

# **Bond Case Briefs**

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## **ZONING - NEW MEXICO**

### **Village of Logan v. Eastern New Mexico Water Utility Authority**

**Court of Appeals of New Mexico - July 6, 2015 - P.3d - 2015 WL 4112526**

This single-issue appeal concerned the clarification of the legal methodology that applies to resolve a zoning and land use conflict between a municipality and a water utility authority, both of which are political subdivisions of the state established by legislative processes.

The district court and the parties collectively identified five stand-alone tests used in varying jurisdictions to resolve disputes of this nature: (1) the statutory guidance test, (2) the balancing of interests test, (3) the eminent domain test, (4) the superior sovereign test, and (5) the governmental propriety test.

The water authority sought application of either the statutory guidance or eminent domain tests, while the municipality maintained that the balancing of interests test should be adopted in circumstances of sovereign equality.

The district court employed the statutory guidance test, which it found to be most consistent with New Mexico law, and the Court of Appeals affirmed.