

CITY of ALBUQUERQUE

TWENTY SEVENTH COUNCIL

COUNCIL BILL NO. R-26-55 ENACTMENT NO. _____

SPONSORED BY: Joaquín Baca

1 RESOLUTION

2 ESTABLISHING A MORATORIUM ON OPENING THE COMMON AREA
3 CENTRAL COURTYARD AT THE LOFTS AT ALBUQUERQUE HIGH FOR
4 PUBLIC USE BETWEEN 9:00 AM AND DUSK AND REQUIRING A REPORT
5 FROM THE CITY ADMINISTRATION.

6 WHEREAS, The Historic Albuquerque High School Campus (the “Campus”),
7 a mixed-use re-development community, was redeveloped in the late 1990s and
8 early 2000s into the existing structure, comprising of residential and
9 commercial spaces; and

10 WHEREAS, the Campus includes the Lofts at Albuquerque High (the
11 “Lofts”), a residential development comprised of redeveloped lofts for sale or
12 lease; and

13 WHEREAS, the Lofts contain amenities, including access to and use of the
14 Common Area Central Courtyard (the “Commons”); and

15 WHEREAS, since the Campus’ opening in 2002, the Commons have been
16 maintained by the Historic Albuquerque High School Campus Association (the
17 “Association”); and

18 WHEREAS, pursuant to the Campus Declaration of Charter, Easements,
19 Covenants, and Restrictions (“Declaration”) and the Campus Development
20 Agreement between the City of Albuquerque and the developer, Paradigm and
21 Company, L.L.C. (the “Development Agreement”), the Commons is to be
22 accessible by the public from 9:00 AM to dusk, but may be restricted from the
23 public at night (see Declaration, Sections 1.4(c), 3.2, and 3.3; *and* see
24 Development Agreement Section 414(b)(iii)); and

25 WHEREAS, pursuant to these provisions, the Owners of the Lofts and the
26 City may cooperate in amending the Declaration and the Development

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

1 Agreement to “provide reasonable public access to the Commons that is
2 compatible with the interest of the private Owners, their tenants, and the City”
3 if “unrestricted access between [9:00 AM and dusk] places an unreasonable
4 burden on private Owners or their tenants, or negatively effects leasing and
5 sales activity, or jeopardizes the return on the “Project” (as defined in the
6 Development Agreement) to the City or the private Owners,”; and

7 WHEREAS, since the Campus’ opening in 2002, the Commons have been
8 secured at all times of day, despite the Declaration and Development Agreement
9 provisions to the contrary; and

10 WHEREAS, since 2002, the City has not enforced the Declaration or
11 Development Agreement provisions mandating public access to the Commons
12 from 9:00 AM to dusk; and

13 WHEREAS, the status quo for nearly twenty-four years has been for the
14 Commons to be secured at all times; and

15 WHEREAS, on July 12, 2026, the City sent a demand to open the Commons
16 daily between the hours of 9:00 AM and dusk, citing the Declaration and the
17 Development Agreement (the “Demand Letter”); and

18 WHEREAS, the City imposed a 30-day deadline for compliance, despite the
19 provisions in the Declaration and Development Agreement that allow for
20 cooperation between the Loft Owners and the City to amend the Declaration and
21 the Development Agreement.

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

24 SECTION 1. As of the effective date of this Resolution, a moratorium is
25 imposed on any actions the City may take or is in the process of taking to open
26 the Commons to the public. This moratorium will remain in place unless and
27 until the City meets with the Owners to coordinate amendments to, and
28 consistent with, the Declaration and Development Agreement.

29 SECTION 2. Within 15 days following the effective date of this Resolution,
30 the Administration shall provide the Council with a briefing regarding the
31 Commons, including, at a minimum, all communications sent to Owners prior
32 to issuance of the Demand Letter, a summary of all good faith efforts to
33 coordinate the City’s concerns with the Owners, the funds expended thus far in

1 pursuing the objectives in the Demand Letter, and an explanation for the delay
2 in pursuing enforcement from the Campus' opening in 2002 to now.

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

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

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