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ANNEXATION - NEW MEXICO

Board of County Commissioners of County of Rio Arriba v. Board of County Commissioners of County of Santa Fe

Court of Appeals of New Mexico - December 12, 2019 - P.3d - 2019 WL 6795709

Residents who lived in city that lied within boundaries of two different counties filed motion for peremptory writ of mandamus in the District Court, Santa Fe County, to compel board of county commissioners of county in which residents lived to publish notice of residents' petition for annexation of their portion of city into new county.

The District Court issued peremptory writ of mandamus in favor of residents. Board appealed.

The Court of Appeals held that city residents failed comply with statutory condition for annexation petitions.

City resident's petition to annex into a new county that portion of their city that laid in another county, which contained maps depicting distances and travel times from city to satellite offices of new county, failed to comply with one of two conditions of annexation statute requiring residents to show that it was more convenient for them to travel to county seat of new county; interpretation of condition, that Legislature's purpose was to gauge convenience of accessing governmental services, would replace word "county seat" with "county services," which Legislature included in second condition but omitted from first condition, and Legislature enacted statute in conjunction with other laws requiring governmental services be provided at the county seat.