



Agenda

DATE 5/14/13 TIME 11:45
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SUMMARY COMMITTEE
Thursday, June 6, 2013 - 11:00 am
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

- A. ROLL CALL**
- B. APPROVAL OF AGENDA**
- C. APPROVAL OF MINUTES – May 2, 2013**
- D. OLD BUSINESS**
- E. NEW BUSINESS**

1. **Case #2013-27. 3201 Zafarano Drive Lot Split & Lot Line Adjustment.** Greg Gonzales, Branch Design & Development, agent for San Isidro II, LLC, requests plat approval to adjust the existing property line and divide approximately 3.60 acres into two lots. The property is located at 3201 Zafarano Drive, and is zoned C-2 / PUD (General Commercial District / Planned Unit Development). (William Lamboy, Case Manager) **POSTPONED FROM MAY 2, 2013**
2. **Case #2012-144. 404 Kiva Court Lot Split.** Mitch Noonan, Southwest Mountain Surveys, agent for Ryan & Erica Jensen, requests plat approval to divide approximately 1.43 acres into two lots. The property is located at 404 Kiva Court and is zoned C-1 (Office and Related Commercial District). (William Lamboy, Case Manager)
3. **Case #2013-29. 217 Johnson Street Lot Split.** Scott Yager, Yager Land Surveys LLC, agent for the Georgia O'Keeffe Museum, requests plat approval to divide approximately 0.57 acres into two tracts. The property is located at 217 and 225 Johnson Street, and is zoned BCDMAR (Business Capitol District-Marcy Street Townscape Subdistrict) and BCDMCK (Business Capitol District-McKenzie Street Townscape Subdistrict). (William Lamboy, Case Manager)
4. **Case #2013-30. 23 Senda Corvo Family Transfer Lot Split.** Scott Yager, Yager Land Surveys LLC, agent for Ramon and Kim Garcia, requests plat approval to divide approximately 1.57 acres into two tracts. Located within the Annexation area, the property is zoned R-1 (Residential-1 dwelling unit per acre). (William Lamboy, Case Manager)
5. **Case #2013-31. 3910 Fields Lane Lot Split.** James W. Siebert, agent for Priscilla Fields, requests plat approval to divide approximately 2.81 acres into two lots. The property is located within Annexation area, and is zoned MU (Mixed Use District). (William Lamboy, Case Manager)

F. STAFF COMMUNICATIONS
G. MATTERS FROM THE COMMITTEE
H. ADJOURNMENT

NOTES:

- 1) Procedures in front of the Summary Committee are governed by Roberts Rules of Order. Postponed cases are postponed 1) to a specific date, or 2) indefinitely until specific conditions have been resolved, or 3) to a specific date with the provisions that specific conditions be resolved prior to that date. Postponed cases can be removed from postponement by a motion and vote of the Summary Committee.
- 2) Due to time constraints not all issues may be heard and may be rescheduled to the next scheduled Summary Committee meeting. This agenda is subject to change at the discretion of the Summary Committee.
- 3) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting “quasi-judicial” hearings. In “quasi-judicial” hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and be subject to cross examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings.

***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk’s Office (955-6520) 5 days prior to the hearing date.**

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CITY OF SANTA FE
SUMMARY COMMITTEE
June 6, 2013

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APPROVAL OF AGENDA	Approved [amended]	1
APPROVAL OF MINUTES – MAY 2, 2013	Approved	1
OLD BUSINESS	None	2
<u>NEW BUSINESS</u>		
<u>CASE #2013-27</u> 3201 ZAFARANO DRIVE LOT SPLIT & LOT LINE ADJUSTMENT. GREG GONZALES, BRANCH DESIGN & DEVELOPMENT, AGENT FOR SAN ISIDRO II, LLC, REQUESTS PLAT APPROVAL TO ADJUST THE EXISTING PROPERTY LINE AND DIVIDE APPROXIMATELY 3.60 ACRES INTO TWO LOTS. THE PROPERTY IS LOCATED AT 3201 ZAFARANO DRIVE, AND IS ZONED C-2/PUD (GENERAL COMMERCIAL DISTRICT/ PLANNED UNIT DEVELOPMENT)	Approved	2-3
<u>CASE #2012-144.</u> 4204 KIVA COURT LOT SPLIT. MITCH NOONAN, SOUTHWEST MOUNTAIN SURVEYS, AGENT FOR RYAN & ERICA JENSEN, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 1.43 ACRES INTO TWO LOTS. THE PROPERTY IS LOCATED AT 404 KIVA COURT AND IS ZONED C-1 (OFFICE AND RELATED COMMERCIAL DISTRICT)	Postponed to 07/11/13	3
<u>CASE #2013-29.</u> 217 JOHNSON STREET LOT SPLIT. SCOTT YAGER, YAGER LAND SURVEYS LLC, AGENT FOR THE GEORGIA O'KEEFFE MUSEUM, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 0.57 ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 217 AND 25 JOHNSON STREET, AND IS ZONED BCDMAR (BUSINESS CAPITOL DISTRICT- MARCY STREET TOWNSCAPE SUBDISTRICT) AND BCDMCK (BUSINESS CAPITOL DISTRICT - MCKENZIE STREET TOWNSCAPE SUBDISTRICT)	Approved	4-5

ITEM**ACTION****PAGE**

CASE #2013-30. 23 SENDA CORVO FAMILY
TRANSFER LOT SPLIT. SCOTT YAGER, YAGER
LAND SURVEYS LLC, AGENT FOR RAMON AND
KIM GARCIA, REQUESTS PLAT APPROVAL TO
DIVIDE APPROXIMATELY 1.57 ACRES INTO TWO
TRACTS. LOCATED WITHIN THE ANNEXATION
AREA, THE PROPERTY IS ZONED R-1
(RESIDENTIAL-1 DWELLING UNIT PER ACRE)

Approved

6-7

CASE #2013-31. 3910 FIELDS LANE LOT SPLIT.
JAMES W. SIEBERT, AGENT FOR PRISCILLA
FIELDS, REQUESTS PLAT APPROVAL TO
DIVIDE APPROXIMATELY 2.81 ACRES INTO
TWO LOTS. THE PROPERTY IS LOCATED
WITHIN ANNEXATION AREA, AND IS ZONED
MU (MIXED USE DISTRICT)

Postponed to 07/11/13

7-14

STAFF COMMUNICATIONS

None

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MATTERS FROM THE COMMITTEE

None

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ADJOURNMENT

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**MINUTES OF THE MEETING
OF THE CITY OF SANTA FE
SUMMARY COMMITTEE
June 6 2013**

A regular meeting of the City of Santa Fe Summary Committee, was called to order by Chair Michael Harris, on Thursday, June 6, 2013, at approximately 11:00 a.m., in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

MEMBERS PRESENT:

Michael Harris, Chair
Angela Schackel-Bordegary

MEMBERS EXCUSED:

Lawrence Ortiz

OTHERS PRESENT:

Tamara Baer, Current Planning Division
Heather Lamboy, Current Planning Division
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for the conducting of official business.

B. APPROVAL OF AGENDA

Ms. Lamboy said Item E(2) was not properly noticed, and therefore is postponed to the next meeting of the Committee on July 11, 2013.

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Harris, to approve the Agenda, as amended.

VOTE: The motion was approved unanimously on a voice vote.

C. APPROVAL OF MINUTES – MAY 2, 2013.

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Harris, to approve the minutes of the meeting of May 2, 2013, as presented.

VOTE: The motion was approved unanimously on a voice vote.

D. OLD BUSINESS

There was no Old Business.

E. NEW BUSINESS

A Memorandum dated June 6, 2013, with attachments, to the Summary Committee, from Current Planning Division Staff, regarding additional information on Item #E(1) Case #2013-27, and #E(5) Case #2013-31, is incorporated herewith to these minutes as Exhibit "1."

1. **CASE #2013-27 3201 ZAFARANO DRIVE LOT SPLIT & LOT LINE ADJUSTMENT. GREG GONZALES, BRANCH DESIGN & DEVELOPMENT, AGENT FOR SAN ISIDRO II, LLC, REQUESTS PLAT APPROVAL TO ADJUST THE EXISTING PROPERTY LINE AND DIVIDE APPROXIMATELY 3.60 ACRES INTO TWO LOTS. THE PROPERTY IS LOCATED AT 3201 ZAFARANO DRIVE, AND IS ZONED C-2/PUD (GENERAL COMMERCIAL DISTRICT/PLANNED UNIT DEVELOPMENT). (WILLIAM LAMBOY, CASE MANAGER). (POSTPONED FROM MAY 2, 2013)**

A Memorandum prepared May 22, 2013, for the Summary Committee Meeting of June 6, 2013, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "2."

A copy of *SUMMARY COMMITTEE LOT SPLIT OF TRACT 'M-2' & LOT LINE ADJUSTMENT SURVEY OF TRACT 'M-2' & 'N,' SAN ISIDRO VILLAGE*, in this case, is on file in and can be obtained from the Current Planning Division of the City of Santa Fe Land Use Department.

Staff Report

The staff report was presented by Heather Lamboy, Current Planning Division, which is contained in Exhibit "2."

Recommendation: The Land Use Department recommends approval with the Conditions of Approval as outlined in this report [Exhibit "2"].

Public Hearing

Greg Gonzales, P.O. Box 2328, Santa Fe, NM 87504, Agent and one of the owners, was sworn. Mr. Gonzales said they are in agreement with all conditions of approval, and will stand for questions.

Commissioner Schackel-Bordegary said she has no questions.

Chair Harris said his questions were answered by Ms. Baer when they met earlier, noting there is a quitclaim deed from Rosewood to the Gonzales, and it is exactly the same as the one in the packet from Barela to Rosewood which was one of his questions.

Chair Harris said he also had questions about the nature of the land lease with Ms. Chavez, noting he had missed the signature block on the lot line adjustment.

Mr. Gonzales said, "San Ysidro to LLC, has a long term lease with Ms. Chavez, and the agreement of that lease allows for any modification of Tract N as long as the area is not changed. So the square footage we originally signed on our lease, has to stay the same with any modifications to that tract."

Chair Harris said he didn't see any identification for the old Tract N, so that makes sense to him.

Chair Harris said an aerial photograph of the area would have been very helpful.

Ms. Baer there is an aerial photograph in the packet – the last item in Exhibit B.

Speaking to the Request

There was no one speaking for against this request.

The Public Testimony Portion of the Public Hearing was closed

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Harris, to approve Case #2013-27, 3201 Zafarano Drive Lot Split & Lot Line Adjustment, with all conditions of approval as recommended by staff in the Staff Report [Exhibit "2"].

VOTE: The motion was approved unanimously on a voice vote.

2. **CASE #2012-144. 4204 KIVA COURT LOT SPLIT. MITCH NOONAN, SOUTHWEST MOUNTAIN SURVEYS, AGENT FOR RYAN & ERICA JENSEN, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 1.43 ACRES INTO TWO LOTS. THE PROPERTY IS LOCATED AT 404 KIVA COURT AND IS ZONED C-1 (OFFICE AND RELATED COMMERCIAL DISTRICT) (WILLIAM LAMBOY, CASE MANAGER).**

This case is postponed to the next meeting of the Summary Committee, on July 11, 2013.

3. **CASE #2013-29. 217 JOHNSON STREET LOT SPLIT. SCOTT YAGER, YAGER LAND SURVEYS LLC, AGENT FOR THE GEORGIA O'KEEFFE MUSEUM, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 0.57 ACRES INTO TWO TRACTS. THE PROPERTY IS LOCATED AT 217 AND 25 JOHNSON STREET, AND IS ZONED BCDMAR (BUSINESS CAPITOL DISTRICT-MARCY STREET TOWNSCAPE SUBDISTRICT) AND BCDMCK (BUSINESS CAPITOL DISTRICT - MCKENZIE STREET TOWNSCAPE SUBDISTRICT). (WILLIAM LAMBOY, CASE MANAGER).**

A Memorandum prepared May 20, 2013 for the Summary Committee Meeting of June 6, 2013, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "3."

A copy of *A TRACT DIVISION PREPARED FOR THE GEORGIA O'KEEFFE MUSEUM OF TRACT A OF LOT CONSOLIDATION PLAT BOOK 350, PAGES 350, PAGES 026027, 217, 223 AND 225 JOHNSON STREET*, in this case, is on file in and can be obtained from the Current Planning Division of the City of Santa Fe Land Use Department.

Staff Report

The staff report was presented by Heather Lamboy, Current Planning Division. Please Exhibit "3," for specifics of this presentation.

Ms. Baer said an additional point of information, is the reason there are odd configurations with this plat is that originally, these potentially new tracts as well as some others were separate tracks, and at one point they were all consolidated, and this accounts for the split zoning. They are asking to divide them once again.

Recommendation: The Land Use Department recommends approval with the conditions of approval as outlined in this report [Exhibit "3"].

Public Hearing

Scott Yager, Yager Land Surveys, LLC, 2387 Botolph Road, Agent for the Georgia O'Keeffe Museum, was sworn. Mr. Yager said at this point all of the conditions of approval are acceptable to the Applicant.

Speaking to the Request

There was no one speaking for or against this request.

The Public Testimony Portion of the Public Hearing was closed

Questions and Comments from the Committee

Commissioner Schackel-Bordegary said she has no questions.

Chair Harris asked how the parking is handled in the BCD.

Ms. Baer said, in terms of the number of spaces, those are generally less than what is required in other districts. For example, anything residential is 1 parking space per unit, and for everything else it is 1 per 500 sq. ft. net leasable. There are provisions specific to the BCD that allow them to have parking within 600 feet of the property, as long as they have a minimum of a 5-year lease for the parking they can show to the City. She said if there is a change in occupancy, they look for a copy of the lease agreement to ensure it is transferred. She said in many of these old, densely developed areas on town, there isn't always sufficient parking. In the case of the O'Keeffe Museum, they do have separate parking on another property on Chapelle Street which accommodates as many as 20 cars.

Ms. Baer continued, saying in situations where there is insufficient parking currently, and something is changing with the property, if the change doesn't exacerbate the lack of parking, or if there is no intensification which would require more parking, then the City doesn't at that point, at this time, for example, require that they provide additional parking, mostly because we know it isn't available. In the BCD where is an intensification of use, we ask that they provide the difference between what currently is available and whatever the intensification represents. So, if something went from an office use to a restaurant use, or if a building had non-usable area which they are making usable, or they are adding a second story, for example, the City would then require parking to be provided for that intensification.

Chair Harris said on Tract A-2, there is reserve parking and common parking, which he presumes is common to the various other building and property owners around there. He asked if parking is an issue for Tract A-2.

Ms. Baer said, "I would say it isn't, simply because nothing is really changing and there is no intensification."

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Harris, to approve Case #2013-29, 217 Johnson Street Lot Split, with all conditions of approval as recommended by staff in the Staff Report [Exhibit "3"].

VOTE: The motion was approved unanimously on a voice vote.

4. **CASE #2013-30. 23 SENDA CORVO FAMILY TRANSFER LOT SPLIT. SCOTT YAGER, YAGER LAND SURVEYS LLC, AGENT FOR RAMON AND KIM GARCIA, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 1.57 ACRES INTO TWO TRACTS. LOCATED WITHIN THE ANNEXATION AREA, THE PROPERTY IS ZONED R-1 (RESIDENTIAL-1 DWELLING UNIT PER ACRE) (WILLIAM LAMBOY, CASE MANAGER).**

A Memorandum prepared May 20, 2013, for the Summary Committee Meeting of June 6, 2013, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "4."

A copy of *FAMILY TRANSFER LOT SPLIT PLAT PREPARED FOR RAMON E. AND KIM A. GARCIA OF TRACT A-2c OF FAMILY TRANSFER FOR MARY MARTINEZ*, is on file in and can be obtained from the Current Planning Division of the City of Santa Fe Land Use Department.

Staff Report

The staff report was presented by Heather Lamboy, Current Planning Division. Please Exhibit "4" for specifics of this presentation.

Ms. Baer said, additionally, in line with previous discussions at this Committee, staff asked the surveyor to locate the wells on adjacent property which has been done.

Recommendation: The Land Use Department recommends approval with the conditions of approval as outlined in this report [Exhibit "4"].

Public Hearing

Ramon Garcia, 23 Senda Corvo, owner was sworn. Mr. Garcia said, "Scott has been so kind to help me move through the City process. And, basically, I would just like to establish a home for my daughter and her child and just make sure they are safe on my property. I don't intend to sell the property until I leave the earth, and it will be passed on to my family.

Scott Yager, Agent for the owner, was sworn previously. Mr. Yager said he had nothing to add.

Speaking to the Request

There was no one speaking for or against this request.

The Public Testimony Portion of the Public Hearing was closed

Questions and Comments from the Committee

Commissioner Schackel-Bordegary said she had no questions.

Chair Harris said then there will be a shared well agreement on recordation for the well that is basically at the front of Mr. Garcia's property.

Ms. Baer said this is correct.

Chair Harris said in Condition 2, it is proposed to add a note to the plat that says, "Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved..." He said there's part of the problem. I thought it should say 'and is accessible' to the City sewer system. It is unclear to me. I know we have a septic tank on the existing property. This is just a general note, and there's no anticipation of the City's sewer being extended out there. Is that correct."

Ms. Baer said that is correct. That is a standard note that Stan Holland was putting on all of the plats, and believes he added it this time, simply because it is in the annexation area. The City does not have plans at this time, and she has heard nothing about, extending utilities in this area.

Chair Harris reiterated his concern about the language in Condition #2, which will replace Notes #13 and #14 on the Plat, which are more broad.

Ms. Baer said, "I would like to clarify that with Stan Holland, because, you're right, they're in conflict with one another, a little bit, or they're redundant. If you have a recommendation you prefer, we would be happy to do either, but I don't think we need both."

Chair Harris said that would be fine.

MOTION: Commissioner Harris moved, seconded by Commissioner Schackel-Bordegary, to approve Case #2013-30, 23 Senda Corvo Family Transfer Lot Split, with all conditions of approval as recommended by staff [Exhibit "4"], with emphasis that Condition of Approval #2 will be reviewed with Mr. Holland in light of Notes #13 and #14 on the Plat.

VOTE: The motion was approved unanimously on a voice vote.

5. **CASE #2013-31. 3910 FIELDS LANE LOT SPLIT. JAMES W. SIEBERT, AGENT FOR PRISCILLA FIELDS, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 2.81 ACRES INTO TWO LOTS. THE PROPERTY IS LOCATED WITHIN ANNEXATION AREA, AND IS ZONED MU (MIXED USE DISTRICT). (WILLIAM LAMBOY, CASE MANAGER).**

A Memorandum prepared May 20, 2013 for the Summary Committee Meeting of June 6, 2013, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "5."

A copy of *LOT SPLIT SURVEY PLAT PREPARED FOR PRISCILLA FIELDS, SHOWING LOT 1, NOTING THE PURPOSE OF THIS PLAT IS TO SPLIT LOT 1 INTO TWO SEPARATE LOTS* is on file in and can be obtained from the Current Planning Division of the City of Santa Fe Land Use Department.

A copy of *Boundary Survey Plat requested by The Estate of William E. Fields*, entered for the record by Wendy Fields Montoya, is incorporated herewith to these minutes as Exhibit "6."

A copy of a *Well Sharing and Maintenance Agreement*, entered for the record by Wendy Fields Montoya, is incorporated herewith to these minutes as Exhibit "7."

A copy of *Agreement Granting Easements*, entered for the record by Wendy Fields Montoya, is incorporated herewith to these minutes as Exhibit "8."

Staff Report

The staff report was presented by Heather Lamboy, Current Planning Division. Please Exhibit "5" for specifics of this presentation.

Recommendation: The Land Use Department recommends Approval with the Conditions of Approval as outlined in this report [Exhibit "5"].

Public Hearing

James W. Siebert, 915 Mercer, Agent for the owner, was sworn. Mr. Siebert said, "Originally, the way the condition was worded by John Romero, is that we would have to vacate the easement at such time that access was available from the adjoining lot. What I explained to John is that this easement didn't just run on these two properties, it goes back to 2 other properties, so we have no control over our ability to abandon that easement. So he said, well let's just change it so that as access becomes available from the adjoining property that you would abandon your access to use this. And I thought, well, at the time, okay that seems all right. But the problem is, that the access easement still exists and will continue to exist, regardless of what my clients would say about abandoning its use."

Mr. Siebert continued, "I think the other problem we have is it's kind of a leap of faith that, in fact, there will be access granted from that property. We don't really know that that's going to take place or not. So, I think we're asking for some consideration on that. That.... two things. One, and I think that.... are you selling Wendy Fields."

Ms. Fields' response is inaudible because she responded from the audience.

Mr. Siebert said, "They're here because they're concerned that that access is somehow going to be compromised, or agreeing to this condition on the plat. So we don't want that to happen. We want to, Priscilla Fields, really wants to continue to protect that, so we're asking for some consideration on that, the language on abandoning use of that particular road at such time that there may or may not be access from the adjoining property. Does that make sense. I know it's a little complicated here."

Chair Harris said, "A little bit. Maybe I'll hold my questions for a bit."

Chair Harris said, "What I've heard you say is, all other conditions are acceptable, but you're asking for consideration on abandoning the easement as proposed by Traffic."

Mr. Siebert said, "The modified language doesn't say we have to abandon the easement. I think John realizes we have the mobility to do that. He just says we have to abandon use of the road, and yet the road will always continue to exist whether they abandon use of that road or not. And I think the concern that Wendy has, is that by doing that, it could end up compromising her right of access. So, we're trying to respect that, is what we're trying to do."

Speaking to the Request

Edward Vasquez, 4072, Buffalo Grass Road [was sworn], saying it is the last acre on the original Fields Tract of 10 acres. He said, "I originally have an Easement Agreement, actually a Deeded Easement from Mr. Fields when he was still alive, for 25 feet on the west side of the property. The plat that I was sent a copy of, was incomplete and not true to fact in some of the cases. The Plat shows the lot setbacks being on my easement, and it's my understanding once an easement has been dedicated, you cannot put other restraints on it. What the Plat that I was showed, showed a 5 foot setback line on the easement itself, which I can't build my easement in that 5 feet because it is a setback. And those setbacks need to be set beyond whatever easements exist already. I'm talking about setback lines. And I still, to this day, I have not seen a completed plat to reflect why I'm even here in the first place, other than I have that portion of it."

Mr. Vasquez continued, "The other things are, there's other agreements that are in place that weren't noted on the copies I was sent, and that's why I'm here. I haven't seen a finished plat, and I haven't seen one which has been redlined by the City either. So, at this point right now, I would say pull the plug on the whole thing until we get contacted and shown exactly what's going to happen."

Chair Harris said he understands, although he will have questions when we get to that portion.

Mr. Vasquez said, "I reserve the chance to come back up here and talk if I have to make 1 or 2 points."

Wendy Fields Montoya [previously sworn] said she is the owner of Lot 2. I'm right behind Lot 1. This is my father's property, the whole thing, but I have the back 6.1 some odd acres. I received a copy of a plat from an email, it's been 3 weeks ago. I looked at it, and I hate to do this, but the plat that this is all being based on is completely incorrect. I have a survey. This plat that this gentleman has and that I received is based on a survey that was done in 1995 by Mr. Vasquez when my dad sold him the property in the back. "

Ms. Fields-Montoya continued, "In 2010, my husband and I, Phillip, who passed away in January, he and I had a survey done of the back acres that we had agreed with the heirs that they were going to get. As a part of this survey, Lot 2, and I went to the Courthouse yesterday, and brought a copy for you, of the recorded survey that is on record. In this lot, in the survey, you will see, written and it's signed by myself and my stepmother who owns Lot 1, that on the east side there is a dedicated 32 foot wide, ingress/egress utility easement, from Airport Road to the northern boundary of our property. And that easement is not reflected on this plat. This plat only shows the way it used to be when it was field lane and it was just a dirt road. But there is a 32 foot dedicated easement on the east side, and also, what is incorrect on the Plat, it shows the old well house. The well house that is shown on the plat is no longer the well house. The well house exists and it's a little bit east and north of the one that you show. The one that's shown on the plat, is an old adobe well house. In 2009, we had to have a new well put in, and it's a little bit east and a little bit north, and it's an underground well. That is also reflected on this new survey."

Ms. Fields-Montoya continued, "So my concern... and I talked to the realtor yesterday that is selling the property, and he told me that he was aware of this and he doesn't quite know what's been going on. He said this would be taken care of, that he was going to speak to the person who's buying this, and that I believe everybody is aware of it, and somehow got messed up. I don't know, but I want to make public record of the fact that the wrong survey was used. And also, there's a well agreement that we need to get in place. It is a shared well. I guess that's about it. I don't really know how to do this thing very well, but just say what's on the line." Ms. Fields-Montoya entered the survey for the record [Exhibit "5"].

Chair Harris asked if she has additional documents to add, and said that's all she has.

The Public Testimony Portion of the Public Hearing was closed

Questions and Comments from the Committee

Commissioner Schackel-Bordegary said, "Just given the discrepancy for us up here, I'm wondering from staff how you respond to this, and then I would move for a postponement, probably, depending on what you say and what we can sort out here today."

Ms. Baer said, "We've not heard about these issues. This is the first that we're hearing about them. The Survey Plat that was just entered into the record for this hearing, is simply a survey plat. It does not have City signatures, so this is not a Plat that the City recognizes. This Plat that was submitted for the lot split, and I would again remind you, it's just a lot split, was done by a professional engineer who

certifies that it is correct, and we assume that if the certified engineer says so, basically, we would take that person's word for it, because he's putting his professional license and a stamp on it."

Ms. Baer continued, "We were not aware, I believe that this is a shared well, this other property. We would always require that anybody who is sharing a well and doing anything on the property, would provide easements. There should be easements. There should have been easements existing on this Plat that showed access to a shared well. And so again, this is the first that we're learning about this. And they're not reflected but no signature. So, as far as the ingress and egress on the east side of the property, that's not affected or under consideration at this time, so there's no reason for that to have been shown on this plat, if we're not doing anything with it. So that would just conclude my comments. Maybe Ms. Lamboy."

Chair Harris said, "Excuse me. You'll get a chance to speak. There does seem to be confusion here, and Mr. Vasquez, I'd like to know, are you accessing your property... I thought you were saying, on the west side."

Mr. Vasquez said, "Yes, my property is on the west side, but my property is limited to private, deeded access. This easement is not open to anybody else."

Chair Harris said, "So, yes. The 25 foot egress and ingress..."

Mr. Vasquez said, "And that extends from Airport Road to the last acre of the original 10 acre tract that this is all a part [of]."

Chair Harris asked Mr. Vasquez if his easement runs through Lot 2.

Mr. Vasquez said, "It runs through Lot 1 and Lot 2."

Chair Harris said, "In addition to Lot 1, it also runs through Lot 2, and then you're at the..."

Mr. Vasquez said, "I'm on the tail end of this. The problem is what she stated. She just stated that the City has no record. Well, here's my plat of record. We're still kinda County, we're a NIMBY, or whatever, but I have no City signatures on mine either. Okay. So, for her to make that statement doesn't necessarily fly that, just because the City didn't know. And the Surveyor is obligated to find all of the plats and items of record, including agreements and everything else. This is not right. What you said ma'am. And I'm just saying, my part of it."

Chair Harris said, "There are matters under discussion and we understand that."

Mr. Vasquez said, "As far as Wendy goes, hers are agreements that are set in place that were agreed with the current landowner. So there's a lot of this here that aren't on this plat, that need to be on this plat, and by them saying that, well, the City never signed this. Well, it's not required if you're going it in the County."

Chair Harris said, "I have a question about the modified language. I compared what was in my packet under the May 16th... this gets back to, I believe, Mr. Siebert's point. The language on the recommended action, you have the potential to add the following note, it seems to me to be the same as what we were given here. There's a lot going on, and you try and read this stuff while you're up here and it doesn't always work. The new one has backlash, ingress/egress, for example."

Ms. Baer said, "A couple of things. Mr. Romero is asking that they not use that access if another access is provided in the future. And he recognizes, based on a conversation with Mr. Siebert, that because that easement serves other properties, we should not be asking and we're not asking for the easement to be abandoned. The easement, as Mr. Vasquez points out correctly, would stay in place, and nothing we are doing here would affect his access to his property. The easement would stay in place. What Mr. Romero is asking is that the owners of this property that is being split not use that access, if another access is developed in the future. And it's also up to this Committee to accept that recommendation or not."

Chair Harris said, "I think the language is problematic. Quite frankly, the way I read it was, rightly or wrongly, you were just going to abandon the easement. And that essentially is a real problem. I realize it says, 'ban the easement to Lot 1-A and Lot 1-B, but it seems the language could be clarified so it's clearly of record that it's a private easement for Lot...'"

Mr. Vasquez said, "The original Lot 3. If you all just want to just take a peek at it, that's why. I'll accept that on the property I have."

Chair Harris said, "I think the language being proposed by Traffic is still problematic, because it could almost be interpreted, probably wrongly, but it would be a little bit argumentative, that that easement is being abandoned. So. Thank you Mr. Vasquez. Yes ma'am."

Ms. Baer asked, "Are you looking at the June 5th Memo from Mr...."

Chair Harris said, "Yes, I've got both of them in front of me."

Ms. Baer said, "The point of his changing the language was to remove 'abandoning the easement.' And that's why they've revised the language in this new Memo. 'At such time as the adjacent property to the east is developed, access shall be via a future road through the property to the east. All other means of ingress and egress to only Lots 1-A and 1-B, shall be abandoned at that time.' So, he's removed the language regarding the easement, and he's not asking that the easement go away."

Chair Harris said the easement is specific to lot 3. It's not even an easement, it's a private easement for Lot 3. It doesn't provide access to 1-A and 1-B."

Ms. Baer said, "I would not be sure about that Mr. Chair, only because it says, 'Public 25 foot private ingress and egress public and utility easement. The fact that it does through Lots 1-A and 1-B would imply that it provides access for them as well."

Mr. Vasquez said, "You know. I'm going to agree with Ms. Schackel-Bordegary's approach on this. So, we're starting to get a sense of what's going on, on the west side of the property, but I don't think we're really clear on what's going on, on the east side of the property. So I would agree that we should postpone this case until some of these other issues, as to easements, and exactly what's appropriate here, including the well issue, are further analyzed."

Ms. Fields-Montoya said, "I brought along with me, you're talking about agreements. In 2010, when we had the survey done, it was County. We haven't been City, we've never been City as far as I know, except that now we're under the control of the City, but we're not annexed into the city. But when we had this survey done, we were County. And when the agreements were made... I have an agreement here, two agreements, that I got from the Courthouse, from the County Clerk I mean. And they are *The Agreement Granting Easements* and *The Well Sharing and Maintenance Agreement*."

Ms. Fields-Montoya continued, "On the *Agreement Granting Easements*, it's very long, I won't read all of it, but on page 5, it talks about the Fields Lane Easement Agreement, it talks about Lot 1 granting a non-exclusive easement of 32 feet. It goes on to explain it. On page 7, it says, 'This agreement, together with the private agreement among successors, and any plat depicting the lots and easements and deeds to the lot, shall constitute the entire Fields Lane Easement Agreement and Grant between the parties. And in the event of conflict, in the language of those documents, this document shall control. The parties have had an opportunity to read and consider this agreement, and they enter into it with a full understanding of effect and they agree to be bound thereby and to have title to their lot altered thereby.'" Ms. Fields-Montoya entered a copy for the record of *The Agreement Granting Easements* [Exhibit "9"] and *The Well Sharing and Maintenance Agreement* [Exhibit "7"]

Ms. Lamboy said, "I would just like to point out that SPPAZO, the Subdivision, Platting, Planning, And Zoning Ordinance Agreement between the City and the County, was adopted in 2009, prior to the creation of this Plat. And so at that time, the City actually had platting and planning control over that particular area of town. This was a private plat that was filed as part of an estate, and there is a notice on this plat, that the County had the person who filed this put on there, and it states, 'The Santa Fe Land Use Administrator has not reviewed this plat of survey before filing in the Office of the County Clerk. This plat is not filed for the purpose of creating a subdivision or new lots. Altering the boundaries of existing lots for the purpose of development as defined by Santa Fe County Development Code, Extraterritorial Zoning

Ordinance or Extraterritorial Subdivision Regulations, this statement does not anywhere represent official County approval of this plat.' And likewise the City approval. So, the easement appears to be an agreement, and I'm not an attorney, and we can check with our attorneys, to be sure it is an agreement with private parties. We can research that and can get back to you on that issue."

Chair Harris said, "So, there's a lot of questions here, and I think legitimate questions. And I think that that argues towards a postponement so various documents can be submitted, if they haven't been, including yours, Mr. Vasquez. You've already stated, Ms. Lamboy, that it would be appropriate to talk with City Legal staff about this. What you've just read to us is hard to absorb up here, quite frankly. Really, where the jurisdiction lies, whether it's private, the whole nature of the thing is a bit confusing when you sit up here. So, I'd like to entertain a motion."

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Harris, to postpone this item to the next meeting of the Committee on July 11, 2013, to allow time for the questions to be answered, and the information brought to us today to be further synthesized by staff.

VOTE: The motion was approved unanimously on a voice vote.

F. STAFF COMMUNICATIONS

There were no staff communications.

G. MATTERS FROM THE COMMITTEE

There were no matters from the Committee.

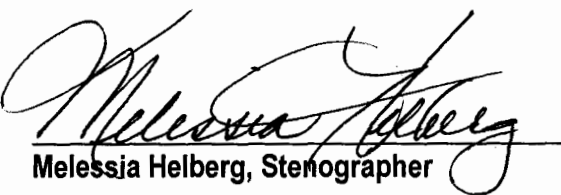
H. ADJOURNMENT

There was no further business to come before the Committee.

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Harris, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at 12:00 noon.


Michael Harris, Chair



Melessia Helberg, Stenographer

City of Santa Fe, New Mexico

memo

DATE: June 6, 2013

TO: Summary Committee

FROM: Current Planning Division

RE: Additional Information

The attached information is not in your June 6, 2013 Summary Committee packet. The information is in the following order:

Case #2013-27. 3201 Zafarano Drive Lot Split & Lot Line Adjustment.

- Quitclaim Deed from Joseph Barela.

Case #2013-31. 3910 Fields Lane Lot Split.

- Memorandum dated June 5, 2013 from Sandra Kassens, Traffic Engineering Division.

Exhibit "1"

QUITCLAIM DEED

ROSEWOOD INVESTMENT INC.

_____, for consideration paid, grant
to SAN ISIDRO PLAZA II

whose address is _____

the following described real estate in Rio Arriba SANTA FE County, New Mexico;

A vacant tract of land lying and being situate within S.H.C. 427, Santa Fe County, State of New Mexico and being more particularly described as follows:

Beginning at a point, the Southwestern corner of this tract from whence a U.S.G.L.O. Brass Cap marking the closing corner of sections 31 and 32, T17N, R9E, N.M.P.M. bears N24°50'03"W, 3,953.77 feet; thence along the following bearings and distances;

N37°55'01"E, a distance of 221.13 feet to a point; thence
S10°36'55"E, a distance of 34.25 feet to a point; thence
S01°00'34"W, a distance of 0.92 feet to a point; thence
S44°20'56"W, a distance of 23.67 feet to a point; thence
S43°08'29"W, a distance of 176.44 feet to a point; thence
N40°40'46"W, a distance of 7.66 feet

to the point and place of beginning. Containing an area of 0.083 acres, more or less. All as shown on plat of survey by Morris A. Apodaca, N.M.P.S. 5300, dated March 3, 2004, survey plat No. L04-11. Filed March 3, 2004 in Plat Book 554, Page 005, Document No. 1316,530 records of Santa Fe County, New Mexico.

witness _____ hand _____ and seal _____ this 29th day of MAY, 2013

(seal) Joseph E. P. Barela (seal)

(seal)

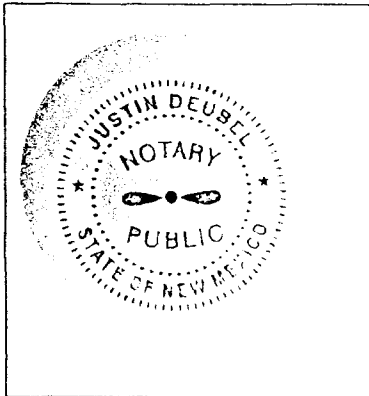
ACKNOWLEDGEMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) SS

This instrument was acknowledged before me on MAY 29th, 2013
by JOSEPH E. BARELA

My Commission expires: 10-27-2014
(Seal)

NOTARY PUBLIC



ACKNOWLEDGEMENT FOR CORPORATION

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) SS

This instrument was acknowledged before me on MAY 29th, 2013

by JOSEPH E. P. BARELA
(Name of Officer)
President of ROSEWOOD INVESTMENT, INC.
(Title of Officer) (corporation acknowledgement)

a _____ corporation, on behalf of said corporation

My Commission expires: 10-27-2014

(Seal)

NOTARY PUBLIC

City of Santa Fe, New Mexico

memo

DATE: June 5, 2013

TO: William Lamboy, Planning and Land Use Department

VIA: John Romero, Traffic Engineering Division Director *JR*

FROM: Sandra Kassens, Traffic Engineering Division *SK*

SUBJECT: 3910 Fields Lane Lot Split - Case # 2013-31.

ISSUE:

James W. Siebert, agent for Priscilla Fields, requests plat approval to divide approximately 2.81 acres into two lots. The property is in Phase II of the Annexation Agreement, and is zoned MU (Mixed Use District).

RECOMMENDED ACTION:

Review comments are based on submittals received on April 29, 2013. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

1. The Applicant shall add the following note to the plat concerning access easements:
"At such time as the adjacent property to the east is developed, access to Airport Road from Lot 1-A and Lot 1 B shall be via a future road through the aforementioned adjacent property. All other means of ingress and egress to Lot 1-A and Lot 1-B shall be abandoned at that time."

If you have any questions or need any more information, feel free to contact me at 955-6697. Thank you.

City of Santa Fe, New Mexico

memo

DATE: May 22, 2013 for the June 6, 2013 Meeting

TO: Summary Committee

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, ASLA, Planning Manager, Current Planning Division *TBaer*

FROM: William Lamboy, AICP, Senior Planner, Current Planning Division *W Lamboy*

3201 ZAFARANO DRIVE LOT SPLIT & LOT LINE ADJUSTMENT

Case #2013-27. 3201 Zafarano Drive Lot Split & Lot Line Adjustment. Greg Gonzales, Branch Design & Development, agent for San Isidro II, LLC, requests plat approval to adjust the existing property line and divide approximately 3.60 acres into two lots. The property is located at 3201 Zafarano Drive, and is zoned C-2 / PUD (General Commercial District / Planned Unit Development). (William Lamboy, Case Manager) *Postponed at the May 2, 2013 meeting.*

RECOMMENDATION

The Land Use Department recommends **Approval** with the Conditions of Approval as outlined in this report.

BACKGROUND & SUMMARY

This case was postponed at the May 2, 2013 Summary Committee meeting at the request of the applicant in order to address a concern regarding a property boundary.

ATTACHMENTS:

1. Postponement Request dated May 2, 2013
2. Additional Correspondence from Joseph Barela, April 29, 2013
3. Staff Report Packet, May 2, 2013

Exhibit "2"

LAMBOY, WILLIAM A.

From: Greg Gonzales <g.gonzales@branchdev.com>
Sent: Thursday, May 02, 2013 8:34 AM
To: LAMBOY, WILLIAM A.
Cc: Jeff Branch; 'Joseph e p Barela'; swms1114@aol.com
Subject: RE: Summary committee meeting

Bill,

San Isidro II LLC requests a postponement of our lot split and lot line adjustment request (case #2013-27) to the next summary committee meeting on June 6.

This will allow us time to work out the boundary issue with Mr. Barela.

Please contact me if you have any questions.

Thank you,

Greg Gonzales
Columbus Capital / Branch Design and Development
Cell (505) 670-2812

From: LAMBOY, WILLIAM A. [<mailto:walamboy@ci.santa-fe.nm.us>]
Sent: Wednesday, May 01, 2013 9:45 AM
To: Greg Gonzales
Subject: RE: Summary committee meeting

Hi Greg,
Attached is Mr. Barela's letter(s) to the Committee.

William Lamboy, AICP
Senior Planner
Current Planning Division
505-955-6888
P.O. Box 909
Santa Fe, NM 87504-0909

From: Greg Gonzales [<mailto:g.gonzales@branchdev.com>]
Sent: Wednesday, May 01, 2013 8:02 AM
To: LAMBOY, WILLIAM A.
Subject: Summary committee meeting

Bill,

Did you write up a Staff report for the Summary committee?
If so can I get a copy?

Thank you,

Greg Gonzales

City of Santa Fe, New Mexico

memo

DATE: May 1, 2013

TO: Summary Committee

FROM: Current Planning Division

RE: Additional Correspondence

The attached correspondence are not in your May 2, 2013 Summary Committee Packet. The correspondence is in the following order:

Case #2013-27. 3201 Zafarano Lot Split & Lot Line Adjustment.

- Letter from Joseph E. P. Barela, received April 29, 2013

JOSEPH E P BARELA
ROSEWOOD INVESTMENTS, INC.
PO BOX 23463
SANTA FE, NM 87502-3463

April 29, 2013

WILLIAM LAMBOY, Case Manager
City of Santa Fe
Land Use Department
Current Planning Division
200 Lincoln Avenue, Box 909
Santa Fe, NM 87504-0909

Re: Case #2013-27

Dear William Lamboy:

The recent posting for case #2013-27 located at 3201 Zafarano Drive requesting a lot split and lot line adjustment, and scheduled to be heard this Thursday, has brought forth possible lot line ownership issue(s).

The lot line for the north side of the Rosewood Investments, Inc. property shown as a wedge starting from the NW corner of the Sauter Tract (Starbucks) to the NE corner of the Rosewood Investments, Inc. property where it meets St. Elizabeth shelter. This property "wedge" has been fenced by chain link since the early eighties and has been within the confines of our property.

The concern is that the survey by Southwest Mountain Surveys dated March 15, 2013 does not show the chain link fence that follows the wedge shown as a 5' utility easement for PNM identified in Plat Book 684, pages 10-11. I believe the same issue also existed in a survey performed by Wilson & Company Land Surveyors located in Albuquerque, NM. The survey by Wilson & Company was used for a Bulk Land Subdivision Plat and is dated May 28, 2005 and was used for the San Isidro Village Final Development Plan.

The wedge in question was surveyed for us by Morris A. Apodaca, NMPLS No. 5300, dated March 3, 2004 and filed on the same date in Plat Book 554 Page 005. A quit claim deed was filed on March 4, 2004.

We have sought legal counsel to address this issue and will contact you immediately upon receiving the findings and our options.

I am enclosing a Quitclaim Deed of the property in question along with a copy of the "wedge" portion of the Southwest Mountain Survey dated March 15, 2013.

Respectfully,


JOSEPH E P BARELA :
ROSEWOOD INVESTMENTS, INC.

QUITCLAIM DEED

JOSEPH E. P. BARELA

for consideration paid, quitclaim

to ROSEWOOD INVESTMENTS, INC.

whose address is P.O. BOX 23463, SANTA FE, NEW MEXICO, 87502

the following described real estate in SANTA FE County, New Mexico:

A VACANT TRACT OF LAND LYING AND BEING SITUATE WITHIN S.H.C. 427, SANTA FE GRANT, WITHIN PROJECTED SECTION 5, T16N, R9E, N.M.P.M. CITY AND COUNTY OF SANTA FE, NEW MEXICO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT, THE SOUTHWESTERN CORNER, FROM WHENCE A U.S.G.L.O. BRASS CAP MARKING THE CLOSING CORNER OF SECTIONS 31 AND 32, T17N, R9E BEARS N24°50'03"W, 3,953.77 FEET; THENCE ALONG THE FOLLOWING BEARINGS AND DISTANCES;

N37°55'01"E,	221.13	FEET;	THENCE
S10°36'55"E,	34.25	FEET;	THENCE
S01°00'34"W,	0.92	FEET;	THENCE
S44°20'56"W,	23.67	FEET;	THENCE
S43°08'29"W,	176.44	FEET;	THENCE
N40°40'46"W,	7.66	FEET	

TO THE POINT AND PLACE OF BEGINNING. CONTAINING AN AREA OF 0.083 ACRES, MORE OR LESS, ALL AS SHOWN ON PLAT OF SURVEY BY MORRIS A. APODACA NMPLS NO. 5300, DATED MARCH 3, 2004. SURVEY PLAT NO L04-11. FILED MARCH 3, 2004 IN PLAT BOOK 554 PAGE 005, DOCUMENT NO. 1316,530 RECORDS OF SANTA FE COUNTY, NEW MEXICO.

Witness _____ hand _____ and seal _____ this _____ day of MARCH, 2004.
 _____ (Seal) _____ (Seal)
 _____ (Seal) _____ (Seal)

ACKNOWLEDGEMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO)
) ss.
 COUNTY OF SANTA FE)

This instrument was acknowledged before me on MARCH 4, 2004,
 by JOSEPH E. P. BARELA

My commission expires 2-24-05
 MORRIS A. APODACA
 Notary Public
 State of New Mexico
 My Commission Expires 2-24-05

ACKNOWLEDGEMENT FOR CORPORATION

STATE OF NEW MEXICO)
) ss.
 COUNTY OF _____)

FOR RECORDER'S USE ONLY



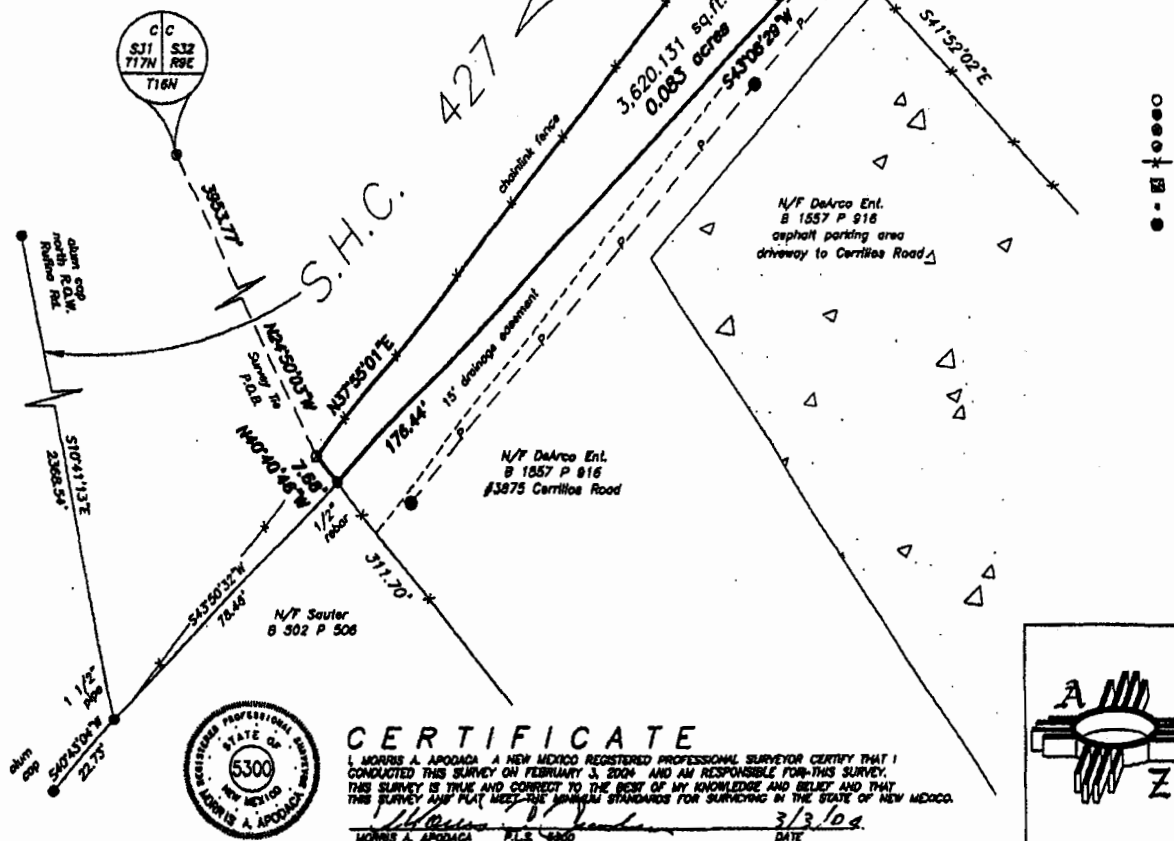
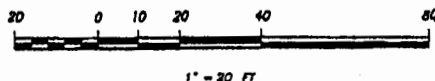
QUITCLAIM DEED
 PAGES: 1
 I hereby certify that this instrument was filed for
 recording on the 4th day of March, A.D. 2004 at 12:24
 and was duly recorded as Instrument # 1316728
 in the Records of Santa Fe County

Witness My Hand And Seal Of Office
 Rebecca Bustamante
 County Clerk, Santa Fe, NM

PUBLIC NOTICE

THIS SURVEY IS BASED ON THOSE RECORDED DOCUMENTS NOTED HEREON. CITY OF SANTA FE STAFF MUST APPROVE ALL DOCUMENTS SUBMITTED WITH AN APPLICATION FOR A BUILDING PERMIT AND MAY REQUIRE SUBMITTAL OF ADDITIONAL DOCUMENTATION TO PROVE LEGAL LOT OF RECORD.

GRAPHIC SCALE



GENERAL NOTES

1. SURVEY IS BASED ON PLAT OF SURVEY BY MORRIS A. APODACA NAMPLS NO. 5300, DATED APRIL 27, 1977 FILED IN PLAT BOOK 54 PAGE 23 DOCUMENT NO. 405,383, RECORDS OF SANTA FE COUNTY, NEW MEXICO.
2. SURVEY BY ALLEN GRACE, FILED IN PLAT BOOK 378 PAGE 029 DOCUMENT NO. 1009,178, RECORDS OF SANTA FE COUNTY, NEW MEXICO.
3. PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN IN CITY OF SANTA FE F.I.R.M. PANEL NO. 350070 00118 DATED JULY 2, 1980.

LEGEND

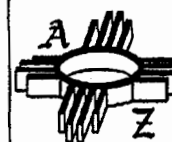
- MARKERS SET THIS SURVEY 1/2" REBAR WITH CAP 5300
- MARKERS FOUND USED AND NOTED THIS SURVEY
- U.S.G.L.O. BRASS CAP
- POWER POLE
- FENCE
- CONCRETE AREA
- TELEPHONE PEDISTAL
- LIGHT POLE

STATE OF NEW MEXICO
COUNTY OF SANTA FE } ss

THIS INSTRUMENT WAS FILED FOR RECORD ON THE _____
COURTY OF SANTA FE PLATE _____
STATE OF NEW MEXICO 1 of _____ PROCS: 1
I HEREBY Certify That This Instrument Was Filed for
Record On The 3RD Day Of March, A.D., 2004 at 12:41
and Was Duly Recorded as Instrument # 1318538
Of The Records Of Santa Fe County
Witness My Hand And Seal Of Office
Rebecca Bustamante
County Clerk, Santa Fe, NM
REBECCA BUSTAMANTE, THE SANTA FE
CLERK OF NEW MEXICO

CERTIFICATE

I, MORRIS A. APODACA A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR CERTIFY THAT I
CONDUCTED THIS SURVEY ON FEBRUARY 3, 2004 AND AM RESPONSIBLE FOR THIS SURVEY.
THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT
THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN THE STATE OF NEW MEXICO.
MORRIS A. APODACA P.L.S. #860 3/3/04 DATE



A - Z
SURVEYING
INC.

5538 ALGA FRIA
SANTA FE - NM 87507
TELEPHONE (505) 471-3366

INDEXING INFORMATION FOR COUNTY CLERK

LANDS CLAIMED BY

JOSEPH BARELA

VACANT LOT
BEHIND DUARCOS
#3875 CERRILLOS ROAD
SANTA FE, NEW MEXICO

CHECKED BY:	DATE: 2004	SURVEY NO:
SCALE: 1"=20'	MARCH 3	LO4-11

JOSEPH E P BARELA
ROSEWOOD INVESTMENTS, INC.
P.O. BOX 23463
SANTA FE, NM 87502-3463

April 29, 2009

Greg Gonzales
Columbus Capital and Branch Design
San Isidro Phase II
3454 Zafarano Drive, Suite A
Santa Fe, NM 87507-2667

Re: Swale Stake Markers at 3875 Cerrillos Road Property

Dear Greg Gonzales:

This will confirm our conversation of this date, wherein we discussed the "swale" stakes placed on our property. As I understand our conversation, you have indicated that the "swale" cuts of varying depths are for purposes of diverting water from the ponding area located on our property and transferring such water to a ponding area on your property. If I understood correctly the swale is of a temporary nature and will be removed when the final bank funding is approved for your proposed new tenant construction and at that time your property and our property will be joined at our North property line for purposes of ingress and egress for both properties.

Please inform us prior to the commencement of any grading and/or the removal of any fencing on our property, in the "staked" drainage easement area. Should you have any questions, please do not hesitate to contact me at 690-3989 or Jose at 660-5828.

Thank you for your cooperation in this matter.

Respectfully,



JOSEPH E P BARELA
ROSEWOOD INVESTMENTS, INC.

Cc: Jose J Varela Lopez

City of Santa Fe, New Mexico

memo

DATE: April 18, 2013, for the May 2, 2013 Meeting

TO: Summary Committee

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, ASLA, Planning Manager, Current Planning Division *TB*

FROM: William Lamboy, AICP, Senior Planner, Current Planning Division *W.L.*

3201 ZAFARANO DRIVE LOT SPLIT & LOT LINE ADJUSTMENT

Case #2013-27. 3201 Zafarano Drive Lot Split & Lot Line Adjustment. Greg Gonzales, Branch Design & Development, agent for San Isidro II, LLC, requests plat approval to adjust the existing property line and divide approximately 3.60 acres into two lots. The property is located at 3201 Zafarano Drive, and is zoned C-2 / PUD (General Commercial District / Planned Unit Development). (William Lamboy, Case Manager)

RECOMMENDATION

The Land Use Department recommends **Approval** with the Conditions of Approval as outlined in this report.

BACKGROUND & SUMMARY

The property is zoned C-2 / PUD, (Planned Unit Development) and is located on Zafarano Drive between Starbucks Coffee and Sprouts Market. The subdivision is necessary to secure bank financing to continue development on the site.

The proposed land division would create two tracts: Tract M-2, 3201 Zafarano Drive, containing approximately 2.54 acres; and Tract M-3, 3271 Zafarano Drive, 1.03 acres. The request would also adjust the property line between tracts M and N. Tract M-2 is occupied by a Sprouts Market, while Tract M-3 is vacant but will be subsequently developed. Tract N contains mostly surface parking to serve all 3 tracts.

The property is accessed directly from Zafarano Drive, a public roadway with a 100-foot wide right-of-way. Cross access and parking easements are being created to benefit all 3 tracts as well as tract W (Starbucks). A 25-foot wide, unimproved private road easement connects the property with the De Arcos Subdivision and Cerrillos Road.

The property is accessible to the City's Water and Wastewater systems. Any future development will be required to connect to City utilities.

CONDITIONS OF APPROVAL

Any staff conditions noted in the attached memoranda and not listed in the recommended conditions of approval have already been addressed on the plat.

Staff recommends the following conditions of approval:

1. Staff redline comments will be provided to the surveyor who shall address all issues and submit the corrected plat in Mylar.

ATTACHMENTS:

EXHIBIT A: City Staff Memoranda

1. Fire Marshal Memorandum, Rey Gonzales
2. City Engineer for Land Use Memorandum, R. B. Zaxus
3. Waste Water Division Engineer Memorandum, Stan Holland
4. Traffic Engineering Division Memorandum, Sandra Kassens

EXHIBIT B: Maps

1. Zoning
2. Aerial View
3. Escarpment & Mountainous & Difficult Terrain Districts

EXHIBIT C: Applicant Materials

1. Letter of Application

EXHIBIT D: Photographs

City of Santa Fe, New Mexico

Exhibit A

City Staff Memoranda

City of Santa Fe, New Mexico

memo

DATE: April 2, 2013

TO: William Lamboy , Case Manager

FROM: Reynaldo Gonzales, Fire Marshal *RDG*

SUBJECT: Case #2013-27 3201 Zafarano Drive Lot Split & Lot Line Adjustment

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

Prior to any new construction these requirements must be met

1. Fire Department Access shall not be less than 20 feet width to any new construction.
2. Shall have water supply that meets fire flow requirements as per IFC.

City of Santa Fe, New Mexico

memo

DATE: April 8, 2013
TO: William Lamboy, Case Manager
FROM: Risana B "RB" Zaxus, PE
City Engineer for Land Use Department
RE: 3201 Zafarano Drive Lot Split
Case # 2013-27

The following review comments are to be considered conditions of approval:

*Provide a more current and usable vicinity map showing the property location with regard to Zafarano which is now built out between Cerrillos and Rufina.

*Show common detention pond and provide drainage easement(s) as needed for stormwater to flow to the pond from the relevant parcels.

City of Santa Fe, New Mexico

memo

DATE: March 28, 2013
TO: William Lamboy, Case Manager
FROM: Stan Holland, Engineer, Wastewater Division
SUBJECT: Case #2013-27 3201 Zafarano Drive Lot Split & Lot Line Adjustment

The subject properties are accessible to the City sanitary sewer system.

The following notes shall be added to the plat as a condition of approval:

- Each lot shall be served by its own separate sewer service line.

City of Santa Fe, New Mexico

memo

DATE: April 8, 2013

TO: William Lamboy, Planning and Land Use Department

VIA: John Romero, Traffic Engineering Division Director *JR*

FROM: Sandra Kassens, Traffic Engineering Division *SK*

SUBJECT: 3201 Zafarano Drive Lot Split & Lot Line Adjustment. (Case #2013-27.)

ISSUE:

Greg Gonzales, Branch Design & Development, agent for San Isidro II, LLC, requests plat approval to adjust the existing property line and divide approximately 3.60 acres into two lots. The property is located at 3201 Zafarano Drive, and is zoned C-2 / PUD (General Commercial District / Planned Unit Development).

RECOMMENDED ACTION:

Review comments are based on submittals received on March 27, 2013. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

1. The Applicant shall amend the Cross Access/Parking easement notes on the plat to grant access to Zafarano Drive via Tracts M-3, M-2 and N for the benefit of Tract W (Starbucks) located at 3899 Cerrillos Road and Lot 2 of the De Arcos Subdivision (Guadalajara Grill) located at 3875 Cerrillos Road.

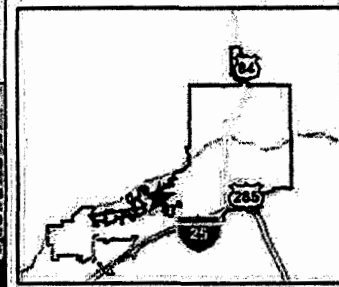
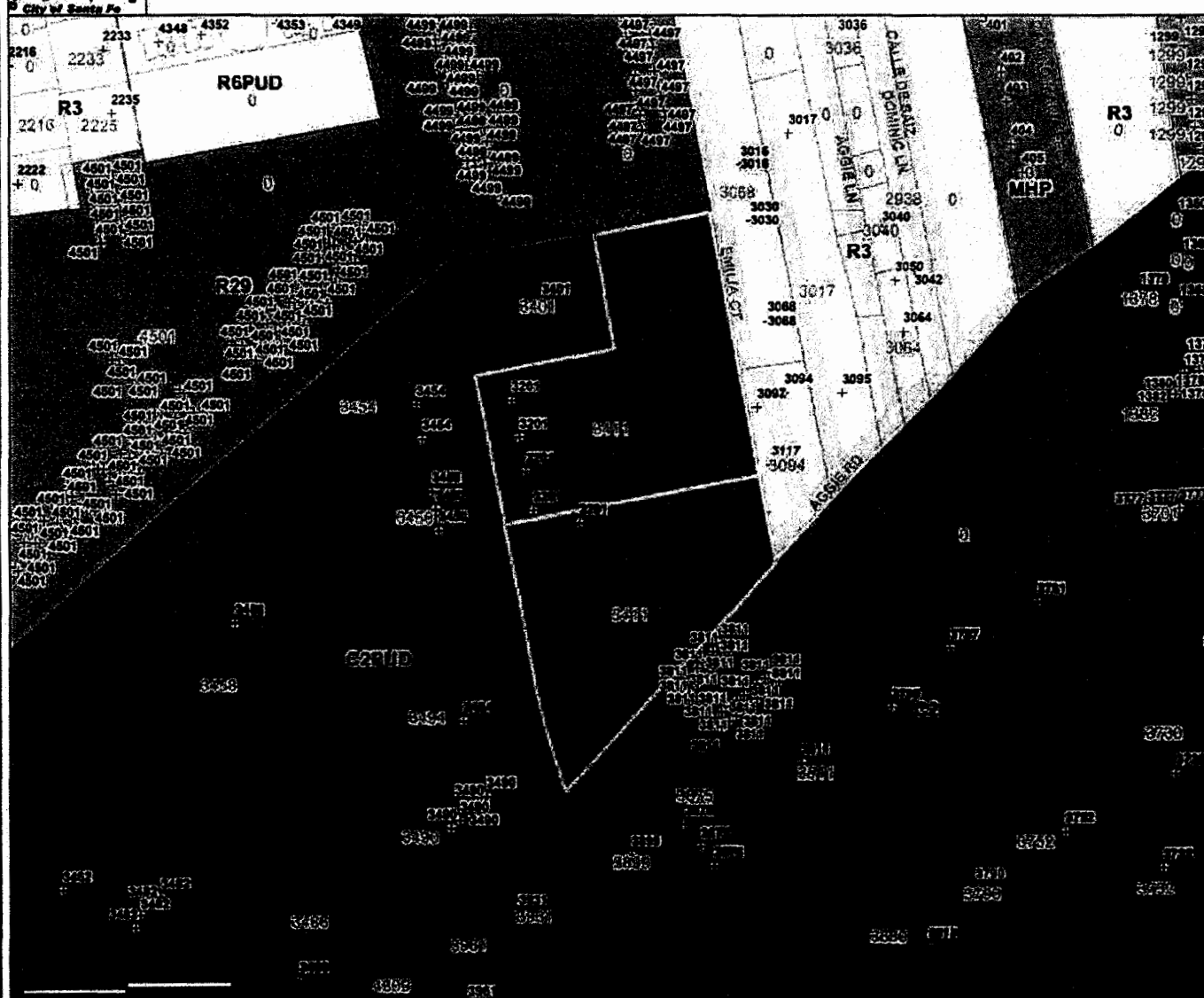
If you have any questions or need any more information, feel free to contact me at 955-6697. Thank you.

City of Santa Fe, New Mexico

Exhibit B

Maps

San Isidro II - Zoning



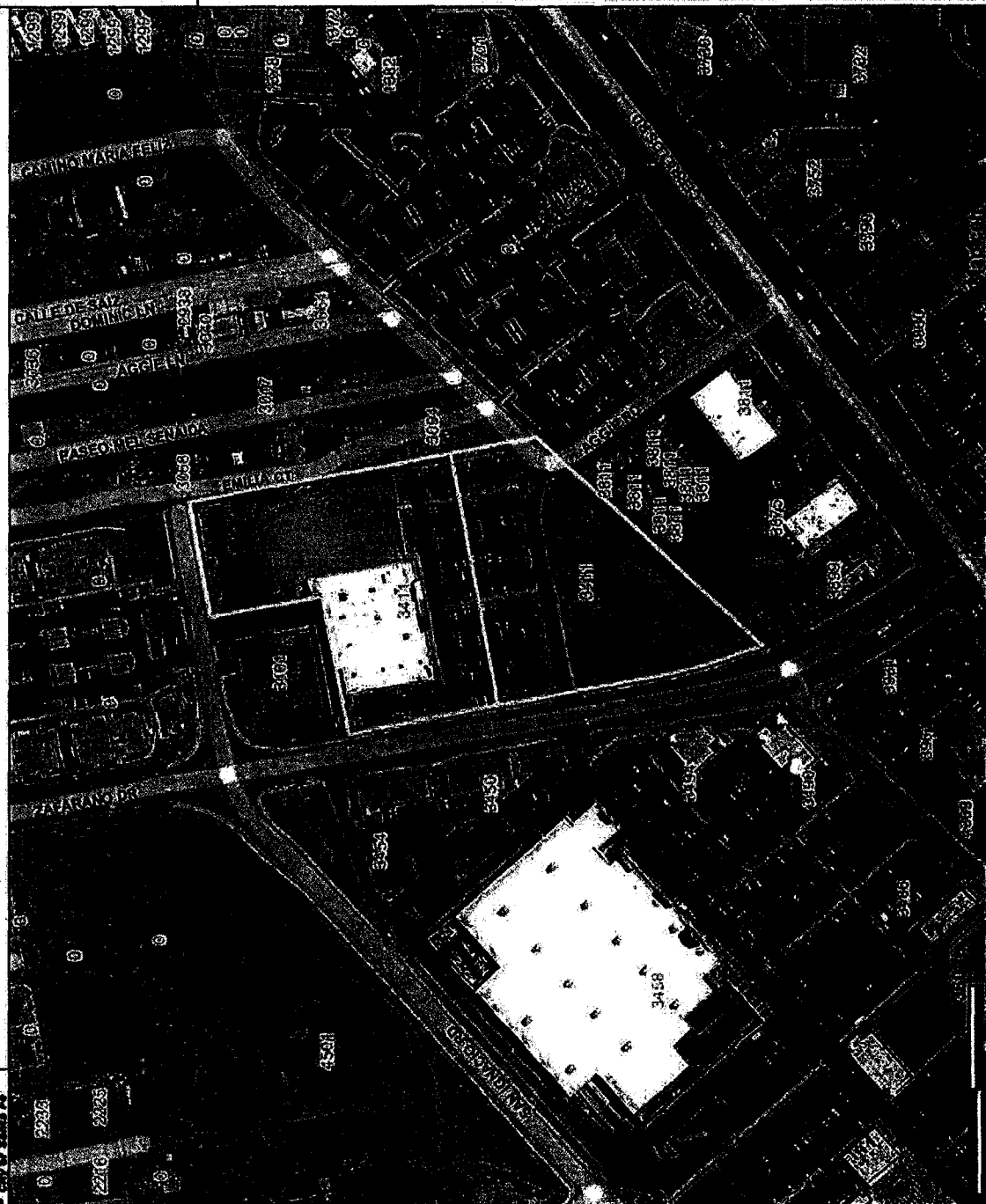
Legend

- City Limits
- Address Points
- Parcels
- Airport Clear Zones
- Santa Fe River
- Zoning**
 - RR Rural Residential
 - R1, (PUD) Single - Family 1du/ac.
 - R2, (DT), (PUD), (AC) Single - Family 2du/ac
 - R3, (PUD) Single - Family 3du/ac
 - R4 Single - Family 4du/ac
 - R5, (DT), (PUD), (AC), R6 Single - Family 5-8du/ac
 - R7, (R), (PUD), R8 Single - Family 7-8du/ac
 - RCS, RCSAC Compound 5du/ac
 - RCS, RCSAC Compound 8du/ac
 - R10, (PUD) Multiple - Family 10du/ac
 - R12, (PUD) Multiple - Family 12du/ac
 - R21, (PUD) Multiple - Family 21du/ac
 - R29, (PUD), (AC) Multiple - Family 29du/ac
 - RAC Residential Arts & Crafts

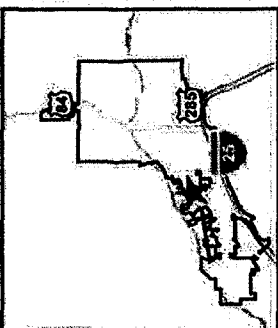


Scale: 1:3,161

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



City Limits

- Parcels**
Airport Clear Zones
Santa Fe River
Major Roads and Highways
Other Roads and Streets
2011 Aerial Photography - 1 foot resolution



Scale: 1:3,161

City of Santa Fe, New Mexico

Exhibit C

Applicant Materials

**BRANCH DESIGN AND DEVELOPMENT
P.O. BOX 2328
SANTA FE NM 87504**

March 24, 2013

William Lamboy

Land Use Senior Planner
City of Santa Fe Land Use Department
200 Lincoln Ave., Box 909
Santa Fe, NM 87504-0909

Re: Lot Split for San Isidro Phase II

Dear Mr. Lamboy,

On behalf of San Isidro II LLC please accept our design review package for a Lot line adjustment and Lot split for the San Isidro Phase II development located at 3201 Zafarano Drive. The purpose of this lot modification is to create a new lot that can be financed separately for future development. This package is for review at Summary Committee meeting scheduled for May 2, 2013.

The new lot created will comply with all zoning regulations as applied to the original lot. If you have any questions please do not hesitate to contact me.

Sincerely,



Greg Gonzales
Partner

Attachments:

1. (3) Copies of proposed plat
2. (1) copy of Lot Split Application
3. (1) copy of original development plan
4. (1) copy of original landscaping plan
5. (1) copy of land lease for tract "N" with Lucy Chavez

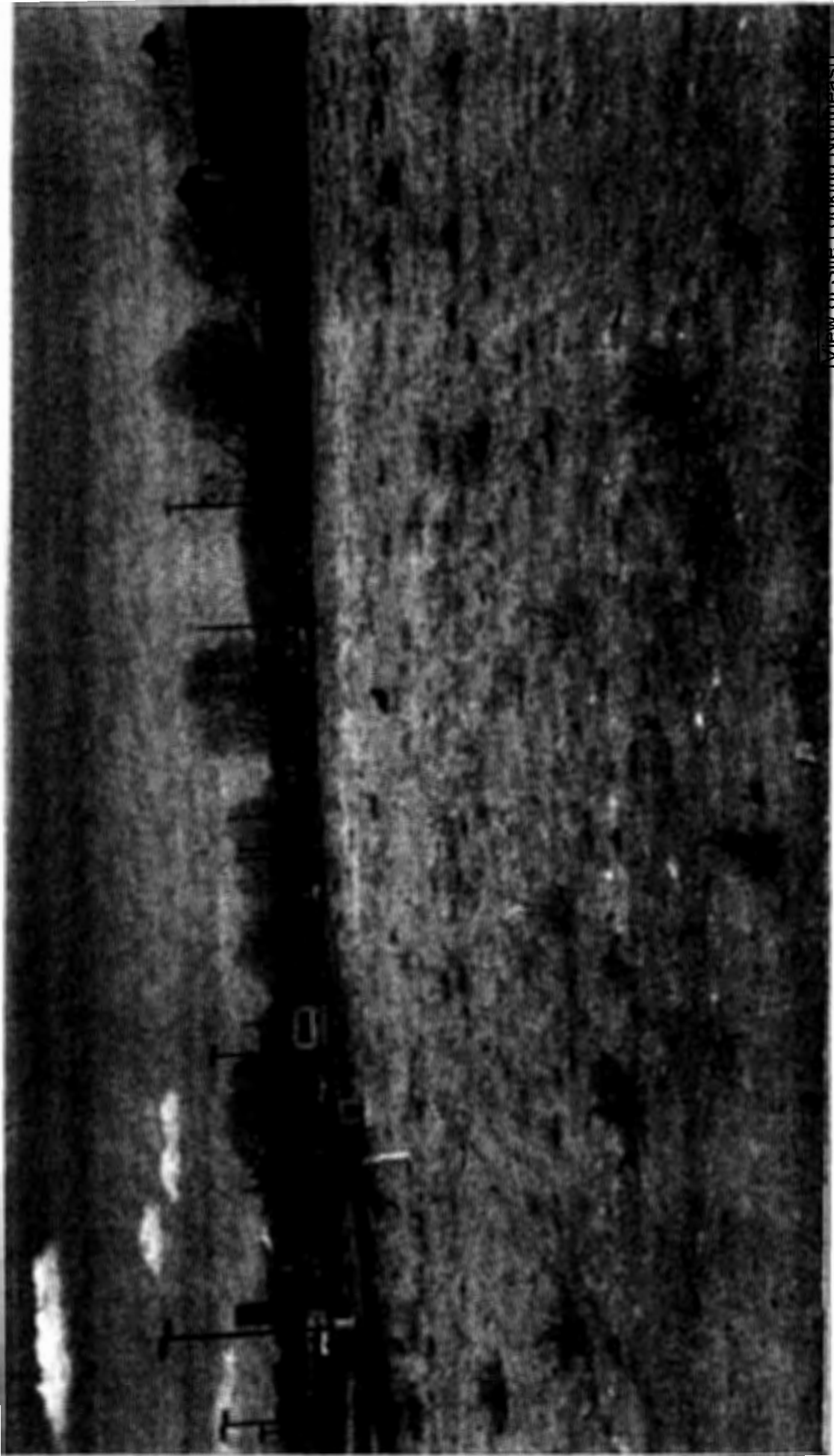
City of Santa Fe, New Mexico

Exhibit D

Photographs



View of Site Looking South



View of Site Looking Northeast

City of Santa Fe, New Mexico

memo

DATE: May 20, 2013 for the June 6, 2013 meeting

TO: Summary Committee

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, ASLA, Planning Manager, Current Planning Division *TB*

FROM: William Lamboy, AICP, Senior Planner, Current Planning Division *W. Lamboy*

217 JOHNSON STREET LOT SPLIT (O'KEEFFE MUSEUM)

Case #2013-29. 217 Johnson Street Lot Split. Scott Yager, Yager Land Surveys LLC, agent for The Georgia O'Keeffe Museum, requests plat approval to divide approximately 0.57 acres into two tracts. The property is located at 217 and 225 Johnson Street, and is zoned BCDMAR (Business Capitol District-Marcy Street Townscape Subdistrict) and BCDMCK (Business Capitol District-McKenzie Street Townscape Subdistrict). (William Lamboy, Case Manager)

RECOMMENDATION

The Land Use Department recommends **Approval** with the Conditions of Approval as outlined in this report.

BACKGROUND & SUMMARY

The property is zoned BCDMAR (Business Capitol District - Marcy) and BCDMCK (Business Capitol District - McKenzie) and is located on Johnson Street between Grant Avenue and Chapelle Street. The site is located immediately north of the Santa Fe County Administration Building and the El Dorado Hotel.

The proposed land division would create two tracts: Tract A-1, 217 Johnson Street, containing approximately 0.319± acres (13,888 square feet); and Tract A-2, 225 Johnson Street, 0.253± acres (11,015 square feet). Tract A-1 (the location of the main museum building) is in the BCD Marcy Subdistrict and Tract A-2 (the previous location of the O'Keeffe Café and museum offices) is located in the BCD McKenzie Subdistrict.

Exhibit "3"

The property is accessed directly from Johnson Street, a public street. Cross access, egress and drainage easements are created with this lot split plat to benefit both tracts.

The property is served by City Water and Wastewater systems.

CONDITIONS OF APPROVAL

Any staff conditions noted in the attached memoranda and not listed in the recommended conditions of approval have already been addressed on the plat.

Staff recommends the following conditions of approval:

1. Staff redline comments will be provided to the surveyor who shall address all issues and submit the corrected plat in Mylar.

ATTACHMENTS:

EXHIBIT A: City Staff Memoranda

1. City Engineer for Land Use Comments, R.B. Zaxus
2. Waste Water Division Engineer Memorandum, Stan Holland
3. Traffic Engineering Division Comments, Sandra Kassens
4. Fire Marshal Memorandum, Reynaldo Gonzales

EXHIBIT B: Maps

1. Future Land Use
2. Zoning
3. Aerial View

EXHIBIT C: Applicant Materials

1. Letter of Application

EXHIBIT D: Photographs

LAMBOY, WILLIAM A.

From: ZAXUS, RISANA B.
Sent: Tuesday, May 07, 2013 11:01 AM
To: LAMBOY, WILLIAM A.
Subject: 217 Johnson Street Lot Split

Bill,

I have no comments on case # 2013-29, the 217 Johnson Street Lot Split.

RB

City of Santa Fe, New Mexico

memo

DATE: April 24, 2013
TO: William Lamboy, Case Manager
FROM: Stan Holland, Engineer, Wastewater Division
SUBJECT: Case #2013-29 – 217 Johnson Street Lot Split

The subject properties are accessible to the City sanitary sewer system.

The following notes shall be added to the plat as a condition of approval:

- Each lot shall be served by its own separate sewer service line.

LAMBOY, WILLIAM A.

From: KASSENS, SANDRA M.
Sent: Monday, May 06, 2013 4:46 PM
To: LAMBOY, WILLIAM A.
Cc: ROMERO, JOHN J
Subject: RE: 2013-29 - 217 Johnson Street Lot Split

Bill,

The Traffic Engineering Division has no comments on the lot split at 217 Johnson Street, case no. 2013-29.

Sandy Kassens
505-955-6697

From: LAMBOY, WILLIAM A.
Sent: Wednesday, April 24, 2013 11:58 AM
To: GONZALES, REYNALDO D.; ROMERO, JOHN J; HOLLAND, TOWNSEND S.; TRUJILLO, ANTONIO J; MARCO, RANDALL V.; MARTINEZ, ERIC B.
Cc: BAER, TAMARA; SARGENT, MARISA G.; KASSENS, SANDRA M.
Subject: 2013-29 - 217 Johnson Street Lot Split

Good morning everyone!

Attached please find the transmittal and plat for the above referenced Lot Split & Lot Line Adjustment request. Please review and return your comments to me by May 8, 2013. Thank you!

William Lamboy, AICP
Senior Planner
Current Planning Division
505-955-6888
P.O. Box 909
Santa Fe, NM 87504-0909

City of Santa Fe, New Mexico

memo

DATE: May 13, 2013
TO: William Lamboy , Case Manager
FROM: Reynaldo Gonzales, Fire Marshal *RDG*
SUBJECT: Case #2013-29 217 Johnson Street Lot Split.

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

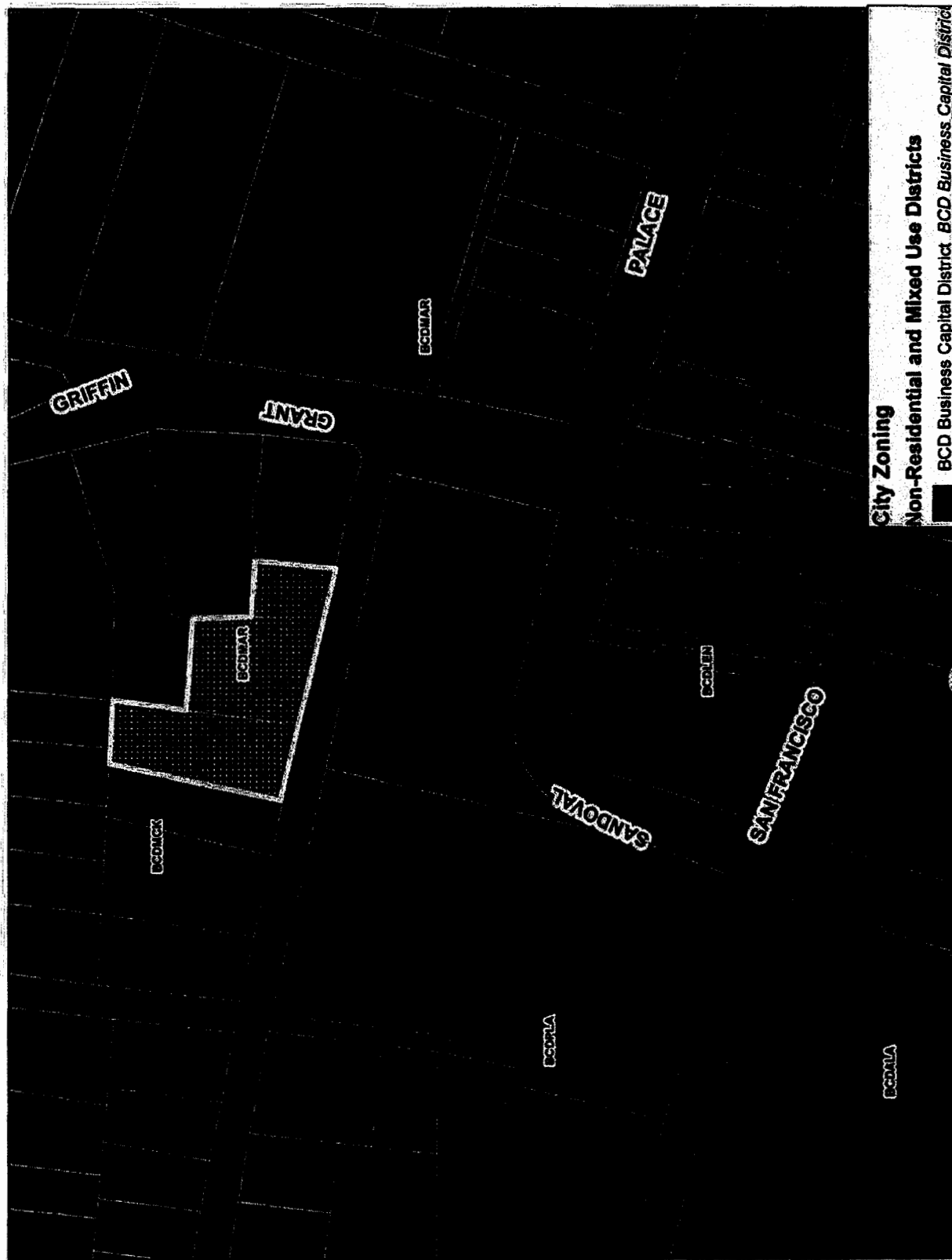
Prior to any new construction these requirements must be met

1. Fire Department Access shall not be less than 20 feet width to any new construction.
2. Shall have water supply that meets fire flow requirements as per IFC.
3. Shall comply with IFC requirements.



O'Keeffe Future Land Use





O'Keeffe Aerial: Context



O'Keeffe Aerial



Registered:
New Mexico, Colorado

YAGER LAND SURVEYS LLC

2387 BOTULPH ROAD
SANTA FE, NM 87505

(505) 983-8172
FAX: (505) 983-1550
email: scott2387@gmail.com

Topographic Surveys
Site Layout/Construction Surveys
ILR, ALTA

Condominiums
Boundary
Subdivisions

APRIL 23, 2013

TO: WILLIAM LAMBOY
Senior Planner, Current Planning Division
Land Use Department
City of Santa Fe

RE: Letter of Submittal: THE GEORGIA O'KEEFFE MUSEUM TRACT DIVISION

PROJECT: TRACT DIVISION Prepared for The Georgia O'Keeffe Museum
of Tract A of Lot Consolidation for the Georgia O'Keeffe Museum
Plat Bk. 350, pgs. 026-027
217 Johnson, 223/225 Johnson Street
Santa Fe, NM

Bill,

This Letter of Submittal accompanies the Application and required items for review and approval by your staff and the subsequent approval of the Summary Committee of the City of Santa Fe Planning Commission, for The Georgia O'Keeffe Museum Tract Division.

The intent of this project is to divide the current Tract A (Plat Bk. 350, pgs. 026-027) into two separate tracts

I have reviewed mapping data from the City GIS department and found that Tract A-1, show on the accompanying plat, lies in a Zone BCDMAR classification, and Tract A-2 lies in a Zone BCDMCK classification.

The original Tract A is comprised of 0.572 Acres.

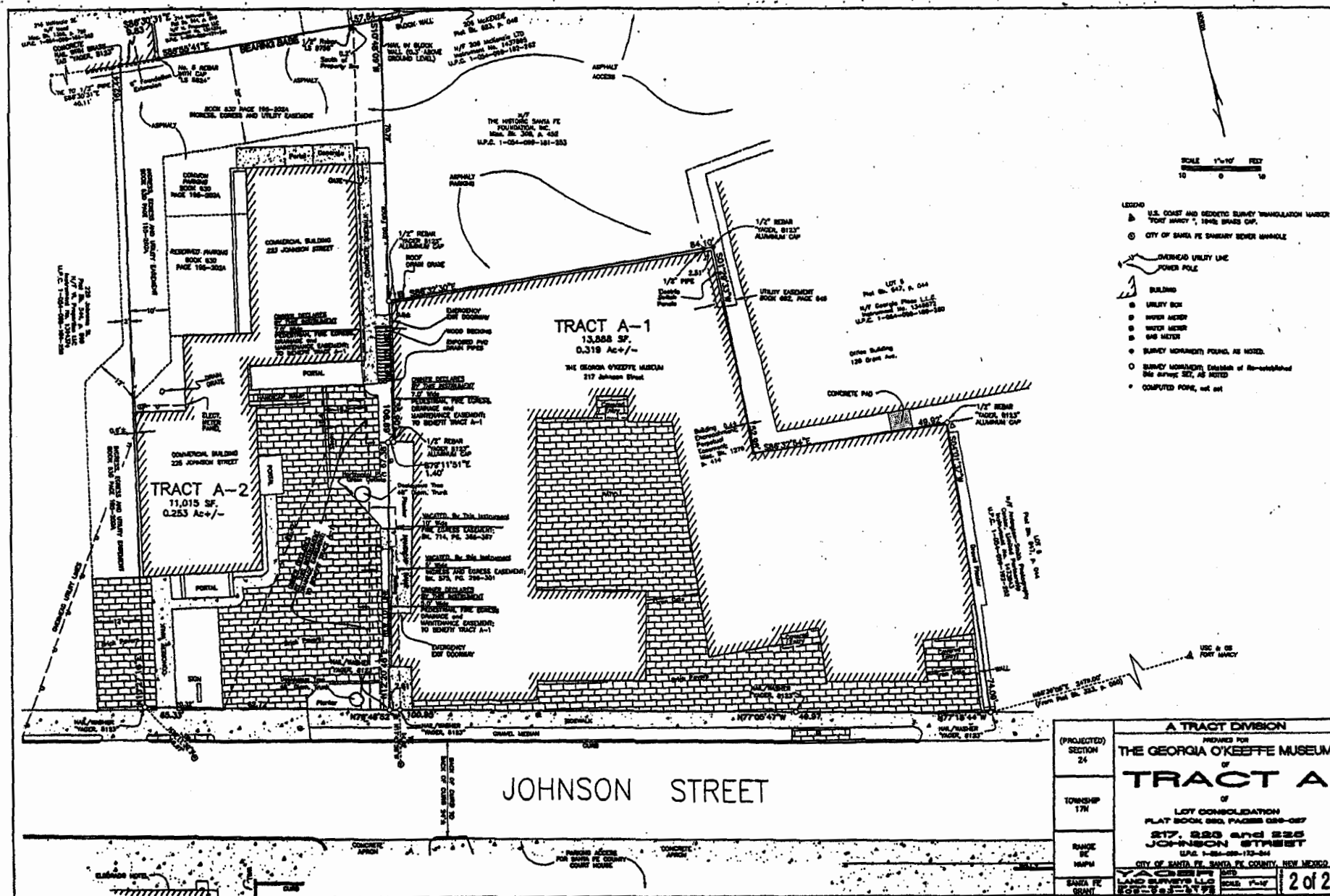
If you have questions concerning this project, please feel free to contact me.

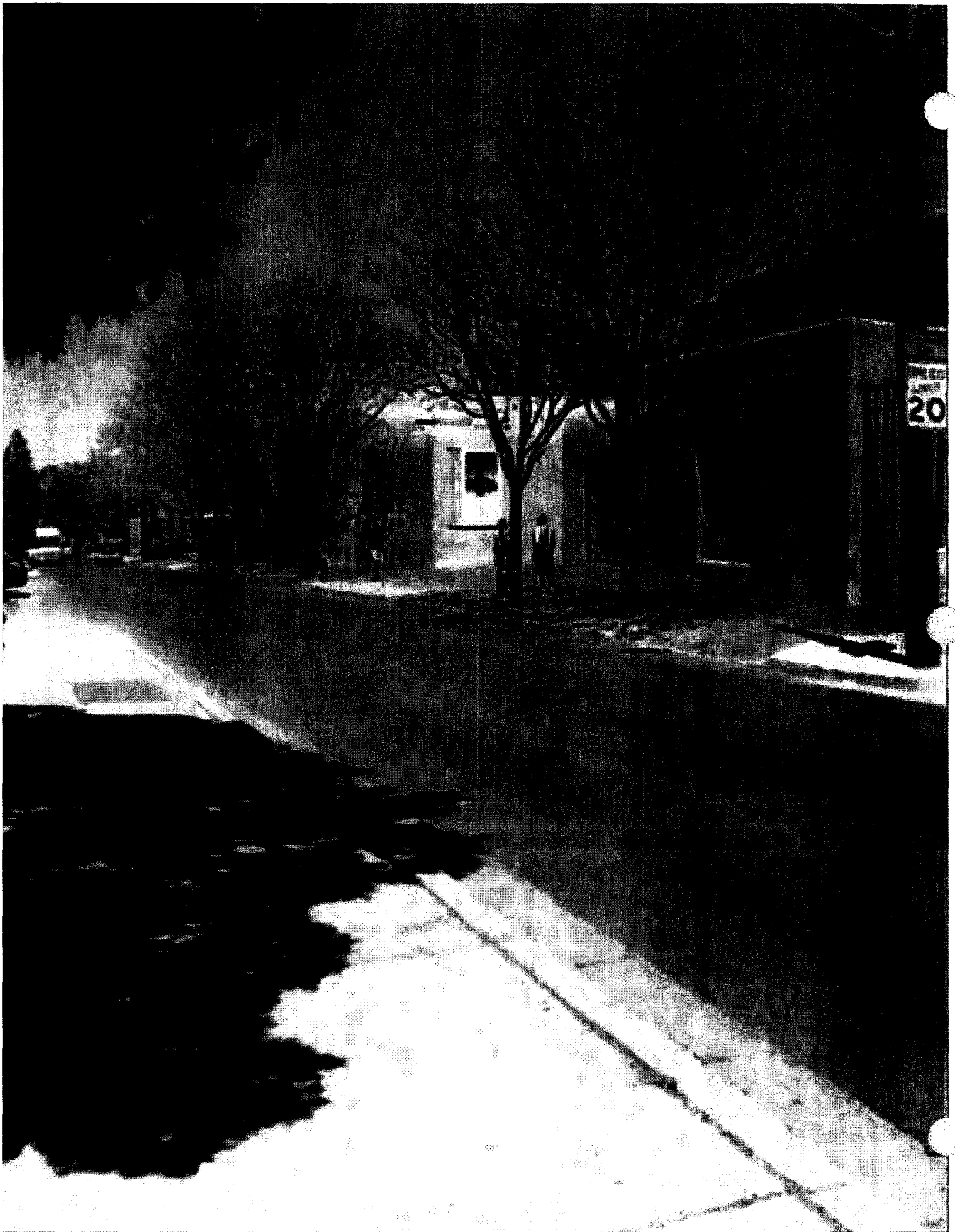
Thanks for your assistance.

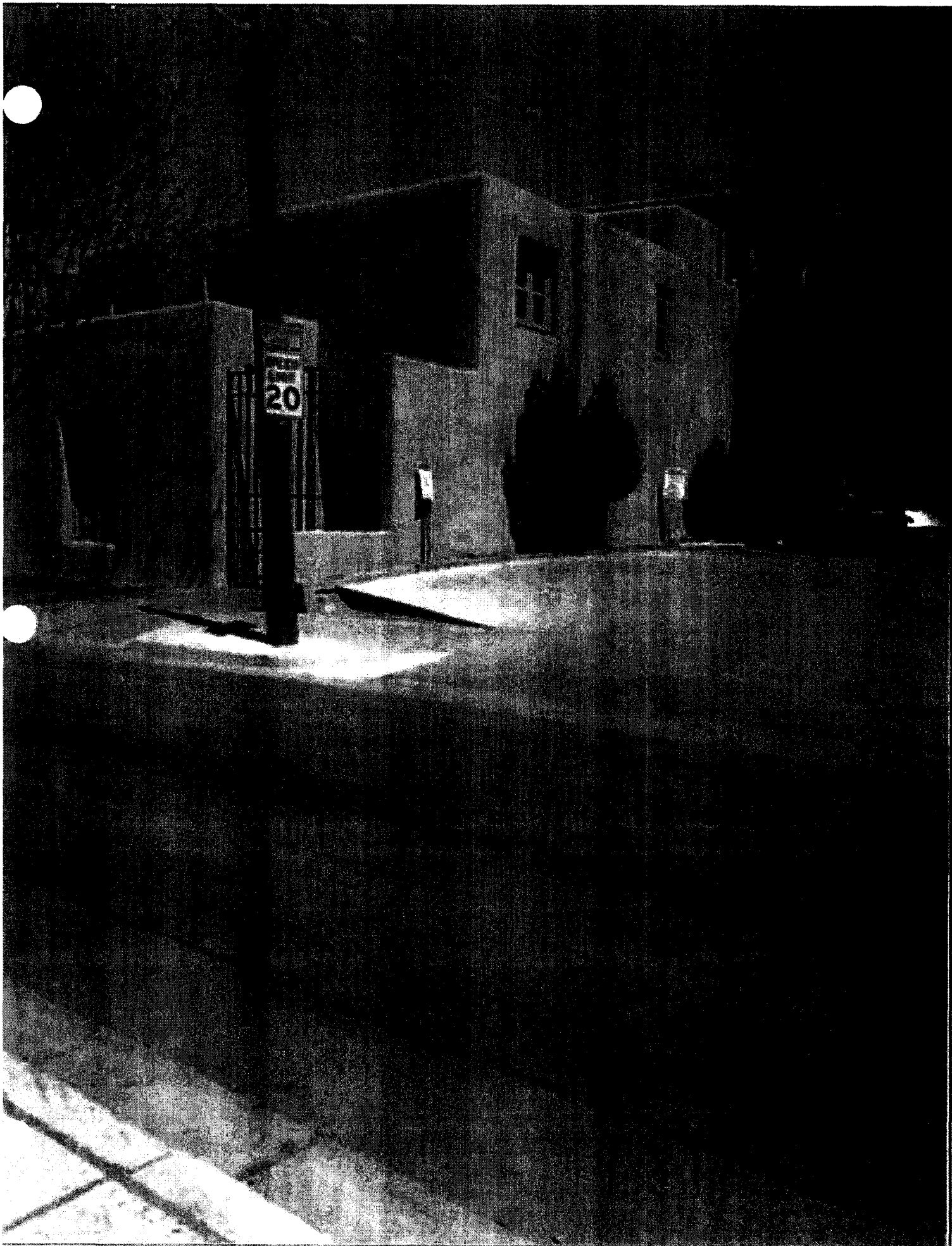
Sincerely,

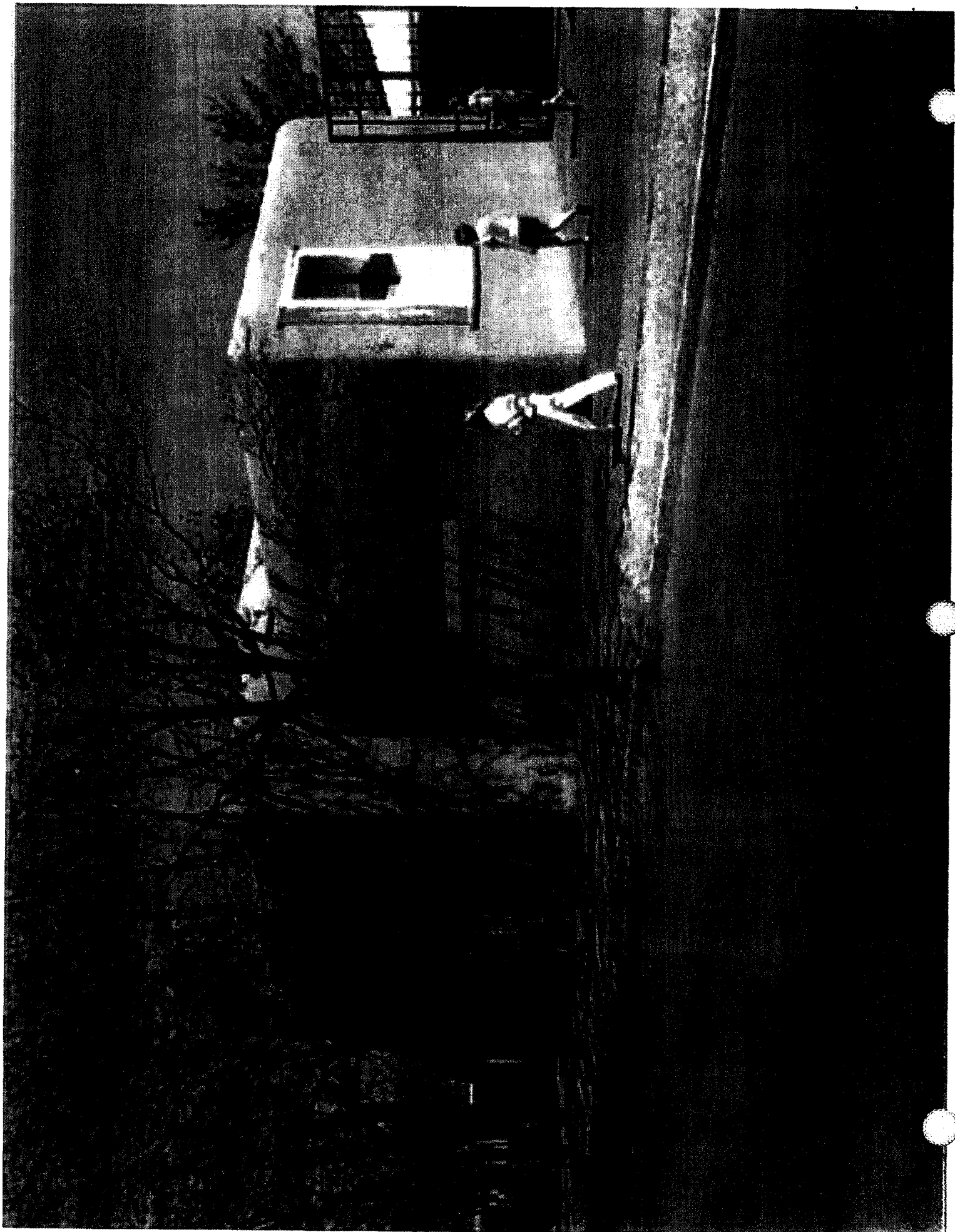

Scott Yager, NMLS 8123

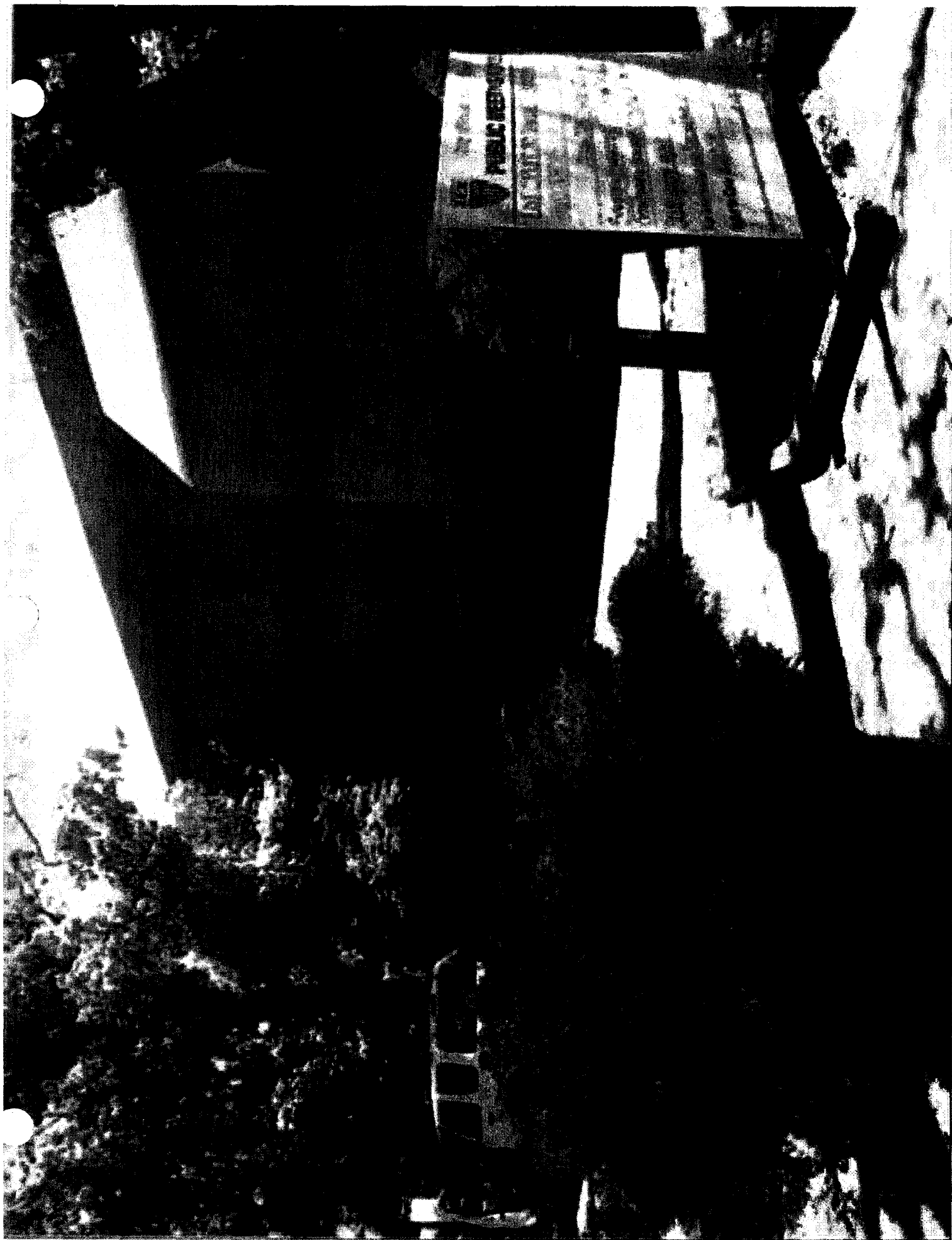
Agent for: The Georgia O'Keeffe Museum



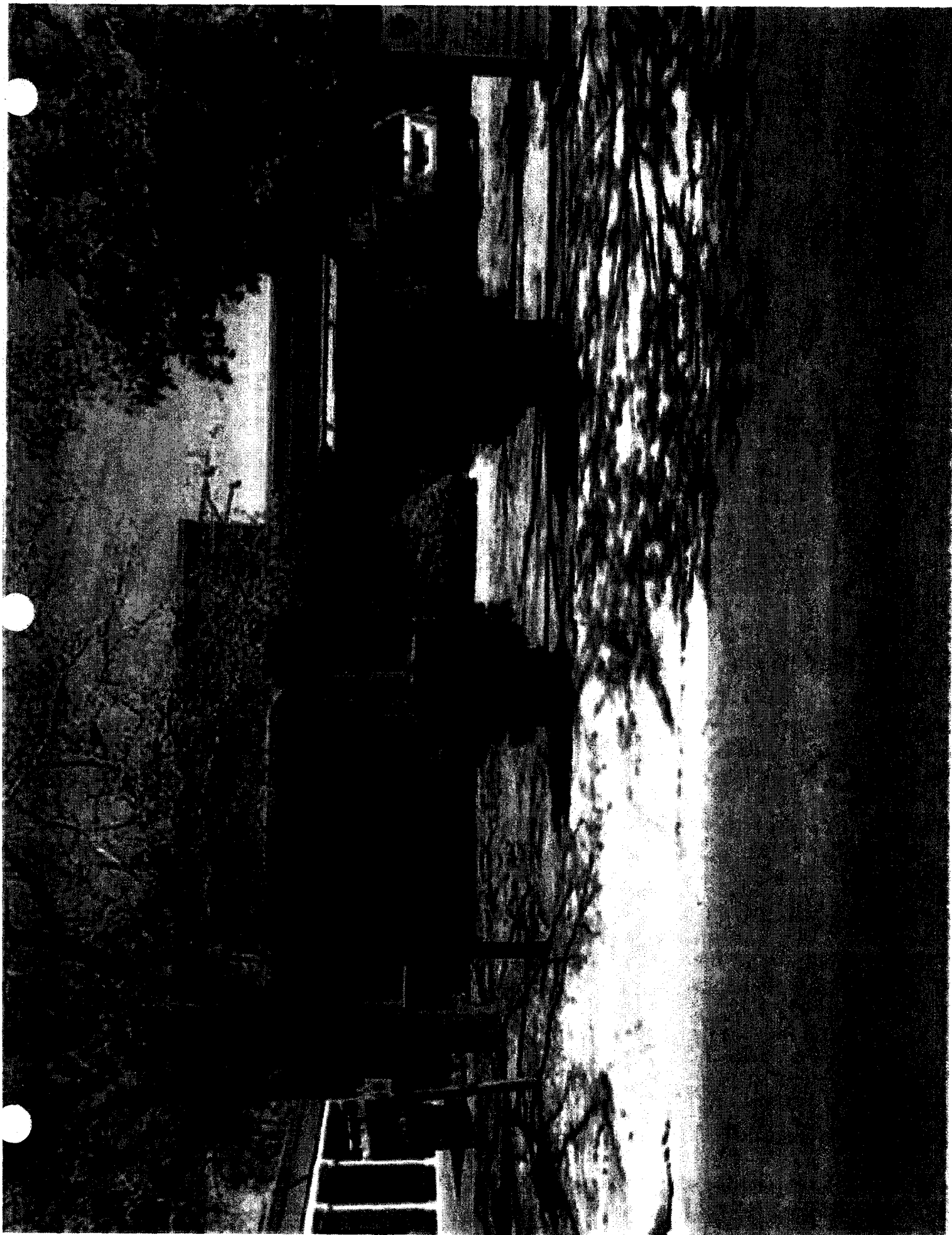


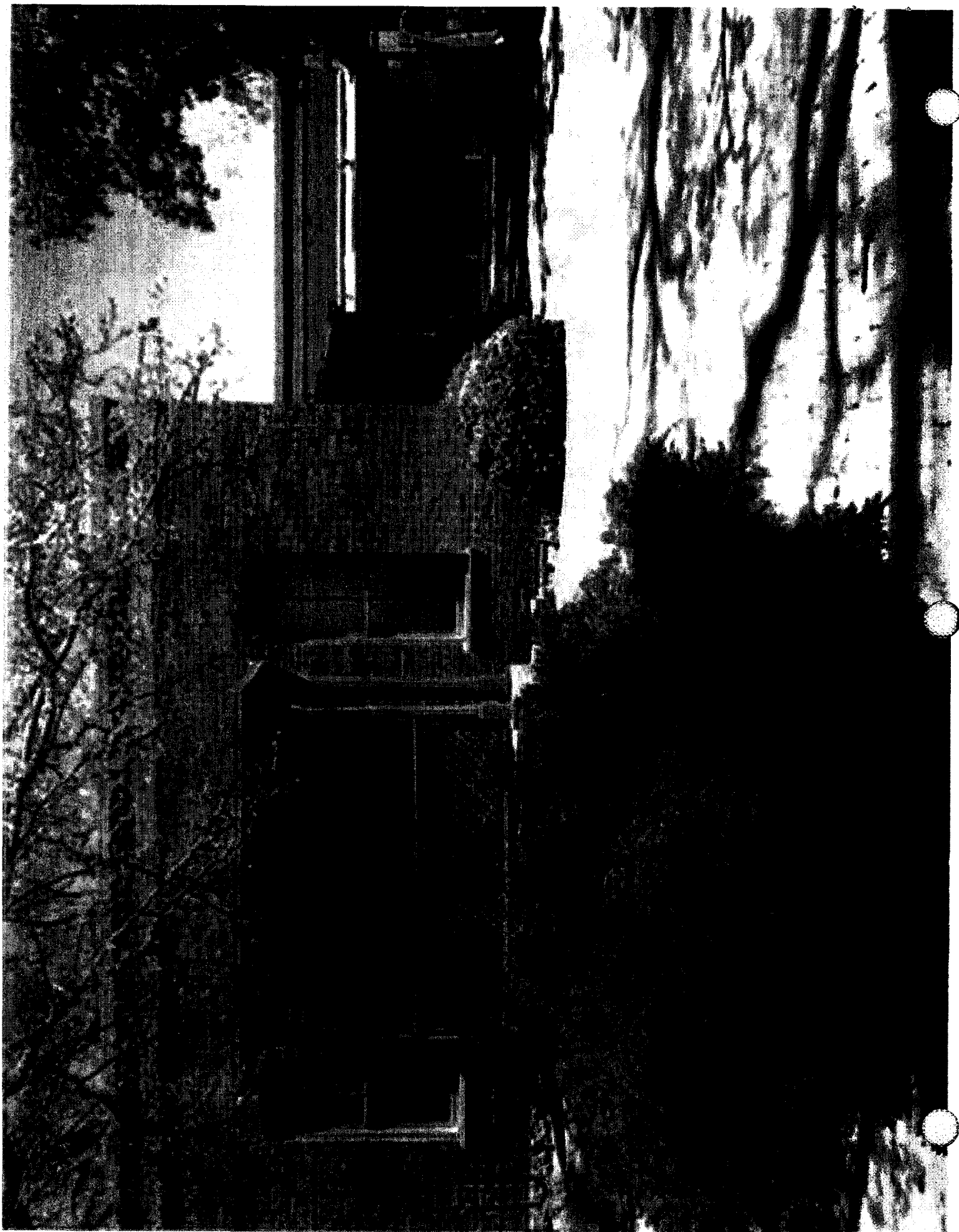












City of Santa Fe, New Mexico

memo

DATE: May 20, 2013 for the June 6, 2013 meeting

TO: Summary Committee

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, ASLA, Planning Manager, Current Planning Division *TB*

FROM: William Lamboy, AICP, Senior Planner, Current Planning Division *WLM*

23 SENDA CORVA FAMILY TRANSFER LOT SPLIT

Case #2013-30. 23 Senda Corvo Family Transfer Lot Split. Scott Yager, Yager Land Surveys LLC, agent for Ramon and Kim Garcia, requests plat approval to divide 1.57 acres into two tracts. Located within the Annexation area, the property is zoned R-1 (Residential-1 dwelling unit per acre). (William Lamboy, Case Manager)

RECOMMENDATION

The Land Use Department recommends **Approval** with the Conditions of Approval as outlined in this report.

BACKGROUND & SUMMARY

The property is zoned R-1 (Residential-1 Dwelling Unit per Acre) and is located off Mutt Nelson Road within the Annexation Area. The immediate vicinity is characterized by residential uses, with a Business and Industrial Park (Santa Fe New Mexican and PERA office complexes) located east of the site, adjacent to the Interstate-25 frontage road.

The property is 1.57 acres in size. Typically only one primary dwelling unit would be permitted in the R-1 district. However, the Land Development Code provides the calculation of allowable dwelling units to be "rounded up" to the next whole number for family transfer subdivisions.

14-7.2 (B)(7): *if the calculation is for a family transfer subdivision as set forth in*

Exhibit "4"

Subsection 14-3.7(F)(2)(b) and the result in Subsection 14-7.2(B)(6) is other than a whole number, the number may be rounded up if it is five-tenths or more;

The code provision above allows the property to be divided. Each lot, A-2c-1, 23 Senda Corvo, and A-2c-2, 25 Senda Corvo, will consist of approximately 0.79 acres.

Both lots will be accessed via Senda Corvo through a shared access easement along the northern property line.

The property is not served by the City Water or Wastewater systems.

CONDITIONS OF APPROVAL

Any staff conditions noted in the attached memoranda and not listed in the recommended conditions of approval have already been addressed on the plat.

Staff recommends the following conditions of approval:

1. Prior to recordation, a shared well agreement shall be executed to serve both resulting lots. Provide a letter from the New Mexico State Engineer pertaining to water availability.
2. This site does not currently have access to the City's wastewater system. Provide a letter from the New Mexico Environment Department pertaining to the suitability of installing an on-site sewage treatment system on Tract A-2c-2. Add the following note to the plat: Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.
3. At the time of development, Tract A-2c-2 shall provide a Fire Department turnaround as required by the International Fire Code, 2009 edition.
4. Staff redline comments will be provided to the surveyor who shall address all issues and submit the corrected plat in Mylar.

ATTACHMENTS:

EXHIBIT A: City Staff Memoranda

1. Waste Water Division Engineer Memorandum, Stan Holland
2. City Engineer for Land Use Memorandum, R.B. Zaxus
3. Traffic Engineering Division Comments, Sandra Kassens

EXHIBIT B: Maps

1. Future Land Use
2. Zoning
3. Aerial View

EXHIBIT C: Applicant Materials

1. Letter of Application
2. Revised Lot Split Plat

EXHIBIT D: Photographs

City of Santa Fe, New Mexico

Exhibit A

Development Review Team Memoranda

City of Santa Fe



MEMO

Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: May 7, 2013

To: William Lamboy, Case Manager

From: Stan Holland, P.E.
Wastewater Management Division

Subject: Case 2013-30 23 Senda Corvo Family Transfer Lot Split

The subject property is not accessible to the City public sewer system. Prior to any new construction on the lot, the owner shall obtain a septic system permit from the State of New Mexico Environment Department (505-827-1840).

The Applicant shall add the following note to the plat:

1. Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.

City of Santa Fe, New Mexico

memo

DATE: May 7, 2013

TO: William Lamboy
Case Manager

FROM: Risana B "RB" Zaxus, PE
City Engineer for Land Use Department

RE: Case # 2013-30
23 Senda Corvo Family Transfer Lot Split

The following review comments are to be considered conditions of approval:

- Add a street address for Tract A-2c-2.
- Add to the plat the name of each family member to whom a lot is being transferred (Article 14-3.7(F)(3)(d)), add the required prominently portrayed NOTICE (Article 14-3.7(F)(5)(b)), and comply with all other requirements of Article 14-3.7(F) of the Land Development Code.

LAMBOY, WILLIAM A.

From: KASSENS, SANDRA M.
Sent: Monday, May 06, 2013 5:10 PM
To: LAMBOY, WILLIAM A.
Cc: ROMERO, JOHN J
Subject: RE: 2013-30 - 23 Senda Corvo Family Transfer Lot Split

Bill,

The Traffic Engineering Division has no comments on the lot split at 23 Senda Corvo, case # 2013-30.

Sandy Kassens
505-955-6697

From: LAMBOY, WILLIAM A.
Sent: Monday, April 29, 2013 2:47 PM
To: GONZALES, REYNALDO D.; ROMERO, JOHN J; HOLLAND, TOWNSEND S.; TRUJILLO, ANTONIO J; MARCO, RANDALL V.; MARTINEZ, ERIC B.
Cc: BAER, TAMARA; SARGENT, MARISA G.; KASSENS, SANDRA M.
Subject: 2013-30 - 23 Senda Corvo Family Transfer Lot Split

Good afternoon!

Attached please find the transmittal and plat for the above referenced Lot Split request. Please review and return your comments to me by May 13, 2013. Thank you!

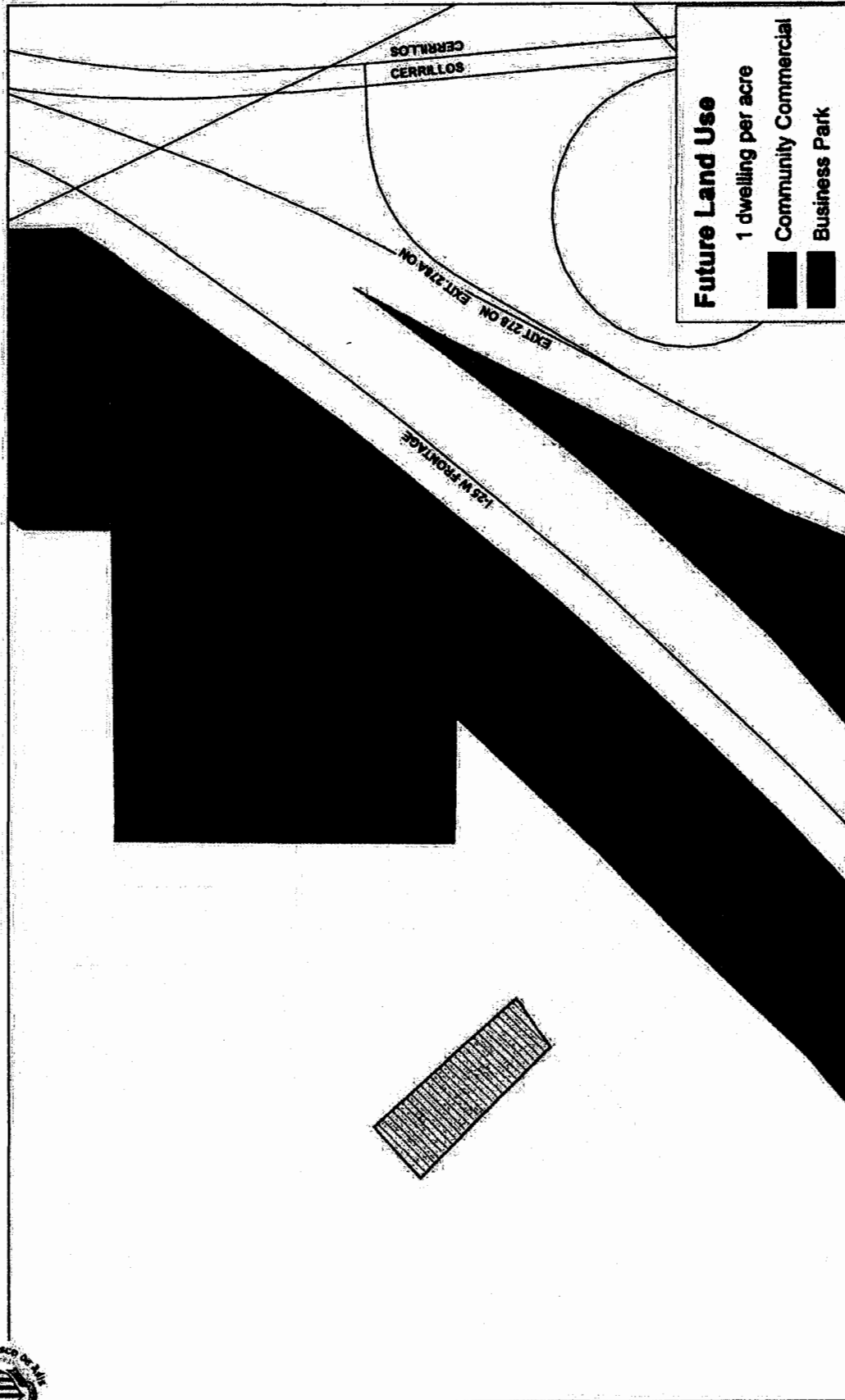
William Lamboy, AICP
Senior Planner
Current Planning Division
505-955-6888
P.O. Box 909
Santa Fe, NM 87504-0909

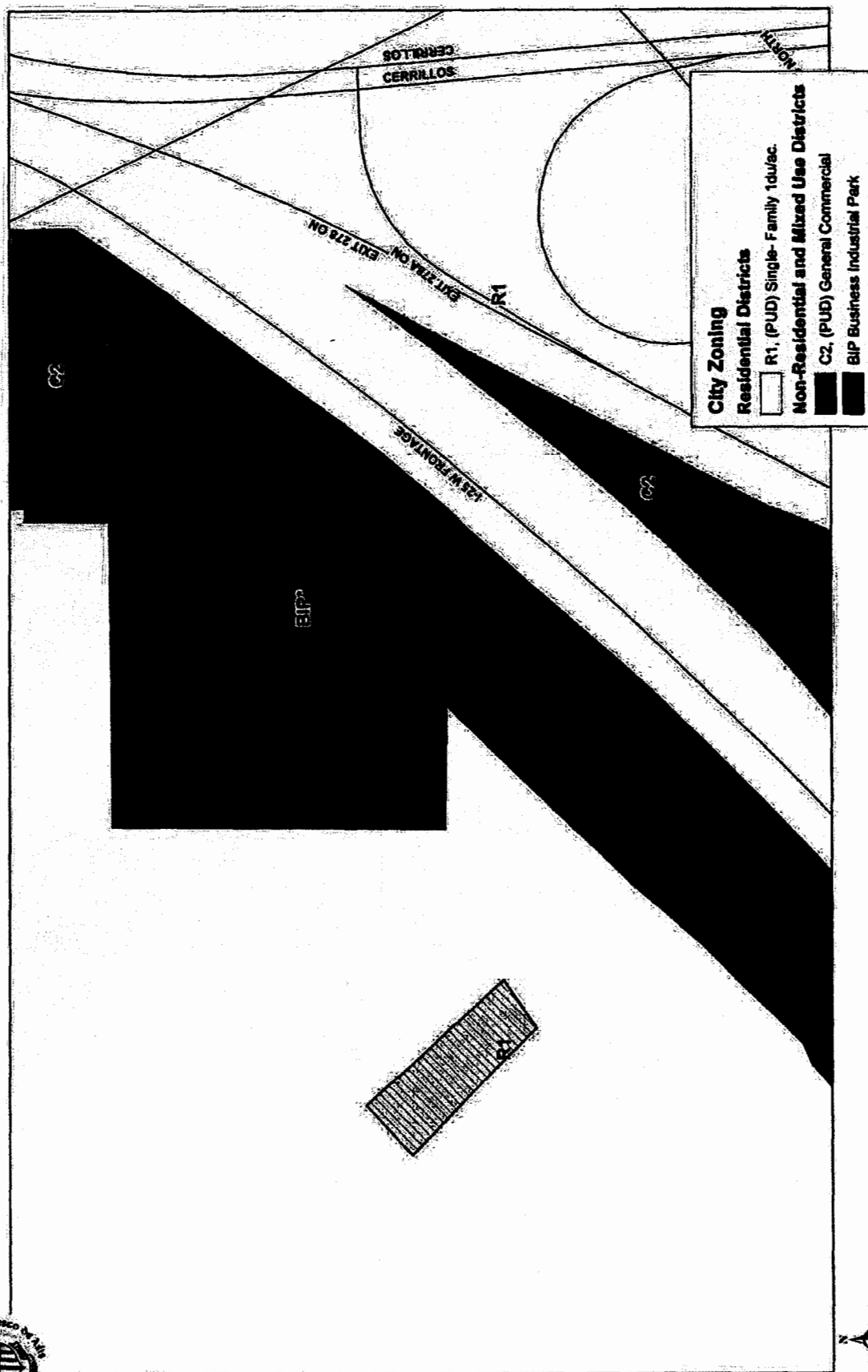
City of Santa Fe, New Mexico

Exhibit B

Maps

23 Senda Corvo Future Land Use





City of Santa Fe, New Mexico

Exhibit C

Applicant Materials

Registered:
New Mexico, Colorado

YAGER LAND SURVEYS LLC

2387 BOTULPH ROAD
SANTA FE, NM 87505

(505) 983-8172
FAX: (505) 983-1550
email: scott2387@gmail.com

Topographic Surveys
Site Layout/Construction Surveys
ILR, ALTA

Condominiums
Boundary
Subdivisions

APRIL 24, 2013

TO: WILLIAM LAMBOY
Senior Planner, Current Planning Division
Land Use Department
City of Santa Fe

RE: Letter of Submittal: GARCIA FAMILY TRANSFER LOT SPLIT

PROJECT: TRACT DIVISION Prepared for Ramon and Kim Garcia
of Tract A-2c of Family Transfer for Mary E. Martinez
Plat Bk. 200, pg. 020
23 Senda Corvo
Santa Fe county, NM

Bill,

This Letter of Submittal accompanies the Application and required items for review and approval by your staff and the subsequent approval of the Summary Committee of the City of Santa Fe Planning Commission, for the Garcia Family Transfer Lot Split.

The intent of this project is to divide the current Tract A-2c (Plat Bk. 200, pg. 020) into two separate tracts

I have reviewed mapping data from the City GIS department and found that Tract A-2c, lies in a Zone R-1 classification.

The original Tract A-2c is comprised of 1.577 Acres.

If you have questions concerning this project, please feel free to contact me.

Thanks for your assistance.

Sincerely,



Scott Yager, NMLS 8123
Agent for: The Georgia O'Keeffe Museum

A map of the area around the intersection of Mt. Vernon Road and Oak St. in Washington, D.C. The map shows the intersection, with Mt. Vernon Road running vertically and Oak St. running horizontally. To the east of the intersection is the 'NEW MEXICO INV. COUNCIL'. To the west is 'SARNOFF HOUSE'. Further west is 'MONTGOMERY ROAD'. To the south of the intersection is 'OAK ST. WASH.' and 'SARNOFF HOUSE'. To the east of the intersection is 'NEW MEXICO INV. COUNCIL' and 'MONTGOMERY ROAD'. The map is oriented with North at the top.

[illegible]

DATE: 10/1/54
BY: J. MARINE
REV. 14

VICINITY MAP - NOT TO SCALE

NOTES AND REFERENCE DOCUMENTS

1) THE AIDS FOR BEARING FOR THIS SURVEY WAS OBTAINED FROM A PLAN OF SURVEY TITLED "VALLEY TRAMWAY FOR MARY E. WATKINS". DEPT OF TRUST & LAND ACQUISITION, WASHINGTON, D. C. 20540. AS SAID PLAN WAS RECORDED IN THE OFFICE OF THE DAVID READING ROOM, 1000 CONGRESS ST., WASHINGTON, D. C. 20540.

[illegible][illegible][illegible]

11) PRIOR TO ANY NEW CONSTRUCTION ON EITHER LOT, THE OWNER SHALL
OBTAIN A UTILITY CROSSING PERMIT FROM THE NEW MEXICO ENVIRONMENTAL
DEPARTMENT.

SCOTT WARD, 19123	DATE
<p>Details of field samples</p> <p>For survey, field data was collected and returned to the lab. Samples, mostly from 1981, were analyzed and returned to the lab. The lab data was then used to determine the amount of field samples.</p> <p>Consent Date 06</p>	

City of Santa Fe, New Mexico

Exhibit D

Photographs



23 Senda Corvo Aerial - Detail



23 Senda Corvo





City of Santa Fe, New Mexico

memo

DATE: May 20, 2013 for the June 6, 2013 meeting

TO: Summary Committee

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, ASLA, Planning Manager, Current Planning Division *TB*

FROM: William Lamboy, AICP, Senior Planner, Current Planning Division *W. Lamboy*

3910 FIELDS LANE LOT SPLIT

Case #2013-31. 3910 Fields Lane Lot Split. James W. Siebert, agent for Priscilla Fields, requests plat approval to divide approximately 2.81 acres into two lots. The property is located within the Annexation area, and is zoned MU (Mixed Use District). (William Lamboy, Case Manager)

RECOMMENDATION

The Land Use Department recommends **Approval** with the Conditions of Approval as outlined in this report.

BACKGROUND & SUMMARY

The property is zoned Mixed Use and is located on Airport Road between Fields Lane and Buffalo Grass Road. The area includes a variety of uses, including commercial uses to the east (Garcia Tire Shopping Center, Family Dollar, and McDonalds), mixed use and residential to the west, and medium density residential across Airport Road to the north.

The proposed land division would create two residential lots: Lot 1-A, 3910 Fields Lane, containing approximately 1.82± acres; and Lot 1-B, 3918 Fields Lane, containing 1.00± acres. Both tracts will continue to be accessed via Fields Lane. A cross access, egress and utility easement is in place along the western property line.

Exhibit "5"

CONDITIONS OF APPROVAL

Any staff conditions noted in the attached memoranda and not listed in the recommended conditions of approval have already been addressed on the plat.

The property is not currently served by City Water or Wastewater systems. Per the memorandum from the Water Division, new Lot 1A will be required to connect to City water at the time of development on that lot. Per the memorandum from Wastewater, both lots will be required to connect to City wastewater at the time either property is developed or improved. Notes regarding connection to City Water and Wastewater systems shall be added to the plat.

The Traffic Engineering Division recommends the following condition: "At such time as the adjacent property to the east is developed, access to Airport Road from Lot 1-A and Lot 1-B shall be via a future road through the aforementioned adjacent property. All other ingress/egress easements to Lot 1-A and Lot 1-B shall be abandoned at that time."

Finally, staff redline comments will be provided to the surveyor who shall address all issues and submit the corrected plat in Mylar.

ATTACHMENTS:

EXHIBIT A: City Staff Memoranda

1. Waste Water Division Engineer Memorandum, Stan Holland
2. City Engineer for Land Use Comments, R.B. Zaxus
3. Water Division Engineer Memorandum, Antonio Trujillo
4. Traffic Engineering Division Memorandum, Sandra Kassens

EXHIBIT B: Maps

1. Future Land Use
2. Zoning
3. Aerial View

EXHIBIT C: Applicant Materials

1. Letter of Application

EXHIBIT D: Photographs

City of Santa Fe, New Mexico

Exhibit A

Development Review Team Memoranda

City of Santa Fe



MEMO

Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: May 7, 2013

To: William Lamboy, Case Manager

From: Stan Holland, P.E.
Wastewater Management Division

Subject: Case 2013-31 3910 Fields Lane Lot Split

The subject property is not accessible to the City public sewer system. Prior to any new construction on the lot, the owner shall obtain a septic system permit from the State of New Mexico Environment Department (505-827-1840).

The Applicant shall add the following note to the plat:

1. Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.

LAMBOY, WILLIAM A.

From: ZAXUS, RISANA B.
Sent: Tuesday, May 07, 2013 11:32 AM
To: LAMBOY, WILLIAM A.
Subject: 3910 Fields Lane Lot Split

Bill –

I have no comments on case # 2013-31, the 3910 Fields Lane Lot Split.

RB Zaxus

City of Santa Fe
memo

DATE: May 28, 2013
TO: Bill Lamboy, Land Use Planner, Land Use Department
FROM: Antonio Trujillo, *A* Water Division Engineer
SUBJECT: Case #2013-31, 3910 Fields Lane

There is no account for water service for either of the addresses. There is a well house showing on the proposed lot 1-B without any easements for serving lot 1-A. Lot 1-A will have to connect to the existing main on Airport Road. Fire protection requirements are addressed by the Fire Department.

City of Santa Fe, New Mexico

memo

DATE: May 16, 2013

TO: William Lamboy, Planning and Land Use Department

VIA: John Romero, Traffic Engineering Division Director *JR*

FROM: Sandra Kassens, Traffic Engineering Division *SK*

SUBJECT: 3910 Fields Lane Lot Split - Case # 2013-31.

ISSUE:

James W. Siebert, agent for Priscilla Fields, requests plat approval to divide approximately 2.81 acres into two lots. The property is in Phase II of the Annexation Agreement, and is zoned MU (Mixed Use District).

RECOMMENDED ACTION:

Review comments are based on submittals received on April 29, 2013. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

1. The Applicant shall add the following note to the plat concerning access easements:

"At such time as the adjacent property to the east is developed, access to Airport Road from Lot 1-A and Lot 1-B shall be via a future road through the aforementioned adjacent property. All other ingress/egress easements to Lot 1-A and Lot 1-B shall be abandoned at that time."

If you have any questions or need any more information, feel free to contact me at 955-6697. Thank you.

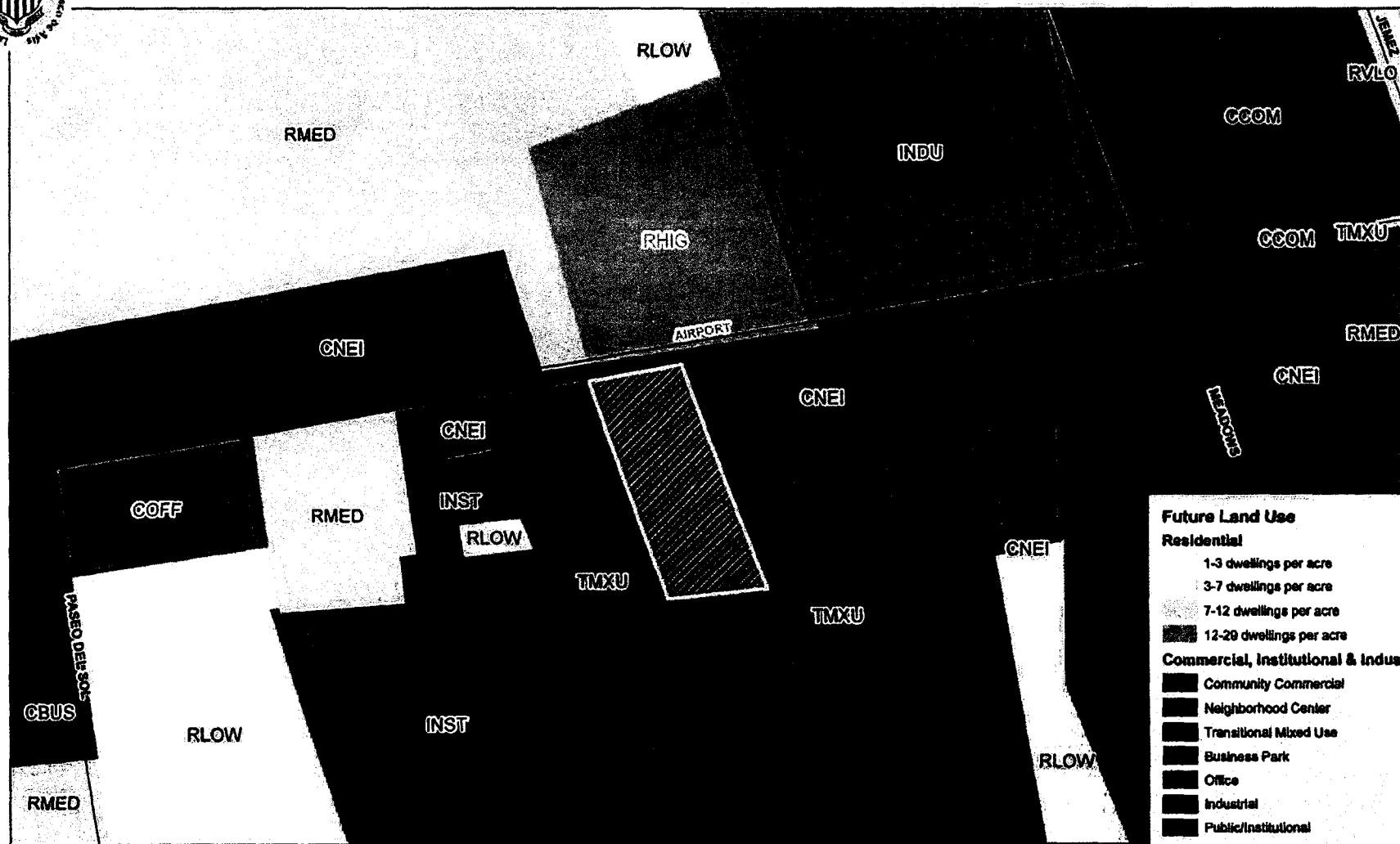
City of Santa Fe, New Mexico

Exhibit B

Maps



Fields Lane Future Land Use



Future Land Use	
Residential	
1-3 dwellings per acre	
3-7 dwellings per acre	
7-12 dwellings per acre	
12-20 dwellings per acre	
Commercial, Institutional & Industrial	
Community Commercial	
Neighborhood Center	
Transitional Mixed Use	
Business Park	
Office	
Industrial	
Public/Institutional	
Parks & Open Space	
Open Space	



Fields Lane Zoning



Fields Lane Aerial



City of Santa Fe, New Mexico

Exhibit C

Applicant Materials



**JAMES W. SIEBERT
AND ASSOCIATES, INC.**

915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
siebert.associates@comcast.net

April 29, 2013

William Lamboy
Current Planning Division
Senior Planner
200 Lincoln Ave.
Santa Fe, NM 87504

Re: Priscilla Fields Lot Split

Dear Mr. Lamboy:

On behalf of Priscilla Fields, I am submitting a request for plat approval to allow a division of land into two parcels. The property is located at 3910 Fields Lane. The property consists of 2.81 acres of land.

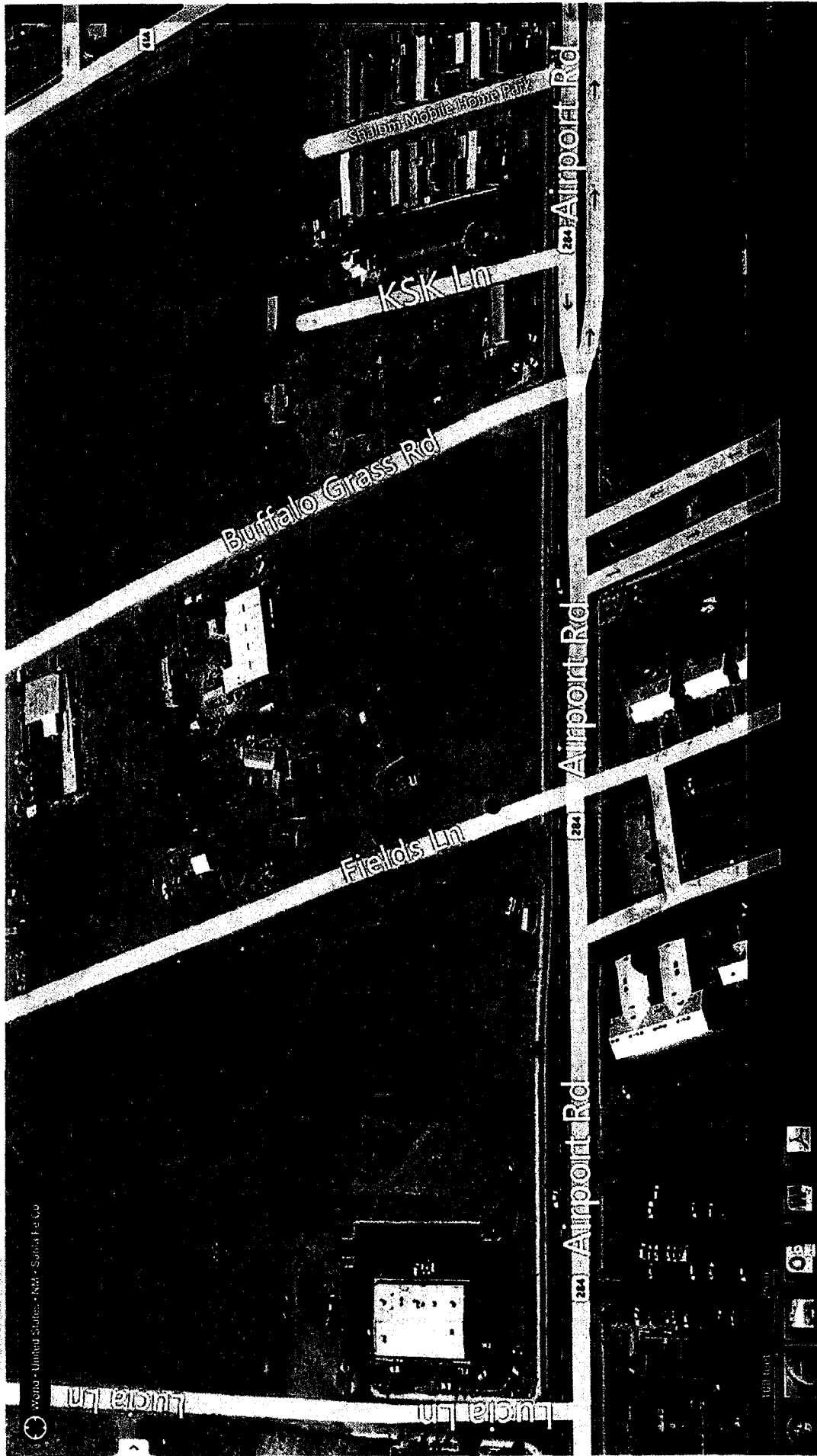
The following material is submitted with this application:

- Completed development application form
- Three copies of the plat prepared by Dawson Surveys in a 24"x36" format
- Warranty deed
- Legal lot of record
- Check in the amount of \$280.00 for the development review fee

City of Santa Fe, New Mexico

Exhibit D

Photographs



Boundary Survey Plat
requested by
The Estate of William E. Fields

A tract of land known as Lot 2, lying and being situate within a portion of Small Holding Claims 5000, Section 12, Township 16 North, Range 08 East, of the New Mexico Principal Meridian, Community of Santa Fe, Santa Fe County, New Mexico.

Surveyor's Description
Lot 2

BEGINNING AT THE SOUTHEAST CORNER FROM WHENCE THE SANTA FE CONTROL MONUMENT NUMBER 8 BEARS S 41°39'27" E A DISTANCE OF 1063.14 FEET; THENCE FROM SAID POINT OF BEGINNING
S 80°46'13" W A DISTANCE OF 231.06 FEET TO A POINT;
THENCE N 20°02'16" W A DISTANCE OF 319.63 FEET TO A POINT;
THENCE N 20°08'29" W A DISTANCE OF 854.80 FEET TO A POINT;
THENCE N 79°59'48" E A DISTANCE OF 234.06 FEET TO A POINT;
THENCE S 19°53'49" E A DISTANCE OF 963.25 FEET TO A POINT;
THENCE S 20°00'40" E A DISTANCE OF 213.72 FEET TO THE POINT OF BEGINNING CONTAINING 6.165 ACRES MORE OR LESS

32' WIDE INGRESS, EGRESS AND UTILITIES EASEMENT

BEGINNING AT THE NORTHEAST CORNER FROM WHENCE THE SANTA FE CONTROL MONUMENT NUMBER 8 BEARS S 28°15'59" E A DISTANCE OF 2734.34 FEET; THENCE FROM SAID POINT OF BEGINNING
S 20°15'42" E A DISTANCE OF 540.87 FEET TO A POINT;
THENCE S 79°59'46" W A DISTANCE OF 32.52 FEET TO A POINT;
THENCE N 20°15'42" W A DISTANCE OF 541.23 FEET TO A POINT;
THENCE N 80°36'40" E A DISTANCE OF 32.58 FEET TO THE POINT OF BEGINNING CONTAINING 0.397 ACRES MORE OR LESS

Dedication and Affidavit

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED HAVE CAUSED TO BE PLATTED THOSE LANDS SHOWN HEREON. UTILITY COMPANIES ARE GRANTED EASEMENTS SHOWN AND TO EXISTING UTILITIES NOT SHOWN. OTHER EASEMENTS ARE GRANTED AS SHOWN.

THIS PROPERTY LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF SANTA FE, NEW MEXICO

Wendy Fields Montoya 03-24-2010
Wendy Fields Montoya (co-personal representative) Date

Priscilla Fields 3-24-10
Priscilla Fields (co-personal representative) Date

Priscilla Fields 3-24-10
Priscilla Fields (in her personal capacity) Date

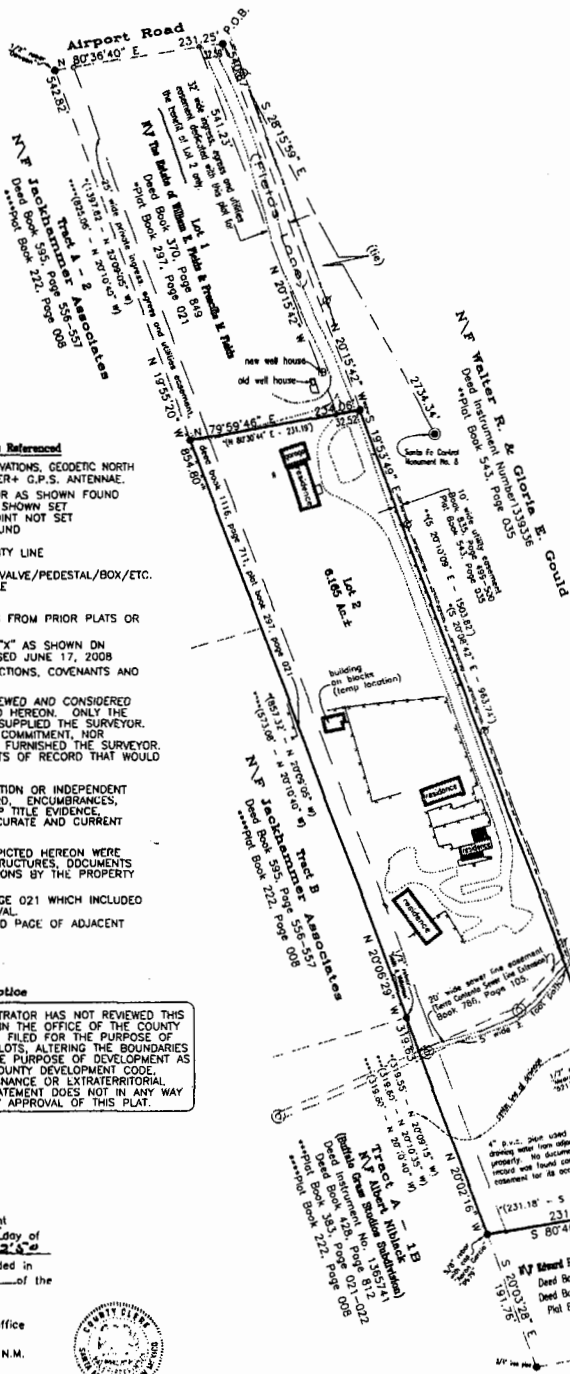
STATE OF NEW MEXICO
COUNTY OF SANTA FE
THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY WENDY FIELDS MONTAYA AND PRISCILLA FIELDS

THIS 24 DAY OF March 2010

Notary Public
OFFICIAL SEAL
NOTARY PUBLIC
STATE OF NEW MEXICO
Clyde R. Vogl, N.M.P.L.S. 12658

I HEREBY CERTIFY THAT THE PLAT AND NOTES HEREON ARE A TRUE REPRESENTATION OF AN ACTUAL FIELD SURVEY MADE UNDER MY DIRECT SUPERVISION.
THAT THIS PLAT AND THE SURVEY IT REPRESENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND MEET THE HIGHEST STANDARDS FOR SURVEYS IN NEW MEXICO. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT AND THAT THIS IS A BOUNDARY SURVEY OF AN EXISTING TRACT.

Clyde R. Vogl, N.M.P.L.S. 12658



Legend, Notes and Documents Referenced

BEARINGS ARE BASED ON G.P.S. OBSERVATIONS, GEODETIC NORTH UTILIZING TOPCON LEGACY AND HIPER+ G.P.S. ANTENNAE.
● DENOTES 1/2" REBAR, OR AS SHOWN FOUND
○ DENOTES REBAR, OR AS SHOWN SET
⊙ DENOTES CALCULATED POINT NOT SET
⊙ DENOTES BRASS CAP FOUND
⊙ DENOTES UTILITY POLE
⊙ DENOTES OVERHEAD UTILITY LINE
⊙ DENOTES FENCE
⊙ DENOTES UTILITY METER/VALVE/PEDESTAL/BOX/ETC.
⊙ DENOTES SEWER MANHOLE

BOUNDARY DATA IN PARENTHESIS IS FROM PRIOR PLATS OR DOCUMENTS

THIS PROPERTY LIES WITHIN ZONE "X" AS SHOWN ON F.I.R.M. PANEL J3549C03930, REVISED JUNE 17, 2008
THIS PLAT SUBJECT TO ANY RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD.

EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS PART OF THIS SURVEY IS NOTED HEREON. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED BY THE SURVEYOR. NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED BY THE SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL.

SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

THE PROPERTY BOUNDARIES AS DEPICTED HEREON WERE ESTABLISHED THROUGH EXISTING STRUCTURES, DOCUMENTS OF RECORD AND AS PER INSTRUCTIONS BY THE PROPERTY OWNER.

1. REFER TO PLAT BOOK 297, PAGE 021 WHICH INCLUDED COUNTY ADMINISTRATIVE APPROVAL
2. REFER TO DOCUMENT BOOK AND PAGE OF ADJACENT PROPERTIES AS SHOWN.

Public Notice

THE SANTA FE LAND USE ADMINISTRATOR HAS NOT REVIEWED THIS PLAT OF SURVEY BEFORE FILING IN THE OFFICE OF THE COUNTY CLERK. THIS PLAT IS NOT BEING FILED FOR THE PURPOSE OF CREATING A SUBDIVISION OR NEW LOTS, ALTERING THE BOUNDARIES OF ANY EXISTING LOTS OR FOR THE PURPOSE OF DEVELOPMENT AS DEFINED IN THE SANTA FE COUNTY DEVELOPMENT CODE, EXTRATERRITORIAL ZONING ORDINANCE OR EXTRATERRITORIAL SUBDIVISION REGULATIONS. THIS STATEMENT DOES NOT IN ANY WAY REPRESENT OFFICIAL COUNTY APPROVAL OF THIS PLAT.

U.P.C. Number

1-048-095-455-369
1-048-095-470-312
1-048-095-470-312
COUNTY OF SANTA FE
STATE OF NEW MEXICO

I hereby certify that this instrument was filed for record on the 25 day of March, 2010 A.D. at 2:50 o'clock P.M. and was duly recorded in book 273 page(s) 011 of the records of Santa Fe County

Witness my Hand and Seal of office
Valerie Espinoza
County Clerk, Santa Fe County, N.M.

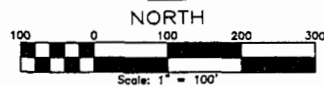
Deputy

INDEXING INFORMATION FOR THE COUNTY CLERK

CRV LAND SURVEYING
CLYDE R. VOGL
P.O. Box 889
Chimayo, N.M. 87522
(505) 351-2111

Drawn by: CRV
Date: 03/24/10
File No.: 27731/PLAT
Approved by: CRV

BOUNDARY SURVEY
The Estate of William E. Fields
SECTION 12
TOWNSHIP 16 NORTH
RANGE 08 EAST



WELL SHARING AND MAINTENANCE AGREEMENT

The Estate of William E. Fields, deceased, through its Co-Personal Representatives Wendy Fields Montoya and Priscilla Fields, and the heirs of William E. Fields (Wendy Fields Montoya, Priscilla Fields, Crystal Fields Lucero, Antonio Sanchez, and Frank Fields), and Phillip Montoya, Wendy's husband, all as parties to and pursuant to the Private Agreement Among Successors agreed to in First Judicial District Court Case No. D-0101-PB-2005-00026, hereby enter into this Well Sharing and Maintenance Agreement in satisfaction of the requirements of Section 10 of the Private Agreement Among Successors.

RECITALS

A. Lots 1 and 2 are shown on a "Plat of Survey for Edward P. and Teresa E. Vasquez," prepared by Aaron H. Garcia NMPLS No. 9979, recorded on February 28, 1995, in Book 297, page 021, in the records of Santa Fe County and Lot 2 is more particularly described in the "Boundary Survey Plat Requested by The Estate of William E. Fields," prepared by Clyde R. Vigil NMPLS 12658, and recorded on March 31, 2010 as Instrument Number 1594250 in Book 715, Page 11, records of Santa Fe County, New Mexico.

B Paragraph 10 of the Private Agreement requires that the parties enter into this Well Sharing and Maintenance Agreement so that the owners of Lot 2 shall have valid easement rights to use of the well ("the Well") that is permitted to William E. Fields and that is located on Lot 1.

PS
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Exhibit "7"

NOW, therefore, in consideration of the mutual promises made herein and in satisfaction of the requirements of Paragraph 10 of the Private Agreement, the parties hereby agree as follows:

1. The Well shall be used to serve exclusively the water needs of the owners and tenants of Lot 1 and Lot 2. The Well, as the term is used herein, refers to all well facilities, including casing, pump, motor, pump house, storage tank and all related connecting pipes and electrical lines. In the future, the owner of either Lot may require that meters be installed on the Well to show how much water is being used by each Lot so that the owners will be able to measure how much water is being produced by the Well and what fraction of the water is being used by each Lot and the cost of the meters and the cost of the installation of the meters shall be equally shared by the owners of both Lots.

2. As long as this Agreement is in effect, each Lot shall be entitled to use one-half of the total volume of water that may be legally taken from the Well or that is produced by the Well, whichever is less.

3. This Agreement may be terminated in the following ways:

A. The owners of Lot 1 or Lot 2 may provide an acknowledged, written statement to the other to be recorded in the records of the Santa Fe County Clerk stating that it abandons, waives, and relinquishes any and all claims of use to the well in perpetuity, in which case the abandoning Lot shall have no further rights to use the Well and shall not be liable for the costs of improving, replacing or maintaining the Well any time after abandoning the Well. The non-abandoning Lot's rights under this Agreement shall not be altered or impaired in any manner.

PH
K C/R

B. The owners of Lot 1 or Lot 2 obtain water service from the City of Santa Fe sufficient to meet all of their water needs, install a replacement well so that they no longer require the use of the current well to meet any of their needs, or otherwise permanently cease to use the current well, as evidenced by a written declaration to that effect.

4. As long as the owners of Lot 1 and Lot 2 remain parties to this Agreement, the costs of maintaining and repairing the mutually used portions of the Well shall be shared equally and promptly by the owners of Lots 1 and 2 and each owner shall be separately responsible for the costs related to the water lines that serve an individual Lot.

5. The owner of Lot 2 shall pay to Priscilla Fields, as the representative of Lot 1, fifty dollars (\$50.00) per month, with payments due on the tenth (10th) of each month, for its share of electricity used to power the well. A late charge of five percent (5%) per month shall be due on any delinquent electricity payments.

6. If the Well does not produce the maximum lawful amount of water without deepening or substantial modification, then each Lot subject hereto shall be entitled to use one-half of the actual production from the Well. If either Lot's use is impaired due to the Well's limited production, but the limited use does not constitute an emergency and a substantial modification or deepening is required to increase production, then either Lot may obtain two proposals from appropriate service providers indicating the scope of the necessary work and the estimated cost of that work. The proposals shall be provided to the owner of the other Lot, and the owner shall have ten (10) days to provide any competing proposals and estimates regarding the appropriate work and its cost. The owners of the Lots will then have five (5) days to confer and agree on the

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appropriate service provider. The same procedure will be followed when less extensive repairs are required. "Substantial modification" is defined as an improvement or service which shall result in expense greater than \$3,000.00. In the event of an emergency, when contact cannot be made with the other owner, either Lot owner may incur reasonable and necessary expenses under \$1,000.00 to correct the problem and the paying owner is entitled to reimbursement from the other Lot owner in the amount of one-half of the total cost of the service. Payment to the business which will repair or replace the Well will be arranged beforehand and an agreement reached among the owners of Lots 1 and 2 and the business performing the service that payment will be made one-half by the owners of Lot 1 and one-half by the owners of Lot 2 upon completion of the work or within a stated period of time agreed on by the business. If there is a shortage of water, the owners of each Lot agree to conserve water so that neither Lot adversely affects the rights of the other Lot under this Agreement. In the event of a shortage of water, either Lot may check the meters to determine whether the other Lot is receiving more than its share of water. In that event, notice of that condition shall be provided to the owner of the Lot receiving more than its share and, if that Lot has not reduced its use to one-half of the available water within three days of the notice, then the mediation in paragraph 8 is waived and immediate injunctive relief may be sought. In the event that injunctive relief is sought, the prevailing party may be entitled to reasonable attorneys' fees and costs incurred in the matter.

7. Priscilla Fields and the Estate of William E. Fields, deceased, as the owners of Lot 1, grant to Wendy Fields Montoya, as the owner of Lot 2, a non-exclusive access easement that is ten feet (10') wide and shall be located so that water lines serving



Lot 2 are the center line of the easement and so that it extends five feet (5') in all directions from the Well. This easement shall be appurtenant to and for the benefit of Lot 2, and shall run with the land to and from the Well and its related pipes, water lines and infrastructure for the purpose of inspection, installation, operation, maintenance and repair of the Well and its pipes and water lines. The easement shall include the right to use such vehicles, equipment and rigs as are commonly and reasonably used for the purpose of well drilling, equipping and repair and such vehicles, equipment and rigs as are commonly and reasonably used for electrical repair, maintenance or improvement. Repairs and maintenance of the Well shall be completed only by independent third party contractors. The owners of Lot 1 shall not impede Lot 2's easement rights or ability to access and have performed by independent third party contractors necessary work on or improvements to the Well. If there is an emergency, either Lot owner or their agents may turn off the well in order to avoid damage to it

8. If any controversy or claim arises out of the construction or implementation of this Agreement, or related to the use of the Well or related to payment of costs incurred to repair or maintain the Well or for any other reason, the parties shall submit their controversy or claim to mediation and, only if mediation is unsuccessful, may they proceed to litigation. The prevailing party in any litigation may be entitled to reasonable attorneys' fees and costs incurred in the matter.

9. This Agreement, together with the Private Agreement Among Successors and any plats depicting the Lots and easements and deeds to the Lots, shall constitute the entire Well Sharing and Maintenance Agreement between the parties. The parties have had an opportunity to read and consider this Agreement and they enter into it with a full

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understanding of its effect and they agree to be bound thereby and to have title to the Lots altered thereby. The parties also acknowledge that no warranties regarding the water rights or property at issue have been made and that this Agreement does not create such warranties or constitute a representation.

10. In the Agreement, the term "Lot" includes the owner(s) of a Lot, and the plural may be the singular and the singular may be the plural.

11. This Agreement, together with other documents affecting title to the Lots, shall be recorded in the office of the Clerk of Santa Fe County.

12. This Agreement is binding upon and inures to the benefit of the parties hereto and their heirs, personal representatives, successors or assigns.

In witness whereof we have executed this Agreement on this 24 day of March, 2010.

Wendy Fields Montoya
The Estate of William E. Fields, by
Co-Personal Representative Wendy Fields Montoya

STATE OF NEW MEXICO)
)ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 24 day of March, 2010 by Wendy Fields Montoya, as Co-Personal Representative of the Estate of William E. Fields.

Notary Public

My commission expires:



PG
LCP

Wendy Fields Montoya
Wendy Fields Montoya, individually

STATE OF NEW MEXICO)
)ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 24 day of March, 2010 by Wendy Fields Montoya, individually.

My commission expires:



STATE OF NEW MEXICO)
)ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 24 day of March, 2010 by Phillip Montoya.

My commission expires:



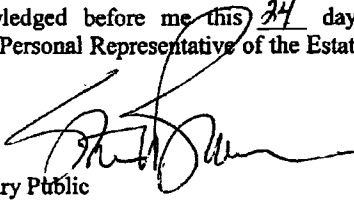
Priscilla Fields
The Estate of William E. Fields, by

SL

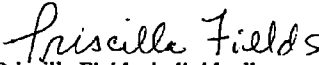
Co-Personal Representative Priscilla Fields

STATE OF NEW MEXICO)
)ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 24 day of March, 2010 by Priscilla Fields, as Co-Personal Representative of the Estate of William E. Fields.


Notary Public

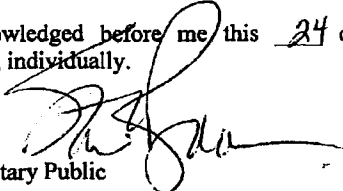
My commission expires:


Priscilla Fields, individually

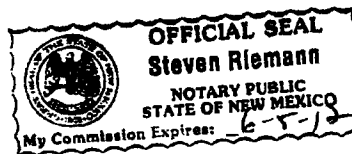


STATE OF NEW MEXICO)
)ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 24 day of MARCH, 2010 by Priscilla Fields, individually.


Notary Public

My commission expires:





SFC CLERK RECORDED 03/30/2010

Crystal Fields Lucero


STATE OF NEW MEXICO)
)ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 24 day of March, 2010 by Crystal Fields Lucero.

Public

Notary Public

My commission expires:


Antonio Sanchez



STATE OF NEW MEXICO)
)ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 24 day of March, 2010 by Antonio Sanchez.

edged before me this

ry Public

Notary Public

My commission expires:



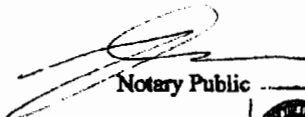
Pf


Frank Fields

ACKNOWLEDGMENT

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

The foregoing instrument was acknowledged before me this 22 day of
March, 2010 by Frank Fields.


Notary Public
My commission expires:
4/3/2012



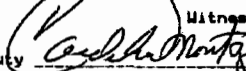
MATTHEW VALENZUELA
NOTARY PUBLIC - ARIZONA
PIMA COUNTY
My Commission Expires
April 3, 2012



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

WELL SHARING AGREEMENT
PAGES: 10

I Hereby Certify That This Instrument Was Filed for
Record On The 30TH Day Of March, 2010 at 11:14:31 AM
And Was Duly Recorded as Instrument # 1984615
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy  County Clerk, Santa Fe, NM

PS AS
cpl

Boundary Survey Plat
requested by
Phillip Montoya

A tract of land known as Lot 2, lying and being situate within a portion of Small Holding Claim 3003, Section 12, Township 16 North, Range 08 East, of the New Mexico Principal Meridian, Community of Santa Fe, Santa Fe County, New Mexico.

Surveyor's Description

Lot 2

BEGINNING AT THE SOUTHEAST CORNER FROM WHENCE THE SANTA FE CONTROL MONUMENT NUMBER 8 BEARS S 41°39'27" E A DISTANCE OF 1063.14 FEET; THENCE FROM SAID POINT OF BEGINNING

S 80°48'12" W A DISTANCE OF 231.06 FEET TO A POINT; THENCE N 20°02'16" W A DISTANCE OF 319.63 FEET TO A POINT; THENCE N 20°06'29" W A DISTANCE OF 554.80 FEET TO A POINT; THENCE N 79°55'46" E A DISTANCE OF 234.06 FEET TO A POINT; THENCE S 19°53'49" E A DISTANCE OF 563.25 FEET TO A POINT; THENCE S 20°00'40" E A DISTANCE OF 213.72 FEET TO THE POINT OF BEGINNING CONTAINING 6.165 ACRES MORE OR LESS

32' WIDE EGRESS, EGRESS AND UTILITIES EASEMENT

BEGINNING AT THE NORTHEAST CORNER FROM WHENCE THE SANTA FE CONTROL MONUMENT NUMBER 8 BEARS S 25°15'59" E A DISTANCE OF 2734.34 FEET; THENCE FROM SAID POINT OF BEGINNING

S 20°15'42" E A DISTANCE OF 540.87 FEET TO A POINT; THENCE S 75°55'46" E A DISTANCE OF 324.52 FEET TO A POINT; THENCE N 20°15'42" E A DISTANCE OF 541.33 FEET TO A POINT; THENCE N 80°35'40" E A DISTANCE OF 32.55 FEET TO THE POINT OF BEGINNING CONTAINING 0.397 ACRES MORE OR LESS

PRELIMINARY PLAT

Surveyor's Certificate

I HEREBY CERTIFY THAT THE PLAT AND NOTES HEREON ARE A TRUE REPRESENTATION OF AN ACTUAL FIELD SURVEY MADE UNDER MY DIRECT SUPERVISION, THAT THIS PLAT AND THE SURVEY IT REPRESENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND MEET THE MINIMUM STANDARDS FOR SURVEYS IN NEW MEXICO. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT AND THAT THIS IS A BOUNDARY SURVEY OF AN EXISTING TRACT.

PRELIMINARY PLAT

CLYDE R. VIGIL, N.M.P.L.S. 12655

Legend, Notes and Documents Referenced

BEARINGS ARE BASED ON G.P.S. OBSERVATIONS, GEODETIC NORTH UTILIZING TOPCON LEGACY AND HIREF+ G.P.S. ANTENNAE.

- DENOTES REBAR, OR AS SHOWN FOUND
- DENOTES REBAR, OR AS SHOWN SET
- DENOTES CALCULATED POINT NOT SET
- DENOTES BRASS CAP FOUND
- DENOTES UTILITY POLE
- DENOTES OVERHEAD UTILITY LINE
- DENOTES FENCE
- DENOTES UTILITY METER/VALVE/PEDISTAL/BOX/ETC
- DENOTES SEWER MANHOLE

BOUNDARY DATA IN PARENTHESIS IS FROM PRIOR PLATS OR DOCUMENTS

THIS PROPERTY LIES WITHIN ZONE "X" AS SHOWN ON F.I.R.M. PANEL 3504600393D, REVISED JUNE 17, 2008

THIS PLAT SUBJECT TO ANY RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD.

EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS PART OF THIS SURVEY IS NOTED HEREON. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED TO THE SURVEYOR. NO ABSTRACT OF TITLE NOR TITLE COMMITMENT NOR RESULTS OF TITLE SEARCHES WERE FURNISHED TO THE SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL.

SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

THE PROPERTY BOUNDARIES AS DEPICTED HEREON WERE ESTABLISHED THROUGH EXISTING STRUCTURES, DOCUMENTS OF RECORD AND AS PER INSTRUCTIONS BY THE PROPERTY OWNER.

1. REFER TO PLAT BOOK 297, PAGE 031.
2. REFER TO DOCUMENT BOOK AND PAGE OF ADJACENT PROPERTIES AS SHOWN.

Public Notice

THE SANTA FE LAND USE ADMINISTRATOR HAS NOT REVIEWED THIS PLAT OF SURVEY BEFORE FILING IN THE OFFICE OF THE COUNTY CLERK. THIS PLAT IS NOT BEING FILED FOR THE PURPOSE OF CREATING A SUBDIVISION OR NEW LOTS, ALTERING THE BOUNDARIES OF ANY EXISTING LOTS OR FOR THE PURPOSE OF DEVELOPMENT AS DEFINED IN THE SANTA FE COUNTY DEVELOPMENT CODE, EXTRATERRITORIAL ZONING ORDINANCE OR EXTRATERRITORIAL SUBDIVISION REGULATIONS. THIS STATEMENT DOES NOT IN ANY WAY REPRESENT OFFICIAL COUNTY APPROVAL OF THIS PLAT.

U.P.C. Number

1-049-095-455-269
1-046-095-470-312

COUNTY OF SANTA FE
STATE OF NEW MEXICO

I hereby certify that this instrument was filed for record on the _____ day of _____, 2010 A.D. at _____ o'clock _____ and was duly recorded in book _____ page(s) _____ of the records of Rio Arriba County.

Witness my Hand and Seal of office
VALERIE ESPINOSA
County Clerk, Rio Arriba County, N.M.

PRELIMINARY PLAT

Deputy

INDEXING INFORMATION FOR THE COUNTY CLERK

CRV LAND SURVEYING
CLYDE R. VIGIL
P.O. Box 663
Chimayo, N.M. 87522
(505) 351-2111

Drawn by: CRV
Date: 01/29/10
File No: 2778-PLAT
Approved by: CRV

BOUNDARY SURVEY
PHILLIP MONTAYA
SECTION 12
TOWNSHIP 16 NORTH
RANGE 08 EAST

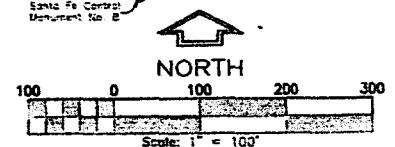


Exhibit "A"

Lying and being situate within a portion of Small Holding Claim 5003, Section 12, Township 16 North, Range 08 East, of the New Mexico Principal Meridian, Community of Santa Fe, ~~Santa Fe~~ County, New Mexico.

Lot 2

BEGINNING AT THE SOUTHEAST CORNER FROM WHENCE THE SANTA FE CONTROL MONUMENT NUMBER 8 BEARS S 41°39'27" E A DISTANCE OF 1063.14 FEET; THENCE FROM SAID POINT OF BEGINNING S 80°46'13" W A DISTANCE OF 231.06 FEET TO A POINT; THENCE N 20°02'16" W A DISTANCE OF 319.63 FEET TO A POINT; THENCE N 20°06'29" W A DISTANCE OF 854.80 FEET TO A POINT; THENCE N 79°59'46" E A DISTANCE OF 234.06 FEET TO A POINT; THENCE S 19°53'49" E A DISTANCE OF 963.25 FEET TO A POINT; THENCE S 20°00'40" E A DISTANCE OF 213.72 FEET TO THE POINT OF BEGINNING CONTAINING 6.165 ACRES MORE OR LESS

32' WIDE INGRESS, EGRESS AND UTILITIES EASEMENT

BEGINNING AT THE NORTHEAST CORNER FROM WHENCE THE SANTA FE CONTROL MONUMENT NUMBER 8 BEARS S 28°15'59" E A DISTANCE OF 2734.34 FEET; THENCE FROM SAID POINT OF BEGINNING S 20°15'42" E A DISTANCE OF 540.87 FEET TO A POINT; THENCE S 79°59'46" W A DISTANCE OF 32.52 FEET TO A POINT; THENCE N 20°15'42" W A DISTANCE OF 541.23 FEET TO A POINT; THENCE N 80°36'40" E A DISTANCE OF 32.58 FEET TO THE POINT OF BEGINNING CONTAINING 0.397 ACRES MORE OR LESS

All as shown on "Boundary Survey Plat requested by Phillip Montoya" certified by Clyde R. Vigil, N.M.P.L.S. 12658. Said plat bears the file number 2775/PLAT

AGREEMENT GRANTING EASEMENTS

Wendy Fields Montoya and Priscilla Fields, the Co-Personal Representative of the Estate of William E. Fields, deceased, and the heirs of William E. Fields (Wendy Fields Montoya, Priscilla Fields, Crystal Fields Lucero, Antonio Sanchez, and Frank Fields) and Phillip Montoya, Wendy's husband, as parties to and pursuant to the Private Agreement Among Successors agreed to in First Judicial District Court Case No. D-0101-PB-2005-00026, hereby enter into this Agreement Granting and Abandoning Easements in satisfaction of the requirements of Sections 14 and 15 of the Private Agreement Among Successors.

RECITALS

A. Lots 1 and 2 are shown on a "Plat of Survey for Edward P. and Teresa E. Vasquez," prepared by Aaron H. Garcia NMPLS No. 9979, recorded on February 28, 1995, in Book 297, page 021, in the records of Santa Fe County and Lot 2 is more particularly described in the "Boundary Survey Plat Requested by The Estate of William E. Fields," prepared by Clyde R. Vigil NMPLS 12658, and recorded on March 25, 2010 as Instrument Number 1594250 in Book 715, Page 11, records of Santa Fe County, New Mexico.

B. Paragraphs 14 and 15 of the Private Agreement require that the parties enter into this Agreement Granting Easements so that the owners of Lot 1 and Lot 2 shall have delineated easements on each others' Lots, which easements shall be appurtenant to the respective Lots.

C. The easements granted herein are in addition to the easement created in the separately recorded Well Sharing Agreement, executed herewith by the same parties.

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Exhibit "B"

NOW, therefore, in consideration of the mutual promises made herein and in satisfaction of the requirements of Paragraph 14 and 15 of the Private Agreement, the parties hereby agree as follows:

1. **West Easement (Vasquez Easement):** The parties acknowledge the existence of a claimed twenty-five foot (25') wide private access and public utility easement along the westerly boundaries of Lots 1 and 2 (the "Vasquez Easement"), as shown on the "Plat of Survey for Edward P. and Teresa E. Vasquez," recorded on February 28, 1995 as Instrument Number 896,081, in Book 297, at page 021, records of Santa Fe County (the "Vasquez Plat"). The parties believe that the asserted Vasquez Easement has never been used for access to Lot 1 or Lot 2 or for access to the Vasquez property to the southeast of Lot 2. The only use of the asserted Vasquez Easement of which the parties have any knowledge is to provide electrical service to Lot 1.

2. **Granting of Sewer Line Easements:** Wendy Fields Montoya, owner of Lot 2, grants to the owners of Lot 1 and to future buyers of Lot 1, a sewer easement within the westerly twenty-five feet (25') of Lot 2 from the common boundary between Lots 1 and 2 to the point where the public sewer line that traverses Lot 2 intersects the easement granted herein. This sewer easement is within the claimed Vasquez access and utility easement, is twenty(20) foot wide and parallel and adjacent to the west boundary of Lot 2 and shall survive the abandonment and vacation of the Vasquez Easement. The purpose of this easement is for the installation, maintenance and repair of a sewer line from Lot 1 to the public sewer line that traverses Lot 2. The Vasquez Plat shows that a manhole cover in the public sewer line is located within twenty-five feet (25') of the westerly boundary of Lot 2. If that manhole cannot be used for the tie-in of Lot 1's sewer

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line to the public sewer line, this easement includes the right to veer the sewer line out of the granted western easement to a point in the arroyo that will allow Lot 1 to connect to the public sewer line in the manner that creates the least additional burden on Lot 2. This sewer easement allows for the installation of a sewer line which shall conform in size to all government requirements and regulations.

Because of erosion on the west boundary of Lot 2, the precise path of the sewer easement for the benefit of Lot 1 is not known. Therefore, the path of the easement shall be that which is reasonably designated by the owners of Lot 1 so that it balances concerns created by the erosion of the west boundary of Lot 2 and minimizes the burden of its placement on Lot 2.

Furthermore, Wendy Fields Montoya, the owner of Lot 2, conditionally grants to Priscilla Fields and the Estate of William E. Fields, as the owners of Lot 1, and to future buyers of Lot 1 an alternate sewer easement twenty (20) foot wide parallel and adjacent to the east boundary of Lot 2 ("Conditional Easement") for the purpose of installing a sewer line from the common boundary between Lots 1 and 2 to a point where the public sewer line that traverses Lot 2 can be accessed. If the owners of Lot 1 demonstrate a reasonable necessity that Lot 1's sewer line must be installed within the Conditional Easement, as opposed to the western sewer easement granted in paragraph 2 above, then the owner of Lot 2 grants to the owners of Lot 1 an easement within the Conditional Easement for the installation of Lot 1's sewer line. If this Conditional Easement is used by Lot 1, then the sewer line shall be installed within the Conditional Easement as close to the eastern boundary of Lot 2 as is possible without unduly harming or removing

existing trees on Lot 2. If any trees, other than Siberian Elms or Russian Olives within the Conditional Easement, are substantially harmed or killed by the installation of the sewer line, then those trees will be replaced with similar trees at the expense of the owners of Lot 1. This Conditional Easement shall extend from the south boundary of Lot 1 to the arroyo where connection can be made to the public sewer line in a manner that minimizes the burden to Lot 2. No further payment or other additional consideration need be provided by Lot 1 if it uses this Conditional Easement: however, all expenses of installation and restoration of the Conditional Easement incurred by the installation of the sewer line shall be paid by Lot 1 and Lot 1 shall be liable for any damages to the property or improvements on Lot 2 that result from the sewer line installation. If the sewer line is installed within the Conditional Easement, then, subject to the approval of the City of Santa Fe, the owners of Lot 2, at their sole expense, shall have the right to connect to the sewer line for the benefit of Lot 2, without the payment of any additional consideration to Lot 1. If the City of Santa Fe approves the connection of Lot 2 to the sewer line in the Conditional Easement, then the owners of Lot 2 shall coordinate the connection with the owners of Lot 1 and the connection shall be done in accordance with applicable government regulations, approval and inspection, and all expenses relating to Lot 2's connection that are incurred to satisfy the applicable regulations and to gain authorization shall be paid by Lot 2. Following connection, Lot 2 shall pay all expenses of maintenance and repair of the connection and extensions made for the benefit of Lot 2. The Private Agreement Among Successors, pertinent portions of which are attached

hereto, states how easements are effected by the selection and installation of a sewer line in either the sewer line easement or the Conditional Easement on Lot 2.

Both the sewer easement on the west and the Conditional Easement shall include the right to enter Lot 2 for the purpose of installing a sewer line and the right to use such vehicles and equipment as is commonly and reasonably used for the installation of sewer lines.

3. **Fields Lane Easement Agreement:** The owners of Lot 1 grant a non-exclusive access and utility easement along and parallel to the east boundary of Lot 1 for the benefit of Lot 2, to run with the land ("Fields Lane Easement"). The Fields Lane Easement extends from Airport Road on the north to the boundary of Lot 1 and Lot 2 on the south and has a width of thirty-two feet (32'), as measured from the east property boundary of Lot 1. However, it is also agreed that since the current curb cut at Airport Road extends outside of the Fields Lane Easement to a width of approximately thirty-eight feet (38'), the owner of Lot 2 shall have the right to use the additional width at the curb cut as part of the Fields Lane Easement until such time as the curb cut is relocated within the thirty-two foot (32') easement, as provided below. If the curb cut at Airport Road is relocated so that it is within the thirty-two foot (32') Fields Lane Easement, then Lot 2 shall cease to have a right of use outside of that easement. In addition to providing access to and from Lot 2, the Fields Lane Easement also provides access to and from Lot 1. Therefore, both the owners of Lot 1 and Lot 2 shall have the right and obligation to share in the maintenance and improvement of the Fields Lane Easement as explained below.

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Maintaining Fields Lane at its current level of improvement shall be the responsibility and liability of Wendy Fields Montoya, the owner of Lot 2. Any improvement to Fields Lane made for the benefit of Lot 2 shall be the exclusive expense of Wendy Fields Montoya, the owner of Lot 2. Should the owners of Lot 1 wish to make improvements to Fields Lane for the benefit of Lot 1 then those related expenses shall be the exclusive responsibility of the owners of Lot 1. However, where improvements to Fields Lane will benefit both Lots and the owners agree in writing to divide the related expense of those improvements, then that expense shall be divided between the owners as set forth in their agreement. Repairs or improvements to Fields Lane made by Wendy Fields Montoya, as the owner of Lot 2, shall not unreasonably interfere in the ownership and current or prospective use of Lot 1, and the owners of Lot 1 shall not unreasonably interfere with the easement rights of Wendy Fields Montoya as the owner of Lot 2. The owners of Lot 1 have the right to use Fields Lane on Lot 1 to install and connect a water line to the City's water line.

If the owners of Lot 1 wish to relocate Fields Lane, then the Fields Lane Easement may be relocated so that it is closer to the east property line of Lot 1, provided that the Easement shall remain no less than thirty-two feet (32') wide measured from the east boundary of Lot 1. The relocation would be made so as to provide a reasonably straight and unimpeded road to Lot 2, with no sharp turns or obstacles within the road other than a reasonable access from the curb cut on Airport Road to Fields Lane permitting vehicle and large truck access (but with no obligation to improve the road beyond its current level of improvement). The relocation of the easement shall be the sole expense of the owner of Lot 1.

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4. If any controversy or claim related to or arises out of the construction or implementation of this Agreement, or for any other reason, the parties shall submit the controversy or claim to mediation and, only if mediation is unsuccessful, may they proceed to litigation. In the event of such controversy or claim, the prevailing party in any litigation shall be entitled to reasonable attorneys' fees and costs incurred in the matter.

5. This Agreement, together with the Private Agreement Among Successors and any plats depicting the Lots and easements and deeds to the Lots, shall constitute the entire Fields Lane Easement Agreement and Grant between the parties and, in the event of conflict in the language of those documents, this document shall control. The parties have had an opportunity to read and consider this Agreement and they enter into it with a full understanding of its effect and they agree to be bound thereby and to have title to their Lot altered thereby.

6. In the Agreement, the term "Lot" includes the owner(s) of a Lot, and the plural may be the singular and the singular may be the plural.

7. This Agreement shall be recorded in the office of the Clerk of Santa Fe County.

8. This Agreement is binding upon and inures to the benefit of the parties hereto and their heirs, personal representatives, successors or assigns.

In witness whereof we have executed this Agreement on this 24 day of March, 2010.

AS PG
CL

Wendy Fields Montoya
The Estate of William E. Fields, deceased by
Co-Personal Representative Wendy Fields Montoya

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
)ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 24 day of
March, 2010 by Wendy Fields Montoya, as Co-Personal Representative of the
Estate of William E. Fields.

Steven Riemann
Notary Public

My commission expires:



Wendy Fields Montoya
Wendy Fields Montoya, individually

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
)ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 24 day of
March, 2010 by Wendy Fields Montoya, individually.

Steven Riemann
Notary Public

My commission expires:

Phillip Montoya
Phillip Montoya



AK
CLP

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
)ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 24 day of March, 2010 by Phillip Montoya.



My commission expires:

Notary Public

Priscilla Fields
The Estate of William E. Fields, deceased by
Co-Personal Representative Priscilla Fields

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
)ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 24 day of March, 2010 by Priscilla Fields, as Co-Personal Representative of the Estate of William E. Fields.



My commission expires:

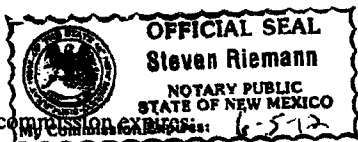
Priscilla Fields
Priscilla Fields, individually

AS
CPPS

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
)ss.
 COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 24 day of March, 2010 by Priscilla Fields, individually.



Notary Public

Crystal Fields Lucero
 Crystal Fields Lucero

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
)ss.
 COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 24 day of March, 2010 by Crystal Fields Lucero.

Notary Public

My commission expires:



KS
PS

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

EASEMENT AGREEMENT
PAGES: 11

I Hereby Certify That This Instrument Was Filed for
Record On The 30TH Day Of March, 2010 at 11:14:30 AM
and Was Duly Recorded as Instrument # 1594614
Of The Records Of Santa Fe County

Antonio Sanchez
Antonio Sanchez

Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy County Clerk, Santa Fe County, NM

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) ss.

The foregoing instrument was acknowledged before me this 24 day of
March, 2010 by Antonio Sanchez.

Steven Riemann
Notary Public



My commission expires:

Frank Fields
Frank Fields

ACKNOWLEDGMENT

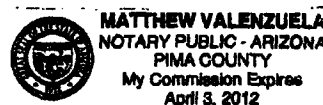
STATE OF ARIZONA)
COUNTY OF PIMA) ss.

The foregoing instrument was acknowledged before me this 22 day of
March, 2010 by Frank Fields.

Matthew Valenzuela
Notary Public

My commission expires:

4/3/2012



SEC. CLERK RECORDED 03/30/2010

Pt
Ch