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

MEMORANDUM

DATE:

October 29, 2018

TO:

Board of County Commissioners

FROM:

Michael Kelley, Public Works Department Director WL 103018

VIA:

Katherine Miller, County Manager

ITEM AND ISSUE: BCC Meeting November 13, 2018

Acceptance of Grant of Easement, Equipment, and Appurtenances (Public Works/John

Dupuis)

SUMMARY:

This Acceptance of Grant of Easement, Equipment, and Appurtenances will allow the Utilities Department to incorporate the Santa Fe Metro Center private water system into the County water distribution system.

BACKGROUND:

Paul E. Parker and Mary Jo Parker signed on 4-11-2013, and recorded with the Santa Fe County Clerk on 4-12-2013, a document recorded as Instrument No. 1702223 which offered a Grant of Easement, Equipment and Appurtenances associated with Santa Fe Metro Center private water system. Santa Fe County Utilities (SFCU) has inspected the equipment, and appurtenances, including approximately 1,700 feet of 8 inch diameter PVC water pipe, four fire hydrants, as well as the valves and fittings associated with the Santa Fe Metro Center private water system and found them to be acceptable and in accordance with SFCU standards and specifications. SFCU is not accepting at this time the Santa Fe Metro Center private sewer system that was offered in Instrument No. 1702223.

The document that will be recorded to acknowledge the acceptance of the offer made in Instrument No. 1702223 is attached for the Board of County Commissioner's approval.

ACTION REQUESTED:

Board of County Commission approval of Acceptance of Grant of Easement, Equipment, and Appurtenances.

Attachment: Acceptance of Grant of Easement, Equipment, and Appurtenances

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

ACCEPTANCE OF GRANT OF EASEMENT, EQUIPMENT AND APPURTENANCES

The Board of County Commissioners of Santa Fe County ("County") hereby ACCEPTS the GRANT OF EASEMENT, EQUIPMENT AND APPURTENANCES to the County executed by Paul E. and Mark Jo Parker and filed in the records of the County Clerk on April 12, 2013, as Instrument No. 1702223, for the purpose of incorporating the granted easement, equipment and appurtenances into the County water distribution system.

BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By: Anna Hansen, Chair	Date:
ATTEST:	
By: Geraldine Salazar Santa Fe County Clerk	Date:
Date:	OTOR: 10/25/2018
APPROVED AS TO FORM: By: R Bruce Frederick County Attorney	Date: 10/15/16

GRANT OF EASEMENT, EQUIPMENT AND APPURTENANCES

Paul E. Parker and Mary Jo Parker (hereinafter "Grantors"), P.O. Box 459, Los Alamos, New Mexico, 87544 (hereinafter "Grantor") do hereby grant and convey to the County of Santa Fe, New Mexico, a political subdivision of the State of New Mexico, its successors and assigns (hereinafter "Grantee") an easement of varying width from 50' to 82' within Tract 3A, Sec. 26 T16N, R8E, NMPM Santa Fe County, New Mexico, more specifically described as follows:

BEGINNING at a point from whence a 1.5" iron pipe marking the south ¼ corner of Sec. 26 T16N R8E bears S49°02'49"W, 324.58 feet distant feet to a point; thence S57°40'26"E, 1886.94 feet distant;

THENCE from said point of beginning N38°30'00"W, 307.52 feet distant;

THENCE along a curve to the left having a radius of 250.15, an arc length of 49.63 feet, together with a central angle of 11°22'00" and whose chord is N44°11'13"W, 49.55 feet distant to a point;

THENCE along a curve to the left having a radius of 249.80, an arc length of 13.79 feet, together with a central angle of 3°09'49" and whose chord is N51°27'07"W, 13.79 feet distant to a point;

THENCE along a curve to the right having a radius of 250.01, an arc length of 63.42 feet, together with a central angle of 14°32'02" and whose chord is N45°46'01"W, 63.25 feet distant to a point;

THENCE N38°30'00"W, 225.78 feet distant;

THENCE N51°34'27"E, 82.00 feet distant;

THENCE S38°30'00"E, 215.28 feet distant;

THENCE along a curve to the left having a radius of 35.00, an arc length of 55.49 feet, together with a central angle of 90°51'10" and whose chord is S83°55'35"E, 49.86 feet distant to a point;

THENCE N50°38'50"E, 867.39 feet distant;

THENCE along a curve to the left having a radius of 35.00, an arc length of 51.73 feet, together with a central angle of 84°41'48" and whose chord is N08°17'56"E, 47.15 feet distant to a point;

THENCE N34°02'58"W, 205.52 feet distant;

THENCE N51°21'13"E, 56.04 feet distant;

THENCE N51°42'04"E, 26.12 feet distant;

THENCE N89°36'06"W, 50 feet distant;

THENCE N00°23'54"E, 383.19 feet distant;

THENCE along a curve to the left having a radius of 455.00, an arc length of 378.04 feet, together with a central angle of 47°36'15" and whose chord is N23°24'14"W, 367.26 feet distant to a point;

THENCE N47°12'21"W, 184.90 feet distant;

THENCE N51°46'47"W, 100.32 feet distant;

THENCE N47°21'21"W, 30,00 feet distant;

THENCE N40°59'24"W, 103.27 feet distant;

THENCE along a curve to the right having a radius of 510.76, an arc length of 62.72 feet, together with a central angle of 7°02'10" and whose chord is N37°28'19"W, 62.68 feet distant to a point;

THENCE N34°07'51"W, 151.77 feet distant;

THENCE along a curve to the left having a radius of 35.00, an arc length of 58.22 feet, together with a central angle of 95°18'12" and whose chord is N81°42'04"W, 51.74 feet distant to a point;

THENCE S50°38'50"W, 890.06 feet distant;

THENCE along a curve to the left having a radius of 35.00, an arc length of 54.45 feet, together with a central angle of 89°08'49" and whose chord is S06°04'25"W, 49.12 feet distant to a point;

THENCE S38°30'00"E, 321.02 feet distant;

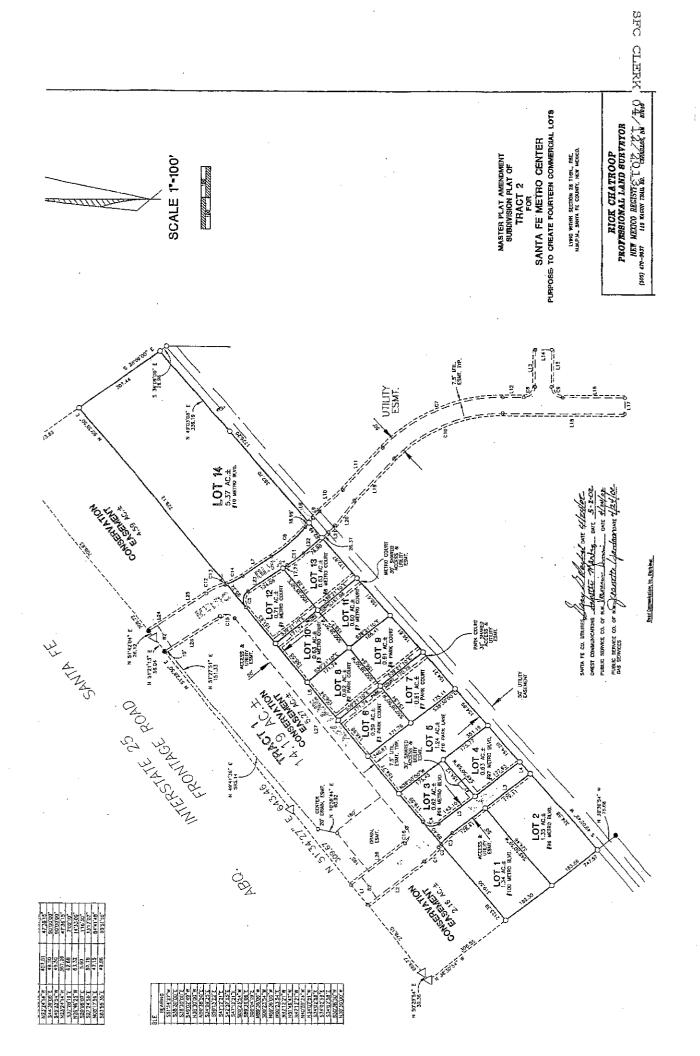
THENCE S49°02'49" W, 50.05 feet distant to the point and place of beginning as shown on Exhibit A attached hereto.

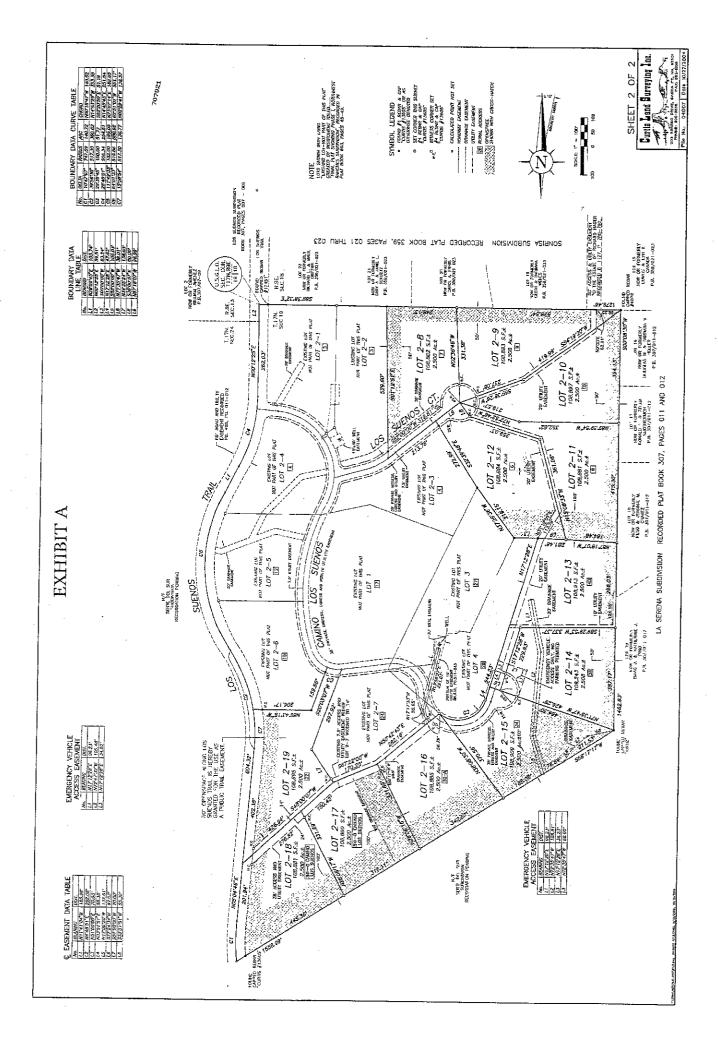
Subject to all easements of record.

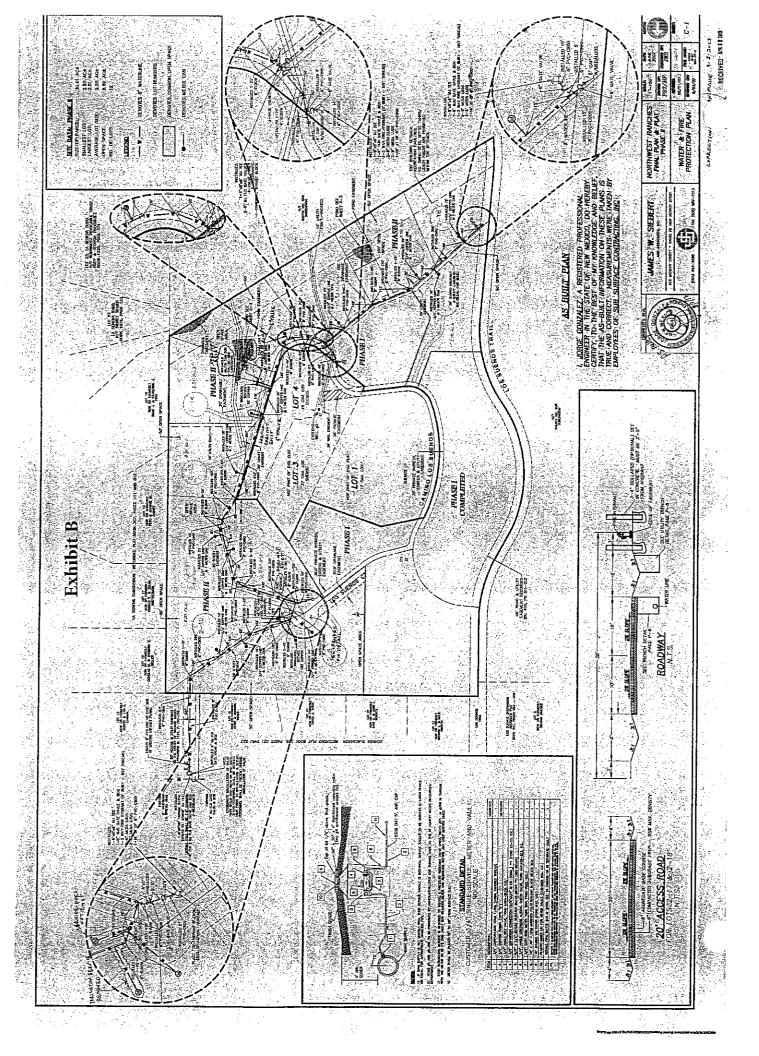
Furthermore, Grantors hereby grant and convey to Grantee, its successors and assigns the 8" waterline, 8" sewer line, fire hydrants, manholes, and all components and appurtenances with warranty covenants, located within the above described easement.

The easement herein is subject to the following terms and conditions:

 This easement shall be interpreted under the laws of the State of New Mexico.







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:

October 19, 2018

TO:

Board of County Commissioners

FROM:

Michael Kelley, Public Works Department Director N. 10/30/18

VIA:

Katherine Miller, County Manager

ITEM AND ISSUE: BCC Meeting November 13, 2018

Approval of Lot Line Adjustment Plat and Declaration of Water Restrictions and Conservation Covenants for County of Santa Fe, Pojoaque Valley Recreation Complex and James Langenbrunner Tracts. (Public Works / Colleen Baker)

SUMMARY:

The purpose of this lot line adjustment plat is to allow the County to construct a swale to direct offsite drainage around the softball field at the Pojoaque Valley Recreation Complex to protect the field from flooding and to construct a walking path around the perimeter of the property.

BACKGROUND:

The Pojoaque Valley Recreation Complex is a 11.05 acre community park located off Oweenge Road/County Road 84 in Pojoaque, NM. Santa Fe County purchased the Complex from the Pojoaque Valley School District in 2014. The Complex has two sports fields (one multi-purpose field and one softball field) with sports field lighting, a restroom/concessions building, utility building, storage building, and a parking area. The County has been working to renovate the facility and add more park amenities to serve the broader community.

The outfield fence of the softball field on the Pojoaque Valley Recreation Complex is up against the property line on the east side of the property. This limits the County's ability to prevent off site drainage east of the property from flowing onto the softball field. The neighboring property owner, James Langenbrunner, offered to trade the County a corner of his property for an equal amount of property behind the maintenance garage that is close to his house. The area behind the garage serves no purpose for the County. The additional space between the softball field outfield fence and the property line will allow the County to construct a swale to direct offsite drainage around the softball field and to construct a walking path around the perimeter of the property for the benefit of the community. The County hired a surveyor to prepare a lot line adjustment plat to accomplish the trade. The County Land Use Administrator has reviewed and approved the application for the lot line adjustment with the condition that both parties sign a Declaration of Water Restrictions and Conservation Covenants.

ACTION REQUESTED:

Approval of Lot Line Adjustment Plat and Declaration of Water Restrictions and Conservation Covenants for County of Santa Fe, Pojoaque Valley Recreation Complex and James Langenbrunner Tracts.

DECLARATION OF WATER RESTRICTIONS AND CONSERVATION COVENANTS FOR COUNTY OF SANTA FE, POJOAQUE VALLEY RECREATION COMPLEX AND JAMES LANGENBRUNNER TRACTS

(Section 7, T19N, R 9E)

THIS DECLARATION is made in Santa Fe, New Mexico, thisday of	20
by County of Santa Fe and James Langenbrunner hereinafter for convenience referr	ed to as the
"Owners".	
The state of the s	•
WITNESSED THAT:	
WHEREAS, County of Santa Fe and James Langenbrunner are the owners of rea	ıl property in
Santa Fe County, New Mexico, which property includes 2 lots containing a combined total of	13.04 acres.
more or less, according to the plat entitled "Lot Line Adjustment for the Pojoaque Valley	Recreation
Complex and James Langenbrunner".	
The state of the s	
WHEREAS, the Owners are required to provide for certain water conserving co	venants and
measures as required per the Santa Fe County Land Development Code, and	
WHEREAS, the Owners desire and intend that the owners, tenants, mortgagees, or	ecupants and
other persons hereinafter acquiring any interest in said property shall at all times enjoy the ber	nefits of, and
shall hold their interest subject to, the rights and restrictions hereinafter set forth, all of which	are declared
to be in furtherance of a plan for the proper and beneficial use of the property.	
NOW THE DEPOSIT	
NOW THEREFORE, the Owners declare, covenant, and agree as follows:	ř
	. 1
ARTICLET	•
Provide Cubinette (U. D. 1. d.)	
Property Subject to this Declaration	•
The real property which is and shall be held, transferred, sold, conveyed and occup	tant de la la late
Declaration is legally described Fract A-1 and Tract A-2 and containing a combined total of	led subject to this
or less, in Section 7 Fownship 19 North, Range 9 East, N.M.P.M., Santa Fe County, New Me	13.04 acres, more
the Plat of Survey for County of Santa Fe and James Langenbrunner by Brian K. McC	xico, according to
	er reception No.
, Plat Book , Page , in the records of Santa Fe County, New Me	n reception No.
, in the footies of panta to county, frew Ivic	ALCO (HIG FIRE),
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ARTICLE II

Water Restrictions and Conservation Covenants

The following water restriction and conservation covenants shall apply to the use and occupancy of all lots on the plat noted above.

General Requirements under the Sustainable Land Development Code, Santa Fe County Ordinance 2015-11 (SLDC) Chapter 7, Section 7.13.11

1 Annual water use for domestic purposes for any new single family residential dwellings shall not exceed 0.25 acre foot per year. This limitation shall not apply to use of water derived from a well permitted pursuant to NMSA 1978, Section 72-12-1 that is used for agriculture, so long as the use is

consistent with the terms of the permit. Similarly, this limitation shall not apply to persons owning water rights permitted by the Office of the State Engineer and to the use of water derived from such water rights for agricultural or other purposes. SLDC, Chapter 7, Section 7.13.11.1

2. Meters shall be installed on each dwelling unit for any development subject to the Sustainable Land Development Code, Santa Fe County Ordinance No. 2015-11(SLDC). All meters shall be Santa Fe County Approved. The meter shall be read by the property owner annually within the first two weeks of each calendar year. Meter readings shall be provided to the Administrator no later than April 30 of the same calendar year. SLDC, Chapter 7, Section 7.13.11.5.2

Outdoor/Indoor Conservation SLDC Chapter, 7, Section 7.13.11.2 and 7.13.11.3

- 1. Low water use landscaping techniques or xeriscaping shall be utilized for all development. Drip irrigation and landscape mulching shall be provided.
- 2. Only low water use grasses, shrubs and trees that are appropriate to the New Mexico climate shall be used. Sod or grass seed that contains Kentucky bluegrass is not permitted.
- 3. Lawns of non-native grasses shall not exceed 800 square feet and shall only be watered with harvested water or grey water.
- 4. Landscaping may be watered as needed during the first and second years of growth to become established; thereafter landscaping may be watered as is needed to maintain viability.
- 5. Watering or irrigation shall be provided through a timed drip irrigation system that ensures that landscaping is not watered between the hours of 11 a.m. and 7 p.m. between the months of May and November. Irrigation systems shall be equipped with a rain sensor so that the irrigation system does not operate when it is raining or has recently rained. Such approved systems include but are not limited to evapotranspiration-based controllers. This paragraph does not apply to gardens or agricultural uses.
- 6. Outdoor watering or irrigation is prohibited between 11 a.m. and 7 p.m. from May to September of each year, except for the following:
 - a. Plants being prepared for sale;
 - b. Manual watering by landscape maintenance and contracting personnel;
 - c. Water derived from rainwater catchment systems or a grey water re-use system; and
 - d. Water derived from an acequia or other agricultural irrigation.
 - 7. Vehicle washing is only allowed with the use of a shut-off hose nozzle.
 - 8. An outdoor irrigation system may not be operated if leaking.
- 9. Water leaks shall be repaired promptly and in no event more than ten (10) days from the beginning of the leak. Proof of repair shall be provided upon request.
- 10. Water saving fixtures shall be installed in all new construction, remodels and in all remodels and renovations when a fixture is being replaced.
 - a. All toilets and flush urinals shall be EPA WaterSense certified or equivalent standard.
 - b. All lavatory faucets shall be EPA WaterSense certified or equivalent standard.
 - c. All showerheads shall be EPA WaterSense certified or equivalent standard.
- 11. Water conserving appliances shall be installed in all new construction and in all remodels or renovations when an appliance is being replaced.
 - a. Residential dishwashers shall be EPA Energy Star certified or equivalent.
 - b. Residential clothes washers shall be EPA Energy Star certified or equivalent.
- 12. Water conserving fixtures shall be installed in strict accordance with the manufacturer's instructions to maintain their rated performance.
- 13. Hot water systems shall ensure that hot water is delivered within five seconds of a tap being opened. This requirement can be achieved through the use, either alone or in combination, of the following devices or designs: (i) an on demand circulation system; (ii) a centrally located water heater; (iii) a point-of-use water heater; (iv) short hot water pipe runs; (v) small diameter piping; (vi) "instant hot" hot water fixtures; or (vii) super insulation methods.
- 14. A certificate of compliance by a licensed mechanical contractor or plumber that new construction meets the requirements of the SLDC shall be provided.
 - 15. Evaporative coolers shall circulate bleed-off water.
- 16. Greywater recycling, if provided, shall reduce the annual amount of water needed for the use, by the amount of the anticipated greywater recycling.
- 17. All permanent swimming pools, and any temporary pools with a fill capacity over 3,000 gallons, shall be prohibited in accordance with Section 7.24 of the SLDC.

18. All swimming pools, hot tubs and spas must be covered to prevent evaporation when not in use. Swimming pools may only be emptied once per year.

ARTICLE III

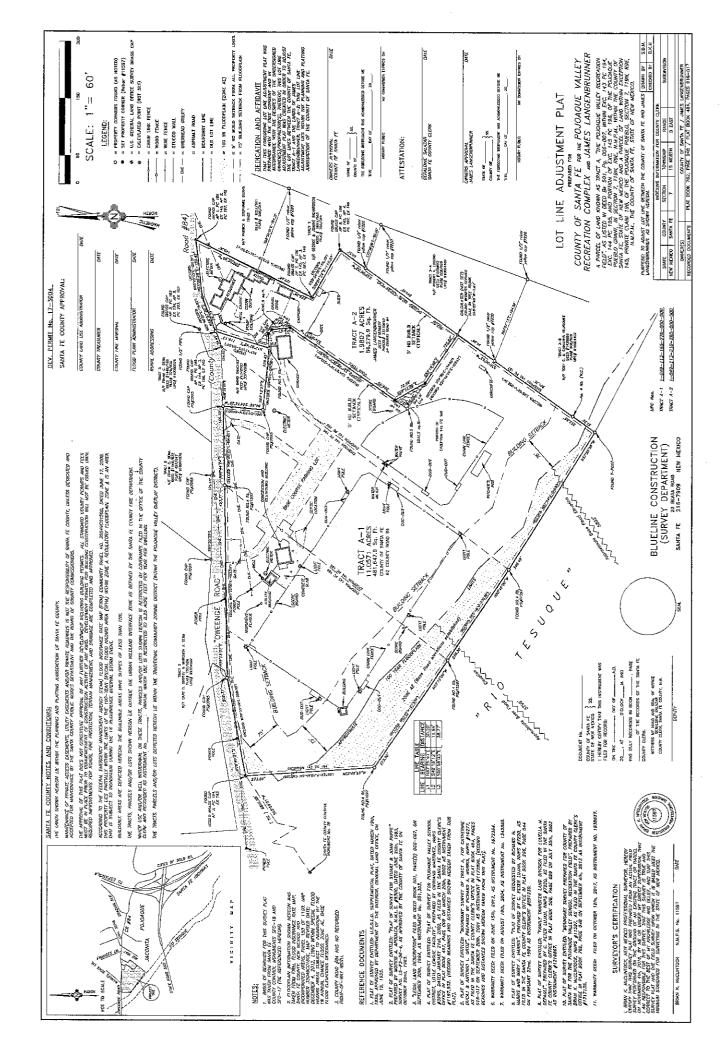
General Provisions

- 3.1 <u>Duration; Covenants Running with the Land.</u> The covenants of this Declaration shall run with and bind the land, shall inure to the benefit of and be enforceable by the owner of any land subject to this Declaration, their respective legal representatives, heirs, successors and assigns and the County Land Use Administrator.
- 3.2 Enforcement, SLDC Chapter 7, Section 7.13.11.5. Enforcement of these covenants and restrictions shall be by the County Land Use Administrator. Failure to submit meter readings will result in the same penalties as outlined in the SLDC Chapter 14. When water is used in excess of the amount allocated to the property, the first year a letter with educational/information materials on how to reduce water use will be sent to the water user and they will be required to submit water meter readings every six months to track their progress. All subsequent water usage violations will result in the same penalties as outlined in the SLDC Chapter 14.
- 3.3 Severability. The invalidity or unenforceability of any covenant, restriction, term or other provision hereof as determined by a court of competent jurisdiction shall not impair or adversely affect the validity or enforceability of any other covenant, restriction, term or provision hereof, which shall be and remain valid and enforceable to the fullest extent permitted by law.
- 3.4 <u>Miscellaneous</u>. This Declaration shall be governed by and interpreted under the laws of the State of New Mexico. This Declaration shall be binding upon each tract owner, his successors and assigns.

IN WITNESS WHEREOF, the Owners have caused this Declaration to be signed as of the date first above written.

James Langenbrunner	I	Date
Print Name		
STATE OF NEW MEXICO COUNTY OF SANTA FE)) ss.)	
On this day of by the person(s) whose name(, 20 s) appear above.	, the foregoing instrument was acknowledged before me
Notary Public		My commission expires:

Anna Hausan Chair	Date
Anna Hansen, Chair The Board of County Commissi	
·	
STATE OF NEW MEXICO	
COUNTY OF SANTA FE	ss.
On this day of by the person(s) whose name(s)	, 20, the foregoing instrument was acknowledged before me appear above.
	My commission expires:
Notary Public	
APPROVED BY THE SANTA	FE COUNTY LAND USE DEPARTMENT
Penny Ellis-Green	Date
Santa Fe County Land Use Adn	



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