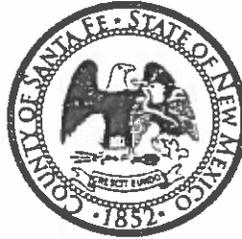


Henry Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Ron Pacheco
Executive Director

Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Memorandum

To: Santa Fe County Board of County commissioners
From: Ron Pacheco, Executive Director, Santa Fe County Housing Authority
Date: 11/4/2015
Re: **Condemnation Request for Instillation of Sewer Line to Serve the Public Housing**

For the past several years the Santa Fe County Housing Authority has been pursuing the ability to connect the southern section of the Jacob D. Martinez housing site located on Camino de Jacobo to the City of Santa Fe main sewer line service on Airport Road. The thirty-seven (37) units on the southern side of the site include homes, administrative offices and the Boys & Girls Club. These buildings are provided sewer service by the use of two pumps located on site that have proven unreliable and expensive to operate. When this system breaks down we have overflow into the streets and are required to purchase and install new pumps to address this ongoing issue. In an effort to remedy this situation the Housing Authority has worked with City staff, contract engineers and County staff to provide a solution. The consensus solution is to construct a new sewer line on the southern side of the property along Camino de Jacobo to access the Airport Road main line through gravity flow rather than pumping up-hill to the nearest alternative main line. This resolution required the housing authority to seek an easement located on private property that to this point has proven difficult to achieve. The Resolution requested will allow the Housing Authority to remedy this precarious situation permanently by condemnation through the legal process. Our ongoing efforts to work with the land owner to achieve this remedy have been unsuccessful.

SANTA FE COUNTY
RESOLUTION NO. 2015 - _____

**A RESOLUTION AUTHORIZING CONDEMNATION
PROCEEDINGS TO ACQUIRE A SEWER LINE
EASEMENT TO SERVE THE
CAMINO DE JACOBO HOUSING NEIGHBORHOOD**

WHEREAS, Santa Fe County (“the County”) owns the Jacob D. Martinez housing site located on Camino de Jacobo, Santa Fe NM 87507, otherwise known as the Camino de Jacobo Housing Neighborhood (“Jacobco Neighborhood”), consisting of 68 rental units; and

WHEREAS, the sanitary sewer line that currently serves the Jacobo Neighborhood is connected to the main sewer line on Rufina Street, which requires sewage from the Neighborhood to be continuously pumped uphill using two sewer pumps; and

WHEREAS, the sewer pumps are expensive to operate and have broken down at various times over the years, causing flooding of raw sewage and disruptions of sanitary sewer service; and

WHEREAS, staff have determined that sanitary sewer service to the Jacobo Neighborhood could be far more safely and reliably provided by connecting to the main sewer line located downhill from the Jacobo Neighborhood on Lopez Lane, thus allowing gravity drainage, eliminating the need to continuously operate and maintain the sewer pumps, and providing more reliable sewer service; and

WHEREAS, in order to connect the Jacobo Neighborhood to the Lopez Lane main line, a portion of the new sewer line must be constructed across 3382 Lopez Lane, which is owned by James R. and Phebe Brecher (“the Brechers”) and hereafter referred to as the “Brecher Tract”; and

WHEREAS, the sewer line on the Brecher Tract would be located wholly or partially within an area that the public has apparently used for many years as an extension of 4th Street, which connects Lopez Lane and Camino de Jacobo; and

WHEREAS, assuming that the area to be occupied by the sewer line is not within the right-of-way of a public road, the Santa Fe County Housing Authority (“the Authority”) hired an appraiser to determine the fair market value of a sewer line easement across the Brecher Tract; and

WHEREAS, the Authority made a good faith offer to the Brechers to purchase a sewer line easement based on the appraised fair market value; and

WHEREAS, the Brechers have not accepted the Authority's offer or otherwise indicated a desire to negotiate the sale of a sewer line easement; and

WHEREAS, pursuant to Section 3-45-8 (1965), the County has "the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes under the Municipal Housing Law after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes"; and

WHEREAS, the County also has the power of eminent domain under NMSA 1978 and Section 3-26-1 (1994); and

WHEREAS, the Board of County Commissioners ("the Board") of the County deems it necessary to acquire a sewer line easement across the Brecher Property to carry out the County's purposes under the Municipal Housing Law.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The County Attorney, either himself or through his staff or contract counsel, is authorized to bring and prosecute in the name of the Board such condemnation proceedings as may be necessary to acquire on behalf of the County a sewer line easement across the Brecher Tract. This grant of authority includes, but is not limited to, requesting an order granting the County immediate possession of the Brecher Property to the extent necessary to construct and install the sewer line within the area of the easement; and
2. The deposit of funds and payment of compensation, damages, and interest in conjunction with such condemnation proceedings is authorized from appropriated funds.

PASSED, APPROVED, AND ADOPTED THIS ___ DAY OF _____, 2015.

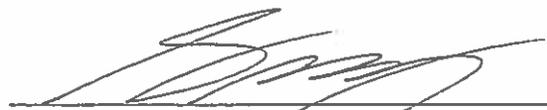
BOARD OF COUNTY COMMISSIONERS

By: _____
Robert A. Anaya, Chair

ATTEST:

Geraldine Salazar, Santa Fe County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer, County Attorney

