

SANTA FE COUNTY

RESOLUTION NO. 2006 - 97

A RESOLUTION ACCEPTING COTTONTAIL ROAD FOR COUNTY MAINTENANCE

Whereas, Santa Fe County encompasses a geographical area of approximately 2,000 square miles; and

Whereas, the County is primarily rural with small areas of concentrated development; and

Whereas, a comprehensive road system is a necessary and vital link between communities; and

Whereas, there are an estimated 1,500 total miles of roads within the County; and

Whereas, of the total miles, approximately 582.6 miles are recognized as County Roads and maintained by the County; and

Whereas, the County's goal is to provide the best services possible to its residents within the available resources; and

Whereas, Cottontail Road is located within Santa Fe County; and

Whereas, the residents of Cottontail Road have asked the County to accept and provide maintenance on Cottontail Road, Exhibit A; and

Whereas, the County has the authority and capability to accept this road for maintenance; and

Whereas, the Board of County Commissioners believes it to be in the best interest of the residents to accept Cottontail Road.

SFC CLERK RECORDED 05/31/2006

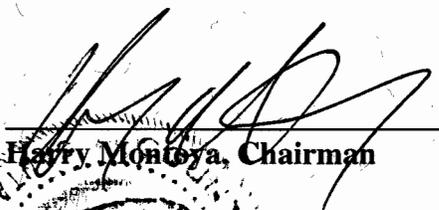
SFC CLERK RECORDED 05/31/2006

NOW, THEREFORE, BE IT RESOLVED that the Santa Fe County Board of County Commissioners accepts Cottontail Road for County maintenance.

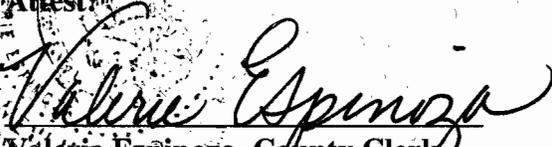
- **Cottontail Road**, A dirt, 20 foot wide driving surface, beginning at the intersection of Mutt-Nelson Road and continuing south to the intersection with Chalan Lane, a distance of 0.29 miles.

Santa Fe County does not accept any maintenance responsibility for residential driveways or drainage structures on driveways. It is advisable that residents repair damaged culverts and reinstall culverts to the proper flow line elevation. In the event that improper installation or lack of maintenance of drainage structures causes damage to the County maintained road, the County reserves the right to collect damages for repair against the responsible party.

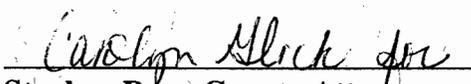
PASSED, APPROVED and ADOPTED THIS 30 DAY OF May, 2006



Harry Montoya, Chairman

Attest


Valerie Espinoza, County Clerk

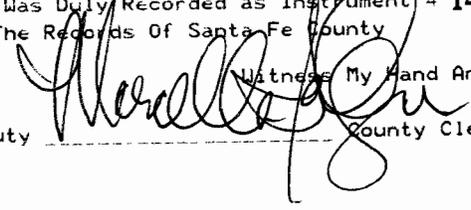
Approved as to form:


Stephen Ross, County Attorney

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 9

I Hereby Certify That This Instrument Was Filed for
Record On The 31ST Day Of May, A.D., 2006 at 15:34
And Was Duly Recorded as Instrument # 1435688
Of The Records Of Santa Fe County



Valerie Espinoza
Deputy County Clerk, Santa Fe, NM



EXHIBIT A

July 18, 2005

Chairman Mike D. Anaya
Santa Fe County Commissioner, District Three
715 C B-Anaya Road
Stanley, New Mexico 87056

RE: Poor Condition of Cottontail Road, Santa Fe, New Mexico, County Commission District Three

Dear Chairman Anaya:

This letter is to inform you of the poor condition of an important road within your County Commission District that needs your consideration and attention. As one of your constituents and supporters, I am requesting your guidance and assistance in addressing the condition of Cottontail Road (See attached location map). I have taken on the role of neighborhood spokesperson concerning this matter. The condition of Cottontail Road can be described as unsafe, impassible, and dangerous, especially during and after the occurrence of a storm event (See attached photos). Even though Cottontail Road is a non-county maintained dirt road, the residences in this area believe it's location and condition warrants consideration of its adoption by Santa Fe County. It is the only road connecting two highly populated subdivisions of Remuda Ridge and Mutt Nelson, both of which these roads are County maintained. Several families are forced to utilize this road on a daily basis. Even at times when the road is passable, people are reluctant to travel to and from Remuda Ridge and Mutt Nelson areas due to its unsatisfactory condition. The main issues shared by area residents concerning the poor condition of Cottontail Road are discussed below:

✘ **Personal Safety**- People attempting to travel Cottontail Road often times cut through my personal driveway and property as well as my neighbor's property to avoid the road. This places my children (ages 5 yrs old and 3 yrs old) and myself at risk to injury by speeding vehicles and has become a nuisance to my family.

✘ **Public Safety**-The residents of Cottontail Road as well as the residents of Remuda Ridge and Mutt Nelson areas are at a disadvantage due to the inability for Fire and Emergency vehicles to utilize Cottontail Road. If the road was in satisfactory condition, it may allow fire and emergency vehicles to respond to calls in the area more quickly and efficiently.

✘ **Financial Hardship** – The poor condition of the road has prevented homeowners residing on or near Cottontail Road from obtaining better loan rates on their homes or property. The condition of the road has also had a negative impact on home sales in the area.

✘ **Family Hardship**– Family members and friends, especially those that are elderly, are uncomfortable or unable to visit residents that live on or near Cottontail Road. For example, my parents are unable to travel the road to visit my house due to the severe condition of the road.

✘ **Increase in Vehicle Maintenance and Costs**-Residents have been forced to purchase four-wheel drive vehicles to improve access to and from their homes due to the road conditions. Many vehicles have gotten stuck or wrecked into neighbor's fences during and after storm events.

SFG CLERK RECORDED

05/21/2006

EXHIBIT A

Chairman Mike Anaya

Page 2

July 18, 2005

Your reputation and success in addressing and solving issues brought before you by the constituents of District Three provide hope for the residents and users of Cottontail Road. Our support and confidence in you can only be strengthened through your prompt attention to our concerns. If adoption is completely out of the question we would appreciate any other alternatives you may have to bring this road up to standards that make it safe passable and improves the hardship these families are now experiencing.

Thank you for your time and I look forward to hearing from you in the near future concerning this matter. I may be reached at (505) 471-8828, (505) 670-8128, or via e-mail at paroybal@cs.com.

Sincerely,



Paula A. Roybal
13 Cottontail Road
Santa Fe, New Mexico 87507

cc: Representative Rhonda King
 James Lujan, Public Works Director
 Robert Martinez, Public Works Deputy Director
Richard Sena, Road Advisory Committee Member

Attachments

SFC CLERK RECORDED 05/31/2006

EXHIBIT A

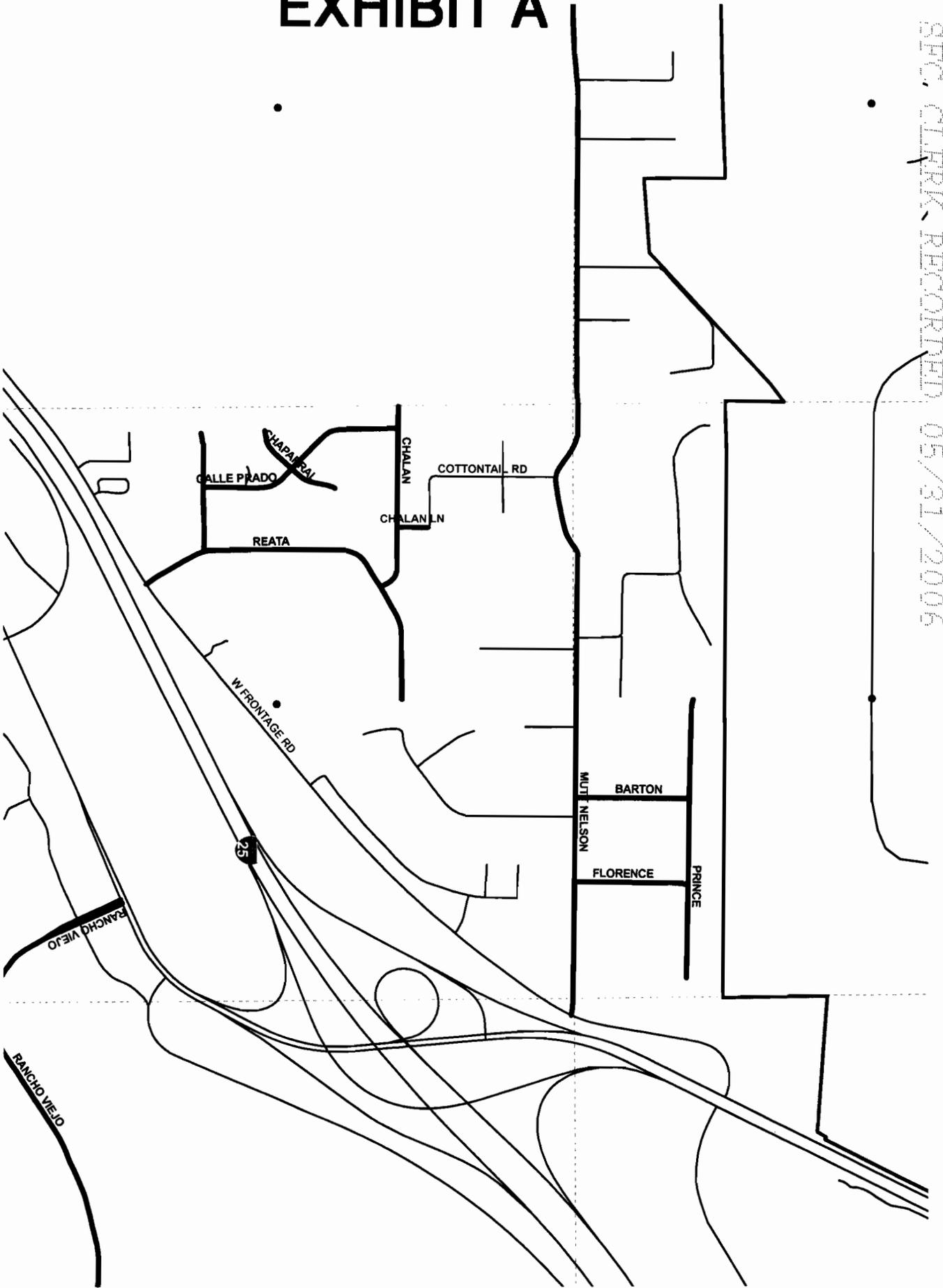
We the undersigned submit this petition to the Board of County Commissioners requesting their approval to accept and maintain Cottontail Road and Chalan Way as a county road totaling 3/10th of a mile. Cottontail Road begins off of Mutt Nelson, which is a county road, and continues through Chalan Way connecting to Chalan Lane, which is also a county maintained road (see attached map). Cottontail Road and Chalan Way is the only existing road connecting the areas of Mutt Nelson and Remuda Ridge.

SFC CLERK RECORDED 05/31/2006

	Name	Address	Approx 20' Easement Granted	Signature	Phone Number	Copy of Plat
1	Montez	6 Cottontail Road			471-6379	
2	Montez	2 Cottontail Road				
3	Lozoya		Yes	Antonio Lozoya	473-9205	✓
4	Pena	3 Cottontail Lane (could access property from Cottontail Road and Cottontail Lane)	Yes	Jose Peña	474-4135	✓
5	Leyba	4A Calle De Viento (property adjacent to Cottontail Rd)	Yes	Larry Leyba	471-8664	
6	Garcia	4b Calle De Viento 2 Cottontail Lane (access property from Cottontail Road or Cottontail Lane)	Yes	Linda Garcia	316-1148	
7	Mascarenas		yes	Ronald Mascarenas	471-8838	✓
8	Roybal	13 Cottontail Road	yes	Paula A Roybal	471-8828	✓
	Dominguez	14 Cottontail Road	Yes	Luis Dominguez		✓
10	Ortiz	15 Cottontail Road	Yes	Juan Ortiz	471-3455	✓
11	Vigil	24 Cottontail Road	Yes	Manuel Vigil	438-0533	✓
12	Gallegos	28 Cottontail Road	Yes	Valerie Gallegos	471-4010	✓
13	Medina	30 Cottontail Road	Yes	Rubel Medina	310-4605	
14	Montoya	Cottontail Rd				
15	Agular	6 AB Cottontail Lane		Francisco + Alfonso Agular	471-5929	
16	Lozoya		Yes	Yezenia Lozoya + Marcos Agular	470-4571	
17						
18						
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23						
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24						

EXHIBIT A

SFC, CLARK, RECORDED 05/31/2006



Legend



EXHIBIT B

1562367

SANTA FE COUNTY

RESOLUTION NO. 1998 - 119

**A RESOLUTION ADOPTING A POLICY FOR
ACCEPTANCE OF NON-COUNTY ROADS FOR COUNTY
MAINTENANCE**

Whereas, Santa Fe County encompasses a geographical area of approximately 2,000 square miles; and

Whereas, the County is primarily rural with small areas of concentrated development; and

Whereas, a comprehensive road system is a necessary and vital link between communities; and

Whereas, there are an estimated 1,500 total miles of roads within the County; and,

Whereas, of the total miles, approximately 600 miles are recognized as County Roads and maintained by the County; and

Whereas, the County's goal is to provide the best services possible to its residents with the available resources; and

Whereas, the citizens of Santa Fe County continuously request the County to provide maintenance on non-County Roads; and

Whereas, the Board of County Commissioners desires to have a policy that will consider the requests for County maintenance on a equitable and consistent basis;

NOW, THEREFORE, BE IT RESOLVED that the Santa Fe County Board of County Commissioners adopts the following policy for consideration of acceptance of non-County roads for County maintenance.

SFC CLERK RECORDED 05/31/2006

EXHIBIT B

1562368

STFC CLERK RECORDED 05/31/2006

The Board of County Commissioners will consider acceptance of roads for County maintenance based on the following:

1. The Public Works Department will prepare an evaluation of the request which will include the status of rights-of-way or easements, the condition of the road, the road surface and the estimated maintenance costs. If the road is substandard, an estimate will be prepared with the cost to upgrade to County Code standards. Additionally, an evaluation will be prepared to determine if the acceptance would pose any unusual or unnecessary legal liability.
2. The County will consider the proximity of the request to the area County road network and roads already maintained by the County.
3. The requesting person or party will submit a petition of adjoining property owners on the road with at a minimum showing fifty percent (50%) of property owners in favor of County maintenance.
4. The County will consider the number of users and residents served by the request.
5. The County will consider the County's ability to maintain the road.
6. The person or party making the request shall provide as a minimum, a survey and dedication of rights-of-way or easements for the road to the County. It is desirable to obtain rights-of-way or easements consistent with the County Code.
7. When possible or necessary, the County will consider establishing an assessment district to upgrade the road to County standards.
8. In circumstances where maintenance is requested on a "one time basis", the Commissioners may direct staff to provide grading or snow removal services at an hourly rate charged to the requesting party. The hourly rate shall be based on the operational cost of equipment and staffing. The requesting party shall enter into an agreement with the County for the service with the fee paid to the County prior to any work commencing. The service shall be scheduled within the County's schedule and shall not exceed more than once per year on a given road.
9. The Board may waive or make exceptions to any and all of the criteria listed above.

EXHIBIT B

1562369

PASSED, ADOPTED AND APPROVED THIS 27th DAY OF October 1998

BOARD OF COUNTY COMMISSIONERS

Joe S. Grine, Jr.
Marcos P. Trujillo, Chairman
Joe S. Grine, Jr., Vice-Chair

ATTEST

Rebecca Bustamante
Rebecca Bustamante, County Clerk



APPROVED AS TO LEGAL FORM:

Denice Brown
Denice Brown, County Attorney

ST. CLERK RECORDED 05/31/2006



COUNTY OF SANTA FE
STATE OF NEW MEXICO 1048 JSS 093
I hereby certify that this instrument was filed
for record on the 6 day of Nov A.D.
19 98 at 9:53 o'clock am
and was duly recorded in book 1562
page 367-369 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.

Vernice Clayton
Deputy

Harry B. Montoya
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Paul Campos
Commissioner, District 4

Jack Sullivan
Commissioner, District 5

Gerald T. E. Gonzalez
County Manager

James V. Lujan
Public Works Director

PUBLIC WORKS DEPARTMENT
MEMORANDUM

DATE: *MAY 19, 2006*

TO: *BOARD OF COUNTY COMMISSIONERS*

FROM: *JAMES V. LUJAN, PUBLIC WORKS DIRECTOR* 

VIA: *GERALD T.E. GONZALEZ, COUNTY MANAGER*

SUBJECT: *BCC MEETING MAY 30, 2006*
CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION
ACCEPTING COTTONTAIL ROAD FOR COUNTY MAINTENANCE

BACKGROUND AND SUMMARY:

The residents of Cottontail Road are requesting for the BCC to accept Cottontail Road for County maintenance, see map labeled Exhibit "A". The residents have not met all the requirements outlined in the Road Acceptance Policy, Resolution 1998-119, labeled Exhibit "B". The residents are requesting that the BCC waive the criteria in the Road Acceptance Policy and accept Cottontail Road in its current condition.

This is a dirt road and does not meet County standards. This road is in extremely poor condition that could cause a health and safety issue if emergency services would be required by any of the residents that live on this road. If Cottontail Road was accepted for maintenance, it would connect Mutt-Nelson Road and Chalan Lane, which are both County maintained.

- *Cottontail Road*, A dirt, 20 foot wide driving surface, beginning at the intersection of Mutt-Nelson Road and continuing south to the intersection with Chalan Lane, a distance of 0.29 miles.

RECOMMENDATION:

The Public Works Department has met and assisted the residents of Cottontail Road and awaits further direction.