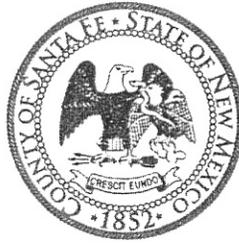


Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Rudy Garcia
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: 1/17/19

TO: Board of County Commissioners

VIA: Katherine Miller, County Manager

FROM: Michael K. Kelley, Public Works Department - Director MK 1/30/19

ITEM AND ISSUE: BCC Meeting February 12, 2019

Approval of a Partial Vacation of a Lot Line Adjustment Plat Related to the Construction of the Vista Aurora Sewer System in the Village of Agua Fria; (Public Works/Terry Lease)

SUMMARY:

The Public Works Department is requesting approval of a partial vacation of the September 13, 2011 lot line adjustment plat filed as instrument number 1708030, Book 758, page 043 in the property records of the Santa Fe County Clerk as to Lots 2-A, 3-A and 4-A1 ("2011 Subdivision Plat").

BACKGROUND:

The Vista Aurora Subdivision, which is located north of Rufina Street and east of Lopez Lane, has been experiencing sewer system problems for many years and the Santa Fe County Board of County Commissioners ("Board") authorized capital funding for the Vista Aurora Sewer System Project in the Village of Agua Fria ("Project"). The Project will install a new sewer line from the Vista Aurora Subdivision, south on Lopez Lane and then extend south-southwest and tie in to an existing sewer line on Calle Atajo in the Las Acequias Subdivision. The Project will also allow for property owners on Lopez Lane to tie in to the sewer system. The land owners of Lots 2-A, 3-A and 4-A1 have dedicated new sanitary sewer easements located along the eastern boundaries of their properties, adjacent to Lopez Lane, for the installation of the new sanitary sewer line.

The 2011 Subdivision Plat dedicated a 15-foot utility easement located along the western boundary of all three lots. With the dedication of the new easements located along the eastern boundaries of their properties, the 15-foot utility easements located along the western boundary of all three lots are no longer needed. Each of the landowners have executed a document entitled "Landowner Statement Declaring Partial Vacation of a Final Plat Pursuant to NMSA 1978, Sections 47-6-7" requesting the Board to approve the partial vacation.

ACTION REQUESTED:

Approval of three Landowner Statement Declaring Partial Vacation of a Final Plat Pursuant to NMSA 1978, Sections 47-6-7.

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

**IN RE PARTIAL VACATION OF
A LOT LINE ADJUSTMENT PLAT,
FILED AS INSTRUMENT NO. 1708030,
BOOK 758, PAGE 043, IN THE
PROPERTY RECORDS OF THE
SANTA FE COUNTY CLERK AS TO
LOT 2-A ONLY**

**LANDOWNER STATEMENT DECLARING
PARTIAL VACATION OF A FINAL PLAT PURSUANT
TO NMSA 1978, SECTION 47-6-7**

Pursuant to NMSA 1978, Section 47-6-7, the undersigned landowner(s) ("Landowner," whether singular or plural) makes the following statement declaring the final plat described below and in the caption above to be partially vacated ("Landowner Statement") as to Landowner's lot, as described below:

1. Lot 1, Lot 2, Lot 3, and Lot 4, lying within Small Holding Claim No. 425, Tract 2, Section 6, T.16N, R.9.E, were created by that certain Subdivision Plat prepared by Zia Surveys and filed as Instrument No. 1645043, Book 736, Page 019, on September 13, 2011 ("Original Subdivision Plat"). Landowner is not declaring any portion of the Original Subdivision Plat to be vacated.

2. The Original Subdivision Plat did not dedicate utility easements.

3. On June 6, 2013, a Lot Line Adjustment Plat prepared by Associated Surveys was filed as Instrument No. 1708030, Book 758, Page 043. The Lot Line Adjustment modified the lot lines and renamed the four lots created by the Original Survey Plat to Lot 1-A, 2-A, 3-A, and 4-A. This Landowner Statement only concerns Lot 2-A.

4. Gerardo Nava Vargas is the sole owner of Lot 2-A. See Special Warranty Deed, e-recorded as Instrument No. 1850751 in the records of the County Clerk.

5. The Lot Line Adjustment Plat dedicated two utility easements described as follows:

- a. A 10-foot utility easement located along the eastern boundary of all four lots, including Lot 2-A, adjacent to Lopez Land
- b. A 15-foot utility easement located along the western boundary of all four lots, including Lot 2-A ("15' Utility Easement").

6. Santa Fe County ("County") is working with the City of Santa Fe ("City") to complete a public works project known as the Vista Aurora Subdivision Sewer Upgrade Project ("Project"). Completion of the Project will allow for sewer service from the City of Santa Fe.

LANDOWNER STATEMENT

Page 1 of 4

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

APPROVAL OF LANDOWNER STATEMENT

The forgoing Landowner Statement is **APPROVED** by the Santa Fe County Board of County Commissioners on the ____ day of _____, 2018, subject to the following conditions:

- A. Pursuant to NMSA 1978, Section 47-6-7(C), a copy of the Lot Line Adjustment Plat shall be stamped "Partially vacated", including a reference to the volume and page on which the Landowner Statement is recorded, and then recorded with the County Clerk.

- B. The rights of any existing utility shall not be affected by the partial vacation of the Lot Line Adjustment Plat.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____

~~Anna Hansen, Chair~~
Anna T. Hamilton

ATTEST:

Geraldine Salazar
Santa Fe County Clerk

Date: _____

Approved as to form:



R. Bruce Frederick
Santa Fe County Attorney



Finance Director
12/21/18

[Approval by Board of County Commissioners on next page]

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

**IN RE PARTIAL VACATION OF
A LOT LINE ADJUSTMENT PLAT,
FILED AS INSTRUMENT NO. 1708030,
BOOK 758, PAGE 043, IN THE
PROPERTY RECORDS OF THE
SANTA FE COUNTY CLERK AS TO
LOT 3-A ONLY**

**LANDOWNER STATEMENT DECLARING
PARTIAL VACATION OF A FINAL PLAT PURSUANT
TO NMSA 1978, SECTION 47-6-7**

Pursuant to NMSA 1978, Section 47-6-7, the undersigned landowner(s) ("Landowner," whether singular or plural) makes the following statement declaring the final plat described below and in the caption above to be partially vacated ("Landowner Statement") as to Landowner's lot, as described below:

1. Lot 1, Lot 2, Lot 3, and Lot 4, lying within Small Holding Claim No. 425, Tract 2, Section 6, T.16N, R.9.E, were created by that certain Subdivision Plat prepared by Zia Surveys and filed as Instrument No. 1645043, Book 736, Page 019, on September 13, 2011 ("Original Subdivision Plat"). Landowner is not declaring any portion of the Original Subdivision Plat to be vacated.
2. The Original Subdivision Plat did not dedicate utility easements.
3. On June 6, 2013, a Lot Line Adjustment Plat prepared by Associated Surveys was filed as Instrument No. 1708030, Book 758, Page 043. The Lot Line Adjustment modified the lot lines and renamed the four lots created by the Original Survey Plat to Lot 1-A, 2-A, 3-A, and 4-A. This Landowner Statement only concerns Lot 3-A.
4. Lot 3-A is subject to the Reinstatement and Modification of Real Estate Contract (REC 3-A), e-recorded as Instrument No. 1815424 in the records of the County Clerk. Benjamin Ramirez Rojas and Maria V. Vargas Hernandez are the Sellers under REC 3-A and Jose Soto-Tena is the Purchaser.
5. The Lot Line Adjustment Plat dedicated two utility easements described as follows:
 - a. A 10-foot utility easement located along the eastern boundary of all four lots, including Lot 3-A, adjacent to Lopez Land; and
 - b. A 15-foot utility easement located along the western boundary of all four lots, including Lot 3-A ("15' Utility Easement").

6. Santa Fe County ("County") is working with the City of Santa Fe ("City") to complete a public works project known as the Vista Aurora Subdivision Sewer Upgrade Project ("Project"). Completion of the Project will allow for sewer service from the City of Santa Fe.

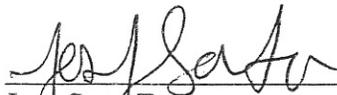
7. Landowner has dedicated to the City a new 15-foot sanitary sewer easement ("New Sanitary Sewer Easement") along the eastern boundary of Lot 3-A, adjacent to Lopez Land, to assist the County in completing the Project. (See Instrument No. 1872004). The New Sanitary Sewer Easement allows installation, operation, and maintenance of all public utilities, including but not limited to the sewer line comprising the Project.

8. Landowner's dedication of the New Sanitary Sewer Easement makes the existing 15' Utility Easement on Lot A-1 unnecessary; therefore, Landowner desires to partially vacate the Lot Line Adjustment Plat by, and only by, vacating the 15' Utility Easement as to Lot 3-A ("Partial Vacation").

9. The Partial Vacation will not adversely affect the interest of persons on contiguous land or within the Subdivision.

WHEREFORE, the Landowner requests the Board of County Commissioners to approve the partial vacation of the Lot Line Adjustment Plat (Instrument No. 1708030) by, and only by, vacating the "15' Utility Easement" granted by said Plat, but only as to Lot 3-A.

CONTRACT PURCHASER OF LOT 3-A



Jose Soto-Tena

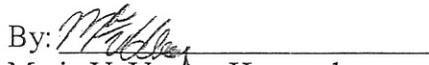
Date: 10/29/2018

Approved by Contract Sellers:

By: 

Benjamin Ramirez Rojas

Date: 11/02/18

By: 

Maria V. Vargas Hernandez

Date: 11-02-18

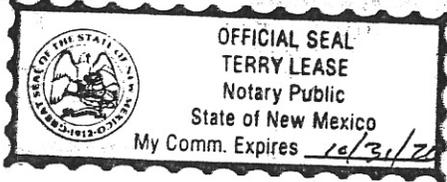
[Acknowledgments on next page]

ACKNOWLEDGMENT

State of New Mexico)
)ss
County of Santa Fe)

This instrument was acknowledged before me this 29 day of OCTOBER, 2018, by Jose Soto-Tena.

(Seal, if any)



[Signature]
Notarial Officer

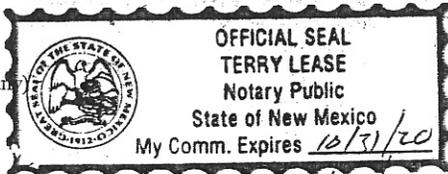
My commissioner expires: 10/31/20

ACKNOWLEDGMENT

State of New Mexico)
)ss
County of Santa Fe)

This instrument was acknowledged before me this 2 day of NOVEMBER, 2018, by Benjamin Ramirez Rojas and Maria V. Vargas.

(Seal, if any)



[Signature]
Notarial Officer

My commissioner expires: 10/31/20

[Approval of Landowner Statement by Board of County Commissioners on next page]

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

APPROVAL OF LANDOWNER STATEMENT

The forgoing Landowner Statement is **APPROVED** by the Santa Fe County Board of County Commissioners on the _____ day of _____, 2018, subject to the following conditions:

- A. Pursuant to NMSA 1978, Section 47-6-7(C), a copy of the Lot Line Adjustment Plat shall be stamped "Partially vacated", including a reference to the volume and page on which the Landowner Statement is recorded, and then recorded with the County Clerk.

- B. The rights of any existing utility shall not be affected by the partial vacation of the Lot Line Adjustment Plat.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____

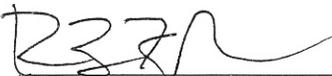
cs ~~Anna Hansen, Chair~~
Anna T. Hamilton

ATTEST:

Geraldine Salazar
Santa Fe County Clerk

Date: _____

Approved as to form:



R. Bruce Frederick
Santa Fe County Attorney


Francis Dipeolu
12/21/18

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

**IN RE PARTIAL VACATION OF
A LOT LINE ADJUSTMENT PLAT,
FILED AS INSTRUMENT NO. 1708030,
BOOK 758, PAGE 043, IN THE
PROPERTY RECORDS OF THE
SANTA FE COUNTY CLERK AS TO
LOT 4-A1 ONLY**

**LANDOWNER STATEMENT DECLARING
PARTIAL VACATION OF A FINAL PLAT PURSUANT
TO NMSA 1978, SECTION 47-6-7**

Pursuant to NMSA 1978, Section 47-6-7, the undersigned landowner(s) ("Landowner," whether singular or plural) makes the following statement declaring the final plat described below and in the caption above to be partially vacated ("Landowner Statement") as to Landowner's lot, as described below:

1. Lot 1, Lot 2, Lot 3, and Lot 4, lying within Small Holding Claim No. 425, Tract 2, Section 6, T.16N, R.9.E, were created by that certain Subdivision Plat prepared by Zia Surveys and filed as Instrument No. 1645043, Book 736, Page 019, on September 13, 2011 ("Original Subdivision Plat"). Landowner is not declaring any portion of the Original Subdivision Plat to be vacated.
2. The Original Subdivision Plat did not dedicate utility easements.
3. On June 6, 2013, a Lot Line Adjustment Plat prepared by Associated Surveys was filed as Instrument No. 1708030, Book 758, Page 043. The Lot Line Adjustment modified the lot lines and renamed the four lots created by the Original Survey Plat to Lot 1-A, 2-A, 3-A, and 4-A. Lot 4-A was granted to Artemio and Ileano R. Franco (*see* Warranty Deed recorded as Instrument No. 1708368) and subsequently subdivided into Lots 4-A1, 4-A2, and 4-A3. *See* Family Transfer and Land Division Plat recorded as Instrument No. 1720641 in the records of the County Clerk. This Landowner Statement only concerns Lot 4-A1.
4. Artemio Franco owns Lot 4-A1. *See* Warranty Deed recorded as Instrument No. 1720642.
5. The Lot Line Adjustment Plat dedicated two utility easements described as follows:
 - a. A 10-foot utility easement located along the eastern boundary of all four lots, including Lot 4-A1, adjacent to Lopez Land; and
 - b. A 15-foot utility easement located along the western boundary of all four lots, including Lot 4-A1 ("15' Utility Easement").

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

APPROVAL OF LANDOWNER STATEMENT

The forgoing Landowner Statement is **APPROVED** by the Santa Fe County Board of County Commissioners on the ____ day of _____, 2018, subject to the following conditions:

- A. Pursuant to NMSA 1978, Section 47-6-7(C), a copy of the Lot Line Adjustment Plat shall be stamped "Partially vacated", including a reference to the volume and page on which the Landowner Statement is recorded, and then recorded with the County Clerk.

- B. The rights of any existing utility shall not be affected by the partial vacation of the Lot Line Adjustment Plat.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____

~~Anna Hansen, Chair~~
Anna T. Hamilton

ATTEST:

Geraldine Salazar
Santa Fe County Clerk

Date: _____

Approved as to form:



R. Bruce Frederick
Santa Fe County Attorney



Finance Director
12/21/18

