Daniel "Danny" Mayfield Commissioner, District 1

Virginia Vigil Commissioner, District 2

Robert A. Anava

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner. District 5

Katherine Miller County Manager

DATE:

July 10, 2012

TO:

Board of County Commissioners

FROM:

Wayne Dalton, Building and Development Services Supervisor

VIA:

Vicki Lucero, Building and Development Services Manager V

Penny Ellis-Green, Interim Land Use Administrator

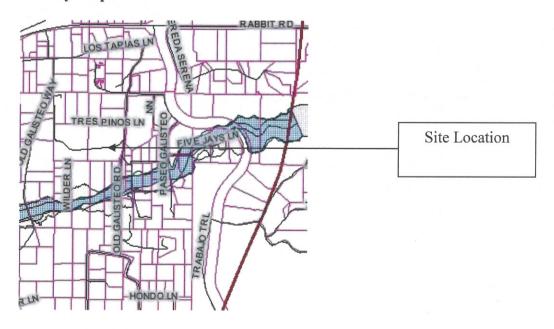
FILE REF.: BCC CASE # MIS 12-5240 Carlos & Susie Vigil Easement Vacation

ISSUE:

Carlos Vigil and Susie Coronado Vigil, Applicants request approval to vacate a platted twenty foot (20') private access and public utility easement on 10.99 acres.

The property is located at 6 Calle Tres Pinos, within Section 15, Township 16 North, Range 9 East, (Commission District 4).

Vicinity Map:



SUMMARY:

The Applicants request approval to vacate a platted twenty foot (20') private access and public utility easement (Currently Calle Tres Pinos) on a 10.99 acre residential property. Calle Tres Pinos is a dirt road and ranges from fifteen (15') to eighteen (18') feet in width and currently serves four lots. The Applicants propose to relocate the access and public utility easement to the north of their property boundary (Currently Tres Pinos Lane). Tres Pinos Lane is a dirt road fourteen (14') feet in width and currently serves three lots and is located within a thirty-eight (38') foot private access and public utility easement. An extension to Tres Pinos Lane will be constructed on the western side of the Applicants property boundary which will provide access to the adjacent properties.

The Applicants state they are requesting abandonment of the easement for the following reasons:

- High-Volume Traffic, there is an excessive amount of traffic that uses this road daily, tenants and visitors need access to adjacent properties in the area.
- Speeding, after numerous ignored requests, demands and posted signage, users and visitors continually speed down the road. The speeding is putting tenants and children who walk, play and ride bicycles at risk.
- Vehicles driving at all hours of the night playing loud music and are very disruptive.

The Applicants have received a notarized agreement with the adjacent property owner agreeing to access his property by constructing an addition to Tres Pinos Lane and to allow the Applicant's to cease usage of Calle Tres Pinos to access his property. All other property owners within one hundred (100') feet of the Applicants property boundary have been notified via certified mail (Exhibit 3).

Article V, § 5.7.1 (Cause) states any Final Plat filed in the office of the County Clerk may be vacated or a portion of the Final Plat if:

- a) The owners of the land proposed to be vacated sign an acknowledgment statement, declaring the Final Plat or a portion of the Final Plat to be vacated, and the statement is approved by the Board; or
- b) The Board finds that a plat was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared by the County.

Article V, § 5.7.2 (Action) states action shall be taken at a public meeting. In approving the vacation of all or a part of a Final Plat, the Board shall decide whether the vacation will adversely affect the interests of persons on contiguous land or of persons within the subdivision being vacated. In approving the vacation of all or a portion of a Final Plat, the Board may require that roads dedicated to the County in the Final Plat continue to be dedicated to the County.

Article V, § 5.7.3 (Filing) states the approved statement declaring the vacation of a portion or all of a Final Plat shall be filed in the office of the County Clerk.

Article V, § 5.7.4 (Utilities) the rights of any utility existing before the total or partial vacation of any Final Plat are not affected by the vacation of a Final Plat.

This Application was submitted on May 23, 2012.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for this type of request.

APPROVAL SOUGHT:

Approval to vacate a platted twenty foot (20') private access and public utility easement on a 10.99 acre residential property.

GROWTH MANAGEMENT AREA: El Centro, SDA-1

HYDROLOGIC ZONE:

Basin Hydrologic Zone, minimum lot size per Code is 2.5

acres per dwelling unit.

FIRE PROTECTION:

Hondo Fire District.

WATER SUPPLY:

Domestic Well

LIQUID WASTE:

Conventional Septic System

VARIANCES:

None

AGENCY REVIEW:

Agency County Fire

Recommendation Approval

STAFF RECOMMENDATION:

Approval to vacate a platted twenty foot (20') private access and public utility easement on 10.99 acres.

If the decision of the BCC is to approve the Applicants request, staff recommends imposition of the following conditions:

- 1. The Applicant shall file the portion of the Final Plat affected by the vacated private access and public utility easement with the County Clerk's Office (As per Article § 5.7.3).
- 2. The Applicant shall provide a 38' foot access and utility easement on the western property boundary (As per Article III, § 2.4.2b3a).

EXHIBITS:

- 1. Letter of request
- 2. Article V, § 5.7 (Vacations of Plats)
- 3. Driveway Agreement
- 4. Review Agency Comments
- 5. Site Photographs
- 6. Site Plan/Survey Plat
- 7. Aerial of Site and Surrounding Area

Carlos and Susie Vigil 6 Calle Tres Pinos Santa Fe, NM 87508 (505) 660-8995 or 660-9928

Santa Fe County 102 Grant Ave. Santa Fe, NM 87501

Re:

NOTICE OF INTENT-

To re-route the road Calle Tres Pinos, Santa Fe, NM 87508

To Whom It May Concern:

This letter is our notice of intent to re-route the road Calle Tres Pinos in Santa Fe County, New Mexico due to the following reasons:

- 1.) High-Volume Traffic- There is an excessive amount of traffic that uses this road daily, tenants and visitors need access to the other end of the property.
- 2.) Speeding After numerous ignored requests, demands and posted signage, users & visitors continually speed down the road. The speeding is putting our tenants and their children who walk, play, and ride bikes on the road at risk.
- 3) Vehicles driving at all hours of the night playing loud music and are very disruptive.

Thank you

Sincerely,

Carlos & Susie Vigil



5.7 Vacation of Plats

- 5.7.1 <u>Cause</u>. Any final plat filed in the office of the County Clerk may be vacated or a portion of the final plat may be vacated if:
 - a. the owners of the land proposed to be vacated sign an acknowledged statement, declaring the final plat or a portion of the final plat to be vacated, and the statement is approved by the Board; or
 - the Board finds that a plat was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared by the County.
- 5.7.2 Action. Action shall be taken at a public meeting. In approving the vacation of all or a part of a final plat, the Board shall decide whether the vacation will adversely affect the interests of persons on contiguous land or of persons within the subdivision being vacated. In approving the vacation of all or a portion of a final plat, the Board may require that roads dedicated to the County in the final plat continue to be dedicated to the County.
- 5.7.3 Filing. The approved statement declaring the vacation of a portion or all of a final plat shall be filed in the office of the County Clerk
- 5.7.4. <u>Utilities.</u> The rights of any utility existing before the total or partial vacation of any final plat are not affected by the vacation of a final plat.

5.8 Requirements Prior to Sale, Lease or Other Conveyance

It is unlawful to sell, lease, or otherwise convey land within a subdivision before the following conditions have been met:

- a. <u>Final plat approval</u>. The final plat shall be approved by the Board and shall be filed with the County Clerk. If a subdivision lies within more than one county, the final plat shall be approved by the Board of each county in which the subdivision is located and shall be filed with the County Clerk of each county in which the subdivision is located.
- b. Relevant documents. The subdivider shall furnish the Board a sample copy of sales contracts, leases and any other documents that will be used to convey an interest in the subdivided land.
- c. <u>Permanent markers.</u> All corners of all parcels and blocks within a subdivision shall be permanently marked with metal stakes in the ground and a reference stake placed beside one corner of each parcel.

5.9 Succeeding Subdivisions

Any proposed subdivision may be combined and upgraded for classification purposes by the Board with a previous subdivision if the proposed subdivision includes:

- a. Part of a previous subdivision that has been created in the preceding seven (7) year period; or
- b. Any land retained by a subdivider after creating a previous subdivision when the previous subdivision was created in the preceding seven (7) year period.

History. Section 5 was updated and revised by Ordinance 1996-8 for the purpose of clarification and to bring this Section into compliance with the NMSA.



Driveway Agreement

Chris Vigil hereby agrees to access his property by constructing an addition to Tres Pinos Lane. Chris Vigil agrees to allow Carlos Vigil and Susie Vigil to cease the allowance of usage for renters of Calle Tres Pinos to access his property.

	Tract Calle Pres Pinos
	Chris Wigil Date: 7 TANS, 2012.
	STATE OF NEW MEXICO COUNTY OF SANTA FE The foregoing document was acknowledged before me on JUN. 2012 by Chris Vigil. OFFICIAL SEAL JESSICA H OTERO Notary Public State of New Mexico My Comm. Expires 3 2 1 Notary Public
	Tract Calle Tres Pinos Carlos Vigil Date: Calle Tres Pinos Susie Vigil Date:
	STATE OF NEW MEXICO COUNTY OF SANTA FE The foregoing document was acknowledged before me on <u>7 Jan 2012</u> by Carlos Vigil and Susie Vigil.
	My Commission Expires: 3/2/10 Notary Public
100	OFFICIAL SEAL JESSICA H OTERO

Notary Public

EXHIBIT Single S

Daniel "Danny Mayfield Commissioner, District 1

Virginia Vigil

Commissioner, District 2

Robert A. Anaya

Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics

Commissioner, District 5

Katherine Miller County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Submittal Review							
	6/14/2012	_					
Project Name	Carlos & Susie Vi	gil	de a	* * * * * * * * * * * * * * * * * * * *			
Project Location	13 Tres Pinos Ln						
Description	Vacation of Easer	nent		Case Manager	Wayne Dalton		
Applicant Name	Carlos & Susie Vigil			County Case #	12-5240		
Applicant Address	6 Calle Tres Pinos			Fire District	Hondo		
	Santa Fe, NM 875	608		-			
Applicant Phone	505-660-9928			_			
Review Type	Master Plan	Preliminary	Final 🛛	Inspection	Lot Split 🗌		
Commercial 🗌	Residential 🗵 Sprinklers 🗌 Wildland 🗌 Hydrant Accep		ceptance				
Project Status Approved 🗵 Approved with Conditions 🗌 Denial 🗌							
The Fire Prevention Divison/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated.							
Fire Department Access							

Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

Fire Access Lanes

Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.



Roadways/Driveways

Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Roads shall meet the minimum County standards for fire apparatus access roads of a minimum 14' wide all-weather driving surface.

Street Signs/Rural Address

Section 901.4.4 Premises Identification (1997 UFC) Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

Section 901.4.5 Street or Road Signs. (1997 UFC) When required by the Chief, streets and roads shall be identified with approved signs.

Slope/Road Grade

Section 902.2.2.6 Grade (1997 UFC) The gradient for a fire apparatus access road shall not exceed the maximum approved.

Slope shall not exceed 11%.

Restricted Access/Gates/Security Systems

Section 902.4 Key Boxes. (1997 UFC) When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.

General Requirements/Comments

Inspections/Acceptance Tests

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

Permits

As required

Final Status

Recommendation for Final Development Plan approval with the above conditions applied.

Buster Patty



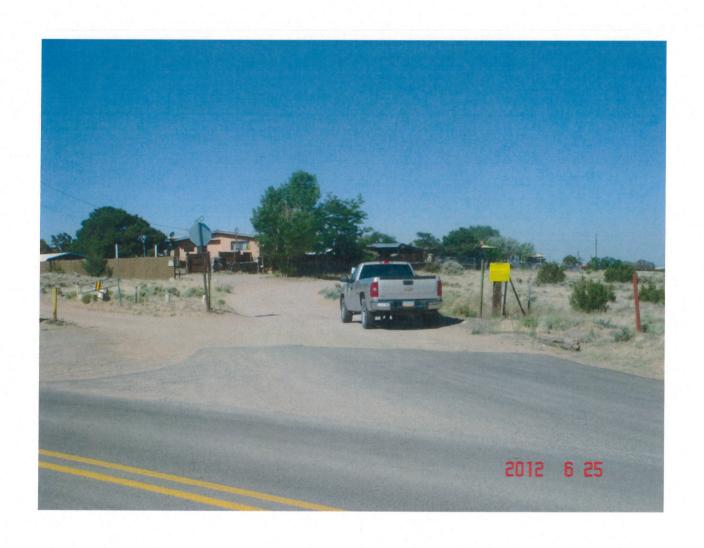
6-14-12 Date

Through: David Sperling, Fire Marshal/Deputy Chief File: DevRev/Hondo/Carlos & Susie Vigil/6.14.12

Cy: Land Use Office

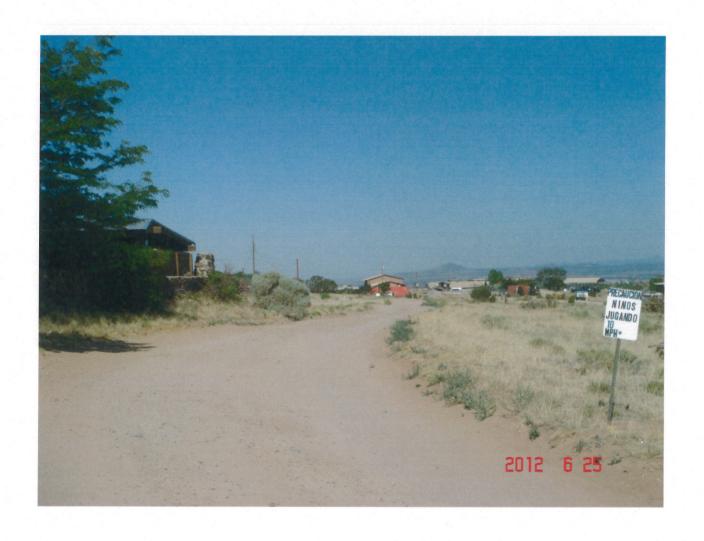
Applicant File

Calle Tres Pinos 6-25-2012





Calle Tres Pinos 6-25-2012



Calle Tres Pinos 6-25-2012



Tres Pinos Ln. 6-25-2012



