

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY  
RESOLUTION NO. 2017 - 76**

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**A RESOLUTION SCHEDULING A NEW WATER DELIVERY  
PURSUANT TO RESOLUTION NO. 2006-57 FOR THE SECOND SIX  
MONTHS OF 2017; AND APPROVING A NEW WATER  
ALLOCATION PURSUANT TO SECTION 5.7.3.3 OF THE  
SUSTAINABLE LAND DEVELOPMENT CODE (SLDC)**

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**WHEREAS**, pursuant to the Santa Fe County (County) Water Department Line Extension and Water Service Policy ("Water Service Policy"), adopted by Resolution No. 2006-57, approved subdivisions and commercial developments that desire new water service from the County Utility must request the County to schedule a new water delivery; and

**WHEREAS**, under the Water Service Policy, the County schedules new water deliveries in six-month intervals; and

**WHEREAS**, pursuant to Section 5.7.3.3 of the SLDC, subdivisions that seek water service from the County Utility must obtain a water allocation in the form of a resolution of the Board of County Commissioners (Board) as a condition of preliminary plat approval; and

**WHEREAS**, PPSL Legacy at Santa Fe, LLC (PPSL) seeks to schedule a new water delivery to an approved subdivision on Lot 237 of Aldea de Santa Fe Subdivision ("Aldea Subdivision" or "Aldea"), Phase 1A, as shown by that certain boundary survey filed on December 23, 2015, as Instrument No. 1782542 in the records of the County Clerk; and

**WHEREAS**, PPSL is constructing an 84-bed (more or less) senior assisted living facility on Lot 237 (Senior Center), which is projected to open in or around November 2017; and

**WHEREAS**, the Senior Center will require water service from the County Utility in the total amount of 9.67 acre-feet per year (AFY), inclusive of the additional 20% required under the Water Service Policy; and

**WHEREAS**, the Senior Center is connected to the County Utility water delivery system and a water service account has been established; and

**WHEREAS**, PPSL and the County are in the process of finalizing an agreement under which PPSL will pay a fee in lieu of providing 9.67 AFY of water rights to the County, hereinafter referred to as the "In-Lieu Fee Agreement"; and

**WHEREAS**, a new water delivery in the amount of 9.67 AFY should be scheduled for the Senior Center, subject to execution of the In-Lieu Fee Agreement and continued compliance with all Applicable Requirements; and

**WHEREAS**, Vegas Verdes, LLC (Vegas Verdes), seeks preliminary plat approval for phases 1 through 4 of the St. Francis South Subdivision described in the Order issued by the Board in Case No. MIS 10-5361; and

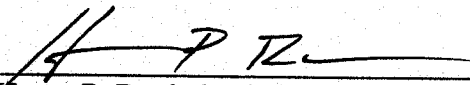
**WHEREAS**, Vegas Verdes has requested water service from the County Utility in the total amount of 54.8 AFY and, as a condition of preliminary plat approval, must obtain a water allocation pursuant to Section 5.7.3.3 of the SLDC.

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

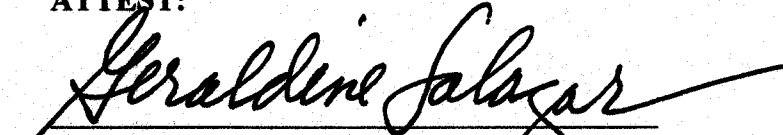
- 1) Subject to execution of the In-Lieu Fee Agreement and continued compliance with all Applicable Requirements, 9.67 AFY is hereby scheduled as a new delivery to the Senior Center. Notwithstanding anything in the Water Service Policy to the contrary, water service to the Senior Center shall not be contingent on execution of a water delivery agreement.
- 2) A total water allocation of 54.8 AFY is approved for St. Francis South. Actual water delivery to St. Francis South shall be contingent upon timely approval and recordation of a final plat for the Development, which may occur in phases, and execution of an agreement between the County and the owners of St. Francis South that will govern the extension of County water lines and the terms of County water service. This water allocation shall expire to the extent the preliminary plat expires prior to final plat approval.

**PASSED, APPROVED, AND ADOPTED THIS** 11<sup>th</sup> **DAY OF** July **2017.**

**BOARD OF COUNTY COMMISSIONERS**

By:   
Henry P. Roybal, Chair


ATTEST:

  
Geraldine Salazar, Santa Fe County Clerk

Date: 7-14-2017



APPROVED AS TO FORM:

  
Gregory S. Shaffer, Santa Fe County Attorney

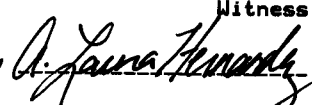
Date: 6/29/2017



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC RESOLUTIONS  
PAGES: 3

I Hereby Certify That This Instrument Was Filed for  
Record On The 17TH Day Of July, 2017 at 09:37:15 AM  
And Was Duly Recorded as Instrument # **1831104**  
Of The Records Of Santa Fe County

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

REC'D  
CLERK  
RECORDED 07/17/2017