

COUNCIL BILL NO. F/S O-08-35 ENACTMENT NO. _____

ORDINANCE

AMENDING SECTION 14-14-5-3 ROA 1994, A PORTION OF THE SUBDIVISION
ORDINANCE, TO REQUIRE CERTAIN NOTICE AND APPROVAL PRIOR TO THE
GRANTING OF AN EXTENSION OF A SUBDIVISION IMPROVEMENTS
AGREEMENT.

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

10 **[A.]** Upon approval of plans and specifications by the City Engineer, the
11 subdivider shall execute a subdivision improvements agreement which
12 guarantees completion of required infrastructure or provides for the
13 construction prior to recording. The format of such agreement shall be set
14 forth in the Development Process Manual. The subdivision improvements
15 agreement shall specify the time period within which the improvements are to
16 be completed, which time period will end not later than two years after
17 execution of the subdivision improvements agreement[.]

24 [C. For any request for an extension of the time period within which the
25 improvements are to be completed:

1 1. The City's Department of Municipal Development must
2 indicate in writing that the Department has reviewed and agrees to such an
3 extension prior to approval of the request;

4 2. The applicant must demonstrate that the City's Air Quality
5 Division has reviewed the request prior to the approval of the request;

6 3. A request for an extension that has not met the requirements
7 in sections 1 and 2 shall not be approved; and

8 4. A request for a period longer than six months must be
9 approved by the City Council. In approving a request for an extension the
10 Council shall base its decision on the following criteria:

11 a. Whether the extension will be injurious to the public safety,
12 health or welfare, or to adjacent property, the neighborhood or the community;
13 and

14 b. Whether the extension will conflict significantly with the
15 goals and provisions of any City, County, or AMAFCA adopted plan or policy,
16 the applicable zoning ordinance, or any other City Ordinances; and

17 c. Whether the extension will hinder future planning, public
18 right-of-way acquisition, or the financing of construction of public
19 infrastructure improvements.

20 D.] If the preliminary plat approval should lapse without final plat having
21 been approved, the subdivision improvements agreement automatically
22 lapses and no such improvements are thereafter required or approved. After
23 execution of a satisfactory subdivision improvements agreement, the
24 subdivider may proceed with the construction of all such improvements."

25 Section 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
26 clause, word or phrase of this ordinance is for any reason held to be invalid or
27 unenforceable by any court of competent jurisdiction, such decision shall not
28 affect the validity of the remaining provisions of this ordinance. The Council
29 hereby declares that it would have passed this ordinance and each section,
30 paragraph, sentence, clause, word or phrase thereof irrespective of any
31 provision being declared unconstitutional or otherwise invalid.

32 Section 3. COMPILATION. This ordinance shall be incorporated in and
33 made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

- 1 Section 4. EFFECTIVE DATE. This ordinance shall take effect five days
- 2 after publication by title and general summary.

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