

THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

RESOLUTION NO. 2020 - 7

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A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO INITIATE AND PROSECUTE CONDEMNATION PROCEEDINGS TO ACQUIRE PARCELS FOR THE SANTA FE RIVER GREENWAY PROJECT

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**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**, the County has completed the conceptual design for the Project segment from Siler Road to San Ysidro Crossing; and

**WHEREAS**, the planned location requires the County to acquire parcels of real property or rights-of-way from land owners whose property is within or adjacent to the proposed Siler Road to San Ysidro Crossing segment; and

**WHEREAS**, the Board of County Commissioners (Board) adopted Resolution No. 2015-120 to authorize the County Manager to acquire the real property interests necessary for the construction of the Siler Road to San Ysidro Crossing segment of the Project through negotiated purchase agreements; and

**WHEREAS**, in accordance with Resolution No. 2015-120, the County has a contracted with Tierra Right of Way Services, Ltd. for land and right-of-way acquisition services for the Project; and

**WHEREAS**, on behalf of the County, Tierra Right of Way Services, Ltd. has made offers to purchase the necessary property interests in the Siler Road to San Ysidro Crossing segment and has exhausted its efforts to negotiate the transfer of property interests on numerous parcels; and

**WHEREAS**, the County Attorney now requires additional authority to bring a condemnation or other appropriate court action to acquire any and all necessary property interests for the Project where attempts to negotiate have failed, including, but not limited, to parcels where mortgage companies are uncooperative, property owners are unwilling to negotiate, or parcels that are subject to boundary disputes parcels; and

**WHEREAS**, 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 Siler Road to San Ysidro Crossing 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, upon the direct of the County Manager, to initiate and prosecute condemnation or other appropriate court actions to acquire (if necessary) any and all property interests within the Siler to San Ysidro Crossing 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 14<sup>th</sup> DAY OF JANUARY, 2020.

BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

By: Anna T. Hamilton  
Anna T. Hamilton, Chair

ATTEST:

Geraldine Salazar  
Geraldine Salazar, County Clerk

Date: January 14, 2020

APPROVED AS TO FORM:

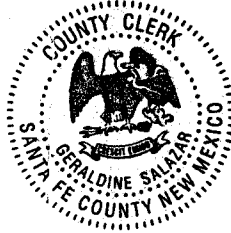
Rachel A. Brown  
Rachel A. Brown, Interim County Attorney

Date: 1-14-20

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 15TH Day Of January, 2020 at 09:28:07 AM  
And Was Duly Recorded as Instrument # **1906743**  
Of The Records Of Santa Fe County



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

Deputy Estrella Martinez

SEAL CLERK RECORDED 01/15/2020