

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

SENATE BILL 1149

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MANNY M ARAGON

AN ACT

RELATING TO LOCAL GOVERNMENTS; REQUIRING THE CONSENT OF THE BOARD OF COUNTY COMMISSIONERS IN CASE OF ANNEXATION BY A MUNICIPALITY OF COUNTY TERRITORY IN A CLASS A COUNTY WITH A POPULATION OF TWO HUNDRED THOUSAND OR MORE PERSONS.

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

Section 1. Section 3-57-5 NMSA 1978 (being Laws 1967, Chapter 248, Section 5) is amended to read:

"3-57-5. ANNEXATION BY PETITION TO MUNICIPALITY.--

A. The governing body of a municipality located within a class A county with a population of two hundred thousand or more persons shall by ordinance express its consent to or rejection of the annexation of territory of the county by ordinance whenever a petition:

(1) seeks the annexation of county territory to

. 116274. 1

Underscored material = new
[bracketed material] = delete

Underscored material = new
[bracketed material] = delete

1 [a] the municipality [~~in a Class A county~~];

2 (2) is signed by the owners of a majority of
3 the number of acres in [~~such~~] the county territory proposed to
4 be annexed;

5 (3) is signed by a majority of the owners of
6 land in [~~such~~] the county territory proposed to be annexed;

7 (4) is accompanied by a map [~~which shall show~~]
8 that shows the external boundary of the county territory
9 proposed to be annexed and the relationship of [~~the~~] that
10 territory [~~proposed to be annexed~~] to the existing boundary of
11 the municipality; [~~and~~]

12 (5) is presented to the governing body of
13 [~~such~~] the municipality; and
14 [~~the governing body shall by ordinance express its consent or~~
15 ~~rejection to the annexation of such territory~~]

16 (6) is presented to the board of county
17 commissioners of the county in which the municipality is located
18 and that board by resolution consents to the annexation.

19 B. The governing body of a municipality located
20 within a class A county with a population of less than two
21 hundred thousand persons shall by ordinance express its consent
22 to or rejection of the annexation of territory of the county
23 whenever a petition:

24 (1) seeks the annexation of county territory to
25 the municipality;

. 116274. 1

Underscored material = new
[bracketed material] = delete

1 (2) is signed by the owners of a majority of
2 the number of acres in the county territory proposed to be
3 annexed;

4 (3) is signed by a majority of the owners of
5 land in the county territory proposed to be annexed;

6 (4) is accompanied by a map that shows the
7 external boundary of the county territory proposed to be annexed
8 and the relationship of that territory to the existing boundary
9 of the municipality; and

10 (5) is presented to the governing body of the
11 municipality.

12 [~~B.~~] C. If the ordinance consents to the annexation
13 of the territory, a copy of the ordinance with a copy of the
14 plat of the territory [sø] annexed shall be filed in the office
15 of the county clerk.

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

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
3
4
5

6 March 18, 1997
7

8 Mr. President:
9

10 Your RULES COMMITTEE, to whom has been referred
11

12 SENATE BILL 1149
13

14 has had it under consideration and reports same WITHOUT
15 RECOMMENDATION.
16

17
18 Respectfully submitted,
19
20
21

22 _____
23 Glori a Howes, Chair man
24
25

Underscored material = new
[bracketed material] = delete

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

- 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

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Aragon, Rodarte, Stockard

Absent: None

S1149RU1

FORTY-THIRD LEGISLATURE

FIRST SESSION

March 19, 1997

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 1149

Amendment sponsored by Senator Carroll H. Leavell

1. On page 1, line 14, strike the period and insert:

"; PROVIDING FOR THE DE-ANNEXATION OF CERTAIN MUNICIPAL TERRITORY IN MUNICIPALITIES IN CERTAIN CLASS B COUNTIES; DECLARING AN EMERGENCY."

2. On page 1, line 19, before "BY" insert "AND DE-ANNEXATION".

3. On page 3, line 24, strike the quotation mark.

4. On page 3, between lines 24 and 25, insert:

"E. The governing body of a municipality that had a

119178.2

Underscored material = new
[bracketed material] = delete

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

FORTY-THIRD LEGISLATURE
FIRST SESSION

SF1/SB 1149

Page 7

population of more than twenty-nine thousand persons but less than thirty thousand persons according to the 1990 decennial census and is located within a class B county that had a population of more than fifty-five thousand persons but less than fifty-seven thousand persons according to the 1990 decennial census shall by ordinance de-annex and cede territory within the municipality to a county when:

(1) the municipality lies wholly within a single county;

(2) the territory to be de-annexed is contiguous to the boundary of the municipality;

(3) a petition is presented to the governing body of the municipality that is:

(a) signed by the owners of a majority of the land in the municipal territory proposed to be de-annexed;

(b) accompanied by a land survey plat that shows the precise location of the municipal territory proposed to be de-annexed and its relationship to the existing municipal boundaries prepared to a scale that is sufficient to show detail of streets and major

. 119178. 2

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

FORTY-THIRD LEGISLATURE
FIRST SESSION

SF1/SB 1149

Page 8

improvements; and

(c) accompanied by a resolution of the board of county commissioners of the county to which the municipal territory is proposed to be ceded expressly consenting to the proposed de-annexation and ceding of territory.

F. Copies of the de-annexation ordinance and the accompanying plat shall be filed in the office of the county clerk and the office of the municipal clerk.

G. Within thirty days after the filing of the copy of the de-annexation ordinance in the office of the county clerk, a person owning land in the territory to be de-annexed may appeal the decision of the governing board to adopt the de-annexation ordinance to the district court on the grounds that the procedure to de-annex was invalid. If no appeal is filed within the time limit, the de-annexation is complete and final. "

Section 2. EMERGENCY. --It is necessary for the public peace, health and safety that this act take effect immediately. "

. 119178. 2

Underscored material = new
[bracketed material] = delete

FORTY-THIRD LEGISLATURE
FIRST SESSION

SF1/SB 1149

Page 9

Carroll H. Leavell

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

119178.2

Underscored material = new
[bracketed material] = delete

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