

**PROPOSED ORDINANCE NO. 2007-22**

**AN ORDINANCE PROVIDING FOR AMENDMENT FOR TERRITORY ANNEXATION AREA LOCATED ADJACENT TO SUNOVA CIRCLE  
BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF EDGEWOOD  
NEW MEXICO.**

**WHEREAS:**

A petition asking for annexation has been filed with legal descriptions. Exhibit A map:

**WHEREAS:**

After notice and Public Hearing according to law, the governing Body of the Town of Edgewood wishes to annex 6.94 acres upon the conditions hereinafter set forth:

**NOW THEREFORE:**

The Governing Body of the Town of Edgewood does hereby grant said annexation with the following conditions:

- 1. Property to be zoned Residential R-1.
- 2. The property being annexed will be in compliance with the Town's current Planning & Zoning Ordinance and 2000 Comprehensive Master Plan.

The zone map of the Town of Edgewood shall be amended accordingly and a copy of this Ordinance amending the zone map of the Town of Edgewood shall be recorded in the office of the County Clerk of Santa Fe County, New Mexico,

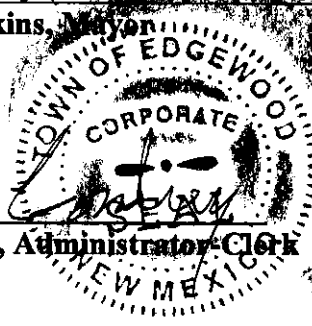
**BE IT RESOLVED BY THE TOWN OF EDGEWOOD GOVERNING BODY:**

PASSED, APPROVED, AND ADOPTED Ordinance No. 2007-22 on this 5th day of December, 2007

*Howard Calkins*  
Howard Calkins, Mayor

ATTEST

*Jeff Conroy*  
Jeff Conroy, Administrator-Clerk

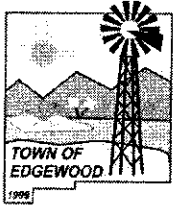


COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

EDGEWOOD ORDINANCE  
PAGES: 4

Hereby Certify That This Instrument Was Filed for Record On The 11TH Day Of January, A.D., 2008 at 16:12 and Was Duly Recorded as Instrument # 1512046 The Records Of Santa Fe County

*Marcella*  
Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM



# PETITION FOR ANNEXATION

PETITIONER(S): Bonnie Ryman James Garraway TELEPHONE: 286-6293  
(Attach proof of ownership: If not owner, must also provide notarized statement of authorization from owner.)

MAILING ADDRESS: 3 Sunova Circle  
Edgewood NM 87015

LEGAL DESCRIPTION OF PROPERTY: (Attach additional sheets as necessary.)  
D-3 A-R and D-3 B-R and ~~lands of Stockton BR~~

TOTAL ACREAGE OF PROPERTY: ~~2~~ 2 acres

REQUESTED ZONING DESIGNATION FOR PROPERTY: \_\_\_\_\_  
(Please note that the final zoning designation by Town Council may differ from the requested designation.)

INSTRUCTIONS: Type or print clearly on this form and *attach a map* showing the external boundary of the territory proposed for ANNEXATION, and its relationship to the existing boundary of the TOWN of EDGEWOOD. Territory proposed for annexation must be contiguous to the existing limits of the TOWN.

Pursuant to NMSA 1978, §3-7-17 the undersigned petitioners request that the Town of Edgewood, by ordinance, grant this petition and annex approximately \_\_\_\_\_ acres of territory contiguous to its current \_\_\_\_\_ boundary Attached to this Petition as Exhibit "A", is a map showing the external boundaries of the territory proposed to be annexed and the relationship of this area to the existing Town boundaries and the second being a map showing the boundaries of the territory proposed to be annexed The undersigned petitioner owns a majority of the number of acres in the area proposed for annexation.

<u>Bonnie Ryman</u> Signature	<u>Bonnie Ryman</u> Print Name	<u>10/31/07</u> Date
<u>James F. Garraway</u> Signature	<u>JAMES F. GARRAWAY</u> Print Name	<u>10-31-07</u> Date

Owner(s) of approximately <sup>BR</sup>~~2~~ 2 acres in the area proposed for annexation. , 90

Any person knowingly providing or causing to be provided any false information on the petition, forging a signature or signing this petition knowing he or she is not an owner of real property within the territory proposed to be annexed is guilty of a fourth degree felony.  
Pursuant to §3-1-5 NMSA 1978 (Repl. Ramp. 1987) the Town Clerk approves the form of this Petition.

\_\_\_\_\_  
Clerk/Administrator  
Town of Edgewood, New Mexico

\_\_\_\_\_  
Dated

NOTE: Although deemed effective at the time of filing with the County Clerk, annexations do not become complete until 30 days (thirty) after such filing, being subject to public appeal in District Court during said period.

*Pd - 11/5/07 - 1900*

SFC CLERK RECORDED 01 / 11 / 2008

Dini Dungs Signature Doris Donges Print Name 11/1/07 Date  
Physical Address: 34 Morper Road

Owner of approximately 1 acres in the area proposed for annexation.

Arturo Jacobs Signature Arturo A. Jacobs Print Name 11-3-07 Date  
Physical Address: 7 Sumava Cr.

Owner of approximately 2 acres in the area proposed for annexation.

Marlisa V. Jacobs Signature Marlisa V. Jacobs Print Name 11-3-07 Date  
Physical Address: 7 Sumava Cr.

Owner of approximately 2 acres in the area proposed for annexation.

Barbara Jacobsen Signature Barbara Jacobsen Print Name 11-3-07 Date  
Physical Address: 28 Morper Rd, Edge.

Owner of approximately .85 acres in the area proposed for annexation.

Leland Honeycutt Signature Leland Honeycutt Print Name 11-4-07 Date  
Physical Address: 35 Morper Rd

Owner of approximately 1.15 acres in the area proposed for annexation.

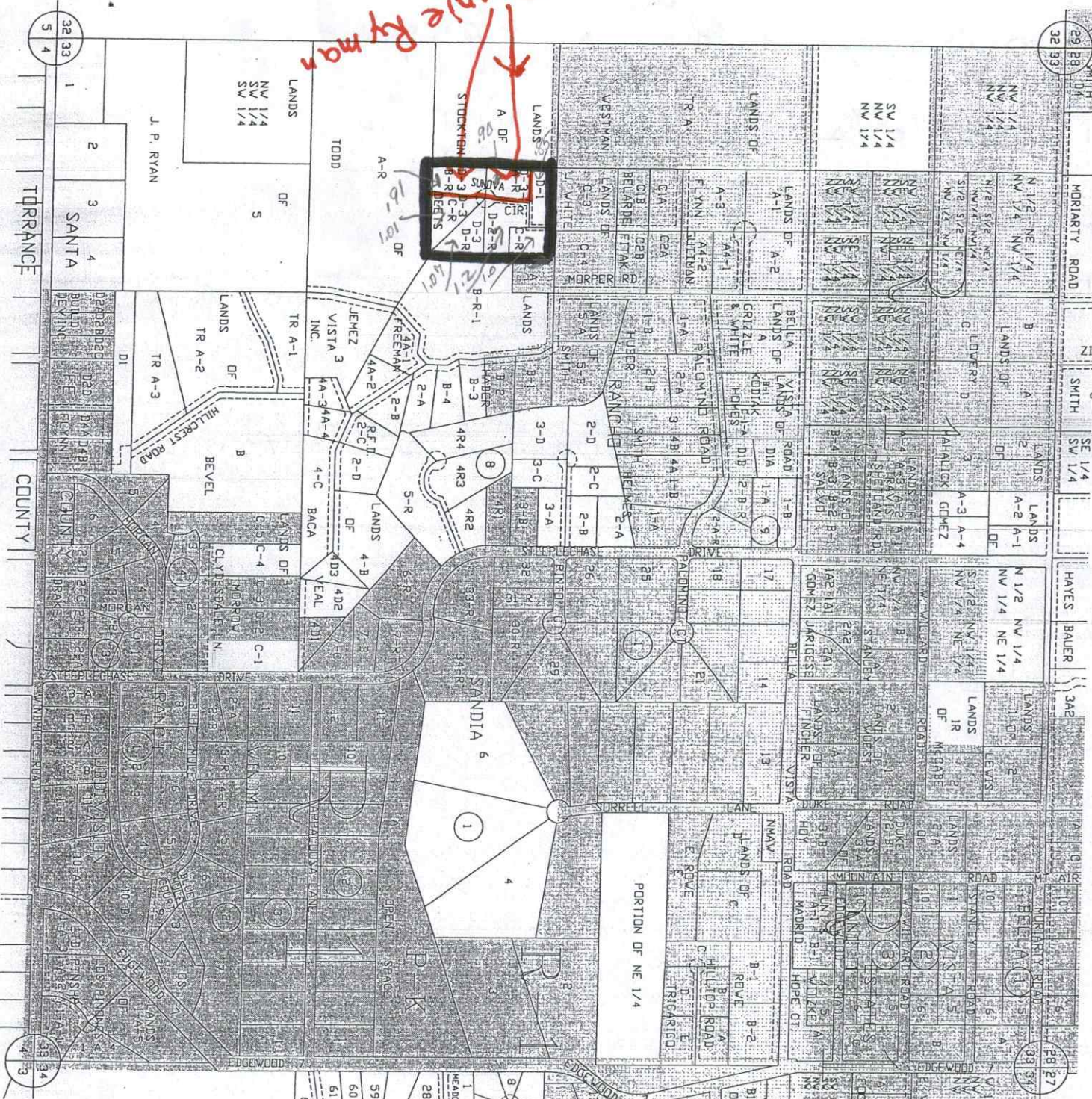
Elmer Mejean Signature Elmer Mejean Print Name 11/4/07 Date  
Physical Address: 35 Morper Rd

Owner of approximately 1.15 acres in the area proposed for annexation.

Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_  
Physical Address: \_\_\_\_\_  
Owner of approximately \_\_\_\_\_ acres in the area proposed for annexation.

Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_  
Physical Address: \_\_\_\_\_  
Owner of approximately \_\_\_\_\_ acres in the area proposed for annexation.

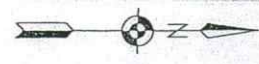
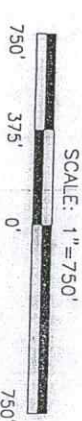




*Bonnie Ryan*

1-039-055-082-266  
 -075-245  
 -074-222

092-219  
 103-226  
 100-243  
 185-204  
 121-265  
 COPYRIGHT  
 ALL RIGHTS RESERVED  
 ODEN & ASSOCIATES



LEGAL DESCRIPTION  
 T 10 N  
 R 7 E  
 SEC 33

UNIFORM PROPERTY CODE  
 1039055

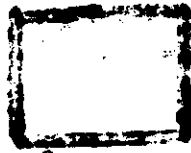
MAP AMENDED THROUGH  
 JULY 1, 2007

M 39



C-R Barbara Jacobsen 28 Moyer

D-1 Louis Donges 34 Moyer  
Alex Garnet



D-3 { AR acre Bonnie Ryman 3 Sanova Cir  
BR acre James Haraway

D-2-R Elmer Mejean 35 Moyer  
Lee Honeycutt

D-3 { ER Arturo Jacobs 7 Sanova Cir  
DR Marlisa Jacobs

~~286-4518~~  
~~Stephanie~~

Planning & Zoning Commission  
6:00 pm. November 19, 2007  
Edgewood Community Center-27 East Frontage  
Minutes

Officially attending:

Commissioners-Gary Chemistruck, Rey Fulwiler, Del Rea, Vicki Schober, Steve Vogel, and Doyce Wilhite.  
Staff Member-Karen Mahalick Community Planning & Development Manager

**1. Call to order:** The meeting was called to order at 6:00 pm.

**2. Approve agenda:**

**MOTION:** Commissioner Chemistruck moved to approve the minutes; the motion was seconded.

**VOTE:** All voted in favor of the Motion.

**3. Approve minutes of 10/05/07:**

**MOTION:** Commissioner Chemistruck moved to approve the minutes; the motion was seconded.

**VOTE:** All voted in favor of the Motion.

**Staff certified that public notice had been posted as required; Commissioners Chemistruck, Rea, Schober, Vogel, and Wilhite certified no ex parte contacts or conflicts of interest; Commissioner Fulwiler reported that he had been contacted by one of the applicants about the Stone Mountain case but had refused to discuss the pending case.**

**4. Zone change request for Nanneman Tracts A, B, C and E, Land division of Anthony Nanneman & Ivan Nanneman.**

Requesting C-1 commercial business adjacent to highway 66. Josh Simms represented the applicant requesting commercial C-1 zoning. Mr. Simms reported they wanted to create three pad sites, that there was water at the edge of the property and sewer across the road. At this time there was not a prospective buyer for the property. Commissioner Rea asked what had changed since the 2/19/07 hearing where the requested zone change was denied, the applicant stated they had engaged Mr. Simms to represent the case and put together a prospective site plan. Commissioner Schober asked staff if the findings issued in February were still valid, staff affirmed they were. Staff reported that fire flow was not available at the property line that it was only as far as the AutoZone property and the wastewater would stop in the same general area. Commissioner Fulwiler asked what the adjacent properties were zoned, staff reported the property adjacent to Leslie Lane was zoned for commercial but the Baptist Church at the south end of Leslie Lane property should be zoned Special Use. All property surrounding this request was zoned for residential use. Staff further reported that there was an aggressive development plan for the property where Radio Shack was located which was working with the Highway Department for access. The portion of Highway 66 adjacent to this request was not on the long range transportation plan for improvements. There was considerable capital investment and infrastructure planned for the area adjacent to Smith's and on the southern side of Highway 66 up to Leslie Lane.

**MOTION:** Commissioner Fulwiler moved to approve the zone change request for Nanneman Tracts A-C and E; the motion was seconded.

**VOTE:** Commissioner Wilhite voted aye, Commissioner Chemistruck voted nay, Commissioner Fulwiler voted aye, Commissioner Vogel voted aye. The motion failed.

**6. Continuation of zone change request for Equestrian Hills development, requesting Residential and services.**

Mark Dupree represented the request for rezoning of 6 acres of the presently zoned residential property. Mr. Dupree reported that the original request for 9 acres had been scaled back and 2 acres were planned for open space to accommodate the proposed wastewater leach field. The applicant had submitted additional materials about the plans consistency with the proposed Comprehensive Plan action items which the council adopted by resolution and draft restrictions/covenants which would be further imposed by the applicant if the property was granted Residential and Services zoning. Additional aerial photos were presented showing the proximity of the Covenant of Grace Church to the south and asked the commission to keep in mind that this church did plan for a high school in the near future prompting the design to set aside buffered open space to mitigate the church's future growth plans. Staff was asked about the increased traffic impact as there was not a study at this level of request and staff reported that the Institute of Transportation Engineers' Trip Generation Manual which was cited in the Impact fee study showed that nonresidential trip generation was 2.98 weekday p.m. peak hour rate formula vs. residential of 1.02 weekday p.m. peak hour rate formula. As this concept plan proposed to reduce the total number of potential homes in the 64 acre tract the traffic increase due to rezoning was about the same as if the applicant did a 1-acre subdivision in a loop as had been the tract home design on the property adjacent to the west. Staff reported that the Town had an opportunity for a different type of subdivision for the request of 6 acres of residential and services zoning. The requested rezoning would create an area about the size of the land from Marietta Court to George Court along Highway 66, with similar types of businesses.

**MOTION:** Commissioner Fulwiler moved to approve the 4 acres of residential with Section 2.02 of the restrictive covenants included in the conditions of zoning. Commissioner Schober requested a friendly amendment incorporating more detailed restrictions and covenants produced by the applicant incorporating the open space. Mr. Dupree requested approval of the zoning with the condition that covenants be brought forward at a later time for the Commissioners and that the zoning specify 4+2 acres of residential and services zoning with the 2 acres to be open space. Commissioner Fulwiler so amended his motion;

**VOTE:** The motion was seconded and passed unanimously.

**OUT-OF-HEARING**

**7. Zoning request for Stone Mountain Estates located west on Venus Ridge, requesting R-2 2 acre minimums.**

Mr. Cardenas produced an aerial and a concept map for the commission showing the proposed lot line alignment to adjoining properties. The conceptual layout showed 4.00 parcels buffering the adjoining properties with the exception of north east properties which were drawn as 2 acre parcels because the adjoining lot lines would not in his opinion be significantly impacted with 2 acre parcels. Concern about the potential safety of the pipeline were expressed and whether or not it was a gas line or a jet fuel line. Residents were concerned about the potential smell associated with the central drainage field for the septic systems and Mr. Cardenas stated these would all be below ground and there would

not be any smell. Mr. Cardenas was asked if he was aware of the necessary standards for crossing the pipeline for roads and Mr. Cardenas stated he was. Property owners adjacent to the Venus road area were concerned about the impact to their property due to the increased traffic. Questions arose about secondary access issues and Mr. Cardenas confirmed he was working on this. Property owner Joe Wendt requested copies of the annexation petition and asked that the applicant be held to those statements for his zoning request. Commissioner Wilhite moved to approve the Residential-2 acre (R-2) zoning with the condition that the applicant have deed restrictions of 4 acres on the buffer lots as per the conceptual subdivision layout presented. The motion was seconded and approved unanimously.

**8. Zoning request for annexation of various tracts adjacent to Horton Road, requesting residential 2-acres, R-2.**

Commissioners discussed the character of the surrounding properties and it was decided that the properties should be zoned as Residential and Estates except for the properties north adjacent to Horton road which are platted and less then 5 acres.

**MOTION:** Commissioner Fulwiler moved to recommend zoning of Residential-two acres on 5 lots, 2-A thru B-2 and Residential and estates on Lands of Bingaman.

**VOTE:** The motion was seconded and approved unanimously.

**9. Annexation/zoning for Morper/Sunova located adjacent to the southern boundary of Morper road T10, R7E, SECTION 33.** Requesting residential zoning. This property is in the priority annexation area in the southwest corner of the town, north of Windmill road and west of Steeplechase. Lots in this annexation petition area are less then one acre and surrounding properties have been zoned as Residential one acre.

**MOTION:** Commissioner Fulwiler moved to recommend zoning of Residential R-1, one acre.

**VOTE:** The motion was seconded and approved unanimously.


**10. Land Use Assumptions for public hearing before Council for adoption of the impact fees for roads and wastewater.**

Staff reported that there was a public hearing on Wednesday December 5, 2007 for adoption of the land use assumptions and asked for comment on the final draft of the assumptions as submitted by the consultants, BBC Research and Consulting. The land use assumptions have been available for the last year, Commissioner Fulwiler commented that the 4,249 units seems large, staff explained that this takes into account the Campbell Ranch properties and future annexation areas. Commissioner Wilhite stated he believed this was a realistic target based upon his experience. Commissioner Wilhite pointed out that while the nonresidential may seem large, the 210,000 square foot Wal-Mart was scheduled to open in March of 2008, thus 385,248 by 2012 was not unreasonable. No action was taken.

**11. Calendar Update-** Joint meeting Council/Commission 12/03/07 for sign workshop. January meeting calendar.

12. Adjourn.





Del Rea, Chairman

**MINUTES**  
**TOWN OF EDGEWOOD**  
**REGULAR COUNCIL MEETING – DECEMBER 5, 2007 @ 6:30 P.M.**  
**EDGEWOOD COMMUNITY CENTER (27 E. Frontage Road)**  
**(Please Silence All Electronic Devices)**

**1. CALL TO ORDER.**

Mayor Calkins called the Meeting to order @ 6:30 P.M. All Councilors were present.

Also present were Mr. Marcus Rael, Town Attorney, Mr. Jeff Condrey, Administrator Clerk-Treasurer, Ms. Karen Mahalick, Manager, Community Planning & Development, Ms. Estefanie Muller, Deputy Clerk.

**2. PLEDGE OF ALLEGIANCE.**

**3. APPROVAL OF THE AGENDA.**

**MOTION:** Councilor Hill made a motion to approve the Agenda as presented.  
Councilor Ring seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Ring voted aye. The motion carried.

**4. APPROVAL OF PREVIOUS MINUTES.**

A. Regular Council Meeting Minutes of November 7, 2007.

B. Special Council Meeting Minutes of November 26, 2007.

**MOTION:** Councilor Ring made a motion to approve the Minutes of November 7, 2007 and the Minutes of November 26, 2007. Councilor Felton seconded the motion.

**VOTE:** Councilor Ring voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

**5. CONSENT AGENDA.**

C. Acknowledgement of the Planning & Zoning Commission Meeting Minutes of November 5, 2007.

D. Acknowledgement of the Planning & Zoning Commission Meeting Minutes of November 19, 2007.

E. Acknowledgement of the Parks & Recreation Advisory Committee Meeting Minutes of October 25, 2007.

F. Acknowledgement of the Animal Control Report for the month of October, 2007.

**MOTION:** Councilor Ring made a motion to approve the Consent Agenda as presented and removing Item D for discussion. Councilor Felton seconded the motion.

Councilor Ring stated the November 19<sup>th</sup> Planning & Zoning Commission Meeting Minutes had an error on square footage concerning Wal-Mart and also the vote was not recorded correctly to which Ms. Mahalick stated this has been corrected.

Councilor Felton referred to the Parks & Recreation Advisory Committee Meeting Minutes on 6A and the Town's commitment to which Mr. Roger Holden stated it is the land that is the Town's commitment. Councilor Ring stated if possible maybe the Town can contribute if the opportunity arises.

  
\_\_\_\_\_  
Initials

**VOTE:** Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Ring voted aye. The motion carried.

**6. MATTERS FROM THE MUNICIPAL JUDGE.**

G. Judge White will present his report for the month of October, 2007.

H. Judge White will present his report for the month of November, 2007.

Judge White reviewed his reports with the Council.

Judge White stated he has taken the Court Security Plan to Santa Fe which is complete and satisfies the Supreme Court Order. Copies were given to the Council for review.

Judge White discussed the yearly summaries with the Council. Copies will be forwarded to the Council. He is working to collect money owed to the Courts.

**7. PUBLIC HEARINGS. (Limit to 3 minutes per person)**

**Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required:**

Ms. Mahalick stated the posting requirement was met.

I. Land Use Assumptions Relating to Possible Adoption of Impact Fees.


Ms. Mahalick reviewed her report with the Council on future growth for the Town from 2007 through 2012 and the future growth for the wastewater service area. These totals came from the ICIP adopted in 2004 for impact fees for fire and rescue and also the Mid-Region Council of Governments performed a population, housing and employment forecast for the greater Edgewood area. These projections through 2012 based on annexations through the next five years.

Councilor Hill asked how the population on residential increase compares to the contract on Town Impact fee study to which Ms. Mahalick stated the correlation is close within percentage points. He commented on current market conditions and the down turn for permits. Ms. Mahalick stated market conditions were considered. She stated every two years there is a re-evaluation. If adopted, the fees are for 2-5 years. Councilor Ring asked on the impact fee, Ms. Mahalick stated if the growth rate does not meet the study shown then it is re-evaluated and lowered. Study can be within five years at anytime. The Council was updated on the process.

Mr. Ray Seagers commented on the impact fees and feels the units is exaggerated over what the real world would be. He calculated the gross receipts tax for commercial/residential and what the Town would receive.

Ms. Mahalick stated the information came from BBC given the demographics on subdivisions, undeveloped commercial land that included Wal-Mart.

Mr. Ralph Hill stated Santa Fe County has been collecting impact fees and has accountability been requested. He commented on the impact fee charged on porches and out houses and why this is done. Ms. Mahalick clarified on the fees and these buildings burn and the Fire Department fees are directly towards the impact on the community of a fire. The Fire Department does give the Town the numbers and what was spent. These will be available at the next meeting.

  
Initials

Mr. Bob Sloan stated that impact fees are not timely at this time as materials are more expensive. The subcontractors, mortgage companies and the title companies will suffer now. He wanted to know where the money will go.

The land use assumptions were discussed related to the road and wastewater impact fee as per the BBC contract. Fire and impact fees were adopted in 2004. Councilor Hill feels the assumptions should be revisited.

Mr. Patrick Seagers would like more information on why the impact fees need to be supplied for future building in Edgewood. Why is there impact fees on roads and sewer, feels there will be a double tax. He feels there is more taxes and hindering the growth and bringing more people into the community.

**MOTION:** Councilor Ring made a motion to table this item and have the firm present to discuss the figures and present more information. Councilor Simmons seconded the motion.

**VOTE:** Councilor Ring voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

J. Request to Amend Subdivision Ordinance, Appeal Section Change to 1<sup>st</sup> District Court.

**MOTION:** Councilor Hill made a motion to adopt language changes to "1<sup>st</sup>" Judicial District and "Town" Council in Section 16. Appeals. Councilor Felton seconded the motion.

**VOTE:** Councilor Ring voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

**Quasi Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required:**

Ms. Mahalick stated the posting requirement was met.

**These cases are being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.**

At this time Ms. Mahalick was sworn in.

**Confirmation of no conflict of interest/ex-parte contacts:**

Councilor Ring stated he had no conflict of interest or ex-parte contacts.  
Councilor Hill stated he had no conflict of interest or ex-parte contacts.  
Councilor Felton stated he had no conflict of interest or ex-parte contacts.  
Councilor Simmons stated he had no conflict of interest or ex-parte contacts.  
Mayor Calkins stated he had no conflict of interest or ex-parte contacts.

K. Zoning Request for 202 Acres in Section 7 off Sunshine Valley, Requesting Residential R-2 Two Acre Minimums.

  
Initials