



**SOCORRO COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION № 2011-35**

PROCEDURE FOR ACCEPTING DONATIONS OF REAL PROPERTY

RECITALS

WHEREAS, pursuant to NMSA 1978 Section 4-38-1 (1884) the powers of a county as a body politic and corporate shall be exercised by a board of county commissioners; and,

WHEREAS, NMSA 1978, Section 4-38-13 (1953) provides that board of county commissioners shall have power at any session to make such orders concerning the property belonging to the county as they may deem expedient; and,

WHEREAS, Section 4-37-1 et seq. NMSA 1978 provides that counties may adopt those resolutions and ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

WHEREAS, the ownership of real property and the management of such real property has the potential of imposing unacceptable risks and liabilities on the County of Socorro if the property is remote, contains environmental hazards or has a clouded chain of title.

WHEREAS, the Board of County Commissioners of Socorro County is interested in adopting a resolution that embodies the policies and procedures to be employed by the County regarding the acceptance of gifts of real property in order to safeguard the County against accepting gifts of real property that are difficult to sell or are encumbered with defects that could put the County at risk once it is in the chain of title.

SECTION I. GENERAL.

Socorro County shall consider accepting title to real property as a gift if the donated real property can be sold to realize its cash value realize its cash value for the County or if the property is located in an area where the real property may be used to meet the operational needs of County Government.

SECTION II. PROCEDURE TO ACCEPT REAL PROPERTY.

(A) Step 1. Establishing County Interest:

The process of establishing Socorro County interest in accepting a gift of real estate shall begin once the following information is provided to the Socorro County Manager:

1. The name, address, telephone number and e-mail address of the proposed donor.
2. A statement of the reasons for the donor's desire to make the gift.
3. A general description of the property including the exact location, any structures (above and below ground), past uses of the property, location characteristics and pictures.
4. Proof of donor's ownership of the property in the form of a copy of the donor's deed to the real property.
5. A statement as to whether the contribution is of the donor's complete or partial interest in the property. Socorro County will not accept as a gift a partial, fractional or minority interest in real property.
6. A list of any personal property to be included with the gift.
7. Copies of current real estate tax bills and special assessment bills.

(B) Step 2. Obtaining Further Details

If based on the information obtained in Step 1 it is determined by the County Manager that the County will not benefit from the real property the County Manager shall inform the donor, in writing, that the County rejects the donation. If the County Manager determines, based on the information obtained in Step 1., that the County could potentially benefit from this donation of real property, the following additional documents shall be obtained by the County Manager before the donation is presented to the Board of County Commissioners:

1. A recent legal description and survey, if necessary, of the property showing any easements and right-of-ways.
2. A ten year tax search.
3. An up to date appraisal report performed by either an independent, professional real estate appraiser or by the County Assessor's Office listing property market value and marketability.
4. A chain of title report as to the ownership of the real property by the County Assessor – if there appears to be any inconsistencies in the chain of title the County will require that the donor provide a title abstract.
5. If after the County Administration reviews the real property and there appears to be any potential environmental hazards the donor will provide at his/her expense a Phase

I Environmental Assessment of the property in a form and content which would be satisfactory to an institutional lender, together with a report of the physical condition of the property.

6. If the County Manager determines after review of the additional information that accepting the property will not be in the County's best interest the County Manager shall inform the donor, in writing, that the County rejects the donation.

(C) Step 3. Recommendation

Once all of the documentation If after review, the County Manager finds that accepting the property would be in the County's best interest, the County Manager shall present a report to the Board of County Commissioners at regular County Commission meeting detailing why accepting the property would be in the County's best interest. The County Manager's report shall explain why the real property will either be beneficial for County Government use or why the real property can easily be sold for its cash value as well as a plan for the real property.

SECTION III. FINAL ACCEPTANCE

After receiving the County Manager's recommendation to accept the real property the Board of County Commissioners may, at its sole discretion, vote to accept the real property. If the Board votes to accept the property the donor must transfer the real property, by Warranty Deed, to the County of Socorro within 30 days of the vote or the acceptance will be considered null and void. If the Board votes not to accept the donation the County Manager shall inform the donor, in writing, that the County rejects the donation.

SECTION IV. APPEAL

The upon the receipt of a letter of denial a potential donor may request the denial to be re-considered at a regular meeting of the Board of County Commissioners.

APPROVED, ADOPTED, AND PASSED on this 22nd day of March, 2011.

BOARD OF COUNTY COMMISSIONERS

Absent
DANIEL P. MONETTE, CHAIRMAN

[Signature]
PAULINE JARAMILLO, VICE-CHAIR

[Signature]
PHILLIP ANAYA

[Signature]
RUMALDO J. GRIEGO

[Signature]
JUAN JOSE GUTIERREZ

ATTEST BY:

[Signature]
REBECCA (BECKY) VEGA, COUNTY CLERK

