

City of Santa Fe, New Mexico

memo

DATE: September 10, 2014

TO: Mayor and City Council

VIA:


Isaac J. Piao, 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

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

LYING AND BEING SITUATE WITHIN TRACT 1 (15.319 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 PREPARED FOR RECORD ON THE _____ DAY OF _____ A.D. 20____ AT _____ O'CLOCK OF THE _____ PAGE _____ OF THE RECORDS OF SANTA FE COUNTY, _____ OF THE RECORDS OF SANTA FE COUNTY.
 WITNESS MY HAND AND SEAL OF OFFICE VALERIE ESPINOSA
 COUNTY CLERK, SANTA FE COUNTY, N.M.

CERTIFY _____

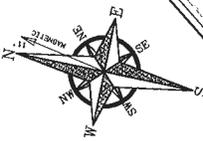


SURVYOR'S CERTIFICATE
 I, MICHAEL K. MOYAN, N.M.P.L.S. No. 6899 DO HEREBY CERTIFY TO THE CITY OF SANTA FE AND THE SANTA FE RAILYARD COMMUNITY CORPORATION THAT THE SURVEY AND MAP SHOWN HEREON WAS ACCURATELY LOCATED BY ME OR UNDER MY SUPERVISION AND THAT THE INSTRUMENTS AND RECORDS REFERRED TO IN THIS SURVEY MEETS AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MICHAEL K. MOYAN
 N.M.P.L.S. No. 6899

SURVYOR'S NOTES:

1. THE EXTERIOR BOUNDARY AS SHOWN IS BASED DIRECTLY FROM THAT CERTAIN PLAT OF THE NORTH AREA SANTA FE RAILYARD PLAT, BEING ENTITLED "BOUNDARY SURVEY OF THE NORTH AREA SANTA FE RAILYARD COMMUNITY CORPORATION" AND IS RECORDED AT BOOK 502, PAGE 101 OF THE RECORDS OF SANTA FE COUNTY.
2. SOME INFRASTRUCTURE FEATURES SHOWN HEREON ARE TAKEN FROM CAD DATA PREPARED BY SOMANAH-HOUSTON ENGINEERS. ALL IMPROVEMENTS UNDER CONSTRUCTION.
3. 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 PREP.
4. ALL IMPROVEMENTS AND OTHER CONSTRUCTED FEATURES ARE NOT SHOWN, REFER TO AS BUILT SURVEY OF THIS PROPERTY FOR COMPREHENSIVE MAP OF PHYSICAL FEATURES. SURVEY SHOWING ALL EASEMENTS, LEASE LINES AND PHYSICAL FEATURES. BOTH REFERENCED SURVEYS WERE PREPARED BY THIS SURVEYOR.

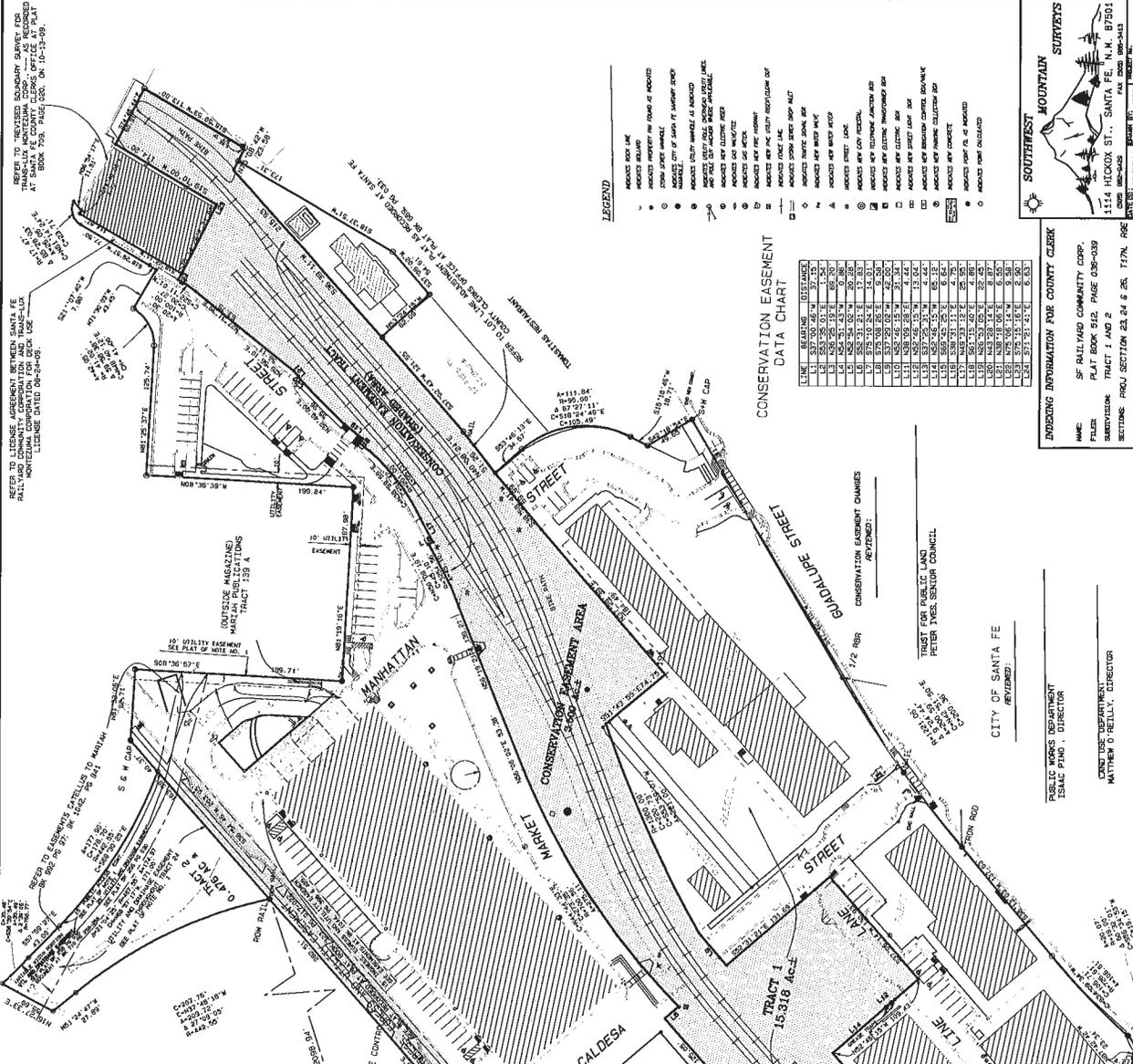


SANTA FE RAILYARD COMMUNITY CORPORATION

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

LEGEND
 • INDICATES PROPERTY NOT FOUND AS INDICATED
 ○ INDICATES CALCULATED LEASE AREA COUNTY OF CONSERVATION EASEMENT OWNER
 ▨ DONATES BUILDING AREA

DATE _____



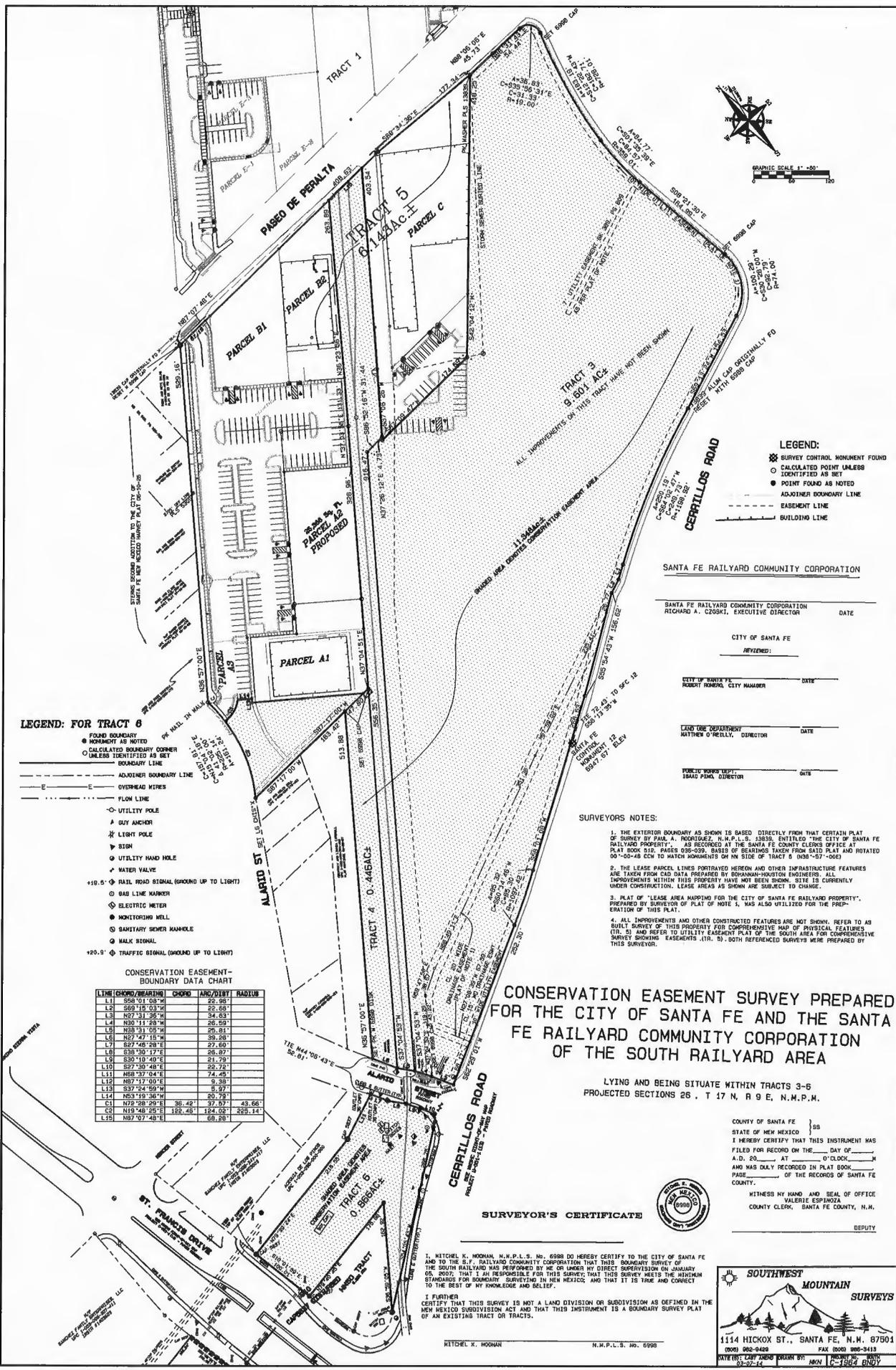
CONSERVATION EASEMENT DATA CHART

LINE	BEARING	DISTANCE
1.1	S 87° 17' 11" W	37.43
1.2	S 87° 17' 11" W	37.43
1.3	S 87° 17' 11" W	37.43
1.4	S 87° 17' 11" W	37.43
1.5	S 87° 17' 11" W	37.43
1.6	S 87° 17' 11" W	37.43
1.7	S 87° 17' 11" W	37.43
1.8	S 87° 17' 11" W	37.43
1.9	S 87° 17' 11" W	37.43
1.10	S 87° 17' 11" W	37.43
1.11	S 87° 17' 11" W	37.43
1.12	S 87° 17' 11" W	37.43
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1.41	S 87° 17' 11" W	37.43
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1.43	S 87° 17' 11" W	37.43
1.44	S 87° 17' 11" W	37.43
1.45	S 87° 17' 11" W	37.43
1.46	S 87° 17' 11" W	37.43
1.47	S 87° 17' 11" W	37.43
1.48	S 87° 17' 11" W	37.43
1.49	S 87° 17' 11" W	37.43
1.50	S 87° 17' 11" W	37.43
1.51	S 87° 17' 11" W	37.43
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1.69	S 87° 17' 11" W	37.43
1.70	S 87° 17' 11" W	37.43
1.71	S 87° 17' 11" W	37.43
1.72	S 87° 17' 11" W	37.43
1.73	S 87° 17' 11" W	37.43
1.74	S 87° 17' 11" W	37.43
1.75	S 87° 17' 11" W	37.43
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1.80	S 87° 17' 11" W	37.43
1.81	S 87° 17' 11" W	37.43
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1.83	S 87° 17' 11" W	37.43
1.84	S 87° 17' 11" W	37.43
1.85	S 87° 17' 11" W	37.43
1.86	S 87° 17' 11" W	37.43
1.87	S 87° 17' 11" W	37.43
1.88	S 87° 17' 11" W	37.43
1.89	S 87° 17' 11" W	37.43
1.90	S 87° 17' 11" W	37.43
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1.94	S 87° 17' 11" W	37.43
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1.96	S 87° 17' 11" W	37.43
1.97	S 87° 17' 11" W	37.43
1.98	S 87° 17' 11" W	37.43
1.99	S 87° 17' 11" W	37.43
2.00	S 87° 17' 11" W	37.43

SOUTHWEST MOUNTAIN SURVEYS
 1114 HICKOX ST., SANTA FE, N.M. 87501
 PHONE: 988-5445 FAX: 988-5443
 E-MAIL: CS@SWMOUNTAIN.COM

INDEXING INFORMATION FOR COUNTY CLERK
 NAME: SF RAILYARD COMMUNITY CORP.
 FILE#: PLAT BOOK 512, PAGE 036-039
 SUBDIVISION: TRACT 1 AND 2
 SECTION: PROJ. SECTION 23.24 & 26, T.17N, R.9E

PUBLIC WORKS DEPARTMENT
 ISAAC PINO, DIRECTOR
 REVIEWED: _____
CITY OF SANTA FE
 REVIEWED: _____
CONSERVATION EASEMENT CHANGES
 REVIEWED: _____
 TRUST FOR PUBLIC LAND
 PETER IVES, SENIOR COUNCIL
 REVIEWED: _____



- LEGEND: FOR TRACT 6**
- FOUND BOUNDARY
 - MONUMENT AS NOTED
 - CALCULATED BOUNDARY CORNER UNLESS IDENTIFIED AS SET
 - BOUNDARY LINE
 - ADJOINER BOUNDARY LINE
 - OVERHEAD WIRES
 - FLOW LINE
 - UTILITY POLE
 - BUY ANCHOR
 - LIGHT POLE
 - BIOM
 - UTILITY HAND HOLE
 - WATER VALVE
 - RAIL ROAD SIGNAL (GROUND UP TO LIGHT)
 - RAIL LINE MARKER
 - ELECTRIC METER
 - MONITORING WELL
 - SANITARY SNIER HANDLE
 - WALK SIGNAL
 - TRAFFIC SIGNAL (GROUND UP TO LIGHT)

CONSERVATION EASEMENT-BOUNDARY DATA CHART

LINE	CHORD/BEARING	CHORD	ANG/OLET RADIUS
L1	S58°01'08" E	22.98'	22.98'
L2	S69°15'03" W	22.68'	22.68'
L3	N07°51'28" W	34.63'	34.63'
L4	N30°11'28" W	28.59'	28.59'
L5	N38°51'05" W	25.81'	25.81'
L6	N07°47'15" W	39.08'	39.08'
L7	S27°48'28" E	27.60'	27.60'
L8	S38°20'17" E	26.87'	26.87'
L9	S30°10'40" E	21.79'	21.79'
L10	S27°39'48" E	22.72'	22.72'
L11	N68°57'04" E	14.45'	14.45'
L12	N87°17'00" E	9.38'	9.38'
L13	S37°24'59" W	5.37'	5.37'
L14	N53°19'36" W	20.79'	20.79'
L15	N72°28'29" E	36.42'	37.57'
C1	N19°48'25" E	122.46'	124.02'
C2	N57°07'49" E	68.28'	68.28'

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

SANTA FE RAILYARD COMMUNITY CORPORATION

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

CITY OF SANTA FE
 REVIEWED: _____

CITY OF SANTA FE
 ROBERT HANSEN, CITY MANAGER DATE _____

LAND USE DEPARTMENT
 MATTHEW O'REILLY, DIRECTOR DATE _____

FOREST WORKS DEPT.
 ISAAC PENA, DIRECTOR DATE _____

SURVEYORS NOTES:

1. THE EXTERIOR BOUNDARY AS SHOWN IS BASED DIRECTLY FROM THAT CERTAIN PLAT OF SURVEY BY PAUL A. RODRIGUEZ, N.M.P.L.S. 1985, ENTITLED "THE CITY OF SANTA FE RAILYARD PROPERTY", AS RECORDED AT THE SANTA FE COUNTY CLERKS OFFICE AT PLAT BOOK 218, PAGES 030-039. BASIS OF BEARINGS TAKEN FROM SAID PLAT AND ROTATED 90°-00'-48" CW TO MATCH MONUMENTS ON THE SIDE OF TRACT 3.
2. THE LEASE PARCEL LINES PORTRAYED HEREON AND OTHER INFRASTRUCTURE FEATURES ARE TAKEN FROM CAD DATA PREPARED BY BIRNBAUM-HUSTON ENGINEERS. ALL IMPROVEMENTS WITHIN THIS PROPERTY HAVE NOT BEEN SHOWN. SITE IS CURRENTLY UNDER CONSTRUCTION. LEASE AREAS AS SHOWN ARE SUBJECT TO CHANGE.
3. PLAT OF "LEASE AREA MAPPING FOR THE CITY OF SANTA FE RAILYARD PROPERTY", PREPARED BY SURVEYOR OF PLAT OF NOTE 3, WAS ALSO UTILIZED FOR THE PREPARATION OF THIS PLAT.
4. ALL IMPROVEMENTS AND OTHER CONSTRUCTED FEATURES ARE NOT SHOWN. REFER TO AS THE SOUTH RAILYARD WAS REFORMED BY ME OR UNDER MY DIRECT SUPERVISION OR UNDER MY SUPERVISION AS REFERRED TO IN NEW MEXICO, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

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 3-6
 PROJECTED SECTIONS 26, T 17 N, R 9 E, N.M.P.N.

COUNTY OF SANTA FE } SS
 STATE OF NEW MEXICO }
 I HEREBY CERTIFY THAT THIS INSTRUMENT HAS BEEN FILED FOR RECORD ON THE _____ DAY OF _____ A.D. 20____ AT _____ O'CLOCK _____ M AND HAS DAILY RECORDED IN PLAT BOOK _____ PAGE _____ OF THE RECORDS OF SANTA FE COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE
 VALERIE ESPINOZA
 COUNTY CLERK, SANTA FE COUNTY, N.M.
 DEPUTY

SURVEYOR'S CERTIFICATE

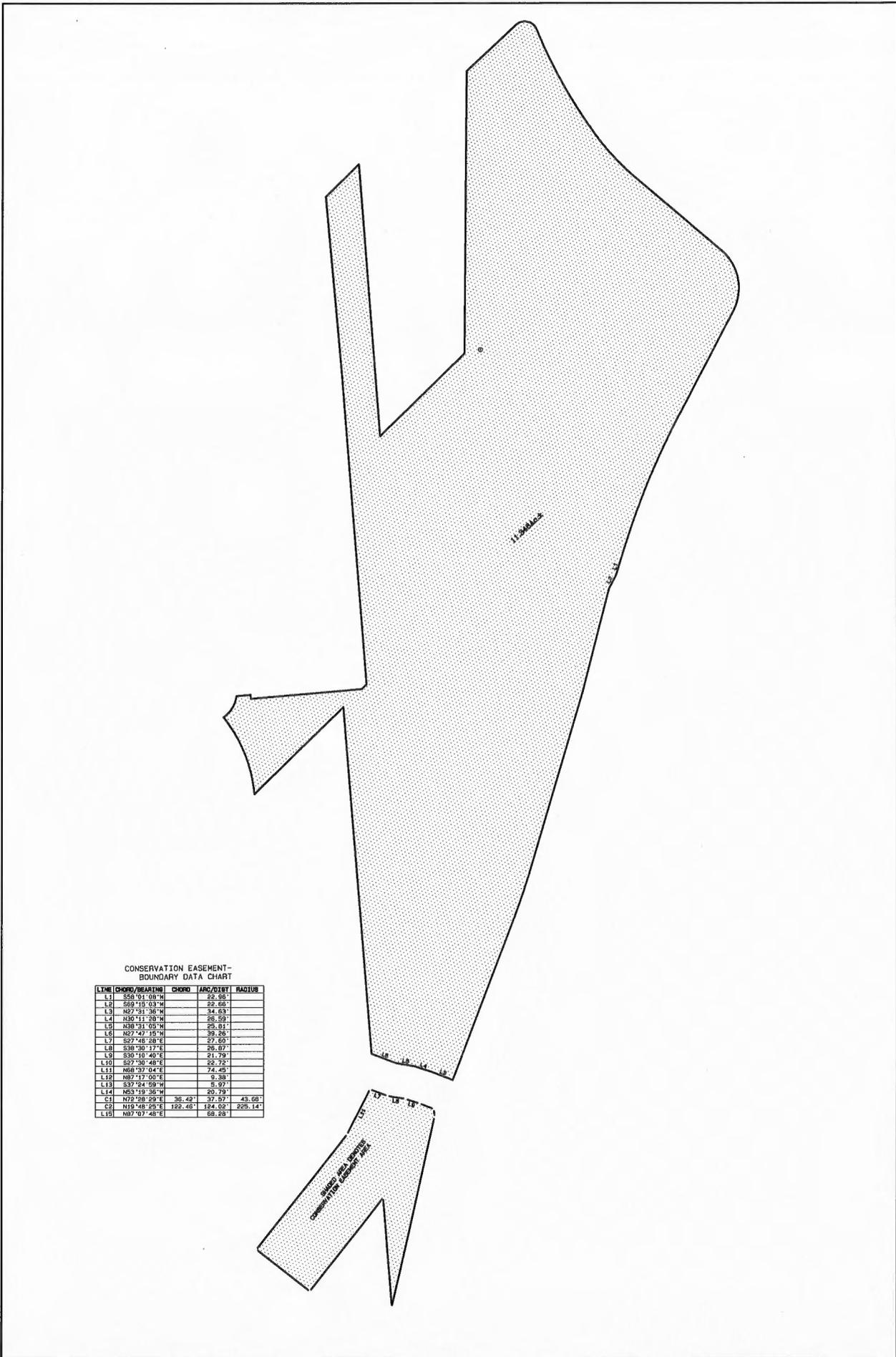
I, MITCHEL K. HOOGAN, N.M.P.L.S. No. 6990 DO HEREBY CERTIFY TO THE CITY OF SANTA FE AND TO THE S.F. RAILYARD COMMUNITY CORPORATION THAT THIS BOUNDARY SURVEY OF THE SOUTH RAILYARD WAS REFORMED BY ME OR UNDER MY DIRECT SUPERVISION OR UNDER MY SUPERVISION AS REFERRED TO IN NEW MEXICO, AND THAT IT IS TRUE 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. HOOGAN N.M.P.L.S. No. 6990

SOUTHWEST MOUNTAIN SURVEYS

1114 HICKOX ST., SANTA FE, N.M. 87501
 (800) 962-9426 FAX (505) 965-3413
 STATE LICENSE NUMBER 87-1584 TOWN OF SANTA FE, N.M. 87501
 02-02-14



CONSERVATION EASEMENT -
BOUNDARY DATA CHART

LINE	CHORD/BEARING	CHORD	ARC/ANGLE	RADIUS
L1	S89°01'08"W	22.88'		
L2	S89°15'03"W	22.66'		
L3	N27°51'36"W	34.53'		
L4	N30°11'28"W	28.59'		
L5	N88°21'05"W	25.81'		
L6	N27°47'15"W	39.86'		
L7	S27°48'28"E	27.60'		
L8	S38°50'27"E	26.67'		
L9	S30°10'40"E	21.79'		
L10	S27°59'48"E	22.72'		
L11	N88°57'04"E	74.45'		
L12	N87°17'00"E	9.38'		
L13	S37°24'59"W	5.97'		
L14	N53°13'36"W	20.79'		
C1	N72°28'29"E 36.49'	37.57'	43.68'	
C2	N19°48'25"E 122.46'	124.02'	225.14'	
L15	N07°07'48"E	58.28'		

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
Attachments:

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

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

**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

In considering this request, please note the following:

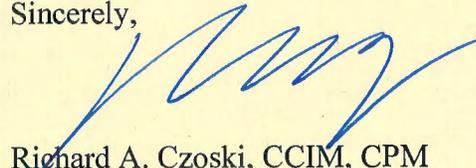
1. All the land area specified above is owned by the City and located within the Railyard property.
2. There is no financial impact to the City or the Trust for Public Land resulting from these Conservation Easement boundary changes.
3. The Trust for Public Land has reviewed the changes, concurs with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