

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2010-12

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10 AN ORDINANCE

11 ANNEXING THE "PAVILION" TRACT OF LAND LYING CONTIGUOUS WITH THE
12 SANTA FE CORPORATE LIMITS COMPRISING 296.020 ACRES MORE OR LESS
13 GENERALLY BOUNDED BY NEW MEXICO ROUTE 599 (NM 599) ON THE EAST,
14 AND THE SANTA FE AIRPORT ON THE NORTH AND WEST, SANTA FE COUNTY
15 LAND ON THE SOUTH AND WEST, AND LYING WITHIN TOWNSHIP 16N, RANGE
16 8E, SECTION 22, NEW MEXICO PRIME MERIDIAN, SANTA FE COUNTY, STATE OF
17 NEW MEXICO ("THE PAVILION" ANNEXATION CASE NO. 2010-09).

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19 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

20 Section 1. Pursuant to Section 3-7-17 NMSA 1978, the following described land
21 (the "Property") is annexed to the City of Santa Fe, thereby extending the corporate
22 limits of the city: Certain parcels of land lying within Township 16N, Range 8E, Section
23 22, New Mexico Prime Meridian, Santa Fe County, State Of New Mexico,
24 particularly described in the attached Annexation Plat [EXHIBIT A] and Master Plan
25 [EXHIBIT B] incorporated herein by reference.

1 **Section 2.** The annexation action with respect to the subject property affected
2 by this Ordinance is subject to conditions of approval applicable to this annexation and
3 any future Development Plan for the property. The conditions are outlined in the
4 attached table summarizing City of Santa Fe Development Review Team technical
5 memoranda and conditions approved by the Planning Commission on March 4, 2010
6 [EXHIBIT C].

7 **Section 3.** A petition (the "Petition") was accompanied by an annexation plat
8 [EXHIBIT A] showing the external boundaries of the Property proposed to be annexed
9 and the relationship of the Property proposed to be annexed to the existing boundary of
10 the city, as well as the Annexation Agreement [Exhibit D].

11 **Section 4.** It is in the best interest of the City of Santa Fe and the owners and
12 inhabitants of such contiguous Property that the Property be annexed.

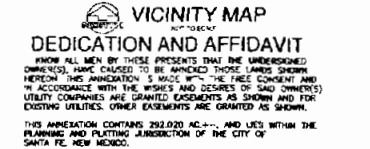
13 **Section 5.** This ordinance shall be published one time by title and general
14 summary and shall become effective five days after publication.

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16 **APPROVED AS TO FORM:**

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18 **GENO ZAMORA, CITY ATTORNEY**

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DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS, HAVE CAUSED TO BE ANNEXED THOSE LANDS SHOWN HEREON THIS ANNEXATION'S MAP WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE RIGHTS AND DUTIES OF SAID OWNERS' UTILITY COMPANIES ARE GRANTED EASEMENTS AS SHOWN AND FOR EXISTING UTILITIES. OTHER EASEMENTS ARE GRANTED AS SHOWN.

THIS ANNEXATION CONTAINS 292.020 AC.± AND LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

RICHARD P. COOK FOR THE PAVILION
 STATE OF NEW MEXICO SS
 COUNTY OF SANTA FE SS
 THE FOREGOING INSTRUMENT WAS SPORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY RICHARD P. COOK FOR THE PAVILION THIS _____ DAY OF _____, 2010.
 MY COMMISSION EXPIRES _____ NOTARY PUBLIC

UTILITY APPROVAL

ONCAST COMMUNICATIONS _____ DATE _____
 PUBLIC SERVICE CO. OF N.M. GAS AND ELECTRIC _____ DATE _____
 COMCAST CABLE CO. _____ DATE _____

LEGEND AND NOTES

- DENOTES FLOOD HAZARD ZONE X OUTSIDE 0.2% ANNUAL FLOOD
- DENOTES FLOOD HAZARD ZONE X SUBJECT TO INUNDATION 0.2% ANNUAL FLOOD
- DENOTES FLOOD HAZARD ZONE X SUBJECT TO INUNDATION 1% ANNUAL FLOOD
- DENOTES FLOOD HAZARD ZONE X SUBJECT TO INUNDATION 1% ANNUAL FLOOD
- DENOTES POINT FOUND 11011 CAP OR AS NOTED
- DENOTES POINT SET THIS SURVEY
- DENOTES POINT CALCULATED
- DENOTES BRASS MONUMENT
- DENOTES N.M. DEPT. ALIAN R/W MONUMENT
- DENOTES EDGE OF EASEMENT
- DENOTES FENCE LINE

1. BASIS OF BEARING TAKEN FROM THE MEXICO DEPARTMENT OF TRANSPORTATION CONTROL MAP NEW MEXICO PROJECT NO. IM-101-023-5(10)277 MPP-509-1(10)2 481-084-2(12)1017 BY WILLIAM A. BOWERS MAPS/17765 AND DATED 3-23-06.
2. THIS PLAT IS SUBJECT TO ALL EASEMENTS, COVENANTS, AND CONDITIONS OF RECORD.

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES HEREON ARE AN ACCURATE COLLATION OF A FIELD SURVEY COMPLETED BY ME OR UNDER MY DIRECTION ON JANUARY 17TH, 2010, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND MEET THE STANDARDS FOR PROFESSIONAL LAND SURVEYING PRACTICES IN NEW MEXICO.

RICHARD A. CHATROOP N.M.P.L.S. #11011

KEY	OWNER	RECORD DOC.
L	VELA	REC#21158
M	ORFENIN	PL#17-PC046
N	ORFENIN	PL#38-PC039
O	SANDOVAL	PL#31-PC011
P	SENA	PL#34-PC003
Q	SOLO	PL#33-PC030
R	CHAVEZ	PL#39-PC030
S	TAMPA	PL#36-PC030
T	LOPEZ	REC#213021

PLAT REFERENCES

1. "PLAT OF SURVEY FOR LA CIENEGA LIMITED LIABILITY" BY RICHARD A. CHATROOP N.M.P.L.S.#11011, AND FILED IN PLAT BOOK 346, PG. 008 ON OCT. 15TH, 1998 IN THE OFFICE OF THE COUNTY CLERK SANTA FE COUNTY, NEW MEXICO
2. "PLAT OF SURVEY FOR LA CIENEGA LIMITED LIABILITY" BY RICHARD A. CHATROOP N.M.P.L.S.#11011, AND FILED IN PLAT BOOK 346, PG. 007 ON OCT. 13TH, 1998 IN THE OFFICE OF THE COUNTY CLERK SANTA FE COUNTY, NEW MEXICO
3. "PLAT OF SURVEY FOR LA CIENEGA LIMITED LIABILITY" BY RICHARD A. CHATROOP N.M.P.L.S.#11011, AND FILED IN PLAT BOOK 346, PG. 008 ON OCT. 15TH, 1998 IN THE OFFICE OF THE COUNTY CLERK SANTA FE COUNTY, NEW MEXICO
4. "LAND DIVISION AND LOT LINE ADJUSTMENT FOR COOK OF TRACT 1A & TRACT 1B" BY RICHARD A. CHATROOP N.M.P.L.S.#11011, AND FILED IN PLAT BOOK 333, PG. 100 ON APR. 23TH, 1998, OFFICE OF THE COUNTY CLERK SANTA FE COUNTY, NEW MEXICO.
5. "CITY OF SANTA FE COUNTY OF SANTA FE RIGHT OF WAY MAPS DE-0107(802) BY DAVID BARNES N.M.P.L.S.#11011 AND FILED IN PLAT BOOK 681, PGS. 045-046 IN THE OFFICE OF THE COUNTY CLERK SANTA FE COUNTY, NEW MEXICO, NOT RECORDED.
6. "SANTA FE MUNICIPAL AIRPORT PROPERTY BOUNDARY SURVEY AND MONUMENTATION CAP AND C&G SANTA FE PUBLIC WORKS DEPARTMENT BY ENRIQUE TORRES MALLO 6481, DATED AUG 18TH, 1991.
7. "LOT LINE ADJUSTMENT PLAT PREPARED FOR COOK-ORFENIN OF LA CIENEGA ESTATES CORP" BY DAVID BARNES N.M.P.L.S.#11011 AND FILED IN PLAT BOOK 681, PGS. 045-046 IN THE OFFICE OF THE COUNTY CLERK SANTA FE COUNTY, NEW MEXICO.
8. "LOT CONSOLIDATION FOR LLC LIMITED LIABILITY" BY RICHARD A. CHATROOP N.M.P.L.S.#11011 AND FILED IN PLAT BOOK 349, PG. 005 IN THE OFFICE OF THE COUNTY CLERK SANTA FE COUNTY, NEW MEXICO.

CITY OF SANTA FE REVIEW

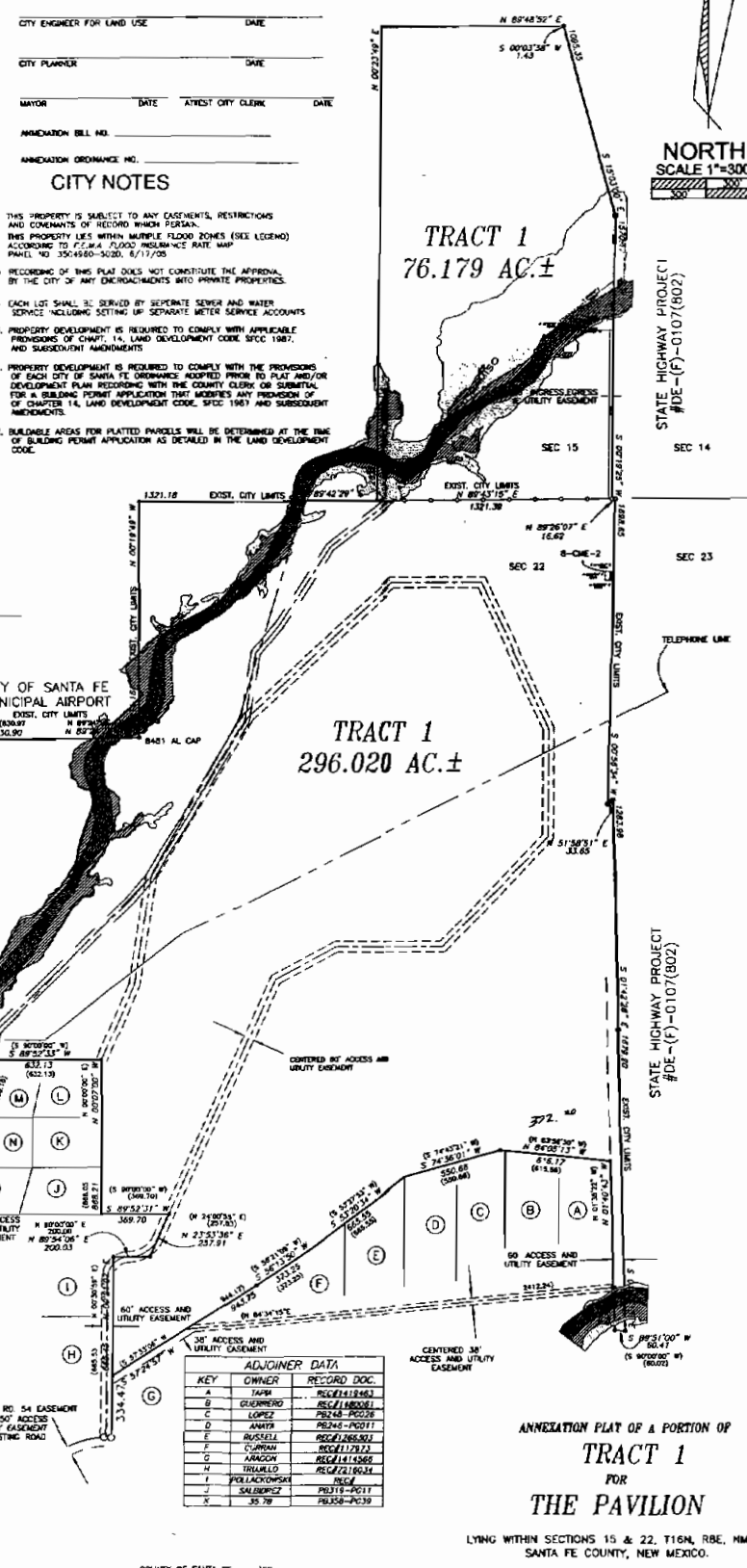
1. TOTAL LENGTH OF BOUNDARY TO BE ANNEXED = 20556.36'
2. LENGTH OF BOUNDARY CONTIGUOUS WITH EXISTING CITY BOUNDARY = 11327.77' OR 54%
3. ANNEXATION AGREEMENT RECORDED IN BK. _____ PG. _____

CITY ENGINEER FOR LAND USE _____ DATE _____
 CITY PLANNER _____ DATE _____
 MAYOR _____ DATE _____ ATTEST CITY CLERK _____ DATE _____
 ANNEXATION BILL NO. _____
 ANNEXATION ORDINANCE NO. _____

CITY NOTES

1. THIS PROPERTY IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD WHICH PERSEAN.
2. THIS PROPERTY LIES WITHIN MULTIPLE FLOOD ZONES (SEE LEGEND) ACCORDING TO FEMA FLOOD INSURANCE RATE MAP PANEL NO. 350460-5020, 6/17/05
3. RECORDING OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL BY THE CITY OF ANY ENCROACHMENTS INTO PRIVATE PROPERTIES.
4. EACH LOT SHALL BE SERVED BY SEPARATE SEWER AND WATER SERVICE INCLUDING SETTING UP SEPARATE METER SERVICE ACCOUNTS
5. PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH APPLICABLE PROVISIONS OF CHART. 14, LAND DEVELOPMENT CODE SPEC. 19B2, AND SUBSEQUENT AMENDMENTS
6. PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH THE PROVISIONS OF EACH CITY OF SANTA FE ORDINANCE ADOPTED PRIOR TO PLAT AND/OR DEVELOPMENT PLAN RECORDING WITH THE COUNTY CLERK OR SUBMITTAL FOR A BUILDING PERMIT APPLICATION THAT MODIFIES ANY PROVISION OF CHAPTER 14, LAND DEVELOPMENT CODE, SPEC. 19B1 AND SUBSEQUENT AMENDMENTS.
7. BUILDABLE AREAS FOR PLATTED PARCELS WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION AS DETAILED IN THE LAND DEVELOPMENT CODE.

CITY OF SANTA FE MUNICIPAL AIRPORT



COUNTY OF SANTA FE SS
 STATE OF NEW MEXICO
 I hereby certify that this instrument was filed for record on the _____ day of _____, 2010, and was duly recorded in book _____ of the records of _____ Santa Fe County.
 Witness My Hand and Seal of Office
 County Clerk, Santa Fe County, N.M.

 Deputy

ANNEXATION PLAT OF A PORTION OF
TRACT 1
 FOR
THE PAVILION
 LYING WITHIN SECTIONS 15 & 22, T16N, R1E, N.M.P.M., SANTA FE COUNTY, NEW MEXICO.

RICK CHATROOP
 PROFESSIONAL LAND SURVEYOR
 NEW MEXICO REGISTRATION NO. 11011
 (505) 470-0227 110 WAGON TRAIL RD., CORRALGROVE, N.M. 87010

SHEET 2-6

The Pavilion –Conditions of Approval
 General Plan Amendment (Case #2010-08 & 08)
 Annexation (Case # 2010-09)
 Rezoning (Case #2010-10 & 2010-11)
 Subdivision (Lot Split) (Case 2010-12)

	Condition	Department	Staff
1	The concept plan is fine. But, there is not enough information for review as a development. All inquires of solid waste must be met by my office.	Solid Waste	Randall Marco February 8, 2010
2	Shall comply with IFC 2006 edition.	Fire	Angelo Ortega February 16, 2010
3	Shall provide a water system that complies with Appendix C of IFC 2006 edition.	Fire	Angelo Ortega February 16, 2010
4	Shall provide roadways that comply with Appendix D of IFC 2006 edition.	Fire	Angelo Ortega February 16, 2010
5	All roadways to be no greater than 10% grade.	Fire	Angelo Ortega February 16, 2010
6	All buildings shall be reviewed for access and water availability as per IFC 2006 edition.	Fire	Angelo Ortega February 16, 2010
7	All plan sheets shall show the Special Flood Hazard Area and reference the appropriate FIRM.	Land Use Technical Review	Risana Zaxus February 15, 2010
8	Arroyo crossings must meet all federal, state, and local laws.	Land Use Technical Review	Risana Zaxus February 15, 2010
9	All provisions of Articles 14-3.9 (Development in Special Flood Hazard Areas) and 14-8.3 (Flood Regulations) of the Santa Fe Land Development Code must be followed in developing this land.	Land Use Technical Review	Risana Zaxus February 15, 2010
10	If approved as a General Plan Amendment, Annexation, Rezoning, and Lot Split, FUTURE SUBMITTALS MUST MEET ALL PROVISIONS OF THE LAND DEVELOPMENT CODE. Approval of the Conceptual Master Plan does not waive the requirement to satisfy Floodplain and Terrain Management regulations. Variances may be required and are NOT considered to be entitlements based on approval of the Master Plan.	Land Use Technical Review	Risana Zaxus February 15, 2010

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11	If the project moves forward with submittal of Subdivision Plats and/or Development Plans, a variance may be required for disturbance of over 30% slopes. All provisions of Article 14-8.2 must be followed.	Land Use Technical Review	Risana Zaxus February 15, 2010
12	The plans indicate that the Development is to be served by a central sewer lift station(s). All costs associated with the maintenance, repair, replacement and operational cost of the sewer lift station(s) are to be paid by the Development.	Wastewater Management	Stan Holland February 8, 2010
13	The City of Santa Fe shall own the sewer lift station(s) and the City shall be reimbursed for all costs associated with the maintenance, repair, replacement and operational cost of the sewer lift station(s).	Wastewater Management	Stan Holland February 8, 2010
14	The Development shall be required to establish a permanent “business park association” for this and other purposes. Permanent escrow accounts shall be placed with the City of Santa Fe for the maintenance, repair, replacement and operational cost of the sewer lift station(s).	Wastewater Management	Stan Holland February 8, 2010
15	The decision of the Archaeological Review Committee (ARC) at their February 4, 2010 meeting was to postpone the report to April 1, 2010 pending revision of the report by the Applicant and its resubmission with the following direction to the Applicant: 1.) Revisit the sites which have been identified in the previous reports and update them as to current conditions, description, and recommendations; 2.) The report shall contain all standard sections required by the ordinance, in particular, that an environmental section be included within the report; 3.) The report shall include a title history of the property; 4.) In preparation of the final report, use NMAC 4.10.15.9, ff [following appropriate pages] as a general guideline for including appropriate material including an abstract, administrative data and so forth, as set out in NMAC guidelines, which are mentioned here as a general guideline only, and not as a point-by-point requirement; 5.) Provide explicit, written justification for the acceptance of the work that was done previously under standards which are different from current City ordinance - why we should accept work which was done previously under a different standard than what is required under the City ordinance; 6.) Provide an additional description of the Camino de los Carros; 7.) Provide a written justification of the reasons that no new reconnaissance of the subject property is needed; and 8.) Correct any typographical errors mentioned or otherwise discovered in the process of redoing the report.	Archeology/Historic Preservation	Marissa Barrett
16	Following are conditions to be placed on the annexation agreement: a. Any proposed access to or improvements on New Mexico Department of Transportation (NMDOT) Highway Systems shall receive ultimate approval from the NMDOT. b. All proposed use of City owned property for purposes of roadway infrastructure shall receive Public Works Committee, Finance Committee, and City Council approval prior to submittal for Final Subdivision Plat and/or Final Development Plan. c. The developer shall be responsible for all costs associated with constructing the NM 599/Jaguar interchange. d. The developer shall be responsible for all costs associated with the construction of Jaguar Drive from its	Traffic Engineering	John Romero February 8, 2010

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	<p>current terminus to the NM 599/Jaguar interchange. The design of the roadway shall be reviewed and approved by the City of Santa Fe Public Works Department.</p> <p>e. The developer shall be responsible for all costs associated with the construction of a roadway from the M 599/Jaguar interchange to the Santa Fe Municipal Airport. The design of the roadway shall be reviewed and approved by the City of anta Fe Public Works Department.</p> <p>f. The developer shall provide a stub-out for a future connection to the I-25 frontage road. The design and location of the stub-out hall be reviewed and approved by the City of anta Fe Public Work Department.</p>		
17	Provide a report that addresses the City of Santa Fe Stormwater Utility MS4 and how Post Development Runoff Control and Pollutant Removal pre-treatment will be achieved.	Public Works Stormwater	Jim L. Salazar February 10, 2010
18	Provide a Stormwater Quality Post Development Runoff Control Pre-treatment plan indicating structural BMPs that will be used for pollutant removal and runoff pre-treatment prior to discharge to drainageways and the MS4.	Public Works Stormwater	Jim L. Salazar February 10, 2010
19	Provide a note stating that the development is subject to the requirements of the SFCC Chapter XIII Stormwater Utility including the Stormwater Utility Service Charge and Stormwater Illicit Discharge Control requirements.	Public Works Stormwater	Jim L. Salazar February 10, 2010
20	Provide a note stating that the development is subject to the requirements of NPDES General MS4 Discharge Permit No. NMR040000 and NPDES Construction General Permit No. NMR100000.	Public Works Stormwater	Jim L. Salazar February 10, 2010
21	Provide a note as follows: Construction is subject to the requirements of NPDES Construction General Discharge Permit No. NMR100000 and that a Stormwater Pollution Prevention Plan must be prepared by a qualified professional and a Notice of Intent (NOI) for coverage must be filed with the EPA. Construction stormwater discharges are not permitted until a minimum of seven (7) calendar days after EPA acknowledgement of a complete NOI.	Public Works Stormwater	Jim L. Salazar February 10, 2010
22	Provide a note as follows: City of Santa Fe Stormwater Illicit Discharge Control. SFCC 13-2 prohibits the discharge of pollutants including sediment, slurries, mud, plasters, concrete rinsates and any construction materials, wastes and garbage, etc. to the storm drain system. The storm drain system includes roads, streets, curbs, gutters, drop inlets, piped storm drains, culverts, retention and detention basins, natural and man-made drainage channels, arroyos, rivers and any facility and appurtenance by which stormwater is collected and/or conveyed.	Public Works Stormwater	Jim L. Salazar February 10, 2010
23	Provide a note as follows: City of Santa Fe Terrain and Stormwater Regulations. SFCC 14-8.2 requires that construction disturbed area shall be protected against erosion. Sediment must be contained on the disturbed area by the use of temporary erosion and sediment control devices such as silt fencing, swales, berms, geotextiles, sediment basins and traps. Protection for storm drain inlets shall be provided to prevent the entry of sediment from the site while still allowing the entry of stormwater. Control devices shall be kept in place and used until the disturbed area is permanently stabilized.	Public Works Stormwater	Jim L. Salazar February 10, 2010

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24	Provide a note as follows: The contractor shall not remove silt fences and mulch socks or other temporary erosion and sediment control devices until disturbed areas are stabilized. Soil stabilization and erosion control measures shall be completed within 21 calendar days after completion of construction or other soil disturbance activities on the site. If the time of year is not conducive to planting, then planting may be delayed until the next appropriate planting season provided that all temporary erosion control measures are maintained until permanent erosion control measures are implemented. Temporary erosion control measures shall be selected, designed and installed with an appropriate seed base to provide erosion control for at least three years without active maintenance. Temporary erosion control measures shall be selected, designed and installed to achieve 70 percent vegetative cover within three years.	Public Works Stormwater	Jim L. Salazar February 10, 2010
25	Show and label any public stormwater system components.	Public Works Stormwater	Jim L. Salazar February 10, 2010
26	Under Utility Companies: List Stormwater Utility, City of Santa Fe Stormwater Management Office as Contact and 955-2132 as Telephone.	Public Works Stormwater	Jim L. Salazar February 10, 2010
27	Include all required elements on the Annexation and Dedication Plats as per the Annexation Submittal packet (existing easements, floodplain, tract boundaries with references to legal lots of record and property owner signatures, existing and proposed city limits, roadway dedication details, etc.)	Current Planning	Daniel Esquibel
28	Applicant shall address in writing all Land Development Code criteria for General Plan Amendment, Annexation and Rezoning. 30 day prior to requesting placement on Governing Body agenda for staff analysis.	Current Planning	Tamara Baer
29	The property will provide additional information required by the General Plan Policies for the Master Plan for both an internal open space and trail system including but not limited to a Bicycle Circulation system and connections to existing and proposed trails outside the property. The applicant shall submit a Trails and Open Space Plan to include such connections. 30 day prior to requesting placement on Governing Body agenda for staff analysis.	Current Planning	Daniel Esquibel
30	An Annexation Agreement including phasing of infrastructure will be reviewed by the City Attorney prior to Council hearing.	Current Planning	Tamara Baer
31	Applicant shall submit an economic impact or fiscal impact analysis which shall include data on absorption rates. 30 day prior to requesting placement on Governing Body agenda for staff analysis.	Current Planning	Daniel Esquibel
32	The Master Plan shall address City Transit needs and impacts 30 days prior to requesting placement on Governing Body agenda for staff analysis.	Current Planning	Daniel Esquibel
33	No development plan or subdivision plat shall be approved by the Planning Commission unless the commission finds that there exists a comprehensive and equitable mechanism for implementing the dedication of easements and right-of-way necessary for infrastructure serving any and all phases and sub-phases of the Pavilion Annexation Master Plan which will be affected by the approved development plan or plat, and for financing and	Current Planning	Greg Smith

The Pavilion –Conditions of Approval
 General Plan Amendment (Case #2010-08 & 08)
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	coordinating the construction of that infrastructure. This note shall be placed on the Master Plan and included in the annexation agreement.		
34	No development plan or subdivision plat shall be approved by the Planning Commission unless the commission finds that there exist adequate provisions for coordinating dedication, financing and constructing infrastructure necessary for the orderly development of lands adjoining the Pavilion Master Plan boundaries, including but not limited to “stubbing out” trails, roads and utility easements, and/or provisions for pro-rata contributions to off-site improvements that may be impacted by the approved development plan or plat. This note shall be placed on the Master Plan and included in the annexation agreement.	Current Planning	Greg Smith
35	Approval of the Annexation Agreement is subject to the review and approval of the City Attorney.	Current Planning	Dan Esquibel
36	The applicant shall provide a construction schedule for NM599 interchange including current approval progress before the Metropolitan Planning Organization Department of Transportation and Federal agency. 30 day prior to requesting placement on Governing Body agenda for staff analysis.	Current Planning	Dan Esquibel
37	Development shall comply with Chapter XXI of SFCC 1987	Current Planning	Dan Esquibel

**ANNEXATION AGREEMENT
THE PAVILION**

This Annexation Agreement (“Agreement”) is made and entered into this _____ day of _____, 2010, by and between the City of Santa Fe, New Mexico, a New Mexico Municipal Corporation (“City”) and Richard Cook (“Landowner”).

RECITALS

A. Landowner is the owner of certain real property situated in Santa Fe County, New Mexico consisting of approximately 295 acres, said property being situated within Sections 15 and 22, Township 16 North, Range 8 East, New Mexico Primary Meridian as more fully described in the Annexation Plat attached hereto as Exhibit 1 and incorporated herein by this reference, and hereinafter referred to as the “Property.”

B. Landowner desires to obtain annexation of, and the City agrees to annex, the Property into the City subject to the terms and conditions hereinafter set forth.

C. Landowner desires to develop and the City agrees to the development of the Property subject to and upon the terms and conditions hereinafter set forth.

AGREEMENTS

NOW, THEREFORE, in consideration of the premises, the following agreements and undertaking of the parties, the parties agree as follows:

1. The Annexation Plat (Exhibit 1).

A. Landowner agrees to prepare an annexation plat in compliance with the requirements of Chapter 14, SFCC 2001 (“SFCC”).

B. The annexation plat shall dedicate to the City improvements and easements as determined during the development review process.

2. **Conditions of Annexation (Exhibit 2).** The Landowner agrees to comply with the conditions of approval imposed by the Santa Fe City Council as set forth in Exhibit 2 to this Agreement.

3. **Development of the Property.**

A. This Agreement anticipates development of the Property substantially in accordance with the Master Plan, the terms and conditions contained herein and in accordance with the rezoning application Nos. 2010-10 and 2010-11 approved concurrently with this annexation by Ordinance No. 2010-_____ (**Exhibit 3**).

B. The Property shall be developed in accordance with the Master Plan, the approved development plans, subdivision plats, the Phasing Plan for the Property and the SFCC, recognizing that the Master Plan and Phasing Plan are conceptual in nature and according the Master Plan and Phasing Plan may be modified through the development approval process without the necessity for an amendment of the plans.

C. No development plan or subdivision plat shall be approved by the Planning Commission unless the commission finds that there exists a comprehensive and equitable mechanism for implementing the dedication of easements and right-of-way necessary for infrastructure serving any and all phases and any sub-phases within the Property which will be affected by the approved development plan or plat, and for financing and coordinating the construction of that infrastructure.

D. No development plan or subdivision plat shall be approved by the Planning Commission unless the commission finds that there exist adequate provisions for coordinating dedication, financing and constructing infrastructure necessary for the orderly development of lands adjoining the Property boundaries, including but not limited

to “stubbing out” trails, roads and utility easements, and/or provisions for pro-rata contributions to off-site improvements that may be impacted by the approved development plan or plat.

4. **Rezoning of Property.** The Property shall be rezoned to designations C-2 and BIP as provided in rezoning applications 2010-10 and 2010-11 with the annexation of the Property.

5. **City Services.**

A. ***Fire and Police Protection.*** Fire and Police protection for the Property will be provided by current existing City Police and Fire Department facilities and personnel. A fire protection plan shall be submitted with each phase for Property to show the size of the water mains and fire hydrant locations.

B. ***Refuse.*** Refuse disposal services shall be provided in accordance with applicable City ordinances and policies.

C. ***Water Service.*** Water service will be provided for the development of the Property by the City of Santa Fe. Prior to the development of the Property, the Landowner agrees to connect the proposed development to the City water delivery system using dedicated easements. The Landowner shall reserve easements through the Property (where required) to be shown on a final development plan.

D. ***Storm Water, Wastewater Collection and Sewer Service.*** Concurrent with the development of the Property, the Landowner shall construct storm water and wastewater improvements to service the Property in accordance with the Santa Fe City Code using existing and proposed easements.

The storm water and wastewater systems referenced above shall be designed and constructed in accordance with City regulations, guidelines and ordinances. All plans, reports and construction documents relating to the design and construction of the storm water collection systems shall be reviewed and approved by the City prior to any construction.

E. ***Streets and Other Rights of Way.*** Streets with the Property shall be constructed in accordance with City standards, applicable laws, rules, regulations, City approvals and the Santa Fe City Code. Upon completion of construction and approval by the City, the streets delineated as public streets shall be dedicated to the City as public rights of way and maintained by the City at its expense. The Landowner shall be responsible for the construction and shall bear all expenses associated with construction. Additionally:

(1) Proposed access to and improvements on New Mexico Department of Transportation (“NMDOT”) Highway Systems shall receive approval from the NMDOT.

(2) All proposed use of City owned property for purposes of roadway infrastructure shall receive Public Works Committee, Finance Committee and City Council approval prior to submittal for Final Subdivision Plat and/or Final Development Plan.

(3) Landowner shall be responsible for all costs associated with constructing the NM 599/Jaguar interchange.

(4) Landowner shall be responsible for all costs associated with the construction of Jaguar Drive from its current terminus to the NM 599/Jaguar

interchange. The design of the roadway shall be reviewed and approved by the City of Santa Fe Public Works Department.

(5) Landowner shall be responsible for all costs associated with the construction of a roadway from the NM 599/Jaguar interchange to the Santa Fe Municipal Airport. The design of the roadway shall be reviewed and approved by the City of Santa Fe Public Works Department.

(6) Landowner shall provide a stub-out for a future connection to the I-25 frontage road. The design and location of the stub-out shall be reviewed and approved by the City of Santa Fe Public Works Department.

F. ***Letter of Credit or Bond.*** All required improvements for water, storm and wastewater collection, roads and rights-of-way shall be constructed in accordance with the time constraints set by the City and when completed to the satisfaction of the City, said improvements shall be dedicated to the City for its use in perpetuity. The Landowner shall provide a letter of credit, in a form acceptable to the City, for the required improvements to the Property. The amount of the letter of credit shall be based on a certified engineer's estimate acceptable to the City.

6. **Archeological Review Ordinance.** The Landowner shall comply with the SFCC in regard to archeological review of the Property.

7. **Utilities.** The Property shall be served only with underground utilities, except as may be approved by the City and/or the State Public Regulation Commission in accordance with the applicable policies and regulations.

8. **Traffic Impact Report.** Prior to the development of the Property a final traffic impact report, illustrating the traffic generated and the impact of the circulation on systems within the Property and surrounding area shall be provided to the City by Landowner.

9. **Parks.** Open space and parks shall be dedicated to the City or in-lieu-of fees paid as required by the Santa Fe City Code.

10. **Wells and Water Rights.** The Landowner agrees that no well shall be drilled on the Property and no water rights shall be transferred to permit a diversion of water from the Property after the date of this Agreement.

11. **Impact Fees.** The Landowner agrees to pay applicable City impact fees.

12. **Assignment.** The Landowner may sell, transfer or assign this Agreement and Landowner's rights and obligations hereunder, provided such transferee shall execute and deliver an agreement by which such transferee assumes liability and agrees to perform all obligations of the Landowner under this Agreement, without further liability hereunder, and provided the City consents to such sale, transfer or assignment, which consent shall not be unreasonably withheld, delayed or denied. Any assignee(s) shall be bound to the terms and conditions of this Agreement to the same extent that the Landowner was originally bound. Without limiting the foregoing, this Agreement runs with the land and binds and shall bind each and every owner of the Property, whether such person is the Landowner or any successor-in-interest to the Property.

13. **Captions.** The captions and paragraph headings of this Agreement are not necessarily descriptive, or intended or represented to be descriptive, of all the provisions thereunder, and in no manner shall such captions and paragraph headings be deemed or interpreted to limit the provisions of this Agreement.

14. **Execution of Documents.** The parties agree to execute all documents expressly described or implied by this Agreement.

15. **Severability.** If any provision of this Agreement, or the application of such provisions to any person or circumstances, shall be held invalid, the remainder of this Agreement, or the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

16. **No Waiver.** No waiver of a breach of any of the terms contained in this Agreement shall be construed to be a waiver of any succeeding breach of the same or any other term.

17. **Numbers and Genders.** Wherever used herein, unless the context shall otherwise provide, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders.

18. **Governing Law.** This Agreement and the rights of the parties hereunder shall be governed by and interpreted in accordance with the laws of the State of New Mexico.

19. **Binding Effect.** This Agreement shall be binding upon, and inure to the benefit of, the parties and their respective heirs, successors and permitted assigns.

20. **Agreement.** This Agreement states the entire agreement of the parties. The provisions of this Agreement shall be modified only in writing. This Agreement shall not relieve Landowner from complying with present or future City ordinances, duly adopted resolutions or regulations applicable to the development.

21. **Amendments.** Any amendments to this Agreement shall be reviewed by the Planning Commission (or successor or replacement body) and recommendation regarding

approval made, and then sent to the City Council for final action, except as provided herein at paragraph 3.

IN WITNESS WHEREOF, this Agreement is entered into the day and year written above.

CITY OF SANTA FE

LANDOWNER:

Richard Cook

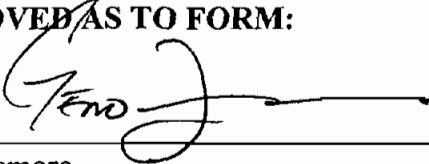
By: _____
Name: David Coss
Title: Mayor

By: _____
Name:
Title:

ATTEST:

Yolanda Y. Vigil, City Clerk

APPROVED AS TO FORM:



Geno Zamora
City Attorney



VICINITY MAP

DEDICATION AND AFFIDAVIT
 KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED CHARTRUP, HAVE CAUSED TO BE SURVEYED THESE LANDS SHOWN HEREIN THIS AFFIDAVIT TO BE FILED WITH THE PUBLIC LANDS OFFICE OF THE COUNTY CLERK OF SANTA FE COUNTY, NEW MEXICO, AND FOR EXISTING UTILITIES OTHER EASEMENTS ARE GRANTED AS SHOWN

THIS ANNEXATION CONTAINS 292,020 AC.±, AND LIES WITHIN THE PLANNING AND PLATING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

RICHARD P. COOK FOR THE PAVILION
 STATE OF NEW MEXICO SS
 COUNTY OF SANTA FE
 THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY RICHARD P. COOK FOR THE PAVILION
 THIS _____ DAY OF _____ 2010.
 MY COMMISSION EXPIRES _____ NOTARY PUBLIC

UTILITY APPROVAL

QUEST COMMUNICATIONS _____ DATE _____
 PUBLIC SERVICE CO. OF N.M. GAS AND ELECTRIC _____ DATE _____
 COMCAST CABLE CO. _____ DATE _____

LEGEND AND NOTES

- DEMOTES FLOOD HAZARD ZONE X SUBJECT TO REGULATION 0.2% ANNUAL FLOOD
- DEMOTES FLOOD HAZARD ZONE X SUBJECT TO REGULATION 1% ANNUAL FLOOD
- DEMOTES FLOOD HAZARD ZONE AE SUBJECT TO REGULATION 1% ANNUAL FLOOD
- DEMOTES FLOOD HAZARD ZONE AE CHANNEL SUBJECT TO REGULATION 1% ANNUAL FLOOD
- DEMOTES POINT FOUND 11881' CHAP ON AS NOTED
- DEMOTES POINT SET BY THIS SURVEY
- DEMOTES POINT CALCULATED
- DEMOTES BRASS MONUMENT
- DEMOTES IRON DEPT ALUM. PL. MONUMENT
- DEMOTES EDGE OF EASEMENT
- DEMOTES FENCE LINE

- BASE OF BEARING TAKEN FROM NEW MEXICO DEPARTMENT OF TRANSPORTATION CONTROL MAP NEW MEXICO PROJECT NO. M-100-022-36(02)777 NEW 2004-10(02) INM-004-2(12)101 BY WILLIAM A. BOWERS MAP#S11785 AND DATED 3-23-04
- THIS PLAT IS SUBJECT TO ALL EASEMENTS, COVENANTS, AND EXIST CITY LIMITS CONDITIONS OF RECORD

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES HEREON ARE AN ACCURATE DELINEATION OF A FIELD SURVEY COMPLETED BY ME OR UNDER MY DIRECTION ON JAN. 4TH, 2010, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEET THE STANDARDS FOR PROFESSIONAL LAND SURVEYORS PRACTICING IN NEW MEXICO.

RICHARD A. CHATROOP N.M.P.L.S. #11011

KEY	OWNER	RECORD DOC.
A	VELA	REG2112863
M	CRISPIN	PB177-PG046
N	ORTEGA	PB158-PG039
O	SANDRINE	PB129-PG011
P	SENA	PB104-PG001
Q	SOLIS	PB159-PG010
R	CHANCEZ	PB159-PG010
S	ZAVIA	PB159-PG010
T	LOPEZ	REG2124081

PLAT REFERENCES

- "PLAT OF SURVEY FOR LA CIENEGA LIMITED LIABILITY" BY RAYMOND A. ORTIZ MAP#S18453 AND FILED IN PLAT BOOK 346, PG. 008 ON OCT. 1ST, 1996, IN THE OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO.
- "PLAT OF SURVEY FOR LA CIENEGA LIMITED LIABILITY" BY RAYMOND A. ORTIZ MAP#S18453 AND FILED IN PLAT BOOK 346, PG. 007 ON OCT. 1ST, 1996, IN THE OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO.
- "PLAT OF SURVEY FOR LA CIENEGA LIMITED LIABILITY" BY RAYMOND A. ORTIZ MAP#S18453, AND FILED IN PLAT BOOK 346, PG. 008 ON OCT. 1ST, 1996, IN THE OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO.
- "LAND DIVISION AND LOT LINE ADJUSTMENT FOR COOK OF TRACT 1A & TRACT 1B" BY RICHARD A. CHATROOP MAP#S11011, AND FILED IN PLAT BOOK 333, PG. 006 ON APR. 26TH, 1996, OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO.
- "CITY OF SANTA FE COUNTY OF SANTA FE RIGHT OF WAY MAPS DE-0107(802)" BY SALVADOR E. VIGIL MAP#S 4453 FINAL MAP DATE APR 7TH, 1988 NOT RECORDED.
- "SANTA FE MUNICIPAL AIRPORT PROPERTY BOUNDARY SURVEY AND MONUMENTATION" OF THE COUNTY CLERK'S PUBLIC WORKS DEPARTMENT BY CRESCENCIO TORRES MAP#S 8481, DATED AUG. 18TH, 1991.
- "LOT LINE ADJUSTMENT PLAT PREPARED FOR COOK-DIRECTORS OF LA CIENEGA ESTATES CORP." BY GARY DARRISON MAP#S17016 AND FILED IN PLAT BOOK 651, PGS 043-046 IN THE OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO.
- "LOT CONSOLIDATION FOR LLC LIMITED LIABILITY" BY RAYMOND A. ORTIZ MAP#S18453 AND FILED IN PLAT BOOK 349, PG. 005 IN THE OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO.

CITY OF SANTA FE REVIEW

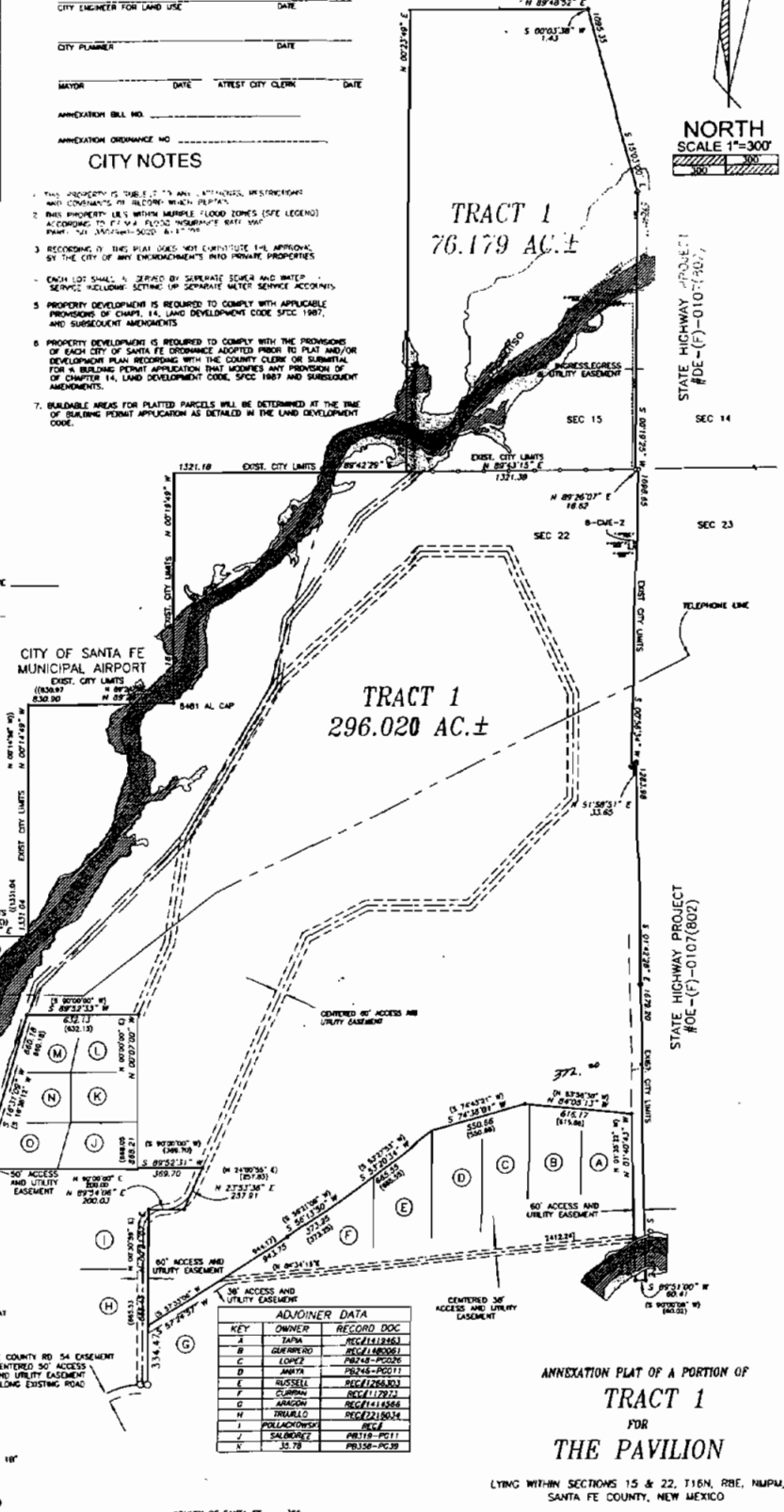
- TOTAL LENGTH OF BOUNDARY TO BE ANNEXED - 20956.34'
- LENGTH OF BOUNDARY CONTIGUOUS WITH EXISTING CITY BOUNDARY - 11327.77' OR 54%
- ANNEXATION AGREEMENT RECORDED IN BK _____ PG. _____

CITY ENGINEER FOR LAND USE _____ DATE _____
 CITY PLANNER _____ DATE _____
 MAYOR _____ DATE _____ ATTEST CITY CLERK _____ DATE _____
 ANNEXATION BILL NO. _____
 ANNEXATION ORDINANCE NO. _____

CITY NOTES

- THIS PROPERTY IS ZONED L-2 TO ALLOW 40% MAXIMUM DENSITY AND COVENANTS OF RECORD WHICH PRELAYS.
- THIS PROPERTY LIES WITHIN FLOOD ZONES (SEE LEGEND) AS SHOWN ON THE CITY OF SANTA FE FLOOD HAZARD MAP MAP#S 4453 (REVISED 2002) 8-17-09.
- RECORDING OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL BY THE CITY OF ANY ENHANCEMENTS TO PRIVATE PROPERTIES.
- DOWN LOT SHALL BE SERVED BY SEPARATE SEWER AND WATER SERVICE INCLUDING SETTING OF SEPARATE WATER SERVICE ACCOUNTS.
- PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH APPLICABLE PROVISIONS OF CHAPTER 14, LAND DEVELOPMENT CODE SPEC 1987, AND SUBSEQUENT AMENDMENTS.
- PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH THE PROVISIONS OF EACH CITY OF SANTA FE ORDINANCE ADOPTED PRIOR TO PLAT AND/OR DEVELOPMENT PLAN RECORDING WITH THE COUNTY CLERK OR SUBMITTAL FOR A BUILDING PERMIT APPLICATION THAT MODIFIES ANY PROVISION OF CHAPTER 14, LAND DEVELOPMENT CODE, SPEC 1987 AND SUBSEQUENT AMENDMENTS.
- VALUABLE AREAS FOR PLATTED PARCELS WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION AS DETAILED IN THE LAND DEVELOPMENT CODE.

CITY OF SANTA FE MUNICIPAL AIRPORT



KEY	OWNER	RECORD DOC.
A	ZAVIA	REG2112863
B	GREENBERG	REG2112863
C	LOPEZ	PB174-PG026
D	AMAYA	PB174-PG021
E	RUSSELL	REG2112863
F	CLARKE	REG2112863
G	ARAGON	REG2112863
H	TRULLIO	REG2112863
I	POLLACKOWSKI	REG2112863
J	SALDORIZ	PB119-PG11
K	LOPEZ	PB158-PG039

ANNEXATION PLAT OF A PORTION OF TRACT 1 FOR THE PAVILION

LYING WITHIN SECTIONS 15 & 22, T16N, R1E, N1MPL, SANTA FE COUNTY, NEW MEXICO

RICK CHATROOP
 PROFESSIONAL LAND SURVEYOR
 NEW MEXICO REGISTRATION NO. 11011
 (505) 470-0077 110 WILSON TRAIL RD., CEDARLEAF, NM, 87010

The Pavilion –Conditions of Approval
 General Plan Amendment (Case #2010-08 & 08)
 Annexation (Case # 2010-09)
 Rezoning (Case #2010-10 & 2010-11)
 Subdivision (Lot Split) (Case 2010-12)

	Condition	Department	Staff
1	The concept plan is fine. But, there is not enough information for review as a development. All inquires of solid waste must be met by my office.	Solid Waste	Randall Marco February 8, 2010
2	Shall comply with IFC 2006 edition.	Fire	Angelo Ortega February 16, 2010
3	Shall provide a water system that complies with Appendix C of IFC 2006 edition.	Fire	Angelo Ortega February 16, 2010
4	Shall provide roadways that comply with Appendix D of IFC 2006 edition.	Fire	Angelo Ortega February 16, 2010
5	All roadways to be no greater than 10% grade.	Fire	Angelo Ortega February 16, 2010
6	All buildings shall be reviewed for access and water availability as per IFC 2006 edition.	Fire	Angelo Ortega February 16, 2010
7	All plan sheets shall show the Special Flood Hazard Area and reference the appropriate FIRM.	Land Use Technical Review	Risana Zaxus February 15, 2010
8	Arroyo crossings must meet all federal, state, and local laws.	Land Use Technical Review	Risana Zaxus February 15, 2010
9	All provisions of Articles 14-3.9 (Development in Special Flood Hazard Areas) and 14-8.3 (Flood Regulations) of the Santa Fe Land Development Code must be followed in developing this land.	Land Use Technical Review	Risana Zaxus February 15, 2010
10	If approved as a General Plan Amendment, Annexation, Rezoning, and Lot Split, FUTURE SUBMITTALS MUST MEET ALL PROVISIONS OF THE LAND DEVELOPMENT CODE. Approval of the Conceptual Master Plan does not waive the requirement to satisfy Floodplain and Terrain Management regulations. Variances may be required and are NOT considered to be entitlements based on approval of the Master Plan.	Land Use Technical Review	Risana Zaxus February 15, 2010

The Pavilion –Conditions of Approval
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11	If the project moves forward with submittal of Subdivision Plats and/or Development Plans, a variance may be required for disturbance of over 30% slopes. All provisions of Article 14-8.2 must be followed.	Land Use Technical Review	Risana Zaxus February 15, 2010
12	The plans indicate that the Development is to be served by a central sewer lift station(s). All costs associated with the maintenance, repair, replacement and operational cost of the sewer lift station(s) are to be paid by the Development.	Wastewater Management	Stan Holland February 8, 2010
13	The City of Santa Fe shall own the sewer lift station(s) and the City shall be reimbursed for all costs associated with the maintenance, repair, replacement and operational cost of the sewer lift station(s).	Wastewater Management	Stan Holland February 8, 2010
14	The Development shall be required to establish a permanent “business park association” for this and other purposes. Permanent escrow accounts shall be placed with the City of Santa Fe for the maintenance, repair, replacement and operational cost of the sewer lift station(s).	Wastewater Management	Stan Holland February 8, 2010
15	The decision of the Archaeological Review Committee (ARC) at their February 4,2010 meeting was to postpone the report to April 1, 2010 pending revision of the report by the Applicant and its resubmission with the following direction to the Applicant: 1.) Revisit the sites which have been identified in the previous reports and update them as to current conditions, description, and recommendations; 2.) The report shall contain all standard sections required by the ordinance, in particular, that an environmental section be included within the report; 3.) The report shall include a title history of the property; 4.) In preparation of the final report, use NMAC 4.10.15.9, ff [following appropriate pages] as a general guideline for including appropriate material including an abstract, administrative data and so forth, as set out in NMAC guidelines, which are mentioned here as a general guideline only, and not as a point-by-point requirement; 5.) Provide explicit, written justification for the acceptance of the work that was done previously under standards which are different from current City ordinance - why we should accept work which was done previously under a different standard than what is required under the City ordinance; 6.) Provide an additional description of the Camino de los Carros; 7.) Provide a written justification of the reasons that no new reconnaissance of the subject property is needed; and 8.) Correct any typographical errors mentioned or otherwise discovered in the process of redoing the report.	Archeology/Historic Preservation	Marissa Barrett
16	Following are conditions to be placed on the annexation agreement: a. Any proposed access to or improvements on New Mexico Department of Transportation (NMDOT) Highway Systems shall receive ultimate approval from the NMDOT. b. All proposed use of City owned property for purposes of roadway infrastructure shall receive Public Works Committee, Finance Committee, and City Council approval prior to submittal for Final Subdivision Plat and/or Final Development Plan. c. The developer shall be responsible for all costs associated with constructing the NM 599/Jaguar interchange. d. The developer shall be responsible for all costs associated with the construction of Jaguar Drive from its	Traffic Engineering	John Romero February 8, 2010

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	<p>current terminus to the NM 599/Jaguar interchange. The design of the roadway shall be reviewed and approved by the City of Santa Fe Public Works Department.</p> <p>e. The developer shall be responsible for all costs associated with the construction of a roadway from the M 599/Jaguar interchange to the Santa Fe Municipal Airport. The design of the roadway shall be reviewed and approved by the City of anta Fe Public Works Department.</p> <p>f. The developer shall provide a stub-out for a future connection to the I-25 frontage road. The design and location of the stub-out shall be reviewed and approved by the City of anta Fe Public Work Department.</p>		
17	Provide a report that addresses the City of Santa Fe Stormwater Utility MS4 and how Post Development Runoff Control and Pollutant Removal pre-treatment will be achieved.	Public Works Stormwater	Jim L. Salazar February 10, 2010
18	Provide a Stormwater Quality Post Development Runoff Control Pre-treatment plan indicating structural BMPs that will be used for pollutant removal and runoff pre-treatment prior to discharge to drainageways and the MS4.	Public Works Stormwater	Jim L. Salazar February 10, 2010
19	Provide a note stating that the development is subject to the requirements of the SFCC Chapter XIII Stormwater Utility including the Stormwater Utility Service Charge and Stormwater Illicit Discharge Control requirements.	Public Works Stormwater	Jim L. Salazar February 10, 2010
20	Provide a note stating that the development is subject to the requirements of NPDES General MS4 Discharge Permit No. NMR040000 and NPDES Construction General Permit No. NMR100000.	Public Works Stormwater	Jim L. Salazar February 10, 2010
21	Provide a note as follows: Construction is subject to the requirements of NPDES Construction General Discharge Permit No. NMR100000 and that a Stormwater Pollution Prevention Plan must be prepared by a qualified professional and a Notice of Intent (NOI) for coverage must be filed with the EPA. Construction stormwater discharges are not permitted until a minimum of seven (7) calendar days after EPA acknowledgement of a complete NOI.	Public Works Stormwater	Jim L. Salazar February 10, 2010
22	Provide a note as follows: City of Santa Fe Stormwater Illicit Discharge Control. SFCC 13-2 prohibits the discharge of pollutants including sediment, slurries, mud, plasters, concrete rinsates and any construction materials, wastes and garbage, etc. to the storm drain system. The storm drain system includes roads, streets, curbs, gutters, drop inlets, piped storm drains, culverts, retention and detention basins, natural and man-made drainage channels, arroyos, rivers and any facility and appurtenance by which stormwater is collected and/or conveyed.	Public Works Stormwater	Jim L. Salazar February 10, 2010
23	Provide a note as follows: City of Santa Fe Terrain and Stormwater Regulations. SFCC 14-8.2 requires that construction disturbed area shall be protected against erosion. Sediment must be contained on the disturbed area by the use of temporary erosion and sediment control devices such as silt fencing, swales, berms, geotextiles, sediment basins and traps. Protection for storm drain inlets shall be provided to prevent the entry of sediment from the site while still allowing the entry of stormwater. Control devices shall be kept in place and used until the disturbed area is permanently stabilized.	Public Works Stormwater	Jim L. Salazar February 10, 2010

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 General Plan Amendment (Case #2010-08 & 08)
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24	Provide a note as follows: The contractor shall not remove silt fences and mulch socks or other temporary erosion and sediment control devices until disturbed areas are stabilized. Soil stabilization and erosion control measures shall be completed within 21 calendar days after completion of construction or other soil disturbance activities on the site. If the time of year is not conducive to planting, then planting may be delayed until the next appropriate planting season provided that all temporary erosion control measures are maintained until permanent erosion control measures are implemented. Temporary erosion control measures shall be selected, designed and installed with an appropriate seed base to provide erosion control for at least three years without active maintenance. Temporary erosion control measures shall be selected, designed and installed to achieve 70 percent vegetative cover within three years.	Public Works Stormwater	Jim L. Salazar February 10, 2010
25	Show and label any public stormwater system components.	Public Works Stormwater	Jim L. Salazar February 10, 2010
26	Under Utility Companies: List Stormwater Utility, City of Santa Fe Stormwater Management Office as Contact and 955-2132 as Telephone.	Public Works Stormwater	Jim L. Salazar February 10, 2010
27	Include all required elements on the Annexation and Dedication Plats as per the Annexation Submittal packet (existing easements, floodplain, tract boundaries with references to legal lots of record and property owner signatures, existing and proposed city limits, roadway dedication details, etc.)	Current Planning	Daniel Esquibel
28	Applicant shall address in writing all Land Development Code criteria for General Plan Amendment, Annexation and Rezoning. 30 day prior to requesting placement on Governing Body agenda for staff analysis.	Current Planning	Tamara Baer
29	The property will provide additional information required by the General Plan Policies for the Master Plan for both an internal open space and trail system including but not limited to a Bicycle Circulation system and connections to existing and proposed trails outside the property. The applicant shall submit a Trails and Open Space Plan to include such connections. 30 day prior to requesting placement on Governing Body agenda for staff analysis.	Current Planning	Daniel Esquibel
30	An Annexation Agreement including phasing of infrastructure will be reviewed by the City Attorney prior to Council hearing.	Current Planning	Tamara Baer
31	Applicant shall submit an economic impact or fiscal impact analysis which shall include data on absorption rates. 30 day prior to requesting placement on Governing Body agenda for staff analysis.	Current Planning	Daniel Esquibel
32	The Master Plan shall address City Transit needs and impacts 30 days prior to requesting placement on Governing Body agenda for staff analysis.	Current Planning	Daniel Esquibel
33	No development plan or subdivision plat shall be approved by the Planning Commission unless the commission finds that there exists a comprehensive and equitable mechanism for implementing the dedication of easements and right-of-way necessary for infrastructure serving any and all phases and sub-phases of the Pavilion Annexation Master Plan which will be affected by the approved development plan or plat, and for financing and	Current Planning	Greg Smith

The Pavilion –Conditions of Approval
 General Plan Amendment (Case #2010-08 & 08)
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	coordinating the construction of that infrastructure. This note shall be placed on the Master Plan and included in the annexation agreement.		
34	No development plan or subdivision plat shall be approved by the Planning Commission unless the commission finds that there exist adequate provisions for coordinating dedication, financing and constructing infrastructure necessary for the orderly development of lands adjoining the Pavilion Master Plan boundaries, including but not limited to “stubbing out” trails, roads and utility easements, and/or provisions for pro-rata contributions to off-site improvements that may be impacted by the approved development plan or plat. This note shall be placed on the Master Plan and included in the annexation agreement.	Current Planning	Greg Smith
35	Approval of the Annexation Agreement is subject to the review and approval of the City Attorney.	Current Planning	Dan Esquibel
36	The applicant shall provide a construction schedule for NM599 interchange including current approval progress before the Metropolitan Planning Organization Department of Transportation and Federal agency. 30 day prior to requesting placement on Governing Body agenda for staff analysis.	Current Planning	Dan Esquibel
37	Development shall comply with Chapter XXI of SFCC 1987	Current Planning	Dan Esquibel

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2010-_____

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10 AN ORDINANCE

11 ANNEXING THE "PAVILION" TRACT OF LAND LYING CONTIGUOUS WITH THE
12 SANTA FE CORPORATE LIMITS COMPRISING 296.020 ACRES MORE OR LESS
13 GENERALLY BOUNDED BY NEW MEXICO ROUTE 599 (NM 599) ON THE EAST,
14 AND THE SANTA FE AIRPORT ON THE NORTH AND WEST, SANTA FE COUNTY
15 LAND ON THE SOUTH AND WEST, AND LYING WITHIN TOWNSHIP 16N, RANGE
16 8E, SECTION 22, NEW MEXICO PRIME MERIDIAN, SANTA FE COUNTY, STATE OF
17 NEW MEXICO ("THE PAVILION" ANNEXATION CASE NO. 2010-09).

18
19 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

20 Section 1. Pursuant to Section 3-7-17 NMSA 1978, the following described land
21 (the "Property") is annexed to the City of Santa Fe, thereby extending the corporate
22 limits of the city: Certain parcels of land lying within Township 16N, Range 8E, Section
23 22, New Mexico Prime Meridian, Santa Fe County, State Of New Mexico,
24 particularly described in the attached Annexation Plat [EXHIBIT A] and Master Plan
25 [EXHIBIT B] incorporated herein by reference.

1 **Section 2.** The annexation action with respect to the subject property affected
2 by this Ordinance is subject to conditions of approval applicable to this annexation and
3 any future Development Plan for the property. The conditions are outlined in the
4 attached table summarizing City of Santa Fe Development Review Team technical
5 memoranda and conditions approved by the Planning Commission on March 4, 2010
6 [EXHIBIT C].

7 **Section 3.** A petition (the "Petition") was accompanied by an annexation plat
8 [EXHIBIT A] showing the external boundaries of the Property proposed to be annexed
9 and the relationship of the Property proposed to be annexed to the existing boundary of
10 the city, as well as the Annexation Agreement [Exhibit D].

11 **Section 4.** It is in the best interest of the City of Santa Fe and the owners and
12 inhabitants of such contiguous Property that the Property be annexed.

13 **Section 5.** This ordinance shall be published one time by title and general
14 summary and shall become effective five days after publication.

15

16 **APPROVED AS TO FORM:**

17 

18 **GENO ZAMORA, CITY ATTORNEY**

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