

Biazar, Shahab

From: Dicome, Kym
Sent: Monday, September 18, 2017 2:28 PM
To: startrustofnm@yahoo.com
Cc: Cloud, Jack W.; Biazar, Shahab; Lubar, Suzanne G.
Subject: Rabadi Complex (Arroyos Villa) - Project 1003366

Mr. Rabadi;

I have been asked to look at the status of the site development plan for the above referenced project. The site development plan for both Phases was signed off September 2004 by the DRB after the case was heard and approved by the EPC on July 15, 2004. Per Section 14-16-3-11(C) *Possible Termination of Site development Plans for Sites Which Have Not Been Fully Developed*, if less than one half of the approved square footage of a Site Development Plan has been built or less than one half of the site has been developed, the plan for the undeveloped shall terminate automatically when specified below unless extended as provided below (which goes on to lay out timelines for possible extensions). With this in mind, the question is whether the Rabadi Complex site development plan has terminated or whether it meets either the 50% criteria. It is obvious that the square footage criteria has not been met because no buildings have been constructed. The other criteria is the whether the site is developed which we consider as the required infrastructure which is both off and on site. I did receive a memo from you on September 12th outlining what infrastructure has been completed which totals approximately 80%, according to the memo, but upon further review, I noticed that the onsite (streets, sidewalks and so on) were not been included but count toward the percentage calculation. In discussions with Transportation, we determined that including these requirements would bring the percentage of completion to 60%. Based on this information, I have determined that the site development plan is not terminated because the site is developed by more than 50%.

If you have any questions, please feel free to contact me.

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