

INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 26-08

A RESOLUTION RELATING TO THE DEVELOPMENT OF A WORKFORCE HOUSING FACILITY ON COUNTY PARCEL A-8-A AND APPROVING THE EXECUTION AND DELIVERY OF A MEMORANDUM OF UNDERSTANDING RELATING THERETO

WHEREAS, the Incorporated County of Los Alamos (the “County”) is an incorporated county established under the laws of the State of New Mexico (the “State”), and duly organized and existing under the laws of the State; and

WHEREAS, the County, pursuant to the laws of the State, in particular Chapter 6, Article 27 of the New Mexico Statutes, and Chapter 14, Article VII of the Los Alamos County Ordinances empowered to acquire, purchase, lease, construct, reconstruct, improve, alter, extend or repair, operate and maintain a housing project for persons whose gross income does not exceed one hundred twenty (120%) percent of area median income (“AMI”); and

WHEREAS, on August 27, 2024, the County Council approved a Los Alamos Affordable Housing Plan (the “Housing Plan”), which identified a need of approximately 1,300 – 2,400 additional units of housing in the County between 2024 and 2029, including approximately 384 – 661 units of rental housing for persons whose gross income does not exceed one hundred twenty (120%) percent AMI; and

WHEREAS, the County previously issued its Solicitation for Lease or Sale and Development of Selected County-Owned Parcel Known as A-8-A (Eastern Area No. 2) (the “Solicitation”), issued July 8, 2024, seeking proposals from developers to lease or purchase and improve the Property and deliver a mix of residential unit types at moderate residential densities comprised of apartments or condominiums in addition to low maintenance moderate-density rowhome, patio-style, or similar smaller lot residential units (the “Project”); and

WHEREAS, on July 8, 2025, the County and Servitas, LLC (“Servitas”) entered into a nonbinding term sheet (the “Term Sheet”) relating to the acquisition of the Property by Servitas or a single purpose entity created and owned thereby (the “Developer”) and the development of the Project through the construction of approximately three hundred sixty-eight (368) workforce housing units and imposition of a rent restriction, in perpetuity, of certain units of the Project (the “Rent Restricted Units”) upon the occurrence of certain actions by the Developer and the County; and

WHEREAS, on September 30, 2025, the County Council approved Ordinance No. 746, *An Ordinance Authorizing the Sale of Certain County-Owned Real Property Located in the Incorporated County of Los Alamos Generally Described as Lot A-8-A, also known as 125 DP Road to Servitas*, which became effective on November 14, 2025.

WHEREAS, on March 12, 2026, Servitas-Los Alamos Housing 1, LLC became the fee simple owner of the real property and existing improvements comprised of a single 21.92-acre parcel known as the A-8-A parcel located at 125 DP Road, Los Alamos, New Mexico (the “Property”); and

WHEREAS, the Rent Restricted Units are the only units of the Project that must be rent-restricted in perpetuity; and

WHEREAS, the County understands that Servitas intends to sell the Property to a New Mexico limited liability company (the “Borrower”), the sole member of which is Madrone Community Development Foundation (“Madrone”), a California nonprofit public benefit corporation and an

organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, pursuant to a purchase agreement (the “Borrower Purchase Agreement”), that the Borrower intends to finance the acquisition, development and construction of the Project, in whole or in part, with the proceeds of tax-exempt and/or taxable bonds (the “Bonds”), and that the Borrower intends to own and operate the Project; and

WHEREAS, the County understands that the Borrower will enter into a loan agreement relating to the Bonds with a governmental issuer of the Bonds (the “Loan Agreement”), pursuant to which the Borrower will covenant to construct and operate the Project, and that the Borrower and the Developer will enter into a development agreement pursuant to which the Developer will agree to construct the Project; and

WHEREAS, pursuant to the Term Sheet, the County has acknowledged that the Project will relieve the County’s governmental burden to provide affordable housing for residents whose income is between sixty (60%) percent and one hundred twenty (120%) percent AMI; and

WHEREAS, the County intends to enter into a memorandum of understanding with Madrone relating to the development, construction and operation of the Project (the “Memorandum of Understanding”), a proposed form of which has been presented to this meeting.

NOW, THEREFORE, BE IT FOUND AND DETERMINED BY THE COUNTY COUNCIL OF THE INCORPORATED COUNTY OF LOS ALAMOS (THE “COUNCIL”) AS FOLLOWS:

Section 1. The Council hereby specifically finds and declares that the actions authorized hereby constitute and are with respect to public affairs of the County, and that the statements, findings, and determinations of the Council set forth in the preambles above are true and correct.

Section 2. The Council hereby finds and determines that the provision of affordable housing for low-income and moderate-income residents of the County, generally, and the Project, specifically, are burdens of the County, and that Madrone, through the obligations and activities of the Borrower pursuant to the Borrower Purchase Agreement and the Loan Agreement, will be lessening the governmental burden of the County by undertaking the Project.

Section 3. The form of Memorandum of Understanding presented at this meeting is hereby approved and any one of the County Manager, or a designee thereof (each an “Authorized Officer”), is hereby authorized and directed, for and in the name of and on behalf of the County, to execute and deliver the Memorandum of Understanding in substantially the form presented at this meeting with such changes therein as the Authorized Officer executing the same may approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 4. The Authorized Officers and other officers and officials of the County are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate, carry out, give effect to, and comply with the terms and intent of this ordinance. All such actions heretofore taken by such officers and officials are hereby confirmed, ratified, and approved.

[this section intentionally left blank]

Section 5. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 5th day of May 2026.

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

**Randall T. Ryti,
Council Chair**

ATTEST: (Seal)

**Michael D. Redondo,
Los Alamos County Clerk**