



METROPOLITAN REDEVELOPMENT AGENCY APPEAL FORM

Appeal of the Decision of the Metropolitan Redevelopment Agency / Albuquerque Development Commission

This form must be completely filled out and all included materials must be provided at time of acceptance. Any appeal application not completed will be cause for denial of the appeal.

Completed appeal packets must be submitted in person at City of Albuquerque, Economic Development Department, 1 Civic Plaza NW, Albuquerque NM 87102; 11 Floor Reception Desk

A complete appeal packet includes:

- RFP number or description of the matter being appealed: _____
- Appellant's name as listed on the proposal: _____
- A detailed explanation the basis for the appeal with citations to any relevant facts in the record, City Ordinances or laws, and appellant's basis for standing as an appellant *
- Letter of authorization from the appellant if this appeal application is submitted by an agent
- Copy of the Official Notification of Decision regarding the matter being appealed
- \$500 Non-Refundable Fee

* Criteria for reasonable appeals and criteria for standing as an appellant are found in the Metropolitan Redevelopment Ordinance §14-8-4-8. The City Council will only consider these criteria when hearing an appeal. The applicant should review these and other relevant documents carefully before preparing an appeal application.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in rejection of this application and/or deferral of actions.

Applicant's Name (please print)

Applicant's Signature Date

§ 14-8-4-8 APPEAL.

(A) *Application.*

(1) Decisions of the Metropolitan Redevelopment Agency as to acceptance of a proposal for sale and/or redevelopment of land may be appealed to the City Council on forms prescribed by the Metropolitan Redevelopment Agency. A filing fee of \$500 shall accompany each appeal application. When an application is withdrawn the application fee shall not be refunded.

(B) *Limitations Period.* Decisions of the Metropolitan Redevelopment Agency are final unless appeal is initiated by application to the city on prescribed forms within 15 days of the Metropolitan Redevelopment Agency's notice of decision. The date of the notice of decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday, or holiday as listed in Ch. 3, Article 1, Merit System; Personnel Policy, the next working day is considered as the deadline for filing the appeal. Selection of a proposal for the sale and/or redevelopment of land shall not become a legally binding acceptance by the city until an appeal of the selection is decided or the time for filing the appeal has expired without an appeal being filed.

(C) *Standing for Appeals.* Any person who submitted a redevelopment proposal but who was not selected for award of the redevelopment project at issue may appeal.

(D) *Notice of Hearing.* The Mayor shall give written notice of an appeal, together with a notice of the date, time, and place of hearing to all those who made submittals for the project, and to all those who testified at the Albuquerque Development Commission's hearing concerning the project.

(E) *Hearing and Decision.*

(1) An appeal shall be heard within 60 days of its filing. The City Council's decision on the appeal shall be made following a public hearing. At the hearing the City Council shall review carefully the previous decision on the matter, and based only on the record before it, determine only whether:

- (a) The Metropolitan Redevelopment Agency's decision was arbitrary or capricious;
- (b) Whether the Agency's decision is supported by substantial evidence in the record; or
- (c) Whether the Agency erred as a matter of law.

(2) The concurring vote of two-thirds of the members of the City Council is required to reverse a determination by the Metropolitan Redevelopment Agency.

(3) If the City Council reverses the decision of the Metropolitan Redevelopment Agency, the City Council shall conduct a separate hearing, and after reviewing all qualifying proposals considered by the Metropolitan Redevelopment Agency and hearing any presentations and considering any new evidence it finds appropriate:

(a) Select whichever of the original proposals it finds to be best based on the criteria and standards of the Metropolitan Redevelopment Plan and the request for proposals;

(b) Remand all or part of the proposals to the Metropolitan Redevelopment Agency; or

(c) If the City Council determines that none of the proposals received are in accordance with the call for proposals or do not meet the objectives of the Metropolitan Redevelopment Code, the City Council may reject all proposals and direct the Metropolitan Redevelopment Agency to award the project through reasonable negotiating procedures as provided under Section 3-60A-12(C).

(4) In addition to appearing before the City Council at any hearing called for under §§14-8-4-1 et seq., any party to an appeal may provide written argument to the City Council by submitting it through the City Council staff. The written argument shall not include new evidence and shall be submitted at least five days before the next hearing on the appeal with copies provided to all parties.

(F) *Notice of Decision.* The City Council shall state its key findings of fact in a notice of decision issued after its hearing(s).

('74 Code, § 7-22-9) (Ord. 76-1983; Am. Ord. 2015-008)