

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

RESOLUTION NO. 2016 - 42

**A RESOLUTION
AUTHORIZING THE COUNTY ATTORNEY TO INITIATE AND PROSECUTE
CONDEMNATION PROCEEDINGS TO ACQUIRE REAL PROPERTY INTERESTS
FOR THE SANTA FE RIVER GREENWAY PROJECT FROM FRENCHY'S FIELD TO
SILER ROAD AND FROM SILER ROAD TO SAN YSIDRO CROSSING IN CASES
WHERE THE PROPERTY OWNER IS WILLING TO SELL BUT THE MORTGAGEE
OR OTHER SECURITY INTEREST HOLDER IS RECALCITRANT OR
UNRESPONSIVE**

WHEREAS, by Resolution Nos. 2014-125 and 2015-120, respectively, the Board of County Commissioners (Board) of Santa Fe County (County) delegated to the County Manager the authority to acquire, through negotiated sale, suitable real property interests for the construction of the Santa Fe River Greenway Project (Project) from Frenchy's Field to Siler Road and from Siler Road to San Ysidro Crossing (collectively, the Project Area); and

WHEREAS, pursuant to that delegated authority, the County Manager has negotiated (and anticipates being able to negotiate in the future) a mutually agreeable purchase price with the owners of real property in the Project Area; and

WHEREAS, notwithstanding the willingness of the real property owner to sell, the County Manager may not be able to close on such real property acquisitions due to the existence of mortgages or other liens or encumbrances (collectively, security interests) on the real property and the practical inability to timely obtain the consent to the sale by the security interest holder where such consent may be required or appropriate; and

WHEREAS, in the limited circumstances where the real property owner is willing to sell suitable real property interests to the County for the Project but the existence of one or more security interests may prevent timely closing on the sale, the Board desires to authorize the County Attorney to initiate and prosecute condemnation proceedings to timely obtain the necessary real property interests within the Project Area.

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

1. The Board authorizes the County Attorney to initiate and prosecute condemnation proceedings to acquire suitable real property interests in the Project Area for the Project in the event the County Manager has negotiated mutually agreeable sale terms with the real property owner(s) but the existence of mortgages or other liens or encumbrances may prevent timely closing of the sale.
2. The County Attorney shall notify the Board prior to initiating any condemnation proceedings pursuant to this Resolution.

PASSED, APPROVED, AND ADOPTED this 26th day of April, 2016.

BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

Miguel M. Chavez
Miguel M. Chavez, Chairperson

ATTEST:

Geraldine Salazar
Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

Gregory S. Shaffer
Gregory S. Shaffer, County Attorney



SFC CLERK RECORDED 04/27/2016

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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I Hereby Certify That This Instrument Was Filed for
Record On The 27TH Day Of April, 2016 at 11:23:23 AM
and Was Duly Recorded as Instrument # 1792066
of The Records Of Santa Fe County



Witness My Hand And Seal Of Office
Geraldine Salazar

Deputy *Laura Hernandez* County Clerk, Santa Fe, NM