

# CITY of ALBUQUERQUE

## TWENTY SECOND COUNCIL

COUNCIL BILL NO. R-16-109

ENACTMENT NO.

*R-2017-027*

SPONSORED BY: Trudy E. Jones and Isaac Benton

1 RESOLUTION

2 REVISING CODE OF RESOLUTIONS (ROA 1994) TO UPDATE TERMS IN  
3 ANNEXATION POLICIES THAT REFER TO DESIGNATED COMPREHENSIVE  
4 PLAN AREAS, WHICH ARE BEING UPDATED AS PART OF THE  
5 COMPREHENSIVE PLAN UPDATE.

6 WHEREAS, the Council, the Governing Body of the City of Albuquerque, has  
7 the authority to amend the Comprehensive Plan as authorized by statute,  
8 Section 3-19-9, NMSA 1970, and by its home rule powers; and

9 WHEREAS, Council Bill No. R-14-46, which became effective on May 7, 2014,  
10 directed the City Planning Department to update the Comprehensive Plan and  
11 coordinate with all parties to implement the update effort; and

12 WHEREAS, on September 1, 2016, the EPC, in its advisory role on land use  
13 and planning matters, recommended approval to the City Council of the  
14 updates to the Comprehensive Plan, based on findings and subject to  
15 conditions for recommendation of approval; and

16 WHEREAS, Finding 14 of the EPC Official Notice of Decision dated  
17 September 2, 2016 notes that "City language that refers to the Comp Plan is  
18 found in various locations of ROA 1994. This language will need to be  
19 correspondingly revised with the adoption of the 2016 Comp Plan in order to  
20 maintain the intent of the policies and to maintain internal consistency in ROA  
21 1994."

22 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
23 ALBUQUERQUE:

24 SECTION 1. The Code of Resolutions, Annexation Policies shall be updated  
25 to refer to updated Development Areas in the unincorporated County:

26 A. §1-1-4 Annexation Policies.

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1       (A) Areas that are designated by the Albuquerque/Bernalillo County  
2 Comprehensive Plan as Established Urban, and Developing Urban are  
3 particularly appropriate for the range of urban services that the city can  
4 provide, and annexation of such areas into the city is desired and encouraged.  
5 More specifically, annexation of areas planned to be urban intensity of  
6 development will be approved when the following policies are met, unless the  
7 city concludes that the anticipated delay in provision of city services is so far  
8 into the future as to be speculative and therefore an unreasonable basis to  
9 provide for annexation.

10       SECTION 2. EFFECTIVE DATE AND PUBLICATION. This legislation shall  
11 take effect five days after publication by title and general summary.

12       SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
13 clause, word, or phrase of this resolution is for any reason held to be invalid  
14 or unenforceable by any court of competent jurisdiction, such decision shall  
15 not affect the validity of the remaining provisions of this resolution. The  
16 Council hereby declares that it would have passed this resolution and each  
17 section, paragraph, sentence, clause, word, or phrase thereof irrespective of  
18 any provisions being declared unconstitutional or otherwise invalid.

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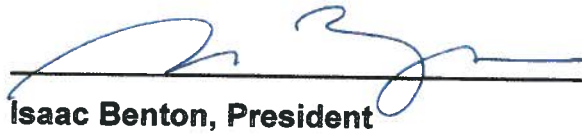
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1 PASSED AND ADOPTED THIS 20<sup>th</sup> DAY OF March, 2017  
2 BY A VOTE OF: 6 FOR 2 AGAINST.  
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4 Against: Peña, Sanchez

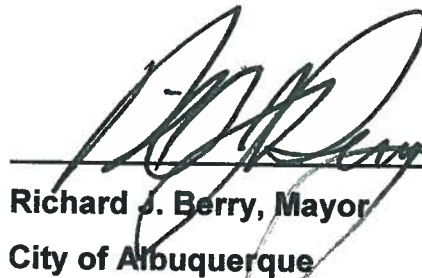
5 Excused: Winter  
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8   
9 Isaac Benton, President

10 City Council  
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13 APPROVED THIS 7<sup>th</sup> DAY OF April, 2017  
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18 Bill No. R-16-109  
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21 Richard J. Berry, Mayor  
22 City of Albuquerque  
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26 ATTEST:

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28 Natalie Y. Howard, City Clerk  
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