

INCORPORATED COUNTY OF LOS ALAMOS ORDINANCE NO. 715

**AN ORDINANCE AUTHORIZING THE COUNTY MANAGER
OR DESIGNEE TO EXECUTE LEASES FOR HANGARS
AT THE LOS ALAMOS COUNTY MUNICIPAL AIRPORT**

WHEREAS, the Incorporated County of Los Alamos ("County") is the fee simple owner of the Los Alamos County Municipal Airport ("Airport"); and

WHEREAS, pursuant to Article II, Chapter 14 of the Code of Ordinances of the Incorporated County of Los Alamos ("the Code"), the County Council ("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; and

WHEREAS, pursuant to Article II, Chapter 14 of the Code, Council may transfer a property interest in County-owned real property pursuant to Section 3-54-1, N.M.S.A. (1978) because Article 10, Section 6 of the New Mexico Constitution vests County with all the powers granted to municipalities by state statute; and

WHEREAS, Section 3-54-1(A), N.M.S.A. (1978) provides that a municipality may lease any municipal facility or real property of any value normally leased in the regular operations of such a facility or real property without being subject to referendum; and

WHEREAS, County has normally leased hangars located at the Airport in the regular operations of the Airport; and

WHEREAS, Ordinance No. 544, adopted October 6, 2009, authorized the County Manager or designee to execute ground leases at the Airport whereby County leased the surface of the land to a tenant allowing the tenant to construct and own an improvement to the land, namely an airport hangar; and

WHEREAS, subsequent to the enactment of Ordinance No. 544, County acquired in fee simple certain airport hangars located at the Airport; and

WHEREAS, thereafter, Council adopted Ordinance No. 692, adopted February 19, 2019, authorizing the County Manager or designee to enter into hangar leases for County-owned land on commercially reasonable terms in accordance with the attachments to Ordinance No. 692; and

WHEREAS, a review of the existing leases revealed the need for certain revisions to the form of leases in order to comport to the current operations of the Airport; and

WHEREAS, the purpose of this Ordinance is to further delegate Council's authority over certain County-owned property to the County Manager or designee for the purpose of executing and amending existing lease agreements for the airport hangers owned in fee by County; and

WHEREAS, Section 203 of the Los Alamos County Charter provides that any lease or authorization to lease real property owned by County shall be by ordinance; and

WHEREAS, Council desires to authorize the County Manager or designee to enter into and amend existing leases for hangars owned in fee by County on commercially reasonable terms substantially according to the lease forms attached hereto as Attachments 1 and 2.

NOW, THEREFORE, BE IT ORDAINED that:

SECTION 1. Finding. The Incorporated County of Los Alamos is authorized to lease real property pursuant to the provisions of Section 3-54-1(A), N.M.S.A. (1978).

SECTION 2. Authorization to Lease the Premises; Execution of Lease and Amendments by Authorized Officers. The County Manager, or designee, is hereby authorized to execute lease agreements and amendments thereto for portions of the Airport on commercially reasonable terms substantially according to the lease forms attached hereto as Attachments 1 and 2.

SECTION 3. This authorization is in addition to the authority granted by Ordinance Nos. 544 and 692 authorizing the County Manager or designee to execute and amend certain ground leases for hangars at the Airport.

SECTION 4. Effective Date. This Ordinance shall become effective thirty (30) days after publication of notice of its adoption.

ADOPTED this 12th day of July 2022.

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

Randall T. Ryti,
Council Chair

ATTEST: (Seal)

Naomi D. Maestas,
County Clerk