

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2026 - 109

**A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO
INITIATE AND PROSECUTE CONDEMNATION PROCEEDINGS TO ACQUIRE
SPECIFIED REAL PROPERTY INTERESTS FOR THE
POJOAQUE BASIN REGIONAL WATER SYSTEM**

WHEREAS, the Santa Fe County Board of County Commissioners passed, approved and adopted Resolution 2024-70 on May 28, 2024, granting the County Manager authority to negotiate and execute the acquisition and conveyance of the Real Property Interests necessary to construct the water infrastructure for the Pojoaque Basin Regional Water System (sometimes, the Project or PBRWS) in accordance with the Aamodt Settlement Agreement; and

WHEREAS, as designed by the Bureau of Reclamation, the Pojoaque Basin Regional Water System will include 160 miles of new pipeline and new water storage tanks to primarily be built in existing Rights of Way but in some cases additional Permanent Utility Easements and Real Property are necessary to construct the Project; and

WHEREAS, it is the responsibility of Santa Fe County (the "County") to acquire these Permanent Utility Easements and Real Property interests on land within Santa Fe County; and

WHEREAS, Santa Fe County has contracted with SelectROW to use the New Mexico Department of Transportation's Right of Way Acquisition Process as a guideline for acquiring the Permanent Utility Easements, which includes a series of mailings sent by certified mail as well as in person outreach to obtain property owner agreement; and

WHEREAS, during its efforts to acquire such interests, the County and SelectROW have encountered a landowner who has refused to discuss or negotiate a Permanent Utility Easement across a private roadway on their property, the address of which is 1 Rancho Enrique, Santa Fe, New Mexico 87506 (the Property); and

WHEREAS, this particular easement has been deemed necessary by the Bureau of Reclamation's design engineer and the construction contractor for the completion of the Project; and

WHEREAS, the County made a formal offer of just compensation based on the highest range of market value as determined by a certified appraiser, and the landowner refused the offer; and

WHEREAS, obtaining the Permanent Utility Easement in a timely fashion is critical to keeping the entire project on schedule and avoiding costly liquidated damages and remobilization expenses; and

SEC CLERK RECORDED 08/13/2026

WHEREAS, if the County Manager is unable to negotiate the acquisition of the necessary Permanent Utility Easement 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 the Project across the Property; and

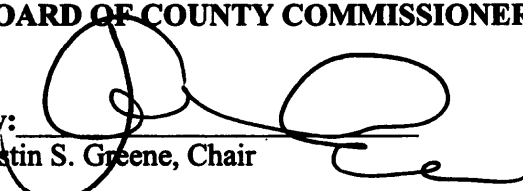
WHEREAS, the Board wishes to authorize condemnation proceedings to acquire Permanent Utility Easements and Real Property interests across the specific Property, as identified in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Santa Fe County Board of County Commissioners that:

1. Subject to Paragraph 2, the County Attorney is authorized to bring condemnation actions on behalf of the County to acquire a Permanent Utility Easement for the Project across the Property identified in Exhibit A. Without limiting the generality of the foregoing, this grant of authority specifically includes authorization to seek a preliminary order of entry to avoid Project delays.
2. Provided, however, the County Attorney shall not bring such a condemnation 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 Permanent Utility Easement across the property in a timely manner; or
 - (b) The property owner executed a Permanent Utility Easement acquisition agreement but thereafter refused to grant the necessary property interest in accordance with the agreement.
3. The Board further authorizes and directs the County Attorney to seek dismissal of any condemnation action brought pursuant to the Resolution upon the property owner's voluntary grant of Permanent Utility Easement between the property owner and the County as part of a bona fide settlement.

PASSED, APPROVED, AND ADOPTED ON THIS 11th DAY OF AUGUST, 2026.

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

By: 

Justin S. Greene, Chair

ATTEST:

Katharine E. Clark
Santa Fe County Clerk

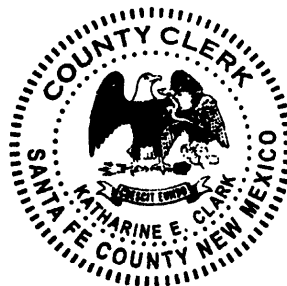
Date /

Peter Valencia for

Walker Boyd
Santa Fe County Attorney

BCC RESOLUTIONS
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Witness My Hand And Seal Of Office
Katharine E. Clark
County Clerk, Santa Fe, NM



SFC CLERK RECORDED 08/13/2026

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2024 - 70

A RESOLUTION

**GRANTING THE COUNTY MANAGER AUTHORITY TO NEGOTIATE AND
EXECUTE THE ACQUISITION AND CONVEYANCE OF THE REAL PROPERTY
INTERESTS NECESSARY TO CONSTRUCT THE WATER INFRASTRUCTURE
FOR THE POJOAQUE BASIN REGIONAL WATER SYSTEM IN ACCORDANCE
WITH THE AAMODT SETTLEMENT AGREEMENT**

WHEREAS, Santa Fe County (“County”) and the Bureau of Reclamation (the “BOR”) are currently acquiring the real property interests necessary for the construction of the Pojoaque Basin Regional Water System (the “Project”); and

WHEREAS, the Project will divert water from the Rio Grande River in Northern New Mexico bringing clean drinking water and a reliable water supply to residents of the Pueblos of Pojoaque, Nambe, San Ildefonso, Tesuque and other residents of Santa Fe County; and

WHEREAS, the system will require the construction of water infrastructure including diversion and water treatment facilities, storage tanks, pump stations, and transmission and distribution pipelines to supply up to approximately 1.3 billion gallons of drinking water annually to the region; and

WHEREAS, the Project requires the County to purchase certain real property interests described in the Project; and

WHEREAS, the County has contracted SelectROW to secure the real property interests including, but not limited to, Permanent Utility Easements necessary for this Project.

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

1. The Board delegates to the County Manager the authority to negotiate and execute the acquisition and conveyance of the real property interests necessary to construct the water infrastructure for the Pojoaque Basin Regional Water System in accordance with the AAMODT Settlement Agreement as described in the Resolution.

2. The Board delegates to the County Manager the authority to do all things necessary or proper to acquire the real property interests necessary for the project. Compensation provided by the County in exchange for the real property interests shall not exceed the Fair Market Value of the interest determined by appraisal or the Waiver Valuation Method.

SFC CLERK RECORDED 08/13/2026
SFC CLERK RECORDED 06/05/2024

PASSED, APPROVED, AND ADOPTED THIS 28 DAY OF May, 2024.

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By: Hank Hughes
Hank Hughes, Chair

ATTESTATION:

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

APPROVED AS TO FORM:

Jeff Young
Jeff Young, Santa Fe County Attorney



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 5TH Day Of June, 2024 at 09:32:58 AM
And Was Duly Recorded as Instrument # 2035101
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office

Deputy Katharine E. Clark County Clerk, Santa Fe, NM



SFC CLERK RECORDED 08/13/2026
SFC CLERK RECORDED 06/05/2024