



**VALENCIA COUNTY  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION № 2017- 15**

**PROCEDURE FOR ACCEPTING DONATIONS OF REAL PROPERTY**

**RECITALS**

**WHEREAS**, pursuant to NMSA 1978 Section 4-38-1 (1884) the powers of a county as a body politic and corporate shall be exercised by a board of county commissioners; and,

**WHEREAS**, NMSA 1978, Section 4-38-13 (1953) provides that board of county commissioners shall have power at any session to make such orders concerning the property belonging to the county as they may deem expedient; and,

**WHEREAS**, Section 4-37-1 et seq. NMSA 1978 provides that counties may adopt those resolutions and ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

**WHEREAS**, the ownership of real property and the management of such real property has the potential of imposing unacceptable risks and liabilities on the County of Valencia if the property is remote, contains environmental hazards or has a clouded chain of title; and,

**WHEREAS**, the Board of County Commissioners of Valencia County has determined that it is in the best interest of the County to adopt a resolution that embodies the policies and procedures to be employed by the County regarding the acceptance of gifts of real property in order to safeguard the County against accepting gifts of real property that are difficult to sell or are encumbered with defects that could put the County at risk once it is in the chain of title; and,

**NOW THEREFORE BE IT RESOLVED**, by the Board of County Commissioners that the following procedure for accepting donations of real property is hereby adopted:

## **POLICY**

### **SECTION I. GENERAL**

Valencia County shall consider accepting title to real property as a gift if the donated real property can be sold to realize its cash value realize its cash value for the County or if the property is located in an area where the real property may be used to meet the operational needs of County Government.

### **SECTION II. PROCEDURE TO ACCEPT REAL PROPERTY**

#### **(A) Step 1. Establishing County Interest:**

The process of establishing Valencia County interest in accepting a gift of real estate shall begin once the following information is provided to the Valencia County Manager:

1. The name, address, telephone number, e-mail address and signature of the proposed donor submitted on the Application & Checklist for Accepting Property Donations.
2. A statement of the reasons for the donor's desire to make the gift.
3. A general description of the property including the exact location, any structures (above and below ground), past uses of the property, location characteristics and pictures.
4. Proof of donor's ownership of the property in the form of a copy of the donor's deed to the real property. If the owner of record of the real property is deceased a copy of the Court's Appointment of the doner/applicant as Personal Representative/ Executor of the estate will be required.
5. A statement as to whether the contribution is of the donor's complete or partial interest in the property. Valencia County will not accept as a gift a partial, fractional or minority interest in real property.
6. A list of any personal property to be included with the gift.
7. Copies of current real estate tax bills and special assessment bills.
8. Applicant will be required to satisfy the tax debt on the real property. NMSA 1978 Section 7-38-37(1973) provides that taxes owed remain the personal obligation of the owner even after the owner sells or donated the property.

#### **(B) Step 2. Review By County Departments**

If based on the information obtained in Step 1 it is determined by the County Manager that the County will not benefit from the real property the County Manager shall inform the donor, in writing, that the County rejects the donation.

If the County Manager determines, based on the information obtained in Step 1 that the County may potentially benefit from this donation of real property, the following additional steps will be followed by County Departments before the donation is presented to the Board of County Commissioners:

1. A recent legal description and survey of the property showing any easements and right-of-ways, an up to date appraisal report, and a chain of title report, if necessary, will be provided by the Assessor's Office.
2. A ten year tax search will be provided by the Treasurer's Office.
3. Site inspection for potential environmental hazards by Code Enforcement Department.
4. A community development potential review by the Planning and Zoning Department.
5. A health and safety risk and hazard evaluation by the Emergency Services Department.
6. A road review evaluation performed by the Public Works Department
7. The County Manager reserves the right to request additional information from the donor as determined necessary for the Administrative Review.

(C) Step 3. Administrative Review

If after review, the County Manager finds that accepting the property would be in the County's best interest, the County Manager shall recommend approval and submit a request for the item to be presented to the Board of County Commissioners at regular County Commission meeting.

(D) Step 4. Final Acceptance

The County Manager will detail to the Board of County Commissioners why accepting the property would be in the County's best interest. The County Manager shall explain why the real property will either be beneficial for County Government use or why the real property can easily be sold for its cash value as well as a plan for the real property. After receiving the County Manager's recommendation to accept the real property the Board of County Commissioners may, at its sole discretion, vote to accept the real property.

**SECTION III. FINAL ACCEPTANCE**

If the Board votes to accept the property the donor must transfer the real property, by Warranty Deed, to the County of Valencia within 60 days of the vote or the acceptance will be considered null and void. Valencia County will not accept a Quit Claim Deed. If the Board votes not to accept the donation the County Manager shall inform the donor, in writing, that the County rejects the donation.

The donor is subject to and required to pay the taxes for the current year in which the transfer was completed. County of Valencia will be responsible for the taxes for subsequent years.

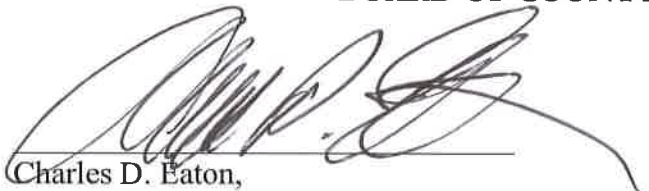
**SECTION IV. APPEAL**

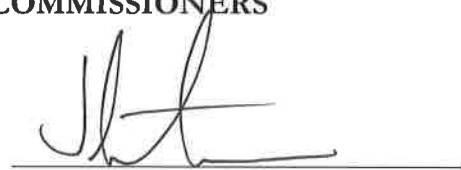
Upon the receipt of a letter of denial a potential donor may request the denial to be re-considered at a regular meeting of the Board of County Commissioners.


**BE IT FURTHER RESOLVED**, that Resolution 2012-15 is repealed with the adoption of this instrument.


**APPROVED, ADOPTED, AND PASSED** on this 15<sup>th</sup> day of February, 2017.


**BOARD OF COUNTY COMMISSIONERS**

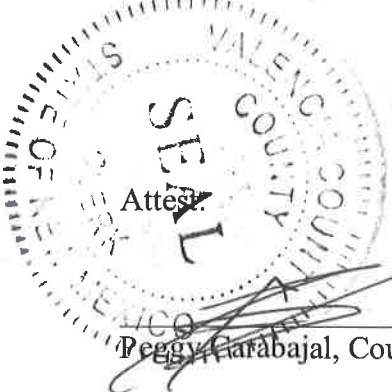
  
\_\_\_\_\_  
Charles D. Eaton,  
Chairman, District IV


  
\_\_\_\_\_  
Jhonathan Aragon,  
Vice-Chair, District V

  
\_\_\_\_\_  
Helen Y. Cole  
Commissioner, District I

  
\_\_\_\_\_  
Billy Ray Martinez  
Commissioner, District II

  
\_\_\_\_\_  
David A. Hyder  
Commissioner, District III



Attest:  
  
\_\_\_\_\_  
Peggy Garabajal, County Clerk

# Application & Checklist for Accepting Property Donations

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## Step 1. Establishing County Interest

Applicant/Owner Name:

Mailing Address:

Phone #:      Email:

A statement of the reasons for the donor's desire to make the gift:

General description of the property including the exact location, any structures (above and below ground), past uses of the property, location characteristics and pictures.

Enclose proof of donor's ownership of the property in the form of a copy of the donor's deed to the real property.

Is the contribution complete or partial interest in the property?  Complete     Partial – **STOP HERE** - Valencia County will not accept as a gift a partial, fractional or minority interest in real property.

Please list any personal property to be included with the gift (i.e. mobile home).

Enclose copies of current real estate tax bills and special assessment bills.

Applicant acknowledges and understands that if taxes are owed on the property, donating the property to the County does not remove or satisfy the tax debt. NMSA 1978 Section 7-38-37(1973) provides that taxes owed remain the personal obligation of the owner even after the owner sells or donates the property.

Donor Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# Step 2. Reviews by County Departments

## 1. Completed by County Assessor's Office

The following documents are enclosed with this application:

- A recent legal description and survey, if necessary, of the property showing any easements and right-of-ways.
- An up to date appraisal report performed by either an independent, professional real estate appraiser or by the County Assessor's Office listing property market value and marketability.
- A chain of title report as to the ownership of the real property by the County Assessor (*note: if there appears to be any inconsistencies in the chain of title the County will require that the donor provide a title abstract*).

County Assessor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_ **Forward this form to Treasurer's Office.**

## 2. Completed by County Treasurer's Office

(Evaluate based on current status)

- A ten year tax search
- Taxes Current
- Taxes not current by \$ \_\_\_\_\_
- Property flagged for State Sale

County Treasurer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_ **Forward this form to Code Enforcement Office.**

## 3. Completed by Code Enforcement Department

(evaluate based on current compliance status)

- Site Inspection complete. Do any potential environmental hazards exist?  No  Yes.

*(note: if "Yes", the donor will provide at his/her expense a Phase I Environmental Assessment of the property in a form and content which would be satisfactory to an institutional lender, together with a report of the physical condition of the property.*

- Recommend  Not Recommended

County Chief Code Enforcement Officer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_ **Forward this form to Planning & Zoning Office.**

#### 4. Completed by Planning and Zoning Department

(Evaluate based on Community Development potential)

Recommend  Not Recommended

County P& Z Director's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_ **Forward this form to Fire Department Office.**

#### 5. Completed by the Emergency Services Department

(Evaluate based on health and safety risks & hazards).

Recommend  Not Recommended

County Fire Chief's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_ **Forward this form to Public Works Dept. here at the Manager's Office .**

#### 6. Completed by Public Works Office

(Evaluate based on road review)

Recommend  Not Recommended

County Public Works Director's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_ **Forward this form to County Managers Office.**

## Step 3. Administrative Review

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### Recommendation:

County Manager finds that accepting the property will not be in the County's best interest .

The County Manager finds that accepting the property would be in the County's best interest for the following reasons: **Forward this form to the Board of County Commissioners.**

Beneficial for County Government use: \_\_\_\_\_

Real property can easily be sold for its cash value. Sales Plan: \_\_\_\_\_

County Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Step 4. Final Acceptance

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After receiving the County Manager's recommendation to accept the real property the Board of County Commissioners hereby accepts the real property this date. The donor must transfer the real property, by Warranty Deed, to the County of Valencia within 60 days of the vote or the acceptance will be considered null and void.

**APPROVED, ADOPTED, AND PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

## **BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Charles Eaton, Chairman

\_\_\_\_\_  
Jhonathan Aragon, Vice-Chair

\_\_\_\_\_  
Helen Cole, Commissioner

\_\_\_\_\_  
Billy Ray Martinez, Commissioner

\_\_\_\_\_  
David Hyder, Commissioner

Attest by:

\_\_\_\_\_  
Peggy Carabajal, County Clerk