

**Chapter 28  
ANNEXATION**

	Page
<b>ARTICLE I. IN GENERAL.....</b>	<b>28-2</b>
Sec. 28-1. Authority .....	28-2
Sec. 28-2. Annexation by Petition in General .....	28-2
Secs. 28-3 to 28-100. Reserved .....	28-2
<b>ARTICLE II. ANNEXATION BY PETITION.....</b>	<b>28-3</b>
Sec. 28-101. Annexation Ordinance 85-366 .....	28-3
Sec. 28-102. Annexation Ordinance 86-383 .....	28-4
Sec. 28-103. Annexation Ordinance 89-412 .....	28-4
Sec. 28-104. Annexation Ordinance 90-105 .....	28-5
Sec. 28-105. Annexation Ordinance 90-110.....	28-7
Sec. 28-106. Annexation Ordinance 93-155.....	28-9
Sec. 28-107. Annexation Ordinance 95-171.....	28-10
Sec. 28-108. Annexation Ordinance 95-172.....	28-11
Sec. 28-109. Annexation Ordinance 95-175.....	28-11
Sec. 28-110. Annexation Ordinances 97-203 and 98-210.....	28-13
Sec. 28-111. Annexation Ordinances 97-205 and 98-211.....	28-15
Sec. 28-112. Annexation Ordinance 98-214.....	28-17
Sec. 28-113. Annexation Ordinance 98-216.....	28-19
Sec. 28-114. Annexation Ordinance 98-224.....	28-21
Sec. 28-115. Annexation Ordinance 2002-290.....	28-23
Sec. 28-116. Annexation Ordinance 2002-291.....	28-24
Sec. 28-117. Annexation Ordinance 2003-293.....	28-24
Sec. 28-118. Annexation Ordinance 2003-301.....	28-25
Sec. 28-119. Annexation Ordinance 2009-364.....	28-26
Sec. 28-120. Annexation Ordinance 2009-366.....	28-29
Secs. 28-121 to 28-200. Reserved.....	28-31
<b>ARTICLE III. ANNEXATION BY MUNICIPAL BOUNDARY COMMISSION.....</b>	<b>28-31</b>
Sec. 28-201. Order of Annexation, Municipal Boundary Commission.....	28-31

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## Chapter 28 ANNEXATION

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### ARTICLE I. IN GENERAL

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#### **Sec. 28-1. Authority.**

The City of Aztec may annex lands by any one of the three methods of annexation as provided in Sections 3-7-5 through 3-7-18 NMSA 1978 except where limitations of annexation are provided by law.

(Code 2007, 28-1)

#### **Sec. 28-2. Annexation by Petition in General.**

1. Procedures and process of annexation by petition are specifically defined and governed by law in Section 3-7-17 NMSA 1978. In general, the process should comply with the following:
  - (1) Is signed by the owners of a majority of the number of acres in the contiguous territory;
  - (2) Is accompanied by a map that shows the external boundary of the territory proposed to be annexed and the relationship of the territory proposed to be annexed to the existing boundary of the municipality; and
  - (3) Is presented to the governing body, the governing body shall by ordinance express its consent or rejection to the annexation of such contiguous territory.
2. If the City consents to the annexation ordinance of the contiguous territory, a copy of the ordinance, with a copy of the plat of the territory so annexed, shall be filed with:
  - (1) Office of San Juan County Clerk;
  - (2) Secretary of Finance and Administration; and
  - (3) Secretary of Taxation and Revenue.
3. Within thirty days after the filing of the copy of the ordinance in the office of the county clerk, any person owning land within the territory annexed to the municipality may appeal to the district court questioning the validity of the annexation proceedings. If no appeal to the district court is filed within thirty days after the filing of the ordinance in the office of the county clerk or if the court renders judgment in favor of the municipality, the annexation shall be deemed complete.

(Code 2007, 28-2)

#### **Secs. 28-3 to 28-100. Reserved.**

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**ARTICLE II. ANNEXATION BY PETITION**

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**Sec. 28-101. Annexation Ordinance 85-366.**

Consent is hereby given, pursuant to Section 3-7-171 N.M.S.A. 1978, to the annexation requested by Jerry F. Randack and Carmela M. Randack and the City of Aztec or a tract of land contiguous to the City of Aztec. The property for which this consent is given is described as follows:

A tract of land being situated in the SE $\frac{1}{4}$  of Section 4, Township 30 North, Range 11 West, N.M.P.M., San Juan County, New Mexico, and being more particularly described as follows:

Beginning at a point which is the S $\frac{1}{4}$  corner of Section 4, Township 30 North, Range 11 West;

THENCE: North along the west line of the SE $\frac{1}{4}$  of said Section 4, a distance of 1,295.22 feet;

THENCE: South 88 deg. 45' 00" East, a distance of 923.03 feet to a point in the centerline of the Animas River, said point also being the SW corner of the property belonging to the City of Aztec as recorded in Book 794, Page 51 with the County Clerk, San Juan County, New Mexico;

THENCE: North 22 deg. 01' 59" East, a distance of 339.45 feet along the centerline of said Animas River;

THENCE: South 88 deg. 45' 00" East, along the north line of said City of Aztec property, a distance of 150.00 feet;

THENCE: South 02 deg. 14' 00" West, along the west boundary of said City of Aztec property, a distance of 317.41 feet to a point on the north line of another property belonging to the City of Aztec, as recorded in Book 942, Page 511 with the County Clerk, San Juan County, New Mexico;

THENCE: South 88 deg. 45' 00" East, along said north line, a distance of 35.00 feet;

THENCE: South 02 deg. 14' 00" East, along the west boundary of said City of Aztec property, a distance of 105.00 feet;

THENCE: South 74 deg. 45' 00" East, along the south boundary of said City of Aztec property, a distance of 300.00 feet to a point in the centerline of the Animas River;

THENCE: South 06 deg. 05' 00" East, along the centerline of said river and the west boundary of property belonging to Rocky Sparks, as recorded in Book 968, Page 541 with the County Clerk, San Juan County, New Mexico, a distance of 482.40 feet;

THENCE: South 22 deg 34' 15" West, along said Animas River centerline and the west boundary of property belonging to Kenneth M. Roberts as recorded in Book 881, Page 249 with the County Clerk, San Juan County, New Mexico, a distance of 686.09 feet;

THENCE: North 80 deg. 05' 00" West, along the south line of said Section 4, a distance of 717.24 feet to the point of the beginning and containing 1,278,430.74 square feet or 29.35 acres, more or less.

Passed, approved, signed and adopted this 15th day of January, 1985.

**Sec. 28-102. Annexation Ordinance 86-383.**

The petition filed by Kevin Townsend seeking annexation of a tract of land hereinafter described is hereby approved. The description of the property annexed into the City is:

A parcel of land in the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Sec. 8, T30N, R11W, N.M.P.M., San Juan County, New Mexico and more particularly described as follows:

Beginning at a point on the fenced South Line of the "Mill" Ditch (a 10' wide irrigation ditch), from which the NW Corner of Said Section 8 Bears N 19<sup>0</sup> 15' 30" W 4944.15 feet, and from which the SE Corner of the "River West" Subdivision, Block 1, Bears N 50<sup>0</sup>10'20"E 261.20 feet;

THENCE: N 84<sup>0</sup>13'E 130.00 feet along the fenced South Line of "Mill" Ditch to its intersection with the centerline of a 15' wide Drain Ditch;

THENCE: along the centerline of said Drain Ditch, the following courses:

S 06<sup>0</sup> 48' W 116.14 feet;

S 20<sup>0</sup> 12' W 98.08 feet;

S 53<sup>0</sup> 42' W 33.24 feet;

S 57<sup>0</sup> 46' W 37.62 feet;

THENCE: N 05<sup>0</sup> 38' 23" W 235.15 feet, back to the Point of Beginning. Contains 0.50 acres, more or less.

Passed, approved, signed and adopted this 4th day of November, 1986.

**Sec. 28-103. Annexation Ordinance 89-412.**

Consent is hereby given, pursuant to Section 3-7-17 N.M.S.A. 1978 Comp., to the annexation of a tract of land contiguous to the City of Aztec. Such annexation is requested by Raymond E. Willerford, First National Bank, Zelda M. McWilliams, Trustee, Norma E. Waggoner, Aztec Public Schools, and John W. Harris, comprising ownership of 127.2 acres. The property for which this consent is given is described as follows:

## Description Of Corporate Limit Extension

SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 5, T30N, R11W, N.M.P.M.

NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 5, T30N, R11W., N.M.P.M.

SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 5, T30N, R11W., N.M.P.M.

SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 5, T30N, R11W., N.M.P.M.

W $\frac{1}{2}$  SE $\frac{1}{4}$  Section 5, T30N, R11W., N.M.P.M.

The above described tracts are contiguous with the North Corporate limits of the City of Aztec, San Juan County, New Mexico and contain 240.0 acres more or less.

Passed, approved, signed and adopted this 6<sup>th</sup> day of June, 1989.

The petition filed by Billie Ferrell, Mayor, City Of Aztec, seeking annexation of a tract of land hereinafter described is hereby approved. The description of the property annexed into the City is:

1. A tract of land in the southwest quarter of the southeast quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 8, T30N, R11W, N.M.P.M., more particularly described as follows:

Beginning at the northeast corner of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 8;

THENCE: South 336.45 Feet;

THENCE: West 247.5 Feet to a point in the Animas River

THENCE: North 103.5 Feet;

THENCE: North 45<sup>0</sup>15' East 160 Feet;

THENCE: North 37 Feet to the North line of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 8;

THENCE: East 247.5 Feet along the said North line of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 8 to the point of Beginning;

Containing 2 acres, more or less.

2. A tract of land in the northeast quarter of the northeast quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 17, T30N, R11W, N.M.P.M., more particularly described as follows:

Beginning at a point which is the northeast corner of said Section 17;

THENCE: South 0<sup>0</sup> 32' West 524.60 Feet along the East line of said Section 17;

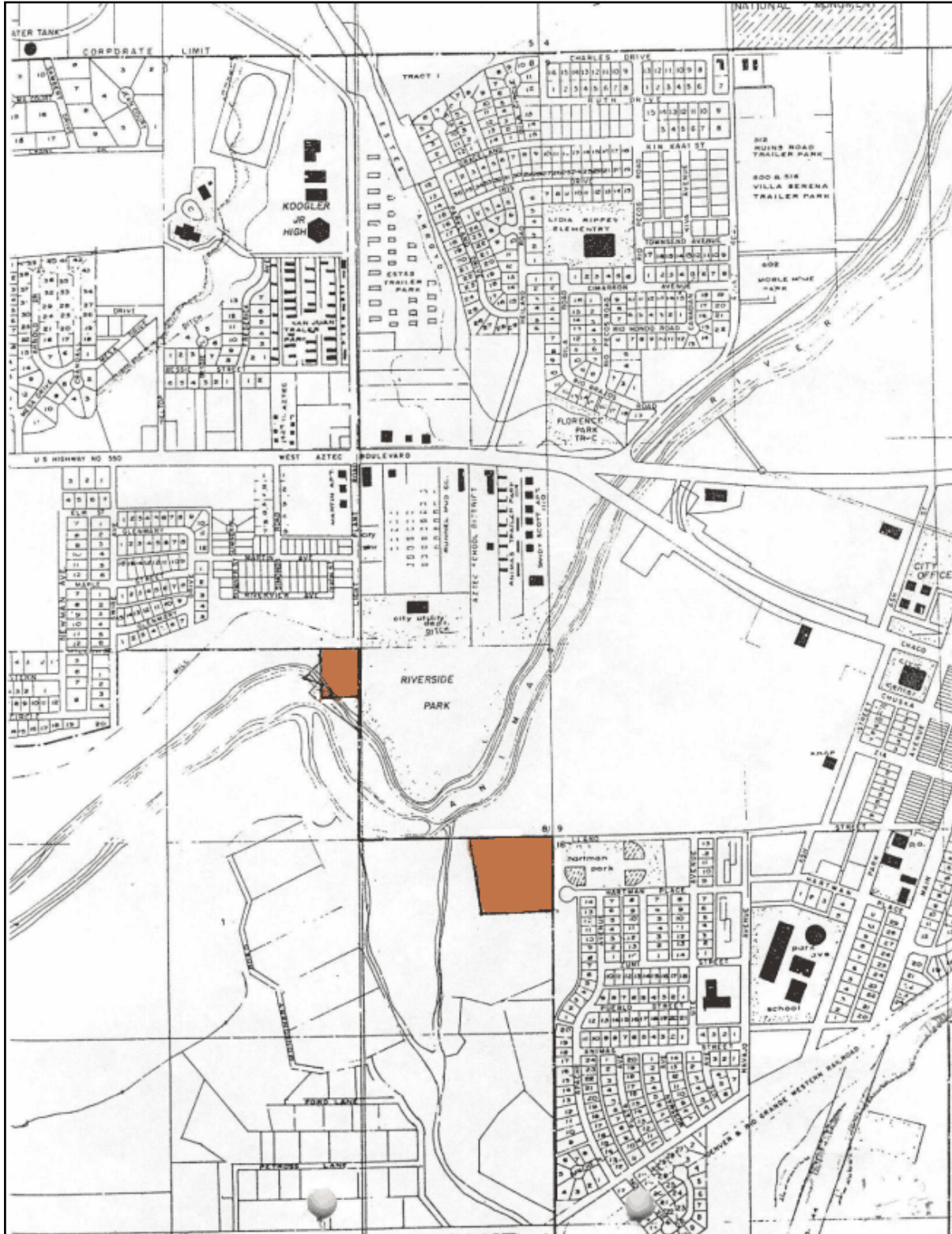
THENCE: West 513.15 Feet;

THENCE: North 80<sup>0</sup> 8' 52" West 530 Feet to the North line of said Section 17;

THENCE: South 89<sup>0</sup> 58' East 593 Feet along the North line of said Section 17, to the point of Beginning.

Containing 6.7 acres, more or less.

Passed, approved, signed and adopted this 20<sup>th</sup> day of March 1990.



**Sec. 28-105. Annexation Ordinance 90-110.**

The petition filed by Shirley Willis, Joe Ross Martinez, Cirila Martinez and Mr. and Mrs. Linn Blancett seeking annexation of a tract of land hereinafter described is hereby approved.

The description of the property annexed into the City is:

A tract of land in the North Half of the Northeast Quarter ( $N\frac{1}{2} NE\frac{1}{4}$ ) of Section 10, T30N, R11W, N.M.P.M. further described as follows:

BEGINNING at a point which is the North Quarter corner of said Section 10;

THENCE: S  $69^{\circ} 23'$  E along the North line of Section 10 approx. 560 feet to a point on the Northeast R.O.W. line of N.M. Hwy 173.

THENCE: Southeasterly along the said Northeast R.O.W. line of Hwy 173 approx. 1350 feet to a point on the South line of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of said Section 10.

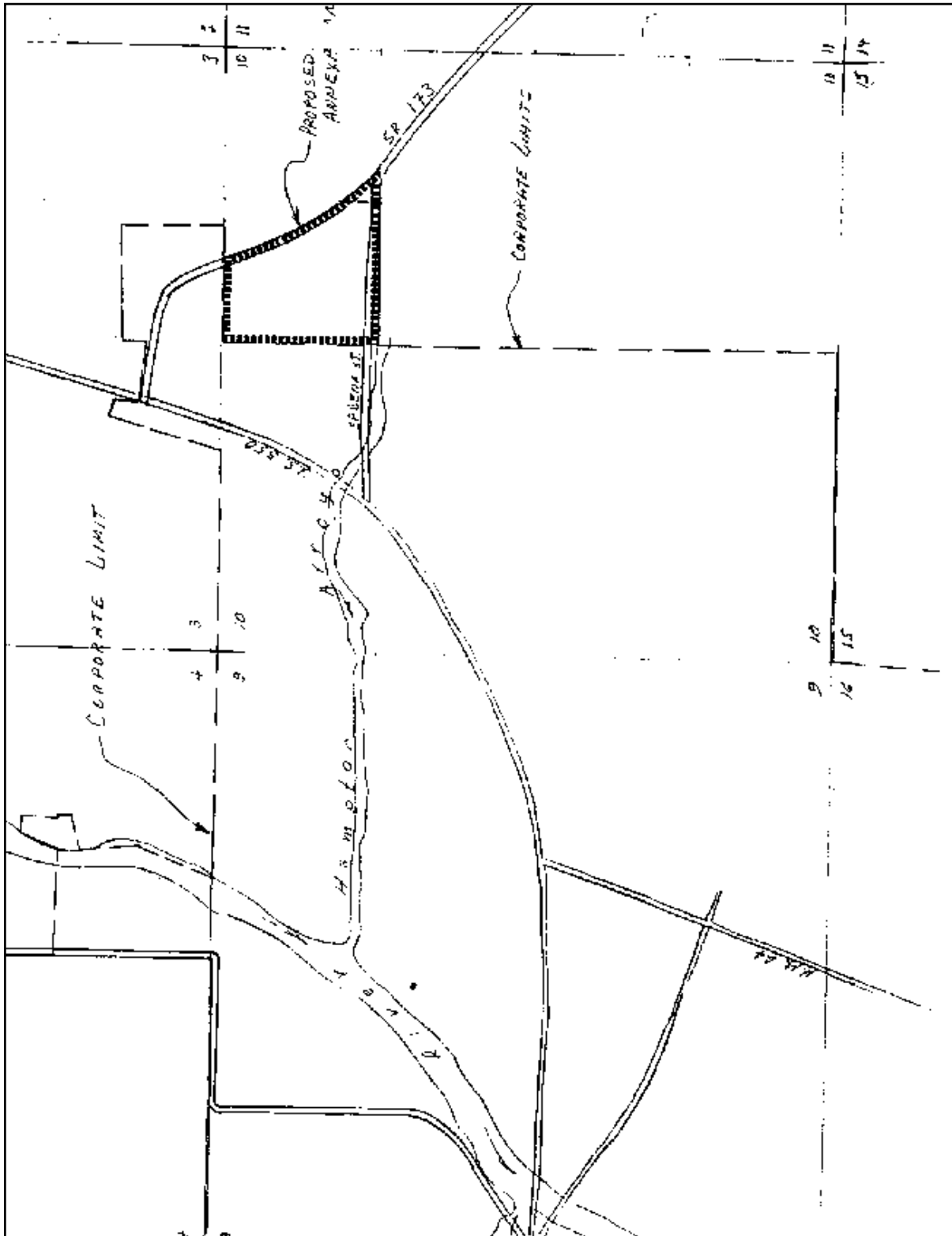
THENCE: West along the South line of the said NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  approx. 145 feet to a point which is the SE corner of the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of said Section 10.

THENCE: West along the South line of the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of said section 10 approx. 1320 feet to a point on the West line of the NE  $\frac{1}{4}$  of said Section 10.

THENCE: North along said West line of the NE  $\frac{1}{4}$  of said Section 10 approx. 1320 feet to the point of beginning.

Containing 30.64 acres, more or less.

Passed, approved, signed and adopted this 11th day of September 1990.

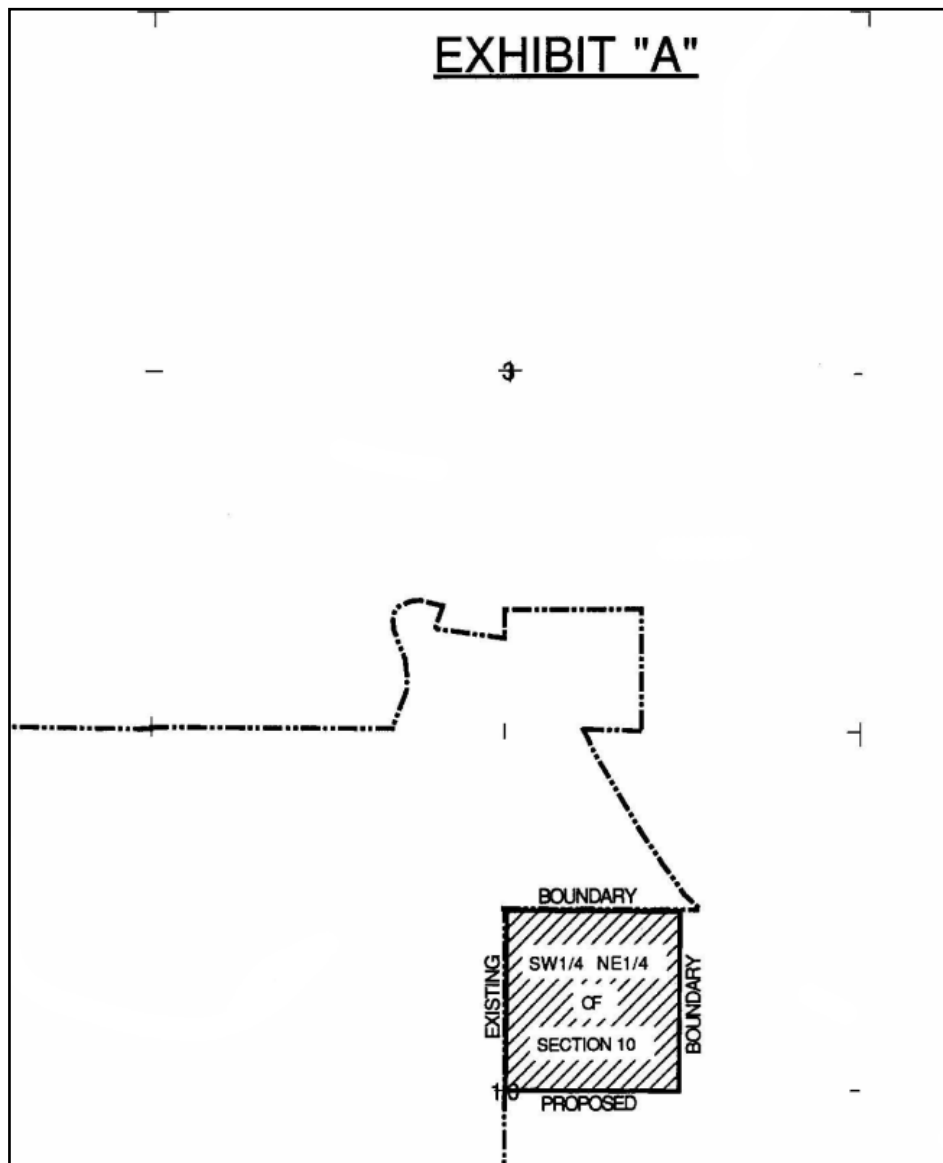


**Sec. 28-106. Annexation Ordinance 93-155.**

The petition filed by Kokopelli Corporation, consisting of: Steven P. & Mary Neville, Stanley J. & Jackie A. Kozimor, Joe & Sylvia Kozimor, Cecil R. & Mary L. Tullis, Steve & Becky Christensen, Mr. & Mrs. Russell Olin and Mr. & Mrs. Richard Olin, seeking annexation of a tract of land hereinafter described is hereby approved. The description of the property annexed into the City is:

The Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$  ) of Section Ten(10), Township 30 North, Range 11 West, N.M.P.M., San Juan County, New Mexico containing 40 acres, more or less.

Passed, approved, signed and adopted this 21 day of December 1993.





**Sec. 28-108. Annexation Ordinance 95-172.**

The petition filed by Townsend Development, consisting of: Thomas E. Townsend, seeking annexation of a tract of land hereinafter described is hereby approved. The description of the property annexed into the City is:

A tract of land lying and being in the Northwest One-Quarter (NW<sup>1</sup>/<sub>4</sub>) of Section 15, T. 30N., R. 11W., N.M.P.M., San Juan County, New Mexico, and being more particularly described as follows, to wit:

BEGINNING at a point on the north boundary line of said Section 15, also being a point on an existing fence, whence the southwest (SW) corner of said Section 15 (1969 BLM Survey) bears N. 89° 37' 00" W., 1036.37 feet;

THENCE: Running from said point of beginning along said existing fence and a projection thereof, S. 0° 17' 57" E., 185.56 feet;

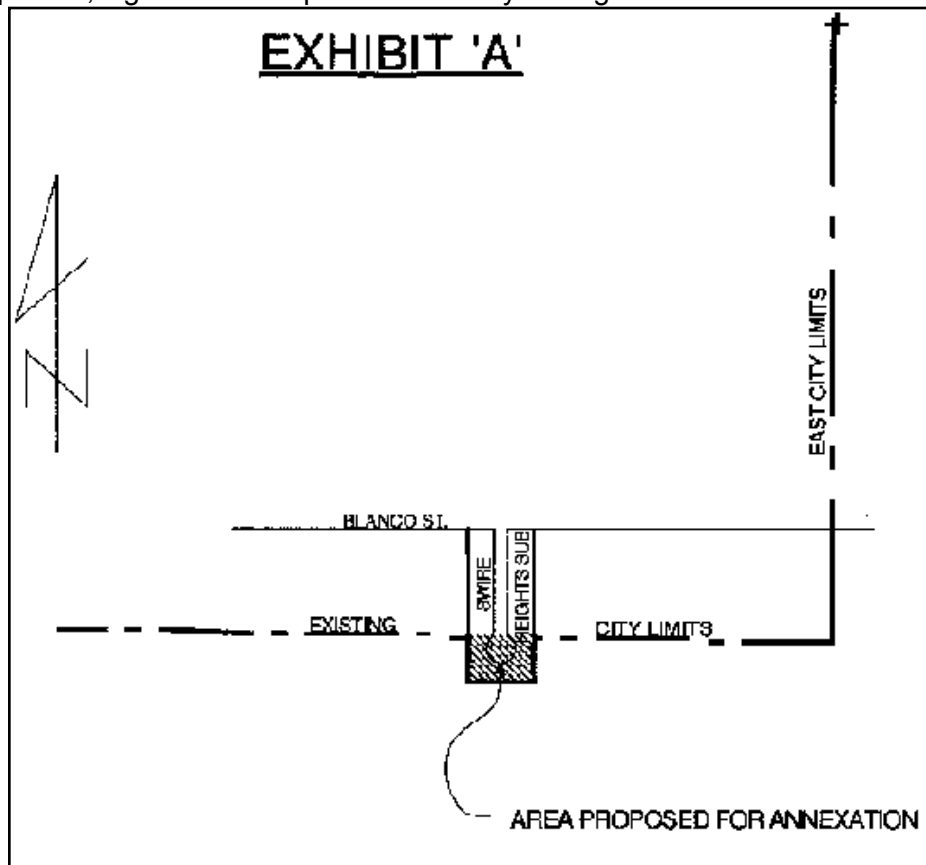
THENCE: Running East, 288.21 feet to a point on a projection of an existing fence;

THENCE: Running along said projection and existing fence, N. 0° 59' 11" W., 183.67 feet, more or less, to a point on the north boundary line of said Section 15;

THENCE: Running along said north boundary line, N. 89° 37' 00" W., 286.02 feet, more or less, to the point of beginning.

Containing 1.22 Acres, more or less.

Passed, approved, signed and adopted this 1st day of August 1995.

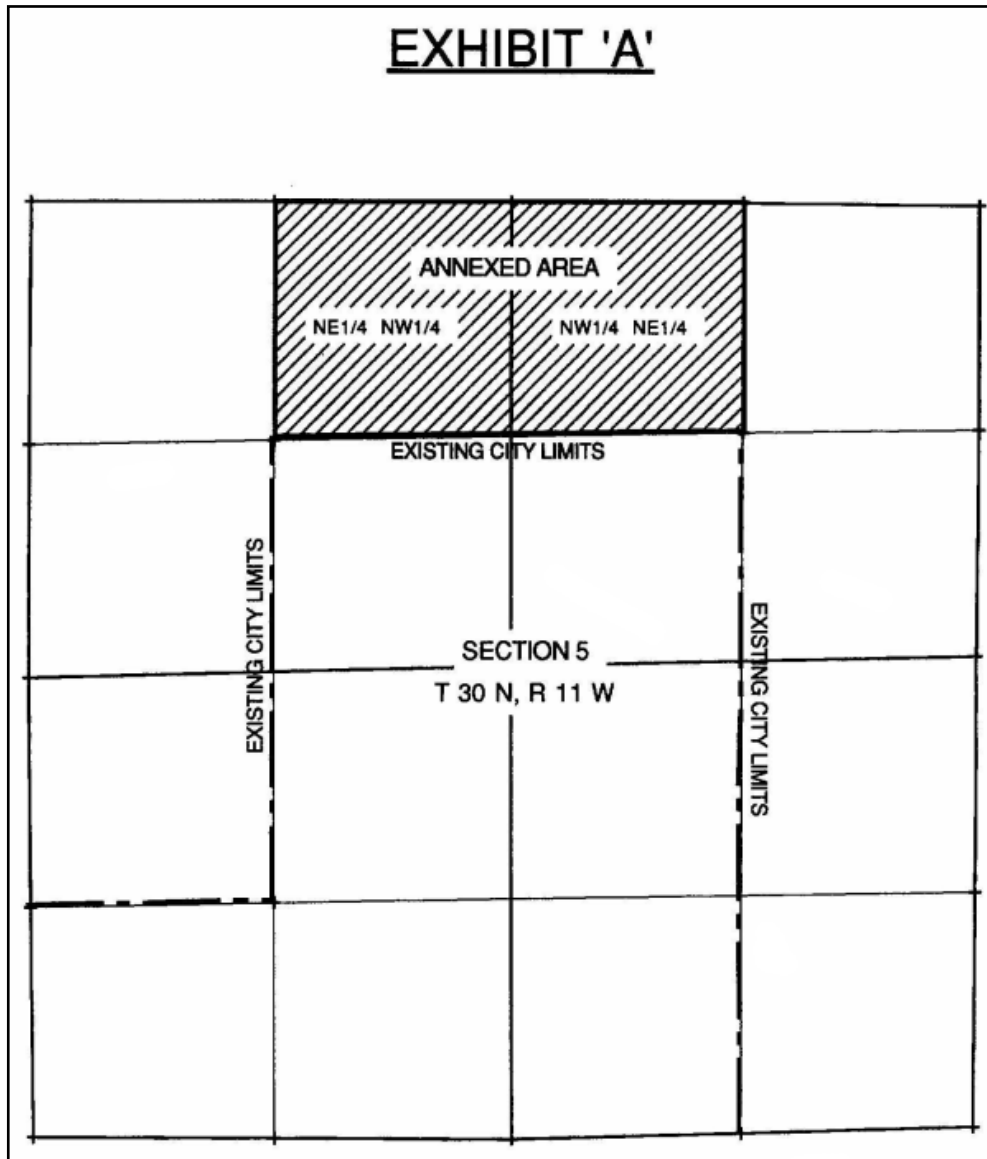


**Annexation Ordinance 95-175.**

The petition filed by Gordon Crane and Don Adams Et Al.: consisting of: Gordon N. and Dorcas A. Crane, Gordon N. and Diane Crane Jr., Matthew W. and Jackie L. Crane and Donald C. and Archie L. Adams, seeking annexation of a tract of land hereinafter described is hereby approved. The description of the property annexed into the City is:

A tract of land laying on both sides of Highway 574 just north of the present City limits of Aztec; N $\frac{1}{4}$  of the NE $\frac{1}{4}$  and the NE $\frac{1}{4}$  of the N $\frac{1}{4}$  of Section 5. Township 30 North, Range 11 West. San Juan County. New Mexico, containing 80 acres more or less.

Passed, approved, signed and adopted this 5th day of September 1995.



**Sec. 28-110. Annexation Ordinances 97-203 and 98-210.**

The City of Aztec, pursuant to the provisions of Section 3-7-17, NMSA 1978, does hereby, with the adoption of this ordinance, express its consent to the annexation to the City of Aztec of the contiguous territory below described, and does hereby annex the following described territory to the present boundaries of the City of Aztec, to-wit:

Property contiguous to the Corporate limits of the City of Aztec in the Northeast Quarter (NE $\frac{1}{4}$ ) and the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 7, Township 30 North, Range 11 West, N.M.P.M., San Juan County, New Mexico described as follows:

BEGINNING at a point which bears N 89<sup>0</sup> 30' 25" E, 281.49 feet from the CN 1/16 of said Section 7;

THENCE: Running N 89<sup>0</sup> 30' 25" E, 2340.09 feet to the N 1/16 corner common to Section 7 and 8;

THENCE: Running S 0<sup>0</sup> 18' 05" W, 1387.25 feet to the south R/W line of U.S. Highway 550;

THENCE: Running along said South R/W line, N 89<sup>0</sup> 43' 00" W, 207.62 feet to the beginning of a curve to the left having a radius of 1372.50 feet;

THENCE: Running along the arc of said curve, 396.22 feet (the long chord of which bears S 82<sup>0</sup> 02' 09" W, 394.84 feet);

THENCE: Running S 17<sup>0</sup> 07' 00" E, 15.00 feet;

THENCE: Running S 72<sup>0</sup> 53' 00" W, 777.89 feet;

THENCE: Running S 17<sup>0</sup> 07' 00" E, 25.00 feet;

THENCE: Running S 72<sup>0</sup> 53' 00" W, 1002.99 feet;

THENCE: Leaving said South R/W and running N 1<sup>0</sup> 13' 00" E, 660.12 feet;

THENCE: Running N 89<sup>0</sup> 46' 00" W, 60.30 feet;

THENCE: Running N 1<sup>0</sup> 13' 00" E, 678.07 feet;

THENCE: Running N 89<sup>0</sup> 46' 00" W, 19.96 feet;

THENCE: Running N 0<sup>0</sup> 42' 44" E, 644.98 feet to the point of beginning.

Containing 87.21 acres more or less, and being a part of the entire Legal Description described on the "Plat of City of Aztec, New Mexico, Corporate Limits Extension" in Section 7, T. 30N., R. 11 W., N.M.P.M. San Juan County, NM. Said plat is completed by A.L. Kroeger and Associates on 2/25/98, and recorded in Book 1254, Page 913 at the San Juan County, NM Clerk's Office.

That said territory within said Section 7 is hereby annexed and shall upon annexation, be included in the A-1, R-1, and R-1M all pursuant to the provisions of the City of Aztec Zoning Ordinance.

Passed, approved, signed and adopted this 7th day of April, 1998.



**Sec. 28-111. Annexation Ordinances 97-205 and 98-211.**

The City of Aztec, pursuant to the provisions of Section 3-7-17, NMSA 1978, does hereby, with the adoption of this ordinance, express its consent to the annexation to the City of Aztec of the contiguous territory below described, and does hereby annex the following described territory to the present boundaries of the City of Aztec, to-wit:

Property contiguous to the Corporate limits of the City of Aztec in the Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ , NW $\frac{1}{4}$ ) and the Southwest quarter of the Northeast quarter (SW $\frac{1}{4}$ , NE $\frac{1}{4}$ ) in Section 7, township 30 north, range 11 west, N.M.P.M., San Juan County, New Mexico further described as follows:

BEGINNING at the NW 1/16 corner of said Section 7;

THENCE: Running N 89<sup>0</sup> 30' 19" E, 1297.42 feet to the CN 1/16 of said Section 7;

THENCE: Running N 89<sup>0</sup> 30' 25" E, 281.49 feet to the northwest corner of the Dillon Heights Subdivision No.1 as recorded at the San Juan County Clerk's Office;

THENCE: Running S 0<sup>0</sup> 42' 44" W, 644.98 feet;

THENCE: Running N 89<sup>0</sup> 46' 00" W, 283.67 feet;

THENCE: Running S 0<sup>0</sup> 54' 32" W, 324.57 feet;

THENCE: Running West, 115.00 feet;

THENCE: Running N 79<sup>0</sup> 11' 12" W, 806.78 feet;

THENCE: Running South, 190.98 feet;

THENCE: Running West, 385.56 feet to a point on the west boundary line of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$  ) of said Section 7;

THENCE: Running along said west boundary line, N 0<sup>0</sup> 38' 0 1" E, 994.36 feet to the point of beginning.

Containing 31.69 acres more or less, and being a part of the entire Legal Description described on the "Plat of City of Aztec, New Mexico, Corporate Limits Extension" in Section 7, T. 30N., R. 11 W., N.M.P.M. San Juan County, NM. Said plat is completed by A.L. Kroeger and Associates on 2/25/98, and recorded in Book 1254, Page 913 at the San Juan County, NM Clerk's Office.

That said territory within said Section 7 is hereby annexed and shall upon annexation, be included in the A-1, R-1 and R-1M all pursuant to the provisions of the City of Aztec Zoning Ordinance.

Passed, approved, signed and adopted this 7th day of April, 1998.



**Sec. 28-112. Annexation Ordinance 98-214.**

The City of Aztec, pursuant to the provisions of Section 3-7-17, NMSA 1978, does hereby, with the adoption of this ordinance, express its consent to the annexation to the City of Aztec of the contiguous territory below described, and does hereby annex the following described territory to the present boundaries of the City of Aztec, to-wit:

Property contiguous to the Corporate limits of the City of Aztec in the Northwest Quarter (NW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 17, Township 30 North, Range 11 West, N.M.P.M., San Juan County, New Mexico described as follows:

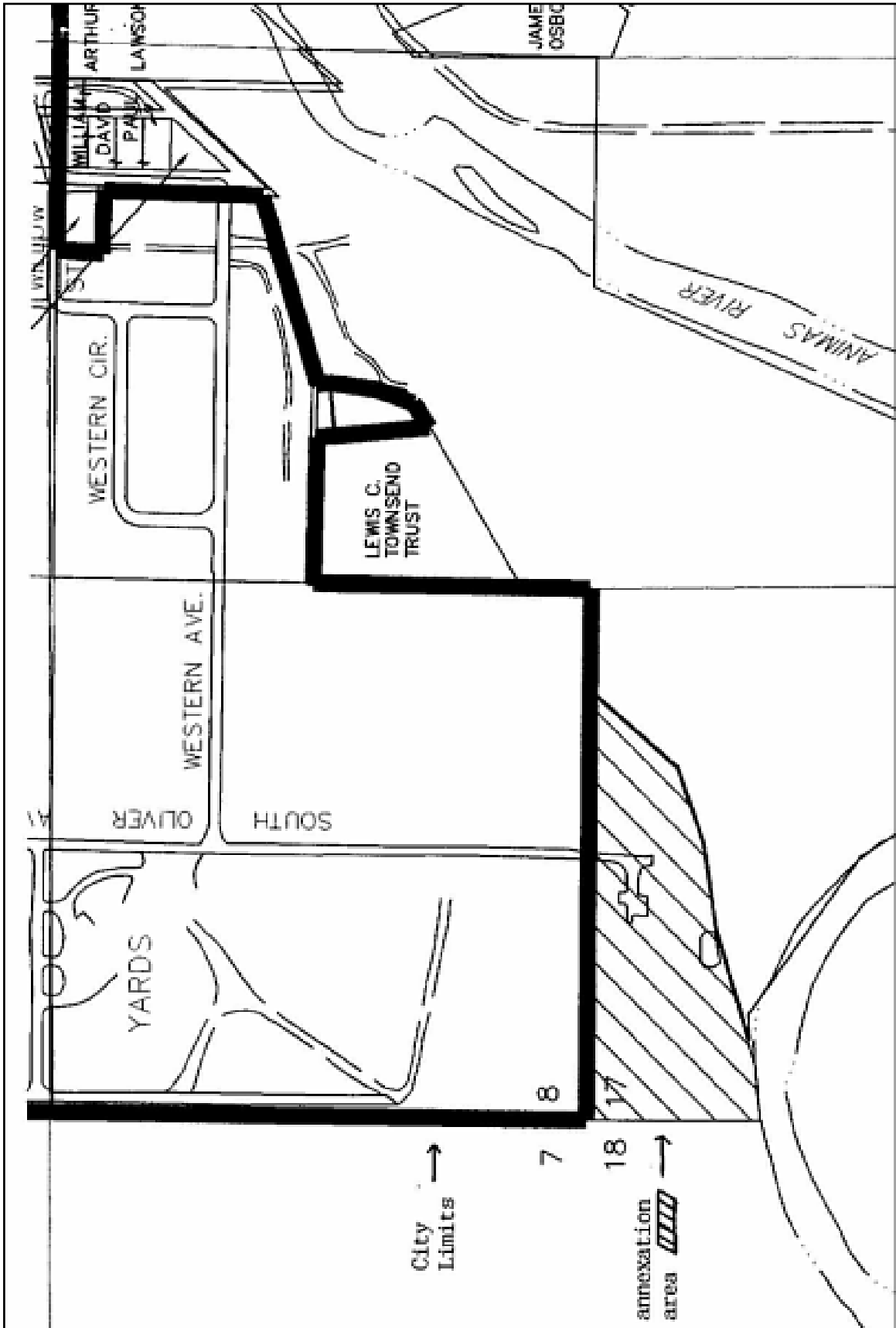
BEGINNING at the Northwest corner of Section 17, Township 30 North, Range 11 West, N.M.P.M.,

THENCE: East 1044 feet;  
THENCE: South 20 feet;  
THENCE: South 41<sup>0</sup> 28' West 263 feet;  
THENCE: South 70<sup>0</sup> 42' West 196.1 feet;  
THENCE: South 80<sup>0</sup> 52' West 218.4 feet;  
THENCE: South 73<sup>0</sup> 28' West 354.2 feet;  
THENCE: South 85<sup>0</sup> 49' West 129.8 feet;  
THENCE: North 426.7 feet to the point of beginning.

The property is approximately 7.13 acres as described in Book 706, page 438 and recorded at the office of the San Juan County Clerk and more specifically shown on the annexation plat to be prepared pursuant to the provisions of Section 3-7-17, NMSA 1978.

That said territory within said Section 17 is hereby annexed and shall upon annexation, be zoned M-1 pursuant to the provisions of the City of Aztec Zoning Ordinance.

Passed, approved, signed and adopted this 19th day of May, 1998.



**Sec. 28-113. Annexation Ordinance 98-216.**

The City of Aztec, pursuant to the provisions of Section 3-7-17, NMSA 1978, does hereby, with the adoption of this ordinance, express its consent to the annexation to the City of Aztec of the contiguous territory below described, and does hereby annex the following described territory to the present boundaries of the City of Aztec, to-wit:

The legal description of the entire territory contiguous to the City of Aztec providing for the annexation to the City of Aztec territory located in Township 31 North, Range 11 West and in Township 30 North, Range II West, N.M.P.M, San Juan County, New Mexico.

The following legal description is accompanied with the attached map of contiguous territory to the City of Aztec:

In T10N, R11W., N.M.P.M.:

- Section 2: The E $\frac{1}{2}$   
The SE $\frac{1}{4}$  NW $\frac{1}{4}$   
The E $\frac{1}{2}$ , NE $\frac{1}{4}$ , SW $\frac{1}{4}$   
The E $\frac{1}{2}$ , SE $\frac{1}{4}$ , SW $\frac{1}{4}$
- Section 10: The S $\frac{1}{2}$ , SE $\frac{1}{4}$   
The NE $\frac{1}{4}$ , SE $\frac{1}{4}$   
The SE $\frac{1}{4}$ , NE $\frac{1}{4}$   
The N  $\frac{1}{2}$ , NE $\frac{1}{4}$  , excepting therefrom those lands generally described as lying southwesterly of the northeasterly right-of-way line of New Mexico State Highway No. 173, said lands being previously annexed to the City of Aztec by Ordinance 90-110 dated September 11, 1990.
- Section 11: All
- Section 12: The W $\frac{1}{2}$
- Section 13: The W $\frac{1}{2}$
- Section 14: All
- Section 15: All, excepting therefrom that portion of Swire Heights subdivision within the NW $\frac{1}{4}$ . The NW  $\frac{1}{4}$  previously annexed to the City of Aztec by ordinance No. 95-172 dated August I, 1995.
- Section 16: The SE  $\frac{1}{4}$   
The S $\frac{1}{2}$  , NE $\frac{1}{4}$

In T31N, R11W:

- Section 35: The SE $\frac{1}{4}$   
The E $\frac{1}{2}$ , SW $\frac{1}{4}$ , excepting therefrom those properties lying north of the southerly right-of-way line of the now abandoned Denver & Rio Grande Railroad, said properties as described in the following records of San Juan County:
- Sp. Warranty Deed - Bk. 1186, Pg. 238  
Warranty Deed - Bk. 1134, Pg. 536  
Real Estate Contract - Bk. 1144, Pg. 812  
Warranty Deed - Bk. 1128, Pg. 554 (Tr. I)  
Real Estate Contract - Bk. 1121, Pg. 154  
Warranty Deed - Bk. 1080, Pg. 782 (Tr. II)



**Sec. 28-114. Annexation Ordinance 98-224.**

The City of Aztec, pursuant to the provisions of Section 3-7-17, NMSA 1978, does hereby, with the adoption of this ordinance, express its consent to the annexation to the City of Aztec of the contiguous territory below described, and does hereby annex the following described territory to the present boundaries of the City of Aztec, to-wit:

The legal description of the entire territory contiguous to the City of Aztec providing for the annexation to the City of Aztec territory located in Township 30 North, Range 11 West, N.M.P.M, San Juan County, New Mexico. The following legal description is accompanied with the attached map of contiguous territory to the City of Aztec:

A tract of land lying and being in the Northeast One-Quarter of the Southwest One-Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) and in the Northwest One-Quarter of the Southeast One-Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 7, T30N., R.11W., N.M.P.M., San Juan County, New Mexico, and being more particularly described as follows, to wit:

BEGINNING at a point on the south right-of-way line of U.S. Highway 550, also being a point on the east north right-of-way line of said NE $\frac{1}{4}$  SW $\frac{1}{4}$ , whence the Center One-Quarter (C $\frac{1}{4}$ ) comer of said Section 7 bears N 0 $^{\circ}$  54' 35" E., 771.02 feet;

THENCE: Running from said point of beginning along said south right-of-way line, S. 72 $^{\circ}$  55' 00" W., 158.61 feet to the beginning of a curve to the right having a radius of 2864.79 feet;

THENCE: Running along the arc of said curve, 326.44 feet (the long chord of which bears S. 76 $^{\circ}$  10' 52" W., 326.26 feet);

THENCE: Running N. 1 $^{\circ}$  15' 05" E., 204.66 feet, more or less to a point on the north right-of-way line of U.S. Highway 550;

THENCE: Leaving said north right-of-way and running N. 13 $^{\circ}$  14' 00" W., 198.70 feet;

THENCE: Running N. 72 $^{\circ}$  00' 00" E., 120.00 feet;

THENCE: Running S. 13 $^{\circ}$  14' 00" E., 209.70 feet, more or less, to a point on the north right-of-way line of said U.S. Highway 550, also being a point on a curve to the left having a radius of 2664.79 feet;

THENCE: Running along the arc of said curve, 142.18 feet (the long chord which bears N. 74 $^{\circ}$  26' 43" E., 142.16 feet);

THENCE: Continuing along said north right-of-way line, N. 72 $^{\circ}$  55' 00" E., 599.81 feet;

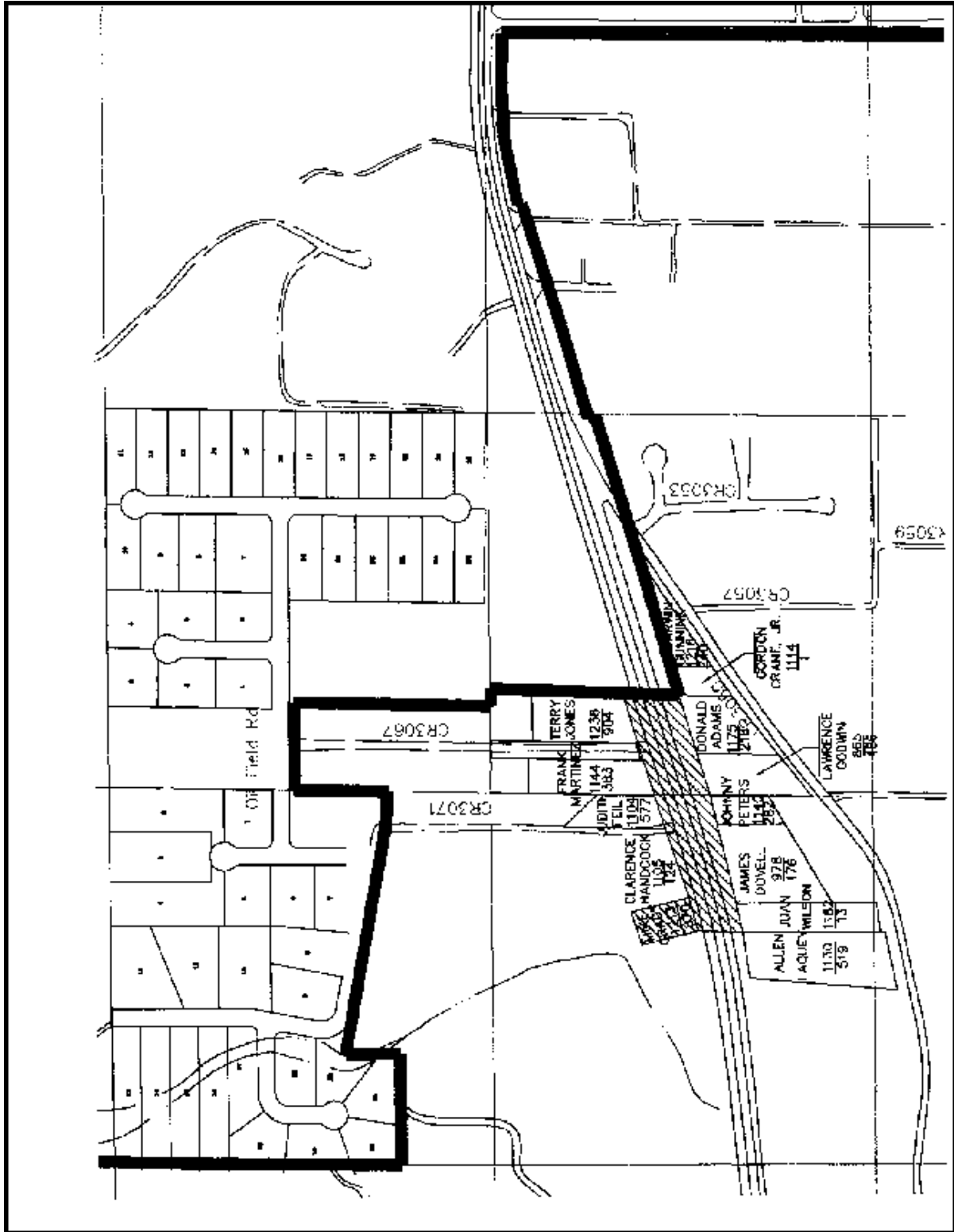
THENCE: Leaving said south right-of-way line and running S. 1 $^{\circ}$  13' 00" W., 211.43 feet, more or less, to a point on the south north right-of-way line of said U.S. Highway 550;

THENCE: Running along said south right-of-way line, S. 73 $^{\circ}$  01' 00" W., 374.84 feet, more or less, to the point of beginning.

Containing 4.52 acres, more or less.

That said territory within said Section is hereby annexed and shall upon annexation, be included in the C-2 zoning districts, all pursuant to the provisions of the City of Aztec Zoning Ordinance.

Passed, approved, signed and adopted this 15th day of December, 1998.



**Sec. 28-115. Annexation Ordinance 2002-290.**

The City of Aztec, pursuant to the provisions of Section 3-7-17, NMSA 1978, does hereby, with the adoption of this ordinance, express its consent to the annexation to the City of Aztec of the contiguous territory below described, and does hereby annex the following described territory to the present boundaries of the City of Aztec, to-wit:

Property contiguous to the Corporate limits of the City of Aztec in the North Half of Section Twenty-One (21), Township Thirty (30) North, Range Eleven (11) West, N.M.P.M., San Juan County, New Mexico, Being the lands described in the Warranty Deed to M. Duane Meador Recorded August 15, 2001 in Book 1326, Page 897 in the Office of the County Clerk, San Juan County, New Mexico, Described as follows:

Beginning at the BLM Brass Capped Monument set for the Quarter Corner Common to Sections 16 and 21, Township 30 North, Range 11 West, N.M.P.M.:

THENCE: Along the northerly line of the NE $\frac{1}{4}$  of said Section 21 North 89 $^{\circ}$  55' 51" East 631.02 Feet to a Point from which a Rebar with Cap Marked 7433 Bears North 35 $^{\circ}$  23' East, 0.4'

THENCE: South 01 $^{\circ}$  58' 27" East, 731.37 Feet to a 5/8" Rebar with Brass Cap Marked 11598 Set in Concrete;

THENCE: North 89 $^{\circ}$  51' 22" West, 633.33 Feet to a Point from which a Rebar with Cap Marked 7433 Bears North 90 $^{\circ}$  East, 1.0 Feet;

THENCE: North 01 $^{\circ}$  42' 56" West, 54.07 Feet to a Point from which a Rebar with Cap Marked 7433 Bears North 79 $^{\circ}$  28' East, 1.2 Feet;

THENCE: North 89 $^{\circ}$  16' 41" West, 344.39 Feet to a 5/8" Rebar with Brass Cap Marked 11598 Set in Concrete, Set on the Existing Easterly Right-of- Way Line of U.S. Highway 550;

THENCE: Along said Easterly Right-of-Way Line on a Non-Tangent Curve Having a Radius of 3719.72 Feet Through a Central Angle of 11 $^{\circ}$  31' 43" for an Arc Length of 748.45 Feet and having a Chord that Bears North 27 $^{\circ}$  42' 01" West, 747.20 Feet to a 5/8" Rebar with Brass Cap Marked 11598 Set in Concrete, Set on the Northerly Line of the Northwest

Quarter of Said Section 21;

THENCE: Along the Northerly Line of Said Northwest Quarter North 89 $^{\circ}$  15' 45" East, 670.48 Feet to the Point of Beginning;

Containing 18.60 Acres, More or Less.

That said territory within said Section 21 is hereby annexed and shall upon annexation, be included in the Official Land Use Map as Commercial-2 (C-2) all pursuant to the provisions of the City of Aztec Land Use Regulations.

Passed, approved, signed this 7<sup>th</sup> day of January, 2003.

**Sec. 28-116. Annexation Ordinance 2002-291.**

The City of Aztec, pursuant to the provisions of Section 3-7-17, NMSA 1978, does hereby, with the adoption of this ordinance, express its consent to the annexation to the City of Aztec of the contiguous territory below described, and does hereby annex the following described territory to the present boundaries of the City of Aztec, to-wit:

Property contiguous to the Corporate limits of the City of Aztec in the northeast quarter of the southwest quarter of Section Seven (7), Township Thirty (30) North, Range Eleven (11) West, N.M.P.M., San Juan County, New Mexico, Being the lands owned by the City of Aztec as recorded October 7, 2002, in Book 1350, Page 386 in the Office of the County Clerk, San Juan County, New Mexico, Described as follows:

Beginning at the Westerly comer of this tract, a point in the centerline or the Kochis Arroyo and on the Northerly Right of Way of State Highway 516, from whence a NMSHD Right of Way rail found at Station 600+30.90 bears S 83° 36' 00" W, 1246.82 ft. distant, and from whence a 5/8" rebar with a cap stamp LS "12344 set as a witness comer bears N83° 36' 00" E, 25.00 ft. distance, thence along said arroyo centerline and around the tract herein described:

N22° 37' 42" E. 52.64 ft. to a point, thence;  
N40° 48' 14" E. 46.79 ft. to a point, thence;  
N65° 47' 39" E. 124.87 ft. to a point, thence from whence a 5/8" rebar set as a witness comer bears S 05° 55' 55" E. 21.00 ft. distant, thence leaving said arroyo centerline;  
S05° 55' 55" E. 116.01 ft. to a PK nail found on the Northerly Right of Way of State Highway 516 and replaced with a 5/8" rebar set, thence along said Right of Way;  
S83° 36' 00" W. 177.82 ft. to the Point of Beginning.

This tract contains 0.326 acres or 14180.70 sq ft more or less.

That said territory within said Section 7 is hereby annexed and shall upon annexation, be included in the Official Land Use Map as Commercial-2 (C-2) all pursuant to the provisions of the City of Aztec Land Use Regulations.

Passed, approved, signed this 7<sup>th</sup> day of January, 2003.

**Sec. 28-117. Annexation Ordinance 2003-293.**

The City of Aztec, pursuant to the provisions of Section 3-7-17, NMSA 1978, does hereby, with the adoption of this ordinance, express its consent to the annexation to the City of Aztec of the contiguous territory below described, and does hereby annex the following described territory to the present boundaries of the City of Aztec to-wit:

The legal description of the entire territory contiguous to the City of Aztec providing for the annexation to the City of Aztec territory located in Township 30 North, Range 11 West, N.M.P.M, San Juan County, New Mexico. The following legal description is accompanied with the attached petition and map of contiguous territory to the City of Aztec:

Section 4, T30N, R11W:  
The Northwest ¼

Section 5, T30N, R11W:

The East 1/2 of the Northeast ¼  
The East 1/2 of the Southeast ¼

Said tract of lands contains approximately 268.89 acres, more or less.

Section 33, T31N, R11W:

Southwest ¼ of the Southeast ¼  
South ½ of the Southwest ¼

Said tract of lands contains approximately 29.44 acres, more or less.

That said territory within said Sections is hereby annexed and shall upon annexation, be included in the A-1 and R-1 land use districts, all pursuant to the provisions of the City of Aztec Land Use Regulations.

Passed, approved, signed and adopted this 6<sup>th</sup> day of June, 2003.

**Sec. 28-118. Annexation Ordinance 2003-301.**

The City of Aztec, pursuant to the provisions of Section 3-7-17, NMSA 1978, does hereby, with the adoption of this ordinance, express its consent to the annexation to the City of Aztec of the contiguous territory below described, and does hereby annex the following described territory to the present boundaries of the City of Aztec to-wit:

The legal description of the entire territory contiguous to the City of Aztec providing for the annexation to the City of Aztec territory located in Township 30 North, Range 11 West, N.M.P.M, San Juan County, New Mexico. The following legal description is accompanied with the attached petition and map of contiguous territory to the City of Aztec:

A tract of land located in a portion of the south half of the southwest quarter (SW¼) of Section Thirty-Three (33), Township Thirty-One (31) North, Range Eleven (11) West, N.M.P.M.; the West half (W ½) and a portion of the Northwest Quarter of the Southeast Quarter (NW¼ SE¼) of Section 4, Township (30) North, Range Eleven (11) West, N.M.P.M; and the Northeast Quarter of the Northeast quarter (NE¼ NE¼) and the Southeast Quarter of the Northeast Quarter (SE¼ NE¼) and the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) and the Southeast Quarter of the Southeast Quarter (SE¼ SE¼) of Section five (5), Township Thirty (30) North, Range Eleven (11) West, N.M.P.M., All in San Juan County, New Mexico.

That said territory within said Sections is hereby annexed and shall upon annexation, be included in the P.U.D. (Planned Unit Development) and R-1 Residential land use districts, all pursuant to the provisions of the City of Aztec Land Use Regulations to be further delineated on the Official City of Aztec Land Use Map.

**Sec. 28-119. Annexation Ordinance 2009-364.**

The City of Aztec, pursuant to the provisions of Section 3-7-17, NMSA 1978, does hereby, with the adoption of this ordinance, express its consent to the annexation to the City of Aztec of the contiguous territory below described, and does hereby annex the following described territory to the present boundaries of the City of Aztec to-wit:

The following legal description is accompanied with the attached petition (Attachment A) and Annexation Plat (Attachment B) of contiguous territory to the City of Aztec:

- 1) Being the lands owned by the City of Aztec as recorded September 13, 2005 in Book 1417, Page 696 in the Office of the County Clerk, San Juan County, New Mexico, as described in the Legal Description of filed plat (Attachment B – Annexation Plat) and contiguous to the Corporate limits of the City of Aztec in:

Section 8, T30N, R11W:

SE 1/4 of the SW 1/4

Section 17, T30N, R11W:

N 1/2 of the NW 1/4

Said tract contains 43.05 acres more or less.

- 2) Private property contiguous to the Corporate limits of the City of Aztec in portions of the S 1/2 of Section 8, Township Thirty (30) North, Range Eleven (11) West, N.M.P.M., San Juan County, New Mexico, being the lands owned by:

Owner	Tax ID	Book	Page	Acres
Lewis C. Townsend	15149	1212	866	3.70
		1246	836	
Edward Deifel and Eichman ND	10566	430	315	14.05
		509	94	
		1041	596	
		1414	611	
Wilfred Jacquez et ux	11246	750	484	0.42
Jaquez San Juan Properties LLC	11267	671	575	2.60
		1379	474	
Clora Lawson	11452	1409	929	0.15
Land Locked LLC	11453	1477	785	4.62
Charlotte G Paul Trust	11879	723	159	1.00
		1384	957,959	
		1387	802	
Don and Carmen Sheets	12567	1486	315	0.35

Said tracts contain 26.9 acres more or less.

That the City Clerk is directed, pursuant to State Statute, to file a copy of this Ordinance, together with a copy of the petition and plat of the territory so annexed, in the Office of the

County Clerk and send copies to the Secretary of Finance and Administration and the Secretary of Taxation and Revenue.

That the annexation of such territory to the City of Aztec shall be deemed complete within thirty (30) days after the filing of a copy of this Ordinance in the Office of the County Clerk unless an appeal be made to the District Court as provided in said statute.

That said territory within Sections 8 and 17 will be zoned and shall upon adoption be included in the Official Land Use Map all pursuant to the provisions of the City of Aztec Land Use Regulations.



**Sec. 28-120. Annexation Ordinance 2009-366.**

The City of Aztec, pursuant to the provisions of Section 3-7-17, NMSA 1978, does hereby, with the adoption of this ordinance, express its consent to the annexation to the City of Aztec of the contiguous territory below described, and does hereby annex the following described territory to the present boundaries of the City of Aztec to-wit:

The following legal description is accompanied with the attached petition (Attachment A) and Annexation Plat (Attachment B) of contiguous territory to the City of Aztec:

- 1) Being the lands petitioned and privately owned by the Cleo Brimhall Trust as recorded in Book 1025, Page 129 in the Office of the County Clerk, San Juan County, New Mexico, as described in the Legal Description of the filed plat (Attachment B) and contiguous to the Corporate limits of the City of Aztec in:

E1/2 of the E1/2 of the SE1/4 of Section 7 and the NE1/4 of the NE1/4 of Section 18, all in Township Thirty (30) North, Range Eleven (11) West, N.M.P.M., San Juan County, New Mexico. Said tract contains 53.93 acres more or less.

- 2) Being the lands owned by San Juan County and contiguous to the Corporate limits of the City of Aztec in:

NE1/4 of the NE1/4 of the SE1/4 of Section 7, in Township Thirty (30) North, Range Eleven (11) West, N.M.P.M., San Juan County, New Mexico. Said tract contains 6.68 acres more or less.

That the City Clerk is directed, pursuant to State Statute, to file a copy of this Ordinance, together with a copy of the petition and plat of the territory so annexed, in the Office of the County Clerk and send copies to the Secretary of Finance and Administration and the Secretary of Taxation and Revenue.

That the annexation of such territory to the City of Aztec shall be deemed complete within thirty (30) days after the filing of a copy of this Ordinance in the Office of the County Clerk unless an appeal be made to the District Court as provided in said statute.

That said territory within Sections 7 and 18 will be zoned and shall upon adoption be included in the Official Land Use Map all pursuant to the provisions of the City of Aztec Land Use Regulations.



**Secs. 28-121 to 28-200. Reserved.**

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### ARTICLE III. ANNEXATION BY MUNICIPAL BOUNDARY COMMISSION

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**Sec. 28-201. Order of Annexation, Municipal Boundary Commission.**

This matter came to hearing before the Municipal Boundary Commission ("Commission") on April 27, 2000 at the City Council Chambers in Aztec, New Mexico. A quorum of the Commission was present. After considering all the evidence, the Commission

FINDS:

1. The City of Aztec petitioned the Commission, pursuant to NMSA 1978, 9 3-7-11 to 93-7-16, to have annexed to the City of Aztec (city) territories described in the petition and shown in the map accompanying the petition. See attached Exhibit 1, February 15, 2000 petition and Map.
2. The Petition was filed with the New Mexico Department of Finance and Administration on February 15, 2000.
3. The New Mexico Department of Finance and Administration Local Government Division caused notice of this matter to be published in a local newspaper.
4. The notice that the Division published contained the date and location of the hearing as well as the property description of the areas the Petitioner sought to have annexed.
5. The full Municipal Boundary Commission met in open session on April 27, 2000. in the City Council Chambers in Aztec, New Mexico, to hear and consider the evidence supporting the petition to annex the territory.
6. The Commission order extended April 27, 2000 dismissed a portion of the City's' petition for annexation to the extent that it attempts to annex properties which have already been annexed to the municipal boundaries of the City of Bloomfield. See attached order.
7. Concurrence for annexation was not obtained for federal properties within the Territory in the City's petition.
8. Concurrence for annexation was obtained from the New Mexico Highway and Transportation Department Highway 544 right-of-way.
9. The Maps and other evidence, tendered with the Petition and at the April 27, 2000 hearing regarding the Petition for Annexation, show that the territory the Petitioner seeks to annex are contiguous to existing city boundaries with exception of the E.D. Hendrickson and B. Browning property which would be contiguous except for the interposition of federal properties.

10. The maps, exhibits and oral testimony offered at the April 27, 2000 hearing establish that the City may provide city services to the territory the City seeks to have annexed within the reasonably foreseeable future.
11. The Commission voted, at the conclusion of the April 27, 2000 hearing and after deliberations of the Commission, the grant a portion of the Petition for Annexation with the exception noted in paragraphs 6 and 7 above.

CONCLUSIONS OF LAW:

1. Pursuant to NMSA 1978, § 3-7-1 to 3-7-16(B) (Repl. Pamp. 1995), the Municipal Boundary Commission had jurisdiction to consider this matter at a public hearing of this matter on April 27, 2000. Pursuant to NMSA § 3-7-14 (C), venue of the hearing was properly in Aztec, New Mexico.
2. ---- (blank) ----
3. The notice of the annexation hearing complied fully with § 3-7-14(B); and
4. The City has established that municipal services may be provided within a reasonable time as required by NMSA 1978 § 3-7-15(A)(2).
5. The City has established that the Territory petitioned to be annexed is contiguous to the city boundaries as required by NMSA 1978 § 3-7-15(A)(1).
6. Pursuant to NMSA 1978 § 3-7-4(B), regarding the E.D. Hendrickson/B. Browning property referred to in Paragraph 9 above, the Commission finds that the territory is not contiguous but, except for the interposition of federal lands, is otherwise eligible for annexation.

Accordingly, this Commission ORDERS:

That the City of Aztec Petition to Annex should be, and hereby is, granted, excluding section 34 in Township 30 North, Range 11 West and section 3 in Township 29 North, Range 11 West, which was previously annexed by the City of Bloom field, and excluding federal government properties; but including for annexation the E.D. Hendrickson/B. Browning property which would be contiguous to City limits except for the interposition of Federal Lands.

Approved April 5, 2000.

/s/ GERALD ESTA, Chairman for the New Mexico Municipal Boundary Commission

