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1 **Section 2.** The annexation action with respect to the subject property
2 affected by this Ordinance is subject to conditions of approval applicable to this
3 annexation and any future Development Plan for this property. The conditions are
4 outlined in the attached table summarizing City of Santa Fe Development Review Team
5 technical memoranda and conditions approved by the Planning Commission on August 4,
6 2011 [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 and the
9 relationship of the Property proposed to be annexed to the existing boundary of the city, as well
10 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 summary
14 and shall become effective five days after publication.

15
16 **APPROVED AS TO FORM:**

17 
18 _____
19 **GENO ZAMORA, CITY ATTORNEY**

Bill No. 2011-39
EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED

A PARCEL OF LAND LYING WITHIN SECTION 14, T.16N., R.8E., N.M.P.M., SANTA FE COUNTY, NEW MEXICO. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER A POINT ON THE EASTERN EDGE OF THE RIGHT OF WAY FOR STATE HIGHWAY 599 FROM WHENCE THE SANTA FE CONTROL MONUMENT #1008 BEARS N07°42'21"W, 1871.44 DISTANT; THENCE FROM SAID POINT AND PLACE OF BEGINNING AND LEAVING THE RIGHT OF WAY EDGE AND CONTINUING ALONG THE SUBJECT PROPERTY BOUNDARY ON THE FOLLOWING COURSES N88°23'42"E, 691.52 ; THENCE S00°14'41"W, 1329.39 ; THENCE S00°43'29"E, 14.86 ; THENCE S89°57'03"W, 1000.99 TO A POINT ON THE EASTERN EDGE OF SAID RIGHT OF WAY; THENCE ALONG SAID RIGHT OF WAY EDGE ON THE FOLLOWING COURSES N00°13'52"E, 7.45 ; THENCE N17°30'06"E, 1040.05 ; THENCE N00°02'32"E, 16.37 TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 26.96 ACRES MORE OR LESS.



KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S), HAVE CAUSED TO BE ANNEXED THOSE LANDS SHOWN HEREON. THIS ANNEXATION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNER(S). ALL UTILITIES COMPANIES ARE GRANTED EASEMENTS AS SHOWN FOR EXISTING UTILITIES. OTHER EASEMENTS ARE GRANTED AS SHOWN. THIS ANNEXATION CONTAINS 26.96 AC.+-, AND LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

**ANNEXATION AGREEMENT
TIERRA CONTENTA VILLAGE PLAZA**

This Annexation Agreement (“Agreement”) is made and entered into this _____ day of _____, 2011, by and between the City of Santa Fe, New Mexico, a New Mexico Municipal Corporation (“City”) and Commercial Center at 599, Inc., by Richard Cook (“Landowner”).

RECITALS

A. Landowner is the owner of certain real property situated in Santa Fe County, New Mexico consisting of approximately 26 acres, said property being situated within Section 14, 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, Santa Fe City Code 2001.

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 Case # 2011-69, and approved by Ordinance No. 2011-__ (**Exhibit 3**).

B. The Property shall be developed in accordance with the Master Plan, approved development plans, subdivision plats, the Phasing Plan for the Property and the Santa Fe Land Development Code (“SFLDC”), recognizing that the Master Plan and Phasing Plan are conceptual in nature and accordingly the Master Plan and Phasing Plan may be modified through the development approval process without the necessity for an amendment of the plans.

C. The Property, excluding Lot 1, Lot 2 and Tract 1 is subject to the Tierra Contenta Design Standards for Phase 2C, adopted by the City Planning Commission, dated January 2011, as the same may be amended from time to time (“TC Design Standards”). The review of all improvement requests for Lot 1, Lot 2 and Tract 1 is not subject to the TC Design Standards and shall be developed pursuant to the SFLDC.

4. **Rezoning of Property.** A portion of the Property shall be rezoned to designation C-2 as provided in rezoning application Cases #2011-67, approved in conjunction with the annexation of the Property, as Ordinance No. 2011-_____.

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 building permit 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. Construction debris shall be disposed of at the Caja del Rio transfer station.

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 and on the final plat. The Landowner will comply with the City of Santa Fe water main extension rules in Chapter 25, Santa Fe City Code. Water rights shall be transferred to provided adequate water offsets for development.

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 and wastewater collection systems shall be reviewed and approved by the City prior to any construction.

E. ***Streets and Other Rights of Way.*** Streets within and outside the Property, as stipulated below, 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. In addition:

1. Any proposed access to or improvements on New Mexico Department of Transportation (NMDOT) Highway Systems shall receive ultimate approval from NMDOT.
2. The construction of the NM 599/Jaguar interchange shall be completed by the Pavilion development or the Tierra Contenta Village Plaza, prior to or during the development of Phase I. The developer shall be responsible for all costs associated with the design and construction of the NM 599/Jaguar interchange.
3. The developer shall construct Jaguar Drive from its current terminus to the proposed interchange, during the development of Phase I. The developer shall be responsible for all costs associated with the design and construction of this segment of Jaguar Drive.
4. The developer shall construct Plaza Central from its current terminus to just south of the driveway into Lot 3A, during the development of Phase I. The remaining portion of Plaza Central shall be construed during the development of Phase V. The developer shall be responsible for all costs associated with the design and construction of this segment of Plaza Central.

F. ***Trails.*** The Landowner shall develop and provide a trail in the Arroyo Chamiso to connect to the Pavilion project located on the west side of NM 599. The Landowner will also develop and provide a trail to the Village Plaza to the north and the

future City recreation center to the east. In order to develop the Arroy Chamiso Trail, the New Mexico Department of Transportation and the City must approve the use of existing box culverts under NM 599 for trail use. Should the NMDOT access permit request be denied, the trail will deviate from the arroyo along Plaza Central South and head northerly to Jaguar Drive, easterly along Jaguar Drive and over the proposed bridge to the Pavilion Project.

G. **Regional Transit.** The Landowner shall coordinate the construction of bus stops and shelters at locations within the Property as approved by the City and Santa Fe Trails.

H. **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 has received the necessary archeological clearance for the Property, and shall comply with all Archaeological Review Ordinances.

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. All utilities (gas, electric, cable, telephone, water and wastewater) shall be stubbed out to each lot with the construction of Plaza Central, Jaguar

Extension and Plaza Central (south) and extended into the subject parcels pursuant to the Phasing Plan.

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 SFLDC.

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. **Affordable Housing.** A portion of the property is zoned R-3 as described in Paragraph 4 above. If the R-3 Property is developed for residential use, such residential development shall comply with the City's Affordable Housing Ordinances.

13. **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.

14. **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.

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

16. **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.

17. **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.

18. **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.

19. **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.

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

21. **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.

22. **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

By: _____
Name: David Coss
Title: Mayor

ATTEST:

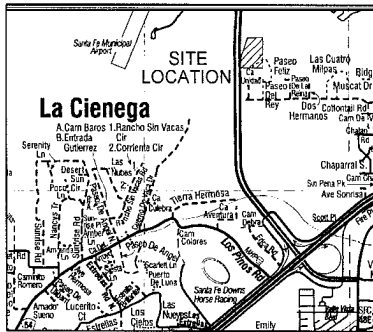
Yolanda Y. Vigil, City Clerk

APPROVED AS TO FORM:

Geno Zamora, City Attorney

LANDOWNER:
COMMERCIAL CENTER AT 599, INC.,
a New Mexico corporation

By: _____
Name: Richard P. Cook
Title: President



VICINITY MAP
NOT TO SCALE

DEDICATION AND AFFIDAVIT

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

THIS ANNEXATION CONTAINS 26.96 AC.±, AND LIES WITHIN THE PLANNING AND PLATING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

RICHARD P. COOK, PRESIDENT COMMERCIAL CENTER AT 599, INC.

RICHARD P. COOK, PRESIDENT LA CIENEGA ESTATES CORPORATION

STATE OF NEW MEXICO SS
COUNTY OF RIO ARriba

THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY RICHARD P. COOK, PRESIDENT COMMERCIAL CENTER AT 599, INC.

THIS _____ DAY OF _____, 2011
MY COMMISSION EXPIRES _____ NOTARY PUBLIC

STATE OF NEW MEXICO SS
COUNTY OF RIO ARriba

THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY RICHARD P. COOK, PRESIDENT LA CIENEGA ESTATES CORPORATION

THIS _____ DAY OF _____, 2011
MY COMMISSION EXPIRES _____ NOTARY PUBLIC

UTILITY APPROVAL

CONCAST CABLE CO. _____ DATE _____

PUBLIC SERVICE CO. OF N.M. ELECTRIC _____ DATE _____

QUEST COMMUNICATIONS _____ DATE _____

NEW MEXICO GAS CO. _____ DATE _____

LEGEND AND NOTES

1. BASIS OF BEARING TAKEN FROM "NEW MEXICO DEPARTMENT OF TRANSPORTATION CONTROL MAP NEW MEXICO PROJECT NO. M-NH-025-5(102)277 WPP-599 -1(102) WH-084-2(12)161" BY WILLIAM A. BOWERS NMP#11765 AND DATED 3-23-06
2. THIS PLAT IS SUBJECT TO ALL EASEMENTS, COVENANTS, AND CONDITIONS OF RECORD.

- 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 AE SUBJECT TO INUNDATION 1% ANNUAL FLOOD
- DENOTES FLOOD HAZARD ZONE AE CHANNEL SUBJECT TO INUNDATION 1% ANNUAL FLOOD

- DENOTES POINT FOUND 11011 CAP OR AS NOTED
- DENOTES POINT SET THIS SURVEY
- DENOTES POINT CALCULATED
- DENOTES MONUMENT
- DENOTES HWY. DEPT. ALUM. R/W MONUMENT

DENOTES EDGE OF EASEMENT

DENOTES FENCE LINE

DENOTES APPROX. LOC. ARROYO CHAMISO TRAIL

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 JUNE 8TH, 2011, 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

PLAT REFERENCES

THE FOLLOWING PLATS WERE USED IN THE DETERMINATION OF LOT LINES, EASEMENTS AND RIGHT-OF-WAYS AND ARE RECORD DOCUMENTS FOR THIS PLAT.

1. "PLAT OF SURVEY FOR LA CIENEGA LIMITED LIABILITY" BY RAYMOND A. ORTIZ NMP#8453, AND FILED IN PLAT BOOK 348, PG. 006 ON OCT. 1ST, 1996, IN THE OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO.
2. "PLAT OF SURVEY FOR LA CIENEGA LIMITED LIABILITY" BY RAYMOND A. ORTIZ NMP#8453, AND FILED IN PLAT BOOK 348, PG. 007 ON OCT. 1ST, 1996, IN THE OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO.
3. "PLAT OF SURVEY FOR LA CIENEGA LIMITED LIABILITY" BY RAYMOND A. ORTIZ NMP#8453, AND FILED IN PLAT BOOK 348, PG. 008 ON OCT. 1ST, 1996, IN THE OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO.
4. "CITY OF SANTA FE COUNTY OF SANTA FE RIGHT OF WAY MAPS DE-0107(802) NOT RECORDED."
5. "FINAL PLAT OF THE TIERRA CONTENTA SUBDIVISION PHASE 2C" BY JAMES B. SANCHEZ NMP#12685 DATED DEC. 12TH, 2009 SUBJECT TO FINAL RECORDING.
6. "REPLAT OF SURVEY FOR RON SEBESTA" BY MICHAEL K. NOONAN NMP#86998 AND FILED IN PLAT BOOK 184, PG. 026 IN THE OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO.
7. "LOT SPLIT FOR JIM NOBLE" BY SALVADOR VOGL NMP#84405 AND FILED IN PLAT BOOK 241, PG. 009 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 = 4410.63'
2. LENGTH OF BOUNDARY CONTIGUOUS WITH EXISTING CITY BOUNDARY = 3394.78' OR 77%
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 PERTAIN.
2. THIS PROPERTY LIES WITHIN MULTIPLE FLOOD ZONES (SEE LEGEND) ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAP PANEL NO. 3304960-5020, 6/17/08
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 CHAPT. 14, LAND DEVELOPMENT CODE SFCC 1987, 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 OF CHAPTER 14, LAND DEVELOPMENT CODE, SFCC 1987 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.

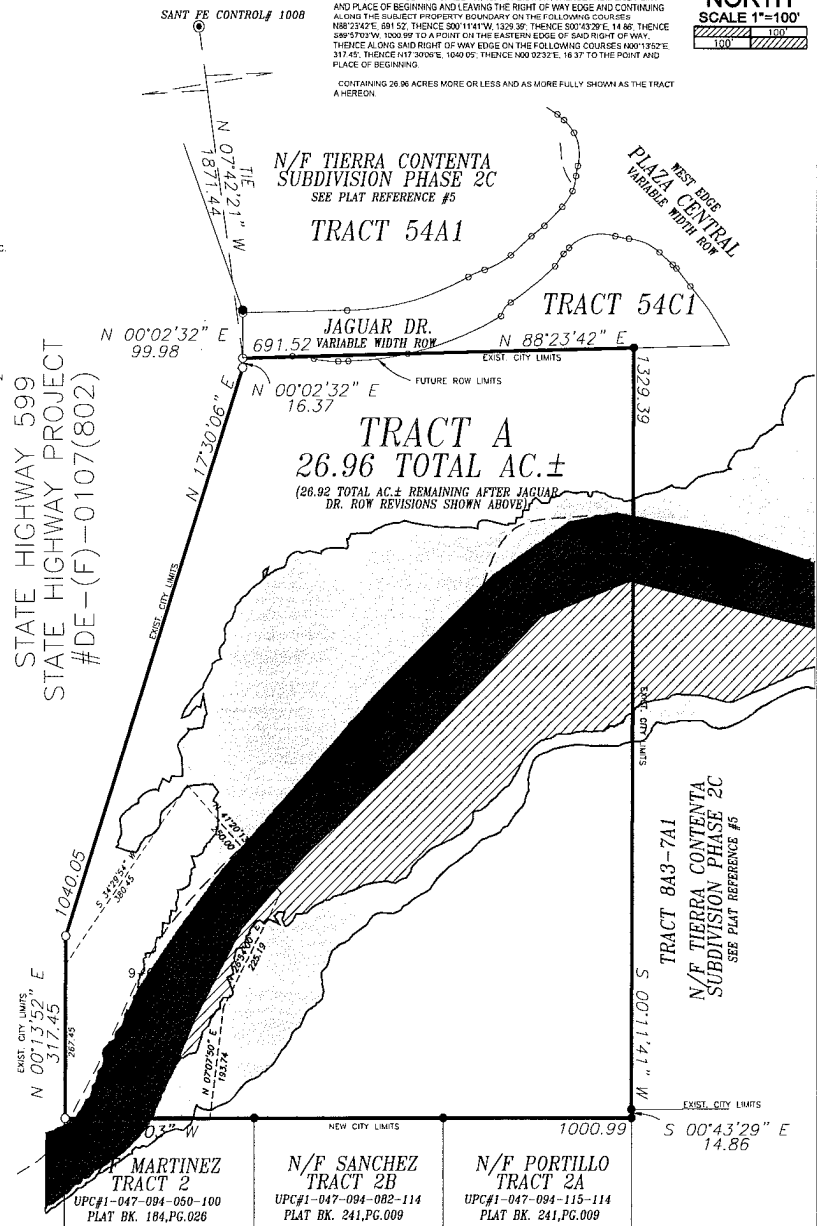
DESCRIPTION OF PROPERTY TO BE ANNEXED

A PARCEL OF LAND LYING WITHIN SECTION 14, T.16N, R.8E, N.M.P.M. SANTA FE COUNTY, NEW MEXICO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH-WEST CORNER A POINT ON THE EASTERN EDGE OF THE RIGHT OF WAY FOR STATE HIGHWAY 599 FROM WHENCE THE SANTA FE CONTROL MONUMENT BEARS 147°42'21" W 1471.44' DISTANT, THENCE FROM SAID POINT AND PLACE OF BEGINNING AND LEAVING THE RIGHT OF WAY EDGE AND CONTINUING ALONG THE SUBJECT PROPERTY BOUNDARY ON THE FOLLOWING COURSES: N88°23'42" E 591.52' THENCE S80°11'41" W 1329.39' THENCE S00°43'29" E 14.86' THENCE S88°57'03" W 1000.99' TO A POINT ON THE EASTERN EDGE OF SAID RIGHT OF WAY, THENCE ALONG SAID RIGHT OF WAY EDGE ON THE FOLLOWING COURSES N00°02'32" E 317.45' THENCE N17°30'06" E 1040.05' THENCE N00°02'32" E 99.98' THENCE N07°42'21" W 1871.44' TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 26.96 ACRES OR LESS AND AS MORE FULLY SHOWN AS THE TRACT A HEREON.

NORTH
SCALE 1"=100'



ANNEXATION PLAT OF TRACT A FOR TIERRA CONTENTA VILLAGE PLAZA

LYING WITHIN SECTION 14, T.16N, R.8E, N.M.P.M. SANTA FE COUNTY, NEW MEXICO.

RICK CHATROOP
PROFESSIONAL LAND SURVEYOR

NEW MEXICO REGISTRATION NO. 11011
(505) 470-0037 110 WAGON TRAIL RD. CERRILLOS, NM. 87010

INDEXING INFORMATION FOR THE COUNTY CLERK
OWNER COMMERCIAL CENTER AT 599, INC.-LA CIENEGA ESTATES CORP.
LOCATION LYING WITHIN SECTION 14, T.16N, R.8E, N.M.P.M. SANTA FE COUNTY, NEW MEXICO.

Village Plaza Annexation, General Plan Amendment and Rezoning--Conditions of Approval

Planning Commission

Cases #2011-69, 2011-70 and #2011-67 – Village Plaza

Conditions	Department	Staff
Review comments are based on submittals received on June 15, 2011. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittals unless otherwise noted: - The following conditions shall be placed on the annexation agreement: - Any proposed access to or improvements on New Mexico Department of Transportation (NMDOT) Highway Systems shall receive ultimate approval from the NMDOT. - The construction of the NM 599/Jaguar interchange shall be completed by the Pavilion development or the Tierra Contenta Village Plaza, prior to or during the development of Phase I. The developer shall be responsible for all costs associated with the design and construction of the NM 599/Jaguar interchange. - The developer shall construct Jaguar Drive from its current terminus to the proposed interchange, during the development of Phase I. The developer shall be responsible for all costs associated with the design and construction of this segment of Jaguar Drive. - The developer shall construct Plaza Central from its current terminus to just south of the driveway into Lot 3A, during the development of Phase I. The remaining portion of Plaza Central shall be constructed during the development of Phase V. The developer shall be responsible for all costs associated with the design and construction of this segment of Plaza Central. - The developer shall generate and place sight distance triangles, in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines on both the landscaping plan and the proposed subdivision plat. These sight triangles shall be designated as areas where landscaping, structures, or other sight impeding objects are not allowed to be placed. - The developer shall provide spline information for the proposed roundabout to ensure proper design. - The center island of the roundabout shall be raised with a patterned concrete edge per current standards. - The developer shall provide the ultimate multi-lane roundabout design, as determined by the approved Traffic Impact Analysis, so that adequate right-of-way can be reserved, including that needed for cut/fill slopes. - The developer shall place 1-2" and 1-3" electrical conduit across all legs of the roundabout at intersection #3 and the roundabout at the intersection of Pavilion Loop and Jaguar Drive. All conduits shall terminate into one of four large pull-boxes to be placed all four corners of the subject intersection. Each conduit shall have a pull string and a bare #8 copper tracing wire. - The driveways into lots 8 and 11 shall be situated to line up with the future residential development across Plaza Central. - The typical sections for both Jaguar Drive and Plaza Central shall meet the specifications in the Tierra Contenta Phase 2C design standards for a Parkway, which includes 5' sidewalks, 4' buffer space, 2' curb & gutter, 5' bike lanes, 11' driving lanes, and a 14' median (1' curb & gutter and 11' turning lanes where located). - The developer shall provide a pavement design for Jaguar Drive and Plaza Central. The minimum pavement section shall be 4" of Super Pave-IV over 6" of Untreated Basecourse.	Traffic Engineering	John Romero

Village Plaza Annexation, General Plan Amendment and Rezoning-Conditions of Approval

Planning Commission

Cases #2011-69, 2011-70 and #2011-67 – Village Plaza

Conditions	Department	Staff
10. The developer shall provide a street light plan to include a metered system with LED type fixtures. The design and fixture types shall be reviewed and approved by the City's Traffic Engineering Division. The developer will not be required to pay for the metered electricity related to the street lights. The Traffic Engineering Division may adjust this requirement between now and implementation including reverting back to a non-metered High Pressure Sodium System. 11. In addition to what is mentioned above, the Traffic Engineering Division will perform and additional review of signing, striping, drainage, roundabout design, and other specific items during the final subdivision plat and development plan approval process.		
City Engineer requirements to apply at time of final mylar or building permit: Add the following to the Annexation Plat, General Plan Amendment Plat, Zoning Plat, Lot Split Plat, Preliminary Subdivision Plat, and Grading and Drainage Plan: 1. A floodplain status statement with regard to the February 17, 2011 Preliminary FIRM. 2. Delineation of the limits of the 1% floodplain with respect to both the current effective (June 17, 2008) FIRM and the preliminary (February 17, 2011) FIRM. If these floodplain limits are identical, add a note so stating. 3. A note that any work in the FEMA floodplain must meet all local, state, and federal regulations. 4. Lot addresses (contact Marisa Struck 955-6661). 5. Submit drainage calculations for review.	Terrain Management	Risana Zaxus
Roadway and Trails Engineering Division/Metropolitan Planning Organization: 1. The development package is limited in design details regarding multi-use trails. Please provide more details on how trails interact with the proposed roadways and the Tierra Contenta and Arroyo Chamiso trail networks including proposed Southwest Activity Node regional park. 2. Proposals for the trail system to cross NM 599 and connect to trails proposed on the west side of NM 599 as part of the Pavilion Development should be considered. 3. Phasing for trail construction should be clarified. 4. The developer should take care in the design of the trail system particularly in areas where trails interact with streets. It is unclear if these interactions are proposed to be at-grade or grade separated—if at-grade, what types of crossing safety treatments are proposed; if grade separated, how will access to roadways be incorporated? 5. Discuss the proposed trail network and its relationship to the approved Tierra Contenta Master Plan and Design Standards, if applicable. Continue to work to obtain a final trail design that meets appropriate design criteria and facilitates safe and long term use.	Roadway and Trails Engineering	Eric Martinez
The New Mexico Department of Transportation's "Final Project Prioritization Plan for the NM599 Corridor", April 2010 made a recommendation that a frontage road along the east side of NM599 between I-25 and Jaguar Drive be prioritized along with the other recommended projects (See attached excerpt from the Plan). The full report is	Metropolitan Planning Organization	Keith Wilson

Village Plaza Annexation, General Plan Amendment and Rezoning—Conditions of Approval

Planning Commission

Cases #2011-69, 2011-70 and #2011-67 – Village Plaza

Conditions	Department	Staff
available at: http://santafempower.org/santa-fe-corridor-studies/nm599/ Based on the recommendations of the NM599 Plan this frontage road was included on the Future Regional Roadway Network Map in the 2010-2035 Metropolitan Transportation Plan (MTP) adopted by the MPO Transportation Policy Board in October 2010. This Map has also been attached. Figure 8 of the NM599 Plan shows the need for additional right-of-way to accommodate the connection of this frontage road to Jaguar Drive to the east of the interchange. The Development Plan shows no accommodations for a future frontage road connection to Jaguar Drive. MPO staff met with development team members Scott Hoefl and Michael Gomez on June 6th and explained to them that because the frontage road was identified in the MTP, they could not have a plan that would preclude the future construction of the frontage road. The development team was offered two options to pursue. 1. Develop an alternative alignment for the frontage road connection to Jaguar Drive that New Mexico Department of Transportation (the frontage road would be their facility) would approve. 2. Ask the New Mexico Department of Transportation to request the MPO to amend to the MTP to remove the frontage road. An Amendment to the MTP requires review by the MPO Technical Coordinating Committee and a 30-day public review period before the MPO Transportation Policy Board could approve the amendment. This is typically a 45 to 60 day process in total. MPO Staff recommends that this plan should not be approved until the issue with the frontage road has been resolved. Current Planning Staff comment: Since the drafting of these comments, the applicant has been coordinating with the New Mexico Department of Transportation and the MPO to process an amendment to the MTP to remove the frontage road. The applicant has been made aware that by proceeding with Preliminary Plat prior to this issue being resolved, that he proceeds at his own risk as the MPO Technical Committee and the Transportation Policy Board may or may not approve the amendment. Mr. Wilson has agreed that the Preliminary Plat application can proceed with this understanding. The Applicant shall address the following design review comments for the Preliminary Plat: 1. Show all existing and proposed sewer line and effluent line easements on the plat, utility plans, site development plans and grading and drainage plans for sheets 4-1, 9-1, 10-1, and 10-2. 2. Show/provide book and page for existing sewer or effluent easements. 3. There is a current approved engineering plan set produced by Wilson and Company for the planned Tierra Contenta Subdivision Area Effluent Water Line (CIP 934), the design of which was paid for by	Wastewater Management Division	Stan Holland

Village Plaza Annexation, General Plan Amendment and Rezoning—Conditions of Approval

Planning Commission

Cases #2011-69, 2011-70 and #2011-67 – Village Plaza

Conditions	Department	Staff
the City of Santa Fe. The Wastewater Division is requiring that the Developer pay for all costs to produce a revised set of engineering drawings reflecting the changed alignment of the effluent line through the Village Plaza development. <i>Current Planning Staff comment: There are currently two processes underway, the Subdivision Plat for Village Plaza and the Dedication Plat for the Tierra Contenta Park. The placement of the sewer effluent easement needs to be coordinated between the two applicants.</i>		
Fire Department: 1. Subdivision shall comply with the currently adopted International Fire Code (currently 2006 edition, to be updated in July to the 2009 edition).	Fire Department	Reynaldo Gonzales
Santa Fe Trails: 1. Bus stop and shelter construction will be required. As discussed with Santa Fe Trails, at least 4 stops are anticipated (2 on Jaguar and 2 on Plaza Central) of a medium size or larger. The bus stops are part of necessary public infrastructure and will be included on the Letter of Credit.	Santa Fe Trails	Jon Bulthuis/ Michael Kelly
Current Planning: 1. The Annexation Agreement does not have a section that addresses housing. A letter of commitment to complying with City of Santa Fe housing regulations has been provided, but the Annexation Agreement must be updated. 2. The Annexation Agreement needs to outline where the Tierra Contenta Phase 2C Design Standards will apply. The northern 4.5-acre tract is intended to be subject to the Phase 2C Design Standards, and the Annexation Agreement should state this. 3. The Annexation Agreement should state a commitment to and timing of the construction of trails and bus stops (pedestrian amenities). Details on the trails can be worked out at the Development Plan stage, but the agreement should provide a commitment for the construction of the Arroyo Chamiso Trail and the link to the planned recreation area as well as the Pavilion development. There will be no Development Plan associated with this Open Space tract. The Arroyo Chamiso Trail should be indicated in your Phasing Plan. 4. The Phasing Plan should be more specific about what infrastructure will be provided with each phase. Include notes on the plans that make it clear what will be constructed with each phase. 5. A loop trail should be considered as an amenity for the tracts north of Jaguar Drive. The loop trail could then provide more direct connections for pedestrians that prefer not to utilize the sidewalks and it will be an amenity to the workers and visitors to these tracts. 6. The location of the sewer effluent easement should be coordinated with Stan Holland and the City's consultant for the design of the Tierra Contenta Recreation Area prior to final plat recordation. There is a current approved engineering plan set produced by Wilson and Company for the planned Tierra Contenta	Current Planning	Heather Lamboy

Village Plaza Annexation, General Plan Amendment and Rezoning-Conditions of Approval

Planning Commission

Cases #2011-69, 2011-70 and #2011-67 – Village Plaza

Conditions	Department	Staff
Subdivision Area Effluent Water Line (CIP 934), the design of which was paid for by the City of Santa Fe. The Wastewater Division is requiring that the Developer pay for all costs to produce a revised set of engineering drawings reflecting the changed alignment of the effluent line through the Village Plaza development. 7. The following note should be added to the Annexation Master Plan: “The Annexation Master Plan establishes the location of the roads and parking for the development and the approximate siting of the buildings. All development will be in accordance with the Land Development Code for the City of Santa Fe. The development will be market driven and flexibility is required for identification of the actual uses proposed for each tract. All uses will be as permitted for the C-1, C-2, and R-3 zoning districts.”		

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2011-39

AN ORDINANCE

**ANNEXING THE “VILLAGE PLAZA” TRACT OF LAND LYING CONTIGUOUS
WITH THE SANTA FE CORPORATE LIMITS COMPRISING 26.96 ACRES MORE OR
LESS GENERALLY BOUNDED BY NM599 ON THE WEST, THE PLANNED
EXTENSION OF JAGUAR DRIVE ON THE NORTH, THE PLANNED EXTENSION OF
PLAZA CENTRAL ON THE EAST, AND THE ARROYO DE LOS CHAMISOS ON THE
SOUTH AND LYING WITHIN TOWNSHIP 16N, RANGE 8E, SECTION 14, NEW
MEXICO PRIME MERIDIAN, SANTA FE COUNTY, STATE OF NEW MEXICO.
 (“VILLAGE PLAZA ANNEXATION,” CASE NO. 2011-69).**

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

Section 1. Pursuant to Section 3-7-17 NMSA 1978, the following described land
(the “Property”) is annexed to the City of Santa Fe, thereby extending the corporate limits of the
city: Certain parcels of land lying within Township 16N, Range 8E, Section 14, New Mexico
Prime Meridian, Santa Fe County, State of New Mexico, as particularly described in the attached
Annexation Plat [EXHIBIT A], Annexation Master Plan and Phasing Plan [EXHIBIT B]
incorporated herein by reference.

1 **Section 2.** The annexation action with respect to the subject property
2 affected by this Ordinance is subject to conditions of approval applicable to this
3 annexation and any future Development Plan for this property. The conditions are
4 outlined in the attached table summarizing City of Santa Fe Development Review Team
5 technical memoranda and conditions approved by the Planning Commission on August 4,
6 2011 [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 and the
9 relationship of the Property proposed to be annexed to the existing boundary of the city, as well
10 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 summary
14 and shall become effective five days after publication.

15
16 **APPROVED AS TO FORM:**

17
18 _____
19 **GENO ZAMORA, CITY ATTORNEY**
20
21
22
23

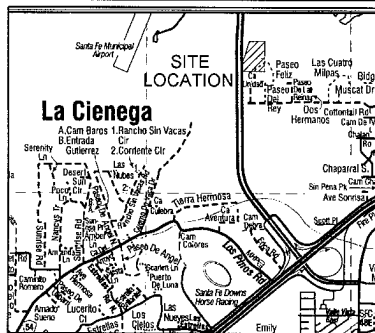
Bill No. 2011-39
EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED

A PARCEL OF LAND LYING WITHIN SECTION 14, T.16N., R.8E., N.M.P.M., SANTA FE COUNTY, NEW MEXICO. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER A POINT ON THE EASTERN EDGE OF THE RIGHT OF WAY FOR STATE HIGHWAY 599 FROM WHENCE THE SANTA FE CONTROL MONUMENT #1008 BEARS N07°42'21"W, 1871 .44 DISTANT; THENCE FROM SAID POINT AND PLACE OF BEGINNING AND LEAVING THE RIGHT OF WAY EDGE AND CONTINUING ALONG THE SUBJECT PROPERTY BOUNDARY ON THE FOLLOWING COURSES N88°23'42"E, 691 .52 ; THENCE S00°11'41"W, 1329.39 ; THENCE S00°43'29"E, 14.86 ; THENCE S89°57'03"W, 1000.99 TO A POINT ON THE EASTERN EDGE OF SAID RIGHT OF WAY; THENCE ALONG SAID RIGHT OF WAY EDGE ON THE FOLLOWING COURSES N00°13'52"E, 7.45 ; THENCE N17°30'06"E, 1040.05 ; THENCE N00°02'32"E, 16.37 TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 26.96 ACRES MORE OR LESS.



VICINITY MAP
NOT TO SCALE

DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS, HAVE CAUSED TO BE ANNEXED THOSE LANDS SHOWN HEREON. THIS ANNEXATION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNER(S). UTILITY COMPANIES ARE GRANTED EASEMENTS AS SHOWN AND FOR EXISTING UTILITIES. OTHER EASEMENTS ARE GRANTED AS SHOWN. THIS ANNEXATION CONTAINS 26.96 AC.±, AND LIES WITHIN THE PLANNING AND PLATING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

RICHARD P. COOK, PRESIDENT COMMERCIAL CENTER AT 599, INC.

RICHARD P. COOK, PRESIDENT LA CIENEGA ESTATES CORPORATION

STATE OF NEW MEXICO SS

COUNTY OF RIO ARriba

THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY RICHARD P. COOK, PRESIDENT COMMERCIAL CENTER AT 599, INC.

THIS _____ DAY OF _____, 2011, _____

MY COMMISSION EXPIRES _____, NOTARY PUBLIC

STATE OF NEW MEXICO SS

COUNTY OF RIO ARriba

THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY RICHARD P. COOK, PRESIDENT LA CIENEGA ESTATES CORPORATION

THIS _____ DAY OF _____, 2011, _____

MY COMMISSION EXPIRES _____, NOTARY PUBLIC

UTILITY APPROVAL

COMCAST CABLE CO. _____ DATE _____

PUBLIC SERVICE CO. OF N.M. ELECTRIC _____ DATE _____

QWEST COMMUNICATIONS _____ DATE _____

NEW MEXICO GAS CO. _____ DATE _____

LEGEND AND NOTES

1. BASIS OF BEARING TAKEN FROM "NEW MEXICO DEPARTMENT OF TRANSPORTATION CONTROL MAP NEW MEXICO PROJECT NO. NM-NH-025-5(102)277 WPP-599 -1(102) NH-084-2(12)161" BY WILLIAM A. BOWERS NMLS#11765 AND DATED 3-23-06.
2. THIS PLAT IS SUBJECT TO ALL EASEMENTS, COVENANTS, AND CONDITIONS OF RECORD.

- 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 AE SUBJECT TO INUNDATION 1% ANNUAL FLOOD
- DENOTES FLOOD HAZARD ZONE AE CHANNEL SUBJECT TO INUNDATION 1% ANNUAL FLOOD

- DENOTES POINT FOUND 11011 CAP OR AS NOTED
- DENOTES POINT SET THIS SURVEY
- DENOTES POINT CALCULATED
- DENOTES MONUMENT
- DENOTES HWY. DEPT. ALUM. R/W MONUMENT

DENOTES EDGE OF EASEMENT

DENOTES FENCE LINE

DENOTES APPROX. LOC. ARROYO CHAMISO TRAIL

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 JUNE, 9TH, 2011, 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.P.L.S. #11011



PLAT REFERENCES

THE FOLLOWING PLATS WERE USED IN THE DETERMINATION OF LOT LINES, EASEMENTS AND RIGHT-OF-WAY'S AND ARE RECORDED DOCUMENTS FOR THIS PLAT.

1. "PLAT OF SURVEY FOR LA CIENEGA LIMITED LIABILITY" BY RAYMOND A. ORTIZ NMLS#8453, AND FILED IN PLAT BOOK 346, PG. 008 ON OCT. 1ST, 1996, IN THE OFFICE OF THE COUNTY CLERK SANTA FE COUNTY, NEW MEXICO.
2. "PLAT OF SURVEY FOR LA CIENEGA LIMITED LIABILITY" BY RAYMOND A. ORTIZ NMLS#8453, AND FILED IN PLAT BOOK 346, PG. 007 ON OCT. 1ST, 1996, IN THE OFFICE OF THE COUNTY CLERK SANTA FE COUNTY, NEW MEXICO.
3. "PLAT OF SURVEY FOR LA CIENEGA LIMITED LIABILITY" BY RAYMOND A. ORTIZ NMLS#8453, AND FILED IN PLAT BOOK 346, PG. 008 ON OCT. 1ST, 1996, IN THE OFFICE OF THE COUNTY CLERK SANTA FE COUNTY, NEW MEXICO.
4. "CITY OF SANTA FE COUNTY OF SANTA FE RIGHT OF WAY MAPS DE-0107(802) BY SALVADOR E. VIGIL NMLS# 4405 FINAL MAP DATE APR. 7TH, 1988. NOT RECORDED.
5. "FINAL PLAT OF LA TIERRA CONTENTA SUBDIVISION PHASE 2C" BY JAMES B. SANCHEZ NMLS# 12655 DATED DEC. 12TH 2009. SUBJECT TO FINAL RECORDING.
6. "REPLAT OF SURVEY FOR RON SEBESTA" BY MITCHEL K. NICHOLS NMLS#8996 AND FILED IN PLAT BOOK 184, PG. 026 IN THE OFFICE OF THE COUNTY CLERK SANTA FE COUNTY, NEW MEXICO.
7. "LOT SPLIT FOR JIM NOBLE" BY SALVADOR E. VIGIL NMLS#4405 AND FILED IN PLAT BOOK 241, PG. 009 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 = 4410.63'
2. LENGTH OF BOUNDARY CONTIGUOUS WITH EXISTING CITY BOUNDARY = 3354.78' OR 77%
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

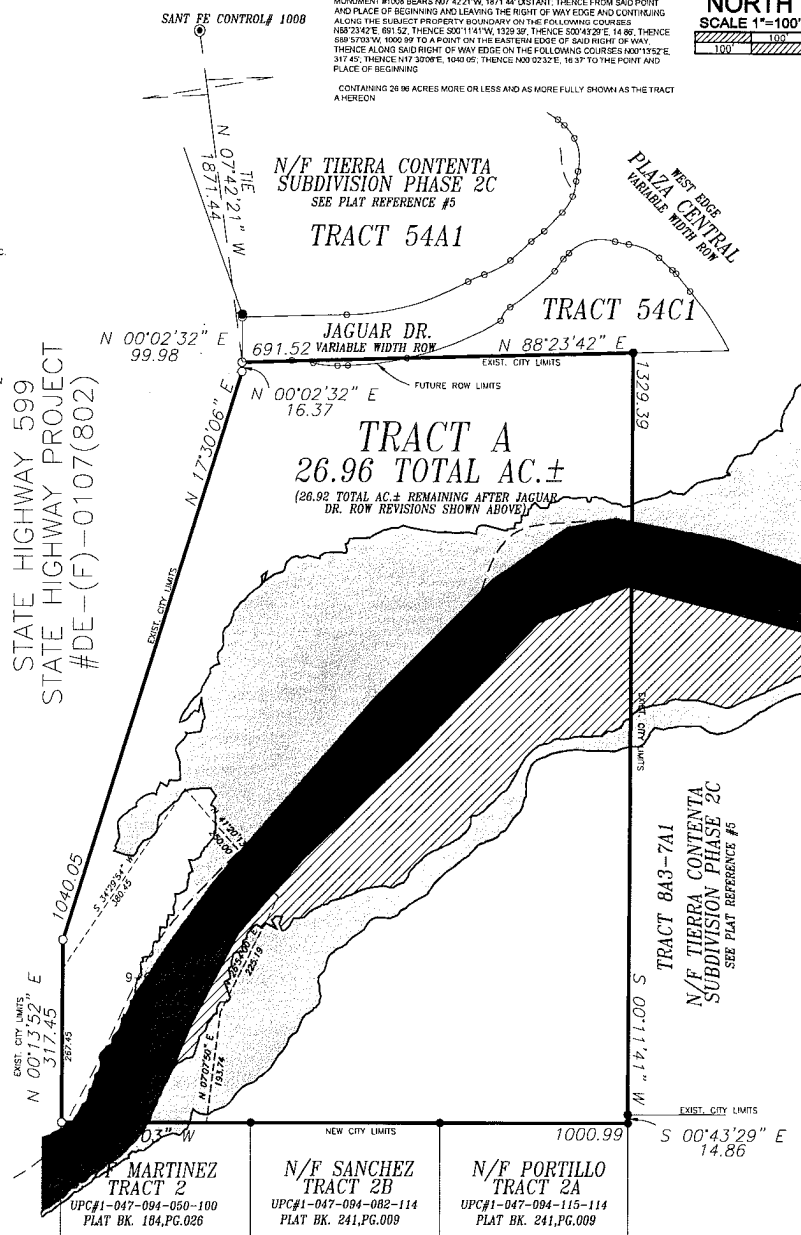
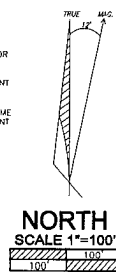
1. THIS PROPERTY IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD WHICH PERTAIN.
2. THIS PROPERTY LIES WITHIN MULTIPLE FLOOD ZONES (SEE LEGEND) ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAP PANEL NO. 5504600-5020, 6/17/08.
3. RECORDING OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL BY 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 CHAPT. 14, LAND DEVELOPMENT CODE SFCC 1987, 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 CHAPT. 14, LAND DEVELOPMENT CODE, SFCC 1987 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.

DESCRIPTION OF PROPERTY TO BE ANNEXED

A PARCEL OF LAND LYING WITHIN SECTION 14, T16N, R8E, NMPM, SOUTHEAST COUNTY, NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER A POINT ON THE EASTERN EDGE OF THE RIGHT OF WAY FOR STATE HIGHWAY 599 FROM WHENCE THE SANTA FE CONTROL MONUMENT BORE BEARS N07°42'21" W 1871.44' DISTANT, THENCE FROM SAID POINT AND PLACE OF BEGINNING AND LEAVING THE RIGHT OF WAY EDGE AND CONTINUING ALONG THE SUBJECT PROPERTY BOUNDARY ON THE FOLLOWING COURSES: N88°23'42" E 801.52' THENCE S00°11'41" W 1329.39' THENCE S00°42'20" E 14.86' THENCE S89°57'03" W 1000.99' TO A POINT ON THE EASTERN EDGE OF SAID RIGHT OF WAY, THENCE ALONG SAID RIGHT OF WAY EDGE ON THE FOLLOWING COURSES: N00°13'52" E 317.45' THENCE N17°20'06" E 1040.05' THENCE N00°02'32" E 99.98' TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 26.96 ACRES MORE OR LESS AND AS MORE FULLY SHOWN AS THE TRACT A HEREON.



ANNEXATION PLAT OF TRACT A FOR TIERRA CONTENTA VILLAGE PLAZA

LYING WITHIN SECTION 14, T16N, R8E, NMPM, SANTA FE COUNTY, NEW MEXICO.

RICK CHATROOP
PROFESSIONAL LAND SURVEYOR

NEW MEXICO REGISTRATION NO. 11011
(505) 470-0037 110 WAGON TRAIL RD. CERRILLOS, NM. 87010

INDICATING INFORMATION FOR THE COUNTY CLERK

OWNER: COMMERCIAL CENTER AT 599, INC.-LA CIENEGA ESTATES CORP.
LOCATION: LYING WITHIN SECTION 14, T16N, R8E, NMPM, SANTA FE COUNTY, NEW MEXICO.

**ANNEXATION AGREEMENT
TIERRA CONTENTA VILLAGE PLAZA**

This Annexation Agreement (“Agreement”) is made and entered into this _____ day of _____, 2011, by and between the City of Santa Fe, New Mexico, a New Mexico Municipal Corporation (“City”) and Commercial Center at 599, Inc., by Richard Cook (“Landowner”).

RECITALS

A. Landowner is the owner of certain real property situated in Santa Fe County, New Mexico consisting of approximately 26 acres, said property being situated within Section 14, 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, Santa Fe City Code 2001.

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 Case # 2011-69, and approved by Ordinance No. 2011-__ (**Exhibit 3**).

B. The Property shall be developed in accordance with the Master Plan, approved development plans, subdivision plats, the Phasing Plan for the Property and the Santa Fe Land Development Code (“SFLDC”), recognizing that the Master Plan and Phasing Plan are conceptual in nature and accordingly the Master Plan and Phasing Plan may be modified through the development approval process without the necessity for an amendment of the plans.

C. The Property, excluding Lot 1, Lot 2 and Tract 1 is subject to the Tierra Contenta Design Standards for Phase 2C, adopted by the City Planning Commission, dated January 2011, as the same may be amended from time to time (“TC Design Standards”). The review of all improvement requests for Lot 1, Lot 2 and Tract 1 is not subject to the TC Design Standards and shall be developed pursuant to the SFLDC.

4. **Rezoning of Property.** A portion of the Property shall be rezoned to designation C-2 as provided in rezoning application Cases #2011-67, approved in conjunction with the annexation of the Property, as Ordinance No. 2011-_____.

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 building permit 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. Construction debris shall be disposed of at the Caja del Rio transfer station.

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 and on the final plat. The Landowner will comply with the City of Santa Fe water main extension rules in Chapter 25, Santa Fe City Code. Water rights shall be transferred to provided adequate water offsets for development.

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 and wastewater collection systems shall be reviewed and approved by the City prior to any construction.

E. ***Streets and Other Rights of Way.*** Streets within and outside the Property, as stipulated below, 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. In addition:

1. Any proposed access to or improvements on New Mexico Department of Transportation (NMDOT) Highway Systems shall receive ultimate approval from NMDOT.
2. The construction of the NM 599/Jaguar interchange shall be completed by the Pavilion development or the Tierra Contenta Village Plaza, prior to or during the development of Phase I. The developer shall be responsible for all costs associated with the design and construction of the NM 599/Jaguar interchange.
3. The developer shall construct Jaguar Drive from its current terminus to the proposed interchange, during the development of Phase I. The developer shall be responsible for all costs associated with the design and construction of this segment of Jaguar Drive.
4. The developer shall construct Plaza Central from its current terminus to just south of the driveway into Lot 3A, during the development of Phase I. The remaining portion of Plaza Central shall be construed during the development of Phase V. The developer shall be responsible for all costs associated with the design and construction of this segment of Plaza Central.

F. **Trails.** The Landowner shall develop and provide a trail in the Arroyo Chamiso to connect to the Pavilion project located on the west side of NM 599. The Landowner will also develop and provide a trail to the Village Plaza to the north and the

future City recreation center to the east. In order to develop the Arroyo Chamiso Trail, the New Mexico Department of Transportation and the City must approve the use of existing box culverts under NM 599 for trail use. Should the NMDOT access permit request be denied, the trail will deviate from the arroyo along Plaza Central South and head northerly to Jaguar Drive, easterly along Jaguar Drive and over the proposed bridge to the Pavilion Project.

G. **Regional Transit.** The Landowner shall coordinate the construction of bus stops and shelters at locations within the Property as approved by the City and Santa Fe Trails.

H. **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 has received the necessary archeological clearance for the Property, and shall comply with all Archaeological Review Ordinances.

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. All utilities (gas, electric, cable, telephone, water and wastewater) shall be stubbed out to each lot with the construction of Plaza Central, Jaguar

Extension and Plaza Central (south) and extended into the subject parcels pursuant to the Phasing Plan.

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 SFLDC.

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. **Affordable Housing.** A portion of the property is zoned R-3 as described in Paragraph 4 above. If the R-3 Property is developed for residential use, such residential development shall comply with the City's Affordable Housing Ordinances.

13. **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.

14. **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.

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

16. **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.

17. **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.

18. **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.

19. **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.

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

21. **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.

22. **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

By: _____
Name: David Coss
Title: Mayor

ATTEST:

Yolanda Y. Vigil, City Clerk

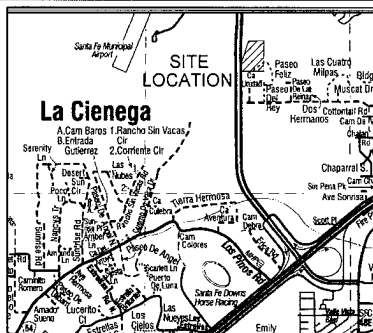
APPROVED AS TO FORM:

Geno Zamora, City Attorney

LANDOWNER:

COMMERCIAL CENTER AT 599, INC.,
a New Mexico corporation

By: _____
Name: Richard P. Cook
Title: President



VICINITY MAP
NOT TO SCALE

DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S), HAVE CAUSED TO BE ANNEXED THOSE LANDS SHOWN HEREON. THIS ANNEXATION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNER(S). UTILITY COMPANIES ARE GRANTED EASEMENTS AS SHOWN AND FOR EXISTING UTILITIES. OTHER EASEMENTS ARE GRANTED AS SHOWN. THIS ANNEXATION CONTAINS 26.96 AC.±, AND LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

RICHARD P. COOK, PRESIDENT COMMERCIAL CENTER AT 599, INC.

RICHARD P. COOK, PRESIDENT LA CIENEGA ESTATES CORPORATION

STATE OF NEW MEXICO SS

COUNTY OF RIO ARriba

THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND

SUBSCRIBED BEFORE ME BY RICHARD P. COOK, PRESIDENT COMMERCIAL CENTER AT 599, INC.

THIS DAY OF 2011.

MY COMMISSION EXPIRES NOTARY PUBLIC

STATE OF NEW MEXICO SS

COUNTY OF RIO ARriba

THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND

SUBSCRIBED BEFORE ME BY RICHARD P. COOK, PRESIDENT LA CIENEGA ESTATES CORPORATION

THIS DAY OF 2011.

MY COMMISSION EXPIRES NOTARY PUBLIC

UTILITY APPROVAL

COMCAST CABLE CO. DATE

PUBLIC SERVICE CO. OF N.M. ELECTRIC. DATE

QWEST COMMUNICATIONS DATE

NEW MEXICO GAS CO. DATE

LEGEND AND NOTES

1. BASIS OF BEARING TAKEN FROM "NEW MEXICO DEPARTMENT OF TRANSPORTATION CONTROL MAP NEW MEXICO PROJECT NO. 34-NM-025-5(102)777 PPH-599 (1102) NM-084-2(12)181" BY WILLIAM A. BOWERS N.M.P.S.#11765 AND DATED 3-23-06.
2. THIS PLAT IS SUBJECT TO ALL EASEMENTS, COVENANTS, AND CONDITIONS OF RECORD.

- 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 AE SUBJECT TO INUNDATION 1% ANNUAL FLOOD
- DENOTES FLOOD HAZARD ZONE AE CHANNEL SUBJECT TO INUNDATION 1% ANNUAL FLOOD

- DENOTES POINT FOUND 11011 CAP OR AS NOTED.
- DENOTES POINT SET THIS SURVEY
- DENOTES POINT CALCULATED
- DENOTES MONUMENT
- DENOTES HRY. DEPT. ALUM. R/W MONUMENT

DENOTES EDGE OF EASEMENT

DENOTES FENCE LINE

DENOTES APPROX. LOC. ARROYO CHAMISO TRAIL

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 JUNE 9TH, 2011, 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.S. #11011



PLAT REFERENCES

THE FOLLOWING PLATS WERE USED IN THE DETERMINATION OF LOT LINES, EASEMENTS AND RIGHT-OF-WAYS AND ARE RECORDED DOCUMENTS FOR THIS PLAT.

1. "PLAT OF SURVEY FOR LA CIENEGA LIMITED LIABILITY" BY RICHARD A. CHATROOP N.M.P.S.#11011, AND FILED IN PLAT BOOK 346, PG. 009 ON OCT. 1ST, 1996, 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.S.#11011, AND FILED IN PLAT BOOK 346, PG. 007 ON OCT. 1ST, 1996, 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.S.#11011, AND FILED IN PLAT BOOK 346, PG. 008 ON OCT. 1ST, 1996, IN THE OFFICE OF THE COUNTY CLERK SANTA FE COUNTY, NEW MEXICO.
4. "CITY OF SANTA FE COUNTY OF SANTA FE RIGHT OF WAY MAPS DE-0107(802) BY SALVADOR E. VIGIL N.M.P.S.#4005 FINAL MAP DATE APR. 27TH, 1988, NOT RECORDED.
5. "FINAL PLAT OF THE TIERRA CONTENTA SUBDIVISION PHASE 2C" BY JAMES B. SANCHEZ N.M.P.S.#12655 DATED DEC. 12TH 2009, SUBJECT TO FINAL RECORDING.
6. "REPLAT OF SURVEY FOR RON SEBASTIA" BY MITCHELL K. NOODMAN N.M.P.S.#6998 AND FILED IN PLAT BOOK 184, PG. 026 IN THE OFFICE OF THE SANTA FE COUNTY CLERK.
7. "LOT SPLIT FOR JIM NOBLE" BY SALVADOR VIGIL N.M.P.S.#4045 AND FILED IN PLAT BOOK 241, PG. 009 IN THE OFFICE OF THE SANTA FE COUNTY CLERK.

CITY OF SANTA FE REVIEW

1. TOTAL LENGTH OF BOUNDARY TO BE ANNEXED = 4410.63'
2. LENGTH OF BOUNDARY CONTIGUOUS WITH EXISTING CITY BOUNDARY = 3394.78' OR 77%
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 PERTAIN.
2. THIS PROPERTY LIES WITHIN MULTIPLE FLOOD ZONES (SEE LEGEND) ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAP PANEL NO. 3504960-5020, 6/17/08.
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 CHAPTER 14, LAND DEVELOPMENT CODE SFCC 1987, 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 SUBMITTA FOR A BUILDING PERMIT APPLICATION THAT MODIFIES ANY PROVISION OF CHAPTER 14, LAND DEVELOPMENT CODE, SFCC 1987 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.

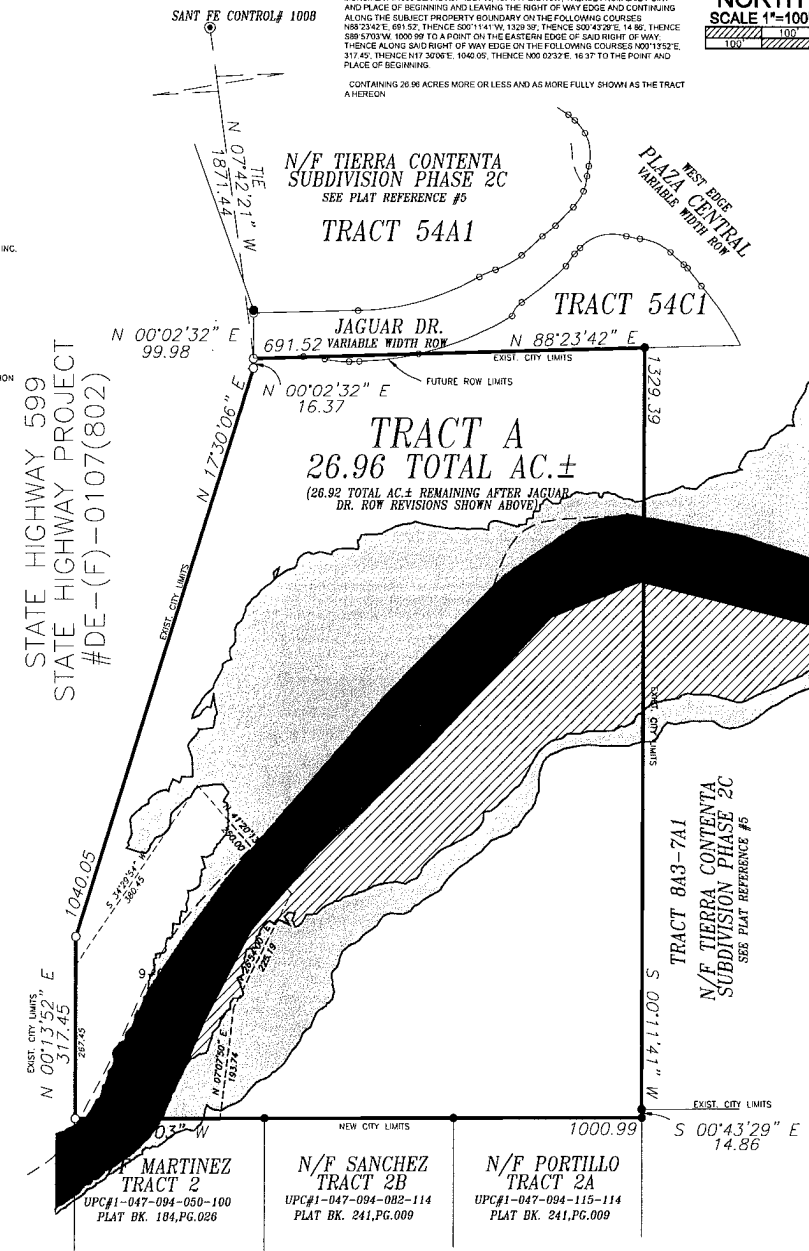
DESCRIPTION OF PROPERTY TO BE ANNEXED

A PARCEL OF LAND LYING WITHIN SECTION 14, T.16N, R.8E, N.M.P.M., SANTA FE COUNTY, NEW MEXICO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER A POINT ON THE EASTERN EDGE OF THE RIGHT OF WAY FOR STATE HIGHWAY 599 FROM WHENCE THE SANTA FE CONTROL MONUMENT #1008 BEARS 80° 42' 21" W. 1871.48' DISTANT, THENCE FROM SAID POINT AND PLACE OF BEGINNING AND LEAVING THE RIGHT OF WAY EDGE AND CONTINUING ALONG THE SUBJECT PROPERTY BOUNDARY ON THE FOLLOWING COURSES: N88°23'42"E, 14.86'; THENCE S88°57'03"W, 1000.99' TO A POINT ON THE EASTERN EDGE OF SAID RIGHT OF WAY, THENCE ALONG SAID RIGHT OF WAY EDGE ON THE FOLLOWING COURSES: N00°13'52"E, 317.45'; THENCE N17°30'06"E, 163.37' TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 26.96 ACRES MORE OR LESS AND AS MORE FULLY SHOWN AS THE TRACT A HEREON.

NORTH
SCALE 1"=100'



ANNEXATION PLAT OF TRACT A FOR TIERRA CONTENTA VILLAGE PLAZA

LYING WITHIN SECTION 14, T16N, R8E, NMPM, SANTA FE COUNTY, NEW MEXICO.

RICK CHATROOP
PROFESSIONAL LAND SURVEYOR
NEW MEXICO REGISTRATION NO. 11011
(505) 470-0037 110 WAGON TRAIL RD. CERRILLOS, NM. 87010

INDEXING INFORMATION FOR THE COUNTY CLERK
OWNER: COMMERCIAL CENTER AT 599, INC.-LA CIENEGA ESTATES CORP.
LOCATION: LYING WITHIN SECTION 14, T16N, R8E, NMPM, SANTA FE COUNTY, NEW MEXICO.

SHEET

Annexation Agreement, Exhibit 1

Village Plaza Annexation, General Plan Amendment and Rezoning—Conditions of Approval

Planning Commission

Cases #2011-69, 2011-70 and #2011-67 – Village Plaza

Conditions	Department	Staff
Review comments are based on submittals received on June 15, 2011. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittals unless otherwise noted: 1. The following conditions shall 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. The construction of the NM 599/Jaguar interchange shall be completed by the Pavilion development or the Tierra Contenta Village Plaza, prior to or during the development of Phase I. The developer shall be responsible for all costs associated with the design and construction of the NM 599/Jaguar interchange. c. The developer shall construct Jaguar Drive from its current terminus to the proposed interchange, during the development of Phase I. The developer shall be responsible for all costs associated with the design and construction of this segment of Jaguar Drive. d. The developer shall construct Plaza Central from its current terminus to just south of the driveway into Lot 3A, during the development of Phase I. The remaining portion of Plaza Central shall be constructed during the development of Phase V. The developer shall be responsible for all costs associated with the design and construction of this segment of Plaza Central. 2. The developer shall generate and place sight distance triangles, in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines on both the landscaping plan and the proposed subdivision plat. These sight triangles shall be designated as areas where landscaping, structures, or other sight impeding objects are not allowed to be placed. 3. The developer shall provide spline information for the proposed roundabout to ensure proper design. 4. The center island of the roundabout shall be raised with a patterned concrete edge per current standards. 5. The developer shall provide the ultimate multi-lane roundabout design, as determined by the approved Traffic Impact Analysis, so that adequate right-of-way can be reserved, including that needed for cut/fill slopes. 6. The developer shall place 1-2" and 1-3" electrical conduit across all legs of the roundabout at intersection #3 and the roundabout at the intersection of Pavilion Loop and Jaguar Drive. All conduits shall terminate into one of four large pull-boxes to be placed all four corners of the subject intersection. Each conduit shall have a pull string and a bare #8 copper tracing wire. 7. The driveways into lots 8 and 11 shall be situated to line up with the future residential development across Plaza Central. 8. The typical sections for both Jaguar Drive and Plaza Central shall meet the specifications in the Tierra Contenta Phase 2C design standards for a Parkway, which includes 5' sidewalks, 4' buffer space, 2' curb & gutter, 5' bike lanes, 11' driving lanes, and a 14' median (1' curb & gutter and 11' turning lanes where located). 9. The developer shall provide a pavement design for Jaguar Drive and Plaza Central. The minimum pavement section shall be 4" of Super Pave-IV over 6" of Untreated Basecourse.	Traffic Engineering	John Romero

Village Plaza Annexation, General Plan Amendment and Rezoning-Conditions of Approval

Planning Commission

Cases #2011-69, 2011-70 and #2011-67 – Village Plaza

Conditions	Department	Staff
10. The developer shall provide a street light plan to include a metered system with LED type fixtures. The design and fixture types shall be reviewed and approved by the City's Traffic Engineering Division. The developer will not be required to pay for the metered electricity related to the street lights. The Traffic Engineering Division may adjust this requirement between now and implementation including reverting back to a non-metered High Pressure Sodium System. 11. In addition to what is mentioned above, the Traffic Engineering Division will perform and additional review of signing, striping, drainage, roundabout design, and other specific items during the final subdivision plat and development plan approval process.		
City Engineer requirements to apply at time of final mylar or building permit: Add the following to the Annexation Plat, General Plan Amendment Plat, Zoning Plat, Lot Split Plat, Preliminary Subdivision Plat, and Grading and Drainage Plan: 1. A floodplain status statement with regard to the February 17, 2011 Preliminary FIRM. 2. Delineation of the limits of the 1% floodplain with respect to both the current effective (June 17, 2008) FIRM and the preliminary (February 17, 2011) FIRM. If these floodplain limits are identical, add a note so stating. 3. A note that any work in the FEMA floodplain must meet all local, state, and federal regulations. 4. Lot addresses (contact Marisa Struck 955-6661). 5. Submit drainage calculations for review.	Terrain Management	Risana Zaxus
Roadway and Trails Engineering Division/Metropolitan Planning Organization: 1. The development package is limited in design details regarding multi-use trails. Please provide more details on how trails interact with the proposed roadways and the Tierra Contenta and Arroyo Chamiso trail networks including proposed Southwest Activity Node regional park. 2. Proposals for the trail system to cross NM 599 and connect to trails proposed on the west side of NM 599 as part of the Pavilion Development should be considered. 3. Phasing for trail construction should be clarified. 4. The developer should take care in the design of the trail system particularly in areas where trails interact with streets. It is unclear if these interactions are proposed to be at-grade or grade separated—if at-grade, what types of crossing safety treatments are proposed; if grade separated, how will access to roadways be incorporated? 5. Discuss the proposed trail network and its relationship to the approved Tierra Contenta Master Plan and Design Standards, if applicable. Continue to work to obtain a final trail design that meets appropriate design criteria and facilitates safe and long term use.	Roadway and Trails Engineering	Eric Martinez
The New Mexico Department of Transportation's "Final Project Prioritization Plan for the NM599 Corridor", April 2010 made a recommended that a frontage road along the east side of NM599 between I-25 and Jaguar Drive be prioritized along with the other recommended projects (See attached excerpt from the Plan). The full report is	Metropolitan Planning Organization	Keith Wilson

Village Plaza Annexation, General Plan Amendment and Rezoning-Conditions of Approval

Planning Commission

Cases #2011-69, 2011-70 and #2011-67 – Village Plaza

Conditions	Department	Staff
available at: http://santafempo.org/santa-fe-corridor-studies/nm599/ Based on the recommendations of the NM599 Plan this frontage road was included on the Future Regional Roadway Network Map in the 2010-2035 Metropolitan Transportation Plan (MTP) adopted by the MPO Transportation Policy Board in October 2010. This Map has also been attached. Figure 8 of the NM599 Plan shows the need for additional right-of-way to accommodate the connection of this frontage road to Jaguar Drive to the east of the interchange. The Development Plan shows no accommodations for a future frontage road connection to Jaguar Drive. MPO staff met with development team members Scott Hoelt and Michael Gomez on June 6th and explained to them that because the frontage road was identified in the MTP, they could not have a plan that would preclude the future construction of the frontage road. The development team was offered two options to pursue. 1. Develop an alternative alignment for the frontage road connection to Jaguar Drive that New Mexico Department of Transportation (the frontage road would be their facility) would approve. 2. Ask the New Mexico Department of Transportation to request the MPO to amendment to the MTP to remove the frontage road. An Amendment to the MTP requires review by the MPO Technical Coordinating Committee and a 30-day public review period before the MPO Transportation Policy Board could approve the amendment. This is typically a 45 to 60 day process in total. MPO Staff recommends that this plan should not be approved until the issue with the frontage road has been resolved. <i>Current Planning Staff comment: Since the drafting of these comments, the applicant has been coordinating with the New Mexico Department of Transportation and the MPO to process an amendment to the MTP to remove the frontage road. The applicant has been made aware that by proceeding with Preliminary Plat prior to this issue being resolved, that he proceeds at his own risk as the MPO Technical Committee and the Transportation Policy Board may or may not approve the amendment. Mr. Wilson has agreed that the Preliminary Plat application can proceed with this understanding.</i> The Applicant shall address the following design review comments for the Preliminary Plat: 1. Show all existing and proposed sewer line and effluent line easements on the plat, utility plans, site development plans and grading and drainage plans for sheets 4-1, 9-1, 10-1, and 10-2. 2. Show/provide book and page for existing sewer or effluent easements. 3. There is a current approved engineering plan set produced by Wilson and Company for the planned Tierra Contenta Subdivision Area Effluent Water Line (CIP 934), the design of which was paid for by	Wastewater Management Division	Stan Holland

Village Plaza Annexation, General Plan Amendment and Rezoning—Conditions of Approval

Planning Commission
Cases #2011-69, 2011-70 and #2011-67 – Village Plaza

Conditions	Department	Staff
the City of Santa Fe. The Wastewater Division is requiring that the Developer pay for all costs to produce a revised set of engineering drawings reflecting the changed alignment of the effluent line through the Village Plaza development. <i>Current Planning Staff comment: There are currently two processes underway, the Subdivision Plat for Village Plaza and the Dedication Plat for the Tierra Contenta Park. The placement of the sewer effluent easement needs to be coordinated between the two applicants.</i>		
Fire Department: 1. Subdivision shall comply with the currently adopted International Fire Code (currently 2006 edition, to be updated in July to the 2009 edition).	Fire Department	Reynaldo Gonzales
Santa Fe Trails: 1. Bus stop and shelter construction will be required. As discussed with Santa Fe Trails, at least 4 stops are anticipated (2 on Jaguar and 2 on Plaza Central) of a medium size or larger. The bus stops are part of necessary public infrastructure and will be included on the Letter of Credit.	Santa Fe Trails	Jon Bulhuis/ Michael Kelly
Current Planning: 1. The Annexation Agreement does not have a section that addresses housing. A letter of commitment to complying with City of Santa Fe housing regulations has been provided, but the Annexation Agreement must be updated. 2. The Annexation Agreement needs to outline where the Tierra Contenta Phase 2C Design Standards will apply. The northern 4.5-acre tract is intended to be subject to the Phase 2C Design Standards, and the Annexation Agreement should state this. 3. The Annexation Agreement should state a commitment to and timing of the construction of trails and bus stops (pedestrian amenities). Details on the trails can be worked out at the Development Plan stage, but the agreement should provide a commitment for the construction of the Arroyo Chamiso Trail and the link to the planned recreation area as well as the Pavilion development. There will be no Development Plan associated with this Open Space tract. The Arroyo Chamiso Trail should be indicated in your Phasing Plan. 4. The Phasing Plan should be more specific about what infrastructure will be provided with each phase. Include notes on the plans that make it clear what will be constructed with each phase. 5. A loop trail should be considered as an amenity for the tracts north of Jaguar Drive. The loop trail could then provide more direct connections for pedestrians that prefer not to utilize the sidewalks and it will be an amenity to the workers and visitors to these tracts. 6. The location of the sewer effluent easement should be coordinated with Stan Holland and the City's consultant for the design of the Tierra Contenta Recreation Area prior to final plat recordation. There is a current approved engineering plan set produced by Wilson and Company for the planned Tierra Contenta	Current Planning	Heather Lamboy

Village Plaza Annexation, General Plan Amendment and Rezoning--Conditions of Approval
 Planning Commission
 Cases #2011-69, 2011-70 and #2011-67 – Village Plaza

Conditions	Department	Staff
Subdivision Area Effluent Water Line (CIP 934), the design of which was paid for by the City of Santa Fe. The Wastewater Division is requiring that the Developer pay for all costs to produce a revised set of engineering drawings reflecting the changed alignment of the effluent line through the Village Plaza development. 7. The following note should be added to the Annexation Master Plan: “The Annexation Master Plan establishes the location of the roads and parking for the development and the approximate siting of the buildings. All development will be in accordance with the Land Development Code for the City of Santa Fe. The development will be market driven and flexibility is required for identification of the actual uses proposed for each tract. All uses will be as permitted for the C-1, C-2, and R-3 zoning districts.”		

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

2 **BILL NO. 2011-39**

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9
10 **AN ORDINANCE**

11 **ANNEXING THE “VILLAGE PLAZA” TRACT OF LAND LYING CONTIGUOUS**
12 **WITH THE SANTA FE CORPORATE LIMITS COMPRISING 26.96 ACRES MORE OR**
13 **LESS GENERALLY BOUNDED BY NM599 ON THE WEST, THE PLANNED**
14 **EXTENSION OF JAGUAR DRIVE ON THE NORTH, THE PLANNED EXTENSION OF**
15 **PLAZA CENTRAL ON THE EAST, AND THE ARROYO DE LOS CHAMISOS ON THE**
16 **SOUTH AND LYING WITHIN TOWNSHIP 16N, RANGE 8E, SECTION 14, NEW**
17 **MEXICO PRIME MERIDIAN, SANTA FE COUNTY, STATE OF NEW MEXICO.**
18 **(“VILLAGE PLAZA ANNEXATION,” CASE NO. 2011-69).**

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 limits of the
22 city: Certain parcels of land lying within Township 16N, Range 8E, Section 14, New Mexico
23 Prime Meridian, Santa Fe County, State of New Mexico, as particularly described in the attached
24 Annexation Plat [EXHIBIT A], Annexation Master Plan and Phasing Plan [EXHIBIT B]
25 incorporated herein by reference.

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Section 2. The annexation action with respect to the subject property affected by this Ordinance is subject to conditions of approval applicable to this annexation and any future Development Plan for this property. The conditions are outlined in the attached table summarizing City of Santa Fe Development Review Team technical memoranda and conditions approved by the Planning Commission on August 4, 2011 [EXHIBIT C].

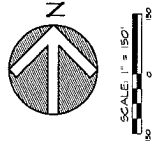
Section 3. A petition (the “Petition”) was accompanied by an Annexation Plat [EXHIBIT A] showing the external boundaries of the Property proposed to be annexed and the relationship of the Property proposed to be annexed to the existing boundary of the city, as well as the Annexation Agreement [EXHIBIT D].

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

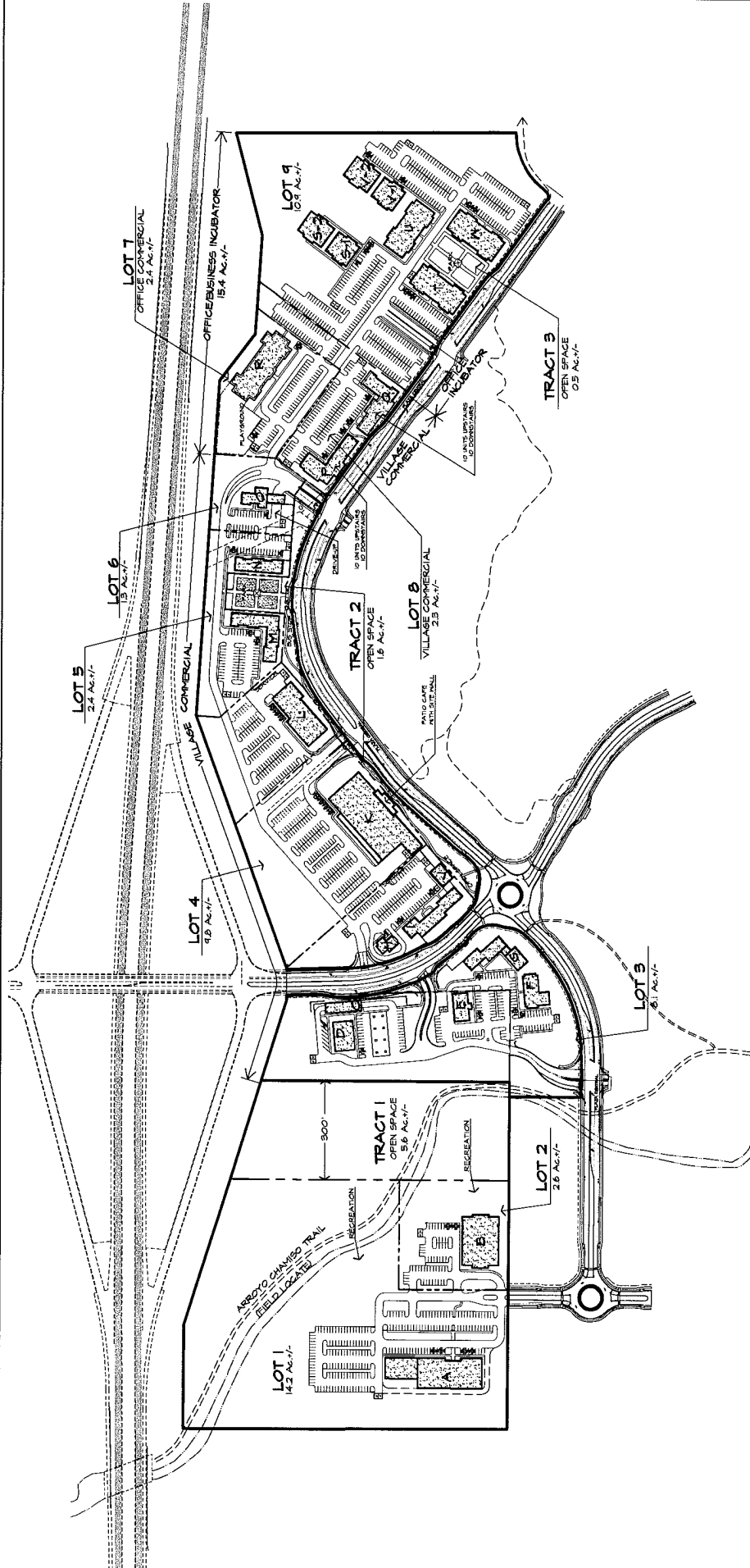
Section 5. This ordinance shall be published one time by title and general summary and shall become effective five days after publication.

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY



Bill No. 2011-39,
 Exhibit D



OPEN SPACE TRACT	AREA
1	5.6 Ac.-f.
2	1.8 Ac.-f.
3	0.5 Ac.-f.

LOT	AREA	BUILDING	PROPOSED USE	FLOOR AREA (SQ. FT.)
1	14.2 Ac.-f.	A	R-3	82,778
2	2.6 Ac.-f.	B	R-3	16,000
3	5.1 Ac.-f.	C	C-2	9,500
		D	C-2	8,000
		E	C-2	10,000
		F	C-2	1,000
4	9.8 Ac.-f.	G	VILLAGE COMMERCIAL C-2 USES	1,500
		H	VILLAGE COMMERCIAL C-2 USES	2,000
		I	VILLAGE COMMERCIAL C-2 USES	2,000
		J	VILLAGE COMMERCIAL C-2 USES	2,400
		K	VILLAGE COMMERCIAL C-2 USES	60,000
5	2.4 Ac.-f.	L	VILLAGE COMMERCIAL C-2 USES	19,500
		M	VILLAGE COMMERCIAL C-2 USES	10,000
6	1.8 Ac.-f.	N	VILLAGE COMMERCIAL C-2 USES	10,000
7	2.4 Ac.-f.	O	VILLAGE COMMERCIAL C-2 USES	5,000
8	2.4 Ac.-f.	P	VILLAGE COMMERCIAL C-2 USES	20,000
9	10.8 Ac.-f.	Q	COMMUNITY SERVICES	20,000
		R	COMMUNITY SERVICES	20,000
		S	COMMUNITY SERVICES	20,000
		T	COMMUNITY SERVICES	20,000
		U	COMMUNITY SERVICES	20,000
		V	COMMUNITY SERVICES	20,000
		W	COMMUNITY SERVICES	20,000
		X	COMMUNITY SERVICES	20,000
		Y	COMMUNITY SERVICES	20,000
		Z	COMMUNITY SERVICES	20,000

NOTES:
 1. THE DEVELOPER SHALL OBTAIN APPROVAL FROM THE NEW MEXICO DEPARTMENT OF TRANSPORTATION AND HIGHWAYS FOR THE PROPOSED INTERCHANGE.
 2. THE CONSTRUCTION OF THE INTERCHANGE SHALL BE COMPLETED BY THE DEVELOPER PRIOR TO THE CONSTRUCTION OF THE VILLAGE PLAZA.
 3. THE DEVELOPER SHALL OBTAIN APPROVAL FROM THE NEW MEXICO DEPARTMENT OF TRANSPORTATION AND HIGHWAYS FOR THE PROPOSED INTERCHANGE.
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Village Plaza Annexation, General Plan Amendment and Rezoning--Conditions of Approval

Planning Commission

Cases #2011-69, 2011-70 and #2011-67 – Village Plaza

Conditions	Department	Staff
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Village Plaza Annexation, General Plan Amendment and Rezoning-Conditions of Approval

Planning Commission

Cases #2011-69, 2011-70 and #2011-67 – Village Plaza

Conditions	Department	Staff
10. The developer shall provide a street light plan to include a metered system with LED type fixtures. The design and fixture types shall be reviewed and approved by the City's Traffic Engineering Division. The developer will not be required to pay for the metered electricity related to the street lights. The Traffic Engineering Division may adjust this requirement between now and implementation including reverting back to a non-metered High Pressure Sodium System. 11. In addition to what is mentioned above, the Traffic Engineering Division will perform and additional review of signing, striping, drainage, roundabout design, and other specific items during the final subdivision plat and development plan approval process.		
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Roadway and Trails Engineering Division/Metropolitan Planning Organization: 1. The development package is limited in design details regarding multi-use trails. Please provide more details on how trails interact with the proposed roadways and the Tierra Contenta and Arroyo Chamiso trail networks including proposed Southwest Activity Node regional park. 2. Proposals for the trail system to cross NM 599 and connect to trails proposed on the west side of NM 599 as part of the Pavilion Development should be considered. 3. Phasing for trail construction should be clarified. 4. The developer should take care in the design of the trail system particularly in areas where trails interact with streets. It is unclear if these interactions are proposed to be at-grade or grade separated—if at-grade, what types of crossing safety treatments are proposed; if grade separated, how will access to roadways be incorporated? 5. Discuss the proposed trail network and its relationship to the approved Tierra Contenta Master Plan and Design Standards, if applicable. Continue to work to obtain a final trail design that meets appropriate design criteria and facilitates safe and long term use.	Roadway and Trails Engineering	Eric Martinez
The New Mexico Department of Transportation's "Final Project Prioritization Plan for the NM599 Corridor", April 2010 made a recommendation that a frontage road along the east side of NM599 between I-25 and Jaguar Drive be prioritized along with the other recommended projects (See attached excerpt from the Plan). The full report is	Metropolitan Planning Organization	Keith Wilson

Village Plaza Annexation, General Plan Amendment and Rezoning—Conditions of Approval

Planning Commission

Cases #2011-69, 2011-70 and #2011-67 – Village Plaza

Conditions	Department	Staff
available at: http://santafempmo.org/santa-fe-corridor-studies/nm599/ Based on the recommendations of the NM599 Plan this frontage road was included on the Future Regional Roadway Network Map in the 2010-2035 Metropolitan Transportation Plan (MTP) adopted by the MPO Transportation Policy Board in October 2010. This Map has also been attached. Figure 8 of the NM599 Plan shows the need for additional right-of-way to accommodate the connection of this frontage road to Jaguar Drive to the east of the interchange. The Development Plan shows no accommodations for a future frontage road connection to Jaguar Drive. MPO staff met with development team members Scott Hoelt and Michael Gomez on June 6th and explained to them that because the frontage road was identified in the MTP, they could not have a plan that would preclude the future construction of the frontage road. The development team was offered two options to pursue. 1. Develop an alternative alignment for the frontage road connection to Jaguar Drive that New Mexico Department of Transportation (the frontage road would be their facility) would approve. 2. Ask the New Mexico Department of Transportation to request the MPO to amend to the MTP to remove the frontage road. An Amendment to the MTP requires review by the MPO Technical Coordinating Committee and a 30-day public review period before the MPO Transportation Policy Board could approve the amendment. This is typically a 45 to 60 day process in total. MPO Staff recommends that this plan should not be approved until the issue with the frontage road has been resolved. <i>Current Planning Staff comment: Since the drafting of these comments, the applicant has been coordinating with the New Mexico Department of Transportation and the MPO to process an amendment to the MTP to remove the frontage road. The applicant has been made aware that by proceeding with Preliminary Plat prior to this issue being resolved, that he proceeds at his own risk as the MPO Technical Committee and the Transportation Policy Board may or may not approve the amendment. Mr. Wilson has agreed that the Preliminary Plat application can proceed with this understanding.</i> The Applicant shall address the following design review comments for the Preliminary Plat: 1. Show all existing and proposed sewer line and effluent line easements on the plat, utility plans, site development plans and grading and drainage plans for sheets 4-1, 9-1, 10-1, and 10-2. 2. Show/provide book and page for existing sewer or effluent easements. 3. There is a current approved engineering plan set produced by Wilson and Company for the planned Tierra Contenta Subdivision Area Effluent Water Line (CIP 934), the design of which was paid for by	Wastewater Management Division	Stan Holland

Village Plaza Annexation, General Plan Amendment and Rezoning—Conditions of Approval

Planning Commission

Cases #2011-69, 2011-70 and #2011-67 – Village Plaza

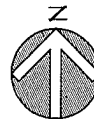
Conditions	Department	Staff
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Village Plaza Annexation, General Plan Amendment and Rezoning--Conditions of Approval

Planning Commission

Cases #2011-69, 2011-70 and #2011-67 – Village Plaza

Conditions	Department	Staff
Subdivision Area Effluent Water Line (CIP 934), the design of which was paid for by the City of Santa Fe. The Wastewater Division is requiring that the Developer pay for all costs to produce a revised set of engineering drawings reflecting the changed alignment of the effluent line through the Village Plaza development. 7. The following note should be added to the Annexation Master Plan: "The Annexation Master Plan establishes the location of the roads and parking for the development and the approximate siting of the buildings. All development will be in accordance with the Land Development Code for the City of Santa Fe. The development will be market driven and flexibility is required for identification of the actual uses proposed for each tract. All uses will be as permitted for the C-1, C-2, and R-3 zoning districts."		



CEASE FIRE - 1991

SCALE: 1 = 150

**Bill No. 2011-39,
Exhibit D**

OPEN SPACE TRACT	AREA
1	56 AC. +/-
2	16 AC. +/-
9	03 AC. +/-

LOT	AREA	BUILDING	PROPOSED USE	FLOOR AREA (S.F.)
1	14.2 AC +/-	A	R-3	52,718
2	2.6 AC +/-	B	R-3	18,100
3	6.1 AC +/-	C	C-2	9,900
		D	C-2	16,000
		E	"	9,500
		F	"	15,000
4	4.8 AC +/-	G	"	7,500
		H	VILLAGE COMMERCIAL C-2 USES	22,000
		I	"	24,000
		J	"	2,400
		K	"	2,400
		L	"	19,500
5	2.4 AC +/-	M	"	6,000
		N	"	6,000
6	1.9 AC +/-	O	VILLAGE COMMERCIAL C-2 USES	5,000
7	2.4 AC +/-	P	"	20,808
8	2.5	Q	COMMUNITY SERVICES	20,500
		R	OFFICE/RETAIL C-1 USES	23,340
9	10.9	S	"	23,340
		T	"	23,340
		U	"	23,340
		V	"	23,340
		W	"	23,340

NOTES:

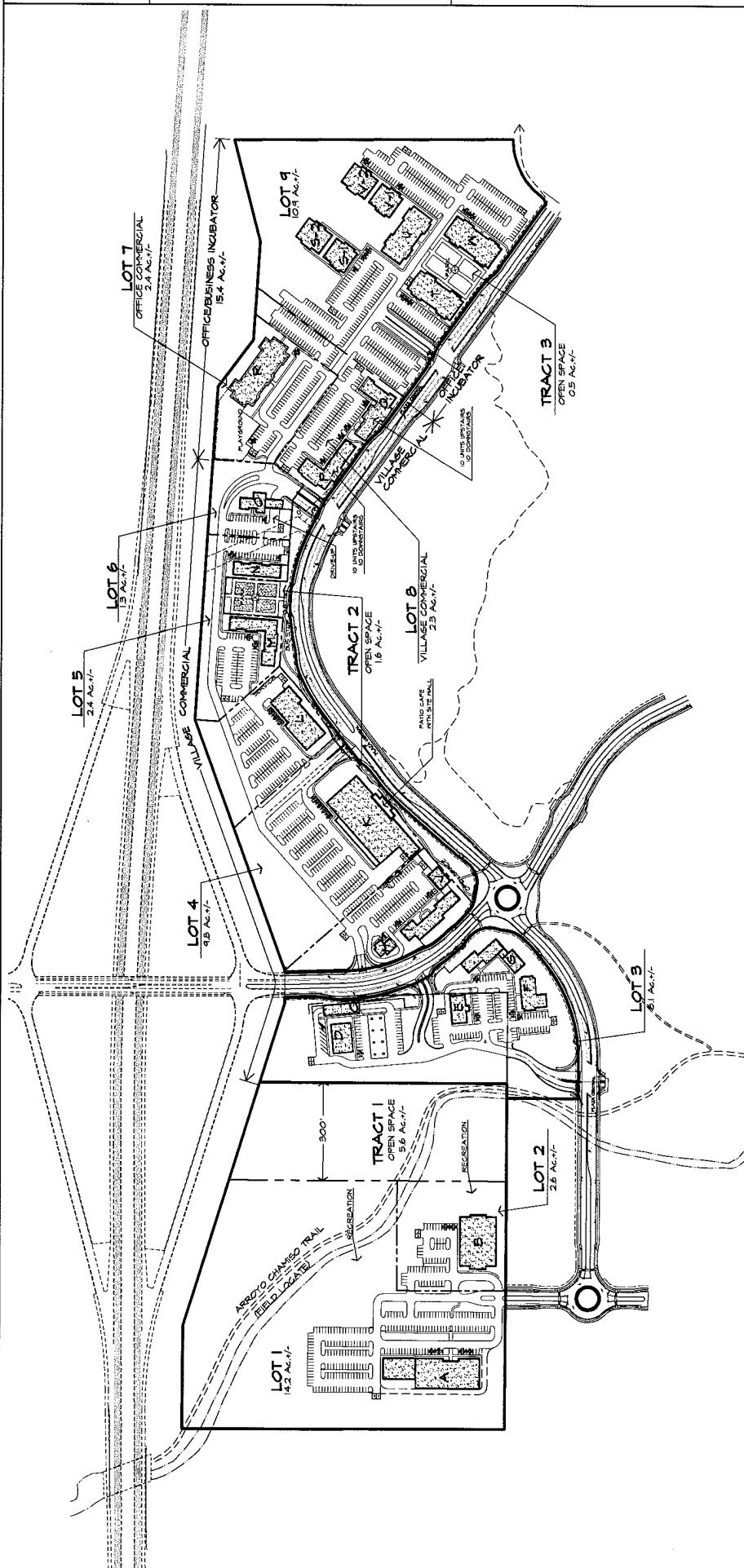
1. IMPROVED ACCESS TO IMPROVEMENTS ON NEW MEXICO DEPARTMENT OF TRANSPORTATION (INDOT) HIGHWAY SYSTEM SHALL RECEIVE ULTIMATE APPROVAL FROM INDOT.

2. THE CONSTRUCTION OF THE NEWMEXICAN INTERCHANGE SHALL BE COMPLETED BY THE FALL/01 DEVELOPMENT OF THE TERRERA CONTINENTAL VILLAGE PLAZA PRIOR TO OR CONCURRENT WITH THE CONSTRUCTION OF THE DESIGN AND CONSTRUCTION OF THE NEWMEXICAN INTERCHANGE.

3. THE DEVELOPER SHALL CONSTRUCT JAVAR DRIVE FROM ITS TERMINUS TO THE ENHANCED INTERCHANGE DURING THE DEVELOPMENT OF PHASE OF TERRERA CONTINENTAL VILLAGE PLAZA. THE DEVELOPER SHALL CONSTRUCT JAVAR DRIVE TO THE INTERCHANGE AND THE DESIGN AND CONSTRUCTION OF THIS SEGMENT OF JAVAR DRIVE SHALL BE COMPLETED BY THE FALL/01.

4. THE DEVELOPER SHALL CONSTRUCT PLAZA CENTRAL FROM ITS CURRENT TERMINUS TO THE ENHANCED INTERCHANGE DURING THE DEVELOPMENT OF PHASE OF TERRERA CONTINENTAL VILLAGE PLAZA. THE DESIGN AND CONSTRUCTION OF THIS SEGMENT OF PLAZA CENTRAL SHALL BE COMPLETED DURING THE FALL/01.

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