

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

RESOLUTION NO. 2017- 29

A RESOLUTION

**DELEGATING TO THE COUNTY MANAGER THE AUTHORITY TO NEGOTIATE
AND EXECUTE A TOLLING AND RESERVATION OF RIGHTS AGREEMENT**

WHEREAS, the Santa Fe County (County) Land Use Administrator has determined that (i) the Vista de Sangres Subdivision (Subdivision) was not approved in accordance with State law and County ordinance and, therefore, (ii) the Replat & Subdivision of Lot 11 Tracts 1, 2 and 3 for Vista de Sangres Subdivision (Plat) is not legally valid, although apparently signed by a former Land Use Administrator; and

WHEREAS, the developer of the Subdivision disputes the Land Use Administrator's determinations, but the developer may be willing to make one or more applications to the County to have the Subdivision approved; and

WHEREAS, the developer is concerned that (i) such applications will be used by the County as an admission that the Plat and other associated approvals are not valid and/or a waiver of rights of the developer and property owners to challenge the Land Use Administrator's determinations, if necessary; and (ii) that the statute of limitations will continue to run on any claims the developer and property owners may have concerning the Plat and other associated approvals; and

WHEREAS, if mutually acceptable terms can be negotiated, a tolling and reservation of rights agreement would allow applications to be made while addressing the developer's concerns and protecting the County's interests; and

WHEREAS, the Board of County Commissioners (Board) of the County desires to delegate to the County Manager the authority to negotiate and execute on behalf of the County a tolling and reservation of rights agreement.

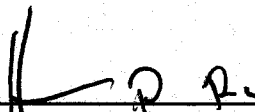
NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The Board hereby delegates to the County Manager the authority to negotiate and execute on behalf of the County a tolling and reservation of rights agreement that:
 - a. Tolls the further running of the statute of limitations on any claims that the County and developer may have against each other concerning the Plat and other associated approvals for a period of time determined by the County Manager to be adequate for applications for approval of the Subdivision to be filed and acted upon;
 - b. Provides that the County will not use the fact of such applications as an admission by the developer that the Plat and other associated approvals are not valid, or claim that such applications acts as a waiver of the rights of the developer or property owners; and
 - c. Contains such other terms and conditions as the County Manager determines to be necessary or advisable to protect the County's interests.

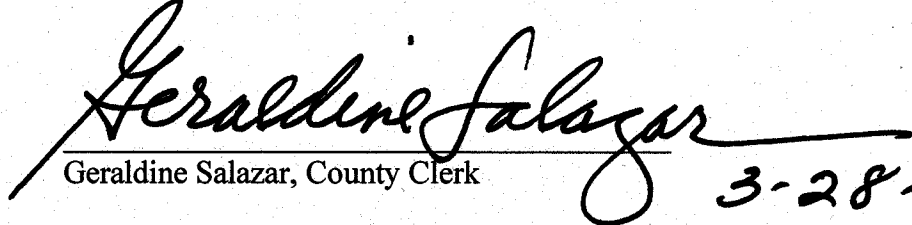
2. This Resolution and execution of the tolling and reservation of rights agreement contemplated hereunder do not obligate the Board, any County recommending or decision making body, or County staff to approve or support any applications concerning the Subdivision, which shall be independently evaluated on their merits without regard to this Resolution or the tolling and reservation of rights agreement.

PASSED, APPROVED, AND ADOPTED this 28th day of March, 2017.

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

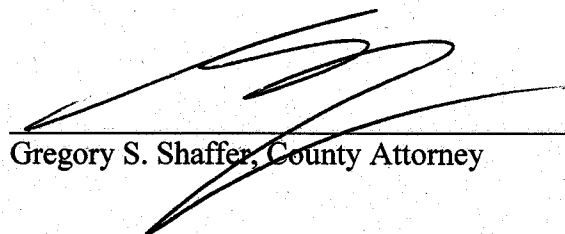

Henry P. Roybal, Chair

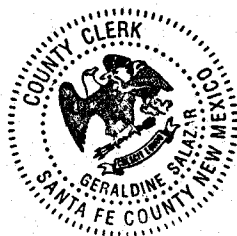
ATTEST:


Geraldine Salazar, County Clerk 3-28-2017



APPROVED AS TO FORM:


Gregory S. Shaffer, County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 2

I Hereby Certify That This Instrument Was Filed for
Record On The 29TH Day Of March, 2017 at 10:12:05 AM
and Was Duly Recorded as Instrument # 1821622
Of The Records Of Santa Fe County

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