

**RESOLUTION # R-16-56**

**A RESOLUTION CREATING THE FLEMING TANK ROAD AND WIND CANYON ESTATES  
SUBDIVISION IMPROVEMENT DISTRICT**

**WHEREAS**, Chapter 4 Article 55A NMSA 1978 "County Improvement District Act" empowers counties to construct improvements as authorized by the Act., and;

**WHEREAS**, under NMSA 1978 § 4-55A-3A, the Board of Grant County Commissioners may create an improvement district for any project authorized under the Act, where the Board determines that creation of an improvement district is necessary for public safety, health or welfare by provisional order or by petition; and

**WHEREAS**, The Board of Grant County Commissioners received a petition to create an Improvement District in the Fleming Tank Road and Wind Canyon Estates Subdivision for the improvement of Fleming Tank Road from NM Highway 180, north to the intersection of Wind Canyon Road and East and North on Wind Canyon Road to approximately # 92 Wind Canyon Road. The improvement district boundary consists of 125 lots and is located approximately 4.0 miles west of the vicinity of Silver City, New Mexico; and

**WHEREAS**, based on the petition received the County prepared the following:

1. an improvement district boundary map that includes the lots, to be assessed,
2. a cost estimate of the improvement to install and place surface material on Fleming Tank Road and Wind Canyon Road,
3. an estimated assessment cost for each lot.
4. an estimated cost to be assumed by the County
5. Notice of a preliminary hearing., and;

**WHEREAS**, the Board of County Commissioners held a preliminary hearing on November 12,2015 for the property owners to give comment, make protest, contest, and to request corrections on the proposed improvement district and for the County to correct any mistake or irregularity in any proceeding relating to the improvement; and

**WHEREAS**, the Board of County Commissioners considered all comments presented at the hearing and gave consideration to the public health safety and welfare regarding the proposed creation of the improvement district.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Grant County Commissioners that

1. The Board has determined that creation of an improvement district is necessary for public safety, health or welfare; and
2. That the Fleming Tank Road and Wind Canyon Estates Subdivision Improvement District is hereby created for the purpose of improving Fleming Tank road and Wind Canyon Road and for assessing the cost thereof to the property owners within the district as described in the improvement district boundary map exhibit A.

**PASSED, APPROVED, SIGNED, AND ADOPTED** at a duly called and convened regular meeting of the governing body of the County of Grant this 15<sup>th</sup> day of December, 2016.

**BOARD OF COUNTY COMMISSIONERS**

[SEAL]

**GRANT COUNTY, NEW MEXICO:**



**Brett Kasten, Chairman**



**Gabriel Ramos, Member**



**Ron Hall, Member**



**Robert Zamarripa, Clerk**