

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

RESOLUTION NO. 2017 - 28

A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO BRING CONDEMNATION AND OTHER APPROPRIATE COURT ACTIONS TO ACQUIRE PROPERTY INTERESTS NEEDED TO COMMENCE CONSTRUCTION OF THE SANTA FE RIVER GREENWAY PROJECT WITHIN THE FRENCHY'S FIELD TO SILER ROAD SEGMENT BY JULY 1, 2017

WHEREAS, since approximately 1995, the Santa Fe County (County) and the City of Santa Fe (City) have been engaged in planning, designing, and constructing a joint public works project called the Santa Fe River Greenway Project (Project), also known as the Santa Fe River Trail Project; and

WHEREAS, the Project calls for the City and County to construct approximately 15 miles of a continuous greenway comprised of parks and trails along the Santa Fe River from downtown Santa Fe to the City's Wastewater Treatment Plant west of NM599; and

WHEREAS, under a Memorandum of Agreement between the County and the City, the County agreed to acquire the necessary property interests for the Project within the Frenchy's Field to Siler Segment (Frenchy's Field Segment); and

WHEREAS, in order to timely complete the Frenchy's Field Segment before the end of the 2017 construction season, the County must commence construction by July 1; and

WHEREAS, the County cannot set a commencement date for construction or publish requests for proposals to construct the Frenchy's Field Segment until it has clear legal access to all necessary property interests within the Segment; and

WHEREAS, in order to expedite the property acquisition process, the Board of County Commissioners (Board) adopted Resolution No. 2014-125 to authorize the County Manager to acquire the necessary property interests through negotiated purchase agreements; and

WHEREAS, in accordance with Resolution No. 2014-125, the County Manager has acquired on behalf of the County or is under contract to acquire all necessary properties within the Frenchy's Field Segment except "Parcel 16," as identified in Resolution No. 2016-129; and

WHEREAS, as specifically authorized by Resolution No. 2016-129, the County Attorney commenced a court action to condemn Parcel 16 after multiple attempts to acquire it through negotiation had failed; and

WHEREAS, the County Attorney now requires additional authority to bring a condemnation or other appropriate court action to acquire two additional small parcels for the Project, in this case parcels that are subject to negotiated purchase agreements between the property owner and the County; and

WHEREAS, in order that construction may commence by July 1, the Board desires to delegate authority to the County Attorney to bring condemnation or other appropriate court actions to acquire the necessary property interests within the Frenchy's Field Segment whenever reasonable attempts to negotiate a purchase agreement fail or if necessary to enforce an existing purchase agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby authorizes the County Attorney to initiate and prosecute condemnation or other appropriate court actions to acquire property interests within the Frenchy's Field Segment of the Project; *provided*, however, that no such action shall be brought until the County Attorney determines that reasonable attempts to acquire the property through negotiation have failed or that court action is needed to enforce an existing purchase agreement; and *provided further* that the County Attorney shall not initiate such an action, or shall seek to dismiss the action after initiation, if the property owner grants the subject property to the County in accordance with a negotiated purchase agreement.

PASSED, APPROVED, AND ADOPTED THIS 28th DAY OF MARCH 2017.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____

Henry P. Roybal, Chair

ATTEST:

Geraldine Salazar, County Clerk

Date: 3-28-2017



APPROVED AS TO FORM:

Gregory S. Shaffer, County Attorney

Date: 3/21/2017



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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I Hereby Certify That This Instrument Was Filed for
Record On The 29TH Day Of March, 2017 at 10:12:04 AM
and Was Duly Recorded as Instrument # 1821621
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar

Deputy _____ County Clerk, Santa Fe, NM