

# CITY of ALBUQUERQUE

## TWENTY THIRD COUNCIL

COUNCIL BILL NO.     O-18-44     ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Ken Sanchez

1                                   **ORDINANCE**

2   **ANNEXATION, 17EPC-40061 / 17EPC-40062, ANNEXING 12.3 ACRES, MORE**  
3   **OR LESS, LOCATED IN NORTHERLY PORTION TRACTS 14-20, ROW 4, UNIT**  
4   **A, WEST OF WESTLAND, TOWN OF ATRISCO GRANT, LOCATED NORTH OF**  
5   **INTERSTATE 40 BETWEEN ARROYO VISTA BLVD AND 118<sup>TH</sup> STREET, AND**  
6   **AMENDING THE ZONE MAP TO ESTABLISH SU-2 FOR TOWN CENTER**  
7   **ZONING.**

8   **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**  
9   **ALBUQUERQUE:**

10       **Section 1. AREA PROPOSED FOR ANNEXATION. The owner of the area**  
11   **annexed hereby presented a properly signed petition to annex the following**  
12   **territory, as depicted in Exhibit A to this ordinance: 12.3 acres, more or less,**  
13   **located immediately north of I-40 between Arroyo Vista Boulevard, also known**  
14   **as 98<sup>th</sup> Street, and 118<sup>th</sup> Street; and more particularly described as follows:**

- 15           **(A)   Nortnerly Portion Tracts 14 thru 20, ROW 4, Unit A, West of**  
16                   **Westland, Town of Atrisco Grant;**
- 17           **(B)   The County of Bernalillo approved the annexation of these tracts on**  
18                   **September 12, 2017, pursuant to AXBC2017-0001.**

19       **The above described territory is contiguous to the City of Albuquerque.**

20       **Section 2. ANNEXATION ACCEPTED. The area specified in Section 1 above**  
21   **is designated Developing Urban in the Albuquerque/Bernalillo County**  
22   **Comprehensive Plan, which makes it suitable for annexation. Furthermore, the**  
23   **petition for annexation meets the requirements of Resolution 54-1990 (City's**  
24   **Annexation Policy). Therefore, the area specified in Section 1 above is hereby**  
25   **annexed.**

[Bracketed/Underscored Material] - New  
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[Bracketed/Strikethrough Material] - Deletion

1           Section 3. FINDINGS ACCEPTED. On December 14, 2017, the  
2 Environmental Planning Commission (EPC), in its advisory role on land use  
3 and planning matters, recommended approval of this request for annexation  
4 pursuant to twelve findings, which are adopted by City Council and  
5 incorporated herein by reference.

6           Section 4. ZONE MAP AMENDED. The request for SU-2 for Town Center, as  
7 regulated by the Westland Master Plan and Western Albuquerque Land  
8 Holdings Sector Development Plan, is justified per Resolution 270-1980  
9 because of changed community conditions and the request being more  
10 advantageous to the community as articulated by the Albuquerque/Bernalillo  
11 County Comprehensive Plan and West Side Strategic Plan. Therefore, the zone  
12 map adopted by Section 14-16-1-1 et. Seq. R.O.A. 1994 is hereby amended,  
13 establishing SU-2 for Town Center Zoning for the area specified in Section 1  
14 above.

15           Section 5. FINDINGS ACCEPTED. On December 14, 2017, the  
16 Environmental Planning Commission (EPC), in its advisory role on land use  
17 and planning matters, recommended approval of this request for  
18 establishment of SU-2 for Town Center zoning pursuant to twelve findings,  
19 which are adopted by City Council and incorporated herein by reference.

20           Section 6. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
21 clause, word or phrase of this Ordinance is for any reason held to be invalid  
22 or unenforceable by any court of competent jurisdiction, such decision shall  
23 not affect the validity of the remaining provisions of this Ordinance. The  
24 Council hereby declares that it would have passed this Ordinance and each  
25 section, paragraph, sentence, clause, word or phrase thereof irrespective of  
26 any provision being declared unconstitutional or otherwise invalid.

27           Section 7. EFFECTIVE DATE. This Ordinance shall take effect five days  
28 after publication by title and general summary and when a plat of the territory  
29 hereby annexed is filed in the office of the County Clerk.

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