

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 1994-29

AN ORDINANCE

**ESTABLISHING A SPECIAL MAINTENANCE DISTRICT TO BE KNOWN AS
"KACHINA HILLS - SPECIAL MAINTENANCE DISTRICT."**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. SHORT TITLE. This ordinance may be cited as the "Kachina Hills Special Maintenance District Ordinance."

Section 2. FINDINGS. To promote the economic and general welfare of the city of Santa Fe, to ensure the harmonious, orderly, and efficient growth and development of the city of Santa Fe, and to ensure the proper maintenance of certain storm water retention ponds and drainage control structures for the city of Santa Fe's residents, it is deemed convenient and necessary by the governing body to establish a special maintenance district for Kachina Hills Subdivision.

Section 3. PURPOSE. The purpose of this special maintenance district is to assess the residents of Kachina Hills Subdivision for the actual costs incurred by the city of Santa Fe for the inspection, maintenance, and repair of storm water retention ponds and drainage control structures located within tracts C & D, and for those drainage control structures located within tract A and within the drainage easement on Lot 8 (which serve to stabilize the water released from the retention ponds), as the same are shown on the final development plan of Kachina Hills Subdivision as approved by the Development Review Committee at its meeting of November 4,

1993, so as to provide protection from storm waters originating in Kachina Hills Subdivision.

Section 4. ESTABLISHMENT OF SPECIAL MAINTENANCE DISTRICT.

Upon petition by Kachina Hills Partners, a New Mexico General Partnership, the owner of one hundred percent (100%) of the lots within Kachina Hills Subdivision, for the establishment of a special maintenance district for the inspection, maintenance and repair of the storm water retention ponds and drainage control structures located within tracts C & D, and those drainage control structures located within tract A and within the drainage easement on Lot 8 (which serve to stabilize the water released from the retention ponds), all to be installed by such owner, and such owner's written waiver of the right to notice under Section 3-33-15 NMSA 1978, there is hereby established, under the petition method of Section 3-33-14 NMSA 1978, et seq., an improvement district known as the "Kachina Hills Special Maintenance District."

Section 5. PERPETUAL AND NON-EXCLUSIVE RIGHT AND EASEMENT.

The city of Santa Fe shall have a perpetual and non-exclusive right and easement over the necessary portions of the Kachina Hills Subdivision for the inspection, maintenance, and repair of the storm water retention ponds and drainage control structures located within tracts C & D, and for those drainage control structures located within Tract A and within the drainage easement on Lot 8 (which serve to stabilize the water released from the retention ponds), all located within the Kachina Hills Special Maintenance District and as shown on the plat titled "Survey Plat Prepared for Kachina Hills Subdivision" filed for record on _____, 199__, as Document # _____ in Plat Book ___, at page ___, of the Real Property Records of Santa Fe County, New Mexico.


Section 6. ASSESSMENTS. The assessment roll shall consist of Lots 1

through 25 in Kachina Hills Subdivision and, upon waiver by Kachina Hills Partners, a New Mexico General Partnership, the owner of one hundred percent (100%) of the lots within Kachina Hills Special Maintenance District, of its right to notice of a special assessment hearing required by Section 3-33-21(D) NMSA 1978, the governing body of the city of Santa Fe, by this ordinance, hereby levies the assessments as contained in the assessment roll, at the initial annual rate of fifty dollars (\$50.00) per lot. Should the actual cost of the inspection, maintenance and repair of such storm water retention ponds and drainage control structures be either less, or more than the previous year's assessment, then the assessment rate shall be adjusted accordingly.

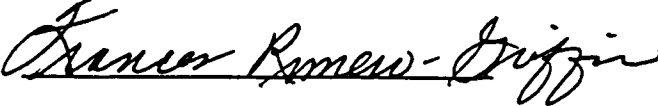
Section 7. DATE OF PAYMENT OF ASSESSMENTS. The first day of September of each year is established as the date for payment of the assessments chargeable to residents of lots in the Kachina Hills Special Maintenance District, with interest to accrue on unpaid assessments at the rate of one and a half percent (1.5%) per month, (18%) per annum, from such payment date until paid in full.

Section 8. ADVANCE PAYMENT OF ASSESSMENTS. The sum of six thousand two hundred fifty dollars (\$6,250.00) has been paid by Kachina Hills Partners, a New Mexico General Partnership, the owner of one hundred percent (100%) of the lots within Kachina Hills Special Maintenance District, and is hereby accepted, as advance payment, in full, of estimated assessments for the years 1994, 1995, 1996, 1997 and 1998. Such advance payment amount shall be applied to the payment of actual assessments for each year hereafter until such advance payment amount shall be reduced to an amount providing a reserve against future estimated assessments for a period of two years. The city of Santa Fe shall provide annual assessment statements for the lots within such district showing current balances of such advance payment.

PASSED, APROVED and ADOPTED this 27th day of April, 1994.



DEBBIE JARAMILLO, MAYOR

ATTEST:



FRANCES C. ROMERO GRIFFIN, CITY CLERK

APPROVED AS TO FORM:



DIANNE DELAYO, DEPUTY CITY ATTORNEY