



RESOLUTION NO. 2025-32

A RESOLUTION RECOGNIZING SIERRA COUNTY ROAD A013 AS A PUBLIC PRESCRIPTIVE EASEMENT

WHEREAS, the Board of County Commissioners of Sierra County met in a duly noticed, regular Commission meeting on April 22, 2025, at 10:00 a.m. in the Sierra County Administration Building, 1712 North Date Street, Truth or Consequences, NM 87901; and

WHEREAS, as reflected in Exhibit A, attached, Sierra County Road A013 has been reflected on the County road maintenance map and maintained by Sierra County as a County Road for over seven decades, since 1954; and

WHEREAS, under New Mexico law, a public prescriptive easement may be established when a roadway has been openly, continuously, and notoriously used by the public for a period exceeding ten years without objection by the landowner; and

WHEREAS, the legal principles articulated in *Luevano v. Maestas*, 1994-NMCA-051, ¶¶ 28-31, 117 N.M. 580, 586–87, 874 P.2d 788, 794–95, support the recognition of a public prescriptive easement through long-standing public use, maintenance by the County, and public reliance; and

WHEREAS, the essential elements of implied dedication include acts by the landowner that induce a belief that the landowner intended to dedicate the road to public use, public reliance on such acts, and County maintenance that demonstrates an offer and acceptance of dedication; and

WHEREAS, in *Trigg v. Allemand*, 95 N.M. 128, 619 P.2d 572 (1980), the New Mexico Supreme Court recognized that a public easement by prescription is established when a landowner permits the free use of a roadway over their land for ten or more years; and

WHEREAS, evidence indicates that Sierra County Road A013 has been regarded in the community as a public road, with consistent maintenance by the County, and continued listing as a public roadway, thereby demonstrating public reliance and public benefit; and

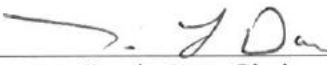
WHEREAS, the Board of County Commissioners finds it in the public interest to formally recognize Sierra County Road A013 as a public prescriptive easement to ensure continued public access and County maintenance of the roadway.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Sierra County that Sierra County Road A013 is hereby recognized as a public prescriptive easement based on seven decades of County maintenance, public reliance, and the legal principles set forth in New Mexico case law.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board directs County staff to take all necessary administrative actions to document this designation and to ensure the continued maintenance and accessibility of Sierra County Road A013 for public use.

APPROVED, ADOPTED, AND PASSED on this **22nd** day of **April, 2025**.

BOARD OF COUNTY COMMISSIONERS OF SIERRA COUNTY



Travis Day, Chairman

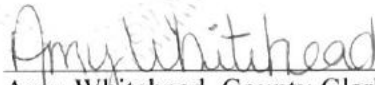


James Paxon, Vice-Chairman

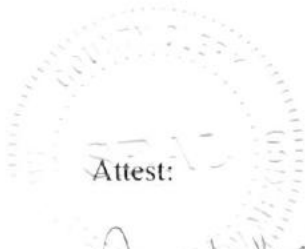


Hank Hopkins, Commissioner

Attest:



Amy Whitehead, County Clerk



GENERAL HIGHWAY MAP
SIERRA COUNTY
NEW MEXICO

NEW MEXICO STATE HIGHWAYS DEPARTMENT
PLANNING DIVISION
1110 UNIVERSITY AVENUE
ALBUQUERQUE, NEW MEXICO 87131

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