³ 1	CITY OF SANTA FE, NEW MEXICO
2	RESOLUTION NO. 2012-8
3	INTRODUCED BY:
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6	Councilor Bushee
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10	A RESOLUTION
11	GRANTING CITY STAFF THE AUTHORITY TO PREPARE THE NECESSARY
12	DOCUMENTS FOR THE CONVEYANCE OF APPROXIMATELY 2.5 FEET OF
13	PROPERTY ALONG THE SOUTHERLY BOUNDARY LINE AND APPROXIMATELY 8
14	FEET OF I'ROPERTY ALONG THE EASTERLY BOUNDARY LINE OF 1115 HICKOX
15	STREET, I NOWN AS LOT 13, BLOCK 2 OF THE AGUA FRIA ADDITION, THE TUNE
16	UP CAFÉ.
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18	WHEREAS, the Tune Up Café, owned by JC Rivera LLC ("Owner"), is located at 1115
19	Hickox Street in Santa Fe, New Mexico and is known as Lot 13, Block 2 of the Agua Fria Addition
20	(the "Property"), which plat was filed for record in Plat Book 3, page 377, records of Santa Fe
21	County, New Mexico; and
22	WI IEREAS, the Owner is in the process of renovating the Property which is used for a
23	restaurant, 10wever, because of the existing Property boundaries the Owner is not able to obtain the
24	required building permits; and
25	WHEREAS, there currently exists a concrete natio along a nortion of the southerly houndar

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 of the Property which is approximately 2.5 feet along its length and encroaches onto the Hickox

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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13	Doid Cos
14	DAVID COSS, MAYOR
15	ATTEST:
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17	yoranda y. wig
18	(yolanda y. wgil, cyty clerk
19	
20	APPROVED AS TO FORM:
21	$\left(\frac{1}{2} \right)$
22	TENO J.
23	GENO ZAMORA, CITY ATTORNEY
24	
25	CAO/M/Melissa/Resolutions 2011/2012-8 Tune Up Cafe