

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

RESOLUTION NO. 2015- 104

**A RESOLUTION AUTHORIZING THE COUNTY MANAGER TO NEGOTIATE,
EXECUTE, AND GRANT FOR CONSIDERATION A NON-EXCLUSIVE UTILITY
EASEMENT ACROSS COUNTY PROPERTY**

WHEREAS, in accordance with Resolution Nos. 2009-192, 2009-208, and 2010-87, Santa Fe County (County) acquired certain real property ("County Property") that generally comprised the eastern portion of the so-called Santa Fe Canyon Ranch ("Ranch"); and

WHEREAS, Frank Mancuso, Jr., and Kim Mancuso (collectively, the "Mancusos") later acquired a portion of the Ranch ("Mancuso Property") that is located to the east of the County Property; and

WHEREAS, the Mancusos have requested that the County grant them a utility easement across the County Property to serve the Mancuso Property; and

WHEREAS, the Board of County Commissioners (Board) desires to authorize the County Manager to negotiate, execute, and grant the requested easement.

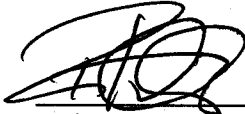
NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The Board delegates to the County Manager the authority to negotiate and, in the County Manager's discretion, to execute and grant to the Mancusos for consideration a non-exclusive utility easement ("Easement") for such purposes and upon such terms as the County Manager determines to be in the best interest of the County, subject to the following:
 - a. If an appraisal is required by law, the County Manager shall require the Mancusos at their expense to obtain a market value appraisal of the Easement by an appraiser acceptable to the County and to pay the County the appraised value for the Easement; provided, however, that payment of the appraised value may be made in currency or through the provision of other adequate consideration that benefits the County;
 - b. To assure that the Easement does not interfere with any future use of the County Property, it shall be movable at the County's discretion;
 - c. The Easement shall contain a provision making the Easement subject to approval by the State Board of Finance (SBOF) or the New Mexico

Department of Finance and Administration, Local Government Division (DFA-LGD), if and as required by NMSA 1978, Section 13-6-2(D) or Section 13-6-2.1; and

- d. The County Manager shall include such other terms and conditions in the Easement as the County Manager deems reasonable and appropriate in consultation with the County Attorney.
- 2. The Board delegates to the County Manager the authority to submit the Easement for approval to the SBOF or DFA-LGD, if required by law, and to do all things necessary to effectuate the Easement, including, but not limited to, executing any amendments or modifications to the Easement as may be requested by the SBOF or DFA-LGD and to negotiate and execute such other agreements and instruments as may be necessary or appropriate to facilitate the granting of the Easement.

PASSED, APPROVED, AND ADOPTED this 28th day of July, 2015.



Robert A. Anaya, Chair

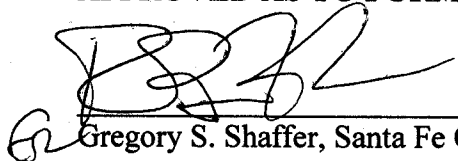
ATTEST:



Geraldine Salazar, Santa Fe County Clerk *7-28-2015*



APPROVED AS TO FORM:



Gregory S. Shaffer, Santa Fe County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
I Hereby Certify That This Instrument Was Filed for
Record On The 30TH Day Of July, 2015 at 10:30:50 AM
And Was Duly Recorded as Instrument # 1770881
Of The Records Of Santa Fe County

BCC RESOLUTIONS
PAGES: 2

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