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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2021-\_\_**

**A RESOLUTION**

**APPROVING THE VACATION OF EXISTING PORTIONS OF THE GALISTEO ROAD RIGHTS-OF-WAY AT GALISTEO ROAD’S INTERSECTION WITH ZIA ROAD, CONTINGENT ON THE PLANNING COMMISSION’S APPROVAL OF THE VACATION OF EXISTING RIGHTS-OF-WAY AND THE DEDICATION OF NEW GALISTEO ROAD RIGHT-OF-WAY SOUTH OF GALISTEO ROAD’S INTERSECTION WITH ZIA ROAD IN A NEW ALIGNMENT, AND NEW GALISTEO ROAD RIGHT-OF-WAY NORTH OF GALISTEO ROAD’S INTERSECTION WITH ZIA ROAD.**

**WHEREAS**, Zia Station, LLC, owns parcels of land comprising approximately 22.7 acres (less and except those lands owned by NMDOT) located at the northwest and southwest corners of the intersection of Zia Road and Saint Francis Drive within Section 2, T.16N., R.9E., N.M.P.M., in Santa Fe County, New Mexico (the “Property”); and

**WHEREAS**, on February 18, 2021, the Planning Commission voted to recommend approval of general plan amendments, rezonings, and a preliminary development plan for the Property, which included a proposed realignment of Galisteo Road at its intersection with Zia Road and improvements

1 to the intersections of Galisteo Road and Zia Road, and of Zia Road and Saint Francis Drive; and

2           **WHEREAS**, on April 8, 2021, the Governing Body voted to approve the general plan  
3 amendments, rezonings, and the preliminary development plan for the Property; and

4           **WHEREAS**, on April 28, 2021, the Governing Body adopted written Findings of Fact and  
5 Conclusions of Law reflecting its decision to approve the general plan amendments, rezonings, and the  
6 preliminary development plan for the Property, which were filed with the records of the City Clerk as  
7 Items #21-0191, #21-0192, #21-0193, #21-0194, and #21-0195; and

8           **WHEREAS**, on May 13, 2021, Zia Station, LLC, through its agent Merritt F. Brown, filed an  
9 application to vacate portions of the existing Galisteo Road public rights-of-way at the intersection with  
10 Zia Road and proposed to dedicate new public rights-of-way in new alignments as part of the Zia  
11 Station development plan; and

12           **WHEREAS**, in conjunction with the May 13, 2021 application, Zia Station, LLC, submitted a  
13 “Partial Vacation and Dedication Plat for Galisteo Road,” which shows the existing rights-of-way  
14 proposed for vacation and the location of the new rights-of-way proposed to be dedicated to the City;  
15 and

16           **WHEREAS**, City staff has reviewed the application and proposed “Partial Vacation and  
17 Dedication Plat for Galisteo Road,” and has recommended approval by the Governing Body and the  
18 Planning Commission; and

19           **WHEREAS**, the realignments of Galisteo Road on the north and south sides of Zia Road, and  
20 the improvements of the intersections of Zia Road with Galisteo Road and with Saint Francis Drive,  
21 are integral elements of the preliminary development plan for the Property, as recommended by the  
22 Planning Commission and approved by the Governing Body; and

23           **WHEREAS**, Zia Station, LLC, is the fee-simple owner of all land contiguous to the portion of  
24 the Galisteo Road public rights-of-way proposed for vacation and realignment; and

25           **WHEREAS**, no property will become landlocked by virtue of the proposed vacations and

1 realignments; and

2           **WHEREAS**, the City obtained ownership of the portion of the public right-of-way proposed  
3 for vacation when the City annexed land from the County of Santa Fe that included the affected portion  
4 of Galisteo Road, which was previously known as County Road No. 69, as shown on the plat entitled  
5 “Lands within Sections 2 & 3 T16N R9E N.M.P.M. for Annexation to the City of Santa Fe Adjacent  
6 to its South and East Boundaries,” which was filed in the records of the Santa Fe County Clerk on July  
7 22, 1977, in Plat Book 55, Page 21, as Instrument Number 405,730; and

8           **WHEREAS**, the public right-of-way proposed for vacation is depicted on additional plats that  
9 have been filed in the records of the Santa Fe County Clerk, including the subdivision plat entitled  
10 “Candelero de Santa Fe, Unit III,” which was filed on July 16, 1980, in Plat Book 82, Page 15, as  
11 Instrument Number 461,337; and the survey plat filed on September 22, 2003, in Plat Book 542, Page  
12 24, as Instrument Number 1291,612; and

13           **WHEREAS**, SFCC 1987, Section 2-1.7 provides that the Governing Body shall have the  
14 management and control of all real property belonging to the City; and

15           **WHEREAS**, pursuant to NMSA 1978, Section 3-19-1(B)(1) (1965), and SFCC 1987, Section  
16 14-2.3(B), the Governing Body has delegated to the Planning Commission the power, authority,  
17 jurisdiction, and duty to enforce and carry out the provisions of New Mexico law and the City Code  
18 relating to planning, platting, and zoning, except for those powers reserved to the Governing Body; and

19           **WHEREAS**, NMSA 1978, Section 3-49-1, authorizes the City to lay out, establish, open,  
20 vacate, alter, widen, extend, or otherwise improve public streets; and

21           **WHEREAS**, SFCC 1987, Section 23-1.2 sets forth procedures and requirements for the partial  
22 vacation of a plat, including a public hearing before the Public Works and Utilities Committee; and

23           **WHEREAS**, NMSA 1978, Section 3-20-12, provides for partial vacation of a plat if “(1)  
24 the owners of the land in the territory proposed to be vacated sign a statement, duly acknowledged,  
25 declaring the plat or a portion of the plat to be vacated; and (2) the statement is endorsed ‘Approved’

1 by the planning authority of the municipality within whose platting jurisdiction the subdivision lies”;  
2 and

3 **WHEREAS**, in *Sprague v. City of Las Vegas*, 1984-NMSC-052, ¶ 8, 679 P.2d 1283, the New  
4 Mexico Supreme Court interpreted NMSA 1978, Section 3-20-12, to include the following three  
5 requirements: “(1) the owners of the property sought to be vacated must sign a statement declaring the  
6 property to be vacated; (2) the owners’ statement must be approved by the planning authority; and (3)  
7 the owners’ statement must be appropriately filed”; and

8 **WHEREAS**, pursuant to SFCC Section 23-1.2, Section 3-20-12, and *Sprague*, partial vacation  
9 of the existing right-of-way requires a public hearing before the Public Works and Utilities Committee,  
10 a statement by the Governing Body approving the vacation, and the subsequent approval of the Planning  
11 Commission; and

12 **WHEREAS**, the Governing Body has delegated to the Planning Commission the authority to  
13 approve the dedication to the City of new public right-of-way that is required to serve new development,  
14 subject to final inspection and acceptance by City staff; and

15 **WHEREAS**, on June 28, 2021, the Public Works and Utilities Committee held a public hearing  
16 on the application and proposed “Partial Vacation and Dedication Plat for Galisteo Road,” reviewed  
17 the staff report and the evidence presented at the public hearing, and recommended approval of the  
18 proposed vacation; and

19 **WHEREAS**, approval of the application and proposed “Partial Vacation and Dedication Plat  
20 for Galisteo Road” will allow Zia Station, LLC, to shift the intersection of Galisteo Road and Zia Road  
21 approximately two-hundred (200) feet west of its current location, in accordance with the approved  
22 preliminary development plan; and

23 **WHEREAS**, traffic studies conducted on behalf of Zia Station, LLC, and reviewed by City  
24 traffic engineers demonstrate that moving the intersection of Galisteo Road and Zia Road two hundred  
25 (200) feet further west will improve traffic flows through the intersection of Zia Road and Saint Francis

1 Drive; and

2           **WHEREAS**, the proposed realignment of Galisteo Road would result in Galisteo Road  
3 intersecting Zia Road at a ninety (90) degree angle instead of the current acute angle; and

4           **WHEREAS**, pursuant to the approved preliminary development plan, Zia Station, LLC, will  
5 construct the proposed new intersection of Galisteo Road and Zia Road with a HAWK pedestrian  
6 crossing, which will be a light-controlled, pedestrian-activated crossing that will greatly improve  
7 pedestrian access and safety across Zia Road for the adjacent neighborhoods and those wishing to  
8 access the Rail Runner Station; and

9           **WHEREAS**, the current Galisteo Road segment north of Zia Road consists of a dirt path of  
10 approximately thirty-five to forty-five feet (35' - 45') in width, which narrows and then terminates at its  
11 intersection with the old railroad right-of-way; and

12           **WHEREAS**, the current Galisteo Road segment north of Zia Road does not meet the Street  
13 Design and Improvement Standards set forth in Chapter 14 of the SFCC; and

14           **WHEREAS**, pursuant to the approved preliminary development plan, Zia Station, LLC, shall  
15 build a new paved extension of Galisteo Road on the north side of Zia Road to a width of fifty feet  
16 (50'), which will meet the Street Design and Improvement Standards for a sub-collector with on-street  
17 parking, as set forth in Chapter 14 of the SFCC; and

18           **WHEREAS**, the approved preliminary development plan reflects that the new paved extension  
19 of Galisteo Road on the north side of Zia Road will include a full 50' radius cul-de-sac at its new  
20 terminus; and

21           **WHEREAS**, to realign the public rights-of-way, Zia Station, LLC, must obtain consent from  
22 owners of existing utilities located in the existing public right-of-way because, pursuant to State and  
23 City law, the partial vacation of a plat cannot be approved if the vacation would adversely affect the  
24 rights of any utility; and

25           **WHEREAS**, Zia Station, LLC, is responsible for all costs associated with the vacation and

1 realignment, including engineering, construction, and the relocation of existing utilities, including  
2 power and communications lines, a City of Santa Fe water line, and an underground gas line; and

3 **WHEREAS**, the proposed vacation and realignment of Galisteo Road would enable the public  
4 rights-of-way and associated utility easements to remain as necessary parts of the City's traffic and  
5 neighborhood scheme for travel and infrastructure, and would enhance traffic and pedestrian safety;

6 **WHEREAS**, the preliminary development plan is subject to a condition of approval that all  
7 improvements to Zia Road and Galisteo Road, including the realignment, must be constructed prior to  
8 the opening of Phase I of the Zia Station Development; and

9 **WHEREAS**, newly dedicated public rights-of-way are inspected by the City and must be  
10 accepted by the City before the City assumes ownership and maintenance responsibilities for the rights-  
11 of-way.

12 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
13 **CITY OF SANTA FE** that the proposed partial vacation of the existing Galisteo Road public rights-  
14 of-way is approved, contingent upon the Planning Commission's subsequent approval of the proposed  
15 vacation and the dedication of new rights-of-way in the new alignments, as set forth in the approved  
16 preliminary development plan for the Property.

17 PASSED, APPROVED, and ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2021.

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20 \_\_\_\_\_  
21 ALAN WEBBER, MAYOR

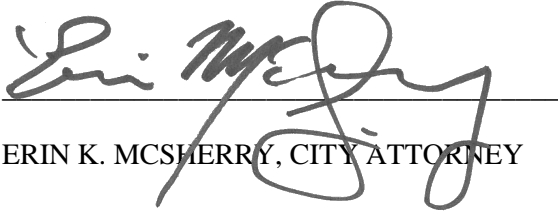
22 ATTEST:

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24 \_\_\_\_\_  
25 KRISTINE MIHELICIC, CITY CLERK

1 APPROVED AS TO FORM:

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A handwritten signature in black ink, appearing to read "Erin McSherry", is written over a horizontal line. The signature is cursive and somewhat stylized.

4 ERIN K. MCSHERRY, CITY ATTORNEY

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25 *Legislation/2021/Resolutions/Galisteo Road Plat Vacation*