

REC CLERK RECORDED 11/13/2007

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**CITY OF SANTA FE, NEW MEXICO**  
**ORDINANCE NO. 2007-30**

**AN ORDINANCE**

**ANNEXING A TRACT OF LAND CONTIGUOUS WITH THE SANTA FE CORPORATE LIMITS WITHIN SEC. 8 & 9 T16N, R9E, NMPM COUNTY OF SANTA FE, NEW MEXICO, LOCATED SOUTH OF GOVERNOR MILES ROAD AND WEST OF RICHARDS AVENUE, COMPRISING 96.73± ACRES; AND ALSO ANNEXING 2.55± ACRES OF RICHARDS AVENUE RIGHT-OF-WAY. ("BEATY SOUTH" ANNEXATION CASE NO. M 2007-14)**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

**Section 1.** Pursuant to Section 3-7-17 NMSA 1978 , the following described land (the "Property") is annexed to the City of Santa Fe, thereby extending the corporate limits of the city:

A certain parcel of land lying within Sec. 8 & 9 T16N, R9E, NMPM and a portion of Richards Avenue, both as more particularly described in the attached legal description (Exhibit A) and as shown on the attached Annexation Plat (Exhibit B) and incorporated herein by reference.

**Section 2.** A petition (the "Petition") executed by all the owners of the Property has been presented to the governing body of the city of Santa Fe requesting annexation of the Property, an area of land contiguous to the city's corporate limits, which annexation is accomplished pursuant to the provisions of the annexation agreement between the City of Santa Fe and the owners of the Property sought to be annexed attached hereto and referenced herein as "Exhibit C."

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**Section 3.** The Petition was accompanied by an annexation plat showing the external boundaries of the Property proposed to be annexed and the relationship of the Property proposed to be annexed to the existing boundary of the city, as well as the Annexation Agreement.

**Section 4.** The annexation effected by this Ordinance shall be subject to the conditions of approval attached hereto and referenced herein as "Exhibit D."

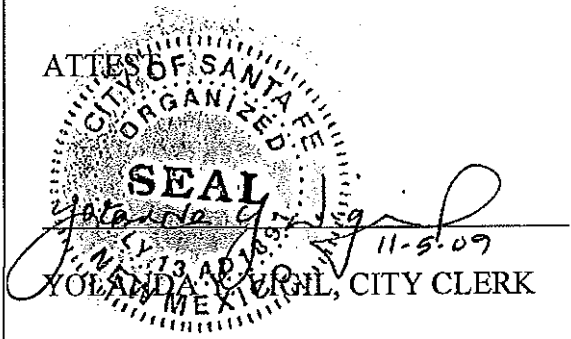
**Section 5.** It is in the best interest of the City of Santa Fe and the owners and inhabitants of such contiguous Property that the Property be annexed.

**Section 6.** This ordinance shall be published one time by title and general summary and shall become effective five days after publication.

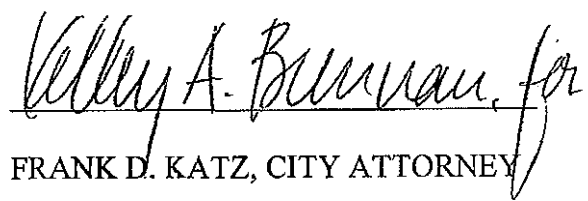
PASSED, APPROVED AND ADOPTED this 27th day of August, 2007.



DAVID COSS, MAYOR



APPROVED AS TO FORM:



FRANK D. KATZ, CITY ATTORNEY

REC CLERK RECORDED 11/13/2005

**Beaty South Annexation  
Ordinance No. 2007-30  
Exhibit A  
Legal Description**

DESCRIPTION OF LOT 3 TO BE ANNEXED

LOT 3 A 96.73 ACRE LOT AS SHOWN ON "BOUNDARY SURVEY PLAT PREPARED FOR BUILDING SERVICES OF SANTA FE", RECORDED IN BOOK 560, PAGE 040 LYING WITHIN SECTION 8, T16N, R9E, NMPM, SANTA FE COUNTY, NEW MEXICO, ALL AS SHOWN HEREON;

WHICH MAY BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH EAST CORNER OF THE HEREIN DESCRIBED ANNEXATION AREA FROM WHICH "DAWSON 2" LIES N56°19'37"W, 6818.07 FEET;

THENCE FROM SAID POINT OF BEGINNING;  
S00°02'34"E, 1265.86 FEET;  
THENCE N89°53'02"W, 2607.19 FEET;  
THENCE N00°18'33"W, 1752.69 FEET;  
THENCE CLOCKWISE 556.29 FEET ON A CURVE HAVING A RADIUS OF 1459.00 FEET AND A CHORD OF N78°55'34"E, 552.92 FEET;  
THENCE N89°50'56"E, 229.08 FEET;  
THENCE CLOCKWISE 142.93 FEET ON A CURVE HAVING A RADIUS OF 1159.00 FEET AND A CHORD OF S86°36'03"E, 142.84 FEET;  
THENCE S06°55'56"W, 10.00 FEET;  
THENCE CLOCKWISE 49.57 FEET ON A CURVE HAVING A RADIUS OF 1149.00 FEET AND A CHORD OF S81°49'55"E, 49.57.11 FEET;  
THENCE N09°24'15"E, 10.00 FEET;  
THENCE CLOCKWISE 535.32 FEET ON A CURVE HAVING A RADIUS OF 1159.00 FEET AND A CHORD OF S67°21'51"E, 530.57 FEET;  
THENCE S54°07'56"E, 332.60 FEET;  
THENCE N09°24'15"E, 10.00 FEET;  
THENCE COUNTERCLOCKWISE 66.01 FEET ON A CURVE HAVING A RADIUS OF 901.00 FEET AND A CHORD OF S81°52'15"E, 66.00 FEET;  
THENCE N08°07'45"E, 10.01 FEET;  
THENCE COUNTERCLOCKWISE 58.34 FEET ON A CURVE HAVING A RADIUS OF 891.00 FEET AND A CHORD OF S85°52'09"E, 58.33 FEET;  
THENCE S87°44'42"E, 406.00 FEET TO THE POINT OF BEGINNING, ALL AS SHOWN HEREON CONTAINING 96.73 ACRES, MORE OR LESS.

DESCRIPTION OF RIGHT-OF-WAY TO BE ANNEXED

INTENDED TO BE A PORTION OF RICHARDS AVENUE, THE 88 FOOT RIGHT-OF-WAY AREA ADJOINING LOT 3 AS RECORDED IN BOOK 560, PAGE 040, LYING WITHIN SECTION 9, T16N, R9E, NMPM, SANTA FE COUNTY, NEW MEXICO, ALL AS SHOWN HEREON;

WHICH MAY BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

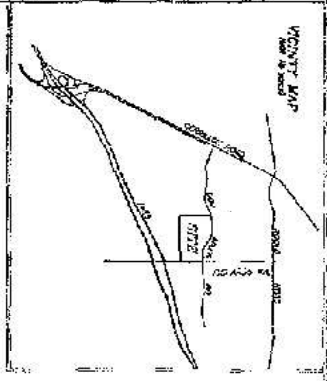
BEGINNING AT THE NORTH EAST CORNER OF THE HEREIN DESCRIBED ANNEXATION AREA FROM WHICH "DAWSON 2" LIES N56°19'37"W, 6818.07 FEET;

THENCE FROM SAID POINT OF BEGINNING;  
S00°02'34"E, 1256.86 FEET;  
THENCE S89°53'02"E, 88.00 FEET;  
THENCE N00°02'34"W, 1262.57 FEET;  
THENCE N87°44'42"W, 88.07 FEET TO THE POINT OF BEGINNING, ALL AS SHOWN HEREON CONTAINING 2.55 ACRES, MORE OR LESS.

(p. 1 of 1)

Exhibit A  
for Ordinance  
No. 2007-30





**NOTICE:** THE CITY OF SANTA FE HAS REVIEWED THE PROPOSED MAP AND FOUND IT TO BE IN ACCORDANCE WITH THE CITY CHARTER AND ORDINANCES. THE CITY ENGINEER HAS REVIEWED THE MAP AND FOUND IT TO BE IN ACCORDANCE WITH THE CITY CHARTER AND ORDINANCES. THE CITY ENGINEER HAS REVIEWED THE MAP AND FOUND IT TO BE IN ACCORDANCE WITH THE CITY CHARTER AND ORDINANCES.

LOT	ACRES	OWNER
LOT 1	0.15	...
LOT 2	0.15	...
LOT 3	0.15	...

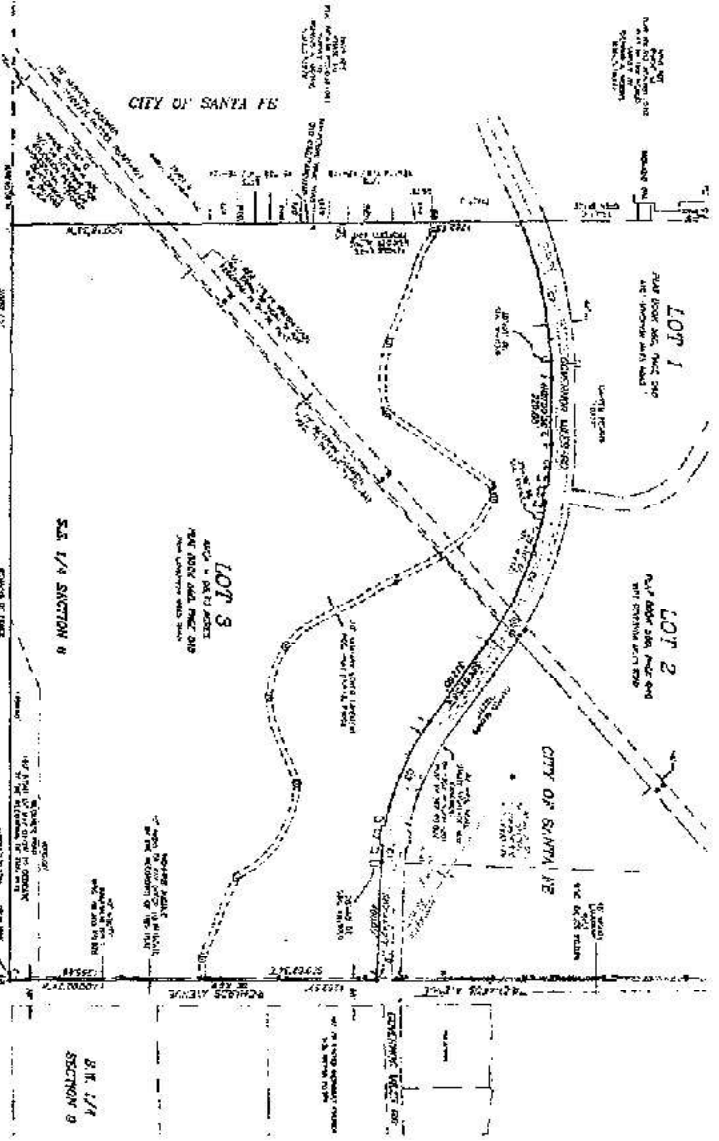
NAME	ADDRESS	CITY	STATE	ZIP
...	...	...	...	...

CITY OF SANTA FE  
RECORDS

*Richard A. Beckner*  
City Engineer  
City of Santa Fe

**PUBLIC NOTICE**  
THE CITY OF SANTA FE HAS REVIEWED THE PROPOSED MAP AND FOUND IT TO BE IN ACCORDANCE WITH THE CITY CHARTER AND ORDINANCES.

Exhibit B  
for Ordinance  
NO 2007-30  
(page 2 of 2)



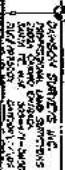
*Richard A. Beckner*  
City Engineer  
City of Santa Fe



**OFFER TO DEDICATE RIGHT-OF-WAYS**  
FOR  
**RICHARDS AVENUE & BECKNER ROAD**  
PREPARED FOR  
**BUILDING SERVICES OF SANTA FE**  
COVERING LOT 3, PLAT BOOK 500, PAGE 010 AND  
A PORTION OF RICHARDS AVENUE WITHIN SEC. 16 & 17  
T15N, R9E, NMPM, COUNTY OF SANTA FE, NEW MEXICO

*Richard A. Beckner*  
City Engineer  
City of Santa Fe

**LEGISLATION AND ORDINANCES**  
1. THE CITY OF SANTA FE HAS REVIEWED THE PROPOSED MAP AND FOUND IT TO BE IN ACCORDANCE WITH THE CITY CHARTER AND ORDINANCES.



REC CLERK RECORDED 11/13/2009

ANNEXATION AGREEMENT

BEATY SOUTH

This Annexation Agreement ("Agreement") is made and entered into this 5<sup>th</sup> day of November 2009 by and between the City of Santa Fe, New Mexico, a New Mexico Municipal Corporation ("City") and Building Services of Santa Fe, a New Mexico partnership (the "Landowner").

RECITALS

- A. The Landowner is the owner of certain property (the "Property") situated in Santa Fe County, New Mexico, said property and adjacent rights of way consisting of approximately 99.28 acres being located in Section 8, Township 16 North, Range 9 East, New Mexico Prime Meridian, as more fully described in the Annexation Plat (the "Annexation Plat"), attached hereto as Exhibit 1 and incorporated herein by reference.
- B. The Landowner desires to obtain annexation of, and the City agrees to annex, the Property to the City subject to and upon the terms and conditions of this Agreement.
- C. The Landowner desires to develop, and the City agrees to the development of, the Property subject to and upon the terms and conditions of this Agreement and subject to such other terms and conditions as may be applicable or imposed by relevant laws, rules and regulations.

AGREEMENTS

NOW, THEREFORE, in consideration of the premises and the following agreements and undertakings of the parties, the parties agree as follows:

1. ANNEXATION

1.1 Annexation Plat. The Landowner represents that the Annexation Plat was prepared in accordance with and complies with the Santa Fe City Code (the "Code") and all other applicable laws, rules, regulations, standards and ordinances.

1.2 Annexation of the Property to the City. As of the Effective Date (as defined below), the Annexation Plat will be executed on behalf of the City and filed with the City and recorded in the records of Santa Fe County, New Mexico; whereupon, the Property will be deemed annexed to the City and will lie within the municipal boundaries of the City.

2. MASTER PLAN, PHASING

2.1 Master Plan Submittal. The Master Plan for the Property is attached to this Agreement as Exhibit 2. In executing this Agreement, the City approves the Master Plan as and for the Master Plan for the Property and confirms that the Master Plan is in accordance with the City's General Plan (the "General Plan"), which designates the property as Low Density Residential (3-7 dwelling units per acre). The Parties

Exhibit C  
for Ordinance  
11/13/2009

REC CLERK RECORDED 11/13/2009

acknowledge that the Master Plan is somewhat conceptual in nature and that the design may be modified through the subdivision platting process without the necessity for a Master Plan amendment.

2.2 Land Use and Phasing. The Master Plan contemplates a single family subdivision with R-5 zoning, for a maximum density of 523 dwelling units on 96.73 acres. The Phases set forth below are conceptual and the number of lots may be modified through the subdivision platting process, without the necessity for a Master Plan amendment. The Property will be developed in phases, or in sub-phases of such phases, as shown on the Master Plan and generally described below:

Phase I: The eastern part of the property, west Richards Avenue. Construction should commence on or around spring 2010.

Phase II: The part of the property west of Phase I. Construction should commence on or around the spring of 2012.

Phase III: The northernmost part of the Property north of the arroyo and adjacent to Governor Miles Road. Construction should commence on or around the summer of 2013.

The phasing, timing, and lot count in each phase may be modified from time to time as part of the subdivision platting process. Such changes will not necessitate a Master Plan amendment.

3. DEVELOPMENT OF THE PROPERTY

3.1 Rezoning. The Property is to be rezoned R-5, allowing five dwelling units per acre, and a 15% density bonus in accordance with the Santa Fe Homes Program, for a maximum allowable density of 523 dwelling units.

3.2 Subdivision. The City Planning Commission will approve a Final Subdivision Plat of the specific phase or subphase being developed before the Landowner may begin development of that phase or subphase of the Property. The Property will be developed in three principal phases as shown on the Master Plan, as may be modified from time to time as part of the subdivision platting process.

3.3 Conditions. The following conditions of approval shall be satisfied as part of the subdivision plat approval process for the relevant phase of subphase of development of the Property:

(i) the Landowner will study erosion and drainage issues along Governor Miles Road adjacent to the Property and agrees to address whatever issues come out of the study during construction of subdivision improvements on the Property;

(ii) a one hundred and fifty-foot (150') open space buffer will be provided at the northeast corner of the property that mirrors the open space area on the north side of Governor Miles Road at Richards Avenue; a thirty-foot (30') open space buffer will be provided adjacent to the Governor Miles Road and Richards

Avenue rights of way; trees will be planted in the open space buffer along the Property's west boundary adjacent to the Nava Adé neighborhood;

(iii) the roadway plan will be amended to create a more direct access to both the proposed school site for the Santa Fe Public Schools and the Monte del Sol Charter School, for the express purpose of taking school traffic out of the Nava Adé neighborhood; and

(iv) the homes to be built on the Property will be constructed to Energy Star standards.

3.3 School Site Dedication. The Landowner will dedicate a 3.14-acre school site to the Santa Fe Public Schools (the "District") at the time the final subdivision plat is recorded for the phase in which the school site is located, subject to the following conditions:

(i) the 3.14 acres will be contiguous with open space;

(ii) the Landowner and/or his representatives will work with the partners in the adjacent lots surrounding the Property to assist the District in obtaining an appropriate school site of fifteen (15) acres; and

(iii) if it is not possible to identify a total of fifteen (15) contiguous acres, the District is allowed to develop or sell for fair market value the 3.14 acres of land in the Beaty South Annexation.

4. CITY SERVICES AND INFRASTRUCTURE

4.1 Fire and Police Protection. Fire and Police protection of the development of the Property will be provided by the City Police and Fire Department facilities and personnel. A fire protection plan submitted with the application for final plat approval for each phase or subphase of the Property shall show the size of the water mains and fire hydrant locations.

4.2 Refuse. Refuse disposal services shall be provided in accordance with applicable City ordinances.

4.3 Water Service. Water service will be provided for the development of the Property by the City of Santa Fe. Prior to the development of each phase or subphase of the Property, the Landowner agrees to connect the proposed development to the City's water delivery system using dedicated easements for the benefit of the City or such other person or persons designated by the City. The Landowner agrees that no well shall be drilled on the Property. The Landowner will transfer water rights to the City to serve the market rate homes in the development of the Property in compliance with Ordinance No.'s 2005-39 and 2006-39, the Water Rights Transfer Ordinance and amendments thereto.

4.4 Drainage Improvements. As part of the development of each phase, the Landowner shall construct drainage improvements to serve the Property in accordance

with the Santa Fe City Code, providing easements on the final subdivision plat for each phase or subphase of the Property. Upon completion of construction and satisfactory inspection of such construction by the City, all drainage structures will be maintained by the homeowners association at its expense.

4.5 Wastewater Collection. As part of the development of each phase, the Landowner shall construct wastewater improvements to serve the Property in accordance with Santa Fe City Code, providing easements on the final subdivision plat for each phase or subphase of the Property. No on-site wastewater treatment facilities, including, without limitation, septic systems, shall be installed or constructed on the Property.

4.6 Utilities. All new utilities serving the Property shall be underground.

4.7 Streets and Other Rights of Way. All streets on the Property will be built to the minimum standards set forth in the Master Plan submitted as part of the annexation and rezoning and as set forth below. In all respects, the streets shall be constructed in accordance with City standards, applicable laws, rules, regulations, City approvals and the Santa Fe City Code. Upon completion of construction and approval by the City, the streets delineated on the Plat as public streets shall be dedicated to the City as public rights of way and maintained by the City at its expense. The Landowner shall be responsible for the construction and shall bear all expenses associated with construction.

(i) An irrevocable offer that dedicates sufficient right of way to the approval of the Public Works Director for the widening of Richards Avenue and for the creation of Beckner Road, as shown on the Annexation Master Plan, shall be recorded concurrently with the annexation plat, with acceptance of the offer at the discretion of the Governing Body.

(ii) The Landowner is responsible for paying a proportionate share in the corresponding phases of the expense to construct the following off-site improvements:

a. Intersection of Rodeo Road and Richards Avenue. (Proportionate Share to be paid to the City at the time the plat is recorded for Phase I.)

b. Widening of Richards Avenue between Governor Miles Road and Beckner Road. (Proportionate Share to be paid to the City at the time the plat is recorded for Phase II.)

(iii) The portion of the Richards Avenue right of way adjacent to the Property is included in this annexation. Following recordation of the annexation agreement and annexation plat, the City will convey this portion of Richards Avenue back to Santa Fe County. [NOTE: Agreement to convey Richards Avenue ROW to County superseded by Settlement Agreement between City and County May, 2008 Item No. 08-0382].

4.8 Dedication and Letter of Credit. Then Landowner shall provide a surety bond, set aside letter, or letter of credit, in a form acceptable to the City, for the required improvements to the Property prior to the recordation of the final subdivision plat for each phase or subphase of the Property's development. The amount of the surety shall be based on a certified engineer's estimate acceptable to the City.

5. TRAFFIC REPORT

In compliance with City regulations, a Traffic Impact Analysis prepared by Walker Engineering is submitted under separate cover as part of the Master Plan and this Agreement.

6. PARKS AND OPEN SPACE

The Landowner shall meet the City's park dedication requirements by dedicating to the City open space and park land within the Property as generally shown on the Master Plan and more specifically on the subdivision plats for each phase or subphase of the development of the Property. The Landowner shall dedicate and improve one active park as shown on the Annexation Master Plan, in the appropriate phase of development of the Property. In consideration of all parks and open space being provided on-site in conformance with City Code requirements, Neighborhood and Regional Parks Impact Fees are hereby waived.

7. IMPACT FEES AND APPLICATION FEES

The Landowner agrees to pay impact fees as required by City Code, except for those fees to be waived for the Affordable Units in accordance with the Santa Fe Homes Program and the Neighborhood and Regional Parks Impact Fees that are waived pursuant to Paragraph 6 above.

8. AFFORDABLE HOUSING

Affordable housing shall be provided in accordance with the Santa Fe Homes Program.

9. ASSIGNMENT

The Landowner may sell, transfer or assign this Agreement and Landowner's rights and obligations hereunder, provided such transferee shall execute and deliver an agreement by which such transferee assumes liability and agrees to perform all obligations of the Landowner under this Agreement, without further liability hereunder, and provided the City consents to such sale, transfer or assignment, which consent shall not be unreasonably withheld, delayed, or denied. Any assignee(s) shall be bound to the terms and conditions of this Agreement to the same extent that the Landowner was originally bound. Without limiting the foregoing, this Agreement runs with the land and binds and shall bind each and every owner of the Property, whether such person is the Landowner or any successor-in-interest to the Property.

10. CAPTIONS

The captions and paragraph headings of this Agreement are not necessarily descriptive, or intended or represented to be descriptive, of all the provisions thereunder, and in no manner shall such captions or paragraph headings be deemed or interpreted to limit the provisions of this Agreement.

11. FURTHER ASSURANCES

The Landowner will take all actions, and will execute and deliver all documents, which may be necessary or appropriate to give effect to the transactions contemplated expressly or impliedly by this Agreement.

12. SEVERABILITY

If any provision of this Agreement, or the application of such provisions to any person or circumstance, shall be held invalid, the remainder of this Agreement, or the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

13. NO WAIVER

No waiver of a breach of any of the terms of this Agreement shall be construed to be a waiver of any succeeding breach of the same or any other term.

14. NUMBERS AND GENDERS

Whenever used herein, unless the context shall otherwise provide, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders.

15. GOVERNING LAW

This Agreement and the rights of the parties hereunder shall be governed by and interpreted in accordance with the laws of the State of New Mexico.

16. BINDING EFFECT

This Agreement shall be binding upon, and inure to the benefit of, the parties, their respective successors and permitted assigns.

17. AGREEMENT

This Agreement states the entire agreement of the parties. The provisions of this Agreement shall be severable and may be modified only in writing. This Agreement shall not relieve the Landowner from complying with present or future City ordinances, duly adopted resolutions or regulations applicable to the development.

18. AMENDMENTS

Any amendments to this Agreement or the Master Plan shall be reviewed by the City's Planning Commission (or successor or replacement body) and sent to the City Council for approval.

19. ENFORCEMENT

In addition to any other remedy available to the City, the City may undertake to cure any material breach of this Agreement by the Landowner and the City may impose a lien against the

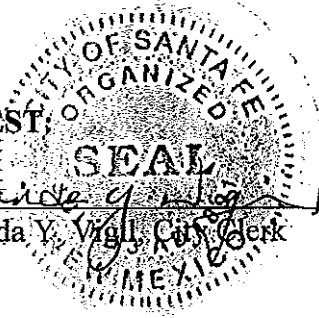
Property in an amount equal to the cost to the City to cure such material breach and the City may foreclose such lien in accordance with applicable law.

In witness whereof, this Agreement is entered into the day and year written above.

**CITY OF SANTA FE:**

*David Coe*  
Mayor

**ATTEST:**



*Yolanda Y. Vigil*  
Yolanda Y. Vigil, City Clerk

**APPROVED AS TO FORM:**

*Valley A. Brennan, for*  
Frank Katz, City Attorney

**LANDOWNER:**

**BUILDING SERVICES OF SANTA FE**

*O.L. Beaty*

O.L. Beaty  
For Building Services, Inc. and Beaty  
Family Revocable Trust

REC CLERK RECORDED 11/13/2008





Exhibit 1  
 City Ordinance  
 No. 2007-30  
 (p. 2 of 2)

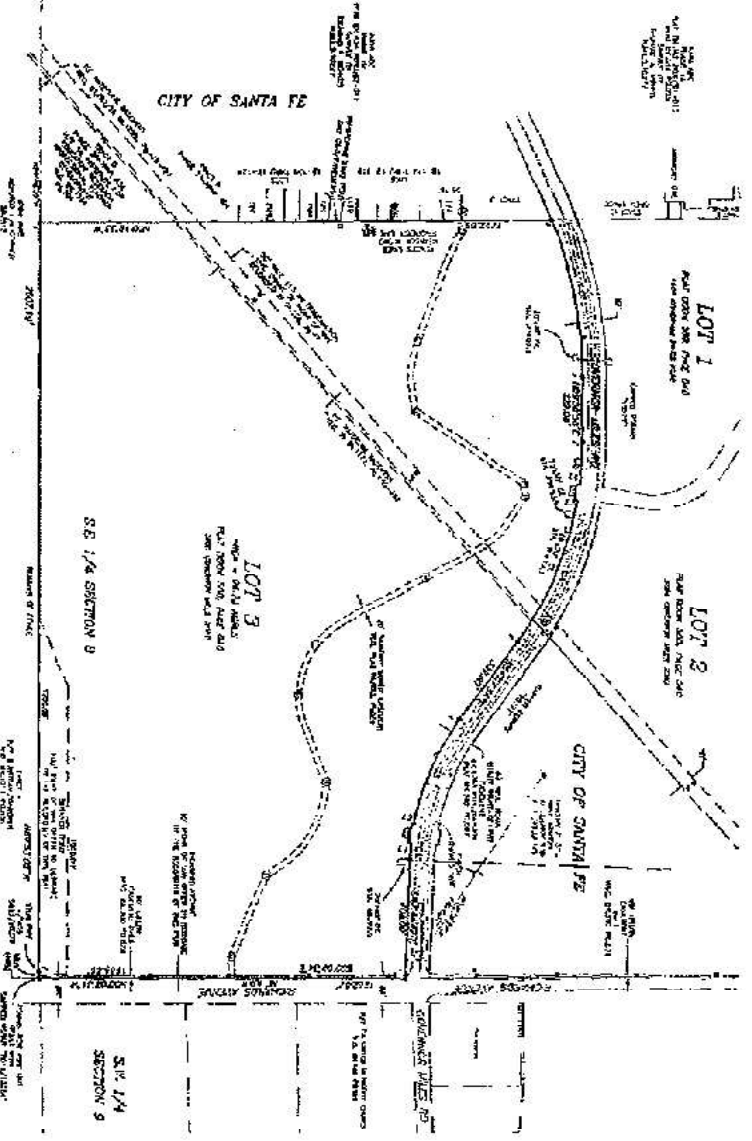
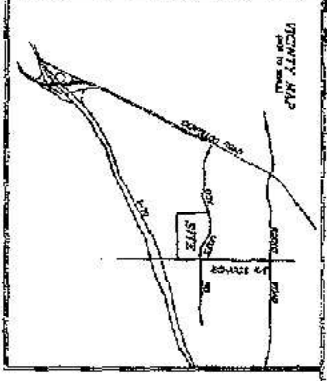
**PUBLIC NOTICE**  
 THE CITY OF SANTA FE HAS ADOPTED ORDINANCE NO. 2007-30, WHICH AMENDS THE CITY CHARTER TO PROVIDE FOR THE ESTABLISHMENT OF A PUBLIC UTILITY DISTRICT TO PROVIDE WATER AND SEWER SERVICE TO THE CITY OF SANTA FE.

**CITY OF SANTA FE**  
 MAYOR: *[Signature]*  
 CITY MANAGER: *[Signature]*  
 CITY CLERK: *[Signature]*

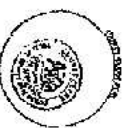
LOT	OWNER	ACRES
LOT 1	...	...
LOT 2	...	...
LOT 3	...	...

LOT	OWNER	ACRES
LOT 1	...	...
LOT 2	...	...
LOT 3	...	...

NOTICE: THE CITY OF SANTA FE HAS ADOPTED ORDINANCE NO. 2007-30, WHICH AMENDS THE CITY CHARTER TO PROVIDE FOR THE ESTABLISHMENT OF A PUBLIC UTILITY DISTRICT TO PROVIDE WATER AND SEWER SERVICE TO THE CITY OF SANTA FE.



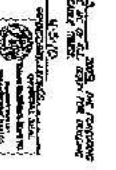
*[Signature]*  
 1/3/07  
 1/3/07  
 1/3/07



**ORDER TO DEDICATE RIGHT-OF-WAYS**  
 FOR  
**RICHARDS AVENUE & DECKER ROAD**  
 PREPARED FOR  
**BUILDING SERVICES OF SANTA FE**  
 CONTAINING LOT 1, PLAT BOOK 589, PAGE 140 AND  
 A PORTION OF RICHARDS AVENUE, WITHIN SEC. 9 & 16  
 T16N, R09E, COUNTY OF SANTA FE, NEW MEXICO

THESE ARE RECORDS INTENDED FOR DEED RECORD.

*[Signature]*  
 1/3/07



*[Signature]*  
 1/3/07

*[Signature]*  
 1/3/07

*[Signature]*  
 1/3/07

*[Signature]*  
 1/3/07

2007/1/11 09:00:00 AM

BEATY SOUTH  
MASTER PLAN

SANTA FE  
NEW MEXICO

REC CLERK RECORDED 11/13/2005

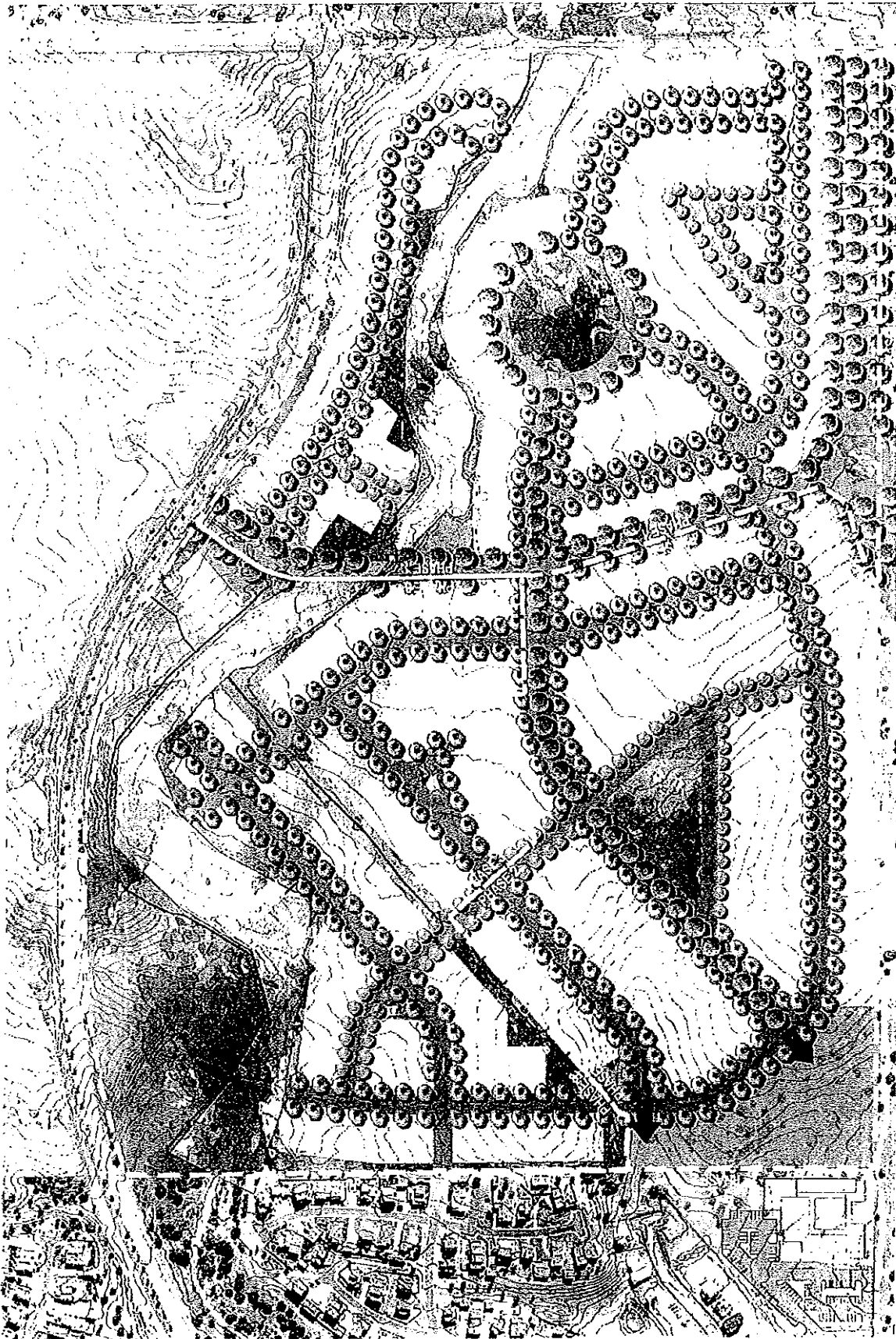


Exhibit 2  
for Ordinance  
No. 2002-20

REC CLERK RECORDED 11/13/2008

**EXHIBIT D:**

**Beaty South  
Case No. M 2007-14  
Annexation  
Ordinance No. 2007- 30**

**Conditions of Approval  
(The following staff memos are attached)**

Prior to submittal for final development plan, the plan must comply with requirements as provided by the following City Departments at the time of subdivision:

- **Exhibit D-1:** Public Works Dept- Traffic Review Memo
- **Exhibit D-2:** Fire Dept. Review Memo
- **Exhibit D-3:** Technical Review Division- Engineer Review Memo
- **Exhibit D-4:** Technical Review Division- Landscape Review Memo
- **Exhibit D-5:** Water Division Review Memo
- **Exhibit D-6:** Trails and Open Space Review Memo
- **Exhibit D-7:** Additional City Council Conditions of Approval per 8/17/07 City Council meeting.
- **Exhibit D-8:** SF Public Schools Letter 8/20/2007
- **Exhibit D-9:** Letter from Santa Fe County Manager- July 23, 2007

Exhibit D  
for Ordinance  
No. 2007-30

NO CLERK RECORDED 11/13/2005

# City of Santa Fe, New Mexico

# memo

**DATE:** June 8, 2007

**TO:** Donna Wynant, Planning and Land Use Department

**FROM:** John Romero, Public Works Dpt/Engineering Div/Traffic Impacts Section *JR*

**SUBJECT:** Case #M-2007-13, Beaty South General Plan Amendment  
 Case #M-2007-14, Beaty South Annexation  
 Case #ZA-2007-03, Beaty South Rezoning from R-1 to R-5

**ISSUE**

Request for approval of a General Plan future land use map amendment to change the designation of 96.73± acres of land to Low Density (3-7 dwelling units per acre), for annexation of the 96.73± acres of land as well as the adjacent Richards Avenue right-of-way, for a total of 99.28± acres, and to rezone the 96.73± acres of land from R-1 (Residential – 1 dwelling units per acre) to R-5 (Residential – 5 dwelling units per acre). The property is located west of Richards Avenue and south of Governor Mile Road.

**RECOMMENDED ACTION:**

Review comments are based on submittals received on April 18, 2007 and additional submittals received on June 4, 2007. The comments below should be considered as Conditions of Approval to be addressed in a satisfactory manner prior to subsequent submittals:

1. It is the Public Works Department's understanding that by annexing this property, the City will in affect take over ownership and responsibility of Richards Avenue along the property's frontage. The City currently owns Richards Avenue from Rodeo Road to Governor Mile Road and from the proposed Beckner Road to Interstate 25. By approval of this annexation and based on the above mentioned assumption the City would own and be responsible for Richards Avenue from Rodeo Road to Interstate 25.
2. The proposed development will not be granted direct access onto Richards Avenue other than the proposed Richards Avenue/Beckner Road intersection and will only be granted one access off of Governor Miles Road.
3. The developer shall provide fair share monetary contributions for:
  - a. The Rodeo/Richards Intersection improvements project
  - b. The Rodeo Road Widening Project.
4. The following comments pertain to the Traffic Impact Analysis (TIA) revised on June 4, 2007:

*(p. 1 of 3)*

*Exhibit D-1  
for Ordinance  
No. 2007-30*

- a. The trip distribution figures show a very high number of development traffic (30% for Phase 1 & 2, and 25% for Phase 1, 2, & 3) turning right towards the south at the future Richards Avenue/Beckner Road intersection. The Public Works Department feels that this is too high and needs to be reevaluated.
  - b. The Horizon Year was not looked at for all identified intersections and only for the Richards Avenue/Beckner Road intersection and for Richards Avenue itself. As stated in my email sent to the applicant on May 18, 2007, a Horizon Year analysis must be performed for all intersections. This Horizon Year analysis is important in determining what ultimate improvements need to be performed at all areas of interest identified in the TIA.
  - c. Provide clarification on whether the VISUM model used for the 2030 traffic estimates included Beckner Road from Cerrillos Road to Richards Avenue.
  - d. A safety analysis was not provided, which was requested in my email sent to the applicant on May 18, 2007. The developer shall provide a safety analysis as described in the State Access Management Manual.
  - e. The TIA identifies the need, at Phase 3 of the development, for a right-turn lane for the westbound traffic at the Governor Miles Road/Entrada Sonata intersection. What is this based on?
  - f. The Capacity Analysis performed for the Governor Miles/Richards Avenue intersection shows several failures. In addition to the entire intersection functioning at a Level of Service (LOS) "D" or better, each individual movement must at a minimum operate at a LOS "E". The TIA shows several movements that operate at a LOS F. Mitigation measures must be recommended and analyzed to resolve any failing movement.
  - g. The TIA illustrates that in the Horizon Year (2030), Richards Avenue as a 2-lane facility will not be capable of accommodate traffic based on existing and anticipated development. The TIA shows that in order for Richards Avenue, as well as the Richards Avenue/Beckner Road intersection (Richards Avenue/Governor Miles intersection was not looked at but is required per comment 4.b) to experience acceptable LOS, Richards Avenue will have to be a four-lane facility.
  - h. The TIA shows that in order for the Richards Avenue/Beckner Road intersection to function at an acceptable LOS for both the Implementation Year (2014) and the Horizon Year (2030), it must be signalized. The current Metropolitan Transportation Plan identifies this intersection as a possible candidate for a roundabout. A roundabout is not recommended at this location because of the fact that in the future it will have to accommodate four lanes of traffic.
5. As the Beaty South development progresses, the City will identify those traffic mitigation measures the developer must provide and those it must contribute to. This will depend on where other developments in the area are in the development process and how much has already been contributed to each specific area needing mitigation.
6. The developer shall construct its portion of Beckner Road in accordance with the Metropolitan Planning Organization's recommendations. This will ensure consistency with the proposed Extraterritorial Zone development to the east.

(p. 2 of 3)

Exhibit D-1  
for Ordinance  
No. 2007-30

REC CLERK RECORDED 11/13/2009

If you have any questions or need any more information, feel free to contact me at 955-6638. Thank you.

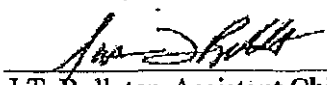
M:\Traffic Impacts\01-TIAs\2007\Beaty South\Beaty South 06-08-07.doc

(p. 3 of 3)

Exhibit D-1  
for Ordinance  
NO. 2007-30

REC CLERK RECORDED 11/13/2008

DATE: May 1, 2007  
TO: Donna Wynant, Case Manager

FROM:   
J.T. Bolleter, Assistant Chief  
SUBJECT: DRT Case: Beaty South  
Case # M 2007-13 M 2007-14 ZA 2007-03

I have conducted a preliminary review of the above mentioned case(s) for compliance with the 2003 International Fire Code® (IFC). I am recommending approval for the above mentioned case(s). During the Subdivision approval process, the following shall be addressed prior to approval by the Planning Commission. *(All IFC Section shown in Italics)*

Shall provide two separate fire apparatus access roads as per IFC § D107. Both access roads shall be shown to connect to City Right of Way.

*D107.1 One- or two-family dwelling residential developments.  
Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.*

*D104.3 Remoteness.  
Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.*

Fire Hydrants shall be relocated to a location acceptable to the Fire Code Official. Contact Fire Department for clarification and approval of fire hydrant locations.

All Fire Department Access Roads shall be marked with signs in accordance with IFC § D103.6. Development plans shall include a signage plan with fire access roads marked with appropriate signs spaced not more than 40 ft. apart.

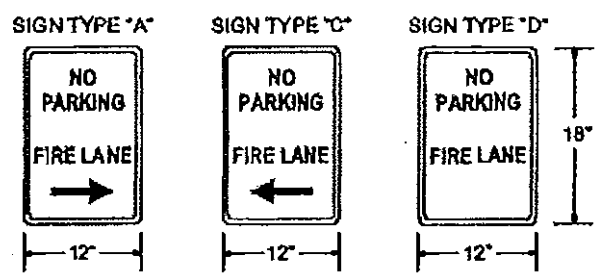
*(p. 1 of 2)*

Exhibit D-2  
*Fire Ordinance  
No. 2007-30*

**D103.6 Signs.**

Where required by the fire code official, fire apparatus access roads shall be marked with permanent **NO PARKING—FIRE LANE** signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

**FIGURE D103.6  
FIRE LANE SIGNS.**



**D103.6.1 Roads 20 to 26 feet in width.**

Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a fire lane.

**D103.6.2 Roads more than 26 feet in width.**

Fire apparatus access roads more than 26 feet wide (7925 mm) to 32 feet wide (9754 mm) shall be posted on one side of the road as a fire lane.

Proposed infrastructure shall be sufficient to accommodate the fire flow requirements set forth in IFC § B105.

Development Plan General Notes shall indicate the following provisions:

- Fire Department Access shall be maintained throughout all development construction phases § 1410.1.
- An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site. IFC § 1412.1.
- Secondary fire access road shall be installed prior to issuance of any building permits.

(p. 2 of 2)

Exhibit D-2  
Fire Ordinance  
No. 2007-30

EC CLERK RECORDED 11/13/2009

# City of Santa Fe, New Mexico

# memo

DATE: May 14, 2007

TO: Donna Wynant, Land Use Senior Planner  
Case Manager

FROM: Risana Zaxus, M.S., PE *RZ*  
City Engineer

RE: Case # M 2007-13, # M 2007-14, and # ZA 2007-03  
Beatty South General Plan Amendment, Annexation, & Rezoning

I reviewed a 9-sheet plan set dated April, 2007. These are conceptual plans submitted for a General Plan Amendment, Annexation, and Rezoning. The engineering drawings are not stamped by a professional engineer.

I have the following preliminary comments at this time:

1. The subdivision shall meet ANSI requirements for Americans with disabilities Act (ADA).
2. Provide NMDOT standard drawings for curb ramps and drive pads.
3. Provide FIRM panel related to 100-year floodplain and plot floodplain boundaries on the plat.

A complete review of this project will be required when it proceeds to the Development Plan phase.

*(p. 1 of 1)*

Exhibit *D-3*

*for Adinmae  
No. 2007-30*

REC CLERK RECORDED 11/13/2009

# City of Santa Fe, New Mexico

# memo

**DATE:** May 14, 2007

**TO:** Ms. Donna Wynant, Land Use Senior Planner  
Planning Division

**CC:** R. B. Zaxus, City Engineer  
Engineering Development Review Division

**FROM:** Charlie Gonzales, Land Use Senior Planner, *CHARLIE*  
Engineering Development Review Division

**RE:** Landscaping Comments for cases #M 2007-13,  
Beaty South General Plan Amendment, #M 2007-14, Beaty  
South Annexation and #ZA 2007-03, Beaty South Rezoning  
from R-1 to R-5.

Below are comments for the Beaty South requests. These comments are based on the plan set dated April, 2007.

**Landscaping :** A Landscape Plan was not submitted. Please provide a Landscaping Plan, indicating compliance with Article 14-8.4, Landscape and Site Design.

1. Show compliance or noncompliance with Article 14-8.4 (E) (1) (4). Water Harvesting and Irrigation Standards. Provide more detailed information such as location of improvements, size, surface storage for trees.
2. Show compliance with Article 14-8.4 (E) (4) (a) - (l). Irrigation Standards. Provide more information on proposed irrigation.
3. Show compliance with Article 14-8.4 (F) (a) (i). Plant Material Standards. More information needs to be submitted in order to conduct a thorough review of the plans. (Preferably on a chart or table)
  - Plant size, (height and caliper),
  - Mature size, (height and spread),
  - Shrubs to be 5 gallons minimum,
  - 2" of mulch, seed mix design and fertilization.
4. Show compliance with Article 14-8.4 (F) (5). Existing Vegetation. Explain and show how many trees/shrubs will be removed, replaced or added.
5. Show compliance with Article 14-8.4 (G) (2) (b). Street Tree Standards.
6. Show compliance with Article 14-8.4 (H). Open Space Landscaping Requirements.

Exhibit *DA*

*(p. 1 of 1)*

*for Ordinance  
No. 2007-20*

REC CLERK RECORDED 11/13/2005

# City of Santa Fe, New Mexico

# memo

**DATE:** June 13, 2007

**TO:** Donna Wynant, Senior Land Use Planner  
Amanda Martinez, Administrative Assistant, WBAO

**FROM:** Antonio Trujillo, <sup>M</sup>Engineer, Water Division

**SUBJECT:** Water offsets/water rights budget for Beaty Subdivision South  
DRT CASE NO. #M 2007-14

The agent for Beaty Subdivision South submitted the attached water budget for the subject project. The proposed water use per year is 102.2 acre feet per year (AFY). The development consist of 511 single family dwelling units that consume 0.20 AFY each on lots sized less than 6,000 square feet. The water budget includes irrigation on a per unit basis. The amount of water budgeted for this project exceeds 10 AFY. The project will have to be reviewed for compliance with SFCC Section 14-8.16.

cc: Gregory Smith, Permit and Development Review  
Brian Snyder, Engineer Supervisor  
Frank Katz, City Attorney  
Ron Pacheco, Community Services  
Water Offset/ Water Rights File

(p. 1 of 1)

Exhibit 25  
for Ordinance  
No. 2007-30

REC CLERK RECORDED 11/13/2009

**From:** MCLAUGHLIN, ANNE M.  
**Sent:** Saturday, June 23, 2007 2:31 PM  
**To:** Jennifer Jenkins  
**Cc:** WYNANT, DONNA J  
**Subject:** RE: Beaty South Annexation  
Jennifer and Donna,

This language, and tying the dedication to the first phase subdivision is acceptable to me.

Anne

-----Original Message-----

**From:** Jennifer Jenkins [mailto:jennifer@jenkinsgavin.com]  
**Sent:** Thu 6/21/2007 2:32 PM  
**To:** MCLAUGHLIN, ANNE M.  
**Cc:** WYNANT, DONNA J  
**Subject:** Beaty South Annexation

Anne,

In response to your staff memo and per our discussion, I would like to suggest the following amendment to your request for a 30' trail easement along the arroyo:

*Provide a minimum 20'-wide public, non-motorized trail easement, measured from the edge of the arroyo bank. A maximum of 30' may be required if slope and grade conditions warrant, which will be determined at the preliminary subdivision plat stage.*

We are in agreement to provide a 30' trail easement within the power line easement.

Please let me know if this is acceptable.

Thank you!

Jennifer

*Jennifer Jenkins*

JenkinsGavin Design & Development, Inc.  
128 Grant Avenue, Suite 227  
Santa Fe, New Mexico 87501  
Ph. 505.820.7444, Fax 505.820.7445  
[jennifer@jenkinsgavin.com](mailto:jennifer@jenkinsgavin.com)

*(p. 1 of 1)*

Exhibit *D-6*  
*for Ordinance*  
*No. 2007-30*

REC CLERK RECORDED 11/13/2008

**EXHIBIT D-7:**

**Beaty South  
Case No. M 2007-14  
Annexation  
Ordinance No. 2007- 30**

**Additional City Council Conditions of Approval  
made at the 8/17/07 City Council meeting**

1. Per the Conditions of Approval as stated in the letter from the School Board:
  - The 3.14 additional acres for the school site will be contiguous with open space;
  - The Beaty representatives will work with the partners in the adjacent lots surrounding the development to assist the district in obtaining an appropriate site of 15 acres;
  - A 15-acre site will be necessary to accommodate the future K-8 school within the area known as the Beaty Annexation and Las Soleras, based on current student yield calculations; and
  - If it is not possible to identify a total of 15 contiguous acres, the District is allowed to develop or sell for fair market value the 3.14 acres of land in the Beaty Annexation.
2. In accordance with the letter received from the County, the Santa Fe County is willing to agree to the inclusion of Richards Avenue in the annexation, and the City agrees to immediately convey this portion of Richards Avenue back to Santa Fe County once the annexation is complete. [NOTE: Requirement to convey Richards Avenue ROW to County superseded by Settlement Agreement between City and County May, 2008 Item No. 08-0382.]
3. The developer agrees to study erosion and drainage issues along Governor Miles and for the development, and agrees to address whatever issues come out of the study during its construction.
4. The developer shall provide a 150-foot buffer that matches or mirrors the north side of Governor Miles Road and shall provide at least a 30-foot buffer along Governor Miles and Richards Avenue.
5. The developer shall amend the roadway plan as a part of the subdivision plat approval process to have a more direct access to both the school site for the public schools as well as the Monte del Sol Charter School behind it for the express purpose of taking the school traffic which currently exists now in Nava Ade out of the neighborhood, and that the developer shall work with City staff as a part of the subdivision plat approval process.
6. Additional trees shall be planted in the open space along west property line as a buffer to homes along Autumn Leaf Lane.
7. All the homes shall be built to a minimum of energy star rating.

*(p. 1 of 2)*

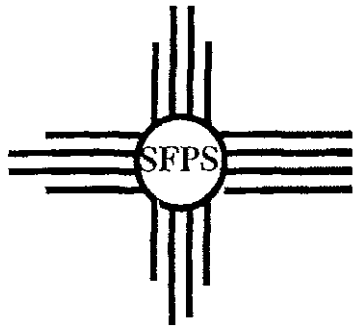
*Exhibit D-7  
for Ordinance  
No. 2007-30*

8. An irrevocable offer to dedicate sufficient right-of-way to the approval of the City Public Works Director for widening of Richards Avenue, and for creation of Beckner Road as shown on the Annexation Master Plan, shall be recorded concurrently with the annexation plat, with acceptance of the offer at the discretion of the Governing Body.

2007-11-13 11:13:28

(P. 2 of 2)

Exhibit D-7  
for Ordinance  
No. 2007-30



## SANTA FE PUBLIC SCHOOLS

Leslie Carpenter, EdD  
Superintendent of Schools

Educational Services Center  
610 Alti Vista  
Santa Fe, NM 87505  
Telephone (505) 467-2003  
Facsimile (505) 467-2072

August 20, 2007

Mayor David Coss  
Members of City Council:  
Councilor Karen Heldemeyer  
Councilor Patti Bushee  
Councilor Miguel Chavez  
Councilor Carmichael Dominguez  
Councilor Chris Calvert  
Councilor Mathew Ortiz  
Councilor Rebecca Wurzbarger  
Councilor Ronald Trujillo

Dear Mayor Coss and City Councilors:

The purpose of this letter is to let you know that the Santa Fe Public Schools' Board of Education has reached an agreement with representatives from the housing development known as the Beaty Annexation, and will accept their offer of 3.14 acres of land as the developers' "fair share" contribution toward a school site in the area, with the following understandings:

1. The 3.14 acres will be contiguous with open space;
2. The Beaty representatives will work with the partners in the adjacent Las Soleras Development to assist the district in obtaining an appropriate school site of 15 acres;
3. A 15-acre site will be necessary to accommodate a future K-8 school within the area known as the Beaty Annexation and Las Soleras, based on our current student yield calculations; and
4. If it is not possible to identify a total of 15 acres contiguous with the Beaty land contribution of 3.14 acres, the district will be allowed to develop, or sell for fair market value, its 3.14 acres of land within the Beaty Annexation.

The Santa Fe Public Schools' Board of Education wishes to inform the City Council that the acceptance of this donation of 3.14 acres of land as a "fair share" contribution from the Beaty developers does not mean that this amount of land will necessarily be an acceptable amount for future developments of this size. The district is currently engaged in writing policies and protocols that will address the amount of land required in the future from developers as a "fair share"

Exhibit D-8

(p 1 of 2)  
for Ordinance No. 2007-30

REC ORIGIN RECORDED 11/13/2008

REC CLERK RECORDED 11/13/2008

contribution" for school sites. These new projections will take into account, not just census data, but the amount of community use that will impact our schools, as well as space required for playgrounds, athletic fields and parking, curricular and programmatic requirements, and Public Schools Facility Authority standards for new school sites.

The district is pleased to have reached agreement with the Beaty Annexation representatives. We hope that you will consider the district's needs and planning for our children's future as you consider any other new developments that come before the City Council. The school district will be providing you with its policies regarding planning standards and student yields within the next few months.

Sincerely,

*Leslie Carpenter*  
Dr. Leslie Carpenter,  
Superintendent

*Frank Montano*  
Frank Montano, President  
Board of Education

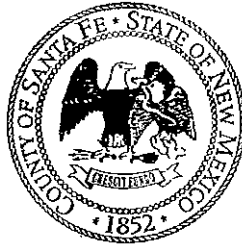
cc: Board of Education

Exhibit *D-8*  
for Ordinance  
No. *2007-30*  
(p. 2 of 2)

Harry B. Montoya  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Valerie Espinoza  
Commissioner, District 3



Paul Campos  
Commissioner, District 4

Jack Sullivan  
Commissioner, District 5

Roman Abeyta  
County Manager

July 23, 2007

Otis Beaty  
Building Services of Santa Fe  
P.O. Box 4496  
Santa Fe, NM 87502

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

ORDINANCE  
PAGES: 31

I Hereby Certify That This Instrument Was Filed for  
Record On The 13TH Day Of November, 2009 at 01:39:59 PM  
And Was Duly Recorded as Instrument # 1583128  
Of The Records Of Santa Fe County

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

Dear Mr. Otis:

The purpose of this letter is to provide you with direction regarding the Beaty South development off Richards Avenue. Santa Fe County is currently in discussion with the City of Santa Fe regarding annexation and it has been established that Richards Avenue, that adjoins your property, belongs to Santa Fe County and thus consent from Santa Fe County is required.

Santa Fe County is willing to agree to your inclusion of Richard's Avenue, in your annexation request, provided that the City of Santa Fe immediately conveys that portion of Richard's Avenue back to Santa Fe County.

In the event that the City of Santa Fe does not agree to this, Santa Fe County is willing to discuss other options such as the creation of an open space tract along Richard's Avenue, so that Richard's Avenue will no longer adjoin your proposed development and therefore would not need to be included in your annexation petition.

If you have any questions feel free to contact me at (505) 986-6200.

Sincerely,

Roman Abeyta  
Santa Fe County Manager

Exhibit D-9  
for Ordinance  
No. 2007-30

REC CLERK RECORDED 11/13/2009

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2007-39

AN ORDINANCE

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;  
CHANGING THE CLASSIFICATION FROM R-1 TO R-5; AND PROVIDING AN  
EFFECTIVE DATE WITH RESPECT TO A CERTAIN PARCEL OF LAND  
COMPRISING 96.73 ACRES MORE OR LESS LYING WITHIN SECTION 8, T.16N,  
R.9E N.M.P.M., SANTA FE COUNTY, NEW MEXICO ("BEATY SOUTH" ZONING  
CASE NO. Case #ZA 2007-03)

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

**Section 1.** The following real property (the "Property") located within the municipal boundaries of the city of Santa Fe, which has been annexed pursuant to Case No. M 2006-53 is restricted to and classified as R-3 (Residential, three units per acre).

A parcel of land comprising 96.73 acres, lying within Section 8, T.16N, R.9E N.M.P.M. as more fully described in "Exhibit A" attached hereto and incorporated by reference.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22


**Section 2.** The official zoning map of the City of Santa Fe adopted by Ordinance No. 2001-27 is amended to conform to the changes of zoning classifications for the property set forth in Section 1 of this Ordinance.

**Section 3.** The rezoning action effected by this ordinance is subject to the conditions of approval set forth in "Exhibit B" attached hereto and incorporated by reference.

**Section 4.** This Ordinance shall be published one time by the title and general summary and shall become effective five days after such publication.

**Section 5.** The rezoning action with respect to the Property affected by this Ordinance is subject to the time restrictions set forth in Section 14-3.5(D)(1) SFCC 2001 (Two-year Review/Rescission).

APPROVED AS TO FORM:



FRANK D. KATZ, CITY ATTORNEY

## **Vista De La Sierra - Drainage Management Plan**

A Drainage Management Plan for the development and the arroyo will properly address all aspects of drainage, will comply with the City of Santa Fe Drainage and Grading ordinances. In general, all Federal, State, County and City regulations will be adhered to.

The development will control storm water using a series of onsite storm water ponds to collect, detain and release storm water runoff at pre-developed flow rates. Drainage structures will be constructed to release storm water into the arroyo in a stable manner.

Other drainage structures will be constructed to address existing erosion and slope stability issues and to stabilize the arroyo. Existing storm drains that discharge to the property, that are causing erosion will also be addressed, such as the crossing structure of Richards Avenue.

Currently some adjacent areas are subject to flooding either by upstream basins or by the arroyo itself. The proposed improvements will intercept and redirect these flows and provide the necessary floodplain protection.