

**CITY of ALBUQUERQUE
NINTH COUNCIL**

COUNCIL BILL NO. R-68 ENACTMENT NO. 54-1990

SPONSORED BY: Pauline K. Gubbels

RESOLUTION

ADOPTING POLICIES ON ANNEXATION TO THE CITY OF ALBUQUERQUE AND
REPEALING PREVIOUS POLICIES ON ANNEXATION.

WHEREAS, annexation is a proper and important tool for
facilitating sound urban development; and

WHEREAS, the City is interested in annexing those areas that can
be served within a reasonable time for the mutual benefit of
individual residents, the City, and the County; and

WHEREAS, it can be mutually advantageous to the City and to land
owners to annex land so that planning can proceed under City zoning
regulations and other City policies, even though City capital funds
cannot be programmed for the area for some years; and

WHEREAS, the City and Bernalillo County have adopted a
Comprehensive Plan as well as other, more detailed plans and
guidelines for urban and open space development; and

WHEREAS, Sections 3-7-1 to 3-7-18 and 3-57-1 to 3-57-8, New
Mexico Statutes Annotated, 1978, as amended, define a number of ways
in which the City of Albuquerque can annex land.

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

Section 1. Areas which are designated by the
Albuquerque/Bernalillo County Comprehensive Plan as Central Urban,
Established Urban, and Developing Urban are particularly appropriate
for the range of urban services which the City can provide, and
annexation of such areas into the City is desired and encouraged.
More specifically, annexation of areas planned to be urban intensity

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1 of development will be approved when the following policies are met,
2 unless the City concludes that the anticipated delay in provision of
3 City services is so far into the future as to be speculative and
4 therefore an unreasonable basis to provide for annexation:

5 a. Compliance with City policy regarding land dedication
6 for public facilities is assured;

7 b. The applicant shall agree in writing to timing of
8 capital expenditures for necessary major streets, water, sanitary
9 sewer, and storm-water-handling facilities:

10 (1) The timing to be per a written City statement of
11 intent as to when it or another public body will be able to provide
12 such capital facilities, such City statement to be issued prior to
13 annexation; and/or

14 (2) The timing to remain indefinite but a substantial
15 number of years in the future, based on a written City statement,
16 made prior to annexation, that it will provide the facilities but no
17 timing can be assured; and/or

18 (3) A commitment by the land owner that he or his
19 successors in interest will, in a manner that satisfies City
20 standards, install and pay for such facilities or cause them to be
21 installed and paid.

22 c. The City may decline an annexation if necessary capital
23 expenditures fall all or partly under paragraph b(2), above, and the
24 City concludes that it would be unreasonable to make land owners
25 wait for basic utilities and facilities as long as would probably be
26 the case;

27 d. Land annexed shall be to some extent contiguous to the
28 City limits, except land owned by the City may be annexed when it is
29 not contiguous where this is allowed by state statutes;

30 e. Land to be annexed shall have provision for convenient
31 street access to the City;

32 f. Land to be annexed shall have reasonable boundaries so
33 that providers of public services can determine with ease where the

1 City boundary is located and so that public services can be
2 delivered under appropriate service extension policies at reasonable
3 operating and capital cost to the City;

4 g. City boundaries shall be established along platted
5 lines which will make definite what the city limits are; annexation
6 plats need not meet all requirements of a subdivision plat as
7 specified by the Subdivision Ordinance.

8 Section 2. Areas which are designated by the
9 Albuquerque/Bernalillo County Comprehensive Plan as Reserve are
10 appropriate for annexation if they meet the guidelines established
11 in the Reserve Area section (II-B-2) of the Plan, so as to create
12 high quality, mixed use, largely self-sufficient planned
13 communities. More specifically, such areas will be approved when
14 the following policies are met:

15 a. The policies stated in the subsections of Section 1
16 above; and

17 b. Applications are accompanied or preceded by
18 satisfactory plans for each community proposed.

19 Section 3. Areas which are designated by the
20 Albuquerque/Bernalillo County Comprehensive Plan as Semi-Urban and
21 as Rural are appropriate for annexation where the policies of the
22 Semi-Urban and Rural Areas sections of the Plan are furthered or
23 where the general public welfare clearly is better served by
24 annexation. Zoning appropriate for a low intensity area, as
25 indicated by the Comprehensive Plan, will be assigned. More
26 specifically, annexation in areas planned to be less than urban
27 intensity of development will be approved when the following
28 policies are met:

29 a. The policies stated in the subsections of Section 1
30 above;

31 b. Since the eventual annexation of all these areas is
32 unlikely, special care shall be taken to maintain reasonable,
33 compact boundaries in these areas. To this end, the City will not

1 annex such land unless it:

2 (1) has at least ten percent of its boundary
3 contiguous to the City boundary; or

4 (2) does not create an arm of the City's incorporate
5 area which is at any point less than 1,000 feet wide.

6 c. Barring exceptional conditions, the City will not annex
7 land on one side of a public street without also annexing the land
8 on the other side of the street; and

9 d. Land shall not be annexed unless appropriate City zone
10 categories are available for regulation of development in accord
11 with planned and appropriate land development patterns.

12 Section 4. Areas which are outside Bernalillo County may be
13 appropriate for annexation when the following policies have been met:

14 a. The policies stated in the subsections of Section 1 and
15 above;

16 b. The Environmental Planning Commission and the City
17 Council find that the area to be annexed:

18 (1) is suitable for urban intensity land uses and is
19 near areas in Bernalillo County which are designated urban by the
20 Albuquerque/Bernalillo County Comprehensive Plan; or

21 (2) the land is a City-owned park of open space.

22 c. The long term benefits to the City from the proposed
23 annexation are deemed to outweigh City costs; and

24 d. The subject property owner's reasons for desiring
25 annexation demonstrate a net benefit to the City and to the public
26 welfare if the annexation is approved.

27 Section 5. The City may annex land even though some or all of
28 the above policies are not met where the Environmental Planning
29 Commission and City Council find:

30 a. that there is a particular hazard to the health of
31 persons, that such hazard would be removed or materially alleviated
32 by the City upon annexation, and that no other adequate and timely
33 remedy for the removal or material alleviation of such hazard is

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1 available; or

2 b. that City-owned land used for a public purpose is being
3 annexed to better facilitate that use.


4 Section 6. Council Resolution 254-1980, annexation policies
5 enacted by the City Commission on November 17, 1980, are hereby
6 repealed.

7 Section 7. That if any section, paragraph, clause, or provision
8 of this resolution shall for any reason be held to be invalid or
9 unenforceable, the invalidity or unenforceability of such section,
10 paragraph, clause or provision shall not affect any of the remaining
11 provisions of this resolution.


12 PASSED AND ADOPTED THIS 7th DAY OF May, 1990.

13 BY A VOTE OF 8 FOR AND 0 AGAINST.

14 Yes: 8
15 Excused: Kline

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17 
18 Steve D. Gallegos, President
19 City Council

20 APPROVED THIS 25th DAY OF May, 1990

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22 
23 Louis E. Saavedra, Mayor
24 City of Albuquerque

25 ATTEST:

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28 City Clerk
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