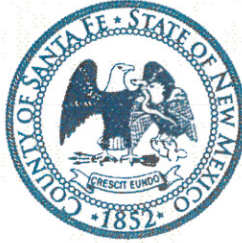


**Daniel "Danny" Mayfield**  
Commissioner, District 1

**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:** June 11, 2013

**TO:** Board of County Commissioners

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

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

**FILE REF.:** BCC CASE # 13-5150 OneWest Bank FSB

**ISSUE:**

One WestBank FSB, Applicant, (High Desert Surveying Inc.) Dean L. Shrader, Agent, request approval to vacate a platted twenty foot (20') wide public utility, drainage and ingress/egress easement on 25 acres.

The property is located at 42 Lime Kiln Road, within Section 33, Township 15 North, Range 10 East, (Commission District 4).

**Vicinity Map:**



## **SUMMARY:**

The subject property originally was made up of two legal non-conforming lots that were consolidated into one lot in May of 1999, and is considered a legal lot of record.

There is currently one dwelling unit, two accessory structures and one barn/horse stable on the property. Staff has found no record of development permits for the horse barn and one accessory structure. The existing twenty foot (20') wide public utility, drainage and ingress/egress easement runs parallel east to west on the property. The Applicant wishes to relocate the easement to the southeast and west of the residence due to the easement running through a portion of the existing residence. The following utility companies have reviewed and signed the proposed easement survey. New Mexico Gas Company, Public Service Company of NM, Century Link, Comcast Cable and Eldorado Area Water & Sanitation District.

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 Applicant states that they are the only ones being affected by this easement vacation. Therefore, per Article V, § 5.7.7 a. the Applicants request approval to vacate the twenty foot (20') wide public utility, drainage and ingress & egress 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 May 13, 2013.**

**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 twenty foot (20') wide public utility, drainage and ingress/egress easement on one lot totaling 25 acres.

**GROWTH MANAGEMENT AREA:** Galisteo, SDA-2

**HYDROLOGIC ZONE:** Homestead Hydrologic Zone, minimum lot size per Code is 160 acres per dwelling unit. Lot size can be further reduced to 40 acres per dwelling unit with signed and recorded water restrictions.

**FIRE PROTECTION:** Eldorado

**WATER SUPPLY:** Domestic Well

**LIQUID WASTE:** Conventional Septic System

**VARIANCES:** None

**AGENCY REVIEW:** None

**STAFF RECOMMENDATION:** **Approval to vacate a platted twenty foot (20') wide public utility, drainage and ingress/egress easement on one lot totaling 25 acres.**

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

1. The applicant shall file the portion of the Final Plat (Tract 1-A) affected by the vacated easement with the County Clerk's Office (**As per Article V § 5.7.3**).
2. The Applicant must provide proof of permits or proof that the structures on the property are legal non-conforming. If the Applicant cannot provide proof that the structures are legal, than the Applicant must obtain After the Fact development permits (**As per As per Article II, § 4.5.2b Article II, § 2**).

**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

# **HIGH DESERT SURVEYING, INC.**

*Dean Shrader, P.S. 12451*



1925 Aspen Drive, Ste. 401 • Santa Fe, N.M. 87505 • Phone: (505) 438-8094 • Fax: (505) 424-1709 • [hidesert@newmexico.com](mailto:hidesert@newmexico.com)

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SANTA FE COUNTY  
LAND USE DEPARTMENT  
COUNTY COURTHOUSE  
SANTA FE, N.M. 87501

5/13/2013

**RE: Easement Survey**

**FOR: OneWest Bank**

ATTENTION: Vicente Archuleta,

High Desert Surveying as agent for the above referenced party has been asked to perform an Easement Vacation & Relocation Survey. This lot lies within, SECTION 33, T 15 N, R 10 E, N.M.P.M., Santa Fe County, New Mexico. Please review the plat and fill out a checklist.

This lot has been previously platted. Please let me know if I can be of any assistance. The last recorded deeds and plat are enclosed with this submittal.

If you have any questions regarding this project please do not hesitate to call.

Sincerely,

Dean L. Shrader, President  
High Desert Surveying, Inc.

## 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

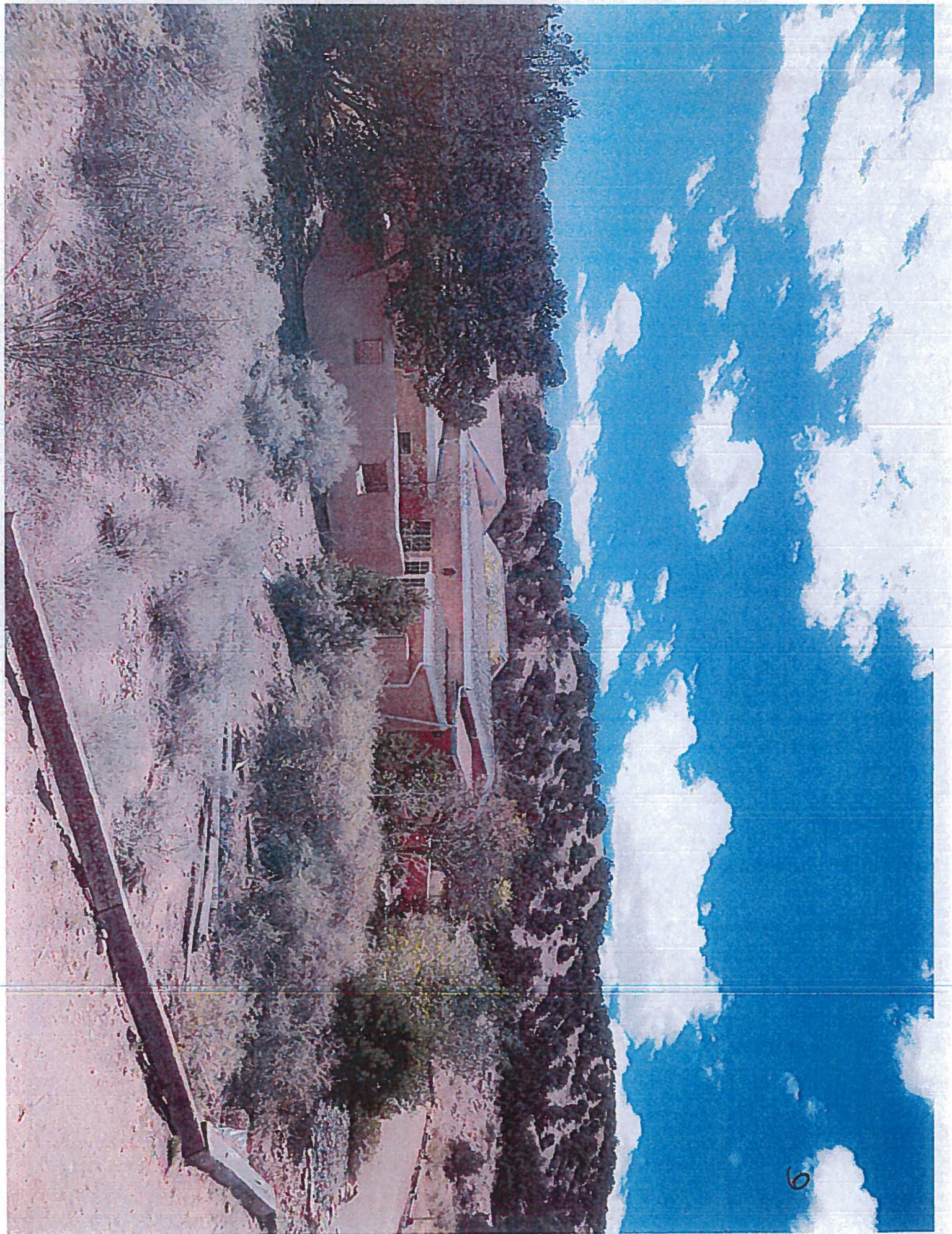
Any proposed subdivision may be combined and upgraded for classification purposes by the Board with a previous subdivision if the proposed subdivision includes:

- 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.

5

























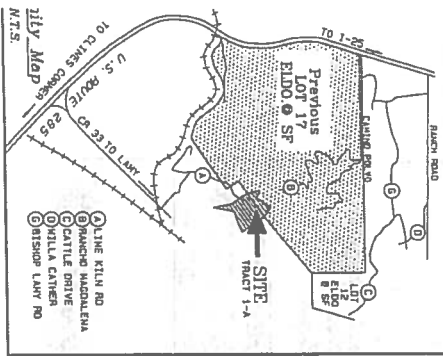




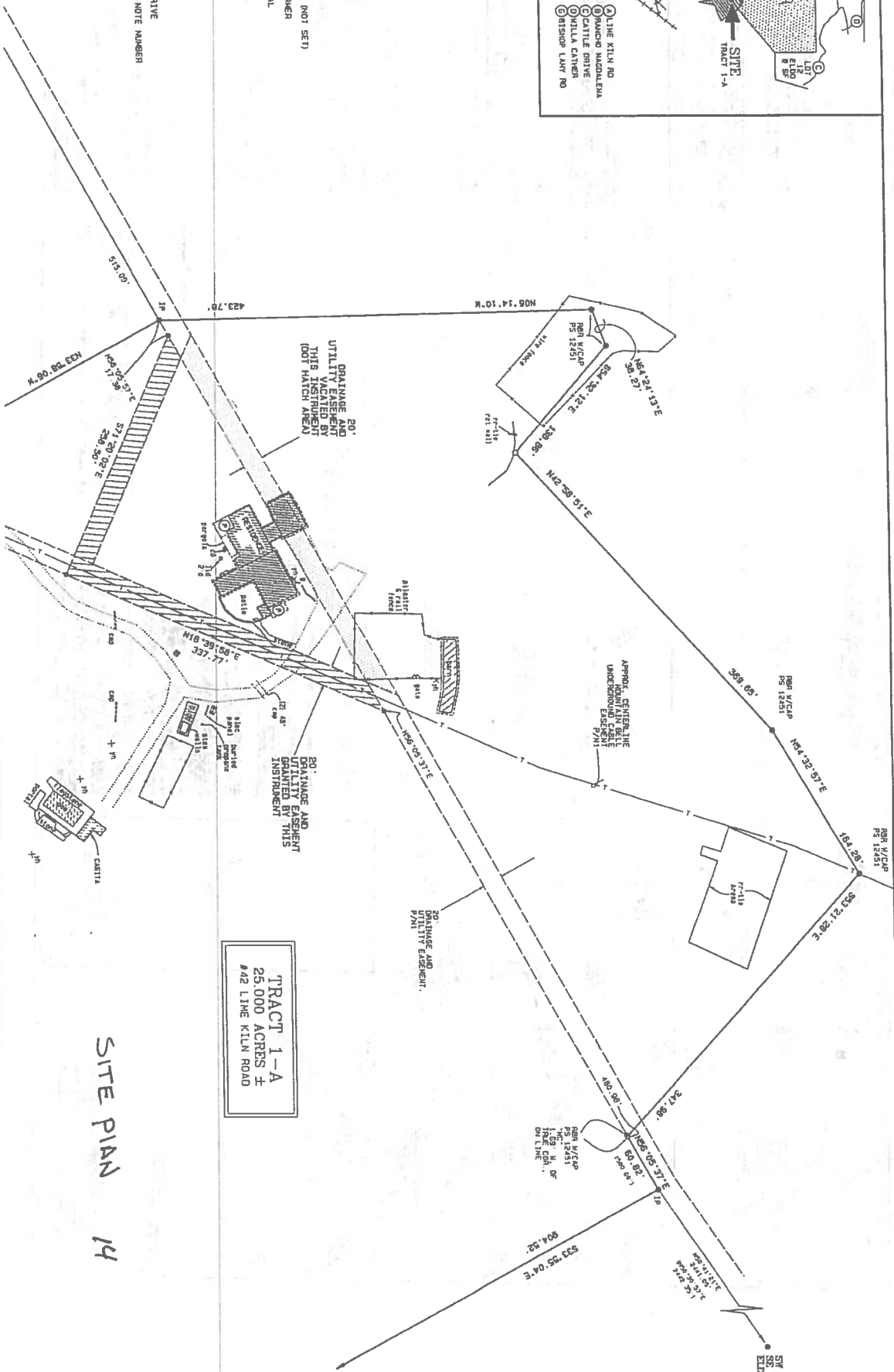








- Legend**
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  - ⊙ TELEPHONE PEDESTAL
  - ⊙ PORTAL
  - ⊙ CLEAN OUTS
  - ⊙ GATE
  - ⊙ YARD HYDRANT
  - ⊙ BLOCK WALL
  - ⊙ FENCE
  - ⊙ GRAVEL ROAD OR DRIVE
  - ⊙ REFER TO PLAT OR NOTE NUMBER



SITE PLAN 14



Lot	Line Adjustment of	457050
107	17A-2H &	

Tract 3 of LOT 17A-2A  
Eldorado at Santa Fe  
and

Lot 1-A  
for

Del Chorro, LLC,  
a New Mexico Limited Liability Co.

**Perry Family Trust**

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Signature \_\_\_\_\_

STATE OF NEW YORK

THE PERSONNEL INFORMATION HAS BEEN OBTAINED FROM THE FBI OF NEW YORK, N.Y.

11/13/14  
Mills

Richard J. Aschbacher

ALL INFORMATION CONTAINED  
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DATE 11-19-01 BY 60322 UCBAW

STATE OF NEW JERSEY  
COUNTY OF BURLINGTON  
IN SENATE  
JANUARY 11, 1966  
REPORT OF THE COMMISSIONER OF REVENUE  
ON THE REVENUE BUDGET FOR 1966

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COUNTY OF SANTA FE  
STATE OF NEW MEXICO

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Division of Social Sciences  
University of California, San Diego  
La Jolla, California 92037

DEFENDANT INFORMATION	
NAME	DATE

Design	Location	Remarks
Box 3442, H.C. P.O. Box 24, H.C.	PC 3 24/25	7 13 H

## HIGH DESERT PROFESSIONAL LAND

1825 ALDEN DRIVE, B'VIL 6004  
MARIA T. W. 87826  
PHONE: (606) 438-2714

742 (824) 484-1700  
 Dist. sent at Lino 4/11/1994 - 801 C

Hand-drawn sketches of a car and a truck. The car is labeled 'M 1000' and the truck is labeled 'M 1000'.

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HIGH DESERT SURVEYING  
 PROFESSIONAL LAND SURVEYING  
 1005 JACK RABBIT CANYON ROAD  
 MOUNTAIN VIEW, ARIZONA  
 PHONE: (602) 488-0664  
 FAX: (602) 488-0664

457068

Lot Line Adjustment of  
Lot 17A-2B & 2A  
Tract 3 of Lot 17A-2A  
Eldorado at Santa Fe  
and  
Lot 1-A

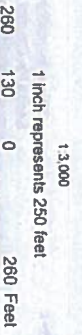
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17A-2OM  
17A-2ON  
17A-2OO  
17A-2OP  
17A-2OQ  
17A-2OR  
17A-2OS  
17A-2OT  
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17A-2OX  
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17A-2RP  
17A-2RQ  
17A-2RR  
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17A-2RU  
17A-2RV  
17A-2RW





# Legend

- ROADS
- DRIVEWAYS
- Parcels

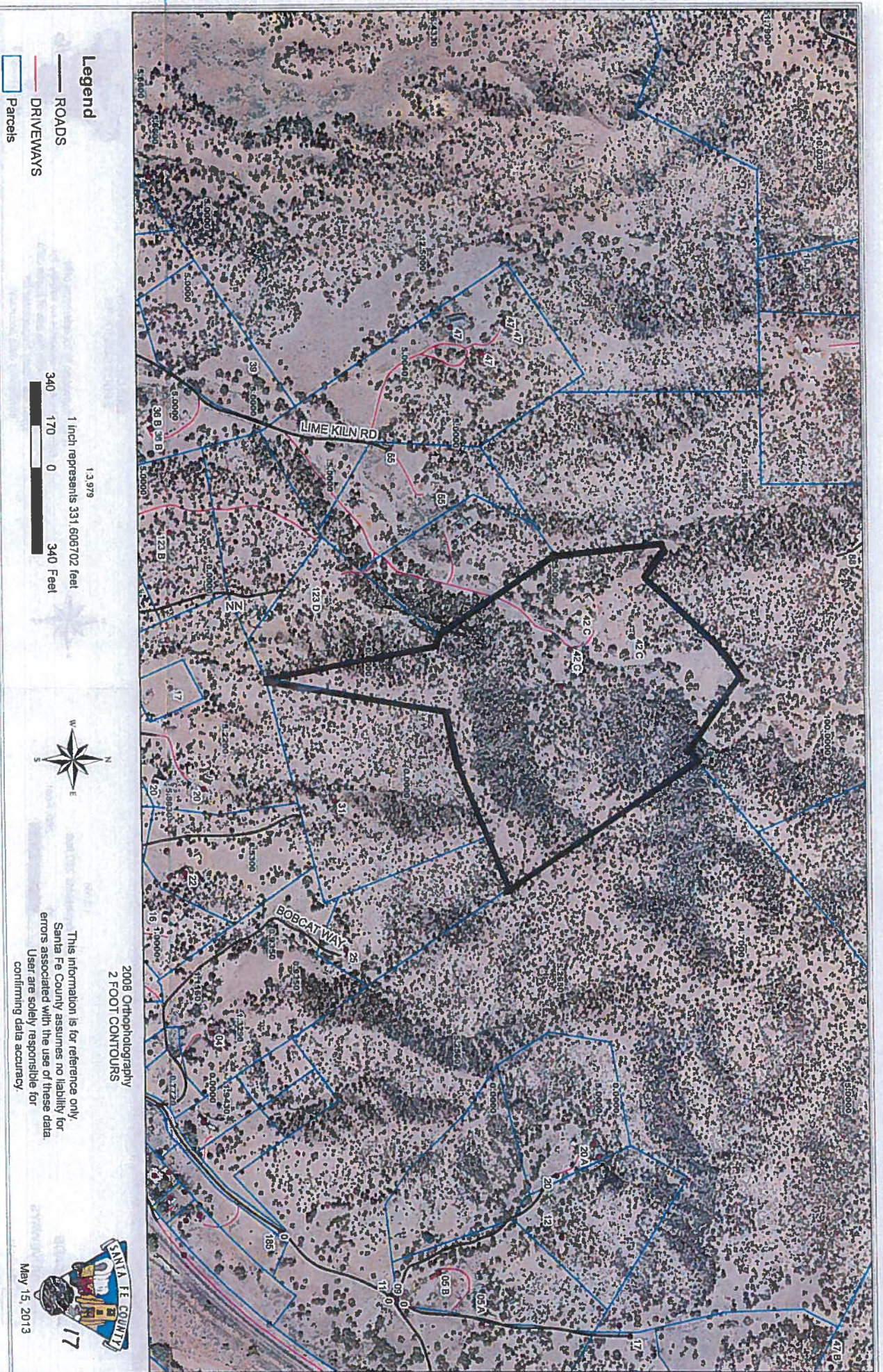


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2 FOOT CONTOURS

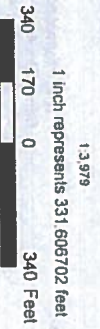






# Legend

- ROADS
- DRIVEWAYS
- Parcels



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