

RIGHT OF WAY AGREEMENT

BY AND BETWEEN

SAN ILDEFONSO PUEBLO AND SANTA FE COUNTY

Lease No. 8700628999

THIS AGREEMENT, is entered into by and between the County of Santa Fe, a political subdivision of the State of New Mexico, by and through its Board of County Commissioners (hereinafter referred to as "the County"), and the Pueblo of San Ildefonso, a federally recognized Indian tribe, by and through its Governor and Tribal Council (hereinafter referred to as "the Pueblo")

713-2-89

WHEREAS:

ARTICLE 1. The Pueblo owns, subject to federal restrictions, a tract of land situated within the geographical boundaries of the County, known as the San Ildefonso Pueblo Grant. The Pueblo has ownership rights and governmental jurisdiction over and within such lands, defined and protected by federal law;

ARTICLE 2. The County wishes to replace a bridge on County Road 101-D within The Pueblo Grant; (Exhibit A)

ARTICLE 3. The County wishes to pave a portion of County Road 84 (Exhibit B). The County also wishes to develop plans for the paving of County Road 101-D from its intersection with County Road 84 to its intersection with County Road 84C. All projects in articles two (2) and three (3) are described in Exhibits C-1, C-2, and C-3;

NOW THEREFORE, The parties agree as follows:

A. For all right-of-way and temporary construction

easements needed to complete the projects referred to in Articles 2 and 3 the County will:

1. Install a gate at the end of County Road 84B which leads into the Pueblo. This gate will be part of the construction project on County Road 84. This gate will be closed during Pueblo ceremonies and festivities at the discretion and direction of the Pueblo.

2. The County will sponsor the Pueblo with the New Mexico Department of Energy and Minerals, Land and Water Conservation Division in a cooperative effort to obtain lights for the baseball field. Sponsorship shall include application for funding.

3. The County will clean up illegal dump sites on Pueblo Land and bury the trash on Pueblo Land.

4. The County will hire one summer youth to be employed at the Pueblo's Visitor Center. The youth will be hired at minimum wage for eight (8) to ten (10) weeks during 1989.

5. The County will pay the Pueblo \$20,000.00.

6. The County will install four (4) lights at the entrance roads into the Pueblo at their intersection with State Road 502. The installation of the lights will be part of the County Road 84 Paving Project. Once installed the operation and maintenance for the lights will be provided by the County.

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7. The County will give a high priority to funding requests from the Pueblo for advertising monies from Lodger's Tax Revenues specifically earmarked for such purposes. This agreement does not create any obligation for any payment out of property tax revenue.

8. The County will give to the Pueblo title to and possession of a 1969 Ford Van currently in the County's possession.

9. The County will give to the Pueblo title to and possession of a new 1989 Chevrolet 3/4 ton 4X4 Pick-up truck. The vehicle will be purchased by the County and the County shall obtain the approval of the State Board of Finance and deliver the vehicle to the Pueblo upon the notice of approval from the State Board of Finance.

10. The County will, on an annual basis and in co-operation with the Pueblo, clean up any illegal dumping that has taken place on Pueblo lands. The time of the annual clean up will be decided upon by mutual agreement between the parties. Additional "clean-ups" of illegal dumping on Pueblo Lands shall also be mutually agreed upon by the parties.

B. Right-of-way for the bridge project on County Road 101-D is shown in Exhibit A.

1. The Pueblo consents to the Grant by the Secretary of the Interior to the County of a right-of-way for the construction of a bridge across the Rio Pojoaque and public highway, together with approaches, abutments, temporary

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construction easements and construction maintenance easements.

2. The right-of-way, as shown by Exhibit A, shall extend from a tract of non-Indian land in the vicinity of the El Rancho Bar to a tract of non-Indian land approximately one hundred eighty two and eighty one-hundredths (182.81) feet north of the bridge.

3. The right-of-way shall be sixty (60) feet in width, the roadway shall be thirty (30) feet in width but the bridge structure shall not be less than twenty-five (25) feet in width.

C. Improvements to existing development. The alignments will necessarily follow the existing roadways adjusted to meet minimum Highway Department standards.

1. Construction Plans have been developed for the County Road 84 Project and will be supplied to the Pueblo.

2. As of the date of execution of this agreement, plans for the paving of County Road 101-D have not been developed. While plans are in design, the Pueblo will be informed and shall have the right of review and approval of said plans.

D. The County agrees to indemnify and hold harmless the Pueblo from property damage and personal injury caused by the acts or omissions of the County and/or its employees, agents or representatives.

Agreed to by action of the Santa Fe County Board of County Commissioners this 12 day of MAY 1989.

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10. 5-

Nancy Rodriguez
Nancy Rodriguez, Chairman

Agreed to by the San Ildefonso Pueblo Tribal Council
this day 6th of June 1989.

Dennis P. Martinez
Dennis Martinez, Governor

APPROVED BY
THE BUREAU OF INDIAN AFFAIRS

BY: James M. Aheist

JUN 12 1989

Authority: 10 BIAM, SECTION 2.14
Amendment No. 2
AAO Redelelegation Order #2

APPROVED AS TO FORM

Norman Osborne
Norman Osborne, County Attorney

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AMENDMENT

This document will amend the right-of-way agreement between San Ildefonso Pueblo and Santa Fe County regarding the easements for improvement purposes of the following:

1. The " El Rancho Bridge ".
2. County Road 101-D.
3. County Road 84.

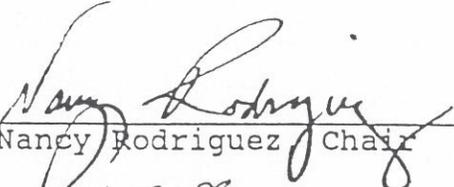
All rights-of-way are as presented in the agreement dated June 6, 1989 and addressed in San Ildefonso's Resolution # SI-008 dated June 6, 1989.

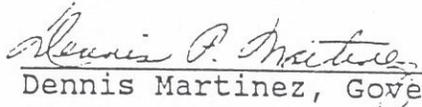
The purpose of this amendment is to specify the term of the rights-of-way.

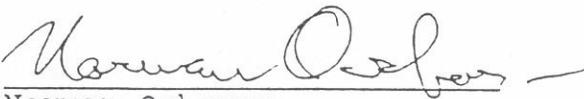
It is hereby agreed to by all parties that the rights-of-way for items 1,2 and 3 in this amendment are granted in perpetuity by San Ildefonso Pueblo to Santa Fe County.

Santa Fe County

San Ildefonso Pueblo

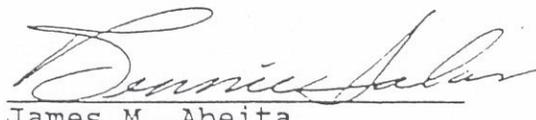

 Nancy Rodriguez Chair
7.12.89
 Date


 Dennis Martinez, Governor
7/18/89
 Date


 Norman Osborne
 County Attorney


 Joseph Calabaza
 Secretary, Tribal Council

Approved By:
 The Bureau of Indian Affairs
 Authority: BIAM Section 2.14
 Amendment # 2
 AAO Redelegation
 Order # 2

By  AUG 01 1989
 James M. Abeita
 Acting Superintendent
 BIA/Northern Pueblos Agency

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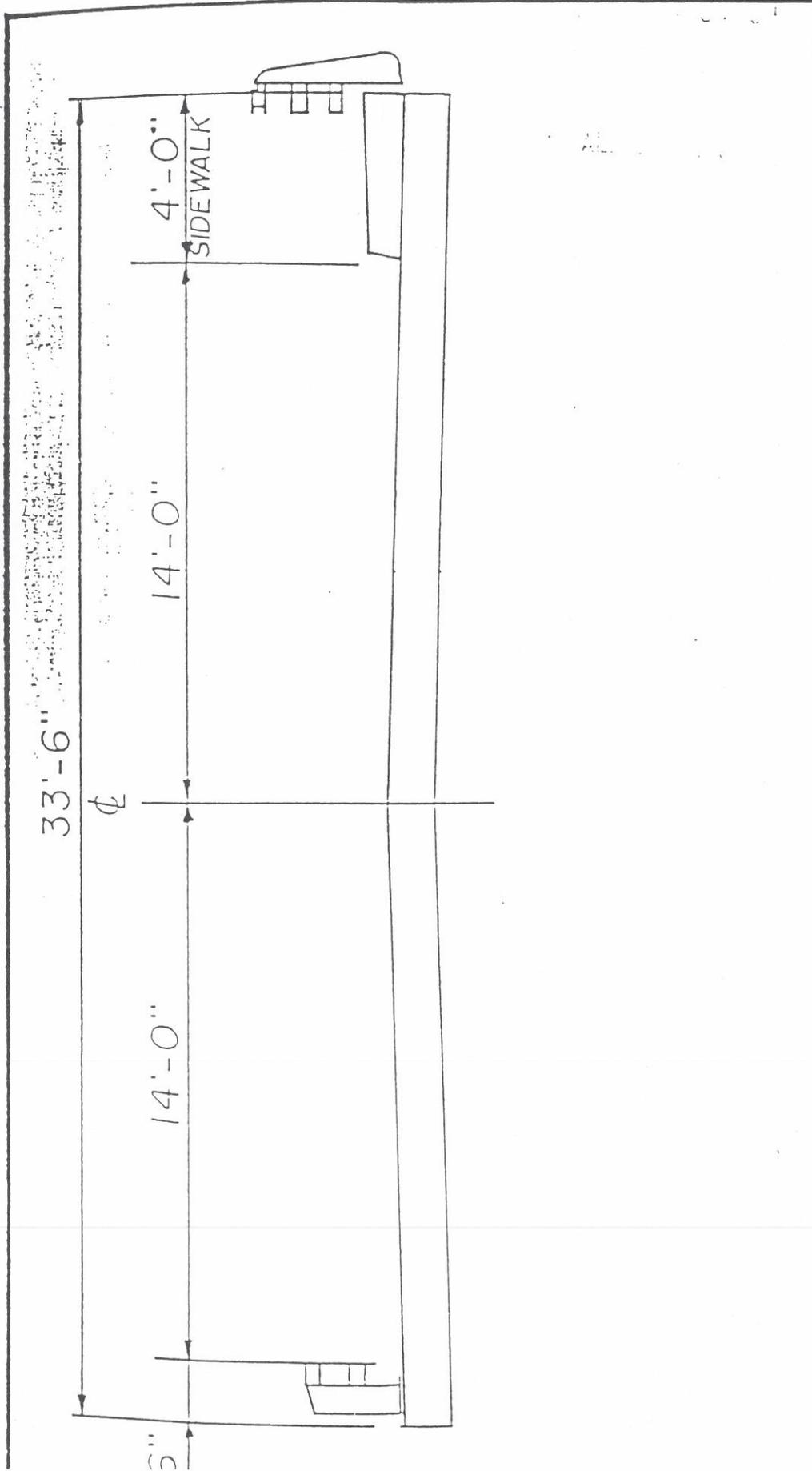
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EXHIBIT C-1

BRIDGE PROJECT

The new bridge will be replacing the existing one-lane wooden structure. The bridge is located on County Road 101-D. The present bridge is 200 feet long + or -. The new structure will be 185 feet long with approximately the same channel width but with steeper abutment slopes. Pre-stressed concrete beams will form the base for the poured (concrete) deck. The deck will have two fourteen (14) foot drive lanes, a four (4) foot sidewalk and guardrails. The approaches will be base coursed and paved. A typical section is attached. A temporary detour will be used during construction. The detour will be located within the construction boundaries.



 <p>TEC TICOMA ENGINEERING CONSULTANTS INC. 1001 Avenue of the Americas New York, New York 10020 Tel: (212) 633-1000 Fax: (212) 633-1001</p>	<p>EL RANCHO BRIDGE</p>
<p>TYPICAL SECTION NOT TO SCALE</p>	

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Albuquerque

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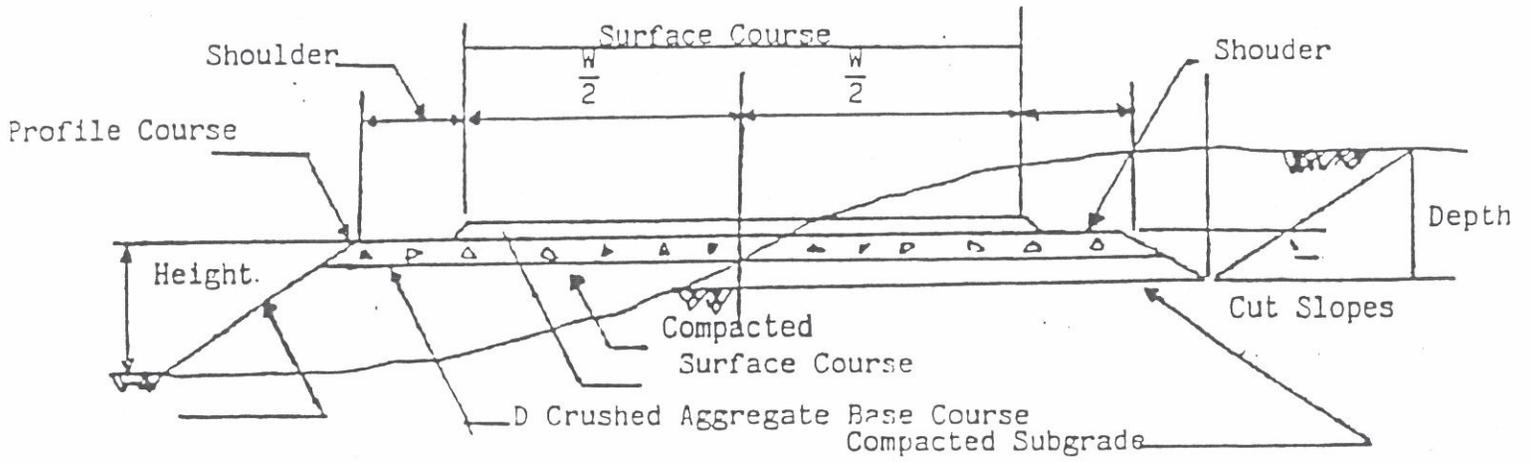
EXHIBIT C-2

COUNTY ROAD 84 PAVING PROJECT

As shown on Exhibit B the alignment of the existing roadway will be followed. The road will be bladed and shaped. Base course will be installed to a depth of four (4) inches. A minimum of two and 5 tenths (2.5) inches of hot mix paving shall then be installed. The width of the paving will vary from nineteen (19) feet to approximately twenty four (24) feet. Drainage will be handled with culverts and low water crossings where appropriate. The termination of the project spans two and two tenths (2.2) miles and is the prioritized length. The County's goal is to pave the entire two and two tenth (2.2) miles if funds allow.

A typical section is attached.

TYPICAL SECTION



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EXHIBIT C-3

COUNTY ROAD 101-D PAVING PROJECT

The County will be receiving funds for this project, however until monies are in place plans will not be developed. When the money is available the design will follow the existing roadway adjusted to meet minimum Highway Department standards.

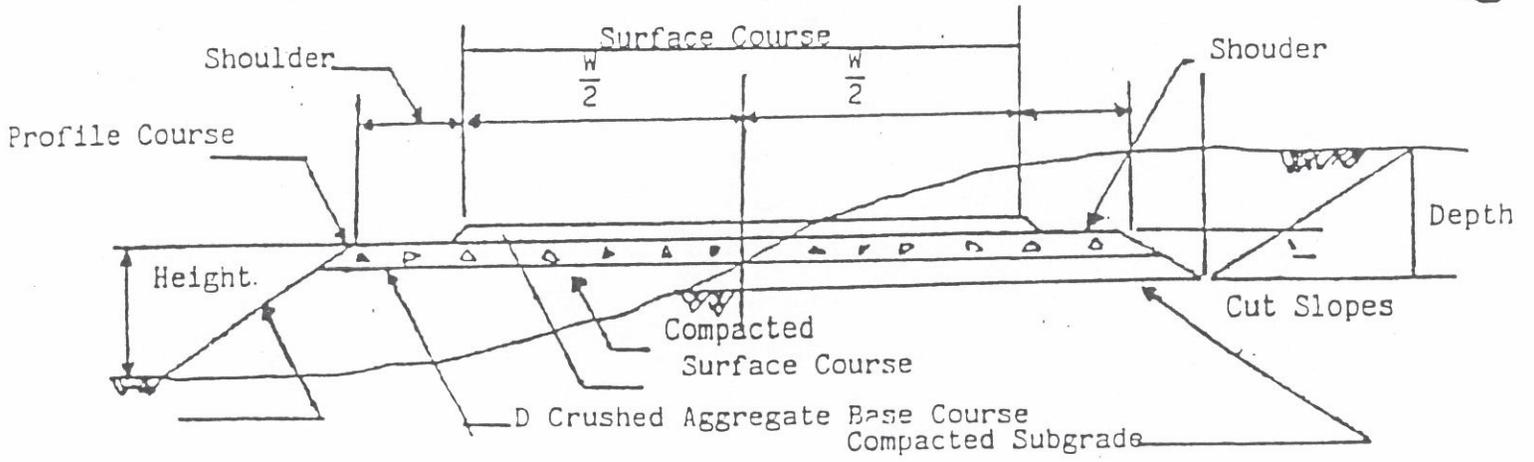
The existing alignment will be bladed and shaped (sub-grade preparation). Base course will be installed. The depth to be based on soils test results. Paving will be a minimum of two and five tenth (2.5) inches, again based on test results. Width will be approximately twenty (20) to twenty four (24) feet. Culverts and/or low water crossings will be used for drainage purposes.

A typical section is attached.

TYPICAL SECTION

ALSO SEE

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ENVIRONMENTAL STATEMENT

This statement will address the proposed bridge project on County Road 101-D and the proposed paving projects on County Roads 101-D and 84.

The bridge project will entail the replacement of an existing bridge. The land area involved will be essentially the same for the new structure as for the old structure. The project is compatible within the parameters of the present use.

The road projects will entail the paving of existing dirt roads already being used by the public. The improvements will be limited to existing alignments adjusted to meet minimum Highway design standards.

- . None of the projects will require relocation and/or displacements.
- . All of the projects will improve the public safety.
- . The road projects, and to some degree the bridge project, will improve the air quality by significantly reducing the present dust pollution.
- . Water quality and supply will not be affected.
- . There will be no increase in energy consumption.
- . The projects are in compliance with applicable laws and regulations.
- . An EIS is not required.

Our research and planning of the projects indicate that a finding of no significant impact (FONSI) can be made. The projects will not adversely affect the quality of the human environment.

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RECEIVED
JUN 07 1989
NORTHERN PUEBLOS AGENCY

30 AUG 1 1989 SI-89-03 54
RESOLUTION

SI - 008

ALBUQUERQUE, N.M.

(505) 455-2273

DENNIS P. MARTINEZ
GOVERNOR

EDMUND GONZALES
1st LT. GOVERNOR

WHEREAS, the Pueblo of San Ildefonso is a federally recognized tribe with sovereign powers and authority to conduct and determine the business of Tribal Government, and

WHEREAS, the Pueblo wishes to participate in the "Right of Way Agreement By and Between San Ildefonso Pueblo and Santa Fe County."

WHEREAS, the Pueblo agrees to all terms and conditions set forth in said agreement.

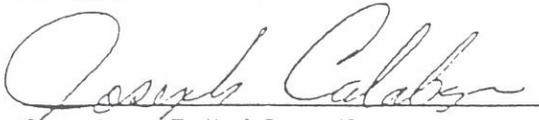
NOW THEREFORE BE IT RESOLVED THAT, the Pueblo of San Ildefonso hereby enters into the Right of Way Agreement By and Between San Ildefonso Pueblo and Santa Fe County.

BE IT FURTHER RESOLVED THAT, the Governor of San Ildefonso Pueblo or his designated representative is authorized to negotiate and execute the contract and any amendments.

CERTIFICATION

I hereby certify that the foregoing resolution was considered at a duly called meeting of the San Ildefonso Pueblo Tribal Council on the 6th day of June, 1989, at which time a quorum was present with 0 voting in favor, 0 opposed and 0 abstaining.

ATTEST:


Secretary, Tribal Council


Governor, San Ildefonso Pueblo

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AMENDMENT NO. 1

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2. County Road 101-D.
3. County Road 84.

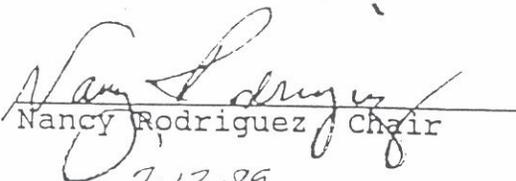
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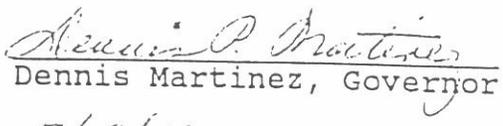
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Santa Fe County

San Ildefonso Pueblo


 Nancy Rodriguez Chair


 Dennis Martinez, Governor

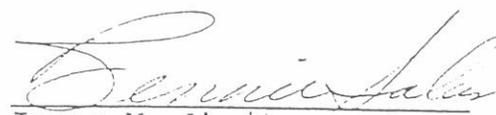
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Date

7/18/89
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 Norman Osborne
 County Attorney


 Joseph Calabaza
 Secretary, Tribal Council

Approved By:
 The Bureau of Indian Affairs
 Authority: BIAM Section 2.14
 Amendment # 2
 AAO Redelelegation
 Order # 2

By  AUG 01 1989
 James M. Abeita
 Superintendent
 BIA/Northern Pueblos Agency