

INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 19-03

**A RESOLUTION AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE
TO EXECUTE DOCUMENTS GRANTING CERTAIN LIMITED PROPERTY
INTERESTS ON COUNTY-OWNED LAND, IN PARTICULAR THE GRANT OF
LICENSES AND TEMPORARY EASEMENTS**

WHEREAS, pursuant to Article II, Chapter 14 of the Code or Ordinances of the Incorporated County of Los Alamos, the County Council is vested solely and exclusively with the legal authority to sell, lease, exchange or otherwise transfer County-owned real property and interests in County-owned real property, including licenses and easements in and over County-owned real property; and

WHEREAS, pursuant to Section 31(4) of Article II, Chapter 14 of the Code or Ordinances of the Incorporated County of Los Alamos, if the property interest transferred by the County Council is a license or an easement, such transfers can be made without following the requirements of Sections 14-32 through 14-35 of the Code of Ordinances, which include, but are not limited to, an appraisal requirement; and

WHEREAS, a license in real property is a minimal property interest generally defined under common law as a personal or revocable privilege to perform an act or series of acts on the land of another, and examples include, but are not limited to, the grant of licenses at the County horse stables, the grant of licenses for airplane tie-down spots on the Municipal Airport, the grant of licenses for filming on County owned land, and Right-of-Entry agreements entered with the Department of Energy and its contractors; and

WHEREAS, a temporary easement is a slightly more substantial property interest than a license in real property that is generally defined under common law as the temporary grant of a right of use over the property of another, and examples include, but are not limited to, the grant of temporary construction easements to third-parties to temporarily store materials and equipment during a construction project, and the temporary grant of a right to travel over or be upon non-public County-owned land; and

WHEREAS, it is often neither expedient nor practical for the County Council to hear and decide whether to grant a license or temporary easement in and over County-owned real property; and

WHEREAS, the purpose of this Resolution is to delegate the County Council's legal authority to grant licenses and temporary easements in and over County-owned real property to the County Manager, or his designee, for the sake of expedience and practicality.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Finding. The County Council is vested solely and exclusively with the legal authority to sell, lease, exchange or otherwise transfer county-owned real property and interests in county-owned real property including licenses and temporary easements in and over County-owned real property, and the County Council desires to delegate this legal authority to grant licenses and temporary easements over County-owned real property to the County Manager;

Section 2. Authorization to Enter and Execute Licenses and Temporary Easements In and Over County-Owned Real Property. The County Manager is hereby authorized to enter and execute licenses and temporary easements, approved as to form by the County Attorney, in and over County-owned real property on behalf of the Incorporated County of Los Alamos.

Section 3. This Resolution shall be kept on file in the County Attorney's Office in document known as "Repository of Resolutions of the Los Alamos County Council Delegating Corporate Authority to County Officers and Officials".

Section 4. Effective Date. This Resolution shall become effective upon adoption and remain in effect until amended or rescinded.

ADOPTED this 19th day of February, 2019

**COUNCIL OF THE INCORPORATED COUNTY
OF LOS ALAMOS**

**Sara C. Scott,
Council Chair**

ATTEST: (Seal)

**Naomi D. Maestas,
County Clerk**