

**CITY of ALBUQUERQUE  
NINETEENTH COUNCIL**

**R.2010.085**

COUNCIL BILL NO. R-10-103 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Dan Lewis

1 RESOLUTION  
2 APPROVING AN EXTENSION UNTIL APRIL 1, 2011 OF A SUBDIVISION  
3 IMPROVEMENTS AGREEMENT FOR THE COMPLETION OF  
4 INFRASTRUCTURE, INCLUDING APPROXIMATELY 800 FEET OF UNSER  
5 BOULEVARD.

6 WHEREAS, under the City's Subdivision Ordinance §14-14-5-3(C)(4) ROA  
7 1994, the City requires City Council approval of an extension of a Subdivision  
8 Improvements Agreement (SIA) that results in an extension of 12 months or  
9 longer and involves more than 750 linear feet of principal arterial paving; and

10 WHEREAS, AmGo Properties LLC (AmGo) is currently required to  
11 construct infrastructure, including approximately 800 linear feet of Unser  
12 Boulevard, a principal arterial road, in connection with the development of the  
13 Sundance Estates Subdivision pursuant to a SIA with the City; and

14 WHEREAS, AmGo has requested an extension of the SIA; and

15 WHEREAS, the original SIA with AmGo was entered into on June 23, 2006  
16 and the Development Review Board has approved two SIA extensions; and

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

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

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

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

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

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1 roadway improvement with a City project for the adjacent southern connection  
2 to Unser Boulevard.

3 WHEREAS, the Development Review Board recommends that an extension  
4 be granted for compliance with the SIA requirements until April 1, 2011.

5 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
6 ALBUQUERQUE:

7 Section 1. The Council finds that:

8 (A) AmGo requested an extension of the SIA required for the development  
9 of the Sundance Estates Subdivision which includes, among other  
10 infrastructure requirements, the construction of approximately 800 linear feet  
11 of principal arterial paving, and results in a cumulative extension of a period  
12 longer than 12 months.

13 (B) The extension to April 1, 2011 will not be injurious to the public safety,  
14 health or welfare, or to adjacent property, the neighborhood or the community,  
15 because this portion of Unser Boulevard will not be open to the public until a  
16 connection to the south is completed by the City's Department of Municipal  
17 Development.

18 (C) The extension will not conflict significantly with the goals and  
19 provisions of any City, County or AMAFCA plan or policy, applicable zoning,  
20 or other City ordinances, because this extension will coincide with the City's  
21 Department of Municipal Development construction schedule for this portion  
22 of Unser Boulevard.

23 (D) The extension will not hinder future planning, public right-of-way  
24 acquisition, or the financing of public infrastructure improvements, because  
25 the right-of-way for this portion of Unser Boulevard has been acquired; the  
26 cost of the construction shall be the responsibility of AmGo; and Unser  
27 Boulevard is planned and identified on the City's Long Range Roadway  
28 Systems Map.

29 Section 2. Pursuant to § 14-14-5-3(C)(4) ROA 1994, the City Council hereby  
30 approves an extension until April 1, 2011 for AmGo to comply with the  
31 requirements to construct infrastructure in connection with the Sundance  
32 Estates Subdivision as provided for in the SIA for the subdivision, including  
33 the construction of Unser Boulevard, subject to the following conditions:

1 (A) AmGo shall start construction on this portion of Unser Boulevard no  
2 later than January 1, 2011;

3 (B) AmGo shall financially guarantee the construction of this portion of  
4 Unser Boulevard in the form of irrevocable letter of credit acceptable to the  
5 City, or a cashier's check.

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1 PASSED AND ADOPTED THIS 21st DAY OF June, 2010  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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Ken Sanchez, President  
City Council

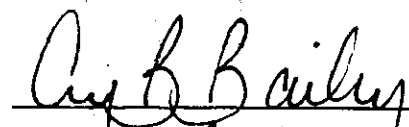
APPROVED THIS 2<sup>nd</sup> DAY OF July, 2010

Bill No. R-10-103

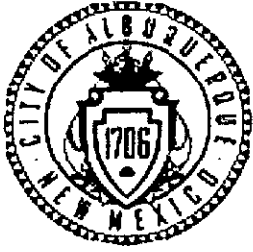
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Richard J. Berry, Mayor  
City of Albuquerque

ATTEST:

  
City Clerk *(without signature of the mayor)*

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Amy B. Bailey, City Clerk


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July 9, 2010

To: City Counsel  
From: Amy B. Bailey, City Clerk  
Subject: Bill No. R-10-103 Enactment No. R-2010-085

I hereby certify that on July 2, 2010, the Office of the City Clerk received Bill No. R-10-103 as signed by the president of the City Council, Ken Sanchez. Enactment No. R-2010-085 was passed at the June 21, 2010 City Council. Mayor Berry did not sign the approved Resolution within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Resolution is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. R-10-103.

Sincerely,

  
Amy B. Bailey  
City Clerk