

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

RESOLUTION NO. 2017 - 61

A RESOLUTION AUTHORIZING THE COUNTY MANAGER TO ACQUIRE THROUGH NEGOTIATED PURCHASE AND SALE AGREEMENTS SUFFICIENT REAL PROPERTY INTERESTS TO CONSTRUCT AND OPERATE PHASE IV OF THE ARROYO HONDO TRAIL AND FURTHER AUTHORIZING THE COUNTY ATTORNEY TO BRING CONDEMNATION ACTIONS, IF NECESSARY, TO ACQUIRE SUCH INTERESTS

WHEREAS, the Arroyo Hondo Multi-Use Trail ("Arroyo Hondo Trail" or "Trail") is included in the Santa Fe County ("County") Sustainable Growth Management Plan, the Sustainable Land Development Code, the draft of the County's 5-year Capital Improvement Program, and the Santa Fe MPO 2012 Bicycle Master Plan; and

WHEREAS, the Arroyo Hondo Trail is identified as a District Trail within the County Community College District; and

WHEREAS, the County has received a Transportation Alternatives Program ("TAP") grant of \$1,238,880 from the New Mexico Department of Transportation, and, in addition, it has allocated a portion of its general obligation bond revenue for construction of Phase IV of the Arroyo Hondo Trail ("Phase IV"); and

WHEREAS, although the County has designed Phase IV and is ready to commence construction, it must first either currently possess or acquire sufficient real property interests along the entire length of Phase IV prior to commencing construction; and

WHEREAS, to be sufficient, the property interests of the County must allow for the construction, operation, maintenance, and public use of the Trail, in perpetuity; and

WHEREAS, the County currently does not possess and therefore must acquire sufficient property interests within the segment of Phase IV approximately located on Exhibit A to this Resolution; and

WHEREAS, time is of the essence in acquiring the necessary property interests because the County must complete construction of Phase IV and then issue a right-of-way certification by May 2018 or risk forfeiting its TAP grant; and

WHEREAS, in order to avoid delay, the County Manager should be authorized to negotiate and execute the purchase of the necessary property interests on behalf of the County; and

WHEREAS, if the County Manager is unable to negotiate the acquisition of the necessary property interests at a reasonable price within a reasonable time, the County Attorney should be authorized to bring condemnation actions to acquire the necessary property interests for public use.

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

1. The Board authorizes the County Manager to negotiate on behalf of the County the purchase of necessary and sufficient property interests for the Arroyo Hondo Trail; *provided*, however, that the purchase price shall not exceed the appraised fair market value of the property interests.

2. The Board further authorizes the County Manager to execute on behalf of the County the purchase and sale agreements and such other agreement and instruments as may be necessary to acquire the necessary real property interests.

3. The Board further authorizes the County Attorney to bring condemnation actions on behalf of the County to acquire the necessary property interests within the segment of Phase IV approximately located on Exhibit A. However, the County Attorney shall not bring such an action against any property owner unless the County Manager first notifies the County Attorney that:

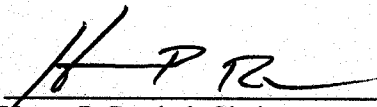
(a) the County Manager was not able to negotiate a reasonable purchase and sale agreement with the property owner; or

(b) the property owner executed a purchase and sale agreement but thereafter refused to grant the necessary property interest in accordance with the agreement.

4. The Board further authorizes and directs the County Attorney to seek dismissal of any condemnation action brought against a property owner pursuant to this Resolution upon the property owner's voluntary grant of the necessary property interest pursuant to a purchase and sale agreement between the property owner and the County.

PASSED, APPROVED, AND ADOPTED this 27th day of June, 2017.

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

By: 
Henry P. Roybal, Chair

ATTEST:

Geraldine Salazar
Geraldine Salazar, County Clerk

Date: 6-13-2017

APPROVED AS TO FORM:

RS
Gregory S. Shaffer, County Attorney

Date: 6/12/2017



SFC
CLERK
RECORDED
06/14/2017

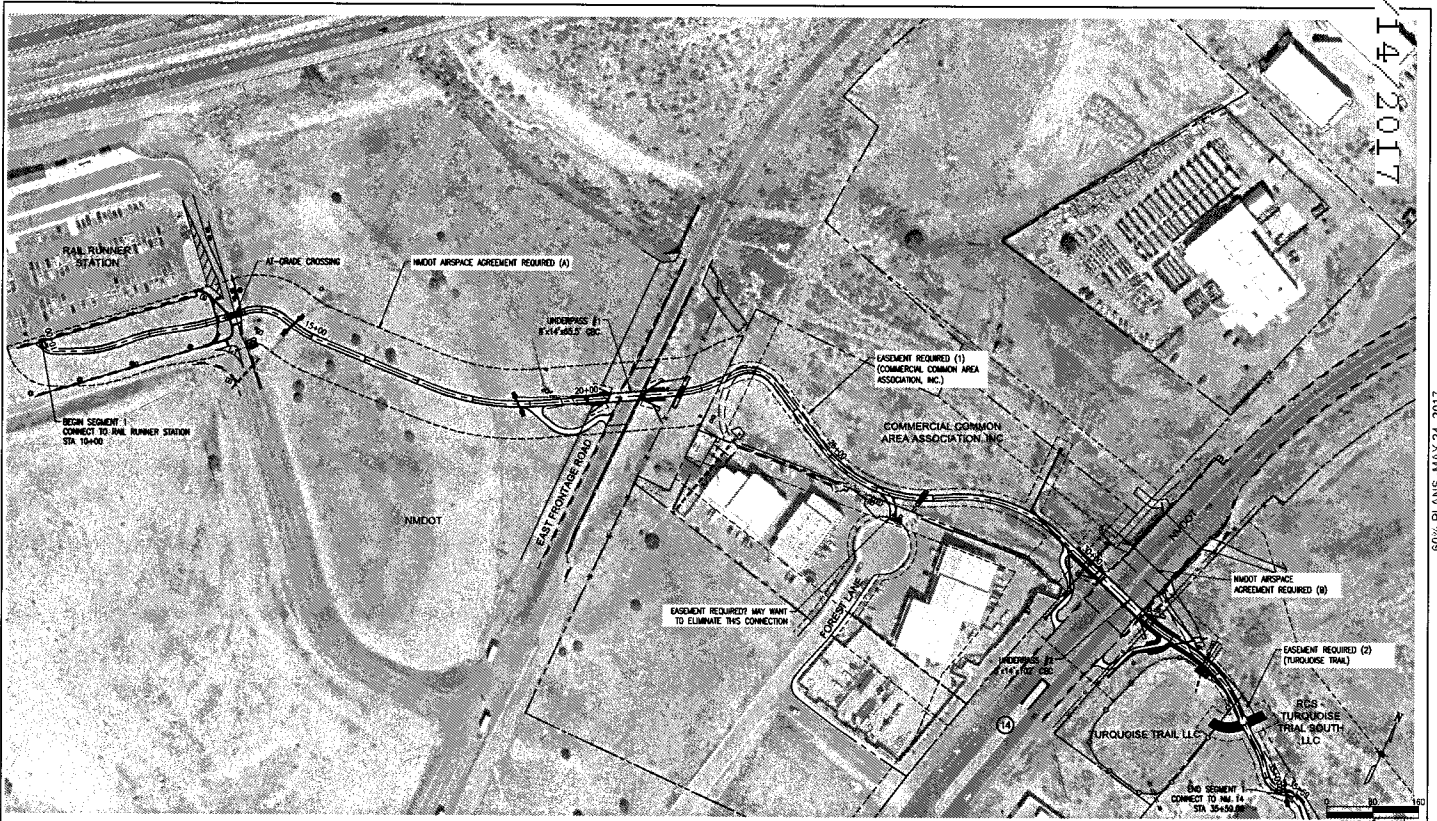


COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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PAGES: 8

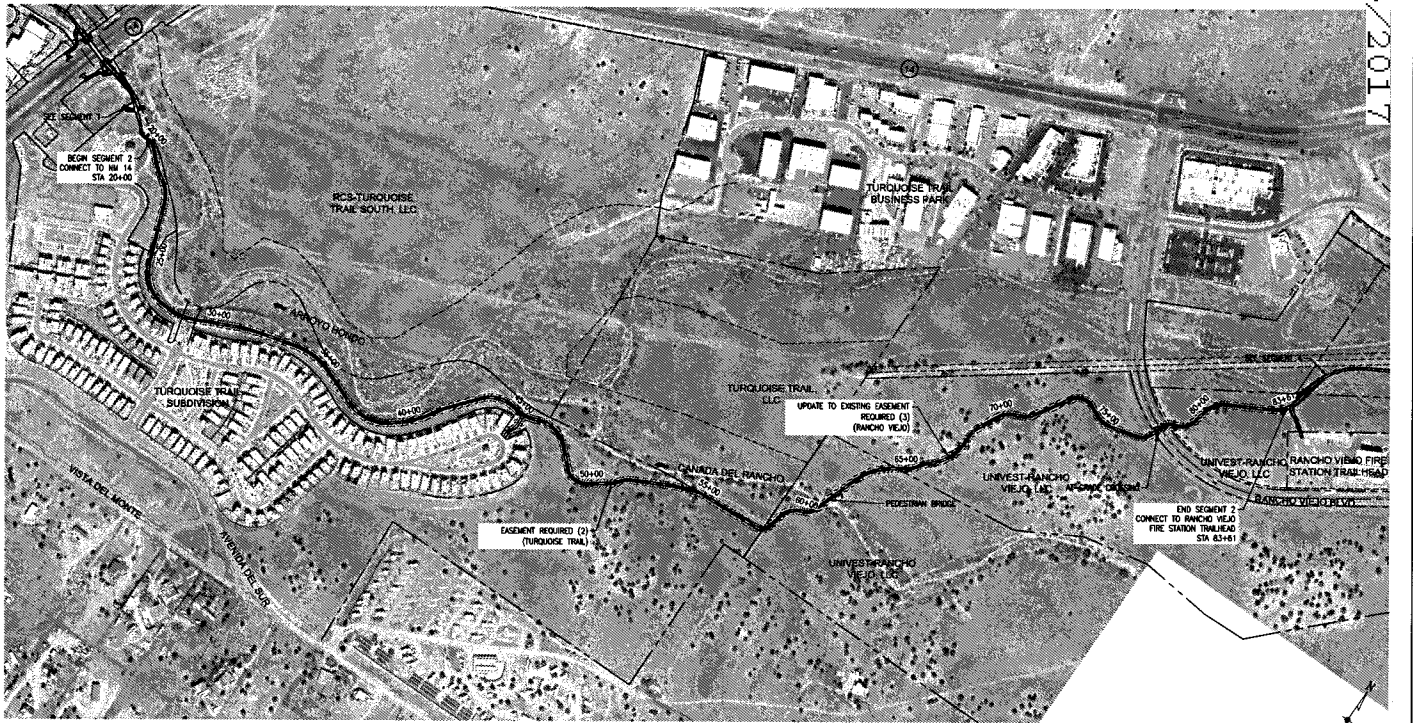
I Hereby Certify That This Instrument Was Filed for
Record On The 14TH Day Of June, 2017 at 02:28:34 PM
And Was Duly Recorded as Instrument # 1828336
Of The Records Of Santa Fe County

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



Print Date: May 26, 2017		Sheet Revisions		As Constructed		ARRIGO HONDO TRAIL EASEMENTS (SEGMENT 1)		Project No./Code	
File Name: 12126 (04A) Easements (Seg1).dgn		Date: _____ Comments: _____ Init: _____		No Revisions:		S/B Structure		Arrigo Hondo Trail	
Horiz. Scale: _____ Vert. Scale: As Noted		Lof and Associates, Inc.		Revised:		LX Numbers		325-12126	
Unit Information: _____ Unit Leader Initials: _____		Lof and Associates, Inc.		Void:		Sheet Subset: ES-01		4A	





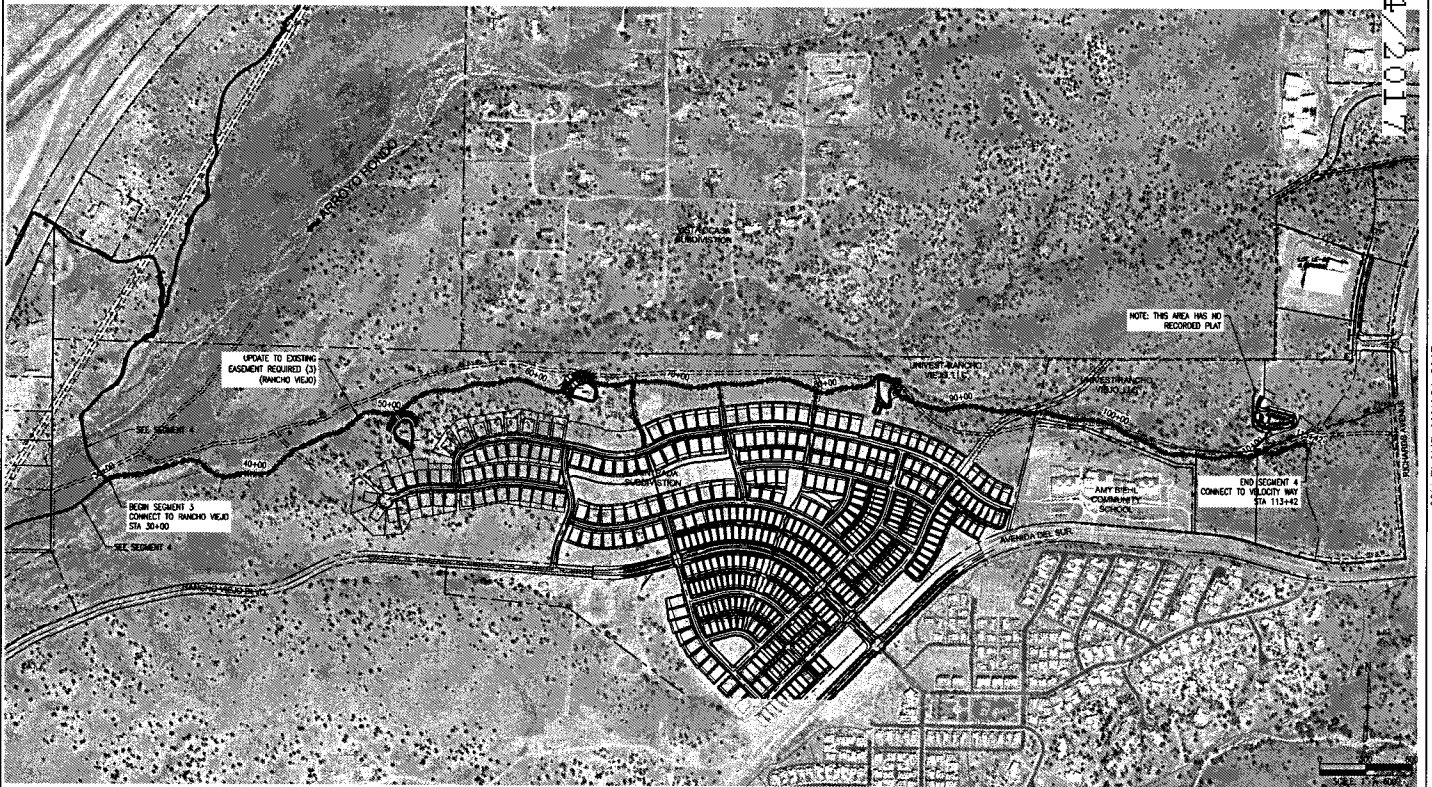
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Unit Information	Unit Leader Initials

Sheet Revisions		
Date:	Comments	Init.

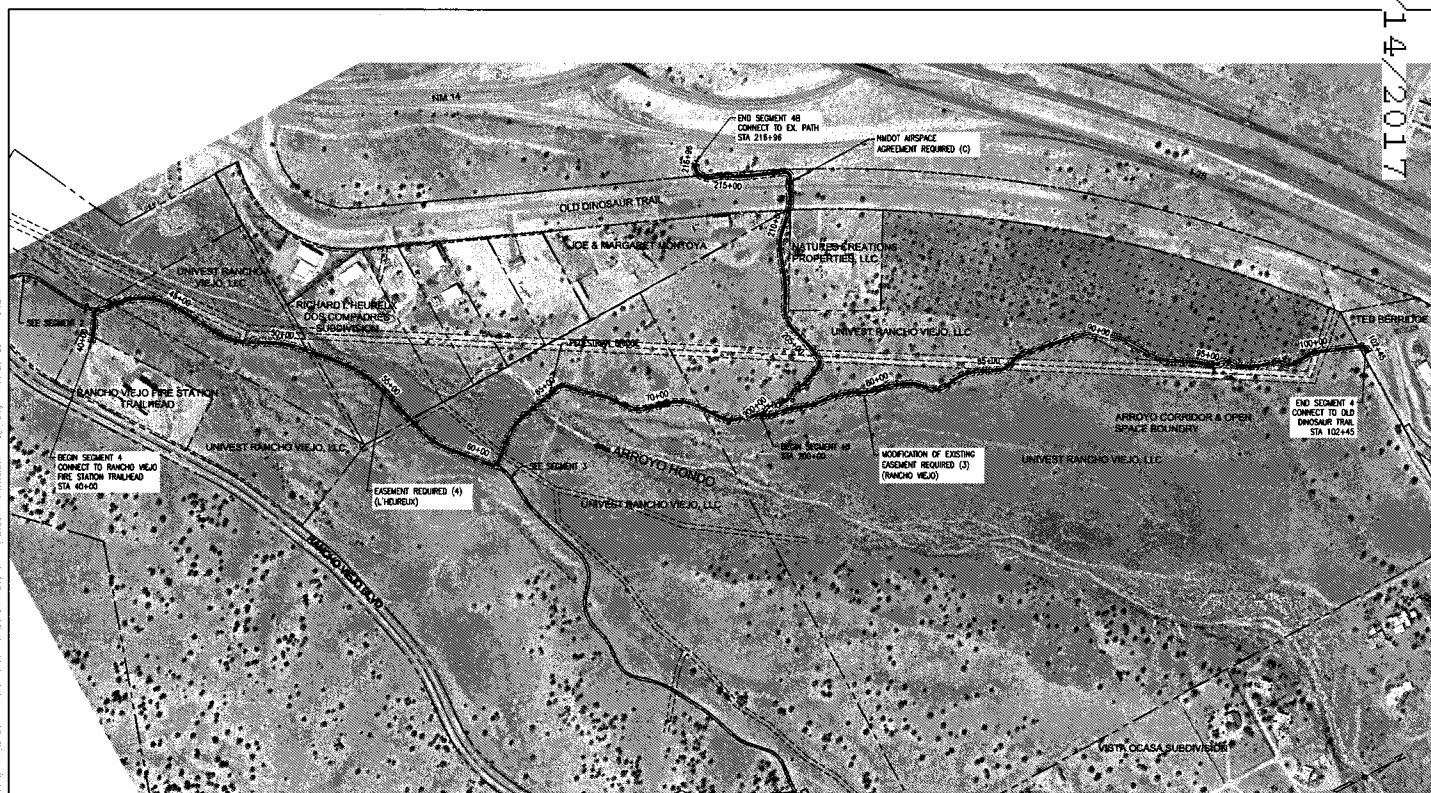


As Constructed	APROYA HONDO TRAIL EASEMENTS (SEGMENT 2)
No Revisions:	
Revised:	Designer: SJB Structure
	Detailer: LX Numbers
Void:	Sheet Subset: 05-01 Subset Sheets: 1

Project No./Code	Arraya Honda Trail
	325-12126
	4A



Print Date: May 26, 2017		Sheet Revisions			As Constructed		ARROYO HONDO TRAIL EASEMENT (SEGMENT 3)		Project No./Code		
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Unit Information								Detailer: LX	Numbers	325-12126	
Unit Leader Initials								Sheet Subset: ES-01	Subset Sheets: 1	4A	



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