

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

RESOLUTION NO. 2014- 112

A RESOLUTION AUTHORIZING THE COUNTY MANAGER TO NEGOTIATE THE SALE OF THE TOP OF THE WORLD FARM AND LEASE OF SANTA FE COUNTY'S TOP OF THE WORLD FARM WATER RIGHTS AND EXECUTE ALL DOCUMENTS NECESSARY TO CONSUMMATE SUCH TRANSACTIONS

WHEREAS, Santa Fe County (County) owns real property in Taos County, New Mexico, commonly known as the Top of the World Farm; and

WHEREAS, the County is a party to (i) that certain Settlement Agreement, dated April 19, 2012, the purpose of which is to settle the matter of *State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.*, No. 66 CV CV 6639 MV/LCS (D.N.M.) (the "Aamodt Litigation") and (ii) that certain Cost-Sharing and System Integration Agreement (Cost-Sharing Agreement); and

WHEREAS, among other things, the Settlement Agreement and Cost-Sharing Agreement call for the creation of a Regional Water System for the diversion, treatment, transmission, storage, and distribution of water within the Pojoaque basin; and

WHEREAS, in order to implement the Settlement Agreement and Cost-Sharing Agreement, the County sold to the United States 1,141 acre-feet of water per year (AFY) of so-called Top of the World Farm water rights; and

WHEREAS, pursuant to the Settlement Agreement and Cost-Sharing Agreement, the County is obligated to transfer to the Regional Water System the 611 AFY of the Top of the World Farm water rights retained by the County; and

WHEREAS, Section 9.6.4 of the Settlement Agreement authorizes the County to lease or otherwise utilize its 611 AFY of Top of the World Farm water rights until they are needed for the Regional Water System; and

WHEREAS, the Top of the World Farm is not needed for County operations and the County desires to sell the Top of the World Farm;

WHEREAS, the County wishes to allow for a timely and efficient process for the sale of the Top of the World Farm and the temporary lease of the County's 611 AFY of Top of the World Farm water rights for irrigation at the Top of the World Farm until they are needed for the Regional Water System contemplated by the Settlement Agreement and Cost Sharing Agreement; and

WHEREAS, the Board of County Commissioners (Board) desires to authorize the County Manager to negotiate the sale of the Top of the World Farm and the temporary lease of the County's 611 AFY of Top of the World Farm water rights for irrigation at the Top of the World Farm until they are needed for the Regional Water System contemplated by the Settlement Agreement and Cost Sharing Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby delegates to the County Manager:

1. The authority to negotiate the sale of the Top of the World Farm, utilizing any real property disposition method authorized by law to do so;
2. The authority to execute all documents necessary to effectuate the sale of the Top of the World Farm, including any documents required to be submitted to the New Mexico State Board of Finance to obtain its approval of the sale;
3. The authority to negotiate the temporary lease of the County's 611 AFY of Top of the World Farm water rights for irrigation at the Top of the World Farm until they are needed for the Regional Water System contemplated by the Settlement Agreement and Cost Sharing Agreement, utilizing any disposition method authorized by law to do so; and
4. The authority to execute all documents necessary to effectuate the temporary lease of the County's 611 AFY of Top of the World Farm water rights for irrigation at the Top of the World Farm until they are needed for the Regional Water System contemplated by the Settlement Agreement and Cost Sharing Agreement, including any documents required to be submitted to the New Mexico State Board of Finance to obtain its approval of the lease.

PASSED, APPROVED, AND ADOPTED this 30th day of September, 2014.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

Daniel W. Mayfield
Daniel W. Mayfield, Chair

ATTEST:

Geraldine Salazar
Geraldine Salazar, County Clerk

9-30-2014



APPROVED AS TO FORM:

Gregory S. Shaffer
Gregory S. Shaffer, County Attorney

BCC RESOLUTIONS
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COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

I Hereby Certify That This Instrument Was Filed for Record On The 2ND Day Of October, 2014 at 11:43:09 AM And Was Duly Recorded as Instrument # 1747594 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy County Clerk, Santa Fe, NM

Maxelle Salazar
Deputy



BCC CLERK RECORDED 10/02/2014