



City of Santa Fe, New Mexico

Memorandum



DATE: December 5, 2023

TO: John Blair, City Manager

VIA: *Regina Wheeler*
Regina Wheeler (Dec 7, 2023 09:03 MST)

Regina Wheeler, Public Works Department Director

FROM: Romella Glorioso-Moss, PhD, CPM, AICP, Capital Projects Manager *RGM*
 Cody Minnich, Project Manager, Office of Affordable Housing

ACTION:

Request for Approval of a Right-of-Way Purchase Agreement with Cypress Associates for the Construction of the El Camino Real Academy Trail in the Total Amount of \$41,550. (Romella Glorioso-Moss, Capital Projects Manager, rsglorioso-moss@santafenm.gov)

BACKGROUND AND SUMMARY:

Cypress Associates, owner of Parcel#910005782, located at Cottonwood Village Mobile Home Community (CVMHC) has accepted the City offer of \$41,550 for the purchase of 27,697 sq. ft. easement to construct the El Camino Real Academy Trail. This project jointly managed by Affordable Housing and Public Works is funded via Community Development Block Grant – a federal program providing grants for developing decent housing and suitable living environment principally for low- and moderate-income households.

The Project involves the design and construction of a multi-use trail for the Santa Fe River – El Camino Real Academy Safe-Routes-to-School connector. Many students who live in the CVMHC attend El Camino Real Academy. The Project will provide an all-weather, 10-foot multi-use trail for students to safely access the school. This becomes very important since the Santa Fe Public Schools stopped the bus service from the CVMHC to the school at the start of this school year.

PROCUREMENT METHOD:

A portion of Parcel#910005782 will be acquired per Sections 42A-1-3 through 42A-1-4 of the New Mexico Procurement Code, NMSA 1978 and followed NMDOT’s Right of Way Bureau Acquisition Process.

CONTRACT NUMBER:

The FY24 Munis contract number is 3204378

FUNDING:

Project Name/Number: El Camino Real Academy Trail/AFH2324023
Fund Name/Number: 240/Community Development
Munis Org Name/Number: 2402750/ Housing CDBG Programs
Munis Object Name/Number: 572940 / WIP Land

Att
AH

ATTACHMENTS:

- Purchase Agreement
- Approved Offer Letter
- Summary of Contracts
- Procurement Checklist

PURCHASE CONTRACT

Project: El Camino Real Academy Trail, City of Santa Fe
Parcel: Permanent Trail Easement

THIS AGREEMENT made and entered into this _____ day of _____, between **6441 CYPRESS ASSOCIATES, LLC, a Delaware limited liability company** whose address is **24 Red Tail Road, Cerrillos, New Mexico 87010-8717**

Party of the First Part, and the City of Santa Fe, a political subdivision of the State of New Mexico, hereinafter referred to as the City. For the purposes of this contract, Party shall be deemed to be either singular or plural as the context requires.

WITNESSETH: For good and valuable consideration, receipt of which is hereby acknowledged, the Party of the First Part hereby delivers to the City, ONE (1) permanent trail easement for the public improvement known as El Camino Real Academy Trail situated in Santa Fe County, State of New Mexico, more fully described in Exhibit A and subject to the following terms and conditions:

CONDITIONS:

1. Taxes and Special Assessments, if any, delinquent from former years, and Taxes and Special Assessments for the current year, if due and/or payable, shall be paid by the Party of the First Part.
2. THIS CONTRACT embodies the whole Agreement between the parties hereto, and there are no promises, terms, conditions or obligations referring to the subject matter hereof, other than as contained herein.
3. The Party of the First Part hereby agrees that the compensation herein provided to be paid includes full compensation for their interests, and the interests of their life tenants, remaindermen, reversioners, lienors and lessees, and any and all other legal and equitable interests which are or may be outstanding, and said Party of the First Part agrees to discharge the same.
4. THIS CONTRACT shall be binding upon the parties hereto and upon the respective heirs, devisees, executors, administrators, legal representatives, successors and assigns of the parties, only when the same shall have been approved by the Parties.
5. The Parties hereto shall enter into an escrow agreement with an escrow agent selected by Party of the First Part for closing of the transaction. Party of the First Part shall place into escrow all necessary documents to convey the above-referenced real property interests to the City free and clear of all liens and encumbrances, taxes and assessments, including those that are levied (owed) but may not yet be due. All escrow fees, document preparation expenses and recording fees shall be paid by the City. Transfer of the property interest shall be by easement acquisition in form approved by the City.
6. The terms of this Agreement are understood and assented to by the Parties and payment is to be made in accordance with the above. It is further understood and agreed that, except as noted or specified above, IMMEDIATE POSSESSION of said premises, and the right to enter thereon, is HEREBY GRANTED to the City, its duly authorized Agents and Contractors, upon receipt of payment by the Party of the First Part.
7. The consideration as set forth in the contract shall constitute full payment for the Premises and all damages, of whatever nature, arising out of or by reason of the use of said premises for trail and open space purposes.

8. Party of the first part will hold the City harmless for any and all claims, demands or causes of action arising out of or as a result of the transactions as described herein.

THE CITY agrees to purchase the above-described real estate, or interest therein, and to pay upon delivery of a good and sufficient permanent trail easement, therefore, as follows:

| Parcel | Sq. Ft. | \$ /Unit | % Fee | Land | Improvements | Net Damages | Total |
|---|---------|----------|-------|----------|--------------|-------------|----------|
| Permanent Trail Easement Parcel # 910005782 | 27,697 | \$3.00 | 50% | \$41,546 | N/A | N/A | \$41,546 |

Total Compensation \$41,550
Rounded

CITY OF SANTA FE

By:  Date: Dec 18, 2023
John Blair (Dec 18, 2023 11:12 MST)
 John Blair, City Manager

ATTEST:

By:  Date: Jan 12, 2024
Geralyn Cardenas (Jan 12, 2024 11:40 MST)
 City Clerk XIV

APPROVED AS TO FORM:

By:  Date: Oct 6, 2023
Kevin L. Nault (Oct 6, 2023 15:30 MDT)
 Assistant City Attorney

APPROVED FOR FINANCE:

By:  Date: Dec 15, 2023
Emily K. Oster (Dec 15, 2023 17:39 MST)
 Emily Oster, Finance Director

Party of the First Part: **6441 CYPRESS ASSOCIATES, LLC, a Delaware limited liability company**

By:  Date: 12/1/2023

Name and Title: Lee Kort, Managing Member



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909
www.santafenm.gov

Alan Webber, Mayor

Councilors:

Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Michael J. Garcia, District 2
Carol Romero-Wirth, District 2
Lee Garcia, District 3
Chris Rivera, District 3
Jamie Cassutt, District 4
Amanda Chavez, District 4

El Camino Real Academy Trail , City of Santa Fe

OFFER LETTER

6441 CYPRESS ASSOCIATES, LLC, a Delaware limited liability company
24 Red Tail Road
Cerrillos, New Mexico 87010-8712

RE: OFFER TO PURCHASE RIGHT-OF-WAY for PERMANENT TRAIL EASEMENT

Dear Property Owner(s):

Tierra Right of Way Services, Ltd. (“Tierra”) has been retained by the City of Santa Fe (the “City”) and its design engineer Wilson and Company, Inc. to assist in providing the necessary land services to complete the El Camino Real Academy Trail Project (“the Project”) located along the north bank of the Santa Fe River between Cottonwood Drive and South Meadows Road (Cottonwood Village Mobile Home Park).

The Project involves the design and construction of a multi-use trail for the Santa Fe River – El Camino Real Academy Safe-Routes-to-School connector. Many students who live in the Cottonwood Village Mobile Home Park attend El Camino Real Academy, and the Project will provide an all-weather, 10-foot multi-use trail for students to safely access the school. The Project is funded by Community Development Block Grant (“CDBG”) federal funds.

The construction plans indicate that the City needs to acquire Right of Way (“ROW”) in the form of a permanent trail easement on your property as part of this Project.

The City’s offer to purchase ROW on the Property from all parties who may have an interest in the Property is in the total sum of \$41,550.

Summary of Fair Market Value and Offer

The above compensation is allocated as follows:

| Parcel | Sq. Ft. | Unit Value | % Fee | Land | Improvements | Net Damages | Total |
|---|---------|------------|-------|----------|--------------|-------------|----------|
| Permanent Trail Easement Parcel # 910005782 | 27,697 | \$3.00 | 50% | \$41,546 | N/A | N/A | \$41,546 |

Total Compensation \$41,550
Rounded

Should you have any questions or need further information, please feel free to contact the City's acquisition agent Tierra Right of Way Services at 505-820-6656. Your cooperation in our efforts to improve the Santa Fe River – El Camino Real Academy Safe-Routes-to-School connector for our community is greatly appreciated.

Sincerely,


John Blair
John Blair (Oct 16, 2023 10:01 MDT)

John Blair
City Manager

Date: Oct 16, 2023

Your signature hereon **DOES NOT CONSTITUTE AN ACCEPTANCE OF THE OFFER**, but is only to verify that an offer has been made to you. Your signature hereon does not prejudice your right to have the final amount determined through condemnation proceedings in the event that you do not accept the offer.

I certify that a copy of this letter and the brochure explaining the land acquisition process, the property owner's rights, privileges, and obligations were presented to me by the undersigned ROW agent.



Wade Patterson, Tierra Right of Way Services, Ltd., Right of Way Agent

Receipt of the above OFFER LETTER is hereby acknowledged,

By:  Lee Kort

Name of Property Owner in Print and Signature

Date: 12/1/2023



City of Santa Fe

Real Estate Summary of Contracts, Agreements, Amendments & Leases

Section to be completed by department

1. Munis Contract # 320 4378

Contractor: 6441 CYPRESS ASSOCIATES, LLC

Description: **Purchase Contract for Parcel #910005782 in the total amount of \$41,550 to construct the El Camino Real Academy Trail.**

Contract Agreement Lease / Rent Amendment

Term Start Date: TBD Term End Date: N/A

Approved by Council Date: _____

Contract / Lease:

Amendment # _____ to the Original Contract / Lease # _____

Increase/(Decrease) Amount \$ _____

Extend Termination Date to: _____

Approved by Council Date: _____

Amendment is for:

2. **HISTORY of Contract, Amendments & Lease / Rent - Please Elaborate** (option: attach spreadsheet if multiple amendments)

3. **Procurement History:** right of way acquisition - No Procurement

Johann Levato Montano Dec 13, 2023
Purchasing Officer Review: _____ Date: _____

Comment & Exceptions: Right of Way Acquisition

4. **Funding Source:** 240/Community Development Org / Object: 2402750-572940

Andy Hopkins Dec 13, 2023
Budget Officer Approval: _____ Date: _____

Comment & Exceptions: _____

Staff Contact who completed this form: Romella Glorioso-Moss Phone # 505-955-6623

Email: rsglorioso-moss@santafenm.gov

To be recorded by City Clerk:

Clerk # _____

Date of Execution: _____



CITY OF SANTA FE PROCUREMENT CHECKLIST

Contractor Name: 6441 CYPRESS ASSOCIATES, LLC

Procurement Title: Purchase Contract

Procurement Method: State Price Agreement Cooperative Sole Source Other

Exempt Request For Proposal (RFP) Invitation To Bid (ITB) Contract under 60K Contract over 60K

Department Requesting Public Works Staff Name Romella Glorioso-Moss

Procurement Requirements:

A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids, all evaluation materials, score sheets, quotations and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement shall contain a written determination from the Requesting Department, signed by the purchasing officer, setting forth the reasoning for the contract award decision before submitting to the Committees.

REQUIRED DOCUMENTS FOR APPROVAL BY PURCHASING*

YES N/A

- Approved Procurement Checklist (by Purchasing)
- Memo addressed to City Manager (under 60K) Committees/City Council (over 60K)
- State Price Agreement
- RFP
- Evaluation Committee Report
- ITB
- Bib Tab
- Quotes (3 valid current quotes)
- Cooperative Agreement
- Sole Source Request and Determination Form
- Contractors Exempt Letter
- Purchasing Officers approval for exempt procurement
- BAR
- FIR
- Executed Contract, Agreement or Amendment
- Current Business Registration and CRS numbers on contract or agreement
- Summary of Contracts and Agreements form
- Certificate of Insurance
- All documentation presented to Committees
- Other:

Romella Glorioso-Moss Capital Projects Manager 12/5/2023

Department Rep Printed Name (attesting that all information included) Title Date

JolAnn Lovato Montano Chief Procurement Officer Dec 13, 2023

Purchasing Officer (attesting that all information is reviewed) Title Date

Include all other substantive documents and records of communication that pertain to the procurement and contract.