



Doña Ana County



Doña Ana County Government Center • 845 N. Motel Blvd. • Las Cruces, NM 88007 • (575) 647-7200

December 8, 2015

Mayor Javier Perea and City Councilors
City of Sunland Park
1000 McNutt Road, Suite "G"
Sunland Park, New Mexico 88063

RE: *Santa Del Sol Annexation Petition*

Dear Mayor and Councilors:

The Doña Ana County Board of Commissioners ("BOCC") met on December 8, 2015 to review and comment on the proposed annexation of approximately 229-acres of land located in the vicinity of the intersection of S. Country Club Road and Teresa Paseo Drive and described as being within Township 28 South, Range 3 East, Sections 27, 28; and further identified Property ID No. 17-04998, 17-19381, 17-19380, per state Statute §3-7-17.1 NMSA 1978. The BOCC has the following comments:

1. The BOCC believes that the City of Sunland Park Lacks jurisdiction over the proposed annexation based on the doctrine of prior jurisdiction. *See, Amrep Southwest, Inc. v. Town of Bernalillo, 1991-NMCA-110, ¶¶8-9, 113 N.M. 19, 21, 821 P. 2d 357, 359 (Ct. App. 1991).* A petition for incorporation of the City of Santa Teresa was filed with the BOCC on July 14, 2015 which included the area that is the subject of the proposed annexation. That petition was pending before the BOCC when the request for annexation was made to the City of Sunland Park.

It is unclear when the request to be annexed, dated September 9, 2015, was filed by Socorro Partners, LP, however, and from the documents provided by the City of Sunland Park to the BOCC, it appears the City of Sunland Park is treating the request as if it were received on November 17, 2015.

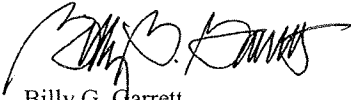
On November 24, 2015, the BOCC ruled that the incorporation of the City of Santa Teresa could no proceed because the residents of the area proposed to be incorporated had not fulfilled the legal requirements. The BOCC maintains jurisdiction over any issues relating to incorporation or annexation of this area until the time for filing an appeal of the BOCC action has expired.

2. The Annexation depicts one controlled access point, the S. Country Club Road Gate at the intersection of McNutt and S. Country Club Road. One access point and an increase in development activity coupled with the Country Club gated community poses less than acceptable emergency access conditions.

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3. The Camino Real Regional Utility Authority (CRRUA) reports that the issuance of “Will Serve Letters” is on hold pending evaluation of their capacity to provide waste water service prior to the construction of the North Waste Water treatment Facility.

Sincerely,



Billy G. Garrett
Chairman
District 1
Doña Ana County Commission

