

CONSENT FOR ACCESS TO PROPERTY

Name of Property Owner: City of Santa Fe

Location of Property: Right-of-way space on E. Santa Fe Ave and Alleyway south of 222 E. Santa Fe Avenue.

This Agreement between the City of Santa Fe ("City") and Souder, Miller & Associates, Inc. (Consultant) provides the City's consent for Consultant and its authorized officers, employees, contractors, and representatives for access to the above-described Property for corrective action consistent with the requirements of 20.5.119 NMAC and approved by the New Mexico Environment Department.

1. Activities may include but are not limited to the following:
 - Ongoing soil and groundwater sampling, installation and abandonment of soil borings and monitoring wells, and survey of well locations, as needed.
2. Consultant and its authorized officers, employees, contractors, and representatives will provide City written or oral notice prior to each entrance onto Property. This notice shall be given to:

Property Owner Contact: City of Santa Fe, Public Works Dept.
Felipe C. Trujillo, Streets and Drainage Superintendent

Owner's Address: 200 Lincoln Ave. Santa Fe, New Mexico 87501
Telephone: Email: 505.629.6063
fctrujillo@santafenm.gov

3. City may observe activities on the Property; however, all operations shall be conducted in accordance with the Occupational Health and Safety Regulations (see 29 CFR § 1910.120). All work will be conducted in an efficient, courteous manner and with minimal disruption and inconvenience to the patrons, employees, agents, and representatives of City. Should any potential fire, explosion, health, safety or other hazards of the hazardous waste operation be identified, City will not be allowed to observe.
4. City may choose to collect split samples. Should City choose to have split samples collected and analyzed, then City is responsible to arrange in advance for the provision of, and costs associated with any equipment, accessories and laboratory costs required for such split samples.
5. Installations on the Property shall not interfere with the movement of vehicles and regular activities on the Property. Following completion of the project, the Consultant and its authorized officers, employees, contractors, and representatives will, as directed by the New Mexico Environment Department, subject to approval by the City, properly abandon all wells, remove equipment, all materials, trash, fencing, and other associated items. The Consultant and its authorized officers, employees, contractors, and representatives shall return the property as close as possible to the pre-entrance condition.
6. Indemnification.

The Consultant shall indemnify, hold harmless and defend City from all losses, damages, claims or judgments, including payment of all attorney's fees and costs, on account of any suit, judgment, execution, claim, action or demand whatsoever arising from damages resulting from any negligent act or omission of Consultant in connection with the work performed by Consultant pursuant to this agreement. City's counsel at the City Attorney's Office may demand defense from Consultant and shall select counsel and direct litigation of City's case.

Consultant shall make reasonable efforts to cause any and all agreements that Consultant enters into with any subcontractors involved in the performance of this work to contain language indemnifying City

as provided in this Section.

7. NEW MEXICO TORT CLAIMS ACT.

Any liability incurred by City in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, Section 41-4-1, et seq. NMSA 1978, as amended. The City and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense, and do not waive any limitation of liability pursuant to law. No provision of this License modifies or waives any provision of the New Mexico Tort Claims Act.

The consent for access can be withdrawn by the City at any time.

CITY OF SANTA FE:

BRIAN MOYA

BRIAN J. MOYA,
INTERIM CITY MANAGER

DATE: 02/25/2026

ATTEST:

GERALYN F. CARDENAS

GERALYN F. CARDENAS, INTERIM CITY CLERK

APPROVED AS TO FORM FOR LEGAL SUFFICIENCY:

Ruby Crews

[Ruby Crews \(Feb 24, 2026 10:33:39 MST\)](#)

RUBY A. CREWS, ASSISTANT CITY ATTORNEY

SOUDER, MILLER & ASSOCIATES

Scott A. McKitrick

[Scott A. McKitrick \(Feb 24, 2026 10:31:16 MST\)](#)

SCOTT A. McKITRICK, P.G.,
VICE PRESIDENT/ENVIRONMENTAL
TECHNICAL SECTOR DIRECTOR

DATE: Feb 24, 2026

Signature: *Erika Quintana*

Email: efquintana@santafenm.gov