

INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 24-28

**A RESOLUTION ACCEPTING PUBLIC INFRASTRUCTURE FOR THE
MIRADOR SUBDIVISION PHASE II PURSUANT TO THE DEVELOPMENT
AGREEMENT FOR CERTAIN REAL PROPERTY WITHIN SITE A-19-A, OF
THE MIRADOR PUBLIC IMPROVEMENT DISTRICT, WHITE ROCK.**

WHEREAS, the Incorporated County of Los Alamos (“County”) and Site A-19-A-1 Acquisition Group, LLC, a New Mexico Limited Liability Company (“Developer”), entered into a land development agreement (the “Development Agreement”) on July 13, 2017, wherein County sold to Developer certain real property known as Parcel A-19-A (the “Property”); and

WHEREAS, Developer, as part of the Development Agreement, agreed to develop the Property by dividing the parcel into lots for residential homes and which required Developer to install certain public infrastructure, such as roadways, sidewalks, sanitary sewer lines, water lines, electrical lines, electrical facilities, and other such public infrastructure (hereafter, “Public Improvements”); and

WHEREAS, pursuant to Paragraph 8 of the Development Agreement, Developer agreed that when the Public Improvements were completed, Developer would convey to County, free and clear of all claims, encumbrances and liens, all real and personal property of the Public Improvements, which County reasonably required for acceptance of the Public Improvements; and

WHEREAS, Developer has completed all Public Improvements required in the Development Agreement and the County Engineer and the County Utilities Manager have recommended acceptance of these Public Improvements.

NOW, THEREFORE, THE COUNCIL OF THE INCORPORATED COUNTY OF LOS ALAMOS HEREBY RESOLVES THAT:

Section 1. Pursuant to the Los Alamos County Code of Ordinances (“Code”), Chapter 16, Article V, Section 16-91(a), the County Engineer and the County Utilities Manager recommend to Council acceptance of the Public Improvements pursuant to the Development Agreement.

Section 2. The County Attorney affirms that the transfer of the Public Improvements and necessary public rights-of-ways and easements have been made pursuant to Code Section 16-91(a)(2).

Section 3. Developer’s Subdivision Improvement Bond shall remain in-place and effective for the original dollar amount until acceptance of the infrastructure improvements by Council, at which time the Bond shall be reduced by the Developer’s surety to the required amount as provided in the Subdivision Improvement Agreement, Development Agreement, and pursuant to Code Section 16-90. The Maintenance Bond shall be effective for a period of twelve (12) months following Council’s acceptance of the Public Infrastructure as required in the Development Agreement.

Section 4. The County Engineer and County Utilities Manager have received and accepted all final “as-built” drawings which are dated, certified and stamped by a professional engineer as required by Code Section 16-91(a)(5) and that all monuments have been placed as required by Code Section 16-92.

Section 5. County accepts the Public Improvements for the Mirador Subdivision Phase II as recommended by the county attorney, county engineer and utilities manager, as described on the approved plans, filed plats and as-built sealed plans and as properly monumented, all in compliance with NMSA 1978, Section 47-6-5.

PASSED AND ADOPTED this 24th day of September 2024.

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

**Denise Derkacs,
Council Chair**

ATTEST:

**Naomi D. Maestas,
Los Alamos County Clerk**