

1183-905

COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed for
record on the 17 day of May, A.D.
20 01 at 1:15 o'clock P.M. and
was duly recorded in book 2026 page
146 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.

**TOWN OF EDGEWOOD
ORDINANCE NO. 2001- 6**



**AN ORDINANCE GRANTING THE PETITION BY OWNERS OF A MAJORITY OF
7.2 ACRES OF TERRITORY CONTIGUOUS TO THE SOUTHWEST BOUNDARIES
OF THE TOWN OF EDGEWOOD, NEW MEXICO TO ANNEX THE TERRITORY.**

WHEREAS; THE TOWN OF EDGEWOOD owners of a majority of 7.2 acres of territory contiguous to the West boundaries of the Town of Edgewood petition the Town to annex the territory; and zone CB.

WHEREAS, the annexation petition delivered to the Town Clerk complies with the requirements of NMSA 1978, S3-7-17 (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 two maps labeled Exhibits "A" and "B" showing respectively the external boundary of the territory proposed to be annexed and the relationship of such territory to the existing Town boundary; and

WHEREAS, 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.

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

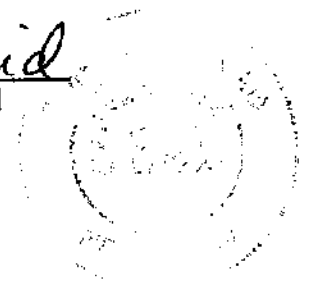
The territory described and defined in the maps attached hereto as Exhibits "A" and "B" is hereby annexed to the Town of Edgewood and is hereby made subject to all of the laws and ordinances which shall now or hereafter apply to land within the Town limits. Further, the Council hereby directs the Town Clerk to file a copy of the map 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.

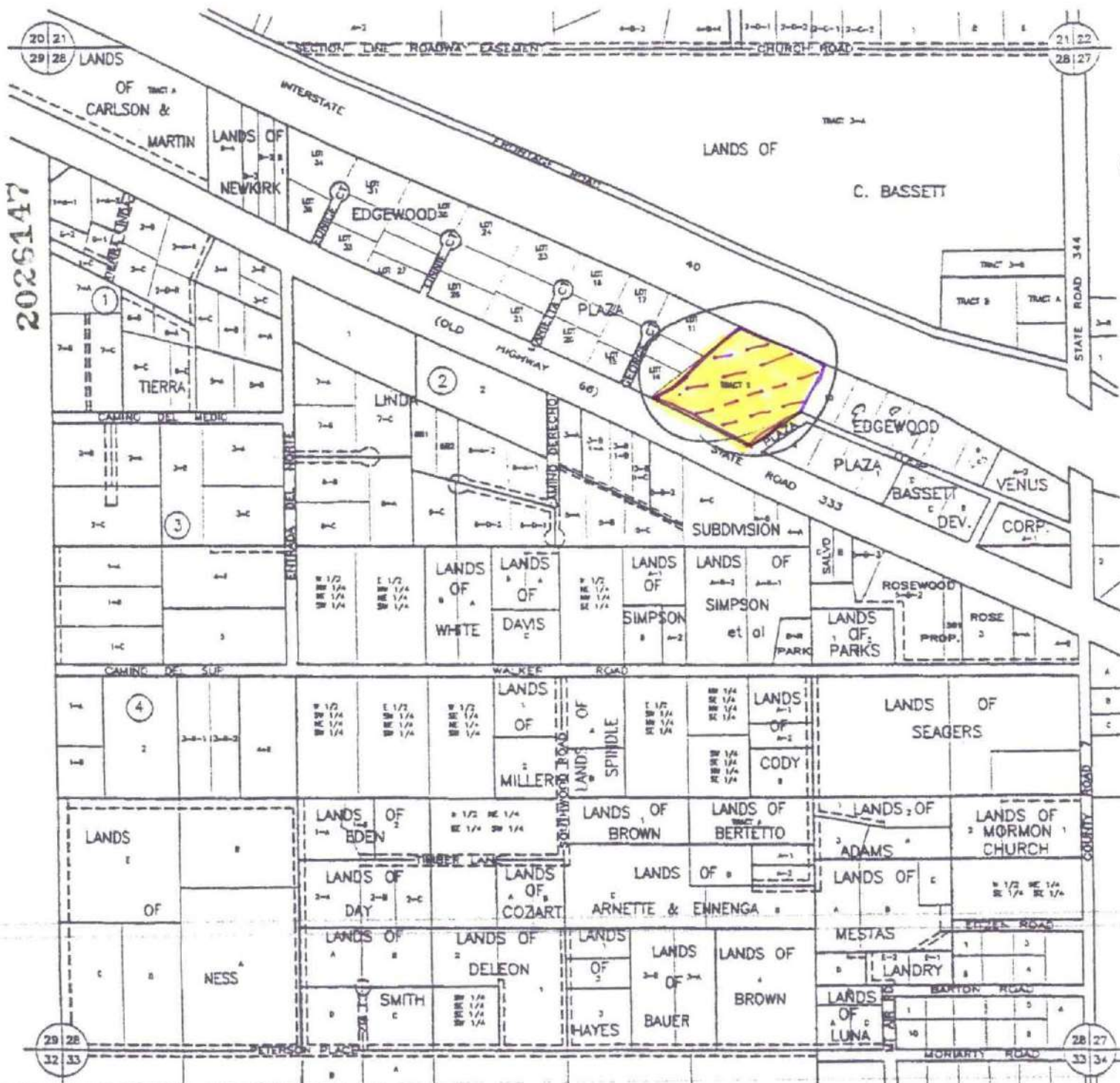
APPROVED, PASSED AND ADOPTED this 3rd day of October, 2001 at an open meeting held at the Edgewood Community Center, Town of Edgewood, New Mexico.

ATTEST:

Howard Calkins
Mayor / Howard Calkins

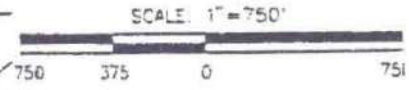
Karen Alarid
Clerk-Treasurer / Karen Alarid





2025147

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ALL RIGHTS RESERVED
TR ODEN
SURVEYING SERVICES, INC



LEGAL DESCRIPTION
T 10 N
R 7 E
SEC 28

UNIFORM PROPERTY CODE
1039056

MAP AMENDED THROUGH
JULY 1, 1995

L39

2001-6

SPECIAL WARRANTY DEED

WELLS FARGO, successor in interest by merger to First Security Bank of New Mexico N.A., as custodian for Mark Jensen SEPP/IRA, for consideration paid, grants to **ROBERT MORPER** and **SHARRON MORPER**, husband and wife, as joint tenants (WROS), whose address is P.O. Box 605, Moriarty, New Mexico 87035, the following described real estate in Santa Fe County, New Mexico:

Tract 1 of Edgewood Plaza Subdivision, as shown on plat filed in the office of the County Clerk, Santa Fe County, New Mexico, on January 3, 1991, recorded in Plat Book 218, page 629, as Document No. 726,044.

Subject to reservations, restrictions and encumbrances of record, and to property taxes for the current year and all subsequent years.

with special warranty covenants.

WITNESS my hand and seal this 16th day of August, 2001.

Wells Fargo, successor in interest by merger to First Security Bank of New Mexico, N.A., as custodian for Mark Jensen SEPP/IRA

[Signature] VP
BARBARA JONCKERS
ASSISTANT VICE PRESIDENT

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on August 16, 2001 by _____ on behalf of Wells Fargo, successor in interest by merger to First Security Bank of New Mexico, N.A., as Custodian for Mark Jensen SEPP/IRA.

Notary Public

My Commission Expires: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles } ss.

On August 21, 2001 before me, Najdi Rafehy
Date Name and Title of Officer (e.g., "John Doe, Notary Public")

personally appeared Judy Morris & Barbara Jowckers
Name(s) of Signatory

personally known to me
 proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.
Najdi Rafehy
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document
Title or Type of Document: Real Estate Contract

Document Date: 8/16/01 Number of Pages: 4

Signer(s) Other Than Named Above: _____

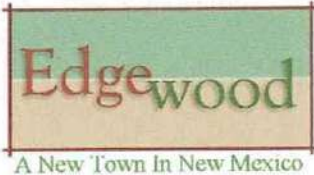
Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer is Representing: _____



PETITION
FOR
ANNEXATION

Rec'd
9-4-01

Pursuant to NMSA 1978, 3-7-17, the undersigned petitioner(s) requests that the Town of Edgewood, by ordinance, grant this petition for annexation of land(s) contiguous to the municipal limits.

Petitioner(s): Robert G. + Sharon P. Morper Telephone: 832-1892
(Attach proof of ownership: If not owner, must also provide notarized statement of authorization from owner.)

Mailing Address: P.O. Box 605
Moriarty N.M. 87035

Signature: Robert Morper Date: 9-01-01

Signature: Sharon P. Morper Date: 9-01-01

LEGAL DESCRIPTION OF PROPERTY: *(Attach additional sheets as necessary.)*
Tract 1 of Edgewood PLAZA Subdivision
T 10 N R 7 E Sec 20

TOTAL ACREAGE OF PROPERTY: € 7.2 acres

REQUESTED ZONING DESIGNATION FOR PROPERTY: C (CB)
(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.

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.

**EDGEWOOD TOWN COUNCIL
REGULAR MEETING
October 03, 2001**

CALL TO ORDER Mayor Howard Calkins called the meeting to order at about 6:30 P.M. Councilors: Ring, Stearley, Lasky and Chemistruck were in attendance. Also, in attendance were Karen Alarid, Town Clerk and Judge Carole Apple.

ADD ITEM Councilor Chemistruck made motion to add New Mexico State Highway Department Coop Program as discussion item only. Frank seconded the motion. All voted aye; motion carried.

APPROVE AGENDA Chuck made motion to approve agenda, as amended. Gary seconded the motion. All voted aye; motion carried.

**APPROVE MINUTES
SEPT. 19, 2001** Chuck made motion to approve minutes from regular council meeting of September 19, 2001. Councilor Lasky seconded the motion. All voted aye; motion carried.

JUDGE'S REPORT Karen Alarid read the Judge's report as follows: 0 Cases heard; 0 fines; 0 fees collected. Gary made a motion to accept judge's report for month of September as submitted by Judge Carole Apple. Chuck seconded the motion. All voted aye; motion carried.

PUBLIC HEARING:
a) To annex 2.39 acres Mayor Calkins asked input from the public on the proposed annexation of 2.39 acres of a territory contiguous to the west boundary of the Town. There was none. Town Clerk, Karen Alarid reported that the property owner was trying to get a letter from Santa Fe County Fire Department stating that they do have adequate road access, but he doesn't have that letter yet. Gary made motion to table this item at this time. Chuck seconded the motion. All voted aye; motion carried.

b) To annex 7.2 acres This is a request by the property owners for an ordinance granting the petition to annex 7.2 acres of territory contiguous to the west boundary of the Town. Mayor Calkins told the public that this property is located just east of the Town offices. Mayor asked for comments from the public. There were none. Karen Mahalick, chairperson

for Planning & Zoning reported on their recommendation made at their Monday, October 3, to zone as CB.

Chuck made motion to adopt an ordinance granting the petition of 7.2 acres contiguous to west of the Town. Gary seconded the motion. All voted aye; motion carried.

**c) To annex
45* acres**

This was originally stated as 47.5 acres and is now corrected to 45 acres. It is a request to annex 45 acres contiguous to the west boundary of Town. Twenty five (25) of the forty-five (45) signatures were obtained. At this time the Mayor asked for public comment, there was none. Gary made motion to annex the 45 acres contiguous to the west boundary of the Town of Edgewood. Frank seconded the motion. All voted aye; motion carried. Gary made motion to take P & Z recommendation and give this property a R-1 zoning designation. Bob seconded the motion. All voted aye; motion carried.

**PARKS & REC
Arts Programs**

Linda Burke of the Parks and Recreation committee gave a brief report on grants that might be available to Parks & Rec. They would like Council's permission to apply for these grants. They are matching funds to be used from the Parks & Rec budget. They would be useable in 2003. Chuck made motion to allow Parks & Rec to apply for these grants. Frank seconded the motion. All voted aye; motion carried.

**P & Z MINUTES
9/17/01**

Gary made motion to acknowledge Parks and Recreation minutes from their September 17, 2001 meeting. Bob seconded the motion. All voted aye; motion carried.

**CELL TOWER
ORDINANCE**

Karen Mahalick of P & Z said the Cell Tower Ordinance will soon be ready for Public Hearing. She will try to schedule it for the earliest legal date in November possible. Chuck agreed it should be as soon as possible. Chuck made motion to schedule a public hearing for the Cell Tower Ordinance as soon as legally possible. Frank seconded the motion. All voted aye; motion carried.

**APPOINTMENT OF
P & Z MEMBER**

Mayor Calkins recommends they appoint Brad Hill replacement to fill the open position left with Anthony Anaya's resignation. Gary made motion to accept Mayor's recommendation and appoint Brad Hill to fill the open position on the Planning and Zoning board. Frank seconded the motion. All voted aye; motion carried.

**CY STANTON
Appaloosa Lane**

Mr. Cy Stanton and Ms. Jan Clements were in attendance to follow up on a letter previously sent to Council regarding the noise and nuisance they are experiencing with dirt bikes/four wheelers in their area. They would like an ordinance to address this chronic problem. Council did not know if they can enforce any kind of ordinance, but they will look into it. Karen Mahalick thought maybe it might be a violation of the landscaping ordinance. After much discussion, it was decided that a committee should be formed to look into different solutions that may be available. Mayor Calkins named Mr. Stanton as the chairman of this committee. Jan Clements and Paul Hoffman will also be on the committee. Chuck made motion to approve forming a committee to try to resolve the issues concerning the residents of Appaloosa Road. Gary seconded the motion. All voted aye; motion carried.

**AID FOR
SEPTEMBER 11,
2001 TRAGEDY**

It was decided, to form a committee to raise donations to send to New York. Fred Burger is the chairman of the committee. He will try to make it to include several of the communities in the Estancia Valley. Karen Mahalick will find out how to get the monies raised directly to New York. Chuck made motion to approve the committee with Mr. Burger as chairman. Gary seconded the motion. All voted aye; motion carried.

ROUTE 66 PTO

Kay Wilkes, representing the Route 66 Elementary School Parent/Teacher Organization spoke to Council. They requested to be sanctioned by Town Council as a non-profit organization to maintain a business license. By being a non-profit organization, it will enable them to have fundraisers throughout the year at a minimal fee of \$17.00 a day as opposed to \$100.00 a day. Bob made motion to approve the PTO request to be sanctioned by the Town as a non-profit organization. Chuck seconded the motion. All voted aye; motion carried.

**PARKS AND REC
MINUTES 8/2/01 &
8/9/01**

Chuck made motion to acknowledge Parks and Recreation minutes of August 2, and August 9, 2001 meetings. Gary seconded the meeting. All voted aye; motion carried.

UPDATE ON RFP'S

Karen Alarid gave a brief report on the three RFP's that had been submitted. Mayor needs Council's authorization to negotiate an agreement with the top ranked architect for the

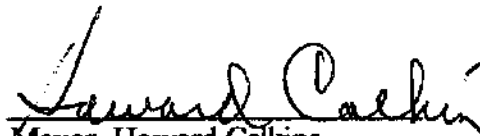
Medical Facility. Final agreement will come before Council for final approval. Chuck made motion to authorize Mayor Calkins to begin to negotiate with the top rated architectural firm after receipt of recommendation from the selection. Frank seconded the motion. Bob voted nay, Frank, Chuck and Gary voted aye; motion carried.

PAYMENT OF Gary made motion to approve the payment of bills for
BILLS-SEPTEMBER September, 2001, as submitted by Karen Alarid. Frank seconded the motion. All voted aye; motion carried.

ADJOURN

Meeting adjourned at 8:00 P.M.

Approved, adopted and passed this 17th day of October 2001.


Mayor, Howard Calkins



ATTEST:


Clerk, Karen Alarid

**Edgewood Planning & Zoning
Commission
Regular Meeting 10-01-01
Edgewood Community center**

- Call to Order** Meeting was called to order at 6:00 pm
- Members present** Eldy Gilmer, Karen Mahalick, Jerry Miller, Ray Seagers and Ed Whitworth
- Update on Town Council actions:**
- a. A variance clause has been added to the Sign Ordinance.
 - b. Tony Anaya's resignation has been accepted.
 - c. With the submittal of a dedication plat the Town Council agreed to accept maintenance of the roads in the Vista Hermosa subdivision.
- Approve Agenda** Ed Whitworth made a motion to approve the agenda. A second was made by Eldy Gilmer. The motion passed.
- Approve the minutes for 9-17-01** With some minor corrections Ed Whitworth made the motion to approve the minutes. A second was made by Eldy Gillmer. The motion passed.
- Minor Subdivision for Beverly Garrett** This request relates to property located in the SE ¼ of Section 35, T10N, R7E N.M.P.M. tracts 1-R3-A thru D.
Concerns expressed included:
- a. Proof of ownership.
 - b. An indication that taxes have been paid.
 - c. Conflict between Lands of Beverly Garrett and free Consent required signature by Gary Lowry.
 - d. No site surface drainage indications.
 - e. Need for written information to accompany proposed plan or plat.
- Since no representative of this request was present to address the Commission's concerns, Jerry Miller made the motion that this request be tabled until the owner or a designated representative could be present to answer questions raised or a written description be submitted with the plat. A second to the motion was made by Eldy Gillmer. The motion passed.

Zoning recommendation for 7.2 acres of land contiguous to the west boundary of Edgewood

This request of Robert & Sharon Morper is for CB zoning of 7.2 acres of land within Edgewood Plaza Subdivision labeled Section 28, Tract 1, T10N, R7E. Adjacent properties are currently CB.

Ed Whitworth made the motion that commission recommend a CB zoning designation for this proposed annexed property. Eldy Gilmer made a second. The motion passed.

Zoning recommendation for 47.5 acres of land contiguous to the west boundary of Edgewood.

This R-1 zoning request is for lots within 47.5 acres of land at the west end of Walker RD and South end of Entrada del Norte. The zoning request is for a proposed annexation and does fulfill in-fill objectives. Adjacent properties are currently designated both R-1 and CB.

Jerry Miller made the motion that the Commission recommend R-1 zoning for this proposed annexation, Eldy Gillmer seconded the motion. The motion passed.

Cell Tower Ordinance Review

Karen Mahalick presented the commission members with copies of the proposed cell tower ordinance with previous recommended changes or additions all highlighted in red.

New questions presented were:

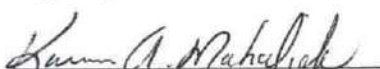
- a. A definition of the word 'stealth'. In this situation it would refer to a "state of the art facility"
- b. Concern about a receive only antenna and potential heights. Height concern is to be addressed at application review with emphasis given to health, safety and welfare. Proposal was made to remove the statement, "receive-only"
- c. Reference 6-e, clarify the end of sentence with "emergency name and contact numbers."
- d. Possible removal of the word "non-conforming?"
- e. Variance clause rewritten to be consistent with the language of the sign ordinance.
- f. Change the wording of 23 A to read the Council may approve a variance... instead of the Planning Commission may approve.

Ed Whitworth made the motion that the Cell Tower Ordinance, with the additions and revisions be presented to Council and made ready for public hearing. A second was made by Eldy Gillmer. The motion passed.

Adjourn

The meeting adjourned at 7:33 P.M.

Signed,


Karen A. Mahalick
Chairman