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**SANTA FE COUNTY**

**RESOLUTION NO. 2026-\_\_**

**INTRODUCED BY:**

Commissioner Lisa Cacari Stone    Commissioner Adam Fulton Johnson

**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2026-\_\_**

**INTRODUCED BY:**

Councilor Alma Castro                      Councilor Patricia Feghali                      Mayor Michael Garcia

**A RESOLUTION**

**DIRECTING STAFF TO BRING FORWARD AN AMENDMENT TO THE SETTLEMENT AND ANNEXATION PHASING AGREEMENTS TO TERMINATE PHASE THREE OF ANNEXATION, TO WAIVE THE CITY’S RIGHT TO CHALLENGE SANTA FE COUNTY’S DESIGNATION OF A TRADITIONAL HISTORIC COMMUNITY OF AGUA FRIA, AND TO CONVENE, WITH SANTA FE COUNTY, THE EXTRATERRITORIAL LAND USE AUTHORITY TO MAKE ANY NECESSARY EXTRATERRITORIAL LAND-USE ORDINANCE CHANGES TO EFFECTUATE THE CITY AND COUNTY’S DECISION TO TERMINATE PHASE THREE OF ANNEXATION.**

**WHEREAS**, the City of Santa Fe (“City”) and Santa Fe County (“County”) entered into the Settlement Agreement and Mutual Release of Claims dated May 19, 2008 (the “Settlement Agreement”); and

**WHEREAS**, the City and County executed Agreement No. 08-1112, Annexation Phasing Agreement Between the City of Santa Fe and Santa Fe County (“Phasing Agreement”) on February 10, 2009, dividing the annexation into three phases, encompassing 18 discrete areas; and

1           **WHEREAS**, the City adopted Ordinance No. 2009-51 on November 10, 2009, which  
2 annexed approximately one thousand nine hundred fifty-six (1,956) acres (“Phase 1”) in accordance  
3 with the “Annexation Phasing Agreement Between the City of Santa Fe and Santa Fe County”, and  
4 which includes areas 3,6,8,9,10,11,13,15,16,17, and the Interstate 25 right-of-way between Old  
5 Pecos Trail and New Mexico Highway 599; and

6           **WHEREAS**, in June of 2013 the City and County finalized “Amendment No. 1 to the  
7 Annexation Phasing Agreement Between the City of Santa Fe and Santa Fe County” (“Amendment  
8 No. 1”), specifying that the annexation of the remainder of Area 1 would be “completed within five  
9 years of the execution of this Amendment”; and

10           **WHEREAS**, the City adopted Ordinance No. 2013-36 on November 13, 2013, which  
11 annexed approximately four thousand one hundred (4,100) acres (“Phase 2”) in accordance with  
12 the Phasing Agreement, executed in 2009 and amended in June of 2013, and which includes the  
13 first portion of Area 1, as well as areas 2,4,5,7,12 and the New Mexico Highway 599 right-of-way  
14 between Interstate 25 and the current City Corporate Boundary east of the Camino La Tierra  
15 Interchange; and

16           **WHEREAS**, Ordinance No. 2013-36 did not address the remainder of Area 1; and

17           **WHEREAS**, the County adopted Resolution No. 2017-27 requesting discussion of  
18 removal of the remainder of Area 1 from the Settlement Agreement; and

19           **WHEREAS**, the County and City adopted a Joint Resolution, County Resolution No.  
20 2021-105 and City Resolution No. 2022-1, establishing negotiating teams to develop non-binding  
21 proposals for open items related to implementation of the Settlement Agreement, and one of the  
22 open items identified was the remainder of Area 1; and

23           **WHEREAS**, the Joint Resolution No. 2021-105 and No. 2022-1 resolved that City and  
24 County negotiation representatives would present “principles of agreement on all open annexation  
25 items” to the Board of County Commissioners and to the Governing Body of the City by April 13,

1 2022; and

2           **WHEREAS**, uncertainty over the future of the remainder of Area 1 led to qualified electors  
3 in Area 1B filing petitions, including a petition titled “A Petition Requesting the Board of County  
4 Commissioners of Santa Fe County, New Mexico to Adopt An Ordinance Declaring ‘Area 1B’ to  
5 be Part of the Traditional Historic Community of Agua Fria, Or Adopt an Ordinance Halting  
6 Planned C[i]ty Annexation and Declaring ‘Area 1B’ to be Retained in Santa Fe County”, and  
7 requesting that the County enlarge the Traditional Historic Community (“THC”) of Agua Fria to  
8 encompass some or all of the remainder of Area 1; and

9           **WHEREAS**, separate and apart from prior proceedings on petitions related to Area  
10 1B, the Santa Fe County Board of County Commissioners adopted Resolution No. 2025-  
11 113, A Resolution Concerning the Petition Requesting the Board of County Commissioners of  
12 Santa Fe County, New Mexico to Adopt an Ordinance Declaring “Area 1B” to be Part of the  
13 Traditional Historic Community of Agua Fria or Adopt an Ordinance Halting Planned C[i]ty  
14 Annexation and Declaring “Area 1B” to be Retained in Santa Fe County, and reaffirming its  
15 commitment to resolve, through good-faith negotiation with the City of Santa Fe, the status  
16 of Area 1B and other unresolved issues related to annexation, recognizing the importance  
17 of intergovernmental collaboration to provide clarity, stability, and responsive governance  
18 for affected residents;

19           **WHEREAS**, over several decades, residents of the remainder of Area 1 have  
20 consistently and repeatedly expressed, through formal petitions, public hearings,  
21 community organizing efforts, published opinion pieces, participation in City and County  
22 processes, and recent engagement in the March 19, 2026 community forum and joint  
23 working group, a clear and sustained preference to remain under County jurisdiction, to  
24 protect the rural character and existing way of life, and, in some cases, to seek inclusion

1 within the Traditional Historic Community of Agua Fría; and

2           **WHEREAS**, the City of Santa Fe and Santa Fe County desire to resolve these  
3 outstanding annexation issues; and

4           **WHEREAS**, the remainder of Area 1 has not been annexed; and

5           **WHEREAS**, the City and the County would like to amend the Settlement Agreement and  
6 the Phasing Agreement to eliminate Phase 3 of Annexation; and

7           **WHEREAS**, the City and County desire to amend the Extraterritorial Land Use Code to  
8 the extent necessary to effectuate the amendment to the Settlement Agreement.

9           **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODIES OF**  
10 **THE CITY OF SANTA FE AND SANTA FE COUNTY** that the City Manager and County  
11 Manager shall expeditiously work together with and direct staff to bring forward for consideration  
12 by the Governing Bodies of the City of Santa Fe and Santa Fe County, amendments to the  
13 Settlement Agreement and Phasing Agreement that:

14           1) terminate Phase 3 of Annexation; and

15           2) waive the City’s right to challenge the County’s designation of some or all of the  
16 remainder of Area 1 as part of a Traditional Historic Community, pursuant to NMSA  
17 1978, Section 3-7-1.1; and

18           3) reconvenes, with the City and County, the Extra Territorial Land Use Authority (ELUA)  
19 to make any necessary extraterritorial land-use ordinance changes to effectuate the City  
20 and County’s decision to terminate Phase 3 of annexation; and

21           4) does not preclude owners of property in the remainder of Area 1 that may not be included  
22 in a Traditional Historic Community from petitioning the City to annex their property  
23 and which does not require the City to approve any such requested annexation.

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25 PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

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MICHAEL GARCIA, MAYOR

ATTEST:

\_\_\_\_\_  
GERALYN F. CARDENAS, CITY CLERK

APPROVED AS TO FORM:

*Marcos Martinez* \_\_\_\_\_  
MARCOS MARTÍNEZ, CITY ATTORNEY