

A G E N D A

. . . for the Regular Meeting of the Farmington City Council to be held at 6:00 p.m., Tuesday, February 23, 2016 in the Council Chamber, City Hall, 800 Municipal Drive, Farmington, New Mexico. . .

1. Roll Call and Convening the Meeting:
2. Invocation: Pastor Eli Wyatt of Crossroads Community Church.
3. Pledge of Allegiance:
4. Acceptance of Consent Agenda: Those items on the agenda that are marked with an asterisk (\*) have been placed on the Consent Agenda and will be voted on without discussion with one motion. If any item proposed does not meet with approval of all Councilors or if a citizen so requests, that item will be heard under Business from the Floor.
5. \*Approval of Minutes for the Regular Meeting of the City Council held February 9, 2016. -----9
6. \*Approval of Bid for safety improvements at the intersection of San Juan Boulevard and Scott Avenue (Public Works) being awarded to MWI, Inc. as the lowest and best bidder (\$503,054.40). Bids opened January 4, 2016 with two bidders participating. -----1
7. \*Approval of Grant Modification 3 to Award No. G15SN0010A between the City and the Office of National Drug Control Policy increasing the award amount by \$20,000 for the High Intensity Drug Trafficking Areas Program (HIDTA) (total award \$241,314). -----2
8. \*Approval for Adoption of Resolution No. 2016-1581 authorizing the city manager to prepare and submit a request for funds for construction of the Rock Garden Habitat Improvement Project on the Animas River, pursuant to the New Mexico River Stewardship Program. -----3
9. \*Approval of Warrants up to and including February 20, 2016.
10. Recommendation from the Planning and Zoning Commission: -----4

Acceptance of Consent Agenda: The item marked with an asterisk (\*) has been placed on the Planning and Zoning Commission Consent Agenda and will be voted on without discussion by one motion. If the item does not meet with approval of all Councilors or if a citizen so requests, it will be removed from the Consent Agenda and heard in regular order.

- \* (1) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. ZC 16-01 from Keystone Investments, LLC, Russell Casazza and John and Amy Clawson,

represented by Marlo Webb, requesting a zone change from the IND, Industrial, District to the SF-MH, Single-Family Mobile Home, District for property located at 2601, 2605, 2607, 2609, 2701 and 2703 Fox Street.

The recommendation of the Planning and Zoning Commission passed by a vote of 6-0 on February 11, 2016.

- 11. Recommendation from the Public Utility Commission to approve proposed revisions to the Rules and Regulations covering Electric Service (Rodney Romero and Susan Nipper). -----5

12. Unfinished Business:

- (1) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. PFP 15-01 from Four Corners Land, LLC, represented by George Walters, requesting preliminary plan/final plat approval for 3.94 acres of land located at 2500 Farmington Avenue.

The recommendation from the Planning and Zoning Commission passed by a vote of 8-1 on January 14, 2016. **[Tabled at the January 26, 2016 and February 9, 2016 regular City Council Meetings.]** -----6

13. New Business:

- (a) Mayor
- (b) Councilors
- (c) City Manager
- (d) City Attorney

- (1) Proposed Ordinance – Discussion  
-amending Chapter 20 of the City Code dealing with Lake Farmington (Final action March 8, 2016)-----7

- (e) City Clerk

14. Business from the Floor:

- (1) Items removed from Consent Agenda for discussion.
- (2) Any other Business from the Floor.

- 15. Closed Meeting to discuss request for proposals for professional engineering services for the Villa View detention ponds, pursuant to Section 10-15-1H(6), and to discuss the acquisition of real property (riverine trail), pursuant to Section 10-15-1H(8) NMSA 1978.

16. Proposal: Recommendation from the Purchasing Supervisor to commence negotiations on the proposal for professional engineering services for the Villa View detention ponds (Public Works) with Bohannon Huston, Inc. as the top evaluated offeror after application of five percent in-state preference. Proposals opened February 2, 2016 with four offerors participating. -----8
17. Adjournment.

**AGENDA ITEM SUPPORT MATERIALS ARE AVAILABLE FOR INSPECTION AND/OR PURCHASE AT THE OFFICE OF THE CITY CLERK, 800 MUNICIPAL DRIVE, FARMINGTON, NEW MEXICO.**

**ATTENTION PERSONS WITH DISABILITIES: The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 599-1106 or 599-1101 prior to the meeting so that arrangements can be made.**

CITY OF FARMINGTON  
INTER-OFFICE MEMORANDUM

TO: Mayor Roberts and City Council

FROM: Edward Smylie, CPPO   
Chief Procurement Officer

DATE: February 18, 2016

SUBJECT: San Juan Boulevard/Scott Avenue Intersection Safety Improvements  
Bid #16-110543

USING DEPARTMENT: Public Works

=====

A bid opening was held on January 4, 2016 for San Juan Boulevard/Scott Avenue Intersection Safety Improvements. Two (2) bidders responded.

The Central Purchasing Department concurs with the recommendation from the Public Works Department to award the bid to MWI, Inc. from Albuquerque, NM as the lowest bidder meeting specifications for a total awarded amount of \$503,054.40 plus estimated applicable taxes of \$38,357.90. The 5% in-state preference did not apply due to federal funding.

Edward Smylie  
Consent Agenda/Council Meeting 2/23/16

xc: Andy Mason, Administrative Services Director  
David Sypher, Public Works Director  
Charles Trask, Traffic Engineer  
File – 16-110543/KR

CITY OF FARMINGTON - ABSTRACT

San Juan Boulevard/Scott Avenue Intersection Safety Improvements

COF PROJECT #13-11

NMDOT CN F100200

BID #16-110543

OPENING DATE: January 4, 2016 @ 2:00 p.m.

Public Works ENGINEER'S ESTIMATE \$416,000	MWI, Inc. PO Box 30670 Albuquerque, NM 87190 Andrew Pedroncelli (505) 508-0744 andrew@mwiinc.net	Bixby Electric, Inc. 521 Wheeler Ave. SE Albuquerque, NM 87102 Mark Alderete (505) 842-5384 mark.alderete@bixbyelectric.com
DESCRIPTION		
TOTAL BID:	\$550,142.40	\$641,541.70
TOTAL BID W/ LINE 24 REMOVED BY MUTUAL AGREEMENT:	✓ <b>\$503,054.40</b>	<b>\$627,421.70</b>
ESTIMATED APPLICABLE TAXES:	\$38,357.90	\$47,840.90
BIDDER'S ESTIMATE OF TAXES FORM INITIALED:	Yes	Yes
BID SIGNED:	Yes	No
NM CONTRACTOR'S LICENSE NO.:	352755	28568
NM DEPT OF WORKFORCE SOLUTIONS - PUBLIC WORKS NO.:	202812011910	190612011621
THREE (3) ADDENDA ACKNOWLEDGED:	Yes	Yes
LIST OF SUBCONTRACTORS:	Yes	Yes
BID BOND ENCLOSED:	Yes	Yes
BIDDER'S QUALIFICATIONS:	Yes	Yes
DRUG-FREE WORKPLACE CERTIFICATION:	Yes	Yes
CONTRACTOR'S SAFETY CERTIFICATION:	Yes	Yes
BIDDERS LIST OF QUOTERS FOR DBE PROGRAM:	Yes	Yes
SUBCONTRACTORS FAIR PRACTICES ACT COMPLIANCE:	Yes	Yes
NON-DEBARMENT CERTIFICATION:	Yes	Yes
DISCLOSURE OF LOBBYING ACTIVITIES:	Yes	Yes
NM PAY EQUITY REPORTING ACKNOWLEDGMENT:	Yes	Yes
DBE RACE-CONSCIOUS MEASURE FORMS:	Yes	Yes

<b>Executive Office of the President Office of National Drug Control Policy</b>		<b>AWARD Grant</b>	Page 1 of 1
1. Recipient Name and Address Mayor Tommy Roberts City of Farmington 800 Municipal Drive Farmington, NM 87402		4. Award Number: G15SN0010A	
		5. Grant Period: From 01/01/2015 to 12/31/2016	
1A. Subrecipient IRS/Vendor No.	6. Date: 1/20/2016	7. Action	
Subrecipient Name and Address	8. Supplement Number 3	Initial	
		<input checked="" type="checkbox"/> Supplemental	
2A. Subrecipient IRS/Vendor No.:	9. Previous Award Amount:	\$221,314.00	
3. Project Title	10. Amount of This Award:	\$20,000.00	
	11. Total Award:	\$241,314.00	
12. • The above grant is approved subject to such conditions or limitation as are set forth in the original Grant.			
13. Statutory Authority for Grant: Public Law 113-235 / H.R. 83			
<b>AGENCY APPROVAL</b>		<b>RECIPIENT ACCEPTANCE</b>	
14. Typed Name and Title of Approving Official Michael K. Gottlieb National HIDTA Director		15. Typed Name and Title of Authorized Official Tommy Roberts Mayor	
16. Signature of Approving ONDCP Official <i>Michael K. Gottlieb</i>		17. Signature of Authorized Recipient/Date	
<b>AGENCY USE ONLY</b>			
18. Accounting Classification Code DUNS: 080376346 EIN: 1856000129A1		19. HIDTA AWARD OND1070DB1516XX      OND6113 OND2000000000      OC 410001 JID: 47776	

Legal Department  
Approved as to form  
By *Russell Howard*  
Date 2/9/16

# Initiative Cash by HIDTA

FY 2015

Current Budget (net of reprogrammed funds)

HIDTA	Agency Name	Initiative	Cash	Type	Grant
SWB - New Mexico	City of Farmington	Region II HIDTA Narcotics Task Force	241,314.00	Investigation	G15SN0010A
<b>Agency Total : City of Farmington</b>			<b>241,314.00</b>		

**Total**

**241,314.00**

# Budget Detail

2015 - SWB - New Mexico

Initiative - Region II HIDTA Narcotics Task Force

Award Recipient - City of Farmington (G15SN0010A)

Resource Recipient - City of Farmington

0.0%

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<b>Current Budget (net of reprogrammed funds)</b>		<b>\$20,000.00</b>
<b>Overtime</b>	<b>Quantity</b>	<b>Amount</b>
Overtime		\$10,000.00
<b>Total Overtime</b>		<b>\$10,000.00</b>
<b>Other</b>	<b>Quantity</b>	<b>Amount</b>
Other		\$10,000.00
<b>Total Other</b>		<b>\$10,000.00</b>
<b>Total Budget</b>		<b>\$20,000.00</b>

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RESOLUTION NO. 2016-1581

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PREPARE A REQUEST FOR PROPOSAL FOR FUNDS PURSUANT TO THE NEW MEXICO RIVER STEWARDSHIP PROGRAM

WHEREAS, the City of Farmington, New Mexico, recognizes the need for river restoration and protection within the boundaries of Farmington; and

WHEREAS, the New Mexico Environmental Department through the Surface Water Quality Bureau has issued a request for proposals for the purpose of enhancing the water quality and river habitat in the Animas River in Farmington; and

WHEREAS, the proposed Rock Garden Habitat Improvement in the Animas River will improve river general water quality and fish habitat by constructing a series of cross rock vanes, scour holes, low flow gravel bars with willow transplants that aerate the river water and serve as a bio filter to catch sediment.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY of the City of Farmington, New Mexico, that:

The City of Farmington endorse and supports such program for the river restoration as indicated within Parks, Recreation and Cultural Affairs Master Plan 2014 and the Riverine Plan; and

That the City of Farmington, authorizes the City Manager to plan, budget and submit the request for proposal which if approved will be used to the fund the said project; and

That the City of Farmington, request the Surface water Quality Bureau Funding Program to consider and award the said request for proposal and project, said program being in accordance with the regulation governing use and expenditure of said funds.

PASSED, APPROVED, SIGNED AND ADOPTED this 23<sup>rd</sup> day of February, 2016.

\_\_\_\_\_  
Tommy Roberts, Mayor

SEAL:

ATTEST:

\_\_\_\_\_  
Dianne Smylie, City Clerk

# Memo

To: Mayor and Council  
From: Cory Styron, Director  
Mary Gardocki, Park Planner  
Date: February 18, 2016  
Staff Request: A Letter of Support from the Mayor for a Grant Submittal to the Rivers Stewardship Program: Animas River Restoration Project  
Attachment: Draft Application for Grant

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The PRCA Department will be applying for a Rivers Stewardship Program grant to address issues of surface water quality of the Animas River. In particular, the project that will be submitted addresses section of the area near Berg Park. Riverbend Engineering had completed drawings and a cost proposal for a previous 2014 submission; however, the City of Farmington's proposal was not awarded. The River Stewardship Program is again soliciting proposals for 2016 with a deadline for submission of March 3, 2016.

As in 2014, the purpose of this 2016 Request for Proposals by New Mexico Environment Department (NMED) is "to solicit proposals to establish contractual obligations through competitive negotiations for the procurement of services to design and construct projects that improve surface water quality or river habitat statewide."

#### Background:

"The 2015 Special Legislative Session appropriates funding to the New Mexico Environment Department 'for the restoration of rivers and stream statewide, including clearing vegetation, lowering river bank lines, replanting native species vegetation and installing erosion control measures.' This appropriation was in response to the NMED's request to fund the River Stewardship Program in order to address a critical surface water quality need for New Mexico and to ensure that New Mexico continues to receive federal Clean Water Act funds. The state funds were appropriated in Senate Bill 0001 (\$1,000,000). The reversion date for the funds is June 30, 2019, and projects must be completed prior to the reversion date.

Additionally, funds appropriated for NMED during the 2016 Legislation session for the improvement of surface water quality and river habitat may be used to fund projects selected through this RFP. The use of such funds will be governed by the language of the appropriation." Thus, an additional \$750,000 in may also become available for disbursement.

Please find attached the draft submittal including both Technical and Cost considerations. This Grant request by the City of Farmington identifies techniques and monitoring methods to improve the Animas River near Berg Park.

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**COST PROPOSAL**

**Animas At Rock Garden River Restoration Project**  
**Farmington, New Mexico**  
**Cost Estimate**

Prepared by Riverbend Engineering  
 2/18/2016

Restoration Items	Unit	Estimated Quantity	Unit Price	Projected Cost
Contractor mobilization	Lump Sum	1	\$ 6,000.00	\$ 6,000.00
Large rock, 4-5 ft average size, furnish & deliver to site	Each	400	\$ 200.00	\$ 80,000.00
Build cross vane rock structure, excavate scour hole	Each	5	\$ 6,000.00	\$ 30,000.00
Build large rock deflector	Each	6	\$ 1,200.00	\$ 7,200.00
Install various habitat and bank stabilization rocks	Each	65	\$ 100.00	\$ 6,500.00
Deepen low flow channel and build gravel bar	Cubic Yard	1500	\$ 10.00	\$ 15,000.00
Woody riparian shrubs, various species, transplant from container stock	Each	100	\$ 50.00	\$ 5,000.00
Willow transplants from container stock	Each	600	\$ 15.00	\$ 9,000.00
Russian Olive removal	AC	2	\$ 5,000.00	\$ 10,000.00
Reclamation of sensitive areas, seed, mulch	Lump Sum	1	\$ 2,500.00	\$ 2,500.00
			<b>Subtotal:</b>	\$ 171,200.00
			NMGRT (7.625%)	\$ 13,054.00
			<b>Total Estimated Construction Cost:</b>	<b>\$ 184,254.00</b>

**Engineering, Construction Management & Monitoring**

Final design, specifications & bid documents, permit applications	Lump Sum		\$	\$ 15,000.00
Construction management	Week	5	\$ 4,000.00	\$ 20,000.00
Project monitoring, data collection, annual reports	Year	3	\$ 5,000.00	\$ 15,000.00
			<b>Subtotal:</b>	\$ 50,000.00
			NMGRT (7.625%)	\$ 3,812.50
			<b>Total Estimated Engineering Cost:</b>	<b>\$ 53,812.50</b>
			<b>Total Estimated Restoration Project Cost:</b>	<b>\$ 238,066.50</b>

**TECHNICAL PROPOSAL**

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## Project Title

Animas River Restoration Project

## Response to Contract Terms and Conditions

None

## Offerors Additional Terms and Conditions (except cost)

None

## Response to Specifications

### Proposal Narrative

#### *1. Project Title*

Animas River Restoration Project  
Farmington, NM

#### *2. Project Summary*

The City of Farmington requests \$250,000 to improve and restore the habitat and potentially remediate undesirable effects of the Gold King Mine spill by physically enhancing and restoring the river's form to promote habitat life and river ecology. Design objectives include in-stream structures such as habitat rocks, cross vanes and rock deflectors with the goal to promote aquatic life, bank stability and encourage public engagement with the river. Native vegetation will be re-planted along the banks and floodplains in disturbed areas and mature stands of native vegetation will remain undisturbed while incorporating erosion control measures throughout the project area.

#### *3. Project Manager*

Mary Gardocki, Park Planner, will serve as project manager. Ms. Gardocki has 15 years of park planning and project administration experience. She will be responsible for oversight of the approved project including: administering subcontracts; ensuring funds expended are consistent with the budget; and ensuring that invoices, semi-annual narrative progress reports and a final report are submitted to NMED.

Ms. Gardocki will utilize Chris Philips of Riverbend Engineering, LLC, as an "Assistant Project Manager" during the construction phase of the project. Mr. Philips and the technical team from Riverbend will provide construction oversight during implementation of the in-river features. Riverbend will monitor the contractor's compliance with permit conditions and Best Management Practices while working in or adjacent to the river. Riverbend will develop the monitoring plan and protocols, and will collect baseline monitoring data.

Riverbend Engineering, LLC, an Albuquerque engineering consulting firm, will ensure technical viability of the project.

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4. Start and End Dates

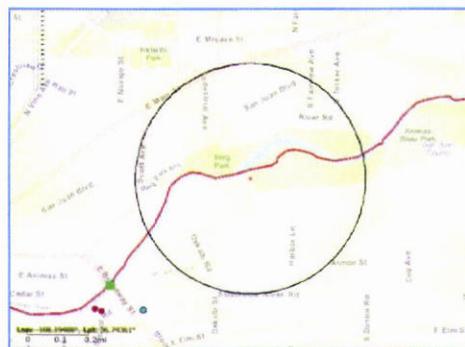
Start Date: November 2016

End Date: June 2017

Ongoing monitoring and maintenance will be conducted through June 30, 2019

5. Project Area

The HUC number for this project is 14080104. The geographic coordinates are LAT 3643'59.45" N Long 108 10'32.92"W. The stream miles directly affected include .89 miles, and the riparian acres directly affected are approximately 10.8 acres. The city of Farmington owns and manages the land which is publically accessible. This site location aligns with the River Stewardship Program's Priority Map (Appendix A of the RFP) as an area to improve stream water intakes (dots) as well as improve impaired streams (red line).



Project Location within RSP Priority Map

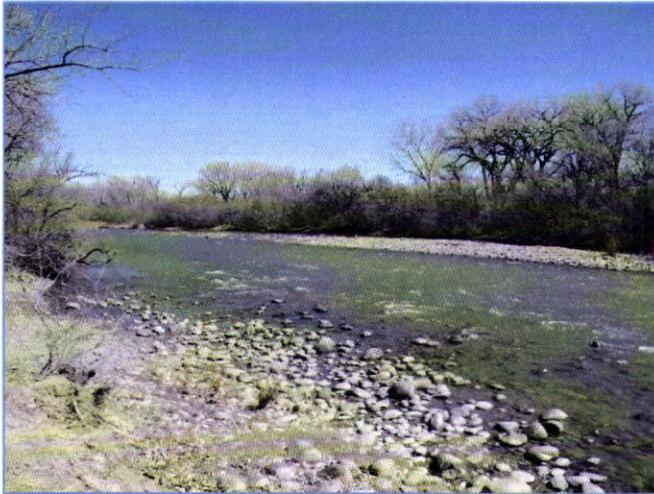
This reach of the Animas River is listed for Temperature and E-coli impairments. Additionally, the Gold King Mine spill in August 2015 created additional impairments with heavy metal contaminants whose impacts to aquatic life and municipal water supply are not yet fully known. Preliminary assessments by the NMED suggest that contaminants from this mine waste spill will remain in the river's sediment, particularly in locations where sediment deposits have been occurring in the past.

HUC 14080104: Animas				
<b>Animas River</b> (San Juan River to Estes Arroyo)	<i>E. coli</i> and Temperature	TMDL for Animas River	09-10- 13	09-30- 13
<b>Animas River</b> (Estes Arroyo to Southern Ute Indian Tribe boundary)	<i>E. coli</i> and Total Phosphorus	TMDL for Animas River	09-10- 13	09-30- 13

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## 6. Problem Statement

This section of the Animas River is locally referred to as the Rock Garden reach. The name was apparently given by local boaters who found passage hampered by shallow water and exposed rocks. A geomorphic assessment of the river in 2013 indicated an over-wide river channel (120 – 150 ft) when compared with an upstream stable reach of the river (100 ft channel width). This same assessment found several locations where active river bank erosion was occurring, and limited indications of regular bed sediment movement. A qualitative assessment of riparian vegetation shows a mature cottonwood community next to the river, a moderate quantity of mature Russian Olive, and a lack of riparian shrubs and facultative species such as willow. An overwide channel form means shallow flow in the late summer & fall, which leads directly to water temperature



impairments. A wide, shallow channel form means less fish habitat, and it also means less shear stress to move bed sediments during flushing flow events. The City of Farmington is concerned there may be new sediment deposits with heavy metal concentrations from the recent mine spill in Colorado. The Rock Garden reach of the Animas River is located in the heart of the City's Berg Park, where many different recreation activities have been promoted by the City for the past two decades. The importance of restoring the river's health in this location cannot be overstated.

*Animas River at Farmington: over-wide river channel promotes sediment deposition and reduces fish habitat.*

## 7. Planning Documents

Planning documents that support the problem statement:

- a. **Surface Water Quality Bureau of TMDL:**  
<https://www.env.nm.gov/swqb/TMDL/List/#SanJuan>
- b. **San Juan Watershed Group**  
<https://sites.google.com/site/sanjuanwatershedgroup/>  
This is a group concerned about water quality of the San Juan, Animas, and La Plata Rivers that are listed under the Clean Water Act for being polluted with E. coli bacteria, plant nutrients, and sediment.  
<https://sites.google.com/site/sanjuanwatershedgroup/WaterQuality101/fact-sheet>
- c. **State of New Mexico Clean Water Act Section 303(d)/Section 305b Integrated Report (Public Draft February 3)**  
<https://www.env.nm.gov/swqb/303d-305b/2016-2018/index.html>

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Page 16 a listing of BMPs implemented in New Mexico to address specified types of NPS Pollution. This includes loss of riparian habitat, recreational activities, resource extraction and streambank modification

d. **Animas Watershed Based Plan**

<https://sites.google.com/site/sanjuanwatershedgroup/projects/reports>

Page 6: *“Coordinating and facilitating research, implementation of Best Management Practices (BMPs) and monitoring and coordinating communication of all the entities working on non-point source pollution in the watershed is the best role that the AWP can take as well as working on improving sites that have been identified as having impacts to the functioning capacity of the river and sites identified as high loaders of nutrients described in this Watershed Plan.”*

e. **Gold King Mine Press Releases and Reports**

<http://www.epa.gov/goldkingmine/press-releases-and-updates-gold-king-mine-response>

f. **State of New Mexico: Evaluating the Effects of the Gold King Mine Wastewater Spill in Northern New Mexico**

<https://www.env.nm.gov/riverwatersafety/documents/151020-GKMLongTermMonitoringPlanOfficialDraft-Final.pdf>

Page 3: Executive Summary and Background

g. **Parks, Recreation and Cultural Affairs Comprehensive Master Plan:**

<http://www.fmtn.org/DocumentCenter/View/3448>

Page 3: *“Implement Riverine Plan and connection to downtown”*

Page 10: *“Objective 4.5: Improve water access opportunities (river, lake, ponds)”*

*8. Project Goals and Objectives*

The goals for this project include multiple approaches to restoring the river and the riparian area immediately adjacent to the river. Within the active river channel we plan to re-shape the cross section to narrow the width of the active low-flow channel and deepen pool forms where they can be self-sustaining. We want the river to move sediment more frequently, so that new stream bottom deposits do not form, and macroinvertebrate habitat is rejuvenated on a regular basis. We intend to clear non-native vegetation from the riverbanks and transplant native riparian species in their stead. We intent to protect tall banks from erosion. And lastly, we want a river channel that is hydraulically efficient, so that historic mine waste is flushed through our City and is not allowed to collect or adhere to the channel bed. Simply put, we want a river that is healthy on many levels. With a restoration plan that addresses the habitat and dietary needs of aquatic species, and addresses a riparian corridor with an appropriate mix of native species, we believe these goals can be achieved.

The need to improve water quality in this reach of the Animas River is set forth in the TMDL levels measured in the river, and the 303D listings it has (see planning document No. 7.a listed above). The temperature listing is an issue we believe we can address with this project. The e-coli listing

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may be a bit more difficult, as most advocates acknowledge that the bacterial source is non-point and widely distributed in the watershed. The recently released draft version of the CWA Integrated Report (planning document No. 7.c listed above) cites several forms of non-point source pollution that are occurring in this reach of the river, and that our plan will address. The City also has the objective of protecting water quality into the future, and to that end we have partnered with the NMED and others in the development of the Gold King Mine Long Term Monitoring Plan (planning document No. 7.f listed above). It is certainly in our best interest to know how these heavy metal contaminants are moving through the river system over time. However, the City wishes to take a more pro-active approach than simply monitoring water quality over a long period of time. We wish to implement river improvements that will limit the accumulation of these mine wastes in our City.

### *9. Project Plan*

The City of Farmington has developed a restoration plan for the Rock Garden reach of the Animas River (see construction plan on page 11). This plan will restore the physical and biological integrity of the river to a level of functionality not seen in many decades. This plan will also address deficiencies in the riparian plant community along both sides of the river, by removal of non-native species and enhancement of facultative native plant species. The proposed channel and bar shaping has been shown to be an effective means of redistributing stream energy and reducing temperature gains in the water and streambed during low flow periods. And the rock structures proposed in the river have a proven track record of creating localized scour and sustainable aquatic habitat enhancements. It is important to note that our engineer’s hydraulic analysis of similar projects in the past has demonstrated that these types of river improvements do not alter the FEMA floodplain mapping.

Details of the project plan include:

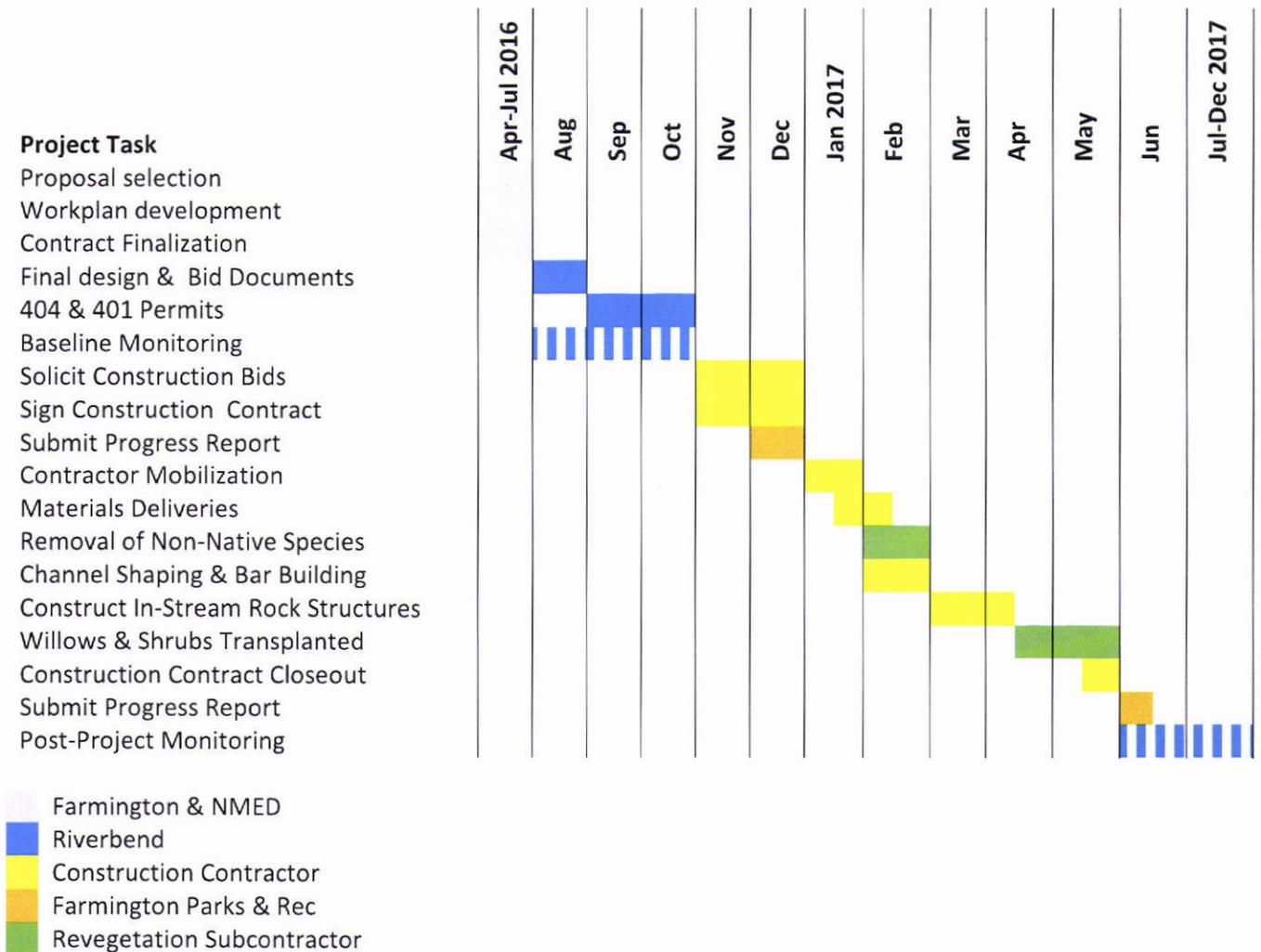
- **Excavation and fill within the river channel** – this will make the riffle forms slightly deeper, the pool forms much deeper, and the side bars & point bars a bit wider. This will have the effect of narrowing the low-flow channel, thereby minimizing daytime solar heating of the water and the stream bed below. We do not expect to have a net export or import of channel bed gravels.
- **Construction of rock habitat and erosion control structures using large boulders** - the plan shows several “cross vanes” spaced throughout the reach. These structures have proven to be quite effective in sustaining a downstream scour hole which is beneficial for aquatic habitat and the recreational opportunities that come with that. The sides of the cross vanes are effective at reducing shear stress along the river’s banks, and the locations that are shown have been optimized to achieve both benefits simultaneously.
- **Additional rock structures for habitat and erosion control** - shown in the plan are isolated boulder clusters that help to distribute the habitat and cover benefits provided in the river. Also, some of the new side bars have rock “deflector” against the river bank; these carefully constructed rock piles are quite effective at pushing the faster current away from the streambank during higher flow events, thereby reducing shear stresses on the bar and the downstream riverbank.

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- **Removal of Russian Olive trees along the river banks** - depending on the locations of these trees the preferred removal method may be chain saw or mastication. It is likely that root masses may remain and the stumps will be chemically treated, at least in locations where the riverbank is vulnerable to erosion.
- **Revegetation with native riparian species** – the most prolific of the revegetation species will be Coyote willow, although some other willow species such as Peachleaf or Drummonds may be included if available. The City does intend to include a mix of flowering riparian shrubs, so that the overall riparian plant community is diversified from its present condition. Improvement to avian habitat along the river corridor, in both form and height, will help with our overall goal of restoring ecological health in a comprehensive manner.

10. Implementation Plan and Schedule

The City of Farmington wishes to implement restoration work in the winter months of 2017. With a comprehensive plan in place already, and the likelihood of a Nationwide 404 permit, we believe we can achieve this implementation timeline. The main tasks and milestones we have identified are presented below in a Gantt Chart graphic form:



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### *11. Key Persons*

The City of Farmington Parks Recreation and Cultural Affairs Department (PRCA) will be the administrator for this project. Key team members for the PRCA will include Mary Gardocki (Project Manager), Cory Styron, PRCA Director (Contract and fiscal responsibility), and Brian Bobeck (facilities coordination). The City of Farmington intends to hire Riverbend Engineering to assist with final design, permitting and construction oversight. Riverbend's principal, Chris Philips, will oversee their work effort. The business status of the City of Farmington PRCA (offerer) is a government entity (city municipality).

### *12. Clearances*

A fish habitat improvement project plan was developed in 2013 for this same reach of river. A Section 404 Permit for that work was obtained in 2014, but the project was never completed because of funding shortfalls (USACE Action #SPA-2014-00116, dated April 14, 2014). That permit expires in April 2016. Since the goals of this project are a little different, the City expects to apply for a new 404 Permit once a final plan has been approved by NMED. We expect this would be a Nationwide #27 type permit ("Aquatic Habitat Restoration") similar to the previous permit.

### *13. Economic Benefits*

The economic benefit from the construction of this project will include increased fishing along the river, increased watercraft usage i.e. rafting, kayaking, general river corridor enjoyment and tourism interest in walking, jogging, biking. Local and out of town visitors will spend their money on hotel fees, gasoline, restaurant meals, equipment rentals, and purchases.

### *14. Anti-donation Clause*

All work for this project will be conducted on government-owned land and not on any private land.

### *15. Measures of Success*

The efficacy of this project will be measured in a variety of ways. No one parameter can determine success or failure. But the improvement of multiple parameters within a complex ecosystem will validate the success of our restoration efforts. Qualitative and quantitative measurements will be collected to document baseline (pre-project) conditions, and then post project completion at regular time intervals. This ongoing monitoring effort is critical to our ability to show beneficial results, and to make adaptive management decisions of certain project elements are not performing as intended. Specific parameters which we will measure are described below:

**Channel morphology** – we will collect topographic survey measurements of the channel bed profile and the cross section of the river at selected locations. These survey measurements will show how implementation of the project changes the river channel for the better, and then documents how the river adjusts to these changes over time. We expect to collect this data for at least three runoff years after construction.

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**Water quality (temperature)** – we will collect baseline water temperature measurements at selected locations, and repeat those measurements with each monitoring cycle. It will be difficult to obtain conclusive results that our channel shaping work has been entirely responsible for a measured reduction in water temperature. This is because there are many factors that contribute to the water temperature at this location on any given calendar day. However, we can compare our data with data collected in the NMED TMDL studies, and we could take measurements at those location on the same days that we measure temperature at our project site. We are curious to measure changes in water temperature based on location within the water column. Pre and post project measurements of water temperature vs. depth may reveal some temperature improvements (decreases) in the created pool forms and scour features. We know that water temperatures in late summer can approach 70 deg F. which can be prohibitive to cold-water fish

**Water quality (sediment, turbidity and suspended solids)** – we recognize that the erosion control measures implemented in this project will not cause a measureable reduction in sediment load to the river. The sources are many and the watershed is large. However, we are particularly concerned with the accumulation of heavy metal sediments and other mine waste within the river channel and adjacent floodplain. As a project partner with the NMED, we will track the water quality data collected as part of the Gold King Mine Long Term Monitoring Plan (planning document No. 7.f listed above). This water quality monitoring effort is more comprehensive than any we could undertake, and with sampling occurring in the Animas in close proximity to our project, there is no need for duplication. What we will do is make regular inspections along the river’s margins to look for zones of fresh sediment accumulation, and if appropriate we will submit those sediment samples for assay. During low flow conditions we will make a qualitative assessment of fine grained bed sediments, their quantity and distribution. Bed sediments have the greatest potential to be up-taken and enter the food chain, and one of our project goals is to improve river channel hydraulics and reduce the potential for fine grained bed sediment deposition.

**Riparian vegetation** – monitoring of the revegetation effort will be accomplished with an annual qualitative site inspection, and with repeat photography from established photo point locations. Site inspections will include looking at Russian olive locations and monitoring for re-sprouting from stumps or root masses. Reports of needed invasive suppression will be sent to Parks & Rec staff, who already have the equipment and the training to implement these measures.

**Informal surveys of recreation activities** – improvements to recreational fishing, attractiveness of the river, and enhanced birding opportunities can be measured with informal surveys of river users and their experiences. Parks and rec staff often have the opportunity to speak with users of the river corridor, many of which are regular visitors. These people can provide very good feedback on how the river is meeting their recreational expectations, and how it has improved or changed since implementation of this project.

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*16. Stakeholder Support (pending)*

Letters of Support from:

- ✓ San Juan Watershed Group – David Tomka
- ✓ Animas Watershed Partnership – Paul Montoya
- ✓ Mayor (Resolution) – Tommy Roberts
- ✓ River Reach Foundation – Rick Page

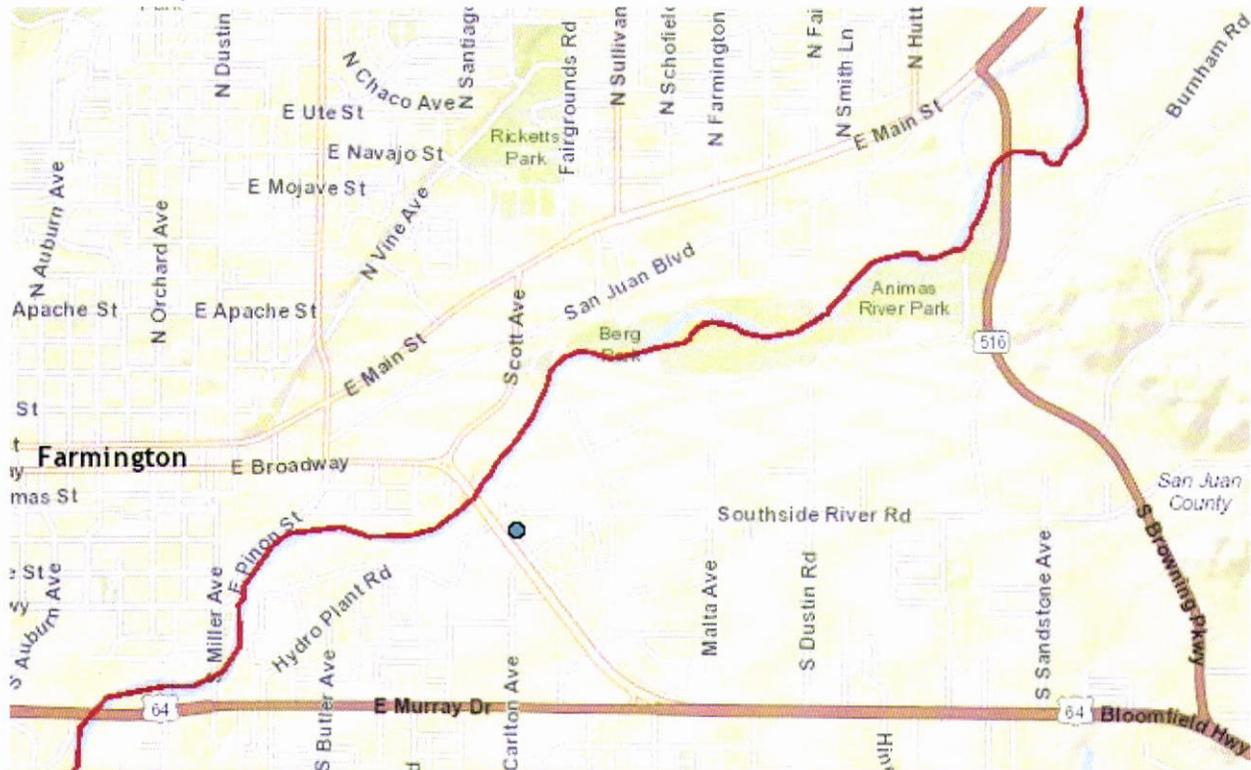
*17. Ongoing Stewardship*

The City of Farmington Parks, Recreation, and Cultural Affairs Department will supply funds through their capital improvement projects to provide long term maintenance and ongoing monitoring. The River Reach Foundation (RRF), a Farmington-based local non-profit, will continue its partnership with the City of Farmington on all things river-related. The RRF has sponsored annual river festivals since 2000 that bring people down to the river to enjoy all of the recreation potential it offers. The City already has an outreach program offered at its Nature Center, located ½ mile upstream from this project's location. We can integrate education about this river restoration project with our existing framework of special programs and classes.



February 18, 2016

### Location Map



### Signed Campaign Contribution Disclosure Form

To be completed.

### Business and Resident Veterans Certification

This requirement does not apply to Offerors which are public agencies.

### Signed Employee Health Coverage Form

This requirement does not apply to Offerors which are public agencies.

### Pay Equity Reporting

This requirement does not apply to Offerors which are public agencies.

February 18, 2016

## Other Supporting Materials

### **San Juan Watershed Group**

David Tomko, Coordinator  
18 Road 4865  
Bloomfield, New Mexico 87413  
505-632-8008  
[jtomko73@msn.com](mailto:jtomko73@msn.com)

February 18, 2016

Karen Menetrey, Procurement Manager  
New Mexico Environmental Department  
Surface Water Quality Bureau  
Harold Runnels building, N2050  
1190 South St. Francis Drive (87505)  
P.O. Box 5469  
Santa Fe, NM 87502-5469

City of Farmington's Animas River Improvement Project Application for the River Stewardship Program

**Re: Letter of Support and Partnership**

Dear Karen,

The San Juan Watershed Group (SJWG) is in support of the City of Farmington's Animas at Rock Garden Habitat Improvement Project Application for the River Stewardship Program. The Animas River is currently on the New Mexico 303(d) List of Water Quality Impairments for *E. coli* bacteria, nutrients/eutrophication, temperature and turbidity. The San Juan Watershed Group is developing a watershed based plan for the New Mexico portion of the Animas River to address sources of nutrient and bacteria contaminants. Recent studies link nutrient, bacteria and sediment inflows to stormwater runoff events. High nutrient and bacteria levels are associated with high sediment levels in the river as measured by increased turbidity. The City of Farmington has been a vital partner with SJWG since it started in 2001.

The Animas at Rock Garden Habitat Improvement Project will improve bank stability to 4,700 linear feet of the river's banks, improve aquatic habitat for fish and benthic macroinvertebrates and establish native vegetation along the river banks. This will reduce sediment loading to the Animas River along this stretch and allow some removal of nutrients by increased aquatic life. The project should also improve the interchange between the river and the adjacent hyporheic zone that will also reduce nutrient loads to the river. Earlier studies conducted by SJWG has identified bank armoring as a significant cause of high nutrients in the Animas River and reestablishing natural flows is necessary to reduce the nutrient levels.

The San Juan Watershed Group supports the grant request for the benefits listed above. Please feel free to contact me if you have questions or need additional information.

Sincerely,

David Tomko  
Coordinator

- \* **Adoption** of the Planning and Zoning Commission Action as contained within the Community Development Petition Report and **approval** of ZC 16-01, a request from Keystone Investments, LLC, Russell Casazza, and John and Amy Clawson, represented by Marlo Webb, for a zone change from the IND Industrial District to the SF-MH Single-family Mobile Home District for 2601, 2605, 2607, 2609, 2701, and 2703 Fox Street. (Keith Neil)

Recommendation of approval by the Planning and Zoning Commission on February 11, 2016 with recommendations of staff passed by a vote of 6-0.

**COMMUNITY DEVELOPMENT PETITION REPORT**  
**PETITION ZC 16-01**  
**Zone Change from IND to SF-MH**  
**Fox Street**

**A. STAFF REPORT, February 11, 2016**

**PROJECT INFORMATION**

<b>Applicants</b>	Keystone Investments, John and Amy Clawson, Russell Casazza
<b>Representative</b>	Marlo Webb
<b>Date of Application</b>	January 14, 2016
<b>Requested Action</b>	Zone Change from IND Industrial to SF-MH Single-Family Mobile Home
<b>Location</b>	2703, 2701, 2609, 2607, 2605, 2601 Fox Street
<b>Existing Land Use</b>	Residential
<b>Existing Zoning</b>	IND Industrial
<b>Surrounding Zoning and Land Use</b>	<b>North &amp; South:</b> IND properties, parking lots <b>East:</b> SF-7 SMHAO Single-family Residential with a Special Mobile Home Area Overlay/Residential <b>West:</b> GC-General Commercial/ Webb Toyota
<b>Notice</b>	Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday, January 24, 2016. Property owners within 100 feet were sent notice by certified mail on Wednesday, January 20, 2016 and a sign was posted on Thursday, January 29, 2016.
<b>Staff Planner</b>	Keith M. Neil, Associate Planner

**STAFF ANALYSIS**

**Project Description:**

The petitioners are requesting a zone change from the IND Industrial District to the SF-MH Single-family Residential Mobile Home District for six (6) residences along the western side of Fox Street. The properties are north of Herrera Road and south of Hannon Drive directly behind Webb Toyota. There is a single-family home on the corner of Fox Street and Hannon Drive while the remaining parcels possess mobile homes. The mobile home located at 2701 Fox Street was destroyed by fire this fall and Mr. Webb of Keystone Investments would like to replace the mobile home. Due to the mobile home being located in the IND Industrial District, which does not permit residences, it currently is described as being a legal, non-conforming structure.

According to Section 9.3.3 which states “If a non-conforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this UDC”, Mr. Webb is not permitted to replace the mobile home and must come into conformity with the IND District.

Keystone Investments, LLC is the property owner for 2703, 2701, 2609 and 2607 Fox Street. Russell Casazza is the property owner of 2605 Fox Street. John and Amy Clawson are the property owners for 2601 Fox Street. These property owners are seeking a zone change to SF-MH, Single Family-Mobile Home, jointly to come into conformity with the UDC.

These parcels and a large area that surrounds them were annexed into the City of Farmington in 1956 and entered as IND Industrial properties. Since that time, the property to the west, Webb Toyota, had a zone change to GC General Commercial and the properties to the east, all residential, had a zone change to SF-7, SMHA Special Mobile Home Area Overlay.

Section 8.7.4 of the UDC outlines *Issues for consideration* in determining a proposed zone change as follows:

- A. Is the proposed zoning consistent with the Farmington Comprehensive Plan?
- B. Is the proposed zoning and land use(s) compatible with the present zoning and conforming uses of nearby property and the character of the neighborhood?
- C. Will there be adverse impacts; and/or can any adverse impacts be adequately mitigated?
- D. Is the proposed density and intensity of use permitted in the proposed zoning district?
- E. Is the site physically suitable for development of uses and density permitted by the proposed zoning district?
- F. Are adequate public facilities and services available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended by the applicant? Is the applicant willing to pay for the extension of public facilities and services necessary to service the proposed development?
- G. Does the proposed change constitute “spot zoning” as defined in Article 11, definitions?

Article 11 defines “spot zoning” as “Where a particular tract within a larger area is specifically zoned so as to impose upon it restrictions not imposed upon the surrounding lands, or grant to it special privileges not granted generally, not done in pursuance of the Comprehensive Plan.” The Comprehensive Plan 2020 Future Land Use Plan shows the area as *Commercial*.

However, these parcels have been residential in nature since 1956 and are small parcels that would find it difficult to meet the current IND setback requirements. The area to the east is also residential and this request is compatible with the character of the area.

The request will not be detrimental to the surrounding neighborhood as it has existed prior to 1956.

The proposed zoning better suits the current conditions in the area than the existing IND zoning. The properties are already serviced by sewer, water, and electric.

#### **STAFF CONCLUSION**

Staff concludes that the proposal does not constitute a spot zone and will not adversely impact the area. Approval of ZC 16-01 is appropriate.

#### **STAFF RECOMMENDATION**

The Community Development Department recommends **approval** of Petition ZC 16-01, a request from Keystone Investments, LLC, Russell Casazza, and John and Amy Clawson, represented by Marlo Webb, for a zone change from the IND Industrial District to the SF-MH Single-family Mobile Home District for six (6) properties located on Fox Street.

#### **FINDINGS OF THE PLANNING AND ZONING COMMISSION**

On February 11, 2015, the Planning and Zoning Commission held a public meeting for ZC 16-01 and made the following findings:

1. The petitioners are Russell Casazza, John and Amy Clawson, and Keystone Investments, LLC.
2. The subject properties are located at 2703, 2701, 2609, 2607, 2605, and 2601 Fox Street.
3. The petitioner is requesting a zone change from the IND Industrial District to the SF-MH Single Family-Mobile Home District.
4. Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday, January 24, 2016. Property owners within 100 feet were sent notice by certified mail on Wednesday, January 20, 2016 and a sign was posted on Friday, January 29, 2016.
5. The Future Land Use Plan map of the City's Comprehensive Plan suggested that the area pursue a commercial nature in the future.
6. The properties were annexed into the City of Farmington in 1956 and zoned IND. However, the properties were and still are residential.
7. The petitioner's representative, Marlo Webb, was present at the hearing and spoke in favor of the zone change.

#### **Planning & Zoning Commission Discussion of Petition ZC 16-01 on February 11, 2016**

Associate Planner Keith Neil presented the staff report for ZC 16-01, a request from Keystone Investments, LLC, John and Amy Clawson, and Russell Casazza, represented by Marlo Webb for a zone change from INC Industrial to SF-MH Single Family-Mobile Home, located at 2601, 2605, 2607, 2609, 2701, and 2703 Fox Street.

The properties are north of Herrera Road and south of Hannon Drive directly behind Webb Toyota. The mobile home located at 2701 Fox Street was destroyed by fire this fall and Mr. Webb of Keystone Investments would like to replace the mobile home. The mobile home was located in the IND Industrial District, which does not permit residences. It was a legal non-conforming structure. According to Section 9.3.3 which states "If a non-conforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this UDC". This means Mr. Webb is not permitted to replace the mobile home.

Keystone Investments, LLC is the property owner for 2607, 2609, 2703 and 2701 Fox Street. Russell Casazza is the property owner of 2605 Fox Street. John and Amy Clawson are the property owners for 2601 Fox Street. These property owners are together seeking a zone change to SF-MH, Single Family-Mobile Home. A small area of property on Fox Street toward the south will remain IND and is used by Webb Toyota for parking.

These parcels and a large area that surrounds them were annexed into the City of Farmington in 1956 and entered as IND Industrial properties. Since that time, the property to the west, Webb Toyota, had a zone change to GC General Commercial and the residential properties to the east had a zone change to SF-7, SMHA Special Mobile Home Area Overlay.

Staff concludes that approval of ZC 16-01 is recommended.

Commissioner Freeman asked what the Master Plan for the area was. Mr. Neil explained that the Comprehensive 2020 Future Land Use Plan shows the area as GC General Commercial, but the area has always been residential. Senior Planner Cindy Lopez commented that the residential zoning for this area came into existence prior to the Comprehensive Plan. She explained that the Comprehensive Plan is a visual plan that was done in 2002 and GC has not transpired for this area. Ms. Lopez said the proposed zoning suits the current conditions in the area.

Marlo Webb of 5425 San Teresa Court noted that the area would never be appropriate as Industrial because there is not enough room with the setbacks required for Industrial zoning. If Webb Toyota chooses to expand, the area could be re-zoned to GC. Mr.

Webb mentioned that he did not see the expansion of Webb Toyota happening anytime soon.

**Planning & Zoning Commission Action of Petition ZC 16-01 on February 11, 2016**

A motion was made by Commissioner Freeman and seconded by Commissioner Ragsdale to **approve** Petition ZC 16-01, a request from Keystone Investments, LLC, John and Amy Clawson, and Russell Casazza, represented by Marlo Webb for a zone change from IND Industrial to SF-MH Single Family-Mobile Home, located at 2601, 2605, 2607, 2609, 2701, and 2703 Fox Street.

AYE: Chair Cardon, Commissioners Brown, Davis, Freeman, Langenfeld, and Ragsdale.

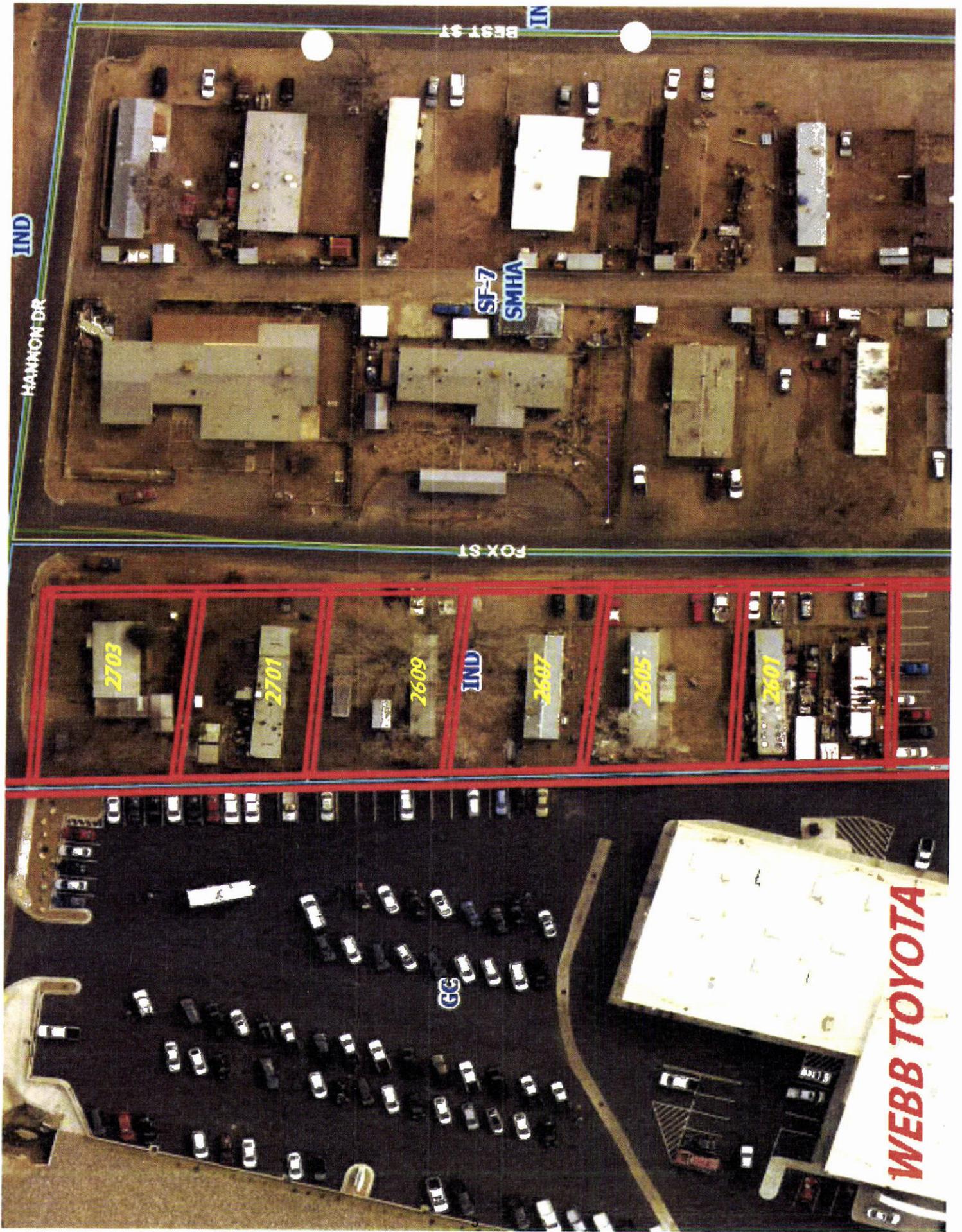
NAY: None

Abstained: None

Absent: Commissioners Jaquez, Thompson, Waldroup, and Washburn.

**Motion passed 6-0**





# PLANNING MEMO COMMENTS SUMMARY

ZC 16-01 FOX STREET

Deadline: 1/28/16

## City of Farmington Departments

CD	Director – Mary Holton	Comments will be incorporated into the staff memo.
CD	Addressing – Planning Division	
CD	Chief Building Official – Derrick Childers	
CD	Long Range Planner	
CD	MPO – Duane Wakan	
CD	Oil & Gas Inspector – Leona Sims	
CITY	City Manager's Office – Bob Campbell	
ELEC	Customer Care Manager – Nicki Parks	
ELEC	Electrical Engineering - Luwil Aligarbes	
ELEC	T & D	
FIRE	Fire Marshall –Brandy Vega	No comment from the Fire Marshal's office
LEGAL	City Attorney – Jennifer Breakell	
LEGAL	Deputy City Attorney-Russel Frost	
POLICE	Code Compliance -	
POLICE	Sergeant Flores	
PRCA	Cory Styron	
PW	City Engineer- Nica Westerling	
PW	Engineering – Toni Sitta	I have no comment on ZC 16-01 Fox St
PW	Streets Superintendent – Jim Couch	
PW	Traffic Engineer– Charles Trask	
PW	Water/Waste Water – Manuel Tso	

## Other Entities

New Mexico Gas Company	
CenturyLink-Willatto	No comment
Qwest Communications	
Enterprise Field Services	
Comcast Cable-Mark Johnson	
CH2MHILL OMI	
Williams Field Services	
Farmington School District	

# PETITION APPLICATION



Complete applications will not be accepted.

Return completed application to:

**Planning Division**  
**Community Development Department**  
**City of Farmington**  
**800 Municipal Drive**  
**Farmington, NM 87401**  
**(505) 599-1317**  
**(505) 599-1299 (fax)**

**PROJECT TYPE (Check Those Applicable)**

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> <b>Annexation and / or Zoning</b><br><input type="checkbox"/> <b>Preliminary Plat</b><br><input checked="" type="checkbox"/> <b>Final Plan</b> | <input type="checkbox"/> <b>Summary Plat</b><br><input type="checkbox"/> <b>Special Use Permit</b><br><input type="checkbox"/> <b>Variance (ARB)</b> | <input type="checkbox"/> <b>Zone Change to SF-MH District</b><br><input type="checkbox"/> <b>Temporary Use Permit</b><br>Proposed Length of Use: _____<br><input type="checkbox"/> <b>Well site equipment modification</b> |
|--|--|--|

**INFORMATION**

Applicant's Name: <u>KEYSTONE INVESTMENTS LLC</u>	Project Location: <u>WEST SIDE FOX ST 2505-2700</u>
Address: <u>PO BOX 127</u>	Existing Use: <u>HOME &amp; MOBILE HOMES</u>
E-Mail: <u>PAPA WEBB @ WEBB AUTO.COM</u>	Proposed Use: <u>HOME &amp; MOBILE HOMES</u>
Telephone: <u>505-320-2590</u>	Current Zoning: <u>INDUSTRIAL</u>
Relationship to Property Owner: <u>OWN</u>	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>VARIOUS - ATTACHED</u>

Legal Description of Subject Property: INCLUDED ATTACHED

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes  No

If Yes, please provide copy with application.

**REPRESENTATIVE / CONTACT PERSON (if other than applicant)**

Name: <u>MARLO L WEBB</u>	E-Mail: <u>PAPA WEBB @ WEBB AUTO.COM</u>
Phone: <u>320-2590</u>	Address: <u>5425 SANTA THERESA CT FARMINGTON, N.M. 87402</u>

**OWNERSHIP**

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)	MORTGAGE HOLDERS (If any) <u>NONE</u>
Name: <u>KEYSTONE INVESTMENTS LLC</u>	Name: _____
Address: <u>511 E MAIN ST FARMINGTON, N.M.</u>	Address: _____

**OWNER CERTIFICATION**

\* (Physical and Mailing)

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application, I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.

Name: <u>Marlo L Webb</u>	Address: <u>2590 SANTA THERESA CT FARMINGTON, N.M. 87402</u>
Owner's Signature: _____	Phone / Email: <u>320-2590 PAPA WEBB @ WEBB AUTO.COM</u>

**\*\*\*\* STAFF USE ONLY \*\*\*\***

Received By _____ Date _____ Fee Received _____ Project File No. _____ Date of Hearing/Meeting: _____	<input type="checkbox"/> <b>Blueline Copies of Plans</b> _____ <input type="checkbox"/> <b>Ownership Report (subject and surrounding properties)</b> <input type="checkbox"/> <b>Legal Description</b> _____ <input type="checkbox"/> <b>Detailed Statement of Proposed Use</b>
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**PETITION APPLICATION**



Incomplete applications will not be accepted.

Return completed application to:

**Planning Division**  
**Community Development Department**  
**City of Farmington**  
**800 Municipal Drive**  
**Farmington, NM 87401**  
**(505) 599-1317**  
**(505) 599-1299 (fax)**

**PROJECT TYPE (Check Those Applicable)**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Annexation and / or Zoning | <input type="checkbox"/> Summary Plat       | <input type="checkbox"/> Zone Change to <u>SF-MH</u> District |
| <input type="checkbox"/> Preliminary Plat           | <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Temporary Use Permit                 |
| <input type="checkbox"/> Final Plan                 | <input type="checkbox"/> Variance (ARB)     | Proposed Length of Use: _____                                 |
|   |   | <input type="checkbox"/> Well site equipment modification     |

**INFORMATION**

Applicant's Name: <u>RUSSELL CASAZZA</u>	Project Location: <u>2605 Fox-Behind Webb Toyota</u>
Address: <u>2605 1/2 Fox St.</u>	Existing Use: <u>MOBILE HOME</u>
E-Mail: _____	Proposed Use: <u>MOBILE HOME</u>
Telephone: <u>505-215-5280</u>	Current Zoning: <u>INDUSTRIAL</u>
Relationship to Property Owner: <u>OWNER</u>	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>ATTACHED</u>

Legal Description of Subject Property:

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes  No   
 If Yes, please provide copy with application.

**REPRESENTATIVE / CONTACT PERSON (if other than applicant)**

Name: <u>MARLO L. WEBB</u>	E-Mail: <u>PAPA WEBB @ WEBB AUTO.COM</u>
Phone: <u>320-2590</u>	Address: <u>5125 SANTA TERESA CT. FARMINGTON, N.M. 87402</u>

**OWNERSHIP**

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)

MORTGAGE HOLDERS (If any)

Name:	Phone:	Name:	Phone:
Address:		Address:	

**OWNER CERTIFICATION**

\* (Physical and Mailing)

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application, I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.

Name: _____	Address: _____
Owner's Signature: _____	Phone / Email: _____

**\*\*\* STAFF USE ONLY \*\*\***

Received By _____	<input type="checkbox"/> Blueline Copies of Plans _____
Date _____ Fee Received _____	<input type="checkbox"/> Ownership Report (subject and surrounding properties)
Project File No. _____	<input type="checkbox"/> Legal Description _____
Date of Hearing/Meeting: _____	<input type="checkbox"/> Detailed Statement of Proposed Use



Incomplete applications will not be accepted.

Return completed application to:

Planning Division  
Community Development Department  
City of Farmington  
800 Municipal Drive  
Farmington, NM 87401  
(505) 599-1317  
(505) 599-1299 (fax)

PROJECT TYPE (Check Those Applicable)

- Annexation and / or Zoning
  - Preliminary Plat
  - Final Plan
  - Summary Plat
  - Special Use Permit
  - Variance (ARB)
  - Zone Change to SF-MH District
  - Temporary Use Permit
  - Well site equipment modification
- Proposed Length of Use: \_\_\_\_\_

INFORMATION

Applicant's Name: JOHN C AND ARY CLAWSON Project Location: Behind Webb Toyota

Address: 2601 FOX ST Existing Use: ~~COMM~~ MOBILE HOME

E-Mail: \_\_\_\_\_ Proposed Use: ~~COMM~~ MOBILE HOME

Telephone: \_\_\_\_\_ Current Zoning: INDUSTRIAL

Relationship to Property Owner: OWN Assessor's Parcel I.D. and/or Tax I.D. Number: ATTACHED

Legal Description of Subject Property:

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes  No   
If Yes, please provide copy with application.

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name: MARLO L. WEBB E-Mail: PAPA.WEBB@WEBB AUTO. CO.

Phone: 320-2890 Address: 5425 SANTA TERESA CT FARMINGTON N.M. 87402

OWNERSHIP

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

MORTGAGE HOLDERS (if any)

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

\* (Physical and Mailing)

OWNER CERTIFICATION

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application. I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I understand and give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand that applications will generally be reviewed by City Council at their first regular session following the P&Z review.

Name: John C. Clawson Address: \_\_\_\_\_

Owner's Signature: John C. Clawson Phone / Email: 505-258-8389 / 505-486-2081

\*\*\*\* STAFF USE ONLY \*\*\*\*

Received By \_\_\_\_\_

Date \_\_\_\_\_ Fee Received \_\_\_\_\_

Project File No. \_\_\_\_\_

Date of Hearing/Meeting: \_\_\_\_\_

- Blueline Copies of Plans \_\_\_\_\_
- Ownership Report (subject and surrounding properties)
- Legal Description \_\_\_\_\_
- Detailed Statement of Proposed Use

The logo for the City of Farmington, featuring the words "City of Farmington" in a multi-colored, sans-serif font.

Neil, Keith &lt;kneil@fmtn.org&gt;

## Zone Change

**Marlow Webb** <papawebb@webbauto.net>  
To: "Neil, Keith" <kneil@fmtn.org>

Fri, Jan 15, 2016 at 3:33 PM

WE ARE REQUESTING THIS REZONING IN ORDER TO REPLACE OUR MOBIL HOME THAT BURNED AND LOOKING TO THE FUTURE FOR ANY UPGRADES AND SIMILAR REPLACEMENTS. We never anticipate that we would use these lots for industrial purposes because of location and small size lots. WE would drop the rezoning request if we could get an immediate variance on the one lot in order that we could get immediate use (rent) from this investment, leaving the rezoning decision down the road.

**From:** Neil, Keith [mailto:kneil@fmtn.org]  
**Sent:** Friday, January 15, 2016 3:27 PM  
**To:** papawebb@webbauto.com  
**Subject:** Zone Change

[Quoted text hidden]

**Notice:** New Mexico law requires government agencies to disclose to the public, upon request, most written communications, including those in electronic form. Persons communicating with City officials or employees should expect that any communications could be released to the public and that this disclosure could include the email addresses of those communicating with City officials or employees.

**P&Z PLANNING & ZONING COMMISSION  
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the following application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico.

Petition No. ZC 16-01 - a request from Keystone Investments, LLC, John and Amy Clawson, and Russell Casazza, represented by Marlo Webb for a zone change from IND Industrial to SF-MH Single Family-Mobile Home, located at 2601, 2605, 2607, 2609, 2701, and 2703 Fox Street, located in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lots 5, 6, 7, 8, 9, and 10, in Block 1, of the FOX SUBDIVISION, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 2601, 2605, 2607, 2609, 2701, and 2703 Fox Street

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that these petitions will be considered at the regularly scheduled Public Hearing of the Planning and Zoning Commission of the City of Farmington on Thursday, February 11, 2016 at 3:00 p.m. in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this petition will be considered by the City Council on Tuesday, February 23, 2016 at 6:00 p.m. in the City Council Chambers. All interested individuals are invited to attend the hearing and shall have an opportunity to be heard with respect to the subject Petition.

Karen Walker  
Administrative Assistant

Legal No. 72295 published in The Daily Times on January 24, 2016.

**NOTICE OF PUBLIC HEARING  
SPECIAL USE PERMIT  
PETITION NO. ZC 16-01**

January 20, 2016

Dear Property Owner:

Notice is hereby given that an application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico, a request from Keystone Investments, LLC, John and Amy Clawson, and Russell Casazza, represented by Marlo Webb for a zone change from IND Industrial to SF-MH Single Family-Mobile Home, located at 2601, 2605, 2607, 2609, 2701, and 2703 Fox Street, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lots 5, 6, 7, 8, 9, and 10, in Block 1, of the FOX SUBDIVISION, in the City of Farmington, San Juan County, New Mexico.

**Otherwise located at 2601, 2605, 2607, 2609, 2701, and 2703 Fox Street**

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that the petition will be heard in a public hearing by the Planning and Zoning Commission of the City of Farmington on **Thursday, February 11, 2016 at 3:00 p.m.** in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this item will be reviewed by the City Council on **Tuesday, February 23, 2016, at 6:00 p.m.** in the City Council Chambers. All persons shall have an opportunity to be heard why said application should be granted or denied. All persons in interest and citizens are invited to attend said hearing.

You are receiving this letter because you may own property within 100 feet (excluding public right-of-way) of the proposed change. You are invited to attend the hearings noted above or submit written comments prior to the meeting to the Planning Division -- Community Development Department at 800 Municipal Drive, Farmington, New Mexico 87401. Please be advised that this petition could be cancelled or withdrawn prior to the meeting date.

If you have any questions regarding this notice, or would like additional information regarding this petition, please contact Keith Neil at 505-599-1333 or [kneil@fmtn.org](mailto:kneil@fmtn.org).

Sincerely,



Karen Walker  
Administrative Assistant

**Names and Tax-Roll Addresses of Owners Within One Hundred (100) Feet  
(excluding roadways and easements) of the Following Described Property  
Referenced as TRACT 1:**

Lots 5, 6, 7, 8, 9 and 10, in Block 1, of the FOX SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record October 7, 1958.

**TRACT 1**

Keystone Investments LLC  
P.O. Box 127  
Farmington, NM 87499

Lot 10, Block 1 of the FOX SUBDIVISION, filed  
for record October 7, 1958.

Book 1535, page 987

AND

Lot 9, Block 1 of the FOX SUBDIVISION, filed  
for record October 7, 1958.

Book 1569, page 29

AND

Lots 7 and 8, Block 1 of the FOX  
SUBDIVISION, filed for record October 7, 1958.

Book 1574, page 824

Harvey G. and Genevieve L. Hart  
c/o Russell Casazza  
2605 Fox Street  
Farmington, NM 87402

Lot 6, Block 1 of the FOX SUBDIVISION, filed  
for record October 7, 1958.

Book 1306, page 167, re-recorded in

Book 1311, page 761

John C. and Amy B. Clawson  
2601 Fox Street  
Farmington, NM 87402

Lot 5, Block 1 of the FOX SUBDIVISION, filed  
for record October 7, 1958.

Book 1491, page 530

**TRACT 2**

Marlo L. and Louise M. Webb Revocable Trust  
P.O. Box 127  
Farmington, NM 87499

That part of the N/2NW/4SE/4 of Section 1,  
Township 29 North of Range 13 West, N.M.P.M.,  
San Juan County, New Mexico.

Book 1150, page 523

**TRACT 3**

Dolores L. Martinez  
P.O. Box 1842  
Farmington, NM 87499

Lot 10A, Block 2 of the FOX SUBDIVISION,  
REPLAT A filed for record September 29, 2007.

Book 1195, page 816 and in

Book 1199, page 293

**TRACT 4**

Theodore S. and Chena Martinez  
2703 Best Street  
Farmington, NM 87402

Lot 11, Block 2 of the FOX SUBDIVISION, filed  
for record October 7, 1958.

Book 1222, page 103

**TRACT 5**

Albert L. and Starla J. Aranda  
2701 Best Street  
Farmington, NM 87402

Lot 12, Block 2 of the FOX SUBDIVISION, filed  
for record October 7, 1958.

Book 1280, page 549

**TRACT 6**

~~John C. and Amy B. Clawson~~  
2606 Fox Street  
Farmington, NM 87402

Lots 7 and 8, Block 2 of the FOX  
SUBDIVISION, filed for record October 7, 1958.

Book 1537, page 54

**TRACT 7**

Charles S. and Virginia I. Grace  
2609 Best Street  
Farmington, NM 87402

Lot 13, Block 2 of the FOX SUBDIVISION, filed  
for record October 7, 1958.

Book 1278, page 108 and in  
Book 1297, page 423

**TRACT 8**

Freddie and LaRose W. Charley  
2607 Best Street  
Farmington, NM 87402

Lot 14, Block 2 of the FOX SUBDIVISION, filed  
for record October 7, 1958.

Book 1373, page 708

**TRACT 9**

Jesus and Patricia Clemente  
2604 Fox Street  
Farmington, NM 87402

Lot 6, Block 2 of the FOX SUBDIVISION, filed  
for record October 7, 1958.

Book 1561, page 316

**TRACT 10**

James F. and Jean Moore  
2605 Best Street  
Farmington, NM 87402

Lot 15, Block 2 of the FOX SUBDIVISION, filed  
for record October 7, 1958.

Book 1338, page 215

**TRACT 11**

Richard E. Turnbull  
2602 Fox Street  
Farmington, NM 87402

Lots 4 and 5, Block 2 of the FOX  
SUBDIVISION, filed for record October 7, 1958.

Book 1327, page 115

**TRACT 12**

Rafael Clemente-Zambrano and Catalina V. Clemente  
1109 Smith Lane No. 18  
Farmington, NM 87401

Lot 16, Block 2 of the FOX SUBDIVISION, filed for record October 7, 1958.

Book 1451, page 563

**TRACT 13, 14, & 15**

✱ Keystone Investments LLC  
P.O. Box 127  
Farmington, NM 87499

Lots 1, 2, 3 and 4, Block 1 of the FOX SUBDIVISION, filed for record October 7, 1958.

Book 1514, page 103

AND

That part of NW/4SE/4 of Section 1, Township 29 North of Range 13 West, N.M.P.M., San Juan County, New Mexico.

Book 1380, page 5 and in

Book 1378, page 134

**TRACT 16**

Delbert Ronald Boice and Nora May Boice Revocable Trust  
4251 W. Earnhart Way  
Chandler, AZ 85226

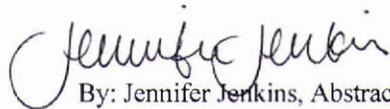
Lot 1 of the HANNON SUBDIVISION, filed for record January 26, 1982.

Book 1385, page 312

TO: December 18, 2015. 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

  
By: Jennifer Jenkins, Abstracter

# Memo



**To:** Mayor Roberts and City Council

**From:** Rodney Romero, Acting Electric Utility Director  
Susan Nipper, Business Operations Manager

**Date:** 2/18/2016

**Re:** Consideration of a Recommendation from the Public Utility Commission and FEUS staff to Approve Farmington Electric Utility System (FEUS) Rules No. 1 through No. 27.

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At the January 13, 2016 Public Utility Commission (PUC) meeting the PUC recommended Farmington City Council approval of the updated FEUS Rules and Regulations No. 1 through No. 27.

These updated rules, redline versions and the current FEUS Rules and Regulations were provided to the Farmington City Council at the February 16, 2016 work session. During this work session, council members suggested FEUS staff contact area realtors for input about how the revisions to Rule No. 1 Application for Service to Previously-Served Locations might affect realtors.

Taking into consideration input received from local realtors, Rule No. 1 Application for Service to Previously-Served Locations has been revised for better clarification. The revised Rule No. 1 is attached.

**Rule and Regulation No. 1**  
**APPLICATION FOR SERVICE**  
**TO**  
**PREVIOUSLY-SERVED LOCATIONS**

- A. Each applicant for electric service at a premises which has been previously served shall provide information as to the following:
1. Exact location of premises to be served.
  2. Information to establish identity of the applicant such as Driver's License, Social Security number or Individual Taxpayer Identification Number (ITIN).
  3. Phone number
  4. Name of joint applicant or spouse (if applicable), and/or other adults to be residing at premises.
  5. Emergency contact information.
- B. Service applicants must complete a utility service application. Attached to the application is a summary of general utility information and acknowledgement must be made by the residential applicant they have read and understood this information.
- C. The applicant shall arrange for payment of the deposit and connection fees required by Rule and Regulation No. 3 and No. 6.
- D. Only the party, or their duly authorized representative, who will be responsible for the payment of utility bills may request service.

Revision #1: February 2016

**COMMUNITY DEVELOPMENT ACTION SUMMARY**

Preliminary Plan and Final Plat for  
Nyrgen Subdivision No. 5, Replat B  
Petition No. PFP 15-01

**A. STAFF REPORT, January 5, 2016**

**PROJECT INFORMATION**

<b>Applicant</b>	Four Corners Land, LLC
<b>Representative</b>	George Walters, Cheney-Walters-Echols, Inc.
<b>Date of Application</b>	December 8, 2015
<b>Requested Action</b>	Preliminary Plan and Final Plat approval
<b>Location</b>	3.94 acres, Tract B of the Nyrgen Subdivision Number 5 Replat A. The subdivision is South of 30 <sup>th</sup> Street and East of Farmington Avenue. 2500 Farmington Avenue
<b>Existing Land Use</b>	Chiropractic Office, New Construction, Vacant Land
<b>Existing Zoning</b>	OP, Office Professional
<b>Surrounding Zoning &amp; Land Use</b>	<b>North:</b> OP Office Professional: Professional Offices <b>South:</b> MF-M Multi-Family Medium Density: Residential <b>East:</b> SF-7 Single-Family Residential: Residential and Park <b>West:</b> SF-7 Single Family Residential: Residential and Farm Land
<b>Staff Planner</b>	Keith M. Neil, Associate Planner

**SUBDIVISION INFORMATION**

<b>Number of Lots</b>	3 lots
<b>Acres of Land</b>	3.94 acres
<b>Lot Sizes</b>	B-1: 0.75 acres, B-2: 2.18 acres, B-3: 1.01 acres
<b>Utilities</b>	<b>Water:</b> Per City standards. <b>Sewer:</b> Per City standards <b>Electric:</b> Per Electrical Engineering
<b>Access &amp; Circulation</b>	Lots B-1 and Lot B-2 have access to Farmington Avenue.

**GENERAL INFORMATION**

The petitioner is requesting to replat the existing Lot B of the Nyrgen Subdivision No. 5, Replat A into three separate lots. Pursuant to section 6.3B of the UDC, lots of record are required to meet subdivision regulations from July 22, 1971 to the present. Per Section 6.9.1 of the UDC "Required Improvements" include "streets, and road construction for all street improvements including base, grading, curbs, gutters, sidewalks, pavement, street name signs, street regulatory signs, culverts, and bridges; Water and sewer lines installations including fire hydrants and manholes."

Proposed Lot B-1 was created through a warranty deed in July 1996 which did not comply with the subdivision regulations at that time. The City of Farmington does not recognize Lot

B-1 as being legally subdivided. Pond Chiropractic is the business located on Lot B-1.

Proposed Lot B-2 of 2.18 acres is currently being developed as a medical office. Lot B-3 as proposed is 1.01 acres created by eliminating an existing lot line on the southwest portion of the parcel. The southwest corner of the parcel being consolidated was obtained by WBR Properties from the City of Farmington in a land exchange that took place in September of 1996.

Per an agreement dated January 27, 1992, signed and recorded with the SJC Clerk's Office (B1148 P794) between the initial property owner, William Nygren, and the City of Farmington, "the City of Farmington is responsible for improvements on Cliffside Drive from Huntzinger Ave. to Farmington Ave. when the City believes it is an appropriate time for the improvements to take place. If the property owner wishes to develop land that is adjacent to Cliffside Drive, the owners shall be required to bear the cost of such improvement."

## **ISSUES**

### **Electrical Engineering Staff- Luwil Aligarbes: 599-8321**

- It looks like the existing underground electric power line is outside the 10' wide dedicated electric easement. Developer/Surveyor needs to verify the electric location in the field. Electric underground power line was flagged and spotted by our line department spotter.

### **Engineering Staff- Toni Sitta: 599-1399**

- Please check the legal description. The west lot line for Lot B-2 is missing a bearing and distance description.
- Please double check the legal description for correctness. There is a discrepancy between the legal description for Tract B of the Nygren Subdivision No. 5 Replat A with the legal description on Book 1225 Page 897 and what is depicted on the surveyed area of the proposed Nygren Subdivision No. 5 Replat B.

### **Water/Wastewater Engineering Staff- Manuel Tso: 599-1315**

- When Cliffside Drive roadway is being developed, waterline improvements are planned. Before engineered fill is placed below asphalt paving, the City of Farmington will place a PVC waterline below final graded native material.

### **Community Development Staff: 599-1333**

- The agreement made between Mr. Nygren and the City of Farmington dated January 27, 1992 is filed with the San Juan County Clerk's Office and therefore is tied to the property, regardless of ownership. Per this agreement, development (subdivision or construction) of this property requires the property owner to improve the extension of Cliffside Drive from Huntzinger Avenue to Farmington Avenue. These improvements must be completed prior to the issuance of a Certificate of Occupancy for the new construction on proposed Lot B-2.

### **Legal Department Staff- Russell Frost: 599-1124**

- In 1992, the Nygren family and the City of Farmington entered into an agreement in which the City was allowed an easement for Cliffside drive on the property in question, and the Nygrens were given paving credit for Farmington Avenue. In this agreement Nygrens agreed to pave Cliffside if they ever developed the property in question.

That agreement was filed with the County at Bk 1148 Pg 794. The legal description of the property or description of the property is provided in the agreement. Therefore, the agreement is binding on the successors in interest. Therefore, Four Corners Land, LLC is bound by the terms of the 1992 agreement because they are successors in interest to the Nygren family who signed the agreement. It is my opinion that Four Corners Land, LLC is responsible for the cost of paving Cliffside drive because Four Corners Land, LLC has triggered the clause which makes them responsible for the cost of paving.

### **STAFF CONCLUSION**

Staff concludes that approval of Petition PFP 15-01, Nygren Subdivision No. 5 Replat B, is appropriate as long as all conditions are met. This petition replats one existing lot into three separate lots. Approval will legitimize Lot B-1 by complying with the required subdivision standards.

### **STAFF RECOMMENDATION**

The Community Development Department recommends **approval** of Petition PFP 15-01, a request from Four Corners Land, LLC, represented by Mr. George Walters of Cheney-Walters-Echols, Inc., for the Preliminary Plan and Final Plat for the Nygren Subdivision No. 5, Replat B, a 3-lot subdivision on 3.94 acres located south of 30<sup>th</sup> Street and east of Farmington Avenue at 2500 Farmington Avenue with the following conditions:

- a) Improvements, outlined in Section 6.9.1 of the UDC, to Cliffside Drive must be completed prior to the issuance of a Certificate of Occupancy for the medical office being constructed on proposed Lot B-2.
- b) If at any point and time access to proposed Lot B-2 from Huntzinger Avenue is desired, the property owner shall be responsible for improvements to the western half of Huntzinger Avenue from Cliffside Drive to the north property line of proposed Lot B-2.

### **FINDINGS AND FINAL ACTION OF THE PLANNING AND ZONING COMMISSION**

The Planning and Zoning Commission held a public meeting on Thursday, January 14, 2016 and made the following findings:

1. The owner of the property is Four Corners Land, LLC.
2. The petitioner is requesting a Preliminary Plan and Final Plat for the Nygren Subdivision No. 5 Replat "B" for a three (3) lot subdivision for property located at 2500 and 2600 Farmington Ave.
3. The area is zoned OP Office Professional.
4. Section 8.8.8B states: "All resubdivision and replats require application and processing in accordance with the preliminary and final plat procedures of subsection 8.8.9D and subsection 8.8.9E, respectively."
5. Pursuant with section 6.3B of the Unified Development Code, lots recorded after July 22, 1971, are required to follow summary plat guidelines. Proposed Lot B-1 was created with a warranty deed filed with San Juan County on July 11, 1996, but did not follow City

of Farmington subdivision guidelines. The City of Farmington does not recognize the Lot B-1 as being legally subdivided.

6. Per an agreement signed between a previous property owner, William Nygren, and the City of Farmington, improvements to Cliffside Drive will be required to be installed by the current property owner when development takes place on the property.

### **Planning and Zoning Commission Discussion of PFP 15-01 on January 14, 2016**

Associate Planner Keith Neil presented the staff report for PFP 15-01, a request from Four Corners Land, LLC, represented by George Walters of Cheney-Walters-Echols, for a Preliminary Plan and Final Plat for 3.94 acres located at 2500 Farmington Avenue.

Mr. Neil explained the petitioner is requesting to replat the existing Lot B of the Nygren Subdivision No. 5, Replat A into three separate lots. According to section 6.3B of the UDC, lots of record subdivided after July 22, 1971 are required to follow summary plat guidelines. Lot B-1 is 0.75 acres and was created through a warranty deed in July 1996 which did not comply with the subdivision regulations. The City of Farmington does not recognize Lot B-1 as being legally subdivided. Pond Chiropractic is the business located on Lot B-1.

Mr. Neil stated that the proposed Lot B-2 is 2.18 acres and is currently being developed as the 4-Corners Spine and Pain medical office. Per an agreement dated January 27, 1992, signed and recorded with the SJC Clerk's Office (B1148 P794) between the initial property owner, William Nygren, and the City of Farmington, "the City of Farmington is responsible for improvements on Cliffside Drive from Huntzinger Ave. to Farmington Ave. when the City believes it is an appropriate time for the improvements to take place. If the property owner wishes to develop land that is adjacent to Cliffside Drive, the owners shall be required to bear the cost of such improvement." With the construction of the medical office and the request of a subdivision of the property, the January 1992 agreement is activated and improvements must be made to Cliffside Drive by the property owner.

Lot B-3 is 1.01 acres. The southwest corner of the parcel being consolidated was obtained by WBR Properties from the City of Farmington in a land exchange that took place in September of 1996.

Staff recommends approval with the following conditions:

- a. Improvements, outlined in Section 6.9.1 of the UDC, to Cliffside Drive must be completed prior to the issuance of a Certificate of Occupancy for the medical office being constructed on proposed Lot B-2.
- b. If at any point and time access to proposed Lot B-2 from Huntzinger Avenue is desired, the property owner shall be responsible for improvements to the western half of Huntzinger Avenue from Cliffside Drive to the north property line of proposed Lot B-2.

Commissioner Freeman inquired as to why this agreement was not found prior to the beginning of construction on the property. Mr. Neil explained that staff began to research the property once it was found that the top portion of the property had been illegally subdivided. At that time, the agreement was discovered.

Commissioner Thompson asked how the property owner was planning to access Lot B-3. Mr. Neil stated that Farmington Avenue is currently being used, but a 24 foot shared access agreement is included in the plat that will connect Cliffside Drive to the property. There is already a curb cut on Farmington Avenue to access Lot B-2.

Commissioner Waldroup inquired as to whether traffic might be a concern into and out of the office complex. Ms. Lopez explained that staff felt Cliffside Drive is far enough away from the intersection to prevent traffic from becoming an issue.

Commissioner Thompson asked why Cliffside Drive would need to be developed if the complex will not take access from that point. Mr. Neil commented that the agreement of 1992 required the property owner to develop that portion of Cliffside Drive.

Commissioner Davis voiced a concern that the property owner would not be allowed to open the office complex if Cliffside Drive was not completed.

Commissioner Freeman commented that he would recommend tabling the petition because the property owner did not come to the Planning and Zoning Meeting.

Chair Cardon asked if a temporary Certificate of Occupancy, CO, could be issued if the complex was finished but Cliffside Drive was not complete. Ms. Lopez stated the City would work with the property owner. The staff report had been sent to the petitioner, and the petitioner still had time to discuss the petition with staff before it went to City Council.

Commissioner Freeman asked if there was a legal impact if the City did not enforce the completion of Cliffside Drive. Russel Frost, Deputy City Attorney for the City of Farmington, stated the agreement was legally filed with the City Clerk in 1992 and subsequent owners of the property would be notified of the agreement when the land was purchased. To obtain the summary plat without the terms and conditions stated would be a breach of contract and might not be possible to enforce at a later date.

Ms. Holton stated the agreement will be discussed with the petitioner and the petitioner will have the option to revisit with the Planning and Zoning Board before the petition is presented to City Council.

**Planning & Zoning Commission Action of Petition PFP 15-01 on January 14, 2016**

A motion was made by Commissioner Thompson and seconded by Commissioner Davis to **approve** Petition PFP 15-01, a request from Four Corners Land, LLC, represented by George Walters of Cheney-Walters-Echols, for a Preliminary Plan and Final Plat for 3.94 acres located at 2500 Farmington Avenue with the conditions recommended by staff.

**AYE:** Chair Cardon, Commissioners Brown, Davis, Freeman, Jaquez, Langenfeld, Thompson, Waldroup, and Washburn.

**NAY:** Commissioner Freeman

**Abstained:** None

**Absent:** Commissioner Ragsdale

**Motion passed 8-1**

The Board was polled.

Commissioner Thompson voted yes and stated the agreement is known to the parties and the

improvement would be difficult to enforce later. The Board should not make an exception for the petitioner.

Commissioner Davis voted *yes* and stated he agreed the parties have been notified and the City would work with the petitioner in regards to a temporary Certificate of Occupancy.

Commissioner Freeman voted *no* and stated he could not make a clear decision without hearing from the petitioner.

Commissioner Brown voted *yes* and stated the agreement is a standing agreement and the petitioner had been notified.

Commissioner Waldroup voted *yes* and stated it was unfortunate that the petitioner had not attended the Planning & Zoning meeting but the petitioner had been notified and the City was willing to work with the petitioner in regards to a Certificate of Occupancy.

Chair Cardon voted *yes* and stated the legalities were clear cut and the City should abide by the agreement.

Commissioner Washburn voted *yes* and stated the City Council would have the last say on the matter.

Commissioner Langenfeld voted *yes* and stated the petitioner had been notified and had the opportunity to attend the Planning & Zoning meeting.

Commissioner Jaquez voted *yes* and stated the agreement was clear and the parties were aware of the conditions.



**AREA UNDER CONSIDERATION**  
**Petition No. SP15-51 Nygren SD #5 Replat B**

COMMUNITY  
 DEVELOPMENT  
 DEPARTMENT

Date: 12/7/2015

**WARRANTY DEED**

GABALDON CONSTRUCTION, a sole proprietorship, by STEVEN J. GABALDON and MARIE S. GABALDON, owners  
for consideration paid, grants to \_\_\_\_\_,  
LONNIE L. POND, a single man, an undivided 45% interest,  
whose address is PO Box 2332  
Farmington, NM 87499 and  
CATHERINE L. POND JACOBS, a married woman as her sole and separate property, an undivided 27.5%,  
whose address is PO Box 2332  
Farmington, NM 87499 and  
DIANE M. POND MCCLELLAND, a married woman as her sole and separate property, an undivided 27.5% whose  
address is PO Box 2332  
Farmington, NM 87499

the following described real estate in San Juan County, New Mexico:

A tract of land being a portion of Tract B of the NYGREN SUBDIVISION NO. 5 REPLAT "A" as filed for record in Book 1153, Page 449, October 14, 1992, in N-38;  
BEGINNING at the Northwest Corner of said Tract B;  
THENCE: South 68°56'43" East for a distance of 286.02 feet along the North line;  
THENCE: South 00°09'33" East for a distance of 70.74 feet;  
THENCE: West for a distance of 267.83 feet to a point on the Easterly Right-of-Way of Farmington Avenue;  
THENCE: North 00°14'13" East for a distance of 173.50 feet to the point of beginning.

SUBJECT to easements, reservations and restrictions of record or in place.

with warranty covenants.

WITNESS our hands and seals this 11th day of July 1996.

Steven J. Gabaldon (Seal) Marie S. Gabaldon (Seal)  
Marie S. Gabaldon, by Attorney in Fact Steven J. Gabaldon  
Steven J. Gabaldon, Attorney in Fact for Marie S. Gabaldon, his wife (Seal) (Seal)

**ACKNOWLEDGEMENT FOR NATURAL PERSONS**

STATE OF NEW MEXICO  
COUNTY OF San Juan SS.  
This instrument was acknowledged before me on July 11, 1996 by STEVEN J. GABALDON, individually and as Attorney in Fact for MARIE S. GABALDON, his wife, owners of GABALDON CONSTRUCTION.

My commission expires: 5-15-99  
Maey M... Notary Public



**ACKNOWLEDGEMENT FOR CORPORATION**

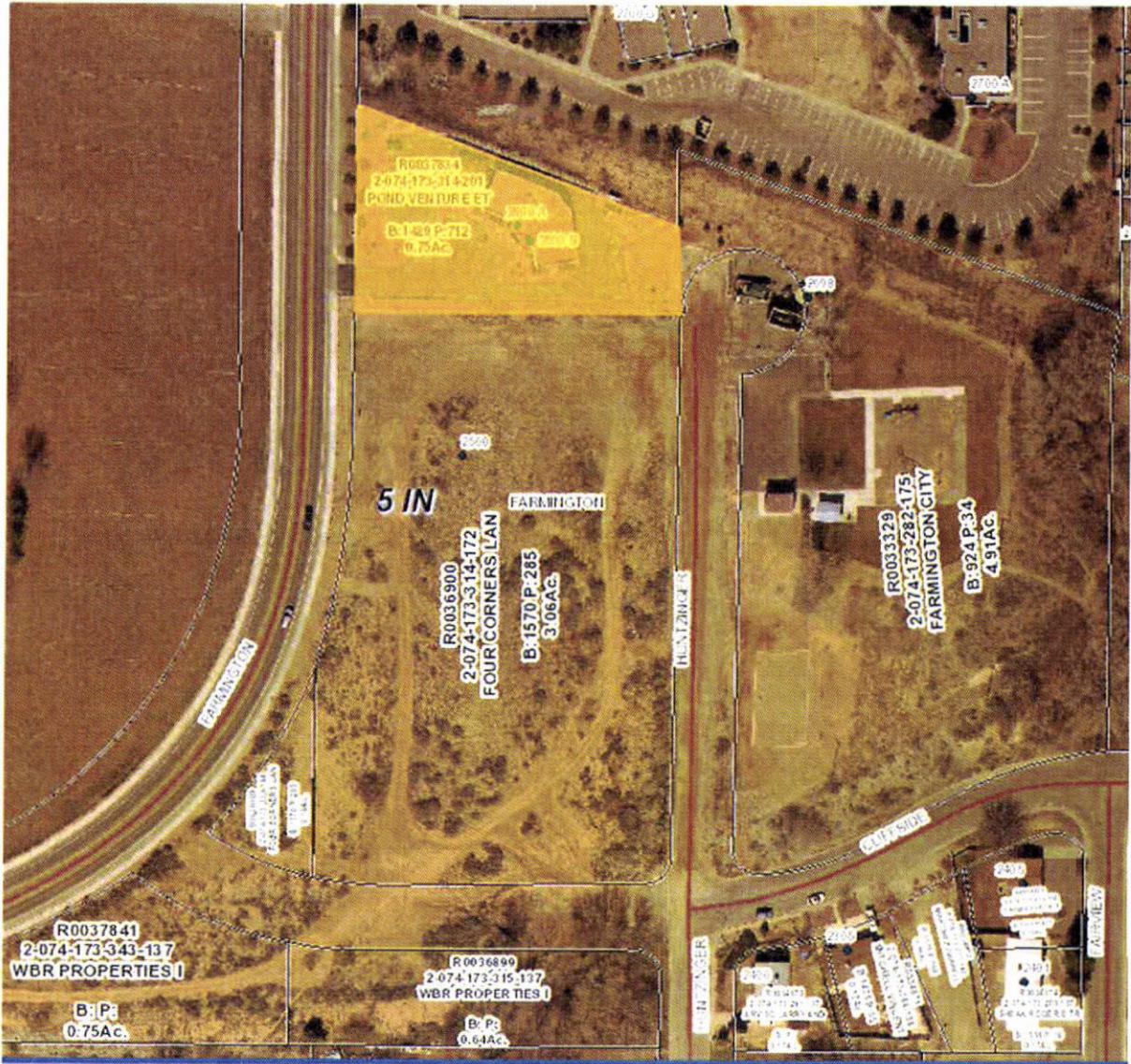
STATE OF NEW MEXICO)  
COUNTY OF San Juan SS.  
This instrument was acknowledged before me on , 19  
by ,  
of  
a corporation,  
on behalf of said corporation.  
My commission expires:  
(Seal)



FOR RECORDER'S USE ONLY

9610421 B-1222 P-540 07/12/96 09:47A PG 1 OF 1  
CAROL BANDY, CLERK SAN JUAN COUNTY, NEW MEXICO

REC 5.00 DOC 2.00 NOT  
Bret Samuel



**WARRANTY DEED**

9/13/96

CITY OF FARMINGTON, a Municipal corporation,  
for consideration paid, grants to WBR PROPERTIES, INC., a New Mexico corporation  
whose address is 305 N. Behrend  
Farmington, NM 84701  
the following described real estate in San Juan County, New Mexico:

A parcel of land in the West One-half Northeast Quarter Southwest Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section Two (2) in Township Twenty-nine (29) North, of Range Thirteen (13) West, N.M.P.M., San Juan County, New Mexico, and described as follows:  
BEGINNING at a point which is 147.73 feet North 00°14'13" East from the Southeast corner of the West One-half Northeast Quarter Southwest Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 2;  
THENCE: Along a curve to the right whose radius is 270.00 feet, a length of 94.52 feet, whose chord bears North 66°41'59" West 94.04 feet;  
THENCE: Along a curve to the left whose radius is 430.00 feet, a length of 165.57 feet, whose chord bears North 31°57'34" East 164.55 feet;  
THENCE: South 00°14'13" West 176.81 feet to the point of beginning.

Subject to restrictions, reservations and easements of record or in place.

with warranty covenants.

WITNESS its hand and seal this \_\_\_\_\_ day of September, 1996.

City of Farmington (Seal) \_\_\_\_\_ (Seal)

BY: [Signature] (Seal) \_\_\_\_\_ (Seal)

**ACKNOWLEDGEMENT FOR NATURAL PERSONS**

STATE OF NEW MEXICO  
COUNTY OF SAN JUAN )SS.

This instrument was acknowledged before me on September 13, 1996  
by Thomas C. Taylor, Mayor of the City of Farmington, a municipal corporation, on behalf

My commission expires: \_\_\_\_\_ of said corporation  
(Seal) 12-16-99

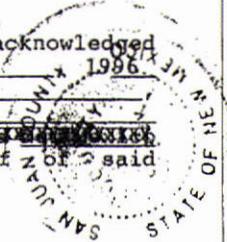
[Signature]  
Notary Public

**ACKNOWLEDGEMENT FOR CORPORATION**

STATE OF NEW MEXICO)  
COUNTY OF San Juan )SS.

This instrument was acknowledged  
before me on September, 1996  
by \_\_\_\_\_

of WBR PROPERTIES, INC., a New Mexico corporation, on behalf of said corporation.  
My commission expires:  
(Seal)



FOR RECORDER'S USE ONLY

Notary Public  
REC DOC NOT  
5.00 2.00 [Signature]

Land Exchange Agreement

This Land Exchange Agreement is entered into this 23rd day of July, 1996, by and between the City of Farmington, New Mexico (the "City"), and WBR Properties, Inc., a New Mexico Corporation ("WBR") whose address is 305 North Behrend Avenue, Farmington, New Mexico 87401, as follows:

RECITALS

**WHEREAS**, the City currently holds a right-of-way easement across the NW/4NW/4 Section 34, Twn. 30 N., Rng. 13 W. N.M.P.M., for the purpose of constructing and maintaining a portion of Piñon Hills Boulevard (PHB); and

**WHEREAS**, the City wishes to realign that proposed roadway in accordance with a revised alignment adopted as part of the Major Thoroughfare Plan on October 10, 1995, thereby rendering most of the existing right-of-way, referred to as Tract "A," and more particularly described in Exhibit "A" to this Agreement, surplus to the needs of the City; and

**WHEREAS**, WBR agrees to convey to the City, title to a tract of land necessary for the Piñon Hills Boulevard alignment, referred to as Tract "B," and more particularly described in Exhibit "B" to this Agreement, along with title to the uneconomic remnant referred to as Tract "C," and more particularly described in Exhibit "C" to this Agreement, lying between Tract B and the south property line of said NW/4NW/4 Section 34; and

**WHEREAS**, WBR wishes to acquire from the City, a tract of land located at the intersection of Farmington Avenue and Cliffside Drive, which was acquired by the City as part of the Farmington Avenue construction project and is surplus to the needs of the City, referred to as Tract "D" and more particularly described in Exhibit "D" to this agreement; and

**WHEREAS**, the net property to be acquired by the City (Tracts B+C less the right-of-way to be relinquished to WBR) equals 2.25 acres having an estimated value of \$6,000/acre or \$13,500; and

**WHEREAS**, Tract "D" to be acquired by WBR contains 6,543 square feet having an estimated value of \$1.00/sq. ft., or \$6,543; and

**WHEREAS**, land to be conveyed to the City from WBR is valued at \$6,957 greater than land to be conveyed to WBR from the City; and

**WHEREAS**, it is the desire of the parties to exchange their property on the terms and conditions set forth in this Agreement.

**NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

1. **VALUE.** The parties hereby find and determine that the value of the real property to be conveyed to the City from WBR, exceeds the value of the real property conveyed to WBR from the City, including the relinquishment of the right-of-way easement, Tract "A." The City will pay WBR \$6,957, the amount necessary to balance the trade.
2. **EXCHANGE.** The parties agree to exchange properties as follows: The City will relinquish its right-of-way easement on Tract "A" and convey Tract "D" to WBR. WBR will convey Tracts "B" and "C" to the City.
3. **TITLE INSURANCE.** The parties agree that the conveyances of Tracts "B," "C" and "D" will be accompanied by the delivery of a title insurance policy in the form of American Land Title Association Form B, naming the party receiving the tract as the named insured. The policies shall be in an amount not less than the estimated value of the tract conveyed, as described in the recital paragraphs above. Each party shall deliver to the other, no later than 15 days prior to the closing, a commitment for the title insurance required to be delivered at closing, together with copies of all instruments listed as title exceptions in the commitment. Each party shall have five (5) business days after receipt of the commitment to object to any title exceptions shown therein. Each party shall pay for the cost of the title insurance on the property each party conveys in the exchange.
4. **EXCEPTIONS.** Title to Tracts "B," "C" and "D" shall be conveyed without exceptions or encumbrances except those shown in the appropriate title commitment and not objected to pursuant to Section 3 hereof.
5. **TAXES.** Taxes on Tracts "B" and "C" shall be prorated to the closing date. Tract "D" is currently tax exempt.
6. **CLOSING.** The closing for this transaction shall be at the offices of Guardian Abstract and Title Company, 221 North Auburn, Farmington, New Mexico. Closing shall take place on or before August 30 unless a later date is mutually agreed to by the parties.
7. **POSSESSION.** Possession of the properties shall remain in the conveying party until the date of closing.
8. **CLOSING COSTS.** Cost of survey (if any) and deed recording shall be paid by the receiving party on the property conveyed to it by the other party. The closing agent's fee and any other costs not specifically mentioned herein shall be shared equally. Each party shall pay its own attorney's fee.
9. **ENTIRE AGREEMENT.** This agreement shall constitute the entire agreement between the parties, and any prior understanding or representation of any kind preceding the date of this



Exhibit "A"  
to  
Land Exchange Agreement  
Between  
The City of Farmington and WBR Properties  
Dated the \_\_\_\_\_ Day of \_\_\_\_\_, 1996

AN EASEMENT COVERING A PARCEL OF LAND IN THE NORTHWEST QUARTER NORTHWEST QUARTER (NW1/4NW1/4) OF SECTION 34, TOWNSHIP 30 NORTH, RANGE 13 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO, AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH LIES N00°00'01"E A DISTANCE OF 400.05 FROM THE SW CORNER NW1/4NW1/4 SEC 33 T29N R13W.  
THENCE: N 00°00'01" EAST A DISTANCE OF 122.47 FT TO A POINT  
THENCE: S 78°29'10" EAST A DISTANCE OF 1292.71 FT TO A POINT  
THENCE: S 01°30'04" WEST A DISTANCE OF 102.08 FT TO A POINT  
THENCE: S 88°57'41" WEST A DISTANCE OF 89.60 FT TO A POINT  
THENCE: N 78°29'10" WEST A DISTANCE OF 1198.55 FT TO A POINT TO THE POINT OF BEGINNING CONTAINING 154,046.48 SQUARE FEET OR 3.54 ACRES MORE OR LESS.

Exhibit "B"  
to  
Land Exchange Agreement  
Between  
The City of Farmington and WBR Properties  
Dated the \_\_\_\_\_ Day of \_\_\_\_\_, 1996

A PARCEL OF LAND IN THE NORTHWEST QUARTER NORTHWEST QUARTER (NW1/4NW1/4) OF SECTION 34, TOWNSHIP 30 NORTH, RANGE 13 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO, AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH LIES N00°00'01" EAST A DISTANCE OF 232.76 FT FROM THE SW CORNER NW1/4NW1/4 SEC 33 T29N R13W.  
THENCE: AROUND A CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 00°57'31" AN ARC DISTANCE OF 37.50 FT A CHORD BEARING OF S85°34'53 S85°34'51" EAST A DISTANCE OF 37.50 FT TO A POINT  
THENCE: S 85°06'05" EAST A DISTANCE OF 712.72 FT TO A POINT AROUND A CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 05°56'14" AN ARC DISTANCE OF 303.09 FT A CHORD BEARING OF S 88°04'12" EAST A DISTANCE OF 302.96 FT TO A POINT  
THENCE: N 88°57'41" EAST A DISTANCE OF 210.63 FT TO A POINT  
THENCE: N 01°30'04" EAST A DISTANCE OF 120.12 FT TO A POINT  
THENCE: S 88°57'41" WEST A DISTANCE OF 215.95 FT TO A POINT AROUND A CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 05°56'14" AN ARC DISTANCE OF 290.66 FT A CHORD BEARING OF N 88°04'12" WEST A DISTANCE OF 290.53 FT TO A POINT  
THENCE: N 85°06'05" WEST A DISTANCE OF 712.72 FT TO A POINT AROUND A CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 01°09'33" AN ARC DISTANCE OF 47.77 FT A CHORD BEARING OF N 85°40'52" WEST A DISTANCE OF 47.77 FT TO A POINT  
THENCE: S 00°00'01" WEST A DISTANCE OF 120.27 FT TO A POINT TO THE POINT OF BEGINNING CONTAINING 151,861.97 SQUARE FEET OR 3.49 ACRES MORE OR LESS

Exhibit "C"  
to  
Land Exchange Agreement  
Between  
The City of Farmington and WBR Properties  
Dated the \_\_\_\_\_ Day of \_\_\_\_\_, 1996

A PARCEL OF LAND IN THE NORTHWEST QUARTER NORTHWEST QUARTER (NW1/4NW1/4) OF SECTION 34, TOWNSHIP 30 NORTH, RANGE 13 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO, AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS THE SW CORNER NW1/4NW1/4 SEC 33 T29N R13W.  
THENCE: N 00°00'01" EAST  
A DISTANCE OF 112.49 FT TO A POINT AROUND A CURVE TO THE RIGHT  
THROUGH A CENTRAL ANGLE OF 00°57'31" AN ARC DISTANCE OF 37.50 FT  
A CHORD BEARING OF S 85°34'51" EAST A DISTANCE OF 37.50 FT TO A POINT  
THENCE: S 85°06'05" EAST A DISTANCE OF 712.72 FT TO A POINT  
AROUND A CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 05°56'14"  
AN ARC DISTANCE OF 303.09 FT A CHORD BEARING OF S 88°04'12" EAST  
A DISTANCE OF 302.96 FT TO A POINT  
THENCE: N 88°57'41" EAST A DISTANCE OF 210.63 FT TO A POINT  
THENCE: S 01°15'05" WEST A DISTANCE OF 73.36 FT TO A POINT  
THENCE: N 88°35'25" W A DISTANCE OF 1259.66 FT TO A POINT  
TO THE POINT OF BEGINNING CONTAINING 100,817.07 SQUARE FEET OR 2.31 ACRES  
MORE OR LESS.

Exhibit "D"  
to  
Land Exchange Agreement  
Between  
The City of Farmington and WBR Properties  
Dated the \_\_\_\_\_ Day of \_\_\_\_\_, 1996

A PARCEL OF LAND IN THE WEST ONE-HALF NORTHEAST QUARTER SOUTHWEST QUARTER (W1/2 NE1/4 SW1/4) OF SECTION 2, TOWNSHIP 29 NORTH, RANGE 13 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO, AND DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT WHICH IS 147.73 FEET N00°14'13" E FROM THE SOUTHEAST CORNER OF THE WEST ONE-HALF NORTHEAST QUARTER SOUTHWEST QUARTER (W1/2 NE1/4 SW1/4) OF SECTION 2;

THENCE: ALONG A CURVE TO THE RIGHT WHOSE RADIUS IS 270.00 FEET, A LENGTH OF 94.52 FEET, WHOSE CHORD BEARS N66°41'59" W, 94.04 FEET;

THENCE: ALONG A CURVE TO THE LEFT WHOSE RADIUS IS 430.00 FEET, A LENGTH OF 165.57 FEET, WHOSE CHORD BEARS N31°57'34" E, 164.55 FEET;

THENCE: S00°14'13" W, 176.81 FEET TO THE POINT OF BEGINNING; CONTAINING 0.15 ACRES, MORE OR LESS.

First Amendment  
to  
Land Exchange Agreement

*7-9-97. After Sullivan realty  
deal with Co. to ascertain if  
Bayless has signed*  
L-13

This First Amendment to the "Land Exchange Agreement" dated 23rd day of July, 1996, between the parties listed below, is entered into this \_\_\_\_ day of \_\_\_\_\_, 1996, by and between the City of Farmington, New Mexico (the "City"), and WBR Properties, Inc., a New Mexico Corporation ("WBR") whose address is 305 North Behrend Avenue, Farmington, New Mexico 87401, as follows:

RECITALS

**WHEREAS**, the City and WBR did on the 23rd day of July, 1996 enter into an agreement to exchange certain real property; and

**WHEREAS**, a re-survey of the subject lands to be conveyed to the City by WBR revealed them to be 0.53 acres larger than previously calculated, and

**WHEREAS**, the City and WBR agree the value of the land to be conveyed to City is \$6,000/acre, and

**WHEREAS**, the property to be conveyed to the City is now valued at \$10,197 more than that to be conveyed to WBR.

**NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

That Paragraph 1. of the "Land Exchange Agreement" be amended to reflect a payment at closing to WBR of \$10,197, in lieu of the previously agreed upon amount of \$6,957, in order to re-balance the trade and acknowledge the greater acreage being conveyed to the City.

**ENTERED INTO AND EXECUTED** the date first-above written.

CITY OF FARMINGTON

WBR Properties, Inc.

By: *S/TCT*  
Thomas C. Taylor, Mayor

By: \_\_\_\_\_  
Price M. Bayless, President

ATTEST:

*S/LCB*  
Mary L. Banks, City Clerk



9208508

794

1/27/92

AGREEMENT

THIS AGREEMENT made and entered into this 27<sup>th</sup> day of JANUARY, 1992, between NYGREN INVESTMENT COMPANY, a limited partnership existing under the laws of the State of New Mexico, herein referred to as "Owner", and the CITY OF FARMINGTON, a municipal corporation located in San Juan County, New Mexico, herein for convenience called the "City";

WITNESSETH;

WHEREAS, Owner owns and possesses certain tracts of real property within the City of Farmington which, together with other properties, are described and illustrated on the plat attached hereto as Exhibit "A" entitled "Farmington Avenue Property Acquisition Map" and which the City wishes to acquire for the future extension of Farmington Avenue; and

WHEREAS, Owner is willing to convey certain properties owned by it to the City upon the condition that the City shall provide certain credits against future paving costs on Farmington Avenue in favor of Owner or its successors and assigns in accordance with the action of the Farmington City Council on February 5, 1991;

NOW, THEREFORE, in consideration of mutual covenants between them, the parties agree as follows:

I

COVENANTS OF THE OWNER

1. Owner agrees:

(a) To transfer and convey to the City by dedication on the plat of Nygren Subdivision No. 5 the surface rights only to the tracts of land and real property which, subject to final plat survey, are described below with the general location thereof being shown on Exhibit "A" attached to this agreement:

- i. Tract No. 3 (Nygren to City - property acquired from Nygren for northward extension of Farmington Avenue across Nygren property)

A parcel of land in the East one-half of the Northeast Quarter of the Southwest Quarter ( $E\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$ ) of Section 2, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico, and described as follows:

Beginning at a point which is the Northwest corner of the East one-half of the Northeast Quarter of the Southwest Quarter ( $E\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$ ) of Section 2; THENCE: S89°21'31"E, 30.00 feet; THENCE: S00°14'13"W, 300.00 feet to the TRUE POINT OF BEGINNING:

THENCE: S00°14'13"W, 465.40 feet;  
 THENCE: Along a spiraled curve to the right whose chord bears S03°51'15"W 155.38 feet;  
 THENCE: Along a curve to the right whose radius is 430.00 feet, a length of 74.65 feet, whose chord bears S15°57'10"W, 74.56 feet;  
 THENCE: N00°14'13"E, 692.45 feet;  
 THENCE: S89°21'31"E, 30.00 feet to the TRUE POINT OF BEGINNING, containing 0.44 acres, more or less.

- ii. Tract No. 13 (Nygren to City - property acquired from Nygren for eastward extension of Cliffside Drive)

A parcel of land in the East one-half of the Northeast Quarter of the Southwest Quarter ( $E\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$ ) of Section 2, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico, and described as follows:

Beginning at a point which is 96.66 feet N00°14'13"E from the Southwest corner of the East one-half of the Northeast Quarter of the Southwest Quarter ( $E\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$ ) of Section 2;

THENCE: N00°14'13"E, 61.34 feet;  
 THENCE: Along a curve to the left whose radius is 265.00 feet; a length of 62.54 feet;  
 THENCE: S89°16'20"E, 208.99 feet;  
 THENCE: Along a curve to the left whose radius is 30.00 feet, a length of 47.21 feet;  
 THENCE: S00°09'33"W, 120.00 feet;  
 THENCE: Along a curve to the left whose radius is 30.00 feet, a length of 47.04 feet;  
 THENCE: N89°16'20"W, 209.32 feet;  
 THENCE: Along a curve to the right whose radius is 325.00 feet, a length of 62.60 feet to the point of beginning, containing 0.35 acres, more or less.

(b) To grant to the City temporary construction easements required by the City for the construction and improvement of Farmington Avenue and Cliffside Drive as herein contemplated.

(c) That the covenants and agreements set forth in this Agreement constitute fair and adequate consideration for the conveyance of the foregoing tracts from Owner to the City.

(d) That the conveyance and dedication of Tracts 3 and 13 above referenced through the platting of the Nygren Subdivision No. 5 as set forth herein is granted and conveyed to the City with warranty covenants and such platting and dedication shall vest fee simple title to such tracts in the City free and clear of all liens, encumbrances, reservations and exceptions.

II

COVENANTS OF THE CITY

2. The City agrees:

(a) Subject to the understanding set forth in Article III, Section 4 hereof, to assume responsibility for the improvement and the paving of the east one-half of Farmington Avenue located on Tract 3 and ~~the north and south halves of Cliffside Drive located on Tract 13 at such time as such portions of Farmington Avenue and Cliffside Drive require improvement in the future.~~ The City further agrees, as part of this responsibility, to provide appropriate drainage, (but not to include any flood or storm drainage ponding or detention facilities on property of Owner or on property of others) , which is incidental to the construction of Farmington Avenue and Cliffside Drive and to provide customary drains, culverts, and incidental paving (excluding sidewalks) within the public right-of-way to meet the reasonable requirements of the Owner, provided that such responsibility shall not be construed as an undertaking by the City to resolve flooding and drainage problems which have historically existed on lands of the Owner and upon other lands in this area which are adjacent to or in the proximity of the proposed extension of Farmington Avenue and Cliffside Drive and which are not related to or an incident of the construction of

Farmington Avenue and Cliffside Drive and which have not been created or caused by the City. The provisions of this covenant shall constitute a covenant which shall run with the land and shall benefit the Owner, its heirs, successors and assigns. The construction obligation of the City under this provision shall be limited to preparation of the east one-half of Farmington Avenue located on Tract 3 and the north and south halves of Cliffside Drive located on Tract 13 for street installation, and shall include the installation of base course, paving, curb and gutter, and shall also include the construction and installation of customary drains, culverts, and incidental paving (excluding sidewalks) within the public right-of-way as aforesaid, and all engineering services in connection therewith. This obligation shall not include improvement of the west side of Farmington Avenue, and does not include the installation of sidewalks nor shall it include main line extension fees or Owner's connection to City water and sewer lines or other City utilities. This agreement shall not preclude or prevent the City from assessing other property owners for improvement of the other portions of Farmington Avenue or Cliffside Drive.

Subject to the understanding set forth in Article III, Section 4, the obligation to improve the east one-half of Farmington Avenue located on Tract 3 and the north and south halves of Cliffside Drive located on Tract 13 shall remain upon the City even though the cost of installation of such improvements shall increase over time.

III

MUTUAL COVENANTS BETWEEN THE PARTIES

3. The parties agree, for the purpose of this Agreement, that the City Land Subdivision Regulations do require the dedication of the rights-of-way described above, and that the City Council of the City of Farmington on February 5, 1991 did hereby grant to the Owner a variance from Article VIII of the Land Subdivision Regulations. Nothing herein contained shall relieve the Owner from

compliance with land subdivision or other regulations (including, but limited to, installation of water, sewer, and other utilities) except for the waivers of park dedication fees and waiver of street improvement costs specified in this Agreement pursuant to the approval by the Farmington City Council on February 5, 1991.

4. It is further expressly understood that the decision as to when Farmington Avenue shall be installed or improved depends upon the City budgetary processes and upon decisions made by the City Council concerning City-wide transportation planning and that such decisions shall rest solely with the City of Farmington and there shall be no obligation or liability placed upon the City for postponement of construction or for failure of the City to construct Farmington Avenue or Cliffside Drive.

5. Should the Owners wish to develop land adjacent to Farmington Avenue or Cliffside Drive which may require the improvement of Farmington Avenue or Cliffside Drive or any parts thereof prior to the time when the City shall determine that there is a need for Farmington Avenue or Cliffside Drive, as specified in paragraph 4 above, Owners shall be required to bear the cost of such improvement required by such development provided that any oversizing (i.e. greater street width or greater asphalt structure) shall be paid for by the City.

6. Notwithstanding the foregoing provisions, it is expressly understood by the parties that the terms and conditions of this Agreement are subject to the provisions of the Bateman Act which limits the creation of an indebtedness by a municipal governing body and should the City Council fail or refuse to appropriate funds for the street improvements herein contemplated that Owner's remedies shall be limited to the return of Tracts 3 and 13 by the City to the Owner or to an action by the Owner for inverse condemnation.

7. Owner shall pay all ad valorem taxes and assessments against the tracts to be conveyed to the City which may accrue for the tax year 1992. The City shall not make any further assessment against such property for the 1992 tax year and shall be responsible for all taxes and assessments after 1992.

8. This Agreement shall be deemed to be complete and accepted and the City shall be entitled to possession of Tracts 3 and 13 upon its execution and recording and upon filing of the executed plat of the Nygren Subdivision No. 5 in the records of the County Clerk of San Juan County, New Mexico. The Owner shall not be required to provide title insurance. The City shall provide all title insurance and evidence of title it may require. Each party shall pay for their own attorney fees which may be required in connection with this Agreement.

9. The terms of this Agreement shall be binding alike upon the parties hereto and upon their heirs, executors, personal representatives, successors, and assigns.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above written.

NYGREN INVESTMENT COMPANY

CITY OF FARMINGTON

By: William H. Nygren  
William H. Nygren  
General Partner

BY: Thomas C. Taylor  
Thomas C. Taylor, Mayor

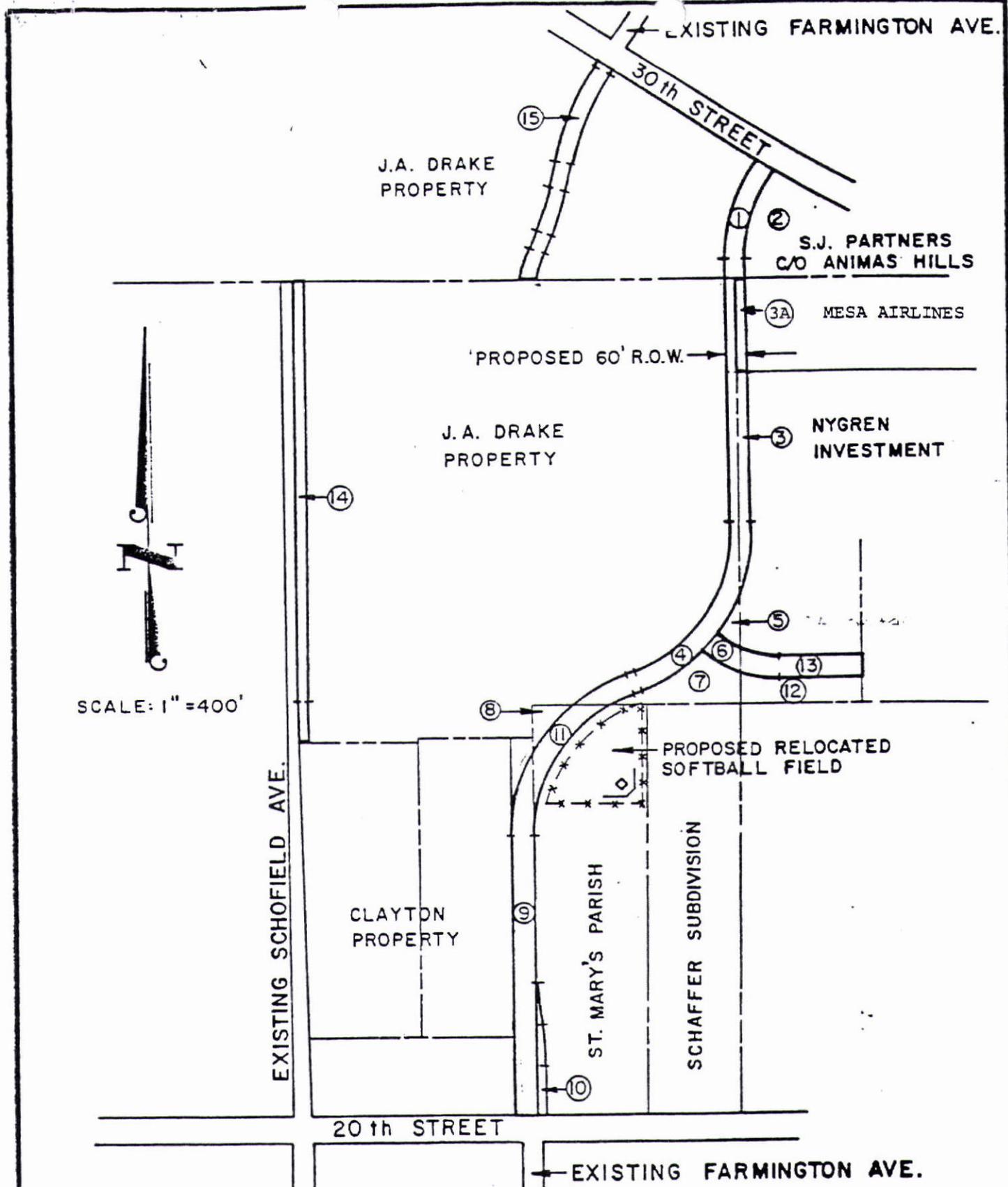
ATTEST:

Jose Nygren  
Jose Nygren, General Partner

Mary L. Banks  
Mary L. Banks, City Clerk







SCALE: 1" = 400'



**FARMINGTON AVENUE  
PROPERTY ACQUISITION MAP  
FEBRUARY 11, 1987**

**CITY OF  
FARMINGTON**  
**PUBLIC WORKS  
DEPARTMENT**

# PLANNING MEMO COMMENTS SUMMARY

**PPF 15-01 NYGREN SD**

**Deadline: 12-30-15**

## City of Farmington Departments

CD	Director – Mary Holton	Comments will be incorporated into the staff memo.
CD	Addressing – Planning Division	
CD	Chief Building Official – Derrick Childers	Building inspection has no comments on PFP 15-01 Nygren SD
CD	Long Range Planner	
CD	MPO – Duane Wakan	
CD	Oil & Gas Inspector – Leona Sims	
CITY	City Manager's Office – Bob Campbell	
ELEC	Customer Care Manager – Nicki Parks	No comment.
ELEC	Electrical Engineering - Luwil Aligarbes	It looks like the existing underground electric power line is outside the 10' wide dedicated electric easement. Developer/surveyor need to verify the electric location in the field. Electric underground power line was flagged and spotted by our line department spotter.
ELEC	T & D	
FIRE	Fire Marshall –Brandy Vega	No comments from the fire marshal's office.
LEGAL	City Attorney – Jennifer Breakell	
LEGAL	Deputy City Attorney-Russel Frost	<p>In 1992, the Nygren family and the City of Farmington entered into an agreement in which the City was allowed an easement for Cliffside drive on the property in question, and the Nygrens were given paving credit for Farmington Avenue. In this agreement Nygrens agreed to pave Cliffside if they ever developed the property in question.</p> <p>That agreement was filed with the County at Bk 1148 Pg 794. The legal description of the property or description of the property is provided in the agreement. Therefore, the agreement is binding on the successors in interest. Therefore, Four Corners Spine is bound by the terms of the 1992 agreement because they are successors in interest to the Nygren family who signed the agreement. It is my opinion that Four Corners Spine is responsible for the cost of paving Cliffside drive because Four Corners Spine has triggered the clause which makes them responsible for the cost of paving.</p>
POLICE	Code Compliance -	
POLICE	Sergeant Flores	
PRCA	Cory Styron	
PW	City Engineer- Nica Westerling	
PW	Engineering – Toni McKnight-Sitta	- Please check the legal description. The west lot line for Lot B-2 is missing a bearing and distance description.

		<p>- Please double check the legal description for correctness. There is a discrepancy between the Legal description for Tract B of the Nygren Subdivision No 5 Replat A with the Legal Description on Book 1225 Page 897 and what is depicted on the surveyed area of the proposed Nygren Subdivision Number 5, Replat B.</p> <p>- Please include dimensions as measured on the ground and the recorded dimensions, unless the two are equivalent</p>
PW	Streets Superintendent – Jim Couch	
PW	Traffic Engineer– Charles Trask	
PW	Water/Waste Water – Manuel Tso	When Cliffside Drive roadway is being developed, waterline improvements are planned. Before engineered fill is placed below asphalt paving the City of Farmington will place a pvc waterline below final graded native material.

**Other Entities**

New Mexico Gas Company	
CenturyLink-Willatto	No comment
Qwest Communications	
Enterprise Field Services	
Comcast Cable-Mark Johnson	
CH2MHILL OMI	
Williams Field Services	
Farmington School District	

# PETITION APPLICATION

DEC 12 2015



Incomplete applications will not be accepted.

Return completed application to:

Planning Division  
Community Development Dept.  
City of Farmington  
800 Municipal Drive  
Farmington, NM 87401  
(505) 599-1317  
(505) 599-1299 (fax)

**PROJECT TYPE (Check Those Applicable)**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Annexation and / or Zoning<br><input type="checkbox"/> Preliminary Plat<br><input type="checkbox"/> Final Plan | <input checked="" type="checkbox"/> Summary Plat<br><input type="checkbox"/> Special Use Permit<br><input type="checkbox"/> Variance (ARB) | <input type="checkbox"/> Zone Change to _____ District<br><input type="checkbox"/> Temporary Use Permit<br>Proposed Length of Use: _____ |
|---|--|--|

**INFORMATION**

Applicant's Name: Four Corners Land, LLC	Project Location: Farmington Avenue/Cliffside
Address: 2500 FARMINGTON AVE	Existing Use: Commercial
E-Mail: THADRAY@HOTMAIL.COM	Proposed Use: Commercial
Telephone: 215-2488	Current Zoning:
Relationship to Property Owner: SAME	Assessor's Parcel I.D. and/or Tax I.D. Number: R0037834

Legal Description of Subject Property: *See Attached Plat*

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes  No   
If Yes, please provide copy with application.

**REPRESENTATIVE / CONTACT PERSON (if other than applicant)**

Name: George T. Walters	Email: gtw@c-w-e.com
Phone: (505) 327-3303	Address: 909 West Apache, Farmington, NM, 87401

**OWNERSHIP**

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)	MORTGAGE HOLDERS (if any) <b>WELLS FARGO</b>
Name: Four Corners Land LLC Phone: 215-2488	Name: WELLS FARGO Phone:
Address: 2500 FARMINGTON AVE	Address: 58A LEWING, 625 MARQUETTE MINNEAPOLIS, MN 55402

**OWNER CERTIFICATION**

\* (Physical and Mailing)

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application. I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.

Name: Four Corners Land, LLC	Address: 2801 N. BUTLER, SUITE 500G
Owner's Signature:	Phone / Email: 215-2488

**\*\*\*\* STAFF USE ONLY \*\*\*\***

Received By <u>KW</u> Time _____ Date <u>12/2/15</u> Fee Received <u>28.50</u> Project File No. <u>Nygren SD #5 Replat B SP15-51</u> Date of Hearing/Meeting: _____	<input type="checkbox"/> Blueline Copies of Plans _____ <input type="checkbox"/> Ownership Report (subject and surrounding properties) <input type="checkbox"/> Legal Description _____ <input type="checkbox"/> Detailed Statement of Proposed Use _____
--	--

DEC 12 2015

**SUMMARY PLAT APPLICATION**

Incomplete applications will not be accepted.

Return completed application to:  
 Development Services Division  
 Community Development Dept.  
 City of Farmington  
 800 Municipal Drive  
 Farmington, NM 87401  
 (505) 599-1317

(505) 599-1299 (fax) Summary Plat Type

Boundary Line Adjustment  Lot Consolidation  Lot Split

Summary Plat Information

<b>Name of Subdivision:</b> Nygren Subdivision Number 5, Replat B			
<b>Location</b>	Within City Limits?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	Within the 5-mile Planning & Platting Jurisdiction?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Size of Property</b>	3.19 Acres		
<b>Current Use of Property</b>	Commercial		

**Contact Information**

**Applicant**

Name: Four Corners Land, LLC	Address 4801 N. BUTLER SUITE 5000
Phone 215-2488	City, State, Zip FARMINGTON, NM 87402
Signature	Signature

**Representative**

Name George T. Walters, P.S.	Address 909 West Aapche
Phone (505) 327-3303	City, State, Zip Farmington, NM 87401
Signature	Email gtw@c-w-e.com

**Owner Certification**

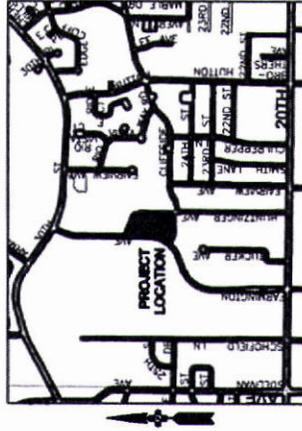
I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application. I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.

Name Four Corners Land, LLC	Address 4801 N. BUTLER SUITE 5000
Phone 215-2488	City, State, Zip FARMINGTON, NM 87402
Signature	Signature

**Development Services Acceptance (Staff Use Only)**

Date		8 full size copies & 1 reduction	
Time		Checklist signed	Current Zoning District
Fee		Legal Description	
Initials		File No.	

**NYGREN SUBDIVISION NUMBER 5, REPLAT B  
A REPLAT OF TRACT B OF THE NYGREN SUBDIVISION  
NUMBER 5, REPLAT A, AND THE PROPERTY IN BOOK 1225 PAGE 891  
LYING IN THE NE1/4 SW1/4 OF SECTION 2, T29N R13W, N1/4PM,  
IN THE CITY OF FARMINGTON, SAN JUAN COUNTY, NM,  
FOR FOUR CORNERS LAND, LLC, AND  
FOND VENTURE ET AL, LLC.**



**LEGAL DESCRIPTION**  
Tract B of the NYGREN SUBDIVISION NO. 5, REPLAT A, in the City of Farmington, New Mexico, as shown on the plat for record in the Office of the San Juan County Clerk on October 14, 1992.

**BOOK 1225 PAGE 891**  
A portion of Tract B of the NYGREN Subdivision (Quarter Southeast) Quarter (NE1/4 SW1/4) of Section 2, Township 29 North, Range 13 West, S1/4PM, San Juan County, New Mexico, and depicted as follows: 7.73 feet North 00°43' East from the Southwest Corner of the West One-half North-South Quarter (NE1/2 SW1/4) of Section 2;  
**THENCE:** a length of 84.52 feet, where chain bears N40°48'29" West 84.04 feet;  
**THENCE:** Along a curve to the left where radius is 430.00 feet, a central angle of 123.17 feet, where chord bears N37°34' West 84.55 feet;  
**THENCE:** South 00°43' West 178.88 feet to the point of beginning;  
Subject to easements, restrictions, and reservations of record or in place.

**PLAT NOTES**  
Bears all bearings, The City of Farmington GPS Control Network  
Date of Field Survey, January 22, 2004  
All courses measured, unless noted

**REFERENCE LIST**  
R1. Warranty Deed BK 003 Pg 376  
R2. Warranty Deed BK 025 Pg 897  
R3. Plat of Nygren Subdivision Number 5  
R4. Plat of Nygren Subdivision Number Five.  
Replat A, filed October 14, 1992

Approved pursuant to Senate Bill 406, that requires all loans, profiles, or commissions of any real property in San Juan County, New Mexico, to be filed with the San Juan County Clerk prior to the division of the property.

San Juan County Treasurer \_\_\_\_\_ DATE \_\_\_\_\_

**CHEY-WALTERS ECHOLS**  
ENGINEERS - SURVEYORS  
ISSUE DATE: 11/09/2015 - CRT  
PRINTED: December 07, 2015  
FILE: C:\AD\DWG-CRT\2014\GR1\4124 REPLAT\4124 REPLAT.dwg

**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS:

That Four Corners Land, LLC, and Fond Venture et al, LLC being the sole owners of said tract, and that said subdivision is hereby and shall be dedicated to:

NYGREN SUBDIVISION NUMBER 5, REPLAT B

That the said subdivision, as shown on this plat, is with the consent and in accordance with the wishes of said Owner, and the streets and easements thereon are dedicated for public use or such, together with easements for public utilities, and easements for underground or above ground water with the right to include necessary maintenance of the same, and right of ingress and egress to and from said easements.

Victorino A. Rizo  
Registered Agent, Four Corners Land, LLC.

Lonna L. Ponce  
Registered Agent, Fond Venture et al, LLC

**AFFIDAVIT**

New comes, Theobald A. Rizo, registered agent for Four Corners Land, LLC, and Lonna L. Ponce, registered agent for Fond Venture et al, LLC, do hereby swear upon their oath and affirm that the subdivision shown herein was duly within the proper planning and zoning jurisdiction of the City of Farmington, New Mexico.

Victorino A. Rizo  
Registered Agent, Four Corners Land, LLC.

Lonna L. Ponce  
Registered Agent, Fond Venture et al, LLC

State of New Mexico | )  
County of New Mexico | )

The foregoing declaration and affidavit were subscribed before me by Theobald A. Rizo, registered agent for Four Corners Land, LLC, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_ Notary Public

State of New Mexico | )  
County of New Mexico | )

The foregoing declaration and affidavit were subscribed before me by Lonna L. Ponce, registered agent for Fond Venture et al, LLC, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_ Notary Public

**CERTIFICATION**

I, George T. Walters, a New Mexico Professional Surveyor certify that I conducted and am responsible for this Boundary Survey. I am the Boundary Surveyor in issue and correct to the best of my knowledge and belief, and that this Boundary Plat meets the Minimum Standards for Surveying in New Mexico.  
I further certify that this is a division of land as defined in the New Mexico Subdivision Act.

Date \_\_\_\_\_ George T. Walters  
Professional Land Surveyor No. 6199  
State of New Mexico

By: \_\_\_\_\_ Community Development Director

**APPROVAL: CITY OF FARMINGTON**

Approved and accepted pursuant to the summary procedure of the Uniform Development Code of the City of Farmington on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ City Engineer

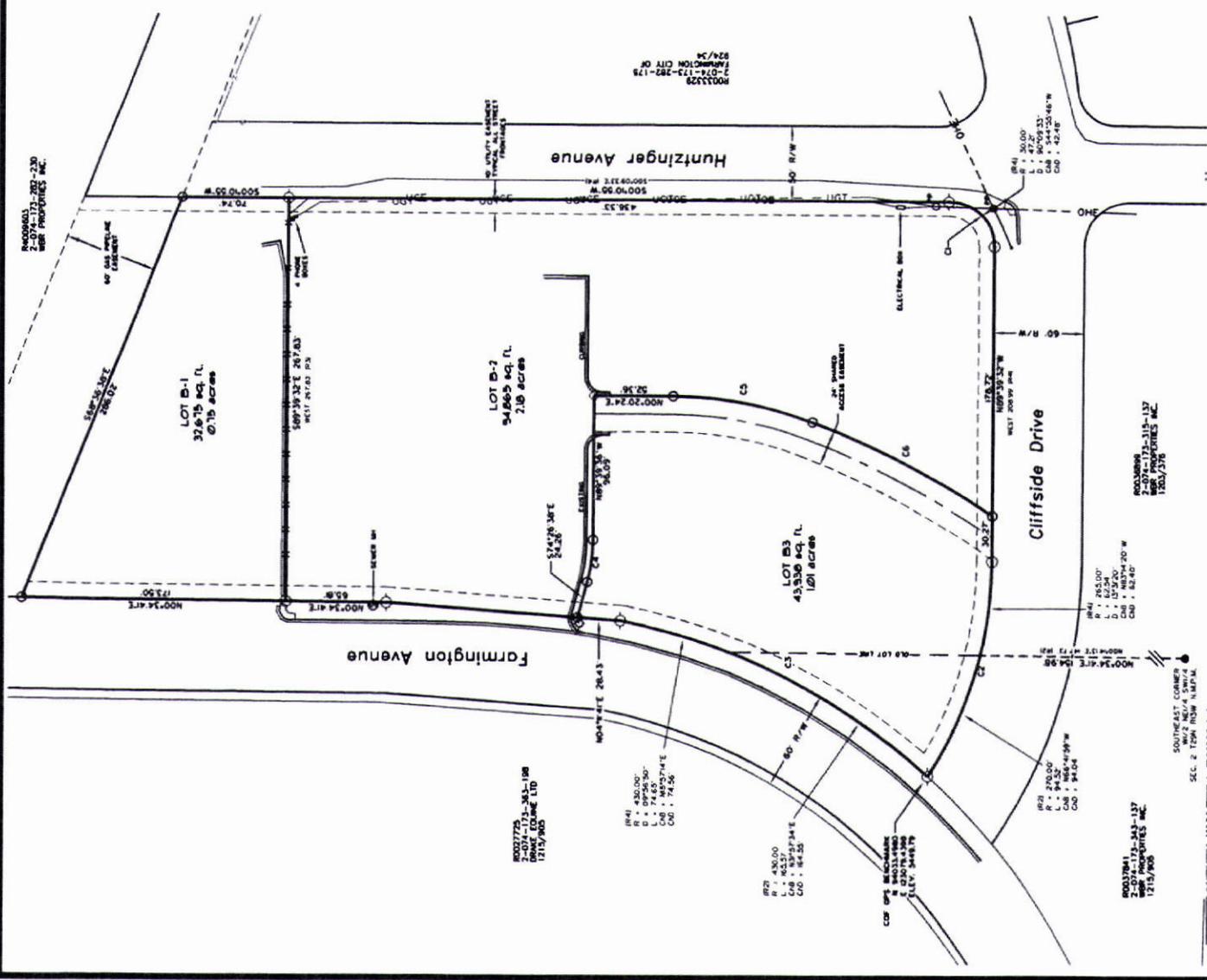
\_\_\_\_\_ New Mexico Gas Company

\_\_\_\_\_ Enterprise Field Services, LLC

NYGREN SUBDIVISION NUMBER 5, REPLAT B  
 A REPLAT OF TRACT B OF THE NYGREN SUBDIVISION  
 NUMBER 5, REPLAT A, AND THE PROPERTY IN BOOK 1225 PAGE 891  
 LYING IN THE NE1/4 SW1/4 OF SECTION 2, T29N R13W, N1/2M, N1/2P  
 IN THE CITY OF FARMINGTON, SAN JUAN COUNTY, N.M.  
 FOR FOUR CORNERS LAND, LLC AND  
 POND VENTURE ET AL, LLC.

- ⊕ SECTION CORNER AS NOTED
- ⊕ QUARTER CORNER AS NOTED
- SET 1/2" REBAR W/CAP LS 959
- ⊙ SET 1/2" REBAR W/ALUM CAP LS 959
- FOUND 1/2" REBAR W/CAP LS 959
- ⊗ X MARK IN CONCRETE
- ◇ SET PK NAIL W/MASKER
- HWY DEPT BRASS CAP R/W MON
- NOT SET
- DHE — OVERHEAD UTILITIES
- UGE --- UNDERGROUND ELECTRIC
- UGT --- UNDERGROUND TELEPHONE

NUMBER	R	L	D	T	LL	LC	CD
C1	30.00	47.21	90°09'33"	30.08	42.49	N45°15'47"E	
C2	265.00	149.87	32°24'10"	77.00	147.88	S73°27'27"E	
C3	430.00	230.78	30°43'02"	188.24	228.02	N28°41'51"E	
C4	104.50	27.75	15°12'58"	13.96	27.67	S89°03'07"E	
C5	262.00	94.06	20°34'09"	47.54	93.55	N0°37'29"E	
C6	592.00	134.50	13°01'04"	67.54	134.21	N27°23'05"E	



FOR REVIEW ONLY -  
 CHEY-WALTERS ECHOLES  
 ENGINEERS - SURVEYORS  
 ISSUE DATE: 11/09/2015 - CRT  
 PRINTED: December 07, 2015  
 FILE: CAD\DWG\CRT1204\CR1\4124 REPLAT\4124 REPLAT.dwg

ORDINANCE NO. 2016-XXXX

AN ORDINANCE AMENDING CHAPTER 20 OF THE FARMINGTON CITY CODE  
DEALING WITH LAKE FARMINGTON

WHEREAS, the City of Farmington has received requests from members of the public to use Lake Farmington for training and special events; and

WHEREAS, it is necessary to allow maintenance workers access to the waters of Lake Farmington; and

WHEREAS, the City Council finds it necessary to amend Chapter 20 to allow for such beneficial uses of Lake Farmington.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON:

Section One: Section 20-3-7, Swimming, bathing or polluting of waters, is amended to read as follows:

"No washing, wading, swimming, bathing or polluting of the waters of Lake Farmington shall be permitted. The city manager shall have discretion to grant a waiver allowing such activities for beneficial purposes such as, but not limited to, training, special events and maintenance of the dam and lake."

Section Two: All other provisions of Chapter 20 shall remain the same.

PASSED, SIGNED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Tommy Roberts, Mayor

SEAL

ATTEST:

\_\_\_\_\_  
Dianne Smylie, City Clerk

CITY OF FARMINGTON  
INTER-OFFICE MEMORANDUM  
CORRECTED COPY

TO: Mayor Roberts and City Council

FROM: Kristi Benson, CPPO, CPPB *KLB*  
Purchasing Supervisor

DATE: February 18, 2016

SUBJECT: Professional Engineering Services for Villa View Detention Ponds  
RFQP #16-113540

USING DEPARTMENT: Public Works  
=====

A proposal opening was held on February 2, 2016 for Professional Engineering Services for Villa View Detention Ponds. Four (4) offers were submitted.

The Central Purchasing Department concurs with the recommendation from the evaluation committee to begin negotiations with Bohannon Huston, Inc., the top evaluated firm. All bidders qualified for the in-state preference.

The final rankings are listed below:

Bohannon Huston, Inc. – Albuquerque, NM  
Souder, Miller & Associates – Farmington, NM  
Smith Engineering Company – Albuquerque, NM  
iina' ba' Inc. – Farmington, NM

Kristi Benson (Presenter)  
Council Meeting 2/23/16 Close/Reopen

xc: Andy Mason, Administrative Services Director  
David Sypher, Public Works Director  
Nica Westerling, City Engineer  
Lisa Hale-BlueEyes, Associate Project Engineer II  
File – 16-113540/KR

Evaluation Committee:  
Lisa Hale-BlueEyes, Public Works  
Nica Westerling, Public Works  
Melody Coyner, Legal  
Tim Henson, Electric  
Mary Gardocki, PRCA

Regular Meeting of the City Council, City of Farmington, New Mexico, held in the Council Chamber at City Hall at 6:00 p.m. on Tuesday, February 9, 2016. The open regular session was held in full conformity with the laws and ordinances and rules of the Municipality.

Upon roll call, the following were found to be present, constituting a quorum:

MAYOR	Tommy Roberts
COUNCILORS	Linda Rodgers Mary M. Fischer Gayla A. McCulloch Nate Duckett

constituting all the members of said Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
ASSISTANT CITY MANAGER	Bob Campbell
CITY ATTORNEY	Jennifer Breakell
CITY CLERK	Dianne Smylie

The meeting was convened by the Mayor. Thereupon the following proceedings were duly had and taken:

INVOCATION: The invocation was offered by Celebrate Recovery Director Gerry Stickler of Crossroads Community Church.

Farmington High School Senior Samantha Chang led the Pledge of Allegiance.

CONSENT AGENDA: The Mayor announced that those items on the agenda marked with an asterisk (\*) have been placed on the Consent Agenda and will be voted on without discussion by one motion. He stated that if any item did not meet with approval of all Councilors or if a citizen so requested, that item would be removed from the Consent Agenda and heard under Business from the Floor.

\*MINUTES: The minutes of the Regular Meeting of the City Council held January 26, 2016 and the minutes of the Regular Work Session of the City Council held January 19, 2016.

\*PURCHASE AGREEMENT between the City and the Ray C. and Mattie R. Buller Living Trust for purchase of 0.39 acres of City-owned property located at 2101 Southside River Road (sale price \$21,000).

\*ADOPTION OF RESOLUTION NO. 2016-1580 authorizing the City to submit an Alcohol Detoxification Grant Application to the Department of Finance and Administration, Local Government Division, to participate in the Local Detoxification Grant Program.

\*WARRANTS PAYABLE for the time period of January 24, 2016 through February 6, 2016, for current and prior years, in the amount of \$5,895,668.99.

There being no requests to remove any items, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to approve the Consent Agenda, as presented, and upon voice vote the motion carried unanimously.

#### BLACK HISTORY MONTH PROCLAMATION

The Mayor presented Community Relations Commission members Melissa Meechan and Katherine Abeyta with a Proclamation declaring February 15 through March 15, 2016 as "Black History Month."

RECOMMENDATION FROM THE METROPOLITAN REDEVELOPMENT AGENCY/PHASE I  
OF COMPLETE STREETS

Senior Planner Cindy Lopez reported that the Metropolitan Redevelopment Agency ("MRA") is recommending that \$225,000 be utilized from the MRA Fund for the propose of hiring a consultant to design and complete construction plans for Phase I of the Complete Streets project, as proposed by Blue Zones, and that staff be authorized to issue a Request for Proposals for engineering services. She reported that Phase I of the project encompasses Miller Avenue to Orchard Avenue and will include two roundabouts at both of those intersections. Furthermore, she reported that the length of the pedestrian crossing will be reduced by narrowing the vehicle lanes and adding curb extensions and stated that parallel parking on one side of the street and back-in, angled parking on the other side of the street will be constructed with a transition lane in the middle. She also noted that she expects the consultant to include improvements that will accommodate the Gateway signage project as designed and approved by the Council.

Mayor Roberts noted that the Council has allocated \$1.5 million over the past five years to the MRA Fund for the purpose of funding projects that will revitalize the downtown area. City Manager Rob Mayes reported that there is an uncommitted balance of approximately \$1.3 million in the MRA Fund at this time.

In response to inquiry from Councilor Fischer, Ms. Lopez announced that no additional property will be needed to construct the roundabout at the intersection of Orchard Avenue and Main Street, but noted that some additional property will be needed from the dirt parking lot owned by the Taylor family at the intersection of Miller Avenue and Main Street. Responding to additional questions from Councilors McCulloch and Duckett, Ms. Lopez explained that the property where the Gateway monuments will be located has not yet been identified and developed; noted that there are three phases being planned for completion of the Complete Streets project with Allen Avenue to Behrend Avenue being the second phase and Locke Avenue to Auburn Avenue being the final phase; reported that she has not received any feedback on the proposed back-in, angled parking except for the fact that no objection was voiced through the public input process; and confirmed that staff did discuss with Blue Zones the option of restriping Main Street to two lanes instead of reconstructing the roadway.

Announcing that he has been working on the downtown revitalization project for several years and has witnessed a lack of enthusiasm for the previous plans that were proposed, Mayor Roberts stated that he is sensing that there is a much greater buy-in with the Complete Streets proposal. However, he stated that he wants to make sure that the property and business owners are aware that if the Council chooses to proceed with authorizing the proposed expenditure that it will be an inconvenience while the construction is being done. In response, Ms. Lopez assured the Council that staff will make every effort to ensure that the property and business owners are kept abreast of the construction plans as they occur in order to alleviate some of the frustration that may occur.

The Mayor asked for comments from the members of the audience. In response, Dr. John McNeill addressed the Council on behalf of the MRA and expressed his strong support for the proposed Complete Streets project. He confirmed that restriping downtown Main Street was considered but stated that the MRA believes that drastic change is needed in order to bring the project into fruition, instead of minor tweaks here and there. He urged the Council to proceed with the project, noting that he agrees that constant communication with the downtown property owners and businesses will be crucial for the project to be successful.

In response to inquiry from Councilor Fischer, Dr. McNeill reported that the entire project will cost a little over \$10 million with the first phase costing between \$2-4 million. He pointed out, however, that part of the infrastructure improvements will be electrical upgrades that will be paid for by the Electric Utility Department and stated that he hopes that the water and sewer infrastructure improvements can be completed at the same time in order to eliminate the need for additional trenches.

Councilor Fischer announced that she cannot support the proposal because of the cost, noting that the City is facing economic challenges.

Tom Taylor addressed the Council as a business owner in the downtown area and expressed his support for the project. He pointed out that the blocks in the downtown area are fairly small in size which could alleviate some of the inconveniences and he announced that he intends to donate that portion of the dirt parking lot that is needed for the roundabout at the intersection of Miller Avenue and Main Street.

Paul Martin also addressed the Council as a business owner in the downtown area and stated that he supports the Complete Streets project. He suggested that the downtown merchants resurrect the Main Street organization in an effort to become a stronger, more viable enterprise.

Karen Ellsbury, owner of Studio 116, contended that now is the time to invest in the downtown area even though the economy is unstable because it could establish a different revenue stream that is more focused on tourism instead of the oil and gas industry.

There being no further discussion, a motion was made by Councilor McCulloch, seconded by Councilor Duckett to authorize an expenditure of up to \$225,000 from the Metropolitan Redevelopment Area Fund for the purpose of hiring a consultant to design and complete construction plans for Phase I of Complete Streets, as proposed by Blue Zones, and to direct staff to issue a Request for Proposals for engineering services. The role was called with the following result:

Those voting aye:	Linda Rodgers Gayla A. McCulloch Nate Duckett
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Those voting nay:	Mary M. Fischer
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The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried.

UNFINISHED BUSINESS:

- (1) Adoption of the recommendation from the Planning and Zoning Commission as contained within the Community Development Department Petition Report to approve Petition No. PFP 15-01 from Four Corners Land LLC, represented by George Walters, requesting preliminary plan/final plat approval for 3.94 acres of land located at 2500 Farmington Avenue.

Mayor Roberts announced that this item was tabled at the January 26, 2016 regular City Council Meeting at the request of the petitioner, and stated that the petitioner is now requesting that the item be tabled to the February 23, 2016 regular City Council Meeting.

Thereupon, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to table Petition No. PFP 15-01 to the February 23, 2016 regular City Council meeting, as requested by the Petitioner, and upon voice vote the motion carried unanimously.

Councilor Fischer asked City Attorney Jennifer Breakell to advise whether it is appropriate for the Council to meet individually with the petitioner or his representatives prior to the item being discussed at a City Council meeting. In response, Ms. Breakell advised against ex parte discussion because the parties who may be opposed to the petition are not privy to the same information. She clarified that this will not apply to every matter that comes before the Council for consideration but should be applied to matters of due process and land use. She also noted that this guideline is being taught by Randy Van Vleck, Attorney for the New Mexico Municipal League.

Mayor Roberts announced that he appreciates the advice, but stated that it was his understanding that this only applied to matters that are addressed through a quasi-judicial proceeding.

Councilor Duckett announced that he has already met with the petitioner. In response, Mayor Roberts stated that it is his opinion that the Council has the right to meet with constituents if they so choose.

Addressing the Council on behalf of the petitioner, Attorney Seth Bingham argued that the heart of representative democracy is that the citizens and their representatives have an opportunity to speak with

Councilors and pointed out that this has been the practice of the Council for many years.

In response to inquiry from Mayor Roberts, Ms. Lopez reported that State Statutes do not require adjoining property owners to be notified when a preliminary plan and/or final plat for a subdivision is considered by the Council.

Councilor McCulloch announced that she has also discussed the matter with the petitioner and stated that it has been her practice as a Councilor to discuss concerns with every constituent who contacts her.

Ms. Breakell reiterated that she believes that the Council should be allowed to speak with constituents regarding concerns, but explained that a rolling quorum could be created if the Councilors discuss the matter amongst themselves outside of a public meeting.

In closing, Mayor Roberts stated that he believes that the Council needs to determine for themselves whether they will choose to participate in individual meetings with constituents.

#### COUNCIL BUSINESS

##### Recognition of Samantha Chang

Mayor Roberts reintroduced Farmington High School Senior Samantha Chang, noting that she is a volunteer participant of the San Juan Mentors Program and stated that she will be shadowing him for the next few months. He noted that Ms. Chang has an interest in politics and may pursue a career in policy analysis.

Councilor Duckett announced that he is one of the founding members of San Juan Mentors and stated that he is proud of Ms. Chang since this is the second time that she has applied and participated in the program.

##### Recognition of Former Farmington Police Officer Ron McNeal and Apache Elementary School Teacher Johnny Hanika

In response to comments from Councilor Fischer, City Manager Rob Mayes reported that Mayor Roberts and Police Chief Steve Hebbe recognized former Farmington Police Officer Ron McNeal and Apache Elementary School Teacher Johnny Hanika for their efforts in helping to subdue a DWI suspect that was being disobedient to police commands during a traffic stop near Apache Elementary School earlier this week.

##### House Bill 233/Hold Harmless Payments and Tax Distributions

Councilor Duckett commended Mayor Roberts and City Manager Rob Mayes for their efforts in meeting with the legislative delegation last week in Santa Fe to advise them of the negative impacts that House Bill 233 would have on the City of Farmington, noting that he has heard that the bill has lost support.

Mayor Roberts also commended the San Juan County Legislative Delegation for recognizing the devastating financial implications that would occur with an accelerated phase-out of the hold harmless gross receipts tax payments. He also stated that he believes that they understand that the City of Farmington acted within the letter and the spirit of the law when it imposed two of the three quarter-percent tax increments since it did not result in a "windfall" of revenue.

#### CITY MANAGER BUSINESS

##### Permission to Publish Notice of Proposed Ordinance/Lake Farmington

City Manager Rob Mayes reported that staff has received requests from members of the public to use Lake Farmington for training and special events and stated that it is also necessary to allow maintenance workers access to the water. As a result, staff is recommending that Section 20-3-7 of City Code be amended to state that the city manager shall have discretion to grant a waiver allowing wading and swimming in Lake Farmington for training purposes, special events and maintenance of the dam and lake. He noted that the proposed amendment will not alter the current policy prohibiting swimming, wading, etc. in Lake Farmington without a permit and assured the Council that any policy amendment concerning recreational use will be presented to them for consideration.

There being no discussion, a motion was made by Councilor Duckett, seconded by Councilor Rodgers to direct staff to publish notice of intent to consider adoption of a proposed ordinance in accordance with State Statutes. The roll was called with the following result:

Those voting aye:	Linda Rodgers Mary M. Fischer Gayla A. McCulloch Nate Duckett
-------------------	--

Those voting nay:	None
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The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried.

CITY CLERK BUSINESS

Early Voting for the March 1, 2016 Regular Municipal Election

City Clerk Dianne Smylie announced that early voting for the March 1, 2016 Regular Municipal Election will be conducted in her office beginning tomorrow during normal work hours (8:00 a.m. to 5:00 p.m.) through Friday, February 26. She also noted that Samantha Chang was the only person to respond to her email request for poll workers that was sent to Dr. Judy Palier, Director of Political Science at San Juan College. She noted, however, that Ms. Chang resides in the wrong district and was unable to participate.

Recognition of Boy Scout Troop 151

Mayor Roberts recognized the members of Boy Scout Troop 151 and he asked each member to stand and introduce themselves.

There being no further business to come before the Council, the meeting was adjourned at 7:10 p.m.

The City Clerk certified that notice of the foregoing meeting was given by posting pursuant to Resolution No. 2013-1466, et seq.

Approved this 23<sup>rd</sup> day of February, 2016.

Entered in the permanent record book this day of , 2016.

\_\_\_\_\_  
Tommy Roberts, Mayor

SEAL

ATTEST:

\_\_\_\_\_  
Dianne Smylie, City Clerk