

ORDINANCE No. 2000-15

AN ORDINANCE CONSENTING TO A PETITION SUBMITTED BY THE COMMISSIONER OF PUBLIC LANDS FOR ANNEXATION OF STATE TRUST LANDS and APPROVING MASTER PLAN.

The Town Council for the Town of Edgewood makes the following findings:

WHEREAS, the Commissioner of Public Lands ("Commissioner") has jurisdiction over approximately six hundred (600) acres of state trust land ("Trust Land") that is located contiguous to the current municipal boundaries of the Town of Edgewood.

WHEREAS, the Commissioner has submitted a Petition to the Town Council for annexation of the Trust Land pursuant to Section 3-7-17 NMSA 1978.

WHEREAS, the Commissioner's Petition constitutes his consent, in accordance with Section 3-7-4 NMSA 1978, to annexation of the Trust Land.

WHEREAS, a map showing the external boundary of the Trust Land and its relationship to the existing boundary of the Town of Edgewood is attached as Exhibit A to the Commissioner's Petition.

WHEREAS, the State of New Mexico is the sole owner of the Trust Land.

WHEREAS, the Commissioner's Petition further requests that the Council approve a master plan for the Trust Land coincident with consenting to annexation. The master plan is attached as Exhibit B to the Commissioner's Petition.

WHEREAS, the Commissioner's staff at the New Mexico State Land Office developed the master plan in cooperation with Town of Edgewood and with the benefit substantial public input.

WHEREAS, the Development of the Trust Land in accordance with the master plan will substantially benefit the Town of Edgewood and its citizens, by providing for carefully phased commercial and residential development, open space, parks, schools, local government buildings, and traffic control.

WHEREAS, although the Commissioner alone is responsible for selecting the master developer for the Trust Land through a duly advertised public auction, the Commissioner will create with the Town of Edgewood and advisory committee for the purpose of advising the Commissioner both on the criteria for and selection of a master developer(s).



COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed for record on the 11 day of April A.D. 2000 at 1:21 o'clock P.m and was duly recorded in book 1754 page 869-911 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.
911 Rebecca Bustamante

WHEREAS, after annexation and selection of a master developer, the master developer must obtain approval from the Town of Edgewood prior to each phase of Development.

NOW THEREFORE, be it ordained by the Governing Body (Town Council), of the Town of Edgewood, New Mexico, that:

(I)

The Town of Edgewood consents to the Commissioner's Petition for Annexation. Specifically, the Trust Land identified on Exhibit A to the Petition is hereby annexed into the Town of Edgewood.

(II)

The Town of Edgewood approves the master plan attached as Exhibit B to the Commissioner's Petition.

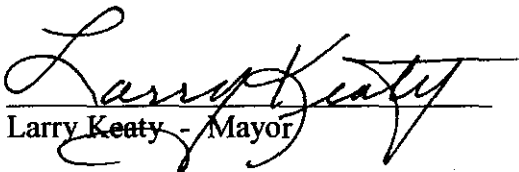
(III)

Within two (2) months after enactment of this Ordinance, the Town of Edgewood will appoint two members to sit on a five-person joint advisory committee assembled by the Commissioner. The committee will recommend criteria for selection of a master developer(s) and review qualifications and proposals and potential master developers and make recommendations to the Commissioner.

(IV)

Once selected, the master developer shall submit to the Planning and Zoning Committee of the Town of Edgewood, its request for zoning and subdividing approval, prior to constructing each phase of development called for under the master plan. The Town of Edgewood will not unreasonably withhold its approval if the submittal substantially comports with the master plan.

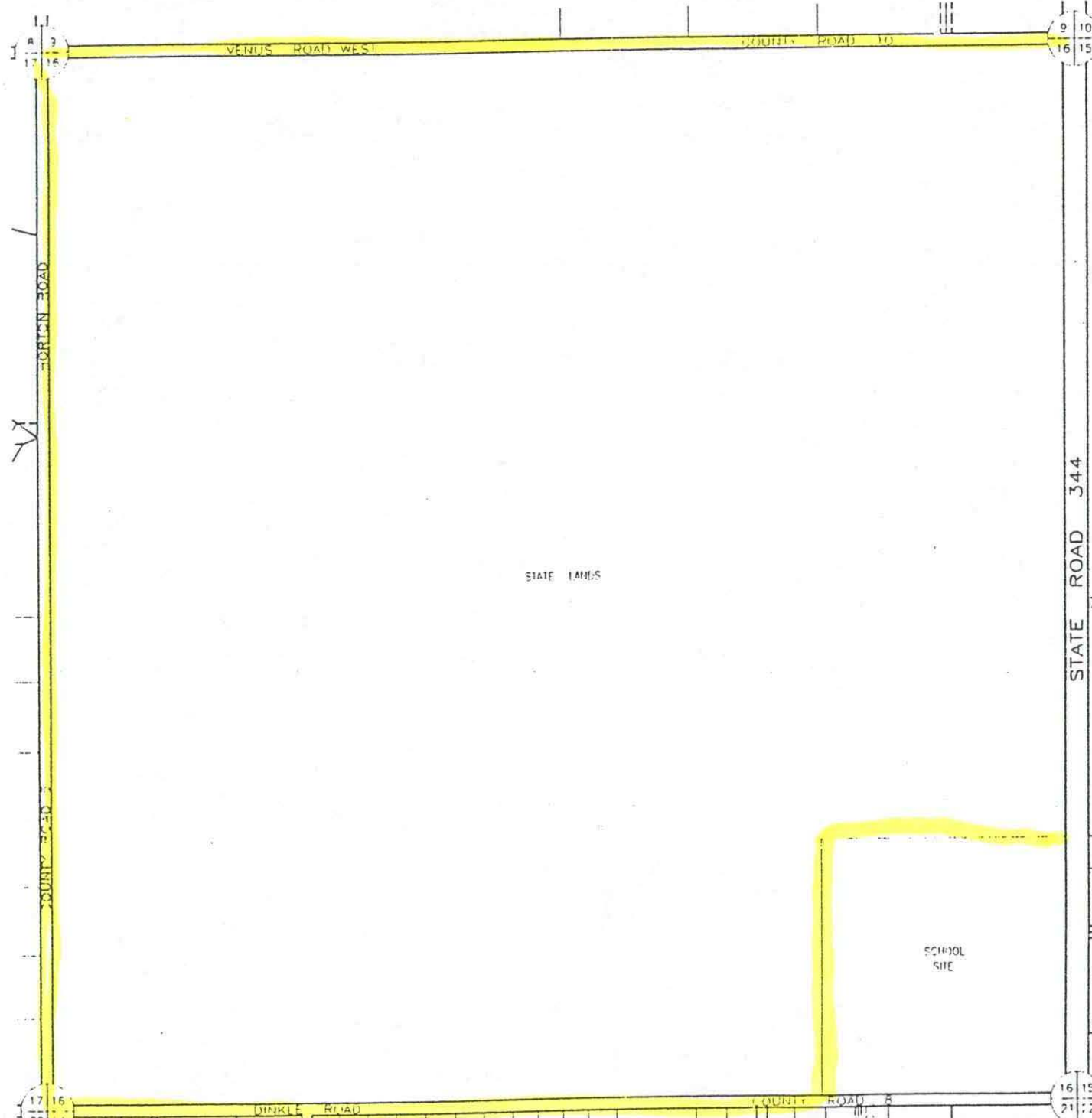
DONE AND APPROVED this 15th day of March 2000.


Larry Keaty - Mayor

ATTEST:


Karen Alarid: Clerk/Treasurer



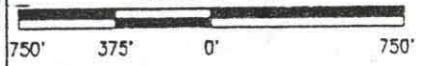


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ASSOCIATED
DEVELOPMENT INC.



SCALE: 1" = 750'



STATE LINES

STATE ROAD 344

LEGAL DESCRIPTION
T 10 N
R 7 E
SEC 16

UNIFORM PROPERTY CODE
1042058

MAP AMENDED THROUGH
JULY 1, 1997

J 39

1754871

SCHOOL
SITE

VENUS ROAD WEST

COUNTY ROAD 10

DOVE NEIGHBORHOOD

DINKLE ROAD

COUNTY ROAD 8

9 10
16 15

9 10
16 15

17 16
20 21

16 15
21 22

**EDGEWOOD TOWN COUNCIL
SPECIAL MEETING
March 15, 2000**

TIME, PLACE & ATTENDANCE The Governing Body of the Town of Edgewood met in special session on March 15, 2000 at the Edgewood Community Center with the following members present: Mayor Larry Keaty; Howard Calkins, Gary Chemistruck, Chuck Ring and Bob Stearley, Councilors. Also present were Karen Alarid, Clerk-Treasurer; Carole Apple, Municipal Judge. See attached list.

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

APPROVE AGENDA Gary Chemistruck moved to approve the agenda as presented. Howard Calkins seconded the motion. All voted aye. Motion carried.

JUDGE'S REPORT The Judge's report for February showed: 0 Cases, 0 Fee & 0 Fines.

MASTER PLAN SMPC Mayor Keaty advised the council that he would like to sign a work order for SMPC to begin work on the master plan. The work will take approximately 10 months at \$6,000 per month. Chuck moved to table a work order to SMPC. Bob Stearley seconded the motion. Bob Stearley moved to schedule a special session reference SMPC giving an outline on the master plan work for March 26 at 2:00 p.m. at the Edgewood Community Center. Chuck Ring seconded the motion. All voted aye. Motion carried.

PUBLIC HEARING Mayor Keaty presented the map to the public showing the areas that will be considered for annexations tonight. He asked for comments from the public. No comments were received.

2000-1 Gary Chemistruck moved to adopt ordinance 2000-1 reference annexation of 160 acres. Bob Stearley seconded the motion. All voted aye. Motion carried.

2000-1B Chuck Ring moved to adopt ordinance 2000-1B reference annexation of 2.2 acres. Bob Stearley seconded the motion. All voted aye. Motion carried.

2000-2 Howard Calkins moved to adopt ordinance 2000-2 reference annexation of .75 acres. Gary Chemistruck seconded the motion. All voted aye. Motion carried.

2000-3 Chuck Ring moved to adopt ordinance 2000-3 reference annexation of 40 acres. Gary Chemistruck seconded the motion. All voted aye. Motion carried.

2000-4 Gary Chemistruck moved to adopt ordinance 2000-4 reference

annexation of 12.5 acres. Bob Stearley seconded the motion. All voted aye. Motion carried.

2000-5 Howard Calkins moved to adopt ordinance 2000-5 reference annexation of 152 acres. Gary Chemistruck seconded the motion. All voted aye. Motion carried.

2000-6 Gary Chemistruck moved to adopt ordinance 2000-6 reference annexation of 6.1 acres. Chuck Ring seconded the motion. All voted aye. Motion carried.

2000-7 Howard Calkins moved to adopt ordinance 2000-7 reference annexation of 474.2 acres. Bob Stearley seconded the motion. All voted aye. Motion carried.

2000-7B Howard Calkins moved to adopt ordinance 2000-7B reference annexation of 287 acres. Bob Stearley seconded the motion. All voted aye. Motion carried.

2000-8 Chuck Ring moved to adopt ordinance 2000-8 reference annexation of 34.5 acres. Gary Chemistruck seconded the motion. All voted aye. Motion carried.

2000-9 Chuck Ring moved to adopt ordinance 2000-9 reference annexation of 2.2 acres. Gary Chemistruck seconded the motion. All voted aye. Motion carried.

2000-9B Chuck Ring moved to adopt ordinance 2000-9B reference annexation of 2 acres. Gary Chemistruck seconded the motion. All voted aye. Motion carried.

2000-10 Howard Calkins moved to adopt ordinance 2000-10 reference annexation of 200 acres. Chuck Ring seconded the motion. All voted aye. Motion carried.

2000-11 Gary Chemistruck moved to table ordinance 2000-11. Howard Calkins seconded the motion. All voted aye. Motion carried.

2000-12 Bob Stearley moved to adopt ordinance 2000-12 reference annexation of 2 acres. Howard Calkins seconded the motion. All voted aye. Motion carried.

2000-13 Chuck Ring moved to adopt ordinance 2000-13 reference annexation of 1.25 acres. Gary Chemistruck seconded the motion. All voted aye. Motion carried.

2000-14 Howard Calkins moved to adopt ordinance 2000-14 reference annexation of 3 acres. Bob Stearley seconded the motion. All voted aye. Motion carried.

2000-15

Chuck Ring moved to adopt ordinance 2000-15 reference annexation of 600 acres located on section 16 (State Trust Lands) and the master plan for said property. Howard Calkins seconded the motion. Gary Chemistruck stated that he was concerned with the road improvements that need to be done on SR 344. The Schools and the State Land Office have both said that they can not participate in improving the road. Wil Gleason with the SLO advised the council that the Land Office has talked to the State Highway Department on this issue. Bob Stearley suggested that the Town work with the State Highway Dept., Schools, State Land Office and the Developer. Bob said he would be willing to participate in that meeting. Chuck Ring, Howard Calkins and Bob Stearley voted aye. Gary Chemistruck voted nay. Motion carried.

**COMP ZONING
ORD. - MAP**

Karen Alarid advised the council that they would be considering the landscaping, sign and zoning map. Frank Coppler recommended that the council adopt the zoning map separately and that the sign and landscaping ordinances be republished for a hearing to be set on April 4. Coppler suggested that the P & Z review the zoning designations prior to the hearing. Chuck Ring moved to publish for special meeting to be held on April 4, 2000 for purpose of public hearing pertaining to (1) Zone Changes, (2) Sign ordinance and (3) Landscaping ordinance. Gary Chemistruck seconded the motion. All voted aye. Motion carried.

LIBRARY

The Council discussed the letter sent by the Library Board reference signing an agreement to provide services opposed to an ordinance. Coppler advised the council that the Town could sign an agreement with the Library for services. Howard Calkins moved to authorize the Mayor to sign an agreement with the Edgewood Community Library for services. In the agreement the town will agree to pay \$500.00 per month. Bob Stearley seconded the motion. All voted aye. Motion carried.

TRAFFIC ORD.

Mayor Keaty advised the public that the Council will be considering the adoption of an ordinance pertaining to traffic rules. The public had no comments. Chuck Ring moved to adopt an ordinance of the Town of Edgewood: adopting by reference certain provisions of the New Mexico Motor Vehicle Code said Code Adopted and may be amended from time to time by the New Mexico Legislature; providing for violations of traffic rules; providing for penalty assessments; and providing for penalties. Gary Chemistruck seconded the motion. All voted aye. Motion carried.

SMITH'S FOOD

Mayor Keaty advised the public that the council would be considering a request for a liquor license transfer from Smith's Food & Drug Centers, Inc. located within the Town of Edgewood. A letter was read from broker for Smiths stating the when stock changes take place the transfer must be done. The public had no comments. Howard Calkins moved to approve the request from Smith's Food & Drug Centers, Inc. Chuck Ring seconded the motion. All voted aye. Motion carried.

RESOLUTION The Council reviewed the resolution pertaining to requesting
STATE HIGHWAY funding from the State Highway Dept. from the Local Road fund. The monies will help with road improvements to Williams Ranch Road, Pinon & Dinkle. Gary Chemistruck moved to approve the resolution as presented. Howard Calkins seconded the motion. All voted aye. Motion carried.

RPO MEMBER Mayor Keaty advised the council that he would like to appoint Gary Chemistruck to the State Highway Department Rural Planning Organization and Frank Lasky alternate. Chuck Ring moved to approve Gary Chemistruck as the RPO member and Frank Lasky as the Alternate. Howard Calkins seconded the motion. All voted aye. Motion carried.

MAYOR'S Mayor Keaty reported that McDonald's is looking at starting construction soon. Once the begin it will take them approximately 90 days. 7-11 has some concerns with the rock on the property they have purchased. They are thinking of waiting to see what is going to happen reference a sewer system for Edgewood.

NMML MEET Karen asked the council if they would be attending the newly elected officials meeting sponsored by the NMML. All officials will be attending. Also all officials will be attending the Infrastructure meeting.

Chuck Ring advised the council that a Health Center meeting will be held on March 23, 2000 in Tijeras. Everyone was encouraged to attend.

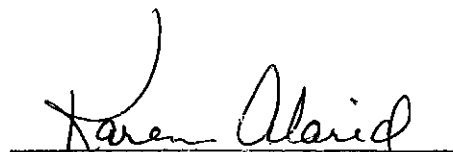
ADJOURN There being no further business Gary Chemistruck moved to adjourn at 8:30 p.m. Chuck Ring seconded the motion. All voted aye. Motion carried.

APPROVED Approved, adopted and passed this 21st day of June, 2000.



Mayor - Larry Keaty

ATTEST:



Clerk- Karen Alarid

**RECAP OF ACTION TAKEN AT THE
EDGEWOOD PLANNING AND ZONING MEETING
EDGEWOOD, NEW MEXICO
MARCH 25, 2000**

**Anthony Anaya
Norman Bentzen
Roberta Lane
Ed Whitworth
Karen Mahalick**

MEMBERS ABSENT: NONE

10:00 A.M. CONVENE THE PLANNING AND ZONING MEETING MINUTES FROM THE JANUARY 26, 2000 MEETING WERE READ.

1. PROGRESS ON VARIOUS AGENCIES BEING QUERIED ABOUT SADDLE RIDGE SUBDIVISION.

- A. New Mexico State Highway & Traffic Department has been asked to review the Saddle Ridge Subdivision and Venus proposal.
- B. No New commitment for water has been obtained from Edgewood water.

Committee agreed to pass Saddle Ridge out of the tabled state to an approval of the pre-application pending water commitment; comments from the traffic department; and comments from the fire marshal.

2. DISCUSSION ON LAND BEING ANNEXED BY THE TOWN DURING THE MARCH 15 MEETING.

THE FOLLOWING ZONING WAS RECOMMENDED:

- 2000-1 SUGGESTED THE CENTRAL NM SUBSTATION PROPERTY BE ZONED S.U. AND THE REMAINDER ZONED R-1.**
- 2000-2 COMMERCIAL**
- 2000-3 R-1**
- 2000-4 R-1**
- 2000-5 R-1**
- 2000-6 R-1**
- 2000-7 HOUSTON CONSTRUCTION NEEDS COMMERCIAL, REMAINDER R-1.**
- 2000-8 R-1**
- 2000-9 R-1**
- 2000-10 R-1**

2000-11 Not in consideration

2000-12 COMERCIAL

2000-13 R-1

2000-14 R-1

2000-15 SPECIAL USE

5. DISCUSSION AS TO THE ZONING FOR THE AREA SURROUNDING THE AIRPARK.

- A. Letter from Steve Woodard President of Sandia Airpark Estates was read. The letter was a request to zone the Airpark Commercial in accordance to the attached recorded plat.
- B. Mr. Whitworth requested a letter be addressed to Mr. Woodard requesting clarification of the nature of the business taking place on the premises.
- C. As a preliminary consideration the suggested zoning is Special Use.

6. DISCUSSION OF THE FLOW CHART CREATED BY NORM BENTZEN.

- A. The addition of the fire marshal was noted and it was suggested that Karen Alarid should attach a copy to each project which comes in.

COMMITTEE AGREED TO ADOPT THE FLOW CHART AS A WORKSHEET FOR ALL PROJECTS.

7. PRELIMINARY APPLICATION FOR KENNEDY/FULLER SUBDIVISION.

COMMITTEE VOTED UNANIMOUSLY TO APPROVE.

8. PRELIMINARY APPLICATION OF LOS LLANOS SUBDIVISION

COMMITTEE VOTED UNANIMOUSLY TO APPROVE.

9. PRELIMINARY APPLICATION OF ADAMS SUBDIVISION

COMMITTEE VOTED TO APPROVE PENDING ADDITION OF STATE COORDINATES TO THE PLAT BY MR. DOMINQUEZ.

10. PRELIMINARY APPLICATION OF DUFFY'S SUBDIVISION

COMMITTEE VOTED UNANIMOUSLY TO APPROVE.

11. CONDITIONAL USE PERMIT FOR RANDY TRAVIS.

- A. Dennis Snyder of Rich Ford expressed concern that the used car lot be appropriately landscaped, have an asphalt surface with a drainage pond for run-off and be correctly illuminated at night.
- B. Mr. Travis agreed to follow the suggestions from Mr. Dennis and to submit a site plan for the committee's approval.

**COMMITTEE AGREED UNANIMOUSLY TO THE
ISSUANCE OF A CONDITIONAL USE PERMIT WITH
THE CAVEAT THAT ALL PLANS ARE SUBMITTED FOR
APPROVAL.**

**12. PRELIMINARY APPLICATION FOR VENUS RIDGE
SUBDIVISION.**

- A. Description of the project was presented by Mr. Oden and Mr. Bassett asked several questions of the land layout referencing access.

**COMMITTEE AGREED UNANIMOUSLY TO APPROVE THE
PRELIMINARY APPLICATION.**

13. MEETING ADJOURNED.


Norman Bentzen
President

INTERIM DEVELOPMENT AGREEMENT

The Town of Edgewood ("Town") and the Commissioner of Public Lands ("Commissioner") hereby state and agree:

RECITALS:

WHEREAS, the Commissioner holds a portion of Township 10N, Range 7E, Section 16 described on attached Exhibit A ("Trust Land") in trust for the public schools;

WHEREAS, the Commissioner prepared the Edgewood Center Master Plan for the Trust Land ("Master Plan") which provides for mixed use development including a proposed town center, medical clinic, residential, commercial, and recreational uses;

WHEREAS, the Commissioner submitted the Master Plan and a Petition for Annexation to the Town;

WHEREAS, the Governing Body of the Town, on March 15, 2000, annexed the Trust Land and approved the Master Plan by ordinance (the "Ordinance") and zoned the State Land as MP-Master Plan zone;

WHEREAS, the Commissioner intends to select a master developer (the "Developer"), with the assistance of a joint advisory committee, who will be responsible for developing the Trust Land in accordance with the approved Master Plan;

WHEREAS, the Ordinance provides that once selected, the Developer shall obtain approval from the Town prior to constructing each phase of development called for under the Master Plan. The Town will not unreasonably withhold its approval if the submittal substantially comports with the Master Plan.

WHEREAS, the Master Plan envisions that the Town and the Developer will make significant investments in the Trust Land to create a development that serves the purposes of each party. The Developer will offer to provide land and infrastructure to the Town to allow the Town to develop municipal facilities (the "Town Center") and a wastewater treatment facility. The development of the Town Center and the wastewater treatment facility will greatly enhance the development of the remainder of the Trust Land by the Developer. To assist in the selection of a Developer and to further establish the obligations of a Developer once selected, the Town and the Commissioner will enter into this interim Development Agreement (this "Agreement").

AGREEMENT:

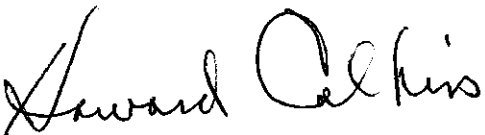
THEREFORE, the Town and the Commissioner agree that:

1. **Interim Development Agreement.** This Agreement is designed to provide an outline of the obligations that will be imposed on the Developer as conditions for receiving approval ~ development. The Commissioner, by entering into this Agreement, does not agree to assume any of the obligations. The Commissioner will require that the Developer obtain development approvals from the Town and enter into a Final Development Agreement with the Town
2. **Final Development Agreement.** This Agreement will be replaced by one or more Final Development Agreements entered into between the Town and the Developer as part of the approval by the Town prior to the construction by the Developer of each phase of development under the Master Plan. The Final Development Agreements will provide greater detail on the timing and location of the infrastructure. When executing the Final Development Agreement, the Developer will comply with all applicable written plans, ordinances and resolutions related to development and adopted by the Governing Body of the Town.
3. **Subleasing/Assignment.** As a condition of receiving the Town's approval of the development, the Developer will sublease or assign the Developer's leasehold interest in those areas designated as "Government", "Community Parks", "Water Treatment Facility" and "Open Space & Trails" to the Town for no charge or for a sublease rate of \$1 per year. The sublease/assignment will be for the same duration as the lease between the Commissioner and the Developer. The acreage and locations covered by the subleases/assignments will be similar to those described in the Master Plan, but are subject to negotiation between the Town and the Developer. The Town may require that some sublease/assignments, such as those for the "Government" and "Water Treatment Facility" sites, occur at the time of the approval of the first phase of development.
4. **Development of Town facilities.** Upon transfer of the "Government" and "Community Park" areas, the Town will be responsible for the development and maintenance of the municipal office buildings and parks located in these areas. However, the Town may require that some areas, such as the "pocket parks" and "trails", only be subleased/assigned to the Town after the Developer has developed the park or trail.

5. **Wastewater Treatment Facility.** If the Town receives a sublease or assignment of the land designed for the location of the wastewater treatment facility, the Town will construct a wastewater treatment facility (the "Facility",) that will, at minimum, serve all proposed residential, commercial and other uses approved for the Trust Land under the Master Plan. The Town may build the Facility in phases. The Town may build a Facility that is large enough to also serve other users outside of the Trust Land. The Town agrees to serve all individual users on the Trust Land that are connected to the Facility by infrastructure constructed by the Developer. The Town agrees to charge individual users on the Trust Land the same sewer rates and connection charges that are charged outside of the Trust Land.
6. **Sewer Lines.** The Developer will construct sewer lines to connect the Facility to the individual users for each phase of development. The sewer lines will be built in accordance with plans and specifications approved by the Town. The Developer and the Commissioner may agree that the subsequent lessees or purchasers of individual lots who will connect to the sewer lines may reimburse the Developer for their pro rata share of the construction costs. The Developer will construct sewer lines to the "Government" site during the first phase of development at no expense to the Town.
7. **Transfer of sewer lines.** Upon construction of a phase of sewer lines and connection to the Facility, the Developer will convey its interest in the sewer lines to the Town by sublease or assignment. Upon acceptance of the sewer lines, the Town agrees to provide service and will maintain the sewer lines.
8. **Other utilities.** The Developer will be responsible for arranging the extension of other utilities, including water, electricity, gas, telephone, cable and fiber optics, to the Trust Land. These utilities shall be extended to the "government site" at no cost to the Town.
9. **Roads.** The Developer will be responsible for constructing the road system provided in the Master Plan. The Town and the Developer will agree on the phasing and specific standards of the roads. Unless otherwise agreed upon by the Town and Developer, as part of the approval for the first phase of development, the Developer will be expected to construct the roads necessary for the development of the "Gateway" and "Town Center"

10. **Lease by Town.** Prior to the award of a lease to a Developer, the Town and the Commissioner may enter into a lease for the "Government" site to allow the Town to plan for the development of the municipal office buildings.
11. **Termination.** This Agreement may be terminated or amended at any time by written agreement of the parties. If not terminated previously, this Agreement will terminate automatically four years from the effective date of this Agreement if by then a Developer has not obtained approval for any phase of the development provided for in the Master Plan.
12. **Effective Date.** The effective date of this Agreement will be the date of approval by the Governing Body of the Town.

THE TOWN OF EDGEWOOD

By: 
Howard Calkins
Mayor, Town of Edgewood

Dated: December 20, 2000

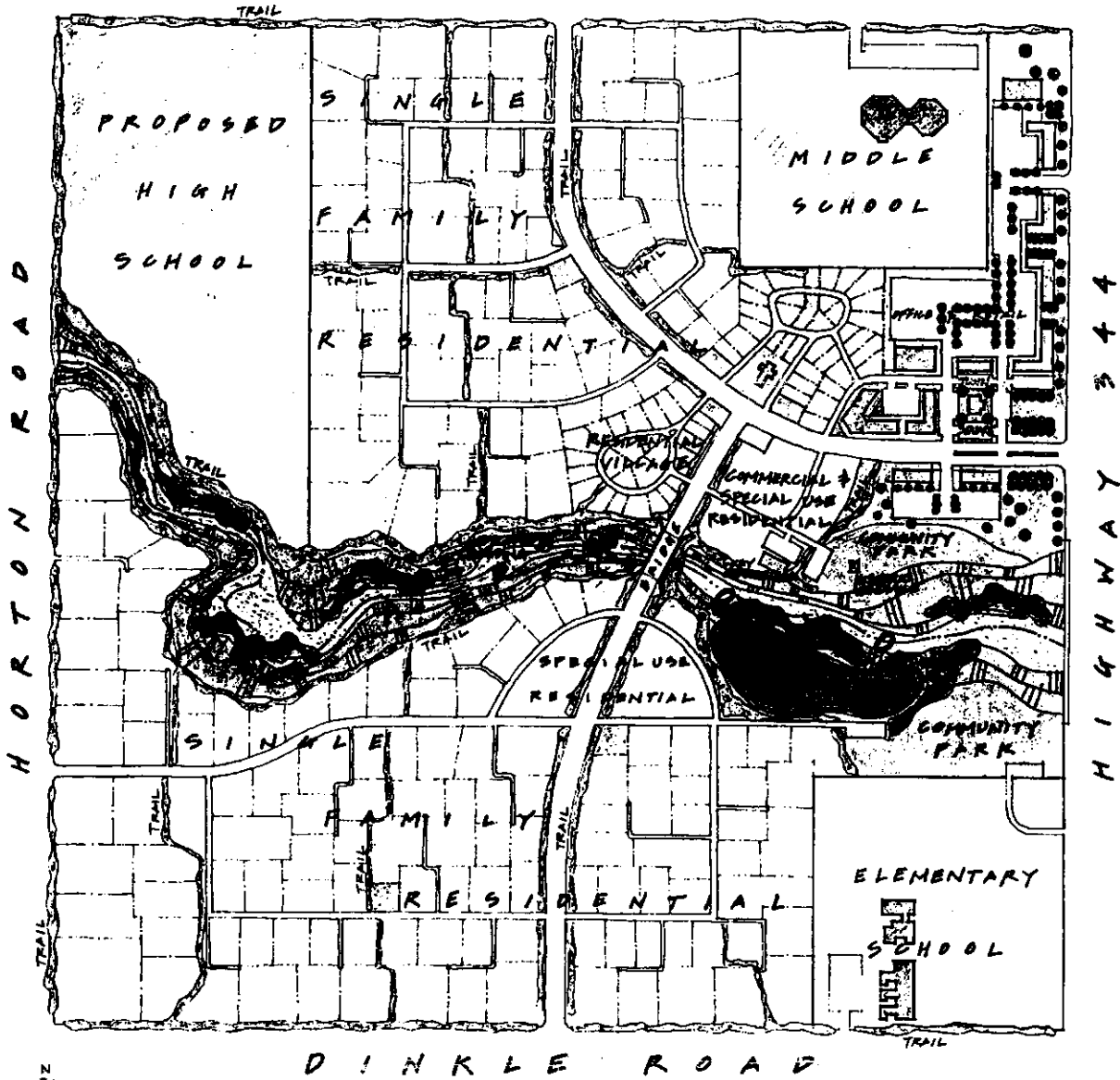
COMMISSIONER OF PUBLIC LANDS

By: 
Ray Powell, M.S., DN.M.
Commissioner of Public Lands for the State of New Mexico

Dated:

EXHIBIT "A"

V E N U S R O A D



**Concept Plan for Section 16
Edgewood, New Mexico**

October 11, 1999