

**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 2014-12**

**TRANSFER OF FIRE EQUIPMENT & REAL PROPERTY TO
THE CITY OF RIO COMMUNITIES**

WHEREAS, the Board of County Commissioners met in a regularly scheduled meeting on Wednesday, February 5, 2014 at 5:00 p.m. at 444 Luna Avenue, Los Lunas, New Mexico 87031; and,

WHEREAS, NMSA 1978 § 13-6-2 (A) (2007), authorizes the County to sell or otherwise dispose of real property belonging to the County "provid[ed] a written determination has been made."

WHEREAS, NMSA 1978, Section 13-6-2 (B) (2) provides in part that, "[a] local public body ... may sell or otherwise dispose of real or tangible personal property ... by negotiated sale or donation to other state agencies, local public bodies, school districts or state educational institution," and,

WHEREAS, NMSA 1978 § 13-6-2. 1 (A) (2011) provides that the donation of real property in excess of \$25,000 must be approved, prior to its effective date, by the New Mexico Board of Finance; and,

WHEREAS, the City of Rio Communities incorporation was officially recognized by the Board of County Commissioners of Valencia County on January 18, 2013 after an election wherein the residents of the area approved incorporation pursuant to NMSA 1978, Section 3-2-1 *et seq*; and,

WHEREAS, the Valencia County Rio Grande Estates Fire District almost completely encompasses the municipal boundaries of the City of Rio Communities; and,

WHEREAS, NMSA 1978, Section 59A-53-4 (B) (2012) provides in pertinent part that "[a]ny municipality may permit its fire department to service an area adjacent and contiguous to its

corporate limits but within the corporate limits of another municipality or a county; provided that the other municipality or county by resolution or law duly adopted or enacted consents to the service and to the boundaries of the other area serviced;” and,

WHEREAS, the Board of County Commissioners has determined that the citizens would be best served if the Rio Grande Estates Fire Department, including its equipment and real property, is transferred to the City of Rio Communities; and,

WHEREAS, the City of Rio Communities agrees that if transferred, the Rio Grande Estates Fire Department would continue to serve unincorporated areas of the County adjacent to the municipal boundaries as provided by NMSA 1978 Section 59A-53-4; and

WHEREAS, the governing bodies of Valencia County and the City of Rio Communities intend to enter into a mutual/automatic side agreements to assist each other when the need for each others assistance arises for fire service emergencies, and,

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissions of Valencia County that the transfer of the Rio Grande Estates Fire Department real property is authorized and the County Manager and staff are hereby directed to effectuate the transfer per law.

BE IT FURTHER RESOLVED, that the authority to approve a quitclaim deed transferring the real property to the City of Rio Communities, after approval by the NM Board of Finance, is delegated to the County Manager; and,

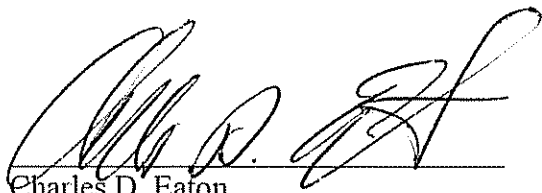
BE IT FURTHER RESOLVED, that the quitclaim deed transferring the real property shall contain a reversionary clause providing that if Rio Communities un-incorporates or if the real property ever ceases to be used as a Fire Station that the real property shall revert to the ownership of the County of Valencia; and,

BE IT FURTHER RESOLVED, that the transfer of the tangible personal property of the Rio Grande Estates Fire District, including fire engines, apparatus and equipment, is authorized and the County Manager and staff are hereby directed to effectuate the transfer per law; and,

BE IT FURTHER RESOLVED, that the County Manager & staff are hereby directed to prepare a resolution, mutual aid agreements and any other necessary documentation to revise the County’s Fire District Boundary lines to effectuate the intent of this resolution and insure continued fire coverage for all citizens in the County.

APPROVED, ADOPTED, AND PASSED on this 5th day of February 2014.

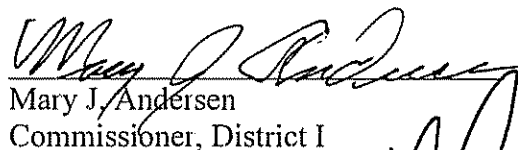
BOARD OF COUNTY COMMISSIONERS



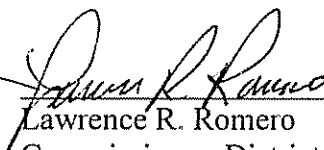
Charles D. Eaton
Chairman, District IV



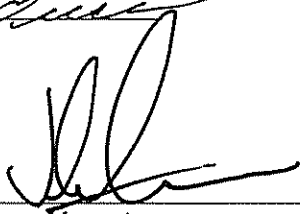
Alicia Aguilar
Vice-Chair, District II



Mary J. Andersen
Commissioner, District I

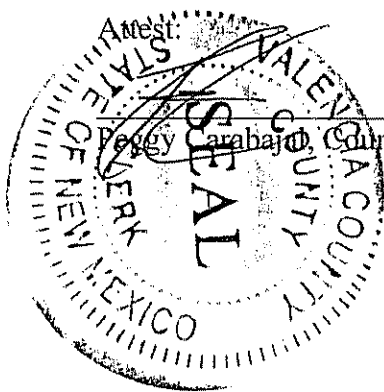


Lawrence R. Romero
Commissioner, District III



Jhonathan Aragon
Commissioner, District V

Attest:



Peggy Carabaja, County Clerk