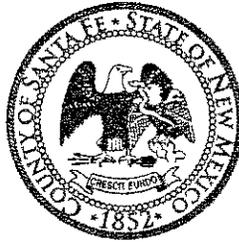


Henry P. Roybal
Commissioner, District 1

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: *January 9, 2017*

TO: *Board of County Commissioners*

VIA: *Katherine Miller, County Manager* 

FROM: *Michael K. Kelley, Public Works Department Director* *RM 1-11-17*

ITEM AND ISSUE: *BCC Meeting January 31, 2017*

Approval Of Notice Of Federal Interest For Improvements To The La Familia Medical Center Southside Clinic As Required Prior To La Familia Medical Center, Inc. Accepting A Federal Grant For Improvements To The County Owned Building Located At 2145 Caja Del Oro Grant Road (Public Works/Terry Lease)

SUMMARY:

On November 29, 2016 the BCC approved an "unconditional" Landlord's Letter of Consent, and on the January 10, 2017 the BCC approved an amendment the current lease agreement to include protective language regarding the grant. The terms and conditions of the Notice of Award for the grant now require that the County, as the facility property owner, sign and record a Notice of Federal Interest document. The Notice of Federal Interest document, which is the subject of this request, provides for a continuing Federal interest in the property and conditions on its use. Specifically, the property may not be (1) used for any purpose inconsistent with the statute and any program regulations governing the award under which the property was acquired; (2) mortgaged or otherwise used as collateral without the written permission of the Associate Administrator, Office of Federal Assistance Management ("OFAM"), HRSA, or designee; or (3) sold or transferred to another party without the written permission of OFAM and HRSA. The La Familia leased property is located within a 68.014 acre parcel that contains other County facilities, and the conditions in the Notice of Federal Interest document apply to the La Familia building only and will not restrict the larger parcel.

The Public Works Department is requesting approval of the Notice of Federal Interest document which is required prior to La Familia Medical Center, Inc. ("La Familia") accepting a federal grant for improvements to the County owned building occupied by La Familia.

BACKGROUND:

The County owns the building and property located at 2145 Caja del Oro Grant Road, Santa Fe, NM 87507, which is currently leased to La Familia to provide medical and dental services to all individuals and families regardless of income or ability to pay. The lease with La Familia has a 25 year term, terminates on December 31, 2024 and can be extended for an additional 25 years.

On May 26, 2015 the Santa Fe County Board of County Commissioners ratified the County Manager's signature on a Landlord's "Conditional" Letter of Consent that allowed La Familia to seek a grant from the Health Resources and Services Administration ("HRSA"), an agency of the U.S. Department of Health and Human Services. On April 26, 2016 HRSA issued a Notice of Award Authorization for Grant No. C8DCS29731 to La Familia for financial assistance in the amount of \$1,000,000.00. The grant provides Federal health infrastructure investment funds for construction/expansion to add an estimated 4,668 square feet of new clinical and patient services space to the existing 7,385 square foot La Familia Medical Center – Southside Clinic. The planned addition will increase the total clinic footprint to approximately 12,053 square feet. The total budget for the project is \$1,222,350.00, consisting of \$1,000,000.00 of Federal funding and \$222,350.00 of non-Federal funding provided by La Familia.

ACTION REQUESTED:

Approval and execution of the Notice of Federal Interest document.

Attachments:

- (1) Notice of Federal Interest document

NOTICE OF FEDERAL INTEREST

On April 26, 2016 the U.S. Department of Health and Human Services, Health Resources and Services Administration, awarded Grant No. C8DCS29731 to La Familia Medical Center. The grant provides Federal health infrastructure investment funds for construction/expansion to add an estimated 4770 square feet of new clinical and patient services space to the existing La Familia Medical Center – Southside Clinic, located at 2145 Caja del Oro Grant Road, Santa Fe, NM 87507. The planned addition will provide capacity for at least two additional FTE providers and increase the total clinic footprint to approximately 11,770 ft.². The Federal interest in the completed addition applies to the building only, which is located on the leased premises on the property described below in Santa Fe County, State of New Mexico:

A CERTAIN TRACT OF LAND, LYING AND BEING SITUATE WITHIN, AND BEING A PORTION OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 9 EAST, LOT 13, NEW MEXICO PRIME MERIDIAN, LOCATED WITHIN THE AGUA FRIA COMMUNITY PARK, COUNTY OF SANTA FE, STATE OF NEW MEXICO, AND BEING PARTICULARLY DESCRIBED AS FOLLOWS:

The SW ¼ NW ¼ NE1/4, Section 31, T 17N, R 9E, New Mexico Prime Meridian, New Mexico.

The Notice of Award for this grant includes conditions on use of the aforementioned property and provides for a continuing Federal interest in the property. Specifically, the property may not be (1) used for any purpose inconsistent with the statute and any program regulations governing the award under which the property was acquired; (2) mortgaged or otherwise used as collateral without the written permission of the Associate Administrator, Office of Federal Assistance Management (OFAM), Health Resources and Services Administration (HRSA), or designee; or (3) sold or transferred to another party without the written permission of Associate Administrator, Office of Federal Assistance Management (OFAM), Health Resources and Services Administration (HRSA), or designee. These conditions are in accordance with the statutory provisions set forth in Section 330(e)(3) of the Public Health Service Act, 42 U.S.C. 254b(e)(3); Section 10503(b) of the Patient Protection and Affordable Care Act of 2010, P.L. 111-148; and Division G, Title II, p. 2466, Consolidated and Further Continuing Appropriations, Title 45 CFR Part 74 or 92 (as appropriate), the HHS Grants Policy Statement, and other terms and conditions of the award.

These grant conditions and requirements cannot be nullified or voided through a transfer of ownership. Therefore, advance notice of any proposed change in usage or ownership must be provided to the Associate Administrator, Office of Federal Assistance Management (OFAM), Health Resources and Services Administration (HRSA), or designee.

SANTA FE COUNTY

Date _____

_____, Chair
Santa Fe Board of County Commissioners

ATTESTATION:

Geraldine Salazar
Santa Fe County Clerk

Date _____

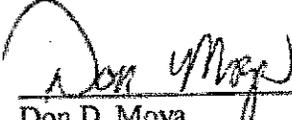
Approved as to form:



Gregory S. Shaffer
Santa Fe County Attorney

Date 12-22-16

Approved Finance Department



Don D. Moya
Interim Finance Director

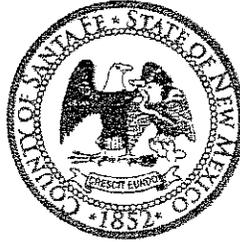
Date 1-5-17



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: December 22, 2016

TO: Board of County Commissioners

VIA: Katherine Miller, County Manager *KW*

FROM: Michael K. Kelley, Public Works Department Director *RM 1-11-17*

ITEM AND ISSUE: BCC Meeting January 31, 2017

Approval of Assignment of Bureau of Land Management (BLM) Right-Of-Way Grant No. NMNM131733 to John T. Morris on Horcado Ranch Road (Public Works/Terry Lease)

SUMMARY:

The assignment of this BLM right-of-way grant will provide Mr. John T. Morris the legal access through BLM property to his residence.

BACKGROUND:

The Board of County Commissioners conditionally accepted Horcado Ranch Road as a lesser County maintained road through Resolution No. 2013-12. The road is situated on two (2) private properties and BLM property within Commission District 2. A condition of the acceptance required the applicants to obtain the right-of-way through the private and BLM properties within one (1) year of the date of approval of the resolution. BLM required the applicants to surrender their individual rights-of-way through the BLM property and granted the County Public Right-of-Way No. NMNM131733 for the purpose of providing public access on Horcado Ranch Road. Subsequently the Board of County Commissioners adopted Resolution No. 2014-021, which gave the applicants one (1) additional year to acquire the rights-of-way from the private property owners. The applicants failed to obtain the rights-of-way through the private properties within the additional one (1) year period, so Horcado Ranch Road was removed from the Official County Road List. Mr. Morris was the only applicant that surrendered his BLM right-of-way and since the County does not recognize this road as a public maintained road, he does not have legal access or the right to maintain this road. Assigning this BLM right-of-way to Mr. Morris will provide him legal access and the right to maintain the road.

ACTION REQUESTED:

Approval of assignment of BLM Right-of-Way Grant No. NMNM131733 to Mr. John T. Morris.

Attachments:

- (1) Assignor Consent
- (2) Horcado Ranch Road Map

Casefile _____

Assignor Consent

Santa Fe County does hereby consent to assign to John T. Morris, all undivided right, title, and interest in and to right-of-way grant number NMNM131733, if approved by the United States Department of Interior, Bureau of Land Management.

Signature of Assignor

Date

Title

Assignee Agreement

John T. Morris does hereby make application for approval of the above assignment of right-of-way grant number NMNM131733. This application is made pursuant to the regulations in 43 CFR Part 2800/2880. John T. Morris, the undersigned applicant, agrees to comply with and be bound by all terms and conditions of the right-of-way grant.

John T. Morris
Signature of Assignee

12/8/16
Date

Title

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office
Taos Field Office

Serial Number
NMNM131733

1. A (right-of-way) (permit) is hereby granted pursuant to:

- a. Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b. Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c. Other (describe) _____

2. Nature of Interest:

- a. By this instrument, the holder Santa Fe County, 102 Grant Ave, Santa Fe, NM 87501 receives a right to construct, operate, maintain, and terminate a access road right-of-way on public lands (or Federal land for MLA Rights-of-Way) described as follows:

N.M.P.M.,
Township 18 North, Range 8 East,
Sec. 13, SW $\frac{1}{4}$;
Sec. 24, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 25, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 26 SE $\frac{1}{4}$ SE $\frac{1}{4}$;
and Sec. 35 E $\frac{1}{2}$ NE $\frac{1}{4}$

- b. The right-of-way or permit area granted herein is 50 / 20 feet wide, 12,672 / 4,910 feet long and contains 16.9 acres, more or less. If a site type facility, the facility contains N/A acres.
- c. This instrument shall terminate on January 8, 2034, 20 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

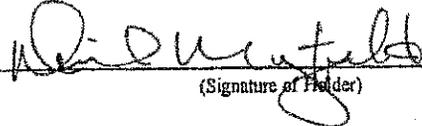
For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

Under this circumstance, you would be exempted from rental according to the right-of-way regulation 43 CFR 2806.14

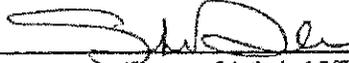
4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A, B, dated January 8, 2014, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.



(Signature of Holder)



(Signature of Authorized Officer)

Santa Fe County Comm. Chairwoman

(Title)

Field Manager

(Title)

03/19/2014

(Date)

4/14/2014

(Effective Date of Grant)

Legend

PUBLISH. TRANSPORTATION. ROADS

<all other values>

RCLOWN

CITY

-  CO
-  CSF
-  PVT
-  ST



HORCADO RANCH RD

**HORCADO
RANCH
ROAD**

ESTRADA CALABASA

PASEO DE LA TIERRA

CAMINO LA TIERRA

