

Board of Grant County Commissioners
RESOLUTION # R14-22

A Resolution to Publish a Legal Notice of Intent to Adopt Ordinance No:0-14-03

VIVA SANTA RITA SUBDIVISION COMMUNITY AREA
IMPROVEMENT DISTRICT
ASSESSMENT LEVY

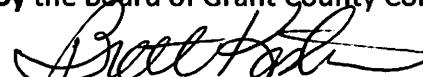
WHEREAS, the Board of Grant County Commissioners (hereafter referred to as "Board"), in accordance with the Act, section 4-55A-10, created by Resolution# 13-71 the Viva Santa Rita Subdivision Community Area Improvement District (hereafter referred to as *the District*), for the improvement of Kneeling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

WHEREAS, in accordance with Section 4-55A-18C., the Board shall by reference to the assessment roll as so modified, and confirmed by Resolution R#:R14-21, levy the assessments contained in the assessment roll by ordinance; and

NOW THEREFORE BE IT RESOLVED that the Board of Grant County Commissioners hereby shall publish a notice of intent to adopt Ordinance NO. 0-14-03 titled VIVA SANTA RITA SUBDIVISION COMMUNITY AREA IMPROVEMENT DISTRICT ASSESSMENT LEVY and said notice is made part of this resolution as exhibit A.

DONE this day 22nd 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

Exhibit A Resolution R#14-22
Legal Notice
NOTICE OF INTENT TO ADOPT

Ordinance NO.0-14-03

VIVA SANTA RITA SUBDIVISION COMMUNITY AREA
IMPROVEMENT DISTRICT
ASSESSMENT LEVY

In accordance with Chapter 4 Article 55A NMSA 1978 "County Improvement District Act" The Board of Grant County Commissioners hereby gives notice of the proposed enactment of an Ordinance levying an assessment upon the landowners of record of the tracts and parcels of land listed in the Assessment Roll of the Viva Santa Rita Subdivision Community Area Improvement District.

Consideration of the final adoption of such proposed Ordinance will not take place until at least two weeks subsequent to the first publication of this notice and only at a public meeting called and held in accordance with Section 3-17-3, NMSA 1978. A copy of the Ordinance is available for review at the Grant County Clerk's Office, during regular business hours.

Consideration of adoption of said Ordinance is currently scheduled and will take place on

DATE: June 12, 2014

TIME: 9:00 a.m.

PLACE: Commissioners Meeting Room located in the County Administration Center at 1400 Highway 180 East Silver City New Mexico.

COUNTY OF GRANT
ORDINANCE NO. .0-14-03

VIVA SANTA RITA SUBDIVISION COMMUNITY AREA
IMPROVEMENT DISTRICT
ASSESSMENT LEVY ORDINANCE

An Ordinance enacted pursuant to the authority of New Mexico State Statutes Article 55A NMSA County Improvement Districts, Section 4-55A-1 through 4-55A-42 NMSA

BE IT ORDAINED by the Board of Grant County Commissioners that:

SECTION I-TITLE

THIS Ordinance may be cited as the Viva Santa Rita Subdivision Community Area, Improvement District Assessment Levy Ordinance.

SECTION II – DECLARATION OF INTENT AND PURPOSE

PURSUANT to article 55A NMSA 4-55A-3 et seq., which authorizes, Counties to create improvement districts for the public safety, health or welfare, and in accordance with Section 4-55A-18C., it is hereby declared the purpose and intent of the Board of Grant County Commissioners to enact the Viva Santa Rita Subdivision Community Area Improvement District Ordinance to:

1. levy the assessments against said parcels, upon the landowners of record in the “Viva Santa Rita Subdivision Community Area Improvement District Assessment Roll filed in the office of the Grant County clerk book 278 page 1378 2 pages, and as so modified and confirmed by Resolution R#14-21 filed in the Office of the Grant County Clerk’s book ____ page ____; and
2. Establish a 45 day grace period to receive any assessment payment in full. Assessments paid in full within the grace period shall not bear interest. The 45 day grace period shall commence on the date of adoption of the ordinance; and

PURSUANT to article 55A section 4-55A-19 B., after the publication or posting of the ordinance the assessment together with interest or penalty accruing to the assessment is a lien upon the tract or parcel of land so assessed.

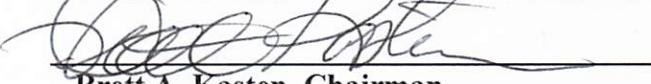
NOW THEREFORE IT IS HEREBY ORDAINED that the Board of Grant County Commissioners **shall** hereby levy the assessments against said parcels of land upon the landowners of record contained in the Assessment Roll filed in the Office of Grant County Clerk book 276 page 1378, 2 pages and as so modified and confirmed by Resolution R#14-21, that is filed in the Office of the Grant County Clerk’s book ____ page ____ and said assessments paid in full with the 45 day grace period **shall not** bear interest., and

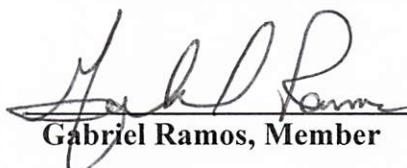
NOTWITHSTANDING that after the publication or posting of this ordinance, any tract or parcel of land so assessed **shall not** be relieved from the assessment or lien until such payment is paid in full, and in the event of the sale or other conveyance of said parcel so assessed, said parcel shall not be relieved from the assessment or lien.

Introduced, passed and adopted by the Board of County Commissioners Grant County New Mexico on this 22nd day of MAY 2014.

IT IS SO ORDERED.

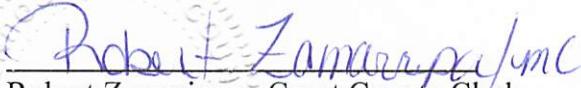
BOARD OF GRANT COUNTY COMMISSIONERS

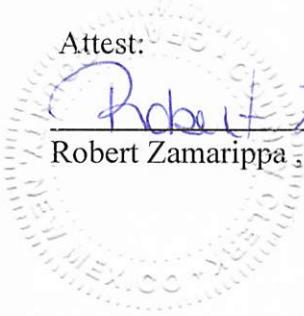

Brett A. Kasten, Chairman


Gabriel Ramos, Member

Ron Hall, Member

Attest:


Robert Zamarripa, Grant County Clerk



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.

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

Re: Resolution #R-14-22; A Resolution to publish a Legal Notice of Intent to Adapt Ordinance No: O-14-03.

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