

APPENDIX D:

Rail Yards Legislation

CITY of ALBUQUERQUE

SEVENTEENTH COUNCIL

COUNCIL BILL NO. R-07-202 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton

1 RESOLUTION

2 FURTHER DEFINING THE DEPARTMENT OF FAMILY AND COMMUNITY
3 SERVICES '05 GO BOND COMMUNITY REVITALIZATION SET-ASIDE PROJECT
4 TO INCLUDE THE ACQUISITION OF THE RAILYARD PROPERTY IN THE
5 BARELAS NEIGHBORHOOD; UNRESERVING FUNDS SET ASIDE IN THE
6 GENERAL FUND FOR FY/06 EXPENSES AND APPROPRIATING THEM TO THE
7 ACQUISITION OF THE RAILYARD PROPERTY PROJECT IN FAMILY AND
8 COMMUNITY SERVICES.

9 WHEREAS, the City has set aside out of the proceeds of the 2005 general
10 obligation bond issuance \$4,000,000 for Community Revitalization; and

11 WHEREAS, the project description for the 2005 G.O. Bond Community
12 Revitalization Set Aside Project, activity number 7395120, states that one of
13 the purposes of this funding is to acquire land for projects associated with
14 redevelopment activity in defined centers and corridors and/or in blighted
15 areas of the City; and

16 WHEREAS, the project description also states that adjacent neighborhoods
17 shall be involved by the implementing agencies in the planning and
18 construction of these projects; and

19 WHEREAS, there is an unencumbered fund balance sufficient to make the
20 appropriation outlined below; and

21 WHEREAS, in FY/06, the City Council reserved \$4.075 million for the City
22 Council to cover increased fuel costs in FY/06; and

23 WHEREAS, per the FY/06 Year-End Clean-up bill now before the Council (R-
24 06-141), \$2.774 million is unreserved and appropriated for excess fuel costs
25 for FY/06, leaving a total of \$1.301 million available to be unreserved and
26 utilized for another purpose; and

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1 WHEREAS, the acquisition and redevelopment of the Railyard Property is
2 critical for the revitalization and economic health of the Barelás Neighborhood
3 as well as the Downtown area.

4 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
5 ALBUQUERQUE:

6 Section 1. That the following project scope is hereby refined as indicated.

7 <u>Category / Project Title</u>	<u>Amount</u>
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8 Family and Community Services	
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9 Community Revitalization '05	\$4,000,000
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10 The scope of this project is refined to provide that \$1,200,000 of this amount
11 shall be used for the acquisition of the Railyard Property in the Barelás
12 Neighborhood.

13 Section 2. That the amount of \$1,301,000, which is the portion of the
14 \$4,075,000 FY/06 Fuels Reserve that was not unreserved and appropriated in
15 the FY/06 Year-End Cleanup Resolution, R-06-141, to cover various
16 departments' fuel over expenditures for FY/06, is hereby unreserved.

17 Section 3. That the following amount is hereby appropriated from the
18 General Fund (Fund 110) unreserved fund balance to the Capital Acquisition
19 Fund 305 for the Department of Family and Community Services Project
20 created below:

21 <u>Category/Project Title</u>	<u>Amount</u>
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22 Family & Community Services	
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23 Railyard Property Acquisition	\$1,050,000
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24 The scope of this project is to fund the acquisition of the Railyard Property
25 and related expenses.

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CITY of ALBUQUERQUE

SEVENTEENTH COUNCIL

COUNCIL BILL NO. R-07-274 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton

1 RESOLUTION

2 PROVIDING FUNDING FROM THE HOUSING AND NEIGHBORHOOD
3 ECONOMIC DEVELOPMENT FUND AND THE PHILLIPS IRB SETTLEMENT
4 RESERVE FOR THE ACQUISITION OF THE RAILYARD PROPERTY IN THE
5 BARELAS NEIGHBORHOOD.

6 WHEREAS, the acquisition and redevelopment of the Railyard Property is
7 critical for the revitalization and economic health of the Barel原因as Neighborhood
8 as well as the Downtown area; and

9 WHEREAS, the state and the Wheels Museum have provided funding and
10 support for the acquisition and redevelopment of the property; and

11 WHEREAS, the City has already provided \$2.25 million in funding for the
12 acquisition effort and is desirous of providing additional funds; and

13 WHEREAS, the City has available to it funds in the Housing and
14 Neighborhood Economic Development Fund (Fund 277), half of which are to
15 be used for economic development purposes in pockets of poverty such as
16 the Barel原因as neighborhood; and

17 WHEREAS, one of the stated goals of the Housing and Neighborhood
18 Economic Development Fund Plan is to “help eliminate blighted conditions in
19 the Pocket of Poverty to create a sound environment for public and private
20 investment, commercial revitalization, and neighborhood stabilization mainly
21 through improving physical conditions”; and

22 WHEREAS, the acquisition of the railyard property and its redevelopment is
23 an ideal project for this funding; and

24 WHEREAS, the City has reserved six hundred fifty nine thousand dollars
25 (\$659,000) within the General Fund from the Phillips Semiconductor Industrial
26 Revenue Bond clawback agreement; and

1 WHEREAS, these funds are to be used for economic development
2 purposes such as the acquisition of the railyard property.

3 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
4 ALBUQUERQUE:

5 Section 1. That five hundred thousand dollars (\$500,000) within the
6 Housing and Neighborhood Economic Development Fund (Fund 277) is
7 hereby designated to be used for the acquisition of the railyard property in the
8 Barelás neighborhood.

9 Section 2. That Six Hundred Thousand Dollars (\$600,000) of the Phillips
10 IRB settlement reserved to address the future needs of the City is hereby
11 unreserved.

12 Section 3. That the following amounts are hereby appropriated to the
13 program strategies shown below.

14 GENERAL FUND - 110

15 Family and Community Services

16 Transfer to Capital Acquisition Fund - 305 \$600,000

17 CAPITAL ACQUISITION FUND – 305

18 Family and Community Services

19 Railyard Property Acquisition '07 \$600,000

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CITY of ALBUQUERQUE

SEVENTEENTH COUNCIL

COUNCIL BILL NO. R-07-332 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton

1 RESOLUTION

2 AUTHORIZING THE CITY TO ACCEPT THE ASSIGNMENT OF THE OPTION
3 AGREEMENT FROM THE WHEELS MUSEUM AND TO EXERCISE THE OPTION;
4 AUTHORIZING THE USE OF APPROPRIATED MONIES FOR THE PURCHASE
5 OF THE RAILYARD.

6 WHEREAS, the Wheels Museum and Old Locomotive Shops, LLC, entered
7 into an option agreement on or about March 12, 2007, for The Wheels Museum
8 to acquire that property generally referred to as the "Railyards", which is
9 approximately 27.32 acres of land, more or less; and

10 WHEREAS, to date, the City has paid \$190,000 to Old Locomotive Shops,
11 LLC, as consideration for that option agreement; \$100,000 was paid from grant
12 funds available to the City to acquire land and to plan, design and construct a
13 wheels museum; and \$90,000 was paid from grant funds available to the City
14 to acquire the railyard property; and

15 WHEREAS, as of this date, the estimated cost to fully exercise the option
16 on or before December 28, 2007 is \$8,609,750, exclusive of closing costs
17 estimated to be at least \$860,975; and

18 WHEREAS, as of this date, the City has available grant funds, general
19 funds, other funds and reserves appropriated in the amount of \$6,576,054 that
20 can be used to acquire the railyard property; and

21 WHEREAS, the option agreement provides that prior to the closing date,
22 the optionee can assign its rights and delegate its duties and obligations to
23 the City of Albuquerque without the prior written approval of the optionor, and
24 The Wheels Museum has assigned the option agreement to the City of
25 Albuquerque; and

26 WHEREAS, While there is no master plan for the railyard property at this
27 time, the City anticipates that a substantial portion will be used for affordable

housing as envisioned in the Workforce Housing Act, passed by Albuquerque voters on October 2, 2007; and

WHEREAS, given the size of the parcel and the City's interest in preserving the historic character of the Barel原因as/Railyard community, while rejuvenating its economic status and providing affordable housing and in-fill developments, the City should exercise this option to ensure that master planning and subsequent development best serves the City and the community as a whole; and

WHEREAS, it is an appropriate use of Workforce Housing Trust Fund money, subject to review and ratification by the Affordable Housing Committee, to provide additional funding in anticipation of the creation of affordable housing on the railyard property which would allow the City to exercise the option to acquire the railyard property on or before December 28, 2007; and

WHEREAS, should the master plan and ultimate development of the railyard property reflect that the scope of any funding used for the acquisition over contributed or under contributed its pro rata cost of the acquisition based on the ultimate uses of the property, the City shall take necessary action to reimburse or collect the difference from the appropriate user of the property; and

WHEREAS, time is of the essence, as failure to completely exercise the option on or before December 28, 2007 will void the option and the City will forfeit all funds paid to the date of forfeiture.

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

Section 1. That the Mayor is hereby authorized to exercise this option to ensure that master planning and subsequent development best serves the City and the community as a whole.

Section 2. That the Mayor is hereby authorized to use all previously appropriated funds as well as up to \$3 million in Workforce Housing Trust Fund money, subject to review and ratification by the Affordable Housing Committee, to provide the funding to allow the City to exercise the option to acquire the railyard property on or before December 28, 2007.

1 Section 3. The City shall include a requirement of at least thirty (30) units
2 of Workforce Housing, as defined in the Workforce Housing Opportunity Act,
3 in the RFQ/RFP for the Master Development of the railyard property.

4 Section 4. Should the master plan and ultimate development of the railyard
5 property reflect that the scope of any funding used for the acquisition over
6 contributed or under contributed its pro rata cost of the acquisition based on
7 the ultimate uses of the property, the City shall take necessary action to
8 reimburse or collect the difference from the appropriate user of the property.

9 Section 5. The City shall issue its RFQ/RFP for the Master Development of
10 the Railyard property no later than the 4th Quarter of FY/08, following the
11 completion of the Urban Land Institute study of the property. Prior to the
12 publication of the RFQ/RFP, the City shall include the input and participation
13 of the Barelás and South Broadway neighborhoods in the formulation of the
14 RFQ/RFP. The ad hoc or selection committee for the RFQ/RFP shall include,
15 at a minimum, a designee of the Councillor in whose district the project
16 resides.

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CITY of ALBUQUERQUE

EIGHTEENTH COUNCIL

COUNCIL BILL NO. F/S R-08-47 ENACTMENT NO. _____

SPONSORED BY: BENTON

1 RESOLUTION

2 APPROVING A PRE-DEVELOPMENT PROCESS FOR THE RAIL YARDS
3 PROPERTY; MAKING AN APPROPRIATION.

4 WHEREAS, the City purchased the 27 acre tract of real property with
5 assorted buildings commonly known as the Rail Yards Maintenance Facility
6 (hereinafter referred to as the Rail Yards site) a description of which is
7 attached as Exhibit A and incorporated herein by reference; and

8 WHEREAS, the City, in conjunction with Wheels Museum and the
9 University of New Mexico, engaged the Urban Land Institute (“ULI”) to conduct
10 an Advisory Services Panel and make recommendations to the City regarding
11 the use and future development of the Rail Yards site; and

12 WHEREAS, the residents and property owners in the Barelás neighborhood
13 and the South Broadway neighborhood will be directly affected by the uses
14 and future development of the Rail Yards site, and therefore, the input of those
15 neighborhoods regarding the Rail Yards site redevelopment should be given
16 significant weight; and

17 WHEREAS, the Rail Yards site contains many unique structures of historic
18 importance which should be protected by City landmark designation; and

19 WHEREAS, the City should initiate and complete the process, including a
20 survey conducted by the City, for designating the Rail Yards site and
21 structures as a City landmark; and

22 WHEREAS, the Rail Yards site and the structures on the site should be
23 properly protected prior to receiving a City landmark designation; and

24 WHEREAS, present or future uses of the Rail Yards site that could damage
25 the historically or culturally significant aspects of the site or the structures
26 should be absolutely prohibited; and

1 WHEREAS, as a moving force behind the City's purchase and protection of
2 the Rail Yards, the Wheels Museum should be located on an appropriate
3 portion of the site and should be included in the City's planning process for
4 the future development of the Rail Yards; and

5 WHEREAS, the City has entered into an interim management agreement to
6 ensure that the Rail Yards site is properly secured which also allows for the
7 interim use of the site for appropriate activities, such as filmmaking (attached
8 hereto as Exhibit B); and

9 WHEREAS, any uses or modifications of the Rail Yards site and structures
10 should receive prior approval from and be monitored by the Landmarks and
11 Urban Conservation Commission (LUCC) and the City's Historic Preservation
12 Planner; and

13 WHEREAS, any management agreement allowing interim uses of the Rail
14 Yards site and structures must clearly state that the interim uses will terminate
15 upon or before a date certain, and under no circumstances will those uses
16 interfere with or delay the commencement of pre-development work at the Rail
17 Yards site, including environmental cleanup; and

18 WHEREAS, the redevelopment of the Rail Yards should be phased, and
19 each phase should have a clear focus and objectives to accomplish prior to
20 moving on to subsequent phases; and

21 WHEREAS, the pre-development process for the Rail Yards site should
22 focus on site preparations and other activities that will make the site ready for
23 redevelopment; and

24 WHEREAS, the conversion of 2nd and 3rd Streets to from one-way to two-
25 way streets has been identified by both the Barelás community and the ULI
26 Panel as a priority project to complete in the pre-development phase of
27 redeveloping the Rail Yards; and

28 WHEREAS, an orderly and well-defined process to guide the
29 redevelopment of the Rail Yards is in the best interest of both the affected
30 neighborhoods and the City at large.

31 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
32 ALBUQUERQUE:

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- 1 1. The following pre-development process is approved for the Rail
2 Yards:
 - 3 A. The City shall commence and complete necessary activities to
4 prepare the site for redevelopment. Such activities shall include, but not be
5 limited to, undertaking environmental remediation and resolution of easement
6 issues, seeking approval from the Workforce Housing Committee to use
7 Workforce Housing Trust Fund monies for the Rail Yards, working with the
8 Wheels Museum to hire an independent expert on museums, and converting
9 2nd and 3rd Streets in Barelás to two-way streets.
 - 10 B. The Council supports the designation of the Rail Yards site
11 and structures as City landmarks and asks the Mayor to exercise his authority
12 by applying for City Landmark designation by the end of FY/08. It is the policy
13 of the Council that until such designation is accomplished, the site and
14 structures shall be protected, no modifications of the site or structures, or
15 activities that would cause any modifications of the site or structures, are
16 allowed other than superficial and transitory alterations that must be
17 completely removed, and any uses of or modifications to the site or structures
18 must receive prior approval from and be monitored by the City's Historic
19 Preservation Planner and/or the Landmarks and Urban Conservation
20 Commission as determined to be necessary by the City's Historic Preservation
21 Planner. Routine repairs and maintenance will be allowed, subject to prior
22 consultation with and approval by the City's Historic Preservation Planner.
 - 23 C. Any agreement for the use of all or any portion of the Rail
24 Yards site or structures that may exceed 180 days must receive prior approval
25 from the Council.
- 26 2. The City shall retain the services of an independent consultant to
27 coordinate the execution of all efforts and activities related to pre-
28 development of the Rail Yards. Initial funding for the consultant, in the
29 amount of \$25,000, shall come from the Council Service Department's existing
30 FY/08 general fund appropriation.
- 31 3. The City shall form the Rail Yards Advisory Board to establish a
32 competitive public process for the selection of a Master Developer. The
33 Master Developer shall assist the City of Albuquerque and the Advisory Board

1 in developing a Master Plan for the site. The Master Plan shall be reviewed by
2 the Environmental Planning Commission and approved by the City Council.
3 The Advisory Board will oversee the redevelopment process and shall include,
4 at a minimum, the following members:

5 **A. City of Albuquerque**

- 6 i. The Mayor or Mayor's designee
7 ii. The City Councilor from District 3

8 **B. State of New Mexico**

- 9 i. A representative appointed by the Governor
10 ii. The State Senator from District 12
11 iii. The State Senator from District 14
12 iv. The State Representative from District 11
13 v. The State Representative from District 14
14 vi. The State Representative from District 18

15 **C. Bernalillo County**

- 16 i. The County Commissioner from District 2

17 **D. A representative of the Wheels Museum**

18 **E. A representative elected by the Barelás neighborhood**

19 **F. A representative elected by the South Broadway neighborhood**

20 **G. A representative of the New Mexico District Council of the Urban**
21 **Land Institute**

22 **H. If applicable, the developer selected to develop Workforce**
23 **Housing at the Rail Yards during the first phase of**
24 **redevelopment.**

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