

CITY of ALBUQUERQUE

NINETEENTH COUNCIL

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

SPONSORED BY: Dan Lewis

1 RESOLUTION

2 APPROVING AN EXTENSION UNTIL SEPTEMBER 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) 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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