

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2010 – 85**

3 **INTRODUCED BY:**

4
5 Councilor Calvert
6 Councilor Romero
7 Councilor Bushee

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9
10 **A RESOLUTION**

11 **REQUESTING THAT THE SANTA FE COUNTY CLERK RECORD CONDOMINIUM**
12 **DECLARATIONS ONLY UPON RECEIPT OF WRITTEN VERIFICATION FROM THE**
13 **CITY THAT A CONDOMINIUM DECLARATION COMPLIES WITH LOCAL ZONING**
14 **ORDINANCES AND REGULATIONS.**

15
16 **WHEREAS**, the Governing Body of the City of Santa Fe acknowledges and appreciates
17 the important role of the Santa Fe County Clerk in recording properly reviewed and approved
18 subdivision plats, development plans, and other city documents; and

19 **WHEREAS**, the County Clerk, by the professional performance of her duties, ensures
20 the recordation of these city-approved documents that, through compliance with local zoning
21 ordinances and subdivision regulations, promote and protect the health, safety and welfare of the
22 citizens of Santa Fe; and

23 **WHEREAS**, New Mexico state law currently requires condominiums to comply with
24 local zoning ordinances and subdivision regulations (Section 47-7A-6 NMSA 1978); however,
25 condominium declarations are often recorded at the office of the County Clerk without the

1 knowledge, review, or approval of city zoning officials; and

2 **WHEREAS**, currently the County Clerk has no way of knowing whether the
3 condominium declarations presented to her for recordation comply with local zoning ordinances
4 and subdivision regulations as required by state law; and

5 **WHEREAS**, recordation of declarations that create condominiums that are in violation
6 of the city's or county's zoning ordinances and subdivision regulations create condominiums that
7 are in violation of state law (Section 47-7A-6 NMSA 1978); and

8 **WHEREAS**, the creation of illegal, non-conforming condominiums is a serious problem
9 for neighborhoods and for unsuspecting home buyers, real estate agents, title insurance
10 companies, and attorneys who are often unaware that a condominium is illegal or that future
11 building permits and zoning approvals for these properties are prohibited due to their illegal non-
12 conformities.

13 **WHEREAS**, all developments other than condominiums that are located within the city
14 are required to comply with the city's zoning ordinances and subdivision regulations; and

15 **WHEREAS**, developments that propose the condominium form of ownership will not in
16 any way be discriminated against by the requested actions of the County Clerk, but rather will be
17 subject to the same city review and approval as are all other developments that require
18 recordation.

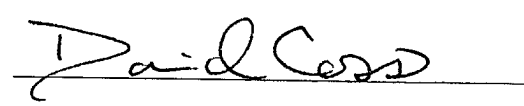
19 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
20 **CITY OF SANTA FE** that the Santa Fe County Clerk is respectfully requested to record only
21 those condominium declarations that are accompanied by written verification from the City of
22 Santa Fe Land Use Department that the condominium declaration complies with city zoning
23 ordinances and subdivision regulations.

24 **AND BE IT FURTHER RESOLVED** that the City Clerk is directed to deliver a copy
25 of this Resolution to the Santa Fe County Clerk, the Board of County Commissioners, the County

1 Manager, and the County Attorney.

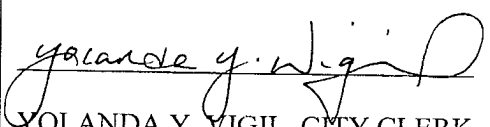
2 PASSED, APPROVED, and ADOPTED this 13th day of October, 2010.

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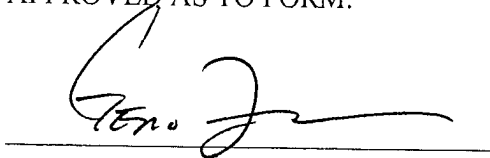
DAVID COSS, MAYOR

ATTEST:



YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



GENO ZAMORA, CITY ATTORNEY