

CITY of ALBUQUERQUE

NINETEENTH COUNCIL

COUNCIL BILL NO. R-11-306 ENACTMENT NO. _____

SPONSORED BY: Dan Lewis, by request

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RESOLUTION

RELATING TO THE PROPOSED ALBUQUERQUE, NEW MEXICO SPECIAL ASSESSMENT DISTRICT NO. 228, DETERMINING THE ADVISABILITY OF CONSTRUCTING, AND THE TYPE AND CHARACTER OF, CERTAIN STREETS AND ASSOCIATED STORM DRAINAGE IMPROVEMENTS, SANITARY SEWER IMPROVEMENTS, WATER IMPROVEMENTS, AND DRY UTILITY IMPROVEMENTS THEREIN AND DIRECTING THE CITY CLERK TO CALL FOR SEALED BIDS ON SUCH IMPROVEMENTS.

WHEREAS, by Resolution No. R-11-243, Enactment No. R-2011-083, adopted and approved on September 7, 2011 (the "Resolution"), the City Council (the "Council") of the City of Albuquerque (the "City"), in the County of Bernalillo and State of New Mexico, provisionally ordered the grading, paving, draining, and otherwise completing of certain streets and parts thereof (the "Street Improvements"), grading, constructing, installing, and otherwise providing certain storm drainage improvements (the "Storm Drainage Improvements"), constructing, installing, and otherwise improving of certain sanitary sewer lines (the "Sanitary Sewer Improvements"), water lines (the "Water Improvements"), and dry utilities (the "Dry Utility Improvements") in the proposed district, (collectively, the "Improvements"), all pursuant to and in conformity with Section 3-33-1 through 3-33-43, NMSA, 1978, as amended and supplemented; and

WHEREAS, the Council is of the opinion that, in the general interest of the City and in the specific interest of the property within the proposed District (defined below), the addition of the Improvements is necessary and should be made in the proposed District as so directed and that the Improvements should be as hereinafter set forth; and

1 **WHEREAS, the area provisionally ordered to be improved by the**
2 **Resolution and the benefited property to be assessed to defray the cost of the**
3 **Improvements is designated "Albuquerque, New Mexico, Special Assessment**
4 **District No. 228" (the "District"); and**

5 **WHEREAS, the Resolution set a time and place at which the owners of the**
6 **property to be assessed, or any other interested persons, could appear before the**
7 **Council and be heard as to the propriety and advisability of making the**
8 **Improvements, as to the estimated cost thereof, as to the manner of payment**
9 **therefore, and as to the estimated maximum benefit to each individual tract or**
10 **parcel of land within the District, to-wit, on Wednesday, the 5th day of October,**
11 **2011, at 5:00 p.m. at the Council Chambers in the City; and**

12 **WHEREAS, in accordance with the laws of the State of New Mexico, not**
13 **more than thirty days nor less than ten days before the day of the protest hearing,**
14 **notice was given to the owners of property within the District; such notice being**
15 **served by mailing a copy of the notice to each of such property owners at his last**
16 **known address and further notice being given by publication once each week for**
17 **three consecutive weeks in a newspaper which maintains an office, and is of**
18 **general circulation in the City, the last publication having been at least one week**
19 **prior to the day of the protest hearing; and**

20 **WHEREAS, at the protest hearing all owners of property to be assessed**
21 **within the District and all interested persons so desiring were permitted to file a**
22 **written protest, objection or to appear before the Council and be heard as to the**
23 **propriety and advisability of making the Improvements, as to the estimated cost**
24 **thereof, as to the manner of payment therefor, and as to the estimated maximum**
25 **benefit to each individual tract or parcel of land within the District; and**

26 **WHEREAS, the Council has now considered such written protests and**
27 **objections made at the protest hearing, as to the propriety and advisability of**
28 **making the Improvements, as to the costs thereof, as to the manner of payment**
29 **therefor, and as to the estimated maximum benefit to each individual tract or**
30 **parcel of land within the District, and the Council finds that, except as noted in**
31 **Section 2 below, the written protest and such objections made at the protest**
32 **hearing are without merit and finds that the same should be overruled and**
33 **denied; and**

1 WHEREAS, the property in the District is subject to a lawsuit styled,
2 Volcano Cliffs Property Owners Association v. The City of Albuquerque,
3 Bernalillo Case Number CV 2006-8016, which lawsuit is currently stayed in the
4 process of settlement. This lawsuit can be dismissed upon the adoption of this
5 Resolution 3 by the City Council, approval by the Mayor and attestation by the
6 City Clerk.

7 **BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
8 **ALBUQUERQUE:**

9 Section 1. That all action heretofore taken (not inconsistent with the
10 provisions of this Resolution) by the City and the officers of the City directed
11 toward the construction of the Improvements within the District and toward
12 provisionally ordering the Improvements, be and the same hereby is ratified,
13 approved and confirmed.

14 Section 2. That the Council has determined, and does hereby determine,
15 that the protests and objections filed or otherwise made in connection with the
16 District are without merit and that the same be, and hereby are, overruled, denied
17 and finally passed on by the Council.

18 Section 3. That the Council has approved and does hereby approve the
19 estimated maximum benefit roll (also known as the addendum to the assessment
20 plat) filed with the City Clerk on August 5, 2011, has determined and does hereby
21 determine that it is proper and advisable to construct the Improvements in and
22 along all of the following streets, rights-of-way, and parts thereof, as provisionally
23 ordered (except to the extent inconsistent herewith), and does hereby order that
24 all of the Improvements at the following locations be constructed within the
25 District (except where noted to the contrary) and assessments levied therefor.

26 **PAVING AND STORM DRAINAGE IMPROVEMENTS**

27 Agua Fria Court (Unit 22) - Papagayo Road to a cul-de-sac ending the
28 street.

29 Aguila Street (Units 18 & 19) – Papagayo Road to south of Azor Lane.

30 Alderete Court (Unit 22) - Camino Alderete to cul-de-sac ending the street.

31 Alto Rey Court (Unit 22) – Papagayo Road to a cul-de-sac ending the street.

32 Azor Lane (Unit 19) - Aguila Street to Vista del Prado.

33 Calle Nortena (Units 26 & 27) - Paseo del Norte to Rosa Parks Rd.

1 Camino Alderete (Unit 22) - Kimmick Drive to Petirrojo Road at a curve.
2 Camino Alto (Unit 22) - Papagayo Road to a corner then easterly to a cul-
3 de-sac ending the street.
4 Camino Alto Court (Unit 22) - Camino Alto to a cul-de-sac ending the street.
5 Camino Del Oeste (Unit 19) – Vista Del Prado to Urraca Street.
6 Canavio Place (Units 18 & 22) - Papagayo Road to Camino Alderete.
7 Canoncito Drive (Unit 22) –Kimmick Drive to Canavio Place.
8 Compass Drive (Units 18 & 19) - Kimmick Drive to 400' South of Petirrojo
9 Road.
10 Compass Court (Unit 19) – Compass Drive to a cul-de-sac ending the
11 street.
12 Cuervo Place (Unit 18) - Compass Drive to Aguila Street.
13 Kimmick Drive; also platted as 81st Street (Units 18, 22, & 26) – Unser Blvd.
14 to 325' East of Camino de Paz and Rosa Parks Rd to Paseo del Norte.
15 Metro Lane (frontage; Unit 18) – from Sujeto Road (to be platted) to
16 Kimmick Drive
17 Papagayo Road (Units 18 & 22) - Compass Drive to Camino Alderete to end
18 the street.
19 Paseo Del Norte - 300' east of Calle Plata to Calle Nortena.
20 Pato Road (Unit 18) - Papagayo Road to Urraca Street.
21 Petirrojo Road (Units 18 & 22) - Compass Drive to Camino Alderete.
22 Picardia Place (Units 18 & 22) - Petirrojo Road to Petirrojo Road.
23 Rainbow Boulevard – Unser Boulevard to 900' northwest of Universe
24 Boulevard.
25 Rosa Parks Road (Units 26 & 27) - 300' East of Calle Plata to Kimmick Drive.
26 Scenic Road - Rainbow Boulevard to 250' southwest of Rainbow
27 Boulevard.
28 Sujeto Road (Unit 18) – Unser Blvd. to Aguila Street.
29 Universe Boulevard - Rainbow Boulevard to 450' northeast of Rainbow
30 Boulevard.
31 Unser Boulevard – Compass Drive to Kimmick Drive.
32 Urraca Street (Units 18-22) - Kimmick Drive to Camino del Oeste.
33 Valiente Road (Units 26 & 27) – Kimmick Drive to Calle Nortena.

1 Vista del Prado (Unit 19) – Azor Lane to Urraca Street.
2 Vista del Prado Court (Unit 19) – Vista del Prado to a cul-de-sac ending the
3 street.

4 **SANITARY SEWER IMPROVEMENTS**

5 Agua Fria Court (Unit 22) - Papagayo Road to a cul-de-sac ending the
6 street.

7 Aguilar Street (Units 18 & 19) – Papagayo Road to south of Azor Lane.

8 Alderete Court (Unit 22) - Camino Alderete to cul-de-sac ending the street.

9 Alto Rey Court (Unit 22) – Papagayo Road to a cul-de-sac ending the street.

10 Azor Lane (Unit 19) - Aguila Street to Vista del Prado.

11 Calle Nortena (Units 26 & 27) - Paseo del Norte to Rosa Parks Rd.

12 Camino Alderete (Unit 22) - Kimmick Drive to Petirrojo Road at a curve.

13 Camino Alto (Unit 22) - Papagayo Road to a corner then easterly to a cul-
14 de-sac ending the street.

15 Camino Alto Court (Unit 22) - Camino Alto to a cul-de-sac ending the street.

16 Camino Del Oeste (unit 19) – Vista Del Prado to Urraca Street.

17 Canavio Place (Units 18 & 22) - Papagayo Road to Camino Alderete.

18 Canoncito Drive (Unit 22) –Kimmick Drive to Canavio Place.

19 Compass Drive (Units 18 & 19) - Kimmick Drive to 400' South of Petirrojo
20 Road.

21 Compass Court (Unit 19) – Compass Drive to a cul-de-sac ending the
22 street.

23 Cuervo Place (Unit 18) - Compass Drive to Aguila Street.

24 Kimmick Drive; also platted as 81st Street (Units 18, 22, & 26) – Unser Blvd.
25 to 325' East of Camino de Paz and Rosa Parks Rd to Paseo del Norte.

26 Metro Lane (frontage; Unit 18) – from Sujeto Road (to be platted) to
27 Kimmick Drive

28 Papagayo Road (Units 18 & 22) - Compass Drive to Camino Alderete to end
29 the street.

30 Pato Road (Unit 18) - Papagayo Road to Urraca Street.

31 Petirrojo Road (Units 18 & 22) - Compass Drive to Camino Alderete.

32 Picardia Place (Units 18 & 22) - Petirrojo Road to Petirrojo Road.

- 1 **Rainbow Boulevard – Unser Boulevard to 900’ northwest of Universe**
- 2 **Boulevard.**
- 3 **Rosa Parks Road (Units 26 & 27) - 300’ East of Calle Plata to Kimmick Drive.**
- 4 **Scenic Road - Rainbow Boulevard to 250’ southwest of Rainbow**
- 5 **Boulevard.**
- 6 **Sujeto Road (Unit 18) – Unser Blvd. to Aguila Street.**
- 7 **Universe Boulevard - Rainbow Boulevard to 450’ northeast of Rainbow**
- 8 **Boulevard.**
- 9 **Urraca Street (Units 18-22) - Kimmick Drive to Camino del Oeste.**
- 10 **Valiente Road (Units 26 & 27) – Kimmick Drive to Calle Nortena.**
- 11 **Vista del Prado (Unit 19) – Azor Lane to Urraca Street.**
- 12 **Vista del Prado Court (Unit 19) - Vista del Prado to a cul-de-sac ending the**
- 13 **street.**

14 **WATER IMPROVEMENTS**

- 15 **Agua Fria Court (Unit 22) - Papagayo Road to a cul-de-sac ending the**
- 16 **street.**
- 17 **Aguila Street (Units 18 & 19) – Papagayo Road to south of Azor Lane.**
- 18 **Alderete Court (Unit 22) - Camino Alderete to cul-de-sac ending the street.**
- 19 **Alto Rey Court (Unit 22) – Papagayo Road to a cul-de-sac ending the street.**
- 20 **Azor Lane (Unit 19) - Aguila Street to Vista del Prado.**
- 21 **Calle Nortena (Units 26 & 27) - Paseo del Norte to Rosa Parks Rd.**
- 22 **Camino Alderete (Unit 22) - Kimmick Drive to Petirrojo Road at a curve.**
- 23 **Camino Alto (Unit 22) - Papagayo Road to a corner then easterly to a cul-**
- 24 **de-sac ending the street.**
- 25 **Camino Alto Court (Unit 22) - Camino Alto to a cul-de-sac ending the street.**
- 26 **Camino Del Oeste (Unit 19) – Vista Del Prado to Urraca Street.**
- 27 **Canavio Place (Units 18 & 22) - Papagayo Road to Camino Alderete.**
- 28 **Canoncito Drive (Unit 22) –Kimmick Drive to Canavio Place.**
- 29 **Compass Drive (Units 18 & 19) - Kimmick Drive to 400’ South of Petirrojo**
- 30 **Road.**
- 31 **Compass Court (Unit 19) – Compass Drive to a cul-de-sac ending the**
- 32 **street.**
- 33 **Cuervo Place (Unit 18) - Compass Drive to Aguila Street.**

1 Kimmick Drive; also platted as 81st Street (Units 18, 22, & 26) – Unser Blvd.
2 to 325’ East of Camino de Paz and Rosa Parks Rd to Paseo del Norte.
3 Metro Lane (frontage; Unit 18) – from Sujeto Road (to be platted) to
4 Kimmick Drive
5 Papagayo Road (Units 18 & 22) - Compass Drive to Camino Alderete to end
6 the street.
7 Pato Road (Unit 18) - Papagayo Road to Urraca Street.
8 Petirrojo Road (Units 18 & 22) - Compass Drive to Camino Alderete.
9 Picardia Place (Units 18 & 22) - Petirrojo Road to Petirrojo Road.
10 Rainbow Boulevard – Unser Boulevard to 900’ northwest of Universe
11 Boulevard.
12 Rosa Parks Road (Units 26 & 27) - 300’ East of Calle Plata to Kimmick Drive.
13 Scenic Road - Rainbow Boulevard to 250’ southwest of Rainbow
14 Boulevard.
15 Sujeto Road (Unit 18) – Unser Blvd. to Aguila Street.
16 Universe Boulevard - Rainbow Boulevard to 450’ northeast of Rainbow
17 Boulevard.
18 Urraca Street (Units 18-22) - Kimmick Drive to Camino del Oeste.
19 Valiente Road (Units 26 & 27) – Kimmick Drive to Calle Nortena.
20 Vista del Prado (Unit 19) – Azor Lane to Urraca Street.
21 Vista del Prado Court (Unit 19) - Vista del Prado to a cul-de-sac ending the
22 street.
23 **DRY UTILITY IMPROVEMENTS**
24 Agua Fria Court (Unit 22) - Papagayo Road to a cul-de-sac ending the
25 street.
26 Aguila Street (Units 18 & 19) – Papagayo Road to south of Azor Lane.
27 Alderete Court (Unit 22) - Camino Alderete to cul-de-sac ending the street.
28 Alto Rey Court (Unit 22) – Papagayo Road to a cul-de-sac ending the street.
29 Azor Lane (Unit 19) - Aguila Street to Vista del Prado.
30 Calle Nortena (Units 26 & 27) - Paseo del Norte to Rosa Parks Rd.
31 Camino Alderete (Unit 22) - Kimmick Drive to Petirrojo Road at a curve.
32 Camino Alto (Unit 22) - Papagayo Road to a corner then easterly to a cul-
33 de-sac ending the street.

1 Camino Alto Court (Unit 22) - Camino Alto to a cul-de-sac ending the street.
2 Camino Del Oeste (unit 19) – Vista Del Prado to Urraca Street.
3 Canavio Place (Units 18 & 22) - Papagayo Road to Camino Alderete.
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7 Compass Court (Unit 19) – Compass Drive to a cul-de-sac ending the
8 street.
9 Cuervo Place (Unit 18) - Compass Drive to Aguila Street.
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11 to 325' East of Camino de Paz and Rosa Parks Rd to Paseo del Norte.
12 Metro Lane (frontage; Unit 18) – from Sujeto Road (to be platted) to
13 Kimmick Drive
14 Papagayo Road (Units 18 & 22) - Compass Drive to Camino Alderete to end
15 the street.
16 Pato Road (Unit 18) - Papagayo Road to Urraca Street.
17 Petirrojo Road (Units 18 & 22) - Compass Drive to Camino Alderete.
18 Picardia Place (Units 18 & 22) - Petirrojo Road to Petirrojo Road.
19 Rainbow Boulevard – Unser Boulevard to 900' northwest of Universe
20 Boulevard.
21 Rosa Parks Road (Units 26 & 27) – 300' East of Calle Plata to Kimmick
22 Drive.
23 Scenic Road - Rainbow Boulevard to 250' southwest of Rainbow
24 Boulevard.
25 Sujeto Road (Unit 18) – Unser Blvd. to Aguila Street.
26 Universe Boulevard - Rainbow Boulevard to 450' northeast of Rainbow
27 Boulevard.
28 Urraca Street (Units 18-22) - Kimmick Drive to Camino del Oeste.
29 Valiente Road (Units 26 & 27) – Kimmick Drive to Calle Nortena.
30 Vista del Prado (Unit 19) – Azor Lane to Urraca Street.
31 Vista del Prado Court (Unit 19) - Vista del Prado to a cul-de-sac ending the
32 street.
33 ALL IN THE CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO.

1 **Section 4. The Council does hereby determine that all Water**
2 **Improvements, Sanitary Sewer Improvements, Storm Drainage Improvements,**
3 **Street Improvements, and Dry Utility Improvements which are not specified in**
4 **Section 3 of this Resolution shall be deleted from the District.**

5 **Section 5. The Council does hereby determine that the type and**
6 **character of the Improvements shall be substantially as follows:**

7 **A. The Street Improvements shall include excavation,**
8 **embankment and paving consisting of compacted subgrade, base course, and**
9 **asphalt-concrete surface; drainage structures; concrete curbs, gutters and**
10 **sidewalks, street lighting, street signals and necessary conduits and/or crossings**
11 **for future dry utility extensions. The curb and gutters shall be adjacent to the**
12 **edge of the pavement.**

13 **B. The Storm Drainage Improvements shall include excavation,**
14 **grading, trenching, removal and replacement of any obstacles, pipe laying; box**
15 **culverts, head walls, manholes, backfilling, rip-rap, concrete-lined channels,**
16 **concrete aprons, and concrete run down. All storm drain pipe shall be reinforced**
17 **concrete. All Storm Drainage Improvements shall be located within the street**
18 **right-of-way or drainage right-of-way.**

19 **C. The Sanitary Sewer Improvements shall include excavation,**
20 **trenching, pipe-laying, and backfilling; removal and replacement of any paving**
21 **and other obstacles; collection lines shall be polyvinyl chloride pipe, or where**
22 **necessary, ductile iron pipe; manholes shall be located in street intersection or**
23 **as required pump station and force main. Main stubs shall be provided at**
24 **locations where future intersections or extensions are anticipated. Collection**
25 **lines shall generally be located along the centerline of the rights-of-way. Service**
26 **stubs shall be 4-inch diameter cast iron soil pipe for residential services.**

27 **D. The Water Improvements shall include excavation,**
28 **trenching, pipe-laying, valves, pump station, pressure reducing valves, fire**
29 **hydrants, and backfilling; removal and replacement of any paving and other**
30 **obstacles; distribution lines; service lines shall be installed per current design**
31 **standards.**

32 **E. The Dry Utility Improvements shall include the trenching**
33 **and backfill by the District Contractor, and the furnishing and installing of the**

1 utility lines and appurtenances by the utility companies.

2 Section 6. The estimated total construction and installation cost of the
3 Improvements, including engineering, legal, financing, and all necessary and
4 incidental expenses is \$24,650,000 of which it is estimated that \$-0 - will be
5 defrayed from sources other than special assessments, and \$24,650,000 will be
6 assessed against those tracts or parcels of land in the District as hereinafter
7 provided. For assessments based on a front foot basis, the amount of frontage of
8 any particular tract or parcel of land specifically benefited by the Improvements
9 will be computed by determining the distance along the boundaries of such tract
10 or parcel which abut any street, right-of-way, easement, or any combination
11 thereof, in which and through which a particular improvement is placed, and the
12 amount to be assessed will be apportioned to each such tract or parcel in
13 proportion to the amount of footage of all benefited tracts or parcels. For
14 assessments based on a service unit basis, an equal share of the amount to be
15 assessed will be apportioned to each of the parcels specifically benefited by the
16 Improvements. For assessments based on an area basis, the amount of area of
17 any tract or parcel of land specifically benefited by the Improvement will be
18 computed by determining the acreage of such tract or parcel and the amount to
19 be assessed will be apportioned to each such tract or parcel in proportion to the
20 total amount of area of all the benefited tracts or parcels. For assessments based
21 on a contribution basis, the amount of contribution of any tract or parcel of land
22 specifically benefited by the Improvements will be determined from master plans,
23 management plans, or engineering analysis, and the amount to be assessed will
24 be apportioned to each such tract or parcel in proportion to the amount of
25 contribution of each such tract or parcel to the total amount of contribution of all
26 benefited tracts or parcels. The estimated cost to be assessed and the basis of
27 assessment for each type of improvement is as follows:

28 A. For Street Improvements and Storm Drainage
29 Improvements, the estimated total assessments are \$13,000,000. The
30 assessments for street and intersection improvements will be levied either on a
31 front foot, area, or service unit basis against those tracts or parcels of land in the
32 District that abut the streets being improved and also assessed against the tracts

1 of land in the District that are specifically benefited by the street and intersection
2 improvements.

3 **B. For Storm Drainage Improvements, assessments will be**
4 **levied against those tracts or parcels of land situated wholly or partially within**
5 **the drainage basins in which and through which the Storm Drainage**
6 **Improvements and Street Improvements are being placed and also assessed**
7 **against the tracts of land in the District that are specifically benefited by the**
8 **storm drain system improvements. Assessments will be levied equally against**
9 **each tract or parcel of land on a contribution, area, front foot, or service unit**
10 **basis to each of those tracts or parcels of land contributing to the total basin flow**
11 **and for the flood protection received by and the elimination of potential flooding**
12 **of the access to each tract or parcel of land due to the construction of the Storm**
13 **Drainage Improvements and Street Improvements and the diversion of drainage**
14 **flow by the platted street system.**

15 **C. For Water Improvements, the estimated total**
16 **assessments are \$5,950,000. The assessments will be levied on a front foot, area,**
17 **or service unit basis against those tracts or parcels of land abutting the streets,**
18 **rights-of-way, or easements in which and through which the Water Improvements**
19 **shall be placed and also assessed against the tracts of land in the District that are**
20 **specifically benefited by the availability of service.**

21 **D. For Sanitary Sewer Improvements, the estimated total**
22 **assessments are \$4,100,000. The assessments will be levied on a front foot, area,**
23 **or service unit basis against those tracts or parcels of land abutting the streets,**
24 **rights-of-way, or easements in which and through which the Sanitary Sewer**
25 **Improvements shall be placed and also assessed against the tracts of land in the**
26 **District that are specifically benefited by the availability of service.**

27 **E. For Dry Utility Improvements, the estimated total**
28 **assessments are \$1,600,000. Assessments will be levied on a front foot, area, or**
29 **service unit basis against those tracts or parcels of land abutting the streets,**
30 **rights-of-way, or easements in which and through which the Dry Utility**
31 **Improvements shall be placed and also assessed against the tracts of land in the**
32 **District that are specifically benefited by the availability of service.**

1 **Section 7.** That there be, and there hereby is created and established the
2 **City of Albuquerque Special Assessment District No. 228** for the purpose of
3 **constructing the Improvements, all as herein set forth, and for assessing the cost**
4 **thereof to the property benefited thereby.**

5 **Section 8.** That any person who filed, and did not withdraw, a written
6 **protest or objection protesting the construction of the Improvements pursuant to**
7 **Section 3-33-13 NMSA 1978 shall have the right, within thirty days from the**
8 **adoption and approval of this Resolution, to commence an action or suit**
9 **pursuant to Section 39-3-1.1 in State District Court in Bernalillo County, New**
10 **Mexico, to correct or set aside the determination of the Council set forth in this**
11 **resolution.**

12 **Section 9.** That **Wilson & Company, Inc. (the "Engineers"), professional**
13 **engineers duly licensed under the laws of the State of New Mexico, who are**
14 **employed by the City in connection with the Improvements, be and they hereby**
15 **are ordered and directed to modify the preliminary plans, specifications,**
16 **proposed contract documents, assessment plat, addendum to the assessment**
17 **plan, estimates of cost, and other relevant documents in connection with the**
18 **District to conform to any modification ordered and directed in this Resolution.**
19 **The Engineers are hereby ordered and directed to mail a copy of this Resolution**
20 **and a copy of Section 39-3-1.1 NMSA 1978, as amended and supplemented, to all**
21 **property owners within the District.**

22 **Section 10.** That the City is hereby authorized and directed, upon
23 **modification, if any, being made to the instruments designated in Section 9 of this**
24 **Resolution, and a set of said instruments being filed in the office of the Clerk, to**
25 **advertise for bids for doing the work of constructing the Improvements by**
26 **publication of a notice to contractors at least once each week for two consecutive**
27 **weeks by insertions in the Albuquerque Journal, a newspaper which maintains an**
28 **office, or is of general circulation, in the City and the County of Bernalillo, the first**
29 **of such publications to be made at least 10 days before the date for opening of**
30 **bids, all pursuant to Sections 3-33-19 and 13-1-102, NMSA 1978, as amended and**
31 **supplemented, and the ordinances of the City.**

32 **Section 11.** That the City Clerk is hereby authorized and directed to record
33 **in appropriate form the estimated maximum benefit roll in the records of the**

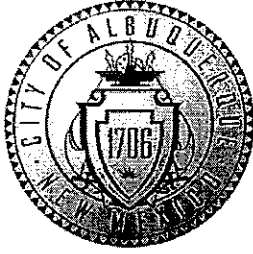
1 Bernalillo County Clerk to give constructive notice of the pendency of the District
2 to any owner, purchaser or encumbrancer of all tracts or parcels included in the
3 District as provided by Section 3-33-11 NMSA 1978, as amended and
4 supplemented.

5 Section 12. That the officers of the City be and they hereby are, authorized
6 and directed to take all action necessary or appropriate to effectuate the
7 provisions of this Resolution.

8 Section 13. That all resolutions, or parts thereof, in conflict with the
9 provisions of this Resolution are hereby repealed. This repealer shall not be
10 construed to revive any resolution, or part thereof, heretofore repealed.

11 Section 14. If any section, paragraph, clause, or provision of this
12 Resolution shall for any reason be held to be invalid or unenforceable, the validity
13 of such section, paragraph, clause, or provision shall not affect any of the
14 remaining provisions of this Resolution.

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Mayor Richard J. Berry

CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

INTER-OFFICE MEMORANDUM

November 1, 2011

TO: Don Harris, President, City Council

FROM: Richard J. Berry, Mayor *RJB*

SUBJECT: Approval of SAD 228 Resolution 3 that creates the district and concludes the EMB Hearing dated October 5, 2011

I am submitting Resolution #3 for SAD 228 for your review and approval. The SAD will provide all necessary infrastructure for development of over 500 residential lots in the volcano cliffs subdivision, as well as several commercial parcels. The project will also construct roadway improvement to portions of Unser Blvd, Paseo del Norte, and the intersection of Rainbow and Universe. All of the improvements will be paid for by the property owner via assessment levied against the properties. The SAD is requested and supported by the Volcano Cliffs Property Owners Association (VCPOA). The current legal dispute between the VCPOA and the City will be resolved by this Resolution.

This Resolution (Resolution 3), concludes the EMB Hearing, determines advisability of construction of the improvements and the type and character of the improvements, and creates the district.

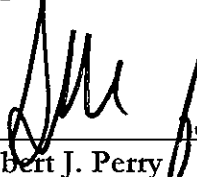
This Resolution is forwarded to the Council for its action.

Page 2 of 2

DATE: 11/1/2011

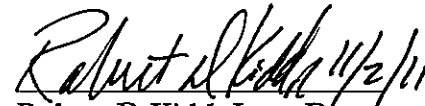
SUBJECT: Approval of SAD 228 Resolution 3 that creates the district and concludes the EMB
Hearing dated October 5, 2011

Approved:




Robert J. Perry Date
Chief Administrative Officer

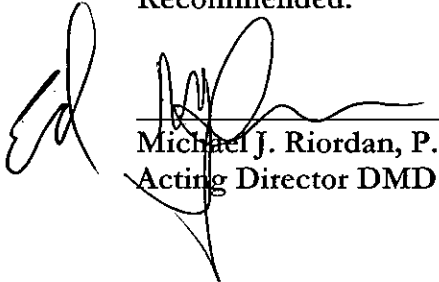
Approved as to Legal Form:



Robert D. Kidd, Jr. Date
Acting City Attorney


11/2/11

Recommended:



Michael J. Riordan, P.E. Date
Acting Director DMD

11/2/11

Cover Analysis

1. What is it?

Resolution #3 for SAD 228

2. What will this piece of legislation do?

Conclude the SAD 228 EMB Hearing held on October 5, 2011, determines advisability of construction of the improvements and the type and character of the improvements, and creates the district.

3. Why is this project needed?

To provide infrastructure for over 500 residential lots as well as improvement to City intersections and roadways.

4. How much will it cost and what is the funding source?

The design and construction cost will be covered by the project assessments

5. Is there a revenue source associated with this contract? If so, what level of income is projected?

Yes, the project will be paid for by assessments to the property owners

**SPECIAL ASSESSMENT
DISTRICT NO. 228**

**TABULATION OF
ESTIMATED
MAXIMUM BENEFIT
PROTESTS**

**Protest Hearing Held
5 October 2011**

**Prepared for:
City of Albuquerque
Department of Municipal Development**

**October 2011
WCI Project No: 08-400-104-00
(Revised November 1, 2011)**

**SPECIAL ASSESSMENT
DISTRICT NO. 228**

**TABULATION OF
ESTIMATED
MAXIMUM BENEFIT
PROTESTS**

**Protest Hearing Held
5 October 2011**

**Prepared for:
City of Albuquerque
Department of Municipal Development**

**Prepared by:
Wilson & Company, Engineers & Architects
4900 Lang Avenue, N.E., Suite 100
Albuquerque, NM 87119
(505) 348-4000**

WCI Project No: 08-400-104-00

TABLE OF CONTENTS

<u>Description</u>	<u>Section</u>
Tabulation of EMB Protests and Comments	I
Engineer's Responses to Protests & Recommendations.....	II
Copies of Written Protests	III
Summary of Oral Protests and Comments EMB Protest Hearing, 5 October, 2011	IV
District 228 Map Showing Protesting Parcels	V

Executive Summary of EMB Protests and Tabulation

Executive Summary of EMB Protests and Tabulation

The SAD 228 Estimated Maximum Benefit (EMB) Hearing was held on October 5, 2011 at the City Council Meeting. Six of the 333 property owners or 1.8 percent protested SAD 228. The following is a summary of the protests received from SAD 228 property owners:

Item 134 & 476 – Mortenza Khodaie – Economic timing / high costs
Item 242 & 243 – Dudley Clark – Timing and financial burden
Item 188 – Maria Garcia – High costs
Item 201 & 202 – Manuel Prieto – Assessment costs too high
Item 175 & 176 – J. Preston & Kathy Hollier – Timing and financial burden
Item 218, 251, 260, 261 & 307 – Ben Ruiz – Timing, high costs and competitive bidders

These six protests account for 4.2 acres of the 144.5 acres in SAD 228 or approximately **2.9 percent protest by area**. This area includes 14 parcels of the 513 parcels in SAD 228 or 2.7 percent.

Recommendations. In working with the Volcano Cliffs Property Owners Association (VCPOA), the property owners and the SAD Team the following recommendation are presented:

1. SAD 228 between the Escarpment and Kimmick Drive remain in the SAD (Units 18, 19 and 22 of the Volcano Cliffs Subdivision).
2. Remove the 24 residential lots off Calle Plata Road in Unit 26 from SAD 228. In working with the property owners in this area, they plan to form an LLC to consolidate the property for a more dense development per the Volcano Cliffs Sector Plan (VCSP). This will make the land more suitable to the development along Paseo del Norte and the Mixed Use to the east in SAD 228. Since this development schedule does not meet SAD 228's schedule, it is recommended that this area be removed from SAD 228. Reference the map in Section V of this report for the location.

The VCPOA will work with the property owners listed above resolve their protests. The VCPOA will work with those that want to sell to find buyers at a fair value or exchange lots in the Volcano Cliffs area that are not in the SAD.

The following is a summary of the EMB Hearing oral and written protests in a tabular form.

Tabulation of EMB Protests and Comments

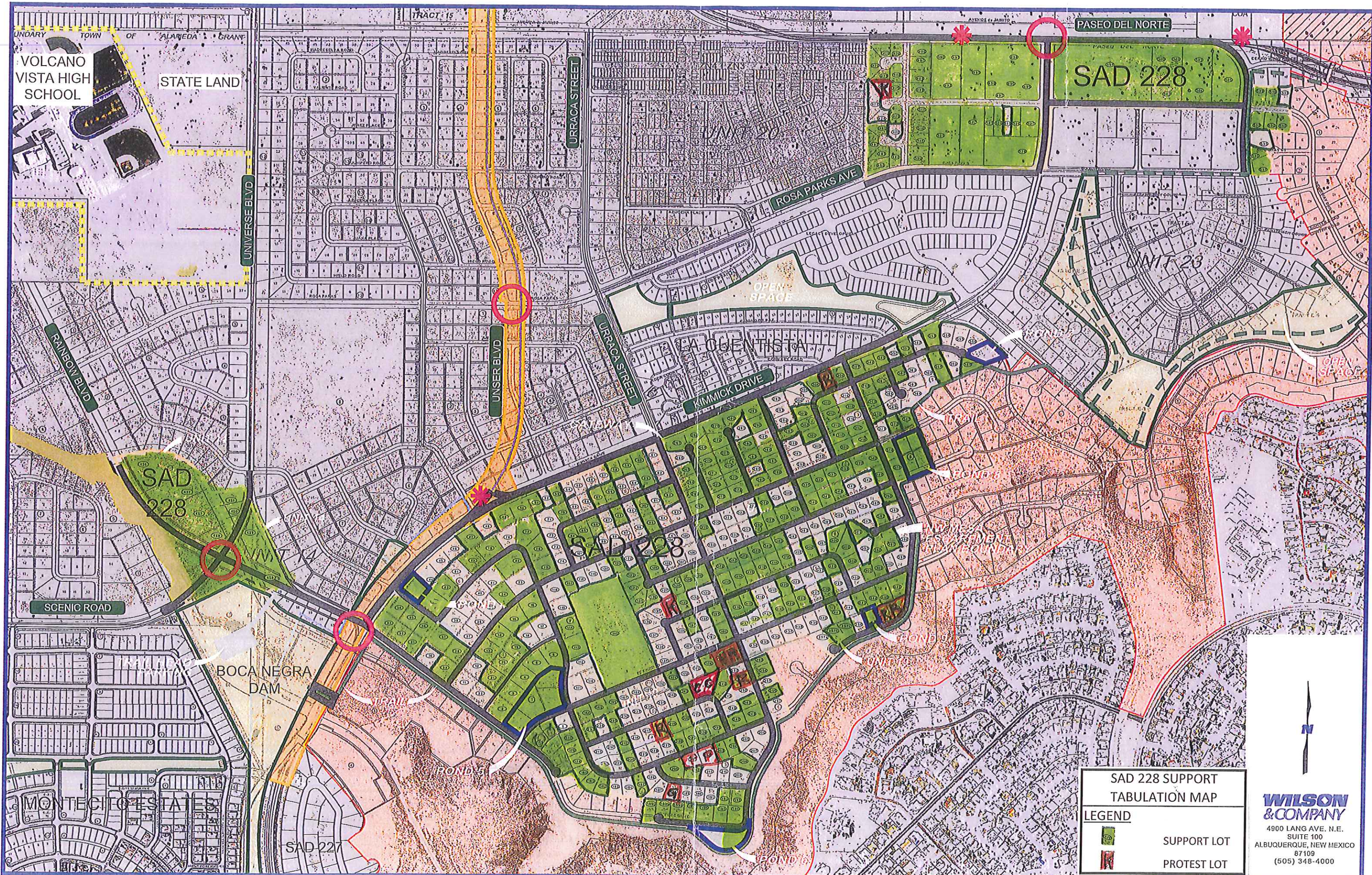
<u>Item</u>	<u>Property Owner</u>	<u>Description of Protest or Comments</u>	<u>Engineer's Recommendations/ Response</u>
369 & 370	David Heil 160 Itasca Road SE Rio Rancho, NM 87124	Supports SAD - presented list of supporters shown in Attachment A	No change.
134 & 476	Morteza Khodaie 1800 Conestoga SE Albuquerque, NM 87123	Economy does not justify the SAD and the timing is wrong. Questions the fair market value and EMB.	No change to Item 134. The SAD requires a long time in development and construction. The economic times are good for construction prices but not for the market to sell a lot. It is anticipated the market will return in 2-3 years when the real estate market is better. It is recommended that the lot in the Unit 26 (476) be removed from SAD 228 per Unit 26 Letter included at end of tabulation.
242 & 243	Dudley Clark 204 Rocky Point Road Canyon, TX 79015	This is poor timing for the SAD. He is retired and the assessments will place a burden on his family. He questioned the interest rate.	No change. The estimated interest rate for SAD 228 is 5.5% which includes a 1.5% administrative fee for the City to administer the SAD.
256 & 392	Dinee Norero 2043 Cortina Loop Rio Rancho, NM 87124	Supports SAD	No change.
203	Joseph Archbold P.O. Box 65888 Albuquerque, NM 87193	Supports SAD	No change.
Not in SAD 228	Elisa Balli	Not in SAD 228 but afraid her lots in Unit 13 will be in the next SAD. Requested the list of supporters from Dave Heil. Stated the Engineer's Report was vague and omitted information on purpose. The VCPOA does not represent the property owners in Volcano Cliffs. Questioned the safety reasons for the SAD and stated Rainbow and Unser work should not be included in the SAD.	No change. Currently there are no plans for a future SAD in Unit 13 of the Volcano Cliffs Subdivision. The list of supporters can be requested from the VCPOA since they performed this outreach program to educate and notify the property owners in SAD 228. The SAD will provide for the safe movement of traffic, reduce erosion at the escarpment and provide for the orderly development of this area per the VCSP. It is appropriate to include Rainbow and Unser in the improvements as these roads benefit the properties.



Tabulation of EMB Protests and Comments

<u>Item</u>	<u>Property Owner</u>	<u>Description of Protest</u>	<u>Engineer's Recommendations</u>
499, 505, 529, 530, 532, 533, 536 & 537	Bill Wright 4112 Blue Ridge Place NE Albuquerque, NM 87111	Supports the SAD. His estimated assessments are \$1.5 million and thinks this is a good investment. Also things the timing is right to get good construction bids.	No change.
66, 444 & 445	Keith Perry 4701 Morris Street NE #1303 Albuquerque, NM 87111	Supports the SAD. He has waited many years for this SAD to develop.	No change.
15, 16 & 518	Jude Worden 10910 Santa Monica Drive NE Albuquerque, NM 87122	Supports SAD.	No change for Items 15 and 16. Recommend removing Item 518 from SAD per Unit 26 Letter included at end of tabulation.
340 & 341	Robert Milford 7424 Maple Wood Drive NW Albuquerque, NM 87120	Supports SAD.	No change.
267	Blake Thompson 3009 Palo Alto NE Albuquerque, NM 87111	Supports SAD. He is a property owner in SAD 228 and a real estate broker and stated the property is not worth much without the infrastructure in that there is nothing you can do with the land.	No change.
23	Emily Sanchez 132 Esmeralda Court Corrales, NM 87098	Supports SAD to make the property developable. Had questions on how the assessment payments are made and will the property tax value go up immediately.	No change. The assessments can be paid during the cash pay period or paid on bi-annual payments in April and October of each year for the 15 year assessment. It usually takes the County Assessor's Office about two years to increase the property tax value based on the SAD improvements.
Not in SAD 228	Ralph Davis	He is the Treasurer of VCPOA and lives in the recently completed SAD 227 just south of the proposed SAD 228. He supports the SAD for the orderly development of the Volcano Cliffs per the VCSP.	No change.
77, 471, 472, 473, 474 & 503	Kyle Falls 1646 Rancho Guadalupe NW Albuquerque, NM 87120	Supports SAD 228 and feels it was a long time coming.	Deleted Items 471, 472, 473 and 474 in Unit 26 from SAD 228.

Tabulation of EMB Protests and Comments

<u>Item</u>	<u>Property Owner</u>	<u>Description of Protest</u>	<u>Engineer's Recommendations</u>
495	Onorio Colucci 3305 Tennessee NE Albuquerque, NM 87110	Supports SAD.	No change.
1a & 1b	Jeanette Jennings For C. Liane Mestas, Trustee of Mestas Living Trust 840 Fitzgerald Road NW Albuquerque, NM 87107	Supports SAD in that it will provide maximum value for the Estate. Requests to be informed of development of the SAD. Also requests the City reevaluate the acquisition of the Mestas lots and acquire them for a pond as originally planned.	No change. The subject lots sit high over the Boca Negra Canyon and are not suitable for a drainage pond/City Park. As the project developed the pond/park location north of Petirrojo Road was a better location.
Not in SAD 228	Geraldine Amato	Opposed to government takings and the SAD.	No change.
WRITTEN PROTESTS			
	J. Preston & Kathy Hollier 4641 Clary Lakes Drive Roswell, GA 30075	Objects to the timing and magnitude of the assessments. Improvements were meant to be provided at the City's expense when Volcano Cliffs was incorporated. Assessments will be a financial burden.	No change. The SAD requires a long time in development and construction. The economic times are good for construction prices but not for the market to sell a lot. It is anticipated the market will return in 2-3 years when the real estate market is better.
201 & 202	Manuel Prieto 5109 Spinning Wheel NW Albuquerque, NM 87120	Objects to the cost of the assessments. The City should have worked with property owners to determine a fair assessment amount. Protests the manner of paying for improvements and the Estimated Maximum Benefit.	No change. The SAD has been in development for several years and has worked with the property owners through the VCPOA. The project team has reduced the costs of the infrastructure in every way it can. The SAD payment process is the standard City SAD process.
188	Marie Garcia 925 Cambert Street La Verne, CA 91750	Objects to the cost of the assessments. Would like to sell.	No change. The SAD team is working to reduce costs. The VCPOA will work with Owner to find a buyer.
218, 251, 260, 261 & 307	Ben Ruiz PO Box 66960 Albuquerque, NM 87193	Objects to the cost of the assessments and timing. Requests bid of engineering / construction to control costs.	No change. The SAD team is working to reduce costs but the rock and the right of way requirements increase the construction costs. The project will be competitively bid.



SAD 228 SUPPORT TABULATION MAP	
LEGEND	
	SUPPORT LOT
	PROTEST LOT

WILSON & COMPANY
 4900 LANG AVE. N.E.
 SUITE 100
 ALBUQUERQUE, NEW MEXICO
 87109
 (505) 348-4000

X:\PROJECTS\3218076\WENG_RP\NSAD228_EX_FROCON.dwg 8/28/2011 3:22:15 PM JMT

Engineer's Responses to Protests & Recommendations

**RESPONSE TO PROTEST OF
SAD 228 ESTIMATED MAXIMUM BENEFIT**

ITEM NUMBER(S): 134 & 476

STREET: Picardia Place, Valiente Road

OWNER'S NAME/ ADDRESS:

Morteza Khodaie
1800 Conestoga SE
Albuquerque, NM 87123

LEGAL DESCRIPTION:

Lot 25, Block 9, Unit 18 Volcano Cliffs Subdivision
Lot 7, Block 1, Unit 26 Volcano Cliffs Subdivision

PROTEST SUMMARY:

Protests the timing of the SAD. The economy does not justify the SAD. Questions the fair market value and Estimated Maximum Benefit.

ENGINEER'S RESPONSE:

The SAD requires a long time in development and construction. The current economic conditions are good for construction prices, but not for the market to sell a lot. It is anticipated the market will return in 2-3 years when the real estate market has improved.

Estimated Maximum Benefit is the estimated increase in the value of the property once the improvements are constructed. The Estimated Maximum Benefits (EMB) for the SAD were based on a Real Property Appraisal by C.O. Rominger III, NM General Certified Appraiser, on file in the Engineer's Report with the City Clerk. This report is based on comparable sales in the area of existing lots with no infrastructure and lots with infrastructure in place.

ENGINEER'S RECOMMENDATION(S):

It is recommended that Item 476 (Lot 7, Block 1, Unit 26 Volcano Cliffs Subdivision) be removed from SAD 228.

**RESPONSE TO PROTEST OF
SAD 228 ESTIMATED MAXIMUM BENEFIT**

ITEM NUMBER(S): 242 & 243

STREET: Azor Lane

OWNER'S NAME/ADDRESS:

Dudley Clark
204 Rocky Point Road
Canyon, TX 79015

LEGAL DESCRIPTION:

Lots 10 & 11, Block 5, Unit 19 Volcano Cliffs Subdivision

PROTEST SUMMARY:

Protests the timing of the SAD. Protests estimated assessments as they will be a burden on his family. Questions the interest rate.

ENGINEER'S RESPONSE:

The SAD requires a long time in development and construction. The current economic conditions are good for construction prices, but not for the market to sell a lot. It is anticipated the market will return in 2-3 years when the real estate market has improved.

The Engineer's Estimates used to determine the "Estimated Assessments" were based on the City's minimum standards and historic unit prices. Final assessments will be determined using the actual construction contract bid prices.

The estimated interest rate for SAD 228 is 5.5% which includes a 1.5% markup for the City to administer the SAD.

ENGINEER'S RECOMMENDATION (S):

No change.

**RESPONSE TO PROTEST OF
SAD 228 ESTIMATED MAXIMUM BENEFIT**

ITEM NUMBER(S): NOT IN SAD 228

STREET: NOT IN SAD 228

OWNER'S NAME/ ADDRESS:

Elisa R. Balli

Rio Rancho, NM 87

LEGAL DESCRIPTION:

NOT IN SAD 228

PROTEST SUMMARY:

Verbal protest is summarized on the attached sheet.

Attached letters protests include: 1) the City is not following the State Statutes / City Ordinance for SAD's; 2) SAD 228 is not in the best interest / welfare of the City; 3) SAD 228 is being done for "Special Interests"; 4) the Appraiser's Report to support the EMB evaluation was wrong; 5) the speakers at the EMB Hearing in favor of the SAD did not have property in SAD 228; and 6) the VCPOA support documentation signed by SAD 228 property owners is not available and suspect.

ENGINEER'S RESPONSE:

SAD 228 has been in development for a long time and all the reports / plans / documents have been completed per the City's requirements and industry standards. The following will address the comments as listed in the summary:

1. SAD 228 has followed the State Statutes and City Ordinance and is consistent with the City's long history of successful SAD's that have proven to be a fair process for public infrastructure with a large number of owners and a large integrated infrastructure requirements. The SAD development is managed by an SAD Team including: City legal, finance and public works; consultant engineer; bond attorney; and financial advisors. The bond attorney must certify that the SAD has followed all the statutory requirements before bonds can be secured. SAD 228 has followed all the legal requirements.
2. SAD 228 is in the best interest and welfare of the City in that it will provide for the orderly development of this area of the Volcano Cliffs per the Volcano Cliffs Sector Plan. Also it will provide for the safe movement of traffic,

prevent erosion over the Escarpment, reduce fugitive dust, and prevent illegal dumping and gatherings.

3. The only "Special Interest" group in SAD 228 are the property owners in SAD 228. If this comment is in reference to improving Rainbow Boulevard, the SAD is not doing any more than APS has done in front of the new High School and Middle School.
4. The Appraiser's Report is based on documented comps for the area and was completed by a competent appraiser with experience with SAD EMB evaluations.
5. The speakers at the EMB Hearing are shown on the attachment with their SAD 228 Item Numbers. The only speakers not in the SAD were you, Ralph Davis and Geraldine Amado.
6. The property owner outreach program led by the VCPOA was to educate and inform the SAD 228 property owners of the proposed SAD. The signed support documentation is available from the VCPOA.

ENGINEER'S RECOMMENDATION(S):

Do not plan a future SAD in Unit 13 where subject property is located.

ATTACHMENT - Tabulation of EMB Protests and Comments

Tabulation of EMB Protests and Comments

<u>Item</u>	<u>Property Owner</u>	<u>Description of Protest or Comments</u>	<u>Engineer's Recommendations/ Response</u>
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256 & 392	Dinee Norero 2043 Cortina Loop Rio Rancho, NM 87124	Supports SAD	No change.
203	Joseph Archbold P.O. Box 65888 Albuquerque, NM 87193	Supports SAD	No change.
Not in SAD 228	Elisa Balli	Not in SAD 228 but afraid her lots in Unit 13 will be in the next SAD. Requested the list of supporters from Dave Heil. Stated the Engineer's Report was vague and omitted information on purpose. The VCPOA does not represent the property owners in Volcano Cliffs. Questioned the safety reasons for the SAD and stated Rainbow and Unser work should not be included in the SAD.	No change. Currently there are no plans for a future SAD in Unit 13 of the Volcano Cliffs Subdivision. The list of supporters can be requested from the VCPOA since they performed this outreach program to educate and notify the property owners in SAD 228. The SAD will provide for the safe movement of traffic, reduce erosion at the escarpment and provide for the orderly development of this area per the VCSP. It is appropriate to include Rainbow and Unser in the improvements as these roads benefit the properties.

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15, 16 & 518	Jude Worden 10910 Santa Monica Drive NE Albuquerque, NM 87122	Supports SAD.	No change for Items 15 and 16. Recommend removing Item 518 from SAD per Unit 26 Letter included at end of tabulation.
340 & 341	Robert Milford 7424 Maple Wood Drive NW Albuquerque, NM 87120	Supports SAD.	No change.
267	Blake Thompson 3009 Palo Alto NE Albuquerque, NM 87111	Supports SAD. He is a property owner in SAD 228 and a real estate broker and stated the property is not worth much without the infrastructure in that there is nothing you can do with the land.	No change.
23	Emily Sanchez 132 Esmeralda Court Corrales, NM 87098	Supports SAD to make the property developable. Had questions on how the assessment payments are made and will the property tax value go up immediately.	No change. The assessments can be paid during the cash pay period or paid on bi-annual payments in April and October of each year for the 15 year assessment. It usually takes the County Assessor's Office about two years to increase the property tax value based on the SAD improvements.
Not in SAD 228	Ralph Davis	He is the Treasurer of VCPOA and lives in the recently completed SAD 227 just south of the proposed SAD 228. He supports the SAD for the orderly development of the Volcano Cliffs per the VCSP.	No change.
77, 471, 472, 473, 474 & 503	Kyle Falls 1646 Rancho Guadalupe NW Albuquerque, NM 87120	Supports SAD 228 and feels it was a long time coming.	Deleted Items 471, 472, 473 and 474 in Unit 26 from SAD 228.

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1a & 1b	Jeanette Jennings For C. Liane Mestas, Trustee of Mestas Living Trust 840 Fitzgerald Road NW Albuquerque, NM 87107	Supports SAD in that it will provide maximum value for the Estate. Requests to be informed of development of the SAD. Also requests the City reevaluate the acquisition of the Mestas lots and acquire them for a pond as originally planned.	No change. The subject lots sit high over the Boca Negra Canyon and are not suitable for a drainage pond/City Park. As the project developed the pond/park location north of Petirrojo Road was a better location.
Not in SAD 228	Geraldine Amato	Opposed to government takings and the SAD.	No change.
WRITTEN PROTESTS			
	J. Preston & Kathy Hollier 4641 Clary Lakes Drive Roswell, GA 30075	Objects to the timing and magnitude of the assessments. Improvements were meant to be provided at the City's expense when Volcano Cliffs was incorporated. Assessments will be a financial burden.	No change. The SAD requires a long time in development and construction. The economic times are good for construction prices but not for the market to sell a lot. It is anticipated the market will return in 2-3 years when the real estate market is better.
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188	Marie Garcia 925 Cambert Street La Verne, CA 91750	Objects to the cost of the assessments. Would like to sell.	No change. The SAD team is working to reduce costs. The VCPOA will work with Owner to find a buyer.
218, 251, 260, 261 & 307	Ben Ruiz PO Box 66960 Albuquerque, NM 87193	Objects to the cost of the assessments and timing. Requests bid of engineering / construction to control costs.	No change. The SAD team is working to reduce costs but the rock and the right of way requirements increase the construction costs. The project will be competitively bid.

**RESPONSE TO PROTEST OF
SAD 228 ESTIMATED MAXIMUM BENEFIT**

ITEM NUMBER(S): 23

STREET: Aguila Street and Papagayo Road

OWNER'S NAME/ADDRESS:

Emily and Leonard Sanchez
132 Esmeralda Court
Corrales, NM 87098

LEGAL DESCRIPTION:

Lot 1, Block 5, Unit 18 Volcano Cliffs Subdivision

PROTEST SUMMARY:

Supports the SAD to make the property developable. Had questions regarding how assessment payments are made. Concerned about how quickly improvements will affect the property tax value.

ENGINEER'S RESPONSE:

At the property owner's option, assessments may be paid during the "Cash Pay" period without interest; or assessment payments may be made twice a year for 15 years (30 payments). The bi-annual payments will be for the principal plus the bond interest rate (estimated to be 5.5%) for the remaining principal. The principal can be paid off or reduced at any time during the 15-year payment period.

The County Assessor's Office usually increases property tax values approximately 2 years after SAD improvements are constructed.

ENGINEER'S RECOMMENDATION (S):

No change.

**RESPONSE TO PROTEST OF
SAD 228 ESTIMATED MAXIMUM BENEFIT**

ITEM NUMBER(S): 1a & 1b

STREET: Petirrojo Road and Aguila Street

OWNER'S NAME/ADDRESS:

Mestas Living Trust
C. Liane Mestas, Trustee
34 Garden Park Circle NW
Albuquerque, NM 87107

LEGAL DESCRIPTION:

Lot 1 & 2, Block 2, Unit 18 Volcano Cliffs Subdivision

PROTEST SUMMARY:

Supports the SAD. Requests updates regarding the development of the SAD. Asks the City to reevaluate the decision not to acquire the subject lots for a drainage pond/City Park.

ENGINEER'S RESPONSE:

The Volcano Cliffs Sector Plan adopted in early 2011 does not allow rock excavation for drainage ponds at the Escarpment. Since your lots set high with surface rock, these lots were ill suited for the proposed pond/park. The lots are set high above the Boca Negra Canyon. The location north of Petirrojo Road was determined to be a better location for the pond/park. These lots are next to the Escarpment and will be the more desirable lots once the infrastructure is provide with SAD 228.

ENGINEER'S RECOMMENDATION (S):

No change.

**RESPONSE TO PROTEST OF
SAD 228 ESTIMATED MAXIMUM BENEFIT**

ITEM NUMBER(S): 175 & 176

STREET: Petirrojo Road

OWNER'S NAME/ADDRESS:

Preston & Kathy Hollier
4641 Clary Lakes Drive
Roswell, GA 30075

LEGAL DESCRIPTION:

Lot 12 & 13, Block 11, Unit 18 Volcano Cliffs Subdivision

PROTEST SUMMARY:

Protests estimated assessments. Property was purchased with the understanding that utilities and other improvements would be constructed at the City's expense when Volcano Cliffs was incorporated. The City should pay a higher percentage of the cost of the improvements and reduce assessments accordingly.

ENGINEER'S RESPONSE:

The Engineer's Estimates used to determine the "Estimated Assessments" were based on the City's minimum standards and historic unit prices. Final assessments will be determined using the actual construction contract bid prices.

In an SAD, the property owners are the developers. The City of Albuquerque will not share in the costs of improvements benefiting only parcels in the district.

ENGINEER'S RECOMMENDATION (S):

No change.

**RESPONSE TO PROTEST OF
SAD 228 ESTIMATED MAXIMUM BENEFIT**

ITEM NUMBER(S): 201 & 202

STREET: Vista del Prado

OWNER'S NAME/ ADDRESS:

Manuel Prieto
5109 Spinning Wheel NW
Albuquerque, NM 87120

LEGAL DESCRIPTION:

Lots 2 & 3, Block 3, Unit 19 Volcano Cliffs Subdivision

PROTEST SUMMARY:

Protests the estimated assessments. The City should have made an effort to work with property owners to reach a fair assessment amount. Questions the advisability of constructing the improvements at this time. Objects to the manner in which the improvements are to be paid for. Protests the Estimated Maximum Benefit.

ENGINEER'S RESPONSE:

The Engineer's Estimates used to determine the "Estimated Assessments" were based on the City's minimum standards and historic unit prices. Final assessments will be determined using the actual construction contract bid prices.

The SAD requires a long time in development and construction. The current economic conditions are good for construction prices, but not for the market to sell a lot. It is anticipated the market will return in 2-3 years when the real estate market has improved.

Estimated Maximum Benefit is the estimated increase in the value of the property once the improvements are constructed. The Estimated Maximum Benefits (EMB) for the SAD were based on a Real Property Appraisal by C.O. Rominger III, NM General Certified Appraiser, on file in the Engineer's Report with the City Clerk. This report is based on comparable sales in the area of existing lots with no infrastructure and lots with infrastructure in place.

ENGINEER'S RECOMMENDATION (S):

No change.

**RESPONSE TO PROTEST OF
SAD 228 ESTIMATED MAXIMUM BENEFIT
(Revised 11-01-11)**

ITEM NUMBER(S): 188

STREET: Camino del Oeste

OWNER'S NAME/ADDRESS:

Marie Garcia
925 Cambert Street
La Vern, CA 91750

LEGAL DESCRIPTION:

Lot 12, Block 2, Unit 19 Volcano Cliffs Subdivision

PROTEST SUMMARY:

Protests estimated assessment. Paying the assessment would be a financial hardship. Would like to sell.

ENGINEER'S RESPONSE:

The Engineer's Estimates used to determine the "Estimated Assessments" were based on the City's minimum standards and historic unit prices. Final assessments will be determined using the actual construction contract bid prices.

The current economic conditions are good for construction prices, but not for the market to sell a lot. It is anticipated the market will return in 2-3 years when the real estate market has improved.

VCPOA will work with you to help you find a buy at fair market price.

ENGINEER'S RECOMMENDATION (S):

No change.

**RESPONSE TO PROTEST OF
SAD 228 ESTIMATED MAXIMUM BENEFIT**

ITEM NUMBER(S): 218, 251, 260, 261 & 307

STREET: Azor Ln., Urraca, Vista del Prado & Camino Alto

OWNER'S NAME/ ADDRESS:

Ben Ruiz
PO Box 66960
Albuquerque, NM 87193

LEGAL DESCRIPTION:

Lots 18 and 19, Block 6, Unit 19 Volcano Cliffs Subdivision
Lot 6, Block 4 and Lot 19, Block 5, Unit 19 Volcano Cliffs Subdivision
Lot 16, Block 2, Unit 22 Volcano Cliffs Subdivision

PROTEST SUMMARY:

Protests the timing of the SAD and the high estimated assessment costs. Due to the economic times there is no demand for improved lots in the area. Requests competitive bids for engineering and construction to reduce costs.

ENGINEER'S RESPONSE:

The SAD requires a long time in development and construction. The current economic conditions are good for construction prices, but not for the market to sell a lot. It is anticipated the market will return in 2-3 years when the real estate market has improved.

The SAD Team is working to reduce the costs but the high cost of rock removal and the right of way on this project tends to drive the costs up. The engineering firm is under contract but their fees are competitive with similar City projects. However, the construction project will be competitively bid per the City's standard bidding process.

ENGINEER'S RECOMMENDATION (S):

No change. Seek competitive bids on the construction project.

Copies of Written Protests

MESTAS LIVING TRUST

C. Liane Mestas, Trustee

MESTAS ESTATE

C. Liane Mestas, Personal Representative

34 Garden Park Circle, N.W. Albuquerque, New Mexico 87107 505-345-7357 (h) 348-2321(w)

October 5, 2011

Albuquerque City Clerk
P. O. Box 1293
Albuquerque, NM 87103

Re: Volcano Cliffs Subdivision - Unit 18
Lots 1 & 2 in Block 2

To Whom It May Concern:

As indicated above, I am the Trustee for the Mestas Living Trust, the entity that owns the referenced lots.

At a presentation of the Sector Development Plans held on July 20, 2010, I learned that the two lots had been designated by Wilson & Company as a "drain field," and that the City of Albuquerque would be purchasing the lots for that purpose.

Earlier this year, I was informed by Dave Heil, leader of the property owner group, that the City of Albuquerque had denied Wilson & Company's proposal to use these two lots as drainage.

On behalf of the Mestas Living Trust, I would like to appeal the City's decision and ask that serious reconsideration be given to reinstating Lots 1 and 2 as designated by Wilson & Company in their original proposal.

Very truly yours,



C. Liane Mestas, Trustee

September 26, 2011

Marie Garcia
925 Cambert St
La Verne, CA 91750

Office of the City Clerk
PO Box 1293
Albuquerque, New Mexico 87103

To the City Clerk or Whom it Concerns,

We are responding to the SAD 228 Property Owner notice , dated September 9, 2011. We own **Item # 188, Lot 12, Block 2, Volcano Cliffs Subdivision, Unit 19.**

This letter is a written protest or objection. We cannot afford to pay the estimated cash-pay assessment of approximately \$40,000. Additionally, monthly payments are beyond our financial capacity at this time.

If the city would be interested in buying our lot, we would like to sell it. If not, we will be investigating other avenues for selling our property.

Yours truly,



Marie Garcia

RECEIVED
OFFICE OF THE CITY CLERK

2011 SEP 30 AM 8:43

I am filing a written protest against The Special Assessment District No. 228. I have 2 lots in the proposed District and at an estimated assessment cost of \$79,800.00. The lot numbers are:

Item No. 201 Lot: 2 Block 3 Volcano Cliffs Subdivision, Unit 19

Item No. 202 Lot: 3 Block 3 Volcano Cliffs Subdivision, Unit 19

I am protesting all 4 of the proposed reasons for the assessment.

1. The propriety and advisability of constructing the improvements
2. The estimated cost of the improvements
3. The manner of paying for the improvements
4. The estimated Maximum Benefit of the improvements

I feel the City of Albuquerque hasn't, through almost 30 years, acted in "Good Faith" with the landowners and now to expect landowners to pay such an exuberant amount in assessments is just another way of putting a roadblock in front of some of the landowners. I know there are many landowners who have waited for many years too, that want to build and don't mind paying the assessment prices, but I can't afford a bill of almost \$80,000 at this time. The City should've worked with the landowners to come up with a fair assessment price, since it was the City of Albuquerque who had stopped us from building for so many years. I do commend the present Mayor and our Westside Representative for working with the landowners and being fair and open minded and I hope the present City Council will also do the right thing. Thank you.

Manuel Prieto


September 30, 2011

City of Albuquerque
ATTN: City Clerk
P.O. Box 1293
Albuquerque, NM 87103

Subject: SAD 228 & Item Nos. 175 & 176

Dear Sir,

We object to the assessment amount (\$39,900 per lot).

My wife and I bought our properties in 1970 when I was an army officer at Sandia Base. The understanding was that Albuquerque would incorporate the Volcano Cliffs area into the city within a few years and at no cost to the owners and the incorporation into the city would also mean utilities would be provided. The actuality is that it took decades for Albuquerque to incorporate this area and now it is costing many more millions of dollars to actually provide improvements.

We understand the cost-benefit of ownership and the need to share in the cost of these improvements. It is the magnitude and timing of these assessments that distresses us. If you do apply these sizeable assessments to us, we will have to pay \$5320 per year for 15 years. The main reason we bought these lots was to provide a substantial nest egg in retirement. But instead, the City has given us, as retirees, an impossible financial burden.

The City of Albuquerque needs to pay a much higher percentage of these improvements and reduce our assessments by a corresponding amount.

Sincerely,

Kathy Hollier
Preston Hollier

Preston & Kathy Hollier
4641 Clary Lakes Drive
Roswell, GA 30075

September 20, 2011

City of Albuquerque
City Clerk/Amy B. Bailey
P.O. Box 1293
Albuquerque NM 87103

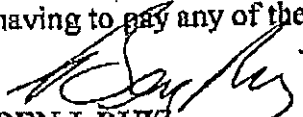
VIA FAX: 768-2845, 1 Page

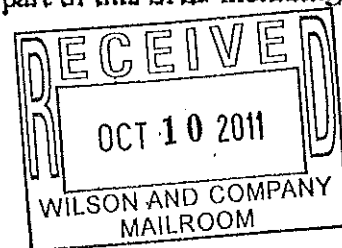
RE: SAD 228....Items 218, 251, 260, 261, and 307

I am in receipt of Mr. Ed Adams' letter dated September 9, 2011 and received September 14, 2011. It is very disappointing and devastating to suddenly be saddled with a potential \$200,000.00 bill especially during this economic depression and at a time when there is no demand and thus zero marketability for improved lots anywhere in Albuquerque and especially in Volcano Cliffs which is already inundated with improved lots that no one can or is willing to buy.

These improvements will increase my property taxes thus adding to my \$200,000.00 bill. The only winners of this pre-mature devastating SAD action by the City are the County and the City in that they are the beneficiaries of the higher taxes. The losers are the property owners most of which will be faced with the realistic possibility of having to sell their property at a substantial discount or face foreclosure by the City.

Because of the economic impact these outrageous assessment amounts will have on me and other property owners, it is incumbent on the City including the Council to seek the lowest possible cost for engineering and construction costs by securing a minimum of five (5) bids from design consultants such as Wilson & Company, engineering firms, and from construction contractors and before approving this untimely SAD. Failure on the City's part to do this is unconscionable and thus unacceptable, which means that I, for one, will refuse to be part of this SAD including having to pay any of these assessments.


BEN J. RUIZ
P.O. Box 66960
Albuquerque NM 87193
Cell: 269-2978/897-6939



Info Copies Via FAX to:

Mayor Richard J. Berry/Fax #768-3019
City Council President-c/o Norma Byers/Fax #768-3227
Mr. Ed Adams, PE/SAD Engineering-c/o Fax #768-2264



October 8, 2011

To the Albuquerque City Council (8th Letter)

Council woman, O'Malley, you have every reason to be confused with how Special Interest, including Volcano Cliffs Association is trying to ram SAD 228 through. The young lady that spoke at the end of the October 5th council meeting basically told you that the City Council members are the ones that want this Special Assessment. Under the Provisional Method it is the city that determines and requests an assessment based on Welfare, Safety and Health issues in Special Assessment Districts. Please read Article 33 Section 3-33-1 under A.) which states, "Whenever a governing body determines that the creation of an improvement district is necessary for the public safety, health or welfare, the governing body may create an improvement district for any one or any combination of projects authorized in Chapter 3, Article 33 NMSA 1978 by the (1) provisional order method; or (2) petition method." C. goes on to say that you would have to assess all property abuts or is served by improvements authorized by Chapter 3 Article 33 NMSA 1978 and including property utilized for public, governmental, charitable or religious purposes, except that of the United States or any agency, instrumentality or corporation thereof, in the absence of a consent of congress. So, it seems like the council does not know that according to Wilson and friends you are the ones that want and are requesting this devastating and imposed assessment. According to David Heil on September 7th council meeting he used the excuse of Public Safety being the reason for SAD 228. Now it is not the landowners by Petition Method but the City by Provisional Method because he knows he does not have the votes from landowners. By claiming Public Safety the burden of prove lies on the City not Wilson or the Volcano Cliff's Association. That means it is now up to the City to provide evidence to all the additional residents that will need to be assessed that will benefit from the widening of Universe, work on Paseo Del Norte and Rainbow. There needs to be evidence of Safety issues like traffic reports, accidents per usage of those mention public roads etc. before the excuse of Safety can be used. The City council will be in violation of the NM Statutes by assessing landowners in SAD 228 when there are no homes that exist to have a Safety issue.

The council has passed two Resolutions in favor of SAD 228 without full knowledge of what is being done, intentionally, by Special Interest. I ask this council to take a recess from passing Resolution #3 until the city attorneys have a chance to fully study the NM Statutes 1978 Article 33 Section 3-33-1 thru 3-33-43. Based on the Wilson Engineering Report posted in the Volcano Cliffs Association Resolution #3 was scheduled to be brought to a vote October 5th. This Resolution is to send the construction out for bid. Resolution 4 is to award the construction bid to a contract. Please refer to my attached "Doc003" shown as sheet 10 and being sheet 13 of the Engineering Report where no explanations of Resolutions or hearings are given, intentionally.

Yet, Councilman Lewis you are being lead to believe that the majority of the landowners are dying for the assessment. How can that be if landowners will have to pay \$61,500, being 6 times more than what a developer can develop these properties for? All you have been able to tell me is that the people want it. So, hopefully David Heil will do what you've asked of him and that is to provide a public list of his 66% letters and petition forms that he was waving at the council meeting in favor of SAD 228.

Please read NM Statutes 1978 3-33-14 under, "Improvement district; petition method; under A.) "Whenever the owners of sixty-six and two-thirds percent or more of the total assessed valuation of the property to be benefited, exclusive of any land owned by the US or the state of New Mexico, petition in writing the governing body to create an improvement district." David Heil told the council twice on October 5th meeting that its sixty-six and two-thirds percent of the lands owned!

Attached please find a copy of the people that voted in favor and against SAD 228 on October 5th meeting. I know you, Councilman Lewis, do not want my vote to count being that my two properties are in Volcano Cliffs Unit 13 but are not in SAD 228. You need to look at my first attachment (Doc 002) where there are 5 people listed that do not have any lots in Volcano Cliffs. Some do not own land at all! One owns in Unit 13 but not in SAD 228 like myself. I have a hard time believing this myself so I ask that you check with the Assessor's Office and check for yourself. I've provided you names as numbered on the check in list. If I'm correct why would 5 of these people go vote in favor of the assessment; stand in front of you and the rest of the Council and swore to tell the truth? Do you suppose that is why the first page of Doc 002 states, Ownership list Intentionally Omitted?" This is so no one can check the check-in list against the ownership list. The whole Wilson Engineering Report is a joke, deceiving and recycled. Please look at Doc004 attached. How can an appraiser do an appraisal with such vague information? There are no addresses on appraised property; no year this appraisal was done in; the streets supposedly appraised are all located in the high end properties on the west side of the Pethociffs where Ed Adams lives and the price per square foot is made up. I did an evaluation on properties in the same streets and the range is \$5.83 to \$7.86 not no \$8.97, \$12.38 or \$13.76 per square foot. And why did Wilson bring in an appraiser from Carrizozo to appraise in the Albuquerque area when local appraisers know the surrounding area much better and know what properties are going for here?

Councilman Lewis this is why I have been asking you to set up a meeting with Wilson and the Association. This way they can have a chance to prove me wrong. Thank you for the 12 minutes you gave me on October 5th. You said you were going to ask Wilson if they wanted to meet. Obviously, they refused but you are the councilman and could have insisted. Doesn't it make you wonder why they refuse to meet? Are they afraid of my height or the truth? I'm sorry but I still did not get an answer from you as to why you think SAD 228 is a good think for the landowners that are being IMPOSED an assessment. You gave me 12 minutes of your time with no answers from you.

Oh, I spoke to 3 guys from India that sat in front of me that own 4 properties in SAD 228. They did not know they had to sign in to protest and they showed me the only one notice they've received from the Association. Are Wilson and the Association being truthful to the council? Why are the letters or notices not posted in the Engineering Report?

Please refer SAD 228 to the City Attorneys so they can evaluate the statutes before you pass Resolution #3.

Elisa R. Balli

cc: To City Clerk - Please show this letter as part of the record for SAD 228

OWNERSHIP LIST INTENTIONALLY OMITTED

SAD - Public Hearing ①
PUBLIC COMMENT

BILL NUMBER: _____

Date: 10/5/11

Name

Telephone

Organization

- 1. ~~Paul Heit~~ ^{favor} Unit 22 BK. 6 Lots 2425
- 2. ~~Mort Khodai~~ ^{Against} Unit 26 Block 1 Lot 1
- 3. ~~Dudley Clark~~ Unit 19 Block 5 Lot 11
- 4. ~~Dinie Norero~~ ^{19 Lot 4 31261} Unit 22 Block 6 Lot 50
Unit 22 Block 8 Lot 19
- 5. ~~Joe Archbold~~ ^{Unit 19 BK 3 Lot 4} Unit 6 Unit 20 Unit 5 Block 11 lot
- 6. ~~Elisa Balli~~ ^{not on SAO 228} ^{Against} own 2 properties Valcorno Cliffs
unit 13
- 7. ~~Bill Wright~~ ^{favor} lots to gain from SAO
- 8. ~~Jason Harvey~~ ^{favor} Unit 18 Block 9 lot 17
- 9. ~~Keith Perry~~ ^{favor} Unit 22 Block 10 lot 11 & 12
- 10. ~~Jude Warden~~ ^{favor} Unit 26 Block 6 lot 2
- 11. ~~Robert Myford~~ ^{favor} Owns no property at all
- 12. ~~Blake Thomson~~ ^{favor} Owns no property at all
- 13. ~~Emily Sanchez~~ ^{favor} Unit 18 Block 5 lot 1
- 14. ~~Ralph Davis~~ ^{favor} Unit 14 Block 3 lot 6
- 15. ~~Kyle Fatts~~ Owns no property at all

[Handwritten signature/initials]

SAD

2

PUBLIC COMMENT

BILL NUMBER: _____

Date: 10/5/11

Name

Telephone

Organization

- 16. 4. Anorio Colucci ~~Unit 3 Block 10~~ Unit 13 Block 10 Lot 9 does not own in SAD 228
- 17. 2. Jennette Jennings owns no property
- 18. 3. Geraldine Amato owns no property at Volcano cliffs

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. 1. Votes 3 against do not

11. know the 3rd person against just heard him say

12. 2. 6 people do not own land at Volcano

13. # 11, 12, 15, 17 & 18

14. 3. # 16 is like me owns property in

15. Unit 13 but not in SAD 228

4. One person signed up ~~against~~ against SAD but left at abt 6:30
 Out of 18 present only 8 were legit to vote that voted in favor.

[New Search](#) [Modify Search](#) [Printable Version](#)

You searched for: RecDateID >= Wed Jan 01 00:00:00 MST 1800 and <= Fri Sep 30 00:00:00 MDT 2011 and exact search in BothNamesID for Myford, R and Doc Type=Judgement, Lien, Ratification, Real Estate Contract, Special Warranty Deed, Warranty Deed

No results found

#11

[New Search](#) [Modify Search](#) [Printable Version](#)

You searched for: RecDateID >= Wed Jan 01 00:00:00 MST 1800 and <= Fri Sep 30 00:00:00 MDT 2011 and exact search in BothNamesID for Myford, Robert and Doc Type=Judgement, Lien, Ratification, Real Estate Contract, Special Warranty Deed, Warranty Deed

No results found

#11

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You searched for: RecDateID >= Wed Jan 01 00:00:00 MST 1800 and <= Fri Sep 30 00:00:00 MDT 2011 and exact search in BothNamesID for Thompson, Blake and Doc Type=Judgement, Lien, Ratification, Real Estate Contract, Special Warranty Deed, Warranty Deed

No results found

#12

[New Search](#) [Modify Search](#) [Printable Version](#)

You searched for: RecDateID >= Wed Jan 01 00:00:00 MST 1800 and <= Fri Sep 30 00:00:00 MDT 2011 and exact search in BothNamesID for Falls, K and Doc Type=Judgement, Lien, Ratification, Real Estate Contract, Special Warranty Deed, Warranty Deed

No results found

#15

[New Search](#) [Modify Search](#) [Printable Version](#)

You searched for: RecDateID >= Wed Jan 01 00:00:00 MST 1800 and <= Fri Sep 30 00:00:00 MDT 2011 and exact search in BothNamesID for Falls, Kyle and Doc Type=Judgement, Lien, Ratification, Real Estate Contract, Special Warranty Deed, Warranty Deed

No results found

15

New Search Modify Search Printable Version

You searched for: RecDateID >= Wed Jan 01 00:00:00 MST 1800 and <= Fri Sep 30 00:00:00 MDT 2011 and exact search in BothNamesID for Colucci, Onorio and Doc Type=Judgement, Lien, Ratification, Real Estate Contract, Special Warranty Deed, Warranty Deed

Purchase Selected

41 items found, displaying all items.1

Description	Summary	Select All / None
Warranty Deed 1978033421	Rec Date: 05/10/1978 08:00:00 AM BookPage: B: 61 P: 163 Related: Number of Pages: 4 Grantor: ALBQ NATL BNK TRUST, GADDIS MARK WAYNE, GADDIS MICHAEL HOD, ... Grantee: BENNETT MARY ELLEN, BENNETT WILLIAM T, COLUCCI ONORIO, ... Notes: ORIGINAL DOC DESC IS WD. BOOK IS D 61 A Legal: PORT L 1 BLK ATUICO LAND GRANT	<input type="checkbox"/> Purchase
Warranty Deed 1979012493	Rec Date: 02/19/1979 07:00:00 AM BookPage: B: 84 P: 835 Related: Number of Pages: 1 Grantor: PRO DEVEL CO, PRO DEVEL CO Grantee: CHURAN RAYMOND P, CHURAN SALLY S, COLUCCI ONORIO, ... Notes: ORIGINAL DOC DESC IS WD. BOOK IS D84A Legal: LT 5BLK 2 SNEY ADD	<input type="checkbox"/> Purchase
Warranty Deed 1979012494	Rec Date: 02/19/1979 07:00:00 AM BookPage: B: 84 P: 836 Related: Number of Pages: 1 Grantor: BLOCH HERMAN J, BLOCH MILDRED, BLOCH MILDRED Grantee: CHURAN RAYMOND P, CHURAN SALLY S, COLUCCI ONORIO, ... Notes: ORIGINAL DOC DESC IS WD. BOOK IS D 84A Legal: LN 6, BLK 2, INZ ADD	<input type="checkbox"/> Purchase
Warranty Deed 1979012495	Rec Date: 02/19/1979 07:00:00 AM BookPage: B: 84 P: 837 Related: Number of Pages: 1 Grantor: BLOCH HERMAN J, BLOCH MILDRED, SELIGMAN MIRIAM B Grantee: CHURAN RAYMOND P, CHURAN SALLY S, COLUCCI ONORIO, ... Notes: ORIGINAL DOC DESC IS WD. BOOK IS D 84A Legal: LN 7, BLK 2, ING ADD	<input type="checkbox"/> Purchase
Warranty Deed 1980049953	Rec Date: 08/29/1980 08:00:00 AM BookPage: B: 126 P: 882 Related: Number of Pages: 1 Grantor: COLUCCI ONORIO, COLUCCI VIRGINIA M Grantee: BRECHEISEN WALLACE L Notes: ORIGINAL DOC DESC IS WD. BOOK IS D 126 A Legal: VOLACANO CLIFFS U13 BLK 10 LT9	<input type="checkbox"/> Purchase
Warranty Deed 1980049954	Rec Date: 08/28/1980 08:00:00 AM BookPage: B: 126 P: 883 Related: Number of Pages: 1 Grantor: VOLCANO CLIFFS INC Grantee: COLUCCI ONORIO, COLUCCI VIRGINIA M Notes: ORIGINAL DOC DESC IS WD. BOOK IS D 126 A Legal: LT 9 BLK 10 VOLCANO CLIFFS U 3	<input type="checkbox"/> Purchase
Warranty Deed 1980050653	Rec Date: 09/03/1980 08:00:00 AM BookPage: B: 127 P: 166 Related: Number of Pages: 2 Grantor: COLUCCI ONORIO, COLUCCI VIRGINIA M Grantee: BRECHEISEN WALLACE L Notes: ORIGINAL DOC DESC IS WD. BOOK IS D 127 A Legal: LT 9 BLK 10 VOLCANO CLIFFS	<input type="checkbox"/> Purchase
Warranty Deed 1980050654	Rec Date: 09/03/1980 08:00:00 AM BookPage: B: 127 P: 168 Related: Number of Pages: 2 Grantor: VOLCANO CLIFFS INC Grantee: COLUCCI ONORIO, COLUCCI VIRGINIA M Notes: ORIGINAL DOC DESC IS WD. BOOK IS D 127A Legal: LT 9, BLK 10 U-13, VOLCANO CLI	<input type="checkbox"/> Purchase
Real Estate Contract 1981004861	Rec Date: 01/29/1981 08:00:00 AM BookPage: B: 827 P: 266 Related: Number of Pages: 3 Grantor: GARCIA PETRITA M, GARCIA ORLANDO Grantee: COLUCCI VIRGINIA M, COLUCCI ONORIO Notes: ORIGINAL DOC DESC IS REC. BOOK IS 827 Legal: LT 7 BLK C CHARLES B POYRE AD	<input type="checkbox"/> Purchase
Warranty Deed 1981024925	Rec Date: 05/13/1981 07:00:00 AM BookPage: B: 142 P: 689 Related: Number of Pages: 1 Grantor: COLUCCI VIRGINIA M, COLUCCI ONORIO, COLUCCI VIRGINIA M Grantee: COLUCCI ONORIO, BENNETT MARY ELLEN, COLUCCI VIRGINIA M, ... Notes: ORIGINAL DOC DESC IS WD. BOOK IS Legal: IN 7 BLK C CHARLES B PAYNE	<input type="checkbox"/> Purchase

Same not in SAP 2/8

#16

	D 142 A		
Warranty Deed 1983059340	Rec Date: 08/31/1983 01:01:00 PM BookPage: B: 0000 P: 0131 Grantor: SCHERER CHARLENE, SCHERER ERNEST F JR Notes:	Related: Number of Pages: 1 Grantee: BENNETT MARY ELLEN, BENNETT WILLIAM T, COLUCCI ONORIO, ... Legal: LT19 BLK12 LOMA DEL NORTE U4 ADD	<input type="checkbox"/> Purchase
Warranty Deed 1984003205	Rec Date: 01/13/1984 03:02:00 PM BookPage: B: 0000 P: 0675 Grantor: BENNETT MARY ELLEN, BENNETT WILLIAM T, COLUCCI ONORIO, ... Notes:	Related: Number of Pages: 1 Grantee: 98TH ST LAND INVSTRS Legal: PORT SEC26 35 TION R2E NMPM	<input type="checkbox"/> Purchase
Warranty Deed 1984003210	Rec Date: 01/13/1984 03:03:00 PM BookPage: B: 0000 P: 0677 Grantor: 98TH STREET INVSTRS Notes:	Related: Number of Pages: 1 Grantee: BENNETT MARY ELLEN, BENNETT WILLIAM T, COLUCCI ONORIO, ... Legal: LT2 BLK1 LAND ATRISCO GRANT	<input type="checkbox"/> Purchase
Judgement 1984043495	Rec Date: 06/11/1984 10:23:00 AM BookPage: B: 0000 P: 0764 Grantor: BENNETT MARY ELLEN, BENNETT WILLIAM T, COLUCCI ONORIO, ... Notes:	Related: Number of Pages: 4 Grantee: ALBQ CITY Legal: CV 82 07650	<input type="checkbox"/> Purchase
Judgement 1984063064	Rec Date: 08/17/1984 09:55:00 AM BookPage: B: 0000 P: 0703 Grantor: MCKEOUGH K T, MCKEOUGH M C Notes:	Related: Number of Pages: 2 Grantee: COLUCCI ONORIO Legal: CV4796-84	<input type="checkbox"/> Purchase
Warranty Deed 1985075855	Rec Date: 09/11/1985 04:14:00 PM BookPage: B: 0000 P: 0915 Grantor: CHURAN RAYMOND P, CHURAN SALLY S, COLUCCI ONORIO, ... Notes:	Related: Number of Pages: 1 Grantee: OSTROWE CARYN, WAGNER JEFFREY, WAGNER PATRICIA, ... Legal: LT5 BLK2 INEZ ADD	<input type="checkbox"/> Purchase
Warranty Deed 1987013403	Rec Date: 02/10/1987 10:53:00 AM BookPage: B: 0 P: 204 Grantor: COLUCCI ONORIO, COLUCCI VIRGINIA M Notes:	Related: Number of Pages: 1 Grantee: PALMER J MICHAEL Legal: LT144 SANDIA KNOLLS SUB	<input type="checkbox"/> Purchase
Judgement 1987054220	Rec Date: 05/26/1987 08:17:00 AM BookPage: B: 0 P: 52 Grantor: ALBQ CITY Notes:	Related: Number of Pages: 15 Grantee: BENNETT MARY ELLEN, BENNETT WILLIAM T, BERN CNTY ASSESSOR, ... Legal: CV 85-07080	<input type="checkbox"/> Purchase
Warranty Deed 1988058991	Rec Date: 06/30/1988 02:29:00 PM BookPage: B: 0 P: 6 Grantor: BENNETT MARY ELLEN, BENNETT WILLIAM T, COLUCCI ONORIO, ... Notes:	Related: Number of Pages: 1 Grantee: MILLER DAVID R Legal: LT106 VOLCANO CLIFFS SUB U1	<input type="checkbox"/> Purchase
Warranty Deed 1988071003	Rec Date: 08/05/1988 10:01:00 AM BookPage: B: 0 P: 754 Grantor: BENNETT MARY ELLEN, BENNETT WILLIAM T, COLUCCI ONORIO, ... Notes:	Related: Number of Pages: 1 Grantee: ALBQ CITY Legal: PORT LT1 BLK1 ATRISCO LAND GRANT	<input type="checkbox"/> Purchase
Warranty Deed 1989021882	Rec Date: 03/15/1989 10:45:00 AM BookPage: B: 0 P: 909 Grantor: COLUCCI ONORIO, COLUCCI VIRGINIA M Notes:	Related: Number of Pages: 1 Grantee: SANDOVAL SALLY I Legal: LT10 BLK2 HOMESTEAD HILLS E	<input type="checkbox"/> Purchase
Warranty Deed 1989061175	Rec Date: 07/18/1989 10:29:00 AM BookPage: B: 0 P: 792 Grantor: COLUCCI ONORIO, COLUCCI VIRGINIA M Notes:	Related: Number of Pages: 1 Grantee: CROSBY CONSTR MGNT CO INC Legal: LT246 SANDIA KNOLLS SUB	<input type="checkbox"/> Purchase
Warranty Deed 1991033239	Rec Date: 04/30/1991 03:06:00 PM BookPage: B: 0 P: 4153 Grantor: BENNETT MARY ELLEN, BENNETT WILLIAM T, COLUCCI ONORIO, ... Notes:	Related: Number of Pages: 1 Grantee: SANCHEZ EUGENE BARELA Legal: LT7 BLK C CHARLES B PAYNE ADD	<input type="checkbox"/> Purchase
Warranty Deed 1991104830	Rec Date: 12/20/1991 10:37:00 AM BookPage: B: 0 P: 4679 Grantor: INTST INVSTRS Notes:	Related: Number of Pages: 1 Grantee: B & C INVSTRS, BENNETT MARY ELLEN, BENNETT WILLIAM T, ... Legal: LT7 BLK10 HOMESTEAD HILLS	<input type="checkbox"/> Purchase

#16

Warranty Deed 1994146179	Rec Date: 12/16/1994 02:46:00 PM BookPage: B: 0000 P: 0687 Related: Number of Pages: 2 Grantor: BENNETT MARY ELLEN, BENNETT WILLIAM T. COLUCCI ONORIO, ... Notes:	Grantee: HUMAN SERVS BLDG LTDP Legal: PORT LTIA BENNETT & COLUCCI LANDS	<input type="checkbox"/> Purchase
Warranty Deed 1994146197	Rec Date: 12/16/1994 02:49:00 PM BookPage: B: 0000 P: 0749 Related: Number of Pages: 2 Grantor: BENNETT MARY ELLEN, BENNETT WILLIAM T. COLUCCI ONORIO, ... Notes:	Grantee: MID WEST PROPS INC Legal: TR D1 BENNETT & COLUCCI LANDS	<input type="checkbox"/> Purchase
Judgement 1995050958	Rec Date: 05/23/1995 06:00:00 AM BookPage: B: 0000 P: 4807 Related: Number of Pages: 2 Grantor: PADILLA STELLA, PADILLA VIRGINIO Notes:	Grantee: COLUCCI ONORIO Legal: CV 3731 95	<input type="checkbox"/> Purchase
Judgement 1996056473	Rec Date: 05/20/1996 05:00:00 AM BookPage: B: 0000 P: 2107 Related: Number of Pages: 10 Grantor: ARVITT W A, BENNETT MARY ELLEN, BENNETT WILLIAM T, ... Notes:	Grantee: ALBQ CITY Legal: STIP CV94 08972	<input type="checkbox"/> Purchase
Judgement 1996062916	Rec Date: 06/05/1996 06:00:00 AM BookPage: B: 0000 P: 7812 Related: Number of Pages: 3 Grantor: COLUCCI ONORIO, COLUCCI VIRGINIA Notes:	Grantee: USA Legal: #94 642 HB	<input type="checkbox"/> Purchase
Judgement 1996082165	Rec Date: 07/24/1996 06:00:00 AM BookPage: B: 0000 P: 3251 Related: Number of Pages: 10 Grantor: ARVITT W A, BENNETT MARY ELLEN, BENNETT WILLIAM T, ... Notes:	Grantee: ALBQ CITY Legal: CV94 08972 STIPULATED PORT LIA B1 ATRISCO LAND GRANT	<input type="checkbox"/> Purchase
Real Estate Contract 1998069998	Rec Date: 06/05/1998 01:22:00 PM BookPage: B: 9810 P: 8373 Related: Number of Pages: 4 Grantor: COLUCCI ONORIO, COLUCCI VIRGINIA M Notes:	Grantee: LUCERO LOUIS L, LUCERO MARY Legal: Subdivision: CHELWOOD PARK Lot: 21 Block: 19	<input type="checkbox"/> Purchase
Warranty Deed 2000055920	Rec Date: 06/08/2000 12:12:00 PM BookPage: B: A6 P: 5697 Related: Number of Pages: 3 Grantor: COLUCCI ONORIO, COLUCCI VIRGINIA M Notes:	Grantee: USA Legal: Section: 34 Township: 11N Range: 2E NMPM PORT	<input type="checkbox"/> Purchase
Warranty Deed 2002097217	Rec Date: 08/01/2002 11:19:00 AM BookPage: B: A39 P: 6945 Related: Number of Pages: 1 Grantor: COLUCCI ONORIO, COLUCCI VIRGINIA M Notes:	Grantee: VIGIL RAFAEL T SR Legal: Subdivision: HOMESTEAD HILLS Lot: 9 Block: 8	<input type="checkbox"/> Purchase
Warranty Deed 2003174517	Rec Date: 09/23/2003 10:30:00 AM BookPage: B: A65 P: 4153 Related: Number of Pages: 1 Grantor: COLUCCI ONORIO, COLUCCI VIRGINIA M Notes:	Grantee: COLUCCI THOMAS R, CORRIGAN PATRICIA E Legal: Subdivision: LOMA DEL NORTE Lot: 15 Block: 12	<input type="checkbox"/> Purchase
Warranty Deed 2003220124	Rec Date: 12/10/2003 10:38:00 AM BookPage: B: A69 P: 9657 Related: Number of Pages: 1 Grantor: COLUCCI ONORIO, COLUCCI VIRGINIA M Notes:	Grantee: COLUCCI THOMAS R, CORRIGAN PATRICIA E Legal: Subdivision: LOMA DEL NORTE 4 Lot: 19 Block: 12	<input type="checkbox"/> Purchase
Warranty Deed 2004008947	Rec Date: 01/23/2004 01:38:00 PM BookPage: B: A71 P: 8918 Related: Number of Pages: 1 Grantor: COLUCCI ONORIO, COLUCCI VIRGINIA M Notes:	Grantee: INC KB HOME NM Legal: Subdivision: TOWN OF ATRISCO GRANT UNIT 2 Tract: 48 Tract...	<input type="checkbox"/> Purchase
Real Estate Contract 2005183733	Rec Date: 12/15/2005 01:38:00 PM BookPage: B: A108 P: 3239 Related: Number of Pages: 9 Grantor: FULLER HOMES INC Notes:	Grantee: COLUCCI ONORIO, COLUCCI VIRGINIA M Legal: Subdivision: WESTERN TRAILS EST Lot:	<input type="checkbox"/> Purchase

#16

49

Warranty Deed 2006017834	Rec Date: 02/07/2006 02:51:00 PM BookPage: B: A111 P: 7753 Grantor: COLUCCI ONORIO, COLUCCI VIRGINIA M Notes:	Related: Number of Pages: 1 Grantee: JIMENEZ VALENTE Legal: Subdivision: HOMESTEAD HILLS Lot: 2 Block: 9	<input type="checkbox"/> Purchase
Lien 2009012785	Rec Date: 02/09/2009 09:36:33 AM BookPage: Grantor: COLUCCI ONORIO, COLUCCI VIRGINIA M Notes:	Related: Number of Pages: 1 Grantee: ALBQ CITY Legal: Subdivision: DESERT RIDGE TRAILS 1 Lot: 5 Block: 2	<input type="checkbox"/> Purchase
Lien 2009096761	Rec Date: 08/25/2009 02:55:54 PM BookPage: Grantor: COLUCCI ONORIO, COLUCCI VIRGINIA M Notes:	Related: Number of Pages: 1 Grantee: ALBQ CITY Legal: Subdivision: COUNTRY MEADOWS VENTANA RANCH 3 Lot: 15 , ...	<input type="checkbox"/> Purchase
Warranty Deed 2010037557	Rec Date: 05/03/2010 11:06:14 AM BookPage: Grantor: COLUCCI ONORIO, COLUCCI VIRGINIA M Notes:	Related: Number of Pages: 3 Grantee: US AMERICA, USA Legal: Tract: 103-06 SEE RECORD	<input type="checkbox"/> Purchase

41 items found, displaying all items.1

Purchase Selected

[New Search](#)[Modify Search](#)[Printable Version](#)

#16

[New Search](#) [Modify Search](#) [Printable Version](#)

You searched for: RecDateID >= Wed Jan 01 00:00:00 MST 1800 and <= Fri Sep 30 00:00:00 MDT 2011 and exact search in BothNamesID for Jennings, Jeanette and Doc Type=Judgement, Lien, Ratification, Real Estate Contract, Special Warranty Deed, Warranty Deed

No results found

#17

[New Search](#) [Modify Search](#) [Printable Version](#)

You searched for: RecDateID >= Wed Jan 01 00:00:00 MST 1800 and <= Fri Sep 30 00:00:00 MDT 2011 and exact search in BothNamesID for Amato, Geraldine and Doc Type=Judgement, Lien, Ratification, Real Estate Contract, Special Warranty Deed, Warranty Deed

Purchase Selected

One item found.1

Description Summary

[Select All / None](#)

Lien	Rec Date: 05/04/1998 02:02:00 PM	BookPage: B: 9809 P: 3359	Related: Number of Pages: 1
1998054914	Grantor: KENNEDY LEON H	Grantee: AMATO GERALDINE MARY	
Notes:	Legal: Subdivision: ALVARADO Lot: 4		

Purchase

One item found.1

Purchase Selected

[New Search](#) [Modify Search](#) [Printable Version](#)

#18

F. SCHEDULE

The proposed schedule for SAD 228 is shown below.

1.	SRC review and meeting	September 2010
2.	SRC recommendations to Mayor to proceed	September 2010
3.	Resolution 1	March 2011
4.	Resolution 2	August 2011
5.	EMB Hearing	September 2011
6.	Resolution 3	October 2011
7.	Resolution 4	January 2012
8.	Assessment Hearing	February 2012
9.	Resolution 5	April 2012
10.	Cash Pay Closing	May 2012
11.	Assessing and Bond Ordinances	June 2012
12.	Bond Sale	July 2012
13.	Construction Start	July 2012

There were sales from the SAD 227 project that is very similar to the subject SAD 228 Project. Again general street location, square footage and selling price per square foot will be shown in the following chart:

Sale #	Street Name	Size p/sf	Price p/sf
(1)	Jade NW	9,583	8.14
(2)	Casa Blanca Dr	9,583	8.97
(3)	Marigold Ct	10,018	8.43
(4)	Monte Carlo NW	11,761	12.38
(5)	Monte Carlo NW	12,284	13.76
(6)	Jade NW	14,505	8.14
(7)	Rim Rock Cir NW	16,117	5.89
(8)	Cinder Cone Dr	22,302	5.38

Square footage from lower to higher. The higher the square footage the selling price drops off. A spike was found mid range in the square footage as this appears to be a popular size with purchasers wanting to build their future homes on a site. Taking the total selling price and dividing the total square footage indicates \$ 8.81 per square foot, but this does not take into account the spike in the center of the sales. Taking the high and low figures out of the data found indicates a value of \$ 8.42 per square foot. The data is not sufficient to give an indication for time adjustment, yet two the latest sales would tend to round the figures off at \$ 8.50 per square foot for the average lot. Of course a lot or lots with superior view, less site preparation being involved, etc. would also tend to be somewhat higher. The opposite may be found where a site requires more preparation or the view not as good as the average lot, therefore causing the square foot price to be less. The best indication for the average lot would indicate \$ 8.50 per square foot.

August 20, 2011

To the Albuquerque Governing Body;

One more time and once again, I'm writing to remind the Albuquerque Governing Body (GB) of its violation of the New Mexico Statutes 1978, Article 33 Section 3-33-1 thru Section 3-33-28 if R-228 is passed. There are two ways the GB can pass any Resolutions regarding Special Assessment Districts (SAD).

Provisional Method can pass an assessment for reasons of Safety, Health and Welfare. In the case of Resolution 228 (R-228) there are no safety, health or welfare issues in an all vacant lands. Petition Method, the GB needs two-thirds or 66% of the assessed landowners to petition in writing before any Resolutions can come to the floor. When there are approximately 520 lots or 340 owners in R-228 the GB needs at least 225 landowners to petition in writing to be assessed with their names, addresses, legal description of owned lots and their phone numbers.

On April 6, 2011 I sent a formal request by email to the Albuquerque City Clerk for the list of individuals that went in front of the GB in favor of SAD 228. On April 21st I received an email from Donna Montoya stating, "The City Council Office does not have any documents responsive to your request," - there is no list. The Albuquerque GB voted in favor of the R-228 based on approximately 20 peoples coming in front of the council. For all we know, these 20 people petitioning in favor of SAD 228 could have been homeless dressed in clean clothes!

Please read attached letter sent to landowners on May 18, 2011 from Volcano Cliff Association. Where is the democracy on this letter? And there is no third party taking calls from the landowners to express concerns or dissatisfaction on such a horrendous cost of \$61,500 average per lot.

On April 18, 2011, Mr. Files (owns 18 lots in R-228) and I met with Ed Adams, Laura and Sara Westbrooks. After this meeting Wilson Engineering and David Heil, with Volcano Cliffs Association called and met with Mr. Files to discuss the assessment. Mr. Files was told that he could sell 6 lots now for \$30,000 each and could probably sell his new developed lots at \$80,000 but they failed to mention how he is going to pay for the rest of the 12 lots at a total assessed cost of \$732,000!!!

\$30,000 = now	\$61,500 =assessment	\$80,000 = after assessment (A dream)
_____ x 6 = lots	_____ x 12 = lots still own	-\$61,500 = assessed
\$180,000	\$738,000=he will still owe	\$18,500= gain

If Mr. Files sells his undeveloped lot for \$30,000 now why would he want to wait for his lots to be developed to possibly sell each lot for \$80,000 (unlikely), and then pay a \$61,500 assessment to possibly make \$18,500 for a developed lot? And who in there right mind is lining up to pay \$80,000 in this great recession when the surrounding developed lots in the area are assessed for \$28,000 - \$34,500? It is in the more secluded area (R-227) on the west side of the Volcano Cliffs that the lots are assessed at a higher amount. This is the area Ed Adams (City Land Manager) bought a foreclosed home that had been assessed and lien by the City (R-227)? Mr. Adams is the same man that is adamant about passing SAD 228. Also, the assessment for R-227 was for \$32,000 when

the market was at its highest peak for growth and now the price is \$61,500 when the cost of materials is down up to 40%. I'd say someone stands to make a great deal of money if the GB votes in favor of SAD 228 - millions.

Volcano Cliff's Association mentions on the letter they sent to landowners on May 18, 2011 that, "The grantor of the deed reserved the right to include the property in a Special Assessment District." The Association failed to mention the grantor's name. This name happens to be S & F Corporation. S & F Corporation is listed by the PRC as, "Revoked and Beyond Appeal Status." – meaning that this corporation is no longer in existence. Therefore, the Association's claim is no longer valet. The Association claims, "The cost of construction are still low as we come out of the Recession." Is \$61,500 or \$2,050 every six months (\$4,100 per year) for 15 years considered a bargain? The Association claims, "They have shared the plan with many owners and so far we have support from almost all we've presented to or talked with." This is the same song and dance used with landowners to make you feel something is wrong with you for not wanting this wonderful – doing you a favor – Hell of a deal - Blue Light Special. Sara told me the same thing that everyone wanted this assessment and the City had 66% in favor. Now it appears that there is no list – not even a list for the ones that showed up in front of the GB. Why didn't the Association list the names or the numbers in favor and where is the list of names with legal description of properties?

At the meeting of April 18th with Mr. Files, Laura, Ed Adams, Sara and me, Sara was taking notes. Someone gave Wilson and David Heil Mr. Files name. If Sara gave Mr. Files name, along with all my e-mails I've sent to GB, then I ask who does this lady represent – Dan Lewis' constituents or Special Interest? Why is there no trust when we have to deal with some of these City employees? I'd say how can this lady possibly feel the devastation being done to landowners by SAD 228 when she has a job and doesn't own land while most are holding on by a thread with job losses, home foreclosures, very weak economy and the Recession that has never ended?

I continue to wait for Volcano Cliff Association to send me their list of members. If there are 1,800 landowners the association would need at least 66% of landowners or 1320 landowners to be members in order to claims rights to representing Volcano Cliffs landowners. If you narrow it down to the 520 properties or 340 landowners on R-228 then the Association not only needs at least 225 signed up members they also need these landowners' signatures to say they are in favor of the assessment. The association still needs to provide the GB the names of owners, addresses, phone numbers and a legal description of each property they represent. I ask the Albuquerque GB to demand such a list from the Volcano Cliffs Association being that they refuse to share that list with me even after I signed up as a member. Is this Association misrepresenting Volcano Cliffs owners by falsely putting themselves in charge? Could they be hindering other developers from buying our properties and having the developers buy and develop the properties for one-sixth of the cost than the so-call bargain we're getting from Wilson and friends?

In a Home Owner's Association, the developer buys and develops the property. Being that they are sole owners of the entire land being developed, developer has the right to form an Association. After all the lots are sold developer turns the Association over to the home owners. This is not the case with Volcano Cliffs Association. Our land is individually owned throughout the 2,000 properties, with a few exceptions. Looks like

this Association has come and squatted in our properties claiming they represent us when they DO NOT. Again, where is the proof? Unless this list appears, I'd say for all we know, these eager voters were homeless, picked up from the streets, cleaned up, and given a few dollars for booze to help Special Interest pass this assessment.

This month the City of Rio Rancho is calling in the loans or total assessment on over 100 landowners. This includes both existing homes and vacant lots where Wilson Engineering was also involved. If Rio Rancho landowners are unable to pay for \$18,000 & \$25,000 what makes anyone think Albuquerque landowners will pay for a \$61,500 assessment for the purpose of enriching Special Interest? We are talking about \$28,000,000 that the Albuquerque City residents will whine up paying when the landowners are unable to pay for these unjust assessments when any other developer can develop a subdivision in Albuquerque, Rio Rancho and Bernalillo for an average of \$8,000 to \$10,000 per lot. This is not only absurd, a crime and a sin but also morally wrong! As Jesus states, "Whatever you do to the least of my people you do unto me."

The fact that, Volcano Cliffs Association had no right to claim representing the landowners in Volcano Cliffs is one huge issue but the most important matter is that there is no legal justification to pass this assessment either by the Provisional or Petition Method, a violation of the New Mexico Statutes.

I am pleading to the Albuquerque GB to represent the people and stop Wilson and friends from stealing millions and millions from landowners that will not know what hit them until their properties are Lien by the City and it is too late to complain. I'm sure that most of you, if not all, have constituents that own property at Volcano Cliffs and the City cannot afford to raise taxes just to pay the \$28,000,000 bond. No growth or added infrastructure in the City of Albuquerque is worth the devastation being caused to the same people that are already hurting with so much downfall of our economy and our downfall of our great country caused from all the greed, self-serving, heartless and less than human lost souls.

Elisa R. Balli
Representing 320 Volcano Cliffs Landowners in SAD 228

"No, I have no list that I represent the landowners but neither does Volcano Cliffs Association."

NOTE: City Clerk please add this letter to the record on SAD 228. Thank you much.

Volcano Cliffs Property Owners Association, Inc.

P.O. Box 27666, Albuquerque, New Mexico 87125

May 18, 2011

Dear Volcano Cliffs Property Owner of lands in SAD 228,

**Please take action - this is important to your property value....
Return the enclosed post card indicating your support for Special
Assessment District (SAD) 228.**

After years of legal action, political campaigns and many sessions working with the City's Planning Department and City Council, the Volcano Cliffs Sector Development Plan (VCSDP) was passed by the City Council at 11:17 PM on May 2, 2011. The VCSDP defines zoning and provides guidance and rules as to how building can be done. You can see this plan by going to www.vcpoa.com and click on "Volcano Cliffs Sector Development Plan". You can also get a copy from the City for a fee. This plan replaces a plan that was remanded by the district court. The remanded plan would have devalued or taken owners' property without compensation,

With the sector plan accomplished, to be able to actually build on our property we need to utilize some financing tool to provide public infrastructure such as road paving, storm drainage, sanitary sewer and private utilities including electric, gas, telephone, cable TV. Without these improvements we only have a patch of dirt that we can continue to pay taxes on.

When the land was subdivided and sold, most of the deeds included the condition that stated – (paraphrased) the grantor of the deed reserved the right to include the property in a Special Assessment District and grant liens against the property to secure the cost of installing infrastructure. When the Volcano Cliffs Subdivision was annexed into the City in 1981 there was an agreement as to the provision for public utilities that said that "necessary major streets, water, sanitary sewer and storm sewer handling facilities....can be made available...assumes a normal distribution of costs between special assessment districts and other funding sources..."

The VCPOA has engaged Wilson and Company to design and engineer SAD 228. Wilson and Company was the engineering firm that successfully completed SAD 227 in 2005. In addition to their experience in successful SAD implementation Wilson and Company has been willing to front most of the engineering costs and wait for their remuneration until the bonds are issued. Without this arrangement individual property owners would have had to contribute to engineering fees to even get the design stage of this process started.

Wilson and Company has already prepared a SAD feasibility plan and presented it to the City's SAD Review Committee, which approved the plan. Then we worked with the Mayor to get his support. There have been many meetings with City Municipal Development and other related department staff, AMAFCA and the Albuquerque Bernalillo County Water Utility Authority to develop the plan and work toward approval. The City Council approved the first of 5 resolutions on March 7, 2011.

PASSED WITHOUT A 606 70 PETITION
IN WRITING FROM LANDOWNER

The Wilson Plan proposes a series of SADs that begin in the eastern part of Volcano Cliffs and proceed west over time. SAD 228, which is in an eastern portion of the subdivision, includes about 540 lots. The entire Volcano Cliffs Subdivision is about 2000 lots. Future SADs would proceed based on market absorption (how quickly lots are built on). Each SAD would be assessed in sequence, not all at the same time. We don't want property owners to be assessed for infrastructure way in advance of when the market might be strong enough so properties are readily saleable. When the City approves the first SAD, SAD 228, it will take about 3 years to be able to build the first house in this area. The current plan projects that it will take about 18 months for the final City approvals and the issuance of bonds to fund the infrastructure. It will take about 18 plus months before any assessments are due and it will take another 12 to 18 months to complete the actual construction so owners can build or sell their lots as buildable.

In contrast to years past in which many in leadership at the City opposed development of our land, the stars are now aligned in favor of Volcano Cliffs property owners: Mayor Berry supports private property rights, the City Council members favor property rights 5 to 4, Unser Blvd. which runs through Volcano Cliffs will be complete by December, Wilson and Company is willing to front the engineering costs, construction costs are still low as we come out of the recession and the economy and real estate markets are improving.

The VCPOA is actively working to secure some supplementary funding for major infrastructure and right-of-way acquisition. SADS are paid for by property owners over a 15 year period by payments every 6 months or in one lump sum. The assessments for the SAD will be about \$2050 every six months over a 15 year period for an average sized lot. We have already shared the plan with many owners and so far we have support from almost all we've presented to or talked with. We will be happy to schedule more meetings or meet with you individually to explain the detail and answer questions. You can see the detail yourself at www.vcpoa.com and click on the links to the SAD and the Sector Plan. If we have your phone number, one of the VCPOA volunteers will be calling you to answer questions and get your input.

TOTAL
\$ 61,500

Contact information for the VCPOA includes email: volcanocliffs@hotmail.com or free phone message line 1-877-793-8173. In either case, leave a message. If necessary a Board Member will get back to you. You can also visit our web page www.vcpoa.com for information on the sector plan and the SAD228.

If you can't build on itwhat's it worth?

Please return the enclosed card to indicate your support for SAD 228.

Sincerely
Volcano Cliffs Property Owners Association Board
Board of Directors:

Joe Archbold (505) 328-1331
Patrick Chapman (505) 897-0337
Dave Heil (Pres.) (505)892-7152
Joseph Martinez (505) 400-4522
Ross Romero (505) 977-7625
Bill Wright (Sec.) (505) 872-0523
Jim Wiegmann (505) 881-4597
Charlie Morgan (505) 331-7000
0917

Blake Thompson (505) 328-3117
Ralph Davis (Treas) (505) 899-1705
Terry Lauritsen (505) 266-8237
Barbara Mueller (505) 898-7755
Dan Scirano (505) 344-5311
Kyle Falls (V.P.) (505)459-3638
Keith Perry (505) 553-

ASSESSMENT CANNOT BE MORE
THAN WHAT PROPERTIES ARE
WORTH!

March 29, 2011

To the Mayor of Albuquerque, the Governing Body and the City Clerk:

Attached please find a copy of part of The New Mexico Statutes, Article 33 Improvement District Section 3-33-14 regarding Special Assessment Districts. It states that in order for a Governing Body to pass an assessment it needs in writing a petition of 66% of the landowners that are going to be affected by the assessment. This assessment is being passed when the majority of the landowners do not know what is going on. Do the landowners know that the cost quoted on the Resolution is \$28,000,000? This amount divided by the 500 landowners equals a stupendous amount of \$56,000 for each lot.

You are being led to believe that the City will gain revenue. That is a false statement! Most of the property owners, like me, paid between \$1,000 to \$5,000. If the assessment is \$56,000 and landowners have to pay about \$6,000 a year for 16 years what do you think landowners will do? If people cannot pay their property taxes for \$400 to \$700 a year how are we expected to pay \$6,000? People will stop paying their property taxes and the assessment that both the state and the City will lose. The state does not auction a property for lack of payment for 4 years. In the meantime, the state loses revenue for the 4 years on all the properties that people will stop paying and the city will be stuck with paying most if not all of the \$28,000,000 bond. Does it really make sense to pay \$6,000 a year on an assessed property you paid \$3,000 for? Will I be able to sell my property for \$59,000 after the assessment especially in today's environment?

I called David with the Volcano Association this afternoon and he told me that my two properties will not be assessed this time but my street appears on the Resolution. I've been told not to worry before. He also told me the landowners will only be paying \$32,000. This does not add up = \$28,000,000 divided by 500 is \$56,000 not \$32,000. He also admitted that the landowners have not been notified but they will later. By the time this happens, it will be too late to stop the Titanic because money will be owed to Wilson Engineering and the governing body will be pressured. This is a well thought out plan being used to cheat, lie and steal from the landowners utilizing the governing body. I asked David if landowners lost their properties with SAD 227. His response was, "Yes but it wasn't because of the assessment – it was for something else."

See, I know about assessments. I'm paying for one in Rio Rancho that only benefits Special Interest. Wilson Engineering was also involved. They charged \$450,000 for 2 small 1600 feet long streets with a total of 78 lots and a cost of \$1,800,000. I could have crawled with one eye closed and would have done a better job. I have all the proof you need at your request. I can say this because my background is an engineer, construction, right-of-way, and real estate. Wilson knows about Article 33 they've quoted it in their favor and I have evidence that shows they made mistakes in the engineering cost in their favor. This is in the thousands of dollars and the city of Rio Rancho has shown to look the other way. In my street of 38 lots with 25 homes there has been 3 foreclosures, one being days from being foreclosed and 2 young families with 2 little kids just abandoned their homes. This is sinful!

The City of Albuquerque sent me a notice of zone changes but I couldn't get a notice of an assessment where I could lose my property? How I found out about Resolution 228 is my friend's parents watching the Governing Body passing this Resolution on TV.

The bible states that I have to work hard and leave my wealth to my kids and my grandkids so they can live a better life. This is my responsibility. The federal government is leaving my grandkids a huge debt and if you continue passing this Resolution 228 their inheritance will be taken from them. This kind of injustices, make us look more like Mexico - the very poor and the very rich. What is happening to the middle class that is being attacked in their financial savings and losing their properties through eminent domain and assessments especially in this Great Recession. Losing the little that people accumulate is enough to send people over the edge. Instead of being proud of owning a little land, you cannot help but wonder if it will turn into a curse.

Please stop this freight train and think about what suffering this will cause the landowners. Too, the City or the residents will be stuck with paying most of the \$28,000,000 bond. I will not be able to sell my property with a Lien on record.

I ask the City Clerk to add this letter and Article 33 to Resolution 228 and be shown as part of the record. In fairness to the association and Wilson, I ask to meet with them and the governing body or Don Lewis to go over each other's concern and interests, in a civil manner.

Does the mayor, the governing body and the few people that voted for this Assessment know that if you multiple \$6,000 per year times 16 years adds up to \$96,000 of assessment fees on each lot? Will the 500 landowners be better off with or without this kind of help? Wilson Engineering does know.

The City of Albuquerque is in violation of the New Mexico Statues Article 33 and is violating my Constitutional right to Life, Liberty and Property (As you know, Property was changed to Pursuit of Happiness due to slaves been owned as property in those days). But even worse will be breaking one of God's Ten Commandments – **THOU SHALL NOT STEAL.**


A concern landowner,

Elisa R. Balli

867-4280

Board of Trustees, 35 N.M. 477, 1 P.2d 116 (1931).

Review of city's determination of benefit. — District court review under Subsection C is limited to a review of the record made before the governing body. It lacks jurisdiction to conduct a de novo hearing. *Rowley v. Murray*, 106 N.M. 676, 748 P.2d 973 (Ct. App. 1987).

A city's determination of benefit should be affirmed by the district court, unless it determines that the absence of any benefit is clear or unless there is evidence of fraud, mistake, or discrimination that amounts to arbitrary conduct. *Rowley v. Murray*, 106 N.M. 676, 748 P.2d 973 (Ct. App. 1987). 

Am. Jur. 2d, A.L.R. and C.J.S. references. — 63 C.J.S. Municipal Corporations § 1097.

3-33-14. Improvement district; petition method; requirements; distribution of costs; notice of hearing.

A. Whenever the owners of sixty-six and two-thirds percent or more of the total assessed valuation of the property to be benefited, exclusive of any land owned by the United States or the state of New Mexico, petition in writing the governing body to create an improvement district and construct the improvement described in the petition, the governing body may:

- (1) create the improvement district;
- (2) select the type of material and method of construction to be used; and
- (3) proceed with the construction of the improvement as authorized in Section 3-33-18 NMSA 1978 after complying with the requirements for a preliminary hearing required in this section. A governing body, board of county commissioners or local board of education may sign a petition seeking the improvement for any land under its control. The submission of separate petitions for any one improvement district within a six-month period shall be considered as a single petition.

B. The governing body may:

- (1) pay the cost of the improvement;
- (2) assess the cost of the improvement against the benefiting tracts or parcels of land;
- (3) pay part of the cost of the improvement and assess part of the cost of the improvement against the benefiting tracts or parcels of land; or
- (4) impose an improvement district property tax pursuant to Section 3-33-14.1 NMSA 1978.

C. If any part or all of the cost of the improvement sought to be constructed as authorized in this section is to be assessed against the benefiting tracts or parcels of land or paid for by the imposition of an improvement district property tax, the governing body shall hold a preliminary hearing on the proposed improvement district and give notice of the preliminary hearing.

History: 1953 Comp., § 14-32-7, enacted by Laws 1965, ch. 300; 1991, ch. 199, § 10; 2001, ch. 312, § 4.

The 1991 amendment, effective April 4, 1991, in Subsection A, substituted "total assessed valuation of the property to be benefited" for "front-feet of any tracts or parcels of land" and deleted "which abuts on a street" following "New Mexico" in the introductory paragraph and, in Paragraph (3), substituted "3-33-18 NMSA 1978" for "14-32-11 New Mexico Statutes Annotated, 1953 Compilation" near the beginning and "for any one improvement district" for "on any one street" in the final sentence; substituted "benefiting tracts or parcels" for "abutting tract or parcel" in Paragraphs (2) and (3) in Subsection B; and substituted "tracts or parcels" for "tract or parcel" in Subsection C.

The 2001 amendment, effective June 15, 2001, added Paragraph B(4); and inserted "or paid for by the imposition of an improvement district property tax" in Subsection C.

Am. Jur. 2d, A.L.R. and C.J.S. references. — 70A Am. Jur. 2d Special or Local Assessments § 128 et seq.

"Owner," scope and import of term in statutes relating to petition for public improvements, 2 A.L.R. 789, 95 A.L.R. 1085.

Qualification of owner of property affected by public improvement to act in making assessment, 2 A.L.R. 1207.

Property interest as disqualifying one to participate in proceeding to establish public improvement, 11 A.L.R. 193.

Validity or enforcement of assessment as affected by lack of or defects in petition of property owners, 95 A.L.R. 116.

Property unit for purposes of assessment for street or other local improvement as affected by owner's disregard of original lot lines or creation of new ones, 104 A.L.R. 1049.

Cotenancy as factor in determining representation of property owners in petition for public improvement, 3 A.L.R.2d 127.

63 C.J.S. Municipal Corporations §§ 1094, 1102.

3-33-14.1. Imposition of improvement district property tax; limitations.

A. If in connection with the creation of the improvement district the governing body determines that it is in the best interest of the municipality to finance the district improvements by the imposition of an improvement district property tax and the issuance of improvement district general obligation bonds, the governing body shall enact an ordinance making the determination and provide in the ordinance the improvement district property tax rate to be imposed; the date, which may be a predetermined date or a date to be established in the future after completion of the improvements, of commencement of the tax; the amount of the bonds to be issued to finance the improvements; and any other matters the governing body deems necessary or appropriate. The governing body shall call an election within the improvement district for the purpose of authorizing the governing body to issue general obligation bonds, the proceeds of the sale of which shall be used for constructing the improvements for which the district was created and to impose improvement district property taxes on all taxable property

within the district for the purpose of paying the principal, debt service and other expenses incidental to the issuance and sale of the bonds. The ordinance shall also include procedures for the conduct of the election based upon the size of the improvement district and the number of voters entitled to vote.

B. If at the election described in Subsection A of this section the property tax imposition and the issuance of improvement district general obligation bonds are approved by a majority of the voters voting on the issues, the governing body shall impose the tax at a rate sufficient to pay the debt service on the bonds and retire them at maturity.

C. Imposition and collection of the improvement district property tax authorized in this section shall be made at the same time and in the same manner as impositions and collections of property taxes for use by municipalities and counties are made.

D. Bonds issued by the governing body for payment of the specified improvement district improvements shall be sold at a price that does not result in a net effective interest rate exceeding the maximum net effective interest rate permitted by the Public Securities Act [6-14-1 to 6-14-3 NMSA 1978]. The bonds may be sold at public or private sale and may be in denominations that the governing body determines.

E. The form and terms of the bonds, including a final maturity of thirty years and provisions for their payment and redemption, shall be as determined by the governing body. The bonds shall be executed in the name of and on behalf of the improvement district by the mayor and clerk of the municipality. The bonds may be executed and sealed in accordance with the provisions of the Uniform Facsimile Signature of Public Officials Act [6-9-1 to 6-9-6 NMSA 1978].

F. To provide for the payment of the interest and principal of the bonds issued and sold pursuant to this section, the governing body shall annually impose a property tax on all taxable property in the district in an amount sufficient to produce a sum equal to the principal and interest on all bonds as they mature.

G. The bonds authorized in this section are general obligation bonds of the district, and the full faith and credit of the district are pledged to the payment of the bonds. The proceeds obtained from the issuance of the bonds shall not be diverted or expended for any purposes other than those provided in Chapter 3, Article 33 NMSA 1978.

H. All bonds issued by an improvement district shall be fully negotiable and constitute negotiable instruments within the meaning of and for all the purposes of the Uniform Commercial Code [Chapter 55 NMSA 1978]. If lost or completely destroyed, any bond may be reissued in the form and tenor of the lost or destroyed bond upon the owner furnishing to the satisfaction of the governing body:

- (1) proof of ownership;
- (2) proof of loss or destruction;
- (3) a surety bond in twice the face amount of the bond and coupons; and

(4) payment of the cost of preparing and issuing the new bond and coupons.

I. The governing body may in any proceeding authorizing improvement district bonds provide for the initial issuance of one or more bonds aggregating the amount of the entire issue or may make provision for installment payments of the principal amount of any bond as it may consider desirable.

J. The governing body may issue bonds to be denominated refunding bonds, for the purpose of refunding any of the general obligation bonded indebtedness of the improvement district. Whenever the governing body deems it expedient to issue refunding bonds, it shall adopt an ordinance setting out the facts making the issuance of the refunding bonds necessary or advisable, the determination of the necessity or advisability by the governing body and the amount of refunding bonds that the governing body deems necessary and advisable to issue. The ordinance shall fix the form of the bonds; the rate or rates of interest of the bonds, but the net effective interest rate of the bonds shall not exceed the maximum net effective interest rate permitted by the Public Securities Act [6-14-1 NMSA 1978]; the date of the refunding bonds; the denominations of the refunding bonds; the maturity dates; and the place or places of payment within or without the state of both principal and interest. Refunding bonds when issued, except for bonds issued in book entry or similar form without the delivery of physical securities, shall be negotiable in form and shall bear the signature or the facsimile signature of the mayor and clerk of the municipality. All refunding bonds may be exchanged dollar for dollar for the bonds to be refunded or they may be sold as directed by the governing body, and the proceeds of the sale shall be applied only to the purpose for which the bonds were issued and the payment of any incidental expenses.

K. The principal amount of improvement district general obligation bonds that may be issued by the governing body for any improvement district shall not exceed twenty-five percent of the final estimated value of properties in the district after completion of the projects to be financed with the improvement district general obligation bonds and after development of the properties in the improvement district in accordance with their planned use, as determined by the governing body with the assistance of the engineer and other qualified professionals.

L. In connection with an improvement district project to be financed with the proceeds of improvement district general obligation bonds issued pursuant to this section, a property owner subject to the improvement district property tax or the governing body may enter into contracts to design, engineer, finance, construct or acquire a project with contractors and professionals, on such terms and with such persons as a property owner subject to the improvement district property tax or the governing body determines to be appropriate, without following the procedures or meeting the requirements of the Procurement Code [13-1-28 NMSA 1978] or the requirements of Sections 6-15-1 through 6-15-22 NMSA 1978.

History: Laws 2001, ch. 312, § 5.

Effective dates. — Laws 2001, ch. 312 contains no effective date provision, but, pursuant to N.M.

Const., art. IV, § 23, is effective June 15, 2001, 90 days after adjournment of the legislature.

3-33-15. Improvement district; notice of preliminary hearing.

petition method

A. The notice of the preliminary hearing required in Section 3-33-14 NMSA 1978 shall contain:

- (1) the time and place when the governing body will hold a preliminary hearing on the proposed improvement;
- (2) the estimated cost of the improvement;
- (3) the boundary of the improvement district;
- (4) the route of the improvement by streets or location of the improvements;
- (5) the location of the proposed improvement;
- (6) a description of each property to be assessed or against which an improvement district property tax is to be imposed;
- (7) the estimated amount of the assessment against or improvement district property tax to be imposed upon each tract or parcel of land; and
- (8) the amount of the cost to be assumed by the municipality, if any.

B. If the owners are found within the county, the notices shall be personally served on them at least thirty days prior to the day of the hearing. The notice shall also be published in a newspaper published in the municipality once each week for four successive weeks. The last publication shall be at least three days before the day of the preliminary hearing.

History: 1953 Comp., § 14-32-8, enacted by Laws 1965, ch. 300; 1991, ch. 199, § 11; 2001, ch. 312, § 6.

Cross references. — For definition of "publish" or "publication," see 3-1-2 NMSA 1978.

The 1991 amendment, effective April 4, 1991, in Subsection A, substituted "3-33-14 NMSA 1978" for "14-32-7 New Mexico Statutes Annotated, 1953 Compilation" in the introductory phrase, added "or location of the improvements" at the end of Paragraph (4), and substituted "location" for "places of commencement and end" in Paragraph (5).

The 2001 amendment, effective June 15, 2001, substituted "estimated cost" for "estimate-cost" in Paragraph A(2); added the language following "assessed" in Paragraph A(6); and inserted "or improvement district property tax to be imposed upon" in Paragraph A(7).

3-33-16. Improvement district; preliminary hearing; protest; action of the governing body; appeal to district court.

A. At the preliminary hearing of the governing body on the question of creating an improvement district as authorized in Section 3-33-14 NMSA 1978, an owner of a tract or parcel

of land to be assessed or upon which it is proposed to impose an improvement district property tax may contest:

- (1) the proposed assessment or improvement district property tax;
- (2) the regularity of the proceedings relating to the improvement;
- (3) the benefits of the improvement; or
- (4) any other matter relating to the improvement district.

B. The governing body shall not assess the tract or parcel of land an amount greater than the actual benefit to the tract or parcel of land by reason of the enhanced value of the tract or parcel of land as a result of the improvement as ascertained at the hearing. The governing body may allow a fair price, based on its current value, as a set-off against any assessment against a tract or parcel of land if the owner has improved the tract or parcel of land in such a manner that the improvement may be made part of the proposed improvement.

C. At the hearing, the governing body may:

- (1) correct a mistake or irregularity in any proceeding relating to the improvement;
- (2) correct an assessment made against or an improvement district property tax imposed upon any tract or parcel of land;
- (3) in case of any invalidity, reassess the cost of the improvement against a benefiting tract or parcel of land; or
- (4) recess the hearing.

D. An owner of a tract or parcel of land assessed or upon which it is proposed to impose an improvement district property tax, whether he appeared at the hearing or not, may commence an appeal in district court pursuant to the provisions of Section 39-3-1.1 NMSA 1978.

History: 1953 Comp., § 14-32-9, enacted by Laws 1965, ch. 300; 1991, ch. 199, § 12; 1998, ch. 55, § 9; 1999, ch. 265, § 9; 2001, ch. 312, § 7.

Cross references. — For appeal of final decisions by agencies to district court, *see* 39-3-1.1 NMSA 1978.

For procedures governing administrative appeals to the district court, *see* Rule 1-074 NMRA.

The 1991 amendment, effective April 4, 1991, in Subsection A, substituted "3-33-14 NMSA 1978" for "14-32-7 of the New Mexico Statutes Annotated, 1953 Compilation" in the introductory paragraph and "or" for "and" at the end Paragraph (3); substituted "a benefiting" for "an abutting" in Paragraph (3) in Subsection C; in Subsection D, substituted "are perpetually barred" for "is barred" in the second sentence and added the final sentence.

The 1998 amendment, effective September 1, 1998, in the section heading, substituted "appeal to" for "action in"; in Subsection A, substituted "an owner" for "any owner"; in Subsection B, substituted "current" for "present"; in Paragraph C(1), substituted "a" for "any"; in Paragraph C(3), substituted "or" for "and"; in Paragraph C(4), deleted "from time to time" following "hearing"; and rewrote Subsection D.

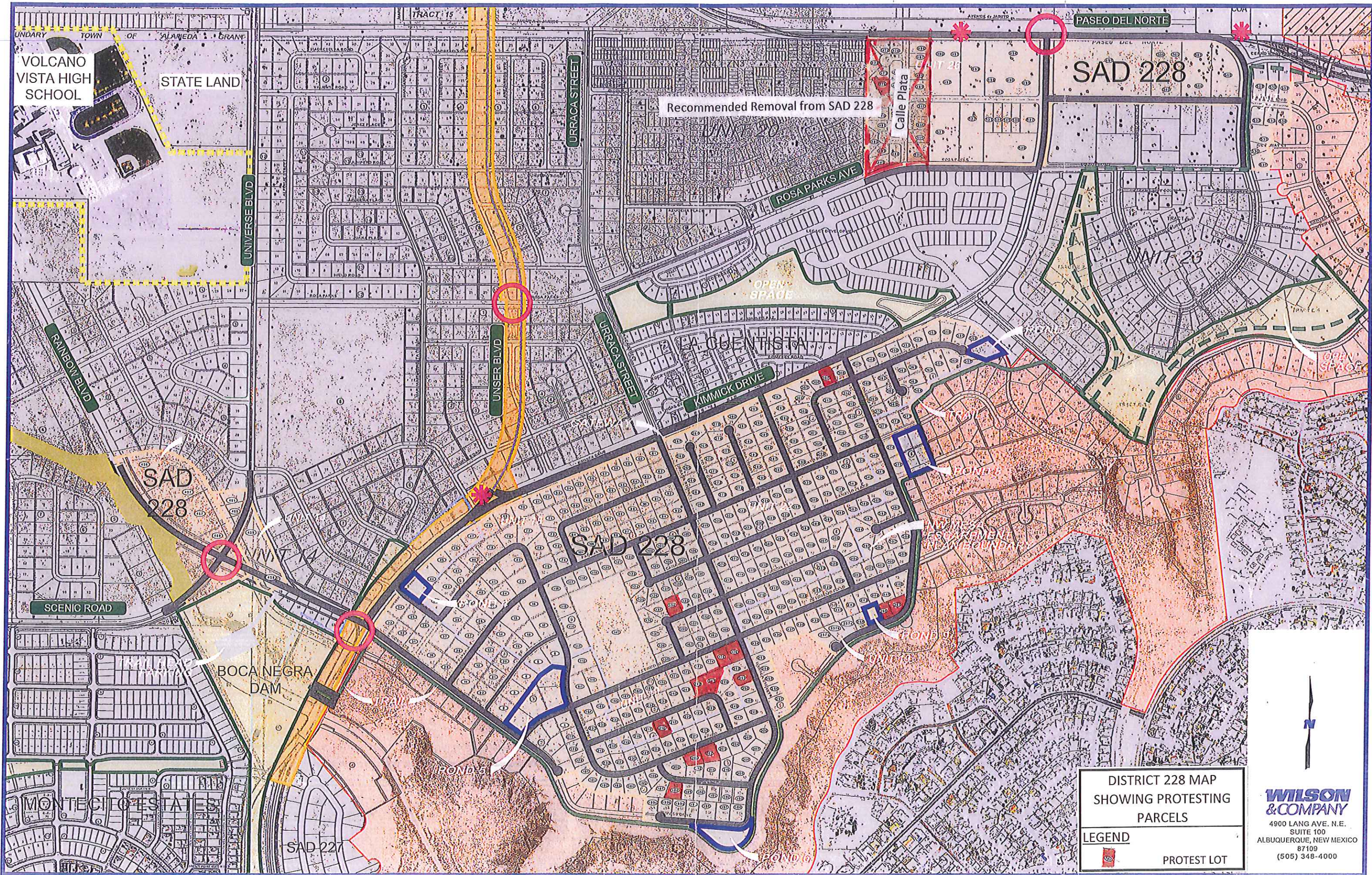
**Summary of Oral Protests and Comments
EMB Protest Hearing, 5 October 2011**

SAD 228
SUMMARY OF ORAL PROTESTS and COMMENTS from
EMB PROTEST HEARING, 5 OCTOBER 2011

Speaker	Item No.	Description of Protest or Comments
1. David Heil	369 & 370	Supports SAD 228
2. Morteza Khodaie	134 & 476	Protests timing of the SAD. Questions the fair market value and EMB.
3. Dudley Clark	242 & 243	Protests timing of the SAD and assessment cost. Questions estimated interest rate.
4. Dinee Norero	256 & 392	Supports SAD 228
5. Joe Archbold	203	Supports SAD 228
6. Elisa Balli	Not in SAD 228	Fears her properties in Unit 13 will be included in future SAD. Requests the list of supporters from VCPOA. Questions the Engineer's Report. Objects to the VCPOA acting on behalf of property owners. Questions the legitimacy of the safety concerns associated with initiating the SAD. Believes Rainbow/Unser intersection should not be included in SAD
7. Bill Wright	499, 505, 529, 530, 532, 533 & 537	Supports SAD 228

Speaker	Item No.	Description of Protest or Comments
8. Keith Perry	66, 444 & 445	Supports SAD 228
9. Jude Worden	15, 16 & 518	Supports SAD 228
10. Robert Milford	340 & 341	Supports SAD 228
11. Blake Thompson	267	Supports SAD 228
12. Emily Sanchez	23	Supports SAD 228
13. Ralph Davis	Not in SAD 228	Supports SAD 228 for the orderly development of Volcano Cliffs per the VCSP
14. Jeanette Jennings (on behalf of C. Liane Mestas)	1a & 1b	Supports SAD 228. Urges City to reconsider buying lots for Pond/Park.
15. Geraldine Amato	Not in SAD 228	Opposed to government taking and the SAD.

District 228 Map Showing Protesting Parcels



**DISTRICT 228 MAP
SHOWING PROTESTING
PARCELS**

LEGEND

■ PROTEST LOT

**WILSON
& COMPANY**
4900 LANG AVE. N.E.
SUITE 100
ALBUQUERQUE, NEW MEXICO
87109
(505) 348-4000

DISTRICT 228 MAP SHOWING PROTESTING PARCELS (Revised 11-01-11)

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