

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

JEFF BERG,
MARK CAMPBELL AND TERESA BENTON,
SCOTT AND KAREN COOPER,
JON DAFFER,
MIKE AND KAREN DAVISSON,
BRAD AND JANICE GABREL,
JEFF JOHNSTON,
ROBERT KEIGHLEY,
JOHN AND LIZ LORENZ,
CHRIS AND SARAH WILSON, and
JERRY AND ELLEN WYMER,

Plaintiffs,

v.

No. D-101-CV-2024-01191

TOWN OF EDGEWOOD, A NEW MEXICO MUNICIPAL CORPORATION,
KEN WHITE, and
SANDIA AIR PARK ESTATES PROPERTY OWNERS' ASSOCIATION, A NEW MEXICO
NONPROFIT CORPORATION,

Defendant.

AFFIDAVIT OF SANTA FE COUNTY CLERK RECORDS CUSTODIAN

I, Celeste Garcia, Operations Manager in the office of Santa Fe County Clerk, being first duly sworn on my oath depose and state based on my personal knowledge that:

1. I am employed by and work in the office of the Santa Fe County Clerk, 100 Catron Street, Santa Fe, NM 87501.
2. As one of several public records custodians, in the ordinary course of my work at the office I routinely research, retrieve public records on file at the office.
3. My research is in response to inquiries from both the public and county officials/employees.
4. In response to a records request I did locate in the County public records, a true, correct and complete copy of the attached minutes (and subdivision Plat) of the January 12, 1987, County Commission meeting. (Item#4)
5. I did locate in the County public records, a true, correct and complete copy of the attached:
 - a. Page 3 of the November 15, 1985, 6PM Agenda Regular Meeting of the Board of County Commissioners November 15, 1985. (Item#5a)



SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS

MINUTES

REGULAR MEETING

JANUARY 12, 1987

BOARD MEMBERS

BENIE J. CHAVEZ, CHAIRMAN
PATRICIO LARRAGOITE, COMMISSIONER
ANTONIO ORTEGA, COMMISSIONER



Regular Meeting
Board of County Commissioners
January 12, 1987

MINUTES

The Board of County Commissioners of Santa Fe County, New Mexico, met in regular session on January 12, 1987, at 4:00 p. m. in the County Commission Chambers.

1. CALL TO ORDER. The meeting was called to order by Chairman Patricio Larragoite.
2. ROLL CALL. All Commissioners were present.
3. PLEDGE OF ALLEGIANCE. The Pledge of Allegiance was recited.
 - 3.1. County Manager, Nancy Rodriguez presented to the Commission and to the audience one item that does not require Commission action. This item requires an oath of office from a judge. Mrs. Rodriguez stated that the new Sheriff Elias Valdez, would be sworn in at this time by Judge Kaufman.
4. REORGANIZATION OF THE BOARD. At this time Commissioner Larragoite stated that the Board of County Commissioners will recognize a new Chairman. Commissioner Antonio Ortega moved for approval to appoint Commissioner Dannie Chavez to Chairmanship; seconded by Commissioner Larragoite. Motion passed.
5. APPROVAL OF AGENDA. Mrs. Rodriguez added to the agenda 7C, - John Halling, Hazard Beacon for the Intersection of US 84-285 and State Road 399. Mrs. Rodriguez also moved up petitions from the floor and placed them under Administrative Items as 7.1..

Commissioner Larragoite moved for approval of agenda; seconded by Commissioner Ortega. Motion passed.
6. APPROVAL OF MINUTES. Commissioner Larragoite moved for approval of minutes for the Regular Meeting on December 8, 1986; seconded by Commissioner Ortega. Motion passed.
7. ADMINISTRATIVE ITEMS. Mr. Dave Knuckles stated that he represents the group from Edgewood. Mr. Knuckles stated that a letter was sent to the County Manager dated December 10, 1986 detailing the problems with Dinkle Road or County Road 8 in Edgewood. Mr. Knuckles stated that the

Regular Meeting
Board of County Commissioners
January 12, 1987
Page 2

Edgewood group would like to know what they could expect as far as how long it will take to complete and finish the project of the improvement of the road?

At this time Gil Tercero informed Mr. Knuckles that there were several projects going on throughout the County. After a brief discussion between Mr. Knuckles and Mr. Tercero, Mr. Tercero added that he hoped to complete the project by late February.

Discussion ensued between the Commission, the Staff, and Mr. Knuckles.

Mr. Tercero once again stated that the weather conditions has held the County back from finishing the project. He also offered to the Commission that this project is in fact top priority.

Discussion ensued.

At this time, Mr. Frank Wilson, an agent for Sandia Airport Estates stated that part of the subdivision approval was subject to that subdivision contribution toward the improvement of Dinkie Road. He stated that he and his clients also have a petition from the floor on a different item and stated that they may also be helpful with the Edgewood item.

Due to the fact that Mr. Wilson's clients were not present yet, he asked the Commission that this item be deferred for about one hour.

Commissioner Larragoite suggested to the Board that they proceed with the meeting until Mr. Wilson's clients arrive.

7.1.a Mr. Vernon Maynard presented to the Commission a petition for the improvements of the Loop off of County Road 44. He offered to the Commission the detailing of the petition and also offered factual information about problems that occurred in the past when attempts were made to improve the road.

Mr. Tercero suggested that the surrounding residents come up with the materials needed to improve the road and then the County will use its' equipment to do the actual work on the road.

At this time the exact location of the road was given to

Regular Meeting
Board of County Commissioners
January 12, 1987
Page 3

the Commission. Discussion ensued.

Commissioner Ortega stated that an Attorney General's opinion that was issued in 1965 allowed the use of County equipment when the issues of life, health, and safety are in question. He asked that the County Staff notify the Attorney General and see if there have been any legal changes that would change the Opinion.

Discussion ensued.

Commissioner Larragoite made a motion to approve the assistance of the loop off of County Road 44 and to look toward the possibility of handling it on an administrative basis in the future; seconded by Commissioner Ortega. Motion passed.

7. a. Request approval of Resolution No. 1987-1, Designating Representatives to act for Santa Fe County in Acquiring Federal Surplus Property. This item was presented by Nancy Rodriguez. Mrs. Rodriguez detailed the Resolution. Commissioner Ortega moved for approval of Resolution No. 1987-1 as recommended by staff; seconded by Commissioner Larragoite. Motion passed.

ROLL CALL VOTE.

COMMISSIONER CHAVEZ - YES
COMMISSIONER LARRAGOITE - YES
COMMISSIONER ORTEGA - YES

MOTION PASSED.

- b. Request approval of Resolution No. 1987-2, giving reasonable notice to the public of County Commission meetings. This item was presented by Nancy Rodriguez. Mr. Rodriguez detailed the Resolution. Commissioner Larragoite moved for approval of Resolution No. 1987-2 as recommended by Staff; seconded by Commissioner Ortega. Motion passed.

ROLL CALL VOTE.

COMMISSIONER CHAVEZ - YES
COMMISSIONER LARRAGOITE - YES
COMMISSIONER ORTEGA - YES

MOTION PASSED.

- c. Consideration of Proposals for Personnel Hearing Officer. This item was presented by Nancy Rodriguez.

Regular Meeting
Board of County Commissioners
January 12, 1987
Page 4

Ms. Rodriguez suggested that Coppler, Aguilar, and Aragon be retained on the basis of their past experience, rate, and overall expertise. This will only be for a one year period.

Commissioner Larragoite moved for approval of Proposal; seconded by Commissioner Chavez. Motion passed.

At this time, Commissioner Ortega asked Nancy Rodriguez that pursuant to the Procurement Code, had staff established an evaluation criteria in making recommendations for Professional Services. Ms. Rodriguez answered by stating that it was not done in an actual format, though it was stressed in the RFP criteria that it would be based on the usual Procurement Code requirements.

Commissioner Ortega moved to rescind his second in order to be able to follow the Procurement Code.

At this time Philip Trujillo, Personnel Director for the County of Santa Fe stated that Staff will prepare any additional criteria which may be needed in order to select the appropriate applicant for Public Hearing Officer.

Commissioner Ortega moved to table this item; seconded by Commissioner Larragoite. Motion passed.

d. Appointment of County Surveyor. This item was presented by Nancy Rodriguez. Staff recommends that the position of County Surveyor be awarded to Morris Apodaca. Commissioner Larragoite moved for approval as recommended by staff; seconded by Commissioner Ortega. Motion passed.

e. Appointments to Boards and Commissions. This item was presented by Nancy Rodriguez. Ms. Rodriguez stated that due to the expiration of several terms effective 12/31/86, there was vacancies that needed to be filled.

Commissioner Ortega moved for approval that the members of the Board of Ethics be re-appointed with the exception of Caspar Esquibel and he moved that Mercedes Romero be appointed; seconded by Commissioner Larragoite. Motion passed.

Commissioner Ortega recommended that all the members of the

Regular Meeting
Board of County Commissioners
January 12, 1987
Page 5

County Development Review Committee be re-appointed with the exception of Fred Raznick and Rudy Lujan and in their place Joseph Schutz and Leroy Lucero Sr. be appointed; seconded by Commissioner Larragoite. Motion passed. Commissioner Larragoite moved for approval that Fred Raznick be appointed as the seventh member; seconded by Chairman Chavez. Motion passed.

Commissioner Ortega moved for approval that all the members for the Extraterritorial Zoning Commission be appointed with the exception of Joe Trujillo and he moved that Diego Martinez be appointed. No second. Motion dies. Commissioner Ortega moved that the appointing of members for the ETC be tabled until the next Regular Meeting of the Board of County Commissioners. No second. Motion dies. Discussion ensued.

Commissioner Larragoite moved for approval that the Commission retain all present members, County appointed, to the Extraterritorial Zoning Commission; seconded by Chairman Chavez. Motion passed.

Commissioner Ortega at this time stated that he would like the record to show that he was opposed to the appointing of the members for the ETC.

Commissioner Ortega moved for approval that all of the members of the County Housing Authority Board be re-appointed; seconded by Commissioner Larragoite. Motion passed.

Commissioner Larragoite moved for approval that Albert Valdez, Jake Martinez, Alice Martinez, and William Dokes be appointed to the Senior Citizens Board; seconded by Commissioner Ortega. Motion passed.

Commissioner Larragoite made a motion on the joint City-County appointment that the Commission recommend Antonio Martinez serving as that joint member; seconded by Chairman Chavez. Motion passed.

2. Request approval of Resolution 1987-3, Authorizing Legal Holidays and Closing of County Offices for Calendar Year 1987. This item was presented by Philip Trujillo. Mr. Trujillo detailed the Resolution. Discussion ensued. Commissioner Larragoite moved for approval of Resolution No. 1987-3 as recommended by Staff; seconded by Commissioner Ortega. Motion passed.

Regular Meeting
Board of County Commissioners
January 12, 1987
Page 6

ROLL CALL VOTE.
COMMISSIONER CHAVEZ - YES
COMMISSIONER LARRAGOITE - YES
COMMISSIONER ORTEGA - YES

NOTION PASSED.

g. Hazard Beacon for US 84-285 and State Road 292. This item was presented by John Bailing. Mr. Bailing stated that the State Highway Department will be responsible for the installation of the light at their own expense and that the County will be responsible for maintenance and electrical power. Commissioner Larragoite moved for approval as recommended by staff; seconded by Commissioner Ortega. Motion passed.

2. FINANCIAL ITEMS.

a. Review and final approval of accounts payable. This item was presented by Pete Garcia, Finance Director for Santa Fe County. Staff recommends formal approval of all accounts payable warrants as presented. Commissioner Larragoite moved for approval as recommended by staff; seconded by Commissioner Ortega. Motion passed.

b. Request approval of Tax Deferral for PERA member contributions. Resolution No. 1987-4. This item was presented by Pete Garcia. Mr. Garcia explained that the State P. E. R. A. system has been trying to secure for two years (since 1984), a favorable ruling from the Internal Revenue Service which would allow for the deferral of Federal and State income taxes of P. E. R. A. member contributions. The I. R. S. has now issued a favorable ruling providing that certain conditions are met. P. E. R. A. also introduced legislation in 1986 in order to fully comply with that ruling, which became effective May 21, 1986. He further explained that the implementation of this program allows for the P. E. R. A. contributions of all County employees to be tax deferred allow such time that they retire or withdraw their contributions. He also explained the existing percentage rate which is 7% of the gross salary except for law enforcement employees which is 12%. The plan would allow employees to realize an increase in take-home pay, which would depend on salary, number of exemptions and filing status. Staff is recommending approval of Resolution 1987-4 implementing this tax deferral program. There would be no cost to the County other than minimal modifications to the payroll program.

Chairman Chavez asked for clarification if this item was in

Regular Meeting
Board of County Commissioners
January 12, 1987
Page 7

fast a resolution. Mr. Garcia explained that if adopted, it had to be in the form of a resolution.

Commissioner Larragoite made a motion to approve the resolution as stated by Mr. Garcia allowing for a tax deferral plan of County employees P. E. R. A. contributions; Commissioner Ortega seconded the motion with the stipulation that if there is any legal question of the fact of the posting of that item on the agenda, that it be returned to the Commission for correction. Commissioner Larragoite accepted the stipulation.

ROLL CALL VOTE.

COMMISSIONER CHAVEZ - YES
COMMISSIONER LARRAGOITE - YES
COMMISSIONER ORTEGA - YES

MOTION PASSED.

c. Request approval of Resolution No. 1987-5, for miscellaneous line item adjustments. This item was presented by Pete Garcia. Staff received a request to make miscellaneous line item adjustments. The requests were reviewed and found to be in order. Commissioner Larragoite moved for approval of Resolution 1987-5 as recommended by Staff; seconded by Commissioner Larragoite. Motion passed.

d. Request approval of Resolution No. 1987-6, for budget increase for the Eldorado Fire District. The Eldorado Fire District has requested a cash balance at the end of last fiscal year. They had an unencumbered cash balance as of June 30, 1986 of \$7,255.57. Staff recommends budgeting \$7,255.00 to the Eldorado Fire District as presented on Resolution No. 1987-6. Commissioner Larragoite moved for approval of Resolution No. 1987-6; seconded by Commissioner Ortega. Motion passed.

ROLL CALL VOTE.

COMMISSIONER CHAVEZ - YES
COMMISSIONER LARRAGOITE - YES
COMMISSIONER ORTEGA - YES

MOTION PASSED.

e. Request approval of Resolution No. 1987-7, for budget increase for General Fund - General Services. This item was presented by Pete Garcia. Staff received a reimbursement for the District Courts in the amount of \$941.78 for materials and workmen to build counters for the District

Regular Meeting
Board of County Commissioners
January 12, 1987
Page 8

Judge. The General Services Department has requested this amount be re-budgeted within the General Fund. Staff recommends approval of Resolution No. 1987-7. Commissioner Larragoite moved for approval of Resolution No. 1987-7 as recommended by Staff; seconded by Commissioner Ortega. Motion passed.

ROLL CALL VOTE.

COMMISSIONER CHAVEZ - YES
COMMISSIONER LARRAGOITE - YES
COMMISSIONER ORTEGA - YES

MOTION PASSED.

f. Request approval of Resolution 1987-8, for budget increase for Emergency Medical Districts. This item was presented by Pete Garcia. Staff recommends approval of Resolution No. 1987-8 increasing the budget for emergency medical districts. Commissioner Larragoite moved for approval of Resolution 1987-8 as recommended by Staff; seconded by Commissioner Ortega. Motion passed.

ROLL CALL VOTE.

COMMISSIONER CHAVEZ - YES
COMMISSIONER LARRAGOITE - YES
COMMISSIONER ORTEGA - YES

MOTION PASSED.

g. Request approval of Resolution No. 1987-9, for cash transfer from the Forest Service Fund to the General Fund. This item was presented by Pete Garcia. Staff has received a request to transfer the cash balance remaining in the Forest Service Fund to the General Fund and budgeted within the Sheriff's Department. The contract between Santa Fe County and the Forest Service Department expired on September 30, 1986 and has not been renewed. The cash balance in the Forest Service Fund is \$8,212.80. Staff recommends approval of Resolution 1987-9. Commissioner Larragoite moved for approval of Resolution No. 1987-9 as recommended by Staff; seconded by Commissioner Ortega. Motion passed.

ROLL CALL VOTE.

COMMISSIONER CHAVEZ - YES
COMMISSIONER LARRAGOITE - YES
COMMISSIONER ORTEGA - YES

MOTION PASSED.

h. Request approval of Resolution No. 1987-10, for cash

Regular Meeting
Board of County Commissioners
January 13, 1987
Page 9

transfer from the Lodger's Tax Facility Fund to the Lodger's Tax Other Fund. This item was presented by Pete Garcia. Mr. Garcia detailed the Resolution. Staff recommends approval of Resolution No. 1987-10 transferring \$3,076.50 of interest earned in the Lodger's Tax Facility Fund to the Lodger's Tax Other Fund for advertising, publicizing, and promotion. Commissioner Larragoite moved for approval of Resolution No. 1987-10 as recommended by Staff; seconded by Commissioner Ortega. Motion passed.

ROLL CALL VOTE.
COMMISSIONER CHAVEZ - YES
COMMISSIONER LARRAGOITE - YES
COMMISSIONER ORTEGA - YES

MOTION PASSED.

9. LAND USE ITEMS.

a. Request a variance for approval of placement for a mobile home as a second unit within the Valle Lindo Subdivision, approximately one mile south of the I-25 Interchange off of State Road 14. (Joe Valarde, agent). This item was presented by Tom Wilson. Mr. Wilson stated that on December 23, 1986 the CMHC granted approval with conditions of a variance for the placement of a mobile home as a second unit. Discussion ensued. The Staff is requesting the applicant and the Board to address the hardships aspects of the case in the findings of fact, and if approved staff is recommending that the following conditions be imposed: That the applicant obtain a County Development Permit. That the mobile home be properly skirted and anchored as per state mobile housing division guidelines. That water restrictions be imposed now to exceed 1 acre foot of water per year. That the mobile home not be used as a rental unit at any time and that the mobile home be used only for family members and that the approval could be reviewed and rescinded for other than family members.

At this time Commissioner Larragoite asked the applicant Mr. Joe Valarde if he was fully aware of the conditions recommended by Staff and if he found them favorable? Mr. Joe Valarde answered yes and stated that this was very important to him for the fact that it would make him and his wife feel more secure now that they were growing older.

Commissioner Larragoite moved for approval of this item; seconded by Commissioner Ortega. Motion passed.

At this time petitions from the floor was continued.

Mr. Frank Wilson, the Representative for Airport Estates subdivision, Phases II and III was heard by the CDRC December 23, 1986 and certain requirements were made that have not been fulfilled though are prepared to. Because the item was not advertised for public hearing, Mr. Wilson and his clients believed that they could not ask for subdivision approval. Mr. Wilson stated that they would use this time to explain how they plan to address the CDRC requirements.

Discussion ensued.

At this time Mr. Wilson stated that the item pertaining to the contribution for the improvement of Dinkle Road will be addressed by Mr. Walt White, the President of Sandia Airport Estates. Mr. Wilson stated that they would put up a cash amount of \$13,000 in an account for Dinkle Road starting from 344 and extending on. He stated that this would be a good start on increasing the account for completion of improvements on Dinkle Road.

At this time Mr. Gil Tercero confirmed Mr. Wilson's statements.

Mr. Walt White, Vice President Sandia Airport Estates, at this time stated that the main purpose for this contribution is that eventually there will be enough money in this account so they can get State cooperation and the cooperation of resident subdividers of the area.

10. MATTERS FROM THE COUNTY MANAGER.

Ms. Rodriguez stated that she had no matters though wished to welcome Commissioner Ortega to his first Board meeting and stated that Staff is looking forward to two years of productive work. Ms. Rodriguez also wished to thank Commissioner Chavez and Commissioner Larragoite for their support in the past year.

11. MATTERS FROM THE COUNTY ATTORNEY. None.

At this time Commissioner Larragoite wished to welcome the new County Clerk, Jona G. Arrijo.

12. MATTERS FROM THE COMMISSION. None.

13. PETITIONS FROM THE FLOOR. None.

14. ADJOURNMENT.

Regular Meeting
Board of County Commissioners
January 12, 1987
Page 11

The County of Santa Fe makes every practical effort to assure that its meetings and programs are accessible to the handicapped. Handicapped persons should contact us in advance to discuss any special needs for the handicapped individual. (e.g., interpreters for the deaf or readers for the blind.)

BOARD OF COUNTY COMMISSIONERS

BY: BERNIE CHAVEZ, CHAIRMAN

JONA G. ARMISTO, COUNTY CLERK

The foregoing minutes were approved as "read-corrected" and made a part of the official records of the Santa Fe County Commissioners this _____ day of _____, 1987.

STEPHANIE TRUJILLO, RECORDING SECRETARY

SAN JUAN COUNTY

Agenda

REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
NOVEMBER 15, 1983 6:00 P.M.
PAGE 3

12. LAND USE ITEMS:

- a. Request concept approval to extend the water service boundary for the Santa Fe Community College; approximately two miles south of Interstate 25 along Richards Avenue. (Ernest Martinez)
- b. Request final plat approval for Phase I, Unit 1, of Sandia Airport Subdivision. Property located in the traditional community of Edgewood, 1 1/2 miles east of State Road 364 between Dinkle and Venus Roads. Request made by Frank Wilson, agent for Blaine Hill Corporation. (Ernest Martinez)
- c. Consideration to extend the professional services contract for recording, transcribing and typing of minutes of the County Development Review Committee. Request made by Denise Mann. (Ernest Martinez)
- d. Presentation of the three alternate routes proposed for the Northwest Relief Route (informational item). Request made by Land Use Staff. (Ernest Martinez)

- e. MATTERS FROM THE COUNTY MANAGER
- f. MATTERS FROM THE COUNTY ATTORNEY
- g. PETITIONS FROM THE PUBLIC
- h. ADJOURNMENT

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approved
approved
approved

EXHIBIT
A. Item 5.a.
Bunberg No. 5008

SANTA FE COUNTY
MEMORANDUM

BOARD OF COUNTY
COMMISSIONERS AGENDA
ITEM NO. 12b

DATE: NOVEMBER 14, 1985
TO: BOARD OF COUNTY COMMISSIONERS
FROM: ERNEST L. MARTINEZ, LAND USE ADMINISTRATOR *ELM*
SUBJECT: REQUEST FINAL PLAT APPROVAL FOR PHASE I, UNIT I, OF SANDIA AIRPARK SUBDIVISION. PROPERTY LOCATED IN THE TRADITIONAL COMMUNITY OF EDGEWOOD, 1 1/3 MILES EAST OF STATE ROAD 344, BETWEEN DINKLE AND VENUS ROADS. REQUEST MADE BY FRANK WILSON, AGENT FOR ALANCO AIR CORPORATION.

BACKGROUND: On September 26, 1985 the County Development Review Committee recommended final plat approval for Phase I, Unit I, of Sandia Airpark Subdivision. This phase consists of 35 residential lots and the fixed base operations area. Conditional approval was granted for this portion of the development with nine stipulations (see attached follow-up memo dated October 2, 1985).

The subdivision at full completion will provide 35 residential lots, an airstrip and hangar facilities for exclusive use by individual lot owners. The development is situated on 160 acres within the traditional community of Edgewood and lot sizes will range from .75 to 1.2 acres in size.

Access to the subdivision will be provided from Dinkle Road, via either Rainbow or Jones Roads, each of which are located on the east and west ends of the property, respectively.

A three acre park is proposed along the center portion of the south side of the runway, and improvements to the park will be the responsibility of the Homeowners Association.

Water service will be provided by the Edgewood Water Utility Inc. and distributed from an existing 42,000 gallon water storage tank located 4,000 feet southeast of the subdivision. An additional proposed 20,000 gallon tank will provide the required fire flow suggested by the County Fire Marshall and State Engineer. The fire protection system provides the required number of fire hydrants and valving. The applicant has also agreed to provide 25 gallons of foam per year to the Edgewood Fire Department for training to suppress aircraft fires.

Electrical service will be provided by Central New Mexico Cooperative; and gas will be provided by EMW Gas Company from Estancia, NM.

Each lot will have an individual septic tank and drainfield, and the solid waste will be disposed by Sandia Rubbish Removal LTD., a private collection service.

EXHIBIT

A. Item 5.b.

The terrain management plan reports that the soils within the subdivision are suitable for all residential uses, including building foundations and septic tanks. There are no floodways, flood fringes or plains within the subject development, and since there are no slopes in excess of 8% a storm drainage system is not required.

All proposed roadway easements, except taxiways and runways are 50 feet wide and will be surfaced with 6" gravel for a width of 24 feet, in accordance with County standards. The Homeowners Association will be responsible for maintenance and repair.

The developer has agreed to contribute towards the improvements on Dinkle Road to meet County Road standards, as negotiated with the County Road Department.

The Soil and Water Conservation District has approved the plans and finds the proposed construction of ditches, swales and culverts appropriately sized to accommodate estimated runoff.

The Federal Aviation Administration Office has verified previous concerns regarding air space rights and reports that the proposed private airport will not conflict with other air space rights and has no objection to the development. There are no FAA regulations on surfacing requirements for the proposed runway.

RECOMMENDATION: Staff and the CDRC has reviewed the submittals required for preliminary and final plat approval and finds that the applicant has fulfilled the proposals contained in the disclosure statement and finds the proposed provisions for the subdivisions, Phase I, to be in conformance with County Regulations--Article V, Subdivision Requirements.

The following six conditions, however are recommended:

1. That the estimated cost of infrastructure improvements for Phase I include improvement costs for Dinkle Road, and that a bond or letter of credit be submitted to the Land Use Office reflecting these costs, prior to issuance of a development permit.
2. That the proposed water distribution system be expanded with the recommended additional improvements suggested by the State Engineer, when future expansion occurs.
3. That Phase II & III be reviewed for approval by the CDRC prior to submittal to the Board of County Commission.

Board of County Commissioners
November 14, 1985
Page two

4. That any construction comply with County, State and Federal building code requirements.

5. That the developer contribute towards improvements requested by the County Road Supervisor for Dinkle Road.

6. That an agreement listing necessary clearances and safety measures be entered between Diamond High Soaring, Inc. and Bianco Air Corporation, with County Staff acting as an intermediary party.

DISCLOSURE STATEMENT

SANCTA AIRPARK ESTATES EAST, UNIT 1

1. The name of the Subdivision is Sancta Airpark Estates East, Unit 1.
2. The subdividers are Walter C. White II, P. O. Box 11176, Albuquerque, New Mexico 87102, Valerie A. White (P. O. Box 11176, Albuquerque, New Mexico 87102), and Toby A. Greer (5555 Montgomery N.E., Suite 7, Albuquerque, New Mexico 87109).
3. Toby A. Greer, of 5555 Montgomery N.E., Suite 7, Albuquerque, New Mexico 87109, is the person in charge of sales or leases in New Mexico.
4. There are 99 parcels in 160 acres of land in the subdivision.
5. The largest parcel offered for sale or lease within the subdivision is thirteen (13) acres.
6. The smallest parcel offered for sale or lease within the subdivision is 0.75 acre.
7. The proposed range of prices is \$10,500.00 for the smallest parcel at three-quarters of an acre (0.75 acre), and \$150,000.00 for the largest parcel at thirteen (13) acres.
8. Financing terms are as follows:
Interest rate at 12%. There will be no discount for cash. There are no service charges or insurances. The purchaser pays all usual closing costs, the seller pays the Title Insurance, half the Escrow fee, and half the attorney fees.
9. Blanco Air Corporation, at P. O. Box 11176, Albuquerque, New Mexico 87102 is the holder of the legal title.
10. Blanco Air Corporation, at P. O. Box 11176, Albuquerque, New Mexico 87102 is the holder of the equitable title.
11. At the time of sale of these lots, there will be no mortgages against said property.
12. A copy of the covenants is attached to this disclosure statement.
13. Southwest Bank of Albuquerque, N.A. (P. O. Box 25500, Albuquerque, New Mexico 87125-5500) is the escrow agent.
14. Utilities:

Electrical service to be provided by Central New Mexico Cooperative. Service and usage rate as approved by the New Mexico Public Service Commission: \$26.00 service charge for tie-in, and \$15.00 deposit.

Water service to be provided by Edgewood Water Utilities, Inc. Service and usage rate as approved by the New Mexico Public Service Commission. Current rate for service connection is \$294.00.

Best Copy Available

EXHIBIT

Summary No. 5206

A. Item 5.b.

14. continued

Telephone service to be provided by Mountain Bell. Service and usage rate as approved by the New Mexico State Communications Commission; current cost is \$29.00 for service to residence, and \$24.00 for installation.

Gas service to be provided by El Paso Natural Gas Company, Inc. Current costs are as follows: \$150.00 for the meter and first 100 feet of line; 50.75 per foot thereafter.

15. Installation of Utilities - Main Service Lines:

Following are the dates upon which each utility will become available for the owner.

Water: Notification will be given to begin installation by the utility company per contract within 48 hours after final plat approval.

Electricity: Notification will be given to begin installation by the utility company per contract within 48 hours after final plat approval.

Gas: Notification will be given to begin installation by the utility company per contract within 48 hours after final plat approval.

Phone: Not provided by the subdivider.

Liquid Waste Disposal: Not provided by the subdivider.

Solid Waste Disposal: Not provided by the subdivider.

16. Utility Location:

Electric, water, and gas will be provided to each property line. These utilities will be located within easements and road right-of-way underground. The buyer will be responsible for any hook-up charges and equipment on the lot.

17. Water Use:

There will be no limit on water for domestic use which the subdivider will provide. There will be no limit for commercial use. There is also no limit on water which subdivider will provide for residential use.

18. Amount of Water:

There is no limit to the daily quantity of water to be provided for each parcel for each proposed use. The water will be made available to each parcel offered for sale as specified by the improvement agreement with the County.

Best Copy Available

19. Water Delivery:

Water will be provided by the Edgewood Water Utility System by means of 6" and 4" main lines.

20. Water System Extension:

The water system extension is the responsibility of the subdivision. The lot owner must pay the cost of extension. Length of 1,000 ft.

21. Life Expectancy of the Water Supply:

The proposed subdivision has a letter of commitment from the Edgewood Water Utility, Inc. to serve all the lots with no known date of termination of service.

22. Wells:

Water will not be supplied by individual wells.

23. Surface Water:

There is no surface water on the subdivision.

24. State Engineer's Opinion on Water:

State Engineer's opinion on water is attached as pages 5-7 through 5-9.

25. Water Quality:

Water is to be provided by Edgewood Water Utility, Inc. which is monitored by the State of New Mexico Environmental Improvement Division. The utility has made chemical and physical analyses of the water. The water supplied by the utility exceeds the county standard for hardness. The maximum allowable limit for hardness is 250 mg/l, and the water tested had a hardness of 620 mg/l. Hardness can be removed by use of a commercial water softener. The actual sodium level is 34 mg/l. A supplemental Water Quality Analysis was taken August 14, 1988, and a copy is attached.

26. Environmental Improvement Division's Opinion on Water Quality:

Environmental Improvement Division's opinion on water quality is attached as pages 5-1 through 5-6.

27. Liquid Waste Disposal:

The conventional septic tank and drainfield is proposed for use within the subdivision. NOTE: No other liquid waste disposal system may be used in a subdivision other than the system approved by the Environmental Improvement Division.

First Copy Available

29. Environmental Improvement Division's Opinion on Liquid Waste Disposal:

The Environmental Improvement Division's opinion on Liquid Waste Disposal is attached as page 2-4.

30. Solid Waste Disposal:

Solid waste will be collected by a private collection service. The monthly rate is \$11.00 for pickup once a week. Each homeowner must use this service or an acceptable alternative.

31. Environmental Improvement Division's Opinion on Solid Waste Disposal:

The Environmental Improvement Division's opinion on Solid Waste Disposal is attached as page 2-5.

32. Terrain Management:

- A. The soils within the subdivision are suitable for all residential uses including building foundations and septic tanks.
- B. There are no floodways, flood fringes, or flood plains on the subdivision.
- C. There are no slopes in excess of 8% on the subdivision.
- D. There is no subsurface drainage for parcels on the subdivision.
- E. There is no surface drainage for parcels on the subdivision.
- F. There will be no storm drainage system constructed on the subdivision.

33. Natural Resources Conservation District's Opinion on Terrain Management:

Natural Resources Conservation District's opinion is attached as page 3-12.

34. Subdivision Access:

- A. Edgewood is the town nearest to the subdivision.
- B. The distance from Edgewood to the subdivision is three (3) miles.
- C. From Edgewood, travel North on N.M. Highway 344 for 1 1/2 miles. Then one mile east on Dingle Road. Then proceed North on Rainbow Road for one-half mile to the Southwest corner of the subdivision.
- D. There is access to the subdivision by conventional vehicle.
- E. The subdivision is ordinarily accessible in all seasons and under all weather conditions.
- F. All roads will be surfaced with 6" gravel to a width of 24 feet.
- G. All roads will be corrutled within 30 days after the lot served by the road is offered for sale.
- H. The roads within the subdivision are not accepted for maintenance by Santa Fe County. All maintenance and repair will be the responsibility of the Homeowners' Association.
- I. All roads will be surfaced with gravel within 30 days after the lot served by the road is offered for sale.

First Copy Available

34. State Highway Department's Decision on Access:

35. Improvements:

There will be no improvements, other than those improvements provided by the developer.

36. Maintenance:

The subdivider shall have no responsibility for construction of any structures other than roads or utilities. Maintenance of the utilities shall be done by the utility companies. Road maintenance shall be done by the Homeowners' Association.

37. Adverse Conditions:

The subdivider knows of no activities or conditions adjacent to or nearby the subdivision which would subject the subdivided land to any unusual conditions affecting its use or occupancy.

38. Recreational Facilities:

The subdivider proposes to dedicate a park containing 3.0 acres on the subject property. Any improvements will be the responsibility of the Homeowners' Association.

39. Fire Protection:

- A. The Volunteer Fire Department is located $\frac{1}{2}$ miles from the subdivision.
- B. From the Volunteer Fire Department, travel west on the north frontage of Interstate Highway 40 to N.M. State Highway 344. Then travel north $\frac{1}{2}$ miles to Dinkle Road. Travel east one mile to Rainbow Road, then go north $\frac{1}{2}$ mile to the site.
- C. The fire department has 50 volunteer members of which 30 are fire fighters.

40. Police Protection:

The Santa Fe County Sheriff and the New Mexico State Police stationed in Moriarty will patrol the subdivision area. There is no municipal police force at this time.

41. Public Schools:

The Edgewood Elementary School is $1\frac{1}{2}$ miles from the subdivision. To reach the school, drive south one-half mile on Rainbow Road to Dinkle Road. Proceed west on Dinkle Road one mile to the school. The nearest

Best Copy Available

The property shown hereon is surveyed, platted and subdivided and comprises Lots 1 through 35 inclusive, together with the streets and thoroughfares of Sandia Airpark Estates East, with the free consent of and in accordance with the wishes and desires of the undersigned owners and proprietors thereof, and said owners do hereby dedicate the streets and thoroughfares to the use of the public forever. Said owners do hereby dedicate the encumbrances shown on this plat, including the right of ingress and egress and the right to trim interfering trees. This subdivision lies within the planning and platting jurisdiction of the County of Santa Fe, New Mexico.

BY: _____

STATE OF NEW MEXICO)
COUNTY OF SANTIAGO) 33.

On this 20th day of November, 1985, the foregoing instrument was acknowledged By: W. C. WHITE MADEIRA D. WHITE

David M. White
Notary Public

My Commission Expires: 8-1-87

LAND USE AND CODE ADMINISTRATOR'S CERTIFICATE

I, the undersigned County Land Use and Code Administrator for Santa Fe County, New Mexico, hereby certify that I have inspected the plats and plans of the Sandia Airpark Estates East Subdivision and have found them to be in accordance with the requirements of the Santa Fe County General Plan and Land Development Code.

James L. Morrison
Land Use and Code Administrator

COUNTY DEVELOPMENT REVIEW COMMITTEE

Approved this 20 day of Sept, 1985, by the County Development Review Committee, Santa Fe County, New Mexico.

COUNTY COMMISSIONERS' CERTIFICATE

Approved and accepted this _____ day of _____, 19____, by the Board of Commissioners, Santa Fe County, New Mexico.

Bonnie J. Chavez

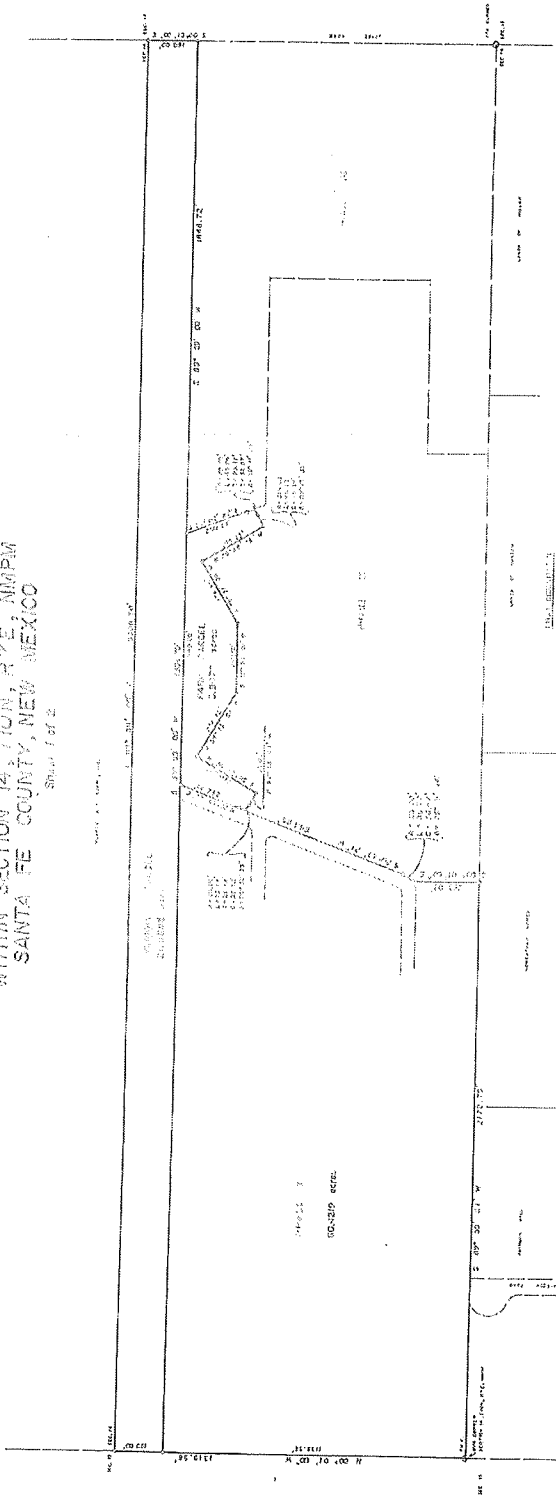


SANDIA AIRPARK ESTATES EAST

WITHIN SECTION 14, T10N, R7E, NMPM
SANTA FE COUNTY, NEW MEXICO

Sheet 1 of 2

161015



THE PROPERTY DESCRIBED HEREIN IS LOCATED IN THE SANDIA AIRPARK ESTATES EAST, WITHIN SECTION 14, T10N, R7E, NMPM, SANTA FE COUNTY, NEW MEXICO. THE PROPERTY IS BOUND BY THE SANDIA AIRPARK ESTATES WEST TO THE WEST, THE SANDIA AIRPARK ESTATES EAST TO THE EAST, AND THE SANDIA AIRPARK ESTATES SOUTH TO THE SOUTH. THE PROPERTY IS BOUND BY THE SANDIA AIRPARK ESTATES NORTH TO THE NORTH. THE PROPERTY IS BOUND BY THE SANDIA AIRPARK ESTATES WEST TO THE WEST, THE SANDIA AIRPARK ESTATES EAST TO THE EAST, AND THE SANDIA AIRPARK ESTATES SOUTH TO THE SOUTH. THE PROPERTY IS BOUND BY THE SANDIA AIRPARK ESTATES NORTH TO THE NORTH.

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DEED CERTIFICATE

I, Franklin C. Wilson, Registrar under the laws of the State of New Mexico, do hereby certify that this deed was prepared by me or under my direction, and is a true and correct copy of the original as the same appears in the public records of the County of Santa Fe, New Mexico, and is a true and correct copy of the original as the same appears in the public records of the County of Santa Fe, New Mexico, and is a true and correct copy of the original as the same appears in the public records of the County of Santa Fe, New Mexico.

WITNESSED my hand and the seal of my office this 1st day of January, 1915, at Santa Fe, New Mexico.

FRANKLIN C. WILSON, REGISTRAR

1. Being county clerk this instrument was filed in my office at 10:00 o'clock on the 1st day of January, 1915, and is duly recorded in Book 10, Page 10.

Witness my hand and the seal of my office this 1st day of January, 1915, at Santa Fe, New Mexico.

JOHN J. O'NEILL, CLERK

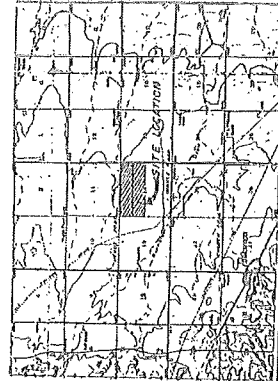
1. Being county clerk this instrument was filed in my office at 10:00 o'clock on the 1st day of January, 1915, and is duly recorded in Book 10, Page 10.

Witness my hand and the seal of my office this 1st day of January, 1915, at Santa Fe, New Mexico.

JOHN J. O'NEILL, CLERK

Blumberg No. 5205

EXHIBIT
B



1. *Prunella vulgaris* L.
 2. *Prunella vulgaris* L.

NAME PAGE
(1 of 2)

PHASE: III

SHAW-WALKER REAL ESTATE EAST

12345678910111213141516171819202122232425262728293031323334353637383940414243444546474849505152535455565758596061626364656667686970717273747576777879808182838485868788899091929394959697989910010110210310410510610710810911011111211311411511611711811912012112212312412512612712812913013113213313413513613713813914014114214314414514614714814915015115215315415515615715815916016116216316416516616716816917017117217317417517617717817918018118218318418518618718818919019119219319419519619719819920020120220320420520620720820921021121221321421521621721821922022122222322422522622722822923023123223323423523623723823924024124224324424524624724824925025125225325425525625725825926026126226326426526626726826927027127227327427527627727827928028128228328428528628728828929029129229329429529629729829930030130230330430530630730830931031131231331431531631731831932032132232332432532632732832933033133233333433533633733833934034134234334434534634734834935035135235335435535635735835936036136236336436536636736836937037137237337437537637737837938038138238338438538638738838939039139239339439539639739839940040140240340440540640740840941041141241341441541641741841942042142242342442542642742842943043143243343443543643743843944044144244344444544644744844945045145245345445545645745845946046146246346446546646746846947047147247347447547647747847948048148248348448548648748848949049149249349449549649749849950050150250350450550650750850951051151251351451551651751851952052152252352452552652752852953053153253353453553653753853954054154254354454554654754854955055155255355455555655755855956056156256356456556656756856957057157257357457557657757857958058158258358458558658758858959059159259359459559659759859960060160260360460560660760860961061161261361461561661761861962062162262362462562662762862963063163263363463563663763863964064164264364464564664764864965065165265365465565665765865966066166266366466566666766866967067167267367467567667767867968068168268368468568668768868969069169269369469569669769869970070170270370470570670770870971071171271371471571671771871972072172272372472572672772872973073173273373473573673773873974074174274374474574674774874975075175275375475575675775875976076176276376476576676776876977077177277377477577677777877978078178278378478578678778878979079179279379479579679779879980080180280380480580680780880981081181281381481581681781881982082182282382482582682782882983083183283383483583683783883984084184284384484584684784884985085185285385485585685785885986086186286386486586686786886987087187287387487587687787887988088188288388488588688788888989089189289389489589689789889990090190290390490590690790890991091191291391491591691791891992092192292392492592692792892993093193293393493593693793893994094194294394494594694794894995095195295395495595695795895996096196296396496596696796896997097197297397497597697797897998098198298398498598698798898999099199299399499599699799899910001001100210031004100510061007100810091010101110121013101410151016101710181019102010211022102310241025102610271028102910301031103210331034103510361037103810391040104110421043104410451046104710481049105010511052105310541055105610571058105910601061106210631064106510661067106810691070107110721073107410751076107710781079108010811082108310841085108610871088108910901091109210931094109510961097109810991100110111021103110411051106110711081109111011111112111311141115111611171118111911201121112211231124112511261127112811291130113111321133113411351136113711381139114011411142114311441145114611471148114911501151115211531154115511561157115811591160116111621163116411651166116711681169117011711172117311741175117611771178117911801181118211831184118511861187118811891190119111921193119411951196119711981199120012011202120312041205120612071208120912101211121212131214121512161217121812191220122112221223122412251226122712281229123012311232123312341235123612371238123912401241124212431244124512461247124812491250125112521253125412551256125712581259126012611262126312641265126612671268126912701271127212731274127512761277127812791280128112821283128412851286128712881289129012911292129312941295129612971298129913001

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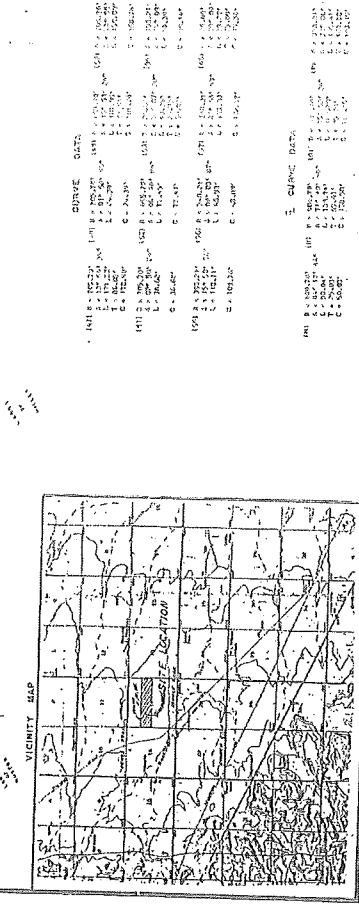
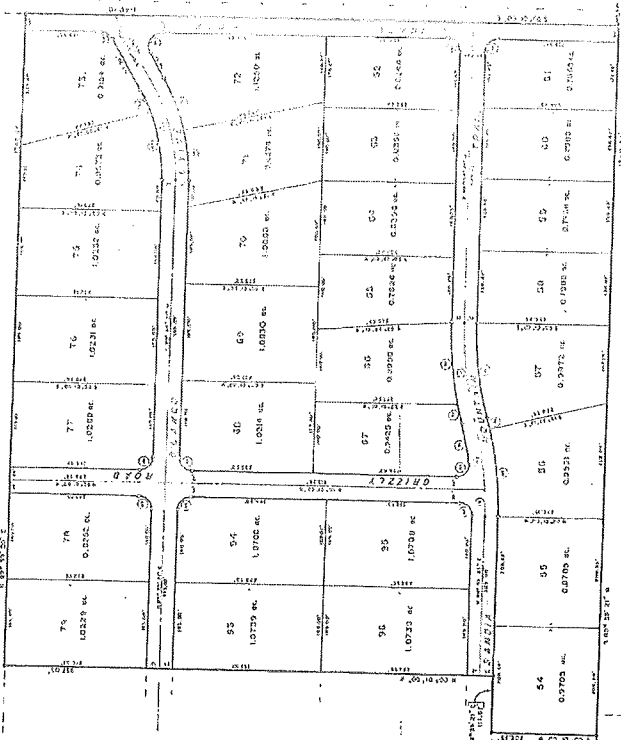
10

SANDIA AIRPARK ESTATES EAST

171011

PHASE III

WITHIN SECTION 14, T.10N., R.7E., N.M.P.M.,
SANTA FE COUNTY, NEW MEXICO



LEGAL DESCRIPTION
A certain tract of land situated in Section 14, Township 10 North, Range 7 East, N.M.P.M., Santa Fe County, New Mexico, and being more particularly described as follows:

Beginning at the Northwest corner of said tract, corner of the Sandia Airpark Estates East, and running North 89° 15' 00" East 100.00 feet to a point on the line of the Sandia Airpark Estates East, thence South 89° 15' 00" East 100.00 feet to a point on the line of the Sandia Airpark Estates East, thence South 89° 15' 00" East 100.00 feet to a point on the line of the Sandia Airpark Estates East, thence South 89° 15' 00" East 100.00 feet to the point of beginning.

The surveyor certifies that this is a true and correct copy of the original survey as shown to him by the owner of the land, and that the same is in accordance with the original survey as shown to him by the owner of the land.

STATE OF NEW MEXICO
COUNTY OF SANTA FE
I, the undersigned, being duly sworn, depose and say that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the land, and that the same is in accordance with the original survey as shown to me by the owner of the land.

CLYDE AND BROWNE'S CERTIFICATE
STATE OF NEW MEXICO
COUNTY OF SANTA FE
I, the undersigned, being duly sworn, depose and say that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the land, and that the same is in accordance with the original survey as shown to me by the owner of the land.

STATE OF NEW MEXICO
COUNTY OF SANTA FE
I, the undersigned, being duly sworn, depose and say that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the land, and that the same is in accordance with the original survey as shown to me by the owner of the land.

STATE OF NEW MEXICO
COUNTY OF SANTA FE
I, the undersigned, being duly sworn, depose and say that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the land, and that the same is in accordance with the original survey as shown to me by the owner of the land.

STATE OF NEW MEXICO
COUNTY OF SANTA FE
I, the undersigned, being duly sworn, depose and say that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the land, and that the same is in accordance with the original survey as shown to me by the owner of the land.

STATE OF NEW MEXICO
COUNTY OF SANTA FE
I, the undersigned, being duly sworn, depose and say that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the land, and that the same is in accordance with the original survey as shown to me by the owner of the land.

1705549

**TOWN OF EDGEWOOD
ORDINANCE NO. 1999-V**

AN ORDINANCE GRANTING THE PETITION BY OWNERS OF A MAJORITY OF 160.0 ACRES OF TERRITORY CONTIGUOUS TO THE EAST AND NORTH BOUNDARIES OF THE TOWN OF EDGEWOOD, NEW MEXICO TO ANNEX THE TERRITORY.

WHEREAS; THE TOWN OF EDGEWOOD owners of a majority of 160.0 acres of territory contiguous to the current East and North boundaries of the Town of Edgewood petition the Town to annex the territory; and

WHEREAS, the annexation petition delivered to the Town Clerk complies with the requirements of NMSA 1978, S3-7-17 (Repl. Pamp 1987) and was, prior to signature by petitioners, duly approved by the Town Clerk, pursuant to NMSA 1978, S3-1-5 (Repl. Pamp. 1987) and

WHEREAS, in particular, the annexation petition is accompanied by two maps labeled Exhibits "A" and "B" showing respectively the external boundary of the territory proposed to be annexed and the relationship of such territory to the existing Town boundary; and

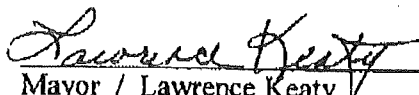
WHEREAS, the Governing Body of the Town of Edgewood has determined that the Town is capable of providing municipal services to the territory proposed to be annexed within a reasonable time and that the annexation is in the best interests of the Town as a whole.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF EDGEWOOD THAT:

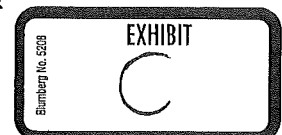
The territory described and defined in the maps attached hereto as Exhibits "A" and "B" is hereby annexed to the Town of Edgewood and is hereby made subject to all of the laws and ordinances which shall now or hereafter apply to land within the Town limits. Further, the Council hereby directs the Town Clerk to file a copy of the maps of the annexed territory in the office of the Clerk of Santa Fe County and of any other County in the event the annexed territory extends into another County and to send copies of the ordinance and of the maps of the territory so annexed to the Secretary of Finance and Administration and to the Secretary of Taxation and Revenue.

APPROVED, PASSED AND ADOPTED this 3RD day of November, 1999 at an open meeting held at the Edgewood Community Center, Town of Edgewood, New Mexico.

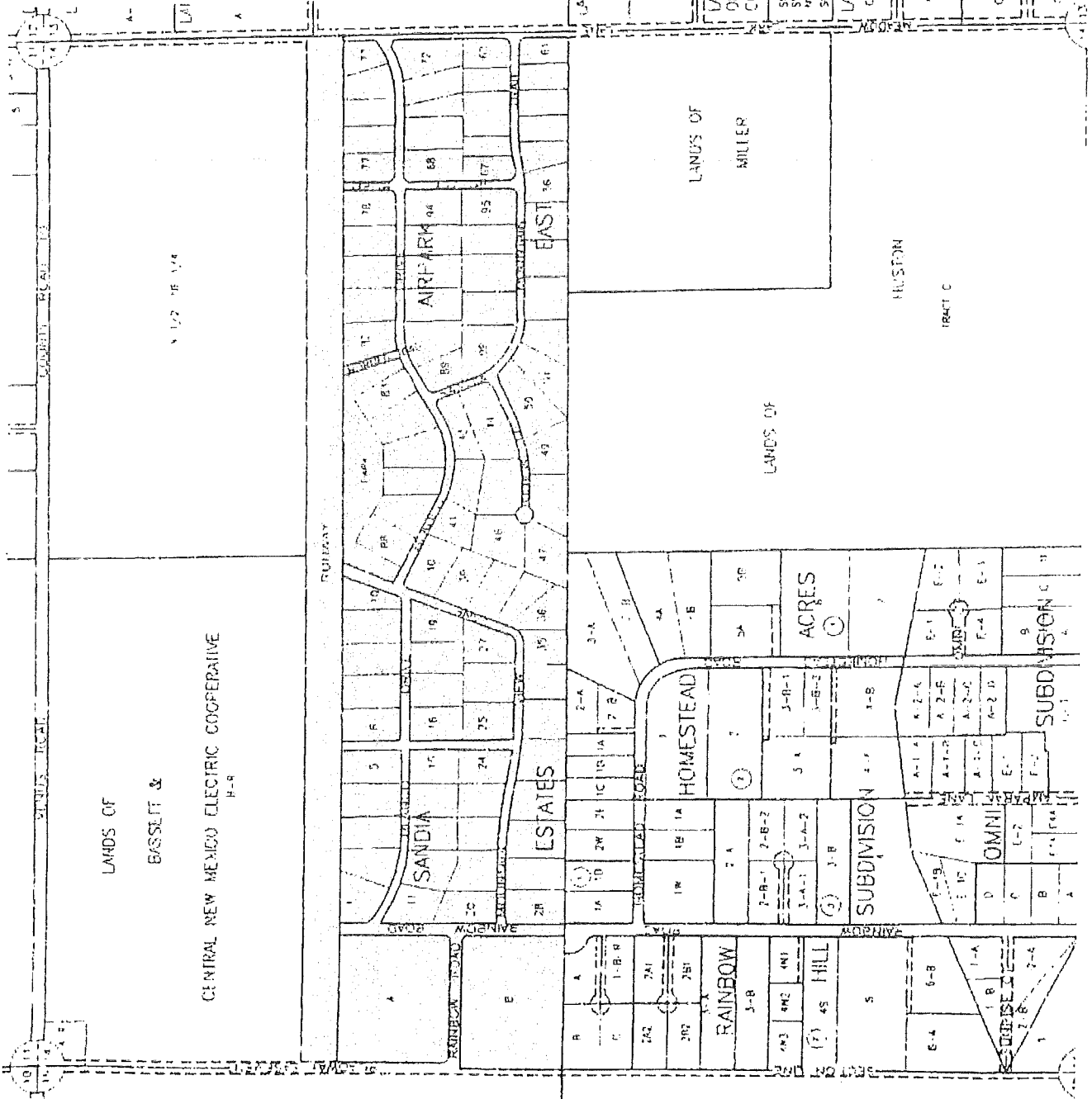
ATTEST:


Mayor / Lawrence Keaty


Clerk-Treasurer / Karen Alayd



1705550



COPYRIGHT
ALL RIGHTS RESERVED

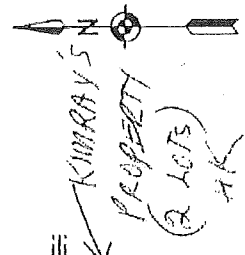
ASSOCIATED
DEVELOPMENT INC.

LEGAL DESCRIPTION	T 10 N R 7 E SEC 14
UNIFORM PROPERTY CODE	1042058
MAP AMENDED THROUGH	JULY 1, 1997
	J 41

10-12-11
 MAJOR ARMY VENTURE
 HARVEY & HERTA KIMRAY OWNERS OF LOTS 73 & 74 AT THE AIRPARK, DO NOT WANT TO BE
 ANNEXED TO EULESS. PLEASE LINE OUT THEIR PROPERTY ON YOUR MASTER MAP. THANKS.

Don't Help
 ANNEALON CARWASSER
 COPYRIGHT
 ALL RIGHTS RESERVED

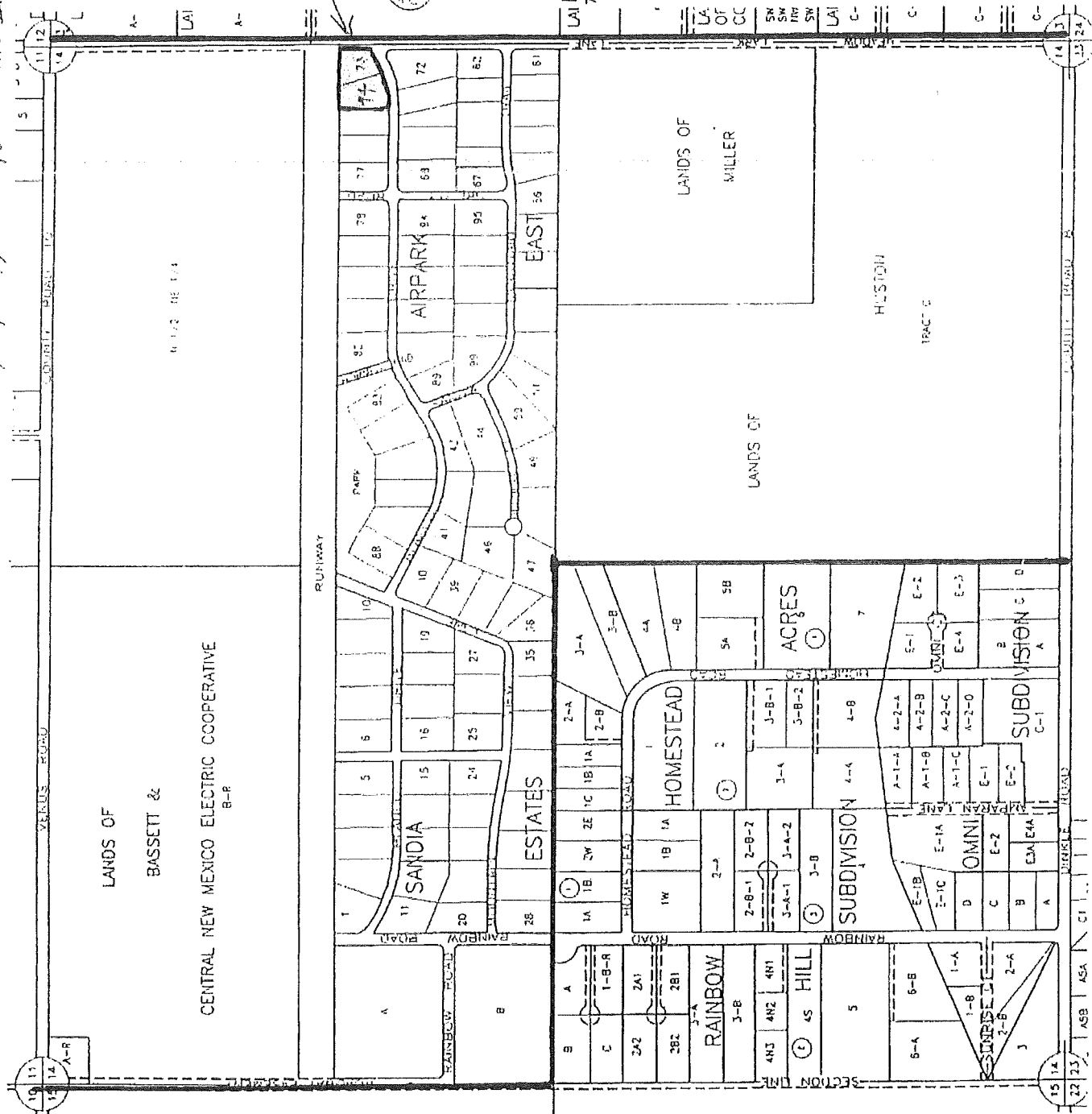
ASSOCIATED
 DEVELOPMENT INC.



SCALE: 1" = 750'



LEGAL DESCRIPTION T 10 N R 7 E SEC 14	UNIFORM PROPERTY CODE 1042058	MAP AMENDED THROUGH JULY 1, 1987	J 41
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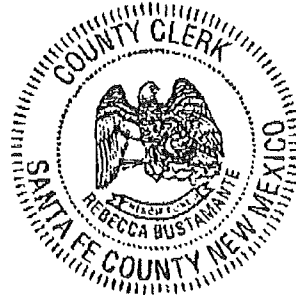
1705551

COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO 1896) 161
I hereby certify that this instrument was filed
for record on the 4 day of Aug A.D.
19 99, at 3:41 o'clock P m
and was duly recorded in book 1765,
page 549-551 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.

Theresa Clayton

Deputy



October 18, 1999

TO: Karen Alarid
Town Clerk

FROM: Frank Hetznecker, Edgewood Annexation Canvasser for the
Sandia Airport and the Sandia Airpark Estates

SUBJECT: Annexation Petition Percentage Yield

The total airport/airpark area concerned is 160 acres. The number of acre/signatures obtained is 116 so the yield is $116/160 = 72.5\%$. The 25 signature sheets are attached.

One person who has two lots (74 & 75) objected to annexation and wanted to be excluded. Reference the attached map (addressed to Mayor Keaty) which shows where the lined out area is for lots 74 & 75.

I do not see that 74 & 75 would cause a problem with contiguity.

All roads within the 160 acres are privately owned roads.

Sincerely,



Frank Hetznecker
P. O. Box 948
Edgewood, N. M. 87015
Phone: 281-8483

Attachment: 25 Signature Sheets
1 marked map

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

JEFF BERG,
MARK CAMPBELL AND TERESA BENTON,
SCOTT AND KAREN COOPER,
JON DAFFER,
MIKE AND KAREN DAVISSON,
BRAD AND JANICE GABREL,
JEFF JOHNSTON,
ROBERT KEIGHLEY,
JOHN AND LIZ LORENZ,
CHRIS AND SARAH WILSON, and
JERRY AND ELLEN WYMER,

Plaintiffs,

v.

No. D-101-CV-2024-01191

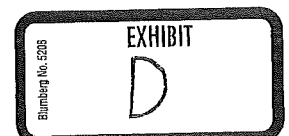
TOWN OF EDGEWOOD, A NEW MEXICO MUNICIPAL CORPORATION,
KEN WHITE, and
SANDIA AIR PARK ESTATES PROPERTY OWNERS' ASSOCIATION, A NEW MEXICO
NONPROFIT CORPORATION,

Defendant.

AFFIDAVIT OF CUSTODIAN OF THE RECORDS OF THE TOWN OF EDGEWOOD NEW
MEXICO

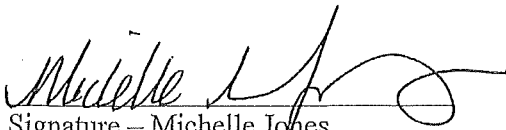
I, Michelle Jones, being first duly sworn on my oath depose and state based on my personal knowledge that:

1. I am Town of Edgewood Clerk/Treasurer, records custodian and work at Town Hall 171A NM 344 Edgewood, New Mexico 87015.
2. Among other official duties, I as the custodian of Town records and in the ordinary course of my work I routinely research, retrieve records on file in my office.
3. My research is in response to inquiries from both the general public and Town officials/employees.
4. In response to a records request by the Town Attorney, I did locate in the Town public records, a true, correct and complete copy of the attached TOWN OF EDGEWOOD ORDINANCE NO. 1999-V reflecting annexing into the Town the area known as SANDIA AIRPARK ESTATES EAST.



FURTHER, AFFIANT SAYETH NAUGHT

Michelle Jones
Records Custodian
Town of Edgewood


Signature – Michelle Jones

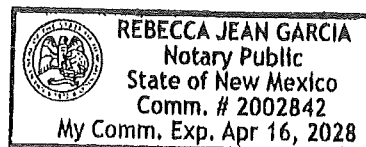
STATE OF NEW MEXICO)
) ss.
COUNTY OF Santa Fe)

The foregoing [Declaration/ Certificate/ Agreement/ Etc.] was subscribed, sworn to and
acknowledged before me this 28 day of Aug, 24 by
Michelle Jones


Notary Public

My Commission Expires:

April 16, 2028



**Edgewood Town Council
Regular Meeting
November 3, 1999**

TIME, PLACE & ATTENDANCE The Governing Body of the Town of Edgewood met in regular session at the Edgewood Community Center on November 3, 1999 with the following members present: Larry Keaty, Mayor; Councilors Howard Calkins, Gary Chemistruck, Chuck Ring and Bob Stearley.

CALL TO ORDER Mayor Keaty called the meeting to order at 6:30 p.m.

APPROVE MINUTES Councilor Bob Stearley moved to approve the minutes of October 6, 1999 as presented. Councilor Gary Chemistruck seconded the motion. All voted aye. Motion carried.

JUDGE'S REPORT Judge Carole Apple submitted the following municipal court report for the month of October, 1999.

Cases heard	0
Fines collected	0
Fees collected	0

Gary Chemistruck moved to accept the municipal court report as presented. Chuck Ring seconded the motion. All voted aye. Motion carried.

**PUBLIC
HEARINGS
168.70 ACRES**

Mayor Keaty advised those present that the next three items on the agenda are requests for annexation and require a public hearing. The first item is a request for 5 pieces of property that total 168.7 acres. This request includes Wild Life West Park. Residents were given an opportunity to comment. No comments were received. Gary Chemistruck moved to adopt ordinance # 1999-U as presented. Howard Calkins seconded the motion. All voted aye. Motion carried.

160. ACRES

Mayor Keaty advised the public that the second request for annexation is from residents of the Sandia Estates Airportpark East. This request is for 160 acres. One landowner stated they are not interested in being included in the annexation. After some discussion it was agreed in order for the Town to be able to have uniform planning it would be best to include the entire airportpark. The Council discussed that some additional annexation clean up needed to be done at a later time. Mayor Keaty asked for comments from the public. No comments were received. Howard Calkins moved to adopt ordinance # 1999-V as presented. Bob Stearley seconded the motion. All voted aye. Motion carried.

268. ACRES

Mayor Keaty advised the public that the third ordinance that will be considered for annexation for 268 acres. This property is located on the south east side of Old 66. This is the area that

Frank Lasky lives in. It was reported that there were 2-3 residents that did not want to be annexed and some landowners were unable to be contacted because they live out of state, however there is an appropriate amount of signatures. Gary Chemistruck moved to adopted Ordinance # 1999-W as presented. Bob Stearley seconded the motion. All voted aye. Motion carried.

**EDGEWOOD
CITIZENS
GROUP**

Linda Sparling with the Edgewood Citizens Group provided copies of petitions that were presented to the Public Regulation Commission from customers of the Edgewood Water Inc. expressing their opposition to the sale of Edgewood Water, Cooperative.

**EDGEWOOD
COOP.**

Tim Oden with the Edgewood Water Coop has only been able to verify 20% of the signatures on the petitions presented to the council by the Edgewood Citizens Group. The Public Regulations Commission will be holding a hearing on December 2, 3 & 6, a decision is expected 60-90 days after the hearing.

WATER

Councilor Stearley asked that an item be added to the December agenda for the council to consider purchasing the water system. After much discussion Chuck Ring moved for the Town of Edgewood to officially take a neutral position on water issues until after the Public Regulation Commission makes a decision. Howard Calkins seconded the motion. Bob Stearley stated that he felt the town should take a stand on the water issue. Gary Chemistruck stated that the council had made a motion at the last meeting to seeking funding from the NM Finance Authority for a sewer system and maybe water should be included. Howard Calkins and Chuck Ring voted aye. Gary Chemistruck and Bob Stearley voted nay. Mayor Keaty voted aye. Motion carried. Jerry Powers from the audience asked if Howard Calkins had a conflict of interest by voting. Howard Calkins advised that he did not. Jerry Gonzales suggested that the council consider adopting a franchise ordinance that all water systems within the town of Edgewood would have to comply with. In the ordinance the town may be able to require water companies to get prior approval from the town with respect to reference cost increases.

**ELECTION
RESOLUTION**

Gary Chemistruck moved to adopt Resolution #1999-11 reference calling for a special municipal election on December 14, 1999. Howard Calkins seconded the motion. All voted aye. Motion carried.

ROADS

Mike Hoy reported that there are 30 miles of roads within the town limits. 18 miles are school bus routes or main arteries. Mike advised that should we have a snow storm the town would contract with several contractors to clear roads. The school bus routes would be cleared first. He reported that the town should acquire some road equipment to be able to secondary roads. The Town

will not work on county roads. Mayor Keaty said it would take at least one year to get things in order. Mayor Keaty stated that Monday, November 15, 1999 a worksession is scheduled at 10:00 a.m. and road issues will be on the agenda.

**ATTORNEY
CONTRACT**

The town council agreed to table action on the attorney's contract until we hear from the attorney.

ARCHITECT

The Council agreed to place the rating & ranking of the architect proposals on the 11-15-99 agenda.

**CHANGE OF
ZONING**

Karen Alarid provided the council with a request submitted by Mr. James Ullrich for a change of zoning. Karen advised the council that a public hearing will be conducted on this matter during the December 1 regular meeting.

**SPECIAL
SESSION**

The Town Council agreed to schedule a special session on November 22, 1999.

LIBRARY

Mayor Keaty said he would be talking with Mr. John Suda reference library issues.

SIGNS

The Council agreed that signs and billboards will be on the November 15 agenda.

PAYMENT

Howard Calkins moved to pay bills as presented. Gary Chemistruck seconded the motion. All voted aye. Motion carried.

ADJOURN

There being no further business the meeting was adjourned at 9:30 p.m.

PASSED

Passed, approved and adopted this 19th day of January 2000.


Mayor / Larry Keaty

ATTEST:


Clerk / Karen Alarid

Opinion No. 45-4644

January 24, 1945

BY: C. C. McCULLOH, Attorney General

TO: Mr. L. D. Wilson Right of Way Engineer State Highway Department Santa Fe, New Mexico

Re: NRH 178-B, Unit 2, Right of Way

OPINION

{*9} Replying to your recent letter requesting an opinion relating to circumstances arising out of the relocation of approximately six hundred feet of the above highway "several years ago." You state that by reason {*10} of the relocation of the highway a portion of the old highway was used to relocate a Conservancy District canal on the old highway at the time of abandonment as a highway, and that the abutting owners of the portion of highway abandoned removed the fences and occupied the portion of abandoned highway not occupied by the new location of the canal. This arrangement appears to have been satisfactory to all parties concerned for "several years."

Inasmuch as your questions are interspersed among facts in your letter, I briefly restate them as follows: 1. After the relocation of the highway in whom vested the title in fee to the portion of highway abandoned? 2. May the abutting property owners of the portion of highway abandoned compel the canal owners to provide for and give the right of access to the new highway over a portion of the canal located on the abandoned portion of the old highway?

Inasmuch as you are particularly conversant with the statutes involved, I will refer to the statutes by section number without copying the whole thereof, the sections being 58-101, 58-104 and 58-105, New Mexico Statutes Annotated, 1941 Compilation.

Section 58-105 provides, pertaining to question No. 1, that the fee of the abandoned portion of the highway vested in the state so long as "such right of way is so used for highway purposes." I have searched the laws of New Mexico, Supreme Court Reports, Opinions of the Attorney General, and it appears that this question has not been adjudicated or officially commented on in New Mexico. It is my opinion that when the portion of the highway was abandoned, the title thereto reverted to the abutting owners in fee without limitation. 13 Ruling Case Law, "Highways", Section 106, page 116, states the general rule as follows:

"The right acquired by the public in respect of land devoted to highway purpose is ordinarily a mere easement of passage over it, with the powers and privileges incident thereto, the fee title remaining as it was before the highway was established."



See also cases segregated in 70 A. L. R. at page 564, 18 A. L. R. at page 1008, and 42 A. L. R. at page 236.

Opinion on question No. 2. It is my opinion that the State Highway Department is under no liability to the abutting owners, and that any controversy between the abutting owners and the Conservancy District is outside the jurisdiction of the Highway Department and for that reason we give no opinion as to that question.

By THOS. C. McCARTY,

Asst. Atty. General