



VILLAGE OF CORRALES

RESOLUTION NO. 16-33

A Resolution Relating to Impact Fee Credits in the Far Northwest Sector of the Village of Corrales; Establishing Criteria to be Considered by the Village Administration in Determining Which Properties Are Entitled to Recognition of a Credit.

WHEREAS, based on completion by Tierra de Corrales, LLC, of road improvements that were a part of the Far Northwest Sector Capital Improvements Plan of the Village of Corrales (the "Village"), Tierra de Corrales, LLC was granted development (impact) fee credits in accordance with Resolution No. 06-045, adopted November 14, 2006; and

WHEREAS, Tierra de Corrales, LLC, was granted permission to assign the development fee credits to specific lots within the Tierra de Corrales subdivision for the benefit of the person or persons purchasing those lots from Tierra de Corrales, LLC; and

WHEREAS, full development of Tierra de Corrales and of the Far Northwest Sector more generally has taken a longer time than originally anticipated, in large part due to national and global economic conditions over which neither the developer nor the Village has any control; and

WHEREAS, due to the lapse of time since the impact fee credits were issued many properties have changed hands and it has not been totally clear to the Village administration which properties are entitled to impact fee credits, and which are not; and

WHEREAS, the Village Council, the governing body of the Village ("Governing Body"), has been provided appropriate documentation in the form of an affidavit from Steve Gutierrez of Tierra de Corrales, LLC, as to the properties that were originally granted development fee credits by Tierra de Corrales, LLC; and

WHEREAS, certain additional development fee credits, not assigned to any individual lot but recognized by a certificate issued by the Village and with the seal of the Village affixed thereto, were granted to Tierra de Corrales, LLC pursuant to Resolution 06-045; and.

WHEREAS, the Governing Body wishes to clarify the standards to be applied and the duties of Village staff in responding to requests for recognition of development fee credits, so as to recognize legitimate credits while avoiding incorrect recognition of credits on properties not eligible for them, to the economic detriment of the Village.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Village of Corrales, that:

1. In evaluating an application for recognition of a development fee credit, there is a **presumption** based on the records of Tierra de Corrales, LLC, that one full residential development fee credit was originally granted for and may be recognized and applied upon any of the following fifty-three designated lots within Tierra de Corrales:

Block 1: Lots 1, 2, 3, 5, 6 and 7.

Block 2: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16.

Block 3: Lots 1, 2, 9, 15 and 17.

Block 4: Lots 1, 2, 3, 4, 5, 8, 11, 15, 16, 17, 18, 20, 21, 22 and 23.

Block 5: Lot 1.

Block 6: Lots 1, 2, 3, 4, 6, 8, 9, and 10.

Block 8: Lots 1 and 2.

2. There is also a **presumption** that one partial residential credit in the amount of \$10,000 (out of an original total fee amount of \$12,601), was originally granted for and may be recognized and applied upon any of the following three designated lots within Tierra de Corrales:

Block 3: Lot 16.

Block 4: Lot 14.

Block 5: Lot 3.

3. Unless there is evidence to indicate that the credit or partial credit originally issued for any of the fifty-six lots referenced in Section 1 or 2 above has been severed from the land or for any other reason is no longer available on that land, the Village staff shall recognize and honor a residential development fee credit for such lot upon application and upon presentation by the applicant of satisfactory evidence, such as a warranty deed or similar documentation, that the applicant is the actual owner of the property or is duly authorized to represent the actual owner of the property.

4. For all other lands within the Far Northwest Sector of the Village, there is a **presumption** that the lot or land is **not** entitled to a development fee credit. The owner or developer of such land may be granted a development fee credit on such land only upon presentation of one of the following:

a) A Certificate of Development Fee Credit duly issued, numbered, and executed by the appropriate officers of the Village, with the seal of the Village duly affixed thereto, which shall be surrendered to the Village upon granting of the credit.

b) A complete and fully executed purchase agreement, recognizing the credit, between Tierra de Corrales, LLC and the original purchaser of a lot within Tierra de Corrales, LLC, along with documentation establishing complete, unbroken chain of title for the lot and/or the development fee credit from Tierra de Corrales, LLC to the applicant.


c) An incomplete or incompletely executed purchase agreement (whether or not recognizing the credit), along with a warranty deed reflecting sale of the lot to the person(s) named in the purchase agreement, and a contemporaneous letter to the Village from an officer of Tierra de Corrales, LLC or from the escrow agent at the time when the lot was originally sold, recognizing the assignment of a credit or partial credit to the lot in question, along with

documentation establishing complete, unbroken chain of title for the lot and/or the development fee credit from Tierra de Corrales, LLC to the applicant.

5. Village staff shall not recognize or honor any request for development fee credit except in accordance with the foregoing sections of this Resolution. If an applicant whose request for recognition of an impact fee credit has been denied believes that the denial is incorrect or improper and is aggrieved thereby, the applicant may within twenty (20) days after written denial of the request file a notice of appeal in the office of the Village Clerk, along with an appeal fee of one hundred dollars (\$100.00), and the Clerk shall set the matter for an appeal hearing before the Governing Body within sixty (60) days. The decision of the Governing Body at such hearing shall be the final Village action on the matter.

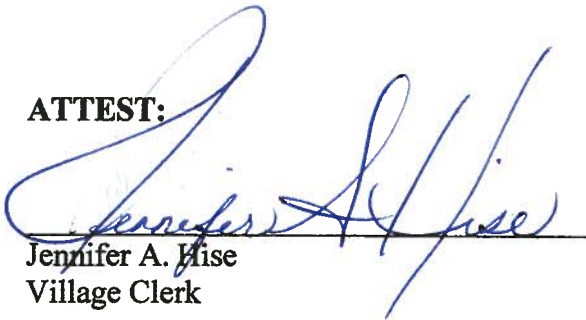
PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales this 27th day of September, 2016.

APPROVED:



The Honorable Scott A. Kominiak
Mayor

ATTEST:



Jennifer A. Hise
Village Clerk