

**TOWN OF EDGEWOOD
ORDINANCE NO. 2007-15**

**AN ORDINANCE GRANTING THE PETITION TO ANNEX
APPROXIMATELY 10 ACRES OF TERRITORY CONTIGUOUS TO THE
INCORPORATED LANDS ON THE EAST SIDE OF WILDWOOD DRIVE IN SECTION
20 T10N, R7E, OF THE TOWN OF EDGEWOOD, NEW MEXICO.**

WHEREAS: the owners of a majority of approximately 10 acres of territory contiguous to the current border of incorporated lands east of Wildwood Drive of the Town of Edgewood, and the majority of the owners of said lands, have petitioned the Town to annex the territory; and

WHEREAS: the annexation petition delivered to the Town Clerk complies with the requirements of NMSA 1978, SS3-7-17 and SS3-57-5 (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 a map, known as Exhibit 'A', showing the external boundary of the territory proposed to be annexed and the relationship of such territory to the existing Town boundary; and

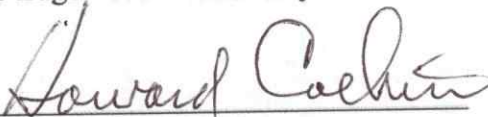
WHEREAS: a public hearing, or hearings, regarding this ordinance have been published and held in conformance with the requirements of State law; and

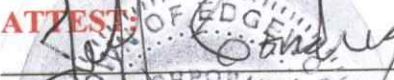
WHEREAS: the Town Council, the Governing Body of the Town of Edgewood, has determined that the Town is capable of providing municipal services to the territory proposed to be annexed within a reasonable time and that the annexation is in the best interests of the Town as a whole;

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

The territory described and defined in Exhibit 'A' 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 May 2nd, 2007 at an open meeting held at the Edgewood Community Center, Town of Edgewood, New Mexico.


Howard Calkins, Mayor

ATTEST:

Jeff Condrey, Administrator





PETITION FOR ANNEXATION

PETITIONER(S): Steve + Debra Kirk TELEPHONE: 897 5971
(Attach proof of ownership: If not owner, must also provide notarized statement of authorization from owner.)
MAILING ADDRESS: PO Box 10356 Albuquerque NM 87184

LEGAL DESCRIPTION OF PROPERTY: (Attach additional sheets as necessary.)
9.95 acres unplatted land, The Best Joint Revocable Trust
Located in the NW 1/4 of Section 20, T. 10N, R. 7E, NMPM Santa Fe County, NM
TOTAL ACREAGE OF PROPERTY: 10 Acres

REQUESTED ZONING DESIGNATION FOR PROPERTY: R-1
(Please note that the final zoning designation by City 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 10 acres of territory contiguous to its current east 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.

[Signature] Steve Kirk 3-6-07
Signature Print Name Date

Signature Print Name Date

Owner(s) of approximately _____ acres in the area proposed for annexation.

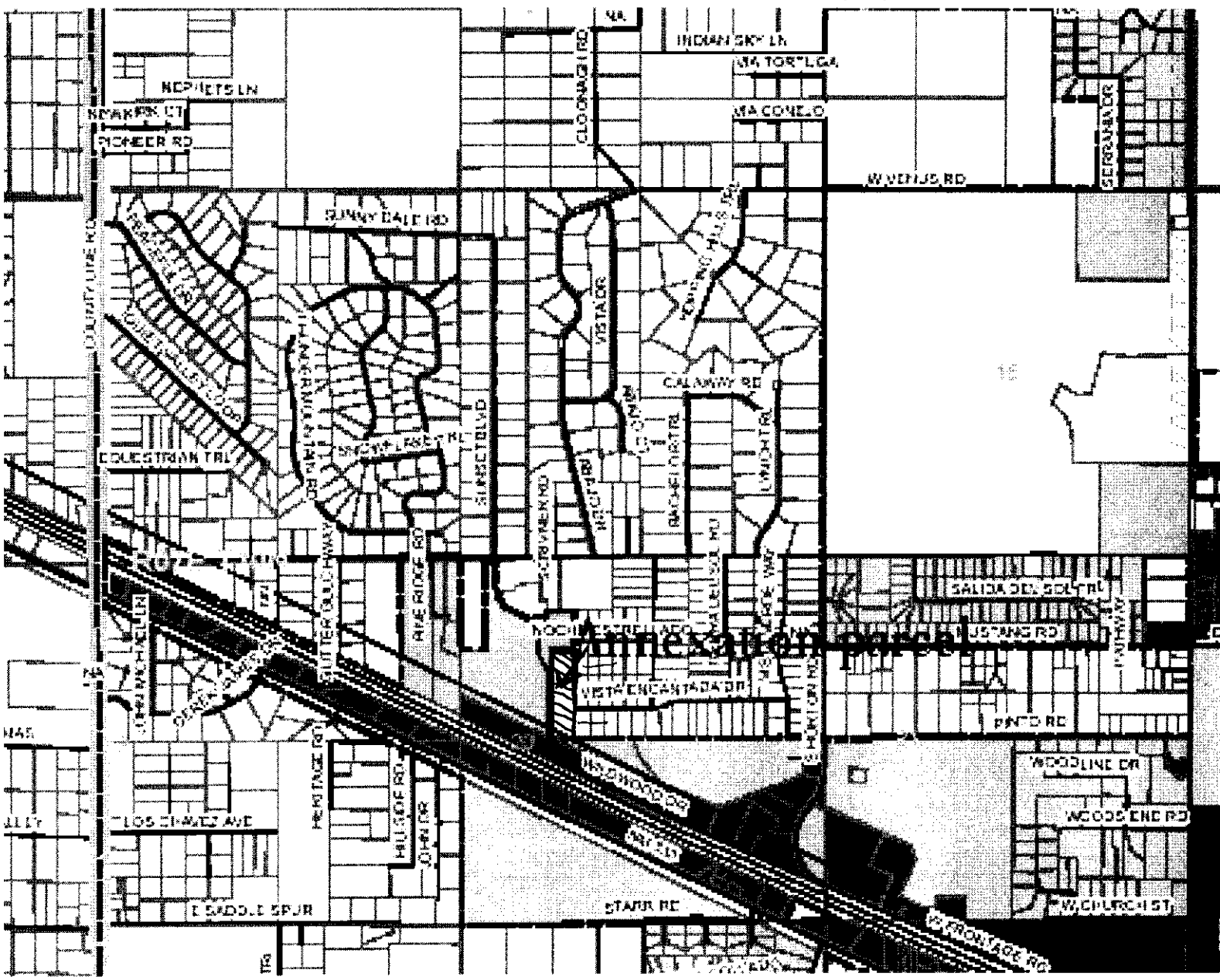
Any person knowingly providing or causing to be provided any false information on the petition, forging a signature or signing this petition knowing he or she is not an owner of real property within the territory proposed to be annexed is guilty of a fourth degree felony.

Pursuant to §3-1-5 NMSA 1978 (Repl. Ramp. 1987) the Town Clerk approves the form of this Petition.

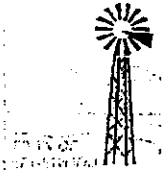
[Signature] 5/11/07
Clerk/Treasurer Dated
Town of Edgewood, New Mexico

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.

EXHIBIT "A"



PARCEL ID
 1-038-057-146-330



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(Attach proof of ownership: If not owner, must also provide notarized statement of authorization from owner.)

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<u>[Signature]</u> Signature	<u>Steve Kirk</u> Print Name	<u>3-6-07</u> Date
<u>[Signature]</u> Signature	<u>Debra Kirk</u> Print Name	<u>3-6-07</u> Date

Owner(s) of approximately _____ acres in the area proposed for annexation.

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.

<u>[Signature]</u> Clerk/Treasurer Town of Edgewood, New Mexico	<u>5/11/07</u> Dated
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MAR-16-2007 FRI 04:15 PM

FAX NO.

P. 02

After recording return to:
Rio Grande Title Company, Inc.

File No. 02607213 Brenda Drake

WARRANTY DEED (Joint Tenants)

Roger Browning Bost and Kathryn King Bost and Rebecca Bost Tucker, as Trustees of the Bost Joint Revocable Trust dated January 2, 2004 and Cynthia L. Bost, as Trustee of the Howard L. and Helen L. Bost Testamentary Trust dated October 2, 1990, for consideration paid, grant to Steve Kirk and Debra Kirk, husband and wife, whose address is PO Box 10356, Albuquerque, NM 87184, as joint tenants of the following described real estate in SANTA FE County, New Mexico:

Tract lettered "A" of the Boundary Survey Plat of LANDS OF THE BOST JOINT REVOCABLE TRUST, located in the NW 1/4 OF SECTION 20, T.10N., R.7E., N.M.P.M., as the same is shown and designated on the plat thereof, filed in the Office of the County Clerk of Santa Fe County, New Mexico, on February 15, 2007, in Map Book 647, Folio 1415, as Document No. 1471115, and being more particularly described as follows:

BEGINNING AT THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 20 BEARS N 44°53'47" W, A DISTANCE OF 1859.74 FEET;

THENCE, N 89°51'25" E, A DISTANCE OF 327.93 FEET;
THENCE, S 00°01'54" E, A DISTANCE OF 398.14 FEET;
THENCE, S 00°04'33" E, A DISTANCE OF 485.16 FEET;
THENCE, S 00°01'44" E, A DISTANCE OF 437.85 FEET;
THENCE, S 89°52'24" W, A DISTANCE OF 328.26 FEET;
THENCE, N 00°01'57" W, A DISTANCE OF 1321.06 FEET TO THE POINT OF BEGINNING.

SUBJECT TO reservations, restrictions and easements of record, and taxes for the year Year and subsequent years, with warranty covenants.

WITNESS our hands and seals this 2nd day of March, 2007.

Roger Browning Bost
Roger Browning Bost, Trustee of the Bost Joint Revocable dated January 2, 2004

Kathryn King Bost
Kathryn King Bost, as Trustee of the Bost Joint Revocable dated January 2, 2004

Rebecca Bost Tucker
Rebecca Bost Tucker, Trustee of the Bost Joint Revocable dated January 2, 2004

Cynthia L. Bost
Cynthia L. Bost, Trustee of the Howard L. Bost and Helen L. Bost Testamentary Trust dated October 2, 1990

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF Arkansas
COUNTY OF Pulaski } SS

This instrument was acknowledged before me this 21 day of March, 2007, by Roger Browning Bost, Trustee

(Name or Names of Person or Persons Acknowledging)

My commission expires:

04-04-14

Lisa Ann Spann
Notary Public

OFFICIAL SEAL
LISA ANN SPANN
NOTARY PUBLIC-ARKANSAS
GRANT COUNTY
MY COMMISSION EXPIRES: 04-04-14

I certify the foregoing is a true and correct copy of the original.
RIO GRANDE TITLE COMPANY, INC.

By: [Signature]

MAR-16-2007 FRI 04:15 PM

FAX NO.

P. 03

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF Arkansas
COUNTY OF Pulaski } SS

This instrument was acknowledged before me this 19th day of March, 2007,
by Kathryn King Bost, Trustee

(Name or Names of Person or Persons Acknowledging)

My commission expires:
04-04-14

Lisa Ann Spann
Notary Public



ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF Arkansas
COUNTY OF Pulaski } SS

This instrument was acknowledged before me this 19th day of March, 2007,
by Rebecca Bost Tucker, Trustee

(Name or Names of Person or Persons Acknowledging)

My commission expires:
04-04-14

Lisa Ann Spann
Notary Public



ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF Washington
COUNTY OF Skagit } SS

This instrument was acknowledged before me this 19th day of March, 2007,
by Cynthia L. Bost, Trustee

(Name or Names of Person or Persons Acknowledging)

My commission expires:
03-04-2008

D. Sowell
Notary Public



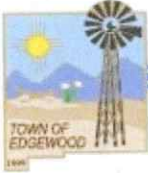
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

ORDINANCE
PAGES: 5

Hereby Certify That This Instrument Was Filed for
Record On The 11TH Day Of May, A.D., 2007 at 14:56
and Was Duly Recorded as Instrument # 1482713
The Records Of Santa Fe County

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





TOWN OF EDGEWOOD

Where the Mountains Meet the Plains

COMMUNITY PLANNING & DEVELOPMENT

P.O. Box 3610
Edgewood, NM 87015-03610
Phone: 505-286-4518 ext. 3
Fax: 505-286-4519

April 18, 2007

Dear Landowner,

Our records indicate that you are an adjoining landowner to the following applicant:

Request for annexation of 10 acres located adjacent to the eastern side of Woodline Drive in the Town.

The public hearing will be held on Wednesday May 2, 2007, in the Edgewood Community Center (27 E. Frontage Road) during the Town Council Meeting. The meeting will begin at 6:30 pm.

If you cannot be present and wish to have your comments heard, you can reach me by phone or fax at the numbers above.

Sincerely,

Karen Mahalick

Community Planning & Development

Howard Calkins
Mayor

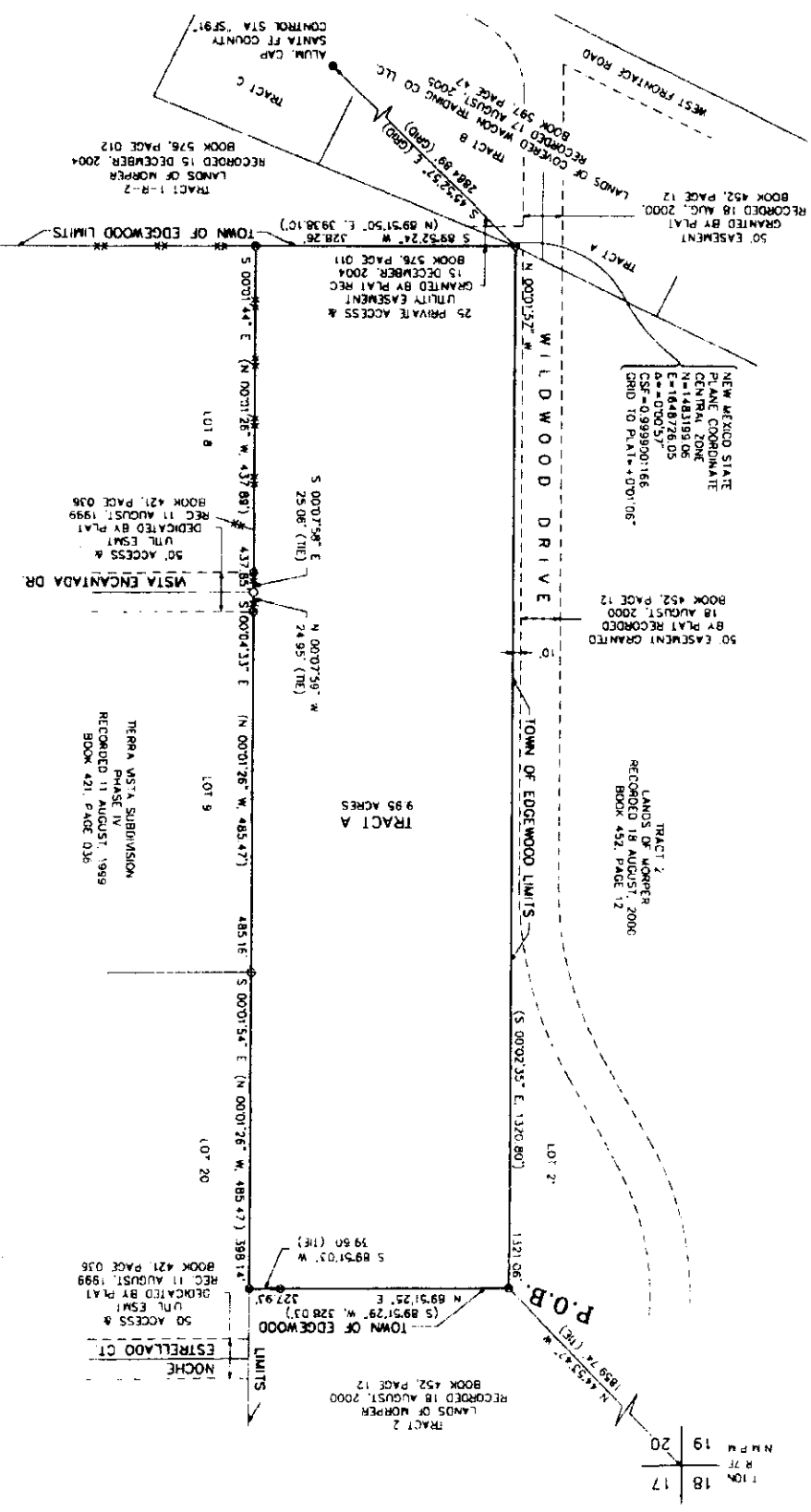
Glenn Felton
Brad Hill
Chuck Ring
Rita Loy Simmons
Town Councilors

Jeff Condrey
Town Administrator

Wm. H. White
Municipal Judge

Karen Mahalick
*Community Planning &
Development Manager*

**BOUNDARY SURVEY PLAT OF LANDS OF
THE BOSTI JOINT REVOCABLE TRUST**
LOCATED IN THE SW1/4 OF SECTION 20, T10N, R7E, NMPM
SANTA FE COUNTY, NEW MEXICO
FEBRUARY, 2007



- LEGEND**
- FOUND SANTA FE COUNTY CONTROL STATION ALUMINUM CAP
 - BOUNDARY LINE
 - EASEMENT LINE
 - BOUNDARY LINE
 - EASEMENT LINE
 - FASTENING LINE

- SET 5/8" x 1/16" REBAR AND YELLOW ID CAP STAMPED "QA PS 14405"
- FOUND 5/8" REBAR WITH ID CAP STAMPED "TROTH 8667"
- ATTACHED 1/4" ID TAG STAMPED "QA PS 14405"
- FOUND 1/2" REBAR WITH ID CAP STAMPED "S 6259"
- ATTACHED 1/4" ID TAG STAMPED "QA PS 14405"
- FOUND 1/2" REBAR WITH CAP NO ID STAMP ATTACHED 1/4" ID TAG STAMPED "QA PS 14405"

INDEXING INFORMATION FOR THE COUNTY CLERK

OWNER: BOSTI, ROGER B., ALIYUN, X. & REBECCA BOSTI-TUPNER
SECTION: 20
T10N, R7E, NMPM
SANTA FE COUNTY, NEW MEXICO

Oden & Associates
2000 W. 11th St.
Albuquerque, NM 87102
505-261-1111

Drawn	Dir	Date	Check Date	Sheet
JOB	FILE	DATE	DATE	2 of 2
57002-015		1/6/07	1/6/07	

April 6, 2007

Town of Edgewood
Community Planning & Development
P.O. Box 3610
Edgewood, NM 87015

Re: Petition for Annexation & Establishment of Zoning to R-1, Unplatted Lands of The Bost Joint Revocable Trust, Zone Atlas Page K-38-Z, Containing ± 9.95 Acres

Dear Town of Edgewood:

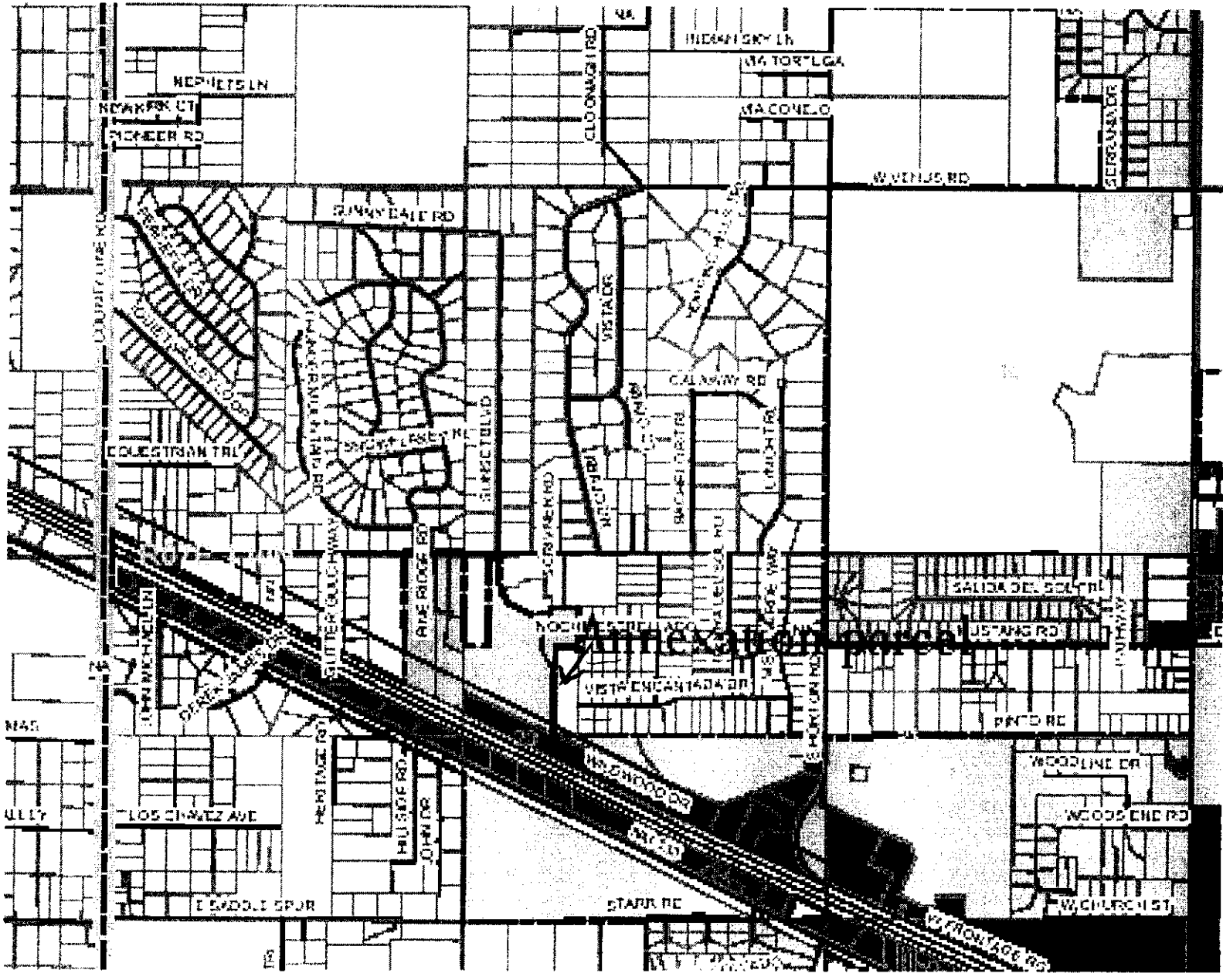
I, Steve Kirk, am requesting a Petition for Annexation and Establishment of Zoning to R-1 for the above referenced site. The site is located in the NW 1/4 of Section 20 in the Town of Edgewood, Santa Fe County and contains 9.95 acres. This site abuts in three sides to the Town of Edgewood city limits.

If you require additional information, please contact our office at your convenience.

Sincerely,

 Manager
Steve Kirk, Owner  Deal On The Hill

Enclosures
JN: 200704



HENRIETTA LN

NEWARK CT
PIPER RD

CLOONAMORE RD

HIDDEN SKY LN

MARTINE LN

MACCONE C

SERRANO DR

W VENUS RD

RIMY BALT RD

SUNSET BLVD

VISTA DR

LEWIS RD

CALAWAY RD

SUNSET BLVD

SWIFT LANE DR

ORCHARD DR

SUNLIT COURTWAY

HEMINGWAY RD

PIPE RIDGE RD

Arlington

NOCHES RIVER LAGO

WATERGATE DR

SAIDA DEL SOL DR

WINDMILL LANE

WINDMILL LANE

PACIFIC RD

PARWAY

NAD

ALLEY

LOS CHAVEZ AVE

E BIDDLE SPUR

HILLSIDE RD

LOHMEYER

MONROE RD

RICKEY

STARR RD

SEPTON RD

WOODLINE DR

WOODSIDE RD

W CHURCH ST

WINDMILL LANE



TOWN OF EDGEWOOD

Where the Mountains Meet the plains

COMMUNITY PLANNING & DEVELOPMENT

P.O. Box 3610
Edgewood, NM 87015-03610
505-286-4518 ext. 3

April 17, 2007

Rachel Brown
Assistant County Attorney
102 Grant Avenue
P.O. Box 276
Santa Fe, New Mexico 87504-0276
FAX 505-986-6362
Dear Ms. Brown,

Pursuant to NMSA §3-7-17.1 the Town of Edgewood is requesting comment from Santa Fe County on an annexation petition from Steve & Debra Kirk as per the attached map.

If you need any further information please contact me at (505) 286-4518 ext. 3.

Sincerely,

Karen Mahalick

Community Planning & Development

Howard Calkins
Mayor

Glenn Felton
Brad Hill
Chuck Ring
Rita Loy Simmons
Town Councilors

Karen Alarid
Clerk-Treasurer

Wm. H. White
Municipal Judge

Karen Mahalick
*Community Planning &
Development Manager*

MINUTES
REGULAR COUNCIL MEETING – MAY 2, 2007 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER
Please Silence All Electronic Devices
(Final Agenda available 24 hours prior to the Meeting)

CALL TO ORDER.

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

Also present were Mr. David Henderson, Attorney, Mr. Jeff Condrey, Administrator, Ms. Karen Mahalick, Manager, Community Planning & Development and Ms. Estefanie Muller, Deputy Clerk.

PLEDGE OF ALLEGIANCE.

APPROVAL OF AGENDA.

Councilor Simmons made a motion to approve the Agenda as presented. Councilor Ring seconded the motion.

Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Ring voted aye. The motion carried.

APPROVAL OF PREVIOUS MINUTES.

1. Regular Council Meeting Minutes of April 18, 2007.

Councilor Ring made a motion to approve the Minutes as presented. Councilor Simmons seconded the motion.

Councilor Ring voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

APPROVAL OF CONSENT AGENDA.

2. Acknowledge receipt of the Planning & Zoning Commission Meeting Minutes April 16, 2007.

3. Acknowledge receipt of the Parks & Recreation Report.

4. Parks & Recreation Meeting of March 22, 2007. (No Minutes due to lack of a quorum)

5. Acknowledge receipt of the Animal Control Report for the month of April, 2007. **(Hand-out will be provided at the Meeting).**



Initials

6. 2007 State Appropriations Grant Agreement signature approval. Grant No. 07-L-G-5502 and Grant No. 07-L-G-5503

Councilor Simmons made a motion to approve the Consent Agenda as presented. Councilor Hill seconded the motion.

Councilor Ring voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

MATTERS FROM THE MUNICIPAL JUDGE.

7. Judge White's report for the month of April 2007.
Reviewed.

Judge White reported on a case to which a gentleman was arraigned and then the gentleman has sent two letters to the Town offices with four issues commingled, one letter requesting inspection of public records with a discovery motion. The second letter deals with a personnel complaint against a Town employee and a complaint against the system where there is a shared court clerk that needs addressing as well. This has become complex and Judge White feels he has to recuse himself. He has discussed this issue with Mr. Henderson, Town Attorney. With one Judge in Edgewood the Town will need to appoint a temporary Judge. This will be the first time Judge White has had to recuse himself and feels this will not reflect on the Town. He stated this is a matter of law and of ethics. Judge White stated he has notified all parties of having to recuse himself. There is six months from the time of citations to a trial time. He has given information to Mr. Henderson and the Council.

PUBLIC HEARINGS.

Mr. Henderson asked that Ms. Mahalick be placed under oath for the record as one of the matters listed is a Quasi Judicial matter.


At this time Ms. Mahalick was sworn in.

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

Noted: Ms. Mahalick affirmed this certification.

Confirmation of no conflicts of interest/ex-parte contacts:

Councilor Ring stated he had no ex-parte or conflicts of interest. Councilor


Initials