



VALENCIA COUNTY

RESOLUTION 2023-52

APPROVING THE DONATION OF REAL PROPERTY (10-QCD-1) 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.

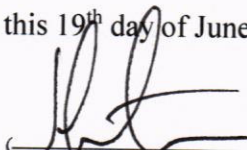
Delegates the authority to the County Manager to take all necessary action to effectuate the donation pursuant to this resolution and to approve a quit claim deed for the donation on this Board's behalf.

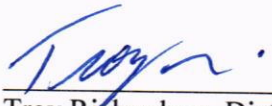
States that this donation is contingent upon approval as required by NMSA 1978 Section 13-6-2 or 13-6-2.1 as applicable.

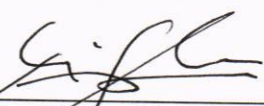
BOARD OF COUNTY COMMISSIONERS

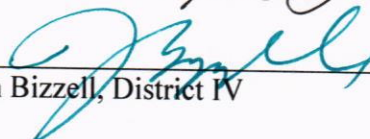
APPROVED, ADOPTED, AND PASSED on this 19th day of June 2023.

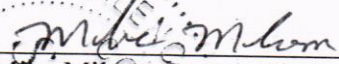

Gerard Saiz, Chair, District I


Jhonathan Aragon, Vice-Chair, District V


Troy Richardson, District II


Morris Sparkman, District III


Joseph Bizzell, District IV

Attest:

Mike Milam, County Clerk

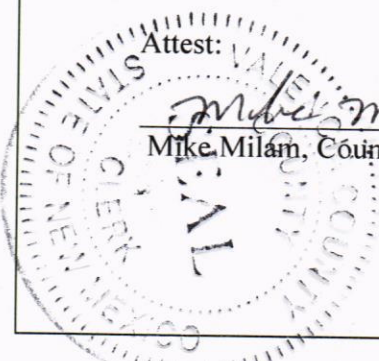


Exhibit A
PROPERTY DESCRIPTION
PCN A300961

10-QCD-1
Valencia County, New Mexico

A certain parcel of land situated in Projected Section 35, Township 7 North, Range 2 East, New Mexico Principal Meridian, Valencia County, New Mexico, in the San Clemente Grant, known as Hyde Lane, a public right-of-way, as imputed from the legal descriptions contained in Warranty Deed, filed in the office of the County Clerk of Valencia County, New Mexico on September 20, 2017, as Document Number 201709700 and also contained in Warranty Deed, filed in the office of the County Clerk of Valencia County, New Mexico on August 10, 2018, as Document Number 201808290 and being more particularly described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances as follows:

BEGINNING at the northeasterly corner of said parcel, said point also being a point on the present (2022) northerly right-of-way line of Hyde Lane, also a point on the present (2022) westerly right-of-way line of New Mexico State Road 47 and being 27.84 feet right of the Los Lunas East-West Corridor Survey/Construction Centerline P.O.T. Sta. 227+11.09, NMP# A300961/PCN A300961, Valencia County, State of New Mexico, **WHENCE** a found 1" Brass Plug stamped "1937407" bears North 34° 16' 16" East a distance of 609.30 feet;

THENCE along said present (2022) easterly right-of-way line of Hyde Lane South 11° 36' 05" West a distance of 30.29 feet to a point on the present (2022) southerly right-of-way line of said Hyde Lane and a point on said present (2022) westerly right-of-way line of New Mexico State Road 47;

THENCE leaving said present (2022) westerly right-of-way line of New Mexico State Road 47, North 80° 27' 42" West along said present (2022) southerly right-of-way line of Hyde Lane a distance of 731.83 feet to a point on the present (2022) easterly right-of-way line of San Fernandez Lateral;

THENCE along said present (2022) easterly right-of-way line of San Fernandez Lateral North 21° 31' 45" East a distance of 30.49 feet to a point on the present (2022) northerly right-of-way line of Hyde Lane;

THENCE leaving said present (2022) easterly right-of-way line of San Fernandez Lateral, South 80° 29' 47" East along said present (2022) northerly right-of-way line of Hyde Lane a distance of 704.75 feet to a found 1.25" plastic cap on a #5 rebar stamped "TIBBETS 10024";

THENCE continuing along the said present (2022) northerly right-of-way line of Hyde Lane South 80° 30' 01" East a distance of 21.83 feet to the **POINT OF BEGINNING**.

CONTINUED...

PROPERTY DESCRIPTION
PCN A300961

10-QCD-1
Valencia County, New Mexico

(CONTINUED)

Parcel contains ± 0.5030 acres (21,912 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

07/15/2022

Date

