



Legislation Text

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CITY of ALBUQUERQUE
TWENTY-SIXTH COUNCIL

COUNCIL BILL NO. R-24-102 ENACTMENT NO. _____

SPONSORED BY: Joaquin Baca, by request

RESOLUTION

Approving The Downtown 2025 Metropolitan Redevelopment Area For Gross Receipts Tax Increment Financing; Approving The 2004 West Central Metropolitan Redevelopment Area For Gross Receipts Tax Increment Financing (Baca, by request)

WHEREAS, the State of New Mexico has enacted the Metropolitan Redevelopment Code (herein the “Code”), Chapter 3, Article 60A, Sections 1 - 49 NMSA 1978, as amended, which authorizes the City of Albuquerque, New Mexico (herein the “City”) to prepare and amend metropolitan redevelopment plans to undertake and carry out metropolitan redevelopment projects; and

WHEREAS, the City has adopted the Metropolitan Redevelopment Agency Ordinance (herein the “Ordinance”) ROA 1994, Chapter 14, Article 8, Part 4, as amended, which creates the Metropolitan Redevelopment Agency (herein the “MRA”) and delegates from the Albuquerque City Council (herein the “Council”) to the MRA the exercise of certain metropolitan redevelopment project powers set forth in the Code; and

WHEREAS, the State of New Mexico has amended certain provision of the Code, Chapter 3, Article 60A, Sections 19 - 24, NMSA 1978 (herein the “Tax Increment Law”), effective on January 1, 2025, which authorizes the City to designate Metropolitan Redevelopment Areas (herein the “MR Areas”) for tax increment financing from gross receipts tax increment for a period of up to 20 years; and

WHEREAS, the Tax Increment Law, authorizes the City to designate a portion of the

gross receipts tax increment for the purpose of funding a metropolitan redevelopment project, after a metropolitan redevelopment area geographic boundary is approved; and

WHEREAS, the City enacted Resolution R-24-46 (Enactment no. R-2024-016) recognizing the authority of the MRA to carry out tax increment financing as permitted by the Tax Increment Law; and

WHEREAS, the City enacted Council Bill O-24-22 (Enactment no. O-2024-045) amending the Ordinance and authorizing MRA to carry out tax increment financing as permitted by the Tax Increment Law; and

WHEREAS, the Council, after notice and public hearing as required by the Code, duly passed and adopted Resolution R-03-294 (Enactment no. R-2003-160), which designated the Downtown Metropolitan Redevelopment Area and established its geographic boundaries as the area generally bounded by Marble/Slate/Lomas Boulevard on the north, the BNSF Rail Road/Broadway Boulevard on the east, Coal Avenue on the south, and Tenth/Ninth/Seventh Streets on the west; and

WHEREAS, in Resolution R-03-294, Section 4, the Council resolved that the entire Downtown Metropolitan Redevelopment Area is specifically included for purposes of tax increment financing; and

WHEREAS, Council, after notice and public hearing as required by the Code, duly passed and adopted Resolution R-04-50 (Enactment no. R-2004-044), which approved the Downtown 2010 Metropolitan Redevelopment Area Plan (the “MR Area Plan”); and

WHEREAS, Council, after notice and public hearing as required by the Code, duly passed and adopted Resolution R-17-213 (Enactment no. R-2017-102), which amended the MR Area Plan and adopted it as the Downtown 2025 MR Area Plan; and

WHEREAS, the Downtown 2025 MR Area Plan includes Policies and Implementation Actions to make the Downtown MR Area New Mexico’s premier pedestrian-oriented “urban place;” and

WHEREAS, the Downtown 2025 MR Area Plan provides that tax increment financing may be used to fund programs, infrastructure, and facilities, and provides that the MRA shall use redevelopment powers as authorized by the Code to support and encourage residential development in the Downtown MR Area; and

WHEREAS, the Downtown 2025 MR Area Plan identifies multiple strategies for revitalization of the area including, but not limited to the development of high-density urban

housing, diversification of commercial and retail activity, and public infrastructure and safety improvements; and

WHEREAS, investment in and redevelopment of the Downtown 2025 MR Area is critical to the sound growth and economic health of the City, and this investment will not otherwise occur without the designation of the area for gross receipts tax increment financing; and

WHEREAS, the Downtown 2025 MR Area includes a total area of approximately 321 acres and is generally bounded by Marble/Slate/Lomas streets to the north, the BNSF Rail Road/Broadway Boulevard to the east, Coal Avenue to the south, and 10th/9th/7th streets to the west.

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

SECTION 1. The entire Downtown 2025 MR Area is included for purposes of Gross Receipts Tax Increment Financing (TIF).

SECTION 2. This area encompasses approximately 321 acres and 478 parcels, and is generally bounded by Marble/Slate/Lomas streets to the north, the BNSF Rail Road/Broadway Boulevard to the east, Coal Avenue to the south, and Tenth/Ninth/Seventh streets to the west.

SECTION 3. Pursuant to the Tax Increment Law and Resolution R-24-46 (Enactment no. R-2024-016) the City hereby dedicates 75% of the City's portion of the gross receipts tax increment generated from within the Downtown 2025 MR Area TIF geographic boundary for the purpose of funding the metropolitan redevelopment projects therein for a period of 20 years from the date of the notification provided pursuant to Sections 4 and 5 hereof.

Section 4. On or after January 1, 2025 the Metropolitan Redevelopment Agency shall notify the State of New Mexico Board of Finance and Bernalillo County, New Mexico (herein the "County") of the approved Downtown 2025 Metropolitan Redevelopment TIF geographic area boundary to be included in the TIF for gross receipts tax increment financing:

- a) For a period of 20 years from the date of the notification.
- b) Authorizing 75% of City's portion of the gross receipts tax increment from within the designated area to be transferred to the appropriate designated metropolitan redevelopment fund for metropolitan redevelopment activities in the designated area.

SECTION 5. On or after January 1, 2025 the Metropolitan Redevelopment Agency shall notify the State of New Mexico Taxation and Revenue Department of the approved

Downtown 2025 Metropolitan Redevelopment TIF geographic area boundary to be included in the TIF for gross receipts tax increment financing:

- a) Requesting designation of a reporting location code for the Metropolitan Redevelopment area pursuant to Section 7-1-14 NMSA 1978**

SECTION 6. The Metropolitan Redevelopment Agency shall recommend to the County that up to 75% of the County's portion of the gross receipts tax increment generated from within the Downtown 2025 MR Area TIF be transferred to the designated metropolitan redevelopment area fund within the City, through a County-adopted resolution, and is encouraged to work with the County to adopt such a resolution.

SECTION 7. The Metropolitan Redevelopment Agency shall submit a request to the State of New Mexico Board of Finance that up to 75% of State's portion of the gross receipts tax increment from the designated area be transferred to the City's designated metropolitan redevelopment area fund, through a State-adopted resolution, and is encouraged to and work with State Board of Finance to adopt such a resolution.

SECTION 8. The Metropolitan Redevelopment Agency is hereby authorized to request a Fund be created by the appropriate City financial staff for the purpose of receiving exclusively all TIF funds from the Downtown 2025 MR Area TIF.

SECTION 9. INCORPORATION. The Albuquerque Code of Resolutions §1-12-15(D) is hereby amended as follows:

(D) The entire Downtown 2025 MR Area is specifically included for purposes of tax increment financing, as provided by the Tax Increment Law, pursuant to adopted resolutions R-24-XX and R-24-XX.

SECTION 10. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this resolution 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 resolution. The Council hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.