

**CITY OF ALBUQUERQUE
NINETEENTH COUNCIL**

B. 2011-039

COUNCIL BILL NO. C/S R-11-200 ENACTMENT NO. _____

SPONSORED BY: Dan Lewis, by request

RESOLUTION

FOR AN AREA OF APPROXIMATELY 2,327 ACRES AND BORDERED GENERALLY BY THE PETROGLYPH NATIONAL MONUMENT AND CITY OF ALBUQUERQUE MAJOR PUBLIC OPEN SPACE ON THE EAST, SOUTH AND WEST, AND BY THE PASEO DEL NORTE/TOWN OF ALAMEDA GRANT LINE ALIGNMENT ON THE NORTH, ADOPTING THE VOLCANO CLIFFS SECTOR DEVELOPMENT PLAN AS A RANK 3 PLAN; CHANGING EXISTING ZONING FROM R-1 AND R-D TO SU-2 VOLCANO CLIFFS VILLAGE CENTER, SU-2 VOLCANO CLIFFS MIXED USE, SU-2 VOLCANO CLIFFS URBAN RESIDENTIAL, SU-2 VOLCANO CLIFFS LARGE LOT, AND SU-2 VOLCANO CLIFFS RURAL RESIDENTIAL.

WHEREAS, the City Council, the governing body of the City of Albuquerque, has the authority to adopt and amend plans for the physical development of areas within the planning and platting jurisdiction of the City authorized by Statute, Section 3-19-1 et. seq., NMSA 1978, and by its home rule powers; and

WHEREAS, on February 3, 2011, the Environmental Planning Commission, in its advisory role on land use and planning matters, recommended that City Council adopt the Volcano Cliffs Sector Development Plan; and

WHEREAS, the Environmental Planning Commission found approval of the Volcano Cliffs Sector Development Plan consistent with applicable goals and policies of the Albuquerque / Bernalillo County Comprehensive Plan, the Westside Strategic Plan, the Trails and Bikeways Facility Plan, the Facility Plan for Electric Service Transmission and Subtransmission Facilities, the City of Albuquerque Major Public Open Space Facility Plan, the Facility Plan for Arroyos, the Northwest Mesa Escarpment Plan, and the Comprehensive City Zoning Code and R-270-1980.

1 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
2 ALBUQUERQUE:

3 Section 1. The City Council adopts the following findings:

4 A. The Volcano Cliffs Sector Development Plan (VCSDP) is a Rank 3 plan
5 that covers an area of approximately 2,327 acres. The plan boundaries are the
6 Petroglyph National Monument on the east, south and west and Paseo Del Norte
7 to the north.

8 B. The Volcano Cliffs area currently contains land that is zoned R-1, R-D,
9 RO-20, A-1 County, SU-1 for Major Public Open Space, and the VCSDP proposes
10 five new zone categories – SU-2 Volcano Cliffs Village Center, SU-2 Volcano Cliffs
11 Neighborhood Mixed Use, SU-2 Volcano Cliffs Urban Residential, SU-2 Volcano
12 Cliffs Large Lot, and SU-2 Volcano Cliffs Rural Residential – as well as General
13 Standards and General Regulations that apply to all properties within the VCSDP
14 boundary.

15 C. The VCSDP supports the following goals and policies in the Rank 1
16 Albuquerque/Bernalillo County Comprehensive Plan:

17 1. Policies II.B.5.c, d, f, i, k, m, n: through the proposed Neighborhood
18 Activity Center for the Village Center, the mix of uses proposed in order to
19 provide neighborhood services and retail in specific locations in the
20 Volcano Cliffs area, the lower densities and encouraging of cluster
21 development in the SU-2 Volcano Cliffs Rural Residential zone, the
22 proposed treatment for the arroyos, and zoning regulations and standards
23 for height, color, and reflectivity that ensure development will not be
24 visually intrusive;

25 2. Policies II.B.1.c, f, j: through the location of the least intense zoning
26 adjacent to Major Public Open Space and the General Standards that
27 address colors, heights, reflectivity and fencing adjacent to the Petroglyph
28 National Monument. Also through the designation of existing and future
29 single-loaded streets as scenic corridors, and the provision of trails;

30 3. Policy II.B.7: Goal: through the designation of the Volcano Cliffs
31 Village Center as a Neighborhood Activity Center;

32 4. Policy II.C.6.c: through the language in General Standards that
33 address Archaeological sites;

1 **5. Policies II.C.9.b, c, e: through the proposed zoning, the proposed**
2 **arroyo treatments, the proposed road network, and the proposed**
3 **Neighborhood Activity Center, and through the employment opportunities**
4 **provided by the Village Center;**

5 **6. Policies II.D.6. a, g: through the small business and employment**
6 **opportunities provided by the mixed-use areas and the Village Center.**

7 **D. The VCSDP supports the following policies in the Rank 2 Westside**
8 **Strategic Plan (WSSP):**

9 **1. Policy 1.1 through the high-density and non-residential uses to be**
10 **located in proposed nodes;**

11 **2. Policy 1.9 through the location of a Neighborhood Activity Center in**
12 **the Village Center of Volcano Cliffs;**

13 **3. Policy 1.16 through the location of the Volcano Cliffs Neighborhood**
14 **Activity Center on a minor arterial, Universe Boulevard;**

15 **4. Policy 3.96 through the establishment of new zoning that will create**
16 **mixed-use neighborhoods and allow higher-density residential**
17 **development that can both support and be served by transit;**

18 **5. Policy 3.97 through the establishment of a Neighborhood Activity**
19 **Center in the Village Center of Volcano Cliffs that will provide daily**
20 **services, convenience goods and personal services to adjacent residential**
21 **areas;**

22 **6. Policy 3.99 through policies that conserve arroyo corridors,**
23 **recommend acquisition of land suitable for Major Public Open Space as**
24 **funding becomes available, reduce the impacts of development by**
25 **encouraging single-loaded streets along the edges of Major Public Open**
26 **Space and Petroglyph National Monument, providing options for**
27 **Conservation Development and limiting building heights and setbacks**
28 **adjacent to the Escarpment face;**

29 **7. Policy 3.100 through regulations on building color and reflectivity,**
30 **heights and setbacks;**

31 **8. Policy 3.101 through regulations limiting fill;**

32 **9. Policy 3.103 by requiring mitigation of rainwater run-off from**
33 **development into Major Public Open Space or Petroglyph National**

1 Monument, encouraging preservation or development of trail networks in
2 arroyo corridors and Major Public Open Space, and establishing setback
3 requirements near the edges of Major Public Open Space and Petroglyph
4 National Monument to protect natural and archaeological features;

5 10. Policy 3.104 by requiring that development, trails and recreation
6 areas be set back by at least 50 feet from prehistoric petroglyphs or other
7 significant archaeological sites as defined by the Albuquerque
8 Archaeological Ordinance;

9 11. Policy 3.105 by setting rural densities in the western half of the plan
10 area and encouraging the clustering of homes, by requiring the
11 preservation of natural arroyo corridors, and by requiring that future
12 platting of new streets aim to increase scenic corridors, which are defined
13 in the plan as single-loaded streets abutting open space lands such as the
14 Petroglyph National Monument or an arroyo.

15 12. Policy 3.106 by requiring that development, trails and recreation
16 areas be set back by at least 50 feet from prehistoric petroglyphs or other
17 significant archaeological sites, unless designed under the guidance of a
18 qualified archeologist, per the city's Archaeological Ordinance;

19 13. Policy 3.110 by proposing access points, both fully signalized and
20 right-in/right-out intersections, from neighborhood areas to Paseo del
21 Norte and Unser Blvd.;

22 14. Policy 3.111 by promoting land-use, density and development
23 patterns that concentrate mixed-use and make frequent transit service
24 viable, by proposing access points to Paseo del Norte and Unser Blvd. that
25 facilitate access for transit, by reducing parking requirements for
26 development near transit stops, and by including proposed routes for Bus
27 Rapid Transit and permitting the designation of dedicated transit lanes on
28 major streets (dependent on future transit route design).

29 15. Policy 3.112 by including bicycle lanes in Street Cross Sections;

30 16. Policy 3.113 by supporting the development of recreational trails
31 along arroyo corridors;

32 17. Policy 4.6 by establishing minimum setbacks and maximum heights
33 for properties closest to the Escarpment, through regulations on building

1 color and reflectivity, by setting rural densities in the western half of the
2 plan area and encouraging the clustering of homes, by requiring the
3 preservation of natural arroyo corridors, and by requiring that future
4 platting of new streets aim to increase scenic corridors, which are defined
5 in the plan as single-loaded streets abutting open space lands such as the
6 Petroglyph National Monument or an Arroyo, by specifying the use of
7 Native Plants in conservation easements, by setting design standards for
8 commercial signage, by requiring that antennas and other mechanical
9 equipment not be visible from the street or public open space, and by
10 specifying coyote, post and wire or view fencing on properties located
11 adjacent to the Petroglyph National Monument or Major Public Open Space.

12 18. Policy 4.6a by providing an interconnected street network, by
13 proposing access points to Paseo del Norte and Unser Blvd. from key
14 streets in Volcano Cliffs, and by including dedicated transit lanes in Street
15 Cross Sections to ensure multimodal design;

16 19. Policy 4.6b by providing an interconnected street network that
17 reduces traffic volumes on collector streets and arterials, allowing fewer
18 travel lanes and a more intimate, pedestrian-supportive environment, by
19 recommending pedestrian-activated signalized crosswalks and pedestrian
20 refuges, by recommending the installation of visual and physical features
21 to slow traffic at crosswalks, such as signage, lighting, special pavers or
22 speed tables that require vehicles to ramp up to the same level as
23 sidewalks, signaling that pedestrians take precedence, by requiring that
24 above grade obstructions, such as utility boxes or street furniture, be
25 placed so as to maintain continuous and uninterrupted pedestrian routes,
26 and by allowing on-street parking in areas of high activity, buffering
27 pedestrians from travel lanes;

28 20. Policy 4.6c by prohibiting gated or walled developments in any part
29 of the Volcano Cliffs Sector Development Plan area, and by strongly
30 discouraging cul-de-sacs or dead-end streets, and;

31 21. Policy 4.6g by concentrating commercial and mixed-use
32 development near proposed transit routes, by proposing access points to

1 Paseo del Norte and Unser Blvd. that facilitate access for transit, by
2 reducing parking requirements for development near transit stops.

3 E. The VCSDP supports the Proposed Trails Map on page 22 and the intent
4 of the Rank 2 Trails and Bikeways Facility Plan through the expansion of the trail
5 network in this area.

6 F. The VCSDP supports the Rank 2 Facility Plan for Electric Service
7 Transmission and Subtransmission Facilities through the addition of language
8 provided by PNM to address utility easements, landscaping, and access to public
9 utility facilities.

10 G. The VCSDP supports the Rank 2 City of Albuquerque Major Public Open
11 Space Facility Plan policies B2-G, B2-K, C-3 and Figure 4-1 through the policies
12 found in Chapter 2 that address the environment and open space and the design
13 and zoning regulations found in Chapters 4 and 5 that ensure appropriate
14 transitions from developed areas to open space.

15 H. The VCSDP supports the Rank 2 Facility Plan for Arroyos: Multiple Use
16 of Albuquerque's Arroyos and their Floodplains policies II.B. Drainage 1, II.B.
17 Multiple Use 1, II.E.1, II.E.2, II.E.3, II.E.4, and II.F.4 through the proposed treatment
18 for arroyos, the design standards in the plan and the opportunity for trails along
19 arroyos provided in Policy 1 and sub-policies 1.1-1.8 of Chapter 2.

20 I. The VCSDP supports the following policies in the Rank 3 Northwest
21 Mesa Escarpment Plan (NWMEP): Policies 12, 20, and 21 through the Zoning and
22 General Standards, written to restrict heights and avoid visually intrusive
23 development; Policy 23 through the proposed trail network and scenic corridors
24 for the Volcano Cliffs area.

25 J. The VCSDP is justified per Resolution 270-1980. The proposed zoning is
26 more advantageous to the community because it furthers applicable goals and
27 policies in the Comprehensive Plan, the WSSP, and the NWMEP. Also, there is a
28 public need for a sector-wide map amendment to ensure an adequate mix of
29 residential, commercial, and service uses that encourage and allow residents to
30 live, work, shop, and recreate all in close proximity. The proposed zoning is
31 designed to create a healthy community that contains a mix of uses, is transit
32 accessible and bicycle friendly, and encourages pedestrian activity, which will
33 help decrease the demand on local streets and decrease vehicle miles traveled

1 **(VMT). Furthermore, this public need is best served by rezoning this particular**
2 **sector in this particular manner as compared with other available properties,**
3 **which do not exist in the amount or configuration necessary to meet the public**
4 **need. The proposed zoning meets R-270-1980 criteria as follows:**

5 **(A) The zone changes proposed by the VCSDP are consistent with**
6 **furthering the health, safety, morals and general welfare of the city. The**
7 **purpose of the SDP is to ensure that as the area develops it is development**
8 **that furthers the goals and policies of the Comprehensive Plan and other**
9 **applicable plans – in this case the WSSP and the NWMEP. The plan**
10 **proposes residential, commercial, office and service uses, in a pattern**
11 **designed to support transit.**

12 **(B) The proposed zoning changes will provide the area with stability.**
13 **Much of the VCSDP is currently zoned RD. RD allows a range of densities**
14 **and limited uses with no requirement for coordination and/or planning.**
15 **The proposed zoning for the VCSDP is designed to reflect the platting, the**
16 **unique location of the area, and the road network and conditions and to**
17 **bring neighborhood services and retail to the Volcano Cliffs area. The**
18 **proposed zoning is designed to ensure that non-residential uses, mixed-**
19 **use, multifamily residential, townhouses, and single-family uses all develop**
20 **in a pattern and location that are supportive of creating a stable built**
21 **environment.**

22 **(C) The proposed VCSDP supports applicable goals and policies in the**
23 **Comprehensive Plan, Westside Strategic Plan, the Trails and Bikeways**
24 **Facility Plan, the Facility Plan for Electric Service, the Facility Plan for**
25 **Arroyos, and the Northwest Mesa Escarpment Plan as outlined in previous**
26 **findings C through I.**

27 **(D) The existing zoning is inappropriate because:**

28 **a. The U.S. Congress created the Petroglyph National Monument after**
29 **the establishment of the existing zoning. The proposed zoning responds**
30 **to and endeavors to minimize adverse impacts on the Petroglyph National**
31 **Monument while allowing private property to be developed; and**

32 **b. The proposed zoning would be more advantageous to the**
33 **community because it furthers applicable goals and policies in the**

1 Comprehensive Plan, the WSSP, the Trails and Bikeways Facility Plan, the
2 Facility Plan for Electric Service, the Facility Plan for Arroyos, and the
3 NWMEP as articulated in findings C through I above. Specifically:

4 i. **SU-2 Volcano Cliffs Village Center (SU-2 VCVC):** This zone
5 category replaces existing R-1 zoning for approximately 40 acres of
6 land located in the center of the Plan area at the intersection of
7 Universe Blvd. and Rosa Parks Drive. The Rank 2 WSSP contains a
8 policy calling for the establishment of a Neighborhood Activity
9 Center at this location in order to provide opportunities to develop
10 neighborhood-serving commercial uses. The existing R-1 zoning
11 does not provide this opportunity, which is why a zone change is
12 needed. The SU-2 VCVC zone contains both higher-density
13 residential and neighborhood- and community-serving commercial
14 uses as permitted uses in order to help achieve a balance of uses
15 within a transit-supportive environment. Based on the existing
16 platting of the area, the Village Center zone is proposed to be
17 located, primarily, on the only tract of land sufficiently large
18 enough and located far enough away from the sensitive
19 Escarpment Face to have the potential to develop into a true
20 Neighborhood Activity Center. There are no other comparable
21 locations.

22 ii. **SU-2 Volcano Cliffs Mixed Use (SU-2 VCMX):** This zone
23 category replaces existing R-1 zoning in three specific areas within
24 the VCSDP's boundaries: 1) along Paseo del Norte in the northeast
25 corner of the Plan area to provide opportunities for neighborhood-
26 serving commercial development to serve residential areas in the
27 eastern portion of the Plan area, 2) along the east side of the
28 Neighborhood Activity Center as a transition zone between the
29 higher-intensity Village Center zone to the west and the Large Lot
30 (single-family) zone to the east, and 3) along Rainbow Boulevard
31 north of the Boca Negra Dam to provide opportunities for
32 neighborhood-serving commercial development to serve
33 residential areas in the western-most portion of the Plan area as

1 well as residential areas to the north and south that are currently
2 under-served by commercial development. This zone is being used
3 at these locations because of specific needs related to these
4 locations.

5 iii. **SU-2 Volcano Cliffs Urban Residential (SU-2 VCUR):** This zone
6 category replaces existing R-1 zoning in two specific areas within
7 the VCSDP's boundaries: 1) in the northeast corner of the Plan area
8 both to serve as a transition zone between the higher-intensity
9 Mixed-Use zone and lower-intensity Large Lot (single-family) zone
10 and to provide higher-density residential development
11 opportunities to support nearby mixed-use development and transit
12 service, and 2) along the west and south sides of the Neighborhood
13 Activity Center to provide higher-density residential development
14 opportunities to support the adjacent Village Center and Mixed-Use
15 zones and transit service for the area. The benefit of using this
16 zone at these locations is specific to the needs at each of these
17 locations.

18 iv. **SU-2 Volcano Cliffs Large Lot (SU-2 VCLL):** This zone category
19 replaces existing R-1 zoning for all lots in the eastern portion of the
20 Plan area that are not being rezoned to SU-2 VCVC, SU-2 VCMX, or
21 SU-2 VCUR, as well as lots on the west side of Rainbow Blvd.
22 (Atrisco Dr.) up to where the Rural Residential zone begins. This
23 zone category generally corresponds to the R-1 zone with certain
24 additions and exceptions. The most notable difference is that the
25 SU-2 VCLL zone limits density to 5 dwelling units per acre where R-
26 1 typically allows 7-8 dwelling units per acre; the reason for this is
27 to reflect and respect the existing platting of the area, which
28 contains larger lot sizes than typically found in R-1 areas.

29 v. **SU-2 Volcano Cliffs Rural Residential (SU-2 VCRR):** This zone
30 category replaces existing R-1 and R-D zoning for lots in the
31 westernmost portion of the Plan area closest to Major Public Open
32 Space and the Petroglyph National Monument. Densities in this
33 part of the Plan area are restricted more than anywhere else

1 because of the need to step down development intensities in such
2 a geologically, archaeologically, and culturally sensitive area of the
3 city. The limit of one (1) dwelling unit per acre is appropriate for
4 the area and consistent with the overall gross density limit of the
5 Developing and Established Urban Areas section of the
6 Comprehensive Plan; the ability to achieve up to three (3) dwelling
7 units per acre through cluster development in this zone is also
8 consistent with and furthers the goals and policies of the
9 Comprehensive Plan.

10 (E) The proposed zoning does not contain uses that would be harmful
11 to adjacent properties, neighbors, or the community. Where residential
12 and commercial properties are adjacent, the height of the non-residential
13 zone is required to step down. Pursuant to the Zone Code, non-residential
14 properties are required to buffer residential properties when they meet.

15 (F) None of the Plan's zone changes require major capital expenditures.

16 (G) The cost of land is not discussed in the Plan.

17 (H) The decision of where to locate commercial, mixed-use and higher-
18 density residential zoning is related to the vision proposed for the whole
19 Volcano Mesa area and is not based solely on location on a collector or
20 major street.

21 (I) To the extent to which any of the proposed SU-2 zones are found to
22 be spot zones, they are justified as follows:

23 a. The proposed zoning clearly facilitates realization of the
24 Comprehensive Plan, the Westside Strategic Plan, the Trails and
25 Bikeways Facility Plan, the Facility Plan for Electric Service, the Facility
26 Plan for Arroyos, and the Northwest Mesa Escarpment Plan as detailed
27 above in the response to R-270-1980, Section 1.C.; and

28 b. The proposed zones and their individual, component regulations
29 within the plan area and the plan area itself are different from
30 surrounding land. The proposed locations of zone boundaries create
31 differences between adjacent lands and zones as well as differences
32 between zones within the plan area. The proposed zone categories
33 create the opportunity for sustainable growth that entails different land

1 uses that help to meet the area’s housing, service, and employment
2 needs. The proposed zoning categories establish and facilitate
3 transitions between adjacent zones within the plan area and where
4 adjacent to existing zoning. Even where residential and non-residential
5 zoning abut or are adjacent, there are specific requirements for height
6 transitions within the more intense zone category so as to maximize
7 compatibility with the less intense zone category. There are no other
8 available properties in the area with the acreage or configuration
9 necessary to meet the public need for sustainable and coordinated
10 growth.

11 (J) To the extent to which any of the proposed SU-2 zones are found to
12 be strip zones, they are justified as follows:

13 a. The proposed zoning clearly facilitates realization of the
14 Comprehensive Plan, the West Side Strategic Plan, the Trails and
15 Bikeways Facility Plan, the Facility Plan for Electric Service, the Facility
16 Plan for Arroyos, and the NWMEP as detailed above in the response to
17 R-270-1980, Section 1.C.; and

18 b. The proposed zoning and their individual, component
19 regulations within the plan area and the plan area itself are different
20 from surrounding land. The proposed locations of zone boundaries
21 create differences between adjacent lands and zones as well as
22 differences between zones within the plan area. The proposed zone
23 categories create the opportunity for sustainable growth that entails
24 different land uses that help to meet the area’s housing, service, and
25 employment needs. The proposed zoning categories establish and
26 facilitate transitions between adjacent zones within the plan area and
27 where adjacent to existing zoning. Even where residential and non-
28 residential zoning abut or are adjacent, there are specific requirements
29 for height transitions within the more intense zone category so as to
30 maximize compatibility with the less intense zone category.

31 Furthermore, the location of many of the “strip zones” is in response to
32 traffic potentials on established, but not yet fully developed arterial
33 corridors, such as Paseo del Norte and Unser Boulevard. There are no

1 other available properties in the area with the acreage or configuration
2 necessary to meet the public need for sustainable and coordinated
3 growth.

4 **K. The Environmental Planning Commission reviewed the Volcano Cliffs**
5 **Sector Development Plan and received presentations and testimony from**
6 **Planning staff, commenting City departments and other agencies, property**
7 **owners, interested parties, and the general public at three separate, public**
8 **hearings on 02 September 2010, 04 November 2010, and 03 February 2011, and**
9 **forwarded a recommendation of Approval of the VCSDP to the City Council at its**
10 **03 February 2011 hearing.**

11 **Section 2. The Volcano Cliffs Sector Development Plan, attached hereto and**
12 **made a part hereof, is adopted as a Rank 3 Plan with land use control pursuant to**
13 **the Comprehensive City Zoning Code and as a regulatory guide to the**
14 **implementation of the Rank 1 Albuquerque / Bernalillo County Comprehensive**
15 **Plan and applicable Rank 2 plans as cited above.**

16 **Section 3. All development activities within the Volcano Cliffs area shall be**
17 **guided and regulated by the provisions of the Volcano Cliffs Sector Development**
18 **Plan.**

19 **Section 4. The Zone Map, adopted by Article 14-16-4-9 ROA 1994, is hereby**
20 **amended to reflect the rezoning in the map contained in Chapter 4 of the**
21 **attachment.**

22 **Section 5. The Volcano Mesa area's road network affects more than just the**
23 **Volcano Cliffs sub-area, and as detailed analysis of and designs for the network**
24 **are further revised and refined via other and/or additional planning processes, the**
25 **Volcano Cliffs Sector Development Plan's (VCSDP) transportation regulations**
26 **shall, too, need to be revised. Therefore, Exhibit 5 and Cross Sections 1-11,**
27 **contained in Chapter 3 – Transportation Regulations of the attached VCSDP, shall**
28 **be considered enforceable until such time that they may be replaced by updated**
29 **maps and cross sections contained and adopted in other plans affecting the**
30 **same Volcano Mesa area. As the information contained in Exhibit 5 and Cross**
31 **Sections 1-11 is part of an interrelated, interconnected system, and where it**
32 **changes in one part of the system, so must it change in all affected parts, it shall**
33 **not be necessary to amend the specified sections of the VCSDP through a**

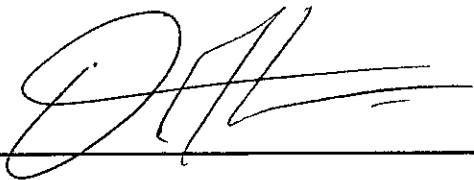
1 separate process per § 14-16-4-3 in order to adopt and enforce the referenced
2 updates so long as those updates are contained in a plan of similar rank (Rank 3)
3 that has been adopted and/or amended through the process set forth in § 14-16-4-
4 3.

5 Section 6. EFFECTIVE DATE. This resolution shall take effect five days
6 after publication by title and general summary.

7 Section 7. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
8 clause, word or phrase of this resolution is for any reason held to be invalid or
9 unenforceable by any court of competent jurisdiction, such decision shall not
10 affect the validity of the remaining provisions of this resolution. The Council
11 hereby declares that it would have passed this resolution and each section,
12 paragraph, sentence, clause, word or phrase thereof irrespective of any
13 provisions being declared unconstitutional or otherwise invalid.

1 PASSED AND ADOPTED THIS 2nd DAY OF May, 2011
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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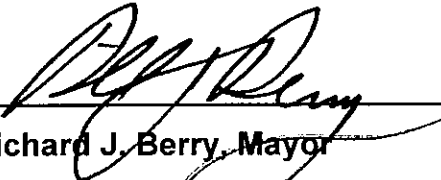
Don F. Harris, President
City Council

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12 APPROVED THIS 26th DAY OF May, 2011

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16 Bill No. C/S R-11-200

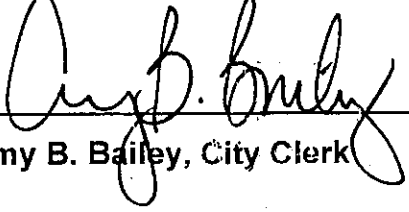
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Richard J. Berry, Mayor
City of Albuquerque

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24 ATTEST:



Amy B. Bailey, City Clerk

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