



## VALENCIA COUNTY

### RESOLUTION 2023-51

#### APPROVING THE DONATION OF REAL PROPERTY (6-QCD-2) OFF OF MORRIS ROAD TO THE VILLAGE OF LOS LUNAS FOR THE I-25/ MORRIS RD. PROJECT

**WHEREAS**, the Board of County Commissioners of Valencia County, met upon notice of a duly published Business meeting July 19, 2023, at 5:00 P.M. in the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031; and,

**WHEREAS**, NMSA 1978, Section 3-18-1 (1972) provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1 (1995), have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order.” and;

**WHEREAS**, NMSA 1978, Section 4-38-18 (1876) provides that the Board of County Commissioners has the power to represent the county and have the care of the county property and the management of the interest of the county in all cases where no other provision is made by law; and,

**WHEREAS**, the Seller, the County of Valencia, a political subdivision of the State of New Mexico, organized and existing under and by virtue New Mexico law and specifically NMSA 1978, Section 4-32-1 (1852-53); and,

**WHEREAS**, the Village of Los Lunas is a municipality incorporated under New Mexico Law and is completely within the boundaries of the County of Valencia; and,

**WHEREAS**, for many years the County and Village have worked together to design and construct a new interchange on I-25 at Morris Road, a river crossing, four signalized intersections, and approximately four miles of four-lane highway to alleviate the heavy commuter traffic and relieve congestion caused by traffic, railway crossings, and construction to benefit the inhabitants of the County; and,

**WHEREAS**, Article 10 Section 14 of the New Mexico Constitution, referred to as the anti donation clause, which provides that state or municipality shall not make any donation to association or public corporation is inapplicable to donations by state or one of its governmental agencies to another such agency, See, City of Gallup v. New Mexico State Park and Recreation Commission, 86 N.M. 745, 527 P.2d 786 (1974); and,

**WHEREAS**, Valencia County desires to into an agreement with the Village of Los Lunas to donate a 30-foot wide access road that extends west from NMSR 47 for approximately 730 feet currently owned by Valencia County in order to further the project; and

**WHEREAS**, the Village of Los Lunas has informed Valencia County of its right to receive just compensation for the acquisition of the real property described in Exhibit A; and

**WHEREAS**, Valencia County sees providing access to high growth areas, and shortening emergency response times within the Village and surrounding areas as a critical need; and

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF VALENCIA COUNTY THAT THE BOARD HEREBY:**

Waives its right to just compensation of its own free will and to donate the real property described in Exhibit A to the Village of Los Lunas.

Authorizes the County Manager to execute the Donation Contract between Valencia County and the Village of Los Lunas, which includes any changes made to the Donation Contract by the State Board of Finance.

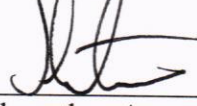
Delegates the authority to the County Manager to take all necessary action to effectuate the donation pursuant to this resolution and to approve a quit claim deed for the donation on this Board's behalf.

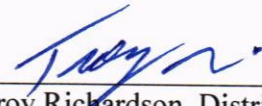
States that this donation is contingent upon approval as required by NMSA 1978 Section 13-6-2 or 13-6-2.1 as applicable.

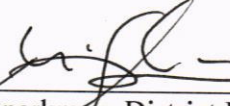
**BOARD OF COUNTY COMMISSIONERS**

**APPROVED, ADOPTED, AND PASSED** on this 19<sup>th</sup> day of June 2023.

  
Gerard Saiz, Chair, District I

  
Jhonathan Aragon, Vice-Chair, District V

  
Troy Richardson, District II

  
Morris Sparkman, District III

  
Joseph Bizzell, District IV

Attest:  
  
Mike Milam, County Clerk





**EXHIBIT A**

**PROPERTY DESCRIPTION  
PCN A300961**

**6-QCD-2**

**Valencia County of Los Lunas**

A certain parcel of land situated in Projected Section 33, Township 7 North, Range 2 East, New Mexico Principal Meridian, Valencia County, New Mexico, in the San Clemente Grant, comprising a portion of Tract 4 of the Plat Showing Lands of General American Life Insurance Co. "Harlan Ranches", as the same is shown and designated in the plat recorded in the office of the County Clerk of Valencia County, New Mexico on January 7, 1938, being drawing number C-15-64. Said parcel of land also described in Quitclaim Deed, filed in the office of the County Clerk of Valencia County, New Mexico on September 29, 2016 in Document Number 201609561 and being more particularly described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances as follows:

**BEGINNING** at the northwesterly corner of the parcel described herein, said point also being a point on the present (2021) southerly right-of-way of Morris Road and being 13.33 feet right of the Los Lunas East-West Corridor Survey/Construction Centerline P.O.T Sta. 108+18.45, NMP# A300961/PCN A300961, Valencia County, State of New Mexico, **WHENCE** a found 3.25" BHI Control Aluminum Cap on a #5 rebar stamped "BHI 1937401" bears North 69° 57' 04" West a distance of 8469.66 feet;

**THENCE** South 78° 10' 27" East a distance of 115.33 feet;

**THENCE** South 65° 16' 24" East a distance of 188.06 feet to the eastern-most corner of the parcel described herein;

**THENCE** along the southerly line of the parcel described herein, the following five (5) courses:

1. North 78° 10' 27" West a distance of 223.36 feet;
2. **THENCE** South 11° 44' 22" West a distance of 34.20 feet;
3. **THENCE** South 76° 50' 55" West a distance of 71.57 feet;
4. **THENCE** South 11° 44' 59" West a distance of 78.18 feet to a point of curvature;
5. **THENCE** along the arc of a curve to the left, having a central angle of 06° 46' 35", having a radius of 90.00 feet, a chord bearing of North 77° 13' 11" West a distance of 10.64 feet and an arc distance of 10.64 feet to the southwesterly corner of the parcel described herein;

**CONTINUED.....**



PROPERTY DESCRIPTION  
PCN A300961

6-QCD-2  
Valencia County of Los Lunas

(CONTINUED)

**THENCE** along the westerly line of the parcel described herein North 11° 50' 52" East a distance of 184.42 feet to the **POINT OF BEGINNING**.

Parcel contains ± 0.3074 acres (13,390 Sq. Ft.), more or less.

I hereby certify that I am a Registered Professional Surveyor and that this description is an interim product of project design development and was prepared by me or under my direction and is based on actual field surveys performed under my direction from January, 2019 through June 2020, and is true and correct to the best of my knowledge and belief.



Dean S. Christmas, PS  
For and on behalf of  
Bohannon Huston, Inc.  
7500 Jefferson St. NE  
Albuquerque, NM 87109



May 6, 2021

Date