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

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

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

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

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

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

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

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

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

f. Land to be annexed shall have reasonable boundaries so that providers of public services can determine with ease where the
City boundary is located and so that public services can be
delivered under appropriate service extension policies at reasonable
operating and capital cost to the City;

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

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

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

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

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

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

b. Since the eventual annexation of all these areas is
unlikely, special care shall be taken to maintain reasonable,
compact boundaries in these areas. To this end, the City will not
annex such land unless it:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BY A VOTE OF 8 FOR AND 0 AGAINST.

Yes: 8

Excused: Kline

Steve O. Gallegos, President
City Council

APPROVED THIS 25th DAY OF May, 1990

Louis E. Saavedra, Mayor
City of Albuquerque

ATTEST:

Kara Clem
City Clerk