

AGENDA ITEM SUBMITTAL

Otero County Commission

Submitted by: RB Nichols, County Attorney

Meeting date:

Subject:	Discuss and approve request to vacate North Spur Road
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Research/Background:

Land owner, Javier Renteria, submitted a request to the BOCC for the vacation North Spur Road due to an excessive amount of people parking on the road and utilizing to access the Lincoln National Forest (LNF). North Spur Road is a dirt road approximately 300 yards in length. It's just off of West Spur Road and dead ends at a locked gate on the LNF boundary line. The plat for the Twin Forks Ranch Estates Unit Ten subdivision was approved by the BOCC March 23, 1970. At that time all streets were dedicated to public use. The road has never been County maintained. No other records of easements or right-of-way related to North Spur Road for the County or US Forest Service have been found. The boundary for the Mescalero Indian Reservation is approximately $\frac{3}{4}$ mile North of the gate at the end of North Spur Road.

In January, the BOCC approved Resolution Number 1-12-23/111-32 authorizing the County Manager to appoint viewers to access North Spur Road's suitability for vacation. On March 22, 2023, the viewers, Mark Praught, Larry Sterling, and Hans Steinhoff visited and accessed North Spur Road. The viewers were accompanied by R.B. Nichols, Tom Porter, Sylvia Tillbrook, and Matt Clark. The viewers all concluded that North Spur Road should not be vacated and that instead signs should be installed stating "no parking", "no camping", and "no forest access".

NMSA 67-5-4 states "whenever, in the opinion of the board of county commissioners of any county, any road or part of road then established and maintained as a public highway is not needed, or the repairs of the same are burdensome and in excess of the benefits therefrom, they may at a regular meeting appoint a board of commissioners of three freeholders of the county as viewers, to view such road or part of road, and make report thereof to the board of county commissioners at their next regular meeting, setting forth fully their finding, and if they recommend a discontinuance of such road or part of road, then the board of county commissioners may order the same vacated."

At the April 2023 meeting the BOCC decided to table this issue so that additional information could be gathered and presented to the viewers. This information is being sent to the viewers and their presence is requested at the meeting to discuss the appropriate decision.

Fiscal Impact/Funding Sources:

Staff/Department Recommended Actions:

County Attorney Review (*if needed*):

Supporting Documents/Attachments/Links