

A large, stylized letter 'A' in a dark brown color, serving as a logo for the title. The 'A' is partially enclosed by a dark brown shape that resembles a rounded square or a stylized letter 'C' on the left side.

ANNEXATIONS,
ANTIQUATED
PLATTING &
ADDRESSING

3. ANNEXATIONS, ANTIQUATED PLATTING AND ADDRESSING

3.1. NEW MEXICO ANNEXATION STATUTES

The State Statutes 3-7-1 through 3-7-18 NMSA 1978 allow annexation into a municipality by one of three methods – boundary commission, petition or arbitration. The City of Rio Rancho has used the Boundary Commission and petition methods for annexation of property into the municipal limits. In all cases, any street located along the boundary of an area being annexed is also to be annexed. All methods of annexation are explained below.

3.1.1 BOUNDARY COMMISSION

A Governor-appointed commission may determine the outcome of an annexation into a City such as Rio Rancho if either the municipality or a majority of the property owners in the proposed annexation area petitions the State Municipal Boundary Commission.

State statutes require certain elements to this type of annexation petition. First, it must include a description of the area to be annexed and it must be signed by the Mayor and City Clerk, if a City-initiated annexation request, or by a majority of the property owners in the area to be annexed, if the property owners in the area to be annexed initiate the petition.

A map that includes 1) the external boundaries of the proposed annexed area, 2) any federal, state or county highways within the area and 3) the relationship of the proposed annexation area to the existing municipal boundaries is required to accompany the petition.

The petition is filed with the State Department of Finance and Administration. Within 60 days of receipt of the petition, the State Municipal Boundary Commission is required to conduct a public hearing on the annexation. The hearing shall be held in the municipality to which the area is proposed to be annexed.

State statutes require the Municipal Boundary Commission to determine if the annexation will be allowed based on two components – 1) whether the area is contiguous to the City and 2) if city services can be provided to that area.

If the commission finds the two above conditions are met, the commission must order the annexation to the municipality. If the commission determines that only a portion of the territory to be annexed meets the above conditions, the commission must order annexation to the municipality only that portion which meets the necessary conditions.

The State Secretary of Finance and Administration is required to file the certified copies of the Commission's decision with the offices of the City Clerk and the County Clerk within 10 days of its final decision.

Within the next 30 days, the decision may be reviewed by the District Court if appealed by an owner of property within the proposed annexation area.

3.1.2 PETITION METHOD

Another annexation method used by the City has been by petition. In this method, a petition may be presented to the Governing Body signed by the majority of owners of property that is contiguous to the existing city boundaries. This petition is also required to be accompanied by a map showing the boundaries of the proposed annexed area and its relationship to the City.

In this method, the City is required to approve or deny the annexation by ordinance.

If approved, a copy of the ordinance and a plat of the area annexed must be recorded with the County Clerk who will, in turn, send copies to the State Secretary of Finance and Administration and to the Secretary of Taxation and Revenue.

If an owner of property within the annex area questions the validity of the annexation proceedings, the owner must file an appeal within 30 days of the Governing Body's decision with the District Court.

3.1.3 ARBITRATION METHOD

With the arbitration method, if the City of Rio Rancho wishes to annex contiguous land, the Governing Body must declare its intent by a resolution, which indicates that 1) the benefits from the City's annexation are available now or within a reasonable time to the area being annexed and 2) that the City desires to annex this land.

A copy of the resolution and a plat of the land being annexed are filed with the County Clerk. A seven-member board of arbitration will then determine if the annexation is appropriate.

The board members are acquired in different processes. Three members of the board representing the property owners are elected to the board. These members must be qualified electors and owners of property in the proposed annexation. The election is conducted by the County and paid for by the municipality in which the property may be annexed.

Another three members are appointed by the Governing Body of the municipality. These members must be qualified electors and owners of property within the municipality.

Once the first six members are acquired, the board meets and selects the seventh member (neutral). This person is required to be a qualified elector and a property owner of the subject county but cannot be a resident of the municipality nor of the area being annexed.

Once the members are selected, the board of arbitration will meet and investigate whether the annexation should be approved. Criteria for the decision are based on whether the City can provide services now or within a reasonable time to the annexed area. The municipality pays for cost of the investigation.

The final decision of the board of arbitration must be certified not more than sixty (60) days after the selection of the seventh member, certified signatures of the approving board members must be provided to the City Clerk, County Clerk, State Secretary of Finance and Administration and the Secretary of Taxation and Revenue.

The City is required to pass an ordinance, which "effectuate the terms of annexation."

3.1.4 LIMITATIONS

Land owned by the government of the United States, its instrumentalities, the state of New Mexico or a political subdivision of New Mexico may be annexed if the authorized agent for the government consents. For example, this means that if the City desired to annex a State Land Parcel, the State Land Commission would need to approve of the annexation.

There are also restrictions specified in State Statutes on annexing other entities or historic communities. In 1995, the Statutes were amended and any annexation involving a traditional historic community, defined by statute as a community in existence for more than 100 years, is to be initiated by petition of a majority of the registered qualified electors of the territory within the traditional historic community proposed to be annexed. In 2003, the Statutes were revised again and no municipality may annex territory within the boundary of another municipality.

Also limits were placed on any city considering annexing territory within a Class "A" County with a population of more than 300,000 unless approved by that County Commission. This means that Albuquerque is required to seek its Governing Body's approval but also Bernalillo County's approval.

3.2. CITY ANNEXATIONS

The first annexation for the City of Rio Rancho was initiated as part of the incorporation efforts in 1981. The City leaders determined the boundaries for this annexation by incorporating approximately 8,200 acres, that is, the area in which residences and businesses were located. This annexation was completed using the petition method.

In October 1982, the City petitioned the State Municipal Boundary Commission (SMBC) to annex 3,494 acres, located south of Southern Boulevard between Golf Course Rd SE and Rainbow Boulevard SE with the Sandoval/Bernalillo County line forming the southern boundary. The SMBC granted the annexation and in early 1983, the Governing Body acknowledged this annexation and adopted zoning for this property.

The next large annexations came in 1985, both initiated by AMREP. Declaring 51% ownership of contiguous property, AMREP petitioned to annex 322 acres, located west of the city, between the Calabacillas Arroyo and Rainbow Boulevard. The Governing Body approved this annexation in February 1985. Eventually Cedar Hills Unit 5, 6 and 7 would be developed on the AMREP portion of this annexation. Sporadic development of the remaining 49% has occurred over the past 28 years.

In the second annexation that year was rather complex. Initially, the City sent an annexation request to the SMBC in early November. The subject area included portions of Unit 17 and Unit 20 and AMREP-owned land north of Corrales Road between Pat D'Arco Highway and the Rio Grande as well as land at the intersection of Pat D'Arco Highway and US 550. As part of the process the City notified not only property owners within this proposed annexation area but also property owners of nearby land outside the proposed annexed area. Some of these adjacent property owners objected to the annexation into Rio Rancho and petitioned the Town of Bernalillo for annexation. At 3:07 a.m. on November 23, 1985 Bernalillo approved the petition for annexation, including the AMREP property abutting US 550. Sandoval County Clerk recorded the document at 4:18 a.m.

Meanwhile, having heard about the possible annexation into Bernalillo, AMREP petitioned Rio Rancho to annex the land, again claiming ownership of the majority of the land. In an emergency meeting that same morning, the Governing Body approved the annexation. In July 1986, the SMBC approved a portion of the annexation into Rio Rancho. Again, the City doubled its size with the annexation of 14,000 acres. As for the AMREP-owned property, that became the Rivers Edge and Enchanted Hills subdivisions. The remainder of these annexed areas has seen lot-by-lot development.

The following year AMREP petitioned Rio Rancho to annex another 698 acres that included land that would become the North Hills development.

For the next several years, no annexation occurred while development efforts were concentrated on Rivers Edge, North Hills and Enchanted Hills subdivisions. Then in 1995, AMREP petitioned the City to annex 3140 acres. Meanwhile the city approached the SMBC with a request to annex 3512 acres. These two requests were approved and incorporated land that included the Northern Meadows and Hawksite developments.

Three years later the city again requested the SMBC to annex another 12,187 acres. It was approved and allowed the incorporation of the remainder of the northeast quadrant of Rio Rancho Estates. Development of this area has occurred in a scattered fashion.

The next major annexations occurred in 2002 with two petitioned annexations – one of the 6581 acres in the Mariposa master-planned community and the second of a state land parcel (605 acres).

The following year the City was petitioned to annex approximately 12,000 in Bernalillo County. The City approved the annexation of Quail Ranch and Paradise West.

The last two annexations occurred in 2006 and involved two more state land parcels. The first includes what forms the core of the new City Center and Campus Center area north of Paseo del Volcan. The second parcel is the Paseo Gateway development and includes the site of the City's second high school – V. Sue Cleveland High School.

Table A-1: Annexation History of Rio Rancho

Year	Method of Annexation	Description of Property	Acreage
1981	Petition of Property Owners	Original City Limits	8194
1982-1983	State Municipal Boundary Commission (SMBC)	RRE 10 & west half of U16 Southern Blvd to the north; Golf Course Rd to the east, the county line to the south & Rainbow Blvd to the west	3494
1984	SMBC	portion of Pat D'Arco Hghwy located south of Sara Rd to the Bernalillo-Sandoval County line	19
1984	Petition of Property Owners	abutting east City limits (Thompson fence line) north of Meadowlark Lane	19
1985	Petition of Property Owners	west of Rainbow Blvd to lots facing Southern Blvd to east side of Hondo Road to Idalia Road. Portions of RRE U 8 & 9	322
1985	SMBC & petition	6900 (U 20 & 17 excludes Thatcher addition, Price's Dairy, Sherff's Posse Road subdivision & Carder Concrete Products site) 2900 (U 8) & 64 (Villa Verde).	14004
1986	Petition of Property Owners	portion of Cedar Hills 6	5.5
1986	Petition of Property Owners	North Hills and surrounding area	699
1993	Petition of Property Owners	Utility easements around Intel	8
1993	Petition of Property Owners	Rio Hondo	32
1994	Petition of Property Owners		5
1995	SMBC	AM95-02.1 (1077.4 - U 13 south of Montezuma Blvd & north of Idalia), AM95-02.2 (591.62 U21 abutting NMED) & AM95-02.3 (1483.78 Hawksite)	3512
1995	SMBC	Northern Meadows & portions of U 7, 12, 13, 21 & 22	3410
1998	SMBC	North of 19 th Ave (Montezuma Blvd) and east of Terrene and 40 th St. (portions of U 13, 21 22 & 25)	12187
2002	Petition of Property Owners	Mariposa	6581
2002	Petition of Property Owners	Loma Barbon	605
2003	Petition of Property Owners	Quail Ranch & Paradise West	11947
2006	Petition of Property Owners	Paseo Gateway	590
2006	Petition of Property Owners	City Center & Campus Center	439

3.3. ANTIQUATED PLATTING

Many cities in the United States find themselves challenged with the antiquated platting they inherit during annexations. Antiquated platting or premature subdivisions occur when a property owner divides his land into lots for sale with no intent to actually develop or construct something on the lots. Rio Rancho is one such city with an antiquated platting challenge because of AMREP's subdivision of Rio Rancho Estates.

These antiquated subdivisions are characterized by:
Single use design (usually residential) with no commercial or non-residential uses.

Designs that do not take into account environmental constraints such as flooding.

Lack of supporting infrastructure such as paved roadways, sidewalks, streetlights, drainage, water and wastewater services or ancillary services such as sites for schools, parks and police or fire substations. Not in conformance with local government's current comprehensive plan and land use ordinances.

Rio Rancho primarily began as a speculative land investment venture intended for future subdivision and sale rather than the development of a modern, planned and sustainable community. This bulk land subdivision has subsequently created the a framework from which the City of Rio Rancho has to either embrace or overcome as both opportunities and impediments have presented themselves while establishing Rio Rancho as a successful New Mexico community.

Rio Rancho Estates is comprised of approximately 91,000 acres of subdivided property. As a result, more than 75,000 platted properties consisting of ½ acre and one-acre lots are filed and recorded with Sandoval County. These lots are laid out in a grid superimposed over the terrain and bisected by a number of arroyos and easements. Satellite imagery and aerial photography reveal that impediments to this straight-line road network such as arroyos or utility corridors resulted in cul-de-sacs or ninety-degree street configurations. Early subdivision plans paid little attention to accommodating historical drainage patterns by designing a development that conforms to the topography of the natural terrain.

The City of Rio Rancho currently encompasses approximately 105 square miles or approximately 50% of the total Rio Rancho Estates land area. Consequently, the City must confront many of the challenges associated with the premature platting of a bulk land subdivision otherwise known as an, “antiquated subdivision.” Although they may not be common to every New Mexico community in terms of scale and scope, it is estimated that over one million acres of similarly platted properties exist within the State of New Mexico.

3.3.1 ANTIQUATED PLATTING CHALLENGES

Following are just a few of the challenges Rio Rancho faces:

- Inadequate street right-of-way – most streets are platted at a width of only fifty feet (50’), too narrow to adequately accommodate a collector or arterial street network.
- Absentee Land Ownership - out-of-state ownership created by the mass marketing and subsequent sale of land to individuals across the nation poses problems associated with the owners’ level of interest and participation in creating a community.
- Impractical or obsolete platting – long blocks in excess of ¼ to ½ mile in length are not conducive to pedestrian use while providing a favorable environment for the automobile.
- Poor lot configuration – lot dimensions may range from 50’ x 350’ to the more typical 80’ x 272.25’ (1/2 ac.) generating narrow street frontage without the ability for some dwellings to be constructed facing the street. Often, the front third or less is developed, landscaped and maintained while the remaining “back” two-thirds of the property remain vacant.
- Checkerboard Ownership Pattern – A scenario of individual, small-lot ownership creates an impediment to lot consolidation, as property owners are located throughout the United States and other countries.
- Inadequate public facilities – Parks, community centers, libraries, and fire and police substations are lacking.
- Drainage – Little attention was paid to accommodating historical drainage patterns by designing to conform to the topography of the natural terrain. The results are lots in floodplains and lots with such major drainage issues that development is cost-prohibitive.
- Infrastructure – Only a roughly graded dirt access road was provided for access to the individual lots with no water, wastewater, electrical, gas or telecommunication utilities anywhere nearby.

3.3.2 ANTIQUATED PLATTING OPPORTUNITIES

Rio Rancho continues to face many challenges; however, there are also many opportunities created because of the City’s unique character that have contributed to Rio Rancho’s success.

- Public/Private Partnership – The role of the private sector in continuing its involvement in the community’s future has provided a win-win situation for both the municipality and the community by creating a Team approach to building a community.
- Scale – the enormity of Rio Rancho Estates and the potential impacts to the metropolitan area and region has created an interest in planning on a regional scale rather than on just a community level as reflected in the City’s participation in the Middle Rio Grande Council of Government.
- Large lots – Several large lots (5 ac. or greater) created during the 60’s and 70’s by AMREP, today are considered unique and have been prioritized by the community to remain as an “Estates” environment surrounded by the developing urban area. This area of the City has developed quickly as many new homebuyers are looking for a piece of the country within the city.
- Planning – The Governing Body, and community as a whole, is taking hold of its destiny and endeavoring to chart a course toward a vibrant and productive future through the creation and implementation of the City Strategic Plan and City Comprehensive Plan.
- Public Involvement - Rio Rancho has had to overcome many obstacles as a direct result of rapid growth and its inception as a bulk land subdivision. The City is attempting to meet these challenges, capitalize on opportunities and

provide a sustainable foundation upon which a thriving New Mexico city is built. Rio Rancho's future direction must continue to emphasize public involvement and participation as being instrumental in confronting these challenges in a collaborative planning effort while building a consensus with which to drive the future progress and implementation of the Comprehensive Plan. Public involvement takes many forms - open meetings, hearings, workshops, focus groups, internet surveys, questionnaires, newsletters & education initiatives.

3.3.3 NEW MEXICO STATUTES ON ANTIQUATED PLATTING

The State of New Mexico only mentions antiquated platting in two Statutes – one on improvement districts, calling it premature subdivisions and the other outlining the powers of a municipality, referring to it as obsolete or impractical planning or platting. However, the state does not authorize the City to exercise its power of eminent domain in either case.

3.3.3.1 IMPROVEMENT DISTRICTS

In Article 3-33-2, the State defines a premature subdivision as “a subdivision that has been platted and sold into multiple private-ownership prior to installation or financial guarantee of all required improvements for land development.” The statute allows a municipality to create an improvement district to address one or more developmental inadequacies under current local government standards and requirements, such as, but not limited to:

- Inadequate street right of way or street access control
- A lack of drainage easements of right-of-way
- A lack of adequate park, recreation or open space area
- A lack of an overall grading and drainage plan
- A lack of adequate subdivision grading both on and off the public right-of-way

In recent years, some development has occurred with the assistance of what is called Special Assessment Districts (SAD). In a SAD, the property owners are assessed a certain amount to provide certain basic infrastructure, usually City utilities, drainage and paved roads. Either the city or the property owners can request a SAD. While the City has employed SADs to address public welfare and safety needs such as drainage issues, property owners have also approached the City to provide basic infrastructure. SADs 5 and 6 are examples of such efforts.

However, further in Article 33, the State restricts municipalities from using an improvement district as a process to develop antiquated platting when it notes that the provisions of this act “shall not authorize any municipality to exercise the power of eminent domain for the purposes” enumerated within the Article.

3.3.3.2 POWER OF EMINENT DOMAIN

The second reference to antiquated platting comes in the Article listing the powers of municipalities (NM 3-33-5). In this Statute, the State allows a municipality the power and right of condemnation of private property for public use for several purposes including:

- Creating and widening roadways
- Constructing, maintaining and operating storm drains or solid waste disposal areas,
- Acquiring land for:
 - Park purposes
 - Establishing or acquiring existing cemeteries or mausoleums
 - The purpose of correcting obsolete or impractical planning and platting of subdivisions
 - This is allowed only if the land was platted prior to 1971, has remained vacant and unimproved and threatens the health, safety and welfare of persons or property due to erosion, flooding and inadequate drainage.

Condemnation proceedings are to follow in the manner prescribed by law.

3.4. OTHER STATES

Antiquated platting is not unique and restricted only to New Mexico. Other states such as Florida, Colorado, Arizona, Maryland and California have had to deal with antiquated platting, also called premature platting, obsolete platting or pre-platted subdivisions.

3.4.1 FLORIDA

Another state in which similar premature platting has occurred is Florida. Much research and analysis has been conducted by either the State of Florida or its counties and cities. In an Interim Project Report, dated November 2004, drafted by the State Committee on Community Affairs, the Committee wrote “a local government that wishes to acquire properties within an antiquated subdivision has a formidable task in contacting numerous absentee owners...Also there may be little incentive for the property owner to sell based on low property taxes and their expectation of a higher appraised value.”

The Committee also noted that proposed solutions included addressing the issue as part of the comprehensive planning process, the use of eminent domain, lot merger, replatting or plat vacation, acquisition of lots from willing sellers, imposition of impact fees, creating transfer of development rights program, consolidation or readjustment of the properties and the use of community redevelopment agencies.

Tools for financing capital improvements that are used by various entities within Florida include:

- Creation of Community Redevelopment Agency - This agency pursuant to Chapter 163.330 Florida Statutes deals with activities or projects within a designated Community Redevelopment Area, created to eliminate or prevent development or the spread of slums or blight, to reduce or prevent crime, or to provide affordable housing in accordance with a required community development plan.
- Creation of an Independent Special District Pursuant to Chapter 189 Florida Statutes, an Independent Special District can be created which provides a wide range of services. Special districts are defined as units of local special-purpose government. The district has a governing board with policy-making powers to operate within limited boundaries such as the antiquated platting boundaries. Creation of such a district requires approval of the State Department of Community Affairs and the State Legislature. Then the District elects its own governing body.

In the State of Florida, "all municipalities may exercise the right and power of eminent domain, that is, the right to appropriate property within the state, except for state or federal property, for the uses or purposes.

The staff for this committee recommended that local governments be required to identify any antiquated subdivisions that the local government proposes to consolidate parcels within its comprehensive plan. The staff also advised committee that it may consider providing statutory authority for a local government to vacate a plat on its own motion in antiquated subdivisions in certain circumstances.

The state of Florida has since revised its statutes, defining antiquated subdivision and requiring that the future land-use element of the local comprehensive plan identify areas where the local government seeks to consolidate or vacate property. Florida state legislators also provided criteria in its statutes to allow the consolidation or vacation of antiquated lots.

3.4.2 ARIZONA

In Arizona, developers of antiquated subdivisions that want water and sewer service must establish a special taxing district to fund these improvements.

3.4.3 CALIFORNIA

Another way that antiquated platting has been addressed is by acquiring it for open space. In California, the Tahoe Conservancy purchased lots for conservation purposes using state bond funds, approved by the voters for such use. Another example is the Mountain Restoration Trust in Santa Monica which has a program where property owners may transfer development rights of a lot designated for retirement to another lot.

3.4.4 MARYLAND

In Calvert County, Maryland, county officials addressed the issue of inadequate infrastructure for three antiquated subdivisions by imposing various building codes that discouraged development in a haphazard manner.

3.5. ADDRESSING

One of the other impacts of future annexations of Rio Rancho Estates or other land in Sandoval County is addressing.

Addressing of odd and even numbers are assigned to different sides of a roadway by the Sandoval County Addresser from our own local standards. As a result, any property annexed into the City will require readdressing.

3.6. IMPLEMENTATION

3.6.1 DISCUSSION

The City of Rio Rancho has a number of unique conditions that impact development. Land that was prematurely platted (antiquated platting) without the requirement of off-site infrastructure which was sold to thousands of people in every state and many foreign countries makes assembling land into a large enough tract to make well planned development difficult if not impractical. Additionally, more prematurely platted land exists within unincorporated Sandoval County that could be annexed into the City in the future.

Aside from prematurely platted land within Sandoval County's jurisdiction, land brought into the City poses another challenge. Sandoval County addresses land exactly opposite of the City of Rio Rancho. Therefore, a home addressed on the north side of Northern Boulevard within the City of Rio Rancho maintains an odd number address while the same home in unincorporated Sandoval County maintains an even number address.

3.6.2 GOALS

Goal A-1: Eliminate antiquated platting within the City of Rio Rancho where desirable.

Goal A-2: Develop legislative support to create state legislation to address antiquated platting.

Goal A-3: Establish consistent addressing between Sandoval County and the City of Rio Rancho.

Goal A-4: Discourage the annexation of premature tracts of land that are not consistent with the New Mexico Subdivision Act of 1978.

Goal A-5: Eliminate numbered street names within the City of Rio Rancho where there is a conflict with the street naming policy.

3.6.3 POLICIES

Policy A-1: Identify alternative mechanisms to aide and encourage the consolidation of prematurely platted land.

Policy A-2: Require appropriate development standards for infrastructure and environmental improvements for both newly platted lots and antiquated lots.

Policy A-3: Ensure that the City's land use and development regulations provide the specific and detailed provisions necessary to eliminate prematurely platted land when feasible.

Policy A-4: Coordinate and cooperate with other governmental jurisdictions, agencies and entities to address regional antiquated platting.

Policy A-5: Work with Sandoval County to create an addressing system that is consistent with the City of Rio Rancho.

Policy A-6: Work with Sandoval County to reduce the amount of prematurely platted land within their jurisdiction.

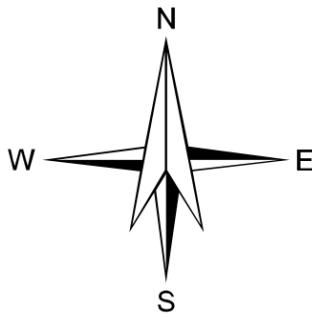
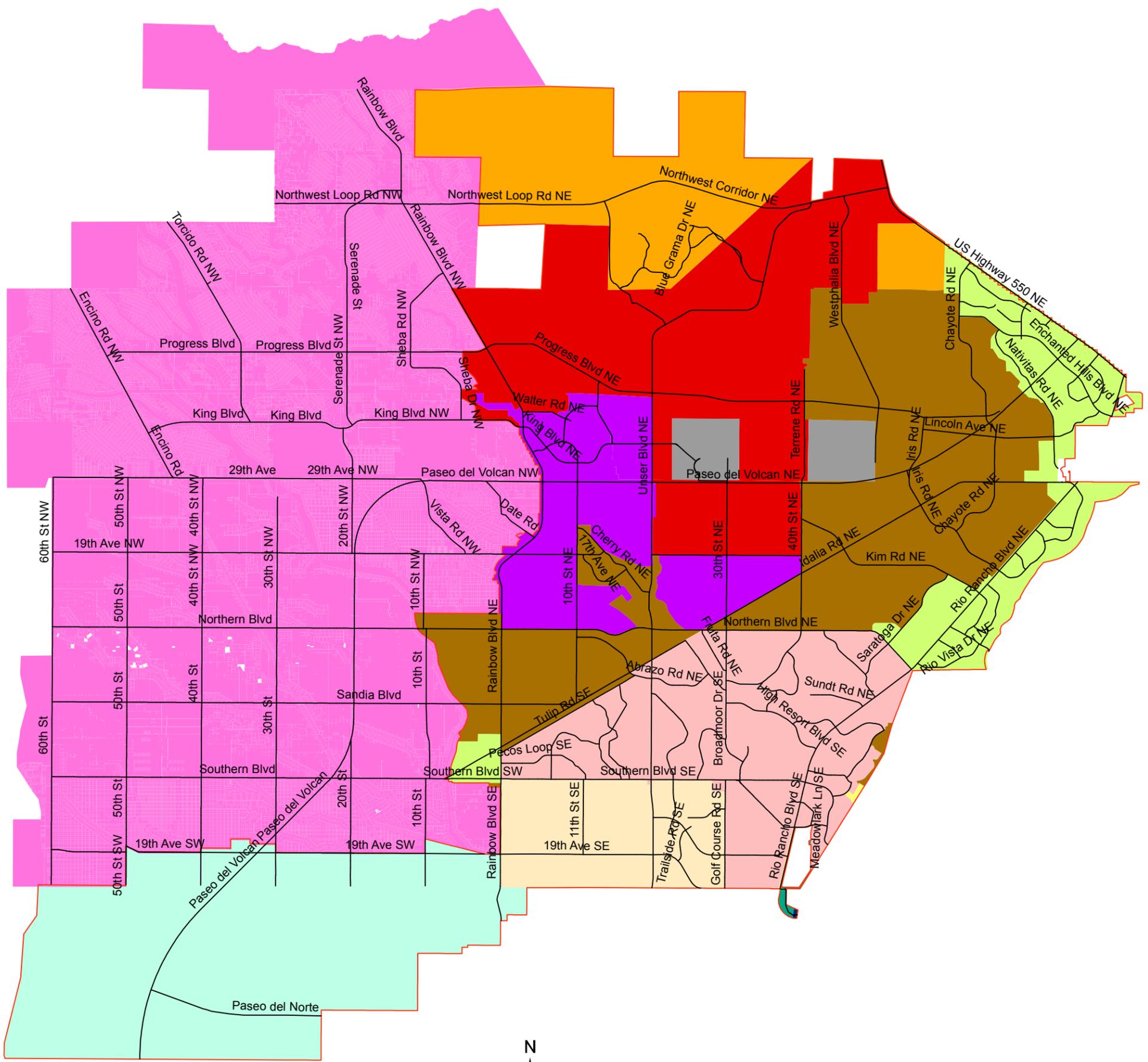
3.6.4 ACTIONS

Action A-1: Provide incentives to private interests to acquire, re-plat and develop antiquated platted lands.

Action A-2: Establish a program for the public acquisition of prematurely platted lots for redevelopment using public funding as appropriate and available.

Action A-3: Update the City zoning and subdivisions ordinances to require the appropriate development standards for prematurely platted and newly platted land.

Action A-4: Process Street Name Change applications to address numbered streets that conflict with the street naming policy.



LEGEND			
Year Annexed	1986	1986	2002
1981	1993	1993	2003
1983	1994	1994	2006
1984	1995	1995	RR Estates (Sandoval County)
1985	1998	1998	
			Boundary
			City of Rio Rancho Roads
			Rio Rancho Estates Roads

MAP A-1: CITY OF RIO RANCHO ANNEXATION HISTORY

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