

TOWN OF EDGEWOOD
ORDINANCE NO. 2007-23

AN ORDINANCE GRANTING THE PETITION TO ANNEX
APPROXIMATELY 45.98 ACRES OF TERRITORY CONTIGUOUS TO THE SOUTH
BOUNDARY OF 'THE TOWN OF EDGEWOOD,
NEW MEXICO.

WHEREAS: the owners of a majority of approximately 45.98 acres of territory contiguous to the current south 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 EDGEWOOD THAT:

The Governing Body of the Town of Edgewood does hereby grant said annexation with the following conditions:

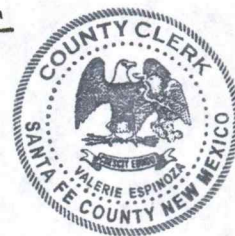
1. Property to be zoned Residential R-2.
2. The property being annexed will be in compliance with the Town's current Planning & Zoning Ordinance and 2000 Comprehensive Master Plan.

The zone map of the Town of Edgewood shall be amended accordingly and a copy of this Ordinance amending the zone map of the Town of Edgewood shall be recorded in the office of the County Clerk of Santa Fe County, New Mexico,

BE IT RESOLVED BY THE TOWN OF EDGEWOOD GOVERNING BODY:

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

Howard Calkins
Howard Calkins, Mayor



ATTEST:

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

ORDINANCE
PAGES: 3

I Hereby Certify That This Instrument Was Filed for
Record On The 23RD Day Of January, A.D., 2008 at 14:51
and Was Duly Recorded as Instrument # 1513068
of The Records Of Santa Fe County

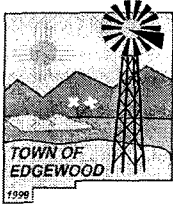
Witness My Hand And Seal Of Office
Valerie Espinoza

Deputy *Valerie Espinoza* County Clerk, Santa Fe, NM



Jeff Condrey Administrator Clerk

SFC CLERK RECORDED 01/23/2008



PETITION FOR ANNEXATION

PETITIONER(S): Phillip J. & Janette R. Todd TELEPHONE: 505-281-4595
(Attach proof of ownership: If not owner, must also provide notarized statement of authorization from owner.)

MAILING ADDRESS: P O Box 277
Edgewood, NM 87015

LEGAL DESCRIPTION OF PROPERTY: (Attach additional sheets as necessary.)
1-039-055-142-240 = 7.88 Ac 1-039-055-101-184 = 19.57 Ac

TOTAL ACREAGE OF PROPERTY: 28

REQUESTED ZONING DESIGNATION FOR PROPERTY: R-2
(Please note that the final zoning designation by Town 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 _____ 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>Phillip J. Todd</u> Signature	<u>Phillip J. Todd</u> Print Name	<u>Nov 29 2007</u> Date
<u>Janette R. Todd</u> Signature	<u>Janette R. Todd</u> Print Name	<u>Nov. 29, 2007</u> Date

Owner(s) of approximately 28 acres in the area proposed for annexation.

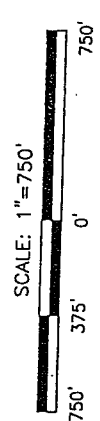
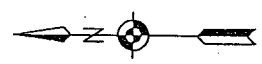
Any person knowingly providing or causing to be provided any false information on the petition, forging a signature or signing this petition knowing he or she is not an owner of real property within the territory proposed to be annexed is guilty of a fourth degree felony.

Pursuant to §3-1-7 NMSA 1978 (Repl. Ramp. 1987) the Town Clerk approves the form of this Petition.

 Clerk/Administrator Town of Edgewood, New Mexico	<u>[Signature]</u> Dated <u>1/14/08</u>
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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" - 10 SE HANNEXED
 1-039-055-182-239 = 1 AC
 184-207 = 1 AC
 189-210 = 1 AC
 102-185 = 1.29
 033-243 = 10.00
 155-155 = 4.24
 101-184 = 19.07
 142-240 = 7.88
 COPYRIGHT 45-98A
 ALL RIGHTS RESERVED
 ODEN & ASSOCIATES

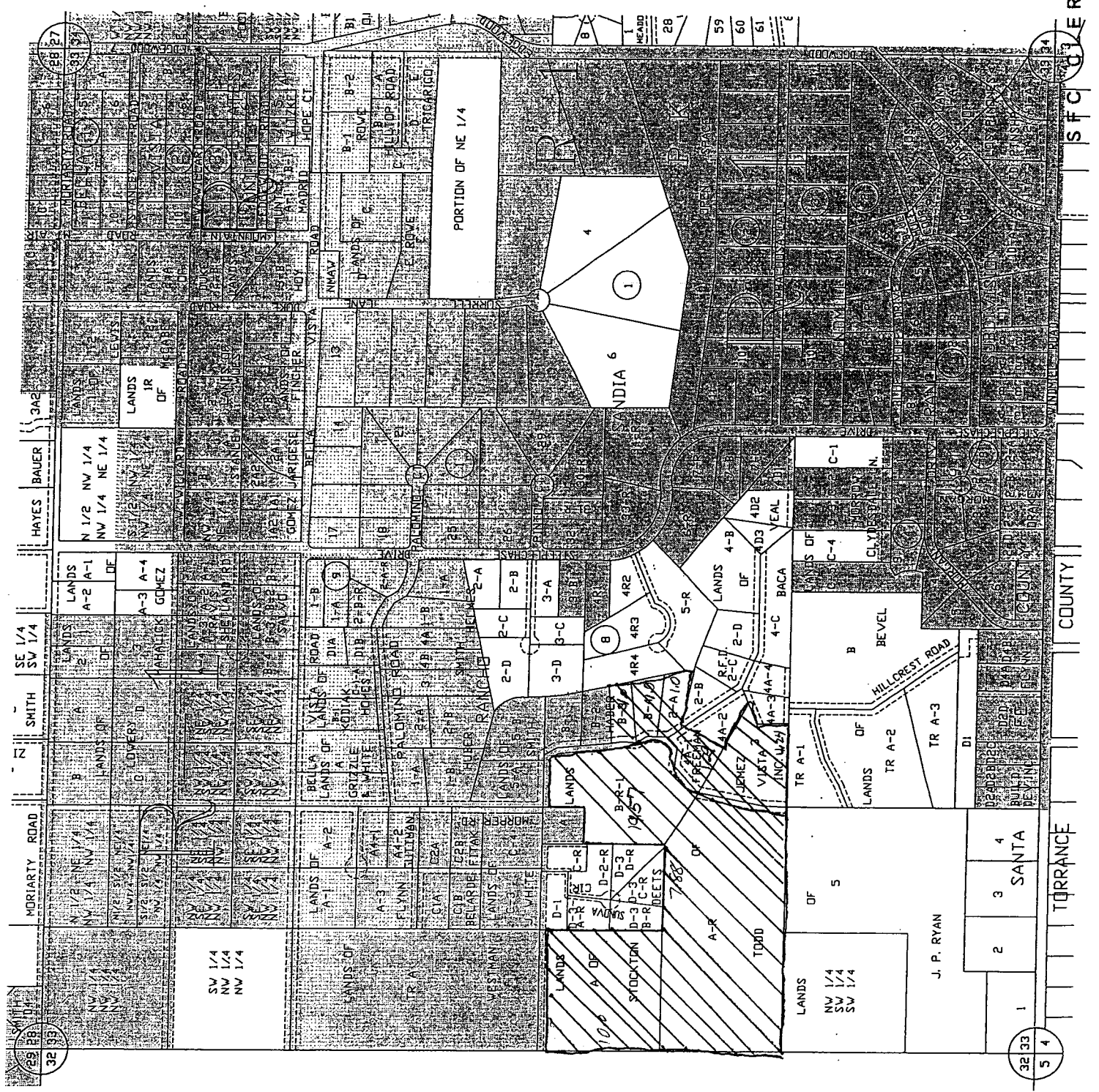


LEGAL DESCRIPTION
T 10 N
R 7 E
SEC 33

UNIFORM PROPERTY CODE	1039055
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MAP AMENDED THROUGH	JULY 1, 2007
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RECORDED 0123 / 2008



32 33 34
 35 36 37 38
 COUNTY OF TORRANCE
 SFC CLERK RECORDED 0123 / 2008

AGENDA
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – JANUARY 9, 2008 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER (27 E. FRONTAGE ROAD)
(Please Silence All Electronic Devices)

1. **CALL TO ORDER.**
2. **PLEDGE OF ALLEGIANCE.**
3. **APPROVAL OF AGENDA.**
4. **APPROVAL OF PREVIOUS MINUTES.**
 - A. Regular Council Meeting Minutes of December 19, 2007.
5. **CONSENT AGENDA.**
 - B. Acknowledgement of the Planning & Zoning Commission Meeting Minutes of December 17, 2007.
6. **PUBLIC HEARINGS. (Limit to 3 minutes per person)**
Legislative Procedure: Note: This item is a continuation from the Council Meeting of December 19, 2007.

C. Land Use Assumptions Relating to Possible Adoption of Impact Fees.

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

Noted: _____

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.

Confirmation of no conflict of interest or ex-parte contacts:

- D. Annexation and Zoning for 48 Acres Southwest of the Municipal Boundary Area, Section 33, T10N, R7E, requesting R-2.
 - E. Annexation and Zoning for 10 Acres on the South Side of Frost Road, Section 33, T11N,R7E, requesting Special Use.
 - F. Request to Amend the Town Zone Map.
7. **MATTERS FROM THE MUNICIPAL JUDGE.**
 - G. Judge White will present his report for the month of December, 2007.
 8. **STATE POLICE REPORT.**
 9. **MATTERS FROM THE MAYOR.**
 - H. Recommendation of Mr. Michael Dodge as a Planning & Zoning

Commissioner.

10. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

- I. Councilor Ring – Discuss changes to the Ethics Ordinance No. 2005-07
- J. Councilor Felton – Applying Edgewood Personnel Procedures.

11. MATTERS FROM THE ATTORNEY.

12. MATTERS FROM THE ADMINISTRATOR.

FINANCE & ADMINISTRATION.

- K. Review of the 2006-07 Town Audit – Mr. Thad Porch.
- L. Request for the Town of Edgewood to assume Maintenance & Operation of a proposed Lift Station from Liberty Square.
- M. Authorize \$50,000 for Land Acquisition for Regional Animal Care Facility.

COMMUNITY PLANNING & DEVELOPMENT.

None.

ANIMAL CONTROL.

- N. Review of the “Draft” Animal Care & Control Ordinance.

13. RESOLUTIONS.

- O. Resolution No. 2008-01 – Endorsing the Moriarty/Edgewood School District Bond Issue.
- P. Resolution No. 2008-02 – Clarify the Town’s Position regarding Field Their Dreams Project and the approved I.C.I.P.

14. ANNOUNCEMENTS, CALENDAR REVIEW & FUTURE AGENDA ITEMS.

- Q. Special Council Meeting – January 14, 2008 at 6:00 P.M.
- R. Regular Council Meeting – January 23, 2008 at 6:30 P.M.
- S. Declared Candidates for March 2008 Municipal Election.

Note: The Town Offices will be closed Monday, January 21, 2008 in observance of Martin Luther King Day.

15. PUBLIC COMMENTS.

16. ADJOURN.

Mayor’s Quote for this Meeting:

Three things in human life are important: The 1st is to be kind. The 2nd is to be kind. The 3rd is to be kind. Henry James (1843-1916) Writer

Meeting of December 19, 2007.

C. Land Use Assumptions Relating to Possible Adoption of Impact Fees.

Ms. Mahalick stated Councilor Hill requested information from the consultants on the growth projection in the land use assumptions not be as aggressive as projected. It is tied with impact fees. Councilor Hill stated capital improvements be identified and there is a limited time to provide this information. Ms. Mahalick clarified and stated this is only the first step to adopt the land use assumption, no fees at this point. The I.C.I.P. is reviewed and changed. The consultants can also review the numbers and project at a lesser rate. Councilor Ring stated maybe a work session could be scheduled with the Council. Councilor Felton asked what additional costs are involved to re-work the numbers. Ms. Mahalick stated \$1500 if the consultants come to Edgewood plus air fare. It would take them 2 ½ to 3 weeks to review.

Ms. Clark McDuell was sworn in. She asked where on the Town's web page is the comprehensive plan.

MOTION: Councilor Hill made a motion to table this item and schedule a work session for further review. Councilor Simmons seconded the motion.

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

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

Noted: Ms. Mahalick stated this was noticed as required.

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.

Confirmation of no conflict of interest or ex-parte contacts:

Councilor Simmons stated she had no conflict of interest or ex-parte contacts.

Councilor Felton 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 Ring stated he had no conflict of interest or ex-parte contacts.

D. Annexation and Zoning for 48 Acres Southwest of the Municipal Boundary Area, Section 33, T10N, R7E, requesting R-2.

Ms. Mahalick stated the applicant has not gone before the Planning & Zoning Commission as the meeting was cancelled. There will not be a recommendation on the zoning. She has not received any negative comments, this location will be infill, no roads with be maintained by the Town.


Initials

work on his budget, begin the hiring process. His e-mail is edgewoodchief@yahoo.com

Mayor Calkins stated Mr. Steve Vogel's position expires now in January. He introduced Mr. Dodge and recommends him for a two year term, January 2008 through January 2010.

MOTION: Councilor Hill made a motion to approve Mr. Dodge as a Planning & Zoning Commission. 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.

10. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

I. Councilor Ring – Discuss changes to the Ethics Ordinance No. 2005-07
Councilor Ring stated there are language changes he would propose. Page 2, 3(a), change the word from "councilor" to "official". On page 3,3b change the same word. Page 3, (6) he proposed language change which Mr. Rael will need to review as a candidate can't file disclosure, but an official can. He referred to F. (1) and fee returned after findings of fact. Mr. Rael will work on re-drafting this Ordinance.

J. Councilor Felton – Applying Edgewood Personnel Procedures.
Councilor Felton discussed the manner in which the Public Works Director position was created and referred to the Town's Personnel Ordinance on the procedure. He referred to page 3-B on the process of filling a vacancy. He inquired on performance evaluations and if these are completed as this step is critical and gives the employee direction. These steps need to be followed. Mr. Condrey apologized on not following the process, although pay increases were not held up, he feels with the adoption of the new pay plan, the salary is noted with the job descriptions. Councilor Felton stated the lapse in procedure be corrected and move forward to include the performance evaluation.

Councilor Simmons brought up the speed limit on 344 and would like to see this changed from 35MPH to 40MPH. Mayor Calkins stated the Department of Transportation has already addressed this and this speed limit will not change.

Councilor Ring announced a meeting with New Mexico Retiree Health Care Authority at 11:00 A.M. in Albuquerque on Thursday that affects the insurance for State and City employees.

11. MATTERS FROM THE ATTORNEY.

Mr. Rael stated he had received a response from Santa Fe County Manager on the transfer station. They do not have the man-power to allow the Town of Edgewood to use the facility. Councilor Ring stated it would be beneficial to work with them and establish some type of agreement.

Mr. Rael stated he will meet with Ms. Kilgore, Rory Road representative on January 16, 2008.


Initials

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

COMMUNITY PLANNING & DEVELOPMENT.

None.

ANIMAL CONTROL.

N. Review of the "Draft" Animal Care & Control Ordinance.

This item is scheduled for a Public Hearing on January 23, 2008. Mr. Marcus Rael, Town Attorney is reviewing the draft for any changes needed.

13. RESOLUTIONS.

O. Resolution No. 2008-01 – Endorsing the Moriarty/Edgewood School District Bond Issue.

MOTION: Councilor Simmons made a motion to approve Resolution No. 2008-01. Councilor Hill seconded the motion. Councilor Hill disclosed he has a child in this school district and is on an Advisory Board.

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

P. Resolution No. 2008-02 – Clarify the Town's Position regarding Field Their Dreams Project and the approved I.C.I.P.

MOTION: Councilor Simmons made a motion to table Resolution No. 2008-02. Upon discussion on the language and changes, Councilor Simmons withdrew her motion.

MOTION: Councilor Felton made a motion to accept Resolution No. 2008-02 with the following changes, the "5th Whereas" as written be deleted, number 3 to be changed to a "Whereas" and number 4 be changed to a "Whereas". Councilor Ring seconded the motion.

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

14. ANNOUNCEMENTS, CALENDAR REVIEW & FUTURE AGENDA ITEMS.

Q. Special Council Meeting – January 14, 2008 at 6:00 P.M.

R. Regular Council Meeting – January 23, 2008 at 6:30 P.M.

S. Declared Candidates for March 2008 Municipal Election.

Mr. Condrey stated for Mayor there are three candidates, Howard Calkins, Chuck Ring, & Robert Stearley. For Councilor there are two candidates, John Abrams & Brad Hill. For Municipal Judge there are two candidates, William White & Tim Moreland, although today Tim Moreland came into the office and filed a Withdrawal of Candidacy Form.


Initials