

INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 21-29

A RESOLUTION OF SUPPORT FOR LOS ALAMOS COUNTY ORDINANCE NO. 713 TO TRANSFER APPROXIMATELY 2,698 SQUARE FEET OF CERTAIN PUBLIC LAND ALONG TRINITY DRIVE (NM 502) OWNED BY THE INCORPORATED COUNTY LOS ALAMOS TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR PUBLIC ROAD IMPROVEMENTS

WHEREAS, the Incorporated County of Los Alamos (“County”) is an incorporated county of the State of New Mexico as provided in Section 5 of Article 10 of the New Mexico Constitution; and

WHEREAS, County, pursuant to Article 10, Section 5 of the State Constitution, is also granted all powers of municipalities; and

WHEREAS, County is the owner of certain public property within its jurisdictional borders; and

WHEREAS, County’s Charter Section 203.1 and the County Code of Ordinances (“Code”) Chapter 14, Section 31 grants the Council of the Incorporated County of Los Alamos (“County Council”) authority to sell, transfer, or grant certain public property to other governmental bodies of the State and federal government that is in the best interest of the public; and

WHEREAS, on November 14, 2017, Council approved Ordinance No.673, authorizing the sale of County-owned real property within Site A-13-2 and A-12 to LAH Investors, LLC. for development of the site for housing; and

WHEREAS, on January 8, 2018, a Purchase, Sale and Development Agreement was executed between the County and LAH Investors, LLC. where the County agreed to undertake certain off-site road, utility and public access improvements to support the development of housing; and

WHEREAS, Trinity Drive is also State Road NM 502 to which the New Mexico Department of Transportation (“NMDOT”) has jurisdiction and control over including regulation of access points to the road as well as control of the public Rights-of-Way along NM 502/Trinity Drive; and

WHEREAS, the County has completed the study and design of off-site road, utility and public access improvements and acquired an access permit from NMDOT with a condition requiring dedication of county land segments to incorporate the new public improvements within NM 502 Right-of-Way; and

WHEREAS, it has been determined that these off-site improvements will support the proposed housing development and will enhance driver and public safety on this portion of the roadway; and

WHEREAS, the transfer of County land and dedication of public Right-of-Way to NMDOT is necessary to satisfy the conditions of the access permit and allow the development of the off-site improvements to proceed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Incorporated County of Los Alamos that:

Section 1. The Council of the Incorporated County of Los Alamos finds that the transfer of the public lands as legally described in County Ordinance No. 713 is in the best interest of the public.

PASSED AND ADOPTED this 9th day of November 2021.

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

**Randall T. Ryti,
Council Chair**

ATTEST:

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