

The Board of County Commissioners, in and for the County of Otero, State of New Mexico, met in a Public Hearing at the Otero County Courthouse in Alamogordo, County and State aforesaid. Meeting called to order by the Chairperson at 4:30 p.m., June 28, 2005; and she announced that reasonable notice for this meeting was given to the Alamogordo Daily News, and to Radio Stations, KPSA, KINN and KYEE.

Present:

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| Clarissa McGinn | Chairperson |
| Doug Moore | Vice-Chairman |
| Michael Nivison | Member |
| Ruth Hooser | County Administrator |
| Ray Backstrom | Assistant County Administrator |
| Dan Bryant | County Attorney |
| Bobbie Reyes | Department Assistant |
| Lynn Estrada | Deputy Clerk |

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Commissioner Nivison gave the invocation. Commissioner McGinn led the Pledge of Allegiance and the Salute to the Flag of the State of New Mexico.

The purpose of the Public Hearing is to consider to allow property owners to install and maintain a controlled access gate on the South ½ mile of Canyon Road.

Commissioner McGinn stated that the citizens on the South Canyon Road brought this to the Commission at a prior meeting requesting the County to vacate the South ½ mile of Canyon Road which is a County road. Letters were sent out to the property owners in the subdivision surrounding roads and BLM regarding

today's Public Hearing for an opinion of whether or not they are for or against. Concerns were raised at the last meeting about emergency access, turn a rounds, road maintenance if the County vacates the road, access to properties if the road is vacated and the City considering this as an arterial route. We have received several responses that are in favor, several undecided and one adverse.

The following citizens spoke:

1. Marie Wells, speaking for John and Marilyn Schmidt.

Ms. Wells stated that she had clarified with Michael Shyne that the gated community will start beyond the Schmidt's property. If this is the case the Schmidt's have no problem with the gate.

2. Galena and Alan Veed are for the gate to be erected.

3. Michael Shyne gave a brief narration of how this project got started. The motivation behind this request is to reduce the trespassing and crime that has been developing over the years. The property owners will be taking over the responsibility for the road, installing the gate at their expense and Otero County will be able to keep the property taxes as they are.

4. Barry Burke stated that it is practical to give some historical and practical background on this issue. The City has interjected itself into our proposal, which there are no details, so we don't know where they are coming from or where they are going. The City had considered this road at one time for the arterial route from South Scenic. In 1987 First Street was extended to Ocotillo and the City opted out of acquiring a right-of-way going to the Southwest, which would require them to buy out the Trailer Park that sits on the corner. They choose to consider in the future to extend somewhere in the vicinity of Alamo Canyon Road. Twenty years later the City is still planning arterial routes from the South Scenic route. It is number 17 on the City's list of priorities.

5. Donna Senet stated that she does not live within the proposed gated area, however she feels that the

gate would be just as advantageous to her as to the owners behind the gate.

6. Jane Furman is for the gate.

Dan Bryant stated that the Board has gone beyond the near call of the statute in our efforts to notify all affected persons in this area for their comments.

Commissioner Nivison made a motion to approve the property owners to install and maintain a controlled access gate on the South ½ mile of Canyon Road subject to the remediation that was discussed. The motion was seconded by Commissioner Moore for discussion.

Commissioner Moore asked how the citizens are going to handle the maintenance on this road? Michael Shyne stated that the residents will maintain all maintenance on the road and all expenses of the gate.

Commissioner McGinn stated that we have a motion and a second to approve subject to the mitigation of moving the gate, the start of the gate beyond the Schmidt's property. Commissioner Moore asked if the Fire Services Coordinator had looked at the gate. Michael Shyne stated that all emergency services have approved the gate that will be installed. A vote was taken and the motion passed unanimously.

There being no further business before the Board the Chair person closed the Public Hearing and adjourned the meeting at 5:30 p.m.

APPROVED:

Clarissa McGinn, Chair person

ATTEST:

Robyn Silva, County Clerk

Public Hearing June 28, 2005