Sandoval County Board of County Commissioners
Agenda Item Summary

AGENDA ITEM # 5-7-15.10

1. REQUESTED MOTION

ACTION REQUESTED:
Approve Vacation of a Private Access and Utility Easement as Requested by Cynthia Diane Schoen Trust (VAC-15-001)

WHY ACTION IS NECESSARY (Summary):
This action requires approval by the Board of County Commissioners pursuant to the Sandoval County Subdivision Regulations. (summary 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

May 7, 2015

4. AGENDA (To be completed by County Manager)

☐ PROCLAMATION
☐ PRESENTATION
☐ CONSENT
☒ REGULAR
☐ APPEAL

5. RECOMMENDATIONS

Planning & Zoning staff recommends approval of the requested action.

6. FISCAL IMPACT

N/A

7. RECOMMENDED APPROVAL (Initials & Date)

Department Director/Elected Official	Human Resources	Purchasing	Attorney As to Form	Finance Budget	County Manager	Other
MS 4/27/15	____	____	PFT 4/27/15	____	PPR 4/30/15	____

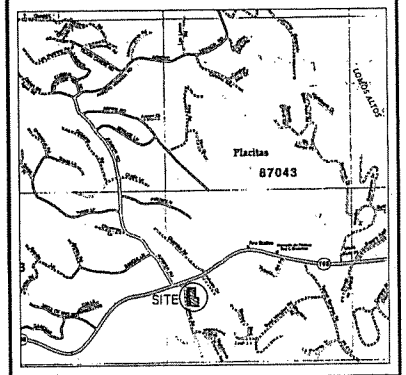
8. COMMISSION ACTION

☐ Approved ☐ Denied ☐ Deferred ☐ Other

WHY ACTION IS NECESSARY (Summary) continued:

The property in question was part of a subdivision created in the 1950's. In 2001, an access and utility easement was granted by the owner, however the residence on the lot sits partially within the easement. In 2014, this owner reached an agreement with the owners of properties to the east to provide access to their lands which had previously been landlocked. At the same time the easement in question would be realigned so that the encroachment by the residence would be elmiminated. As part of this process, the owner requests vacation of the 2001 easement. There was never a road constructed within that easement nor were any utility facilities placed within it.

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. An onsite inspection of the property was completed by Planning & Zoning staff. To date, the County has received no objections to this request. Approval of the request is recommended.



VICINITY MAP

EASEMENT NOTES:

A. 25' Private Access and Public Utility Easement within Tracts K-1, J-1 and C is granted by this plat for ingress and egress to Tracts C , D, J-1, K-1 and E, Lands of R.G. Lawrence, and for the installation of maintenance of underground utility lines and related above ground equipment. The road within this easement shall be maintained by the owners of said Tracts.

B. 20' Private Access and Utility Easement is hereby vacated by this plat. This easement was granted by the document recorded on October 24, 2001, in Book 404, Page 04807.

C. 10' Public Utility Easement within Tract K-1 is granted by this plat for the installation and maintenance of public utility lines and related equipment.

D. 10' Public Utility Easement within Tract C is granted by this plat for the installation and maintenance of public utility lines and related equipment.

E. Encroachment, Use and Maintenance Easement within Tract C is granted by this plat. This easement is for the exclusive use and benefit of the owners of Lot A-1-A, Lands of Schoen. Said owners may also use this easement for private water lines and related equipment. This easement lies entirely within the easement granted by Note D. This easement being the North 10 feet of the West 371.9 feet of Tract C

F. 10' Public Utility Easement granted to Public Service Company of NM and Mountain States Telephone by document recorded on May 29, 1958 in Book Misc 6, Pg. 1317.

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, 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 SUBSURFACE), 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.

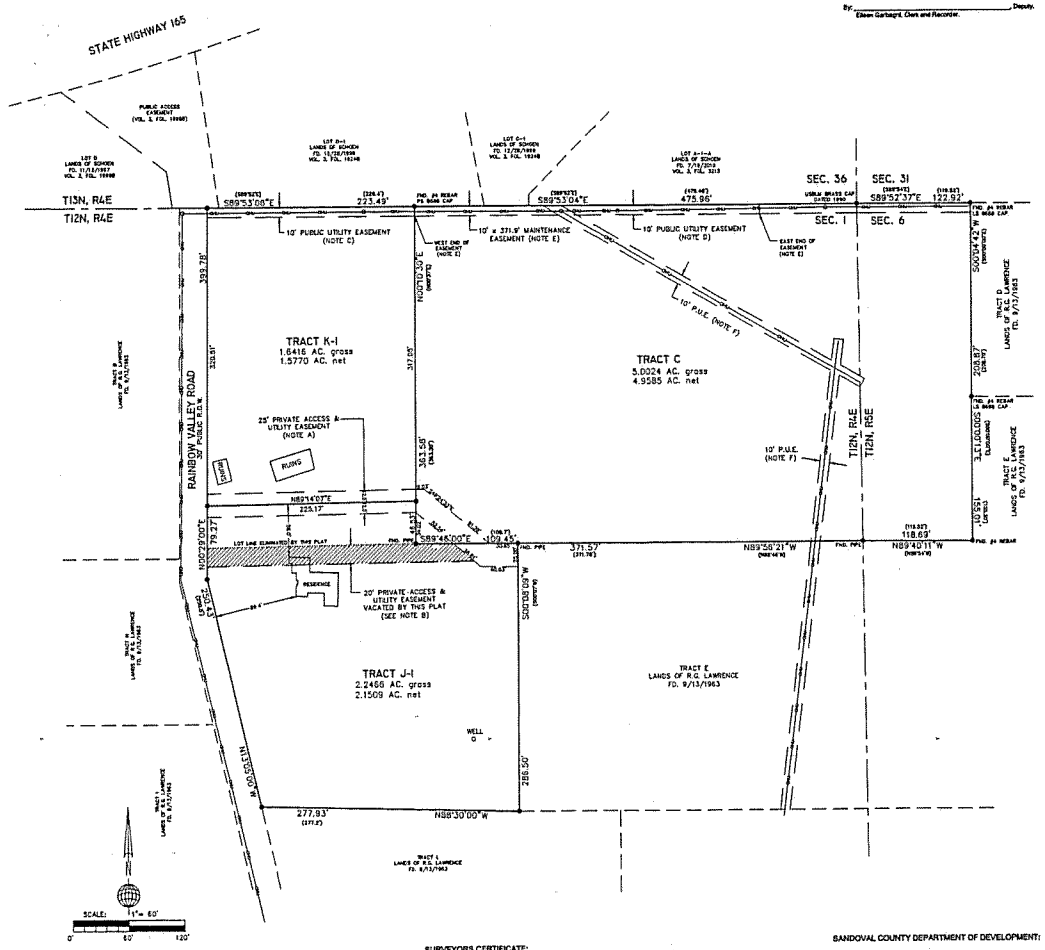
DISCLAIMER:
IN APPROVING THIS PLAT, PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM), QWEST CORPORATION D.B.A. CENTURY LINK AND NEW MEXICO GAS COMPANY (NMGC) DID NOT CONDUCT A TITLE SEARCH OF THE PROPERTIES SHOWN HEREON. CONSEQUENTLY, PNM, NMGC & CENTURY LINK DO NOT WAIVE OR RELEASE ANY EASEMENT OR EASEMENT 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 4-2-15

QWEST CORPORATION D.B.A. CENTURY LINK — DATE 4-14-15

NEW MEXICO GAS COMPANY — DATE 4/2/15

COMCAST CABLE — DATE 4/2/15



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 parenthesis (), where record measurements differ from actual measurements.
4. Corners shown thus "e" are set #4 rebar w/cap stamped "G. Grtsko, PS 8656", unless otherwise shown.
5. FLOOD NOTE: The property shown hereon is located with Zone X, areas determined to be outside the 0.2% annual chance flood plain, according to the Flood Insurance Rate Map of Sandoval County, New Mexico, Panel No. 35043C1950D, effective date March 18, 2008.

SURVEYORS CERTIFICATE:
I, Gary E. Grtsko, a New Mexico Professional Surveyor, hereby certify that I conducted and am responsible for this survey, that this survey and plat are 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. Grtsko, NMPS No. 8656 — March 15, 2015
Date

GARY E. GRITSKO NEW MEXICO 8656 LICENSED PROFESSIONAL SURVEYOR

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.
Eileen Garbagni, Clerk and Recorder.

COUNTY CLERK RECORDING STAMP

VACATION AND GRANT OF EASEMENTS & CLAIM OF EXEMPTION
Lot Line Adjustment Plat
Tracts C , J-1 & K-1
LANDS OF RICHARD G. LAWRENCE
Section 1, T12N, R4E, NMPM & Section 6, T12N, R5E, NMPM
Sandoval County, New Mexico

EXEMPTION STATEMENT:
The purpose of this plat is to adjust the lot line between two existing tracts. The exemption claimed is the division of land resulting in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased.

LEGAL DESCRIPTION:
Tracts lettered "C", "J" AND "K", as the same are shown and designated on the plat entitled "AMENDED AND REVISED PLAT SHOWING SURVEY AND SUBDIVISION OF PROPERTY FOR RICHARD G. LAWRENCE, H.E.S. No. 272, SECTION 1, T 12 N, R 5 E, SECTION 6, T 12 N, R 4 E, SANDOVAL COUNTY, NEW MEXICO", filed in the office of the County Clerk of Sandoval County, New Mexico on September 13, 1963, in Book B9, folio 143.

GROSS PLATTED AREA: 8.8906 Ac.

FREE CONSENT:
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.

Cynthia Diane Schoen, Trustee
Cynthia Diane Schoen, Trustee of the Cynthia Diane Schoen Trust

Steven Salais — Angela Salais

Mark Salais — Sally Ann Salais

Debra Salais

Rollen Williams — Carla Williams

ACKNOWLEDGEMENT:
State of New Mexico }
County of Sandoval }ss
This instrument was acknowledged before me on April 13, 20 15
By: Cynthia Diane Schoen, Trustee
My Commission expires: 7/27/2016 — Notary Public

OFFICIAL SEAL Gary E. Grtsko NOTARY PUBLIC STATE OF NEW MEXICO My Commission Expires _____

ACKNOWLEDGEMENT:
State of _____ }SS
County of _____ }
This instrument was acknowledged before me on _____, 20__
By: Steven Salais, Angela Salais
My Commission expires: _____ Notary Public

ACKNOWLEDGEMENT:
State of _____ }SS
County of _____ }
This instrument was acknowledged before me on _____, 20__
By: Mark Salais, Sally Ann Salais
My Commission expires: _____ Notary Public

ACKNOWLEDGEMENT:
State of _____ }SS
County of _____ }
This instrument was acknowledged before me on _____, 20__
By: Debra Salais
My Commission expires: _____ Notary Public

ACKNOWLEDGEMENT:
State of _____ }SS
County of _____ }
This instrument was acknowledged before me on _____, 20__
By: Rollen Williams, Carla Williams
My Commission expires: _____ Notary Public

SANDOVAL COUNTY DEPARTMENT OF DEVELOPMENT:
Approved for recording this ____ day of _____, 20__.
Planning and Zoning Administrator

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

ALPHA PRO SURVEYING LLC
1436 32ND CIRCLE SE, RIO RANCHO, NEW MEXICO 87124
PHONE (505) 892-1076 ALPHAPROSURVEYING.COM
DRAWN BY: GG FILE NO. 14-193