

**DOÑA ANA COUNTY, NEW MEXICO
RESOLUTION NUMBER 2018- 26**

**A RESOLUTION APPROVING A METHOD FOR ACCEPTING NON-COUNTY
MAINTAINED ROADS AND SUPERSEDING RESOLUTION NUMBERS 2005-22, 2010-
82 AND 2013-39 AND ALL OTHER SUBJECT RELATED RESOLUTIONS**

WHEREAS, Doña Ana County government exists to enhance the health, safety and general wellbeing for all residents as determined by law and community interests; and

WHEREAS, the Board of County Commissioners ("BOCC") of Doña Ana County desires to establish a process to accept non-county maintained roads for maintenance; and

WHEREAS, existing laws and regulations authorize the County to establish procedures for acceptance of roads for maintenance by the County as part of a separate and distinct County decision and action; and

WHEREAS, the BOCC wishes to modify the method for accepting roads for County maintenance and, with this resolution, supersede Resolution Numbers 2005-22, 2010-82 and 2013-39 and all other subject related resolutions.

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Doña Ana County ("BOCC") hereby establishes the following procedures whereby the BOCC may accept non-County maintained roads for County maintenance, within the unincorporated areas of Doña Ana County, as follows:

SECTION I.

The BOCC, in its discretion and in the interest of public health, safety and welfare, may accept non-County maintained roads for County maintenance for such roads that do not otherwise meet the required County design and construction standards, at a public meeting and such action shall require an affirmative vote of a majority of a quorum present. The BOCC shall consider the following when accepting such roads:

- A. An assessment of the risks to public safety posed by any existing road condition, including emergency access, and an assessment of any future risks to public safety; and
- B. Whether or not the road is located in a recognized Colonia; and
- C. The extent to which previous development has occurred within the general vicinity, and whether future development may be limited due to access related problems and whether those access related problems may be remedied by this Resolution; and

- D. The extent to which the proposed road may compromise a portion of a road network, improve connectivity or traffic flow.

SECTION II.

Whenever a non-County maintained road is considered for acceptance as a County maintained road by the BOCC, the BOCC shall approve a resolution accepting such road and shall include:

- A. Estimates for all costs associated with the proposed road including design, right-of-way acquisition, utility relocation, drainage improvements, signage, roadway improvements, permits, annual and life-cycle maintenance and any other associated costs to the County; and
- B. An allocation of funding necessary to complete and to maintain the road project to the agreed upon standard; and
- C. The right-of-way for such road is obtained for public use in a form acceptable to the County. The County may use various methods to obtain right-of-way which may include: accepting and/or obtaining an easement, accepting existing dedicated right-of-way, accepting fee simple dedication, donation, license, permit or by eminent domain; and
- D. A timeline associated with acquisition and improvements on the accepted roadway based on funding, resources and other relevant factors.

SECTION III.

- A. The BOCC shall not consider for acceptance as a County maintained road those roads within mobile home parks, condominiums, apartments or other similar developments; and
- B. Whenever the County performs temporary or emergency maintenance on non-County maintained roads such maintenance shall not constitute an implied acceptance of dedication or of maintenance by the County.

SECTION IV.

This Resolution hereby supersedes Resolution Numbers 2005-22, 2010-82 and 2013-39 and any other subject-related resolutions.

RESOLVED this 27th day of March, 2018.

BOARD OF COUNTY COMMISSIONERS
DOÑA ANA COUNTY, NEW MEXICO

Benjamin L. Rawson
Benjamin L. Rawson, Chair, District 3 For Against

Isabella Solis
Isabella Solis, Vice-Chair, District 4 For Against

Billy G. Garrett
Billy G. Garrett, District 1 For Against

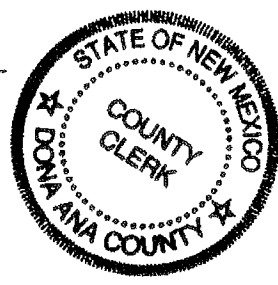
Ramon S. Gonzalez
Ramon S. Gonzalez, District 2 For Against

Kim Hakes
Kim Hakes, District 5 For Against



ATTEST:

Scott A. Krahling
Scott A. Krahling
County Clerk



Deputy Gerardo Barrera
I Hereby Certify That This Instrument Was Filed for
Record On MAR 28, 2018 02:11:23 PM
And Was Duly Recorded as Instrument # G2018-0009
Of The Records Of Dona Ana County
Witness My Hand And Seal Of Office,
Scott Krahling, County Clerk, Dona Ana, NM
RESOLUTION
COUNTY OF DONA ANA)
STATE OF NEW MEXICO) ss PAGES: 3

