

**SANTA FE COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**RESOLUTION NO. 2025 - 039**

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**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**

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

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

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

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

**WHEREAS**, since August, 2023, SelectROW has made reasonable efforts to communicate and negotiate with property owners for Permanent Utility Easements necessary for Phase 2, Stage 1 of the Project; and

**WHEREAS**, several property owners have either rejected the County's offer, refused to engage with SelectROW, and/or their identities or whereabouts are unknown despite reasonable efforts to locate and contact them; and

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

**WHEREAS**, if the County Manager is unable to negotiate the acquisition of the necessary Permanent Utility Easements at a reasonable price within a reasonable time, the County Attorney should be authorized to bring condemnation actions to acquire the necessary property interests for the Project; and

SFC CLERK RECORDED 01/15/2025

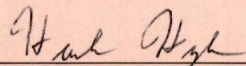
**WHEREAS**, the Board wishes to authorize condemnation proceedings to acquire Permanent Utility Easements and Real Property interests across the specific parcels identified in Exhibit A.

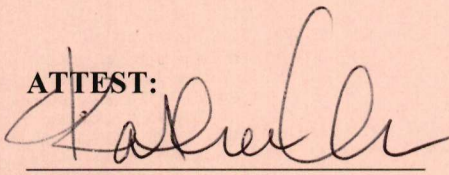
**NOW, THEREFORE, BE IT RESOLVED** by the Santa Fe County Board of County Commissioners as follows:

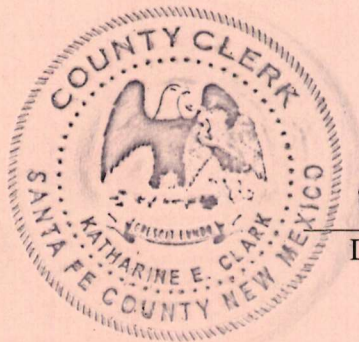
1. Subject to Paragraph 2, the County Attorney is further authorized to bring condemnation actions on behalf of the County to acquire Permanent Utility Easements across the seven parcels necessary for Phase 2, Stage 1 of the Project identified in Exhibit A. Without limiting the generality of the foregoing,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

**PASSED, APPROVED, AND ADOPTED ON THIS 14<sup>th</sup> DAY OF JANUARY, 2025.**

**SANTA FE COUNTY  
BOARD OF COUNTY COMMISSIONERS**

  
\_\_\_\_\_  
Hank Hughes, Chair

**ATTEST:**  
  
\_\_\_\_\_  
Katharine E. Clark  
Santa Fe County Clerk



11/14/25  
\_\_\_\_\_  
Date

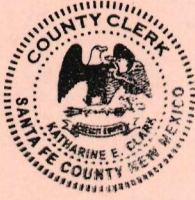
SFC CLERK RECORDED 01/15/2025

Approved as to form:

*Peter Valencia for*

Jeff Young  
Santa Fe County Attorney

1/14/25  
Date



COUNTY OF SANTA FE            )  
STATE OF NEW MEXICO        ) ss

BCC RESOLUTIONS  
PAGES: 4

I Hereby Certify That This Instrument Was Filed for  
Record On The 15TH Day Of January, 2025 at 02:09:56 PM  
And Was Duly Recorded as Instrument # **2050747**  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Katharine E. Clark

Deputy *[Signature]* County Clerk, Santa Fe, NM

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PBRWS Number	Vesting Owner	Physical Address	UPC Parcel Number	Tax Parcel Number	Easement Acreage
PBRWS-92-043	Adrian Garduno and Viola Garduno (wife)	2 County Rd 119N	1052113147501000000	910021077	0.0033
PBRWS-117-059	Leroy and Elizabeth Romero, husband and wife, as joint tenants	1 Callejoncito	1052113360275000000	33743744	0.0003
PBRWS-113-056	Oralia M Romero and Leroy E Romero, as joint tenants	44 County Rd 119N	1052113310370000000	33737344	0.0055
PBRWS-103-049	Ruben Alvarado and Maria Del Carmen Nava, husband and wife, and Rene Alvarado, an unmarried man, all as joint tenants	20 County Rd 119 N	1052113215440000000	38206276	0.0046
PBRWS-106-051	Joseph B Gammon and Linda M Gammon, husband and wife, as joint tenants	21 A County Rd 119N	1052113221412000000	33697920	0.0199
PBRWS-119-060	Esperanza Herrera and Sabina G. Herrera, his wife	20 County Rd 119S	1052113390258000000	33622656	0.0110
PBRWS-100-047	Irene C Webb, a single woman	15 County Rd 119N	1052113192438000000	910019368	0.0211

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