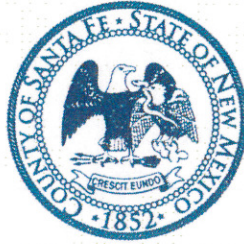


Daniel "Danny" Mayfield
Commissioner, District 1

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

DATE: September 11, 2012

TO: Board of County Commissioners

FROM: Vicente Archuleta, Development Review Team Leader *VA*

VIA: Penny Ellis-Green, Interim Land Use Administrator *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: Abandonment of Unused and Unusable Easement Abutting La Bajada Ranch

ISSUE:

A 40 foot wide Road and Utility Easement from County Road 50 (Paseo Cde Baca) providing access to Tract B, Tract C, Tract D and through Tract E was created and shown on Plat of Survey for John A Dixon, Thomas L. Dixon and Margaret Lesniak, prepared by Cipriano Martinez and recorded on March 12, 1980 in Book 77, Page 16 in the Office of the County Clerk (Exhibit 1). The Surveyor mistakenly failed to end the easement at Tract E and platted the easement along the west boundary through to the end of Tract E to La Bajada Ranch property.

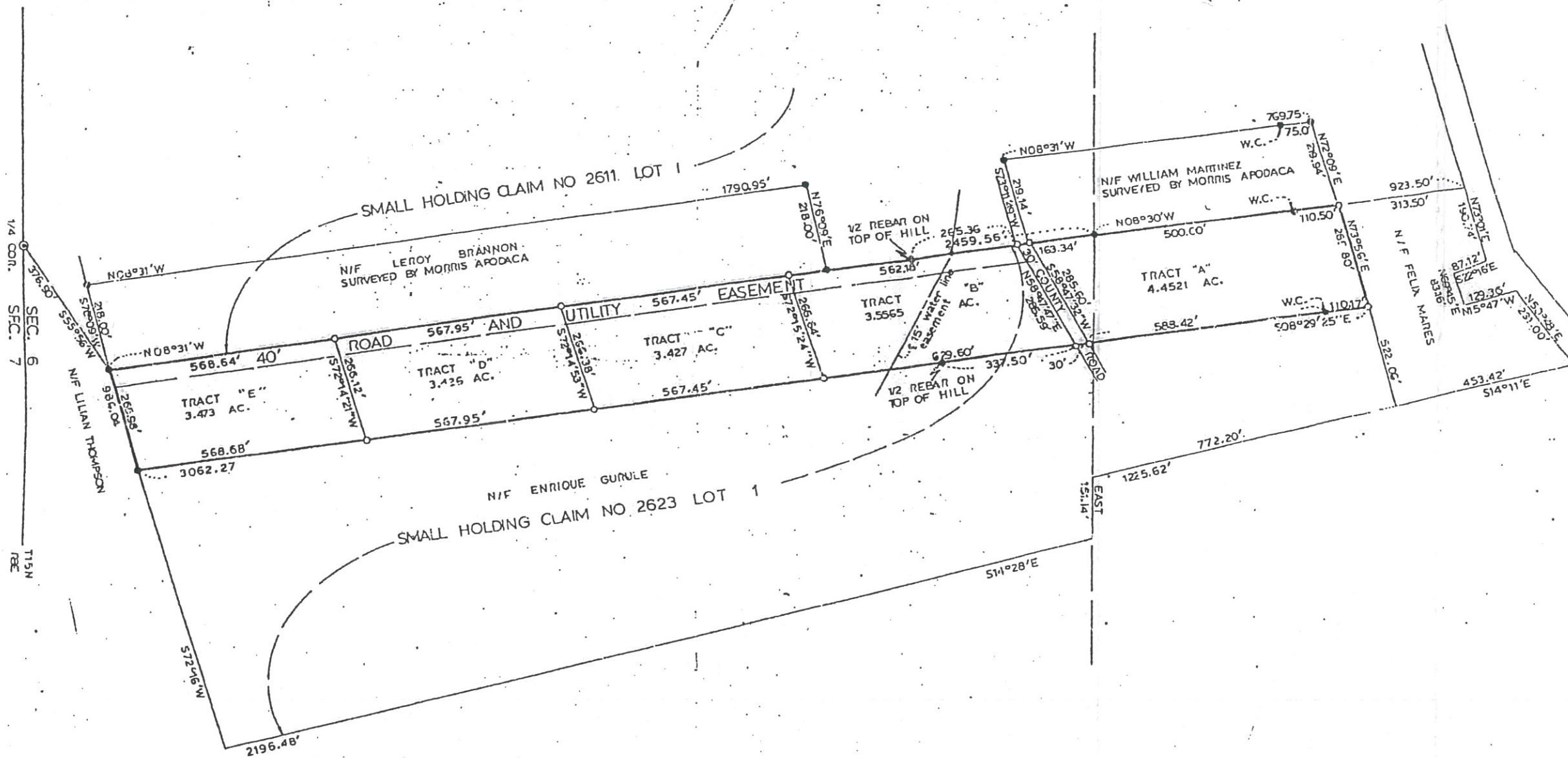
On November 10, 1987, the owners of Tracts B, C, D and E recorded an "Abandonment and Replacement of Easement" Document recorded in Book 596, Pages 471 and 472 (Exhibit 2) with the Santa Fe County Clerk's Office. Unfortunately, they did not include the Owner of the abutting property at the end of Tract E. Technically, because the previous owner of the abutting property did not sign the document, the current owner (Santa Fe County) still has an easement. The La Bajada Ranch also has direct access from County Road 50 approximately 600 feet to the east therefore, the easement is not required.

On January 15, 1986 a plat of survey for a Lot Line Adjustment for Henrique B. Gurule and Christina S. Boradiansky signed by the County Land Use Administrator (at the time) was recorded in Book 160, Page 45 (Exhibit 3). The survey plat did not show the easement.

Based on a site inspection, this easement is not feasible for access based on an accessory structure (home office) that was permitted in 2003 and slopes along the west boundary of Tract E that exceed 30 percent (see photos as Exhibit 4).

RECOMMENDATION:

Based on a site visit and photos of the property, Staff has determined the easement is legal but not practical. The County property is adjacent to County Road 50 approximately 600 feet to the east, so the County does not need this easement. Therefore, Staff recommends the Abandonment of the Easement through Tract E.



I hereby certify that this plat is an accurate delineation of a field survey completed by me or under my direction on March 3, 1980, and is true and correct to the best of my knowledge and belief.

Cipriano Martinez
Cipriano Martinez
N.M.L.S. No. 3995



- INDICATES POINTS FOUND THIS SURVEY
- INDICATES POINTS SET THIS SURVEY
- ⊙ INDICATES U.S.G.L.D. BRASS CAP. FOUND AND USED



455.064
I hereby certify that this instrument was filed and recorded on this day of *March*, 1980, at *12:45* o'clock *P.M.* and is ready to be recorded to book *77* page *11* of the records of Santa Fe County, N.M.
Patricia J. Flores
Deputy

PLAT OF SURVEY FOR JOHN A. DIXON, THOMAS L. DIXON & MARGARET LESNIACK THE WEST POR. OF S.H.C. NO. 2623, LOT 1 WITHIN SEC. 6, T15N, R8E, N.M.P.M. SANTA FE COUNTY, N.M.



ABANDONMENT and REPLACEMENT of EASEMENT

596472

The undersigned owners of Tracts B, C, D and E as shown on the plot of survey for John A. Dixon, Thomas L. Dixon, and Margaret Lesniak by C. Martinez, N. M. L. S. # 3995, dated March 3, 1980 and filed as reception no. 455,064 March 12, 1980, do hereby abandon the ingress and egress easement shown on said survey in favor of survey description attached hereto and made a part hereof.

Margaret J. L.

Steven Parmer

Thomas L. Dixon

Joanne Parmer

TRACT B

TRACT C

Tom L. Dixon

Mary J. Dixon

Christina Resolano

TRACT D

TRACT E

636,097
COUNTY OF SANTA FE
STATE OF N. M. MEXICO
I hereby certify that this instrument was filed
for records on the _____ day of _____ A.D.
1980 of _____ o'clock _____ m.
and was duly recorded in book _____
page _____ of the records of
Santa Fe County

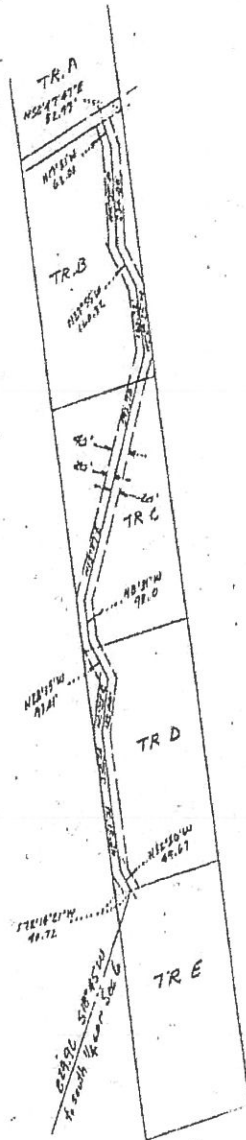
Witness my Hand and Seal of Office
Jana G. Armijo
County Clerk, Santa Fe County, N.M.

Jana G. Armijo
Deputy



EXHIBIT
2

688472



The undersigned owners of Tracts B, C and D, as shown on that certain plat filed in Plat Book 77 on page 16 as reception no. 455,064, do hereby grant an ingress and egress easement across their lands for the mutual benefit of Tracts B, C, D and E of said plat. Said easement is forty ft. wide and lies twenty ft. on each side of the following described center line, to wit:

Begin at a point on the line between Tracts D and E of said plat, from which the quarter corner on the south line of Section 6 in T.15N., R.8E., N.M.P.M. bears S18°45'W-829.96 ft. distant and the SW corner of Tract D bears S72°14'21\"W-40.72 ft. distant; thence N32°30'W-49.67 ft.; thence N8°31'W-330.54 ft.; thence N6°21'E-122.40 ft.; thence N28°15'W, crossing the line between Tracts C and D, 93.01 ft.; thence N8°31'W-98.00 ft.; thence N13°37'E, crossing the line between Tracts C and B, 592.78 ft.; thence N8°29'25\"W-100.32 ft.; thence N27°55'W-104.63 ft.; thence N4°08'W-234.00 ft.; thence N19°31'W-62.00 ft. to a point on the north line of Tract B and the south line of County Road 50, from which the NE corner of Tract B bears N58°47'47\"E-52.99 ft. distant, and being the end of this easement.

Tract B	Tract C	Tract D
<i>Wanda S. Hunt</i>	<i>James P. Palmer</i>	<i>Thomas J. Palmer</i>
<i>Wanda S. Hunt</i>	<i>Steven Palmer</i>	<i>Tom L. Dixon</i>

Tract E
Christina Padgett

State of New Mexico
 County of Santa Fe

Subscribed and sworn to before me this 15th day of July 1987.

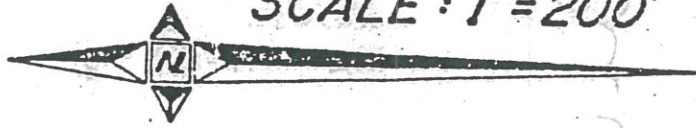
James P. Palmer
 Notary Public
 My commission expires August 20, 1990



N.M.P.M.
T.15N, R.8E.

SECTION 7 SECTION 6

SCALE: 1"=200'



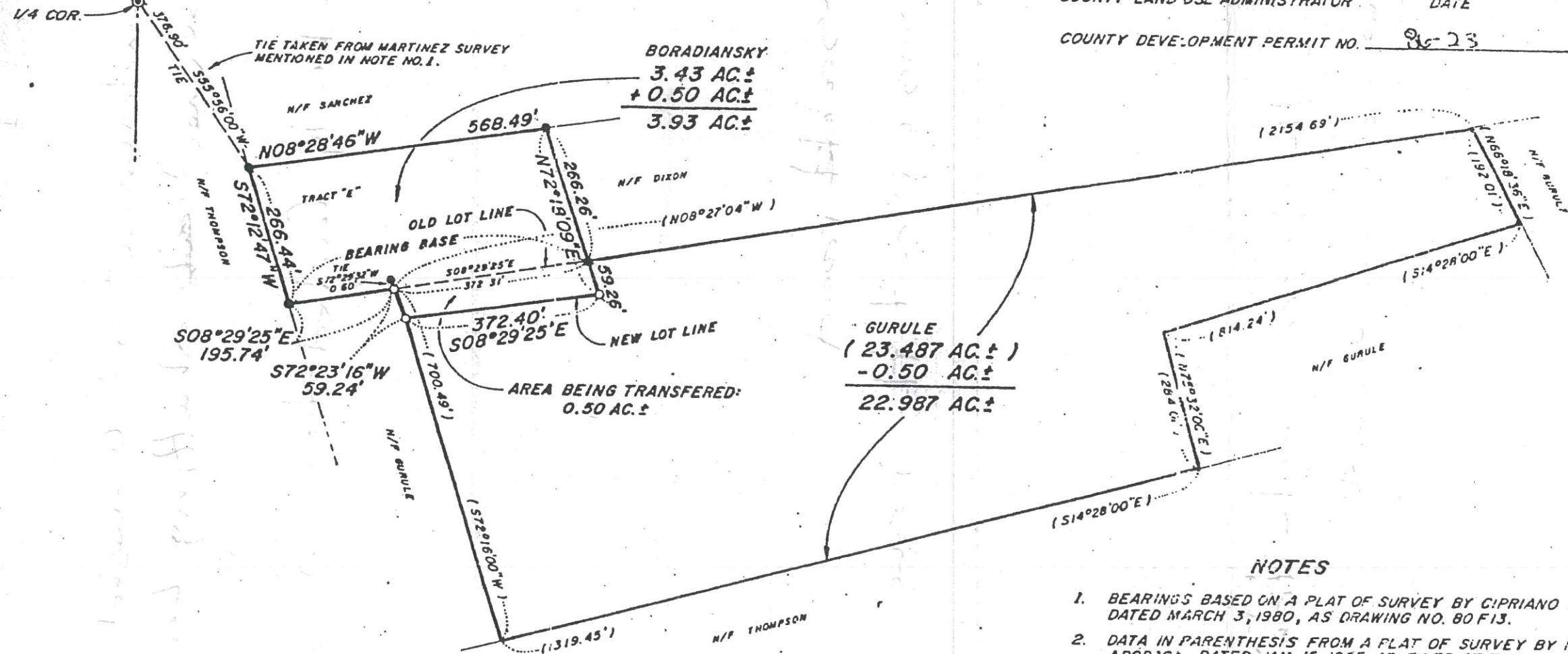
APPROVED BY:

160-G-45

Edward Martinez
COUNTY LAND USE ADMINISTRATOR

1-15-86
DATE

COUNTY DEVELOPMENT PERMIT NO. 95-23



NOTES

1. BEARINGS BASED ON A PLAT OF SURVEY BY CIPRIANO MARTINEZ, DATED MARCH 3, 1980, AS DRAWING NO. 80 F13.
 2. DATA IN PARENTHESIS FROM A PLAT OF SURVEY BY MORRIS A. APODACA, DATED JAN. 15, 1985, AS FILED AT THE SANTA FE COUNTY CLERKS OFFICE IN BOOK 149, PAGE 007.
- ▶ DENOTES 1" PIPE FOUND.
 - DENOTES 1/2" CAPPED REBAR SET.

SURVEYORS CERTIFICATE

I hereby certify that this plat and the survey on which it is based was made by me on 1/12/86 and is true and correct to the best of my knowledge and belief.

Douglas J McFaul
DOUGLAS J McFAUL NMPLS#7171



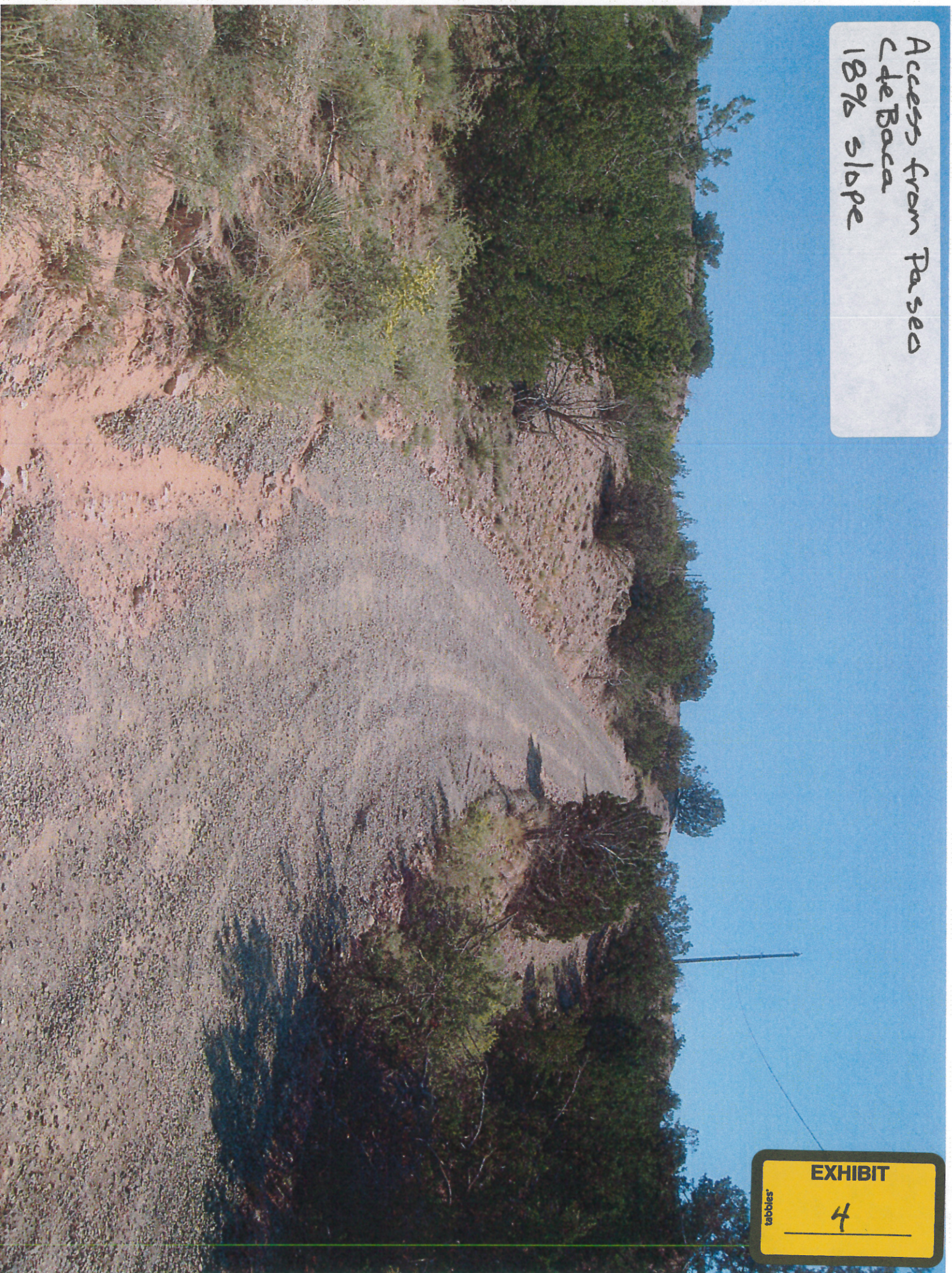
584,110
COUNTY OF SANTA FE }
STATE OF NEW MEXICO }
I hereby certify that this instrument was filed for record on the 12 day of 12 A.D. 1986 at 11 o'clock P.M. and was duly recorded in book 160 page 45 of the records of Santa Fe County.
Witness my Hand and Seal of Office
ANGIE VIGIL PEREZ
County Clerk, Santa Fe County, N.M.

Angie Vigil Perez

PLAT OF SURVEY FOR
HENRIQUE B. GURULE
AND
CHRISTINA S. BORADIANSKY
SITUATED WITHIN S.H.C. 2623, LOT 1,
SECTION 6, T.15N., R.8E., N.M.P.M.,
SANTA FE COUNTY, NEW MEXICO.

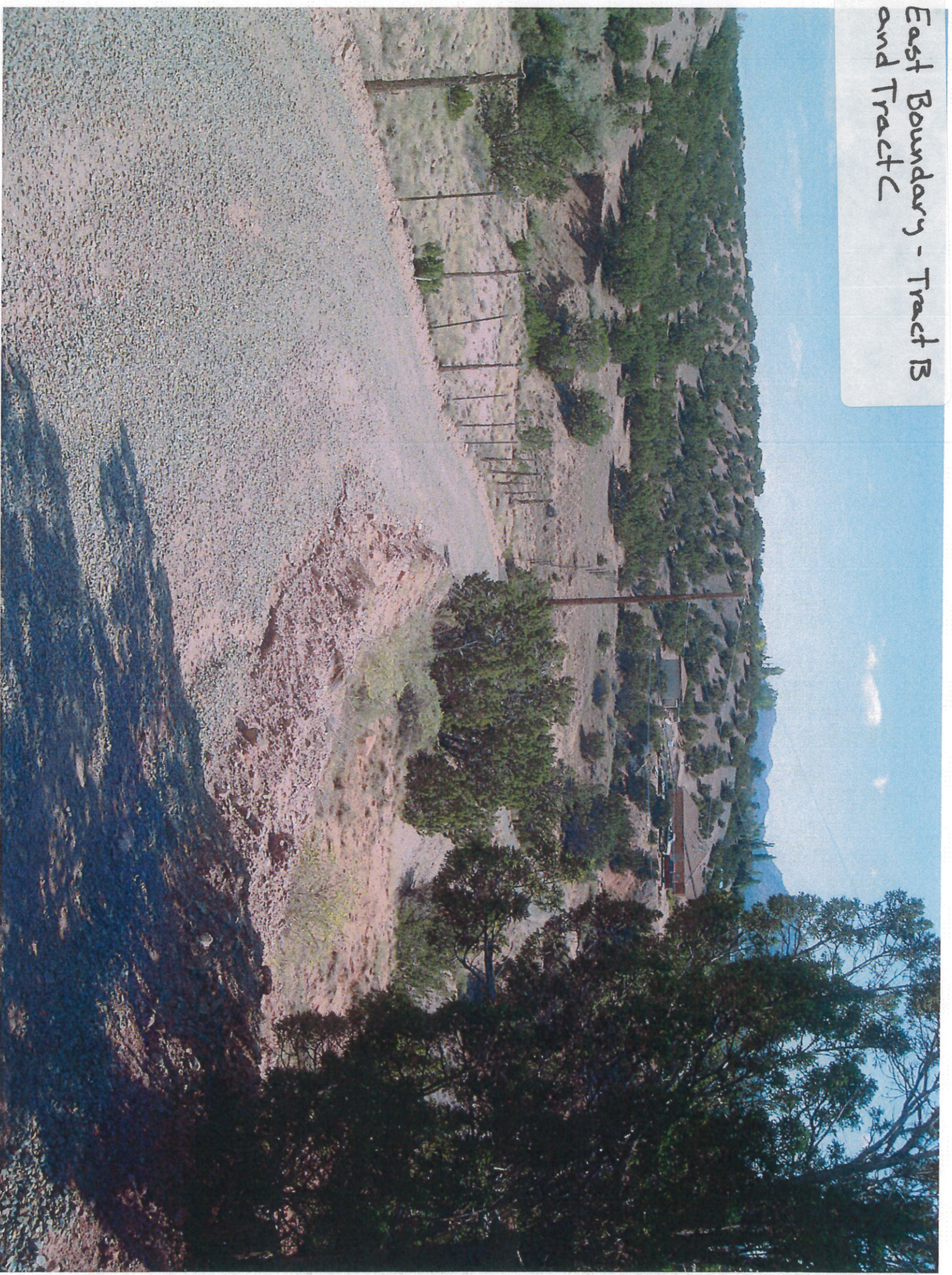


Access from Paseo
C de Boca
18% slope

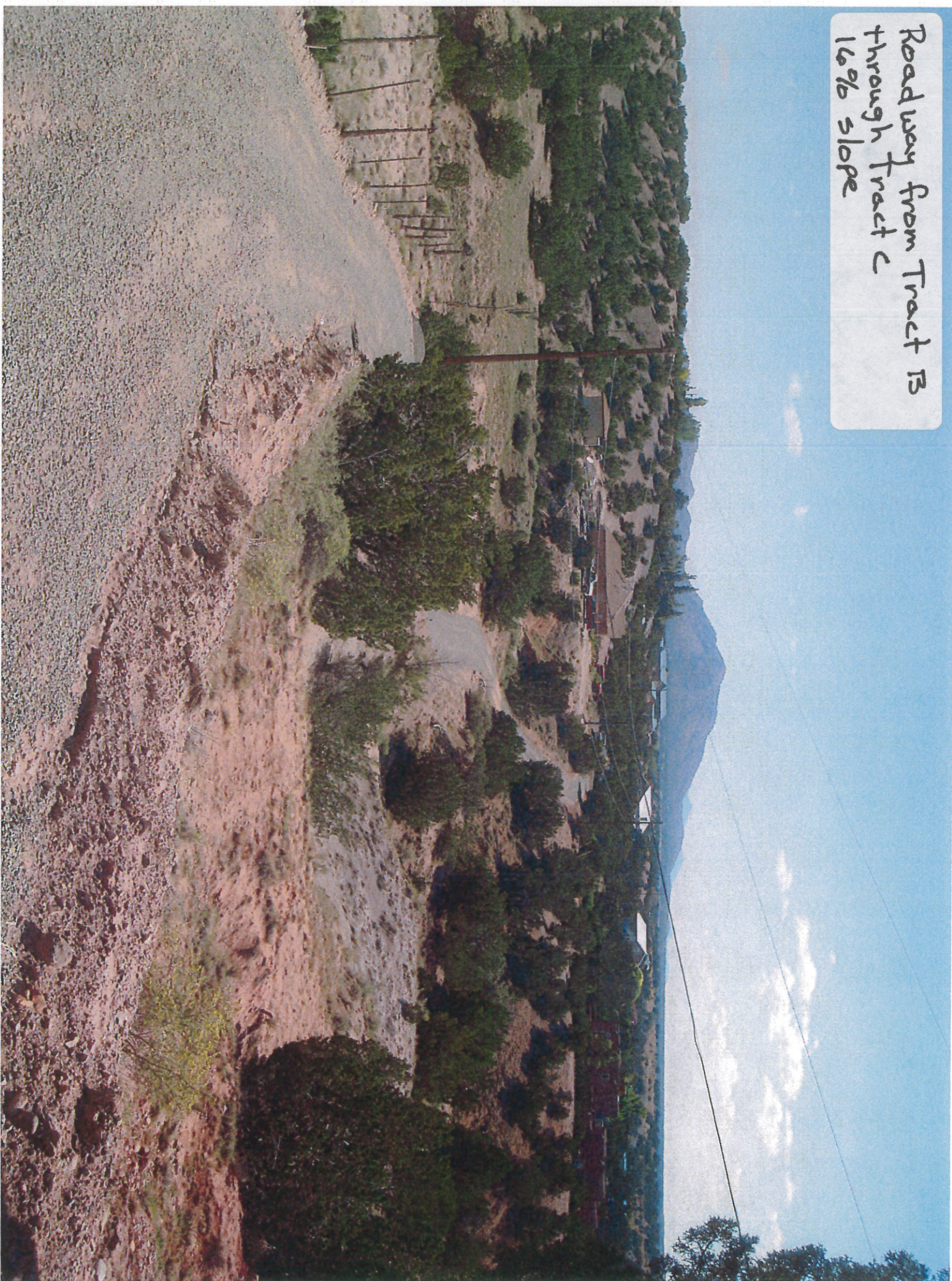


tabbles
EXHIBIT
4

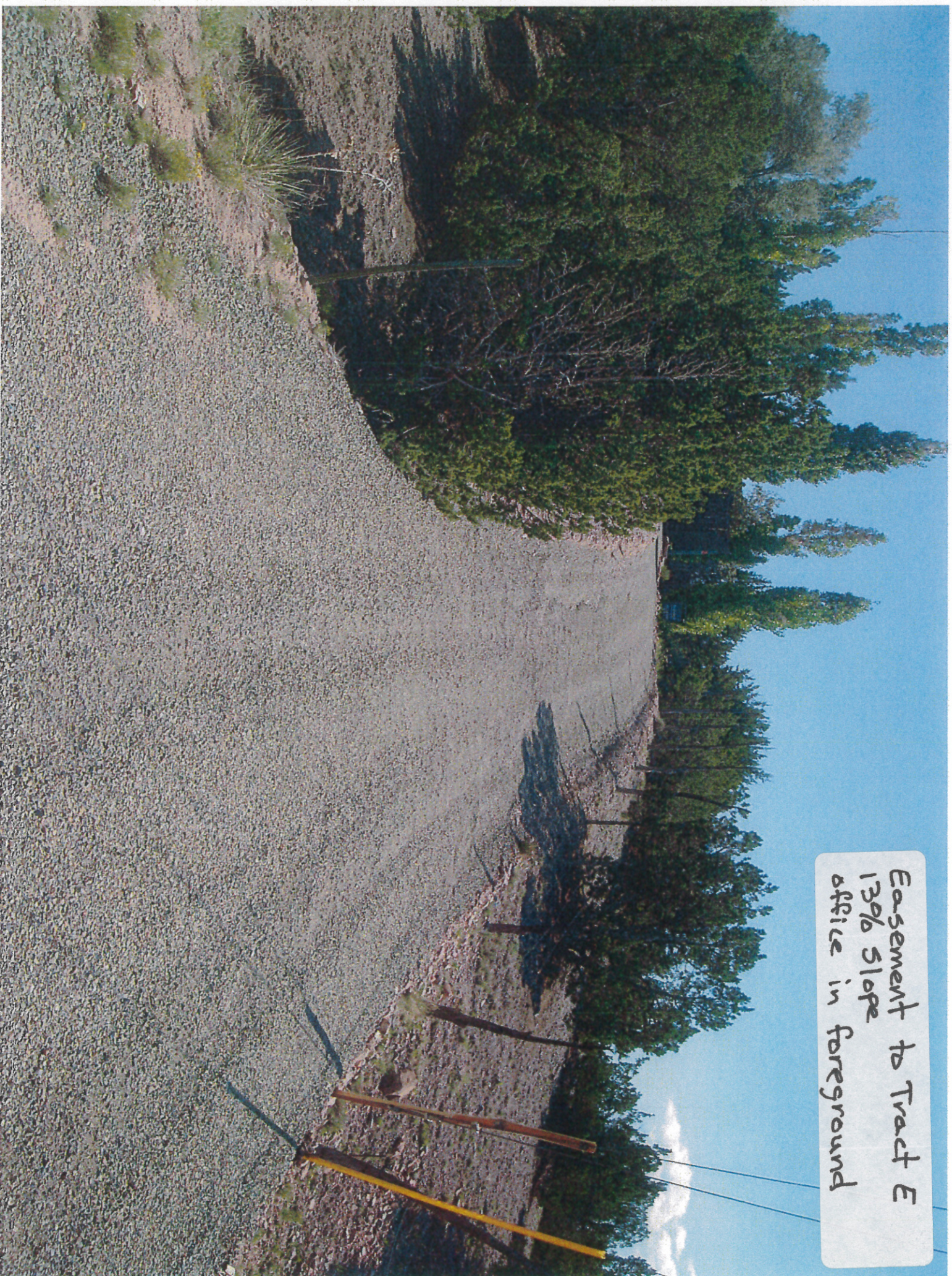
East Boundary - Tract B
and Tract C



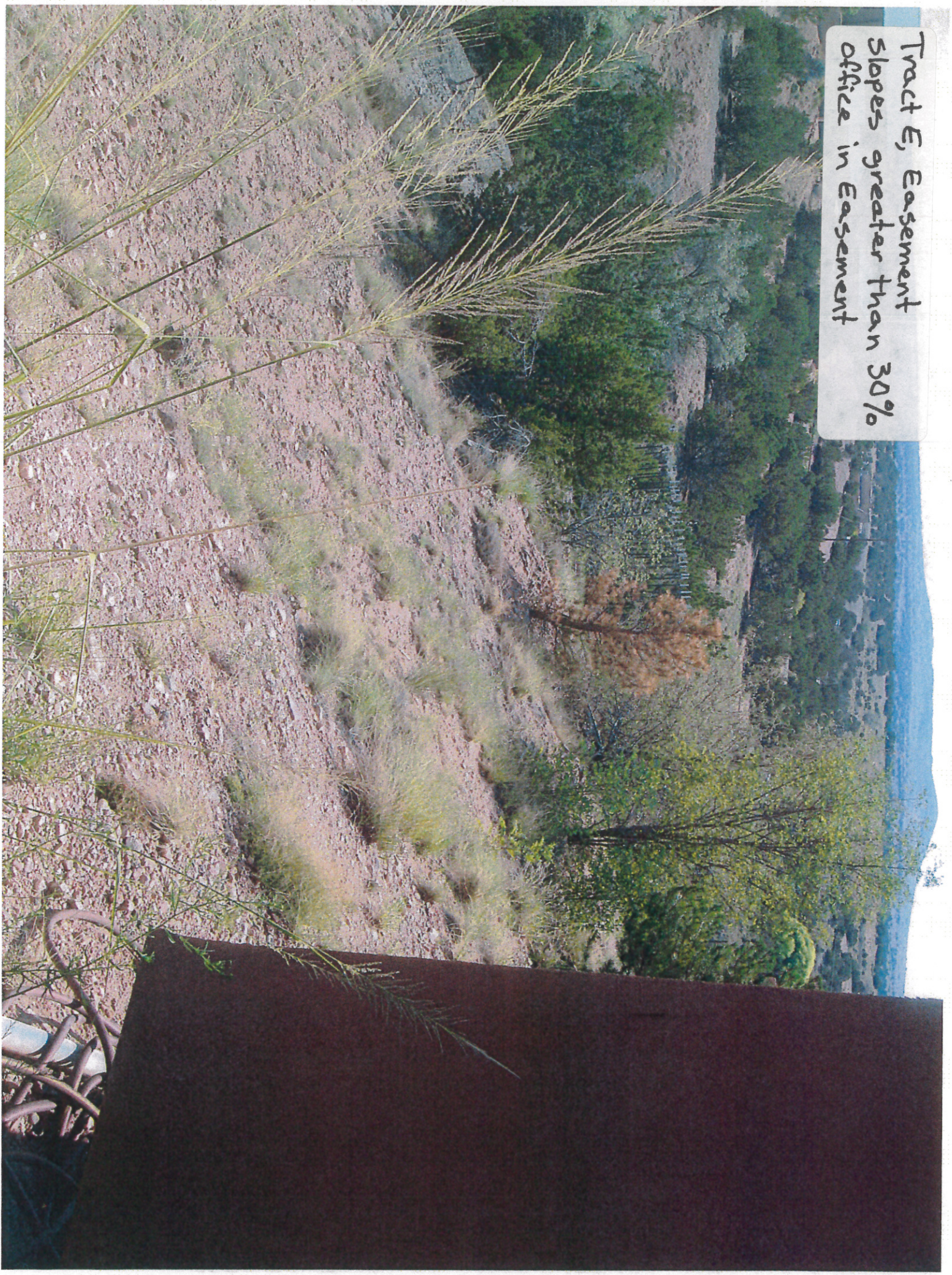
Roadway from Tract B
through Tract C
16% slope



Easement to Tract E
13% Slope
office in foreground



Tract E, Easement
slopes greater than 30%
office in Easement



Tract E, West Boundary
to Santa Fe County
Property



ABANDONMENT OF EASEMENT OF LANDS ABUTTING TRACT E

The undersigned owners of Tract E as shown on the plat of survey for John A.Dixon, Thomas L. Dixon and Margaret Lesniak by Cipriano Martinez, N.M.L.S. No. 3995, dated March 3, 1980, and filed as Reception No. 455,064 on March 12, 1980, do hereby abandon the ingress and egress easement shown on said survey.

BOARD OF COUNTY COMMISSIONERS

OF SANTA FE COUNTY

By: _____

Liz Stefanics, Chair

ATTEST:

Valerie Espinoza, County Clerk

APPROVED AS TO FORM:

Stephen C. Ross, County Attorney