

THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

RESOLUTION NO. 2020 - 74

Introduced by:  
Commissioner Anna T. Hamilton

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A RESOLUTION

**REPEALING RESOLUTION NOS. 2014-127 AND 2017-75 AND DECLARING SANTA FE COUNTY'S INTENT TO NOT ACQUIRE THE REAL PROPERTY DESCRIBED IN THOSE RESOLUTIONS FOR THE MT. CHALCHIHUITL OPEN SPACE PROJECT**

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**WHEREAS**, via Resolution No. 2014-127, the Board of County Commissioners (BCC or Board) authorized the County Manager (i) to acquire by negotiated sale two properties identified on Exhibit A to that resolution for the Mt. Chalchihuitl Open Space Project and (ii) to effectuate the County's participation in the New Mexico Environment Department (NMED) Voluntary Remediation Program with respect to the property on which the Mt. Chalchihuitl mine is located; and

**WHEREAS**, via Resolution No. 2017-75, the Board authorized the County Attorney to bring condemnation actions to acquire the two properties if the County Manager was not able to timely negotiate a reasonable purchase and sale agreement with the property owner; and

**WHEREAS**, despite reasonable efforts to do so, the County Manager has been unable to acquire through negotiated sale the two properties on reasonable terms; and

**WHEREAS**, there exists a material difference of opinion between the County and Robert C. Aitken regarding the value of his property, creating the specter that the just compensation for his property judicially determined in condemnation proceedings would exceed the County's overall budget for the Mt. Chalchihuitl Open Space Project; and

**WHEREAS**, even if the County could acquire the two properties on reasonable terms and participate in the Voluntary Remediation Program, the remediation costs are not fixed and could escalate during the remediation process; and

**WHEREAS**, this latter point is confirmed by the County's recent experience with the Judge Steve Herrera Judicial Complex, where the ultimate cost of environmental remediation far exceeded initial, good faith estimates; and

**WHEREAS**, in the current and anticipated budgetary environment caused by the COVID-19 public health and economic emergency, the County cannot move forward with the Mt.

Chalchihuitl Open Space Project because there is a significant risk that the project will be significantly over budget and the County will not have the resources to meet the shortfall; and

**WHEREAS**, other Open Space projects could use the money previously budgeted for the Mt. Chalchihuitl Open Space Project; and

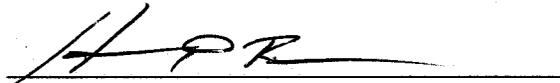
**WHEREAS**, the Board desires to formally repeal Resolution No. 2014-127 and Resolution No. 2017-75 and formally declare its intent to not acquire the two properties that are the subject of those resolutions.

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

1. Resolution No. 2014-127 and Resolution No. 2017-75 are hereby repealed.
2. The Board has no intention to acquire the real property identified in Resolution No. 2014-127 and Resolution No. 2017-75 or to otherwise move forward with the Mt. Chalchihuitl Open Space Project.
3. Although the County is not responsible for the remediation of the property on which the Mt. Chalchihuitl mine is located, nothing in this Resolution precludes County staff from providing data to NMED to assist NMED with environmental assessment or remediation of that property.
4. Nothing in this Resolution precludes the County or its elected officials from potentially exploring or supporting alternative endeavors by others to remediate and/or protect the Mt. Chalchihuitl mine site and the property on which it is located.

**PASSED, APPROVED, AND ADOPTED ON THIS 29<sup>th</sup> DAY OF SEPTEMBER, 2020.**

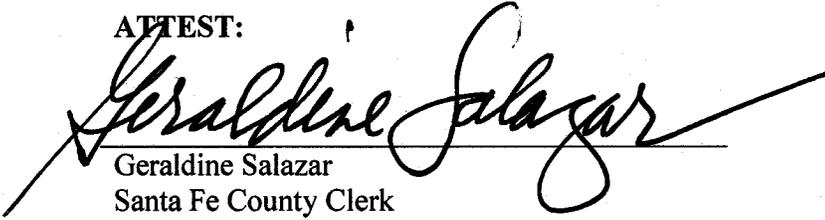
**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

  
Henry P. Roybal, Chair



SFC CLERK RECORDED 10/01/2020

**ATTEST:**

  
Geraldine Salazar  
Santa Fe County Clerk

Date: October 1, 2020

**APPROVED AS TO FORM:**

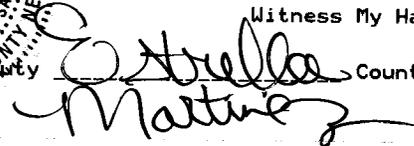
  
Gregory S. Shaffer  
Santa Fe County Attorney

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 1ST Day Of October, 2020 at 10:24:57 AM  
and Was Duly Recorded as Instrument # 1929802  
Records Of Santa Fe County

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