



August 12, 2015

Agenda

5:00 P.M. Public Hearing

Valencia County Commission Chambers

444 Luna Ave.

Los Lunas, NM 87031

Board of County Commissioners

Charles D. Eaton, Chair	District IV
Jhonathan Aragon, Vice-Chair	District V
Helen Y. Cole	District I
Alicia Aguilar	District II
David A. Hyder	District III

Please Silence all Electronic Devices

- 1) Call Meeting to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda

PUBLIC HEARING ITEM

- 4) Request for a Consideration of freeholders report for a road vacation within a plat map vacation in Manzano Mountain Ranch. Presenter: Jacobo Martinez

PUBLIC COMMENT

Please sign up on the sheet located just outside the Commission Chambers. The Board will allow each member of the public wishing to address the Board a full and complete opportunity to address the Commission.

NEXT COMMISSION MEETING

August 19, 2015-Business Meeting @ 5:00 P.M.

Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

ADJOURN



VALENCIA COUNTY
Board of County Commissioners

Agenda Request Form

Department Head: Jacobo Martinez, Interim Public Works Director

Individual Making Request: Jacobo Martinez, Interim Public Works Director

Presentation at Meeting on:

Date Submitted:

Title of Request: Consideration of freeholders report for a road vacation within a plat map vacation

Action Requested of Commission:

Consideration of freeholders report for a road vacation request within the subdivision known as Manzano Mountain Ranch. The roads to be vacated include Camino De Manzano, Salsa Loop, Cumbia road, and Tambora Court.

Information Background and Rationale

Manzano Mountain Ranch Subdivision

What is the Financial Impact of this Request? Not Applicable

Legal: Pursuant to NMSA 1978, Section 67-5-4, the Board may order the road vacated if the road viewers recommend vacation of the road if the road is not needed or the repairs of the road are burdensome and in excess of the benefits therefrom. David Pato.

Finance: Not Applicable

Purchasing:

Not Applicable – Agenda Item Does Not Include the Purchase Goods and/or Services

Procurement Complete as Described Below:

(Michelle Romero)



MEMORANDUM

TO: Valencia County Road Review Committees
FROM: Adren Nance, County Attorney
DATE: April 10, 2014
RE: Procedure for road review committees in vacating roads.

Valencia County appreciates your willingness to volunteer to be a road viewer. This memorandum sets out the statute governing your work, and a recommended procedure for you to follow.

Here is the statute regarding your task:

67-5-4. [Discontinuance; procedure; viewers; county-line roads.]

Whenever, in the opinion of the board of county commissioners of any county, any road or part of road then established and maintained as a public highway is not needed, or the repairs of the same are burdensome and in excess of the benefits therefrom, they may at a regular meeting appoint a board of commissioners of three freeholders of the county as viewers, to view such road or part of road, and make report thereof to the board of county commissioners at their next regular meeting, setting forth fully their finding, and if they recommend a discontinuance of such road or part of road, then the board of county commissioners may order the same vacated: provided, that if such road runs on the county line between two counties, the county commissioners of both the counties interested shall appoint viewers and the concurrence of the county commissioners of both counties shall be necessary to vacate it.

History: Laws 1905, ch. 124, § 3; Code 1915, § 2655; C.S. 1929, § 64-704; 1941 Comp., § 58-404; 1953 Comp., § 55-4-4.

Public Works Director Kelly Bouska, (505) 866-8740, will help you schedule a time to view the road, or part of the road, under consideration for vacation. Please review the road with an eye toward whether you believe it is needed, or whether the repairs of the road outweigh the benefits of the road.

Road Review Commission Report

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If you speak to people who object to the closing the road, please be aware that one whose property does not abut on or adjoin a closed section of a road ordinarily has no right to complain of the closing or vacation of such road, provided he still has reasonable access to the general street or road system. *Mandell v. Board of Comm'rs*, 44 N.M. 109, 99 P.2d 108 (1940). Someone whose property does not abut or adjoin the road can normally only have a right to object to the road closure if the damage he suffers is substantially different in kind, and not merely in degree, from that suffered by the public in general. *Id.* A mere inconvenience from a proposed closure is not enough to warrant leaving a road open.

After you have reviewed the road, please fill out the attached form, and give it to the Public Works Director or the County Manager, and they will see that it is on the agenda for the next regular County Commission meeting. The County would appreciate it, although it is not necessary, if you could attend the meeting at which your report is reviewed for possible action by the County Commission.

Thank you again, and if you have any questions as you go through the process, please call the Count Public Works Director, at (505) 866-8740.

**REPORT OF THE ROAD REVIEW COMMISSION
IN CONSIDERATION OF VACATING OR CLOSING COUNTY ROAD** Camino de Maszapu
NEAR Maszapu Mountain Ranch Santa Lopez, Combar Rd
VALENCIA COUNTY, NEW MEXICO Tambora Ct

Information of Board of Commissioners viewing the road:

Rosera Tachas
Name
12389 Boutique Exp
Los Lunas, 87068
Mailing Address
Phone Number

Jim Cade
Name
8 Mesa (State Rd)
Los Lunas
Mailing Address
966-0101
Phone Number

Own Real Property in Valencia County?
 Y N

Own Real Property in Valencia County?
 Y N

Christen Garcia
Name
1632 Prairie Dr
Peralte Ln 87042
Mailing Address
Phone Number

Own Real Property in Valencia County?
 Y N

Others present when road viewed: Josue Montano

Date Road Viewed: 4/6/15

Description of Road Location: TA Maszapu Mountain Ranch

If road were closed, would every adjoining or abutting landowner have reasonable access to road system? Y N

Finding

Check one of the following:

- After reviewing the road under consideration for closure or vacation, the road review commission finds that it is no longer needed as a public road.
- After reviewing the road under consideration for closure or vacation, the road review commission finds that the repairs of the same are burdensome and in excess of the benefits therefrom.
- After reviewing the road under consideration for closure or vacation, the road review commission finds that it is still needed as a public road and that the benefits from the road outweigh the repairs of the same.

Reasons for finding: _____

Was finding unanimous? Y N

If any dissenting opinions, give reasons here: _____

Signatures of Road Review Commission Members:

Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
Date: _____	Date: _____

Signature: _____
Print Name: _____
Date: _____



Road Review Commission Report
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Finding

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- After reviewing the road under consideration for closure or vacation, the road review commission finds that the repairs of the same are burdensome and in excess of the benefits therefrom.
- After reviewing the road under consideration for closure or vacation, the road review commission finds that it is still needed as a public road and that the benefits from the road outweigh the repairs of the same.

Reasons for finding: All roads within the subdivided
may be vacated except for Casey lane.

Was finding unanimous? Y N

If any dissenting opinions, give reasons here: _____

Signatures of Road Review Commission Members:

Signature: [Handwritten Signature]
Print Name: Rowena E Tachias
Date: 4/8/15

Signature: [Handwritten Signature]
Print Name: JAMES LAWLS
Date: 4/8/15

Signature: _____
Print Name: _____
Date: _____