

1 of the Property which is approximately 2.5 feet along its length and encroaches onto the Hickox
2 Street right-of-way; and

3 **WHEREAS**, the Owner is requesting a lot line adjustment to the southerly boundary line by
4 2.5 feet along its length to include the encroachment area; and

5 **WHEREAS**, if the City approves the lot line adjustment, the City would have to vacate the
6 right-of-way for roadway purposes within the area, but would retain the utility easement for existing
7 utilities within the area; and

8 **WHEREAS**, the addition of approximately 2.5 feet to the southerly portion of the Property
9 would eliminate the encroachment issue along Hickox Street and would grant the Owner the
10 additional area necessary for the proposed renovation and additional onsite parking; and

11 **WHEREAS**, in addition, the City has discovered that the easterly portion of the Property lies
12 approximately 8 feet into the right-of-way of Cortez Street, along the easterly boundary; and

13 **WHEREAS**, there is not an existing easement that grants the City of Santa Fe rights to use
14 the area within the Property for the Cortez Street right-of-way; and

15 **WHEREAS**, in order to bring the Property into conformity with the current lay of the
16 constructed roadways, the proposition by the Owner to adjust property boundaries will benefit the
17 Owner and the City by clearing up the boundary line issues.

18 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
19 **CITY OF SANTA FE** that the Governing Body hereby grants City staff the authority to prepare the
20 following documents to clear up existing boundary line issues for the Property and City right-of-way:

21 1. An agreement between the Owner and the City stating that:

22 (a) The Owner would convey to the City approximately that easterly portion of
23 the Property that lies within the Cortez Street right-of-way.

24 (b) The City would convey to the Owner an equal portion of the City's Hickox
25 Street right-of-way along the southerly boundary line of the Property.

1 (c) The City shall retain the utility easement for existing utilities within the
2 Hickox Street right-of-way.

3 (d) The Owner shall cover all costs for surveying, document preparation and
4 recording; and


5 2. A quitclaim deed from the Owner to the City for that easterly portion of the Property
6 that lies within the Cortez Street right-of-way; and

7 3. A quitclaim deed from the City to the Owner for that portion of the City's Hickox
8 Street right-of-way along the southerly boundary line of the Property; and

9 4. A lot line adjustment plat; and

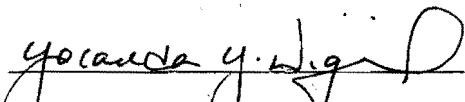
10 5. Any other necessary documents.

11 PASSED, APPROVED, and ADOPTED this 11th day of January, 2012.


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14 DAVID COSS, MAYOR

15 ATTEST:

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17 
18 VOLANDA Y. VIGIL, CITY CLERK

19
20 APPROVED AS TO FORM:

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23 GENO ZAMORA, CITY ATTORNEY

24
25 CAO/M/Melissa/Resolutions 2011/2012-8 Tune Up Cafe