

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

**IN RE PARTIAL VACATION OF
A LOT LINE ADJUSTMENT PLAT,
FILED AS INSTRUMENT NO. 1708030,
BOOK 758, PAGE 043, IN THE
PROPERTY RECORDS OF THE
SANTA FE COUNTY CLERK AS TO
LOT 3-A ONLY**

**LANDOWNER STATEMENT DECLARING
PARTIAL VACATION OF A FINAL PLAT PURSUANT
TO NMSA 1978, SECTION 47-6-7**

Pursuant to NMSA 1978, Section 47-6-7, the undersigned landowner(s) ("Landowner," whether singular or plural) makes the following statement declaring the final plat described below and in the caption above to be partially vacated ("Landowner Statement") as to Landowner's lot, as described below:

1. Lot 1, Lot 2, Lot 3, and Lot 4, lying within Small Holding Claim No. 425, Tract 2, Section 6, T.16N, R.9E, were created by that certain Subdivision Plat prepared by Zia Surveys and filed as Instrument No. 1645043, Book 736, Page 019, on September 13, 2011 ("Original Subdivision Plat"). Landowner is not declaring any portion of the Original Subdivision Plat to be vacated.
2. The Original Subdivision Plat did not dedicate utility easements.
3. On June 6, 2013, a Lot Line Adjustment Plat prepared by Associated Surveys was filed as Instrument No. 1708030, Book 758, Page 043. The Lot Line Adjustment modified the lot lines and renamed the four lots created by the Original Survey Plat to Lot 1-A, 2-A, 3-A, and 4-A. This Landowner Statement only concerns Lot 3-A.
4. Lot 3-A is subject to the Reinstatement and Modification of Real Estate Contract (REC 3-A), e-recorded as Instrument No. 1815424 in the records of the County Clerk. Benjamin Ramirez Rojas and Maria V. Vargas Hernandez are the Sellers under REC 3-A and Jose Soto-Tena is the Purchaser.
5. The Lot Line Adjustment Plat dedicated two utility easements described as follows:
 - a. A 10-foot utility easement located along the eastern boundary of all four lots, including Lot 3-A, adjacent to Lopez Land; and
 - b. A 15-foot utility easement located along the western boundary of all four lots, including Lot 3-A ("15' Utility Easement").

6. Santa Fe County ("County") is working with the City of Santa Fe ("City") to complete a public works project known as the Vista Aurora Subdivision Sewer Upgrade Project ("Project"). Completion of the Project will allow for sewer service from the City of Santa Fe.

7. Landowner has dedicated to the City a new 15-foot sanitary sewer easement ("New Sanitary Sewer Easement") along the eastern boundary of Lot 3-A, adjacent to Lopez Land, to assist the County in completing the Project. (See Instrument No. 1872004). The New Sanitary Sewer Easement allows installation, operation, and maintenance of all public utilities, including but not limited to the sewer line comprising the Project.

8. Landowner's dedication of the New Sanitary Sewer Easement makes the existing 15' Utility Easement on Lot A-1 unnecessary; therefore, Landowner desires to partially vacate the Lot Line Adjustment Plat by, and only by, vacating the 15' Utility Easement as to Lot 3-A ("Partial Vacation").

9. The Partial Vacation will not adversely affect the interest of persons on contiguous land or within the Subdivision.

WHEREFORE, the Landowner requests the Board of County Commissioners to approve the partial vacation of the Lot Line Adjustment Plat (Instrument No. 1708030) by, and only by, vacating the "15' Utility Easement" granted by said Plat, but only as to Lot 3-A.

CONTRACT PURCHASER OF LOT 3-A


Jose Soto Tena

Date: 10/29/2018

Approved by Contract Sellers:

By: 
Benjamin Ramirez Rojas

Date: 11/02/18

By: 
Maria V. Vargas Hernandez

Date: 11-02-18

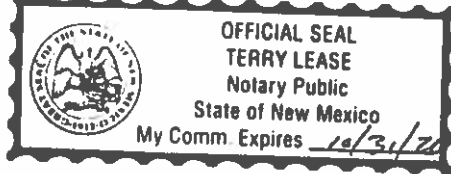
[Acknowledgments on next page]

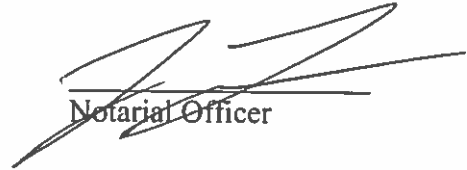
ACKNOWLEDGMENT

State of New Mexico)
)ss
County of Santa Fe)

This instrument was acknowledged before me this 29 day of OCTOBER, 2018, by
Jose Soto-Tena

(Seal, if any)




Notarial Officer

My commissioner expires: 10/31/20

ACKNOWLEDGMENT

State of New Mexico)
)ss
County of Santa Fe)

This instrument was acknowledged before me this 2 day of NOVEMBER, 2018, by
Benjamin Ramirez Rojas and Maria V. Vargas.

(Seal, if any)



My commissioner expires: 10/31/20


Notarial Officer

[Approval of Landowner Statement by Board of County Commissioners on next page]

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

APPROVAL OF LANDOWNER STATEMENT

The forgoing Landowner Statement is **APPROVED** by the Santa Fe County Board of County Commissioners on the 12th day of February, 2018, subject to the following conditions:

- A. Pursuant to NMSA 1978, Section 47-6-7(C), a copy of the Lot Line Adjustment Plat shall be stamped "Partially vacated", including a reference to the volume and page on which the Landowner Statement is recorded, and then recorded with the County Clerk.
- B. The rights of any existing utility shall not be affected by the partial vacation of the Lot Line Adjustment Plat.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: Anna T. Hamilton
cs Anna Hansen, Chair
Anna T. Hamilton

ATTEST:

Geraldine Salazar
Geraldine Salazar
Santa Fe County Clerk

Date: 2-12-2019



Approved as to form:

R. Bruce Frederick
R. Bruce Frederick
Santa Fe County Attorney

Francis Dipeolu
Francis Dipeolu
12/21/18



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

PARTIAL VACATION OF PL
PAGES: 4

I Hereby Certify That This Instrument Was Filed for
Record On The 13TH Day Of February, 2019 at 04:10:03 PM
And Was Duly Recorded as Instrument # 1878938
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy Estrella Martinez County Clerk, Santa Fe, NM