

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 1160

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Elias Barela

AN ACT

RELATING TO COUNTY SUBDIVISIONS; ALLOWING REVOCATION OF ROAD  
MAINTENANCE RESPONSIBILITY; PROVIDING FOR AN APPEAL.

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

Section 1. Section 47-6-5 NMSA 1978 (being Laws 1973,  
Chapter 348, Section 5, as amended) is amended to read:

"47-6-5. DEDICATION FOR PUBLIC USE--MAINTENANCE--  
REVOCATION--APPEAL. --

A. The final plat shall contain a certificate  
stating that the board of county commissioners accepted,  
accepted subject to improvement or rejected, on behalf of the  
public, any land offered for dedication for public use in  
conformity with the terms of the offer of dedication. Upon  
full conformance with the county road construction standards,  
[the] dedicated roads may be accepted for maintenance by the

underscored material = new  
[bracketed material] = delete

1 county. Acceptance of offers of dedication on a final plat  
2 shall not be effective until the final plat is filed in the  
3 office of the county clerk or a resolution of acceptance by  
4 the board of county commissioners is filed in such office.

5 B. Whenever a board of county commissioners  
6 determines by resolution adopted in an open meeting that it  
7 does not have the financial resources to maintain roads that  
8 it previously accepted for maintenance, due to a lack of or  
9 slow development of the area served by the roads, it may  
10 revoke the acceptance of maintenance for all or a portion of  
11 the roads previously accepted. Before adopting the  
12 resolution, the board shall consider whether or not the  
13 revocation will adversely affect the interests of persons  
14 served by the roads. The revocation of maintenance provided  
15 for in this subsection:

16 (1) shall not constitute:

17 (a) an abandonment or vacation of  
18 public roads pursuant to Section 67-2-6 or 67-5-4 NMSA 1978 or  
19 any other law; or

20 (b) a disposal of real property  
21 pursuant to Sections 13-6-2 through 13-6-4 NMSA 1978; and

22 (2) may be appealed by a person aggrieved by  
23 the revocation to the district court by:

24 (a) giving notice of appeal to the  
25 board of county commissioners within fifteen days after

. 167509. 1

1 adoption of the revocation resolution; and

2 (b) filing a petition in the district  
3 court within thirty days after the adoption of the revocation  
4 petition. The district court shall hear the matter de novo  
5 and enter judgment in accordance with its findings and  
6 conclusions. "

7 - 3 -  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

underscored material = new  
[bracketed material] = delete