

**PUBLIC IMPROVEMENT DISTRICT 2007-1
IN THE VILLAGE OF ANGEL FIRE, NEW MEXICO**

RESOLUTION NO. 2013-15

WHEREAS, on February 14, 2008, pursuant to Sections 5-11-1 through 5-11-27, NMSA 1978 as amended (the "Public Improvement District Act") and Village of Angel Fire, New Mexico (the "Village") Resolution No. 2007-34, the Village adopted Resolution No. 2008-07 (the "Formation Resolution") creating the Village of Angel Fire Public Improvement District No. 2007-1 (the "AFPID"); and

WHEREAS, the Formation Resolution authorized the Board of Directors of the District (the "Board"), among other things, to: (i) finance and construct certain public infrastructure improvements ("Improvements") upon real property in the District ("Real Property"); (ii) impose a District special levy upon the Real Property within the AFPID (the "Special Levy") to finance the Improvements; and (iii) issue bonds in an aggregate principal amount not to exceed \$24,978,5250 to finance the Improvements; and

WHEREAS, the Formation Resolution also approved revisions to the General Plan and the Rate and Method of Apportionment of Special Levy ("Rate and Method") subject to an election required under the Public Improvement District Act; and

WHEREAS, the AFPID was subsequently approved by an election of AFPID Real Property owners held on April 21, 2008; and

WHEREAS, a Notice of Imposition of Special Levy was recorded in the real property records of Colfax County, New Mexico on June 4, 2008; and

WHEREAS, by letter dated October 16, 2009, the AFPID informed certain Real Property owners that the Village and the AFPID had reserved infrastructure issues for additional review and consideration by the AFPID; and

WHEREAS, such additional review was delayed pending the outcome of litigation brought by various litigant lot owner ("Litigant Lot Owners"). All pending litigation has now been resolved in favor of the AFPID and against such Litigant Lot Owners. Given the Courts' decisions in favor of the AFPID and the conclusion of the litigation, the AFPID resumed the administrative hearing process designed to resolve any outstanding infrastructure issues; and

WHEREAS, on May 9, 2013, the Board held an administrative hearing to consider the objection of Frank Felts to the AFPID assessment on Lots 147 and 148 of Country Club Unit 1B Amended (Group 1B/2); and

WHEREAS, on May 29, 2013, after considering Mr. Felts' objection, the Board found:

- a. Mr. Felts did not object to the special levy on Lots 147 or 148 at the time of AFPID formation in 2007 and 2008;
- b. There is no record of any objection by Mr. Felts to the levy on Lot 148 until May 9, 2013;
- c. Lot 147's pre-existing electric and telephone infrastructure meet applicable standards of Kit Carson Electric Co-op and Qwest (CenturyLink) and do not require any improvements or increase in size;
- d. Lot 147 is provided additional fire and emergency vehicle access given the new AFPID constructed road and water improvements; and
- e. The annual special levy on Lot 147 for fiscal year 2012-2013 is \$8,384.60.

WHEREAS, accordingly, the Board decided that:

- a. The Lot 147, Country Club Unit 1B Amended levy should be adjusted to exclude assessments resulting from AFPID constructed electric and telephone improvements retroactive to 2008, including interest at the same rate imposed upon the AFPID. The AFPID's administrator is directed to ascertain the appropriate adjustment and prepare a Board Resolution accordingly;
- b. Lot 147 may not, at any time in the future, connect to AFPID constructed electric and telephone infrastructure without full and retroactive application of the original special levy and payment of the same, including interest, to the AFPID;
- c. Mr. Felts' request for an adjustment of the electric and telephone portion of the AFPID levy for Lot 148 is denied; and
- d. This Decision and the approving AFPID Resolution should be filed with the Colfax County clerk.

A copy of the decision is attached to this Resolution and incorporated herein by reference; and

WHEREAS, the AFPID administrator, with the assistance of David Taussig & Associates ("DTA"), calculated the amended maximum annual special levy and credit due Mr. Felts on Lot 147 as indicated by the table below; and

**ANNUAL SPECIAL LEVY CREDIT
GROUP 1B/2**

Annual Special Levy Fiscal Year	Credit			
	Original	Amended	Special Levy Credit	Interest
2008-09	\$7,901.00	\$6,648.00	\$1,253.00	\$25.98
2009-10	\$7,901.00	\$6,648.00	\$1,253.00	\$56.41
2010-11	\$8,059.02	\$6,780.96	\$1,278.06	\$88.09
2011-12	\$8,059.02	\$6,780.96	\$1,278.06	\$120.60
2012-13	\$8,384.60	\$7,054.91	\$1,329.69	\$154.95
		Total	\$6,391.81	\$446.02

WHEREAS, the Board determined that because Lot 147 should not have been assigned a share of the indicated electric and telephone improvements, the Maximum Annual Special Levy for this lot should be reduced from \$8,384.60 to \$7,054.91 (effective fiscal year 2012-13).

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ANGEL FIRE PUBLIC IMPROVEMENT DISTRICT:

1. The AFPID Maximum Annual Special Levy applicable to Lot 147 of Country Club Unit 1B Amended (Group 1B/2) should be amended from \$8,384.60 to \$7,054.91, effective fiscal year 2012-13. This amended and reduced Maximum Annual Special Levy does not preclude the AFPID from adjusting the maximum amount of the special levy in accordance with Section 5-11-20 (F) NMSA 1978.

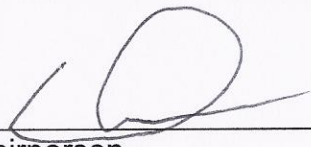
2. Mr. Felts should be credited \$6,391.81 which is the difference between the original and amended Annual Special Levy for years 2008 through 2013 as indicated in the DTA table above.

3. Additionally, Mr. Felts should be credited \$446.02 for interest accruing on the levy credits from 2008 through 2013.

4. Mr. Felts' 2013-2014 assessment for Lot 147 of Country Club Unit 1B Amended (Group 1B/2) should be reduced by a one-time credit in the amount of \$6,837.82 (levy credit including interest).

5. Pursuant to Rule 1-074 NMRA 2002, any appeal from the decision of the Board must be filed with the Eight Judicial District Court in Raton, New Mexico, within 30 days after the date of this resolution.

PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE ANGEL FIRE
PUBLIC IMPROVEMENT DISTRICT No. 2007-1 THIS 12th DAY OF June, 2013.



Vice Chairperson

ATTEST:



District Administrator



District Clerk