Agenda Item Number: 7-18-13.9B

SANDOVAL COUNTY
BOARD OF COUNTY COMMISSIONERS

Date of Commission Meeting: July 18, 2013

Division / Elected Office: Planning & Zoning

Staff Contact: Brad Stebleton

Title of Item: **VAC-13-001** Request for Easement Vacation.

Action Requested: Discussion and Motion to Approve **VAC-13-001** Request by Alpha Surveying, Agent for Thomas & Roberta Wellems for Vacation of a portion of a Roadway and Public Utility Easement located on Lot 62, Placitas Small Tracts, Section 34, Township 13 North, Range 4 East, NMPM, Sandoval County, New Mexico.

Summary: The above referenced request is to vacate (close) a portion of a Roadway and Public Utility Easement located within a parcel in the Small Tracts area of western Placitas. The property owners are proposing to eliminate a portion of a roadway and utility easement, originally created in 1963, that does not serve any purpose and that lies just ten feet from their residence. The utility companies in this area have reviewed this request and concur with this action. This particular plat requires two approvals prior to being recorded. The first approval is for the Board of County Commissioners to vacate the portions of easement in question. Then the County Planning & Zoning Division can administratively approve the creation of one additional lot from a parcel that is not part of an approved subdivision. Once both approvals are obtained, the plat may be recorded.

Both state statute and the Sandoval County Subdivision Regulations require that the Board of County Commissioners approve or deny a request for vacation at a Public Hearing. If the Commission approves the request, the Chairman of the Board of County Commissioners must sign an approval of a

Agenda Item Number: 7-18-13.9B

Statement of Vacation along with the plat prior to recording of those two documents with the Office of the County Clerk. Pursuant to Sandoval County Subdivision Regulation requirements, all of the utilities serving the area were notified by certified mail of this request, as were as all owners of property contiguous to the lots in question. To date, the County has received no objections to this request.

The County Planning & Zoning Division has carefully reviewed this request as well as conducting a site inspection. Approval of the request is recommended.

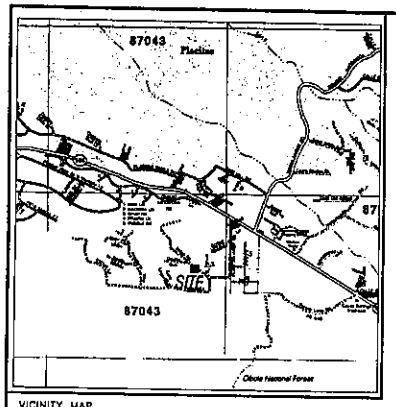
Attachments: Copy of Proposed Vacation Plat

FISCAL IMPACT

None

STAFF ANALYSIS SUMMARY

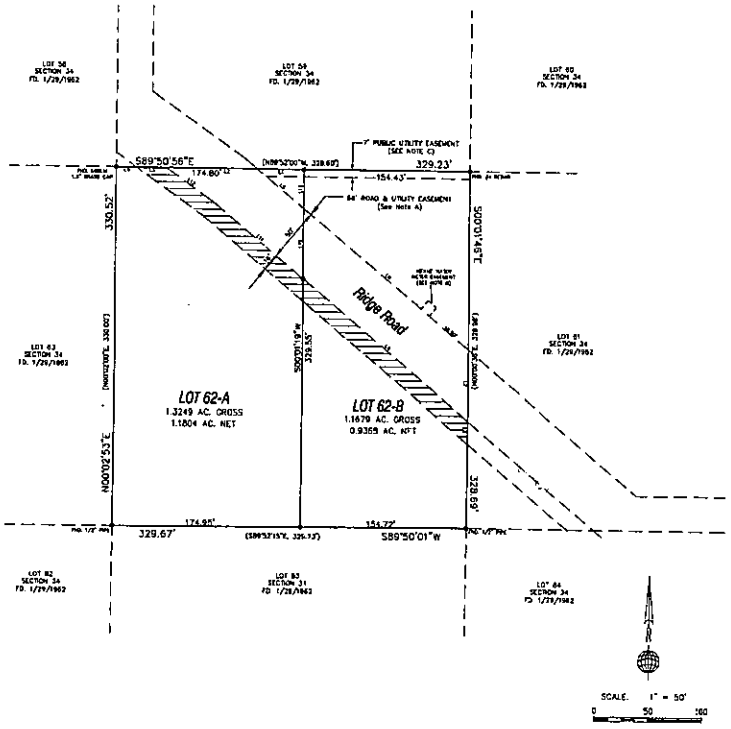
County Manager:	Recommend Board of County Commission approval. PPR 06/26/2013
Initiating Elected Official / Division Director:	Approved Michael Springfield 6/18/13
Legal:	The proposed action is within the Board's authority. PFT 6/18/2013
Finance:	(Not sent for review – no fiscal impact)



VICINITY MAP

COUNTY CLERK RECORDING STAMP

CLAIM OF EXEMPTION
DIVISION OF A SINGLE PARCEL & VACATION OF EASEMENT PLAT
LOTS 62-A & 62-B
PLACITAS SMALL TRACTS AREA
Section 34, T13N, R4E, NMPM
Sandoval County, New Mexico



UTILITY APPROVALS

PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT ARE GRANTED FOR THE COMMON AND JOINT USE OF:

A. PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM) A NEW MEXICO CORPORATION, (PNM ELECTRIC) FOR INSTALLATION, MAINTENANCE, AND SERVICE OF OVERHEAD AND UNDERGROUND ELECTRICAL LINES, TRANSFORMERS, OTHER EQUIPMENT AND RELATED FACILITIES REASONABLY NECESSARY TO PROVIDE ELECTRICAL SERVICES

B. NEW MEXICO GAS COMPANY FOR INSTALLATION, MAINTENANCE, AND SERVICE OF NATURAL GAS LINES, VALVES AND OTHER EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE NATURAL GAS SERVICES.

C. QWEST CORPORATION D.B.A. CENTURY LINK FOR THE INSTALLATION, MAINTENANCE AND SERVICE OF SUCH LINES, CABLE, AND OTHER RELATED EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE COMMUNICATION SERVICES.

D. COMCAST CABLE FOR THE INSTALLATION, MAINTENANCE AND SERVICE OF SUCH LINES, CABLE, AND OTHER RELATED EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE CABLE TV SERVICES.

INCLUDED, IS THE RIGHT TO BUILD, REBUILD, CONSTRUCT, RECONSTRUCT, LOCATE, RELOCATE, CHANGE, REMOVE, MODIFY, RENEW, OPERATE, AND MAINTAIN FACILITIES FOR THE PURPOSES DESCRIBED ABOVE, TOGETHER WITH FREE ACCESS TO, FROM AND OVER SAID EASEMENTS, WITH THE RIGHT AND PRIVILEGE OF GOING UPON, OVER AND ACROSS ADJOINING LANDS OF GRANTOR FOR THE PURPOSE SET FORTH HEREIN AND WITH THE RIGHT TO UTILIZE THE RIGHT OF WAY AND EASEMENT TO EXTEND SERVICES TO CUSTOMERS OF GRANTEE, INCLUDING SUFFICIENT WORKING AREA SPACE FOR ELECTRIC TRANSFORMERS, WITH THE RIGHT AND PRIVILEGE TO TRIM AND REMOVE TREES, SHRUBS OR BUSHES WHICH INTERFERE WITH THE PURPOSES SET FORTH HEREIN. NO BUILDING, SIGN, POOL (ABOVEGROUND OR INGROUND), HOT TUB, CONCRETE OR WOOD POOL DECKING, OR OTHER STRUCTURES SHALL BE ERECTED OR CONSTRUCTED ON SAID EASEMENTS NOR SHALL ANY WELL BE DRILLED OR OPERATED THEREON. PROPERTY OWNERS SHALL BE SOLELY RESPONSIBLE FOR CORRECTING ANY VIOLATIONS OF NATIONAL ELECTRICAL SAFETY CODE BY CONSTRUCTION OF POOL, DECKING, OR ANY STRUCTURES ADJACENT TO OR NEAR EASEMENTS SHOWN ON THIS PLAT.

EASEMENTS FOR ELECTRIC TRANSFORMERS/SWITCHGEARS, AS INSTALLED, SHALL EXTEND TEN (10) FEET IN FRONT OF TRANSFORMER/SWITCHGEAR DOORS AND FIVE (5) FEET ON EACH SIDE.

DISCLAIMER:
IN APPROVING THIS PLAT, PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM), QWEST CORPORATION D.B.A. CENTURY LINK AND NEW MEXICO GAS COMPANY (NMGC) DID NOT CONDUCT A TITLE SEARCH OF THE PROPERTIES SHOWN HEREON. CONSEQUENTLY, PNM AND NMGC DO NOT WAIVE OR RELEASE ANY EASEMENT OR EASEMENT RIGHTS WHICH MAY HAVE BEEN GRANTED BY PRIOR PLAT, REPLAT OR OTHER DOCUMENT AND WHICH ARE NOT SHOWN ON THIS PLAT.

PUBLIC SERVICE CO. OF NEW MEXICO — DATE 5-14-13

QWEST CORPORATION D.B.A. CENTURY LINK — DATE 5-28-13

NEW MEXICO GAS COMPANY — DATE 4-5-2013

COMCAST CABLE — DATE 5/21/12

EASEMENT NOTES:

A. 64' wide right of way for roadway and public utilities reserved by the U.S. Patent No. 30-63-0228, recorded on July 16, 1963 in Book Misc. 13, Page 773-774. The southerly 16' of said easement is hereby vacated by the recording of this plat (hatched areas).
B. 10' x 10' Water Meter easement granted by this plat, for the installation and maintenance of a water meter and underground water lines.
C. 7' Public Utility Easement granted by this plat for the installation and maintenance of underground public utility lines and related above ground equipment.

SURVEY NOTES:
1. Distances shown hereon are horizontal ground distances in feet.
2. Bearings are referenced to geodetic true north, derived from GPS observations.
3. Record measurements are shown in parentheses () where record data differs from actual measurements.
4. Corners shown thus "●" are set #4 rebar w/ cap stamped "G. Griego, PLS 8068", unless otherwise shown.
5. The property shown hereon is located in Zone X, areas outside the 0.2% annual chance flood plain, according to the FEMA Flood Insurance Rate Map of Sandoval County, New Mexico, Panel No. 3604-N0200000, effective date March 18, 2008.

SURVEYORS CERTIFICATE:
I, Gary E. Griego, a New Mexico Professional Surveyor, hereby certify that I conducted and am responsible for this survey, that this survey is true and correct to the best of my knowledge and belief, and that this survey and plat meet the Minimum Standards for Surveying in New Mexico.

Gary E. Griego, NMPS No. 8068 — Date Feb. 20, 2013

LINE TABLE		
LINE	LENGTH	BEARING
L1	43.70	N89°30'36"W
L2	64.69	N89°30'36"W
L3	27.67	N89°30'36"W
L4	18.67	N89°30'36"W
L5	34.19	S50°01'00"E
L6	201.21	S50°01'00"E
L7	63.14	S00°01'49"E
L8	21.01	S00°24'33"E
L9	201.30	N50°01'00"W
L10	63.09	N00°01'49"E
L11	119.27	N30°00'06"W
L12	53.73	N34°31'06"W
L13	35.38	N00°01'49"E

CLAIM OF EXEMPTION NOTICE:
The exemption claimed in the sale, lease or other conveyance of a single parcel from a tract of land, except from a tract in a previously approved subdivision, provided that a second or subsequent sale, lease or other conveyance from the same tract of land shall be subject to the provisions of the New Mexico Subdivision Act and County Subdivision Regulations.

LEGAL DESCRIPTION:
Lot numbered Sixty-two (62) in Section 34, Township 13 North, Range 4 East, New Mexico Principal Meridian, Sandoval County, New Mexico, as shown and designated on the Bureau of Land Management Resurvey and Partial Subdivision of Section 34 dated January 28, 1962.

TOTAL PLATTED AREA: 2.4028

FREE CONSENT, DEDICATION
The foregoing plat is made with the free consent and in accordance with the desires of the undersigned owner(s). The undersigned hereby grant all easements as shown and noted hereon. The undersigned hereby represent themselves as authorized to so act.

Thomas J. Williams — Roberta D. Williams

STATE OF NEW MEXICO
SANDOVAL COUNTY } SS

This instrument was acknowledged before me on Feb 20, 2013
By Thomas J. Williams, Roberta D. Williams
My Commission expires 7/31/2016 — Gary E. Griego, Notary Public

BOARD OF COUNTY COMMISSIONERS, SANDOVAL COUNTY, NM
The foregoing plat was approved by the Board of County Commissioners at its meeting on _____
Chairman

TOWN OF BERNALILLO PLANNING AND ZONING COMMISSION:
The foregoing plat was approved by the Town of Bernalillo Planning and Zoning commission at its meeting on 4-2-2013
Chairperson

SANDOVAL COUNTY DEPARTMENT OF DEVELOPMENT
Approved for recording this _____ day of _____, 20 ___
Planning and Zoning Administrator

SANDOVAL COUNTY TREASURER CERTIFICATE
The taxes for the year 20 _____ and previous years, are paid in full.
Account # _____
Sandoval County Treasurer — Date

SANDOVAL COUNTY CLERK CERTIFICATE
STATE OF NEW MEXICO
COUNTY OF SANDOVAL SS
This instrument was filed for record on _____, 20 ___
at _____ o'clock ___ M., recorded in Volume ___ of records of said County, folio _____, as Document No. _____
By: _____ Deputy,
Clerk and Recorder.

ALPHA PRO SURVEYING, LLC.
1436 32nd Circle SE, Rio Rancho, NM 87124
Phone: (505) 892-1076
Drawn by: CS — File Number: 12-023