

TOWN OF EDGEWOOD
ORDINANCE NO. 2007-16

AN ORDINANCE GRANTING THE PETITION TO ANNEX
APPROXIMATELY 202 ACRES OF TERRITORY CONTIGUOUS TO THE NORTH
BOUNDARY OF THE TOWN OF EDGEWOOD,
NEW MEXICO.

WHEREAS: the owners of a majority of approximately 202 acres of territory contiguous to the current north boundary of the Town of Edgewood 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, S3-7-17 and was, prior to signature by petitioners, duly approved by the Town Administrator, pursuant to NMSA 1978, S3-1-5 and

WHEREAS: 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 also is accompanied by a written description of the lands to be annexed and

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

1. The requested annexation is contiguous to the present municipal boundary.
2. The annexation request is signed by a majority of the number of acres in the contiguous property.

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 ED GE WOOD 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 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.

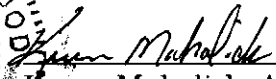
APPROVED, PASSED AND ADOPTED this June 20, 2007 at an open meeting held at the Edgewood Community Center Town of Edgewood, New Mexico.



Chuck Ring, Mayor protem

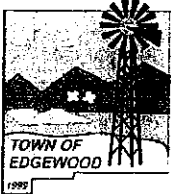


ATTEST:



Karen Mahalick, Acting Administrator

SPC CLERK RECORDED 07/25/2007



PETITION FOR ANNEXATION

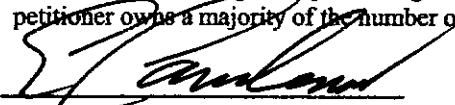
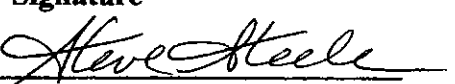
PETITIONER(S): Stone Mountain Estates **TELEPHONE:** 281-8747
(Attach proof of ownership: If not owner, must also provide notarized statement of authorization from owner.)
MAILING ADDRESS: PO Box 1068, Edgewood, NM 87015

LEGAL DESCRIPTION OF PROPERTY: *(Attach additional sheets as necessary.)*
SE4 and SE4 of NE4 in Sec 7 and lots 26 & 27 Sunshine Valley in Sec 18, Tion, Rte, NMPM
TOTAL ACREAGE OF PROPERTY: 202

REQUESTED ZONING DESIGNATION FOR PROPERTY: R-2
(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 202 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>Edward Cardenas</u>	<u>04-30-2007</u>
Signature	Print Name	Date
	<u>Steve Steele</u>	<u>04-30-2007</u>
Signature	Print Name	Date

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

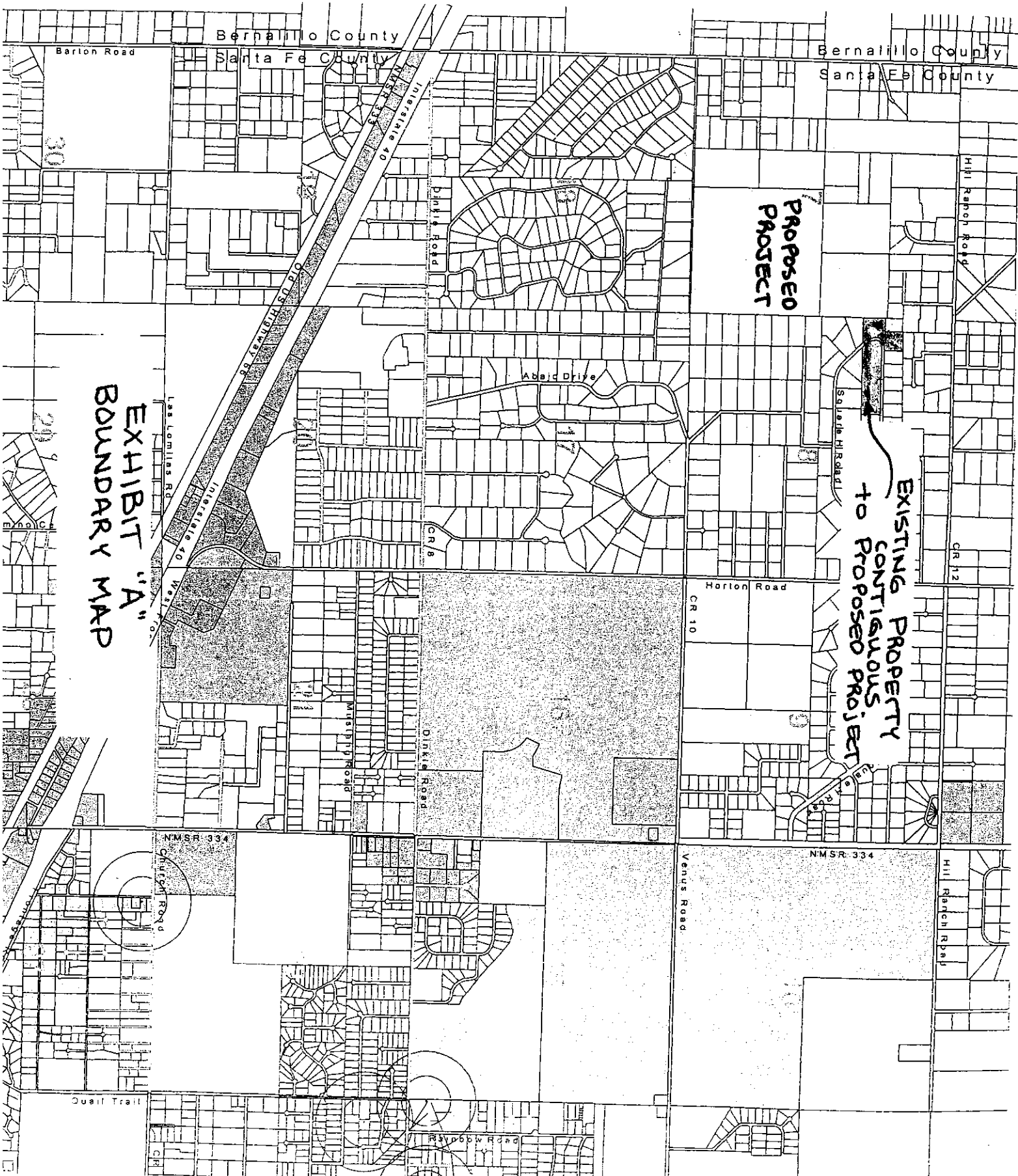
Any person knowingly providing or causing to be provided any false information on the petition, forging a signature or signing this petition knowing he or she is not an owner of real property within the territory proposed to be annexed is guilty of a fourth degree felony.

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

Clerk/Treasurer
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.



Bernalillo County
Santa Fe County

Bernalillo County
Santa Fe County

PROPOSED
PROJECT

EXISTING PROPERTY
CONTIGUOUS
TO
PROPOSED PROJECT

EXHIBIT "A"
BOUNDARY MAP

Barlon Road

Abaid Drive

Horton Road

Venus Road

NMSR 334

NMSR 334

CHUCK ROAD

Hill Ranch Road

Quail Trail

Rainbow Road

CR 11

CR 12

CR 10

CR 8

DINKLER ROAD

MISSISSIPPI ROAD

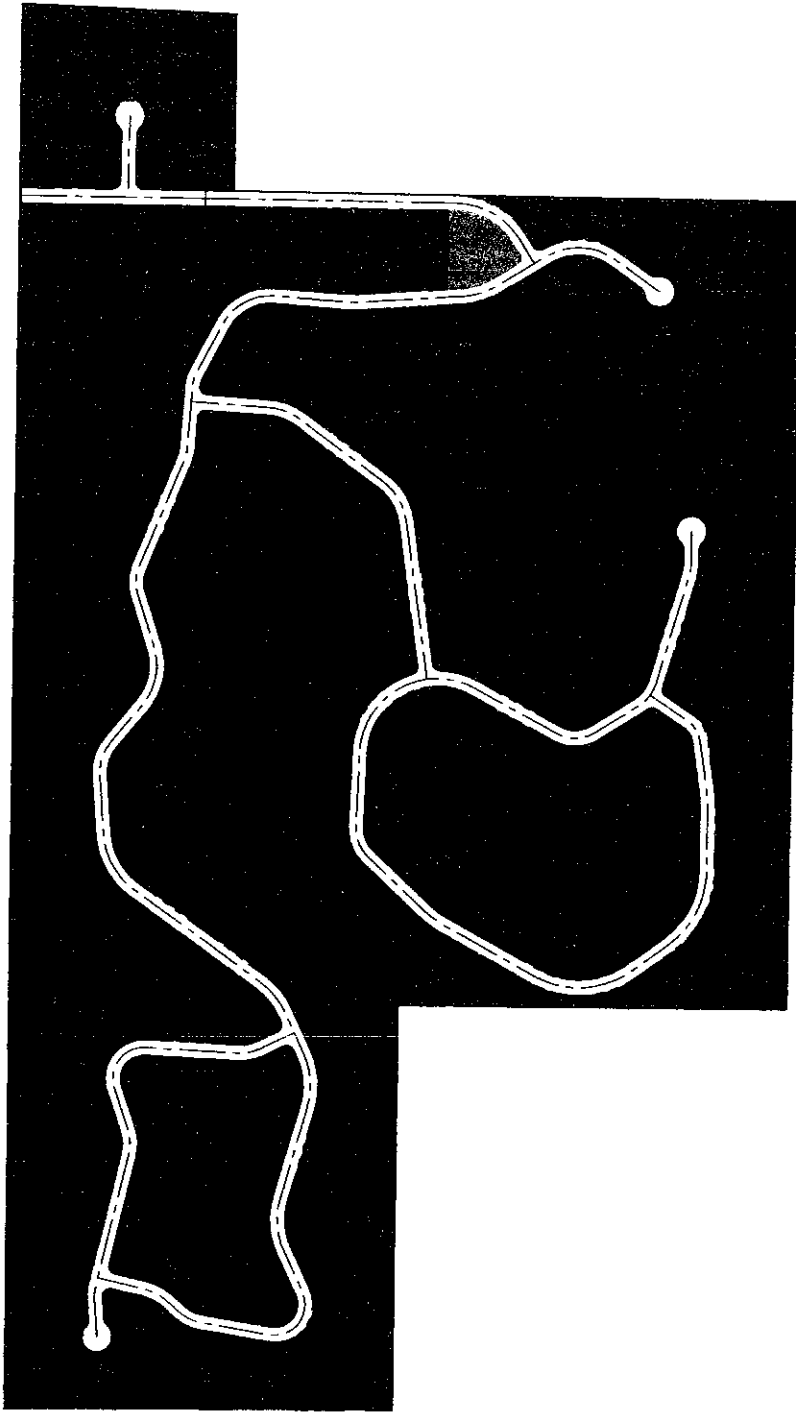
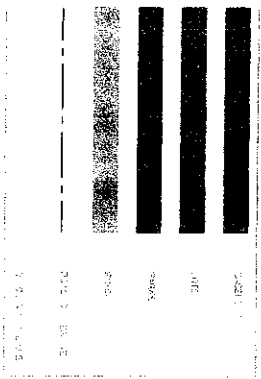
Las Lomas Rd

Hill Ranch Road

Sagehen Hi Road

Interstate 40
Interstate 25

Dinkler Road



SUBDIVISION SUMMARY
 AREA = 892 ACRES MORE OR LESS
 SUBDIVISION ROAD = 18,062 L.F.
 87 TOTAL LOTS
 SIZE = 2.00 ACRES TO 3.76 ACRES
 PARK AREA = 3.5 ACRES
 RIGHT OF WAY = 16.66 ACRES
 DENSITY = 2.32 ACRES
 AVERAGE LOT SIZE = 2.32 ACRES

INFRASTRUCTURE SUMMARY
 WATER = LETTER OF COMMITMENT FROM:
 TBD
 SEWER = STANDARD SEPTIC SYSTEM
 TBD
 ELECTRIC = TBD
 GAS = TBD
 TELEPHONE = TBD



SCALE: HORIZ.
 COMPOUND INTERVAL: 2

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SANTA FE COUNTY NEW MEXICO
STONE MOUNTAIN ESTATES
 TOWN OF EDGEWOOD
MASTER PLAN

PRELIMINARY NO.
 FOR CONSTRUCTION

MEC MILLER ENGINEERING CONSULTANTS
 Engineers • Planners

Designed	JMS	Proj. #	E-05-077
Drawn	RJC	File	CONCEPT-3
Checked	JMS	Date	4-17-7

3500 COMANCHE, NE
 BURLING, I
 ALBUQUERQUE, NM 87107
 (505)888-7500
 (505)888-1800 (FAX)
 WWW.MECNM.COM

PETITION FOR ANNEXATION

Applicant: Stone Mountain Estates
PO Box 1068
Edgewood NM 87015

The following is in response to Section 8 of the Annexation Ordinance.

A. *Application fees established by ordinance.*

- Response: Check enclosed

B. *A statement of the size of the property in square footage and acres.*

- Response: The proposed request for annexation is 202 acres.

C. *A description of the proposed project, including the approximate:*

a) Number and size of proposed lots.

- Response: The proposed subdivision is anticipated to be approximately 87 - 2 acre lots.

b) Length and location of the proposed water and sewer mains.

- Response: Water shall be provided by Thunder Mountain Water Company and is located on the south boundary. Approximately 15,000 lf of water main shall be required. Sewer shall be provided by on site septic tanks and drain fields.

c) Length and location of proposed streets and alleys.

- Response: The proposed subdivision shall require approximately 15,000 lf of on site roads and 3,000 lf of off site access road (Venus Road).

d) Length and location of the proposed sidewalks.

- Response: None

D. *A schematic design of the entire project showing the proposed uses, density, streets, alleys, easements, and proposed size and location of open spaces and parks.*

- Response: See attached.

E. *A statement describing how the proposed project complies with specific goals and policies of the Edgewood Comprehensive Plan.*

- Response: The proposed project shall comply with Goal 2 of the Town of Edgewood Comprehensive Master plan. The project shall have 2 acre lots to conform to objective 2.1 and 2.3. Restrictive covenants shall be written and enforced to conform to policy 2C regarding outdoor lighting and overall appearance of the project. The project shall include at least one park area.

F. *A statement describing how the proposed project is compatible with adjacent neighborhood(s).*

- Response: The proposed subdivision is north of Thunder Mtn Estates a 99 lot 2.5 acre subdivision and Quiet Valley Subdivision also a 99 lot 2.5 acre subdivision.

G. A statement describing how the applicable natural resources (e.g., water courses, springs, streams, wildlife and access to public lands) and natural hazards (e.g., avalanche, floodplains and floodways) are incorporated into proposed project and/or mitigated.

- Response: The proposed project shall be designed by a New Mexico professional engineer in accordance with the town of Edgewood's standards. Stone Mountain Estates has contracted with Miller Engineering to perform the engineering.

H. A statement describing what contributions and/or dedications the applicant is willing to make as part of the proposed annexation.

- Response: The proposed project shall dedicate a park and improve the main entrance located at Venus Road.

I. A description of how the proposed annexation will protect Edgewood's established or proposed wellhead protection zones.

- Response: The proposed project shall comply with the New Mexico Environment Department and EPA standards.

J. A description of how the annexation will impact the existing municipal infrastructure and services (e.g., water, sewer, streets, library, police, fire and parks).

- Response: The proposed subdivision will extent the current animal control patrol boundaries. Additional road maintenance for paved roads will be required. However, the gross receipt is anticipated to off set the additional expenses that the Town will incur.

K. A statement of who will maintain the streets, alleys, parks and utilities (privately and publicly owned utilities) and how the maintenance of the streets, alleys, parks and utilities (privately and publicly owned utilities) will be funded.

- Response: We are requesting that the Town of Edgewood maintain the roads. The utilities shall be operated and maintained by the providers. Funding shall be contributed by the Developer.

L. A phasing plan showing the proposed dates of construction and completion of phased construction for infrastructure, streets, alleys, utilities and all other development. In the case of a phased project, items C and D above may be omitted for future phases; however provisions shall be made within an annexation agreement for submittal or plans and payment of fees for future phases.

- Response: 3 phases are anticipated approximately 18 months apart.

M. The following studies shall be submitted:

a) Traffic study showing impact on adjacent streets and streets that would serve the proposed project.

- Response: The main entrance to the proposed subdivision shall be Venus Road from State Hwy 344.

b) Floodplain study (if applicable).

- Response: None
c) Contour map depicting 15% and 25% slope lines measured at two foot (2') intervals.
- Response: See attached preliminary layout.

N. A fiscal impact analysis or an updated fiscal impact analysis. The analysis may be submitted at the time of the application for annexation, or when the application is reviewed for zoning by the Planning & Zoning. In preparing this analysis, the applicant may utilize the annexation cost matrix developed by the Town to assist it in estimating the costs and benefits to the Town of the proposed annexation.

- Response: Unknown

O. The Manager, in consultation with such other departments and appointed boards as the Manager deems necessary, shall prepare and update on an annual basis a cost matrix estimating the fiscal impact to the Town in the form of anticipated increased governmental services necessary to support the proposed annexation, including:

- 1. Road and trail maintenance costs;**
 - 2. Police, fire, and EMS costs;**
 - 3. Park and recreation facility costs;**
 - 4. Additional Town staffing requirements; and**
 - 5. Solid waste disposal costs.**
- Unknown.

WARRANTY DEED

CHARLES R. KEY and BEVERLY JEAN KEY, husband and wife; ROBERT L. MANHART AS SUCCESSOR TRUSTEE OF THE ROBERT AND SHEILA MANHART TRUST, U/A/D DATED SEPTEMBER 24, 1996 AS AMENDED AND ANY SUB-TRUSTS CREATED THEREUNDER; MARYLYN LEE WIDLUND, an unmarried woman; and BETTY LEANORE OSTROWER, an unmarried woman, GAYE FAHRINGER, SUCCESSOR TRUSTEE OF THE CARL FAHRINGER AND GAYE FAHRINGER REVOCABLE TRUST, U/A/D OCTOBER 24, 2004 AND ANY SUB-TRUSTS CREATED THEREUNDER for consideration paid, grant to STONE MOUNTAIN ESTATES, INC., a New Mexico Corporation, whose address is 51 Dinkle Road, Edgewood, New Mexico 87015, the following described real estate in Santa Fe County, New Mexico:

The Southeast One-quarter (SE1/4); and the Southeast One-quarter of the Northeast One-quarter (SE1/4NE1/4), all in Section 7, Township 10 North, Range 7 East, N.M.P.M., Santa Fe County, New Mexico.

Subject to Right of Way in favor of Texas-New Mexico Pipe Line Company recorded in Misc. Book 138, page 217; assigned to Giant Pipeline Company, a New Mexico corporation, by Assignment of Rights-of-Way and Permits, recorded as Document No. 1404730, in the records of Santa Fe County, New Mexico.

Subject to Access and Utility Easement Agreement recorded in Book 1437, Page 445, in the records of Santa Fe County, New Mexico.

Subject to patent reservations, restrictions and easements of record and to taxes for the year 2007 and years thereafter and all other matters of record.

with warranty covenants.

WITNESS our hands and seals on January 29, 2007

Charles R. Key
CHARLES R. KEY

Beverly Jean Key
BEVERLY JEAN KEY



THE ROBERT AND SHEILA MANHART TRUST, U/A/D DATED SEPTEMBER 24, 1996 AS AMENDED AND ANY SUB-TRUSTS CREATED THEREUNDER

By: Robert L. Manhart
ROBERT L. MANHART
SUCCESSOR TRUSTEE

Betty Leanne Ostrower
BETTY LEANORE OSTROWER

Marylyn Lee Widlund
MARYLYN LEE WIDLUND

THE CARL FAHRINGER AND GAYE FAHRINGER REVOCABLE TRUST U/A/D OCTOBER 24, 2004, AND ANY SUB-TRUSTS CREATED THEREUNDER

By: Gaye Fahringer
GAYE FAHRINGER, TRUSTEE
AND SUCCESSOR TRUSTEE

COUNTY OF SANTA FE 1
STATE OF NEW MEXICO 1 50

WARRANTY DEED
PAGE 2

I hereby certify that this instrument was filed for record in the County of Santa Fe, New Mexico, on January 29, 2007, at 1:50 PM. The fee for recording this instrument is \$14.00. The recording number is 1409130.

WARRANTY DEED

CHARLES R. KEY and BEVERLY J. KEY, husband and wife; ROBERT L. MANHART AS SUCCESSOR TRUSTEE OF THE ROBERT AND SHEILA MANHART TRUST, U/A/D DATED SEPTEMBER 24, 1996 AS AMENDED AND ANY SUB-TRUSTS CREATED THEREUNDER; MARYLYN L. WIDLUND, an unmarried woman; BETTY L. OSTROWER, an unmarried woman; and GAYE FAHRINGER, SUCCESSOR TRUSTEE OF THE CARL FAHRINGER AND GAYE FAHRINGER REVOCABLE TRUST U/A/D OCTOBER 24, 2004, AND ANY SUB-TRUSTS CREATED THEREUNDER, for consideration paid, grant to STONE MOUNTAIN ESTATES, INC., a New Mexico Corporation, whose address is 51 Dinkle Road, Edgewood, New Mexico 87015, the following described real estate in Santa Fe County, New Mexico:

Lot Twenty-Seven (27) of Sunshine Valley Subdivision No. 1, located in Sections 17 and 18, T10N, R7E, N.M.P.M., Santa Fe County, New Mexico as the same is shown and designated on the plat thereof filed December 23, 1959, as Document No. 238,047, and recorded in Plat Book 8, Page 109, in the records of Santa Fe County, New Mexico.

Subject to Access and Utility Easement Agreement recorded in Book 1437, Page 445, in the records of Santa Fe County, New Mexico.

Subject to patent reservations, restrictions, covenants and easements of record and to taxes for the year 2007 and years thereafter and all other matters of record.

with warranty covenants.

WITNESS our hands and seals on January 29, 2007.

Charles R. Key
CHARLES R. KEY

Beverly J. Key
BEVERLY J. KEY

THE ROBERT AND SHEILA MANHART TRUST, U/A/D DATED SEPTEMBER 24, 1996 AS AMENDED AND ANY SUB-TRUSTS CREATED THEREUNDER

By: Robert L. Manhart
ROBERT L. MANHART
SUCCESSOR TRUSTEE

Betty L. Ostrower
BETTY L. OSTROWER

Marylyn L. Widlund
MARYLYN L. WIDLUND

THE CARL FAHRINGER AND GAYE FAHRINGER REVOCABLE TRUST U/A/D OCTOBER 24, 2004, AND ANY SUB-TRUSTS CREATED THEREUNDER

By: Gaye Fahringer
GAYE FAHRINGER, TRUSTEE
AND SUCCESSOR TRUSTEE

ACKNOWLEDGMENT

STATE OF New Mexico)
COUNTY OF Bernalillo)

This instrument was acknowledged before me on January 29, 2007, by CHARLES R. KEY and BEVERLY JEAN KEY, husband and wife.

MY COMMISSION EXPIRES: _____

[Signature]
NOTARY PUBLIC

STATE OF Colorado)
COUNTY OF El Paso)

This instrument was acknowledged before me on January 23rd, 2007, by ROBERT L. MANHART AS SUCCESSOR TRUSTEE OF THE ROBERT AND SHEILA MANHART TRUST, U/A/D DATED SEPTEMBER 24, 1996 AS AMENDED AND ANY SUB-TRUSTS CREATED THEREUNDER.

MY COMMISSION EXPIRES: 10-18-2009

[Signature]
NOTARY PUBLIC

STATE OF New Mexico)
COUNTY OF Bernalillo)

ALEXANDER M. MATHER
NOTARY PUBLIC
STATE OF COLORADO

My Commission Expires 10-18-2009

This instrument was acknowledged before me on January 29, 2007, by MARYLYN LEE WIDLUND, an unmarried woman.

MY COMMISSION EXPIRES: _____

[Signature]
NOTARY PUBLIC

STATE OF New Mexico)
COUNTY OF Bernalillo)

29 This instrument was acknowledged before me on January 29, 2007, by BETTY LEANORE OSTROWER, an unmarried woman.

MY COMMISSION EXPIRES: _____

[Signature]
NOTARY PUBLIC

STATE OF New Mexico)
COUNTY OF Bernalillo)

This instrument was acknowledged before me on January 29, 2007 by Gaye Fahringer, Successor Trustee of the Carl Fahringer and Gaye Fahringer Revocable Trust U/A/D October 24, 2004 and any sub-trusts created thereunder.

My commission expires _____

[Signature]
Notary Public

WARRANTY DEED

CHARLES R. KEY and BEVERLY J. KEY, husband and wife, for consideration paid, grant to STONE MOUNTAIN ESTATES, INC., A New Mexico Corporation, whose address is 51 Dinkle Road, Edgewood, New Mexico 87015, the following described real estate in Santa Fe County, New Mexico:

Lot Twenty-Six (26) of Sunshine Valley Subdivision No. 1, located in Sections 17 and 18, T10N, R7E, N.M.P.M., Santa Fe County, New Mexico as the same is shown and designated on the plat thereof filed December 23, 1959, as Document No. 238,047, and recorded in Plat Book 8, Page 109, in the records of Santa Fe County, New Mexico.

Subject to patent reservations, restrictions and easements of record and to taxes for the year 2007 and years thereafter and all other matters of record.



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
I Hereby Certify That This Instrument Was Filed for Record On The 31ST Day Of January, A.D., 2007 at 14:50 And Was Duly Recorded as Instrument # 1469132 Of The Records Of Santa Fe County

WARRANTY DEED
PAGES: 1
Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy Valerie Espinoza County Clerk, Santa Fe, NM

with warranty covenants.

WITNESS our hands and seals on January 29, 2007.

Charles R. Key
Charles R. Key

Beverly J. Key
Beverly J. Key

ACKNOWLEDGMENT

STATE OF New Mexico)
COUNTY OF Bernalillo)

This instrument was acknowledged before me on January 29, 2007, by Charles R. Key and Beverly J. Key.

MY COMMISSION EXPIRES:

Valerie Espinoza
NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF New Mexico)
COUNTY OF Sandoval)

This instrument was acknowledged before me on January 29, 2007, by CHARLES R. KEY and BEVERLY J. KEY, husband and wife.

MY COMMISSION EXPIRES: _____

[Signature]
NOTARY PUBLIC

STATE OF Colorado)
COUNTY OF El Paso)

This instrument was acknowledged before me on January 23rd, 2007, by ROBERT L. MANHART AS SUCCESSOR TRUSTEE OF THE ROBERT AND SHEILA MANHART TRUST, U/A/D DATED SEPTEMBER 24, 1996 AS AMENDED AND ANY SUB-TRUSTS CREATED THEREUNDER.

MY COMMISSION EXPIRES: 10-18-2009

Alexander M. Mather
NOTARY PUBLIC

ALEXANDER M. MATHER
NOTARY PUBLIC
STATE OF COLORADO

My Commission Expires 10-18-2009

STATE OF New Mexico)
COUNTY OF Sandoval)

This instrument was acknowledged before me on January 29, 2007, by MARYLYN L. WIDLUND, an unmarried woman.

MY COMMISSION EXPIRES: _____

[Signature]
NOTARY PUBLIC

STATE OF New Mexico)
COUNTY OF Sandoval)

This instrument was acknowledged before me on January 29, 2007, by BETTY L. OSTROWER, an unmarried woman.

MY COMMISSION EXPIRES: _____

[Signature]
NOTARY PUBLIC

STATE OF New Mexico)
COUNTY OF Sandoval)

This instrument was acknowledged before me on January 25, 2007, by GAYE FAHRINGER, SUCCESSOR TRUSTEE OF THE CARL FAHRINGER AND GAYE FAHRINGER REVOCABLE TRUST U/A/D OCTOBER 24, 2004, AND ANY SUB-TRUSTS CREATED THEREUNDER.

MY COMMISSION EXPIRES: _____

[Signature]
NOTARY PUBLIC

09/13/2010

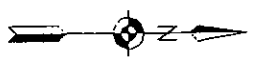
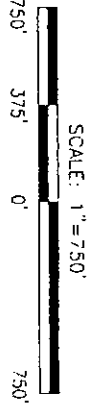
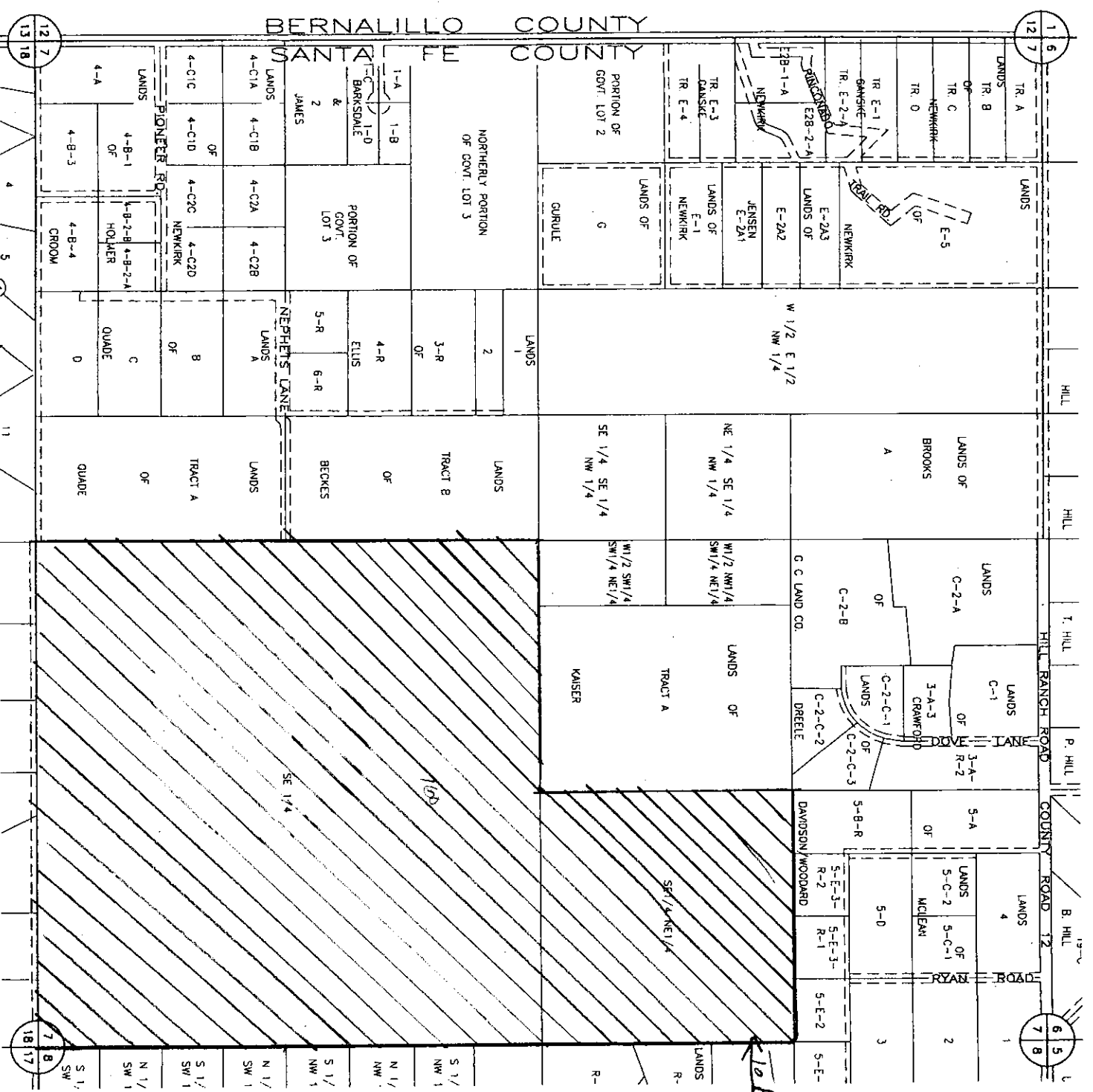


COUNTY OF SANTA FE) WARRANTY DEED
STATE OF NEW MEXICO) ss PAGES 2

I Hereby Certify That This Instrument Was Filed & Recorded On the 31st Day of January A.D. 2007 and that the Same is duly recorded in Instrument # 1469134 in the Records of Santa Fe County

Exhibit "A" UPL -
 1-037-059-337-137
 1-037-059-

COPYRIGHT
 ALL RIGHTS RESERVED
 ODEN-MILLER & ASSOCIATES



LEGAL DESCRIPTION
 T 10 N
 R 7 E
 SEC 7

UNIFORM PROPERTY CODE
 1037059

MAP AMENDED THROUGH
 JANUARY 1, 2002

H 37



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) 56

EDGEWOOD ORDINANCE
PAGES: 3

Hereby Certify That This Instrument Was Filed for
Record On The 25TH Day Of July, A.D. 2007 At 16:35
And Was Duly Recorded as Instrument # 1493241
The Records Of Santa Fe County

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

REC'D CLERK DECORATED 07/25/2007

Planning & Zoning Commission
6:00 pm. June 18, 2007
Edgewood Community Center, 27 E. Frontage Road

1. Call to order. The meeting was called to order at 6:00 pm, Commissioners Fulwiler, Rea and Wilhite were present. Commissioners Chemistruck, Lowry and Vogel were absent.
2. Approve agenda. Commissioner Wilhite moved to approve the agenda; the motion was seconded and passed unanimously.
3. Approve minutes of 6/04/07 & 6/11/07. Commissioner Wilhite moved to approve the minutes of 06/04/07; the motion was seconded and passed unanimously. Commissioner Wilhite moved to approve the minutes of 06/11/07; the motion was seconded and passed unanimously.
4. Implementation survey. Insufficient information had been received to process this chart for editing the comprehensive plan; staff requested the item be tabled. Commissioner Wilhite moved to table the implementation survey; the motion was seconded and passed unanimously.

PUBLIC HEARING-QUASI JUDICIAL PROCEDURE

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

Noted: Staff confirmed

The statement of proceedings was read and the commissioners noted no conflicts of interest/exparte contacts.

5. Rezoning request Northwest corner Church Road and Quail Trail, 207 acres of residential one acre (R-1) requesting rezoning to Multi-Use. Bob Pruitt of Centex Homes introduced himself as the applicant and stressed that this is a conceptual land use plan. Centex will study the feasibility of including townhomes or condominiums in their plan, wastewater service will need to be determined prior to the subdivision process for this curvilinear design. Mr. Pruitt turned the presentation over to Jim Strozier of Consensus Planning. Mr. Strozier said the intent of the project was to keep it residential with 2 phases not to exceed 4 dwellings per acre, dividing the property longitudinally in half. It was stated that this project would comply with policy 2A of the Comprehensive plan to provide for medium density and mixed use of housing, and the conceptual land use map which calls out this area for mixed use. Mr. Strozier stated there would be buffering on the eastern side of the project and over 6 miles of conceptual trails with an overall density of 2.7 dwellings per acre. The town will not be required to install any infrastructure improvements; this will be the developer's responsibility. Commission Wilhite asked about the availability of right-of-way on Church and wastewater service, Mr. Strozier stated they would be able to accommodate future widening of Church and the wastewater was an ongoing dialogue. Commissioner Fulwiler asked about the Quail Trail area and buffering for the eastern area. Mr. Strozier stated the buffering could be accommodated in the future subdivision plans as well as the Quail Trail widening. Commissioner Rea asked about price range for this concept, this was undetermined at this time.

Residents sworn in were Tom Torres, Arlene Williams, Frank Hetznecker, Joe Wendt, John Guerra, Rita Harmon Residents expressed concern about the conceptual nature of the plan, the increased traffic from the development, the increased density which is out of character for the area, lack of police protection to offer protection to the area. Commissioner Fulwiler moved to approve the rezoning request for Lone Pine; the motion was seconded and passed unanimously.

6. Preliminary Subdivision request of Huppertz, 10.002 acres zoned Residential R-1 to be subdivided into 3 lots adjacent to Lindsey Lane and Hill Ranch Road. (SU-2007-6) Lindsey lane will be a private access road off of Hill Ranch road. Cheryl Huppertz and Steve Williams were in

attendance as applicants for this request. Staff stated this subdivision is in compliance with the 2000 Comprehensive Plan, the Zoning ordinance and there is a commitment for water from Entranosa, there needs to be a subdivision improvement in place and a placement for the mailboxes for the post office. Commissioner Fulwiler moved to approve SU-2007-6 for Lands of Huppertz; the motion was seconded and passed unanimously.

Out-of Public Hearing

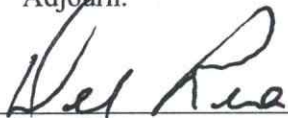
7. Annexation zoning request for Stone Mountain Estates requesting Residential R-2 Zoning. This property is located at the western edge of Joe Mae road south of Hill Ranch road. This request is outside of the scope of the 2000 Comprehensive Plan, the request would take in another mile of Venus road and all interior streets in the planned subdivision. Venus road entering this land is unimproved at this time and the applicant will make the necessary improvements to the road. Lands on the eastern portion range from ~2 acre tracts to ~5 acre tracts on the western side are larger 20 to 40 acre tracts. Commissioner Fulwiler moved to recommend R-2 zoning; the motion was seconded and approved unanimously.

8. Annexation zoning request for Romo, 40 acres located adjacent to the north side of Venus road, requesting R-1 residential zoning. Adjoining properties range in size from ~1.5 to 20 acre parcels. Commissioner Fulwiler moved to approve the R-1 zoning; the motion was seconded and all voted nay, the motion failed to carry.

9. Findings of Fact:

Rezoning request located at Wood's End Road and NM 344. 20 acres of residential one acre (R-1) requesting rezoning to Commercial (C-2). Staff requested this be tabled; Commissioner Fulwiler moved to table the findings of fact for Woods

10. Adjourn.



Del Rea, Chairman

Planning & Zoning Commission
6:00 pm. July 30, 2007
Edgewood Community Center, 27 E. Frontage Road

1. **Call to order.** The meeting was called to order at 6:00 pm, Commissioners, Fulwiler, Rea, Vogel and Wilhite were present. Commissioner Lowry and Chemistruck were absent.
2. **Approve agenda.** Commissioner Wilhite moved to approve the agenda; the motion was seconded and passed unanimously.
3. **Approve minutes of 7/16/07.** Commissioner Fulwiler moved to approve the minutes of 07/16/07 with the correction of adding the second to item 4 request of First Choice for preliminary subdivision; the motion was seconded and passed unanimously.

4. **Covenant of Grace Annexation Zoning**

Mark S. Waite for covenant of Grace Church has requested annexation of 5 acres north of Frost road for a church site. Attached were a site plan, and the location map showing the area on the east of State Road 344. Staff reported that the applicant has complied with all information requests and did not foresee any negative impacts from the development. Commissioner Wilhite move to recommend Special Use for the church site; the motion was seconded and passed unanimously.

5. **Stone Mountain Estates Annexation Zoning.** Ed Cardenas presented a modified concept plan which showed a border of 4 acre lots on the majority of the east of the subdivision proposal with property lines proposed to line up with the adjacent properties. Commissioners inquired as to the lack of buffering on the north, west, and southern parcels and Mr. Cardenas said he could work on that. Commissioners and adjoining residents expressed concern about the single point entrance proposed for such a rugged area and erosion caused by clearing for the road network, erosion and utility installation. Jeff Henders with the Vista Montana Homeowners association stated the association did not want to see the emergency gated access through their subdivision become an access point. The association would prefer home sites of similar design along their backyard area preferably Residential-Estates (minimum 5 acre). Commissioner Wilhite moved to table the zoning request to allow the developer to work on a different character for the adjoining lots; the motion was seconded and passed unanimously.

6. **Impact Fee Study.** Cheryl Huston joined the commissioners as a member appointed by the council for the impact fee committee member. The members requested further clarification on the following:

What happens if a change of occupancy occurs will the owner pay an upgrade for the impact?

Can wastewater fees be based on the use of the business instead of the meter size or any other category of use?

Will homes in areas other than the proposed wastewater corridor pay an impact fee and if so will this pass the nexus test for reasonableness?

If someone has already built and ties on will they pay an impact fee?

Staff will forward the questions to the consultant and get back to the members next Monday.

7. Findings of Fact=request to rezone property from Residential one acre to C-1 commercial and Residential Multi-Use. Commissioner Fulwiler moved to approve the findings of fact; the motion was seconded and passed unanimously.

8. Commissioner Vogel moved to adjourn; the motion was seconded and approved unanimously. The meeting adjourned at 7:45 p.m.



Del Rea, Chairman

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 exparte 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 than 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 than 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 19th 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

Ms. Mahalick stated the Planning & Zoning Commission recommended the R-2 zoning with the concept map and the 4 acre border properties. The Commission feels once the 2-acre zoning is granted to the developer, the developer by right, can do 2 acre properties, they could come back and state it is not feasible to do 4 acre parcels and request 2 acre parcels. One of the concerns is there has to be a drafted development agreement to ensure the developer uses this map; this would be a Council decision.

At this time all interested parties were sworn in.

Mr. Cardenas stated he is a partner of Stone Mountain Estates and was here approximately one year ago requesting R-2 zoning which was denied. Since then, they have created a border around the perimeter of 4 acre lots to blend the properties around there. On the north end there are 2 acre parcels due to existing 2 ½ acre parcels. Councilor Felton asked about the pipeline location which is noted on the map. Councilor Ring stated there is reference made on whether they would be willing to agree not to divide the 4 acre lots or have a deed restriction on cutting down these lots to less than the 4 acres. Mr. Cardenas stated their counsel suggested a deed restriction in each lot.

Mr. Jimmie Berkey stated his property borders on the northeast corner. He is reiterating what has been said on not changing the 4 acre lots on the outside of the perimeter. He has no objection to this as long as the 4 acres are not changed.

Mr. Michael Giannuzi borders the property also. He stated previously discussed was the sewage and the rock formation. It was said that explosives would not be used and would like to know what will be done as there is a hill on the eastside. Mr. Cardenas stated this has been addressed and there will be an onsite treatment facility which at this time is unknown of the type. The Environment Department will allow individual septic tanks, maybe use half and half. The ones with good percolating soil possibly have onsite disposable systems. As for the explosives, they have agreed to make every effort to use hammers and rock saws but could not prevent a builder from drilling and blasting. They cannot do that.

Mr. Joe Wendt property owner in this area stated at a previous meeting he had requested several items from Mr. Cardenas and wanted to know if he would still commit to them. Mr. Cardenas stated his thought is to meet with the parties involved and create a list and have with the preliminary subdivision approval.

Mr. Byron Atman lives north of proposed property and wanted clarification on the commitment on the 4 acre buffer, is this a legally binding commitment at this point. Mr. Rael, Town Attorney stated they is a State Statute that states that any thing to do with real estate or real estate contracts have be in writing and verbal commitments are not legally binding.

Councilor Hill asked if a motion is made subject to deed restrictions on placed on all properties limiting their size as identified, would this be legally binding. Mr. Rael stated he would suggest Council table this item until the deed restrictions have been entered into within a specific amount of time, the zoning not take effect until this is done, if deed restrictions are not entered into within the time given, the zoning will not take effect. Councilor Hill asked the applicants if they would proceed in this manner. Mr. Steve Steele, partner with Mr. Cardenas stated yes they would. Mr. Steele stated they are a


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 1st District Court.

MOTION: Councilor Hill made a motion to adopt language changes to "1st" 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.

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Initials

long way from any development after zoning is approved; there is still a development agreement to be drafted with the deed restrictions need to be added for Council approval. Mr. Rael discussed the development agreement and the property was only annexed a few months ago and at this time this should be tabled until the development agreement is completed which should not be a difficult to complete. Councilor Simmons asked if a motion could be made restricting the number of lots allowed. Mr. Rael stated no, this could be in violation of the R-2 zoning, this needs to be more specific through the deed restrictions. Councilor Felton asked if the document before them is legal to which Mr. Rael stated this plat plan is a conceptual document that has not been approved by the Planning Commission or recommended to the Council. It can be entered in to the minutes as an exhibit, but not as being approved as a final plat map, it acts as testimony as their intent only. Councilor Felton asked about the sewer plan and the percolation testing in various locations with his plan for a centralized system. Mr. Cardenas stated he would have various disposal points throughout the project. Councilor Felton asked about the roads in and out of the development, the plan indicates only one road at this time. Mr. Cardenas stated they are working with an alternative access point for emergency purposes only. Councilor Felton asked if they would commit to this also to which Mr. Cardenas stated they would have to.

MOTION: Councilor Hill made a motion to approve the request for R-2 zoning for the Stone Mountain Estates development subject to and contingent upon the developer providing legally worded deed restrictions to the satisfaction of the Town Attorney within 120 days, the lot size being consistent with the map submitted to the Town Council and this will be attached as an exhibit to this testimony, and will provide the agreement discussed, enter into a binding deed restriction agreement with the Town of Edgewood. Councilor Ring seconded the motion.

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

The audience questioned the Council on being able to testify and ask questions. Mr. Rael, Town Attorney stated Councilor Felton can make a motion to re-open this item as he voted against this issue if he so chooses. Mr. Rael stated this is not the formal subdivision approval process which will go to the Planning Commission and will then come before the Council, there will be another opportunity to address concerns.

MOTION: Councilor Felton made a motion to re-open this item. Councilor Hill seconded the motion.

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

Mr. Joe Wendt stated Mr. Cardenas made several commitments during annexation which was far beyond the normal zoning commitment and this eased a lot of the concerns with the surrounding neighbors on the acreage. He also committed on the sewer concept which should be included in the zoning. As part of the annexation, a home owners association is set up with fees to maintain the roads. The blasting issues were committed at that time. These issues should be addressed in the Council's motion. Mr. Cardenas extended out to help these neighbors. Mr. Wendt requested the Council consider expansion on what the restrictions would be to as Mr. Cardenas committed to a lot that


Initials

would reduce the impact including the 2 acres lots and feels this should be a part of the zoning.

Councilor Simmons asked Mr. Wendt if the compromise of 4 acre lots was sufficient to mitigate some of the concerns. Mr. Wendt stated there are other concerns that go beyond such as the sewer commitments and the high density of the area.

Mr. Rael stated the Town cannot put restrictions on Mr. Cardenas related to land owner access, this is between the landowners. The Town does not have this authority. A lot of the issues discussed is for the subdivision process and is not part of the zoning.

MOTION: Councilor Hill made a motion to reiterate his prior motion. Councilor Ring seconded the motion.

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

AT THIS TIME PUBLIC COMMENTS WERE HEARD.

Ms. Vicki Schober commented on the Sign Workshop held and also the proposed moratorium here tonight, she referred to the ordinance and variances, she feels the current sign ordinance works well. She referred to Section 2 part B, 3 of the ordinance. She expressed her concerns on the workshop and working on the section for the businesses and not the entire ordinance.

Mr. John Abrams expressed his concern on the business community, the Council, and the Commission. The variance procedure would be a very adequate way to find out what the needs are. If a lot of variances come in, there would be a need to change the ordinance. He feels to gut the ordinance that has been voted in and in place without the due process involved, it would be a disservice to the community and businesses. He feels in order to have a good ordinance; time should be taken to carefully look at.

L. Annexation/Zoning For Morper/Sunova Located Adjacent to the Southern Boundary of Morpor Road, T10,R7E,Section33. Requesting Residential Zoning.

Ms. Mahalick stated this has been platted out, is in the annexation priority area and surrounding properties are R-1 and in Commission recommends R-1 zoning.

MOTION: Councilor Ring made a motion to approve the annexation and the R-1 zoning as presented. Councilor Felton seconded the motion.

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

M. Annexation /Zoning for Double "D" 75 Acres Located Adjacent to the Western Side of Horton Road, Requesting Residential Zoning. (Tabled)

Ms. Mahalick stated she is waiting for one of the landowners to come in and sign documents and requested this item be tabled.

MOTION: Councilor Felton made a motion to table this item. Councilor Hill seconded the motion.


Initials

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

N. Annexation/Zoning for Lending Resources, LLC, Located on the Northern Side of Prairie Moon Requesting 5 Acres of Residential Zoning.

Ms. Mahalick stated this property is in the priority annexation and landlocked by the Town of Edgewood. They are requesting R-1 zoning, no additional assumption or road maintenance is needed.

MOTION: Councilor Hill made a motion to approve annexation and R-1 zoning as presented. Councilor Felton seconded the motion.

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

O. Request to Amend the Zoning Map.

MOTION: Councilor Hill made a motion to approve amending the Zoning Map to include annexations approved tonight. 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.

8. MATTERS FROM THE MAYOR.

P. Appointment of *Ad-Hoc* Sign Ordinance Committee. (Hand-Out)

Mayor Calkins announced the Park & Ride has a six month lease and service to start at the beginning of the new year.

Mr. Condrey reviewed the recommendation of the *Ad-Hoc* committee.

MOTION: Councilor Ring made a motion to approve the appointments for discussion purposes. Councilor Felton seconded the motion.

NOT VOTE TAKEN.

Councilor Felton asked the Deputy Clerk to read into the record a statement by him to be filed as an exhibit with the minutes of this meeting. The Council discussed the Sign Workshop and the committee appointments as recommended.

Mr. Rael, Town Attorney at this time recommends tabling this item as no action was taken at the Workshop and the hand-out tonight refers to agreement of these appointments. A Special Council Meeting was discussed for this item.

MOTION: Councilor Hill made a motion to schedule a Special Meeting on Monday, December 10 2007 @ 6:00 P.M. at the Community Center. Councilor Simmons seconded the motion.

NO VOTE TAKEN.

MOTION: Councilor Hill made a motion to amend his motion to schedule the meeting


Initials

on Tuesday, December 11, 2007 at 6:00 P.M. Councilor Felton seconded the motion.

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

9. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

Councilor Felton asked for an update on the agreement with Wal-Mart on the acquisition of the sewer plant and if this would be a Class 1 or 2 and about the membrane cassettes new or used. Councilor Hill will update Councilor Felton through e-mail.

10. MATTERS FROM THE ATTORNEY.

Mr. Rael stated he has drafted a letter to Santa Fe County on their policy concerning the transfer station. He will update when he has received a response.

11. STATE POLICE REPORT – Sgt. Florian Chavez.

Sgt. Chavez stated the department has been busy with the Ojo Fire and with the holiday D.W.I. and traffic enforcement.

12. MATTERS FROM THE ADMINISTRATOR.

Q. Police Chief hiring/status report.

Mr. Condrey stated the committee chose 2 applicants and recommended Mr. Paul Welch to start on January 7, 2007 at the pay rate of Grade 57, Step 8 \$35.54 (\$73,923.02), with a 3 year contract to be negotiated. Standard drug testing with an independent due diligence psych evaluation, standard fringe benefits with a \$2500 moving expense allowance and temporary housing not to exceed 3 months.

MOTION: Councilor Ring made a motion to approve Mr. Paul Welch as the Chief of Police and the temporary housing not to exceed \$1500.00 per month up to 3 months. 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.

The Council thanked the Committee for their work in getting to this appointment.

FINANCE AND ADMINISTRATION.

R. Approval of Town Bills for the month of October, 2007.

MOTION: Councilor Simmons made a motion to approve the Town Bills for the month of October, 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.

S. Approval of the Financial Report for the month of October, 2007.

MOTION: Councilor Simmons made a motion to approve the Financial Report for the month of October, 2007. Councilor Felton seconded the motion.

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

Mr. Condrey presented a report on the gross receipts accrual from July 2006 to date with a 66.3% increase.


Initials

COMMUNITY PLANNING & DEVELOPMENT.

None.

13. RESOLUTIONS.

T. Resolution No. 2007- 36 Municipal Election Resolution.

MOTION: Councilor Felton made a motion to approve Resolution No. 2007-36.
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.

U. Resolution No. 2007- 37 Moratorium for Sign Ordinance Enforcement in the Town of Edgewood. (Hand-Out)

MOTION: Councilor Ring made a motion to approve Resolution No. 2007-37 for discussion. Councilor Felton seconded.

Mr. Rael, Town Attorney recommends this item be tabled as it follows Item P as discussed above.

VOTE: No vote taken.

MOTION: Mayor Calkins called for a motion. There was no motion made, therefore it dies for lack of a motion.

14. DRAFT PAY PLAN UPDATE – Mr. Vince Yermal. (Hand-Out)

Mr. Yermal discussed the proposed pay plan and his research into job descriptions and how this is structured. The Town's Ordinance states the pay structure be reviewed every 2 years. The Council reviewed the booklet and this item will be brought back mid-year for further discussion.

15. ANNOUNCEMENTS, CALENDAR REVIEW & FUTURE AGENDA ITEMS.

V. Regular Council Meeting – December 19, 2007.

16. PUBLIC COMMENTS. (Limit to 2 minutes per person)

W. Ms. Elva Holden – Santa Fe County Satellite Office.

Ms. Holden stated the Satellite office is open and presented a flyer of the services offered. The office is located at 1916 Old Highway 66. Hours are Tuesday-Thursday.

17. CLOSED SESSION.

As per motion and roll call vote, pursuant to NMSA 1978, 10-15-1 (H)(8) and(H)(2), the following matters will be discussed in Closed Session.

1. Property Acquisition.

2. Personnel Matters.

MOTION: Councilor Hill made a motion to go into Closed Session pursuant to NMSA 1978, 10-15-1(H) and (H)(2) to discuss property acquisition and personnel matters. Councilor Felton seconded the motion.

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

MOTION: Councilor Hill made a motion to come out of Closed Session and stated only


Initials

the items listed were discussed and no action was taken. Councilor Felton seconded the motion.

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

18. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn the Meeting. Councilor Hill seconded the motion.

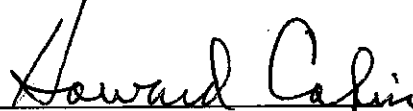
VOTE: Councilor Ring voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. The motion carried.

Mayor Calkins adjourned the Meeting at 9:30 P.M.

Mayor's Quote for this Meeting:

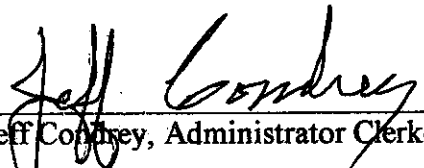
**Those who bring sunshine to the lives of others cannot keep it from themselves.
James Barrie**

APPROVED AND ADOPTED THIS 19TH DAY OF DECEMBER, 2007.



Honorable Howard Calkins, Mayor

ATTEST:



Jeff Conroy, Administrator Clerk-Treasurer