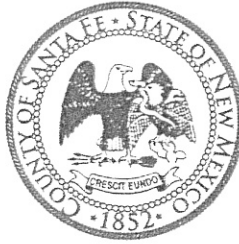


Henry P. Roybal  
Commissioner, District 1

Anna Hansen  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Anna T. Hamilton  
Commissioner, District 4

Ed Moreno  
Commissioner, District 5

Katherine Miller  
County Manager

**DATE:** *March 28, 2018*

**TO:** *Board of County Commissioners*

**VIA:** *Katherine Miller, County Manager*

**FROM:** *Michael K. Kelley, Public Works Department Director MK 3/28/18*

**ITEM AND ISSUE:** *BCC Meeting April 10, 2018*

**Approval Of First Amendment To Amended And Restated County Utility Line Extension And Service Agreement No. 2016-0228-PW/MM Between Santa Fe County And Homewise, Inc. To Increase The Water Budget (Public Works/John Dupuis)**

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**SUMMARY:**

The Public Works Department is requesting approval of the First Amendment to the Amended and Restated County Utility Line Extension and Service Agreement No. 2016-0228-PW/MM between Santa Fe County and Homewise, Inc. ("Homewise") to increase the water budget 0.25 acre-foot for outdoor irrigation.

**BACKGROUND:**

The County entered into a Water Line Extension and Water Delivery Agreement (Agreement) with Homewise on January 12, 2016 which outlined conditions in which the County would provide water service for Phase 2 of the Tessera Subdivision. The subdivision consists of 78 residential lots with a water demand of 18.72 acre-feet per year (afy) which includes 20% pursuant to Resolution 2006-57. The Agreement required Homewise to transfer 18.72 afy to the County to back-up the water budget.

On September 13, 2016 the Board of County Commissioners approved an Amended and Restated the County Utility Line Extension and Service Agreement which added terms and conditions for the County to provide sewer service, to make certain other changes including requirement to follow the Utility Customer Service Policies, and to clarify the amount of water rights that Homewise is to transfer to the County to back-up the water budget. The total water budget for Phase 2 remains 18.72 afy, however, Homewise is was required to transfer 15.84 afy to the County after a credit of 2.88 afy for affordable housing is applied.

Homewise desires to increase the total water budget 0.25 acre-foot for outdoor irrigation of HOA lands which will increase the overall water budget to 19.02 afy. Homewise is required to transfer 0.30 afy to the County to back-up this increase (0.25 + 20%).

**ACTION REQUESTED:**

Approval and execution of the First Amendment to Amended and Restated County Utility Line Extension and Service Agreement No. 2016-0228-PW/MM.



**FIRST AMENDMENT TO AMENDED AND RESTATED  
COUNTY UTILITY LINE EXTENSION AND SERVICE AGREEMENT**

This First Amendment ("First Amendment") to the Amended and Restated Utility Line Extension and Service Agreement ("Agreement") is between Santa Fe County ("County"), a political subdivision of the State of New Mexico, and Homewise, Inc. ("Developer"), a domestic nonprofit corporation whose address is 1301 Siler Road, Building D, Santa Fe, New Mexico 87507.

**Recitals**

- A. The County and Developer (collectively, "Parties") entered into the Agreement on June 7, 2017 and filed as Instrument No. 1827757 in the records of the County Clerk.
- B. Pursuant to Sections 4.1 and 4.2 of the Agreement, the total Water Budget of the Development is 18.72 acre-feet per year ("AFY"), 2.88 AFY of which is allocated to affordable housing required under the Sustainable Land Development Code.
- C. Developer desires to increase the total Water Budget of the Development to 19.02 AFY to accommodate an additional demand of 0.25 AFY for irrigation of Home Owner Association ("HOA") lands plus the additional 20% (0.05 AFY) required under the Agreement and County Resolution 2006-57.

**Amendment**

**NOW THEREFORE**, for consideration and in accordance with Section 7.3 of the Agreement, the Agreement is hereby amended as follows:

1. The total water budget of the Development is 19.02 AFY.
2. Up to 0.25 AFY of the total Water Budget may be allocated to irrigation of HOA lands.
3. Within 5 business days after execution of this First Amendment, Developer shall deliver to the County Attorney's Office a fully executed and acknowledged deed substantially in the form of Attachment A ("Water Rights Deed") transferring title to 0.3 AFY of water rights to the County.
4. Within 5 business days after delivery of the Water Rights Deed, the County shall file the Water Rights Deed in the property records of the County clerk and provide a recorded copy of the Deed to Developer.
5. All terms and conditions of the Agreement shall remain in full force and effect as written except as expressly amended by this First Amendment.

**SANTA FE COUNTY**

By: \_\_\_\_\_  
Anna C. Hansen  
Chair, Board of County Commissioners

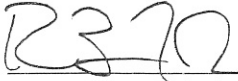
Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar  
Santa Fe County Clerk


Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
R. Bruce Frederick  
Santa Fe County Attorney

Date: 3/26/18

**APPROVED:**

  
\_\_\_\_\_  
Stephanie S. Clarke  
Santa Fe County Finance Director

Date: 3/28/18

**HOMEWISE, INC.**

By: 

Name: Michael D. Loftin  
CEO, Homewise, Inc.

Date: 3/26/18

*[Acknowledgments on following page]*

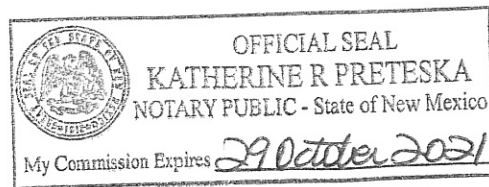
STATE OF NEW MEXICO

COUNTY OF SANTA FE

The foregoing First Amendment to the Amended and Restated County Utility Line Extension and Service Agreement was acknowledged before me on this 26 day of March 2018, by Michael D. Loftin, as CEO of Homewise, Inc., for and on behalf of said corporation.

  
Notary Public

My commission expires: 29 October 2021















**Henry P. Roybal**  
*Commissioner, District 1*

**Anna Hansen**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Anna T. Hamilton**  
*Commissioner, District 4*

**Ed Moreno**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

**DATE:** *March 28, 2018*

**TO:** *Board of County Commissioners*

**FROM:** *Michael Kelley, Public Works Department Director MK 3/28/18*

**VIA:** *Katherine Miller, County Manager*

**ITEM AND ISSUE:** *BCC Meeting April 10, 2018.*

**Approval Of Grant Of Electric Utility Easement to the Public Service Company of New Mexico for the Construction/Expansion of the Santa Fe Fairgrounds – Agricultural Extension Office (*Public Works/Terry Lease*)**

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**SUMMARY:**

The Public Works Department is requesting approval of a grant of an electric utility easement (“Easement”) to the Public Service Company of New Mexico (“PNM”) which is required to complete the remodel and expansion of the Agricultural Extension Office (“Extension Office”) located at the Santa Fe County Fairgrounds.

**BACKGROUND:**

The Santa Fe County Board of County Commissioners approved a 1.1 million dollar capital project for the remodel and expansion of the Extension Office using legislative grants and capital funding. The project includes remodeling the existing 2,800 square foot building, constructing a 1,600 square foot addition, installing a new demonstration kitchen, new offices, connections to the city’s water and sewer system and more. Construction began in May of 2017 and the project is scheduled to be completed on April 30, 2018. During construction it was discovered that there was no electric utility easement on that portion of the fairground property, and it is not known how the old Extension Office was provided with electric service without an easement. The easement that is the subject of this action will satisfy the PNM requirement.

**ACTION REQUESTED:**

Approval and execution of the Easement.



PUBLIC SERVICE COMPANY OF NEW MEXICO  
UNDERGROUND EASEMENT (ELECTRIC)

MT004137  
A#003222  
O#

THIS EASEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 20 18 by and between

Santa Fe County, a subdivision of the State of New Mexico

(Grantor) and PUBLIC SERVICE COMPANY OF NEW MEXICO, a New Mexico corporation (Grantee), and its successors and assigns.

WITNESSETH:

Grantor, for and in consideration of the sum of One Dollar (\$1.00) in hand paid and other valuable consideration, the receipt of which is acknowledged, does hereby give, bargain, sell, grant and convey unto Grantee a perpetual easement to build, rebuild, construct, reconstruct, locate, relocate, change, remove, replace, modify, renew, operate and maintain underground facilities for the transmission and distribution of electric power and energy and facilities for fiber optics and other communication purposes. Such facilities may include (but are not limited to) lines, cables, conduits and other equipment, fixtures, appurtenances and structures necessary to maintain such facilities on, over, beneath, through and across the easement hereinafter described, together with free access to, from and over said easement with the right and privilege of going upon, over and across adjoining lands of Grantor for the purposes set forth herein and with the right to utilize the easement to extend services to customers of Grantee and to trim and remove any trees, shrubs, bushes or vegetation and remove any structures which interfere with the purposes set forth herein. The easement granted herein is within lands situate in SANTA FE County, New Mexico, and is more particularly described as follows, to wit:

PNM PROJ. MT 004137

An easement within Tract C, 3229 Rodeo Road within Section 4, T.16N., R.9E., N.M.P.M., County and City of Santa Fe New Mexico and being more particularly described as follows:

An easement Ten (10) feet wide within said Tract C as shown on survey drawing of Tract C, 3229 Rodeo Road, City of Santa Fe, New Mexico EXHIBIT "A" prepared by Richard A. Morris, NMPLS #10277 Project #18702, Dated: 3/2/18.

Said Exhibit "A" is attached hereto and made a part hereof.

Grantor hereby covenants that Grantor is the true and lawful owner of the land described herein.

Grantor shall have the right to use the above described easement for purposes not inconsistent with the rights hereby granted, provided that Grantor shall not erect nor construct any building, pool or other structure thereon, nor drill nor operate any well thereon, nor conduct any activity which violates provisions of the National Electrical Safety Code.

The provisions hereof shall inure to the benefit of and bind the heirs, executors, mortgagees, lessees, tenants, successors and assigns of the parties hereto. Grantee shall have the unrestricted right to sell, transfer, assign, pledge, mortgage, lease, grant licenses or other use or occupancy rights with respect to, or otherwise dispose of, in whole or in part, any interest in the easement, and such assigns shall have the further right to convey, in whole or in part, the rights granted to them by Grantor.

WITNESS \_\_\_\_\_ hand \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 18

X \_\_\_\_\_ [Signatures on Next Page]

ACKNOWLEDGMENT

STATE OF NEW MEXICO

COUNTY OF SANTA FE

This instrument was acknowledged before me on \_\_\_\_\_, 2018.

By \_\_\_\_\_  
(The name of the person(s) signing this document for Grantor)

My commission expires: \_\_\_\_\_  
(Seal)

X \_\_\_\_\_  
Notary Public

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF SANTA FE

This instrument was acknowledged before me on \_\_\_\_\_, 20 18

By \_\_\_\_\_  
(Name of Officer) (Title of Officer)  
of \_\_\_\_\_  
(Corporation Acknowledgment)

a \_\_\_\_\_ corporation, on behalf of said corporation.  
(State of Incorporation)  
Said officer hereby acknowledges that s/he is the duly authorized signatory for said corporation.

My commission expires: \_\_\_\_\_  
(Seal)

X \_\_\_\_\_  
Notary Public

FOR RECORDER'S USE ONLY

PNM  
REFERENCE  
NUMBER

BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

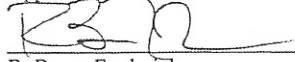
By: \_\_\_\_\_  
Anna Hansen, Chair  
Board of County Commissioners of Santa Fe County

ATTESTATION:

\_\_\_\_\_  
Geraldine Salazar  
Santa Fe County Clerk

Date: \_\_\_\_\_

Approved as to form:

  
\_\_\_\_\_  
R. Bruce Frederick  
Santa Fe County Attorney

Date: 3/28/2018

Finance Department:

\_\_\_\_\_  
Stephanie Schardin Clarke  
Santa Fe County Finance Director

Date: \_\_\_\_\_

# EXHIBIT "A"

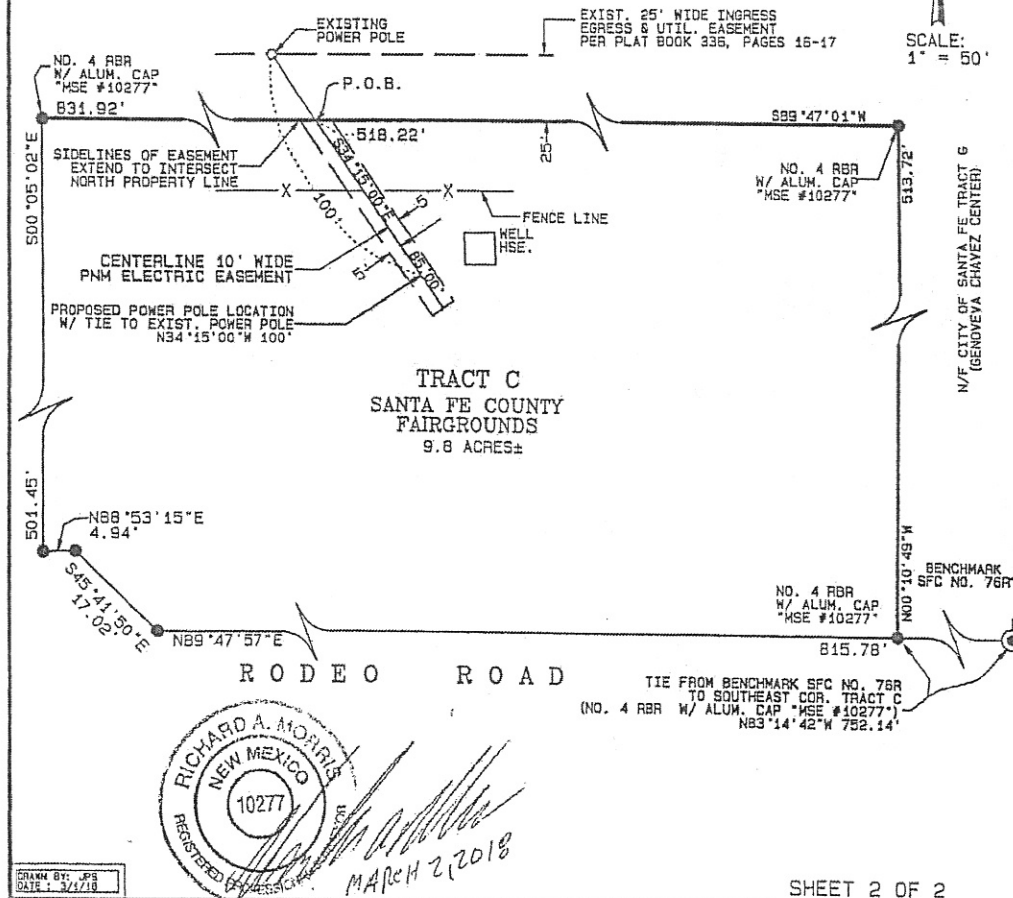
## 10' WIDE PNM ELECTRIC EASEMENT

WITHIN A TRACT DESCRIBED AS "TRACT C"  
SANTA FE COUNTY FAIRGROUNDS  
IN PLAT BOOK 805, PAGE 021  
WITHIN SECTION 4, T.18 N., R.9 E.  
SANTA FE COUNTY, NEW MEXICO

TRACT D  
N/F NORTHERN NEW MEXICO  
HORSEMANS ASSOC.  
PLAT BOOK 336, PAGES 16-17



SCALE:  
1" = 50'



**MORRIS**  
surveying | engineering

4 CALLE MEDICO SUITE A  
SANTA FE, NM 87503  
PHONE: (505) 438-9100  
FAX: (505) 474-8723

SF COUNTY FAIRGROUNDS EASEMENT  
PROJECT No. 18702

**EXHIBIT "A"**  
**10' WIDE PNM ELECTRIC EASEMENT**

WITHIN A TRACT DESCRIBED AS "TRACT C"  
SANTA FE COUNTY FAIRGROUNDS  
IN PLAT BOOK 805, PAGE 021  
WITHIN SECTION 4, T.16 N., R.9 E.  
SANTA FE COUNTY, NEW MEXICO

**NOTE**

BOUNDARY DATA TAKEN FROM A PLAT ENTITLED "BOUNDARY SURVEY OF TRACT C SANTA FE COUNTY FAIRGROUNDS" PREPARED BY RICHARD A. MORRIS, NMPS 10277, HAVING M.S.E. PROJECT NO. 16501-105, AND FILED WITH THE SANTA FE COUNTY CLERK'S OFFICE ON THE 15TH OF JULY, 2016 IN BOOK 805 PAGE 021.

**LEGAL DESCRIPTION**


A STRIP OF LAND 10' WIDE, 5' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, LYING WITHIN A TRACT DESCRIBED AS "TRACT C" ON A PLAT ENTITLED "BOUNDARY SURVEY OF TRACT C SANTA FE COUNTY FAIRGROUNDS" PREPARED BY RICHARD A. MORRIS, NMPS 10277, RECORDED WITH THE SANTA FE COUNTY CLERK'S OFFICE ON JULY 15, 2016 IN BOOK 805, PAGE 021. THIS CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT FOR SANTA FE COUNTY BENCHMARK NUMBER 76R, THENCE N83°14'42"W A DISTANCE OF 752.14 FEET TO THE SOUTHEAST CORNER OF SAID TRACT C, THENCE N00°10'49"W ALONG THE EAST LINE OF SAID TRACT C, A DISTANCE OF 513.72 FEET TO THE NORTHEAST CORNER OF SAID TRACT C, THENCE S89°47'01"W ALONG THE NORTH LINE OF SAID TRACT C, A DISTANCE OF 518.22 FEET TO THE TRUE POINT AND PLACE OF BEGINNING OF THE CENTERLINE OF THIS 10' WIDE PNM ELECTRIC EASEMENT;

THENCE FROM SAID POINT OF BEGINNING, S34°15'00"E, A DISTANCE OF 85.00 FEET TO THE END OF THIS 10' WIDE ELECTRIC EASEMENT, WITH THE SIDE LINES OF THIS 10' WIDE ELECTRIC EASEMENT EXTENDING TO INTERSECT THE NORTH BOUNDARY OF TRACT C.

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THIS EXHIBIT DEFINING A 10' WIDE PNM ELECTRIC EASEMENT, AND THE NOTES SHOWN HEREIN, WERE PREPARED UNDER MY DIRECTION FROM A SURVEY PERFORMED IN THE FIELD, TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF THIS EXHIBIT MEETS OR EXCEEDS THE REQUIREMENTS OF THE "MINIMUM STANDARDS FOR LAND SURVEYING IN NEW MEXICO"

  
RICHARD A. MORRIS  
N.M.P.S. No. 10277



MARCH 2, 2018

DRAWN BY: JPS  
DATE: 3/1/18

SHEET 1 OF 2



**MORRIS**  
surveying | engineering

4 CALLE MEDICO SUITE A  
SANTA FE, NM 87506  
PHONE: (505) 438-9100  
FAX: (505) 474-8723

SF COUNTY FAIRGROUNDS EASEMENT  
PROJECT No. 18702





