

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2025 - 027

**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, 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 03/04/2025

WHEREAS, the Santa Fe County Board of County Commissioners passed, approved and adopted Resolution 2025-009 on January 14, 2025 granting the County Attorney authority to initiate and prosecute condemnation proceedings necessary to acquire Permanent Utility Easements and Real Property Interests across 7 specific parcels, and

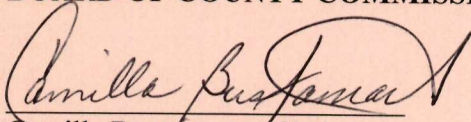
WHEREAS, the Board wishes to authorize condemnation proceedings to acquire Permanent Utility Easements and Real Property interests across the specific parcels identified in Exhibit A.

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 four 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 25th DAY OF FEBRUARY, 2025.

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**


Camilla Bustamante, Chair

SFC CLERK RECORDED 03/04/2025

ATTEST:

Katharine E. Clark

Katharine E. Clark
Santa Fe County Clerk



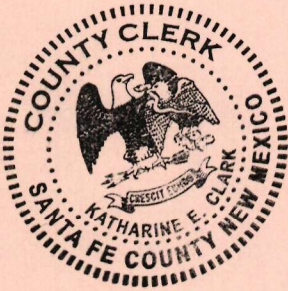
03/04/2025
Date

Approved as to form:

Peter Valencia for

Walker Boyd
Santa Fe County Attorney

2/21/2025
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 4TH Day Of March, 2025 at 12:59:01 PM
And Was Duly Recorded as Instrument # **2053996**
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 03/04/2025

EXHIBIT A

PBRWS Number	Vesting Owner	Physical Address	UPC Parcel Number	Tax Parcel Number	Easement Acreage
PBRWS-102-048	Roseann Quintana	17 County Rd 119N	105211320042500000	33722260	0.0120
PBRWS-109-053	Joseph L. Sanchez and Tania V. Sanchez	31 County Rd 119N	105211325441000000	910002963	0.0809
PBRWS-115-057	Lee R Rogaliner and Anne K Gifford, Trustees of the Rogaliner Living Trust under Trust Agreement dated September 20,1990	44 County Rd 84G	105211332229300000	910007956	0.0046

SFC CLERK RECORDED 03/04/2025