

Opinion No. 22-3433

May 19, 1922

BY: HARRY S. BOWMAN, Attorney General

TO: Mr. R. W. Thatcher, Mr. M. W. Ross, Chama, New Mexico.

Procedure for Incorporation Village or Town.

OPINION

{*153} Your letter of April 28th, addressed to the Secretary of State, asking for certain information in connection with the incorporation of a town or village, has just been referred to this office for attention.

You ask what is the proper procedure to adopt in order to incorporate the community of Chama, and whether or not a petition should be circulated, the number of names necessary, and whether the signers of said petition are required to be tax payers or may be simply residents of the community.

You also ask what would be the approximate expense incurred, and upon whom this expense would fall, and whether it will be necessary to survey the proposed municipality, or whether a plan already prepared could be used.

Chapter 37, Laws 1921, prescribes a method for the incorporation of villages, which act is amendatory of the laws previously existing governing this subject.

This act requires that a petition in writing, signed by not less than a majority of the qualified voters residing in the territory in the proposed incorporated village, shall be filed with the Board of County Commissioners of the county wherein such proposed village is situated, which petition shall describe the territory so sought to be included in such proposed village, and shall have annexed thereto an accurate map or plat thereof.

The territory embraced in the proposed incorporated village shall contain not less than eighty acres of land and not less than four hundred people.

From the foregoing, you will note that it is necessary to present a petition signed by not less than a majority of the qualified voters. The signers, therefore, need not be tax payers, as no tax paying qualifications are required of voters by the Constitution of this state.

You will note also, that it is necessary to make a plat or map of the town, and a map previously prepared could be used if it accurately describes the territory to be included within the proposed corporation limits.

The expense must be borne, of course, by those who present the petition. What such expense would be is a matter concerning which I am not able to advise you.