



REGION III DRUG ENFORCEMENT TASK FORCE

Law Enforcement Working Together to Serve Santa Fe, Los Alamos, Rio Arriba and Taos Counties in New Mexico

P. O. Box 23118
Santa Fe, NM 87502
(505) 471-1715 or (800) 662-6660

BOARD OF DIRECTORS

Captain Juan Martinez
Chairman
NM State Police Division

Deputy Chief William
Johnson
Vice-Chairman
City of Santa Fe Police
Department

Sheriff Robert Garcia
Secretary-Treasurer
Santa Fe County
Sheriff's Department

DATE: July 25, 2012

TO: The Board of County Commissioners
Santa Fe County, Santa Fe, New Mexico

FROM: Ralph W. Lopez, Region III *RW Lopez*
Program Manager

VIA: Robert Garcia, Sheriff *R Garcia*
Santa Fe County Sheriff's Department

RE: FY12 JAG Award

As Program Manager for the Region III Drug Task Force, I am requesting approval through the Board of County Commissioners for a budget increase of \$114,717.00 for the Region III – Multijurisdictional Task Force FY12 JAG Award. An initial budget of \$87,783 was included in the Fiscal Year 2013 Operating Budget; however, the final grant amount awarded through the Department of Public Safety Grants Management Bureau is \$202,500. This request will realign the FY2013 budget with the actual grant award.

Your consideration given this request will be greatly appreciated.

SANTA FE COUNTY

RESOLUTION 2012 - _____

A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on August 28, 2012, did request the following budget adjustment:

Department / Division: SHERIFF / REGION III Fund Name: LAW ENFORCEMENT OPERATIONS FUND (246)

Budget Adjustment Type: BUDGET INCREASE Fiscal Year: 2013 (July 1, 2012 - June 30, 2013)

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
246	1211	372	0800	Federal Grant Award / Edward Byrne Memorial Justice Assistance Grant (JAG) through the Dept. of Public Safety Fiscal Year 2011.		45,968.00
246	1214	372	0800	Federal Grant Award / Edward Byrne Memorial Justice Assistance Grant (JAG) through the Dept. of Public Safety Fiscal Year 2012.		41,815.00
246	1204	372	0800	Federal Grant Award / Edward Byrne Memorial Justice Assistance Grant (JAG) through the Dept. of Public Safety Fiscal Year 2013.	202,500.00	
TOTAL (if SUBTOTAL, check here)					202,500.00	87,783.00

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
246	1211	425	10-26	TERM EMPLOYEE		35,061
246	1211	425	20-01	FICA-REGULR		2,174
246	1211	425	20-02	FICA-MEDICARE		508
246	1211	425	20-03	RETIREMENT CONTRIBUTIONS		6,665
246	1211	425	20-05	HEALTH CARE		860
246	1211	425	20-06	RETIREMENT HEALTH CARE		700
TOTAL (if SUBTOTAL, check here XX)						45,968.00

Requesting Department Approval: _____ Title: Sheriff Date: 7-24-12

Finance Department Approval: Wendy Cortez Date: 8/16/12 Entered by: _____ Date: _____

County Manager Approval: _____ Date: _____ Updated by: _____ Date: _____

SANTA FE COUNTY
RESOLUTION 2012 - _____

BUDGET ADJUSTMENT CONTINUATION SHEET

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
TOTAL (if SUBTOTAL, check here _____)						

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
246	1214	425	10-25	OVERTIME		4,726
246	1214	425	10-26	TERM EMPLOYEE		9,947
246	1214	425	20-01	FICA-REGULR		616
246	1214	425	20-02	FICA-MEDICARE		144
246	1214	425	20-03	RETIREMENT CONTRIBUTIONS		1,890
246	1214	425	20-05	HEALTH CARE		627
246	1214	425	20-06	RETIREMENT HEALTH CARE		199
246	1214	425	50-90	OTHER CONTRACTUAL SERVICE		10,649
246	1214	425	70-42	SHERIFFS EXPENSES		13,017
246	1204	425	10-25	OVERTIME	14,726.33	
246	1204	425	10-26	TERM EMPLOYEE	82,454.45	
246	1204	425	20-01	FICA-REGULAR	5,112.17	
246	1204	425	20-02	FICA-MEDICARE	1,195.59	
246	1204	425	20-03	RETIREMENT CONTRIBUTIONS	17,086.72	
246	1204	425	20-05	HEALTH CARE	2,212.40	
246	1204	425	20-06	RETIREMENT HEALTHCARE	1,071.90	
TOTAL (if SUBTOTAL, check here <u>XX</u>)					123,859.56	41,815.00

SANTA FE COUNTY

RESOLUTION 2012 - _____

BUDGET ADJUSTMENT CONTINUATION SHEET

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
TOTAL (if SUBTOTAL, check here)						

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
246	1204	425	20-08	WORKERS COMP	18.40	
246	1204	425	50-90	OTHER CONTRACTUAL SERVICES	30,649.25	
246	1204	425	60-08	FIELD SUPPLIES	3,000.00	
246	1204	425	70-08	LIABILITY	3,100.00	
246	1204	425	70-42	SHERIFF'S EXPENSE	41,872.79	
TOTAL (if SUBTOTAL, check here)					202,500.00	87,783.00

SANTA FE COUNTY

RESOLUTION 2012 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Ralph Lopez – Region III Dept/Div: Sheriff / Region III Phone No.: 473-7021

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 1) Please summarize the request and its purpose. This request is to budget the awarded amount of \$202,500.00 for this Fiscal Year from the Grants Management Bureau, through the Department of Public Safety into an operational budget for the Region III Task Force. Grant Agreement # 12-JAG-REGIII-SFY13-1. An estimated budget of \$87,783 was included in the FY2013 Operating Budget for the Region III Program. This request is for a budget increase of \$114,717 to align the FY2013 budget with the actual awarded amount of \$202,500.

a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, Overtime)	Position Type (permanent, term)	Position Title
10-25	Overtime Included for this Budget Request	Permanent	Agent
10-26	Salaries Included in this Budget Request	Term	Program Mgr. / Administrative Sec.
20-01	Benefits	Term	Program Mgr. / Administrative Sec.

b) Professional Services (50-xx) and Capital Category (80-xx) detail:

Line Item	Detail (what specific things, contracts, or services are being added or deleted)	Amount

- 2) Is the budget action for RECURRING expense or for NON-RECURRING (one-time only) expense _____

SANTA FE COUNTY
RESOLUTION 2012 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

Name: Ralph Lopez -- Region III Dept/Div: Sheriff / Region III Phone No.: 473-7021

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 3) Does this request impact a revenue source? If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following:
 - a) If this is a state special appropriation, YES _____ NO XX
If YES, cite statute and attach a copy.
 - b) Does this include state or federal funds? YES XX NO _____
If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of a award letter and proposed budget. **This request is to budget the awarded amount through the Department of Public Safety from the Edward Byrne Memorial, Justice Assistance Grant for the current fiscal year. Awarded amount \$202,500.00, Grant Agreement 12-JAG-REGIII-SFY13-1.**
 - c) Is this request is a result of Commission action? YES _____ NO XX
If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).
 - d) Please identify other funding sources used to match this request.

SANTA FE COUNTY
RESOLUTION 2012 - _____

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Santa Fe County that the Local Government Division of the Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

Approved, Adopted, and Passed This 28th Day of August, 2012.

Santa Fe Board of County Commissioners

Liz Stefanics, Chairperson

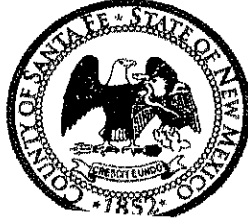
ATTEST:

Valerie Espinoza, County Clerk

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

To: Board of County Commi

From: Teresa Martinez, Financ

Through: Katherine Miller

Date: August 28, 2012

RE: ***A resolution requesting a budget increase to the Capital Outlay Gross Receipts Tax Fund (213) to budget revenue received through a Memorandum of Understanding with the City of Santa Fe. / \$95,941***

X11.
D
2

ISSUE

The Finance Division is seeking approval to increase the Capital Outlay GRT Fund (213) to budget for revenue received from the City of Santa Fe in the amount of \$95,941 through a Memorandum of Understanding.

BACKGROUND

In December of 2010, Santa Fe County entered into a Memorandum of Understanding with the City of Santa Fe wherein the City agreed to reimburse the County for costs associated with engineering and construction related activities on the Santa Fe River Trail northeast of the intersection of Airport Road and NM599.

The City of Santa made one payment in the amount of \$87,511.40 on April 25, 2012. This amount was not budgeted in FY 2012 and has now "dropped to cash." An additional payment was made on July 17, 2012. This resolution will budget the revenue received in FY 2012 as well as the FY 2013 payment.

RECOMMENDATION

The Finance Division recommends the Capital Outlay GRT Fund be increased in the amount of \$95,941 to budget for the payments received from the City of Santa Fe for reimbursement of costs associated with engineering and construction related activities on the Santa Fe River Trail northeast of the intersection of Airport Road and NM599.

SANTA FE COUNTY

RESOLUTION 2012 - _____

A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on August 28, 2012, did request the following budget adjustment:

Department / Division: Finance for Public Works/Projects/Open Space Fund Name: Capital Outlay GRT

Budget Adjustment Type: Budget Increase Fiscal Year: 2013 (July 1, 2012 - June 30, 2013)

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
213	0000	385	0200	CO GRT Fund - Budgeted Cash	\$87,511	
213	7801	380	0101	CO GRT Fund -- MOU	\$8,430	
TOTAL (if SUBTOTAL, check here)					\$95,941	

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
213	7801	481	8010	CO GRT Fund - Santa Fe River Trail - Capital Grounds/Roadways	\$95,941	
TOTAL (if SUBTOTAL, check here)					\$95,941	\$

Requesting Department Approval: Carole Jaramillo Title: Budget Administrator Date: 8/28/12

Finance Department Approval: [Signature] Date: 8/16/12 Entered by: _____ Date: _____

County Manager Approval: _____ Date: _____ Updated by: _____ Date: _____

SANTA FE COUNTY

RESOLUTION 2012 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Carole Jaramillo Dept/Div: Finance for Public Works/PFOS Phone No.: 986-6321

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 1) Please summarize the request and its purpose.
 The Finance Division on behalf of the Public Works Department/Open Space Division seeks to increase the budget in the Capital Outlay GRT Fund (213) to budget the revenue received in FY 2012 and in FY 2013 from a MOU with the City of Santa Fe wherein the County will be reimbursed by the City for costs associated with engineering services and construction related costs for the Santa Fe River Trail northeast of the intersection of Airport Road and NM599.

a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, Overtime)	Position Type (permanent, term)	Position Title

b) Professional Services (50-xx) and Capital Category (80-xx) detail:

Line Item	Detail (what specific things, contracts, or services are being added or deleted)	Amount
213-7801-481-8010	Santa Fe River Trail capital grounds/roadways	\$95,941

- 2) Is the budget action for RECURRING expense _____ or for NON-RECURRING (one-time only) expense X

SANTA FE COUNTY

RESOLUTION 2012 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

DEPARTMENT CONTACT: Name: Carole Jaramillo Dept/Div: Finance for Public Works/PFOS Phone No.: 986-6321

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (if applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 3) Does this request impact a revenue source? If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following:
 - a) If this is a state special appropriation, YES X NO _____
If YES, cite statute and attach a copy.

PY revenue (now in budgeted cash) and CY revenue from City of Santa Fe MOU.

- b) Does this include state or federal funds? YES _____ NO X
If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of a award letter and proposed budget.
- c) Is this request is a result of Commission action? YES _____ NO x
If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).
- d) Please identify other funding sources used to match this request.

SANTA FE COUNTY
RESOLUTION 2012 - _____

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Santa Fe County that the Local Government Division of the Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

Approved, Adopted, and Passed This 28th Day of August, 2012.

Santa Fe Board of County Commissioners

Liz Stefanics, Chairperson

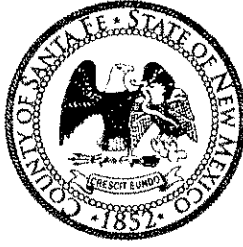
ATTEST:

Valerie Espinoza, County Clerk

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: *August 28, 2012*

TO: *Board of County Commissioners*

FROM: *Adam Leigland, Public Works Department Director*

VIA: *Katherine Miller, County Manager*

ITEM AND ISSUE: *BCC Meeting August 28, 2012*
UPDATE ON PLANNING AND DEVELOPMENT AT LA BAJADA RANCH

BACKGROUND AND SUMMARY:

In November of 2009 Santa Fe County acquired 470.55 acres of former ranch land near the traditional community of La Cienega, south of the City of Santa Fe for \$7 million. At the time of purchase the property was known as Santa Fe Canyon Ranch. County staff changed the name of the project to La Bajada Ranch to recognize the historical name given to the property and to distinguish the current planning effort from previous development plans. At the time of the purchase and since that time, the Board of County Commissioners (BCC) has directed staff to work with the community at La Cienega and the larger County constituency to plan for appropriate development of the property.

DISCUSSION AND UPDATE:

Subsequently, County officials and staff have met with community members to collect their opinions, concerns, and ideas for possible projects, and have conducted reconnaissance work at the property to determine existing conditions and immediate maintenance needs. Specific actions that have been taken in recent months include:

- 1) A land suitability analysis was completed for the property by County staff.
- 2) A full boundary survey was completed,
- 3) The entire property is now fenced, the new portions of the fence meet requirements for "wildlife friendly" fencing standards,
- 4) Application was made and approved to the Upper Rio Grande Watershed Alliance for ~\$30,000.00 to provide for removal of non-native trees from Alamo Creek and the area around the pond (work to begin this Fall),
- 5) Members of the Sangre de Cristo Chapter of the National Audubon Society have visited the property and have agreed to offer a field training for volunteers from La Cienega and La

Cieneguilla communities who are interested in spending a day at the property to inventory resident and migratory birds,

6) Preliminary volunteer projects including fence removal and clean-up have been identified, and

7) Needed repairs to the existing infrastructure on the property (residence, foreman's house, barn, pool, and tennis courts) have been assessed,

8) The BCC has committed \$325,000 for immediate needs and remediation at the property.

The results of the Land Suitability Analysis identified the parts of the property that should be considered for conservation and for educational, recreational, and community service uses (~265 acres). The area around the ranch compound (i.e. existing residence, foreman's house, barn, corral, and pond) the riparian corridors of Alamo and Bonanza Creek, and the archaeological sites which are considered significant, are included in this designation. Potential uses for this area could include but are not be limited to:

- 1) an educational center,
- 2) a retreat center,
- 3) 4-H facilities,
- 4) community library and extension educational services,
- 5) summer day-camp for children,
- 6) outreach programs for the schools,
- 7) a tourism heritage center.

Through the land suitability analysis, the remaining ~205 acres of the ranch was determined to be suitable for development. In order to determine what types of projects may be appropriate for this part of the ranch, a steering committee will be formed to evaluate potential projects. Committee members will be advisors with particular sets of expertise. The responsibility of the steering committee will be to make recommendations to the BCC on proposed development alternatives. The members of the steering committee shall include:

1. Community Representative from La Cienega / La Cieneguilla
2. Development Advisor
3. Housing Advisor
4. Tribal Planner / Advisor
5. Education Advisor
6. Green Infrastructure Advisor
7. Energy Advisor
8. Tourism/Economic Development Advisor
9. Water Issues and Ecological Advisor
10. The Commissioner from District 3
11. An "at large" County Commissioner

In order to provide guidance for the steering committee's work, the County has established the following preliminary goals for development:

1. Land uses and development projects will be compatible with the land, will respect the surrounding communities, local agricultural practices and will be sustainable.
2. Development projects will strive to serve the diverse needs of Santa Fe County residents.

3. Development standards will conform to the goals and strategies in the Sustainable Growth Management Plan (2010).
4. Development projects will strive to maximize Santa Fe County's investment in the property while adhering to a strict set of development criteria.
5. Development will conserve the unique cultural, agricultural, historical, and biological resources of the property.

As additional guidance, the County has established the following criteria to evaluate projects for the **Ranch Compound and Conservation** part of the property:

1. Supports a community function for the greater county community.
2. Supports tourism.
3. Is self-supporting.
4. Supports conservation of the natural environment.
5. Helps interpret the pre-history and history of Santa Fe County for county residents and visitors.
6. Increases the conservation value of the property.
7. Provides a service for under-served or at risk populations.
8. Fills an economic development or social service niche for the county.
9. Provides a unique service to the county.
10. Improves the quality of the environment and quality of life for neighboring communities.

The following criteria will guide the evaluation of projects for the **Development Areas** of the property:

1. Is self-supporting.
2. Increases revenue for the county.
3. Provides a model for sustainable development.
4. Provides a service for under-served or at risk populations.
5. Avoids or mitigates negative impacts to the terrain, soils, and ecology of the property.
6. Is "sustainable" as defined in the SGMP.
7. Realizes a market need.
8. Fills an economic development or social service niche for the county.
9. Provides a unique service to the county.
10. Makes strong economic sense and provides returns on the county's existing investment.
11. Provides a model for future development in other parts of the county.
12. Supports the long range economic development, tourism, or energy plans for the State of New Mexico.
13. Fills a niche in the housing market.
14. Improves the quality of the environment and quality of life for neighboring communities.

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

RESOLUTION NO. 2012- _____

A RESOLUTION

**ESTABLISHING A STEERING COMMITTEE FOR THE PURPOSE OF EVALUATING
PROPOSED ALTERNATIVES TO THE SANTA FE BOARD OF COUNTY COMMISSIONERS
FOR DEVELOPING LA BAJADA RANCH**

WHEREAS, in November of 2009 Santa Fe County acquired 470.55 acres of former ranch land near the traditional community of La Cienega, south of the City of Santa for \$7 million;

WHEREAS, County staff changed the name of the property from Santa Fe Canyon Ranch to La Bajada Ranch in order to recognize the historical name given to the property and to distinguish the current planning effort from previous development plans;

WHEREAS, at the time of the purchase, and since that time, the Board of County Commissioners (BCC) has directed staff to work with the community at La Cienega and the larger County constituency to plan for appropriate development of the property;

WHEREAS, County staff completed a land suitability analysis that determined which portions of the property are suitable for development and which portions should be reserved as conservation land;

WHEREAS, the County seeks to request proposals for projects for both those areas designated for development and those areas designated for conservation;

WHEREAS, the members of the Santa Fe County community at large possess expertise in various fields that will be critical in assisting the County to evaluate proposed development projects; and

WHEREAS, various experts have expressed a willingness to volunteer to help

the County evaluate proposed projects for La Bajada Ranch.

**NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS
HEREBY RESOLVES AND PROCLAIMS AS FOLLOWS:**

1. The BCC hereby established the La Bajada Ranch Steering Committee (the Committee). The Committee shall be organized as set forth herein and shall have the authority and purpose as set forth herein.

2. The express purpose of the Committee is to evaluate and recommend to the Board of County Commissioners project alternatives for La Bajada Ranch. That evaluation and the recommendations will be developed to ensure the following:

- a. Land uses and development projects will be compatible with the land, will respect the surrounding communities and local agricultural practices, and will be sustainable.
- b. Development projects will strive to serve the diverse needs of greater Santa Fe County residents.
- c. Development standards will conform to the goals and strategies in the Sustainable Growth Management Plan (2010).
- d. Development projects will strive to maximize Santa Fe County's investment in the property while adhering to a strict set of development criteria.
- e. Development will conserve the unique cultural, agricultural, historical, and biological resources of the property.

3. The duties and responsibilities of the Committee are to:

- a. Solicit project proposals for implementation at La Bajada Ranch;
- b. Evaluate all project proposals submitted for the La Bajada Ranch;
- c. Provide a written report to the BCC in which the strengths and weaknesses of

each proposal are set forth and obstacles to accomplishing each proposal are identified. The report should also rank the projects according to an objective ranking system.

d. The following criteria shall be utilized to evaluate projects for those portions of the property designated by the County as the Ranch Compound and the

Conservation Property:

- i. Supports a community function for the greater county community;
- ii. Supports tourism;
- iii. Is self-supporting
- iv. Supports conservation of the natural environment;
- v. Helps interpret the pre-history and history of Santa Fe County for county residents and visitors.
- vi. Increases the conservation value of the property;
- vii. Provides a service for under-served or at risk populations;
- viii. Fills an economic development or social service niche for the County;
- ix. Provides a unique service to the county;
- x. Improves the quality of the environment and quality of life for neighboring communities.

e. The following criteria will guide the evaluation of projects for the portion of the property designated by the County as **Development Areas**:

- i. Is self-supporting;
- ii. Increases revenue for the County;
- iii. Provides a model for sustainable development
- iv. Provides a service for under-served or at risk populations;
- v. Avoids or mitigates negative impacts to the terrain, soils, and ecology of the property;
- vi. Is "sustainable" as defined in the SGMP;
- vii. Realizes a market need;
- viii. Fills an economic development or social service niche for the County;
- ix. Provides a unique service to the County;
- x. Makes strong economic sense and provides returns on the county's existing investment;
- xi. Provides a model for future development in other parts of the County;
- xii. Supports the long range economic development, tourism, or energy plans for the State of New Mexico;

- xiii. Fills a niche in the housing market;
- xiv. Improves the quality of the environment and quality of life for neighboring communities.

4. The Committee shall be made up of eleven members, ten of whom are appointed by the BCC. Of the initial appointments, five shall serve for a two year term, and the remaining five shall serve for a three year term. The County Commissioner from District 3 shall also be a member of the Committee. Members may be removed by the BCC with or without cause. All other members shall have expertise within one or more of the following areas:

- a. Community representation of La Cienega /La Cieneguilla;
- b. Commercial and residential development;
- c. The Santa Fe County housing market;
- d. Tribal representation;
- e. Development of educational programs;
- f. Green infrastructure;
- g. Renewable energy and energy conservation;
- h. Tourism/economic development;
- i. Water and ecology.

5. The Committee shall provide a preliminary written report and recommendation at a public meeting of the BCC within twelve months of the date of adoption of this Resolution. Additional assignments shall be accomplished by amendment to paragraphs 2 and 3 of this Resolution.

6. The Committee shall meet as often as necessary to carry out their work, but not less than once per month. The meetings of the Committee shall be held in the Commission Chambers and such other locations as may be conducive to visible and

publicly accessible meetings. Meetings shall be held in accordance with the County's Resolution Determining Reasonable Notice for Public Meetings of the Board of County Commissioners of Santa Fe County, and for Boards and Committees Appointed by or Acting Under the Authority of the Board of County Commissioners as well as the County's Resolution Establishing Rules of Order for Meetings of the Board of County Commissioners of Santa Fe County and for Certain Specified Committees.

7. All matters coming before the Committee shall be resolved by majority vote of the quorum.

8. The Steering Committee will be facilitated by staff from the Public Works Department, Projects, Facilities, and Open Space Division. The County Manager shall appoint a member of the County staff to serve as liason to the Committee. The liason shall be responsible for stenographic services during meetings. The liason shall ensure that packets are prepared for Committee members prior to each meeting, and that notices and agendas are created and posted in accordance with the County's Open Meetings Act Resolution.

PASSED, APPROVED, and ADOPTED this _____ day of _____,
2011.

VIRGINIA VIGIL, CHAIR

ATTEST:

VALERIE ESPINOZA, SANTA FE COUNTY CLERK

APPROVED AS TO FORM:



STEPHEN C. ROSS, SANTA FE COUNTY ATTORNEY

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Hollan
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: *August 1, 2012*

TO: *Board of County Commissioners*

FROM: *Adam Leigland, Public Works Department Director* *KL 8/3/12*

VIA: *Katherine Miller, County Manager*

ITEM AND ISSUE: *BCC Meeting August 28, 2012*

REQUEST APPROVAL OF CHANGE ORDER NO. 15 TO THE CONTRACT BETWEEN SANTA FE COUNTY AND BRADBURY STAMM CONSTRUCTION, INC. TO INCLUDE PHOTOVOLTAIC SOLAR SYSTEM INSTALLATION IN THE CONSTRUCTION OF THE FIRST JUDICIAL COURTHOUSE PROJECT IN THE AMOUNT OF \$350,593.55, EXCLUSIVE OF GROSS RECEIPTS TAX.

BACKGROUND AND SUMMARY:

With the construction of the First Judicial Courthouse, Santa Fe County has the opportunity to include its first solar electric (photovoltaic) system into its building portfolio. There is clear policy guidance for the County to install renewable energy generation on this major project. According to the Sustainable Growth Management Plan (Resolution 2010-210 & 225) in section 7.1.2.4, "*renewable energy use and reduced greenhouse gas emissions should be encouraged and required for County operated facilities and new development...*"

Santa Fe County has designed a photovoltaic system that would be installed on the roof of the First Judicial Courthouse project. That system design has been approved for interconnection by the Public Service Company of New Mexico (PNM.) Bradbury Stamm Construction, Inc. solicited bids from four solar energy companies and has obtained a best price for installation of the system.

The energy output of the system would be approximately 165,000 kWh per year. If this action is approved by the Commission and the system is installed, the output of the photovoltaic system would offset approximately 15% of the electricity used by the Courthouse. In addition to the value of the solar electrical energy generated, PNM would issue credit each month to the County based upon the energy produced through its Renewable Energy Certificate (REC) program. These financial advantages would accrue in addition to the system helping the County to achieve the

environmental policy benefit. A spreadsheet that documents the financial impact of the system is attached.

The total cost for the additional construction services and activities outlined in Change Order No.15 is \$350,593.55. There will be no New Mexico Gross Receipts Tax (GRT) costs as solar energy projects are exempt from GRT according to 7-9-112 NMSA 1978. The total increase to the project will be \$350,593.55. The items identified in this change order have been reviewed by the Construction Manager and the project team has verified the costs as accurate and to represent an added value to the project.

ACTION REQUESTED:

We respectfully request approval of Change Order #15 to the contract between Santa Fe County And Bradbury Stamm Construction, Inc. to include photovoltaic solar system installation in the construction of the First Judicial Courthouse project in the amount of \$350,593.55.



AIA Document G701™ - 2001

Change Order

PROJECT <i>(Name and address):</i> Steve Herrera Judicial Complex Corner of Sandoval Street and Montezuma Street, Santa Fe, New Mexico	CHANGE ORDER NUMBER: 015 DATE: July 30, 2012	OWNER: <input type="checkbox"/> ARCHITECT: <input type="checkbox"/> CONTRACTOR: <input type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR <i>(Name and address):</i> Bradbury Stamm 7110 Second Street NW Albuquerque, NM 87107	ARCHITECT'S PROJECT NUMBER: A07.05 CONTRACT DATE: February 21, 2011 CONTRACT FOR: General Construction	

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

Item No. 1: Provide labor and material to install photo voltaic system without conduit and grounding per drawings PV1, PV2, PV3 and specifications 16010 and 16920 as provided and designed by DeLapp Engineering dated 04/11/12. This change order is an Owner requested change order item. Pricing has been verified for accuracy. Cost associated with this change order item is \$350,593.55.

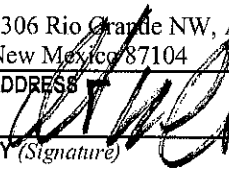
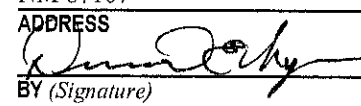
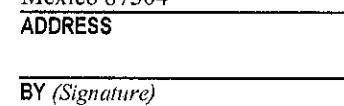
The original Contract Sum was	\$ 38,112,000.00
The net change by previously authorized Change Orders	\$ 6,237,751.40
The Contract Sum prior to this Change Order was	\$ 44,349,751.40
The Contract Sum will be increased by this Change Order in the amount of	\$ 350,593.55
The new Contract Sum including this Change Order will be	\$ 44,700,344.95

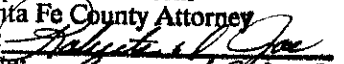
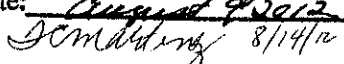
The Contract Time will be increased by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is December 20, 2012

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive..


NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

<u>NCA Architect</u> ARCHITECT <i>(Firm name)</i>	<u>Bradbury Stamm</u> CONTRACTOR <i>(Firm name)</i>	<u>Santa Fe County</u> OWNER <i>(Firm name)</i>
<u>1306 Rio Grande NW, Albuquerque, New Mexico 87104</u> ADDRESS	<u>7110 Second Street NW, Albuquerque, NM 87107</u> ADDRESS	<u>102 Grant Avenue, Santa Fe, New Mexico 87504</u> ADDRESS
 BY <i>(Signature)</i>	 BY <i>(Signature)</i>	 BY <i>(Signature)</i>
<u>Robert M. Calvani</u> <i>(Typed name)</i>	<u>Dan Lyons</u> <i>(Typed name)</i>	<u>Liz Stefanics, Chair Santa Fe Board of County Commissioners</u> <i>(Typed name)</i>
<u>July 30, 2012</u> DATE	<u>7/30/12</u> DATE	DATE

Approved as to form
Santa Fe County Attorney
By: 
Date: August 9, 2012
 8/14/12

Gerald Martin Construction Management
Santa Fe County Representative

901 West Alameda, Suite 20C, Santa Fe, New Mexico 87504
Address


By (signature)

Sherry Keefe
(typed name)

7-31-12
Date

Approved as to Form by SFC Legal Department
Santa Fe County Legal Department

Address


By (signature)

Stephen C. Ross, County Attorney
(typed name)

August 9, 2012
Date

By (signature)

Liz Stefanics, Chair, Board of County Commissioners
(typed name)

Date



Proposed Change Order

Project: Judge S Herrera Judicial Complex **Contract Number:** 0813. Judge S Herrera Judicial Complex
Proposed Change Order #: PCO 85 Photo Voltaic System
To (Arch/Eng): **Change Order Date:** 07/12/12

You are directed to make the following changes in this Contract:

C.O. Item	Contract Item	Change in Days	UM	Units	Description	Unit Price	Amount
1			LS		Photo Voltaic System		350,593.55
<i>Furnish and install photo voltaic system without conduit and grounding (provided by others) per drawings PV1, PV2, PV3 and specifications 16010 and 16920 by DeLapp Engineering dated 4/11/12.</i>							
Total For Change Order:							350,593.55

Not valid until signed by both the Owner and Architect. Signature of the Contractor indicates the Contractor's agreement herewith, including any adjustment in the Contract Sum or Contract Time.

The original Contract Sum was	38,112,000.00
The net change by previously authorized Change Orders was	6,205,924.58
The Contract Sum prior to this Change Order was	44,317,924.58
The Contract Sum will be increased by this Change Order	350,593.55
The new Contract Sum will be	44,668,518.13

Authorized By Owner:
 Santa Fe County
 102 Grant St
 Santa Fe, NM 87504

Accepted By Contractor:
 BRADBURY STAMM CONSTRUCTION INC
 PO Box 10850
 Albuquerque, NM 87184

Architect/Engineer:

By: _____

By:

By: _____

Date: _____

Date: 7/12/12

Date: _____

Judge Steve Herrera Judicial Complex

Photo Voltaic System	QUANTITY	Unit Price Labor	LABOR	Unit Price Mater	MATERIAL	Unit Price Subs	SUBS	TOTAL
Photo voltaic system without grounding (Positive Energy)	1.00 ls	\$0.00	\$0	\$0	\$0.00	\$325,950.00	\$325,950.00	\$325,950.00
Subcontractor bond - 2% (Positive Energy)	1.00 ls	\$0.00	\$0	\$0	\$0.00	\$6,519.00	\$6,519.00	\$6,519.00
Sub Total			\$0		\$0		\$332,469.00	\$332,469.00
Overhead & Profit							5.00%	\$16,623.45
Sub Total								\$349,092.45
Bond			\$0		\$0		0.43%	\$1,501.10
TOTAL								\$350,593.55



June 26, 2012

Dan Lyons, LEED AP | Sr. Project Manager
Bradbury Stamm Construction
7120 2nd Street NW
Albuquerque, NM 87107-6702

In response to your request for a best and final offer on June 20, 2012, we provide the following quotations:

1. Base bid for photovoltaic system without the electrical conduit for work taking place from September through November 2012: **\$328,630**
2. Alternate price to delete the grounding noted on Sheet PV2 as "#6 bond to building steel"—all locations: **\$325,950**
3. Alternate price if the work was to take place in 2013: **\$328,630 +/-** (weighted % change in module price)
 - a. Current industry projections show module price decreasing through 2012. However, global market fluctuations as well as trade disputes create an unpredictable environment. The PV installation price in 2013 will vary directly with module price changes.

Regina Wheeler
Chief Executive Officer
Positive Energy, Inc.
3209 Richards Lane, Santa Fe, 87507

Regina@PositiveEnergySolar.com
www.PositiveEnergySolar.com

Cell: 505-690-4197
Showroom: 505-428-0069
Office: 505-424-1112
FAX: 505-424-1113

Financial Analysis of Herrera Courthouse Photovoltaic System Investment

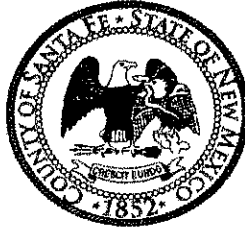
Year	Annual Energy Output (kWh)	PNM kWh Cost	Annual Value of PV Production	Annual PNM REC Revenue	Total Annual PV Investment Revenue	PV Investments	Cumulative Revenue from PV Investment
0					(\$350,594)	(\$350,594)	
1	166,966	\$0.077	\$12,856	\$10,018	\$22,874		\$22,874
2	166,131	\$0.079	\$13,176	\$9,968	\$23,144		\$46,018
3	165,296	\$0.082	\$13,503	\$9,918	\$23,421		\$69,439
4	164,462	\$0.084	\$13,838	\$9,868	\$23,705		\$93,144
5	163,627	\$0.087	\$14,181	\$9,818	\$23,998	(\$3,506)	\$117,142
6	162,792	\$0.089	\$14,531	\$9,768	\$24,299		\$141,441
7	161,957	\$0.092	\$14,891	\$9,717	\$24,608		\$166,050
8	161,122	\$0.095	\$15,258	\$9,667	\$24,926		\$190,975
9	160,287	\$0.098	\$15,635	\$9,617	\$25,252		\$216,227
10	159,453	\$0.100	\$16,020	\$9,567	\$25,587	(\$3,506)	\$241,814
11	158,618	\$0.103	\$16,414	\$9,517	\$25,931		\$267,745
12	157,783	\$0.107	\$16,817	\$9,467	\$26,284		\$294,029
13	156,948	\$0.110	\$17,230	\$9,417	\$26,647		\$320,677
14	156,113	\$0.113	\$17,653	\$9,367	\$27,020		\$347,696
15	155,278	\$0.116	\$18,085	\$9,317	\$27,402	(\$20,000)	\$375,098
16	154,444	\$0.120	\$18,528	\$9,267	\$27,794		\$402,892
17	153,609	\$0.124	\$18,980	\$9,217	\$28,197		\$431,089
18	152,774	\$0.127	\$19,443	\$9,166	\$28,610		\$459,699
19	151,939	\$0.131	\$19,917	\$9,116	\$29,034		\$488,733
20	151,104	\$0.135	\$20,402	\$9,066	\$29,468		\$518,201
21	150,269	\$0.139	\$20,898		\$29,898		\$539,099
22	149,435	\$0.143	\$21,405		\$21,405		\$560,504
23	148,600	\$0.148	\$21,924		\$21,924		\$582,429
24	147,765	\$0.152	\$22,455		\$22,455		\$604,884
25	146,930	\$0.157	\$22,998		\$22,998		\$627,882
PV System Investment \$350,594 Year 1 energy production 166,966 kWh REC payment Rate \$0.060 for 20 years Initial PNM kWh cost \$0.077 from current utility rates PNM Utility Rate Escalator 3.00% from DOE projections for New Mexico							
Internal Rate of Return 25 Year 5.0% (this is the investment return of the system and it can be compared to the expected return if the system is not purchased and the cash invested.)							
					PV system 25 yr. residual value	\$68,995	
					Total revenue plus residual value	\$696,877	
					System costs	(\$377,605)	
					Net Investment Revenue	\$319,272	

Summary: Over the first 25 years the system will generate 3,924,900 kWh of electricity will save the County more than a quarter of a million dollars and will eliminate the emission of more than 2,300 tons of Carbon Dioxide. PV modules can be expected to continue to generate electricity beyond year 25.

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

To: Board of County Commissioners

From: Teresa Martinez, Finance Director *DM*

Through: Katherine Miller

Date: August 28, 2012

RE: ***A resolution requesting a budget increase to the General Fund (101) to budget cash for the installation of a photo voltaic system at the 1st Judicial Court Complex. /\$173,159***

ISSUE

The Finance Division is seeking approval to increase the General Fund (101) to budget cash for the installation of a photo voltaic system at the 1st Judicial Court Complex.

BACKGROUND

The Public Works Department is bringing forth a resolution to approve a change order (#15) to the Bradbury Stamm contract for construction of the 1st Judicial Court Complex which is for the installation of a photo voltaic system. If approved, additional funding will be needed for the change order.

The total funding for the change order of \$350,594 will be provided through this resolution and from available cash in the 2007A Series General Obligation Bond Fund (331).

RECOMMENDATION

The Finance Division recommends the General Fund (101) be increased to budget cash for purposes of funding Bradbury Stamm change order 15 for the 1st Judicial Court Complex.

SANTA FE COUNTY

RESOLUTION 2012 - _____

A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on August 28, 2012, did request the following budget adjustment:

Department / Division: Public Works/Projects, Facilities & Open Space Fund Name: General Fund (101)

Budget Adjustment Type: Budget Increase Fiscal Year: 2013 (July 1, 2012 - June 30, 2013)

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
101	0000	385	0100	Budgeted Cash	\$173,159	
TOTAL (if SUBTOTAL, check here)					\$173,159	

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
101	0796	481	8001	Capital Purchases/Buildings & Structures	\$173,159	
TOTAL (if SUBTOTAL, check here)					\$173,159	

Requesting Department Approval: _____ Title: _____ Date: _____

Finance Department Approval: *[Signature]* Date: 8/14/12 Entered by: _____ Date: _____

County Manager Approval: _____ Date: _____ Updated by: _____ Date: _____

SANTA FE COUNTY

RESOLUTION 2012 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Agnes Leyba-Cruz Dept/Div: Public Works/Projects, Facilities & Open Space Phone No.: 955-6516

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 1) Please summarize the request and its purpose.

Request is to budget cash carryover in the General Fund (101) in the amount of \$173,159 from accumulated cash in the 1/16th GRT that has been allocated for the construction of the Judicial Courthouse. This funding will be utilized to assist in the installation of a photo voltaic system for the new 1st Judicial Complex.

a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, Overtime)	Position Type (permanent, term)	Position Title

b) Professional Services (50-xx) and Capital Category (80-xx) detail:

Line Item	Detail (what specific things, contracts, or services are being added or deleted)	Amount
8001	Photo Voltaic System for the 1 st Judicial Courthouse	\$173,159

- 2) Is the budget action for RECURRING expense _____ or for NON-RECURRING (one-time only) expense X

SANTA FE COUNTY

RESOLUTION 2012 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

DEPARTMENT CONTACT: Name: Agnes Leyba-Cruz Dept/Div: Public Works/Projects, Facilities & Open Space Phone No.: 955-6516

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 3) Does this request impact a revenue source? If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following:
 - a) If this is a state special appropriation, YES X NO _____
If YES, cite statute and attach a copy.
General Fund
 - b) Does this include state or federal funds? YES _____ NO X
If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of a award letter and proposed budget.
 - c) Is this request is a result of Commission action? YES _____ NO X
If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).
 - d) Please identify other funding sources used to match this request.

SANTA FE COUNTY

RESOLUTION 2012 - _____

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Santa Fe County that the Local Government Division of the Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

Approved, Adopted, and Passed This 28th Day of August, 2012.

Santa Fe Board of County Commissioners

Liz Stefanics, Chairperson

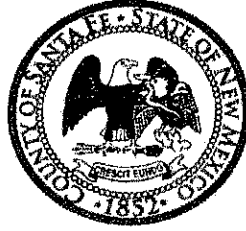
ATTEST:

Valerie Espinoza, County Clerk

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

To: Board of County Commissioners

From: Teresa Martinez, Finance Director *JM*

Through: Katherine Miller

Date: August 28, 2012

RE: ***A resolution requesting a budget decrease to the GOB 2007A Fund (331) to realign the FY 2013 budget with the available cash balance which may be used to fund the installation of a photo voltaic system at the 1st Judicial Court Complex. /- \$44,551***

ISSUE

The Finance Division is seeking approval to decrease the 2007 Series GOB Fund (331) to realign the budget to the available cash balance.

BACKGROUND

The Santa Fe County FY 2013 Final Budget was completed and provided to the Board of County Commissioners the week of June 18, 2012 for approval at its June 26, 2012 meeting. The 2007A Series GOB cash balance was included in the budget provided at that time. However, subsequent to the Final FY 2013 budget completion but before the end of FY 2012 on June 30, 2012 there were transactions which reduced the amount of cash available to carry over. This resolution will adjust the budgets to the correct carry-over amount.

The actual cash remaining in the 2007A Series GOB may be used to fund the installation of a photo voltaic system at the 1st Judicial Court Complex if such a system is approved by the BCC. However, if the photo voltaic system is not approved by the BCC these funds will be available for other project expenses.

RECOMMENDATION

The Finance Division recommends the 2007A Series GOB Fund (331) be decreased to realign the FY 2013 budget with the available cash balance.

SANTA FE COUNTY

RESOLUTION 2012 - _____

A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on August 28, 2012, did request the following budget adjustment:

Department / Division: Public Works/Projects, Facilities & Open Space Fund Name: GOB Series 2007 Fund (331)

Budget Adjustment Type: Budget Decrease Fiscal Year: 2013 (July 1, 2012 - June 30, 2013)

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
331	0000	385	0400	Budgeted Cash / Special Assessments		\$44,551
TOTAL (if SUBTOTAL, check here)						\$44,551

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
331	0796	481	8001	Capital Purchases/Buildings & Structures		\$44,551
TOTAL (if SUBTOTAL, check here)						\$44,551

Requesting Department Approval: _____ Title: _____ Date: _____

Finance Department Approval: *Alison M. Watkins* Date: 8/1/12 Entered by: _____ Date: _____

County Manager Approval: _____ Date: _____ Updated by: _____ Date: _____

SANTA FE COUNTY

RESOLUTION 2012 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Agnes Leyba-Cruz Dept/Div: Public Works/Projects, Facilities & Open Space Phone No.: 955-6516

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 1) Please summarize the request and its purpose.

Request is for a budget decrease in the amount of \$44,551 for the GOB Series 2007 Fund (331) to realign the FY2013 operating budget with the actual cash available for a correct budget amount of \$177,435. This funding will be utilized for the installation of a photo voltaic system for the new 1st Judicial Court Complex.

a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, Overtime)	Position Type (permanent, term)	Position Title

b) Professional Services (50-xx) and Capital Category (80-xx) detail:

Line Item	Detail (what specific things, contracts, or services are being added or deleted)	Amount

- 2) Is the budget action for RECURRING expense _____ or for NON-RECURRING (one-time only) expense X

SANTA FE COUNTY

RESOLUTION 2012 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

DEPARTMENT CONTACT: Name: Agnes Leyba-Cruz Dept/Div: Public Works/Projects, Facilities & Open Space Phone No.: 955-6516

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 3) Does this request impact a revenue source? If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following:
 - a) If this is a state special appropriation, YES X NO _____
If YES, cite statute and attach a copy.
General Fund
 - b) Does this include state or federal funds? YES _____ NO X
If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of a award letter and proposed budget.
 - c) Is this request is a result of Commission action? YES _____ NO X
If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).
 - d) Please identify other funding sources used to match this request.

SANTA FE COUNTY
RESOLUTION 2012 - _____

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Santa Fe County that the Local Government Division of the Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

Approved, Adopted, and Passed This 28th Day of August, 2012.

Santa Fe Board of County Commissioners

Liz Stefanics, Chairperson

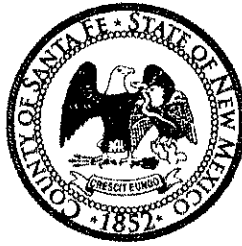
ATTEST:

Valerie Espinoza, County Clerk

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathleen Holian
Commissioner, District 4

Elizabeth Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: August 28, 2012

TO: Board of County Commissioners

FROM: Adam Leigland, Public Works Director *AL 8/31/12*

VIA: Katherine Miller, County Manager

ITEM AND ISSUE: BCC Meeting August 28, 2012

REQUEST APPROVAL OF AMENDMENT NO. 2 TO GRANT OF RIGHT-OF-WAY
EASEMENT NO. RW-28277

BACKGROUND AND SUMMARY:

In 2002, Santa Fe County purchased Right-of-Way Easement No. RW-28277 from the New Mexico Commissioner of Public Lands (Commissioner) for the purpose of protecting open space within the floodplain of the Santa Fe River and providing public trails and related facilities. The Grant of Right-of-Way required the Commissioner and the County to approve a Memorandum of Agreement (MOA) to outline specific roles, responsibilities and goals for future management and development of activities and improvements within the Right-of-Way. In 2006 the Commissioner and the County entered into a MOA for the management and development of the Right-of-Way. The MOA acknowledged that the trailhead access easement and trailhead parking easement locations identified in the original Grant of Right-of-Way were approximate and specified that once the final development plans for the trail facilities were approved that the Commissioner and the County shall amend the Right-of-Way to show the final locations of the trailhead access easement and trailhead parking easement. Amendment No. 2 to the Grant of Right-of-Way Easement No. RW-28277 provides a survey of the final locations of the trailhead access easement and trailhead parking easement and fulfills this requirement.

ACTION REQUESTED:

Staff recommends approval of Amendment No. 2 to Grant of Right-of-Way Easement No. RW-28277.

**STATE OF NEW MEXICO
COMMISSIONER OF PUBLIC LANDS**

**AMENDMENT NO. 2 TO GRANT OF
RIGHT-OF-WAY EASEMENT NO. RW-28277**

This Amendment No. 2 to Right-of-Way Easement No. RW-28277 is made this _____ day of _____, 2012, by and between the State of New Mexico, acting by and through its Commissioner of Public Lands (Grantor) and Santa Fe County, whose address is 102 Grant Avenue, Santa Fe, New Mexico 87504 (Grantee);

RECITALS

WHEREAS, the Grantor and the Grantee entered into a Right-of-Way agreement dated December 3, 2002, which was recorded on December 12, 2002 in Book 2287, Pages 734-739 of the records of Santa Fe County (Exhibit 1 hereto, the "Original Grant");

WHEREAS, the Grantor and the Grantee entered into a Memorandum of Agreement ("MOA") on January 5, 2006, which was recorded on January 9, 2006, as Instrument No. 1415132 (Exhibit 2 hereto);

WHEREAS, the Grantor and the Grantee entered into Amendment to Grant of Right-of-Way Easement No. RW-28277 on April 25, 2008, which was recorded on February 2, 2009, as Instrument No. 1550997 (Exhibit 3 hereto);

WHEREAS, pursuant to the MOA, the Grantor and the Grantee are required to amend the Original Grant in the event the final locations of two trailhead easement segments and a trailhead parking area differ from the survey attached to the Original Grant;

The parties therefore AGREE as follows:

1. Attached as Exhibit 4, hereto, is a survey depicting the final locations for two trailhead easement segments and a trailhead parking area.
2. The right-of-way shall remain valid for so long as Grantee uses it for the purposes described in the Original Grant.
3. In all other respects, the Original Grant dated December 3, 2002, as amended April 25, 2008, shall remain as written and in full force and effect as well as the MOA referenced herein.

STATE OF NEW MEXICO

Date: _____

By: _____
RAY POWELL
Commissioner of Public Lands

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


Date: _____

By: _____
Elizabeth Stefanics, Chairperson
Santa Fe County Board of Commissioners

ATTEST:

By: _____
Valerie Espinoza
Santa Fe County Clerk

Approved as to form:

By:  _____
Stephen C. Ross
Santa Fe County Attorney

STATE OF NEW MEXICO
COMMISSIONER OF PUBLIC LANDS
GRANT OF RIGHT-OF-WAY

2287734

EXHIBIT

1

Right-of-Way Easement No. RW-28277

This indenture, made this 3rd day of December, 2002 by and between the State of New Mexico, acting by and through its Commissioner of Public Lands ("Grantor") and Santa Fe County, whose address is 102 Grant Avenue, Santa Fe, NM 87504 ("Grantee");

WITNESSETH:

That Grantor, for and in consideration of the sum of \$28,696.50 (Twenty-Eight Thousand, Six Hundred Ninety-six Dollars and 50/100) cash in hand paid, receipt of which is hereby acknowledged, and other good and valuable consideration, hereby conveys to grantee a right-of-way for the sole and exclusive purpose of protecting open space and the Santa Fe River floodplain area, which may include but does not require the following improvements: trails and related improvements such as signage, river crossings, trailheads, access control, and parking areas; non-commercial recreational and educational uses; river corridor restoration and stabilization; planting of vegetation, and/or historical and cultural site preservation, including the right to enter upon the real estate hereinafter described at any time to construct, maintain and repair the structures upon the right-of-way, together with the right to remove trees, brush, undergrowth, and other obstructions interfering with the location, construction, and maintenance of said right-of-way.

The right-of-way hereby granted covers the land in Santa Fe County, that is more particularly described by the attached Exhibit A, which is incorporated herein and made a part of this right-of-way (the "Land").

This grant is made upon the following express terms and conditions:

1. This right-of-way is granted for so long as Grantee uses the Land for the purposes described herein until the right-of-way is abandoned or terminated as provided in this right-of-way.
2. Grantor reserves the right to authorize or grant rights-of-way or other easements to third parties, which may be parallel to, cross over or bisect this right-of-way. Such rights-of-way shall not unreasonably interfere with the uses permitted under this right-of-way. In such cases, the subsequent grantee may, at the discretion of the Grantor, be required to post a bond guaranteeing payment for damages to the installations and improvements of Grantee herein. In crossing any right-of-way for a highway, road, telephone, telegraph, transmission line, etc. Grantee herein will exercise due care so as not to interfere with said rights-of-way and will comply with all applicable laws, rules, and regulations in connection with the making of such crossings.
3. The right to grant additional rights-of-way or easements within this right-of-way belongs exclusively to Grantor. Grantor hereby agrees, however, that in the event Grantor elects to exercise such right and if Grantee herein is the New Mexico State Highway and Transportation Department, Grantor will secure in writing the agreement of subsequent right-of-way grantee that no facilities will be constructed or installed within the right-of-way subsequently granted without first obtaining from the Department a permit prescribing the conditions under which facilities may be placed within such right-of-way in accordance with the Department's applicable rules and regulations.
4. GRANTEE EXPRESSLY AGREES THAT PRIOR TO THE CONSTRUCTION OR INSTALLATION OF ANY FACILITIES WITHIN THE RIGHT-OF-WAY GRANTED HEREIN, GRANTEE WILL DETERMINE WHETHER THE RIGHT-OF-WAY IS WITHIN A PREVIOUSLY ESTABLISHED NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT RIGHT-OF-WAY, AND IF IT IS, GRANTEE WILL OBTAIN FROM THE DEPARTMENT A PERMIT THAT PRESCRIBES THE CONDITIONS UNDER WHICH FACILITIES MAY BE PLACED WITHIN THE RIGHT-OF-WAY IN ACCORDANCE WITH THE DEPARTMENT'S APPLICABLE RULES AND

REGULATIONS. GRANTEE FURTHER UNDERSTANDS AND AGREES THAT THE FAILURE TO OBTAIN SUCH PERMIT SHALL RESULT IN THE FORCIBLE REMOVAL BY THE DEPARTMENT OF ANY FACILITIES THAT MAY BE CONSTRUCTED OR INSTALLED WITHIN THE RIGHT-OF-WAY.

5. In clearing the right-of-way, Grantee agrees to dispose of brush and other debris so as not to interfere with the movement of livestock of state agriculture lessees.
6. Grantor reserves the right to execute leases for mining purposes, including, but not limited to, the exploration, development, conservation, and production of geothermal resources, oil, natural gas, and any other minerals, natural resources, or deposits of whatsoever kind, located in, under, or upon the Land. Grantor further reserves all rights of access, ingress, and egress over, through, or across the Land that are or may become necessary or convenient to such exploration, development, conservation, or production. For the payment of additional compensation of Seven Hundred Fifty Dollars (\$750.00), Grantor agrees not to exercise any rights described in this section for the remainder of the term of the Right-of-Way. This additional compensation is payable within 30 days after the effective date of this Right-of-Way.
7. Grantee hereby agrees to carefully avoid destruction or injury to any improvements and to pay promptly the reasonable and just damages for any injury or destruction arising from construction or maintenance of this right-of way.
8. Grantee shall not assign this right-of-way without the prior written approval of Grantor. Such approval may be conditioned upon the agreement by Grantee's assignee to additional conditions and covenants and may require payment of additional compensation to Grantor. This right-of-way is for the sole purpose stated and no other. Grantee agrees not to sell or otherwise grant to any person or entity any interest therein or the right to use any portion thereof, provided, however, that Grantee may allow public access, where appropriate, when trails, trail improvements or other recreational improvements designed for public use have been completed on the Land. Public access for motorized vehicles is prohibited.
9. The rights granted herein are subject to valid existing rights.
10. Grantor reserves the right to execute leases for the right to grant rights-of-way and easements related to such leasing.
11. In all matter affecting the premises described herein or operations thereon, Grantee, its employees, agents and contractors shall, at their own expense, fully comply with all laws, regulations, rules, ordinances, and requirements of any governmental authority or agency, which may be enacted or promulgated, including, but not limited to, requirements or enactment's pertaining to conservation, sanitation, aesthetics, pollution, cultural properties, fire, or ecology, including those provisions of the New Mexico Cultural Properties Act, §§18-6-1 through 17, NMSA 1978, that attach criminal penalties to the appropriation, excavation, injury or destruction of any site or object of historical, archaeological, architectural, or scientific value located on state lands.
12. Non-use of the right-of-way granted herein for any period in excess of one (1) year without the prior written consent of Grantor shall be conclusive proof of abandonment of the right-of-way, and non-use for shorter periods shall place upon grantee the burden of providing that there was no intent to abandon.
13. Grantee, if other than a governmental entity that is provided immunity from suit by the New Mexico Tort Claims Act, agrees to save and hold harmless, defend and indemnify the State of New Mexico, the Commissioner of Public Lands, and his agents or employees, in their official and individual capacities, of and from any and all liability, claims, losses, or damages arising out of or alleged to arise out of or indirectly connected with the operations of Grantee, its employees, agents, or contractors hereunder. If Grantee is a governmental entity provided immunity from suit by the New Mexico Tort Claims Act, then Grantor and Grantee shall each remain solely liable for any act or omission of their respective

officers, employees, agents, or contractors, subject to any otherwise available defense or limitation of liability. Nothing in this right-of-way is intended to be a waiver of any constitutional, statutory, or common-law sovereign immunity.

- 14. Notwithstanding anything contained herein, Grantor may cancel this grant for violation of any of the covenants of this agreement; provided, however, that before any such cancellation shall become effective, Grantor shall mail to grantee or any approved assignee, by certified mail addressed to the post office address of Grantee or such assignee shown by Land Office records, a thirty (30) day notice of intention to cancel, specifying the default for which the grant is subject to cancellation. No proof of receipt of notice shall be necessary and thirty (30) days after such mailing, Grantor may enter cancellation unless Grantee shall have sooner remedied the default to the satisfaction of Grantor.
- 15. Grantee agrees to preserve and protect the natural environmental conditions of the land encompassed in this grant, and to take those reclamation or corrective actions that are accepted soil and water conservation practices and that are deemed necessary by Grantor to protect the land from pollution, erosion, or other environmental degradation.
- 16. Grantee agrees to reclaim by grading, leveling, or terracing all areas disturbed by the construction or maintenance of the right-of-way or operations thereon and to landscape such areas at its own cost and expense. Landscaping shall include the planting of native grasses, shrubs, or other vegetation so as to return disturbed areas to their natural state and prevent water and wind erosion.
- 17. This grant shall become effective upon its execution by Grantor.

STIPULATION:

- 18. Grantor and Grantee intend to jointly develop and approve a Memorandum of Agreement (MOA) to outline specific roles, responsibilities and goals for future management and development of activities and improvements within the right-of-way. No improvements may be made within the right-of-way until the MOA has been approved by Grantor and Grantee. When approved by Grantor and Grantee, the MOA shall become a part of this right-of-way agreement.

STATE OF NEW MEXICO

Date: 12/5/02

BY: Ray Powell
COMMISSIONER OF PUBLIC LANDS

GRANTEE: BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

Date: 12/3/02

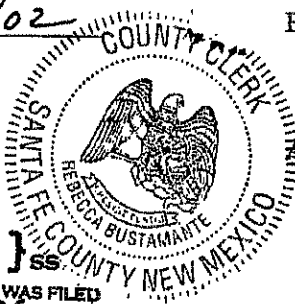
BY: Paul D. Duran
Paul D. Duran, Chairperson
Santa Fe County Board of Commissioners

ATTEST:

Rebecca Bustamante
Rebecca Bustamante
Santa Fe County Clerk

Approved as to Legal Sufficiency and Form:

Steve Kopelman
Steve Kopelman, Santa Fe County Attorney



1238.580

COUNTY OF SANTA FE
STATE OF NEW MEXICO
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
RECORD ON THE 12 DAY OF Dec. A.D.
02 AT 9:30 O'CLOCK A.M.
WAS DULY RECORDED IN BOOK 2287
734-739 OF THE RECORDS OF
SANTA FE COUNTY
WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.

Marcella [Signature]

Exhibit A, Page 1
Right-Of-Way Easement No. RW-28277

DESCRIPTION:
CONTINGENTLY RESERVE AND TRAIL EASEMENT/RIGHT-OF-WAY
IN SANTA FE COUNTY, NEW MEXICO.

A parcel of land located in the Santa Fe County, New Mexico, as shown on the map attached hereto, is hereby reserved for the State of New Mexico, for the purpose of providing a public trail, for the use and enjoyment of the people of the State of New Mexico, and for the purpose of providing a public trail, for the use and enjoyment of the people of the State of New Mexico, and for the purpose of providing a public trail, for the use and enjoyment of the people of the State of New Mexico.

The area of reservation is bounded on the north by Section 2 of the Santa Fe County, New Mexico, as shown on the map attached hereto, on the south by Section 1 and 2 of the Santa Fe County, New Mexico, as shown on the map attached hereto, on the east by Section 1 and 2 of the Santa Fe County, New Mexico, as shown on the map attached hereto, and on the west by Section 1 and 2 of the Santa Fe County, New Mexico, as shown on the map attached hereto.

PUBLIC NOTICE: SANTA FE COUNTY

WHEREAS, the State of New Mexico, through Santa Fe County, is desirous of providing a public trail, for the use and enjoyment of the people of the State of New Mexico, and for the purpose of providing a public trail, for the use and enjoyment of the people of the State of New Mexico, and for the purpose of providing a public trail, for the use and enjoyment of the people of the State of New Mexico;

AND WHEREAS, the State of New Mexico, through Santa Fe County, is desirous of providing a public trail, for the use and enjoyment of the people of the State of New Mexico, and for the purpose of providing a public trail, for the use and enjoyment of the people of the State of New Mexico, and for the purpose of providing a public trail, for the use and enjoyment of the people of the State of New Mexico;

NOW, THEREFORE, the State of New Mexico, through Santa Fe County, has caused this public notice to be printed and published in the Santa Fe County, New Mexico, as shown on the map attached hereto, on the south by Section 1 and 2 of the Santa Fe County, New Mexico, as shown on the map attached hereto, on the east by Section 1 and 2 of the Santa Fe County, New Mexico, as shown on the map attached hereto, and on the west by Section 1 and 2 of the Santa Fe County, New Mexico, as shown on the map attached hereto.

NOTES AND REFERENCE DOCUMENTS

1. The land for which this survey was made from Title Insurance and Trust Company, Santa Fe, New Mexico, as shown on the map attached hereto, on the south by Section 1 and 2 of the Santa Fe County, New Mexico, as shown on the map attached hereto, on the east by Section 1 and 2 of the Santa Fe County, New Mexico, as shown on the map attached hereto, and on the west by Section 1 and 2 of the Santa Fe County, New Mexico, as shown on the map attached hereto.

2. The survey was made from the Survey of the Santa Fe County, New Mexico, as shown on the map attached hereto, on the south by Section 1 and 2 of the Santa Fe County, New Mexico, as shown on the map attached hereto, on the east by Section 1 and 2 of the Santa Fe County, New Mexico, as shown on the map attached hereto, and on the west by Section 1 and 2 of the Santa Fe County, New Mexico, as shown on the map attached hereto.

SECTION 1 AND 2
TOWNSHIP 16 N
RANGE 8 E

SECTION 1 AND 2
TOWNSHIP 16 N
RANGE 8 E

EXHIBIT A
A PART OF SURVEY
BY A
CONSERVATION, RECREATION AND TRAIL
EASEMENT/RIGHT-OF-WAY
FOR A
PORTION OF THE
SANTA FE RIVER
NEWM
SECTIONS 1 AND 2
T. 16 N., R. 8 E.,
SANTA FE COUNTY,
NEW MEXICO

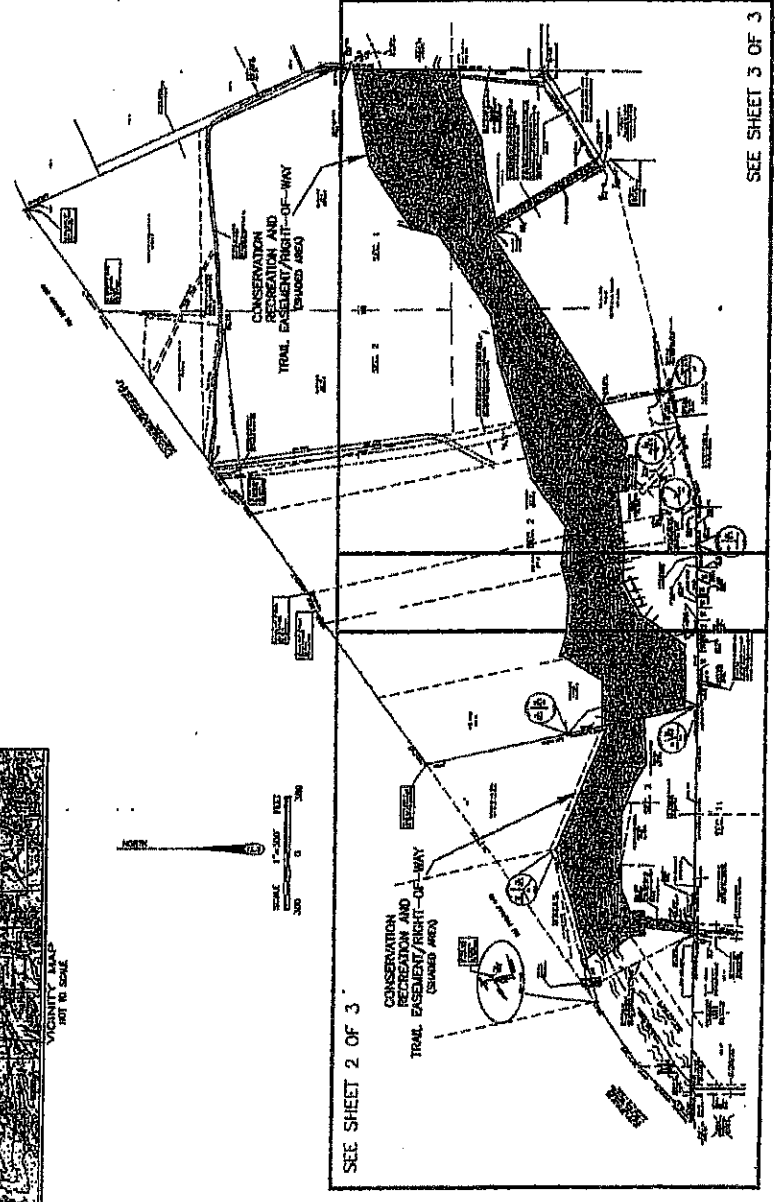
COUNTY OF SANTA FE,
STATE OF NEW MEXICO,
I hereby certify that this Easement
was filed for record on the 20th day of
October, 1977, and was duly recorded in
Book _____, Page _____ of the records of
Santa Fe County, New Mexico.

Witness my hand and Seal of Office
this 20th day of October, 1977, at Santa Fe,
New Mexico.
COUNTY CLERK, SANTA FE COUNTY, N.M.

Deputy

DATE 09/25/02
SCALE 1"=300'

DATE 09/25/02
SCALE 1"=300'



**AREA OF CONSERVATION
AND TRAIL EASEMENT/RIGHT-OF-WAY**
44.03 Ac.±

ADDITIONAL EASEMENT AREAS:
"TRAIL HEAD PARKING EASEMENT": 0.5 Ac.±
"TRAIL HEAD ACCESS EASEMENT": 0.32 Ac.±
"20' ACCESS EASEMENT, within city of
Santa Fe Public Trail": 0.70 Ac.±

TOTAL EASEMENT AREA:
45.55 Ac.±

SURVEYOR'S CERTIFICATION

I, _____, Surveyor, do hereby certify that this survey was made by me or under my direct supervision, and that I am a duly licensed Surveyor in the State of New Mexico. I further certify that the survey was made in accordance with the laws and regulations of the State of New Mexico, and that the same are true and correct to the best of my knowledge and belief.

DATE _____

Exhibit A, Page 2
Right-Of-Way Easement No. RW-28277

2287738

LEGEND

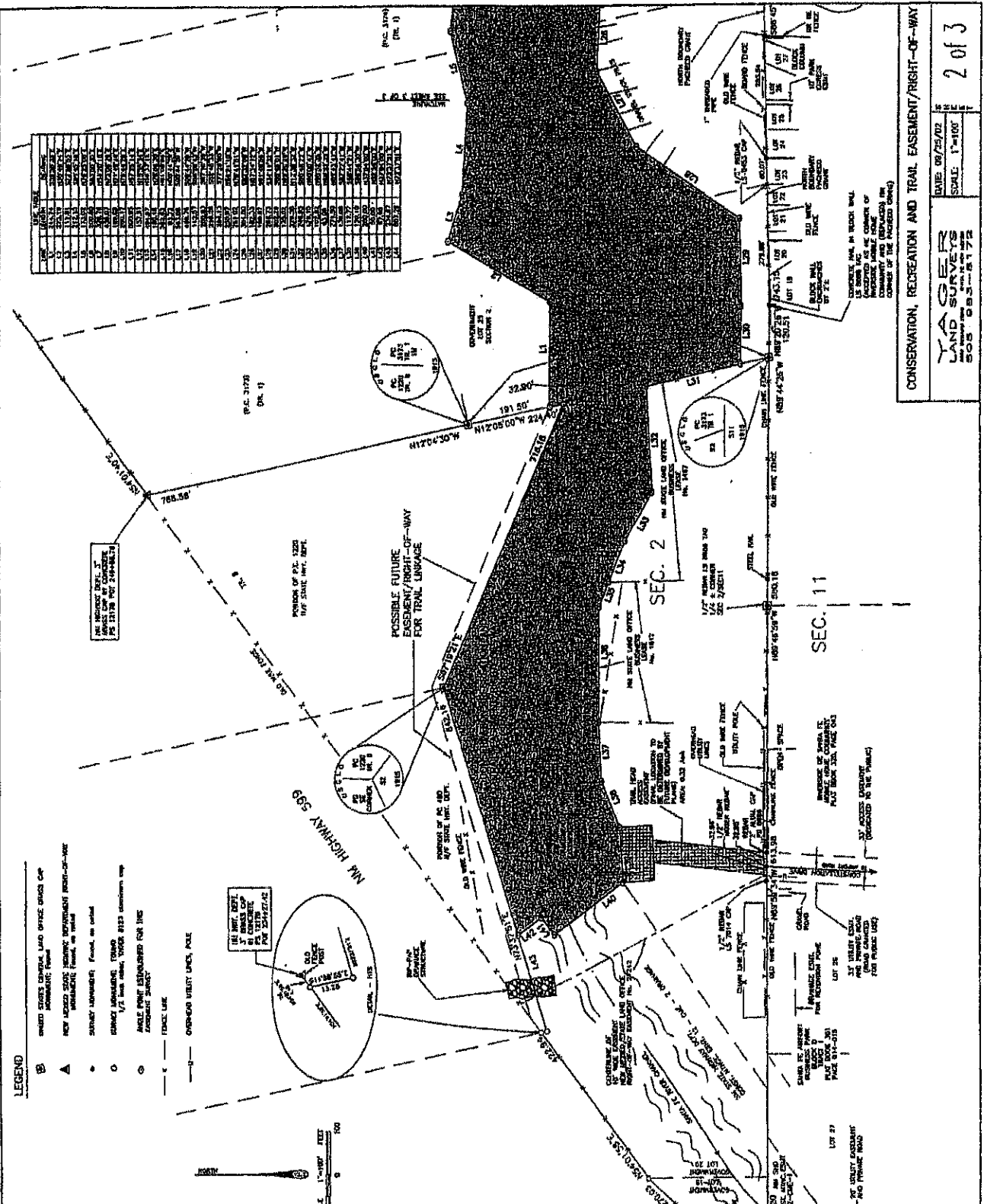
- UNDEVELOPED CORNER LOTS OFFICE BUILDING
- NEW ACCESS DRIVE (INDICATED BY SHOWN-TO-DO)
- EXISTING ACCESS DRIVE (INDICATED BY SHOWN-TO-DO)
- STREET LIGHTS (INDICATED BY SHOWN-TO-DO)
- 1/2" INCH DASH LINE (INDICATED BY SHOWN-TO-DO)
- 1/4" INCH DASH LINE (INDICATED BY SHOWN-TO-DO)
- 1" INCH DASH LINE (INDICATED BY SHOWN-TO-DO)
- OVERHEAD UTILITY LINES, POLE
- 2" INCH DASH LINE (INDICATED BY SHOWN-TO-DO)
- 3" INCH DASH LINE (INDICATED BY SHOWN-TO-DO)

SCALE: 1"=100'

DATE: 08/25/02
 SCALE: 1"=100'

2 of 3

LOT	AREA	PERCENTAGE	REMARKS
1	1.12	1.12	
2	1.12	1.12	
3	1.12	1.12	
4	1.12	1.12	
5	1.12	1.12	
6	1.12	1.12	
7	1.12	1.12	
8	1.12	1.12	
9	1.12	1.12	
10	1.12	1.12	
11	1.12	1.12	
12	1.12	1.12	
13	1.12	1.12	
14	1.12	1.12	
15	1.12	1.12	
16	1.12	1.12	
17	1.12	1.12	
18	1.12	1.12	
19	1.12	1.12	
20	1.12	1.12	
21	1.12	1.12	
22	1.12	1.12	
23	1.12	1.12	
24	1.12	1.12	
25	1.12	1.12	
26	1.12	1.12	
27	1.12	1.12	
28	1.12	1.12	
29	1.12	1.12	
30	1.12	1.12	
31	1.12	1.12	
32	1.12	1.12	
33	1.12	1.12	
34	1.12	1.12	
35	1.12	1.12	
36	1.12	1.12	
37	1.12	1.12	
38	1.12	1.12	
39	1.12	1.12	
40	1.12	1.12	
41	1.12	1.12	
42	1.12	1.12	
43	1.12	1.12	
44	1.12	1.12	
45	1.12	1.12	
46	1.12	1.12	
47	1.12	1.12	
48	1.12	1.12	
49	1.12	1.12	
50	1.12	1.12	
51	1.12	1.12	
52	1.12	1.12	
53	1.12	1.12	
54	1.12	1.12	
55	1.12	1.12	
56	1.12	1.12	
57	1.12	1.12	
58	1.12	1.12	
59	1.12	1.12	
60	1.12	1.12	
61	1.12	1.12	
62	1.12	1.12	
63	1.12	1.12	
64	1.12	1.12	
65	1.12	1.12	
66	1.12	1.12	
67	1.12	1.12	
68	1.12	1.12	
69	1.12	1.12	
70	1.12	1.12	
71	1.12	1.12	
72	1.12	1.12	
73	1.12	1.12	
74	1.12	1.12	
75	1.12	1.12	
76	1.12	1.12	
77	1.12	1.12	
78	1.12	1.12	
79	1.12	1.12	
80	1.12	1.12	
81	1.12	1.12	
82	1.12	1.12	
83	1.12	1.12	
84	1.12	1.12	
85	1.12	1.12	
86	1.12	1.12	
87	1.12	1.12	
88	1.12	1.12	
89	1.12	1.12	
90	1.12	1.12	
91	1.12	1.12	
92	1.12	1.12	
93	1.12	1.12	
94	1.12	1.12	
95	1.12	1.12	
96	1.12	1.12	
97	1.12	1.12	
98	1.12	1.12	
99	1.12	1.12	
100	1.12	1.12	



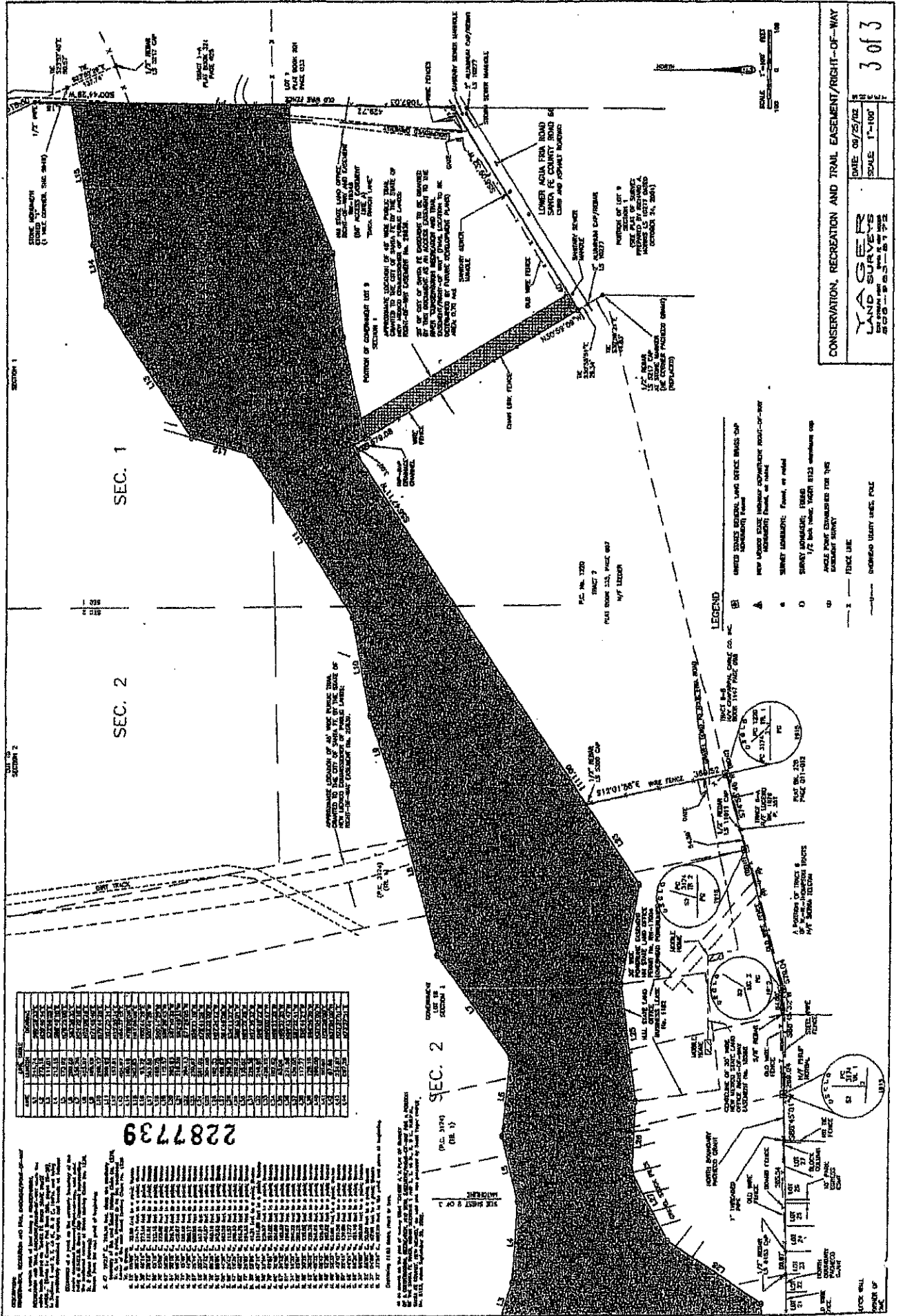
CONSERVATION, RECREATION AND TRAIL EASEMENT/RIGHT-OF-WAY

DATE: 08/25/02
 SCALE: 1"=100'

2 of 3

YAGERS LAND SURVEYS
 805 S. 15th St. Suite 101
 Lincoln, NE 68502-5172

Exhibit A, Page 3
Right-Of-Way Easement No. RW-28277



2287739

LINE	BEARING	DISTANCE
1	S 89° 15' 00" E	100.00
2	S 89° 15' 00" E	100.00
3	S 89° 15' 00" E	100.00
4	S 89° 15' 00" E	100.00
5	S 89° 15' 00" E	100.00
6	S 89° 15' 00" E	100.00
7	S 89° 15' 00" E	100.00
8	S 89° 15' 00" E	100.00
9	S 89° 15' 00" E	100.00
10	S 89° 15' 00" E	100.00
11	S 89° 15' 00" E	100.00
12	S 89° 15' 00" E	100.00
13	S 89° 15' 00" E	100.00
14	S 89° 15' 00" E	100.00
15	S 89° 15' 00" E	100.00
16	S 89° 15' 00" E	100.00
17	S 89° 15' 00" E	100.00
18	S 89° 15' 00" E	100.00
19	S 89° 15' 00" E	100.00
20	S 89° 15' 00" E	100.00
21	S 89° 15' 00" E	100.00
22	S 89° 15' 00" E	100.00
23	S 89° 15' 00" E	100.00
24	S 89° 15' 00" E	100.00
25	S 89° 15' 00" E	100.00
26	S 89° 15' 00" E	100.00
27	S 89° 15' 00" E	100.00
28	S 89° 15' 00" E	100.00
29	S 89° 15' 00" E	100.00
30	S 89° 15' 00" E	100.00
31	S 89° 15' 00" E	100.00
32	S 89° 15' 00" E	100.00
33	S 89° 15' 00" E	100.00
34	S 89° 15' 00" E	100.00
35	S 89° 15' 00" E	100.00
36	S 89° 15' 00" E	100.00
37	S 89° 15' 00" E	100.00
38	S 89° 15' 00" E	100.00
39	S 89° 15' 00" E	100.00
40	S 89° 15' 00" E	100.00
41	S 89° 15' 00" E	100.00
42	S 89° 15' 00" E	100.00
43	S 89° 15' 00" E	100.00
44	S 89° 15' 00" E	100.00
45	S 89° 15' 00" E	100.00
46	S 89° 15' 00" E	100.00
47	S 89° 15' 00" E	100.00
48	S 89° 15' 00" E	100.00
49	S 89° 15' 00" E	100.00
50	S 89° 15' 00" E	100.00
51	S 89° 15' 00" E	100.00
52	S 89° 15' 00" E	100.00
53	S 89° 15' 00" E	100.00
54	S 89° 15' 00" E	100.00
55	S 89° 15' 00" E	100.00
56	S 89° 15' 00" E	100.00
57	S 89° 15' 00" E	100.00
58	S 89° 15' 00" E	100.00
59	S 89° 15' 00" E	100.00
60	S 89° 15' 00" E	100.00
61	S 89° 15' 00" E	100.00
62	S 89° 15' 00" E	100.00
63	S 89° 15' 00" E	100.00
64	S 89° 15' 00" E	100.00
65	S 89° 15' 00" E	100.00
66	S 89° 15' 00" E	100.00
67	S 89° 15' 00" E	100.00
68	S 89° 15' 00" E	100.00
69	S 89° 15' 00" E	100.00
70	S 89° 15' 00" E	100.00
71	S 89° 15' 00" E	100.00
72	S 89° 15' 00" E	100.00
73	S 89° 15' 00" E	100.00
74	S 89° 15' 00" E	100.00
75	S 89° 15' 00" E	100.00
76	S 89° 15' 00" E	100.00
77	S 89° 15' 00" E	100.00
78	S 89° 15' 00" E	100.00
79	S 89° 15' 00" E	100.00
80	S 89° 15' 00" E	100.00
81	S 89° 15' 00" E	100.00
82	S 89° 15' 00" E	100.00
83	S 89° 15' 00" E	100.00
84	S 89° 15' 00" E	100.00
85	S 89° 15' 00" E	100.00
86	S 89° 15' 00" E	100.00
87	S 89° 15' 00" E	100.00
88	S 89° 15' 00" E	100.00
89	S 89° 15' 00" E	100.00
90	S 89° 15' 00" E	100.00
91	S 89° 15' 00" E	100.00
92	S 89° 15' 00" E	100.00
93	S 89° 15' 00" E	100.00
94	S 89° 15' 00" E	100.00
95	S 89° 15' 00" E	100.00
96	S 89° 15' 00" E	100.00
97	S 89° 15' 00" E	100.00
98	S 89° 15' 00" E	100.00
99	S 89° 15' 00" E	100.00
100	S 89° 15' 00" E	100.00

DATE: 06/25/12
SCALE: 1"=100'
3 of 3

Y&S LAND SURVEYS
LAND SURVEYS
1000 N. 10TH ST. SUITE 100
DENVER, CO 80202

CONSERVATION, RECREATION AND TRAIL EASEMENT/RIGHT-OF-WAY

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("Memorandum") is entered into between the COMMISSIONER OF PUBLIC LANDS FOR THE STATE OF NEW MEXICO (the "Commissioner" or "Grantor") and the COUNTY OF SANTA FE ("County" or "Grantee").

RECITALS

WHEREAS, the Commissioner, pursuant to the New Mexico Constitution and state statutes, has jurisdiction over state trust lands and is charged with the management of those lands.

WHEREAS, the County is a governmental unit, created and invested with all powers and authority given by New Mexico state statutes.

WHEREAS, the Commissioner, as Grantor, has granted to the County, as Grantee, a Right-of-Way Easement No. RW-28277 (the "Right-of-Way") across certain state trust lands in Santa Fe County, New Mexico located in the southern quarter of Sections 1 and 2, Township 16N, Range 8E (the "Land") for the purpose of protecting and managing open space and the Santa Fe River floodplain for passive recreation and protection of the riparian system.

WHEREAS, the Right-of-Way provides that the Grantor and Grantee will jointly develop and approve a Memorandum of Agreement to outline specific roles, responsibilities and goals for future management and development of activities and improvements within the Land. Pursuant to the Right-of-Way this Memorandum will become part of the Right-of-Way agreement upon approval by the parties.

THE PARTIES HEREBY AGREE TO THE FOLLOWING:

Adjacent Trust Land. Grantee acknowledges that Grantor owns land adjacent to the Land ("Adjacent Trust Land") and may sell, lease or develop the Adjacent Trust Land as a planned community with residential, commercial and/or industrial uses. Grantee acknowledges that Grantor and any lessee, or other entity working with Grantor, will include the Land as open space in a Master Plan for the development of the Adjacent Trust Land, subject to the Right-of-Way. Grantor may grant additional trail easements on the Adjacent Trust Land to connect the trail system on the Land to the Adjacent Trust Land. The parties agree to cooperate and coordinate with each other and any other lessees to avoid conflicts between the uses on the Land and the Adjacent Trust Land and to identify opportunities for cooperative uses.

Annexation. Grantee shall not object, if Grantor petitions to have the Land and Adjacent Trust Land annexed into the City of Santa Fe.

Land Use Approvals. Grantee acknowledges that the Land is not subject to municipal or county ordinances and regulations governing zoning and land use. However, Grantee agrees to comply with all local ordinances and regulations governing construction,

zoning, subdivision and land use, and will obtain, at the sole cost and expense of Grantee, any and all appropriate governmental approvals, including state, county, and municipal approvals, as may be necessary or advisable, to facilitate the approved uses. Grantor will cooperate and participate with Grantee, as necessary and at no expense to Grantor, in obtaining all appropriate governmental approvals. Grantee shall provide Grantor with a copy of any plans or plats to be submitted to any governmental authority for approval at least 24 days in advance of the submittal.

Grant Applications. Grantor acknowledges that from time to time the Grantee may apply for open space management, recreation, trail or education-related grants from various federal, state and non-profit agencies related to the purposes of the Land, as specified in the Right-of-Way. Grantee and Grantor may be co-applicants for grant applications.

Improvements. Grantee shall obtain all necessary permits for all improvements, including but not limited to: trails and related improvements, signs, parking areas, and access controls (collectively, the "Improvements"), at Grantee's sole cost and expense. Grantee shall deliver to Grantor, for Grantor's prior written approval before any construction is commenced, copies of all final plans and specifications for the Improvements (collectively, the "Construction Plans"). Grantor may disapprove any Construction Plans. Grantor will make a reasonable effort to complete review of submitted plans within 24 days. Grantor assumes responsibility to review all plans submitted by Grantee. All Improvements must be in conformance with the provisions of the Right-of-Way.

Construction and Repair of Improvements. The Grantee's Improvements will be constructed in a good and workerlike manner in accordance with all applicable requirements of all governmental authorities having jurisdiction over the construction of the Improvements. All construction shall be completed at Grantee's sole cost and expense, and in conformance with the provisions of the Right-of-Way. Grantee, at Grantee's sole expense, will maintain its Improvements in a safe condition, in good repair and in compliance with all governmental requirements. Grantee will repair or replace any of Grantees improvements that are damaged or destroyed, and the standard of repair will be equal to or exceed the condition of the repaired item immediately before the damage or destruction, without regard to reasonable wear and tear. Grantee shall submit a notice of repair of existing/damaged improvements to the Grantor to help record improvement values accurately. Construction by the Grantee shall not interfere with the improvements constructed by the Grantor without advance written permission from the Grantor.

Maintenance of Right-of-Way. Grantee is responsible for maintaining the land and its improvements. Volunteers from the local community, non-profit agencies or other sources may be used to maintain the Land. Grantor and Grantee agree that at the time of the development of adjacent state trust lands the responsibility may shift and the developer may assume or participate in maintenance responsibilities.

City Easement. Grantee acknowledges that the Land is subject to all encumbrances of record including those shown on Exhibit A attached to the Right-of-Way. A portion of the Land is subject to a floating easement granted to the City of Santa Fe for a trail (RW-26839). Grantee shall coordinate directly with the City on the construction and maintenance of Improvements on the Land where it overlaps with the City's easement.

Grantor's Activities. Grantee acknowledges that Grantor may from time to time conduct a number of activities on the Land including but not limited to: education, river restoration, vegetation planting and restoration, maintenance, construction and similar activities at Grantors sole expense. Grantor agrees to notify Grantee of these activities at least 7 days in advance of any work involving construction vehicles and to use their best efforts to avoid activities that might conflict with or harm the Grantee's activities and construction.

Compliance With Laws. Grantor shall fully comply with all federal and state laws applicable to the Right-of-Way or to Grantors operations thereon, including but not limited to all applicable laws governing water; endangered or threatened species; hazardous materials; environmental protection; land use; health and safety; cultural, historic or archeological / paleontological properties; waste; trespass; and all New Mexico State Land Office Rules and Regulations, including those that may be hereafter promulgated. Grantor's obligations under this paragraph include, but are not limited to, compliance with NMSA 1978 Section 19-6-5. Grantors compliance with all laws shall be at its own expense. .

Grantee's Responsibilities Concerning Public Access. Grantee is solely responsible for protecting the Land from damage to property and improvements resulting from public use of the Land.

Dispute Resolution. In the event of any dispute between the parties the parties agree to use good faith efforts to mediate.

Amendment and Termination. This Memorandum may be terminated or amended at any time by written agreement of the parties. If not terminated previously, this Memorandum will terminate automatically upon termination of the Right-of-Way.

Boundary Modification. Grantor and Grantee may find it necessary or advisable to modify the boundaries of the Land from time to time. Any boundary modification proposed by either party must be submitted to the other party in writing for approval. The party requesting the boundary modification shall provide a new survey of the Land if either party determines that a survey is necessary.

Trailhead Access. The Land includes two trailhead easement segments and a trailhead parking area. The current locations of these areas are approximate, and, after final development plans for these areas are approved by Grantor and Grantee, if these locations have changed from the survey submitted with the Right-of-Way Grantor and Grantee shall amend the Right-of-Way to show their final locations.

Other Adjustments. Grantor and Grantee may amend the Right-of-Way to make any other boundary adjustments that maintain or increase the total acreage. Any adjustment which results in a total acreage for the Land that is greater than the original acreage total of the Right-of-Way may require additional compensation by Grantee to Grantor.

Notice. All notices given as provided in this MOA and the Right-of-Way will be in writing, and may be delivered (i) in person, (ii) by regular mail or overnight delivery service or (iii) by telex to Grantor or Grantee to the appropriate street or mailing address or facsimile number provided below. Either Grantor or Grantee may change their respective address or number by giving written notice of the change to the other as provided in this paragraph. The addresses and numbers for notice are:

Notice to Grantor:

New Mexico Commissioner of Public Lands
310 Old Santa Fe Trail (hand delivery address)
Santa Fe, NM
P.O. Box 1148 (mail address)
Santa Fe, New Mexico 87504-1148
FAX: (505) 827-5766

With copy to:

New Mexico State Land Office
General Counsel
310 Old Santa Fe Trail (hand delivery address)
Santa Fe, NM 87501
P.O. Box 1148 (mail address)
Santa Fe, NM 87504-1148
FAX: (505) 827-4262

With copy to:

New Mexico State Land Office
Surface Resources
310 Old Santa Fe Trail (hand delivery address)
Santa Fe, NM 87501
P.O. Box 1148 (mail address)
Santa Fe, NM 87504-1148
FAX: (505) 476-0320

Notice to Grantee:

Santa Fe County Board of County Commissioners
102 Grant Avenue (hand delivery address)
Santa Fe, NM 87501
P.O. Box 276 (mail address)
Santa Fe, NM 87504-0276
FAX (505) 995-2740

With copy to:

Santa Fe County Attorney
102 Grant Avenue (hand delivery address)
Santa Fe, NM 87501
P.O. Box 276 (mail address)
Santa Fe, NM 87504-0276
FAX (505) 986-6362

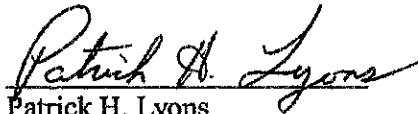
With copy to:

Santa Fe County Open Space and Trails Division Director
102 Grant Avenue (hand delivery address)
Santa Fe, NM
P.O. Box 276 (mail address)
Santa Fe, NM 87504-0276
FAX (505) 992-9869

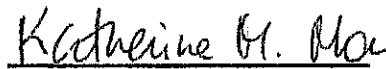
Effective Date. The effective date of this Memorandum will be the date of approval by the Board of County Commissioners.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Agreement this 5 day of January, 2008

COMMISSIONER OF PUBLIC LANDS
OF THE STATE OF NEW MEXICO

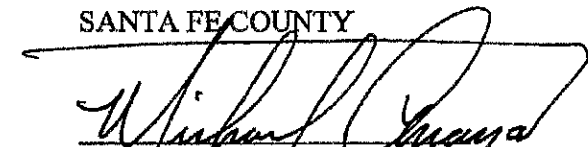

Patrick H. Lyons
Commissioner of Public Lands

APPROVED AS TO FORM

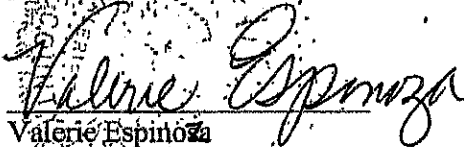

Katherine M. Moss
Assitant General Counsel, New Mexico State Land Office



SANTA FE COUNTY


Michael D. Anaya, Chairperson
Santa Fe County Board of Commissioners

ATTEST

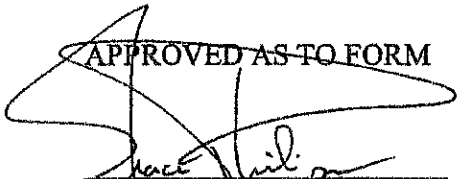

Valerie Espinoza
Santa Fe County Clerk

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss MEMO OF AGREEMENT (NMC)
PAGES: 6

I Hereby Certify That This Instrument Was Filed for Record On The 9TH Day Of January, A.D., 2008 at 15:32 And Was Duly Recorded as Instrument # 1415132 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office, Valerie Espinoza, Deputy County Clerk, Santa Fe, NM

APPROVED AS TO FORM


Stephen C. Ross
Santa Fe County Attorney

STATE OF NEW MEXICO
COMMISSIONER OF PUBLIC LANDS

EXHIBIT
3

REC'D
CLERK
RECORDED
2008/04/25

AMENDMENT TO GRANT OF RIGHT-OF-WAY EASEMENT NO. RW-28277

This Amendment to Right-of-Way Easement is made this 25 day of April, 2008 by and between the State of New Mexico, acting by and through its Commissioner of Public Lands (Grantor) and Santa Fe County, whose address is 102 Grant Avenue, Santa Fe, New Mexico 87504 (Grantee);

RECITALS

WHEREAS, the Grantor and the Grantee entered into a Right-of-Way agreement dated December 3, 2002 and which was recorded on December 12, 2002 in Book 2287, Pages 234-239 of the records of Santa Fe County (Exhibit 1 hereto, the "Original Grant");

WHEREAS, after the Original Grant was entered into, the Grantee has performed additional studies and field work and has determined that an adjustment to the right-of-way boundary will better serve the public;

WHEREAS, the parties desire an amendment to the Original Grant in order to amend the right-of-way boundary from that granted in the Original Grant;

WHEREAS, the amended grant of right-of-way will allow Santa Fe County to better develop and utilize the right-of-way as part of its Open Space Program for recreation and education related activities made available to the public;

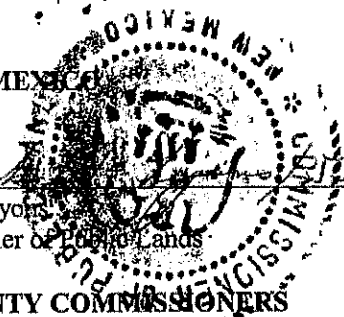
The parties therefore AGREE as follows:

1. A right-of-way boundary adjustment is hereby granted pursuant to this amendment as depicted in the attached Exhibit 2, which modifies the Original Grant as shown. An amendment to adjust the boundary by substituting .845 acres in one location for .845 acres in another location is made in order to maintain the same acreage as in the Original Grant.
2. The right-of-way grant shall continue for so long as Grantee uses it for the purposes described in the Original Grant.
3. In all other respects, the Original Grant dated December 3, 2002 shall remain as written and in full force and effect as well as the Memorandum of Agreement referenced therein.

Date: 4/25/08

STATE OF NEW MEXICO

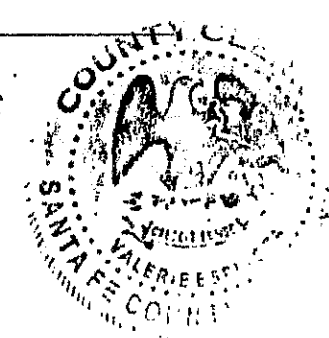
By: Patrick H. Lyons
Patrick H. Lyons
Commissioner of Public Lands



BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

Date: 3-25-08

By: Jack Sullivan
Jack Sullivan, Chair
Santa Fe County Board of Commissioners

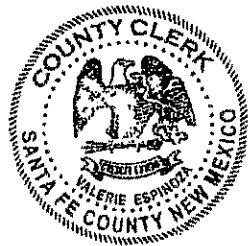


ATTEST:

By: Valerie Espinoza
Valerie Espinoza
Santa Fe County Clerk

Approved as to Form:

By: Stephen C. Ross
Stephen C. Ross
Santa Fe County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

GRANT OF RIGHT OF WAY
PAGES: 11

I Hereby Certify That This Instrument Was Filed for
Record On The 2ND Day Of February, 2009 at 01:38:44 PM
And Was Duly Recorded as Instrument # 1550997
Of The Records Of Santa Fe County

Deputy Valerie Espinoza Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

