



### **RESOLUTION NO. 2025-52**

#### **A RESOLUTION RECOGNIZING SUGAR SAND ROAD AND BRIDGE AS A PUBLIC PRESCRIPTIVE EASEMENT**

**WHEREAS**, the Board of County Commissioners of Sierra County met in a duly noticed, regular Commission meeting on June 24, 2025, at 10:00 a.m. in the Sierra County Administration Building, 1712 North Date Street, Truth or Consequences, NM 87901; and

**WHEREAS**, the Sugar Sand Bridge was constructed in 1966 and has provided continuous public access for nearly 60 years, with uninterrupted public use since that time by ranchers, gold prospectors, and recreational users; and

**WHEREAS**, the County has performed road grading and maintenance activities on what is now known as Sugar Sand Road (formerly Grijalva Road), and has included the road in its annual road maintenance maps submitted to NMDOT since at least 1996; and

**WHEREAS**, under New Mexico law, a public prescriptive easement is established when a roadway has been used openly, continuously, and adversely for ten or more years by the public, without objection by the landowner. Trigg v. Allemand, 95 N.M. 128, 1980-NMCA-151; and

**WHEREAS**, long-standing public use, County maintenance, and public reliance on the road support recognition of a public easement. Luevano v. Maestas, 1994-NMCA-051, ¶¶ 28–31); and

**WHEREAS**, title research has not identified any formally recorded easement, but no objections to use or maintenance have been raised, and the use has not been permissive in nature; and

**WHEREAS**, the Board of County Commissioners finds that recognition of a prescriptive easement is necessary to protect the public's continued access and to ensure uninterrupted maintenance of the road and bridge infrastructure.


**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Sierra County that the Sugar Sand Road and Bridge are hereby recognized as a public prescriptive

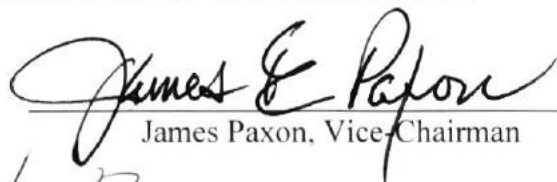
easement, based on decades of uninterrupted public use, County maintenance, and the legal standards set forth by New Mexico case law.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that County staff are directed to take all necessary administrative actions to document this designation and ensure the continued maintenance and accessibility of the Sugar Sand Road and Bridge for lawful public use.

**APPROVED, ADOPTED, AND PASSED on this 24<sup>th</sup> day of June, 2025.**

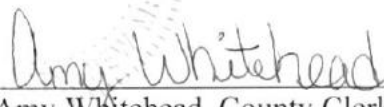
**BOARD OF COUNTY COMMISSIONERS OF SIERRA COUNTY**

  
Travis Day, Chairman

  
James Paxon, Vice-Chairman

  
Hank Hopkins, Commissioner

Attest:

  
Amy Whitehead, County Clerk

