

TOWN OF EDGEWOOD
COUNTY OF SANTA FE
STATE OF NEW MEXICO

*In re. Appeal by Campbell Corporation of
Planning & Zoning Commission denial of time
extension for Preliminary Plat Approval SU-
2007-11 and SU-2007-12*

RESOLUTION 2010-13
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came before the Town of Edgewood Council on June 16, 2010 for an Appeal of the Planning & Zoning Commission decision to deny a time extension for preliminary plat approval of SU-2007-11 and SU-2007-12. The governing body considered documents and testimony presented by the Applicant and Town Staff at the hearing before the Council held on June 16, 2010.

Being sufficiently advised, the governing body adopts the following findings of fact and conclusions of law:

I. Findings of Fact.

1. The Town of Edgewood incorporated in 1999 and is a duly formed municipal corporation and political subdivision of the State of New Mexico.

2. The Town of Edgewood as of June 16, 2010 has complied with all notice & procedural requirements in New Mexico statutes and the 1999 Subdivision Ordinance.

3. Campbell Corporation ("Campbell") filed an Appeal of the Planning & Zoning Commission decision to deny a request for an extension of time for preliminary plat approval.

4. The request for Appeal was filed December 1, 2009.

5. Section 10. I of the 1999 Subdivision Ordinance states, "Approval of a preliminary plat is effective for one year unless extended by the Planning Commission, based on a finding that the delay has been unavoidable and that the extension is in the public interest."

6. Campbell Corporation agreed to complete the following conditions within one year after the preliminary plat was approved:

- A. The Public Improvement District for "services" is established.
- B. NMDOT permit is acquired for access to NM highway 14
- C. Final Construction Plans are approved by the Town of Edgewood and NMDOT.

- D. Final Design of Water Supply System is approved by the Town of Edgewood (to be included in Final Construction Plans).
- E. Final Design of Sanitary Sewer System is approved by the Town of Edgewood (to be included in Final Construction Plans)
- F. Necessary easements with the "dry utilities" (Electric, Gas, Telephone, Cable, other) are included on the final plat and signed off by utilities.

II. CONCLUSIONS OF LAW.

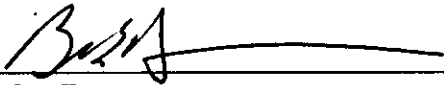
- A. The governing body has subject matter jurisdiction over the Appeal.
- B. The Appeal was timely brought.
- C. Campbell has failed to present information showing an error in the Planning & Zoning Commission decision to deny the requested time extension.
- D. Campbell has failed to present information showing that the delay in meeting the above conditions was unavoidable and that the extension would be in the public interest.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

Campbell Corp request that the governing body overturn the Planning & Zoning Commission 10/5/10 decision to deny an extension of time to file for final plat for the Division of Village 2 into three (3) Tracts, A, B, and C. and the Division of Village 2 Tract B into ninety-two (92) Residential lots is hereby denied by a unanimous vote.

IT IS SO ORDERED.

Approved:



Brad Hill, Mayor-Protem

07/20/2010
Date