

CITY of ALBUQUERQUE

NINETEENTH COUNCIL

COUNCIL BILL NO. _____ ENACTMENT NO. _____

SPONSORED BY:

- 1 RESOLUTION
- 2 APPROVING AN EXTENSION UNTIL AUGUST 27, 2011 OF A SUBDIVISION
- 3 IMPROVEMENTS AGREEMENT FOR THE COMPLETION OF
- 4 INFRASTRUCTURE, INCLUDING APPROXIMATELY 1500 FEET OF PASEO DEL
- 5 NORTE 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, The Trails LLC (Trails) is currently required to construct
- 11 infrastructure, including approximately 1500 linear feet of Paseo del Norte
- 12 Boulevard, a principal arterial road, in connection with the development of the
- 13 Heritage at the Trails Units One and Two Subdivision pursuant to an SIA with
- 14 the City; and
- 15 WHEREAS, Trails has requested an extension of the SIA; and
- 16 WHEREAS, the original SIA with Trails was entered into on August 27, 2004
- 17 and the Development Review Board has approved three SIA extensions; and
- 18 WHEREAS, the Development Review Board, after a full hearing on the
- 19 request for extension that is the subject of this Resolution, found that:
- 20 1) The Department of Municipal Development has reviewed and agrees to
- 21 the extension with conditions;
- 22 2) The City's Air Quality Division has reviewed the request;
- 23 3) The extension would not be injurious to the public safety, health or
- 24 welfare, nor to adjacent property, the neighborhood or the community; and
- 25 4) The extension would not hinder or conflict with future planning or
- 26 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) The extension to August 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 August 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 construct a temporary signal at Paseo del Norte NW and
12 Rainbow Blvd NW immediately upon approval by the Council of this
13 Resolution and as early in the Albuquerque Public Schools 2010/2011 school
14 year as possible;

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

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

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