

VILLAGE OF CORRALES

ORDINANCE NO. 07-03

AN ORDINANCE AMENDING THE CAPITAL IMPROVEMENTS PLAN FOR THE FAR NORTHWEST SECTOR OF THE VILLAGE OF CORRALES AND CERTAIN ADJACENT AREAS, AS ADOPTED BY ORDINANCE NO. 390, PASSED AND ADOPTED SEPTEMBER 14, 2004; REFLECTING CHANGES IN THE STATUS OF PROJECTS INCLUDED IN THE CAPITAL IMPROVEMENTS PLAN; AND AMENDING THE IMPACT FEE CHARTS FOR COMMERCIAL AND OFFICE USES.

WHEREAS, on September 14, 2004, the Village Council, the Governing Body of the Village of Corrales ("Corrales"), by Ordinance No. 390 adopted the Far Northwest Sector Capital Improvements Plan ("CIP") of the Village of Corrales; and

WHEREAS, in accordance with the Development Fees Act, Sections 5-8-1 through 5-8-42, NMSA 1978, and the Land Use Assumptions adopted by the Village of Corrales for the Far Northwest Sector, the Village has adopted and implemented impact fees for development in the Far Northwest Sector; and

WHEREAS, the Village must review and evaluate the Land Use Assumptions and the CIP at least once every five (5) years, and must also update the Land Use Assumptions and CIP as necessary and appropriate based on such review and evaluation, in accordance with Section 5-8-30, NMSA 1978; and

WHEREAS, the Village's Capital Improvements Advisory Committee ("CIAC") has reviewed and evaluated the Land Use Assumptions and the CIP, and has determined that the CIP should be amended and updated to reflect changes in the status of capital projects in the Far Northwest Sector since the CIP was first adopted; and

WHEREAS, the Village Engineer, at the direction of the Village, has prepared an amended CIP dated March 8, 2007, containing amendments and revisions for consideration and possible adoption by the Village Council, as required by the Development Fees Act; and

WHEREAS, the Village Council finds that the assessment of impact fees for commercial and office uses in the Far Northwest Sector, based on anticipated traffic volumes generated by such uses, leads to impact fees that appear excessive and that are likely to deter prospective business owners from locating their businesses in the Far Northwest Sector, to the detriment of Village revenues from gross receipts taxes and other fees paid by businesses in the Village; and

WHEREAS, the CIP contains amended impact fee charts for commercial and office uses that reflect a modified impact fee schedule designed to provide appropriate revenues to the Village while not imposing excessive costs on business owners; and

WHEREAS, the amendment of impact fees for commercial and office uses will not impose a burden on residential property owners, because the impact fees imposed for commercial and office uses will in all cases be no less than the impact fees that would have been imposed on such property if used entirely for residential purposes; and

WHEREAS, the Governing Body finds that adoption of the amended CIP as provided herein is in the best interest of the Village and provides for a fair and appropriate allocation of the costs to provide Village services for residential and non-residential developments in the Far Northwest Sector.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Village of Corrales, New Mexico, that:

1. The Far Northwest Sector Capital Improvements Plan shall be and hereby is amended by adoption, in its entirety, of the "Far Northwest Sector Capital Improvements Plan, Village of Corrales, Amended March 8, 2007" attached hereto as Exhibit A and hereby expressly incorporated as a part of this Ordinance.

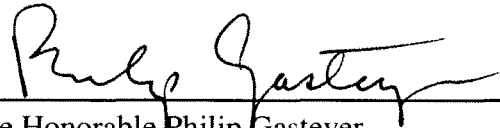
2. Except as expressly amended herein, the Far Northwest Sector Capital Improvements Plan adopted on September 14, 2004, by Ordinance No. 390, shall remain in full force and effect.

SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

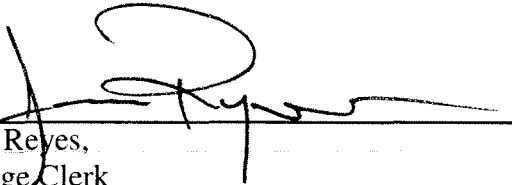
PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 22nd day of May 2007.

APPROVED:



The Honorable Philip Gasteyer
Mayor, Village of Corrales

ATTEST:



Juan Reyes,
Village Clerk