



City of Santa Fe New Mexico

Memorandum



Date: June 13, 2024

To: John Blair, City Manager

Via: *Regina Wheeler*
Regina Wheeler (Jun 14, 2024 13:07 MDT)

From: Romella Glorioso-Moss, PhD, CPM, Complete Streets Capital Projects Manager RGM

ACTION:

Request for Approval of a Purchase Agreement of a Public Utility Easement Owned by Brandi Garcia Chang in the Total Amount of \$5,300 Excluding Closing Fees to Construct the NMDOT-funded Agua Fria-South Meadows Intersection Improvements. (Romella Glorioso-Moss, Complete Streets Capital Projects Manager, rsglorioso-moss@santafenm.gov)

BACKGROUND AND SUMMARY:

The Complete Streets Capital Projects is currently constructing the NMDOT-funded Agua Fria St – South Meadows Intersection Improvements project. Construction started last August and is anticipated to be completed in a year. However, to complete construction, a Public Utility Easement (PUE) of 570 sq ft must be acquired from Ms. Brandi Garcia Chang for \$5,300.00 in order to relocate water utility lines. The price per square foot offer is based on the previous appraisal obtained by the City as part of this project. Attached is the Purchase Agreement for your review and approval.

PROCUREMENT METHOD:

This PUE offer to purchase is 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 FY25 Munis contract number is 3204776.

FUNDING:

Fund Name/Number: CIP – Streets/330
Munis Org Name/Number: Streets/3309980
Munis Object Name/Number: WIP Land/572940
Project ID: ST18330AT

ATTACHMENTS:

Purchase Agreement
Summary of Contract
Certificate of Insurance

Halona Crowe

Reviewed by Halona Crowe

PURCHASE CONTRACT

Item #24-0521

Project: Agua Fria and South Meadows Intersection
Improvements Project
Parcel: PUBLIC UTILITY EASEMENT

THIS AGREEMENT made and entered into this _____ day of _____, 2024
between **Brandi Garcia Chang, an unmarried woman**
whose address is **P.O. Box 972, Questa, New Mexico 87556-0972**

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) Public Utility Easement for the public improvement known as: Agua Fria and South Meadows Intersection Improvements Project situated in Santa Fe County, State of New Mexico, 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 City Manager or his/her authorized representative.
5. The terms of this Agreement are understood and assented to by us 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 First Party.
6. The terms and conditions of this contract have been fully explained and are understood by the undersigned, and payment is to be made in accordance with the above conditions.
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 utility purposes.
8. Terms and conditions contained on the reverse side of this contract are part of this contract as fully as if written on this side.
9. 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.

10. The City will allow for utility extensions through the Public Utility Easements (PUE) area with qualified contractors performing the installations.

11. During the construction process, its designated contractors will be responsible for restoring any property damaged by their activities to its original condition, in accordance with applicable regulations and standards.

The City agrees to purchase the above-described real estate, or interest therein, and to pay upon delivery of one (1) good and sufficient Public Utility Easement therefore, as follows:

Parcel	Sq. Ft.	\$ / Unit	% Fee	Land	Improvements	Net Damages	Total
Public Utility Easement	570	\$4.00/sq. ft.	100%	\$2,280	N/A	N/A	\$2,280.00
Rounded							\$2,300.00
Signing Bonus							\$3,000.00

Total Compensation \$ 5,300.00

CITY OF SANTA FE

BY: *John Blair* Date: 07/16/2024
John Blair (Jul 16, 2024 12:01 MDT)
John Blair, City Manager

ATTEST: *[Signature]* Date: Aug 26, 2024
Gerilyn F. Cardenas, Interim City Clerk *clw*
xv

CITY ATTORNEY'S OFFICE:
Marcos Martinez Date: May 23, 2024
Marcos Martinez (May 23, 2024 13:08 MDT)
Marcos Martinez, Senior Assistant City Attorney

APPROVED FOR FINANCES:
Emily K. Oster Date: 7/15/24
Emily Oster, Finance Director

Org/Obj
3309980/572940

Party of the First Part: **Brandi Garcia Chang, an unmarried woman**

By: Brandi Garcia Chang Date: 6-3-2024
Brandi Garcia Chang

Title: Property Owner



City of Santa Fe

Summary of Contract, Agreement, Amendment & Lease

All applicable fields to be completed by department (complete 1.b only if you are processing an amendment):

1.a Munis Contract: 3204776 Procurement # (RFP/ITB# If any):

Contractor: Southwestern Title Co

Procurement Method: Small Purchase RFP ITB Sole Source GSA Cooperative Exempt

Description/Title: Purchase Contract for Public Utility Easement for Agua Fria - South Meadows Intersection improvements Project for Brandi Garcia Chung

Contract: Agreement: Lease/Rent: Amendment:

Term Start Date: _____ Term End Date: _____ Total Contract Amount: \$5,300

Approved by Council (If over the City Manager's approval threshold, you must go through GB) _____

Contract / Lease:

1.b Amendment #: _____ to the Original Contract/Lease # _____

Increase/(Decrease) Amount \$: _____

Extend Expiration Date to: _____

Approved by Council (If the original went through GB, all amendments must go through GB regardless of the amendment reason) Date: _____

Amendment is for: _____

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

3. **Procurement History:** No Procurement - Public Utility Easement Acquisition

Purchasing Officer Review: _____ Date: _____

Comment & Exceptions: _____

4. **Funding Source:** StrtsRdways - WIP LAND (ST18330AT) **Org / Object:** 3309980-572940

Andy Hopkins

Budget Officer Approval: _____ Date: _____

Comment & Exceptions: _____

5. **Grant History (if applicable):** _____

Grants Administrator Approval: _____ Date: _____

Staff Contact who Completed This Form: Romella Glorioso-Moss Phone #: 5059556623

To be recorded by City Clerk: Clerk # _____ Email: rsglorioso-moss@santafenm.gov

Date of Execution: _____

ITT Representative (attesting that all information is reviewed)

Title

Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

08/15/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Riebling Insurance Agency, LLC 100 Fire Island Avenue Babylon NY 11702	CONTACT NAME: Denise Finn		PHONE (A/C, No, Ext): (516) 280-6760	FAX (A/C, No):
	E-MAIL ADDRESS: dfinn@riallc.net			
INSURED Southwestern Title & Escrow Inc. 236 Montezuma Ave. Santa Fe NM 87501	INSURER(S) AFFORDING COVERAGE			NAIC #
	INSURER A : Underwriter at Lloyd's of London			15792
	INSURER B :			
	INSURER C :			
	INSURER D :			
	INSURER E :			

COVERAGES **CERTIFICATE NUMBER:** CL2381523861 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSTR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$	
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$	
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/>	N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$	
A	Errors & Omissions			MKLV7PEO9287	08/30/2023	08/30/2024	Each Claim \$1,000,000 Aggregate \$1,000,000 Deductible \$25,000	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Fidelity Bond SUAFESB10411-2307 Eff. 8/30/2023 to 8/30/2024 Aggregate \$250,000 Deductible \$15,000

The following Locations are also covered under the above mentioned policies:

- 1120 Industrial Park Road, Suite 301, Espanola, NM 87532
- 6310 Jefferson Street, Suite A, Albuquerque, NM 87109-3480
- 417 E Palace, Unit 18, Santa Fe, NM 87501

CERTIFICATE HOLDER**CANCELLATION**

Evidence of Insurance	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

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Signature: 
XAVIER VIGIL (Aug 23, 2024 13:41 MDT)

Email: xivigil@santafenm.gov

24-0521 Brandi Garcia Chung

Final Audit Report

2024-08-26

Created:	2024-08-23
By:	XAVIER VIGIL (xivigil@santafenm.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAFrD73POZ0oeypkUw1wJWrpRd9np7jixE

"24-0521 Brandi Garcia Chung" History

-  Document created by XAVIER VIGIL (xivigil@santafenm.gov)
2024-08-23 - 7:39:34 PM GMT- IP address: 63.232.20.2
-  Document e-signed by XAVIER VIGIL (xivigil@santafenm.gov)
Signature Date: 2024-08-23 - 7:41:46 PM GMT - Time Source: server- IP address: 63.232.20.2
-  Document emailed to GERALYN CARDENAS (gfcardenas@santafenm.gov) for signature
2024-08-23 - 7:41:49 PM GMT
-  Email viewed by GERALYN CARDENAS (gfcardenas@santafenm.gov)
2024-08-26 - 2:04:10 PM GMT- IP address: 174.218.20.170
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Signature Date: 2024-08-26 - 2:04:22 PM GMT - Time Source: server- IP address: 174.218.20.170
-  Agreement completed.
2024-08-26 - 2:04:22 PM GMT