

**VILLAGE OF BOSQUE FARMS, NM
ORDINANCE NO. 10-5**

AN ORDINANCE REGARDING EMINENT DOMAIN

10-5-1 Definitions

10-5-2 Uses of Eminent Domain

10-5-3 Severability

10-5-1 Definitions:

A. *Economic Development* means any activity to increase tax revenue, tax base, employment or general economic health when that activity does not result in (1) the transfer of land to public ownership, such as for a road, hospital, or military base; (2) the transfer of land to a private entity that is a common carrier, such as a railroad or utility; or (3) the transfer of property to a private entity when eminent domain will remove a harmful use of the land, such as the removal of public nuisances, removal of structures that are beyond repair or that are unfit for human habitation or use, or acquisition of abandoned property.

B. *Fair Market Value* is the current value of land and improvements based on what price the property would bring if the owner did not have to sell and the buyer did not have to buy.

10-5-2 Use of Eminent Domain:

A. Use of Eminent Domain:

1. The Village of Bosque Farms, or any agent of the Village, shall not use eminent domain, or the threat thereof, to take private property from a private property owner.
2. The Village shall condemn property for public use only when the public health or safety of Village residents is threatened or at risk.

B. Procedure:

1. Prior to enacting eminent domain to condemn property for the public use of the municipality, the Village shall try to buy the property from the property owner by good faith negotiation. The Village shall make an unqualified offer to buy based on fair market value.

2. Any property purchases for condemnation must be approved by a majority of the entire Governing Body in a regularly scheduled Council meeting.
3. All property owners of a proposed condemned property shall be notified by certified mail ninety (90) days prior to the final determination by the Governing Body.
4. The Village shall insure that parties displaced by the exercise of eminent domain shall be justly compensated for real property taken, improvements and reasonably compensated for relocation expenses incurred.

B. Prohibiting Use of Eminent Domain for Economic Development:

Notwithstanding any other provision of law, neither the Village of Bosque Farms nor any of its subdivisions shall use eminent domain to take private property to be used for economic development without the consent of the owner.

C. Prohibiting Transfer of Condemned Property to Private Parties:

Notwithstanding any other provision of law, private property acquired through eminent domain due to threat or risk to public health and safety without the consent of the owner shall not be dedicated, sold, leased in substantial part or otherwise transferred to a private person, partnership, corporation or any other entity for any reason.

10-5-3 Severability:

The provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

PASSED, APPROVED AND ADOPTED THIS 20TH DAY OF OCTOBER 2005.

Wayne Ake, Mayor

(SEAL)

ATTEST:

Gayle A. Jones, Clerk/Administrator