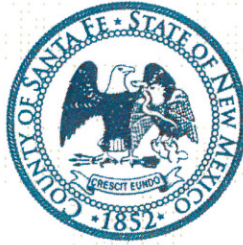


Daniel "Danny" Mayfield
Commissioner, District 1

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 **MP**

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

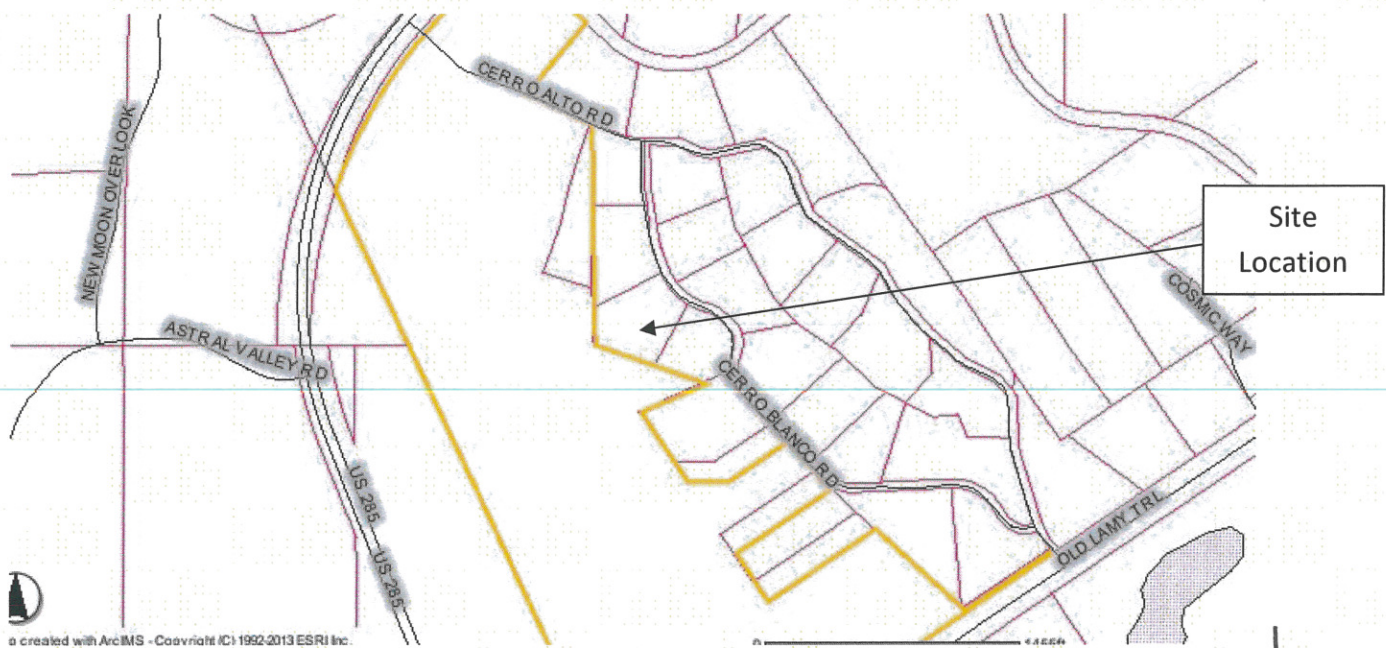
FILE REF.: BCC CASE # 13-5010 Joseph V. Guerrero Archeological Easement Vacation

ISSUE:

Joseph V. Guerrero, Applicant, (Del Rio Surveys Inc.) Philip Wiegel, Agent, request approval to vacate a platted archaeological easement on 4.02 acres.

The property is located at 46 Cerro Blanco Road, within Section 32, Township 15 North, Range 10 East, (Commission District 5).

Vicinity Map:



SUMMARY:

The subject property consists of one legal lot of 4.02 acres, which was created through the Spirit Wind Ranch Residential Subdivision in 2007. There is currently a single family residence on the property.

The Applicant has verified through the State Historic Preservation Office that the original surveyor mistakenly plotted the archeological easement on the subject property. Based on subsequent archaeological studies that were conducted, the State Historic Preservation Office has determined that the archaeological site actually exists on the adjacent subdivision known as Spirit Wind West (refer to exhibit 6). The Applicant feels that since there is no archeological site on their property, the archaeological easement should be removed from the plat.

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.

This Application was submitted on January 18, 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 archeological easement on one lot consisting of 4.02 acres.

GROWTH MANAGEMENT AREA: Galisteo, SDA-2

HYDROLOGIC ZONE: Homestead, minimum lot size per Code is 160 acres per dwelling unit. Lot size may be further reduced to 40 acres with water restrictions of 0.25 acre foot per lot.

FIRE PROTECTION: Eldorado Fire District.

WATER SUPPLY: Eldorado Community Water & Sanitation District

LIQUID WASTE: Conventional Septic System

VARIANCES: None

AGENCY REVIEW:	<u>Agency</u>	<u>Recommendation</u>
	State Historic Preservation Office	Approval

STAFF RECOMMENDATION: **Approval to vacate a platted archeological easement on one lot totaling 4.02 acres, subject to the following staff conditions:**

1. The Applicant shall file the portion of the Final Plat (Lot 8) affected by the vacated archeological easement with the County Clerk's Office (**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
6. Letter from Department of Cultural Affairs Historic Preservation Department

PO Box 22773
Santa Fe, NM 87502



Email: drs-surveys@qwest.net
(505) 820-9200
Fax: (505) 820-1600

January 18, 2013

County of Santa Fe Growth Management/Land Use
Attn: Mr. Vicente Archuleta
102 Grant Avenue
Santa Fe, NM 87501

SUBJECT: PROPOSED VACATION OF ARCHAEOLOGICAL EASEMENT FOR JOSEPH GUERRERO WHEREBY REMOVING THE ARACHAEOLOGICAL EASEMENT AS SHOWON ON LOT 8, SPIRIT WIND RANCH SUBDIVISION, SITUATE WITHIN THE SECTION 32, T 15 N, R 10 E, N.M.P.M., AS PROJECTED INTO THE BISHOP JOHN LAMY GRANT, SANTA FE COUNTY, NEW MEXICO

Dear Mr. Archuleta:

This letter is a formal request for easement vacation on the above-referenced property.

The proposed request is for review and approval to vacate the archaeological easement found on Lot 8, Spirit Wind Ranch Subdivision, situate within Section 32, T 15 N, R 10 E, N.M.P.M., as projected into the Bishop John Lamy Grant, Santa Fe County, NM.

Attached please find:

- Permit Application
- Filing Fee
- 3 (24" x 36") copies of the proposed plat.
- Legal lot of record documentation
- Recorded warranty deed
- Septic permit
- Well permit (water provided by Eldorado Utilities)
- Letter from Department of Cultural Affairs

If you have further questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Philip B. Wiegel
NMPS No. 9758

Cc: Project File 113010030



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

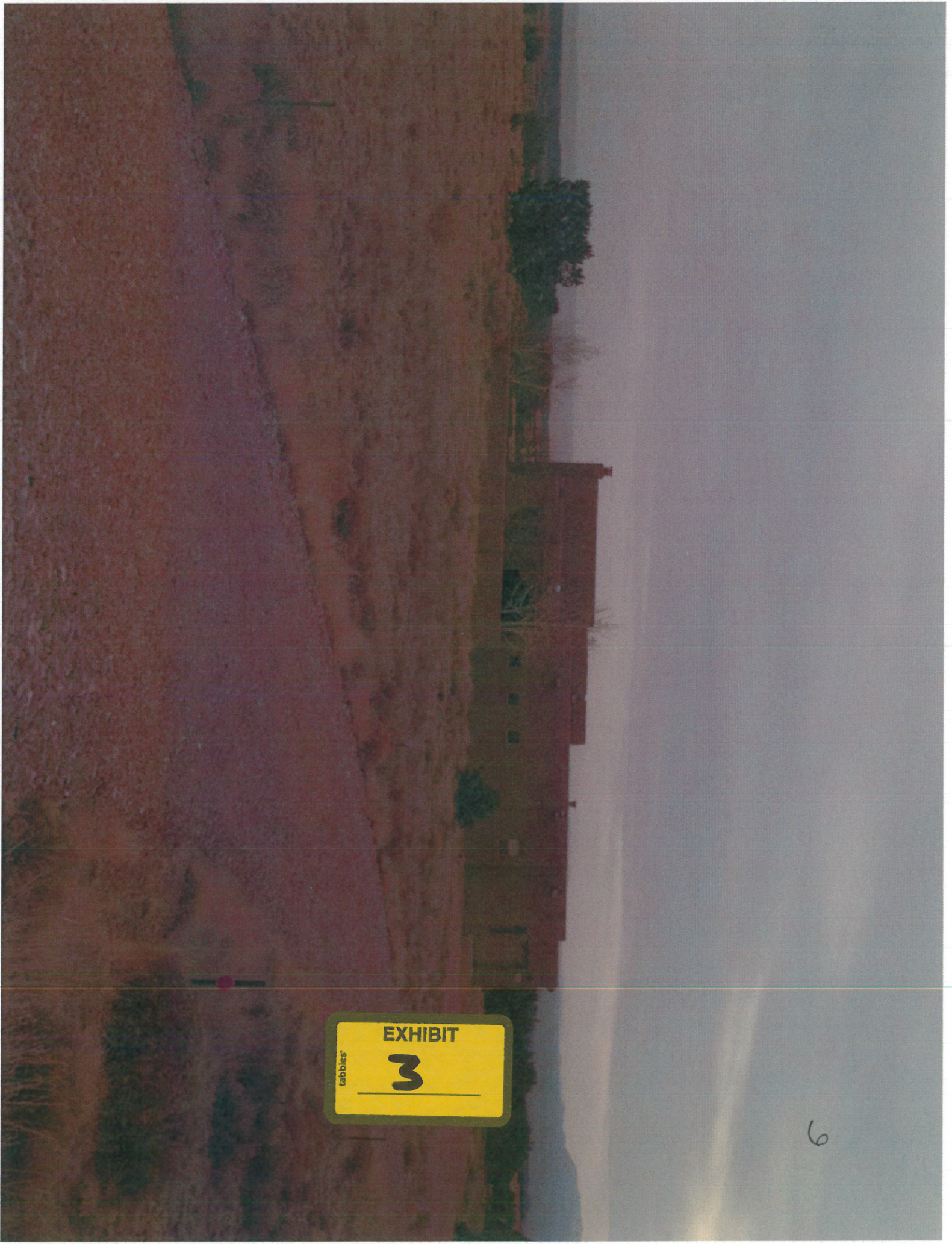
Any proposed subdivision may be combined and upgraded for classification purposes by the Board with a previous subdivision if the proposed subdivision includes:

- 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

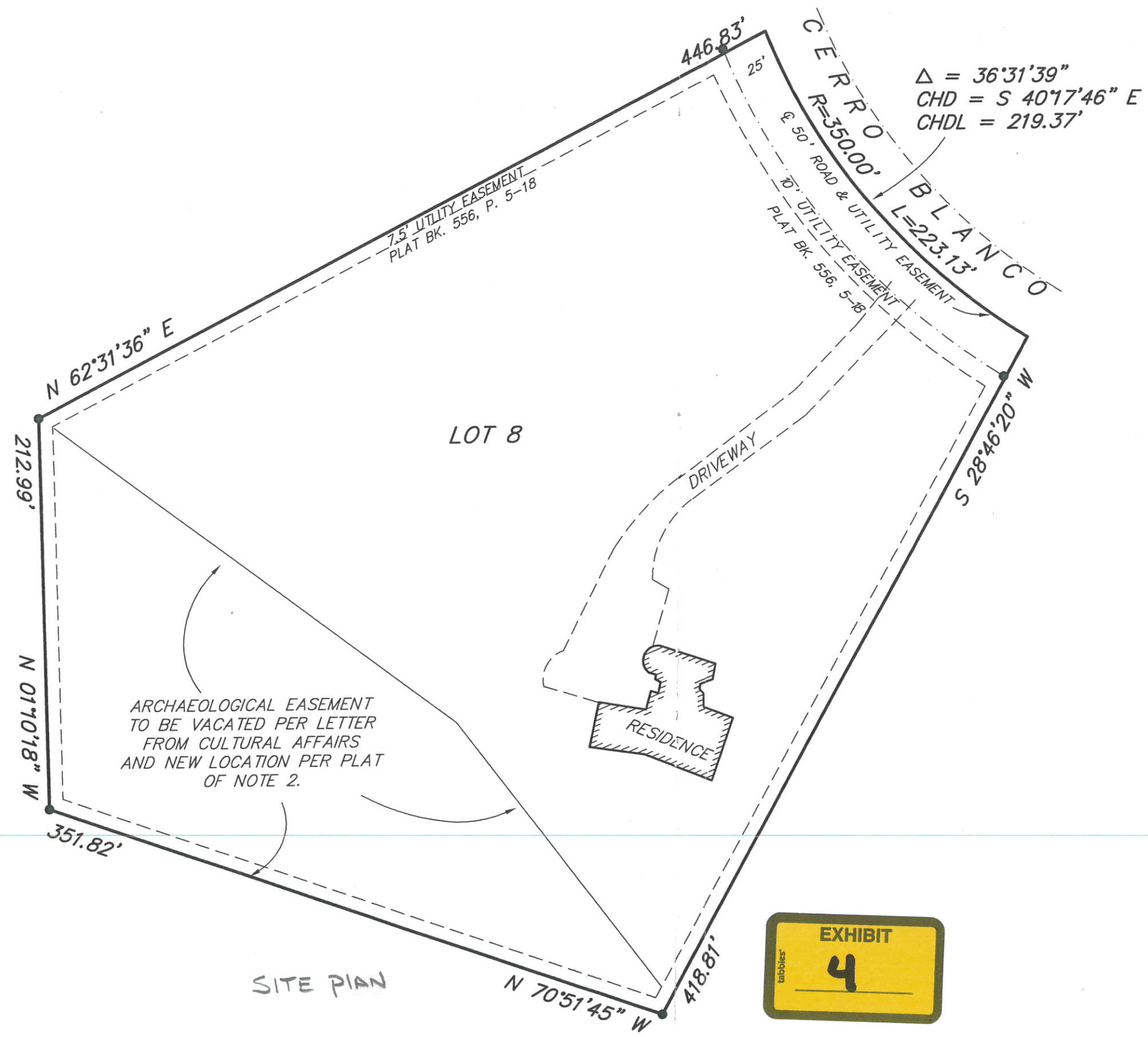


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EXHIBIT
3





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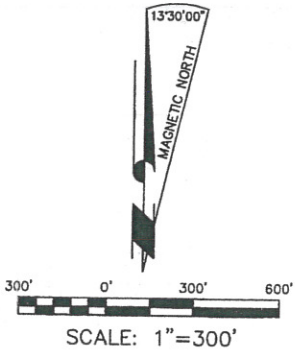


SUBDIVISION PLAT PREPARED FOR
PHASE 1 SPIRIT WIND WEST SUBDIVISION

COW SPRINGS LAND AND CATTLE CO. LLC.
JOSEPH F. MILLER AND ALMA M. MILLER

WITHIN PROJECTED SECTION 5,
TOWNSHIP 14 NORTH, RANGE 10 EAST, AND
SECTION 32, TOWNSHIP 15 NORTH, RANGE 10 EAST,
BISHOP'S JOHN LAMY GRANT
NEW MEXICO PRINCIPAL MERIDIAN
SANTA FE COUNTY, NEW MEXICO

- 2 INCH ALUMINUM CAP STAMPED "L.S. 6998 NOONAN" ATTACHED BRASS TAG STAMPED 17822
- 1/2 INCH CAPPED REBAR MARKED LS 7220 LUJAN ATTACHED BRASS TAG STAMPED 17822
- 5/8 INCH CAPPED REBARS STAMPED 7429 ATTACHED BRASS TAG STAMPED 17822
- 1/2 INCH CAPPED REBAR STAMPED 11993 ATTACHED BRASS TAG STAMPED 17822
- 2 INCH ALUM CAP STAMPED 6998 ATTACHED BRASS TAG STAMPED 17822
- 1/2 INCH REBARS ATTACHED BRASS TAG STAMPED 17822
- CONCRETE NAILS WITH WASHER STAMPED 7429
- CAP 7429



SURVEYOR CERTIFICATE

I, LENORE ARMIJO, NEW MEXICO PROFESSIONAL SURVEYOR NO. 15511, DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION ON JANUARY 16, 2008; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO AND THE MINIMUM REQUIREMENTS FOR MONUMENTATION AND SURVEYS OF THE COUNTY OF SANTA FE, SUBDIVISION ORDINANCE AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Lenore Armijo

LENORE ARMIJO
N.M.P.L.S. NO. 15511
PLAZA SURVEYS, LLC
112 SAN FELIPE ST NW
ALBUQUERQUE, N.M. 87104
PH: 505-507-8425

9-23-12
DATE



UPC NO. 1-056-084-277-503

INDEXING INFORMATION FOR COUNTY CLERK

OWNERS: COW SPRINGS LAND AND CATTLE CO. LLC.
JOSEPH F. MILLER AND ALMA M. MILLER
LOCATION: PROJECTED SECTION 5
T14N, R10E, NMPM
& PROJECTED SECTION 32
T15N, R10E, NMPM
BISHOP JOHN LAMY GRANT

LDP JOB NO. 05-3028

- NOTE:
- DESIGNATES END OF PHASE 1 DEVELOPMENT. FUTURE PHASES NOT SHOWN ON THIS PLAT.
 - DESIGNATES 50' ROAD AND UTILITY EASEMENTS AND 10' PUBLIC UTILITY EASEMENTS DEDICATED BY THIS PLAT. THIS PLAT DOES NOT DEDICATE FUTURE ROADWAY EXTENSION THROUGH PHASES 2, 3 AND 4.
 - DESIGNATES FUTURE ROAD AND PUBLIC UTILITY EASEMENTS AND DRAINAGE EASEMENTS NOT DEDICATED BY THIS PLAT, AND WILL BE DEDICATED BY FUTURE PHASE DEVELOPMENT.
 - DESIGNATES US POSTAL SERVICE EASEMENT.

Legend

- DESIGNATES YELLOW CAP STAMPED 7220 LUJAN OR AS NOTED
- DESIGNATES PROPERTY CORNERS FOUND, USED AS NOTED
- DESIGNATES INTERIOR LOT CORNERS TO BE SET
- DESIGNATES SANTA FE CONTROL MONUMENT
- DESIGNATES WIRE FENCE LINE
- TELEPHONE PEDESTAL
- POWER POLE
- GAS METER
- ELECTRIC METER
- CATV PEDESTAL
- TRANSFORMER
- WELL
- FIRE HYDRANT
- CHAINLINK FENCE
- WOOD FENCE

SANTA FE GPS NETWORK
CONTROL REFERENCE CONTROL MONUMENT NO.: SF99
HORIZONTAL DATUM: NAD83
PROJECTION: STATE PLANE COORDINATE 83
NEW MEXICO CENTRAL ZONE (5002)
VERTICAL DATUM: NAVD 1988
GEOID MODEL: GEOID 03
COMBINED FACTOR: 0.99980674
ELEVATION = 6,374.341
(Y) NORTH = 1,820,409.967
(X) EAST = 1,740,734.206

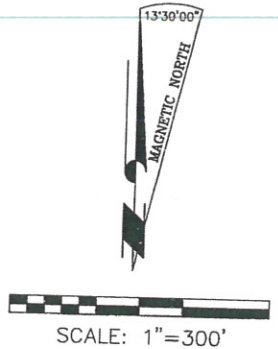
SPIRIT WIND WEST SUBDIVISION

LOT 18A-2A-1A
#85 CERRO ALTO ROAD
WITHIN PROJECTED SECTION 5,
TOWNSHIP 14 NORTH, RANGE 10 EAST, AND
SECTION 32, TOWNSHIP 15 NORTH, RANGE 10 EAST,
BISHOP'S JOHN LAMY GRANT
NEW MEXICO PRINCIPAL MERIDIAN
SANTA FE COUNTY, NEW MEXICO

TOTAL LOT AREA = 133.7280 ACRES
TOTAL NUMBER OF LOTS = 39
PHASE 1 NUMBER OF LOTS = 5
NORTHERN PORTION AND 11 LOTS SOUTHERN PORTION
PHASE 2 NUMBER OF LOTS = 10
PHASE 3 NUMBER OF LOTS = 6
PHASE 4 NUMBER OF LOTS = 8



- NOTES:
- In compliance with New Mexico State Historical Preservation Office, No construction activities will occur within Archaeological Site "LA 1033861" without prior consent of this office. A detailed Archaeological Testing of Site "LA 103861, Relocation of Sites "LA 103857 and "LA 103858" within Spirit Wind West Subdivision, was submitted by Ron Winters M.A., RPA, NMCRIS No. 124543, dated June 20, 2012. Archaeological testing revealed limited subsurface artifacts at "LA 103862, indicating that there is very little depth to the site, with no significant impacts.
 - Sites "LA 103857 and LA 103858" will remain undisturbed and placed in an archaeological Easement as noted on the subdivision plat.
 - Development of "Spirit Wind West Subdivision" is in compliance with Santa Fe County Ordinance No. 2005-08, US 285 South Highway Corridor Zoning District.

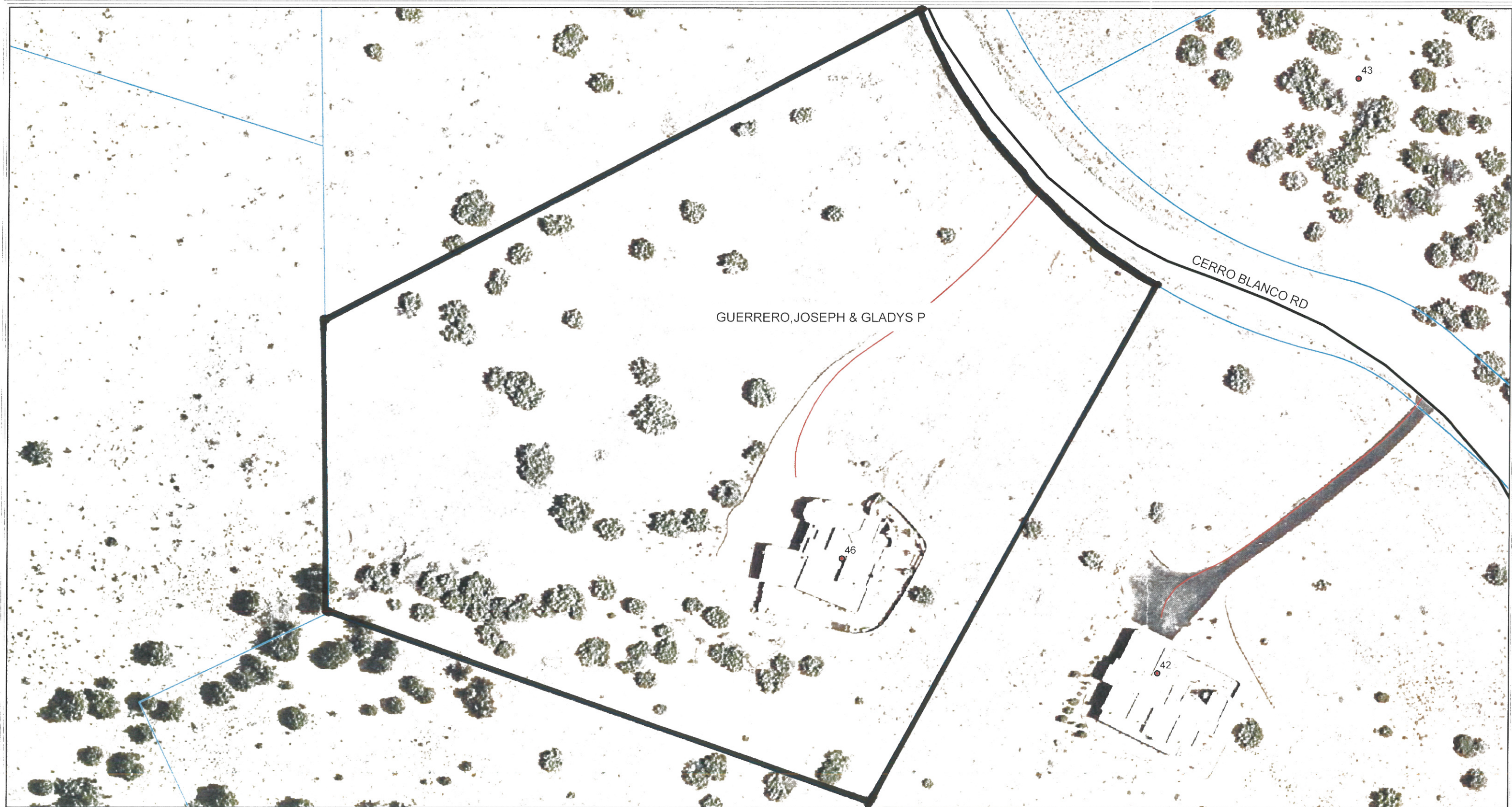


REVISIONS (OR CHANGE NOTICES)			
NO.	DESCRIPTION	DATE	BY
7			
6			
5			
4			
3			
2			
1			

SPIRIT WIND WEST SUBDIVISION
SANTA FE COUNTY, NEW MEXICO

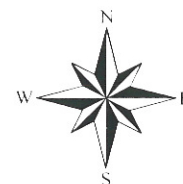
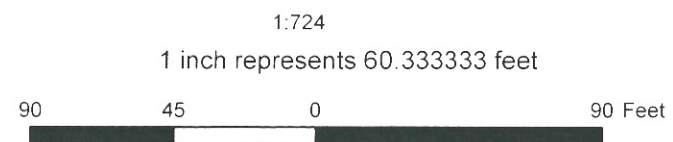
SITE DEVELOPMENT & PHASING PLAN

PROJECT NO.	05-3022
DESIGNED BY:	DM/MTW
DRAWN BY:	GK
CHECKED BY:	MTW
DATE:	XXXXXXXX
DPI CHK:	
SHEET	



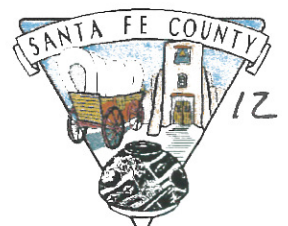
Legend

- ROADS
- DRIVEWAYS



2008 Orthophotography
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.

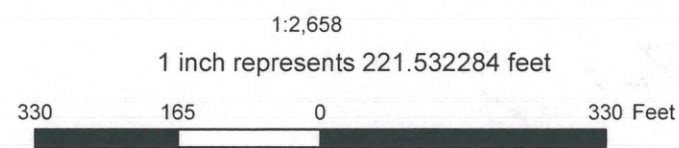


FEBRUARY 4, 2012



Legend

- ROADS
- DRIVEWAYS



2008 Orthophotography
2 FOOT CONTOURS

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FEBRUARY 4, 2012



STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

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

February 19, 2013

Miguel Romero
Building and Development Services
Growth Management Division
County of Santa Fe
miromero@co.santa-fe.nm.us

Re: Location of LA 103861

Dear Mr. Romero:

As we discussed by telephone on February 14, 2013, this letter transmits information on the correct location of archaeological site LA 103861, but first some background information is provided below.

After LA 103861 was documented during an archaeological survey in 1994, a non-disturbance easement was placed on the site. In 2008, Mr. Guerrero and Mr. Beal retained Townsend Archaeological Consultants to relocate LA 103861 and determine if the non-disturbance easement shown on various plats was correct. According to Townsend Archaeological Consultants in their report (NMCRIS #109893), there was a 10-3222 acre archaeological easement for LA 103861 located on plat map 1340084, plat book 5108 dated August 2, 2004 (Mr. Beal's property). A previous draft of the plat map placed the easement for LA 103861 on the west end of lot 8; Mr. Guerrero's property.

Because of the existence of two plats showing different locations for LA 103861 and the absence of an archaeological site map for the site, there was some confusion about the real location of LA 103861. Subsequently, on March 29, 2008, Townsend Archaeological Consultant relocated LA 103861 southwest of and outside of the archaeological easements depicted on either of the plat maps provided by Mr. Beal and Mr. Guerrero. LA 103861 was significantly mislocated by the original recorder in 1994 and consequently within the records maintained by the Historic Preservation Division (HPD).

Based on their research and the real location of LA 103861, Townsend Archaeological Consultants recommended removal of the easement shown on the plats for Mr. Guerrero and Mr. Beal's property and a new easement ½ acre in size be placed at the correct location of the site. I concurred with this recommendation in my letter to Mr. Emilio Gonzales on July 29, 2008. The

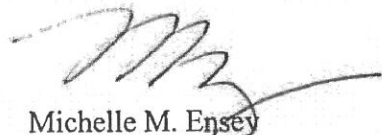


real location of LA 103861 is within Lot 18A-2A-1A, #85 Cerro Alto Road as shown on Sheet 3 of the development plans for Spirit Wind West Subdivision. LA 103861 is also shown on Sheet 5 as being within the proposed road for the subdivision (Plat Book 690, Page 39-40). In addition, Note 21 on Sheet 8 of the plat states, "An archaeological non-disturbance easement has been created within the limits of relocated site LA-103861 as defined by Stephen Townsend, Consulting Archaeologist, and described in report NMCRIS No. 109893. All ground disturbing activities are prohibited within the limits of the archaeological non-disturbing easement as defined in the report cited above except in compliance with Section 3.4.3D of the Santa Fe County Land Development Code."

Based on the information I have summarized above, I am secure in the knowledge that LA 103861 is not located on lands owned by Mr. Guerrero or Mr. Beal. LA 103861 is located on land owned by Mr. Joe Miller within the proposed Spirit Wind West Subdivision, which is currently under review by the County for development. As noted on the plats for Spirit Wind West, LA 103861 is currently within a non-disturbance easement until such time as a treatment plan is submitted to the County and HPD in order to remove the easement.

If you have any questions concerning this information, please do not hesitate to contact me. I can be reached by telephone at (505) 827-4064 or by email at michelle.ensey@state.nm.us.

Sincerely,



Michelle M. Ensey
Archaeologist

Log: 96265