



Resolution 10-03

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SIGN A COUNTY TO TOWN EASEMENT AGREEMENT FOR LOW PRESSURE WASTEWATER DISPOSAL LINE and AN AGREEMENT FOR CONSTRUCTION, USE AND MAINTENANCE OF 3" LOW PRESSURE PIPELINE FOR DISPOSAL OF SEWAGE EFFLUENT TOTOWN GRAVITY SEWER SYSTEM AND GRANT OF EASEMENT WITH PRIVATE PARTIES.

WHEREAS, the State of New Mexico Environment Department has determined that existing septic tank and leachfield wastewater disposal systems in an area of Taos County lying in close proximity to the Town of Taos, specifically at the Vista del Canon Condominiums and the San Geronimo Lodge, both located near the intersection of Witt Road and San Geronimo Lane, are inadequate to protect groundwater from contamination, and has issued Notice of Violation in connection with this situation; and

WHEREAS, the State of New Mexico Environment Department directives require the owners of the existing inadequate wastewater discharge systems to replace the existing systems with either on-site wastewater treatment plants or connection to the Town of Taos Wastewater Treatment System; and

WHEREAS the private parties involved have requested and designed the connection of their wastewater systems to the Town's Wastewater Treatment System using a 3" low-pressure sewer line, rather than building their own on-site wastewater treatment facilities, and are willing to assume all costs and responsibilities for the construction and maintenance of such a proposed 3"inch pressurized sewer line, and are willing to follow all applicable requirements and procedures and obtain all required permits and are willing to pay the required permitting and connection fees as well as usage fees to the Town; and

WHEREAS, the Town of Taos has a duty to promote and protect the public health, safety and welfare of residents of the Town who are located in the vicinity of the properties in question; and

WHEREAS, the Town of Taos has excess capacity in its existing Wastewater Treatment System that will easily accommodate the additional effluent from the properties in question; and

WHEREAS, the Taos County Commission has approved granting an easement to the Town for the installation and maintenance of the proposed 3" sewer line under certain stretches of County right-of-way pursuant to various specific conditions set forth in the County to Town Easement Agreement for Low Pressure Wastewater Disposal Line (Town of Taos Contract No. TT-10-164), which conditions include but are not limited to the Town of Taos assuming ultimate responsibility for the maintenance of the new sewer facilities to be installed; and

WHEREAS, the private parties involved have indicated their willingness to sign and assume all responsibilities set forth in the Agreement for Construction, Use and Maintenance of 3" Low Pressure

Pipeline for Disposal of Sewage Effluent to Town Gravity Sewer System and Grant of Easement, Town of Taos Contract No. TT-10-165; and

WHEREAS, the Town of Taos will be duly compensated by the private parties for the easement that the Town will grant the private parties in the Agreement for Construction, Use and Maintenance of 3" Low Pressure Pipeline for Disposal of Sewage Effluent to Town Gravity Sewer System and Grant of Easement, Town of Taos Contract No. TT-10-165; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF TAOS, NEW MEXICO,

A. The Town of Taos hereby accepts the easement granted to it by Taos County as set forth in County to Town Easement Agreement for Low Pressure Wastewater Disposal Line (Town of Taos Contract No. TT-10-164) and accepts and approves that Agreement including all responsibilities, terms and conditions set forth in said Agreement, and authorizes the Mayor to execute the same on behalf of the Town of Taos.

B. The Town of Taos hereby agrees and assents to the Agreement for Construction, Use and Maintenance of 3" Low Pressure Pipeline for Disposal of Sewage Effluent to Town Gravity Sewer System and Grant of Easement, Town of Taos Contract No. TT-10-165, and authorizes the Mayor to execute the same on behalf of the Town of Taos, and authorizes the Mayor to make any technical or grammatical changes to that agreement including any changes required to conform to Contract No. TT-10-164.

Passed, adopted and approved, this 12th day of January, 2010, at the Regular Meeting of the Governing Body of the Town of Taos.

Mayor Pro Tem Rudy C. Abeyta	<u>yes</u>
Councilmember A. Eugene Sanchez	<u>yes</u>
Councilmember Amy J. Quintana	<u>yes</u>
Councilmember Michael A. Silva	<u>yes</u>

TOWN OF TAOS



Darren M. Cordova, Mayor

ATTEST:



Renee Lucero, Town Clerk

APPROVED AS TO FORM:



Allen Ferguson, Jr., Town Attorney