

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, MARCH 24, 2014**

ITEM 10

REQUEST FOR CONCEPTUAL APPROVAL OF SALE OF REAL ESTATE CONTAINING APPROXIMATELY 139 SQUARE FEET WITHIN A PORTION OF DESIGNATED PARK PARCEL OF THE EVELYN H. LISCHKE SUBDIVISION LOCATED AT 2119 RANCHO SIRINGO ROAD BY MARY E. SCHRUBEN (**EDWARD VIGIL**)

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO			
COUNCILOR DIMAS	X		
COUNCILOR DOMINGUEZ	X		
COUNCILOR LINDELL	Excused		
COUNCILOR RIVERA	X		

MEMO

DATE: March 13, 2014 for March 24, 2014
TO: Public Works, CIP and Land Use Committee
VIA: Matthew O'Reilly, P.E., Land Use Department Director *MO*
FROM: Edward J. Vigil, Property Manager Land Use Department *EV*

ITEM & ISSUE:

Request for conceptual approval of sale of real estate containing approximately 139 square feet within a portion of designated Park parcel of the Evelyn H. Lischke Subdivision located at 2119 Rancho Siringo Road by Mary E. Schruben.

BACKGROUND & SUMMARY:

The City acquired the subject real estate by means of plat dedication as contained on subdivision plat entitled "REPLAT OF PORTION OF FARRAR TRACT AND LOT'S D, E AND F OF EVELYN H. LISCHKE SUBDIVISION..", recorded in Plat Book 26, page 1, records of Santa Fe County, NM. Mary E. Schruben has requested to purchase from the City the subject premises in order to gain rights for use of the land for gardening and fencing purposes, as the area in question lies outside a boundary wall along the northerly boundary of the Park parcel and was perceived to be a portion of Ms. Schruben's parcel. Apparently when the Park parcel was being developed the wall along the northerly boundary was not all placed along the common boundary with Ms. Schruben's parcel by someone's error, this was discovered when Ms. Schruben had her parcel recently surveyed. The City land could only be used for the described purposes and conditioning will be placed on the deed mandating that the City land be consolidated with the Schruben parcel and subject to any existing easements for utilities and maintenance of the City's wall. Selling this property will benefit the City in a number of ways by preserving an easement for utility purposes and maintenance of the wall, placing the property back on the tax rolls, and relieving the City of some liability and maintenance costs.

ACTION:

This request is being presented for your consideration and direction. If approved the request shall be forwarded to the Finance Committee and thereafter City Council.

Exhibits: A - Draft Quitclaim Deed
B - Request by Mary E. Schruben
C - Subdivision plat recorded in Plat Book 26, Page 1
D - Boundary Survey Plat for Mary E. Schruben dtd. 10/4/2013
E- Copy of NMSA 1978 Section 3-54-1 (1999)

21117.460150
BUSINESS UNIT/LINE ITEM

QUITCLAIM DEED

The City of Santa Fe, a municipal corporation, herein "Grantor", whose address is 200 Lincoln Ave., Santa Fe, NM 87504-0909, for good and adequate consideration, paid, quitclaims to Mary E. Schruben, a single woman, herein "Grantee", whose address is 2119 Rancho Siringo Road, Santa Fe, NM 87505, the following described real estate in the City and County of Santa Fe, New Mexico, being more particularly described as follows to-wit:

A certain portion of designated "Park" parcel as shown and delineated on plat entitled "REPLAT OF PORTION OF FARRAR TRACT AND LOT'S D, E AND F OF EVELYN H. LISCHKE SUBDIVISION.", recorded as Document No. 347439 in Plat Book 26, page 1, records of Santa Fe County, NM, as shown on attached Exhibit "A" within crosshatched area.

A more complete legal description shall be provided upon receipt of a comprehensive boundary survey of the parcel.

Subject to reservations, restrictions, easements of record and taxes for the year of 2014 and thereafter.

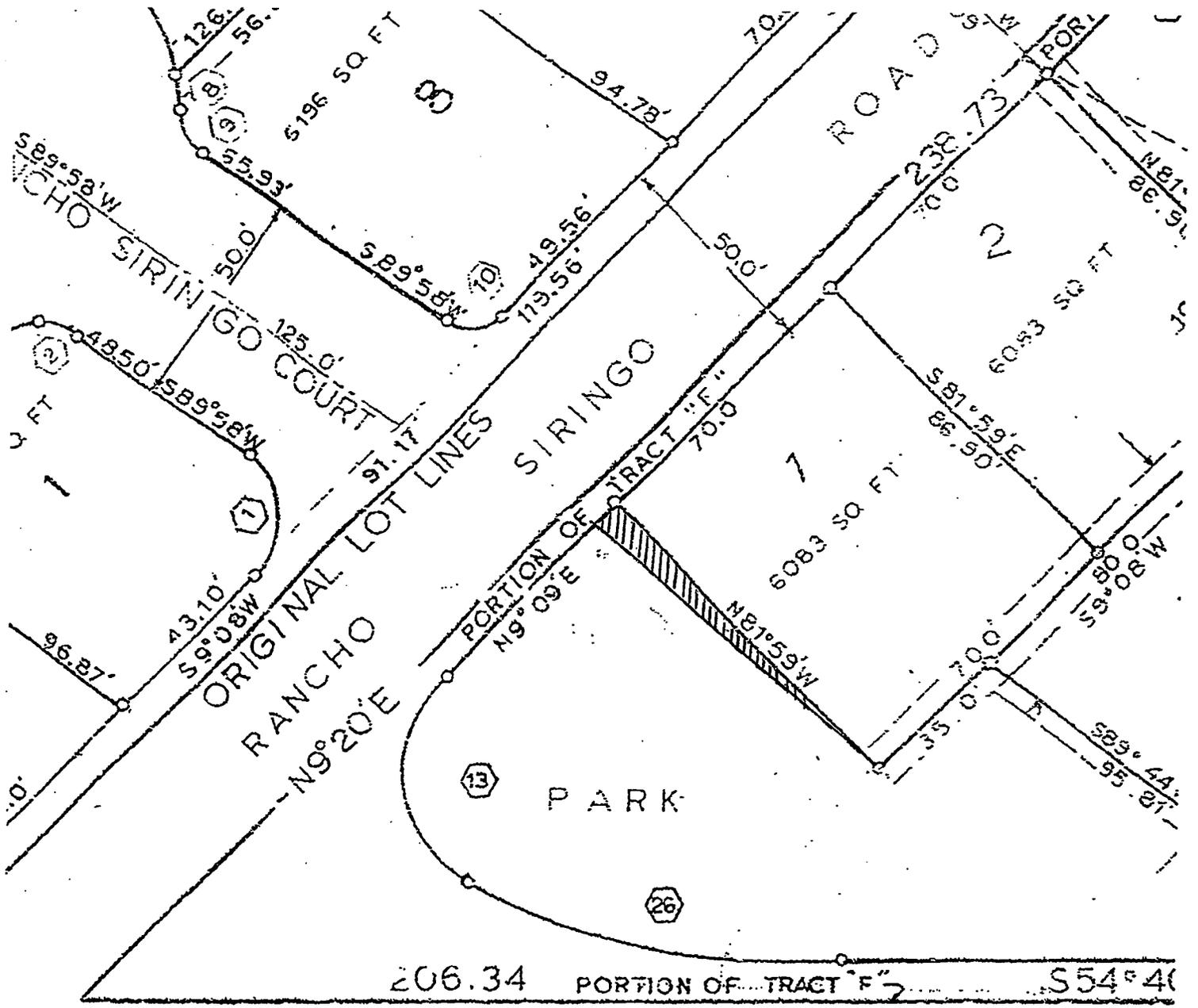
Further, by this deed, the real estate is subject to the following restrictions:

1. The property shall not be considered a legal lot of record for any purpose, but rather shall be consolidated with the adjoining lands commonly known as 2119 Rancho Siringo Road by Grantee.
2. This parcel is subject to an easement for existing utilities and for maintenance of the block wall along southerly boundary.

Witness my hand and seal this _____ day of _____, 2014:

GRANTOR:
CITY OF SANTA FE

BY: _____
JAVIER M. GONZALES, MAYOR



S 11

Exh. "A"

To: Edward Vigil, Property Manager, City of Santa Fe Land Use Division
From: Mary E. Schruben
Re: Adjustment of Property Boundary
Date: February 6, 2014

When I purchased the property at 2119 Rancho Siringo Road in September of 1990, the lot to the south and east was a weedy, trashed vacant lot. The neighbors informed me that it was supposed to be the park for our federal housing development. At the time, there was a 4' chain link fence separating my lot from the park on the south, and a block wall separating the two lots on the east. I understood that the chain link fence was on the property boundary, as shown on the attached 1972 plat.

When the neighbors and I petitioned the Parks Division for a real park in 1992, and we agreed on a park design that fall, I understood that the block wall was to be built on the south lot line. The block wall was built and since that time I have understood that it was on the plat lot line. It was not. While gardening, I discovered an old survey marker on the sidewalk that was a few inches north of the block wall. At the time, I did not think a few inches would be a problem.

In October 2013 I hired a survey of my property (attached). It now shows that my lot is not consistent with any of the markers I thought indicated my boundaries. Since this survey has been conducted with "new technology", I am inclined to believe that the 1972 plat was not exact, that the neighborhood effort building separating block retaining walls between our lots was not exact, and that the Park Division block wall was not placed on the property line.

Now I find that there is approximately 140 square feet of land between my new property line on the south and the block wall that separates my property from the park. This area can be described as a narrow triangle with a point at the east very near the intersection of the north/south block wall and the east/west block wall and the base at the west sidewalk of about 20 inches.

I would prefer that my property be flush with the block wall, as that structure is the common sense and physical and visual barrier between my property and the Park. I would prefer that the City not to have to deconstruct the block wall and rebuild it on the newly defined lot line. I would prefer to purchase the approximately 140 square feet from the City of Santa Fe in order that our mutual boundary be consistent with the block wall structure.

I met with Edward Vigil, Property Manager, Land Use Department on December 12, 2013. We discussed the possibility of resolving the property line and the steps necessary to accomplish it. I understand that this request needs to be examined and approved by staff in many City Divisions and Departments and Commissions and Councils. Please let me know when that process begins and the how to participate in it with City staff. I hope that this matter can be resolved to our mutual satisfaction.

Sincerely,



REPLAT OF PORTION OF FARRAR TRACT AND
 LOT'S D, E AND F OF EVELYN H. LISCHKE SUBDIVISION
 WARD NO.
 SANTA FE, NEW MEXICO

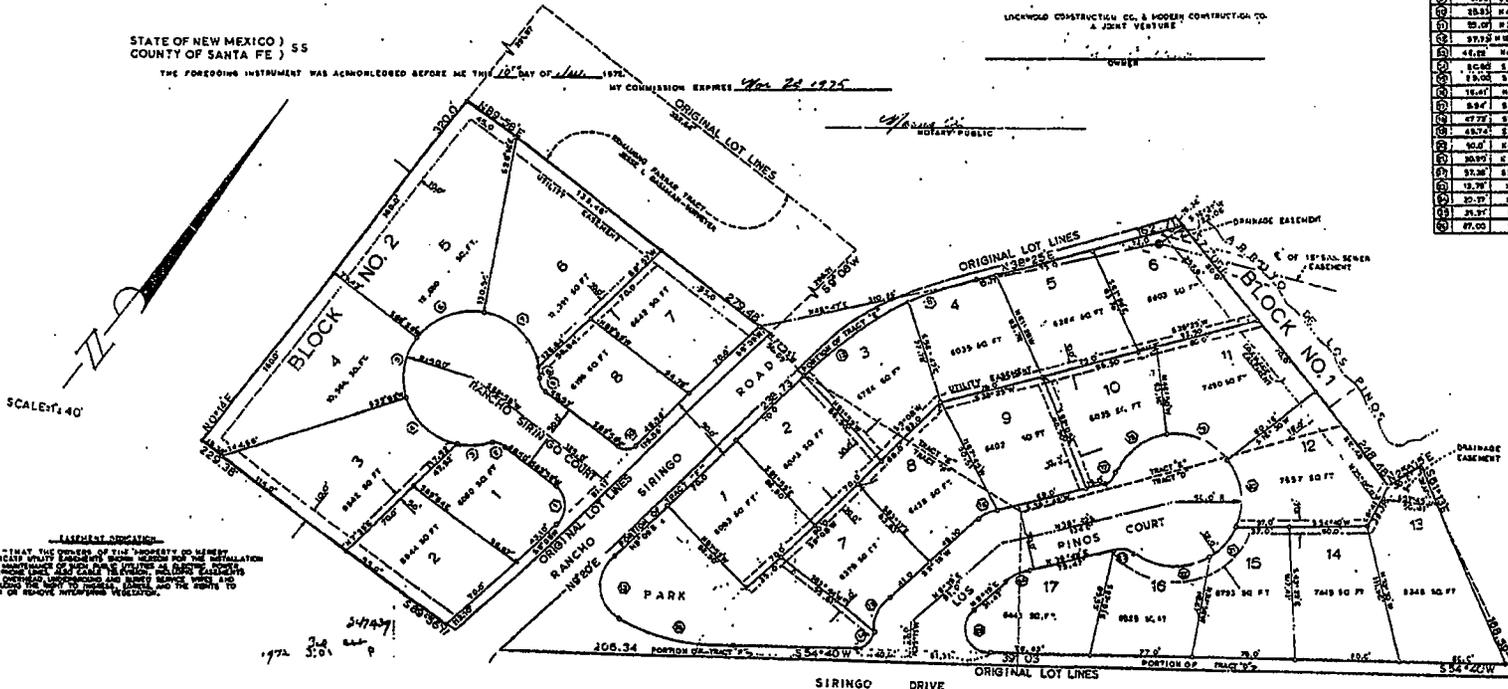
KNOW ALL YE MEN BY THESE PRESENTS:
 THAT THE FOREGOING SUBDIVISION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE OWNERS THEREOF; THAT THE STREETS AND PARK AREA
 SHOWN ARE HEREBY DEDICATED TO THE PUBLIC FOR ITS USE AS SUCH THIS SUBDIVISION IS LYING AND BEING SITUATE IN LOTS D, E, F OF EVELYN H. LISCHKE SUBDIVISION
 AND PORTION OF LOT 10 OF THE SUNNY SLOPE GARDENS WITHIN SECTION 3, T16N, R06E, NMRM, COUNTY OF SANTA FE, STATE OF NEW MEXICO.

STATE OF NEW MEXICO) 55
 COUNTY OF SANTA FE)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 12th DAY OF Jan, 1972
 MY COMMISSION EXPIRES Apr 22 1975

LOCKWOOD CONSTRUCTION CO. & MOORE CONSTRUCTION CO.
 A JOINT VENTURE

NO.	CHORD	STARTING BEARING	RADIUS	LENGTH
1	26.42	S40°29'E	30.0	26.07
2	40.37	N76°04'E	18.5	16.77
3	28.07	N43°20'E	40.0	29.17
4	34.85	S57°38'E	16.0	34.97
5	44.88	S18°32'E	10.0	44.59
6	52.78	S27°02'E	10.0	52.47
7	58.28	S12°07'E	10.0	57.87
8	7.00	S55°12'E	10.0	7.45
9	6.87	S30°28'E	18.5	6.47
10	28.33	N47°37'E	30.0	28.21
11	25.07	S35°06'E	100.0	25.10
12	37.75	N4°02'E	200.0	38.25
13	41.07	N4°10'W	200.0	42.23
14	42.86	S 1°21'W	162.0	44.97
15	49.08	S10°34'E	183.0	51.74
16	18.07	N22°02'E	150.0	18.87
17	8.97	S 0°57'W	18.5	10.87
18	47.72	N1°21'W	100.0	48.27
19	45.74	S7°17'W	100.0	46.87
20	50.07	N44°16'W	50.0	51.16
21	30.97	E 3°17'W	50.0	31.47
22	57.28	S30°39'W	30.0	61.07
23	12.70	S34°36'E	18.5	14.47
24	20.17	S 24°04'E	40.0	20.57
25	28.37	E 82°05'W	25.0	31.20
26	27.00	S 17°27'W	100.0	28.37



WARRANTY
 THAT THE OWNERS OF THE PROPERTY DO HEREBY
 WARRANT THAT THE PLAT IS CORRECT AND THAT THE INFORMATION
 THEREON IS TRUE AND ACCURATE AND THAT THE PLAT IS A TRUE AND
 ACCURATE REPRESENTATION OF THE ACTUAL SITUATION ON THE GROUND
 AND THAT THE OWNERS OF THE PROPERTY HAVE BEEN ADVISED OF THE
 CONTENTS OF THIS INSTRUMENT AND THE RIGHTS OF THE PUBLIC TO
 VIEW THE SAME AT THE OFFICE OF THE COUNTY CLERK OF SANTA FE,
 NEW MEXICO.

APPROVAL BY CITY ENGINEER
 THE PLAT HEREON DEDICATED WAS APPROVED BY THE
 CITY ENGINEER OF THE CITY OF SANTA FE, STATE OF
 NEW MEXICO ON THE 12th DAY OF Jan, 1972.

Henry J. ...
 CHIEF LAWYER - CITY ENGINEER

Henry J. ...
 CITY PLANNER

- NOTES
1. MERIDIAN IS BASED ON PLAT OF SURVEY FROM COMPOSITE PLAT SHOWING LINES OF EVELYN H. LISCHKE BY GESSIE LASSMAN
 2. O DESIGNATES POINT FOUND AND USED BY THIS SURVEY.
 3. O DESIGNATES POINT SET BY THIS SURVEY.
 4. - - - DESIGNATES FORCE LINE.

PUBLIC SERVICE CO. OF NEW MEXICO

Al ... 1-10-72 Water
Bill ... 1-10-72 Water

SOUTHERN UNION GAS CO.

John ... 1-10-72

MOUNTAIN BELL TELEPHONE CO.

Anthony ...

ACCEPTANCE BY CITY COUNCIL
 THE PLAT HEREON DEDICATED WAS ACCEPTED BY RESOLUTION OF THE CITY COUNCIL OF SANTA FE, NEW MEXICO ON THE 12th DAY OF Jan, 1972.

James E. ...
 MAYOR
...
 CITY CLERK

APPROVAL OF CITY PLANNING COMMISSION
 THE PLAT HEREON DEDICATED WAS APPROVED FOR FILING BY THE CITY
 PLANNING COMMISSION OF SANTA FE, STATE OF NEW MEXICO
 ON THE 12th DAY OF Jan, 1972.

Art S. ...
 CHAIRMAN
Magdalena ...
 SECRETARY

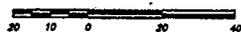
I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES THEREON
 ARE A TRUE AND CORRECT DELINEATION, TO THE BEST OF MY KNOWLEDGE
 AND BELIEF OF A SURVEY MADE ON THE FIELD UNDER MY SUPERVISION OR
 DESIGN BY ME, AND THAT I AM RESPONSIBLE FOR REPRODUCTIONS THEREOF
 TO WHICH I HAVE AFFIXED MY OFFICIAL SEAL ONLY.

...
 LICENSED PROFESSIONAL LAND SURVEYOR AND REGISTERED

72-37

72-37
 DRAWN: J.S.M. CHK: J.E.V.
 PROJECT NO. 10D1-D18

26/1



SCALE 1"=20'

LEGEND

- INDICATES 1/2" REBAR W/YELLOW PLASTIC CAP "M. TRUJILLO, NMPS12130" SET THIS SURVEY
- INDICATES POINTS FOUND AS NOTED
- - - INDICATES WIRE FENCE
- - - INDICATES OVERHEAD UTILITY LINES
- INDICATES UTILITY POLE
- INDICATES UTILITY BOX

SURVEYOR'S CERTIFICATION

I, MICHAEL V. TRUJILLO, NEW MEXICO PROFESSIONAL SURVEYOR No. 12130, DO HEREBY CERTIFY THAT THIS BOUNDARY SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MORMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT AND THAT THIS INSTRUMENT IS A BOUNDARY SURVEY PLAT OF AN EXISTING TRACT OR TRACTS.



MICHAEL V. TRUJILLO, N.M.P.S. No.12130 DATE _____

PUBLIC NOTICE
 THIS SURVEY IS BASED ON THOSE RECORDED DOCUMENTS NOTED HEREON. CITY OF SANTA FE STAFF MUST APPROVE ALL DOCUMENTS SUBMITTED WITH AN APPLICATION FOR A BUILDING PERMIT AND MAY REQUIRE SUBMITTAL OF ADDITIONAL DOCUMENTATION TO PROVE LEGAL LOT OF RECORD.

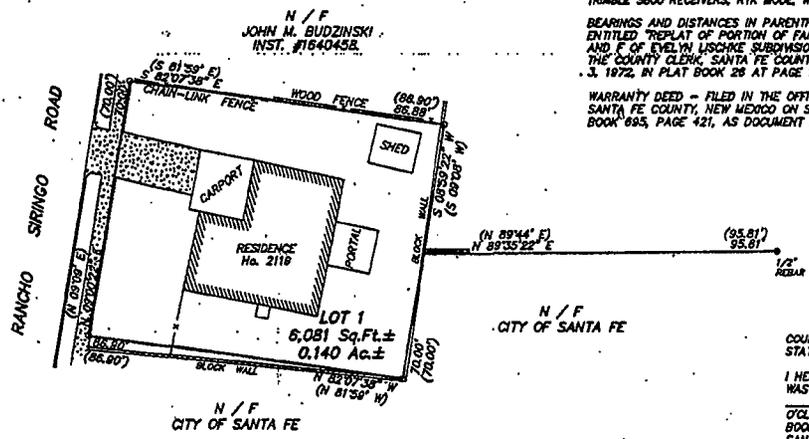
1. PROPERTY IDENTIFICATION MAP No.1-052-096-165-413.
2. THESE PARCELS OF LAND ARE SUBJECT TO ALL EASEMENTS, COVENANTS AND RIGHTS OF RECORD.
3. EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON AND WERE SUPPLIED TO THE SURVEYOR. NO ABSTRACT OF TITLE WAS FURNISHED. THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL OF LAND.

REFERENCE AND BASIS OF BEARINGS:

BEARINGS BASED ON GPS OBSERVATIONS USING TRIMBLE 5800 RECEIVERS, RTK MODE, WGS84 LOCAL.

BEARINGS AND DISTANCES IN PARENTHESES FROM PLAT OF SURVEY ENTITLED "REPLAT OF PORTION OF FARRAR TRACT AND LOTS D, E AND F OF EVELYN LISCHKE SUBDIVISION", FILED IN THE OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO ON OCTOBER 3, 1972, IN PLAT BOOK 28 AT PAGE 1 AS DOCUMENT No. 347,438.

WARRANTY DEED - FILED IN THE OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO ON SEPTEMBER 25, 1990, IN BOOK 895, PAGE 421, AS DOCUMENT No. 718,223.



COUNTY OF SANTA FE }
 STATE OF NEW MEXICO } SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THIS _____ DAY OF _____ A.D. 20____ A.T. _____ O'CLOCK _____ A.M. AND WAS DULY RECORDED IN BOOK _____ PAGE _____ OF THE RECORDS OF SANTA FE COUNTY

WITNESS MY HAND AND SEAL OF OFFICE
 GERALDINE SALAZAR
 COUNTY CLERK, SANTA FE COUNTY, NM

DEPUTY

INDEXING INFORMATION FOR COUNTY CLERK

BOUNDARY SURVEY PLAT FOR	
SECTION 30 (PROJECTED)	MARY E. SCHRUBEN
TOWNSHIP T. 17 N.	LOT 1, BLOCK 1
RANGE R. 10 E.	AS SHOWN ON PLAT TITLED
GRANT	"REPLAT OF PORTION OF FARRAR TRACT AND LOTS D, E, AND F OF EVELYN LISCHKE SUBDIVISION"
SANTA FE N.M.P.M.	SANTA FE, NEW MEXICO
ASSOCIATED SURVEYS MICHAEL V. TRUJILLO NMPS No.18150	SCALE 1" = 20'
1180 CAMINO CONSUELO SANTA FE, NEW MEXICO 87507 PH. 484-1595	DATE OCT. 4, 2013
	DRAWN-BY
	CHECKED-BY
	M.Y.T.
	PROJECT No. M13-58 M-592

CHAPTER 3 MUNICIPALITIES

ARTICLE 54 SALE OR LEASE OF PROPERTY

3-54-1. Authority to sell or lease municipal utility facilities or real property; notice; referendum.
(1999)

3-54-1. Authority to sell or lease municipal utility facilities or real property; notice; referendum. (1999)

Statute text

A. A municipality may lease or sell and exchange any municipal utility facilities or real property having a value of twenty-five thousand dollars (\$25,000) or less by public or private sale or lease any municipal facility or real property of any value normally leased in the regular operations of such facility or real property, and such sale or lease shall not be subject to referendum.

B. A municipality may lease or sell and exchange any municipal utility facilities or real property having an appraised value in excess of twenty-five thousand dollars (\$25,000) by public or private sale or lease, subject to the referendum provisions set forth in this section. The value of municipal utility facilities or real property to be leased or sold and exchanged shall be determined by the appraised value of the municipal utility facilities or real property and not by the value of the lease. An appraisal shall be made by a qualified appraiser and submitted in writing to the governing body. If the sale price is less than the appraised value, the governing body shall cause a detailed written explanation of that difference to be prepared, and the written explanation shall be made available to any interested member of the public upon demand.

C. If a public sale is held, the bid of the highest responsible bidder shall be accepted unless the terms of the bid do not meet the published terms and conditions of the proposed sale, in which event the highest bid which does meet the published terms and conditions shall be accepted; provided, however, a municipality may reject all bids. Terms and conditions for a proposed public sale or lease shall be published at least twice, not less than seven days apart, with the last publication no less than fourteen days prior to the bid opening, and in accordance with the provisions of Subsection J of Section 3-1-2 NMSA 1978.

D. Any sale or lease of municipal utility facilities or real property entered into pursuant to Subsection B of this section shall be by ordinance of the municipality. Such an ordinance shall be effective forty-five days after its adoption, unless a referendum election is held pursuant to this section. The ordinance shall be published prior to adoption pursuant to the provisions of Subsection J of Section 3-1-2 NMSA 1978 and Section 3-17-3 NMSA 1978 and shall be published after adoption at least once within one week after adoption pursuant to the provisions of Subsection J of Section 3-1-2 NMSA 1978. Such publications shall concisely set forth at least:

- (1) the terms of the sale or lease;
- (2) the appraised value of the municipal utility facilities or real property;
- (3) the time and manner of payments on the lease or sale;
- (4) the amount of the lease or sale;
- (5) the identities of the purchasers or lessees; and
- (6) the purpose for the municipality making the lease or sale.

E. In order to call for a referendum election on a sale or lease ordinance, a petition shall be filed with the municipal clerk:

- (1) no later than thirty days after the adoption of the sale or lease ordinance;
- (2) containing the names, addresses and signatures of at least fifteen percent of the qualified electors of the municipality; and
- (3) containing the following heading on each page of the petition reprinted as follows:

"PETITION FOR A REFERENDUM

We, the undersigned registered voters of (insert name of municipality) petition the governing body of (insert name of municipality) to conduct a referendum election on ordinance number Ordinance number would cause a (insert "sale" or "lease") of municipal (insert "real property" or "utility facilities").

Date	Name (printed)	Address	Signature."
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F. Section 3-1-5 NMSA 1978 shall apply to all petitions filed calling for a referendum election on a sale or lease ordinance.

G. If the municipal clerk certifies to the municipal governing body that the petition does contain the minimum number of valid names, addresses and signatures required to call a referendum election on the sale or lease ordinance, the municipal governing body shall adopt an election resolution within fourteen days after the date the clerk makes such certification, calling for a referendum election on the sale or lease ordinance. The election resolution shall be adopted and published pursuant to the provisions of the Municipal Election Code [Chapter 3, Articles 8 and 9 NMSA 1978] governing special elections and shall also concisely set forth:

- (1) the terms of the sale or lease;
- (2) the appraised value of the municipal utility facilities or real property;