

Village of Angel Fire

Resolution No. 2016 - 02

A Resolution Authorizing the Donation of a 10 Acre Tract of Real Property from the Village of Angel Fire To the State of New Mexico for the Purpose of a Veterans' Cemetery and Authorizing and Ratifying the Mayor's Execution of the Real Property Donation Agreement with the State of New Mexico Attached Hereto (Attachment I)

WHEREAS, the Village of Angel Fire and its residents have supported Governor Susana Martinez's initiative being the Governor's State Veterans' Cemetery Program to provide for federally-rated final resting places that are closer to home for our state's veterans, and

WHEREAS, the Village of Angel Fire supported in the past, through Resolutions 2014-17 and 2013-33, a veterans cemetery to be located next to the existing Vietnam Veterans Memorial State Park, Angel Fire, New Mexico; and

WHEREAS, Harry Patterson and Stan Samuels have donated 10 acres located adjacent to the existing Vietnam Veterans Memorial State Park for this project and have transferred title to said 10 acre tract of real property to the Village of Angel Fire in November 2015 through the David Westfall Veterans Foundation, Inc. with Colfax County approval therefor such transfer of land for a veterans' cemetery; and

WHEREAS, Governor Susana Martinez has selected Angel Fire as a New Mexico site on which to plan, design, and construct a regional veterans' memorial cemetery; and

WHEREAS, this donation of this real property is being conducted legally in accordance with applicable New Mexico State Statutes and Administrative Codes, and in compliance with NMSA 1978, § 3-54-2(D) with approval by the New Mexico Department of Finance and Administration (DFA), Local Government Division; and by and through the execution of that certain Real Property Donation Agreement by the Village of Angel Fire and the State of New Mexico which is attached as Attachment I hereto, together with a legal description for the specific 10 acre real property being donated which is attached as Exhibit A thereto;

NOW, THEREFORE, BE IT RESOLVED the Governing Body (Village Council) of the Village of Angel Fire hereby authorizes the donation of the 10 acre tract of real property from the Village of Angel Fire to the State of New Mexico for the purpose of a Veterans' Cemetery to be located adjacent to the Vietnam Veterans' Memorial State Park, which real property is fully described in Exhibit A to the "Real Property Donation Agreement" Attachment I hereto; and,

BE IT FURTHER RESOLVED that the Mayor for the Village of Angel Fire is authorized to execute, and her prior execution thereon is hereby ratified, the Real Property Donation Agreement attached as Attachment I hereto.

PASSED, APPROVED, AND ADOPTED this 12th day of January, 2016.



Barbara Cottam, Mayor

Attest:



Terry Cordova, Village Clerk

REAL PROPERTY DONATION AGREEMENT

This Agreement for the donation of real property (Agreement) is entered into by and between the Village of Angel Fire, New Mexico (hereinafter "Village") and the State of New Mexico, General Services Department, Facilities Management Division (hereinafter "FMD").

WHEREAS, the Village is the owner of the real property (hereinafter "Property") located near Angel Fire, Colfax County, New Mexico and further described as:

A 10 acre, more or less, tract of land in Sections 29, 30, 31, and 32, T 26 N., R 16 E., NMPM and further described in Exhibit A attached hereto; and

WHEREAS, the Village desires to donate the property to the State of New Mexico; and

WHEREAS, the Village's Mayor Barbara Cottam has been authorized to execute this Agreement on behalf of the Village;

NOW, THEREFORE, the parties agree as follows:

1. The Village declares that it is the sole owner of the property and that it has clear title to the property, free and clear of any debts or other encumbrances and to the best of its knowledge there are no liens or other encumbrances on the property.
2. The Village waives any right to receive any compensation in return for its transfer of ownership of the property to the State of New Mexico.
3. This Agreement shall be binding upon the Village and upon its respective successors or assigns. This Agreement shall also be binding upon FMD and upon its successors or assigns.
4. This Agreement embodies the entire agreement between the Village and FMD.
5. The mutual promises contained in this Agreement constitute full and adequate consideration for the Agreement.
6. This Agreement shall be governed by the laws of the State of New Mexico.
7. The FMD shall be responsible for all surveys, inspections, and preparation of documents, and all costs thereof, relating to the transfer of ownership of the property to FMD, including the preparation of any necessary plats or diagrams. The FMD shall be responsible for the filing with the County Clerk of all documents relating to the transfer

of ownership, and shall be responsible for all fees charged by the County Clerk for such filings.

8. By signing this Agreement the Village agrees to transfers title and ownership of the property by Quitclaim Deed to the State of New Mexico at a mutually agreeable date for closing and by signing this Agreement, the General Services Department, Facilities Management Division, accepts title and ownership of the property (Exhibit A hereto) for a new Veterans Cemetery on behalf of the State of New Mexico on the date of closing.

9. The Property is described by Exhibit A attached hereto.

10. The FMD agrees it is receiving the property in an 'as is' condition with no warranty and at no cost to the Village of Angel Fire, New Mexico.

IN WITNESS WHEREOF, the parties to this Agreement, by and through their authorized representatives, set their hands and seals on the date or dates indicated .

THE VILLAGE OF ANGEL FIRE, NEW MEXICO

By: Barbara Cottam
Barbara Cottam
Its Mayor

Date: 12-24-15

ATTEST:

Jerry Cadman
Village Clerk

STATE OF NEW MEXICO, GENERAL SERVICES DEPARTMENT

By: _____ Date: _____

ATTEST:

Notary Public, _____

EXHIBIT "A"

TRACT "C-1"

All that certain tract of land lying and being situate within Section 36, Township 26 North, Range 15 East, N.M.P.M., within the Maxwell Land Grant, Colfax County, New Mexico and being more particularly described as follows:

Commencing at the Section Corner common to Sections 29, 30, 31 and 32, T26N, R16E, N.M.P.M.:

Thence S 88°06'30"W, a distance of 1245.48 feet to a point on the northwesterly right-of-way of U.S. Highway No. 64; thence in a general southwesterly direction along said right-of-way the following courses and distances: on a curve to the right having a central angle of 01°44'25", a radius of 5629.58 feet, an arc length of 170.99 feet and whose chord bears S40°01'48"W, a distance of 170.98 feet to a point; thence S40°54'00"W, a distance of 5095.58 feet to the point of intersection of said right-of-way with the southerly right-of-way of Onate Road, also known as Colfax County Road No. B4; thence in a general westerly direction along the said right-of-way of Onate Road the following courses and distances: S73°14'50"W, a distance of 84.46 feet to a point; thence on a curve to the right having a central angle of 21°40'15", a radius of 447.98 feet, an arc length of 169.44 feet and whose chord bears S84°04'58"W, a distance of 168.43 feet to a point; thence N85°04'55"W, a distance of 496.72 feet to a point; thence on a curve to the right having a central angle of 03°49'55", a radius of 3019.53 feet, an arc length of 201.95 feet and whose chord bears N83°09'58"W, a distance of 201.91 feet to a point; thence N81°15'00"W, a distance of 280.74 feet to the most easterly corner and point of beginning of the herein described Tract C-1:

Thence running from said point of beginning, leaving said right-of-way, S32°18'54"W, a distance of 917.73 feet to a point; thence N57°41'06"W, a distance of 500.00 feet to a point; thence N32°18'54"E, a distance of 906.02 feet to a point on the aforesaid southerly right-of-way of Onate Road; thence in a general easterly direction along said right-of-way the following courses and distances: S40°03'40"E, a distance of 125.97 feet to a point; thence on a curve to the left having a central angle of 41°11'20" a radius of 429.19 feet, an arc length of 308.54 feet and whose chord bears S60°39'20"E, a distance of 301.94 feet to a point; thence S81°15'00"E, a distance of 85.55 feet to the point of beginning, containing 10 acres of land, more or less.

The above described Parcel C-1 lies within Parcel C, described in that certain warranty deed to Saladon Properties, LLC, recorded in the Office of the Colfax County Clerk in Real Estate Records Book 13, page 12577.

Canepa & Vidal, P.A.

Terry Cordova (tcordova@angelfirenm.gov)
Veterans Cemetery / Agenda for Next Council Meeting

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ferry,

Attached is the proposed Resolution regarding the 10 acre real property donation for the Veterans Cemetery for the next Council Meeting on January 12, 2016. The Agenda item should read as follows:

“New Business

- A. Discussion / Approval of Resolution 2016 - _____, a Resolution Authorizing the Donation of a 10 Acre Tract of Village Land Near the Vietnam Veterans Memorial State Park to the State of New Mexico for a Veterans' Cemetery and further Authorizing / Ratifying the Mayor's Execution of the Real Property Donation Agreement With the State of New Mexico Relating Thereto.”

Let me know if you have any questions.

Joseph F. Canepa

Canepa & Vidal, P.A.

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