed of any pollutant, contaminant, industrial waste, or hazardous material on or in the Property, or caused any pollutant, contaminant, industrial waste, or hazardous material to be left, buried, or disposed of on or in the Property. Seller does not have any knowledge of the existence of such waste or material on the Property.

- f. There are no legal restrictions, which would prevent, hinder, or delay Buyer from obtaining the Government Approvals necessary for using the Property for a solar farm.
 - g. Except for the restrictions caused by presently known and identified zoning classifications identified in local, city, and county zoning ordinances, there are no other environmental, zoning or land restrictions which may prevent Buyer from using the Property for a solar farm.
 - h. The physical description and condition of the Property shall satisfy each of the terms, conditions, descriptions, and representations provided herein. The delivery of possession of the Property shall further satisfy the terms and conditions set forth herein.
 - i. The Property is vacant and not subject to any leases or month-to-month tenancies.
 - j. Seller is not a Foreign Person, Foreign Company, Corporation or Partnership, or a non-resident Alien subject to the Foreign Investment in Real Property Tax Act of 1980 ("FIRPTA") income tax withholding.
- 19.2. *Seller Covenants.* In addition to Seller's other covenants and obligations contained in this Agreement, Seller agrees as follows:
- a. *Deliveries by Seller.* Seller shall deliver or otherwise make available to Buyer within five (5) calendar days of the Effective Date of this Agreement a copy of all deeds, easement documents, plats, surveys, drawings, photographs, title reports, contracts, zoning information, and environmental reports or assessments that Seller has in its possession.
 - b. *Prohibition of Disposition of the Property.* After the Parties execute this Agreement, the Seller shall not, without the prior written consent of Buyer, subdivide any portion of the Property, or do anything that may hinder the full exercise of ownership rights, such as transferring, leasing, or mortgaging the Property to a third party. Seller shall not encumber the Property in any manner and shall maintain the full value of the Property.
 - c. *Letter of Agency.* Seller hereby agrees to execute a letter of agency in form and content acceptable to Buyer to allow Buyer to pursue, on behalf of Seller, any and all necessary Government Approvals pertaining to Buyer's intended use of the Property. (See Exhibit D).
 - d. *FIRPTA Affidavit.* Seller hereby agrees to execute a FIRPTA affidavit. (See Exhibit E)

- e. *Affidavit for Title Company.* Seller hereby agrees to allow the Title Company to remove delete-able standard printed exceptions.
- f. *Notice of Actions.* Seller covenants that it shall provide Buyer with notice of any threat, institution or pendency of any action, suit or proceeding against or affecting any part of the Property, or relating to or arising out of the ownership of any part of the Property as of the Effective Date of this Agreement and through to closing.
- g. *Seller Cooperation.* Seller agrees to cooperate with Buyer's efforts to secure any and all Government Approvals, and shall execute any and all necessary documents as required in furtherance thereof.
- h. *Seller Disclosure.* Seller will be responsible for disclosing to Buyer all applicable property-specific fees, assessments, taxes, contracts, lease agreements, private memberships and/or association fees or dues, contract service agreements (e.g. road maintenance, etc.), and any encumbrance, restriction, defect in title, or environmental condition of the Property that Seller has knowledge of, that may or may not be of record, which would interfere with Buyer's intended use of the Property.
- i. *Confidentiality.* Seller and Seller's agent(s) agree to keep Buyer's name and the terms of this Agreement and any other agreement pertaining to the purchase and sale of the Property between Buyer and Seller confidential and not to disclose or divulge such information to third party without Buyer's prior written consent unless (i) such information is or becomes public knowledge as a result of Buyer's actions or (ii) as required by law.

20. ENVIRONMENTAL PROVISION

- 20.1. *Environmental Provision – General.* Seller represents and warrants to the best of Seller's knowledge that the Property is free of hazardous substances as of the Effective Date of this Agreement, and to the best of Seller's knowledge, the Property has never been subject to any contamination or hazardous conditions resulting in any environmental investigation, inquiry or remediation. The Parties agree that each will be responsible for compliance with any and all environmental laws, including any rules, regulations, guidelines, standards, or policies (collectively, "Environmental Laws") of any governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental condition or other matters as may now or at any time hereafter be in effect, that are now or were related to that party's activity conducted in or on the Property during the term of this Agreement.
- 20.2. *Environmental Indemnity.* The Parties agree to hold harmless and defend the other from, and to assume all duties, responsibilities and liabilities at the sole

cost and expense of the indemnifying party for, payment of penalties, sanctions, forfeitures, losses, costs or damages, and for responding to any action, notice, claim, order, summons, citation, directive, litigation, investigation or proceeding which is related to (i) the indemnifying party's failure to comply with any Environmental Laws, or (ii) any environmental conditions that arise out of or are in any way related to the condition of the Property and activities conducted by the party thereon, unless the environmental conditions are caused by the other party. The indemnifications of this Section specifically include reasonable costs, expenses and fees incurred in connection with any investigation of Property conditions or any clean-up, remediation, removal or restoration work required by any governmental authority. The provisions of this Section will survive the expiration of this Agreement.

21. FURTHER DOCUMENTATION

- 21.1. The Parties shall, in good faith and in a timely manner, execute such additional documents as may be necessary or appropriate to fully carry out the intent and purpose of this Agreement and to further the development of Buyer's intended use of the Property.

22. SOLAR RIGHTS

- 22.1. The Parties understand and acknowledge that Buyer shall be making application for solar rights pursuant to 47-3-1 through 47-3-5 NMSA (2007) once the Seller has sold the Property to Buyer.

23. COSTS, FEES, PRORATIONS & APPORTIONMENT

- 23.1. *Costs – General.* Unless otherwise specified in this Agreement, each Party shall be responsible for their own costs associated with this transaction.
- 23.2. *Ad Valorem Taxes.* All ad valorem taxes shall be prorated through closing.
- 23.3. *Special Assessments.* All special assessments will be paid by Seller.
- 23.4. *Broker or Agent Costs.* If any Party has employed the services of a real estate broker or agent in connection with the Property, the Party retaining or employing such broker or agent shall pay any and all such broker or agent fees or expenses outside closing. Seller shall indemnify and hold Buyer harmless from and against any and all claims for broker's or agent's commissions made by any other party claiming through Seller.
- 23.5. *Buyer Costs.* Buyer will be responsible for paying for all costs associated with any Due Diligence initiated by Buyer. However, Buyer shall not be obligated to pay for any costs associated to cure any environmental, land, or title

defects that may be uncovered by Buyer's Due Diligence unless otherwise specifically agreed to in writing by the Parties.

- 23.6. *Seller Costs.* Seller will satisfy in full any and all encumbrances, mortgages, judgments or liens on the Property that are of record or otherwise known to Seller on or prior to closing unless otherwise specifically agreed to in writing by the Parties.

24. FAILURE TO CLOSE

- 24.1. If Seller wrongfully fails to close this transaction for any reason, except as provided in this Agreement, and if Buyer has fully performed or tendered performance of all the obligations of Buyer as provided in this Agreement, then Buyer either may specifically enforce performance of this Agreement or, on demand by Buyer, the Earnest Money Deposit will be paid to Buyer by the Title Company and Seller will upon demand, reimburse Buyer for all out-of-pocket costs incurred by Buyer with respect to this transaction including, but not limited to, reasonable fees and costs of attorneys, Environmental Reports, inspections and testing. If Buyer wrongfully fails to close this transaction for any reason, except as provided in this Agreement, and Seller has fully performed or tendered performance of all the obligations of Seller as provided in this Agreement, then the Earnest Money Deposit will be forfeited as liquidated damages and will be paid to Seller by the Title Company as the only remedy of Seller, and Seller and Buyer will have no further rights obligations, or liabilities to each other as provided in this Agreement.

25. ASSIGNMENT

- 25.1. Buyer may transfer, assign or convey any interest under this Agreement without obtaining the prior written consent of Seller.

26. INDEMNIFICATION

- 26.1. *Seller's Indemnity.* If this transaction is closed, Seller will indemnify, defend and hold Buyer harmless, to the extent allowable by law, against:
- a. All liabilities and obligations of Seller and the agents or employees of Seller, of any nature whether accrued, absolute contingent, or otherwise arising out of the ownership of the Property by Seller before Closing, except for the Assumed Obligations after Closing.
 - b. Any damage or deficiency resulting from any misrepresentation, omission, breach of warranty, or nonfulfillment of any agreement on the part of Seller as provided in this Agreement, or from any misrepresentation in or omission from any affidavit or other instrument furnished or to be furnished by Seller to Buyer as provided in this Agreement.

- c. All liabilities, obligations, claims demands, losses, damages, interest, actions, suits, proceedings assessments, judgments, costs and expenses, including reasonable actual fees of lawyers ("Indemnity Losses") incurred or suffered by Seller, incident to any of the above matters or the establishment by Buyer of the right of Buyer to indemnify from Seller.

26.2. *Reimbursement of Buyer.* Seller will reimburse Buyer, on demand, for any payment made at any time by Buyer with respect to any Indemnity Losses to which the above indemnity by Seller relates.

26.3. *Buyer's Indemnity.* If this transaction is closed, Buyer will indemnify, defend and hold Seller harmless, to the extent allowable by law, against:

- a. All liabilities and obligations of Buyer and the agents or employees of Buyer, of any nature, whether accrued, absolute, contingent or otherwise arising out of (i) the ownership of the Property by Buyer after Closing, or (ii) the failure of Buyer to pay or perform the Assumed Obligations after Closing.
- b. Any damage or deficiency resulting from any misrepresentation, omission, breach of warranty, or nonfulfillment of any agreement on the part of Buyer as provided in this Agreement, or from any misrepresentation in or omission from any affidavit or other instrument furnished or to be furnished by Buyer to Seller as provided in this Agreement.
- c. All Indemnity Losses incurred or suffered by Buyer, incident to any of the above matters or the establishment by Seller of the right of Seller to indemnify from Buyer.

26.4. *Reimbursement of Seller.* Buyer will reimburse Seller, on demand, for any payment made at any time by Seller with respect to any Indemnity Losses to which the above indemnity by Buyer relates.

27. EXCLUSIVE AGREEMENT

27.1. This Agreement shall constitute an exclusive arrangement between the Parties, and from and after the Effective Date of this Agreement, the Seller, its agent, affiliate, employee, contractor, or representative, shall not negotiate for or otherwise deal in the sale, purchase, or lease of the Property with any person or entity while this Agreement is in effect.

28. BINDING EFFECT

28.1. All rights and obligations of the Parties hereunder shall bind and inure to the benefit of their respective heirs, personal representatives, successors and

assigns.

29. NATURE AND SURVIVAL OF REPRESENTATIONS, WARRANTIES AND AGREEMENTS

- 29.1. All statements contained in this Agreement or in any affidavit or other instrument delivered by or on behalf of Seller as provided in this Agreement, or with respect to this transaction, will be deemed representations and warranties made by Seller. All statements, representations, warranties and agreements made by Seller or Buyer, as the case may be, in this Agreement, or as provided in this Agreement, will survive Closing.

30. WAIVER; REMEDIES

- 30.1. No waiver of any default as provided in this Agreement or delay or omission in exercising any right or power of Seller or Buyer will be considered a waiver of any other default as provided in this Agreement. No exercise or failure to exercise any right or power of Seller or Buyer as provided in this Agreement will be considered to exhaust that right or power. Except as specifically provided in this Agreement, the exercise of or failure to exercise any one of the rights or remedies of Buyer or Seller as provided in this Agreement will not be deemed to be instead of or a waiver of any other right or remedy as provided in this Agreement or available at law or in equity

31. ENTIRE AGREEMENT

- 31.1. This Agreement contains the entire agreement of the Parties and supersedes all prior agreements, representations, statements and negotiations between the Parties. This Agreement may be modified only in writing and signed by both the Parties.

32. RECORDATION OF AGREEMENT

- 32.1. The Parties understand and acknowledge that Buyer shall have the right to record this Agreement or a redacted version thereof with the office of the County Clerk in the jurisdiction in which the Property is located. Buyer shall record a release of this Agreement upon its termination of this Agreement or upon purchase of the Property.

33. GOVERNING LAW

- 33.1. This Agreement shall be governed by the laws of the State of New Mexico.

34. WARRANTY OF AUTHORITY

- 34.1. By signing this Agreement, the following signatories represent and warrant that they have full and complete authority to enter into this Agreement and any other agreement(s) or document(s) associated with this Agreement.

35. COUNTERPARTS

- 35.1. This Agreement may be executed in a number of identical counterparts. If so executed, each such counterpart is to be deemed an original for all purposes and all such counterparts shall collectively constitute one agreement.

36. NOTICES

- 36.1. All notices or other communications required or permitted by this Agreement shall be in writing and either, (i) personally delivered, (ii) delivered by reputable overnight courier, (iii) sent by registered or certified mail, return receipt requested, and postage prepaid, addressed to the Parties at the addresses set forth below (or any other address that the party to be notified may have designated to the sender by like notice), or (iv) sent by facsimile with written confirmation back. Notices personally delivered shall be deemed given the day so delivered. Notices given by overnight courier shall be deemed given on the first business day following the delivery date. Notices mailed as provided herein shall be deemed given on the third business day following the mailing date. Notices sent by facsimile shall be deemed given on the first business day following the facsimile confirmation date. Notice of change of address shall be given immediately and by written notice in the manner detailed in this Section.

If to Seller: LG Realty Holdings LLC
Attn: John Montoya
786 N 9th Francisco Dr
Santa Fe NM 87501

If to Buyer: Public Service Company of New Mexico
Land Services Department
2401 Aztec Road NE MS Z140
Albuquerque, NM 87107
Telephone: (505) 241-4434
Facsimile: (505) 241-2376

With copy to: Select Properties, Inc.
Attn: John Tekin
3900 Eubank Blvd. NE, Suite 3C

Albuquerque, NM 87111
Telephone: (505) 681-6483
Facsimile: (505) 962-2222

AGREED.

SELLER:

LG Realty Holdings, L.L.C. a New Mexico limited liability company

By: ^{DocuSigned by:} John Montoya ^{7/2/2014} B JOHN MONTAYA
(Print Name)

Its: MANAGING PARTNER
(Print Title)

Signature: [Signature] Date: 7/3/14

BUYER:

Public Service Company of New Mexico, a New Mexico corporation

By: E. Wheeler Evelin Wheeler
(Print Name)

Its: Exec Dir Gen Dev.
(Print Title)

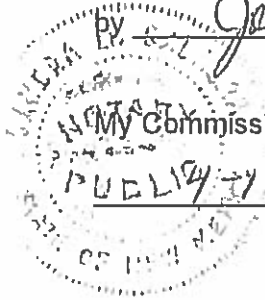
Signature: E Wheeler Date: 7/23/14

ACKNOWLEDGEMENT FOR SELLER

STATE OF New Mexico)
COUNTY OF Santa Fe) ss

This instrument was acknowledged before me this 3rd day of July, 2014,

by John Montoya



My Commission Expires:

12-17-2015

Sandra M Salazar
Notary Public

ACKNOWLEDGEMENT FOR BUYER

STATE OF New Mexico)
COUNTY OF Bernalillo) ss

This instrument was acknowledged before me this 23rd day of July, 2014,

by Evelin Wheeler

My Commission Expires:

September 14, 2014

Patricia A. Snodgrass
Notary Public

Exhibit A

234911

SANTA FE COUNTY PUBLIC NOTICE

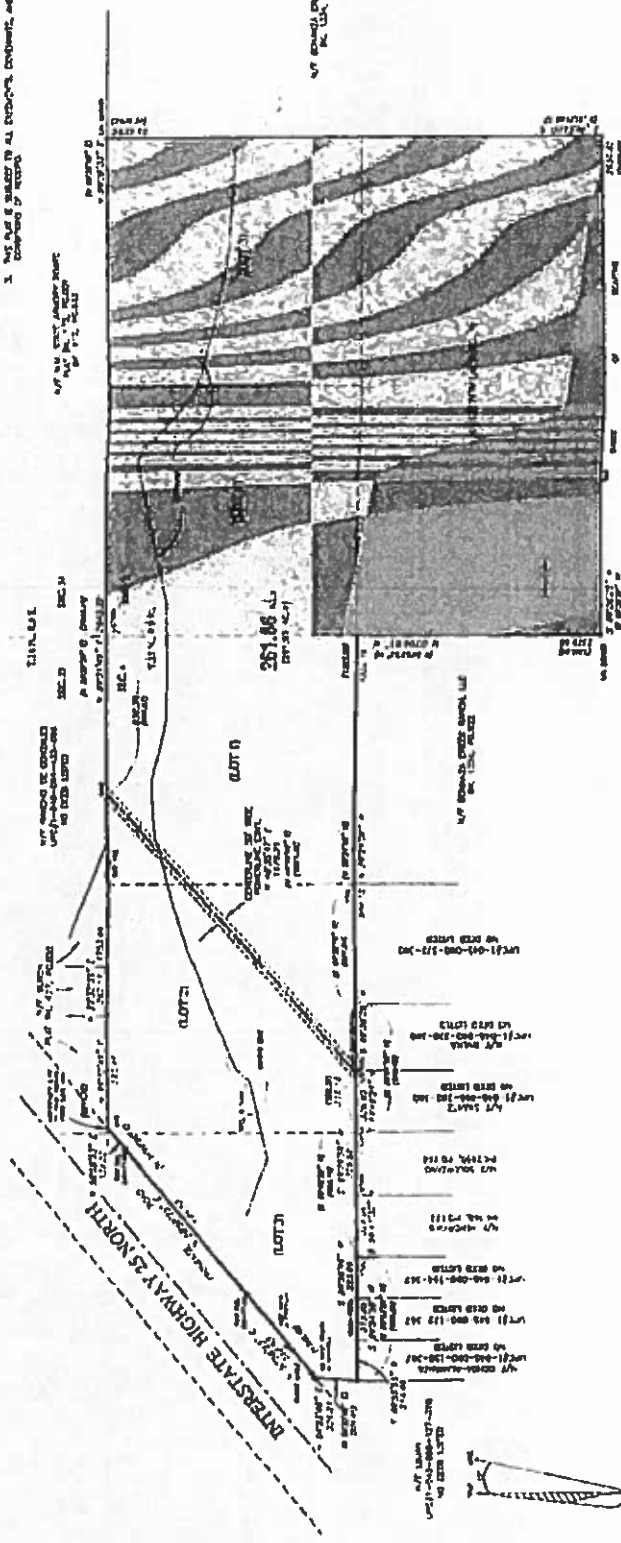
THE SANTA FE COUNTY LAND USE ADMINISTRATOR HAS NOT REVIEWED THIS PLAN OF SURVEY BEFORE ITS FILING IN THE OFFICE OF THE COUNTY CLERK. THIS PLAN IS NOT BEING FILED FOR ANY PURPOSES OTHER THAN TO PROVIDE NOTICE OF THE SUBDIVISION OF LAND. THE COUNTY CLERK'S OFFICE DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE SUBDIVISION OF LAND IS SUBJECT TO THE REVIEW AND APPROVAL OF THE SANTA FE COUNTY LAND USE ADMINISTRATOR. THE SUBDIVISION OF LAND IS SUBJECT TO THE REVIEW AND APPROVAL OF THE SANTA FE COUNTY LAND USE ADMINISTRATOR.

LEGEND AND NOTES

- BOUNDARY MARKS 1/4" DIA. OR 1/2" DIA.
- BOUNDARY MARKS 1/4" DIA. OR 1/2" DIA.
- BOUNDARY MARKS 1/4" DIA. OR 1/2" DIA.
- BOUNDARY MARKS 1/4" DIA. OR 1/2" DIA.

- BOUNDARY LINE
- BOUNDARY LINE
- BOUNDARY LINE

1. BOUNDARY MARKS 1/4" DIA. OR 1/2" DIA.
2. BOUNDARY MARKS 1/4" DIA. OR 1/2" DIA.
3. BOUNDARY MARKS 1/4" DIA. OR 1/2" DIA.



NORTH
SCALE 1"=300'

SURVEYORS CERTIFICATE

I, the undersigned, being duly sworn, depose and say that the foregoing is a true and correct copy of the original of the above and foregoing survey, and that the same was made by me or under my direction and supervision, and that I am a duly licensed and qualified land surveyor in the State of New Mexico.

NBD-61

DS
JM



STATE OF NEW MEXICO
COUNTY OF SANTA FE
I, Rick Chatroop, being duly sworn, depose and say that the foregoing is a true and correct copy of the original of the above and foregoing survey, and that the same was made by me or under my direction and supervision, and that I am a duly licensed and qualified land surveyor in the State of New Mexico.

BOUNDARY SURVEY OF
261.86 ACRES
FOR
LG REALTY HOLDINGS, LLC

RICK CHATROOP
PROFESSIONAL LAND SURVEYOR
NEW MEXICO REGISTRATION NO. 11011
EXPIRATION DATE 12/31/12
11011 11/10/11 11011 11/10/11



NBSD-62

PUBLIC NOTICE
Notice is hereby given that an application has been filed with Santa Fe County for MARCH, TONY ZUMING, et al. to amend the existing zoning map to allow a 10 MEGAWATT ELECTRIC SUBSTATION ON A 100 ACRE SITE.

Name of Applicant: PUBLIC SERVICE OF NM
Address of Request: 10000 N. 10000 N. EAST I-26 FRONTIER
Legal Description: Section 15, N 10000 N. EAST I-26 FRONTIER
City: ALBUQUERQUE
County: SANTA FE
Avenue: Santa Fe Avenue
City: Santa Fe
County: Santa Fe
State: New Mexico
Zip: 87505
The proposed project is located on the northeast corner of the intersection of Santa Fe Avenue and I-26, approximately 1.5 miles north of the intersection of Santa Fe Avenue and I-26, and is bounded by the Santa Fe County Courthouse and the Santa Fe County Courthouse.

Public Hearing will be held on the 10th day of March, 2015 at 5:00 pm in the Board of County Commissioners' Office, Santa Fe County Courthouse, 10000 N. 10000 N. EAST I-26 FRONTIER, Santa Fe, NM 87505.

Comments and objections can be submitted by mail to the Planning and Development Department, P.O. Box 278, Santa Fe, NM 87505.

SANTA FE + NEW MEXICAN

LEGAL # 97939

CDRC CASE #
Z/PDP/FDP 14-5380
PNM Santa Fe County
Solar Energy Center
Project

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held to consider a request by Public Service Company of New Mexico for Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 10 megawatt electric Solar Facility on a 100 acre site. The property is located south of the National Guard site and takes access via the East I-25 Frontage Road, within Sections 3 & 4, Township 15 North, Range 8 East, (Commission District 5).

A public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on the 10th day of February, 2015, at 5 p.m. on a petition to the Board of County Commissioners.

Please forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Commission taking action.

All comments, questions and objections to the proposal may be submitted to the County Land Use Administrator in writing to P.O. Box 276, Santa Fe, New Mexico 87504-0276; or presented in person at the hearing.

Please forward affidavit of publication to the County Land Use Administrator, P.O. Box 276, Santa Fe, New Mexico 87504-0276.

Published in The Santa Fe New Mexican on January 20, 2015

Ad Proof / Order Confirmation / Invoice

Account Number

2300

Ad Order Number

0000105869

PNM REGULATORY POLICY DEPT

7024 1200 0002 1221 1617

7014 1200 0001 1221 6631

1.221 1.662

UNITED STATES POSTAL SERVICE
REGISTERED MAIL RECEIPT
 (U.S. POSTAGE AND INSURANCE COVERAGE REQUIRED)
 POSTAGE PAID BY ADDRESSEE () OR BY ADDRESSEE ()
 10-2-77

Postage	\$ 1.00	
Registered Fee	\$ 0.35	
Return Receipt () () or () Required		
Delivery Point () or () Required		
Total Amount Due	\$ 1.35	

Rancho de Gonzales
 79 Entrada la Cereza
 Santa Fe, N.M. 87507 SF

4299 7221 1000 0021 4902

9499 1221 1221 6646

5599 1221 1000 0021 410

U.S. Postal Service		CERTIFIED MAIL RECEIPT	
Domestic Mail Only (No Insurance Coverage Provided)			
EPA 3346-1-80 (Rev. 10-1-80)			
DATE: 07/11/87			
Postage	\$	0.00	
Guarantee Fee	\$	0.00	
Postage and Fee	\$	0.00	
Postage and Fee	\$	0.00	
Postage and Fee	\$	0.00	
TOTAL: \$ 0.00			
Sent To: LG Realty Holdings LLC Street And No.: PO Box 309 City And State: Santa Fe, NM 87507			
ZIP: 87507			

NBD-64

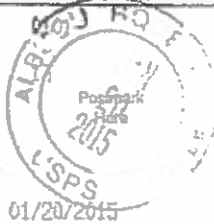
7006 3450 0000 4947 5277

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$2.70
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.49



Sent To: **New Mexico State Armory Board**
 Street, Apt. No., or PO Box No.: **715 Alta Vista**
 City, State, ZIP+4: **Santa Fe NM 87501 SE**

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$2.70
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.49



Sent To: **Rexce Montoya**
 Street, Apt. No., or PO Box No.: **3 A Pablo Dr**
 City, State, ZIP+4: **Santa Fe NM 87508 SE**

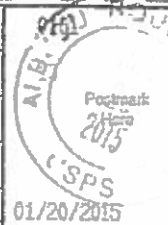
7006 3450 0000 4947 5284

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$2.70
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.49



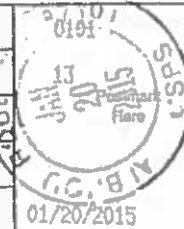
Sent To: **Brandi Ranch**
 Street, Apt. No., or PO Box No.: **17320 Goshawk Rd W**
 City, State, ZIP+4: **Colorado Springs, CO 80908 SE**

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$2.70
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.49



Sent To: **Bonzana Creek Ranch**
 Street, Apt. No., or PO Box No.: **2321 Condalia Rd**
 City, State, ZIP+4: **Flag NM 87107 SE**

7014 1200 0001 1221 6679

7006 3450 0000 4947 5291

NBD-65

Jose Larranaga

From: Ensey, Michelle, DCA <michelle.ensey@state.nm.us>
Sent: Tuesday, February 17, 2015 9:34 AM
To: Jose Larranaga
Subject: RE: PNM Solar sites

Good morning Jose,

Two archaeological sites and a segment of a historic road were recorded during the archaeological survey of the proposed PNM solar site. Below are the descriptions of the two sites and historic road segment as taken from the documentation prepared by Marron and Associates.

- Archaeological site LA 180083 is a historic artifact scatter (40 artifacts total) dating from the 1880s to 1945. The artifacts are food related such as cans, crockery and glass stoppers. The site also has barrel hoops and a piece of window pane. The site is interpreted as a single episode trash dump.
- Archaeological site LA 180084 is also a historic artifact scatter (99 artifacts total) with a corral dating from the 1880s to 1945. Artifacts are similar to that of LA 180083 and comprise cans, glass, crockery, etc. The corral is constructed of juniper posts, sheepwire, and barbed wire. The artifact scatter is interpreted as a single episode trash dump.
- The historic trail (HCPI 34237) is approximately 5 m wide and was noted by a faint swale. Aerial maps of the project area were inspected and the segment appears to head in the direction of the modern community of Eldorado. The area in the vicinity of the project has been developed and it is unknown where the segment goes. It is likely that the segment is related to ranching in the area and is not associated with major road/trails in the area which includes the Camino Real. The Camino Real is closer to the Santa Fe River, which is to the west of the surveyed area.

The area was historically used for ranching and General Land Office (GLO) records indicate that Tomas Narvaez obtained the area in 1922 so the artifacts, corral, and road segment may relate to his use of the area.

In our opinion, all three historic properties are not significant and are not worthy of preservation. Although they will be impacted by the proposed development, because they are not significant, they do not need to be placed in a non-disturbance easement.

Please let me know if you have any other questions.

Michelle

Michelle M. Ensey
Archaeologist
NM State Historic Preservation Office
407 Galisteo Street, Ste. 236
Santa Fe, NM 87501
(505) 827-4064
www.nmhistoricpreservation.org

From: Jose Larranaga [mailto:joselarra@santafecountynm.gov]
Sent: Monday, February 16, 2015 4:21 PM



NBD-Ldo

PNM
528 Don Gaspar
Santa Fe, New Mexico 87501
(505) 438-6987 Office
(505) 428-9013 Mobile
(505) 241-4361 Fax
PNM.com



February 20, 2015

Hon. Robert Anaya
Commissioner, Chair
Board of County Commissioners,
102 Grant Ave
Santa Fe, NM 87501-2061

Dear Commissioner Anaya:

DELIVERED TO STAFF AND HAND DELIVERED

Subject: PNM Santa Fe County Solar Energy Center

I am writing you to update you on the efforts made to address Tesuque Pueblo's concerns with regard to PNM's proposed 10 megawatt (MW) solar facility, Santa Fe County Solar Energy Center, adjacent to the National Guard Armory.

We are updating you via letter prior to the March 10 County Commission meeting because of the critical timeline involved. I think we would all like to see a large scale renewable energy solar site located inside Santa Fe County.

The proposed 10 MW facility is part of the 40 MW of solar that PNM is scheduled to build and bring on line this year. This facility partially fulfills PNM's requirements under the New Mexico Renewable Portfolio Standard. This 40 MW solar build was approved by the New Mexico Public Regulation Commission (NMPRC) last year and must be complete and in service by the end of December 2015. In order to meet this aggressive schedule the project will need to be approved at the March 10 hearing. If the project is not approved, PNM will move to an alternative site in another county.

Because of the strict deadline, we want to be transparent about the steps taken to address the concerns of Tesuque Pueblo and more importantly we want to communicate those steps so you have time to consider all the relevant information before making a judgment. We want to respect the democratic process by



NBD-67

relating information within a timetable that can be digested, questioned and verified while at the same time complying with the NMPRC deadline.

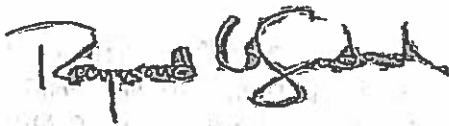
In order to be transparent, a copy of this letter will be sent to Tesuque Pueblo leaders.

Representatives from PNM met with Tesuque Pueblo Governor Milton Herrera and key members of the pueblo's council on Tuesday, February 17, 2015. The pueblo leaders communicated their concerns and we all agreed that working together during the early stages of a proposed project will help to avoid similar situations in the future. During the meeting, pueblo leaders provided a historical and traditional perspective that helped PNM representatives understand and appreciate their concerns of identifying and protecting cultural findings on their traditional homelands. PNM described the resources documented by cultural resource professionals, the state review process and PNM's internal environmental protection processes. The Pueblo had no additional site-specific information regarding the project.

In addition to the constructive dialogue between the Pueblo and PNM, a site visit has been scheduled for March 3. PNM will be sharing its standard discovery action plan, so that if any cultural remains are discovered during construction, all parties will understand the actions that will be initiated to respectfully address the Pueblo's cultural traditions and religious beliefs.

Thank you for taking the time to read this update. Please let us know if you have any additional questions or concerns or if we can provide additional information that will help you make a decision on the application.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond G Sandoval". The signature is stylized with a large, looped "R" and "S".

Raymond G Sandoval
Santa Fe Community Relations
PNM Resources

NBD-68

SANTA FE COUNTY
Ordinance No. 1998-15

1575550

An Ordinance Amending Article III Section 8 "Other Development" of the Santa Fe County Land Development Code to Clarify the Definition of a Utility Line Extension and Clarify the Requirement for a Development Permit for Construction of Utilities

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY:

The Board of County Commissioners of Santa Fe County hereby amends for the purpose of clarifying the development permit requirements for Utilities. Specifically Article III, Section 8 "Other Development", of the Land Development Code is amended as follows:

→ **8.1 Uses Permitted**

Subject to the requirements of this Section, all uses not otherwise regulated by the Code are permitted anywhere in the County provided a request for zoning approval is granted per Article III, except for utility lines which may be approved administratively per subsection 8.3.7 set forth below. Such uses specifically include, but are not limited to utilities, parking facilities, and cemeteries. Notwithstanding the fact that these uses are permitted, a development permit is still required.

8.2. Submittals, Reviews and Standards

Uses regulated by this section 8 shall be considered large if they involve the grading and clearing of 10 or more acres, contiguously or cumulatively; and small scale if less disturbance of the land is involved. Development standards and criteria and submittal requirements are set forth in Subsection 4.4; as well as any other Section of the Code which refers to or regulates Terrain Management or Utilities.

8.3 Utilities

8.3.1 A development permit shall be required for, and provisions of the Code shall apply to, all development; including utilities, utility easements, utility rights-of-way, and construction of utility lines and facilities.

8.3.2 Utility Lines include the following definitions:

- A. "line" or "lines" in all cases include any appurtenant hardware, equipment, buildings, etc.;
- B. Utility service lines are lines that connect individual utility customers to the utility distribution system and facilities;
- C. Utility distribution lines are lines that interconnect the service line to a station, substation, or other parts of the distribution system or network.
- D. Utility transmission lines are lines that interconnect the distribution network(s). Typically, but not always, transmission lines, in the case of gas



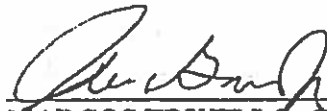
NBD-69

and electric power, make connections between, connect to, and use substations, stations, and other generating facilities.

- 8.3.3 Where any doubt exists as to a line being part of a service line, distribution line, or transmission line, such item shall be included in the larger system or facility.
- 8.3.4 Authority for installation of service lines, and their interface or point of connection to distribution lines, shall be included in the development permit for construction of buildings, subdivision plans, or other development.
- 8.3.5 A development permit is required for utility transmission and distribution lines and appurtenant facilities, including storage facilities, pipelines, transmittal towers and facility, and power and communications transmission lines. Such uses shall meet standards, as applicable, set forth in Section 8.2 above.
- 8.3.6 In addition to the above requirements, any development involving a water or sewer utility must be in conformance with an adopted Community Land Use and Utility Plan, unless system improvements are limited to that needed to serve existing development.
- 8.3.7 Development permits for purposes of Section 8, may be approved administratively subject to the policies adopted at the discretion of the Code Administrator. Such policies shall be implemented by the Code Administrator and will be effective when published and posted.
- 8.3.8 All utility lines shall be placed underground as provided in subsection 2.3.9.b.1), or upon final approval of the Board of County Commissioners, who shall consider environmental and visual impacts.
- 8.3.9 Solely in the case of telecommunications masts, microwave masts, television or radio masts, or other masts or towers for the purpose of transmitting or receiving wireless signals, such shall be regulated and zoned as "Other Development" per the requirements of Section 8.2.

History: Ordinance 1998- 15 replaced existing Section 8 to require development permits for other Development.

PASSED, ADOPTED AND APPROVED this 24th day of November, 1998, by the Santa Fe County Board of County Commissioners.


MARCOS TRUJILLO, CHAIRMAN
 Joe S. Grine, Vice Chairman


REBECCA BUSTAMANTE, COUNTY CLERK



NBD-70

1575561

APPROVED AS TO FORM:

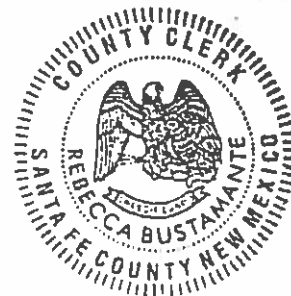
Rosanna Vazquez for
DENICE BROWN, COUNTY ATTORNEY

COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO 10521 399
I hereby certify that this instrument was filed
for record on the 8 day of Dec A.D.
19 98 , at 1:59 o'clock P m
and was duly recorded in book 1575 ,
page 559 - 561 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.

Clara Clayton

Deputy



NBD-71

4.4 Design Standards and Review Criteria

In addition to the other requirements of the Code, the following standards and criteria will be applied in the review process:

4.4.1 Submittals



- a. To zone or re-zone any parcel for a commercial or industrial non-residential district a master plan shall be submitted. Submittals and procedures for master plans are set forth in Article V, Section 5.2.
- b. A development plan shall be submitted for individual uses to be permitted within the district, as follows:
 - 1) Vicinity Map: A vicinity map drawn at a scale of not more than one inch equals two thousand feet (1"=2000') showing contours at twenty foot (20') intervals showing the relationship of the lot, tract or parcel to its general surroundings, and the location of all existing drainage channels, water courses and water bodies within one mile of the development site.
 - 2) Existing Site Data: A description of existing conditions on or adjacent to the lot, tract or parcel, including proof that the parcel is a legal lot of record. Maps shall be at a scale of one inch (1") to one hundred feet (100') or larger and shall include the following:
 - (a) Boundary lines, bearings and distances: The error or closure shall be of a third order survey, and no discrepancy between computed and measured distances shall exceed one (1) part in one thousand two hundred eighty (1,280) parts.
 - (b) Easements: Location, width and purposes.
 - (c) Streets on and immediately adjacent to the tract, name and right-of-way width.
 - (d) Utilities on and immediately adjacent to the tract.
 - (e) Owners of record or unplatted land and existing subdivision plats by name and recordation, shall be shown for property within one thousand feet (1,000') of that tract.
 - (f) Title and certificates: Present tract designations according to official records in the County Clerk's Office, title under which the proposed development is to be recorded with name and address of owner, notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any, certification of the engineer or land surveyor licensed in accordance with the laws of the State of New Mexico who prepared the plat.
 - 3) Site Plan
 - (a) The site plan consisting of a map and other drawings or documents drawn to a scale of one inch (1") to one hundred feet (100'), or larger, shall show the following:
 - (1) proposed arrangement of buildings;
 - (2) proposed off-street parking and loading facilities;
 - (3) proposed access to the site and internal vehicular circulation;
 - (4) existing and proposed landscaping;
 - (5) proposed location and type of fences, walls, and signs;
 - (6) drainage and grading plan indicating existing and proposed contours; soils and flood plain areas;
 - (7) a lighting plan;

- bicycle parking.
4. Final design plans for the required improvements to Highway 14 shall be submitted for review and approval by NMDOT prior to Final Development recordation.

Mr. Salazar confirmed that the issue of the variance is open space and he directed the CDRC to an exhibit identifying the applicant's plans.

The applicant, Brian Lock and his agent, Jennifer Jenkins were duly sworn.

Jennifer Jenkins said the applicant was in agreement with all staff-imposed conditions and thanked staff for their efforts. She said the expansion is important for Santa Fe County and discussed the LEDA funds. Ms. Jenkins located the project on a site map noting that the restaurant functions for special events and the brewery is accessed off of Fireplace Place. When additional adjacent lots became available the applicant purchased them to further his plans to expand the brewery. The tasting area and lobby area will be relocated. The heart of the project is an outdoor landscaped beer garden with seating and a platform for entertainment. An existing access off SR 14 will be improved and the Fireplace Place access will be maintained.

Ms. Jenkins identified the open space that will be landscaped. Santa Fe Brewing will provide property for trailhead parking for people accessing the Arroyo Hondo Trail.

Brian Lock said he was pleased to have the opportunity to grow his business in Santa Fe rather than relocating. When the state decided to lower the excise tax it leveled the playing field and he was able to stay in Santa Fe. Local breweries are a growing industry across the country and he was pleased he could stay in Santa Fe. The expansion will increase employment in the County. Currently he has approximately 42 employees. The expansion will be completed in 2020 and he estimated having 105 employees.

There was no one from the public wishing to speak for or against this project.

Member Anaya moved to approve Z/DP/V 14-5430 with staff-imposed conditions. Ms. Booth seconded and the motion passed by unanimous [6-0] voice vote.

The applicant was lauded for expanding his business in Santa Fe County.

- D. **PNM Santa Fe County Solar Energy Center Project.** Public Service Company of New Mexico, Applicant, Laurie Moye, Agent, requests Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 10 megawatt electric Solar Facility on a 100 acre site. The property is located south of the National Guard site and takes access via the East I-25 Frontage Road, within Sections 3 & 4, Township 15 North, Range 8 East, (Commission District 5)

Jose Larrañaga, case manager, recited the case caption and presented the staff report as follows:



NBD-73

2/20/2015

“Public Service Company of New Mexico is requesting Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 10 megawatt tracking solar electric generating facility on a 100 acre site. The solar panels are tracking panels which will be configured together in long rows which will be oriented north-south. Each row of panels are approximately 210 feet in length, the row length varies depending on the amount of developable area and will rotate together, making adjustments as the panels move to track the sun east to west. The solar modules will be mounted on a ground mounted rack. The height of the top of the panels at full-rotation will not exceed 7 feet from the natural grade. A distribution line will be extended to the site for the delivery of the electricity being generated by the facility. For safety and security reasons the facility will be enclosed by a chain link fence with three strands of barbed wire, 8 feet in total height.

“The Applicant states: The solar generating facility is needed to meet PNM’s 2015 Renewable Energy Plan. The project is part of a utility distribution system for utility use for the greater public good and for the health, safety and welfare of the residents of Santa Fe County and will provide the community with a source of clean, renewable energy to support growth and economic development in the area.

“The Applicant has submitted a subsequent letter and drawings in response to staff and review agency comments. The Applicant states that typically there are 4,000 panels per megawatt, therefore the proposed ten megawatt site will contain approximately 40,000 panels and will encompass approximately 75 acres of the 100 acre site. The site will also house five power converters and one switchgear facility.

“On October 28, 2014, the Applicant held an open house to discuss the proposed development. Notice was sent to 67 adjacent property owners and three attended the meeting. The Applicant states that concerns of the individuals who attended the open house were primarily related to uncertainty as to what the facilities would look like and visibility of the site.

“Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Master Plan Zoning, Preliminary and Final Development Plan. The Application is comprehensive in establishing the scope of the project; the proposed use is in compliance with the uses associated with Other Development; the Application satisfies the submittal requirements set forth in the Land Development Code.

“The review comments from State Agencies and County staff have established findings that this Application, for Master Plan Zoning, Preliminary and Final

NBPD-74

Development Plan, is in compliance with: State requirements and Final Development Plan of the County Land Development Code."

Mr. Larrañaga said staff recommends approval of Master Plan Zoning, Preliminary and Final Development Plan to allow a 10 megawatt electric Solar Facility on a 100 acre site subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the Master Plan/Final Development Plan.
 - a. The development shall comply with Article 1, Section 103.3.2-New Construction and Alterations of the 1997 Uniform Fire Code.
 - b. The proposed access, to the site, shall be constructed with six inches of compacted base course and 20 feet in width.
2. Master Plan/Final Development Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 7.2.2.
 - a. Approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board (Article V, § 5.2.7).

Duly sworn, Laurie Moye representing PNM, said the solar energy facility will be used as a solar electric generating station. The facility is part of PNM's 2015 renewable energy plan. Ms. Moye's presentation included a power point which outlined the project vicinity, a description, access, etc. The parcel of land meets both PNM's solar requirements and lay out for a successful solar generating station. A nearby electric distribution line will be used to transmit the generated energy.

Ms. Moye said the project will not generate traffic once built it will be operated remotely and only visited for maintenance and/or repair. No septic, sewer or water lines are necessary. The site will be enclosed for public safety purposes. Construction, if approved, is expected to start in 2015 and operational in winter of 2015.

Summarizing her presentation, Ms. Moye said this is clean renewable energy. The project has a low profile and creates neither air emissions nor waste products. The County will gain property taxes.

Member Anaya said he was unsure of where the transmission line was located is and whether it is over or underground. Ms. Moye said the exact line route has not been determined and it may require a variance to build it overhead. She said PNM was waiting for this approval before proceeding with design. At this point they have an easement on the property from the solar facility to the road; however, the public utility easement on the frontage road north has not been explored.

Member Anaya said he supported alternative energy and his concern had to do with easements and transmission lines. Ms. Moye said she was confident PNM would be able to move the power out of the site north to an existing distribution line.

Member Katz asked whether the facility would be visible from I-25 and Ms. Moye said it would be although it sits back from the road. The panels could be screened if additional building occurs on adjacent lots.

NBD-75

Member Gonzales said he was pleased that PNM was bringing forward what he referred to as a win/win project and mentioned with additional growth in the County this will be needed.

Member Anaya said he was aware of other solar panels that are having issues with transmitting services and that concerned him greatly. Ms. Moye said the PNM generating entity will have to apply to PNM's transmission and distribution entity for transmission.

Chair Drobnis invited public comment.

Duly sworn, J.J. Gonzales, 54 Entrada, La Cienega, said he represents a partnership that owns property adjacent to this project. Mr. Gonzales said they were in support of PNM's efforts to develop renewable energy. His concerns centered around egress/ingress, accessing the power grid to get power onto the property and storage of energy on site. He said Ms. Moye answered many of his questions and he hoped his remaining questions would be answered in the near future.

Duly sworn, Matthew Baca, identified himself as a proponent of solar energy, former president of New Mexico Solar Energy and Industry Association, current president of New Mexico Renewable Energy Developers Associates and former president of the City of Albuquerque's Energy Conservation Council. He applauded the regulations adopted by the PRC. Mr. Baca said it appeared that this proposal was not complete.

He advised the CDRC that he would be addressing the Caja del Rio PNM request and wanted it on the record that he supports solar energy.

There were no further speakers.

Member Katz moved to approve the application with staff-imposed conditions. Member Martin seconded and the motion passed by unanimous [6-0] voice vote.

~~**CDRC CASE # Z/DP 14-5370 PNM Caja del Rio Solar Energy Center Project.** Public Service Company of New Mexico Applicant, Laurie Moye, Agent, requests Master Plan Zoning, Preliminary and Final Development Plan approval to allow a 5 megawatt electric Solar Facility on a 40-acre site. The property is located north of New Mexico Highway 599 and takes access via Caja del Rio Road, within Section 3, Township 16 North, Range 8 East, Commission District 2 [Exhibit 4: Staff distributed VanAmberg, Rogers, et al. memo dated 12/15/14; Exhibit 5: VanAmberg, Rogers, et al. distributed memo dated 12/14/14; Exhibit 6: Recorded Grant of Easement]~~

Member Gonzales recused himself from this case.

Mr. Larrañaga recited the case caption and reviewed the staff report as follows:

NBD-76

7034 1200 0000 7553 8962

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	Postmark Here <i>Sent 2/16/15</i>
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Total For: Pueblo of Tesuque

Sent To: The Honorable Milton Herrera, Governor
 Street, Apt. Route 42, Box 360-T
 or PO Box Santa Fe, NM 87506
 City, State, _____

PS Form 3800, August 2006 See Reverse for Instructions



NBD-77



