



## INTER-OFFICE MEMORANDUM

### COMMENTING AGENCIES

DEBBIE BAUMAN/ JOHN MAKENZIE -	Transportation Development
SHABIH RIZVI - KENDRA WATKINS/ ANDREW GINGERICH -	Transit & Parking Department
LYNN MAZUR - STEVE SINK - SUSANNAH ABBEY - ANTONIO CHINCHILLA - DAVID KILPATRICK - STEPHANI WINKLEPLECK - DANIEL ARAGON - PATRICK SANCHEZ - APRIL WINTERS - MICHELE RAMIREZ - MIKE MORTUS - RAY GOMEZ -	Council of Governments AMAFCA APD Crime Prevention Open Space Division Fire Department Zoning Enforcement Inspector Neighborhood Coordination Public Service Company of New Mexico New Mexico Gas Company Albuquerque Public Schools CenturyLink Comcast Cable Middle Rio Grande Conservancy District (MRGCD)
SUZANNE BUSCH -	Environmental Health

*Your comments on the following case(s) are requested. Board hearing date:*

PROJECT # 1000060

**WEDNESDAY, February 26, 2014**

Comments must be received by:

**Friday, February 21, 2014**

If comments are not received by this date, "no comments" will be listed on the staff report. Attached are copies of the requests. **If you have any questions, please contact me at 924-3946 or [agomez@cabq.gov](mailto:agomez@cabq.gov)**



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW, on Wednesday, February 26, 2014, beginning at 9:00 a.m. and proceeding according to that day's agenda for the purpose of considering the following items. The Development Review Board will hold a Pre-Hearing Discussion in the Conference Room of Suite 201, Lobby Level, Plaza del Sol Building, 600 2nd St NW, Albuquerque, NM on Tuesday, February 25, 2014, beginning at 3:00 p.m. for the purpose of reviewing these items prior to the public hearing; no action or public comments will be taken at this Discussion.

**Project# 1000060**  
14DRB-70026 – 2 YEAR EXTENSION OF  
SUBDIVISION IMPROVEMENTS  
AGREEMENT (2YR SIA)

MODRALL SPERLING agents for SANDIA FOUNDATION request the referenced/above action for all or a portion of GATEWAY SUBDIVISION zoned SU-2/C-3, located on the north side of LOMAS BLVD NE and the west side of INTERSTATE 25 containing approximately 24.8365 acre(s). (J-15)

**Project# 1004036**  
14DRB-70022 VACATION OF PUBLIC  
EASEMENT  
14DRB-70023 VACATION OF PRIVATE  
EASEMENT

JACKS HIGH COUNTRY INC agents for, MAX & VICTORIA CONTRERAS request the referenced/ above actions for a portion of Tract(s) A-1 & A-2, MAX REPLAT zoned SU-2/ LD RA-2, located on the west side of RIO GRANDE BLVD NW between ZICKERT RD NW and LOS ANAYAS RD NW containing approximately .5922 acre. (H-12, H-13)

**Project# 1009953**  
14DRB-70027 VACATION OF PUBLIC  
RIGHT-OF-WAY

HUITT-ZOLLARS, INC. agents for the CITY OF ALBUQUERQUE request the referenced/ above action for FIRST STREET SW located between 2ND ST SW and HAZELDINE AVE SW containing approximately .3625 acre. (K-14)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays INDIVIDUALS WITH DISABILITIES who need special assistance to participate at this hearing should contact Angela Gomez, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 – TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.

  
Jack Cloud, DRB Chair  
Development Review Board

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, FEBRUARY 10, 2014.**



Supplemental Form (SF)

<b>SUBDIVISION</b>	<b>S</b>	<b>Z</b>	<b>ZONING &amp; PLANNING</b>
<input type="checkbox"/> Major subdivision action			<input type="checkbox"/> Annexation
<input type="checkbox"/> Minor subdivision action			
<input type="checkbox"/> Vacation	<b>V</b>		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
<input type="checkbox"/> Variance (Non-Zoning)			<input type="checkbox"/> Adoption of Rank 2 or 3 Plan or similar
<b>SITE DEVELOPMENT PLAN</b>	<b>P</b>		<input type="checkbox"/> Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
<input type="checkbox"/> for Subdivision			
<input type="checkbox"/> for Building Permit			
<input type="checkbox"/> Administrative Amendment/Approval (AA)			
<input type="checkbox"/> IP Master Development Plan	<b>D</b>		<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	<b>L</b>	<b>A</b>	<b>APPEAL / PROTEST of...</b>
<b>STORM DRAINAGE (Form D)</b>			<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other
<input type="checkbox"/> Storm Drainage Cost Allocation Plan			

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICATION INFORMATION:**

Professional/Agent (if any): Daniel Alsup - Modrall Sperling PHONE: 848-1854  
 ADDRESS: 500 Fourth Street NW, Suite 1000 FAX: 848-9710  
 CITY: Albuquerque STATE NM ZIP 87102 E-MAIL: \_\_\_\_\_

APPLICANT: Sandia Foundation PHONE: 242-2684  
 ADDRESS: 6211 San Mateo Blvd. NE, Suite 100 FAX: \_\_\_\_\_  
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: \_\_\_\_\_

Proprietary interest in site: owner List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: 2-year SIA

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No.

**SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.**

Lot or Tract No. B-1 and D-1-B Block: \_\_\_\_\_ Unit: \_\_\_\_\_  
 Subdiv/Addn/TBKA: Gateway Subdivision  
 Existing Zoning: SU-2, C-3 Proposed zoning: \_\_\_\_\_ MRGCD Map No. \_\_\_\_\_  
 Zone Atlas page(s): J-15 UPC Code: 1-015-056-040-115-31502  
1-015-058-105-160-32102

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_Z\_, V\_, S\_, etc.): \_\_\_\_\_  
1000060

**CASE INFORMATION:**

Within city limits?  Yes  No Within 1000FT of a landfill? \_\_\_\_\_  
 No. of existing lots: \_\_\_\_\_ No. of proposed lots: \_\_\_\_\_ Total site area (acres): \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: Lomas and Woodward intersection NE  
 Between: T-25 NE and High St. NE

Check if project was previously reviewed by: Sketch Plat/Plan  or Pre-application Review Team(PRT)  Review Date: \_\_\_\_\_

SIGNATURE [Signature] DATE 1/29/14  
 (Print Name) Daniel Alsup Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

Revised: 4/2012

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>14DRB 70026</u>	<u>SIA</u>	_____	<u>\$ 50.00</u>
<input checked="" type="checkbox"/> All fees have been collected	_____	<u>ADK</u>	_____	<u>\$ 75.00</u>
<input checked="" type="checkbox"/> All case #s are assigned	_____	<u>EMF</u>	_____	<u>\$ 20.00</u>
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	Total
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	<u>\$ 145.00</u>

Hearing date February 26, 2014

[Signature] 1-29-14  
 Staff signature & Date

Project # 1000060

**FORM S(2): SUBDIVISION - D.R.B. PUBLIC HEARING**

A Bulk Land Variance requires application on FORM-V in addition to application for subdivision on FORM-S.

**MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL (DRB13)**

- 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary Plat including the Grading Plan (folded to fit into an 8.5" by 14" pocket) **24 copies**
- Proposed Infrastructure List
- Signed Preliminary Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations & cross sections of perimeter walls **3 copies** (11" x 17" maximum)
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Property owner's and City Surveyor's signature on the proposed plat
- FORM DRWS Drainage Report, Water & Sewer availability statement filing information
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Signed Pre-Annexation Agreement if Annexation required.
- TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

**Preliminary plat approval expires after one year.**

**DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

**MAJOR SUBDIVISION AMENDMENT TO PRELIMINARY PLAT (DRB11) (with significant changes)**

**PLEASE NOTE:** There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.

- Proposed Amended Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **24 copies**
- Original Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket)
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Property owner's and City Surveyor's signature on the proposed amended plat, if applicable
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- List any original and/or related file numbers are listed on the cover application

**Amended preliminary plat approval expires after one year.**

**DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

**MAJOR SUBDIVISION IMPROVEMENTS AGREEMENT EXTENSION (DRB09)**

**(Temporary sidewalk deferral extension use FORM-V)**

- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Plat or plan reduced to 8.5" x 11"
- Official D.R.B. Notice of the original approval
- Approved Infrastructure List. If not applicable, please initial. \_\_\_\_\_
- Previous SIA extension notice, if one has been issued. If not applicable, please initial. \_\_\_\_\_
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- List any original and/or related file numbers on the cover application
- Fee (see schedule)

**DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

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

Sandia Foundation

By: Daniel Alsup, Agent

Applicant name (Print)

Applicant signature / date



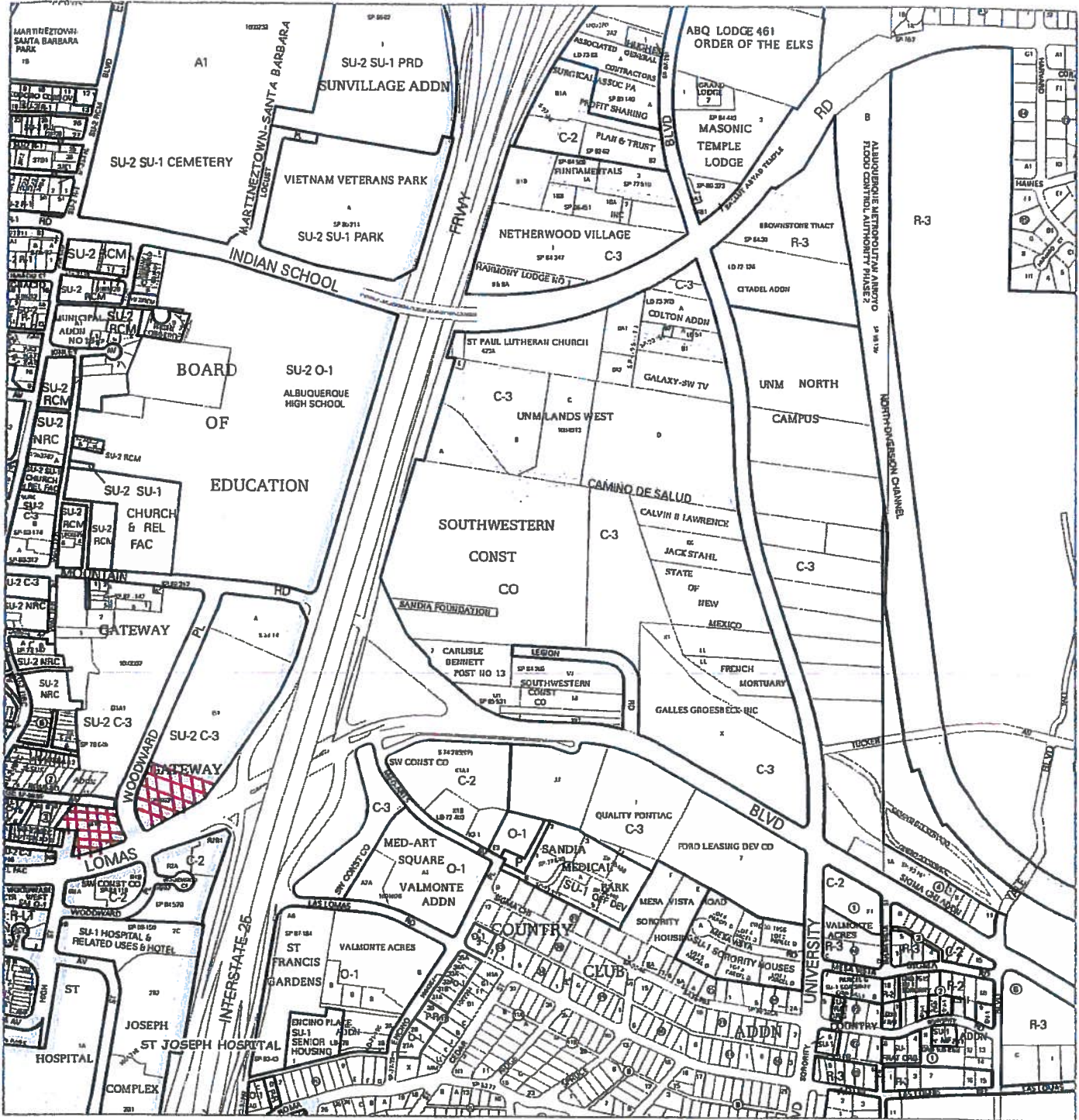
Form revised October 2007

- Checklists complete
- Fees collected
- Case #'s assigned
- Related #'s listed

Application case numbers  
145213 - 70026  
 \_\_\_\_\_  
 \_\_\_\_\_

Planner signature / date  
[Signature] 1-29-14  
 Project # 1000069





For more current information and more details visit: <http://www.cabq.gov/gis>

Map amended through: 3/10/2009

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:  
**J-15-Z**

Selected Symbols

SECTOR PLANS	Escarpment
Design Overlay Zones	2 Mile Airport Zone
City Historic Zones	Airport Noise Contours
H-1 Buffer Zone	Wall Overlay Zone
Petroglyph Mon.	

0 760 1,500 Feet



MODRALL SPERLING

L A W Y E R S

**HAND DELIVERED**

Daniel M. Alsup  
505.848.1854  
Fax: 505.848.9710  
dma@modrall.com

January 28, 2014

Development Review Board  
City of Albuquerque  
Plaza del Sol  
600 Second Street NW  
Albuquerque, NM 87102

Re: Project 1000060 (Gateway Plaza) – Project No. 584781  
Traffic signal at Lomas and Woodward

Ladies and Gentlemen:

This firm represents Sandia Foundation. We are submitting an application to extend the SIA relating to the installation of a traffic signal at the intersection of Lomas and Woodward. This traffic signal has not been installed because the City has not authorized its installation. This firm will explore the possibility of releasing the SIA, but in the event a release is not possible, it is necessary to extend the SIA for the installation of the traffic signal.

Sincerely,

Daniel M. Alsup

cc: Robert M. Goodman  
Sandia Foundation

K:\dox\client\64600\137\W2081179.DOC

Modrall Sperling  
Roehl Harris & Sisk P.A.

Bank of America Centre  
500 Fourth Street NW  
Suite 1000  
Albuquerque,  
New Mexico 87102

PO Box 2168  
Albuquerque,  
New Mexico 87103-2168

Tel: 505.848.1800  
www.modrall.com



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

November 30, 2011

**Project# 1000060**  
11DRB-70318 MAJOR - - 2YEAR EXTENSION OF SUBDIVISION  
IMPROVEMENTS (2YR SIA)

MODRALL SPERLING agent(s) for SANDIA FOUNDATION request(s) the referenced/above action(s) for all or a portion of **GATEWAY SUBDIVISION** zoned SU-2/ C-3, located on the north side of LOMAS BLVD NE and the west side of INTERSTATE 25 containing approximately 24.8365 acre(s). (J-15)

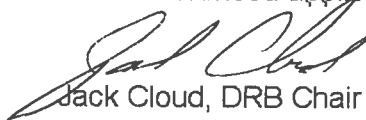
At the November 30, 2011 Development Review Board meeting, a two year extension of the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by December 8, 2011, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal.

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

  
Jack Cloud, DRB Chair

Cc: Daniel Alsup – Modrall Sperlig – 500 4<sup>th</sup> St. NW Ste 1000 – Albuquerque, NM 87103

Cc: Sandia Foundation – 6211 San Mateo Blvd. NE, Ste 100 – Albuquerque, NM 87109  
Marilyn Maldonado  
file

SP-2002412382



LOCATION MAP  
ZONE ATLAS INDEX MAP NO. J-15-Z  
NOT TO SCALE

SUBDIVISION DATA

- 1. Zone Atlas Index Map No. J-15-Z
2. Gross Modification Acreage: 3.828 Acres.
3. Total Number of Tracts Created: 12 Tracts.
4. Date of Survey: October, 2002
5. Date of Plat: October, 2002
6. Plat is Located: 10th Street, NE, Albuquerque, NM.
7. Total Acreage of Parcel with Streets Created: 6.008 Acres.

DISCLOSURE STATEMENT

The purpose of this Plat is to subdivide Tract P-1 of the Plat of Gateway Subdivision, Albuquerque, New Mexico, recorded in the Office of the County Clerk, Santa Fe County, New Mexico, in Book 2002, Page 103. The City of Albuquerque is hereby certifying that the information contained herein is true and correct to the best of its knowledge and belief.

NOTES

- 1. Basis of Bearings: New Mexico State Plane Grid Bearing (Central Zone) and 1927 Datum.
2. All bearings and distances.
3. All measurements of record are shown.

PUBLIC UTILITY EASEMENTS

- 1. The Electric Services shown on this plat are for the common joint use of:
a. The Electric Services for the transmission, maintenance and service of electric lines, including but not limited to the installation, maintenance and service of electric lines, structures, and related facilities reasonably necessary to provide electric service.
b. The Gas services for installation, maintenance, and service of natural gas lines, including but not limited to the installation, maintenance and service of natural gas lines, structures, and related facilities reasonably necessary to provide natural gas service.
c. The City of Albuquerque, New Mexico, is hereby certifying that the information contained herein is true and correct to the best of its knowledge and belief.

It is the right to build, rebuild, construct, reconstruct, locate, reconstruct, repair, maintain, improve, and service all buried and overhead electric lines, structures, and related facilities, including but not limited to the installation, maintenance and service of electric lines, structures, and related facilities reasonably necessary to provide electric service. The City of Albuquerque, New Mexico, is hereby certifying that the information contained herein is true and correct to the best of its knowledge and belief.

DESCRIPTION

A certain tract of land situated within the Zone Atlas Index Map No. J-15-Z, in the southwest corner of Section 16, Township 10 North, Range 3 East, New Mexico, and within the City of Albuquerque, New Mexico, being a portion of the Plat of Gateway Subdivision, Albuquerque, New Mexico, recorded in the Office of the County Clerk, Santa Fe County, New Mexico, in Book 2002, Page 103. The City of Albuquerque is hereby certifying that the information contained herein is true and correct to the best of its knowledge and belief.

FREE CONSENT AND DEDICATION

The foregoing Plat of Tract P-1 of the Plat of Gateway Subdivision, Albuquerque, New Mexico, is hereby approved and consented to by the City of Albuquerque, New Mexico, and the City of Albuquerque, New Mexico, is hereby certifying that the information contained herein is true and correct to the best of its knowledge and belief.

By: [Signature]
City Engineer

By: [Signature]
City Engineer

By: [Signature]
City Engineer

By: [Signature]
City Engineer

By: [Signature]
City Engineer

By: [Signature]
City Engineer

By: [Signature]
City Engineer

By: [Signature]
City Engineer

By: [Signature]
City Engineer

By: [Signature]
City Engineer

By: [Signature]
City Engineer

By: [Signature]
City Engineer

By: [Signature]
City Engineer

By: [Signature]
City Engineer

By: [Signature]
City Engineer

PLAT OF

TRACTS D-1A & D-1B
GATEWAY SUBDIVISION
ALBUQUERQUE, NEW MEXICO

APPROVALS

- PLAT MAN: [Signature] DATE: 10/30/02
CITY ENGINEER: [Signature] DATE: 10/30/02
CITY ENGINEER: [Signature] DATE: 10/30/02
CITY ENGINEER: [Signature] DATE: 10/30/02
CITY ENGINEER: [Signature] DATE: 10/30/02
CITY ENGINEER: [Signature] DATE: 10/30/02
CITY ENGINEER: [Signature] DATE: 10/30/02
CITY ENGINEER: [Signature] DATE: 10/30/02
CITY ENGINEER: [Signature] DATE: 10/30/02
CITY ENGINEER: [Signature] DATE: 10/30/02

TAX CERTIFICATION

THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND PAID ON UP TO 1-0-15-0-5 - 80,623.17 - \$31,501

PROPERTY OWNER: [Signature] DATE: 10-15-02
PROPERTY OWNER: [Signature] DATE: 10-15-02
PROPERTY OWNER: [Signature] DATE: 10-15-02

PNM STAMP

In executing this Plat, PNM Electric Services and Gas Services (PNM) did not conduct a Title Search of the property shown hereon. Consequently, PNM does not warrant the accuracy of the information or statements of fact contained herein, and PNM does not warrant that it has the right to execute this Plat.



SURVEYOR'S CERTIFICATION

I, Paul Hester, a Registered Professional Surveyor, certify that I am responsible for this survey and that this plat was prepared by me or under my supervision, and all conditions for the registration of this Professional Surveyor's Certificate have been met. I am a duly Licensed Professional Surveyor in the State of New Mexico, and I am duly Licensed in the State of New Mexico, and I am duly Licensed in the State of New Mexico.

By: [Signature]
Surveyor

Date: October 16, 2002

Bohannon & Huston

ENGINEERING & SPATIAL DATA & ADVANCED TECHNOLOGIES
17500 Jefferson St. NE Albuquerque, NM 87110-4335
PH: 505.833.1000 FAX: 505.833.1001





FIGURE 18

THIRTEENTH EXTENSION AGREEMENT

Procedure "B" Modified Non-work Order

PROJECT NO. 584781

This Agreement made this 13<sup>th</sup> day of March 2013, by and between the City of Albuquerque, New Mexico, a municipal corporation ("City") and (name of developer/subdivider:) Sandia Foundation ("Developer"), whose address is 6211 San Mateo NE, Suite 100, Albuquerque, NM 87109 and whose telephone number is 242-2684 is made in Albuquerque, New Mexico and is entered into as of the date of final execution of this Agreement.

WHEREAS, the City and the Developer entered into an Agreement on the 24th day of February, 2000, which was recorded in the office of the Clerk of Bernalillo County, New Mexico on February 25, 2000, at Book A-2, page 8241, ("Earlier Agreement"), by which the Developer agreed to complete the construction of certain infrastructure improvements on or before the 14<sup>th</sup> day of December, 2000; and

WHEREAS, the Earlier Agreement was amended by a First Extension Agreement dated January 12, 2001, recorded January 17, 2001, in Book A-14, page 3474, records of Bernalillo County, New Mexico, extending the construction deadline to December 14, 2001;

WHEREAS, the Earlier Agreement was further amended by a Second Extension Agreement dated February 14, 2002, recorded February 15, 2002 in Book A32, page 77, records of Bernalillo County, New Mexico, extending the construction deadline to December 14, 2002; and

WHEREAS, the Earlier Agreement was further amended by a Third Extension Agreement dated February 12, 2003, recorded February 14, 2003 in Book A50, page 5070, records of Bernalillo County, New Mexico, extending the construction deadline to December 14, 2003; and

WHEREAS, the Earlier Agreement was further amended by a Fourth Extension Agreement dated February 18, 2004, recorded February 23, 2004 in Book A73, page 2913, records of Bernalillo County, New Mexico, extending the construction deadline to December 14, 2004; and

WHEREAS, the Earlier Agreement was further amended by a Fifth Extension Agreement dated February 10, 2005, recorded February 16, 2005 in Book A92, page 2506, records of Bernalillo County, New Mexico, extending the construction deadline to December 14, 2005; and

WHEREAS, the Earlier Agreement was further amended by a Sixth Extension Agreement dated February 21, 2006, recorded February 21, 2006 in Book A112, page 4458, records of Bernalillo County, New Mexico, extending the construction deadline to December 14, 2006; and

WHEREAS, the Earlier Agreement was further amended by a Seventh Extension Agreement dated March 1, 2007, recorded March 1, 2007 in Book A133, page 3387, records of Bernalillo County, New Mexico, extending the construction deadline to November 16, 2007; and

WHEREAS, the Earlier Agreement was further amended by an Eighth Extension Agreement dated January 25, 2008, recorded January 25, 2008 as Doc. No. 2008007972, records of Bernalillo County, New Mexico, extending the construction deadline to November 16, 2008; and

Doc# 2013029376

03/19/2013 10:57 AM Page: 1 of 4  
AGRE R: \$25.00 M. Toulouse Oliver, Bernalillo County

WHEREAS, the Earlier Agreement was further amended by a Ninth Extension Agreement dated January 20, 2009, recorded January 21, 2009 as Doc. No. 2009005498, records of Bernalillo County, New Mexico, extending the construction deadline to November 16, 2009; and

WHEREAS, the Earlier Agreement was further amended by a Tenth Extension Agreement dated January 5, 2010, recorded January 6, 2010 as Doc. No. 2010001173, records of Bernalillo County, New Mexico, extending the construction deadline to November 16, 2010; and

WHEREAS, the Earlier Agreement was further amended by an Eleventh Extension Agreement dated December 15, 2010, recorded December 16, 2010 as Doc. No. 2010128875, records of Bernalillo County, New Mexico, extending the construction deadline to November 16, 2011; and

WHEREAS, the Earlier Agreement was further amended by a Twelfth Extension Agreement dated January 18, 2012, recorded January 20 2012 as Doc. No. 2012005772, records of Bernalillo County, New Mexico, extending the construction deadline to February 24, 2013; and

WHEREAS, it appears that the Developer will be unable to complete construction of the improvements by the deadline specified in the Agreement; and

WHEREAS, the City is willing to grant Developer an extension of time in which to complete construction of all or part of the improvements, provided the Developer posts an acceptable financial guaranty, as required by the City's Subdivision Ordinance and the Development Process Manual; and

WHEREAS, the Developer is able to provide the required financial guaranty;

NOW THEREFORE in consideration of the above and the mutual promises contained herein, the parties agree:

1. The required completion date for construction of the improvements, as set forth in the attached Exhibit A, is extended (Complete either A or B:)

A. For all improvements, the 24th day of February, 2014.

B. On portions of the improvements as follows:

IMPROVEMENTS

COMPLETION DATE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. With this Extension Agreement, Developer has provided the City with the following financial guaranty:


Type of Financial Guaranty: Loan Reserve

Amount: \$120,000 Name of Financial Institution or Surety providing  
Guaranty: BOKF, NA dba Bank of Albuquerque  
Date City first able to call Guaranty (Construction Completion Deadline): February 24,  
2014  
If Guaranty other than a Bond, last day City able to call Guaranty is:  
April 24, 2014  
Additional information: traffic signal (deferred)



3. The parties agree that all terms and conditions of the Earlier Agreement not in conflict with this Extension Agreement shall remain valid, in force, and binding upon the parties. By executing this Agreement, the parties' only intention is to extend the construction completion deadline established in the Earlier Agreement and establish a revised financial guaranty for the benefit of the City.

Executed on the date stated in the first paragraph of this Agreement.

DEVELOPER:

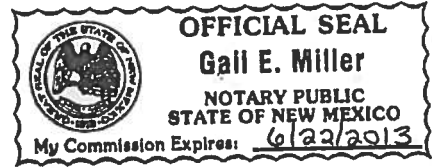
SANDIA FOUNDATION  
By:   
Name: Robert M. Goodman  
Title: Executive Director  
Dated: February 27, 2013

CITY OF ALBUQUERQUE:

By:   
Richard Dourte, City Engineer  
Dated: ~~February~~, 2013  
March 13, 2013  3-13-13


DEVELOPER'S NOTARY

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO



This instrument was acknowledged before me February 27, 2013 by Robert M. Goodman, Executive Director of Sandia Foundation, a New Mexico nonprofit corporation.

My Commission Expires:  
6/22/2013

  
\_\_\_\_\_  
Notary Public

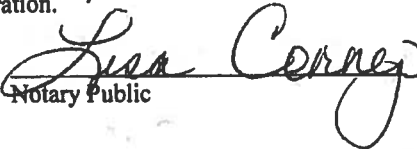
CITY'S NOTARY

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO

This instrument was acknowledged before me on 13 day of March 2013 by Richard Dourte, City Engineer of the City of Albuquerque, a municipal corporation.

My Commission Expires:



  
\_\_\_\_\_  
Notary Public





201 Third Street NW, 14<sup>th</sup> Floor  
P.O. Box 26148  
Albuquerque, New Mexico 87125-6148  
Telephone (505) 222-8465

February 26, 2013

Chief Administrative Officer  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103

RE: Loan Reserve for Sandia Foundation  
City of Albuquerque Project No.: 584781  
Project Name: Traffic Signal to be Constructed at Lomas and Woodward.

Dear Officer,

This is to advise the City Of Albuquerque ("City") that, at the request of Mr. Bob Goodman of Sandia Foundation, BOKF, N.A., dba Bank of Albuquerque ("Financial Institution") in Albuquerque, NM holds as a loan reserve the sum of One Hundred Twenty Thousand Dollars and 00/100, (\$120,000.00) ("Loan Reserve") for the exclusive purpose of providing the financial guarantee which the City requires Sandia Foundation ("Subdivider") to provide for the installation of the traffic signal which must be constructed at the Lomas and Woodward intersection for Gateway Plaza, Project No. 584781 ("Project"). The amount of the Loan Reserve is 125% of the City's estimated cost of the Project, as required by the City's Subdivision Ordinance. The improvements are identified in the agreement between the City of Albuquerque and Subdivider, which was recorded on February 25, 2000 in the records of the Clerk of Bernalillo County, New Mexico in Book Misc. A-2 at page 8241 ("Earlier Agreement").

1. Reduction of Reserve. If the Assistant Director of Public Works/Engineering for the City, or that person's authorized designee, determines that it is appropriate to release a specified amount of the loan reserves as the result of the Subdivider's construction of a portion of the required infrastructure, the Assistant Director of Public Works/Engineering, or that person's authorized designee, may execute an "Authorization to Release" which will authorize the Financial Institution to release a specified amount from the loan reserves. The Authorization to Release will state the amount of the "Reduced Loan Reserve Balance" which must be maintained following the reduction. The Reduced Loan Reserve Balance shall not be reduced by more than 90% of the City's estimated cost of the Project until the Project is accepted by the City. When the Financial Institution receives the Authorization to Release, which has been signed by the City, the Financial Institution may reduce the loan reserve to the Reduced Loan Reserve Balance.

2. Liability of Financial Institution. Although the City may approve the Financial Institution's release of a part of the loan reserves, the approval will not constitute the City's final acceptance of part or all of the Project. However, no matter what agreement exists between the Subdivider and the City, the total liability of the Financial Institution to the City with respect to the loan reserves established pursuant to this Loan Reserve Letter shall at all times be limited to the lesser of the amount stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City, and the Financial Institution's liability to the City under this Loan Reserve Letter shall cease upon termination of the loan reserve as provided in Section 4 herein.

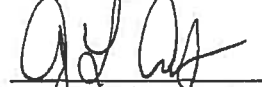


3. Draw on Reserve. If by February 24, 2014 the improvements described in the Agreement have not been fully installed, inspected, approved and accepted by the City, then, upon presentation between February 24, 2014 and April 24, 2014, inclusive, the City may demand payment from the Financial Institution up to the Lesser of the amount stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City. The City may demand payment by delivering to the Financial Institution a certified "Demand for Payment " executed by the CAO which shall state that the Subdivider has failed to comply with the terms of the Agreement and also shall state the estimated cost for completion the improvements specified in the Agreement ("Estimated Cost of Completion"). Upon receipt of the Demand for Payment, the Financial Institution promptly shall draw from the loan reserves by cashier's check to the City of Albuquerque the amount of 125% of the estimated cost of completion, not to exceed the lesser of the total Loan Reserve amount stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City. The Financial Institution shall deliver the cashier's check promptly to the City.

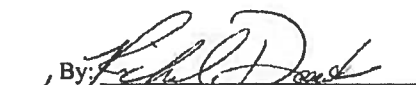
4. Termination of Reserve. This loan reserve is for the benefit of the City and shall be irrevocable until the occurrence of one of the following:

- A. Sixty (60) days after the City accepts the completed improvements specified in the Agreement; or
- B. City delivery of the Demand for Payment and the Financial Institution's payment to the City by cashier's check as required in Section 3 herein; or
- C. Expiration of the date April 24, 2014; or
- D. Written termination of this Loan Reserve Letter, signed by the Chief Administrator Office of the City, or authorized designee.

Sincerely,  
BOKF, N.A., dba Bank of Albuquerque

  
\_\_\_\_\_  
Jessica Austin  
Assistant Vice President

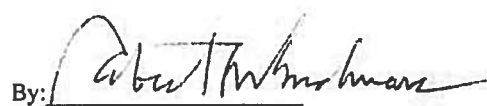
Accepted:  
City of Albuquerque

By:   
\_\_\_\_\_  
Chief Administrative Officer  
or authorized designee

Title: *City Engineer*  
Dated: *3-13-13*

*3-13-13*  
*WJ*  
*3-1-2013*

Acknowledged:  
Sandia Foundation

By:   
\_\_\_\_\_  
Bob Goodman

Bernalillo County, NM  
One Civic Plaza NW  
P.O. Box 542  
Albuquerque, NM 87102

Receipt: 0445525

Product	Name	Extended
AGRE	Agreement	\$25.00
	# Pages	4
	Document #	2013029376
	# Of Entries	0
	In Person/Interested	false
	Person	
Total		\$25.00

Tender (Check) \$25.00  
Check#596513  
Paid Mordali, Sperling, Roehl,  
By Harris & Sisk PA

Thank You!

3/18/13 10:57 AM dojgarcia



## City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

January 27, 2014

Margie Schell, Paralegal  
Modrall Sperleng  
500 4<sup>th</sup> Street NW/87102  
Phone: 505-848-1816/Fax: 505-848-9710  
E-mail: [MARGIES@modrall.com](mailto:MARGIES@modrall.com)

**PLEASE NOTE:** The Neighborhood and/or Homeowner Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office.

Dear Margie:

Thank you for your inquiry of January 27, 2014 requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at **(DRB SUBMITTAL) LOTS B-1 AND D-1-B, GATEWAY SUBDIVISION, LOCATED ON LOMAS BOULEVARD NE AND WOODWARD PLACE NE INTERSECTION BETWEEN I-25 FREEWAY AND HIGH STREET NE** Zone Map: **J-15.**

Our records indicate that the **Neighborhood and/or Homeowner Associations** affected by this proposal and the contact names are as follows:

**SEE "ATTACHMENT A" FOR THE NAMES OF THE NEIGHBORHOOD AND/OR HOMEOWNER ASSOCIATIONS THAT NEED TO BE CONTACTED IN REGARDS TO THIS DRB SUBMITTAL – please attach this letter and Attachment A to your application packet – siw.**

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT!** Failure of adequate notification may result in your **Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at [swinklepleck@cabq.gov](mailto:swinklepleck@cabq.gov) or by fax at (505) 924-3913.

Sincerely,

*Stephani Winklepleck*

Stephani Winklepleck

Neighborhood Liaison

OFFICE OF NEIGHBORHOOD COORDINATION

Planning Department

**LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD AND/OR HOMEOWNER ASSOCIATION.**

# !!!Notice to Applicants!!!

## SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, etc. are required under Council Bill O-92 to notify all affected recognized neighborhood associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT**. Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

### WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
  - a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
  - b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describe the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.").
  - c) If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
  - d) The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

## Information from the Office of Neighborhood Coordination

The following information should always be in each application packet that you submit for an EPC or DRB application. Listed below is a "Checklist" of the items needed.

- ONC's "Official" Letter to the applicant (if there are associations). A copy must be submitted with application packet -OR-**
- The ONC "Official" Letter (if there are no associations). A copy must be submitted with application packet.
- Copies of Letters to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**
- Copies of the certified receipts to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**

**Just a reminder - Our ONC "Official" Letter is only valid for a one (1) month period and if you haven't submitted your application by this date, you will need to get an updated letter from our office.**

Any questions, please feel free to contact Stephani at 924-3902 or via an e-mail message at [swinklepleck@cabq.gov](mailto:swinklepleck@cabq.gov).

Thank you for your cooperation on this matter.

\*\*\*\*\*

(below this line for ONC use only)

Date of Inquiry: 01/27/14 Time Entered: 9:15 a.m. ONC Rep. Initials: siw



# **ATTACHMENT A**

Margie Schell, Paralegal  
Modrall Sperling  
500 4<sup>th</sup> Street NW/87102  
Phone: 505-848-1816/Fax: 505-848-9710  
E-mail: [MARGIES@modrall.com](mailto:MARGIES@modrall.com)  
Zone Map: J-15

## **CITIZEN'S INFORMATION COMMITTEE OF MARTINEZTOWN "R"**

**\*Frank H. Martinez**

501 Edith NE/87102 243-5267 (w)

Sergio Viscoto

700 Don Cipriano Ct. NE/87102

## **MARTINEZTOWN WORK GROUP**

**\*Loretta Naranjo Lopez**

1127 Walter NE/87102 270-7716 (c) 246-9601 (h)

Ivan Westergaard e

1008 Calle Garza NE/87113 344-9137 (h)

## **SANTA BARBARA-MARTINEZTOWN ASSOC. (SBM) "R"**

**\*Carol Carrillo Pimentel**

340 Prospect Ave. NE/87102 604-8420 (c)

Christina Chavez

517 Marble NE/87102 459-4521 (c)

**\*President of NA/HOA/Coalition**



MODRALL SPERLING

LAWYERS

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

January 27, 2014

Margie R. Schell  
Paralegal  
505.848.1816  
Fax: 505.848.1891  
margies@modrall.com

Carol Carrillo Pimentel  
Santa Barbara-Martineztown Assoc.  
340 Prospect Ave. NE  
Albuquerque, NM 87102

Sergio Viscoto  
Citizen's Information Committee of Martineztown  
700 Don Cipriano Ct. NE  
Albuquerque, NM 87102

Christina Chavez  
Santa Barbara-Martineztown Assoc.  
517 Marble NE  
Albuquerque, NM 87102

Frank H. Martinez  
Citizen's Information Committee of Martineztown  
501 Edith NE  
Albuquerque, NM 87102

Loretta Naranjo Lopez  
Martineztown Work Group  
1127 Walter NE  
Albuquerque, NM 87102

Ivan Westergaard  
Martineztown Work Group  
1008 Calle Garza NE  
Albuquerque, NM 87113

Re: Extension of SIA  
Project #1000060 (Gateway Plaza) - Project #584781  
Traffic signal at Lomas and Woodward

Ladies and Gentlemen:

We will be submitting an Application to the Planning Department requesting an extension of the above-referenced Subdivision Improvements Agreement (Procedure B Modified Non-Work Order) (#584781) on behalf of our client, Sandia Foundation. The City of Albuquerque is not ready to have this traffic signal installed at this time. Should you have any questions regarding this request to extend, please contact Daniel M. Alsup of this office at 848-1854.

Very truly yours,

Margie R. Schell  
Paralegal

cc: Robert M. Goodman  
Daniel M. Alsup

K:\dox\client\64600\137\W2081180.DOC

Modrall Spierling  
Roehl Harris & Sisk P.A.

Bank of America Centre  
500 Fourth Street NW  
Suite 1000  
Albuquerque,  
New Mexico 87102

PO Box 2168  
Albuquerque,  
New Mexico 87103-2168

Tel: 505.848.1800  
www.modrall.com

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Sent To **Sergio Viscoto**  
**Citizen's Information Committee**  
**of Martineztown**  
**700 Don Cipriano Ct. NE**  
**Albuquerque, NM 87102**

PS Form 3800, Instructions

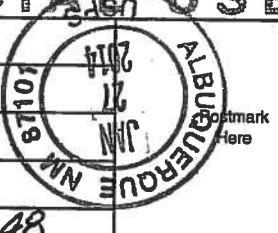
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Sent To **Christina Chavez**  
**Santa Barbara-Martineztown Assoc.**  
**517 Marble NE**  
**Albuquerque, NM 87102**

PS Form 3800, August 2006 See Reverse for Instructions

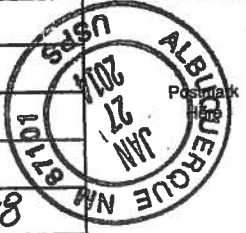
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Sent To **Loretta Naranjo Lopez**  
**Martineztown Work Group**  
**1127 Walter NE**  
**Albuquerque, NM 87102**

PS Form 3800, August 2006 See Reverse for Instructions

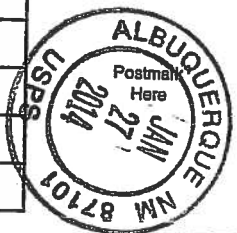
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**Martineztown Work Group**  
**1008 Calle Garza NE**  
**Albuquerque, NM 87113**

PS Form 3800, Instructions

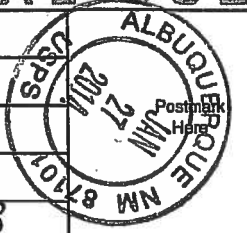
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**Santa Barbara-Martineztown Assoc.**  
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**Albuquerque, NM 87102**

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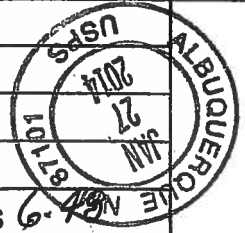
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**Citizen's Information Committee**  
**of Martineztown**  
**501 Edith NE**  
**Albuquerque, NM 87102**

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