



RESOLUTION № 2022-52

**A RESOLUTION AND ORDER APPROVING REQUEST OF
SUNZIA TRANSMISSION LLC TO USE CERTAIN ROADS IN
VALENCIA COUNTY AND OTHER MATTERS**

WHEREAS, the Valencia County Board of Commissioners met upon notice of a Business Meeting, duly published, at the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031 on Wednesday, May 18, 2022, at 5:00 PM as required by law; and,

WHEREAS, SunZia Transmission LLC (including its successors and assigns, "**Sunzia**") contemplates constructing up to two high voltage electric transmission lines (each a "**Transmission Line**" and collectively, the "**Transmission Lines**") across portions of Valencia County (the "**County**");

WHEREAS the construction, operation and maintenance of the Transmission Lines will require access to, ingress and egress to and from, and crossings of County owned right-of-way and County held right-of-way easements and other public ways of County, including shoulders, designated for the purpose of vehicular traffic and under the jurisdiction of the County as identified in Exhibit A attached hereto (the "**County Roads**"), including the right of SunZia and its contractors, subcontractors, employees, agents, and representatives (the "**SunZia Parties**") to use the County Roads to transport structures, materials, construction equipment and supplies related to the construction of the Transmission Lines, and, if necessary, to improve same (the "**Road Usage**") and to cross over the County Roads with the conductors and cables of the Transmission Lines (the "**Overhead Crossings**");

WHEREAS, by the County's dedication, use, and/or maintenance of the County Roads and the County's ownership of the right-of-way of the County Roads, the Board of Commissioners of the County has the authority on behalf of the County to permit such Road Usage and Overhead Crossings; and

WHEREAS, the County and SunZia anticipate that the additional volume of traffic on the county roads due to Road Usage may result in repairs, improvements and associated expenses to the County, and the County desires to provide certain conditions to SunZia regarding the Road Usage so that the County Roads will remain in as good a state of repair as existing before the Road Usage and that SunZia be responsible for repairing any damage done the County Roads as a result of the Road Usage; and

WHEREAS, SunZia desires to comply with any applicable and currently existing rules, ordinances, permits, or regulations of the County (the "**County Requirements**") in the construction, operation, and maintenance the Transmission Lines within the County and for the Road Usage, and seeks verification through this resolution of its compliance with any such County Requirements; and

WHEREAS, there are no County Requirements that would compel SunZia to obtain zoning approval, a permit, or an authorization for the construction, operation or maintenance of the Transmission Line within the County, except with respect to the County Roads as set forth herein and except for the filing of a permit request for the installation of an overhead utility line across a county road on the form provided by the County (the "**Permit Request**"). There are no County rules or ordinances regarding buffer zones; noise restrictions; shade, shadow, or visibility restrictions; or other zoning rules or regulations affecting the proposed construction, operation, or maintenance of Transmission Lines in the County;

WHEREAS, SunZia seeks the County's permission for such Road Usage and Overhead Crossings, and the County has agreed to grant said permission, subject to the provisions hereof.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF VALENCIA COUNTY, NEW MEXICO:

1. That the findings and recitals in the preamble to this Resolution and Order are found to be true and correct and are hereby RATIFIED, APPROVED and ADOPTED.
2. That the Board of Commissioners hereby grants permission to SunZia during the planning and construction phases of the Transmission Lines, and thereafter during the operation and maintenance phase of the Transmission Lines, until the Transmission Lines are completely abandoned and/or removed, to use the County Roads for the Road Usages described herein, including, but not limited to, for access and egress to and from the Transmission Lines and for crossings of said County Roads with the Overhead Crossings; provided that with respect to the installation of the Overhead Crossings, a Permit Request must be filed.
3. That the permission granted in Ordering Paragraph 2 includes an authorization to conduct geo-technical and other preliminary construction analysis of such County Roads where necessary and to determine whether upgrades to the County Roads (the "**Upgrades**") are necessary to permit the Road Usage.
4. SunZia will be responsible for reshaping, repair, and/or modification of the County Roads that must be performed on the County Roads resulting from the Road Usage that is in excess of the usual and customary maintenance operations performed as routine maintenance by the County (the "**Additional SunZia Maintenance**").
5. SunZia agrees to conduct a pre-construction assessment of the County Roads (the "**Assessment**") for each Transmission Line to determine the current suitability for the Road Usage. At a minimum, the Assessment will document the following items for the County Roads: current load bearing capacity of the County Roads and their bridges or culverts, drainage damage/distress, pavement damage/distress, bridge damage/distress, and any