

**TOWN OF EDGEWOOD  
ORDINANCE NO. 2004-7**

**AN ORDINANCE GRANTING THE PETITION BY OWNERS OF A MAJORITY OF 15.708 ACRES MORE OR LESS OF TERRITORY CONTIGUOUS TO THE SOUTHERN BOUNDARIES OF INTERSTATE 40 AND THE TOWN OF EDGEWOOD, NEW MEXICO TO ANNEX THE TERRITORY.**

WHEREAS; THE TOWN OF EDGEWOOD granting the owners of a majority of 15.708 acres more or less of territory contiguous to the southern boundaries of Interstate 40 and the Town of Edgewood, New Mexico to annex the territory; and

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 one map labeled Exhibits "A" showing respectively the external boundary of the territory proposed to be annexed and the relationship of such territory to the existing Town boundary; and

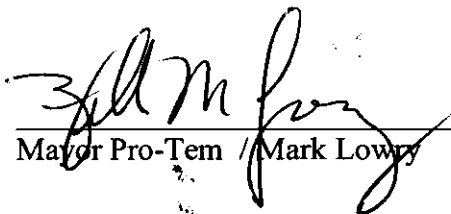
WHEREAS, the Governing Body of the Town of Edgewood has determined that the Town is capable of providing municipal services to the territory proposed to be annexed within a reasonable time and that the annexation is in the best interests of the Town as a whole.

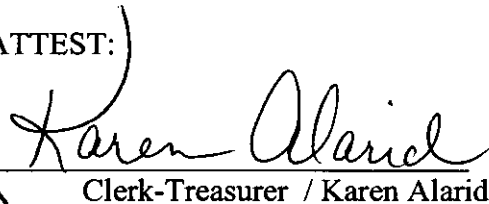
BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF EDGEWOOD THAT:

The territory described and defined in the map attached hereto as Exhibits "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 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 16th day of June 2004 at an open meeting held at the Edgewood Community Center, Town of Edgewood, New Mexico.

ATTEST:

  
Mayor Pro-Tem / Mark Lowry

  
Clerk-Treasurer / Karen Alarid



**Planning & Zoning Commission**  
**Regular Meeting**  
**Edgewood Community Center**  
**6/7/04**

**Call to Order**           The Meeting was called to order at 6:00 p.m. Members present: Karen Bull, Brad Hill, Eldy Gillmer, Rey Fulwiler, Dave Patek, and P&Z Administrator, Karen Mahalick

**Approve Agenda**       Commissioner Gillmer made a motion to approve the agenda as presented. The motion was seconded and the motion passed

**Approve Minutes of 5/3/04**   Commissioner Gillmer made the motion to approve the minutes of 5/3/04, the motion was seconded and the motion passed.

**Impact Fee Ordinance and Capital Improvement Plan**       Action was deferred to the 6/21/04 meeting, as some Commission members had not had to opportunity to review the latest draft.

**Preliminary Plat Review, Tierra Linda Subdivision**       This is a request for a Preliminary Plat Review for the Tierra Linda Subdivision, Lot 4-R-R, Block 3. The applicant, Oden-Miller & Associates, would like to divide the current six acre lot into two, 3-acre lots, retaining the current R-1 zoning. After questions from members on access and easements, the motion was made by Commissioner Gillmer to recommend approval subject to submission of "center line data" and certification of acceptance of public utility easements by the PUC. The motion was seconded and passed.

**Annexation Request of Lands of Abboud**       This is request for annexation of 15.708 acres, bordering the north and south side of I-40. The owners would like to have the land annexed into Edgewood and have requested commercial zoning. Currently the land is not zoned, although it has been identified in the Town of Edgewood Comprehensive Plan (map p.18) as land suitable for commercial development. There was some discussion regarding the posting of a possible zoning change for surrounding neighbors. Because posting was not required in this situation, the Commission members were hesitant to require it prior to vote. However, Commission did request that posting requirements for future zoning requests be placed on the agenda for the 6/21/04 meeting.

Commissioner Fulwiler made the motion to recommend approval of annexation and commercial zoning. The motion was seconded and passed.

**Conditional Use Permit for Falcon Industries**       Falcon Industries has requested use of the building located at 1819 Old Hwy 66 for light manufacturing and product assembly. The business of Falcon industries is development, manufacturing, marketing and distribution of accessories for military and police weapons. The use of the 3800 sq. ft. building would be for retail sales, warehousing, administration, tooling, casting, repair of existing, and development of new product.

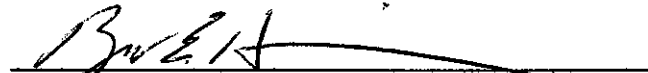
**Review of Planning  
Commission Duties**

The Planning Commission is currently a "review and recommendation" body in all land use issues that come before its members. A request will be put forth to have Planning and Zoning Commission responsible for "review and decision" in the following land use areas: conditional use permits, rezoning requests, excepting Master Plan zone requests, Special Use Permits, subdivision of land, and variances. An appeal on any decisions made by Planning and Zoning would go to the Town Council as final authority.

**Adjourn**

The motion was made for the meeting to adjourn and was seconded, the motion passed. The meeting adjourned @7:30 p.m.

Due to the July 4<sup>th</sup> holiday, the next scheduled meeting will be on July 12, 2004.

  
Brad Hill, Chairman

**Edgewood Town Council  
Regular Meeting  
6:30pm-Edgewood Community Center  
June 16, 2004**

**CALL TO ORDER**

Mayor Stearley called the meeting to order at 6:30pm.  
Members Present: Councilor Hoffman, Councilor Lowry  
and Councilor Ring, Karen Alarid and Karen Mahalick.  
Members Absent: Town Attorney David Henderson

**Approve Agenda**

Councilor Hoffman made a motion to approve the agenda.  
Councilor Ring seconded the motion. Councilor Hoffman  
voted aye. Councilor Lowry voted aye. Councilor Ring  
voted aye. The motion carried.

**Approve consent agenda**

Councilor Ring made motion to approve the consent  
agenda; approving the Council minutes of June 2, 2004 and  
tabling the June 9, 2004 Council minutes. Councilor  
Hoffman voted aye. Councilor Lowry voted aye. Councilor  
Ring voted aye. The motion carried.

**Governing Body Reports**

Councilor Ring reported that he attended a reception with  
the State Highway Department Commissioners and stated  
that if possible, the Town should see if the SR344 project  
could be extended.

**Comments from the Public**

No one came forward.

**Public Hearings:**

**A. Continuance of  
annexation request**

**B. Amending of the  
Comprehensive  
Zoning Map**

**A.** This item pertains to continuing an annexation request.  
The public was given an opportunity to speak. No one came  
forward. Councilor Ring made a motion to annex property  
owned by the Abboud family located at Section 35, T10N,  
R7E, NMPM adjacent to the northern and southern  
boundaries of I-40 and the Town of Edgewood boundaries.  
The total acreage of property is 15.78 acres more or less.  
Councilor Hoffman seconded the motion. Councilor  
Hoffman voted aye. Councilor Lowry voted aye. Councilor  
Ring voted aye. The motion carried.

**B.** This item pertains to zoning of the above mentioned  
property. The public was given an opportunity to speak, no  
one came forward. Councilor Hoffman made a motion to  
amend the Ordinance adopting the Comprehensive Zoning  
Regulations and the Zoning Map for the Town of  
Edgewood, zoning the above mentioned property as  
commercial, as requested by the property owners.  
Councilor Ring seconded the motion. Councilor Hoffman  
voted aye. Councilor Ring voted aye. The motion carried.

**Edgewood Town Council**  
**Regular Meeting**  
**6:30pm-Edgewood Community Center**  
**June 16, 2004**

**Report from Brook Finch**

Brook Finch from Garrett Smith, Ltd. Provided the governing body with information from the Committee of stake holders which include the Fire Dept., Edgewood Soil & Water, the Town of Edgewood, SF County, Moriarty Schools and the Highway Dept., with regard to a preliminary layout of Section 16. Mr. Finch explained that he knew the Town wanted to place buildings in such a way to form a court yard. However, the fire code dictates that the buildings need to be 30' apart, unless sprinklers are installed. Discussion ensued about the placement of Municipal Buildings, Fire Department, playing fields and a swimming pool. The Town would prefer to have the Fire Department establish its own agreement with the State Land Office but if that is not possible, they could build on the land the Town is leasing. Councilor Hoffman made a motion instructing Brook Finch to come forward with a preliminary plan for Section 16 to present to the governing body. Councilor Ring seconded the motion. Councilor Hoffman voted aye. Councilor Lowry voted aye. Councilor Ring voted aye. The motion carried.

**Discussion of re-negotiations with the State Land Office**

This item relates to re-negotiations with the State Land Office. It was placed on the agenda for discussion purposes only. The governing body agreed that they would like to continue their lease on Section 16 and then when the Town is ready to develop the land, they would enter into a commercial lease as they develop the property.

**Discuss hiring engineer to include GIS survey points**

This item concerns the discussion of hiring an engineer to include GIS survey points. The governing body decided they were not ready to hire an engineer at this point. No action was necessary.

**Discuss hiring a grant writer**

This issue pertains hiring a grant writer. Karen Alarid announced that there is a catalogue available of State/Federal grants available and would provide that information. Councilor Hoffman made a motion to authorize the Town to sign a contract, as presented, by Richard Marchese, for the purpose of investigating types of funding available for P&R and other projects the Town might be interested in pursuing. In addition, Mr. Marchese's contract is not to exceed \$5200.00 @ \$65.00 per hour. Karen A. will provide information on the catalogue to Mr. Marchese. Councilor Ring seconded the motion. Councilor Hoffman voted aye. Councilor Lowry voted aye.

**Edgewood Town Council**  
**Regular Meeting**  
**6:30pm-Edgewood Community Center**  
**June 16, 2004**

Councilor Ring voted aye. The motion carried.

**Discuss proposals for commemorative magazine for July 2004**

This issue pertains to proposals the Town received for running a commemorative magazine in July. Councilor Hoffman made a motion to authorize signing a proposal submitted by the Independent. Councilor Lowry seconded the motion. Councilor Hoffman voted aye. Councilor Lowry voted aye. Councilor Ring voted aye. The motion carried.

**Reports:**

- A. Roads**
- B. P&Z**
- C. F&A**

**A.** Karen M. reported to the governing body that she need authorization to seek an additional \$2,700.00 from the Town to use on the McCall Road Project, per Resolution 2003-11. The original amount of funding requested was for \$98,051.20.

**B.** Karen M. presented the governing body with documentation pertaining to a preliminary plat review for the Tierra Linda Subdivision, Lot 4RR, Block 3. She stated that the P&Z Commission had reviewed this, had collected all necessary signatures and was recommending it council for approval. Councilor Hoffman made a motion to approve a preliminary plat review for Tierra Linda Subdivision contingent on approval from the utility company. Councilor Ring seconded the motion. Councilor Hoffman voted aye. Councilor Lowry voted aye. Councilor Ring voted aye. The motion carried.

**Calendar Review:**

- ❖ Clean Up day-July 31, 2004
- ❖ Bluegrass Concert-Wildlife West Nature park on Sunday, June 20, 2004
- ❖ NM Infrastructure Finance Conference-Las Cruces-October 26<sup>th</sup> thru October 28, 2004

**Discuss and set agenda items for future council meetings**

The governing body agreed to schedule the next regular Town meeting for July 14, 2004 instead of July 7, 2004. They also asked to have a lobbyist added to the August agenda.

**Close Session**

Councilor Hoffman made a motion to go into closed session pursuant to 10-15-1 (H)(2) subject to limited personnel matters; provided that for purposes of the Open Meetings Act, "limited personnel matters" means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public

**Edgewood Town Council  
Regular Meeting  
6:30pm-Edgewood Community Center  
June 16, 2004**

employee; provided further that this subsection is not be construed as to exempt final actions on personnel from being taken at open public meetings; nor does it preclude an aggrieved public employee from demanding a public hearing. Discussion will also involve the hiring of a Code Enforcer and a complaint received. Councilor Ring seconded the motion. Councilor Hoffman voted aye. Councilor Lowry voted aye. Councilor Ring voted aye. The motion carried.

**Open Session**

Councilor Hoffman made a motion to return to open session. Councilor Ring seconded the motion. Councilor Hoffman voted aye. Councilor Lowry voted aye. Councilor Ring voted aye. The motion carried. Karen Alarid announced that only the items that were included in the motion to close the session were discussed.

**Record Action**

Councilor Lowry made a motion to hire Lisa Tuffie as the Town's new Code Enforcer for \$12.50 an hour. Councilor Ring seconded the motion. Councilor Hoffman voted aye. Councilor Lowry voted aye. Councilor Ring voted aye. The motion carried.

**Adjourn**

Councilor Lowry made a motion to adjourn the meeting. Councilor Hoffman seconded the motion. Councilor Hoffman voted aye. Councilor Lowry voted aye. Councilor Ring voted aye. The motion carried. The meeting adjourned at 9:30pm.

Approved, adopted and passed this 26<sup>th</sup> day of July 2004.

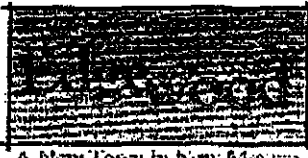
ATTEST:

  
\_\_\_\_\_  
Mayor Robert Stearley

  
\_\_\_\_\_  
Clerk, Karen Alarid



1



A New Town in New Mexico

# 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): Mitchell Abboud Telephone: (435) 652-0519  
*(Attach proof of ownership: If not owner, must also provide notarized statement of authorization from owner.)*

Mailing Address: 1447 Geronimo Rd.  
St. George, UT 84790

Signature: Mitchell Abboud Date: April 2, 2004

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**LEGAL DESCRIPTION OF PROPERTY:** *(Attach additional sheets as necessary.)*

See attached Deed

TOTAL ACREAGE OF PROPERTY: (Parcel I) 8.709 (Parcel II) 6.899 = 15.708

REQUESTED ZONING DESIGNATION FOR PROPERTY: Commercial  
*(Please note that the final zoning designation by City Council may differ from the requested designation.)*

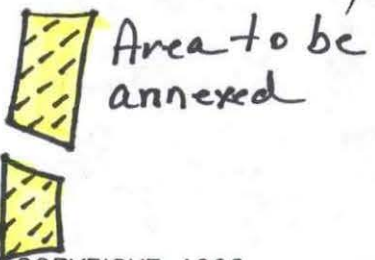
**INSTRUCTIONS:** Type or print clearly on this form and *attach a map* showing the external boundary of the territory proposed for ANNEXATION, and its relationship to the existing boundary of the TOWN of EDGEWOOD. Territory proposed for annexation must be contiguous to the existing limits of the TOWN.

**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.

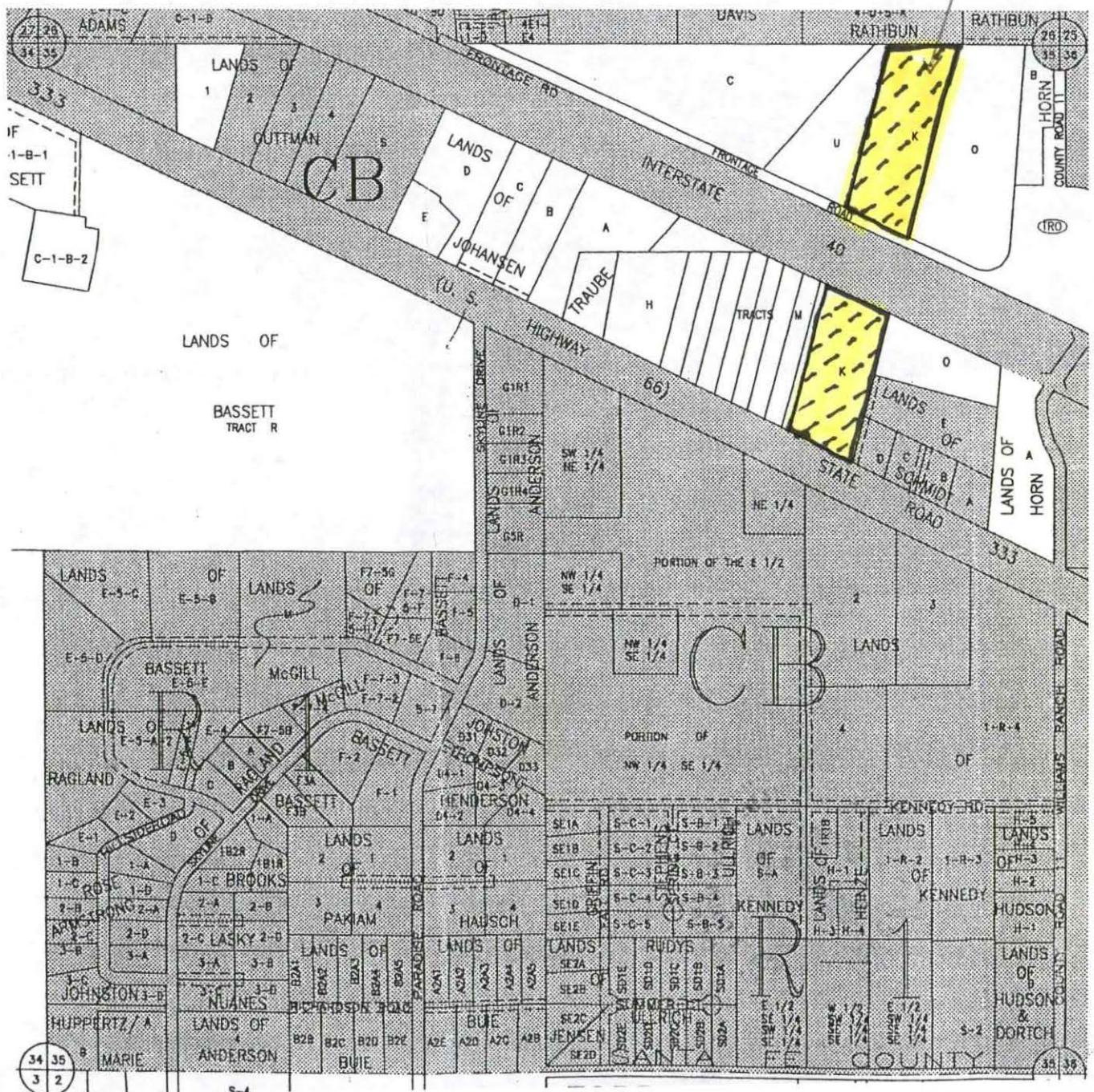
1-041-055  
320-496  
431-343



(K) ABBOUD



Area to be annexed



COPYRIGHT 1999  
 ALL RIGHTS RESERVED  
 ASSOCIATED  
 DEVELOPMENT, INC.  
 \* County Property ID map  
 Code 1-041-055  
 Property 453.472  
 431.343



LEGAL DESCRIPTION  
 T 10 N  
 R 7 E  
 SEC 35

UNIFORM PROPERTY CODE  
 1042055


MAP AMENDED THROUGH  
 JULY 1, 1999

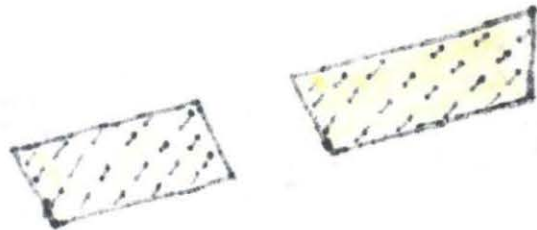
M 41

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

EDGEWOOD ORDINANCE  
PAGES: 3

I Hereby Certify That This Instrument Was Filed for  
Record On The 4TH Day Of August, A D. , 2004 at 12:34  
And Was Duly Recorded as Instrument # **1340385**  
Of The Records Of Santa Fe County

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



A21-343  
probate A23-455  
Case 1-041-022  
\* County of Santa Fe, NM

Witness  
Honor to PG

