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MINUTES OF THE BOARD OF COUNTY
COMMISSIONERS

DATE OF MINUTES 1-13-98

DATE OF FILMING _____

CAMERA OPERATOR YVONNE SANCHEZ

REGULAR MEETING

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BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

REGULAR MEETING

JANUARY 13, 1998

**Javier Gonzales, Chairman
Paul Duran, Vice Chairman
Richard Anaya, Commissioner
Joe Griñé, Commissioner
Marcos Trujillo, Commissioner**

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS
January 13, 1998

This regular meeting of the Santa Fe Board of County Commissioners was called to order at 5:00 p.m. by Chairman Javier Gonzales in the Santa Fe County Commission Chambers.

Roll Call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present

Commissioner Javier Gonzales, Chairman
Commissioner Paul Duran, Vice Chairman
Commissioner Richard Anaya
Commissioner Marcos Trujillo
Commissioner Joe Grifé

Members Absent

none

IV. INVOCATION An invocation was given by Commissioner Gonzales.

V. APPROVAL OF AGENDA

CHAIRMAN GONZALES: Are there any changes at this time?

MR. SÁNCHEZ: Mr. Chairman, just for your information, there was an amendment to the agenda and it is X. E. 2 and it is requesting authorization to publish notice of intent to adopt an amendment and restatement to Ordinance 1997-13, and I won't read the whole thing, but the amount again indicated on the amendment was thirteen million five hundred thousand. It's now \$15 million. I wanted to bring those two items, I guess, or

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issues to your attention -- the amendment and the amount.

The second thing is, Mr. Chairman, on page 4 of the agenda under XI. Public Hearings, B. Land Use Department Items, 7. CDRC Case #Z 97-5660 has been tabled and with that, Mr. Chairman, I'm going to ask the County Attorney if he has any other items that he's aware of.

CHAIRMAN GONZALES: Are there any other changes? CDRC Case #Z 97-5660 is the only item tabled?

MR. SÁNCHEZ: Item 7 is the only item tabled that we are aware of at this point in time.

CHAIRMAN GONZALES: Any other changes? If none, what's the pleasure of the Commission?

Commissioner Duran moved to approve the agenda as amended and his motion was seconded by Commissioner Griné. The motion passed by unanimous voice vote.

VI. APPROVAL OF THE MINUTES: December 9, 1997

CHAIRMAN GONZALES: Moving on to approval of the minutes. I have some changes for December 9, on page 2, the fourth line from the bottom, we need to insert Fe rather than Santa Metro area, it would be Santa Fe Metro area.

On page 5, Chairman Gonzales, actually...

On page 26, the fourth line from the bottom exasperate should be exacerbate.

On page 47, second paragraph, it should read access.

On page 39, rather than Cuarteles should be Cuarteles.

Those are all the changes. Are there any other changes?

COMMISSIONER GRINÉ: On page 14, it states community and planning district.

CHAIRMAN GONZALES: Any other changes?

COMMISSIONER ANAYA: On page 30, I believe it was Commissioner Duran who seconded my motion. It doesn't have any numbering but towards the middle of the page. That's the only correction I have.

CHAIRMAN GONZALES: Commissioner Duran, do you recall if you made the second?

COMMISSIONER DURAN: I don't recall.

CHAIRMAN GONZALES: The motion referred to the reported recommendation and improvement of Richards Avenue along with the railway idea.

COMMISSIONER DURAN: I did second that.

CHAIRMAN GONZALES: You did second that. Okay, the minutes have been amended. Is there a motion to accept the minutes as amended?

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Commissioner Anaya moved to approve the minutes of December 9, 1997 as amended. Commissioner Trujillo seconded the motion which passed by unanimous voice vote.

CHAIRMAN GONZALES: Okay, we had a meeting on the 17th. Actually, that's where page 39, Cuarteles would be spelled with a C. Any other changes? Okay, is there a motion to accept the change or the minutes with the amendment?

Commissioner Trujillo moved to approve the minutes of December 17, 1997 with the appropriate changes. Commissioner Duran seconded and the motion passed by unanimous voice vote.

VII. CONSENT CALENDAR

- A. Resolution No. 1998-01. A resolution requesting a budget increase in the fire fund to budget June 30, 1997 cash balances to allow for expenditure in fiscal year 1998**

MR. SÁNCHEZ: Mr. Chairman, that's the only item under Consent today.

Commissioner Trujillo moved to approve the Consent Calendar. His motion was seconded Commissioner Anaya and passed by unanimous voice vote.

VIII. BIDS, PROPOSALS AND AGREEMENTS

- A. Request authorization to accept and award invitation for Bid 98-31 to the vendor submitting the lowest responsive bid for the construction of sewer lines**

ANDREW CHAVEZ (Administrative Services Director): Mr. Chairman, I'd just like to take a second to let you know that we went ahead and heard you loud and clear the last time when you asked us to keep the Administrative items to a minimum, only urgent items and you'll notice there are only two. This particular one is with regards to acceptance of the offer to invitation for Bid 98-31.

The Santa Fe County Utilities Division and the Purchasing Section request that you accept and award invitation of Bid 98-31 to the lowest responsive bidder, H.U.T. Utility Construction in the amount of \$188,435.93 for the improvement to the Santa Fe County Detention Center sewer system. There were six individual companies that submitted bids. This was the lowest responsive bid.

CHAIRMAN GONZALES: Thank you. Are there any questions?

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Commissioner Anaya moved to accept the bid. His motion was seconded by Commissioner Grifé and passed by unanimous voice vote.

VIII. B. Request authorization to accept and award invitation for Bid 98-12RB1 to the vendor submitting the lowest responsive bid for the construction of the Arroyo Seco Fire Sub-Station

MR. CHAVEZ: Mr. Chairman, Commissioners, in this particular case the General Services Department seeks the acceptance of an offer to construct the Arroyo Seco Fire Sub-Station. There were, I believe ten companies that submitted bids. This is the lowest responsive bid. The General Services Department and the Purchasing Section request authorization to accept and award invitation for Bid 98-12RB1 to Arrowhead Construction in the amount of \$107,500 plus applicable taxes for the construction of the Arroyo Seco Fire Sub-station.

CHAIRMAN GONZALES: Are there any questions of Andrew?

Commissioner Trujillo moved to approve acceptance of Bid 98-12RB1. Commissioner Anaya seconded the motion which passed by unanimous voice vote.

IX. ADMINISTRATIVE ITEMS

A. Committee expirations/resignations/vacancies

CHAIRMAN GONZALES: Is there anything at this time?

MR. SÁNCHEZ: Mr. Chairman, we had it on the agenda but at this time we're aware of no committee expirations, resignations or vacancies.

X. STAFF AND ELECTED OFFICIALS ITEMS:

A. County Clerk

1. Resolution No. 1998-02. A resolution supporting the 1998 Cuartocentenario activities in Santa Fe County and New Mexico

CHAIRMAN GONZALES: Would the Clerk like to make the presentation?

BECKY BUSTAMANTE (County Clerk): Mr. Chairman, members of the Commission, my office has received many calls this year asking about activities regarding the Cuartocentenario activities. As you know, 1998 is the 400-year anniversary of Don Juan de Oñate's coming to the Americas and the contribution that the Hispanics have made to the United States and the founding of our country. There are many activities that have been

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established that are going to be taking place in 1998, at the state, city and county levels and I would just hope that the County would go on record as supporting the activities that are going to be taking place this year, the 400-year anniversary.

I realize that there has been some controversy and I might as well just address that. There's been some controversy in the last few days regarding Don Juan de Oñate. My concern is that it is important that we know what did happen. I don't look at it as controversy; more so as history, that we can learn from it. There's a saying that says the nation that forgets its past is destined to repeat it, and I think that if we go ahead and learn from it, we can learn from it and we won't repeat those kinds of things.

This is just saying that we have 400 years of contributions to the United States and we would like to recognize it.

CHAIRMAN GONZALES: One of the things I understand, Becky, from the Cuartocentenario is that it's supposed to be an educational process for many Santa Feans. So it's not so much to highlight the actions of one individual but more so to highlight the history of the last 400 years and to learn from it, and more appropriate, to celebrate.

MS. BUSTAMANTE: Exactly. For example, our office has received many calls from throughout the United States and even in New Mexico of activities that are taking place that they be bringing the school children to be involved in. On January 4, I believe it was and that was brought in and has been in our culture for that 400 years and it's been celebrated here in New Mexico and that started off the activities.

I'm asking that the County go on record as supporting the activities that will be taking place whether they be controversial or not. I think it's just important that we be a part of recognizing those activities.

CHAIRMAN GONZALES: Any questions of the Clerk? What's the pleasure of the Commission?

Commissioner Trujillo moved to approve the resolution and his motion was seconded by Commissioner Duran. The motion passed by unanimous [3-0] voice vote. [Commissioner Griñé was not present for this vote.]

X. B. PUBLIC WORKS DEPARTMENT

- 1. Resolution No. 1998-03. A resolution confirming the assessment roll for Hyde Park Estates Road Improvement District**
Exhibit 1: Assessment Roll Resolution

MR. VELASQUEZ: Mr. Chairman, Commissioners, the reason this item is on this agenda is because they are tracking with a previous public hearing and a future public hearing. That's the reason why we're here today. What this resolution -- I apologize it was not included in your packet is what this resolution does is confirm the actions that were taken

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with regard to the hearing that was held on the assessment district. If I could just turn your attention to the second page I'd like to enter into the record the actions that were taken.

Some of the actions that were listed were not specifically stated. Some of the actions -- I should rephrase that -- is that the actions taken by the Commission affected specific lots and were also applicable to others and we tried to clarify that in here. As you may recall, it's Assessment Lot 101, which was the one in Aztec Springs was deleted. Number 104 was assessed as two lots and we determined that could not be assessed as more than one because it was in the Special Mountain Zone. Number 108 was Jai Lakshuran and that was determined to be assessed as 10%, but there was also a lot that was adjacent to that that belongs to Susan Harris that needed have the same treatment. We've done that.

The lots, in item number five, lots 98, 99, 100, 101, 102, 103, 105, 106 and 107 were the Aztec Springs and the action was to assess those at 40%. Then we had an addition of a lot which was pointed out in the course of the hearing. Then there was another lot which was lot number 110 that was approximately 19 acres and we had assessed that as three lots. We went back and looked at that to make sure it was not the Mountain Zone. It was determined that it was not so we have left the assessment at three lots, because it has the potential, in our opinion to develop into five-acre lots.

Lastly we adjusted all the remaining lots to reflect the actions that were taken. The assessment went from about \$8500 to about \$8600, almost \$8700. We had a jump of about \$250 to everybody else. With that, Mr. Chairman, there's two exhibits also. One is the assessment roll and the final assessment map. And we're recommending or requesting that this be approved as the final action and confirmation of the changes and modifications that were done to the assessment hearing.

CHAIRMAN GONZALES: Any questions?

Commissioner Trujillo moved to approve the resolution. Commissioner Duran seconded the motion, which passed by unanimous voice vote.

- X. B. 2. Request authorization to publish title and general summary for an ordinance relating to Hyde Park Road Improvement District; ratifying the proceedings taken in providing for certain road and drainage improvements; providing for the payment terms for the costs and expenses of such improvements; providing for the filing of a claim of lien; assessing the cost of such improvements against the tracts, parcels and lots of land benefitted by such improvements; and providing a penalty for delinquent payments**

MR. VELASQUEZ: Mr. Chairman, Commissioners, this is just a request for authorization to publish title and general summary for the assessment ordinance for the Hyde

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Park Estates Assessment District. I do have a correction to make. In my memo I stated that the ordinance would be heard on February 17. That would actually be on February 10, the regular Commission meeting. We're requesting your authorization to publish title and general summary.

CHAIRMAN GONZALES: Any discussion?

Commissioner Duran moved to approve the request. Commissioner Anaya seconded the motion which passed by unanimous voice vote.

X. C. LAND USE DEPARTMENT

1. **The Planning Division staff will provide the Board of County Commissioners with an updated schedule of activities for Part II of the County General Plan. Part II, the Planning Districts, sets forth the proposed recommendations for location, density, uses and design standards or guidelines and other planning techniques within each planning district**

JACK KOLKMEYER (Planning Director): Thank you, Mr. Chairman, members of the Commission. I've handed out a revised memorandum. We had to make a couple of changes from the one that was in your packet.

CHAIRMAN GONZALES: Why don't you go ahead and read it into the record for the people that are here.

MR. KOLKMEYER: This is dated today, January 13. Issue: On December 17, 1997, the Board of County Commissioners adopted Part I, Policy of the County General Plan. This initial phase of the County General Plan sets forth actions and goals for the land use and growth management, open space, environment, water availability and conservation, community planning, community character and design, housing, utilities, transportation, public services, economic development and diversity, and regional relationships.

After adoption of these policies the Board of County Commissioners instructed the Planning Division staff to begin work on Part II, the Planning Districts.

Requested action: Planning Division staff would like BCC approval of specific work items for Part II of the Santa Fe County General Plan. These items include 1.) Development of a rationale for planning districts and the designation of rural preservation, Estancia Basin, Highway corridor, new community districts, and traditional contemporary communities; 2.) Recommendations for density, uses, and design standards and guidelines and other planning techniques within each district; 3.) Proposed ordinance for community planning; 4.) Recommended locations for economic development; and 5.) An implementation schedule for Part II activities and implementation tables for all approved policy actions of Part I of the plan.

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Staff is requesting Board approval to begin Part II of the County General Plan. In addition, the Planning Division staff and County Attorney are presenting a final draft of the glossary for the 1997 General Plan, Part I, policies of review and adoption and requesting permission to amend the minutes of the December 17, 1997 public hearing. I believe we've taken care of the December 17 minutes.

So our intention this evening is to discuss with you briefly, basically these five items. They are the work items for the next part.

COMMISSIONER DURAN: Jack do you have a copy of the amended glossary?

MR. KOLKMEYER: Basically, I believe they're in your packet. There are two items. There's a glossary that is dated January 7, which is the amended glossary. And then we had a subsequent meeting with the County Attorney and some additional changes were made in a two page amendment to the glossary dated January 9. I believe those are all in the packet that you have.

COMMISSIONER DURAN: The memorandum dated January 13, 1997 [sic] that you just read from. It's not identical to what we have here, is it? That's my question. Do you have one of those that I could have?

MR. KOLKMEYER: I just gave you one.

COMMISSIONER DURAN: Okay, never mind.

CHAIRMAN GONZALES: Any other questions? I think the idea, I discussed it with the Planning staff, Commissioners, would be to -- what happens now is we go out and begin the process of visiting with the communities after the maps are prepared and created so that we can get a dialogue for the planning districts and the new community districts. And I would imagine the new community districts are going to be a priority for all of us, because that's where a lot of the -- as well as many other areas. But right now, many of the growth pressures in and around the city are created out of these areas.

We're going to need to begin the mapping and deciding the kind of design standards that will go out to these areas. So, the other thing that will be coming forward is the community planning ordinance so that traditional communities that are already mapped today can actually do a community plan under an ordinance that allows them to bring something forward to us. And so it doesn't put them on hold for us having to wait until the whole General Plan is adopted before they can come forward with a community plan.

Commissioner Trujillo, you have Tesuque that's probably getting ready to do something like that. And so they'll have this ordinance in some degree. I don't know how far along Edgewood is, but I know they've been working down south on a community plan, so this gives us an opportunity to lay the foundation, to begin the process of mapping the districts and going back out into the public. I think we all learned from the first session that there will be some serious discussions that have to do with the south, the central and the northern part of the County, so that we can have as much input as possible from out communities before we begin to act.

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COMMISSIONER TRUJILLO: For traditional communities, the master planning [inaudible] utilize the community planning [inaudible] otherwise status quo.

CHAIRMAN GONZALES: Absolutely, Commissioner. That's absolutely right.

MR. KOLKMEYER: That's correct, and we've stated that before and it's probably good to reiterate that for the record this evening. Mr. Chairman, you also asked us for some kind of time line for some of these activities as well, particularly related to the community planning issue. We'd like to come forward at either the BCC meeting in February or March with an ordinance for community planning. That's the one item of those five on there that we have some clear idea for a schedule. We could either do that in February or in March.

COMMISSIONER DURAN: Jack, is this practical in item number two to mention that zoning, or would zoning be inclusive with something else in here? My concern is there's a lot of [inaudible] zoning out in the County and we never really talked about actual zoning. It was similar to what the city does. I'm wondering if it's possible to have the word "zoning" in there.

MR. KOLKMEYER: Mr. Chairman, Commissioner Duran, the new community district would be a new zone. It would be enacted through a zoning ordinance, if I'm not mistaken. Isn't that correct, Judy? It's a good point. It may be implicit in this. We can add that. But it will take into effect zoning.

COMMISSIONER DURAN: I'm talking about specific uses, like in the city, C-1, office, C-2, retail. Something like that.

MR. KOLKMEYER: we haven't discussed it. We use the same kind of zoning structure the city uses like C-1, C-2 or C-3, but there will be a zoning mechanism included in the work that we do, which is the reason why we've used the word density, uses, design standard and guidelines.

COMMISSIONER DURAN: Could we add that to number two?

MR. KOLKMEYER: Sure we can add zoning if you'd like. No problem.

CHAIRMAN GONZALES: And I agree, Commissioner Duran, the whole idea of the planning districts, the rural preservation, the Estancia Basin, the highway corridor, new community districts, traditional communities is to create those underlying zones. Because the rural preservation in it is going to be very different from the new community districts, the type of zoning that we'll allow in those in areas. With different rationale and different design criteria. So I think that that, when we talk about zoning, that's what I think about when we're talking about the community districts, or when we're talking about the Estancia Basin or the rural preservation, I'm seeing those as zones.

MR. KOLKMEYER: They are zoning districts.

CHAIRMAN GONZALES: As opposed to anything else. But maybe we need to say that.

COMMISSIONER DURAN: Even in the rural preservation areas there are

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certain needs that the community have and if we adopt specific zoning for those types of uses it comes in on a hit and miss basis. There really isn't a plan or a designated area for certain uses based on traffic studies, or just where the County feels this type of growth, or not growth, but this type of use is appropriate. I would just like to have some specific zoning areas designated, even in the rural preservation areas.

MR. KOLKMEYER: Commissioner Duran, in that area though we need to bear in mind that traditional communities are also already zoning districts. And those won't change, as Commissioner Trujillo indicated unless the community planning process changes that, but those too are zoning districts and for example, in the Part I planning policies, there was agreement to allow Sombrillo and Cuarteles to become traditional communities. Those have to be done through rezonings because those are also zoning districts too, so that's another matter that we have to be concerned about. It's not just that the policy now allows those communities to become traditional communities.

There has to be a map that designates the area and there have to be standards according to the traditional community standards that are devised so that those areas can also be rezoned. So that is my point to you, is that is also another type of zoning district within those areas.

COMMISSIONER DURAN: So there's actually two types of zoning we're talking about here.

MR. KOLKMEYER: Conceivably.

COMMISSIONER DURAN: Well, what is the difference?

MR. KOLKMEYER: We don't know that until -- There may be a suggestion that there be three or four other types of zoning. That's the point that you were making. I think that's what you were saying. What types of zoning do we need within these areas? That's what we want to look at in Part II is exactly that question. The difficulty if you answer that, is right now we would have a district and we'd have traditional communities. You'd have two. As we look at this and we look at some of the other complications and some of the other problems, there's a point you bring up is why there are particular areas where we need economic development or commercial uses and that may -- we'd have to just be aware that we're looking at that zoning question, of what types of zoning do we need in these areas? Let's put it that way.

COMMISSIONER DURAN: One definition of zoning would be synonymous to specific use of a piece of property and that's what I would like to incorporate in your efforts when you start planning districts. When you start zoning, or talk about zoning, I would like to have some specific use considered depending on what the communities need.

MR. KOLKMEYER: I understand.

CHAIRMAN GONZALES: A case in point could be in the Estancia Basin, depending on how we map it, we could conceivably have a traditional community in Estancia Basin and a contemporary community, maybe even a rural preservation. However things work. But those would be three underlying possibly different zoning scenarios that would

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exist in a planning district based on whatever the community says it would like for that area. That's why I would conceive more than one type of zoning to take place even in the planning district to get it to the types of uses that you're talking about, Commissioner Duran, or defining them a little bit better and more specific to the communities within planning district.

MR. KOLKMEYER: The reason that we wanted to look at highway corridors, because that's another area where there may be specific uses that need to be designated for those areas.

CHAIRMAN GONZALES: Are there any other questions? I know that Cañada de los Alamos, in anxious for us to look at their plan again, if Commissioner Anaya would give the blessing on that. They put in a request to see if we can have maybe a map or at least a start to the planning stuff so that we can meet with them so that we can bring something forward under a traditional designation.

MR. KOLKMEYER: Mr. Chairman, as you know, we had recently hired a facilitator to go in and meet with the community and we think that was really successful because it brought a neutral person in to sit down kind of on a one-on-one basis to talk about what really were the problems that developed during that period. We have a draft of that report from Rosemary Romero and I'm going to take a few more days to look at that and review that with her. It seems that the initial suggestion is that we need to go back in and have some kind of community meeting based on Rosemary's work to determine what it is that we should do next.

There have been a number of suggestions about changing the boundaries again and looking at that so we think that again, the Community Planning Ordinance might need to be in place before there's again, a real clear procedure for what we do, so we can work with Cañada in February and March, but it's probably an important next step that we get that ordinance adopted to facilitate that particular problem.

COMMISSIONER ANAYA: Mr. Chairman, Jack, let me know on that, when it's going to happen. I'd kind of like to get involved on that one. I know they've been working on it for many, many years -- five, six years, something like that.

MR. KOLKMEYER: It seems like they're ready to go again. I really think we should really try to push that one through as fast as we can in cooperation with the community.

CHAIRMAN GONZALES: Do we need a formal vote?

MR. KOLKMEYER: I think we do need a formal vote on the adoption of the glossary. Is that correct?

CHAIRMAN GONZALES: Because that's where we will be able to finish off the resolution. That's what's left to finish on that.

MR. KOPELMAN: Mr. Chairman, there are two separate issues though. I think the first issue is just a presentation.

CHAIRMAN GONZALES: I think unless the Commissioners have any problems with the presentation Jack has made just now I'm going out and getting Part II and

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you can proceed with that and let's -- we'll try and get a time table as soon as possible.

MR. KOLKMEYER: In terms of the time table, probably we're looking at, we think that items one -- number three, the proposed ordinance can come back to you as soon as you'd all like to begin movement on that. And then the other items, probably, it's hard to say, but we're probably looking at six months realistically.

CHAIRMAN GONZALES: Maybe at the land use meeting we might have a little more time to dialogue.

MR. SÁNCHEZ: Mr. Chairman, I guess that's one of the things I wanted to make sure that I left with a good understanding so that as we sit down we can discuss, and that is the time frame because again, this process has now gone beyond I think a four-year period or pretty darn close. And so I don't want to be dragging it on longer than the Commission wants us to, so if the interest is in us putting together a time table that is within six months or within four months, or within nine months, I just need to have some indication so that I can insure that that's the time table that we go on.

CHAIRMAN GONZALES: That's what we want to know for the staff especially considering the fact that we are going to have to spend a considerable amount of time within the communities, having the public hearings and the mapping of the different districts. We need to have some reasonable time frame, but whether it's going to take nine months or four months that we're going to be out. We'll have the public hearings concluded and then we can expect some votes to occur as we progress forward with these actual districts that will be created. Or zones.

MR. SÁNCHEZ: Okay, so I guess my question is, would you like us then to shoot to have completed everything within six months and give three months for us to go revisit communities to the extent that we need to and then wrap the whole thing up in a nine-month period? Because that's what I want to know. If the issue is let's wrap it up in six months, then it really crunches things together. Again, we'll follow the direction of the Commission. I just need to know -- six or nine months, that's kind of what you're talking about and that's what we can at least start working on.

CHAIRMAN GONZALES: I would say I think where we should start with is your best guess to do it right and to make sure that we have enough public input, what it's going to be and then let's talk about it from there. If you come back and say two years before we think it's going to take, then we really need to sit down and really put the pencil to it.

MR. SÁNCHEZ: I also need to flesh it out and get a good enough estimate because now that we go into the budget cycle we need to plan for it because we've already spent a significant amount this year that we did not plan for, just for all the advertising on the policy issues. So I anticipate also incurring a number of expenditures in this General Plan process that we haven't even thought of.

MR. KOLKMEYER: The difficulty as you've pointed out is the community meetings. We can probably have this work done within four to six months in terms of the

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mapping and the actual planning work that we need to do, but then to go back to the communities, that's an unknown, because again, as we've discovered that we kind of threw time out the window in a sense, which was not a bad thing. We needed to do that, so we need to be really aware of that issue and the kinds of meetings that we're looking at to do that. That's hard to figure out.

MR. SÁNCHEZ: Another thing that I have a concern about is just saying that we're going to go out and go out and go out and go out. If we have an interest in going out to a particular area and we plan for it, if we as a staff, are able to identify how many times we think we need to go out there, if we can stick to that schedule we'll move things along. I know it becomes difficult because then you have people that aren't necessarily happy and they want to revisit the issue again and again.

CHAIRMAN GONZALES: I think we're going to have to really rely on the Commissioners from those districts to see, to gauge the pulse of how much time they're going to want the staff to spend out there. If you can visit with the Commissioners then that would help out a little bit.

MR. SÁNCHEZ: We'll start putting something together and then we'll meet and then discuss these issues with you because again, I need it for the budget cycle, because it does get very expensive as we start going out more. And now we're getting to the meat and potatoes of the General Plan.

CHAIRMAN GONZALES: Okay. Thank you.

MR. KOLKMEYER: All we need from you then is the approval to proceed on this idea.

CHAIRMAN GONZALES: Go ahead and proceed. No one says no so let's proceed.

X. C. 2. Request approval of glossary for General Plan, Part I, Policies

CHAIRMAN GONZALES: Are there any changes, of additional changes? These are the definitions.

COMMISSIONER GRINÉ: Yes, on the definition for open space. In the second paragraph between the words "process" and "which" add in between there "and approve by BCC." I don't have the page, I just have in the definitions.

MR. KOLKMEYER: Excuse me Commissioner, it's on the memorandum dated January 9, so it's the addendum to the memorandum. There's only one page, it's page 1.

COMMISSIONER ANAYA: Mr. Chairman, it seems to me what they're proposing is inclusionary language.

CHAIRMAN GONZALES: Can you read it again, Commissioner Griné?

COMMISSIONER GRINÉ: It will read such as this: parcels of land or

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portions of parcels designated through the community planning or open space plan process and then insert and approved by BCC, which will remain undeveloped and natural and so on.

CHAIRMAN GONZALES: Is that in the form of a motion?

COMMISSIONER GRINÉ: Yes.

CHAIRMAN GONZALES: Is there a second?

COMMISSIONER ANAYA: Second, Mr. Chairman.

CHAIRMAN GONZALES: Any discussion? If none, all in favor signify by saying "aye." All those opposed? Okay.

COMMISSIONER GRINÉ: I have one more. In the definition of sprawl, the second line, that we delete the word "cumulatively." I checked with legal and they said it was all right.

CHAIRMAN GONZALES: Is that in the form of a motion? It's to delete the word "cumulatively" on the definition of sprawl. Is there a second?

COMMISSIONER TRUJILLO: Second.

CHAIRMAN GONZALES: Any discussion? If none, all in favor signify by saying "aye." Opposed? Okay. Are there any other changes to the glossary?

COMMISSIONER GRINÉ: No more.

CHAIRMAN GONZALES: Is there a motion to accept the glossary as presented?

Commissioner Anaya moved to approve the glossary. His motion was seconded by Commissioner Griné and passed by unanimous voice vote.

CHAIRMAN GONZALES: We're going to put off the executive session until the end of the administrative.

X. D. MATTERS FROM THE COUNTY MANAGER

- 1. Resolution No. 1998-04. A resolution determining reasonable notice for public meetings of the Santa Fe Board of County Commissioners and all Commissions, committees, agencies or any other policy-making bodies appointed by or acting under the authority of the Board of County Commissioners**

MR. SÁNCHEZ: Mr. Chairman, this resolution -- did you already get a number. I'm sorry, was it 1998-04? This is again a resolution, again, for public notice of the meetings held here at the County of Santa Fe. This is an exercise that we go through annually, Mr. Chairman, under the Open Meetings Act, New Mexico Statute 10-15-1. In the resolution what we've done is we've identified the three types of meetings that the

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County has. We have regular meetings and in our resolution consistent with what we've done historically, we are saying that we are going to give ten days advance notice of any public meeting for a regularly scheduled meeting.

We currently have two regular meetings that we have each month. The second item in the resolution is our special meetings and in the special meetings what we are saying is that we would give three days notice. Again, this is consistent with what we've done historically. The third type of meeting is an emergency meeting and under an emergency meeting we can do that with 24 hours notice and in certain cases, to the extent that we have to have one with less notice we can. We're still required to post and it's still included in here. We also indicate within the resolution that the agendas are available through the County Manager's office. With that, Mr. Chairman, if there are any questions, I stand for questions.

CHAIRMAN GONZALES: Any questions? Okay, what's the request of the Commission?

COMMISSIONER TRUJILLO: I have a question. This only applies to public meeting. It does not apply to [inaudible]

MR. SÁNCHEZ: Mr. Chairman, Commissioner Trujillo, this is to notice public meetings, not illegal meetings, just the official legal meetings. Within the context of those meetings as we post the agendas and post our notices, those other ordinance issues about hearing them twice or specifics that we have regarding resolutions being reviewed or whatever, that falls within the normal course of the administrative process. So this is to identify the time and place of the meetings that we have. The other stuff falls out to ordinances of other directions you've given us. I hope that answers the question.

CHAIRMAN GONZALES: Any other questions? If not, what's the pleasure of the Commission?

Commissioner Duran moved to approve Resolution No. 1998-04. The motion was seconded by Commissioner Grifé and passed by unanimous voice vote.

- X. E. 2. Request authorization to publish a notice of intent to adopt an amendment and restatement to Ordinance No. 1997-13, to authorize the issuance of one or more series of Santa Fe County, New Mexico gross receipts tax refunding and improvement revenue bonds in the aggregate principal amount not to exceed fifteen million dollars**

ROBERT STRUMOR: Mr. Chairman, members of the Commission, the action tonight is a request to publish notice of intent to adopt an amended and restated gross receipts tax revenue bond ordinance, which would be amending and restating Ordinance No.

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1997-13. And this essentially will give some flexibility to the County to restructure some of its outstanding gross receipts tax debt, specifically the Finance Authority equipment loan, which will be refunded at a lower interest rate and permit the County to retain some of its cash flow and to stretch those payments out a little bit.

Also it would permit additional projects including the business park, I believe the fair grounds and I'm not certain of the other projects. But it essentially would then the tax revenues from the gross receipts tax that you have existing permitting some flexibility and doing some additional projects. This is not in any way an income tax increase and I stand for questions and the manager does.

CHAIRMAN GONZALES: Just a real quick question, Mr. Strumor, are any of the bond proceeds that are not used, if they're refunded back or given back, will there be a cost for the County? Or is it basically a wash for any of these bonds that may occur?

MR. STRUMOR: You mean the authorized but unissued, or the issued and unspent?

CHAIRMAN GONZALES: Both.

MR. STRUMOR: Well, the issued and unspent essentially need to be spent within the three year authorizing period in order to comply with federal tax law. The authorized but unissued are just -- don't even exist yet. So you can authorize, for example 15 million, but you may not issue 15 million. You may issue five million now. You may issue three later. One later. It's good for two years. It gives you the flexibility of managing your tax receipts and maximizing the kind of projects that you need to so without increasing any impact to the tax payer.

CHAIRMAN GONZALES: Any other questions?

COMMISSIONER DURAN: Mr. Chairman, Bob, do you know how much we're going to be refinancing with this?

MR. STRUMOR: It's about a million dollars. In other words it's the remainder of the [inaudible]. There are three maturities left. I think it's the next three payments and it's almost about a million bucks. But what it also does is it allows you to not have to make a payment at the time it is due but essentially makes it part of the next bond issue. So it gives you an opportunity to take what we call a hop. In other words a large payment period and compress that down so you can retain some of your cash flow.

MR. SÁNCHEZ: Mr. Chairman, Commissioner Duran, also, just to let you know. We're planning on that as an option. We also are looking at, although I can't guarantee that we can do it in the budget cycle, wait to maybe fund that through our internal cash balances before hand. Because of the timing. Because we only have three payments left. But we need to have this option available in order to go forward and maintain the same debt ratios that we'd like to maintain on our gross receipts as we're going into the next budget.

COMMISSIONER DURAN: Where would the other portion, the fourteen million dollars go?

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MR. SÁNCHEZ: I'm sorry? Off my head, we've got approximately two million in there for public works. You have approximately \$700,000 for the economic development park. Those were the initial amounts identified, I believe in the first one. Now we're amending it and now the additional amounts would be approximately ten million, eleven million for the new Admin building. And that's got different cost components, but that's the aggregate amount. Then we have an amount in there [inaudible] at about 13 1/2 and about another million and a half to two, for Phase II. Is it about that much Bob?

MR. STRUMOR: Also you need debt service, possibly have a debt service reserve fund.

MR. SÁNCHEZ: Debt service reserve fund. And then we also included an amount of about a million and half to two millionish for the possibility of two things. One, if we can go forward on Phase II, let's say of the Public Works Facility, let's say we finish it all within two years and then we want to issue what we can afford to just finish it up. That's an option. Number two, we don't know for sure what site we're going to be looking at for the Admin Building. If I need additional bonding capacity for acquisition of land or infrastructure, that gives me some cushion there. Those are the primary two reasons for increasing the amount above the 13 1/2 that we'd originally identified. And that makes approximately that 15 million dollar amount.

MR. STRUMOR: You can't issue until it comes back to you. The Board has finally say, even though it's a general authority to do fifteen, whatever portion of those bonds get issued come to you for consideration.

COMMISSIONER DURAN: My concern is mainly the amount of money being allocated for the Administration Building. We've talked about it amongst ourselves and we really haven't decided where the Administration Building is going to go. My concern is that if we approve the bonds tonight and if in a year we still haven't figured out where we're going to put the Administration Building, what does that do with the ten million, eleven million that's been allocated for the Administration Building.

MR. STRUMOR: At this stage, you're not actually approving the bonds. You're just noticing the intent to adopt an ordinance to have a public hearing. So between now and on the 28th, if you want to consider it then, or some time later, there are no issued bonds and there are no even authorized bonds until an ordinance passes. So this is really the parameters notice to give you the flexibility to add in or take out, but it doesn't bind you to anything.

COMMISSIONER DURAN: I just don't want to be pressed up against a wall to make a decision as to where the Administration Building --

MR. STRUMOR: Absolutely not.

COMMISSIONER DURAN: Because we might be in the middle of negotiating the exact location.

MR. STRUMOR: Even if you adopt a notice and then pass a fifteen million dollar authorization, you may want to issue the couple of three million you need

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immediately, and then you have up to two years where you're going to put your Admin Building, and in fact you can even permit the ordinance to expire unauthorized, unissued.

CHAIRMAN GONZALES: The big movement has been, Commissioners, as Mr. Strumor would say, that right now the interest rate on bonds is the lowest it's been in forty years. So the idea is to move quickly to capture that low rate. We've got all the flexibility over the next few years to decide whether we want to issue it, how much we want to issue it for. Even if we issue the bonds, and that's why I ask Mr. Strumor if we don't spend it, from what I understand it's basically a wash. It has to be refunded back. The bonds would be earning as much money as it would be costing us.

MR. STRUMOR: That would take all the redemption off it. So even if you issued it to do the project, after the end of the three-year period and you do the project you just pay off the bonds.

CHAIRMAN GONZALES: And without any additional costs. Any other questions? Can I have a motion?

Commissioner Anaya moved to approve the request. Commissioner Griñé seconded the motion.

CHAIRMAN GONZALES: There's been a motion and a second to adopt Ordinance No. 1997-13 in the amount of 15 million dollars. Any discussion?

COMMISSIONER DURAN: I just have one. Bob, I'm not familiar with how the bonds work and everything and I was wondering if you could at some point in the next few weeks or so get with Domingo and find out if there's someplace we could go to to learn about this. We're making decision based on procedures that I know very little about.

MR. STRUMOR: There are national seminars held for issuers in public finance. The bond buyer does one annually for issuers and we'll make an inquiry. At a minimum, we can have a work session with the Commission at some time when you have time and give you an overview of what New Mexico is like.

CHAIRMAN GONZALES: Actually I would rather request that and then Commissioners, if they decide they want to go to the nationals, but there should be a workshop if you and Piper Jaffery could put one that would be great.

MR. STRUMOR: Be glad to.

CHAIRMAN GONZALES: And that way we could do it in a working session, because there's a lot of things we don't understand and that will happen as we go forward.

MR. STRUMOR: We can do this before you sell these bonds.

CHAIRMAN GONZALES: However it adjusts to the schedule. Any other questions?

The motion passed by unanimous voice vote.

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X. F. MATTERS FROM THE COMMISSION

CHAIRMAN GONZALES: Are there any other matters? Just real quick, the staff is working on helping prepare for the dedication of the fresco February 13. That's a Friday when the program begins on the Treaty of Guadalupe Hidalgo. It appears that Friday night at Sweeney may be made available. Staff is trying to coordinate a dance for the public. We're going to have to send out invitations, so Domingo, we're going to have to make some money available to the staff to prepare the invitations to invite the public. I'm not sure you can do that.

MR. SÁNCHEZ: Do you know how many invitations, Mr. Chairman?

CHAIRMAN GONZALES: I don't know. Juan is the one that's working from the office with stuff on that. So set aside February 13. Make sure you mark it on a calendar. Any other?

COMMISSIONER DURAN: Mr. Chairman, are we at matters from the Commission?

CHAIRMAN GONZALES: Yes.

COMMISSIONER DURAN: Okay, I just have one thing. There's been some articles in the paper the last few days about the animal shelter and I was just wondering if you know if in the next few weeks or so we could get together. When we met with the shelter before we moved right to the location and we talked about working with them in the next fiscal year to try to get back together to consolidate the two. And I was wondering if we could sit down and start working towards that goal.

MR. SÁNCHEZ: Mr. Chairman, Commissioner Duran, now is probably the perfect time, because we're going through our budget cycle. So what I can do is I'll coordinate it through staff. We'll bring the people together we need to and make it clear to them, because we are in the budget process that it's a dialogue that we need to have. I'll coordinate that at the staff level and then we'll get a hold of you and then start the process. But now's a good time to have it because we're in the budget process.

COMMISSIONER DURAN: I'd like to be involved if I could.

COMMISSIONER GRINÉ: Mr. Chairman, I'd just to like to add on to that, Commissioner Paul, you ought to include the Sheriff's Department and Benjie Montañó and also the representative from the Animal Control. And even if you don't get him involved, pretty much it's going to be a difficult task. He's the one that requested this from the Commission and all we do is authorize that this won't happen, but other than that, if we don't involve him, we're not going to be able to accomplish much together.

COMMISSIONER DURAN: I talked to him about it and he is willing to work with us on that. I don't think he really cares. My last conversation with him was he really didn't care as long as the animals were taken care. I agree, I think he needs to be involved. I'll give him a call whenever you decide it's time to sit down and talk I'll contact him.

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MR. SÁNCHEZ: We'll include him, because he is the administrator for the animal shelter, and then we'll again get back with you. I'll coordinate it at the staff level and I'll try to give you an update in a few weeks or a couple weeks but we're going into the budget cycle, just to let you know. We're going to have hearings at the end of March. So we can set something up and it can start actually developing in something because they'll be developing their budget recommendations or requests.

COMMISSIONER DURAN: Thank you.

CHAIRMAN GONZALES: Any other Commission items?

X. G. MATTERS OF PUBLIC CONCERN -- NON-ACTION ITEMS

CHAIRMAN GONZALES: Is there anyone in the public who would like to address the Commission on administrative issues, not on issues that we'll be addressing this evening? Okay.

X. D. MATTERS FROM THE COUNTY ATTORNEY

1. Executive Session

- a. Pending or threatened litigation**
- b. To discuss the purchase, acquisition or disposal of real property or water rights**

CHAIRMAN GONZALES: We need a motion to move into executive session to discuss pending or threatened litigation and to discuss the purchase, acquisition or disposal of real property or water rights.

Commissioner Griñé moved to go into executive session. The motion was seconded by Commissioner Anaya. The motion passed by unanimous roll all vote with Commissioners Anaya, Trujillo, Duran, and Griñé all voting for.

[The Commission met in executive session from 6:10 to 6:33.]

MR. SÁNCHEZ: Mr. Strumor mentioned about January 28, a special meeting so that we go the next step on the bonds. I just wanted to make sure that that didn't kind of just come out and no one really understood, but we were looking at having a special meeting on January 28 to go the next step on these bonds and we were looking at 4:00, but what I'll do is I'll have Deborah coordinate that with you. She can give you the --

CHAIRMAN GONZALES: Maybe we can come in an hour before and they can do a workshop with us.

MR. SÁNCHEZ: Okay. I'll coordinate that with him, and then we'll get

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your schedules, but I just wanted to make sure that people understood that. January 28, 4:00 pm.

Commissioner Anaya moved to come out of executive session with the understanding that the only things that were discussed under executive session were pending or threatened litigation and the purchase or acquisition of real property or water rights. Commissioner Grifé seconded the motion which passed by unanimous voice vote.

XI. PUBLIC HEARINGS:

- A. Ordinance No. 1998-1. An ordinance adopting bond issuance policies, adopting standards and criteria for qualification of projects for bonds, and providing for the review of bond projects by the Project Review Team**

MR. SÁNCHEZ: Mr. Chairman, is this on the bond ordinance? I had Donna prepared to give you a presentation, and if you'll give me just a minute to run in the back and get her. Otherwise I'll do it if we can't find her.

CHAIRMAN GONZALES: We want you to do it.

MR. SÁNCHEZ: I'll do it.

COMMISSIONER DURAN: Mr. Chairman, does this qualify as for having come before us twice?

CHAIRMAN GONZALES: Only by --

MR. SÁNCHEZ: Mr. Chairman, she just stepped in to save me.

[Commissioner Gonzales left the Chambers.]

DONNA GRAY: Mr. Chairman, Commissioners, recently the County has been asked to consider issuing several types of bonds, revenue bonds, project revenue bonds for non-profit, multiple family federally tax-exempt bonds, and this ordinance addresses these requests for bond issuance in a systematic way. What this ordinance will do is it will provide for the developer to submit a project plan and that will provide the information that we need to evaluate the soundness of the project as well as the benefits to Santa Fe County.

This ordinance does not provide for bonds that are general obligations or are County revenues such as gross receipts. This ordinance deals with what's termed conduit financing, in which the County has no liability. The type of bonds that will be covered under this ordinance are industrial revenue bonds, multiple housing bonds and private activity bonds. Also project revenue bonds. This ordinance sort of tries to provide a catch-all for all those types of bonds, as well provide a systematic way of reviewing and evaluating the projects that come before the board. And I'll stand for questions.

COMMISSIONER DURAN: Are there any questions of Donna? Okay, what's the pleasure of the board? Oh, it's a public hearing. Is there anybody that would

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like to speak to this matter, either for or against? Okay, then what's the pleasure of the board?

Commissioner Anaya moved to approve Ordinance No. 1998-1 as presented. Commissioner Griñé seconded the motion. The ordinance passed by unanimous roll call vote with Commissioner Anaya, Commissioner Griñé, Commissioner Trujillo and Commissioner Duran all voting in the affirmative.

XI. B. LAND USE DEPARTMENT ITEMS

1. **EZ Case #S 97-4870. The Santa Fe County Public Housing Services Division requests plat approval for the subdivision of the existing Santa Fe County Public Housing development known as Valle Vista. The property is located off State Road 14, within Section 26, Township 16 North, Range 8 East**

ROMAN ABEYTA (Development Review Specialist): Thank you, Mr. Chairman. After some discussion with the applicant, the applicant requested that this item be tabled until next month. There are some issues that still need to be addressed regarding the infrastructure within the subdivision.

Commissioner Anaya moved to table this item. Commissioner Griñé second the motion to table which passed by unanimous (3-0) voice vote.

- XI. B. 2. **EZ Case #S 96-4191. Vista Aurora Subdivision, Phase III. Sena Properties, Phil Sena and Elmer Garcia, agents for Harry Ewell, request a plat amendment for an additional two lots within Vista Aurora Phase III, a residential subdivision on 4.42 acres. The property is located west of Camino de los Lopez and south of Agua Fria Road, within Township 17 North, Range 9 East, Section 31 [Staff report on file with Land Use Department.]**

Exhibit 2: Staff conditions

MR. ABEYTA: Thank you, Mr. Chairman, commissioners, on August 13, 1996 the BCC granted final subdivision approval for Vista Aurora, Phase III. On October 29, 1997 Phil Sena on behalf of Harry Ewell submitted a request to add two additional lots to Phase III. The lots will be located at the south end of the subdivision with the Power Line Road easement. Power Line Road was a proposed future arterial road. However, the

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Arterial Road Task Force has removed it from the new proposed Arterial Roads Plan.

The plan was reviewed for access, water supply, liquid waste, terrain management, fire protection, archaeological review and environmental review.

Staff position is that the request does not change the classification or required standards and that there is no serial subdivision concerns the following conditions were set forth for approval:

1. Compliance with review comments from the following:
 - a. County Building/Hydrology Division Director
 - b. County Subdivision Engineer
 - c. County Fire Marshall's Office
 - d. County Public Works Department
2. The final homeowners documents and disclosure statement must be amended to include lots 25 and 26.
3. The developer's engineer must certify as to whether additional stormwater detention is necessary.
4. A 20-foot wide utility easement centered on the Sangre de Cristo water main located on lots 25 and 26 needs to be dedicated on the plat.
5. The developer must submit a solid waste fee in accordance with subdivision regulations of \$39.44 per lot.
6. Submit an engineer's cost estimate with financial surety for all required improvements for lots 25 and 26 (streets, all utilities, traffic signs, lights and park area). Include schedule of compliance projecting time period for completion of improvements. Upon completion submit a certification by registered engineer that improvements have been completed according to the approved development plan.
7. The final plat format and content must comply with the ESR and the prior plat for lots 1 through 24.
8. The top lift of asphalt shall not be placed until authorized by the City and County.
9. The applicant shall comply with all subdivision construction procedures.

Thank you, Mr. Chairman.

COMMISSIONER DURAN: Are there any questions of Roman? Is the applicant here? Could you come up please? Would you state your name and address for the record.

PHIL SENA: My name is Philip Sena, Sena Properties. I reside at 2201 Camino Rancho Siringo here in Santa Fe.

[Duly sworn, Philip Sena testified as follows:]

COMMISSIONER DURAN: Mr. Sena, are you in agreement with staff recommendation?

PHILIP SENA: Yes, Commissioner.

COMMISSIONER DURAN: Is there anything else you'd like to add?

MR. SENA: It's a pleasure to come before you.

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COMMISSIONER DURAN: Is there anyone out in the audience that would like to speak for or against this project? If not, what's the pleasure of the board?

Commissioner Trujillo moved to approve EZ Case #S 96-4191 with the conditions of staff. Commissioner Anaya seconded the motion, which passed by unanimous (3-0) voice vote

- XI. B. 3. CDRC Case #Z 97-5500. 360 Communications Cellular Tower - Stanley Site. 360 Communications, applicant, requests a master plan zoning amendment with preliminary and final development plan approval for a 24 foot high cellular tower on an existing cellular site. The property is located north of Stanley, east of State Road 41, within Section 24, Township 12 North, Range 9 East

[Chairman Gonzales returns to the meeting]

PENNY ELLIS-GREEN (Review Specialist): On December 18, 1997, the CDRC met and acted upon this case. The second tower is requested in order to provide microwave interconnection with 360's Moriarty and La Cienega's towers. The proposed tower is 24 foot high. The recommendation is that the decision of the CDRC which recommended master plan zoning amendment with preliminary and final development plan approval subject to the following conditions:

1. All trees will be six foot high at planting. Any dead or diseased trees will be replaced for the entire length of the project.
2. The applicant will address all staff redlines.
3. A Knox Lock entry system will be installed as required by the Fire Marshal.
4. The master plan will be recorded with the County Clerk.
5. If the technology changes and this tower becomes obsolete, the tower will be removed by the applicant. This will be noted on the master plan.
6. The applicant will provide a photo simulation of the tower and this will be the basis of a building permit.

CHAIRMAN GONZALES: Any questions of the staff?

COMMISSIONER TRUJILLO: What does photosimulation mean?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Trujillo, basically it's photograph of the area with a drawing of the actual site imposed on to that photograph.

COMMISSIONER TRUJILLO: And what's the purpose of this? Just to determine the impact on--

MS. ELLIS-GREEN: It will allow us to see exactly what the cellular site will actually look like once it's constructed.

CHAIRMAN GONZALES: Any other discussion? Will the applicant step

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forward please?

[Duly sworn, David Olson testified as follows:]

DAVID OLSON: My name is David Olson. I'm with 360 Communications, 8725 Higgins, Chicago. I do have a photo simulation with me if you'd all care to take a look at it. Essentially, what this particular site is for as Penny already indicated is -- the site is for microwave interconnection. In short, all of our cellular sites need to be interconnected with one another to a nerve center, which is called our switch, which is located in Santa Fe. The Stanley site currently has cellular antennas on it and one microwave hob leading out to our Moriarty site.

We also have a T-span or a phone line interconnecting to the La Cienega site that we have. The [inaudible] is very outdated, very unreliable and incredibly expensive and usually those costs are passed along to the customers. The microwave interconnection is much more reliable and it comes at a cheaper cost to ourselves. So ideally what we need to do is to build a new tower in which we can put that dish on and actually interconnect to the La Cienega site.

Normally what we will do on a regular tower that we build is just put the microwave dish on an existing tower. Unfortunately the height of the existing Stanley tower is 36 feet. The cellular antennas take up 14 feet. If we put the dish below that the microwave path is not going to have a direct line of sight. If there is any kind of hilly terrain, anything like that, we don't have the proper interconnection. The optimum height would be 37 feet. Obviously we can't do that; we've got a height limitation, 24, we have to deal with. So we're requesting to build a new tower and put the microwave dish at that maximum height.

CHAIRMAN GONZALES: Are there any other questions?

COMMISSIONER ANAYA: I have a question of staff. I notice that there's a seventh condition in the following application by the same company as to the final location of the tower being coordinated I guess to minimize visibility. Is there a difference between the areas that this particular condition was applied?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Anaya, the Stanley site is an existing site. It's 36 foot high at the moment and from the nearest public road it's very difficult to see the 36 foot high tower. This tower that is coming in front of you now is 24 foot, so it's staff's opinion that it would be virtually invisible from the public roadway. Their next site is actually a brand new site and that is why --

COMMISSIONER ANAYA: Thanks for the clarification, Penny.

CHAIRMAN GONZALES: Any other questions? Does the applicant agree to all the conditions?

MR. OLSON: Yes. We're aware of them and we agree to all of them.

CHAIRMAN GONZALES: Okay, this is a public hearing. Is there anyone from the public who would like to address this issue? Sir, now would be your time if you want to address this issue.

[Duly sworn, Herman Montoya testified as follows:]

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HERMAN MONTOYA: Herman Montoya, [inaudible] Juana Lopez landgrant. I oppose it because it sits on the site of Juana Lopez landgrant, and it should be checked a little further. I should say that we should all do our homework. You should do your homework.

CHAIRMAN GONZALES: Thank you, Mr. Montoya. Is there anyone else that would like to address the Commission on this issue? Okay, are there any other issues? What's the pleasure of the Commission?

Commissioner Griñé moved to approve CDRC Case #Z 97-5500 with the conditions as recommended. Commissioner Duran seconded the motion, which passed by unanimous voice vote.

- XI. B. 4. **CDRC Case #Z 97-5610. 360 Communication Cellular Tower - La Bajada site. 360 Communications, applicant, requests master plan zoning with preliminary and final development plan approval for a 24 foot high cellular tower. The property is located south of County Road 57, east of I-25, within Section 20, Township 15 North, Range 7 East**

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the applicant is requesting approval for a cellular site to consist of a 24 foot high monopole tower with six antennas, a 12 foot by 28 foot equipment shelter and six foot microwave dish to sit on a generator pad.

The decision of the CDRC was to recommend master plan zoning approval with preliminary and final development plan approval, subject to the following conditions:

1. All trees will be six foot high at planting. Any dead or diseased trees will be replaced for the entire length of the project.
2. The applicant will address all staff redlines.
3. A Knox Lock entry system will be installed as required by the Fire Marshal.
4. The master plan will be recorded with the County Clerk.
5. If the technology changes and this tower becomes obsolete, the tower will be removed by the applicant. This will be noted on the master plan.
6. The applicant will provide a photo simulation of the tower and this will be the basis of a building permit.
7. The final location of the tower will be coordinated with Land Use Staff to minimize visibility while still allowing for recovered coverage.

Condition number 7 has actually been met. A 159 foot set back has been agreed upon and the site plan is in your exhibit J.

CHAIRMAN GONZALES: I have a question of Steve Kopelman. Is he

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around? Steve, I was wondering if you could shed some light on the Federal Telecommunications Act that actually governs how local bodies treat these new cellular sites. Is there an issue in that that requires us to basically, if you let one go you can't prevent competition? There are some issues around the act itself that govern kind of the way we act on these new sites. Do you have an idea what they are?

MR. KOPELMAN: Sure, Mr. Chairman, members of the Commission. Just real generally, the Federal Act does not take away zoning authority from the local body. What it does is it sets certain requirements that would govern the Commission's decision, for example, you can't make decisions that are discriminatory, that would preclude one company from entering the market. You can't deny applications based on for example, the fact that the radio waves are dangerous. There are certain aspects of the federal statutes that control what the local body can do.

You still have the authority to pass on these. You have the zoning authority in terms of aesthetics and issues along those lines. You do have to develop a record. If you deny an application you have to have findings of fact that are clear and set forth the basis for not approving a particular application.

CHAIRMAN GONZALES: Is that similar to any other zoning issue of why would deny a master plan zoning request, or is it particular to this?

MR. KOPELMAN: The federal law goes beyond what it normally can do. It sets some further restrictions on the board to make sure that the decision to make sure that the decisions are non-discriminatory and that there's a basis, that you have your findings of fact in detail. I would say if the Commission is extremely concerned about this that -- these applications, that it may be worthwhile -- if that's the case, you might want to consider tabling it and I can develop and bring back a lot of information on the federal act if that's the desire of the majority of the Commissioners.

CHAIRMAN GONZALES: Okay, I just have a couple more questions then we'll open it up to questions of the staff. So Penny, I'm really concerned about the visual impact especially as this is being sited at La Bajada. There's a set back. Even with the setback can you see the cellular site? Because you can always see one coming up on one of the mesas, coming up La Bajada Hill, off to the right.

MS. ELLIS-GREEN: Mr. Chairman, this site is a good few thousand foot away from the existing site. From what we've seen, we've went out with a surveyor. They flagged a 25 foot high pole. You cannot see it as you drive north on I-25 as you're approaching La Bajada Hill. As you're driving up it, if you look to the right, you could see the very, very top of it. If you look carefully. We went out. We asked the surveyor to move the stake. Originally this had been 107 foot set back. We could see probably ten foot of the pole if not more. We asked the surveyor to move the pole back, which he did and we came to this 159 foot set back where we could virtually just about see the pole, which is very, very tall.

COMMISSIONER ANAYA: Steve, there was a similar situation in my

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district and there was court litigation that was addressed on that particular issue. Are there any differences between the two. Because I know we lost that case and we had to allow them to build. Can you elaborate on that?

MR. KOPELMAN: Mr. Chairman, Commissioner Anaya, in that particular case I think there were some very marked differences. To begin with, in that case the aesthetics were very different because in that case I think that the actual telecommunications antenna were actually going to be placed on the site of an existing water tank. So I don't think the visual impact was really an issue there. I think in that case it was a situation where the EZA and the Commission had concerns that the County actually owned the land and there were ownership interests. The court went off on a totally different tangent. I think in this case again, that visuals, the visual placement of an antenna is a legitimate concern of the local governing body. But again, I would recommend if the Commission has great concerns that it may be more prudent to table it and we could bring back some information regarding the federal act. But again, you know, if you do decide to deny this application, you need to have specific findings of fact as to why you're denying it based on the Land Use Code.

COMMISSIONER ANAYA: Penny, do you feel satisfied that condition seven, which would be to minimize visual impact, can be satisfactorily addressed by staff?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Anaya, that's the reason we went out onto the field and we felt, myself and Charlie Gonzales, who is our subdivision inspector, both felt that the 159 foot set back would provide little if any visibility from I-25.

COMMISSIONER DURAN: A few months ago several of us went to Arizona to a wireless communications seminar. We went there for the purpose of coming back here to develop a wireless communications ordinance. I was wondering, Steve, where we are on that, but before you answer that, while we were there, both state of the art [inaudible] being developed. Southern California looked like palm trees. Corky came up with a great idea that in this area in the rural areas it would be great to have them looking like windmills. I think it's start that we addressing this and I think it would be a good idea to table this until we can develop some kind of design standards for the towers and work towards that so that they're not so obtrusive.

CHAIRMAN GONZALES: Steve, can you respond on Commissioner Duran's -- is that a formal request?

COMMISSIONER DURAN: I'm sure that we have one, it's probably -- we haven't had any reason to start developing the ordinance. I think with these new sites coming before us it's probably time to do that. Unless you know something about it, there's really no reason for you respond except that it would be nice to start working towards that goal.

MR. KOPELMAN: Mr. Chairman, Commissioner Duran, again, if the Commission decides to table this, we will immediately begin developing data and I would like to look into the issues in terms of design standards and the like. In light of the fact that

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this is a pending application. But I think tabling gives us the time to do the legal research and report back to you on some of these questions.

CHAIRMAN GONZALES: Has the applicant come up yet? I think just to get to my other concern about this is that we're serious developing a highway corridor plan. This is all part of that area and I think that it needs to encompass cellular sites. I think we should listen from the applicant but I'm inclined also to support Commissioner Duran if his move would be to table this so that we can really look at this. I think this is different from the previous one because there was already an approved site and it was an amendment to the master plan. This is a brand new master plan and zoning from what I've read between the two. I do see a distinct difference between the two sites.

COMMISSIONER TRUJILLO: [inaudible]

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Trujillo, the land is being leased.

COMMISSIONER TRUJILLO: [inaudible] Buena Vista Properties, I believe.

CHAIRMAN GONZALES: Any other questions of Penny at this time?

COMMISSIONER DURAN: Mr. Chairman, I have a question for clarification. Can we table it before the applicant comes up? Is that the appropriate procedure? Is it possible to ask the applicant a couple questions before the motion is tabled?

MR. KOPELMAN: Mr. Chairman, Commissioner Duran, the Commission certainly can take testimony in evidence from the applicant as long as there is not a motion to table pending. Once the motion to table is made and seconded, it has to be voted on without any further information. But you certainly have the right to defer a tabling motion, get information if that's what the Commission desires and then after that have the motion to table.

COMMISSIONER DURAN: Mr. Chairman, I would like to make a motion to table EZ Case #Z 97-5610 until staff has had the opportunity to address the concerns that we've brought up this evening relative to the visual impact it's going to have, the impact it will have on the visual corridor. I would also like the staff to consider Corky's idea or work on checking into what kind of towers are available. For instance, water towers or the windmill idea that you had.

CHAIRMAN GONZALES: Hold on a second. We're in a motion. So the motion was to table, and then we're going to -- can we go through with the motion and then give the direction afterward? The motion is to table. Is there a second?

COMMISSIONER TRUJILLO: Second.

CHAIRMAN GONZALES: Any discussion? All those in favor signify by saying "aye." [Unanimous] All those opposed?

Okay, now we can send the direction, Commissioner Duran of what you would like.

MS. GUERRERORTIZ: If I could just ask for some clarification, would you gentlemen like to see a staff pole placed on the site as proposed the size the applicant is requesting?

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CHAIRMAN GONZALES: I don't think so. I think what we're talking about -- we need to begin, we're talking about working on a highway corridor that's going to address all these issues. I think that needs to happen first. Commissioner Duran is talking about a wireless ordinance that actually addresses and will deal design issues of towers. Both things I think need to happen before we begin to start entertaining this kind of zoning. So the direction I would to assist Commissioner Duran in sending is that we work on those two things.

We're already working on the highway corridor, but we need to begin working on the wireless ordinance, which I think is appropriate.

COMMISSIONER DURAN: My understanding is that we need to be careful with how we deal with this [inaudible] I think we need to do it in a timely manner. Mr. Chairman, just one other thing. Do you think that it's appropriate to bring this up at the other meeting, table it until the next meeting? Will that gives us enough time to --

CHAIRMAN GONZALES: I think that's going to give the staff enough time to prepare -- but at the same time, it stays noticed, right? each meeting anyway.

MR. KOPELMAN: Mr. Chairman, what we will do is unless you give us specific direction otherwise, it will be on the agenda for the next public hearing which would be in February. We'll know as we approach the February date whether we're anywhere near hearing that ordinance.

COMMISSIONER DURAN: I know when we were there we picked up some ordinances from other communities so I can't imagine it would take months to do this. We just have to publish.

CHAIRMAN GONZALES: Why don't we do that? Corky, is it possible to come back at the next meeting with a request to publish a wireless ordinance. And if the staff is going to have problems bringing that forward, consult with Commissioner Duran on a timetable. Could you write that up, Commissioner Duran?

COMMISSIONER DURAN: I will.

- XI. B. 5. EZ Case #S 97-4441. The Village at Rancho Viejo, Unit 1. Rancho Viejo de Santa Fe, Inc. (Bob Taunton, Vice President) applicant, requests final plat and development plan approval in accordance with the approved master plan, and a variance of the road standards for a mixed use subdivision (residential/commercial/community) consisting of 150 residential units on 196 acres. The property is located off Richards Avenue southwest of the Santa Fe Community College with the five-mile Extraterritorial District, Sections 19, 20, 29, 30, Township 16 North, Range 9 East**

JOE CATANACH (Review Specialist): In July the EZC granted preliminary

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approval for a mixed use subdivision phase that consisted of 334 units on 317 acres. Then the EZC followed up in December and granted final approval for Unit 1 of that subdivision phase, and that's what the applicant is currently here requesting approval for is Unit 1, which would be 150 residential lots on 196 acres. The EZC also recommended a variance of road standards and I can go into what those are as soon as I get into this report.

As you're aware the Board of County Commissioners granted master plan approval for Rancho Viejo back in 1989, and that was a large-scale mixed use development. The entire master plan is 655 residential units on about 2100 acres. The first subdivision phase of the master plan was approved for Turquoise Trail, which is a commercial, industrial subdivision, which currently is developing, they have almost completed the roads and the utility infrastructure for Turquoise Trail. Anyway, the proposed Unit 1 subdivision incorporates the Village neighborhood district concept where you have a central plaza area with commercial development and you have the residential density surrounding the plaza area.

So we have the development clustered on 78 acres, which you have 117 acres of common open space and that would include public trails. Public trails would be developed within that open space. As I mentioned the staff report goes on to identify the type and number of residential lots and units, which does include 25 affordable lots and units. The proposed Unit 1 subdivision phase includes creation of commercial lots and also lots for community facilities, such as a school. The primary access road is off of Richards Avenue. A secondary access road will be developed off of State Road 14. And in fact that secondary access road has already been started for the Turquoise Trail business park, they have already developed the intersection, coming off of State Road 14 and that road will be extended for this Unit 1 subdivision phase.

The County water company will provide water service and the developer will be building out a sewage treatment plant. The variances that were recommended by the EZC consist of road grades exceeding 3% for 100 feet from the intersection approach for seven intersections. Also the variance of road standards includes -- one intersection is proposed with an angle of 45 degrees and the other variances of road standards have to do with minimum spacing between points of ingress and egress.

The applicant has met with the County Traffic Engineer and they have come to agreement that these variances are appropriate and can be worked out and they are supported by the County Traffic Engineer as minor variances.

As I mentioned, the EZC granted final approval of Unit 1 subdivision phase and it included a variance of road standards. The applicant has addressed the conditions. The applicant has addressed the City and County conditions and staff recommends final approval. There are some minor loose ends that still need to be addressed but staff has a clear understanding and agreement of the minor items that still need to be included in the submittal.

I would only point out that at the EZC meeting, the applicant did indicate that they

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were not in agreement with County final condition number 1. That's on page 5. I believe the applicant is going to initiate discussion about but, as they did with the EZC, unless they conceded to the issue, but anyway, final condition number 1 that the applicant may initiate discussion about has to do with extending conditional dedication of right-of-way for Avenida del Sur to complete the connection of future arterial road intersecting with State Road 14, in accordance with the Extraterritorial Road Plan.

Right now the road that aligns with State Road 599, coming off State Road 14 on the opposite side of State Road 14, that road would be extended into Rancho Viejo. The condition has to do with Rancho Viejo dedicating a section of right-of-way in order to complete that road alignment in order that there could be a future arterial extending from State Road 14 all the way into Rancho Viejo, and like the condition states, that particular condition is in accordance with the Extraterritorial Road Plan.

Like I mentioned, the applicant has addressed the City and County conditions. Gentlemen, if there's any questions that concludes my report.

CHAIRMAN GONZALES: Joe, I have a couple of questions and it pertains to the last issue on the final condition number 1. I can understand the need for an arterial. Let me just ask you a couple of questions first of all. They've been upgraded [inaudible] Richards Avenue thus far. Is that right? That would be the primary entrance into the village, correct?

MR. CATANACH: Roads have been developed that would provide access to this Unit 1 subdivision, those roads were developed at the time that the IAIA campus was going -- had acquired the property from Rancho Viejo several years ago. They had thought that they were going to come in and develop the IAIA campus. So Rancho Viejo has developed those access roads. Rancho Viejo has agreed to participate in upgrading the intersection of Rodeo Road and Richards Avenue intersection. Yes, the applicant has made some upgrades regarding that road network from the property out to -- either has made some upgrades or has made commitments to make upgrades.

CHAIRMAN GONZALES: So let me ask you this question then, and it's a question for the applicant that you probably know. I'm assuming there are a series of phases that the applicant will be doing over a period of time.

MR. CATANACH: Yes.

CHAIRMAN GONZALES: So there will be a phase 2 and phase 3 or whatever might be on down the line.

MR. CATANACH: Yes, that's correct.

CHAIRMAN GONZALES: So this arterial will be connected to property that will eventually move on to the -- that will connect to the state land that is currently being considered for some high density development. Is that right?

MR. CATANACH: Yes, Commissioner, that's correct.

CHAIRMAN GONZALES: So I guess my concern is this, understanding why the applicant would want to possibly hold off on this condition would be that -- what happens

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in the event -- tell me how the staff would react to this. Let's say the event that the arterial was actually granted, the easement. Staff, the State Land Office comes in, which we're assuming they're going to come in fairly soon to develop that property. They start marketing the property from the Richards Avenue entrance as opposed to the State Road 14 entrance. They come forward with high density developments and they're in the process and they're moving forward.

There's already a lot of pressure from what I understand on Richards Avenue as it is today, even with the improvements that have been made. And we need to continue to assure that more improvements will occur over a period of time on Richards Avenue as well as improvements in that subsector. I guess my question would be, if the State Land Office came in and they did their developments and the developments were occurring, then Rancho Viejo comes into the second phase or their other phases, the State Land Office would benefit from this arterial and ultimately the improvements if the applicant has made on Richards Avenue.

The second phase, what's to assure the applicant there that staff wouldn't require more upgrades to Richards as the result of the arterial that has created more traffic to occur on Richards? I can understand why the applicant would be concerned with this condition at this point, especially knowing the fact that -- I think it is a reality that the State Land Office is going to be coming in fairly soon. They are going to be generating more intensity. It's going to be flowing through the Rancho Viejo Subdivision, which is going to increase more traffic, more bearing on their own arterial roads. It seems like a very -- at least at this point, considering the way we require applicants to contribute money to some of these arterials that it might be a little bit of a concern for them.

Did the staff reasonably expect them to continue to contribute if after the state has developed its property and the people are using that area when they come into their second phase?

MR. CATANACH: Well, that certainly was the issue that was discussed with the EZC. Obviously, the applicant is concerned and possibly he's had more discussion with Tom Dominguez about this issue than I have. Maybe it would be appropriate to allow Oralynn to discuss that issue.

CHAIRMAN GONZALES: Okay, then I guess my only concern, my only question is, is there a problem with the applicant, and I don't know -- if the applicant has agreed to do this in the second phase, why does it have to happen now when that dedication is happening in the second phase when we actually know what's happening with the State Lands at that point. Is that feasible for that to happen?

MS. GUERRERORTIZ: Mr. Chairman, Commissioners, you've hit on a very important topic in this area. There's a lot of concern about Richards Avenue and you've focused I think on the Richards-Rodeo intersection but there's another major concern and that's the underpass under the freeway. It's got limited capacity and the analysis that's been done to date really focused on the entire area of Rancho Viejo developing and areas that are

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opposite to Vista Del Monte developing and using that road and as a result that underpass will function. If the State Lands make a connection to Vista del Monte, there's great concern that the underpass would have to be dealt with at a much sooner date than the State Highway Department is considering at this point.

Early discussions with State and with Tom Dominguez, what I understand is they're not going to be favorable with the State Land Office land connecting to Vista del Monte. They'll want them to only have direct connection to State Road 14 until such time as underpass improvements have been done.

CHAIRMAN GONZALES: Real quick, my point is you're telling me something and they're telling me something different. [inaudible] planning on using Vista del Monte. If the majority of the density from the State Land is going to be pushed towards the Rancho Viejo area, because it's away from what's happening on 14, the prison buildings, and then the County detention and the Sheriff's Admin, they're going to naturally push their entire site towards the Rancho Viejo Village, it's not going to be feasible, from what I have heard from them to build the road that far so that Vista del Monte is actually what I've been told is they're looking towards.

So I've got some concerns about what we're being told by the State Land Office and what you're being told that will require the applicant to do.

MS. GUERRERORTIZ: Mr. Chairman, I think that there has not been a lot of communication between the State Highway Department and the State Land Office. The plans of the State Land Office are not conformant with the State Highway Department would like to see, and we'll try to get those issues resolved with some discussions occurring. Potentially, the State Land Office or the state in general can move forward more quickly on the Richards Avenue underpass. But your primary question I think was, is the request, at this point of the access road to connect this property to Vista del Monte appropriate at this time. I do believe it is. We've got projects that are in today that are large projects.

One of them is 99 lots. It's called Santera Subdivision and it will be in part EZC in the next month or two. That project, it was the last development with the connection occurring basically a very large subdivision at the end of a dead end road, which is something you've heard me many times remark I don't care for because of emergency access issues. This road is shown on the arterial roads task plan. The EZO states that any time somebody's developing lands you must conform with that plan and go ahead and provide for the easement as required by that plan and adapted by this body and also the City Council.

If any project connects to Vista del Monte that will definitely have impact on Richards Avenue. The staff will be recommending that they be tied into the conditions that require them to also contribute to Richards Avenue and Rodeo Avenue intersection and any other improvements that will need to be done on Richards Avenue. Staff will be consistent on that and I hope that the Board will support us on that. So we'll try to get everybody who has an impact a party to that.

CHAIRMAN GONZALES: [inaudible]

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MS. GUERRERORTIZ: Well, for Santera Subdivision is the connection between the state land property and Vista del Monte, so you do have a lot of control because you have control of what happens on Santera, and I think you do. Whether or not you allow the planning of an easement to the State Land Department or what I would recommend is that it be shown as a future road to not be allowed that road to be constructed until such time as the Board allows that road to be constructed.

CHAIRMAN GONZALES: What is the concern of the staff to allow this to happen at second phase of Rancho Viejo. We know and we can monitor this. That's good enough. Because I think there's a whole area of the sector. It's a new community district. We're moving into this area. Who knows what the arterials are going to be as opposed to what they are now. It just seems we're pushing an issue that may change very soon. That could make more and more problems by allowing that issue to occur now.

MS. GUERRERORTIZ: Mr. Chairman and Commissioners, I think the arterial roads task force has laid out some of the major roads and Vista del Monte is one of them with a connection to Richards and also to the Rancho Viejo Boulevard. In addition, the matter is important because at this time is when we are seeing what we've got three developments we know of in that area. One is the BrownCastle RV Park which you've already approved, which, I think will mainly have access through State Road 14.

The other one is the Santera, which will be before you in several months. The other one is a smaller project which I believe you've already approved. It was only 20 lots. It also went off of Vista del Monte. And we know Thornburg is going to be developing his large acreage there also. So it's timely in that at this point we're seeing a lot of development in the area and we would like to think ahead of how we're going to deal with that new development -- as it came forward and did not have a second access, I would recommend it be denied at this point until it got one. This is probably its only viable second access. Maybe that's not wholly true. They might be able to go through some other portion of Rancho Viejo Boulevard, or the Rancho Viejo property.

Another issue which we have not discussed yet with this board is that the County is considering developing its own wastewater system. Because of the numerous wastewater treatment plants that are going into that area, the main test lines when we're looking at this would be in this alignment and so we would also like to see an easement dedicated for public use and ultimately a conditional dedication to the County and that would be an alignment that we would want to put a trunk line sewer in.

CHAIRMAN GONZALES: There's two concerns I have. I don't want to stay discussing this with you, but as we go forward on this, and I think your concerns are really valid and I think you're absolutely right in making the points of requiring two access points into the property, just from the safety standpoint. My concern is that continuously requiring neighborhoods that are saying we are opposing subdivisions because we don't want the traffic to go through our communities. Vista del Monte, all we're doing from the very start of this Rancho Viejo Road is creating outside traffic to go through a community. I

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mean just from the conception. And I think that's kind of controversial. We've said for a long period of time we're trying to protect communities from having [inaudible] thoroughfares for people to get from one point to another.

I'm concerned about that. We have a couple obstacles we have to deal with the applicant on. But I'm also concerned with -- we know that Richards Avenue is already over-taxed or over-used. Why we would continue to provide the networks to -- I mean Rancho Viejo has I think paid its fair share. That's why they're coming forth with you guys. They've met those conditions and therefore they coming forward at this point. I'm concerned about opening it up, that thoroughfare so that we can continue to overuse Richards Avenue until the improvements are done.

And maybe we need to look at your suggestion very seriously and state that this subdivision coming in should not be approved until there is that secondary access. I just have concerns with how this can potentially play out over a period of time, not so much for the applicant, but for the people that are actually going to live in that community. And if that's true, it's actually coming in under and affordable housing ordinance and going to provide affordable housing, what are we really offering other than an area that's going to have high density traffic moving back and forth through the area they're living in.

MS. GUERRERORTIZ: Mr. Chairman, I would also state that at this point we're only asking for the easement to be plotted. So that if in the future, you approve something like Santera, that Santera would be required to develop it. I don't believe that Rancho Viejo will want to develop it, and they're not required to at this point. They've got two accesses to this property. People who would want to develop this would be future subdivisions, either the State Land Office will want to develop it or Santera Subdivision. So what we're trying to get now is a platted easement for later potential development, not construction of a road and you will still have control of projects that are coming through that will be people that will want to develop that.

CHAIRMAN GONZALES: Then again, it goes -- all it is is opening up an arterial to large amounts of traffic to flow into a community and into another bottleneck area like Richards Avenue. But we can move on. Thank you though Oralynn.

COMMISSIONER ANAYA: Just a point of clarification, Oralynn. What you're suggesting is not a total deletion of the idea of that connection. It's just to put it on hold until Santera Subdivision comes in, Vista del Norte comes in to the scenario or commences an application?

MS. GUERRERORTIZ: What staff is requesting is that the Board support a condition that requires the applicant to plat the road, i.e., show a paper easement of this future road that could be constructed by later developers if in fact their projects are approved and you do want that road constructed.

MR. CATANACH: Commissioner Gonzales, the only thing I would want to say that hasn't been mentioned and this is something the Commission has already discussed previously is certainly the applicant has been supporting an interchange at the I-25 and

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Richards which my understanding is that the interchange would be able to maintain the level of service capacity that Richards Avenue road design currently has but I just mention that certainly that's why there has been a lot of discussion or a lot of support by Rancho Viejo to have an interchange at Richards Avenue with I-25.

CHAIRMAN GONZALES: Any other questions? Will the applicant come forward please?

[Duly sworn, Bill Taunton testified as follows:]

BOB TAUNTON: Mr. Chairman, members of the Commission, my name is Bob Taunton. I'm Vice President with Rancho Viejo, 1590 Pacheco Street. We're really pleased to be here tonight. It's been a lot of work over the last year. We've had great help from staff. I think most everybody knows that this particular project is breaking new ground. It's not the same old pattern. It's really taken an extra effort on the part of the staff -- Oralynn, Joe, particularly, and we really want to thank them for the effort over the past year.

We're really excited about this year where we're going to be able to proceed with development. Our plan is to that we would start the site construction in March. We'd start our model houses in April and we expect to have the subdivision improvements, the models open in September. We'll begin selling in May of June. So it's going to be an exciting 1998.

We can go through a presentation on the community, if you would like. We can respond to questions, or we can simply go to the two or three conditions that I would like to discuss, one of which has been discussed. I know you have a heavy agenda tonight, so we --

CHAIRMAN GONZALES: Go ahead. We've seen the master plan, so let's go to the issues.

MR. TAUNTON: With me tonight is surprisingly, Mr. Karl Sommer. We didn't expect him to be here. Cliff Walbridge, who's our engineer and Mark Shloper who works with me at Rancho Viejo. They may want to make some comment. We have three conditions that we would like to talk about. Actually, I'll leave the one that we've been discussing just recently for the end. There's a minor condition in reviewing the minutes that I wanted to see if we could have amended.

The City had proposed a series of conditions, two of them dealt with service availability statements, one from Sangre de Cristo, which was deleted, because it's not applicable, and the other was a similar statement from the City wastewater management division. We are not going to be connecting in any way to the City's wastewater management. So we feel that that should be deleted as well. So I'd like to make that request. I actually thought it was deleted at the EZC but the minutes indicate otherwise.

CHAIRMAN GONZALES: Could you repeat that real quick?

MR. TAUNTON: That's condition number eight, under the city's conditions. They had nine conditions. I'm looking the EZ zoning minutes page seven.

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[Mr. Catanach spoke away from the microphone.]

CHAIRMAN GONZALES: So County staff is in agreement?

MR. TAUNTON: Seven was deleted, Commissioner and number eight, we would like to have deleted. One of the other conditions that we discussed at length at the EZC had to do with the trail which would be constructed adjacent to Rancho Viejo Boulevard. Let me take the mike and refer to the map. This is the overall master plan area that I think the Commissioners are familiar with. This is the Village, as we call it, the area that was preliminary platted and approved by the EZC in July. Our first phase of Unit 1 of the Villages is this portion here and of course this graphic here represents the preliminary plat that was approved. Unit 1 is basically everything to the east.

Our second access that we have to construct is a road that runs for a mile and a quarter and is going to cost us a million dollars. We're going to do that in conjunction with Unit 1. I think most of you are aware that all of the roads, including most of Richards coming on to Rancho Viejo and all of the roads on Rancho Viejo either through donations of land in exchange for roadway improvements are in expenditures of dollars, one way or the other, were paid for by Rancho Viejo.

The staff has requested that we construct a trail adjacent to Rancho Viejo Boulevard, which would come out to Highway 14. We agree with that. We think it's part of the code, part of the ordinance, and we're not objecting to that. Our statement was that we think it would be best if that particular trail were constructed as part of Phase II, Unit 2, which would be this portion of the Village which we will start working on this year and probably be in construction in two years.

And the reason for that is that this curving line here is the two-mile EZ line. There has been no master planning that has been undertaken in this particular area. There is no idea of a trail network in this area. The Arroyo Hondo goes through here but staff and the City have been talking about a trail corridor and that's not really not known at this time. We talked to the Vista Acacio people about trail connections and they're not certain of whether they would want a trail connection or where it would occur. So we think it's appropriate that we defer the construction of that trail until the second unit, when hopefully by then we'll have a better picture of where this trail should go.

As most of you know there's no trail on Highway 14 so if there was one constructed, people would simply come down the trail and go back again. We think that having a trail adjacent to an arterial roadway is perhaps not the best location. We would request that you alter the EZC condition, which I believe was 9.e. and allow us to plan and construct this trail as a condition of development for Unit 2 and in time we would have more information about a trail system. The County is actively working on that now and we think that the condition from the EZC is just a little too premature.

MR. CATANACH: Mr. Chairman, I would point out that the EZC's recommendation came out as final condition number 5, which is related to 9.e. [inaudible] that that trail would be deferred for more than six months. And as Bob just mentioned, he's

asking that that trail be deferred when they come in at Unit 2 subdivision phase.

CHAIRMAN GONZALES: It would actually be number 5 of the final conditions? Bob, there's a question from Commissioner Anaya.

COMMISSIONER ANAYA: Bob, in other words, condition 9.e. is comparable to condition 5 of the City or the County? The County? Okay.

MR. TAUNTON: I'm sorry, Commissioners. I didn't realize that this had been reformatted. Otherwise I would have referred to the correct one.

COMMISSIONER ANAYA: Nine-e and condition 5 of the final conditions are the same.

MR. TAUNTON: Are there any other questions on that?

CHAIRMAN GONZALES: Your request is that right now, constructing the trail, who would use it? Who would basically use it right now?

MR. TAUNTON: I'm sure that probably some of our residents would use it, but it frankly isn't going anywhere. It doesn't have a designation. It's part of a trail network and we think a trail along an arterial isn't necessarily the best location. There is some other alternatives and we'd like to have the opportunity to do a little planning. We won't mark any of this until the next phase of the County General Plan goes through.

CHAIRMAN GONZALES: Are you asking just that that be removed?

MR. TAUNTON: Well, we would be happy to have a condition that stated as part of the approval of the development of Unit 2 that we would build that trail and at that time we'd make the best effort to put it in the best location.

CHAIRMAN GONZALES: Okay.

MR. TAUNTON: The last item deals with the roadway connection which Joe had discussed earlier. The Avenida del Sur Road is this roadway from the southwest corner of the college where Richards ends, to this corner. It crosses an arroyo and immediately on the other side, the south side of the arroyo, is where the roadway was constructed to the south entrance to the IAIA campus. Physically, that's where that connection needed to be.

What the staff is requesting is that this portion, an easement from this termination here be constructed and then line up with Vista del Monte and go over to 599. So here's 599, the interchange on I-25, Highway 14, the Allsup and then this road would continue this way and then hook up with this particular road. Again, we have no objection to a network. We realize it's planned. Our whole issue is the staging of it. Notwithstanding there are some developments that may need it for a secondary access and as I mentioned earlier for not an awful lot bigger subdivision, we had to construct a mile and a quarter second access road way.

Once you open this, if Vista del Monte is constructed and once you open this then really, even though you have some control over subdivisions and their traffic impact reports, you really don't have any control over through traffic. You can see that we're now connected over to 14, we're now connected over to I-25, but our concern is that there's no downstream solution yet for traffic impacts on Richards. The I-25 corridor study was before

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you a couple of months ago so you're up to date on what planning has been going on in that area. We just think it's more appropriate that we not encourage any through traffic here.

We're willing to dedicate the easement, but would prefer to do it at a later stage. And what I have suggested is, when we complete this Village, we would go to this area, which will represent the balance of our master plan entitlement. At that time we would be willing to do it in conjunction with this project which would be a few years down the road and by then we would have a downstream solution sorted out. I agree with Commissioner Gonzales' comments about neighborhood traffic and through traffic and so on. So we would prefer to see that dedication of this particular portion not take place at this time until there was a transportation solution.

The County staff is undertaking a transportation study in the new community district area. They're in the inventory stage. Mr. Al Pitts, who is the chairman of the arterial roads task force is doing that along with Linda Tigges and County staff. They are just now assembling data, looking at land uses, and so on. In probably within the next few months they'll start to move forward with some concepts, which could ultimately change the arterial roads task force recommendations. So there may be a different pattern that results from that study. We're just trying to caution the Commissioners about not opening up the opportunity for further traffic impacts on Richards North.

CHAIRMAN GONZALES: Could you show on the bigger one, Vista del Monte?

MR. TAUNTON: Actually our map doesn't go down that far. The missing piece of right-of-way would start roughly in this area.

CHAIRMAN GONZALES: Right, but I mean the trail with through traffic would go through where?

MR. TAUNTON: The traffic would come through right here, over to Richards and then north on Richards by the community college.

CHAIRMAN GONZALES: So then every lot would have to deal with having to deal with everyone else's through traffic.

MR. TAUNTON: Our road, the Rancho Viejo Boulevard which we're constructing, some could say, well that's going to do the same thing. But in reality it probably won't, because it's so close to the interchange. Once somebody is north on Highway 14 it's just a matter of a few hundred yards and you're either going up Cerrillos or you're on to the freeway. It will really provide access to this community as well as people who are specifically going to the community college, as opposed to people who are cutting through.

CHAIRMAN GONZALES: Thank you. Are there any other questions?

COMMISSIONER DURAN: Is Vista del Monte already platted back to Highway 14?

MR. TAUNTON: I have no idea. Perhaps the staff --

MS. GUERRERORTIZ: Mr. Chairman, Commissioner Duran, I know that

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at least 66 foot right-of-way has been platted from State Road 14 to the eastern end of a subdivision you've approved rather recently and I forgot its name, but it's adjacent to Santera and Santera is going to carry that basically to Rancho Viejo's property. There's a 50 foot easement the entire length, but we have it extended to 66 foot. And for your information, Vista del Monte will be paved from State Road 14 to the entrance to the subdivision -- Valle Sendera.

COMMISSIONER DURAN: Is there a possibility that where Vista del Monte would line up with the dedicated right-of-way, could that change?

MS. GUERRERORTIZ: The alignment of Vista del Monte, sir?

COMMISSIONER DURAN: At the point where it would intersect with the proposed dedicated right-of-way.

MS. GUERRERORTIZ: I do not believe so.

COMMISSIONER DURAN: So it is basically set in stone right now?

MS. GUERRERORTIZ: I do believe so. It's been shown on several different plans. The terrain is amenable to the proposed location. There's no reason to believe that its proposed alignment would be modified.

COMMISSIONER DURAN: Would there be any reason, Bob, why we couldn't have a requirement where if the point -- if the Commissioners felt that the dedication needed to take place because of development that was taking place in that area, would there be any reason why you would be opposed to a condition that would require you to go ahead and grant that, dedicate that right-of-way at the discretion of the Board?

MR. TAUNTON: Commissioner, you're asking if the timing were not in for platting approval, which would be a normal time for dedications and so on that you would - if you requested would we dedicate the right-of-way?

COMMISSIONER DURAN: Well, right now you're asking for us to delete that because you're not sure if the network of arterial roads out there will be developed. Right? You want to wait until a later date to do that.

MR. TAUNTON: Our primary concern is the downstream impact on Richards. If, for example, the interchange at I-25 were on the five-year highway plan, I don't think I'd have this concern. I believe there would be a downstream solution. Yes, we'd have to take a lot of through traffic but at least there wouldn't be any capacity concerns with Richards and Richards and Rodeo, because there would be the solution to intercept that.

We would be willing to do that, what you requested, Commissioner, as long as we felt confident that there was a downstream traffic solution. I guess that's the best answer I can give.

COMMISSIONER DURAN: My concern is that if we postpone it until you do the other stage, that could be ten years before you do that other stage. Or the last phase.

MR. TAUNTON: There certainly, as you know in real estate, one never knows what will happen in the market but our plan is to move forward with Unit 2 in a fairly short term. Our expectation is that we will build out the entire Village as depicted on

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this particular preliminary plat within five years. Mr. Sommer suggested that we might consider a date-specific that would be done with the second unit or not later than a specific date, where all of us might feel confident that there would be a solution, a traffic solution downstream. That's something I would certainly consider.

COMMISSIONER DURAN: Bob, if we deleted this approval from this evening's conditions and allow you to go forward with it or dedicate it [inaudible] the last phase. And development occurs in areas that you have no control over requiring that we need that dedication because of the traffic situation. Would we be able to do anything about it because we gave you the right to -- if you could dedicate it at a point far beyond where we really need it.

MR. TAUNTON: Well, again, if there is a downstream traffic solution we wouldn't be opposed to the dedication.

COMMISSIONER DURAN: Okay, that was just a point I wanted to bring up.

CHAIRMAN GONZALES: Any other questions? Do you have any more to proceed with, Mr. Taunton?

MR. TAUNTON: Commissioner, no. I know you have a long agenda tonight and unless there's some other questions from the Commissioners, we have -- that was really all of our concerns. We were in agreement with all of the other conditions.

CHAIRMAN GONZALES: Let me ask the staff -- Mr. Sommer. Is there a date or a time line that you would feel comfortable, three or five years, if they're still not at Phase II for Rancho Viejo that we would be allowed to go in and they would agree to plat it, so that we would have that thoroughfare, so we have that safety valve in place in case we need it? I know you would rather have it the way it is, but I'm asking to see if there's compromise on the staff's part before the Commission makes a decision on a date that you would feel comfortable with if they haven't come in with their second phase, what kind of date you would think be acceptable, as to begin this discussion again for them to plat it?

MS. GUERRERORTIZ: Mr. Chairman, Commissioners, without the platting of this easement, basically Richards Avenue is a dead end road that serves Rancho Viejo in essence. And that's its only purpose.

CHAIRMAN GONZALES: And the community college.

MS. GUERRERORTIZ: Right. It is staff's preference that we stick with the arterial roads task force and get the easement right-of-way to be developed at a later time approved by you all. A fall back position would be to tie it to Unit 2 of this development, this subdivision and at least reconsider the issue at that time. Because we have no feel exactly when Rancho Viejo in with their next project.

CHAIRMAN GONZALES: Would you consider Unit 2?

MR. TAUNTON: Yes, I would.

CHAIRMAN GONZALES: And Unit 2 -- so we would reconsider it at Unit

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COMMISSIONER DURAN: Reconsider or require it?

MS. GUERRERORTIZ: We'd consider the issue once again requiring platting-- again that's my second choice, but if that's what you're considering it would be reconsidering the issue at that point.

CHAIRMAN GONZALES: And that is projected to take place in a couple years?

MS. GUERRERORTIZ: I believe it's an 18-month type period, is it not?

MR. CATANACH: There is a condition that Unit 2 of this subdivision phase would have to come in within 18 months, no I think it's 24 months.

COMMISSIONER DURAN: Do you feel that that's not tying our hands? Do you think that that is reasonable?

MS. GUERRERORTIZ: Mr. Chairman, Commissioner Duran, I have concerns because I think we're going to tie some hands of other developers, including, potentially, the State Land Office because of this lack of connection. It's unusual to consider requiring a developer to plat something if they're not requesting something else because it is cost serving and everything else. It would be best, I believe to do it at this point, but if it was to be delayed, the next time this group will be before you will be when they're looking at Unit 2 of this phase.

COMMISSIONER DURAN: Is the reason here -- other developers to take advantage of this type of corridor?

MR. SOMMER: Commissioner Duran, for the record, my name is Karl Sommer. I apologize for the casual appearance.

[Duly sworn, Karl Sommer testified as follows:]

KARL SOMMER: My name is Karl Sommer. My address is P.O. Box 1984, Santa Fe, New Mexico, 87504. I apologize for the casual attire. I just got off the plane. There are two reasons. One is the equity issue about using up the capacity of Richards and all the other arterials that have been built and will be built as part of the process. The second thing is we believe it's a control issue. Once that gets platted, once it gets dedicated, you lose control. The issue of the States Land Office, my understanding is they don't have to get your approval. They've agreed to work with you, but they don't need your approval. They don't need to submit a traffic study to deal with the downstream problem. It's the kind of control issue that we think you need to monitor when and if you need it to be the issue.

If the State Lands Office does not need your approval, does not need to get a traffic improvement program on on Richards because they can just simply go ahead. We believe that you lose the very control that we believe should be imposed here. That's part of the issue. So one is, yes, the equity issue. We don't want people to use up the capacity that we have created. I don't think that's unreasonable or unfair given the cost gone into it. The second thing is we're not trying to prevent them; it's a matter of timing. And third is, we believe you lose control and so would we, the ability to effectively argue about this issue if

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it's been dedicated.

A 99-lot subdivision comes in and there's no other condition upon which you have control to deny a subdivision request, and certainly the State Lands Office could come in and say boom. And then we have a real downstream traffic problem on Richards Avenue. The only other thing I'd like to clarify is that Richards Avenue is not a dead end as part of the subdivision.

[Discussion regarding roads happens away from the microphone.]

CHAIRMAN GONZALES: Thank you. Are there any other questions of the applicant?

MS. GUERRERORTIZ: I'd like to provide some clarification to the Board because I want you to recognize some of the authority that you do have. The State Land Office will not require any zoning approvals from you but they do require development plan approval. And development plan approval does require traffic analysis to be done and you can require traffic mitigation measures to be taken care of. So in fact there was a misinterpretation of the code. It has long been the County's understanding that we do not have zoning authority, but we do have development plan authority and under our development plan requirements traffic issues and traffic safety issues have to be addressed. So in fact the State Land Office and any traffic impact due to the development will come before you and you will be able to provide conditions with regard to that project.

CHAIRMAN GONZALES: Okay. In that I was really confused because I had been told that we don't have development, so that's something in particular we need to sit down because I was told by the manager's office that we don't have control over that. So I just want to make sure we all get on the same card when we're dealing with the State Land Office before we make decisions. Thank you. Are there any other questions of the applicant? Okay, this is a public hearing is there anyone who would like to address the Commission concerning this issue? Just real quick, is there going to be some affordable housing?

MR. TAUNTON: Commissioner, we're going to produce in this first unit about 15%, 16% housing that will meet your affordable housing. We voluntarily have chosen to follow that particular program. Currently we're working drawings on the particular production housing segment that will fit within price parameters of the ordinance. Once I have that, more definite costs, I'll be able to outline exactly how we're going to meet it -- what levels of affordability. We also have the opportunity to produce attached housing, duplexes perhaps, that still may be able to drive the pricing down even further within our village center area. So as part of the development agreement that we'll be executing with the County, which is one of the requirements, conditions of this subdivision, it will include as an attachment the affordable housing ordinance.

We're going to use neighborhood housing services to help us implement that program.

CHAIRMAN GONZALES: Thank you. Any other questions? Okay, what's

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the pleasure of the Commission?

Commissioner Anaya moved to approve EZ Case #S 97-4441 subject to the conditions imposed by staff, deferring conditions 9.e, and final conditions 1 and 5. Commissioner Griñé seconded the motion, which passed by unanimous voice vote.

- XI. B. 6. CDRC Case #V 97-5680. Johnny Gutierrez Variance. Johnny Gutierrez, applicant requests a variance of Article III, Section 10, (lot size requirements) of the Land Development Code to allow for two homes on 2.5 acres. The property is located west of the Downs of Santa Fe, off La Luna Road within Section 34, Township 16 North, Range 8 East [Staff report on file with Land Use Department.]**

[Chairman Gonzales left the proceedings.]

RUDY GARCIA (Review Specialist): Mr. Chairman, Commissioners, the CDRC on December 20, 1997, granted approval of the variance/appeal for Mr. and Mrs. Gutierrez subject to conditions. According to Mr. Gutierrez he does own a 2.5 acre piece of property. He would like a second unit on his property for a family member. Just to mention, Mr. and Mrs. Gutierrez are eligible for a family transfer. After this year, for a family transfer you have to own the property for five years and then you can go below that minimum. They have owned the property for four years so after this next year they'll be able to apply for a family transfer.

The recommendation: On December 20, the CDRC met and acted on the above-mentioned case. The decision of the CDRC was to grant approval of the request subject to the following conditions:

1. The second dwelling must always be occupied by a family member.
2. If the applicant proposed to divide in the future he must go through the appropriate process and committees.
3. The second dwelling must be placed to the south of the existing home.

COMMISSIONER DURAN: Are there any questions of Rudy?

[Commissioner Trujillo asks a question away from the microphone]

MR. GARCIA: Mr. Chairman, Commissioner Trujillo, yes, that is correct. In order to do a family transfer you -- this is for one of Mr. Gutierrez' daughters.

COMMISSIONER DURAN: So Rudy, if they waited another year they could get what they want; right?

MR. GARCIA: Mr. Chairman, if they waited another year they'd be eligible for a family transfer which would allow them to divide the property into two lots, each one

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creating a 1-1/4 acre lot. For certain circumstances Mr. Gutierrez needs for it to be done immediately, so that's why he's here.

COMMISSIONER DURAN: Any other questions of Rudy? This is a public hearing. Is there anyone out there that would like to speak for or against this classification?

MR. GARCIA: Mr. Chairman, I don't know if the Commission has any questions of the applicant.

COMMISSIONER DURAN: Is the applicant here?

[Duly sworn, Johnny Gutierrez testified as follows:]

JOHNNY GUTIERREZ: My name is Johnny Gutierrez.

COMMISSIONER DURAN: Do you have anything to say, Mr. Gutierrez?

MR. GUTIERREZ: I just needed to get this done. It's for my daughter that's going to get married and we need to put a house on that property now so they don't have to rent which is expensive. So that's why I'm asking for this variance at this time.

COMMISSIONER DURAN: What's the pleasure of the Board?

Commissioner Trujillo moved to grant the Gutierrez variance. Commissioner Anaya seconded the motion which passed by unanimous voice vote.

- XI. B. 8. CDRC Case #MIS 97-5690. G & J Brooks. G & J Brooks Enterprises, Incorporated, requests approval to allow transfer of Liquor License No. 0262 to the Edgewood Shopping Center (G & J Brooks) from the Legal Tender Restaurant in Lamy. The property is located at the corner of State Road 344 and Dinkle Road, within Section 22, Township 10 North, Range 7 East [Staff report on file with Land Use Department.]**

MR. GARCIA: Mr. Chairman, pursuant to Section 60-6B-4 NMSA 1978, the local governing body must approve a transfer of a liquor license. The applicant is requesting the approval of the transfer of liquor license from the Legal Tender in Lamy to G & J Brooks in the Edgewood Shopping Center. On November 12 last year the Commissioners approved a request from the Edgewood Shopping Center and G & J Brooks to allow the sale of liquor within the Edgewood Shopping Center.

Recommendation: Staff recommends that the proposed transfer of the liquor license 0262 be granted.

COMMISSIONER DURAN: Are there any questions of Rudy? Is the applicant here? Would you like to speak to the Board? Is there any one out there either for or against this application? If not what is the pleasure of the Commission?

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Commissioner Anaya moved to approve the transfer of the liquor license as recommended. Commissioner Griñé seconded the motion, which passed by unanimous voice vote.

- XI. B. 9. CDRC Case #MIS 97-5690. Tumbleweed Associates. Tumbleweed Associates Limited Co., d.b.a. The Legal Tender, requests approval to allow transfer of Liquor License No. 2550 to the Legal Tender from the Evergreen Restaurant in Hyde State Park. The property is located in the traditional community of Lamy, within Bishop Lamy Grant, Township 15 North, Range 7 East [Staff report on file with Land Use Department.]**

MR. GARCIA: Mr. Chairman, this is the same situation as the one we just had. What is happening is the Legal Tender is transferring their package right to the G & J Brooks store. The Legal Tender will be acquiring the license from the Evergreen Restaurant. This is an approval for liquor license 2550 which is currently owned by the Evergreen Restaurant in Hyde Park. The applicant is requesting the approval for the transfer of liquor license 2550 from the Evergreen Restaurant to the Legal Tender restaurant in Lamy. The Legal Tender Restaurant holds an existing liquor license, which is being transferred to G & J Brooks in the shopping center. The Legal Tender has been serving alcohol there as a legal non-conforming establishment. Staff recommends that this proposed transfer of liquor license 2550 be granted.

COMMISSIONER DURAN: Any questions of Rudy? Is the applicant here? Would you like to come up and address the Commission? Is there anybody for or against this application? If not, what is the pleasure of the Board?

Commissioner Anaya moved to approve the transfer of the liquor license and his motion was seconded by Commissioner Griñé. The motion carried by unanimous voice vote.

- XI. B. 10. CDRC Case #S 96-5620. Future's Subdivision. Express Development, Inc., Tim Oden, agent, request final development plan and plat approval for a Type III subdivision consisting of 23 lots on approximately 27.3 acres. The property is located east of State Road 344 and north of County Road 8 (Dinkle Road) in the traditional community of Edgewood, within Section 15, Township 10 North, Range 7 East [Staff report on file with Land Use Department.]**

Exhibit 3: Traffic Engineer Staff Memo

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Exhibit 4: Revised Subdivision site plan

MR. GARCIA: Mr. Chairman, I have a letter that we need to hand out for review from the Public Works Department if I may approach.

COMMISSIONER DURAN: Mr. Kopelman, the applicant isn't here. Should we wait until he comes in? Could we approve it real quick?

MR. GARCIA: We could approve it with the conditions.

COMMISSIONER DURAN: Maybe we should go get him.

[The Commission recessed from 8:10 to 8:20.]

MR. GARCIA: Mr. Chairman, Commissioners, on this CDRC case, once again this subdivision here has gone through BCC. There are a few issues we haven't resolved. They are requesting final approval. The CDRC on October 30 of last year granted final approval. Again this is a proposal to construct 23 lots. These lots will be roughly one acre in size. This is down in the traditional community of Edgewood.

Some of the issues we have that we feel still aren't resolved is the agreement with Public Works for -- the County would like to see the roads in Futures I, which is a subdivision south of it and in Futures II, this current one, to be built and paved to County Road standards.

Recommendation. Before we go to the recommendation, I'd just like to point out the memo that the Public Works Department is handing out, referring to an agreement regarding paving issues. Staff recommendation is: The CDRC on October 30, 1997, granted final development plan and plat approval subject to the following conditions:

1. Submit an engineers cost estimate to be reviewed and approved by staff with a financial surety for all required improvements. Include schedule of compliance projecting time period for completion of improvements. Upon completion, submit a certification by a registered engineer that improvements have been completed according to the approved plans.
2. Applicant set up a pre-construction meeting with the Building and Hydrology Division Director prior to any development permits for construction of the subdivision.

We'd like to add condition number 3. This condition was a condition that was recommended by the CDRC at preliminary plat approval. It has not yet been addressed and this is actually regarding the memo that was handed out by the Public Works Department.

3. Prior to final development plat application, the applicant work out the paving issues with the Public Works Department and a letter be received by the Public Works Department.

Mr. Chairman, I'd like to have Tom Dominguez or Larry Velasquez do the speaking with regards to the issue regarding the required improvements that the County would like to see.

TOM DOMINGUEZ: Chairman Gonzales, Commissioners, as already stated and as is noted in the memo that was sent out, Tim Oden and myself have been

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communicating over the past few months. Trying to reach some sort of an agreement. We've also been in Public Works with Larry and myself and Tim Oden, trying to resolve the issue. Some of the issues, as you know, as you're well aware of, in the winter time, the winter months it wreaks havoc over there. In Engineering we've been trying to remain consistent by trying to get some of the roads improved in the areas wherever possible.

What we felt is areas that are being impacted by areas, subdivisions, they are coming in. We've been recommending, and the governing bodies have been taking that recommendation and requiring that the subdivisions go ahead and contribute to that portion of upgrading and improving the roads. One example would be Vista del Monte, which is on Venus Road, or County Road 10, which was required to put up about 1800 feet of constructing the road and paving it.

We also have another one Windmill Ranch which will be under construction, I believe this year, which they're going to go ahead and pave a portion of Windmill Ranch. The County, I would say is understaffed in the areas that we're in as far as the maintenance and District 3 is one area where we have a majority of the roads that are not even base course roads but they're just dirt roads. In this case Futures is a base course road. Both roads, Futures Loop and Futures Road are both roads the County is maintaining at this point in their subdivision.

We felt, at the very outset, looking at the traffic impact analysis as set forth by the developer that it didn't show what traffic would be doing through the area. They showed the majority of traffic on Epoch Drive. If you drive through Futures I subdivision it's pretty evident that the roads are in fairly good shape for being base course roads and it was my assessment that no traffic would be exiting through the Futures I subdivision. That is why I expressed a concern for having the participation of paving.

The issues that we talked about when we got together and met was we felt that we would work with them in the sense that if they would just purchase the materials, we would go ahead in Public Works and our staff would go ahead and do the paving. That's what we'd like to do.

CHAIRMAN GONZALES: Is there an agreement on that, Tom?

MR. DOMINGUEZ: There's no agreement at this point.

CHAIRMAN GONZALES: Steve, is there a legal basis where the Commission could require that as a condition?

MR. KOPELMAN: Mr. Chairman, in terms of paving, I would defer to Tom in terms of the ordinance itself but as a general rule, if there's a health and safety concern and there's serious problems in terms of ingress and egress, it seems to me that would be a reasonable condition. I believe the code does make provision for paving a road of this nature.

CHAIRMAN GONZALES: Real quick, do you see if there's some substance in the code, if the applicant tonight does not agree with this condition that the Commission could require it as a condition of approval.

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MR. DOMINGUEZ: According to the code, Section 8, there's a portion that talks about road status. Road status being any road that services 60 to 199 lots. It also gives an account for volume of traffic. With the addition of Futures I and Futures II, if you look at the total lots there, it totals 58 which is right below the 60. If we wanted to hold to the code, you'd have to make that decision. The other thing would be on the volume. That has yet to be assessed, because as I mentioned, when they gave the initial traffic impact analysis, they showed everything going out with a small amount coming through which I know isn't a fair assessment.

MR. GARCIA: Mr. Chairman, Commissioners, just so you guys are aware of what's happening, as you look at the hand-out that we just handed out, the new subdivision that we're looking at is this funny jogged one that's pretty much to the northern end of Futures I. Futures I is the subdivision that looks pretty much a square. Futures II is a new proposal that we're looking at tonight. The Public Works Department would like to get -- right now Futures Loop and Futures Road is maintained by the County, that is a County road. What the Public Works Department is requesting is that Futures Loop and Futures Road be paved as well.

CHAIRMAN GONZALES: Is that correct, Tom?

MR. DOMINGUEZ: At this point, we don't have any [inaudible] on Epoch.

CHAIRMAN GONZALES: Is that a County road?

MR. DOMINGUEZ: It's not a County road. I believe that the applicant is going to ask for maintenance, but [inaudible] At this point we don't need paving.

MR. GARCIA: What the County would like to see is that our current County road be upgraded to paving status, since they will be utilizing this existing Futures Loop and Futures Road to the Futures II subdivision.

MR. DOMINGUEZ: One comment, Mr. Chairman, Commissioners, that I'd like to make on this is that if you look at Epoch Drive it shows an access point on Dingle Road in the bottom right hand corner, and as it comes through it shows on the top left hand at the end, the end of Epoch Drive, right now that goes into vacant land. That connection is not made. That connection does not exist.

CHAIRMAN GONZALES: At this time, I'm going to ask if the applicant is going to request that if the County begin to maintain Epoch, then it has to be adopted as a County road. All right?

MR. VELASQUEZ: Mr. Chairman, Commissioners, part of the problem that we have is that right now, we do not provide adequate maintenance for the roads that we do have. When we start talking about taking added on an additional burden, that means that we have more roads that we cannot adequately maintain. It is our recommendation that if we're going to entertain taking on more roads, they should be in such a condition that requires the minimal amount of maintenance from the Public Works staff, at least for a period of five years while we try and catch up to provide adequate maintenance to the inventory that we have at this point.

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CHAIRMAN GONZALES: What would that be, Mr. Velasquez, what would be the adequate condition of the road? Paved?

MR. VELASQUEZ: Our recommendation is that a paved road requires the least amount of continual maintenance. One of the issue with regard to coming down to Futures I is that those roads are in good shape at this point. They're base coursed roads. They're in good shape. But there's not a lot of volume in there. Once we start adding more into that, that requires more from a maintenance stand point. The road starts to create a dust problem, the health and safety issues that start arising from that and for those reasons we're recommending that if this goes forward -- that Futures I be improved to do that. In all the other incidences that Tom identify is the developers have -- it's a mitigation on an impact that they're causing off-site.

And they have done that solely at their expense. In this particular case we're offering. We say, okay, we recognize your County roads, we recognize you need access. You guys pay for the materials, we'll do the work and actually get the improvements in, and that's kind of where the offer stands.

COMMISSIONER DURAN: The loop hole that I talked to you about where someone can come in and develop less than 60 lots, and not be required to pave it, and then that individual, more than likely it would be someone else, if we take that 60th lot would they have to do all the improvements to that road? Or the code requires that they pay for the paving of the entire road?

MS. GUERRERORTIZ: That would fall within the code, sir. You're right. And Mr. Chairman and Commissioners, but I would say that those numbers like 60 are presented in the code as guidelines. So there is some flexibility to the Commission.

COMMISSIONER DURAN: What you are trying to do -- you wanted to require paving of the road, is that it?

CHAIRMAN GONZALES: I was asking, I believe if we were going to improve the road, what would be the minimum condition of the road? Mr. Velasquez has indicated that it would be paved. What the Public Works is asking for tonight is his willingness to provide the materials so that we can send in the labor and actually finish paving the loop, is that correct? Which would make it easier for us to maintain and a little safer road for the people out there in that area when it snows. Is that correct?

MR. DOMINGUEZ: That's correct.

CHAIRMAN GONZALES: Thank you. Any other questions? Would the applicant please step forward, Mr. Oden.

[Duly sworn, Tim Oden testified as follows:]

TIM ODEN: Thank you Commission, thank you staff. Tom is right. We have worked hard to try to hammer out something that is reasonable to keep this affordable housing project together. I have one comment. It concerns the staff report itself in the summary under access. It states that Epoch Drive will be the secondary access point and the primary access would come through Futures I and on Futures Road and Futures Loop. The

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reason we designed the project as it is with Epoch Drive going from the west side all the way down to Dingle Road on the east side -- Mr. McCall bought that strip of land at the southeast part, the little tail that goes out to Dingle Road, so that Futures II would have its own access directly to Dingle Road.

We consider Epoch Drive to be the primary access point. We wouldn't even have a connecting road in between Futures I and Futures II but it makes for good traffic circulation with emergency vehicles. So we consider Futures Road going through the Futures I subdivision to be a secondary access point and Epoch Drive to be the primary access point to the project.

As Mr. Dominguez also stated, Epoch Drive dead ends at the west end of the property, that's a quarter mile east of 344. We suspect that more than likely the property will develop at the end of Epoch and go on out to 344, so there'll actually be three ways to get in and out in the near future. It's only a quarter of a mile out.

I think Public Works has done a pretty good job with explaining the status of where we are on this. Mr. McCall would like to make a few statements about the nature of the project and the dynamics of the paving. I'll turn it over to him if you don't have any other questions of me at this time.

[Duly sworn, Howard McCall testified as follows:]

HOWARD MCCALL: I'm Howard McCall. I live at 31 Summit Drive in Tijeras, New Mexico. I'd like to back up just for a moment. Several years ago when we did Futures I we had no idea at that particular point in time that the land would come available from the Hill Estate to do another subdivision. At that point, in negotiations again with Public Works we paid the County at that point to take on the maintenance of Futures I subdivision because it was an affordable housing project and we needed the maintenance in order for the different entities to accept those loans for those affordable housing people.

Since that time the project has been built out. We own no more lots there. All the houses are built and someone's living in them at this point. But we did pay at that point for the maintenance to be done with Public Works in agreements. Back when we had the preliminary approval by both the -- by yourselves, I believe on August 13 of this past year, paragraph 10 of a provision indicated in there that we need to be made aware that this was not a continuation of Futures Drive or Futures Road, and that what we needed to do was to be aware that if we did indeed offer maintenance to be done that that particular road would need to be paved, Epoch Drive.

So at that particular point, we agreed and asked, because we do need maintenance for these affordable housing projects to make them work so much better and the government will take on those loans, we agreed at that point and asked for the maintenance -- that we would ask for maintenance and then, at that particular point, that we would pave Epoch Drive. Since that particular time we have had a meeting or two without anything being resolved exactly to come about. Yesterday we received a memo from the Public Works Department

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indicating that my share of this particular project, if I provided the materials is \$80,566 to pave Futures I. If I take that, plus the paving for Epoch Drive in Futures II, it's in excess of \$186,000 for 23 lots.

Now to divide that out by those 23 lots, it's about \$8,000 a lot to get paving in there and to get maintenance. That just takes it totally out of the affordable housing project area and just makes the lots so costly that it wouldn't be available for the affordable housing. So I guess where I'm at is since the code, since we have 58 lots the code would allow us to do the gravel and the issue, as I understand it, is if we want maintenance, I've got to spend this \$186,000 to get affordable housing. The code since it allows 58 lots, I guess I'd respectfully say that we won't require or ask for maintenance of the County and ask you to approve the subdivision just with gravel roads tonight and the homeowner maintenance and we'll go ahead and do it on a different type project on affordable housing issues.

That's about the only way I can really do it at this particular point for 23 lots. It just doesn't work out any other way. We've had a real ongoing discussion about what the primary access to Futures II is and my feeling has been that if we did ask for maintenance and we did pave all of Epoch Drive, and left Futures gravel like it is now, the people leaving Futures II are going to stay on paved road on the way to Dingle Road. We have a disagreement about that because Public Works believe they're going to cut through Futures and I don't believe that most people would be cutting through there on gravel road when they can just go out on paved road all the way to another paved road on Dinkle Road.

So I'll entertain some questions but that's kind of what I've been left here the last 24 hours with these numbers given to me.

CHAIRMAN GONZALES: Thank you, Mr. McCall. I guess, first of all let me just say that I appreciate the fact that you'd want to bring forward an affordable housing project. I think those are always important in this County where we don't often see them come forward. I guess my concern though is people -- it just always seems that people that can barely get into a lot, an affordable house that somehow, sometimes they end up having to pay for it another way, lack of roads or proper road maintenance, inadequate arterial network. It just seems that whatever they can get into.

Especially in the southern part of the County. I guess I can understand the staff's issue with wanting to upgrade these roads, especially because they are affordable, so that people who live on affordable housing lots would also have their privilege and the ability to have good roads as well. And you're a developer and I don't understand as much, maybe as I should, but can we not ever find an affordable housing project come forward with paved roads, so that people can enjoy that like those who live in expensive subdivisions? Or are we just going to do for the sake of affordable housing so that the lots can be cheap, allow for continued use of gravel and dirt roads to go up in these subdivisions?

MR. McCall: I'd like to address that. That is one reason we've done a couple of other subdivisions that are not affordable housing in Bernalillo County where we have paved and I've made a statement as a matter of fact on the way down to Tim tonight

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that I didn't know if I ever wanted to do another subdivision that wasn't paved. That was probably the primary reason we agreed to go ahead and spend \$110,000 over and above gravel roads to pave Epoch Drive.

We originally did not have the two subdivisions connected. They were separate. Then when the Fire Marshal got through with us, he wanted them together for emergency reasons. We offered to put up a gate and give them keys and we offered to try to come up with some type of a median situation to keep people from going that way and so forth and nothing was acceptable other than leaving it open. So we were asking for maintenance. We agreed to your other comment on paragraph 10 that we would go ahead and pave Epoch. We'd love to pave Epoch Drive. It is my opinion that when people leave their home and head toward Dinkle Road they're going to stay on the paved road to Dinkle Road. They're not going to cut across a gravel road and drive 3500 feet of gravel road to Dinkle Road when they can stay on a paved road all the way.

Now, yes I can and would love to pave Epoch Drive and spend the extra \$110,000 and try to recoup it in the project. But when I added another \$4500 per lot on it, to redo and go ahead and pave all of Futures subdivision, which I already paid for the maintenance on that four or five years ago, I can't add the other \$4500 to the lot and ever come out of it. It just won't work.

CHAIRMAN GONZALES: So, let me ask you this. Did I hear you say, correct me if I'm wrong, that there was an option that the homeowners would maintain Futures I. Would you agree -- let me ask you this: If you were allowed to pave Epoch Drive and the County went in and maintained it -- you agreed to that by itself, not as a whole but by itself you would do that?

MR. McCALL: That's correct.

CHAIRMAN GONZALES: What would happen if the County agreed to that, and basically the Futures subdivision was up to the homeowners association to maintain, so that the County could shift its resources where you were shifting your resources into the paved area. Would you agree to that?

MR. McCALL: The problem is I don't have the authority to agree to it. All 37 lots are sold and it belongs to the people already. And the FHA and Farmers Home Administration has already taken those loans on that basis that it be maintained. So I don't really have anything to say about that right now.

COMMISSIONER DURAN: What if we gave him five more lots? What if we gave him a higher density to pay for the cost of the paving? How big are the lots right now?

MR. McCALL: They're one acre.

COMMISSIONER DURAN: What if we asked you to come back with a replat of this thing where you did maybe a little cluster where you had four or five units that were smaller? Would that allow you to put the majority of them --

MR. McCALL: Good idea. I guess if we could go from 23 to 28 or 29 lots

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that would certainly offset the cost of that \$80,000 we would have to come up with to pave one. We could recoup it somewhat in that manner if the code allows that.

COMMISSIONER DURAN: Isn't that what we adopted? What the affordable

--

CHAIRMAN GONZALES: How far away are they on the minimum lot sizes? Would they be allowed to have a few more lots, Rudy?

MR. GARCIA: [inaudible] I think the reason why they've only -- and that's probably what they've done excluding road and whatnot. It's noted that the subdivision is in a floodplain so there are some of these areas along lots one through twelve that the full one acre does not meet the entire buildable area. Also we have the Environment Department regulation which you need a 3/4 acre net lot.

CHAIRMAN GONZALES: What's the total for the 3/4 acre net? Across Futures II. How many total lots would they be given for the total acreage available at 3/4 acre?

MS. GUERRERORTIZ: It's 27.3 acres divided by .75.

COMMISSIONER DURAN: You can go 32 lots.

MS. GUERRERORTIZ: Mr. Chairman and Commissioners, it would be possible to get 28 lots on this property through a density transfer. The concern I'm sure of the applicant will be though that if the net acreage for his lot is less than 3/4 of an acre, the Environment Department will have restriction on the allowable wastewater systems that could be used. So you may not be able to use conventional systems on the property.

CHAIRMAN GONZALES: Let us ask this of the applicant. Would the applicant be willing to let us table this so that you could have time to find out and explore those options with the staff? Because it seems like it's a workable solution that Commissioner Duran is offering and at least we can explore it.

COMMISSIONER DURAN: Mr. Chairman, Oralynn, isn't it possible to have two homes or tow or three homes on one septic system?

MS. GUERRERORTIZ: Yes, sir. It is possible.

COMMISSIONER DURAN: We're not asking to attempt the impossible.

MS. GUERRERORTIZ: Mr. Chairman, Commissioner Duran, it is possible but there would have to be easements provided for the shared septic site. Those details would have to be worked out. I would recommend to the applicant that he discuss the issue with the Environment Department and see what potential restrictions there might be on such a development. At this site anyway, they're restricted to a maximum of three bedrooms per lot. Three-quarters of an acre lot are allowed to have three bedroom. That's the Environment Department's requirement. To have four bedrooms you have to have .92 acres.

CHAIRMAN GONZALES: Mr. McCall, would you agree to a tabling so that you can work out those issues?

MR. MCCALL: I'd like to be agreeable. Let me ask you a couple of questions, okay?

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CHAIRMAN GONZALES: We're not negotiating. Just so that you know that.

MR. McCALL: If we get into the situation, where we, because we will be going over 60 lots for that area, then do you have the power to waive the community sewer system that's required over 60? Or are we stuck because we've got to stay under 60?

MS. GUERRERORTIZ: Mr. Chairman, Commissioners, I would ask the applicant how many years it has been since Futures I was developed.

MR. ODEN: Mr. Chairman, Commissioners, I don't think it's a problem.

MS. GUERRERORTIZ: Then Mr. Chairman, Commissioners, we would not be able to tie those two projects together for the purpose of looking at the number of lots for wastewater.

CHAIRMAN GONZALES: That won't be an issue, Mr. McCall.

MR. ODEN: Mr. Chairman, Commissioners I don't think there would be a problem with such a thing, but I think, correct me if I'm wrong, Oralynn, is that if we drop below one-acre lots gross or net, then we're into a community sewer system situation, even not counting Futures I. We have more lots and they're less than an acre in size and we would have to do a community sewer system then. If we have any more lots than we have now. I don't know if the County can do anything about that.

COMMISSIONER DURAN: Mr. Chairman, why can't we -- I think the bottom line is that I think we're trying to find a way of deferring some of the expense or distributing some of that expense of paving the road in this affordable lot subdivision in order that residents can have paved roads. I'd like to make a commitment that we would work as hard as we could with you to achieve those goals.

CHAIRMAN GONZALES: I agree. Unless there's something to add to it, no more questions of staff. We're just trying to know if you guys are willing to take a minute and work on the issue and come back and report to us and we'll act on it next month one way or another how we see fit.

MR. GARCIA: Mr. Chairman, Commissioners, if we add four lots to this subdivision it has to go through a full review process once again because we're adding a number of lots. It has to go through its reviewing agencies, the State Engineers Office, the Highway Department, Public Works. It will be a whole new projects if more lots get added.

MR. McCALL: I guess based upon that then we better not pave and we better try to get it worked out tonight. Tim Oden doesn't believe that due to the requirements that it will work out any way. I don't want to appear that I'm not willing to try to do something here but I sure don't want to spend another year and a half or six months or eight months doing this. We've already sat on it for almost two years, so we'd like to get going this spring.

I guess, my report would be to withdraw the maintenance issue and let me go back to gravel roads just per the code, of 58 lots and I'll live with it that way somehow, you know. Try to get it down.

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CHAIRMAN GONZALES: Mr. Dominguez, do you agree with that?

MR. DOMINGUEZ: I believe it's Public Works position that we would still recommend paving of the Futures I because we maintain it right now.

MR. McCALL: No, I would not. Cannot.

CHAIRMAN GONZALES: All right. This is a public hearing. Is there anyone in the audience that would like to address this for or against?

COMMISSIONER DURAN: Mr. Chairman, I just have one question of the applicant. Would you agree to paving of Epoch Drive?

MR. McCALL: Yes, that's what we have agreed to is to ask for maintenance and pave Epoch totally from one end to the other.

COMMISSIONER DURAN: What about Futures Loop and Futures Road -- you would do gravel?

MR. McCALL: At one time in our negotiations in the office, I said why don't I come in and put a new couple of inches of base course on top of it, like I said. They're saying the road is still in good condition after five or six years. I offered one time, I said, let me come in and we'll put a new cap course on it and kind of freshen it up and make it good again and add another two inches of gravel to Futures to help that way. I offered to do that and was turned down on that part, but I would agree to go ahead and put another two inches on Futures and pave Epoch totally.

COMMISSIONER DURAN: Those residents that would be buying, are those people that would be buying affordable lots in our new phase, would be able take advantage of paved roads?

MR. McCALL: Yes, we would pave it from one end to the other.

COMMISSIONER DURAN: Mr. Chairman, if there's no further discussion, I'd like to make a motion.

CHAIRMAN GONZALES: Okay, Commissioner Duran.

COMMISSIONER DURAN: I'd like to make a motion to approve Futures II subdivision with the requirement that they pave Epoch Drive and that they improve Futures Loop and Futures Road to current County standards.

CHAIRMAN GONZALES: Is that the condition set forth by the staff?

MR. GARCIA: That's paving, Commissioner Duran, you want Epoch Drive paved as well as Futures Loop and Futures Road?

COMMISSIONER DURAN: No, I would omit Futures Loop and Futures Road from being paved. They would go in there and bring it up to current gravel road standards. Base course.

CHAIRMAN GONZALES: There's been a motion. Is there a second?

COMMISSIONER ANAYA: I second, Mr. Chairman.

CHAIRMAN GONZALES: Any discussion?

MS. GUERRERORTIZ: Mr. Chairman, Commissioners, does that include the other staff recommended conditions?

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COMMISSIONER DURAN: Yes.

COMMISSIONER ANAYA: Absolutely.

MS. GUERRERORTIZ: Thank you.

CHAIRMAN GONZALES: Would you like me to read them?

MS. GUERRERORTIZ: They were regarding cost estimates for all improvements and also a preconstruction meeting prior to construction. Standard conditions, sir.

CHAIRMAN GONZALES: Thank you. Do you understand what the requirement would be, Mr. Velasquez?

MR. VELASQUEZ: Mr. Chairman, one of the concerns that we have -- if you look at the map, regardless of -- if you look at the map on your left side is Highway 344, which is a destination point. That's where people want to get to. If you look at the loop that Epoch Drive -- if you pave that and you have the other one, people aren't going to go down the paved road. Our concern is that regardless of whether that's paved or not, people are going to come down Futures I. As a suggestion, maybe I'll throw something out. Instead of paving, maybe do a combination of both, pave Futures I and as you enter into Futures II, pave that part and leave a portion of Epoch Drive as a gravel road. That's a suggestion. People are going to come down through Futures I and not use that part, regardless of whether that's paved or not.

COMMISSIONER ANAYA: Mr. Chairman, clarification then, that the portion to the east then of Epoch Drive area that you're suggesting that that would be base course and then just a continuance from Epoch Drive into Futures Road to Dinkle Road be paved?

MR. VELASQUEZ: Yes sir. There's about seven lots in there that it's conducive to drive down Epoch Drive to get to Dinkle Road. The rest of them are just going to come down to Futures I.

COMMISSIONER ANAYA: That makes sense.

COMMISSIONER TRUJILLO: [inaudible]

MR. VELASQUEZ: [inaudible] Futures I and a portion of Futures II because that's where people are going to come. If you're adding the residence of the units north of there, the people that are going to feel the impact are the people in Futures I. They're going to deal with the dust, they're going to deal with the speed, they're going to deal with the washboard road.

COMMISSIONER TRUJILLO: [inaudible]

MR. VELASQUEZ: I would disagree with that. I would argue that they're going to follow the path of least resistance and they're going to go through the subdivision, through Futures I because it's more direct to their destination point and Epoch Drive is out of the way.

CHAIRMAN GONZALES: Larry, come up here and show us exactly what you're asking.

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MR. VELASQUEZ: we're going to have only these people that are here are going to go down there because that's closer. The main highway is over here. This is where they want to go, this intersection. So if you live here, this is how I was thinking, to get out I'd come back this way.

COMMISSIONER DURAN: Mr. Chairman, I think it's unreasonable to require someone to pave a subdivision that's been approved years ago. If we didn't have them pave it when it came before us the first time, I think that trying to require them to pave it now is unreasonable and will be unfair. I have a motion on the floor and I'd like to call the question.

CHAIRMAN GONZALES: Clarification, because we're still in the discussion phase, Commissioner, and I understand the issue, but I think there are a few more comments that I'd like to make. One is I don't think it's unreasonable, I don't think that it's unfair to require paving it. I think this is again, this is an affordable housing project and it's been continuously time and time why is it always that people who get an affordable housing lot cannot have a paved road? If we have an opportunity to provide them with a paved road by allowing a subdivision to go next to it, why can't we step in on behalf of these people. Continuously, people across this County have affordable housing lots and they have poor access getting there.

This is an opportunity to ask the developer to upgrade that road to require it to be paved and I don't think it is unfair. I think we're talking about people's ability to travel on a paved road. So I guess that's my peace then.

COMMISSIONER ANAYA: I agree with the chair. I think it would be a lot easier for the developer that to have to go over to revamp the whole system of 3/4 acre site, which probably might even be more costly steering him in that direction. I think we can move the whole subdivision along with maintenance from staff and maintenance from the County. These are things we have to look for in our own budget constraints. I tend to agree with the chair and I would make an amendment to my second to include paving of all considerations.

CHAIRMAN GONZALES: Hold on a second. You're asking Commissioner Duran to amend his motion to include the paving of Futures I?

COMMISSIONER ANAYA: Correct.

CHAIRMAN GONZALES: Does Commissioner Duran accept the amendment?

COMMISSIONER DURAN: No.

CHAIRMAN GONZALES: Okay, do you propose it in the form of a motion as an amendment? Is there a second?

COMMISSIONER GRINÉ: Second.

COMMISSIONER DURAN: Mr. Chairman, there was a motion on the floor.

CHAIRMAN GONZALES: There was a motion to amend your motion.

COMMISSIONER DURAN: What happened to my motion?

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CHAIRMAN GONZALES: That's being amended now. Your motion is being amended to include the other paving.

COMMISSIONER DURAN: But I did a motion and it was seconded.

CHAIRMAN GONZALES: And then it went to discussion and now they want to amend the motion.

COMMISSIONER DURAN: Is that right?

COMMISSIONER GRIÑÉ: Just call for the question and we'll vote on it.

CHAIRMAN GONZALES: Call for the question.

COMMISSIONER DURAN: I call for the question.

CHAIRMAN GONZALES: Is there a second in the call for the question?

COMMISSIONER GRIÑÉ: Second.

CHAIRMAN GONZALES: All in favor of Commissioner Duran's motion require the developer to pave Epoch Drive and to upgrade Futures I to County standards using base course. Is that correct, Commissioner?

COMMISSIONER DURAN: That's correct.

CHAIRMAN GONZALES: All in favor signify by saying "aye." [Commissioner Trujillo and Commissioner Duran voted in the affirmative.] All those opposed? [Commissioner Anaya and Commissioner Griñé voted no.] Chair votes no.

Rudy, you had -- and please don't, while we're in the process of making motions, you've got to respect us to finish this and then you can speak.

COMMISSIONER ANAYA: Mr. Chairman, I move for approval of this proposal subject to the conditions imposed by staff with the added condition that Futures Road and Futures Loop and Epoch Drive all be paved to the recommendations of staff.

CHAIRMAN GONZALES: There's been a motion. Is there a second?

COMMISSIONER GRIÑÉ: Second.

COMMISSIONER DURAN: Mr. Chairman, I think we're setting a bad precedent by requiring -- it just so happens that the developer of Phase II developed Phase I and I think we're setting a bad precedent here by requiring the developer of Phase II to pay for improvements that should have been required in the development of phase I. I would just like for you all to consider that.

COMMISSIONER TRUJILLO: [inaudible]

COMMISSIONER ANAYA: The requirements from staff will not be to include curb and gutter on the paving, blacktopping?

MR. DOMINGUEZ: That is correct, and just for clarification, it was my assessment that looking at this, the reason staff report says that Futures would be the primary access, is because that is the access closest to New Mexico 344, so it's the most reasonable entrance or access point to the Futures II subdivision.

COMMISSIONER DURAN: We've talked about trying to create affordable housing, affordable lots and by requiring the developer to spend another \$180,000 to pave a subdivision that was approved a long time ago it only increasing the cost of these lots to

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the people that we're trying to provide affordable lots to. Again, I'd like for you to consider that when you decide to vote.

COMMISSIONER ANAYA: Tom, how much area of road are we looking at in milage?

MR. DOMINGUEZ: When Mr. McCall made reference to the estimate that we just gave them, Tim Oden had requested that we do an engineer's estimate. Ted from Public Works gave an estimate that was \$8,500 whatever dollars and that was 7/10 which is going to be a little bit high because it was just a little over 6/10 of a mile.

COMMISSIONER ANAYA: What was the figure?

MR. DOMINGUEZ: \$80,500. And that was for 7/10 of a mile. We rounded up in our estimate. The actual was like .62 or .63.

COMMISSIONER ANAYA: Was that only Epoch Drive or did that include more?

MR. DOMINGUEZ: No, sir. That was for Futures Loop and Futures Road.

COMMISSIONER ANAYA: Not including Epoch Drive?

MR. DOMINGUEZ: That did not include Epoch Drive.

MS. GUERRERORTIZ: Mr. Chairman, Commissioners, just for clarification, the Public Works was not suggesting that Epoch Drive be paved. They were suggesting that Futures Loop and Futures Road be paved and that Epoch Drive be left as a base course road.

CHAIRMAN GONZALES: If we reduced -- if there was a motion to move Epoch Drive to base course road then staff wouldn't maintain it but it would be a decrease in cost.

COMMISSIONER ANAYA: Okay, but the initial cost of coming in before the motion was Epoch Drive to the north part where it loops into Futures Road inclusive of Futures Loop should be improved with paving, leaving everything to the east, Epoch Road to the east from lot 5 on, to be graveled. I would be amenable to amend my motion to do just that, Mr. Chairman.

COMMISSIONER GRINÉ: I second the motion. In other words the clarification is --

COMMISSIONER ANAYA: The initial request from Larry Velasquez.

COMMISSIONER GRINÉ: Right, what Larry Velasquez proposed.

COMMISSIONER ANAYA: Mr. Chairman, I'm taking staff's recommendation into consideration and just for safety and maintenance factors and everything of this nature so in all fairness, if we can compromise with that, I think that I would be amenable to amend my motion.

COMMISSIONER TRUJILLO: The motion has been changed --

CHAIRMAN GONZALES: All of it, was the original motion was, Commissioner. So now it's just up to what Larry requested it be. The outlying portion of that, Commissioner Trujillo, would be the paved portion.

COMMISSIONER TRUJILLO: Right.

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COMMISSIONER DURAN: Just one last thing. I don't think gravel roads are unsafe.

CHAIRMAN GONZALES: Is that the end of the discussion by the Commissioners?

MS. GUERRERORTIZ: I just want a clarification. It is staff's understanding then that the Commission is not intending to take on Epoch Drive as a road for County maintenance.

COMMISSIONER GRIÑÉ: No.

MS. GUERRERORTIZ: We'll just continue to maintain the roads we are maintaining, Futures Loop and Futures Road?

CHAIRMAN GONZALES: Well then I would recommend that if that's the request though, I think in all fairness, again, we're not going to take on Epoch Drive, then they're going to leave it to the homeowners association then maybe we should -- it seems to me in fairness that that part wouldn't be paved. That the only part that would be paved would be the part that we're going to be maintaining. If we're going to take on Epoch Drive, we're going to require that they pave it, we should maintain it.

COMMISSIONER ANAYA: The portion of it that is paved should be --

CHAIRMAN GONZALES: So the portion that is paved will be maintained of Epoch Drive.

COMMISSIONER ANAYA: That comes from the recommendation from Larry.

CHAIRMAN GONZALES: Okay. Any other discussion. All those in favor of the motion signify by saying "aye." [Commissioners Griñé and Anaya and Chairman Gonzales voted for the motion.] All those opposed? [Commissioner Duran and Commissioner Trujillo voted against the motion.] The chair goes with the motion.

XI. B. 11. CDRC Case #Z 97-5630. Waldo Sand and Gravel. Associated Asphalt and Materials, applicant, requests approval to allow for the creation of a mining district on 172 acres. The property is located southeast of the Waldo I-25 interchange within the Mesita de Juan Lopez Grant, Township 15 North, Range 7 East [Staff report on file with the Land Use Department.]

Exhibit 5: Default Decree/Buena Vista Assoc.

Exhibit 6: Petition to Convene Grand Jury

MR. GARCIA: Mr. Chairman, Commissioners, the County Development and Review Committee on November 20, 1997 granted approval for the creation of a 41.5-acre mining zone subject to conditions. Associated Asphalt, what they would like is the creation of a new mining district. This is out near the Waldo intersection. The proposal actually

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would create 132 acres of mining area with an access road of 2 1/2 miles.

Once again, the CDRC only granted 41.5 acres for this mine zone. I'd just to like to add to the Commission, if the creation of this mine zone is granted, the applicant will need to come back to the CDRC and the Board of County Commissioners for a master plan zoning approval, at which time a detailed description of the exact area to be mined will be presented. A thorough review of compliance of the article of the code for zoning extraction of construction materials and the applicable sections of Article VII, Environmental Requirements, will be completed at that time.

The recommendation, the County Development Review Committee at their regularly scheduled meeting of November 20, 1997, met and acted on the above-mentioned case. The decision of the committee was to grant approval of the following:

1. The creation of a mine zone consisting of only the 41.5 acres as delineated on Plate 2 as submitted by the applicant.
2. Applicant comply with the appropriate sections of Article VII, Environmental Requirements.
3. Applicant comply with Article X of the Land Development Code.
4. Applicant submit an archaeology study for the entire leased area in accordance with the code requirements.

The applicant has complied with this condition number four.

5. The access to the mine site be routed through the existing ranch road to County Road 57, then to the Waldo I-25 interchange.

I also believe that the applicant has agreed and has submitted plans to this condition, so they have agreed to four and five. Or have complied or agreed to these conditions.

6. Boundary line on the west end must be moved east of the the elevation 6345 feet tot the satisfaction of the County staff.

The applicant has submitted plans and we haven't reviewed them for this actual condition number six, but the applicant has agreed and has complied with four and five.

COMMISSIONER ANAYA: Mr. Chairman, Rudy, what is this with condition six, moving the boundaries on the west side?

MR. GARCIA: Mr. Chairman, Commissioner Anaya, that actually was -- to look at the site out there from I-25 or anywhere west of the project, the actual plans are showing us that they were going to cut off the top of a hill and we wanted it to be on the other side of the hill so there would be some sort of a barrier from I-25 of some sort. And that was the reasoning that we wanted it to the east of this place so that it would be a little bit more hidden than what the plans were actually showing.

COMMISSIONER ANAYA: So the purpose is a visual barrier?

MR. GARCIA: Yes.

COMMISSIONER DURAN: The applicant has reduced his initial proposal or agreed to reduce it by about 75%?

MR. GARCIA: Mr. Chairman, Commissioner Duran, the applicant was

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requesting a mining zone for 172 acres. The CDRC granted 41.5 acres for the mining zone, which his plans do show. And I believe the applicant did agree to that statement at the CDRC.

COMMISSIONER DURAN: How far is this from the 285 corridor?

MR. GARCIA: Mr. Chairman, Commissioner Duran, it's actually I-25. If you're proceeding north toward Santa Fe and I-25 and you get to the Waldo interchange that's actually the interchange before the rest area. You look to the right, there's a pretty big mountain out there. Within an area of that mountain, which is the 41.5 acres is what the applicant is proposing to mine.

COMMISSIONER DURAN: And which side of that mountain is it?

MR. GARCIA: It's actually on the west side of the mountain.

COMMISSIONER DURAN: Can you explain to me how the reclamation plan works?

MR. GARCIA: Mr. Chairman, right now, what we're looking at, we are just actually looking at the creation of the mine zone itself. Once, if it does get approved it will come back to you all and then at that time we'll ask you to look at all the reclamation and what actually -- how they're actually going to mine this area. And I'd like to defer that question to the applicant, but it's my understanding, in reviewing the plan that they're going to do ten acres at a time. So at that time we'll be looking at -- they'll mine a ten-acre site. They'll go to the next ten-acre site. Before they can even go to the third ten-acre site that first ten-acre site will need to be totally replanted. But all that will be dealt with, if it does get approval we will come back again and review that and go through that in a lot more detail. Right now we're just actually looking at whether this area can be mined or not.

CHAIRMAN GONZALES: I have a question of the staff, and it might be for Rosanna because I know that she has worked on this. I know that the area that the mine district is in is a large land grant area. Can you tell me what the staff has done to review the concerns of the people who are creating it and how we basically went through the process of review of the land grant status?

ROSANNA VAZQUEZ: Yes I can, Mr. Chairman, Commissioners. One of the requirements is that we have a legal lot of record and in order to determine whether this was a legal lot of record, in light of the fact that it was within the Mesita de Juana Lopez Land Grant, we spoke to the Mesita de Juana Lopez land grant directors who are here today. We received documents from them up from different quiet title suits that had been brought against the Mesita de Juana Lopez land grant, as well as just the area in general.

There was one case in particular that quieted this property that is here today to the owners of the property now. The Mesita de Juana Lopez Land Grant directors were named on the quiet title suit, and there was a default judgement. You've got the judgement before you that was entered into the court. The for complaint for quiet title and the default on the quiet title prove a land description that was going to be of the property that was going to be quieted. What we did is, I got that legal lot description and requested that somebody in the

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Land Use Department plot that out to see whether or not the request that you've got before you fell within the land that had been quieted by the court.

They compared the deed that was given to us in this application with the default judgement by the court and it was the same. There should be in the packet that you've been handed by Mr. Garcia the map showing the land that was quieted.

CHAIRMAN GONZALES: Rosanna, I'm not familiar with how deeds work. I don't understand -- we're talking about a quiet deed. What does it all mean?

MS. VAZQUEZ: Commissioners, Mr. Chairman, basically there was a law suit filed with the First Judicial District. It was a civil court and they named all the parties that they thought could be potential owners to a piece of property. According to the regulations, all of those people are supposed to have received notice that this law suit was going on. The law suit was to quiet title.

CHAIRMAN GONZALES: What does that mean?

MS. VAZQUEZ: It basically means to determine the title of a piece of property. If you look through the records on the default judgement, the default was given in this case because the respondents did not appear.

CHAIRMAN GONZALES: Who were the respondents in this case?

MS. VAZQUEZ: They're all listed on the --

CHAIRMAN GONZALES: Those are all the people who belong to the Mesita de Juana Lopez Land Grant?

MS. VAZQUEZ: Some of them were named, and if you read in the body of the language, other parties involved with the Mesita de Juana Lopez Land Grant were added in at a later time and they are specifically set out in the body of that default judgement.

CHAIRMAN GONZALES: They didn't show up to court so the court defaulted?

MS. VAZQUEZ: I'm not exactly clear on all of the facts, but that's what it appeared to me from that document that you've got before you.

CHAIRMAN GONZALES: When that actually took place by the court, then what happened to the property? What happened to the property after the court issued a default judgement?

MS. VAZQUEZ: The title was quieted and the title was given to the person who was suing. I don't remember the applicant's name.

CHAIRMAN GONZALES: Buena Vista Associates?

MS. VAZQUEZ: Yes.

CHAIRMAN GONZALES: So they were given title to the property that we're reviewing today?

MS. VAZQUEZ: Yes, and then the Buena Vista Associates transferred the title to Mesita de Santa Fe, if I'm correct.

MR. GARCIA: Mr. Chairman, commissioners, this here in your packet is actually based off of the warranty deed, which is based off of the quiet title, which we

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platted out. So this is something that is platted out according to the deed to the property. The part that the applicant is leasing is this triangular piece here, which is actually located within this 25 here, which is within the area that the warranty deed shows ownership to Buena Vista Partners.

COMMISSIONER DURAN: Mr. Chairman, Mr. Gonzales, since none of the people that were served or given notice to appear to claim an interest in the property, it appears the title to the property is determined to be solely in the name of Buena Vista properties. And that's what the quiet title suit did. It prevented anybody, or these particular individuals from claiming any interest in the property at a later date since they've been served notice.

But I have a question. Private property rights within this grant are the same as in any other area of the state, right? Because they're in a grant doesn't mean that they have superior or inferior property rights. Is that correct?

MS. VAZQUEZ: Mr. Chairman, Commissioners, I believe that that's correct. Yes. I might also point out, Commissioner, that the directors of the Mesita de Juana Lopez Land Grant are here and I believe that they would like to discuss with you some of the approaches that they're taking with respect to the land in the land grant area. I think that they are better able to address some of the issues and the way they're trying to resolve all the different quiet titles that have occurred on their property to stop them and to finally put at rest who actually owns that property.

COMMISSIONER DURAN: Mr. Chairman, it's also my understanding that the pueblos in that area [inaudible] Santo Domingo actually filed suit in federal court claiming an interest in this grant and a year or two ago, maybe longer than that, but some years ago it was determined that they did not have an interest in this property. Is that your understanding?

MS. VAZQUEZ: Mr. Chairman, Commissioners, my understanding is there was a law suit filed by the tribe. However I do not know the outcome of that. Again, I believe that the directors might be better able to answer those questions for you.

COMMISSIONER DURAN: I think what happened is that it was determined that they did not have an interest in it, but we can find out.

COMMISSIONER TRUJILLO: [inaudible]

MS. VAZQUEZ: Mr. Chairman, Commissioners, the land grant law in New Mexico is very, very complicated. We've got a few statutes on the process that land grantees have to go through in order to register their property. I'm not current right now when it was that the Mesita de Juana Lopez Land Grant directors were incorporated, but that is part of the process. You're right, Commissioner, it's an unfortunate thing the way that the land grants have been dealt with, however, there is a process in place now with the statutes and I believe that on the national level the Congress is trying to deal with this issue and resolve some of the problems that the land grantees have had.

However, the process to quiet title is the process that people use to confirm

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ownership of a piece of property.

COMMISSIONER DURAN: I think there's a misconception here. I don't think that Buena Vista Properties acquired the property by filing a suit to quiet title. I think that they purchased the property and in the process of clearing up their title, they filed a suit to quiet title. So they didn't acquire the property through some legal loop hole. They purchased it like everyone else buys property.

CHAIRMAN GONZALES: I don't want to drag this out because we're going to allow for time for the board of directors of Mesita de Juana Lopez Land Grant to address this issue. Is this applicant here? Are there any questions of staff?

[Duly sworn, Al Lilly testified as follows:]

AL LILLY: Al Lilly, Lilly Planning Associates, 109 North St. Francis Drive, Santa Fe. As you know, I'm here this evening representing Associated Asphalt and Materials for this application for a mining zone. Rudy has provided you with a complete packet of information. I have just a brief summary sheet that I'd like to pass out to you. [A copy was not provided for the record]

Before I go through this fact sheet I'd like to state some specific reasons for approval of this mining zone. First of all I'd like to state that the land planning and the role of this board is not only about going through plans and making plans and approving business parks and high-end housing, we need raw materials for all new construction, both for new work and maintaining what we have. If we don't provide local supplies and we place the burden on other communities it will help to escalate the cost locally, which has a rippling effect through the local economy.

This is an important project. It's not glamorous, but it is an important one. In providing for appropriate locations for industry and for mining is part of the planning process. It's also the responsibility of this Commission. It is my understanding that the County has not approved a new mining zone for sixteen years. I've reviewed this application and feel strongly that it is a comprehensive submittal and represents responsible mining for the area that is planned.

The question then should not be whether the County should approve this application for a mining zone, but instead under what conditions. I'll just read down through the fact sheet to point out the major issues. As you know the approximate acreage of the area to be mined is 40 acres. That's within a total area of 172 acres of leased land. The mining site is two miles east of I-25. If you turn to the color photos on the next two pages it gives you an idea of what the two miles actually represents in terms of visibility.

The photos on the left hand side here are taken from the frontage road that's adjacent to I-25. The hills in the background is actually the location of where this mining site is. This gives you an idea of the distance and the actual visibility looking across that two-mile area. I've pointed an arrow to the area where the actual mine site is and there's also another shot taken south of the mine, actually from a distance of greater than two miles, but that's from a public rest area.

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If you go to the next sheet, the third sheet there, you'll see two photographs. The top photo is taken from the actual mine site, the proposed mine site and I'm looking back at I-25, and I have an arrow pointed to I-25 and you can just make out some white marks adjacent to that arrow. Those are trucks on I-25. So again, it gives you an idea that this isn't right adjacent to the highway. I'd also like to point out that there's a good portion of the actual highway I-25 is depressed adjacent to the land around it, so that again minimizes the actual visibility of this site from the highway.

I'd also like to point out that the surrounding land is uninhabited. I think you can tell that from the photographs. There's no residences within view of the mining site. The current use is grazing. Past uses include numerous mines as evidenced on the USGS map. If you go to the last sheet of the hand-out, this is a copy of a portion of the USGS map blown up, and it's indicating past mines that have happened all around this area. There's an arrow pointing to the proposed rock quarry. If you just look at all the x's and dots on this thing it shows you that this is not a new use for this particular area.

The proposed mining site is not totally invisible from I-25. I want to state that this is not a hidden mining site. However, the significant distance from the highway reduces the visibility from the highway and any awareness from the traveler. It should also be noted that the mining operation involves an excavating site that's below the horizon. What this means is that we're not mining an escarpment. We're not on a hillside and cutting into a hillside that you're going to see from the highway. We'll actually be below the horizon and a lot of work was done, especially in discussions with the CDRC and some changes in the actual delineation of the mining area to make sure that it is below the horizon.

So we're going down into the ground and not into the hillside. This definitely limits the visibility of the gravel operation. The project will not use any on-site water. All disturbances within the mine zone will be reclaimed, with the exception of the road. This is at the request of the landowner. Reclamation will be in phases as each cell is closed. So you have approximately five to ten acres at a time that's disturbed. When that area is done with the mine it will follow right behind with reclamation and that will be with native grasses. The last three lines are just specific facts in terms of the annual rate of production, the life of the mine being approximately 23 years. Length of the road: 2 1/2 miles. An acre of land in disturbance and the number of trucks per day is 20, as stated in the traffic report.

The last item I'd like to point out is Article XI, and these are the location standards for the creation of a new mining zone. I'm very brief on the itemization here. There's four items that you have to hit. The details of this has been expressed Alex Sanders of Chapman Wood & Griswold. He's given a detailed report dated November 1997. The first issue has to do with proving a significant source of materials. I think that the information provided you in the information packet certainly proves this.

Number two, current land uses in the immediate area primarily involve grazing. No residential uses in sight and the current proposed zoning for this area in the future and today is one dwelling unit per 50 acres. So this isn't likely to change in terms of the impact on

residential uses. We've already proven or shown you the location map with regards to past mining activities. It's well documented. And number four, there's no location for a mine in Santa Fe County where a mining location would be totally invisible from all different directions. However, I feel very strongly that this 40 acres identified on the plans for the submittal, identifies a mining district which minimizes the visibility of construction activity from public roads.

Getting to the issue of the CDRC approval and recommendation. They approved this submittal on November 20 with certain conditions. The applicant is in agreement with the conditions as stated at that meeting and as submitted has revised plans reflecting input from the CDRC. The archeological study has been completed as requested. The revised road alignment has been designed to connect to County Road 57. And the boundary lines of the mining site as I mentioned before, have been adjusted as per discussions with the CDRC meeting.

I'd like to point out though, however, under the conditions of approval there is an error with regard to the connection to County Road 57 and it states that it would follow the alignment of the Ranch Road. We don't have any recollection of that ever being discussed at the CDRC in terms of following that exact alignment. What the engineers did on this project is to evaluate the best location for the road in that general vicinity. So it does not follow that exact alignment of the Ranch Road and it was the desire of the landowner not to disturb the cattle operation that's already there.

So it runs somewhat parallel to that Ranch Road, connects to County Road 57 and I believe it follows the intent of the CDRC meeting. I'd just like to state that is a correction that needs to be made in the conditions.

I'd also like to say that the Land Use Department has recently received correspondence from state agencies regarding water uses and the uses of an on-site well. It should be stressed that the on-site well will not be used for this mining operation. All water will be trucked to the site. I think it's also important to note that the applicant has also just recently agreed to pave this road and this will cut down substantially of any types of water needed for dust control. So that the actual amount of water that's used or calculated in the proposal is actually going to be less than originally proposed.

So I hope this board will agree with the CDRC and vote for approval of the project this evening. I'd be happy to answer any questions.

CHAIRMAN GONZALES: Any questions of Mr. Lilly?

COMMISSIONER DURAN: Mr. Chairman, Mr. Lilly, the water that you're going to be trucking in, will there be any contaminants added to it in the process of mining or it's going to be straight? Will anything be added to the water on site, like contaminants? My question is relative to adding any contaminants to the water.

MR. LILLY: Just one second. No, there will be no contaminants. It's strictly used for dust control.

COMMISSIONER DURAN: Okay. I just had one other one.

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CHAIRMAN GONZALES: Any other questions of Mr. Lilly? Okay, this is a public hearing. Is there anyone in the audience who would like to speak in favor of this application? Anyone in the audience who'd like to speak against this application? Please come forward. Are you both going to be addressing the issue?

[Duly sworn, Carmen Quintana testified as follows:]

CARMEN QUINTANA: My name is Carmen Quintana. My address is Post Office Box 8553, Santa Fe, New Mexico, 87504-8553. I would like to begin by correcting the County Attorney. This land grant was confirmed by Congress and it is not up to the State District Courts to confirm all land grants, although they, or the legislature can confirm land grants. Several of them have been confirmed through the state legislature.

CHAIRMAN GONZALES: Ms. Quintana, can you address the Commission?

MS. QUINTANA: I'm sorry. Mr. Chairman, members of the Commission. Several of the land grants have been confirmed by the legislature or by the district court. In this case, this land grant was confirmed by Congress at the same time that all the pueblo land grants were confirmed, during that same era. I gave the County Attorney a list prepared by the Kelly firm, Kelly, McCarthy, Koch -- I forget the whole name of the law firm, but they did a land title study, and I gave this information to the County Attorney, showing them that this land grant was in fact confirmed by Congress.

So this is a matter of several people having filed quiet title suits on this land grant, and the Buena Vista people filed their case in 1992. The time we put our land grant board together was some time in 1993. I don't have the exact date before me, but we intervened in the Buena Vista law suit and we hired one attorney and then the judge asked us to -- we decided as a board that we needed to have a land grant specialist represent us in court. The court gave us thirty days to hire this person. We complied with the court's wishes and we did not default; we were all in court. All the same people here were in court, plus a couple of other directors when the attorney did not show up for the law suit and apparently this default judgement that you have before you was issued.

However, at the final hearing, Judge Herrera ruled that final action on a land grant belongs to Congress. And I am here tonight to tell you that there are several people, several different groups -- about 50 squatters claiming title to the Mesita de Juana Lopez Land Grant and the Buena Vista and there are several people that have received title through them. None of these people have ever received title from sovereignty, from the original three grantees.

The only grantee that we have on our board now is Richard Romero, who's an heir to the original Romero family, Domingo Romero. In none in any of the law suits that have been files have we had due process, number one, have any of the aspects of adverse possession contained in New Mexico state law been tried. There has never been one case where a deed has shown up from the Domingo Romero chain. There have been a lot of claims and there have been a lot of law suits filed.

Although they win by state law in adverse possession law suits, this does not

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supersede a congressional act. So we have made numerous attempts to ask Congress to deal with this land grant and several others that were also confirmed by Congress. I urge you to reject this application on the basis that it would look very bad for the County Commission to approve an application when we have legislation pending regarding zoning and negative easements before the state legislature. We have another law regarding adverse possession on land grants that we are requesting in this session. And I want to remind you that last year we had unanimous consent of the legislature and I was lucky enough to get Governor Johnson to sign one bill regarding land grants, and that had to do with land grants borrowing money from the New Mexico Finance Authority.

So I would urge you to look at the facts, look at the way the land grants are handling, getting total control of their land grants. And I would urge you to reject this on the basis that it would really look bad for the County Commission to approve this application knowing that the US Congress is ready to deal with land grants. Thank you very much, Mr. Chairman and Commissioners.

CHAIRMAN GONZALES: Are there any questions of Ms. Quintana at this time?

COMMISSIONER DURAN: Mr. Chairman, Ms. Quintana, how long has it been since you've been trying to get Congress to respond to your request?

MS. QUINTANA: I have worked on land grants for over 20 years.

COMMISSIONER DURAN: This particular grant?

MS. QUINTANA: I have been involved in this particular land grant for about seven years and I helped organize it and I finally have a board of directors that works very well with me.

COMMISSIONER DURAN: So, you've been trying for seven years for Congress to consider your request, whatever that request might be, concerning this land grant?

MS. QUINTANA: I've been working on this specific land grant since 1993. But I have worked on land grants, litigation and legislation and congressional intervention for over 20 years.

COMMISSIONER DURAN: But the claims that you're making to Congress relative to this land grant, you've been working on those for seven years. And Congress has chosen not to respond. Is that--

MS. QUINTANA: That's pretty much the case. In 1993, we passed a memorial, the whole state legislature passed a memorial asking Congress to deal with land grants, small holding claims and acequias and they chose to ignore us until this Congressman, Congressman Redmond, finally decided to deal with the land grants.

COMMISSIONER DURAN: I have one other question. The pueblos, Santo Domingo Pueblo filed a law suit several years ago. I'm aware of this because I've done some work out in that area and had to deal with the law suit that the pueblos brought against property owners out in that area. Is it your understanding that this law suit has been

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resolved in the federal courts?

MS. QUINTANA: Yes, it is my understanding. In fact it is my understanding that the federal district court told the Santo Domingo Pueblo not to bring any more claims against land grants to them.

COMMISSIONER DURAN: Okay. Thank you very much.

COMMISSIONER ANAYA: Mr. Chairman, Carmen first of my history is [inaudible] Commissioner Duran and I worked for the Highway Department in the right-of-way section when they were building the interstate system we encountered many of these situations and we were taking procedures, we needed to call them taking procedures. That's my background. I just wanted to -- any time issues like this are challenged of course the ask for documentation on the defendant's part to go over there and prove some kind of ownership. My question is this: Who are the principals in Buena Vista Associates, etc.? I was wondering, at one point in time they must have had a handle on this particular real estate, otherwise they wouldn't have had the leverage to take you or anybody to court for title procedures.

In my mind, these people here are principals and somewhere or another there was transfer of ownership regardless of the treaties of land grants or anything of this nature that would tie every transition from one ownership to another. On this particular property I have a question, particularly since it was challenged in district court and documentation was requested from yourself and [inaudible] Someway or another out of the [inaudible] there had to be some authenticity for the courts to put a cloud over any kind of quiet title suit to transform it into fee simple. Why weren't you able to present this type of documentation?

MS. QUINTANA: I was very much available, Commissioner Anaya. And I was there at many of the hearings. As I said, we did intervene as a board.

COMMISSIONER ANAYA: My question was, Carmen, where is the documentation?

MS. QUINTANA: We provided a quit claim deed. We provided the documentation that they asked us for. We never got our day in court, Commissioner. I'm very sorry to say that we feel that the courts have become very politicized. We never saw a deed from the Buena Vista people that went back to one of the original owners of the land grant.

COMMISSIONER ANAYA: Who were the Buena Vista people? Who were the principals?

MS. QUINTANA: As I understand it Peter Naumberg was one, and I don't really remember the names of all of them. But I did see a recent conveyance to this Mrs. Peppler who now claims to be an owner, and apparently she claims her ownership to the Buena Vista people. But I have never seen a deed that came from one of the original owners of the land grant, the Domingo Romero Family, or the two Ortizes. I have never seen this and it has never had its day in court, and that is one of the major reasons that we have objected to these other people claiming ownership, because we have living heirs on the

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Romero side and they have never issued a deed to anyone. No Pepplers --

COMMISSIONER ANAYA: Carmen, you don't think this is a day in court?

MS. QUINTANA: Commissioner, I'm very sorry to say that we did not have our day in court. I am terribly sorry.

CHAIRMAN GONZALES: Thank you, Commissioner Anaya. Thank you, Ms. Quintana. Are there any other questions of Ms. Quintana?

[Previously sworn, Richard Romero testified as follows:]

RICHARD ROMERO: Richard Romero, Route 5, Box 346-EE, Santa Fe, New Mexico. Mr. Chairman and members of the Commission, we're here pleading with you to kill this mining. You have talked about letting the communities, and we call this a community land grant. That's what it was. Our great grandfathers go back to the 1600's in La Cienega. When it comes time to send taxes, they can find us. When it comes time to go to war, they can find us. But when it comes time to serve us for a seek-to-find title, they seem to forget that the Romeros live in La Cienega. They can't find us.

They name everybody in the law suits except the Romeros. Our family goes back to La Cienega more than 300 years, before this state was even considered a state, before we were a territory. Along comes the Santa Fe Ring, in those days they clouded every land grant in this state that could be clouded. Rio Arriba, Santa Fe, Catron County, everywhere. We have never given up our ownership. We have grazed on that land grant. We have hauled wood out of there. We've hauled yeso to plaster our houses when we were poor, yet everybody that can come in there and do a claim and give themselves title. These people have the money to manipulate different abstract companies.

If you look at their abstract, it has three pages of exceptions. Who issues a title insurance with three pages of exceptions? We plead with you, don't grant this. This is going to be the eyesore that you can see from I-25. You can go and look at that [inaudible] plant he has out there in Buckman. You can see it from I-25 all the way to Buckman. If you go on 285 south and you're going to Clines Corners you just look off into the distance behind Galisteo you can see the Ortiz mine. Do we want this to invite the tourism that we have coming into Santa Fe? Do we want this? This 40 acres is just one step that these people, this corporation or these people that are doing this have a past history of doing things up in Rio Arriba County.

You can come down out of the [inaudible] you come out of the canyon, you look to the west, he has the ugliest eyesore, vertical cuts, 50, 60 feet high, hauling gravel, all for the sake of money. Where does this end? Thank you very much.

CHAIRMAN GONZALES: Mr. Romero, the Mesita de Juana Lopez Land Grant, what's the size of it?

MR. ROMERO: In the pamphlet that you have in there there's an original survey by a surveyor general in 1873, was documented to Domingo Romero, which was our great-great grandfather, Jose Ortiz and Manuel Ortiz, which were his step brothers through a different marriage. That land grant is the biggest chunk of land next to Rancho Viejo I

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think. It might be bigger that Rancho Viejo -- 43,000 acres. It entails from the Santa Fe River on the Tetilla side of the highway towards the right as you're going to Albuquerque, and it goes all the way past the Rios into the Ortiz land grant.

We have been confirmed by Congress. This was a congressional confirmation and no district court can supersede a federal mandate. We were confirmed.

CHAIRMAN GONZALES: So you're saying that the land grant is 43,000 acres.

MR. ROMERO: Forty-three thousand acres. The survey is right in your pamphlet. If it's not I'll bring you an original surveyor by the surveyor general.

CHAIRMAN GONZALES: Have there been any other quit claims that you've had to fight?

MR. ROMERO: We fight these on a daily basis. We went with Judge Herrera and we sat there and we fought against Jerry Geist, Mr. Thornton, who ran Sandia Savings and Loan into the ground and I forget the third person. These are people with money and we sat in court with Steve Herrera, the judge and at the end he told them, and they dismissed the case because of lack of proof. They can't come up -- we have chain of title. We go back to our great-great grandfather. They have papers that start -- Mrs. Peppler has her deed that was given to her in 1964 and for twenty years they didn't register that deed. Twenty years later they register it and they call it chain of title. We don't know where that -- they could have just typed in 1964.

Look at those titles. There's not an insurable piece of property on the Mesita de Juana Lopez Land Grant, because no title insurance will give them anything that's worth a penny. You sell 3,000 acres to a person for \$115,000, which averages less than \$30 an acre. Where in the heck do you think people are going to sell \$30 an acre in this city? Why do you think they do these deals? Between Brown, Naumberg, all these people they're just passing phoney paper around.

CHAIRMAN GONZALES: Mr. Romero, let me ask you this? Is there any other activity that's going on?

MR. ROMERO: There is another one on the Ortiz, which is your next up on the Cerrillos site. That's part of the Mesita de Juana Lopez Land Grant. When the US government went to put the Galisteo dam in, and Richard you know about title, you deal with highways. I've dealt with highways for 40 years already. I'm retired. The highway only asks for a deed for 33 years. To them, that's good enough. But when you go to court, that's not good enough. Sure they can give you 33 years. Simms, Catron and all these guys that clouded our title and they pass paper around. They have the money to pass it around. They have Montgomery and Andrews to go, and they go sit there and entertain us for years, five years in a court case. That's just buying them time hoping that we die off and we don't show up to these hearings. That's all they're doing. Hoping that we die off. But I try to inform my kids everyday, part of you people could be part of landowners, because out of this, Tenorio, Narvaiz, Montoya, Gonzales, Garcia, have come out of this chain. All of us

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are part of it.

Yet, we've passed phoney paper around and say it's good.

CHAIRMAN GONZALES: Thank you, Mr. Romero.

MR. GARCIA: Mr. Chairman, Commissioners, I think your question is is there title insurance on this property?

CHAIRMAN GONZALES: Is there a requirement for title insurance?

MR. GARCIA: They did have title insurance on their property. We have a copy. I believe it's called an escrow agreement, so they do have title insurance that goes along with their quiet title.

CHAIRMAN GONZALES: So a title company has insured it?

MR. GARCIA: Yes, that's correct.

[Previously sworn, Herman Montoya testified as follows:]

HERMAN MONTOYA: My address is 271 East Frontage Road. When you have title you have to base it on something. If you don't have color of title you've got to go through the adverse possession process. To have adverse possession you've got to have a few elements to go with it. You've got to have color title, you have to have good faith, you have to have possession. [inaudible] possession, because we have people from our families having cattle over there at all times. I had cattle at one time.

Another guy had cattle. One time they disqualified Judge Herrera because he was always a guest. I don't see how Judge Herrera could have given [inaudible] because he was disqualified previously. I'd like to see where did they advertise? Get real. You have to get real. How can you get 25 square miles on a default judgement. It's almost unthinkable. Today we have [inaudible] not only by the Constitution of the United States, by Article VI. We are also protected by the New Mexico State Constitution. We recently read the Guadalupe Hidalgo and the New Mexico Constitution. [inaudible] We have this petition that we're going to -- and not only that, they're asking for 23 acres of gravel, but we're [inaudible] of land.

That's what you're basing this 25 acres. Get real. That's too much right.

COMMISSIONER TRUJILLO: The land's that in question is within the Juana Lopez Land Grant. It's within the land grant, is that correct?

MS. VAZQUEZ: Mr. Chairman, Commissioners, that's correct.

COMMISSIONER TRUJILLO: What sort of position [inaudible] The issue if did the heirs of the Juana Lopez Land Grant did not agree with the mining of the site that adjacent property owners, what recourse do they have? What representation do they have?

MS. VAZQUEZ: Mr. Chairman, Commissioners, I believe what you're getting at is somewhat a hypothetical in that you're stating that the owners of the -- if this was straight from the Mesita de Juana Lopez Land Grant and they didn't agree to the mining operation, would they be able to do it? I don't know the answer to that question. I believe that the articles of incorporation that were filed by the directors to register their land grant probably governed how it is the decisions of the use of the land are made. But in this case

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the default judgement is key here because the default judgement did quiet that title and it's sufficient to prove that the people that are here before you, the applicants, have a right to use that property. I don't know if I've answered your questions.

COMMISSIONER TRUJILLO: Usually when you go through a permit process you hold a public hearing and usually you need 75% approval of the adjacent property owner to do any [inaudible] How does that apply here?

MS. VAZQUEZ: Mr. Chairman, Commissioners, I'm not exactly sure where on the property the land grant begins. There's been a few quiet title suits in this area. Buena Vista being one and being a large portion of it. There was another one in 1991, Las Atrevidas, that was done. There was the Santo Domingo that was unsuccessful. There was a law suit that was also unsuccessful. It's unclear right now exactly where the Mesita land grant begins with respect to this piece of property and whether in fact they are neighbors or not. I don't know the answer to that question, but I think Rudy's got more to say.

MR. GARCIA: Mr. Chairman, I think the question is that if these people have some sort of -- looking at a land grant that's this large you have a quiet title of the Peppers that own this quarter in here, and if these people have some sort of interest, whether they do, whether they don't, they claim that they do. They're representing that they do. And is question what authority they have to be against the project. That's the reason why we're here tonight because if they're representing that they own some sort of area within this grant, hopefully own the entire grant, then the public hearing is for tonight so they voice their opinion [inaudible] on the mining operation.

CHAIRMAN GONZALES: Real quick, I just want to say, is there anyone else that needs to address the Commission before we start concerning this issue. We're not done with the public.

COMMISSIONER DURAN: Mr. Chairman, Rudy, actually, I have a question for Al.

CHAIRMAN GONZALES: I'm still with the people that are opposing the project. Real quick, you're going to have to step up.

MS. QUINTANA: Mr. Chairman, members of the Commission, we have been circulating a petition. And the petition calls for an investigation and we have, as of tonight, over 350 signatures of people in the area that work with us and opposed this application. It refers strictly to the Mesita de Juana Lopez Land Grant, and in answer, Commissioner Trujillo, to your question, we do have over 75% of the neighboring community that stands with us in our position. We want to go through those signatures to be certain that they're all registered voters before we present them to you. But we have only been circulating the petition for three days, so we guarantee you that by the time we're finished, we'll have over 1,000 signatures for you.

CHAIRMAN GONZALES: Ms. Quintana, do you have those signatures this evening?

MS. QUINTANA: We have quite a few of them this evening.

CHAIRMAN GONZALES: Would you mind if we had a copy made for the record? [See Exhibit 6]

MS. QUINTANA: I wouldn't mind at all.

COMMISSIONER ANAYA: Mr. Chairman, would the contents of the petition, the substance, that's what you're requesting?

MS. QUINTANA: It probably would -- I did recommend that we not circulate this petition tonight because it is asking for a grand jury investigation.

COMMISSIONER ANAYA: A grand jury investigation of who?

MS. QUINTANA: Of some of the machinations of the land grant. It could affect some of the public officials. I'm sorry.

COMMISSIONER ANAYA: You don't have a copy of it so we can review for our hearing?

MS. QUINTANA: We do have a copy. We would be very happy to give you the signatures we have that are full pages, because like I said, we're not finished. But I do think there's a conflict of interest.

COMMISSIONER ANAYA: I'd just like to see what the petition is asking for.

CHAIRMAN GONZALES: Another thing, Ms. Quintana, we just want to make sure -- people who make representation for having a certain amount of signatures on the record. We just want to make sure that there's documentation to support that. That's the reason I've asked for the copies. If you want it to stay on the record as being actually 300 people, we want to have the sufficient documentation. Because I've had people come up and they'll make representations --

MS. QUINTANA: We would be very happy to. As long as you don't hold us to the language in the petition tonight. I mean as long as the County doesn't feel -- I fear presenting you with the grand jury thing, which is not the proper channel. I'd be happy to.

CHAIRMAN GONZALES: We'll leave it up to the discretion of the attorney whether he wants to accept it or not.

COMMISSIONER DURAN: You published in the newspaper and give public notice for the CDRC meeting and also tonight's meeting, is that correct?

MR. GARCIA: Yes, Commissioner, that's correct.

COMMISSIONER DURAN: Those individuals that were opposed to it, will have some issues that the applicant request should have been here this evening. Correct?

MR. GARCIA: Yes.

COMMISSIONER DURAN: The public, or the community has been given legal notice of the applicants request tonight?

MR. GARCIA: Mr. Chairman, Commissioner Duran, the applicant has sent a certified letter to everybody within the limits of the property, has posted in the New Mexican. There's been several articles in the New Mexican as well as the Journal.

COMMISSIONER DURAN: Have you received any notice of opposition,

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other than what we've heard tonight?

MR. GARCIA: No, I have not received anything in writing.

COMMISSIONER DURAN: I'm just bringing that up because whatever we decide to do tonight, I don't want anyone to think that the community was not properly noticed of this. That was my question, thank you.

COMMISSIONER TRUJILLO: [inaudible] it's a big piece of land, so you're not going to have a lot of people surrounding the project. [inaudible]

MS. VAZQUEZ: Commissioners, if you take a look at the packet that was handed out to you with the default decree in it, there's also a platted area of the map of the property that was defaulted. The area that we're looking at to create a mining zone is within sections 24 and 25 and the rest of the area is not at issue here.

CHAIRMAN GONZALES: Let me just go back. We're still at the public hearing part of this. Is there anyone else who's opposing the project who wants to speak?

[Duly sworn, Gilbert M. Romero testified as follows:]

GILBERT M. ROMERO: My name is Gilbert M. Romero. [inaudible] I'm here to ask you after you've heard the County Attorney on her own words that the laws of the state of New Mexico on these grants are very complicated. I'm asking you to table this matter until these deeds are further looked at and are straightened out. I wish that this Commission would just go ahead and table this.

CHAIRMAN GONZALES: Thank you, Mr. Romero. Anyone else? Okay Mr. Lilly, we'll let you wrap it up. Give you a couple of minutes. Please be as brief as possible.

MR. LILLY: Okay, just in response to the public comment. Mr. Romero stated that he was -- that he opposed vertical cuts. I'd like to reiterate that this is not that kind of a mining operation, that this is below the horizon, it's cutting down into the ground rather than the side of a hill. So that's the first point.

Also, it's sections 23, 24 and 25 is the area that we're dealing with. Not 25 and 26. And finally Mr. Pepler is here this evening, if need be to testify. He has the title, the title insurance and the deeds, all of which copies have been submitted to the County Attorney.

COMMISSIONER DURAN: I had just one favor to ask of you. I'm real concerned about the reclamation and I was just wondering if you knew enough about it that you describe that process to the Commission.

MR. LILLY: The process of the actual reclamation?

COMMISSIONER DURAN: If you could explain to us just briefly, I guess, exactly what does it mean -- what you're going to be working on ten acres, and then you're going to twenty. By the time you go to the next ten, the first ten will have been reclaimed. What does that mean? Is it going to be reseeded? Is it going to be similar to the vegetation surrounding it? Is it going to look like it's untouched?

MR. LILLY: Most of the area is a grassland-type cover right now. It has native grasses on it. Part of it is plain ledge. There is a small area that does have some

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trees on it. The revegetation will be with native grasses. And that will take place immediately upon ending the mining area in the five to ten acre cell area, and when they move on to the next section, they'll go right into that area and revegate it as per the specs of the --

COMMISSIONER DURAN: How deep is that ten-acre area that you're going to be disturbing?

MR. LILLY: That varies. It goes from a 50-foot cut to almost 200-foot cut, I believe.

COMMISSIONER DURAN: So there will be an indentation in the ground.

MR. LILLY: The ground will be graded off to a three in one slope, maximum and that will be revegated with the native grass mix.

COMMISSIONER DURAN: What's three in one slope?

MR. LILLY: That's a stable slope. Approximately 50 or 30% steep slopes, so it's an area that would be stable --

COMMISSIONER DURAN: It won't be a hole that?

MR. LILLY: That's correct. It's actually a fairly flat slope when you think about it. It's one leg up this way and three this way, so the slope is approximately like that.

COMMISSIONER DURAN: So I wouldn't fall in it? Right?

MR. LILLY: You'd be okay.

COMMISSIONER TRUJILLO: I'd be interested in knowing when you're saying the genealogy of ownership [inaudible] started. When that claim for quiet title started and all the previous owners had been taken into consideration throughout the years. How did the gentleman acquire title to this land?

MR. LILLY: Would you like to hear Mr. Peppler?

CHAIRMAN GONZALES: Could you please come forward for the record.

[Duly sworn, Larry Peppler testified as follows:]

LARRY PEPPLER: My name is Larry Peppler and I'm from Albuquerque, 3054 Corona NW.

CHAIRMAN GONZALES: Mr. Peppler, did you understand Commissioner Trujillo's request? Can you for the record basically state how your ownership came to be?

MR. PEPPLER: Yes, we purchased this land in 1973 from Ernest Kalmans and Ernest Kalmans purchased this from John Simms in 1972, I believe it is. We purchased on a real estate contract. Do you want to know how much we paid for it?

CHAIRMAN GONZALES: You don't have to state that. [inaudible]

MR. PEPPLER: Buena Vista inherited the interest [inaudible] The Montoyas were running cows on this property at that time. So then the Kelleher Law Firm, representing Buena Vista, see we owed Buena Vista at that time. The balance was like roughly \$280,000. Who purchased the contract with the Kalmans. That was the purchase they inherited in some suit. Finally in 1987 we made the last payment, I believe and we got a title insurance policy from Santa Fe Title. We filed all the papers with the County

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Attorney has all our papers. The title insurance, copies of it.

CHAIRMAN GONZALES: Commissioner Trujillo, do you have any questions?

COMMISSIONER TRUJILLO: So you say you have the genealogy for the last thirty years of ownership?

MR. PEPPLER: Roughly.

COMMISSIONER TRUJILLO: What happened before that?

MR. PEPPLER: Well, John Simms owned the property. As far as Kalmans getting it in 1972. I think John had it several years. And John got the property from a fellow named Sam Brown. Brown got the property from Pouge. Pouge owned the whole ranch at that time. That's kind of a long history.

CHAIRMAN GONZALES: Are there any questions?

COMMISSIONER TRUJILLO: What do you conjecture, how did Pouge acquire the land? Did Pouge get it, buy it from the original heirs of the land grant?

MR. PEPPLER: I can't get into that. I don't really know. They all had title insurance. Sam had title insurance. The Kalmans had title insurance. Now we have title insurance. The Indians filed a law suit in 1981 or 1982, Sam [inaudible] It was a ten-year battle with them. It went to the Supreme Court. The Supreme Court would not hear it. They went back to the circuit court and we're still entitled.

CHAIRMAN GONZALES: Any other questions, Commissioner Trujillo?

COMMISSIONER DURAN: I just have one statement based on what you told me. It appears to me that title is vested in the current owners and they've been through court. They've determined that. I understand your desire to try to find out how, or to make sure that justice has taken place, but I think there are enough court battles in the grant to finally have them determine that you are the legal [inaudible]

MR. PEPPLER: I don't really know that. I didn't know the Montoyas or the land grant was even a problem when we bought it. It's just been in the last several years that they came on the scene after the Indian suit was over. They ran cows on this property one time. That's why the Kellehers filed this law suit, to quiet the title, to get them off of there. That was in 1980-something.

CHAIRMAN GONZALES: Any other questions? Mr. Lilly, have you concluded? Mr. Montoya, very briefly, very brief comments.

MR. MONTOYA: He was talking about title insurance and his title insurance doesn't cover gravel. His title insurance doesn't cover homesteads, which are government issued lands. So let's get with it.

CHAIRMAN GONZALES: Thank you, Mr. Montoya. Okay. That concludes the public hearing aspect. I guess I have a couple of comments, especially being the representative of that district. I think that the issue of land grants is an issue that is far from being settled. I think there are a lot of people out there that have valid claims to land grants. It's my personal theory that we would deny this and allow the Congress to deal with

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the issues raised in the Mesita de Juana Lopez Land Grant by the board of directors. I'm also concerned about the visual impacts on the highway. I believe in the people and the families and what they're saying and I think that the Congress is coming to the forefront and we need to deal with that in court.

COMMISSIONER TRUJILLO: Mr. Chairman, I'd like to make a motion, because of my concerns you've articulated and I've articulated about the land grant, the issue of ownership and the visibility issue to deny this request.

CHAIRMAN GONZALES: There's been a motion to deny. Is there a second? For lack of a second it's dead.

COMMISSIONER ANAYA: Mr. Chairman, I'd just like to make a comment. I happened to read the petition to convene a grand jury and I'm sad to see that the County Commission was named in that particular request I guess you might call it. I was kind of taking issue with that. I can't understand what the thrust is behind that particular concern coming from your behalf, Carmen, or your group. I just don't see any merit to it at all. I don't see any fairness at all.

Mr. Chairman, just in the transpiration of time and everything that has occurred and dealing with my experience and all the Highway Department issues, having this particular document before us, I'd like to say in all sense of fairness that the only direction we can take right now is to grant approval from both CDRC. I have to admit that my sentiment is with you and Commissioner Trujillo as far as the land grants are concerned. I think that there's some potential left, particularly with this mural behind us. I think however, that at this point in time and this flow of now, we have to take into consideration to what exactly transpired in the court and everything else and we have to protect that particular system and go on and let Carmen and her group fight whatever the stream of hardships that might have to flow from their particular group, Mr. Chairman.

I think if there's any consolation at all, should you win, with Congress and everything else, I might offer this as a consolation, you may be inheriting a gravel mine if it should materialize in your favor.

Mr. Chairman, I'm going to move that we uphold the decision of the County Development Review Committee and allow the creation of a mine zone of only 41.5 acres that they have recommended, limited strictly to gravel mining. That would be a major of concern and I'd try to move for denial should gold mining be considered into this particular proposal. Mr. Chairman, and subject to all the conditions imposed by staff. I think there's a lot that the community to be gained by this particular form of commercialism without the great hazardous potentials of the health, safety and welfare to the community, Mr. Chairman.

With that, Mr. Chairman, I move for approval.

COMMISSIONER DURAN: Second. And I would like to add, Mr. Chairman, that people in this grant property owners in this grant, in court for years become acquainted with other individuals that have been making relative to their ownership and have

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claimed an interest in the property and court after court has decided that their claims are not valid and title is vested in the individuals that currently have title to the property. So with that I second.

CHAIRMAN GONZALES: Any other discussion?

The motion passed with Commissioners Anaya, Duran and Griñé voting for and Commissioner Trujillo voting against.

XI. B. 12. CDRC Case #MIS 97-5231. Cerrillos Sand and Gravel Products. Clarification of condition regarding an alternate route for Cerrillos Sand and Gravel Products within the vicinity of the Village of Cerrillos [Staff report on file with the Land Use Department.]

MR. GARCIA: Mr. Chairman, members of the Commission, on July 8, 1997, the Board of County Commission imposed as a condition of approval, an amendment that Cerrillos Gravel Products find an alternate route, steering traffic away from the Village of Cerrillos. CGP has made attempts at finding an alternate route but have not been able to obtain an easement. These documents are attached as Exhibit "B". Land Use Staff and CGP requests clarification as to how to proceed.

The BCC should review the attached material for clarification regarding Condition #20 and the amendment and direct staff how to proceed. Attached you have Exhibit "A" outlining the conditions of approval; Exhibit "B" would be the BCC minutes of the July 8 meeting; Exhibit "C", the documentation submitted by Cerrillos Gravel Products, outlining their attempts to obtain an easement. Thank you.

CHAIRMAN GONZALES: Thank you. Any questions? So again, just to reiterate, I think that there needs to be some clarification to condition #20 and the amendment. I'm going to ask Commissioner Trujillo to lead us off on this on the condition of what his perceptions were and then open it up for public discussion so that both sides understand that he was the one who referenced that particular issue as it pertains to roads. For the record, can you state what your intent was.

COMMISSIONER TRUJILLO: Yes, the intent was that the trucks were going through the Village of Cerrillos. The intent of my motion on the condition was to get them outside of the Village of Cerrillos and not going through the Village. That was the intent. The intent was to do it as soon as reasonably possible, such as [inaudible] to get them away from the Village and access the highway away from the Village. That was the intent.

CHAIRMAN GONZALES: Okay, was that it, they were to look for an alternative route?

COMMISSIONER TRUJILLO: An alternative to the highway.

CHAIRMAN GONZALES: So we're going to speak to that issue and a

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couple of other issues. Did the applicant understand, though, that that was the request of Commissioner Trujillo? Can we address that issue and what the status is?

JOE MANGES: Sure, Mr. Chairman, Commissioners, I'm Joe Manges, P.O. Box 669, Santa Fe, New Mexico. I represent the applicant.

[Duly sworn, Joe Manges testified as follows:]

I understand, we understood the intent of the amendment without question. However, how it relates to the rest of the twenty is where the ambiguity comes because it will go through the steps my client has taken to satisfy the alternative routes, but Amendment 20, for instance, requires paving in an area that has been impacted or is dusty, was supposed to be paved within six months. You'll hear from at least a couple people here that they want that paved. And some other people don't want it paved. So there are some problems I think with all the alternatives that the Commission needs to understand that frankly, we weren't aware of six months ago, and I don't think anybody really was and hopefully, during this evening we can understand really what those problems are and how the problem might be solved.

CHAIRMAN GONZALES: Let me just ask you a question. You're saying there are some people who want it paved, and some who don't. From what I understand that was a condition that was set by the CDRC, that was upheld by the BCC, that it was to be paved within six months.

MR. MANGES: Right after, the way we did that after this alternative, some of those routes wouldn't have to be paved because --

CHAIRMAN GONZALES: Why did you view it that way? Were you told by the Commission that you wouldn't have to?

MR. MANGES: It's simple. Read the last paragraph, last sentence of paragraph 20. It says, "If no route is found, CGP within six months or CDRC approval will engineer a gravel paved road from the cattle guard to the railroad tracks to the northside of the village." That's fairly clear. "Plans to be reviewed and approved by County staff provided all owners adjoining this portion of the road are in agreement as well as the Public Works Department."

Well, one of the owners is not in agreement. He owns most of the road -- approximately 70% of the area that would be impacted by the paving project. So he was not in agreement and that letter should be submitted to you. It's from Jim Anaya. He's against paving of the road. So there was not the agreement that was contemplated by number 20, because not all neighbors adjoining the road agreed to the paving. That's the simple reason.

CHAIRMAN GONZALES: Thank you, Joe. We can go on with the next part.

MR. MANGES: So I guess the problem that we have that's presented here is how your amendment relates to number 20. We've got some folks here from Cerrillos Gravel Products that will describe the alternatives available and they're very easy to understand. It won't take long. Why don't we just go to that. We do have one proposed

solution which is instead of paving the road, stabilizing it to really cut down on the dust, which is a main problem. Greg Upton will explain the consultants' report, what the alternatives are and how they hope to satisfy the condition.

[Duly sworn, Mr. Upton testified as follows:]

GREG UPTON: My name is Greg Upton. I live at 152 Gravel Pit Road. I'm on-site manager for Cerrillos Gravel Products. If you look at Exhibit 1 you'll see that it's an area map and that shows the four alternate routes found by the traffic engineer we hired to look into this, the Sullivan Design Group. Exhibit 2 is a copy of the report. I'll just go through that report and kind of summarize. Again, Exhibit 1 is the area map and it shows the four possible routes, three alternate routes discovered by Sullivan Design Group, the traffic engineers. Exhibit 2 is a copy of their report.

To summarize that, the best route that they come up with probably, what they call option 2. Unfortunately, the property owner has denied us easement through that area. There's a letter in there in Exhibit 3 indicating that. The next best route, for us would be option 4. We were also unable to get easement through the adjacent property north of us and it would also go through the Silver Hills subdivision and we didn't even attempt to get easement through that since we couldn't get the first portion. And there are letters for both of those options.

Option 3 is Waldo Road, which is a very narrow, winding nine-mile road and goes in the opposite direction of most of our customers. It's certainly unsafe at this point for trucks, and pretty unsafe for cars. And even if we did the improvements that are suggested in that report for \$200,000 or \$300,000, the road wouldn't solve the problem because we would still be going by other residences in Cerrillos. So we would just be changing it from one group of property owners to another. Certainly the cost figures are not something that a small company like ours could absorb.

So that pretty much leaves the present route, and we pursued the paving, but the requirement stipulates that we get all property owners. As you can see there, I believe it's Exhibit 5, shows the approximate boundaries, frontage of the five owners that presently live there. There are a couple of vacant lots also. That particular family does not want the road paved and they own better than 50% of the frontage along that portion of the road.

So we're kind of in a quandary at this point as far as that's concerned. We have come up with another possible solution, which is a method that will be described by our traffic representative shortly. But it's not a topical application, it's injected into the soil and it does have a good track record in other places and it might be a consideration. And I'll turn this over to the Cerrillos Gravel owner, Brad Aitken.

CHAIRMAN GONZALES: I'll ask the Commissioners, I don't know, if we're moving on to the discussion of the alternative, so we need to hear that? Last time there were some concerns from the staff on the staff not supporting that issue and I don't want to waste a lot of time here unless the Commission wants to hear that point.

MR. UPTON: This method is currently being tested by the New Mexico State

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Highway Department. And has been used for a number of years in Oregon, Washington, and northern California.

CHAIRMAN GONZALES: Okay, let's be as brief as possible on this issue please.

[Duly sworn, Brad Aitken testified as follows:]

BRAD AITKEN: My name is Brad Aitken, 11603 Easterling, Houston, Texas, 77065. Commissioner, Mr. Chairman, I'm hoping to get a positive resolution to this issue. It's been going on 2 1/2 years. Been dealing with this issue for a long time. I'm not a person that likes to litigate. I've avoided it and tried to avoid it but we in good will and good faith have tried to please everyone. You guys in your position know that you can't do that. The last six months after our last CDRC hearing we've been working hard to satisfy all the requirements.

Among other things we posted signs. We've put speed limit signs. We've put personnel, self-policing personnel there for the time limit requirements. We continue to water the road. We've done the studies and the requirements necessary. I've been here since last Thursday addressing the issue personally. I wanted to study it in detail, specifically the road issue and get to the bottom of it. Quite frankly, I thought I was the black horse, the guy on the black horse from Texas in Cerrillos. But to my surprise and really amazement, I was really overwhelmed by the local support.

I don't know which of you Commissioners handles the Cerrillos area, which one -- Mr. Gonzales, but the constituents support it. I've got a petition that we've circulated around town with very little effort we got close to 50 signatures. I'd like to submit for record some additional. We have one page where we were have two additional pages. Can we submit this?

CHAIRMAN GONZALES: I appreciate all that. I just want to focus on the issue at hand but I think that's important that you stated it and we appreciate it.

MR. AITKEN: Because typically the squeaky wheel gets the grease and typically the silent majority we don't get the attention. We're the guys that work hard and pay taxes and produce income, produce jobs for other people and suffer the most onslaughts, seems like sometimes. But I have specifically studied the issue and go back to the road issue specifically. Most of the residents do support Cerrillos Gravel Products and quite ironically, those that are affected most support it -- those along the road.

If you've seen the diagram, my gravel pit and my 240 acres, 1.8 miles up the hill, I come down the hill, through the cattle guard on to the road in question, a quarter mile, up to the railroad tracks, across the tracks, down First Street, down by two businesses, turn a left out to 14. The people that are most affected, namely two of them, we have letters also here in the report. There's Mary Mora who's lived there most of her 81 years, owns the business at the corner and I'd like to read her letter very briefly:

"I'm Mary Mora, born in Cerrillos, have lived here almost 81 years. I own the business at the corner of First and Main. Every truck going to and from

the gravel pit turns at the corner, goes by my front door. I think the newcomers to this area need to understand that the people in this town have always made their living, or benefitted from mining. We all need and use the materials provided by Cerrillos Gravel, and they also provide jobs to keep some off welfare. The trucks go slow through the town and don't cause any more dust problems than all the cars going by. I hope the County will just let them keep working."

Next door to her, Mr. Mitchell owns the Whatnot Shop, again he gave me a letter of support of recommendation. I can read it briefly to --

CHAIRMAN GONZALES: That's okay. Thank you.

MR. AITKEN: The other people along the road also support me, support our company, Luceros and Anayas. There, when I was talking to Mr. Mitchell, I forget who stated it, but someone said this, "If you want to live in a quiet secluded area you don't purchase a home or a business 75 yards from a train track." Through Cerrillos the Santa Fe Railroad goes through there. Railroads go through there eight to eighteen trains per day and literally, it shakes the buildings in homes close by. My office is close by there 50 yards from the railroad tracks and I have to put my phone on hold to conduct business. I was in there the other day and there was an individual with the train, railroad, that says more's coming. They're going to do double decker train and they're going to have coal cars coming through Cerrillos on a regular, consistent basis.

I might add they come in 2, 3, 4:00 in the morning and they're regular. I've personally observed and watched. I've sat there at the road and watched the trucks coming down and I made these observations. My trucks do make more noise than a normal car, granted. But I say normal car, because many of the cars there in town aren't quite normal; they make a lot of noise. My Isuzu Trooper makes a lot of noise. I need to get my muffler fixed. It is noisy also. The dust -- I've observed and watched the trucks coming down the road five to seven miles per hour -- very little dust, very minimal dust with the road watered.

I observed also the cars coming by, speeding some 20, 30, 40 miles an hour, fish-tailing, some of the local residents, stirring up a lot of dust as also indicated by the other neighbors, Mr. Mitchell and Ms. Mora. The truck drivers, I watched them, I sat there, I took my time. I was concerned about the children in the area. I have children. The pets in the area. The trucks that drive by there drive very slowly, five to seven miles per hour. They're safe. The truck drivers have to take extensive testing, CDL license is not easy. They're concerned about safety, at least I hope the majority of them.

I can't say that about some of the residents. As I have sat there and viewed, I counted eight cars in a five minute time coming down that dirt road, some at excessive speed, fish-tailing. Some of the residents are people who look like they could have been drinking, and I'm not to blame for all the dust or safety issues. On the contrary, I think I bring a big benefit to the area and the community.

Earlier in the meeting I heard of the need for gravel, the need for asphalt aggregate. We all have that need. We all have pot holes to fill, dirt roads to fix. I haven't been sitting idly. After Mr. Anaya expressed his concerns and I could see his concern. At first I thought well, sure, everyone would want the road paved. Let's pave it and be done with it. Then I could see the issue at hand would be roads that are already speeding, you can speed a lot more, and those jeopardize his children and other children. Instead of 20 or 30, 40 miles an hour, they could do 40 or 50 miles an hour and some of the cars are out of control.

So, Greg came up with this other idea, this Tierra Firme that's a treatment of the road in question. It's proven to minimize the dust and keep the dust down. And again I want to add that I don't think I'm causing most of the dust, I'm causing some of it, but not most of it. And I want to look from a realistic approach. I'm willing to do something. I'm willing to help solve this problem. Either keep watering the road, keep controls, keep the trucks at a slow speed, keep the safety requirements in hand, and we propose this other alternative to showing our good faith and good will to minimize dust.

Again, I want to reiterate most of the people concerned, I have close to 50 signatures of a small little town of Cerrillos that strongly supports Cerrillos Gravel Products. And many along the road in question strongly support us also. Many of them would be here tonight, I also want to reiterate, but I knew we were last on the agenda and I knew it would be very late and I respect their time. Most of them are working people, have jobs to go to as we all do early in the morning, or elderly. And I didn't make that request of your constituents.

Thank you for your time and I just hope to get a quick resolve to this issue. I've been dealing with it for 2 1/2 going on 3 years now. I just want to work and produce income and jobs and a tax base benefit to the community. That's my desire.

CHAIRMAN GONZALES: Questions?

COMMISSIONER DURAN: Mr. Aitken, I really like alternative or option #2. The letter that Mr. Katz -- really doesn't indicate what kind of negotiations you had you with him. Did you actually try to purchase that land from him for the road?

MR. AITKEN: That option was indicated. He owns 120 acres.

COMMISSIONER DURAN: Did you try to purchase the land where the road is going to be for the proposed road?

MR. AITKEN: We had some verbal discussions. I don't know. I offered him easement rights. I offered him to prepare his road. I offered him monthly payments and then I had various other discussions trying to convince him to allow us to use the property. His main concern, if I recall, a liability issue.

COMMISSIONER DURAN: Did you try to purchase the property from him?

MR. AITKEN: We had some discussions over the phone and his pricing structure was ridiculous. He's a wealthy man. He lives in La Jolla, California and needs no money.

COMMISSIONER DURAN: Did you make an offer to purchase the property

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though?

MR. AITKEN: I'll have to go back and review my notes. We has some verbal discussions.

COMMISSIONER DURAN: Were your discussions about this road basically asking him to grant you an easement?

MR. AITKEN: It was granting an easement and I thought that maybe I could be creative and split the property off. I think the County has a requirement, if I'm not mistaken, that you have to have 120 acres per housing -- 160. So I was mistaken in that estimation, I was thinking that we could split it off and we could buy a smaller portion, or he could release a smaller portion for a liability issue, since he was concerned about the liability issue, but that never got anywhere.

COMMISSIONER DURAN: It sure seems like the most reasonable route here. It would have very little impact on the community. But I could see where negotiations might have fallen apart. I can see where perhaps it might be necessary to really pursue it vigorously perhaps.

MR. AITKEN: I pursued it as the letter indicated very, very vigorously. Also we've got a call into the Highway Department. There's another issue that I didn't even think of before, but his exit is close to the bridge. Someone spoke to me and said there was a possibility that the highway might not even approve or allow access being that close to the bridge that goes over the arroyo going into Cerrillos. When I got an impasse with Mr. Katz, I didn't even pursue it further. Again, he's a wealthy individual and he feels that he can sit on the property and it's going to do nothing but appreciate in value.

I'd like to reiterate the majority of the citizens and the people along the road do support this.

COMMISSIONER DURAN: Thank you.

CHAIRMAN GONZALES: Any other questions? Is there anyone else that would like to speak to this issue?

MR. AITKEN: Yes, I'd like to have the gentleman from Tierra Firma, George Stephanis maybe explain a little bit about this.

CHAIRMAN GONZALES: We're really not interested in that, thank you. If we need more information we'll ask him to come up.

[Duly sworn, Fred Montoya testified as follows:]

FRED MONTOYA: My name is Fred Montoya and I live at 04 First Street. And that's in the direct route of the gravel trucks, the Cerrillos Gravel trucks. I heard Mr. Aitken say that even people on the route were happy with his gravel trucks spewing gravel and sand in our faces. I live twenty feet from the road. There is an older man by the name of George Watson, 86 and his wife is 88. Mr. Brad Aitken doesn't speak of three members that lived in the gravel truck road as I did in the past two years. They are three members of the Anaya family. There are elementary school children living in the direct route of the [inaudible]

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I haven't seen a water truck in four months. Not one day have I seen one in four months. They have stopped watering the road. I have seen trucks without tarps. I have called the Sergeant Herrera. He's with the New Mexico DOT, he's in the Enforcement Bureau. He has gone up there to my house and has watched the trucks go by. They turn the curve where there is not enough space for an oncoming car to go around. The oncoming car has to stop so the truck can go by. Once the truck goes by, then the other car can drive by it. That's how the curve is.

Mr. Aitken stated that Jimmy Anaya doesn't want the road paved. Well, of course you know the road is a County road, then Mr. Aitken and his associates have never, never approached any of us, because I'm in contact with all the people in Cerrillos. They have never approached us with an engineering plan, asking us for permission to engineer the road and pave it. It is a County road and I would think that they wouldn't need the permission of Jimmy Anaya who owns a very, very small part of the road in that area.

I know all the property owners in that area. We were together today. They told me they would dearly love to have that road paved before any more gravel trucks proceed. Another thing that Mr. Aitken has never mentioned. The gravel that they are extracting is in an old mine, near the mina del [inaudible] They're extracting gravel that is highly laden with zinc and lead. And that dust that they bring about, we're breathing that dust every day. There's a basic concern.

One more thing about Brad Aitken. When he came here asking for a permit, he said he would create jobs for the people of Cerrillos. There is not one single Hispanic working for Cerrillos Gravel Products. There is not one not one single Hispanic and none of them that work for him are residents. One is from Arizona. Another one is from Texas. And I don't know exactly what the others are from. But you can ask him directly. There's not one Hispanic working for Brad Aitken.

When he first came here and asked the Board of County Commissioners on July 8, 1997, he formed a compact with the CDRC, he formed a compact with the Commissioners that he would pave the road. Now he's trying to appease us by trying to seal the roads with a sulfur compound. Do you know what happens when sulfur and water mix? Sulfuric acid. And that's why I ask the County Commission to please ask him to pave the road before they move another truck to the area.

CHAIRMAN GONZALES: I'm going to ask a question of both the applicants because I think they and Mr. Montoya are think the only property owners here tonight.

MR. MONTOYA: I think I'm the largest property owner there sir. We don't own the road. It is a County road.

CHAIRMAN GONZALES: I want to ask you a question pertaining to hours and the observations of the trucks in compliance with the hours that were set forth on the conditions.

MR. MONTOYA: It's only within the last month that they have policed themselves. Before that they hauling gravel any hour in the day. They were hauling gravel

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on Saturdays and they're still hauling gravel on Saturdays. That has [inaudible] The conditions set up by the CDRC and the County Commission don't apply to them in Cerrillos. There's nobody to monitor. There's no sheriff's department. They only one, I called the Sergeant Herrera from the Department of Transportation and he's not available for testimony. He went to my house and he observed the trucks passing by and he said, Fred, I'm very, very concerned on that curve where the end of the truck cuts across the road and there is nobody out there gets through.

MR. KOPELMAN: Excuse me, Mr. Chairman. He has the right to ask a questions. He can do it through the chairman. He has the right to ask questions that are relevant to the issue.

CHAIRMAN GONZALES: Mr. Manges, let's go down further on this because we don't want to be in a conflict between Mr. Montoya and you guys. I don't mind if you come up and respond to some of the issues that he's brought forward. If you're going to ask me to be the go-between between the two of you, it's something I'd rather not do. Okay, thank you, Mr. Montoya. Joe, you can come up and do the replies.

MR. MANGES: On the issue of traffic monitoring, we have been self-policing out there. We had a person stationed outside Cerrillos who's actually turned people away as soon as it became apparent that we were having problems. Frankly, the mine is located some distance from the town so we weren't actually aware that people were in town before 8:30. Since September we've had someone -- I think you have all those reports and they should be in your packet because we've been submitting them to the County.

With respect to my cross exam of Mr. Montoya. May I just approach; this won't take long. All this is is an agreement by which Mr. Montoya agreed to sell 6,000 to 100,000 yards of gravel from his property three years ago. He did so without a permit and the way it bears on our claim is that he never complained about dust, never wanted the road paved. We have no evidence of a permit here. In fact it was shut down by the County for running an illegal gravel operation and I think this bears on what his motive and intent there is. He's a competitor.

CHAIRMAN GONZALES: Anyone else like to address the Commission? Please come forward.

[Duly sworn, Ross Lockridge testified as follows:]

ROSS LOCKRIDGE: My name is Ross Lockridge. P.O. Box 22, Cerrillos, New Mexico, 87010. First I'd like to remind the Commission, I put on the record earlier information about how community planners came and surveyed the village and how Monica Abeyta, who was one of the planners, testified at a community meeting that it was definitely -- the people were opposed to this project. The vast majority were opposed to this project and all the trucks and Monica Abeyta and Aline is helping us. She's working for the County now and I'm certain that she would confirm that.

Please act to uphold the County Code in the performance standards and bring relief to the residents of the Village of Cerrillos and Highway 14. After all the Aitken operation

has in fact a much further reach in terms of its impacts upon the residents. I agree with Fred Montoya who told me the other day that it doesn't take a linguist to interpret Commissioner Trujillo's amendment on last July and I wish to thank you all for supporting that in the first place. I don't really think that the proposal to continue driving through the village satisfies Commissioner Trujillo's amendment to "get any road that doesn't go through the Village of Cerrillos." I think that's very clear. So thank you.

CHAIRMAN GONZALES: Thank you, Mr. Lockridge. Anyone else like to address the Commission?

[Duly sworn, Helen Boyce testified as follows:]

HELEN BOYCE: My name is Helen Boyce. [inaudible] I just want to make a comment. As Mr. Ross Lockridge mentioned, the gravel mine extends impact way down State 14. Also we have noticed that the Jake brakes are not used as much in the area which is very residentially populated between the Galisteo turn off and [inaudible] Every once in a while, the truck drivers forget that they share the road and there are residents very close by and forget about the Jake brake.

We hope that management will insist that the training includes to say that the Galisteo area, the [inaudible] area, the residential area, they slow their trucks, they share the road, they're careful of the people going in and out of 30-foot driveways up to Ramon Butte. That's no where written. I hope that you will insist that not only the Cerrillos trucks are protected but all through that residential area of State 14.

CHAIRMAN GONZALES: Thank you. Mr. Aitken, would you agree to that? Can you address that issue that Helen talked about with the trucks and how they approach that area with the Jake brakes?

MR. AITKEN: I think what you made reference to is they're doing a much better job, right? But they sometimes forget?

[Ms. Boyce spoke away from the microphone.]

MR. AITKEN: Well, I can assure you that we've addressed the issues of the past and we're trying to better also. I want to reiterate too that there are many others that are using the road that have Jake brakes that use Highway 14. We're not the only ones. There's eight to ten other gravel-cement companies. I took the time myself to sit there on the road and spend a couple of hours watching the other vehicles. There's delivery trucks, there's beer trucks, there's many other type of large trucks that traverse Highway 14.

CHAIRMAN GONZALES: Thank you. That was a good point. Anyone else like to address the Commission? Okay, what's the pleasure of the Commission?

COMMISSIONER TRUJILLO: I have a question. I talked to Commissioner Duran and we would like to propose if feasible that the County talked to the owner of the land in question, Katz, [inaudible] to see if we can maybe come to some sort of agreement for a conservation district.

CHAIRMAN GONZALES: Conservation easement?

COMMISSIONER TRUJILLO: Conservation easement.

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COMMISSIONER DURAN: Maybe he may be amenable to creating a conservation easement that will allow us to provide you with an easement through it. You'd have to improve it, but -- I don't know a lot about it but there are some tax benefits.

MR. AITKEN: That sounds like a good idea, especially I know that he's quite wealthy and maybe a tax benefit would be a benefit to him.

COMMISSIONER DURAN: I really think the secret to this is to get you away from the Village. It seems to me that the land -- the he could create a conservation easement really doesn't have much character. I don't know, years ago, perhaps. But anyway, I'd like to have our staff explore that possibility a little bit further.

MR. AITKEN: That would be very welcome. I'd like to reiterate, there's many on the long road there that support us also.

COMMISSIONER DURAN: This is in relation to the staff.

COMMISSIONER TRUJILLO: The motion would be immediately [inaudible] is to pave the road to the Village, immediately and long term. Give direction to staff to work with the owner of the land to see if we can get a conservation easement.

CHAIRMAN GONZALES: Okay, is that in the form of a motion?

COMMISSIONER TRUJILLO: Yes.

COMMISSIONER ANAYA: I second, Mr. Chairman.

CHAIRMAN GONZALES: The direction immediately is to sit down with the County Manager, Public Works Director and Mr. Aitken and work out a time schedule.

MR. AITKEN: I have a concern there on legal issues that Mr. Anaya brought up.

CHAIRMAN GONZALES: We're in a motion now. We appreciate that and I think the attorneys would advise us if they have concerns. Is there any questions?

VINCENT OJINAGA (Land Use Administrator): Mr. Chairman, Commissioners, I think what we're talking about here is taking a look at a right-of-way easement, not so much a conservation easement.

CHAIRMAN GONZALES: Hold on, let's focus directly on the motion itself. Are there any issues with the motion itself? It's a modification of condition 20 to pave it and we're directing Mr. Aitken and Mr. Upton to set up a meeting with the County Manager and the Public Works Director to work out a time table to deal with the immediate issue because there are timing issues that we are going to have to work through. Are there any other questions on the motion?

MR. GARCIA: Mr. Chairman, just a clarification. How is condition #20 going to be reworded? What is the actual language of it?

CHAIRMAN GONZALES: The modification would be that because it's a County road that Commissioner Trujillo has directed the applicant to pave it, to upgrade it to paving status and Commissioner Anaya seconded that, so it's a replacement of what the #20 condition was. Are there any other questions, then we'll give it to Corky.

CHAIRMAN GONZALES: There's been a motion that's been duly seconded. Any further discussion? The time is to be set by the County Manager and the Public Works Director and Corky and Mr. Upton and Mr. Aitken to work on what the immediate issue is. We don't know what it is right now because there are pending issues out there, and when we say immediate, one month, we don't know if we can get it done in one month. But we need to report back to us so we can report to Mr. Sandoval and the rest of the property owners. We don't know if we're going to count on the manager to do the interpretation of immediate.

The motion passed by unanimous [4-0] voice vote.

CHAIRMAN GONZALES: Now as to the direction that I understand Commissioner Trujillo and Commissioner Duran are sending is that we pursue some dialogue with the owners of the option to cross-over to see if whether through a conservation easement or whatever other form -- it doesn't have to be -- I think we're asking to look at what options we can present to the owner to acquire that piece of property for a non-monetary exchange.

COMMISSIONER DURAN: It would be beneficial to him, obviously.

CHAIRMAN GONZALES: Because our priority is, as Commissioner Duran indicated is to get those truck out of Cerrillos. If we can do that by obtaining this easement and working on Mr. Aitken to have him upgrade the easement so it's passable, it's a win-win situation. But until then we need you to go ahead and pave that road as soon as possible, so we'll ask you to arrange a meeting with the County Manager so they coordinate a time table.

[Mr. Manges spoke away from the microphone.]

CHAIRMAN GONZALES: It's a County road. We do the County road. Wherever the County road starts, wherever it ends at this juncture is what you're going to pave. Whatever Tom Dominguez or Larry Velasquez indicates that he needs paved, if that's a County road that's what we're going to ask you to pave.

[Mr. Manges spoke away from the microphone.]

CHAIRMAN GONZALES: It's not a big issue. I think what we've all been talking about is the gravel pit. It's going to be whatever part of the road is affected by the trucks. Obviously it's going to be what he's going to ask you guys to pave.

COMMISSIONER TRUJILLO: [inaudible]

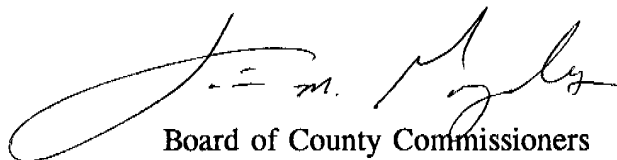
CHAIRMAN GONZALES: Joe, if you're in disagreement with what the staff tells you to do, you always have the right to bring it back, but we really want to see you guys work really hard to make sure that that road gets paved for the benefit of the community. Because the bottom line is it takes our own staff resources.

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ADJOURNMENT

Chairman Gonzales declared this meeting adjourned at approximately 11:25 p.m.

Approved by:



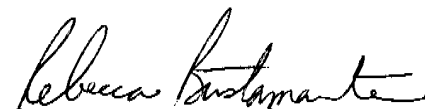
Board of County Commissioners
Javier Gonzales, Chairman

Respectfully submitted:

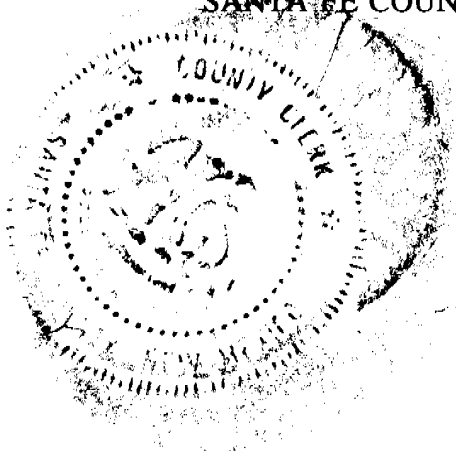
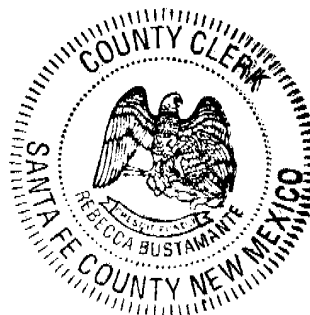


Karen Farrell, Commission Reporter

ATTEST TO:



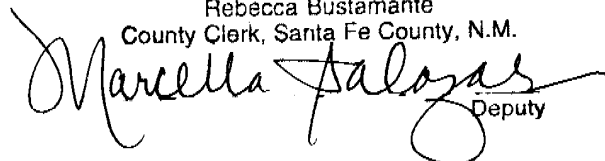
REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1011.957
COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO)

I hereby certify that this instrument was filed
for record on the 11 day of FEB A.D.
19 98, at 8:17 o'clock a. m.
and was duly recorded in book 1455
page 015 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.



Deputy



Santa Fe County

1455015

Resolution No. 1998 -

A RESOLUTION

RELATING TO SANTA FE COUNTY, NEW MEXICO, HYDE PARK ESTATES
ROAD IMPROVEMENT SPECIAL ASSESSMENT DISTRICT; REVISING,
CORRECTING AND CONFIRMING THE ASSESSMENT ROLL.

WHEREAS, the Board of County Commissioners (the "Commission") of Santa Fe County (the "County") pursuant to the requisite preliminary proceedings, provided for certain road and drainage improvements to be constructed all within the County (collectively the "improvements") and designated as Hyde Park Estates Road Improvement Special Assessment District all pursuant to and in conformity with sections 4-55A-1 through 4-55A-42 NMSA 1978 as amended and supplemented; and

WHEREAS, by Resolution 1993-58, adopted and approved on September 15, 1993, the Commission created the improvement district; and

WHEREAS, on July 9, 1996 the commission passed on all protests and objections, and determined to proceed with the improvements, as described in preliminary proceedings except as specifically provided for; and

WHEREAS, pursuant to procurement procedures, the Commission received bids for construction of the improvements, and the County formally entered into a contract on September 30, 1997 for construction of the improvements and all necessary materials, with the lowest qualified bidder, R.L. Leeder, Co.; and

WHEREAS, after executing the contract, the Commission determined what portion of the improvement costs, including: engineering, legal, construction and other proper incidental costs, which total \$910,617.00 that should be paid by the properties specially benefited; and

WHEREAS, by Resolution 1997-106, adopted and approved on November 12, 1997, the Commission fixed the time when objections to the assessment roll were to be heard and caused the assessment roll to be filed in the office of the County Clerk; and

WHEREAS, the Commission conducted a hearing on the assessment roll on December 9, 1997; and

WHEREAS, the Commission heard and passed on all objections with the following corrections, revisions and adjustments:

- 1. Assessment Lot 101, Lot 4 Aztec Springs is deleted from the assessment roll.**
- 2. Assessment Lot 104, Tr 4 Aztec Springs is located within the Special Mountain Review District and is to be assessed as one lot only at 40% of the base assessment.**
- 3. Assessment Lot 108, Tr 3 Aztec Springs (Harrington Parcel) is located within the Special Mountain Review District and is to be assessed as only one parcel and at 10% of the base assessment based on length of travel on improvements.**
- 4. Assessment Lot 109, Tr 4 Aztec Springs (Harrington Parcel) is located within the Special Mountain Review District and is to be assessed as only one parcel and at 10% of the base assessment based on length of travel on the improvements.**

5. **Assessment Lots 98, 99,100,101,102,103,105,106 and 107 all located within the Aztec Springs area are to be assessed at 40% of the base assessment.**
6. **Addition of Assessment Lot 111 located between Assessment Lot 90 and Lot 97.**
7. **Assessment Lot 110 is undeveloped (18.74 acres) with a development potential of 3 lots. This parcel to remain assessed as 3 lots.**
8. **The assessments for all remaining lots in the district are to be adjusted to reflect the total assessment costs and the modifications stated herein.**

All corrections are noted in the final assessment roll attached as exhibit A and the final assessment plat attached as Exhibit B.

(intentionally left blank)

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF SANTA FE COUNTY THAT:**

**Section 1. The Hyde Park Estates Road Improvement Special
Assessment District Assessment Roll is confirmed as revised and corrected.**

**Section 2. If any section, paragraph, clause or provision of this resolution
shall for any reason be held to be invalid or unenforceable, the validity of such
section, paragraph, clause or provision shall not affect any of the remaining
provisions of this resolution.**

**PASSED, APPROVED AND ADOPTED THIS ____ DAY OF
1998.**

Javier Gonzales, Chairman

Attest:

Rebecca Bustamante, County Clerk

Approved as to legal form:

Steve Kopelman, County Attorney

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44	LOT C2	10571012451201	LYONS, LAWRENCE M & DORIS	905 CALLE ARCO	SANTA FE	NM	87501	\$8,689.09
45	LOT C3	1057101235143	FREY-WEINDLING, FRANCOISE	3 RIDGEWOOD LANE	WESTPORT	CT	6880	\$8,689.09
46	LOT C4	1057101255243	GARCIA, MIKE & CORRINE V	202 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
47	LOT C5	10571012171143	MORRIS, KENNETH & CYNTHIA A	216 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
48	LOT 6 BLK C	1057101270125	CROSSWHITE, MR. & MRS.	C/O BARKER MGMT. 222 EAST MARCY STREET	SANTA FE	NM	87501	\$8,689.09
49	LOT 7 BLK C	1057101276104	SCHWARTZ, GEORGE & KATHLEEN	257 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
50	LOT C8	1057101282288	BRO. PER	209 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
51	LOT C9	1057101290072	BRO. PER B & BARBARA M	209 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
52	LOT C10	1057101296056	SANDHAYS, MARK I	2121 PASEO PONDEROSA	SANTA FE	NM	87501	\$8,689.09
53	LOT C11 AS C11-2	1057101301031	CIMABUE, ANTHONY G & JEAN	272 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
54	LOT C12 2 BLK C	1057101327031	GATTY, ANTHONY V & MARJORIE H	3 PROMENADE DR.	HUNTINGTON	NY	11743	\$8,689.09
55	LOT C13-2	1057101345033	HYDE PARK ESTATES C/O WALTER J. KEESING	P O BOX 4475	SANTA FE	NM	87502	\$8,689.09
56	LOT E9 BLK E	1057101355060	HARRISON, TED OLIN & LINDA JANE SPACKMAN	P O BOX 9826	SANTA FE	NM	87504	\$8,689.09
57	LOT E10 BLK E	1057101363082	RAWLINS, JACK	231 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
58	LOT 11E	1057101368107	MILLER, JAMES JR & KATHLEEN M	2807 PITTSBURGH STREET	HOUSTON	TX	77005	\$8,689.09
59	LOT E12	1057101366125	GOERING, MELVIN M & LORENE K	1702 S.W. 36 TH STREET	HALSTEAD	KS	67056	\$8,689.09
60	LOT 2 BLK E	1057101341124	YARES, DENNIS D. & JULIET	123 GRANT AVE	SANTA FE	NM	87501	\$8,689.09
61	LOT 3 BLK E	1057101346106	PHILLIPS, RICHARD D & ELLEN R	P O BOX 320	MADILL	OK	73446	\$8,689.09
62	LOT 4 BLK E	1057101342288	ALDRICH, CHARLES H & SUSAN BLOCH	208 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
63	LOT 5 BLK E	1057101332065	ALES, THOMAS P & LORNA ALAE	223 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
64	LOT C13	1057101315045	DIETERICH, JOHN W & JUDITH	217 LUGAR DE MONTE VISTA	SANTA FE	NM	87501	\$8,689.09
65	LOT D11	1057101301387	KAMAN, CHARLES H C/O GLENN MESSMER	1332 BLUE HILLS AVENUE	BLOOMFIELD	CT	6002	\$8,689.09
66	LOT D9	1057101294113	FOWLER, FRANK RONALD AND LAURA LATHROP	266 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
67	LOT D7	1057101291145	SCHERWINSKI, LLOYD A & RETA M	4520 S FLORENCE AVE	TULSA	OK	74105	\$8,689.09
68	LOT 6 BLK D	1057101310140	KUHNS, LUCY F	P O BOX 9403	SANTA FE	NM	87504	\$8,689.09
69	LOT D8	1057101317113	STORMS, EDMUND K	270 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
70	LOT D10	1057101316288	CRAWFORD, RICHARD	2132 PASEO PONDEROSA	SANTA FE	NM	87501	\$8,689.09
71	LOT G1	1057101390133	SKIGEN, ROBERT H & SUE	3264 PASEO DEL MONTE	SANTA FE	NM	87501	\$8,689.09
72	LOT G2	1057101392109	SANDOVAL, RICHARD C	237 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
73	LOT G3	1057101393095	HIESIGER, CATHY	369 MONTEZUMA AVENUE, #340	SANTA FE	NM	87501	\$8,689.09
74	LOT G4	1057101394073	HALL, GARY C & CARMEN B	2937 VIAJE PAVO REAL	SANTA FE	NM	87505	\$8,689.09
75	LOT G5	1057101390051	BROCKMAN, ROBERT H & CATHERINE	1265 BELMONT DR	WOODBURY	MN	55125	\$8,689.09
76	LOT G6	1057101390032	MILLSAPS, GEORGIA & COLLEEN MARY POWERS	213 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
77	LOT G7	1057101386012	YOUNG, ROBERT & SANDRA	P O BOX 5094	SANTA FE	NM	87501	\$8,689.09
78	LOT G8 W1/2 G9	1057100352514	PLUM, RUTH LACY & ELIZABETH LACY BOL	318 CORONADO	SANTA FE	NM	87501	\$8,689.09
79	LOT G10 E1/2 G9	1057100403518	LAPEDES, ALAN S.	281 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
80	LOT J1	1057100360475	KLINE, JEFFREY	6038 NORWAY ROAD	DALLAS	TX	75230	\$8,689.09
81	LOT 2 BLK J	1027100360475	RED, WILLIAM L & LINDA D	232 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
82	TR J3	1057100360475	RED, WILLIAM L & LINDA D	232 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
83	LOT 4 BLK J	1057100340474	ROMERO, ALICE L.	2088 PASEO PRIMERO	SANTA FE	NM	87501	\$8,689.09
84	LOT J5	1057100320474	TRAPNELL, BAYLOR	212 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
85	LOT J6	1057100298476	HYNES, THOMAS P & NOREEN K	269 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
86	LOT J7 BLK J	1057100297473	PARDINGTON, RALPH A & JOYCE E	263 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
87	LOT J8	1057100257472	STEVENS, ANN M	1108 PEBBLE CREEK	FORT WORTH	TX	76107	\$8,689.09
88	LOT J9	1057100238470	O'BRIEN, MR. & MRS W	3089-C CLAIREMONT DRIVE, #257	SAN DIEGO	CA	92117	\$8,689.09
89	LOT J10	1057100216471	VAN CAMP, TIMOTHY	2321 VALLE HALCON	SANTA FE	NM	87505	\$8,689.09

EXHIBIT A
HYDE PARK ESTATES ROAD IMPROVEMENT DISTRICT
FINAL ASSESSMENT

90	LT 4 T17N, R20E, S9	1056099015520	GREVEY, JOSEPH & SIMONE	2015 WYOMING AVENUE	ALBUQUERQUE	NM	87112	\$8,689.09
91	LOT 5 BLK H	1057101226026	CHAVEZ, JOHN E & MARIA B	P.O. BOX 1846	SANTA FE	NM	87504	\$8,689.09
92	LOT 4 BLK H	1057101246015	VAN HECKE, HUBERT W & DEBORAH	8711 DON CUBERO AVENUE	SANTA FE	NM	87505	\$8,689.09
93	LOT H2	1057100254526	PECK, MARK R. & CHRISTINE M.	512 BARELA LANE	SANTA FE	NM	87501	\$8,689.09
94	LOT 1 BLK H	1057100253510	CISNEROS, LESTER R.	222 HYDE PARK ESTATES	SANTA FE	NM	87501	\$8,689.09
95	LOT H3	1057100242510	SEDILLOS, JON J & MARJORIE JEAN	236 21ST PLACE	SANTA MONICA	CA	90402	\$8,689.09
96	LOT H6	1057100220517	CARTWRIGHT, DAVID	1999 AVENUE OF THE STARS	LOS ANGELES	CA	90067	\$8,689.09
97	TR 4	1057101175255	KLAUCK, JA JR	PO BOX 245	SANTA FE	NM	87504	\$8,689.09
98	LOT 1 AZTEC SPRI	1057100418498	HOLMES, LAURIE	PO BOX 2453	SANTA FE	NM	87501	\$3,475.64
99	LOT 2 AZTEC SPRI	1057100449498	PALMER, ROBERT	PO BOX 1411	SANTA FE	NM	87501	\$3,475.64
100	LOT 3 AZTEC SPRI	1057100474498	LIGHT, WILLIAM & GLEEKEN, LAURA	217 HYDE PARK ESTATES	SANTA FE	NM	87501	\$3,475.64
101	LOT 4 AZTEC SPRI	1057100507498	DELETED		SANTA FE	NM	87501	
102	AZTEC SPRINGS	1057101440020	GABOR, HOWARD	242 HYDE PARK ESTATES	SANTA FE	NM	87501	\$3,475.64
103	AZTEC SPRINGS	1057101429032	LEVY, INEZ	226 HYDE PARK ESTATES	SANTA FE	NM	87501	\$3,475.64
104	TR-4 AZTEC SPRINGS	1057101466073	ZEN SHIATZU INC.	369 MONTEZUMA AVENUE	SANTA FE	NM	87501	\$3,475.64
105	TR-5 AZTEC SPRINGS	1057101492053	HARRIS, SUSAN	11828 LA GRANGE	LOS ANGELES	CA	90025	\$3,475.64
106	TR-2 AZTEC SPRINGS	1057101495085	HARRIS, SUSAN	11828 LA GRANGE	LOS ANGELES	CA	90025	\$3,475.64
107	TR-1 AZTEC SPRINGS	1057101494118	HARRIS, SUSAN	11828 LA GRANGE	LOS ANGELES	CA	90025	\$3,475.64
108	TR-3 AZTEC SPRINGS	105710151187	LAKSHURAN, ALLAN VON	PO BOX 478	SANTA FE	NM	87504	\$868.91
109	TR-4 AZTEC SPRINGS	1057101452177	HARRIS, SUSAN	11828 LA GRANGE	LOS ANGELES	CA	90025	\$868.91
110	LOT S & LOT E HPR	1056099015520	EGENHOFFER, ALBERT W & RUTH K	PO BOX 37	SANTA FE	NM	87501	\$25,067.27
111	PORTION LOT 4	1057101151192	RICHARD A. & JUNE FRANK	260 HYDE PARK RD	SANTA FE	NM	87501	\$8,689.09
								\$910,617.00

1455015

1455015

EXHIBIT 'B'

LEGEND: EXISTING DIRT ROADS
PROPERTY LINES

NOTES:
1) PROPERTY LINES DEPICTED ARE SHOWN AS LOTS AND DO NOT REFLECT FIELD SURVEYS.

REVISIONS

REFERENCES

DATE	BY	REVISIONS
11/10/11	J. H. HARRIS	1. ADDED LOT # 110 (DELETED)
11/10/11	J. H. HARRIS	2. ADDED LOT # 100 (DELETED)
11/10/11	J. H. HARRIS	3. ADDED LOT # 90 (DELETED)
11/10/11	J. H. HARRIS	4. ADDED LOT # 80 (DELETED)
11/10/11	J. H. HARRIS	5. ADDED LOT # 70 (DELETED)
11/10/11	J. H. HARRIS	6. ADDED LOT # 60 (DELETED)
11/10/11	J. H. HARRIS	7. ADDED LOT # 50 (DELETED)
11/10/11	J. H. HARRIS	8. ADDED LOT # 40 (DELETED)
11/10/11	J. H. HARRIS	9. ADDED LOT # 30 (DELETED)
11/10/11	J. H. HARRIS	10. ADDED LOT # 20 (DELETED)
11/10/11	J. H. HARRIS	11. ADDED LOT # 10 (DELETED)
11/10/11	J. H. HARRIS	12. ADDED LOT # 0 (DELETED)

FINAL ASSESSMENT MAP
HYDE PARK ESTATES
ROAD IMPROVEMENT DISTRICT

SANTA FE COUNTY PUBLIC WORKS
COUNTY OF SANTA FE
D HYDE-A-2

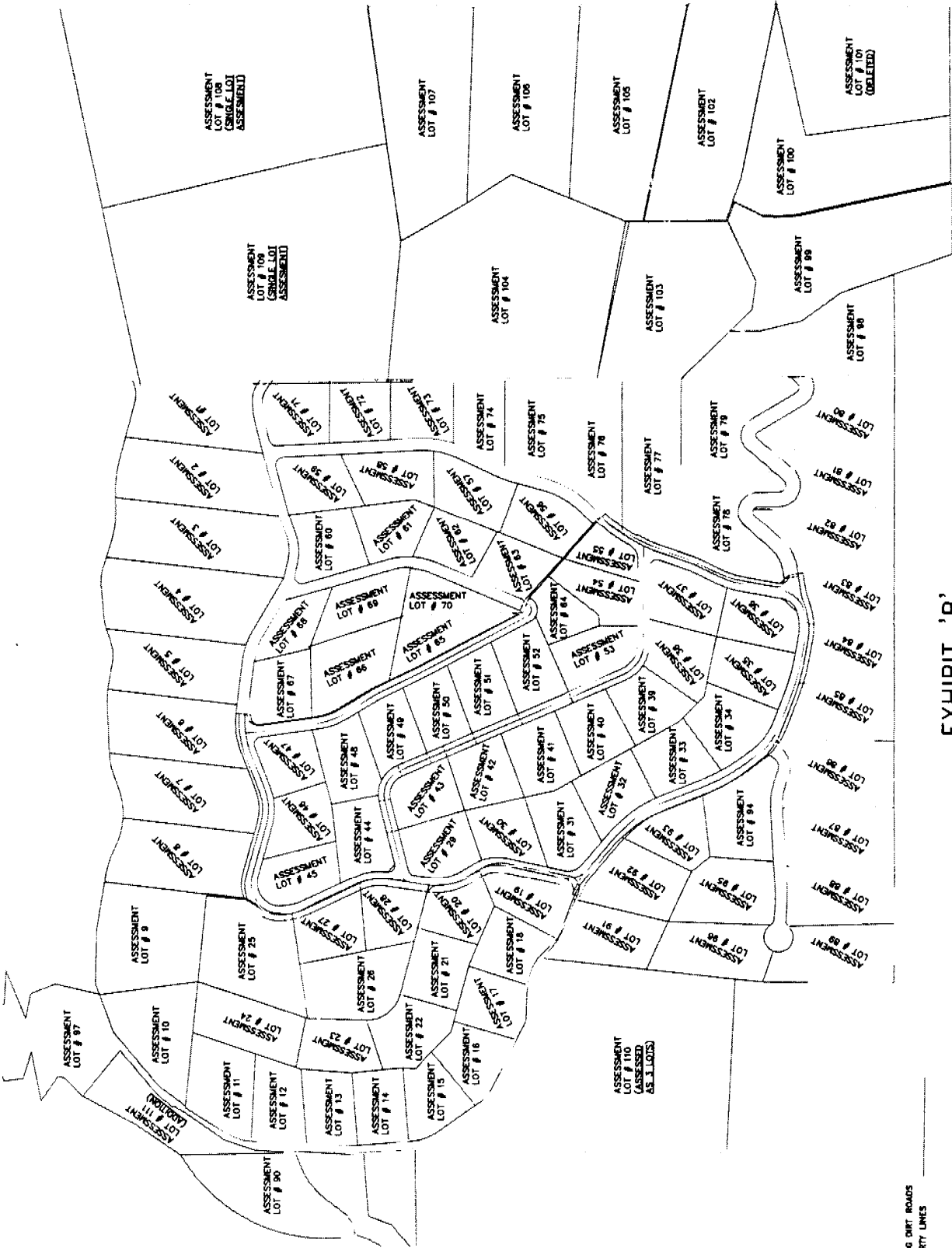


EXHIBIT 'B'

1455015

PROPERTY TAX CODE	LOCATION ID	PROPERTY OWNER	MAILING ADDRESS	CITY	ST	ZIP	PROPERTY DESCRIPTION	LOT SIZE	BOOK	PAGE	ASSESSMENT
1057101367168	405253606	VALLSPINOSA, ARTHUR	3302 CORRALES RD	CORRALES	NM	87048	LOT F8 HYDE PARK ESTATES	2.000	322	571	1
1057101367170	405250082	STEADMAN, JOHN S & ANN KAHNS	P O BOX 1778	SANTA FE	NM	87504	LOT F7 HYDE PARK ESTATES	2.927	287	258	2
1057101346175	405246027	SPIVEY, SHERRY M C/O STEPHEN M FARBER	284 MOTI ST APT 4G	NEW YORK	NY	10012	LOT F8 HYDE PARK ESTATES	2.925	1062	552	3
1057101325178	405228166	VIVARI, INC. A TEXAS CORP	18025 LONG SHOADOW LANE	HOUSTON	TX	77024	LOT F5 HYDE PARK ESTATES	3.192	531	851	4
1057101306181	405002306	JORDAN, MIKE & KIM	4401 BELFORT	DALLAS	TX	75205	LOT F4 HYDE PARK EST UNIT 1	2.591	428	790	5
1057101285181	405244000	PAYTON, DANIEL N & H JANE	67 PINON HILL PL NE	ALBUQUERQUE	NM	87109	LOT F3 BLK F HYDE PARK EST	2.482	275	702	6
1057101262181	405002306	LOPEZ, RAMON J & NANCY N	P O BOX 2495	SANTA FE	NM	87501	LOT F2 BLK F HYDE PARK EST	2.719	463	625	7
1057101241181	405241379	LOPEZ, RAYMOND & NANCE	P O BOX 2495	SANTA FE	NM	87501	LOT F1 BLK F HYDE PARK EST	2.706	322	558	8
1057101213196	408700704	LOPEZ, RAYMOND J & NANCE	P O BOX 2495	SANTA FE	NM	87501	TR 2 HYDE PARK ESTATES	2.231	349	422	9
1057100200194	406009205	ALJANDRO, JOHN & BERNADETTE	P O BOX 5812	SANTA FE	NM	87501	TR 1 HYDE PARK ESTATES	1.838	655	452	10
1057101184170	405253732	EINHOLD, DELBERT & JUDITH C/O JUDITH HILGENDORF	3913 MARSH	BAKERSFIELD	CA	93309	LOT C09 HYDE PARK ESTATES	1.480	298	742	11
1057101158152	405253736	FLEISCHAKER, DAVID & PAULA ANNE	PO BOX 1178	OKLAHOMA CITY	OK	73101	LOT C08 HYDE PARK ESTATES	1.000	483	629	12
1057101158136	405253630	FLEISCHAKER, DAVID & PAULA ANNE	P O BOX 1178	OKLAHOMA CITY	OK	73101	LOT C07 HYDE PARK ESTATES S/D	1.010	703	538	13
1057101158136	405253637	FLEISCHAKER, DAVID & PAULA ANNE	P O BOX 1178	OKLAHOMA CITY	OK	73101	LOT C06 HYDE PARK ESTATES	1.000	703	538	14
1057101158136	405253631	FLEISCHAKER, DAVID & PAULA ANNE	P O BOX 1178	OKLAHOMA CITY	OK	73101	LOT C05 HYDE PARK ESTATES	1.000	703	539	15
1057101171089	405253611	KIRBY, ARTHUR G	228 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT C04 HYDE PARK ESTATES	1.030			16
1057101187080	405253614	DOMUS DESIGNS & DEVELOP. A LTD PARTNERSHIP	919 W MOOREHEAD CIRCLE RD	BOULDER	CO	80303	LOT C03 HYDE PARK ESTATES	1.000	406	583	17
1057101207073	405253627	KOCH, KAREN ANN	369 MONTEZUMA BLVD	SANTA FE	NM	87501	LOT C02 HYDE PARK ESTATES	1.010	667	482	18
1057101224062	405253630	STEINBERG, DAVID S	1043 VASSAR BL	ALBUQUERQUE	NM	87106	LOT C01 HYDE PARK ESTATES	1.170	347	624	19
1057101220000	405245064	DILTS, SUSAN C	224 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT C01 HYDE PARK EST AS (C010)	1.030	678	380	20
1057101203098	405243202	VIRTUE, RICHARD L & TRACEY	238 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT C01 HYDE PARK EST AS (C011)	1.100	354	906	21
1057101183106	406003858	ADKINS, MARGARET C	222 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT C012 HYDE PARK ESTATES	1.190	677	906	22
1057101178136	405238256	KIMBERLING, J C P M	7156 ISLAND VILLAGE DR	LONG BEACH	CA	90803	TR C01 HYDE PARK EST AS (C013)	1.020			23
1057101209085	405250085	STENNING, FAITH	4150 WINDSOR ST	PITTSBURGH	PA	15217	LOT C01 HYDE PARK EST AS (C014)	1.600	287	978	24
1057101209180	405225984	ATWELL, CHARLES W & GAY L BAHAN	P O BOX 4834	SANTA FE	NM	87502	LOT C01 HYDE PARK EST AS (C017)	2.380	659	858	25
1057101197125	405243400	KALUS, MILAN	222 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT C01 HYDE PARK EST AS (C016)	1.680	361	180	26
1057101214130	405239002	GEHM, RUDOLPH	10352 SEQUOIA DRIVE	SANTA FE	NM	87502	LOT C018 HYDE PARK ESTATES	0.950	293	552	27
1057101220115	406011525	MCDIARMID, MICHAEL	P O BOX 9917	SANTA FE	NM	87502	LOT C01 HYDE PARK EST AS (C015)	1.050	672	366	28
1057101241092	406002296	PRATT, WILLIAM C & LINDA KAY	PO BOX 94	CANYON	TX	79015	LOT B1 BLK B HYDE PARK EST	1.034			29
1057101050707	405236224	FOWLER, MICHAEL M	1627 SOUTH BLVD	HOUSTON	TX	77006	LOT B03 HYDE PARK ESTATES UN 1	1.117	404	206	30
1057101251090	405253619	LHALUNGA, LOBSANG & GISELA MINKE	232 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT B5 HYDE PARK ESTATES	1.186	663	692	31
1057101267026	405253622	ROMERO, RUBEN J C/O CL MIKE SHMIDT	3102 OL LAEN AVE STE 730	DALLAS	TX	75219	LOT B7 HYDE PARK ESTATES	1.085	378	612	32
1057101279005	405253615	WEINGARD, BUD	229 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT B9 HYDE PARK ESTATES	1.036	303	387	33
1057100203016	405253619	NESTOR, ROBERT & SARAH A	488 W 54TH SAN FRANCISCO	SANTA FE	NM	87501	LOT B11 BLK B HYDE PARK EST	1.059	306	446	34
1057100311510	405253634	SIEGEL, GRAIG & JANET DEGAN	262 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT B10 HYDE PARK ESTATES	1.082	716	522	35
1057100330509	405236602	SHERR, LAUREL E	225 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT B15 BLK B HYDE PARK EST	1.000	329		36
1057101339004	405234801	VIK, ARLYN T	RT 3 BOX 107C	SANTA FE	NM	87505	LOT B14 HYDE PARK ESTATES	1.123	670	29	37
1057101317005	405253610	ALLYN, DAVID D	144 RANCHO ALLEGRE RD	SANTA FE	NM	87501	LOT B12 HYDE PARK ESTATES	1.128	106	62	38
1057101240114	405245380	PARMAN, JOAN F & KENNETH M TIMMERMAN	244 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT B10 HYDE PARK ESTATES	1.196	742	181	39
1057101277030	405253623	LUCKER, FRANK & JOAN	PO BOX 322	SANTA FE	NM	87504	LOT B8 HYDE PARK ESTATES	1.062	650	810	40
1057101271056	405240230	STODERMAN, MARTIN	912 LOS LOVATOS	SANTA FE	NM	87501	LOT B8 HYDE PARK UNIT 1	1.231	386	316	41
1057101265075	405246464	MARKS, THOMAS JR	264 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT B4 BLK B HYDE PARK ESTATES	1.082	716	522	42
1057101265084	405246208	LOWAN, LYNN & ANNE W	271 HYDE PARK RD	SANTA FE	NM	87501	LOT B2 HYDE PARK ESTATES	1.126			43
1057101245120	406002301	LYONS, LAWRENCE M & DORIS	905 CALLE ARCO	SANTA FE	NM	87501	LOT C2 HYDE PARK ESTATES UT 1	1.322	101	84	44
1057101238143	405247232	FREY-WINDLING, FRANCOISE	3 RIDGEWOOD LANE	WESTPORT	CT	06880	LOT C3 HYDE PARK ESTATES	1.090	664	614	45
1057101255243	405230582	GARCIA, MIKE & CORINNE V	202 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT C4 HYDE PARK ESTATES	1.065			46
1057101271143	405229624	MORRIS, KENNETH & CYNTHIA H	216 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT C5 HYDE PARK ESTATES	1.110	355	928	47
1057101271025	405240181	CROSSWHITE, C & MRS	C/O BARKER MGMT, 222 E. MARCY ST	SANTA FE	NM	87501	LOT C6 BLK C HYDE PARK EST	1.535	304	250	48
1057101276104	405222656	SCHWARTZ, GEORGE & KATHLEEN	257 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT C7 HYDE PARK ESTATES	1.077	581	745	49
1057101282288	405232128	BRO, PER	209 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT C8 HYDE PARK EST	1.135	293	0	51
1057101290072	405239962	BRO, PER B & BARBARA A	209 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT C9 HYDE PARK EST	1.135	293	0	51
1057101296056	405242368	SANDHVAS, MARK I	2121 PASEO PONDEROSA	SANTA FE	NM	87501	LOT C10 HYDE PARK ESTATES	1.010	1000	827	52
1057101301031	405251829	CIMABUE, ANTHONY G & JEAN	272 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT C11 HYDE PARK EST AS (C11-2)	1.051	670	747	53
1057101327031	405223601	GATTY, ANTHONY V & MARJORIE H	3 PROMENADE RD	HUNTINGTON	NY	11743	LOT C12 2 BLK C HYDE PARK EST	1.027	358	645	54
1057101345833	405238319	HYDE PARK ESTATES C/O WALTER J KESSING	P O BOX 4475	SANTA FE	NM	87502	LOT C13 BLK C HYDE PARK ESTATES	1.043			55
1057101355060	405237202	HARRISON, TED OLIV & LINDA JANE SPACKMAN	P O BOX 9806	SANTA FE	NM	87501	LOT E9 BLK E HYDE PARK ESTATES	1.257	631	318	56
1057101363062	405221732	RAWLINS, JACK	231 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT E10 BLK E HYDE PARK ESTATES	1.270	631	318	56
1057101368107	405243904	MILLER, JAMES JR & KATHLEEN M	2807 PITTSBURGH ST	HOUSTON	TX	77005	LOT 11E HYDE PARK ESTATES	1.257	631	318	56
1057101361125	405238784	GOERING, MELVIN M & LORENE K	1702 S W 36TH STREET	HALSTEAD	KS	67096	LOT E12 HYDE PARK ESTATES S/D	1.355	321	696	59
1057101341124	405244928	YERES, DENNIS D & JULIETTE	123 GRANT AVE	SANTA FE	NM	87501	LOT 2 BLK E HYDE PARK ESTATES	1.351	106	48	60
1057101346108	405245229	PHILLIPS, RICHARD D & ELLEN R	P O BOX 320	MADILL	OK	73446	LOT 3 BLK E HYDE PARK ESTATES	1.973	476	693	61
1057101342288	405225477	ALDRICH, CHARLES H & SUSAN BLOCH	208 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT 4 BLK E HYDE PARK ESTATES	1.969	687	816	62
1057101342288	405225477	ALDRICH, CHARLES H & SUSAN BLOCH	208 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT 5 BLK E HYDE PARK ESTATES	1.969	687	816	62
1057101315045	405252607	DIETERICH, JOHN W & JUDITH	217 LUGAR DE MONTE VISTA	SANTA FE	NM	87501	LOT 6 BLK E HYDE PARK ESTATES	1.969	687	816	62
1057101301387	405248720	KAMAN, CHARLES H C/O GLENN MESSMER	1332 BLUE HILLS AVE	BLOOMFIELD	CT	6002	LOT D11 HYDE PARK ESTATES	1.365	71	587	65
1057101294113	405237760	FOWLER, FRANK RONALD AND LAURA LATHROP	266 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT D9 HYDE PARK ESTATES	1.331	782	125	66
1057101291145	405233999	SCHERWINSKI, LLOYD A & RETA M	4505 S FLORENCE AVE	TULSA	OK	74106	LOT D7 HYDE PARK EST	1.256	577	365	67
1057101310140	405233970	KUHNS, LUCY F	P O BOX 9403	SANTA FE	NM	87504	LOT D8 HYDE PARK EST	1.103	554	585	68
1057101317113	405234963	STORMS, EDMUND K	270 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT D8 HYDE PARK ESTATES	1.367	561	436	69
1057101316386	405234963	CRAWFORD, RICHARD	2132 PASEO DEL MONTE	SANTA FE	NM	87501	LOT D10 HYDE PARK ESTATES	1.184	317	657	70
1057101320133	405250600	SKOGEN, ROBERT H & SUE	3264 PASEO DEL MONTE	SANTA FE	NM	87501	LOT C1 HYDE PARK ESTATES	1.115	761	971	71
10571013392109	405228728	SANDOVAL, RICHARD C	237 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT C2 HYDE PARK ESTATES	1.079			72
1057101383095	405228544	HIESIGER, CATHY	369 MONTEZUMA AVE #340	SANTA FE	NM	87501	LOT C3 HYDE PARK EST UNIT 2	1.114	651	7	73
1057101394073	405253586	HALL, GARY C & CARMEN B	2937 VIAJE PAVO REAL	SANTA FE	NM	87505	LOT C4 HYDE PARK ESTATES	1.381	604	66	74
1057101390051	405219999	BROCKMAN, ROBERT H & CATHERINE	1265 BELMONT DR	WOODBURY	MI	55125	LOT C5 HYDE PARK ESTATES	1.513	682	231	75
1057101390032	405253603	MILLSAPS, GEORGIA & COLLEEN MARY POWERS	213 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT C6 HYDE PARK ESTATES	2.258	588	217	76
1057101366012	406001133	YOUNG, ROBERT & SANDRA	P O BOX 5094	SANTA FE	NM	87501	LOT C7 HYDE PARK ESTATES	2.229			77
1057100352514	405253643	PLUM, RUTH LACY & ELIZABETH LACY BOL	318 CORONADO	SANTA FE	NM	87501	LOT D10 & W12 C9 HYDE	1.066	736	216	78
1057100360475	405242428	LAPEDES, ALAN S	221 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT D10 & W12 C9 HYDE	2.064	104	157	79
1057100360475	405253639	KLINE, JEFFREY	6036 NORWAY ROAD	DALLAS	TX	75230	LOT J1 HYDE PARK ESTATES	2.027	589	145	80
1057100360475	405253639	REID, WILLIAM L & LINDA D	232 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT 2 BLK J HYDE PARK EST	2.067	111	26	81
1057100360475	405253642	REID, WILLIAM L & LINDA D	232 HYDE PARK ESTATES	SANTA FE	NM	87501	TR J3 HYDE PARK ESTATES	1.984	628	125	82
1057100360475	405253590	ROMERO, ALICE L	2008 PASEO PRIMERO	SANTA FE	NM	87501	LOT 4 BLK J HYDE PARK ESTATE	1.676	709	56	83
1057100360475	405253618	TRAPNELL, BAYLOR	212 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT J5 HYDE PARK ESTATES	1.694	484	522	84
1057100258473	405249422	HYNES, THOMAS P & NOREEN C	269 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT J6 HYDE PARK ESTATES	1.965	631	737	85
1057100257473	405244020	PARDINGTON, RALPH A & JOYCE E	263 HYDE PARK ESTATES	SANTA FE	NM	87501	LOT J7 BLK J HYDE PARK ESTATE	2.009	374	499	86
1057100257472	405253587	STEVENS, ANN M	1108 PEBBLE CREEK	FORT WORTH	TX	76107	LOT J8 HYDE PARK EST	1.756	646	960	87
1057100238470	405253583	O'BRIEN MR & MRS W	3089-C CLAIREMONT DRIVE #267	SAN DIEGO	CA	92117	LOT J9 HYDE PARK EST	1.525	575	57	88
1057100218471	405253579	BROWN, GEORGE F M & YVETTE	1619 PASEO DE LA CONQUISTADORA	SANTA FE	NM	87501	LOT J10 HYDE PARK EST	1.736	330	607	89
1057101301601	406100762	KINGERY, DAVID & LILLY									

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1. Whether the proposed increase in total lots changes the subdivision classification and the requirements of design, environmental or improvements standards for the new subdivision type;
2. What required improvements or standards of the ESR must now be met in order to allow creation of additional lots.
3. Whenever there is an issue arising which involves a serial subdivision, the applicant may be required by the Land Use Administrator to produce evidence of title to set forth the history of ownership and sale and/or platting of the land and surrounding land, if applicable, purported to be subdivided.

RECOMMENDATION:

It is Staff's opinion that there is no change in classification or requirement standards, and there is no serial subdivision concerns. On December 11, 1997, the EZC recommended approval subject to the following conditions:

1. Compliance with review comments from the following:
 - a. County Building/Hydrology Division Director
 - b. County Subdivision Engineer
 - c. County Fire Marshall's Office
 - d. County Public Works Dept.
2. The final homeowners documents and disclosure statement must be amended to include lots 25 and 26.
3. The developer's engineer must certify as to whether additional stormwater detention is necessary.
4. A 20-foot wide utility easement centered on the Sangre De Cristo water main located on lots 25 and 26 needs to be dedicated on the plat.
5. The developer must submit a solid waste fee in accordance with subdivision regulations of \$39.44 per lot.

6. Submit an engineers cost estimate with financial surety for all required improvements for lots 25 and 26 (streets, all utilities, traffic signs, lights, and park area). Include schedule of compliance projecting time period for completion of improvements. Upon completion, submit a certification by registered engineer that improvements have been completed according to the approved development plan.
7. The final plat format and content must comply with the EZ Subdivision Regulations and the prior plat for lots 1 thru 24.
8. The top lift of asphalt shall not be placed until authorized by the City and County.
9. The applicant shall comply with all subdivision construction procedures.

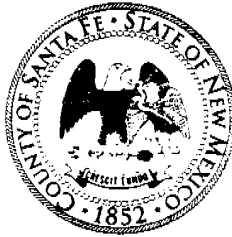
EXHIBITS:

- "A" -Vicinity Map
- "B" -Letter of Intent
- "C" -Final Plat

Marcos P. Trujillo
Commissioner, District 1

Paul Duran
Commissioner, District 2

Javier M. Gonzales
Commissioner, District 3

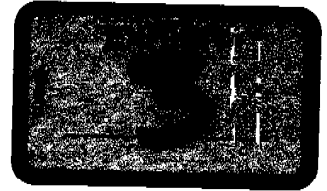


1455015

Richard D. Anaya
Commissioner, District 4

Joe S. Griñé, Jr.
Commissioner, District 5

Domingo Sánchez III
County Manager



MEMORANDUM

DATE: January 12, 1998

TO: Rudy Garcia, Development Review Specialist III

FROM: Tom A. Dominguez, Traffic Engineering Division Director 

RE: Futures II

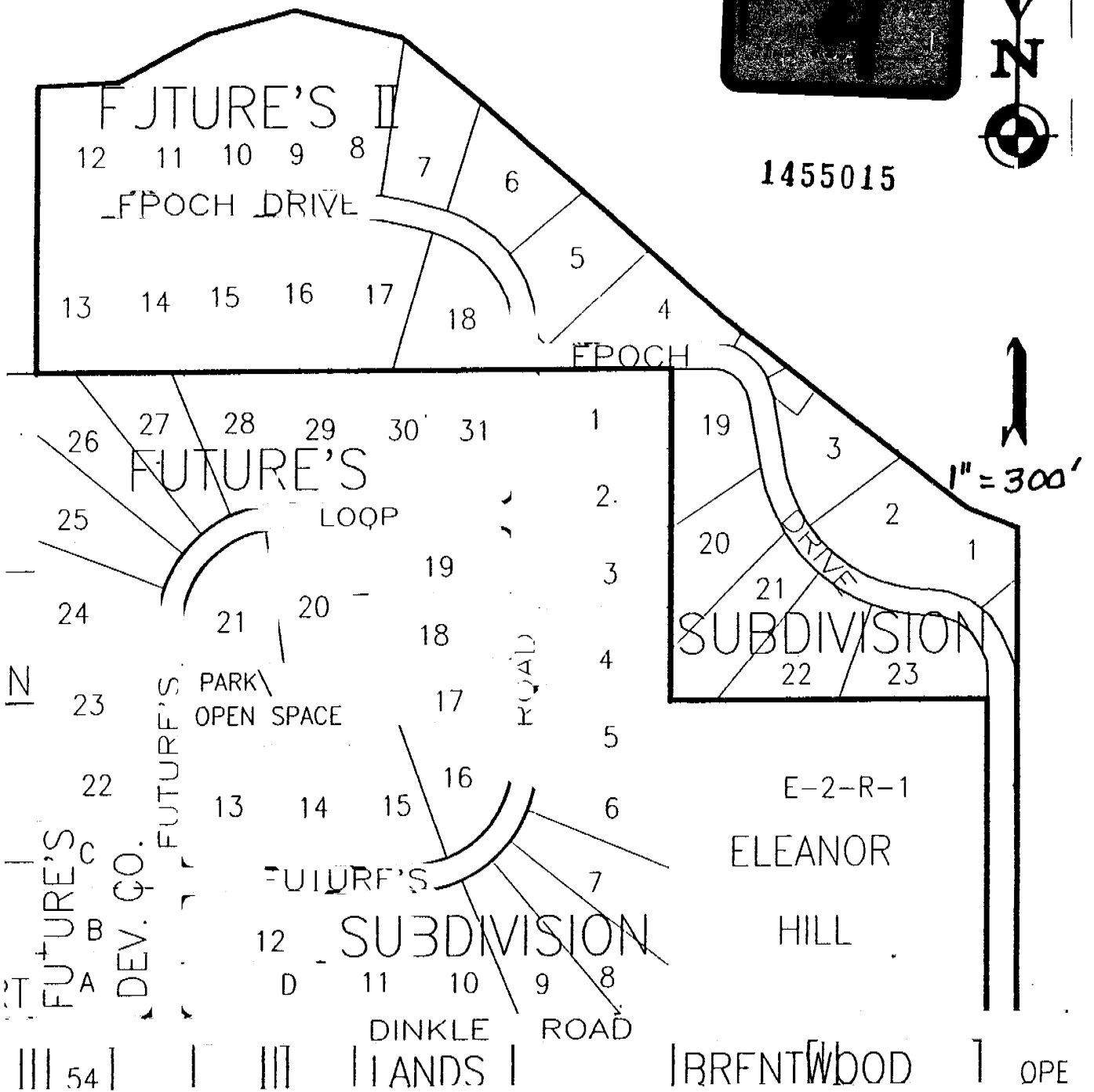
BACKGROUND AND SUMMARY:

As you know, there has been continued communication between Tim Oden and myself. As of this date, we have yet to reach an agreement concerning the paving issues for Futures I. Public Works has requested to Tim Oden and Howard McCall that they supply engineered design plans and purchase the required base course and asphalt for the two roads in Futures I. Public Works will supply the personnel to prepare and pave the two roads.

If the developer is not in agreement with this, it is Public Works position that the developer design and pave Futures Road from its intersection with Epoch Drive to the intersection with Dinkle Road.

ACTION REQUESTED:

For the Futures II File.



FUTURES I = 35 LOTS, 3305 LF ROAD
 FUTURES II = 23 LOTS, 3261 LF ROAD

FIRST JUDICIAL DISTRICT COURT
COUNTY OF SANTA FE
STATE OF NEW MEXICO

No. SF 92-2079(c)

1455015

BUENA VISTA ASSOCIATES, LTD., a
New Mexico limited partnership;
BUENA VISTA-1160, LTD., a New
Mexico limited partnership; and
WALDO, LTD., a New Mexico limited
partnership,

Plaintiffs,

vs.

GROUP ONE: The Following Living
Persons: Josie Mares, Nora Sanchez,
Tomasito Nariz a/k/a Tomasito Narvaiz,
and Tony Nariz a/k/a Tony Narvaiz,

GROUP TWO: The Unknown Heirs of the
Following Named Deceased Persons:
Domingo Romero, Miguel Ortiz,
Manuel Ortiz, Fidilia Montoya Nariz,
Antonio Nariz, Manulita Montoya Mares
and Laurencio Mares,

GROUP THREE: The Following Corporate
and Governmental Entities: New Mexico
State Highway and Transportation
Department, Board of County Commissioners
of the County of Santa Fe, and Atchison,
Topeka and Santa Fe Railway Company,
a foreign corporation,

GROUP FOUR: All Unknown Claimants
of Interest in the Premises Described
Herein Adverse to Plaintiffs,

Defendants.

DEFAULT DECREE OF QUIET TITLE AND WRIT OF
ASSISTANCE AS TO DEFENDANTS NORA SANCHEZ, TOMASITO
NARIZ a/k/a TOMASITO NARVAIZ, TONY NARIZ a/k/a
TONY NARVAIZ, THE UNKNOWN HEIRS OF DOMINGO ROMERO,
MIGUEL ORTIZ, MANUEL ORTIZ, FIDILIA MONTOYA NARIZ,
ANTONIO NARIZ, MANULITA MONTOYA MARES, LAURENCIO MARES,
THE BOARD OF TRUSTEES OF THE MESITA DE JUANA LOPEZ
LAND GRANT, HERMAN MONTOYA, CARMEN QUINTANA AND ALL
UNKNOWN CLAIMANTS OF INTEREST IN THE
PREMISES DESCRIBED HEREIN ADVERSE TO PLAINTIFFS

THIS MATTER having come before the Court on Friday, June 25, 1993, for pre-trial conference; Plaintiffs Buena Vista Associates, Ltd., a New Mexico limited partnership, Buena Vista-1160, Ltd., a New Mexico limited partnership, and Waldo, Ltd., a New Mexico limited partnership, appearing by and through their attorney of record, Arthur O. Beach, Defendant New Mexico State Highway and Transportation Department appearing by and through its attorney of record, Reese C. Jones, Defendant Board of County Commissioners of the County of Santa Fe appearing by and through its attorney of record, William Moyers, and Intervenor Defendants Rick Gonzales, Nick Gonzales and Margaret (Maggie) Gonzales appearing in person; and all other Defendants appearing not and the Court having reviewed the Court file and being otherwise fully advised in the premises;

FINDS:

1. The Court has jurisdiction over the parties hereto and the subject matter hereof.
2. Venue is proper in this Court.
3. Plaintiffs filed their Complaint for Quiet Title and Damages for Slander of Title on October 6, 1992.
4. Plaintiffs published notice of the suit as required by law in The New Mexican, a newspaper having a general circulation in the County of Santa Fe, State of New Mexico, on October 28, November 4, November 11, and November 18, 1992, all as more particularly appears from the Affidavit of Publication filed November 30, 1992.

5. Defendant Nora Sanchez was personally served with a copy of the Summons and Complaint on November 12, 1992, all as more particularly appears from the Return of Service filed November 17, 1992.

6. The Board of Trustees of the Mesita de Juana Lopez Land Grant, Herman Montoya and Carmen Quintana filed their Answer to the Complaint to Quiet Title and for Damages for Slander of Title and Counterclaim on December 10, 1992, and the Board of Trustees of the Mesita de Juana Lopez Land Grant filed its Motion to Intervene on December 18, 1992.

7. The following named Defendants were duly served with process as required by law and have failed to plead or otherwise defend and, therefore, are in default: Nora Sanchez, Tomasito Nariz a/k/a Tomasito Narvaiz, Tony Nariz a/k/a Tony Narvaiz, the unknown heirs of the following named deceased persons: Domingo Romero, Miguel Ortiz, Manuel Ortiz, Fidilia Montoya Nariz, Antonio Nariz, Manulita Montoya Mares and Laurencio Mares, and all unknown claimants of interest in the premises described in the Complaint adverse to Plaintiffs.

8. Defendants the Board of Trustees of the Mesita de Juana Lopez Land Grant, Herman Montoya and Carmen Quintana failed to appear at the pre-trial conference and were held by the Court to be in default and Plaintiffs were awarded a decree of quiet title as to said Defendants together with costs and attorney fees in the amount of \$1,000.

9. Plaintiffs should be awarded a Decree of Quiet Title and Writ of Assistance as to Defendants Nora Sanchez, Tomasito Nariz a/k/a Tomasito Narvaiz, Tony Naviz a/k/a Tony Narvaiz, the unknown heirs of the following named deceased persons: Domingo Romero, Miguel Ortiz, Manuel Ortiz, Fidilia Montoya Nariz, Antonio Naviz, Manulita Montoya Mares and Laurencio Mares, the Board of Trustees of the Mesita de Juana Lopez Land Grant, Herman Montoya, Carmen Quintana and all unknown claimants of interest in the premises described in the Complaint adverse to Plaintiffs.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

A. The following named Defendants are adjudged to be in default: Nora Sanchez, Tomasito Nariz a/k/a Tomasito Narvaiz, Tony Nariz a/k/a Tony Narvaiz, the unknown heirs of the following named deceased persons: Domingo Romero, Miguel Ortiz, Manuel Ortiz, Fidilia Montoya Nariz, Antonio Nariz, Manulita Montoya Mares and Laurencio Mares, and all unknown claimants of interest in the premises described in the Complaint adverse to Plaintiffs.

B. The following named Defendants failed to attend the pre-trial conference and are adjudged to be in default: The Board of Trustees of the Mesita de Juana Lopez Land Grant, Herman Montoya and Carmen Quintana, and costs and attorney fees in the amount of \$1,000 are awarded against them and in favor of Plaintiffs.

C. As to Defendants Nora Sanchez, Tomasito Nariz a/k/a Tomasito Narvaiz, Tony Nariz a/k/a Tony Narvaiz, the unknown heirs of the following named deceased persons: Domingo Romero, Miguel

Ortiz, Manuel Ortiz, Fidilia Montoya Nariz, Antonio Nariz, Manulita Montoya Mares and Laurencio Mares, the Board of Trustees of the Mesita de Juana Lopez Land Grant, Herman Montoya, Carmen Quintana, and all unknown claimants of interest in the premises described in the Complaint adverse to Plaintiffs, Plaintiff Buena Vista Associates, Ltd., a New Mexico limited partnership, is the owner in fee simple of that certain real property located in Santa Fe County, New Mexico, more particularly described on Exhibit 1 to the Complaint and attached hereto as Exhibit 1 and incorporated herein by reference as if fully set forth herein.

D. As to Defendants Nora Sanchez, Tomasito Nariz a/k/a Tomasito Narvaiz, Tony Nariz a/k/a Tony Narvaiz, the unknown heirs of the following named deceased persons: Domingo Romero, Miguel Ortiz, Manuel Ortiz, Fidilia Montoya Nariz, Antonio Nariz, Manulita Montoya Mares and Laurencio Mares, the Board of Trustees of the Mesita de Juana Lopez Land Grant, Herman Montoya, Carmen Quintana, and all unknown claimants of interest in the premises described in the Complaint adverse to Plaintiffs, Plaintiff Buena Vista-1160, Ltd., a New Mexico limited partnership, is the owner in fee simple of that certain real property located in Santa Fe County, New Mexico, more particularly described on Exhibit 2 to the Complaint and attached hereto as Exhibit 2 and incorporated herein by reference as if fully set forth herein.

E. As to Defendants Nora Sanchez, Tomasito Nariz a/k/a Tomasito Narvaiz, Tony Nariz a/k/a Tony Narvaiz, the unknown heirs

of the following named deceased persons: Domingo Romero, Miguel Ortiz, Manuel Ortiz, Fidilia Montoya Nariz, Antonio Nariz, Manulita Montoya Mares and Laurencio Mares, the Board of Trustees of the Mesita de Juana Lopez Land Grant, Herman Montoya, Carmen Quintana, and all unknown claimants of interest in the premises described in the Complaint adverse to Plaintiffs, Plaintiff Waldo, Ltd., a New Mexico limited partnership, is the owner in fee simple of that certain real property located in Santa Fe County, New Mexico, more particularly described on Exhibit 3 to the Complaint and attached hereto as Exhibit 3 and incorporated herein by reference as if fully set forth herein.

F. The estate in fee simple of Plaintiff Buena Vista Associates, Ltd., in the real property described on Exhibit 1 attached to the Complaint and hereto should be, and it hereby is, quieted in title and established against the adverse claims of the above named Defendants, and each of them, and everyone claiming by, through or under them, and the above named Defendants, and each of them, and everyone claiming by, through or under them, be, and they hereby are, barred and forever estopped from having or claiming any lien upon, or any right, title or interest in or to the above described real property adverse to the estate of Plaintiff Buena Vista Associates, Ltd.

G. The estate in fee simple of Plaintiff Buena Vista-1160, Ltd., in the real property described on Exhibit 2 attached to the Complaint and hereto should be, and it hereby is, quieted in title

and established against the adverse claims of the above named Defendants, and each of them, and everyone claiming by, through or under them, and the above named Defendants, and each of them, and everyone claiming by, through or under them, be, and they hereby are, barred and forever estopped from having or claiming any lien upon, or any right, title or interest in or to the above described real property adverse to the estate of Plaintiff Buena Vista Associates, Ltd.

H. The estate in fee simple of Plaintiff Waldo Limited, Ltd., in the real property described on Exhibit 3 attached to the Complaint and hereto should be, and it hereby is, quieted in title and established against the adverse claims of the above named Defendants, and each of them, and everyone claiming by, through or under them, and the above named Defendants, and each of them, and everyone claiming by, through or under them, be, and they hereby are, barred and forever estopped from having or claiming any lien upon, or any right, title or interest in or to the above described real property adverse to the estate of Plaintiff Waldo, Ltd.

I. The title of Plaintiff Buena Vista Associates, Ltd., in fee simple in and to the real property described on Exhibit 1 attached to the Complaint and hereto, the title of Plaintiff Buena Vista-1160, Ltd., in fee simple in and to the real property described on Exhibit 2 to the Complaint and hereto, and the title of Plaintiff Waldo, Ltd. in fee simple in and to the real property described on Exhibit 3 to the Complaint and hereto, should be, and

the same hereby is, forever quieted and set at rest as against the above named Defendants, and each of them.

J. Plaintiff Buena Vista Associates, Ltd. owns in fee simple the real property described on Exhibit 1 attached to the Complaint and hereto, Plaintiff Buena Vista-1160, Ltd., owns in fee simple the real property described on Exhibit 2 attached to the Complaint and hereto, Plaintiff Waldo, Ltd., owns in fee simple the real property described on Exhibit 3 attached to the Complaint and hereto as against the above named Defendants, and each of them, and said Plaintiffs are entitled to possession of the above described real property as against the above named Defendants.

K. This decree of quiet title as to the above named Defendants shall be a Writ of Assistance, directing the Sheriff of Santa Fe County, New Mexico, to enforce the right of possession of Plaintiff Buena Vista Associates, Ltd., Plaintiff Buena Vista-1160, Ltd., and Plaintiff Waldo, Ltd., to their respective above described real property as against the above named Defendants, and each of them, to the extent necessary, to remove and eject from the above described real property the above named Defendants.

L. Plaintiffs Buena Vista Associates, Ltd., Buena Vista-1160, Ltd., and Waldo, Ltd., should be, and they hereby are, awarded judgment against Defendants the Board of Trustees of the

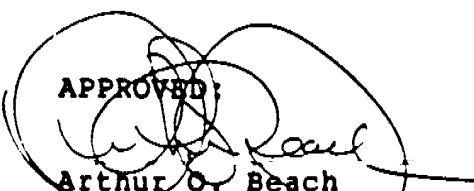
1455015

Mesita de Juana Lopez Land Grant, Herman Montoya and Carmen Quintana, jointly and severally, in the amount of \$1,000.

STEVE HERRERA

District Judge

APPROVED:


Arthur O. Beach
Attorney for Plaintiffs

A08573(7)

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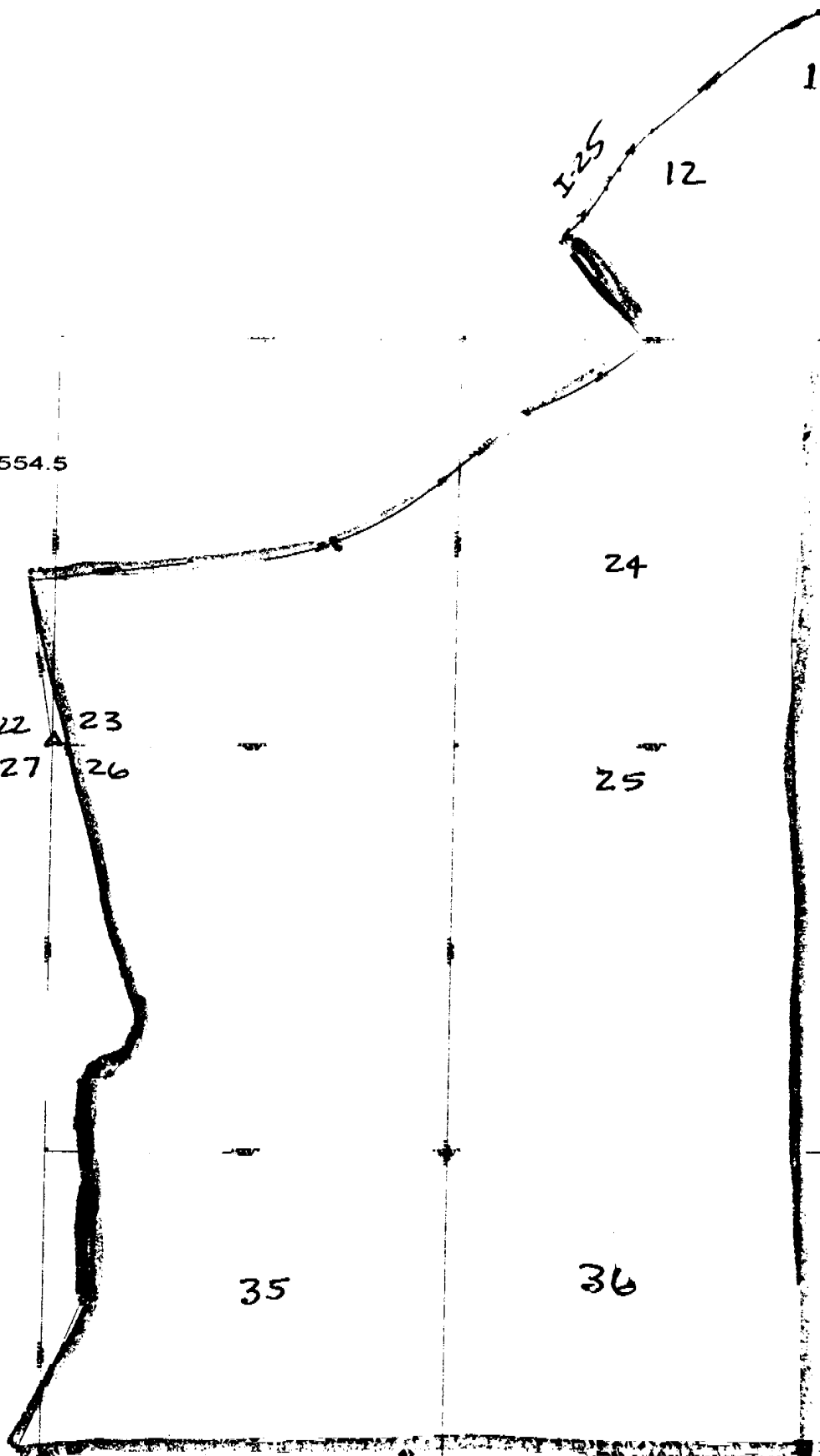
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22 23
27 26

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"Sight" Survey 970508-L-0508
 Registered to: EMILIO GONZALES
 File Name: C:\SIGHTSRV\BNAVISTA.ZAK

Monday, November 17, 1997 10:47 am.

Pg: 1

	Point	Direction	Distance	Northing	Easting	Elevation
Database opened: Monday, November 17, 1997 9:00 am.						
Database Saved: Monday, November 17, 1997 9:02 am.						
Coordinates were assigned for point 1.						
Go to						
	1	POB NW COR		10000.000	10000.000	0.00
Raw:	83.1237NE		2119.28			
TR	N 83°12'37" E		2119.28			
	2			10250.554	12104.417	0.00
Inscribe an Arc Not Tangent to the PC						
To Cntr. Pt. N 3°32'00" E						
	3	Arc Center Point		14984.149	12396.698	0.00
		Arc	3544.11			42°49'00"
		Chord	3462.22			N 72°07'30" E
		Radius	4742.61			S 39°17'00" E
		Tangent	1859.40			Elevation Change
	4	Arc End Point		11313.252	15399.508	0.00
Raw:	50.4300NE		1363.89			
TR	N 50°43'00" E		1363.89			
	5			12176.806	16455.192	0.00
Inscribe an Arc Not Tangent to the PC						
To Cntr. Pt. S 39°16'59" E						
	6	Arc Center Point		11854.168	16719.108	0.00
		Arc	123.67			16°59'57"
		Chord	123.22			N 59°13'00" E
		Radius	416.83			N 22°17'01" W
		Tangent	62.29			Elevation Change
	7	Arc End Point		12239.868	16561.049	0.00
Raw:	67.4300NE		300.00			
TR	N 67°43'00" E		300.00			
	8			12353.624	16838.645	0.00
Inscribe an Arc Not Tangent to the PC						
To Cntr. Pt. N 22°16'59" W						
	9	Arc Center Point		16739.451	15041.390	0.00
		Arc	1451.71			17°32'55"
		Chord	1446.04			N 58°56'33" E
		Radius	4739.79			S 39°49'55" E
		Tangent	731.58			Elevation Change
	10	Arc End Point		13099.634	18077.397	0.00
Raw:	39.4955NW		1794.18			
TR	N 39°49'55" W		1794.18			
	11			14477.433	16928.157	0.00
Inscribe an Arc Not Tangent to the PC						
To Cntr. Pt. N 40°20'33" W						
	12	Arc Center Point		16718.102	15025.063	0.00
		Arc	817.91			15°56'27"
		Chord	815.27			N 41°41'13" E
		Radius	2939.79			S 56°17'01" E
		Tangent	411.61			Elevation Change
	13	Arc End Point		15086.271	17470.363	0.00
Raw:	33.4300NE		300.00			
TR	N 33°43'00" E		300.00			
	14			15335.809	17636.889	0.00
Inscribe an Arc Not Tangent to the PC						
To Cntr. Pt. S 56°17'00" E						
	15	Arc Center Point		14105.278	19480.833	0.00
		Arc	657.75			17°00'00"

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"Sight" Survey 970508-L-0508
 Registered to: EMILIO GONZALES
 File Name: C:\SIGHTSRV\BNAVISTA.ZAK

Monday, November 17, 1997 10:47 am.

Pg: 2

Point	Direction	Distance	Northing	Easting	Elevation
	Chord	655.34	Chord Bearing		N 42°13'00" E
	Radius	2216.83	Bng from Cntr Pt		N 39°17'00" W
	Tangent	331.31	Elevation Change		0.00
16	Arc End Point		15821.160	18077.236	0.00
Raw:	50.4300NE	2027.23			
TR	N 50°43'00" E	2027.23			
17			17104.712	19646.361	0.00
Raw:	64.3250NE	620.20			
TR	N 64°32'50" E	620.20			
18			17371.254	20206.365	0.00
Raw:	73.1331SE	97.11			
TR	S 73°13'31" E	97.11			
19			17343.227	20299.342	0.00
Raw:	21.5205SE	56.48			
TR	S 21°52'05" E	56.48			
20			17290.811	20320.379	0.00
Raw:	01.2900SE	381.97			
TR	S 1°29'00" E	381.97			
21			16908.969	20330.267	0.00
Raw:	89.5900SE	21.99			
TR	S 89°59'00" E	21.99			
22			16908.963	20352.257	0.00
Editing Coordinates, resuming at point 22					
22	NE COR		16908.963	20352.257	0.00
Raw:	00.15SW	2329.78			
TR	S 0°15'00" W	2329.78			
23			14579.205	20342.091	0.00
Editing Coordinates, resuming at point 23					
23	7 MI COR		14579.205	20342.091	0.00
Raw:	03.16SW	5353.26			
TR	S 3°16'00" W	5353.26			
24			9234.643	20037.046	0.00
Editing Coordinates, resuming at point 24					
24	8 MI COR		9234.643	20037.046	0.00
Raw:	02.05SE	5062.20			
TR	S 2°05'00" E	5062.20			
25			4175.789	20221.072	0.00
Editing Coordinates, resuming at point 25					
25	9 MI COR		4175.789	20221.072	0.00
Raw:	00.52SE	5214.66			
TR	S 0°52'00" E	5214.66			
26			-1038.274	20299.947	0.00
Editing Coordinates, resuming at point 26					
26	10 MI COR		-1038.274	20299.947	0.00
Raw:	00.12SE	272.59			
TR	S 0°12'00" E	272.59			
27			-1310.863	20300.898	0.00
Editing Coordinates, resuming at point 27					
27	SE CORNER		-1310.863	20300.898	0.00
Raw:	90SW	10260.42			
TR	N 90°00'00" W	10260.42			
28			-1310.863	10040.478	0.00
Editing Coordinates, resuming at point 28					
28	SW CORNER		-1310.863	10040.478	0.00
Raw:	23.3148NE	2091.57			

1455015

"Sight" Survey 970508-L-0508
 Registered to: EMILIO GONZALES
 File Name: C:\SIGHTSRV\BNAVISTA.ZAK

Monday, November 17, 1997 10:47 am.

Pg: 3

	Point	Direction	Distance	Northing	Easting	Elevation
	TR	N 23°31'48" E	2091.57			
	29			606.796	10875.494	0.00
Inscribe an Arc Not Tangent to the PC To Cntr. Pt.						
	30	Arc Center Point		759.352	10525.094	0.00
		Arc	127.21	Central Angle		19°04'18"
		Chord	126.62	Chord Bearing		N 13°59'29" E
		Radius	382.17	Bng from Cntr Pt		S 85°32'40" E
		Tangent	64.20	Elevation Change		0.00
	31	Arc End Point		729.663	10906.109	0.00
Raw:		04.2729NE	261.70			
TR		N 4°27'29" E	261.70			
	32			990.571	10926.450	0.00
Inscribe an Arc Not Tangent to the PC To Cntr. Pt.						
	33	Arc Center Point		1031.926	10396.010	0.00
		Arc	104.59	Central Angle		11°15'47"
		Chord	104.42	Chord Bearing		N 1°10'25" W
		Radius	532.05	Bng from Cntr Pt		N 83°11'41" E
		Tangent	52.46	Elevation Change		0.00
	34	Arc End Point		1094.971	10924.312	0.00
Raw:		06.4819NW	141.49			
TR		N 6°48'19" W	141.49			
	35			1235.464	10907.546	0.00
Inscribe an Arc Not Tangent to the PC To Cntr. Pt.						
	36	Arc Center Point		1133.286	10051.341	0.00
		Arc	102.86	Central Angle		6°50'05"
		Chord	102.80	Chord Bearing		N 10°13'22" W
		Radius	862.28	Bng from Cntr Pt		N 76°21'36" E
		Tangent	51.49	Elevation Change		0.00
	37	Arc End Point		1336.631	10889.301	0.00
Raw:		13.2825NW	157.87			
TR		N 13°28'25" W	157.87			
	38			1490.156	10852.518	0.00
Inscribe an Arc Not Tangent to the PC To Cntr. Pt.						
	39	Arc Center Point		1590.233	11264.919	0.00
		Arc	140.36	Central Angle		18°57'02"
		Chord	139.72	Chord Bearing		N 4°09'54" W
		Radius	424.37	Bng from Cntr Pt		N 84°41'23" W
		Tangent	70.83	Elevation Change		0.00
	40	Arc End Point		1629.508	10842.370	0.00
Raw:		05.1838NE	188.94			
TR		N 5°18'38" E	188.94			
	41			1817.637	10859.857	0.00
Inscribe an Arc Not Tangent to the PC To Cntr. Pt.						
	42	Arc Center Point		1751.859	11567.487	0.00
		Arc	182.53	Central Angle		14°42'57"
		Chord	182.03	Chord Bearing		N 12°40'07" E
		Radius	710.68	Bng from Cntr Pt		N 69°58'25" W
		Tangent	91.77	Elevation Change		0.00
	43	Arc End Point		1995.234	10899.778	0.00
Raw:		20.0136NE	84.97			
TR		N 20°01'36" E	84.97			
	44			2075.066	10928.877	0.00

"Sight" Survey 970508-L-0508
 Registered to: EMILIO GONZALES
 File Name: C:\SIGHTSRV\BNAVISTA.ZAK

Monday, November 17, 1997 10:47 am.

Pg: 4

Point	Direction	Distance	Northing	Easting	Elevation
Inscribe an Arc Not Tangent to the PC To Cntr. Pt.					
		N 69°58'22" W			
45	Arc Center Point		2126.590	10787.525	0.00
	Arc	92.88			35°22'17"
	Chord	91.41			N 2°20'29" E
	Radius	150.45			N 74°39'20" E
	Tangent	47.97			0.00
46	Arc End Point		2166.402	10932.611	0.00
Raw:	15.2038NW	96.16			
TR	N 15°20'38" W	96.16			
47			2259.135	10907.166	0.00
Inscribe an Arc Not Tangent to the PC To Cntr. Pt.					
		N 74°39'22" E			
48	Arc Center Point		2499.689	11783.852	0.00
	Arc	145.67			9°10'51"
	Chord	145.51			N 10°45'12" W
	Radius	909.09			S 83°50'14" W
	Tangent	72.99			0.00
49	Arc End Point		2402.093	10880.016	0.00
Raw:	06.0946NW	196.04			
TR	N 6°09'46" W	196.04			
50			2597.001	10858.971	0.00
Inscribe an Arc Not Tangent to the PC To Cntr. Pt.					
		S 83°50'15" W			
51	Arc Center Point		2445.502	9455.876	0.00
	Arc	213.38			8°39'47"
	Chord	213.18			N 10°29'39" W
	Radius	1411.25			N 75°10'27" E
	Tangent	106.89			0.00
52	Arc End Point		2806.612	10820.144	0.00
Raw:	14.4933NW	63.13			
TR	N 14°49'33" W	63.13			
53			2867.640	10803.990	0.00
Inscribe an Arc Not Tangent to the PC To Cntr. Pt.					
		N 75°10'28" E			
54	Arc Center Point		2943.820	11091.798	0.00
	Arc	178.92			34°25'58"
	Chord	176.24			N 2°23'27" E
	Radius	297.72			N 70°23'34" W
	Tangent	92.25			0.00
55	Arc End Point		3043.726	10811.342	0.00
Raw:	19.3627NE	82.46			
TR	N 19°36'27" E	82.46			
56			3121.405	10839.013	0.00
Inscribe an Arc Not Tangent to the PC To Cntr. Pt.					
		N 70°23'32" W			
57	Arc Center Point		3213.404	10580.761	0.00
	Arc	119.13			24°53'51"
	Chord	118.19			N 7°09'33" E
	Radius	274.15			N 84°42'38" E
	Tangent	60.52			0.00
58	Arc End Point		3238.678	10853.743	0.00
Raw:	05.1721NW	209.71			
TR	N 5°17'21" W	209.71			
59			3447.495	10834.412	0.00
Inscribe an Arc Not Tangent to the PC					

1455015

"Sight" Survey 970508-L-0508
 Registered to: EMILIO GONZALES
 File Name: C:\SIGHTSRV\BNAVISTA.ZAK

Monday, November 17, 1997 11.41 am.

Pg: 5

Point	Direction	Distance	Northing	Easting	Elevation
To Cntr. Pt.		N 84°42'42" E			
60	Arc Center Point		3457.575	10943.306	0.00
	Arc	183.80	Central Angle		96°17'47"
	Chord	162.92	Chord Bearing		N 42°51'35" E
	Radius	109.36	Bng from Cntr Pt		N 1°00'28" E
	Tangent	122.09	Elevation Change		0.00
61	Arc End Point		3566.918	10945.230	0.00
Raw:	88.5928SE	89.75			
TR	S 88°59'28" E	89.75			
62			3565.338	11034.966	0.00
Inscribe an Arc Not Tangent to the PC					
To Cntr. Pt.		N 1°00'32" E			
63	Arc Center Point		3914.873	11041.122	0.00
	Arc	370.27	Central Angle		60°41'06"
	Chord	353.20	Chord Bearing		N 60°39'59" E
	Radius	349.59	Bng from Cntr Pt		S 59°40'34" E
	Tangent	204.63	Elevation Change		0.00
64	Arc End Point		3738.370	11342.883	0.00
Raw:	30.1926NE	443.37			
TR	N 30°19'26" E	443.37			
65			4121.080	11566.735	0.00
Inscribe an Arc Not Tangent to the PC					
To Cntr. Pt.		N 59°40'36" W			
66	Arc Center Point		4184.190	11458.836	0.00
	Arc	102.67	Central Angle		47°03'38"
	Chord	99.81	Chord Bearing		N 6°47'35" E
	Radius	125.00	Bng from Cntr Pt		N 73°15'46" E
	Tangent	54.43	Elevation Change		0.00
67	Arc End Point		4220.188	11578.541	0.00
Raw:	16.4416NW	356.01			
TR	N 16°44'16" W	356.01			
68			4561.115	11476.013	0.00
Raw:	15.2923NW	781.98			
TR	N 15°29'23" W	781.98			
69			5314.692	11267.173	0.00
Raw:	16.4420NW	1038.48			
TR	N 16°44'20" W	1038.48			
70			6309.169	10968.079	0.00
Raw:	14.4045NW	3122.03			
TR	N 14°40'45" W	3122.03			
71			9329.296	10176.938	0.00
Raw:	14.4428NW	693.62			
TR	N 14°44'28" W	693.62			
72			10000.085	10000.445	0.00
Raw:	09.2722SE	2157.71			
TR	S 9°27'22" E	2157.71			
73			7871.695	10354.939	0.00
Editing Coordinates, resuming at point 73					
73	TIE S22 S23 S26 & S27		7871.695	10354.939	0.00
Database Saved: Monday, November 17, 1997 10:38 am.					
Database Saved: Monday, November 17, 1997 10:43 am.					
Database opened: Monday, November 17, 1997 10:46 am.					

Point to Point Area

Boundary: 1,2°3,4,5°6,7,8°9,10,11°12,13,14°15,16-

29°30,31,32°33,34,35°36,37,38°39,40,41°42,43,44°45,46,47°48,49,50°51,52,53°54,55,56°57,58,59°60,61,62°63,64,65°66,67-72

Area = 130676680.237 Sq. Feet or 2999.924 Acres

WARRANTY DEED

ERNEST CUMMINS and BARBARA L. CUMMINS, his wife,

1023702

for consideration and grant

MESITA DE SANTA FE, a limited partnership,

the following described real estate in

Santa Fe

County, New Mexico

1455015

(See attached legal description designated Exhibit "A")

SUBJECT TO all patent reservations, restrictive covenants, restrictions, and easements and right of way of record and all applicable zoning regulations, restrictions, and requirements.

with warranty covenants.

WITNESS OUR hand, seal, and seal, this 5 day of March 1974

(Seal) Ernest Cummins (Seal)

(Seal) Barbara L. Cummins (Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

The within instrument was acknowledged before me this 5 day of March 1974
Ernest Cummins and Barbara L. Cummins, his wife.

(Signature or Names of Person or Persons Acknowledging)

(Seal) Notary Public

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

The within instrument was acknowledged before me this 5 day of March 1974

by (Signature of Officer)

(Signature of Officer)

(Signature of Officer)

(Signature of Officer)

(Signature of Officer)

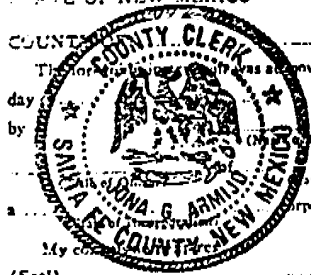
(Signature of Officer)

(Signature of Officer)

(Signature of Officer)

(Signature of Officer)

FOR RECORDER'S USE ONLY
COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed for record on the 11 day of February A.D. 1974 at 10:23 a.m. and was duly recorded in book 1023 page 172 of the records of Santa Fe County.
Jana G. Arnold
County Clerk, Santa Fe County, NM



A certain tract of land being situate in the Mesita De Juana Lopez Grant, within Sections 22, 23, 24, 25, 26, 35, and 36, T15N, R7E, N.M.P.M., Santa Fe County, New Mexico and being more particularly described from Township plats, Highway Right of Way Maps, New Mexico Project I-025-5(24)263, plat by Ross Howard Company dated March 25, 1972, amended March 30, 1972, and some field work, as follows:

BEGINNING at the northwest corner, whence the Section corner common to Sections 22, 23, 26 and 27, T15N, R7E, N.M.P.M., bears S89°07'00"W, 3137.71 feet and from said beginning point running thence,
 N83°12'57"E, 2119.28 feet to a point on a curve; thence,
 3544.11 feet along the arc of a curve to the left, having a radius of 4742.61 feet and a chord bearing S72°07'30"W, 3462.22 feet, to a point of tangency; thence,
 N50°43'00"E, 1363.89 feet to a point of curvature; thence,
 123.67 feet along the arc of a curve to the right, having a radius of 416.83 feet and a chord bearing N59°13'00"E, 123.22 feet, to a point of tangency; thence,
 N57°43'00"E, 300.00 feet to a point of curvature; thence,
 1451.71 feet along the arc of a curve to the left, having a radius of 4739.79 feet and a chord bearing N58°56'33"E, 1446.04 feet, to a point; thence,
 N39°49'55"W, 1794.18 feet to a point on a curve on the south-easterly right of way of Interstate 25; thence on said right-of way, 817.91 feet along the arc of a curve to the left, having a radius of 2939.79 feet and a chord bearing N41°41'13"E, 815.27 feet, to a point of tangency; thence,
 N33°43'00"E, 300.00 feet to a point of curvature; thence,
 657.75 feet along the arc of a curve to the right, having a radius of 2216.83 feet and a chord bearing N42°13'00"E, 655.34 feet, to a point of tangency; thence,
 N50°43'00"E, 2027.23 feet to a point; thence,
 N64°32'50"E, 620.20 feet to a point; thence,
 S73°13'31"E, 97.11 feet to a point; thence,
 S21°52'05"E, 56.48 feet to a point; thence,
 S01°29'00"E, 381.97 feet to a point; thence,
 S89°59'00"E, 21.99 feet to the northeast corner, a point on the east boundary of the Mesita De Juana Lopez Grant; thence running along said boundary,
 S00°15'W, 2329.78 feet to the 7 mile corner; thence,
 S03°16'W, 5353.25 feet to the 8 mile corner; thence,
 S02°05'E, 5062.20 feet to the 9 mile corner; thence,
 S00°52'E, 5214.66 feet to the 10 mile corner; thence,
 S06°12'E, 272.59 feet to the southwest corner; thence leaving said grant line,

West, 10160. feet to the southwest corner; thence, N25°31'43"W, 3021.57 feet to a point of curvature; thence, 127.21 feet along the arc of a curve to the left, having a radius of 532.17 feet and a chord bearing N13°59'29"E, 126.63 feet, to a point of tangency; thence, N04°27'29"W, 191.70 feet to a point of curvature; thence, 104.59 feet along the arc of a curve to the left, having a radius of 532.05 feet and a chord bearing N01°10'25"W, 104.42 feet, to a point of tangency; thence, N06°45'19"W, 141.49 feet to a point of curvature; thence, 102.86 feet along the arc of a curve to the left, having a radius of 692.28 feet and a chord bearing N10°13'22"W, 102.80 feet, to a point of tangency; thence, N13°38'23"W, 137.87 feet to a point of curvature; thence, 140.36 feet along the arc of a curve to the right, having a radius of 434.37 feet and a chord bearing N04°09'54"W, 139.72 feet, to a point of tangency; thence, N03°13'33"E, 138.24 feet to a point of curvature; thence, 182.53 feet along the arc of a curve to the right, having a radius of 710.68 feet and a chord bearing N12°40'07"E, 182.03 feet, to a point of tangency; thence, N20°01'36"E, 34.97 feet to a point of curvature; thence, 92.88 feet along a curve to the left, having a radius of 150.45 feet and a chord bearing N02°20'29"E, 91.41 feet to a point of tangency; thence, N15°20'33"W, 96.16 feet to a point of curvature; thence, 145.67 feet along the arc of a curve to the right having a radius of 909.09 feet and a chord bearing N10°45'12"W, 145.52 feet, to a point of tangency; thence, N06°09'46"W, 196.04 feet to a point of curvature; thence, 213.38 feet along the arc of a curve to the left, having a radius of 1411.25 feet and a chord bearing N10°29'59"W, 213.18 feet, to a point of tangency; thence, N14°49'33"W, 63.13 feet to a point of curvature; thence, 178.92 feet along the arc of a curve to the right, having a radius of 297.72 feet and a chord bearing N02°23'27"E, 176.24 feet, to a point of tangency; thence, N19°36'27"E, 82.46 feet to a point of curvature; thence, 119.13 feet along the arc of a curve to the left, having a radius of 274.15 feet and a chord bearing N07°09'33"E, 113.19 feet, to a point of tangency; thence, N05°17'21"W, 209.71 feet to a point of curvature; thence, 183.80 feet along the arc of a curve to the right, having a radius of 109.36 feet and a chord bearing N42°51'35"E, 162.92 feet, to a point of tangency; thence, S88°59'28"E, 89.75 feet to a point of curvature; thence, 370.27 feet along the arc of a curve to the left, having a radius of 349.59 feet and a chord bearing N60°39'59"E, 353.20 feet, to a point of tangency; thence,

1023704

1455015

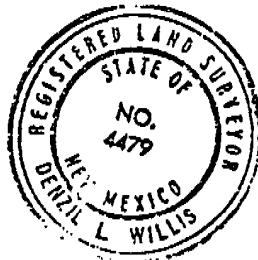
1455015

N30°19'26"E, 443.37 feet to a point of curvature; thence, ¹⁰²³⁷⁰⁵
102.67 feet along the arc of a curve to the left, having a
radius of 125.00 feet and a chord bearing N06°47'35"E, 99.81
feet, to a point of tangency; thence,
N16°44'16"W, 356.01 feet to a point; thence,
N15°29'23"W, 781.93 feet to a point; thence,
N16°44'20"W, 1038.48 feet to a point; thence,
N14°40'45"W, 3122.03 feet to a point; thence,
N14°44'28"W, 695.62 feet to the point and place of beginning.
Tract contains 3000 acres, more or less.

BOHANNAN WESTMAN HUSTON & ASSOCIATES, INC.
4125 Carlisle Blvd NE
Albuquerque, New Mexico 87107

March 5, 1974

Job Number 71-048



Denzil L. Willis
Denzil L. Willis
N.M.P.L.S. No. 4479

Sheet 3 of 3

THIS IS TO CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT AS FAR AS THE SURVEYOR IS CONCERNED.
BR1023 2-23-94 Kevin Smith

PETITION TO CONVENE GRAND JURY

We the undersigned registered voters in the county of SANTA FE, hereby petition the judges of Court, pursuant to Article II, Sec. 14 of the New Mexico State Constitution, to convene a grand jury to inquire into the malfeasance, conflict of interest, fraud, conspiracy, and any other illegal acts committed by any individual employed with the county review board and to include the county attorney, Cook Gravel, and Mesita de Juana Lopez Land Grant.

These allegations include, but are not limited to, the following: fraud, conspiracy, bribery, malfeasance, improper employment practices, conflict of interest, tampering with evidence, questionable financial and title transfer transactions concerning the Mesita de Juana Lopez Land Grant.

1. Bernard Delamante (usual signature) S. Bernard Delamante (name printed as registered) 1299 Vegas Blvd Dr. #48 (address as registered) Santa Fe (city or rt.)
2. Randy Wells (usual signature) RANDALL WELLS (name printed as registered) PO Box 418 (address as registered) Cerrillos (city or rt.)
3. Michelle Kulish (usual signature) Michelle Kulish (name printed as registered) PO Box 418 Cerrillos, NM (address as registered) Cerrillos (city or rt.)
4. Alfredo Montoya (usual signature) Alfredo Montoya (name printed as registered) 2800 Cerrillos Rd Santa Fe (address as registered) Santa Fe (city or rt.)
5. Beta Montoya (usual signature) Beta Montoya (name printed as registered) Los Cerrillos, N.M. (address as registered) Los Cerrillos (city or rt.)
6. Robert E Whitley (usual signature) Robert E Whitley (name printed as registered) P.O. Box 159 (address as registered) Cerrillos (city or rt.)
7. Larry Cordova (usual signature) Larry Cordova (name printed as registered) Gen Del (address as registered) Larry (city or rt.)
8. Joe J. Corra (usual signature) Joe J Corra (name printed as registered) 637 W San Francisco (address as registered) Santa Fe (city or rt.)
9. Tommy Larrano (usual signature) Tommy LARRANO (name printed as registered) R2 Box 2997 (address as registered) Santa Fe (city or rt.)
10. Robert Montoya (usual signature) Robert Montoya (name printed as registered) #5 Calle del Prado (address as registered) Santa Fe (city or rt.)
11. Lawrence Lovato (usual signature) Lawrence Lovato (name printed as registered) 060 Cerro Contento (address as registered) Santa Fe (city or rt.)
12. Orino E. Lovato (usual signature) Orino E. Lovato (name printed as registered) 060 Cerro Contento (address as registered) Santa Fe (city or rt.)
13. Larry Chavez (usual signature) LARRY CHAVEZ (name printed as registered) 18A Camino Dobra (address as registered) SANTA FE (city or rt.)
14. Lori Chavez (usual signature) Lori Chavez (name printed as registered) 18A Camino Dobra (address as registered) Santa Fe (city or rt.)
15. Joe J. Martinez (usual signature) Joe J. MARTINEZ (name printed as registered) 112 Sicomero (address as registered) Santa Fe (city or rt.)

**END
OF
BOOK**

**MINUTES OF THE BOARD OF COUNTY
COMMISSIONERS**

DATE OF MINUTES 1-13-98

DATE OF FILMING _____

CAMERA OPERATOR **YVONNE SANCHEZ**

REGULAR MEETING