

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2025 - 000

**A RESOLUTION ACCEPTING OFFER OF DEDICATION OF UTILITIES SYSTEM
AND UTILITY EASEMENTS FOR THE TIERRA ANTIGUA SUBDIVISION**

WHEREAS, the Tierra Antigua Subdivision is a 23-lot single family subdivision occupying approximately 44.57 acres located in the County; and

WHEREAS, on December 13, 2022, the County and Arete Cole Development, LLC (“Developer”) entered into a County Utility Line Extension and Delivery Agreement (“ULEDA”) which governs the terms and conditions under which the County Utility will make water available to the Tierra Antigua Subdivision; and

WHEREAS, the ULEDA requires the Developer to design, construct, install, and test water line extensions, at its sole expense, in compliance with the construction plans submitted to the County under the County Sustainable Land Development Code, Ordinance No. 2016-9 (“SLDC”), to assure safe and reliable water services to the Tierra Antigua Subdivision.

WHEREAS, Section 3 of the ULEDA requires the Developer to offer to dedicate rights-of-way and utility easements containing the water line improvements on the final subdivision plat and all improvements comprising the water utilities system; and

WHEREAS, the Board of County Commissioners (“Board”) may accept the dedications if:

- 1) the County Utilities Division Director and the Land Use Administrator certify that all improvements comprising the water line extensions have been constructed in accordance with the SLDC, construction plans, and the ULEDA;
- 2) the Developer warrants to the County that all public water line improvements are and shall remain free from defects in materials and workmanship for a period of one year after the date that the County accepts the improvements;
- 3) the Developer provides a warranty bond or other financial assurance in a form approved by the County Attorney and in an amount equal to 10% of the cost estimate for construction of the water line improvements; and
- 4) the Developer warrants to the County that the Offsite Utility Easements and improvements are free and clear of any mortgage, lien, or other encumbrance and that Developer is conveying good and marketable title along with sufficient rights, title, and interest to operate, maintain, and replace the dedicate improvements located in perpetuity or for other such term as the approved instrument of dedication provides.

WHEREAS, the Developer received final subdivision plat approval for the Tierra Antigua Subdivision from the Board on December 13, 2022; and

SFC CLERK RECORDED 01/15/2025

WHEREAS, in accordance with the ULEDA, the Developer offered water line easements for dedication to the County on the Final Subdivision Plat of Tract E for Tierra Antigua Subdivision filed in the records of the County Clerk as Instrument No. 2019804, at book 906 page 23-26; and

WHEREAS, the County Utilities Division has inspected the water lines and all other appurtenant infrastructure comprising the water distribution system, up to and including meter and meter cans for each individual lot, (“Utilities System”) determined that the Developer has constructed the Utilities System in accordance with the SLDC, the construction Plans, and the ULEDA; and

WHEREAS, the Land Use Administrator has determined that Growth Management Department staff has inspected the improvements comprising the water line extensions and determined that the Developer has constructed the Utilities System in accordance with the standards and requirements of the SLDC, the conditions of approval in the final plat development order, any adopted development and subdivision improvement agreements, and construction Plans; and

WHEREAS, the Developer has offered to dedicate the Utilities System for the Tierra Antigua Subdivision to the County (“Utilities System Dedication”); and

WHEREAS, the Utilities System Dedication warrants that infrastructure is free and clear of any mortgage, lien, or other encumbrance and that good and marketable title, along with sufficient rights, title, and interest to operate, maintain, and replace the Utilities System, is conveyed; and

WHEREAS, the Developer has provided a Warranty Bond for Utility Infrastructure Improvements in an amount equal to 10% of the cost estimate for construction of the water utility improvements (\$40,823.00) to remedy any defects, including defective materials or workmanship, which are identified during the period of one year from acceptance of the improvements by the County; and

WHEREAS, the Board finds that all the required water utility improvements comprising the Utilities System have been constructed, inspected, and approved in accordance with the County Sustainable Land Development Code, County Ordinance No. 2016-9, the construction plans, and the ULEDA.

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

- 1) Accepts the offer of dedication of the Utilities System for the Tierra Antigua Subdivision attached hereto; and
- 2) Accepts the offer of dedication of water line easements, as made and shown on that certain plat entitled Final Subdivision Plat of Tract E for Tierra Antigua Subdivision

and filed in the records of the County Clerk as Instrument No. 2019804, at book 906 page 23-26.

BE IT FURTHER RESOLVED that the Chair shall sign an Acceptance of Offer of Dedication of Utilities System and Utility Easements for recordation in the Office of the County Clerk.

PASSED, APPROVED, AND ADOPTED ON THIS ^{14th} ~~13th~~ DAY OF JANUARY, 2025.

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

By: Hank Hughes
Hank Hughes, Chair



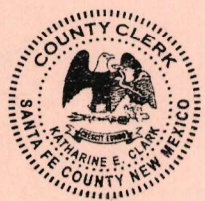
ATTEST:

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

Date: 1/14/25

Approved as to form:

Jeff Young
Jeff Young
Santa Fe County Attorney



COUNTY OF SANTA FE) BCC RESOLUTIONS
STATE OF NEW MEXICO) ss PAGES: 5
I Hereby Certify That This Instrument Was Filed for
Record On The 15TH Day Of January, 2025 at 02:06:04 PM
And Was Duly Recorded as Instrument # 2050746
Of The Records Of Santa Fe County
Witness My Hand And Seal Of Office
Katharine E. Clark
Deputy [Signature] County Clerk, Santa Fe, NM

SFC CLERK RECORDED 01/15/2025

DEDICATION OF UTILITES SYSTEM FOR TIERRA ANTIGUA SUBDIVISION

Pursuant to the Santa Fe County Utility Line Extension and Delivery Agreement for Tierra Antigua, entered into between Santa Fe County , a political subdivision of the State of New Mexico, ("County") and Arete Cole Development, LLC, a New Mexico limited liability company, ("Arete Cole Development") on December 13, 2022, and filed as Instrument Nos. 2003930 in the records of the Santa Fe County Clerk, Arete Cole Development hereby dedicates, grants, and conveys to the County the water lines and all other related and appurtenant infrastructure comprising the water distribution system for the Tierra Antigua Subdivision ("Subdivision"), up to and including meter and meter cans for each individual lot, ("Utilities System") as shown on the Subdivision "Utilities As-Built," prepared and sealed by Professional Engineer Design Enginuity, LLC, Oralynn Guerrerortiz, PE, and dated May 23, 2024 and any other components and appurtenances that are necessary for operation of the Utilities System for the Subdivision that may exist and are not shown in such Utilities As-Built.

Arete Cole Development warrants that the Utilities System is free and clear of any mortgage, lien, or other encumbrance and that good and marketable title, along with sufficient rights, title, and interest to operate, maintain, and replace the Utilities System, is hereby conveyed.

ARETE COLE DEVELOPMENT, A NEW MEXICO LIMITED LIABILITY COMPANY

By: [Signature]
Name: Robert Gibbs
Title: Managing Member

Date: 12/9/24

Acknowledgment

State of New Mexico)
)ss
County of Santa Fe)

This instrument was acknowledged before me on December 9, 2024 (date) by Robert Gibbs (name) as Managing Member (title) of Arete Cole Development, a New Mexico Limited Liability Company.

[Signature]
Signature of Notarial Officer

My commission expires: June 16, 2027

State of New Mexico - Notary Public (Santa Fe County Acceptance on next page)
Jodi Truitt
Commission Number 1030419
My Commission Expires June 16, 2027

SFPC CLERK RECORDED 01/15/2025

ACCEPTANCE OF OFFER OF DEDICATION OF UTILITIES SYSTEM AND UTILITY EASEMENTS FOR THE TIERRA ANTIGUA SUBDIVISION

The Board of County Commissioners ("Board") of Santa Fe County ("County"), having found that the water lines and all other appurtenant infrastructure comprising the water distribution system, up to and including meter and meter cans for each individual lot, ("Utilities System") have been constructed, inspected, and approved in accordance with the County Sustainable Land Development Code, County Ordinance No. 2016-9, the construction plans, and Utility Line Extension and Delivery Agreement executed on December 13, 2022 between the County and Arete Cole Development, LLC, hereby, pursuant to County Resolution No. 2025-~~658~~, ACCEPTS the foregoing offer of dedication of the Utilities System for the Tierra Antigua Subdivision and the offer of dedication of water line easements, as made and shown on that certain plat entitled Final Subdivision Plat of Tract E for Tierra Antigua Subdivision and filed in the records of the County Clerk as Instrument No. 2019804, at book 906 page 23-26.

BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By: Hank Hughes
Name: Hank Hughes, Chair

Date: 1/14/25

ATTEST:

Katharine E. Clark

Katharine E. Clark
Santa Fe County Clerk

Date: 1/17/25



APPROVED AS TO FORM:

Jeff Young
Jeff Young
Santa Fe County Attorney

SFC CLERK RECORDED 01/15/2025