

**CITY of ALBUQUERQUE**  
**NINETEENTH COUNCIL**

COUNCIL BILL NO. F/S R-10-130 ENACTMENT NO. 8.2010.110

SPONSORED BY: Dan Lewis

**RESOLUTION**

**APPROVING AN EXTENSION UNTIL SEPTEMBER 27, 2011 OF A SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE COMPLETION OF INFRASTRUCTURE, INCLUDING APPROXIMATELY 1500 FEET OF PASEO DEL NORTE BOULEVARD.**

**WHEREAS, under the City's Subdivision Ordinance §14-14-5-3(C)(4) ROA 1994, the City requires City Council approval of an extension of a Subdivision Improvements Agreement (SIA) that results in an extension of 12 months or longer and involves more than 750 linear feet of principal arterial paving; and**

**WHEREAS, The Trails LLC (Trails) is currently required to construct infrastructure, including approximately 1500 linear feet of Paseo del Norte Boulevard, a principal arterial road, in connection with the development of the Heritage at the Trails Units One and Two Subdivision pursuant to an SIA with the City; and**

**WHEREAS, Trails has requested an extension of the SIA; and**

**WHEREAS, the original SIA with Trails was entered into on August 27, 2004 and the Development Review Board has approved three SIA extensions; and**

**WHEREAS, the Development Review Board, after a full hearing on the request for extension that is the subject of this Resolution, found that:**

**1) The Department of Municipal Development has reviewed and agrees to the extension with conditions;**

**2) The City's Air Quality Division has reviewed the request;**

**3) The extension would not be injurious to the public safety, health or welfare, nor to adjacent property, the neighborhood or the community; and**

**4) The extension would not hinder or conflict with future planning or policies, but rather would allow Trails to coordinate the construction of this**

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1 roadway segment with a future City project connecting the Trails's portion of  
2 Paseo del Norte Boulevard to Universe Boulevard; and

3 WHEREAS, the Development Review Board recommended that an  
4 extension be granted for compliance with the SIA requirements until August  
5 27, 2011 with the following conditions:

6 (A) Trails shall construct a temporary signal at Paseo del Norte NW and  
7 Rainbow Blvd NW before school starts this fall (2010/ 2011 Albuquerque  
8 Public School year);

9 (B) The financial guarantee amount associated with the SIA shall be  
10 increased to equal current construction costs;

11 (C) Trails shall financially guarantee the construction of this portion of  
12 Paseo del Norte Boulevard in the form of irrevocable letter of credit acceptable  
13 to the City, or a cashier's check.

14 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
15 ALBUQUERQUE:

16 Section 1. The Council finds that:

17 (A) Trails requested an extension of the SIA required for the development  
18 of the Heritage at the Trails Units One and Two Subdivision which includes,  
19 among other infrastructure requirements, the construction of approximately  
20 1500 linear feet of principal arterial paving, and results in a cumulative  
21 extension of a period longer than 12 months.

22 (B) An extension to September 27, 2011 will not be injurious to the public  
23 safety, health or welfare, or to adjacent property, the neighborhood or the  
24 community, because this portion of Paseo del Norte Boulevard will not be  
25 open to the public until a connection to Universe Boulevard is completed by  
26 the City's Department of Municipal Development.

27 (C) The extension will not conflict significantly with the goals and  
28 provisions of any City, County or AMAFCA plan or policy, applicable zoning,  
29 or other City ordinances, because this extension will coincide with the City's  
30 Department of Municipal Development construction schedule for this portion  
31 of Paseo del Norte Boulevard.

32 (D) The extension will not hinder future planning, public right-of-way  
33 acquisition, or the financing of public infrastructure improvements, because

1 the right-of-way for this portion of Paseo del Norte Boulevard has been  
2 acquired; the cost of the construction shall be the responsibility of Trails; and  
3 Paseo del Norte Boulevard is planned and identified on the City's Long Range  
4 Roadway Systems Map.

5 Section 2. Pursuant to §14-14-5-3(C)(4) ROA 1994, the City Council hereby  
6 approves an extension until September 27, 2011 for Trails to comply with the  
7 requirements to construct infrastructure in connection with the Heritage at the  
8 Trails Units One and Two Subdivision as provided for in the SIA for the  
9 subdivision, including the construction of Paseo del Norte Boulevard, subject  
10 to the following conditions:

11 (A) Trails shall work with the City's Department of Municipal  
12 Development on the design and construction of a permanent signal at Paseo  
13 del Norte NW and Rainbow Blvd NW immediately upon approval by the  
14 Council of this Resolution;

15 (B) Trails shall be responsible for payment and preparation of the design  
16 of the signal and the City shall be responsible for construction, construction  
17 management, inspection, testing and survey;

18 (C) Trails and the City shall share the costs of the construction of the  
19 signal as determined by the Department of Municipal Development;

20 (D) Trails shall execute a separate SIA for the signal improvements;

21 (E) Upon the bidding of the signal improvements project by the  
22 Department of Municipal Development, Trails shall execute a Procedure C  
23 agreement and shall deliver to the City a cashier's check for the amount of  
24 Trails' share of the cost to construct the permanent signal, at which time the  
25 City will release the separate bond and SIA for the signal improvements;

26 (F) The design of the permanent signal shall be completed as soon as  
27 possible, but not later than November 15, 2010;

28 (G) The construction of the permanent signal shall be completed as  
29 soon as possible, but not later than May 2, 2011; and

30 (H) The financial guarantee amount associated with the SIA amount shall  
31 be increased to equal current construction costs.

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1 PASSED AND ADOPTED THIS 20<sup>th</sup> DAY OF September, 2010  
2 BY A VOTE OF: 8 FOR 1 AGAINST.

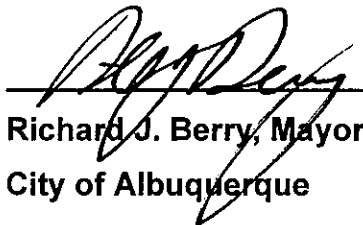
3  
4 Against: Garduño

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8 Ken Sanchez, President  
9 City Council

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12 APPROVED THIS 11<sup>th</sup> DAY OF October, 2010

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16 Bill No. F/S R-10-130

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19 Richard J. Berry, Mayor  
20 City of Albuquerque  
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25 ATTEST:

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28 Amy B. Bailey, City Clerk  
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