

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 13 Ordinance/Resolution# 12-036

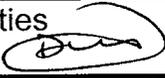
For Meeting of _____
(Ordinance First Reading Date)

For Meeting of August 15, 2011
(Adoption Date)

TITLE: A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES TO APPLY FOR A RECREATION OR PUBLIC PURPOSE LEASE WITH THE BUREAU OF LAND MANAGEMENT FOR A PARK SITE LOCATED ON PASEO DE OÑATE.

PURPOSE(S) OF ACTION:

To approve application to build a park with the Bureau of Land Management (BLM).

COUNCIL DISTRICT: 6		
<u>Drafter/Staff Contact:</u> Cathy Mathews	<u>Department/Section:</u> Facilities 	<u>Phone:</u> 541-2592
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Las Alamedas/Canyon Point subdivisions are neighborhoods in which the nearest park is a distance of 2.84 miles. To comply with the standard level of service for parks as outlined in the Parks and Recreation Master Plan, 2005, this neighborhood needs a park. In April 2010, the Facilities Department conducted a public meeting resulting in overwhelming resident support for a park. The location discussed and approved by the residents is a 10.08 acre parcel located on Paseo de Oñate.

Doña Ana County currently preserves and maintains the property as a cemetery and open space under a patent from the Bureau of Land Management (BLM). The graveyard portion of the site is located on approximately 5,700 square feet at the northeast corner of the property. Staff proposes to obtain the property from the County and the BLM to develop a needed neighborhood park on the site. The graveyard will be retained and maintained in its current size and location.

The conceptual plan for the neighborhood park calls for construction along Paseo de Oñate and includes amenities, such as; a concrete walkway, play equipment and safety surfacing, benches, a shade structure, landscape planting and native grass seeding. Funding for design and construction of the park will come from Park Impact Fees. The Paseo de Oñate Neighborhood Park Project is included in the Infrastructure and Capital Improvement Plan for FY2012.

On June 14, 2011, the Doña Ana County Commission passed Resolution 2011-43 agreeing to transfer the land to the City upon approval by the New Mexico State Board of Finance and the

United States Secretary of the Interior. The BLM, upon receipt of the County Commission Resolution, the City Council Resolution, the approval of the NM Board of Finance, and the Lease Application, is to provide a Certificate of Approval of Transfer which may be signed by the Secretary of the Interior agreeing to the transfer (see separate resolution for approval).

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A". Application for Land for Recreation or Public Purpose.
3. Attachment "A". BLM Letter dated April 28, 2011.
4. Attachment "B". Dona Ana County Commission Resolution 2011-43.

SOURCE OF FUNDING:

Is this action already budgeted?	Yes	<input checked="" type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from:
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of _____ for FY____.
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE:

The project is in the FY12 ICIP. The funding is from the Park Impact Fees for Park Management Area 3. These funds must be spent within Park Management Area 3. The Paseo de Oñate Park Project is located within Park Management Area 3.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
Park Management Area 3	4106 41125030 854222	\$225,777	\$225,777	\$0.00	No funds remaining

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution and authorize the City of Las Cruces to apply for a recreation or public purpose lease with the Bureau of Land Management.
2. Vote "No"; this will deny the Resolution and will not authorize the City of Las Cruces to apply for a recreation or public purposes lease with the Bureau of Land Management. The property will remain under patent to Dona Ana County and will not be available for construction of a City park.
3. Vote to "Amend"; this could delay the application process and delay development of a needed neighborhood park.
4. Vote to "Table"; this could delay the application process and delay development of a needed neighborhood park.

REFERENCE INFORMATION:

N/A

RESOLUTION NO. 12-036**A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES TO APPLY FOR A RECREATION OR PUBLIC PURPOSE LEASE WITH THE BUREAU OF LAND MANAGEMENT FOR A PARK SITE LOCATED ON PASEO DE OÑATE.**

The City Council is informed that:

WHEREAS, the subdivision of Las Alamedas is a neighborhood in which the nearest park is a distance of 2.84 miles, and which needs a park to meet the recreational requirements of the residents; and

WHEREAS, the Facilities Department conducted a public meeting in April 2010 resulting in resident support for a neighborhood park, and the location discussed and approved by the residents is a 10.08 acre parcel located on Paseo de Oñate; and

WHEREAS, the land is currently patented to Doña Ana County by the Bureau of Land Management (BLM) for the purpose of providing a cemetery; and

WHEREAS, the County is willing to transfer the patent to the City, and the BLM is willing to issue a Certificate of Approval of Transfer; and

WHEREAS, the park conceptual plan includes amenities, such as; a concrete walkway, play equipment and safety surfacing, benches, a shade structure, landscape planting and native grass seeding.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces, New Mexico:

(I)

THAT the City of Las Cruces apply for a recreation or public purpose lease with the Bureau of Land Management for a 10.08 acre parcel located on Paseo de Oñate.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE and APPROVED this _____ day of _____, 2011.

APPROVED:

Mayor

ATTEST:

City Clerk

VOTE:

Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Connor: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

(SEAL)

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

City Attorney

Form 2740-1
(February 2010)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
APPLICATION FOR LAND FOR
RECREATION OR PUBLIC PURPOSES

(Act of June 14, 1926, as amended; 43 U.S.C. 869; 869-4)

FORM APPROVED
OMB NO. 1004-0012
Expires: January 31, 2013

Date 05/24/2011	Serial Number (BLM use only)
Home phone (include area code)	

1a. Applicant's name City of Las Cruces	b. Address (include zip code) PO Box 20000, Las Cruces, NM 88004	Business phone (include area code) (575) 541-2592
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2. Give legal description of lands applied for (include metes and bounds description, if necessary)

SUBDIVISION	SECTION	TOWNSHIP	RANGE	MERIDIAN
	10	23 S	2 E	NMPM

County of Dona Ana	State of New Mexico	Containing (acres) 10.08
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3a. This application is for: Lease Purchase (If lease, indicate year 2011)

b. Proposed use is Public Recreation Other Public Purposes

4. Describe the proposed use of the land. The description must specifically identify an established or definitely proposed project. Attach a detailed plan and schedule for development, a management plan which includes a description of how any revenues will be used, and any known environmental or cultural concerns specific to the land.

The Project Description, Detailed Plan, Schedule for Development and Management Plan are attached.
Also attached are copies of the environmental and archaeological reports for the studies conducted on the property.

5. If applicant is State or Political subdivision thereof, cite your statutory or other authority to hold land for these purposes.

The City of Las Cruces is a Home Rule Municipality within the State of New Mexico. The City of Las Cruces Home Rule Charter was established in March 5, 1985.

6. Attach a copy of your authority for filing this application and to perform all acts incident thereto.

7. If land described in this application has not been classified for recreation and/or public purposes pursuant to the Recreation and Public Purposes Act, consider this application as a petition for such classification.

(Continued on page 2)

8. Are all activities, facilities, services, financial aid, or other benefits as a result of your proposed development provided without regard to race, color, religion, national origin, sex, or age? Yes No (If "no," describe the situation or activity and your plans for achieving compliance.)

9. Are all activities, facilities, and services constructed or provided as a result of your proposed development accessible to and usable by persons with disabilities? Yes No (If "no," describe the situation or activity and the reasons for nonaccessibility.)

Applicant's Signature	Date
Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representation as to any matter within its jurisdiction.	

GENERAL INSTRUCTIONS

1. Type or print plainly in ink.
2. Submit application and related plans to the BLM District or Resource Area Office in which the land is located.
3. Study controlling regulations in 43 CFR 2740 (Sales) and 43 CFR 2912 (Leases).
4. If applicant is non-governmental association or corporation, attach a copy of your charter, articles of incorporation or other creating authority. If this information has been previously filed with any BLM office, refer to previous filing by date, place, and case serial number.
5. If applicant is non-governmental association or corporation, attach a copy of your authority to operate in the State where the lands applied for are located. If previously filed with any BLM office, refer to previous filing by date, place, and case serial number.

SPECIFIC INSTRUCTIONS
(Items not listed are self-explanatory)

Item	Item
<p>2. If land is surveyed, give complete legal description. If land is unsurveyed, description should be by metes and bounds connected, if feasible, by course and distance with a corner of public land survey. If possible, approximate legal subdivisions of unsurveyed lands should be stated. Acreage applied for must not exceed that specified by regulations.</p> <p>3a. Generally, title to lands will not be granted upon initial approval of an application. In order to assure proper development or use plans, the general practice will be to issue a lease or lease with option to purchase after development is essentially completed. In any case, term of lease may not exceed 20 years for non-profit organizations or 25 years for governmental agencies, instrumentalities or political subdivisions.</p> <p>4. Leases and patents under this act are conditioned upon continuing public enjoyment of the purposes for which the land is classified. The plan of development, use, and maintenance must show, at a minimum:</p> <ol style="list-style-type: none"> a. A need for proposed development by citing population trends, shortage of facilities in area, etc. b. That the land will benefit an existing or definitely proposed public project authorized by proper authority. c. Type and general location of all proposed improvements, including public access (roads, trails, etc.). This showing may take the form of inventory lists, maps, plats, drawings, or 	<p>blueprints in any combination available and necessary to describe the finished project. Site designs should be provided for intensive use sites and general information about improvements existing or planned on lands within the overall project.</p> <p>d. An estimate of the construction costs, how the proposed project will be financed, including a list of financial sources, and an estimated timetable for actual construction of all improvements and facilities.</p> <p>e. A plan of management to include operating rules, proposed source and disposition of revenues arising from the proposed operation, personnel requirements, etc.</p> <p>f. A specific maintenance plan to include, for example, sewage and garbage disposal, road maintenance, upkeep and repair of grounds and physical facilities, etc.</p> <p>g. Applications for solid waste disposal sites must comply with guidelines established by the Environmental Protection Agency (40 CFR 258) and must include a detailed physical description of the site including a map, description of ground water situation, soil characteristics and management plan.</p> <p>6. This may consist of a copy of a delegation of authority, resolution or other evidence of authority from the governing board of the applicant's organization, copy of the by-laws of the organization, or the like.</p>

NOTICES

The Privacy Act of 1974 and the regulation in 43 CFR 2.48 (d) provide that you be furnished the following information in connection with information required by this application for a Land Use Authorization.

AUTHORITY: 43 U.S.C. 869 et seq.; 43 CFR Part 2740

PRINCIPAL PURPOSE: The information is to be used to process your application.

ROUTINE USES: (1) The adjudication of the applicant's request for a Land Use Authorization. (2) Documentation for public information. (3) Transfer to appropriate Federal agencies when concurrence is required prior to granting a right in use of public lands or resources. (4) (5) Information from the record and/or the record will be transferred to appropriate Federal, State, local or foreign agencies, when relevant to civil, criminal or regulatory investigations or prosecutions.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is mandatory for processing of the application. If all the information is not provided, the application may be rejected.

The Paperwork Reduction Act of 1995 requires us to inform you that:

BLM collects this information to process your request for Federal lands under the provisions of June 14, 1926 (43 U.S.C. 869 as amended), Recreation and Public Purposes Act.

Information will be used to illustrate whether the applicant meets requirements of regulations found in 43 CFR Subpart 2740. Response to this request is mandatory, see regulations found in 43 CFR Subpart 2741.4.

BLM would like you to know that you do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

BURDEN HOURS STATEMENT: Public reporting burden for this form is estimated to average 40 hours per response, including the time for reviewing instructions, gathering, and maintaining data and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to the U.S. Department of the Interior, Bureau of Land Management (1004-0012), Bureau Information Collection Clearance Officer (WO-630), 1849 C Street, N.W., Mail Stop 401 LS, Washington, D.C. 20240.

PROPOSED PASEO DE OÑATE NEIGHBORHOOD PARK AND CEMETERY

DEVELOPMENT, PHASING, AND MANAGEMENT PLAN

1. PROJECT DESCRIPTION

The proposed neighborhood park and cemetery at Paseo de Oñate comprises 10.08 acres situated south of Paseo de Onate, south of Las Alamedas neighborhood. Currently the site is operated as a cemetery by Doña Ana County. DAC is in the process of approval of a turnover of the site to the City of Las Cruces. The site will continue primarily as a cemetery with the addition of a neighborhood park. The site is located in a rapidly developing area of Las Cruces (population >95,000) and will serve residents within a 1/2 mile radius of the park. Currently there are no neighborhood parks within 2.84 miles of the proposed park site. Access to the park will be from Paseo de Oñate, the main road into the subdivision. The terrain is moderately hilly offering excellent views of the surrounding mountains and the Mesilla Valley.

The City proposes to maintain the current cemetery and to develop a small portion of the site as a neighborhood park. The project is listed on the City Council-approved Infrastructure Capital Improvement Plan for 2011 and 2012. Upon approval of the turnover by the County and the State, the City of Las Cruces will make a resolution to accept the property.

Neighborhood park amenities to be added to the property include: a concrete sidewalk adjacent to the curb and gutter of Paseo de Oñate, play equipment and safety surfacing, benches, shade structure, and landscape planting enhancements. Construction of these amenities will be restricted primarily to a relatively flat, disturbed area near the center of the north side of the park. This area is adjacent to Paseo de Oñate, will be easily accessible from the neighborhood and is already disturbed so little undisturbed native vegetation will be impacted by construction. The cemetery currently located at the northeast corner of the property will remain as it is and will be maintained by the City in accordance with the original Bureau of Land Management agreement with Doña Ana County.

Additionally, the informal trail network that already exists on the site will be moderately enhanced to make it more useful for the area residents and park users. Vehicle barriers such as boulders, bollards or guard rails will be installed around the perimeter of the property to restrict vehicular access to the site.

A public meeting was held to present the conceptual plan to the neighborhood residents. The meeting was held on April 28, 2010 and over forty members of the public attended. The public at the meeting overwhelmingly supported the concept of retaining the cemetery and developing a neighborhood park at the site.

2. DEVELOPMENT PHASING AND COST ESTIMATE

The plan is to develop the park over a 2-year period which will commence with the lease/purchase of the site. The proposed timetable for development will approximate the following upon approval of the lease/purchase application and signature of lease/purchase documents:

Step I: Design – Six Months

Completion of Topographic Survey
 Conceptual Design
 Design Development
 Construction Document Production

Cost Estimate: \$14,500.00

Step II: Bidding – Three Months

Advertise construction project for bid
 Accept bids
 Select contractor
 Approve contract

Cost Estimate \$500.00

Step III: Construction – Nine Months

Permitting, grading, construction, inspections, approvals, acceptance

Cost Estimate \$225,000.00

Step IV: Close-Out – Two Months

Final inspections, punch list generation, punch list corrections, final contract documentation, final acceptance

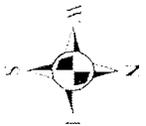
Funding will be largely from Park Impact Fees collected by the City from developers at the time of permitting for new housing construction projects. These fees are regularly collected and are designated strictly for providing increased levels of service by the City to the residents of the City in the form of parks, recreational facilities and additional park amenities. Capital Project funds may be acquired from the State Legislature or from other grant sources.

3. MANAGEMENT PLAN

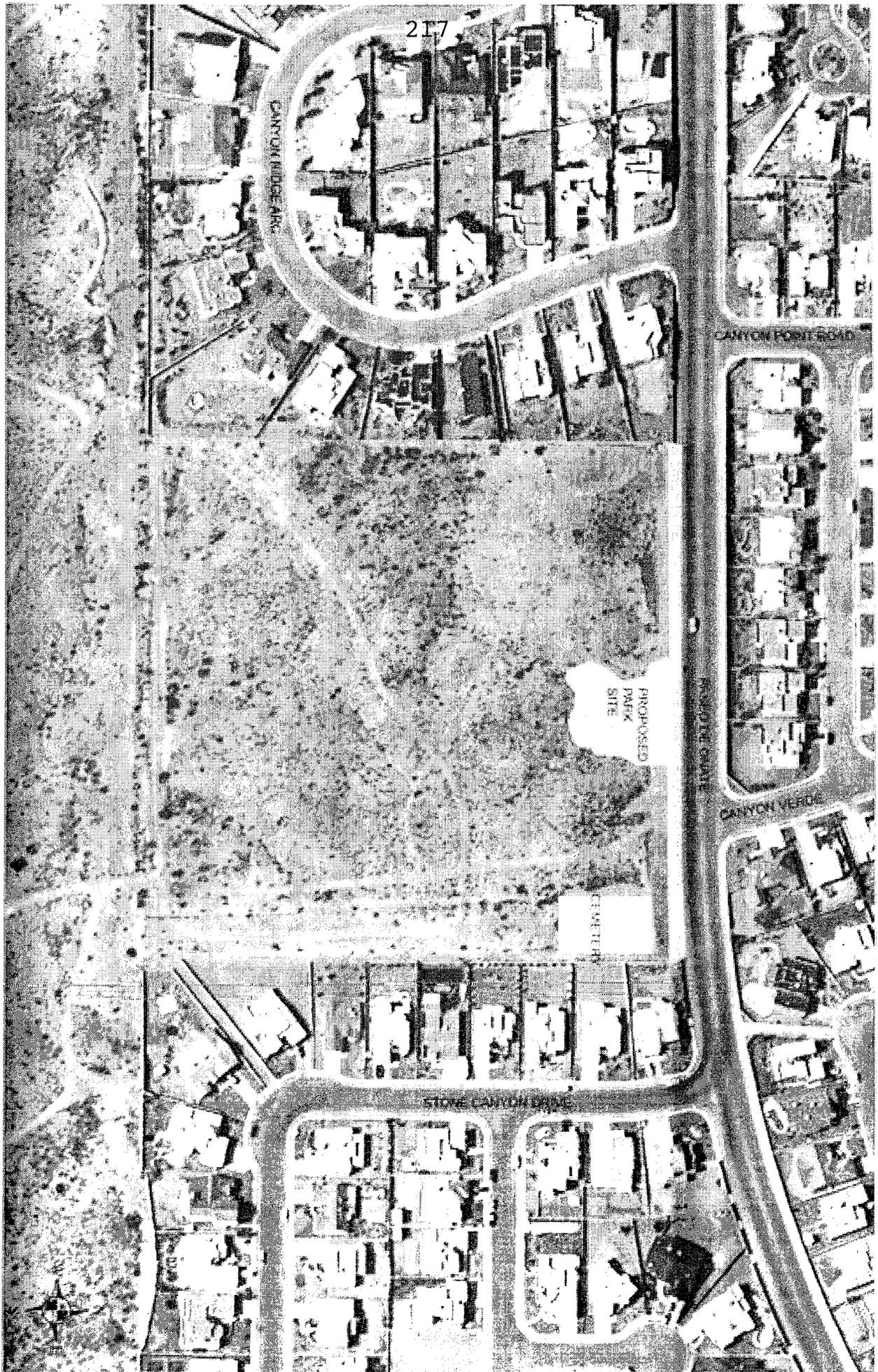
The park will be administered and managed as a City park with no additional or unusual restrictions or limitations as to who may use the cemetery and the park. No admission fees will be charged for any of the facilities. Operating hours for the cemetery and the park will typically be sunrise to sunset every day.

The park will be open to use by the public for recreational purposes without discrimination or favor. The park will be developed and managed in accordance with the approved program of utilization submitted with this application. And the park will be maintained in a satisfactory condition for use as a park by the public.

Typically, maintenance activities performed by the City of Las Cruces Parks and Recreation Section include regular trash pick-up and disposal, irrigation system maintenance and repair, pruning and fertilizing of plant material, cleaning and repair of site furnishings, and litter removal from the site. The existing cemetery will be maintained by the Parks and Recreation Section at the same or an increased level as that of the Doña Ana County Facilities Department.



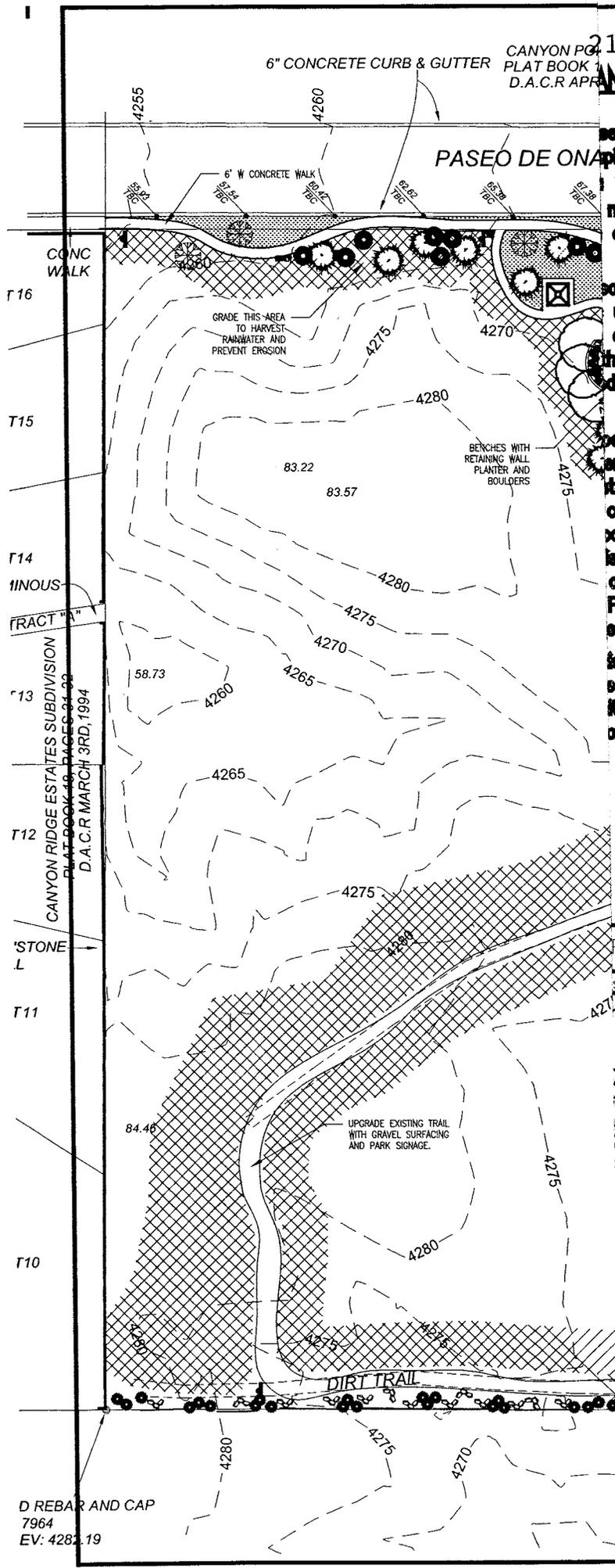
PROPOSED CANYON POINT NEIGHBORHOOD PARK SITE



6" CONCRETE CURB & GUTTER
 CANYON PLAT BOOK
 D.A.C.R. APPROVED

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PASEO DE ONATE AND CEMETERY CONCEPT



Paseo de Onate comprises 10.08 acres situated in an rapidly developing area of Las Cruces with a 1/2 mile radius of the site. Public access to main road into the surrounding subdivisions, and the scenic views of the surrounding mountains and the Mesilla

east corner of the property will remain as it is. In the use of the land, the walled area in the center of the cemetery. The City believes there is not a need for the City to prescribe the manner and place of burial, interment will take place within the

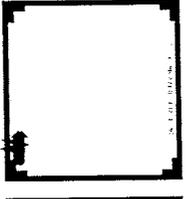
Property include: a concrete sidewalk adjacent to the main road and safety surfacing, benches, shade structures and other amenities will be kept in the center of the north side of the park. This area is accessible from the neighborhood and is already disturbed native vegetation will be impacted by additional park construction, beyond that a Penetrating Radar study of the area to be completed.

Vegetation on the site will be moderately enhanced and native vegetation of the areas surrounding the trails will be maintained. Vehicle barriers such as boulders, bollards or other devices of the site to restrict vehicular access to the

PLANT LEGEND

SYMBOL	COMMON NAME	BOTANICAL NAME	QTY.
●	DESERT HACKBERRY	<i>Celtis pallida</i>	13
	MEXICAN SYCAMORE	<i>Platanus mexicana</i>	
	GAMBEL'S OAK	<i>Quercus gambelii</i>	
	ROCKY MOUNTAIN JUNIPER	<i>Juperus scopulorum</i>	
●	NEW MEXICO AGAVE	<i>Agave parvii</i> esp. neo mexicana	12
	OCATILLO	<i>Fouquieria splendens</i>	
	SOAP TREE YUCCA	<i>Yucca elata</i>	
●	SPANISH DAGGER	<i>Yucca gloriosa</i>	17
	TURPENTINE BUSH	<i>Ericamerica laricifolia</i>	
	RUBBER RABBIT BUSH	<i>Ericamerica nauseosus</i>	
●	TEXAS SAGE	<i>Leucophyllum frutescens</i>	49
	GLOBEMALLOW	<i>Sphaeralcea ambigua</i>	
	CHOCOLATE FLOWER	<i>Berlandiera lyrata</i>	
	MEXICAN PRIMROSE	<i>Oenothera speciosa</i>	
●	MEXICAN FEATHERGRASS	<i>Nassella tenuissima</i>	22,131 SF
	7" GRAVEL MULCH, 3" DEEP, NO FABRIC		
■	RESTORATION NATIVE GRASS AND WILDFLOWER SEED		22,131 SF
○	BOULDER		48

CONCEPTUAL LAYOUT
 1:40
 CBM
 JUNE 2011



PASEO DE ONATE
 NEIGHBORHOOD PARK/CEMETERY
 PASEO DE ONATE
 LAS CRUCES, NM
 00-00-000

CITY OF LAS CRUCES

 OFFICE OF THE CITY MANAGER
 2500 N. MISSION BLVD.
 LAS CRUCES, NM 88001

L-01
 1 OF 1



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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Las Cruces District Office
1800 Marquess Street
Las Cruces, New Mexico 88005
www.blm.gov/nm

Attachment "A"



In Reply Refer To:

NMNM 018266
2720 (L0310)

RECEIVED

APR 28 2011

MAY 2 2011

PROJECT MGMT.

Mr. Brian D. Haines
County Manager
Dona Ana County
845 North Motel Blvd.
Las Cruces, NM 88007

Subject: Transfer of Cemetery Property from Dona Ana County to the City of Las Cruces

Dear Mr. Haines:

This is in response to Dona Ana County's (County) interest to transfer title of Patent 30-76-0006, to the City of Las Cruces (City). The patent was authorized for a cemetery under the Recreation and Public Purpose (R&PP) Act of June 14, 1926, as amended by the Act of June 4, 1954, for the following lands:

T. 23 S., R. 2 E., New Mexico, NMPM
sec. 10, lot 36.

Containing 10.08 acres.

The Bureau of Land Management (BLM) is required to approve the transfer so as not to invoke the reversionary clause attached to the property. The transfer of title can occur so long as the primary use remains as a cemetery and the secondary use is as a park.

In order to initiate the transfer process, a letter from Dona Ana County to the BLM is required. The letter must specify that the County approves transfer of title to the City of Las Cruces. The County must also submit a Resolution approving the transfer.

In addition, the City must concurrently file a R&PP Application (per 43 CFR 2741.4, §2741.6, §2741.8), a plan of development, financial statement, management plan, map, a \$100 non-refundable filing application fee, and a Resolution approving this action. The City must include a statement in the application and plan of development that the primary purpose is the cemetery and secondary use is a park.

In order to expedite the process, we recommend that the City does not request a "Change of Use" at this time; unless, this is their intent. Submitting a request for "Change of Use" would prolong the approval, due to additional requirements for processing the request. The City may request a "Change of Use" for approval by the BLM at a later time. Should the City be interested, they may wish to consider acquiring the reversionary clause of the R&PP Patent 30-76-0006, sometime in the future. Acquisition of the property by the City would be at fair market value. The BLM prefers to sell the property to avoid any potential conditions which would warrant invoking the reversionary clause in the Patent.

The BLM agrees to conditionally approve the transfer process; so long as there is no legal instrument (Quit Claim Deed) recorded until after the BLM has issued a "Certificate of Approval of Transfer." This certificate would require recording with the County prior to any Quit Claim Deed. The same R&PP terms and conditions, reservations, limitations, and patent provisions; including the standard reverter clause will apply to the transfer or any future transfer or change to original Patent 30-76-0006.

Sincerely,



Bill Childress
District Manager

cc:

Mr. Chuck McMahon *DAC*

Mr. Dave Madeiros

Mr. Fred Kennon

Mr. Armando Cordero *DAC*

✓ Ms. Cathy Mathews

Mr. Mike Johnson *MC*

RESOLUTION NO. 2011-~~43~~

**RESOLUTION APPROVING
AGREEMENT FOR DONATION AND TRANSFER
OF 10.08 ACRE CEMETERY PROPERTY,
AND DELEGATING SIGNATURE AUTHORITY**

WHEREAS, the County owns a parcel of land consisting of an old cemetery and surrounding vacant real property totaling approximately 10.08 acres, located along Paseo de Oñate Street in the City of Las Cruces, New Mexico, pursuant to United States Land Patent Number 30-76-0006, filed in the Office of the Doña Ana County Clerk on September 22, 1975 at Book 233 and Page 241-43; and,

WHEREAS, the cemetery property is no longer needed by the County; and,

WHEREAS, the County has declared its willingness and intent to donate and transfer ownership of the property to the City primarily to enable the City to preserve and maintain the existing cemetery, and secondarily to improve the surrounding vacant acreage as a public park, for the use and benefit of the neighborhood and the public generally; and

WHEREAS, the City has declared its willingness and intent to acquire ownership of the Cemetery Property, to preserve and maintain the existing cemetery and to improve the surrounding vacant acreage as a public park, for the use and benefit of the neighborhood and the public generally; and,

WHEREAS, the County and the City have negotiated an Agreement for Donation and Transfer of 10.08 Acre Cemetery Property, attached hereto; and,

WHEREAS, the Board of County Commissioners finds that the terms of the Agreement for Donation and Transfer of 10.08 Acre Cemetery Property, attached hereto, are acceptable to the County.

NOW, THEREFORE, IT IS RESOLVED that the Board of County Commissioners of Doña Ana County, State of New Mexico, hereby approves the attached Agreement for Donation and Transfer of 10.08 Acre Cemetery Property, authorizes the County Manager to sign the Agreement on behalf of Doña Ana County, and authorizes County Staff to take all steps necessary to transfer the property to the City of Las Cruces, conditioned upon the consent of the United States Secretary of the Interior or his delegate in the form of a Certificate of Approval of Transfer, in compliance with the terms of the Land Patent issued to the County, and upon approval of the New Mexico State Board of Finance.

IT IS FURTHER RESOLVED, that the Board of County Commissioners delegates to the County Manager the authority to sign the quitclaim deed on behalf of Doña Ana County once all conditions for the transfer have been satisfied.

RESOLVED this _____ day of _____, 2011.

**BOARD OF COUNTY COMMISSIONERS OF
DOÑA ANA COUNTY, NEW MEXICO**

Dolores Saldaña-Caviness, Chair, District 2 For / Against

Karen G. Perez, Vice-Chair, District 3 For / Against

Scott Krahling, District 4 For / Against

Leticia Duarte Benavidez, District 5 For / Against

Billy G. Garrett, District 1 For / Against

ATTEST:

**Lynn Ellins
County Clerk**

15.3