



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 9, 2012

Project# 1003612
12DRB-70135 EXT OF MAJOR PRELIMINARY PLAT

THOMPSON ENGINEERING CONSULTANTS, INC agent(s) for DRAGONFLY DEVELOPMENT request(s) the above action(s) for all or a portion of Lot(s) A TRACT OF LAND WITHIN, **PROJECTED SECTION 16, TOWNSHIP 10W, RANGE 2E, TOWN OF ATRISCO GRANT** zoned SU-2/R-LT, located on ENDEE AND 98TH containing approximately 6.4 acre(s). (J-9)

At the May 9, 2012 Development Review Board meeting, the one-year extension of the preliminary plat was approved contingent upon approved vacation request.

The conditions of final plat still apply.

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

A handwritten signature in black ink, appearing to read "Jack Cloud".

Jack Cloud, DRB Chair

Cc: Thompson Engineering Consultants INC.
Marilyn Maldonado
file



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

April 10, 2013

Project# 1003612
13DRB-70502 EXT OF MAJOR PRELIMINARY PLAT

GARCIA/KRAEMER & ASSOC. agent(s) for DRAGONFLY DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) J09 37, **TOWN OF ATRISCO GRANT** zoned SU-2/R-LT, located on ENDEE BETWEEN 94TH AND 98TH containing approximately 6.4 acre(s). (J-9

At the April 10, 2013 Development Review Board meeting, an extension of the preliminary plat was approved through December 3, 2013.

The conditions of final plat still apply.

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)



Jack Cloud, DRB Chair

Cc: GARCIA/KRAEMER & ASSOC.
Marilyn Maldonado
file



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

April 10, 2013

Project# 1003612
13DRB-70502 EXT OF MAJOR PRELIMINARY PLAT

GARCIA/KRAEMER & ASSOC. agent(s) for DRAGONFLY DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) J09 37, **TOWN OF ATRISCO GRANT** zoned SU-2/R-LT, located on ENDEE BETWEEN 94TH AND 98TH containing approximately 6.4 acre(s). (J-9) **AN EXTENSION OF THE PRELIMINARY PLAT WAS APPROVED THROUGH DECEMBER 3, 2013.**

At the April 10, 2013 Development Review Board meeting, an extension of the preliminary plat was approved through December 3, 2013.

The conditions of final plat still apply.

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

A handwritten signature in black ink, appearing to read "Richard Dourte".

Richard Dourte, Acting DRB Chair

Cc: GARCIA/KRAEMER & ASSOC.
Marilyn Maldonado
file

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
April 10, 2013
DRB Comments**

ITEM # 6

PROJECT # 1003612

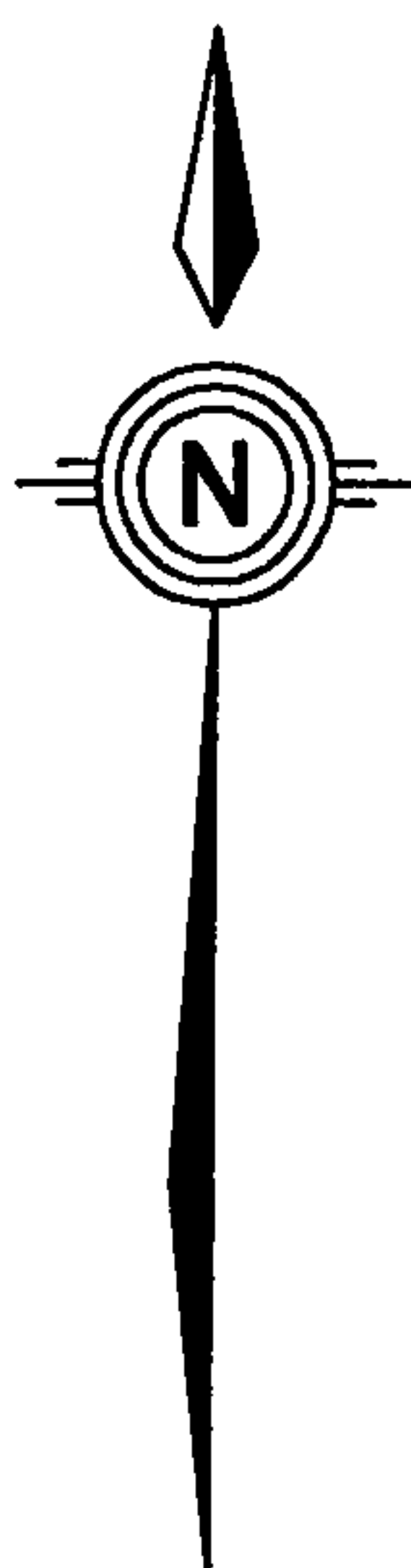
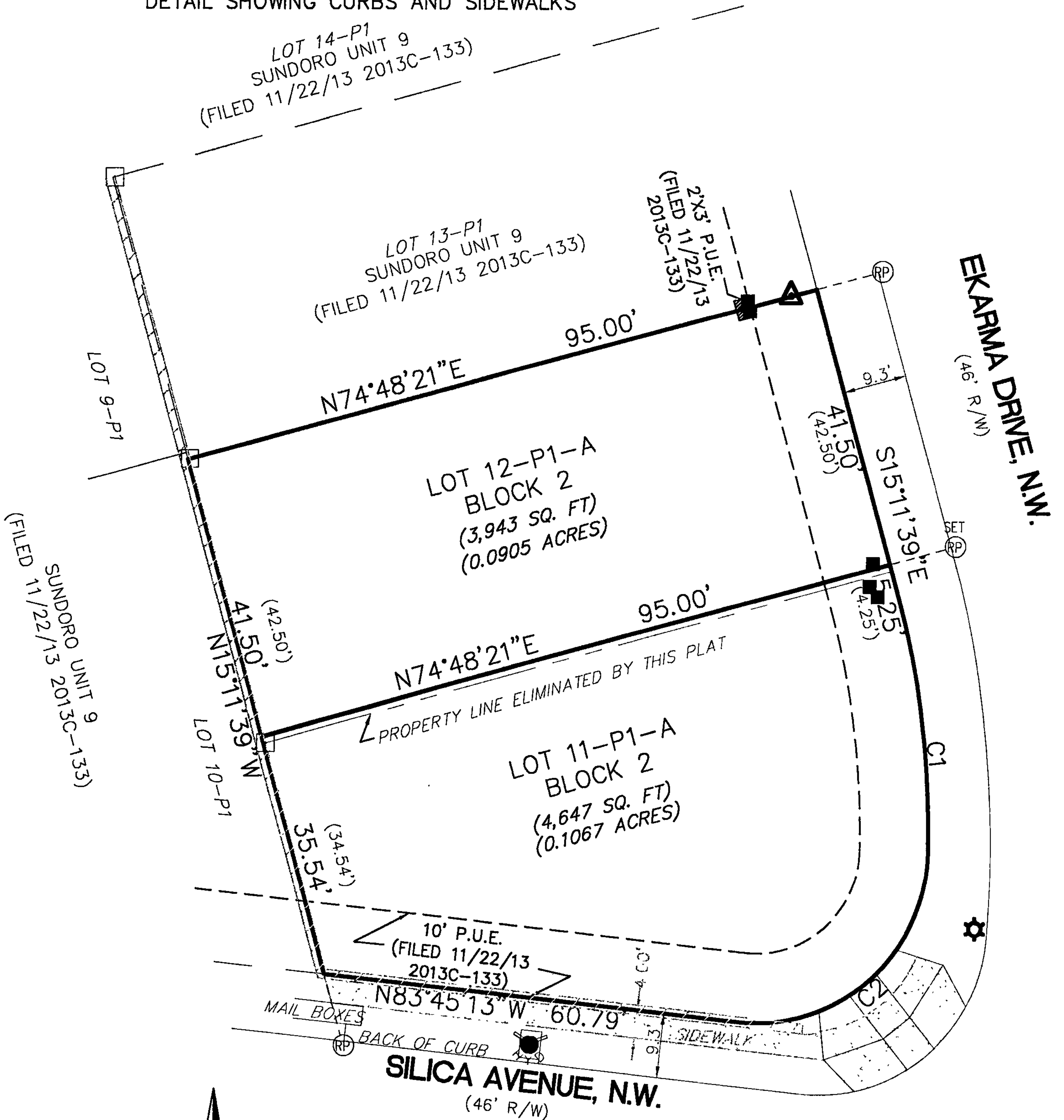
APPLICATION # 13-70502

RE: Tract J09 37, Town of Atrisco Grant

Refer to comments from other agencies and any public hearing comments on proposed extension. If approved, be aware that the current vacation action expires December 3, 2013 and per the Subdivision Ordinance, it is not subject to an extension but would require re-application and re-approval prior to Final Plat sign off.

Jack Cloud, DRB Chairman
924-3880/ jcloud@cabq.gov

DETAIL SHOWING CURBS AND SIDEWALKS



SCALE: 1" = 20'

LEGEND

- UTILITY TRANSFORMER
- UTILITY PEDESTAL
- BLOCK WALL (HT VARIES) (TYP.)
- LIGHT POLE
- FIRE HYDRANT

CURVE TABLE						
CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD LENGTH
C1	127.00'	36.91'	16°39'15"	18.59'	N06°52'02"W	36.79'
C2	25.00'	41.36'	94°47'12"	27.18'	N48°51'12"E	36.80'

PROJECT #: 1003612
DATE: 4-9-14 (SK)



Supplemental Form (SF)

SUBDIVISION	S Z ZONING & PLANNING
<input type="checkbox"/> Major subdivision action	<input type="checkbox"/> Annexation
<input checked="" type="checkbox"/> Minor subdivision action	<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plan boundaries)
<input type="checkbox"/> Vacation	<input type="checkbox"/> Sector Plan (Phase I, II, III)
<input type="checkbox"/> Variance (Non-Zoning)	<input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan
SITE DEVELOPMENT PLAN	<input type="checkbox"/> Text Amendment (Zoning Code/Sub Regs)
<input type="checkbox"/> for Subdivision	<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> for Building Permit	L A APPEAL / PROTEST of...
<input type="checkbox"/> Administrative Amendment/Approval (AA)	<input type="checkbox"/> Decision by DRB, EPC, LUCC, Planning Director or Staff, ZHE, Board of Appeals
<input type="checkbox"/> IP Master Development Plan	
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	
STORM DRAINAGE (Form D)	
<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 2nd 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) COMMUNITY SCIENCES CORPORATION PHONE 897-0000
 ADDRESS PO Box 1328 FAX 898-5195
 CITY CORRALES STATE NM ZIP 87048 E-MAIL tompatrick@communitysciences.com

APPLICANT: DR HORTON, INC. PHONE 797-4245
 ADDRESS 4400 ALAMEDA NE, SUITE B FAX 797-9881
 CITY ALBUQUERQUE STATE NM ZIP 87113 E-MAIL pblesley@drhorton.com
 Proprietary interest in site OWNER List all owners -

DESCRIPTION OF REQUEST: SKETCH PLAT REQUEST: ADJUST LINE BETWEEN LOTS 11^{PI} & 12^{PI} BLOCK 2, SUNDORO UNIT 9

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 LOTS 11^{PI} & 12^{PI} Block: 2 Unit: 9
 Subdiv/Addn/TBKA: SUNDORO
 Existing Zoning SU2-R-LT Proposed zoning: SU2-R-LT MRGCD Map No -
 Zone Atlas page(s) 1-9-7 UPC Code: 1-009-058-040092-3-30-25 (LOW)

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): 1003612

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 2 No. of proposed lots 2 Total site area (acres): 0.1972
 LOCATION OF PROPERTY BY STREETS: On or Near EVARNA DR. NW
 Between SILICA AVE. NW and ENDER RD. NW
 Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date _____

SIGNATURE Thomas W. Patrick DATE 3.24.2014
 (Print Name) THOMAS W. PATRICK Applicant Agent:

FOR OFFICIAL USE ONLY

Revised: 6/2011

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>14 DRB: 70086</u>	<u>SP</u>		\$ <u>0</u>
<input checked="" type="checkbox"/> All fees have been collected				\$ _____
<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				Total
<input type="checkbox"/> F.H.D.P. fee rebate				\$ <u>0</u>
<u>[Signature]</u>	Hearing date <u>April 9, 2014</u>			
	<u>3-25-14</u>	Project # <u>1003612</u>		
	Staff signature & Date			

FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING

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

SKETCH PLAT REVIEW AND COMMENT (DRB22) Your attendance is required.

- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Site sketch with measurements showing structures, parking, Bldg setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- List any original and/or related file numbers on the cover application

EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08) Your attendance is required.

- Preliminary Plat reduced to 8.5" x 11"
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Copy of DRB approved infrastructure list
 - Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
 - List any original and/or related file numbers on the cover application
- Extension of preliminary plat approval expires after one year.**

MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12) Your attendance is required.

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
- Design elevations & cross sections of perimeter walls **3 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- Copy of recorded SIA
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- List any original and/or related file numbers on the cover application
- DXF file and hard copy of final plat data for AGIS is required.

MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16) Your attendance is required.

- 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings ensure property owner's and City Surveyor's signatures are on the plat prior to submittal
- Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
- Design elevations and cross sections of perimeter walls (11" by 17" maximum) **3 copies**
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- Fee (see schedule)
- List any original and/or related file numbers on the cover application
- Infrastructure list if required (**verify with DRB Engineer**)
- DXF file and hard copy of final plat data for AGIS is required.

AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03) Your attendance is required.

- 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, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - List any original and/or related file numbers on the cover application
- Amended preliminary plat approval expires after one year**

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

THOMAS W. PATRICK
 Applicant name (print)
Thomas W. Patrick 9-24-14
 Applicant signature / date

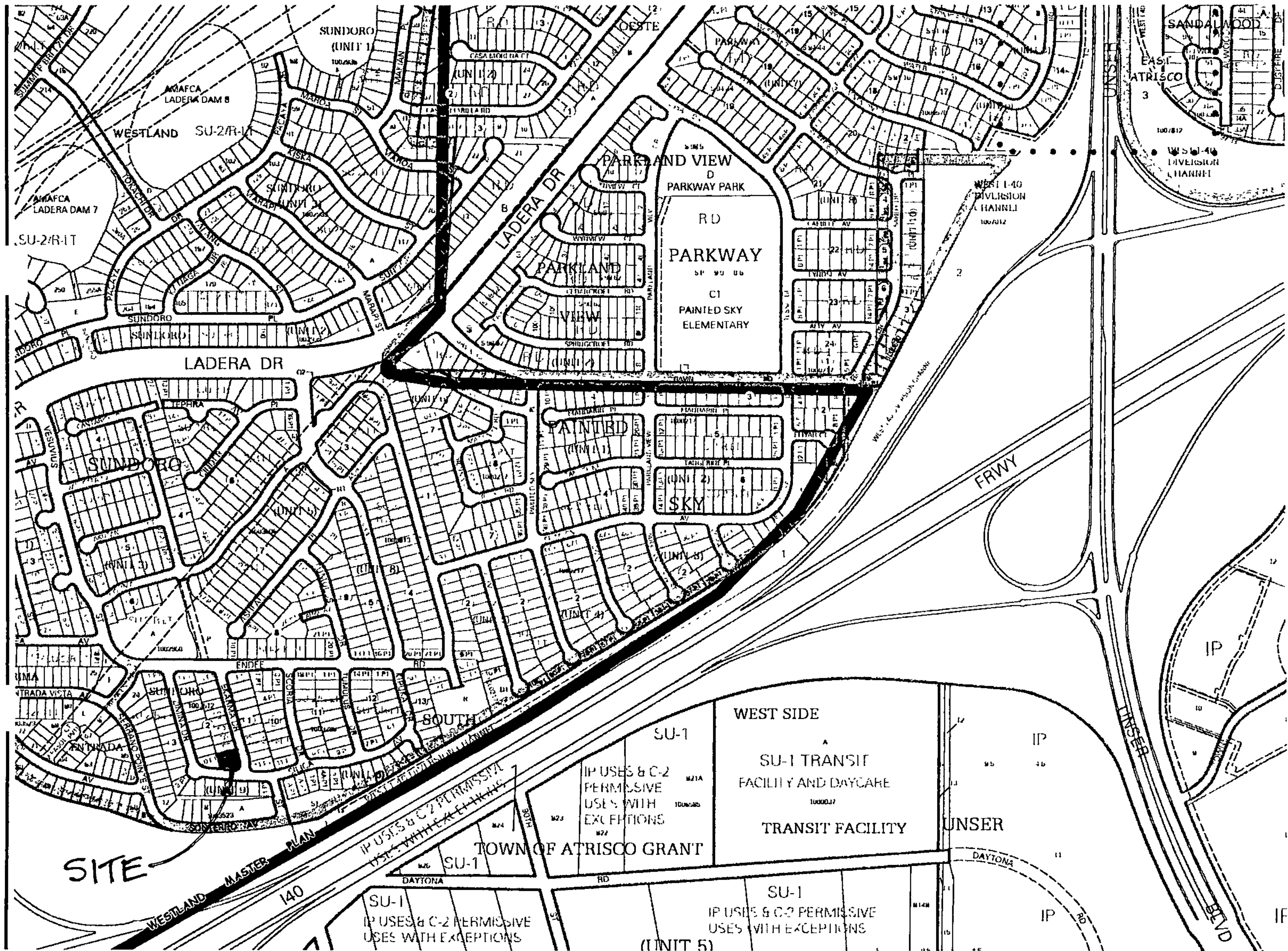


Form revised October 2007

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

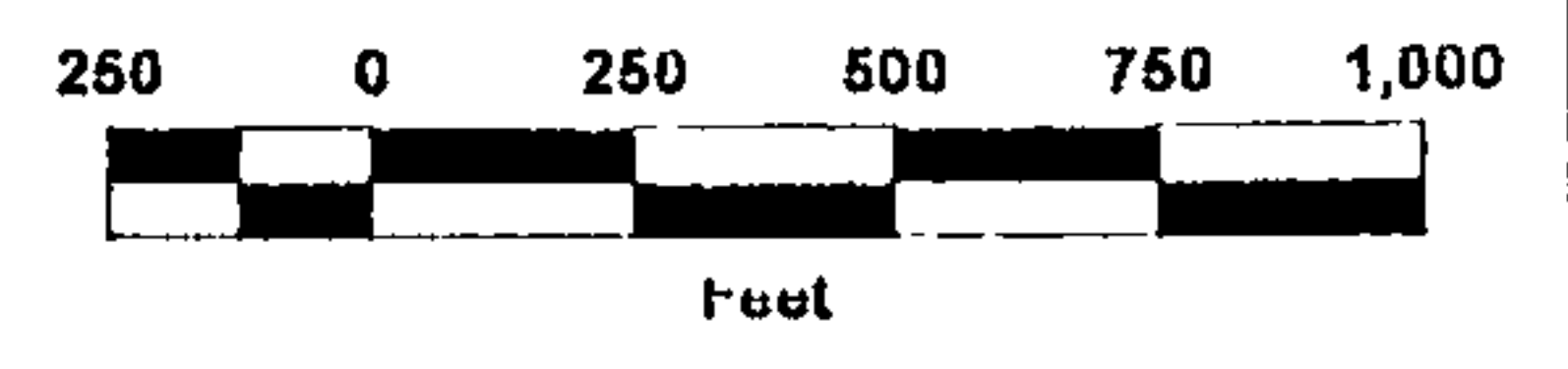
Application case numbers
14 - DRB - 10036

[Signature] 3-25-14
 Planner signature / date
 Project # 1003612



T10N
R2E
SEC 16

UNIFORM PROPERTY CODE
1-009 058



Map amended through January 2014



PUBLIC WORKS DIVISION
GIS PROGRAM

This information is for reference only
Bernalillo County assumes no liability for errors
associated with the use of these data. Users are
solely responsible for confirming data accuracy
when necessary. Source data are from
Bernalillo County and the City of Albuquerque
For current information visit
www.berncogov/gis-program

J-9-Z

Community Sciences Corporation
Professional Land Surveying & Planning

505.897.0000

505.898.5195 Fax

www.communitysciences.com

March 24, 2014

City of Albuquerque
Development Review Board
Mr. Jack Cloud, Chairman
PO Box 1293
Albuquerque, NM 87103

RE: 801 and 805 Ekarma Drive NW
Lots 11-P1 and 12-P1, Sundoro Unit 9

Dear Mr. Cloud and Board Members,

Community Sciences Corporation (CSC) is acting as the agent for DR Horton, Inc., owner of Lots 11-P1 and 12-P1. Our client wishes to adjust the lot line between the aforesaid lots 1.00 foot in a northerly direction in order to alleviate an encroachment by the proposed house into a public utility easement in Lot 11-P1.

There will be no vacation of or granting of easements.

Therefore, we ask for your Sketch Plat review.

Respectfully,



Thomas W. Patrick

New Mexico Professional Surveyor No.12651

April 9. 2014

(SK)



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 (Form D)

- Storm Drainage Cost Allocation Plan

Supplemental form

- | | | |
|------------|----------|--|
| S | Z | ZONING & PLANNING |
| | | <input type="checkbox"/> Annexation |
| | | <input type="checkbox"/> County Submittal |
| V | | <input type="checkbox"/> EPC Submittal |
| | | <input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning) |
| P | | <input type="checkbox"/> Sector Plan (Phase I, II, III) |
| | | <input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan |
| | | <input type="checkbox"/> Text Amendment (Zoning Code/Sub Regs) |
| D | | <input type="checkbox"/> Street Name Change (Local & Collector) |
| L A | | APPEAL / PROTEST of... |
| | | <input type="checkbox"/> 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 2nd 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): Cartesian Surveys Inc PHONE: 896-3050
 ADDRESS: PO Box 44414 FAX: 891-0244
 CITY: Rio Rancho STATE NM ZIP 87174 E-MAIL: Cartesianamber@aol.com

APPLICANT: Phil Lindborg PHONE: 293-3580
 ADDRESS: 12809 Donette Court NE FAX: _____
 CITY: Albuquerque STATE NM ZIP 87112 E-MAIL: _____
 Proprietary interest in site: _____ List all owners: _____

DESCRIPTION OF REQUEST:

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. See attached legal Block: _____ Unit: _____
 Subdiv/Addn/TBKA: _____
 Existing Zoning: SU-2 R-LT Proposed zoning: SU-2 R-LT MRGCD Map No _____
 Zone Atlas page(s): J9 UPC Code: 100905804009233025

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.):
1003612

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 1 No. of proposed lots: 53 Total area of site (acres): 70380
 LOCATION OF PROPERTY BY STREETS: On or Near: Endee Rd NW
 Between: Prima Entrada St NW and 94th St NW

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

SIGNATURE Amber Palmer DATE 9/30/13
 (Print) Amber Palmer Applicant: Agent:

FOR OFFICIAL USE ONLY

- 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>3DRB-70767</u>	<u>FP</u>		\$ <u>20.00</u>
_____	_____		\$ _____
_____	_____		\$ _____
_____	_____		\$ _____
_____	_____		\$ _____
Hearing date <u>Thursday Nov 21 2013</u>			Total \$ <u>20.00</u>

[Signature] 11-15-13
 Planner signature / date

Project # 1003612

Form revised 4/07

FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING

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

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- Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
- List any original and/or related file numbers on the cover application

Extension of preliminary plat approval expires after one year.

MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12) Your attendance is required.

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
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- DXF file and hard copy of final plat data for AGIS is required.

MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16) Your attendance is required.

- 5 Acres or more: Certificate of No Effect or Approval
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- Letter briefly describing, explaining, and justifying the request
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- List any original and/or related file numbers on the cover application

Amended preliminary plat approval expires after one year

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

Amber Palmer
 Applicant name (print)
Amber Palmer 9/30/13
 Applicant signature / date



Form revised October 2007

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

Application case numbers
 15DRB-70767

[Signature] 11-15-13
 Planner signature / date
 Project # 1003617

LEGAL DESCRIPTION

A CERTAIN TRACT OF LAND WITHIN PROJECTED SECTION 16, TOWNSHIP 10 NORTH, RANGE 2 EAST, NMPM, TOWN OF ATRISCO GRANT, TOGETHER WITH A VACATED PORTION OF 94TH STREET, N.W., COUNTY OF BERNALILLO, CITY OF ALBUQUERQUE NEW MEXICO AND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT OF WAY OF ENDEE ROAD, N.W., WHENCE A TIE TO THE ACS MONUMENT "3_H10" BEARS, N 39°07'50" E, A DISTANCE OF 6832.80 FEET;

THENCE, S 14°59'14" E, A DISTANCE OF 14.78 FEET TO AN ANGLE POINT;

THENCE, S 89°48'35" E, A DISTANCE OF 31.08 FEET TO AN ANGLE POINT;

THENCE, S 14°59'14" E, A DISTANCE OF 619.32 FEET TO AN ANGLE POINT;

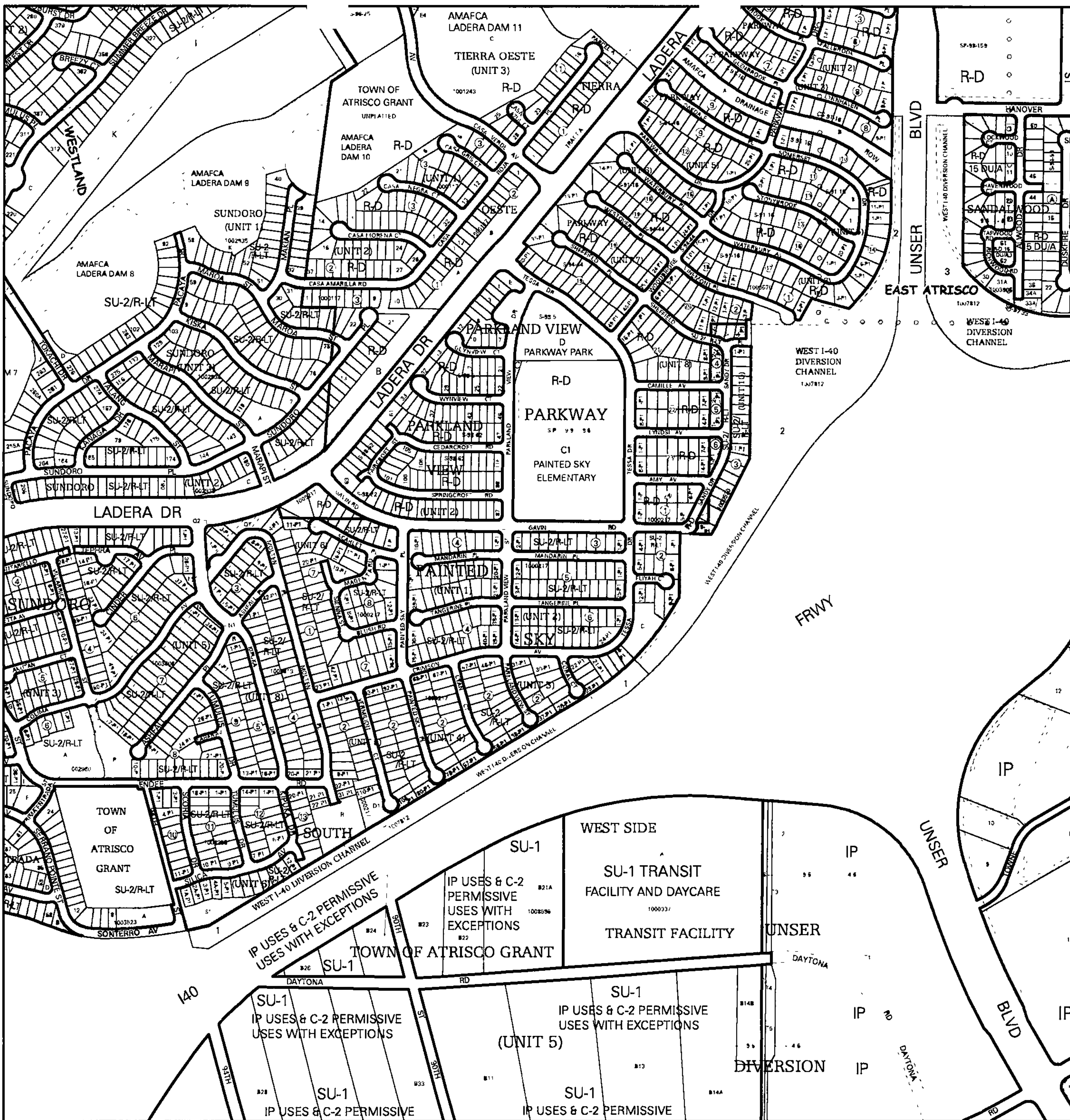
THENCE, S 83°24'11" W, A DISTANCE OF 30.32 FEET TO AN ANGLE POINT;

THENCE, N 14°59'14" W, A DISTANCE OF 0.29 FEET TO AN ANGLE POINT;

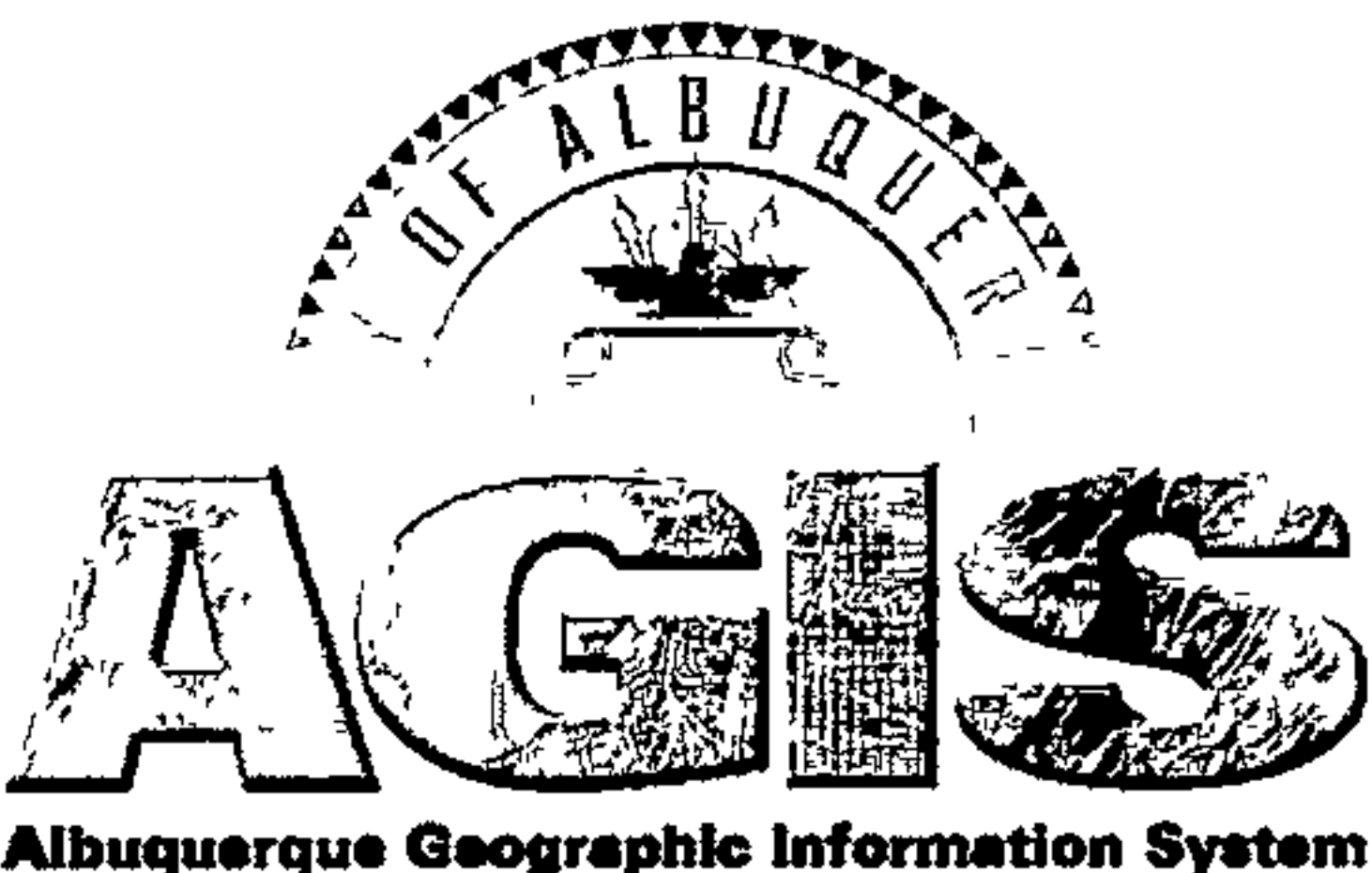
THENCE, N 89°40'09" W, A DISTANCE OF 467.57 FEET TO AN ANGLE POINT, BEING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 15°11'39" W, A DISTANCE OF 636.99 FEET TO THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

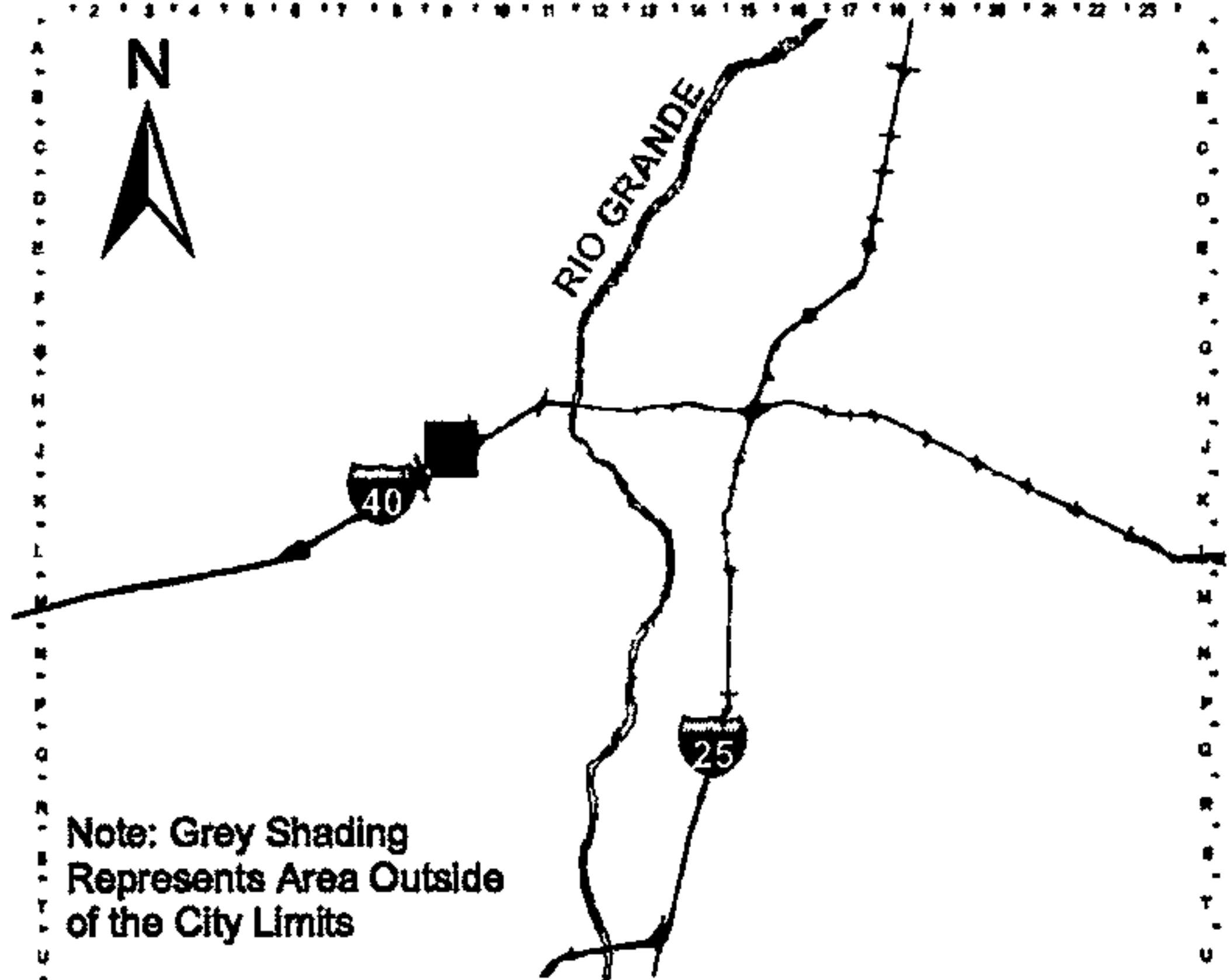
THENCE, S 89°48'26" E, A DISTANCE OF 469.64 FEET TO THE POINT OF BEGINNING, CONTAINING 7.0386 ACRES (306,601 SQ. FT.) MORE OR LESS.



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



Map amended through: 6/7/2013



Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
J-09-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

September 26, 2013

SEP 26 2013

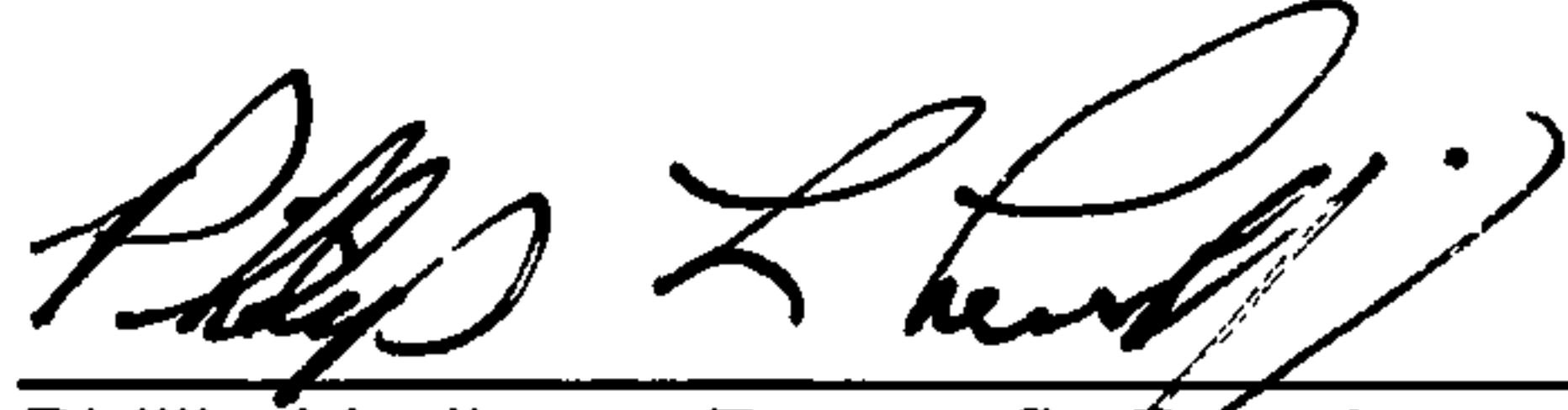
David Acosta, PS
City Surveyor
One Civic Plaza, Room B-2041
Albuquerque, NM 87102

Re: Centerline Monumentation-Sundoro Unit 9

Dear Mr. Acosta:

I, Phillip Lindborg, hereby assumes the responsibility of monumentation upon completion and final acceptance of construction of streets within the above referenced subdivision.

The centerline will be monumented by a licensed land surveyor using City of Albuquerque monuments (4" aluminum caps) placed at all street centerline PC's, PT's, angle points and intersections as noted on attached plan having "LS 14271" engraved.



Phillip Lindborg, ~~Dragonfly Development~~ Owner
Firefly Investments, LLC

Plan Approval:

 10/22/13

David Acosta, City Surveyor

10/22/13
Scanned
& logged
10/22/13

RELEASE OF AGREEMENT

TITLE OF PROJECT: SUNDORO SOUTH UNIT 9
SUBDIVIDER: FIREFLY INVESTMENTS, LLC.
CITY PROJECT NO: 727080

THIS RELEASE IS EXECUTED THIS 14th DAY OF Nov 20 13.

WHEREAS, the City of Albuquerque, New Mexico, a municipal corporation ("City") and [name of subdivider/developer:] Firefly Investments, LLC ("Subdivider"), entered into a (name of agreement:) Subdivision Improvements Agreement, Procedure B ("Agreement"), dated the 5th day of June 2013 recorded on June 5, 2013, in the records of the Clerk of Bernalillo County, New Mexico in Doc # 2013062857, pages 1 through 13 whereby the Subdivider agreed to complete certain infrastructure improvements; and

WHEREAS, the Subdivider has completed the improvements to the satisfaction of the City and has otherwise fully performed all of its obligations under the above-mentioned Agreement.

NOW THEREFORE, in consideration of the above, the City does hereby release and discharge Subdivider from all obligations and covenants contained in the above-mentioned Agreement. The indemnity provisions of the Subdivision Improvements Agreement in favor of the City shall remain in effect. Any performance/warranty bond or labor and material payment bond provided by the Subdivider shall remain in effect according to the terms of those bonds.

APPROVED BY:



Bryan Wolfe, P.E. City Engineer
Planning Department, City of Albuquerque

11-14-13

Dated: 11/14/2013

11-13-13

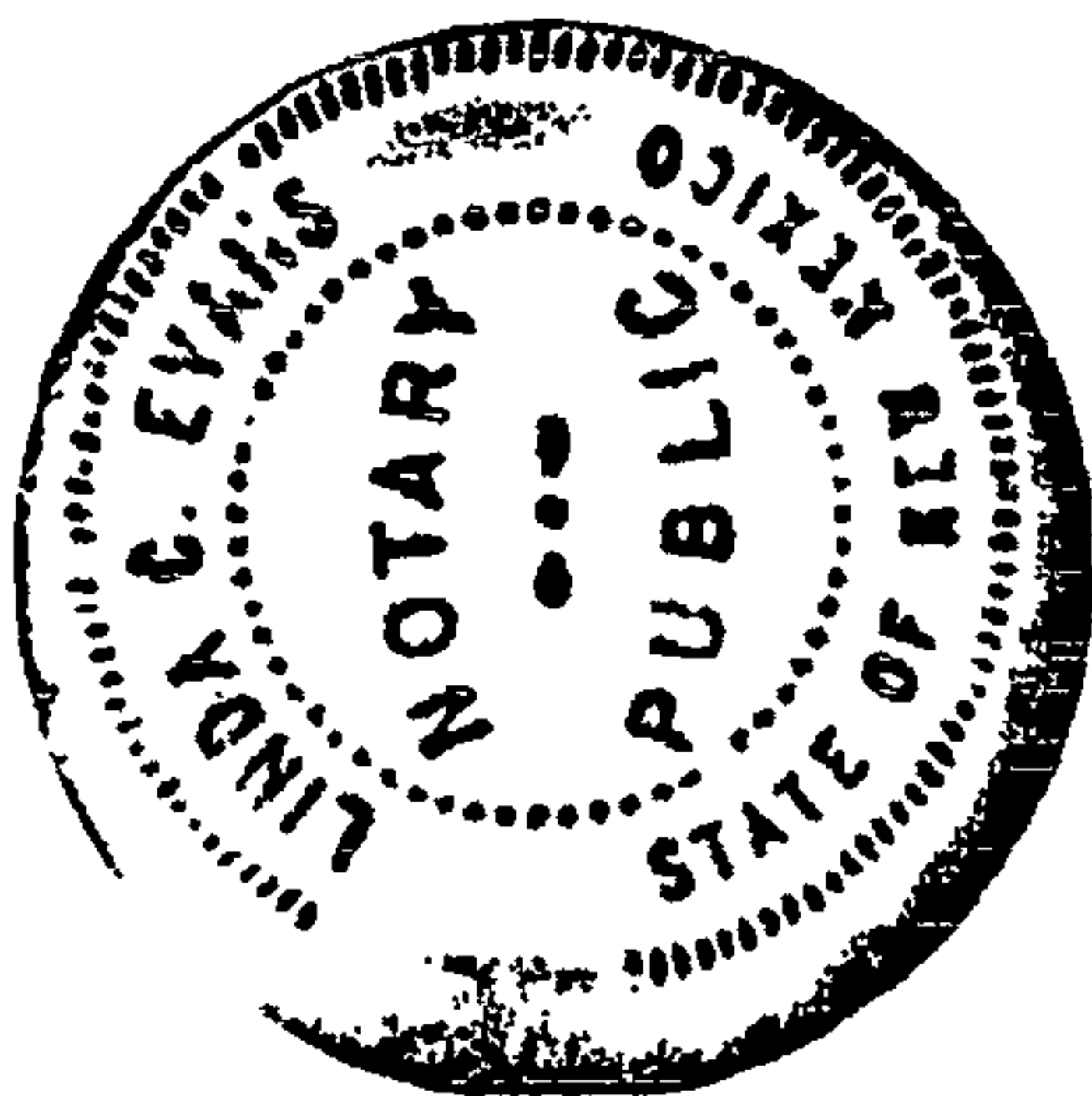
STATE OF NEW MEXICO)
) SS.
COUNTY OF BERNALILLO)

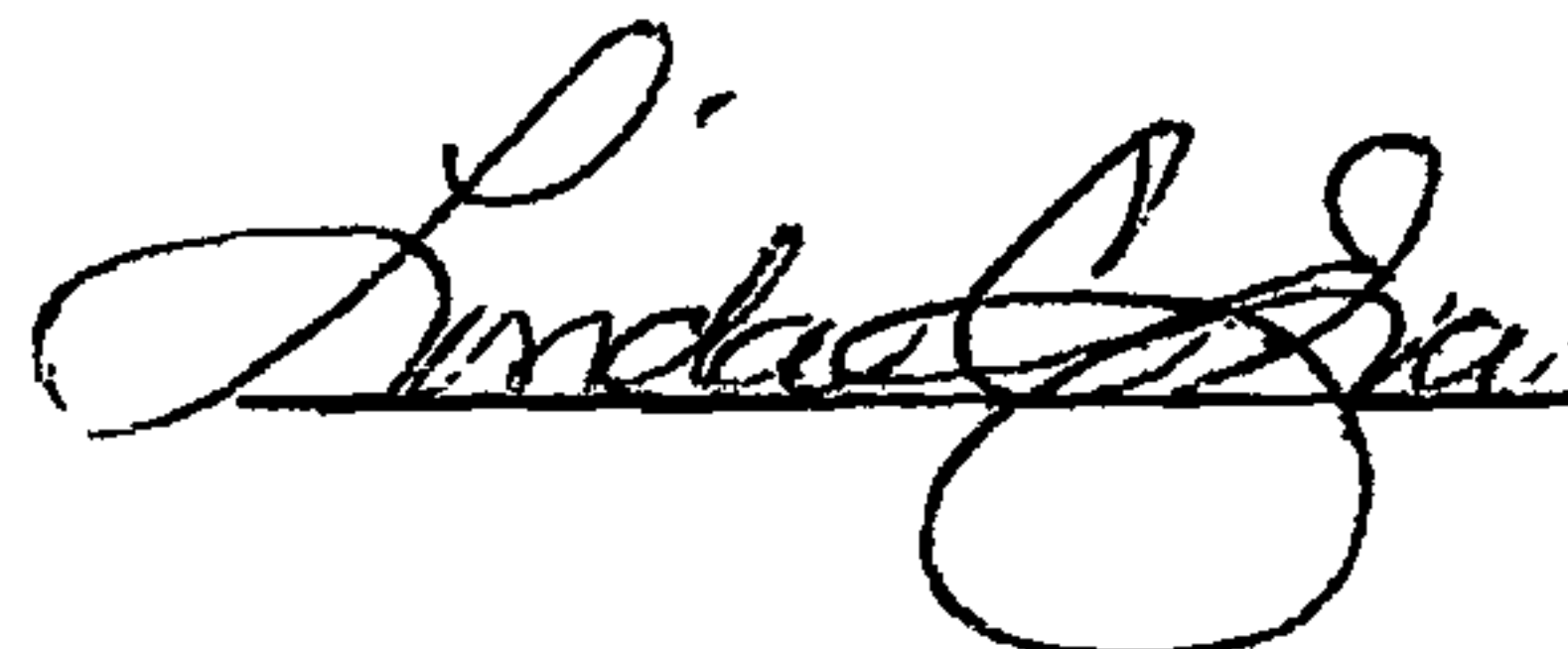
Doc# 2013124138

11/14/2013 04:05 PM Page: 1 of 1
REL R: \$25.00 M. Toulouse Oliver, Bernalillo County



This instrument was acknowledged before me on 14th day of November 2013
by Bryan Wolfe, P.E. City Engineer, of the City of Albuquerque, a municipal corporation, on behalf of said corporation.





Notary Public

My Commission Expires: 10-17-16

SIDEWALK DEFERRAL AGREEMENT

PROJECT NO. 727080

THIS AGREEMENT is made this 14th day of November, 2013, 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 Firefly Investments, LLC("Subdivider"), whose address is 12809 Donette Ct., NE, Albuquerque, NM 87112 and whose telephone number is 505-450-4388, a (state the type of business entity, for instance, "New Mexico Corporation," general partnership," "joint venture," "individual," etc. :) New Mexico Limited Liability Company, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

WHEREAS, the Subdivider is developing certain lands within the City of Albuquerque, County of Bernalillo, State of New Mexico, known as (existing legal description): A Certain tract of land located in section 16, Township 10N, Range 2E, NMPM & vacated portion of 94th Street Town of Atrisco Grant, recorded on (Date) August 26, 2004, in Book A-83, page 1104 as Document No. 2004121427 in the records of Bernalillo County Clerk, State of New Mexico ("Subdivision"); and

WHEREAS, the Subdivider has submitted and the City has approved Subdivider's development plans and (state "preliminary" or "final":) preliminary plat, to be identified as (state name of plat:) Sundoro Unit 9; and

WHEREAS, Subdivider has requested and the City has determined that it is acceptable for the Subdivider 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 Subdivider must execute and deliver to the City an Agreement and an acceptable financial guaranty to provide funds for construction of the sidewalk improvements in the event the Subdivider does not complete the construction as required.

THEREFORE, the City and the Subdivider agree:

1. **A. Sidewalk Construction Deadline.** Subdivider 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. Subdivider agrees to utilize the City's sidewalk permit process and complete the sidewalks to the satisfaction of the City by **November 1, 2015** ("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 Subdivider may request an extension from the Design 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 Subdivider requests an extension. If the Subdivider will need more than four (4) years after execution of the Subdivision Improvements Agreement to construct the sidewalks, the Subdivider 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.** Subdivider 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 Subdivider has provided the following "Financial Guaranty":

Type of Financial Guaranty: **Cashier's Check No. 2389662**

Amount: **\$54,424.68**

Name of Financial Institution or Surety providing Guaranty:

Cashier's Check No. 2389662

Date City first able to call Guaranty (Construction Completion Deadline):

November 1, 2015

If Guaranty is a Letter of Credit or Loan Reserve, then last day City able to call Guaranty is: **December 31, 2015**

Additional information: _____

3. **Notice of Start of Construction.** Before construction begins, the Subdivider's contractor shall obtain all necessary Excavation and Barricading permits.

4. Completion, Acceptance and Release. The Subdivider 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 this Sidewalk Deferral Agreement.

5. 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 Subdivider 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 Deferral Agreement. Conveyance may be by dedication on the final plat of the Subdivision.

6. Indemnification. Until the Improvements are accepted by the City, the Subdivider shall be solely responsible for maintaining the premises upon which the Improvements are being constructed in a safe condition. The Subdivider agrees to indemnify and hold harmless the City and its officials, agents and employees and, if the Improvements include water and wastewater infrastructure, the ABCWUA, its employees, officers and agents, from any claims, actions, suits or other proceedings arising from or out of the acts or omissions of the Subdivider, its agents, representatives, contractors or subcontractors or arising from the failure of the Subdivider, its agents, representatives, contractors or subcontractors to perform any act or duty required of the Subdivider herein. 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.

7. Assignment. This Agreement shall not be assigned without the prior written consent of the City and the Subdivider 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.

8. Release. If the Subdivision or any part thereof is sold, conveyed or assigned, the City will not release the Subdivider from its obligations under this Agreement and will continue to hold the Subdivider responsible for all Improvements until a successor in interest to the Subdivider has posted a suitable financial guaranty and entered into a Sidewalk Improvements Agreement with the City. Thereafter, when the Subdivider'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.

9. Payment for Incomplete Improvements. If the Subdivider 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 Subdivider 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 Subdivider'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 Subdivider 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.

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

11. Notice. For purposes of giving formal written notice, including notice of change of address, the Subdivider'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.

12. 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.

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

14. 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.

15. 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.

16. Form not Changed. Subdivider agrees that changes to this form are not binding unless initialed by the Subdivider and signed by the City's Legal Department on this form.

17. Authority to Execute. If the Subdivider 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.

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

SUBDIVIDER: Firefly Investments, LLC
By [signature]: [Signature]
Name [print]: Philip L. Lindborg
Title: member
Dated: 11/13/13

CITY OF ALBUQUERQUE:
By: [Signature]
Bryan Wolfe, City Engineer
Dated: 11/14/2013

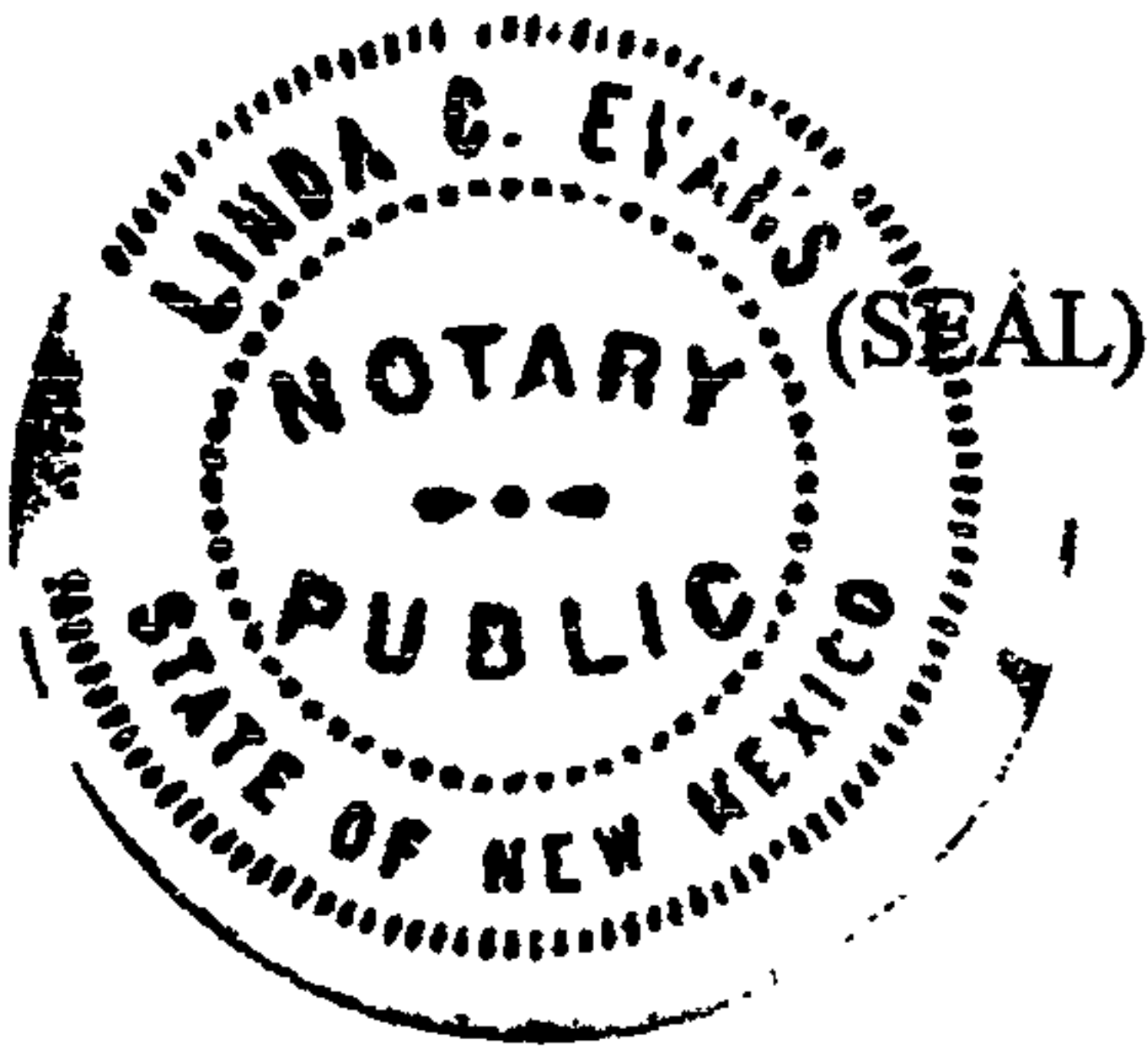
[Signature]
11-14-13

[Signature]
11-13-13

SUBDIVIDER'S NOTARY

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

This instrument was acknowledged before me on 13th day of November, 2013
by (name of person:) Philip S. Lindberg (title or capacity, for instance, "President" or
"Owner":) member of
(Subdivider:) Firefly Investments, LLC.



Linda G. Evans
Notary Public

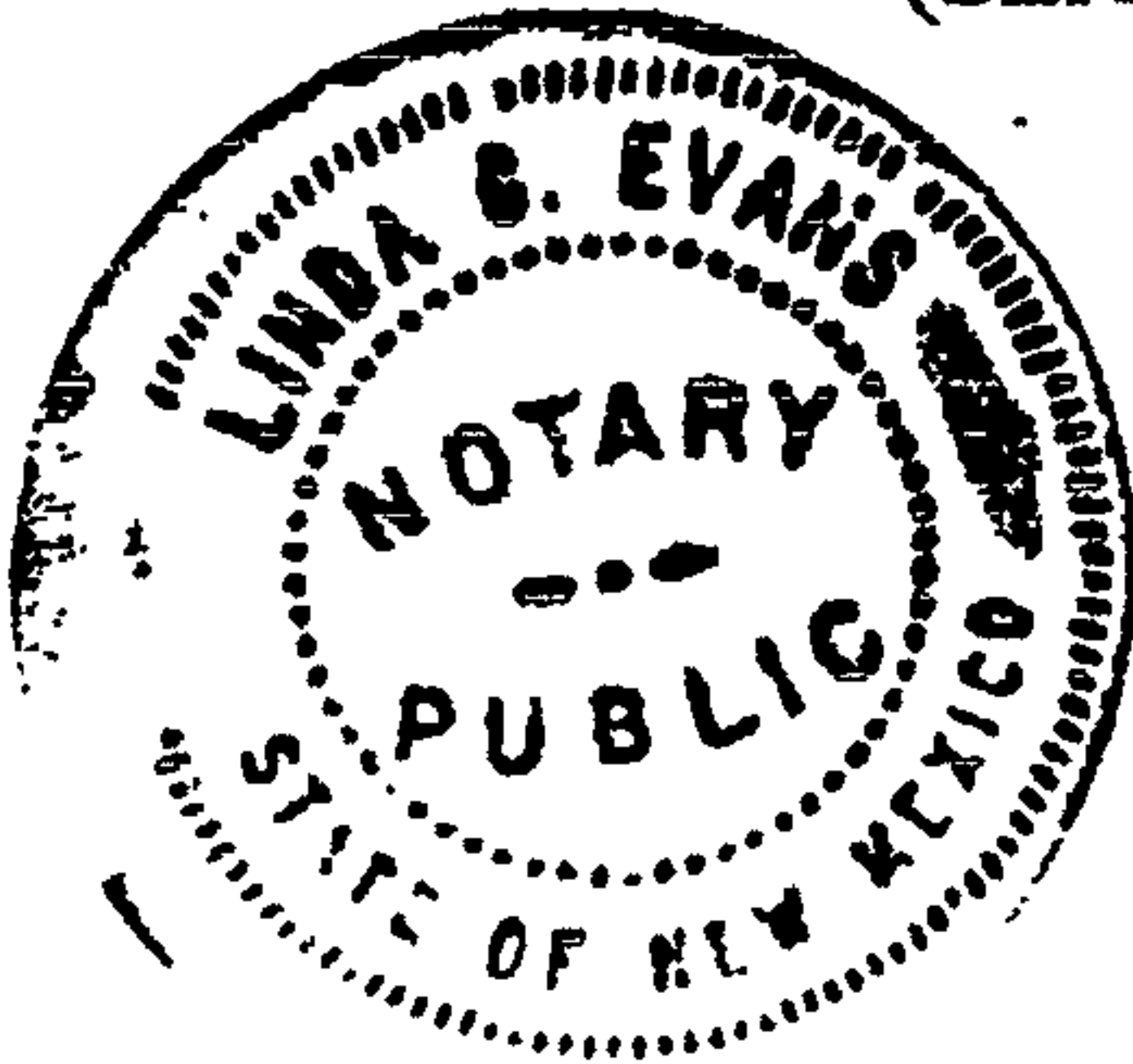
My Commission Expires: 10-17-16

CITY'S NOTARY

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on 14th day of November 2013
by Bryan Wolfe, City Engineer of the City of Albuquerque, a municipal corporation, on behalf of
said corporation.

(SEAL)



Linda G. Evans
Notary Public

My Commission Expires: 10-17-16

**EXHIBIT A ATTACHED
[POWER OF ATTORNEY ATTACHED IF SUBDIVIDER
IS NOT THE OWNER OF THE SUBDIVISION]**



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 2, 2006

4. Project # 1003612

06DRB-00737 Major-Preliminary Plat Approval
06DRB-00738 Major-Vacation of Pub Right-of-Way
06DRB-00739 Minor-Temp Defer SDWK

THOMPSON ENGINEERING CONSULTANTS INC agent(s) for DRAGONFLY DEVELOPMENT INC request(s) the above action(s) for all or a portion of Lot(s) 37, TOWN OF ATRISCO GRANT (to be known as SUNDORO SOUTH, UNIT 9) zoned SU-2 R-LT, located on ENDEE RD NW, between 98TH ST NW and 94TH ST NW containing approximately 6 acre(s). [REF: 04DRB-01868] [*Deferred from 6/21/06 & 6/28/06 & 7/12/06 & 7/26/06*] (J-9)

At the August 2, 2006, Development Review Board meeting, with the signing of the infrastructure list dated 8/2/06 and approval of the grading plan engineer stamp dated 11/14/05 the preliminary plat was approved with the following conditions of final plat approval:

1. A dismissal of the lawsuit with prejudice or other final disposition of the matter.
2. Final disposition of the lawsuit must be consistent with the boundaries as shown on the preliminary plat. If not, the applicant must amend the preliminary plat to make the boundaries consistent with the resolution of the lawsuit as determined by the courts or other parties.
3. The Warranty of Title Statement on the final plat must include an indemnity from the owner to the City as to the title of the property, the language of which is acceptable to the City Attorney's Office.
4. Dedicate 94th Street south of Silica Avenue in conjunction with the property to the east to provide access to the south.
5. A Subdivision Design Variance is needed for right-of-way widths.

Exhibit A 1 of 3



OFFICIAL NOTICE OF DECISION

PAGE 2

6. If the final plat is approved after 10/31/06, the subdivider must comply with City Council Resolution R-06-74 regarding Pre-Development Facility Agreement with Albuquerque Public Schools (APS).

The vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

The temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit C in the Planning file.

If you wish to appeal this decision, you must do so by August 17, 2006, 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.

Exhibit A 2 of 3



OFFICIAL NOTICE OF DECISION

PAGE 3

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).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat Extension prior to the expiration of the approval or the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

Sheran Matson, AICP, DRB Chair

Cc: Dragonfly Development Inc., 12809 Donette Ct NE, 87112
Thompson Engineering Consultants Inc., P.O. Box 65760, 87193
Bill Kraemer, Garcia Kraemer & Associates, 200 Lomas NW, #1111, 87102
Wayne Chew, P.O. Box X, 87103
Philip Pickard, 7600 Pan American Freeway NE, 87109
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

Exhibit 3 of 3

DRD Project # 100 3612

APS Cluster West Mesa

EXHIBIT B

FINAL
PRE-DEVELOPMENT FACILITIES FEE AGREEMENT

THIS AGREEMENT is made by and between the Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, New Mexico ("Albuquerque Public Schools" or "APS"), a public school district organized and existing pursuant to the laws of New Mexico, and Dragonfly Development, Inc. ("Developer") effective as of this 7 day of September, 2011, and pertains to the subdivision commonly known as Sandoval Unit 9, and more particularly described as Lots 1-PI thru 11-PI, Block 1, Lots 1-PI thru 21-PI, [use new legal description of subdivision] Block 2, and Lots 1-PI thru 21-PI, Block 3, of Sandoval Unit 9,

(the "Subdivision".) The following individual lots comprise the subdivision:

[List lots by street address and new legal description; Lots which will be used for multi-family residences should be marked "multifamily- ___ units" with the number of units filled in.]

please see attached page for lot numbers and assigned addresses.

WHEREAS, the City of Albuquerque requires that APS approve the plat(s) for any new subdivision; and

WHEREAS, Developer is proposing the development of a new subdivision, and requires APS approval of the plat for said subdivision; and

WHEREAS, Developer is the owner of the real estate being subdivided and platted; and

WHEREAS, Developer is required by the Albuquerque Subdivision Ordinance to provide appropriate infrastructure and improvements as a condition of developing a subdivision; and

WHEREAS, as a condition of approving such plat APS requires the provision of appropriate infrastructure and facilities or the payment of a facilities fee for each new residence to be constructed to help defray the cost of school construction, expansion, or maintenance;

Doc# 2013124364

11/15/2013 11:36 AM Page 1 of 6
AGRE R: \$25.00 M. Toulouse Oliver, Bernalillo County



Rev 11/13/06

THEREFORE, in consideration of the mutual promises contained herein, APS and Developer agree as follows:

1. Developer agrees to pay to APS a facilities fee for each dwelling unit to be constructed in the Subdivision.
2. The amount of the fee shall be:
 - If the building permit is issued on or after January 1, 2007, the fee shall be \$1875 per dwelling unit.
 - If the building permit is issued on or after July 1, 2008, the fee shall be \$2425 per dwelling unit.
 - If the permit is issued on or after January 1, 2010, the fee shall be \$2975 per dwelling unit.

The fee for each dwelling unit in multi-family residential structures shall be sixty percent (60 %) of the fee for a single family home. "Multi-family residential structure" means any type of residential property other than single-family houses (one single family, detached dwelling unit per lot).

3. Developer agrees that the fee shall be paid to APS at or before the issuance of any building permit for any lot or other parcel of property subject to this agreement.
4. Developer may satisfy all or part of its obligations under this contract by transferring improved or unimproved property to APS, provided that APS must agree to the transfer and to the value placed on the transferred property. APS, upon accepting such transfer, shall credit Developer with an amount equal to the agreed value, and the developer may designate the lot(s) to which such amount(s) shall be applied in satisfaction of its obligations hereunder.
5. This contract shall be recorded in the office of the County Clerk of Bernalillo and/or Sandoval County, and shall serve as notice of the Developer's obligation to pay facilities fees. Developer shall include on the plat of the Subdivision a statement that "The property on this plat is subject to a Pre-Development Facilities Fee Agreement with the Albuquerque Public Schools, recorded at [recording data]."
6. APS, through its Facilities Fee Administrator, will provide a Payment Acknowledgement in the form attached hereto to the Developer reflecting receipt of the facilities fee (or equivalent compensation as described in paragraph 4 above), which form may be given to the City to show satisfaction of the fee obligation and satisfy that condition for receiving building permits. Developer may record that Payment Acknowledgment in the real estate records of Bernalillo or Sandoval County, but APS shall not be responsible for paying any recording fees nor shall APS be responsible for recording any such documents with the office of the County Clerk or any other office.

Project # 1003617

APS Cluster West Mesa

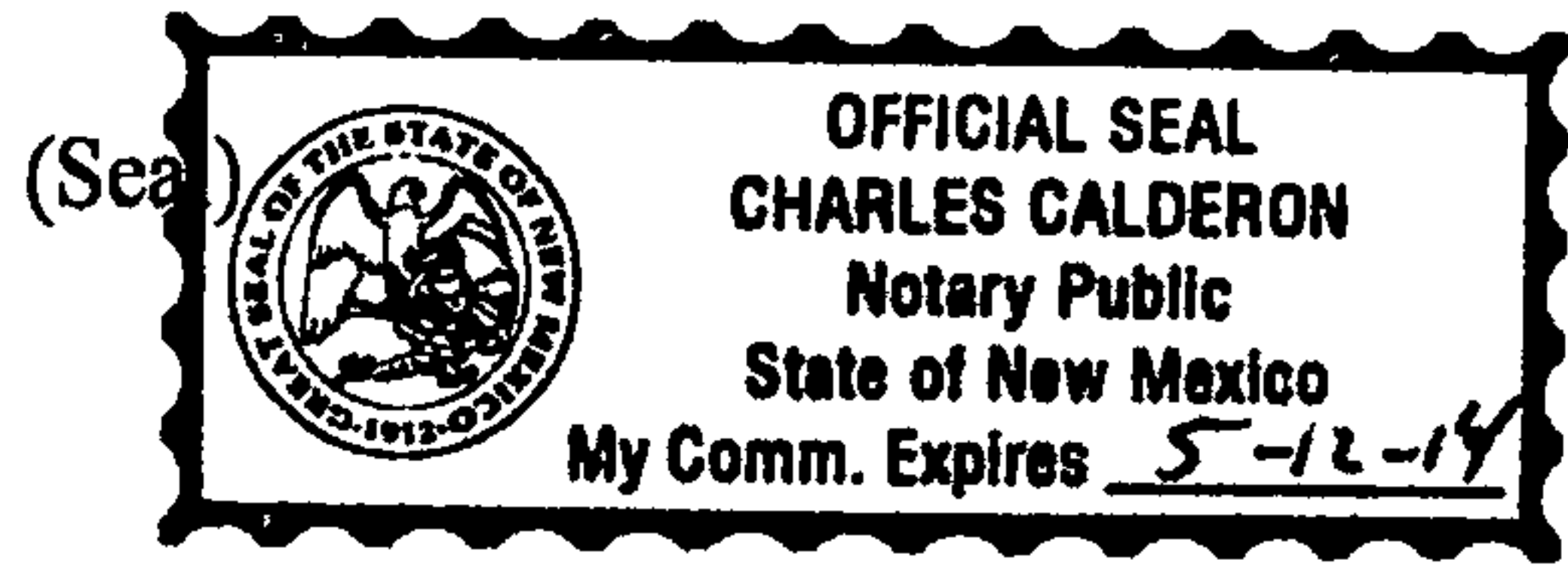
Philip L. Lindborg
Signature

Philip L. Lindborg, President
Name (typed or printed) and title

Dragonfly Development, Inc
Developer

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on 7th September by Philip L. Lindborg
as President of Dragonfly, a corporation.



Charles Calderon
Notary Public

My commission expires: 5-12-2014

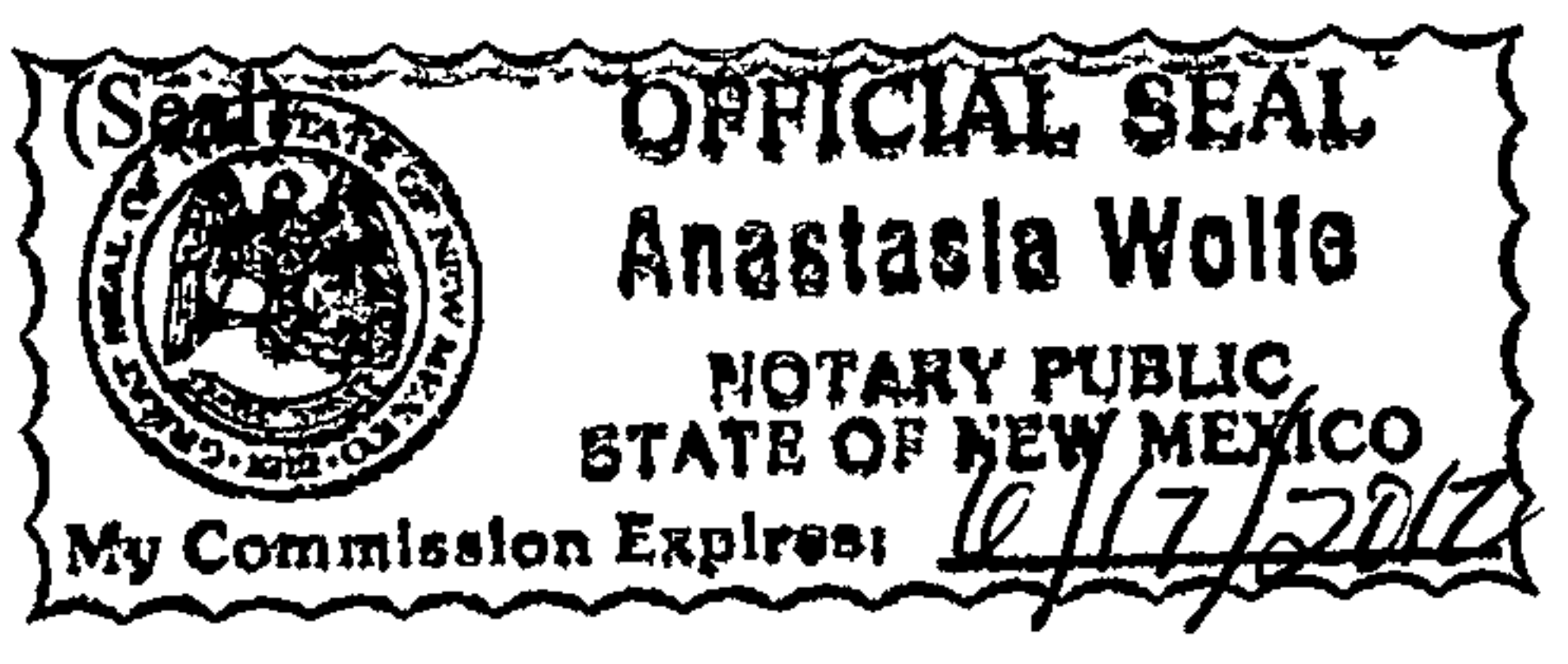
ALBUQUERQUE PUBLIC SCHOOLS

By: April L. Winters
Signature

April L. Winters, Facilities Fee Planner
Name (typed or printed) and title

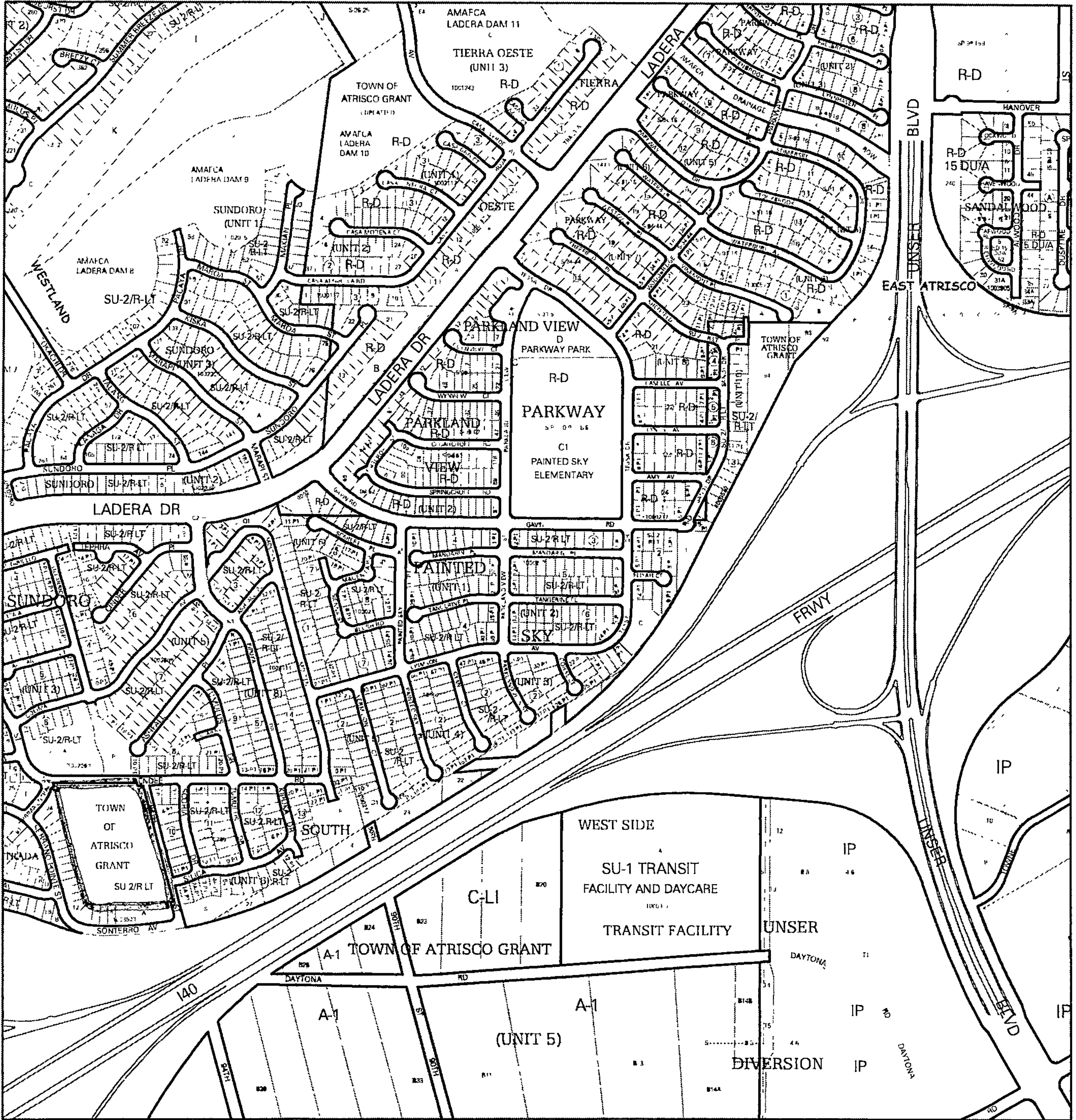
STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on September 8th by April L. Winters
as Facilities Fee Planner of the Albuquerque Municipal School
District No. 12, Bernalillo and Sandoval Counties, a school district organized and existing under
the laws of the State of New Mexico.



Anastasia Wolfe
Notary Public

My commission expires: 6/17/2012



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

Map amended through: 1/24/2011

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
J-09-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

BLOCK 1

LOT 1-P1 – 840 EKARMA DR NW
LOT 2-P1 – 836 EKARMA DR NW
LOT 3-P1 – 832 EKARMA DR NW
LOT 4-P1 – 828 EKARMA DR NW
LOT 5-P1 – 824 EKARMA DR NW
LOT 6-P1 – 820 EKARMA DR NW
LOT 7-P1 – 816 EKARMA DR NW
LOT 8-P1 – 812 EKARMA DR N
LOT 9-P1 – 808 EKARMA DR NW
LOT 10-P1 – 804 EKARMA DR NW
LOT 11-P1 – 800 EKARMA DR NW

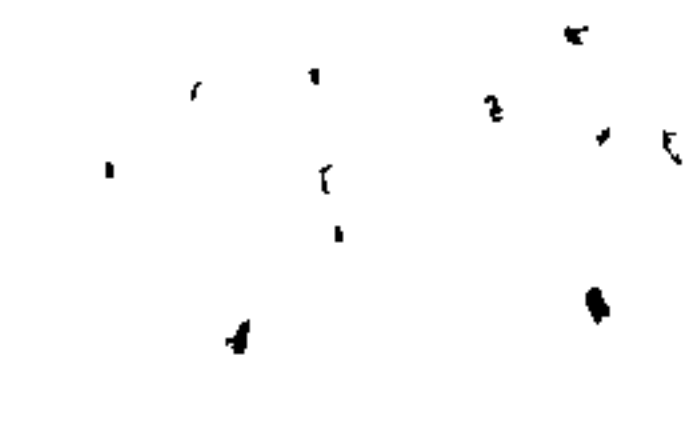
BLOCK 2

LOT 1-P1 – 836 ZIMINA DR NW
LOT 2-P1 – 832 ZIMINA DR NW
LOT 3-P1 – 828 ZIMINA DR NW
LOT 4-P1 – 824 ZIMINA DR NW
LOT 5-P1 – 820 ZIMINA DR NW
LOT 6-P1 – 816 ZIMINA DR NW
LOT 7-P1 – 812 ZIMINA DR NW
LOT 8-P1 – 808 ZIMINA DR NW
LOT 9-P1 – 804 ZIMINA DR NW
LOT 10-P1 – 800 ZIMINA DR NW
LOT 11-P1 – 801 EKARMA DR NW
LOT 12-P1 – 805 ZIMINA DR NW
LOT 13-P1 – 809 ZIMINA DR NW
LOT 14-P1 – 815 ZIMINA DR NW

LOT 15-P1 – 819 EKARMA DR NW
LOT 16-P1 – 823 EKARMA DR NW
LOT 17-P1 – 827 EKARMA DR NW
LOT 18-P1 – 831 EKARMA DR NW
LOT 19-P1 – 835 EKARMA DR NW
LOT 20-P1 – 839 EKARMA DR NW
LOT 21-P1 – 843 EKARMA DR NW

BLOCK 3

LOT 1-P1 – 851 ZIMINA DR NW
LOT 2-P1 – 847 ZIMINA DR NW
LOT 3-P1 – 843 ZIMINA DR NW
LOT 4-P1 – 839 ZIMINA DR NW
LOT 5-P1 – 835 ZIMINA DR NW
LOT 6-P1 – 831 ZIMINA DR NW
LOT 7-P1 – 827 ZIMINA DR NW
LOT 8-P1 – 823 ZIMINA DR NW
LOT 9-P1 – 819 ZIMINA DR NW
LOT 10-P1 – 815 ZIMINA DR NW
LOT 11-P1 – 809 ZIMINA DR NW
LOT 12-P1 – 805 ZIMINA DR NW
LOT 13-P1 – 801 ZIMINA DR NW
LOT 14-P1 – 9528 SILICA AVE NW
LOT 15-P1 – 9524 SILICA AVE NW
LOT 16-P1 – 9520 SILICA AVE NW
LOT 17-P1 – 9516 SILICA AVE NW
LOT 18-P1 – 9512 SILICA AVE NW
LOT 19-P1 – 9508 SILICA AVE NW



LOT 20-P1 – 9504 SILICA AVE NW

LOT 21-P1 – 9500 SILICA AVE NW

SIDEWALK DEFERRAL AGREEMENTPROJECT NO. 727080

THIS AGREEMENT is made this 14th day of November, 2013, 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 **Firefly Investments, LLC**("Subdivider"), whose address is **12809 Donette Ct., NE, Albuquerque, NM 87112** and whose telephone number is **505-450-4388**, a (state the type of business entity, for instance, "New Mexico Corporation," general partnership," "joint venture," "individual," etc.>) **New Mexico Limited Liability Company**, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

WHEREAS, the Subdivider is developing certain lands within the City of Albuquerque, County of Bernalillo, State of New Mexico, known as (existing legal description): **A Certain tract of land located in section 16, Township 10N, Range 2E, NMPM & vacated portion of 94th Street Town of Atrisco Grant**, recorded on (Date) **August 26, 2004**, in Book **A-83**, page **1104** as Document No. **2004121427** in the records of Bernalillo County Clerk, State of New Mexico ("Subdivision"); and

WHEREAS, the Subdivider has submitted and the City has approved Subdivider's development plans and (state "preliminary" or "final":) preliminary plat, to be identified as (state name of plat:) **Sundoro Unit 9**; and

WHEREAS, Subdivider has requested and the City has determined that it is acceptable for the Subdivider 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 Subdivider must execute and deliver to the City an Agreement and an acceptable financial guaranty to provide funds for construction of the sidewalk improvements in the event the Subdivider does not complete the construction as required.



4. Completion, Acceptance and Release. The Subdivider 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 this Sidewalk Deferral Agreement.

5. 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 Subdivider 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 Deferral Agreement. Conveyance may be by dedication on the final plat of the Subdivision.

6. Indemnification. Until the Improvements are accepted by the City, the Subdivider shall be solely responsible for maintaining the premises upon which the Improvements are being constructed in a safe condition. The Subdivider agrees to indemnify and hold harmless the City and its officials, agents and employees and, if the Improvements include water and wastewater infrastructure, the ABCWUA, its employees, officers and agents, from any claims, actions, suits or other proceedings arising from or out of the acts or omissions of the Subdivider, its agents, representatives, contractors or subcontractors or arising from the failure of the Subdivider, its agents, representatives, contractors or subcontractors to perform any act or duty required of the Subdivider herein. 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.

7. Assignment. This Agreement shall not be assigned without the prior written consent of the City and the Subdivider 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.

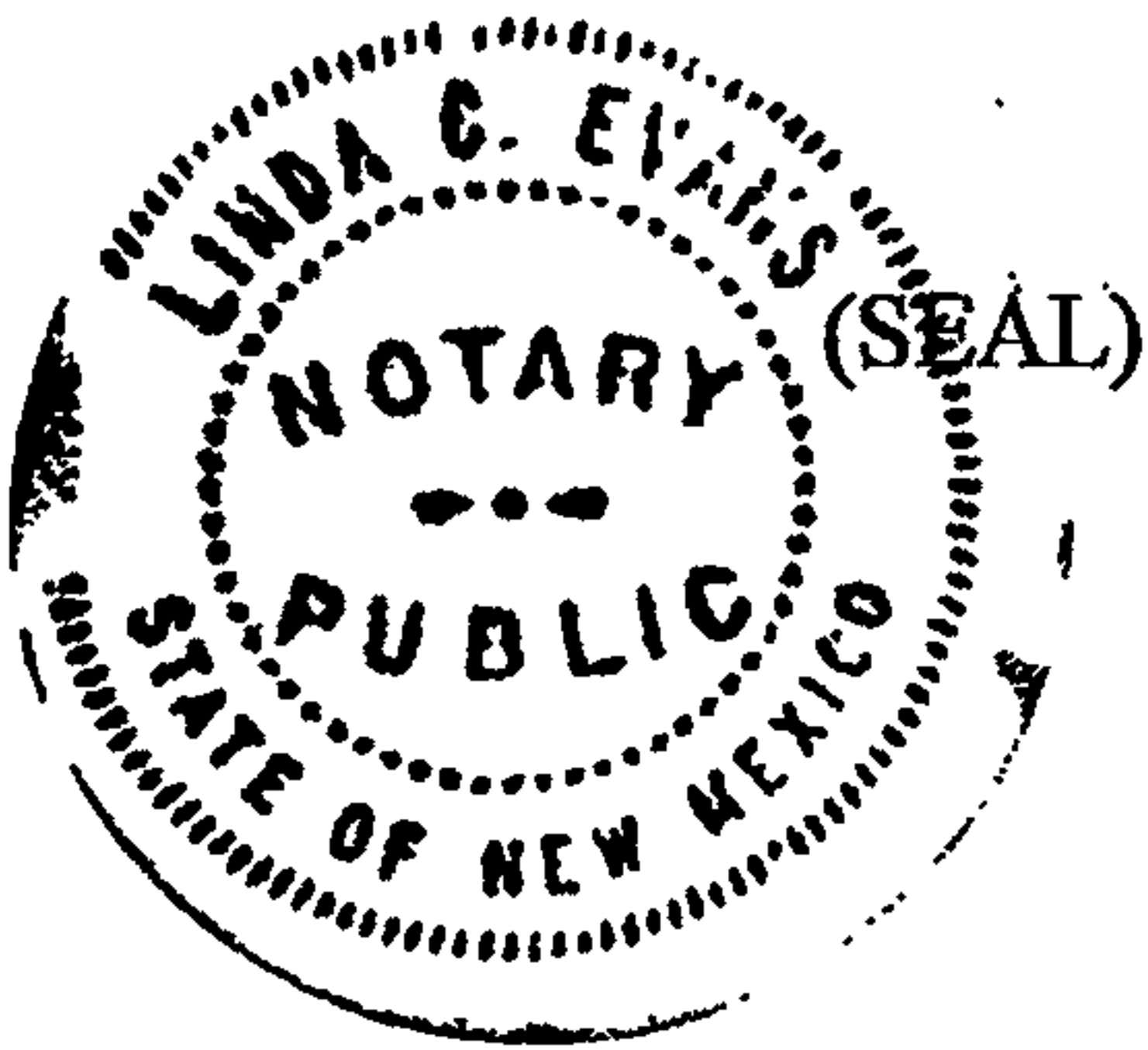
8. Release. If the Subdivision or any part thereof is sold, conveyed or assigned, the City will not release the Subdivider from its obligations under this Agreement and will continue to hold the Subdivider responsible for all Improvements until a successor in interest to the Subdivider has posted a suitable financial guaranty and entered into a Sidewalk Improvements Agreement with the City. Thereafter, when the Subdivider'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.

9. Payment for Incomplete Improvements. If the Subdivider 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 Subdivider 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 Subdivider's failure to perform as required by this Agreement. If the direct

SUBDIVIDER'S NOTARY

STATE OF New Mexico)
COUNTY OF Bernalillo) ss.

This instrument was acknowledged before me on 13th day of November, 2013
by (name of person:) Philip S. Lindberg (title or capacity, for instance, "President" or
"Owner":) member of
(Subdivider:) Firefly Investments, LLC.



Linda G. Evans
Notary Public

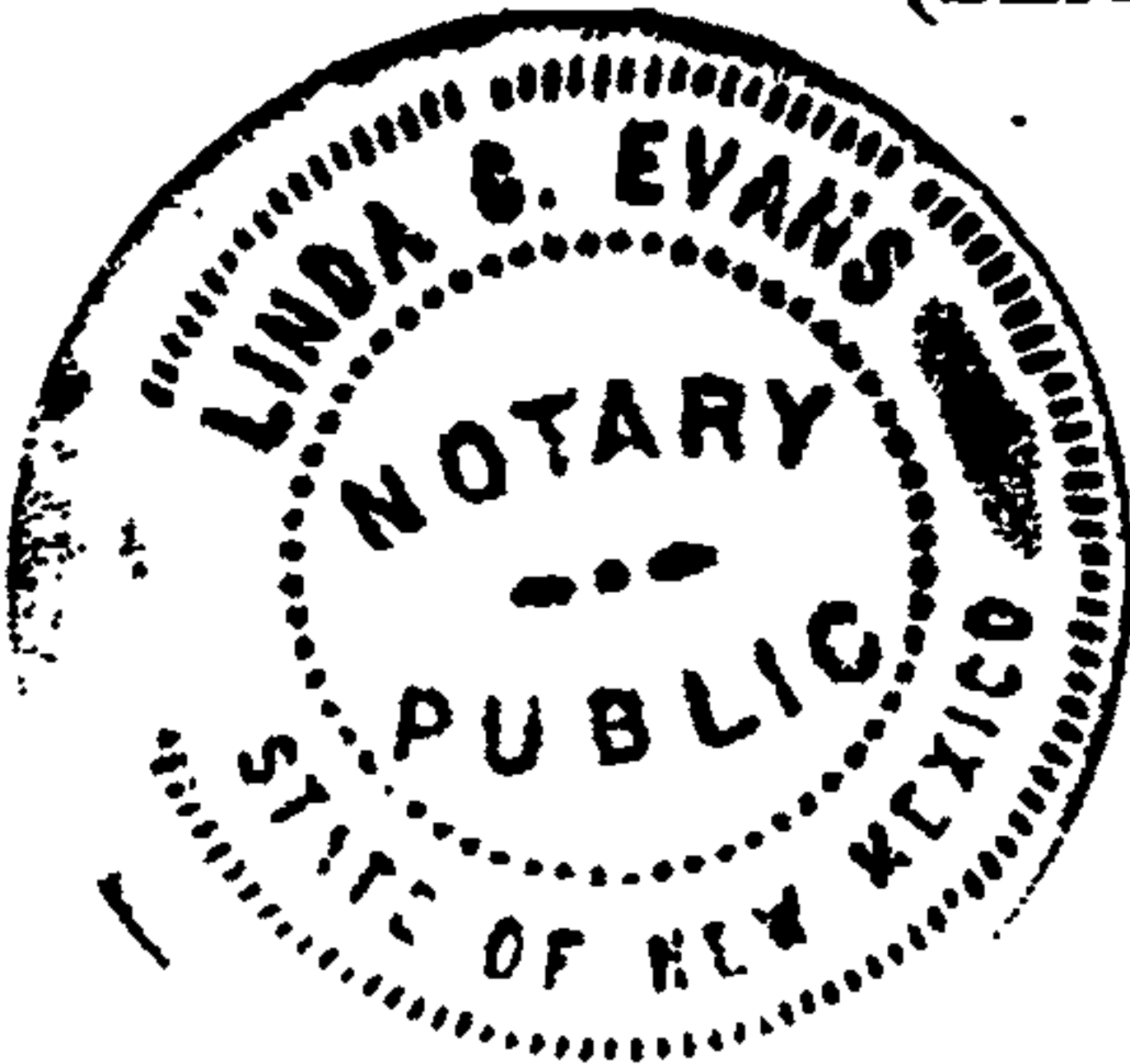
My Commission Expires: 10-17-16

CITY'S NOTARY

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on 14th day of November 2013
by Bryan Wolfe, City Engineer of the City of Albuquerque, a municipal corporation, on behalf of
said corporation.

(SEAL)



Linda G. Evans
Notary Public

My Commission Expires: 10-17-16

**EXHIBIT A ATTACHED
[POWER OF ATTORNEY ATTACHED IF SUBDIVIDER
IS NOT THE OWNER OF THE SUBDIVISION]**



OFFICIAL NOTICE OF DECISION

PAGE 2

6. If the final plat is approved after 10/31/06, the subdivider must comply with City Council Resolution R-06-74 regarding Pre-Development Facility Agreement with Albuquerque Public Schools (APS).

The vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

The temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit C in the Planning file.

If you wish to appeal this decision, you must do so by August 17, 2006, 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.

Exhibit A

2 of 3

November 21, 2013

(~~EP~~)



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
- Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
- 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
- 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 2nd 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): GARCIA/KRAEMER + ASSOC PHONE: 242 5566
 ADDRESS: 600 1st Street NW #211 FAX: 242 9028
 CITY: Albuquerque STATE NM ZIP 87102 E-MAIL: bilyhoman@ntmull.com
 APPLICANT: Dragonfly Development PHONE: 450 4388
 ADDRESS: 12809 Donette Court NE FAX: _____
 CITY: Albuquerque STATE NM ZIP 87112 E-MAIL: _____
 Proprietary interest in site: OWNER List all owners: 87112

DESCRIPTION OF REQUEST: Extension Preliminary Plat

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. A tract w/in Block: _____ Unit: _____
 Subdiv/Addn/TBKA: Projected Section 16, T10N R2E, TOWN OF ATRISO GRANT
 Existing Zoning: SU-2/R-LT Proposed zoning: NO CHANGE MRGCD Map No _____
 Zone Atlas page(s): J-9 UPC Code: 100 905 804 009 233 025

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_V_S, etc.): 100 3612
12 DRB 70135, 12 DRB - 70266

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 1 No. of proposed lots: 53 Total site area (acres): 6.4
 LOCATION OF PROPERTY BY STREETS: On or Near: ENDEE RD NW
 Between: 94th Street NW and 98th SE NW

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

SIGNATURE William L. Kramer DATE _____
 (Print Name) WILLIAM L. KRAMER Applicant: Agent:

FOR OFFICIAL USE ONLY

Revised: 4/2012

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
13 DRB - 70502

Action	S.F.	Fees
<u>EPA</u>	_____	\$ <u>50.00</u>
<u>CMF</u>	_____	\$ <u>20.00</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
Total		\$ <u>70.00</u>

Hearing date April 10, 2013

4-1-13
 Staff signature & Date

Project # 1003612

FORM S(3): SUBDIVISION .R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING

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

SKETCH PLAT REVIEW AND COMMENT (DRB22)

Your attendance is required.

- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- List any original and/or related file numbers on the cover application

EXTENSION OF MAJOR PRELIMINARY PLAT

(DRB08)

Your attendance is

required.

- Preliminary Plat reduced to 8.5" x 11"
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Copy of DRB approved infrastructure list
- Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
- List any original and/or related file numbers on the cover application

Extension of preliminary plat approval expires after one year.

MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12)

Your attendance is required.

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations & cross sections of perimeter walls **3 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- Copy of recorded SIA
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- List any original and/or related file numbers on the cover application
- DXF file and hard copy of final plat data for AGIS is required.

MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16)

Your attendance is required.

- 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings ensure property owner's and City Surveyor's signatures are on the plat prior to submittal
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations and cross sections of perimeter walls (11" by 17" maximum) **3 copies**
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
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- Fee (see schedule)
- List any original and/or related file numbers on the cover application
- Infrastructure list if required (**verify with DRB Engineer**)
- DXF file and hard copy of final plat data for AGIS is required.

AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03)

Your attendance is required.

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, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
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Amended preliminary plat approval expires after one year

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

WILLIAM KRAEMER
Applicant name (print)
William Kraemer
Applicant signature / date



Form revised **October 2007**

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

Application case numbers
13 - DRB - 10502

[Signature]
Planner signature / date
Project # 1003612

4-1-13



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)
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- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- Annexation
- V** Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
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- Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
- D** Street Name Change (Local & Collector)
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 ADDRESS: 12809 Donette Court NE FAX: _____
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 Proprietary interest in site: OWNER List all owners: 87112

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Lot or Tract No. A tract w/in Block: _____ Unit: _____
 Subdiv/Addn/TBKA: Projected Section 16, T10N R2E, TOWN OF ATLAS & GRANT
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CASE INFORMATION:

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 No. of existing lots: 1 No. of proposed lots: 53 Total site area (acres): 6.4
 LOCATION OF PROPERTY BY STREETS: On or Near: ENDEE RD NW
 Between: 94th Street NW and 98th St NW

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

SIGNATURE William L. Kraemer DATE _____
 (Print Name) WILLIAM L. KRAEMER Applicant: Agent:

FOR OFFICIAL USE ONLY

- INTERNAL ROUTING
- All checklists are complete
- All fees have been collected
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- Case history #s are listed
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- F.H.D.P. density bonus
- F.H.D.P. fee rebate

Application case numbers	Action	S.F.	Fees
<u>13 DRB - 70502</u>	<u>EPA</u>	_____	<u>\$ 50.00</u>
_____	<u>CMF</u>	_____	<u>\$ 20.00</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
Hearing date <u>April 10, 2013</u>			Total <u>\$ 70.00</u>

Staff signature & Date 4-1-13

Project # 1003612

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WILLIAM KRAEMER
Applicant name (print)
William Kraemer
Applicant signature / date



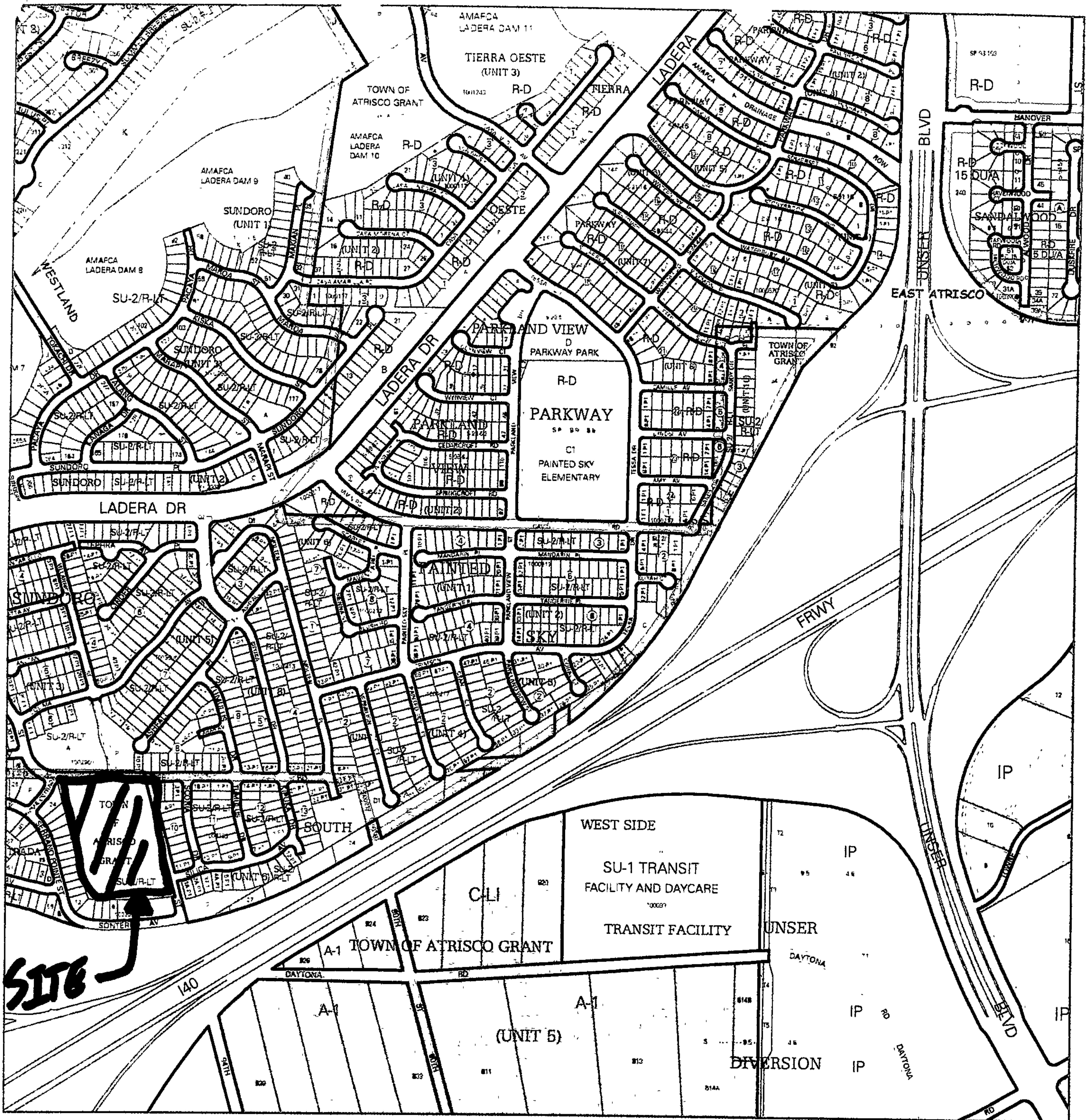
Form revised **October 2007**

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

Application case numbers
13 - DRB - 10502

[Signature]
Planner signature / date
Project # 1003612

4-1-13



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

Map amended through: 2/4/2010

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
J-09-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.		

GARCIA/KRAEMER&ASSOCIATES

600 First St. N.W., Suite 211
Albuquerque, NM 87102
(505) 242 5566
Fax (505) 242 9028

April 1, 2013

Jack Cloud, Chair
DRB
City of Albuquerque

RE: Extension of Request for Extension of Preliminary Plat
Sundoro South Unit 9 (DRB 1003612)

Dear Mr. Cloud:

Enclosed please find an application and required attachments to request an Extension for the Preliminary Plat for SUNDORO South Unit 9. The developer intends to construct the infrastructure without financial guarantee, requiring it to be completed and accepted by the City of Albuquerque, prior to FINAL PLAT APPROVAL.

Sincerely,


WILLIAM L. KRAEMER

Current DRC
Project Number: 7270.80

Figure 12

Date Submitted: 5-11-11
Date Site Plan Approved: _____
Date Preliminary Plat Approved: 5-11-11
Date Preliminary Plat Expires: 5-11-12
DRB Project No.: 1003612
DRB Application No.: _____

ORIGINAL

INFRASTRUCTURE LIST
(Rev. 9-20-05)

EXHIBIT "A"
TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

SUNDORO SOUTH UNIT 9
PROPOSED NAME OF PLAT

A TRACT OF LAND WITHIN PROJECTED SECTION 16, TOWNSHIP 10W,
RANGE 2E, TOWN OF ATRISCO GRANT
EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. The Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require the approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P. E.	City Cnst Engineer
		Paving 10' wide	Residential Paving w/ Standard curb and gutter, 6' sidewalk south side	Endee Road	West Boundary	60' West of the East Boundary	/	/	/
		26' wide	Residential Paving w/ roll curb and gutter, 4' sidewalk both sides*	Zimina Drive	Endee Road	Silica Ave	/	/	/
		26' wide	Residential Paving w/ roll curb and gutter, 4' sidewalk both sides*	Ekarma Drive	Endee Road	Silica Ave.	/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification				
							Private		City Cnst Engineer		
							Inspector	P. E.			
		Paving Cont.									
		26' wide	Residential Paving w/ roll curb and gutter 4' sidewalk north side, 4' sidewalk south side*	Silica Ave.	Zimina Drive	West Boundary of Lot 19	/	/	/		
		26' wide	Residential Paving w/ standard curb and gutter 4' sidewalk north side, 4' sidewalk south side*	Silica Ave.	West Boundary of Lot 19	94 th Street	/	/	/		
		24' wide	Residential Paving w/ standard curb and gutter 4' sidewalk west side	94 th Street	Silica Ave.	40 Feet South of the South Boundary	/	/	/		
		Utilities									
		6"	Water Line	Zimina Drive	Endee Road	Silica Ave.	/	/	/		
		6"	Water Line	Ekarma Drive	Endee Road	Silica Ave.	/	/	/		
		6"	Water Line	Silica Ave.	Zimina Drive	East Boundary	/	/	/		
		8"	Sanitary Sewer Line	Zimina Drive	Endee Road	Silica Ave.	/	/	/		
		8"	Sanitary Sewer Line	Ekarma Drive	Endee Road	Silica Ave.	/	/	/		
		8"	Sanitary Sewer Line	Silica Ave.	Zimina Drive	East Boundary	/	/	/		
		Drainage									
		24"	RCP	Silica Ave.	Lot 19	East Boundary	/	/	/		
		\$20,000 for AMAFCA West I-40 Phase III Channel per Agreement Dated 11-3-2005							/	/	/

NOTES

Street lights per City requirements

- 1) Paving Items include *Residential sidewalks to be deferred
- 2) Grading and Drainage Certification is required prior to release of Financial Guarantees
- 3) Waterlines include valves, fittings and services
- 4) Storm Drain includes catch basins, connector pipes, manholes and outlet structures
- 5) Sanitary Sewer Lines include manholes and services
- 6) Perimeter walls per DRB approved perimeter wall design
- 7) ~~Wall certification from registered engineer required prior to release of financial guarantees~~
- 8) Add Signage per DRC

AGENT/OWNER

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

David B. Thompson
NAME (print)

Thompson Engineering Consultants, Inc.
FIRM

David B. Thompson 5-11-11
SIGNATURE Date

DRB CHAIR

TRANSPORTATION DEVELOPMENT

UTILITY DEVELOPMENT

CITY ENGINEER

John Chen 5-11-11
Date

M.A. 25 05-11-11
Date

Allen Peter 05/11/11
Date

Antonio A. Chene 5-11-11
Date

Sanjiv 5/11/11
PARKS & GENERAL SERVICES Date

AMAFCA Date

Date

Date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

Preliminary Plat

Sundoro Unit 9

Projected Section 16, Township 10 North, Range 2 East, NUPM
 with
 Town of Alhambra Grant
 City of Albuquerque, Bernalillo County, New Mexico
 March 2011

ACS Monument "S_H10"
 NAD 1983 CENTRAL ZONE
 X=1497135.488
 Y=1493985.681
 Z=5196.151 (NAVD 1988)
 G=0.999678906
 Mapping Angle = -016 31.81"

Legal

A CERTAIN TRACT OF LAND WITHIN PROJECTED SECTION 16, TOWNSHIP 10 NORTH, RANGE 2 EAST, NUPM, BERNALILLO COUNTY, NEW MEXICO, BEING A VACATED PORTION OF SAID SECTION 16, BERNALILLO COUNTY, CITY OF ALHAMBRA, NEW MEXICO, AND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEING A PORTION OF THE SOUTHERLY RIGHT OF WAY OF ENDEAVOR ROAD, N.W., WHENCE A BE TO THE ACS MONUMENT "S_H10" BEARS N 39°07'50" E, A DISTANCE OF 6432.80 FEET;

THENCE S 14°58'14" E, A DISTANCE OF 14.78 FEET TO AN ANGLE POINT;

THENCE S 89°46'35" E, A DISTANCE OF 31.08 FEET TO AN ANGLE POINT;

THENCE S 14°58'14" E, A DISTANCE OF 819.32 FEET TO AN ANGLE POINT;

THENCE S 83°24'11" N, A DISTANCE OF 30.32 FEET TO AN ANGLE POINT;

THENCE N 14°58'14" W, A DISTANCE OF 0.28 FEET TO AN ANGLE POINT;

THENCE N 89°46'35" W, A DISTANCE OF 487.57 FEET TO AN ANGLE POINT, BEING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE N 15°11'33" W, A DISTANCE OF 432.98 FEET TO THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE S 89°46'35" E, A DISTANCE OF 619.84 FEET TO THE POINT OF BEGINNING, CONTAINING 7.0386 ACRES (308,601.59 FT²) MORE OR LESS.

GRAPHIC SCALE



Disclosure Statement

- THE PURPOSE OF THIS PLAT IS TO:
1. CREATE 53 RESIDENTIAL LOTS
 2. DEDICATE ADDITIONAL RIGHT-OF-WAY FOR 84TH STREET N.W. AND ENDEAVOR ROAD, N.W.
 3. DEDICATE RIGHT OF WAY FOR EDGARDA DRIVE, NW, ZIMBRA DRIVE, NW, AND SILICA AVENUE, NW
 4. GRANT EASEMENTS
 5. VACATE A PORTION OF 84TH STREET N.W.
 6. LOT LINES TO BE ELIMINATED SHOWN AS THUS:

Easement Notes

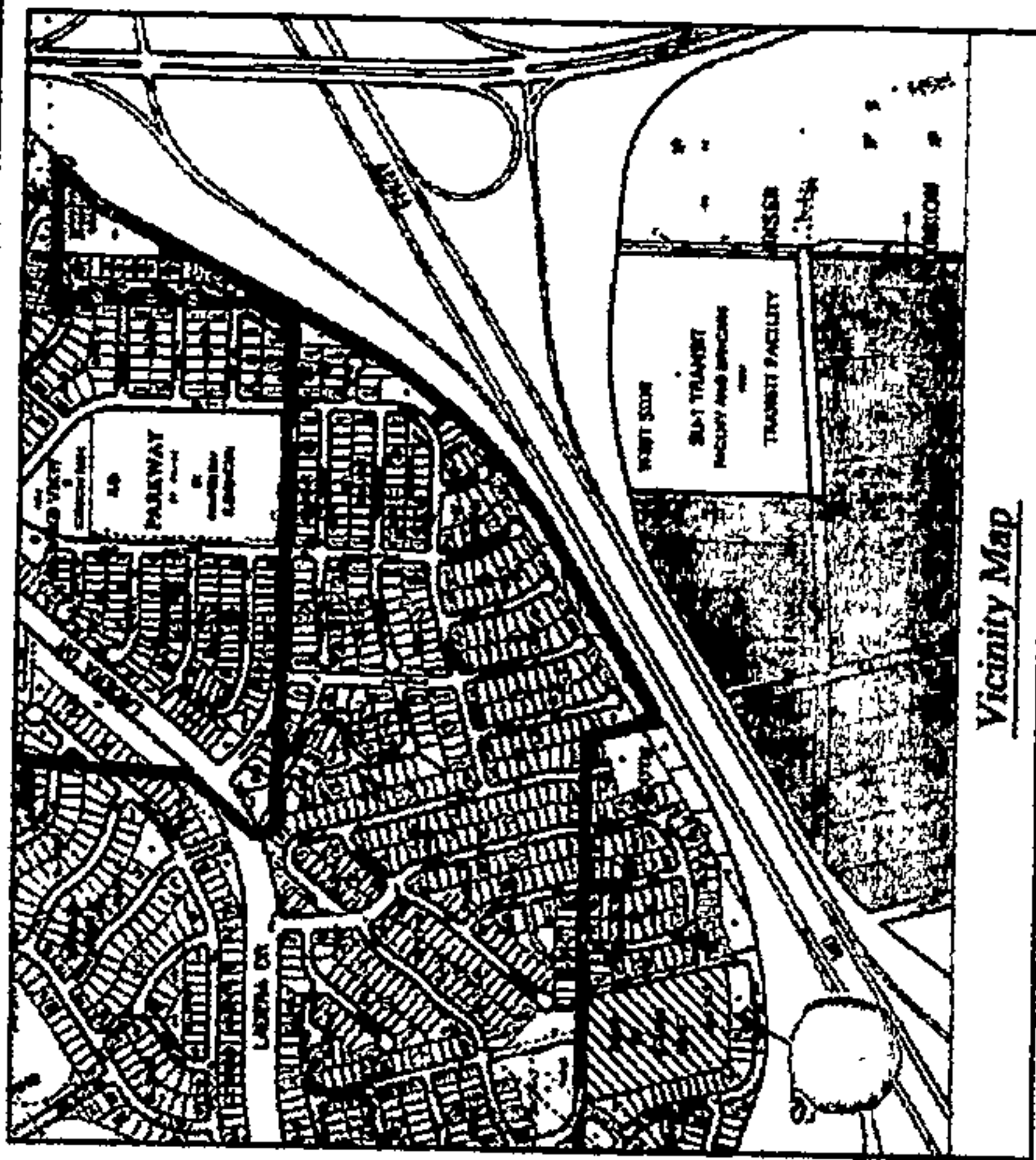
- A 10' P.U.E. GRANTED WITH THE FILING OF THIS PLAT
- B EXISTING TEMPORARY DRAINAGE EASEMENT (10/30/04, 2004C-332)
- C EXISTING 2' PRIVATE DRAINAGE EASEMENT (9/13/05, 2005C-302)
- D EXISTING PUBLIC SIDEWALK EASEMENT 20' RADIIUS (5/15/06, 2006C-152)

Benchmark

ACS MONUMENT "REWARD" HAVING AN ELEVATION OF 5319.068 (NAVD 88)

Legend

- N 5070070.00' E MEASURED BEARS AND DIMENSIONS FOUND MONUMENT AS INDICATED
- ▲ SET CENTERLINE MONUMENT
- △ PERMITS EXISTING MONUMENT UNLESS INDICATED OTHERWISE
- LOT NUMBER
- 1-P1 LOT NUMBER

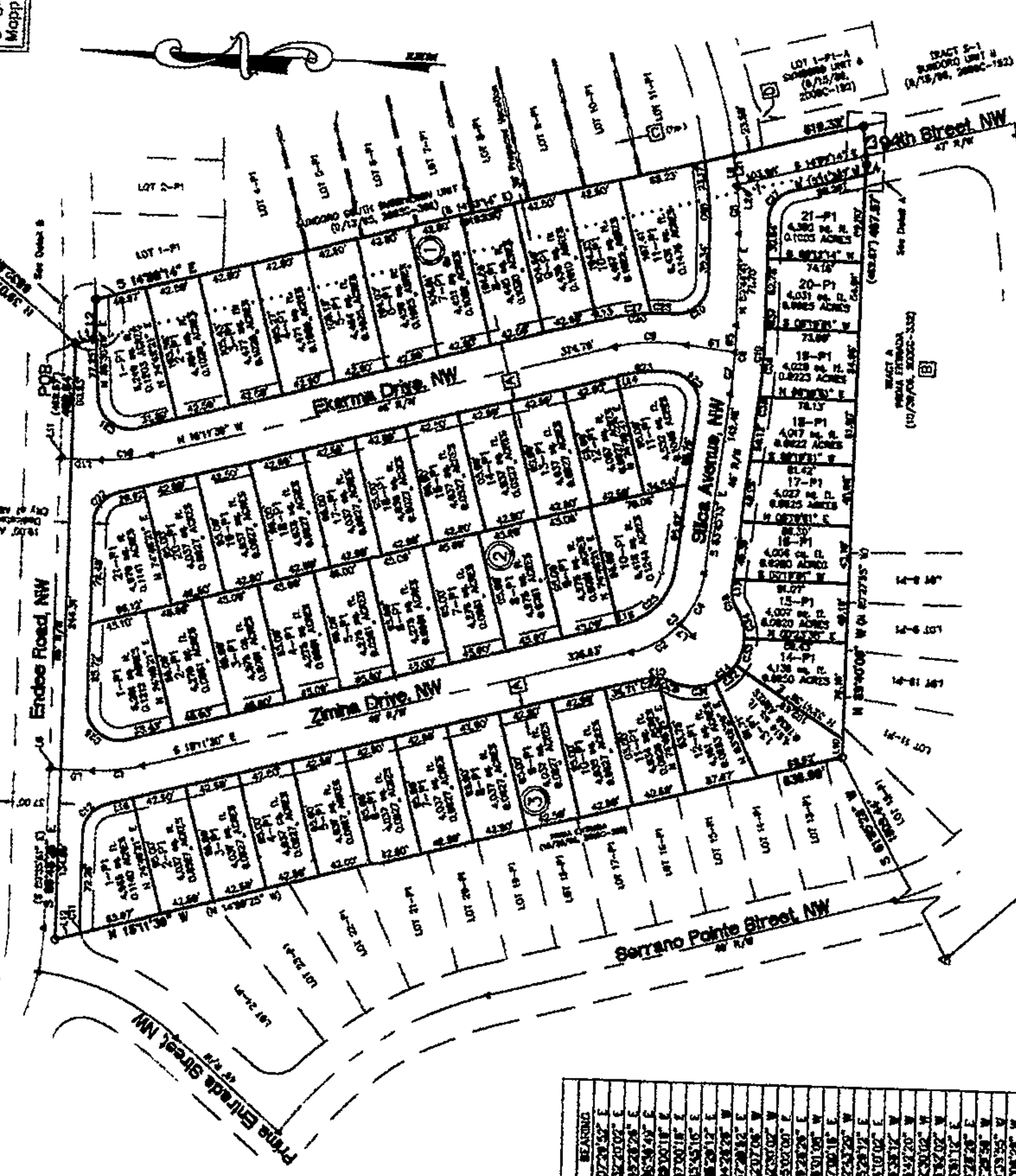


Vicinity Map

Notes

1. FIELD SURVEY PERFORMED IN MARCH 2011
2. ALL DISTANCES ARE GROUND DISTANCES, U.S. SURVEY FOOT
3. ALL STREET MONUMENTATION SHALL BE INSTALLED AT ALL CENTERLINE POE, P.T'S, ANGLE POINTS AND STREET INTERSECTIONS AND SHOWN AS THUS: ▲. ALL MONUMENT STAMPS AND MONUMENTS WILL BE SET USING THE STANDARD 4" ALUMINUM STAMPS. MONUMENTS SHALL BE SET USING THE STANDARD CENTERLINE MONUMENT- DO NOT DISTURB. 14271" AND WILL BE SET FLUSH WITH THE PAVIL ASPHALT
4. MONUMENTS WILL BE OFFSET AT ALL POINTS OF CURVATURE, POINTS OF TANGENCY, STREET INTERSECTIONS AND ALL OTHER ANGLE POINTS TO ALLOW CENTERLINE CONCENTRATION
5. TOTAL NUMBER OF EXISTING LOTS: 2
6. TOTAL NUMBER OF LOTS CREATED: 53
7. TOTAL NUMBER OF TRACTS CREATED: 0
8. TOTAL RELEASE OF FULL WIDTH STREETS CREATED: 0.28 AC.
9. CITY OF ALBUQUERQUE, ZONE ATLAS PAGE: J-8
10. NUMBER OF LOT LINES BEING ELIMINATED: 1
11. TOTAL AREA: 7.0386 ACRES
12. CITY CORNERS TO BE SET ARE AN 18" BATTERY MONUMENT WITH STEEL CAP
13. BATTERY MONUMENT FOR THE LOT IS CURRENTLY SJ-2 FOR R-17 USES
14. ALL SET EXTERIOR PROPERTY CORNERS ARE A BATTERY MARKER WITH CAP "LS 14271" UNLESS INDICATED OTHERWISE.

Phil Engberg
 PHIL ENGBERG, PRESIDENT, DRAGONFLY DEVELOPMENT INC.
 DATE: 5/5/11
 CITY SURVEYOR, CITY OF ALBUQUERQUE
 GLEN HARRIS, P.S.
 DATE: 5-5-11



CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	40.30	120.00	37.95	S 07°28'52" E
C2	44.87	75.00	44.21	S 36°20'02" E
C3	68.74	75.00	68.74	S 25°28'28" E
C4	44.87	75.00	44.21	S 85°28'28" E
C5	20.81	477.00	20.81	S 85°28'28" E
C6	84.13	637.00	84.13	S 85°28'28" E
C7	53.52	477.00	53.52	S 85°28'28" E
C8	37.05	280.00	37.05	S 85°28'28" E
C9	38.15	150.00	38.15	S 85°28'28" E
C10	50.37	150.00	50.37	S 07°28'52" E
C11	74.26	28.00	74.26	S 07°28'52" E
C12	74.26	28.00	74.26	S 07°28'52" E
C13	74.26	28.00	74.26	S 07°28'52" E
C14	74.26	28.00	74.26	S 07°28'52" E
C15	74.26	28.00	74.26	S 07°28'52" E
C16	74.26	28.00	74.26	S 07°28'52" E
C17	74.26	28.00	74.26	S 07°28'52" E
C18	74.26	28.00	74.26	S 07°28'52" E
C19	74.26	28.00	74.26	S 07°28'52" E
C20	74.26	28.00	74.26	S 07°28'52" E
C21	74.26	28.00	74.26	S 07°28'52" E
C22	74.26	28.00	74.26	S 07°28'52" E
C23	74.26	28.00	74.26	S 07°28'52" E
C24	74.26	28.00	74.26	S 07°28'52" E
C25	74.26	28.00	74.26	S 07°28'52" E
C26	74.26	28.00	74.26	S 07°28'52" E
C27	74.26	28.00	74.26	S 07°28'52" E
C28	74.26	28.00	74.26	S 07°28'52" E
C29	74.26	28.00	74.26	S 07°28'52" E
C30	74.26	28.00	74.26	S 07°28'52" E
C31	74.26	28.00	74.26	S 07°28'52" E
C32	74.26	28.00	74.26	S 07°28'52" E
C33	74.26	28.00	74.26	S 07°28'52" E
C34	74.26	28.00	74.26	S 07°28'52" E
C35	74.26	28.00	74.26	S 07°28'52" E
C36	74.26	28.00	74.26	S 07°28'52" E
C37	74.26	28.00	74.26	S 07°28'52" E
C38	74.26	28.00	74.26	S 07°28'52" E
C39	74.26	28.00	74.26	S 07°28'52" E
C40	74.26	28.00	74.26	S 07°28'52" E
C41	74.26	28.00	74.26	S 07°28'52" E
C42	74.26	28.00	74.26	S 07°28'52" E
C43	74.26	28.00	74.26	S 07°28'52" E
C44	74.26	28.00	74.26	S 07°28'52" E
C45	74.26	28.00	74.26	S 07°28'52" E
C46	74.26	28.00	74.26	S 07°28'52" E
C47	74.26	28.00	74.26	S 07°28'52" E
C48	74.26	28.00	74.26	S 07°28'52" E
C49	74.26	28.00	74.26	S 07°28'52" E
C50	74.26	28.00	74.26	S 07°28'52" E
C51	74.26	28.00	74.26	S 07°28'52" E
C52	74.26	28.00	74.26	S 07°28'52" E
C53	74.26	28.00	74.26	S 07°28'52" E
C54	74.26	28.00	74.26	S 07°28'52" E
C55	74.26	28.00	74.26	S 07°28'52" E
C56	74.26	28.00	74.26	S 07°28'52" E
C57	74.26	28.00	74.26	S 07°28'52" E
C58	74.26	28.00	74.26	S 07°28'52" E
C59	74.26	28.00	74.26	S 07°28'52" E
C60	74.26	28.00	74.26	S 07°28'52" E
C61	74.26	28.00	74.26	S 07°28'52" E
C62	74.26	28.00	74.26	S 07°28'52" E
C63	74.26	28.00	74.26	S 07°28'52" E
C64	74.26	28.00	74.26	S 07°28'52" E
C65	74.26	28.00	74.26	S 07°28'52" E
C66	74.26	28.00	74.26	S 07°28'52" E
C67	74.26	28.00	74.26	S 07°28'52" E
C68	74.26	28.00	74.26	S 07°28'52" E
C69	74.26	28.00	74.26	S 07°28'52" E
C70	74.26	28.00	74.26	S 07°28'52" E
C71	74.26	28.00	74.26	S 07°28'52" E
C72	74.26	28.00	74.26	S 07°28'52" E
C73	74.26	28.00	74.26	S 07°28'52" E
C74	74.26	28.00	74.26	S 07°28'52" E
C75	74.26	28.00	74.26	S 07°28'52" E

CARTESIAN SURVEYS INC.
 P.O. BOX 44414 BLD BANNERS, N.M. 87174
 Phone (505) 806-7000 Fax (505) 801-0211



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 9, 2012

Project# 1003612

12DRB-70135 EXT OF MAJOR PRELIMINARY PLAT

THOMPSON ENGINEERING CONSULTANTS, INC agent(s) for DRAGONFLY DEVELOPMENT request(s) the above action(s) for all or a portion of Lot(s) A TRACT OF LAND WITHIN, **PROJECTED SECTION 16, TOWNSHIP 10W, RANGE 2E, TOWN OF ATRISCO GRANT** zoned SU-2/R-LT, located on ENDEE AND 98TH containing approximately 6.4 acre(s). (J-9)

At the May 9, 2012 Development Review Board meeting, the one-year extension of the preliminary plat was approved contingent upon approved vacation request.

The conditions of final plat still apply.

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

A handwritten signature in black ink, appearing to read "Jack Cloud".

Jack Cloud, DRB Chair

Cc: Thompson Engineering Consultants INC.
Marilyn Maldonado
file