

## Council Meeting Staff Report

February 19, 2019

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**Agenda No.:** A.

**Indexes (Council Goals):**

**Presenters:** Alvin Leaphart

**Legislative File:** RE0398-19

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### Title

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.

### Recommended Action

**I move that County Council adopt Incorporated County of Los Alamos Resolution No. 19-03 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.**

### Body

All rights, title and interests in the real property owned by the County is vested solely in the corporate entity, the Incorporated County of Los Alamos. Pursuant to Article II, Chapter 14 of the Code of 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. Pursuant to Section 31(4) of Article II of Chapter 14, if the property right or interest transferred by the County Council is a license or an easement, these transfers are exempt from the more stringent requirements of Chapter 14 which include, but not limited to, an appraisal requirement.

As described in the resolution, licenses and temporary easements are the most minimal of property rights that are often employed by the County in its day-to-day operations. Given their day-to-day use in County operations, it is 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. 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.

In general, the Charter and Ordinances are not always clear on whether authority to act and bind the County to legal documents, such as licenses and temporary easements, has been delegated to a county officer. This in one instance of that ambiguity. This resolution will clear up that ambiguity by clearly establishing who has authority to execute licenses and temporary easements on behalf of the County.

### Alternatives

If the County Council does not adopt this resolution, all grants of licenses and temporary easements can be brought to Council for hearing.

### Fiscal and Staff Impact/Unplanned Item

The fiscal and staff impact is minimal.

### Attachments

#### A. Notice of Publication

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B. Resolution No. 19-03

C. Article II, Chapter 14 of the Code of Ordinances (Transfer of Real Property)