



VILLAGE OF CORRALES

RESOLUTION NO. 11-006

A RESOLUTION STATING THE INTENT OF THE VILLAGE COUNCIL, THE GOVERNING BODY OF THE VILLAGE OF CORRALES, THAT PEREA ROAD, LAURA LANE, AND THE WESTERLY EXTENSION OF VILLAGE RIGHT OF WAY FROM THE CUL-DE-SAC AT THE NORTH END OF LAURA LANE SHALL NOT BE PAVED; AND INSTRUCTING THE ADMINISTRATION TO REQUIRE THE REMOVAL OF PAVING ILLEGALLY PLACED BY PRIVATE PARTIES ON LAURA LANE, THE CUL-DE-SAC, AND THE WESTERLY EXTENSION OF VILLAGE RIGHT OF WAY FROM THE CUL-DE SAC AT THE NORTH END OF LAURA LANE.

WHEREAS, on November 9, 2010, a petition titled Petition to Pave Laura LN and Perea Road in Corrales (the “Paving Petition”) was presented to the Village Council, the governing body (“Governing Body”) of the Village of Corrales (the Village); and

WHEREAS, the Paving Petition was signed by three persons, being the residents or owners of certain lands located on Laura Lane in the Village; and

WHEREAS, on November 9, 2010, there was also presented to the Governing Body a petition titled Response in Opposition to Petition Submitted by Jack Vigil and Patricia & Martin Lenzer Requesting the Paving of Perea Rd. and Laura Lane (the “Opposition Petition”); and

WHEREAS, the Opposition Petition was signed by twenty persons, at least nineteen of whom appear to reside in the Village and thirteen of whom are residents or owners of lands on or adjacent to Perea Road or Laura Lane; and

WHEREAS, residents presenting the Opposition Petition expressed serious concerns about potential safety hazards that would likely ensue if the roadways of Perea Lane or Laura Lane were to be paved, including hazards to pedestrians and horseback riders, and specifically including children who regularly use Perea Road as a walking route to and from Corrales Elementary School; and

WHEREAS, the Governing Body recognizes that Perea Road, specifically, is identified as a preferred route for pedestrians pursuant to the Village’s Safe Routes to School program; and

WHEREAS, no action has been taken on either the Paving Petition or the Opposition Petition and no request for a permit to conduct paving or any other alteration of Perea Road, Laura Lane, or the westerly extension of Village right of way from the

cul-de-sac at the north end of Laura Lane (the "Laura Lane Extension") has been submitted to or considered by the Village; and

WHEREAS, notwithstanding the fact that there has been no approval for such proposed paving by the Village or any officer of the Village, private parties on or about January 28, 2011, entered onto Laura Lane and the Laura Lane Extension and laid asphalt paving upon the surface of Laura Lane (including the Laura Lane cul-de-sac) and the Laura Lane Extension, extending to a point about 100 to 200 feet south of the Laura Lane cul-de-sac before they were ordered to cease and desist from the paving operation by officers of the Village; and

WHEREAS, it appears that the paving placed on Laura Lane and the Laura Lane Extension was not in accordance with Village paving standards and the drainage provided for runoff from the paved area also is not in accordance with Village standards, and the specifications of the proposed project have never been submitted to or reviewed by the Village Engineer because there has never been an application related to them; and

WHEREAS, the Governing Body finds that substandard paving and inadequate provision for runoff from such paving, within public right of way, present a serious risk of excessive future maintenance costs and potential premises liability for the Village, to the detriment of the Village and its residents; and

WHEREAS, as set forth in the Opposition Petition and in presentations before the Governing Body, it appears that the paving of Perea Road and Laura Lane will be detrimental to the safety and convenience of pedestrians and horseback riders using those rights of way, including children traveling to and from Corrales Elementary School; and

WHEREAS, it appears that the majority of the persons residing or owning property on Perea Road and Laura Lane do not wish for those roads to be paved in any event.

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

1. The Governing Body finds and determines that Perea Road, Laura Lane, and the Laura Lane Extension should not be paved unless, at some future time, it is specifically determined by the Governing Body that those streets, or portions of them, should be paved.

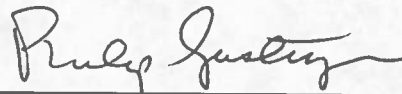
2. The Governing Body finds that the partial paving of Laura Lane and the Laura Lane Extension that occurred on or about January 28, 2011, being performed without approval of, or even application to, the Village or any officer of the Village, was illegal, contrary to the Village's ordinances related to paving standards, and detrimental to the Village and its residents.

3. The Mayor and officers of the Village are hereby instructed to require that the paving performed on or about January 28, 2011, on Laura Lane, including the cul-de-sac, and the Laura Lane Extension be removed and that the roadways be restored to their previous condition, with all costs for such removal and restoration to be borne by the parties responsible for the illegal paving.

4. The Mayor on behalf of the Village is authorized to undertake such actions, including but not limited to administrative orders, suits in law or equity, criminal prosecutions, and other actions of any nature reasonably deemed necessary, for the effective enforcement of this Resolution and the provisions hereof.

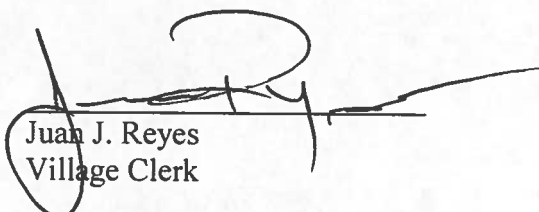
PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 8th day of February, 2011.

APPROVED:



The Honorable Philip Gasteyer
Mayor

ATTEST:



Juan J. Reyes
Village Clerk