

TOWN OF EDGEWOOD
RESOLUTION NO. 14, 2005

**A RESOLUTION DECLARING THE INTENT OF THE TOWN TO FORM A PUBLIC
IMPROVEMENT DISTRICT**

WHEREAS the Town received a Petition for formation of a Public Improvement District ("PID") on April 15, 2005, filed by Campbell Corporation ("Campbell") pursuant to the Public Improvement District Act, NMSA 1978, §§ 5-11-1, et seq. ("PIDA").

WHEREAS § 5-11-3 of the PIDA required the governing body to take action on said petition within ninety (90) days from presentation of the petition, or by July 14, 2005;

WHEREAS § 5-11-3 provides for said action to be taken by means of the promulgation of a resolution of intent to form a PID, so as to allow public hearings to take place; and

WHEREAS, although Campbell as property owner of 100% of the affected land, has waived public hearing, the Town wishes to provide an appropriate public process for its consideration of the Petition;

THEREFORE, be it resolved by and through the Town's governing body as follows:

I. STATEMENT OF INTENT

The Town hereby declares its intent, pursuant to the PIDA, to act upon the April 15, 2005 Petition filed by Campbell, and thereby possibly to create a PID, for the area and for the purposes outlined herein, subject to Campbell's compliance with the reasonable requirements of the Town and the PIDA regarding the contents of said Petition.

II. AREA AND PURPOSE

SECTION 1.1. AREA INCLUDED IN PID.

The area to be included in the PID proposed by Campbell is shown in Exhibit "A" to the "District General Plan" included in Campbell's April 15, 2005 Petition. A copy of that Exhibit is attached hereto and incorporated herein as Exhibit "1."

SECTION 1.2. PROPOSED PURPOSE OF PID.

The PID is proposed to provide "enhanced services" to the area described above, including specifically police protection, fire protection, and emergency services for the Enhanced Service District therein described. See § 5-11-2(H) of the PIDA. Campbell proposes to provide these services through contractual arrangements with Bernalillo County or other third-party providers.

1 **II. GENERAL PLAN AND FINANCING OF PROPOSED ENHANCED SERVICE PID.**

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3 **SECTION 2.1. STATEMENT REGARDING GENERAL PLAN.**

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5 A general plan for the district is on file with the Town Clerk and includes a map
6 depicting the boundaries of the district and the real property proposed to be
7 included in the district, a general description of anticipated enhances services,
8 general cost estimates, proposed financing methods and anticipated tax levies,
9 special levies or charges, financing methods and other information.

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11 **SECTION 2.2. FINANCING OF PROPOSED PID.**

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13 Petitioner proposes to finance the operations of the Enhanced Services PID
14 through an annual special levy or a District Property Tax as provided by the
15 PIDA.

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17 If the Enhanced Services are funded through an annual special levy, the levy will
18 be imposed at maximum build-out on all levyable or taxable land within the
19 District in an amount not to exceed \$6,000,000.00 per annum, subject to a
20 maximum annual adjustment equal to the greater of the Consumer Price Index or
21 2%. Any special levy shall be apportioned to each legally exiting tract or lot
22 according to the percentage of levyable land within the District or portion thereof
23 served by the Enhanced Service, calculated by acreage, that such tract or lot
24 represents.

25
26 If the Enhanced Services are funded through a District Property Tax, the
27 maximum rate of the tax will be the mill rate necessary to produce annual
28 aggregate District Property Tax Revenue not to exceed \$6,000,000.00 per
29 annum when applied to all taxable land within the District. This tax rate is
30 subject to a maximum annual adjustment equal to the greater of the Consumer
31 Price Index or 2%, and as limited by the PIDA.

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34 **III. PUBLIC NOTICES AND RELATED DISCLOSURES**

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36 **SECTION 3.1. PUBLIC NOTICE.**

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38 Attached hereto is a public notice in conformance with the provisions of § 5-11-4
39 of the PIDA and executed by the Town Clerk. A copy of this Notice shall be sent
40 to Campbell, as the owner of the real property in question, and shall be published
41 as required by the PIDA.

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43 **SECTION 3.2. FILING OF WRITTEN OBJECTIONS.**

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45 Written Objections may be filed by mailing, postage prepaid, to the Town Clerk at

1 the Town's Offices, which location is provided below:
2

3 Clerk-Treasurer
4 Town of Edgewood
5 P.O. Box 3610
6 Edgewood, New Mexico 87015
7

8 **SECTION 3.3. NOTICE OF POSSIBLE FINANCIAL CONSEQUENCES TO PROPERTY**
9 **OWNERS WITHIN PROPOSED ENHANCED SERVICES DISTRICT.**
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11 The PIDA provides a mechanism for local government to finance public
12 improvements or enhanced services to a defined area. Under the PIDA an
13 improvement district may finance its activities through the use of methods
14 including property taxes or special levies or other fees or charges on landowners
15 within the district. § 5-11-3(7). Bonds issued by a district shall not be a general
16 obligation of the state, the county, or the municipality in which the district is
17 located and shall not pledge the full faith and credit of the state, the county, or
18 the municipality in which the district is located, irrespective of whether the
19 district board is governed by the governing body of the county or municipality in
20 which the district is located. § 5-11-8(C).
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22 **SECTION 3.4. REFERENCE TO THE PIDA.**
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24 The legal requirements for formation of a PID, and the resulting powers, duties,
25 and rights of the PID are contained within the PIDA, NMSA 1978, §§ 5-11-1, et
26 seq.
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28 **SECTION 3.5. PROPOSED BOARD OF DIRECTORS.**
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30 Campbell has proposed a board of directors composed of five individuals to be
31 appointed by the governing body. The names of these individuals are contained
32 in Campbell's Petition, on file with the Town Clerk.
33

34 **IV. DIRECTION FOR FURTHER STUDY OF FEASIBILITY**
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36 **SECTION 4.1. FURTHER INFORMATION AND CONSULTATION REQUIRED.**
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38 Prior to a vote on final approval of the proposed PID, the governing body directs
39 Petitioner, the Mayor, Town Staff, and such consultants as the Mayor deems
40 necessary and appropriate, to meet and discuss in further detail matters
41 involving the proposed financing and provision of services to the Enhanced
42 Services District.
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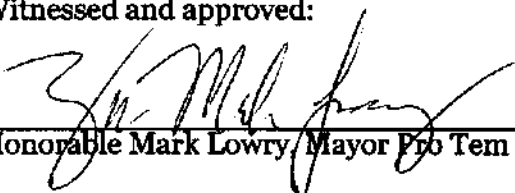
- 44 a. These consultations should generally comply with and produce the
45 information required under the policies and procedures for PID approval

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adopted by this Council, copies of which have been provided to Petitioner.

- b. These consultations should include appropriate consultation with officials and employees of Bernalillo County, which has authorized its staff to engage in discussions and negotiations with the Town regarding a joint powers agreement for provision of enhanced services within the PID. See §§ 5-11-10(A)(3), (5), (13), (15).
- c. Should additional time be required to provide sufficient information to allow the governing body to vote on approval of the proposed PID, with the consent of the Petitioner the governing body will consider, in lieu of denying the Petition, tabling action on the Petition at the scheduled hearing in order to allow the process described herein to be completed.

Witnessed and approved:


Honorable Mark Lowry Mayor Pro Tem

ATTEST:


Town Clerk



1 PUBLIC NOTICE

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3 The Town Clerk shall cause the following public notice to be mailed by registered
4 or certified United States mail, postage prepaid, to all owners of real property in
5 the proposed district at least by June 13, 2005. In addition, notice shall be
6 published once each week for two successive weeks in a newspaper of general
7 circulation in the municipality or county in which the proposed district lies. The
8 last publication shall be published no later than July 10, 2005.
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10 To Whom It May Concern:

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12 The governing body of the Town of Edgewood on June 7, 2005, adopted the
13 attached resolution declaring its intention to form a tax-levying public
14 improvement district. A hearing on formation will be held on July 13, 2005, at
15 ⁴ 5:30 pm at the Edgewood Community Center. All persons owning or claiming an
16 interest in property in the proposed district who object to the inclusion of their
17 land in the district, to the formation of the district or to the contents of the
18 general plan must file a written objection with the undersigned at the following
19 address before the time set for the hearing.
20

21 (Date) 6-8-05

22 Karen Alarid
23
24 Karen Alarid, Clerk-Treasurer

25
26 Address: Clerk-Treasurer
27 Town of Edgewood
28 P.O. Box 3610
29 Edgewood, New Mexico 87015
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31 Town of Edgewood
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