



Legislation Details (With Text)

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**Effective date:** 4/29/2016

**Title:** Amending §14-13-3-7 Relating To The Duties Of The Open Space Advisory Board To Require City Council Approval Of Open Space Acquisition Priorities; Amending § 5-2-5 Relating To Acquisition Of Properties To Authorize Acquisition Of Open Space Properties Through Competitive Solicitation (Benton)

**Sponsors:** Isaac Benton

**Indexes:**

**Code sections:**

**Attachments:** 1. O-13, 2. O-13Enacted

Date	Ver.	Action By	Action	Result
4/22/2016	2	Mayor	Not Signed by the Mayor	
4/22/2016	2	City Clerk	Published	
4/13/2016	1	City Council	Sent to Mayor for Signature	
4/4/2016	1	City Council	Passed	Pass
3/21/2016	1	City Council	Accepted with a Recommendation Do Pass	
3/16/2016	1	Land Use, Planning, and Zoning Committee	Sent to Council with a recommendation of Do Pass	Pass
3/7/2016	1	City Council	Introduced and Referred	
3/7/2016	1	President	Referred	

**CITY of ALBUQUERQUE**  
**TWENTY-SECOND COUNCIL**

COUNCIL BILL NO.   O-16-13        ENACTMENT NO. \_\_\_\_\_

SPONSORED BY:    Isaac Benton

ORDINANCE

Amending §14-13-3-7 Relating To The Duties Of The Open Space Advisory Board To Require City Council Approval Of Open Space Acquisition Priorities; Amending § 5-2-5 Relating To Acquisition

Of Properties To Authorize Acquisition Of Open Space Properties Through Competitive Solicitation (Benton)

AMENDING §14-13-3-7 RELATING TO THE DUTIES OF THE OPEN SPACE ADVISORY BOARD TO REQUIRE CITY COUNCIL APPROVAL OF OPEN SPACE ACQUISITION PRIORITIES; AMENDING § 5-2-5 RELATING TO ACQUISITION OF PROPERTIES TO AUTHORIZE ACQUISITION OF OPEN SPACE PROPERTIES THROUGH COMPETITIVE SOLICITATION.

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

SECTION 1. Section 14-13-3-7(B) ROA 1994, relating to the duties of the Open Space Advisory Board, is amended as follows:

“§ 14-13-3-7 OPEN SPACE ADVISORY BOARD.

(2) Advise the EPC, the Mayor, and the City Council as to an appropriate city open space program, which advice shall include:

(a) Implementation of adopted open space plans;

(b) Recommend to the City Council for its approval, a list of priority properties suitable for acquisition through purchase, exchange, or any other suitable mechanism, for purposes of "major public open space" or "public easement or rights of way" for open space purposes, the locations of which are consistent with the policies of the Albuquerque/Bernalillo County Comprehensive Plan. Such recommendations shall be based upon policies or procedures for the evaluation of open space priority properties as may be approved by resolution of the City Council;

(c) Basic policies on management of city-owned open space; and

(d) Criteria for evaluating proposals for significant physical changes and installations on and adjacent to open space lands;

(e) Evaluation of proposals to install extraordinary facilities on city-owned open space; and

(f) Evaluation of proposals to sell, lease, exchange, or otherwise dispose of open space exchange lands or other lands acquired with open space funds.

(3) Advise the City Treasurer or designated trustee on the administration and management of the Open Space Trust Fund.

(4) Annually make recommendations to the EPC, the Mayor, and the City Council on updating the open space program, including land acquisition and other open space capital improvements.

(5) Periodically review open space plans in consultation with citizen interest groups, especially the Open Space Task Force. Advise the EPC, the Mayor, and the City Council on needed new plans and plan amendments, ranging from detailed project plans to the Albuquerque/Bernalillo County Comprehensive Plan. Make recommendations for the annual proposed city planning program.

(6) Upon request, advise or assist the Mayor in negotiations for open space land acquisition.

(7) The Board's recommendations shall be consistent with the conditions imposed on expenditure of interest of the Permanent Fund for Open Space as specified in §§ 4-2-3-1 et seq. and the conditions imposed on the expenditure of monies from the Quality of Life Fund as specified in Resolution 89-1987; the Board's proposals shall also take into account all funding sources available for the Open Space program.

(8) Approve the sale or lease of certain interests in Open Space Exchange Lands, as provided in § 4-2-3-5.”

SECTION 2. Section 5-2-5 ROA 1994 relating to City acquisition of real property is amended as follows:

“§ 5-2-5 ACQUISITION OF REAL PROPERTY.

(A) The Mayor is authorized to enter into contracts for the acquisition of any interest in real property, subject to the approval of the Council as outlined herein. Except in emergencies, the Mayor shall enter into such contracts only when the Council has authorized purchase of the specific parcel or a parcel of its type and location category; such Council authorization is evidenced by the fact that:

(1) Sufficient money, designated for acquisition of the property, has been previously appropriated by the Council; or

(2) Acquisition of such property is specified in the current two-year Capital Improvements Budget; or

(3) The city-owned property to be utilized as consideration in an exchange has previously been declared nonessential for municipal purposes, pursuant to §§ 5-2-1 and 5-2-2, and the Council resolution declaring the property nonessential authorized the city property to be used as consideration to acquire the specific parcel or a parcel of its type and location category.

(B) The contracts, including those accomplishing trades, shall be submitted to the Council by the Mayor at the first regularly scheduled Council meeting after their execution when:

(1) The value of the real property is more than \$50,000; and

(2) Sufficient money to be used to acquire the real property has not been previously appropriated by the Council.

(C) All contracts which are submitted to the Council in accordance with the requirements of this section shall be supported by a message setting out the circumstances, benefits, responsibilities and advantages relative thereto.

(D) The Council may approve, take no action or disapprove the contract.

(E) If the Council disapproves by majority vote of the members present and voting, the contract shall be void.

(F) The Mayor may withdraw the contract at any time from the Council or may present revisions thereof. In the event of withdrawal, the contract shall be a nullity. In the event of revision, the provisions of this section shall apply to the same extent as if a new contract were being submitted.

(G) Open Space Acquisitions. The Mayor may from time to time, or shall upon request of the Council, issue solicitations seeking competitive offers to sell the properties on the Council-approved city open space priority acquisition list.”

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

Section 4. COMPILATION. Sections 1 and 2 of this ordinance amend, are incorporated in and made a part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

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

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