



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 5Ordinance/Resolution# 14-039For Meeting of _____
(Ordinance First Reading Date)For Meeting of September 3, 2013
(Adoption Date)

Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE VACATION OF RIGHT-OF-WAY OF HOPI COURT, NIDAH DRIVE, RAVEN DRIVE, ISLETA COURT, TEWA COURT AND YAVAPAI COURT LOCATED WITHIN THE PUEBLOS AT ALAMEDA RANCH, PHASE 2 SUBDIVISION. SUBMITTED BY THE HOMEOWNERS ASSOCIATION, PUEBLOS AT ALAMEDA RANCH ASSOCIATION INC.

PURPOSE(S) OF ACTION:

Authorization for vacation of streets.

COUNCIL DISTRICT: 6		
<u>Drafter/Staff Contact:</u> Susana Montana, Planner	<u>Department/Section:</u> Community Development/ Building and Development Services	<u>Phone:</u> 528-3207
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Pueblos at Alameda Ranch Association Inc. (hereinafter "Association") is the homeowners association for the gated community known as the Pueblos at Alameda Ranch, Phase 2. The Association has submitted a subdivision plat which vacates six streets which were inadvertently dedicated to the public and which lie within that gated community in order to transfer ownership of those streets to the Association. The Association commits to maintain those streets and appurtenances within the rights-of-way, shown as Tracts M and N of the attached vacation plat, while granting utility easements to the City and other applicable utility providers. The six subject streets lying within the gated community were dedicated to the City in error by The Pueblos At Alameda Ranch, Phase 2 subdivision plat's Dedication Block. Those streets were intended by the developer to be private streets maintained by the Association, as are the other streets within the gated community.

After review by City staff and the Development Review Committee, no objections to the vacation were noted and the plat would be administratively approved if Council approves the street vacation Resolution.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Subdivision Street Vacation Plat.
3. Exhibit "B", Quitclaim Deed.
4. Exhibit "C", The Pueblos at Alameda Ranch Association, Inc. Amended Resolution No. 3-26-2013.
5. Attachment "A", Development Review Committee minutes of the July 17, 2013 meeting.

SOURCE OF FUNDING:

N/A	Is this action already budgeted?	
	Yes	<input type="checkbox"/> See fund summary below
	No	<input type="checkbox"/> If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/> Expense reallocated from: _____ <input type="checkbox"/> Proposed funding is from a new revenue source (i.e. grant; see details below) <input type="checkbox"/> Proposed funding is from fund balance in the Fund.
Does this action create any revenue?	Yes	<input type="checkbox"/> Funds will be deposited into this fund: in the amount of \$ _____ for FY ____.
	No	<input checked="" type="checkbox"/> There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution and vacate the six public streets lying within the gated community of The Pueblos at Alameda Ranch Phase 2 and shown as Tracts M and N of the attached right-of-way vacation plat.
2. Vote "No"; this will deny the Resolution and the six subject streets will remain public and owned by the City. The streets cannot remain gated and will have to be opened to the public and the City will be responsible to maintain the streets and associated infrastructure.

3. Vote to "Amend"; this would allow the City Council to modify the Resolution as determined appropriate.
4. Vote to "Table"; this would allow the City Council to table/postpone action on 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. N/A

RESOLUTION NO. 14-039

A RESOLUTION APPROVING THE VACATION OF RIGHT-OF-WAY OF HOPI COURT, NIDAH DRIVE, RAVEN DRIVE, ISLETA COURT, TEWA COURT AND YAVAPAI COURT LOCATED WITHIN THE PUEBLOS AT ALAMEDA RANCH, PHASE 2 SUBDIVISION. SUBMITTED BY THE HOMEOWNERS ASSOCIATION, PUEBLOS AT ALAMEDA RANCH ASSOCIATION INC.

The City Council is informed that:

WHEREAS, The Pueblos at Alameda Ranch Association, Inc. (hereinafter "Association") is the homeowners association for the gated community known as the Pueblos at Alameda Ranch, Phase 2; and

WHEREAS, the Association has submitted a right-of-way vacation plat which vacates six public streets lying within that gated community in order to transfer ownership of those streets to the Association which will maintain the streets within Tracts M and N, including curbs, gutters, sidewalks, street lights, landscaping, and any street furniture therein as noted in Exhibit C attached hereto; and

WHEREAS, the six subject streets lying within the gated community were dedicated to the City by The Pueblos at Alameda Ranch, Phase 2 subdivision plat in error as they were intended to be private streets maintained by the Association as several other streets within that subdivision are; and

WHEREAS, under Section 3-20-12, NMSA 1978, this City Council is authorized by law to approve a partial vacation of a duly recorded plat; and

WHEREAS, under Section 3-20-13, NMSA 1978, the right of any utility already existing shall not be affected by a vacation or partial vacation of a plat; and

WHEREAS, pursuant to Chapter 37 (Subdivision Code) of the Las Cruces Municipal Code, the City Council shall review vacation plats when a request is made to

rescind all or part of a recorded subdivision plat of land that has been legally dedicated;
and

WHEREAS, pursuant to Chapter 37, Article VIII (Vacation Plats) of the Las Cruces Municipal Code, City Council takes final action on right-of-way vacation plats and requests; and

WHEREAS, requests to recommend approval or denial of the vacation of the public streets within the gated community were sent to City departments and utility companies and all applicable departments and utility companies recommended approval; and

WHEREAS, pursuant to Chapter 37, Article VIII, Section 37-238 of the Las Cruces Municipal Code, the Development Review Committee (DRC) is the recommending body to the City Council on matters such as this and at a meeting held on July 17, 2013, the DRC voted unanimously to recommend approval of the vacation plat.

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

(I)

THAT the request to vacate six public streets located within the gated community of The Pueblos at Alameda Ranch, Phase 2, as specifically shown as Tracts M and N on the vacation plat attached hereto as Exhibit "A" and on the Quitclaim Deed attached hereto as Exhibit "B", is hereby granted.

(II)

THAT subsequent to the approval of the vacation by the City Council, all

necessary signatures shall be obtained on the vacation plat which shall be filed in the Office of the Clerk of Dona Ana County, New Mexico.

(III)

THAT the 50 foot wide utility easements identified on the vacation plat are reserved and granted to the plat signatories, thereby securing legal placement and access for operation, maintenance, and replacement and/or repair of all identified utilities.

(IV)

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

DONE AND APPROVED this _____ day of _____ 20_____.

APPROVED:

ATTEST:

Mayor

City Clerk

(SEAL)

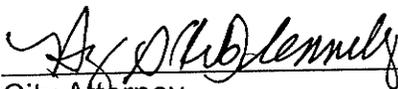
VOTE:

- Mayor Miyagishima: _____
- Councillor Silva: _____
- Councillor Smith: _____
- Councillor Pedroza: _____
- Councillor Small: _____
- Councillor Sorg: _____
- Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

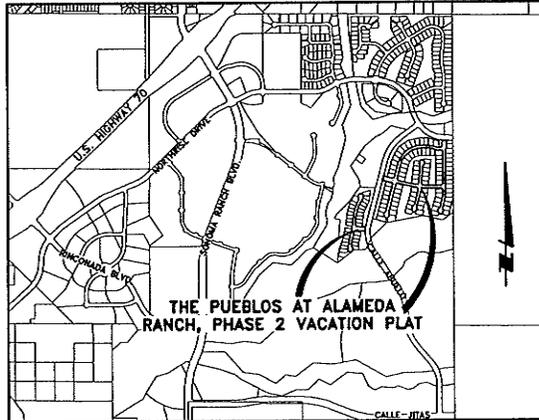


City Attorney

THE PUEBLOS AT ALAMEDA RANCH, PHASE 2 RIGHT-OF-WAY VACATION PLAT

A VACATION OF 8.563 ACRES OF RIGHTS-OF-WAY
 WITHIN THE PUEBLOS AT ALAMEDA RANCH, PHASE 2
 AS RECORDED AUGUST 10, 2006 IN PLAT RECORD 21, PAGES 742-747
 OF THE DONA ANA COUNTY RECORDS
 LOCATED IN SECTION 27, T.22.S., R.2.E.
 CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
 SCALE 1"=100' AUGUST 8, 2013

Exhibit "A"



VICINITY MAP - N.T.S.

DEDICATION

THE TRACT OF LAND SHOWN HEREON IS TO BE KNOWN AS THE PUEBLOS AT ALAMEDA RANCH, PHASE 2 VACATION PLAT AND CONTAINS 8.563 ACRES OF LAND, MORE OR LESS.

UTILITY EASEMENTS ARE GRANTED FOR THE USE OF THE UTILITY COMPANIES THAT ARE SIGNATORY TO THIS PLAT AND TO THE CITY OF LAS CRUCES. ALL RULES AND REGULATIONS OF THE CITY OF LAS CRUCES AND SAID UTILITY COMPANIES WILL APPLY TO THESE EASEMENTS. ALL OTHER EASEMENTS SHOWN HEREON ARE GRANTED FOR THE USE INDICATED. NO ENCROACHMENT THAT WILL INTERFERE WITH THE USE OF EASEMENTS AS SHOWN ON THIS PLAT IS ALLOWED.

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

WE, THE UNDERSIGNED DO HEREBY SET OUR HANDS THIS _____ DAY OF _____, 20____, IN ACKNOWLEDGEMENT OF THE DEDICATION OF UTILITY EASEMENTS SHOWN HEREON.

HENRY REMM - PRESIDENT
 THE PUEBLOS AT ALAMEDA RANCH ASSOCIATION
 5191 PICURIS COURT
 LAS CRUCES, NM 88011

(STATE OF NEW MEXICO)
 SS
 (COUNTY OF DONA ANA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____, BY _____

(NOTARY PUBLIC)

MY COMMISSION EXPIRES: _____

STATEMENT OF RIGHT-OF-WAY VACATION

WHEREAS CERTAIN RIGHTS-OF-WAYS ORIGINALLY DEDICATED TO THE CITY OF LAS CRUCES BY THE PUEBLOS AT ALAMEDA RANCH, PHASE 2 PLAT, FILED AUGUST 10, 2006, IN PLAT RECORD 21, PAGES 742-747, WERE INTENDED TO BE PRIVATELY OWNED AND MAINTAINED, THEREFORE, ALL RIGHTS-OF-WAY, AS SHOWN HEREON, ARE HEREBY VACATED IN ACCORDANCE WITH THE WISHES OF THE UNDERSIGNED OWNER OF THE LAND.

SHALL BE VACATED OF ALL INTEREST BY THE UNDERSIGNED.

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

ATTEST:

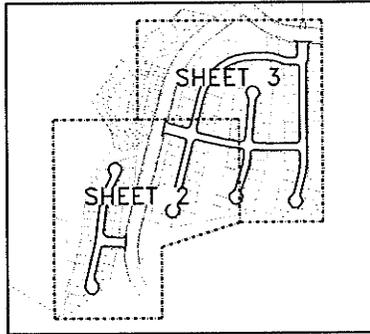
ESTHER MARTINEZ-CARRILLO
 CITY CLERK, CITY OF LAS CRUCES

PLAT NO. _____ RECEPTION NO. _____
 (STATE OF NEW MEXICO)
)SS.
 (COUNTY OF DONA ANA)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE _____ DAY OF _____, 20____ AT _____ O'CLOCK AND DULY RECORDED IN PLAT RECORD _____, PAGE(S) _____ FILED IN THE RECORDS OF SAID COUNTY.

COUNTY CLERK

DEPUTY CLERK



SHEET INDEX - N.T.S.

UTILITY APPROVALS

THIS PLAT HAS BEEN APPROVED FOR EASEMENT PURPOSES ONLY. THE SIGNING OF THIS PLAT DOES NOT IN ANY WAY GUARANTEE UTILITY SERVICE BY THE UNDERSIGNED COMPANIES TO THE SUBDIVISION.

EL PASO ELECTRIC COMPANY

EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO THE EL PASO ELECTRIC COMPANY, ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF ELECTRICAL UTILITIES.

BY: _____ DATE: _____

CENTURYLINK COMMUNICATIONS, INC.

EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO CENTURYLINK COMMUNICATIONS, INC., ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF TELEPHONE UTILITIES.

BY: _____ DATE: _____

COMCAST CABLE COMPANY

EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO COMCAST, ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF CABLE UTILITIES.

BY: _____ DATE: _____

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 OF THIS PLAT.

BY: _____ DATE: _____
 DIRECTOR OF COMMUNITY DEVELOPMENT

BY: _____ DATE: _____
 DIRECTOR OF UTILITIES

BY: _____ DATE: _____
 DIRECTOR OF PUBLIC WORKS

SURVEYOR'S CERTIFICATION

I, KERY W. GREINER, 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.

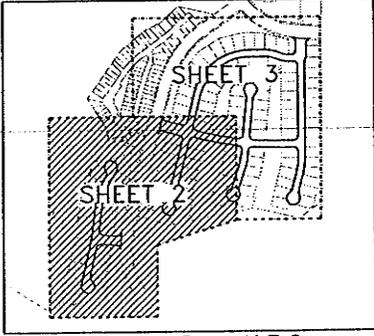
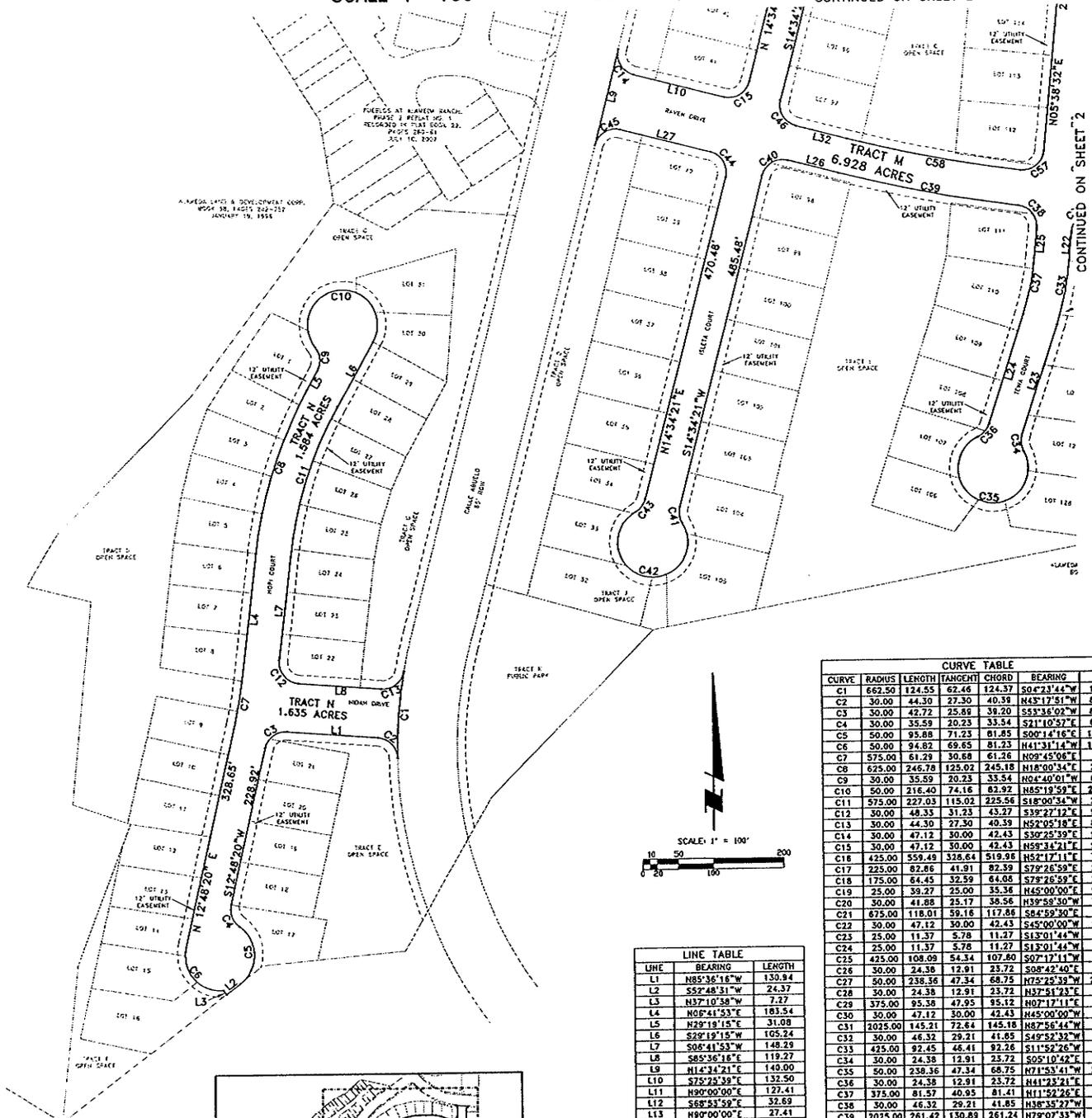
KERY W. GREINER, PS 9761 DATE OF SURVEY _____



DIAMONDBACK
 LAND SURVEYING CO., INC.
 P.O. BOX 1857
 MESILLA PARK, NM 88047
 (575) 520-6505
 FILE ID: 13015.DWG

THE PUEBLOS AT ALAMEDA RANCH, PHASE 2 RIGHT-OF-WAY VACATION PLAT

A VACATION OF 8.563 ACRES OF RIGHTS-OF-WAY
 WITHIN THE PUEBLOS AT ALAMEDA RANCH, PHASE 2
 AS RECORDED AUGUST 10, 2006 IN PLAT RECORD 21, PAGES 742-747
 OF THE DONA ANA COUNTY RECORDS
 LOCATED IN SECTION 27, T.22.S., R.2.E.
 CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
 SCALE 1"=100' AUGUST 8, 2013



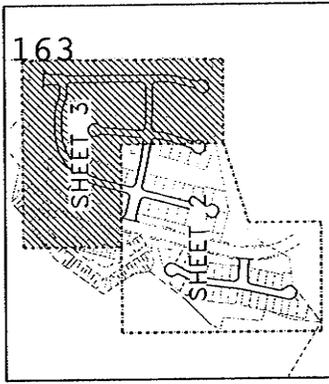
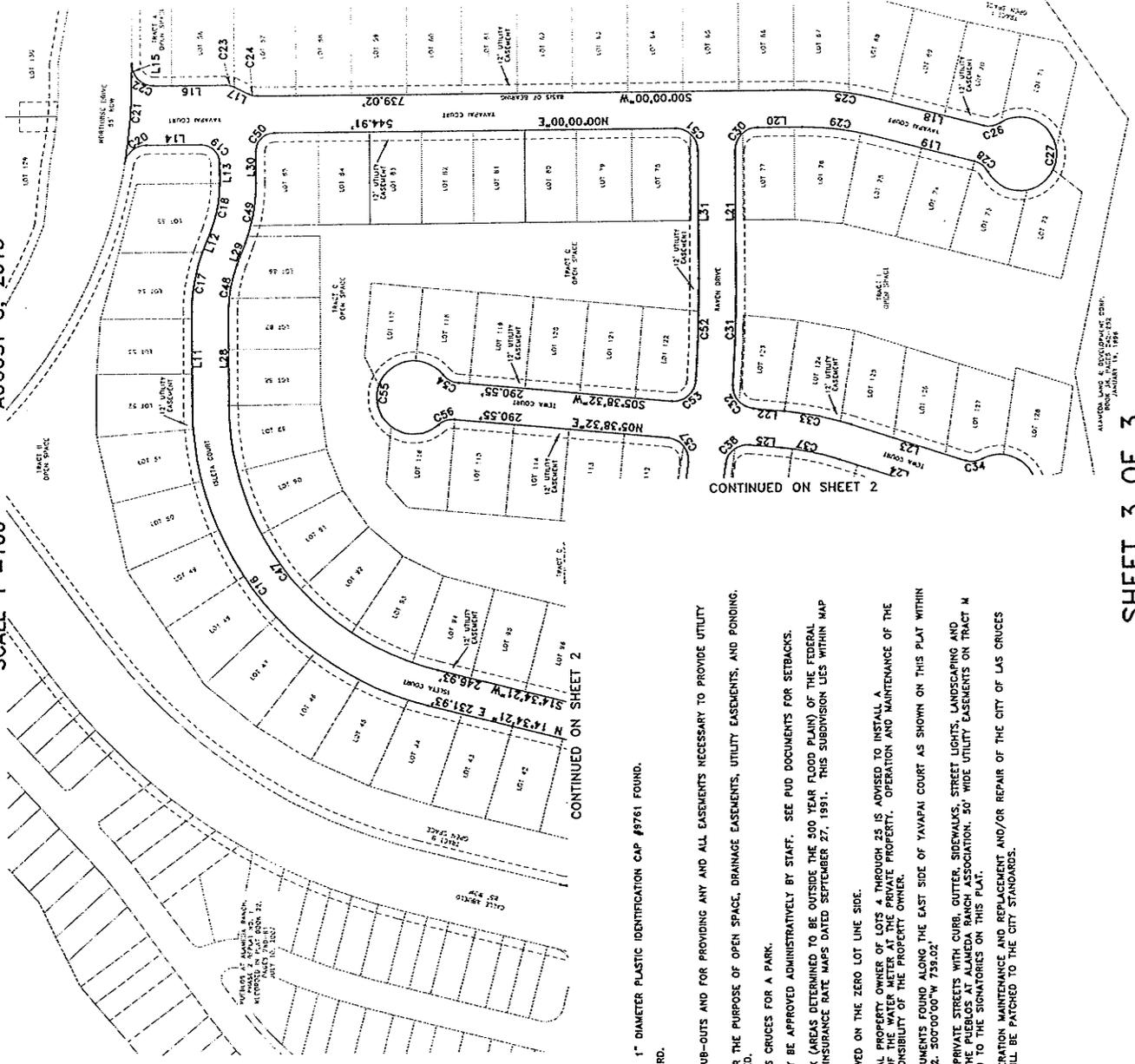
CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	662.50	124.55	62.46	124.37	S61°31'44"W	10°46'18"
C2	30.00	44.30	27.30	40.39	N43°17'51"W	84°36'51"
C3	30.00	42.72	25.89	38.20	S53°36'02"W	81°35'24"
C4	30.00	35.59	20.23	33.34	S21°10'57"E	67°58'32"
C5	50.00	95.88	71.23	81.85	S00°14'16"E	109°51'54"
C6	50.00	94.82	69.65	81.23	N41°31'14"W	108°39'07"
C7	575.00	61.29	30.58	60.58	N09°45'06"E	6°06'27"
C8	625.00	246.78	125.02	245.18	N18°00'34"E	22°37'24"
C9	30.00	35.59	20.23	33.34	N04°40'01"W	67°58'32"
C10	50.00	216.40	74.16	82.92	N85°19'59"E	247°59'32"
C11	575.00	227.03	115.02	225.56	S18°00'34"W	22°37'24"
C12	30.00	48.33	31.23	43.27	S39°27'12"E	92°18'09"
C13	30.00	44.30	27.30	40.39	N52°05'18"E	84°36'51"
C14	30.00	47.12	30.00	42.43	S39°25'59"E	90°00'00"
C15	30.00	47.12	30.00	42.43	N59°34'21"E	72°52'59"
C16	425.00	559.49	328.64	519.98	N52°17'11"E	72°52'59"
C17	225.00	82.86	41.91	82.39	S79°26'59"E	21°06'01"
C18	175.00	64.45	32.59	64.08	S79°26'59"E	21°06'01"
C19	25.00	39.27	25.00	35.36	N45°00'00"E	90°00'00"
C20	30.00	41.88	25.17	38.56	N39°58'30"W	79°58'59"
C21	625.00	118.01	59.16	117.86	S45°59'30"E	10°00'00"
C22	30.00	47.12	30.00	42.43	S45°00'00"W	90°00'00"
C23	25.00	11.37	5.78	11.27	S13°01'44"W	26°03'28"
C24	25.00	11.37	5.78	11.27	S13°01'44"W	26°03'28"
C25	425.00	108.09	54.34	107.80	S07°17'11"W	14°34'21"
C26	30.00	24.36	12.91	23.72	S08°42'40"E	46°34'03"
C27	50.00	238.36	47.34	68.75	N75°25'39"W	22°08'06"
C28	30.00	24.36	12.91	23.72	N75°25'39"W	22°08'06"
C29	375.00	95.38	47.95	95.12	N07°17'11"E	14°34'21"
C30	30.00	47.12	30.00	42.43	N45°00'00"W	90°00'00"
C31	2025.00	145.21	72.64	145.18	N87°56'44"W	4°08'31"
C32	30.00	46.32	29.21	41.85	S49°52'32"W	88°27'59"
C33	425.00	92.45	46.41	92.26	S11°52'26"W	12°27'47"
C34	30.00	24.36	12.91	23.72	S05°10'42"E	46°34'03"
C35	50.00	238.36	47.34	68.75	N75°25'39"W	22°08'06"
C36	30.00	24.36	12.91	23.72	N41°23'21"E	46°34'03"
C37	375.00	81.57	40.95	81.41	N11°52'26"E	12°27'47"
C38	30.00	46.32	29.21	41.85	N36°35'27"W	88°27'59"
C39	2025.00	261.42	130.89	261.24	N79°07'33"W	7°25'58"
C40	30.00	47.12	30.00	42.43	S59°34'21"W	90°00'00"
C41	30.00	24.36	12.91	23.72	S08°42'40"E	46°34'03"
C42	50.00	238.36	47.34	68.75	N75°25'39"W	22°08'06"
C43	30.00	24.36	12.91	23.72	N37°51'23"E	46°34'03"
C44	30.00	47.12	30.00	42.43	N30°25'38"W	90°00'00"
C45	30.00	47.12	30.00	42.43	S59°34'21"W	90°00'00"
C46	30.00	47.12	30.00	42.43	N30°25'39"W	90°00'00"
C47	375.00	493.67	289.98	458.79	N52°17'11"E	72°52'59"
C48	175.00	64.45	32.59	64.08	S79°26'59"E	21°06'01"
C49	225.00	82.86	41.91	82.39	S79°26'59"E	21°06'01"
C50	30.00	47.12	30.00	42.43	S45°00'00"W	90°00'00"
C51	30.00	47.12	30.00	42.43	S45°00'00"W	90°00'00"
C52	1975.00	159.64	69.35	158.61	N87°59'21"W	4°01'19"
C53	30.00	47.97	30.86	43.02	N40°10'04"W	91°37'13"
C54	30.00	24.36	12.91	23.72	N28°55'34"E	46°34'03"
C55	50.00	238.36	47.34	68.75	N84°21'28"W	22°08'06"
C56	30.00	24.36	12.91	23.72	S17°38'29"E	46°34'03"
C57	30.00	47.97	30.86	43.02	S51°27'09"W	91°37'13"
C58	1975.00	251.97	126.16	251.80	N79°04'56"W	7°18'35"

LINE TABLE		
LINE	BEARING	LENGTH
L1	N85°36'14"W	130.84
L2	S52°48'31"W	24.37
L3	N37°10'58"W	7.27
L4	N06°41'53"E	183.54
L5	N29°18'18"E	31.08
L6	S29°19'15"W	105.24
L7	S06°41'53"W	148.25
L8	S85°36'18"E	119.27
L9	N14°34'21"E	146.07
L10	S75°25'39"E	132.50
L11	N90°00'00"E	127.41
L12	S68°51'59"E	32.89
L13	N90°00'00"E	27.41
L14	N00°00'00"W	74.95
L15	S90°00'00"E	17.37
L16	S00°00'00"W	98.60
L17	S26°01'28"W	22.58
L18	S14°34'21"E	146.07
L19	N14°34'21"E	146.07
L20	N00°00'00"E	60.75
L21	S90°00'00"W	173.89
L22	S05°38'32"W	42.59
L23	S90°00'00"E	163.97
L24	N18°08'19"E	163.97
L25	N05°38'32"E	42.59
L26	N75°25'39"W	74.48
L27	N75°25'39"W	132.50
L28	S90°00'00"E	127.41
L29	S68°51'59"E	42.41
L30	S90°00'00"E	173.89
L31	S90°00'00"W	173.89
L32	N75°25'39"W	74.48

DIAMONDBACK
 LAND SURVEYING CO., INC.
 P.O. BOX 1857
 MESILLA PARK, NM 88047
 (505) 580-6505
 FILE ID: 13015.0VG

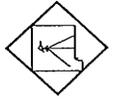
THE PUEBLOS AT ALAMEDA RANCH, PHASE 2 RIGHT-OF-WAY VACATION PLAT

A VACATION OF 8.563 ACRES OF RIGHTS-OF-WAY WITHIN THE PUEBLOS AT ALAMEDA RANCH, PHASE 2 AS RECORDED AUGUST 10, 2006 IN PLAT RECORD 21, PAGES 742-747 OF THE DONA ANA COUNTY RECORDS LOCATED IN SECTION 27, T.22.S., R.2.E. CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
AUGUST 8, 2013
SCALE 1"=100'



INDEX MAP - N.T.S.

SCALE: 1" = 100'
0 20 40 60 80 100 120 140 160 180 200



DIAMONDBACK
LAND SURVEYING CO., INC.
P.O. BOX 1857
MESILLA PARK, NM 88047
PHONE: 505-833-1111
FAX: 505-833-1112
FILE: 10-13015.DWG

CONTINUED ON SHEET 2

CONTINUED ON SHEET 2

ALAMEDA RANCH, PHASE 2, SUBDIVISION MAP
BOOK 21, PAGE 742-747
JANUARY 11, 1994

NOTES:

1. ALL CORNERS ARE 1" DIAMETER REBAR WITH 1" DIAMETER PLASTIC IDENTIFICATION CAP #9761 FOUND.
2. ALL BOUNDARY INFORMATION MATCHES RECORD.
3. THE ENTIRE SUBDIVISION IS ZONED PUD.
4. SUBDIVIDER IS RESPONSIBLE FOR UTILITY STUB-OUTS AND FOR PROVIDING ANY AND ALL EASEMENTS NECESSARY TO PROVIDE UTILITY SERVICE TO LOTS CONTAINED HEREIN.
5. TRACTS A, B, C, D, E, F, G AND I ARE FOR THE PURPOSE OF OPEN SPACE, DRAINAGE EASEMENTS, UTILITY EASEMENTS, AND PONDING. ALL TRACTS SHALL BE PRIVATELY MAINTAINED.
6. TRACT K IS DEDICATED TO THE CITY OF LAS CRUCES FOR A PARK.
7. CHANGES TO LOT LINES AND SETBACKS MAY BE APPROVED ADMINISTRATIVELY BY STAFF. SEE PUD DOCUMENTS FOR SETBACKS.
8. THIS PARCEL OF LAND IS IN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN) OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAPS DATED SEPTEMBER 27, 1991. THIS SUBDIVISION LIES WITHIN MAP #35013C0517L.
9. THERE SHALL BE NO ROOF DRAINAGE ALLOWED ON THE ZERO LOT LINE SIDE.
10. DUE TO AREA TOPOGRAPHY, EACH INDIVIDUAL PROPERTY OWNER OF LOTS A THROUGH 215 IS ADVISED TO INSTALL A PRESSURE-REDUCING VALVE AT THE POINT OF ENTRY OF WATER MAINS AT THIS PRIVATE PROPERTY. OPERATION AND MAINTENANCE OF THE PRESSURE-REDUCING VALVE ARE THE RESPONSIBILITY OF THE PROPERTY OWNER.
11. THE PUEBLOS AT ALAMEDA RANCH, PHASE 2, 500'00"00" W 739.02'
12. TRACT M AND TRACT N WILL BE 90' WIDE PRIVATE STREETS WITH CURB, GUTTER, SIDEWALKS, STREET LIGHTS, LANDSCAPING AND STREET FURNITURE TO BE MAINTAINED BY THE PUEBLOS AT ALAMEDA RANCH ASSOCIATION. 50' WIDE UTILITY EASEMENTS ON TRACT M AND TRACT N ARE RESERVED AND GRANTED TO THE SIGNATORIES ON THIS PLAT.
13. IF PAVEMENT CUT IS NEEDED FOR ANY OPERATION, MAINTENANCE AND/OR REPLACEMENT AND/OR REPAIR OF THE CITY OF LAS CRUCES UTILITY INFRASTRUCTURE, THE PAVEMENT WILL BE PATCHED TO THE CITY STANDARDS.

RECEIVED

JUN 19 2013

THE PUEBLOS AT ALAMEDA RANCH ASSOCIATION

CITY OF LAS CRUCES
INTEGRATED DEVELOPMENT SERVICES

AMENDED RESOLUTION NUMBER 3-26-2013

Exhibit "C"

WHEREAS, the Board of Directors of the Pueblos at Alameda Ranch Association, Inc. ("Association"), recently discovered that title to certain roads in the Pueblos at Alameda Ranch Planned Unit Development ("PUD") were not transferred to the Association due to an inadvertent defect in the plat, and

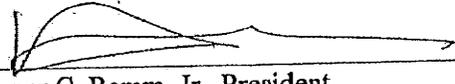
WHEREAS, the Board of Directors discussed the matter with John T. Moscato, the President of Bright View Land Company, the Delaware corporation that developed the PUD and filed the plat, who agreed to be responsible for correcting this inadvertent mistake by the corporation, and

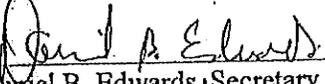
WHEREAS, the majority of the Board of Directors, having initially voted to approve the agreement between the corporation and Mr. Moscato during its regular meeting on March 26, 2013, and desiring to effectuate the transfer of title to the roads and add a road that was inadvertently omitted in the initial resolution,

THEREFORE, the Board of Directors hereby resolves by this amended resolution,

THAT, the Association desires to own in fee simple and shall maintain the surface of the following roads, Yavapai Court, Raven Drive, Isleta Court, Tewa Court, Nidah Drive and Hopi Court, when the City Council of Las Cruces, Dona Ana County, New Mexico, vacates its ownership thereof.

THUS DONE on the 22nd day of April, 2013, at Las Cruces, New Mexico, and signed during its special meeting of that date.


Henry C. Remm, Jr., President


Daniel B. Edwards, Secretary


Robert Loveless, Treasurer


Michael Floyd, Member

John Curry, Member

Hugh Black, Member

Donald W. Shinnars

Donald Shinnars, Member

Paul Driver

Paul Driver, Member

Robert J. Hansen

Robert J. Hansen, Member

DEVELOPMENT REVIEW COMMITTEE (DRC)

July 17, 2013

Following are the verbatim minutes of the City of Las Cruces Development Review Committee meeting held on Wednesday, July 17, 2013, at 9:00 a.m. in Room 1158 located at City Hall, 700 N. Main Street, Las Cruces, New Mexico.

DRC PRESENT: Robert Kyle, Community Development (Chair)
 Meei Montoya, Utilities
 Mark Dubbin, Fire Department
 Andrew Wray for Tom Murphy, MPO
 Mark Johnston, Parks
 Karmela Espinoza, Traffic Engineering
 Rocio Dominguez, Comm. Development/Engineering Services

STAFF PRESENT: Susana Montana, Development Services
 Bonnie Ennis, Recording Secretary

OTHERS PRESENT: Kery Greiner, Diamondback Surveyors

I. CALL TO ORDER (9:01 am)

Robert Kyle called the meeting to order.

II. APPROVAL OF MINUTES

1. July 3, 2013

Kyle: The first order of business is approval of the minutes from July 3rd, DRC meeting. Are there any corrections to the minutes? I have a question on page 3, line 45 where it says Molina. That's all perfectly good but I don't know who Molina was. I don't see that there was a Molina signed in as attending the meeting. I assume it was a staff member but I would like to have that addressed for clarity.

(Discussion followed and Ms. Ennis will listen to the audio for the meeting and make the correction to these minutes.)

Johnston: Mr. Chairman, I'll recommend approval with that change.

Kyle: Is there a second?

Montoya: Second. Meei Montoya.

Kyle: All those in favor please signify by saying aye.

1 All: Aye

2
3 Kyle: Any opposed? Very well, the minutes are approved with that clarification.

4
5 **III. OLD BUSINESS – None**

6
7 **IV. NEW BUSINESS**

8
9 **1. S-13-006, The Pueblos at Alameda Ranch Phase 2 Street Vacation Plat**

- 10 • A request for approval of a vacation of six streets located within the gated
11 community of The Pueblos at Alameda Ranch Phase 2.
12 • The streets were inadvertently dedicated to the City even though they are
13 within a gated community. The Homeowners Association seeks to vacate
14 the streets as public streets, make them private streets, and maintain
15 them if vacated.
16 • The vacation would include Nidah Drive, Hopi Court, Raven Drive, Isleta
17 Court, Tewa Court and Yavapai Court.
18 • Submitted by Diamondback Land Surveying on behalf of The Pueblos at
19 Alameda Ranch Association Inc.

20
21 Kyle: We have one New Business item. It's case S-13-006, The Pueblos at
22 Alameda Ranch Phase 2 Street Vacation Plat. Staff, will you give us a
23 quick rundown?

24
25 Montana: Yes. Susana Montana, for the record. This is a request to vacate six
26 streets within a gated community. These six streets were dedicated to the
27 City inadvertently or in error in 2007 and the Homeowners Association
28 would like to own the streets and maintain the streets. Therefore, they are
29 requesting the vacation. The streets are: Nidah Drive, Hope Court, Raven
30 Drive, Isleta Court, Tewa Court and Yavapai Court and there's a slide on
31 our monitor. Those roads are highlighted in yellow.

32 This was submitted by the HOA representative, Diamondback Land
33 Surveying, and I'm happy to answer any questions you may have.

34
35 Kyle: Kery Greiner, representing the applicant, I assume. Kery, do you have
36 anything to add?

37
38 Greiner: Nope.

39
40 Kyle: All right. This is a gated community and obviously the City's Design
41 Standards require a private roadway to be approved to the PUD
42 Standards; so legally we can't gate to close off dedicated City streets.
43 The other gated streets within this development, within the Pueblos area,
44 are private. For whatever reason, I think there was just error in the
45 Dedication Statement or it didn't get caught in the revised so it was, to
46 everybody's understanding, dedicated by mistake. The only way,

1 however, for us to vacate them and give those roads, the maintenance
2 responsibility, back to the applicants is to go through this vacation
3 process. So, again, that's why we're here. I'll go around the room and
4 see if there are any comments. MPO?
5
6 Wray: Andrew Wray from MPO. I have no comments.
7
8 Kyle: Engineering and Technical Services?
9
10 Dominguez: We have no comments. Rocio Dominguez.
11
12 Kyle: Las Cruces Fire?
13
14 Dubbin: Mark Dubbin, Fire. We have no issues.
15
16 Kyle: Traffic?
17
18 Espinoza: Karmela Espinoza. No issues.
19
20 Kyle: Parks and Rec?
21
22 Johnston: No issues.
23
24 Kyle: Utilities?
25
26 Montoya: No issues.
27
28 Kyle: I assume that the appropriate utility easements, etc. do exist and will
29 remain when the roads are vacated so that...
30
31 Montoya: Yes.
32
33 Kyle: Very well. Since there are no other comments, can I have a motion to
34 recommend approval of this vacation plat?
35
36 Johnston: Mr. Chairman, Mark Johnston, so moved.
37
38 Dubbin: Second. Mark Dubbin.
39
40 Kyle: It's been moved and seconded. All those in favor please signify by saying
41 aye.
42
43 All: Aye.
44
45 Kyle: Any opposed? Very well, the motion carries. We have no other business,
46 I assume. Anybody have anything you want to bring up?

1
2 Greiner: Does this go on to a City Council meeting? This doesn't have to go to two
3 like an annexation?

4
5 Kyle: No. I believe it's done by Resolution so it should just be one meeting.

6
7 **V. ADJOURNMENT (9:06)**

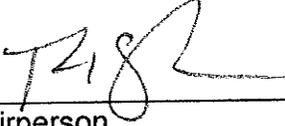
8
9 Kyle: With that, can I have a motion to adjourn?

10
11 Wray: Andrew Wray, so moved.

12
13 Kyle: All those in favor?

14
15 All: Aye.

16
17 Kyle: We're done.

18
19 
20 _____
21 Chairperson

22
23