



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

June 17, 2009

**Project# 1003429**  
09DRB-70198 EXT OF SIA FOR TEMP DEFR SDWK CONST

CURB INC request(s) the above action(s) for all or a portion of **SIERRA RANCH UNIT I**, located on GIBSON WEST OF UNSER (N-8)

At the June 17, 2009 Development Review Board meeting, a two year extension to the four-year agreement for the deferral of sidewalks was approved.

If you wish to appeal this decision, you must do so by July 2, 2009 in the manner described below.

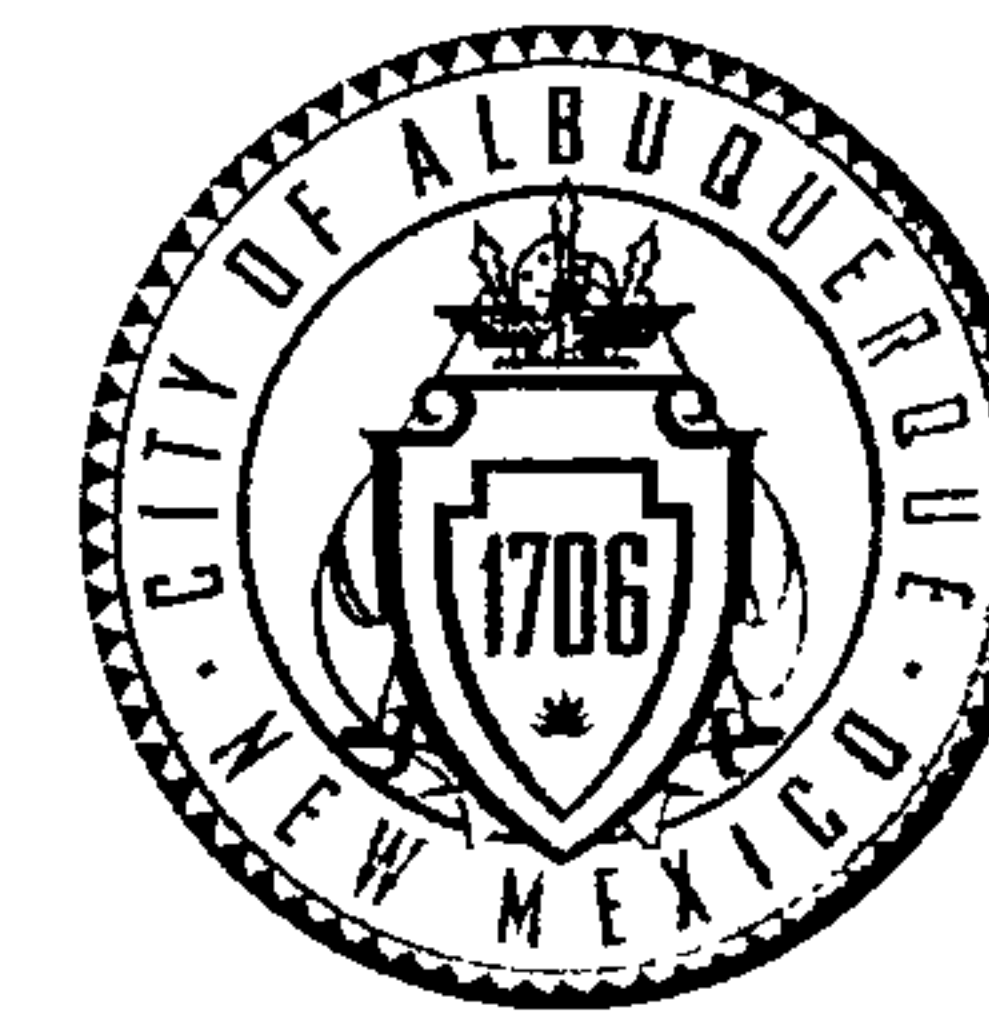
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued 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, AICP, DRB Chair

Cc: Curb Inc. – 5160 San Francisco NE – Albuquerque, NM 87109  
Marilyn Maldonado  
file



**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
HYDROLOGY DEVELOPMENT SECTION**

**DEVELOPMENT REVIEW BOARD--SPEED MEMO**

**DRB CASE NO/PROJECT NO: 1003429**

**AGENDA ITEM NO: 5**

**SUBJECT:**

SIA Extension – SW

**ACTION REQUESTED:**

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

PO Box 1293

**ENGINEERING COMMENTS:**

The Hydrology Section has no objection to the subject request.

Albuquerque

NM 87103

**RESOLUTION:**

APPROVED  <sup>2-YV</sup>; DENIED ; DEFERRED ; COMMENTS PROVIDED ; WITHDRAWN

www.cabq.gov

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

**SIGNED:** Bradley L. Bingham  
City Engineer/AMAFCA Designee  
924-3986

**DATE:** June 17, 2009

PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
TRANSPORTATION SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO: 1003429

AGENDA ITEM NO: 5

SUBJECT:

SIA EXTENSION – SIDEWALK

ENGINEERING COMMENTS:

No adverse comments.

RESOLUTION:

APPROVED \_\_; DENIED \_\_; DEFERRED \_\_; COMMENTS PROVIDED \_\_; WITHDRAWN \_\_

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PRKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PRKS) (PLNG)

SIGNED:

Kristal D. Metro  
Transportation Development

505-924-3991

DATE: JUNE 17, 2009



Supplemental Form (SF)

**SUBDIVISION**

- Major subdivision action
- Minor subdivision action
- Vacation
- Variance (Non-Zoning)

**SITE DEVELOPMENT PLAN**

- for Subdivision
- for Building Permit
- Administrative Amendment/Approval (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

**STORM DRAINAGE (Form D)**

- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

- Annexation
- V**  Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
- P**  Adoption of Rank 2 or 3 Plan or similar
- Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
- D**  Street Name Change (Local & Collector)
- L A** **APPEAL / PROTEST of...**
  - Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

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): \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ FAX: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ E-MAIL: \_\_\_\_\_

APPLICANT: Curb, Inc.--Bo K. Johnson PHONE: 450-4616  
 ADDRESS: 5160 San Francisco NE FAX: 875-1723  
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: rick@bokayconst.com  
 Proprietary interest in site: developer List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: one year extension of sidewalk deferral agreement

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. \_\_\_\_\_ Block: \_\_\_\_\_ Unit: \_\_\_\_\_  
 Subdiv/Addn/TBKA: Sierra Ranch Unit 1  
 Existing Zoning: RD & R-LT Proposed zoning: \_\_\_\_\_ MRGCD Map No \_\_\_\_\_  
 Zone Atlas page(s): N-8 UPC Code: \_\_\_\_\_

CASE HISTORY: 1003429  
 List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_Z\_, V\_, S\_, etc.): \_\_\_\_\_

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill?  No  
 No. of existing lots: \_\_\_\_\_ No. of proposed lots: \_\_\_\_\_ Total site area (acres): \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: Gibson Blvd. west of Unser Blvd. SW  
 Between: \_\_\_\_\_ and \_\_\_\_\_

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

SIGNATURE [Signature] DATE 6-17-13  
 (Print Name) Bo K. Johnson Applicant  Agent:

**FOR OFFICIAL USE ONLY**

Revised: 4/2012

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>13 DRB - 70588</u>	<u>ESIA</u>	_____	<u>\$ 50.00</u>
<input checked="" type="checkbox"/> All fees have been collected	_____	<u>CMF</u>	_____	<u>\$ 20.00</u>
<input checked="" type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input 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	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ _____
Hearing date <u>June 26, 2013</u>			Total <u>\$ 70.00</u>	

[Signature] 6-18-13  
 Staff signature & Date

Project # 1003429

**FORM V: SUBDIVISION VARIANCES & VACATIONS**

- BULK LAND VARIANCE (DRB04)** **(PUBLIC HEARING CASE)**
    - \_\_\_ Application for Minor Plat on FORM S-3, including those submittal requirements. **24 copies**
    - \_\_\_ Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived.
    - \_\_\_ Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
    - \_\_\_ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
    - \_\_\_ Sign Posting Agreement
    - \_\_\_ Fee (see schedule)
    - \_\_\_ List any original and/or related file numbers on the cover application
- DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

- VACATION OF PUBLIC EASEMENT (DRB27)**
  - VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)**
    - \_\_\_ The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies.**  
(Not required for City owned public right-of-way.)
    - \_\_\_ Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**
    - \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined
    - \_\_\_ Letter briefly describing, explaining, and justifying the request
    - \_\_\_ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
    - \_\_\_ Sign Posting Agreement
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    - \_\_\_ List any original and/or related file numbers on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.  
**DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

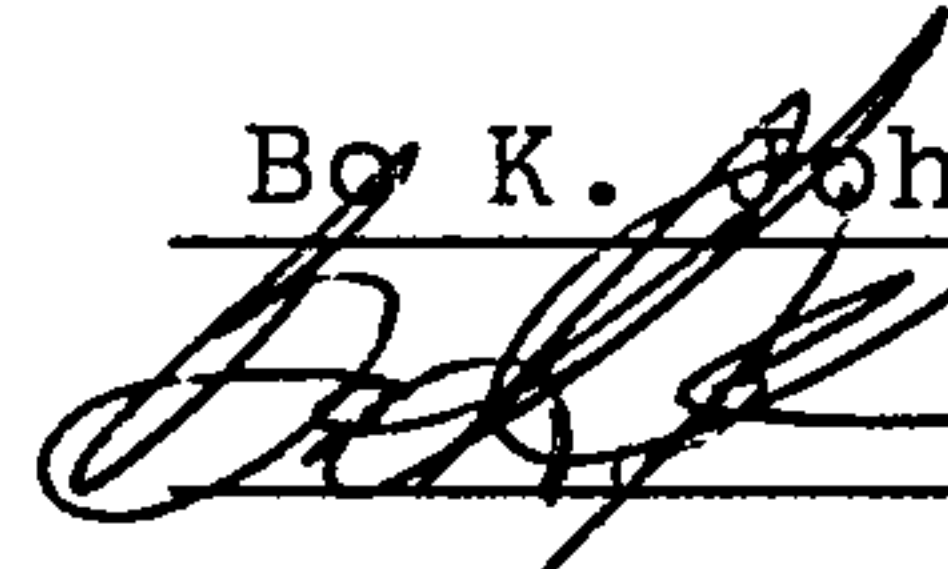
- SIDEWALK VARIANCE (DRB20)**
  - SIDEWALK WAIVER (DRB21)**
    - \_\_\_ Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**
    - \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined
    - \_\_\_ Letter briefly describing, explaining, and justifying the variance or waiver
    - \_\_\_ List any original and/or related file numbers on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

- SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)**
    - \_\_\_ Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**
    - \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined
    - \_\_\_ Letter briefly describing, explaining, and justifying the variance
    - \_\_\_ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
    - \_\_\_ Sign Posting Agreement
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- TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)**
  - EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)**
    - \_\_\_ Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
    - \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined
    - \_\_\_ Letter briefly describing, explaining, and justifying the deferral or extension
    - \_\_\_ List any original and/or related file numbers on the cover application
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- VACATION OF PRIVATE EASEMENT (DRB26)**
  - VACATION OF RECORDED PLAT (DRB29)**
    - \_\_\_ The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
    - \_\_\_ Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
    - \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined
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    - \_\_\_ Letter of authorization from the grantors and the beneficiaries (private easement only)
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I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Bo K. Johnson  
  
 Applicant name (print) \_\_\_\_\_  
 6-17-13  
 Applicant signature / date \_\_\_\_\_



Form revised 4/07

<input checked="" type="checkbox"/> Checklists complete	Application case numbers	6-18-13	
<input checked="" type="checkbox"/> Fees collected	13 - DRB - 70588		Planner signature / date
<input checked="" type="checkbox"/> Case #s assigned	_____	Project #	1003429
<input checked="" type="checkbox"/> Related #s listed	_____		



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
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	Hearing date <u>June 26, 2013</u>			Total <u>\$70.00</u>

[Signature] 6-18-13 Staff signature & Date Project # 1003429

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Bo K. Johnson  
 \_\_\_\_\_ Applicant name (print)  
 6-17-13  
 \_\_\_\_\_ Applicant signature / date

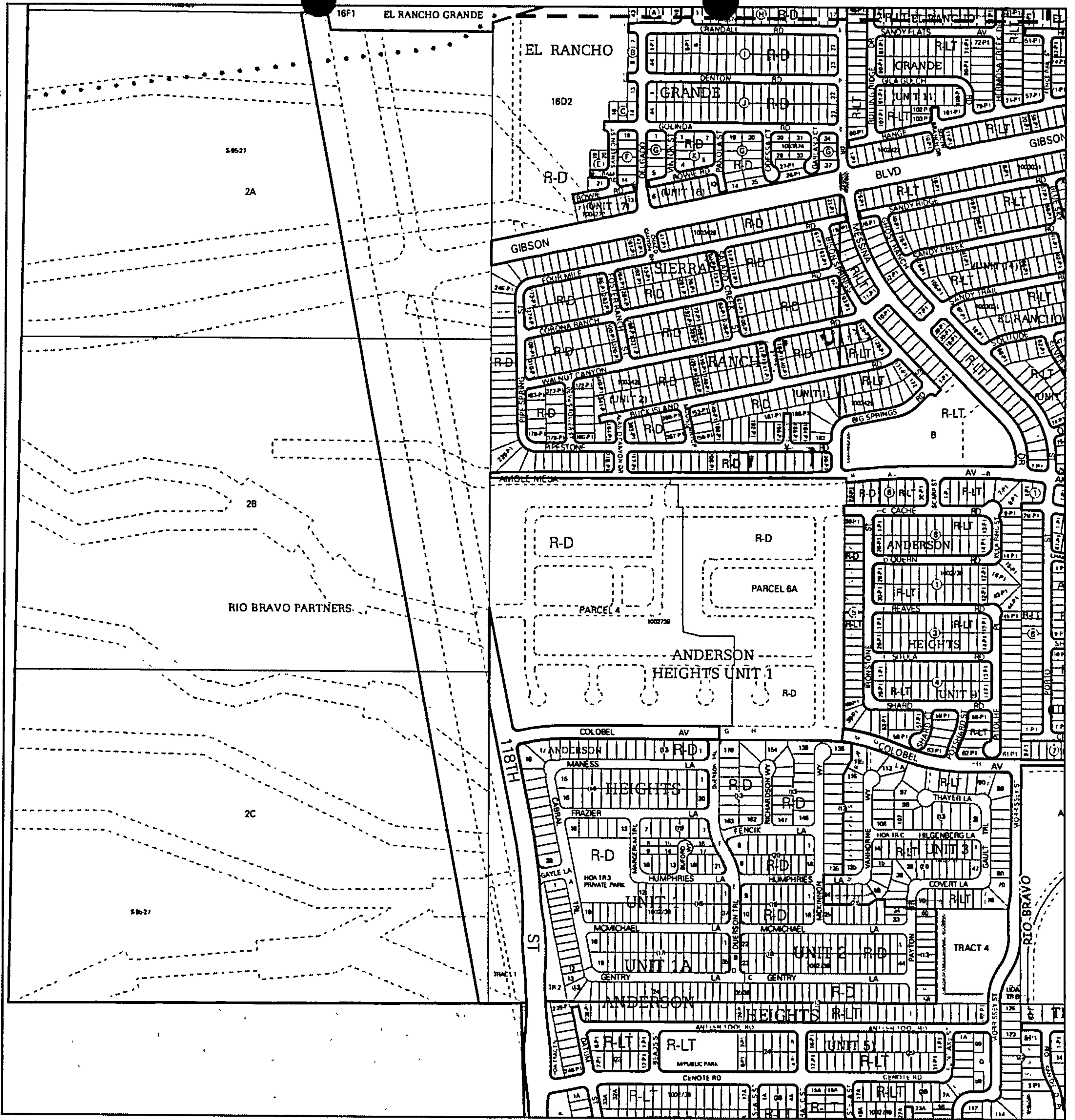


Form revised 4/07

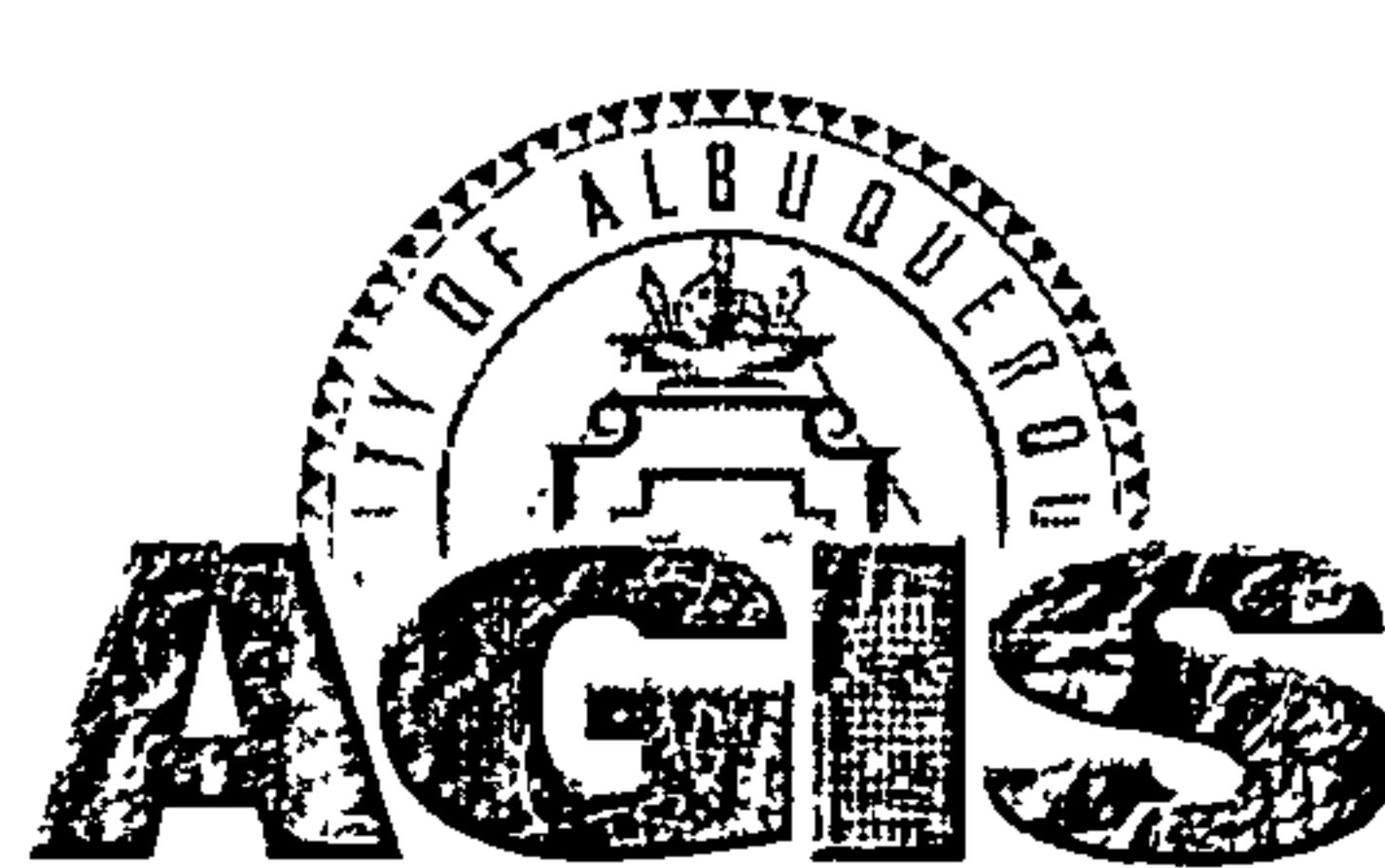
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Application case numbers  
 13-DRB-70588  
 \_\_\_\_\_  
 \_\_\_\_\_

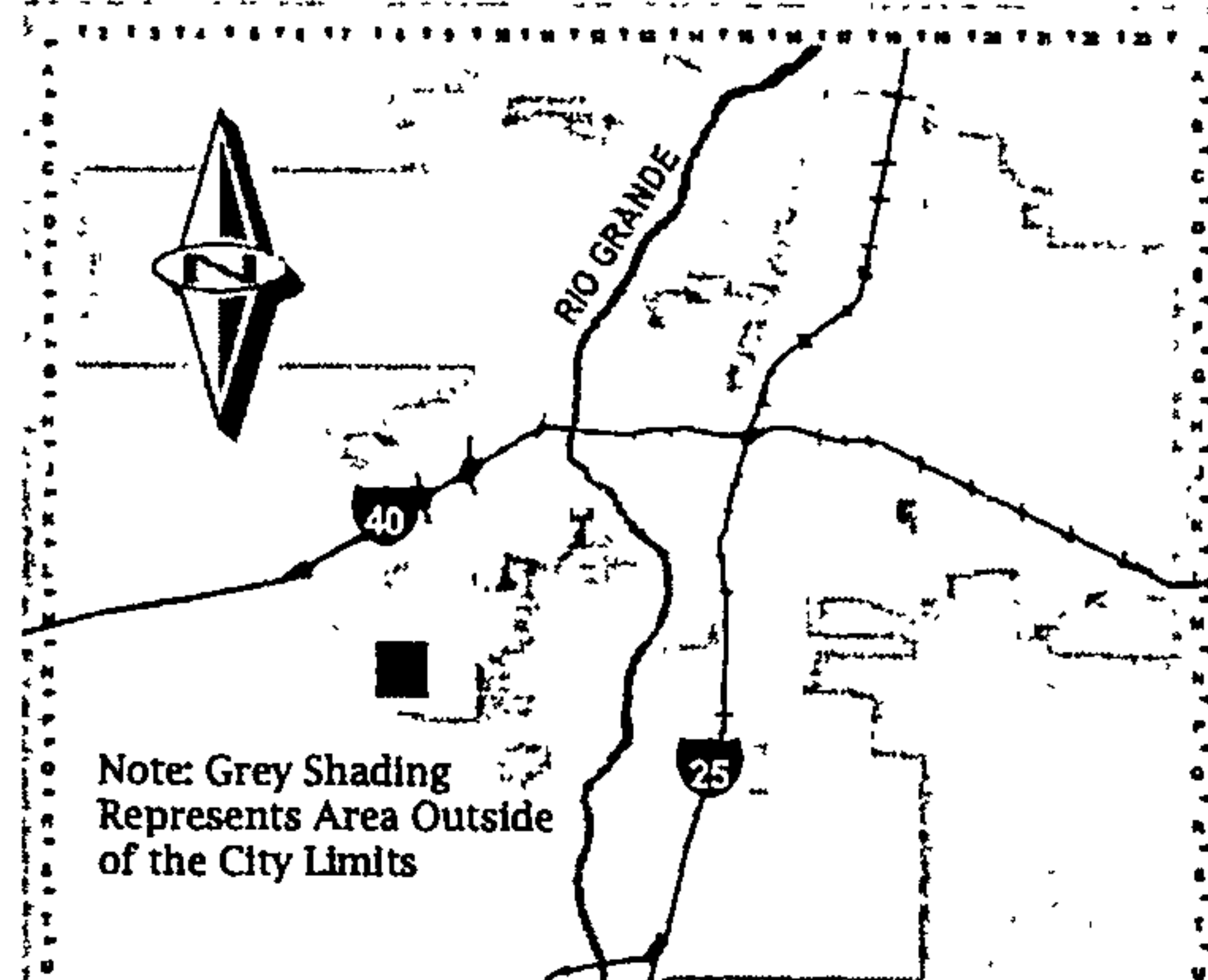
6-18-13  
 \_\_\_\_\_ Planner signature / date  
 Project # 1003429



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








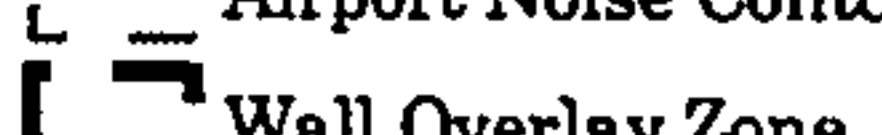



Map amended through: 3/10/2009



Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:  
**N-08-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.		

0 750 1,500 Feet



**CURB, INC.**

---

**5160 San Francisco Dr. NE  
Albuquerque, New Mexico 87109**

**Telephone (505) 899-9656  
Fax (505) 875-1723**

6-17-13

City of Albuquerque  
Development Review Board  
P.O. Box 1293  
Albuquerque, New Mexico 87103

**Re: Sierra Ranch Subdivision Unit 1—Sidewalk Deferral Extension Request  
City Project No. 757581**

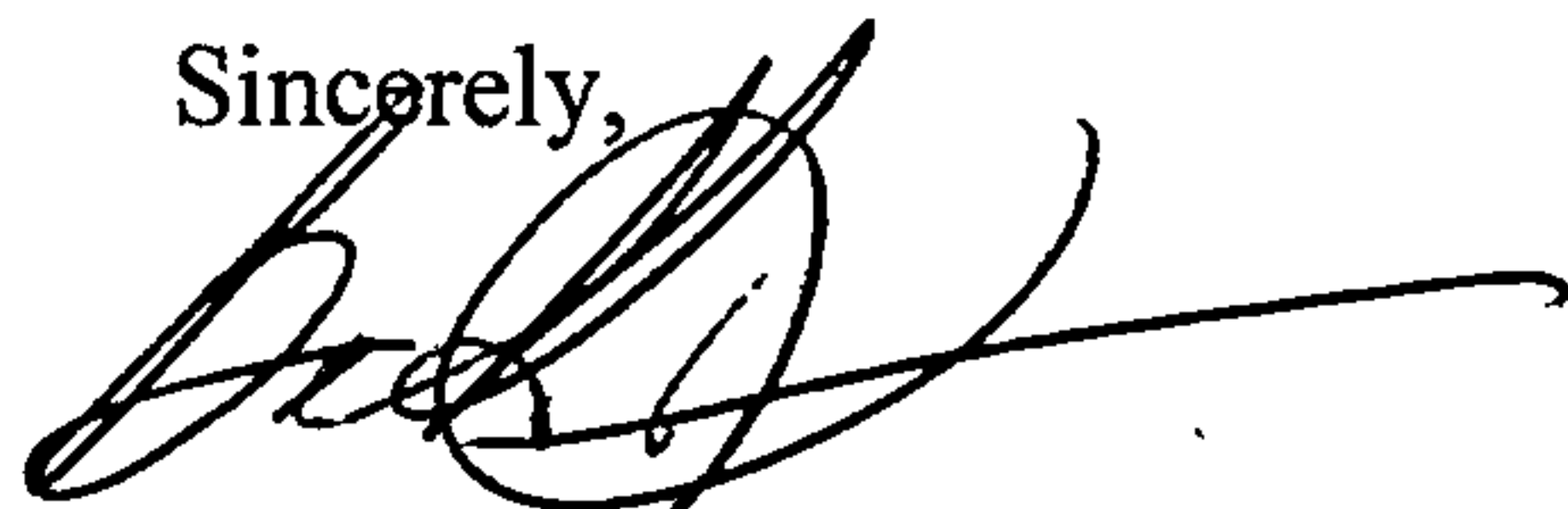
To Whom It May Concern,

On behalf of Curb Inc., please consider this letter as a request for a one year extension of the construction completion deadline for deferred sidewalks in the above referenced subdivision. The current construction completion deadline is June 13<sup>th</sup>, 2013.

This request is necessary due to the current market conditions resulting in a significant slowdown in the rate of sales and absorption of the subdivision lots.

Thank you for your consideration of this matter. Please feel free to call me with any questions that you may have. You may reach me on my mobile phone at 450-4616, or at my office at 899-9656.

Sincerely,

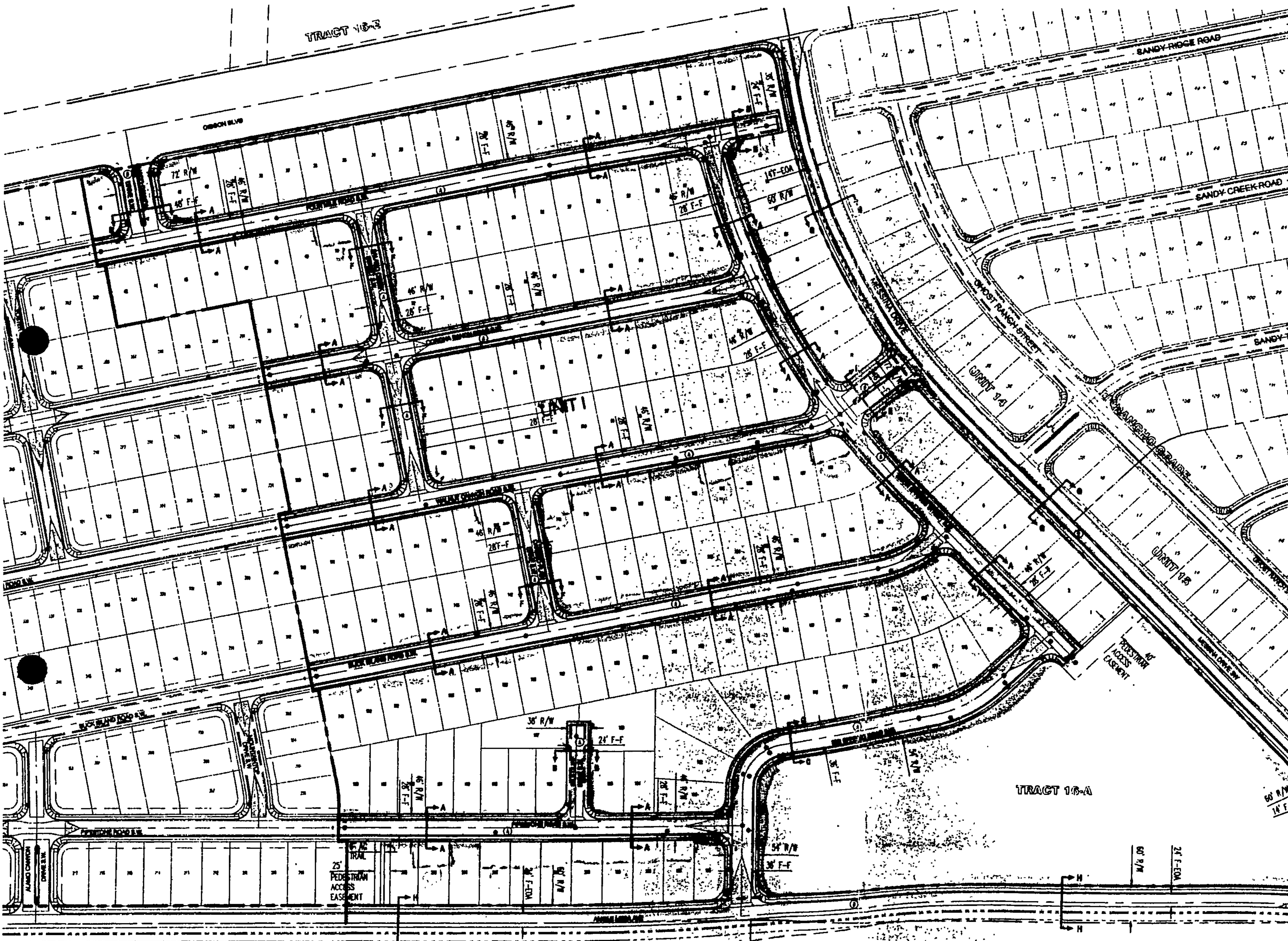


Bo K. Johnson, PE  
Vice President  
Curb, Inc.

RJS/bkj

Enclosures

TRACT 16-B



TRACT 16-A

UNITS OF RIO BRAVO PARTNERS  
PARCEL 2-D

ROSWER TRACT  
TRACT B-1

June 26. 2013

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FIGURE 19  
SIDEWALK DEFERRAL AGREEMENT  
PROJECT NO. 757581

THIS AGREEMENT is made this 13<sup>th</sup> day of June, 2005, by and between the City of Albuquerque, New Mexico ("City"), a municipal corporation, whose address is P.O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103 and Curb, Inc. ("Developer"), whose address is 5160 San Francisco NE Abq. 87109 and whose telephone number is 881-9190, a (state the type of business entity, for instance, "New Mexico corporation," "general partnership," "joint venture," "individual," etc.): New Mexico corporation, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

WHEREAS, the Developer is developing certain lands within the City of Albuquerque, County of Bernalillo, State of New Mexico, known as (existing legal description) see attached Exhibit "B" (the "Subdivision"); and

WHEREAS, the Developer has submitted and the City has approved Developer's development plans and (state "preliminary" or "final":) preliminary plat, to be identified as (state name of plat:)Sierra Ranch Subdivision Unit 1 and

WHEREAS, Developer has requested and the City has determined that it is acceptable for the Developer to defer construction of the sidewalks within the Subdivision until after construction of other required infrastructure; and

WHEREAS, the Subdivision Ordinance requires all sidewalks to be completed within four (4) years after execution of the Agreement to Construct Subdivision Improvements; and

WHEREAS, the Developer must execute and deliver to the City an Agreement and an acceptable financial guaranty to provide funds for construction of the sidewalk improvements in case the Developer does not complete the construction as required.

THEREFORE, the City and the Developer agree:

1.A. Sidewalk Construction Deadline. Developer has obtained a sidewalk deferral, as shown in the attached Exhibit "A", which is a copy of the Development Review Board's decision regarding the deferral granted. Developer agrees to utilize the City's sidewalk permit process and complete the sidewalk to the satisfaction of the City by May 20th, 2007 ("Sidewalk Construction Deadline").

B. Request for Extension. If this Sidewalk Deferral Agreement establishes a Sidewalk Construction Deadline which is less than four (4) years after execution of the Subdivision Improvements Agreement, the Developer may request an extension from the Project Review Section for an additional period of time, which shall not exceed a total of four years after execution of the Subdivision Improvements Agreement. The form of the Financial Guaranty extension and the amount must be approved by the City, but shall not exceed 125% of the City's estimate of the cost of construction at the time Developer requests an extension. If the Developer will need more than four (4) years after execution of the Subdivision Improvements Agreement to construct the sidewalks, the Developer must request and obtain an extension from the Development Review Board and submit the required documentation to the Design Review Section before expiration of the four (4) years.



2. Financial Guaranty. Developer will provide a financial guaranty in an amount of not less than 125% of the cost of constructing the sidewalk improvements within the Subdivision, as determined by the City. The financial guaranty must be irrevocable and may be in the form of a City-approved bond, letter of credit, escrow deposit or loan reserve letter issued by a federally insured financial institution; a bond issued by a surety qualified to do business in New Mexico; or other pledge of liquid assets which meets all City requirements. The City must be able to call the financial guaranty at any time within the sixty (60) days immediately following the Sidewalk Construction Deadline. To meet the Subdivision Ordinance requirements, the Developer has provided the following "Financial Guaranty":

Type of Financial Guaranty: Bank Loan Reserve letter dated 5-25-05  
Amount: \$ 137,213.81 Name of Financial Institution or  
Surety providing Guaranty: \_\_\_\_\_  
Date City first able to call Guaranty (Sidewalk Construction  
Deadline): May 20th, 2007.  
If Guaranty other than a Bond, last day City able to call  
Guaranty is: July 19th, 2007.  
Additional Information: N/A

3. Completion, Acceptance and Release. The Developer shall report completion of sidewalk construction in writing to the City. The City shall inspect the sidewalks to verify completion. Upon acceptance of the improvements, the City shall promptly release the financial guaranty and Sidewalk Deferral Agreement.

4. Conveyance of Property Rights. When the sidewalks have been constructed, if the City does not own the real property upon which the sidewalks are constructed, the Developer shall convey to the City the real property rights required by the City together with the improvements, free and clear of all claims, encumbrances and liens, before the City will release the Financial Guaranty and Sidewalk Variance Agreement. Conveyance may be by dedication on the final plat of the Subdivision.

5. Indemnification. Until the sidewalks are accepted by the City, the Developer shall be solely responsible for maintaining the premises upon which the sidewalks are being constructed in a safe condition. The Developer agrees to defend, indemnify and hold harmless the City and its officers, agents and employees from and against all suits, actions or claims of any kind brought because of any injury or damage arising out of the design or construction of the sidewalks, or by reason of any act, omission or misconduct of the Developer, its agents or employees. The indemnification required hereunder shall not be limited as a result of the specifications of any applicable insurance coverage. Nothing herein is intended to impair any right or immunity under the laws of the State of New Mexico. Provided, however, to the extent, if at all, Section 56-7-1 NMSA 1978 is applicable to this Agreement, this Agreement to indemnify will not extend to liability, claims, damages, losses or expenses, including attorney fees, arising out of (1) the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs or specifications by the City, or the agents or employees of the City; or (2) the giving of or the failure to give directions or instructions by the City, where such giving or failure to give directions or instructions is the primary cause of bodily injury to persons or damage to property.

6. Assignment. This Agreement shall not be assigned without the prior written consent of the City and the Developer and the express written concurrence of financial institution or surety which has undertaken to guaranty the completion of the Improvements. The City's approval will not be withheld unreasonably. If so assigned, this Agreement shall extend to and be binding upon the successors and assigns of the parties hereto.

Mary Herrera Bern. Co. AGRE R 17.00 2005083908 8278958 Page: 2 of 5 06/13/2005 03:14P Bk-A98 Pa-3655

7. Release. the subdivision or any part thereof is sold, conveyed or assigned, the City will not release the Developer from its obligations under this Agreement and will continue to hold the Developer responsible for all Improvements until a successor in interest to the Developer has posted a suitable financial guaranty and entered into a Sidewalk Improvements Agreement with the City. Thereafter, when the Developer's successor in interest has provided a substitute financial guaranty acceptable to the City, the City will release this Agreement and any related Financial Guaranty.

8. Payment for Incomplete Improvements. If the Developer fails to satisfactorily complete construction of the sidewalks by the Construction Completion Deadline, the City may construct or cause the sidewalks to be constructed as shown on the final plat and in the approved plans and specifications. The Developer shall be jointly and severally liable to pay to, and indemnify the City for the total cost, including, but not limited to engineering, legal and contingent costs, together with any damages, either direct or consequential, which the City may sustain as a result of Developer's failure to perform as required by this Agreement. If the direct or indirect costs and damages to the City exceed the amount of the Financial Guaranty, the Developer shall be liable to, and shall pay the City for all such costs and damages. The surety or sureties shall be jointly and severally liable to pay to and indemnify the City for the total cost to the extent of their obligations pursuant to the Financial Guaranty.

9. Binding on Developer's Property. The provisions of this Agreement constitute covenants running with Developer's Subdivision for the benefit of the City and its successors and assigns until terminated, and are binding on the Developer and its heirs, successors and assigns.

10. Notice. For purposes of giving formal written notice, including notice of change of address, the Developer's and the City's addresses are as stated in the first paragraph of this Agreement. Notice may be given either in person or by certified U.S. mail, postage paid. Notice will be considered to have been received within six days after the notice is mailed if there is no actual evidence of receipt.

11. Entire Agreement. This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

12. Changes to Agreement. Changes to this Agreement are not binding unless made in writing, signed by both parties.

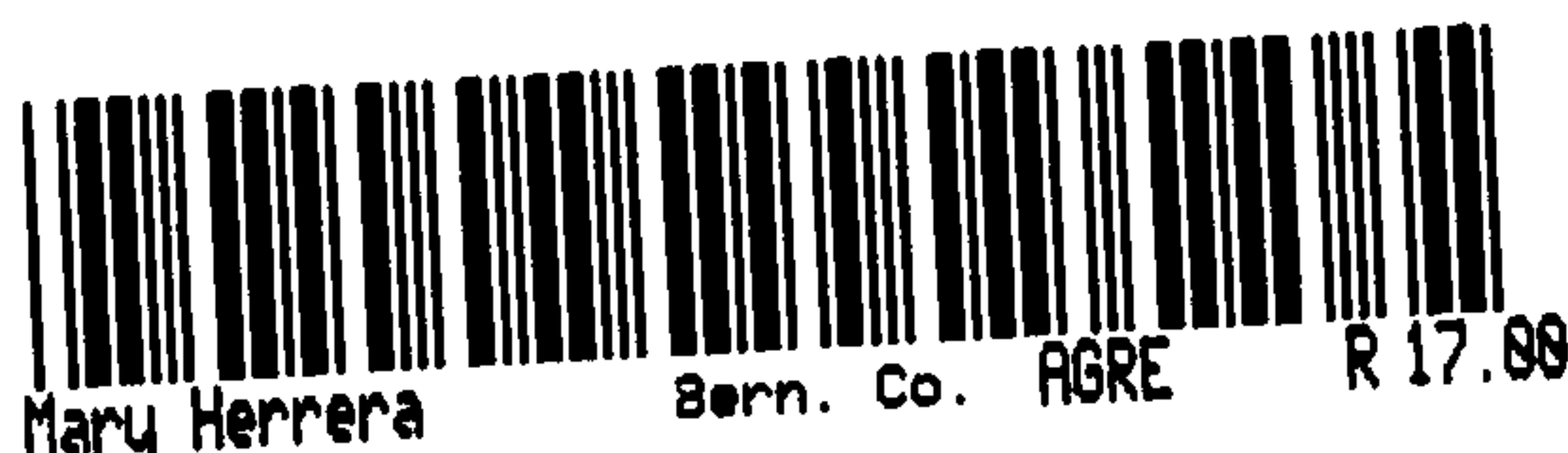
13. Construction and Severability. If any part of this Agreement is held to be invalid or unenforceable, the remainder of the Agreement will remain valid and enforceable if the remainder is reasonably capable of completion.

14. Captions. The captions to the sections or paragraphs of this Agreement are not part of this Agreement and will not affect the meaning or construction of any of its provisions.

15. Form not Changes. Developer agrees that changes to this form are not binding unless initialed by the Developer and signed by the City's Legal Department on this form.

16. Authority to Execute. If the Developer signing below is not the Owner of the Subdivision, the owner must provide a Power of Attorney or other evidence of authority to execute this Agreement which is acceptable to the City.

Figure 19 -



2005083908  
6279956  
Page: 3 of 5  
06/13/2005 03:14P  
Bk-R98 Pg-3655

8/02

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

DEVELOPER: Curb, Inc

CITY OF ALBUQUERQUE:

By (Signature): [Signature]  
Name: Bo K. Johnson  
Title: Exe. Vice President  
Dated: 5-19-05

[Signature]  
City Engineer  
Dated: 6-13-05

8/14/06

6/13/05

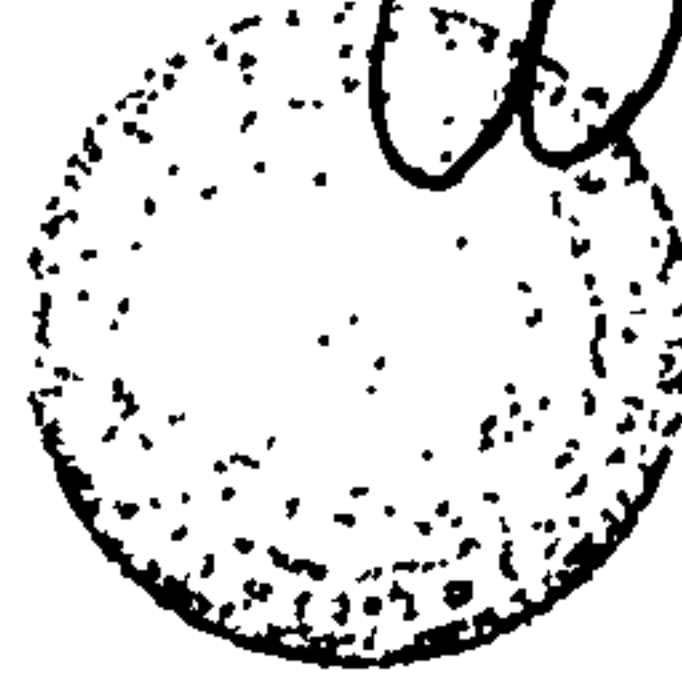
DEVELOPER'S NOTARY

STATE OF New Mexico )  
 ) ss.  
COUNTY OF Bernalillo )

This instrument was acknowledged before me on 19th day of May, 2005 by (name of person:) Bo K. Johnson, (title or capacity, for instance, "President" or "Owner":) Exe. Vice President of (Developer:) Curb, Inc.

My Commission Expires: 10/1/07

[Signature]  
Notary Public



OFFICIAL SEAL  
RICHARD J. SQUIRES  
NOTARY PUBLIC-STATE OF NEW MEXICO

My commission expires: 10/1/07

CITY'S NOTARY

STATE OF New Mexico  
COUNTY OF Bernalillo ) ss.

This instrument was acknowledged before me on 13th day of June, 2005 by Richard Bourke, City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

My Commission Expires: 11-25-2007

[Signature]  
Notary Public

EXHIBIT "A" ATTACHED

Figure 1



2005083908  
6279956  
Page: 4 of 5  
06/13/2005 03:14P  
Bk-A98 Pg-3655

**EXHIBIT "B"**

**Tract 16-B, as shown on Bulk Land Plat for Tracts 16-A, 16-B, 16-C, 16-D, 16-E and 16-F, El Rancho Grande, filed in the office of the County Clerk of Bernalillo County, New Mexico, on January 31, 2005, in Book 2005C, Page 41, Document Number 2005014732.**

Mary Herrera  
Bern. Co. AGRE R 17.00  
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Page: 5 of 5  
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Supplemental form

**SUBDIVISION**

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

**SITE DEVELOPMENT PLAN**

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

**STORM DRAINAGE**

- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)
- L A APPEAL / PROTEST of...**
- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

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.

**APPLICANT INFORMATION:**

Professional/Agent (if any): \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ FAX: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ E-MAIL: \_\_\_\_\_

APPLICANT: Curb Inc. PHONE: 881-9190  
 ADDRESS: 5160 San Francisco NE FAX: 875-1723  
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: rick@bokayconst.com

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

DESCRIPTION OF REQUEST: One year extension of deferred sidewalk construction completion deadline.

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. \_\_\_\_\_ Block: \_\_\_\_\_ Unit: \_\_\_\_\_

Subdiv/Addn/TBKA: Sierra Ranch Unit 1

Existing Zoning: \_\_\_\_\_ Proposed zoning: \_\_\_\_\_

Zone Atlas page(s): N-8 UPC Code: \_\_\_\_\_ MRGCD Map No \_\_\_\_\_

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_, Z\_, V\_, S\_, etc.): 1003429

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill? no

No. of existing lots: \_\_\_\_\_ No. of proposed lots: \_\_\_\_\_ Total area of site (acres): \_\_\_\_\_

LOCATION OF PROPERTY BY STREETS: On or Near: Gibson west of Unser SW.

Between: \_\_\_\_\_ and \_\_\_\_\_

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: \_\_\_\_\_

SIGNATURE [Signature] DATE 6/8/09

(Print) Bo K. Johnson Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

Form revised 4/07

- INTERNAL ROUTING
- All checklists are complete
- All fees have been collected
- All case #s are assigned
- AGIS copy has been sent
- Case history #s are listed
- Site is within 1000ft of a landfill
- F.H.D.P. density bonus
- F.H.D.P. fee rebate

Application case numbers	Action	S.F.	Fees
<u>09DRB 70198</u>	<u>ESIA</u>	_____	<u>\$ 50.00</u>
_____	<u>CMF</u>	_____	<u>\$ 20.00</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
Total			<u>\$ 70.00</u>

Hearing date June 17, 2009

[Signature] 6.9.09  
 Planner signature / date

Project # 1003429

**FORM V: SUBDIVISION VARIANCES & VACATIONS**

- BULK LAND VARIANCE (DRB04)** **(PUBLIC HEARING CASE)**
  - \_\_\_ Application for Minor Plat on FORM S-3, including those submittal requirements. **24 copies**
  - \_\_\_ Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived.
  - \_\_\_ Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
  - \_\_\_ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - \_\_\_ Sign Posting Agreement
  - \_\_\_ Fee (see schedule)
  - \_\_\_ List any original and/or related file numbers on the cover application

**DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**
  
- VACATION OF PUBLIC EASEMENT (DRB27)**
- VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)**
  - \_\_\_ The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies.**
  - (Not required for City owned public right-of-way.)
  - \_\_\_ Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**
  - \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined
  - \_\_\_ Letter briefly describing, explaining, and justifying the request
  - \_\_\_ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - \_\_\_ Sign Posting Agreement
  - \_\_\_ Fee (see schedule)
  - \_\_\_ List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.  
**DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**
  
- SIDEWALK VARIANCE (DRB20)**
- SIDEWALK WAIVER (DRB21)**
  - \_\_\_ Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**
  - \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined
  - \_\_\_ Letter briefly describing, explaining, and justifying the variance or waiver
  - \_\_\_ List any original and/or related file numbers on the cover application

**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**
  
- SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)**
  - \_\_\_ Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**
  - \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined
  - \_\_\_ Letter briefly describing, explaining, and justifying the variance
  - \_\_\_ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - \_\_\_ Sign Posting Agreement
  - \_\_\_ Fee (see schedule)
  - \_\_\_ List any original and/or related file numbers on the cover application

**DRB meetings are approximately 30 DAYS after the filing deadline. Your attendance is required.**
  
- TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)**
- EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)**
  - \_\_\_ Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
  - \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined
  - \_\_\_ Letter briefly describing, explaining, and justifying the deferral or extension
  - \_\_\_ List any original and/or related file numbers on the cover application

**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**
  
- VACATION OF PRIVATE EASEMENT (DRB26)**
- VACATION OF RECORDED PLAT (DRB29)**
  - \_\_\_ The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
  - \_\_\_ Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
  - \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined
  - \_\_\_ Letter/documents briefly describing, explaining, and justifying the vacation **6 copies**
  - \_\_\_ Letter of authorization from the grantors and the beneficiaries (private easement only)
  - \_\_\_ Fee (see schedule)
  - \_\_\_ List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.  
**DRB meetings are approximately 8 DAYS after the Tuesday noon 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.

Bo K. Johnson  
 \_\_\_\_\_  
 Applicant name (print)  
 6/8/09  
 Applicant signature / date

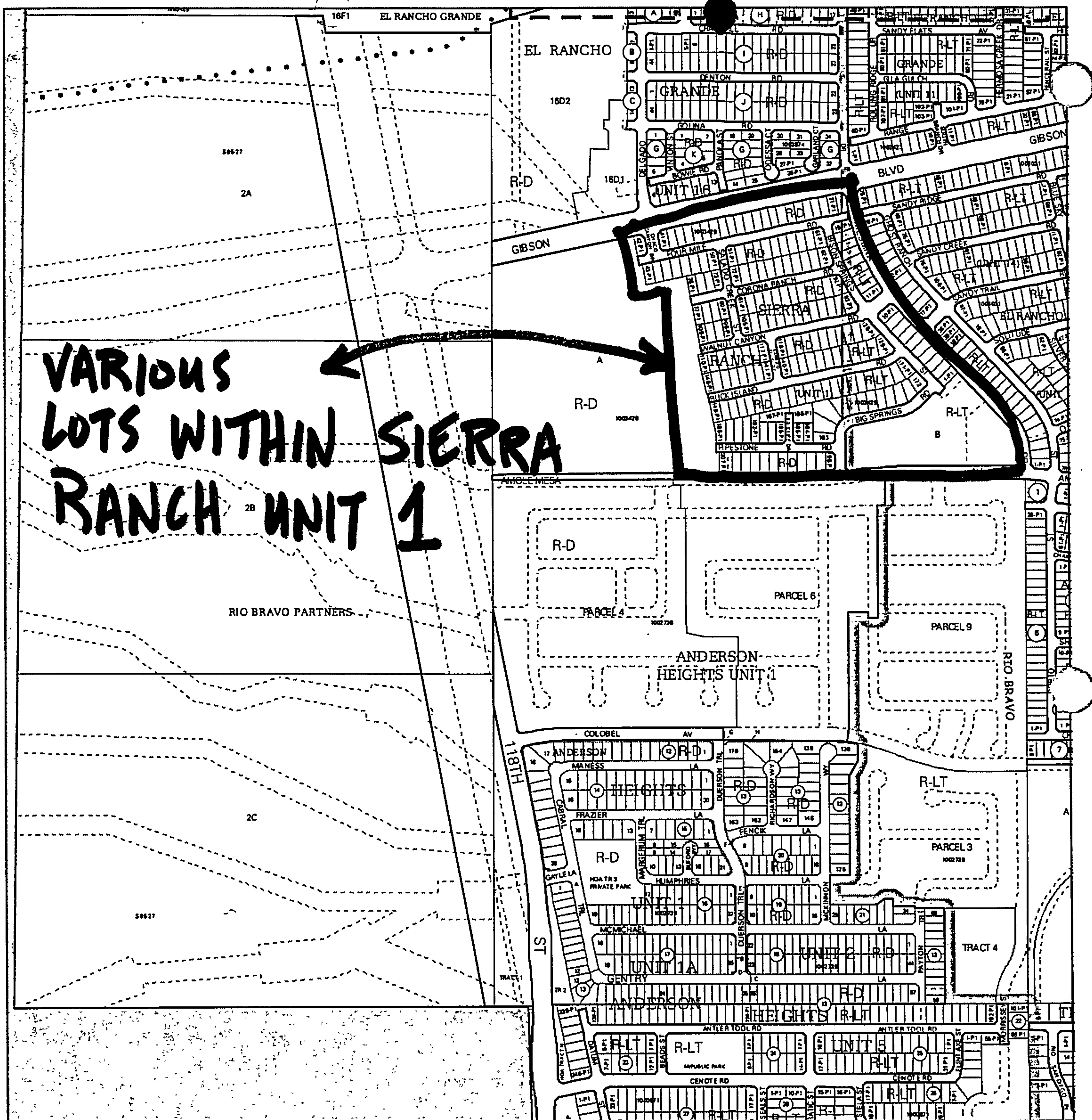


Form revised 4/07

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

Application case numbers  
 091DRB - 70198  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_ 6.9.09  
 Planner signature / date  
 Project # 1003429



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

City of Albuquerque  
**AGIS**  
Albuquerque Geographic Information System

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:  
**N-08-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.	

0 750 1500 Feet

Map amended through: 10/25/2006

**CURB, INC.**

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**5160 San Francisco Dr. NE  
Albuquerque, New Mexico 87109**

**Telephone (505) 899-9656  
Fax (505) 875-1723**

6-8-09

City of Albuquerque  
Development Review Board  
P.O. Box 1293  
Albuquerque, New Mexico 87103

**Re: Sierra Ranch Subdivision Unit 1—Sidewalk Deferral Extension Request**

**City Project No. 757581**    *DRB # 1003429*

To Whom It May Concern,

On behalf of Curb Inc., please consider this letter as a request for a one year extension of the construction completion deadline for deferred sidewalks in the above referenced subdivision. The current construction completion deadline is June 13<sup>th</sup>, 2009.

This request is necessary due to the current market conditions resulting in a significant slowdown in the rate of sales and absorption of the subdivision lots.

Thank you for your consideration of this matter. Please feel free to call me with any questions that you may have. You may reach me on my mobile phone at 450-4616, or at my office at 899-9656.

Sincerely,

*Bo K. Johnson*  
*FOR:*  
Bo K. Johnson, PE  
Executive Vice President  
Curb, Inc.

RJS/bkj

Enclosures

S. de w... That are Missing as of 6/1/09

