

SECOND JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF BERNALILLO

Javier Benavidez, *et al.*,

Appellants/Petitioners,

v.

No. D-202-CV-2015-04466
Consolidated with No. D-202-CV-2015-05363

the Bernalillo County Board of County
Commissioners, *et al.*,

and

Consensus Planning and Western
Albuquerque Land Holdings, LLC,

Appellees/Respondents.

THE APPELLANTS/PETITIONERS'
MOTION FOR CLARIFICATION OF THE
COURT'S MEMORANDUM OPINION AND ORDER

Introduction

The Appellants/Petitioners (Javier Benavidez, James Santiago Maestas, Roberto Roibal, the SouthWest Organizing Project, including its individual and group members, and the Pajarito Village Association, including its individual and group members) hereby move the Court for an order clarifying the effect of its Memorandum Opinion and Order dated May 31, 2017 in three respects.

First, the Appellants/Petitioners request that the Court clarify that its ruling reversing the zone map amendment for the proposed Santolina development means that the Bernalillo County Board of County Commissioners' approval of the zone map amendment is void.

Second, the Appellants/Petitioners request that the Court clarify that its ruling reversing the zone map amendment also voids the Santolina Level A Community Master Plan because the zone map amendment is a necessary condition for the approval of the Level A Master Plan.

Third, the Appellants/Petitioners request that the Court clarify that its ruling reversing the zone map amendment also voids the Development Agreement entered into between Western Albuquerque Land Holdings, LLC and the Bernalillo County Board of County Commissioners because the Development Agreement depends upon the zone map amendment and the Level A Master Plan.

This Motion is made on the grounds more fully set forth in the Appellants/Petitioners' supporting Memorandum that they are filing with the Motion.

Dated: June 6, 2017.

NEW MEXICO
ENVIRONMENTAL LAW CENTER



Douglas Meiklejohn
Jaimie Park
Eric Jantz
Jonathan Block
1405 Luisa Street, Suite 5
Santa Fe, N.M. 87505
Telephone: (505) 989-9022
Facsimile: (505) 989-3769
jpark@nmelc.org
zadmeiklejohn@nmelc.org,

Attorneys for the Appellants/Petitioners

Certificate of Service

I certify that on June 6, 2017 copies of this Motion were sent by electronic mail to:

Michael I. Garcia
Assistant County Attorney
Bernalillo County
Bernalillo County Attorney's Office
Fourth Floor
520 Lomas Blvd., N.W.
Albuquerque, N.M. 87102-2118
mikgarcia@bernco.gov

Attorney for Bernalillo County

Robert M. White
Jordon P. George
ROBLES, RAEL & ANAYA, P.C.
500 Marquette Ave., N.W.
Suite 700
Albuquerque, N.M. 87102
robert@roblesrael.com
jordon@roblesrael.com

Attorneys for the Bernalillo County
Board of County Commissioners

John P. Salazar
RODEY, DICKASON, SLOAN,
AKIN & ROBB, P.A.
P.O. Box 1888
Albuquerque, N.M. 87103-1888
jsalazar@rodey.com

Attorney for Consensus Planning and
Western Albuquerque Land
Holdings, LLC

Hessel E. Yntema, III
Yntema Law Firm, P.A.
215 Gold Avenue, S.W.
Suite 201
Albuquerque, N.M. 87102
hess@yntema-law.com

Attorney for the South Valley Coalition
of Neighborhood Associations



Douglas Meiklejohn