



CITY OF RIO RANCHO  
RESOLUTION

RESOLUTION NO. 54

ENACTMENT NO. 16-54

1 APPROVING THE PETITION AND APPLICATION OF AMREP SOUTHWEST INC., A  
2 NEW MEXICO CORPORATION, FOR FORMATION OF LOMAS ENCANTADAS/  
3 ENCHANTED HILLS PUBLIC IMPROVEMENT DISTRICT PURSUANT TO THE PUBLIC  
4 IMPROVEMENT DISTRICT ACT, NMSA 1978, §§ 5-11-1 to 27 (2001, AS AMENDED)  
5 AND THE CITY OF RIO RANCHO NEW MEXICO PUBLIC IMPROVEMENT DISTRICT  
6 GUIDELINES AND APPLICATION PROCEDURE; MAKING FINDINGS IN CONNECTION  
7 WITH THE PETITION AND APPLICATION AND SUPPORTING DOCUMENTATION  
8 REQUESTING APPROVAL OF THE FORMATION OF THE DISTRICT; DETERMINING  
9 THE REAL PROPERTY TO BE INCLUDED WITHIN THE DISTRICT AND THE  
10 PURPOSES FOR WHICH THE DISTRICT IS BEING FORMED; APPROVING THE  
11 GENERAL PLAN, RATE, METHOD OF APPORTIONMENT AND MANNER OF  
12 COLLECTION OF A SPECIAL LEVY TO BE IMPOSED UPON REAL PROPERTY  
13 WITHIN THE DISTRICT, AND APPROVING A DEVELOPMENT AND REIMBURSEMENT  
14 AGREEMENT FOR IMPLEMENTATION OF THE DISTRICT; PROVIDING FOR  
15 GOVERNANCE OF THE DISTRICT; PROVIDING THAT OBLIGATIONS OF THE  
16 DISTRICT SHALL NOT BE OBLIGATIONS OF THE CITY OF RIO RANCHO; RATIFYING  
17 CERTAIN ACTIONS HERETOFORE TAKEN; AND REPEALING ALL ACTIONS  
18 INCONSISTENT WITH THIS FORMATION RESOLUTION.

19  
20 Capitalized terms used in the recitals below and not defined therein shall have the  
21 meanings ascribed to such terms in Section 1 hereof.

22  
23 **WHEREAS:** the New Mexico Public Improvement District Act, NMSA 1978, §§ 5-11-1 to  
24 27 (2001, as amended) provides in part that an owner of real property may  
25 file a petition and application with the governing body of the municipality or  
26 county in which the real property is located for the formation of a public  
27 improvement district for the purpose of financing public infrastructure  
28 improvements; that the governing body shall hold a hearing to determine  
29 whether a public improvement district should be formed; and, upon  
30 determination that formation of a district is in the interest of the property  
31 owners and the citizens of the governing body's municipal or county  
32 jurisdiction, shall order that the public improvement district be formed, and  
33 that the district shall be formed if the petition and application has consent of  
34 the owner(s) of 100% of the property proposed to be included within the  
35 district; and

36  
37 **WHEREAS:** the Act authorizes owners, public improvement districts, municipalities and  
38 counties to enter into development agreements to establish the obligations of  
39 the owner or developer, the county or municipality and the public  
40 improvement district concerning the zoning, subdivision, improvement,  
41 impact fees, financial responsibilities, and other matters relating to the  
42 development, improvement and use of real property within the district; and  
43

1 **WHEREAS:** the City of Rio Rancho, New Mexico (the "City") has enacted policy  
2 guidelines and application procedures for the establishment of public  
3 improvement districts within the City (the "PID Policy"); and  
4

5 **WHEREAS:** the Petitioner has presented a Petition and Application for Approval of the  
6 Formation of Lomas Encantadas/Enchanted Hills Public Improvement District  
7 (the "District" or the "PID") and the following documents in support of the  
8 Petition:  
9

10 (i) a description of the proposed PID, a legal description of its boundaries,  
11 the identity and addresses of all persons or entities with any interest in the  
12 property, the names and addresses of any resident qualified electors (as  
13 defined in Section 5-11-2(S) NMSA 1978) certified by the Clerk of Sandoval  
14 County, located within the proposed boundaries;  
15

16 (ii) a current title report for the real property;  
17

18 (iii) a general development plan establishing financial parameters for the  
19 operation and financing of the District;  
20

21 (iv) an estimated project schedule for the commencement of construction  
22 and the completion of (a) the public development improvements, and (b) the  
23 private development;  
24

25 (v) a financing plan for the public District improvements;  
26

27 (vi) a financial feasibility study;  
28

29 (vii) a current appraisal of the fair market value of the property within the  
30 District;  
31

32 (viii) a confirmation that no market demand study is required;  
33

34 (ix) a description of the Petitioner's professional experience and evidence  
35 demonstrating its financial capacity to undertake the development associated  
36 with the District improvements;  
37

38 (x) a proposed form of special levy disclosure to home buyers;  
39

40 (xi) operating plan for the District describing the operation and maintenance  
41 of the infrastructure and all other services in the District;  
42

43 (xii) a certificate that the District will comply with the City's current zoning  
44 requirements;  
45

46 (xiii) an environmental assessment of the District;  
47

48 (xiv) a Development and Reimbursement Agreement (the "Development  
49 Agreement") to be entered into by and between the City, the District, and the  
50 Petitioner; and

1  
2 (xv) a proposed form of Formation Resolution; and  
3

4 **WHEREAS:** pursuant to the Development Agreement, the Infrastructure Improvements  
5 have been or will be designed and constructed according to all applicable  
6 City rules, regulations and standards, are to be suitable for dedication to the  
7 City upon completion, and will be acquired by, dedicated to, owned, and  
8 operated by the City, except where the homeowners association will take  
9 primary responsibility in the maintenance and operation of the parks, trails  
10 and general landscaping of the District; and  
11

12 **WHEREAS:** pursuant to the Development Agreement, the City will acquire the PID  
13 Funded Infrastructure Improvements concurrently with the District's issuance  
14 of the District Financing in conformity with the Development Agreement,  
15 which will be payable by the imposition of the District Special Levy upon the  
16 Land; and  
17

18 **WHEREAS:** pursuant to the Petition, the District will be responsible for imposing the  
19 District Special Levy as provided in the Act, will adopt procedures for the  
20 foreclosure of delinquent District Special Levy liens on the Land, and that the  
21 cost of administering the District Special Levy, including any required  
22 reimbursements to the Sandoval County Assessor and Sandoval County  
23 Treasurer, will be an operating cost of the District which may be eligible for  
24 reimbursement through the District Special Levy; and  
25

26 **WHEREAS:** pursuant to the Petition and Development Agreement, the purpose of the  
27 District is to finance the Infrastructure Improvements to serve approximately  
28 three hundred fifty-seven (357) developable acres of land, located wholly  
29 within the corporate boundaries of the City, which is an authorized purpose  
30 and appropriate use of a PID as set forth in the PID Policy; and  
31

32 **WHEREAS:** the City Council has considered the Petition and related submittals by  
33 Petitioner and has determined that proceeding further with the formation of  
34 the District is consistent with the PID Policy and promotes the interests,  
35 convenience or necessity of the owners, residents of the District and citizens  
36 of the City of Rio Rancho.  
37

38 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY**  
39 **OF RIO RANCHO:**  
40

41 **Section 1. Defined Terms.** As used in this Formation Resolution, the following  
42 terms shall have the meanings specified, unless the context clearly requires otherwise  
43 (such meanings to be equally applicable to both the singular and the plural forms of the  
44 terms defined):  
45

46 A. "Act" means collectively NMSA 1978, §§ 5-11-1 through 27 (2001, as  
47 amended), the home rule powers and all enactments of the Governing  
48 Body, including this Formation Resolution.  
49

50 B. "City" means the City of Rio Rancho, New Mexico.

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- C. "City Council" means the City Council of the City.
- D. "Clerk" means the City Clerk.
- E. "Development Agreement" means the Development and Reimbursement Agreement, by and between the City, the District, and the Petitioner, in accordance with Section 2-10-6(E) of the PID Policy, in the form attached as Tab 19 to the Petition, which Development Agreement shall be later joined and ratified by the District.
- F. "District" or "PID" means the Lomas Encantadas/Enchanted Hills Public Improvement District.
- G. "District Financing" means one or more series of reimbursement certificates to be issued by the District pursuant to the Act and in conformity with the Development Agreement.
- H. "District Boundary Map" means the map attached as Exhibit A to the General Plan.
- I. "District Special Levy" or "District Special Levies" means the special levy or special levies to be imposed on the Land pursuant to NMSA 1978, § 5-11-20 (2001).
- J. "Feasibility Study" means the study of the estimated costs and financing methods of the Infrastructure Improvements submitted by the Petitioner in connection with the Petition, in the form attached as Tab 11 to the Petition.
- K. "Formation Documents" means the Petition, the General Plan, the Development Agreement, and such other documents as are required by the Act and the PID Policy to be submitted by an applicant in connection with an application for the formation, implementation and governance of the District.
- L. "Formation Resolution" means this resolution adopted by the City in connection with its approval of the formation of the District, as supplemented or amended from time to time.
- M. "General Plan" means the General Plan submitted by the Petitioner in the form attached as Tab 8 to the Petition, which is on file with the Clerk and includes a map depicting the boundaries of the district and the real property proposed to be included in the district; a general description of anticipated improvements and their locations; and general cost estimates, proposed financing methods and anticipated special levies.
- N. "Infrastructure Improvements" means the PID Funded Infrastructure Improvements and such other improvements, which are collectively all of the improvements on the Land, whether funded directly by the Petitioner

1 or with the proceeds of the District Financing, described and in the  
2 approximate locations shown on Exhibit B to the Feasibility Study.

3  
4 O. "Land" means the real property described in the District Boundary Map.

5  
6 P. "MAI Appraisal" means the valuation of the Land as of February 1, 2016  
7 in the appraisal prepared by David Pearson, MAI, and attached as Tab 12  
8 to the Petition.

9  
10 Q. "Petition" means the Petition and Application filed with the City for the  
11 formation of the Lomas Encantadas/Enchanted Hills Public Improvement  
12 District and all documentation incorporated by reference in the Petition,  
13 submitted to the City pursuant to the Act and the PID Policy.

14  
15 R. "Petitioner" means AMREP Southwest Inc., a New Mexico corporation.

16  
17 S. "PID Funded Infrastructure Improvements" means the portion of the  
18 Infrastructure Improvements financed with the proceeds of the District  
19 Financing, as identified in Table 1 in Section IV of the General Plan.

20  
21 T. "PID Policy" means the City of Rio Rancho, New Mexico Public  
22 Improvement District Guidelines and Application Procedures.

23  
24 U. "Rate and Method of Special Levy Apportionment" means the rate,  
25 method of apportionment and manner of collection of the District Special  
26 Levy submitted by the Petitioner in the form attached as Exhibit D to the  
27 General Plan.

28  
29 V. "Reimbursement Certificate" means each of the certificates affirming and  
30 memorializing the District's obligation of reimbursement to the Petitioner,  
31 pursuant to the Development Agreement.

32  
33 W. "State" means the State of New Mexico.

34  
35 **Section 2. Construction of Formation Resolution.** Except as otherwise expressly  
36 provided in this Formation Resolution, or unless the context otherwise requires:

37  
38 A. The singular includes the plural and the plural includes the singular.

39  
40 B. All accounting terms not otherwise defined in this Formation Resolution have  
41 the meanings assigned to them in accordance with generally accepted  
42 accounting principles in the United States.

43  
44 C. All references to Sections shall refer to Sections of this Formation Resolution,  
45 unless otherwise stated.

46  
47 D. Words importing any gender include the other gender.

48  
49 E. "Herein," "hereby," "hereunder," "hereof," "hereinbefore" and "hereafter" refer  
50 to this Formation Resolution and not solely to the particular portion of this

1 Formation Resolution in which such word is used.

2  
3 F. All times will be local time in the City unless otherwise designated in this  
4 Formation Resolution.

5  
6 **Section 3. Findings.** The City hereby declares that it has considered the Petition  
7 and all other relevant information and data, and hereby makes the following findings:

8  
9 A. The Petitioner, together with those parties consenting to the Petition, own  
10 100% of the Land and no resident qualified electors or any other persons are  
11 located on the Land.

12  
13 B. As planned and proposed by the Petitioner, the Infrastructure Improvements  
14 have been or will be constructed to City specifications and will be subject to  
15 inspection, approval and acceptance by the City prior to dedication to the City, as  
16 provided in the Development Agreement.

17  
18 C. The District Financing will be the sole obligations of the District, and will not be  
19 backed by the credit, general funds or resources of the City in any manner. No  
20 person entitled to enforce the District Financing will have any right to require the  
21 City or the District to impose ad valorem property taxes to pay District Financing.

22  
23 D. The District will serve the interests, convenience and necessity of Petitioner,  
24 future owners of the Land and the citizens of the City.

25  
26 (i) The cost of constructing the Infrastructure Improvements will be  
27 allocated to the owners of Land within the District who will utilize the PID  
28 Funded Infrastructure Improvements, in a fair and equitable manner, and  
29 will not be passed on to the City or citizens of the City, other than the  
30 Petitioner and the other owners of the Land; and

31  
32 (ii) The City will receive the benefit of the Infrastructure Improvements  
33 through dedication of the Infrastructure Improvements.

34  
35 E. The financing of the Infrastructure Improvements is feasible and, based upon  
36 the Feasibility Study, will not impose an undue burden on the future owners of  
37 the Land or served by the PID Funded Infrastructure Improvements.

38  
39 F. The financing of the Infrastructure Improvements will enable the District to  
40 construct or acquire those improvements in a cost-effective manner.

41  
42 G. The District is planned and will be implemented in a manner which provides  
43 for the expenses to be paid by the Petitioner, who will be reimbursed by the  
44 District.

45  
46 H. As planned, the Infrastructure Improvements are consistent with the City's  
47 development goals, growth management policies, and conservation policies.

48  
49 I. The formation of the District and the issuance of District Financing, subject to  
50 the requirements and limitations specified in this Formation Resolution, are

1 consistent with the requirements of the PID Policy.

2  
3 **Section 4. Approval of the Formation Documents; Formation of District;**  
4 **Approval of District Foreclosure Procedures for Delinquent Special Levies.**

5  
6 A. The Lomas Encantadas/Enchanted Hills Public Improvement District is hereby  
7 ordered approved and formed to carry out the purposes set forth in, and  
8 according to the provisions of, this Formation Resolution.

9  
10 B. The Petition is hereby accepted and approved.

11  
12 C. The General Plan is hereby accepted and approved. The District shall include  
13 the Land, which is the real property described in the General Plan's District  
14 Boundary Map and more particularly identified in the legal descriptions attached  
15 as Tab 4 to the Petition.

16  
17 D. The form of the Development Agreement, as presented by City Staff prior to  
18 the Formation Hearing, is hereby accepted and approved, and upon its execution  
19 shall be an agreement or condition pertaining to the District, as contemplated by  
20 Section 2-10-6(E) of the PID Policy, so that any existing agreements with the  
21 Petitioner or other developers and landowners regarding the provision of  
22 Infrastructure Improvements proposed to be furnished to the City shall be  
23 deemed amended to reflect the terms of the Development Agreement. The  
24 Development Agreement shall be executed on behalf of the City by the City  
25 Manager with only such changes as he determines are necessary or advisable to  
26 carry out the purposes of this Resolution.

27  
28 E. The Rate and Method of Special Levy Apportionment, establishing the  
29 apportionment and manner of collection of District Special Levy in sufficient  
30 detail to enable each owner of all or a portion of the Land or resident within the  
31 District to estimate the maximum amount of the proposed District Special Levy,  
32 is hereby accepted and approved.

33  
34 F. The Notice of District Special Levy substantially in the form attached as Tab  
35 15 to the Petition is hereby approved.

36  
37 G. The District shall have the powers necessary and convenient to enter into the  
38 Development Agreement, finance the PID Funded Infrastructure Improvements  
39 with the District Financing and acquire the PID Funded Infrastructure  
40 Improvements as provided in the General Plan, Feasibility Study, Rate and  
41 Method of Special Levy Apportionment and Development Agreement, as those  
42 documents may be amended or modified. The Developer, the District and the  
43 City shall be bound by the terms thereof. The Rate and Method of Special Levy  
44 Apportionment may be recorded following its approval by the Board of Directors  
45 of the District.

46  
47 H. The purpose of the District shall be to provide for reimbursement to Petitioner  
48 for the Infrastructure Improvements set forth in the Petition.

49  
50 I. The District Financing shall be within the value to lien ratio described in the

1 Petition, except as otherwise approved in a supplemental resolution by the  
2 District's governing body and the City Council.

3  
4 J. The District Special Levies to be imposed by the District shall not exceed the  
5 amounts set forth in the Petition, subject to adjustment consistent with the terms  
6 of the Act and the Rate and Method of Special Levy Apportionment.

7  
8 K. The District shall be self-supporting, as provided in Section 2-10-3(D) of the  
9 PID Policy.

10  
11 L. The District shall comply with existing City policies for development, growth  
12 management and conservation, as provided in Sections 2-10-3(A) and 2-10-5(K)  
13 of the PID Policy.

14  
15 M. The PID financing proposed in the Petition and other Formation Documents  
16 meet the applicable requirements of Sections 2-10-6(H), 2-10-7(D), 2-10-7(F)  
17 and 2-10-7(G) of the PID Policy.

18  
19 N. The officers, agents and employees of the City are hereby authorized and  
20 empowered to do all acts and things and to execute and deliver all documents  
21 relating to or requested by the District to carry out and comply with the provisions  
22 of the Formation Documents.

23  
24 O. The District's governing body shall hold a public meeting within 15 days  
25 following the date of adoption of this Formation Resolution. At that meeting, the  
26 District's governing body shall adopt the open meeting policy and by-laws for the  
27 District submitted in the Application, approve and execute the Development  
28 Agreement, and shall take such other action toward or in connection with the  
29 issuance of the District Financing, as authorized by this Formation Resolution.

30  
31 P. Pursuant to the authority granted in §§ 5-11-20(G) and 5-11-23(F) of the Act,  
32 the District shall establish procedures for foreclosure of delinquent District  
33 Special Levies and for redemption of foreclosed property, which procedures shall  
34 be substantially similar to the foreclosure and redemption procedures applicable  
35 to Municipal Improvement Districts set forth in NMSA 1978, §§ 3-33-28 to -30  
36 (1965, as amended), and as set forth for the District in the Development  
37 Agreement approved by this Formation Resolution.

38  
39 **Section 5. Authorization of District Financing.** The District may issue District  
40 Financing pursuant to a resolution of the District's governing body authorizing issuance  
41 of one or more Reimbursement Certificates, or other financing mechanisms available to  
42 the District upon approval of Petitioner, for the purpose of financing the Infrastructure  
43 Improvements subject to the requirements set forth in this Formation Resolution (the  
44 "Financing Resolution").

45  
46 A. The Financing Resolution shall be approved by the District.

47  
48 B. The Financing Resolution shall include, at minimum, the following provisions  
49 for the protection of the owner of the District Financing when Reimbursement  
50 Certificates are issued:

1  
2 (i) The District shall issue Reimbursement Certificates in substantially the  
3 form set forth in Exhibit C to the Development Agreement, with such  
4 changes as may be advisable or necessary for compliance with applicable  
5 state and federal securities and tax law, as determined by bond counsel to  
6 the District, with the concurrence of bond counsel to the City, if the District  
7 and the City are represented by separate individual bond counsel;

8  
9 (ii) The Financing Resolution shall include provisions for the issuance and  
10 delivery to Petitioner of Reimbursement Certificates concurrently in  
11 accordance with the Development Agreement;

12  
13 (iii) Each Developed Platted Property within the District shall be levied the  
14 maximum allowable District Special Levy for each year beginning the first  
15 Fiscal Year after a home on said Developed Platted Property receives a  
16 certificate of occupancy from the City (the "Maximum Annual Special  
17 Levy"). Unless reduced by the Petitioner for a specific Final Plat as stated  
18 in Paragraph 4B of the Development Agreement, the Maximum Annual  
19 Special Levy in any given year shall be the same amount for each  
20 Developed Platted Property within said Final Plat which amount shall be  
21 computed as stated in Section C.1 of the Rate and Method of Special  
22 Levy Apportionment attached to the General Plan as Exhibit D; provided  
23 that, (1) the Maximum Annual Special Levy shall never exceed the  
24 maximum amounts identified below in in the Rate and Method of Special  
25 Levy Apportionment attached to the General Plan as Exhibit D; and (2)  
26 the Reimbursement Certificates Requirement (as defined in the Rate and  
27 Method of Apportionment of Special Levy attached as Exhibit D to the  
28 DGP) shall not be imposed on Developed Platted Property for more than  
29 30 years after the date of imposition of the first Maximum Annual Special  
30 Levy on such Developed Platted Property. After the Reimbursement  
31 Certificates Requirement has been assessed for 30 years on any specific  
32 parcel of Developed Platted Property, the District Special Levy for such  
33 Developed Platted Property shall decrease to only that portion of the  
34 District Special Levy equal to such Developed Platted Property's pro rata  
35 amount of operating expense of the District (the "Operating  
36 Requirement"). Each Developed Platted Property's "pro rata amount of  
37 operating expense of the District" is equal to the estimated total amount of  
38 operating expense of the District divided by the aggregate number of  
39 Developed Platted Property's subject to the Reimbursement Certificates  
40 Requirement or the Operating Requirement. The terms "Developed  
41 Platted Property", "Fiscal Year" and "Final Plat" used in this paragraph  
42 shall have the same meaning as such terms are defined in the Rate and  
43 Method of Special Levy Apportionment attached to the General Plan as  
44 Exhibit D. The term "operating expense of the District" means all  
45 obligations and expenses of the District other than costs of the PID  
46 Funded Infrastructure Improvements dedicated to the City. The Operating  
47 Requirement shall be assessed until the date the District terminates;

48  
49 (iv) The Financing Resolution shall include provisions for appointment by  
50 the District of a PID Administrator. The PID Administrator may exercise or

1 assign to another the rights and remedies of the District to collect District  
2 Special Levies and foreclosure delinquent District Special Levies for the  
3 benefit of the District and Petitioner;  
4

5 (a) The District shall issue Reimbursement Certificates to the  
6 Petitioner. The Reimbursement Certificates shall not be offered,  
7 traded, transferred or sold unless the District and the City receives  
8 an opinion of nationally recognized bond counsel that no state or  
9 federal securities laws will be violated by such offer, trade, transfer  
10 or sale. The Financing Resolution shall provide that the PID  
11 Administrator may exercise the rights and remedies of the District  
12 for the protection of the party entitled to enforce the  
13 Reimbursement Certificates including, without limitation, the  
14 following:  
15

16 (i) the PID administrator's collection of District Special  
17 Levies; and  
18

19 (ii) the PID administrator's foreclosure of delinquent District  
20 Special Levies.  
21

22 C. Prior to the issuance of District Financing, the District's Financing Resolution  
23 shall be presented to the City Council for approval and will be approved by the  
24 City Council if consistent with the provisions of this Section 5 of this Formation  
25 Resolution.  
26

## 27 **Section 6. District Governance.**

28  
29 A. The District's governing body (the "District Board") shall be composed of the  
30 following five directors: (i) two representatives of the Petitioner, who shall be  
31 Louie Maldonado and Christopher V. Vitale; (ii) two representatives of the City,  
32 who shall be the City Manager, who is currently Keith Riesberg, and Director of  
33 Financial Services, who is currently John Craig; and (iii) a representative chosen  
34 by the mutual agreement of the four preceding directors, who shall be Carey  
35 Plant. Each of the directors named shall serve 6-year terms.  
36

37 B. Prior to the end of the initial six year period of the District, if any of the City  
38 nominees shall resign or otherwise cease to act as directors of the District, the  
39 City shall have the sole right to nominate their replacements for the remaining  
40 term. Prior to the end of the initial six year period of the District, if any of the  
41 Petitioner nominees shall resign or otherwise cease to act as directors of the  
42 District, the Petitioner shall have the right to nominate their replacements for the  
43 remaining term subject to the City's right to approve such nominees in the City's  
44 reasonable discretion. Prior to the end of the initial six year period of the District,  
45 if the joint nominee of the four preceding directors shall resign or otherwise  
46 cease to act as a director of the District, the City and the Developer shall jointly  
47 nominate the replacement for the remaining term. In each case, such nominee  
48 shall be appointed to the District's board of directors by the remaining members  
49 of the District's board of directors.  
50

1 C. Pursuant to § 5-11-6 of the Act, Louie Maldonado is appointed clerk of the  
2 District and Dan Olsen is appointed treasurer of the District.

3  
4 D. Within six years following the date of formation of the District, the District shall  
5 hold an election of members of the District Board in conformance with Act and  
6 the PID Policy. In the event that a member of the District Board acting pursuant  
7 to an election resigns or is otherwise terminated as a member of the District  
8 Board, the City shall appoint a director of the District Board to serve until the next  
9 election.

10  
11 **Section 7. Waiver of Additional Hearing and Election.** Based on the information  
12 provided by the Petitioner in the Petition, the Petition has been consented to on behalf  
13 of the owners of 100% of the Land to be included in the proposed District and no  
14 resident qualified electors or any other persons are located on the Land, and on that  
15 basis the City waives the requirements for posting, publication, mailing, notice, hearing  
16 and owner election, as authorized by NMSA 1978, § 5-11-7(I) (2001).

17  
18 **Section 8. Amendments.** This Formation Resolution may be amended or  
19 supplemented by ordinance or resolution adopted by the City Council in accordance  
20 with the laws of the City and the State, and in compliance with the Development  
21 Agreement and Developer approval.

22  
23 **Section 9. Repealer.** All ordinances or resolutions, or parts thereof in conflict with  
24 the provisions of this Formation Resolution, are hereby repealed to the extent only of  
25 such inconsistency. This repealer shall not be construed to revive any ordinance or  
26 resolution, or part thereof, heretofore repealed.

27  
28 **Section 10. Severability.** If any section, paragraph, clause or provision of this  
29 Formation Resolution shall for any reason be held to be invalid or unenforceable, the  
30 invalidity or unenforceability of such section, paragraph, clause or provision shall in no  
31 manner affect any remaining provisions of this Formation Resolution.

32  
33 **Section 11. Publication of Notice of Adoption of Formation Resolution.** The Clerk is  
34 hereby directed to publish a notice of this Formation Resolution, in substantially the  
35 following form:

36  
37 Notice is hereby given of the title and general summary of the subject matter  
38 contained in a resolution duly adopted and approved by the City Council of the  
39 City of Rio Rancho, New Mexico relating to the approval of Lomas  
40 Encantadas/Enchanted Hills Public Improvement District. Complete copies of  
41 the resolution are available for public inspection during the regular business  
42 hours of the City Clerk, City of Rio Rancho, New Mexico.

43  
44 The title of the Formation Resolution is as follows:

45  
46 **RESOLUTION**

47  
48 **APPROVING THE PETITION AND APPLICATION OF AMREP SOUTHWEST**  
49 **INC., A NEW MEXICO CORPORATION, FOR FORMATION OF LOMAS**  
50 **ENCANTADAS/ ENCHANTED HILLS PUBLIC IMPROVEMENT DISTRICT**

1 PURSUANT TO THE PUBLIC IMPROVEMENT DISTRICT ACT, NMSA 1978, §§  
2 5-11-1 to 27 (2001, AS AMENDED) AND THE CITY OF RIO RANCHO NEW  
3 MEXICO PUBLIC IMPROVEMENT DISTRICT GUIDELINES AND  
4 APPLICATION PROCEDURE; MAKING FINDINGS IN CONNECTION WITH  
5 THE PETITION AND APPLICATION AND SUPPORTING DOCUMENTATION  
6 REQUESTING APPROVAL OF THE FORMATION OF THE DISTRICT;  
7 DETERMINING THE REAL PROPERTY TO BE INCLUDED WITHIN THE  
8 DISTRICT AND THE PURPOSES FOR WHICH THE DISTRICT IS BEING  
9 FORMED; APPROVING THE GENERAL PLAN, RATE, METHOD OF  
10 APPORTIONMENT AND MANNER OF COLLECTION OF A SPECIAL LEVY TO  
11 BE IMPOSED UPON REAL PROPERTY WITHIN THE DISTRICT, AND  
12 APPROVING A DEVELOPMENT AND REIMBURSEMENT AGREEMENT FOR  
13 IMPLEMENTATION OF THE DISTRICT; PROVIDING FOR GOVERNANCE OF  
14 THE DISTRICT; PROVIDING THAT OBLIGATIONS OF THE DISTRICT SHALL  
15 NOT BE OBLIGATIONS OF THE CITY OF RIO RANCHO; RATIFYING  
16 CERTAIN ACTIONS HERETOFORE TAKEN; AND REPEALING ALL ACTIONS  
17 INCONSISTENT WITH THIS FORMATION RESOLUTION.

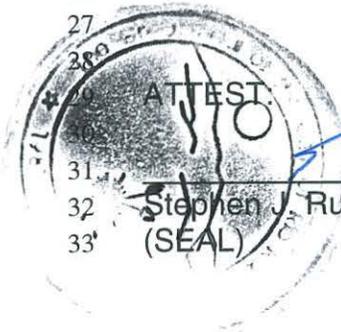
18  
19 A summary of the subject matter of the Formation Resolution is contained in its title.

20  
21 (End of Form of Summary of Resolution for Publication)

22  
23 ADOPTED THIS 13<sup>TH</sup> DAY OF JULY, 2016.

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Greggory D. Hull, Mayor



  
31  
32 Stephen J. Ruger, City Clerk  
33 (SEAL)