

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2025 - 042

**A RESOLUTION TO AUTHORIZE THE SANTA FE COUNTY MANAGER OR
DESIGNEE TO SIGN AND SUBMIT APPLICATIONS FOR NEW MEXICO
DEPARTMENT OF TRANSPORTATION PERMITS TO INSTALL UTILITY
FACILITIES WITHIN THE PUBLIC RIGHT OF WAY FOR WATER AND
WASTEWATER LINE EXTENSIONS FOR THE CRESTA RANCH DEVELOPMENT
AND SIGN ANY OTHER DOCUMENTS NECESSARY OR PROPER TO OBTAIN
SUCH PERMITS**

WHEREAS, the Cresta Ranch Development is a development that will occupy approximately 17.40 acres located within Santa Fe County ("County") consisting of an affordable housing tract (Tract numbered One on the Final Plat for Cresta Ranch, Santa Fe County, New Mexico) and eight Mixed-Use Commercial tracts; and

WHEREAS, on April 15, 2024, the County and the developer of the Cresta Ranch Development, TT2, LLC ("Developer") entered into a County Utility Line Extension and Delivery Agreement ("ULEDA"); and

WHEREAS, Section 1.1 of the ULEDA requires the Developer to design, engineer, construct, install and test the water and wastewater extensions to the Development; and

WHEREAS, Section 2.1 of the ULEDA states that to the extent that the required line extensions are constructed beyond the platted area, the Developer is required to acquire at its sole expense such offsite easements, licenses, and permits as may be required to complete the line extensions; and

WHEREAS, pursuant to Section 3 of the ULEDA, the Developer is required to offer to dedicate/transfer the water and wastewater improvements to the County; and

WHEREAS, if the Board of County Commissioners ("Board") accepts the offer of dedication of the water and wastewater improvements, such infrastructure will become part of the County's utility system; and

WHEREAS, the Cresta Ranch Development cannot receive County water and wastewater accounts until the Board has accepted all offers of dedication required under the ULEDA; and

WHEREAS, the water and wastewater extensions will tie into existing County utility infrastructure located parallel to New Mexico Highway 14 ("HW14") and within the State of New Mexico's ("State") public right of way; and

WHEREAS, connection to the County's existing utility infrastructure will require a portion of the required water and wastewater line extensions to run parallel to HW14 for several miles within the State's public right of way; and

SFC CLERK RECORDED 04/15/2025

WHEREAS, pursuant to NMSA 1978, Section 67-8-15 and 17.4.1.2 NMAC, the New Mexico Department of Transportation (“NMDOT”) will issue permits to allow public utilities to locate their facilities within the State’s public right of way; and

WHEREAS, the Developer’s contractor has applied to NMDOT for permits to locate utilities within the public right of way for HW14; and

WHEREAS, NMDOT has denied the Developer’s permit applications because NMDOT will only issue the permit to the owner of the public utility system that the water and wastewater lines will connect to; and

WHEREAS, NMDOT has determined that the County is responsible for applying for permits to locate water and wastewater lines that connect to the County’s utility infrastructure in the State’s right of way, including the water and wastewater lines required for the Cresta Ranch Development; and

WHEREAS, NMDOT has indicated that if the County applies for the permit for location of the utility facilities in the right of way for HW14, the Developer will be able to apply for separate NMDOT permits for the construction and installation of water and wastewater lines; and

WHEREAS, the water and wastewater lines will serve a 240-unit multifamily affordable housing complex to be located on the affordable housing tract of the Cresta Ranch Development (“Cresta Ranch Apartments”); and

WHEREAS, the Board has approved funding of the Cresta Ranch Apartments through the County’s Developer Assistance Program (“DAP”) through Ordinance No. 2024-09; and

WHEREAS, TT2, LCC, has conveyed Tract numbered One (1) on the Final Plat of Cresta Ranch, Santa Fe, New Mexico to Cresta Ranch Apartments, LLP, (“Property”) by a Special Warranty Deed recorded in the Office of the County Clerk on December 17, 2024, as Instrument # 2048997; and

WHEREAS, to fulfill its obligations under the DAP, Cresta Ranch Apartments LLP, granted to the County the Property by a Special Warranty Deed recorded in the Office of the County Clerk on December 17, 2024, as Instrument # 2048998; and

WHEREAS, the County and Cresta Ranch Apartments, LLP have entered into a Lease Agreement between Santa Fe County, New Mexico dated December 1, 2024, for the lease of the Property; and

WHEREAS, the County and Cresta Ranch, LLP, have entered into a Mortgage and Security Agreement dated December 12, 2024, in which Cresta Ranch, LLP granted, bargained, assigned, granted a security interest in and conveyed to the County, all of Cresta Ranch, LLP’s estate, right, title and interest in, to all of its leasehold estate and interest in the Property and all and each of the buildings and improvements, structures, additions, tenements, easements, hereditaments, and appurtenances belonging or in anywise appertaining to the aforesaid real property; and

WHEREAS, the County has an interest in the installation and construction of the water and wastewater lines for the Cresta Ranch Development; and

WHEREAS, the Board wishes to authorize the County Manager or Designee to sign and submit applications for NMDOT permits to install utility facilities within the public right of way for water and wastewater line extensions for the Cresta Ranch Development.

NOW, THEREFORE, BE IT RESOLVED that the Santa Fe County Board of County Commissioners hereby authorizes the County Manager or Designee to sign and submit applications for NMDOT permits to install utility facilities within the public right of way for water and wastewater line extensions for the Cresta Ranch Development and sign any and all other documents necessary or proper to obtain such permits.

PASSED, APPROVED, AND ADOPTED ON THIS 8TH DAY OF APRIL, 2025.

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS

By: *Camilla Bustamante*
Camilla Bustamante, Chair

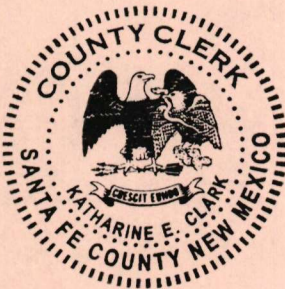
ATTEST:

Katharine E. Clark
Katharine E. Clark
Santa Fe County Clerk

Date: 04/08/25

Approved as to form:

Walker Boyd
Walker Boyd
Santa Fe County Attorney



COUNTY OF SANTA FE) BCC RESOLUTIONS
STATE OF NEW MEXICO) ss PAGES: 3
I Hereby Certify That This Instrument Was Filed for
Record On The 15TH Day Of April, 2025 at 09:13:58 AM
and Was Duly Recorded as Instrument # 2056979
Of The Records Of Santa Fe County
Witness My Hand And Seal Of Office
Katharine E. Clark
Deputy *[Signature]* County Clerk, Santa Fe, NM

SFC CLERK RECORDED 04/15/2025