

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2012-18

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4  
5 AN ORDINANCE

6 ANNEXING THE "BEAVER TOYOTA" TRACT OF LAND LYING CONTIGUOUS  
7 WITH THE SANTA FE CORPORATE LIMITS COMPRISING 19.218 ACRES MORE  
8 OR LESS GENERALLY BOUNDED BY CERRILLOS ROAD ON THE EAST,  
9 INTERSTATE 25 FRONTAGE ROAD ON THE SOUTH, AND THE ARROYO DE LOS  
10 CHAMISOS ON THE NORTH AND LYING WITHIN TOWNSHIP 16N, RANGE 9E,  
11 SECTION 18, NEW MEXICO PRIME MERIDIAN, SANTA FE COUNTY, STATE OF  
12 NEW MEXICO. ("BEAVER TOYOTA ANNEXATION," CASE NO. 2011-138).

13  
14 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

15 **Section 1.** Pursuant to Section 3-7-17 NMSA 1978, the following described land  
16 (the "Property") is annexed to the City of Santa Fe, thereby extending the corporate limits of the  
17 city: a parcel of land lying within Township 16N, Range 9E, Section 18, New Mexico Prime  
18 Meridian, Santa Fe County, State of New Mexico, as particularly described in the attached  
19 Annexation Plat [EXHIBIT A], Annexation Master Plan and Phasing Plan [EXHIBIT B]  
20 incorporated herein by reference.

21 **Section 2.** The annexation action with respect to the subject property  
22 affected by this Ordinance is subject to conditions of approval applicable to this  
23 annexation and any future Development Plan for this property. The conditions are  
24 outlined in the attached table summarizing City of Santa Fe Development Review Team  
25 technical memoranda and conditions approved by the Planning Commission on March 1,

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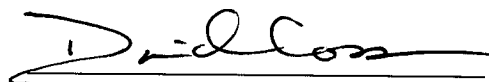
1 2012 [EXHIBIT C].

2 **Section 3.** A petition (the "Petition") was accompanied by an Annexation Plat  
3 [EXHIBIT A] showing the external boundaries of the Property proposed to be annexed and the  
4 relationship of the Property proposed to be annexed to the existing boundary of the city, as well  
5 as the Annexation Agreement [EXHIBIT D].

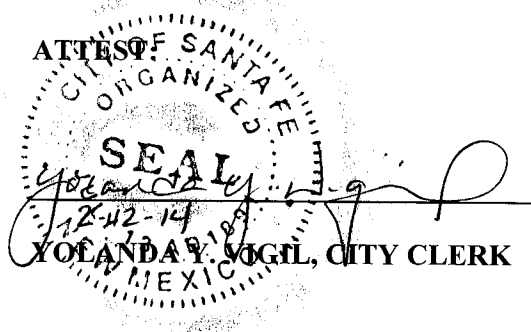
6 **Section 4.** It is in the best interest of the City of Santa Fe and the owners and  
7 inhabitants of such contiguous Property that the Property be annexed.

8 **Section 5.** This ordinance shall be published one time by title and general summary  
9 and shall become effective five days after publication.

10 **PASSED, APPROVED AND ADOPTED this 25<sup>th</sup> day of April, 2012.**

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14 **DAVID COSS, MAYOR**

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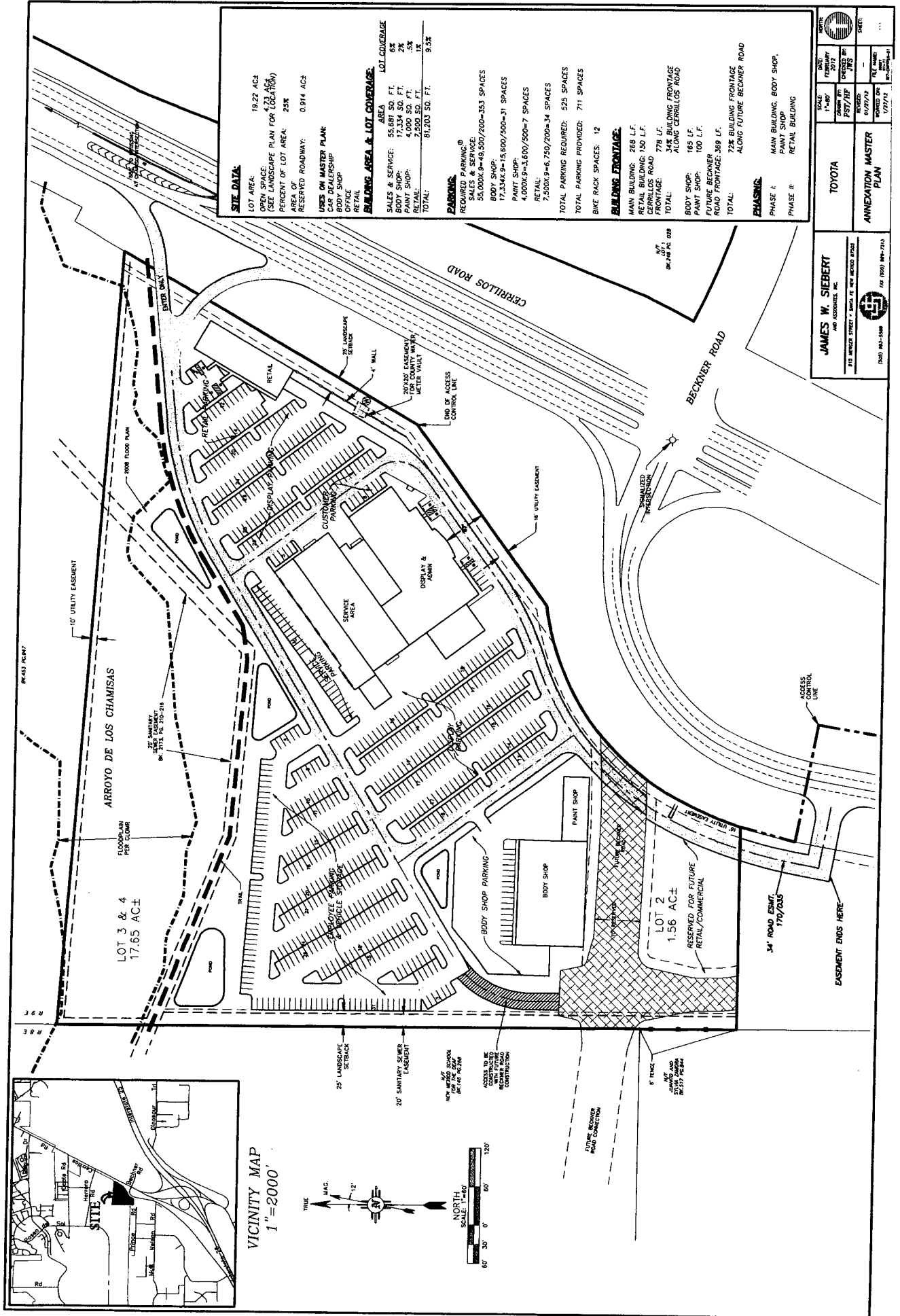
20 **APPROVED AS TO FORM:**

21 

22 **KELLEY BRENNAN, INTERIM CITY ATTORNEY**

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**SITE DATA**

LOT AREA: 19.22 AC±  
 OPEN SPACE: 4.33 AC± (22.5%)  
 PERCENT OF LOT AREA: 22.5%  
 AREA OF RESERVED ROADWAY: 0.814 AC±

**USES ON MASTER PLAN**

CAR SALES/SHIP  
 BODY SHOP  
 OFFICE  
 RETAIL

**BUILDING AREA & LOT COVERAGE**

SALES & SERVICE	AREA	LOT COVERAGE
55,681 SQ. FT.	288 L.F.	6%
17,334 SQ. FT.	150 L.F.	2%
2,400 SQ. FT.	100 L.F.	1%
TOTAL:	538,015 SQ. FT.	9.3%

**PARKING**

RETAIL PARKING: 55,000 SQ. FT. / 1,000-1,500 SPACES  
 SALES SERVICE: 17,334 SQ. FT. / 300-400 SPACES  
 BODY SHOP: 17,334 SQ. FT. / 300-400 SPACES  
 PAINT SHOP: 4,000 SQ. FT. / 80-100 SPACES  
 RETAIL: 2,400 SQ. FT. / 40-50 SPACES  
 TOTAL: 78,734 SQ. FT. / 1,400-1,900 SPACES

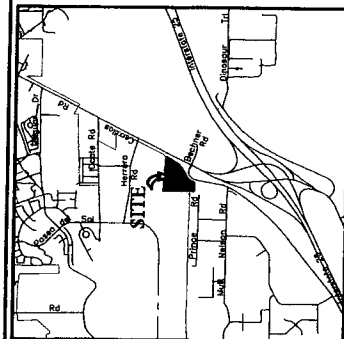
**BUILDING FRONTAGE**

MAIN BUILDING: 288 L.F.  
 RETAIL BUILDING: 150 L.F.  
 CERRILLOS ROAD FRONTAGE: 778 L.F.  
 TOTAL: 1,216 L.F.  
 BODY SHOP: 186 L.F.  
 PAINT SHOP: 100 L.F.  
 FUTURE BECNER ROAD FRONTAGE: 369 L.F.  
 TOTAL: 725 L.F.

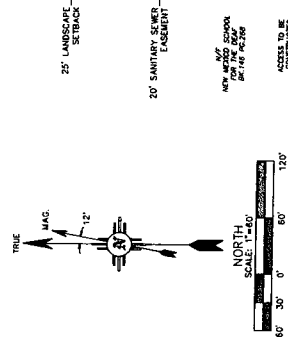
**PHASING**

PHASE I: MAIN BUILDING, BODY SHOP, PAINT SHOP  
 PHASE II: RETAIL BUILDING

<b>JAMES W. SIEBERT AND ASSOCIATES, INC.</b>		<b>TOYOTA</b>	
113 MERCED STREET • SAN JOSE, CA 95128		ANNEXATION MASTER PLAN	
PHONE: 408-281-1000	FAX: 408-281-7110	DATE: 1/17/14	SHEET: 11



VICINITY MAP  
 1"=2000'



**EXHIBIT B**

SFC CLERK RECORDED 02/18/2014

**Beaver Toyota Annexation—Conditions of Approval**

City Council  
Case #2011-138

Conditions	Department	Staff
<p><b>Traffic Engineering:</b></p> <ol style="list-style-type: none"> <li>The developer shall receive an approved access permit from the New Mexico Department of Transportation (NMDOT) prior to the recordation of the Development Plan. This access permit may involve approval from the NMDOT's Access Control Committee for an access break seeing as portions of frontage along both Cerrillos and the I-25 Frontage Road are currently access controlled.</li> </ol>	Traffic Engineering	John Romero
<p><b>Technical Review (City Engineer)</b></p> <ol style="list-style-type: none"> <li>Identify all over 30% slopes as either man made or natural, and include the square footage of each area.</li> </ol>	Terrain Management	Risana Zaxus
<p><b>Technical Review (Landscape)</b></p> <p>All of the following conditions can be addressed as part of the Development Plan review:</p> <ol style="list-style-type: none"> <li>Due to the large wastewater easement on the western side of the Beaver Toyota site, the applicant shall work with City Technical Review staff to satisfy Section 14-8.4(I)(3) SFCC 1987, "Residential Abutting Non-Residential Development." The applicant shall utilize alternate means of providing the landscape easement in this area.</li> <li>Applicant shall satisfy the requirements of Section 14-8.4(I)(5) SFCC 1987, "Pedestrian Circulation."</li> <li>Site shall comply with Section 14-8.4(E) SFCC 1987, "Water Harvesting." Harvesting techniques shall be incorporated on the Development Plan.</li> <li>Applicant shall develop an alternative to "shrubs and grasses" in the right-of-way.</li> </ol>	Technical Review	Noah Berke
<p><b>Multi-Use Trail Easement</b></p> <ol style="list-style-type: none"> <li>Since the site is adjacent to the Arroyo de los Chamisos, the applicant shall provide trail connections to the Arroyo de los Chamisos trail system.</li> <li>The Landowner shall provide, i.e. design, construct and bear all expenses associated thereof, a multi-use trail along the Arroyo Chamiso to connect to the Beaver Toyota site to the Arroyo Chamiso trail. Multi-use trails shall be constructed in accordance with City standards, applicable laws, rules, regulations, City approvals and the Santa Fe City Code. Upon completion of construction and approval by the City, the trail along the Arroyo Chamiso delineated as a public trail shall be dedicated to the City as public right of way or trail easement and maintained by the City at its expense.</li> </ol>	Roadways and Trails Engineering	Eric Martinez
<p><b>Transit Stop</b></p> <p>A transit stop may be warranted for this site. If it is warranted, the transit pull-out, pad, and shelter will be constructed and easements will be provided. Transit stop location and placement will be determined as part of the Development Plan review.</p>	Transit	Mike Kelley
<p><b>The subject property is accessible to the City sanitary sewer system:</b></p> <ol style="list-style-type: none"> <li>Connection to the City sewer system is mandatory and shall be made prior to any new construction on the lot. Additionally, the following notes shall be included on the plat:</li> </ol>	Wastewater Management Division	Stan Holland

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**Beaver Toyota Annexation-Conditions of Approval**

City Council  
Case #2011-138

Conditions	Department	Staff
<p>a. No fences, walls, or other obstructions shall be placed or constructed across or within public sanitary sewer easements.</p> <p>b. Each lot shall be served by separate water and sewer services.</p> <p>c. Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.</p> <p><b>Additional Comments for the Applicant to Address as part of the Development Plan:</b></p> <ul style="list-style-type: none"> <li>• Maintain and improve the access to the existing sewer lines and manholes going through or adjacent to the site on the north and west sides of the project.</li> <li>• Additional information should be provided for the on-site drainage ponds – specifically, how they are discharged over, around, and through existing sewer lines and easements as well as any proposed retaining walls adjoining the existing sewer easements.</li> </ul> <p><b>Current Planning:</b></p> <ol style="list-style-type: none"> <li>1. The Annexation Master Plan is conceptual in nature only and establishes maximum square footage, location of utilities, and amount of parking for the site.</li> <li>2. Additional detail will be reviewed as part of the Development Plan submittal, and building location may change. Consideration of the waiver request for building placement is more appropriate as part of the Development Plan review. The waiver request shall be postponed until the Development Plan review.</li> <li>3. A pedestrian and bicycle trail must be developed that will connect to the Arroyo de los Chamisos multi-purpose trail. Design details for the trail can be determined as part of the Development Plan review for the site.</li> </ol>	Current Planning	Heather Lamboy

**ANNEXATION AGREEMENT  
BEAVER MOTORS LLC**

The Annexation Agreement ("Agreement") is made and entered into this 12<sup>th</sup> of February, 2014 by and between the City of Santa Fe, New Mexico, a New Mexico Municipal Corporation ("City") and Beaver Motors LLC ("Landowner").

**RECITALS**

A. Landowner is the owner of certain property situated in Santa Fe County, New Mexico consisting of approximately 19.218 acres being situate in Section 18 Township 16 North Range 9 East New Mexico Primary Meridian as more fully described in the Annexation Plat attached hereto as Exhibit A and incorporated herein by this reference, and hereinafter referred to as the "Property".

B. Landowner desires and the City agrees to annex the Property to the City subject to the terms and conditions hereinafter set forth.

C. Landowner desires to develop and the City agrees to the development of the Property subject to and upon the terms and conditions hereinafter set forth.

**AGREEMENTS**

NOW, THEREFORE, in consideration of the premises, the following agreements and undertakings of the parties, the parties agree as follows:

1. **ANNEXATION**

a) Annexation Plat (Exhibit A) The Landowner represents that the Annexation Plat was prepared in accordance with and complies with the Santa Fe City Code (the "Code"), the Annexation Agreement and all other applicable laws, regulations, and ordinances.

SFC CLERK RECORDED 02/18/2014

e) Landowner must comply with all Planning Commission conditions of approval (Exhibit C).

4. CITY SERVICES.

a) FIRE AND POLICE PROTECTION. Fire and Police protection of the Development on the Property will be provided by current existing City Police and Fire Department facilities and personnel.

b) REFUSE. Refuse disposal services shall be provided in accordance with applicable City ordinances.

c) WATER SERVICE. Water Service will be provided by the City. The Landowner will comply with City water budget standards and Chapter 25 SFCC 1987. The Landowner agrees to that no water wells shall be drilled on the property.

d) STORM WATER, WASTEWATER COLLECTION AND SEWER SERVICE. Prior to the development of the Property, the Landowner shall construct storm water and domestic wastewater improvements to serve Property in accordance with the Santa Fe City Code using existing easements shown on the Annexation Plat.

e) STREETS AND OTHER RIGHTS OF WAY. All streets and roads will be designed and constructed in accordance with City standards and the Santa Fe City Code. The Landowner shall provide a financial contribution to aid in the construction of the Arroyo Chamiso multi-use trail. The amount of financial contribution must be approved by the Roadways and Trails Engineer and will be determined as part of the Development Plan review and approval process.

f) TRANSIT. As no transit stop is warranted for this site, there is no requirement for the dedication of an easement or construction of a stop.



g) LETTER OF CREDIT OR BOND. All required improvements for water, storm and wastewater collection, street, roads and rights of way shall be constructed in accordance to the time constraints set by the City and when completed to the satisfaction of the City, said improvements shall be dedicated to the City for its use in perpetuity. The Landowner shall provide a surety bond or letter of credit, in a form acceptable to the City, for the required improvements to the Property prior to filing of the Final Development Plan. The amount of the surety shall be based on a certified engineer's estimate acceptable to the City.

5. UTILITIES. The Property shall be served only with underground utilities.

6. PARKS. Park dedication is not required since the property will be developed for commercial purposes.

7 AFFORDABLE HOUSING. Affordable housing is not required since the property will be developed for commercial purposes.

8. IMPACT FEES. The Landowner agrees to pay impact fees as required by Santa Fe City Code section 14-8.14, or as may be modified by Ordinance or Resolution by the City.

9. ASSIGNMENT. The Landowner in their sole discretion may hereafter assign this Agreement or specific obligation under this Agreement to another Landowner, another developer, or to an association of property owners. Any assignees shall be bound to the terms and conditions of this Agreement to the same extent that the Landowner is bound.

10. CAPTIONS. The captions and paragraph headings of this Agreement are not necessarily descriptive, or intended or represented to be descriptive, of all the provisions thereunder, and in no manner shall such captions and paragraph headings be deemed or interpreted to limit the provisions of this Agreement.

11. EXECUTION OF DOCUMENTS. The parties agree to execute all documents contemplated expressly or impliedly by this Agreement.

12. **SEVERABILITY.** If any provision of this Agreement, or the application of such provisions to any person or circumstances, shall be held invalid, the remainder of this Agreement, or the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

13. **NO WAIVER.** No waiver of a breach of any of the terms contained in this Agreement shall be construed to be a waiver of any succeeding breach of the same or any other term.

14. **NUMBERS AND GENDERS.** Whenever used herein, unless the context shall otherwise provide, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders.

15. **GOVERNING LAW.** This Agreement and the rights of the parties hereunder shall be governed by and interpreted in accordance with the laws of the State of New Mexico.

16. **BINDING EFFECT.** This Agreement shall be binding upon, and inure to the benefit of, the parties and their respective heirs, successors and permitted assigns.

17. **AGREEMENT.** This Agreement states the entire agreement of the parties. The provisions of this agreement shall be severable and may be modified only in writing. This Agreement shall not relieve the Landowners from complying with present or future City ordinances, duly adopted resolutions or regulations applicable to the development.

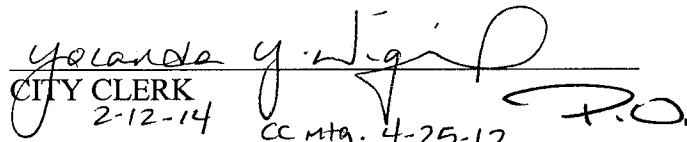
18. **AMENDMENTS.** Any amendments to this Agreement or the Master Plan shall be reviewed by the Planning Commission and sent to the City Council for approval.

IN WITNESS WHEREOF, this Agreement is entered into the day and year written above.

CITY OF SANTA FE

  
MAYOR

ATTEST:

  
CITY CLERK  
2-12-14 CC mtg. 4-25-12 P.O.  
APPROVED AS TO FORM:

  
CITY ATTORNEY

SFC CLERK RECORDED 02/18/2014



**EXHIBIT A**  
**ANNEXATION PLAT**

SFC CLERK RECORDED 02/18/2014



**EXHIBIT B**  
**MASTER PLAN**

SEC CLERK RECORDED 02/18/2014





# EXHIBIT C

## CONDITIONS OF APPROVAL



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

ORDINANCE  
PAGES: 19

I Hereby Certify That This Instrument Was Filed for  
Record On The 18TH Day Of February, 2014 at 02:43:50 PM  
And Was Duly Recorded as Instrument # **1730262**  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Geraldine Salazar

Deputy *Geraldine Salazar* County Clerk, Santa Fe, NM

SEC CLERK RECORDED 02/18/2014

**Beaver Toyota Annexation-Conditions of Approval**

City Council  
Case #2011-138

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7102/81/20 DEC 02/18/2014 SFC CLERK RECORDED

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7102/01/20 RECORDED 02/18/2014 SEC CLERK RECORDED