



VALENCIA COUNTY

**A RESOLUTION REQUESTING THAT THE BELEN SCHOOL BOARD PERMIT THE
BOSQUE COMMUNITY PARK TO BE UTILIZED BY RESIDENTS OF COUNTY**

RESOLUTION NO 2021- 28

WHEREAS, the Board of County Commissioners of Valencia County, met upon notice of a duly published Business meeting on June 2, 2021, at 5:00 P.M. in the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031; and,

WHEREAS, NMSA 1978, Sections 4-37-1 *et seq.* provides that counties may adopt those resolutions and ordinances, not inconsistent with statutory or constitutional limitations place on counties, to discharge those powers necessary and proper to provide for the safety, convenience of the county and its inhabitants; and,

WHEREAS, the Valencia County Board of County Commissioners is the duly authorized governing body of Valencia County, a New Mexico political subdivision; and

WHEREAS, in 2015, the Belen Consolidated School District sued the Board of County Commissioners of Valencia County, the Bosque Community Association, and others to quiet title to the Bosque Park, a park of about three acres near the northeast corner of NM 116 and NM 346 in Bosque, so that it could sell the park; and,

WHEREAS, the County had maintained the park for decades for the people of our community, making improvements to the baseball backstop, two shelters for spectators, and a half-size basketball court, using capital outlay funding from the state specifically for the park; and,

WHEREAS, just before Labor Day weekend 2016, the Belen Consolidated School District chained and locked the gate to the park citing liability concerns; and,

WHEREAS, despite repeated attempts by the County to purchase the property, the Belen Consolidated School District has instead opted to keep our residents from using one of few parks in our community; and,

WHEREAS, the County even tendered an offer in excess of that the successful bidder on the property so that it could maintain the park for the benefit of the public, though such offer was rejected by the Belen Consolidated School District; and,

WHEREAS, the Belen Consolidated School District justified its continued closure of the park on the basis that the district would carry the liability were anything to happen at the park; and,

WHEREAS, the Belen Consolidated School District's liability concerns would be addressed were it to quitclaim ownership of the park to the County, whether by sale or gift, so that the County may maintain the park for the benefit of the community; and,

WHEREAS, the Belen Consolidated School District is unable to secure marketable title by virtue of its inability to quiet title against the County in light of the County having prevailed in the lawsuit brought by the School District, securing direction from both the Court of Appeals and the New Mexico Supreme Court that the County be dismissed from Belen Consolidated School District's quiet title claim; and,

WHEREAS, no reasonable basis exists as would justify the School District's continued refusal to make the park available for the use and enjoyment by the public, particularly where the County has repeatedly offered to assume responsibility for the ownership, maintenance and liability of the park.


NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Valencia County that it respectfully requests that the Belen Consolidated School District open and maintain the park for the benefit of the community or alternatively, if it does not want to maintain the park, to sell or gift whatever interest it has in the park to the County so that the County may maintain the park for the benefit of the community.

PASSED, APPROVED AND ADOPTED THIS 2nd DAY OF JUNE 2021.

BOARD OF COUNTY COMMISSIONERS



Gerard Saiz, Chair, District I



Jhonathan Aragon, Vice-Chair, District V



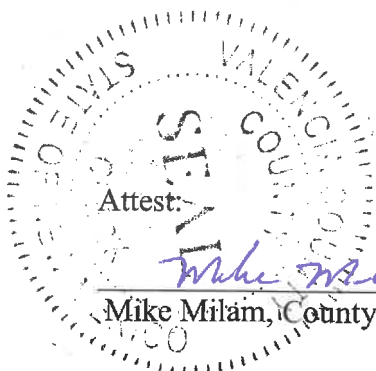

Troy Richardson, District II

*AGGIE WAMAK on behalf
of David A. Hyder*

David A. Hyder, District III



Joseph Bizzell, District IV


Attest:


Mike Milam, County Clerk