

# SANTA FE COUNTY

## *Resolution No. 2015- 119*

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### A RESOLUTION REMOVING TIMBERWICK ROAD FROM THE SANTA FE COUNTY ROAD MAP

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**WHEREAS**, the Board of County Commissioners ("Board") of Santa Fe County ("County") accepted the dedication of certain roads within Unit No. 2 ("Unit 2 Roads") of the Sunlit Hills Subdivision; and

**WHEREAS**, the County has long maintained the Unit 2 Roads; and

**WHEREAS**, Timberwick Road is not within the Sunlit Hills Subdivision, has never been dedicated to the County, and is not among the Unit 2 Roads accepted by the County; and

**WHEREAS**, because Timberwick Road abuts the Sunlit Hills Subdivision, staff inadvertently included it on the County Road Map that identifies the County roads maintained by the County; and

**WHEREAS**, the residents who use Timberwick Road ("Residents") have consistently claimed that it is a private road and they objected to the County maintaining it, causing the Public Works Department to cease maintaining it; and

**WHEREAS**, the Residents have provided an Acknowledgment and Declaration Agreement (Exhibit A) showing that Timberwick Road is a private road within the Timberwick Village Subdivision; and

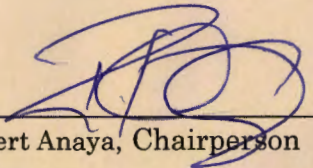
**WHEREAS**, the Residents have submitted a petition (Exhibit B) requesting the Board to remove Timberwick Road from the County Road Map; and

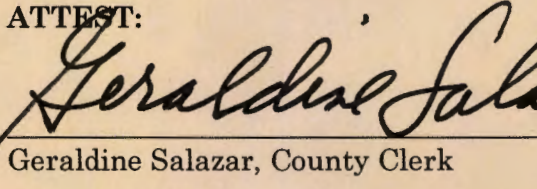
**WHEREAS**, the Board need not officially abandon Timberwick Road, because it was never a County road in the first place.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

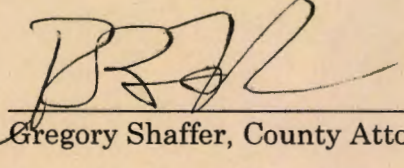
- (1) Timberwick Road is not a County road; and
- (2) Timberwick Road is hereby removed from the Santa Fe County Road Map.

**PASSED, APPROVED, AND ADOPTED THIS 25<sup>th</sup> DAY OF AUGUST, 2015.  
BOARD OF COUNTY COMMISSIONERS**

  
Robert Anaya, Chairperson

ATTEST:  
  
Geraldine Salazar, County Clerk

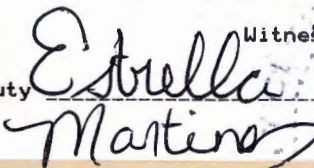


APPROVED AS TO FORM:  
  
Gregory Shaffer, County Attorney

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC RESOLUTIONS  
PAGES: 7

I Hereby Certify That This Instrument Was Filed for  
Record On The 26TH Day Of August, 2015 at 09:51:42 AM  
And Was Duly Recorded as Instrument # 1772951  
Of The Records Of Santa Fe County.

Deputy  Witness My Hand And Seal Of Office  
Geraldine Salazar  
County Clerk, Santa Fe, NM

SFC CLERK RECORDED 08/26/2015



ACKNOWLEDGMENT AND DECLARATION AGREEMENT

THIS ACKNOWLEDGMENT AND DECLARATION AGREEMENT made by and between the owners of land comprising the Timberwick Village Subdivision (The Timberwickians) and MARY WOODBRIDGE, a single person (M.W.).

RECITALS:

1. The Timberwick Village Subdivision is shown on a plat of survey titled "Plat of Timberwick Village-portion of ET Seton Lands" by Walter G. Turley dated July, 1936 and amended December 16, 1953 and allegedly recorded in plat Book 5 at Page 235 of the records of the Santa Fe County, New Mexico Clerk (The Subdivision).

2. M.W. is the owner of Tract D as shown by a plat of survey titled "plat of survey for Mary B. Woodbridge-located within the Sebastian DeVargas Grant, New Mexico. Tract D contains 4.944 AC. ±" made by southwest Mountain Survey (Job No. C-860) and recorded in Book 207 at Page 009 of the records of the Santa Fe County, New Mexico Clerk. (the M.W. tract).

3. The M.W. tract is not in The Subdivision but abuts same and has an ingress right and utility easement on its northwest corner to South Fork, a private road, and from there to Timberwick Road which road serves as the entrance and exit to and from The Subdivision and the M.W. tract.

4. The parties are desirous to set forth their Acknowledgments and Declarations concerning various matters which they have orally stated and now want committed to writing.

AGREEMENTS:

IT IS MUTUALLY AGREED THAT:

1. M.W. and the Timberwickians acknowledge that the road system

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thin The Subdivision consist of the following private roads, South Fork, North Fork, Old Timber Trail and Timberwick Road (The Road System).

2. The road system is for use by the Timberwickians, M.W., their invitees agents and employees and is not to be used by the public at large.

3. The sole access of The Subdivision and the M.W. tract is to be solely and exclusively Timberwick Road as it presently intersects Nine Mile Road where Nine Mile Road is parallel and Timberwick Road is perpendicular to Interstate Highway 25. This present access to The Subdivision is further identified as the present entry to The Subdivision and the M.W. tract.

4. At no time will the Timberwickians or M.W. seek any additional access from The Subdivision or the M.W. Tract to Nine Mile Road nor will they seek any additional access to the subdivision or the M.W. Tract from Paseo de Pinon.

5. The prohibition stated in paragraph 4 above shall not prohibit property owners within The Subdivision to seek access to Nine Mile Road or Paseo De Pinon by private driveway which access would allow said property owner or owners to connect to the two public streets or roadways.

6. The Timberwickians and M.W. declare that there should be no need for additional access to The Subdivision except for the access set forth herein.

7. The Timberwickians and M.W. shall jointly attempt in a reasonable and lawful manner to prohibit any sought after access, which sought after access is from Nine Mile Road and runs along her northern

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boundary, in a westerly from said Nine Mile Road.

Done in Santa Fe, New Mexico this June \_\_\_\_\_, 1991.

TIMBERWICKIANS

Dick Brown

Suber Brown

Nancy Dahl

Cheri Scheich

Don C. Davis

[Signature]

Robert Smith

Cynthia Wright

Sarah Randolph

Jeff Masler

Jim Bradford

Ann Margol (for husband)

M.W.

[Signature]

Mary B. Woodbridge, a single person.

## Exhibit B

February 14, 2011

Mr. Eric Giron  
Santa Fe County Roads Supervisor  
Public Works Division  
Santa Fe County

Dear Mr. Giron:

Thank you for listening to the Timberwick Village residents, an independent community and subdivision established by Julia and Thomas Seton in 1936. Our residents diligently guard the rural character of our neighborhood and importantly our independent status from the surrounding Ninemile and Seton Village community road systems. Timberwick Village residents have since the village's inception fought for and maintained the private roads set forth by Julia and Thomas Seton. Timberwick Road is a private road and the neighborhood has all rights associated with such status.

Based on our two earlier conversations, it seems our road inadvertently was placed on the County's list of roads for maintenance for this part of southeast Santa Fe. As you and I discussed in two previous conversations, all plats, replats, surveys and property sales acknowledge and confirm that Timberwick Road is a private road.

Engineering plans drawn up for construction of Interstate 25 (the neighborhood has a copy) also acknowledge the road as private. Also, issues over access and road segment closures with two previous and separate owners in the early and mid 1990s further verify the road's private status; Joe Cattanach, Santa Fe County Land Use Department, confirmed the road is a private road and issues must be resolved within and by the neighborhood.

Through this letter, we the undersigned formally request Timberwick Road be removed from the County's list of roads for maintenance and the County's right-of-way department be so informed.

Thank you for your assistance in this matter.

Signed,  
Timberwick Village residents  
Signatures on accompanying page 2.

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Timberwick Village Residents' Signatures

Cherie Albrecht	19 Timberwick Rd
Jim Bunch	19 Timberwick Rd
Ron Potvin	24 Timberwick Rd
<del>John [unclear]</del>	4 Timberwick RD
Mae Ann Fleming	24 Timberwick Rd
Abbas [unclear]	03 [unclear]
Capitine [unclear]	27 Timberwick Rd
Donnell [unclear]	27 Timberwick Rd
Jurita Reitz	40 Timberwick Rd
Robert H. Turner	32 Timberwick Rd
Robert [unclear]	37 Timberwick Rd.
John [unclear]	31 Timberwick
Nancy [unclear]	5 Timberwick Rd
Angela Smith-Kilgore	10 Timberwick Rd
John [unclear]	10 Timberwick Rd
Josée Kubajko	48 Timberwick Rd

Robert Sads