

0310

**RESOLUTION NO. 05- 22**

**A RESOLUTION APPROVING A METHOD FOR REQUESTING COUNTY ROAD  
MAINTENANCE AND SUPERSEDING RESOLUTION # 99-23**

**Whereas**, the Board of County Commissioners of Doña Ana County desires to establish a process to be used when requesting County maintenance of roads that are not currently maintained by the County; and,

**Whereas**, the preferred method for improving, and accepting dedication of, private roadways is through the subdivision application process or through the creation of improvement/assessment districts pursuant to state law; and,

**Whereas**, the County Engineering Department has followed guidelines relating to the method for acceptance of roads for County maintenance at least since August 1984, and in August 1990 the Board of County Commissioners adopted a Guide to County Road Maintenance, which was revised in April 1992; and later revised in March 1999; and,

**Whereas**, the Board wishes to modify the method for accepting roads for County maintenance and, with this resolution, supersede Resolution Number 99-23.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Dona Ana County shall utilize the following procedures for accepting private roadways for County maintenance:

**I. PROCEDURE FOR NON-COUNTY MAINTAINED ROADS**

A. No road will be considered for County maintenance unless the right-of-way is offered for dedication, in a form acceptable to the county, to Doña Ana County, for public use, by all affected property owners. The offer of dedication does not automatically impose a corresponding duty upon the County to accept the offer of dedication or accept maintenance of the road(s).

B. The County will require certification of clear title and title insurance for the property contained in the dedication in a form acceptable to the County. The person(s) offering the property for dedication shall bear the entire cost of title certification and title insurance.

C. The offer to dedicate right-of way must include a survey and plat of the survey prepared and certified by a Registered New Mexico Land Surveyor and must meet the Minimum Standards for Land Surveying in New Mexico, as amended. The person(s) offering the property for dedication shall bear the entire cost of the survey and plat.

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D. The improvements within the right-of-way must meet the minimum design and construction standards currently in effect in Doña Ana County. This includes and is not limited to the roadway, drainage and utility facilities. The person(s) offering the property for dedication shall bear the entire cost of the improvements, subject to the provisions pursuant to Section III of this Resolution.

E. Upon the County's satisfaction with the construction of all improvements within the right-of-way and the expiration of any warranties imposed on the construction by the County, the improvements will be recommended to the Board to be considered for acceptance and maintenance by the County.

## **II. PROCEDURES FOR ROADS WITHIN A PROPOSED SUBDIVISION**

The property owner(s) shall follow the Subdivision Ordinance currently in effect and applicable to that unincorporated portion of Doña Ana County.

## **III. CRITERIA FOR ACCEPTANCE**

The Board, in its discretion and in the interest of public health safety and welfare, may accept privately maintained roads for County maintenance for roads that do not otherwise meet the required County design and construction standards. The Board shall determine, for those privately maintained roads it wishes to accept for County maintenance, the priority of maintenance and, when applicable, the type and priority of improvements. The Board shall make its determination after considering a report from the Development Review Committee of the following criteria:

- A. the extent to which the proposed right-of-way is adequate; and,
- B. the number of homes / businesses fronting the road; and,
- C. the number of average daily vehicle trips (ADT) associated with the road; and,
- D. the number of vehicle accidents associated with the road and/or an assessment of the risks to public safety posed by any existing road condition and an assessment of any future risks to public safety; and,
- E. whether or not the road is a school bus route; and,
- F. the nature and extent of any dust problems associated with the road; and,
- G. the nature and extent of any drainage problems associated with the road; and,
- H. the need for utility/fixture relocation; and,
- I. whether or not the road is located in a federally recognized Colonia; and,

J. a funding and priority analysis, which includes estimated design, construction, annual maintenance, lifetime maintenance costs and any other associated costs to the County; and,

K. the extent to which previous development has occurred within the general vicinity, future development may be limited due to access related problems and those access related problems may be remedied by this Resolution; and,

L. the extent to which the proposed road may compromise a portion of a future road network.

#### **IV. GENERAL PROVISIONS**

A. Subdivisions, with privately maintained roads, which are not dedicated to the public's use will not be accepted by the County for maintenance.

B. Roads within mobile home parks, condominium developments and apartment developments will not be accepted by the County for maintenance.

C. Temporary or emergency maintenance by the County does not constitute an implied acceptance of dedication or of maintenance by the County.

D. Any work on a non-County maintained road that is to be considered for public dedication and County maintenance shall require a permit from the County and must comply with the current design and construction standards in effect.

E. A conditional acceptance of the offer of dedication and/or a conditional acceptance of the maintenance responsibilities may be granted by the Board prior to the completion of Section I, Paragraphs A through D of this Resolution when the Board finds that prior completion of Section I, Paragraphs A through D of this Resolution may impose an unreasonable impediment to bringing forth the requested action. The conditional acceptance of the offer of dedication and/or a conditional acceptance of the maintenance responsibilities alone is not a waiver of Section I, Paragraphs A through D of this Resolution.

F. The Board, in its discretion, may direct the County to accept the costs associated with Section I, Paragraphs B and C.

G. Roads on government or quasi-governmental property (i.e., Federal, State, Municipal, Tribal, International Boundary and Water Commission, Elephant Butte Irrigation District, etc.), where perpetual right-of-way dedication in fee to the County is not practical, may be considered for County maintenance and/or improvement where a permit, license, easement or other form of right-of-way is provided to and accepted by the County.

H. In order to act pursuant to this Resolution an affirmative vote of a simple majority of the quorum present shall be required.

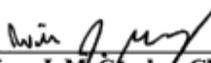
I. Staff is directed to prepare an application and investigative process in order to implement this Resolution. The Board establishes a minimum two hundred fifty dollar application fee.

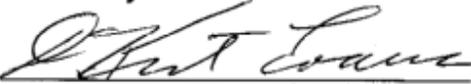
J. Nothing in this Resolution shall be construed as in any way limiting County Commission authority to accept dedication/maintenance of a roadway through any other process specifically authorized under state statute.

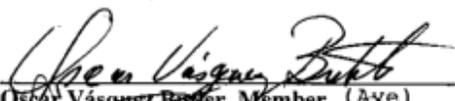
K. This Resolution supersedes Resolution Number 99-23.

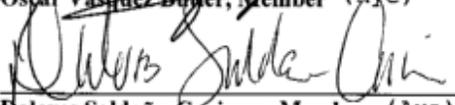
Resolved this 23rd day of February, 2005.

**BOARD OF COUNTY COMMISSIONERS  
DOÑA ANA COUNTY, NEW MEXICO**

  
\_\_\_\_\_  
William J. McCamley, Chair (Aye)

  
\_\_\_\_\_  
D. Kent Evans, Vice-Chair (Aye)

  
\_\_\_\_\_  
Oscar Vásquez Bader, Member (Aye)

  
\_\_\_\_\_  
Dolores Saldaña-Caviness, Member (Aye)

  
\_\_\_\_\_  
Paul B. Curry, Member (Aye)



ATTEST:

  
\_\_\_\_\_  
Rita Torres  
Clerk



State of New Mexico  
County of Dona Ana, ss 5610  
RECEPTION NO. \_\_\_\_\_  
I hereby certify that this  
instrument was filed for  
recording and duly recorded on  
**FEB 24 2005**

at 10:18 o'clock A M  
Book 588 Page 752-755  
of the Records of said County.  
Rita Torres, County Clerk  
BY:  DEPUTY