

**SANTA FE COUNTY**  
**RESOLUTION NO. 2015 - 156**

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**A RESOLUTION AUTHORIZING CONDEMNATION  
PROCEEDINGS TO ACQUIRE A SEWER LINE  
EASEMENT TO SERVE THE  
CAMINO DE JACOBO HOUSING NEIGHBORHOOD**

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**WHEREAS**, Santa Fe County (“the County”) owns the Jacob D. Martinez housing site located on Camino de Jacobo, Santa Fe NM 87507, otherwise known as the Camino de Jacobo Housing Neighborhood (“Jacobco Neighborhood”), consisting of 68 rental units; and

**WHEREAS**, the sanitary sewer line that currently serves the Jacobo Neighborhood is connected to the main sewer line on Rufina Street, which requires sewage from the Neighborhood to be continuously pumped uphill using two sewer pumps; and

**WHEREAS**, the sewer pumps are expensive to operate and have broken down at various times over the years, causing flooding of raw sewage and disruptions of sanitary sewer service; and

**WHEREAS**, staff have determined that sanitary sewer service to the Jacobo Neighborhood could be far more safely and reliably provided by connecting to the main sewer line located downhill from the Jacobo Neighborhood on Lopez Lane, thus allowing gravity drainage, eliminating the need to continuously operate and maintain the sewer pumps, and providing more reliable sewer service; and

**WHEREAS**, in order to connect the Jacobo Neighborhood to the Lopez Lane main line, a portion of the new sewer line must be constructed across 3382 Lopez Lane, which is owned by James R. and Phebe Brecher (“the Brechers”) and hereafter referred to as the “Brecher Tract”; and

**WHEREAS**, the sewer line on the Brecher Tract would be located wholly or partially within an area that the public has apparently used for many years as an extension of 4<sup>th</sup> Street, which connects Lopez Lane and Camino de Jacobo; and

**WHEREAS**, assuming that the area to be occupied by the sewer line is not within the right-of-way of a public road, the Santa Fe County Housing Authority (“the Authority”) hired an appraiser to determine the fair market value of a sewer line easement across the Brecher Tract; and

WHEREAS, the Authority made a good faith offer to the Brechers to purchase a sewer line easement based on the appraised fair market value; and

WHEREAS, the Brechers have not accepted the Authority's offer or otherwise indicated a desire to negotiate the sale of a sewer line easement; and

WHEREAS, pursuant to Section 3-45-8 (1965), the County has "the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes under the Municipal Housing Law after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes"; and

WHEREAS, the County also has the power of eminent domain under NMSA 1978 and Section 3-26-1 (1994); and

WHEREAS, the Board of County Commissioners ("the Board") of the County deems it necessary to acquire a sewer line easement across the Brecher Property to carry out the County's purposes under the Municipal Housing Law.

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

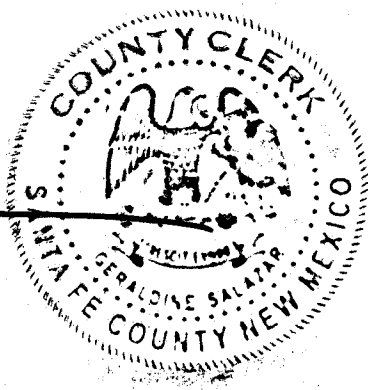
1. The County Attorney, either himself or through his staff or contract counsel, is authorized to bring and prosecute in the name of the Board such condemnation proceedings as may be necessary to acquire on behalf of the County a sewer line easement across the Brecher Tract. This grant of authority includes, but is not limited to, requesting an order granting the County immediate possession of the Brecher Property to the extent necessary to construct and install the sewer line within the area of the easement; and
2. The deposit of funds and payment of compensation, damages, and interest in conjunction with such condemnation proceedings is authorized from appropriated funds.

PASSED, APPROVED, AND ADOPTED THIS 10 DAY OF November 2015.

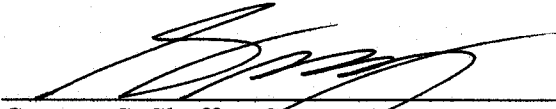
BOARD OF COUNTY COMMISSIONERS

By: [Signature]  
Robert A. Anaya, Chair

ATTEST:  
[Signature]  
Geraldine Salazar, Santa Fe County Clerk




**APPROVED AS TO FORM:**

  
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Gregory S. Shaffer, County Attorney

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC RESOLUTIONS  
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I Hereby Certify That This Instrument Was Filed for  
Record On The 12TH Day Of November, 2015 at 09:29:31 AM  
And Was Duly Recorded as Instrument # 1779442  
Of The Records Of Santa Fe County

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



SFC CLERK RECORDED 11/12/2015