



VILLAGE OF CORRALES

ORDINANCE NO. 10-011

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE III (SUBDIVISIONS), OF THE CODE OF ORDINANCES OF THE VILLAGE OF CORRALES, BEING ORDINANCE NO. 63, ADOPTED JANUARY 13, 1976, AS AMENDED AND SUPPLEMENTED; DEFINING TERMS; AMENDING AND CLARIFYING REQUIRED SUBMITTALS AND PROCEDURAL REQUIREMENTS FOR REVIEW AND APPROVAL OF SUBDIVISIONS; AND MAKING TECHNICAL CORRECTIONS.

WHEREAS, the Planning and Zoning Commission (the "Commission") of the Village of Corrales has undertaken a comprehensive review of various provisions of the Code of Ordinances (the "Code") of the Village relating to planning and zoning in the Village; and

WHEREAS, in connection with its review the Commission has recommended to the Village Council, the governing body of the Village ("Governing Body") that the Governing Body consider the adoption of amendments to Chapter 18, Article III (Subdivisions) of the Code, as provided herein; and

WHEREAS, in particular, the Commission has recommended to the Governing Body that sections of the Code relating to the review, consideration and approval of preliminary plats, final plats and summary plats should be amended to clarify the formal requirements and procedures required for approval of such plats; and

WHEREAS, upon the recommendation of the Commission the Governing Body finds and determines that amendments, clarifications and technical corrections should be made to certain sections of Chapter 18, Article III of the Code, as herein set forth.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Village of Corrales, New Mexico, that:

1. Section 18-77 of the Code, being Section 2 of Ordinance No. 63, adopted January 13, 1976, as amended, is hereby amended by the addition of definitions of the terms "Administrator," "Commission" and "Legal description," and shall read in its entirety:

Section 18-77. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the Planning and Zoning Administrator of the Village.

Alley means a public way used primarily as a service access to the rear side of a property which abuts on a street.

Arterial means a major street or thoroughfare that carries, or will carry, a considerable volume of traffic of more than neighborhood character and which also serves abutting properties.

Block means the distance measured along a street between intersecting streets from centerline to centerline; and where the context requires, such term also means the enclosed area within the perimeter of the street or property lines enclosing it.

Building or setback line means a line on a plat between which line and a street no building may be erected.

Cluster housing means two or more single-family dwelling units under one roof or in close physical proximity

Collector street means a street that serves as a connection between a major or secondary thoroughfare and several minor streets. The term includes the principal entrance streets of a residential development and streets for major circulation within such a development.

Commission means the Planning and Zoning Commission of the Village.

Cul-de-sac means a minor street with only one outlet and culminated by a turnaround at the dead end.

Drainage course means a natural watercourse or indenture for the drainage of surface waters.

Easement means a grant by the property owner of the use, for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons.

Lane means the narrowest public way furnishing the principal access to a parcel of land.

Legal description, for the purposes of a preliminary plat, final plat or summary plat, means a series of lines around the perimeter of an area known as a metes and bounds description; "metes" means bearings and distances and "bounds" means and refers to monuments both physical and legal.

Legal notice means giving the public notice of a hearing at least 30 days before the date of the hearing, by posting in the village and also by mailing written notice by certified mail, return receipt requested, not less than 15 days before the date of the hearing, to the owners of all property within 300 feet of the exterior boundaries, excluding public right-of-way, of the property on which a hearing has been requested, using for these purposes the last known name and address of the owners shown in the records of the county assessor.

Lot means a parcel or tract of land platted and recorded with the County Clerk in accordance with appropriate laws and ordinances.

Master or comprehensive plan means the master plan of the village.

Minor or local residential street means a street of relatively short length that provides direct access to a limited number of abutting residential properties and is designed to discourage its use by through traffic.

Performance bond means a surety bond or cash deposit made out to the village in an amount equal to the full cost of the improvements which are required by this article, such cost being estimated by the village and such surety bond or cash deposit being legally sufficient to secure that the improvements will be constructed in accordance with this article.

Planning commission or commission means the officially appointed planning and zoning commission of the village.

Plat means a map, chart, survey, plan or replat certified by a licensed, registered land surveyor which contains a description of the subdivided land with ties to permanent monuments.

Reserve strip means an unbuildable parcel of land within a subdivision that by its configuration and location serves to restrict or prevent reasonable access or communication between the subdivision, or buildable lots located therein, and adjacent rights of way or public streets.

Roadway means that portion of a street which is primarily devoted to vehicular traffic.

Street means a way, right-of-way or easement, whether on public or private land, used or intended to be used by the general public and open to the general public for passage or travel by motor vehicle, but does not include a driveway or similar way designed or created for access to a single property or a limited number of properties, merely by virtue of providing access to such properties for the general public.

Street pull-off means an area adjacent to and contiguous with a street or roadway, demarcated and set aside for the use of vehicles to facilitate the passing of vehicles so as to enhance the flow of traffic and access for emergency vehicles.

Street width means the distance between lot lines measured at right angles to the street centerline.

Subdivider means any persons, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined in this section, and includes any agent of the subdivider.

Subdivide means to divide or redivide land into two or more parts for the purpose, whether immediate or future, of sale, lease, offer, or development, whether by deed, metes and bounds description, lease, map, plat or other instrument, including all changes in street or lot lines.

Subdivide does not include the following actions:

- (1) The lease of land for grazing or farming activities.
- (2) The lease of apartments, offices, stores or similar space within a building.
- (3) The lease of a building within a commercial or office development.

- (4) The division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land.

Subdivision means:

- (1) The act of subdividing; or
- (2) The parcel of land subdivided.

2. Section 18-79 of the Code, being Section 3 of Ordinance No. 63, adopted January 13, 1976, as amended, is hereby amended to read in its entirety:

Section 18-79. General procedures.

(a) *Plat, when required.* It shall be unlawful for the owner, agent, or persons having control of any land within the corporate limits of the village to subdivide or lay out such land into lots, blocks, streets, avenues, alleys, public ways and grounds unless by plat in accordance with the laws of the state and this article.

(b) *Public notification.* Legal notice shall be given for any hearing at which a request for summary plat approval, sketch plan review, preliminary plat approval or final plat approval will be heard. In addition to legal notice, the applicant shall obtain from the administrator a notification sign which contains information that is pertinent to the application. This sign must be displayed by the applicant in a location visible and prominent to the general public on the property for which the subdivision is requested for at least fifteen (15) days prior to the date of the hearing.

(c) *Sketch plan submission and review.* Sketch plan submission and review may be required by the planning and zoning administrator depending upon the complexity and impact of the proposed development. Before preparation of a preliminary plat, the subdivider must at the request of the planning and zoning administrator or may at his option, submit a sketch plan for general review and comment by the commission. The commission shall review and advise the applicant concerning the appropriateness of the proposal under this article, current plans, policies, zoning classifications, infrastructure availability and geographic suitability for subdivision. The applicant shall complete and submit a sketch plan application and fourteen (14) sets of all application materials which shall include a location/vicinity map, a sketch plan showing the general layout of the proposed subdivision, and written information. The sketch plan drawings shall be in an 11 inch by 17 inch format. A CD or similar electronic media with a file in .pdf format of the proposed subdivision shall be submitted with the paper materials. Following the sketch plan review by the commission, a copy of the applicant's sketch plan application shall be retained in the village files with the commission's comments attached. The applicant must address all concerns raised by the commission at the sketch plan review or request a waiver of conditions pursuant to section 18-90 when making the preliminary plat application.

- (1) *Location/vicinity map.* This map shall consist of data added to an existing base map such as a United States Coastal and Geodetic Survey, village or county base map, covering at least a one mile radius from the tract proposed for development and shall show the relationship of the proposed plat to the existing residential areas, community facilities, all streets, commercial areas, schools, and parks.

(2) *Sketch plan.* Show in simple sketch form the following:

- a. Title of proposed subdivision and names and addresses of subdivider, legal owners, land planner, engineer, and land surveyor.
- b. North arrow, scale, and date of sketch plan submission.
- c. The general proposed layout of blocks, lots and other features numbered for identification.
- d. Existing streets and roads including those which abut or serve the proposed development.
- e. Proposed layout of streets indicated as public or private and labeled for identification.
- f. Existing easements.
- g. 100-year floodplain from FEMA approved maps or superseding report.
- h. Existing storm drainage ways and facilities both on the proposed development property as well as those on all adjoining properties.
- i. Identification of any major street or corridor shown on the long range major street plan.
- j. Existing water and sewer locations and well and septic field locations on-site and on lands adjacent to the land being subdivided.
- k. Existing irrigation access and ditches.
- l. Copy(ies) of the recorded plat(s) that created the parcel or parcels of land to be subdivided.
- m. Other features which may include major natural or manmade geographic features.

(3) *Written information.* Additional written information may include identification of how and when subdivider intends to construct infrastructure improvements, data on existing covenants, irrigation ditch easements, land characteristics and proposed utilities as well as any information which may be helpful in supplementing the sketch plat and describing the proposed development.

(d) *Preliminary plat submission and approval required.* Following the sketch plan review, the subdivider shall complete and submit a preliminary plat application and fourteen (14) sets of all application materials as required in section 18-86 for review by the planning and zoning administrator, the village engineer, the village attorney, and the commission. Ten (10) of the preliminary plat drawings shall be in an 11 inch by 17 inch format; four (4) of the preliminary plat drawings shall be full size for review by the Village Engineer. A CD or similar electronic media with a file in .pdf format of the proposed subdivision shall be submitted with the paper materials.

(1) The applicant must address all of the preliminary plat application requirements or request

a waiver of conditions pursuant to section 18-90 at the time of the plat application and submittal. The preliminary plat application shall detail how and when the subdivider intends to construct all public and private infrastructure improvements.

- (2) The commission shall hold a hearing at which the applicant shall present the proposed development as shown on the preliminary plat application and submittal. After the hearing, the findings of the commission shall be made and the commission shall note on the preliminary plat application whether the plat has been approved in whole, approved with conditions, denied, or whether the applicant shall be required to submit an amended preliminary plat application for the purpose of demonstrating that the applicant has complied with the orders of the commission.
- (3) Within one (1) year following approval of the preliminary plat by the commission, the applicant shall submit a final plat for consideration by the commission as provided in section 18-87. If a final plat is not timely submitted, approval of the preliminary plat shall be deemed to have expired as provided in section 18-86(g).

(e) Final plat approval and submission required. Following preliminary plat approval and the presentation of proof by the subdivider that the subdivider has complied with all preliminary plat requirements including, but not limited to, the completion of infrastructure requirements which may have been a condition of preliminary plat approval, the subdivider shall complete and submit a final plat application and fourteen (14) sets of all application materials as required in section 18-87 for review by the planning and zoning administrator, the village engineer, the village attorney, and the commission. Ten (10) of the final plat drawings shall be in an 11 inch by 17 inch format; four (4) of the preliminary plat drawings shall be full size for review by the village engineer. A CD or similar electronic media with a file in .pdf format of the proposed subdivision shall be submitted with the paper materials.

- (1) The applicant must address all of the final plat requirements at the time of the final plat application and submittal. The final plat application shall include a plat of the proposed subdivision prepared by a surveyor licensed and registered in the state and shall comply with all requirements of section 18-87.
- (2) The commission shall hold a hearing at which the applicant shall present the proposed development as shown on the final plat application and submittal. After the hearing, the findings of the commission shall be made and the commission shall note on the final plat application whether the plat has been approved in whole, approved with conditions, denied, or whether the applicant shall be required to submit an amended final plat application for the purpose of demonstrating that the applicant has complied with the orders of the commission.
- (3) *Recording of final plat.* Upon unconditioned approval of the final plat, a full-size mylar containing the signatures as required shall be submitted to the administrator.
 - a. Submittal of the final plat for recording is the responsibility of the village. Upon receipt of final unconditioned approval of the final plat by the commission, and endorsement of the final plat by the chairman and secretary of the commission, the Mayor and the village clerk, the applicant shall within fifteen (15) days submit payment of the filing fee for recordation to the

village. Upon receipt of payment the village shall promptly record the plat in the office of the county clerk in which the land is located. The village shall retain two (2) copies of the final plat as recorded and properly stamped and shall file them in the office of the village clerk.

- b. The final plat shall be effective only upon its recordation in the office of the county clerk. Approval of the final plat by the village shall be null and void if the filing fee and a sufficient number of copies of the final plat are not presented to the village for recordation within thirty (30) days following endorsement of the final plat by all village officials whose signatures are required thereon, unless an extension of time is granted by the administrator for good cause shown. The total of all such extensions of time granted by the administrator shall not exceed ninety (90) days.

3. Section 18-86 of the Code, being Section 8 of Ordinance No. 63, adopted January 13, 1976, as amended, is hereby amended to read in its entirety:

Section 18-86. Preliminary plat.

(a) Submission for review.

- (1) Any person or party proposing to subdivide land shall complete and submit a preliminary plat application, and fourteen (14) sets of all application materials as required in this section for review by the planning and zoning administrator, the village engineer, the village attorney, and the commission, and the required preliminary plat subdivision processing fees.
- (2) The complete preliminary plat application as approved for submittal by the administrator and submittal materials shall be filed at least forty (40) days prior to the regularly scheduled commission meeting at which the preliminary plat application shall be heard.
- (3) If sketch plan submission and approval has been required or submitted, a preliminary plat application must include proof by the subdivider that he has addressed and complied with all sketch plat requirements made by the commission.

(b) Preliminary plat requirements. Unless waived by the planning and zoning commission, the preliminary plat and accompanying documents shall include and accurately portray all items listed in section 18-79(c)(2) (sketch plan requirements), and in addition shall show at least the following:

- (1) Proof of financial responsibility on the part of the subdivider.
- (2) The location of all present property lines, projected section lines, streets, watercourses, and other existing features within the area to be subdivided and similar information regarding land immediately adjacent thereto. Buildings, wells and waste water disposal systems shall be shown on the property to be subdivided and on adjacent parcels, on a separate sheet titled "Site Plan."
- (3) The proposed location and width of all proposed streets, alleys, utility easements, and areas to be reserved for public use.

- (4) Existing utilities, drainage courses and culverts within the tract or on streets immediately abutting thereto; the location and size of the nearest water mains and sewer lines.
- (5) The title under which the proposed subdivision is to be recorded and the name of the land planner, engineer, registered land surveyor, the subdivider and the owner of the tract, with the address to which any notice is to be sent.
- (6) The layout, numbers and approximate dimensions of proposed lots.
- (7) The zoning classification and proposed use for the area being platted.
- (8) Proposed names for all streets in the area being platted.
- (9) Written and signed statements explaining how and when the subdivider proposes to provide and install all required sewer or other disposal of sanitary wastes, graveled roads, drainage structures and street name signs.
- (10) The legal description of the areas being platted and of each parcel of land proposed as part of the subdivision; legible copies of all prior plats that reflect the history of the land being subdivided, showing how and when the existing lots were created, shall be provided by the subdivider.
- (11) a. Contours referred to the National Geodetic Survey (formerly U.S. Coast and Geodetic Survey) datum with elevation contours shown at not more than one (1) foot intervals on slopes up to eight percent (8%), not more than two (2) foot intervals on slopes between eight percent (8%) and fifteen percent (15%), and not more than five (5) foot intervals on slopes of fifteen percent (15%) or greater. In addition, all areas with slopes greater than eight percent (8%) must be differentiated through shading, tone, color, or line weight; and all areas with slopes of fifteen percent (15%) or greater must be separately differentiated through shading, tone, color, or line weight. Slopes greater than fifteen percent (15%) shall not be disturbed. If there are no slopes greater than fifteen percent (15%) in the area to be platted, an affidavit to that effect, signed and sealed by the surveyor, shall be placed on the preliminary plat.

b. Land east of the Corrales main canal shall be exempt from the requirement to submit a topographic survey provided that an affidavit stipulating that the land has a 1% or less slope signed and sealed by the surveyor or professional engineer preparing the plat, is placed on the plat, and a topographic survey has not been specifically required by the Commission or the Administrator. The Commission or Administrator may require a topographic survey in the event the Commission or Administrator finds that such a survey is needed to adequately characterize the topography of the site, even if located east of the Corrales main canal.
- (12) The north point, scale (one inch equal to 100 feet) and date.
- (13) The acreage of the land to be subdivided.
- (14) Any restrictive covenants governing the subdivision.
- (15) Subsurface conditions on the tract, if required by the planning and zoning commission, including such information as the location and results of tests made to ascertain

subsurface soil, rock and groundwater conditions; depth to groundwater, soil percolation and any other subsurface conditions.

- (16) Such other information and material as may be applicable or required by ordinance or rules and regulations pertaining to utilities, services or streets within the village or within the area of planning and platting jurisdiction.

(c) *Preliminary plat hearing.* The commission shall hold a hearing upon the preliminary plat application and proposal not later than 60 days following submission of a completed application as determined by the planning and zoning administrator. Notice of the hearing shall be given by the planning and zoning administrator on behalf of the commission by mailing a notice to the applicant at the address set forth on the preliminary plat application.

(d) *Action if proposed preliminary plat is not satisfactory.* If upon conclusion of the hearing under subsection (c) of this section the commission shall find that such preliminary plat does not satisfy the requirements of this article, the commission may:

- (1) Approve the plat with conditions that must be met prior to the signature of the chairman of the commission;
- (2) Deny the application for preliminary plat approval; or
- (3) Postpone taking action on the application for the purpose of obtaining corrections to the plat or for receiving additional information as requested by the commission, for a maximum of two (2) times. If a preliminary plat application has been presented to the commission for a hearing for approval a maximum of three (3) times, and it contains errors or omissions such that it does not meet the requirements of this article, it shall be denied; a new application and payment of all applicable fees shall then be required for the preliminary plat to be brought forward for hearing at a future date.

(e) *Approval and form of preliminary plat.*

- (1) If upon conclusion of the hearing under subsection (c) of this section the planning and zoning commission shall find that such preliminary plat satisfies the requirements of this article, the chairman of the commission shall sign and date approval thereof in substantially the following language, which shall have been previously placed on the plat:

“The proposed plan of subdivision as shown in the preliminary plat herein is approved and the planning and zoning commission now is ready to receive the final plat of said subdivision for consideration.

_____ Date: _____
Chair, Planning & Zoning Commission”

- (2) One print of such preliminary plat so endorsed shall be returned to the subdivider by personal delivery or mail, and one print with such findings shall be placed in the files of the commission.
- (3) A subdivider may be required to submit to the commission an amended preliminary plat for the purpose of complying with any order of the commission.

(f) *Reliance on existing regulations.* Unless the preliminary plat expires before submittal of a final plat based upon it, the applicant may rely on the ordinances, rules, regulations, plans, policies and procedures of the village that were in effect on the date of preliminary plat approval, and consideration of the final plat shall be based upon such ordinances, rules, regulations, plans, policies and procedures as of the date of preliminary plat approval, regardless of any subsequent amendment, repeal, reinstatement, or other action of the village which could affect the terms and conditions under which the preliminary plat was approved.

(g) *Expiration of preliminary plat approval.*

- (1) Approval of a preliminary plat shall expire one (1) year following the date of such approval by the commission, unless within that period a final plat is submitted for consideration and approval by the commission, or the applicant is granted an extension of time for submittal of the final plat as provided herein.
- (2) Upon timely application to the commission, the commission may for good cause shown, and in the commission's sole and absolute discretion, grant an extension or extensions of time for submittal of the final plat, provided that such extension or extensions shall not exceed a total of one (1) additional year beyond original expiration date of the preliminary plat. Such extension may be granted only if the commission finds that:
 - a. The extension of time is not detrimental to the public interest; and
 - b. The preliminary plat, as approved, is not in conflict with current village ordinances, rules, regulations, plans, policies or procedures.
- (3) The commission may, as a condition of granting any extension of time for final plat submittal following approval of the preliminary plat, require the subdivider to complete any or all subdivision improvements, public or private, that are shown in the preliminary plat, in a fully satisfactory manner, before a date certain set by the commission.
- (4) Preliminary plat approval shall be null and void unless a complete final plat application, including all materials required to be submitted therewith, is submitted and accepted by the village before the expiration date of such approval, including any extensions granted in accordance with this section 18-86(g). The village and its officers and employees shall have no liability whatever for failure of an applicant to complete all required submittals in a timely manner, including but not limited to a complete and satisfactory final plat and accompanying materials, and the completion of any subdivision improvements that may be required by the commission.

4. Section 18-87 of the Code, being Section 9 of Ordinance No. 63, adopted January 13, 1976, as amended, is hereby amended to read in its entirety:

Section 18-87. Final plat.

(a) *Preparation of final plat.* Receipt by the subdivider of a print of the preliminary plat approved by the commission shall constitute authority for the subdivider to proceed with further

plans and specifications for installation of infrastructure improvements. Applicant shall prepare a final plat application upon proof of compliance with the terms of the commission's preliminary plat approval, all village standards, this article, and any subdivision improvement agreements and private agreements which the subdivider may have entered into for the purposes of receiving preliminary plat approval. The final plat must be prepared by a surveyor licensed and registered in this state as required in NMSA 1978, § 3-20-2, and by a licensed engineer if required.

(b) *Final plat submission.*

- (1) Following preliminary plat approval and the presentation of proof by the subdivider that he has complied with all preliminary plat requirements, the subdivider shall complete and submit a final plat application and fourteen (14) sets of all application materials as required in this section for review by the planning and zoning administrator, the village engineer, the village attorney, and the commission.
- (2) The commission shall hold a hearing on the final plat application not later than 60 days following the submittal of a completed final plat application. The application shall be deemed complete by the planning and zoning administrator. For all proposed subdivision development outside the village corporate limits, the applicant shall be responsible for simultaneously transmitting with the final plat application to the village the required number of copies of the final plat application to the county administrator in the manner required by the applicable subdivision regulations of such county.
- (3) The commission shall hold a hearing at which the applicant shall present the proposed development as shown on the final plat application and submittal. After the hearing, the findings of the commission shall be made and the commission shall note on the final plat application whether the plat has been approved in whole, approved with conditions, denied, or whether the applicant shall be required to submit an amended final plat application for the purpose of demonstrating that the applicant has complied with the orders of the commission and the terms of the final plat approval.
- (4) Upon receipt of final unconditioned approval of the final plat by the commission, and endorsement of the final plat by the chairman and secretary of the commission, the Mayor and the village clerk, the village shall receive the fee for filing from the applicant and file the plat in the office of the county clerk.

(c) *Contents of final plat.*

- (1) The final plat shall be in conformity with the requirements of applicable state statutes and shall be an accurate drawing designating specifically the land so laid out, and particularly describing the portions thereof intended to be dedicated for public use. Such final plat shall be drawn in black ink to a scale of not more than 100 feet to the inch from an accurate survey. It shall contain one or more sheets of dimensions not exceeding 24 inches by 36 inches. If more than two sheets are submitted, an index sheet of the same dimensions shall be attached showing the entire subdivision on one sheet and the component areas on the remaining sheet.
- (2) The final plat of the subdivision and accompanying documents shall show:
 - a. Boundary lines with accurate distances and courses.

- b. Correct legal description which shall refer to permanent monuments, number of each lot in progression, and dimensions of same. All property corners shall be set with rebar and cap, or other acceptable materials, and identified as such on the final plat.
- c. Lines of all proposed streets and alleys with their widths and names.
- d. Accurate outline of any portions of the property intended to be dedicated for public use or for the use of the owners of the lots fronting or adjacent to the land, together with dimensions of same.
- e. Line of departure of one street from another.
- f. Names and widths of adjoining streets and alleys abutting the subdivision drawn in dashed lines.
- g. All lots designated by numbers or letters, and streets, avenues and other grounds designated by names, letters or numbers.
- h. Building setback lines shown by narrow dashed lines, if required.
- i. Location of all easements provided for public use, services or utilities.
- j. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements and other areas for public or private use.
- k. Radii, arcs or chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners.
- l. Location of all survey monuments and their descriptions.
- m. Name of the subdivision and scale of the plat, north point, name of the owner or owners, name of subdividers and date.
- n. Certificate of registered land surveyor attesting to the accuracy of the survey and the correct location of all monuments shown.
- o. Certificate of licensed engineer attesting to the adequacy of, and in compliance with, engineering provisions and requirements.
- p. Acknowledgement. Every plat shall contain a statement that the land being surveyed, and the streets, alleys, easements, drainageways and other public ways appearing on the plat are with the free consent and in accordance with the desire of the undersigned owner and proprietor of the land and are dedicated to the public use and shall be acknowledged by all fee simple owners and any contract sellers and purchasers.
- q. Certification. A certification by a title or abstract company, or a duly authorized attorney, that there are no delinquent taxes, suits, actions at law, easements, restrictive covenants or rights-of-way affecting the property except those stated on the plat.
- r. Affidavit. The plat shall also contain an affidavit by a registered land surveyor or

registered engineer that the proposed subdivision does lie within the planning and platting jurisdiction of the village.

- s. Separately signed approval blocks with the names of each utility company involved, typed under the signature, along with the date of each signature. For lands east of the Main Canal, a signature and date of approval block shall be provided for the Middle Rio Grande Conservancy District.

(d) *Required improvements.*

(1) Upon receipt of a final plat and prints thereof from the subdivider, the planning and zoning administrator shall refer the final plat with such letter of transmittal to the planning and zoning commission at its next regular session and shall report on the following:

- a. Any improvements that may be required by this article have been constructed in a satisfactory manner in accordance with the minimum standards established by the village as approved by the village engineer.
 - b. In lieu of such prior construction, the subdivider has filed with the village clerk a duly executed performance bond with a financially qualified surety in an amount equal to 100 percent of the cost of the total public improvements and on all of the property abutting each such street or other locations within the subdivision.
 - c. The developer has presented copies of signed contracts containing adequate financial assurance to the village providing for installation of public improvements which may be required in a satisfactory manner in accordance with the minimum standards established by the village; such contracts shall be cancelable only upon disapproval of the plat by the planning and zoning commission.
 - d. The developer has entered into an agreement or contract with the village providing for the installation of such improvements and pledging the properties of the subdivision as guarantee that such improvements will be installed. Such contract may provide that the subdivider pay for such public improvements made pursuant to the contract with the village on a block to block basis as the subdivision is developed, providing for payment for such improvements as constructed, and the release of lien placed upon such properties by the instrument of the village. Payment to the village for these purposes shall be made at the time of development even though the entire improvements, or a portion thereof, may be required to be deferred, and such money shall be held in escrow by the village as a trust fund for such purposes.
- (2) The planning and zoning commission shall approve or disapprove a final plat within 35 days of the day that the provisions of this section have been complied with by the developer. If the planning and zoning commission does not act within 35 days, the plat is deemed to be approved and, upon demand, the planning and zoning commission shall issue a certificate approving the plat. The person seeking approval of the plat may waive this requirement and agree to an extension of this time period. The reason for disapproval of a plat shall be entered upon the recordings of the planning and zoning commission.

(e) *Action if proposed final plat is not satisfactory.* If upon conclusion of the hearing under subsection (b) of this section the commission shall find that such final plat does not satisfy the

requirements of this article, the commission may:

- (1) Approve the plat with conditions that must be met prior to the signature of the chairman and secretary of the commission and the Mayor and village clerk;
- (2) Deny the application for final plat approval; or
- (3) Postpone taking action on the application for the purpose of obtaining corrections to the plat or for receiving additional information as requested by the commission, for a maximum of two (2) times. If a final plat application has been presented to the commission for a hearing for approval a maximum of three (3) times, and it contains errors or omissions such that it does not meet the requirements of this article, it shall be denied; a new application and payment of all applicable fees shall then be required for the preliminary and final plats to be brought forward for hearings at a future date.

(f) *Approval of final plat.* When the planning and zoning commission has determined that the plat conforms to the previously approved preliminary plat, including any condition which may have been required by the planning and zoning commission in approving such preliminary plat, and that such final plat meets all requirements of this article, the following shall be printed or stamped upon the original plat and prints thereof and signed by the chairman and secretary of the planning and zoning commission:

This final plat of subdivision is approved, but such approval does not constitute acceptance for maintenance purposes of any streets, alleys or other dedicated lands.

VILLAGE OF CORRALES

By _____ Date: _____
Chairman, Planning and Zoning Commission

By _____ Date: _____
Secretary, Planning and Zoning Commission

By _____ Date: _____
Mayor, Village of Corrales

By: _____ Date: _____
Village Clerk

5. Section 18-88 of the Code, being Section 10 of Ordinance No. 63, adopted January 13, 1976, as amended, is hereby amended to read in its entirety:

Section 18-88. Summary procedure.

(a) *Authority and applicability.* In accordance with the authority provided by NMSA 1978, § 3-20-8, an applicant may request and the commission may grant approval of a subdivision pursuant to a final summary plat incorporating all of the requirements for preliminary and final plats as provided in this article, without the need for prior separate

approval of a preliminary plat. This summary procedure shall be applicable to subdivisions or resubdivisions where the combination or recombination of portions of previously platted lots does not increase the total number of lots and to subdivisions where a single parcel is divided into two parcels in a one-time-only platting action.

(b) *Summary plat submittal.* The applicant seeking approval of a subdivision or resubdivision under this summary procedure shall submit a completed final plat application. The proposed summary plat and all accompanying materials shall:

- (1) Be clearly identified as submittals pursuant to the summary plat procedure;
- (2) Be prepared in accordance with the standards for plats, data and related materials that are required for preliminary plat approval and for final plat approval as provided in this article; and
- (3) Comply fully and completely with all requirements for preliminary plat approval and final plat approval as provided in this article.

(c) *Hearing, approval and recordation of summary plat.* At hearing, the commission may approve the proposed summary plat, or may deny it if the commission determines that the proposed subdivision does not qualify for summary plat approval, the proposed summary plat and accompanying materials are incomplete, or the proposed subdivision fails to meet all standards of this article and other applicable ordinances and policies of the village. Upon approval, the village will record the summary plat in the office of the county clerk in accordance with the provisions of section 18-87(f)(3).

6. Section 18-89 of the Code, being Section 11 of Ordinance No. 63, adopted January 13, 1976, is hereby amended to read in its entirety:

Section 18-89. Improvements.

The following improvement procedures will be required unless waived by the planning and zoning commission:

- (1) *Completion of improvements.* Plans for improvements shall be prepared by a qualified engineer registered in accordance with the laws of the state. The improvements listed in subsection (2) of this section shall be installed pursuant to the method decided upon under section 18-87(d).
- (2) *Required improvements.* The improvements to be installed shall include the following:
 - a. *Permanent markers.* All subdivision boundary corners shall be marked with a permanent monument. A permanent monument shall be deemed to be concrete with a minimum dimension of four inches, extending three feet below the surface of the ground, or steel pipe or rebar firmly imbedded in concrete which extends at least three feet below the surface of the ground. Should conditions prohibit the placing of monuments on line, offset marking will be permitted, provided however, the offset courses and distances are shown on the plat. A permanent benchmark shall be accessibly placed within the subdivision, the elevation of which shall be referred to the National Geodetic Survey (formerly U.S. Coast and Geodetic Survey) datum and

accurately noted on the subdivision plat.

- b. *Drainage.* Adequate provision shall be made for drainage of storm water. Drainage improvements shall maintain any natural watercourse and shall prevent the collection of water in any low spot. No lot shall be platted to obstruct natural water flow. Storm water drainage shall not be permitted to combine with sanitary sewers. Lined drainage channels may be required and provided with required checks or be installed in concrete storm sewer conduit in accordance with the requirements noted in the master plan and as required by the Governing Body for storm sewers. Drainage structures must be placed on all arroyos where roads intersect them. Drainage structures shall be based on 1.25 inches of rain in one hour as the standard, and may be either of corrugated metal or concrete.
- 3) *Additional improvement standards.* Additional standards for design, construction, specifications and inspection of street improvements, utilities, street name signs, and drainage facilities may be required by the village. Such standards, rules and regulations shall be approved by the Governing Body and be on file in the village clerk's office.
- 4) *Completion of improvements.* No building permit for construction within the subdivision, except permits for construction of the improvements, shall be issued until all improvements have been completed to the satisfaction of the Village.

7. Section 18-93 of the Code, being Section 15 of Ordinance No. 63, adopted January 13, 1976, as amended, is hereby amended to read in its entirety:

Section 18-93. Fees.

(a) Since the village administrative staff, the village engineer, the village attorney, and the commission are required to review proposed plats, public notices, attend and conduct public hearings, make property investigations, and devote time and incur substantial costs involving and incidental to acting upon and processing of subdivision applications, fees will be charged to all subdivision applicants: The Governing Body, by resolution, may determine the amounts of such fees and may from time to time amend them. The fees in effect at the time of submittal of preliminary plat application shall be the fees charged for preliminary plat application; fees in effect at the time of final plat submittal shall be the fees charged for the final plat application.

(b) All costs incurred relating to notice of the hearing including, but not limited to, publication and certified mailings shall be paid for by the applicant.

(c) All costs incurred for review of the preliminary plat and final plat submittals by the village engineer shall be paid for by the applicant.


SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

COMPILING CLAUSE: The amended sections of the Village Code adopted pursuant to this Ordinance shall be compiled in Chapter 18, Article III of the Code of Ordinances of the Village of Corrales, as provided herein.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.


PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 21st day of December, 2010.

APPROVED:



The Honorable Philip Gasteyer
Mayor

ATTEST:



Juan J. Reyes
Village Clerk