

Board of Grant County Commissioners  
**RESOLUTION #R14-21**

A RESOLUTION TO CONFIRM THE  
VIVA SANTA RITA SUBDIVISION COMMUNITY AREA  
IMPROVEMENT DISTRICT  
ASSESSMENT ROLL

WHEREAS, the Board of Grant County Commissioners (hereafter referred to as "Board"), in accordance with the Act, section 4-55A-10, created by Resolution# 13-71 the Viva Santa Rita Subdivision Community Area Improvement District (hereafter referred to as *the District*), for the improvement of Kneeling Nun Road and Miners Legend Road, (hereafter referred to as *the improvement*; and

WHEREAS, in accordance with section 4-55A-17 C., the Board conducted an assessment roll hearing on May 20 2014; and

WHEREAS, owners listed on the assessment roll , may file specific objections in writing in the Office of the Grant County Clerk and whereby no written objections were filed; and

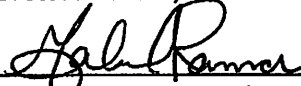
WHEREAS, at the hearing County Staff presented corrections to the Assessment Roll, correcting only owner names and an omission of a property lot number; and

NOW THEREFORE BE IT RESOLVED that the Board of Grant County Commissioners hereby confirms the assessment roll as so modified and corrected, for the Viva Santa Rita Subdivision Community Area Improvement District, and said assessment roll is made part of this resolution as Exhibit A.

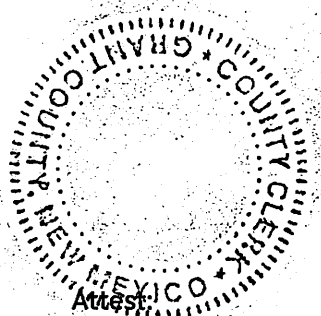
DONE this day 22<sup>nd</sup> day of May 2014

By the Board of Grant County Commissioners

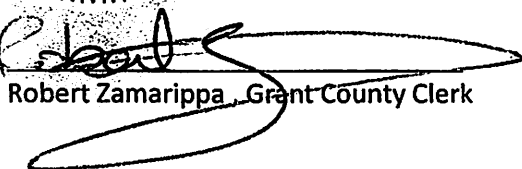
  
Brett A. Kasten, Chairman

  
Gabriel Ramos, Member

\_\_\_\_\_  
Ron Hall, Member



Attest:

  
Robert Zamarripa, Grant County Clerk



### Resolution to Confirm the Assessment

**Lot values same as lot vaules provided on Oct 4 2013**

Board of Grant County Commissioners  
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WHEREAS, in accordance with section 4-55A-17 C., the Board conducted an assessment roll hearing on May 20 2014; and

WHEREAS, owners listed on the assessment roll , may file specific objections in writing in the Office of the Grant County Clerk and whereby no written objections were filed; and

WHEREAS, at the hearing County Staff presented corrections to the Assessment Roll, correcting only owner names and an omission of a property lot number; and

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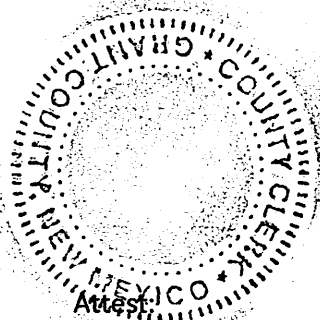
DONE this day 22<sup>nd</sup> day of May 2014

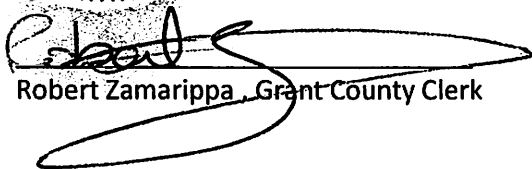
By the Board of Grant County Commissioners

  
Brett A. Kasten, Chairman

  
Gabriel Ramos, Member

\_\_\_\_\_  
Ron Hall, Member



  
Robert Zamarripa, Grant County Clerk



**4-55A-17**. Improvement district; assessment roll; notice of assessment hearing.

A. After the contract has been awarded and the board determines the total cost of the improvement to the county, the board shall determine what portion of the total cost of the improvement shall be assessed against the benefited tract or parcel of land. The assessment, including the cost of the improvement at an intersection, shall not exceed the estimated benefit to the tract or parcel of land assessed.

B. With the engineer, the board shall prepare and cause to be filed in the office of the county clerk an assessment roll containing, among other things:

- (1) the name of the last known owner of the tract or parcel of land to be assessed, or if his name is unknown, state "unknown";
- (2) a description of the tract or parcel of land to be assessed; and
- (3) the amount of the assessment against each tract or parcel of land.

C. After the filing of the assessment roll, the board shall, by resolution, set a time and place for the assessment hearing when an owner may object to the amount of the assessment.

D. Not more than thirty days nor less than ten days before the day of the hearing, the county clerk, his deputy or the engineer shall mail the notice of the hearing on the assessment roll to the owner of the tract or parcel of land being assessed the cost of the improvement at his last known address. The name and address of the owner of each tract of land shall be obtained from the records of the county assessor or any other source the county clerk or engineer deems reliable. Proof of the mailing is to be made by affidavit of the county clerk, his deputy or the engineer and shall be filed in the office of the county clerk. Failure to mail any notice shall not invalidate any of the proceedings authorized in the County Improvement District Act [Chapter 4, Article 55A NMSA 1978]. The notice of the hearing shall also be published once each week for three consecutive weeks and the last publication shall be at least one week prior to the day of the hearing. Such service by publication shall be verified by an affidavit of the publisher which is to be filed in the office of the county clerk.

**History:** Laws 1980, ch. 91, § 17.

**4-55A-18.** Improvement district; filing of objections; assessment hearing; action of the board; appeal to district court.

A. Not later than three days before the date of the hearing on the assessment roll, any owner of a tract or parcel of land that is listed on the assessment roll may file his specific objections in writing with the county clerk. Unless presented as required in this subsection, any objection to the regularity, validity and correctness of:

- (1) the proceedings;
- (2) the assessment roll;
- (3) each assessment contained on the assessment roll; or
- (4) the amount of the assessment levied against each tract or parcel of land; is waived.

B. At the hearing, the board shall hear all objections which have been filed as provided in this section and may recess the hearing from time to time and, by resolution, revise, correct, confirm or set aside any assessment and order another assessment be made de novo.

C. The board by ordinance shall, by reference to the assessment roll as so modified, if modified, and as confirmed by the resolution, levy the assessments contained in the assessment roll. The assessments may be levied in stages if preliminary liens are established pursuant to Section 4-55A-7 NMSA 1978. The decision, resolution and ordinance of the board shall be:

- (1) a final determination of the regularity, validity and correctness of:
  - (a) the proceedings;
  - (b) the assessment roll;
  - (c) each assessment contained on the assessment roll; and
  - (d) the amount of the assessment levied against each tract or parcel of land; and
- (2) conclusive upon the owners of the tract or parcel of land assessed.

D. Within fifteen days after the publication of the title and general summary of the ordinance or posting of the ordinance, any owner who has filed an objection as provided in this section may commence an action in district court to correct or set aside the determination of the board. After the lapse of fifteen days after the publication or posting, all actions which include the defense of confiscation or attack the regularity, validity and correctness of:

- (1) the proceedings;
- (2) the assessment roll;
- (3) each assessment contained on the assessment roll; or
- (4) the amount of the assessment levied against each tract or parcel of land; are perpetually barred.

**History:** Laws 1980, ch. 91, § 18; 1991, ch. 199, § 41.

**4-55A-17**. Improvement district; assessment roll; notice of assessment hearing.

A. After the contract has been awarded and the board determines the total cost of the improvement to the county, the board shall determine what portion of the total cost of the improvement shall be assessed against the benefited tract or parcel of land. The assessment, including the cost of the improvement at an intersection, shall not exceed the estimated benefit to the tract or parcel of land assessed.

B. With the engineer, the board shall prepare and cause to be filed in the office of the county clerk an assessment roll containing, among other things:

- (1) the name of the last known owner of the tract or parcel of land to be assessed, or if his name is unknown, state "unknown";
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C. After the filing of the assessment roll, the board shall, by resolution, set a time and place for the assessment hearing when an owner may object to the amount of the assessment.

D. Not more than thirty days nor less than ten days before the day of the hearing, the county clerk, his deputy or the engineer shall mail the notice of the hearing on the assessment roll to the owner of the tract or parcel of land being assessed the cost of the improvement at his last known address. The name and address of the owner of each tract of land shall be obtained from the records of the county assessor or any other source the county clerk or engineer deems reliable. Proof of the mailing is to be made by affidavit of the county clerk, his deputy or the engineer and shall be filed in the office of the county clerk. Failure to mail any notice shall not invalidate any of the proceedings authorized in the County Improvement District Act [Chapter 4, Article 55A NMSA 1978]. The notice of the hearing shall also be published once each week for three consecutive weeks and the last publication shall be at least one week prior to the day of the hearing. Such service by publication shall be verified by an affidavit of the publisher which is to be filed in the office of the county clerk.

**History:** Laws 1980, ch. 91, § 17.

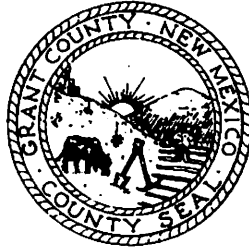
# GRANT COUNTY

## COMMISSIONERS

GABRIEL J. RAMOS  
DISTRICT 1

BRETT A. KASTEN  
DISTRICT 2

RON HALL  
DISTRICT 3



COUNTY MANAGER  
JON PAUL SAARI

Telephone: (575) 574-0008  
Fax: (575) 574-0073

## MEMO

Date: May 27, 2014

To: Dolores Dominguez, Ordinance Officer

From: Denisha Lucero, Administrative Assistant *DL*

Re: Resolution #R-14-21; Resolution to Confirm the Assessment Roll for Viva Santa Rita Subdivision Community Area Improvement District.

Enclosed you will find a copy of the documents listed above. The request was presented to the Grant County Board of Commissioners on May 22, 2014 and was approved. The Commissioners have signed on behalf of Grant County.

Should you have any further questions, or require any additional information, please do not hesitate to contact me.

Thank You!

Cc: File