

**TOWN OF EDGEWOOD
ORDINANCE NO. 2003-10**

AN ORDINANCE GRANTING THE PETITION BY THE OWNERS OF A MAJORITY OF 61 ACRES OF TERRITORY CONTIGUOUS TO THE NORTH BOUNDARY OF THE TOWN OF EDGEWOOD TO ANNEX THE TERRITORY. (Located East of SR344 on Hill Ranch Road).

WHEREAS; THE TOWN OF EDGEWOOD owners of a majority of 61.0 acres of territory contiguous to the current east boundaries of the Town of Edgewood petition the Town to annex the territory;.

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 December, 2003 at an open meeting held at the Edgewood Community Center, Town of Edgewood, New Mexico.



Mayor / Howard Calkins



ATTEST:



Clerk-Treasurer / Karen Alarid



PETITION FOR ANNEXATION

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): Cheryl A. Huppertz Telephone: 286-3287
(Attach proof of ownership. If not owner, must also provide notarized statement of authorization from owner.)
Mailing Address: PO Box 1807
Edgewood, NM 87015

Signature: Cheryl Huppertz Date: 11/10/03
Signature: Frederick Huppertz Date: 11/10/03

LEGAL DESCRIPTION OF PROPERTY: (Attach additional sheets as necessary.)
Parcel A-1 and A-2 as designated on the Plat titled "Family Transfer Land Division Plat of Parcel 'A' for Cheryl Huppertz" filed in the office of the County Clerk of Santa Fe County, New Mexico on 9/10/03, Plat Book 541, Page 30.
TOTAL ACREAGE OF PROPERTY: 6.1 acres

REQUESTED ZONING DESIGNATION FOR PROPERTY: residential
(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.

EXHIBIT A

To Cheryl Huppertz: All of that certain parcel of land lying and being situate in the Southeast Quarter (SE ¼) of Section 3, Township 10 North, Range 7 East, New Mexico Principal Meridian and Baseline, and being more particularly described using New Mexico State Plane Grid Bearings and ground distances as follows: Commencing at Santa Fe County Control Station SF-84 (a 3 inch aluminum cap stamped "SF-84 1992) thence S 84° 36' 54" E, 185.64 feet to a #5 rebar found in place at the southeast corner of said Section 3, thence S 89° 52' 51" W, 2636.88 feet to the south quarter (S ¼) corner of said Section 3, being the southwest corner and True Point of Beginning of the Parcel herein described; thence, N 00° 01' 12" W, 2636.65 feet along the centerline of said Section 3 to a #4 rebar in concrete found in place at the center quarter (C1/4) of said Section 3, being the northwest corner of the Parcel herein described: thence, N 89° 55' 12"E, 1007.91 feet along the centerline of said Section 3 to a #5 rebar with cap stamped "NMPS 7248" set at the northeast corner of the Parcel herein described: thence, S 00° 01' 12" E, 2635.96 feet to the southeast corner of the Parcel herein described, being a point on the line common to Sections 3 and 10; thence, S 89° 52' 51" W, 1007.91 feet to the Point of Beginning of the Parcel herein described and containing 61.00 acres, more or less.

10 acres of this property to be mortgaged.

WARRANTY DEED

2652306

I, FREDERICK THEODORE HUPPERTZ, for consideration paid, grant to, FREDERICK THEODORE HUPPERTZ and CHERYL ANN HUPPERTZ, husband and wife, whose address is P.O. Box 1867, Edgewood, New Mexico 87015, the following described real estate in Santa Fe County, New Mexico:

All of Parcel A-2, as the same is shown as so designated on the Plat titled "Family Transfer Land Division Plat of Parcel 'A' for Cheryl Huppertz" filed in the office of the County Clerk of Santa Fe County, New Mexico on September 10, 2003, in Plat Book 541, Page 30.

containing 10.00 acres, more or less.

Subject to easements and patent reservations, if any, with warranty covenants

Witness our hands and seals this 10 day of September, 2003.



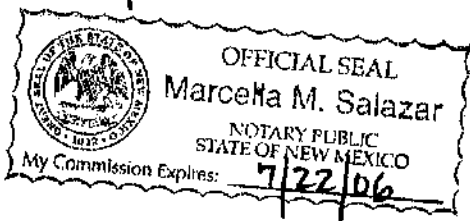
Frederick T. Huppertz
Frederick T. Huppertz

COUNTY OF SANTA FE 1289 1300
STATE OF NEW MEXICO SS
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD ON THE 10 DAY OF SEP A.D.
2003 AT 10:30 O'CLOCK A.M.
AND WAS DULY RECORDED IN BOOK 2052
PAGE 306 OF THE RECORDS OF
SANTA FE COUNTY

STATE OF NEW MEXICO)
COUNTY OF SANTA FE)

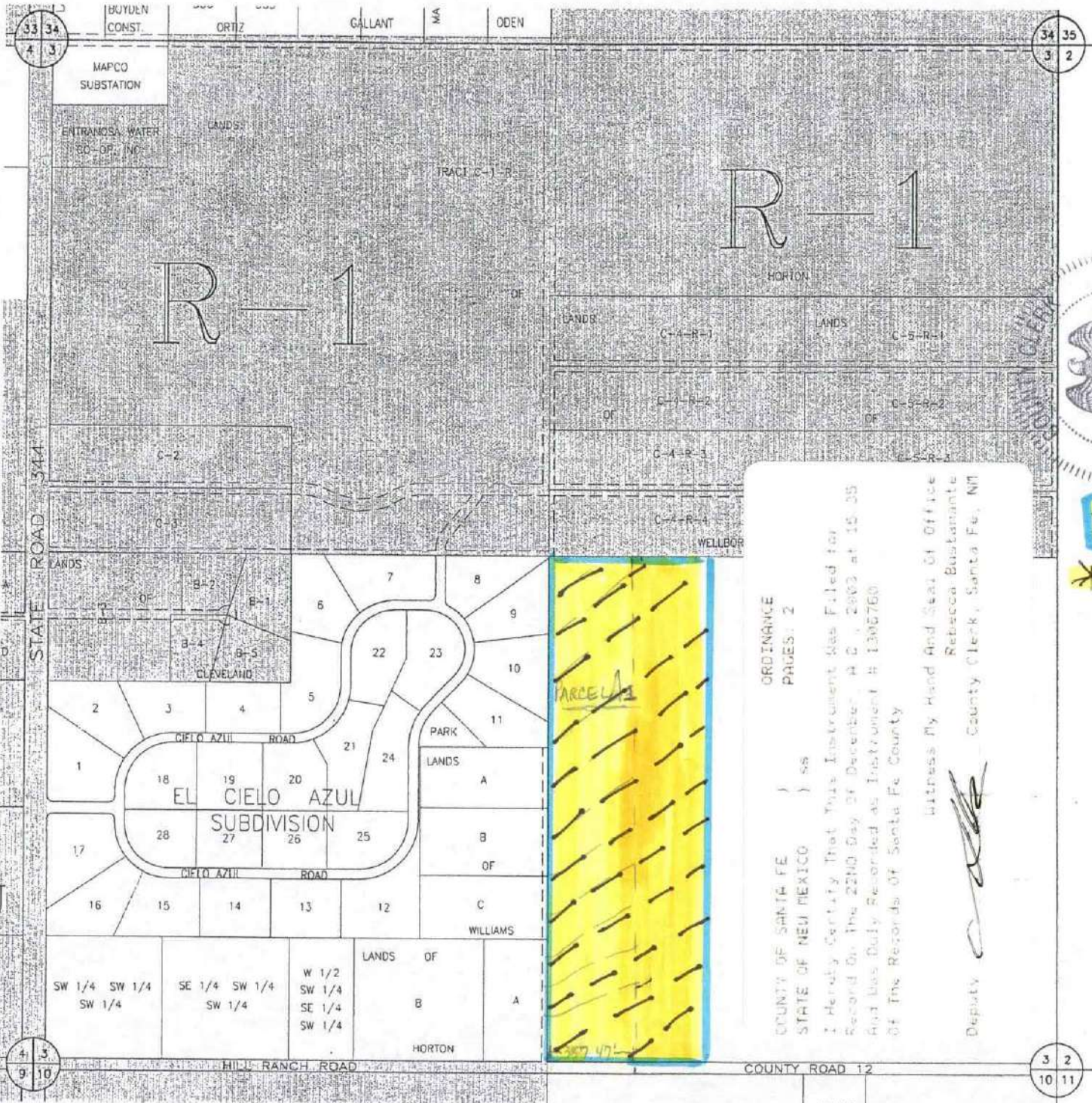
WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.
) SS. Debra Sumner
DEPUTY

The foregoing instrument was acknowledged before me this 10 day of September, 2003, by Frederick T. Huppertz.



Marcela M. Salazar
Notary Public

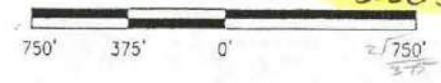
My commission expires:
7/22/06



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ALL RIGHTS RESERVED
ODEN-MILLER & ASSOCIATES



* --- Area to be amended regarding Ord. No. 2003-10
SCALE: 1"=750'



ORDINANCE
PAGES: 2

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

I Herely Certify That This Instrument Was Filed for Record on the 22ND Day of December, A.D. 2003 at 10:35 And Was Duly Recorded as Instrument # 1306760 of the Records of Santa Fe County

Witness My Hand And Seal Of Office
Rebecca Bustamante
Deputy County Clerk, Santa Fe, NM

LEGAL DESCRIPTION
T 10 N
R 7 E
SEC 3

UNIFORM PROPERTY CODE
1040060

MAP AMENDED THROUGH
JANUARY 1, 2002

G 40

**Edgewood Town Council
Regular Meeting-December 3, 2003
Edgewood Community Center at 6:30pm**

Call to Order	Mayor Calkins called the meeting to order at 6:30pm. Councilors Hoffman, Ring, Stearley and Worthington were present. Karen A. and Karen M. were present. Town Attorney David Henderson was not able to attend.
Comments from the Public	Sue West addressed the council about Section 16, she would really like the Town to build a library and use this land. Fred Burger does not like the really long agendas for the meetings. Don DeLoach addressed his concerns about the vending going on in the highway right a way. (Staff will contact the State Highway Dept. concerning this issue). Roger Alink expressed how important off premise signage is to Wild Life West Nature Park. Because of the location of the park, it is not easy to find.
Approve Agenda	Councilor Ring made a motion to approve the agenda. Councilor Worthington seconded the motion; Councilors Hoffman, Worthington, Stearley and Ring voted aye, motion carried.
Approve consent agenda	Councilor Ring made a motion to approve the consent agenda including items A (approving council minutes from 11/17/03 & item C (acknowledging the receipt of P&Z minutes from 12/01/03) and omitting item B (Parks and Recreation minutes). Councilor Hoffman seconded the motion, Councilors Hoffman, Worthington, Stearley and Ring voted aye; motion carried.
Judges Report for November 2003	Judge White presented his November 2003 report to the Mayor and Council. The court collected \$2719. in fines and fees for the month of November. He also stated he would be attending several training conferences in the next 2 weeks.
Gold Mentor Program	Florence Maze and Carol Martinez from the Gold Mentor Program in Moriarty addressed the Mayor and Council. They explained their program and the great need in our community. They provide a way to break down the barriers and provide training and skills to the people in our community so they might be able to find a job.
PUBLIC HEARINGS: A. Annexation of 15.7 acres	A. With reference to an ordinance granting the petition by the owners of a majority of approximately 15.7 acres of territory contiguous to the south boundary of the Town of Edgewood, Karen Mahalick explained to the audience that this

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<p>B. Annexation of 61 acres</p>	<p>annexation request pertains to property that is south of Highway 66 and the 2 residential parcels are on the north side of Walker Road. The P&Z Commission approved the recommended zoning for this area. Designating CB zone for the parcels that are adjacent to Highway 66, which is infill as well as the infill residential on Walker Road. Councilor Stearley asked if the residential parcels had been posted and if the property owners were happy with the zoning. Karen A. explained that the Town received annexation requests from several of the landowners; however the town did not receive annexation requests from the Walker Road properties, those properties were brought in as infill. The statute allows that as long as you have 51% of the property owners signing off on the property to be annexed, you can bring in the extra 49%. The two Walker Road properties are part of the 49% included in the portion that the Town is bringing in. Councilor Stearley asked if the Town had heard from the 2 residents. Karen A. stated they had not. The property was posted. The public was given an opportunity to speak. Carol Lowry from the East Mountain Grill asked if the property owners had been notified. Karen A. explained that, by law, the Town is obligated to advertise in a paper of general circulation within the Town limits and advise that the Town is considering annexing the property. The Town also posts a Public Notice in 6 posting areas. The Public was given an opportunity to speak. Ms. Lowry from the East Mountain Grill stated the Town could go above and beyond and personally notify these residents of the annexation request. Karen M. reported that state law does not require that the land be zoned when it is annexed, therefore it could be zoned at a later date. Councilor Stearley made a motion to grant the petition to annex the properties into the Town, but NOT to designate the Zoning of these properties at this time. Councilor Ring seconded the motion; Councilor's Ring, Hoffinan, Worthington and Stearley voted aye, motion carried.</p> <p>B. This item pertains to granting a petition request by the majority owners of 61 acres of land contiguous to the North boundary of the Town of Edgewood. The property owners are requesting an R1 designation for zoning. Karen M. reviewed this annexation request with the Town attorney and</p>
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C. Amending Zoning map	<p>he did not see any legal problems with the request. The P&Z Commission recommended an R1 zoning. Councilor Stearley stated that he was not interested in expanding the Town's Boundary. The public was given an opportunity to speak. No one came forward. Councilor Ring made a motion to grant the petition request by the owners of a majority of 61 acres of land contiguous to the south boundary of the Town limits. Councilor Hoffman seconded the motion; Councilors Hoffman, Ring and Worthington voted aye; Councilor Stearley voted nay, the motion carried.</p>
D. Amending Sign Ordinance	<p>C. This item pertains to acknowledging any lands, which have been annexed, and then amending the ordinance adopting the Comprehensive Zoning Regulations and the Zoning Map for the Town of Edgewood to reflect any properties that have been annexed and were not previously included in the map. Councilor Stearley made a motion to table this item until staff is able to make contact with the 2 properties on Walker Road that will be effected by the 15.7 acre annexation in Item A. Councilor Worthington seconded the motion; Councilors Hoffman, Worthington, Ring and Stearley voted aye, the motion carried.</p> <p>D. Sign Ordinance: the public was given an opportunity to speak on the amendments considered for the sign ordinance. Pauline Freeman from the Mail & Copy Business Center stated that the sign ordinance has too many restrictions, is too thick and asked for someone to explain why. Councilor Ring addressed the questions and stated that he felt the reason was because the Town had received so many variance requests under the old ordinance that the Town was trying to take as much of the uncertainty about what a business owner can do away from the ordinance and make it more definitive so people know what is allowed. A lot of the extra papers in the proposed ordinance include illustrations outlining what you can and cannot do. Karen Mahalick explained that approximately 20 pages consist of definitions as requested by the Chamber. Pauline Freeman stated that when she signed a lease for her office space, the landlord made the occupant responsible for their own signage because he stated he was fighting with the Town. Karen M. stated that there are requirements in the ordinance for multi-tenant developments and Pauline's business is in a multi-tenant</p>

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development. Her landlord is required to, by ordinance, under the terms stated herein, to provide the tenants with signage. There are provisions in the proposed amendment for a comprehensive sign program to be drawn up by the landlord. There are provisions in the sign ordinance that call for a comprehensive program to be drawn up and submitted by the landlord. Ralph Hill asked about the balloons attached to every car on the lot of Rich Ford. He wanted to know if the Town was going to fine the owner of the banner at 344/Dinkle and also Pizza Barn for their beer banner. Cindy Biggers from Bowlin Travel Centers inquired as to the Stuckey's gas station signage and switching gasoline brands on the face of the sign. Karen M. explained that Bowlin's had received permitting for their new sign face. Once this is established, that sign face can remain. However, if they change brands again, than they will have to start to come into compliance. Lori Self spoke as a representative from the Chamber of Commerce. She stated that the Chambers position is not only to do what is good for the community, but also what benefits the businesses. She said the Chamber would like to see the first overlay zone include 344/66 corridor on all 4 sides all the way North to Church Rd. They would also like to see the existing signs that originated this community be grand fathered in. She went on to say that a great deal of time was spent on sign heights to give everyone a fair opportunity to have their business seen. In zone 1, they came up with a maximum sign height of 56' this would encompass only the properties facing 344 and the ones on all 4 sides of 344 and 66. She would also like to see the section concerning off premise signage completely removed. Gary Chemistruck came up and stated that he would like to see the overlay district extend up to Walker Rd and include Walgreens and the SE corner of 344/66. He felt that the people coming off the freeway had a right to know where they were going when they get on 344. He also stated that he felt the sign height of pylon signs should be 30' with 70 square feet of face for the signs in the overlay district. For the second district, he felt the monument signs should be no higher than 8 feet. Frank Hetznecker stated the importance of signage at the airpark. He asked that something be added to the sign ordinance that would state that air port signage

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	<p>falls into a special category requiring compliance by FAA regulations. Mike Turner from Trails West spoke and stated that he was on the sign committee that was put together by the Chamber. He stated he would like more time to get additional input from other businesses that will make our sign ordinance workable now and in the future. Councilor asked for any additional input from the audience. Carol Lowry stated that she is a resident as well as a business owner. She expressed her lack of support for grandfathering in signs. She explained that she felt it would not create a level playing field and that new businesses might not have the same incentive to come into our town. She also wanted to make sure that once the ordinance is drafted and approved, if it will be enforced 24/7. She would like to see what the consequences are for violating the ordinance so everyone will know what to expect. Councilor Worthington made a motion not to take action on this ordinance tonight and ask that staff work with this planning group and give them 30 days to report back to P&Z with their recommendations. Councilor Ring seconded the motion. Councilor Worthington amended his motion to 45 days. Councilor Ring seconded the motion; Councilors Hoffman and Stearley voted nay, Councilors Ring and Worthington voted aye the Mayor voted aye and the motion carried.</p>
<p>Resolution- Membership of the Regional Transit District</p>	<p>Karen M. had put copies of a letter from Lawrence Rael from the Regional Transit System as well as a resolution in the governing bodies' mail boxes. Karen M. stated that the transit system is looking for a resolution of support for the concept of a Regional Transit District. The goal is to try and establish areas where multi-model transportation is made available to people. They are asking for a statement from our governing body stating their interest. Councilor Worthington made a motion to support a resolution for Regional Transit District. Councilor Ring seconded the motion; Councilors Hoffman, Worthington, Stearley and Ring voted aye; motion carried. They mayor recommended Karen M. as the caveat between the Town and the Regional Transit District. Councilor Hoffman seconded; Councilors Worthington, Stearley, Ring and Hoffman voted aye, motion carried.</p>

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<p>Resolution to join PERA</p>	<p>Karen A. explained that the governing body should have 3 resolutions in front of them pertaining to different PERA plans. Two are numbered 2003-14 and the other 2003-15. These resolutions are for two different plans. Councilor Stearley made a motion to adopt the PERA resolution numbered 2003-14Plan 2. Councilor Worthington seconded the motion, Councilors Hoffman, Ring, Stearley and Worthington voted aye, motion carried. Karen A. explained that she needed a motion to adopt Resolution 2003-15 for tax deferral. Councilor Stearley made a motion to adopt Resolution 2003-15. Councilor Worthington seconded, Councilors Hoffman, Stearley, Ring and Worthington voted aye, motion carried.</p>
<p>Discussion of proposed Economic Development Planning ordinance</p>	<p>Karen A. explained that this item was on the agenda at the last meeting and was placed on this agenda for discussion purposes. She has advertised for a Public Hearing on December 17, 2003 to see about passing a proposed Economic Development Planning Ordinance. Councilor Ring wanted staff to ask the Town attorney what real effect passing this ordinance would have on us.</p>
<p>Discuss Grant Writer</p>	<p>Karen A. explained that discussion of a Grant Writer was put back on this agenda. She put it back on the agenda for council to direct staff on what they would like to do. Councilor Hoffman made a motion to go out for an RFP for a Grant Writer specifically for trails. Councilor Ring seconded, Councilors Hoffman, Stearley and Ring voted aye, Councilor Worthington voted nay, the motion carried.</p>
<p>Review information on Town Policy</p>	<p>With reference to the new animal control vehicle, Karen A. presented council with a Town Vehicle Policy. Councilor Stearley made a motion to adopt the Town Vehicle Policy as presented by Karen A. (Please see attached copy). Councilor Ring seconded the motion. Councilors Hoffman, Worthington, Stearley and Ring voted aye, the motion carried. Karen A. asked council to let her talk to the insurance company and report back to them if this motion needs to be amended to reference giving anyone a ride.</p>

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<p>Contract for engineering services</p>	<p>Karen A. provided council with a copy of a proposed contract for engineering services. One of the councilors came forward with some items he was concerned about. Karen A. stated she has spoken with the Town attorney. The contract still needs to be negotiated and Karen A. will report back to the council after the attorney has had a chance to review it. Karen A. also asked council to report back to her before Friday, December 12, 2003 with any additional concerns or questions about the contract. She will place this item back on the agenda for December 17, 2003. Councilor Worthington made a motion to table this item until which time the attorney provides an opinion. Councilor Ring seconded the motion, Councilors Hoffman, Worthington, Stearley and Ring voted aye, the motion carried.</p>
<p>Consider setting compensation for elected officials</p>	<p>With reference to setting compensation for elected officials, Councilor Hoffman made a motion to pay the Mayor \$300 per month and to leave the Judges compensation at its current \$400 per month. Councilor Ring asked if he could amend Councilor Hoffman's motion to allow for \$500 per month for the Mayor. Councilor Hoffman said yes. Councilor Ring seconded the motion, Councilors Worthington and Stearley voted nay, Councilors Ring and Hoffman voted aye, the Mayor voted aye and the motion carried. Karen A. explained that this will be done by Ordinance and will be advertised for Public Hearing.</p>
<p>Appointment of Impact Fee Advisory Committee</p>	<p>The Mayor asked Karen A. to read his list of 6 recommendations to serve on the Impact Fee Advisory Committee. This committee shall be appointed by a majority vote of the governing body. Not less than 40% of the members of the advisory committee shall be representative of the real estate, development or building industry. Dick Pledger, Jim Rathburn, Adele Akerman, Sue West, Tim Oden and Bill Williams were all nominated by the Mayor. Councilor Hoffman made a motion to appoint Dick Pledger, Adele Akerman, Sue West, Tim Oden and Bill Williams to serve on the Impact Fee Advisory Committee. Councilor Ring seconded the motion. Councilors Worthington, Ring, Stearley and Hoffman voted aye. The motion carried.</p>

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<p>Reports: A. Roads B. Finance & Administration</p>	<p>A. Karen M. reported to council that she had checked into recycling asphalt. Karen M. has contacted the NM Dept. of Transportation District 3 regarding the impending bridge project at Highway 217. She has asked that any asphalt they tear up be given to the Town. On January 5th and 6th there will be a paving conference put on by civil engineers at UNM and Karen M. will be attending this seminar and may establish more contacts at that point.</p> <p>As a follow-up to checking with property owners regarding using the right away for trails on the south side of Church Road eastward from Wildlife West. Karen M. stated that she was told this was not possible at this time. On the frontage road eastward from Wildlife West, Phil Gallegos from the highway department, is going to incorporate the frontage road into the JPA with the highway department. The highway's legal department has completed the revisions as per the Town's attorney, Mr. Henderson. Karen M. should receive this in the next few days and will present it at the December 17, 2003 council meeting.</p> <p>Karen M. also reported that Keith H. from Parks and Recreation came in to the office looking thru the road book to see if there was any information regarding the Edgewood 7 right of way. He did not find any solid information. Karen M. suggested that Keith H. go back to P&R and ask about sending out letters to property owners requesting a grant of easement for the purpose of establishing a trail.</p> <p>With regard to the Horton, Venus and Dinkle Road easements, the Town attorney is still working on this issue.</p> <p>With regard to the McCall Road project, Karen M. stated she spoke to Ron Trujillo from Technical Support who is responsible for mailing the grant monies out. He stated the check is in the mail. As soon as the contract is received, Karen M. will start the paperwork and design phase for this portion of the grant.</p> <p>Karen M. stated she has been working with the Santa Fe Assessors office and the E911 services in an attempt to coordinate and clean up some of the road names.</p> <p>Councilor Hoffman inquired if there were any abandoned mobile homes that need to be cited. Karen M. will have the Town's Code Enforcer look into these properties and report back to the council.</p> <p>B. Karen A. reported that a job description for the Parks and</p>
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	<p>Recreation Dept. had been drawn up. Councilor Ring made a motion to have council take home the description and review it and then have Karen A. place it on the 12/17/03 agenda. Councilor Stearley seconded the motion. Councilor's Worthington, Hoffman, Ring and Stearley voted aye, the motion carried.</p>
Approve payment of bills	<p>Karen A. provided council with list of bills. Councilor Stearley made a motion to approve payment of the bills for November 2003. Councilor Ring seconded the motion. Councilor's Ring, Hoffman, Stearley and Washington voted aye, the motion carried.</p>
Calendar Review	<ul style="list-style-type: none"> ❖ Estancia Valley Regional Animal Shelter Board Meeting on December 11, 2003 at 6:30pm at the Moriarty Civic Center. Karen A. requested that councilor's Stearley and Worthington submit their input in writing because they are not able to attend this meeting. ❖ Attorney General's Office will be conducting an Open Meetings and Inspection of Public Records Act seminar on December 11, 2003 from 1:00pm-4:00pm at the Moriarty Civic Center.
Discuss and set agenda items for future council meetings	<p>Councilor Stearley asked that the Parks & Recreation job description be placed on the next agenda.</p>
Adjourn	<p>Councilor Stearley made the motion to adjourn the meeting. Councilor Ring seconded. Councilor's Hoffman, Ring, Worthington and Stearley voted aye. The motion carried.</p>

Approved, adopted and passed this 17th day of Dec. 2003.


 Mayor, Howard Calkins

ATTEST:


 Clerk, Karen Alarid

