

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3 Ordinance/Resolution# 12-067

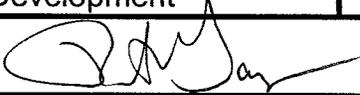
For Meeting of _____
(Ordinance First Reading Date)

For Meeting of October 17, 2011
(Adoption Date)

TITLE: A RESOLUTION APPROVING THE VACATION OF INTERNAL RIGHTS-OF-WAY, UTILITY EASEMENTS, AND DRAINAGE TRACTS DEDICATED TO THE CITY OF LAS CRUCES THROUGH THE SONOMA RANCH NORTH RIGHTS-OF-WAY DEDICATION PLAT ON OCTOBER 10, 2002, PLAT BOOK 20, PAGES 148-151. SUBMITTED BY SONOMA RANCH NORTH, LLC, PROPERTY OWNERS (S-11-020)

PURPOSE(S) OF ACTION:

Request to vacate rights-of-way, a utility easement, and a drainage and utility tract.

COUNCIL DISTRICT: 5		
<u>Drafter/Staff Contact:</u> Helen Revels	<u>Department/Section:</u> Community Development	<u>Phone:</u> 528-3085
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On October 10, 2002 a dedication plat known as "Sonoma Ranch North Rights-of-Way Dedication Plat" was filed in the Dona Ana County Clerk's Office (Plat Book 20, Pages 148-151). The plat dedicated internal roadways to the City of Las Cruces in addition to a 20-foot wide utility easement as well as drainage and utility tract (Tract No. 7). The tract of land contains 135.20 ± acres, is generally located on the southeast corner of Northrise Drive and Sonoma Ranch Boulevard, and is within the Sonoma Ranch North Master Plan area.

The property owner is requesting to vacate the internal rights-of-way, a 20-foot utility easement, and a drainage/utility tract (see Exhibit "A") due to change in development conditions on the subject property. There are no impacts concerning the vacation of the internal rights-of-way as no roads are built within the subject property. The subject property does contain City utility infrastructure for wastewater, but that infrastructure does not lie within the 20-foot wide utility easement proposed to be vacated. The City utility infrastructure for wastewater is situated within a 30-foot wide utility easement that will be dedicated to the City on the proposed vacation plat.

On September 14, 2011 the Development Review Committee (DRC) recommended approval of the proposed vacation plat by a vote of 5-0-1 (one member absent). Pursuant to Chapter 37

wide utility easement, and drainage/utility tract (Tract No. 7) that were previously dedicated to the City of Las Cruces through the Sonoma Ranch North Rights-of-Way Dedication Plat filed on October 10, 2002, Plat Book 20, Pages 148-151.

2. Vote "No"; this will reverse the recommendation made by the Development Review Committee. The proposed vacation plat is not approved and the rights-of-way, utility easement, and utility/drainage tract will remain dedicated to the City of Las Cruces.
3. Vote to "Amend"; this could allow Council to modify the Resolution by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to table/postpone the Resolution and direct staff accordingly.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. Resolution 97-218

RESOLUTION NO. 12-067

A RESOLUTION APPROVING THE VACATION OF INTERNAL RIGHTS-OF-WAY, UTILITY EASEMENTS, AND DRAINAGE TRACTS DEDICATED TO THE CITY OF LAS CRUCES THROUGH THE SONOMA RANCH NORTH RIGHTS-OF-WAY DEDICATION PLAT ON OCTOBER 10, 2002, PLAT BOOK 20, PAGES 148-151. SUBMITTED BY SONOMA RANCH NORTH, LLC, PROPERTY OWNERS (S-11-020)

The City Council is informed that:

WHEREAS, Sonoma Ranch North, LLC, the property owners, has submitted a request to vacate internal rights-of-way, a 20-foot wide utility easement, and a drainage/utility tract (Tract No. 7); and

WHEREAS, the rights-of-way, a 20-foot wide utility easement, and drainage/utility tract (Tract No. 7) were dedicated to the City of Las Cruces through the Sonoma Ranch North Rights-of-Way Dedication Plat, recorded in the Dona Ana County Clerk's office on October 10, 2002, Plat Book 20, Pages 148-151; and

WHEREAS, pursuant to Chapter 37 (Subdivision Code), Article VIII (Vacation Plats) of the Las Cruces Municipal Code, requires City Council to take final action on vacation plats; and

WHEREAS, pursuant to Chapter 37, Article VIII, Section 37-238 of the Las Cruces Municipal Code the Development Review Committee (DRC) shall make a recommendation to City Council; and

WHEREAS, the DRC in a vote of 5-0-1 (one member absent) recommended approval of the vacation plat at a regular meeting held on September 14, 2011.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the request to vacate internal rights-of-way, a 20-foot wide utility easement

and a drainage and utility tract (Tract No. 7) as shown on Exhibit "A", attached hereto and made a part of this Resolution is approved.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____ 2011.

APPROVED:

Mayor

ATTEST:

City Clerk

VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Thomas:	_____

(SEAL)

Moved by: _____

Seconded by: _____

Approved as to Form:



City Attorney

SONOMA RANCH NORTH RIGHTS-OF-WAY VACATION PLAT

A VACATION OF RIGHTS-OF-WAY, UTILITY EASEMENTS AND DRAINAGE TRACT #7 BEING A PORTION OF THE SONOMA RANCH NORTH RIGHTS-OF-WAY DEDICATION PLAT AS RECORDED OCTOBER 10, 2002 IN PLAT BOOK 20, PAGES 148-151 LOCATED IN SECTIONS 27 AND 28, T.22S., R.2E., N.M.P.M. OF THE U.S.G.L.O. SURVEYS CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO SCALE: 1" = 200' JULY 12, 2011



VICINITY MAP - N.T.S. DEDICATION

LINE TABLE with columns: LINE, BEARING, LENGTH. Lists 131 line segments with their respective bearings and lengths.

CURVE TABLE with columns: CURVE, RADIUS, LENGTH, CHORD, CH-LENGTH, DELTA. Lists 42 curves with their geometric properties.

THE TRACT OF LAND SHOWN HEREON CONTAINING 135.200 ACRES OF LAND, MORE OR LESS, IS TO BE KNOWN AS SONOMA RANCH NORTH RIGHTS-OF-WAY VACATION PLAT.

ALL UTILITY EASEMENTS AS SHOWN ON SHEET 3 ARE GRANTED FOR THE EXCLUSIVE USE OF THE CITY OF LAS CRUCES. ALL RULES AND REGULATIONS OF THE CITY OF LAS CRUCES WILL APPLY TO THESE EASEMENTS. NO ENCROACHMENT THAT WILL INTERFERE WITH THE USE OF EASEMENTS AS SHOWN ON THE PLAT IS ALLOWED.

THIS SUBDIVISION HAS BEEN DEDICATED IN ACCORDANCE WITH THE WISHES OF THE UNDERSIGNED OWNERS OF THE LAND SHOWN HEREON.

STATEMENT OF VACATION

AS IT APPEARS ON THIS PLAT TO WHICH THIS VACATION IS ATTACHED AND MADE A PART HEREOF AND THE PLAT HAS BEEN SUBMITTED TO AND CHECKED BY THE CITY OF LAS CRUCES AS BY STATUTE PROVIDED FOR AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS. ALL RIGHTS-OF-WAY, UTILITY EASEMENTS AND DRAINAGE TRACTS LOCATED SOUTH OF NORTHRISSE DRIVE AND EAST OF SONOMA RANCH BOULEVARD, SHOWN ON SHEET 2 ARE HEREBY VACATED.

I, THE UNDERSIGNED OWNER DO HEREBY SET MY HAND THIS ___ DAY OF _____, 2011.

DALE A. SCHUELLER, MEMBER SONOMA RANCH NORTH, L.L.C. 141 ROADRUNNER PARKWAY, SUITE 224 LAS CRUCES, NM 88011

INSTRUMENTS OF TITLE: REC.# 1032501 (11/29/2010)

STATE OF NEW MEXICO) COUNTY OF DOÑA ANA) SS.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ___ DAY OF _____, 2011 BY DALE A. SCHUELLER, MEMBER OF SONOMA RANCH NORTH, L.L.C.

(NOTARY PUBLIC)

MY COMMISSION EXPIRES: _____

I, THE UNDERSIGNED OFFICIAL OF THE CITY OF LAS CRUCES DO HEREBY SET MY HAND THIS ___ DAY OF _____, 2011.

MAYOR KEN MIYAGISHIMA P.O. BOX 20000 LAS CRUCES, NM 88004

ATTEST: ESTHER MARTINEZ CITY CLERK

INSTRUMENTS OF TITLE: SONOMA RANCH NORTH RIGHTS-OF-WAY DEDICATION PLAT PLAT RECORD 20, PAGES 148-151 (10/10/2002)

STATE OF NEW MEXICO) COUNTY OF DOÑA ANA) SS.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ___ DAY OF _____, 2011 BY KEN MIYAGISHIMA AND ESTHER MARTINEZ, AS OFFICIALS OF THE CITY OF LAS CRUCES.

(NOTARY PUBLIC)

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATION

I, JUSTIN W. MILLER, A NEW MEXICO PROFESSIONAL SURVEYOR 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.

JUSTIN W. MILLER, PLS 17572

DATE

NOTES:

- 1. THE PURPOSE OF THIS PLAT IS TO VACATE ALL RIGHTS-OF-WAY, UTILITY EASEMENTS AND DRAINAGE TRACTS LOCATED SOUTH OF NORTHRISSE DRIVE AND EAST OF SONOMA RANCH BOULEVARD. THE ITEMS TO BE VACATED BY THIS PLAT ARE SHOWN ON SHEET 2. THESE ITEMS WERE DEDICATED OCTOBER 10, 2002 ON THE SONOMA RANCH NORTH RIGHTS-OF-WAY DEDICATION PLAT, RECORDED IN PLAT RECORD 20, PAGES 148-151 OF THE DOÑA ANA COUNTY RECORDS.
2. A 30 FOOT WIDE SEWER LINE EASEMENT IS HEREBY GRANTED TO THE CITY OF LAS CRUCES AS SHOWN ON SHEET 3. THIS EASEMENT IS EXCLUSIVELY GRANTED TO THE CITY OF LAS CRUCES FOR OPERATION AND MAINTENANCE OF AN EXISTING SANITARY SEWER LINE. THE EASEMENT SHALL BE EXACTLY 30 FEET WIDE, BEING 15 FEET ON EACH SIDE OF THE CENTERLINE AS SHOWN ON SHEET 3.
3. BASIS OF BEARINGS IS BETWEEN MONUMENTS FOUND ALONG THE EAST LINE OF SECTION 28 AS SHOWN (N00°04'44"W). RECORD BEARING IS CONSISTENT WITH THE ORIGINAL BOUNDARY SURVEY OF THE SONOMA RANCH NORTH AREA BY BOTSFOED LAND SURVEYS IN 1994.
4. RECORD BOUNDARY INFORMATION SHOWN IN PARENTHESIS. ALL OTHER INFORMATION MATCHES RECORD.
5. THIS PARCEL OF LAND IS IN FLOOD ZONE X OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAPS DATED SEPTEMBER 6, 1995 (MAP #35010C0597F).
6. IF THE CITY DETERMINES THAT THE FUTURE DEVELOPMENT MAKES IT NECESSARY TO RELOCATE EXISTING SEWER FROM AN EASEMENT SHOWN HEREIN, THE PROPERTY OWNER WILL BE RESPONSIBLE FOR THE COST OF THE RELOCATION.

CITY OF LAS CRUCES APPROVALS

THIS PLAT HAS BEEN APPROVED BY THE CITY OF LAS CRUCES AND ALL THE REQUIREMENTS FOR APPROVAL IN THE ABOVE PLAT HAVE BEEN COMPLIED WITH TO THE SATISFACTION OF THE CITY OF LAS CRUCES. SUBJECT TO ANY AND ALL CONDITIONS REQUIRED BY THE PLANNING AUTHORITY FOR THE APPROVAL OF THIS PLAT.

BY: _____ DATE: _____ DIRECTOR OF COMMUNITY DEVELOPMENT

BY: _____ DATE: _____ DIRECTOR OF UTILITIES

BY: _____ DATE: _____ DIRECTOR OF PUBLIC WORKS

PLAT NO. _____ RECEPTION NO. _____

STATE OF NEW MEXICO) COUNTY OF DOÑA ANA) SS.

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE ___ DAY OF _____, 2011 AT ___ O'CLOCK AND DULY RECORDED IN PLAT RECORD ___ PAGE(S) FILED IN THE RECORDS OF SAID COUNTY.

COUNTY CLERK

DEPUTY CLERK

SONOMA RANCH NORTH RIGHTS-OF-WAY VACATION PLAT

A VACATION OF RIGHTS-OF-WAY, UTILITY EASEMENTS AND DRAINAGE TRACT #7
BEING A PORTION OF THE SONOMA RANCH NORTH RIGHTS-OF-WAY DEDICATION PLAT

AS RECORDED OCTOBER 10, 2002 IN PLAT BOOK 20, PAGES 148-151
LOCATED IN SECTIONS 27 AND 28, T.22S., R.2E., N.M.P.M. OF THE U.S.G.L.O. SURVEYS
CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO

SCALE: 1" = 200'

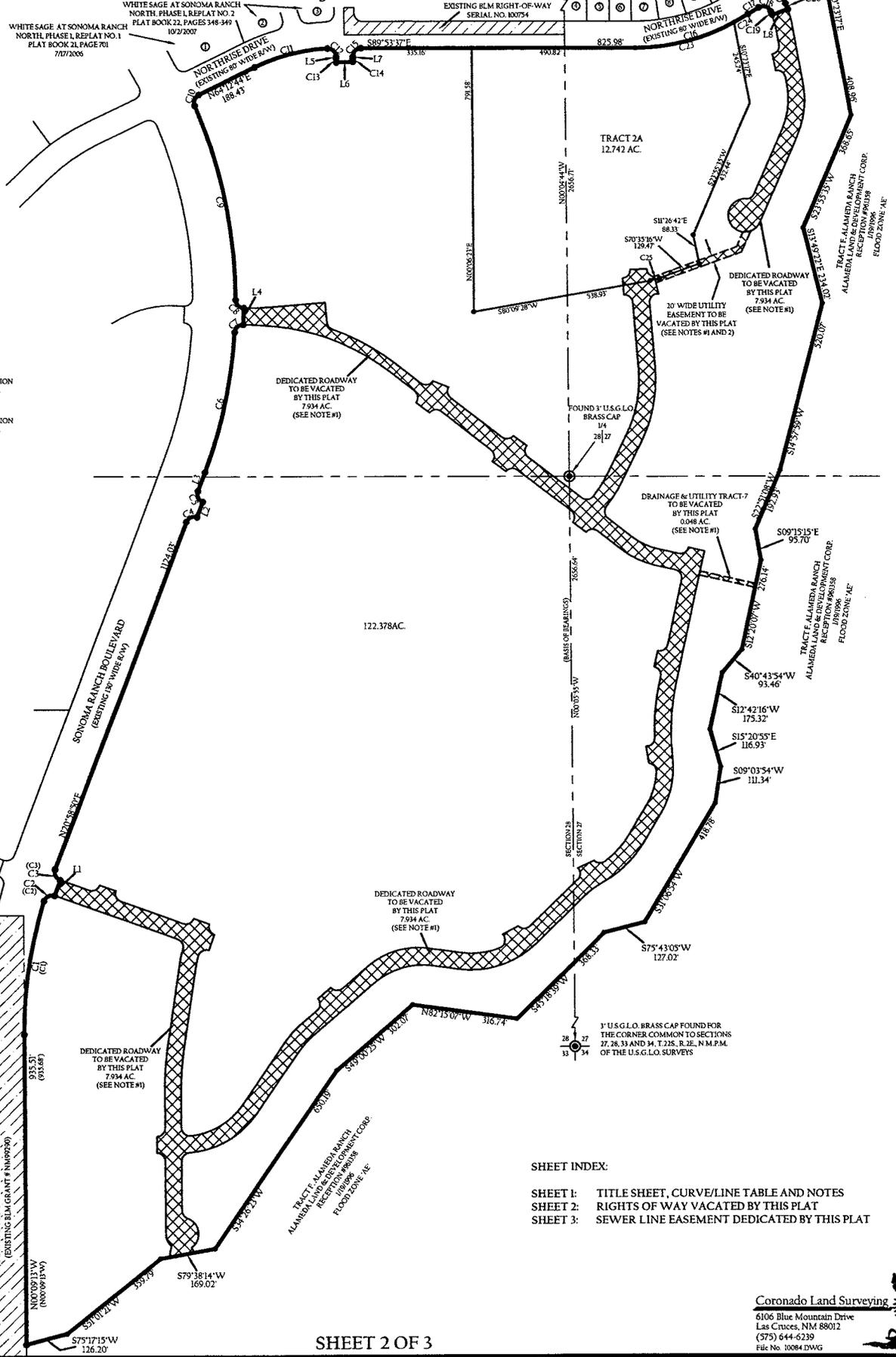
JULY 12, 2011

TIE TO A U.S.G.L.O. BRASS CAP FOUND FOR THE CORNER COMMON TO SECTIONS 21, 22, 27 AND 28 N41°12'31"W, 1414.78'

WHITE SAGE SUBDIVISION, PHASE 2 AT SONOMA RANCH NORTH PLAT BOOK 21, PAGES 775-778 9/13/2006

3' U.S.G.L.O. BRASS CAP FOUND FOR THE CORNER COMMON TO SECTIONS 21, 22, 27 AND 28 T.22S., R.2E., N.M.P.M. OF THE U.S.G.L.O. SURVEYS

3' U.S.G.L.O. BRASS CAP FOUND FOR THE CORNER COMMON TO SECTIONS 27, 28, 33 AND 34, T.23S., R.2E., N.M.P.M. OF THE U.S.G.L.O. SURVEYS



SCALE: 1" = 200'

LEGEND

- FOUND 1/2" IRON ROD WITH PLASTIC CAP NO. 1572
- FOUND 3" BRASS CAP AS NOTED
- SET 1/2" IRON ROD WITH PLASTIC CAP NO. 1572

- ① LOT 1A, BLOCK C FIRST AMERICAN BANK REC #0627595, 8/7/2006
- ② TRACT C, BLOCK C SONOMA RANCH NORTH SUBDIVISION HOMEOWNERS ASSOCIATION, INC. REC #1028990, 10/20/2010
- ③ TRACT A, BLOCK C SONOMA RANCH NORTH SUBDIVISION HOMEOWNERS ASSOCIATION, INC. REC #1028990, 10/20/2010
- ④ LOT 1, BLOCK A CHARLES & SYLVIA HOPP REC #07405, 1/1/2007
- ⑤ LOT 2, BLOCK A LILLARD & MYRA HAMILTON REC #0635182, 10/4/2006
- ⑥ LOT 3, BLOCK A DREAMWORKS INC. REC #0822714, 8/11/2008
- ⑦ LOT 4, BLOCK A JOHNNY & HELEN TAPIA REC #0637293, 10/24/2006
- ⑧ LOT 5, BLOCK A CASAS DE DANIEL, LLC REC #0636992, 10/23/2006
- ⑨ LOT 6, BLOCK A EUGENE & JO ANN CASSIDY REC #1032908, 12/02/2010
- ⑩ LOT 7, BLOCK A NORBY & SUGAN RICHARDSON REC #0932908, 12/4/2009
- ⑪ LOT 8, BLOCK A JPP INVESTMENTS, LLC REC #0634317, 9/28/2006
- ⑫ LOT 1, BLOCK E WILTON & ASSOCIATES INC. REC #0639245, 11/08/2006

SHEET INDEX:

SHEET 1:	TITLE SHEET, CURVE/LINE TABLE AND NOTES
SHEET 2:	RIGHTS OF WAY VACATED BY THIS PLAT
SHEET 3:	SEWER LINE EASEMENT DEDICATED BY THIS PLAT

SONOMA RANCH NORTH RIGHTS-OF-WAY VACATION PLAT

A VACATION OF RIGHTS-OF-WAY, UTILITY EASEMENTS AND DRAINAGE TRACT #7
BEING A PORTION OF THE SONOMA RANCH NORTH RIGHTS-OF-WAY DEDICATION PLAT

AS RECORDED OCTOBER 10, 2002 IN PLAT BOOK 20, PAGES 148-151

LOCATED IN SECTIONS 27 AND 28, T.22S., R.2E., N.M.P.M. OF THE U.S.G.L.O. SURVEYS

CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO

SCALE: 1" = 200'

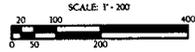
JULY 12, 2011

SONOMA ELEMENTARY SCHOOL
FEDERAL LAND

WHITE SAGE SUBDIVISION, PHASE 2
AT SONOMA RANCH NORTH
PLAT BOOK 21, PAGES 773-778
9/13/2006

TIE TO A U.S.G.L.O. BRASS CAP FOUND
FOR THE CORNER COMMON TO
SECTIONS 21, 27 AND 28
N34°12'31"W, 1414.78'

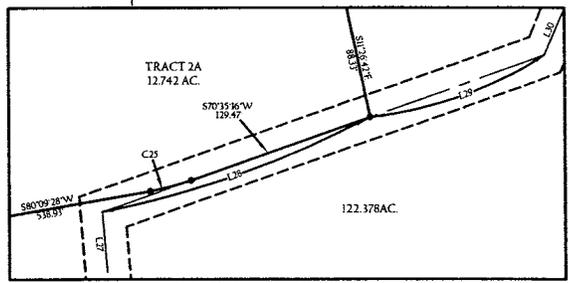
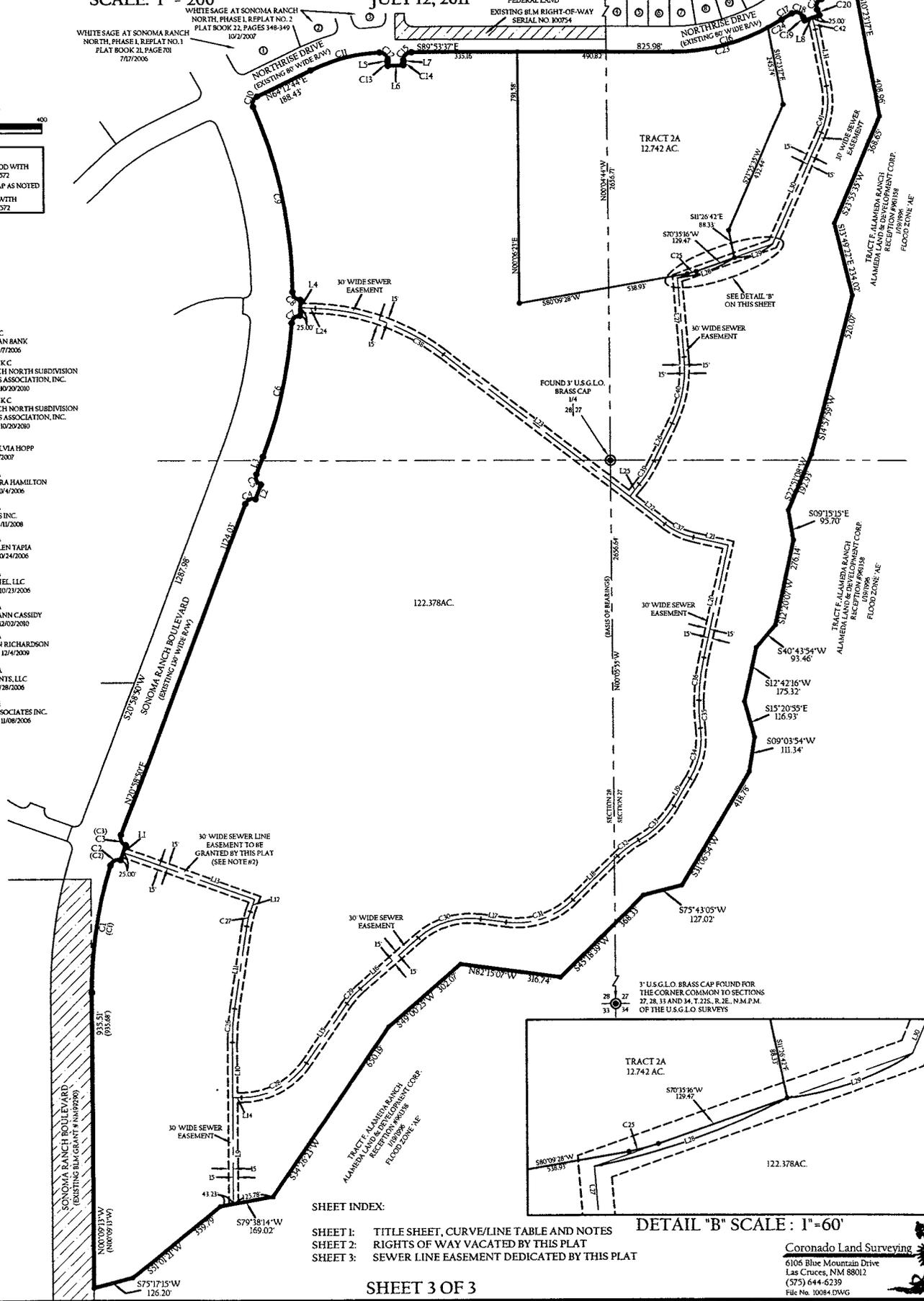
3" U.S.G.L.O. BRASS CAP FOUND FOR
THE CORNER COMMON TO SECTIONS
21, 22, 27 AND 28, T.22S., R.2E., N.M.P.M.
OF THE U.S.G.L.O. SURVEYS



LEGEND

- FOUND 1/2" IRON ROD WITH PLASTIC CAP NO. 17572
- FOUND 3" BRASS CAP AS NOTED
- SET 1/2" IRON ROD WITH PLASTIC CAP NO. 17572

- ① LOT 1A, BLOCK C
FIRST AMERICAN BANK
REC #0637595, 8/7/2006
- ② TRACT C, BLOCK C
SONOMA RANCH NORTH SUBDIVISION
HOMEOWNERS ASSOCIATION, INC.
REC #1028990, 10/20/2010
- ③ TRACT A, BLOCK C
SONOMA RANCH NORTH SUBDIVISION
HOMEOWNERS ASSOCIATION, INC.
REC #1028990, 10/20/2010
- ④ LOT 1, BLOCK A
CHARLES & SYLVIA HOPP
REC #07403, 1/3/2007
- ⑤ LOT 2, BLOCK A
LILLARD & MYRA HAMILTON
REC #0635182, 10/4/2006
- ⑥ LOT 3, BLOCK A
DREAMWORKS INC.
REC #0822714, 8/11/2008
- ⑦ LOT 4, BLOCK A
JOHNNY & HELEN TAPIA
REC #0637293, 10/24/2006
- ⑧ LOT 5, BLOCK A
CASAS DE DANIEL, LLC
REC #0636992, 10/23/2006
- ⑨ LOT 6, BLOCK A
EUGENE & JO ANN CASSIDY
REC #1032908, 12/02/2010
- ⑩ LOT 7, BLOCK A
ROBY & SUSAN RICHARDSON
REC #0932908, 12/4/2009
- ⑪ LOT 8, BLOCK A
JPP INVESTMENTS, LLC
REC #0634517, 9/28/2006
- ⑫ LOT 1, BLOCK E
WYTON & ASSOCIATES INC.
REC #0639245, 11/08/2008



SHEET INDEX:

SHEET 1:	TITLE SHEET, CURVE/LINE TABLE AND NOTES
SHEET 2:	RIGHTS OF WAY VACATED BY THIS PLAT
SHEET 3:	SEWER LINE EASEMENT DEDICATED BY THIS PLAT

1 via the Sonoma Ranch North Rights-of Way Dedication plat
2 recorded on October 10, 2002. A 30' utility easement will be
3 established for the current City Utilities in this area.

- 4 • The subject property encompasses 135.200± acres of land and is
5 within the Sonoma Ranch North master planned area generally
6 located south of Highway 70, south of Northrise Drive and east of
7 Sonoma Ranch Boulevard.
- 8 • Submitted by Sonoma Ranch North, LLC, property owners.

9
10 Helen Revels read the above summation.

11
12 Discussion followed.

13
14 Meei Montoya stated that notes #2 and #6 on the plat needed to be updated. They
15 were updated, so she had no issues.

16
17 Bill Hamm had no issues

18
19 Natasha Billy had no issues.

20
21 Mark Johnston had no issues.

22
23 Brian Soleman asked if it was possible to call the tract of land a tract.

24
25 Helen Revels stated it was already called out as a tract 2.

26
27 Cheryl Rodriguez stated it was okay to call it a tract.

28
29 Mark Dubbin motioned to approve.

30
31 Mark Johnston seconded the motion.

32
33 All in favor, motion passed.

34
35 **IV. ADJOURNMENT**

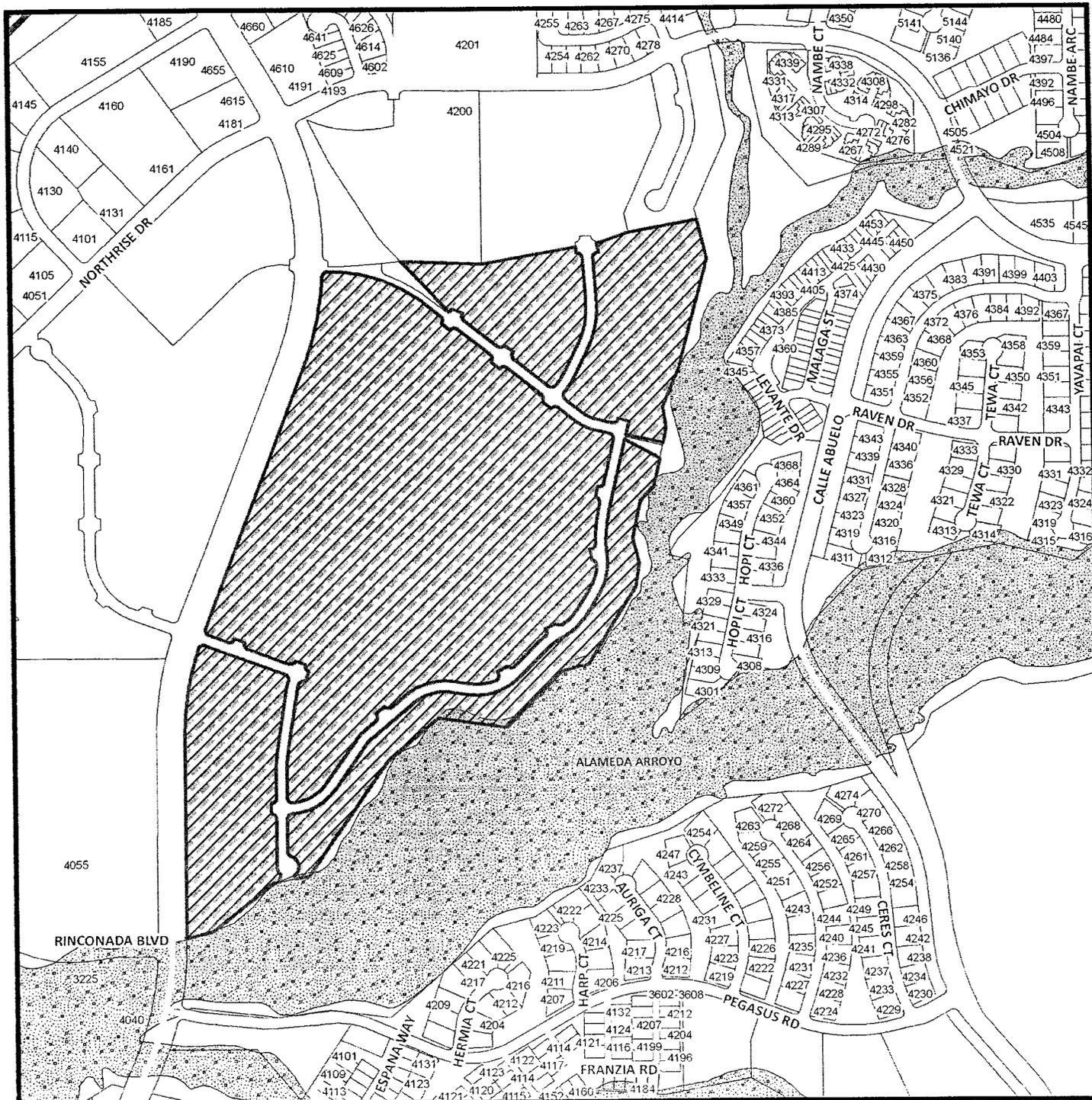
36
37 Meeting adjourned at 9:06 a.m.

38
39
40
41 _____
42 Chairperson

Location Mōnity Map

ZONING: R-1a, FC
OWNER: Sonoma Ranch North, LLC

PARCEL: 02-29993, 02-29994, 02-36082
DATE: 09/30/2011



This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 528-3043.

Legend			
Point_Address	Interstates_Highway	Railroad	Rio Grande
City Parcels	EBID Water System	Arroyo	


 0 185 370 740 1,110 1,480 Feet

Community Development Department
 700 N Main St
 Las Cruces, NM 88001
 (575) 528-3222