



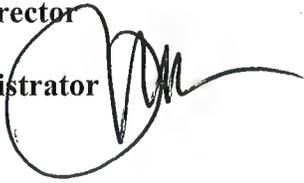
# City of Santa Fe, New Mexico

# memo

**DATE:** September 10, 2014

**TO:** Mayor and City Council

**VIA:**   
Isaac J. Piro, Public Works Department Director

**FROM:** Robert Siqueiros, Railyard Projects Administrator 

**ITEM:**

Request for Approval to Amend the Santa Fe Railyard Conservation Easement Between the City of Santa Fe and The Trust for Public Lands. The Amendment would Revise the Easement Boundary to Match Existing Conditions and Document an Exchange of City Railyard Property Allowing for Outdoor Restaurant Seating.

**SUMMARY:**

Since approval by the governing body in October 2004, this is the first proposed Santa Fe Railyard Conservation Easement Deed Amendment. The amendment would revise the boundary to match existing as built conditions and document an exchange of land within the Railyard property which has the net effect of slightly increasing the size of the Conservation Easement and allowing outdoor restaurant seating for the new cinema.

The Trust for Public Lands (TPL) is in support of the proposed boundary amendment (See attached Email). Richard Czoski, SFRCC Executive Director has been working with TPL and city staff (legal and railyard Staff) on the proposed amendments (See Attached SFRCC Letter).

**The specific boundary survey amendments are listed below:**

1. Increase the Conservation Easement to allow the hike and bike trail adjacent to lease parcel Q to consistently be 12 feet wide. This was a 2007 construction field change.
2. Reduce the Conservation Easement on the east side of lease parcel E (Railyard Performance Center) to account for as-built conditions from a 2007 porch/fire exiting addition.
3. Reduce the Conservation Easement to correct a discrepancy between the recorded surveys for the Jean Cocteau building and the original Conservation Easement survey.
4. Increase the Conservation Easement by approximately 12,544 SF as the result of exchanging 14,219 SF comprising Parcel W, adjacent to Alarid Street, south of the Art Yard building for approximately 1,585 SF of area on the west side future Railyard Plaza extension on the west side of the railroad tracks.

The purpose of the conservation easement to assure the easement area will be retained forever as a park, open space, community gathering place, rail line Corridor, trail corridor and plaza area. The easement area is used primarily for community activities to support the area as a vital and active part of the City of Santa Fe.

The Santa Fe Railyard Conservation Easement includes the Railyard Park the Alameda and Plaza and the Rail line Corridor (See Attached Boundary Survey). The Conservation Easement is designed to “Preserve and Protect the Conservation and Public Benefit Values of the Easement. The Conservation Easement areas possess scenic, open space, natural, historical and recreational values.

**ACTION RECOMMENDED:**

City staff recommends approval of the proposed Santa Fe Railyard Conservation Easement Boundary amendment referenced in the staff memo.

Attachments: Santa Fe Conservation Easement Boundary (Amended)  
Trust for Public Lands (Email)  
SFRCC Letter

**FIRST AMENDMENT TO  
DEED OF CONSERVATION EASEMENT**

This First Amendment to Deed of Conservation Easement , dated for reference purposes September \_\_\_\_\_, 2014 (the "First Amendment") amends that Deed of Conservation Easement dated October 1, 2004, and recorded in the records of Santa Fe County on February 10, 2006 and as Instrument number 1419812 and re-recorded on June 8, 2006 as Instrument No. 1436850, by and between between the CITY OF SANTA FE, a municipal corporation and political subdivision of the State of New Mexico ("Grantor") and the TRUST FOR PUBLIC LAND, non-profit California public benefit corporation, authorized to do business in the State of New Mexico ( "Grantee") (the "Conservation Easement").

RECITALS:

WHEREAS the Grantor and Grantee wish to amend the Conservation Easement in some regards and continue it unchanged in all other regards; and

WHEREAS Grantor and Grantee wish to revise the boundaries and legal description of the Conservation Easement to confirm to the as-built physical conditions of the Railyard; and

WHEREAS Grantor and Grantee have agreed to substitute a parcel of undeveloped, open space land of approximately 14,129 square feet located at 705 Alarid Street into the land subject to the Conservation Easement in place of a parcel of developed land of approximately 1,585 square feet located adjacent to 1606 Alcaldesa Street; and

WHEREAS, the Conservation Easement provides in Section 11 that Grantor and Grantee have the authority to so amend the Conservation Easement provided that any such amendment is consistent with the purposes of the Conservation Easement; and

WHEREAS, Grantee believes that this exchange of property subject to the Conservation Easement and the other changes to the Conservation Easement set forth in this First Amendment are consistent with the purposes of the Conservation Easement and do not impair or interfere with any of the Conservation and Public Benefit Values of the Conservation Easement but, in fact, support and enhance such values.

NOW, THEREFORE, pursuant to Section 11 of the Conservation Easement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the Grantor and Grantee agree that the Conservation Easement is amended as follows in order to effectuate the changes described above:

1. Exhibit A to the Conservation Easement (Description of Easement Area) is hereby deleted in its entirety and replaced with the Exhibit A (Description of the Easement Area) dated July 1, 2014 and attached hereto.

2. The terms used in this First Amendment shall have the same meanings as in the Conservation Easement, unless a different meaning is required by the context hereof.
3. This First Amendment sets forth the entire agreement of the parties with respect to the amendment of the Conservation Easement and supersedes and shall control over any inconsistent provisions of the Conservation Easement, any previous amendments of the Conservation Easement, and any other prior written or oral agreements relating to the subject matter hereof. Except as specifically set forth herein, all of the terms of the Conservation Easement shall continue in effect without modification or waiver. Any further modifications to the Conservation Easement must be in writing and signed by both Grantor and Grantee.
4. This First Amendment may be executed in counterparts, each of which shall be deemed an original and which together shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties have executed this Amendment #1 as of the dates set out below,

Grantor:

Grantee:

**CITY OF SANTA FE**

**THE TRUST FOR PUBLIC LAND**

By \_\_\_\_\_  
Javier M. Gonzales, Mayor

By \_\_\_\_\_

Printed Name: Thomas E. Tyner

Its Division Legal Director

Attest:

\_\_\_\_\_  
Yolanda Y. Vigil, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Kelley A. Brennan, City Attorney

Approved:

\_\_\_\_\_  
Finance Director

STATE OF NEW MEXICO

§:  
COUNTY OF SANTA FE

The foregoing instrument was acknowledged before me on \_\_\_\_\_, by Javier M. Gonzales, Mayor of City of Santa Fe, a New Mexico municipal corporation, on its behalf.

\_\_\_\_\_  
Notary Public

My commission expires:

STATE OF WASHINGTON

§:  
COUNTY OF KING

The foregoing instrument was acknowledged before me on \_\_\_\_\_, by Thomas E. Tyner, the Division Legal Director of The Trust for Public Land, a California public benefit corporation, on its behalf.

\_\_\_\_\_  
Notary Public

My commission expires:

**CONSERVATION EASEMENT SURVEY OF THE NORTH AREA SANTA FE RAILYARD, PREPARED FOR THE CITY OF SANTA FE AND THE SANTA FE RAILYARD COMMUNITY CORPORATION**

LYING AND BEING SITUATE WITHIN TRACT 1 (15.318 AC±), AND TRACT 2 WITHIN PROJECTED SECTIONS 23.24 & 26, T. 17 N. R. 9 E., N.M.P.M.

COUNTY OF SANTA FE  
STATE OF NEW MEXICO  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ P.M. \_\_\_\_\_ PAGE \_\_\_\_\_ OF THE RECORDS OF SANTA FE COUNTY, \_\_\_\_\_

WITNESSES MY HAND AND SEAL OF OFFICE COUNTY CLERK, SANTA FE COUNTY, N.M. \_\_\_\_\_



**SURVEYOR'S CERTIFICATE**  
I, MITCHEL K. NOONAN, N.M.P.L.S. NO. 5989, DO HEREBY CERTIFY TO THE CITY OF SANTA FE AND THE S.F. RAILYARD COMMUNITY CORPORATION THAT THE BOUNDARY SURVEY CONDUCTED BY ME ON MAY AND JUNE 2007, THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT I PERSONALLY METS THE STANDARDS FOR BOUNDARY SURVEYING IN NEW MEXICO, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MITCHEL K. NOONAN N.M.P.L.S. NO. 5989



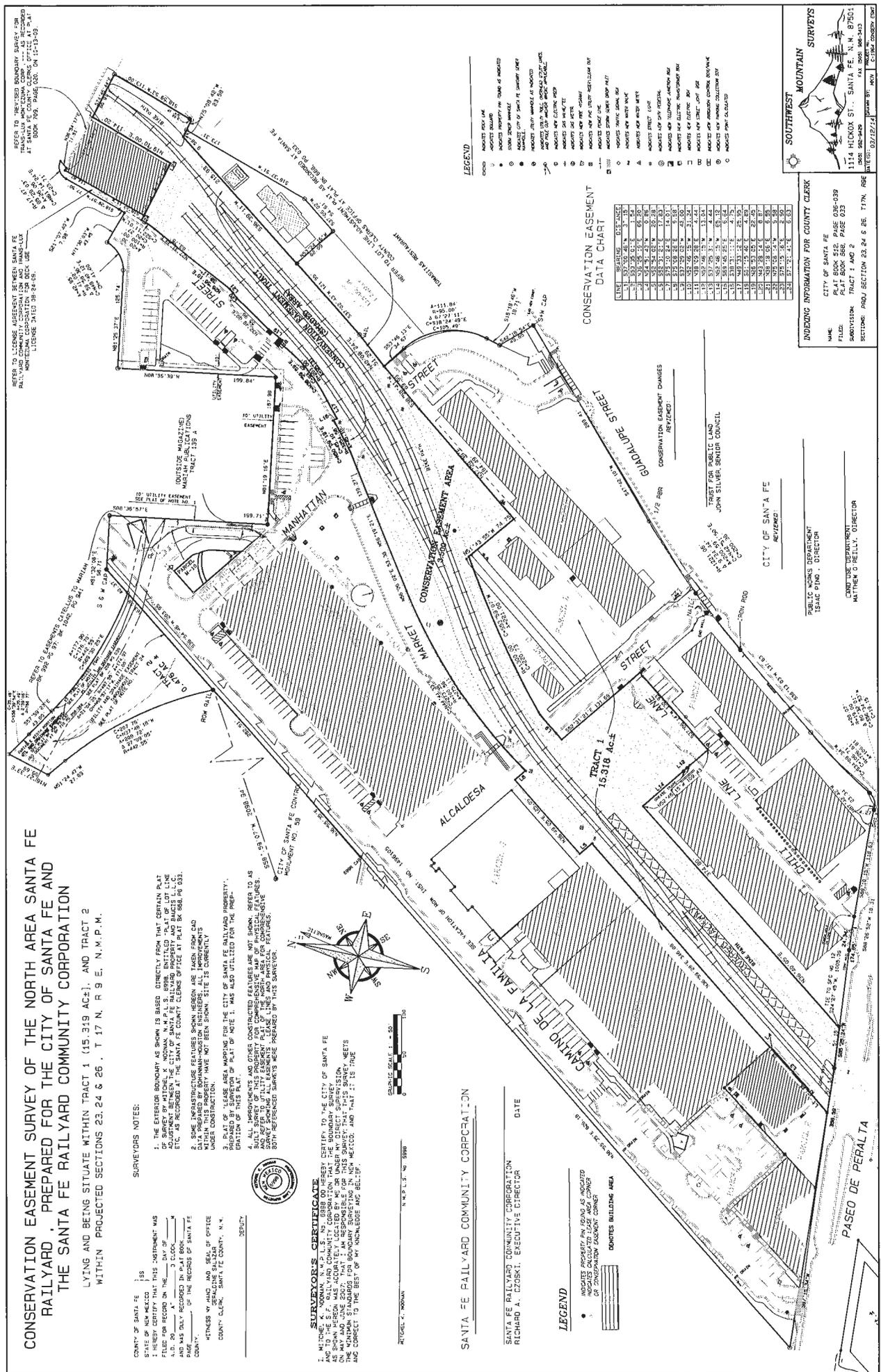
- SURVEYOR'S NOTES:**
1. THE EXTERIOR BOUNDARY AS SHOWN IS BASED DIRECTLY FROM THAT CERTAIN PLAT OF SURVEY BY MITCHEL K. NOONAN, N.M.P.L.S. 5989, ENTITLED "PLAT OF LOT LINE AND CONSERVATION EASEMENT SURVEY OF THE NORTH AREA SANTA FE RAILYARD, ETC." AS RECORDED AT THE SANTA FE COUNTY CLERK'S OFFICE ON 08/28/06.
  2. SOME INFORMATION FOR THIS SURVEY WAS OBTAINED FROM THE RECORDS AND DATA PREPARED BY DOMINIAN-ROUSON ENGINEERS, A.E. (DOMINIAN-ROUSON) WITHIN THIS PROPERTY HAVE NOT BEEN SHOWN. SITE IS CURRENTLY UNDEVELOPED.
  3. PLAT OF "LEASE AREA, HOPPING FOR THE CITY OF SANTA FE RAILYARD PROPERTY," PREPARED BY SURVEYOR OF PLAT OF NOTE 1, WAS ALSO UTILIZED FOR THE PREPARATION OF THIS PLAT.
  4. ALL SURVEYING AND OTHER CONDUCTED FEATURES OF SURVEY, REFER TO AS "FEATURES," ARE SHOWN AS SHOWN ON THIS PLAT. ALL FEATURES ARE SHOWN AND REFER TO UTILITY EASEMENT PLAT OF THE NORTH AREA FOR CONSERVATIVE USE, AS RECORDED AT THE SANTA FE COUNTY CLERK'S OFFICE ON 08/28/06. BOTH REFERENCED SURVEYS WERE PREPARED BY THIS SURVEYOR.

SANTA FE RAILYARD COMMUNITY CORPORATION  
RICHARD A. CZOSKI, EXECUTIVE DIRECTOR

DATE \_\_\_\_\_

**LEGEND**

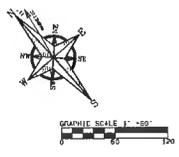
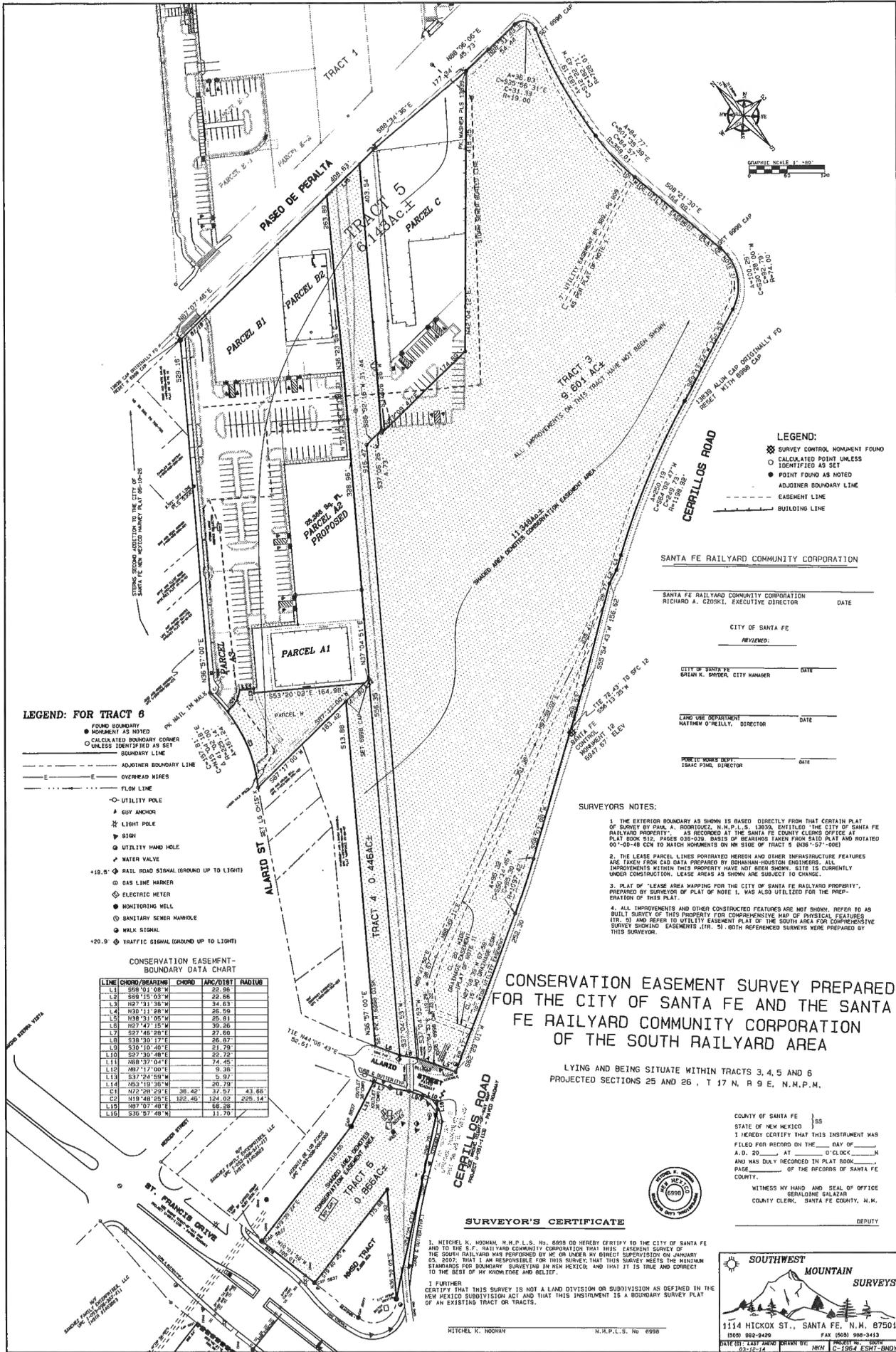
- INDICATES PROPERTY PLATS AS PROVIDED BY CONSERVATION EASEMENT CORNER
- INDICATES BUILDING AREA



**SOUTHWEST MOUNTAIN SURVEYS**

1114 HICKOK ST., SANTA FE, N.M. 87501  
970-838-8400 FAX 970-838-8410  
WWW.SMSURVEYS.COM

INDEXING INFORMATION FOR COUNTY CLERK  
CITY OF SANTA FE  
FILE NO. 2007-005-039  
PLAT BOOK 556 PAGE 033  
SUBDIVISION TRACT 1 AND 2  
SECTIONS PROJ/SECTION 23.24 & 26, T.17N. R.9E



- LEGEND: FOR TRACT 6**
- FOUND BOUNDARY
  - FOUND AS NOTED
  - CALCULATED BOUNDARY CORNER
  - UNLESS IDENTIFIED AS SET
  - BOUNDARY LINE
  - ADJOINER BOUNDARY LINE
  - OVERHEAD WIRES
  - FLOW LINE
  - UTILITY POLE
  - ▲ GUY ANCHOR
  - ✱ LIGHT POLE
  - ▶ SIGN
  - ◊ UTILITY HARD HOLE
  - ◊ WATER VALVE
  - ◆ RAIL ROAD SIGNAL (GROUND UP TO LIGHT)
  - ◆ GAS LINE MARKER
  - ◆ ELECTRIC METER
  - ◆ MONITORING WELL
  - ◆ SANITARY SEWER MANHOLE
  - ◆ MALK SIGNAL
  - ◆ TRAFFIC SIGNAL (GROUND UP TO LIGHT)

- LEGEND:**
- ⊗ SURVEY CONTROL MONUMENT FOUND
  - CALCULATED POINT UNLESS IDENTIFIED AS SET
  - POINT FOUND AS NOTED
  - ADJOINER BOUNDARY LINE
  - EASEMENT LINE
  - BUILDING LINE

**CONSERVATION EASEMENT-BOUNDARY DATA CHART**

LINE	CHORD/BEARING	CHORD	ARC/ANGLE	RADIUS
L1	S88°01'08"W	22.96		
L2	S88°15'03"W	22.86		
L3	S87°51'58"W	34.63		
L4	N30°11'28"E	26.59		
L5	N38°31'05"E	25.81		
L6	S27°42'15"W	39.26		
L7	S27°46'28"E	27.60		
L8	S38°30'17"E	26.87		
L9	S30°10'40"E	21.78		
L10	S27°30'48"E	22.72		
L11	N68°57'04"E	74.45		
L12	N87°17'00"E	8.38		
L13	S37°24'09"W	5.97		
L14	N53°19'36"W	28.79		
C1	N72°29'29"E	38.42	37.57	43.66
C2	N19°48'25"E	122.46	124.02	229.14
L15	N87°57'48"E	68.28		
L16	S35°07'48"W	11.70		

**SANTA FE RAILYARD COMMUNITY CORPORATION**

SANTA FE RAILYARD COMMUNITY CORPORATION  
 RICHARD A. CZOSKI, EXECUTIVE DIRECTOR

CITY OF SANTA FE  
 \_\_\_\_\_ DATE

REVIEWED:

CITY OF SANTA FE  
 \_\_\_\_\_ DATE

LAND USE DEPARTMENT  
 MATTHEW O'NEILLY, DIRECTOR

DATE

PUBLIC WORKS DEPT.  
 \_\_\_\_\_ DATE

- SURVEYORS NOTES:**
- THE EXTERIOR BOUNDARY AS SHOWN IS BASED DIRECTLY FROM THAT CERTAIN PLAT OF SURVEY BY PAUL A. RODRIGUEZ, N.M.P.L.S. 13030, ENTITLED "THE CITY OF SANTA FE RAILYARD PROPERTY", AS RECORDED AT THE SANTA FE COUNTY CLERKS OFFICE AT PLAT BOOK 512, PAGES 038-039, BASIS OF BEARINGS TAKEN FROM SAID PLAT AND ROTATED 90°-53-48 COR TO MATCH MONUMENTS ON NW CORNER OF TRACT 5, BOOK "57"-0302.
  - THE LEASE PARCEL LINES PORTRAYED HEREON AND OTHER INFRASTRUCTURE FEATURES ARE TAKEN FROM CAD DATA PREPARED BY BOHANNAN-HOUSTON ENGINEERS. ALL IMPROVEMENTS WITHIN THIS PROPERTY HAVE NOT BEEN SHOWN. SITE IS CURRENTLY UNDER CONSTRUCTION. LEASE AREAS AS SHOWN ARE SUBJECT TO CHANGE.
  - PLAT OF "LEASE AREA MAPPING FOR THE CITY OF SANTA FE RAILYARD PROPERTY", PREPARED BY SURVEYOR OF PLAT OF NOTE 1, WAS ALSO UTILIZED FOR THE PREPARATION OF THIS PLAT.
  - ALL IMPROVEMENTS AND OTHER CONSTRUCTED FEATURES ARE NOT SHOWN, REFER TO AS BUILT SURVEY OF THIS PROPERTY FOR COMPREHENSIVE MAP OF PHYSICAL FEATURES (TR. 5) AND REFER TO UTILITY EASEMENT PLAT OF THE SOUTH AREA FOR COMPREHENSIVE SURVEY SHOWN. EASEMENTS (TR. 5) BOTH REFERENCED SURVEYS WERE PREPARED BY THIS SURVEYOR.

**CONSERVATION EASEMENT SURVEY PREPARED FOR THE CITY OF SANTA FE AND THE SANTA FE RAILYARD COMMUNITY CORPORATION OF THE SOUTH RAILYARD AREA**

LYING AND BEING SITUATE WITHIN TRACTS 3, 4, 5 AND 6 PROJECTED SECTIONS 25 AND 26, T 17 N, R 9 E, N.M.P.M.

COUNTY OF SANTA FE } 55  
 STATE OF NEW MEXICO }  
 I HEREBY CERTIFY THAT THIS INSTRUMENT HAS FILED FOR RECORD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A. D. \_\_\_\_\_ AT \_\_\_\_\_ O' CLOCK \_\_\_\_\_ AND WAS DULY RECORDED IN PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OF THE RECORDS OF SANTA FE COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE  
 \_\_\_\_\_  
 COUNTY CLERK, SANTA FE COUNTY, N.M.

DEPUTY

**SURVEYOR'S CERTIFICATE**

I, MITCHEL K. HOONAN, N.M.P.L.S. No. 6908 DO HEREBY CERTIFY TO THE CITY OF SANTA FE AND TO THE S.F. RAILYARD COMMUNITY CORPORATION THAT THIS EASEMENT SURVEY OF THE SOUTH AREA WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION ON JANUARY 05, 2007; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR BOUNDARY SURVEYS 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.

MITCHEL K. HOONAN N.M.P.L.S. No. 6908

**SOUTHWEST MOUNTAIN SURVEYS**

1114 HICKOX ST., SANTA FE, N.M. 87501  
 (505) 982-2426 FAX (505) 988-2413  
 WEBSITE: WWW.SWMSURVEYS.COM  
 DATE OF LAST FIELD WORK BY: NKN C-1954 ESMT-BNDY 03-12-14

# **THE SANTA FE RAILYARD**

**COMMUNITY CORPORATION**

August 25, 2014

Robert M. Siqueiros  
Railyard Project Administrator  
City of Santa Fe  
PO Box 909  
Santa Fe, NM 87504-0909

Dear Bob:

In 2006, the City of Santa Fe granted a Conservation Easement to the Trust for Public Land, encompassing approximately 13 acres of the 50-acre Santa Fe Railyard. To date, the easement has not been amended.

SFRCC is requesting the City approve the First Amendment to the Deed of Conservation Easement which would revise the boundary to reflect as-built conditions and document an exchange of City-owned land within the Railyard property which has the net effect of slightly increasing the size of the Conservation Easement and allowing outdoor restaurant seating for the new cinema. The specific changes are listed below:

1. Increase the Conservation Easement to allow the hike and bike trail adjacent to lease parcel Q to consistently be 12 feet wide. This was a 2007 construction field change.
2. Reduce the Conservation Easement on the east side of lease parcel E (Railyard Performance Center) to account for as-built conditions from a 2007 porch/fire exiting addition.
3. Reduce the Conservation Easement to correct a discrepancy between the recorded surveys for the Jean Cocteau building and the original Conservation Easement survey.
4. Increase the Conservation Easement by approximately 12,544 SF as the result of exchanging 14,219 SF comprising Parcel W, adjacent to Alarid Street, south of the ArtYard building for approximately 1,585 SF of area on the west side of the to-be-constructed Railyard Plaza on the west side of the railroad tracks.

\\SERVER1\Common\Conservation Easement\Boundary Amendment\Ltr Bob Siqueiros (8-25-14).doc

332 Read Street, Santa Fe, NM 87501  
Tel 505-982-3373 Fax 505-982-3126 [www.sfrailyardcc.org](http://www.sfrailyardcc.org)

In considering this request, please note the following:

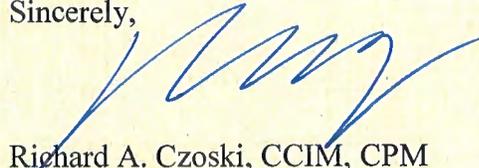
1. All the land area specified above is owned by the City and located within the Railyard property.
2. There is no financial impact to the City or the Trust for Public Land resulting from these Conservation Easement boundary changes.
3. The Trust for Public Land has reviewed the changes, concurs with the proposed boundary revisions and has approved the Amendment document.

The amendment includes a new metes and bounds description evidencing all of the changes mentioned above.

Please review and advise the process for obtaining City of Santa Fe approval.

Thank you.

Sincerely,



Richard A. Czoski, CCIM, CPM  
Executive Director

Trust For Public Lands

**SIQUEIROS, ROBERT M.**

**From:** Tom Tyner [Tom.Tyner@tpl.org]  
**To:** Richard Czoski; Greg Hiner  
**Cc:** SIQUEIROS, ROBERT M.; Steven Robinson  
**Subject:** Re: CE Amendment

**Sent:** Tue 08/26/2014 11:36 AM

**Attachments:**

Richard: I agree with Greg. I don't see the current condition materials as being a big deal.

Accordingly, please accept this e-mail as written confirmation that The Trust for Public Land is prepared to sign the proposed amendment to the Railyard Conservation Easement that will effectuate the boundary changes and the exchange of property to be covered by the Conservation Easement.

Thanks again for your help in moving this process forward.

Thomas E. Tyner  
Division Legal Director  
The Trust for Public Land  
901 Fifth Avenue, Suite 1520  
Seattle, Washington 98164  
206 587-2447  
206 382-3414 fax  
www.tpl.org  
tom.tyner@tpl.org

>>> Greg Hiner 8/26/2014 10:23 AM >>>  
Richard-

I will leave final approval of this to Tom.

The only pending issue I can see is that we will have to mutually agree on the current condition document for the new property. I don't see this as a big issue and I appreciate the info you have sent (I will be forwarding to Tom shortly). I believe that Tom noted he did not think this needed to be part of the CE amendment.

Best-  
Greg

>>> "Richard Czoski" <Richard@sfrailyardcc.org> 8/26/2014 11:14 AM >>>

Tom and Greg,

I met with the City Attorney and she is ready to recommend to City Council that they approve the CE Amendment for the boundary corrections and land exchange. I have submitted all the relevant documents to the City with a City Council target date of September 10th for approval. The only missing document is a statement from TPL, that TPL is prepared to sign the amendment and proceed with the boundary changes.

We are required to submit all the documents to the City Clerk by noon on Friday, August 29th in order to meet the deadlines for September 10th. May I ask you to send a letter or email by close of business Thursday, the 28th evidencing that TPL is ready to proceed? Please advise if you can provide the confirmation by the 28th or need any further information. Thanks very much.

Richard A. Czoski, CCIM, CPM

Executive Director

Santa Fe Railyard Community Corporation

332 Read Street

Santa Fe, NM 87501

Voice 505.982.3373

Richard@sfrailyardcc.org