

PAVING DISTRICTS POLICY



THE FOLLOWING policy is intended to advise citizens of Lea County the steps necessary for the Board of County Commissioners to consider the creation of an improvement district for paving of roads in the County.

A) CONDITIONS OF ACCEPTANCE.

1. The full cost of the improvement district will be assessed to land owners including all construction and engineering costs.
2. The road proposed to be paved must:
 - a. Be in an approved County subdivision and dedicated to the County, or
 - b. Be a road which has been previously deeded to the County, or
 - c. Be a public road by virtue of recorded easements, totaling 60 feet in width, substantially in a form attached as Exhibit A, and
 - d. Been previously accepted for maintenance by the County.
3. The residents must submit a petition substantially in the form attached as Exhibit B.
4. The Petition must be signed by the owners representing sixty-six and two thirds ($66 \frac{2}{3}$) of the assessed valuation of the property in the proposed district.
5. The petitions will be considered on a first come first serve basis. Based on the amount available each year for the creation of improvement districts.

B) CREATION OF DISTRICT.

1. Once the preconditions are met, the Petition needs to be submitted to the road advisory committee. If the road advisory committee deems the requests in the best interest of the County they will refer the matter to the Board of County Commissioners.
2. Once the matter is referred to the County Commissioners, the County Attorney will verify that the petition meets the requirements of law.
3. The County Attorney will request the County Assessor's Office to prepare a plat map of the proposed district, including the lots, record

owners, assessment number and the amount of the last annual assessment.



4. After the map has been prepared the matter will be considered by the Board of County Commissioners who may act by resolution to create the district and begin the planning stage leading to final approval.

C) PLANNING.

1. The Commission will then contract with an engineer to develop plans for the proposed improvement and an estimated costs of the improvement.

2. The design must be in accordance with the minimum road design requirements in the Lea County Subdivision Ordinance including subsection 19-2 which is attached as Exhibit C.

3. Once a detailed cost estimate is prepared, the County Attorney will schedule a preliminary hearing before the Commission to consider:

1. Whether construction of the improvement is in the best interest of the County.
2. Whether the benefits to the landowners outweigh the cost of the improvement.
3. The final boundaries of the district.
4. What repayment plans should be adopted.
5. Any other matter relating to the district.

4. The preliminary hearing will be scheduled so that all landowners can be personally served with legal notice more than 30 days in advance of the hearing.

5. Any landowner has 30 days after the preliminary hearing to file an action challenging the County Commissioners decision. The grounds for challenge are; 1. Any legal error or invalid it in the creation of the district or, 2. The correction of any error in assessment.

6. If, after the preliminary hearing, the Commission orders the improvement to be constructed, the Finance director and the engineer shall prepare bid specifications to be presented to the Commission.

7. Once bid specifications are approved by the Commission the Finance Director shall advertise for bids and award a contract awarding to the lea County Procurement Resolution and the New Mexico Procurement Code.



D) ASSESSMENT

1. After the contract has been awarded and the total cost of the improvement to the County is determined, the Commission and the engineer will prepare and file an assessment roll with the County Clerk.
2. After 30 days' notice, the board shall conduct an assessment hearing.
3. At the assessment hearing any landowner may object to the proceeding, the assessment roll or any error in the amount assessed.
4. Once the hearing is concluded and any protest the board shall by ordinance levy the assessments contained in the assessment roll and establish the time and terms of payment.

E) PAYMENT TERMS.

1. The Commission will approve up to seven (7) years for repayment.
2. The interest rate charged will be the rate earned by U.S. Treasury securities as of the day prior to the preliminary hearing for the term of repayment.
3. The yearly assessment will be paid to the Lea County Treasurer and will be due when taxes are paid. Monthly payments will not be accepted. (If a landowner wants to make monthly payments they will have to make arrangements through the mortgage company or escrow agent.)

GRANT OF EASEMENT FOR RIGHT OF WAY



THIS INDENTURE made and entered into this _____ day of _____, 20____, by and between _____, hereinafter referred to as "**LANDOWNER**" and the Lea County Board of County Commissioners, hereinafter referred to as "**COUNTY**".

WITNESSETH: That **LANDOWNER** for and in consideration of \$10.00 and other valuable consideration, the receipt of which is hereby acknowledged, has granted and conveyed and by this agreement does grant and convey unto the **COUNTY** a perpetual, full and unrestricted easement and right of way, along, over and across the following described strip, track and parcel of land and real estate lying, situate and being in the County of Lea, State of New Mexico described as follows:

_____ together with the full and unrestricted right unto the **COUNTY** to construct a public road and to use the same as a public road.

LANDOWNER ACKNOWLEDGES that no consideration was promised for the easement granted other than those considerations hereinabove written.

TO HAVE AND TO HOLD the said right and easement for the uses and purposes aforesaid, unto the **COUNTY**, its successors, and assigns for so long as said right of way shall be used for a public road. The Commissioners of the County, wherein said land lies, should at any time execute and cause to be recorded in the County aforesaid a certificate that said right of way has been abandoned as a public road, then, and in such event the name shall be considered as having been abandoned with the easement hereby granted shall thereupon terminate and the land shall be free of the right of way herein granted shall revert to the Landowner.



IN WITNESS WHEREOF, the said **LANDOWNER** hereupon set his hand and seal on the _____ day of _____, 20__.

LANDOWNER:

COUNTY:
BOARD OF COUNTY
COMMISSIONERS LEA COUNTY,
NEW MEXICO

By _____

By _____
Ron Black, Chairperson

ATTEST: Keith Manes
Lea County Clerk

By _____
Deputy

STATE OF NEW MEXICO)
)SS.
COUNTY OF LEA)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____

Notary Public

My Commission Expires:

STATE OF NEW MEXICO)
)SS.
COUNTY OF LEA)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by Greg Fulfer, Chairman of the Board of County Commissioners of Lea County, State of New Mexico.

Notary Public

My Commission Expires:

PETITION



We, the undersigned, under Section 4-SSA-10 N.M.S.A. 1978 Comp., petition the Lea County Board of County Commissioners to create an Improvement District for the purpose of paving

_____. The proposed project shall be built according to the specifications for paving contained in the Lea County Subdivision Ordinance as well as any applicable state requirements.

By signing this Petition, I certify that I am an owner of the land which would be benefitted by the improvement and understand that the County will assess the full cost of the improvement against the landowners and the County will have a lien against your property until the assessment is paid in full.

SIGNATURE

PRINTED NAME

ADDRESS

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