Henry P. Roybal Commissioner, District 1

Anna Hansen Commissioner, District 2

Robert A. Anaya Commissioner, District 3



Anna T. Hamilton Commissioner, District 4

Ed Moreno Commissioner, District 5

> Katherine Miller County Manager

DATE:

July 27, 2017

TO:

SLDC Hearing Officer

FROM:

John M. Salazar, Development Review Specialist Sr. MS

VIA:

Penny Ellis-Green, Growth Management Director

Vicki Lucero, Building and Development Services Manager \L

FILE REF.: CASE # V 17-5170 Hager Road/Los Suenos Trail Extension Variance

ISSUE:

Los Suenos Trail Extension, Inc. and The Catholic Foundation, Applicants, Jenkins Gavin, Inc., Agent, request a variance of the Sustainable Land Development Code (SLDC), Chapter 7, Section 7.11 Road Design Standards, Table 7-13 Rural Road Classification and Design Standards (SDA-2 and SDA-3) to permit the construction of the Hager Road/Los Suenos Trail Extension from Collector road standards to Local road standards.

The 14 lots, referred to as the Hager Lands, are accessed via County Road 70 (West Alameda St.) within Sections 30 & 31, Township 17 North, Range 9 East (Commission District 2).

VICINITY MAP:



102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX: 505-995-2740 www.santafecountynm.gov

SUMMARY:

The Applicant, independent of any proposal to develop the Hager Lands, is requesting a variance of SLDC Table 7-13 Rural Road Classification and Design Standards (SDA-2 and SDA-3) to permit Applicant to construct the Hager Road/Los Suenos Trail Extension at Local Road standards rather than the more rigorous Collector Road Standards.

Within the SLDC Official Map Series Future Road Network (Map 3 Exhibit 6), the Hager Road/Los Suenos Trail extension is designated as a Minor Collector-Rural road. Table 7-13 requires a Collector road for roadways with an average daily traffic of 401-1999 vehicles per day and requires two 11 foot driving lanes with a minimum right-of-way width of 80 feet.

The Applicant states that a Collector road is not warranted at this time and is requesting a permit to construct an access road for the existing 14 lots at the Local road standards and including a dead ending to the road with a cul-de-sac. Table 7-13 allows for cul-de-sacs to be used on roads with an average daily trip count of 300 or less.

The Applicant provided an Average Daily Traffic report (Exhibit 1) prepared by Santa Fe Engineering Consultants, which estimates the daily traffic for the road at 250 vehicles per day despite the fact that the fourteen lots are not yet developed. That trip count assumed that each lot would contain no more than one dwelling unit. The Applicant asserts that, based on the average daily traffic of 250 vehicles, a Collector Road is unnecessary, and only a Local Road is needed.

Section 7.11.7.1 prohibits dead end roads accessing 30 or more residences. The Applicant states that there are currently 14 existing lots with the potential of one landowner (Ponderado LLC) subdividing an additional 12 lots in the foreseeable future. This would bring the total lots up to 25 which, if developed at a density of one dwelling unit per lot, would still be under the 30 residence limit as set forth in Chapter 7, Section 7.11.7. However, it is difficult to project future use of the road as development proposals have not been presented and future use could be higher. Staff reviewed the potential number of lots which could be placed on the fourteen lots and accessed off of Hager Road. The analysis included the following:

- The subject properties are within the Residential Estate zoning where density is 1 dwelling unit per 2.5 acres.
- The total acreage of the fourteen lots is 368.3 acres.
- The total number of potential dwelling units on those fourteen lots is 147.
- The SLDC allows for the potential of each lot being allowed an additional accessory dwelling unit which could increase the total number of dwelling units.
- The increase in the number of dwelling units could be accomplished through land divisions or development permits or a combination of both.

The Applicant's Agent addresses the Variance Criteria below as followed and Staff provides its interpretation of how the proposal meets or fails the variance criteria:

1. where the request is not contrary to the public interest;

Applicant's Response:

Granting of this variance is in the public interest by preventing access to the Hager Lands via existing public roadways in Puesta del Sol and the associated traffic impacts. Furthermore, the proposed Local Road can be considered the initial phase of construction for a possible future collector serving Las Campanas.

Staff's Response:

Although there are only 14 lots currently along the proposed roadway route, the Hager Lands have the potential for approximately 147 dwelling units. Standard engineering calculations apply an average daily trip count per dwelling unit of about 10. This would generate roughly 1470 trips per day. That number of trips merits a Collector road. Chapter 7, Section 7.11.7.1. also states: "Cul-de-sacs (dead end roads) shall not serve more than thirty (30) dwelling units." Therefore the cul-de-sac would not be acceptable because there is a potential of far more than 30 dwelling units accessed through this cul-de-sac.

Staff is reviewing this application for potential dwelling units rather than potential lots as these properties can be developed either through land divisions or development permits. Secondary access will also be required for emergency purposes. The Official Map shows this road going through to the north therefore not leaving a dead end road. Because of the potential for 143 dwelling units, Chapter 7, Section 7.11.11.3.2 states:

"Major subdivision of thirty-one (31) lots or more, those with 31 or more development units, or those non-residential developments consisting of 25,000 square feet or more, shall provide access to an existing County road, highway, state highway or federal highway and shall provide a minimum of two (2) access points to the referenced roadway. Such development shall also provide for connections to roads and highways identified on the Official Map."

2. where due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner;

Applicant's Response:

Requiring the construction of a collector to provide an additional point of access to Las Campanas is an undue hardship on the Hager landowners and is practically and financially infeasible. The expiration of the Suerte del Sur project has created an exceptional situation that has eliminated two-thirds of the funding for Hager Road.

Staff's Response:

Although the Suerte del Sur Master Plan has expired, the Hager landowners still have the potential to develop up to 147 dwelling units. It is because of this potentiality that this future road has been designated a Collector in the SLDC Official Map Series Future Road Network and Right-of-Way Dedication Requirements for Collector and Arterial Roads. (Exhibit 6) The Collector, as shown on the Official Map, also allows for secondary access.

3. So that the spirit of the SLDC is observed and substantial justice is done.

Applicant's Response:

Per SLDC Table 7-13, a Collector is intended to accommodate Average Daily Traffic ("ADT") of 401 - 1,999 vehicles per day. However, in the near term, the Hager Lands have a potential ADT of only 250 vehicles per day. Therefore, requiring the construction of a collector to access the Hager Lands is not fair or equitable and inconsistent with the requirements and spirit of the SLDC. Furthermore, a Local Road is consistent with the rural character of the area and protects existing neighborhoods from potential traffic impacts.

Staff's Response:

The Road Design Standards have been created to provide for the safety for vehicular traffic while providing safe and efficient access to the properties. Per Table 7-13, a Collector road requires two 11' lanes with an 80' right of way and a 6" minimum of aggregate basecourse and a 4" minimum bituminous pavement while a Local road requires two 10' lanes with a 50' right of way and a 3" minimum of aggregate basecourse.

The applicable requirements under the Santa Fe County Sustainable Land Development Code, Ordinance No. 2016-9 (SLDC), which governs this Application are the following:

Chapter 7.11 Road Design Standards, Table 7-13 Rural Road Classification and Design Standards (SDA-2 and SDA-3)

Chapter 4, Section 4.9.7.1, Variances, Purpose

The purpose of this section is to provide a mechanism in the form of a variance that grants a landowner relief from certain standards in this Code where, due to extraordinary and exceptional situations or conditions of the property, the strict application of the Code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner. The granting of an area variance shall allow a deviation from the dimensional requirements of the Code, but in no way shall it authorize a use of land that is otherwise prohibited in the relevant zoning district.

Chapter 4, Section 4.9.7.4, Variance Review criteria states:

A variance may be granted by only a majority of all the members of the Planning Commission (or the Board, on appeal from the Planning Commission) where authorized by NMSA 1978, Section 3-21-8(C):

- 1. Where the request is not contrary to public interest;
- Where due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner; and
- 3. So that the spirit of the SLDC is observed and substantial justice is done.

Chapter 4, Section 4.9.7.5 Variance Conditions of approval.

- 1. The Planning Commission may impose conditions on a variance request necessary to accomplish the purposes and intent of the SLDC and the SGMP and to prevent or minimize adverse impacts on the general health, safety and welfare of property owners and area residents.
- 2. All approved variances run with the land, unless conditions of approval imposed by the Planning Commission specify otherwise.
- 3. All approved variances automatically expire within one year of the date of approval, unless the applicant takes affirmative action consistent with the approval.

The Growth Management Department's Planning Division has reviewed the Application and provided the following long range planning, historical notes regarding this roadway:

- Los Suenos Trail extension is referenced in the 1999 Arterial Road Task Force as a number 2 local priority for the West Area as a north/south connector road to be linked to County Road 70 connection.
- Los Suenos Trail is also identified in the 2006 TAP Community Plan and described as a "two lane road normally associated with trail and bike paths".
- Los Suenos Trail extension is identified in the SLDC Future Road network and Map 10-3, Future Road Improvements as a collector (80' ROW, 2-11' travel lanes, paved).
- Los Suenos Trail and Los Suenos Trail Extension, as indicated in the SLDC Future Road Network Map 10-3, connects Las Campanas Drive at its north termini and County Road 70 at its south termini.

- The Los Suenos Trail extension would function as a collector, providing a north south access to development in the Las Campanas/Cloud March area and new development adjacent or near the Los Suenos Trail extension to County Road 70.
- The Los Suenos Trail Extension has been identified as a potential capital project in the County long-range capital planning process.

As required by the SLDC, the Applicant's Agent presented the Application to the Technical Advisory Committee (TAC) on May 4, 2017, at the regular scheduled monthly meeting, which satisfied the requirements set forth in Chapter 4, TAC Meeting Table 4-1.

Notice requirements were met as per Chapter 4, Section 4.6.3., General Notice of Application Requiring a Public Hearing, of the SLDC. In advance of a hearing on the Application, the Applicant provided an affidavit of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for fifteen days on the property, beginning on July 12, 2017. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on July 12, 2017, as evidenced by a copy of that legal notice contained in the record. Notice of the hearing was sent to owners of land within 500' of the subject property and a list of persons sent a mailing is contained in the record.

This Application was submitted on June 2, 2017.

RECOMMENDATION:

Staff recommends denial of the Applicant's request for a variance of Table 7-13 Rural Road Classification and Design Standards (SDA-2 and 3). Should the Hearing Officer recommend approval of the variance, Staff recommends the following condition:

- 1. Right of way width shall be 80' and platted through all properties in which the Hager Road/Los Suenos Trail extension accesses.
- 2. The proposed design for the all-weather crossings shall be submitted with the permit application for the road improvements or at the time of subdivision application, whichever occurs first. All-weather crossings shall be designed and constructed to Collector Road standards.
- 3. Los Suenos Trail Extension shall be constructed from County Road 70 to the Los Suenos Trail/La Vida Trail intersection.
- 4. At the time that the Average Daily Traffic volume exceeds 400 trips per day on Los Suenos Trail Extension, the road shall be upgraded to Collector Road standards.
- 5. The property owners along Los Suenos Trail Extension shall enter into a Development Agreement for full build-out of Hager Road to Collector Road standards including the two all-weather crossings.
- 6. The Applicant shall conduct a community meeting prior to the September 21, 2017 Planning Commission meeting and provide Staff with minutes and documentation from the meeting.

Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written recommendation. The Santa Fe County Planning Commission (SFCPC) will be holding a public hearing on this matter on September 21, 2017.

EXHIBITS:

- 1. Applicants Request/Report
- 2. Aerial of Site
- 3. Chapter 7.11 Road Design Standards, Table 7-13
- 4. Chapter 4, Section 4.9.7.4, Variance Review criteria
- 5. Official Map Series Future Road Network and Right-of-Way Dedication Requirements for Collector and Arterial Roads
- 6. Map of Total Potential Number of Dwelling Units per Current Lot Configuration
- 7. Noticing
- 8. Fire Prevention Division Comments
- 9. Letter of Support



May 26, 2017

Penny Ellis-Green, Director Growth Management Department Santa Fe County 102 Grant Avenue Santa Fe, NM 87501

RE: Hager Road/Los Sueños Trail Extension Variance Application

Dear Penny:

This letter is respectfully submitted on behalf of Los Sueños Trail Extension, Inc. and The Catholic Foundation in application for a Variance to permit the construction of Hager Road/Los Sueños Trail Extension to Local Road standards, to be heard by the Hearing Officer on July 27, 2017 and by the Planning Commission on September 21, 2017. Los Sueños Trail Extension, Inc. ("LSTE") is comprised of the owners of the seven tracts depicted on the attached Hager Lot Line Adjustment Plat. In addition to three Hager tracts, the Catholic Foundation owns Tract A-1, which borders the LSTE properties to the south, as shown on the attached plat. Together, these parcels make up the "Hager Lands", which are located in SDA-2 and zoned Residential Estate.

Background

In 1998, a 66-foot wide access and utility easement was granted across the Hager Lands to accommodate a future extension of Los Sueños Trail south to County Road 70 and the NM 599 Frontage Road. This future roadway was intended to serve (1) the 264-lot Suerte del Sur Subdivision ("SDS"), as depicted on the attached Master Plan; (2) future development of the Hager Lands; and (3) as an additional access point for Las Campanas. Therefore, based on the projected Average Daily Traffic, this roadway was originally designated as a future Minor Arterial, but is now classified as a Minor Collector on the SLDC Future Road Network Map.

In 2006, a Cost Sharing Agreement was entered into among the Hager landowners and Suerte del Sur, LLC, whereby SDS would be responsible for two-thirds of the roadway construction costs and the Hager landowners would be responsible for one-third (attached hereto). The Hager landowners put funds in escrow for their portion, while the SDS share was contingent upon final plat approval for at least 99 dwelling units. However, the Suerte del Sur Master Plan expired in 2015 and the project is no longer moving forward. Therefore, the Hager landowners are "left holding the bag" and are now facing the prospect of paying 100% of the construction costs in order to simply achieve access to their properties. The revenue potentially generated from developing 2.5-acre lot subdivisions will in no way support the construction of an over \$2.0 million collector roadway. Therefore, in order to make the roadway financially feasible, we are



Hager Road/Los Sueños Trail Extension Variance Request Page 2 of 3

requesting a variance to permit construction of a Local Road per SLDC Table 7-13, terminating in a cul-de-sac at the north boundary of Lot 2, as shown on the attached aerial.

Over the last few years, we have engaged in a dialogue with the Santa Fe County Growth Management and Public Works Departments in order to devise a solution and achieve reasonable access to the Hager Lands. We explored the possibility of utilizing the existing public roads in the Puesta del Sol Subdivision east of the Hager properties, primarily La Entrada and Camino Peralta. It was acknowledged that upgrades to these roads would be required and the existing low-water arroyo crossing at La Entrada would have to be improved to an all-weather crossing. These upgrades could potentially be financed utilizing the Hager escrow funds, in lieu of constructing a collector roadway that was no longer warranted in the absence Suerte del Sur. However, County staff did not ultimately support this approach in the interest of preventing additional traffic impacts to the Puesta del Sol neighborhood.

The Hager lands originally consisted of seven 43-acre lots. Lot 2 and Lot 4 were subsequently subdivided into four lots each, known as Las Lomitas and Terra Bella respectively (see attached plats). There are now 13 lots of record that will be accessed by the proposed roadway. The previously approved 12-lot Ponderado Subdivision (Hager Lot 3) has expired. Prior to resubmitting this application, the access to the Hager Lands needs to be resolved in a manner that is financially feasible. In the near term, once Ponderado is re-approved, Hager Road would serve 25 lots, which is consistent with Local Road standards. Please refer to the attached traffic assessment prepared by Santa Fe Engineering. Depending at what densities the remaining Hager parcels develop, it may be necessary for future developers to upgrade Hager Road to collector standards.

Variance Request

A Variance is requested from SLDC Table 7-13, Urban Road Classification and Design Standards, from Minor Collector to Local Road standards, for the construction of the Hager Road/Los Sueños Trail Extension up to the north boundary of Lot 2, per the attached proposed roadway section. Our responses to the Variance Review Criteria in SLDC §14.9.7.4 are outlined below.

A variance may be granted only by a majority of all the members of the Planning Commission (or the Board, on appeal from the Planning Commission based on the following criteria:

1. where the request is not contrary to the public interest;

Applicant's Response:

Granting of this variance is in the public interest by preventing access to the Hager Lands via existing public roadways in Puesta del Sol and the associated traffic impacts. Furthermore, the proposed Local Road can be considered the initial phase of construction for a possible future collector serving Las Campanas.

2. where due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner; and

Applicant's Response:

Requiring the construction of a collector to provide an additional point of access to Las Campanas is an undue hardship on the Hager landowners and is practically and financially infeasible. The expiration of the Suerte del Sur project has created an exceptional situation that has eliminated two-thirds of the funding for Hager Road.

3. So that the spirit of the SLDC is observed and substantial justice is done.

Applicant's Response:

Per SLDC Table 7-13, a Collector is intended to accommodate Average Daily Traffic ("ADT") of 401 – 1,999 vehicles per day. However, in the near term, the Hager Lands have a potential ADT of only 250 vehicles per day. Therefore, requiring the construction of a collector to access the Hager Lands is not fair or equitable and inconsistent with the requirements and spirit of the SLDC. Furthermore, a Local Road is consistent with the rural character of the area and protects existing neighborhoods from potential traffic impacts.

The following documentation is submitted herewith in support of this request:

- Development Review Application
- Letters of Owner Authorization
- Fees in the amount of \$375.00 \$300.00 Variance Fee; \$75.00 Fire Review Fee
- Road Layout Aerial

- Plats of subject parcels
- SLDC Future Road Network Map
- Cost Sharing Agreement
- Suerte del Sur Master Plan
- Traffic Assessment
- Proposed Roadway Section

Your consideration of this application is greatly appreciated. Please do not hesitate to contact me should you have any questions or require additional information. Thank you.

Sincerely,

Jennifer Jenkins JenkinsGavin, Inc.



BUILDING AND DEVELOPMENT SERVICES AND SANTA FE COUNTY FIRE PREVENTION DIVISION



DEVELOPMENT PERMIT APPLICATION

Applicant Name: (Present &/or Former Names) Los Sucios Trail Extension, Inc. Development Permit Number Project Manager/Type/Date Received 17-5170 Total Subscience (6-2-17)
Development Fees Paid Y N Amount: 300 Fire Impact Fee Paid Y N Amount: 75 Total Fees Paid: 375 Total Fees Paid: 3
Type of Development Permit:
□ Site Dev. Plan □ Conceptual Plan □ Conditional Use □ Residential Bldg. □ Commercial Bldg. □ Accessory Structure □ Driveway □ Solar
□ Lot Line Adj. □ Summary Rev Sub.□ Major Sub. □Minor Sub. □Com. Sub. □Sprinkler/Alarm □ Manufactured Home □Other Variance
Wildland Hazard Rating: □ Moderate □ High □ Very High □ Extreme □ N/A Fire District
Fire Protection Water Source: 🗆 Fire Hydrant 🗆 Draft Hydrant 🗆 Pond 🗀 OtherDriveway length: Width:
PROPERTY OWNER INFORMATION: First Name: (DS Suerios Trail Extension), INC.
Mailing Address: 1226 Edge Land Rd Padward (17, CA
Rural address of Project: Los Sueros Trail / Hager Road zip: Written Directions to Project Site: NM 599 Frankage Rd to W Alameda St (north of S99). Right and los Sueros Doi:
Written Directions to Project Site: NM 599 Frontie Rd to W Alameda St (north of
599). Right on Los Sueños Trail.
Gate Code
Cell Phone: Home Phone: Email address
Contractor / Company Name: Deutius Gain Address: 130 Grant Ave, Ste 101, SF 87501 Cell Phone: (505) 930 - (2149 Work Phone (505) 820 - 7444 Contractor's License #
PROJECT DESCRIPTION: Variance from Minor Arterial to Local Road Standards
Section:Township:Range:Commission DistrictParcel ID:
UPC Number:Plat Book: Page: Date Recorded:
Warranty Deed Instrument #:Date Recorded:Subdivision Name:
Acreage: Estimated Completion Date: Valuation:
Proposed Number of Dwellings Onsite: Existing: Total:
Proposed Number of Lots Onsite: Existing: Total: Proposed Roofed Area Sq. Et: Existing Peofed Area Sq. Et: Existing Peofed Area Sq. Et :
Proposed Roofed Area Sq. Ft.: Existing Roofed Area Sq. Ft.: Total Roofed Area Sq. Ft: Lot Number: Phase: Affordable Unit: □ Yes □ No All Weather Access: □ Yes □ No* (*Access improvements required)
County Road: Vos * No. (Acades Pounis DBW
FEMA 100-year floodplain: \[\text{Yes} \tau \] No \[\text{Zone} \] Panel Number: \[\] D (*Floodplain Dev. Permit required)
NMED Septic Permit: ☐ Yes ☐ No Community Sewer System ☐ Yes ☐ No Water Restrictions: ☐ Yes* ☐ No Book Page
Shared Well:
Well Permit # Well Meter Serial Number: Meter Type Unit of Measure: SDA: D1 D2 D3
Community Water System:
Proof of Taxes: ☐ Yes ☐ No (SLDC Zoning): ☐ A/R ☐ RUR ☐ RUR-F ☐ RUR-R ☐ RES-F ☐ RES-E RES-C ☐ CN ☐ CG ☐ IL ☐ I ☐ MU ☐ PD
Owner Acknowledgment or Authorized Representative: Signature: Dute: 5/26 17
By signing I acknowledge all information is true and accurate, and I authorize Santa Fe County staff to conduct necessary inspections on my property as related to this permit application. I agree and I understand that the issuance of any subsequent permits does not prevent the Santa Fe County Fire Prevention Division from requiring additional compliance with the provisions of the Santa Fe County Fire Code as adopted by the Board of County Commissioners.
Type of Permit Issued:
Approved By:
Redlines □ Yes □ No Inspections Conducted: □ Initial □ Pre-Final □ Final Certificate of Completion □ Yes □ No

NRD-11



Santa Fe County Growth Management Dept. 102 Grant Avenue Santa Fe, NM 87501

RE: Tract A-1

To Whom It May Concern:

This letter shall serve as authorization for JenkinsGavin, Inc. to act on our behalf with respect to the referenced property regarding land use applications to be submitted to Santa Fe County.

Thank you.

Sincerely,

Gregory L. Edwards

For the Catholic Foundation

SUITE D

ALBUQUERQUE, NM 87107

State of New Mexico)

County of Santa Fe

The foregoing instrument was acknowledged before me

this 26 day of

___, 2017 by Gregor

OFFICIAL SEAL HILLARY WELLES **Notary Public** State of New Mexico My Comm. Expires 10/26/2019

Los Suenos Trail Extension, Inc. 1226 Edgewood Road Redwood City, CA 94062

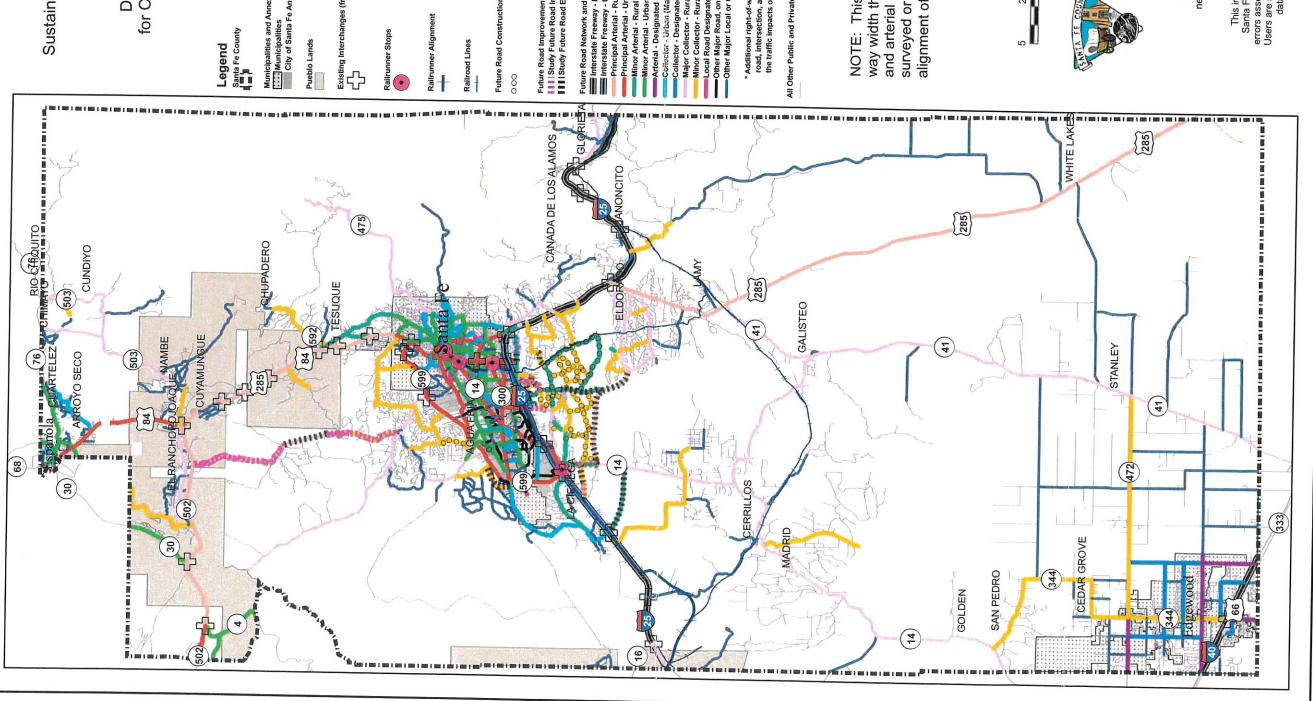
Date: May 23, 2017 Santa Fe County Growth Management Dept. 102 Grant Avenue Santa Fe, NM 87501 RE: Los Suenos Trail/Hager Road To Whom It May Concern: This letter shall serve as authorization for JenkinsGavin, Inc. to act on our behalf with respect to the referenced property regarding land use applications to be submitted to Santa Fe County. Thank you. Sincerely, For Los Suenos Trail Extension Inc. State of California) County of San Mateo) The foregoing instrument was acknowledged before me this 24 day of May, 2017 by Judy ROSS

PLEASE CHE ATTAGNED ACCOMUNICATE DE LA FERRAT TOTAL CONTRACTORIS

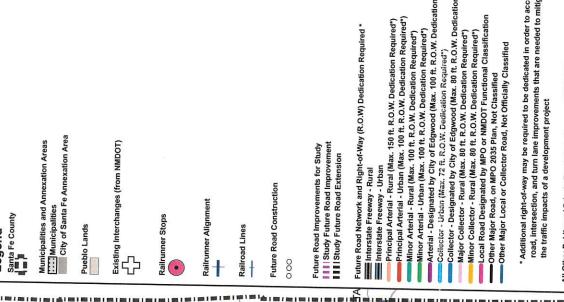
Notary Public

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

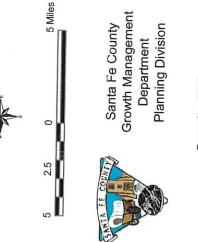
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.



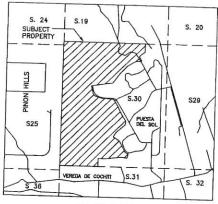
Santa Fe County Sustainable Land Development Code Official Map Series Future Road Network, and Right-of-Way Dedication Requirements for Collector and Arterial Roads



NOTE: This map depicts the right-of-way width that is required for collector and arterial roads, and does not depict the surveyed or engineered location or alignment of such required rights-of-way.



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



VICINITY MAP (NOT TO SCALE)

PLAT REFERENCES

BASIS OF BEARING USED TAKEN FROM PLAT OF SURVEY BY GUY D. HAYDEN ENTITLED "LOT LINE ADJUSTMENT BETWEEN THE ESTATE OF RICHARD M. HAGER AND JACK G. HORNE IN SECTION 30, T.17N., R.9E., N.M.P.M., SANTA FE COUNTY, NEW MEXICO". RECORDED IN BOOK 334, PAGES 049 AND 050 IN THE RECORDS OF SANTA FE COUNTY.

QUITCLAIM DEED FROM ISABEL L. MERCER TO RICHARD M. HAGER RECORDED IN BOOK 277, PAGE 139 IN THE RECORDS OF SANTA FE COUNTY. ADMINISTRATOR'S DEED FILED IN BOOK 157 ON PAGES 288 TO 290 IN THE SANTA FE COUNTY CLERK'S OFFICE.

QUITCLAIM DEED FILED IN BOOK 387 ON PAGE 406 IN THE SANTA FE COUNTY CLERK'S OFFICE.

PLAT OF SURVEY BY GUY D. HAYDEN DATED 16 JUNE 1995 AND ENTITLED "LANDS SURVEYED FOR THE ESTATE OF RICHARD M. HAGAR IN SECTION 30, T.17N., R.9E., N.M.P.M., SANTA FE COUNTY, NEW MEXICO" FILED IN PLAT BOOK 311 ON PAGE 007 IN THE SANTA FE COUNTY CLERK'S OFFICE.

NOTES

ARROYO LOCATIONS SHOWN HEREON WERE OBTAINED FROM AN ORTHOPHOTO MAP PUBLISHED BY THE CITY AND COUNTY OF SANTA FE ENTITLED "T.17N., R.9E., SECTION 30, UPC 1-048-098." THE FLOOD INSURANCE RATE MAP PUBLISHED BY FEMA FOR SANTA FE COUNTY (COMMUNITY PANEL NUMBER 350089 0164 B) SHOWS A 100 YEAR FLOOD HAZARO AREA ALONG THE ARROYO DE LOS FRUDLES AND THE ARROYO DE LAS TRAMPAS. THE SERVICES OF A PROFESSIONAL ENGINEER WOULD BE REQUIRED TO ESTABLISH THE LIMITS OF SAID FLOOD HAZARO AREAS SINCE NO BASE FLOOD ELEVATIONS WERE DETERMINED. SAID LIMITS SHOWN HEREON WERE DIGITIZED FROM THE COMMUNITY—PANEL No. 350069 0164 B MENTIONED ABOVE.

HAGER ROAD LOCATION MAY BE SUBJECT TO RE-ALIGNMENT OF NOT MORE THAN 100 FEET IN EITHER DIRECTION. SUBJECT TO LAND USE ADMINISTRATOR APPROVAL. HAGER ROAD & UTILITY EASEMENT TO BE GRANTED UPON RECORDING OF THIS PLAT.

OWNERS CONSENT

KNOW ALL PERSONS BY THESE PRESENTS

THAT THE UNDERSIGNED OWNERS DO HEREBY CONSENT TO THE CREATION OF A 50 FEET WIDE ROAD AND UTILITY EASEMENT AS SHOWN WITHIN LOT I.

CORNELIUS C. MAHER, JR. PERSONAL REPRESENTATIVE

JULIEN O. BOESINGER PERSONAL REPRESENTATIVE

STATE OF NEW MEXICO) SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 26 TDAY OF JAMARY 1999 10:12/99 NOTARY RUBLIC

AMENDED CERTIFICATE

THEREBY CERTIFY THAT THIS PLAT WAS AMENDED ON DECEMBER II, 1998 TO SHOW A 50' WIDE ROAD AND UTILITY EASEMENT WITHIN LOT I.

RAYMOND & ORTIZ

NMPS No. 8453

CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES SHOWN HEREON ARE AN ACCURATE DELINEATION OF A SURVEY COMPLETED BY ME OR UNDER MY SUPERVISION ON FEBRUARY 3, 1998 AND THAT THIS SURVEY MEETS THE MINIMUM REQUIRMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

Lamos A. als

N.M.P.L.S. No. 8453

8453

EASEMENT DESCRIPTION A 50-FOOT WIDE PUBLIC EASEMENT IS HEREBY CREATED BY THIS SECOND FILING OF THIS PLAT THAT WAS RECORDED IN PLAT BOOK 383, PAGE 013, FROM AND ABUTTING THE TERMINUS OF CAMINO DEL PRADO TO THE SOUTHERLY AS FOLLOWS.

BEGINNING AT A POINT ON THE NORTHWEST BOUNDARY OF CAMINO DEL PRADO, WHICH IS A COMPUTED POINT, AND WHICH IS THE MIDPOINT BETWEEN THE FD. REBAR MARKING THE NORTHWEST CORNER OF LOT ONE N/F RICHARD & JEAN ELAS, BOOK 310, PAGE 788, AND THE PD. REBAR MARKING THE NORTHWEST CORNER OF LOT 3-B-1, PUESTA DEL SOL SUBDIVISION OF A REC. NO. 457,188 THENCE FROM SAD POINT OF BEGINNING N.3.1732/00"W. A DISTANCE OF 258.34" O A COMPUTED POINT, WHICH LINE IS ALSO ON AND OVER THE 38" PRIVATE ACCESS AND PUBLIC UTILITY EASEMENT SHOWN ON THE PLAT OF SURVEY FOR A LOT SPUT & LOT LINE ADJUSTMENT REQUESTED BY THE ESTATE OF RICHARD M. HAGER CREATING SEVEN LOTS WITHIN PLAT BOOK 383, PAGES 012 & 013 OF THE RECORDS OF SANTA FE RECORDS OF MIDPORT OF SANTA FE RECORDS O

THE EXISTING ROAD WHICH IS SHOWN AS A 25'-DRIVEWAY EASEMENT ON THE FIRST FILING OF THIS PLAT RECORDED IN PLAT BOOK 333, PAGE 013, IS WITHIN THIS NEWLY CREATED 50'-WIDE PUBLIC EASEMENT. THIS NEWLY-CREATED PUBLIC EASEMENT. THIS NEWLY-CREATED THE SOUTHERLY BOUNDARY OF SECTION 19, AND FROM THE SOUTHERLY BOUNDARY OF SECTION 19 FANDO, AND FROM THE SOUTHERLY BOUNDARY OF SECTION 19 TO CAMINO DEL PRADO, AND (2) FOR PUBLIC UTILITIES, INCLUDING GAS, WATER, ELECTRICITY, TELEPHONE, AND CABLE TELEVISION OF THIS NEWLY-CREATED PUBLIC EASEMENT RETAINS ALL RICHTS NOT EXPLICITELY CREATED HEREBY FOR ITSELF, ITS SUCCESSORS, AND ASSIGNS.

STATE OF NEW MEXICO | SS COUNTY OF SANTA FE

1059-159

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE DAY OF CALLBALLA 19 19 19 13 29 11 M. AND WAS OULY RECORDED IN BOOK 405 0, PAGE 3 4 4 OF THE RECORDS OF SANTA FE COUNTY.

> WITNESS MY HAND AND SEAL OF OFFICE REBECCA BUSTAMANTE COUNTY CLERK, SANTA FE COUNTY, N.M. Kimberly Charl

SANTA FE COUNTY APPROVAL (AMENDMENT)

COUNTY LAND USE ADMINISTRATOR

STATE OF NEW MEXICO / SS COUNTY OF SANTA FE 1016 726

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE DAY OF MALCHAD. 19 96 AT 11 OEM. AND WAS DULY RECORDED IN BOOK 383, PAGE 012-012 OF THE RECORDS

WITNESS MY HAND AND SEAL OF OFFICE REBECCA BUSTAMANTE COUNTY CLERK, SANTA FE COUNTY, N. M.

FOR CONDITIONAL DEDICATION OF RIGHTS-OF-WAY EASEMENT KNOW ALL PERSONS BY THESE PRESENTS:

NAME ALL PERSONS BY THESE PRESENTS;

THAT THE UNDERSIGNED "WINERS HAVE CAUSED TO BE PLATTED THOSE LANDS SHOWN HEREON. SAID PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND THE UNDERSIGNED OWNERS HEREBY CONVEY ALL EASEMENTS THAT ARE DESIGNATED ON THIS PLAT AS PUBLIC EASEMENTS FOR PUBLIC USE, PROVIDED HOWEVER, THAT AT SUCH TIME AS THE BOARD OF COUNTY CONTY, NEW MEXICO OR ANY OTHER PUBLIC ENTITY WITH THE AUTHORITY TO ACCEPT EASEMENTS FOR PURPOSES OF PUBLIC MAINTENANCE, SHALL BY RESOLUTION ACCEPT A DEDICATION OF SOME OR ALL SUCH EASEMENTS AS ARE OUTSIDE OF ALL LOT BOUNDARIES FOR MAINTENANCE, SUCH EASEMENTS SHALL BE EDUCATED AND CONVEYED WITHOUT CONSIDERATION TO THE ENTITY ACCEPTING DEDICATION BY THE UNDERSIGNED AND YOR BY THE CURRENT OWNER AS PROVIDED BY MASA, 1978, AS AMENDED SECTION 47-6-5, WHERELFON THOSE EASEMENTS SO DEDICATED SHALL BE FOR PUBLIC USE AND MAINTENANCE. THIS PLAT LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY AND COUNTY OF SANTA FIL NEW MEXICO.

CORNELIUS C. MAHER, JR. PERSONAL REPRESENTATIVE Mar (17, 1998

STATE OF NEW MEXICO SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS / DAY OF 1998. Mola Rehart

JULIEN O. BOESINGER PERSONAL REPRESENTATIVE

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 1998. Kekart 10/12/99

SANTA FE COUNTY APPROVAL, NOTES AND CONDITIONS

Oralin Grencer
COUNTY LAND USE ADMINISTRATOR
96-3062 COUNTY DEVELOPMENT PERMIT No.

THE LANDS SHOWN HEREON LIE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF SANTA FE.

SANTA FE COUNTY'S APPROVAL OF THIS PLAT DOES NOT INCLUDE THE CONSTRUCTION OF THE PRIVATE EASEMENT(S) OR ROAD(S) AS SHOWN, PRIOR TO THE CONSTRUCTION OF THE SAND PRIVATE EASEMENT(S) OR ROAD(S), IT IS REQUIRED THAT AN ADDITIONAL DEVELOPMENT PERMIT BE APPLIED FOR AND THEN APPROVED BY THE SANTA FE COUNTY LAND USE

THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT INCLUDING BUILDING PERMITS.

THE PARCELS AS PLATTED HEREON MAY BE SUBJECT TO FUTURE TERRAIN MANAGEMENT REGULATIONS AS ADOPTED BY SANTA FE COUNTY.

MAINTENANCE OF PRIVATE ACCESS EASEMENTS TO BE THE RESPONSIBILITY OF THE OWNERS/USERS.

PURSUANT TO THE SANTA FE COUNTY LAND USE DEVELOPMENT CODE THE SOIL RATING ON THIS PROPERTY SO BESIGNATED AS BEING MODERATE/SEVERE REGARDING LIMITATIONS TO SEPTIC TANKS. POTENTIAL BUYERS/SELLERS OF THIS PROPERTY SHOULD INQUIRE WITH THE NEW MEXICO ENVIRONMENT ALTERNATIVE SYSTEM IS REQUIRED.

PORTIONS OF THE TRACTS SHOWN HEREON DO LIE WITHIN A 100 YEAR FLOOD HAZARD AREA AS PER FEMA FLOOD INSURANCE RATE MAP DATED 4 NOV. 1988, COMMUNITY PANEL No. 350069 0164 B. THE SERVICES OF A PROFESSIONAL ENGINEER WOULD BE REQUIRED TO ESTABLISH THE LIMITS OF SAID FLOOD HAZARD AREAS SINCE NO BASE FLOOD ELEVATIONS WERE DETERMINED, SAID LIMITS SHOWN HEREON WERE DIGITIZED FROM THE COMMUNITY PANEL No. 350069 0164 B MENTIONED ABOVE.

EXISTING NATURAL DRAINAGEWAYS WILL NOT BE MODIFIED OR IMPEDED WITHOUT THE WRITTEN APPROVAL OF THE LAND USE ADMINISTRATOR OR COUNTY HYDROLOGIST. EASEMENTS ARE HEREBY GRANTED FOR ALL EXISTING UTILITIES. THIS PLAT IS SUBJECT TO ALL EASEMENTS OF RECORD.

UTILITY APPROVALS PUBLIC SERVICE COMPANY OF NEW MEXICO
This English 2-19-98 DATE PUBLIC SERVICE COMPANY OF NEW MEXICO (GAS)



INDEXING INFORMATION FOR COUNTY CLERK

PREPARED BY SURVEYS DE SANTA FE 2401 CALMO COURT SANTA FE, NEW MEXICO, 87505 473-1341, FAX 473-5798

REQUESTED BY THE ESTATE OF RICHARD M. HAGER CREATING SEVEN LOTS WITHEN SECTION SO, T.17H., R.S.E., N.M.P.M.,

SHEET CHE OF THE 1" = 200' Jan. 1998 J.R.P. R.A.O. 97-72

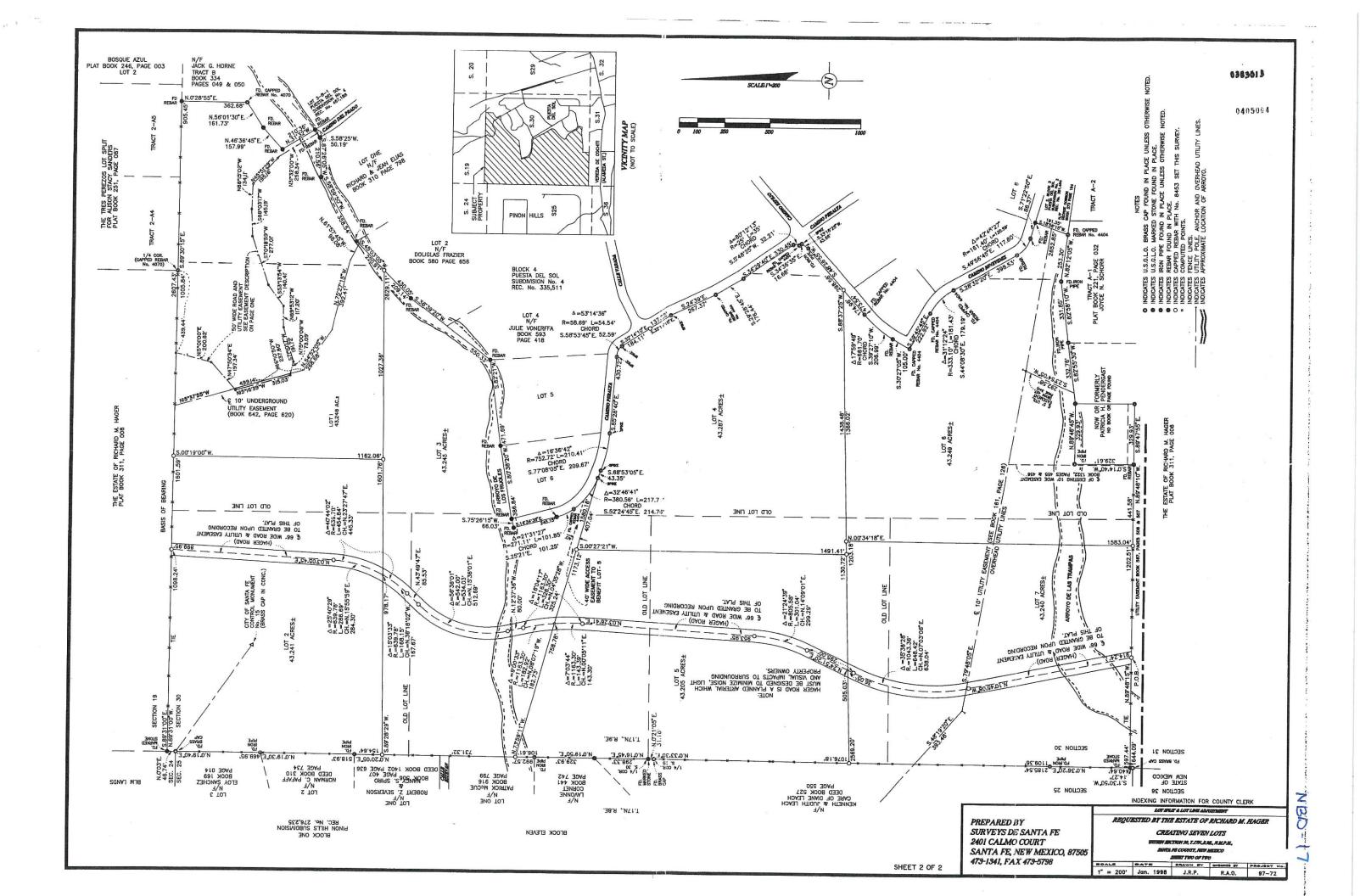
SHEET I OF 2

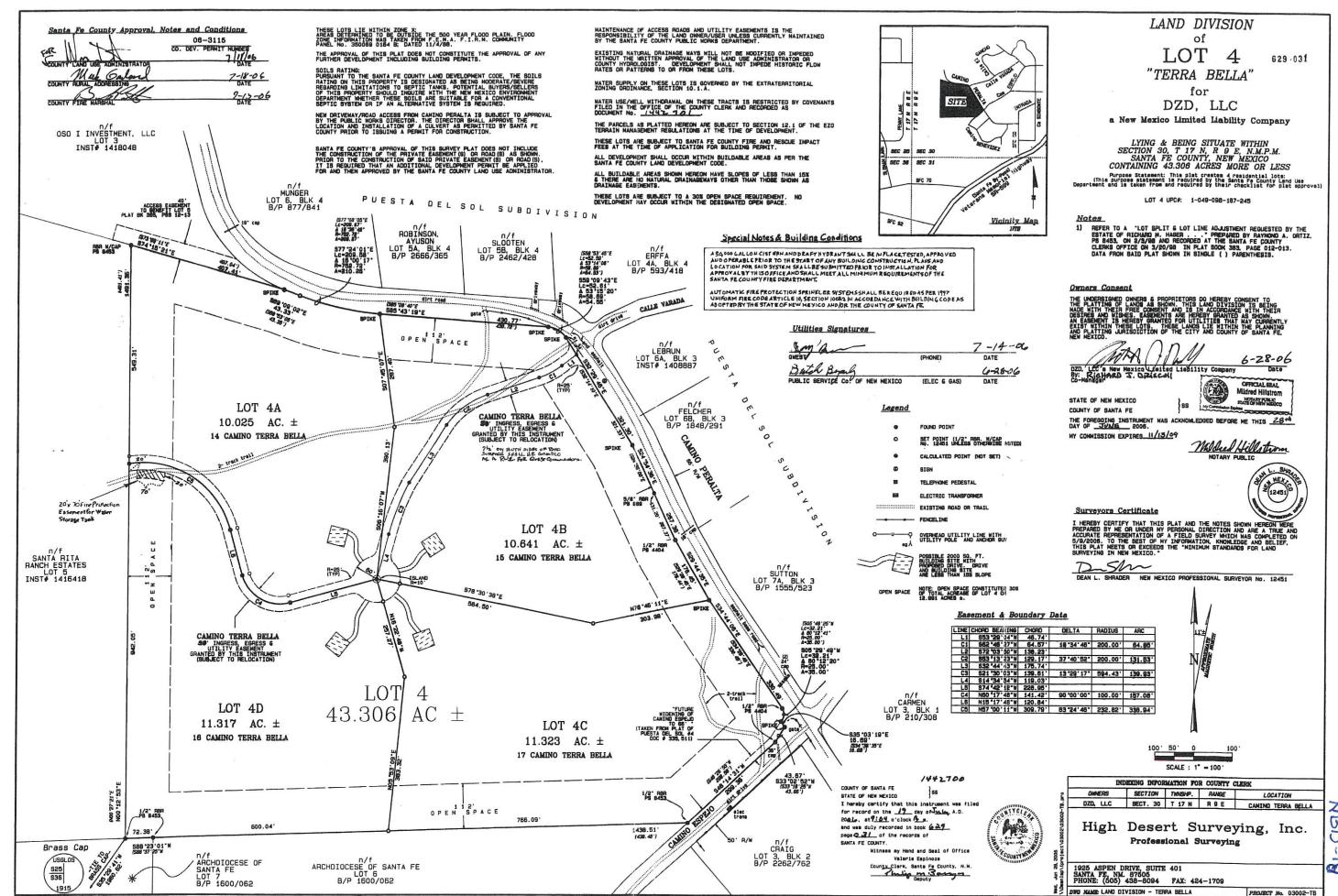
LOT SPLIT & LOT LINE AD STREET

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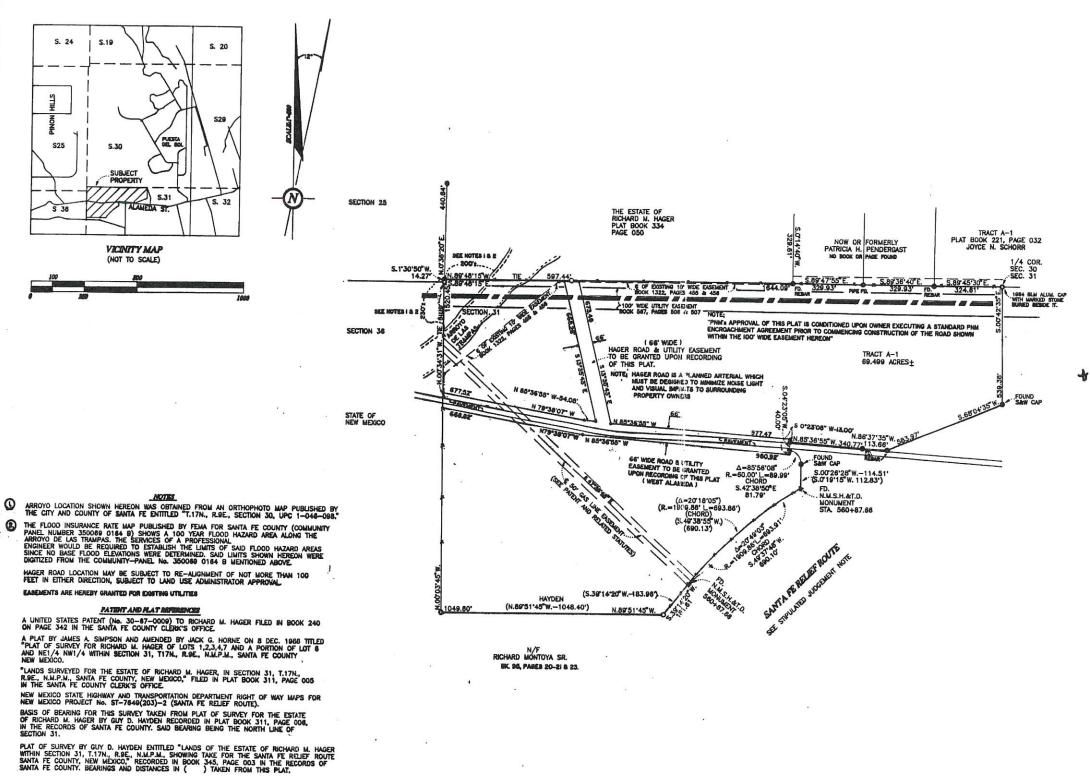
0389012

0405003





U



O INDICATES U.S.G.L.O. BRASS CAP FOUND IN PLACE UNLESS OTHERWISE NOTED.

INDICATES U.S.G.L.O. MARKED STONE FOUND IN PLACE.

O INDICATES CAPPED REBAR WITH No. 8453 SET THIS SURVEY.

INDICATES POINTS FOUND AND USED AS NOTED.

A INDICATES HIGHWAY & TRANSPORTATION DEPARTMENT MONUMENT (BFASS CAP IN CONCRETE WITH STATIONING STAMPED).

------ INDICATES FENCE LINES

INDICATES OVERHEAD UTILITY LINES
INDICATES APPROXIMATE LOCATION OF ARROYO.

FOR CONDITIONAL DEDICATION OF RIGHTIST-OF-WAY EASEMENTS

KNOW ALL PERSONS BY THESE PRESENTS:

KNOW ALL PERSONS BY THESE PRESENTS:

THAT THE UNDERSIGNED OWNERS HAVE CAUSED TO BE PLATTED THOSE LANDS SHOWN HEREON. SAID PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND THE UNDERSIGNED OWNERS HEREBY CONNEY ALL EXSEMENTS THAT ARE DESIGNATED ON THIS PLAT AS PUBLIC EXSEMENTS FOR PUBLIC USE, PROVIDED HOWEVER, THAT AT SUCH TIME AS THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO, OR ANY OTHER PUBLIC ENTITY WITH THE AUTHORITY TO ACCEPT A DEDICATION OF SOME OR ALL SUCH EXSEMENTS AS ARE OUTSIDE OF ALL LOT BOUNDARIES FOR MAINTEMANCE, SUCH EXSEMENTS SHALL BE DEDICATED AND CONVEYED WITHOUT CONSIDERATION TO THE ENTITY ACCEPTING DEDICATION BY THE UNDERSIGNED AND/OR BY THE CURRENT OWNER AS PROVIDED BY N.M.S.A., 1978, AS AMENDED, SECTION AND/OR BY THE CURRENT OWNER AS PROVIDED BY N.M.S.A., 1978, AS AMENDED, SECTION AND THE PUBLIC USE AND MAINTEMANCE.

THIS PLAT LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY AND COUNTY OF SANTA FE, NEW MEXICO.

CORNELIUS C. MAHER, JR. PERSON PERSONAL REPRESENTATIVE

STATE OF MASSACHUETTS | SE COUNTY OF Barnstate

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS LOW DA

Mary ann Kingtyel JULIEN O. BOESINGER PI 180 mg 7, 1998 PERSONAL REPRESENTATIVE

STATE OF ONE County of Hamilton 155

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS T DAY OF 1008. Muy De Ofrany

SANTA FE COUNTY APPROVAL, MOTES AND CONDITIONS

98.3040



MAINTENANCE OF ACCESS ROADS AND UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE LANC OWNER/USER UNLESS CURRENTLY MAINTAINED BY THE SANTA PE COUNTY PUBLIC WORKS DEPARTMENT.

THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT INCLUDING BUILDING PERMITS

EXISTING NATURAL DRAINAGEWAYS WILL NOT BE MODIFIED OR IMPEDED WITHOUT THE WRITTEN APPROVAL OF THE LAND USE ADMINISTRATOR OR COUNTY HYDROLOGIST.

NEW DRIVEWAY / ROAD ACCESS FROM COUNTY ROAD No. 70 IS SUBJECT TO APPROVAL BY THE PUBLIC WORKS DIRECTOR. THE DIRECTOR SHALL APPROVE THE LOCATION AND INSTALLATION OF A CULVERT AS PERMITTED BY SANTA FE COUNTY PRIO TO ISSUMS A PERMIT FOR CONSTRUCTION.

THE PARCEL AS PLATTED HEREON IS SUBJECT TO SECTION IZ.I OF THE EZO (WITHIN 2 MILE EZ)

SOILS RATING PURSUANT TO THE SANTA FE COUNTY LAND DEVELOPMENT CODE, THE SOILS RATING ON THIS PROPERTY IS DESIGNATED AS BEING MODERATE REGARDING LIMITATIONS TO SEPTIC TAINS POTENTIAL BUYERS/SELLERS OF THIS PROPERTY SHOULD INQUIRE WITH NEW MEXICO ENVIRONMENT/DEPARTMENT WHETHER THESE SOILS ARE SUITABLE FOR A CONVENTIONAL SEPTIC SYSTEM OR IF AN ALTERNATIVE SYSTEM IS REQUIRED.

UTILITY COMPANY APPROVALS

2.26-28

Reproving this plat, PNM Electric Ser Gervices (PNM) did not conduct a Title Search of the properties shown hereon. Consequently, PMM does not waive nor release any essement or essement dights to which it may be entitled.

STATE OF NEW MEXICO | SS 1014-560

OF SANTA FE COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE REBECCA BUSTAMANTE COUNTY CLERK, SANTA FE CQUNTY, N.M.

DEPUTY

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INDEXING INFORMATION FOR COUNTY CLERK

PREPARED BY SURVEYS DE SANTA FE 2401 CALMO COURT SANTA FE, NEW MEXICO, 87505

473-1341, FAX 473-5798

BOUNDARY SURVEY THE PURPOSE OF THIS PLAT IS TO SHOW EXISTING BOUNDARIES ON TRACT A-I, AND TO SHOW HAGER ROAD EASEMENT REQUESTED BY THE ESTATE OF RICHARD M. HAGER WITHIN SECTION 31, TITN,, R9E,, NMPM

SANTA FE COUNTY, NEW MEXICO 1" = 200' Jan. 1998 J.R.P. R.A.O. 97-72

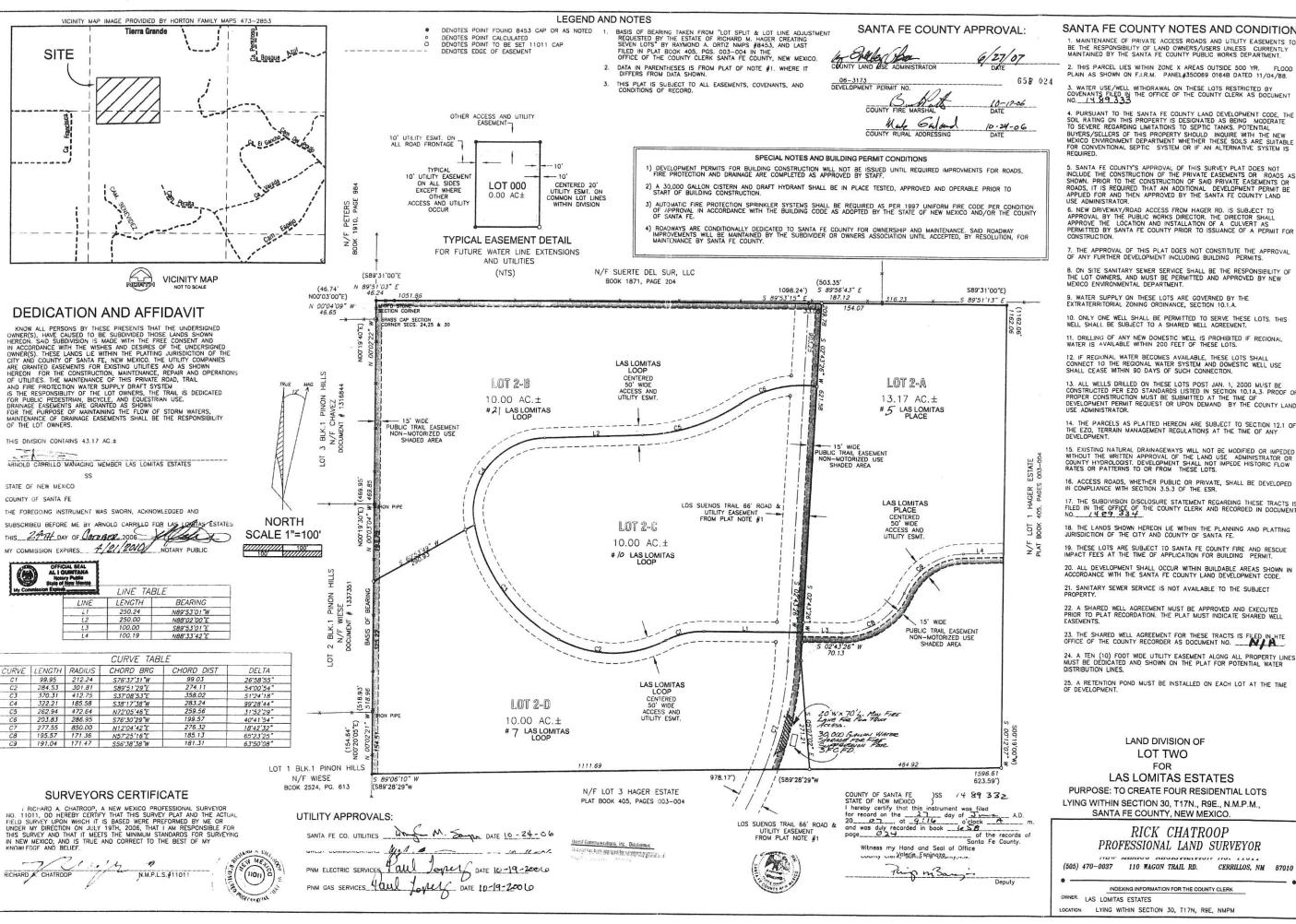
CERTIFICATE

STIPULATED JUDGEMENT SEE STIPULATED JUDGEMENT ENTERD 4 SEPTEMBER 1996 IN DCC No. SF-96-1668(C) BY FIRST JUDICIAL DISTRICT COURT FOR HIGHWAY TAKE.

I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES SHOWN HEREON ARE AN ACCURATE DELINEATION OF A FIELD SURVEY COMPLETED BY ME OR UNDER MY SUPERVISION ON JANUARY 28, 1998 AND THAT THIS SURVEY MEETS THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO

Laymond A. auto RAYMOND A. ORTIZ

N.M.P.L.S. No. 8453



SANTA FE COUNTY NOTES AND CONDITIONS

1. MAINTENANCE OF PRIVATE ACCESS ROADS AND UTILITY EASEMENTS TO BE THE RESPONSIBILITY OF LAND OWNERS/USERS UNLESS CURRENTLY MAINTAINED BY THE SANTA FE COUNTY PUBLIC WORKS DEPARTMENT.

2. THIS PARCEL LIES WITHIN ZONE X AREAS OUTSIDE 500 YR. FLOOD PLAIN AS SHOWN ON F.I.R.M. PANEL#350069 0164B DATED 11/04/88.

3. WATER USE/WELL WITHDRAWAL ON THESE LOTS RESTRICTED BY COVENANTS FILED IN THE OFFICE OF THE COUNTY CLERK AS DOCUMENT NO. $_/$ $_3$ $_3$ $_3$ $_3$ $_3$

4. PURSUANT TO THE SANTA FE COUNTY LAND DEVELOPMENT CODE, THE SOIL RATING ON THIS PROPERTY IS DESIGNATED AS BEING MODERATE TO SEVERE REGARDING LIMITATIONS TO SEPTIC TANKS. POTENTIAL BUYERS/SELLERS OF THIS PROPERTY SHOULD INQUIRE WITH THE NEW MEXICO ENMRONMENT DEPARTMENT WHETHER THESE SOILS ARE SUITABLE FOR CONVENTIONAL SEPTIC SYSTEM OR IF AN ALTERNATIVE SYSTEM IS REGUIRED.

5. SANTA FE COUNTY'S APPROVAL OF THIS SURVEY PLAT DOES NOT INCLUDE THE CONSTRUCTION OF THE PRIVATE EASEMENTS OR ROADS AS SHOWN. PRIOR TO THE CONSTRUCTION OF SAID PRIVATE EASEMENTS OR ROADS, IT IS REQUIRED THAT AN ADDITIONAL DEVELOPMENT PERMIT BE APPLIED FOR AND THEN APPROVED BY THE SANTA FE COUNTY LAND USE ADMINISTRATOR.

6. NEW DRIVEWAY/ROAD ACCESS FROM HAGER RD. IS SUBJECT TO APPROVAL BY THE PUBLIC WORKS DIRECTOR. THE DIRECTOR SHALL APPROVE THE LOCATION AND INSTALLATION OF A CULVERT AS PERMITTED BY SANTA FE COUNTY PRIOR TO ISSUANCE OF A PERMIT FOR

7. THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT INCLUDING BUILDING PERMITS.

8. ON SITE SANITARY SEWER SERVICE SHALL BE THE RESPONSIBILITY OF THE LOT OWNERS, AND MUST BE PERMITTED AND APPROVED BY NEW MEXICO ENVIRONMENTAL DEPARTMENT.

9. WATER SUPPLY ON THESE LOTS ARE GOVERNED BY THE

10. ONLY ONE WELL SHALL BE PERMITTED TO SERVE THESE LOTS. THIS WELL SHALL BE SUBJECT TO A SHARED WELL AGREEMENT.

11. DRILLING OF ANY NEW DOMESTIC WELL IS PROHIBITED IF REGIONAL WATER IS AVAILABLE WITHIN 200 FEET OF THESE LOTS.

12. IF REGIONAL WATER BECOMES AVAILABLE, THESE LOTS SHALL CONNECT 10 THE REGIONAL WATER SYSTEM AND DOMESTIC WELL USE SHALL CEASE WITHIN 90 DAYS OF SUCH CONNECTION.

13. ALL WELLS DRILLED ON THESE LOTS POST JAN. 1, 2000 MUST BE CONSTRUCTED PER EZO STANDARDS LISTED IN SECTION 10.1A.3. PROOF OF PROPER CONSTRUCTION MUST BE SUBMITTED AT THE TIME OF DEVELOPMENT PERMIT REQUEST OR UPON DEMAND BY THE COUNTY LAND USE ADMINISTRATOR.

14. THE PARCELS AS PLATTED HEREON ARE SUBJECT TO SECTION 12.1 OF THE EZO, TERRAIN MANAGEMENT REGULATIONS AT THE TIME OF ANY DEVELOPMENT.

15. EXISTING NATURAL DRAINAGEWAYS WILL NOT BE MODIFIED OR IMPEDED WITHOUT THE WRITTEN APPROVAL OF THE LAND USE ADMINISTRATOR OR COUNTY HYDROLOGIST, DEVELOPMENT SHALL NOT IMPEDE HISTORIC FLOW RATES OR PATTERNS TO OR FROM THESE LOTS.

16. ACCESS ROADS, WHETHER PUBLIC OR PRIVATE, SHALL BE DEVELOPED IN COMPLIANCE WITH SECTION 3.5.3 OF THE ESR.

17. THE SUBDIVISION DISCLOSURE STATEMENT REGARDING THESE TRACTS IS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDED IN DOCUMENT NO. ____/4 E 9 . 3 4 4.

18. THE LANDS SHOWN HEREON LIE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY AND COUNTY OF SANTA FE.

19. THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR BUILDING PERMIT.

20. ALL DEVELOPMENT SHALL OCCUR WITHIN BUILDABLE AREAS SHOWN IN ACCORDANCE WITH THE SANTA FE COUNTY LAND DEVELOPMENT CODE.

21. SANITARY SEWER SERVICE IS NOT AVAILABLE TO THE SUBJECT PROPERTY.

22. A SHARED WELL AGREEMENT MUST BE APPROVED AND EXECUTED PRIOR TO PLAT RECORDATION. THE PLAT MUST INDICATE SHARED WELL

23. THE SHARED WELL AGREEMENT FOR THESE TRACTS IS FILED IN HTE OFFICE OF THE COUNTY RECORDER AS DOCUMENT NO.

24. A TEN (10) FOOT WIDE UTILITY EASEMENT ALONG ALL PROPERTY LINES MUST BE DEDICATED AND SHOWN ON THE PLAT FOR POTENTIAL WATER DISTRIBUTION LINES.

25. A RETENTION POND MUST BE INSTALLED ON EACH LOT AT THE TIME OF DEVELOPMENT.

LAND DIVISION OF LOT TWO FOR

PURPOSE: TO CREATE FOUR RESIDENTIAL LOTS

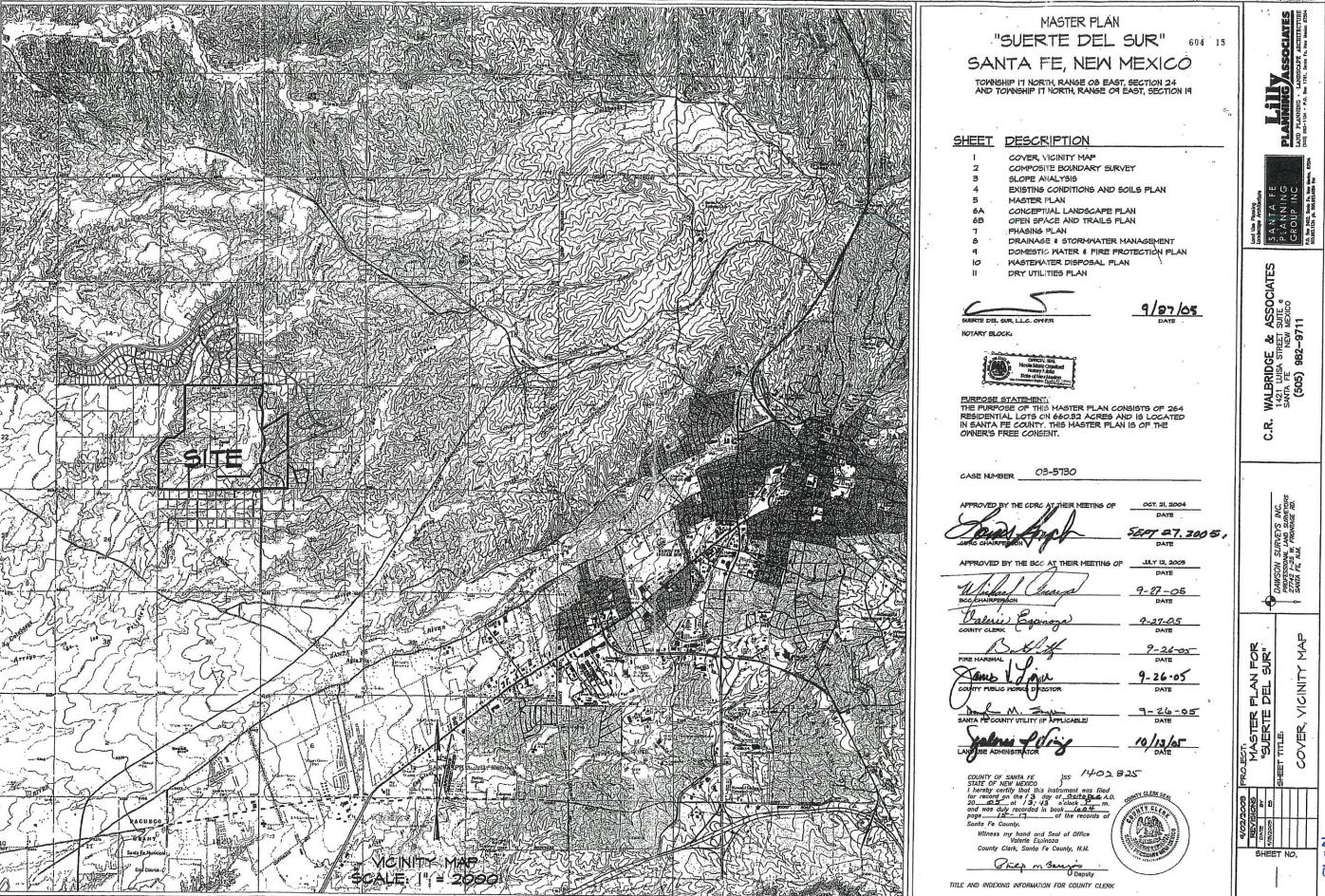
LYING WITHIN SECTION 30, T17N., R9E., N.M.P.M., SANTA FE COUNTY, NEW MEXICO.

RICK CHATROOP PROFESSIONAL LAND SURVEYOR

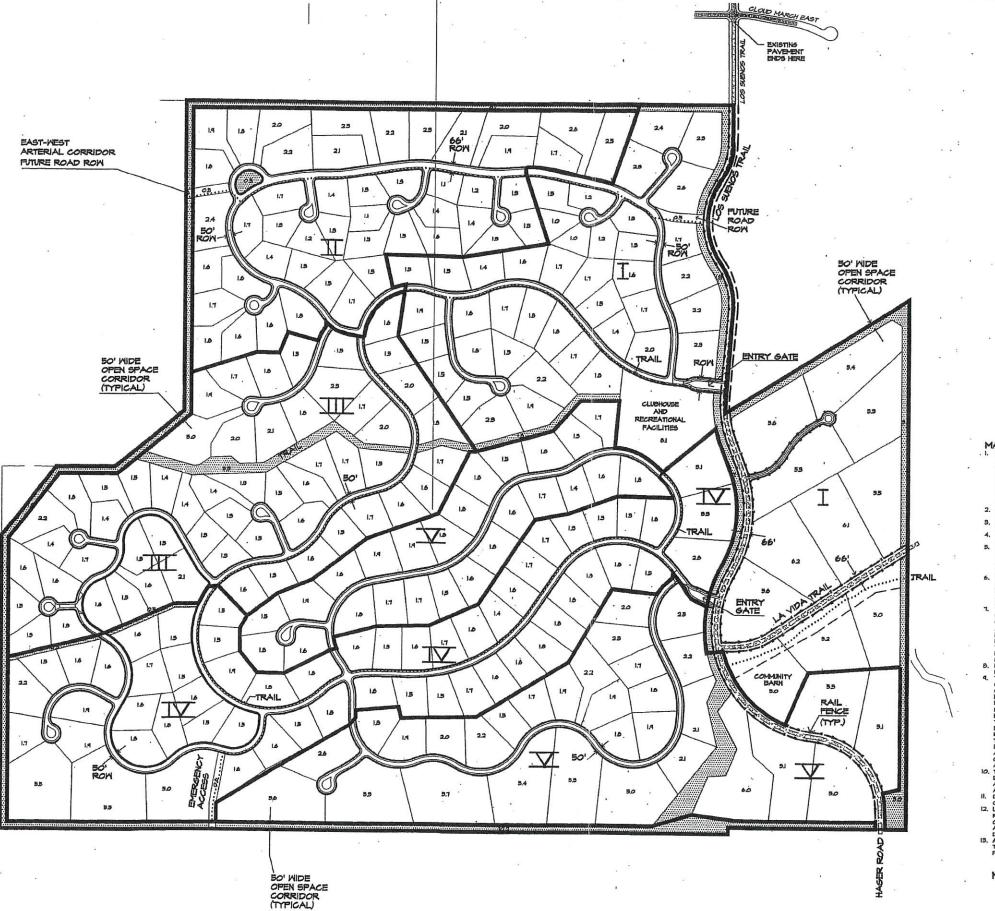
TOO DECOMPORTION NO. 11011

INDEXING INFORMATION FOR THE COUNTY CLERK

LOCATION: LYING WITHIN SECTION 30, T17N, R9E, NMPM



W





694 16

FROJECT DATA

000 DZ ACRES		
5 ACRE RANCH LOTS	24	
1-3 ACRE LOTS	240	
NUMBER OF LOTS TOTAL	264	
AVERAGE LOT SIZE	18	Aa.
LARGEST LOT	6.1	Ac.
SMALLEST LOT	10	As.
REGUIRED OPEN SPACE (30% OF 660)	198	Ac.
COMMON OPEN SPACE	40.4	Ac.
COMMINITY OPEN SPACE	13.1	Ac.
PRIVATE OPEN SPACE	1446	Ac.
(APPROXIMATELY 055 Ac. PER LOT)		Ac.
TOTAL OPEN SPACE PROVIDED	LAPI	Ac.

PHASES

52 LO
46 LO
55 LO
56 LO
题 Lot
TOTAL LOTE: 264 LO

MASTER PLAN APPROVAL CONDITIONS:

1. COMPLIANCE WITH APPLICABLE REVIEW COMMENTS FROM THE FOLLOWING.

STATE BENKERS, STATE EMPARTMENT OF TRANSPORTATION, COUNTY WITHOUT ONLY AND SHOULD S

REVIEW DIRECTOR, COUNTY FIRE MARCHAL, COUNTY PUBLIC NORSE, STATE HISTORIC PRESERVATION OFFICE, CONTY TUCHNICA, REVIEW DIVISION, COUNTY UTILITIES.

2. FINISHED ROAD GRADES IN THE DEVELOPMENT SHALL NOT EXCEED 98 WITHIN 100-FEET FROM ANY INTERSECTION.

3. AFTER APPROVAL THE DEVELOPMENT FLAN AND PLAT SHALL BE RECORDED WITH CLERK'S OFFICE.

4. ALL STAFF REDLINES SHALL BE ADDRESSED PRIOR TO PLAT SHALL BE RECORDED WITH CLERK'S OFFICE.

5. PLAT RECORDATION. SUBMIT AN ESTIMATE OF COST TO PLAT RECORDATION. SUBMIT AN ESTIMATE OF COST TO PEVELOP AND CONSTRUCT ALL IMPROVEMENTS ON THE PROPERTY AND SHALL SUBMIT A PINANCIAL GUARANTEE, IN A FORM ACCEPTABLE TO COUNTY STAFF, IN THE TOTAL ANGOINT OF THE COST ESTIMANT.

6. THE APPLICANT SHALL COMPLY WITH THE WATER. HARVESTING PLAN SHALL BE SUBMITTED WITH THE APPLICATION FOR APPROVAL OF PRELIMINARY DEVELOPMENT FLAN. SHALL BE SUBMITTED WITH THE APPLICATION FOR APPROVAL OF PRELIMINARY DEVELOPMENT FLAN. SERVICE ARRESTS IN THE THE SANTA FE COUNTY STAFF AND APPROVAL OF THE PRELIMINARY POLYCLOPPENT FLAN. SERVICE ARRESTS IN THE THE SANTA FE COUNTY STAFF AND APPROVAL OF THE PRELIMINARY POLYCLOPPENT FLAN. SERVICE ARRESTS IN THE THE ANTA LERCADY PUBLISH ON THE PRECIPIES ON THE PRELIMINARY PUBLISH ON THE PROPERTY AND CREATE A COMMINITY MATER SYSTEM FLAN FOR COUNTY STAFF AND EXEMPT OF THE HELL HART ALREADY PUBLISH ON THE PROPERTY AND CREATE A COMMINITY MATER SYSTEM FLAN FOR COUNTY STAFF AND EXEMPT OF THE PRELIMINARY PUBLISH ON THE PROPERTY COPE.

EACH ARCHAEOLOGICAL SITE OF SIGNIFICANCE SHALL BE PROPERTY OF THE HELL HART ALREADY PUBLISH ON THE PRELIMINARY PLAY SYSTEM ON THE PRELIMINARY PLAY SYSTEM ON THE PRELIMINARY PLAY SHOULD BE SERVED FOR SYSTEM OF THE PRELIMINARY PLAY SHALL BE PRECORDED AND SYSTEM IS THE THE PREVIOUS OF THE PRELIMINARY PLAY SHALL BE PRECORDED AND SYSTEM IS BOTH ON THE LIGHT WASTE DISPOSAL SYSTEM IS GETTED AND THE TIME OF PREVIOUS OF THE LAS CAMPANAS FOR LIGHT PREMISED DISPOSAL SYSTEM IS BOTH TO THE LAS CAMPANAS FOR LIGHT PREMISED.

10. THE PRELIMINARY PLAY SHALL BE EXTENDED

NOTES:

ALL LOT ACREAGE CALCULATIONS ARE APPROXIMATE. ALL ISLANDS AND ENTRANCES WILL NEED APPROVAL FROM SANTA FE COUNTY FIRE MARSHAL.

PLANNING ASSOCIATES
LATO PLAND FLAND FLANDS - LAND SCAPE ANGENTEED FOR THE PLANDS - LANDSCAPE ANGENTEED FOR THE PLANDSCAPE FOR THE P

DAWSON SURVEYS INC. PROFESIONAL LAND SURVEYON VALDES IND. PARK SANTA PE, NA.

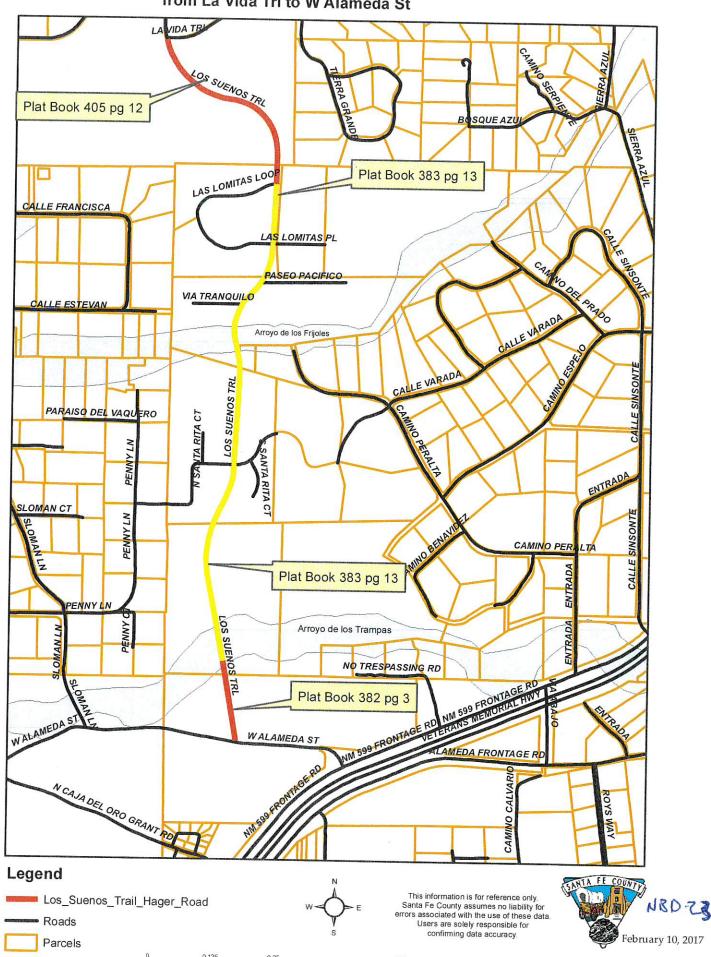
S N $\overline{\Omega}$

D "SUERTE

SHEET NO.

KROD K

Unbuilt section of Los Suenos Trl (Hager Rd) showing the 66' wide easement alignment from La Vida Trl to W Alameda St



COST SHARING AGREEMENT

This Agreement is made and entered into by the following parties on the date set forth below.

1. The owners of certain real estate in Santa Fe County, New Mexico, more particularly described as follows:

Tracts 1, 2, 3, 4, 5, and 7 as shown on "Lot Split and Lot Line Adjustment Requested by The Estate of Richard M. Hager" recorded on January 28, 1999 in Plat Book 405, Pages 003 – 004 as Instrument No. 1059159 of the records of said County.

("Hager Properties"); and

Suerte del Sur, LLC, a New Mexico limited liability company ("SDS LLC"), the owner of approximately 630 acres of land immediately to the north of Lot 2 of the Hager Properties more particularly described in Exhibit A ("SDS Property");

and

The Archdiocese of Santa Fe Catholic Foundation as the owner of "Tract A-1" located between the Hager Properties and Santa Fe County Road 70 as shown on the plat recorded as document no. 1014-560 on March 4, 1998 in plat book 392, page 003...

RECITALS

- A. WHEREAS, the owners of the Hager Properties have agreed with one another to construct an arterial road to be known as Hager Road via that certain "Road Construction and Maintenance Cost Sharing Agreement" recorded as Instrument No. 1418149 of the records of Santa Fe County and the "First Supplement to Road Construction and Maintenance Agreement and Statement of the Hager Road Construction Association" recorded as Instrument No. 1427042 of the records of Santa Fe County (together: "Hager Road Agreement");
- B. WHEREAS, Hager Road will serve a proposed development known as "Suerte del Sur" situated within all or a portion of the SDS Property;
- C. WHEREAS the parties desire to agree upon a cost-sharing arrangement for the cost of constructing Hager Road in the scope under the terms and conditions described below.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is acknowledged, the undersigned agree as follows:

- 1. Work. The "Work" covered by this Agreement includes the design, construction and maintenance of Hager Road.
- 2. Scope of Hager Road. The Work covered by this Agreement includes and is limited to the following scope of Hager Road:
 - A. Length. Hager Road shall begin at and include its intersection with County Road 70. It shall proceed northerly through Tract A-1 and the Hager Properties via, approximately, the Hager Road and utility easement shown on recorded plats or via, approximately, the alignment approved by the Arterial Roads Task Force Steering Committee of the Santa Fe Metropolitan Planning Organization. The approximate length of Hager Road is 6,200 feet.
 - B. Width. The width of Hager Road shall be that required by Santa Fe County for a Minor Arterial road capable of accommodating traffic from the Suerte del Sur project and traffic from projects on the Hager Properties and Tract A-1, as well as traffic from surrounding neighborhoods.
 - C. Standard. Hager Road shall be built to Santa Fe County standards.
 - D. Infrastructure. The Work does <u>not</u> include infrastructure, except such infrastructure, if any, (i) as may be necessary for the proper functioning of Hager Road as required by Santa Fe County (e.g., storm water management) or (ii) installed at the request of SDS LLC in sizes larger than would be required for the use of the Hager Properties in order to accommodate the needs of Suerte del Sur.
 - E. Other Exclusions. The Work shall not include any portion of Hager Road situated within the property owned by SDS LLC, nor any non-arterial "spur" roads within either the Hager Properties or Tract A-1.
- 3. Construction Costs. The "Construction Costs" of completing the Work shall include:
 - A. Engineering Services. SDS LLC acknowledges that the owners of the Hager Properties have retained Thomas Densford, P.E., and Ivan Trujillo, a/k/a Earth & Steel, LLC ("Engineers") to perform the services described in Scope of Work attached as Exhibit A hereto pursuant to a proposal submitted by the Engineers dated March 8, 2006, and Amendment #1 thereto dated March 10, 2006. Construction Costs shall include any and all services billed by the Engineers pursuant to this engagement that are within the scope of Hager Road listed in Paragraph 2 of this Agreement.
 - B. Construction Management, which shall be performed on a time and materials basis by either the Engineers as described in Exhibit A or by another licensed professional engineering company.

- C. Government Requirements. All costs necessitated by permits, improvements, activities required by Santa Fe County or federal or state regulations as a condition of or prerequisite to building Hager Road.
- D. Construction Services. Costs for construction shall be determined by a fair and competitive bidding process. Requested bid terms shall include (i) contractor maintenance of Hager Road for at least one year or until Hager Road is accepted by Santa Fe County, whichever occurs earlier. Selection of the contractor to perform the Work and approval of plans for the Work shall be made by the owners of the Hager Properties in consultation with SDS, LLC.

Construction Costs shall accrue until Santa Fe County, or the applicable governing entity, agrees that the Work is completed in accordance with required standards. Construction Costs shall not include legal fees relating to developing this Agreement.

- 4. Allocation of Construction Costs. The parties agree to share the Construction Costs for the Work as follows.
 - A. Upon expiration of the appeal period for final plat approval allowing up to 99 dwelling unit anywhere within Suerte del Sur, the owners of the Hager Propertie's collectively shall be responsible for 50% of the Construction Costs, and SDS LLC shall be responsible for 50% of the Construction Costs. All such Construction Costs shall be paid when due and before delinquent, with each party submitting a separate check to the requesting entity.
 - B. Upon expiration of the appeal period for final plat approval allowing at least 99 dwelling units anywhere within Sucrete del Sur, SDS LLC shall reimburse the undersigned owners of the Hager Properties, collectively, such amount as to make SDS LLC's total share of Construction Costs equal to 66.67% (two-thirds) of the Construction Costs. Such reimbursement shall occur within 30 days of receipt of the vested final plat approval described herein.

All Construction Costs shall bear interest beginning 60 days after the date of the execution of this Agreement. The interest rate shall be equal to the prime rate, as reported by the Wall Street Journal's bank survey as of the date of the execution of this Agreement, plus 1/2%.

5. Financial Assurity. The owners of the Hager Properties shall provide 33.33% (one-third) of any financial assurity required by Santa Fe County for the Work, and SDS LLC shall provide 66.67% (two-thirds) share of any required financial assurity for the Work. Financial assurances shall be provided within 10 calendar days of Santa Fe County's requirement for the same. If the owners of the Hager Properties must advance any portion of SDS LLC's share of the financial assurity for the Work, such advance shall bear interest beginning on the date of said advance. The interest rate shall be equal to the prime rate, as reported by the Wall Street Journal's bank survey as of the date of the said advance.

- 6. Hager Road Maintenance. "Maintenance Costs" include any and all maintenance required to keep Hager Road (in the scope described in Paragraph 2 of this Agreement) consistent with Santa Fe County standards until such time as Santa Fe County, or the applicable governing entity, adopts or accepts Hager Road as public. Maintenance Costs shall be allocated and paid in the same percentages as set forth in Paragraphs 4 and 5 of this Agreement. If the owners of the Hager Properties must advance any portion of SDS LLC's share of Maintenance Costs, such advance shall bear interest beginning on the date of said advance. The interest rate shall be equal to the prime rate, as reported by the Wall Street Journal's bank survey as of the date of the said advance. The owners of the Hager Properties reserve the right to assign maintenance responsibilities, including Maintenance Costs to a nonprofit corporation, the Hager Road Association, upon completion of the Work pursuant to the Hager Road Agreement. SDS LLC acknowledges that the Hager Road Association will be governed by the Hager Road Agreement, including its determination of Maintenance Costs and selection of contractors to perform required maintenance.
- 7. Mechanic's Liens. If because of any act or omission (or alleged act or omission) of any undersigned party under this Agreement, any mechanic's or other lien, charge or order for the payment of money or other encumbrance shall be filed against any of the Hager Properties, Tract A-1, and/or any portion of such properties (whether or not such lien, charge, order or encumbrance is valid or enforceable as such), the party causing the encumbrance shall, at its own cost and expense, cause the same to be discharged of record or bonded within 30 days after the assertion or the filing thereof. Further, the party causing the encumbrance shall indemnify and save harmless the property owner from all costs, liabilities, suits, penalties, claims and demands, including reasonable attorneys fees, resulting therefrom.
- 8. Default. An "Event of Default" by a party shall be deemed to have occurred hereunder if such party shall breach or fail to perform, observe or meet any covenant or condition made in this Agreement and such breach or failure shall not be cured within 10 days after receipt of notice by the defaulting party from the non-defaulting party or, in the event such breach or failure cannot be cured within 10 days, if the defaulting party shall not have commenced, within said period, to cure such breach or default and be diligently pursuing such cure unto completion
- 9. Remedies. Upon any Event of Default by any party hereunder, the non-defaulting party may enforce the terms of this Agreement using all rights and remedies available to such party under law or in equity.
- 10. Costs of Legal Proceedings. In the event that a party hereunder institutes legal proceedings with respect to this Agreement, the prevailing party shall recover, in addition to any other relief to which it is entitled, its costs and expenses incurred in connection with such legal proceedings, including, without limitation, reasonable attorney's fees.
- 11. Good Faith. The undersigned shall act in good faith hereunder for the general mutual benefit of the owners of the Hager Properties, Tract A-1, and SDS LLC. Subject to the duty to act in good faith, no party or its employees or agents shall be liable for any damage, loss or prejudice suffered or claimed by any person on account of (i) the approval, conditional approval or disapproval of any plans or specifications for the Work, whether or not defective; (ii) the

sufficiency of engineering plans for the Work, (iii) the performance of the Work, or (iv) the selection of the contractor(s) to perform the Work.

- 12. General Cooperation. Notwithstanding any other provision of this Agreement to the contrary, the parties agree in good faith to execute such further or additional documents, and to take such other actions, as may be reasonably necessary or appropriate to fully carry out the intent and purpose of the parties as set forth in this Agreement.
- 13. Negation of Partnership. None of the terms or provisions of this Agreement shall be deemed to create a partnership between or among the parties in their respective businesses or otherwise, nor shall it cause them to be considered joint venturers or members of any joint enterprise.
- No Oral Amendment or Modifications. No amendments, waivers or modifications hereof shall be made or deemed to have been made unless in writing executed by the party to be bound thereby.
- 15. Governing Law. This Agreement and the rights of the parties hereunder shall be governed by and interpreted in accordance with the laws of the State of New Mexico.
- 16. No Waiver. No waiver of a breach of any of the covenants contained in this Agreement shall be construed to be a waiver of any succeeding breach of the same or any other covenants.
- 17. Negotiated Provisions. This Agreement shall not be construed more strictly against one party than against the other merely by virtue of the fact that it may have been prepared by counsel for one of the parties, it being recognized that the owners of the Hager Properties, Tract A-1, and SDS LLC have contributed substantially and materially to the preparation of this Agreement.
- 18. Severability. If any provision of this Agreement, or the application of such provisions to any person or circumstances, shall be held invalid, the remainder of this Agreement, or the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.
- 19. Binding on Successors. This Agreement is binding on the heirs, successors or assignees of the undersigned.
- 20. Recitals. The foregoing recitals are incorporated herein by reference.
- 21. Captions. The captions and section headings of this Agreement are not necessarily descriptive, or intended or represented to be descriptive, of all the provisions thereunder, and in no manner shall such captions and section headings be deemed or interpreted to limit the provisions of this Agreement.
- 22. Numbers and Genders. Whenever used herein, unless the context shall otherwise provide, the singular number shall include the plural, the plural shall include the singular, the use

of any gender shall include all genders, and the use of the words "include" and "including" shall be construed as if the phrases "without limitation" or "but not [be] limited to" were annexed thereafter.

- 23. Entire Agreement. This Agreement constitutes the entire agreement between the owners of the Hager Properties, the owner of Tract A-1, and SDS LLC as to the matters contained herein.
- 24. Time of the Essence. Time is of the essence with respect to performance required under this Agreement.
- 25. Utility Easement for SDS LLC. The parties agree that SDS LLC may place, repair and maintain utilities serving Suerte del Sur within the Hager Road easement. Prior to placing, repairing or maintaining any such utilities, SDS LLC agrees to provide notice, including specifications, to (A) each of the undersigned or (B) the Hager Road Association. Within one month after placing, repairing or maintaining any such utilities, SDS LLC agrees to restore, at its costs, any portion of Hager Road, the Hager Road easement, or adjacent lands affected by the placement, repair or maintenance of such utilities.
- 26. Commencement of Obligations. Notwithstanding anything herein to the contrary, any and all duties or obligations between the parties stated in Paragraphs 1 through 25 shall commence upon expiration of the appeal period for final plat approval allowing any number of dwelling units anywhere within Suerte del Sur.
- 27. Support for SDS LLC's Affordable Housing Plan. The owners of the Hager Properties agree to support the onsite affordable housing plan presented by SDS LLC to Santa Fe County in connection with Phases 1 and 2. As used in this Paragraph 27, "support" includes (i) face-to-face meetings with two or three Santa Fe County Commissioners or (ii) providing testimony at Santa Fe County Commission public hearing by representative owners of the Hager Properties.

IN WITNESS	WHEREOF, the	undersigned has executed the	his Agreement effective this	_
day of	_March, 2007.	•		

THE ARCHDIOCESE OF SANTA FE CATHOLIC FOUNDATION, a New Mexico nonprofit foundation, Owner, Tracts 1, 6, 7 of the Hager Properties and Tract A-1.

Title

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

This instrument was acknowledged before me this 21th APRIL A of the Archdiocese of Santa Fe Catholic

Foundation, a New Mexico nonprofit foundation.

Notary Public

My commission expires:

OFFICIAL SEAL Sandra L. Perez

NOTARY PUBLIC STATE OF NEW MEXIC

SUERTE DEL SUR LLC,
a New Mexico limited liability company
By Suerte Development, Inc., its manager

By

Title Una financia

STATE OF NEW MEXICO

COUNTY OF SANTA FE

This instrument was acknowledged before me this 10 May of March, 2007 by Soven Vetus, Vice (1951 Oct of Suerte Development, Inc., a New Mexico corporation, Manager of Suerte del Sur LLC, a New Mexico limited liability company.

Notary Public

My commission expires:

THE ARCHDIOCESE OF SANTA FE CATHOLIC FOUNDATION, A New Mexico nonprofit foundation,

By Mackey Its Ral After Com Mitter Claim

STATE OF NEW MEXICO

COUNTY OF SANTA FE

This instrument was acknowledged before me this 3\ day of marc. 2006 by of the Archdiocese of Santa Fe

Catholic Foundation, a New Mexico nonprofit foundation.

Notary Public

My commission expires:

LAS LOMITAS, LLC, a New Mexico limited liability company				
By , Its Manager				
	r			
e •				
	V		*	
		, m. 160		
STATE OF NEW MEXICO				
COUNTY OF SANTA FE				
This instrument was acknowledged before in the community of the community	me this3	day of _ <u>M_</u>	سرے, 2006 by Imited liability	,
ompany.		9 g		
Notary Pu	ba O	linta		-
ly commission expires:				



SECTIFIED RELIGIOUS SECTIONS SERVICES

DZD, LLC, a New Mexico limited liability company,

Joe DeBetta, its Co-Manager

STATE OF NEW MEXICO

COUNTY OF SANTA FE

This instrument was acknowledged before me this A day of 600, 2006 by Richard J. Driscoll and Joseph C. DeBella, Co-Managers of Las Lomitas, LLC, a New Mexico limited liability company.

Notary Public

My commission expires:

JUNTY OF SANTA FE TATE OF NEW MEXICO DECLARATION COVENANTS PAGES: 8

Hereby Certify That This Instrument Was Filed for scord On The 31ST Day Of March, A.D., 2005 at 14:49 at Was Duly Recorded as Instrument # 1426885. The Records Of Santa Fe County

) 55

Witness My Hand And Seal Of Office
Valerie Espinoza

puty A. MacColfos County Clerk, Santa Fe, NM





岛东西农乡上的文家在中国中国生物的工作的 经营产品 医阴道

SANTA RITA RANCH ESTATES, LLC, a New Mexico limited liability company,

its Manager

STATE OF NEW MEXICO

COUNTY OF SANTA FE

This instrument was acknowledged before me this 21 day of many 2006 by Manager of Santa Rita Ranch Estates, LLC, a New Mexico limited liability company.

Notary Public

My commission expires: 211010'8



Exhibit A SDS PROPERTY LEGAL DESCRIPTION

PARCEL 1

All of Lot Two (2), Plat Book 474, page 038 as shown on Plat of Survey entitled "BOUNDARY SURVEY PREPARED FOR SUERTE DEL SUR LLC COVERING LOTS 2 & 3, PLAT BOOK 468, PAGE 028, AND LOT 2, PLAT BOOK 474, PAGE 038, WITHIN SECTION 19, T17N, R9E, AND SECTION 24, T17N R8E, AND TRACTS 1A & 1B, PLAT BOOK 436, PAGE 028 WITHIN SECTION 24, T17N, R8E, AND THE NW ¼ OF THE NE ¼, THE SW ¼ OF THE NE ¼, THE NW ¼ OF THE SE ¼, THE E ½ OF THE NW ¼ OF SECTION 24, T17N, R8E AND PORTIONS OF THE N ½ OF THE SW ¼, AND THE W ½ OF THE NW ¼ OF SECTION 24, T17N, R8E, N.M.P.M., COUNTY OF SANTA FE COUNTY, NEW MEXICO" filed for record as Document Number 1231715, appearing in Plat Book 539 at page 008, records of Santa Fe County, New Mexico.

Together with rights of ingress and egress as shown and/or provided for on the following Plats of Survey, in Plat Book 386, page 007-011, Plat Book 415, page 005-007, Plat Book 359, page 21-23, Plat Book 307, page 007-009, records of Santa Fe County, New Mexico.

PARCEL 2

All of Tracts One A and One B (1A and 1B) Plat Book 436, page 28 as shown on Plat of Survey entitled "BOUNDARY SURVEY PREPARED FOR SUERTE DEL SUR LLC COVERING LOTS 2 & 3, PLAT BOOK 468, PAGE 028, AND LOT 2, PLAT BOOK 474, PAGE 038, WITHIN SECTION 19, T17N, R9E, AND SECTION 24, T17N, R8E, AND TRACTS 1A AND 1B, PLAT BOOK 436, PAGE 028 WITHIN SECTION 24, T17N, R8E, AND THE NW ¼ OF THE NE ¼, THE SW ¼ OF THE NE ¼, THE NW ¼ OF THE SE ¼, THE E ½ OF THE NW ¼ OF SECTION 24, T17N, R8E AND PORTIONS OF THE N ½ OF THE SW ¼, AND THE W ½ OF THE NW ¼ OF SECTION 24, T17N, R8E, N.M.P.M., COUNTY OF SANTA FE COUNTY, NEW MEXICO" filed for record as Document Number 1231715, appearing in Plat Book 539 at page 008, records of Santa Fe County, New Mexico.

PARCEL 3

THE NW ¼ OF THE NE ¼, THE SW ¼ OF THE NE ¼, THE NW ¼ OF THE SE ¼, THE E ½ OF THE NW ¼ OF SECTION 24, T17N, R8E AND PORTIONS OF THE N ½ OF THE SW ¼, AND THE W ½ OF THE NW ¼ OF SECTION 24, T17N, R8E, Plat Book 426, page 12 as shown on Plat of Survey

entitled "BOUNDARY SURVEY PREPARED FOR SUERTE DEL SUR LICC COVERING LOTS 2 & 3, PLAT BOOK 468, PAGE 028, AND LOT 2, PLAT BOOK 474, PAGE 038, WITHIN SECTION 19, T17N, R9E, AND SECTION 24, T17N, R8E, AND TRACTS 1A & 1B, PLAT BOOK 436, PAGE 028 WITHIN SECTION 24, T17N, R8E, AND THE NW ¼ OF THE NE ¼, THE SW ¼ OF THE NE ¼, THE NW ¼ OF THE SE ¼, THE E ½ OF THE NW ¼ OF SECTION 24, T17N, R8E AND PORTIONS OF THE N ½ OF THE SW ¼, AND THE W ½ OF THE NW ¼ OF SECTION 24, T17N, R8E, N.M.P.M., COUNTY OF SANTA FE COUNTY, NEW MEXICO" filed for record as Document Number 1231715, appearing in Plat Book 539 at page 008, records of Santa Fe County, New Mexico.

Santa Fe Engineering Consultants, LLC

Civil and Traffic Engineering Construction Management Land Development

1599 St Francis Drive, Suite B Santa Fe, N. M. 87505 (505) 982-2845 Fax (505) 982-2641

May 24, 2017

Mr. John Lovato
Senior Development Review Specialist
Growth Management Department
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87501

RE: HAGER ROAD VARIANCE REQUEST

We have reviewed the access situation for Hager Road. According to the project planner, the current situation is as follows:

"The Hager lands originally consisted of seven 43-acre lots. Lot 2 and Lot 4 were subsequently subdivided into four lots each, known as Las Lomitas and Terra Bella respectively. There are now 13 lots of record that will be accessed by the proposed roadway, which will terminate in a cul-de-sac at the north boundary of Las Lomitas. Furthermore, as you know, the approval of the 12-lot Ponderado Subdivision (Hager Lot 3) has expired. Prior to resubmitting this application, the access to the Hager land needs to be resolved in a manner that is financially feasible. In the near term, once Ponderado is re-approved, Hager Road would serve 25 lots, which is consistent with Local Road standards. Depending on what density the remaining Hager parcels develop, it may be necessary for future develop pers to upgrade Hager Road to Collector standards."

According to Institute of Transportation Engineers (ITE) descriptions, the existing land use is 210- single-family detached housing. According to the ITE, the projected traffic generated by this land use is presented in Table 1. The calculations are attached.

TABLE 1 TRIP GENERATION CALCULATIONS FOR SINGLE-FAMILY DETACHED HOUSING (ITE CODE 210)								
	13 DWELLING UNITS (TOTAL EXISTING LOTS)	25 DWELLING UNITS (TOTAL EXISTING LOTS WITH PONDERADO SUBDIVISION)						
7-9 A.M. Peak Hour Enter	5	7						
7-9 A.M. Peak Hour Exit	14	20						
7-9 A.M. Peak Hour Total	19	27						
4-6 P.M. Peak Hour Enter	11	19						
4-6 P.M. Peak Hour Exit	6	11						
4-6 P.M. Peak Hour Total	17	30						
Total Driveway Traffic	36	57						

The peak hour including the Ponderado Subdivision is in the P.M. There are 19 vehicles entering and 11 vehicles exiting, for a total of 57 vehicles. The percentage of the ADT during the peak hour is called the K factor. The K factor is approximately 10% to 12% of the average daily traffic (ADT). The projected ADT on Hager Road is conservatively calculated to be 300 ADT.

According to the Santa Fe County Sustainable Land Development Code (SLDC), this site is in SDA-2. Based upon Table 7-13 "Rural Road Classification and Design Standards (SDA-2 and SDA-3)," a Local Road has an ADT of 0-400 vehicles. The proposed roadway would be classified as a Local Road. According to the SLDC, a Local Road consists of a minimum of 50 feet of right-of-way with two - 10 foot wide driving lanes. It should be designed to meet a design speed of 30-50 MPH, with a maximum grade of 9%. The surfacing consists of six (6) inches of basecourse.

The proposed roadway section would consist of a 66 feet of right-of-way with two (2) 10-foot wide driving lanes. Attached is a typical section of the proposed roadway.

A road variance is requested because the proposed roadway will be a local roadway and will not function as a Minor Arterial, unless there is substantial development and additional road connections. The ADT for a Minor Arterial is 2000-4999 vehicles.

If you have any questions, or desire additional information, please do not hesitate to contact me at 505-982-2845.

Sincerely,

Michael D. Gomez, P.E., P.T.O.E.

Santa Fe Engineering Consultants, LLC.

PERIOD SETTING

Analysis Name:

AM PEAK

Project Name:

HAGER ROAD TOTAL

5/23/2017

No:

Date:

City:

SANTA FE

Country:

NM

Zip/Postal Code:

USA

Client Name:

Analyst's Name:

State/Province:

VSC

Edition:

ITE-TGM 9th Edition

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
210 - Single-Family Detached Housing	Dwelling Units	25		Best Fit (LIN) T = 0.7 (X)+9.74	7 26%	20 74%	27

TRAFFIC REDUCTIONS

Land Use	Entry Redu	ction	Adjusted Entry	Exit Reduction		Adjusted Exit
210 - Single-Family Detached Housing	0	%	7	0	%	20

EXTERNAL TRIPS

Land Use	External Trips	Pass-by%		Pass-by Trips	Non-pass-by Trips
210 - Single-Family Detached Housing	27	0	%	0	27

ITE DEVIATION DETAILS

Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.

Landuse

No deviations from ITE.

Methods

No deviations from ITE.

External Trips

210 - Single-Family Detached Housing

ITE does not recommend a particular pass-by% for this case.

SUMMARY

Total Entering	7
Total Exiting	20
Total Entering Reduction	0
Total Exiting Reduction	0
Total Entering Internal Capture Reduction	0
Total Exiting Internal Capture Reduction	0
Total Entering Pass-by Reduction	0
Total Exiting Pass-by Reduction	0
Total Entering Non-Pass-by Trips	7
Total Exiting Non-Pass-by Trips	20

PERIOD SETTING

Analysis Name:

PM PEAK

Project Name:

HAGER ROAD TOTAL

Date:

5/23/2017

No:

State/Province:

City:

SANTA FE

NM

Zip/Postal Code:

Country:

USA

Client Name:

Analyst's Name:

VSC

Edition:

ITE-TGM 9th Edition

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
210 - Single-Family Detached Housing	Dwelling Units	25	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LOG) Ln(T) = 0.9Ln(X) +0.51	19 63%	11 37%	30

TRAFFIC REDUCTIONS

Land Use	Entry Reduction	Adjusted Entry	Exit Reduction	Adjusted Exit	
210 - Single-Family Detached Housing	0 %	19	0 %	11	

EXTERNAL TRIPS

Land Use	External Trips	Pass-by%	Pass-by Trips	Non-pass-by Trips
210 - Single-Family Detached Housing	30	0 %	0	30

ITE DEVIATION DETAILS

Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.

Landuse

No deviations from ITE.

Methods

No deviations from ITE.

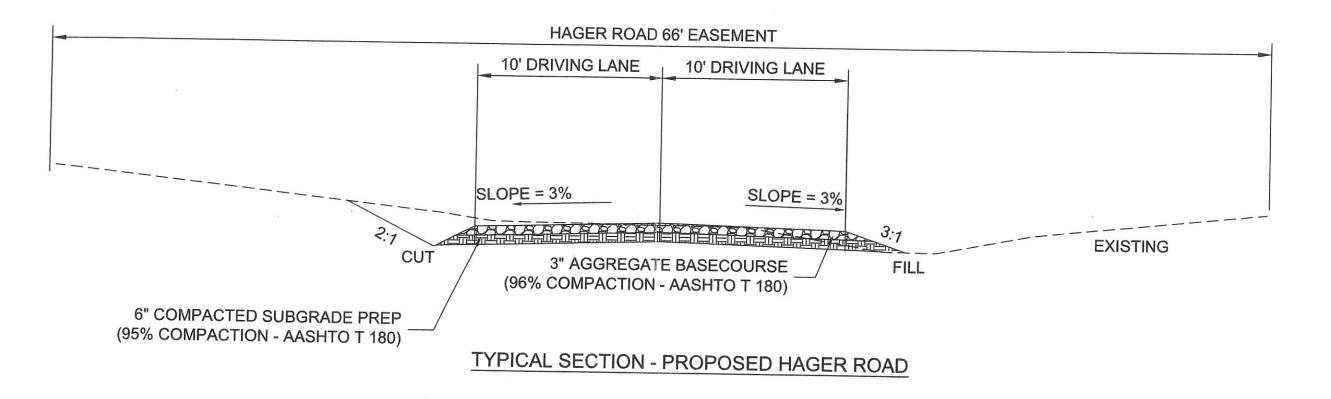
External Trips

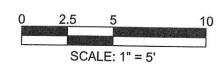
210 - Single-Family Detached Housing

ITE does not recommend a particular pass-by% for this case.

SUMMARY

Total Entering	19
Total Exiting	44
Total Entering Reduction	11
Total Exiting Reduction	0
Total Entering Internal Capture Reduction	0
Total Exiting Internal Capture Reduction	0
Total Entering Pass-by Reduction	0
Total Exiting Pass-by Reduction	0
Total Entering Non-Pass-by Trips	19
Total Exiting Non-Pass-by Trips	11



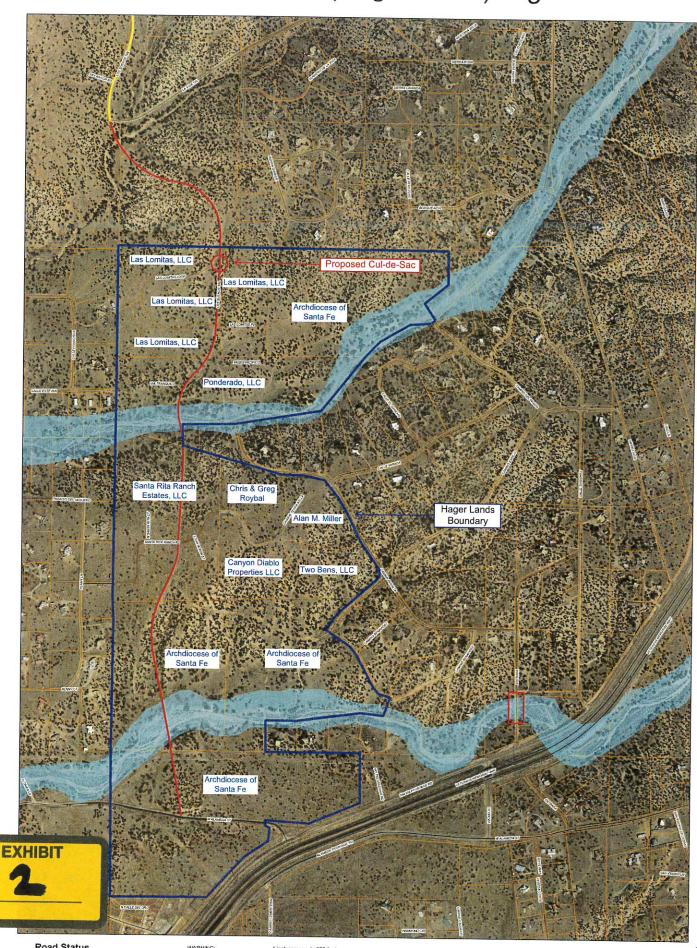


LOCAL ROAD CROSS SECTION

Santa Fe Engineering
Consultants, LLC

1599 St. Francis Drive, Suite B Santa Fe, N. M. 87505 (505) 982-2845 Fax (505) 982-2641 http://www.SFENGR.com

Los Suenos Trail (Hager Road) Alignment



Road Status

Existing
Planned

WARNING:
Two (2) foot contour data sets are
NOT SUITABLE FOR ENGINEERING WORK.
These data are appropriate for
PLANNING PURPOSES ONLY.

1 inch represents 300 feet 0 130 260 520

August 21, 2015

hophoto from 2015 Contour Interval 2

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



Table 7-13: Rural Road Classification and Design Standards (SDA-2 and SDA-3).

	Avg. daily traffic	# of driving lanes	Lane width (ft)	Non- vehicular side paths	Bike lanes	Minimum ROW (ft)	Design Speeds (mph)	Max % Grade	Min. agg. base course	Min. bit. pavement	Max % Super-
Major arterial or highway	5000	2-4	12	n/a	Two 5 ft. on-road	150	Level: 70 Rolling: 70 Mount.: 50- 60	5%	6"	6"	8%
Minor arterial	2000 to 4999	2 - 4	12	n/a	Two 5 ft. on-road	120	Level: 60-75 Rolling: 50- 60 Mount.: 40-50	5%	6"	5"	8%
Collector	401- 1999	2	11	n/a	n/a	80	Level: 40-60 Rolling: 20- 50 Mount.: 20-40	8%	6"	4"	8%
Local	0-400	2	10	n/a	n/a	50	Level: 30-50 Rolling: 20- 40 Mount.: 20-30	9%	3"	n/a	8%
Cul-de-Sac	0 to 300	2	10	n/a	n/a	38	Level: 30-50 Rolling: 20- 40 Mount.: 20-30	9%	63"	n/a	n/a
Residential Driveway	n/a	1	14	n/a	n/a	20	n/a	10 %	n/a	n/a	n/a

7.11.3. General Requirements. Adequate roads shall be provided such that the arrangement, character, extent, width and grade of each shall conform to this Section.

7.11.3.1. Connectivity. The arrangement of roads in any development shall provide for the continuation or appropriate projection of existing or proposed highway or arterial roads in surrounding areas according to the Official Map, and shall provide reasonable means of ingress and egress to surrounding property. Roads within subdivisions shall not be gated unless the road is a dead end road serving no more than five (5) lots.

7.11.3.2. Road Names. Road names or numbers shall not duplicate or be similar to the names or numbers of existing roads; if the proposed road is an extension of an existing road, then the proposed road shall have the name of the existing road. All road names and numbers shall be assigned by the Santa Fe County Rural Addressing Division.

7.11.3.3. Service Life. Pavement shall be designed for a 20-year service life, and the design of pavement structures shall conform to the New Mexico Standard Specifications for Road and Bridge Construction. Pavement design documentation shall be prepared and signed by, or shall be under the supervision of, a professional engineer.

7.11.3.4. Rules of Interpretation. If and where Section 7.11 fails to adequately address



SLDC

- **c.** the proposal conforms to the SLDC and is consistent with the goals, policies and strategies of the SGMP.
- 2. Minor Amendments Causing Detrimental Impact. If the Administrator determines that there may be any detrimental impact on adjacent property caused by the minor amendment's change in the appearance or use of the property or other contributing factor, the owner/applicant shall be required to file a major amendment.
- 3. Major Amendments. Any proposed amendment, other than minor amendments provided for in Section 4.9.6.9.1, shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original CUP development approval.
- **4.9.6.10.** Expiration of CUP. Substantial construction or operation of the building, structure or use authorized by the CUP must commence within twenty-four (24) months of the development order granting the CUP or the CUP shall expire; provided, however, that the deadline may be extended by the Planning Commission for up to twelve (12) additional months. No further extension shall be granted under any circumstances, and any changes in the requirements of the SLDC, or federal or state law shall apply to any new CUP development approval application.

4.9.7. Variances.

- **4.9.7.1. Purpose.** The purpose of this Section is to provide a mechanism in the form of a variance that grants a landowner relief from certain standards in this code where, due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner. The granting of an area variance shall allow a deviation from the dimensional requirements and standards of the Code, but in no way shall it authorize a use of land that is otherwise prohibited in the relevant zoning district.
- **4.9.7.2. Process.** All applications for variances will be processed in accordance with this chapter of the Code. A letter addressing Section 4.9.7.4. review criteria must accompany the application explaining the need for a variance.
- **4.9.7.3. Applicability.** When consistent with the review criteria listed below, the planning commission may grant a zoning variance from any provision of the SLDC except that the planning commission shall not grant a variance that authorizes a use of land that is otherwise prohibited in the relevant zoning district.
- **4.9.7.4. Review criteria.** A variance may be granted only by a majority of all the members of the Planning Commission (or the Board, on appeal from the Planning Commission) based upon the following criteria:
 - 1. where the request is not contrary to the public interest;
 - 2. where due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner; and
 - 3. so that the spirit of the SLDC is observed and substantial justice is done.



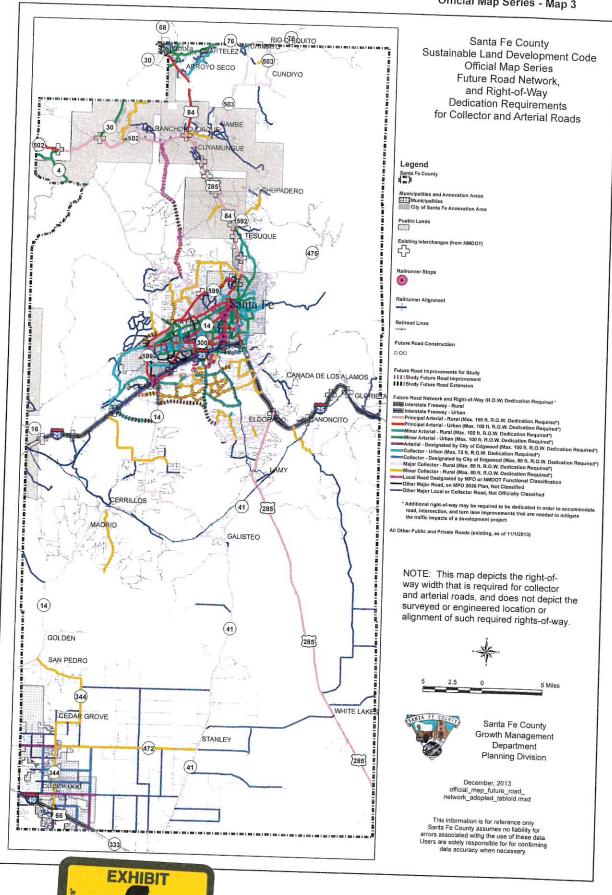
SLDC

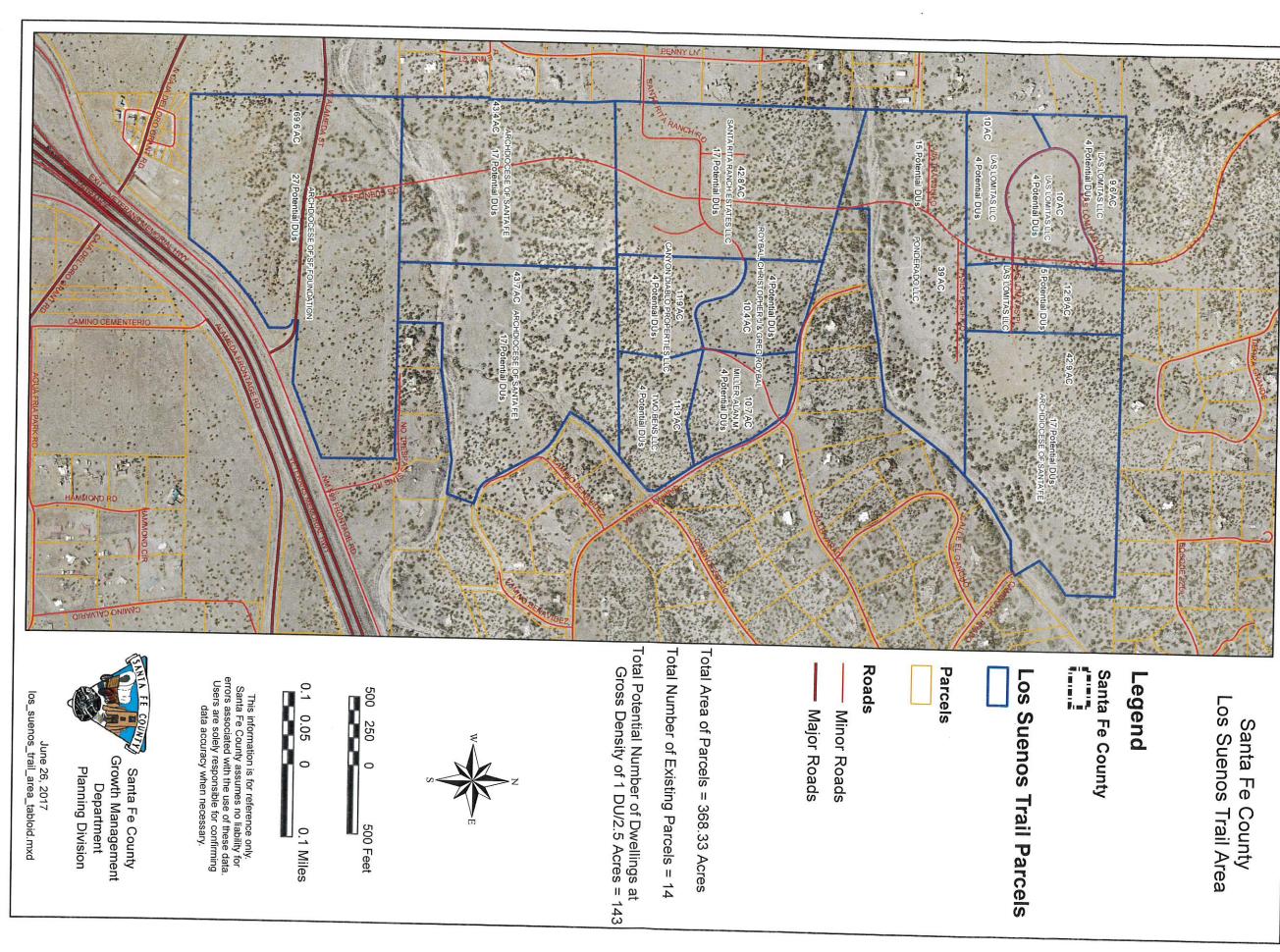
4.9.7.5. Conditions of approval.

- 1. The Planning Commission may impose conditions on a variance request necessary to accomplish the purposes and intent of the SLDC and the SGMP and to prevent or minimize adverse impacts on the general health, safety and welfare of property owners and area residents.
- 2. All approved variances run with the land, unless conditions of approval imposed by the Planning Commission specify otherwise.
- 3. All approved variances automatically expire within one year of the date of approval, unless the applicant files a plat implementing the variance or substantial construction of the building or structure authorized by the variance occurs within that time.
- Administrative minor deviations. 4.9.7.6. The Administrator is authorized to administratively approve minor deviations upon a finding that the deviation is required, that the result is consistent with the intent and purpose of this SLDC, and that the deviation is not detrimental to adjacent or surrounding properties as follows:
- 1. minor deviations from the dimensional requirements of Chapters 7, 8 and 9 of the SLDC not to exceed ten percent (10%) of the required dimension; and
- 2. minor deviations from the density dimensional standards of Chapter 8 of the SLDC not to exceed five tenths of a percent (0.5%) of the gross acreage allowed in the zoning district.

4.9.8. Beneficial Use and Value Determination (BUD).

- 4.9.8.1. Purpose. The intent of the SLDC is to provide, through this Section, a process to resolve any claims that the application of the SLDC constitutes an unconstitutional regulatory taking of property. This Section is not intended to provide relief related to regulations or actions promulgated or undertaken by agencies other than the County. The provisions of this Section are not intended to, and do not, create a judicial cause of action.
- 4.9.8.2. Application. In order to evaluate whether, and if so, the extent to which, application of the SLDC unconstitutionally creates a regulatory taking without just compensation, or other constitutional deprivation, an applicant, once denied development approval or granted conditional development approval, or as otherwise provided in Section 7.16.3.1, may apply to the Administrator for a beneficial use and value determination, the application for which shall describe:
 - 1. the extent of diminution of use and value with respect to the entirety of the owner's, or lessee's real property interests in common ownership;
 - 2. the distinct and reasonable investment backed expectations of the owner, lessee, or predecessors in interest, in common ownership;
 - 3. the availability of cluster development, phased development, tax incentives, or transfers of development rights;
 - 4. any variance or relief necessary or available to relieve any unconstitutional hardship or regulatory taking created;





LEGAL #82885

CASE # V 17-5170 Hager Road/Los Suenos Trail Extension Variance

NOTICE OF PUBLIC HEARING

HEARING

Notice is hereby given that a public hearing will be held to consider a request by Los Suenos Trail Extension, Inc. and The Catholic Foundation, Applicant for a variance of the Sustainable Land Development Code Chapter 7.11 Road Design Standards, Table 7-13 Rural Road Classification and Design Standards, Table 7-13 Rural Road Classification and Design Standards (SDA-2 and SDA-3), from Collector road standards to Local road standards for the construction of the Hager Road/Los Suenos Trail Extension. The 14 lots are located within the Hager Lands via West Alameda St. within Sections 30 & 31, 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 27th day of July 2017, at 3:00 p.m. on a petition to the Santa Fe County Hearing Officer and on the 21st day of September 2017, at 4:00 p.m. on a petition to the Santa Fe County Planning Commission. public hearing

Please forward all comments and ques-tions to the County Land Use Administra-tion Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Hearing Officer/Planning 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 San-ta Fe New Mexican on July 12, 2017.



Henry P. Roybal Commissioner, District 1

Anna Hansen Commissioner, District 2

Robert A. Anaya Commissioner, District 3



Anna T. Hamilton Commissioner, District 4

Ed Moreno Commissioner, District 5

> Katherine Miller County Manager

Santa Fe County Fire Department Fire Prevention Division

	Official Development Re	eview	
Date	07/19/2017		
Project Name	Los Sueños Trail Extension		
Project Location	Los Sueños Trail and Hager Road		
Description	Variance from Minor Arterial to Local Road Standards	Case Manager	John M Salazar
Applicant Name	Los Sueños Trail Extension Inc. / The Catholic Foundation	County Case #	17-5170
Applicant Address	1226 Edgewood Rd,	Fire District	Agua Fria
Applicant Phone	Redwood City CA. 94062 505-820-7444 – Agent Jenkins/Gavin		- 944 1 114
Review Type:	Commercial	Lot Line A Wildland ☐	djustment
Project Status:	Approved ☐ Approved with Conditions ⊠	Denial 🗌	Incomplete

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

Conditions of Approval

Shall comply with Article 9 - 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

Roadways

Roads shall meet the minimum County standards for fire apparatus access roads of a minimum 20' feet wide. Roads, turnouts and turnarounds shall be County approved all-weather driving surface and an unobstructed vertical clearance of 13' 6" within this type of proposed development.

35 Camino Justicia



Santa Fe, New Mexico 87508

www.santafecountyfire.org

Reviewer Name:

Dominic Otero

Fire Protection Specialist I

07/19/2017 *Date*

Approved by:

Jaome Blay Fire Marshal

PUESTA del SOL PROPERTY OWNERS ASSOCIATION

44 Entrada Santa Fe NM 87507

July 7, 2017

Penny Ellis-Green, Director Growth Management Development Santa Fe County 102 Grant Avenue Santa Fe, NM 87501

Re: Hager Road/Los Suenos Trail Extension Variance Application

Dear Ms. Ellis-Green:

This letter is from the Puesta del Sol Property Owners Association written in support of the Hager Road/Los Suenos Trail Extension Variance Application.

Puesta del Sol has long been an advocate for the construction of Hager Road, which had been on the county maps for many many years. Our neighborhood believes in maintaining the integrity, viability and lifestyle of our rural communities — the reason many of us purchased our land and homes here. We believe that the proposed variance for Hager Road will help confine access from Hager Lands to the roads in Puesta del Sol (specifically Camino Peralta & Camino Entrada). Another benefit of Hager Road is it will allow more direct access for emergency and fire vehicles into the Hager lands.

In addition, without Hager Road, the Ponderado subdivision (Hager Lot 3), as well as the Archdiocese lands will have no feasible road access.

If you have any questions, please feel free to contact me.

Sincerely

Susan McMurray, President

Puesta del Sol Board

505.577.7010

srmcmurray@gmail.com

