

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2024 - 501

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

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

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

WHEREAS, the Santa Fe County Board of County Commissioners passed, approved and adopted Resolution 2023-100 on September 26, 2023, granting the County Manager authority to negotiate the purchase of 16.75 acres of land located at 37 Senda Vieja, Santa Fe, NM 87506 (the "Property") required for the installation of infrastructure for the Project; and

WHEREAS, the Property is critical to the Project due to its proximity, elevation and existing building envelope to be location for a million-gallon water tank (RKM Tank) and other utility infrastructure; and

WHEREAS, Santa Fe County entered into an agreement to purchase the Property on September 25, 2024; and

WHEREAS, in the course of Title Review, potentially applicable Architectural Covenants were discovered that may restrict necessary infrastructure on this land and the pursuit to obtain a variance to the Architectural Covenants has failed at this time; and

WHEREAS, Santa Fe County would not be restricted by any potential applicable Architectural Covenants if the County acquired the Property by and through a condemnation action; and

WHEREAS, the Board wishes to authorize condemnation proceedings to acquire the Property.

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

1. The County Attorney is authorized to initiate and prosecute condemnation or other appropriate court action to acquire fee simple title to the 16.75 acres of real property located at 37 Senda Vieja in Santa Fe County, Tax Parcel No. 910010173, needed for the RKM Water Tank and other utility infrastructure

SFC CLERK RECORDED 12/10/2024

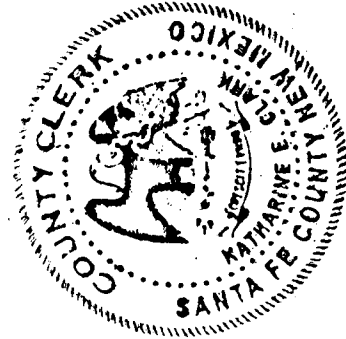
for the Pojoaque Basin Regional Water Systems as a part of the Aamodt Settlement Agreement, free and clear of any restrictive covenants.

- 2. The Board further authorizes and directs the County Attorney to seek dismissal of any condemnation action brought against the property owner pursuant to the Resolution upon the County being able to obtain any necessary variances of any applicable restrictive covenants that prevent the installation of the infrastructure of the Project on the Property.

PASSED, APPROVED, AND ADOPTED ON THIS 9th DAY OF DECEMBER, 2024.

SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS

Hank Hughes
Hank Hughes, Chair



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

12/9/2024
Date

Approved as to form:

Jeff Young
Jeff Young
Santa Fe County Attorney

12-9-24
Date

SFC CLERK RECORDED 12/10/2024



COUNTY OF SANTA FE) BCC RESOLUTIONS
STATE OF NEW MEXICO) ss PAGES: 2
I Hereby Certify That This Instrument Was Filed for
Record On The 10TH Day Of December, 2024 at 02:24:28 PM
And Was Duly Recorded as Instrument # 2048557
Of The Records Of Santa Fe County
Witness My Hand And Seal Of Office
Katharine E. Clark
Deputy [Signature] County Clerk, Santa Fe, NM