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SENATE BILL 286

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO MUNICIPALITIES; AMENDING THE MUNICIPAL CODE TO CLARIFY CONDITIONS FOR ANNEXATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-7-15 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-7-15) is amended to read:

"3-7-15. DUTIES OF THE MUNICIPAL BOUNDARY COMMISSION-- AUTHORITY OF COMMISSION TO ANNEX-- ORDER IS FINAL-- REVIEW BY CERTIORARI. --

A. At the public hearing held for the purpose of determining if the territory proposed to be annexed to the municipality shall be annexed to the municipality, the municipal boundary commission shall determine if [the territory proposed to be annexed:

(1) is contiguous to the municipality; and

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 ~~(2) may be provided with municipal services~~
2 ~~by the municipality to which the territory is proposed to be~~
3 ~~annexed]~~ the following conditions exist for approval of the
4 proposed annexation:

5 (1) twenty-five percent of the boundary of
6 the territory proposed to be annexed shares a common boundary
7 with the existing municipal boundary; and

8 (2) the municipality is prepared to and
9 capable of providing police, fire and solid waste collection
10 on the date the annexation order becomes final and all other
11 municipal services within two and one-half years after the
12 order at a cost payable from the municipality's general
13 revenue sources or general obligation bonds.

14 B. If the municipal boundary commission determines
15 that the conditions set forth in this section are met, the
16 commission shall order annexed to the municipality the
17 territory petitioned to be annexed to the municipality.

18 C. If the municipal boundary commission determines
19 that only a portion of the territory petitioned to be annexed
20 meets the conditions set forth in this section, the commission
21 may order annexed to the municipality that portion of
22 territory which meets the conditions set forth in this
23 section.

24 D. If the municipal boundary commission determines
25 that the conditions set forth in this section are not met, the

underscored material = new
[bracketed material] = delete

1 commission shall not order the annexation to the municipality
2 of the territory petitioned to be annexed.

3 E. Any order of the municipal boundary commission
4 shall be final unless any owner of land within the territory
5 proposed to be annexed, within thirty days after the filing of
6 the final order in the office of the county clerk and the
7 office of the municipal clerk, obtains review of the order by
8 the district court. "

9 Section 2. Section 3-7-17 NMSA 1978 (being Laws 1965,
10 Chapter 300, Section 14-7-17, as amended) is amended to read:

11 "3-7-17. ANNEXATION--PETITION BY OWNERS OF CONTIGUOUS
12 TERRITORY--DUTY OF GOVERNING BODY--ORDINANCE--APPEAL. --

13 A. Except as provided in Sections 3-7-17.1 and
14 3-57-4 NMSA 1978, whenever a petition:

15 (1) seeks the annexation of [~~territory~~
16 ~~contiguous to a municipality~~] a territory of land twenty-five
17 percent of whose boundary is shared in common with the
18 existing boundary of the municipality;

19 (2) is signed by [~~the owners of a majority of~~
20 ~~the number of acres in the contiguous territory~~] a majority of
21 the property owners of the territory proposed for annexation;

22 (3) is accompanied by a map that shows the
23 external boundary of the territory proposed to be annexed and
24 the relationship of the territory proposed to be annexed to
25 the existing boundary of the municipality; and

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underscored material = new
[bracketed material] = delete

1 (4) is presented to the governing body,
2 the governing body shall by ordinance express its consent or
3 rejection to the annexation of [~~such contiguous~~] the
4 territory.

5 B. If the ordinance consents to the annexation of
6 the contiguous territory, a copy of the ordinance, with a copy
7 of the plat of the territory so annexed, shall be filed in the
8 office of the county clerk. After the filing, the contiguous
9 territory is part of the municipality. The clerk of the
10 municipality shall also send copies of the ordinance annexing
11 the territory and of the plat of the territory so annexed to
12 the secretary of finance and administration and to the
13 secretary of taxation and revenue.

14 C. Within thirty days after the filing of the copy
15 of the ordinance in the office of the county clerk, any person
16 owning land within the territory annexed to the municipality
17 may appeal to the district court questioning the validity of
18 the annexation proceedings. If no appeal to the district
19 court is filed within thirty days after the filing of the
20 ordinance in the office of the county clerk or if the court
21 renders judgment in favor of the municipality, the annexation
22 shall be deemed complete. "