Sandoval County Board of County Commissioners
Agenda Item Summary

AGENDA ITEM # 4-3-14.11

1. REQUESTED MOTION

ACTION REQUESTED:

Approve Request for Vacations of Public Road Rights-of-Way and Public Utility Easements as requested by the Public Service Company of New Mexico (VAC-14-001)

WHY ACTION IS NECESSARY (Summary):

These actions require approval by the Board of County Commissioners pursuant to the Sandoval County Subdivision Regulations. This request also involves the dedication of some public rights of way to the County. (continued on next page)

2. REQUESTOR

COMMISSIONER SPONSORED: ☐ YES ☒ NO

DISTRICT: ☐ DISTRICT 1 ☐ DISTRICT 4 ☐ DISTRICT 2 ☐ DISTRICT 5 ☐ DISTRICT 3

DIRECTOR / ELECTED: Michael Springfield

DIVISION: Planning & Zoning

ELECTED OFFICE:

ATTACHMENTS: ☒ YES ☐ NO

3. MEETING DATE

April 3, 2014

4. AGENDA (To be completed by County Manager)

☐ PROCLAMATION
☐ PRESENTATION
☐ CONSENT
☒ REGULAR
☐ APPEAL

5. RECOMMENDATIONS

Planning & Zoning Staff recommends approval of the requested actions.

6. FISCAL IMPACT

7. RECOMMENDED APPROVAL (Initials & Date)

Department Director/Elected Official	Human Resources	Purchasing	Attorney As to Form	Finance Budget	County Manager	Other
MS 03/14/14	____	____	PFT 3/18/2014	____	PPR 3/27/14	____

8. COMMISSION ACTION

☐ Approved ☐ Denied ☐ Deferred ☐ Other

WHY ACTION IS NECESSARY (Summary) continued:

On February 6, 2014 the Board of County Commissioners approved a request for Zone Map Amendment to Special Use (SU) for a Solar Energy Facility in the unincorporated portion of Rio Rancho Estates (ZNCH-14-001). That approval was made subject to several conditions.

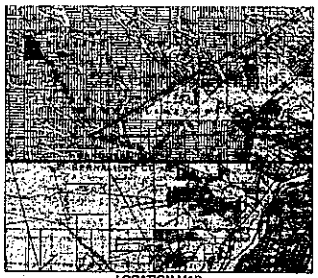
This request has been made in order to fulfill one condition of approval for ZNCH-14-001. This involves the vacation of 6.7418 acres of public street right-of-way within the proposed solar site as well as all of the public utility easements within the 67 lots that are being consolidated into one parcel. A public utility easement around the perimeter of the site will be retained. Since the applicant has acquired all of the lots and is consolidating them into one parcel for purposes of developing a Solar Energy Facility, the street rights-of-way will no longer be needed to provide access to any property nor will the internal utility easements be needed. The owner is simultaneously granting 0.5092 acres of right-of-way to the County in order to place cul-de-sacs at the ends of certain roadways to meet the requirements of the Sandoval County Subdivision Regulations and the Sandoval County Fire Department. A total of 1.098 miles of roadway will be removed from the County inventory by 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 rights of way and easements in question. Then the County Planning & Zoning Division can administratively approve the adjustment of lot lines. 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. 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. Approval of the request is recommended.

CLAIM OF EXEMPTION PLAT FOR
TRACT 1
SANDOVAL COUNTY SOLAR ENERGY CENTER
S.E. PORTION UNIT 6
RIO RANCHO ESTATES

WITHIN TOWNSHIP 12 NORTH, RANGE 1 EAST,
PROJECTED SECTION 11, N.M.P.M.,
THE TOWN OF ALAMEDA GRANT, SANDOVAL COUNTY, NM
FEBRUARY, 2014



LOCATION MAP
NOT TO SCALE

SUBDIVISION DATA

1. Gross Plat Acreage: 78.8815 Acres
2. Total Number of Tracts created: 1 Tract
3. Date of Survey: November, 2013
4. Plat is located within the Town of Alameda Grant, Sandoval County, New Mexico
5. Total area of public street right-of-way vacated: 6.7419 Acres
6. Total mileage of full width streets vacated: 1.006 Miles
7. Total area of public street right-of-way Dedicated with the filing of the plat: 0.5092 Acre

PURPOSE OF PLAT

The purpose of this Exemption Plat is to eliminate lot lines within the Plat Boundary shown hereon for Lots 6-14, Block 80; Lots 7-16, Block 86; Lots 1-22, Block 87 and Lots 15-34, Block 88, S.W. Portion of Unit Six Rio Rancho Estates, as the same is shown and designated on the Plat thereof, filed in the Office of the County Clerk of Sandoval County, New Mexico on December 11, 1962 in Volume RR1, Folio 32; to vacate public street right-of-way, to vacate easements, to dedicate public street right-of-way and to grant easements.

PUBLIC UTILITY EASEMENTS

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, and 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.

C. Qwest Corporation d/b/a CenturyLink QC for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide communication services.

D. Cable One for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services.

Included, is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, replace, modify, renew, operate and maintain facilities for 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 purposes 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 (above ground or subsurface), hot tub, concrete or wood pool decking, or other structure 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 pools, decking, or any structures adjacent to or near easements shown on this plat.

Easements for electric transformer/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), New Mexico Gas Company (NMGC) and Qwest Corporation D/B/A CenturyLink (QWEST) did not conduct a Title Search of the properties shown hereon. Consequently, PNM, NMGC and QWEST 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.

The City of Rio Rancho and its designees and/or contractors may install, maintain and service water and wastewater lines within the 10' PUE.

DESCRIPTION

A certain tract of land located within the Town of Alameda Grant, within Sandoval County, New Mexico, being and comprising all of Lots 6-14, Block 80; Lots 7-16, Block 86; Lots 1-22, Block 87 and Lots 15-34, Block 88, S.W. Portion of Unit Six Rio Rancho Estates, as the same is shown and designated on the Plat thereof, filed in the Office of the County Clerk of Sandoval County, New Mexico on December 11, 1962 in Volume RR1, Folio 32 together with a portion of vacated public street right-of-way for 38th Street, 39th Street, 13th Avenue, 14th Avenue and 15th Avenue, and being more particularly described by New Mexico State Plane grid bearings (NAD83 Central Zone) and ground distances as follows:

BEGINNING at the northeast corner of the tract herein described, identical to the northeast corner of said Lot 16, Block 86, also being a point on the westerly right-of-way of Encino Avenue NW WHENCE a 2" Aluminum Cap stamped "BH 14-202-02" having New Mexico State Plane grid coordinates (NAD83 Central Zone) N=1,869,201.65 and E=1,473,803.70 bears S32°05'11"E a distance of 545.06 feet;

THENCE along the easterly boundary of the tract herein described, coincident with said westerly right-of-way of Encino Avenue NW, S28°32'23"E a distance of 1636.93 feet to the southeast corner of Lot 16, Block 86;

THENCE leaving said westerly right-of-way of Encino Avenue NW along the westerly boundary of the tract herein described, coincident with the southerly boundary of Lots 15 and 16, Block 86, N89°42'53"W a distance of 449.62 feet to the southwest corner of said Lot 15, also being the northeast corner of Lot 20, Block 86;

THENCE continuing along the easterly boundary of the tract herein described, S00°13'54"W a distance of 394.80 feet to the southeast corner of the tract herein described, identical to the southeast corner of Lot 14, Block 80;

THENCE along the southerly boundary of the tract herein described, coincident with the southerly boundary of Lots 6 thru 14, Block 80, N89°42'53"W a distance of 1120.14 feet to the southwest corner of the tract herein described, identical to the southwest corner of said Lot 6, Block 80;

THENCE along the westerly boundary of the tract herein described, coincident with the westerly boundary of said Lot 6, Block 80, N00°17'07"E a distance of 272.28 feet to the northwest corner of said Lot 6, also being a point on the southerly right-of-way of 13th Avenue NW;

THENCE continuing along the westerly boundary of the tract herein described, coincident with said southerly right-of-way of 13 Avenue NW, N89°42'53"W a distance of 160.02 feet to the northeast corner of Lot 7, Block 80;

THENCE continuing along the westerly boundary of the tract herein described, the following two (2) courses;

N00°18'13"E a distance of 916.85 feet;
N89°42'53"W a distance of 959.86 feet to the southwest corner of Lot 1, Block 87, also being a point on the easterly right-of-way of 40th Street NW;

THENCE along said easterly right-of-way, N00°17'07"E a distance of 862.77 feet to the northwest corner of the tract herein described, identical to the northwest corner of Lot 34, Block 88;

THENCE leaving said right-of-way along the northerly boundary of the tract herein described, the following seven (7) courses;

S78°07'13"E a distance of 283.15 feet;
N48°43'47"E a distance of 230.26 feet;
S68°32'53"E a distance of 377.06 feet;
N77°56'07"E a distance of 186.45 feet;
S87°27'30"E a distance of 181.72 feet;
S87°56'02"E a distance of 818.88 feet;
N70°36'24"E a distance of 211.48 feet to the POINT OF BEGINNING.

This tract contains 78.8815 acres, more or less.

FREE CONSENT AND DEDICATION

The plat shown hereon is made with the owner(s) free consent and in accordance of the desires of the undersigned owner(s), the execution of this plat is their free act and deed. Those signing as owner(s) warrant that they hold among them, complete indefeasible title in fee simple to the land shown on this plat. Owner(s) hereby affirm that the described property shown on this plat lies within the joint platting and subdivision jurisdiction of City of Rio Rancho and Sandoval County. Said owner(s) hereby grant all Easements as shown on this plat. The undersigned do hereby dedicate the public road rights of way shown herein to Sandoval County in fee simple with warranty covenants.

PUBLIC SERVICE COMPANY OF NEW MEXICO

BY: ______________________

State of New Mexico)
SS
County of Sandoval)

This instrument was acknowledged before me on _____ day of ______________, 2014, by
______________________, Outer Rim Investments, Inc.

My Commission Expires: __________ ______________________
Notary Public

SANDOVAL COUNTY BOARD OF COUNTY COMMISSIONERS

This is to certify that this plat was approved by the Board of County Commissioners at its meeting on ______________________. Sandoval County hereby consents to the vacation of public rights of way shown hereon and consents that they shall become part of Tract 1, Sandoval County Solar Energy Center and that all right, title, and interest in said vacated rights of way shall revert to and be conveyed to Public Service Company of New Mexico by this vacation action. The Board of County Commissioners has accepted, on behalf of the public, the land offered for dedication for public use described herein.

______________________ ______________________
CHAIRMAN DATE

NOTES

1. Bearings are New Mexico State Plane Grid Bearings (Central Zone) NAD 1983. Basis of Bearings is between Control Points BH 14-202-02 and BH 14-202-03. Bearing = S28°32'46"E.
2. Distances are ground distances.
3. Record bearings and distances of S.W. Portion of Unit Six Rio Rancho Estates as the same is shown and designated on the plat thereof, filed in the Office of the County Clerk of Sandoval County, New Mexico on December 11, 1962 in Volume RR1, Folio 32 are shown in parenthesis ( ).
4. All existing lot lines located within the interior of the Plat boundary as shown hereon, are eliminated with the filing of this plat.
5. All existing lots are subject to a 5' utility easement along all lot lines, as the same is shown and designated on the plat thereof, filed in the office of the County Clerk of Sandoval County, New Mexico on December 11, 1962 Volume RR1, Folio 32. All existing utility easements created by said plat located within the interior of the Plat Boundary as shown hereon, are vacated with the filing of this plat.
6. Existing public street rights-of-way within the interior of the Plat boundary shown hereon as shaded, are vacated with the filing of this plat.
7. Documents used in the creation of this Plat:
   A. Plat - SW Portion of Unit Six Rio Rancho Estates, filed in the Office of the County Clerk, Sandoval County, New Mexico on December 11, 1962 in Volume RR1, Folio 32.
   B. Quitclaim Deed - filed in the Office of the County Clerk, Sandoval County, New Mexico on April 28, 2005 in Book 408, Page 14683.
   C. Title Commitment issued by Old Republic National Title Insurance Company, Commitment No. 1300995, Effective Date: February 13, 2013.
8. 100 year flood plain shown on the Northern portion of the property is Zone A from Flood Insurance Rate Map, Panel 1873 of 2225, Map Number 35043C1875D, dated March 18, 2008.

JURISDICTIONAL AFFIDAVIT

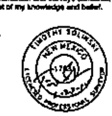
Said owner(s) and/or proprietor(s) affirm that th property described does lie within the joint platting jurisdiction of the City of Rio Rancho and Sandoval County and do hereby consent to all of the foregoing and do hereby certify that this subdivision is their free act and deed.

______________________ ______________
Timothy Solinski Date
New Mexico Professional Surveyor 17531

SURVEYOR'S CERTIFICATION

I, Timothy Solinski, a registered Professional New Mexico Surveyor, certify that I am responsible for this survey and that this plat was prepared by me or under my supervision, shows all existing easements as shown on the plats of record, or made known to me by the owner, utility companies, or other interested parties and conforms to the Minimum Requirements of the Board of Registration for Professional Engineers and Professional Surveyors and meets the minimum requirements for monumentation and surveys contained in the Rio Rancho Subdivision Ordinance, and is true and accurate to the best of my knowledge and belief.

February 27, 2014
Timothy Solinski Date
New Mexico Professional Surveyor 17531



UTILITY APPROVALS

PNM ELECTRIC SERVICES ______ DATE
QWEST CORPORATION d/b/a CENTURYLINK QC ______ DATE
NEW MEXICO GAS COMPANY ______ DATE
CITY OF RIO RANCHO ______ DATE
CABLE ONE ______ DATE

RIO RANCHO DEVELOPMENT SERVICES DEPARTMENT

DOLORES WOOD, DIRECTOR ______ DATE

SANDOVAL COUNTY PLANNING AND ZONING DIVISION

CHAIRMAN ______ DATE

CITY CLERK CERTIFICATE

I, Stephen Ruger, City Clerk of the City of Rio Rancho, New Mexico do hereby certify that the Plat shown hereon was approved administratively by the Rio Rancho Development Services Department Director on the ______ day of ______________, 2014

____
RIO RANCHO CITY CLERK

SANDOVAL COUNTY TREASURER CERTIFICATE

I, Laura M. Montoya, Treasurer of Sandoval County, Mexico, do hereby certify that the previous ten (10) years of property taxes due and payable for the property shown hereon have been paid in full.

Parcel # ______________________

SANDOVAL COUNTY TREASURER ______ DATE

SANDOVAL COUNTY CLERK CERTIFICATE

STATE OF NEW MEXICO)
SS
COUNTY OF SANDOVAL)

This instrument was filed for record on ______________, 2014
at ______ o'clock ______, recorded in Volume ____ of records of
said County, Folio ________ as Document No. ______________
BY:
____
CLERK & RECORDER DEPUTY

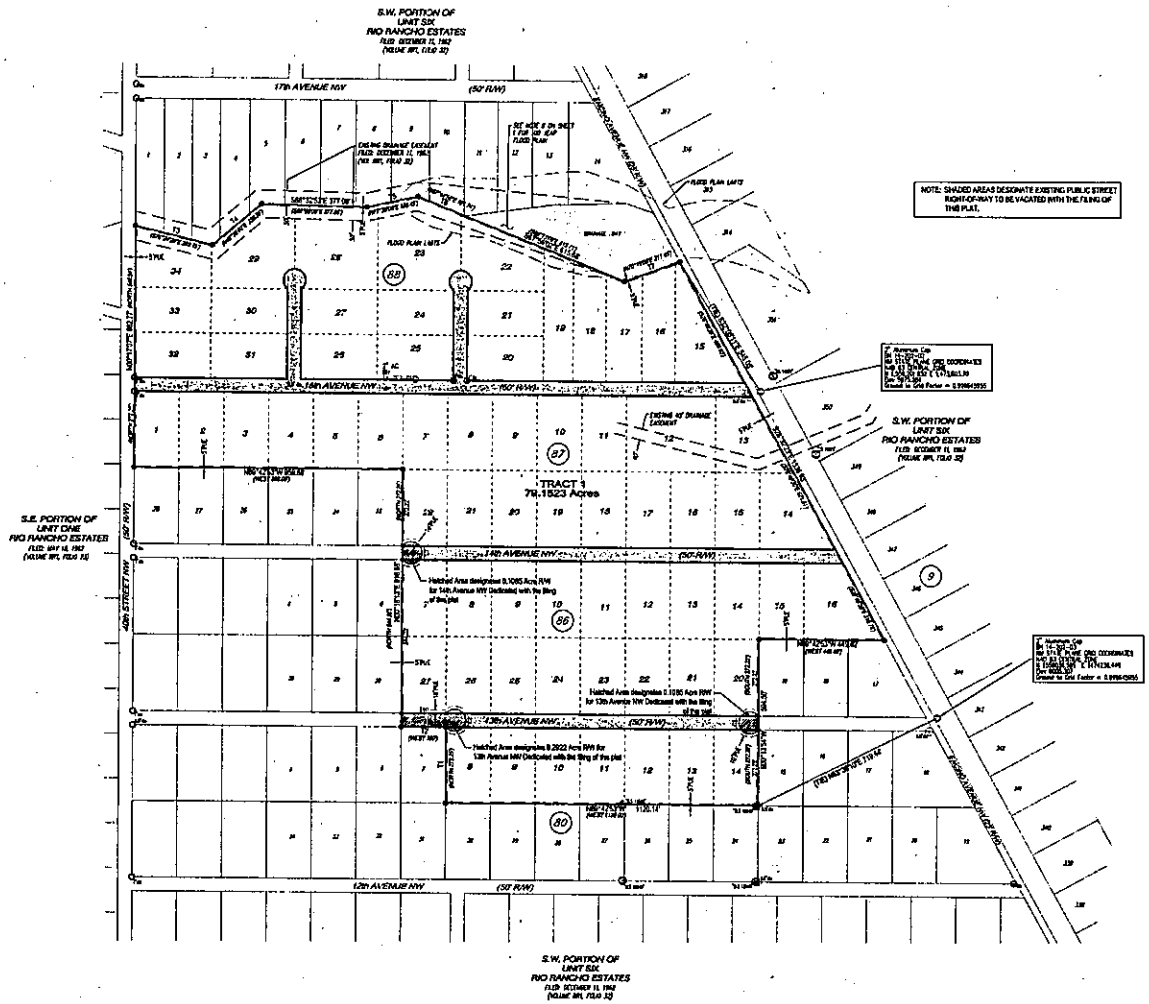
SHEET 1 OF 2

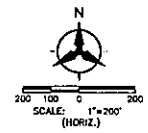
Bohannan ▲ Huston
7500 JEFFERSON STREET NE ALBUQUERQUE, NEW MEXICO

BOOK ________ PAGE ________

CLAIM OF EXEMPTION PLAT FOR
TRACT 1
SANDOVAL COUNTY SOLAR ENERGY CENTER
S.E. PORTION UNIT 6
RIO RANCHO ESTATES

WITHIN TOWNSHIP 12 NORTH, RANGE 1 EAST,
PROJECTED SECTION 11, N.M.P.M.,
THE TOWN OF ALAMEDA GRANT, SANDOVAL COUNTY, NM
FEBRUARY, 2014





LEGEND

- FOUND 2" ALUMINUM CAP AS NOTED
- SET JD REBAR AND RED PLASTIC SURVEY CAP STAMPED "PS 17517"
- FOUND 1" IRON PIPE
- FOUND REBAR WITH 1" PLASTIC CAP STAMPED AS NOTED
- FOUND 0.5" REBAR WITH NO CAP
- PUE PUBLIC UTILITY EASEMENT GRANTED WITH THE FILING OF THIS PLAT
- BOUNDARY LINE
- EXISTING EASEMENT LINE
- ADJOINING PROPERTY LINE

Curve Data

ID	DELTA	TANGENT	ARC	RADIUS	CHORD	CHORD BRG
C1	262°38'50"	---	197.18'	40.00'	50.10'	S00°16'13"W
C2	262°38'08"	---	197.32'	40.00'	50.00'	S00°17'07"W
C3	262°38'08"	---	197.32'	40.00'	50.00'	S00°13'54"W

Tangent Data

ID	BEARING	DISTANCE
T1	N00°17'07"E	272.28'
T2	N89°42'53"W	180.00'
T3	S76°07'13"E	263.16'
T4	N46°43'42"E	230.26'
T5	N77°38'07"E	188.43'
T6	S64°27'30"E	181.72'
T7	N70°36'24"E	211.48'
T8	N00°18'13"E	50.10'
T9	N00°18'13"E	50.00'
T10	S86°42'53"E	180.00'
T11	N00°13'54"E	50.00'

SHEET 2 OF 2

Bohannan Huston
7500 JEFFERSON STREET NE ALBUQUERQUE, NEW MEXICO

BOOK _____ PAGE _____