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CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2007-27

AN ORDINANCE

ANNEXING A TRACT OF LAND CONTIGUOUS WITH THE SANTA FE CORPORATE LIMITS COMPRISING 15.35 ACRES MORE OR LESS LOCATED WITHIN THE SEBASTIAN DE VARGAS GRANT AND LYING WITHIN SECTION 7, T.16N., R.10E., N.M.P.M., SANTA FE COUNTY, NEW MEXICO AND ALSO ANNEXING 8.37 ACRES OF ADJOINING OLD LAS VEGAS HIGHWAY RIGHT-OF-WAY. (“HOMEWISE OLD LAS VEGAS HIGHWAY” ANNEXATION CASE NO. M 2006-53),

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

Section 1. Pursuant to Section 3-7-17 NMSA 1978 , the following described land (the “Property”) is annexed to the City of Santa Fe, thereby extending the corporate limits of the city:

A certain parcel of land lying within Section 7, T.16N., R.10E., N.M.P.M., and adjacent right-of-way pursuant to Section 3-17-18 NMSA 1978, both as more particularly described in the attached legal description (Exhibit A) and shown on the Annexation Plat (Exhibit B) and incorporated herein by reference.

Section 2. A petition (the “Petition”) executed by all the owners of the Property has been presented to the governing body of the city of Santa Fe requesting annexation of the Property, an area of land contiguous to the city’s corporate limits, which annexation is accomplished pursuant to the provisions of the annexation agreement between the City of Santa Fe and the owners of the Property sought to be annexed attached hereto and referenced herein as “Exhibit C.”

**RICK CHATROOP
PROFESSIONAL LAND SURVEYOR**

NEW MEXICO REGISTRATION NO. 11011

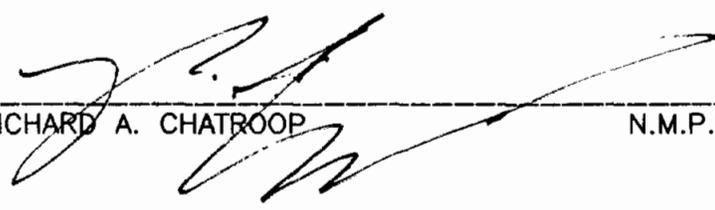
(505) 470-0037 110 WAGON TRAIL RD. CERRILLOS, NM. 87010

DESCRIPTION OF PROPERTY TO BE ANNEXED

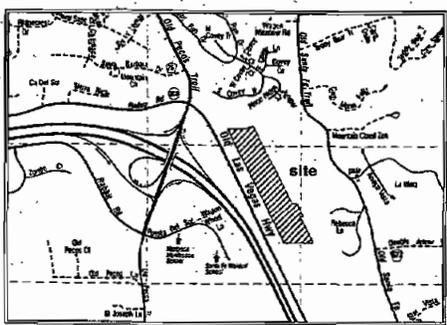
A PARCEL OF LAND LYING WITHIN THE SEBASTION DE VARGAS GRANT AND LYING WITHIN SECTION 7, T.16N., R.10E., N.M.P.M., SANTA FE COUNTY, NEW MEXICO. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING ON THE NORTHERN BOUNDARY OF THE PARCEL HEREON DESCRIBED FROM WHENCE SANTA FE CONTROL MONUMENT #105-D BEARS N 28°07'46"W, 194.02' DISTANT; THENCE FROM SAID POINT AND PLACE OF BEGINNING N 88°52'25"E, 247.24'; THENCE N 70°06'52"E, 129.07'; THENCE S 26°40'07" E, 398.44'; THENCE S 26°41'53"E, 611.99'; THENCE S 26°41'31"E, 238.08'; THENCE N 89°35'20"E, 73.02'; THENCE S 26°55'43"E, 209.16'; THENCE S 89°45'36"W, 46.35'; THENCE S 26°45'43"E, 110.91'; THENCE S 26°45'38"E, 308.71'; THENCE S 89°43'20"W, 643.35'; THENCE N 26°44'35"W, 320.25'; THENCE N 26°45'10"W, 209.74'; THENCE N 26°40'46"W, 1290.43'; THENCE N 88°52.25"E, 221.68' TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 23.72 ACRES MORE OR LESS AND AS MORE FULLY SHOWN AS THE THREE PARCELS AND A PORTION OF THE OLD LAS VEGAS HWY. SHOWN HEREON.


RICHARD A. CHATROOP N.M.P.L.S.#11011





VICINITY MAP (NTS)

LEGEND AND NOTES

- DENOTES POINT FOUND AS NOTED
○ DENOTES POINT SET THIS SURVEY
○ DENOTES POINT CALCULATED
○ DENOTES MASS MONUMENT

- 1. BASIS OF BEARING IS FROM SANTA FE COUNTY CONTROL POINTS AS SHOWN.
2. ANNEXATION AGREEMENT RECORDED IN BK. _____ PG. _____

DESCRIPTION OF PROPERTY TO BE ANNEXED

A PARCEL OF LAND LYING WITHIN THE SEBASTIAN DE VARGAS GRANT AND LYING WITHIN SECTION 7, T.18N., R.10E., N.M.P.M., SANTA FE COUNTY, NEW MEXICO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING ON THE NORTHERN BOUNDARY OF THE PARCEL HEREBY DESCRIBED FROM WHENCE SANTA FE CONTROL MONUMENT #105-D BEARS N 28°37'48" W, 154.30' DISTANT; THENCE FROM SAID POINT AND PLACE OF BEGINNING N 26°52'25" E, 247.24'; THENCE N 70°05'50" E, 120.07'; THENCE S 26°42'00" E, 388.44'; THENCE S 26°41'33" E, 811.59'; THENCE S 26°41'31" E, 235.09'; THENCE N 89°43'20" W, 74.02'; THENCE S 28°45'43" E, 500.16'; THENCE S 89°43'20" W, 44.35'; THENCE S 26°45'43" E, 110.81'; THENCE S 26°45'38" E, 326.11'; THENCE S 89°43'20" W, 143.35'; THENCE N 26°44'25" W, 325.25'; THENCE N 26°45'10" W, 207.74'; THENCE N 26°42'10" W, 129.45'; THENCE N 26°45'10" W, 221.84' TO THE POINT AND PLACE OF BEGINNING.
CONTAINING 23.72 ACRES MORE OR LESS AND AS MORE FULLY SHOWN AS THE THREE PARCELS AND A PORTION OF THE OLD LAS VEGAS HWY. SHOWN HEREOF.

PLAT REFERENCES

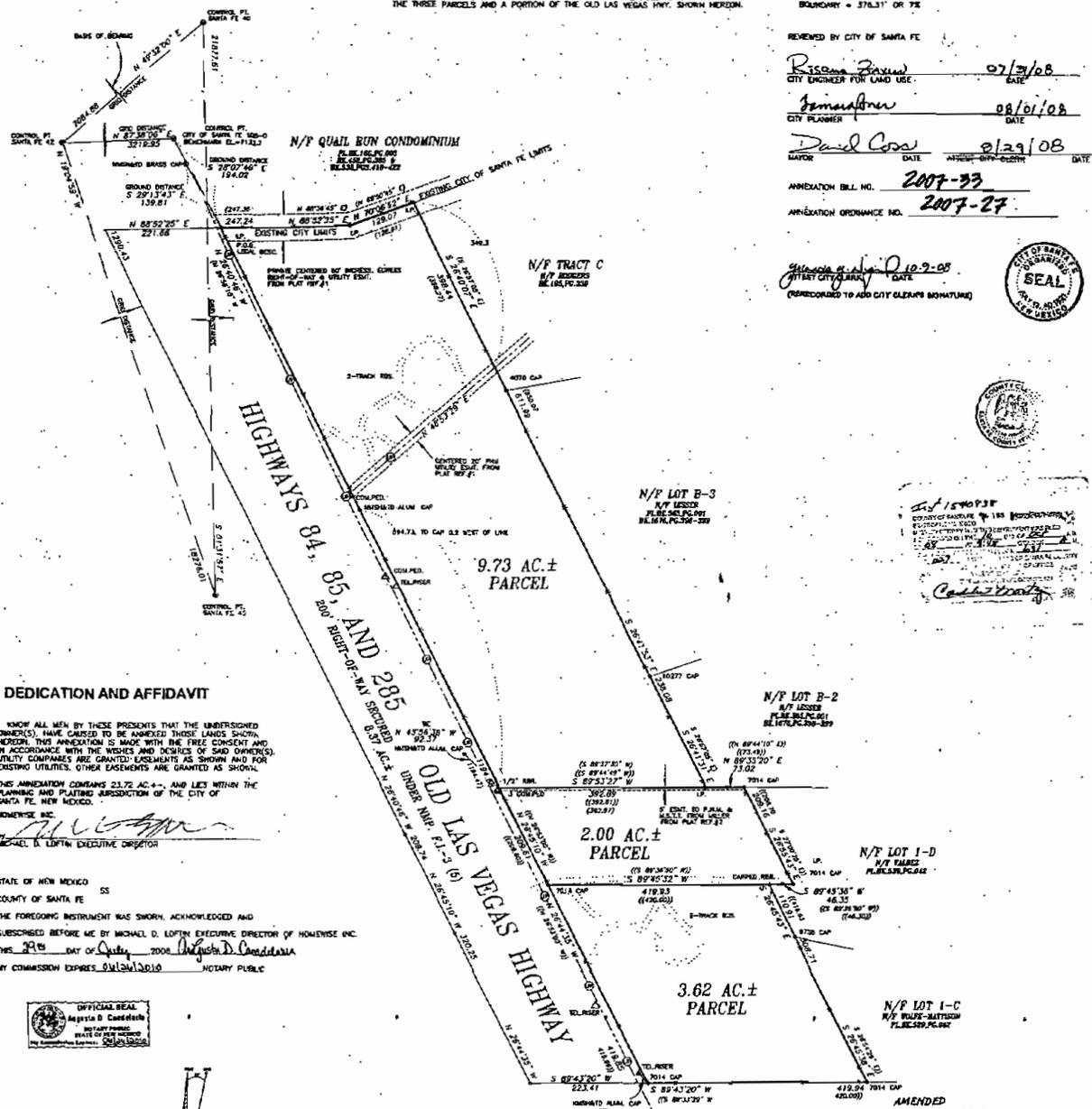
- 1. "PLAN OF SURVEY FOR C.L. BROWN DATED 10/15/92 BY GUY D. HAYDEN MAPS #4070, DATA SHOWN IN _____
2. "SURVEY PLAT PREPARED FOR O.H.M.C." DATED 10/11/93, BY GARY E. DUNSON MAPS #7014 AND RECORDED FIRST IN PLAT BK. 257, PG. 008, AND LATER RECORDED IN PLAT BK. 257, PG. 037, DATA SHOWN IN ()
3. "NEW MEXICO STATE HIGHWAY COMMISSION RIGHT-OF-WAY MAP NEW MEXICO PROJECT NO. 1-028-1000612 SANTA FE COUNTY SHEET 10 OF 18 AND LAST DATED DEC. 1971."

SANTA FE CITY APPROVAL, NOTES AND CONDITIONS:

- 1. TOTAL LENGTH OF BOUNDARY TO BE ANNEXED = 5068.42'
2. LENGTH OF BOUNDARY CONTIGUOUS WITH EXISTING CITY BOUNDARY = 376.31' OR 7%

REVIEWED BY CITY OF SANTA FE
Resma Bernal 07/3/08
CITY ENGINEER FOR LAND USE
Jemma Bernal 08/01/08
CITY PLANNER
David Cross 02/29/08
MAYOR
ANNEXATION BILL NO. 2007-33
ANNEXATION ORDINANCE NO. 2007-27

APPROVED BY CITY OF SANTA FE
10/16/08
CITY CLERK
SEAL
OFFICIAL SEAL
CITY OF SANTA FE
NEW MEXICO



DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S) HAVE CAUSED TO BE ANNEXED THOSE LANDS SHOWN HEREOF. THIS ANNEXATION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DEIRES OF SAID OWNER(S). UTILITY COMPANIES ARE GRANTED EASEMENTS AS SHOWN AND FOR EXISTING UTILITIES, OTHER EASEMENTS ARE GRANTED AS SHOWN. THIS ANNEXATION CONTAINS 23.72 AC. ± AND LIES WITHIN THE PLANNING AND PLATING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.
HOMEWISE INC.
BY MICHAEL D. LOPIN EXECUTIVE DIRECTOR

STATE OF NEW MEXICO
COUNTY OF SANTA FE
THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY MICHAEL D. LOPIN EXECUTIVE DIRECTOR OF HOMEWISE INC. THIS 29th DAY OF July, 2008.
NOTARY PUBLIC



SURVEYORS CERTIFICATE

I RICHARD A. CHATROOF, A NEW MEXICO PROFESSIONAL SURVEYOR NO. 11011, DO HEREBY CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL FIELD SURVEY UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECTION ON NOV. 20TH, 2008, THAT I AM RESPONSIBLE FOR THIS SURVEY AND THAT IT MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

RICHARD A. CHATROOF N.M.P.L.S.#11011



AMENDED ANNEXATION PLAT FOR HOMEWISE INC. OF 3 PARCELS AND A PORTION OF THE OLD LAS VEGAS HWY.

LYING WITHIN THE SEBASTIAN DE VARGAS GRANT & SEC. 7, T.18N., R.10E., N.M.P.M., SANTA FE CO., N.M.

RICK CHATROOF PROFESSIONAL LAND SURVEYOR NEW MEXICO REGISTRATION NO. 11011 (800) 470-0877 110 WAGON TRAIL RD. CERRILLAS, N.M. 87010

EXHIBIT

B

ANNEXATION AGREEMENT

OLD LAS VEGAS HIGHWAY SUBDIVISION

This Annexation Agreement ("Agreement") is made and entered into this 10th day of October, 2008 by and between the City of Santa Fe, New Mexico, a New Mexico Municipal Corporation ("City") and Homewise, Inc., a New Mexico non-profit corporation (the "Landowner").

RECITALS

- A. The Landowner is the owner of certain property (the "Property") situated in Santa Fe County, New Mexico, said property consisting of approximately 15.35 acres being located in Section 7, Township 16 North, Range 10 East, New Mexico Prime Meridian, as more fully described in the Annexation Plat (the "Annexation Plat"), attached hereto as Exhibit 1 and incorporated herein by reference.
- B. The Landowner desires to obtain annexation of, and the City agrees to annex, the Property to the City subject to and upon the terms and conditions of this Agreement.
- C. The Landowner desires to develop, and the City agrees to the development of, the Property subject to and upon the terms and conditions of this Agreement and subject to such other terms and conditions as may be applicable or imposed by relevant laws, rules and regulations.

AGREEMENTS

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

1. ANNEXATION

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

1.2 Annexation of the Property to the City. As of the Effective Date (as defined below), the Annexation Plat will be executed on behalf of the City and filed with the City and recorded in the records of Santa Fe County, New Mexico; whereupon, the Property will be deemed annexed to the City and will lie within the municipal boundaries of the City.

2. MASTER PLAN, PHASING

2.1 Master Plan Submittal. The Master Plan for the Property is attached to this Agreement as Exhibit 2. In executing this Agreement, the City approves the Master Plan as and for the Master Plan for the Property and confirms that the Master Plan is in accordance with the City's General Plan (the "General Plan"), which designates the property as Very Low Density Residential (1-3 dwelling units per acre). The Parties acknowledge that the Master Plan is somewhat conceptual in nature and that the design may be modified through the subdivision platting process without the necessity for a Master Plan amendment.

2.2 Land Use and Phasing. The Master Plan contemplates a single family subdivision with R-3 zoning, for a maximum density of 50 dwelling units on 15.35 acres (the "Project"). The Property will be developed in one phase, or in two or three sub-phases. The phasing may be modified from time to time as part of the subdivision platting process. Such changes will not necessitate a Master Plan amendment.

3. DEVELOPMENT OF THE PROPERTY

3.1 Rezoning. The Property is to be rezoned R-3, allowing three dwelling units per acre or 46 dwelling units. However, a 9% density bonus is included in accordance with the terms of the Santa Fe Homes Program Ordinance, permitting an additional four units, for a total maximum allowable density of 50 dwelling units.

3.2 Subdivision. The City Planning Commission will approve a Final Subdivision Plat of the specific phase or subphase being developed before the Landowner may begin development of that phase or subphase of the Property. The Property will be developed in one phase, or two or three sub-phases, as may be modified from time to time as part of the subdivision platting process.

(i) A minimum fifty (50) foot setback shall be maintained from the property line abutting the Old Las Vegas Highway right-of-way.

(ii) Prior to the Planning Commission acting on the preliminary subdivision plat application for any phase or subphase of the Project, the Landowner shall erect story poles on the Property at any location where two-story homes are proposed to be built and the story poles will be available to the Planning Commission prior to making a decision on any preliminary subdivision plat application.

4. CITY SERVICES AND INFRASTRUCTURE

4.1 Fire and Police Protection. Fire and Police protection for the development of the Property will be provided by the City Police and Fire Department facilities

and personnel. A fire protection plan submitted with the application for final plat approval for each phase or subphase of the Property shall show the size of the water mains and fire hydrant locations.

4.2 Refuse. Refuse disposal services shall be provided in accordance with applicable City ordinances.

4.3 Water Service. Water service will be provided for the development of the Property by the City of Santa Fe. Prior to the development of each phase or subphase of the Property, the Landowner agrees to connect the proposed development to the City's water delivery system using dedicated easements for the benefit of the City or such other person or persons designated by the City. The Landowner agrees that no well shall be drilled on the Property and that no water rights shall be transferred to permit a diversion of water from the Property after the date of this Agreement. Restrictive covenants shall be adopted and filed for record in the office of the Santa Fe County Clerk in accordance with this requirement restricting the drilling of wells and transfer of water rights.

Provision of water service to the Property shall be subject to compliance with applicable city laws and procedures, including applicable provisions of Sections 14-8.13, 14-8.16 and 14-8.17 SFCC 2001 (Annual Water Budget, Water Rights Transfer Requirements, and Water Right Banking Ordinance).

4.4 Drainage Improvements. As part of the development of each phase, the Landowner shall construct drainage improvements to serve the Property in accordance with the Santa Fe City Code, providing easements on the final subdivision plat for each phase or subphase of the Property.

4.5 Wastewater Collection. As part of the development of each phase, the Landowner shall construct wastewater improvements to serve the Property in accordance with Santa Fe City Code, providing easements on the final subdivision plat for each phase or subphase of the Property.

4.6 Utilities. All new utilities serving the Property shall be underground.

4.7 Streets and Other Rights of Way. All streets on the Property will be built to the minimum standards set forth in the Master Plan submitted as part of the annexation and rezoning and as set forth below. In all respects, the streets 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 streets delineated on the Plat as public streets shall be dedicated to the City as public rights of way and maintained by the City at its expense. The Landowner shall be responsible for the construction and shall bear all expenses associated with construction.

(i) Access. Final access restrictions and improvements are subject to NMDOT approval at time of subdivision.

(ii) Off-Site Improvements. The Landowner is responsible for contributing a five percent (5%) prorated share to the construction of right turn improvements at the intersection of Old Las Vegas Highway and Old Pecos Trail, as described in the Traffic Impact Analysis approved as part of this annexation. The City and the Landowner agree that the Landowner shall pay this contribution for this off site improvement at the time the final subdivision plat for the first phase or subphase of the development is recorded. This contribution is in addition to any customary impact fees payable as part of the development of the Project.

4.8 Dedication and Letter of Credit.

(i) All required improvements for water, storm and wastewater collection, streets, and alleys shall be dedicated by the Landowner to the City or the City's designee for its use in perpetuity, as shown on the relevant final subdivision plat for each phase or subphase of the Property, and, once the City has inspected and approved the final construction of the improvements, the City shall accept the same and thereafter maintain the same at its expense.

(ii) Then Landowner shall provide a surety bond, set aside letter, or letter of credit, in a form acceptable to the City, for the required improvements to the Property prior to the recordation of the final subdivision plat for each phase or subphase of the Property's development. The amount of the surety shall be based on a certified engineer's estimate acceptable to the City.

5. ARCHAEOLOGICAL REVIEW ORDINANCE

Prior to annexation of the Property, the Landowner shall be in compliance with Section 14-5.3 SFCC (2001).

6. TRAFFIC REPORT

In compliance with City regulations, a traffic impact analysis prepared by CKS, LLC is submitted under separate cover as part of the Master Plan and this Agreement.

7. OPEN SPACE

The Landowner shall meet the City's park dedication requirements by dedicating parks and/open space within the Property as generally shown on the Master Plan and more specifically on the subdivision plats for each phase or subphase of the development of the Property.

8. IMPACT FEES

The Landowner agrees to pay impact fees as required by City Code, except for those fees to be waived for the Affordable Units in accordance with Section 14-8.14 (D) SFCC.

9. AFFORDABLE HOUSING

50% of the homes in the development shall be in the price range defined as low price and none of the other 50% shall exceed the price of \$300,000.

10. 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.

11. 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 or paragraph headings be deemed or interpreted to limit the provisions of this Agreement.

12. EXECUTION OF DOCUMENTS

The parties agree to execute all documents contemplated expressly or impliedly by this Agreement.

13. SEVERABILITY

If any provision of this Agreement, or the application of such provisions to any person or circumstance, 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.

14. NO WAIVER

No waiver of a breach of any of the terms of this Agreement shall be construed to be a waiver of any succeeding breach of the same or any other term.

15. 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.

16. 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.

17. BINDING EFFECT

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

18. 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 Landowner from complying with present or future City ordinances, duly adopted resolutions or regulations applicable to the development.

19. AMENDMENTS

Any amendments to this Agreement or the Master Plan shall be reviewed by the City's Planning Commission (or successor or replacement body) and sent to the City Council for approval, except as provided herein in Section 2.0.

In witness whereof, this Agreement is entered into the day and year written above.

CITY OF SANTA FE:

David Coss
Mayor David Coss

ATTEST
CITY OF SANTA FE
Yolanda [Signature] Clerk
APPROVED AND FORWORN:
[Signature]
Frank Katz, City Attorney

6890012

6810027

LEGEND AND NOTES

- DENOTES POINT FOUND AS NOTED
- DENOTES POINT SET THIS SURVEY
- DENOTES POINT CALCULATED
- DENOTES BRASS MONUMENT

1. BASE OF BEARING IS FROM SANTA FE COUNTY CONTROL POINTS AS SHOWN.
2. ANNEXATION AGREEMENT RECORDED IN BK. _____ PG. _____

PLAT REFERENCES

1. PLAT OF SURVEY FOR C.L. BROWN DATED 10/15/92 BY GUY D. HAYDEN MAPS PHOTO DATA SHOWN IN ()
2. SURVEY PLAT PREPARED FOR O.H.M.C. DATED 10/14/93 BY WARR-E. DAWSON MAPS (1014) AND RECORDED FIRST IN PLAT BK. 257, PG. 028, AND LATER RECORDED IN PLAT BK. 257, PG. 037, DATA SHOWN IN ()
3. NEW MEXICO STATE HIGHWAY COMMISSION RIGHT OF WAY MAP NEW MEXICO PROJECT NO. 1-028-568072 SANTA FE COUNTY SHEET 10 OF 18 AND LAST DATED DEC. 1971.

SANTA FE CITY APPROVAL, NOTES AND CONDITIONS:

1. TOTAL LENGTH OF BOUNDARY TO BE ANNEXED = 6066.47
2. LENGTH OF BOUNDARY COINCIDES WITH EXISTING CITY BOUNDARY = 3783.31 OR 7X

REVIEWED BY CITY OF SANTA FE

Risana Brown 07/21/08
 CITY ENGINEER FOR LAND USE DATE

Jennifer Brown 09/01/08
 CITY PLANNER DATE

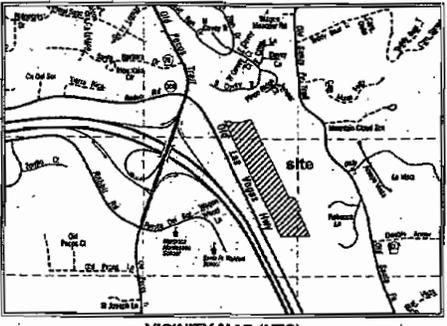
David Cross 01/29/08
 MAYOR DATE APPROVED BY MAYOR

ANNEXATION BILL NO. 2007-33
 ANNEXATION ORDINANCE NO. 2007-27

Approved by City of Santa Fe 01/29/08
 (PREPARED TO ADD CITY ENGINEER MONUMENT)



01/29/08
 COUNTY ENGINEER FOR THE STATE OF NEW MEXICO
 STATE OF NEW MEXICO
 COUNTY OF SANTA FE
 I, _____, COUNTY ENGINEER FOR THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THE SURVEY PLAT AND THE ACTUAL FIELD SURVEY UPON WHICH IT IS BASED WERE PREPARED BY ME OR UNDER MY DIRECTION ON NOV. 29TH, 2008, THAT I AM RESPONSIBLE FOR THIS SURVEY AND THAT IT MEETS THE ANNUAL STANDARDS FOR SURVEYING IN NEW MEXICO, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



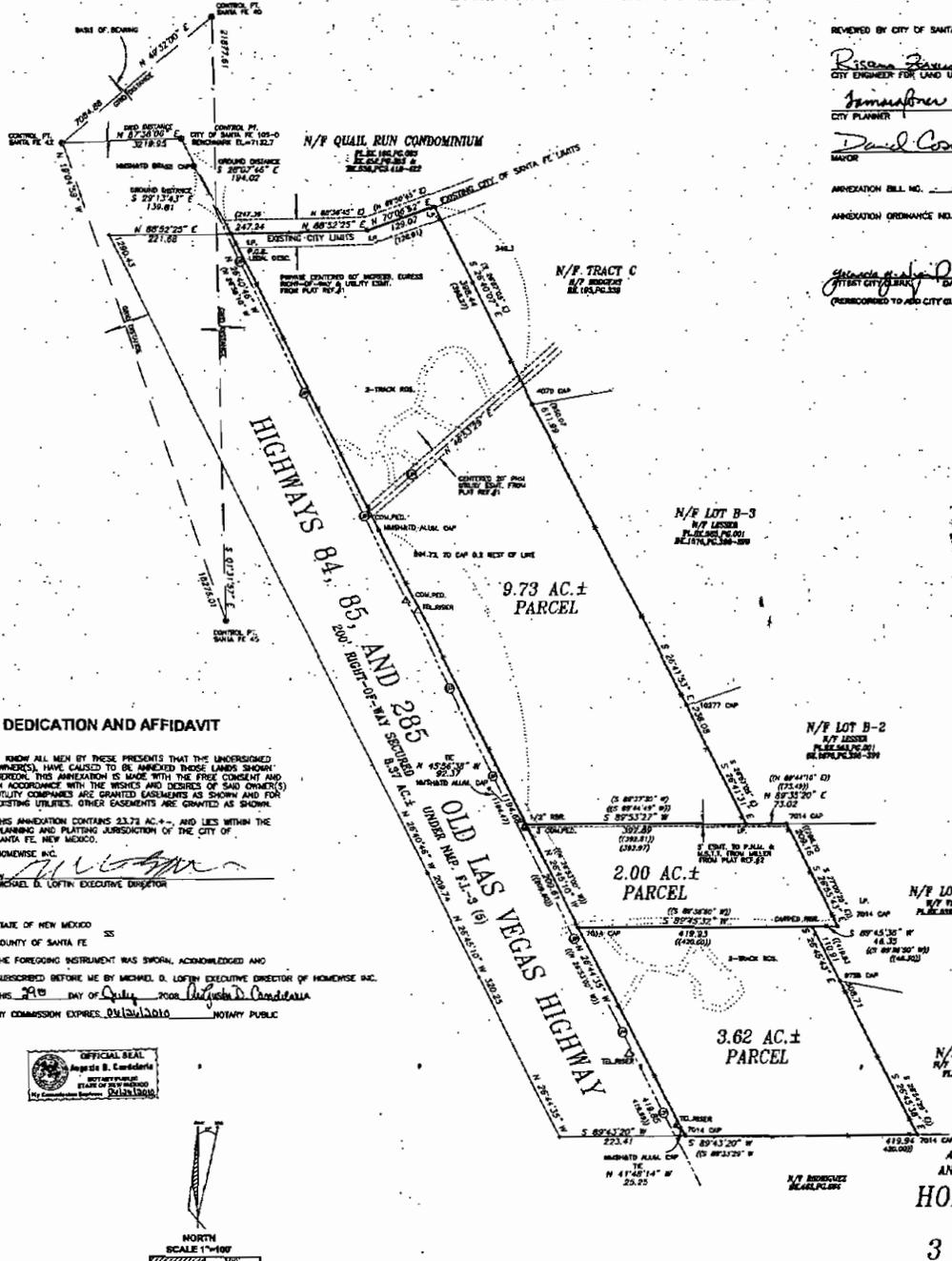
VICINITY MAP (NTS)

DESCRIPTION OF PROPERTY TO BE ANNEXED

A PARCEL OF LAND LYING WITHIN THE SEBASTIAN DE VARGAS GRANT AND LYING WITHIN SECTION 7, T.18N., R.10E., M.M.P.M., SANTA FE COUNTY, NEW MEXICO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING ON THE NORTHERN BOUNDARY OF THE PARCEL HERETOIN DESCRIBED FROM WHENCE SANTA FE COUNTY MONUMENT #105-0 BEARS N 28°07'48" W 194.02' DISTANT THENCE FROM SAID POINT AND PLACE OF BEGINNING N 88°52'25" E 247.24' THENCE N 70°08'32" E 123.07' THENCE S 28°40'07" E 388.44' THENCE S 28°41'37" E 811.95' THENCE S 28°41'31" E 238.08' THENCE N 88°52'25" E 7.10' THENCE S 88°52'25" E 208.81' THENCE S 88°42'30" W 48.33' THENCE S 28°45'43" E 110.81' THENCE S 28°45'38" E 202.11' THENCE S 88°42'30" W 84.33' THENCE N 88°42'30" W 202.25' THENCE N 28°45'10" W 208.74' THENCE N 88°42'30" W 1230.43' THENCE S 88°52'25" E 221.88' TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 23.72 ACRES MORE OR LESS AND AS MORE FULLY SHOWN AS THE THREE PARCELS AND A PORTION OF THE OLD LAS VEGAS HWY. SHOWN HERETOIN.



DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S), HAVE CAUSED TO BE ANNEXED THESE LANDS SHOWN HERETOIN. THIS ANNEXATION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE RULES AND ORDERS OF SAID OWNER(S). UTILITY COMPANIES ARE GRANTED EASEMENTS AS SHOWN AND FOR EXISTING UTILITIES. OTHER EASEMENTS ARE GRANTED AS SHOWN.

THIS ANNEXATION CONTAINS 23.72 AC.±, AND LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

HOMEWISER, INC.
 BY MICHAEL D. LOFTIN, EXECUTIVE DIRECTOR

STATE OF NEW MEXICO
 COUNTY OF SANTA FE

THE FOREGOING INSTRUMENT WAS SPORADICALLY ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY MICHAEL D. LOFTIN, EXECUTIVE DIRECTOR OF HOMEWISER, INC. THIS 29th DAY OF July, 2008, before me, _____, Notary Public, by COMMISSION EXPIRES 04/26/2010.



SURVEYORS CERTIFICATE

I, RICHARD A. CHATROOP, A NEW MEXICO PROFESSIONAL SURVEYOR NO. 11011, DO HEREBY CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL FIELD SURVEY UPON WHICH IT IS BASED WERE PREPARED BY ME OR UNDER MY DIRECTION ON NOV. 29TH, 2008, THAT I AM RESPONSIBLE FOR THIS SURVEY AND THAT IT MEETS THE ANNUAL STANDARDS FOR SURVEYING IN NEW MEXICO, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Richard A. Chatroop
 RICHARD A. CHATROOP M.A.P.S.#11011



1/3/2008
 COUNTY OF SANTA FE
 I, _____, COUNTY CLERK, DO HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON _____, 2008, AT _____ O'CLOCK _____ OF THE DAY.

AMENDED ANNEXATION PLAT FOR
HOMEWISER INC.
 OF
3 PARCELS
 AND A PORTION OF
THE OLD LAS VEGAS HWY.

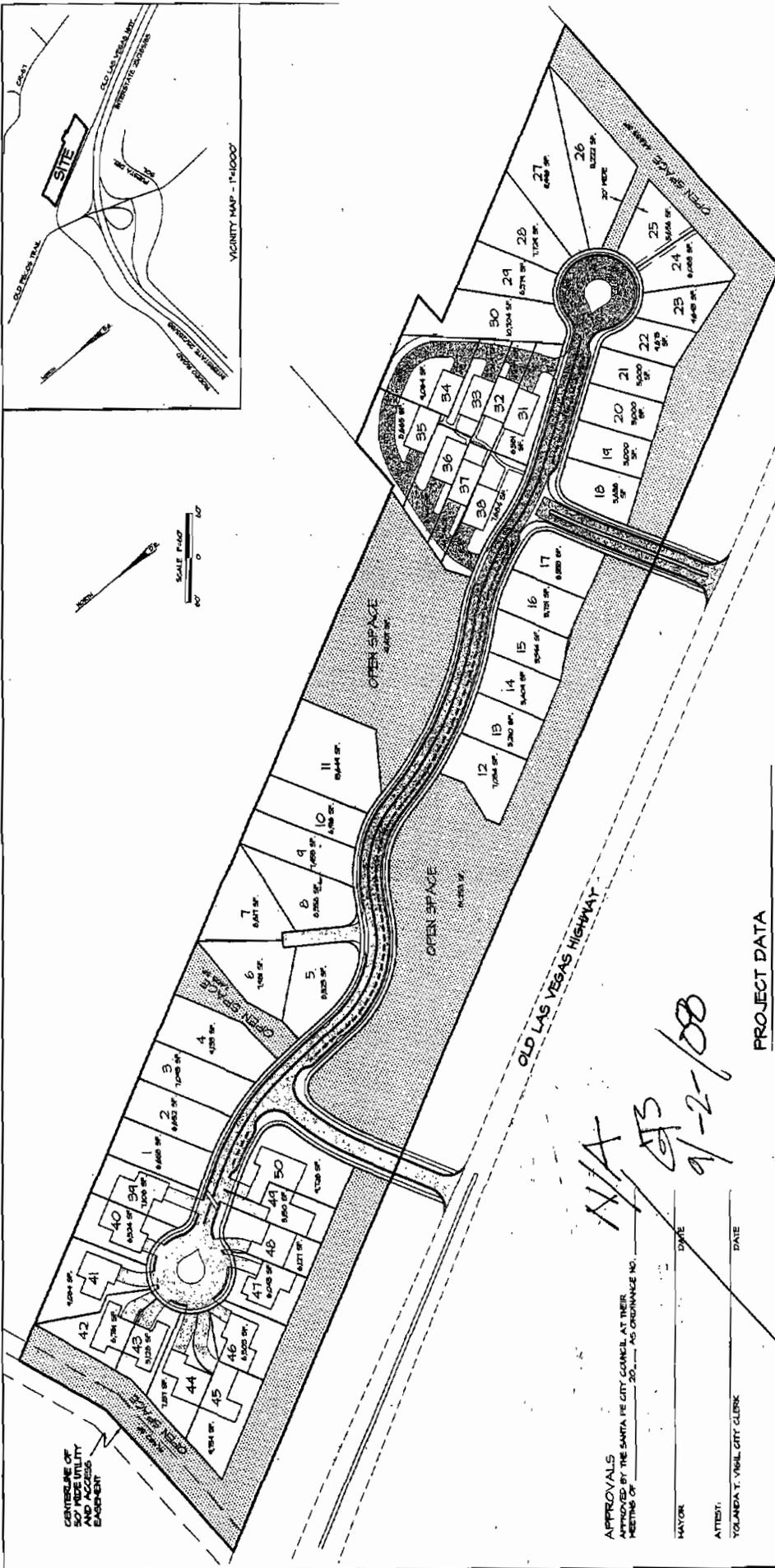
LYING WITHIN THE SEBASTIAN DE VARGAS GRANT & SEC. 7, T.18N., R.10E., M.M.P.M., SANTA FE CO., N.M.

RICK CHATROOP
 PROFESSIONAL LAND SURVEYOR
 NEW MEXICO REGISTRATION NO. 11011
 (505) 470-0037 110 MACON TRAIL, ED. CERRILLOS, N.M. 87510

RECORD INFORMATION FOR THE COUNTY CLERK
 OWNER: HOMEWISER, INC.
 LOCATION: LYING WITHIN THE SEBASTIAN DE VARGAS GRANT & SEC. 7, T.18N., R.10E., M.M.P.M., SANTA FE CO., N.M.

EXHIBIT

1



PROJECT DATA

TOTAL ACRES	15.4 AC +/-
MAXIMUM NUMBER OF LOTS	50
TOTAL OPEN SPACE	4.9 AC +/- (32%)
PROPOSED ZONING	R-3

N/A
AS
9/2/08

DESIGN EXHIBIT

OLD LAS VEGAS HWY. SUBDIVISION

MASTER PLAN

EXHIBIT 2

STATE OF NEW MEXICO
 COUNTY OF SANTA FE
 I, Notary Public, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the person or persons claiming to be the owner of the same.
 My commission expires on _____, 20____.
 My office is located at _____, Santa Fe, New Mexico.
 Notary Public, Santa Fe County, New Mexico

CENTRELINE OF 50' WIDE UTILITY AND ACCESS EASEMENT

APPROVALS
 APPROVED BY THE SANTA FE CITY COUNCIL AT THEIR MEETING OF _____, 20____ AS ORIGINALLY NO. _____

NOTAR
 DATE _____

ATTEST:
 YOLANDA T. VIGIL CITY CLERK
 DATE _____

APPROVED BY THE SANTA FE PLANNING COMMISSION AT THEIR MEETING OF _____, 20____ AS CASE NO. _____

PLANNING COMMISSION CHAIRPERSON
 DATE _____

PLANNING COMMISSION SECRETARY
 DATE _____

APPROVED BY THE SANTA FE PERMIT AND DEVELOPMENT DEPARTMENT
 CITY PLANNER
 DATE _____

PERMIT AND DEVELOPMENT REVIEW
 DATE _____

Exhibit 2

**EXHIBIT D:
CONDITIONS OF APPROVAL
ORDINANCE NO. 2007- 27**

HOMEWISE OLD LAS VEGAS HIGHWAY ANNEXATION

- 1) Through the platting process, the applicant shall be required to maintain a minimum of a 50 foot setback from the property line abutting the right of way;
- 2) Prior to the Planning Commission acting on the preliminary subdivision plat application for any phase or subphase of the Project, the Landowner shall erect story poles on the Property at any location where two-story homes are proposed to be built and the story poles will be available to the Planning Commission prior to making a decision on any preliminary subdivision plat application.
- 3) The Annexation Agreement shall state that discussion of water will be consistent with the current law;
- 4) 50% of the homes in this development shall be in the price range defined as low price, and none of the other 50% shall exceed the price of \$300,000;
- 5) The Landowner shall contribute five percent (5%) pro rata share to the construction of right turn improvements at the intersection of Old Las Vegas Highway and Old Pecos Trail, as described in the Traffic Impact Analysis approved as part of this annexation. The City and the Landowner agree that the Landowner shall pay this contribution for this off site

improvement at the time the final subdivision plat for the first phase or subphase of the development is recorded. This contribution is in addition to any customary impact fees payable as part of the development of the Project.

- 6) The letter from the DOT regarding the right-of-way must be received prior to recording the plat.

(Said letter was received on 8/15/07. See Exhibit D.1, Attached)



August 15, 2007

Mr. David Coss
Mayor, City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Mayor Coss:

The New Mexico Department of Transportation (NMDOT) is in receipt of a request for a letter of consent regarding an annexation request by Homewise, Inc. for 15 acres in Santa Fe County to include the adjacent Old Las Vegas Highway Right of Way. Please be advised that the NMDOT holds title to the land comprising the Old Las Vegas Highway Right of Way as state route NM300. As such the NMDOT shall continue to maintain and serve the Right of Way along NM300, and shall continue to maintain the Old Las Vegas Highway as a state route.

The Department of Transportation hereby gives consent to the City of Santa Fe to annex the property identified by Homewise, Inc on NM 300 in Santa Fe County.

Should you have any questions please do not hesitate to contact Patricia Oliver-Wright at 827-5562.

Sincerely,

[Handwritten Signature]
Patricio Guerrerortiz, P.E.
Deputy Secretary for Programs and Infrastructure

Bill Richardson
Governor

Rhonda G. Faught P.E.
Cabinet Secretary

Commission

Jolinny Cope
Chairman
District 2

David Schurz
Vice Chairman
District 5

Gregory T. Ortiz
Secretary
District 6

Norman Assed
Commissioner
District 3

Jini Franzen
Commissioner
District 4

John Hummer
Commissioner
District 1



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
ORDINANCE
PAGES: 16

I Hereby Certify That This Instrument Was Filed for
Record On The 16TH Day Of October, A.D., 2008 at 09:41
And Was Duly Recorded as Instrument # 1541297
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy *[Handwritten Signature]* County Clerk, Santa Fe, NM