

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

DATE: March 12, 2013

TO: Board of County Commissioners

FROM: Miguel "Mike" Romero, Development Review Specialist Senior *MR*

VIA: Penny Ellis-Green, Land Use Administrator *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

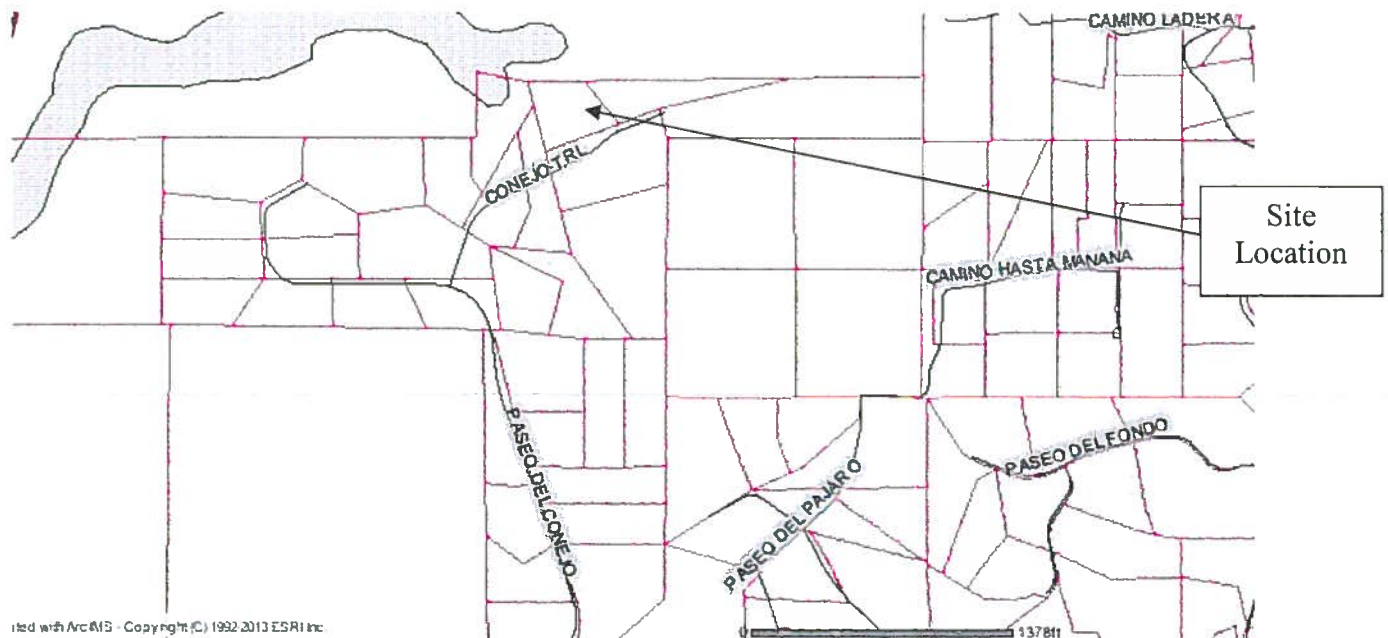
FILE REF.: BCC CASE # MIS12-5460 Steven & Lana Park Vacation of Easement

ISSUE:

Steven & Lana Park, Applicants, (Southwest Mountain Surveys) Gabriel Pacheco, Agent, request approval to vacate a platted Ten Foot (10') Wide Private utility Easement on 5.054 acres.

The property is located at 29 Conejo Trail, within Section 5, Township 17 North, Range 9 East, (Commission District 2).

Vicinity Map:



SUMMARY:

The subject property consists of two legal lots of record, which were created through a Land Division in May of 2007; one lot consisting of 2.51 acres and one lot consisting of 2.54 acres; which the applicant proposes to consolidate into one lot totaling 5.054 acres.

There is currently a residence on the property (lot 2-A). The ten foot (10') wide private utility easement is centered on the property line, which was created when the lots were split into two lots (2-A and 2-B) as indicated on the recorded plat. The Applicants feels that since the lot is going to be consolidated back into its original state, the easement which is paralleling the property line is no longer necessary. The Applicants claims no other party will be adversely affected by vacation of the easement.

Article V, § 5.7.1 (Cause) 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.

The Applicants state that they are the only ones affected by this easement. Therefore, per Article V, § 5.7.7 a. the Applicants are requesting approval to vacate the ten foot (10') wide private utility easement.

Article V, § 5.7.2 (Action) 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) 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) 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 December 26, 2012.

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 a platted ten foot (10') wide private utility easement on two lots totaling 5.054 acres.

GROWTH MANAGEMENT AREA: El Centro, SDA-2

HYDROLOGIC ZONE: Basin Hydrologic Zone, minimum lot size per Code is 2.5 acres per dwelling unit.

FIRE PROTECTION: Agua Fria Fire District.

WATER SUPPLY: Domestic Well

LIQUID WASTE: Conventional Septic System

VARIANCES: None

AGENCY REVIEW:	<u>Agency</u>	<u>Recommendation</u>
	None	

STAFF RECOMMENDATION: Approval to vacate a platted ten foot (10') private utility easement on two lots totaling 5.054 acres.

If the decision of the BCC is to approve the Applicants request, staff recommends imposition of the following conditions:

1. Upon approval of the Lot Consolidation Plat, the Plat shall be filed with the County Clerks Office with a note stating that the ten foot (10') wide private utility easement is being vacated. (As per Article V § 5.7.3).

EXHIBITS:

1. Letter of request
2. Article V, § 5.7 (Vacations of Plats)
3. Site Photographs
4. Site Plan/Survey Plat
5. Aerial of Site and Surrounding Area

Southwest Mountain Surveys
1114 Hickox Street
Santa Fe, New Mexico 87505
(505) 982-9429

December 26, 2012

County of Santa Fe
Building and Development Services
102 Grant Avenue
Santa Fe, New Mexico 87501
Attn: Miguel Romero

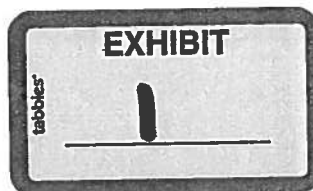
Dear Mr. Romero,

On behalf of our clients, Steven A. Park and Lana T. Park, we are submitting a Development Permit Application for an Easement Extinguishment and Lot Consolidation of existing tracts creating one lot 2-A-1 from two lots, Lot 2-1 and Lot 2-B as shown on a plat recorded in Plat Book 653, Page 33 in the The Office of the Santa Fe County Clerk. We are requesting to Extinguish the 10' Wide Utility Easement that is centered on the property line that was created when the lots were split into Lot 2-A and Lot 2-B as shown on the detail within the referenced recorded plat above. Since the lot is being consolidated back into its original state we feel the easement which was paralleling the property line is no longer necessary. We look forward to working with you to resolve this issue and feel free to contact us with any questions or comments.

Legal Description: Lot 2-A and Lot 2-B, Section 5, T.17 N., R.9 E., N.M.P.M., a tract of Land situated at the end of Conejo Trail.

Thank You,

Gabriel Pacheco
Southwest Mountain Surveys



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.

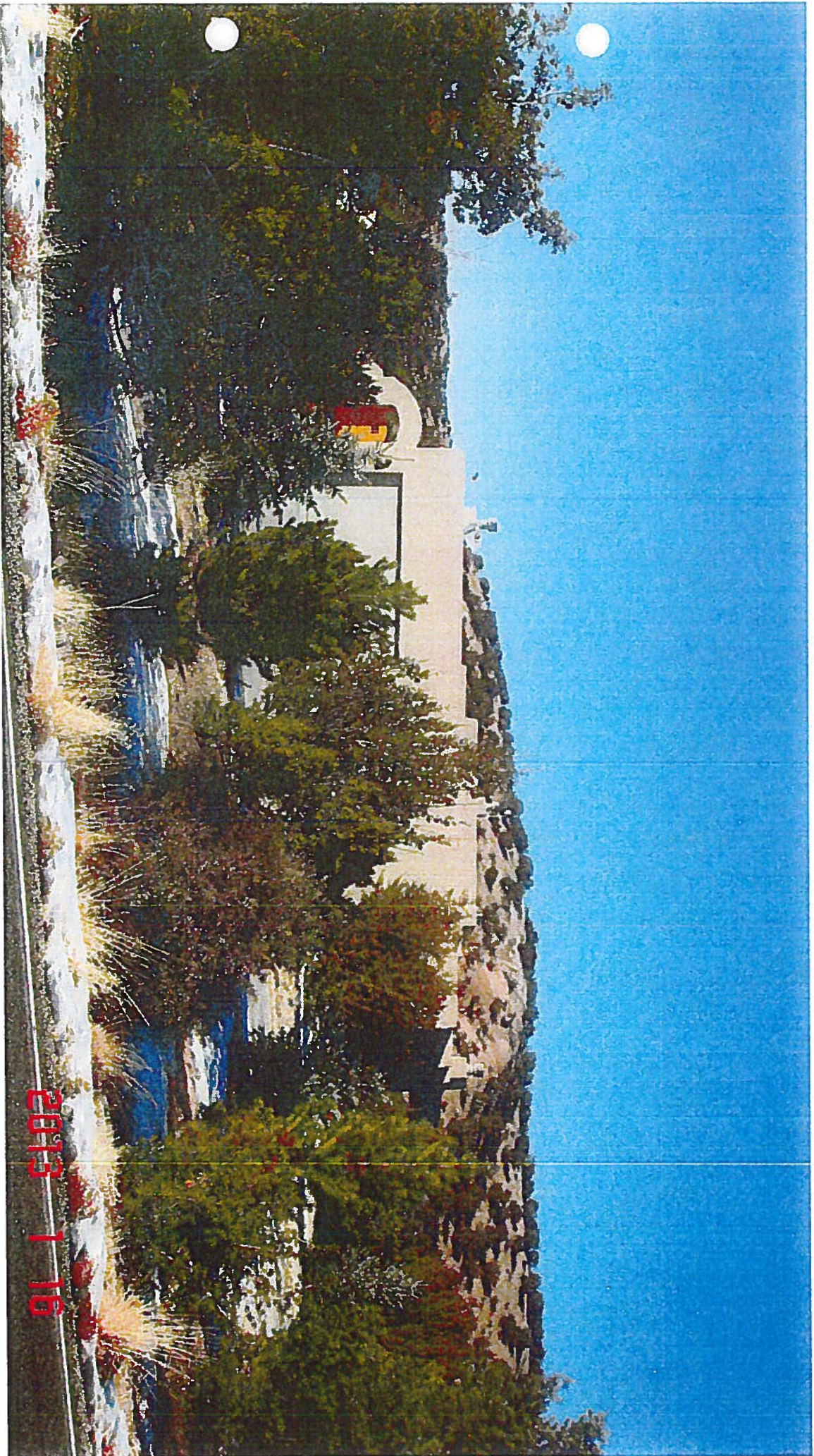
History. Section 5 was updated and revised by Ordinance 1996-8 for the purpose of clarification and to bring this Section into compliance with the NMSA.

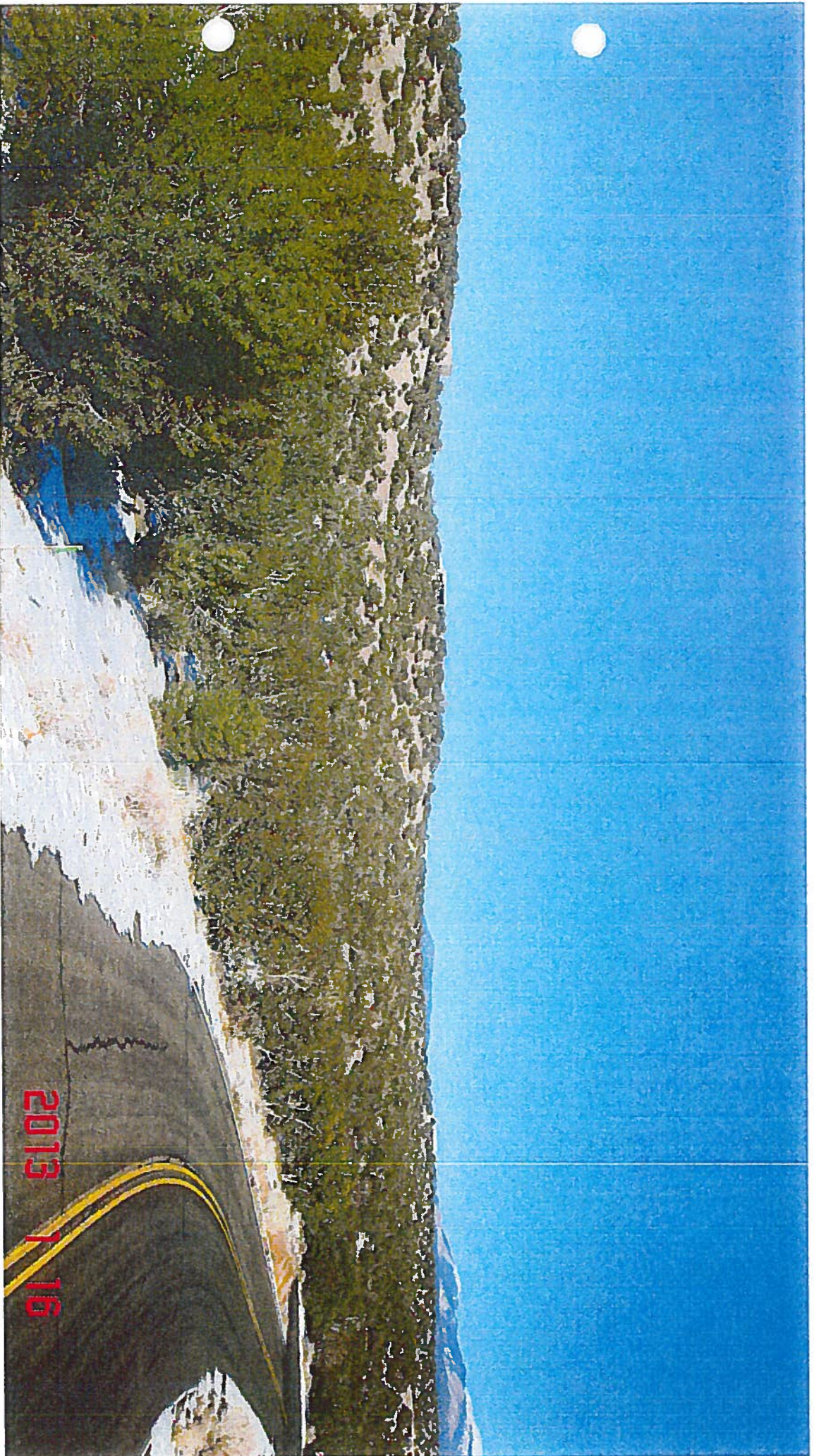


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2013 1 16









Legend

- Major
- Minor
- Parcels

1:1 003
1 inch = 86,122,353 feet
292.50 25 Feet



2008 Orthophotography

This information is for reference only.
Santa Fe County assumes no liability for
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User are solely responsible for
confirming data accuracy.



January 18, 2013



2008 Orthophotography



January 18, 2013

This information is for reference only.
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12,909
 1 inch = 247,400.152 feet
 7537 50 75 Feet

- Legend**
- Major
 - Minor
 - Parcels