

CITY of ALBUQUERQUE

TWENTIETH COUNCIL

COUNCIL BILL NO. C/S R-12-118

ENACTMENT NO. R. 2012.107

SPONSORED BY: Rey Garduño

RESOLUTION

APPROVING AN AMENDMENT OF THE LEVEL A COMMUNITY MASTER PLAN FOR MESA DEL SOL; APPROVING AN AMENDMENT OF THE LEVEL A DEVELOPMENT AGREEMENT BETWEEN FOREST CITY COVINGTON NM, LLC AND THE CITY OF ALBUQUERQUE; AND APPROVING THE RELEASE OF TRACT 8 UPON ITS SALE TO THE PUEBLO OF ISLETA FROM LAND USE ENTITLEMENTS AND COVENANTS RUNNING WITH THE LAND.

WHEREAS, Mesa del Sol is an approximately 13,000 acre tract located generally east of Interstate 25, south of the Tijeras Arroyo, west of Kirtland Air Force Base and north of the Pueblo of Isleta; and

WHEREAS, Mesa del Sol is located in the area designated "Reserve" by the Albuquerque/Bernalillo County Comprehensive Plan; and

WHEREAS, the Planned Communities Criteria Rank 2 Plan adopted in 1991 to guide development in Reserve areas and the Planned Community Zone adopted in 1993 (Section 14-16-2-29 ROA 1994) established a three step process for becoming a Planned Community: (1) submitting a Level A Plan, which serves as the Community Master Plan, (2) submitting Level B Plans, which serve as Sector Development Plans for sub-areas within the Master Plan, and (3) submitting Level C Plans, which serve as site development plans, (collectively, the Land Use Entitlements"); and

WHEREAS, the Mesa del Sol Level A Community Master Plan was approved and adopted by the Council in 2005, after receiving a recommendation for approval by the Environmental Planning Commission ("EPC"); and

WHEREAS, when the Council approved the Level A Community Master Plan, the Council also approved the Mesa del Sol Level A Development Agreement between Forest City Covington, LLC and the City of Albuquerque

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1 (filed in the Bernalillo County , New Mexico real estate records on March 21,
2 2006, in Book A113, Page 9684); and

3 WHEREAS, the Development Agreement stated that all of the provisions
4 contained in the Agreement “shall be enforceable as equitable servitudes and
5 shall constitute covenants running with the land” and that each covenant “is
6 binding upon each successive owner of all or a portion of the Level ‘A’
7 Property during its ownership of such property”; and

8 WHEREAS, Mesa del Sol, LLC has contracted to sell to the Pueblo of Isleta,
9 a federally recognized Indian Tribe organized pursuant to the Indian
10 Reorganization Act (“Isleta”) the following portion of Mesa del Sol (“Tract 8”),
11 consisting of approximately 23.58 acres and more particularly described as:

12 “Tract 8 of the Bulk Land Plat of Mesa Del Sol, as the same is shown and
13 designated on said plat filed in the office of the County Clerk of Bernalillo
14 County, New Mexico, on June 21, 2006 in Plat Book 2006C, Page 195”; and

15 WHEREAS, Mesa del Sol, LLC and the Pueblo of Isleta are seeking to have
16 Tract 8 released from the Land Use Entitlements, including the Level A
17 Community Master Plan, the Level A Development Agreement, and the Level B
18 Master Plan (approved by the EPC in 2007 and amended by the EPC in 2012)
19 and Level B Development Agreement (filed in the Bernalillo County, New
20 Mexico real estate records on December 3, 2007, as Doc. No. 2007163468)
21 prior to the sale of Tract 8 to Isleta.

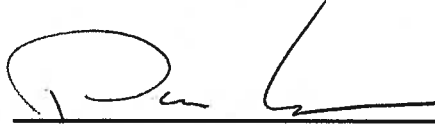
22 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
23 ALBUQUERQUE:

24 Section 1. Upon the consummation of the sale of Tract 8 (as described in
25 this resolution) from Mesa del Sol, LLC to the Pueblo of Isleta, and the release
26 by the Pueblo of Isleta of all obligations of the City of Albuquerque regarding
27 Tract 8 including those obligations in the Level A Community Master Plan, the
28 Level A Development Agreement, the Level B Master Plan and the Level B
29 Development Agreement, the Council approves the release of Tract 8 from the
30 Land Use Entitlements, including the Level A Community Master Plan, the
31 Level A Development Agreement, the Level B Master Plan and the Level B
32 Development Agreement.

Section 2. The Level A Community Master Plan and the Level A Development Agreement are hereby amended to be consistent with Section 1 above.

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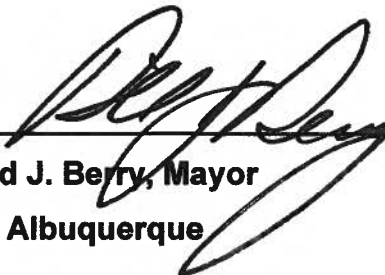
1 PASSED AND ADOPTED THIS 17th DAY OF December 2012
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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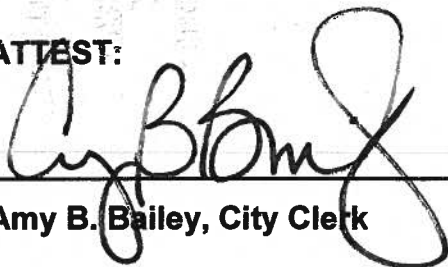
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8 Dan Lewis, President
9 City Council

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13 APPROVED THIS 8 DAY OF January, 2013
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17 Bill No. C/S R-12-118

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21 Richard J. Berry, Mayor
22 City of Albuquerque
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26 ATTEST:

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29 Amy B. Bailey, City Clerk
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