

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY
RESOLUTION NO. 2018 - 93**

**A RESOLUTION DISCLAIMING JURISDICTION
OVER OR INTENT TO ENFORCE COUNTY-REQUIRED COVENANTS
AND RESTRICTIONS THAT ENCUMBER REAL PROPERTY
SUBSEQUENTLY ANNEXED INTO AN INCORPORATED
MUNICIPALITY**

WHEREAS, pursuant to past and current Santa Fe County land use regulations, including those adopted under now repealed Santa Fe County (County) Ordinance 1996-10 (Land Development Code) and the County's current Sustainable Land Development Code (SLDC), Ordinance No. 2016-9, real property owners (Declarants) have been required by the County to execute and record declarations of covenants and restrictions (County-Required Covenants) as a condition of approval of certain applications for development; and

WHEREAS, the Land Development Code in particular required the execution and recordation of water conservation covenants and restrictions for certain developments; and

WHEREAS, the City of Santa Fe has over time annexed various areas within the unincorporated County, including the areas described in the Settlement Agreement and Mutual Release of Claims, executed on or around May 19, 2008, and the Annexation Phasing Agreement between the City of Santa Fe and Santa Fe County, executed on or around January 27, 2009; and

WHEREAS, the areas annexed by the City of Santa Fe include certain parcels that were encumbered by County-Required Covenants prior to annexation; and

WHEREAS, other incorporated municipalities, including the Town of Edgewood and the City of Espanola, have and could in the future annex areas within the County into their incorporated limits; and

WHEREAS, pursuant to NMSA 1978, Section 4-37-2, county ordinances, including ordinances regulating land use, are generally not effective "within the limits of any incorporated municipality"; and

WHEREAS, in order to avoid confusion regarding the County's jurisdiction or intent, the Board of County Commissioners (Board) desires to formally disclaim jurisdiction over or intent to enforce County-Required Covenants as to real property that is located within an area subsequently annexed into an incorporated municipality,

including but not limited to the City of Santa Fe, the City of Espanola, and the Town of Edgewood; and

WHEREAS, the Board does not intend by this Resolution to affect the rights or authority of any Declarant or their successors in interest; and

WHEREAS, the Board does not intend by this Resolution to affect the rights or authority of any incorporated municipality.

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

1. The Board acknowledges that County ordinances, including land uses ordinances, are generally not effective within the limits of any incorporated municipality.
2. The Board hereby disclaims any intent to enforce or jurisdiction over County-Required Covenants that encumbered real property now located within an area subsequently annexed into the incorporated limits of a municipality, including the City of Santa Fe, the City of Espanol, and the Town of Edgewood.
3. This Resolution does not affect the rights or authority of any Declarant or their successors in interest.
4. This Resolution does not affect the rights or authority of any municipality.

PASSED, APPROVED, AND ADOPTED THIS 11th DAY OF September, 2018.

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

By: Anna Hansen
Anna Hansen, Chair



ATTEST:

Geraldine Salazar Date: 9-11-2018
Geraldine Salazar
Santa Fe County Clerk

Approved as to form:

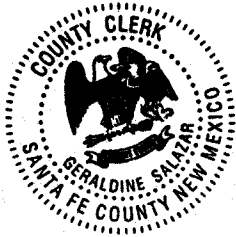
R. Bruce Frederick
R. Bruce Frederick
Santa Fe County Attorney

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 12TH Day Of September, 2018 at 01:49:44 PM And Was Duly Recorded as Instrument # 1867309 Of The Records Of Santa Fe County

Deputy E. Estrella Witness My Hand And Seal Of Office
County Clerk, Santa Fe, NM
Martinez



SFC CLERK RECORDED 09/12/2018