

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 2 Ordinance/Resolution# 14-169

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of April 21, 2014
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING A REPLAT KNOWN AS PALMER'S SUBDIVISION, REPLAT NO. 15, WHICH INCLUDES AN ASSOCIATED VACATION OF A 20-FOOT ALLEY FOR PROPERTY LOCATED EAST OF VALLEY DRIVE, WEST OF SIXTH STREET, SOUTH OF MCFIE AVENUE AND NORTH OF HADLEY AVENUE. SUBMITTED BY DIAMONDBACK LAND SURVEYING COMPANY, INC. ON BEHALF OF THE EDWARD GRIFFITH FAMILY PARTNERSHIP.

PURPOSE(S) OF ACTION:

Approval of a replat and authorization of the vacation of right-of-way.

COUNCIL DISTRICT: 4		
<u>Drafter/Staff Contact:</u> Adam Ochoa	<u>Department/Section:</u> Community Development/Building & Development Services	<u>Phone:</u> 528-3204
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed replat and alley vacation are located within Block 31 of the Palmer's Subdivision, which was originally filed in February of 1912, approximately 300 ± feet southwest of MacArthur Elementary School. The property encompasses 1.954 ± acres, is zoned M-1/M-2 (Industrial Standard) and currently consists of four (4) existing commercial buildings.

The proposed replat will consolidate twenty-four (24) underlying lots into four (4) new commercial/industrial lots for the purpose of creating a lot for each individual business. Accompanying the replat is the proposed vacation of an existing twenty (20) foot wide alley that runs from east to west along the middle of the property. The alley area will be deeded to the adjacent property owner, Edward Griffith Family Partnership, and merged with their property via the replat. The existing alley is currently being utilized by some of the existing business on the subject property and could pose a liability for the City of Las Cruces. The proposed alley vacation will benefit the City as well as the adjacent property owner. The adjacent property owner shall grant and maintain a utility easement through the existing alley area with the proposed vacation.

proposed vacation will eliminate all maintenance and liability issues for the City of Las Cruces related to this unimproved 20-foot wide alley.

On March 12, 2014, the Development Review Committee (DRC) reviewed the proposed replat and vacation plat. After some minor discussion the DRC unanimously voted to recommend approval of the proposed replat and vacation plat. Please see Attachment "A" for the complete minutes from the Development Review Committee meeting.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Palmer's Subdivision, Replat No. 15.
3. Exhibit "B", Quitclaim Deed.
4. Attachment "A", Minutes from the March 12, 2014 Development Review Committee (DRC) meeting.
5. Attachment "B", Aerial Map.
6. Attachment "C", Vicinity Map.

SOURCE OF FUNDING:

Is this action already budgeted? N/A	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"/>	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/>	<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue? N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY _____.
	No	<input 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, the replat and the vacation of the 20-foot wide unimproved alley located east of Valley Drive, west of Sixth Street, south of McFie Avenue and north of Hadley Avenue.
2. Vote "No"; this will deny the Resolution, the replat and the vacation of the 20-foot wide unimproved alley.
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. N/A

RESOLUTION NO. 14-169

A RESOLUTION APPROVING A REPLAT KNOWN AS PALMER'S SUBDIVISION, REPLAT NO. 15, WHICH INCLUDES AN ASSOCIATED VACATION OF A 20-FOOT ALLEY FOR PROPERTY LOCATED EAST OF VALLEY DRIVE, WEST OF SIXTH STREET, SOUTH OF MCFIE AVENUE AND NORTH OF HADLEY AVENUE. SUBMITTED BY DIAMONDBACK LAND SURVEYING COMPANY, INC. ON BEHALF OF THE EDWARD GRIFFITH FAMILY PARTNERSHIP.

The City Council is informed that:

WHEREAS, the applicant, the Edward Griffith Family Partnership, is proposing a replat known as Palmer's Subdivision, Replat No. 15, which includes an associated alley vacation for property located east of Valley Drive, west of Sixth Street, south of McFie Avenue and north of Hadley Avenue; and

WHEREAS, the City occasionally receives requests to vacate dedicated right-of-way which no longer serves its intended purpose and often represents maintenance and liability issues to the City; and

WHEREAS, the Development Review Committee (DRC), after conducting a meeting on March 12, 2014, recommended that said replat with vacation be approved.

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

(I)

THAT the replat known as Palmer's Subdivision, Replat No. 15, as shown in Exhibit "A," is hereby approved.

(II)

THAT the 0.131 acre portion of right-of-way, the 20-foot wide alley, located east of Valley Drive, west of Sixth Street, south of McFie Avenue and north of Hadley Avenue, in the City of Las Cruces, Dona Ana County, New Mexico, as shown in Exhibit "A," is hereby

vacated, and deeded to the adjacent property owner, the Edward Griffith Family Partnership, as conveyed in Exhibit "B".

(III)

THAT subsequent to the approval of the City Council, the duly approved replat and vacation plat (Exhibit "A") shall obtain all necessary signatures and be filed in the Office of the Clerk of Dona Ana County, New Mexico.

(IV)

THAT all utility and access easements identified on the replat and vacation plat (Exhibit "A") are granted by the Edward Griffith Family Partnership, securing legal placement and access for maintenance for all applicable utilities.

(V)

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

DONE AND APPROVED this _____ day of _____ 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

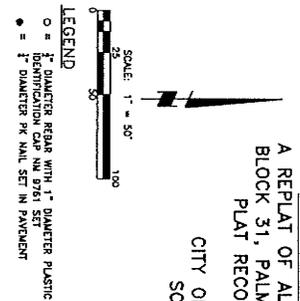
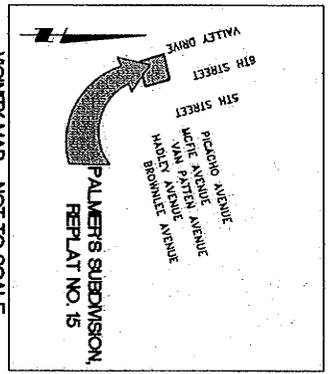
Councillor Smith: _____

Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Levatino: _____



PALMER'S SUBDIVISION, REPLAT NO. 15
 A REPLAT OF ALL OF LOTS 1-11, 14-24 AND PART OF LOTS 12 AND 13,
 BLOCK 31, PALMER'S SUBDIVISION AND VACATION OF THE 20' WIDE ALLEY
 PLAT RECORDED FEBRUARY 7, 1912 IN PLAT BOOK 4, PAGE 44
 OF THE DONA ANA COUNTY RECORDS
 CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
 SCALE: 1" = 50'

EDWARD GRIFFIN
 EDWARD GRIFFIN FAMILY PARTNERSHIP
 1800 W. VALLEY DRIVE
 IRVING, CA 92604

INSTRUMENT OF TITLE INSTRUMENT NO. 0218772 RECORDED JUNE 20, 2002

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

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

(NOTARY PUBLIC)

STATEMENT OF ALLEY VACATION

WHEREAS THE 20' WIDE ALLEY ORIGINALLY DEDICATED TO THE CITY OF LAS CRUCES BY THE PALMER'S SUBDIVISION PLAT RECORDED FEBRUARY 7, 1912 IN PLAT BOOK 4, PAGE 44 IS BEING RECALLED AND REPLACED BY UTILITY EASEMENTS AS SHOWN HEREON IN ACCORDANCE WITH THE TERMS OF THE UNDERSIGNED SHOWN ON THE PLAN;

EDWARD GRIFFIN
 DONA ANA COUNTY OF LAS CRUCES
 P.O. BOX 20000
 LAS CRUCES, NM 88004

ATTEST:

ESTHER MARTINEZ-CARRILLO
 CITY CLERK, CITY OF LAS CRUCES

PLAY NO. _____ RECEPTION NO. _____ DATE _____

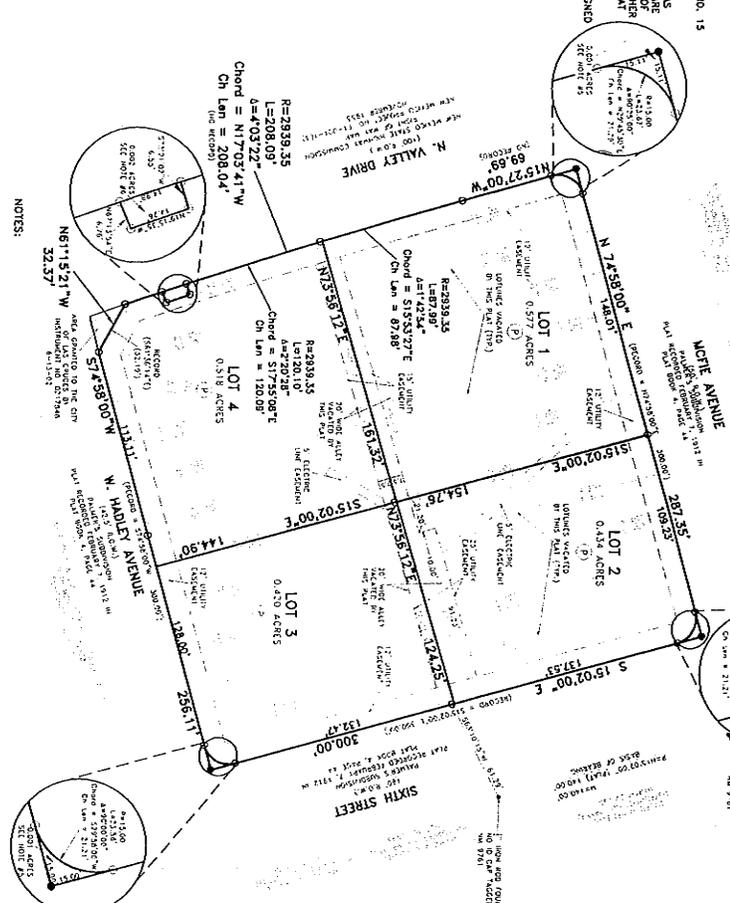
(STATE OF NEW MEXICO) JSS _____

(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 DONA ANA COUNTY.

DEPUTY CLERK _____



NOTES:

1. THE DEVELOPER IS RESPONSIBLE FOR ALL EASEMENTS, MAIN LINE EXTENSIONS, AND STOP-OUTS NECESSARY TO PROVIDE SEPARATE UTILITY SERVICES TO EACH LOT.
2. EXCESS STOP-OUTS TO BE OBTAINED ON SITE @ DRIVERS ON LOT FRONTAGE IS REQUIRED. MAINTENANCE WILL BE THE RESPONSIBILITY OF THE LOT OWNER.
3. DRIVEWAY PLACEMENT SHALL COMPLY WITH ORDINANCE 2663 (ARTICLE VI OF THE LAS CRUCES DESIGN STANDARDS). A RUDOT PERMIT WILL BE REQUIRED FOR DRIVEWAYS ALONG VALLEY DRIVE.
4. SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "X" AN AREA AN AREA, DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN AS PER THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 50015006031 E, EFFECTIVE DATE SEP. 27, 1991.
5. AREA FOR CURB RETURN AT THE NORTHWEST, NORTHEAST AND SOUTHEAST CORNERS OF THE SUBJECT PROPERTY ARE DEDICATED TO THE CITY OF LAS CRUCES.
6. AREA FOR BUS STOP SHELTER IS DEDICATED TO THE CITY OF LAS CRUCES.
7. ALL EASEMENTS SHOWN ARE CREATED BY THIS PLAT.
8. THE 20' WIDE VACATED ALLEY KNOWN AS TRACT A IS VACATED BY THIS PLAT AND SHALL BE ASSORBED INTO THE NEW LOTS 1, 2, 3 AND 4, UTILITY EASEMENTS AS SHOWN ABOVE SHALL REPLACE THE ALLEY AND THE NEW LOTS SHALL BE SUBJECT TO THESE EASEMENTS AS SHOWN.

UTILITY APPROVALS

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: _____

QUEST COMMUNICATIONS, d/b/a CENTURULINK OR COMMUNICATIONS, INC.
 EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO CENTURULINK OR COMMUNICATIONS, INC., ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF TELEPHONE UTILITIES.
 BY: _____ DATE: _____

CONCAST CABLE COMPANY
 EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO CONCAST, 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: _____ DIRECTOR OF COMMUNITY DEVELOPMENT DATE: _____

BY: _____ DIRECTOR OF UTILITIES DATE: _____

BY: _____ DIRECTOR OF PUBLIC WORKS DATE: _____

CITY PLANNING AND ZONING COMMISSION APPROVAL

THIS PLAT HAS BEEN SUBMITTED TO AND APPROVED BY THE CITY OF LAS CRUCES PLANNING AND ZONING COMMISSION. IT CONCORDS WITH THE EXPANDED CITY PLANNING UTILITIES AND THOROUGHFARES AND IS IN ACCORDANCE WITH GENERAL CITY PLANNING.

CHAIRMAN _____ DATE: _____

SECRETARY _____ DATE: _____

SUPERVISOR'S CERTIFICATION

I, KEVIN W. GREINER, A NEW MEXICO PROFESSIONAL SURVEYOR CERTIFY THAT I HAVE CONDUCTED AND AM RESPONSIBLE FOR THE SURVEY. THAT THIS SURVEY IS TRUE AND ACCURATE AND THAT I HAVE COMPLIED WITH THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

KEVIN W. GREINER, PS 9761 DATE: _____

DIAMONDBACK
 LAND SURVEYING CO. INC.
 P.O. BOX 1857
 MESQUITA PARK, NM 88047
 (505) 520-8505
 FILE NO. 15098.DWG

Exhibit "A"

A tract of land situate within the corporate limits of the City of Las Cruces, Dona Ana County, New Mexico being a 20 foot wide alley lying within Block 31, Palmer's Subdivision as recorded February 7, 1912 in Plat Book 4, Page 44 of the Dona Ana County Records and being more particularly described as follows, to wit;

Beginning at a point on the west right of way line of Sixth Street (a 60 foot wide right of way) for the northeast corner of this tract; Identical to the southeast corner of Lot 1, Block 31, Palmer's Subdivision as recorded February 7, 1912 in Plat Book 4, Page 44 of the Dona Ana County Records;

THENCE from the point of beginning, along said right of way line, S.15°02'00"E., 20.00 feet the southeast corner of this tract; Identical to the northeast corner of Lot 24;

THENCE leaving the west right of way line of Sixth Street, S.74°58'00"W., 285.45 feet a point on the east right of way line of N. Valley Drive (NMP No. F1-001-1(3) a 100 foot wide right of way) for the southwest corner of this tract;

THENCE along said right of way line around the arc of a curve to the right having a radius of 2939.35 feet, an arc length of 20.01 feet, through a central angle of 00°23'24" and whose long chord bears N.16°35'56"W., 20.01 feet the northwest corner of this tract;

THENCE leaving said right of way line N.74°58'00"E., 286.00 feet to the point of beginning, containing 0.131 acre of land, more or less.

DEVELOPMENT REVIEW COMMITTEE (DRC)

Following are the verbatim minutes of the City of Las Cruces Development Review Committee meeting held on Wednesday, March 12, 2014, 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
 Tom Murphy, MPO
 Rocio Dominguez, Engineering Services
 Mark Johnston, Parks & Recreation

STAFF PRESENT: Adam Ochoa, Development Services
 Katherine Harrison-Rogers, Community Development
 Dianne Wax, Recording Secretary

OTHERS PRESENT: Kery Greiner, Tierra Surveys

I. CALL TO ORDER

Robert Kyle called the meeting to order at 9:00 a.m.

II. APPROVAL OF MINUTES

1. January 29, 2014

Robert stated that he had three minor corrections and he gave the corrections to the recording secretary and those corrections were made.

Robert asked for a motion to approve the minutes.
 Rocio Dominguez motioned to approve the minutes.
 Tom Murphy seconds the motion.
 All in favor.

III. OLD BUSINESS – None

IV. NEW BUSINESS

1. S-13-029: Palmer's Subdivision, Replat No. 15 (Replat & Vacation Plat)

- A request for approval of the vacation of a 20-foot alley associated with an administrative replat known as Palmer's Subdivision, Replat No. 15.
- The proposed subdivision encompasses 1.954 ± acres, is zoned M-1/M-2 (Industrial Standard) and is located east of Valley Drive, south of McFie Avenue, west of Sixth Street and north of Hadley Avenue.

- Submitted by Diamondback Land Surveying Company, Inc. on behalf of the Edward Griffith Family Partnership, property owner.

1
2
3
4 Ochoa: This here is a replat, a consolidation plat if you will of roughly about 12 underlying
5 lot lines to form new lots. This is typically an administrative replat but associated
6 with this is actually a vacation plat as well. It's a vacation of an existing 20 foot
7 wide alley running down the middle of the subject property. Subject property is
8 located, it's east of Valley, south of McFie, west of Sixth Street and north of
9 Hadley so all those roads do surround this lot. Like I said it is going from roughly
10 around 12 underlying lot lines to 4 lots. Subject property is zoned M1/ M2. All
11 new lots do meet all requirements and like I said typically it being an
12 administrative replat we are seeing this to go to City Council for the vacation of
13 the 20-foot wide alley. This did go for review, four reviews, everybody approved
14 including NMDOT since this is adjacent to NMDOT right-of-way. The last couple
15 of reviews were just essentially between Land Management, who was working
16 with the surveyor to clean this up for City Council for the vacation and with me to
17 add additional notes and additional signatures for the purpose of the vacation
18 plat as well. Staff did approve this with a couple conditions that need to be
19 cleaned up and I believe the surveyor already took care of that and it should be
20 relatively ready to go to City Council from here.

21
22 Kyle: Okay, the site is built out, is that correct?

23
24 Ochoa: That is correct. There are about three existing buildings on the property.

25
26 Greiner: Three and a car wash.

27
28 Ochoa: Three buildings and a car wash. They are all built-out. It's essentially putting a
29 building on each side is what the applicant is trying to do here.

30
31 Kyle: Alright, applicant's representative is here, Mr. Greiner, do you have anything to
32 add.

33
34 Greiner: No.

35
36 Kyle: Alright, going around the room, Community Development Engineering Technical
37 Services.

38
39 Dominguez: We have no issues.

40
41 Kyle: Las Cruces Fire

42
43 Dubbin: We have no issues.

44
45 Kyle: MPO

46

1 Murphy: No issues.

2

3 Johnston: No issues.

4

5 Kyle: Utilities

6

7 Montoya: No issues.

8

9 Kyle: Community Development/Development Services

10

11 Ochoa: No other issues.

12

13 Kyle: Alright, so the plat is basically cleaned up and ready to go. The plat is going to
14 City Council or the vacation is being done as a separate item.

15

16 Ochoa: It's all going to be taken as one since it's all one complete, I guess, document if
17 you will, so it will all be taken as one just to Council.

18

19 Kyle: Okay, if there are no other comments I will entertain a motion to recommend
20 approval of the replat and vacation.

21

22 Dubbin: I make a motion to approve.

23

24 Dominguez: I second.

25

26 Kyle: We have a motion moved and second, any discussion, seeing none – all those in
27 favor please signify by saying aye.

28

29 All: Aye.

30

31 Kyle: Any opposed? Seeing none, motion is approved, any other business for the
32 DRC this morning?

33

34 V. ADJOURNMENT

35

36 Mark Johnston motioned to adjourn.

37 Meei Montoya seconds the motion.

38 All in favor.

39

40 Meeting adjourned at 9:05.

41

42

43

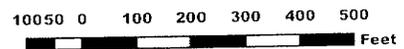
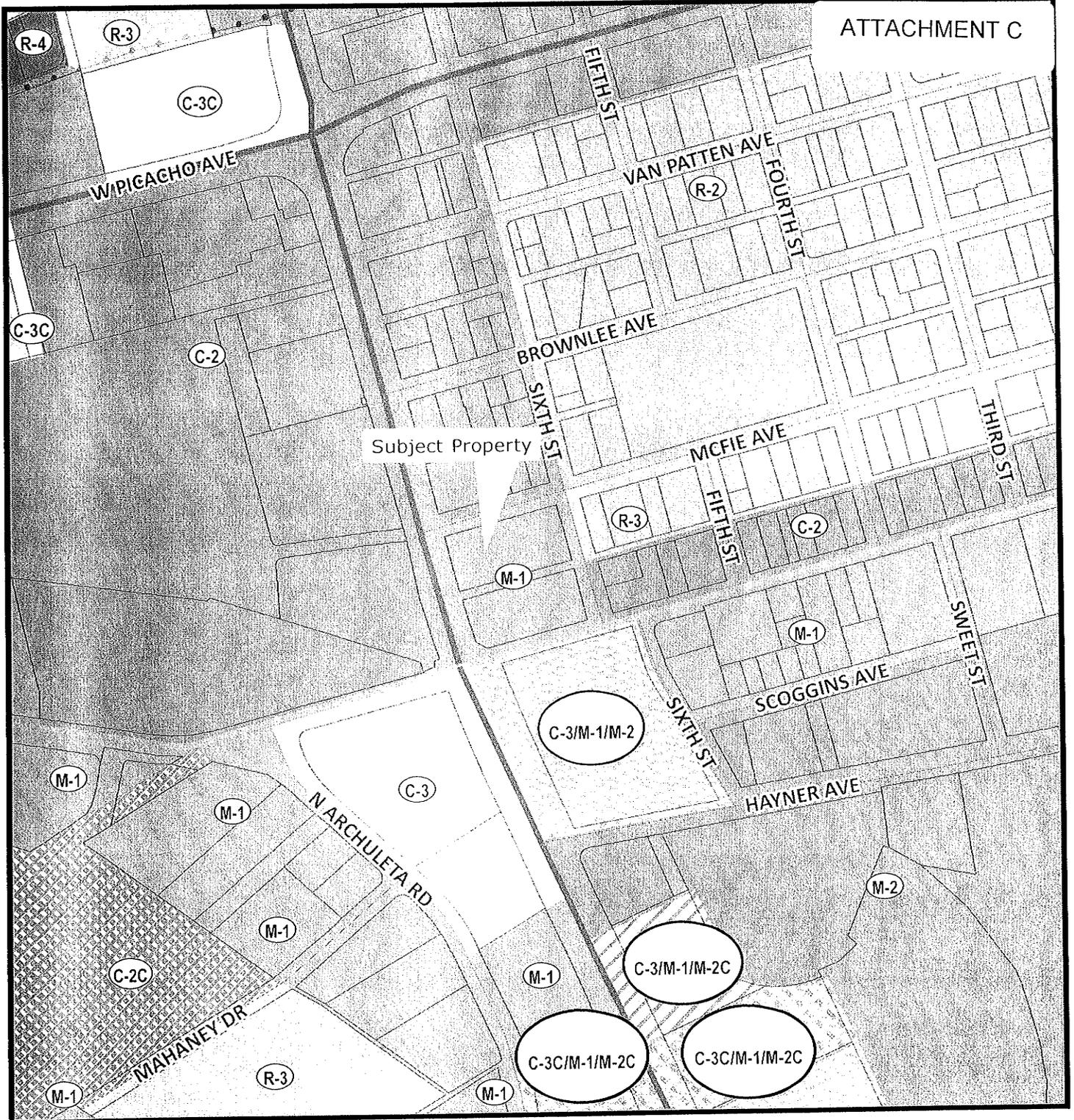
44

45 _____
Chair

46

Location Vicinity Map

ATTACHMENT C



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