

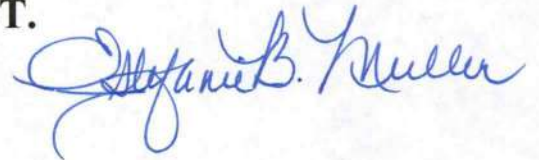
ORDINANCE NO. 2009-01

THIS ORDINANCE WAS APPROVED ON JANUARY 7, 2009.

**THE DATE OF BEING APPROVED, PASSED AND ADOPTED
ON THE ORIGINAL ORDINANCE OF JUNE 20, 2007 IS
INCORRECT PER THE MINUTES ATTACHED. THE
ORIGINAL ORDINANCE CANNOT BE WRITTEN ON OR
CORRECTED.**

**I, ESTEFANIE B. MULLER, CMC, CLERK TREASURER FOR
THE TOWN OF EDGEWOOD, CERTIFY I HAVE
RESEARCHED THE MINUTES AND THE INFORMATION IS
TRUE AND CORRECT.**

May 27, 2014



**TOWN OF EDGEWOOD
ORDINANCE NO. 2009-01**

**AN ORDINANCE GRANTING THE PETITION TO ANNEX
APPROXIMATELY 947.040 ACRES OF TERRITORY ADJOINING THE
SOUTHWESTERN BOUNDARY OF THE TOWN OF EDGEWOOD, BEING SECTION 32, T10N, R7E
AND A PORTION OF SECTION 29, T10N, R7E.
ACRES OF TERRITORY CONTIGUOUS TO THE SOUTH
BOUNDARY OF THE TOWN OF EDGEWOOD,
NEW MEXICO.**

WHEREAS: the owners of a majority of approximately 947.040 acres of territory contiguous to the current southwest 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 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.

ATTEST:


Robert Stearley, Mayor


Estefanie Müller, Clerk-Treasurer



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

ORDINANCE
PAGES: 2

Hereby Certify That This Instrument Was Filed for record On The 27TH Day Of January, 2009 at 12:00:41 PM and Was Duly Recorded as Instrument # 1550301 of The Records Of Santa Fe County

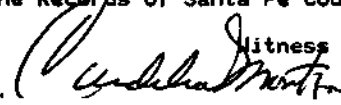
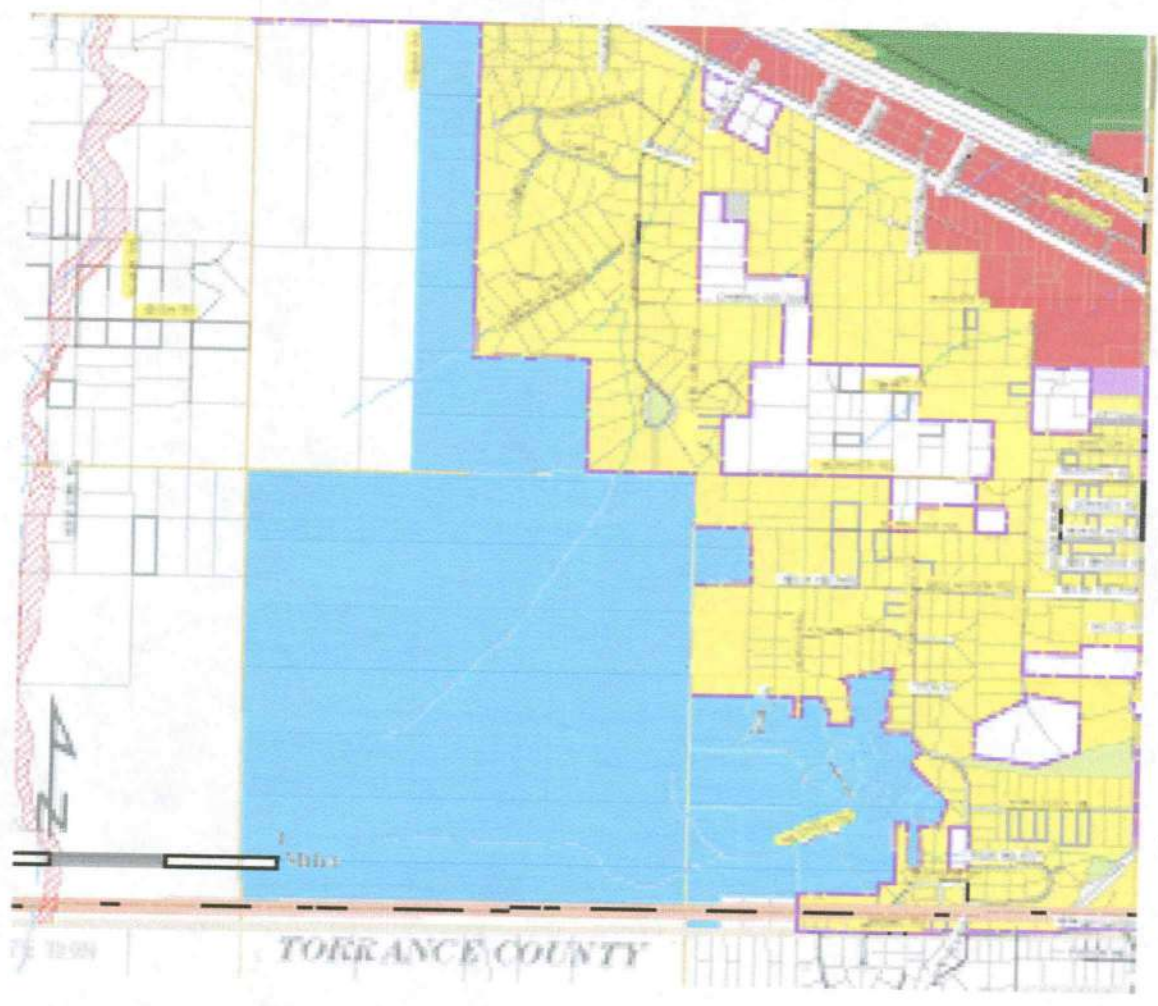

Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, N.M.

EXHIBIT "A"



Annexed areas are in aqua

UPC CODES

- Sect. 33- 1-039-055
 033-243 = 9.827-Ac
 082-266 = 1.00 -Ac
 105-264 = 0.850-Ac
 075-245 = 0.900-Ac
 100-243 = 1.20 -Ac
 074-222 = 0.910 -Ac
 090-219 = 1.01 -Ac
 103-226 = 1.07 -Ac
142-240 = 7.88-Ac
 182-239 = 1.0 -Ac
 184-227 = 1.0 -Ac
 189-210 = 1.0-Ac
 190-202 = 1.0-Ac
 195-185 = 1.0-Ac
 210-172 = 1.0-Ac
 225-165 = 1.0-Ac
 256-175 = 4.163-Ac

Sect. 33- Cont'd

- | | |
|------------------|---------------|
| | <u>Ac</u> |
| 292-150 = | 0.900 |
| 142-240 = | 7.880 |
| 207-297 = | 1.870 |
| 225-300 = | 1.00 |
| 203-265 = | 1.790 |
| 226-265 = | 1.00 |
| 205-235 = | 1.90 |
| 225-233 = | 2.340 |
| 245-233 = | 1.00 |
| 231-170 = | 4.102 |
| <u>101-184 =</u> | <u>19.570</u> |
| 142-185 = | 1.295 |
| 175-175 = | 1.104 |
| 155-155 = | 8.240 |
| 185-145 = | 0.870 |
| 200-145 = | 0.870 |
| 240-145 = | 3.00 |
| 033-440 = | 10.0 |

Sect. 33 Cont'd

- 033-180-10.00 Ac
 065-066-22.340-Ac
 147-118- 2.498-Ac
 154-085- 5.903-Ac
 215-092- 10.040-Ac
 269-105- 2.00 -Ac
 148-053- 3.534-Ac
 020-010- 2.50- Ac
 040-015- 2.50-Ac
 090-015- 2.50-Ac
 110-015- 2.50-Ac

Sect. 29. 1-038-056

- 231-462 - 20-Ac
 198-380 - 20-Ac
 231-132 - 40-Ac

**MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – JANUARY 7, 2009 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

1. CALL TO ORDER.

Mayor Stearley called the Meeting to order @ 6:30 P.M.
All Councilors were present. Also present was Ms. Karen Mahalick, Community Planning & Development Manager, and Ms. Estefanie B. Muller, Clerk-Treasurer.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA.

MOTION: Councilor Felton made a motion to approve the Agenda as presented. Councilor Hill seconded the motion.

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

4. MATTERS FROM THE MAYOR.

A. Presentation of Certificates for the Library Re-Location.

Mayor Stearley discussed the Caucus Luncheon that he attended and the discussion on Children's Programs before and after school that are in place in Bernalillo and Los Lunas. He also reminded everyone of the COW nominations that were coming up.

Mayor Stearley discussed the library attendance and the success in the Re-location and asked to acknowledge the owners of the building Mr. Bill and Ms. Molly Pittman for allowing the Town an affordable lease as well as some of the improvements.

Mayor Stearley also acknowledged the board members as well as other community members who donated time to make the library a reality.

5. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

B. Impact Fee Update by Councilor Hill.

Councilor Hill discussed the Impact Fees stating that he had been in contact with Santa Fe County and that he was hopeful that they would be compliant and forthcoming so that the Town would be comfortable moving forward.

Councilor Hill stated that he would provide a Resolution at the next Council Meeting.

6. MATTERS FROM THE ATTORNEY.

None.


Initials

and a Portion of Section 29, T10N, R7E.

Ms. Mahalick certified that public notice had been posted as required.

At this time Mayor Stearley called for public comment and there was none.

MOTION: Councilor Hill made a motion to adopt Ordinance No. 2009-01.
Councilor Simmons seconded the motion.

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

G. Amend the Town of Edgewood Zoning Map.
Ms. Mahalick reviewed the Zoning Map for the Council.

MOTION: Councilor Simmons made a motion to accept the Zoning Map.
Councilor Abrams seconded the motion.

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

H. Request to Amend the Zoning Ordinance.
Ms. Mahalick informed the Council that some of the documents were missing
from their packets and she asked that they table this item for the next meeting.

MOTION: Councilor Abrams made a motion to table this item for the next
Council meeting. Councilor Felton seconded the motion.

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

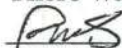
**Legislative Procedure: Certification that Public Notice of this Meeting has
been posted as required:**

- I. Amendment of Ordinance No. 2007-14 An Ordinance Establishing a Parks
and Recreation Advisory Committee and Abolishing the Parks and Recreation
Commission. The Amendment if Approved will include the Appointment of
Two (2) Alternates to the Committee.

Ms. Muller certified that public notice of this meeting has been posted as
required.

Ms. Muller reviewed the changes for Council.

There was no public comment at this time.


Initials

Councilor Hill asked that this Resolution also include Southern Santa Fe County and that was simply a statement of support and is not a force of law.

MOTION: Councilor Hill made a motion to approve Resolution No. 2009-03 with an amendment under the first "Whereas" to replace "development district 3" with "development district 2" as well as inserting the word North before Central and deleting the remainder of the sentence. Councilor Abrams seconded the motion with the amendments.

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

13. COMMUNITY DEVELOPMENT REPORT.

M. Sign Ordinance Update.

Ms. Mahalick reviewed this draft item for the Council requesting a Public Hearing be scheduled at the first meeting of February. She also highlighted some of the changes for Council and the Public.

Mayor Stearley asked if there were any changes regarding banners.

Ms. Mahalick stated that it would remain as stated but that after 45 days they do need to be removed.

Councilor Felton asked about illumination restrictions.

Ms. Mahalick stated that compliance with the Night Sky Ordinance was required and they must be extinguished by 11:00 PM. She also reviewed on some of the other restrictions and allowances.

Mayor Stearley requested that the Zoning Chairman attend the next meeting.

MOTION: Councilor Hill made a motion to call for a Public Hearing. Councilor Simmons seconded the motion.

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

N. Acceptance of Maintenance for Coyote Crossing Road.

Ms. Mahalick reviewed this item for the Council including her recommendations.

MOTION: Councilor Simmons made a motion to accept maintenance for Coyote Crossing. Councilor Felton seconded the motion.

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

O. Update on #199 Frost Road Concern and Frost Road Project.

Ms. Mahalick stated that in fact this was an improvement to his property but that


Initials

T. Planning & Zoning Commission Meeting of December 22, 2008.
(Note: Meeting of December 15, 2008 cancelled due to inclement weather).

MOTION: Councilor Hill made a motion to acknowledge receipt of the Planning and Zoning Meeting Minutes from December 22, 2008 with comment. Councilor Felton seconded the motion.

Councilor Hill requested that all motions be made in the affirmative.

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

16. ACKNOWLEDGE RECEIPT OF THE ENERGY COMMITTEE MEETING MINUTES.

U. Meeting Minutes of December 27, 2008.

MOTION: Councilor Hill made a motion to approve the Energy Committee Minutes from December 27, 2008. Councilor Simmons seconded the motion.

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

V. Review of letter to N.M. State Representatives on Energy.
Councilor Abrams reviewed the letter with the Council. The Council requested the actual letter to be sent to the Legislature be brought back to them before submittal.

17. CLOSED SESSION.

As per motion and roll call vote, pursuant to NMSA 1978, 10-15-(H)(7) and 10-15-(H)(8) the following will be discussed in Closed Session.

- Pending Litigation.
- Property Acquisition.

MOTION: Councilor Felton made a motion to enter into closed session. Councilor Abrams seconded the motion.

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

MOTION: Councilor Felton made a motion to come back into open session. Councilor Hill seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye.


Initials

PLANNING & ZONING COMMISSION MEETING
6:00 P.M. October 20, 2008
EDGEWOOD COMMUNITY CENTER
26 E. FRONTAGE ROAD
MINUTES

1. CALL TO ORDER:

Vice Chairman Chemistruck called the meeting to order at 6:00 P.M.

In Attendance: Commissioners Chemistruck, Fleming, Fulwiler, Turner, and Wilhite were present. Commissioner Schober was absent.

2. Commission to conduct site visit for items #5, #6, and #8. Commissioner Fulwiler commented that he had received a phone call from Mr. Oden stating that he would not be attending the meeting this evening.

Action: Commissioner Fleming made a motion to conduct site visits on items #6 and #8 and to table item #5 because Mr. Oden refused to show up. Commissioner Fulwiler seconded the motion. Commissioner Wilhite made a motion recommending that all the site visits be done regardless of what is done with #5 because it would be brought forward again. Commissioner Fleming withdrew his motion. Commissioner Fulwiler seconded Commissioner Wilhite's motion. The motion carried unanimously.

Upon returning from the site visit, Vice Chairman Chemistruck called the meeting back to order.

3. APPROVE AGENDA

Action: Commissioner Wilhite made a motion to approve the Agenda. Commissioner Fulwiler seconded the motion. The motion carried unanimously.

4. APPROVAL OF MINUTES

Commissioner Wilhite stated that he was in attendance at the October 6, 2008 Commission meeting and asked that the minutes be corrected to reflect that.

Action: Commissioner Wilhite made a motion to approve the minutes of October 6, 2008, with the correction. Commissioner Fleming seconded the motion. The motion carried unanimously.

Public Hearing-Quasi Judicial Procedure. Staff noted that notice had been properly mailed, but did not notice a yellow sign posted at the Range Road property during the site visit. Therefore, it was concluded that the property on Range Road had not been posted properly. Commissioner's noted no conflicts of interest or exparte communication. Commissioner Fulwiler swore in all parties wishing to testify to the following:

5. Land Division of Michael & Vivian Adkison. Request to subdivide 3.0 acres into 2 lots.

Ms. Mahalick asked Mr. Adkison if Mr. Oden was his agent to which he replied yes. She then asked him if he was aware that Mr. Oden would not be attending tonight's meeting to which he replied no.

Action: Commissioner Fleming made a motion to table the Land Division of Michael & Vivian Adkison until the property can be posted properly. Commissioner Turner seconded the motion. With a roll call vote, the motion carried unanimously. Ms. Mahalick stated that this item will be rescheduled for the second meeting in November to allow for proper noticing.

6. Land Division of Dean & Dorothy Titus. Request to subdivide 2.74 acres located in the SE ¼ of Section 21, T10N, and R7E into 2 lots. Jeffrey Ludwig testified that he is a licensed land surveyor and owns Corner Stone Land Surveying. He is representing the Titus's with regard to this land division. Ms. Mahalick reported that this is a 2 lot subdivision zoned R-1. The property is to be subdivided in an east west line, leaving one lot adjoining Ridgewood Road and the other Church Road. The Town's Road Supervisor reviewed the access issues and noted that both roads are not up to the Subdivision Regulations. The plat for 4-B-3-B calls out one acre + or -. The Zoning Regulations stipulate a one acre minimum. Some of the recommendations and conditions that the Commission will need to clarify

completely enclosed. Vice Chair Chemistruck asked if there would be a generator. Ms. Mahalick stated that there probably would be a back up generator at some point.

Action: Commissioner Fulwiler made a motion to approve the Bassett subdivision, being Tract 1 of the N ½ of Section 26. Commissioner Wilhite seconded the motion. With a roll call vote, the motion carried unanimously.

Out of Public Hearing

8. **Request to extend Preliminary Plat approval for Hilltop Estates**, located south of Dinkle Road and North of I-40 in the NW ¼ of Section 20 T10N, R7E. Mr. Kirk came forward and stated he was the Manager for Hilltop Estates and was requesting an extension for this preliminary approval. Commissioner Fulwiler asked if Mr. Kirk could give an explanation for the extension request and told him the reason needed to be something that was unavoidable and in the public interest. Mr. Kirk stated that he has had financial problems and a federal tax lien to contend with, but has cleared all that up now. Commissioner Fulwiler asked why it would be in the public interest to extend the preliminary approval. Mr. Kirk stated that he felt it would be a nice subdivision and has really worked hard with the neighbors to accommodate their concerns and that a retention pond had been built to accommodate any potential flooding in the area. Mr. Kirk felt it would be something positive for the community. Commissioner Turner stated that the previous report had a number of comments and concerns and wondered if they had been addressed, or was he bringing forward the same report. Mr. Kirk stated that he had not moved any dirt because he was told to wait until a subdivision improvement agreement had been put in place. The property has been engineered. The report was presented to the Town and Mr. Kirk felt that everybody was pleased. Mr. Kirk stated that the culverts had been cleaned out to allow for the flow of water and he also did some re-seeding in the area. Commissioner Turner asked if there was still only one means of ingress and egress for this subdivision. Mr. Kirk stated there was a lock box emergency entry to the east and that would be the secondary. Commissioner Fulwiler suggested that Mr. Kirk include language in the Disclosure Statement about open space being maintained by the home owners once 50% of the homes in the subdivision were sold. Commissioner Turner asked how many lots can be built on, in particular lots 12 and 13 that are just south of the open space. Mr. Kirk stated that the engineer felt all the lots could be built on and all the houses would be a minimum of 2500 square feet. Commissioner Fulwiler asked for clarification on dead end roads over 1000 feet. Ms. Mahalick stated that during a previous public hearing, it was pointed out that a property off Hill Ranch Road had a dead end road of more than 1000 feet and the Commission denied the application. The Subdivision Ordinance does not allow for dead end roads that are cul-de-sacs to be created longer than 1000 feet. Ms. Mahalick stated she would request full compliance with the 1997 Uniform Fire code about the length of the cul-de-sac. Commissioner Fulwiler asked Mr. Kirk to provide an updated Will Serve letter from the water company.

Action: Commissioner Wilhite made a motion to grant an extension request of Hilltop Estates Subdivision with the following provisions:

1. That the original conditions placed on the July 17, 2007 approval be met.
2. Having Santa Fe County Fire Dept. review the lay out for conformity.
3. Provide an updated Will Serve from the water company.

Commissioner Turner seconded the motion. During discussion, Commissioner Fulwiler asked to make a friendly amendment to the motion to include a Disclosure Statement calling out that the Homeowners will be responsible for maintaining the open space created in the subdivision once 50% of the subdivision is sold as well as the lots in question with slopes that the purchaser be told they will be required to have a Grading & Drainage plan. Commissioner Wilhite seconded Commissioner Fulwiler's friendly amendment. The motion carried unanimously.

Ms. Mahalick asked if the Sign Ordinance could be discussed next.

Action: Commissioner Turner made a motion to move up #10, Sign Ordinance, and have the Petition Annexation to follow. Commissioner Fulwiler seconded the motion. The motion carried unanimously.

the motion. After some discussion, Commissioner Fleming amended his own motion to include an additional recommendation to annex the other 49% of assumed territory, per State Statute, with an R-1 zoning designation. Commissioner Wilhite seconded the amendment. The motion carried unanimously.

- 11. Old Business: Wind Ordinance:** Ms. Mahalick provided the Commissioners with an article from the American Planning Association concerning the Wind Ordinances and the challenges other communities are encountering. Ms. Mahalick asked for direction from the Commissioners on how they would like to proceed. It was the general consensus of the Commission that they would like to create Special Use Standards and have them in the Zoning Ordinance by special permit. Ms. Mahalick will look into what is being proposed at South Mountain Elementary School and will take a look at how to amend the Zoning Ordinance for Special Use Permitting.
- Weed Ordinance:** At the last meeting, the Commission discussed fire buffers. Ms. Mahalick reported that she mowed a fire buffer zone into a 5 acre tract. It took her about 2 ½ hours on a riding lawn mower and stated it would be a lot of work to impose on residents. Ms. Mahalick stated she would look into other solutions to the weed problems.

- 12. Adjourn.** Commissioner Wilhite made a motion to adjourn the meeting. Commissioner Fleming seconded the motion. The meeting adjourned at 8:30 p.m.



Gary Chemistruck, Vice Chairman

Date: 11/07/2005

ATTEST: _____
Karen Mahalick, Community Development Manager