OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 30, 2010

Project# 1003612
10DRB-70172 EXT OF MAJOR PRELIMINARY PLAT

GARCIA/KRAEMER & ASSOC. agent(s) for DRAGONFLY DEVELOPMENT INC request(s) the above action(s) for all or a portion of Tract(s) 31-33, **TOWN ATRISCO GRANT,** zoned SU-2 RLT, located on ENDEE RD NW BETWEEN 98TH ST NW AND 94TH ST NW containing approximately 6.4 acre(s). (J-9)

At the June 30, 2010 Development Review Board meeting, a one-year extension of the preliminary plat was approved, subject to the completion or re-approval of VACATION OF PUBLIC RIGHT-OF-WAY 10DRB-70093; conditions of final plat remain applicable.

If you wish to appeal this decision, you must do so by July 15, 2010 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).

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, AICP, DRB Chair

Cc: Garcia/Kraemer & Associates – 600 1st Street NW Ste 211 – Albuquerque, 87102
Cc: Dragonfly Development Inc. – 12809 Donnett Court NE – Albuquerque, NM 87112
Marilyn Maldonado
File

HEARING DATE 6-30-10 (ETA)

DEVELOPMENT REVIEW BOARD
Action Sheet

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building

April 14, 2010 9:00 AM
MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department
Angela Gomez, Administrative Assistant

Kristal Metro, P.E. , Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer
Allan Porter, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development

CASES WHICH REQUIRE PUBLIC NOTIFICATION
MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. ~~**Project#-1003612**~~
10DRB-70093 VACATION OF PUBLIC RIGHT-OF-WAY

GARCIA/KRAEMER & ASSOC. agent(s) for DRAGONFLY DEVELOPMENT INC request(s) the referenced/ above action(s) for all or a portion of 94TH STREET NW adjacent to Tract(s) 31-33, **TOWN OF ATRISCO GRANT**, located bewteen ENDEE RD NW and SONTERRO AVE NW. (J-9) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE.**

2. **Project# 1006516**
07DRB-70030 BULK LAND VARIANCE
07DRB-70031 MAJOR - PRELIMINARY PLAT APPROVAL
07DRB-70032 MINOR - TEMP DEFR SWDK CONST
07DRB-70033 SIDEWALK WAIVER
07DRB-70034 VACATION OF PUBLIC EASEMENT
07DRB-70085 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

BOHANNAN HUSTON INC agent(s) for MESA DEL SOL, LLC request(s) the above action(s) for all or a portion of Tract(s) PORTION OF TRACT 4A, **MESA DEL SOL,** zoned SU-2/PC, located on UNIVERSITY BLVD. SE BETWEEN SOLAR MESA AVE. SE AND BOBBY FOSTER SE containing approximately 114.7792 acre(s). (R15, R16, S15, AND S16) *[Deferred from 6/27/07, 7/25/07, 7/22/07, 8/22/07 & 9/26/07, 1/30/08, 3/5/08, 4/9/08, 5/14/08, 5/28/08, 6/4/08, 6/11/08, 6/25/08, 7/16/08, 8/6/08, 8/20/08, 9/3/0, 9/24/08, 11/5/08, 12/17/08, 1/21/09, 2/4/09, 3/11/09, 4/1/09, 6/3/09, 8/5/09, 10/7/09,11/12/09, 2/3/10]* **DEFERRED TO 5/26/10 AT THE AGENT'S REQUEST.**

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

April 14, 2010

Project# 1003612
10DRB-70093 VACATION OF PUBLIC RIGHT-OF-WAY

GARCIA/KRAEMER & ASSOC. agent(s) for DRAGONFLY DEVELOPMENT INC request(s) the referenced/ above action(s) for all or a portion of 94TH STREET NW adjacent to Tract(s) 31-33, **TOWN OF ATRISCO GRANT**, located bewteen ENDEE RD NW and SONTERRO AVE NW. (J-9)

AMAFCA
No comment.

COG

TRANSIT
Project # 1003612
10DRB-70093
VACATION OF PUBLIC RIGHT-OF-WAY
Adjacent and nearby routes
None

Adjacent bus stops
None

Site plan requirements
None

Large site TDM suggestions
None.

Other information
None.

ZONING ENFORCEMENT
No comment.

NEIGHBORHOOD COORDINATION

APS
A Portion of 94th St NW Town of Atrisco Grant (tbka Sundoro South Unit 9), Tracts 31-33, is located between Endee NW and Sonterro Ave NW. The owner of the above property requests approval of a Vacation of Public Right-of-Way for a development that will consist of 41 residential lots. This will impact Painted Sky Elementary School, Jimmy Carter Middle School, and West Mesa High School. Currently, all three schools have excess capacity.

Loc No	School	2009-10 40th Day	2009-10 Capacity	Space Available
275	Painted Sky	1,052	1,066	14
445	Jimmy Carter	1,205	1,399	194
570	West Mesa	1,975	2,652	677

Residential Units: 41
Est. Elementary School Students: 11
Est. Middle School Students: 5
Est. High School Students: 5
Est. Total # of Students from Project: 21
*The estimated number of students from the proposed project is based on an average student generation rate for the entire APS district.

POLICE DEPARTMENT
No comment.

FIRE DEPARTMENT
No comment.

PNM ELECTRIC & GAS
No comment.

COMCAST
No comment.

QWEST
Concerning the subject case number(s), Qwest has no objection to the vacation of public right-of-way. Prior to any final plat approval, we will need a copy for review.

ENVIRONMENTAL HEALTH
No comment.

M.R.G.C.D
No comment.

OPEN SPACE DIVISION
No comment.

CITY ENGINEER
The Hydrology section has no objection to the vacation request.

TRANSPORTATION DEVELOPMENT
Does the remaining portion of 94th Street meet stub street criteria? Please provide additional information.
What is the status of the boundary dispute on the western property line?

PARKS AND RECREATION
No objection.

ABCWUA
No comment.

PLANNING DEPARTMENT
Refer to comments from affected agencies plus any public hearing comments regarding proposed vacation.

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST

Meeting Date: Wednesday, April 14, 2010
Zone Atlas Page: (J-9)
Notification Radius: 100 Ft.

Project# 1003612
App# 10DRB-70093

Cross Reference and Location: located on 94TH ST BETWEEN ENDEE AND I-40

Applicant: DRAGONFLY DEVELOPER INC
12809 DONNETT COURT NE
ALBUQUERQUE NM 87112

Agent: GARCIA/KRAEMER & ASSOC.
200 LOMAS BLVD NW SUITE 1111
ALBUQUERQUE NM 87102

Special Instructions:
Notice must be mailed from the City's 15 day's prior to the meeting.

Date Mailed: March 12, 2010
SIGNATURE: *Erin Tremblin - AT*

Rec	UPC CODE	OWNER	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIP CODE	PROPERTY CLASS	TAX DISTRICT	LEGAL	ACRES
1	10090 58088 14032 505	TALAMANTES LILLIANA TRUSTEE 9409 ENDEE R D NORTHWEST LAND TR UST	3301 COO RS BLVD NW SUITE R205	ALBU QUER QUE	NM	871 20	R	A1A	LT 13- P1 BLK 8 PLAT FOR SUNDORO SOU TH SUBDIVISION UNIT 5CONT .1067 AC	0.1 05 60 54 8
2	10090 58017 13431 804	WESTLAND DEVCO LP	401 COOR S BLVD N W	ALBU QUER QUE	NM	871 21	V	A1A	TR I PLAT FOR SUNDORO SOUTH S UBDIVISION UNIT 1CONT .0750 AC	0.0 75 56 86 6
3	10090 58102 07331 902	RHOADS TONYA J & DA NIEL G	9408 SILIC A AVE NW	ALBU QUER QUE	NM	871 20	R	A1A	LT 1-P1-A BLK 13 PLAT OF LOTS 1- P1-A, 2-P1-A, 4-P1-A & TRACTS- 1 BLOCK 13 UNIT 6 SUNDORO SOU TH SUBDIVISIONCONT .1310 AC	0.1 29 54 35
4	10090 58094 10432 005	SANCHEZ JOE A	1705 SOP LO SE	ALBU QUER QUE	NM	871 23	R	A1A	LT 7- P1 BLK 10 PLAT FOR SUNDORO SO UTH SUBDIVISION UNIT 6CONT .11 25 AC	0.1 12 52 36 6
5	10090 58035 09533 006	TUNNELL RONALD & JU DITH	2109 CAMI NO CONT ENTO NW	ALBU QUER QUE	NM	871 20	R	A1A	LT 19- P1 PLAT OF PRIMA ENTRADA CON T .0904 AC	0.0 90 45 47 2
6	10090 58036 09133 007	FULLER HOMES INC	PO BOX 1 3900	ALBU QUER QUE	NM	871 92	V	A1A	LT 18- P1 PLAT OF PRIMA ENTRADA CON T .0904 AC	0.0 90 45 47 5
7	10090 58096 09532 C03	SANCHEZ JOE A	1705 SOP LO SE	ALBU QUER QUE	NM	871 23	V	A1A	LT 9- P1 BLK 10 PLAT FOR SUNDORO SO UTH SUBDIVISION UNIT 6CONT .11 20 AC	0.1 11 99 05 2
8	10090 58042 06633 013	FULLER HOMES LLC	PO BOX 1 3900	ALBU QUER QUE	NM	871 92	V	A1A	LT 12- P1 PLAT OF PRIMA ENTRADA CON T .1370 AC	0.1 36 71 88 6
9	10090 58093 10832 006	RANGEL JOSE M	823 SCOR IA DR NW	ALBU QUER QUE	NM	871 20	R	A1A	LT 6- P1 BLK 10 PLAT FOR SUNDORO SO UTH SUBDIVISION UNIT 6CONT .11 58 AC	0.1 14 74 17 1
10	10090 58095 12532 009	RAVANI DAVID P	21826 DEL ANY LN	CANO GA P ARK	CA	913 04	R	A1A	LT 3- P1 BLK 10 PLAT FOR SUNDORO SO UTH SUBDIVISION UNIT 6CONT .12 10 AC	0.1 21 17 53
11	10090 58037 08733 008	FULLER HOMES INC	PO BOX 1 3900	ALBU QUER QUE	NM	871 92	R	A1A	LT 17- P1 PLAT OF PRIMA ENTRADA CON T .0904 AC	0.0 90 45 85 6
12	10090 58048 06333 014	FULLER HOMES LLC	PO BOX 1 3900	ALBU QUER QUE	NM	871 92	V	A1A	LT 11- P1 PLAT OF PRIMA ENTRADA CON T .1606 AC	0.1 60 16 36
13	10090 58034 09933 005	DURAN DENNIS M	828 SERR ANO POIN TE ST NW	ALBU QUER QUE	NM	871 20	R	A1A	LT 20- P1 PLAT OF PRIMA ENTRADA CON T .0903 AC	0.0 90 57 49 8
14	10090 58079 14032 503	RODELLA THOMAS R & DEBBIE A	9419 END EE RD NW	ALBU QUER QUE	NM	871 20	R	A1A	LT 11- P1 BLK 8 PLAT FOR SUNDORO SOU TH SUBDIVISION UNIT 5CONT .1077 AC	0.1 07 58 36 1
15	10090 58031 10733	ECKERT TODD R & AMY M	836 SERR ANO POIN TE ST SW	ALBU QUER QUE	NM	871 20	R	A1A	LT 22- P1 PLAT OF PRIMA ENTRADA CON T .1211 AC	0.1 21 23

	003									443
16	10090581070753190 3	GUIDA ROBERT P & DENISE J	9404 SILICA AVE NW	ALBUQUERQUE	NM	87120	R	A1A	LT 2-P1-A BLK 13 PLAT OF LOTS 1-P1-A, 2-P1-A, 4-P1-A & TRACTS-1 BLOCK 13 UNIT 6 SUNDORO SOUTH SUBDIVISIONCONT .1212 AC	0.11982561
17	10090580400923302 5	DRAGONFLY DEVELOPMENT INC	12809 DONETTE CT NE	ALBUQUERQUE	NM	87112	V	A1A	T10N R2E SEC 16 TR SITUATED IN TRS 31, 32 & 33 TOWN OFATRISCO GRANT CONT 6.4210 AC	6.536875922
18	10090580851253201 1	PEREA STEPHANY & RUSSELL	9408 ENDEE NW	ALBUQUERQUE	NM	87120	R	A1A	LT 1-P1 BLK 10 PLAT FOR SUNDORO SOUTH SUBDIVISION UNIT 6CONT .1274 AC	0.12860139
19	10090580400803301 0	FULLER HOMES INC	PO BOX 13900	ALBUQUERQUE	NM	87192	R	A1A	LT 15-P1 PLAT OF PRIMA ENTRADA CONT .0904 AC	0.09044888
20	10090580570623301 6	FULLER HOMES INC	PO BOX 13900	ALBUQUERQUE	NM	87192	V	A1A	LT 9-P1 PLAT OF PRIMA ENTRADA CONT .1073 AC	0.10724793
21	10090580970913200 2	SANCHEZ JOE A	1705 SOPLO SE	ALBUQUERQUE	NM	87123	V	A1A	LT 10-P1 BLK 10 PLAT FOR SUNDORO SOUTH SUBDIVISION UNIT 6CONT .1123 AC	0.11228385
22	10090580390843300 9	FULLER HOMES INC	PO BOX 13900	ALBUQUERQUE	NM	87192	V	A1A	LT 16-P1 PLAT OF PRIMA ENTRADA CONT .0904 AC	0.09045604
23	10090580950993200 4	SANCHEZ JOE A	1705 SOPLO SE	ALBUQUERQUE	NM	87123	V	A1A	LT 8-P1 BLK 10 PLAT FOR SUNDORO SOUTH SUBDIVISION UNIT 6CONT .1117 AC	0.11170347
24	10090580410763301 1	MCNANEY BUILDING INVESTMENTS LLC	122 TULANE DR SE	ALBUQUERQUE	NM	87106	V	A1A	LT 14-P1 PLAT OF PRIMA ENTRADA CONT .0904 AC	0.09045221
25	10090580921123200 7	CRUZ JOSE MARIO	827 SCORIA DR NW	ALBUQUERQUE	NM	87120	R	A1A	LT 5-P1 BLK 10 PLAT FOR SUNDORO SOUTH SUBDIVISION UNIT 6CONT .1230 AC	0.12290076
26	100905809011732008	RANGEL JULIA Y	831 SCORIA DR NW	ALBUQUERQUE	NM	87120	R	A1A	LT 4-P1 BLK 10 PLAT FOR SUNDORO SOUTH SUBDIVISION UNIT 6CONT .1527 AC	0.15280662
27	100905802911233002	LOVETTE BRETT & ADRIA PADILLA LOVETTE	10412 TEAL RD SW	ALBUQUERQUE	NM	87121	R	A1A	LT 23-P1 PLAT OF PRIMA ENTRADA CONT .1434 AC	0.14351926
28	100905802811833001	LANGHUS PHILLIP S & DIANE	844 SERRANO PONITE NW	ALBUQUERQUE	NM	87120	R	A1A	LT 24-P1 PLAT OF PRIMA ENTRADA CONT .2571 AC	0.25754157
29	100905807414032502	DAM BENJAMIN & NGUYEN TRANG	9423 ENDEE RD NW	ALBUQUERQUE	NM	87120	R	A1A	LT 10-P1 BLK 8 PLAT FOR SUNDORO SOUTH SUBDIVISION UNIT 5CONT .1117 AC	0.10745205
30	100905809012532010	RAVANI DAVID P	21826 DELANY LN	CANOGA PARK	CA	91304	R	A1A	LT 2-P1 BLK 10 PLAT FOR SUNDORO SOUTH SUBDIVISION UNIT 6CONT .1074 AC	0.10846308

31	100905808314032504	NGUYEN VU M	9415 ENDEE RD NW	ALBUQUERQUE	NM	87120	R	A1A	LT 12- P1 BLK 8 PLAT FOR SUNDORO SOUTH SUBDIVISION UNIT 5CONT .1069 AC	0.10686857
32	100905806206233017	FULLER HOMES INC	PO BOX 13900	ALBUQUERQUE	NM	87192	V	A1A	LT 8- P1 PLAT OF PRIMA ENTRADA CONT .1040 AC	0.10405981
33	100905806115132501	CITY OF ALBUQUERQUE	PO BOX 1293	ALBUQUERQUE	NM	87103	V	A1A	TR P PLAT FOR SUNDORO SOUTH SUBDIVISION UNIT 5CONT 1.0642 AC	1.10423766
34	100905804207233012	FTF SALLS LLC	7301 READING DR SE	ALBUQUERQUE	NM	87105	V	A1A	LT 13- P1 PLAT OF PRIMA ENTRADA CONT .0904 AC	0.09044699
35	100905809808632001	VELEZ VERONICA & RAYMUNDO MALDONADO	801 SCORIA NW	ALBUQUERQUE	NM	87120	R	A1A	LT 11- P1 BLK 10 PLAT FOR SUNDORO SOUTH SUBDIVISION UNIT 6CONT .1285 AC	0.12927964
36	100905804015131320	CITY OF ALBUQUERQUE	PO BOX 1293	ALBUQUERQUE	NM	87103	V	A1A	TR A PLAT FOR SUNDORO SOUTH SUBDIVISION UNIT 1CONT 2.2658 AC	2.25295297
37	100905801712531805	MONTEREY LAND GROUP II LLC	5111 SAN MATEO BLVD NE SUITE A-1	ALBUQUERQUE	NM	87109	V	A1A	TR F (OPEN SPACE) PLAT OF PRIMA ENTRADA CONT .3304 AC	0.31548906
38	100905803310333004	GOLIGHTLY REBECCA A	832 SERRANO POINTE ST NW	ALBUQUERQUE	NM	87120	R	A1A	LT 21- P1 PLAT OF PRIMA ENTRADA CONT .1154 AC	0.11578855
39	100905805306233015	FULLER HOMES INC	PO BOX 13900	ALBUQUERQUE	NM	87192	V	A1A	LT 10- P1 PLAT OF PRIMA ENTRADA CONT .1031 AC	0.10298544
40	100905811106531901	PETROGLYPHS MANAGEMENT ASSOCIATION INC	8401 MARAPI ST NW	ALBUQUERQUE	NM	87120	V	A1A	TR S1 PLAT OF LOTS 1-P1-A, 2-P1-A, 4-P1-A & TRACT S- 1 BLOCKUNIT 6 SUNDORO SOUTH SUBDIVISION CONT .8596 AC	0.86556107
41	100905807806333018	MONTEREY LAND GROUP II LLC	5111 SAN MATEO BLVD NE SUITE A-1	ALBUQUERQUE	NM	87109	V	A1A	TR A (TEMP DRAIN ESMT) PLAT OF PRIMA ENTRADA CONT .7051 AC	0.69864503

OR CURRENT RESIDENT
100905809211232007
CRUZ JOSE MARIO
827 SCORIA DR NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905803409933005
DURAN DENNIS M
828 SERRANO POINTE ST NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905803609133007
FULLER HOMES INC
PO BOX 13900
ALBUQUERQUE NM 87192

OR CURRENT RESIDENT
100905802811833001
LANGHUS PHILLIP S & DIANE
844 SERRANO PONITE NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905801712531805
MONTEREY LAND GROUP II LLC
5111 SAN MATEO BLVD NE SUITE A-1
ALBUQUERQUE NM 87109

OR CURRENT RESIDENT
100905811106531901
PETROGLYPHS MANAGEMENT ASSOCI
ATION INC
8401 MARAPI ST NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905809512532009
RAVANI DAVID P
21826 DELANY LN
CANOGA PARK CA 91304

OR CURRENT RESIDENT
100905809410432005
SANCHEZ JOE A
1705 SOPLO SE
ALBUQUERQUE NM 87123

OR CURRENT RESIDENT
100905809808632001
VELEZ VERONICA & RAYMUNDO MAL
DONADO
801 SCORIA NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905807414032502
DAM BENJAMIN & NGUYEN TRANG
9423 ENDEE RD NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905803110733003
ECKERT TODD R & AMY M
836 SERRANO POINTE ST SW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905803310333004
GOLIGHTLY REBECCA A
832 SERRANO POINTE ST NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905802911233002
LOVETTE BRETT & ADRIA PADILLA LO
VETTE
10412 TEAL RD SW
ALBUQUERQUE NM 87121

OR CURRENT RESIDENT
100905808314032504
NGUYEN VU M
9415 ENDEE RD NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905809310832006
RANGEL JOSE M
823 SCORIA DR NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905810207331902
RHOADS TONYA J & DANIEL G
9408 SILICA AVE NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905808814032505
TALAMANTES LILLIANA TRUSTEE 9409
ENDEE RD NORTHWEST LAND TRUST
3301 COORS BLVD NW SUITE R205
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905801713431804
WESTLAND DEVCO LP
401 COORS BLVD NW
ALBUQUERQUE NM 87121

OR CURRENT RESIDENT
100905804009233025
DRAGONFLY DEVELOPMENT INC
12809 DONETTE CT NE
ALBUQUERQUE NM 87112

OR CURRENT RESIDENT
100905804207233012
FTF SALLS LLC
7301 READING DR SE
ALBUQUERQUE NM 87105

OR CURRENT RESIDENT
100905810707531903
GUIDA ROBERT P & DENISE J
9404 SILICA AVE NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905804107633011
MCNANEY BUILDING INVESTMENTS LLC
122 TULANE DR SE
ALBUQUERQUE NM 87106

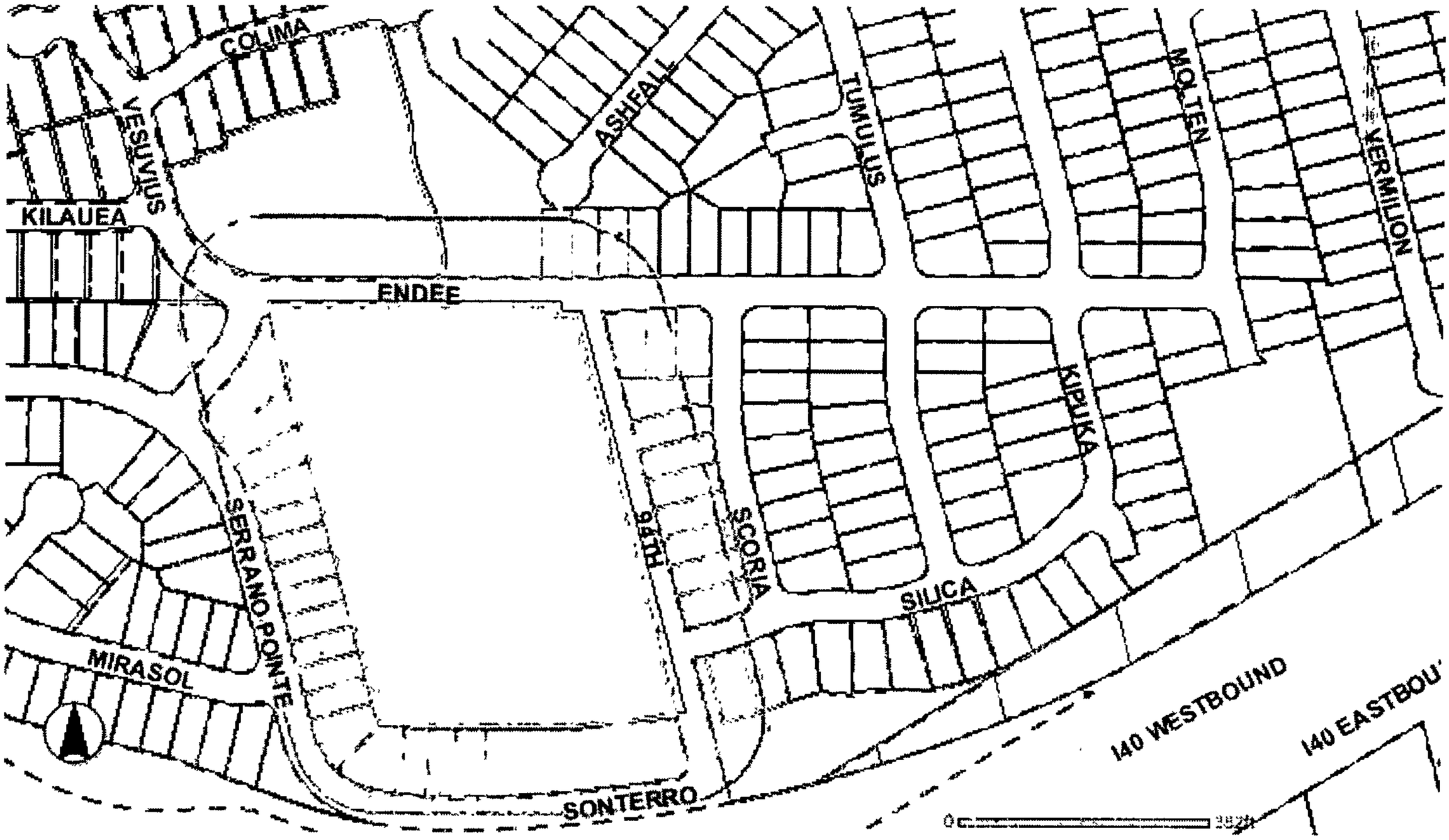
OR CURRENT RESIDENT
100905808512532011
PEREA STEPHANY & RUSSELL
9408 ENDEE NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905809011732008
RANGEL JULIA Y
831 SCORIA DR NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905807914032503
RODELLA THOMAS R & DEBBIE A
9419 ENDEE RD NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905803509533006
TUNNELL RONALD & JUDITH
2109 CAMINO CONTENTO NW
ALBUQUERQUE NM 87120

GARCIA, KRAEMER & ASSOC.
200 LOMAS BLVD NW, STE. 1111
ALBUQUERQUE, NM 87102
PROJECT #1003612


COLIMA
VESUVIUS
ASHFALL
TUMULUS
MOLTEN
VERMILION
KILAUEA
ENDEE
SERRANO POINTE
94TH
SCORIA
KIPUKA
SILICA
MIRASOL
SONTERRO
I40 WESTBOUND
I40 EASTBOU
0

HEARING DATE 4-14-10 (VRW)

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

July 8, 2009

Project# 1003612
09DRB-70218 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) 31-33, **TOWN OF ATRISCO GRANT,** zoned SU-2 / RLT, located on ERDEE RD NW BETWEEN 98TH ST NW AND 94TH ST NW containing approximately 6.4 acre(s). (J-9)

At the July 8, 2009 Development Review Board meeting, the one-year extension of the preliminary plat was approved subject to re-application and re-approval for vacation of 94th Street. The conditions of final plat still apply.

If you wish to appeal this decision, you must do so by July 23, 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.
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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, AICP, DRB Chair

Cc: Garcia/Kraemer & Associates – 200 Lomas Suite 1111 – Albuquerque, NM 87102
Cc: Dragonfly Development Inc. – 12809 Donett Court NE – Albuquerque, NM 87112
Marilyn Maldonado
File

MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

6. ~~**Project#:1003612**~~
09DRB-70218 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) 31-33, **TOWN OF ATRISCO GRANT,** zoned SU-2 / RLT, located on ERDEE RD NW BETWEEN 98TH ST NW AND 94TH ST NW containing approximately 6.4 acre(s). (J-9) **A ONE-YEAR EXTENSION OF THE PRELIMINARY PLAT WAS APPROVED.**

7. **Project# 1000572**
09DRB-70202 SUBDN DESIGN VARIANCE FROM MIN DPM STDS
09DRB-70219 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

ISAACSON AND ARFMAN PA agent(s) for CENTEX HOMES request(s) the above action(s) for all or a portion of Tract(s) J, **THE PRESIDO Unit(s) 1,** zoned SU-1 FOR PRD, located on MARINA GATE TRL NE BETWEEN MORRIS NE AND CHICO RD NE containing approximately 2.341 acre(s). (K-21) THE SUBDIVISION DESIGN VARIANCE FROM MINIMUN DPM STANDARDS WAS APROVED. **THE PRELIMINARY/ FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR CERTIFICATION OF GRADING AND TO PLANNING FOR AMENDED SITE PLAN AND AGIS DXF FILE.**

8. **Project# 1000952**
09DRB-70215 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

RIO BRAVO SQUARE LLC request(s) the above action(s) for all or a portion of Tract(s) A, **RIO BRAV0 SQUARE** zoned C-1, located on COORS BLVD SW BETWEEN DENNIS CHAVEZ BLVD SW AND FLORA VISTA SW containing approximately 9.78 acre(s). (P-10) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION TO COMPLY WITH COMMENTS/ EXHIBIT, AND TO PLANNING TO CLARIFY EASEMENTS PER COMMENTS AND AGIS DXF FILE.**

9. **Project# 1004617**
09DRB-70047 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

JACKS HIGH COUNTRY INC agent(s) for TONY B AND MYRQ Y GUITERREZ request(s) the above action(s) for all or a portion of Lot(s) 100, **LA VICTORIA** zoned C-2, located on BLUEWATER NW BETWEEN 56TH ST NW AND YUCCA DR NW containing approximately 1.5298 acre(s). (J-11) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR SITE SKETCH WITH NEW LOT LINES AND PHOTO OF RETAINING WALL.**

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

July 23, 2008

Project# 1003612
08DRB-70321 EXT OF MAJOR PRELIMINARY PLAT

THOMPSON ENGINEERING CONSULTANTS, INC agent(s) for DRAGONFLY DEVELOPMENT, INC request(s) the above action(s) for all or a portion of Tract(s) 31-33, **TOWN OF ATRISCO GRANT** zoned SU-2 / R-LT, located on ERDEE RD NW BETWEEN 98TH ST NW AND 94TH ST NW containing approximately 6.4 acre(s). (J-9)

At the July 23, 2008 Development Review Board meeting, the one-year extension of the preliminary plat was approved subject to reapplication and re-approval of 94th street vacation.

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, AICP, DRB Chair

Cc: Marilyn Maldonado
File

CITY OF ALBUQUERQUE

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1003612 **AGENDA ITEM NO: 6**

SUBJECT:

Preliminary Plat Ext

ACTION REQUESTED:

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

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

ENGINEERING COMMENTS:

The Hydrology Section has no objection to the subject request.

RESOLUTION: 1-yr

APPROVED _X_; DENIED ____; DEFERRED _____; COMMENTS PROVIDED ___; WITHDRAWN

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: July 8, 2009

DEVELOPMENT REVIEW BOARD
ACTION SHEET

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building

July 23, 2008 9:00 AM
MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department
Angela Gomez, Administrative Assistant
Kristal Metro, P.E. , Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City Engineer
Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA
Christina Sandoval, Parks/Municipal Development

CASES WHICH REQUIRE PUBLIC NOTIFICATION
MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. Project# 1002962 08DRB-70292 MAJOR - 2YR SUBD IMP AGMT EXT (2YR SIA)	WILSON AND COMPANY agent(s) for THE TRAILS request(s) the above action(s) for all or a portion of Tract(s) A, B, C, D & F, , **SANTA FE AT THE TRAILS, TAOS & RESERVE AT THE TRAILS Unit(s) I & 2,** zoned RD, located on RAINBOW RD NW BETWEEN PASEO DEL NORTE NW AND WOODMONT AVE NW containing approximately 76 acre(s). (C-9) **THE TWO YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED**
2. Project# 1003688 08DRB-70290 VACATION OF PUBLIC EASEMENT 08DRB-70291 VACATION OF PRIVATE EASEMENT	SURV-TEK INC agent(s) for THE TRAILS LLC request(s) the above action(s) for all or a portion of Tract(s) 9, **THE TRAILS Unit(s) 3A,** zoned SU-2 FOR SRSL 26, SU-1 FOR SCHOOL, PARK, OPEN SPACE & FUTURE ROW, located on WOODMONT AVE NW BETWEEN RAINBOW BLVD NW AND PASEO DEL NORTE NW containing approximately 25.25 acre(s). (C-9100906413032322306)**DEFERRED TO 7/30/08 AT THE AGENT'S REQUEST.**

3. **Project # 1005070**
06DRB-01154 MAJOR-PRELIMINARY PLAT APPROVAL
06DRB-01156 MINOR-SIDEWALK WAIVER
06DRB-01155 MINOR-TEMP DEFER SDWK

SURV-TEK INC & WILSON & COMPANY agent(s) for THE TRAILS LLC request(s) the above action(s) for all or a portion of Tract(s) 8, **THE TRAILS, UNIT 2 (to be known as TAOS @ THE TRAILS, UNIT 2)** zoned SU-2-SRLL, located on WOODMONT AVE NW, between UNIVERSE BLVD NW and RAINBOW BLVD NW containing approximately 9 acre(s). (C-9) *[Deferred from 9/6/06, 9/13/06, 9/27/06, 10/11/06, 10/25/06, 11/29/06, 12/20/06, 1/24/07, 4/18/07, 6/20/07, 7/18/07, 08/22/07 & 09/05/07 & 09/26/07, 10/17/08 , 4/16/08, 5/14/08 & 7/16/08].* **DEFERRED TO 9/24/08 AT THE AGENT'S REQUEST.**

4. **Project# 1003794**
08DRB-70238 MAJOR – SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

GEORGE RAINHART & ASSOC agent(s) for PETERSON PROPERTIES request(s) the above action(s) for Lots 3 and 4, **VOLCANO POINT SHOPPING CENTER,** zoned SU-2 / PCA, located on the northwest corner of 98TH ST NW AND CENTRAL AVE NW containing approximately 1.9833 acre(s). (K-9) *Deferred from 6/25/08 & 7-/9/08.* **DEFERRED TO 8/13/08 AT THE AGENT'S REQUEST.**

SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)

5. **Project# 1000650**
08DRB-70237 EPC APPROVED SDP FOR BUILD PERMIT

GEORGE RAINHART & ASSSOC. agent(s) for NEW MEXICO EDUCATORS FEDERAL CREDIT UNION request(s) the above action(s) for all or a portion of Lot(s) 2A, **LAMONICA & WENK,** zoned SU-1 / C-1, located on COORS BLVD AND RIO BRAVO containing approximately 1.55 acre(s). (P-10) *[Deferred from 5/28/08, 6/4/08, 6/11/08 , 6/25/08, 7/9/08 & 7/23/08]* **DEFERRED TO 7/30/08 AT THE AGENT'S REQUEST.**

6. **Project# 1007266**
08DRB-70322 EPC APPROVED SDP FOR BUILD PERMIT

R. JARROD CLINE agent(s) for JAMES TWOHIG DDS AND MARY ROSE TWOHIG DDS request(s) the above action(s) for all or a portion of Lot(s) 20, Block(s) 3, **NORTH ALBUQUERQUE ACRES Unit(s) 3,** zoned SU-2 / O-1, located on ALAMEDA BLVD BETWEEN WYOMING BLVD AND EAGLE FEATHER DR containing approximately .866 acre(s). (C-19) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

7. Project# 1005280
08DRB-70317 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURV-TEK INC agent(s) for JLF, LLC request(s) the above action(s) for all or a portion of Tract(s) E-1-A-1, **CREST VIEW SUBDIVISION** zoned SU-1, located on MCMAHON BLVD NW BETWEEN UNSER BLVD NW AND FINELAND DR NW containing approximately 2.3774 acre(s). (A-11) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION FOR EXHIBIT AND TO PLANNING FOR AMAFCA SIGNATURE. PLANNING MUST RECORD THIS PLAT.**

8. Project# 1000901
08DRB-70315 MINOR FINAL PLAT APPROVAL

PRECISION SURVEYS INC agent(s) for BOSQUE SCHOOL request(s) the above action(s) for all or a portion of Tract(s) 1 & 2, **BOSQUE PREPARATORY SCHOOL & LOT 9 ANDALUCIA @ LA LUZ** located on LEARNING RD NW BETWEEN COORS BLVD NW AND MIRANDELA ST NW containing approximately 31.3093 acre(s). (E-12/F-12) *[Deferred from7/16/08].* **THE FINAL PLAT WAS APROVED WITH FINAL SIGN-OFF DELEGATED TO CITY ENGINEER FOR SPECIFIC EASEMENTS THAT FIT WITH THE DESIGN AND TO PLANNING FOR 3 COPIES OF SITE PLAN AND TO RECORD.**

9. ~~Project# 1003612~~
08DRB-70321 EXT OF MAJOR PRELIMINARY PLAT

THOMPSON ENGINEERING CONSULTANTS, INC agent(s) for DRAGONFLY DEVELOPMENT, INC request(s) the above action(s) for all or a portion of Tract(s) 31-33, **TOWN OF ATRISCO GRANT** zoned SU-2 / R-LT, located on ERDEE RD NW BETWEEN 98TH ST NW AND 94TH ST NW containing approximately 6.4 acre(s). (J-9) **A ONE-YEAR EXTENSION OF THE PRELIMINARY PLAT WAS APPROVED SUBJECT TO REAPPLICATION AND RE-APPROVAL OF 94TH STREET VACATION.**

10. Project# 1004989
08DRB-70324 EXT OF MAJOR PRELIMINARY PLAT
08DRB-70325 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT COMPANY request(s) the above action(s) for all or a portion of Tract(s) A, **WILDERNESS AT HIGH DESERT (TO BE KNOWN AS WILDERNESS CANON AT HIGH DESERT) Unit(s) 2,** zoned SU-2/HD R-R, located on TRAMWAY BLVD NE BETWEEN HIGH DESERT PLACE NE AND FOREST SERVICE LAND (F-23) **A ONE-YEAR EXTENSION OF THE PRELIMINARY PLAT WAS APPROVED. THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AMAFCA SIGNATURE AND FOR EXHIBIT SUBMITTED TO TRANSPORTATION DEVELOPMENT. PLANNING MUST RECORD THIS PLAT. DELEGATION TO ABCWUA: PAPER EASMENT FOR WATERLINE MUST BE SUBMITTED AND ROUTED FOR APPROVAL.**

11. Project# 1005474
08DRB-70323 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

CATHERINE HELLER request(s) the above action(s) for all or a portion of Lot(s) 7 & 8, Block(s) 3, **ROSEMONT PARK ADDITION (TO BE KNOWN AS LOT 8A)** zoned S-R, located on 11TH ST NW BETWEEN 10TH ST NW AND MOUNTAIN RD NW containing approximately .1608 acre(s). (J-13) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AMAFCA SIGNATURE, AGIS DXF AND A COPY OF THE RECORDED PLAT.**

12. Project# 1007383
08DRB-70318 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

HIGH MESA CONSULTING GROUP agent(s) for REGENTS OF THE UNIVERSITY OF NEW MEXICO (REAL ESTATE) request(s) the above action(s) for all or a portion of Lot(s) 1-9 INCLUSIVE, Block(s) 4, **UNITY ADDITION** zoned C-2, located on CENTRAL AVE SE BETWEEN TEXAS ST SE AND UTAH ST SE containing approximately 1.6538 acre(s). (K-9) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION FOR RADIUS AT CURVE C2 AND EXHIBIT AND TO CITY ENGINEER FOR INFORMATION ON FLOOD ZONE ON NORTH WEST CORNER. A NOTE MUST BE ADDED TO PLAT SHOWING FLOOD ZONE CHANGE, AND FOR AMAFCA SIGNATURE.**

NO ACTION IS TAKEN ON THESE CASES:
APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING

13. Project# 1003095
08DRB-70320 SKETCH PLAT REVIEW AND COMMENT

WAYJOHN SURVEYING INC agent(s) for FRANK CASALE/JAMES SELIGMAN request(s) the above action(s) for all or a portion of Lot(s) 2-A-2, **LA MIRADA SUBDIVISION TBKA LA MIRADA TOWNHOMES UNIT 1** zoned O-1 (CONDITIONAL USE), located on LA MIRADA PLACE NE BETWEEN WYOMING BLVD NE AND PENNSYLVANIA ST NE containing approximately 1.1443 acre(s). (G-19)**THE ABOVE ITEM WAS REVIEWED AND COMMENTS WERE GIVEN.**

14. Other Matters: None

ADJOURNED: 10:15

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
July 23, 2008
DRB Comments

ITEM # 9

PROJECT # 1003612 APPLICATION # 08-70321

RE: Tracts 31 – 33, Town of Atrisco Grant

The Subdivision Ordinance does not provide for an extension request of a vacation action, therefore the vacation upon which this plat is based appears to be voided.

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

CITY OF ALBUQUERQUE

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD MEMO

DRB CASE NO/PROJECT NO: 1003612 **AGENDA ITEM NO: 9**

SUBJECT:

Plat Extension

ENGINEERING COMMENTS:

No adverse comments.

RESOLUTION: ext PP subject to reapproval of vacation prior 94th st

APPROVED X; DENIED ____; DEFERRED ____; COMMENTS PROVIDED ___; WITHDRAWN

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: **DATE**: 7-23-08

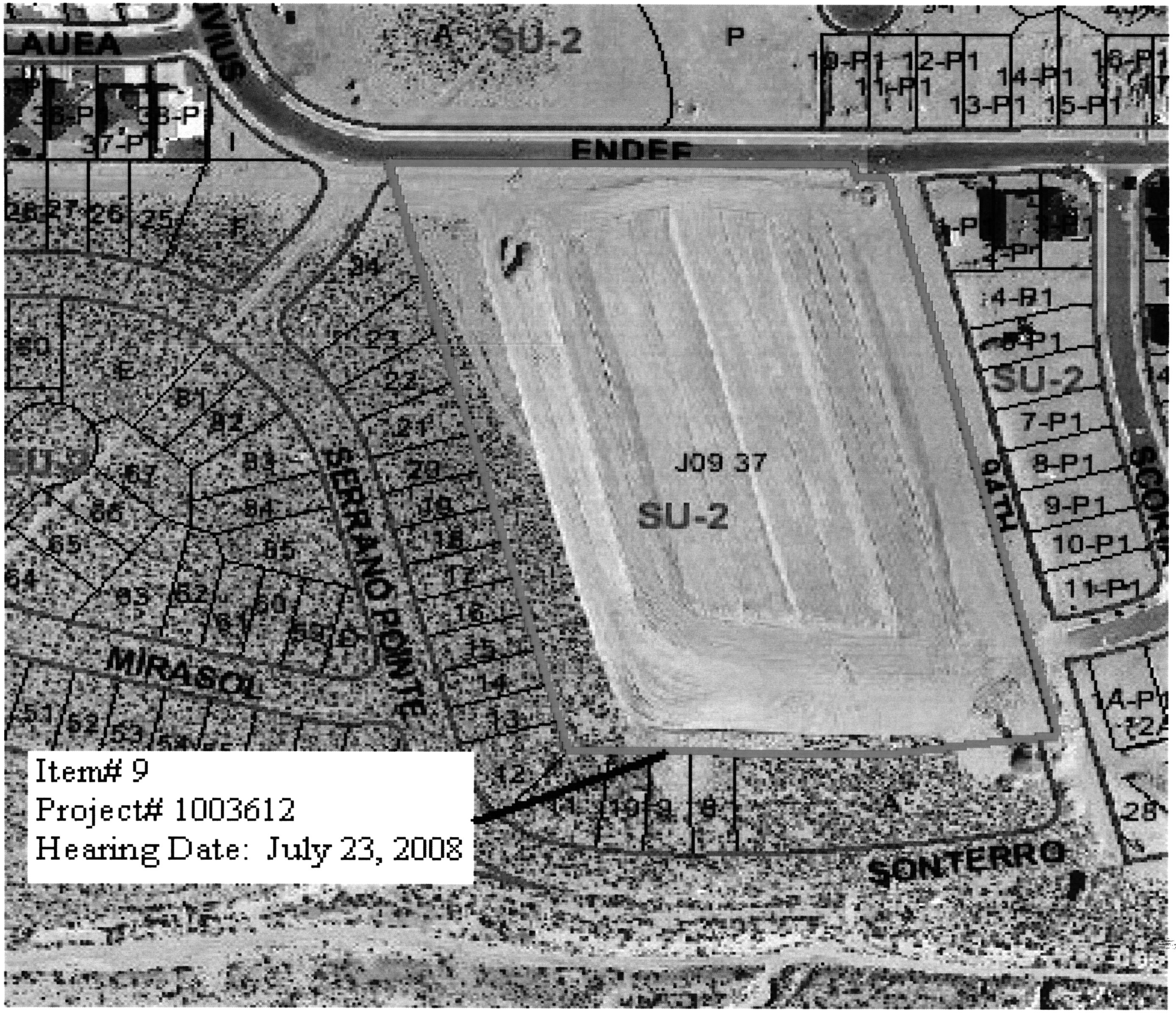
Curtis Cherne
City Engineer Designee
924-3695

Dave Thompson

Lawsuit resolved

- re-apply for vacation -

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov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MIRASOL
SONTERRO
Item# 9
Project# 1003612
Hearing Date: July 23, 2008

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

July 25, 2007

11. Project# 1003612
07DRB-70136 EXT OF MAJOR PRELIMINARY PLAT

THOMPSON ENGINEERING CONSULTANTS INC agent(s) for DRAGONFLY DEVELOPMENT INC request(s) the above action(s) for all or a portion of Tract(s) 31-33, TOWN OF ATRISCO GRANT, **SUNDORO SOUTH, UNIT 9,** zoned SU-2 R-LT, located on ENDEE RD NW BETWEEN 98th ST NW AND 94th ST NW containing approximately 6.4 acre(s). (J-9)

At the July 25, 2007, Development Review Board meeting, the one-year extension of the preliminary plat was approved.

The conditions of final plat still apply.

Sheran Matson, AICP, DRB Chair

Cc: Thompson Engineering Consultants, Inc., P.O. Box 65760, 87193
Dragonfly Development, Inc., 12809 Donett Court NE, 87112
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1003612 **AGENDA ITEM NO: 11**

SUBJECT:

Preliminary Plat – Extension

ACTION REQUESTED:

REV/CMT: ( ) **APPROVAL: (X)** **SIGN-OFF: ( )** **EXTN: ( )** **AMEND: ( )**

ENGINEERING COMMENTS:

No adverse comments.

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION: 14-V

APPROVED X; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

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

SIGNED: Bradley L. Bingham
City Engineer / AMAFCA Designee 505-924-3986
(J-9/D019C)

DATE: JULY 25, 2007

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
July 25, 2007
DRB Comments

Item # 11

Project # 1003612 Application # 07-70136

RE: Sundoro South, Unit 9/ext pp

No objection to the extension of preliminary plat request.

Andrew Garcia, Planning Alternate
924-3858 Agarcia@cabq.gov

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL ON MONDAY, OCTOBER 2, 2006

NOTICE OF PUBLIC HEARING
CITY COUNCIL OF THE CITY OF ALBUQUERQUE

TO ALL CITIZENS AND PARTIES IN INTEREST:

Notice is hereby given that the City of Albuquerque Land Use Hearing Officer will hold a public hearing on **TUESDAY, OCTOBER 17, 2006** at **9:30 a.m.** in the Vincent E. Griego Chambers, Basement Level, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW, to consider the following:

AC-06-23 – 06DRB-00737; 06DRB-00738; 06DRB-00739; Project # 1003612 GHP Ltd., Co., appeals the Development Review Board's(DRB) approval of a Preliminary Plat; Vacation of Public Right-of-Way, and a Temporary Deferral of Construction of Sidewalks 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 Road NW, between 98th Street NW and 94th Street NW containing approximately 6 acres. (J-9). Sheran Matson, Development Review Board Chair

Details of the above may be examined at the Development Review Division of the Planning Department, 3rd Floor, Plaza del Sol Building, 600 Second St. NW, Monday thru Friday, between 9 am - 4 pm.

Martin Heinrich
City Council President

NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in this meeting, please contact the Council office at least one day before the meeting date at 768-3100. TTY users please call New Mexico Relay Network toll free at 1-800-659-8331.

APPROVED: _____

Russell D. Brito, Division Manager
Development Review Division

City of Albuquerque
Letter of Introduction

Albuquerque/Bernalillo County
Government Center
One Civic Plaza
Albuquerque, NM
87102

INTER-OFFICE CORRESPONDENCE

TO: All Councilors

FROM: Laura Mason, Director of Council Services

SUBJECT: COMMUNICATIONS AND INTRODUCTIONS FOR THE COUNCIL MEETING OF 9/18/2006

COMMUNICATIONS

EC-06-239 Update Report on the Status of Utility and Roadway Distribution at the Aerospace Technology Park at Double Eagle II Airport

Referred to the Finance & Government Operations Committee

EC-06-240 APD Goal 2 Public Safety, Priority Objective 6 - FY/06 Final Report

Referred to the Finance & Government Operations Committee

EC-06-241 APD Goal 2 Public Safety, Priority Objective 7 - FY/06 Final Report

Referred to the Finance & Government Operations Committee

EC-06-242 Mayor's Recommendation of Morrow Reardon Wilkinson & Miller, Ltd., Landscape Architects (MRWM) for "Metro Park"

To be heard at the Council Meeting scheduled for October 4, 2006

EC-06-243 Approval of the Legal Services Agreement with Butt, Thornton & Baehr Law Firm

Referred to the Finance & Government Operations Committee

EC-06-244 Approval of the Legal Services Agreement with Yenson, Lynn, Allen & Wosick Law Firm

Referred to the Finance & Government Operations Committee

EC-06-245 Renewal of SMG Contract for Convention Center Management Services

Referred to the Finance & Government Operations Committee

EC-06-246 Approval of the Legal Services Agreement with French & Associates P.C.

Referred to the Finance & Government Operations Committee

EC-06-247 Mayor's Appointment of Mr. Victor P. Raigoza to the Accountability in Government Oversight Committee

To be heard at the Council Meeting scheduled for October 4, 2006

EC-06-248 Approval of Contract with Centric Consulting, LLC for the Enterprise Resource Planning (ERP) Project Phase 1

Referred to the Finance & Government Operations Committee

EC-06-249 FY2007 State Certification of Budget

Referred to the Finance & Government Operations Committee

EC-06-250 Approval for an Increase in FY07 for Professional Services Agreement with AHS S.E.D. Medical Laboratories Inc. for Continued Drug Testing Services

Referred to the Finance & Government Operations Committee

EC-06-251 2006 CIP Status Report

Referred to the Finance & Government Operations Committee

EC-06-252 Mayor's Appointment of Mr. Jim Morris, P.E. to the Indicators Progress Commission

To be heard at the Council Meeting scheduled for October 4, 2006

EC-06-253 Mayor's Reppointment of Ms. Pam Hayes to the Ground Water Protection Advisory Board

To be heard at the Council Meeting scheduled for October 4, 2006

EC-06-254 Mayor's Appointment of Dr. Janie M. Chermak to the Ground Water Protection Advisory Board

To be heard at the Council Meeting scheduled for October 4, 2006

EC-06-255 Lease With First Galleria Plaza Operating Associates, L.P. to Provide Office Space for the Office of Adjudication

Referred to the Finance & Government Operations Committee

AC-06-23 GHP Ltd., Co. Appeals the Development Review Board's Approval of a Preliminary Plat; Vacation of Public Right-of-Way, and a Temporary Deferral of Construction of Sidewalks, Town of Atrisco Grant, Zoned SU-2 R-LT, Located on Endee Road NW, Between 98th Street NW and 94th Street NW

Phil Pickard

Referred to the Land Use Hearing Officer — [Scheduled to be heard on October 10, 2006]

AC-06-24 Atilano and Loretta Dominguez Appeal the Environmental Planning Commissions' Approval of a Site Development Plan for Building Permit and a Zone Map Amendment from M-1 to SU-2/M-1 and Crematorium, Gorland Square Subdivision, Located on Susan Ave SE, Between Wyoming SE and Moon SE

To be heard at the Council Meeting scheduled for October 4, 2006

INTRODUCTIONS

O-06-46 Amending ROA 1994, the Municipal Refuse Collection Service Ordinance to Include Provisions to Allow for a Multi-Family Dwelling Recycling Program (O'Malley)

Referred to the Finance & Government Operations Committee

O-06-47 Amending ROA 1994, the City of Albuquerque Comprehensive Zoning Code to Create a New Sign Category for Directional and Identification Signage For New Residential Subdivisions (Cadigan, by request)

Referred to the Land Use, Planning, and Zoning Committee

O-06-48 Amending ROA 1994, Regarding the Albuquerque Arts Board, to Clarify the Appointment Process and Allow for Reappointment of Members Without Submission By Council of an Additional Name (Mayer)

Referred to the Finance & Government Operations Committee

R-06-124 Condemnation - 2050 Wisconsin St NE (Mayer)

To be heard at the Council Meeting scheduled for October 4, 2006

R-06-125 Approving a Grant Application with the New Mexico Department of Children, Youth and Families for Early Headstart Child Care Program; Providing an Appropriation to the Department of Family and Community Services (Winter)

Referred to the Finance & Government Operations Committee

R-06-126 Approving and Authorizing the Filing of a Section 5307 Grant Amendment with the Federal Transit Administration of the U.S. Department of Transportation; Providing an Appropriation to the Transit Department (Benton)

Referred to the Finance & Government Operations Committee

R-06-127 Authorizing the Filing of a Grant Application for a Food Service Program for Children with the New Mexico Department of Children, Youth and Families; Providing an Appropriation to the Department of Family and Community Services (O'Malley)

Referred to the Finance & Government Operations Committee

R-06-128 Authorizing an Agreement With Bernalillo County for the High School Dropout Prevention Program; Providing an Appropriation to the Department of Family and Community Services (Sanchez)

Referred to the Finance & Government Operations Committee

R-06-129 Expanding the Scope of the Open Space Land Acquisition Project to Include the Acquistion of Approximately 67 Acres Adjacent to the Tres Pistoles Open Space in the East Mountains, for Use as Open Space; Directing the Open Space Division to Pursue a Land Swap With the Canon De Carnuel Land Grant for a Parcel of Land Adjacent to the Hawkwatch Property (Heinrich)

Referred to the Finance & Government Operations Committee

City of Albuquerque

Meeting Agenda

City Council

Albuquerque/Bernalillo
County
Government Center
One Civic Plaza
Albuquerque, NM
87102

Council President, Martin Heinrich, District 6
Vice-President, Don Harris, District 9

Council Members: Ken Sanchez, District 1; Debbie O'Malley, District 2;
Isaac Benton, District 3 ; Brad Winter, District 4;
Michael J. Cadigan, District 5; Sally Mayer, District 7;
Craig Loy, District 8

TTY Phone # - 1-800-659-8331
For Weekly Schedule of Meetings Call: 768-4777

Monday, September 18, 2006 **5:00 PM** **Vincent E. Griego Chambers**
One Civic Plaza
Albuquerque/Bernalillo County
Government Center

SEVENTEENTH COUNCIL - TWENTY-FOURTH MEETING

1 ROLL CALL

2 MOMENT OF SILENCE

Pledge of Allegiance - Michael Cadigan, Councillor, District 5

3 APPROVAL OF JOURNAL

September 6, 2006

4 PET PROJECT

5 COMMUNICATIONS AND INTRODUCTIONS

6 REPORTS OF COMMITTEES

Finance & Government Operations Committee - September 11, 2006

Land Use, Planning & Zoning Committee - September 13, 2006

7 GENERAL PUBLIC COMMENTS

8 ANNOUNCEMENTS

9 CONSENT AGENDA - {Items may be removed at the request of any Councilor}

EC-06-226 Mayor's Appointment of Mr. Aaron Forrester to the Albuquerque Development Commission

Attachments: EC-226.pdf

EC-06-227 Mayor's Appointment of Mr. Lee Gamelsky, AIA to the Arts Board

Attachments: EC-227.pdf

EC-06-228 Mayor's Appointment of Mr. Jim Morris, P.E. to the Indicator Progress Committee

Attachments: EC-228.pdf

[Withdrawn by Administration]

EC-06-229 Mayor's Appointment of Ms. Jamie L. Welles to the Indicator Progress Committee

Attachments: EC-229.pdf

EC-06-230 Mayor's Appointment of Mr. Matthew L. Rix to the Indicator Progress Committee

Attachments: EC-230.pdf

EC-06-199 Recommendation For Joint Funding Agreement With The U.S. Geological Survey For Rainfall Runoff Hydrologic Data Collection

Attachments: EC-199.doc

10 PUBLIC HEARINGS - {Appeals, SAD Protest Hearings}

11 APPROVALS: {Contracts, Agreements, and Appointments}

12 FINAL ACTIONS

O-06-34 Amending ROA 1994 to Reserve 2% of The Capital Improvements Program For Energy Conservation and Renewable Energy Projects; Amending The Energy Conservation Council Ordinance to Establish Criteria For Selection of Renewable Energy Projects (Benton)

Attachments: O-34.doc

O-06-36 C/S Amending The City Charter, The Code of Ethics and The Election Code; Amending ROA 1994, The Public Purchases Ordinance (Winter)

Attachments: O-36.doc,
O-36cs.doc

R-06-101 Appropriating Funds From the General Fund Reserve For Design and Construction of Metro Park In Downtown Albuquerque In Fiscal Year 2006 (Benton)

Attachments: R-101.doc,
R-101att.doc,
R-101att2.doc

O-06-33 Authorizing the Issuance and Sale of Third Lien Airport Revenue Commercial Paper Notes, Proceeds Will Fund Various Capital Projects at the Airport (Benton, by request)

(Content, by request)

Attachments: O-33.doc

R-06-22 Declaring a Moratorium Until April 17, 2006 on the Issuance of Building Permits in the Area Covered by the Coors Corridor Plan; Declaring an Emergency

(Cadigan)

Attachments: R-22.doc

R-06-61 Directing the Administration to Establish an Independent Office of Neighborhood Coordination (Winter)

Attachments: R-61.doc

R-06-96 Requesting the Administration to Explore Options to Purchase or Condemn 56 Mobile Home Lots at the Del Rey Mobile Home Park to Provide Low Income Housing; Declaring an Emergency (Cadigan)

Attachments: R-96.doc

R-06-113 Approving and Authorizing the Acceptance of a Sub-Grant Agreement With the State of New Mexico Department of Public Safety, Office of Emergency Management for Albuquerque Police Department Bomb Squad Training; Providing an Appropriation to the Chief Administrative Officer Department (Heinrich)

Attachments: R-113.doc,
R-113att1.doc,
R-113att2.doc,
R-113att3.doc,
R-113att4.doc

M-05-24 Urging the Albuquerque Public Schools Board of Education to Avoid Redistricting Decisions that Would Require Students to Attend Schools Outside Districts in Which They Reside (Cadigan)

Attachments: M-24.doc

O-06-21 C/S Adopting an Assisted Outpatient Treatment Program; Defining Terms; Establishing Criteria and Referral Proceedings; Providing for Petition to District Court, Procedure, Disposition, and Noncompliance Provisions (Cadigan)

Attachments: O-21.doc,
O-21cs.doc

13 OTHER BUSINESS: - {Reports, Presentations, and Other Items}

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW – 3rd Floor

Albuquerque, NM 87102

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

NOTICE OF HEARING

October 2, 2006

GHP Ltd. Co
7600 Pan American Fwy NE
Albuquerque, NM 87109

AC-06-23 – 06DRB-00737; 06DRB-00738; 06DRB-00739; Project # 1003612 GHP Ltd., Co., appeals the Development Review Board's(DRB) approval of a Preliminary Plat; Vacation of Public Right-of-Way, and a Temporary Deferral of Construction of Sidewalks 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 Road NW, between 98th Street NW and 94th Street NW containing approximately 6 acres. (J-9). Sheran Matson, Development Review Board Chair

The City of Albuquerque Land Use Hearing Officer will hear the above appealed case on **Tuesday, October 17, 2006.** The hearing begins at **9:30 am** and will be held in the Vincent E. Griego Chambers, Basement Level, Albquerque/Bernalillo County Government Center, One Civic Plaza NW.

Submittal of new information or questions regarding the hearing with the Land Use Hearing Officer should be directed to Council Services, c/o Crystal Ortega, One Civic Plaza NW, 9th Floor, Albuquerque NM 87102, (505) 768-3100.

If you would like a copy of the record submitted to the Land Use Hearing Officer copies are available upon request in the Planning Department, Plaza del Sol Building, 600 2nd Street NW, 3rd Floor. Please call (505) 924-3889 to request a copy.

Sincerely,

Barbara J. Findley
Administrative Assistant

cc: Dragonfly Development, Inc., 12809 Donette Ct NE, Abq., NM 87112
Thompson Engineering Consultants, Inc., PO Box 65760, Abq., NM 87193
Bill Kraemer, Garcia Kraemer & Associates, 200 Lomas Blvd NW, #1111, Abq., NM 87102
Wayne Chew, PO Box X, Abq., NM 87103
Phillip Pickard, 7600 Pan American Fwy NE, Abq., NM 87109
Scott Howell, Property Management, COA Legal Department/4th Floor City/County Building
Marilyn Maldonado, Planning Department, 4th Floor PdS
DRB File

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW – 3rd Floor

Albuquerque, NM 87102

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

NOTICE OF APPEAL

August 24, 2006

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on August 17, 2006. You will be notified by mail as to when this appeal will be heard before the **Land Use Hearing Officer.**

Please refer to enclosed Bill (F/S OC-04-6, Land Use Hearing Officer Rules of Procedure and Qualifications) for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: **AC-06-23**

PLANNING DEPARTMENT CASE FILE NUMBERS: 06DRB-00737; 00738; 00739
Project #1003612

APPELLANT(s): GHP Ltd. Co.
7600 Pan American Fwy NE
Albuquerque, NM 87109

AGENT: **N/A**

cc: Dragonfly Development, Inc., 12809 Donette Ct NE, Abq., NM 87112
Thompson Engineering Constultants, Inc., PO Box 65760, Abq.,. NM 87193
Bil Kraemer, Garcia Kraemer & Associates, 200 Lomas Blvd NW, #1111, Abq., NM 87102
Wayne Chew, PO Box X, Abq., NM 87103
Philip Pickard, 7600 Pan American Fwy NE, Abq., NM 87109
Scott Howell, Property Manaqgement, Legal Dept/4th Floor City/County Building
Marilyn Maldonado, Planning Dept., 4th Floor PdS
•DRB File

Enclosure: LUHO Rules of Procedure and Qualifications (6 pages)

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.

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.

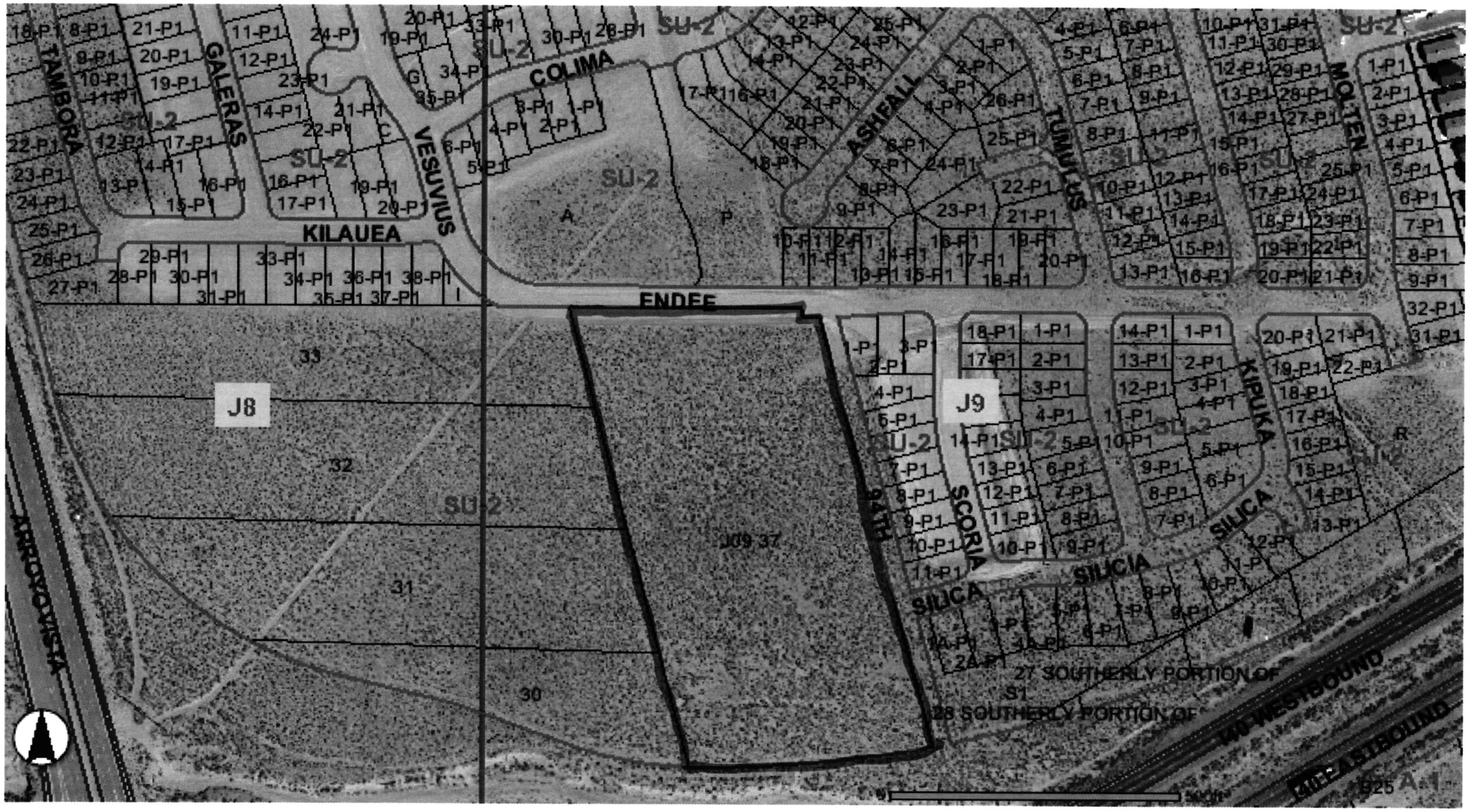
You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

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


COLIMA
KILAUEA
ENDEE
ASHFALL
TUMULUS
MOLTEN
VESUVIUS
GALERAS
TAMBORA
KIPUKA
SILICA
SCORIA
ARROYO VISTA
J8
J9
SU-2
27 SOUTHERLY PORTION OF
28 SOUTHERLY PORTION OF
925 A-1

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1003612 AGENDA#: 4 DATE: 8.2.06

1. Name: Dave Thompson Address: Thompson Engineering Zip:
2. Name: Bill Kraemer Address: Gloria Kraemer Zip:
3. Name: WAYNE CHEW Address: P.O. Box X Zip: 87103
4. Name: PHILIP PICKARD Address: 7600 PAN AMERICAN FWY Zip: 87109
5. Name: Address: Zip:
6. Name: Address: Zip:
7. Name: Address: Zip:
8. Name: Address: Zip:
9. Name: Address: Zip:
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14. Name: Address: Zip:

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1003612 **AGENDA ITEM NO: 4**

SUBJECT:

Preliminary Plat
Sidewalk Deferral
Vacation of Public Right-of-Way

ACTION REQUESTED:

REV/CMT: ( ) **APPROVAL: (X)** **SIGN-OFF: ( )** **EXTN: ( )** **AMEND: ( )**

ENGINEERING COMMENTS:

An approved drainage report dated 11-14-05 is on file for Preliminary Plat approval.
Check the 94th Street alignment on the plat.
No objection to Sidewalk Deferral request.
No objection to Vacation request.

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION: signed I.L.

APPROVED X; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

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

SIGNED: Bradley L. Bingham
City Engineer / AMAFCA Designee

DATE: AUGUST 2, 2006

DEVELOPMENT REVIEW BOARD
ACTION SHEET

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building

July 26, 2006 9:00 a.m.

MEMBERS:

Sheran Matson, AICP, DRB Chair
Claire Senova, Administrative Assistant

Wilfred Gallegos, Transportation Development
Kristal Metro & Brad Bingham, Alter City Engineer
Bill Balch, Utility Development
Christina Sandoval, Parks & Recreation

****

NOTE: UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, PLANNING DEPARTMENT, AT 924-3946. HEARING IMPAIRED USERS MAY CONTACT HER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

NOTE: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

A. Call to Order: 9:00 A.M. Adjourned: 11:50 A.M.
B. Changes and/or Additions to the Agenda
C. New or Old Business

CASES WHICH REQUIRE PUBLIC NOTIFICATION
MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. **Project # 1004909**
   06DRB-00930 Major- SiteDev Plan BldPermit

   HARTMAN & MAJEWSKI DESIGN GROUP agent(s) for SOUTHWEST GASTROENTEROLOGY ASSOCIATES, request(s) the above action(s) for Tract(s) 2A-2A-2B-2, Block(s) 0000, JOURNAL CENTER (to be known as **SOUTHWEST GASTROENTEROLOGY**) zoned IP, located on the northeast corner of JEFFERSON NE between JOURNAL CENTER BLVD NE ANSD HEADLINE AVE NE containing approximately 2.5 acre(s). [REF: DRB-97-442, ZA-96-44, 06DRB-00717] (D-17) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILTIES DEVELOPMENT FOR FIRE FLOW CALCULATIONS AND REVISED UTILITY**

PLAN AND TRANSPORTATION DEVELOPMENT FOR BUILD NOTES, SIDEWALK EASEMENT, JOURNAL CENTER APPROVAL LETTER, 3 COPIES OF THE SITE PLAN AND THE 15-DAY APPEAL PERIOD.

2. Project # 1004228
06DRB-00937Major-Vacation of Pub Right-of-Way

TERRAMETRICS OF NEW MEXICO agent(s) for HEADSTART ENTERPRISES request(s) the above action(s) for all or a portion of Tahoe Place right-of-way (**SUNRISE HEIGHTS ADDITION**)) zoned M-1 light manufacturing zone, located on MONTANO RD NE AND RENAISSANCE BLVD NE containing approximately 1 acre(s). [REF: 05DRB-01765] (F-15) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

3. Project # 1004091
06DRB-00942 Major-Preliminary Plat approval
06DRB-00943 Minor- Temp Deferral of Sidewalk

RIO GRANDE ENGINEERING agent(s) for IRVING PARTNERS LLC request(s) the above action(s) for all or a portion of Unplatted Lands of Amalgamated Partners (to be known as **DESERT GARDEN ESTATES SUBDIVISION**), zoned RLT, located on IRVING BLVD NW between RAINBOW RD NW and PASEO DEL OESTE NW containing approximately 12 acre(s). *[Deferred from 7/26/06]* (A-9) **DEFERRED AT THE AGENT'S REQUEST TO 8/2/06.**

4. Project # 1004076
06DRB-00880 Major-Vacation of Pub Right-of-Way

SURVEYS SOUTHWEST LTD agent(s) for HILTON AVENUE LOFTS LLC, request(s) the above action(s) for a portion of HILTON AVE NE adjacent to Lot(s) 6 (to be known as **HILTON AVENUE LOFTS**) zoned RLT, located on HILTON AVE NE, between PARSIFAL ST NE and HENDRIX RD NE. [REF: 05DRB-01403, 05DRB00526] *[Deferred from 7/19/06]* (G-20) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNNG FILE.**

5. Project # 1004240
06DRB-00890 Major-Preliminary Plat Approval
06DRB-00891 Minor-Sidewalk Waiver
06DRB-00892 Minor-Temp Defer SDWK
06DRB-00893 Minor-Vacation of Private Easements

ADVANCED ENGINEERING & CONSULTING LLC agent(s) for VILLAS LAS MANANITAS DEVELOPMENT LLC request(s) the above action(s) for all or a portion of Tract(s) 87-A-1-B, 87-A-2, 87-B-1, 87-B-2, 87-B-3, 88, 89A, 89-B-1, 89-B-2-A, Lot(s) A-1 and A-2, LANDS OF E. MAS (to be known as **VILLAS LAS MANANITAS SUBDIVISION**, zoned SU-1 FOR C-1 AND R-1, located on INDIAN SCHOOL RD NW between the ALAMEDA DRAIN AND RIO GRANDE BLVD NW containing approximately 5 acres. [REF: 05DRB-00918] *[Deferred from 7/12/06]* (H-13) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 7/26/06 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 6/6/06 THE PRELIMINARY PLAT WAS APPROVED WITH CONDITIONS OF FINAL PLAT: 1) LANDSCAPING MUST BE SHOWN ON A REVISED WALL DESIGN PRIOR TO FINAL PLAT 2) ALL LOTS MUST MEET THE MINIMUM 5000 SQUARE FOOT LOT SIZE. 3) 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 FEE AGREEMENTS WITH THE ALBUQUERQUE PUBLIC SCHOOLS (APS). 4) ALL LOTS SHALL HAVE P-2 DESIGNATIONS. 5) A SUBDIVISION DESIGN VARIANCE NEEDS TO BE APPLIED FOR BEFORE OR CONCURRENT WITH THE FINAL PLAT APPLICATION. 6) NEED EASEMENTS OR DEDICATION ALONG RIO GRANDE BOULEVARD NORTH OF THE EXISTING HISTORIC BUILDING. 7) THE EASEMENTS ALONG MANANITAS LANE NW MUST BE WIDER. A SIDEWALK VARIANCE FOR WAIVER OF SIDEWALKS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. THE VACATION OF PRIVATE EASEMENTS WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

06DRB-01042 Minor-SiteDev Plan Subd/EPC

CONSENSUS PLANNING agent(s) for GARCIA INVESTMENTS request(s) the above action(s) for all or a portion of Tract(s) A, **VILLAS LAS MANANITAS SUBDIVISION,** zoned SU-1 FOR PERMISSIVE C-1 W/RESTRICTIONS, located on the northeast corner of INDIAN SCHOOL RD NW and RIO GRANDE BLVD NW and containing approximately 2 acre(s). [REF: 06DRB-00890, 06DRB-00891, 06DRB-00892, 06DRB-00893] **[David Stallworth, EPC Case Planner]** (H-13) **THE SITE**

PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR DAVID STALLWORTH'S INITIALS, 3 COPIES OF THE SITE PLAN AND A REVISED WALL DESIGN WITH LANDSCAPING.

6. **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) **DEFERRED AT THE BOARD'S REQUEST TO 8/2/06.**

SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)

NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW.

7. **Project # 1003087**
   06DRB-01034 Minor-SiteDev Plan Subd

BOHANNAN HUSTON INC agent(s) for WESTLAND DEVELOPMENT CO request(s) the above action(s) for all or a portion of Block(s) 1-39, Tract(s) A-L, **WATERSHED SUBDIVISION,** zoned SU-2 FOR PDA RR, located on TIERRA PINTADA ST NW, between 98TH ST NW and ARROYO VISTA BLVD NW containing approximately 47 acre(s). [REF: 05DRB-00788] (H-9) **THE SITE PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNNG FOR LANDSCAPE PLAN ATTACHED TO COPIES OF THE SITE PLAN, NO UNIFORM FRONT YARD SETBACK, PLACEMENT AND ORIENTATION OF GARAGES AND INFRASTRUCTURE LIST LANGUAGE ON THE SIGNATURE BLOCK.**

8. **Project # 1005025**
06DRB-01031 Minor-SiteDev Plan BldPermit

M & M REAL ESTATE INVESTMENTS request(s) the above action(s) for all or a portion of Lot(s) 217, SANTA BARBARA- MARTINEZTOWN (to be known as **523 LOMAS OFFICE BUILDING**) zoned C-3, located on LOMAS BLVD NE, between HIGH ST NE and EDITH BLVD NE containing approximately 1 acre(s). (J-15) **WITHDRAWN AT THE AGENT'S REQUEST.**

9. **Project # 1003272**
06DRB-00941 Minor-SiteDev Plan Subd/EPC

CONSENSUS PLANNING agent(s) for AMERI CONTRACTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 2-A-1-B-2, 3-A and 4-A-1, **ALBUQUERQUE WEST, UNIT 2,** zoned SU-1 PDA to include C-3 uses, located on PASEO DEL NORTE NW, between COORS BLVD NW and EAGLE RANCH RD NW containing approximately 10 acre(s). [REF: 06EPC-00283] **[Stephanie Shumsky, EPC Case Planner]** *[Deferred from 7/12/06]* (C-13) **THE SITE PLAN FOR SUBDIVISION WAS APPROVED AND SIGNED OFF BY THE BOARD.**

05DRB-01354 Minor-Prelim&Final Plat Approval

ISAACSON & ARFMAN PA agent(s) for HIGH ASSETS LAND CO LTD request(s) the above action(s) for all or a portion of Lot(s) 2-A-1-B-2 and 3A (to be known as **ALBUQUERQUE WEST, UNIT 2,** Lot(s) 3-A-1, 3-A-2, 2-A-1-B-2-A and 2-A-1-B-2-B), zoned SU-1 PDA TO INCLUDE C-3 USES, located on EAGLE RANCH RD NW, between PASEO DEL NORTE NW and ALL SAINTS RD NW containing approximately 8 acre(s). [REF: DRB-96-14, DRB-90-252] *[Indef Deferred from 9/7/05 & 11/2/05]* (C-13) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD THE PLAT.**

10. **Project # 1003993**
06DRB-01006 Minor-SiteDev Plan BldPermit/EPC
06DRB-01005 Minor-Prelim&Final Plat Approval
06DRB-01003 Minor-Vacation of Private Easements

RHOMBUS PA INC agent(s) for GLOBAL STORAGE request(s) the above action(s) for all or a portion of Lot(s) A-37-1, NORTHEAST UNIT, TOWN OF ATRISCO GRANT (to be known as **GLOBAL STORAGE**) zoned SU-1-O-1, located on COORS BLVD NW, between SEQUOIA NW and ST JOSEPHS DR NW containing approximately 4 acre(s). [REF: 05EPC-00369, 05EPC-00370] **[David**

Stallworth, EPC Case Planner] *[Deferred from 7/19/06 & 7/26/06]* (G-11) **DEFERRED AT THE AGENT'S REQUEST TO 8/2/06.**

MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

11. Project # 1003112
06DRB-01012 Minor-Prelim&Final Plat Approval

ROSS HOWARD CO agent(s) for ARLAN COLLATZ INC request(s) the above action(s) for all or a portion of Lot(s) 20, 25 & 26, **RINCONADA TRAILS,** zoned RD, located on HUYANA DR NW, between UNSER BLVD NW and WESTERN TRAIL NW. (F-11) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD THE PLAT.**

12. Project # 1004858
06DRB-01037 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for JEFF & EVANGELINE ROMERO request(s) the above action(s) for all or a portion of Lot(s) 7-9 & PORTION OF Lot(s) 10, Block(s) N, **MANDELL BUSINESS & RESIDENCE ADDITION,** zoned SU-3 special center zone, located on SLATE AVE NW, between 5th ST NW and LOMAS BLVD NW containing approximately 1 acre(s). [REF: 06DRB-00573] (J-14) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR 10-FOOT RADIUS AT ALLEY.**

13. **Project # 1004774**
06DRB-01036 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for JESUS SANCHEZ request(s) the above action(s) for all or a portion of Lot(s) H-1-A, Block(s) 2, **MONTOYA'S SECOND REPLAT,** zoned SU-2 MR special neighborhood zone, located on ABAJO RD SE, between TOPEKA ST SE and JOHN ST SE containing approximately 1 acre(s). [REF: 06DRB-01036] (M-14) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED AND SIGNED OFF BY THE BOARD.**

14. **Project # 1003057**
06DRB-00877 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST agent(s) for ROBERT RUSSELL request(s) the above action(s) for all or a portion of Tract(s) A-2-C-1, Block(s) 1, **CLIFFORD WEST BUSINESS PARK, UNIT 3,** zoned IP, located on LOS VOLCANES RD NW, between SAUL BELL RD NW and UNSER BLVD NW containing approximately 6 acre(s). [REF: 05DRB-00893] *[Indef Deferred from 6/28/06]* (K-9/K-10) **PRELIMINARY AND FINAL PLAT APPROVED AND SIGNED OFF BY THE BOARD.**

15. **Project # 1004782**
06DRB-00928 Minor-Prelim&Final Plat Approval

CARTESIAN SURVEYS INC agent(s) for THOMAS P GUTIERREZ request(s) the above action(s) for all or a portion of Lot(s) 18, Block(s) 1, **SLOAN'S ACRES,** zoned R-1, located on ESTANCIA NW, between LADERA DR NW and WESTERN TRAILS NW containing approximately 1 acre(s). *[Deferred from 7/12/06]* (G-11) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 7/26/06 THE PRELIMINARY PLAT WAS APPROVED. FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA.**

16. **Project # 1004785**
06DRB-00403 Minor- Final Plat Approval

TERRAMETRICS OF NEW MEXICO agent(s) for LLAVE DEVELOPMENT INC request(s) the above action(s) for all or a portion of Lot(s) 18, Block(s) 1, Tract(s) 3, **NORTH ALBUQUERQUE ACRES, UNIT 3,** zoned R-D 3DU/A, located on EAGLE ROCK AVE NE, between VENTURA ST NE and BARSTOW ST NE containing approximately 1 acre(s). *(Indef Deferred from 4/5/06 for SIA)* (C-20) **FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**

17. **Project # 1005021**
06DRB-01000 Minor-Prelim&Final Plat Approval

WAYJOHN SURVEYING INC agent(s) for JC PETERSON LLC request(s) the above action(s) for all or a portion of Lot(s) 3, 4, 5, 15, 16 and 17, Block(s) 5, **ESPERANZA ADDITION,** zoned C-1 & P, located on SAN MATEO BLVD SE, between TRUMBULL AVE SE and SOUTHERN AVE SE containing approximately 1 acre(s). *[Deferred from 7/19/06]* (L-18) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR PLACEMENT OF SIDEWALK AND PLANNING TO RECORD THE PLAT.**

NO ACTION IS TAKEN ON THESE CASES:
APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING

18. **Project # 1005029**
06DRB-01045 Minor-Sketch Plat or Plan

ADVANCED ENGINEERING & CONSULTING LLC agent(s) for WESTLAND DEVELOPMENT COMPANY INC request(s) the above action(s) for all or a portion of Tract(s) B & J, **THE CROSSING,** zoned R-D & SU-2 FOR R-LT, located on TIERRA PINTADA BLVD NW, between CALLE AZULEJO NW and CLARKS FORK NW containing approximately 55 acre(s). (H-9) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

19. **Project # 1003467**
06DRB-01022 Minor-Sketch Plat or Plan

ALPHA PROFESSIONAL SURVEYING INC agent(s) for CHARLES MOSS, ASPEN HOMES NM request(s) the above action(s) for all or a portion of Tract(s) 11-A, 11-B & 11-C, **RICE DURANES ADDITION,** zoned R-2, located on RICE AVE NW, between RIO GRANDE NW and INDIAN SCHOOL NW containing approximately 1 acre(s). (H-13) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

20. Approval of the Development Review Board Minutes for July 12 & July 19, 2006. **THE DEVELOPMENT REVIEW BOARD MINUTES FOR JULY 12 AND JULY 19, 2006 WERE APPROVED BY THE BOARD.**

ADJOURNED: 11:50 A.M.

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1003612 AGENDA#: 6 DATE: 7.26.06

1. Name: Bill Kraemer Address:_____ Zip:_____
2. Name: Dave Thompson Address:_____ Zip:_____
3. Name: _____ Address:_____ Zip:_____
4. Name: _____ Address:_____ Zip: _____
5. Name: _____ Address:_____ Zip: _____
6. Name: _____ Address:_____ Zip:_____
7. Name: _____ Address:_____ Zip:_____
8. Name: _____ Address:_____ Zip:_____
9. Name: _____ Address:_____ Zip: _____
10. Name: _____ Address:_____ Zip: _____
11. Name: _____ Address:_____ Zip:_____
12. Name: _____ Address:_____ Zip: _____
13. Name: _____ Address:_____ Zip: _____
14. Name: _____ Address:_____ Zip: _____

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1003612 **AGENDA ITEM NO: 6**

SUBJECT:

Preliminary Plat
Sidewalk Deferral
Vacation of Public Right-of-Way

ACTION REQUESTED:

REV/CMT: ( ) **APPROVAL: (X)** **SIGN-OFF: ( )** **EXTN: ( )** **AMEND: ( )**

ENGINEERING COMMENTS:

No objection to Sidewalk Waiver or Sidewalk Deferral request.
No objection to Vacation request.
An approved drainage plan dated 11-14-05 is on file for Preliminary Plat approval.

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION: 8-02-06

APPROVED ___; DENIED ___; DEFERRED ✓; COMMENTS PROVIDED ___; WITHDRAWN ___

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

SIGNED: Bradley L. Bingham
City Engineer / AMAFCA Designee

DATE: JULY 26, 2006

DEVELOPMENT REVIEW BOARD
ACTION SHEET
Plaza del Sol Hearing Room, Basement, Plaza del Sol Building

July 12, 2006 9:00 a.m.

MEMBERS:

Sheran Matson, AICP, DRB Chair
Claire Senova, Administrative Assistant

Wilfred Gallegos, Transportation Development
Brad Bingham, Alternate City Engineer
Roger Green, Utility Development
Christina Sandoval, Parks & Recreation

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NOTE: UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, PLANNING DEPARTMENT, AT 924-3946. HEARING IMPAIRED USERS MAY CONTACT HER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

NOTE: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

A. Call to Order: 9:00 A.M. Adjourned: 1:20 P.M.
B. Changes and/or Additions to the Agenda
C. New or Old Business

CASES WHICH REQUIRE PUBLIC NOTIFICATION
MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. Project # 1004355
06DRB-00808 Major-Vacation of Public Easements

WILSON AND COMPANY agent(s) for KB HOMES request(s) the above action(s) for all or a portion of Tract(s) 2, **VISTA VIEJA, UNIT 2,** zoned R-1 residential zone, located on SCENIC RD NW, between 81ST ST NW and ALBERICOQUE PL NW containing approximately 41 acre(s). [REF: 04DRB-01522, 04DRB-01523, 04DRB-01524, PROJECT #1003470] (D-9) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNNG FILE.**

2. Project # 1003102
06DRB-00832 Major-Preliminary Plat Approval
06DRB-00837 Minor-Sidewalk Waiver
06DRB-00838 Minor-Temp Defer SDWK

ISAACSON & ARFMAN PA agent(s) for INFILL SOLUTIONS request(s) the above action(s) for all or a portion of Lot(s) 12-A, LANDS OF FERRARI-ESQUIBEL-PALMER (to be known as **THE SOFT LOFTS**) zoned SU-1 PRD (22 Du/Acre), located on LAGRIMA DE ORO NE, between JUAN TABO NE and MORRIS ST NE containing approximately 2 acre(s). [REF: 04DRB-00236, 06EPC-00146, 06EPC-00147, 05DRB-00911] *[Deferred from 7/12/06]* (F-21) **DEFERRED AT THE AGENT'S REQUEST TO 7/19/06.**

06DRB-00935 Minor-SiteDev Plan Subd/EPC
06DRB-00936 Minor-SiteDev Plan BldPermit/EPC

INFILL SOLUTIONS request(s) the above action(s) for all or a portion of Lot(s) 12-A, LANDS OF FERRARI-ESQUIBEL-PALMER, (to be known as **THE SOFT LOFTS** zoned SU-1 PRD (22 DU/acre) located on JUAN TABO BLVD NE, between MONTGOMERY BLVD NE and LAGRIMA DE ORO RD NE containing approximately 2 acre(s). [REF: 05DRB-00911, 06EPC-00146, 06EPC-00147] **[David Stallworth, EPC Case Planner]** *[Deferred from 7/12/06]* (F-21) **DEFERRED AT THE AGENT'S REQUEST TO 7/19/06.**

3. Project # 1004184
06DRB-00819 Major-Bulk Land Variance
06DRB-00820 Minor-Prelim&Final Plat Approval

COMMUNITY SCIENCES CORP agent(s) for TOM SALAZAR request(s) the above action(s) for all or a portion of Tract(s) A-1, **LANDS OF SALAZAR FAMILY TRUST ETAL,** zoned RLT AND SU-1 MIXED USE, located on VERMEJO PARK RD SW, between 98TH ST SW and UNSER BLVD SW containing approximately 149 acre(s). [REF: 05DRB-00810, 05DRB-00811] (N-9) **BULK LAND VARIANCE WAS APPROVED. THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR REMOVAL OF PUBLIC UTILITY EASEMENT, DEDICATION OF PERMANENT 98TH STREET EASEMENT, AMAFCA'S SIGNATURE AND PLANNING FOR ZONING ON FIRST PAGE OF PLAT, RECORD THE PLAT, 15-DAY APPEAL PERIOD AND NOTICE OF SUBDIVISION PLAT CONDITIONS DOCUMENT.**

4. **Project # 1004715**
06DRB-00813 Major-Preliminary Plat Approval
06DRB-00814 Major-Vacation of Public Easements
06DRB-00815 Minor-Subd Design (DPM) Variance
06DRB-00816 Minor-Sidewalk Waiver
06DRB-00817 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES PA agent(s) for JTH, LLC request(s) the above action(s) for all or a portion of Lot(s) 6, 7, JUAN TABO HILLS, UNIT 1 (to be known as **JUAN TABO HILLS, UNIT 2**) zoned R-D residential and related uses zone, Developing Area, located on JUAN TABO BLV D SE, between EUBANK BLVD SE and FOUR HILLS RD SE containing approximately 83 acre(s). (M-21, M-22) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 7/12/06 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 2/9/06 THE PRELIMINARY PLAT WAS APPROVED WITH THE FOLLOWING CONDITIONS OF FINAL PLAT: 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 FEE AGREEMENTS WITH THE ALBUQUERQUE PUBLIC SCHOOLS (APS) AND THE DEVELOPER SHALL ESTABLISH EITHER AN AVIGATION EASEMENT OR A COVENANT NOT TO SUE WITH THE CITY OF ALBUQUERQUE EITHER OF WHICH WOULD BE FILED WITH THE COUNTY CLERK'S OFFICE. THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM DESIGN STANDARDS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNNG FILE. A SIDEWALK VARIANCE FOR WAIVER OF SIDEWALKS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**

06DRB-00938 Minor-SiteDev Plan Subd

MARK GOODWIN & ASSOCIATES PA agent(s) for JTH, LLC request(s) the above action(s) for all or a portion of Lot(s) 6, 7, JUAN TABO HILLS, UNIT 1 (to be known as **JUAN TABO HILLS, UNIT 2**) zoned R-D residential and related uses zone, Developing Area, located on JUAN TABO BLV D SE, between EUBANK BLVD SE and FOUR HILLS RD SE containing approximately 83 acre(s). (M-21, M-22) **THE SITE PLAN FOR SUBDIVISION WAS APPROVED AND SIGNED OFF BY THE BOARD.**

5.	**Project # 1003613** 06DRB-00854 Major-Preliminary Plat Approval 06DRB-00855 Major-Vacation of Public Easements 06DRB-00859 Minor-SiteDev Plan Subd/EPC 06DRB-00856 Minor-Sidewalk Waiver 06DRB-00857 Minor-Temp Defer SDWK	THOMPSON ENGINEERING CONSULTANTS INC agent(s) for WAREHOUSE MOLDING & DOOR CORP request(s) the above action(s) for all or a portion of Tract(s) 34, MRGCD Map 39, Lot(s) 11, Rancho Rico and Lot(s) 1-4, Powell Gardens Addition (to be known as **SUNSET VILLA ADDITION**) zoned SU-1 for PRD, located on SUNSET GARDENS RD SW between ATRISCO RD SW and ARENAL DITCH, containing approximately 15 acres. *[Deferred from 7/12/06]* (K-12) **DEFERRED AT THE AGENT'S REQUEST TO 8/9/06.**
6.	**Project # 1003247** 06DRB-00874 Major-Preliminary Plat Approval 06DRB-00876 Major-Final Plat approval 06DRB-00875 Minor-Temp Defer SDWK	QUIK DRAW ENGINEERING agent(s) for MARK VALENCIA request(s) the above action(s) for all or a portion of Lot(s) 1 & 2 VALENCIA SUBDIVISION (to be known as **CORONA DEL SOL**) zoned R-2 residential townhomes, located on ALAMOGORDO NW, between ST JOSEPH NW and TUCSON NW containing approximately 1 acre(s). [REF: 04DRB-00190, 05DRB-00498] (G-11) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 4/6/05 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 11/16/04 THE PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR THE 15-DAY APPEAL PERIOD AND TO RECORD. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**
7.	**Project # 1003469** 06DRB-00882 Major-Vacation of Public Easements	TERRAMETRICS OF NEW MEXICO agent(s) for JEFFREY & LORRI ZUMWALT AND ED & CHARLENE WHITEHOUSE request(s) the above action(s) for Lot(s) 7A-P1, 8A-P1 & 9A-P1, **OAKLAND HEIGHTS,** zoned R-D (3 Du/Acre) located on OAKLAND AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 1 acre(s). [REF: 04DRB-00891] (C-20) **THE VACATION WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. A CONDITION OF FINAL**

PLAT: SHOW PEDESTRIAN EASEMENT AT THE END OF THE CUL-DE-SAC.

8. Project # 1003886
06DRB-00861 Major-Preliminary Plat Approval
06DRB-00862 Major-Vacation of Pub Right-of-Way
06DRB-00864 Major-Vacation of Public Easements
06DRB-00863 Minor-Vacation of Private Easements
06DRB-00867 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES agent(s) for HOME SITE FIVE request(s) the above action(s) for all or a portion of Tract(s) C & 42, MESA VILLAGE SUBDIVISION (to be known as **SILVER LEAF SUBDIVISION**) zoned R-3, located on LOMAS BLVD NE, between SELLARS DR NE and EASTERDAY NE containing approximately 52 acre(s). [REF: 05DRB-01831] (J-20) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 7/12/06 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 11/9/05 THE PRELIMINARY PLAT WAS APPROVED WITH THE FOLLOWING CONDITION OF FINAL PLAT: 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 FEE AGREEMENTS WITH THE ALBUQUERQUE PUBLIC SCHOOLS (APS). THE VACATIONS WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**

9. Project # 1004974
06DRB-00884 Major-SiteDev Plan Subd
06DRB-00885 Major-SiteDev Plan Bldg Permit

STUDIO SW ARCHITECTS agent(s) for SAN PEDRO EQUITIES request(s) the above action(s) for all or a portion of Lot(s) 1, 2, 3, 30, 31 and 32, Tract(s) A, Block(s) 34, **NORTH ALBUQUERQUE ACRES**, zoned SU-2, IP, located on SAN PEDRO NE BETWEEN HOLLY NE AND CARMEL NE containing approximately 5 acres.[REF: AX-84-9,Z-84-41] *[Deferred from 7/12/06]* (C-18) **DEFERRED AT THE AGENT'S REQUEST TO 8/16/06.**

10. **Project # 1003703**
06DRB-00886 Major-Preliminary Plat Approval
06DRB-00887 Major-Vacation of Public Right-of-Way
06DRB-00888 Minor-Temp Defer SDWK

ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 13, 14, 15, 16, 19 & 20, Block(s) 2, Tract(s) 3, Unit(s) 3, NORTH ALBUQUERQUE ACRES, (to be known as **EAGLE'S VIEW ESTATES**, zoned RD, located on VENTURA NE between EAGLE ROCK NE and OAKLAND NE containing approximately 6 acres. [REF: 04DRB-01533] (C-20) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 7/12/06 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 10/24/05 THE PRELIMINARY PLAT WAS APPROVED WITH THE FOLLOWING CONDITIONS OF FINAL PLAT APPROVAL: THE DEDICATION ALONG EAGLE ROCK SHALL BE SHOWN ON THE FINAL PLAT PRIOR TO APPROVAL. THE FIRE DEPARTMENT MUST APPROVE THE HAMMERHEAD PRIOR TO FINAL PLAT APPROVAL. 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 FEE AGREEMENTS WITH THE ALBUQUERQUE PUBLIC SCHOOLS (APS). THE PROVISION OF A GRADING PLAN FOR MS OTT-MEYER'S LOT IS REQUIRED. THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**

11. **Project # 1004240**
06DRB-00890 Major-Preliminary Plat Approval
06DRB-00891 Minor-Sidewalk Waiver
06DRB-00892 Minor-Temp Defer SDWK
06DRB-00893 Minor-Vacation of Private Easements

ADVANCED ENGINEERING & CONSULTING LLC agent(s) for VILLAS LAS MANANITAS DEVELOPMENT LLC request(s) the above action(s) for all or a portion of Tract(s) 87-A-1-B, 87-A-2, 87-B-1, 87-B-2, 87-B-3, 88, 89A, 89-B-1, 89-B-2-A, Lot(s) A-1 and A-2, LANDS OF E. MAS (to be known as **VILLAS LAS MANANITAS SUBDIVISION**, zoned SU-1 FOR C-1 AND R-1, located on INDIAN SCHOOL RD NW between the ALAMEDA DRAIN AND RIO GRANDE BLVD NW containing approximately 5 acres. [REF: 05DRB-00918] *[Deferred from 7/12/06]* (H-13) **DEFERRED AT THE AGENT'S REQUEST TO 7/26/06.**

12. **Project # 1004932**
06DRB-00889 Major-Vacation of Public Right-of-Way

RIMCON INC., WALTER TILLEY agent(s) for ALAN MALOTT request(s) the above action(s) for Lot(s) B, Block(s) 5, **MONTE VISTA ADDITION**, zoned C-1, located on CAMPUS BLVD NE between TULANE DR NE and CARLISLE NE containing approximately 1 acre(s). [REF: 06DRB-00775] (K-16) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

13. **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]* (J-9) **DEFERRED AT THE BOARD'S REQUEST TO 7/26/06.**

SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)

NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW.

14. **Project # 1001275**
06DRB-00931 Minor-SiteDev Plan BldPermit/EPC

GEORGE RAINHART & ASSOCIATES agent(s) for DOPPCO DEVELOPMENTS request(s) the above action(s) for all or a portion of Lot(s) 2, LOWES SUBDIVISION (to be known as **SHOPPES OF ALAMEDA**) zoned SU-1 with Permissive Use, located on ALAMEDA NW, between COORS BLVD NW and ELLISON DR NW containing approximately 4 acre(s). **[Stephanie Shumsky, EPC Case Planner]** (A-14) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 7/12/06 THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR SIA AND PLANNING FOR 3 COPIES OF THE SITE PLAN AND THE EPC CASE PLANNER'S INITIALS.**

15. Project # 1003272
06DRB-00941 Minor-SiteDev Plan Subd/EPC

CONSENSUS PLANNING agent(s) for AMERI CONTRACTORS LLC request(s) the above action(s) for all or a portion of Lot(s) 2-A-1-B-2, 3-A and 4-A-1, **ALBUQUERQUE WEST, UNIT 2,** zoned SU-1 PDA to include C-3 uses, located on PASEO DEL NORTE NW, between COORS BLVD NW and EAGLE RANCH RD NW containing approximately 10 acre(s). [REF: 06EPC-00283] **[Stephanie Shumsky, EPC Case Planner]** *[Deferred from 7/12/06]* (C-13) **DEFERRED AT THE AGENT'S REQUEST TO 7/26/06.**

MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

16. Project # 1004223
06DRB-00913 Minor-Extension of Preliminary Plat

SURVEYS SOUTHWEST LTD agent(s) for LUTHER MARTINEZ request(s) the above action(s) for all or a portion of Tract(s) 6-B **SUNDT'S INDUSTRIAL CENTER,** with Parcel(s) D of **RENAISSANCE CENTER III**, zoned M-2 & SU-1 IP, located on MONTANO RD NE, between ALEXANDER BLVD NE and DESERT SURF CIRCLE NE containing approximately 9 acre(s). [REF: 05DRB-00884, 05DRB-00885] (F-16) **A ONE-YEAR EXTENSION OF THE PRELIMINARY PLAT WAS APPROVED.**

17. Project # 1004120
06DRB-00918 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for ROBERT RUTH request(s) the above action(s) for Lot(s) 30-A, 30-B-2-A & 30-B-2-B, **ALVARADO GARDENS, UNIT 3,** zoned R-2 residential zone, located on CANDELARIA RD NW, between GLENWOOD NW and VERANDA RD NW containing approximately 2 acre(s). [REF: 05DRB-00622] (G-12) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT TO CHECK FOR 6-FOOT SIDEWALKS.**

18. Project # 1001789
06DRB-00924 Minor-Prelim&Final Plat Approval

PRECISION SURVEYS agent(s) for DASKALOS NOB HILL request(s) the above action(s) for all or a portion of Lot(s) 28-A-1, Block(s) 6, **MONTE VISTA,** zoned SU-2/CCR, located on CENTRAL AVE NE, between TULANE NE and WELLESLEY NE containing approximately 1 acre(s). (K-16) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**

19. Project # 1004604
06DRB-00929 Minor-Prelim&Final Plat Approval

CARTESIAN SURVEYS INC agent(s) for SILVERTON CUSTOM HOMES INC request(s) the above action(s) for all or a portion of Lot(s) 8-11, Block(s) 6, **BELMONT PLACE ADDITION,** zoned R-1, located on 5TH ST NW, between FREEMAN AVE NW and SAN CLEMENTE NW containing approximately 1 acre(s). [REF: 06DRB-00153] (G-14) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF FILE AND TO RECORD.**

20. Project # 1004782
06DRB-00928 Minor-Prelim&Final Plat Approval

CARTESIAN SURVEYS INC agent(s) for THOMAS P GUTIERREZ request(s) the above action(s) for all or a portion of Lot(s) 18, Block(s) 1, **SLOAN'S ACRES,** zoned R-1, located on ESTANCIA NW, between LADERA DR NW and WESTERN TRAILS NW containing approximately 1 acre(s). *[Deferred from 7/12/06]* (G-11) **DEFERRED AT THE AGENT'S REQUEST TO 7/26/06.**

21. Project # 1003739
06DRB-00115 Minor- Final Plat Approval

WILKS COMPANY agent(s) for THE SHELDON CO LLC request(s) the above action(s) for all or a portion of Lot(s) 12-16, Block(s) 8, **ENCHANTED MESA SUBDIVISION,** zoned C-1 neighborhood commercial zone, located on CHELWOOD PARK BLVD NE, between MENAUL BLVD NE and PHOENIX AVE NE containing approximately 1

acre(s). *[Final Plat Indef deferred for SIA 2/8/06]* (H-22) **THE FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**

NO ACTION IS TAKEN ON THESE CASES:
APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING

22. Project # 1004986
06DRB-00922 Minor-Sketch Plat or Plan

STEPHEN & PATRICIA DWYER request(s) the above action(s) for all or a portion of Lot(s) 2, Tract(s) 2, **FOUR HILLS VILLAGE INSTALLMENT 11-A,** zoned R-1 residential zone, located on STAGECOACH RD SE, between PEDREGOSO PL SE and LA CABRA DR SE containing approximately 1 acre(s). *[Deferred from 7/12/06]* (M-23) **DEFERRED AT THE APPLICANT'S REQUEST TO 7/19/06.**

23. Project # 1004988
06DRB-00926 Minor-Sketch Plat or Plan

FORSTBAUER SURVEYING LLC agent(s) for EAGLE/3-V INVESTORS LLC request(s) the above action(s) for all or a portion of Tract(s) 2-D, **EAGLE RANCH,** zoned O-1, located on EAGLE RANCH RD NW between CONGRESS AVE NW and IRVING BLVD NW containing approximately 4 acre(s). (C-13) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

24. Project # 1004989
06DRB-00933 Minor-Sketch Plat or Plan

BOHANNAN HUSTON INC agent(s) for MESA VERDE DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) A, **WILDERNESS SUBDIVISION UNIT 2,** zoned SU-2 HD R-R, located on HIGH DESERT PLACE NE, between TRAIL HEAD RD NE and EMBUDITO VIEW CT NE containing approximately 4 acre(s). [REF: 04DRB-00713, 04DRB-01723, 05DRB-00477] (F-23) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

25. Approval of the Development Review Board Minutes for June 28, 2006. **THE DRB MINUTES FOR JUNE 28, 2006 WERE APPROVED BY THE BOARD.**

ADJOURNED: 1:20 P.M.

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1003612 AGENDA#: 13 DATE: 7-12-06

1. Name: Dan Thompson Address:_____ Zip:_____
2. Name: Bill Kidemer Address:_____ Zip:_____
3. Name: _____Address:_____ Zip:_____
4. Name: _____Address:_____Zip: _____
5. Name: _____Address:_____Zip: _____
6. Name: _____Address:_____Zip:_____
7. Name: _____Address:_____Zip:_____
8. Name: _____Address:_____Zip:_____
9. Name: _____Address:_____Zip: _____
10. Name: _____Address:_____Zip: _____
11. Name: _____Address:_____Zip:_____
12. Name: _____Address:_____Zip: _____
13. Name: _____Address:_____Zip: _____
14. Name: _____Address:_____Zip: _____

DEVELOPMENT REVIEW BOARD
ACTION SHEET

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building

June 28, 2006 9:00 a.m.
MEMBERS:

Sheran Matson, AICP, DRB Chair
Claire Senova, Administrative Assistant

Wilfred Gallegos, Transportation Development
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development
Christina Sandoval, Parks & Recreation

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NOTE: UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, PLANNING DEPARTMENT, AT 924-3946. HEARING IMPAIRED USERS MAY CONTACT HER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

NOTE: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

A. Call to Order: 9:00 A.M. Adjourned: 11:13 A.M.
B. Changes and/or Additions to the Agenda
C. New or Old Business

CASES WHICH REQUIRE PUBLIC NOTIFICATION
MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. **Project # 1004803**
   06DRB-00771 Major-Vacation of Public Easements
   06DRB-00772 Minor-Temp Defer SDWK

   JEFF MORTENSEN & ASSOCIATES INC agent(s) for GREATER ALBUQUERQUE HABITAT FOR HUMANITY request(s) the above action(s) for all or a portion of Lot(s) 3 & 4 and the northerly 25-feet of Lot(s) 5, Tract(s) 53 of Los Blancos Addition and a portion of Tract(s) 5, **TOWN OF ATRISCO GRANT**, zoned R-T residential zone, located on 75TH ST SW, between CENTRAL AVE SW and VOLCANO SW containing approximately 1 acre(s). [REF: 06DRB-00720, 06DRB-00445] (K-10) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**

2. **Project # 1003684**
06DRB-00776 Major-Preliminary Plat Approval
06DRB-00779 Major-Vacation of Pub Right-of-Way
06DRB-00780 Major-Vacation of Public Easements
06DRB-00781 Minor-Sidewalk Variance
06DRB-00783 Minor-Temp Defer SDWK
06DRB-00782 Minor-Sidewalk Waiver

MARK GOODWIN & ASSOCIATES, PA agent(s) for CAPITAL ALLIANCE INVESTMENTS, LLC request(s) the above action(s) for Lot(s) 11, Block(s) 9, Lot(s) 10-17, Block(s) 10, Lot(s) 11-15, Block(s) 11, Lot(s) 17 & 18, Block(s) 12, Lot(s) 23-29, Block(s) 13, AND Lot(s) 1, Block(s) 14, AND Tract(s) H, I, J AND K, PARADISE HEIGHTS, UNIT 5, (to be known as **ANASAZI RIDGE, UNIT 2**) zoned R-1 AND SU-1/C-1, located on WESTSIDE NW between UNIVERSE NW and KAYENTA NW containing approximately 11 acre(s). [REF: 06DRB-00325, 06DRB-00326, 06DRB-00327] (A-10) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 6/28/06 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 3/7/05 THE PRELIMINARY PLAT WAS APPROVED WITH CONDITIONS OF FINAL PLAT APPROVAL: THE ROADWAY EASEMENTS ALONG THE SOUTH HALF OF MCMAHON BLVD NW SHALL BE IN PLACE PRIOR TO FINAL PLAT APPROVAL. IF THE FINAL PLAT WAS APPROVED AFTER 10-31-06 THE SUBDIVISION MUST COMPLY WITH CITY COUNCIL RESOLUTION R-06-74 REGARDING RE-DEVELOPMENT FACILITY FEE AGREEMENT WITH THE ALBUQUERQUE PUBLIC SCHOOLS (APS). THE VACATIONS WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. A SIDEWALK VARIANCE FOR WAIVER OF SIDEWALKS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. THE SIDEWALK WAIVER (06DRB-00782) WAS WITHDRAWN AT THE AGENT'S REQUEST.**

3. **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]* (J-9) **DEFERRED AT THE AGENT'S REQUEST TO 7/12/06.**

SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)

NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW.

4. Project # 1002458
06DRB-00906 Minor-SiteDev Plan BldPermit/EPC

CLAUDIO VIGIL ARCHITECTS agent(s) for BANK OF OKLAHOMA FINANCIAL CORPORATION request(s) the above action(s) for all or a portion of Lot(s) 15 & 16, Block(s) 9, Tract(s) 2, NORTH ALBUQUERQUE ACRES, UNIT 3 (to be known as **BANK OF ALBUQUERQUE**) zoned SU-2, located on CARMEL NE, between WYOMING NE and HOLLY NE containing approximately 2 acre(s). [REF: 06EPC-00467] **[Catalina Lehner, EPC Case Planner]** (C-19) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

5. Project # 1004624
06DRB-00872 Minor-SiteDev Plan BldPermit/EPC

DENISH & KLINE ASSOCIATES agent(s) for HUNT UPTOWN III LLC request(s) the above action(s) for all or a portion of Tract(s) B-2, SAINT PIUS X (to be known as **UPTOWN VILLAGE APARTMENTS**) zoned SU-2 FOR R-2 AND O-1, located on INDIAN SCHOOL RD NE, between ESPANOLA NE and UPTOWN LOOP RD NE containing approximately 7 acre(s). [REF: 06EPC00023] **[Carmen Marrone, EPC Case Planner]** *[Deferred from 6/21/06]* (H-19) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR ENCROACHMENT AGREEMENT, 3 COPIES OF THE SITE PLAN, HOT TUB ADJUSTMENTS AND LANDSCAPE PLAN (NO TREES IN EASEMENTS) AND TRANSPORTATION DEVELOPMENT FOR BUILD NOTES AND ADA RAMPS.**

MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

6. Project # 1004977
06DRB-00898 Minor-Vacation of Private Easements
06DRB-00899 Minor-Sketch Plat or Plan

JEFF MORTENSEN & ASSOCIATES INC agent(s) for AIRPORT TECHINICAL CENTER LIMITED request(s) the above action(s) for all or a portion of Lot(s) 6B-2 & 8B, **AIRPORT TECHINICAL CENTER,** zoned M-2, located on UNIVERSITY BLVD SE, between SUNPORT BLVD SE and I-25 containing approximately 11 acre(s). [SP-88-43]

(N-15) THE **VACATION OF THE PRIVATE EASEMENTS WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

7. **Project # 1002134**
06DRB-00883 Minor-Prelim&Final Plat Approval

JENNIFER SMITH agent(s) for BOLTON, BUSH, DOLAN AND WILSON LLC request(s) the above action(s) for all or a portion of Tract(s) 13 & 14, **LOS LOMITAS BUSINESS PARK,** zoned SU-1 for IP, located on LAS LOMITAS NE, between EL PUEBLO NE and OSUNA NE containing approximately 2 acre(s). (D-16) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR ORIGINAL COPY OF SITE PLAN SIGNATURE AND TO RECORD THE PLAT.**

8. **Project # 1004980**
06DRB-00905 Minor-Prelim&Final Plat Approval

MARYELLEN HENNESSY request(s) the above action(s) for all or a portion of Lot(s) C, **WITH ADDITION,** zoned S-MRN, located on MOUNTAIN RD NW, between 8TH ST NW and FORRESTER NW containing approximately 1 acre(s). (J-14) **PRELIMINARY AND FINAL PLAT APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR 4-FOOT ALLEY DEDICATION AND CROSS ACCESS EASEMENT AND PLANNING FOR AGIS DXF FILE AND TO RECORD THE PLAT.**

9. **Project # 1003057**
06DRB-00877 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST agent(s) for ROBERT RUSSELL request(s) the above action(s) for all or a portion of Tract(s) A-2-C-1, Block(s) 1, **CLIFFORD WEST BUSINESS PARK, UNIT 3,** zoned IP, located on LOS VOLCANES RD NW, between SAUL BELL RD NW and UNSER BLVD NW containing approximately 6 acre(s). [REF: 05DRB-00893]

[Indef Deferred from 6/28/06] (K-9/K-10) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

10. Project # 1004979
06DRB-00904 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for JOE GONZALES request(s) the above action(s) for all or a portion of LOTS 5, 6, 7, 9-A & the south 1/2 of the vacated alley, Block(s) 1, **LUNA PLACE ADDITION,** zoned SU-2 - HDA special neighborhood zone, located on TIJERAS AVE NW, between 9TH ST NW and MARQUETTE AVE NW containing approximately 1 acre(s). (J-14) **PRELIMINARY AND FINAL PLAT WAS APPROVED AND SIGNED OFF BY THE BOARD.**

11. Project # 1004829
06DRB-00900 Minor-Prelim&Final Plat Approval

PLAZA SURVEYS LLC agent(s) for JOHN & JEAN BLOCK request(s) the above action(s) for all or a portion of Lot(s) 1 & 2, Block(s) 4, **VOLCANO CLIFF SUBDIVISION,** zoned R-1, located on POPO DR NW, between CLIFF RD NW and MAUNA LOA DR NW containing approximately 1 acre(s). [REF: 06DRB-00486] (E-10) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF FILE AND TO RECORD THE PLAT.**

12. Project # 1004978
06DRB-00901 Minor-Prelim&Final Plat Approval

JACKS HIGH COUNTRY agent(s) for FRANK & KAREN CREAMER, ISMAEL CREAMER AND TONY & FELICA MALDONADO, request(s) the above action(s) for all or a portion of Tract(s) 2, **LANDS OF CHARLES GRANDE,** zoned R-1, located on SAN LORENZO NW, between GRANDE DR NW and the GRIEGOS LATERAL containing approximately 1 acre(s). [REF: ZA-84-243] (G-13) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR RIGHT-OF-**

WAY DEDICATION ALONG LORENZO AVE NW AND PLANNING FOR AGIS DXF FILE AND TO RECORD THE PLAT.

13. **Project # 1001164**
06DRB-00219 Minor-Prelim&Final Plat Approval

BOHANNAN HUSTON INC agent(s) for HUNT UPTOWN DEVELOPMENT LLC request(s) the above action(s) for all or a portion of Tract(s) B-1 & B-2, **ST PIUS X SUBDIVISION,** zoned SU-3, R-2, O-1, located on UPTOWN LOOP RD NE NE, between ARVADA AVE NE and INDIAN SCHOOL NE containing approximately 9 acre(s). [REF: 01DRB-00450, 06DRB00114] *[Deferred from 2/22/06, Indef deferred on 3/15/06]* (H-19) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR CROSS ACCESS, DEFINE EASEMENTS AND PLANNING TO RECORD THE PLAT.**

14. **Project # 1004909**
06DRB-00717 Minor-Prelim&Final Plat Approval

PRECISION SURVEYS agent(s) for JOURNAL CENTER CORPORATION request(s) the above action(s) for all or a portion of Tract(s) 2A-2A-2B, **JOURNAL CENTER,** zoned IP, located on JEFFERSON NE, between HEADLINE NE and JOURNAL CENTER NE containing approximately 9 acre(s). *[Deferred from 5/31/06 & 6/7/06 & 6/28/06]* (D-17) **DEFERRED AT THE AGENT'S REQUEST TO 7/26/06.**

15. **Project # 1003684**
06DRB-00897 Major-Final Plat Approval

MARK GOODWIN & ASSOCIATES PA agent(s) for CAPITAL ALLIANCE INVESTMENTS LLC request(s) the above action(s) for Tract(s) P, Q & R, SALTILLO UNIT 1, Lot(s) 1 thru 3, Block(s) 7, Lot(s) 1 thru 8 and 14 thru 20, Block(s)8, Lot(s) 1 thru 10 and 13 thru 22, Block(s) 9, Lot(s) 1 thru 9 and 18 thru 25, Block(s) 10, Lot(s) 1 thru 10 and 16 thru 24, Block(s) 11, Lot(s) 1 thru 16 and 19 thru

27, Block(s) 12 and Lot(s) 1 thru 22, Block(s) 13, PARADISE HEIGHTS, UNIT 5 (to be known as **ANASAZI RIDGE, UNIT 1**) zoned R-1, located on Westside Blvd NW between Universe NW and Kayenta NW, containing approximatey 41 acre(s) (A-10) **THE FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AMAFCA'S SIGNATURE AND TO RECORD.**

NO ACTION IS TAKEN ON THESE CASES:
APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING

16. **Project # 1004972**
06DRB-00879 Minor-Sketch Plat or Plan

ROBERT WESTFALL request(s) the above action(s) for all or a portion of Block(s) 27, **COUNTRY CLUB ADDITION, UNIT 1,** zoned R-1, located on SIGMA CHI RD NE, between ENCINO NE and UNIVERSITY BLVD NE. (J-15) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

17. **Project # 1004981**
06DRB-00907 Minor-Sketch Plat or Plan

DOUG SMITH agent(s) for DAVID HOUCK request(s) the above action(s) for all or a portion of Lot(s) 3A, Block(s) 1, **FALE ADDITION,** zoned R-2, located on WENONAH AVE SE, between DORADO PL SE and TRAMWAY BLVD SE containing approximately 2 acre(s). [REF: Z-85-89] (L-22) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

18. Approval of the Development Review Board Minutes for June 14 and June 21, 2006. **THE DRB MINUTES FOR 6/14/06 AND 6/21/06 WERE APPROVED BY THE BOARD.**

ADJOURNED: 11:13 A.M.

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 21, 2006

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] (J-9)

AMAFCA No objection to requested actions. The subdivision is subject to a funding agreement between the owner and AMAFCA. AMAFCA will sign the Final Plat.

COG The Long Range Bikeway System identifies a bike path on the southern vicinity of the project boundaries with Interstate 40. Please coordinate with DMD Trails to include appropriate elements of the trail accordingly.

Transit — No objection to the request.

Zoning Enforcement — No adverse comments.

Neighborhood Coordination — Letter sent to Parkway NA (R).

APS **Sundoro South Unit 9 Subdivision** is proposing 41 residential lots. The proposed development will impact Painted Sky Elementary, Jimmy Carter Middle School, and West Mesa High School. **All three schools are exceeding capacity.**

School	2006-07 Projections	2006-07 Capacity	Space Available
Painted Sky	1,004	850	-154
Jimmy Carter	1,180	1,178	-2
West Mesa	2,706	2,100	-606

A new southwest high school is planned to open with a 9th grade academy in 2008 with the remainder of the school to open in 2009. The new northwest high school will relieve West Mesa High School.

APS

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

Provide new capacity (long term solution)
Construct new schools or additions
Add portables
Use of non-classroom spaces for temporary classrooms
Lease facilities
Use other public facilities
Improve facility efficiency (short term solution)
Schedule Changes
Double sessions
Multi-track year-round
Other
Float teachers (flex schedule)
Shift students to Schools with Capacity (short term solution)
Boundary Adjustments / Busing
Grade reconfiguration
Combination of above strategies

All planned additions to existing educational facilities are contingent upon taxpayer approval.

Police Department

A review of the following DRB case(s) indicates the following problems or crime may occur or that the following concerns may need to be evaluated or addressed on this site or in this area. These comments do not indicate that a thorough CPTED evaluation has been done, or that other criminal activities may not occur. Traffic Volume- decreased to area. Traffic Control- peak time traffic onto major streets. Burglaries- Homes empty during daylight hours. Speeding violations- Heavy traffic. Lighting issues- dusk-dawn lighting required. Maintenance and landscaping - area needs to be maintained per city ordinance. Alarm response- homes will use burglar alarms. Need for neighborhood association- need to maintain values of property and area is kept clean.

Fire Department — Fire Department is not approving street widths less than 32 feet at this time. Per Ray Sanchez, AFD. All required fire hydrants shall be installed and made serviceable prior to and during construction of subdivision.

PNM Electric & Gas — Approved.

Comcast — No comments received.

QWEST — No comments received.

Environmental Health — No comments received.

M.R.G.C.D. — No comments received.

Open Space Division — No adverse comments.

City Engineer

An approved drainage report dated 11-14-05 is on file for Preliminary Plat approval. No objection to Vacation request. No objection to Sidewalk Deferral request.

Transportation Development

Street widths do not meet DPM requirements. Why is there a jog on Endee (Lot 1-P1). Do the offset intersections meet DPM criteria? A traffic distribution map is needed. (The proposed lots to the south need to be included.) Why does Endee road only have 12' of pavement? How wide is Endee with the new dedication? Is this a major local? (6' sidewalk). Has the extension of 94th street south of Silica been resolved? Signing per DRC needs to be added to the infrastructure list.

Parks & Recreation

Defer to Transportation. No objection to the preliminary plat.

Utilities Development — No objection to Vacation request. No objection to Preliminary Plat approval. No objection to Sidewalk Deferral.

Planning Department

When this parcel was annexed, was it included in the Westland North Sector Plan boundaries?

The sidewalk exhibit is missing. Be sure to turn in 5 copies at least one week before the hearing.

The vacation exhibit does not state what type of vacation it is. The area is highlighted but not identified.
5 revised vacation exhibits are needed stating what is proposed for vacation…at least one week before the hearing.

Where are the 4 tracts mentioned in the purpose of plat?

Comments

Impact Fee Administrator

No comment on proposed vacation. Impact Fees will not be required at this time; however, construction of a new single family residence within the proposed subdivision will require payment of Impact Fees. Based on a house size of approximately 2,000 square feet, it is estimated that impact fees will total approximately $5,740 if a permit is obtained prior to December 29, 2006 and $8,567 thereafter.

IT IS REQUIRED THAT THE APPLICANT AND/OR AGENT BE PRESENT AT THE HEARING

cc:Dragonfly Development Inc., 12809 Donette Ct NE, 87112
Thompson Engineering Consultants Inc., P.O. Box 65760, 87193

Deferral 7/12/06

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1003612 AGENDA#: 3 DATE: 6/28/06

1. Name: _____ Address: _____ Zip: _____

2. Name: _____ Address: _____ Zip: _____

3. Name: _____ Address: _____ Zip: _____

4. Name: _____ Address: _____ Zip: _____

5. Name: _____ Address: _____ Zip: _____

6. Name: _____ Address: _____ Zip: _____

7. Name: _____ Address: _____ Zip: _____

8. Name: _____ Address: _____ Zip: _____

9. Name: _____ Address: _____ Zip: _____

10. Name: _____ Address: _____ Zip: _____

11. Name: _____ Address: _____ Zip: _____

12. Name: _____ Address: _____ Zip: _____

13. Name: _____ Address: _____ Zip: _____

14. Name: _____ Address: _____ Zip: _____

CITY OF ALBUQUERQUE

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1003612 **AGENDA ITEM NO: 3**

SUBJECT:

Vacation
Sidewalk Deferral
Preliminary Plat

ACTION REQUESTED:

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

ENGINEERING COMMENTS:

The Hydrology Section has no objection to the vacation request.
An approved drainage report dated 11-14-05 is on file for Preliminary Plat approval.

RESOLUTION:

APPROVED ____; DENIED ____; DEFERRED _X_; COMMENTS PROVIDED ___; WITHDRAWN 7-12-06

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

DATE: June 28, 2006

DEVELOPMENT REVIEW BOARD
ACTION SHEET

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building

June 21, 2006 9:00 a.m.

MEMBERS:

Sheran Matson, AICP, DRB Chair
Claire Senova, Administrative Assistant
Wilfred Gallegos, Transportation Development
Brad Bingham, Alternate City Engine
Roger Green, Utility Development
Christina Sandoval, Parks & Recreation

****

NOTE: UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, PLANNING DEPARTMENT, AT 924-3946. HEARING IMPAIRED USERS MAY CONTACT HER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

NOTE: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

A. Call to Order: 9:00 A.M. Adjourned: 11:10 A.M.
B. Changes and/or Additions to the Agenda
C. New or Old Business

CASES WHICH REQUIRE PUBLIC NOTIFICATION
MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. Project # 1003175 06DRB-00733 Major-Two Year SIA	BOHANNAN HUSTON INC agent(s) for D R HORTON INC request(s) the above action(s) for all or a portion of Tract(s) 33C-1-A, **SUN GATE SUBDIVISION,** zoned R-LT, located on GIBSON BLVD SW, between BLAKE RD SW and MESA ARENOSA DR SW containing approximately 24 acre(s). [REF: 04DRB-01126] (N-9) **A ONE-YEAR SIA WAS APPROVED.**

2. **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]* (J-9) **DEFERRED AT THE AGENT'S REQUEST TO 6/28/06.**

3. **Project # 1004913**
06DRB-00730 Major-Vacation of Public Easements
06DRB-00731 Minor-Sketch Plat or Plan

JEFF MORTENSEN & ASSOCIATES INC agent(s) for REGENTS OF THE UNIVERSITY OF NEW MEXICO (REAL ESTATE) request(s) the above action(s) for all or a portion of Parcel(s) 1, 2, A & B, UNPLATTED LANDS OF UNM (to be known as **TRACTS A, B, C, & D, UNM LANDS WEST**) zoned C-3, located on UNIVERSITY BLVD NE, between INDIAN SCHOOL RD NE and LOMAS BLVD NE containing approximately 20 acre(s). (J-15) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

4. **Project # 1004496**
06DRB-00667 Major-Preliminary Plat Approval
06DRB-00668 Major-Vacation of Pub Right-of-Way
06DRB-00669 Major-Vacation of Public Easements
06DRB-00671 Minor-SiteDev Plan Subd/EPC
06DRB-00670 Minor-Sidewalk Waiver

GARCIA/KRAEMER & ASSOCIATES agent(s) for TRAMWAY ASSOCIATES INC request(s) the above action(s) for all or a portion of Lot(s) 1, 1A & 1B, Block(s) J & K, CENAROCA ADDITION (to be known as **THE BLUFFS AT ENCANTADO**) zoned SU-1, RT, located on TRAMWAY BLVD NE, between SKYLINE RD NE and ENCANTADO RD NE containing approximately 3 acre(s). [REF: 05EPC-01805, 06EPC-00138] **[Stephanie Shumsky, EPC Case Planner]** *[Deferred from 6/7/06 & 6/14/06]* (K-23/L-23) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 6/21/06 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 6/18/06 THE PRELIMINARY PLAT WAS APPROVED. THE VACATIONS WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE SITE PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR 3**

COPIES OF THE SITE PLAN AND THE 15-DAY APPEAL PERIOD. A SIDEWALK VARIANCE FOR WAIVER OF SIDEWALKS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.

SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)

NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW.

5. Project # 1004624
06DRB-00872 Minor-SiteDev Plan BldPermit/EPC

DENISH & KLINE ASSOCIATES agent(s) for HUNT UPTOWN III LLC request(s) the above action(s) for all or a portion of Tract(s) B-2, SAINT PIUS X (to be known as **UPTOWN VILLAGE APARTMENTS**) zoned SU-2 FOR R-2 AND O-1, located on INDIAN SCHOOL RD NE, between ESPANOLA NE and UPTOWN LOOP RD NE containing approximately 7 acre(s). [REF: 06EPC00023] **[Carmen Marrone, EPC Case Planner]** *[Deferred from 6/21/06]* (H-19) **DEFERRED AT THE AGENT'S REQUEST TO 6/28/06.**

6. Project # 1004773
06DRB-00865 Minor-SiteDev Plan Subd
06DRB-00866 Minor-SiteDev Plan BldPermit

GEORGE RAINHART ARCHITECTS & ASSOCIATES agent(s) for PASEO PLACE LLC request(s) the above action(s) for all or a portion of Lot(s) 12, 13, 20 & 21, Tract(s) A, Block(s) 18, **NORTH ALBUQUERQUE ACRES, UNIT B,** zoned SU-2 – M-1 special neighborhood zone, located on HOLLY AVE NE, between I-25 and SAN PEDRO NE containing approximately 4 acre(s). [REF: 06DRB-00377, 06DRB-00750] (C-18) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST. APPLICATION #06DRB00866, THE SITE PLAN FOR BUILDING PERMIT, WAS WITHDRAWN AT THE AGENT'S REQUEST.**

06DRB-00750 Minor-Prelim&Final Plat Approval

ISAACSON & ARFMAN PA agent(s) for PASEO PLACE LLC request(s) the above action(s) for all or a portion of Tract(s) A, Lot(s) 12, 13, 20 & 21, Block(s) 18, NORTH

ALBUQUERQUE ACRES, UNIT B (to be known as **PASEO PLACE**) zoned SU-1 for M-1, located on HOLLY AVE NE, between PASEO DEL NORTE NE and SAN PEDRO DR NE containing approximately 4 acre(s). [REF: 06DRB-00377] [Was Indef Deferred for the site plan.] (C-18) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

7. **Project # 1004676**
06DRB-00746 Minor-SiteDev Plan BldPermit/EPC
06DRB-00745 Minor-Prelim&Final Plat Approval

COMMUNITY SCIENCES CORP agent(s) for ALEXANDER SAMUELS REALTY GROUP LLC request(s) the above action(s) for all or a portion of Tract(s) A-2-A, RIDGEVIEW VILLAGE, UNIT 1, and Tract(s) E, LANDS OF ZOLIN/KUNATH (to be known as **VILLAGE CENTER**) zoned SU-1 for C-1, SU-1 for MIXED USE, located on UNSER BLVD NW NW, between NIGHT WHISPER DR NW and CALLE PERRO RD NW containing approximately 3 acre(s). **[David Stallworth, EPC Case Planner]** *[Deferred from 6/7/06]* (A-11) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 6/21/06 THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR THE SIA AND PLANNING FOR DAVID STALLWORTH'S INITIALS ON THE SITE PLAN AND 3 COPIES OF THE SITE PLAN. THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO PLANNING TO RECORD.**

8. **Project # 1002405**
06DRB-00796 Minor-SiteDev Plan BldPermit/EPC

ADVANCED ENGINEERING AND CONSULTING LLC agent(s) for CRACKER BARREL OLD COUNTRY STORE INC request(s) the above action(s) for all or a portion of Tract(s) A-28-B-1-A, NORTHEAST UNIT, TOWN OF ATRISCO GRANT (to be known as **CRACKER BARREL**) zoned SU-1 FOR C-1 AUTO BODY REPAIR AND PAINTING, located on REDLANDS RD NW, between COORS BLVD NW and ATRISCO DR NW containing approximately 3 acre(s). [REF: DRB-94-398, Z-99-94, 06EPC00471] **[Carmen Marrone, EPC Case Planner]** *[Deferred from 6/14/06]* (G-11) **THE SITE PLAN FOR**

BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR 3 COPIES OF THE SITE PLAN.

9. **Project # 1004532**
06DRB-00741 Minor-SiteDev Plan BldPermit/EPC

FANNING BARD TATUM ARCHITECTS agent(s) for ASHCROFT REAL ESTATE & DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) B-1, MESA DEL NORTE ADDITION (to be known as **LOUISIANA PLACE,** zoned SU-2, R-2 & O-1, located on LOUISIANA BLVD NE, between CONSTITUTION BLVD NE and SUMMER AVE NE containing approximately 5 acre(s). [REF: 05EPC-01693] **[Stephanie Shumsky, EPC Case Planner]** *[Deferred from 6/7/06 & 6/14/06]* (J-19) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 6/21/06 THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR SIA AND 3 COPIES OF THE SITE PLAN AND UTILITIES DEVELOPMENT FOR DRC PLANS AND A PAPER EASEMENT.**

MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

10. **Project # 1003610**
06DRB-00873 Minor-Final Plat Approval

WILSON AND COMPANY agent(s) for CURB INC LLC request(s) the above action(s) for all or a portion of Tract(s) 29A, LANDS OF SALAZAR, QUATRO, JSJ HANNETT (to be known as **ARROWWOOD HILLS, UNIT 1**) zoned R-LT residential zone, located on 98TH ST SW, between RIO BRAVO BLVD SW and MESA ARENOSA SW containing approximately 29 acre(s). [REF: 02DRB-01621, 02DRB-01622, 04DRB-00137, 04DRB-00261, 04DRB-00262, 04DRB-00263, 05DRB-01761] (N-9) **FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF FILE, TO RECORD THE PLAT AND TO VERIFY THE VACATION OF 34-FEET OF A PUBLIC ACCESS AND UTLITY EASEMENT.**

11. Project # 1004412
06DRB-00870 Minor-Prelim&Final Plat Approval

ADVANCED ENGINEERING & CONSULTING LLC agent(s) for ABLE ARAGON request(s) the above action(s) for all or a portion of Lot(s) 361, 362 & 363, **RIO GRANDE HEIGHTS,** zoned R-2 residential zone, located on 55TH ST SW, between SUNSET GARDENS RD SW and GONZALES RD SW containing approximately 1 acre(s). [REF: 05DRB-01413] (K-11) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

12. Project # 1004073
06DRB-00860 Major-Final Plat Approval

MARK GOODWIN & ASSOCIATES agent(s) for JTH LLC request(s) the above action(s) for all or a portion of Tract(s) 5-A, **JUAN TABO HILLS, UNIT 1B,** zoned RD, located on WAR ADMIRAL DR SE, between SHADOW LEADER DR SE and TRACT 1-A, containing approximately 3 acre(s). (M-21) **FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**

06DRB-00858 Major-Final Plat Approval

MARK GOODWIN & ASSOCIATES agent(s) for JTH LLC request(s) the above action(s) for all or a portion of Tract(s) 5-C, **JUAN TABO HILLS, UNIT 1A,** zoned RD, located on JUAN TABO BLVD SE, between PETESKI AVE SE and TRACT 1-B, containing approximately 5 acre(s). (M-21) **FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**

13. Project # 1003655
05DRB-01833 Minor-Final Plat Approval

ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 8, 15, 16 & 17, Block(s) 1, Tract(s) 2, NORTH ALBUQUERQUE ACRES, UNIT 3, (to be known as **LA VISTA AT DESERT RIDGE TRAILS**) zoned RD, located on WYOMING BLVD NE, between EAGLE ROCK AVE NE and MODESTO AVE NE containing approximately 3 acre(s). [REF: 04DRB01373] *[Deferred from 12/14/05 & 1/11/06 & 2/22/06]* (C-19) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

14. **Project # 1001028**
05DRB-01886 Minor-Prelim&Final Plat Approval

PRECISION SURVEYS agent(s) for RON CERROS request(s) the above action(s) for all or a portion of Tract(s) 1, **LANDS OF ALEJANDRO GARCIA,** zoned R-1, located on ALEJANDRO ST NW, between BLUE WATER NW and RINCON NW containing approximately 5 acre(s). *[Was Indef Deferred on 12/21/05, Indef Deferred on 5/17/06]* (J-11) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 6/21/06 THE PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA.**

15. **Project # 1004804**
06DRB-00751 Minor-Prelim&Final Plat Approval

JESUS SANDOVAL agent(s) for ALEX MCLUSSER request(s) the above action(s) for all or a portion of Lot(s) 10 & 11A, Block(s) 8, **CASAS SERENAS,** zoned R-2, located on PENNSYLVANIA SE, between TRUMBULL SE and BELL SE containing approximately 1 acre(s). *[Deferred from 6/7/06]* (L-19) **INDEFINITELY DEFERRED ON A NO SHOW.**

NO ACTION IS TAKEN ON THESE CASES:
APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING

16. **Project # 1004675**
06DRB-00836 Minor-Sketch Plat or Plan

MARK GOODWIN & ASSOCIATES agent(s) for T.S. MCNANEY request(s) the above action(s) for all or a portion of Lot(s) 1, SP KINSCHERFF LAND (to be known as **VISTA DE LA LUZ SUBDIVISION)** zoned SU-1 PRD, located on COORS BLVD NW, between WESTERN TRAILS NW and DELLYNE NW containing approximately 28 acre(s). [REF: 06EPC-00140] (F-11) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

17. **Project # 1004970**
06DRB-00871 Minor-Sketch Plat or Plan

THOMAS KALM ATTORNEY agent(s) for BEN PADILLA request(s) the above action(s) for all or a portion of Lot(s) 26-A, Block(s) 4, **WHITE CITY ADDITION,** zoned C-2 & C-3, located on MENAUL BLVD NW, between 4TH ST NW and 5TH ST NW containing approximately 1 acre(s). [REF: DRB-98-289] (H-14) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

18. Approval of the Development Review Board Minutes for June 14, 2006. **NO MINUTES WERE APPROVED THIS WEEK AT THE ADMINISTRATIVE ASSISTANT'S REQUEST.**

ADJOURNED: 11:10 A.M.

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1003612 AGENDA#: 2 DATE: 6/21/06

1. Name: Dave Thompson Address:_____ Zip:_____
2. Name: Bill Kraemer Address:_____ Zip:_____
3. Name: _____Address:_____ Zip:_____
4. Name: _____Address:_____Zip: _____
5. Name: _____Address:_____Zip: _____
6. Name: _____Address:_____Zip:_____
7. Name: _____Address:_____Zip:_____
8. Name: _____Address:_____Zip:_____
9. Name: _____Address:_____Zip: _____
10. Name: _____Address:_____Zip: _____
11. Name: _____Address:_____Zip:_____
12. Name: _____Address:_____Zip: _____
13. Name: _____Address:_____Zip: _____
14. Name: _____Address:_____Zip: _____

CITY OF ALBUQUERQUE

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1003612 **AGENDA ITEM NO: 2**

SUBJECT:

Vacation
Sidewalk Deferral
Preliminary Plat

ACTION REQUESTED:

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

ENGINEERING COMMENTS:

An approved drainage report is required for Preliminary Plat approval.
The Hydrology Section has no objection to the subject request.
Comments on plat.

RESOLUTION:

6-28-06

APPROVED ____; DENIED ____; DEFERRED _X_; COMMENTS PROVIDED ___; WITHDRAWN

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)**

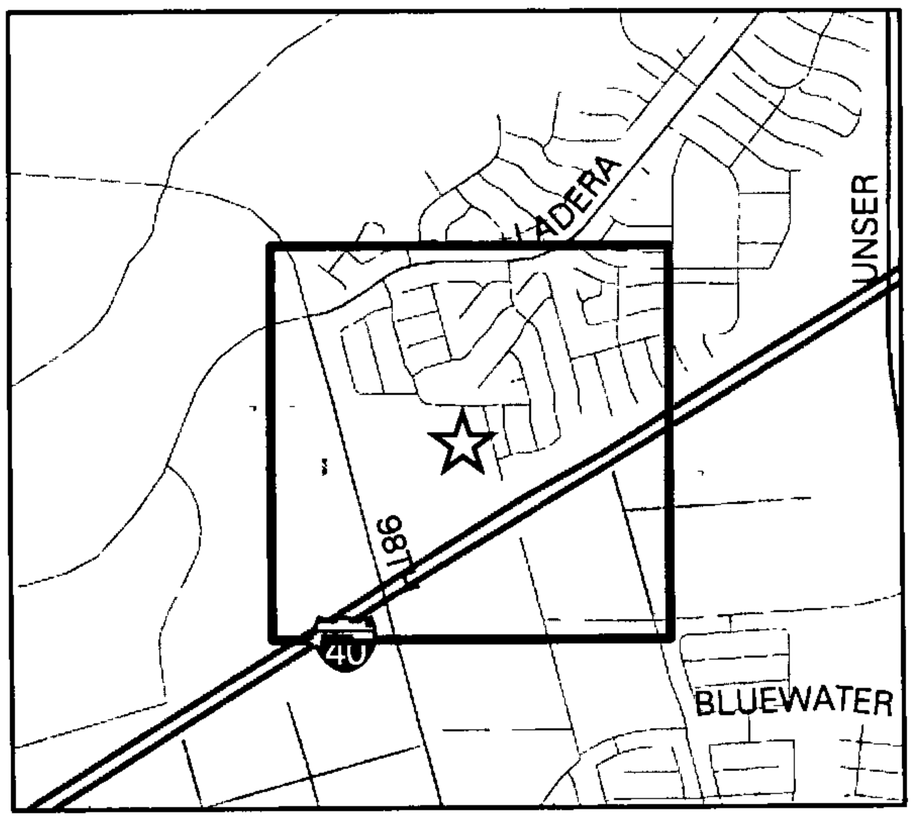
FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee

DATE: June 21, 2006

ZONING MAP

Note: Grey shading indicates County.



1 inch equals 500 feet

Project Number:
1003612
Hearing Date:
6/21/06
Zone Map Page:
J-9
Additional Case Numbers:
06DRB-00737
06DRB-00738
06DRB-00739

CITY OF ALBUQUERQUE

FYI

ALBUQUERQUE
Making History

NOTIFICATION OF HEARING for the DEVELOPMENT REVIEW BOARD

June 6, 2006

TO: Bonita Powe-Morgan and Palmira Perea-Hay, Parkway Neigh. Assoc.

This letter will serve as your notification from the City of Albuquerque, under provisions of 0-92 pertaining to a request for: **Requests the following for approximately six (6) acre(s) – Major Preliminary Plat Approval; Major Vacation of Public Right-of-Way; and Minor Temporary Deferral of Sidewalks for the Sundoro South Unit 9 Subdivision that will have forty-one (41) residential lots.**

Proposed by: **Thompson Engineering and Consulting, Inc. at 271-2199**
Agent for: **Dragonfly Development, Inc.**

For property located: **On or near Endee Road NW between 98th Street NW and 94th Street NW.**

The case number(s) assigned is: **06DRB- 00737, 00738, 00739, Project # 1003612**

City Planning accepted application for this request on **May 26, 2006**.

The owner, applicant, and/or agent certified at the time of application acceptance that they notified you of the proposed action by *certified mail, return receipt requested.*

Please be advised that this application is scheduled for a hearing before the Development Review Board (DRB) at **9 a.m.** on **Wednesday, June 21, 2006** in the **Planning Hearing Room, Lower Level, Plaza Del Sol Building, 600 Second St. NW.**

You should contact **Claire Senova** at **924-3946** to confirm this date, time, and to seek further information.

If you have any questions **-OR-** have not been contacted by the applicant, please call **Stephani Winklepleck** at **924-3902** or by e-mail at swinklepleck@cabq.gov.

Sincerely,

Stephani I. Winklepleck

Stephani I. Winklepleck
Neighborhood Program Coordinator
OFFICE OF NEIGHBORHOOD COORDINATION
PLANNING DEPARTMENT

cc: Claire Senova, DRB Administrative Assistant

P.O. Box 1293
Albuquerque
New Mexico 87103
www.cabq.gov

CITY OF PLANNING
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST

Meeting Date: JUNE 21, 2006
Zone Atlas Page: J-9-Z
Notification Radius: 100 Ft.

Project# 1003612
App#06DRB-00737
App#06DRB-00738
App#06DRB-00739

Cross Reference and Location: ENDEE RD NW BETWEEN 98TH STREET AND 94TH STREET NW

Applicant: DRAGONFLY DEVELOPMENT, INC.
Address: 12809 DONETTE COURT NE
ALBUQUERQUE, NM 87112

Agent: THOMPSON ENGINEERING CONSULTANTS, INC.
PO BOX 65760
ALBUQUERQUE, NM 87193

Special Instructions:

Notice must be mailed from the City's 15 day's prior to the meeting.

Date Mailed: JUNE 2, 2006
Signature: YVONNE SAAVEDRA

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP / LEGAL LIST

PROJECT # 1003612
APPLICATION # _____

PAGE 1 **OF** 2

ZONE ATLAS PAGE #	ZONE ATLAS #	GRID LOCATIONS	PARCEL SEQUENCES	NAME AND ADDRESS
J-9	1009058	040-092	309-02	✓
		023-051	01	✓ Dup
	1008058	484-087	402-20	✓ Dup 2
	1009058	079-090	303-01	✓ Dup
		100-092	02	✓ Dup 2
		135-070	06	✓
		120-095	03	✓ Dup 2
		017-134	318-04	✓ Dup 2
		012-137	03	✓
		007-138	02	✓
		040-151	313-20	✓ Dup 2
		062-157	30	✓ Dup 2
		034-191	305-06	✓ Dup 2
		052-192	05	✓ Dup 2
		069-193	04	✓ Dup 2
		087-192	02	✓ Dup 2

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP / LEGAL LIST

PROJECT # 1003612
APPLICATION # _____

PAGE 2 **OF** 2

ZONE ATLAS PAGE #	ZONE ATLAS #	GRID LOCATIONS	PARCEL SEQUENCES	NAME AND ADDRESS
K-9	1009057	103-413	203-01	✓
		115-495	205-01	✓ Dup
		134-500	02	✓ Dup2
	1009058	125-021	301-04	✓ Dup2
		138-024	01	✓ Dup2

mainframe@coa1mp3.ca
bq.gov
06/01/2006 10:56 AM

To
cc
bcc
Subject

```
1          R E C O R D S   W I T H   L A B E L S                    PAGE
1
01009058                ***  THIS UPC CODE HAS NO MASTER RECORD ON FILE
0100905804009230902     LEGAL: T10N  R2E  SEC 16 TR SITUATED IN TRS 31, 32 & 33
TOW  LAND USE:
                        PROPERTY ADDR: 00000   N/A
                           OWNER NAME: DRAGONFLY DEVELOPMENT INC
                           OWNER ADDR: 12809   DONETTE                  CT NE
ALBUQUERQUE NM       87112
0100905802305130901     LEGAL: PORT  OF  TR 30 & 31 SEC 16 & 17 T10N R2E TOWN OF
AT  LAND USE:
                        PROPERTY ADDR: 00000
                           OWNER NAME: GHP LTD CO
                           OWNER ADDR: 07600   PAN AMERICAN               FW NE
ALBUQUERQUE NM       87109
0100805848408740220     LEGAL: TR S ITUA TED IN TRS 30 THRU 33 SEC 16 & 17 T11N
R2E  LAND USE:
                        PROPERTY ADDR: 00000
                           OWNER NAME: GHP LTD CO
                           OWNER ADDR: 07600   PAN AMERICAN               FW NE
ALBUQUERQUE NM       87109
0100905807909030301     LEGAL: NORT HERL Y PORTION OF TRACT B-28, UNIT 5, TOWN
OF A  LAND USE:
                        PROPERTY ADDR: 00000   N/A
                           OWNER NAME: WESTLAND DEVELOPMENT CO INC
                           OWNER ADDR: 00401   COORS                        NW
ALBUQUERQUE NM       87121
0100905810009230302     LEGAL: NORT HERL Y PORTION OF TRACT B-27 UNIT 5 TOWN OF
ATR  LAND USE:
                        PROPERTY ADDR: 00000   N/A
                           OWNER NAME: WESTLAND DEVELOPMENT CO INC
                           OWNER ADDR: 00401   COORS                        NW
ALBUQUERQUE NM       87121
0100905813507030306     LEGAL: S'LY  POR TS TRS B-24 THRU B-28 UNIT 5 TOWN OF
ATRIS  LAND USE:
                        PROPERTY ADDR: 00000
                           OWNER NAME: A.M.A.F.C.A
                           OWNER ADDR: 02600   PROSPECT                     NE
ALBUQUERQUE NM       87107
0100905812009530303     LEGAL: NORT HERL Y PORTION OF TRACT B-26 UNIT 5 TOWN OF
ATR  LAND USE:
                        PROPERTY ADDR: 00000   N/A
                           OWNER NAME: WESTLAND DEVELOPMENT CO INC
                           OWNER ADDR: 00401   COORS                        NW
ALBUQUERQUE NM       87121
0100905801713431804     LEGAL: TR I  PLA T FOR SUNDORO SOUTH SUBDIVISION UNIT 1
LAND USE:
                        PROPERTY ADDR: 00000
                           OWNER NAME: WESTLAND DEVELOPMENT CO INC
                           OWNER ADDR: 00401   COORS                     BL NW
ALBUQUERQUE NM       87121
```

0100905801213731803 LEGAL: LT 3 8-P1 BLK 1 PLAT FOR SUNDORO SOUTH SUBDIVISION LAND USE:
PROPERTY ADDR: 00000 KILAUEA
OWNER NAME: MILLS JEFFREY A & ADRIANA
OWNER ADDR: 09600 KILAUEA AV NW
ALBUQUERQUE NM 87120

0100905800713831802 LEGAL: LT 3 7-P1 BLK 1 PLAT FOR SUNDORO SOUTH SUBDIVISION LAND USE:
PROPERTY ADDR: 00000 KILAUEA
OWNER NAME: NGUYEN LAN CHI
OWNER ADDR: 09604 KILAUEA AV NW
ALBUQUERQUE NM 87120

0100905804015131320 LEGAL: TR A PLA T FOR SUNDORO SOUTH SUBDIVISION UNIT 1 LAND USE:
PROPERTY ADDR: 00000
OWNER NAME: WESTLAND DEVELOPMENT CO INC
OWNER ADDR: 00401 COORS BL NW
ALBUQUERQUE NM 87121

0100905806215731330 LEGAL: TR L PL AT FOR SUNDORO SOUTH SUBDIVISION UNIT 1 LAND USE:
PROPERTY ADDR: 00000
OWNER NAME: WESTLAND DEVELOPMENT CO INC
OWNER ADDR: 00401 COORS BL NW
ALBUQUERQUE NM 87121

0100905803419130506 LEGAL: TR O F LA ND WITHIN THE W/2 W/2 NW/4 SW/4 SEC 16 T10 LAND USE:
PROPERTY ADDR: 00000
OWNER NAME: WESTLAND DEVELOPMENT CO INC
OWNER ADDR: 00401 COORS BL NW
ALBUQUERQUE NM 87121

0100905805219230505 LEGAL: PARC EL J -2-B PLAT OF PARCELS J-2-A & J-2-B WESTLAN LAND USE:
PROPERTY ADDR: 00000
OWNER NAME: WESTLAND DEVELOPMENT CO INC
OWNER ADDR: 00401 COORS BL NW
ALBUQUERQUE NM 87121

0100905806919330504 LEGAL: TR I N TO WN OF ATRISCO GRANT SEC 16 T10N R2E CONT 5 LAND USE:
PROPERTY ADDR: 00000 N/A
OWNER NAME: WESTLAND DEVELOPMENT CO INC
OWNER ADDR: 00401 COORS BL NW
ALBUQUERQUE NM 87121

0100905808719230502 LEGAL: TR I N TO WN OF ATRISCO GRANT T10N R2E SEC 16 CONT 5 LAND USE:
PROPERTY ADDR: 00000 N/A
OWNER NAME: WESTLAND DEV CO INC
OWNER ADDR: 00401 COORS BL NW
ALBUQUERQUE NM 87121

0100905710341320301 LEGAL: TR C BUL K LAND VACATION & DEDICATION PLAT OF TRACT LAND USE:
PROPERTY ADDR: 00000
OWNER NAME: 98TH STREET LAND CO LLC
OWNER ADDR: PO BOX 14708
ALBUQUERQUE NM 87191

01009057115495205O1 LEGAL: TR B 29 EXC POR TO R/W IN UNIT 5 TOWN OF ATRISCO G LAND USE:
PROPERTY ADDR: 00000 N/A
OWNER NAME: I-40 SOUTH LLC
OWNER ADDR: PO BOX AA
ALBUQUERQUE NM 87103
01009057134500205O2 LEGAL: TRAC T B 30 EXC POR TO R/W IN UNIT 5 TOWN OF ATRISC LAND USE:
PROPERTY ADDR: 00000 N/A
OWNER NAME: I-40 SOUTH LLC
OWNER ADDR: PO BOX AA
ALBUQUERQUE NM 87103
01009058125021301O4 LEGAL: S PO RT T RACT B-27 UNIT 5 TOWN OF ATRISCO GRANT LAND USE:
PROPERTY ADDR: 00000 N/A
OWNER NAME: I-40 SOUTH LLC
OWNER ADDR: PO BOX AA
ALBUQUERQUE NM 87103
01009058138024301O1 LEGAL: S PO RT T RACT B-26 UNIT 5 TOWN OF ATRISCO GRANT LAND USE:
PROPERTY ADDR: 00000 N/A
OWNER NAME: I-40 SOUTH LLC
OWNER ADDR: PO BOX AA
ALBUQUERQUE NM 87103
.
QUIT

100905710341320301	LEGAL: TR C BULK LAND VACATION & DEDICATION PLAT OF C AVALON SUBDIVISION PROPERTY ADDR: N/A	
	OWNERS NAME: OWNERS ADDR:	98TH STREET LAND CO LLC PO BOX 14708 ALBUQUERQUE, NM 87191
100905711549520501	LEGAL: TR B 29 EXC POR TO R/W IN UNIT 5 TOWN OF ATR 4.70 ACRES PROPERTY ADDR: N/A	
	OWNERS NAME: OWNERS ADDR:	1-40 SOUTH LLC PO BOX AA ALBUQUERQUE, NM 87103
100905713450020502	LEGAL: TR B 30 EXC POR TO R/W IN UNIT 5 TOWN OF 0 NT 4.85 ACRES PROPERTY ADDR: N/A	
	OWNERS NAME: OWNERS ADDR:	1-40 SOUTH LLC PO BOX AA ALBUQUERQUE, NM 87103
100905812502130104	LEGAL: SPORT TRACT B-27 UNIT 5 TOWN OF ATRISCO GRANT PROPERTY ADDR: N/A	
	OWNERS NAME: OWNERS ADDR:	1-40 SOUTH LLC PO BOX AA ALBUQUERQUE, NM 87103
100905813802430101	LEGAL: SPORT TRACT B-26 UNIT 5 TOWN OF ATRISCO GRANT PROPERTY ADDR: N/A	
	OWNERS NAME: OWNERS ADDR:	1-40 SOUTH LLC PO BOX AA ALBUQUERQUE, NM 87103

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.

ALBUQUERQUE
Making History

City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

May 23, 2006

David Thompson
Thompson Engineering Consulting
P.O. Box 65160/87193
Phone: 271-2199/Fax: 830-9248

Dear David:

Thank you for your inquiry of **May 23, 2006** requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **A TRACT SITUATED IN TRACTS 31 AND 32 OF TOWN OF ATRISCO GRANT LOCATED ON 94TH STREET NW BETWEEN ERDEE ROAD NW AND INTERSTATE 40 FREEWAY** zone map **J-9**

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

PARKWAY N.A. (PKW) "R"
***Bonita Powe-Morgan**
8032 Waterbury Ave. NW/87120 831-1357 (h)
Palmira Perea-Hay
8039 Waterbury NW/87120 839-8123 (h)

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

Sincerely,

Stephani Winklepleck
Neighborhood Program Coordinator
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD ASSOCIATION.

planningrnaform(10/08/05)

NOTICE TO APPLICANTS

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

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

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

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

****

(below this line for ONC use only)

Date of Inquiry: **05/23/06** Time Entered: **1:15 p.m.** ONC Rep. Initials: **SW**

Project # 1003612

DRAGONFLY DEVELOPMENT, INC
12809 DONETTE COURT NE
ALBUQUERQUE, NM 87112

Project # 1003612
PALMIRA PEREA-HAY
Parkway N.A.
8039 WATERBURY NW
ALBUQUERQUE, NM 87120

100905813507030306

A.M.A.F.C.A
2600 PROSPECT NE
ALBUQUERQUE NM 87107

100905710341320301

98TH STREET LAND CO LLC
PO BOX 14708
ALBUQUERQUE, NM 87191

Project # 1003612

THOMPSON ENGINEERING CONSULTANTS, INC
PO BOX 65760
ALBUQUERQUE, NM 87193

100905802305130901

GHP LTD CO
7600 PAN AMERICAN FW NE
ALBUQUERQUE NM 87109

100905801213731803

MILLS JEFFREY A & ADRIANA
9600 KILAUEA AV NW
ALBUQUERQUE NM 87120

100905711549520501

I-40 SOUTH LLC
PO BOX AA
ALBUQUERQUE, NM 87103

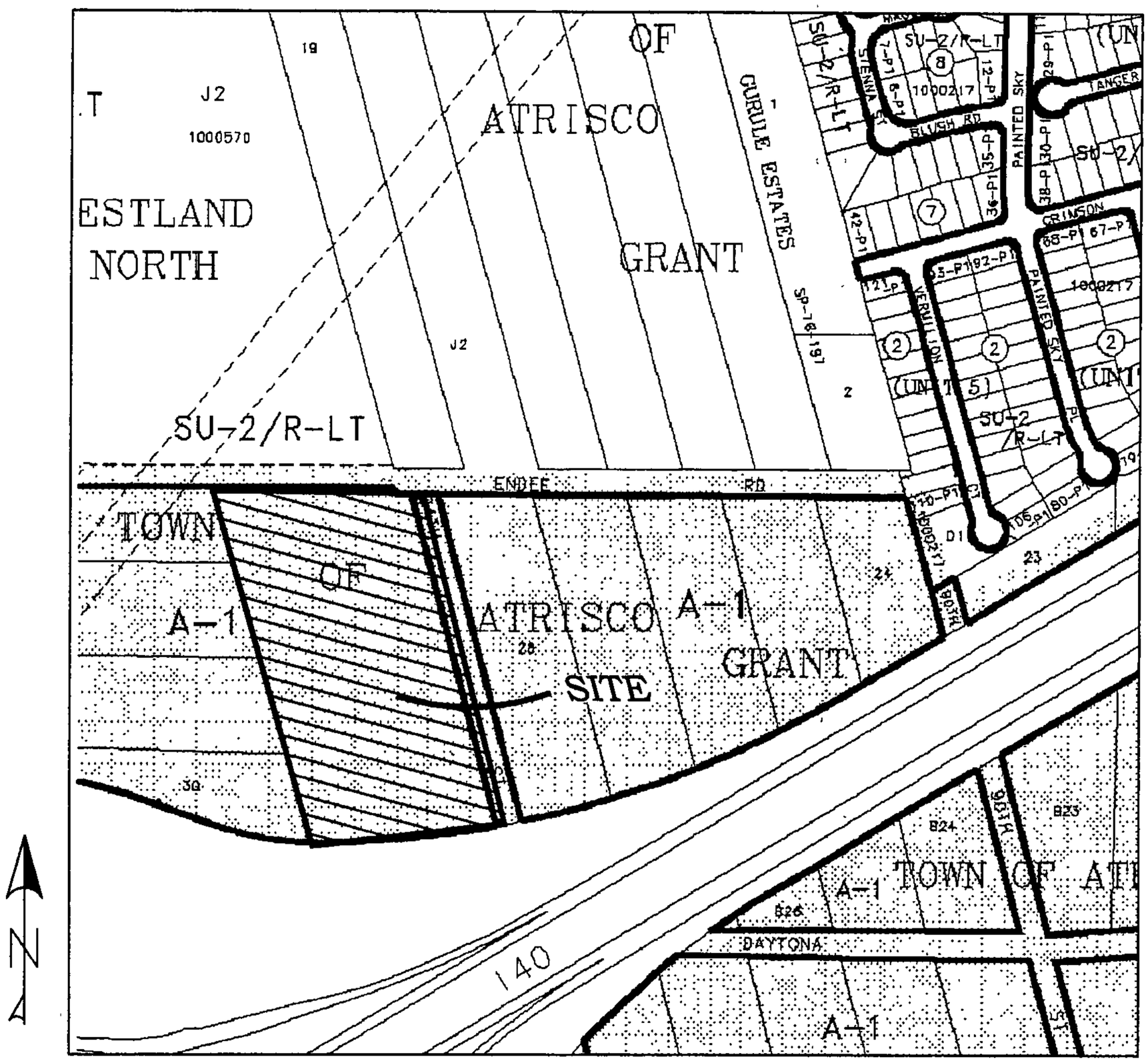
Project # 1003612
BONITA POWE-MORGAN
Parkway N.A.
8032 WATERBURY AVE NW
ALBUQUERQUE, NM 87120

100905807909030301

WESTLAND DEVELOPMENT CO INC
401 COORS NW
ALBUQUERQUE NM 87121

100905800713831802

NGUYEN LAN CHI
9604 KILAUEA AV NW
ALBUQUERQUE NM 87120



VICINITY MAP : J-9-Z

FORM DRWS: DRAINAGE REPORT / WATER & SEWER AVAILABILITY

THIS FORM IS REQUIRED WITH THE DEVELOPMENT REVIEW BOARD APPLICATION FOR MAJOR SUBDIVISIONS AND SITE DEVELOPMENT PLANS.

PROJECT NAME Shadoro South Unit 9

AGIS MAP # I-9

LEGAL DESCRIPTION Tract 37, Town of Atrisco Grant

____ **DRAINAGE REPORT**

A drainage report, as per the Drainage Ordinance, was submitted to the City of Albuquerque Public Works Department, Hydrology Division (2nd floor Plaza del Sol) on 7-21-05 [date].

Applicant / Agent — 5-24-06 Date

Hydrology Division Representative — 5/24/06 Date

____ **WATER AND SEWER AVAILABILITY STATEMENT**

A Water and Sewer Availability Statement for this project was requested from the City of Albuquerque Utilities Development Division (2nd floor Plaza del Sol) on 12-1-04 [date].

Applicant / Agent — 5-24-06 Date

Utilities Division Representative — 5/24/06 Date

DRB#____-____

PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW,** on **Wednesday, June 21, 2006,** beginning at **9:00 a.m.** for the purpose of considering the following:

Project # 1003175
06DRB-00733 Major-Two Year SIA

BOHANNAN HUSTON INC agent(s) for D R HORTON INC request(s) the above action(s) for all or a portion of Tract(s) 33C-1-A, **SUN GATE SUBDIVISION,** zoned R-LT, located on GIBSON BLVD SW, between BLAKE RD SW and MESA ARENOSA DR SW containing approximately 24 acre(s). [REF: 04DRB-01126] (N-9)

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] (J-9)

Project # 1004913
06DRB-00730 Major-Vacation of Public Easements
06DRB-00731 Minor-Sketch Plat or Plan

JEFF MORTENSEN & ASSOCIATES INC agent(s) for REGENTS OF THE UNIVERSITY OF NEW MEXICO (REAL ESTATE) request(s) the above action(s) for all or a portion of Parcel(s) 1, 2, A & B, UNPLATTED LANDS OF UNM (to be known as **TRACTS A, B, C, & D, UNM LANDS WEST**) zoned C-3, located on UNIVERSITY BLVD NE, between INDIAN SCHOOL RD NE and LOMAS BLVD NE containing approximately 20 acre(s). (J-15)

Details of the application(s) may be examined at the Planning Department Development Services Center One Stop Shop, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 8:00 a.m. and 4:30 p.m., Monday through Friday except holidays. INDIVIDUALS WITH DISABILITIES needing special assistance to participate in this hearing should contact Claire Senova, Planning Department, at 924-3946. TTY users may call the New Mexico Relay Network by calling toll-free 1-800-659-8331.

for Sheran Matson, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, JUNE 5, 2006.

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION — **S**
- X Major Subdivision action
- ____ Minor Subdivision action
- ____ Vacation — **V**
- ____ Variance (Non-Zoning)

SITE DEVELOPMENT PLAN — **P**
- ____ for Subdivision
- ____ for Building Permit
- ____ Administrative Amendment (AA)
- ____ IP Master Development Plan
- ____ Cert. of Appropriateness (LUCC) — **D**

STORM DRAINAGE (Form D) — **L**
- ____ Storm Drainage Cost Allocation Plan

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)

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 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 Suite 211 FAX: 242 9028
CITY: ALBUQUERQUE STATE NM ZIP 87102 E-MAIL: BILYBOMON@HOTMAIL.COM

APPLICANT: DRAGONFLY DEVELOPMENT INC. PHONE: ____
ADDRESS: 12809 Donnett Court NE FAX: ____
CITY ALB STATE NM ZIP 87112 E-MAIL: ____
Proprietary interest in site: OWNER **List all owners**. ____

DESCRIPTION OF REQUEST: REQUEST FOR EXTENSION OF PRELIMINARY PLAT for One Year

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

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

Lot or Tract No Tracts 31-33 Block: ____ Unit: ____
Subdiv/Addn/TBKA: Town of Atrisco Grant
Existing Zoning: SU-2/RLT Proposed zoning: N/A MRGCD Map No ____
Zone Atlas page(s): J-9 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.). Project 1003612, 06DRB70136, 08DRB70321, 09DRB70218, 10DRB70093

CASE INFORMATION:

Within city limits? X Yes Within 1000FT of a landfill? ____
No of **existing** lots: 3 No. of **proposed** lots: 41 Total area of site (acres): +/- 6.4 acres
LOCATION OF PROPERTY BY STREETS: On or Near. ENDEE ROAD NW
Between: 98th 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 William J Kraemer DATE 6/17/2010
(Print) WILLIAM L. KRAEMER 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
10DRB - ____ - 70172	EPP	___	$ 50.00
____ - ____ - ____	____	___	$ 20.00
____ - ____ - ____	____	___	$ ____
____ - ____ - ____	____	___	$ ____
____ - ____ - ____	____	___	$ ____
			Total
			$ 70.00

Hearing date June 30, 2010

6.18.10
Planner signature / date

Project # 1003612

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.

WILLIAM KRAEMER
Applicant name (print)

William J Kraemer 6/17/2010
Applicant signature / date

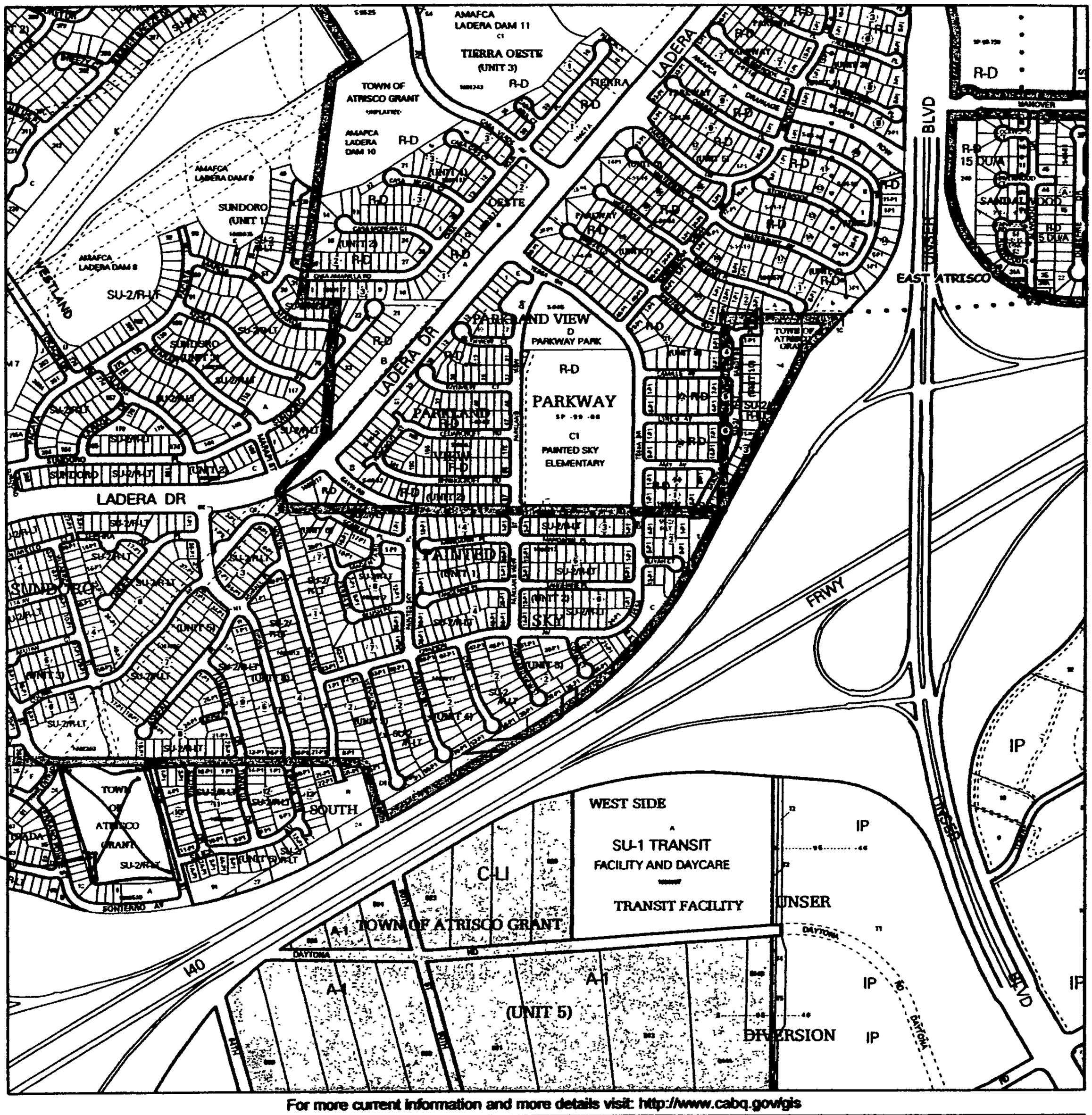
Form revised **October 2007**

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

Application case numbers
10DRB - ____ - 70172
____ - ____ - ____
____ - ____ - ____

6.14.10
Planner signature / date

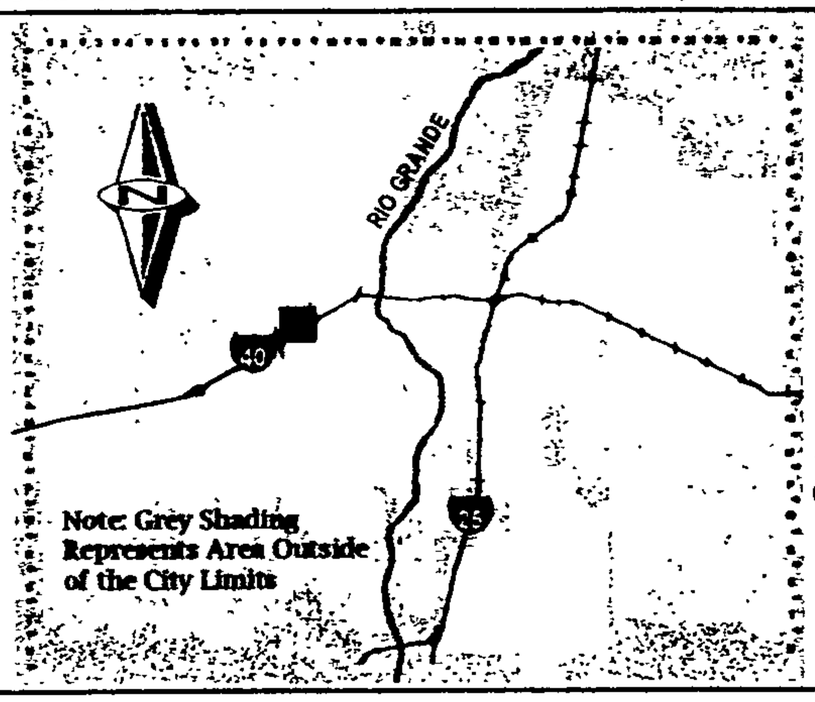
Project # 1003612



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

Albuquerque Geographic Information System

Map amended through: 3/10/2009



Zone Atlas Page:

J-09-Z

Selected Symbols

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

Feet: 0 — 750 — 1,500

GARCIA/KRAEMER&ASSOCIATES

Wells Fargo Bank Building
200 Lomas N.W., Suite 1111
Albuquerque, NM 87102
(505) 242 5566
Fax (505) 242 9028

June 17, 2010

Jack Cloud, Chair
Development Review Board
City of Albuquerque
600 2nd Street NW
Albuquerque, NM 87102

Re: Preliminary Plat Extension of Tracts 31-33 Town of Atrisco Grant
Project #1003612

Dear Chairman Cloud,

On behalf of Dragonfly Development, Garcia/Kraemer & Associates is requesting an additional one-year extension of the preliminary plat approval for Tracts 31-33, Town of Atrisco Grant, located on Endee Road, comprising of approximately 6.4 acres.

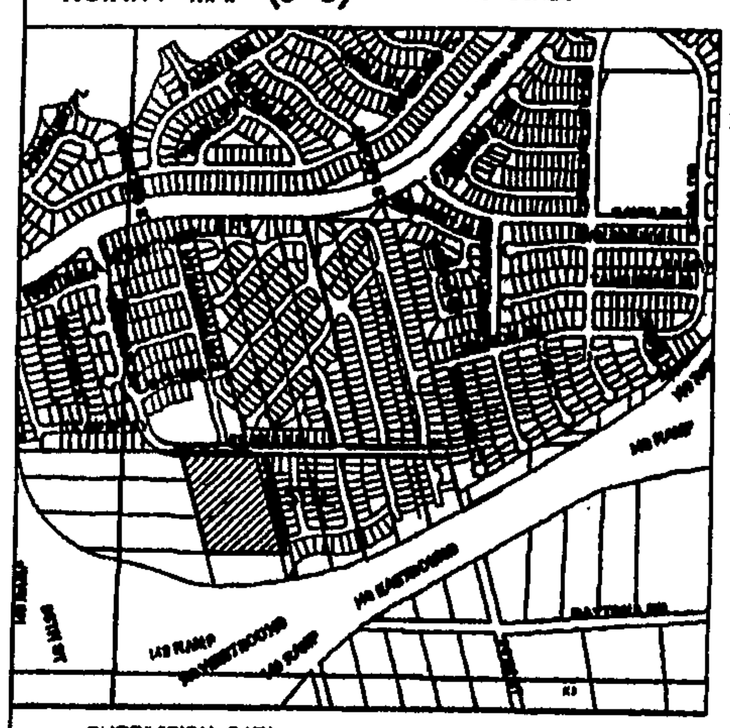
The Development Review Board approved a Major Preliminary Plat (06DRB-00737), a Major Vacation of Public Right of Way for 94th Street (06DRB-00738) and a Minor Temporary Defer of Sidewalk (06DRB-00739) for this property on August 2, 2006. DRB approved extensions of the Preliminary Plat on July 25, 2007, July 23, 2008 and once again on July 8, 2009. The vacation of 94th Street was re-approved in 10DRB70093 and the property owner is now in the process of getting DRC approval to build infrastructure.

The applicant sincerely hopes this is the final extension and that the next action before you will be final plat approval.

Sincerely,

William L. Kraemer
Garcia/Kraemer & Associates

VICINITY MAP (J-9) NO SCALE



SUBDIVISION DATA

1. DRB Proj. No.
2. Zone Atlas Index No. J-9
3. Current Zoning SU-2/R-LT
4. Gross acreage 7.0649 Acres
5. Total Number of Lots created - 41 residential
6. No. of existing tracts: 3
7. Miles of full width streets created: 0.26 mi.
   Miles of partial width streets created: 0.12 mi.
   Area of streets dedicated to City of Albuquerque: 1.7812 Ac.
8. Date of Survey: July, 2005
9. TALOS LOG NO.: 2005324188

PURPOSE OF PLAT:

The purpose of this plat is to replat three tracts into forty-one residential lots and four tracts, dedicate public right of way and grant easements.

NOTES

1. Bearings are Grid Bearings, Central Zone, NAD 1927, based upon NMSHD MONUMENT "1-40-21A" and NGS MONUMENT "REWARD"
2. All distances are ground.
3. Monuments recovered and accepted or set are noted on plat.
4. Record bearings in parenthesis. Record bearings from the following sources:
   a. Description contained in Quitclaim Deed, Doc. No. 84 74711, filed September 28, 1984
   b. SUNDORO SOUTH SUBDIVISION UNIT 1; filed July 28, 2004; Book 2004C, page 228
   c. Plat showing a portion of Tracts Allotted from TOWN OF ATRISCO GRANT, filed December 6, 1944; Vol. D, folio 117
5. Ten feet (10') Public Utility Easement along all street rights of way is hereby granted with the filing of this plat.

FOR BERNALILLO COUNTY TREASURER'S OFFICE USE ONLY

THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND PAID ON

UPC# 1 009 059 040 082 30902

PROPERTY OWNER OF RECORD:

BERNALILLO COUNTY TREASURER'S OFFICE

COUNTY CLERK RECORDING LABEL HERE

PRELIMINARY PLAT OF
SUNDORO SOUTH SUBDIVISION UNIT 9
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
WITHIN THE TOWN OF ATRISCO GRANT
PROJECTED SECTION 16, T. 10 N., R. 2 E., NMPM

MAY 2006

PROJECT NUMBER: x

Application Number: x

Utility Approvals:

PNM Electric Services	Date
PNM Gas Services	Date
Qwest Telecommunications	Date
Comcast Cable	Date

City Approvals:

City Surveyor	Date
Real Property Division	Date
Environmental Health Department	Date
Traffic Engineering, Transportation Division	Date
Water Utility Department	Date
Parks and Recreation Department	Date
AMAFCA	Date
City Engineer	Date
DRB Chairperson, Planning Department	Date

DESCRIPTION

A tract of land in Albuquerque, Bernalillo County, New Mexico, within projected Section 16, Township 10 North, Range 2 East, N.M.P.M., said tract being and comprising the following lots and parcels: an Unplatted tract a.k.a., "Lands of Griego" as the same is described in a Quitclaim Deed filed on September 28, 1984, as Document No. 8474711, records of Bernalillo County, New Mexico, an Unplatted parcel of land adjoining the North side of the "Lands of Griego", said parcel being undedicated and being known as "Endee Road" as it appears on County Zone Atlas Sheet J-9; and the West one-half of Ninety-fourth Street, NW, and being more particularly described as follows:

BEGINNING at a point on the North line of said tract, from which point NMSHD Monument "1-40-21A" (x = 364894.87, y = 1456789.30, New Mexico State Plane Grid Coordinates, Central Zone, NAD 1927), bears N 84°48'13" E, a ground distance of 2020.00 feet, and running from said beginning point along the Northerly line of said tract thence, S 89°48'05" E, a distance of 31.12 feet to the Northeast corner of the herein described tract, said point being on the Centerline of 94th Street;
thence, following the centerline of said street, S 18°11'39" E, a distance of 618.33 feet to the Southeast corner of the herein described tract;
thence, N 89°40'09" W, a distance of 901.01 feet to the Southwest corner of the herein described tract;
thence, N 18°11'39" W, a distance of 617.24 feet to an angle point;
thence, along a curve to the right having a radius of 206.00 feet, a central angle of 23°42'60", chord bearing N 76°28'42" W 88.48 feet, an arc length of 88.09 feet to the Northwest corner of the herein described tract;
thence, S 89°48'05" E, a distance of 810.38 feet;
thence, S 18°20'21" E, a distance of 14.79 feet;
thence, S 89°48'05" E, a distance of 28.29 feet;
thence, S 18°00'48" E, a distance of 4.82 feet to the place of beginning, containing 7.0649 acres, more or less.

FREE CONSENT AND DEDICATION:

The subdivision hereon described is with the free consent and in accordance with the desires of the undersigned owner(s) and/or proprietor(s) thereof and said owner(s) and/or proprietor(s) do hereby grant: all access, utility and drainage easements shown hereon including the right to construct, operate, inspect, and maintain facilities thereby; and all public utility easements shown hereon for the common and joint use of gas, electrical power and communication services for buried distribution line, conduits, and pipes for underground utilities where shown or indicated, and including the right of ingress and egress for construction and maintenance, and the right to trim interfering trees and shrubs. Said owner(s) and/or proprietor(s) do hereby consent to all of the foregoing and do hereby certify that this subdivision is their free act and deed. Said owner(s) warrant that they hold among them complete and indefeasible title to the land subdivided.

Philip Lieberg, Authorized representative of Dragonfly Development Inc., a New Mexico Corporation.

Notary Public

PRELIMINARY PLAT APPROVAL:

Glen B. Hamlin, P.E., City Surveyor, City of Albuquerque — Date 5/25/06

SURVEYOR'S CERTIFICATE

I, Thomas D. Johnston, licensed as a Professional Surveyor under the laws of the State of New Mexico, do hereby certify that this plat was prepared by me or under my supervision, that I am responsible for this plat, that it shows all easements of the recorded plat and made known to me by the title company, utility companies or by the owner of record, meets the minimum standards for monumentation and surveys of the Albuquerque Subdivision Ordinance, and meets the Minimum Standards for Land Surveys as adopted by the New Mexico State Board of Registration for Professional Engineers and Surveyors, effective October 1, 2000 and is true and correct to the best of my knowledge and belief.

Thomas D. Johnston, N.M.P.S. No. 14269 — Date

THOMAS D. JOHNSTON NEW MEXICO 14269 REGISTERED LAND SURVEYOR

INDEXING INFORMATION FOR COUNTY CLERK
OWNER: FARMERS INVESTMENT PROPERTIES
LOCATION: SECTION 16 T. 10 N., R. 2 E., N.M.P.M.
SUBDIVISION: SUNDORO SOUTH UNIT 9

WAYJOHN SURVEYING INC
330 LOUISIANA BLVD., N.E.
ALBUQUERQUE, N.M. 87108
PHONE: (505) 255-2052 FAX: (505) 255-2687

DRAWN: E W K	SCALE: N/A	FILE NO. SP-6-02-2005	
CHECKED: T D J			
DRAWING NO. SP60205.DWG	3 MAY 2006	SHEET 1 OF 5	

COUNTY CLERK RECORDING LABEL HERE

PRELIMINARY PLAT OF
SUNDORO SOUTH SUBDIVISION UNIT 9
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
WITHIN THE TOWN OF ATRISCO GRANT
PROJECTED SECTION 16, T. 10 N., R. 2 E., NMPM

MAY 2006

PUBLIC UTILITY EASEMENTS

Public Utility Easements shown on this plat are granted for the common and joint use of:
1. The PNM Electric Services Division for the installation, maintenance and service of overhead and underground electrical lines, transformers, poles and any other equipment, fixtures, structures and related facilities reasonably necessary to provide electrical service.
2. The PNM Gas Services Division for installation, maintenance, and service of natural gas lines, valves and any other equipment and facilities reasonably necessary to provide natural gas.
3. Qwest for installation, maintenance and service of such lines, cable and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to above ground pedestals and closures.
4. Comcast Cable for installation, maintenance and service of such lines, cable and other related facilities reasonably necessary to provide Cable TV services.

Included, is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, modify, renew, operate and maintain facilities for the purposes described above, together with the free access to, from and over said easement, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (above ground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Safety Code caused by construction of pools, decking or any structures adjacent to within or near easements shown on this plat.

In approving this plat, the utility companies did not conduct a Title Search of the properties shown hereon. Consequently, the utility companies do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat.
Easements for electric transformers/switchgears, as installed, shall extend ten feet (10') in front of transformers/switchgear doors and five feet (5') on each side.

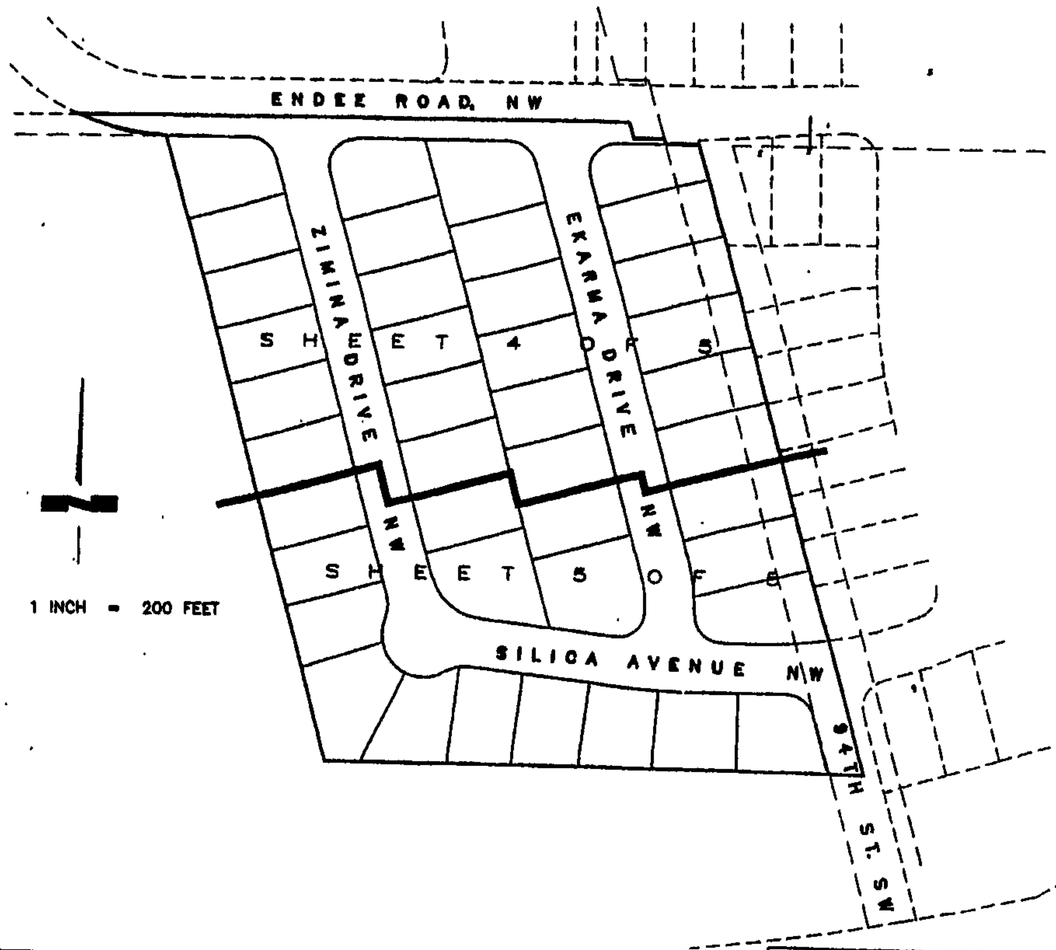
METAL TAGS STAMPED "WAYJOHN PS 14269" WERE ATTACHED TO ALL RECOVERED AND ACCEPTED BOUNDARY CORNERS.

BOUNDARY CORNERS REBAR WERE SET WITH A 1/2" REBAR AND PLASTIC CAP STAMPED "WAYJOHN PS 14269"

NOTE: CENTERLINE (IN LIEU OF R/W) MONUMENTATION IS TO BE INSTALLED AT ALL CENTERLINE PC's, PT's, ANGLE POINTS AND STREET INTERSECTIONS AS SHOWN HEREON, AND WILL CONSIST OF A FOUR INCH (4") ALUMINUM ALLOY CAP STAMPED "CITY OF ALBUQUERQUE", "CENTERLINE MONUMENT", "DO NOT DISTURB", "PLS #14269".

CURVES					
NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	18°23'34"	150.00	40.30	S 07°29'52" E	40.16
C2	21°26'26"	150.00	56.13	N 04°28'26" W	55.80
C3	06°33'12"	250.00	57.32	N 85°31'10" E	57.20
C4	06°27'01"	477.00	53.70	S 86°56'43" E	53.67
C4A	04°00'00"	477.00	33.31	S 86°46'16" E	33.31
C4B	02°26'56"	477.00	20.39	S 88°56'46" E	20.39
C5	68°33'34"	75.00	89.74	S 49°28'26" E	84.48
C5A	34°16'47"	75.00	44.87	S 32°30'02" E	44.21
C5B	34°16'47"	75.00	44.87	S 66°36'49" E	44.21
C6	18°23'34"	150.00	40.30	S 07°29'52" E	40.16
C7	74°36'26"	25.00	32.55	N 52°29'52" W	30.30
C8	105°23'34"	25.00	46.56	S 37°30'08" W	38.77
C9	40°27'18"	25.00	17.65	N 05°02'00" E	17.29
C10	68°33'34"	82.00	82.82	S 49°28'26" E	80.58
C11	148°28'10"	40.00	104.38	S 49°28'26" E	77.18
C12	40°27'18"	25.00	17.65	S 76°01'08" W	17.29
C13	06°27'01"	800.00	89.29	S 86°56'43" E	89.24
C14	75°00'35"	25.00	32.73	N 52°41'56" W	30.44
C15	94°47'12"	25.00	41.36	N 48°51'12" E	36.80
C16	92°09'00"	25.00	40.20	S 44°06'14" E	36.01
C17	18°39'15"	127.00	36.91	N 06°52'08" W	36.76
C18	17°07'25"	173.00	51.70	N 08°37'57" W	51.51
C19	74°36'26"	25.00	32.55	N 52°29'52" W	30.30
C20	105°23'34"	25.00	46.59	S 37°30'08" W	38.77
C21	06°33'12"	227.00	33.89	N 85°31'10" E	23.86
C22	00°15'39"	380.88	1.84	N 81°06'44" E	1.84
C23	13°52'11"	25.00	6.05	N 84°40'26" E	3.61
C24	06°26'13"	400.00	44.94	S 11°56'33" E	44.91
C25	68°33'34"	82.00	82.22	S 49°42'42" E	8.04

CENTERLINE TANGENTS		
NUMBER	BEARING	DISTANCE
L1	N 81°14'34" E	17.36
L2	S 19°11'36" E	106.26



SCALE: 1 INCH = 200 FEET

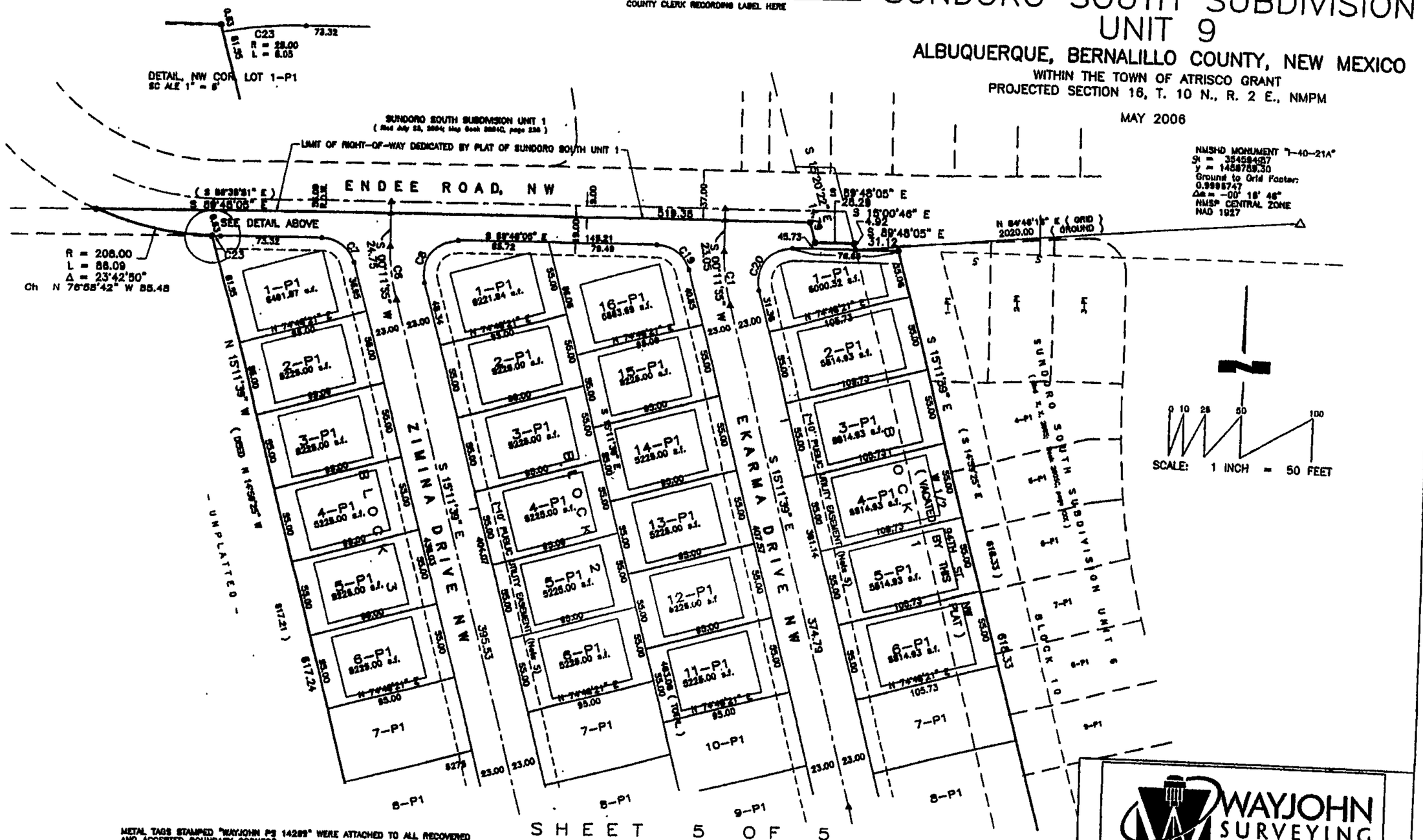
WAYJOHN SURVEYING INC
330 LOUISIANA BLVD., N.E.
ALBUQUERQUE, N.M. 87108
PHONE: (505) 255-2052 FAX: (505) 255-2887

DRAWN: E W K	SCALE:	FILE NO.
CHECKED: T D J	1" = 50'	SP-6-02-2005
DRAWING NO. SP60205.DWG	3 MAY 2006	SHEET 3 OF 5

COUNTY CLERK RECORDING LABEL HERE

PRELIMINARY PLAT OF
SUNDORO SOUTH SUBDIVISION UNIT 9
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
WITHIN THE TOWN OF ATRISCO GRANT
PROJECTED SECTION 16, T. 10 N., R. 2 E., NMPM

MAY 2006



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SHEET 5 OF 5

WAYJOHN SURVEYING INC
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SHEET 4 OF 5

PRELIMINARY PLAT OF
SUNDORO SOUTH SUBDIVISION UNIT 9

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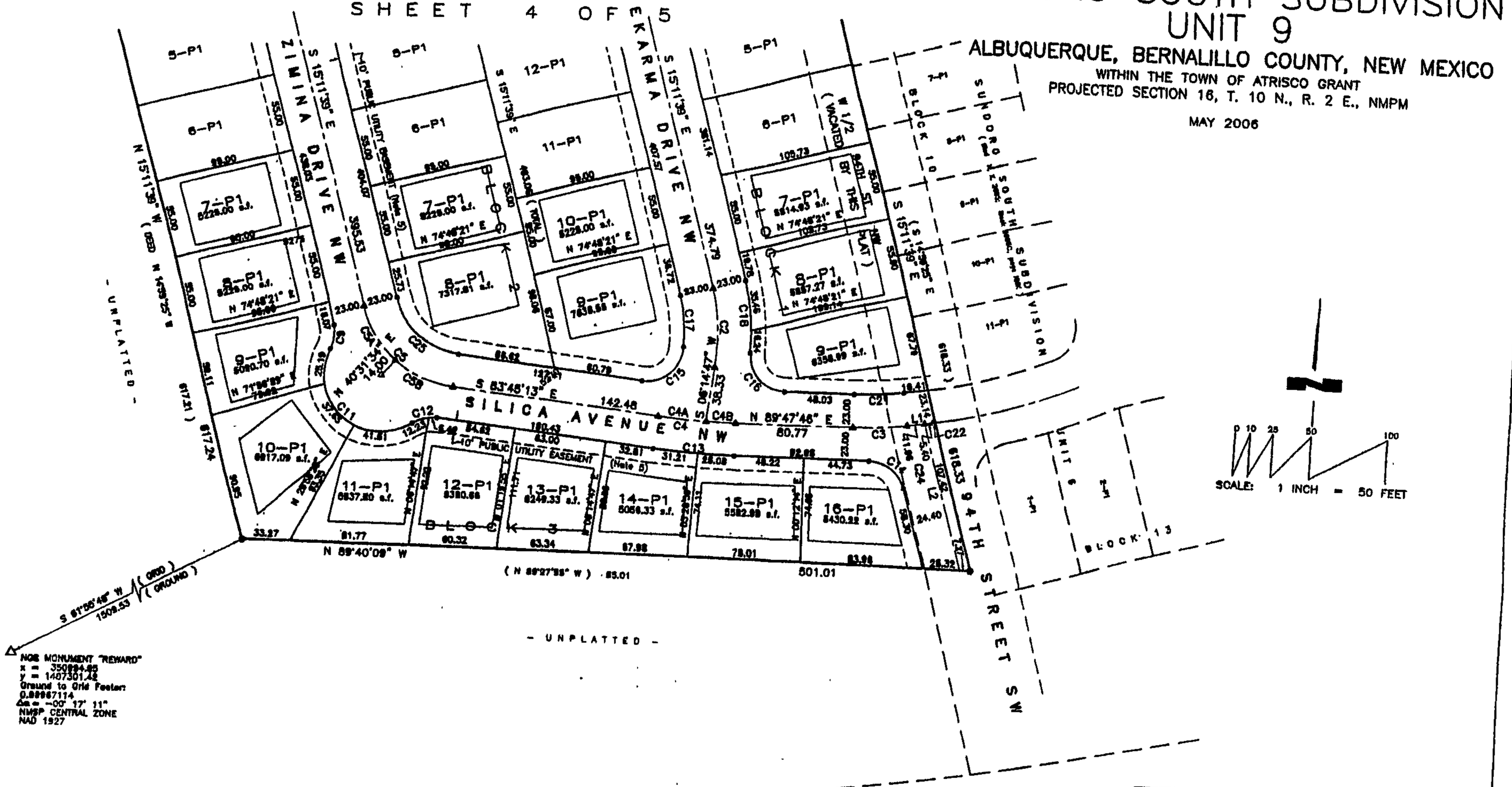
MAY 2006



NGS MONUMENT "REWARD"
x = 350894.85
y = 1407301.42
Ground to Grid Factor:
0.99967114
Δα = -00° 17' 11"
NMSP CENTRAL ZONE
NAD 1927

METAL TAGS STAMPED "WAYJOHN PS 14269" WERE ATTACHED TO ALL RECOVERED AND ACCEPTED BOUNDARY CORNERS.

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WAYJOHN SURVEYING INC
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ALBUQUERQUE, N.M. 87108
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DRAWN: E W K	SCALE:	FILE NO.
CHECKED: T D J	1" = 50'	SP-6-02-2005
DRAWING NO. SP60205.DWG	3 MAY 2006	SHEET 5 OF 5

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505 242 9028
May 07 10 05:06p William Kraemer

Current DRC
Project Number:

ORIGINAL

Figure 12

INFRASTRUCTURE LIST
(Rev. 9-20-05)

Date Submitted: 5-26-06
Date Site Plan Approved: N/A
Date Preliminary Plat Approved: 8-2-06
Date Preliminary Plat Expires: 8-2-07
DRB Project No.: 1003612
DRB Application No.: 06DRB-00737

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

1 1-3-07

SUNDORO SOUTH UNIT 9
PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

TRACT 37, 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	Private: P. E.	City Cnst Engineer
		Paving							
		~~12'~~ 20' wide 10' 1	Residential Paving w/curb and gutter, 6' sidewalk south side	Endee Road	West Boundary	East Boundary	/	/	/
		26' wide	Residential Paving w/curb And gutter, 4' sidewalk both sides*	Zimina Drive	Endee Road	Silica Ave	/	/	/
		26' wide	Residential Paving w/curb And gutter, 4' sidewalk both sides*	Ekarma Drive	Endee Road	Silica Ave.	/	/	/

ORIGINAL

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P. E.	City Cnst Engineer
		Paving Cont.							
		26' wide	Residential Paving w/curb	Silica Ave.	Zimina	East	/	/	/
			And gutter, 4' sidewalk both sides*		Drive	Boundary			
		~~26'~~ 24' wide	Residential Paving w/curb	94th Street	Silica Ave.	South	/	/	/
			(1) And gutter, ~~4'~~ 6' sidewalk ~~both sides*~~ EAST SIDE			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 14	East Boundary	/	/	/

p.3
505 242 9028
William Kraemer
May 07 10 05:06p

ORIGINAL

NOTES

If the site is located in a floodplain, then financial guarantee will not be released until the LOMR is approved by FEMA.
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)

DRB CHAIR — 8/02/06 — Date

Christina Sandoval — 8/2/06
PARKS & GENERAL SERVICES — Date

Thompson Engineering Consultants, Inc.
FIRM

SIGNATURE — 5-26-06 — Date

TRANSPORTATION DEVELOPMENT — 8.2.06 — Date

Royal Shaw — 8/2/06
UTILITY DEVELOPMENT — Date

Bradley L. Bingham — 8/2/06
CITY ENGINEER — Date

AMAFCA — Date

Date

Date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER
1	1-3-07			

p.4
505 242 9028
William Kraemer
May 07 10 05:06p

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

July 8, 2009

Project# 1003612
09DRB-70218 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) 31-33, **TOWN OF ATRISCO GRANT,** zoned SU-2 / RLT, located on ERDEE RD NW BETWEEN 98TH ST NW AND 94TH ST NW containing approximately 6.4 acre(s). (J-9)

At the July 8, 2009 Development Review Board meeting, the one-year extension of the preliminary plat was approved subject to re-application and re-approval for vacation of 94th Street. The conditions of final plat still apply.

If you wish to appeal this decision, you must do so by July 23, 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).

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, AICP, DRB Chair

Cc: Garcia/Kraemer & Associates – 200 Lomas Suite 1111 – Albuquerque, NM 87102
Cc: Dragonfly Development Inc. – 12809 Donett Court NE – Albuquerque, NM 87112
Marilyn Maldonado
File

May 07 10 05:06p William Kraemer 505 242 9028 p.1
COA Proj # 1003612

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION
- X Major Subdivision action
- ___ Minor Subdivision action
- X 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

S Z ZONING & PLANNING
- ___ Annexation
- ___ County Submittal
- ___ EPC Submittal

V
- ___ Zone Map Amendment (Establish or Change Zoning)

P
- ___ Sector Plan **(Phase I, II, III)**
- ___ Amendment to Sector, Area, Facility or Comprehensive Plan
- ___ Text Amendment (Zoning Code/Sub Regs)

D
- ___ 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 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: 200 LOMAS NW SUITE 1111 FAX: 242 9028
CITY: ALBUQ STATE NM ZIP 87102 E-MAIL: BILYBOMUN@HOTMAIL.COM

APPLICANT: DRAGONFLY DEVELOPMENT INC PHONE: 450 4388
ADDRESS: 12809 DONNETT COURT NE FAX:
CITY: ALBUQ STATE NM ZIP E-MAIL:
Proprietary interest in site: OWNER **List all owners:**

DESCRIPTION OF REQUEST: VACATION OF PUBLIC RIGHT OF WAY (1/2 of 94th Street)

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

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

Lot or Tract No. Tracts 31-33 Block: Unit:
Subdiv/Addn/TBKA: TOWN of ATRISCO GRANT
Existing Zoning: SU-2/R-LT Proposed zoning: NO CHANGE MRGCD Map No
Zone Atlas page(s): J-9 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.).
Project # 1003612, 09DRB 70218, 06DRB 00738, 04EPC-01550, -01552

CASE INFORMATION:

Within city limits? X Yes Within 1000FT of a landfill? NO
No. of **existing** lots: 3 No. of **proposed** lots: 41 Total area of site (acres): +/- 6.4
LOCATION OF PROPERTY BY STREETS: On or Near: ~~ENDEE ROAD NW~~ 94th Street
Between: ~~94th Street~~ Endee and Interstate 40

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

SIGNATURE William J Kraemer DATE 3/18/2010
(Print) WILLIAM KRAEMER 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: 10DRB - - 70093

Action	S.F.	Fees
VRW		$ 300.00
CMF		$ 20.00
ADV		$ 75.00
		$
		$
		Total $ 395.00

Hearing date April 14, 2010

3-19-10
Planner signature / date

Project # 1003617

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)**
- N/A 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)
- X 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.

WILLIAM KRAEMER
Applicant name (print)

William J Kraemer 3/19/10
Applicant signature / date

Form revised 4/07

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

Application case numbers
10DRB - ____ - 70093
____ - ____ - ____
____ - ____ - ____

3-19-10
Planner signature / date

Project # 1003612

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of $3.75 each.

1. LOCATION

   A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
   B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
   C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

   A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
   B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

   A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
   B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from March 30, 2010 To April 14, 2010

5. REMOVAL

   A. The sign is not to be removed before the initial hearing on the request.
   B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

William J. Krause — (Applicant or Agent)

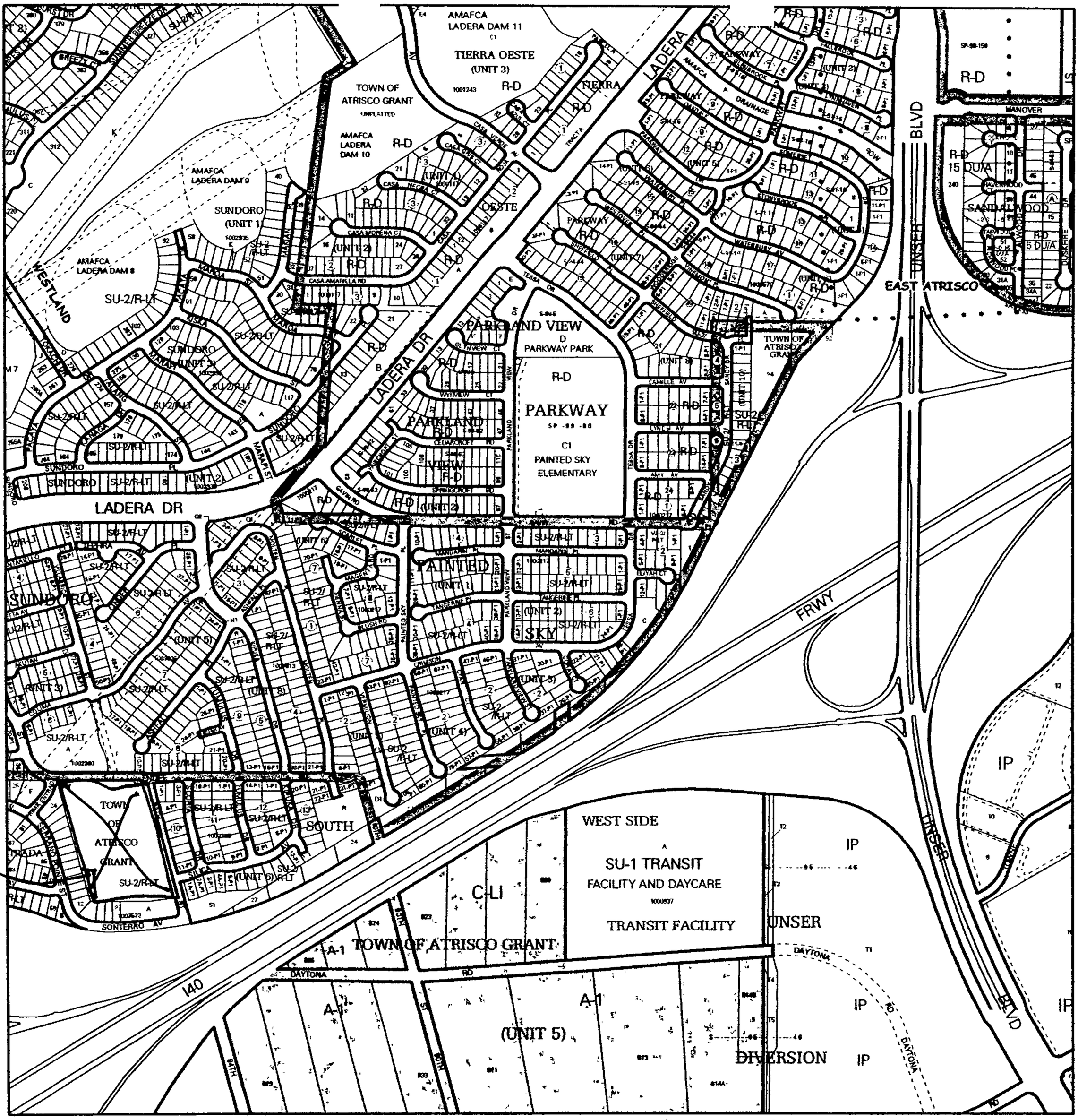
3/19/10 — (Date)

I issued 2 signs for this application, 3-19-10 (Date)

(Staff Member)

DRB PROJECT NUMBER: 1003612

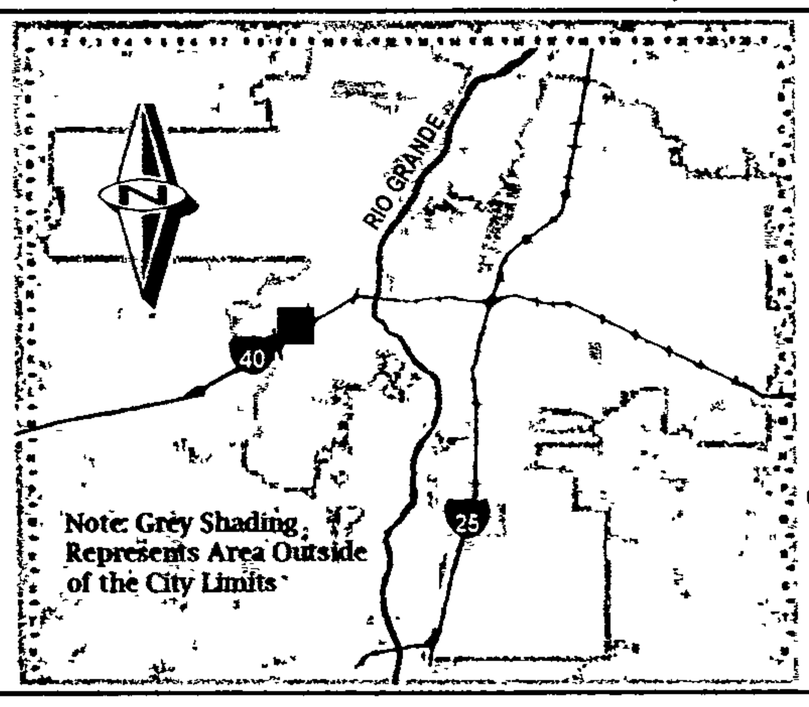
Rev. 1/11/05



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

CITY OF ALBUQUERQUE
AGIS
Albuquerque Geographic Information System

Map amended through: 3/10/2009



Zone Atlas Page:

J-09-Z

Selected Symbols

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

0 — 750 — 1,500 Feet

GARCIA/KRAEMER&ASSOCIATES

Wells Fargo Bank Building
200 Lomas N.W., Suite 1111
Albuquerque, NM 87102
(505) 242 5566
Fax (505) 242 9028

March 18, 2010

Jack Cloud, Chair
Development Review Board
City of Albuquerque
600 2nd Street NW
Albuquerque, NM 87102

Re: Project #1003612, Sundoro South Unit #9
Request to Vacate W1/2 of 94th Street

Dear Chairman Cloud,

On behalf of Dragonfly Development, Garcia/Kraemer & Associates request re-approval of the VACATION of public right-of-way, the west half of 94th from Endee Rd NW, South to the boundary of the approved Preliminary Plat.

The Development Review Board approved a Major Preliminary Plat (06DRB-00737), a Major Vacation of Public Right of Way for 94th Street (06DRB-00738) and a Minor Temporary Defer of Sidewalk (06DRB-00739) for this property on August 2, 2006. DRB approved extensions of the Preliminary Plat in 2007, 2008 and most recently on July 8, 2009 (09DRB-70218). These extensions were subject to re-application and re-approval of 94th Street vacation.

The East half of this section of 94th Street has been VACATED and re-platted into Sundoro South Unit 6. 94th Street does not serve as access to any property. The public welfare is in no way served by retaining the right of way. There is no evidence that any property right will be abridged by approval of this VACATION.

Sincerely,

William L. Kraemer
Garcia/Kraemer & Associates

City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

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

March 18, 2010

Planning Department
Plaza Del Sol Building
600 Second St. NW
Second Floor (924-3860)

This letter will serve to notify you that on **March 18, 2010:**

CONTACT NAME: BILL KRAEMER

COMPANY OR AGENCY: GARCIA/KRAEMER AND ASSOCIATES
200 LOMAS BOULEVARD NW, SUITE 1111/87102
PHONE: 505-242-5566/FAX: 242-9028

contacted the Office of Neighborhood Coordination requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at **(DRB SUBMITTAL) - TRACT 31-33, TOWN OF ATRISCO GRANT, LOCATED ON ERDEE ROAD NW BETWEEN 98TH STREET NW AND 94TH STREET NW** zone map **J-9.**

Our records indicate that as of March 18, 2010, there were no Neighborhood and/or Homeowner Associations in this area.

If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at swinklepleck@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Stephani Winklepleck

Stephani Winklepleck
Neighborhood Liaison
OFFICE OF NEIGHBORHOOD COORDINATION
PLANNING DEPARTMENT

planningnrnaform(01/22/08)

!!!Notice to Applicants!!!

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

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

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

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

Information from the Office of Neighborhood Coordination

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

[ ] ONC's "Official" Letter to the applicant *(if there are associations)*. A copy must be submitted with application packet -OR-

[X] The ONC "Official" Letter *(if there are no associations)*. A copy must be submitted with application packet.

[ ] Copies of Letters to Neighborhood and/or Homeowners Associations *(if there are associations)*. A copy must be submitted with application packet.

[ ] Copies of the certified receipts to Neighborhood and/or Homeowners Associations *(if there are associations)*. A copy must be submitted with application packet.

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

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

Thank you for your cooperation on this matter.

****

(below this line for ONC use only)

Date of Inquiry: **03/18/10** Time Entered: **1:35 p.m.** ONC Rep. Initials: **siw**

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

July 8, 2009

Project# 1003612
09DRB-70218 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) 31-33, **TOWN OF ATRISCO GRANT,** zoned SU-2 / RLT, located on ERDEE RD NW BETWEEN 98TH ST NW AND 94TH ST NW containing approximately 6.4 acre(s). (J-9)

At the July 8, 2009 Development Review Board meeting, the one-year extension of the preliminary plat was approved subject to re-application and re-approval for vacation of 94th Street. The conditions of final plat still apply.

If you wish to appeal this decision, you must do so by July 23, 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).

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, AICP, DRB Chair

Cc: Garcia/Kraemer & Associates – 200 Lomas Suite 1111 – Albuquerque, NM 87102
Cc: Dragonfly Development Inc. – 12809 Donett Court NE – Albuquerque, NM 87112
Marilyn Maldonado
File

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.

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.

OFFICIAL NOTICE OF DECISION

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

PICK-UP / DELIVERY REQUEST FORM

Albuquerque Reprographics
4716 McLeod Rd NE
Albuquerque, NM 87109
Phone: (505) 884-0862 Fax: (505) 883-6452
Pickup Only: (505) 884-0885

ATTN: JAMES

Date: 08/11/09

PLEASE CALL/DELIVER COPIES & INVOICE TO:

SCHELER, YOST & PATTERSON

Name: NADINE M. BLAKE

~~Address:~~ CALL WHEN READY

Phone: SEE ATTACHED — 954-9311

PLEASE RETURN ORIGINALS

TO: **City of Albuquerque**
Planning Department/Publications
2nd Level (on the west side from the entry area)
600 2nd St. NW Suite 201

CONTACT: Sandy Handley ---------- 924-3861
Linda Evans---------- 924-3979

Document: (FILE) PROJECT # 1003612

Released To: ABQ Repro

Date: 8-11-09

Returned To: S

Date: _____

Scheuer, Yost & Patterson

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

RALPH H. SCHEUER
MEL E. YOST
JOHN N. PATTERSON
CHARLOTTE H. HETHERINGTON
DONALD A. WALCOTT
BYRON L. TREASTER
CHRISTOPHER M. GRIMMER
ALEXIA CONSTANTARAS
CHARLES V. HENRY, IV
KRISTOFER C. KNUTSON
KRISTIN L. DAVIDSON
RACHEL L. WINSTON
ALISON M. RUSH

OF COUNSEL:

HOLLY A. HART
TONY F. ORTIZ

MELVIN T. YOST
1914 - 2001

STREET ADDRESS:
125 LINCOLN AVENUE, SUITE 223
SANTA FE, NEW MEXICO 87501

1200 TRINITY DR., SUITE 424
LOS ALAMOS, NEWMEXICO 87544

MAILING ADDRESS:
POST OFFICE BOX 9570
SANTA FE, NEW MEXICO 87504-9570

TELEPHONE: (505) 982-9911
(505) 989-7500
FACSIMILE: (505) 982-1621
TAOS DIRECT: (575) 758-5353
LOS ALAMOS DIRECT: (505) 662-3626

WEBSITE: santafelawyers.com

Facsimile Transmittal

To: Nolean Smith
Fax: (505) 924-3339
From: Nadine Blake, Legal Assistant to Alexia Constantaras, Esq.
Date: August 7, 2009
Pages: 2 (including cover page)
RE: Development Project #100-3612;
(Sundoro South, Unit 9 - Town of Atrisco Grant)

If transmission is interrupted or of poor quality, please notify us by calling (505) 982-9911.

COMMENTS: Please see attached request. Thank you.

Confidentiality Notice

This facsimile transmission and any accompanying documents contain information belonging to the sender which may be confidential and legally privileged. This information is intended only for the use of the individual or entity to whom this facsimile transmission was sent as indicated above. If you are not the intended recipient, any disclosure, copying, distribution, or action taken in reliance on the contents of the information contained in this facsimile transmission is strictly prohibited. If you have received this transmission in error, please call us collect to arrange for the return of the documents to us at our expense. Thank you.

Scheuer, Yost & Patterson
A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

RALPH H. SCHEUER
MEL E. YOST
JOHN N. PATTERSON
CHARLOTTE H. HETHERINGTON
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1200 TRINITY DR., SUITE 424
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SANTA FE, NEW MEXICO 87504-2570

TELEPHONE: (505) 982-9911
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FACSIMILE: (505) 982-1621
TAOS DIRECT: (575) 758-5353
LOS ALAMOS DIRECT: (505) 662-3626

WEBSITE: santafelawyers.com

August 7, 2009

VIA - FACSIMILE (505) 924-3339

Nolean Smith
City of Albuquerque
600 2nd Street, NW, Ste. 300
Albuquerque, NM 87102

Re: ***Development Project # 100-3612***
(Sundoro South, Unit 9 - Town of Atrisco Grant)

Dear Nolean:

Pursuant to our telephone conversation of this afternoon, this letter serves as a request for photocopies of any and all documents relating to Development Project #100-3612, **Unit 9**. EPC / DRB

Upon your review of the file, please call me to let me know the timeframe for receiving the requested documents and the total amount that will be due for the photocopies.

Thank you in advance for your time and assistance with this request. Should you have questions or need additional information, please contact me at (505) 954-9311.

Sincerely,

Nadine M. Blake
Legal Assistant to Alexia Constantaras, Esq.

/nmb

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

S	Z		
		SUBDIVISION	
X		Major Subdivision action	
____		Minor Subdivision action	
____		Vacation	
	V	Variance (Non-Zoning)	
		SITE DEVELOPMENT PLAN	
____		for Subdivision	
____		for Building Permit	
____		Administrative Amendment (AA)	
____		IP Master Development Plan	D
____		Cert. of Appropriateness (LUCC)	L A
		STORM DRAINAGE (Form D)	
____		Storm Drainage Cost Allocation Plan	

		ZONING & PLANNING
____		Annexation
____		County Submittal
____		EPC Submittal
____		Zone Map Amendment (Establish or Change Zoning)
____	P	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)
		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 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 & Associates PHONE: 242-5566

ADDRESS: 200 Lomas, NW, Suite 1111 FAX: 242-9028

CITY: Albuquerque STATE NM ZIP 87102 E-MAIL:

APPLICANT: Dragonfly Development Inc. PHONE:

ADDRESS: 12809 Dunett Court NE FAX:

CITY: Albuquerque STATE NM ZIP 87112 E-MAIL:

Proprietary interest in site: Owner List all owners:

DESCRIPTION OF REQUEST: Request for extension of Preliminary Plat for one-year

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

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

Lot or Tract No. Tracts 31-33 Block: Unit:

Subdiv/Addn/TBKA: Town of Atrisco Grant

Existing Zoning: SU-2 / R-LT Proposed zoning: N/A MRGCD Map No

Zone Atlas page(s): J-9 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.):

Project # 1003612, 06DRB-00737, 07DRB-70136, 08DRB-70321

CASE INFORMATION:

Within city limits? X Yes Within 1000FT of a landfill?

No. of existing lots: 3 No. of proposed lots: 41 Total area of site (acres): +/- 6.4 acres

LOCATION OF PROPERTY BY STREETS: On or Near: Erdee Road NW

Between: 98th Street and 94th Street

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

SIGNATURE William J Kraemer DATE 6/25/09

(Print) William J Kraemer 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
09DRB - ____ - 70218	EPP	___	$ 50.00
____ - ____ - ____	CMF	___	$ 20.00
____ - ____ - ____	____	___	$ ____
____ - ____ - ____	____	___	$ ____
____ - ____ - ____	____	___	$ ____
			Total
			$ 70.00

Hearing date July 8, 2009

6.25.09
Planner signature / date

Project # 1003612

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.

Nicole Sanchez-Hurwell
Applicant name (print)

Nicole S [signature] 6/25/09
Applicant signature / date

Form revised **October 2007**

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

Application case numbers
09DRB - _____ - 70218
_____ - _____ - _____
_____ - _____ - _____

[signature] 6.25.09
Planner signature / date

Project # 1003612

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

Albuquerque Geographic Information System

Map amended through: 3/10/2009

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:

J-09-Z

Selected Symbols

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

0 750 1,500 Feet

GARCIA/KRAEMER&ASSOCIATES

Wells Fargo Bank Building
200 Lomas N.W., Suite 1111
Albuquerque, NM 87102
(505) 242 5566
Fax (505) 242 9028

June 18, 2009

Jack Cloud, Chair
Development Review Board
City of Albuquerque
600 2nd Street NW
Albuquerque, NM 87102

Re: Preliminary Plat Extension of Tracts 31-33 Town of Atrisco Grant
Project #1003612

Dear Chairman Cloud,

On behalf of Dragonfly Development, Thompson Engineering Consultants and Garcia/Kraemer & Associates are requesting a second one-year extension of the preliminary plat approval for Tracts 31-33, Town of Atrisco Grant, located on Erdee Road, comprising of approximately 6.4 acres.

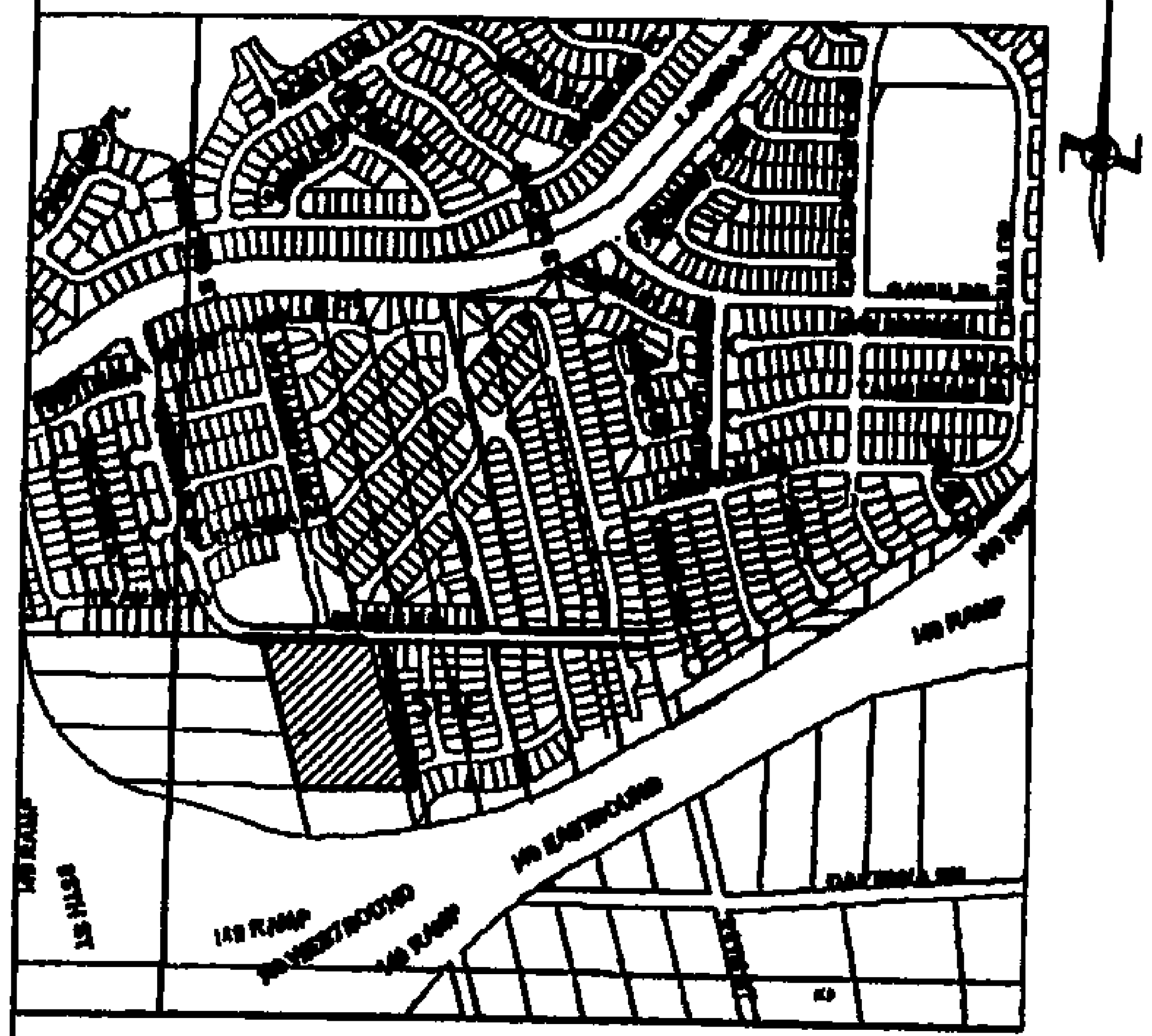
The Development Review Board approved a Major Preliminary Plat (06DRB-00737), a Major Vacation of Public Right of Way for 94th Street (06DRB-00738) and a Minor Temporary Defer of Sidewalk (06DRB-00739) for this property on August 2, 2006. DRB approved an extension of the Preliminary Plat on July 25, 2007. The applicant requested another extension of the Preliminary Plat; DRB approved this extension for another year on July 23, 2008 subject to reapplication and re-approval of 94th Street vacation.

The applicant is requesting this extension due to market conditions. We do not seek re-approval of the 94th Street vacation at this time but understand that it will be a requirement prior to approval of the final plat in this matter.

Sincerely,

William L. Kraemer
Garcia/Kraemer & Associates

VICINITY MAP (J-9) NO SCALE



SUBDIVISION DATA

1. DRB Proj. No.
2. Zone Atlas Index No. J-9
3. Current Zoning SU-2/R-LT
4. Gross acreage 7.0649 Acres
5. Total Number of Lots created - 41 residential
6. No. of existing tracts: 3
7. Miles of full width streets created: 0.26 mi.
   Miles of partial width streets created: 0.12 mi.
   Area of streets dedicated to City of Albuquerque: 1.7812 Ac.
8. Date of Survey: July, 2005
9. TALOS LOG NO.: 2005324186

PURPOSE OF PLAT:

The purpose of this plat is to replat three tracts into forty-one residential lots and four tracts, dedicate public right of way and grant easements.

NOTES

1. Bearings are Grid Bearings, Central Zone, NAD 1927, based upon NMSHD MONUMENT "I-40-21A" and NGS MONUMENT "REWARD"
2. All distances are ground.
3. Monuments recovered and accepted or set are noted on plat.
4. Record bearings in parenthesis. Record bearings from the following sources:
   a. Description contained in Quitclaim Deed, Doc. No. 84 74711, filed September 28, 1984
   b. SUNDORO SOUTH SUBDIVISION UNIT 1; filed July 28, 2004; Book 2004C, page 228
   c. Plat showing a portion of Tracts Allotted from TOWN OF ATRISCO GRANT, filed December 5, 1944; Vol. D, folio 117
5. Ten foot (10') Public Utility Easement along all street rights of way is hereby granted with the filing of this plat.

FOR BERNALILLO COUNTY TREASURER'S OFFICE USE ONLY

THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND PAID ON

UPC# 1 009 058 040 082 30902

PROPERTY OWNER OF RECORD:

BERNALILLO COUNTY TREASURER'S OFFICE

COUNTY CLERK RECORDING LABEL HERE

DESCRIPTION

A tract of land in Albuquerque, Bernalillo County, New Mexico, within projected Section 16, Township 10 North, Range 2 East, N.M.P.M., said tract being and comprising the following lots and parcels: an Unplatted tract a.k.a., "Lands of Griego" as the same is described in a Quitclaim Deed filed on September 28, 1984, as Document No. 8474711, records of Bernalillo County, New Mexico, an Unplatted parcel of land adjoining the North side of the "Lands of Griego", said parcel being undedicated and being known as "Endee Road" as it appears on County Zone Atlas Sheet J-8; and the West one-half of Ninety-fourth Street, NW, and being more particularly described as follows:

BEGINNING at a point on the North line of said tract, from which point NMSHD Monument "I-40-21A" (x = 364584.87, y = 1486789.30, New Mexico State Plane Grid Coordinates, Central Zone, NAD 1927), bears N 84°48'13" E, a ground distance of 2020.00 feet, and running from said beginning point along the Northerly line of said tract thence, S 88°48'05" E, a distance of 31.12 feet to the Northeast corner of the herein described tract, said point being on the Centerline of 94th Street;
thence, following the centerline of said street, S 15°11'38" E, a distance of 618.33 feet to the Southeast corner of the herein described tract;
thence, N 89°40'09" W, a distance of 501.01 feet to the Southwest corner of the herein described tract;
thence, N 15°11'38" W, a distance of 617.24 feet to an angle point;
thence, along a curve to the right having a radius of 208.00 feet, a central angle of 23°42'50", chord bearing N 78°38'42" W 85.48 feet, an arc length of 86.09 feet to the Northwest corner of the herein described tract;
thence, S 88°48'05" E, a distance of 519.38 feet;
thence, S 15°20'22" E, a distance of 14.79 feet;
thence, S 88°48'05" E, a distance of 28.29 feet;
thence, S 15°00'48" E, a distance of 4.92 feet to the place of beginning, containing 7.0649 acres, more or less.

FREE CONSENT AND DEDICATION:

The subdivision hereon described is with the free consent and in accordance with the desires of the undersigned owner(s) and/or proprietor(s) thereof and said owner(s) and/or proprietor(s) do hereby grant: all access, utility and drainage easements shown hereon including the right to construct, operate, inspect, and maintain facilities therein; and all public utility easements shown hereon for the common and joint use of gas, electrical power and communication services for buried distribution line, conduits, and pipes for underground utilities where shown or indicated, and including the right of ingress and egress for construction and maintenance, and the right to trim interfering trees and shrubs. Said owner(s) and/or proprietor(s) do hereby consent to all of the foregoing and do hereby certify that this subdivision is their free act and deed. Said owner(s) warrant that they hold among them complete and indefeasible title to the land subdivided.

Philip Lindborg, Authorized representative of Dragonfly Development Inc., a New Mexico Corporation.

Notary Public

PRELIMINARY PLAT APPROVAL:

Glen E. Haskin, PS, City Surveyor, City of Albuquerque 5/25/06 Date

PRELIMINARY PLAT OF

SUNDORO SOUTH SUBDIVISION UNIT 9

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO

WITHIN THE TOWN OF ATRISCO GRANT
PROJECTED SECTION 16, T. 10 N., R. 2 E., NMPM

MAY 2006

PROJECT NUMBER: x

Application Number: x

Utility Approvals:

PNM Electric Services — Date

PNM Gas Services — Date

Qwest Telecommunications — Date

Comcast Cable — Date

City Approvals:

City Surveyor — Date

Real Property Division — Date

Environmental Health Department — Date

Traffic Engineering, Transportation Division — Date

Water Utility Department — Date

Parks and Recreation Department — Date

AMAFCA — Date

City Engineer — Date

DRB Chairperson, Planning Department — Date

SURVEYOR'S CERTIFICATE

I, Thomas D. Johnston, licensed as a Professional Surveyor under the laws of the State of New Mexico, do hereby certify that this plat was prepared by me or under my supervision, that I am responsible for this plat, that it shows all easements of the recorded plat and made known to me by the title company, utility companies or by the owner of record, meets the minimum standards for monumentation and surveys of the Albuquerque Subdivision Ordinance, and meets the Minimum Standards for Land Surveys as adopted by the New Mexico State Board of Registration for Professional Engineers and Surveyors, effective October 1, 2000 and is true and correct to the best of my knowledge and belief.

Thomas D. Johnston, N.M.P.S. No. 14269 — Date

THOMAS D. JOHNSTON NEW MEXICO 14269 REGISTERED LAND SURVEYOR

WAYJOHN SURVEYING INC

330 LOUISIANA BLVD., N.E.
ALBUQUERQUE, N.M. 87108
PHONE: (505) 255-2052 FAX: (505) 255-2887

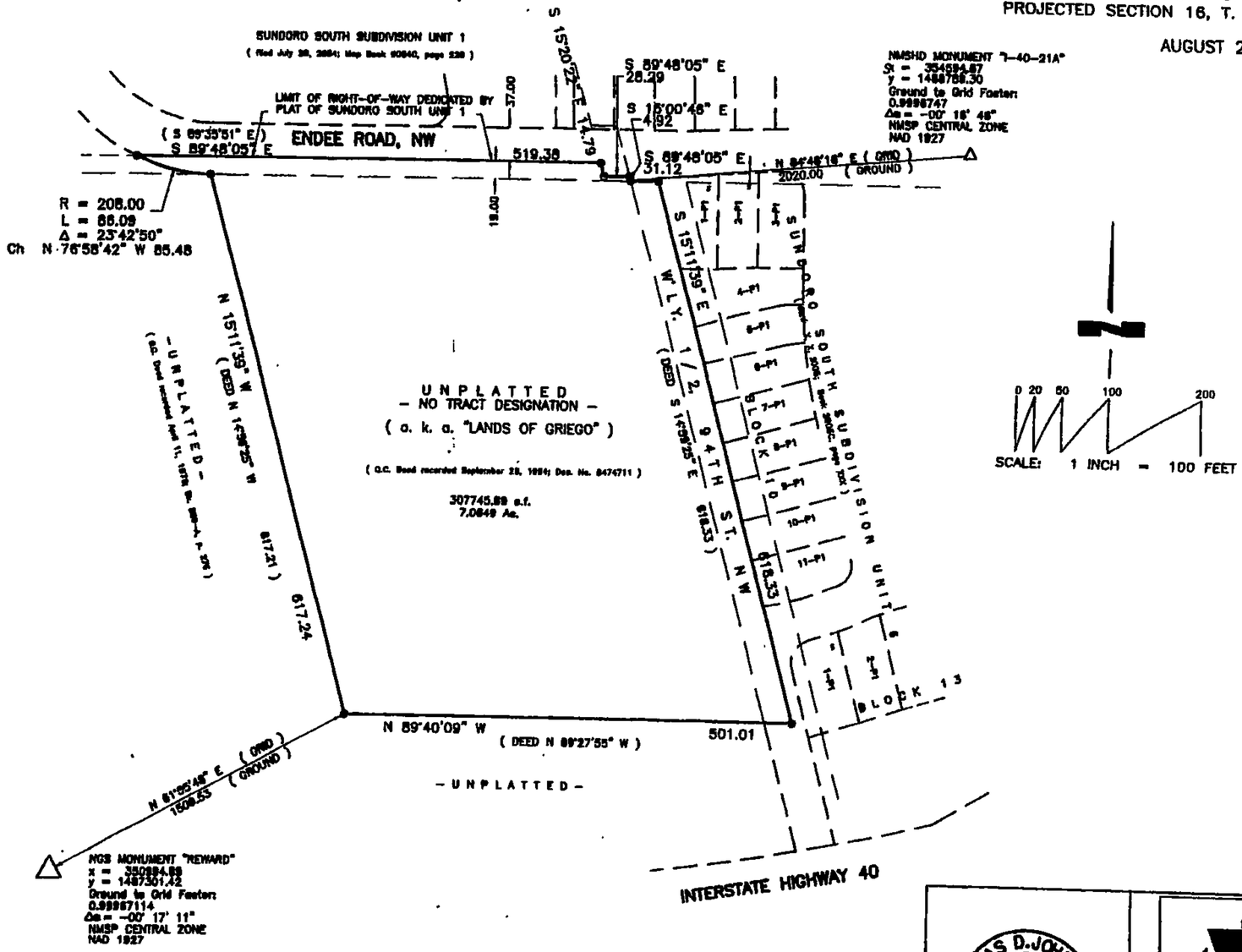
INDEXING INFORMATION FOR COUNTY CLERK
OWNER: PAJARITO INVESTMENT PROPERTIES
LOCATION: SECTION 16 T. 10 N., R. 2 E., N.M.P.M.
SUBDIVISION: SUNDORO SOUTH UNIT 9

DRAWN: E W K	SCALE: N/A	FILE NO. SP-6-02-2005
CHECKED: T D J		
DRAWING NO. SP60205.DWG	3 MAY 2006	SHEET 1 OF 5

COUNTY CLERK RECORDING LABEL HERE

PRELIMINARY PLAT OF
SUNDORO SOUTH SUBDIVISION UNIT 9
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
WITHIN THE TOWN OF ATRISCO GRANT
PROJECTED SECTION 16, T. 10 N., R. 2 E., NMPM

AUGUST 2005



THOMAS D. JOHNSTON NEW MEXICO 14269 REGISTERED LAND SURVEYOR

WAYJOHN SURVEYING INC

330 LOUISIANA BLVD., N.E.
ALBUQUERQUE, N.M. 87108
PHONE: (505) 255-2052 FAX: (505) 255-2867

INDEXING INFORMATION FOR COUNTY CLERK
OWNER: PAJARITO INVESTMENT PROPERTIES
LOCATION: SECTION 16 T. 10 N., R. 2 E., N.M.P.M.
SUBDIVISION: SUNDORO SOUTH UNIT 9

DRAWN: E W K	SCALE:	FILE NO.
CHECKED: T D J	1" = 100'	SP 6-02-2005
DRAWING NO. SP60205.DWG	3 MAY 2006	SHEET 2 OF 5

COUNTY CLERK RECORDING LABEL HERE

PRELIMINARY PLAT OF
SUNDORO SOUTH SUBDIVISION UNIT 9
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
WITHIN THE TOWN OF ATRISCO GRANT
PROJECTED SECTION 16, T. 10 N., R. 2 E., NMPM

MAY 2006

PUBLIC UTILITY EASEMENTS

Public Utility Easements shown on this plat are granted for the common and joint use of:
1. The PNM Electric Services Division for the installation, maintenance and service of overhead and underground electrical lines, transformers, poles and any other equipment, fixtures, structures and related facilities reasonably necessary to provide electrical service.
2. The PNM Gas Services Division for installation, maintenance, and service of natural gas lines, valves and any other equipment and facilities reasonably necessary to provide natural gas.
3. Qwest for installation, maintenance and service of such lines, cable and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to above ground pedestals and closures.
4. Comcast Cable for installation, maintenance and service of such lines, cable and other related facilities reasonably necessary to provide Cable TV services.

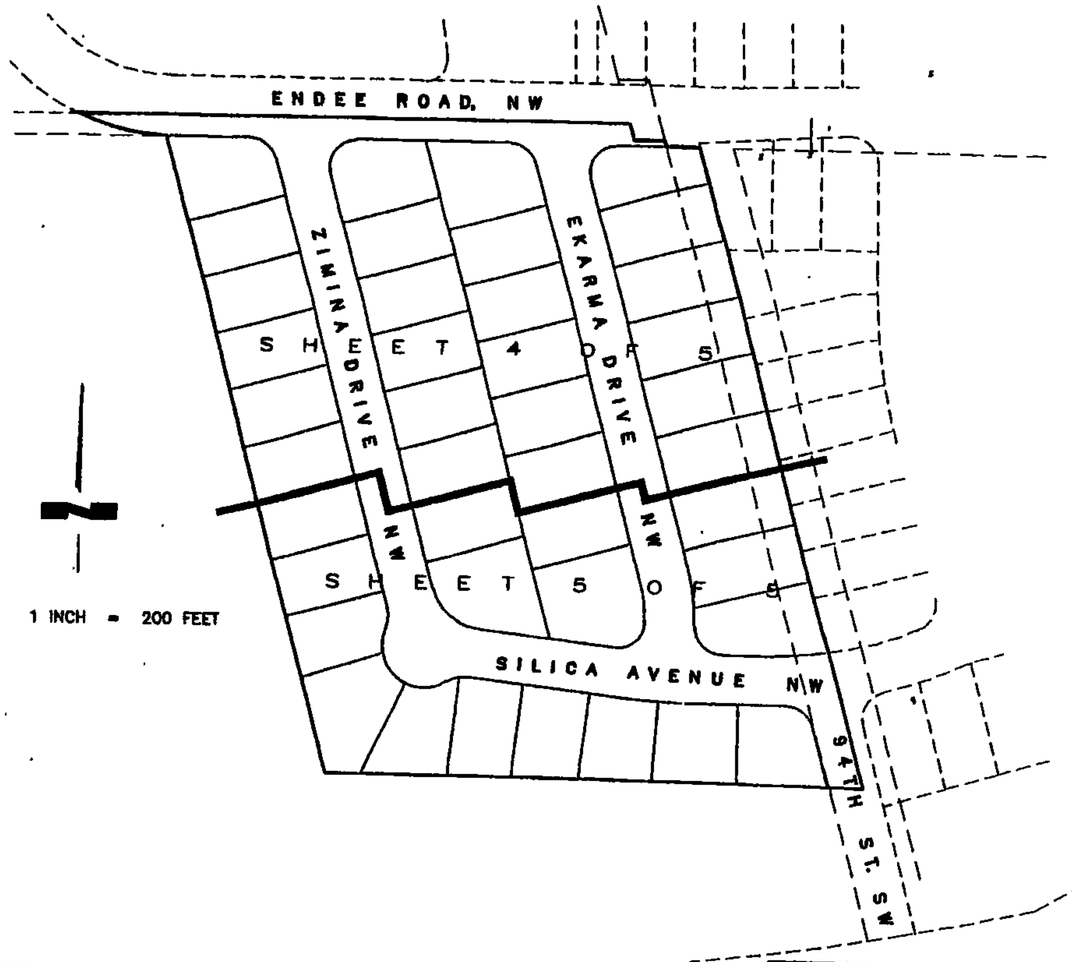
Included, is the right to build, rebuild, construct, reconstruct, locate, Relocate, change, remove, modify, renew, operate and maintain facilities for the purposes described above, together with the free access to, from and over said easement, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (above ground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Safety Code caused by construction of pools, decking or any structures adjacent to within or near easements shown on this plat.

In approving this plat, the utility companies did not conduct a Title Search of the properties shown hereon. Consequently, the utility companies do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat.
Easements for electric transformers/switchgears, as installed, shall extend ten feet (10') in front of transformers/switchgear doors and five feet (5') on each side.

METAL TAGS STAMPED "WAYJOHN PS 14289" WERE ATTACHED TO ALL RECOVERED AND ACCEPTED BOUNDARY CORNERS.

BOUNDARY CORNERS REBAR WERE SET WITH A 1/2" REBAR AND PLASTIC CAP STAMPED "WAYJOHN PS 14289"

NOTE: CENTERLINE (IN LIEU OF R/W) MONUMENTATION IS TO BE INSTALLED AT ALL CENTERLINE PC's, PT's, ANGLE POINTS AND STREET INTERSECTIONS AS SHOWN HEREON, AND WILL CONSIST OF A FOUR INCH (4") ALUMINUM ALLOY CAP STAMPED "CITY OF ALBUQUERQUE", "CENTERLINE MONUMENT", "DO NOT DISTURB", "PLS #14289".



SCALE: 1 INCH = 200 FEET

CURVES					
NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	15°23'34"	150.00	40.30	S 07°29'52" E	40.18
C2	21°26'26"	150.00	56.13	N 04°29'26" W	55.80
C3	06°33'12"	290.00	37.32	N 85°31'10" E	37.29
C4	06°27'01"	477.00	53.70	S 86°56'43" E	53.67
C4A	04°00'06"	477.00	33.31	S 85°46'15" E	33.31
C4B	02°26'56"	477.00	20.39	S 88°56'45" E	20.39
C5	68°33'34"	75.00	89.74	S 49°28'26" E	84.48
C5A	34°16'47"	75.00	44.87	S 32°20'02" E	44.21
C5B	34°16'47"	75.00	44.87	S 66°36'49" E	44.21
C6	15°23'34"	150.00	40.30	S 07°29'52" E	40.18
C7	74°36'26"	25.00	32.55	N 52°29'52" W	30.30
C8	105°23'34"	25.00	45.99	S 37°30'08" W	39.77
C9	40°27'18"	25.00	17.65	N 05°02'00" E	17.29
C10	68°33'34"	82.00	82.22	S 49°28'26" E	58.58
C11	148°28'10"	40.00	104.36	S 49°28'26" E	77.18
C12	40°27'18"	25.00	17.65	S 76°01'08" W	17.29
C13	06°27'01"	500.00	56.29	S 86°56'43" E	56.26
C14	75°00'35"	25.00	32.73	N 52°41'26" W	30.44
C15	94°47'12"	25.00	41.36	N 48°51'12" E	36.80
C16	92°08'00"	25.00	40.20	S 44°08'14" E	36.01
C17	16°39'15"	127.00	36.91	N 06°52'02" W	36.79
C18	17°07'25"	173.00	51.70	N 06°37'57" W	51.51
C19	74°36'26"	25.00	32.55	N 52°29'52" W	30.30
C20	105°23'34"	25.00	45.99	S 37°30'08" W	39.77
C21	06°33'12"	227.00	33.89	N 85°31'10" E	33.86
C22	00°15'39"	360.86	1.64	N 81°06'44" E	1.64
C23	13°52'11"	25.00	6.05	N 84°40'28" E	3.51
C24	06°26'13"	400.00	44.94	S 11°56'33" E	44.91
C25	68°33'34"	82.00	82.22	S 49°42'42" E	6.04

CENTERLINE TANGENTS		
NUMBER	BEARING	DISTANCE
L1	N 81°14'34" E	17.36
L2	S 19°11'36" E	106.26

WAYJOHN SURVEYING INC
330 LOUISIANA BLVD., N.E.
ALBUQUERQUE, N.M. 87108
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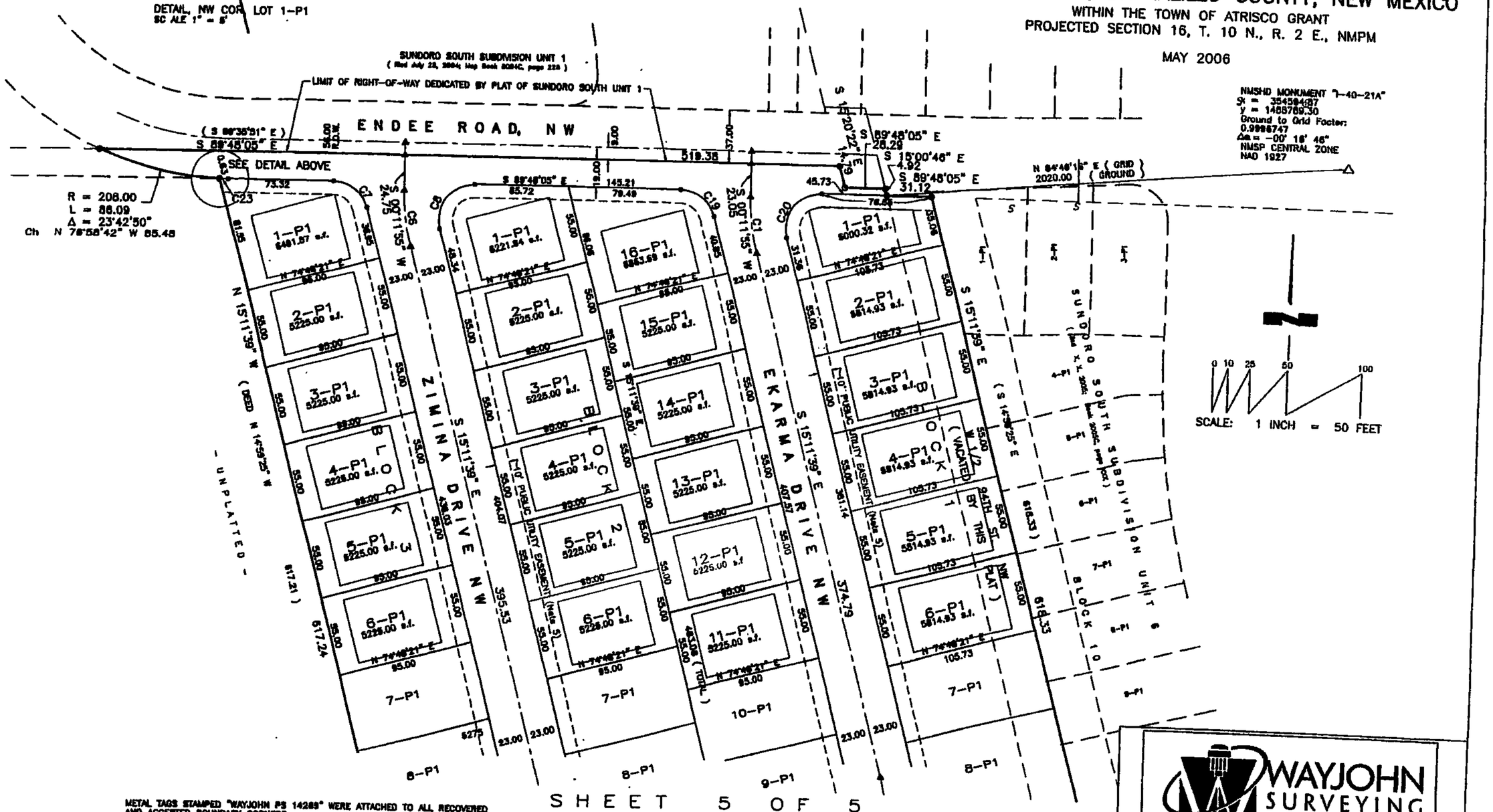
DRAWN: E W K	SCALE:	FILE NO.
CHECKED: T D J	1" = 50'	SP-6-02-2005
DRAWING NO. SP60205.DWG	3 MAY 2006	SHEET 3 OF 5

COUNTY CLERK RECORDING LABEL HERE

PRELIMINARY PLAT OF
SUNDORO SOUTH SUBDIVISION UNIT 9
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
WITHIN THE TOWN OF ATRISCO GRANT
PROJECTED SECTION 16, T. 10 N., R. 2 E., NMPM

MAY 2006

NMSHD MONUMENT "7-40-21A"
X = 354384.87
Y = 1468769.30
Ground to Grid Factor: 0.9996747
Δα = -00° 16' 46"
NMSP CENTRAL ZONE
NAD 1927



METAL TAGS STAMPED "WAYJOHN PS 14269" WERE ATTACHED TO ALL RECOVERED AND ACCEPTED BOUNDARY CORNERS.

BOUNDARY CORNERS RESET WERE SET WITH A 1/2" REBAR AND PLASTIC CAP STAMPED "WAYJOHN PS 14269"

NOTE: CENTERLINE (IN LIEU OF R/W) MONUMENTATION IS TO BE INSTALLED AT ALL CENTERLINE PC's, PT's, ANGLE POINTS AND STREET INTERSECTIONS AS SHOWN HEREON, AND WILL CONSIST OF A FOUR INCH (4") ALUMINUM ALLOY CAP STAMPED "CITY OF ALBUQUERQUE", "CENTERLINE MONUMENT", "DO NOT DISTURB", "PLS #14269".

SHEET 5 OF 5

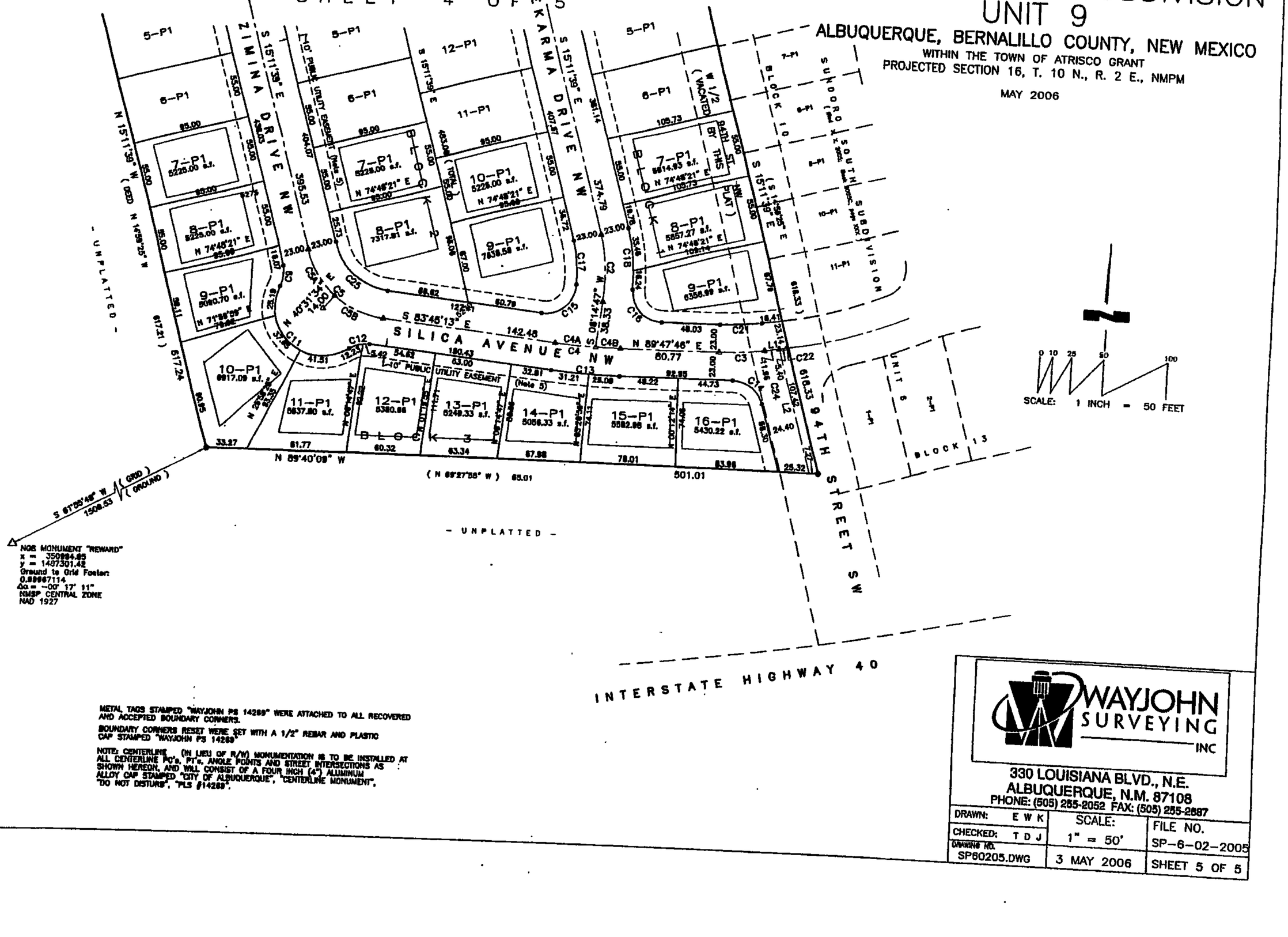
WAYJOHN SURVEYING INC
330 LOUISIANA BLVD., N.E.
ALBUQUERQUE, N.M. 87108
PHONE: (505) 255-2052 FAX: (505) 256-2887

DRAWN: E W K	SCALE:	FILE NO.
CHECKED: T D J	1" = 50'	SP-6-02-2005
DRAWING NO. SP60205.DWG	3 MAY 2006	SHEET 4 OF 5

SHEET 4 OF 5

PRELIMINARY PLAT OF
SUNDORO SOUTH SUBDIVISION UNIT 9
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
WITHIN THE TOWN OF ATRISCO GRANT
PROJECTED SECTION 16, T. 10 N., R. 2 E., NMPM

MAY 2006



NGS MONUMENT "REWARD"
x = 350984.65
y = 1497301.42
Ground to Grid Factor:
0.99967114
Δα = -00° 17' 11"
NMSP CENTRAL ZONE
NAD 1927

METAL TAGS STAMPED "WAYJOHN PS 14269" WERE ATTACHED TO ALL RECOVERED AND ACCEPTED BOUNDARY CORNERS.

BOUNDARY CORNERS RESET WERE SET WITH A 1/2" REBAR AND PLASTIC CAP STAMPED "WAYJOHN PS 14269"

NOTE: CENTERLINE (IN LIEU OF R/W) MONUMENTATION IS TO BE INSTALLED AT ALL CENTERLINE PC's, PT's, ANGLE POINTS AND STREET INTERSECTIONS AS SHOWN HEREON, AND WILL CONSIST OF A FOUR INCH (4") ALUMINUM ALLOY CAP STAMPED "CITY OF ALBUQUERQUE", "CENTERLINE MONUMENT", "DO NOT DISTURB", "PLS #14269".

WAYJOHN SURVEYING INC
330 LOUISIANA BLVD., N.E.
ALBUQUERQUE, N.M. 87108
PHONE: (505) 255-2052 FAX: (505) 255-2687

DRAWN: E W K	SCALE:	FILE NO.
CHECKED: T D J	1" = 50'	SP-6-02-2005
DRAWING NO. SP60205.DWG	3 MAY 2006	SHEET 5 OF 5

Current DRC
Project Number:

ORIGINAL

Figure 12

INFRASTRUCTURE LIST
(Rev 9-20-05)

Date Submitted: 5-26-06
Date Site Plan Approved: N/A
Date Preliminary Plat Approved: 8.2.06
Date Preliminary Plat Expires: 8.2.07
DRB Project No.: 1003612
DRB Application No.: 06DRB-00737

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

1 1-3-07

SUNDORO SOUTH UNIT 9
PROPOSED NAME OF PLAT AND/~~OR SITE DEVELOPMENT PLAN~~

TRACT 37, 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	Construction Certification: Private P. E.	Construction Certification: City Cnst Engineer
		Paving							
		~~12'~~ 20' wide	Residential Paving w/curb and gutter, 4' sidewalk south side 6' 1	Endee Road	West Boundary	East Boundary	/	/	/
		26' wide	Residential Paving w/curb And gutter, 4' sidewalk both sides*	Zimina Drive	Endee Road	Silica Ave	/	/	/
		26' wide	Residential Paving w/curb And gutter, 4' sidewalk both sides*	Ekarma Drive	Endee Road	Silica Ave.	/	/	/

ORIGINAL

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P. E.	City Cnst Engineer
		Paving Cont.							
		26' wide	Residential Paving w/curb	Silica Ave.	Zimina	East	/	/	/
			And gutter, 4' sidewalk both sides*		Drive	Boundary			
		~~26'~~ 24' wide	Residential Paving w/curb	94th Street	Silica Ave.	South	/	/	/
			1 And gutter, ~~4'~~ 6' sidewalk ~~both sides~~* EAST SIDE			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 14	East Boundary	/	/	/

ORIGINAL

NOTES

If the site is located in a floodplain, then financial guarantee will not be released until the LOMR is approved by FEMA.
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)

DRB CHAIR — Date: 8/02/06

Christina Sandoval — PARKS & GENERAL SERVICES — Date: 8/2/06

Thompson Engineering Consultants, Inc.
FIRM

SIGNATURE — Date: 5-26-06

TRANSPORTATION DEVELOPMENT — Date: 8-2-06

UTILITY DEVELOPMENT — Date: 8/2/06

Bradley L. Bingham — CITY ENGINEER — Date: 8/2/06

AMAFCA — Date

Date

Date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER
1	1-3-07			

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

July 23, 2008

Project# 1003612
08DRB-70321 EXT OF MAJOR PRELIMINARY PLAT

THOMPSON ENGINEERING CONSULTANTS, INC agent(s) for DRAGONFLY DEVELOPMENT, INC request(s) the above action(s) for all or a portion of Tract(s) 31-33, **TOWN OF ATRISCO GRANT** zoned SU-2 / R-LT, located on ERDEE RD NW BETWEEN 98TH ST NW AND 94TH ST NW containing approximately 6.4 acre(s). (J-9)

At the July 23, 2008 Development Review Board meeting, the one-year extension of the preliminary plat was approved subject to reapplication and re-approval of 94th street vacation.

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, AICP, DRB Chair

Cc: Marilyn Maldonado
File

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

July 25, 2007

11. Project# 1003612
07DRB-70136 EXT OF MAJOR PRELIMINARY PLAT

THOMPSON ENGINEERING CONSULTANTS INC agent(s) for DRAGONFLY DEVELOPMENT INC request(s) the above action(s) for all or a portion of Tract(s) 31-33, TOWN OF ATRISCO GRANT, **SUNDORO SOUTH, UNIT 9,** zoned SU-2 R-LT, located on ENDEE RD NW BETWEEN 98th ST NW AND 94th ST NW containing approximately 6.4 acre(s). (J-9)

At the July 25, 2007, Development Review Board meeting, the one-year extension of the preliminary plat was approved.

The conditions of final plat still apply.

Sheran Matson, AICP, DRB Chair

Cc: Thompson Engineering Consultants, Inc., P.O. Box 65760, 87193
Dragonfly Development, Inc., 12809 Donett Court NE, 87112
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
July 23, 2008
DRB Comments

ITEM # 9

PROJECT # 1003612 APPLICATION # 08-70321

RE: Tracts 31 – 33, Town of Atrisco Grant

The Subdivision Ordinance does not provide for an extension request of a vacation action, therefore the vacation upon which this plat is based appears to be voided.

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

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.

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.

OFFICIAL NOTICE OF DECISION

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

City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

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

June 23, 2009

Planning Department
Plaza Del Sol Building
600 Second St. NW
Second Floor (924-3860)

This letter will serve to notify you that on **June 23, 2009:**

CONTACT NAME: BILL KRAEMER

COMPANY OR AGENCY: GARCIA/KRAEMER AND ASSOCIATES
200 LOMAS BOULEVARD NW, SUITE 1111/87102
PHONE: 505-242-5566/FAX: 242-9028

contacted the Office of Neighborhood Coordination requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at **(DRB SUBMITTAL) - TRACT 31-33, TOWN OF ATRISCO GRANT, LOCATED ON ERDEE ROAD NW BETWEEN 98TH STREET NW AND 94TH STREET NW** zone map **J-9.**

Our records indicate that as of June 23, 2009, there were no Neighborhood and/or Homeowner Associations in this area.

If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at swinklepleck@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Stephani Winklepleck

Stephani Winklepleck
Neighborhood Liaison
OFFICE OF NEIGHBORHOOD COORDINATION
PLANNING DEPARTMENT

planningnrnaform(01/22/08)

!!!Notice to Applicants!!!

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

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

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

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

Information from the Office of Neighborhood Coordination

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

[ ] ONC's "Official" Letter to the applicant *(if there are associations)*. A copy must be submitted with application packet -OR-

[X] The ONC "Official" Letter *(if there are no associations)*. A copy must be submitted with application packet.

[ ] Copies of Letters to Neighborhood and/or Homeowners Associations *(if there are associations)*. A copy must be submitted with application packet.

[ ] Copies of the certified receipts to Neighborhood and/or Homeowners Associations *(if there are associations)*. A copy must be submitted with application packet.

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

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

Thank you for your cooperation on this matter.

(below this line for ONC use only)

Date of Inquiry: **06/23/09** Time Entered: **11:45 a.m.** ONC Rep. Initials: **siw**

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

07/15/2008 Issued By: E08375

Permit Number: **2008 070 321** **Category Code 910**

Application Number: 08DRB-70321, Ext Of Major Preliminary Plat

Address:

Location Description: ERDEE RD NW BETWEEN 98TH ST NW AND 94TH ST NW

Project Number: 1003612

Applicant
Dragonfly Development, Inc

12809 Donette Ct Ne
Albuquerque NM 87112
291-0353

Agent / Contact
Thompson Engineering Consultants, Inc
Dave Thompson
Po Box 65760
Albuquerque NM 87193

tecnm@yahoo.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	$20.00
441006/4983000	DRB Actions	$50.00
	TOTAL:	**$70.00**

City Of Albuquerque
Treasury Division

7/15/2008 9:53AM LOC: ANNX
WS# 006 TRANS# 0005
RECEIPT# 00094872-00094872
PERMIT# 2008070321 TRSDMG
Trans Amt $70.00
Conflict Manag. Fee $20.00
DRB Actions $50.00
CK $70.00
CHANGE $0.00

Thank You

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION — **S** — **Z** — **ZONING & PLANNING**

- ___ Major Subdivision action
- _X_ Minor Subdivision action
- ___ Vacation — **V**
- ___ Variance (Non-Zoning)
- ____ Annexation
- ____ County Submittal
- ____ EPC Submittal
- ____ Zone Map Amendment (Establish or Change Zoning)

SITE DEVELOPMENT PLAN — **P**

- ____ for Subdivision
- ____ for Building Permit
- ____ Administrative Amendment (AA)
- ____ IP Master Development Plan
- ____ Cert. of Appropriateness (LUCC)
- ____ Sector Plan **(Phase I, II, III)**
- ____ Amendment to Sector, Area, Facility or Comprehensive Plan
- ____ Text Amendment (Zoning Code/Sub Regs) — **D**
- ____ Street Name Change (Local & Collector) — **L** — **A**

STORM DRAINAGE (Form D)

- ____ Storm Drainage Cost Allocation Plan

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 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): Thompson Engineering Consultants, Inc PHONE: 271-2199
ADDRESS: P.O. Box 65760 FAX: 830-9248
CITY: Albuquerque STATE NM ZIP 87193 E-MAIL: tecnm@yahoo.com

APPLICANT: DRAGONFLY DEVELOPMENT, INC PHONE: 291-0353
ADDRESS: 12809 DONETTE COURT NE FAX:
CITY: ALBUQUERQUE STATE NM ZIP 87112 E-MAIL:
Proprietary interest in site: OWNER **List all owners**:

DESCRIPTION OF REQUEST: EXTENSION OF PRELIMINARY PLAT

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

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

Lot or Tract No. Tract Situated in Tracts 31, 32, & 33 Block: Unit:
Subdiv/Addn/TBKA: Town of Atrisco Grant
Existing Zoning: SU-2/ R-LT Proposed zoning: MRGCD Map No
Zone Atlas page(s): J-9 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? X Yes Within 1000FT of a landfill? NO
No. of **existing** lots: 1 No. of **proposed** lots: 41 Total area of site (acres): 6.4
LOCATION OF PROPERTY BY STREETS: On or Near: Endee Road NW
Between: 98th Street NW and 94th Street NW

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

SIGNATURE DATE 7-15-08
(Print) DAVID B. THOMPSON Applicant: ☐ Agent: ☒

FOR OFFICIAL USE ONLY Form revised 4/07

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

Application case numbers	Action	S.F.	Fees
08DRB - - 70321	EPP	___	$ 50.00
- -	CMF	___	$ 20.00
- -		___	$
- -		___	$
- -		___	$
			Total
			$ 70.00

Hearing date July 23, 2008

7.15.08
Planner signature / date

Project # 1003612

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.**

X Preliminary Plat reduced to 8.5" x 11"
X Zone Atlas map with the entire property(ies) clearly outlined
X Letter briefly describing, explaining, and justifying the request
X Copy of DRB approved infrastructure list
X Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
X 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.

DAVID B. THOMPSON
Applicant name (print)

7-15-08
Applicant signature / date

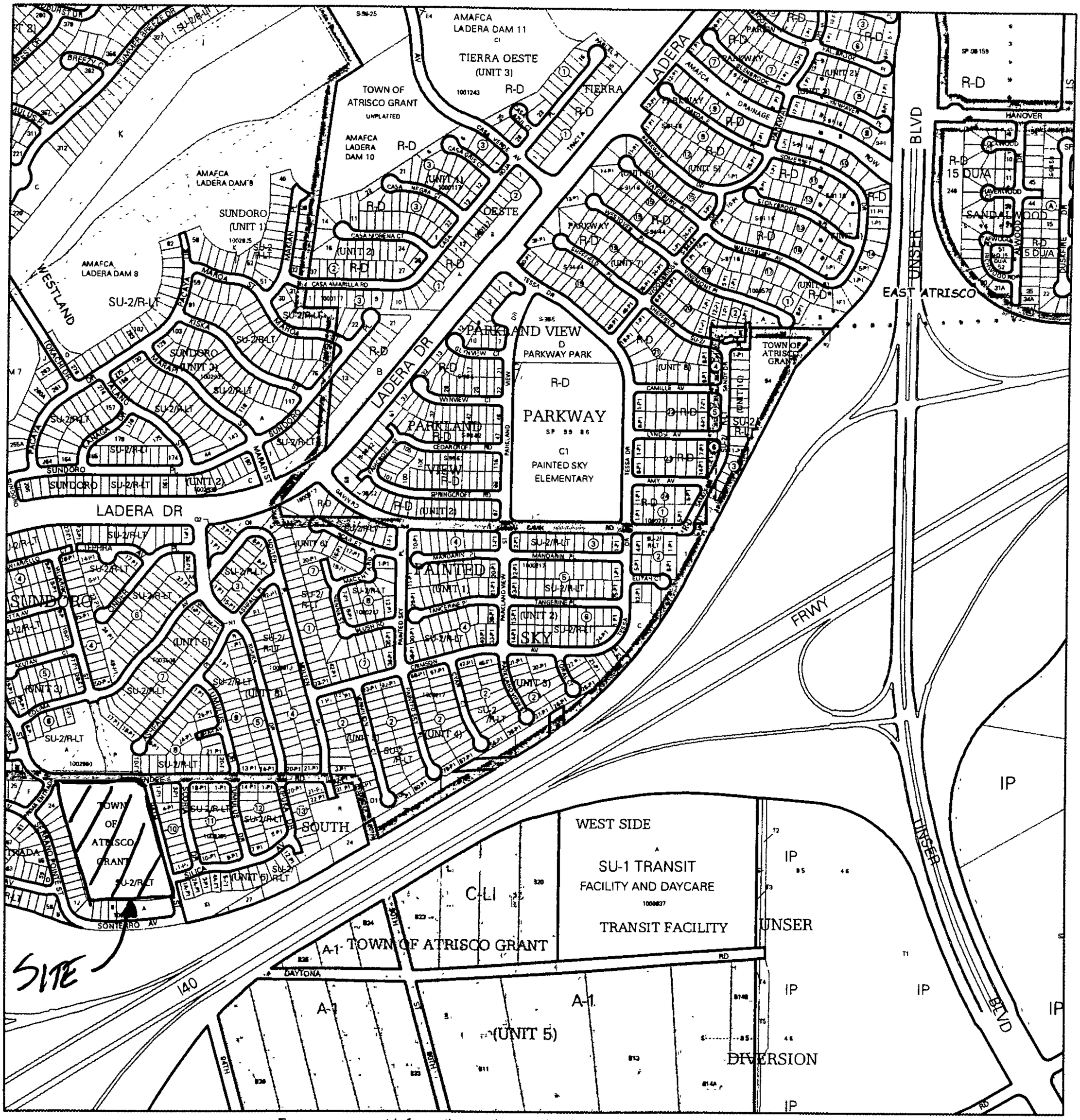
Form revised **October 2007**

☒ Checklists complete
☒ Fees collected
☒ Case #s assigned
☐ Related #s listed

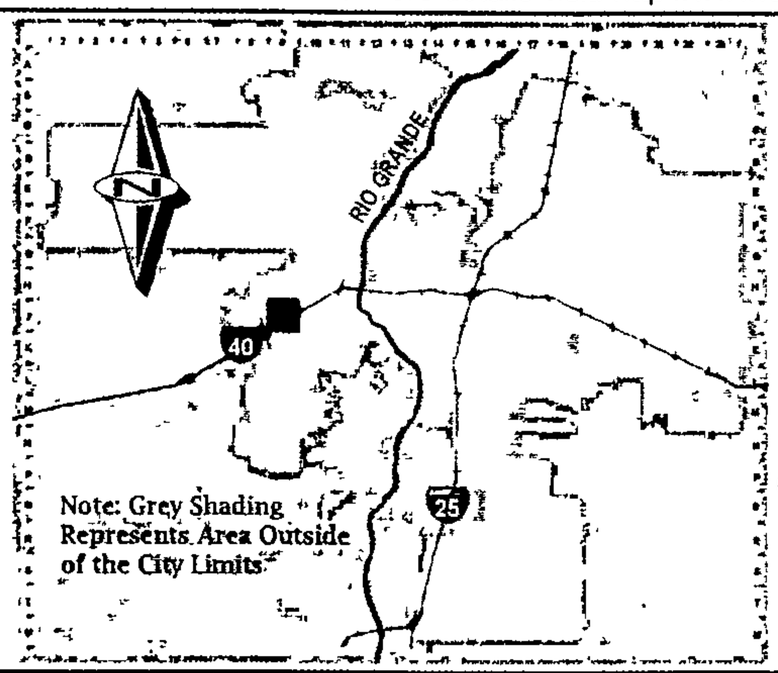
Application case numbers
08DRB - ____ - 70321
____ - ____ - ____
____ - ____ - ____

7-15-08
Planner signature / date

Project # 1003612



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



Albuquerque Geographic Information System

Map amended through: 5/17/2007

Zone Atlas Page:

J-09-Z

Selected Symbols

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

0 750 1,500 Feet

THOMPSON Engineering Consultants, Inc.

July 15, 2008

Mr. Jack Cloud
Development Services
Planning Department
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

Re: SUBMITTAL OF REQUEST FOR EXTENSION OF PRELIMINARY PLAT SOUTH UNIT 9 SUBDIVISION (DRB 1003612)

Dear Mr. Cloud:

Enclosed please find an application and all required enclosures to request an extension for an additional year for the Preliminary Plat for the Sundoro South Unit 9 Subdivision. The Preliminary Plat was given a one year extension on July 25, 2007. The extension is due to the length of time the required to settle the boundary dispute lawsuit with the adjacent property owner.

If you should have any questions, please call me at 271-2199.

Sincerely,

David B. Thompson, P.E.

P.O. Box 65760 • Albuquerque, NM 87193 • (505) 271-2199 • Fax (505) 830-9248

VICINITY MAP (J-9) NO SCALE

COUNTY CLERK RECORDING LABEL HERE

PRELIMINARY PLAT OF

SUNDORO SOUTH SUBDIVISION UNIT 9

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO

WITHIN THE TOWN OF ATRISCO GRANT
PROJECTED SECTION 16, T. 10 N., R. 2 E., NMPM

MAY 2006

PROJECT NUMBER: x

Application Number: x

Utility Approvals:

PNM Electric Services ____ Date

PNM Gas Services ____ Date

Qwest Telecommunications ____ Date

Comcast Cable ____ Date

City Approvals:

City Surveyor ____ Date

Real Property Division ____ Date

Environmental Health Department ____ Date

Traffic Engineering, Transportation Division ____ Date

Water Utility Department ____ Date

Parks and Recreation Department ____ Date

AMAFCA ____ Date

City Engineer ____ Date

DRB Chairperson, Planning Department ____ Date

SUBDIVISION DATA

1. DRB Proj. No.
2. Zone Atlas Index No. J-9
3. Current Zoning SU-2/R-LT
4. Gross acreage 7.0649 Acres
5. Total Number of Lots created - 41 residential
6. No. of existing tracts: 3
7. Miles of full width streets created: 0.26 mi.
   Miles of partial width streets created: 0.12 mi.
   Area of streets dedicated to City of Albuquerque: 1.7812 Ac.
8. Date of Survey: July, 2005.
9. TALOS LOG NO.: 2005324186

PURPOSE OF PLAT:

The purpose of this plat is to replat three tracts into forty-one residential lots and four tracts, dedicate public right of way and grant easements.

NOTES

1. Bearings are Grid Bearings, Central Zone, NAD 1927, based upon NMSHD MONUMENT "I-40-21A" and NOS MONUMENT "REWARD"
2. All distances are ground.
3. Monuments recovered and accepted or set are noted on plat.
4. Record bearings in parenthesis. Record bearings from the following sources:
   a. Description contained in Quitclaim Deed, Doc. No. 84 74711, filed September 28, 1984
   b. SUNDORO SOUTH SUBDIVISION UNIT 1; filed July 28, 2004; Book 2004C, page 228
   c. Plat showing a portion of Tracts Allotted from TOWN OF ATRISCO GRANT, filed December 5, 1944; Vol. D, folio 117
5. Ten foot (10') Public Utility Easement along all street rights of way is hereby granted with the filing of this plat.

DESCRIPTION

A tract of land in Albuquerque, Bernalillo County, New Mexico, within projected Section 16, Township 10 North, Range 2 East, N.M.P.M., said tract being and comprising the following lots and parcels: an Unplatted tract a.k.a., "Lands of Griego" as the same is described in a Quitclaim Deed filed on September 28, 1984, as Document No. 8474711, records of Bernalillo County, New Mexico, an Unplatted parcel of land adjoining the North side of the "Lands of Griego", said parcel being undedicated and being known as "Endee Road" as it appears on County Zone Atlas Sheet J-8; and the West one-half of Ninety-fourth Street, NW, and being more particularly described as follows:

BEGINNING at a point on the North line of said tract, from which point NMSHD Monument "I-40-21A" (x = 354594.87, y = 1468789.30, New Mexico State Plane Grid Coordinates, Central Zone, NAD 1927), bears N 84°46'13" E, a ground distance of 2020.00 feet, and running from said beginning point along the Northerly line of said tract thence, S 89°48'05" E, a distance of 31.12 feet to the Northeast corner of the herein described tract, said point being on the Centerline of 94th Street;
thence, following the centerline of said street, S 15°11'39" E, a distance of 618.33 feet to the Southeast corner of the herein described tract;
thence, N 89°40'09" W, a distance of 501.01 feet to the Southwest corner of the herein described tract;
thence, N 15°11'39" W, a distance of 617.24 feet to an angle point;
thence, along a curve to the right having a radius of 208.00 feet, a central angle of 23°42'50", chord bearing N 76°38'42" W 85.48 feet, an arc length of 86.09 feet to the Northwest corner of the herein described tract;
thence, S 89°48'06" E, a distance of 519.38 feet;
thence, S 15°20'22" E, a distance of 14.79 feet;
thence, S 89°48'05" E, a distance of 28.29 feet;
thence, S 15°00'46" E, a distance of 4.92 feet to the place of beginning, containing 7.0649 acres, more or less.

FREE CONSENT AND DEDICATION:

The subdivision hereon described is with the free consent and in accordance with the desires of the undersigned owner(s) and/or proprietor(s) thereof and said owner(s) and/or proprietor(s) do hereby grant: all access, utility and drainage easements shown hereon including the right to construct, operate, inspect, and maintain facilities therein; and all public utility easements shown hereon for the common and joint use of gas, electrical power and communication services for buried distribution line, conduits, and pipes for underground utilities where shown or indicated, and including the right of ingress and egress for construction and maintenance, and the right to trim interfering trees and shrubs. Said owner(s) and/or proprietor(s) do hereby consent to all of the foregoing and do hereby certify that this subdivision is their free act and deed. Said owner(s) warrant that they hold among them complete and indefeasible title to the land subdivided.

[signature]

Philip Lindberg, Authorized representative of Dragonfly Development Inc., a New Mexico Corporation.

Notary Public

PRELIMINARY PLAT APPROVAL:

[signature]

Glen B. Hauch, PS, City Surveyor, City of Albuquerque — 5/25/06 Date

SURVEYOR'S CERTIFICATE

I, Thomas D. Johnston, licensed as a Professional Surveyor under the laws of the State of New Mexico, do hereby certify that this plat was prepared by me or under my supervision, that I am responsible for this plat, that it shows all easements of the recorded plat and made known to me by the title company, utility companies or by the owner of record, meets the minimum standards for monumentation and surveys of the Albuquerque Subdivision Ordinance, and meets the Minimum Standards for Land Surveys as adopted by the New Mexico State Board of Registration for Professional Engineers and Surveyors, effective October 1, 2000 and is true and correct to the best of my knowledge and belief.

Thomas D. Johnston, N.M.P.S. No. 14269 ____ Date

THOMAS D. JOHNSTON NEW MEXICO 14269 REGISTERED LAND SURVEYOR

FOR BERNALILLO COUNTY TREASURER'S OFFICE USE ONLY
THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND PAID ON
UPC# 1 009 058 040 082 30902

PROPERTY OWNER OF RECORD:

BERNALILLO COUNTY TREASURER'S OFFICE

INDEXING INFORMATION FOR COUNTY CLERK
OWNER: PAJARITO INVESTMENT PROPERTIES
LOCATION: SECTION 16 T. 10 N., R. 2 E., N.M.P.M.
SUBDIVISION: SUNDORO SOUTH UNIT 9

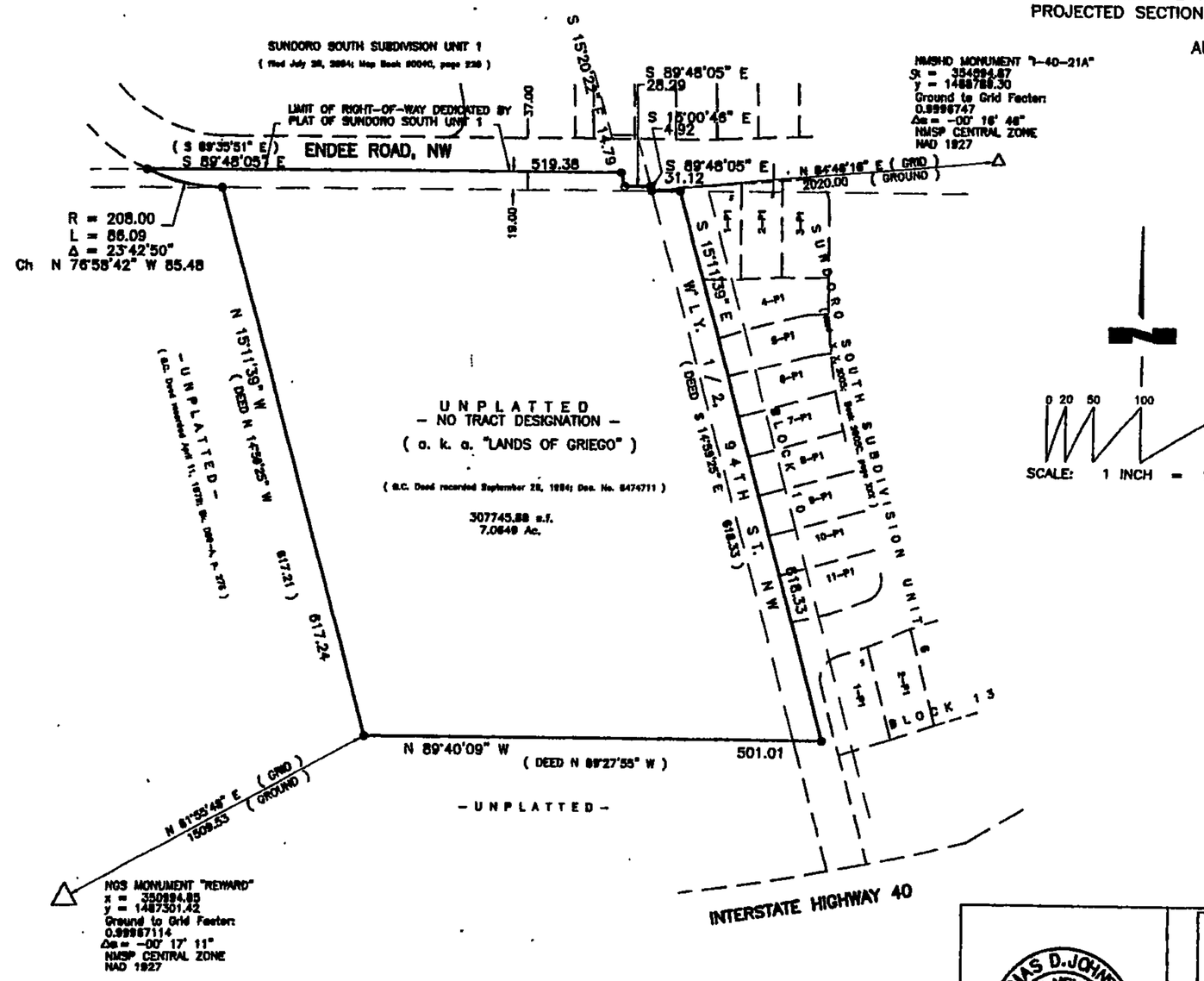
WAYJOHN SURVEYING INC
330 LOUISIANA BLVD., N.E.
ALBUQUERQUE, N.M. 87108
PHONE: (505) 255-2052 FAX: (505) 255-2887

DRAWN: E W K	SCALE: N/A	FILE NO. SP-6-02-2005
CHECKED: T D J		
DRAWING NO. SP60205.DWG	3 MAY 2006	SHEET 1 OF 5

COUNTY CLERK RECORDING LABEL HERE

PRELIMINARY PLAT OF
SUNDORO SOUTH SUBDIVISION UNIT 9
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
WITHIN THE TOWN OF ATRISCO GRANT
PROJECTED SECTION 16, T. 10 N., R. 2 E., NMPM

AUGUST 2005



THOMAS D. JOHNSTON NEW MEXICO 14269 REGISTERED LAND SURVEYOR

WAYJOHN SURVEYING INC

330 LOUISIANA BLVD., N.E.
ALBUQUERQUE, N.M. 87108
PHONE: (505) 255-2052 FAX: (505) 255-2857

INDEXING INFORMATION FOR COUNTY CLERK
OWNER: PAJARITO INVESTMENT PROPERTIES
LOCATION: SECTION 16 T. 10 N., R. 2 E., N.M.P.M.
SUBDIVISION: SUNDORO SOUTH UNIT 9

DRAWN: E W K	SCALE:	FILE NO.
CHECKED: T D J	1" = 100'	SP 6-02-2005
DRAWING NO. SP60205.DWG	3 MAY 2006	SHEET 2 OF 5

COUNTY CLERK RECORDING LABEL HERE

PRELIMINARY PLAT OF
SUNDORO SOUTH SUBDIVISION UNIT 9
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
WITHIN THE TOWN OF ATRISCO GRANT
PROJECTED SECTION 16, T. 10 N., R. 2 E., NMPM

MAY 2006

PUBLIC UTILITY EASEMENTS

Public Utility Easements shown on this plat are granted for the common and joint use of:
1. The PNM Electric Services Division for the installation, maintenance and service of overhead and underground electrical lines, transformers, poles and any other equipment, fixtures, structures and related facilities reasonably necessary to provide electrical service.
2. The PNM Gas Services Division for installation, maintenance, and service of natural gas lines, valves and any other equipment and facilities reasonably necessary to provide natural gas.
3. Qwest for installation, maintenance and service of such lines, cable and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to above ground pedestals and closures.
4. Comcast Cable for installation, maintenance and service of such lines, cable and other related facilities reasonably necessary to provide Cable TV services.

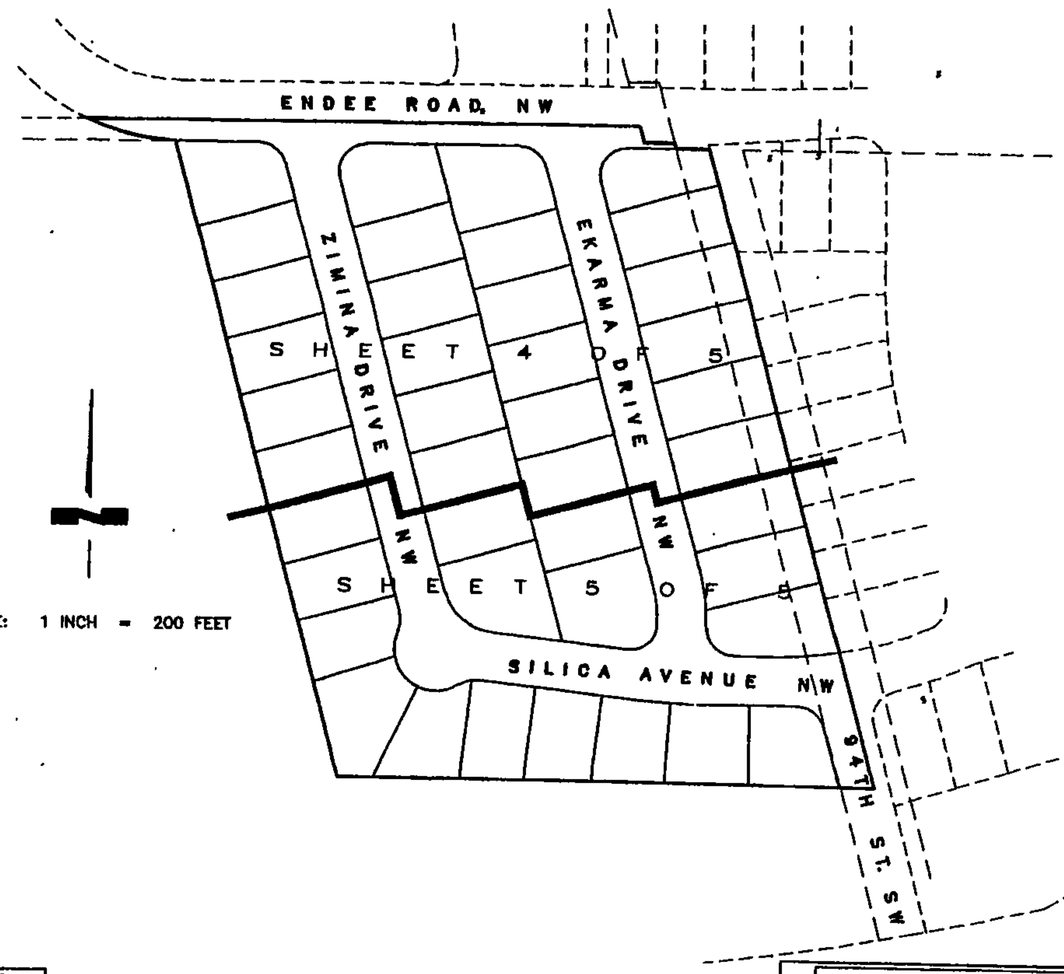
Included, is the right to build, rebuild, construct, reconstruct, locate, Relocate, change, remove, modify, renew, operate and maintain facilities for the purposes described above, together with the free access to, from and over said easement, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (above ground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Safety Code caused by construction of pools, decking or any structures adjacent to within or near easements shown on this plat.

In approving this plat, the utility companies did not conduct a Title Search of the properties shown hereon. Consequently, the utility companies do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat.
Easements for electric transformers/switchgears, as installed, shall extend ten feet (10') in front of transformers/switchgear doors and five feet (5') on each side.

METAL TAGS STAMPED "WAYJOHN PS 14269" WERE ATTACHED TO ALL RECOVERED AND ACCEPTED BOUNDARY CORNERS.

BOUNDARY CORNERS RESET WERE SET WITH A 1/2" REBAR AND PLASTIC CAP STAMPED "WAYJOHN PS 14269"

NOTE: CENTERLINE (IN LIEU OF R/W) MONUMENTATION IS TO BE INSTALLED AT ALL CENTERLINE PC's, PT's, ANGLE POINTS AND STREET INTERSECTIONS AS SHOWN HEREON, AND WILL CONSIST OF A FOUR INCH (4") ALUMINUM ALLOY CAP STAMPED "CITY OF ALBUQUERQUE", "CENTERLINE MONUMENT", "DO NOT DISTURB", "PLS #14269".



SCALE: 1 INCH = 200 FEET

CURVES					
NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	15°23'34"	150.00	40.30	S 07°29'52" E	40.18
C2	21°26'26"	150.00	56.13	N 04°28'26" W	55.80
C3	06°33'12"	250.00	37.32	N 89°31'10" E	37.29
C4	06°27'01"	477.00	53.70	S 86°56'43" E	53.67
C4A	04°00'06"	477.00	33.31	S 85°45'15" E	33.31
C4B	02°26'56"	477.00	20.39	S 88°56'45" E	20.39
C5	68°33'34"	75.00	89.74	S 46°28'26" E	84.48
C5A	34°16'47"	75.00	44.87	S 32°20'02" E	44.21
C5B	34°16'47"	75.00	44.87	S 66°36'49" E	44.21
C6	15°23'34"	150.00	40.30	S 07°29'52" E	40.18
C7	74°36'26"	25.00	32.55	N 52°29'52" W	30.30
C8	105°23'34"	25.00	45.99	S 37°30'08" W	39.77
C9	40°27'18"	25.00	17.65	N 05°02'00" E	17.29
C10	68°33'34"	52.00	62.22	S 46°28'26" E	58.58
C11	148°28'10"	40.00	104.36	S 49°28'26" E	77.18
C12	40°27'18"	25.00	17.65	S 76°01'08" W	17.29
C13	06°27'01"	500.00	56.29	S 86°56'43" E	56.26
C14	75°00'35"	25.00	32.73	N 52°41'56" W	30.44
C15	94°47'12"	25.00	41.36	N 48°51'12" E	36.80
C16	92°06'00"	25.00	40.20	S 44°08'14" E	36.01
C17	16°39'15"	127.00	36.91	N 06°52'02" W	36.79
C18	17°07'25"	173.00	51.70	N 06°37'57" W	51.51
C19	74°36'26"	25.00	32.55	N 52°29'52" W	30.30
C20	105°23'34"	25.00	45.99	S 37°30'08" W	39.77
C21	06°33'12"	227.00	33.89	N 89°31'10" E	33.86
C22	00°15'36"	380.86	1.64	N 81°06'44" E	1.64
C23	13°52'11"	25.00	6.05	N 84°40'26" E	3.51
C24	06°26'13"	400.00	44.94	S 11°56'33" E	44.91
C25	68°33'34"	52.00	62.22	S 49°42'42" E	6.04

CENTERLINE TANGENTS		
NUMBER	BEARING	DISTANCE
L1	N 81°14'34" E	17.38
L2	S 19°11'38" E	106.26

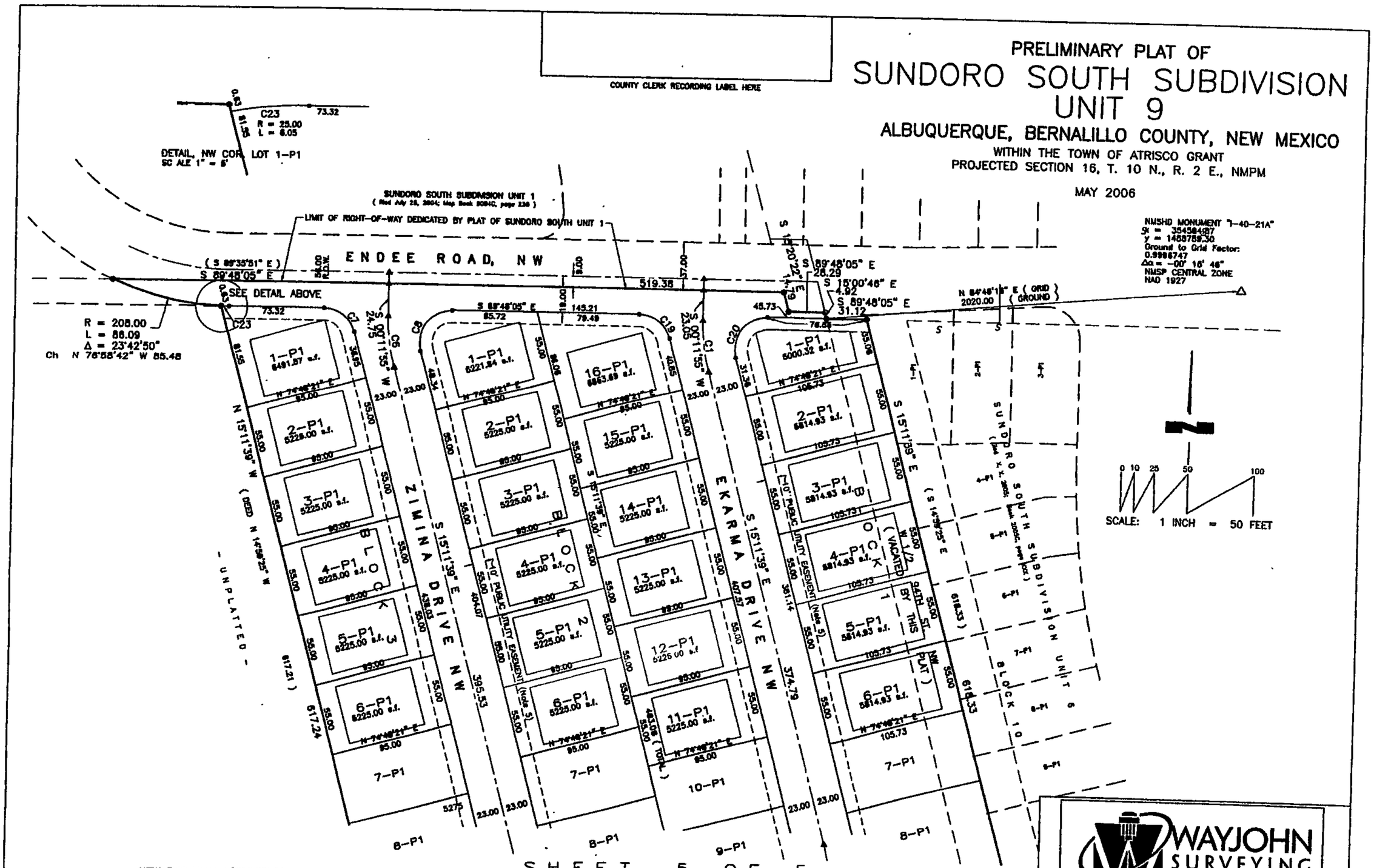
WAYJOHN SURVEYING INC
330 LOUISIANA BLVD., N.E.
ALBUQUERQUE, N.M. 87108
PHONE: (505) 255-2052 FAX: (505) 255-2887

DRAWN: E W K	SCALE:	FILE NO.
CHECKED: T D J	1" = 50'	SP-6-02-2005
DRAWING NO. SP60205.DWG	3 MAY 2006	SHEET 3 OF 5

COUNTY CLERK RECORDING LABEL HERE

PRELIMINARY PLAT OF
SUNDORO SOUTH SUBDIVISION UNIT 9
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
WITHIN THE TOWN OF ATRISCO GRANT
PROJECTED SECTION 16, T. 10 N., R. 2 E., NMPM

MAY 2006



METAL TAGS STAMPED "WAYJOHN PS 14289" WERE ATTACHED TO ALL RECOVERED AND ACCEPTED BOUNDARY CORNERS.

BOUNDARY CORNERS RESET WERE SET WITH A 1/2" REBAR AND PLASTIC CAP STAMPED "WAYJOHN PS 14289"

NOTE: CENTERLINE _____ (IN LIEU OF R/W) MONUMENTATION IS TO BE INSTALLED AT ALL CENTERLINE PC's, PT's, ANGLE POINTS AND STREET INTERSECTIONS AS SHOWN HEREON, AND WILL CONSIST OF A FOUR INCH (4") ALUMINUM ALLOY CAP STAMPED "CITY OF ALBUQUERQUE", "CENTERLINE MONUMENT", "DO NOT DISTURB", "PLS #14289".

SHEET 5 OF 5

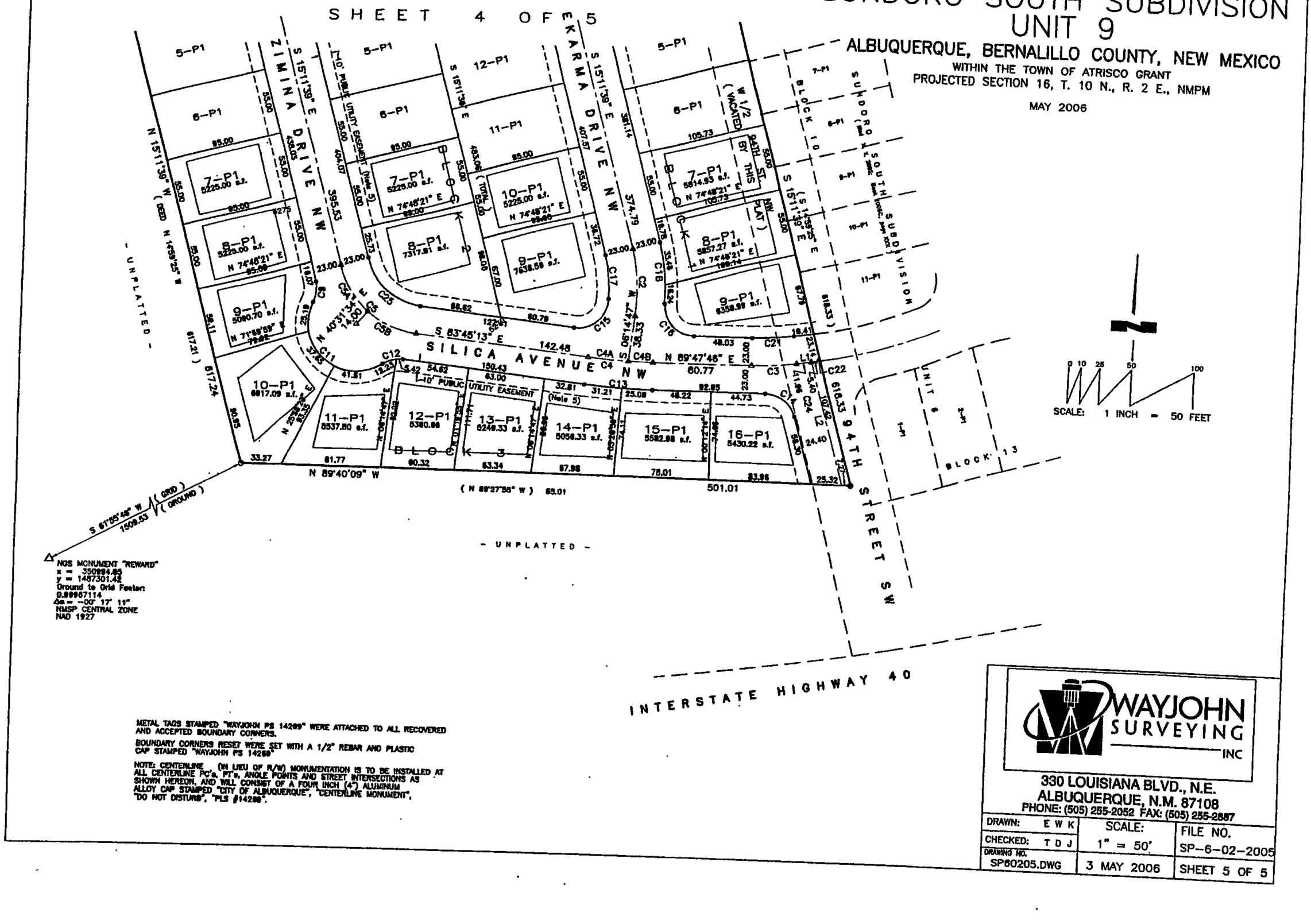
WAYJOHN SURVEYING INC
330 LOUISIANA BLVD., N.E.
ALBUQUERQUE, N.M. 87108
PHONE: (505) 255-2052 FAX: (505) 255-2887

DRAWN: E W K	SCALE:	FILE NO.
CHECKED: T D J	1" = 50'	SP-6-02-2005
DRAWING NO. SP60205.DWG	3 MAY 2006	SHEET 4 OF 5

SHEET 4 OF 5

PRELIMINARY PLAT OF
SUNDORO SOUTH SUBDIVISION UNIT 9
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
WITHIN THE TOWN OF ATRISCO GRANT
PROJECTED SECTION 16, T. 10 N., R. 2 E., NMPM

MAY 2006



NGS MONUMENT "REWARD"
x = 350994.62
y = 1487301.42
Ground to Grid Factor:
0.99967114
Δα = -00° 17' 11"
NMSP CENTRAL ZONE
NAD 1927

METAL TAGS STAMPED "WAYJOHN PS 14269" WERE ATTACHED TO ALL RECOVERED AND ACCEPTED BOUNDARY CORNERS.

BOUNDARY CORNERS RESET WERE SET WITH A 1/2" REBAR AND PLASTIC CAP STAMPED "WAYJOHN PS 14269"

NOTE: CENTERLINE (IN LIEU OF R/W) MONUMENTATION IS TO BE INSTALLED AT ALL CENTERLINE PC's, PT's, ANGLE POINTS AND STREET INTERSECTIONS AS SHOWN HEREON, AND WILL CONSIST OF A FOUR INCH (4") ALUMINUM ALLOY CAP STAMPED "CITY OF ALBUQUERQUE", "CENTERLINE MONUMENT", "DO NOT DISTURB", "PLS #14269".

WAYJOHN SURVEYING INC
330 LOUISIANA BLVD., N.E.
ALBUQUERQUE, N.M. 87108
PHONE: (505) 255-2052 FAX: (505) 255-2857

DRAWN: E W K	SCALE:	FILE NO.
CHECKED: T D J	1" = 50'	SP-6-02-2005
DRAWING NO. SP60205.DWG	3 MAY 2006	SHEET 5 OF 5

Current DRC
Project Number: _____

ORIGINAL

Figure 12

INFRASTRUCTURE LIST
(Rev. 9-20-05)

Date Submitted: 5-26-06
Date Site Plan Approved: N/A
Date Preliminary Plat Approved: 8.2.06
Date Preliminary Plat Expires: 8.2.07
DRB Project No.: 1003612
DRB Application No.: 06DRB-00737

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

1 1-3-07

SUNDORO SOUTH UNIT 9
PROPOSED NAME OF PLAT AND/~~OR SITE DEVELOPMENT PLAN~~

TRACT 37, 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	Construction Certification: Private P. E.	Construction Certification: City Cnst Engineer
		Paving							
		~~12~~ 20' wide 1	Residential Paving w/curb and gutter, ~~4~~ 6' sidewalk south side	Endee Road	West Boundary	East Boundary	/	/	/
		26' wide	Residential Paving w/curb And gutter, 4' sidewalk both sides*	Zimina Drive	Endee Road	Silica Ave	/	/	/
		26' wide	Residential Paving w/curb And gutter, 4' sidewalk both sides*	Ekarma Drive	Endee Road	Silica Ave.	/	/	/

ORIGINAL

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P. E.	City Cnst Engineer
		Paving Cont.							
		26' wide	Residential Paving w/curb And gutter, 4' sidewalk both sides*	Silica Ave.	Zimina Drive	East Boundary	/	/	/
		~~26'~~ 24' wide	Residential Paving w/curb And gutter, ~~4'~~ 6' sidewalk ~~both sides~~ EAST SIDE*	94th Street	Silica Ave.	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 14	East Boundary	/	/	/

ORIGINAL

NOTES

If the site is located in a floodplain, then financial guarantee will not be released until the LOMR is approved by FEMA.
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

David B. Thompson
NAME (print)

Thompson Engineering Consultants, Inc.
FIRM

SIGNATURE 5-26-06 Date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

DRB CHAIR 8/02/06 Date

TRANSPORTATION DEVELOPMENT 8-2-06 Date

UTILITY DEVELOPMENT 8/2/06 Date

CITY ENGINEER 8/2/06 Date

PARKS & GENERAL SERVICES Christina Sandoval 8/2/06 Date

AMAFCA Date

Date

Date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER
1	1-3-07			

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.

OFFICIAL NOTICE OF DECISION

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

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

July 25, 2007

11. Project# 1003612
07DRB-70136 EXT OF MAJOR PRELIMINARY PLAT

THOMPSON ENGINEERING CONSULTANTS INC agent(s) for DRAGONFLY DEVELOPMENT INC request(s) the above action(s) for all or a portion of Tract(s) 31-33, TOWN OF ATRISCO GRANT, **SUNDORO SOUTH, UNIT 9,** zoned SU-2 R-LT, located on ENDEE RD NW BETWEEN 98th ST NW AND 94th ST NW containing approximately 6.4 acre(s). (J-9)

At the July 25, 2007, Development Review Board meeting, the one-year extension of the preliminary plat was approved.

The conditions of final plat still apply.

Sheran Matson, AICP, DRB Chair

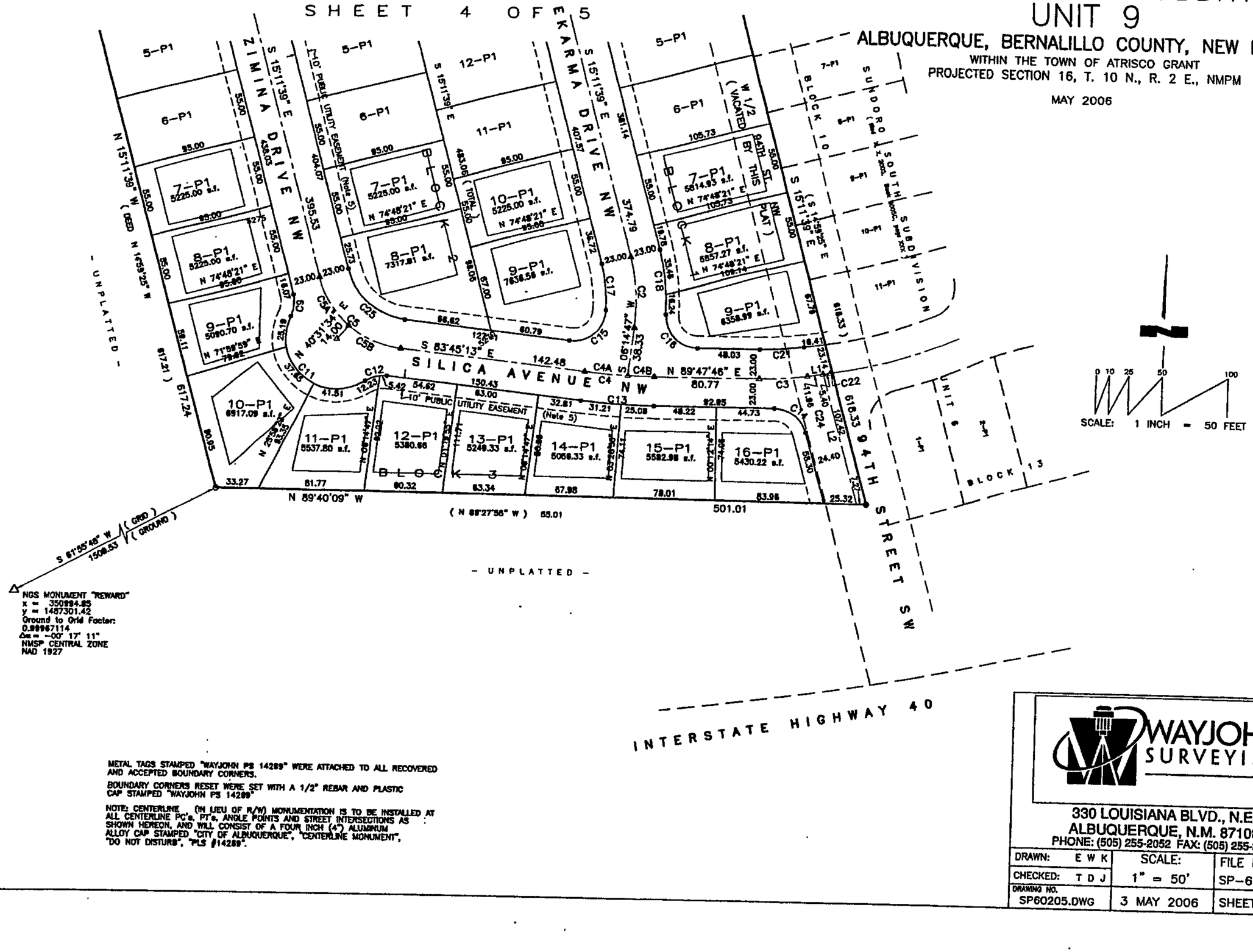
Cc: Thompson Engineering Consultants, Inc., P.O. Box 65760, 87193
Dragonfly Development, Inc., 12809 Donett Court NE, 87112
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

PRELIMINARY PLAT OF
SUNDORO SOUTH SUBDIVISION UNIT 9

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO

WITHIN THE TOWN OF ATRISCO GRANT
PROJECTED SECTION 16, T. 10 N., R. 2 E., NMPM

MAY 2006



NGS MONUMENT "REWARD"
x = 350994.85
y = 1487301.42
Ground to Grid Factor:
0.99967114
Δα = -00° 17' 11"
NMSP CENTRAL ZONE
NAD 1927

METAL TAGS STAMPED "WAYJOHN PS 14289" WERE ATTACHED TO ALL RECOVERED AND ACCEPTED BOUNDARY CORNERS.

BOUNDARY CORNERS RESET WERE SET WITH A 1/2" REBAR AND PLASTIC CAP STAMPED "WAYJOHN PS 14289"

NOTE: CENTERLINE (IN LIEU OF R/W) MONUMENTATION IS TO BE INSTALLED AT ALL CENTERLINE PC's, PT's, ANGLE POINTS AND STREET INTERSECTIONS AS SHOWN HEREON, AND WILL CONSIST OF A FOUR INCH (4") ALUMINUM ALLOY CAP STAMPED "CITY OF ALBUQUERQUE", "CENTERLINE MONUMENT", "DO NOT DISTURB", "PLS #14289".

WAYJOHN SURVEYING INC
330 LOUISIANA BLVD., N.E.
ALBUQUERQUE, N.M. 87108
PHONE: (505) 255-2052 FAX: (505) 255-2887

DRAWN: E W K	SCALE:	FILE NO.
CHECKED: T D J	1" = 50'	SP-6-02-2005
DRAWING NO. SP60205.DWG	3 MAY 2006	SHEET 5 OF 5

Current DRC
Project Number:

ORIGINAL

Figure 12

INFRASTRUCTURE LIST
(Rev 9-20-05)

Date Submitted: 5-26-06
Date Site Plan Approved: N/A
Date Preliminary Plat Approved: 8.2.06
Date Preliminary Plat Expires: 8.2.07
DRB Project No.: 1003612
DRB Application No.: 06DRB-00737

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

1 1-3-07

SUNDORO SOUTH UNIT 9
PROPOSED NAME OF PLAT AND/~~OR SITE DEVELOPMENT PLAN~~

TRACT 37, 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	Construction Certification: Private P. E.	Construction Certification: City Cnst Engineer
		Paving							
		~~12~~ 20' wide	Residential Paving w/curb and gutter, ~~4~~ 6' sidewalk south side	Endee Road	West Boundary	East Boundary	/	/	/
		26' wide	Residential Paving w/curb And gutter, 4' sidewalk both sides*	Zimina Drive	Endee Road	Silica Ave	/	/	/
		26' wide	Residential Paving w/curb And gutter, 4' sidewalk both sides*	Ekarma Drive	Endee Road	Silica Ave.	/	/	/

ORIGINAL

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P. E.	City Cnst Engineer
		Paving Cont.							
		26' wide	Residential Paving w/curb	Silica Ave.	Zimina	East	/	/	/
			And gutter, 4' sidewalk both sides*		Drive	Boundary			
		~~26'~~ 24' wide	Residential Paving w/curb	94th Street	Silica Ave.	South	/	/	/
			1 And gutter, ~~4'~~ 6' sidewalk ~~both sides~~* EAST SIDE			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 14	East Boundary	/	/	/

ORIGINAL

NOTES

If the site is located in a floodplain, then financial guarantee will not be released until the LOMR is approved by FEMA.
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)

DRB CHAIR — 8/02/06 Date

Christina Sandoval — 8/2/06
PARKS & GENERAL SERVICES Date

Thompson Engineering Consultants, Inc.
FIRM

5-26-06
SIGNATURE Date

TRANSPORTATION DEVELOPMENT — 8-2-06 Date

Roger Green — 8/2/06
UTILITY DEVELOPMENT Date

Bradley L. Bingham — 8/2/06
CITY ENGINEER Date

AMAFCA Date

Date

Date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER
1	1-3-07			

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION — **S**

___ Major Subdivision action
_X_ Minor Subdivision action
___ Vacation — **V**
___ Variance (Non-Zoning)

SITE DEVELOPMENT PLAN — **P**

___ for Subdivision
___ for Building Permit
___ Administrative Amendment (AA)
___ IP Master Development Plan — **D**
___ Cert of Appropriateness (LUCC) — **L**

STORM DRAINAGE (Form D) — **A**

___ Storm Drainage Cost Allocation Plan

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)

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 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): Thompson Engineering Consultants, Inc PHONE: 271-2199
ADDRESS: P.O. Box 65760 FAX: 830-9298
CITY: Albuquerque STATE NM ZIP 87193 E-MAIL: tecnm@yahoo.com

APPLICANT: DRAGONFLY DEVELOPMENT, INC. PHONE: 291-0353
ADDRESS: 12909 DONETTE COURT NE FAX:
CITY: ALBUQUERQUE STATE NM ZIP 87112 E-MAIL:
Proprietary interest in site: OWNER **List all owners**:
DESCRIPTION OF REQUEST: EXTENSION OF 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. Tract Situated in Tracts 31, 32, +33 Block: Unit:
Subdiv/Addn/TBKA: Town of Atrisco Grant / Sundoro South 9
Existing Zoning: SU-2/R-LT Proposed zoning: MRGCD Map No
Zone Atlas page(s): J-9 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? X Yes Within 1000FT of a landfill? NO
No. of **existing** lots: 1 No. of **proposed** lots: 41 Total area of site (acres): 6.4
LOCATION OF PROPERTY BY STREETS: On or Near: Endee Road NW
Between: 98th Street NW and 94th Street NW

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

SIGNATURE David B Thompson DATE 7-17-07
(Print) DAVID B. THOMPSON 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
- NA ☐ Site is within 1000ft of a landfill
- NA ☐ F.H.D.P. density bonus
- NA ☐ F.H.D.P. fee rebate

Application case numbers: DRB- 70134

Action	S.F.	Fees
EPP	S(3)	$ 50.00
CMF		$ 20.00
		$
		$
		$
		Total $ 70.00

Hearing date 7-25-07

7/17/07
Planner signature / date

Project # 1003612

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.**

X Preliminary Plat reduced to 8.5" x 11"
X Zone Atlas map with the entire property(ies) clearly outlined
X Letter briefly describing, explaining, and justifying the request
X Copy of DRB approved infrastructure list
X Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
X 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.**

__ Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings
__ 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.

DAVID B. THOMPSON
Applicant name (print)

7-17-07
Applicant signature / date

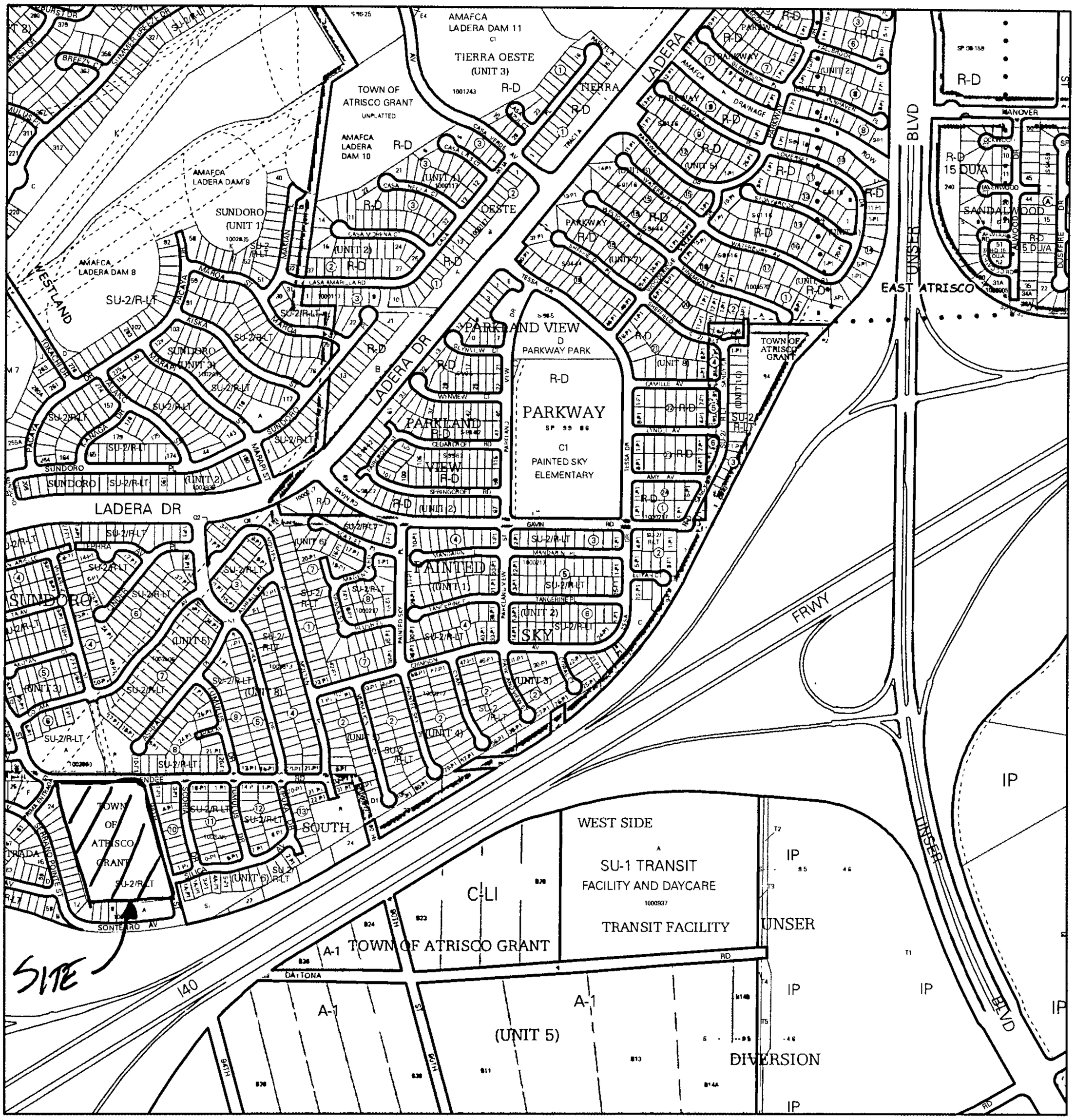
Form revised 4/07

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

Application case numbers
07DRB - _____ - 70136
_____ - _____ - _____
_____ - _____ - _____

V. Sc 7/17/07
Planner signature / date

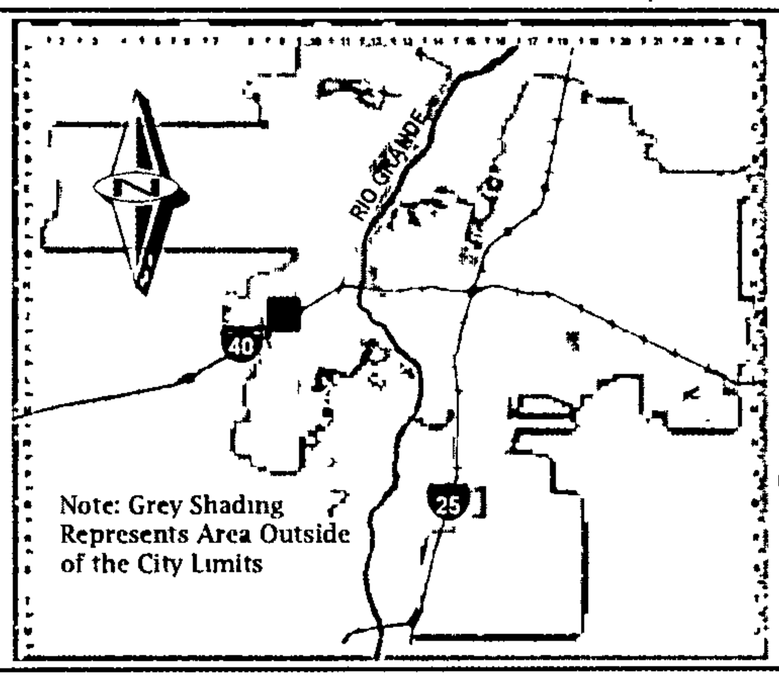
Project # 1003612



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

Albuquerque Geographic Information System

Map amended through: 5/17/2007



Zone Atlas Page:

J-09-Z

Selected Symbols

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

0 — 750 — 1,500 Feet

THOMPSON Engineering Consultants, Inc.

July 17, 2007

Ms. Sheran Matson
Development Services
Planning Department
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

Re: SUBMITTAL OF REQUEST FOR EXTENSION OF PRELIMINARY PLAT SOUTH UNIT 9 SUBDIVISION (DRB 1003612)

Dear Ms. Matson:

Enclosed please find an application and all required enclosures to request an extension for the Preliminary Plat for the Sundoro South Unit 9 Subdivision. The extension is due to the length of time the required to settle the boundary dispute lawsuit with the adjacent property owner.

If you should have any questions, please call me at 271-2199.

Sincerely,

David B. Thompson, P.E.

P.O. Box 65760 • Albuquerque, NM 87193 • (505) 271-2199 • Fax (505) 830-9248

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.

OFFICIAL NOTICE OF DECISION

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

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

07/17/2007 Issued By: PLNABG

Permit Number: **2007 070 136** **Category Code 910**

Application Number: **07DRB-70136**, Ext Of Major Preliminary Plat

Address:

Location Description: ENDEE RD NW BETWEEN 98TH ST NW AND 94TH ST NW

Project Number: 1003612

Applicant
Dragonfly Development Inc
Owner
12809 Donette Court Ne
Albuquerque, NM 87193
291-0353

Agent / Contact
Thompson Engineering Consul.
Dave Thompson
4800 Juan Tabo Blvd Ne Suite C
Albuquerque, NM 87111

tecnm@yahoo.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	$20.00
441006/4983000	DRB Actions	$50.00
	TOTAL:	**$70.00**

City Of Albuquerque
Treasury Division

7/17/2007 10:56AM LOC: ANNX
RECEIPT# 00085089 WS# 007 TRANS# 0022
Account 441032 Fund 0000
Activity 3424000 TRSMSP
Trans Amt $20.00
J24 Misc
CHANGE $0.00

Thank You

City Of Albuquerque
Treasury Division

7/17/2007 10:56AM LOC: ANNX
RECEIPT# 00085090 WS# 007 TRANS# 0022
Account 441006 Fund 0000
Activity 4983000 TRSMSP
Trans Amt $70.00
J24 Misc
CHANGE $50.00
$70.00
$0.00

Thank You

PHILIP PICKARD

FACSIMILE TRANSMITTAL SHEET

TO: RICHARD DOURTE
FROM: PHILIP PICKARD
COMPANY: CITY OF ABQ
DATE: 2.13.07
FAX NUMBER: 924-3864
TOTAL NO OF PAGES INCLUDING COVER:
PHONE NUMBER:
SENDER'S REFERENCE NUMBER
RE:
YOUR REFERENCE NUMBER

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

HI RICHARD,

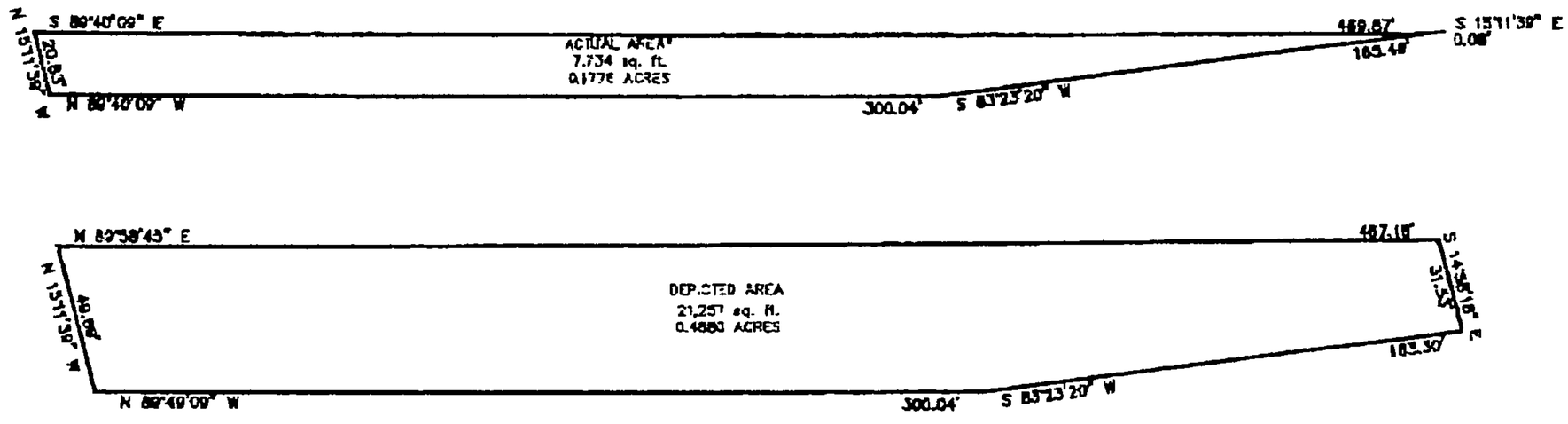
ENCLOSED IS THE EXHIBIT FROM DRAGON FLY.

THANKS

PHILIP

CALL WITH QUESTIONS.

7600 PAN AMERICAN FWY
ALBUQUERQUE, NM 87109
505.362.8200
505.856.6220 F



* ACTUAL AREA CALCULATED USING THE DEEDS OF RECORD AND THE ALTA/ACSM SURVEY PREPARED BY JORDAN AND GALLEGOS INC. DATED DECEMBER 2005, SIGNED BY DAVID R. VIGIL, PLS 8911, PLAT OF SUNDORO SOUTH SUBDIVISION UNIT 9 PREPARED BY WAYJOHN SURVEYING INC. DATED AUGUST 2005 (UNSIGNED), WARRANTY DEED FROM GHP LTD COMPANY TO FULLER HOMES FILED 12/16/05, A108-4086 AND WARRANTY DEED FROM PAJARITO INVESTMENT PROPERTIES LLC TO DRAGONFLY DEVELOPMENT INC FILED 8/26/04, A53-1104 AND THE PLATS FOR SUNDORO UNITS 2, 5 AND 6 (ADJOINERS)

10/11/06

SHEET 2 OF 2

100 612

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City of Albuquerque
City Council
P.O Box 1293, Room 9087
Albuquerque NM, 87103

Phone: (505) 768-3100
Fax: (505) 768-3227

Website:
www.cabq.gov/council

President
Martin Heinrich
District 6
mheinrich@cabq.gov

Vice-President
Don Harris
District 9
dharris@cabq.gov

Ken Sanchez
District 1
kensanchez@cabq.gov

Debbie O'Malley
District 2
domalley@cabq.gov

Isaac Benton
District 3
ibenton@cabq.gov

Brad Winter
District 4
bwinter@cabq.gov

Michael J. Cadigan
District 5
mcadigan@cabq.gov

Sally Mayer
District 7
smayer@cabq.gov

Craig Loy
District 8
cloy@cabq.gov

Laura Mason
Director
lmason@cabq.gov

October 30, 2006

To all interested parties:

The following appeal is on the agenda of the **Monday, November 6, 2006** City Council meeting, which will begin at 5:00 p.m. in the Vincent E. Griego Chambers, Basement Level, 1 Civic Plaza NW:

AC-06-23 GHP Ltd., Co. Appeals the Development Review Board's Approval of a Preliminary Plat; Vacation of Public Right-of-Way, and a Temporary Deferral of Construction of Sidewalks, Town of Atrisco Grant, Zoned SU-2 R-LT, Located on Endee Road NW, Between 98th Street NW and 94th Street NW

The City Council will be voting to either "Accept" or "Reject" the Land Use Hearing Officer's recommended Decision, therefore, public testimony is generally not taken at this time. Should the City Council reject the Land Use Hearing Officer's recommended Decision, the appeal will then be scheduled for a full hearing before the City Council at a date no earlier than the next regular meeting of the full Council.

If you have any questions, I can be reached at 768-3100.

Sincerely,

Crystal Ortega
Clerk of the Council

Attachments:
Land Use Hearing Officer's Recommendation
Excerpt from the Council's Rules of Procedure

LAND USE HEARING OFFICER'S RECOMMENDATION

APPEAL NO. AC-06-23 (06DRB-00737; 06DRB-00738; 06DRB-00739; Project No. 1003612)

GHP Ltd., Phillip Pickard, Appellant v. Dragonfly Development Inc., Party Opponents.

I. PROCEDURAL BACKGROUND

On May 26, 2006, the Party Opponents, Dragonfly Development, Inc. (Dragonfly), through their agents, Thompson Engineering Consultants, Inc., submitted an application to the Development Review Board (DRB) for preliminary plat approval of a major subdivision proposal. The application also included a request to vacate a portion of 94th Street, a platted public right-of-way which abuts the East side of the proposed subdivision.

Apparently, several months before Dragonfly submitted its application to the DRB, a dispute between Appellant, Phillip Pickard and Dragonfly ensued over the West side boundary of Dragonfly's proposed plat. Appellant claims to own a narrow 1.6 acres of land that abuts Dragonfly's proposed subdivision.

The history reveals that the exact boundaries cannot be determined by the surveys of each of the landowners. Evidently, as a result of the dispute, the parties entered into a "Boundary Agreement" in December, 2005. At the time, the Boundary Agreement seemingly resolved the dispute and purported to establish a common boundary. Notwithstanding the Boundary Agreement, the parties found themselves in litigation regarding its meaning and enforceability.

In the meantime, after numerous deferrals by the DRB, on August 2, 2006, after a public hearing, the DRB finally approved the preliminary plat and granted Dragonfly's request to vacate the public City Street. As a result of the litigation, the DRB set several conditions which must be satisfied by Dragonfly before the DRB approves a final plat. Appellant filed his timely appeal on August 17, 2006. A hearing before this Land Use Hearing was held on October 17, 2006.

II. ISSUES PRESENTED

Appellant claims that the DRB should not have approved Dragonfly's preliminary plat while there is pending litigation over the boundary of a portion of the land shown in the preliminary plat. Appellant also claims that the DRB erred in vacating a public Street for Dragonfly.

III. STANDARD OF REVIEW

A review of an appeal is a whole record review to determine if the there is error:

conditions of its approval that provided for the contingency that Appellant may have a claim to land which may include a small portion of the lands within Dragonfly's subdivision.

After reviewing the entire record, including the Minutes of the August 2, 2006 DRB hearing, I find that the DRB appropriately considered and set suitable condition to Dragonfly's preliminary plat approval. I cannot find that the DRB erred as a matter of law; misapplying the facts; or, acted arbitrary, capriciously or manifestly abusive of its discretion. There is no evidence in the record, nor could Appellant point to any, that the DRB erred.

2. Vacation of 94th Street

Appellant next contends that the DRB erred in vacating a portion of 94th Street. He reasons that the vacated portion of 94th Street provides access to his land. Dragonfly argues that if Appellant owns land on the West side of the vacated Street, as stated, Appellant is left with adequate access to his land as a result of the newly platted Streets.

Historically, the DRB, in a previous action, already vacated thirty feet of the 60 foot width of 94th Street from Endee Road to I-40. As a result of that action, only 30 feet of the width of 94th Street remained.

Vacating a public right-of-way requires that an applicant demonstrate to the DRB that:

a. The public welfare is in no way served by retaining the [right-of way] or easement; or
b. There is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation; and
c. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.[2]

The first and second prongs of the analysis are disjunctive. Thus, if it is shown that either the first prong or the second prong is satisfied along with the third prong of the Ordinance, then the DRB may vacate the public right-of-way.

In this case, the DRB found that in order to provide adequate access to the Southern properties, 94th Street, South of Silica Avenue "needs to be dedicated and it can either be in conjunction with the Westland property or with the other property to the south to provide adequate

---

[2] See City of Albuquerque Subdivision Regulation, Section 14-14-7-2 Vacation of Public Right of Way, Private Ways and Easements.

**Excerpt from the City Council's Rules of Procedure (3/2006)
Regarding the Hearing of the Land Use Hearing Officer's
Recommended Decision by the City Council***

The Hearing Officer shall enter his or her findings and recommended decision ("decision") within 5 days after the close of the hearing and shall forward the decision and findings to the parties and the Council within 5 days of entering the decision.

When the Council receives the Hearing Officer's findings and decision, the Council shall place the decision on the agenda of the next regular full Council meeting provided that there is a period of at least 7 days between the receipt of the decision and the Council meeting. The parties may submit comments to the Council regarding the Hearing Officer's decision and findings provided such comments are in writing and received by the Council and the other parties of record four days prior to the Council meeting.

The Council shall vote whether to accept or reject the Hearing Officer's decision and findings. A motion to reject or accept the Hearing Officer's decision and findings must be approved by a majority of the membership of the Council.

The Council may accept the decision and amend the findings of the Hearing Officer if such an amendment is consistent with the decision of the Hearing Officer.

If the Hearing Officer's decision is rejected, the appeal shall be scheduled to be heard by the full Council no earlier than the next regular meeting of the full Council.

If the Hearing Officer rules are in conflict with the Zoning Code, the Zoning Code shall prevail. If the Hearing Officer rules are silent regarding an area that is addressed by the Zoning Code, the Zoning Code shall apply.

*For the complete set of rules that apply to land use appeals, see the City Council Rules of Procedure, which can be viewed on the Council's website at http://www.cabq.gov/council

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION — **S**
- X Major Subdivision action
- ____ Minor Subdivision action
- X Vacation
- X Variance (Non-Zoning)

SITE DEVELOPMENT PLAN — **P**
- ____ for Subdivision Purposes
- ____ for Building Permit
- ____ IP Master Development Plan
- ____ Cert. of Appropriateness (LUCC)

STORM DRAINAGE — **D**
- ____ Storm Drainage Cost Allocation Plan

ZONING & PLANNING — **Z**
- ____ Annexation
- ____ County Submittal
- **V** ____ 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)

APPEAL / PROTEST of... — **L A D**
- ____ 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.

APPLICANT INFORMATION:

NAME: GHP LTD CO PHONE: 888-4888(AUTO)

ADDRESS: 7600 PAN AMERICAN FWY NE FAX: ____

CITY: ALB STATE ____ ZIP ____ E-MAIL: ____

Proprietary interest in site: OWNER **List all owners:** GHP LTD CO

AGENT (if any): ____ PHONE: ____

ADDRESS: ____ FAX: ____

CITY: ____ STATE ____ ZIP ____ E-MAIL: ____

DESCRIPTION OF REQUEST: APPEAL OF DRB

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

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

Lot or Tract No. PORTION LOT 37 etc Block: ____ Unit: ____

Subdiv. / Addn. (see ABST) 1003612

Current Zoning: SU2 R-LT Proposed zoning: ____

Zone Atlas page(s): J-9 No. of **existing** lots: ____ No. of **proposed** lots: ____

Total area of site (acres): ____ Density if applicable: dwellings per gross acre: ____ dwellings per net acre: ____

Within city limits? ✓ Yes. No___, but site is within 5 miles of the city limits.) Within 1000FT of a landfill? ____

UPC No. ____ MRGCD Map No. ____

LOCATION OF PROPERTY BY STREETS: On or Near: ____

Between: ____ and ____

CASE HISTORY:

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

NONE

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

SIGNATURE ____ DATE 8/17/06

(Print) Gary Joe GHP Ltd Co ___ Applicant ___ Agent

FOR OFFICIAL USE ONLY Form revised 4/04

- ☐ 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
06CC-01198	DRB APPEAL	A	$ 55.00
	ADV		$ 50.00
			$
			$
			$
			$
			Total $ 105.00

___ Hearing date ____

Sandy Handley 08/17/06
Planner signature / date

Project # 1003612

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:
☐ DECISION OF THE ZONING HEARING EXAMINER

__ Project number of case being appealed; _____
__ Application number of case being appealed; _____
__ Reason for the appeal *
__ Appellant's basis of standing as an appellant *
__ Letter of authorization from the appellant if this application for appeal is submitted by an agent
__ Copy of the Official Notification of Decision regarding the matter being appealed
__ Fee (see schedule)

Appeal to the Landmarks and Urban Conservation Commission regarding:
☐ CERTIFICATE OF APPROPRIATENESS DECISION OF THE PLANNING DIRECTOR OR STAFF

__ Project number of case being appealed; _____
__ Application number of case being appealed; _____
__ Reason for the appeal *
__ Appellant's basis of standing as an appellant *
__ Letter of authorization from the appellant if this application for appeal is submitted by an agent
__ Copy of the Official Notification of Decision regarding the matter being appealed
__ Fee (see schedule)

Appeal to the Environmental Planning Commission regarding:
☐ DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER
__ Project number of case being appealed; _____
__ Application number of case being appealed; _____
__ Reason for the appeal *
__ Appellant's basis of standing as an appellant *
__ Letter of authorization from the appellant if this application for appeal is submitted by an agent
__ Copy of the Official Notification of Decision regarding the matter being appealed
__ Fee (see schedule)

Appeal to the City Council through the Land Use Hearing Officer regarding:
☐ ADMINISTRATIVE AMENDMENT OR DECISION OF THE PLANNING DIRECTOR OR STAFF
☐ DETERMINATION OR ACTION OF THE ENVIRONMENTAL PLANNING COMMISSION
☒ DETERMINATION OR ACTION OF THE DEVELOPMENT REVIEW BOARD
☐ ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL
☐ DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION

✓ Project number of case being appealed; 1003612
✓ Application number of case being appealed; 06DRB-00737 and 06DRB-00738 and 06DRB-00739
✓ Reason for the appeal * See Attachment
✓ Appellant's basis of standing as an appellant * See Attachment
__ Letter of authorization from the appellant if this application for appeal is submitted by an agent
✓ Copy of the Official Notification of Decision regarding the matter being appealed
✓ Fee (see schedule)

* Criteria for reasonable appeals and criteria for standing as an appellant are given in *Zoning Code §14-16-4-4*. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

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

GHP LTD. CO.
Applicant name (print)
By: MANAGER
8/14/06
Applicant signature / date

Form revised 10/04 & March 2005

☑ Checklists complete
☑ Fees collected
☑ Case #s assigned
☐ Related #s listed

Application case numbers
06CC-01198
___-___-___
___-___-___

Sandy Handley 08/16/06
Planner signature / date

Project # 1003612

ATTACHMENT

1. GHP LTD. CO. owns a portion of the property for which Applicant in its applications for Plat approval stated that it owns.

2. The Development Review Board vacated the street which gives access to the property owned by GHP LTD. CO. without the approval of the Appellant.

GHP LTD. CO.

By: _____
Philip Pickard, Manager

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.

Andrew Garcia
924-3858

OFFICIAL NOTICE OF DECISION

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.

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

PHILIP PICKARD

FACSIMILE TRANSMITTAL SHEET

TO: SUSAN SEGAL

FROM: PHILIP PICKARD

COMPANY:

DATE: 8-17-06

FAX NUMBER: 888-1635

TOTAL NO. OF PAGES INCLUDING COVER:

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RE:

YOUR REFERENCE NUMBER

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

ENCLOSED ARE THE DEEDS FOR THE PROPERTIES WE OWN AT 98TH & I40 WE STILL OWN 1.6 ACRES THAT IS IN DISPUTE WITH DRAGONFLY AND 2.42 ACRES WE PURCHASED FROM THE DEPARTMENT OF TRANSPORTATION. ATTACH THIS TO THE DEAL TO BE DELIVERED TODAY.

CALL ME

PHILIP

7600 PAN AMERICAN FWY
ALBUQUERQUE, NM 87109
505.362.8200
505.856.6220 F

NEW MEXICO DEPARTMENT OF TRANSPORTATION
QUITCLAIM DEED

THIS INDENTURE, made and entered into this 3rd day of February, 20 06, by and between New Mexico Department of Transportation, party of the first part, and D.C.L.P Trust, party of the second part.

WITNESSETH: That the said party of the first part, for consideration paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents, demise, release and forever quitclaim, unto the said party of the second part and to its heirs and assigns, the following described strip, tract or parcel of land and real estate, lying, situate and being in the County of Bernalillo, State of New Mexico to wit:

A certain tract or parcel of land situate in projected Sections 16 and 17, Township 10 North, Range 2 East, N.M.P.M., within the Town of Atrisco Land Grant, City of Albuquerque, County of Bernalillo, New Mexico, being a portion of the existing (2005) right of way of Interstate Highway 40 and being more particularly described by metes and bounds as follows:

Commencing at a point on the curve connecting the easterly right of way line of 98th Street, Northwest to the present (2005) northerly right of way line of Interstate Highway 40 within the City of Albuquerque, County of Bernalillo, New Mexico, from which point NGS triangulation station "Reward", having New Mexico Coordinate System grid coordinates X=1,491,190.69, Y=1,487,364.03, Central Zone, NAD83, bears S25°03'31"W and 1038.85 feet distant;

Thence southeasterly a distance of 472.31 feet on the said northerly right of way of Interstate Highway 40 along the arc of a curve to the left having a radius of 680.59 feet, a central angle of 39°45'40" and a chord that bears S56°34'22"E a distance of 462.89 feet to a point of tangency;

Thence S76°27'12"E along the said northerly right of way of Interstate Highway 40 a distance of 202.44 feet to an angle point;

Thence S70°18'52"E along the said northerly right of way of Interstate Highway 40 a distance of 197.40 feet to a point of curvature;

Thence southeasterly a distance of 260.26 feet on the said northerly right of way of Interstate Highway 40 along the arc of a curve to the left having a radius of 719.41 feet, a central angle of 20°43'40" and a chord that bears S80°40'42"E a distance of 258.85 feet to a point of compound curvature;

Thence northeasterly a distance of 947.05 feet on the said northerly right of way of Interstate Highway 40 along the arc of a curve to the left having a radius of 2309.88 feet, a central angle of 23°29'25" and a chord that bears N77°13'13"E a distance of 940.43 feet to an angle point;

Thence N89°57'54"E a distance of 30.23 feet to the northeast corner of the parcel herein described;

Thence S58°47'58"W a distance of 505.65 feet to the southeast corner of the parcel herein described;

Thence N85°00'00"W a distance of 379.19 feet to an angle point;

Thence S83°26'44"W a distance of 89.88 feet to a point of curvature;

Thence northwesterly a distance of 328.36 feet along the arc of a curve to the right having a radius of 651.34 feet, a central angle of 28°53'03" and a chord that bears N82°06'43"W a distance of 324.89 feet to a point of reverse curvature;

(See reverse side)

Mary Herrera Bern. Co. QCD R 11.00
2006017758
Page: 1 of 2
02/07/2006 01:58P
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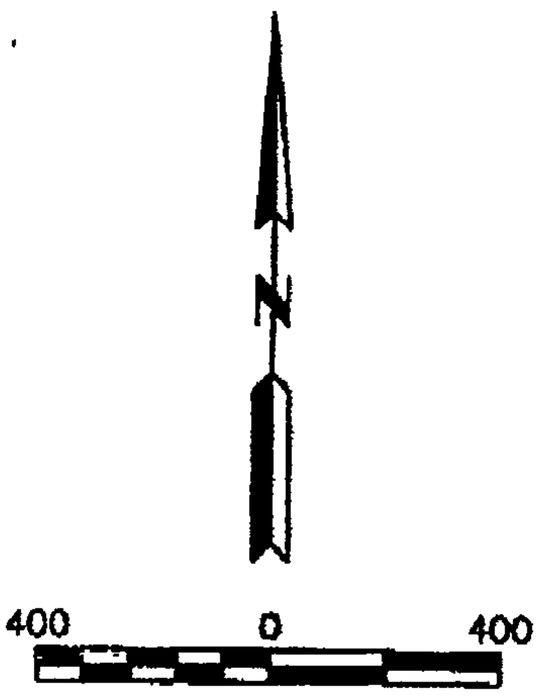
EXHIBIT "A"



SCALE: 1" = 400'

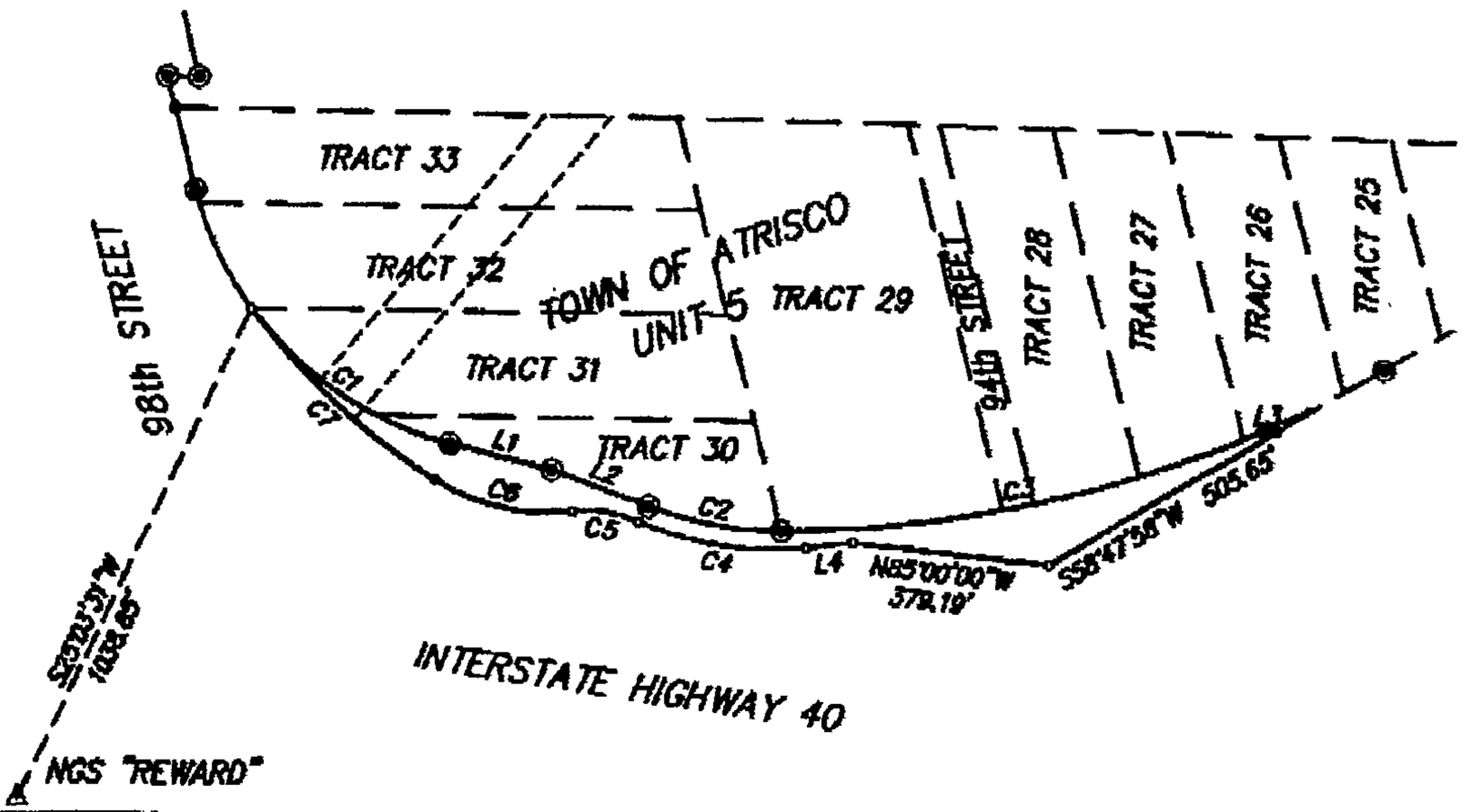
LEGEND

⊕ N.M.D.O.T. BRASSCAP

• COMPUTED CORNER

NOTES

1) BEARINGS SHOWN ARE NEW MEXICO COORDINATE SYSTEM, CENTRAL ZONE, NAD83 GRID BEARINGS.
2) DISTANCES SHOWN ARE GROUND DISTANCES.



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	472.31'	680.59'	39°45'40"	S56°34'22"E	462.89'
C2	260.26'	719.41'	20°43'40"	S80°40'42"E	258.85'
C3	947.05'	2309.86'	23°29'25"	N77°13'15"E	940.43'
C4	328.36'	651.34'	28°53'03"	N82°06'43"W	324.89'
C5	128.61'	250.00'	29°28'35"	N82°24'29"W	127.20'
C6	277.36'	416.27'	38°10'35"	N78°03'27"W	272.26'
C7	488.01'	1250.00'	22°16'38"	N47°49'51"W	482.96'

LINE TABLE		
LINE	LENGTH	BEARING
L1	202.44'	S76°27'12"E
L2	197.40'	S70°16'52"E
L3	30.23'	N89°57'54"E
L4	89.88'	S85°26'44"W

SURVEYOR'S CERTIFICATION

I, PHILIP W. TURNER, A LAND SURVEYOR LICENSED IN ACCORDANCE WITH THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS EXHIBIT WAS PREPARED BY ME, OR UNDER MY DIRECT SUPERVISION, FROM THE RETURNS OF AN ACTUAL SURVEY PERFORMED ON THE GROUND ON JULY 3, 2004, THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT IT SATISFIES THE MINIMUM STANDARDS FOR SURVEYS AS DETERMINED BY THE NEW MEXICO BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS. THIS DOCUMENT IS NOT PLAT OF SURVEY, NOR A SUBDIVISION NOR A LAND DIVISION AS DEFINED BY THE NEW MEXICO SUBDIVISION STATUTE.

02-01-05

PHILIP W. TURNER *N.M.P.S. 10204* *DATE*

PHILIP W. TURNER NEW MEXICO No. 10204 REGISTERED PROFESSIONAL SURVEYOR

PREPARED BY:
TERRAMETRICS OF NEW MEXICO
P.O. BOX 30192
ALBUQUERQUE, NEW MEXICO 87190-0192
(505) 884-9087

Albuquerque Title Company
TI #247257 BB

WARRANTY DEED

JOSEPH DAVIS, Sole Successor Trustee of the CHARLES DAVIS REVOCABLE TRUST, UNDER AGREEMENT DATED APRIL 13, 1996, as to an undivided 1/3 interest; JOSEPH DAVIS, a married man, as his sole and separate estate, as to an undivided 1/3 interest; and CHARLES DAVIS, JR., a single man, as to an undivided 1/3 interest, for consideration paid, grants to PHILIP PICKARD, Trustee of the Pickard Irrevocable Trust I *, whose address is 7600 Pan American Freeway, N.E., Albuquerque, New Mexico 87109, the following described real estate in Bernalillo County, New Mexico:

* Dated December 1st, 1995.

Beginning at the Southwest corner, a point on the Northeasterly Right-of-Way line of U.S. Highway I-40 at its interchange with 98th Street Northwest, whence New Mexico Highway Department Traverse Station I 40-22C, a brasscap in concrete at New Mexico Plane Co-ordinates X=351,570.46 and Y=1,486,959.08 (Central Zone) bears S. 09°15'16" W., 1050.42 feet distant, and the corner common to Sections 16, 17, 20 and 21, Township 10 North, Range 2 East, N.M.P.M., marked by a Whiteman Engineering Company brasscap in place, bears S. 28°09'02" E., 661.42 feet distant; Running from said beginning point N.00°24'15" E., leaving said Right-of-Way line, 42.95 feet to the Northwest corner of the parcel herein described; Thence S. 89°27'55" E., 1036.02 feet to the Northeast corner; Thence S. 00°24'15" W., 158.10 feet to the Southeast corner, a point on said northeasterly Right-of-Way line of U.S. Highway I-40; Thence Westerly and to the right, following a curve in said Right of-Way line having a radius of 2314.64 feet and a central angle of 8°40'20" (the chord of said curve running S. 83°21'40" W., 349.99 feet) a distance along the arc of 350.34 feet to a point of compounding of curve; Thence Westerly and to the right, following a curve in said Right-of-Way line having a radius of 718.31 feet and a central angle of 23°57'47" (the chord of said curve running N. 80°21'16" W., 298.24 feet) a distance along the arc of 300.42 feet to and of curve; Thence N. 71°01' W. along said Right-of-Way line, 199.89 feet; Thence N. 76°35'20" W., along said Right of Way line, 177.16 feet to a point of curve; Thence Northwesterly and to the right, following a curve in said Right of Way line having a radius of 680.51 feet and a central angle of 2°49'04" (the chord of said curve running N. 74°02'10" W., 33.46 feet) a distance along the arc of 33.47 feet to the point of beginning.

Subject to patent reservations, restrictions and easements of record and to taxes for the year 2003 and years thereafter.

with warranty covenants.

WITNESS our hands and seals this 6th day of March, 2003.

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Page: 1 of 3
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Mary Herrera Bern Co. NM R 13.00

CHARLES DAVIS REVOCABLE TRUST, UNDER AGREEMENT DATED APRIL 13, 1996

By: Joseph Davis, Personal Representative
JOSEPH DAVIS,
SOLE SUCCESSOR TRUSTEE

Joseph Davis
JOSEPH DAVIS, Individually

CHARLES DAVIS, JR.

ACKNOWLEDGMENT

STATE OF California)
)
COUNTY OF Santa Clara)

This instrument was acknowledged before me on March 7th, 2003, by JOSEPH DAVIS. a married man, individually and as Sole Successor TRUSTEE OF THE CHARLES DAVIS REVOCABLE TRUST, UNDER AGREEMENT DATED APRIL 13, 1996

MY COMMISSION EXPIRES:
April 22, 2004

Patricia Hill
NOTARY PUBLIC

STATE OF _____)
)
COUNTY OF _____)

This instrument was acknowledged before me on March _____, 2003, by CHARLES DAVIS, JR., a single man.

MY COMMISSION EXPIRES:
_____

_____
NOTARY PUBLIC

Mary Herrera Bern Co. WD R 13.00
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Page: 2 of 3
11/01/2004 11:43R
Bk-R86 Pg-2909

ESTATE OF CHARLES DAVIS

By: _____
JOSEPH DAVIS,
Personal Representative

_____
JOSEPH DAVIS, Individually

Charles Davis Jr.
CHARLES DAVIS, JR.

ACKNOWLEDGMENT

STATE OF _____)
)
COUNTY OF _____)

This instrument was acknowledged before me on March _____, 2003, by JOSEPH DAVIS, a married man, individually and as Personal Representative of the ESTATE OF CHARLES DAVIS.

MY COMMISSION EXPIRES:
_____

_____
NOTARY PUBLIC

STATE OF Missouri)
)
COUNTY OF Jackson)

This instrument was acknowledged before me on March 10, 2003, by CHARLES DAVIS, JR., a single man.

MY COMMISSION EXPIRES:
_____

DENNIS WALKER
Notary Public – State of Missouri
County Of Jackson
My Commission Expires Mar 29, 2003

Dennis Walker
NOTARY PUBLIC

Mary Herrera Bern. Co MD R 13.00
2004153334
6196632
Page: 3 of 3
11/01/2004 11:43A
Bk-A86 Pg-2908

Return to: ABCT
Albuquerque Title Company
TI # 247261 MB

WARRANTY DEED

CHARLES E. BARNHART, joined by his spouse KATHLEEN BARNHART; THOMAS G. CORNISH, as Trustee of the Thomas G. Cornish and Marion W. Cornish Revocable Trust under Agreement dated April 8, 1999; and FALBA M. HANNETT, a widow and FALBA M. HANNETT, as Personal Representative on the Estate of George W. Hannett, for consideration paid, grant to **PHILIP DAVID PICKARD, SR., as Trustee of the Pickard Irrevocable Trust III, under Trust Agreement dated December 31, 1995,** whose address is 7600 Pan American Fwy, Alb NM 87109, the following described real estate in **Bernalillo** County, New Mexico.

A tract of land situate within the Sections 16 and 17, Township 10 North, Range 2 East, New Mexico Principal Meridian, Bernalillo County, New Mexico, being more particularly described by survey of Elder Company in 1976, with bearings related to the New Mexico Highway Department monumentation, as follows:
Beginning at the Northwest corner, a point which is the intersection of the Easterly line of 98th Street NW, with the Southerly of Ender Road NW, whence New Mexico Highway Department Traverse Station I-40-22C, a brass cap in concrete at New Mexico Plane Co-ordinates (Central Zone) X=351,570.46 and Y=1,486,959.08 bears S. 11°25'31" E., 1710.95 feet distant, and the corner common to Sections 16 and 17, 20 and 21, Township 10 North, Range 2 East, N.M.P.M., marked by a Whiteman Engineering Company brass cap in place, bears S. 33°49'39" E., 1472.82 feet distant;
Running from said beginning-point S. 89°35'51" E., along said Southerly line of Ender Road NW, 914.67 feet to the Northeast corner;
Thence S. 14°59'25" E., leaving said road line, 617.21 feet to the Southeast corner, a point on the Northerly boundary of land of Charles Davis, originally known as the "Armijo" tract;
Thence N. 89°27'55" W., along said tract line, 566.16 feet to the Northwest corner thereof;
Thence S. 00°24'15" W., along the Westerly boundary of said Davis tract, 42.95 feet to a point on the Northeasterly right-of-way line of U.S. Highway I-40 at its interchange with 98th Street NW;
Thence Northwesterly and to the right, following a curve in said right-of-way line having a radius of 680.51 feet and a central angle of 58°02'34" (the chord of said curve running N. 44°30'30" W., 660.04 feet) a distance along the arc of 689.38 feet to end of curve;
Thence N. 14°54'45" W., along the Easterly line of 98th Street NW, 175.50 feet to the point of beginning.

Subject to lack of ingress and egress.

Subject to reservations, restrictions and easements of record, and to property taxes for the current year and all subsequent years.

With warranty covenants.

WITNESS our hands and seals this 1st day of October, 2004.

Charles E. Barnhart
CHARLES E. BARNHART

Kathleen W. Barnhart
KATHLEEN BARNHART

THOMAS G. CORNISH, Trustee of the Thomas G. Cornish and Marion W. Cornish Revocable Trust

Falba M. Hannett
FALBA M. HANNETT

Falba M. Hannett
FALBA M. HANNETT, as Personal Representative of the Estate of George W. Hannett, deceased

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Page 1 of 1
11/01/2004 11:43A
Bk-A86 Pg-2988
Mary Herrera Bern. Co. NM R 9.00

ACKNOWLEDGMENT

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

This instrument was acknowledged before me on October 1, 2004 by Charles E. Barnhard, joined by his spouse Kathleen Barnhart, Thomas G. Cornish, as Trustee of the Thomas G. Cornish and Marion W. Cornish Revocable Trust under Agreement dated April 8, 1999, Falba M. Hannett, a widow, individually and as Personal Representative of the Estate of George W. Hannett, deceased.

Notary Public

My Commission Expires: 7/12/05

ONE STOP SHOP
CITY OF ALBUQUERQUE PLANNING DEPARTMENT
Development & Building Services

PAID RECEIPT

APPLICANT NAME GHP LTD CO

AGENT 〃 〃

ADDRESS 7600 PAN AMERICAN FWY NE

PROJECT & APP # 1003612/06CC01198

PROJECT NAME _____

$ _____ 441032/3424000 **Conflict Management Fee**

$ _____ 441006/4983000 **DRB Actions**

$ 55.00 441006/4971000 **EPC/AA/LUCC Actions & CC All Appeals**

$ 50.00 441018/4971000 **Public Notification**

$ _____ 441006/4983000 **DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY*****
( )Major/Minor Subdivision ( )Site Development Plan ( )Bldg Permit
( ) Letter of Map Revision ( )Conditional Letter of Map Revision
( ) Traffic Impact Study

$ 105.00 **TOTAL AMOUNT DUE**

****NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.**

City Of Albuquerque
Treasury Division

8/17/2006 2:38PM LOC: ANNX
RECEIPT# 00065290 WS# 006 TRANS#: 28
Account 441032 Fund 0110
Activity 4971000 TRSVRS
Trans Amt $105.00
J24 Misc $50.00
CK $50.00
CHANGE $0.00
Thank You

City Of Albuquerque
Treasury Division

8/17/2006 2:38PM LOC: ANNX
RECEIPT# 00065289 WS# 006 TRANS#: 0028
Account 441006 Fund 0110
Activity 4971000 TRSVRS
Trans Amt $105.00
J24 Misc $55.00
Thank You

THOMPSON Engineering Consultants, Inc.

#3

June 27, 2006

Ms. Claire Senova
Development Services
Planning Department
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

Re: REQUEST FOR DEFERRAL FOR PRELIMINARY PLAT, VACATION OF PUBLIC ROW, AND SIDEWALK DEFERRAL FOR SUNDORO SOUTH UNIT 9 SUBDIVISION (DRB 1003612)

Dear Ms. Senova:

Sundoro South Unit 9 subdivision (DRB 1003612) is scheduled to be heard before the DRB on June 28, 2006. Please defer the DRB hearing to Wednesday, July 12, 2006, as we are still working with the property owner to the east concerning access issues to the property to the south.

If you should have any questions, please call me at 271-2199.

Sincerely,

David B. Thompson, P.E.

P.O. Box 65760 • Albuquerque, NM 87193 • (505) 271-2199 • Fax (505) 830-9248

#2

ONE STOP SHOP
CITY OF ALBUQUERQUE PLANNING DEPARTMENT
Development & Building Services

PAID RECEIPT

APPLICANT NAME _____

AGENT THOMPSON ENGINEERING CONSULTANTS

ADDRESS _____

PROJECT & APP # 1003612/06DRB00737, 00738, 00739

PROJECT NAME SUNDURO SOUTH, UNIT 9

$ _____ 441032/3424000 **Conflict Management Fee**

$ 110.00 441006/4983000 **DRB Actions** DEFERRAL FEE

$ _____ 441006/4971000 **EPC/AA/LUCC Actions & All Appeals**

$ _____ 441018/4971000 **Public Notification**

$ _____ 441006/4983000 **DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY*****
( )Major/Minor Subdivision ( )Site Development Plan ( )Bldg Permit
( ) Letter of Map Revision ( )Conditional Letter of Map Revision
( ) Traffic Impact Study

$ 110.00 **TOTAL AMOUNT DUE**

****NOTE:** *If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an* **additional charge.**

Counterreceipt.doc 6/21/04

City Of Albuquerque
Treasury Division

6/21/2006 9:36AM LOC: ANNX
RECEIPT# 00059971 WS# 008 TRANS# 0005
Account 441006 Fund 0110
Activity 4983000 TRSLJS
Trans Amt $110.00
J24 Misc
$110.00
VI $110.00
CHANGE $0.00
Thank You

Current DRC
Project Number:

ORIGINAL

Figure 12

INFRASTRUCTURE LIST
(Rev. 9-20-05)

Date Submitted: 5-26-06
Date Site Plan Approved: N/A
Date Preliminary Plat Approved: 8.2.06
Date Preliminary Plat Expires: 8.2.07
DRB Project No.: 1003612
DRB Application No.: 06DRB-00737

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

1 1-3-07

SUNDORO SOUTH UNIT 9
PROPOSED NAME OF PLAT AND/~~OR SITE DEVELOPMENT PLAN~~

TRACT 37, 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	Private P. E.	City Cnst Engineer
		Paving							
		~~12~~ 20' wide	Residential Paving w/curb and gutter, 6' sidewalk south side	Endee Road	West Boundary	East Boundary	/	/	/
		26' wide	Residential Paving w/curb And gutter, 4' sidewalk both sides*	Zimina Drive	Endee Road	Silica Ave	/	/	/
		26' wide	Residential Paving w/curb And gutter, 4' sidewalk both sides*	Ekarma Drive	Endee Road	Silica Ave.	/	/	/

ORIGINAL

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Construction Certification: Private P. E.	Construction Certification: City Cnst Engineer
		Paving Cont.							
		26' wide	Residential Paving w/curb And gutter, 4' sidewalk both sides*	Silica Ave.	Zimina Drive	East Boundary	/	/	/
		~~26'~~ 24' wide	Residential Paving w/curb And gutter, ~~4'~~ 6' sidewalk ~~both sides~~ EAST SIDE*	94th Street	Silica Ave.	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 14	East Boundary	/	/	/

ORIGINAL

NOTES

If the site is located in a floodplain, then financial guarantee will not be released until the LOMR is approved by FEMA.
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)

DRB CHAIR — 8/02/06 — Date

Christina Sandoval — PARKS & GENERAL SERVICES — 8/2/06 — Date

Thompson Engineering Consultants, Inc. — FIRM

TRANSPORTATION DEVELOPMENT — 8-2-06 — Date

AMAFCA — Date

SIGNATURE — 5-26-06 — Date

UTILITY DEVELOPMENT — 8/2/06 — Date

Date

Bradley L. Bingham — CITY ENGINEER — 8/2/06 — Date

Date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER
1	1-3-07			

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION
- X Major Subdivision action
- ___ Minor Subdivision action
- X Vacation
- X Variance (Non-Zoning)

SITE DEVELOPMENT PLAN
- ___ for Subdivision Purposes
- ___ for Building Permit
- ___ IP Master Development Plan
- ___ Cert. of Appropriateness (LUCC)

STORM DRAINAGE
- ___ Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING
- ___ Annexation
- ___ County Submittal
- **V** ___ EPC Submittal
- ___ Zone Map Amendment (Establish or Change Zoning)
- **P** ___ 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...
- **D** ___ 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.

APPLICANT INFORMATION:

NAME: Dragonfly Development, Inc. PHONE: 291-0353
ADDRESS: 12809 Donette Court NE FAX: 293-3580
CITY: Albuquerque STATE NM ZIP 87112 E-MAIL:
Proprietary interest in site: Owner **List all owners:**
AGENT (if any): Thompson Engineering Consultants, Inc PHONE: 271-2199
ADDRESS: P.O. Box 65760 FAX: 830-9248
CITY: Albuquerque STATE NM ZIP 87193 E-MAIL: tecnm@yahoo.com

DESCRIPTION OF REQUEST: Preliminary Plat Review, Vacation of Public Right-of-Way, Sidewalk Deferral

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

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

Lot or Tract No. Lot 37 Block: Unit:
Subdiv. / Addn. Town of Atrisco Grant
Current Zoning: SU-2/R-LT Proposed zoning:
Zone Atlas page(s): J-9 No. of **existing** lots: 1 No. of **proposed** lots: 41
Total area of site (acres): 6.42 Density if applicable: dwellings per gross acre: 6.4 dwellings per net acre:
Within city limits? X Yes. No___, but site is within 5 miles of the city limits.) Within 1000FT of a landfill? NO
UPC No. 100905804009230902 MRGCD Map No.
LOCATION OF PROPERTY BY STREETS: On or Near: ~~Butler~~ Endee Road N.W.
Between: 98th Street N.W. and 94th Street N.W.

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, 04DRB 01868

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

SIGNATURE DATE 5-26-06
(Print) David B. Thompson ___ Applicant X Agent

FOR OFFICIAL USE ONLY Form revised 4/04

- ☐ **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
06 DRB - 00737
06 DRB - 00738
06 DRB - 00739

Action	S.F.	Fees
PP	S(2)	$ 1560.00
VRW	___	$ 300.00
TDS	___	$ Ø
CMF	___	$ 20.00
Adv	___	$ 75.00
		Total $ 1955.00

Hearing date June 21, 2006

Andrew Garcia 3-26-06

Project # 1003612

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

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

☒ **MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL**

✓ Proposed Preliminary Plat including the Grading Plan (folded to fit into an 8.5" by 14" pocket) **24** copies
✓ Proposed Infrastructure List
✓ Design elevations & cross sections of perimeter walls **3 copies** (11" x 17" maximum)
✓ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
✓ Letter briefly describing, explaining, and justifying the request
✓ Property owner's and City Surveyor's signature on the proposed plat
__ FORM DRWS Drainage Report, Water & Sewer availability statement filing information
✓ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
✓ Sign Posting Agreement
N/A **Signed** Pre-Annexation Agreement if Annexation required.
✓ TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
__ Fee (see schedule)
__ Any original and/or related file numbers are listed on the cover application
Preliminary plat approval expires after one year.
DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

❑ **MAJOR SUBDIVISION AMENDMENT TO PRELIMINARY PLAT (with significant changes)**
❑ **MAJOR SUBDIVISION AMENDMENT TO INFRASTRUCTURE LIST (with significant changes)**
❑ **MAJOR SUBDIVISION AMENDMENT TO GRADING PLAN (with significant changes)**
PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.
__ Proposed Amended Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **24** copies
__ Original Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket)
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Property owner's and City Surveyor's signature on the proposed amended plat, if the preliminary plat is being amended
__ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
__ Sign Posting Agreement
__ Any original and/or related file numbers are listed on the cover application
Amended preliminary plat approval expires after one year.
DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

❑ **MAJOR SUBDIVISION EXTENSION OF SUBDIVISION IMPROVEMENTS AGREEMENT**
(Temporary sidewalk deferral uses FORM-V)
__ **1** copy of each of the following items
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Plat or plan reduced to 8.5" x 11"
__ Official D.R.B. Notice of the original approval
__ Approved Infrastructure List. If not applicable, please initial. _____
__ Previous SIA extension notice, if one has been issued. If not applicable, please initial. _____
__ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
__ Sign Posting Agreement
__ Any original and/or related file numbers are listed on the cover application
__ Fee (see schedule)

DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.

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

David B Thompson
Applicant name (print)

Applicant signature / date 5-26-06

Form revised 11/04 and **JUNE 05**

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

Application case numbers
06 DRB - _____ - 00737
_____ - _____ - _____
_____ - _____ - _____

Planner signature / date 3/26/06

Project # 1003612

FORM V: SUBDIVISION VARIANCES & VACATIONS

☐ **BULK LAND VARIANCE** **(Public Hearing Case)**

- ☐ Application for subdivision (Plat) on FORM S-3, including those submittal requirements. Variance and subdivision should be applied for simultaneously. (**24** copies)
- ☐ Letter briefly describing and explaining: the request, compliance with criteria in the Development Process Manual, and any 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) Fee is for Variance. Plat fee is listed on FORM-S.
- ☐ Any original and/or related file numbers are listed on the cover application

DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

☑ **VACATION OF PUBLIC RIGHT-OF-WAY**

☐ **VACATION OF PUBLIC EASEMENT**

- ☑ The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24** copies. (Not required for dedicated and City owned public right-of-way.)
- ☑ Drawing showing the easement or right-of-way to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) **24** copies
- ☑ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☑ 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)
- ☐ Any original and/or related file numbers are listed 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 ONE MONTH after the filing deadline. **Your attendance is required.**

☐ **SUBDIVISION DESIGN VARIANCE (VARIANCE FROM MINIMUM STANDARDS OF THE DEVELOPMENT PROCESS MANUAL)**

☐ **SIDEWALK DESIGN VARIANCE**

☐ **SIDEWALK WAIVER**

- ☐ Scale drawing showing the proposed variance or waiver (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings These actions are not approved through internal routing.
- ☐ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☐ Letter briefly describing, explaining, and justifying the variance or waiver
- ☐ Any original and/or related file numbers are listed on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

☑ **TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**

☐ **EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**

- ☑ Drawing showing the sidewalks subject to the proposed deferral or extension (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings. These actions are not approved through internal routing.
- ☑ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☑ Letter briefly describing, explaining, and justifying the deferral or extension
- ☑ Any original and/or related file numbers are listed on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

☐ **VACATION OF PRIVATE EASEMENT**

- ☐ The complete document which created the private easement (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings. These actions are not approved through internal routing.
- ☐ Scale drawing showing the easement to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) **6** copies
- ☐ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☐ Letter briefly describing, explaining, and justifying the vacation
- ☐ Letter of authorization from the grantors and the beneficiaries
- ☐ Fee (see schedule)
- ☐ Any original and/or related file numbers are listed 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.

David B Thompson
Applicant name (print)

Applicant signature / date 5-26-06

Form revised April 2003

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

Application case numbers
06 DRB - ____ - 00738
06 DRB - ____ - 00739
____ - ____ - ____

Andrew Garcia 3/26/06
Planner signature / date

Project # 1003612

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of $3.75 each.

1. LOCATION

   A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
   B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
   C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

   A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
   B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

   A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
   B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from June 6, 2006 To June 21, 2006

5. REMOVAL

   A. The sign is not to be removed before the initial hearing on the request.
   B. The sign should be removed within five (5) days after the initial hearing.

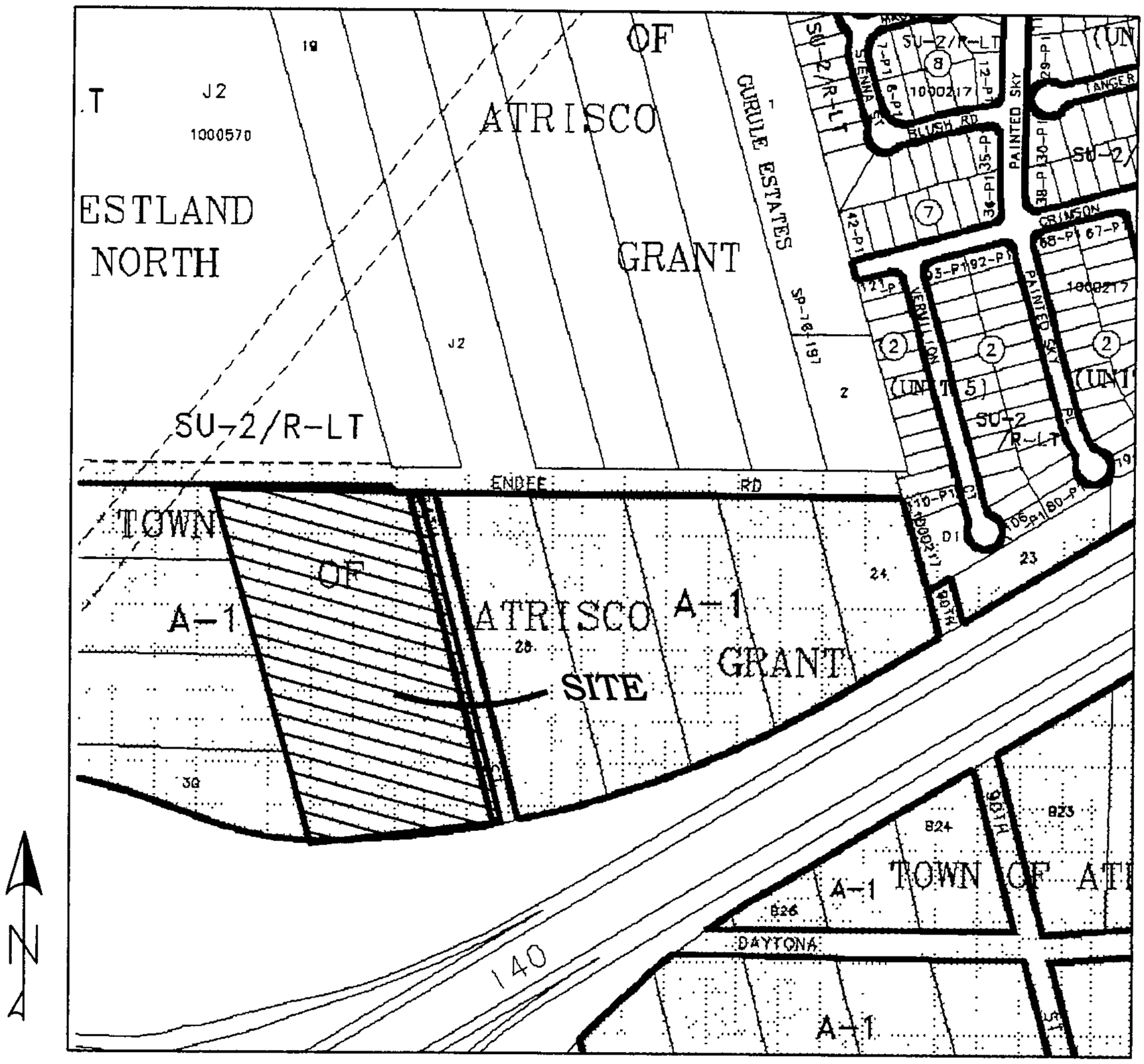
I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

[signature] 5-26-06
(Applicant or Agent) (Date)

I issued 2 signs for this application, May 26, 2006 [signature]
(Date) (Staff Member)

DRB PROJECT NUMBER: 100312

Rev. 1/11/05



VICINITY MAP : J-9-Z

THOMPSON Engineering Consultants, Inc.

May 26, 2006

Ms. Sheran Matson
Development Services
Planning Department
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

Re: SUBMITTAL OF PRELIMINARY PLAT, VACATION OF PUBLIC ROW, AND SIDEWALK DEFERRAL FOR SUNDORO SOUTH UNIT 9 SUBDIVISION (DRB 1003612)

Dear Ms. Matson:

Enclosed please find an application and all required enclosures for Preliminary Plat, Vacation of Public ROW, and Sidewalk Deferral submittal for the Sundoro South Unit 9 Subdivision. The proposed subdivision will have 41 residential lots. The property is currently zoned SU-2/R-LT and is included in the Westland Sector Development Plan.

We are requesting the vacation of 30 foot-wide public right-of-way of 94th Street from Endee Road to Silica Avenue. Westland Development vacated the eastern 30 feet of right-of-way with the filing of Sundoro South Unit 6.

The submittal also includes a request for deferral of sidewalks within the subdivision. The sidewalk construction deferral will consist of all sidewalks within the subdivision at the front of the lots. The deferral is requested so that the sidewalks are not damaged during the construction of the individual homes.

If you should have any questions, please call me at 271-2199.

Sincerely,

David B. Thompson, P.E.

P.O. Box 65760 • Albuquerque, NM 87193 • (505) 271-2199 • Fax (505) 830-9248

FORM DRWS: DRAINAGE REPORT / WATER & SEWER AVAILABILITY

THIS FORM IS REQUIRED WITH THE DEVELOPMENT REVIEW BOARD APPLICATION FOR MAJOR SUBDIVISIONS AND SITE DEVELOPMENT PLANS.

PROJECT NAME Shadoro South Unit 9

AGIS MAP # J-9

LEGAL DESCRIPTION Tract 37, Town of Atrisco Grant

____ **DRAINAGE REPORT**

A drainage report, as per the Drainage Ordinance, was submitted to the City of Albuquerque Public Works Department, Hydrology Division (2nd floor Plaza del Sol) on 7-21-05 [date].

Applicant / Agent — 5-24-06 Date

Hydrology Division Representative — 5/24/06 Date

____ **WATER AND SEWER AVAILABILITY STATEMENT**

A Water and Sewer Availability Statement for this project was requested from the City of Albuquerque Utilities Development Division (2nd floor Plaza del Sol) on 12-1-04 [date].

Applicant / Agent — 5-24-06 Date

Utilities Division Representative — 5/24/06 Date

DRB#____-____

ALBUQUERQUE
Making History

City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.

May 23, 2006

David Thompson
Thompson Engineering Consulting
P.O. Box 65160/87193
Phone: 271-2199/Fax: 830-9248

Dear David:

Thank you for your inquiry of **May 23, 2006** requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **A TRACT SITUATED IN TRACTS 31 AND 32 OF TOWN OF ATRISCO GRANT LOCATED ON 94TH STREET NW BETWEEN ERDEE ROAD NW AND INTERSTATE 40 FREEWAY** zone map **J-9**

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

PARKWAY N.A. (PKW) "R"
***Bonita Powe-Morgan**
8032 Waterbury Ave. NW/87120 831-1357 (h)
Palmira Perea-Hay
8039 Waterbury NW/87120 839-8123 (h)

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

Sincerely,

Stephani Winklepleck
Neighborhood Program Coordinator
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD ASSOCIATION.

planningrnaform(10/08/05)

NOTICE TO APPLICANTS

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

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

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

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

* *

(below this line for ONC use only)

Date of Inquiry: **05/23/06** Time Entered: **1:15 p.m.** ONC Rep. Initials: **SW**

7003 2260 0007 2297 4573

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

ALBUQUERQUE, NM 87120

Postage	$ 0.39	UNIT ID: 0118
Certified Fee	2.40	
Return Receipt Fee (Endorsement Required)	1.85	Postmark Here
Restricted Delivery Fee (Endorsement Required)		MAY 25 2006
Total Postage & Fees	$ 4.64	Clerk: KVBOQG 05/25/06

R.J. PINO STA ALBUQUERQUE

Sent To: Ms, Bonita Rowe-Morgan
Street, Apt. No.; or PO Box No.: 9032 Waterbury Ave NW
City, State, ZIP+4: Albuquerque, NM 87120

PS Form 3800, June 2002 — See Reverse for Instructions

7003 2260 0007 2297 4566

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

ALBUQUERQUE, NM 87120

Postage	$ 0.39	UNIT ID: 0118
Certified Fee	2.40	
Return Receipt Fee (Endorsement Required)	1.85	Postmark Here
Restricted Delivery Fee (Endorsement Required)		MAY 25 2006
Total Postage & Fees	$ 4.64	Clerk: KVBOQG 05/25/06

R.J. PINO STA ALBUQUERQUE

Sent To: Ms, Palmira Perea-Hay
Street, Apt. No.; or PO Box No.: 8039 Waterbury Ave. NW
City, State, ZIP+4: Albuquerque, NM 87120

PS Form 3800, June 2002 — See Reverse for Instructions

THOMPSON Engineering Consultants, Inc.

May 25, 2006

Ms. Bonita Powe-Morgan
Parkway Neighborhood Association
8032 Waterbury Ave. NW
Albuquerque, NM 87120

RE: SUNDORO SOUTH UNIT 9 SUBDIVISION PRELIMINARY PLAT
VACATION OF PUBLIC RIGHT-OF-WAY REVIEW

Dear Ms. Powe-Morgan:

We are writing to you on behalf of our client, Dragonfly Development, Inc. Our client seeks to develop a 41 lot subdivision. The location of the site is between Interstate 40 and Endee Road NW just west of 94th Street (please refer to enclosed vicinity map). This submittal also includes the vacation of a portion of 94th Street. The subdivision and vacation is scheduled to be heard before the City of Albuquerque Development Review Board on Wednesday, June 21, 2006.

If you should have any questions please call me at 271-2199.

Sincerely,

David B. Thompson, PE

P.O. Box 65760 • Albuquerque, NM 87193 • (505) 271-2199 • Fax (505) 830-9248

THOMPSON Engineering Consultants, Inc.

May 25, 2006

Ms. Palmira Perea-Hay
Parkway Neighborhood Association
8039 Waterbury Ave. NW
Albuquerque, NM 87120

RE: SUNDORO SOUTH UNIT 9 SUBDIVISION PRELIMINARY PLAT
VACATION OF PUBLIC RIGHT-OF-WAY REVIEW

Dear Ms. Perea-Hay:

We are writing to you on behalf of our client, Dragonfly Development, Inc. Our client seeks to develop a 41 lot subdivision. The location of the site is between Interstate 40 and Endee Road NW just west of 94th Street (please refer to enclosed vicinity map). This submittal also includes the vacation of a portion of 94th Street. The subdivision and vacation is scheduled to be heard before the City of Albuquerque Development Review Board on Wednesday, June 21, 2006.

If you should have any questions please call me at 271-2199.

Sincerely,

David B. Thompson, PE

P.O. Box 65760 • Albuquerque, NM 87193 • (505) 271-2199 • Fax (505) 830-9248

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) / ENVIRONMENTAL HEALTH INFORMATION FORM

APPLICANT: DRAGONFLY DEV LLC **Date of request:** 10/7/04 **Zone atlas page(s):** J-9

CURRENT:
Zoning COUNTY A-1 **Legal Description -**
Lot or Tract # _____ Block #_____
Parcel Size (acres / sq.ft.) 6.4 acres Subdivision Name_____

REQUESTED CITY ACTION(S): ESTABLISHMENT OF ACT

Annexation	[X]	Sector Plan	[ ]	Site Development Plan:		Building Permit	[ ]
Comp. Plan		Zone Change	[ ]	a) Subdivision	[ ]	Access Permit	[ ]
Amendment	[ ]	Conditional Use	[ ]	b) Build'g Purposes	[ ]	Other	[ ]
				c) Amendment	[ ]		

PROPOSED DEVELOPMENT: **GENERAL DESCRIPTION OF ACTION:** [1]

No construction / development [ ] # of units - 46
New Construction [X] Building Size - _____(sq. ft.)
Expansion of existing development [ ]

Notes: 1. Changes made to development proposals / assumptions, from the information provided above, may change the TIS or AQIA analysis requirements.

Applicant or Representative [signature] Date 10/7/04
(To be signed upon completion of processing by Traffic Engineer and Environmental Health)

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [ ] NO [X] BORDERLINE [ ]
Planning Dept., Dev. & Bldg. Services Div., Transportation Dev. Section - 2nd FL. 600 2nd St. NW Plaza del Sol Bldg. 924-3994

THRESHOLDS MET? YES [ ] NO [X] **Mitigating reasons for not requiring TIS:** Previously studied: [ ]
Notes:

IF A TIS IS REQUIRED: A scoping meeting (as outlined in the Development Process Manual) must be held to define the level of analysis needed and the parameters of the study. **Any subsequent changes to the development proposal identified above may require an update or new TIS.**

[signature] 10-7-04
TRAFFIC ENGINEER DATE

Per letter dated August 7, 2003 from the Director of the Environmental Health Department to the Director of the Planning Department, "all 5 CO monitors within Bernalillo County are yielding 8-hour average CO levels at less than 50% of the Federal CO standard ..." and "based on our review of the available scientific data, we do not foresee a circumstance where preparation of a detailed air quality study for a land use development will be warranted - regardless of the project size, location or traffic generated".

Required **TIS** **must be completed prior to applying to the EPC.** Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS - **SUBMITTED** ___/___/___ _____ _____
- **FINALIZED** ___/___/___ TRAFFIC ENGINEER DATE

ONE STOP SHOP
CITY OF ALBUQUERQUE PLANNING DEPARTMENT
Development & Building Services

PAID RECEIPT

APPLICANT NAME Dragonfly Development, Inc.

AGENT Thompson Engineering Consultants, Inc.

ADDRESS P.O. Box 65760

PROJECT & APP # 1003612 / 06 DRB 00737

PROJECT NAME Town of Atrisco Grant

$ 20.00 **441032/3424000 Conflict Management Fee**

$ 1860.00 **441006/4983000 DRB Actions**

$ _____ **441006/4971000 EPC/AA/LUCC Actions & All Appeals**

$ 75.00 **441018/4971000 Public Notification**

$ _____ **441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY*****
( )Major/Minor Subdivision ( )Site Development Plan ( )Bldg Permit
( ) Letter of Map Revision ( )Conditional Letter of Map Revision
( ) Traffic Impact Study

$ 1955.00 **TOTAL AMOUNT DUE**

*****_NOTE_: *If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an* **additional charge.**

JOE R. HAHN &
PHILIP LINDBORG
4402 CANYON CT. NE
ALBUQUERQUE, NM 87111

95-673/1070
542002977

PAY TO THE ORDER OF City of Albuquerque

DATE 5/25/06

1205

$ 1955.00

One thousand Nine Hundred Fifty Five and 00/100 DOLLARS

SUNRISE BANK OF ALBUQUERQUE
225 GOLD SW, ALBUQUERQUE, NM 87102

TWO SIGNATURES REQUIRED

MEMO DRB-fee-Unit9

Philip Lindborg
Joe R. Hahn

⑈107006731⑈ 542002977⑈ 1205

Counterreceipted

Thank You

CITY OF ALBUQUERQUE
Treasury Division
05/26/06 12:13PM LOC: ANNX
RECEIPT# 00058720 STA# 008 TRANS# 0027
Account 441018 Fund 0110 TRSLJS
Activity 457000 $1,955.00
Trans Amt $75.00
JE4 Misc

Rec'd from Phil Pickard
8-2-06

KILAUEA AVE NW

SUNDECK SOUTH UNIT I, TRACT K
PLAT Vol. 2006C, Folio 240

SUNDECK SOUTH UNIT I
PLAT Vol. 2006C, Folio 240

20' WATERLINE EASEMENT GRANTED BY THIS PLAT

AREA TO BE DEDICATED TO THE CITY OF ALBUQUERQUE IN FEE SIMPLE TITLE WITH WARRANTY COVENANTS
0 0231 ACRES (1008 SQ FT)

S89°48'03"E
89 70'

ENDEAVOR NW

INDEE ROAD NW

TRACT E OPEN SPACE
13 405 sq ft.
0 3084 acres

TRACT F OPEN SPACE
14,392 sq ft.
0 3304 acres

TRACT G OPEN SPACE
9,982 sq ft.
0 2292 acres

TRACT A (TEMP. DRAINAGE EASEMENT) OPEN SPACE
30,579sq ft
0 7051 acres

TRACT D
3,348 sq ft.
0 0769 acres

TRACT B
0 1343 acres

FUTURE PRIMA ENTRADA

SONTERO AVE NW

S14°41'53"E
606 84'

N15°11'39"W

S89°48'03"E 878 49'

S89°47'18"E 117 61'

S89°48'17"E 377 87'

S 76°26'35"E 255 77'

S 76°26'35"E 202 41'

S 70°16'12"E 197 43'

S67°41'58"W 181 80'

N89°40'09"W 300 04'

S83°23'20"W 163 30'

N89°58'45"E 382 81'

S 14°58'18"E 31 53'

S 17°10'24"W 108 57'

N 14°58'18"W 161 85'

S 14°58'18"E 160 85'

N 10°51'41"E 269 27'

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTIONS 16 AND 17, TOWNSHIP 10 NORTH, RANGE 2 EAST, N M P M , TOWN OF ATRISCO GRANT, ALBUQUERQUE , BERNALILLO COUNTY, NEW MEXICO, BEING IDENTIFIED AS AREA A BEING A 1 6563 ACRE TRACT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE SOUTHWEST CORNER, FOUND ½" REBAR WITH A CAP STAMPED "11463" IN PLACE, WHENCE FOR A TIE THE NGS MONUMENT "REWARD", BEARS S62°41'56"W 1504 98 FEET DISTANCE, THENCE,
N15°11'39"W, 657 67 FEET DISTANCE TO A POINT, THENCE,
S89°48'03"E, 89 70 FEET DISTANCE TO A POINT, THENCE,
S14°41'53"E, 606 84 FEET DISTANCE, THENCE,
N89°58'45"E, 382 81 FEET DISTANCE THENCE,
S14°58'18"E, 31 53 FEET DISTANCE THENCE,
S83°23'20"W, 163 30 FEET DISTANCE, THENCE,
N89°40'09"W, 300 04 FEET DISTANCE TO A POINT AND PLACE OF BEGINNING AND CONTAINING 1 6563 ACRES, MORE OR LESS

AREA A
72,148 sq ft.
1.6563 acres
CROSS HATCHED AREA

NGS MONUMENT "REWARD"
X=350944 85
Y=1487301 42
Z=5318 851
NAD 1927 (NAVD 1929
G/G+0 99967114
DELTA/ALPHA+00°17'11"
CENTRAL ZONE

ACS MONUMENT "8 NW"
X=352217 80
Y=1484831 98
Z=5247 434
NAD 1927 (NAVD 1929
G/G+0 99967415
DELTA/ALPHA+00 17'02"
CENTRAL ZONE

RIGHT OF WAY VACATION
DOCRB 00107
(CROSS HATCHED AREA)

TRACT E

SUNDECK SOUTH UNIT E
PLAT Vol. 2006C, Folio 240

A TRACT OF LAND BEING IDENTIFIED AS A 14 5337 ACRE
UNIT S TOWN OF ATRISCO GRANT SITUATED WITHIN PR
N M P M, ALBUQUERQUE BERNALILLO COUNTY NEW M
NORTHWEST (VACO5DRB-00107) AND BEING MORE PART

BEGINNING AT THE NORTHWEST CORNER OF THE TRAC
RIGHT OF WAY WHENCE FOR A TIE TO THE NGS MONUM
S 86°16'03"E 978 49 FEET DISTANCE LEAVING SAID PRIGH
DESCRIBED THENCE,
S15°11'39"E 657 67 FEET DISTANCE TO A POINT THENCE
S 89°48'03"E 300 04 FEET DISTANCE TO A POINT THENCE
N83°23'20"E, 193 58 FEET DISTANCE TO A POINT, THENCE
S14°58'23"E 142 81 FEET DISTANCE TO A POINT ALSO B
BEING A POINT ON A CURVE THENCE,
404 97 FEET DISTANCE ALONG THE ARC OF A CURVE BE
S 83°36'54"W 404 46) FEET DISTANCE TO A POINT OF CO
280 23 FEET DISTANCE ALONG THE ARC OF A CURVE BE
N80°41 11"W 258 81) FEET DISTANCE TO A POINT THEN
N70°16'12"W 197 43 FEET DISTANCE E TO A POINT THEN
N76°26'35"W 202 41 FEET DISTANCE TO A POINT ALSO B
730 10 FEET DISTANCE ALONG THE ARC OF A CURVE BE
N45°43'22"W 695 58) FEET DISTANCE TO A POINT OF TAN
N14°58'23"W 181 80 FEET DISTANCE TO A POINT AND PL

Rec'd from Phil Pickard
8-2-06

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTIONS 16 AND 17 TOWNSHIP 10 NORTH RANGE 2 EAST N M P M TOWN OF ATRISCO GRANT ALBUQUERQUE BERNALILLO COUNTY NEW MEXICO BEING IDENTIFIED AS AREA A BEING A 1 6563 ACRE TRACT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE SOUTHWEST CORNER, FOUND 1/2" REBAR WITH A CAP STAMPED "11463" IN PLACE, WHENCE FOR A TIE THE NGS MONUMENT "REWARD" BEARS S 52°41 56 W 1504 98 FEET DISTANCE THENCE,
N15 11 39 W 657 67 FEET DISTANCE TO A POINT THENCE
S89°48 03 E 89 70 FEET DISTANCE TO A POINT, THENCE
S14°41 53 E, 605 64 FEET DISTANCE THENCE
N89 58 45 E 382 81 FEET DISTANCE THENCE
S14°58 18 E 31 58 FEET DISTANCE THENCE
S 23 20 W 16 30 FEET DISTANCE THENCE
N89 40 09 W 390 04 FEET DISTANCE TO A POINT AND PLACE OF BEGINNING AND CONTAINING 1 6563 ACRES MORE OR LESS

AREA A
72,148 sq ft
1 6563 acres
CROSS HATCHED AREA

McGinley called S89°48'03"E 377.87'

S89°48'03"E 89.70

N89°58'45"E 382 81'

S14°58'18"E 31.58'

N89°40'09"W 390.04'

S89°23'20"W 16.30'

S14°41'53"E 605.64'

N15°11'39"W 657.67'

S89°48'03"E 377.87

S89°47'18"E 117.81

S 89°48'03" E

S 76°26'35" E 365.77'

S 76°26'35" E 202.41

S 70°18'12" E

S64°41'55"W

TRACT A TEMP DRAINAGE EASEMENT OPEN SPACE

TRACT E OPEN SPACE

TRACT F OPEN SPACE

TRACT G OPEN SPACE

TRACT D

TRACT B

TRACT C

TRACT E

RIGHT OF WAY VACATION (M26/R 49187) (CROSS HATCHED AREA)

AREA TO BE DEDICATED TO THE CITY OF ALBUQUERQUE IN FEE SIMPLE TITLE WITH WARRANTY COVENANTS 0 0831 ACRES (1808 80 FT)

20' WATERLINE EASEMENT GRANTED BY THIS PLAT

IGUALITA AVE NW

LINDBERGH BLVD NW

NIDEE ROAD NW

SUNDANCE SOUTH UNIT L TRACT K SEC. PLAT

SUNDANCE SOUTH UNIT I SEC. PLAT

NGS MONUMENT
"REWARD"
Y=350944 85
X=1487301 42
Z=5018 961
NAD 1927 NAVD 1979
G-G 0 99957114
DELTA ALPHA=027 1751
CENTRAL ZONE

ACS MONUMENT
8 1/4"
X=352217 98
Y=1484931 96
Z=5047 434
NAD 1927 NAVD 1929
G G 0 9996741 5
DELTA A PHA=027 1732"
CENTRAL Z ONE

FD NGS BRASS CAP 1988

FD LS CAP 11463

FD MAG NAIL

FD REBAR RLS-P 11463

SET

LOT 38 5910 sq ft 0 1360 acres

LOT 39 4850sq ft 0 1136 acres

LOT 40 6 566 sq ft 0 1506 acres

LOT 41 4 719 sq ft 0 1661 acres

LOT 42 4 139 sq ft 0 0964 acres

LOT 43 4 139 sq ft 0 0964 acres

LOT 44 4 288 sq ft 0 0963 acres

LOT 45 4 139 sq ft 0 0964 acres

LOT 46 4 488 sq ft 0 1012 acres

LOT 47 5 288 sq ft 0 1195 acres

LOT 48 5 188 sq ft 0 1184 acres

LOT 70 6 888 sq ft 0 1363 acres

LOT 71 4 844 sq ft 0 1143 acres

LOT 72 11 978 sq ft 0 2543 acres

LOT 73 3 998 sq ft 0 0864 acres

LOT 74 3 998 sq ft 0 0864 acres

LOT 75 3 998 sq ft 0 0864 acres

LOT 76 3 998 sq ft 0 0864 acres

LOT 77 3 998 sq ft 0 0864 acres

LOT 78 3 998 sq ft 0 0864 acres

LOT 79 3 847 sq ft 0 0866 acres

LOT 80 4 864 sq ft 0 1130 acres

LOT 81 5 887 sq ft 0 1364 acres

LOT 82 3 186 sq ft 0 1199 acres

LOT 83 3 366 sq ft 0 1444 acres

LOT 84 3 366 sq ft 0 1482 acres

LOT 85 4 812 sq ft 0 1195 acres

LOT 86 3 248 sq ft 0 1360 acres

LOT 87 3 248 sq ft 0 0864 acres

LOT 88 3 248 sq ft 0 0864 acres

LOT 89 3 248 sq ft 0 0864 acres

LOT 90 3 248 sq ft 0 0864 acres

LOT 91 3 248 sq ft 0 0864 acres

LOT 92 3 248 sq ft 0 0864 acres

LOT 93 3 248 sq ft 0 0864 acres

LOT 94 3 248 sq ft 0 0864 acres

LOT 95 3 248 sq ft 0 0864 acres

LOT 96 3 248 sq ft 0 0864 acres

LOT 97 3 248 sq ft 0 0864 acres

LOT 98 3 248 sq ft 0 0864 acres

LOT 99 3 248 sq ft 0 0864 acres

LOT 100 3 248 sq ft 0 0864 acres

LOT 101 3 248 sq ft 0 0864 acres

LOT 102 3 248 sq ft 0 0864 acres

LOT 103 3 248 sq ft 0 0864 acres

LOT 104 3 248 sq ft 0 0864 acres

LOT 105 3 248 sq ft 0 0864 acres

LOT 106 3 248 sq ft 0 0864 acres

LOT 107 3 248 sq ft 0 0864 acres

LOT 108 3 248 sq ft 0 0864 acres

LOT 109 3 248 sq ft 0 0864 acres

LOT 110 3 248 sq ft 0 0864 acres

LOT 111 3 248 sq ft 0 0864 acres

LOT 112 3 248 sq ft 0 0864 acres

LOT 113 3 248 sq ft 0 0864 acres

LOT 114 3 248 sq ft 0 0864 acres

LOT 115 3 248 sq ft 0 0864 acres

LOT 116 3 248 sq ft 0 0864 acres

LOT 117 3 248 sq ft 0 0864 acres

LOT 118 3 248 sq ft 0 0864 acres

LOT 119 3 248 sq ft 0 0864 acres

LOT 120 3 248 sq ft 0 0864 acres

LOT 121 3 248 sq ft 0 0864 acres

LOT 122 3 248 sq ft 0 0864 acres

LOT 123 3 248 sq ft 0 0864 acres

LOT 124 11 166 sq ft 0 2571 acres

LOT 125 6 247 sq ft 0 1464 acres

LOT 126 5 277 sq ft 0 1211 acres

LOT 127 5 987 sq ft 0 1154 acres

LOT 128 3 966 sq ft 0 0866 acres

LOT 129 3 248 sq ft 0 0864 acres

LOT 130 3 248 sq ft 0 0864 acres

LOT 131 3 248 sq ft 0 0864 acres

LOT 132 3 248 sq ft 0 0864 acres

LOT

Received on 1/12/06

Albuquerque Title Company
TI #2431956C

WARRANTY DEED

GHP LTD COMPANY, a New Mexico limited liability company, for consideration paid grants to Fuller Homes, Inc., a Texas corporation, whose address is P.O. Box 13900, Albuquerque, New Mexico 87192, the following described real estate in Bernalillo County, New Mexico:

SEE EXHIBIT "A" ATTACHED

SUBJECT TO: Patent reservations, restrictions and easements of record and taxes for the year 2006 and subsequent years.

With warranty covenants.

WITNESS its hand and seal this 15th day of December, 2005.

GHP LTD. COMPANY

By: _____
Phillip Pickard, Managing Member

ACKNOWLEDGEMENT FOR CORPORATION

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

The foregoing instrument was acknowledged before me this 15th day of December 2005, by Phillip Pickard, as Managing Member of GHP Ltd Company, a New Mexico limited liability company.

_____
Notary Public

My commission expires

OFFICIAL SEAL
BERTHA E. BACA
NOTARY PUBLIC
STATE OF NEW MEXICO
My commission expires: _____

2005184583
Page 1 of 2
12/16/2005 03:18P
Bk-A138 Pg-4888
Mary Herrera Bern. Co. NM R 11.00

GP/TI NO. 243695BB

EXHIBIT A

A tract of land being situated in The Town of Atrisco Grant within projected Sections 16 and 17, Township 10 North, Range 2 East, N.M.P.M., Albuquerque, Bernalillo County, New Mexico, together with that vacated portion of 94th Street Northwest (VAC05DRB-00107) and being more particularly described as follows:

BEGINNING at the northwest corner of the tract herein described, also being a point on the Easterly I-40 right of way, whence for a tie to the NGS Monument, bears S 12 deg. 10' 24" W, 1358.57 feet distance; thence
S 89 deg. 48' 03" E, 878.49 feet distance, leaving said right of way to the northeast corner of the tract herein described; thence
S 15 deg. 11' 39" E, 657.67 feet distance to a point; thence
S 89 deg. 40' 09" E, 300.04 feet distance to a point; thence
N 83 deg. 23' 22" E, 193.58 feet distance to a point; thence
S 14 deg. 59' 23" E, 142.81 feet distance to a point, also being a point on the northerly right of way line of I-40, also being a point on a curve; thence
404.98 feet distance along the arc of a curve bearing to the right (said arc having a central angle of 10 deg. 01' 29" and a chord bearing of S 83 deg. 56' 54" W, 404.46 feet) distance to a point of compound curvature; thence
260.23 feet distance along the arc of a curve bearing to the right (said arc having a central angle of 20 deg. 45' 05" and a chord bearing of N 80 deg. 41' 11" W, 258.81) feet distance to a point; thence
N 70 deg. 18' 12" W, 197.43 feet distance to a point; thence
N 76 deg. 26' 35" W, 202.41 feet distance to a point, also being a point on curve; thence
730.10 feet distance along the arc of a curve bearing to the right (said arc having a central angle of 61 deg. 28' 16" and a chord bearing of N 45 deg. 43' 22" W, 695.59) feet distance to a point of tangency; thence
N 14 deg. 59' 23" W, 161.80 feet distance to a point and place of beginning.

Mary Herrera Bern. Co. NM R 11.00
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Page: 2 of 2
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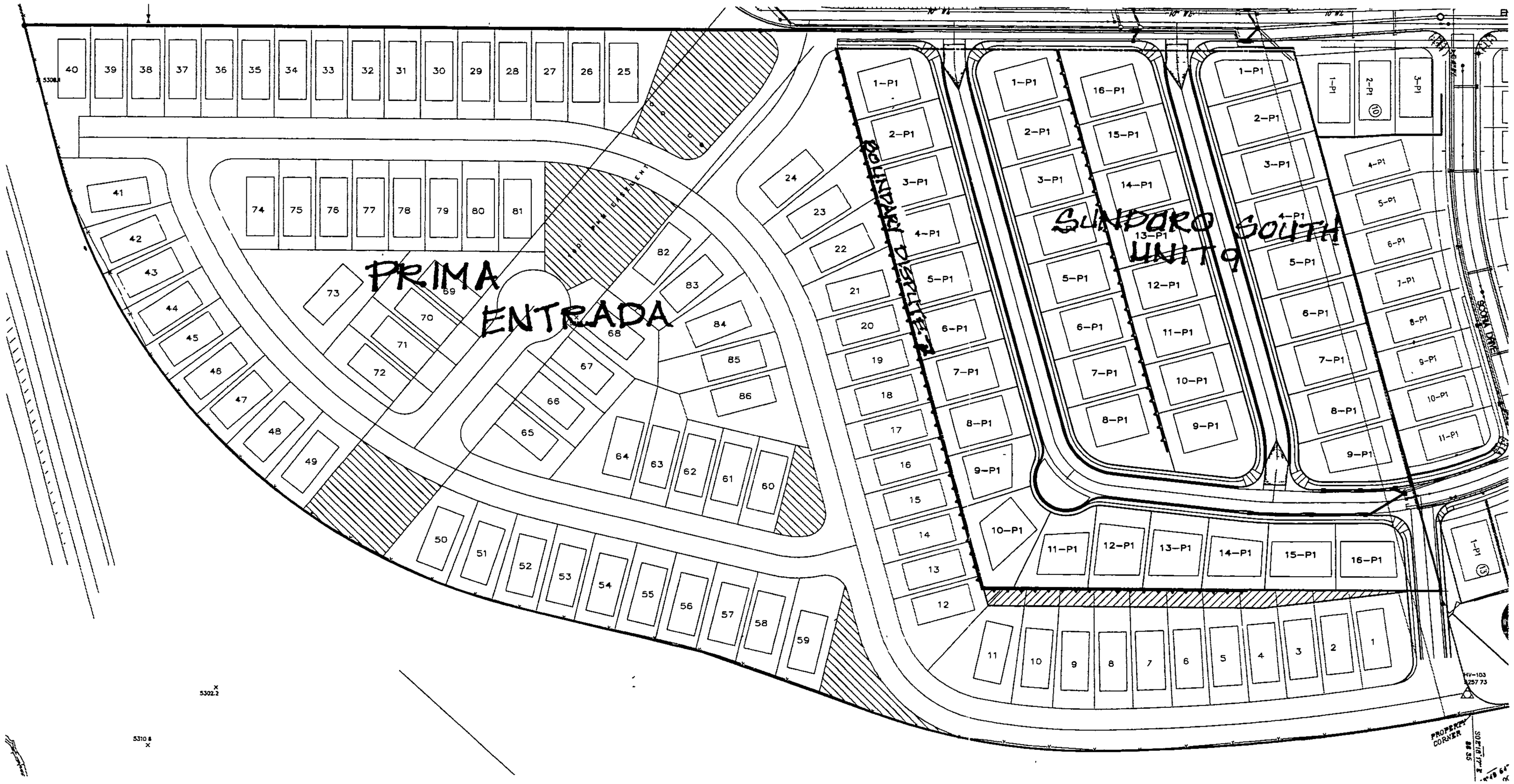
PRIMA
ENTRADA
SUNDARO SOUTH
UNIT 9
BOUNDARY DISPUTE
PROPERTY CORNER

Received
07/12/06

BOUNDARY AGREEMENT

December 7, 2005

THIS BOUNDARY AGREEMENT is made as of the _____ day of ~~November~~ 2005, by and between DRAGONFLY DEVELOPMENT INC., a New Mexico corporation ("Dragonfly"), and GHP LTD. COMPANY. a New Mexico limited liability company ("GHP").

RECITALS:

A. Dragonfly claims ownership of that certain real property (the "Dragonfly Property") described on the warranty deed attached hereto as **Exhibit 3**. The Dragonfly Property is also shown and described on that certain ALTA Survey dated August 6, 2004, by Wayjohn Surveying Inc.

B. GHP claims title to that certain real property (the "GHP Property") pursuant to that certain warranty deed attached hereto as **Exhibit 4**.

C. There is a dispute between GHP and Dragonfly as to the location of the boundaries of their respective properties. It further appears that the boundary of the Dragonfly Property and the boundary of the GHP Property conflicts and overlaps; however, there is also a dispute as to the location and amount of the conflict or overlap.

D. Both GHP and Dragonfly are in the process of developing their respective property as subdivisions. and time is of the essence.

E. GHP and Dragonfly wish to avoid the time. expense and uncertainty of further dispute over the location of their respective properties, and wish to establish by mutual agreement the location of the common boundaries of their respective properties as set forth in this Agreement.

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Mary Herrera Bern. Co. AGRE R 27.00

NOW, THEREFORE, in consideration of the premises and mutual covenants contained herein and other good and valuable consideration, Dragonfly and GHP hereby agree as follows:

1. GHP has obtained and provided to Dragonfly a "Bulk Land Survey" performed by John Gallegos, showing the total amount of land comprising the Dragonfly Property and the GHP Property. A reduced copy of the Bulk Land Survey is attached hereto as **Exhibit 1**.

2. Dragonfly has obtained and provided to GHP a "Subdivision Plot Plan" prepared by Thompson Engineering Consultants Inc. for the combined Dragonfly Property and GHP Property based on the Bulk Land Survey, which tentatively and arbitrarily establishes the boundary between the Dragonfly Property and the GHP Property. The Subdivision Plot Plan is acceptable to both GHP and Dragonfly, as is the boundary established thereby for the Dragonfly Property and the GHP Property. A reduced copy of the Subdivision Plot Plan is attached hereto as **Exhibit 2**.

3. Dragonfly and GHP agree that the boundary between their respective properties shall be, and hereby is established as, the boundary as shown on the Subdivision Plot Plan.

4. An appropriate legal description for the Dragonfly Property and the GHP Property based upon the Bulk Land Survey and Subdivision Plot Plan shall be prepared by a licensed surveyor or engineer mutually agreeable to both Dragonfly and GHP, in consultation with Thompson Engineering Consultants Inc.

5. Dragonfly shall execute and deliver to GHP a quitclaim deed using the new legal description for the GHP Property as prepared pursuant to Paragraph 4 above.

6. GHP shall execute and deliver to Dragonfly a quitclaim deed using the new legal description for the Dragonfly Property as prepared pursuant to Paragraph 4 above.

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Mary Herrera Bern. Co. AGRE R 27.00

7. Dragonfly and GHP each hereby release and discharge the other from any claims, damages, causes of action or liabilities relating to or arising out of the matters described herein, including but not limited to any claims for delay or lost profits.

8. This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous oral and written agreements and discussions. This Agreement may be amended only by an agreement in writing.

9. This Agreement is binding upon and shall inure to the benefit of the parties hereto and their heirs, assigns, successors, grantees, transferees and representatives.

10. The undersigned represent and warrant to each other that they are empowered and authorized to sign this Agreement.

[SIGNATURE PAGE FOLLOWS]

Mary Herrera Bern. Co. AGRE R 27.00
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DRAGONFLY DEVELOPMENT INC.

By _____
Its _____

GHP LTD. COMPANY

By _____
Its _____

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

This instrument was acknowledged before me on ~~November~~ December 7, 2005, by Philip L. Lindberg as President of DRAGONFLY DEVELOPMENT INC., a New Mexico corporation.

My commission
expires 08/27/09.

_____
NOTARY PUBLIC

OFFICIAL SEAL
LORRAINE ACOSTA
NOTARY PUBLIC-STATE OF NEW MEXICO
My commission expires 08/27/09

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

This instrument was acknowledged before me on ~~November~~ December 7, 2005, by Philip Pickard as Managing Partner of GHP LTD. COMPANY, a New Mexico limited liability company.

My commission
expires 08/27/09

_____
NOTARY PUBLIC

OFFICIAL SEAL
LORRAINE ACOSTA
NOTARY PUBLIC-STATE OF NEW MEXICO
My commission expires 08/27/09

Boundary Agreement
Notes 2005

Mary Herrera Bern. Co. AGRE R 27.00
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Mary Herrera Bern Co AGRE R 27.00

N

GRAPHIC SCALE

EXHIBIT 1

Thompson Engineering Consultants, Inc.
P.O. BOX 58760
ALBUQUERQUE, NM 87195
PHONE: (505) 271-2199
FAX: (505) 830-9248

Mary Herrera Bern Co AGRE R 27.00 Bk-A110 Pg-5017
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Page 6 of 10
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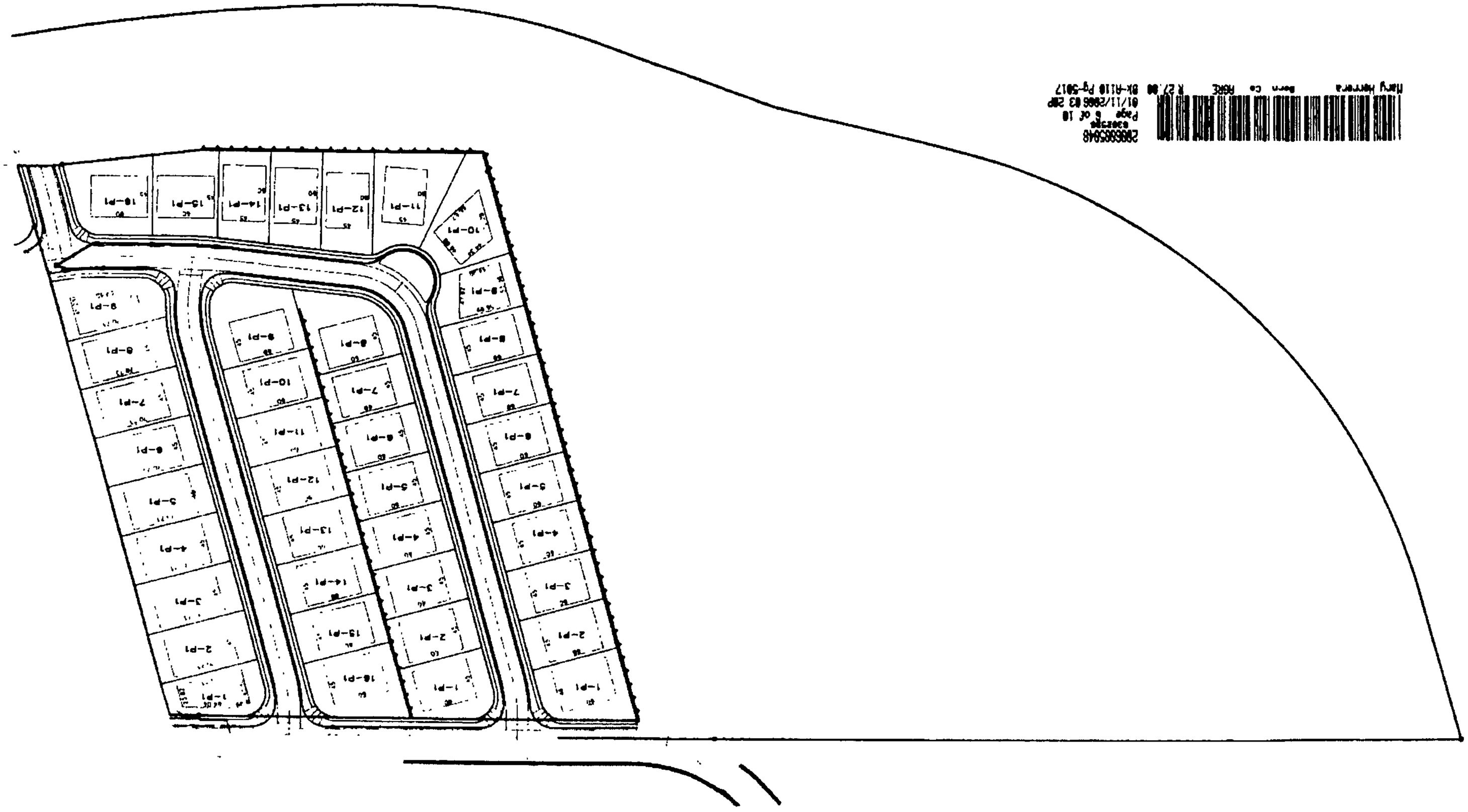

Exhibit 3

After recording return to:
Rio Grande Title Company, Inc.

File No. 02404553 Heather Ewing Veitch

WARRANTY DEED

Pajarito Investment Properties LLC. a New Mexico limited liability company, for consideration paid, grants to Dragonfly Development Inc., a New Mexico corporation, whose address is 12809 Donette Court NE, Albuquerque, NM 87112, the following described real estate in BERNALILLO County, New Mexico:

A tract of land situate in Section 16, Township 10 North, Range 2 East, N.M.P.M., within the Town of Atrisco Grant, Bernalillo County, New Mexico, and being more particularly described as follows;

Beginning at the Southeast corner of said tract, the Southwest corner of said Section 16 bears South 49° 35' 42" West and is 951.07 feet distant;
Thence, from the above said point of beginning, North 89° 27' 55" West a distance of 469.87 feet to the Southwest corner of said tract;
Thence North 14° 59' 25" West a distance of 617.21 feet to a point on the South right-of-way line of Endee Road Northwest, for the Northwest corner;
Thence South 89° 35' 51" East along said right-of-way line a distance of 469.57 feet to the Northeast corner;
Thence South 14° 59' 25" East a distance of 618.33 feet to the point of beginning.

SUBJECT TO reservations, restrictions and easements of record, and taxes for the year 2004 and subsequent years,

with warranty covenants.

WITNESS my hand and seal this 26th day of August, 2004.

Pajarito Investment Properties, LLC. a New Mexico limited liability company

_____ (Seal) _____ (Seal)
By: Eric E. Griego, Executive Member

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
} ss
COUNTY OF BERNALILLO

This instrument was acknowledged before me this 26th day of August, 2004,
by Eric E. Griego, Executive Member of Pajarito Investment Properties, LLC, a New Mexico limited liability company
(Name or Names of Person or Persons Acknowledged)

My commission expires: Aug. 10, 2007
(Seal)

_____
Notary Public H. E. Veitch

OFFICIAL SEAL
H.E VEITCH
NOTARY PUBLIC STATE OF NEW MEXICO
8-10-07

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Page: 1 of 1
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Mary Herrera Bern Co LD R 9.00

SHORT FORM WARRANTY DEED
Vision Form SCD001NM Rev 07/06/98

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Page: 7 of 10
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Mary Herrera Bern Co. AGRE R 27.00

Exhibit 4

Albuquerque Title Co., Inc.

File No. 24725788

WARRANTY DEED

~~JOHN TRUST~~ Philip David Pickard Sr., as Trustee of the D.C.L.P. Trust, under Trust Agreement dated October 1, 2004 for consideration paid grant(s) to:

GHP Ltd Company, a New Mexico limited liability company

whose address is 7600 Pan American Freeway NE, Albuquerque, NM 87109

the following described real estate in BERNALILLO County, New Mexico:

(Continued)

SUBJECT TO all patent and mineral reservations, restrictive covenants, restrictions and reservations of easements and rights-of-way of record, and all applicable zoning regulations, restrictions and requirements and all other matters of record and to taxes for the year 2004 and subsequent years;

with warranty covenants

WITNESS ____ hand__ and seal__ this 27th day of October, 2004.

~~D.C.L.P. TRUST~~, Philip David Pickard, Sr, as Trustee

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO }
ss.
COUNTY OF BERNALILLO }

The foregoing instrument was acknowledged before me this 27 day of ____, 2004

By ~~D.C.L.P./TRUST~~ Philip David Pickard, Sr. as Trustee of the D.C.L.P. Trust under trust agreement dated October 1, 2004

My Commission Expires 7-12-05

Notary Public

ACKNOWLEDGMENT FOR CORPORATION

STATE OF }
ss.
COUNTY OF }

The foregoing instrument was acknowledged before me this ____ day of ____, ____,

By ____ (Name of Officer), ____ (Title of Officer)

of ____ (Name of Corporation), a ____ (State of Incorporation)

corporation on behalf of

My Commission Expires: ____

Notary Public

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Mary Herrera Bern. Co. AGRE R 27.00

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Mary Herrera Bern. Co MD R 13.00

(Continued)
PARCEL I

A tract of land situate within the Sections 16 and 17, Township 10 North, Range 2 East, New Mexico Principal Meridian, Bernalillo County, New Mexico, being more particularly described by survey of Elder Company in 1974, with bearings related to New Mexico Highway Department monumentation, as follows:

Beginning at the Northwest corner, a point which is the intersection of the Easterly line of 98th Street NW, with the Southerly of Endee Road NW, whence New Mexico Highway Department Traverse Station I-40-22C, a brass cap in concrete at New Mexico Plane Co-ordinates (Central Zone) X=351,570.46 and Y=1,486,959.08 bears S. 11°25'31" E., 1710.95 feet distant, and the corner common to Sections 16, 17, 20 and 21, Township 10 North, Range 2 East, N.M P.M., marked by a Whiteman Engineering Company brass cap in place, bears S. 33°49'39" E., 1472.82 feet distant;
Running from said beginning-point S. 89°35'51" E., along said Southerly line of Endee Road NW, 914.67 feet to the Northeast corner;
Thence S. 14°59'25" E., leaving said road line, 617.21 feet to the Southeast corner, a point on the Northerly boundary of land of Charles Davis, originally known as the "Armijo" tract;
Thence N. 89°27'55" W., along said tract line, 566.16 feet to the Northwest corner thereof;
Thence S. 00°24'15" W., along the Westerly boundary of said Davis tract, 42.95 feet to a point on the Northeasterly right-of-way line of U.S. Highway I-40 at its interchange with 98th Street NW;
Thence Northwesterly and to the right, following a curve in said right-of-way line having a radius of 680.51 feet and a central angle of 58°02'34" (the chord of said curve running N. 44°30'30" W., 660.04 feet) a distance along the arc of 689.38 feet to end of curve;
Thence N. 14°54'45" W., along the Easterly line of 98th Street NW, 175.50 feet to the point of beginning.

PARCEL II:

Beginning at the southwest corner, a point on the northeasterly right of way line of U.S. Highway I-40 at its intersection with 98th Street Northwest, whence New Mexico Highway Department Traverse Station I-40-22C, a brasscap in concrete at New Mexico Plane Coordinates X= 351,570.46 and Y= 1,486,959.08 (Ventral Zone) bears s 09° 15' 16" W, 1050.42 feet distant, and the corner common to Sections 16, 17, 20 and 21, Township 10 North, Range 2 East, N.M.P.M., marked by Whiteman Engineering Company brasscap in place, bears S 28° 09' 02" E, 661.42 feet distant; running from said beginning point
N 00° 24' 15" E, leaving said right of way line, 42.95 feet to the northwest corner of the parcel herein described; thence
S 89° 27' 55" E, 1036.02 feet to the northeast corner of the parcel herein described; thence
S 00° 24' 15" W, 158.10 feet to the southeast corner, a point on said northeasterly right of way line of U.S. Highway I-40; thence westerly and to the right, following a curve in said right of way

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Page: 9 of 10
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Bk-A86 Pg-2911
Mary Herrera Bern. Co. DC R 13.00

(Continued)
line having a radius of 2314.64 feet and a central angle of 8° 40' 20" (the chord of said curve running S 83° 21' 40" W, 349.99 feet) a distance along the arc of 350.34 feet to a point of compounding a curve; thence, westerly and to the right, following a curve in said right of way line having a radius of 718.31 feet and a central angle od 23° 57' 47" (the chord of said curve running N 80° 21' 16" W, 298.24 Feet) a distance along the arc of a curve 300.42 feet to end of curve; thence
N 71° 01' W, along said right of way line, 199.89 feet; thence
N 76° 35' 20" W, along said right of way line, 177.16 feet to a point of curve; thence, northwesterly and to the right, following a curve in said right of way line having a radius of 680.51 feet and a central angle of 2° 49' 04" the chord of said curve running N 74° 02' 10" W, 33.46 feet) a distance along the arc 33.47 feet to the point of beginning.

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Mary Herrera Bern Co. AGRE R 27.00

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Page: 3 of 3
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Bk-A86 Pg-2911
Mary Herrera Bern Co. WD R 13.00

WAYNE G. CHEW, P.C.
Counselor and Attorney at Law
20 First Plaza, N.W., Suite 517
P.O. Box X
Albuquerque, New Mexico 87103
Tel. 505/842-6363
Fax 505/842-8607
EMAIL: WGCHEWLAW@QWEST.NET

FACSIMILE COVER SHEET

Date: 7.27.06

To: Kevin Coman. Esq

Fax Number: 924-3440

Re: Dragonfly

Pages, including this sheet:

Operator:

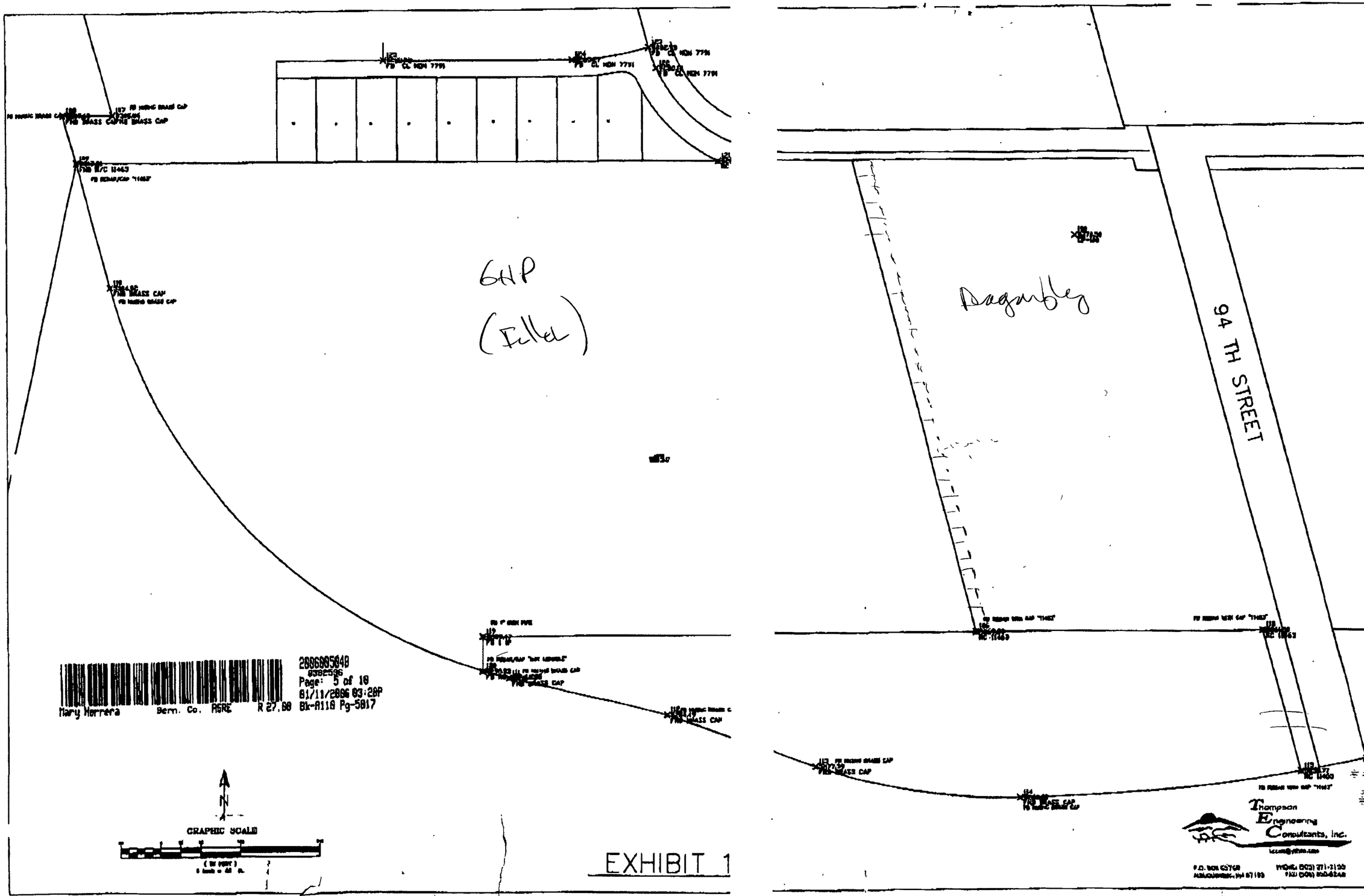
Message:

1. Boundry Line Agreement
2. DEC Action
3. Fuller Deed
4. Dragonfly Title policy

This document, and any that follow, may contain privileged information. If you have received this transmission in error, please call the telephone number above, and either destroy these documents, or return them by U.S. mail to the mailing address above. Thank you.

Kevin- please call if you need anything else. Thanks
W.

1. ~~Has~~ GHP sold the property to Fuller Homes -
2. was the sale of the property based on the boundary line
3. title policy -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01/11/2006 03:20P
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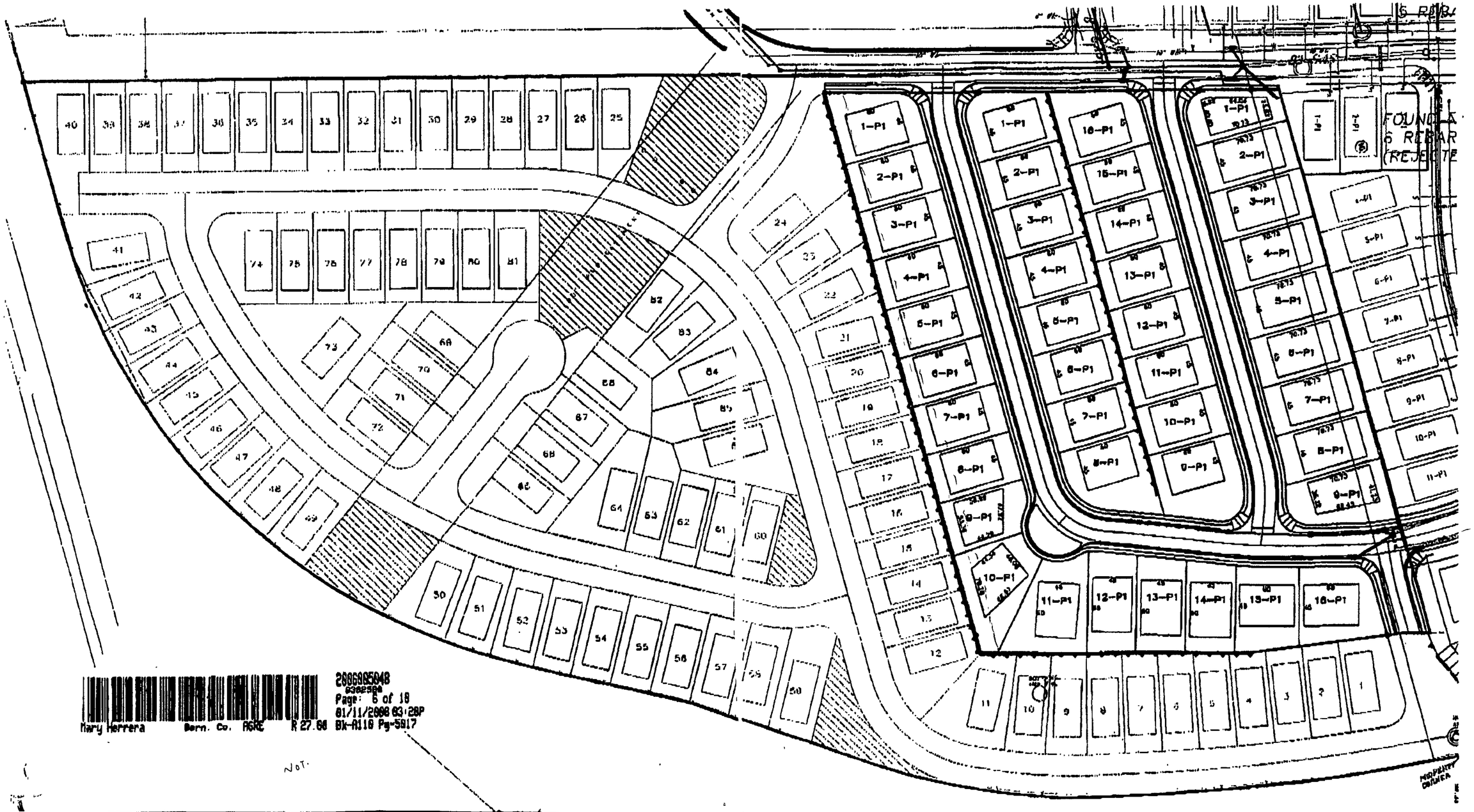
GRAPHIC SCALE
Thompson Engineering Consultants, Inc.

EXHIBIT 1

JAN-17-2006 TUE 01:57 PM s Law Firm FAX NO. 15052473213 P. 09

Exhibit 2



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Page: 6 of 18
01/11/2006 03:28P
Mary Herrera Bern. Co. AGRE R 27.00 Bk-A110 Pg-5917

Exhibit 3 - Draw - Title Policy

After recording return to:
Rio Grande Title Company, Inc.

File No. 0240455 Heather Ewing Veitch

WARRANTY DEED

Pajarito Investment Properties L.L.C. a New Mexico limited liability company, for consideration paid, grants to Dragonfly Development Inc., a New Mexico corporation, whose address is 12800 Dapetie Court NE, Albuquerque, NM 87112, the following described real estate in BERNALILLO County, New Mexico:

A tract of land situate in Section 16, Township 10 North, Range 2 East, N.M.P.M., within the Town of Atrisco Grant, Bernalillo County, New Mexico, and being more particularly described as follows;

Beginning at the Southeast corner of said tract, the Southwest corner of said Section 16 bears South 49° 35' 42" West and is 951.07 feet distant;
Thence, from the above said point of beginning, North 89° 27' 55" West a distance of 469.87 feet to the Southwest corner of said tract;
Thence North 14° 59' 25" West a distance of 617.21 feet to a point on the South right-of-way line of Ensler Road Northwest, for the Northwest corner;
Thence South 89° 35' 51" East along said right-of-way line a distance of 469.57 feet to the Northeast corner;
Thence South 14° 59' 25" East a distance of 619.33 feet to the point of beginning.

SUBJECT TO reservations, restrictions and easements of record, and taxes for the year 2004 and subsequent years.

with warranty covenants.

WITNESS my hand and seal this 26th day of August, 2004.

Pajarito Investment Properties, L.L.C. a New Mexico limited liability company

_____ (Seal) _____ (Seal)
By: Eric E. Griego, Executive Member

ACKNOWLEDGMENT FOR NATURAL PERSONS

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

This instrument was acknowledged before me this 26th day of August, 2004,
by Eric E. Griego, Executive Member of Pajarito Investment Properties, L.L.C. a New Mexico limited liability company
(Name or Names of Person or Persons Acknowledged)

My commission expires: Aug. 10, 2007
(Seal)

_____
Notary Public H. E. Veitch

OFFICIAL SEAL
H.E. VEITCH
NOTARY PUBLIC STATE OF NEW MEXICO
My commission expires 8-10-07

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Mary Herrera Bern. Co. R 9.00

SHORT FORM WARRANTY DEED

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01/11/2006 03:26P
Bk-A118 Pg-5817
Mary Herrera Bern. Co. AGRE R 27.00

Exhibit 4

Albuquerque Title Co., Inc.

File No. 24'7257RB

WARRANTY DEED

~~Grantor~~ Philip David Pickard Sr., as Trustee of the D.C.L.P. Trust, under Trust Agree- for consideration paid grant(s) to
ment dated October 1, 2004

~~GMP~~ Led Company, a New Mexico limited liability company

whose address is 7600 Pan American Freeway NE, Albuquerque, NM 87109

the following described real estate in BERNALILLO County, New Mexico:

(Continued)

subject to all patent and mineral reservations, restrictive covenants, restrictions and reservations of easements and rights-of-way of record, and all applicable zoning regulations, restrictions and requirements and all other matters of record and to taxes for the year 2004 and subsequent years:

with warranty covenants.

WITNESS ~~his~~ hand~~s~~ and seal~~s~~ this 27th day of October, 2004.

~~GMP~~ LED TRUST, Philip David Pickard, Sr. as Trustee

ACKNOWLEDGMENT FOR NATURAL PERSONS

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

This foregoing instrument was acknowledged before me this 27 day of _____, 2004
by ~~GMP~~/TRUST Philip David Pickard, Sr. as Trustee of the D.C.L.P. Trust under trust agree-
ment dated October 1, 2004

My Commission Expires: 1-18-12

Notary Public

ACKNOWLEDGMENT FOR CORPORATION

STATE OF)
) ss.
COUNTY OF)

The foregoing instrument was acknowledged before me this ____ day of _____, _____
by _____ (Name of officer) (Title of officer)
of _____ (Name of corporation acknowledging) (State of incorporation)
corporation on behalf of

My Commission Expires: _____

Notary Public

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Mary Herrera Bern. Co. NMRE R 27.00

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Page: 1 of 3
11/01/2004 11:43A
Bk-R06 Pg-2911
Mary Herrera Bern. Co. NM R 13.00

(Continued)
PARCEL I:

A tract of land situate within the Sections 16 and 17, Township 10 North, Range 2 East, New Mexico Principal Meridian, Bernalillo County, New Mexico, being more particularly described by survey of Elder Company in 1974, with bearings related to New Mexico Highway Department monumentation, as follows:

Beginning at the Northwest corner, a point which is the intersection of the Easterly line of 98th Street NW, with the Southerly of Endee Road NW, whence New Mexico Highway Department Traverse Station I-40-22C, a brass cap in concrete at New Mexico Plane Co-ordinates (Central Zone) X=351,870.46 and Y=1,486,959.08 bears S. 11°35'31" E., 1710.95 feet distant, and the corner common to Sections 16, 17, 20 and 21, Township 10 North, Range 2 East, N.M.P.M., marked by a Whiteman Engineering Company brass cap in place, bears S. 33°49'39" E., 1473.82 feet distant; Running from said beginning point S. 89°35'51" E., along said Southerly line of Endee Road NW, 914.67 feet to the Northeast corner;
Thence S. 14°59'25" E., leaving said road line, 617.31 feet to the Southeast corner, a point on the Northerly boundary of land of Charles Davis, originally known as the "Armijo" tract;
Thence N. 89°27'55" W., along said tract line, 566.16 feet to the Northwest corner thereof;
Thence S. 00°24'15" W., along the Westerly boundary of said Davis tract, 42.95 feet to a point on the Northeasterly right-of-way line of U.S. Highway I-40 at its interchange with 98th Street NW;
Thence Northwesterly and to the right, following a curve in said right-of-way line having a radius of 680.51 feet and a central angle of 58°02'34" (the chord of said curve running N. 44°30'30" W., 660.04 feet) a distance along the arc of 689.38 feet to end of curve;
Thence N. 14°54'45" W., along the Easterly line of 98th Street NW, 175.50 feet to the point of beginning.

PARCEL II:

Beginning at the southwest corner, a point on the northeasterly right of way line of U.S. Highway I-40 at its intersection with 98th Street Northwest, whence New Mexico Highway Department Traverse Station I-40-22C, a brasscap in concrete at New Mexico Plane Coordinates X= 351,870.46 and Y= 1,486,959.08 (Central Zone) bears S 09° 15' 16" W, 1050.42 feet distant, and the corner common to Sections 16, 17, 20 and 21, Township 10 North, Range 2 East, N.M.P.M., marked by Whiteman Engineering Company brasscap in place, bears S 38° 09' 02" E, 661.42 feet distant; running from said beginning point
N 00° 24' 15" E, leaving said right of way line, 42.95 feet to the northwest corner of the parcel herein described; thence
S 89° 27' 55" E, 1036.42 feet to the northeast corner of the parcel herein described; thence
S 00° 24' 15" W, 158.10 feet to the southeast corner, a point on said northeasterly right of way line of U.S. Highway I-40; thence westerly and to the right, following a curve in said right of way

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Mary Herrera Bern. Co. RD R 13.00

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line having a radius of 2314.64 feet and a central angle of 8° 40' 10" (the chord of said curve running S 03° 31' 40" W, 349.99 feet) a distance along the arc of 350.34 feet to a point of compounding a curve; thence, westerly and to the right, following a curve in said right of way line having a radius of 718.31 feet and a central angle od 23° 57' 47" (the chord of said curve running N 80° 21' 16" W, 298.24 feet) a distance along the arc of a curve 300.42 feet to end of curve; thence
N 71° 01' W, along said right of way line, 199.89 feet; thence
N 76° 35' 30" W, along said right of way line, 177.16 feet to a point of curve; thence, northwesterly and to the right, following a curve in said right of way line having a radius of 680.51 feet and a central angle of 2° 49' 04" the chord of said curve running N 74° 02' 10" W, 33.46 feet) a distance along the arc 33.47 feet to the point of beginning.

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Mary Herrera Bern. Co. AGRE R 27.00

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Page: 3 of 3
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Mary Herrera Bern. Co. R 13.00

AGREEMENT TO SETTLE

THIS AGREEMENT sets forth the essential terms of a settlement agreed to by the Plaintiff, Dragonfly Development, Inc., and the Defendant, GHP Ltd. Co., in the matter of *Dragonfly Development, Inc. v. GHP Ltd. Co.*; Cause No. CV-2006-3080, before the Second Judicial District Court of Bernalillo County, New Mexico.

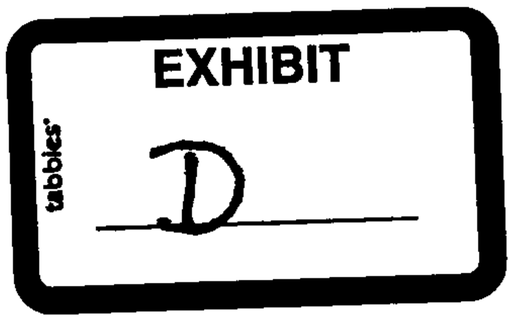
This matter was mediated before Alan R. Wilson. In attendance were representatives of the Plaintiff, Dragonfly Development, Inc., and Joseph L. Werntz, its attorney, and a representative of the Defendant, GHP Ltd. Co., and Sylvain Segal, its attorney.

This matter involves complaints against Defendant for declaratory judgment and injunctive relief.

After extensive, good faith negotiations, the Plaintiff, Dragonfly Development, Inc., and the Defendant, GHP Ltd. Co., have agreed to a full and complete settlement of the captioned matter, in accordance with the following terms:

1. The Plaintiff, Dragonfly Development, Inc., agrees to pay to Defendant, GHP Ltd. Co. the sum of Forty Five thousand dollars ($45,000.00).

2. The Plaintiff shall employ a licensed surveyor to ascertain the area, in square feet, of a portion of the property owned by Defendant that is adjacent to and south of Plaintiff's property (shown as "Parcel A" on Exhibit A attached hereto, and also called the "Depicted Area"), 1) Using the legal description of Plaintiff's property set forth in the deed into the Plaintiff for the purpose of establishing the location of the northern boundary of Parcel A (Plaintiff's southern boundary); and, 2) Using the legal description in the deed from Defendant into Fuller Homes of lands previously owned by Defendant



to establish the westerly and southern boundaries of Parcel A; and, 3) Using the western boundary of 94th as the eastern boundary of Parcel A. This calculation constitutes the "Actual Area" for purposes of this agreement. The surveyor's calculations shall be deemed acceptable to both parties, except for mathematical or transcription errors. Either party may bring to the surveyor's attention (with copy to the opposing party) such errors, and the final calculations by the surveyor shall be binding upon both parties for purposes of this Settlement. The surveyor shall then calculate the difference between the Actual Area as calculated above, and the Depicted Area of parcel A, as depicted on Exhibit A hereto. If the Actual Area is less than the Depicted Area, Plaintiff shall pay to defendant $1.37 per square foot for the difference, up to a maximum of $6,000.00.

3. The parties agree that upon satisfaction of this Agreement's requirements, the Boundary Agreement dated December 7, 2005, by and between the parties covering the subject property, shall be deemed null and void ab initio.

4. Defendant shall execute and deliver a quitclaim deed in favor of Plaintiff covering all property set forth in the approved preliminary plat of Sundoro South Subdivision, Unit 9. Plaintiff shall execute and deliver in favor of Defendant a quitclaim deed covering the Actual Area and the lands deeded by Defendant to Fuller Homes, as shown in that deed. Further, Defendant shall execute any documents requested by the City of Albuquerque to effectuate the dedication of a public roadway to the lands deeded by Defendant to Fuller Homes.

5. The Parties agrees to release and dismiss with prejudice all claims they may have asserted in this lawsuit against each other, their owners, principals, agents, attorneys and representatives. The Parties agree that they shall withdraw all objections,

complaints, and appeals that may be pending against the other's applications for governmental approval of subdivisions or other actions on the subject properties, and that they shall not object, or cooperate with any objections, to the other party's submittals and applications in the future.

6. This is not an admission of liability on the part of eithern party or its officers, directors, shareholders, employees or agents, by whom liability is expressly denied.

7. Each party shall promptly perform each requirement of this Agreement, and the Agreement shall be fully performed no later than September 13, 2006.

8. Each party, Plaintiff, Dragonfly Development, Inc., and the Defendant, GHP Ltd. Co., will pay one-half (1/2) of the mediator's fee.

DATED: August 23, 2006

DRAGONFLY DEVELOPMENT, INC.,
Plaintiff

By: _____

_____
JOSEPH L. WERNTZ, Attorney for Plaintiff

GHP LTD. CO.,
Defendant

By: _____
MANAGER

_____
SYLVAIN SEGAL, Attorney for Defendant

JODAN AND GALLEGOS

5058980516

PHILIP PICKARD

5058566220

Exhibit "A"

EXHIBIT

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTIONS 16 AND 17, TOWNSHIP 10 NORTH, RANGE 2 EAST, N.M.P.M., TOWN OF ATRISCO GRANT, ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, BEING IDENTIFIED AS AREA A BEING A 1.6563 ACRE TRACT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER, FOUND ½"REBAR WITH A CAP STAMPED "11463" IN PLACE, WHENCE FOR A TIE THE NGS MONUMENT "REWARD", BEARS S62°41'56"W 1504.98 FEET DISTANCE, THENCE,
N15°11'39"W, 657.67 FEET DISTANCE TO A POINT; THENCE,
S89°48'03"E, 89.70 FEET DISTANCE TO A POINT, THENCE,
S14°41'53"E, 606.84 FEET DISTANCE; THENCE,
N89°58'45"E, 382.81 FEET DISTANCE, THENCE,
S14°58'18"E, 31.53 FEET DISTANCE, THENCE,
S83°23'20"W, 163.30 FEET DISTANCE; THENCE,
N89°48'09"W, 390.84 FEET DISTANCE TO A POINT AND PLACE OF BEGINNING AND CONTAINING 1.6563 ACRES, MORE OR LESS.

Parcel A a/k/a Depicted Area"

AREA A
72,148 sq.ft.
1.6563 acres
CROSS HATCHED AREA

GRAPHIC SCALE

S89°48'03"E
89.70'

N15°11'39"W

S14°41'53"E

606.84'

657.67'

1504.98'

S62°41'56"W

N89°58'45"E

382.81'

N89°48'09"W

390.84'

S83°23'20"W

163.30'

S14°58'18"E

31.53'

FD REBAR/CAP "11463"

PRIMA ENTRADA ST NW

SERRANO POINTE ST NW

MIRASOL AVE NW

SONTERRO AVE NW

94TH ST NW

FUTURE PRIMA ENTRADA

Incorrect Ex 2!

BOUNDARY AGREEMENT

December 7, 2005

THIS BOUNDARY AGREEMENT is made as of the _____ day of ~~November~~ 2005, by and between DRAGONFLY DEVELOPMENT INC., a New Mexico corporation ("Dragonfly"), and GHP LTD. COMPANY, a New Mexico limited liability company ("GHP").

RECITALS:

A. Dragonfly claims ownership of that certain real property (the "Dragonfly Property") described on the warranty deed attached hereto as **Exhibit 3**. The Dragonfly Property is also shown and described on that certain ALTA Survey dated August 6, 2004, by Wayjohn Surveying Inc.

B. GHP claims title to that certain real property (the "GHP Property") pursuant to that certain warranty deed attached hereto as **Exhibit 4**.

C. There is a dispute between GHP and Dragonfly as to the location of the boundaries of their respective properties. It further appears that the boundary of the Dragonfly Property and the boundary of the GHP Property conflicts and overlaps; however, there is also a dispute as to the location and amount of the conflict or overlap.

D. Both GHP and Dragonfly are in the process of developing their respective property as subdivisions, and time is of the essence.

E. GHP and Dragonfly wish to avoid the time, expense and uncertainty of further dispute over the location of their respective properties, and wish to establish by mutual agreement the location of the common boundaries of their respective properties as set forth in this Agreement.

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Page: 1 of 10
01/11/2006 03:28P
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Mary Herrera Bern. Co. AGRE R 27.00

NOW, THEREFORE, in consideration of the promises and mutual covenants contained herein and other good and valuable consideration, Dragonfly and GHP hereby agree as follows:

1. GHP has obtained and provided to Dragonfly a "Bulk Land Survey" performed by John Gallegos, showing the total amount of land comprising the Dragonfly Property and the GHP Property. A reduced copy of the Bulk Land Survey is attached hereto as **Exhibit 1.**

2. Dragonfly has obtained and provided to GHP a "Subdivision Plot Plan" prepared by Thompson Engineering Consultants Inc. for the combined Dragonfly Property and GHP Property based on the Bulk Land Survey, which tentatively and arbitrarily establishes the boundary between the Dragonfly Property and the GHP Property. The Subdivision Plot Plan is acceptable to both GHP and Dragonfly, as is the boundary established thereby for the Dragonfly Property and the GHP Property. A reduced copy of the Subdivision Plot Plan is attached hereto as **Exhibit 2.**

3. Dragonfly and GHP agree that the boundary between their respective properties shall be, and hereby is established as, the boundary as shown on the Subdivision Plot Plan.

4. An appropriate legal description for the Dragonfly Property and the GHP Property based upon the Bulk Land Survey and Subdivision Plot Plan shall be prepared by a licensed surveyor or engineer mutually agreeable to both Dragonfly and GHP, in consultation with Thompson Engineering Consultants Inc.

5. Dragonfly shall execute and deliver to GHP a quitclaim deed using the new legal description for the GHP Property as prepared pursuant to Paragraph 4 above.

6. GHP shall execute and deliver to Dragonfly a quitclaim deed using the new legal description for the Dragonfly Property as prepared pursuant to Paragraph 4 above.

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Page: 2 of 10
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Mary Herrera Bern. Co. AGRE R 27.00

07/27/2006 14:34 5058428607 PAGE 03/28

7. Dragonfly and GHP each hereby release and discharge the other from any claims, damages, causes of action or liabilities relating to or arising out of the matters described herein, including but not limited to any claims for delay or lost profits.

8. This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous oral and written agreements and discussions. This Agreement may be amended only by an agreement in writing.

9. This Agreement is binding upon and shall inure to the benefit of the parties hereto and their heirs, assigns, successors, grantees, transferees and representatives.

10. The undersigned represent and warrant to each other that they are empowered and authorized to sign this Agreement.

[SIGNATURE PAGE FOLLOWS]

Mary Herrera Conn. Co. ABRE R 27.00 2006005040 0332pge Page: 3 of 10 01/11/2006 03:28P Bk-A110 Pg-5017

07/27/2006 14:34 5058428607 PAGE 04/28

DRAGONFLY DEVELOPMENT INC.

By _____
Its _____

GHP LTD. COMPANY

By _____
Its _____

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

This instrument was acknowledged before me on ~~November~~ December 7, 2005, by Philip L. Lindberg as President of DRAGONFLY DEVELOPMENT INC., a New Mexico corporation.

My commission
expires 08/20/09.

_____
NOTARY PUBLIC

OFFICIAL SEAL
LORRAINE ACOSTA
NOTARY PUBLIC-STATE OF NEW MEXICO
My commission expires: 08/20/09

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

This instrument was acknowledged before me on ~~November~~ December 7, 2005, by Philip Pickard as Managing Partner of GHP LTD. COMPANY, a New Mexico limited liability company.

My commission
expires 08/20/09

_____
NOTARY PUBLIC

OFFICIAL SEAL
LORRAINE ACOSTA
NOTARY PUBLIC-STATE OF NEW MEXICO
My commission expires: 08/20/09

Bernalillo County
Treasurer's Office

Mary Herrera Bern. Co. ABRE R 27.00

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Page: 4 of 10
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Bk-A110 Pg-5017

#4

Current DRC
Project Number:

ORIGINAL

Figure 12

INFRASTRUCTURE LIST
(Rev 9-20-05)

Date Submitted: 5-26-06
Date Site Plan Approved: N/A
Date Preliminary Plat Approved: 8.2.06
Date Preliminary Plat Expires: 8.2.07
DRB Project No.: 1003612
DRB Application No.: 06DRB-00737

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

SUNDORO SOUTH UNIT 9
PROPOSED NAME OF PLAT AND/~~OR SITE DEVELOPMENT PLAN~~

TRACT 37, 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	Construction Certification: Private P. E.	Construction Certification: City Cnst Engineer
		Paving							
		~~12'~~ 20' wide	Residential Paving w/curb and gutter, 4' sidewalk south side	Endee Road	West Boundary	East Boundary	/	/	/
		26' wide	Residential Paving w/curb And gutter, 4' sidewalk both sides*	Zimina Drive	Endee Road	Silica Ave	/	/	/
		26' wide	Residential Paving w/curb And gutter, 4' sidewalk both sides*	Ekarma Drive	Endee Road	Silica Ave.	/	/	/

ORIGINAL

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Construction Certification: Private P. E.	Construction Certification: City Cnst Engineer
		Paving Cont.							
		26' wide	Residential Paving w/curb And gutter, 4' sidewalk both sides*	Silica Ave.	Zimina Drive	East Boundary	/	/	/
		26' wide	Residential Paving w/curb And gutter, 4' sidewalk both sides*	94th Street	Silica Ave.	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 14	East Boundary	/	/	/

ORIGINAL

NOTES

If the site is located in a floodplain, then financial guarantee will not be released until the LOMR is approved by FEMA.
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)

DRB CHAIR — 8/02/06 Date

Christina Sandoval — 8/2/06
PARKS & GENERAL SERVICES Date

Thompson Engineering Consultants, Inc.
FIRM

TRANSPORTATION DEVELOPMENT — 8-2-06 Date

AMAFCA — Date

5-26-06
SIGNATURE Date

UTILITY DEVELOPMENT — 8/2/06 Date

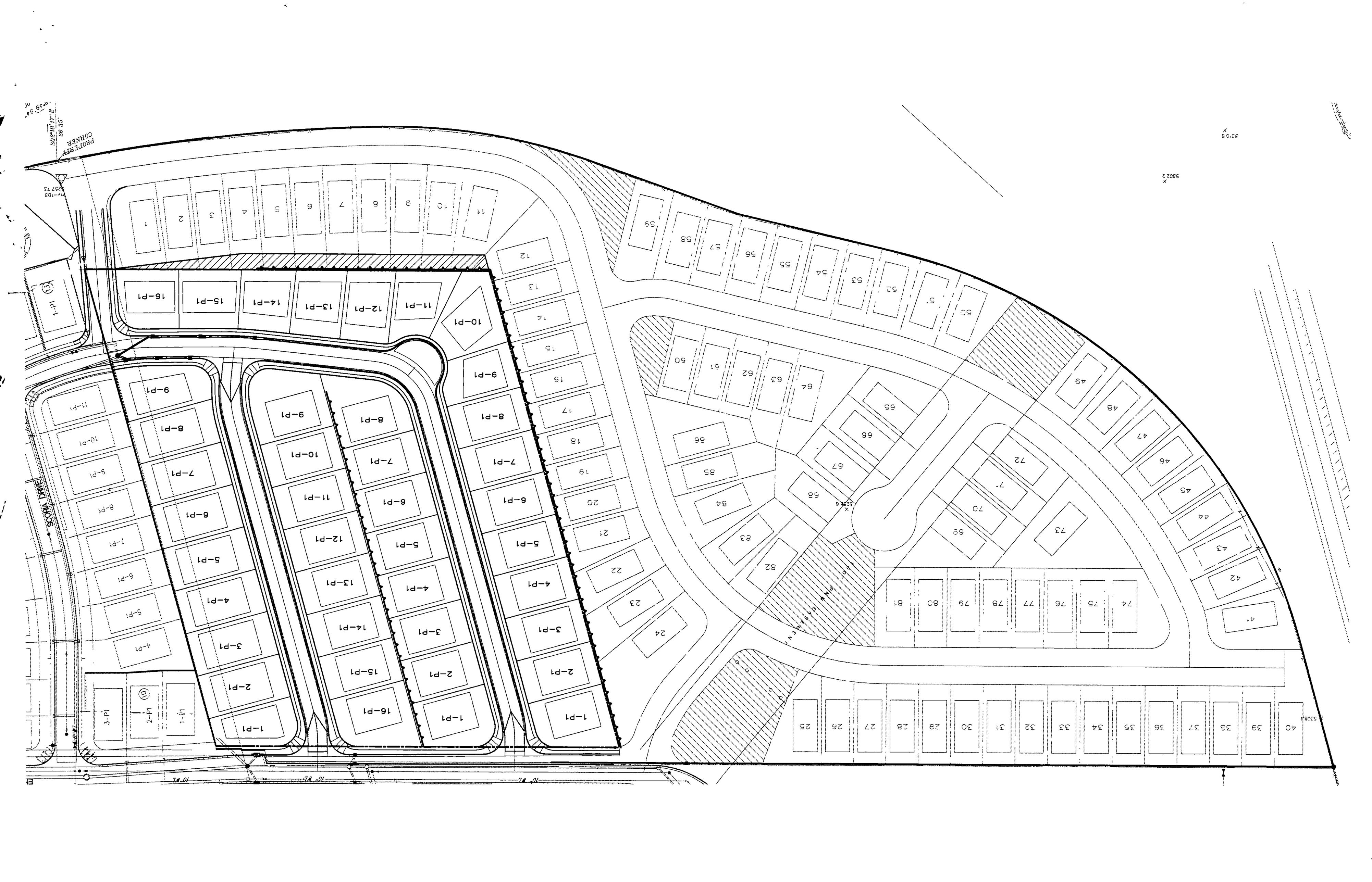
Date

Bradley L. Bingham — 8/2/06
CITY ENGINEER Date

Date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER


PROPERTY CORNER
SCORIA DRIVE
1-P1
2-P1
3-P1
4-P1
5-P1
6-P1
7-P1
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10-P1
11-P1
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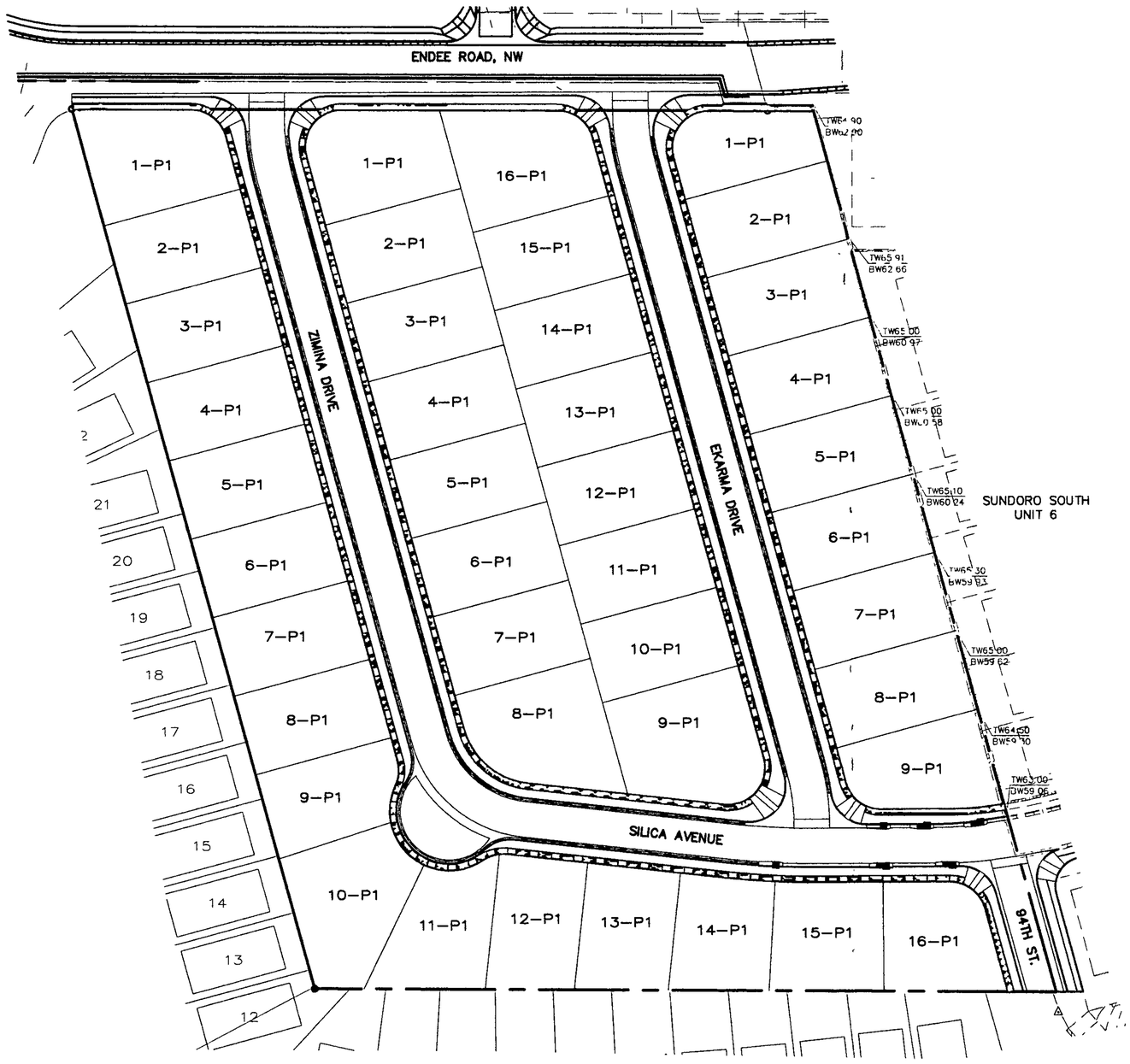
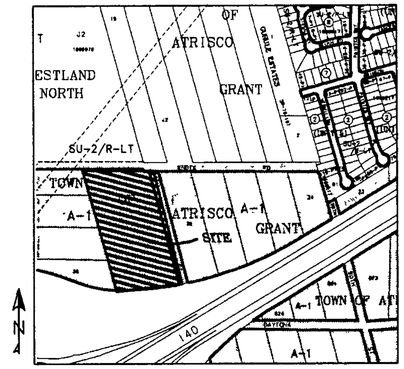
14-P1
15-P1
16-P1





VICINITY MAP : J-9-Z

PROPOSED 4' SIDEWALK

DEFFERRED 4' SIDEWALK

SCALE: 1"=40'

Sidewalk

EXHIBIT C

Date 6/21/06

AS BUILT INFORMATION		
CONTRACTOR		
WORK INSPECTORS		DATE
ACCEPTANCE BY		DATE
AS BUILT VERIFICATION BY		DATE
DRAWINGS CHANGED BY		DATE

MICRO-FILM INFORMATION	
RECORDED BY	DATE
NO	

BENCH MARKS		

SURVEY INFORMATION		
FIELD NOTES		
NO.	BY	DATE

ENGINEER'S SEAL

NO.	DATE	REMARKS	BY

DESIGN		
DESIGNED BY	DBT	DATE
DRAWN BY	DBM	DATE
CHECKED BY	DBT	DATE

Thompson Engineering Consultants, Inc.
tecnm@yahoo.com
P.O. BOX 65760
ALBUQUERQUE, NM 87155
PHONE: (505) 271-2199
FAX: (505) 830-8420

CITY OF ALBUQUERQUE
PUBLIC WORKS DEPARTMENT
TRANSPORTATION DEVELOPMENT

SUNDORO UNIT 9
SIDEWALK EXHIBIT

DESIGN REVIEW COMMITTEE	CITY ENGINEER APPROVAL		MO./DAY/YR.	MO./DAY/YR.

City Project No.	Zone Map No.	EXHIBIT
XXXX	J-9-Z	

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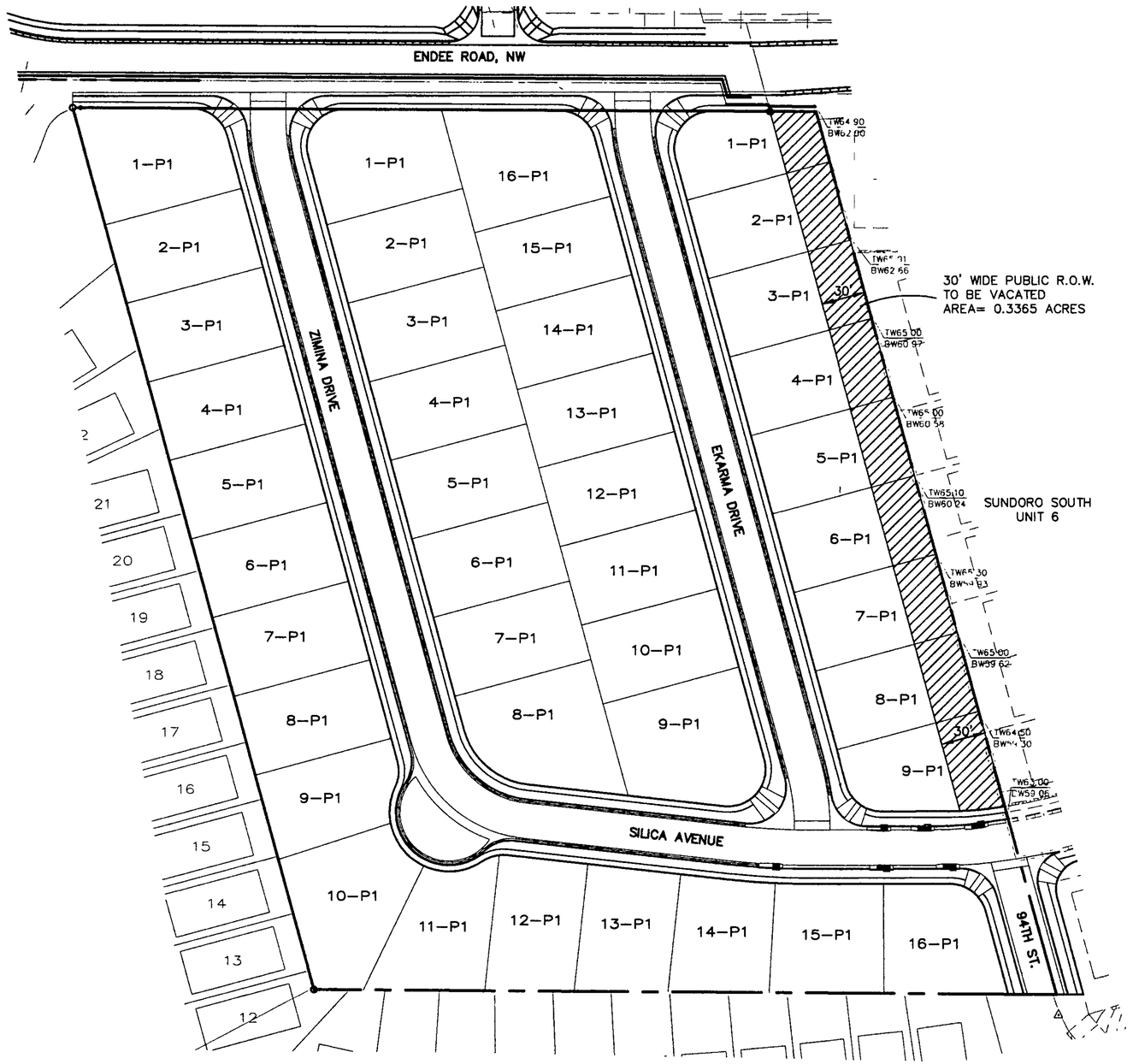

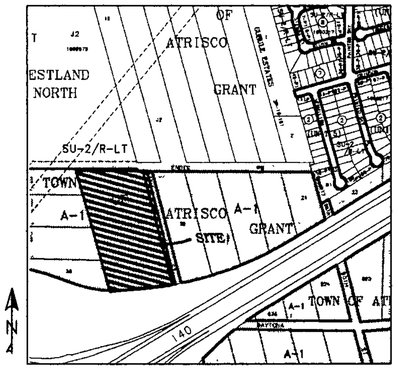

VICINITY MAP : J-9-Z

VACATED AREA

SCALE: 1"=40'

Vacation B
EXHIBIT
Date 6/21/06

Thompson Engineering Consultants, Inc.
tcenm@yahoo.com
P.O. BOX 65760
ALBUQUERQUE, NM 87193
PHONE: (505) 271-2199
FAX: (505) 830-8428

CITY OF ALBUQUERQUE
PUBLIC WORKS DEPARTMENT
TRANSPORTATION DEVELOPMENT

SUNDORO UNIT 9
VACATION EXHIBIT

DESIGN REVIEW COMMITTEE	CITY ENGINEER APPROVAL		MO./DAY/YR.	MO./DAY/YR.

City Project No.	Zone Map No.	EXHIBIT
XXXX	J-9-Z	

AS BUILT INFORMATION
CONTRACTOR
WORK STAKED BY — DATE
FINAL INSPECTION AND ACCEPTANCE BY — DATE
FIELD VERIFICATION BY — DATE
DRAWINGS CORRECTED BY — DATE
MICRO-FILM INFORMATION
RECORDED BY — DATE
NO

BENCH MARKS

SURVEY INFORMATION
FIELD NOTES

NO.	BY	DATE

ENGINEER'S SEAL

NO.	DATE	REMARKS	BY

DESIGN
DESIGNED BY DBT — DATE
DRAWN BY DEM — DATE
CHECKED BY DBT — DATE

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MOSES, DUNN, FARMER & TUTHILL, P.C.
Attorneys at Law

Telephone: (505) 843-9440
Facsimile (505) 247-3213

612 First Street, NW
P.O. Box 27047
Albuquerque, NM 87125-7047

FACSIMILE COVER SHEET

Date: 8-1-06

Number of pages: 4
(including this cover sheet)

TO: Kevin Curran

Fax No. 924-3440

Firm: Wayne Chew

842-8607

FROM: Joe Werntz

RE:

Message: GtP answer

The original document(s) being transmitted:

( ) will not be sent to you
( ) will be sent by overnight delivery
( ) will be sent by regular mail
( ) other _____

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. postal service.

Please contact _____ at (505) 843-9440 if there are any difficulties in receiving this transmission.

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

No. CV 2006-3080

DRAGONFLY DEVELOPMENT, INC.,

Plaintiff,

vs.

GHP LTD, CO.,

Defendant.

ANSWER AND COUNTERCLAIM

Answer

COMES NOW the Defendant by its attorneys, SEGAL & WHITTAKER, LLP (Sylvain Segal) and for its answer to Plaintiff's Complaint:

1. Denies each and every allegation contained in paragraphs 8, 9, 11, 12, 15, 18, 19, 20 and 21 of the Complaint.

2. Denies knowledge and information sufficient to form a belief as to the allegations contained in paragraphs 2 and 17 of the Complaint.

As First Affirmative Defense

3. The Complaint fails to state facts sufficient to constitute a claim for relief against this Defendant.

As Second Affirmative Defense

4. The Agreement between the parties, a copy of which is attached to the Complaint, was entered into by the Plaintiff with a fraudulent intent in that the Plaintiff never contemplated an exchange of properties with the Defendant but led the Defendant to believe that the Plaintiff was acting in good faith and is therefore unenforceable.

As Third Affirmative Defense

5. The Agreement referred to in the Complaint was entered into between the parties based upon the misrepresentations of the Plaintiff without the consent or knowledge of the Defendant and is therefore unenforceable.

WHEREFORE, Defendant demands judgment dismissing the Complaint together with the costs of this action.

Counterclaim

COMES NOW the Defendant by its attorneys, SEGAL & WHITTAKER, LLP (Sylvain Segal) and for its counterclaim against the Plaintiff alleges:

1. This Court has jurisdiction of the parties and subject matter of this action and venue is proper in this Court.

2. Heretofore the parties claimed to own the same piece of land as set forth in the Complaint.

3. The dispute between the parties was supposed to have been settled by entry into the Boundary Agreement attached to the Complaint as Exhibit A.

4. Under the terms of the Boundary Agreement, a boundary was established as shown on a Subdivision Plat Plan.

5. The legal descriptions of the Plaintiff's property and the Defendant's property were to established by a licensed surveyor and the parties were to exchange Quitclaim Deeds so as to eliminate the dispute.

6. Although the Defendant is willing to execute a Quitclaim Deed in favor of the Plaintiff, it appears at this moment that the Plaintiff is taking the position that it is not required to execute

a Quitclaim Deed to the Defendant of that portion of the property determined to belong to the Defendant.

7. Upon information and belief, the Plaintiff never intended to execute a Quitclaim Deed notwithstanding its agreement to do so, but intended that the Defendant rely upon its agreement to do so.

8. In reliance upon the agreement to execute a Quitclaim Deed, the Defendant signed the agreement referred to above.

9. Because of the Plaintiff's failure to execute a Quitclaim Deed, the Defendant has been damaged.

10. The Defendant had previously entered into an agreement to sell its property to a third party, but because of the dispute the Defendant was unable to sell all of the property agreed to be sold to the third party and had to accept a reduction in price of approximately $178,000.00.

WHEREFORE, Defendant demands judgment against the Plaintiff for such sums as the Defendant shall prove upon the trial of this action together with the costs of this action.

SEGAL & WHITTAKER, LLP

By: _____
Sylvain Segal
Attorney for Defendant
6201 Uptown Blvd. NE, #101
Albuquerque, NM 87110
(505) 888-8888

I HEREBY CERTIFY that a true copy of the foregoing pleading was mailed to:

Joseph L. Werntz/Steven J. Kile
MOSES, DUNN, FARMER & TUTHILL, P.C.
P.O. Box 27047
Albuquerque, NM 87125-7047

this 7 day of June 2006.

_____
SYLVAIN SEGAL

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

NO. _____

DRAGONFLY DEVELOPMENT, INC.,

Plaintiff,

v.

GHP LTD. CO.

Defendant.

1. Filed approx April 25, 2006
2. Fuller cannot convey QCD because they did receive the property from GHP
3. answer - June 13, 2025
4. Counterclaim -
   1. $178,000
   2 Fraud in inducement

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

Plaintiff Dragonfly Development, Inc., a New Mexico corporation ("Dragonfly") by and through their attorneys, Moses, Dunn, Farmer & Tuthill, P.C. (Joseph L. Werntz and Steven J. Hile), for its Complaint against Defendant herein, states:

1. This Court has jurisdiction of the parties and subject matter of this action, and venue is proper in this Court.

2. Dragonfly is a New Mexico corporation doing business in Bernalillo County, New Mexico.

3. Defendant GHP Ltd. Co. ("GHP") is a New Mexico limited liability company doing business in Bernalillo County, New Mexico. Philip Pickard ("Pickard") is an individual residing in Bernalillo County, New Mexico, and upon information and belief is the managing partner or managing member of GHP.

4. Before December 2005, GHP claimed to own property ("GHP Property") pursuant to a warranty deed recorded November 1, 2004, in Book A86 at Page 2911, records of Bernalillo County, New Mexico.

5. Before December 2005, Dragonfly claimed to own certain real property ("Dragonfly Property") pursuant to a warranty deed recorded August 26, 2004, in Book A83 at Page 1104, records of Bernalillo County, New Mexico.

6. Before December 2005, a dispute arose between GHP and Dragonfly regarding the boundaries of their respective properties, and an apparent overlap or conflict between the boundaries of the GHP Property and the Dragonfly Property.

7. On December 7, 2005, Dragonfly and GHP executed that certain Boundary Agreement, a copy of which is attached hereto as **EXHIBIT A**. The original Boundary Agreement was recorded January 11, 2006, in Book A110 at Page 5017, records of Bernalillo County, New Mexico.

8. The Boundary Agreement establishes by agreement a common boundary between the Dragonfly Property and the GHP Property.

9. The Boundary Agreement required the parties to have a licensed surveyor or engineer mutually agreeable to Dragonfly and GHP, in consultation with Thompson Engineering Consultants, Inc. prepare legal descriptions of the respective Dragonfly and GHP properties using the agreed boundary line.

10. The Boundary Agreement requires that GHP execute and deliver to Dragonfly a quitclaim deed for the Dragonfly Property using the new legal description prepared as described in Paragraph 9 above, and requires that Dragonfly execute and deliver to GHP a quitclaim deed

for the GHP Property using the new legal description prepared as described in Paragraph 9 above.

11. After the Boundary Agreement was executed, on or about December 15, 2005, GHP sold the GHP Property (as redefined by the Boundary Agreement) to Fuller Homes Inc. ("Fuller"). A copy of the deed to Fuller is attached as **EXHIBIT B**.

12. Dragonfly has been at all times ready, willing and able to deliver a quitclaim deed to GHP for the GHP Property as required by the Boundary Agreement. However, GHP has failed and refused to execute a quitclaim deed to Dragonfly for the Dragonfly Property, despite its obligation to do so under the Boundary Agreement.

COUNT I
FOR DECLARATORY JUDGMENT

13. Dragonfly incorporates paragraphs 1 through 12 by reference.

14. An actual controversy exists between Dragonfly and GHP as to their respective property rights and obligations under the Boundary Agreement, and declaratory relief is appropriate under the Declaratory Judgment Act, § 44-6-1 et seq. NMSA 1978.

15. This Court should enforce the Boundary Agreement, and order GHP to execute and deliver to Dragonfly a quitclaim deed for the Dragonfly Property, based on the boundary line established in the Boundary Agreement. If GHP fails or refuses to do so, this Court should appoint a special master to execute and deliver the quitclaim deed on behalf of GHP.

COUNT II
FOR INJUNCTIVE RELIEF

16. Dragonfly incorporates paragraphs 1 through 12 by reference.

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17. Dragonfly is developing the Dragonfly Property for sale, and is currently doing earth work and grading thereon.

18. GHP, through Pickard, has demanded from Dragonfly a payment which is neither provided for nor contemplated by the Boundary Agreement, and has threatened to build a fence on what it claims is the original disputed boundary line between the Dragonfly Property and the GHP Property, and which line is now on the Dragonfly Property pursuant to the Boundary Agreement.

19. Such a fence would prevent Dragonfly from timely completing its development of the Dragonfly Property, would prevent Dragonfly's sale of the property, and would cause immediate and irreparable harm to Dragonfly, for which Dragonfly has no adequate remedy at law.

20. This Court should enter its preliminary injunction, and after trial on the merits, its permanent injunction, restraining, enjoining and prohibiting GHP and its members, agents, contractors and representatives from entering onto or constructing or attempting to construct a fence or any structure of any kind on the Dragonfly Property.

21. No bond should be required from Dragonfly, because the Court would only be maintaining the status quo with respect to the property. Further, GHP has no interest in either the GHP Property sold to Fuller or the Dragonfly Property, and it would not suffer any damage as a result of the maintenance of status quo until this matter is resolved by the Court.

WHEREFORE, Dragonfly prays for this Court's order and judgment as follows:

A. Declaring the rights of Dragonfly under the Boundary Agreement, and ordering GHP to execute and deliver to Dragonfly a quitclaim deed for the Dragonfly Property, using the boundary line as established in the Boundary Agreement;

B. Appointing a special master to execute and deliver the quitclaim deed in GHP's place should GHP fail or refuse to execute and deliver the quitclaim deed;

C. Enter its preliminary injunction, and after trial on the merits, its permanent injunction, restraining, enjoining and prohibiting GHP and its members, agents, contractors and representatives from coming onto the Dragonfly Property, or constructing or attempting to construct any fence or any other structure on the Dragonfly Property; and

D. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

MOSES, DUNN, FARMER & TUTHILL, P.C.

By _____
Joseph L. Werntz
Steven J. Hile
Attorneys for Plaintiff
612 First Street NW
PO Box 27047
Albuquerque NM 87125-7047

I:\107\053

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VERIFICATION

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

I, **PHILIP LINDBORG**, being duly sworn, state upon oath that I am President of Dragonfly Development, Inc., Plaintiff in the lawsuit herein, and I have read and understand the foregoing **Complaint for Declaratory Judgment and Injunctive Relief,** and that the statements contained therein are true and correct, except any made on information and belief, as to which I believe them to be true.

_____
PHILIP LINDBORG

ACKNOWLEDGED, SUBSCRIBED AND SWORN TO before me on _____, 2006, by PHILIP LINDBORG.

My commission
expires _____.

_____
NOTARY PUBLIC

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Albuquerque Title Company
TI #243695 BB

WARRANTY DEED

GHP LTD COMPANY, a New Mexico limited liability company, for consideration paid grants to Fuller Homes, Inc., a Texas corporation, whose address is P.O. Box 13900, Albuquerque, New Mexico 87192 . the following described real estate in Bernalillo County, New Mexico:

SEE EXHIBIT "A" ATTACHED

SUBJECT TO: Patent reservations, restrictions and easements of record and taxes for the year 2006 and subsequent years.

With warranty covenants.

WITNESS its hand and seal this 15th day of December, 2005.

GHP LTD. COMPANY

By: _____
Philip Pickard, Managing Member

ACKNOWLEDGEMENT FOR CORPORATION

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

The foregoing instrument was acknowledged before me this 15th day of December 2005, by Philip Pickard, as Managing Member of GHP Ltd Company, a New Mexico limited liability company.

_____
Notary Public

My commission expires

SYLVIA E. BACA

830.9248

2005184583
Page: 1 of 2
12/16/2005 03:16P
Bk-A108 Pg-4986
Mary Herrera Bern. Co. NM R 11.00

GF/TI NO. 2436958B

EXHIBIT A

A tract of land being situated in The Town of Atrisco Grant within projected Sections 16 and 17, Township 10 North, Range 2 East, N.M.P.M., Albuquerque, Bernalillo County, New Mexico, together with that vacated portion of 94th Street Northwest (VAC05DRB-00107)and being more particularly described as follows:

BEGINNING at the northwest corner of the tract herein described, also being a point on the Easterly I-40 right of way, whence for a tie to the NGS Monument, bears S 12 deg. 10' 24" W, 1358.57 feet distance; thence
S 89 deg. 48' 03" E, 878.49 feet distance, leaving said right of way to the northeast corner of the tract herein described; thence
S 15 deg. 11' 39" E, 657.67 feet distance to a point; thence
S 89 deg. 40' 09" E, 300.04 feet distance to a point; thence
N 83 deg. 23' 22" E, 193.58 feet distance to a point; thence
S 14 deg. 59' 23" E, 142.81 feet distance to a point, also being a point on the northerly right of way line of I-40, also being a point on a curve; thence
404.98 feet distance along the arc of a curve bearing to the right (said arc having a central angle of 10 deg. 01' 29" and a chord bearing of S 83 deg. 56' 54" W, 404.46 feet) distance to a point of compound curvature; thence
260 23 feet distance along the arc of a curve bearing to the right (said arc having a central angle of 20 deg. 45' 05" and a chord bearing of N 80 deg. 41' 11" W, 258.81) feet distance to a point; thence
N 70 deg. 18' 12" W, 197.43 feet distance to a point; thence
N 76 deg. 26' 35' W, 202.41 feet distance to a point, also being a point on curve; thence
730.10 feet distance along the arc of a curve bearing to the right (said arc having a central angle of 61 deg. 28' 16" and a chord bearing of N 45 deg. 43' 22" W, 695.59) feet distance to a point of tangency; thence
N 14 deg. 59' 23" W, 161.80 feet distance to a point and place of beginning.

2005184583
Page: 2 of 2
12/16/2005 03:16P
Bk-A108 Pg-4086
Mary Herrera Bern Co NM R 11.00

OWNER'S POLICY OF TITLE INSURANCE

Issued by **Lawyers Title Insurance Corporation**

POLICY NUMBER

A75-2209906

LandAmerica Lawyers Title

Lawyers Title Insurance Corporation is a member of the LandAmerica family of title insurance underwriters

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, LAWYERS TITLE INSURANCE CORPORATION, a Virginia corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

IN WITNESS WHEREOF, LAWYERS TITLE INSURANCE CORPORATION has caused its corporate name and seal to be hereunto affixed by its duly authorized officers, the Policy to become valid when countersigned by an authorized officer or agent of the Company

LAWYERS TITLE INSURANCE CORPORATION

Attest: _____ Secretary

LAWYERS TITLE INSURANCE CORPORATION — SEAL — 1925 — RICHMOND VA

By: _____ President

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part, or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
   (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
   (a) created, suffered, assumed or agreed to by the insured claimant,
   (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
   (c) resulting in no loss or damage to the insured claimant,
   (d) attaching or created subsequent to Date of Policy; or
   (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the Insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
   (a) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
   (b) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
      (i) to timely record the instrument of transfer; or
      (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

ALTA Owner's Policy (10-17-92)

SCHEDULE A

File Number	Policy Number	Date of Policy	Amount of Insurance
02404553-HEV(mc)	A75-2209906	August 26, 2004 at 3:14 p.m.	$489,442.78
			Premium
			$

1. Name of Insured:

   Dragonfly Development Inc., a New Mexico corporation

2. The estate or interest in the land which is covered by this policy is:

   Fee Simple

3. Title to the estate or interest in the land is vested in:

   Dragonfly Development Inc., a New Mexico corporation

4. The land referred to in this policy is described as follows:

   A tract of land situate in Section 16, Township 10 North, Range 2 East, N.M.P.M., within the Town of Atrisco Grant, Bernalillo County, New Mexico, and being more particularly described as follows;

   Beginning at the Southeast corner of said tract, the Southwest corner of said Section 16 bears South 49° 35' 42" West and is 951.07 feet distant;
   Thence, from the above said point of beginning, North 89° 27' 55" West a distance of 469.87 feet to the Southwest corner of said tract;
   Thence North 14° 59' 25" West a distance of 617.21 feet to a point on the South right-of-way line of Endee Road Northwest, for the Northwest corner;
   Thence South 89° 35' 51" East along said right-of-way line a distance of 469.57 feet to the Northeast corner;
   Thence South 14° 59' 25" East a distance of 618.33 feet to the point of beginning.

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ALTA Owner's Policy (10/17/92)

SCHEDULE B

Policy Number: A75-2209906
File Number: 02404553-HEV

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Rights or claims of parties in possession not shown by the public records.

2. Easements, or claims of easements, not shown by the public records.

3. Encroachments, overlaps, conflicts in boundary lines, shortages in area, or other matters which would be disclosed by an accurate survey and inspection of the premises.

4. Any lien, claim or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

5. Community property, survivorship, or homestead rights, if any, of any spouse of the insured (or vestee in a leasehold or loan policy).

6. Any titles or rights asserted by anyone including, but not limited to, persons, corporations, governments, or other entities, to lands comprising the shores or bottoms of navigable streams, lakes or land beyond the line of the harbor or bulkhead lines established or changed by the United States Government.

7. Unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims or title to water.

8. Taxes or assessments which are not shown as existing liens by the public record.

9. Taxes for the year 2004, and thereafter, not yet due or payable.

10. In compliance with Subsection D of 13.14.18.10 NMAC, the Company hereby waives its right to demand arbitration pursuant to the title Insurance Arbitration Rules of the American Arbitration Association. Nothing herein prohibits arbitration of all arbitrable matters when agreed to by both the Company and the insured.

Countersigned by

_____
AUTHORIZED SIGNATORY

SCHEDULE B CONTINUED

ALTA Owner's Policy (10/17/92)

SCHEDULE B CONTINUED

Policy Number: A75-2209906
File Number: 02404553-HEV

11. Reservations contained in Patent from the United States of America, recorded in Book 35, Page 91, records of Bernalillo County, New Mexico.

NAMED INSURED ENDORSEMENT

Attached to Policy No. A75-2209906
File No. 02404553 Heather Ewing Veitch

Issued by

Lawyers Title Insurance Corporation

Paragraph 1(a) of Conditions and Stipulations is deleted and the following paragraph is substituted in its place:

"insured": the insured named in Schedule A, and, subject to any rights or defenses the Company would have had against the named insured, those who succeed to the interest of the named insured by operation of law as distinguished from purchase including, but not limited to, heirs, distributees, devisees, survivors, personal representatives, next of kin, or corporate, partnership or fiduciary successors, and specifically, without limitations, the following:

(i) the successors in interest to a corporation, limited liability company, or limited liability partnership named as insured in Schedule A resulting from merger, consolidation, conversion, or distribution of the assets of the corporation, limited liability company, or limited liability partnership upon partial or complete liquidation;

(ii) the successors in interest to a general or limited partnership, limited liability company, or limited liability partnership named as an insured in Schedule A which dissolved but does not terminate;

(iii) the successors in interest to a general or limited partnership named as an insured in Schedule A resulting from distribution of the assets of the general or limited partnership upon partial or total liquidation;

(iv) the successors in interest to a joint venture named as an insured in Schedule A resulting from distribution of the assets of the joint venture upon partial or complete liquidation;

(v) the trustee or successor trustee of a written trust instrument established by the insured named in Schedule A for estate planning purposed to whom title is transferred after the policy date;

(vi) the successor or substitute trustee of a trustee named in a written trust instrument established by the insured named in Schedule A for estate planning purposes; or

(vii) the successor in interest to a trustee or trust resulting from distribution to the beneficiaries of the trust of all or part of the assets of the trust established by the insured named in Schedule A for estate planning purposes.

This endorsement is made a part of the policy and is subject to all the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and prior endorsements, if any, nor does it extend the effective date of the policy and prior endorsements or increase the face amount thereof.

Dated: **August 26, 2004**

Lawyers Title Insurance Corporation

Countersigned:

By: _____
Authorized Agent

NOTICE OF AVAILABILITY OF FUTURE INCREASE IN COVERAGE

Attached to Policy No. **A75-2209906**
File No **02404553 HEV**

Issued by

Lawyers Title Insurance Corporation

READ THIS NOTICE TO FAMILIARIZE YOURSELF WITH IMPORTANT INFORMATION REGARDING YOUR TITLE INSURANCE COVERAGE:

An Owner's Policy may be endorsed to reflect the current value of the estate insured (upon payment of the current basic premium according to the schedule less the amount previously paid for said policy) if the insurer's underwriting standards are met; provided, however, that the effective date of the policy shall remain unchanged and no affirmative coverages or down dates shall be added to the policy.

PLEASE KEEP THIS TITLE INSURANCE POLICY. IT IS AN IMPORTANT LEGAL DOCUMENT. AS YOU REVIEW IT FROM TIME TO TIME, BE AWARE THAT YOU MAY INCREASE YOUR TITLE POLICY AMOUNT IF YOU ADD IMPROVEMENTS, OR IF THE VALUE OF YOUR PROPERTY INCREASES OVER TIME, BY REQUESTING AN INCREASE IN COVERAGE AND PAYING THE APPLICABLE PREMIUMS. THIS WILL NOT CHANGE THE TERMS OF THE POLICY OTHER THAN THE AMOUNT.

Dated: **August 26, 2004**

Lawyers Title Insurance Corporation

Countersigned:

By: _____
Authorized Agent

Note: This endorsement shall not be valid or binding until countersigned by an authorized signatory.
NOTICE OF AVAILABILITY OF FUTURE INCREASE IN COVERAGE, Form NM49 (5/15/00)

NEW MEXICO MULTIPURPOSE ENDORSEMENT

File No. 02404553 HEV

Issued by

Lawyers Title Insurance Corporation

Attached to Policy Number **A75-2209906**.

1. **Exceptions numbered One (1), Two (2), and Three (3) of Schedule B, Part I are hereby deleted.**

This endorsement is made a part of the policy, binder or commitment and is subject to all the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy, binder or commitment and prior endorsements, if any, nor does it extend the effective date of the policy, binder or commitment and prior endorsements or increase the face amount thereof.

Dated: **August 26, 2004**

Lawyers Title Insurance Corporation

Countersigned:

By: _____
Authorized Agent

NM11 (10/85)
MULTIPURPOSE ENDORSEMENT

585 Vision Form ENFANM11 Rev. 02/09/98

EXHIBIT

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTIONS 16 AND 17, TOWNSHIP 10 NORTH, RANGE 2 EAST, N.M.P.M., TOWN OF ATRISCO GRANT, ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, BEING IDENTIFIED AS AREA A BEING A 1 6563 ACRE TRACT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER, FOUND 5/8"REBAR WITH A CAP STAMPED "11463" IN PLACE, WHENCE FOR A TIE THE NGS MONUMENT "REWARD", BEARS S62°41'56"W 1504.98 FEET DISTANCE; THENCE,
N15°11'39"W, 657.67 FEET DISTANCE TO A POINT, THENCE,
S89°48'03"E, 89.70 FEET DISTANCE TO A POINT; THENCE,
S14°41'53"E, 606 84 FEET DISTANCE; THENCE,
N89°58'45"E, 382.81 FEET DISTANCE, THENCE,
S14°58'18"E, 31.53 FEET DISTANCE, THENCE,
S83°23'20"W, 163.30 FEET DISTANCE; THENCE,
N89°40'09"W, 300.04 FEET DISTANCE TO A POINT AND PLACE OF BEGINNING AND CONTAINING 1.6563 ACRES, MORE OR LESS

LANES OF GRIEGO
QUITCLAIM DEED
(03/28/84 DOC#8474711)

AREA A
72,148 sq.ft.
1.6563 acres
CROSS HATCHED AREA

GRAPHIC SCALE
50 0 25 50 100 200
(IN FEET)
1 inch = 50 ft.

S89°48'03"E 89.70'
FD REBAR WITH CAP "7719"
PRIMA ENTRADA ST NW
SERRANO POINTE ST NW
MIRASOL AVE NW
SONTERRO AVE NW
94TH ST NW
FUTURE PRIMA ENTRADA
N15°11'39"W
S14°41'53"E
657.67'
606.84'
FD REBAR/CAP "11463"
N89°58'45"E 382.81'
S14°58'18"E 31.53'
N89°40'09"W 300.04'
S83°23'20"W 163.30'
S62°41'56"W 1504.98'
FD NMSHC BRASS CAP
FD REBAR CAP 10154
NGS MONUMENT
"REWARD"
X=350944 85
Y=1487301 42
Z=5316 951
NAD 1927, NAVD 1929
G/G=0 99967114
DELTA/ALPHA=00°17'11"
CENTRAL ZONE
10 PUE
PNM EASEMENT
TRACT A
TRACT B
TRACT D
TRACT E
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City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

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

SITE DEVELOPMENT PLAN
- ____ for Subdivision Purposes
- ____ for Building Permit
- ____ IP Master Development Plan
- ____ Cert. of Appropriateness (LUCC)

STORM DRAINAGE
- ____ Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING
- ____ Annexation
- ____ County Submittal
- **V** ____ EPC Submittal
- ____ Zone Map Amendment (Establish or Change Zoning)
- **P** ____ 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...
- **D** ____ 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.

APPLICANT INFORMATION:

NAME: GHP LTD CO PHONE: 888-2288(AUTO)
ADDRESS: 7600 PAN AMERICAN FWY NE FAX:
CITY: ABQ STATE ____ ZIP ____ E-MAIL:
Proprietary interest in site: OWNER **List all owners:** GHP LTD CO
AGENT (if any): PHONE:
ADDRESS: FAX:
CITY: STATE ____ ZIP ____ E-MAIL:
DESCRIPTION OF REQUEST: APPEAL OF DRB

Is the applicant seeking incentives pursuant to the Family Housing Development Program? ___Yes. ___No.

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

Lot or Tract No. PORTION LOT 37-A Block: Unit:
Subdiv. / Addn. (see ABST) / 1003612
Current Zoning: SU2 R-LT Proposed zoning:
Zone Atlas page(s): J-9 No. of **existing** lots: No. of **proposed** lots:
Total area of site (acres): Density if applicable: dwellings per gross acre: dwellings per net acre:
Within city limits? X Yes. No___, but site is within 5 miles of the city limits.) Within 1000FT of a landfill?
UPC No. MRGCD Map No.:
LOCATION OF PROPERTY BY STREETS: On or Near:
Between: and

CASE HISTORY:

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

NONE

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

SIGNATURE [signature] DATE 8/17/06
(Print) [illegible] ___Applicant ___Agent

Cases 1003612 1003613 1003614
Related to

FOR OFFICIAL USE ONLY Form revised 4/04

- ☐ 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
06CC-01198	DRB APPEAL A		$ 55.00
	ADV		$ 50.00
			$
			$
			$
			$
			Total $ 105.00

Hearing date

Sandy Handley 08/17/06
Planner signature / date

Project # 1003612

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:
☐ DECISION OF THE ZONING HEARING EXAMINER

__ Project number of case being appealed; _____
__ Application number of case being appealed; _____
__ Reason for the appeal *
__ Appellant's basis of standing as an appellant *
__ Letter of authorization from the appellant if this application for appeal is submitted by an agent
__ Copy of the Official Notification of Decision regarding the matter being appealed
__ Fee (see schedule)

Appeal to the Landmarks and Urban Conservation Commission regarding:
☐ CERTIFICATE OF APPROPRIATENESS DECISION OF THE PLANNING DIRECTOR OR STAFF

__ Project number of case being appealed; _____
__ Application number of case being appealed; _____
__ Reason for the appeal *
__ Appellant's basis of standing as an appellant *
__ Letter of authorization from the appellant if this application for appeal is submitted by an agent
__ Copy of the Official Notification of Decision regarding the matter being appealed
__ Fee (see schedule)

Appeal to the Environmental Planning Commission regarding:
☐ DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER

__ Project number of case being appealed; _____
__ Application number of case being appealed; _____
__ Reason for the appeal *
__ Appellant's basis of standing as an appellant *
__ Letter of authorization from the appellant if this application for appeal is submitted by an agent
__ Copy of the Official Notification of Decision regarding the matter being appealed
__ Fee (see schedule)

Appeal to the City Council through the Land Use Hearing Officer regarding:
☐ ADMINISTRATIVE AMENDMENT OR DECISION OF THE PLANNING DIRECTOR OR STAFF
☐ DETERMINATION OR ACTION OF THE ENVIRONMENTAL PLANNING COMMISSION
☒ DETERMINATION OR ACTION OF THE DEVELOPMENT REVIEW BOARD
☐ ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL
☐ DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION

✓ Project number of case being appealed; 1003612
✓ Application number of case being appealed; 06DRB-00737 and 06DRB-00738 and 06DRB-00739
✓ Reason for the appeal * See Attachment
✓ Appellant's basis of standing as an appellant * See Attachment
__ Letter of authorization from the appellant if this application for appeal is submitted by an agent
✓ Copy of the Official Notification of Decision regarding the matter being appealed
✓ Fee (see schedule)

* Criteria for reasonable appeals and criteria for standing as an appellant are given in *Zoning Code §14-16-4-4*. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

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

GHP LTD. CO.
Applicant name (print)
By: MANAGER
8/14/06
Applicant signature / date

Form revised 10/04 & March 2005

☑ Checklists complete
☑ Fees collected
☑ Case #s assigned
☐ Related #s listed

Application case numbers
06CC-01198
Sandy Handley 08/16/06
Planner signature / date
Project # 1003612

ATTACHMENT

1. GHP LTD. CO. owns a portion of the property for which Applicant in its applications for Plat approval stated that it owns.

2. The Development Review Board vacated the street which gives access to the property owned by GHP LTD. CO. without the approval of the Appellant.

GHP LTD. CO.

By:_____
Philip Pickard, Manager

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.

OFFICIAL NOTICE OF DECISION

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.

OFFICIAL NOTICE OF DECISION

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

PHILIP PICKARD

FACSIMILE TRANSMITTAL SHEET

TO: SUSAN SEGAL

FROM: PHILIP PICKARD

COMPANY:

DATE: 8-17-06

FAX NUMBER: 888-1635

TOTAL NO. OF PAGES INCLUDING COVER.

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RE:

YOUR REFERENCE NUMBER

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

ENCLOSED ARE THE DEEDS FOR THE PROPERTIES WE OWN AT 98TH & I40 WE STILL OWN 1.6 ACRES THAT IS IN DISPUTE WITH DRAGONFLY AND 2.42 ACRES WE PURCHASED FROM THE DEPARTMENT OF TRANSPORTATION. ATTACH THIS TO THE DEAL TO BE DELIVERED TODAY.

CALL ME

PHILIP

7600 PAN AMERICAN FWY
ALBUQUERQUE, NM 87109
505.362.8200
505.856.6220 F

NEW MEXICO DEPARTMENT OF TRANSPORTATION
QUITCLAIM DEED

THIS INDENTURE, made and entered into this 3rd day of February, 20 06, by and between **New Mexico Department of Transportation**, party of the first part, and **D.C.L.P Trust**, party of the second part.

WITNESSETH: That the said party of the first part, for consideration paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents, demise, release and forever quitclaim, unto the said party of the second part and to its heirs and assigns, the following described strip, tract or parcel of land and real estate, lying, situate and being in the County of Bernalillo, State of New Mexico to wit:

A certain tract or parcel of land situate in projected Sections 16 and 17, Township 10 North, Range 2 East, N.M.P.M., within the Town of Atrisco Land Grant, City of Albuquerque, County of Bernalillo, New Mexico, being a portion of the existing (2005) right of way of Interstate Highway 40 and being more particularly described by metes and bounds as follows:

Commencing at a point on the curve connecting the easterly right of way line of 98th Street, Northwest to the present (2005) northerly right of way line of Interstate Highway 40 within the City of Albuquerque, County of Bernalillo, New Mexico, from which point NGS triangulation station "Reward", having New Mexico Coordinate System grid coordinates X=1,491,190.69, Y=1,487,364.03, Central Zone, NAD83, bears S25°03'31"W and 1038.85 feet distant;

Thence southeasterly a distance of 472.31 feet on the said northerly right of way of Interstate Highway 40 along the arc of a curve to the left having a radius of 680.59 feet, a central angle of 39°45'40" and a chord that bears S56°34'22"E a distance of 462.89 feet to a point of tangency;

Thence S76°27'12"E along the said northerly right of way of Interstate Highway 40 a distance of 202.44 feet to an angle point;

Thence S70°18'52"E along the said northerly right of way of Interstate Highway 40 a distance of 197.40 feet to a point of curvature;

Thence southeasterly a distance of 260.26 feet on the said northerly right of way of Interstate Highway 40 along the arc of a curve to the left having a radius of 719.41 feet, a central angle of 20°43'40" and a chord that bears S80°40'42"E a distance of 258.85 feet to a point of compound curvature;

Thence northeasterly a distance of 947.05 feet on the said northerly right of way of Interstate Highway 40 along the arc of a curve to the left having a radius of 2309.88 feet, a central angle of 23°29'25" and a chord that bears N77°13'13"E a distance of 940.43 feet to an angle point;

Thence N89°57'54"E a distance of 30.23 feet to the northeast corner of the parcel herein described;

Thence S58°47'58"W a distance of 505.65 feet to the southeast corner of the parcel herein described;

Thence N85°00'00"W a distance of 379.19 feet to an angle point;

Thence S83°26'44"W a distance of 89.88 feet to a point of curvature;

Thence northwesterly a distance of 328.36 feet along the arc of a curve to the right having a radius of 651.34 feet, a central angle of 28°53'03" and a chord that bears N82°06'43"W a distance of 324.89 feet to a point of reverse curvature;

(See reverse side)

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Page: 1 of 2
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Bk-A111 Pg-7678
Mary Herrera Bern. Co. QCD R 11.00

EXHIBIT "A"

400 0 400

SCALE: 1" = 400'

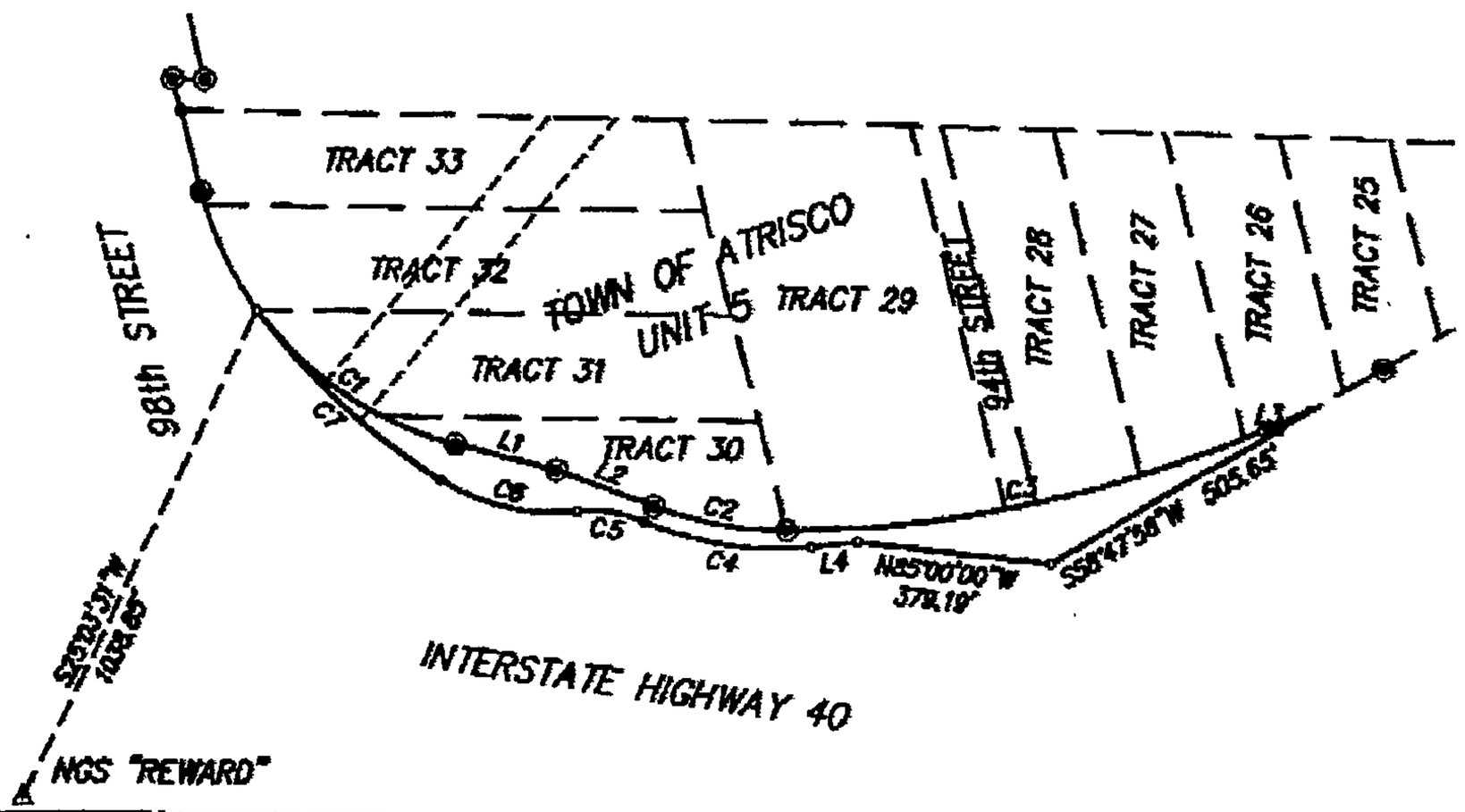
LEGEND

◉ N.M.D.O.T. BRASSCAP

▲ COMPUTED CORNER

NOTES

1) BEARINGS SHOWN ARE NEW MEXICO COORDINATE SYSTEM, CENTRAL ZONE, NAD83 GRID BEARINGS.
2) DISTANCES SHOWN ARE GROUND DISTANCES.



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	472.31'	680.59'	39°45'40"	S56°34'22"E	462.89'
C2	260.26'	719.41'	20°43'40"	S80°40'42"E	258.85'
C3	947.05'	2309.88'	23°29'25"	N77°13'13"E	940.43'
C4	328.36'	651.34'	28°53'03"	N82°06'43"W	324.89'
C5	128.61'	250.00'	29°28'35"	N82°24'29"W	127.20'
C6	277.36'	416.27'	38°10'35"	N78°03'27"W	272.26'
C7	496.01'	1250.00'	22°16'38"	N47°49'51"W	492.96'

LINE TABLE		
LINE	LENGTH	BEARING
L1	202.44'	S76°27'12"E
L2	197.40'	S70°16'52"E
L3	30.23'	N89°57'54"E
L4	88.88'	S85°26'44"W

SURVEYOR'S CERTIFICATION

I, PHILIP W. TURNER, A LAND SURVEYOR LICENSED IN ACCORDANCE WITH THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS EXHIBIT WAS PREPARED BY ME, OR UNDER MY DIRECT SUPERVISION, FROM THE RETURNS OF AN ACTUAL SURVEY PERFORMED ON THE GROUND ON JULY 3, 2004, THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT IT SATISFIES THE MINIMUM STANDARDS FOR SURVEYS AS DETERMINED BY THE NEW MEXICO BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS. THIS DOCUMENT IS NOT PLAT OF SURVEY, NOR A SUBDIVISION NOR A LAND DIVISION AS DEFINED BY THE NEW MEXICO SUBDIVISION STATUTE.

02-01-05

PHILIP W. TURNER N.M.P.S. 10204 DATE

PHILIP W. TURNER NEW MEXICO No. 10204 REGISTERED PROFESSIONAL SURVEYOR

PREPARED BY:
TERRAMETRICS OF NEW MEXICO
P.O. BOX 30192
ALBUQUERQUE, NEW MEXICO 87190-0192
(505) 884-9087

Albuquerque Title Company
TI #247257 BS

WARRANTY DEED

JOSEPH DAVIS, Sole Successor Trustee of the CHARLES DAVIS REVOCABLE TRUST, UNDER AGREEMENT DATED APRIL 13, 1996, as to an undivided 1/3 interest; JOSEPH DAVIS, a married man, as his sole and separate estate, as to an undivided 1/3 interest; and CHARLES DAVIS, JR., a single man, as to an undivided 1/3 interest, for consideration paid, grants to PHILIP PICKARD, Trustee of the Pickard Irrevocable Trust I *, whose address is 7600 Pan American Freeway, N.E., Albuquerque, New Mexico 87109, the following described real estate in Bernalillo County, New Mexico:

* Dated December 1st, 1995.

Beginning at the Southwest corner, a point on the Northeasterly Right-of-Way line of U.S. Highway I-40 at its interchange with 98th Street Northwest, whence New Mexico Highway Department Traverse Station I 40-22C, a brasscap in concrete at New Mexico Plane Co-ordinates X-351,570.46 and Y=1,486,959.08 (Central Zone) bears S. 09°15'16" W., 1050.42 feet distant, and the corner common to Sections 16, 17, 20 and 21, Township 10 North, Range 2 East, N.M.P.M., marked by a Whiteman Engineering Company brasscap in place, bears S. 28°09'02" E., 661.42 feet distant; Running from said beginning point N.00°24'15" E., leaving said Right-of-Way line, 42.95 feet to the Northwest corner of the parcel herein described; Thence S. 89°27'55" E., 1036.02 feet to the Northeast corner; Thence S. 00°24'15" W., 158.10 feet to the Southeast corner, a point on said northeasterly Right-of-Way line of U.S. Highway I-40; Thence Westerly and to the right, following a curve in said Right of-Way line having a radius of 2314.64 feet and a central angle of 8°40'20" (the chord of said curve running S. 83°21'40" W., 349.99 feet) a distance along the arc of 350.34 feet to a point of compounding of curve; Thence Westerly and to the right, following a curve in said Right-of-Way line having a radius of 718.31 feet and a central angle of 23°57'47" (the chord of said curve running N. 80°21'16" W., 298.24 feet) a distance along the arc of 300.42 feet to and of curve; Thence N. 71°01' W. along said Right-of-Way line, 199.89 feet; Thence N. 76°35'20" W., along said Right of Way line, 177.16 feet to a point of curve; Thence Northwesterly and to the right, following a curve in said Right of Way line having a radius of 680.51 feet and a central angle of 2°49'04" (the chord of said curve running N. 74°02'10" W., 33.46 feet) a distance along the arc of 33.47 feet to the point of beginning.

Subject to patent reservations, restrictions and easements of record and to taxes for the year 2003 and years thereafter.

with warranty covenants.

WITNESS our hands and seals this 6th day of March, 2003.

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Page: 1 of 3
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Mary Herrera Bern Co. NM R 13.00

CHARLES DAVIS REVOCABLE TRUST, UNDER AGREEMENT DATED APRIL 13, 1996

By: Joseph Davis, Patricia Hill Notary
JOSEPH DAVIS,
SOLE SUCCESSOR TRUSTEE

Joseph Davis
JOSEPH DAVIS, Individually

CHARLES DAVIS, JR.

ACKNOWLEDGMENT

STATE OF California)
)
COUNTY OF Santa Clara)

This instrument was acknowledged before me on March 7th, 2003, by JOSEPH DAVIS. a married man, individually and as Sole Successor TRUSTEE OF THE CHARLES DAVIS REVOCABLE TRUST, UNDER AGREEMENT DATED APRIL 13, 1996

MY COMMISSION EXPIRES:
April 22, 2004

Patricia Hill
NOTARY PUBLIC

STATE OF _____)
)
COUNTY OF _____)

This instrument was acknowledged before me on March _____, 2003, by CHARLES DAVIS, JR., a single man.

MY COMMISSION EXPIRES:
_____

_____
NOTARY PUBLIC

Mary Herrera Bern Co. WD R 13.00
2004153334
6166832
Page: 2 of 3
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Bk-A86 Pg-2999

ESTATE OF CHARLES DAVIS

By: _____
JOSEPH DAVIS,
Personal Representative

_____
JOSEPH DAVIS, Individually

Charles Davis Jr
CHARLES DAVIS, JR.

ACKNOWLEDGMENT

STATE OF _____)
)
COUNTY OF _____)

This instrument was acknowledged before me on March _____, 2003, by JOSEPH DAVIS, a married man, individually and as Personal Representative of the ESTATE OF CHARLES DAVIS.

MY COMMISSION EXPIRES:

_____
NOTARY PUBLIC

STATE OF Missouri)
)
COUNTY OF Jackson)

This instrument was acknowledged before me on March 10, 2003, by CHARLES DAVIS, JR., a single man.

MY COMMISSION EXPIRES:
DENNIS WALKER
Notary Public – State of Missouri
County Of Jackson
My Commission Expires Mar 29, 2003

Dennis Walker
NOTARY PUBLIC

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Page: 3 of 3
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Bk-A86 Pg-2998
R 13.00
Mary Herrera Kern. Co.

Return to: ABC
Albuquerque Title Company
TI # 247257

WARRANTY DEED

CHARLES E. BARNHART, joined by his spouse KATHLEEN BARNHART; THOMAS G. CORNISH, as Trustee of the Thomas G. Cornish and Marion W. Cornish Revocable Trust under Agreement dated April 8, 1999; and FALBA M. HANNETT, a widow and FALBA M. HANNETT, as Personal Representative on the Estate of George W. Hannett, for consideration paid, grant to PHILIP DAVID PICKARD, SR., as Trustee of the Pickard Irrevocable Trust III, under Trust Agreement dated December 31, 1995, whose address is 7600 Pan American Fwy, ALB NM 87109, the following described real estate in Bernalillo County, New Mexico:

A tract of land situate within the Sections 16 and 17, Township 10 North, Range 2 East, New Mexico Principal Meridian, Bernalillo County, New Mexico, being more particularly described by survey of Elder Company in 1974, with bearings related to the New Mexico Highway Department monumentation, as follows:
Beginning at the Northwest corner, a point which is the intersection of the Easterly line of 98th Street NW, with the Southerly of Endee Road NW, whence New Mexico Highway Department Traverse Station I-40-22C, a brass cap in concrete at New Mexico Plane Co-ordinates (Central Zone) X=351,570.46 and Y=1,486,959.08 bears S. 11°25'31" E., 1710.95 feet distant, and the corner common to Sections 16 and 17, 20 and 21, Township 10 North, Range 2 East, N.M.P.M., marked by a Whiteman Engineering Company brass cap in place, bears S. 33°49'39" E., 1472.82 feet distant;
Running from said beginning-point S. 89°35'51" E., along said Southerly line of Endee Road NW, 914.67 feet to the Northeast corner;
Thence S. 14°59'25" E., leaving said road line, 617.21 feet to the Southeast corner, a point on the Northerly boundary of land of Charles Davis, originally known as the "Armijo" tract;
Thence N. 89°27'55" W., along said tract line, 566.16 feet to the Northwest corner thereof;
Thence S. 00°24'15" W., along the Westerly boundary of said Davis tract, 42.95 feet to a point on the Northeasterly right-of-way line of U.S. Highway I-40 at its interchange with 98th Street NW;
Thence Northwesterly and to the right, following a curve in said right-of-way line having a radius of 686.51 feet and a central angle of 58°02'34" (the chord of said curve running N. 44°30'30" W., 660.04 feet) a distance along the arc of 689.38 feet to end of curve;
Thence N. 14°54'45" W., along the Easterly line of 98th Street NW, 175.50 feet to the point of beginning.

Subject to lack of ingress and egress.

Subject to reservations, restrictions and easements of record, and to property taxes for the current year and all subsequent years.

with warranty covenants.

WITNESS our hands and seals this 1st day of October, 2004.

Charles E. Barnhart
CHARLES E. BARNHART

Kathleen W. Barnhart
KATHLEEN BARNHART

THOMAS G. CORNISH, Trustee of the Thomas G. Cornish and Marion W. Cornish Revocable Trust

Falba M. Hannett
FALBA M. HANNETT

Falba M. Hannett
FALBA M. HANNETT, as Personal Representative of the Estate of George W. Hannett, deceased

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Page: 1 of 1
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Bk-A86 Pg-2988
Mary Herrera Bern. Co. NM R 9.00

ACKNOWLEDGMENT

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

This instrument was acknowledged before me on October 1, 2004 by Charles E. Barnhard, joined by his spouse Kathleen Barnhart, Thomas G. Cornish, as Trustee of the Thomas G. Cornish and Marion W. Cornish Revocable Trust under Agreement dated April 8, 1999, Falba M. Hannett, a widow, individually and as Personal Representative of the Estate of George W. Hannett, deceased.

Notary Public

My Commission Expires: 7/12/05

ONE STOP SHOP
CITY OF ALBUQUERQUE PLANNING DEPARTMENT
Development & Building Services

PAID RECEIPT

APPLICANT NAME GHP LTD Co

AGENT " "

ADDRESS 7600 PAN AMERICAN FWY NE

PROJECT & APP # 1003612/06CC01198

PROJECT NAME _____

$ _____ 441032/3424000 **Conflict Management Fee**

$ _____ 441006/4983000 **DRB Actions**

$ 55.00 441006/4971000 **EPC/AA/LUCC Actions & CC All Appeals**

$ 50.00 441018/4971000 **Public Notification**

_____ 441006/4983000 **DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY*****
( )Major/Minor Subdivision ( )Site Development Plan ( )Bldg Permit
( ) Letter of Map Revision ( )Conditional Letter of Map Revision
( ) Traffic Impact Study

$ 105.00 **TOTAL AMOUNT DUE**

****NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.**

CITY OF ALBUQUERQUE
TREASURY DIVISION
06/17/2004 08:38AM LOC: ANNX
RECEIPT# 00056229 WS# 005 TRANS# 0028
Acct# 441006 Fund 0110
ACTIVITY 4971000 TREVER
Trans Amt $105.00
Check Amt $105.00
CHECK
Thank You

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

Mayor Martin J Chávez

INTER-OFFICE MEMORANDUM September 11, 2006

TO: Martin Heinrich, President, City Council

FROM: Richard Dineen, Planning Director

SUBJECT: AC-06-23 – 06DRB-00737; 06DRB-00738; 06DRB-00739; Project # 1003612 GHP Ltd., Co., appeals the Development Review Board's(DRB) approval of a Preliminary Plat; Vacation of Public Right-of-Way, and a Temporary Deferral of Construction of Sidewalks 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 Road NW, between 98th Street NW and 94th Street NW containing approximately 6 acres. (J-9). Sheran Matson, Development Review Board Chair

BACKGROUND: GHP Ltd, the Appellant, originally owned 16 acres adjoining the property included in Sundoro South, Unit 9, owned by Dragonfly Development. At some point, GHP sold the 16 acres to Fuller Homes. When the GHP and Dragonfly Development properties were surveyed, the surveyors discovered an overlap of about 30 feet in GHP's east boundary and Dragonfly Development's west boundary. SEE EXHIBIT A.

A Boundary Agreement was signed by both parties on December 7, 2005 and recorded on January 11, 2006 agreeing to establish a boundary based on the "Subdivision Plot Plan" referenced in the agreement. SEE EXHIBIT B.

At the time of the first DRB hearing of the GHP preliminary plat for Prima Entrada Subdivision on September 28, 2005, Dragonfly Development protested the approval based on the 30-foot boundary dispute. However, at the November 30, 2005, DRB hearing, Dragonfly Development did not protest approval. Dragonfly's agent believed the boundary dispute was settled through the Boundary Agreement. DRB approved the preliminary plat for Prima Entrada at the November 30, 2005 hearing subject to several conditions.

Mr. Pickard, one of the members of GHP LTD, testified at the August 2, 2006, DRB hearing on the preliminary plat approval for Sundoro South Unit 9 Subdivision that the 1.6 acres he believed part of the boundary dispute was not sold to Fuller Homes. SEE EXHIBIT C. According to him, GHP retained ownership. However, it is DRB's understanding that Dragonfly Development contends that the1.6 acres is now part of their property via the recorded Boundary Agreement.
Pursuant to the boundary dispute between GHP and Dragonfly Development, a lawsuit was filed on or about April 25, 2006.

The preliminary plat for the 41-lot Sundoro South Unit 9 Subdivision was approved on August 2, 2006, with three conditions of final plat related to the boundary dispute issue. These three conditions are: (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 (Dragonfly Development Inc) 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.

After the preliminary plat approval on August 2, 2006, Dragonfly and GHP ~~lawsuit~~ agreed to perform specific requirements pursuant to a settlement on or before September 13, 2006. A copy of the Agreement to Settle is attached. However, it is not part of the record proper yet. SEE EXHIBIT D.

RESPONSES TO APPELLANT

Listed below are the two points raised in Appellant's statement attached to the appeal application. DRB's responses appear directly thereafter.

1. *GHP LTD CO. owns a portion of the property for which Applicant in its applications for Plat approval stated that it owns.*

At the time of the DRB public hearings on the approval of the Sundoro South Unit 9 Subdivision, GHP LTD representatives failed to legally prove without question that, in fact, the Sundoro South, Unit 9 plat included land owned by GHP. However, DRB did include conditions of final plat in its approval requiring legal resolution of this issue before final plat is approved.

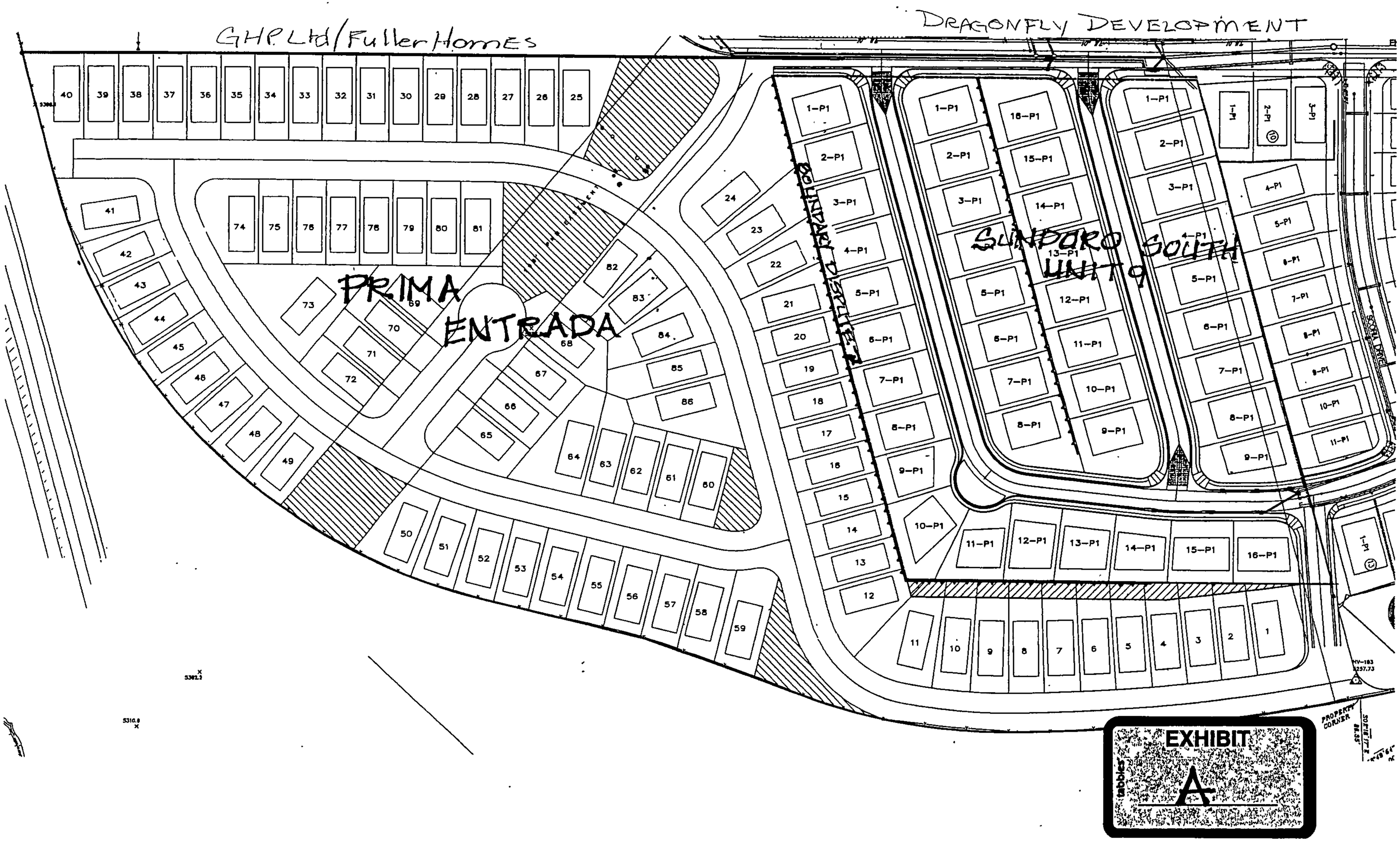
2. *The Development Review Board vacated the street, which gives access to the property owned by GHP LTD, CO. without the approval of the Appellant.*

When DRB approved the Sundoro South Unit 9 preliminary plat, Condition 4 of that approval states: "Dedication of 94th Street south of Silica Avenue in conjunction with the property to the east to provide access to [property to] the south." This condition will provide access to any property still owned by GHP according to the information provided to DRB before or at the time of plat approval.

APPROVED:

Russell Brito, Division Manager
Development Review Division
Planning Department

x:share/council/appeals/2006/ac-06-23


GHP Ltd/Fuller Homes
DRAGONFLY DEVELOPMENT
PRIMA ENTRADA
SUNDARO SOUTH UNIT 9
BOUNDARY DISPUTE
SCORIA DRIVE
PROPERTY CORNER
EXHIBIT
A

Received
07/12/06

BOUNDARY AGREEMENT

December 7, 2005

THIS BOUNDARY AGREEMENT is made as of the _____ day of ~~November~~ 2005, by and between DRAGONFLY DEVELOPMENT INC., a New Mexico corporation ("Dragonfly"), and GHP LTD. COMPANY. a New Mexico limited liability company ("GHP").

RECITALS:

A. Dragonfly claims ownership of that certain real property (the "Dragonfly Property") described on the warranty deed attached hereto as **Exhibit 3**. The Dragonfly Property is also shown and described on that certain ALTA Survey dated August 6, 2004, by Wayjohn Surveying Inc.

B. GHP claims title to that certain real property (the "GHP Property") pursuant to that certain warranty deed attached hereto as **Exhibit 4**.

C. There is a dispute between GHP and Dragonfly as to the location of the boundaries of their respective properties. It further appears that the boundary of the Dragonfly Property and the boundary of the GHP Property conflicts and overlaps; however, there is also a dispute as to the location and amount of the conflict or overlap.

D. Both GHP and Dragonfly are in the process of developing their respective property as subdivisions. and time is of the essence.

E. GHP and Dragonfly wish to avoid the time. expense and uncertainty of further dispute over the location of their respective properties. and wish to establish by mutual agreement the location of the common boundaries of their respective properties as set forth in this Agreement.

EXHIBIT
tabbies
B

Mary Herrera Bern. Co. AGRE R 27.00
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NOW, THEREFORE, in consideration of the premises and mutual covenants contained herein and other good and valuable consideration. Dragonfly and GHP hereby agree as follows:

1. GHP has obtained and provided to Dragonfly a "Bulk Land Survey" performed by John Gallegos. showing the total amount of land comprising the Dragonfly Property and the GHP Property. A reduced copy of the Bulk Land Survey is attached hereto as **Exhibit 1**.

2. Dragonfly has obtained and provided to GHP a "Subdivision Plot Plan" prepared by Thompson Engineering Consultants Inc. for the combined Dragonfly Property and GHP Property based on the Bulk Land Survey. which tentatively and arbitrarily establishes the boundary between the Dragonfly Property and the GHP Property. The Subdivision Plot Plan is acceptable to both GHP and Dragonfly. as is the boundary established thereby for the Dragonfly Property and the GHP Property. A reduced copy of the Subdivision Plot Plan is attached hereto as **Exhibit 2**.

3. Dragonfly and GHP agree that the boundary between their respective properties shall be. and hereby is established as. the boundary as shown on the Subdivision Plot Plan.

4. An appropriate legal description for the Dragonfly Property and the GHP Property based upon the Bulk Land Survey and Subdivision Plot Plan shall be prepared by a licensed surveyor or engineer mutually agreeable to both Dragonfly and GHP, in consultation with Thompson Engineering Consultants Inc.

5. Dragonfly shall execute and deliver to GHP a quitclaim deed using the new legal description for the GHP Property as prepared pursuant to Paragraph 4 above.

6. GHP shall execute and deliver to Dragonfly a quitclaim deed using the new legal description for the Dragonfly Property as prepared pursuant to Paragraph 4 above.

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7. Dragonfly and GHP each hereby release and discharge the other from any claims, damages, causes of action or liabilities relating to or arising out of the matters described herein, including but not limited to any claims for delay or lost profits.

8. This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous oral and written agreements and discussions. This Agreement may be amended only by an agreement in writing.

9. This Agreement is binding upon and shall inure to the benefit of the parties hereto and their heirs, assigns, successors, grantees, transferees and representatives.

10. The undersigned represent and warrant to each other that they are empowered and authorized to sign this Agreement.

[SIGNATURE PAGE FOLLOWS]

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DRAGONFLY DEVELOPMENT INC.

By _____
Its President

GHP LTD. COMPANY

By _____
Its Managing Partner

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

This instrument was acknowledged before me on ~~November~~ December 7, 2005, by Philip L. Lindberg as President of DRAGONFLY DEVELOPMENT INC., a New Mexico corporation.

My commission
expires 08/27/09.

_____
NOTARY PUBLIC

OFFICIAL SEAL
LORRAINE ACOSTA
NOTARY PUBLIC-STATE OF NEW MEXICO
My commission expires 08/27/09

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

This instrument was acknowledged before me on ~~November~~ December 7, 2005, by Philip Pickard as Managing Partner of GHP LTD. COMPANY, a New Mexico limited liability company.

My commission
expires 08/27/09

_____
NOTARY PUBLIC

OFFICIAL SEAL
LORRAINE ACOSTA
NOTARY PUBLIC-STATE OF NEW MEXICO
My commission expires 08/27/09

Boundary Agreement
Notes 2005

Mary Herrera Bern. Co. AGRE R 27.00

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94 TH STREET

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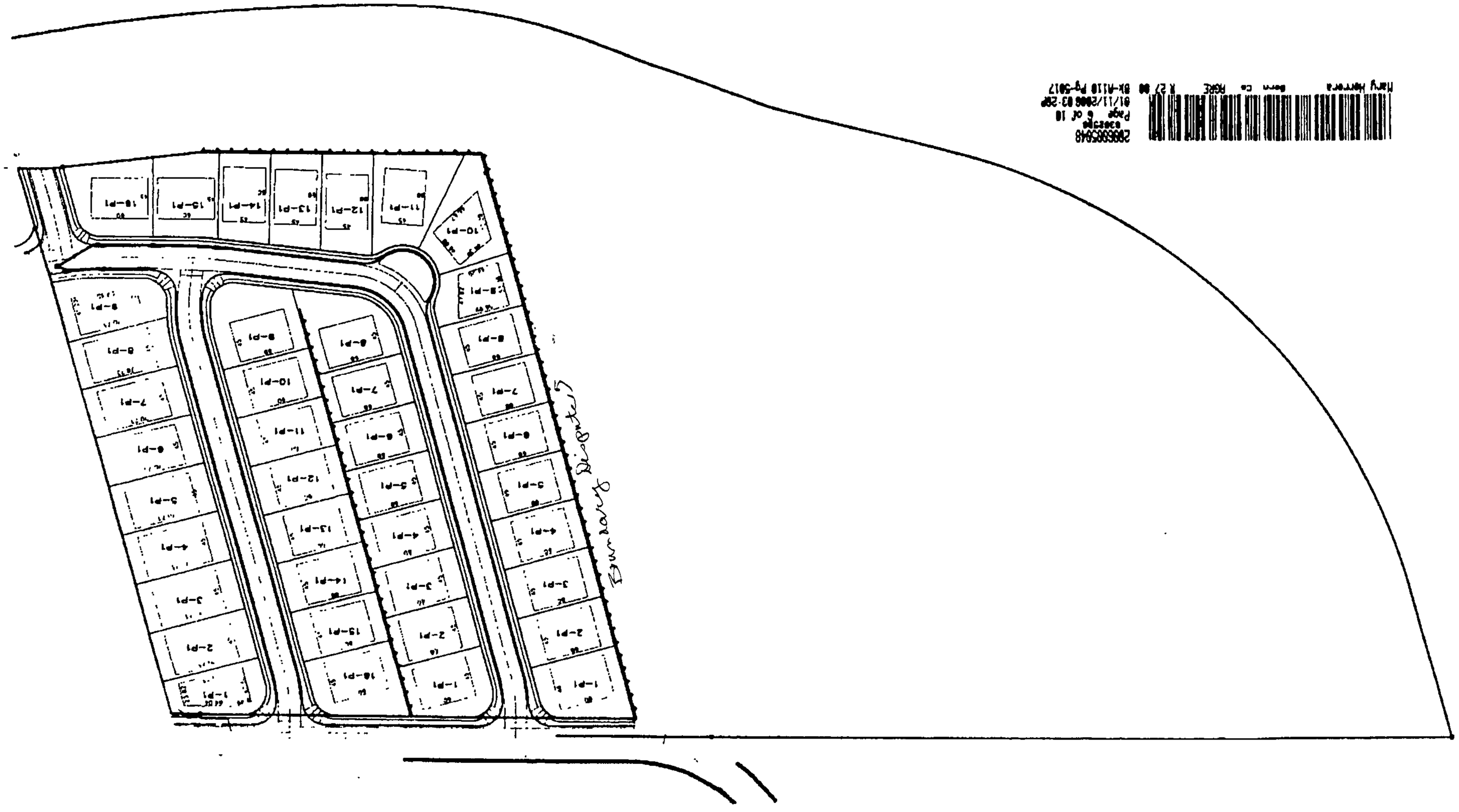
Mary Herrera Bern Co AGRE R 27 00

GRAPHIC SCALE

EXHIBIT 1

Thompson Engineering Consultants, Inc.



Mary Herrera Bern Co AGRE R 27.00 BK-A110 Pg-5017
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Exhibit 3

After recording return to:
Rio Grande Title Company, Inc.

File No. 02404553 Heather Ewing Veitch

WARRANTY DEED

Pajarito Investment Properties L.L.C. a New Mexico limited liability company, for consideration paid, grants to Dragonfly Development Inc., a New Mexico corporation, whose address is 12809 Donette Court NE, Albuquerque, NM 87112, the following described real estate in BERNALILLO County, New Mexico:

A tract of land situate in Section 16, Township 10 North, Range 2 East, N.M.P.M., within the Town of Atrisco Grant, Bernalillo County, New Mexico, and being more particularly described as follows;

Beginning at the Southeast corner of said tract, the Southwest corner of said Section 16 bears South 49° 35' 42" West and is 951.07 feet distant;
Thence, from the above said point of beginning, North 89° 27' 55" West a distance of 469.87 feet to the Southwest corner of said tract;
Thence North 14° 59' 25" West a distance of 617.21 feet to a point on the South right-of-way line of Endee Road Northwest, for the Northwest corner;
Thence South 89° 35' 51" East along said right-of-way line a distance of 469.57 feet to the Northeast corner;
Thence South 14° 59' 25" East a distance of 618.33 feet to the point of beginning.

SUBJECT TO reservations, restrictions and easements of record, and taxes for the year 2004 and subsequent years,

with warranty covenants.

WITNESS my hand and seal this 26th day of August, 2004.

Pajarito Investment Properties, L.L.C. a New Mexico limited liability company

_____ (Seal)
By: Eric E. Griego, Executive Member

_____ (Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
} ss.
COUNTY OF BERNALILLO

This instrument was acknowledged before me this 26th day of August, 2004,
by Eric E. Griego, Executive Member of Pajarito Investment Properties, L.L.C. a New Mexico limited liability company
(Name or Names of Person or Persons Acknowledged)

My commission expires: Aug. 10, 2007
(Seal)

H. E. Veitch
Notary Public H. E. Veitch

OFFICIAL SEAL
H.E VEITCH
NOTARY PUBLIC STATE OF NEW MEXICO
My commission expires 8-10-07

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Mary Herrera Bern Co LD R 9.00

SHORT FORM WARRANTY DEED
Versus Form SCDD1NM Rev 07/04/98

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Exhibit 4

Albuquerque Title Co., Inc.

File No. 24725788

WARRANTY DEED

~~DCLP TRUST~~ Philip David Pickard Sr., as Trustee of the D.C.L.P. Trust, under Trust Agreement dated October 1, 2004 for consideration paid grant(s) to

GHP Ltd Company, a New Mexico limited liability company,

whose address is 7600 Pan American Freeway NE, Albuquerque, NM 87109

the following described real estate in BERNALILLO County, New Mexico:

(Continued)

SUBJECT TO all patent and mineral reservations, restrictive covenants, restrictions and reservations of easements and rights-of-way of record, and all applicable zoning regulations, restrictions and requirements and all other matters of record and to taxes for the year 2004 and subsequent years; with warranty covenants.

WITNESS my hand and seal this 27th day of October, 2004.

~~DCLP TRUST~~, Philip David Pickard, Sr, as Trustee

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO }
ss.
COUNTY OF BERNALILLO }

The foregoing instrument was acknowledged before me this 27 day of , 2004
by ~~DCLP/TRUST~~ Philip David Pickard, Sr. as Trustee of the D.C.L.P. Trust under trust agreement dated October 1, 2004

My Commission Expires 7-12-08

Notary Public

ACKNOWLEDGMENT FOR CORPORATION

STATE OF }
ss.
COUNTY OF }

The foregoing instrument was acknowledged before me this ____ day of ____, ____,
by _____ (Name of Officer), _____ (Title of Officer)
of _____ (Name of Corporation Acknowledging), a _____ (State of Incorporation)
corporation on behalf of

My Commission Expires: _____

Notary Public

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(Continued)
PARCEL I

A tract of land situate within the Sections 16 and 17, Township 10 North, Range 2 East, New Mexico Principal Meridian, Bernalillo County, New Mexico, being more particularly described by survey of Elder Company in 1974, with bearings related to New Mexico Highway Department monumentation, as follows:

Beginning at the Northwest corner, a point which is the intersection of the Easterly line of 98th Street NW, with the Southerly of Endee Road NW, whence New Mexico Highway Department Traverse Station I-40-22C, a brass cap in concrete at New Mexico Plane Co-ordinates (Central Zone) X=351,570.46 and Y=1,486,959.08 bears S. 11°25'31" E., 1710.95 feet distant, and the corner common to Sections 16, 17, 20 and 21, Township 10 North, Range 2 East, N.M.P.M., marked by a Whiteman Engineering Company brass cap in place, bears S. 33°49'39" E., 1472.82 feet distant;
Running from said beginning-point S. 89°35'51" E., along said Southerly line of Endee Road NW, 914.67 feet to the Northeast corner;
Thence S. 14°59'25" E., leaving said road line, 617.21 feet to the Southeast corner, a point on the Northerly boundary of land of Charles Davis, originally known as the "Armijo" tract;
Thence N. 89°27'55" W., along said tract line, 566.16 feet to the Northwest corner thereof;
Thence S. 00°24'15" W., along the Westerly boundary of said Davis tract, 42.95 feet to a point on the Northeasterly right-of-way line of U.S. Highway I-40 at its interchange with 98th Street NW;
Thence Northwesterly and to the right, following a curve in said right-of-way line having a radius of 680.51 feet and a central angle of 58°02'34" (the chord of said curve running N. 44°30'30" W., 660.04 feet) a distance along the arc of 689.38 feet to end of curve;
Thence N. 14°54'45" W., along the Easterly line of 98th Street NW, 175.50 feet to the point of beginning.

PARCEL II:

Beginning at the southwest corner, a point on the northeasterly right of way line of U.S. Highway I-40 at its intersection with 98th Street Northwest, whence New Mexico Highway Department Traverse Station I-40-22C, a brasscap in concrete at New Mexico Plane Coordinates X= 351,570.46 and Y= 1,486,959.08 (Ventral Zone) bears s 09° 15' 16" W, 1050.42 feet distant, and the corner common to Sections 16, 17, 20 and 21, Township 10 North, Range 2 East, N.M.P.M., marked by Whiteman Engineering Company brasscap in place, bears S 28° 09' 02" E, 661.42 feet distant; running from said beginning point
N 00° 24' 15" E, leaving said right of way line, 42.95 feet to the northwest corner of the parcel herein described; thence
S 89° 27' 55" E, 1036.02 feet to the northeast corner of the parcel herein described; thence
S 00° 24' 15" W, 158.10 feet to the southeast corner, a point on said northeasterly right of way line of U.S. Highway I-40; thence westerly and to the right, following a curve in said right of way

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(Continued)
line having a radius of 2314.64 feet and a central angle of 8° 40' 20" (the chord of said curve running S 83° 21' 40" W, 349.99 feet) a distance along the arc of 350.34 feet to a point of compounding a curve; thence, westerly and to the right, following a curve in said right of way line having a radius of 718.31 feet and a central angle od 23° 57' 47" (the chord of said curve running N 80° 21' 16" W, 298.24 Feet) a distance along the arc of a curve 300.42 feet to end of curve; thence
N 71° 01' W, along said right of way line, 199.89 feet; thence
N 76° 35' 20" W, along said right of way line, 177.16 feet to a point of curve; thence, northwesterly and to the right, following a curve in said right of way line having a radius of 680.51 feet and a central angle of 2° 49' 04" the chord of said curve running N 74° 02' 10" W, 33.46 feet) a distance along the arc 33.47 feet to the point of beginning.

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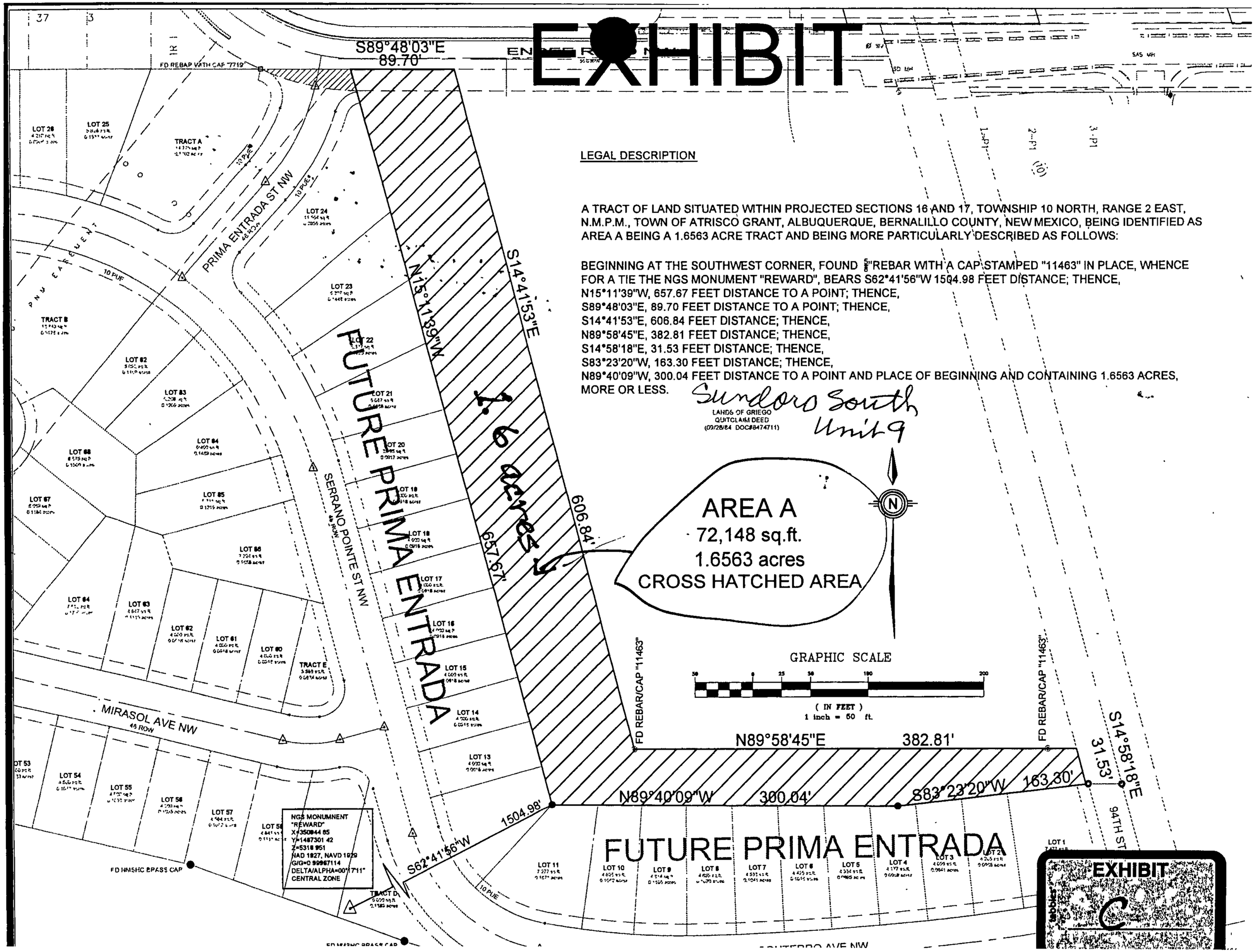
EXHIBIT



LEGAL DESCRIPTION

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTIONS 16 AND 17, TOWNSHIP 10 NORTH, RANGE 2 EAST, N.M.P.M., TOWN OF ATRISCO GRANT, ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, BEING IDENTIFIED AS AREA A BEING A 1.6563 ACRE TRACT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER, FOUND $\frac{5}{8}$"REBAR WITH A CAP STAMPED "11463" IN PLACE, WHENCE FOR A TIE THE NGS MONUMENT "REWARD", BEARS S62°41'56"W 1504.98 FEET DISTANCE; THENCE,
N15°11'39"W, 657.67 FEET DISTANCE TO A POINT; THENCE,
S89°48'03"E, 89.70 FEET DISTANCE TO A POINT; THENCE,
S14°41'53"E, 606.84 FEET DISTANCE; THENCE,
N89°58'45"E, 382.81 FEET DISTANCE; THENCE,
S14°58'18"E, 31.53 FEET DISTANCE; THENCE,
S83°23'20"W, 163.30 FEET DISTANCE; THENCE,
N89°40'09"W, 300.04 FEET DISTANCE TO A POINT AND PLACE OF BEGINNING AND CONTAINING 1.6563 ACRES, MORE OR LESS.

EXHIBIT C

AGREEMENT TO SETTLE

THIS AGREEMENT sets forth the essential terms of a settlement agreed to by the Plaintiff, Dragonfly Development, Inc., and the Defendant, GHP Ltd. Co., in the matter of *Dragonfly Development, Inc. v. GHP Ltd. Co.*; Cause No. CV-2006-3080, before the Second Judicial District Court of Bernalillo County, New Mexico.

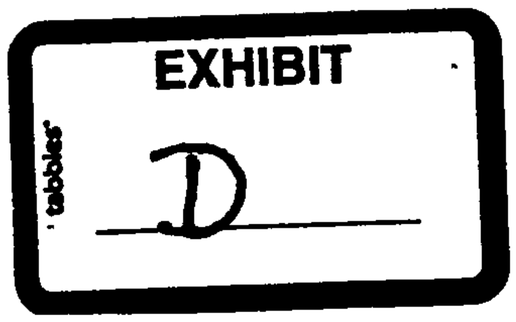
This matter was mediated before Alan R. Wilson. In attendance were representatives of the Plaintiff, Dragonfly Development, Inc., and Joseph L. Werntz, its attorney, and a representative of the Defendant, GHP Ltd. Co., and Sylvain Segal, its attorney.

This matter involves complaints against Defendant for declaratory judgment and injunctive relief.

After extensive, good faith negotiations, the Plaintiff, Dragonfly Development, Inc., and the Defendant, GHP Ltd. Co., have agreed to a full and complete settlement of the captioned matter, in accordance with the following terms:

1. The Plaintiff, Dragonfly Development, Inc., agrees to pay to Defendant, GHP Ltd. Co. the sum of Forty Five thousand dollars ($45,000.00).

2. The Plaintiff shall employ a licensed surveyor to ascertain the area, in square feet, of a portion of the property owned by Defendant that is adjacent to and south of Plaintiff's property (shown as "Parcel A" on Exhibit A attached hereto, and also called the "Depicted Area"), 1) Using the legal description of Plaintiff's property set forth in the deed into the Plaintiff for the purpose of establishing the location of the northern boundary of Parcel A (Plaintiff's southern boundary); and, 2) Using the legal description in the deed from Defendant into Fuller Homes of lands previously owned by Defendant



to establish the westerly and southern boundaries of Parcel A; and, 3) Using the western boundary of 94th as the eastern boundary of Parcel A. This calculation constitutes the "Actual Area" for purposes of this agreement. The surveyor's calculations shall be deemed acceptable to both parties, except for mathematical or transcription errors. Either party may bring to the surveyor's attention (with copy to the opposing party) such errors, and the final calculations by the surveyor shall be binding upon both parties for purposes of this Settlement. The surveyor shall then calculate the difference between the Actual Area as calculated above, and the Depicted Area of parcel A, as depicted on Exhibit A hereto. If the Actual Area is less than the Depicted Area, Plaintiff shall pay to defendant $1.37 per square foot for the difference, up to a maximum of $6,000.00.

3. The parties agree that upon satisfaction of this Agreement's requirements, the Boundary Agreement dated December 7, 2005, by and between the parties covering the subject property, shall be deemed null and void ab initio.

4. Defendant shall execute and deliver a quitclaim deed in favor of Plaintiff covering all property set forth in the approved preliminary plat of Sundoro South Subdivision, Unit 9. Plaintiff shall execute and deliver in favor of Defendant a quitclaim deed covering the Actual Area and the lands deeded by Defendant to Fuller Homes, as shown in that deed. Further, Defendant shall execute any documents requested by the City of Albuquerque to effectuate the dedication of a public roadway to the lands deeded by Defendant to Fuller Homes.

5. The Parties agrees to release and dismiss with prejudice all claims they may have asserted in this lawsuit against each other, their owners, principals, agents, attorneys and representatives. The Parties agree that they shall withdraw all objections,

complaints, and appeals that may be pending against the other's applications for governmental approval of subdivisions or other actions on the subject properties, and that they shall not object, or cooperate with any objections, to the other party's submittals and applications in the future.

6. This is not an admission of liability on the part of eithern party or its officers, directors, shareholders, employees or agents, by whom liability is expressly denied.

7. Each party shall promptly perform each requirement of this Agreement, and the Agreement shall be fully performed no later than September 13, 2006.

8. Each party, Plaintiff, Dragonfly Development, Inc., and the Defendant, GHP Ltd. Co., will pay one-half (1/2) of the mediator's fee.

DATED: August 23, 2006

DRAGONFLY DEVELOPMENT, INC.,
Plaintiff

By: _____

_____
JOSEPH L. WERNTZ, Attorney for Plaintiff

GHP LTD. CO.,
Defendant

By: _____
PHILIP PICKARD
MANAGER

_____
SYLVAIN SEGAL, Attorney for Defendant

JORDAN AND GALLEGOS

EXHIBIT

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTIONS 16 AND 17 TOWNSHIP 10 NORTH, RANGE 2 EAST, N.M.P.M., TOWN OF ATRISCO GRANT, ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, BEING IDENTIFIED AS AREA A BEING A 1.6563 ACRE TRACT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER, FOUND ½"REBAR WITH A CAP STAMPED "11463" IN PLACE, WHENCE FOR A TIE THE NGS MONUMENT "REWARD", BEARS S62°41'56"W 1504.98 FEET DISTANCE, THENCE,
N15°11'39"W, 657.67 FEET DISTANCE TO A POINT; THENCE,
S89°48'03"E, 89.70 FEET DISTANCE TO A POINT, THENCE,
S14°41'53"E, 606.84 FEET DISTANCE; THENCE,
N89°58'45"E, 382.81 FEET DISTANCE, THENCE,
S14°58'18"E, 31.53 FEET DISTANCE; THENCE,
S83°23'20"W, 183.30 FEET DISTANCE; THENCE,
N89°48'09"W, 390.84 FEET DISTANCE TO A POINT AND PLACE OF BEGINNING AND CONTAINING 1.6563 ACRES, MORE OR LESS.

AREA A
72,148 sq.ft.
1.6563 acres
CROSS HATCHED AREA

GRAPHIC SCALE

Parcel A a/k/a "Depicted Area"

S89°48'03"E 89.70'
PRIMA ENTRADA ST NW
N15°11'39"W
S14°41'53"E
606.84'
657.67'
FUTURE PRIMA ENTRADA
SERRANO POINTE ST NW
MIRASOL AVE NW
1504.98'
S62°41'56"W
PD REBAR/CAP "11463"
N89°58'45"E
382.81'
N89°48'09"W
390.84'
S83°23'20"W
183.30'
S14°58'18"E
31.53'
94TH ST NW
FUTURE PRIMA ENTRADA
SONTERRO AVE NW

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City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION — **S**
- X Major Subdivision action
- X Minor Subdivision action
- X Vacation — **V**
- X Variance (Non-Zoning)

SITE DEVELOPMENT PLAN
- ___ for Subdivision Purposes — **P**
- ___ for Building Permit — **P**
- ___ IP Master Development Plan — **P**
- ___ Cert. of Appropriateness (LUCC) — **L**

STORM DRAINAGE — **D**
- ___ Storm Drainage Cost Allocation Plan

ZONING & PLANNING — **Z**
- ___ Annexation
- ___ County Submittal
- ___ EPC Submittal — **V**
- ___ Zone Map Amendment (Establish or Change Zoning)
- ___ Sector Plan **(Phase I, II, III)** — **P**
- ___ Amendment to Sector, Area, Facility or Comprehensive Plan — **P**
- ___ Text Amendment (Zoning Code/Sub Regs) — **P**
- ___ Street Name Change (Local & Collector) — **L**

APPEAL / PROTEST of... — **A**
- ___ Decision by DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals — **D**

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.

APPLICANT INFORMATION:

NAME: GHP LTD CO PHONE: 888-2288(ATT)
ADDRESS: 7600 PAN AMERICAN FWY NE FAX: ___
CITY: ALB STATE ___ ZIP ___ E-MAIL: ___
Proprietary interest in site: OWNER **List all owners:** GHP LTD CO
AGENT (if any): ___ PHONE: ___
ADDRESS: ___ FAX: ___
CITY: ___ STATE ___ ZIP ___ E-MAIL: ___

DESCRIPTION OF REQUEST: APPEAL OF DRB

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

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

Lot or Tract No. PORTION LOT 37 etc Block: ___ Unit: ___
Subdiv. / Addn. (see ARB #) 1003612
Current Zoning: SU2 R-LT Proposed zoning: ___
Zone Atlas page(s): J-9 No. of **existing** lots: ___ No. of **proposed** lots: ___
Total area of site (acres): ___ Density if applicable: dwellings per gross acre: ___ dwellings per net acre: ___
Within city limits? X Yes. No___, but site is within 5 miles of the city limits.) Within 1000FT of a landfill? ___
UPC No. ___ MRGCD Map No. ___
LOCATION OF PROPERTY BY STREETS: On or Near: ___
Between: ___ and ___

CASE HISTORY:

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

NONE

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

SIGNATURE [signature] DATE 8/17/06
(Print) Attorney for GHP Ltd Co ___ Applicant ___ Agent

FOR OFFICIAL USE ONLY Form revised 4/04

- ☐ 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
06CC-01198	DRB APPEAL A		$ 55.00
	ADV		$ 50.00
			$
			$
			$
			Total $ 105.00

Hearing date ___

Sandy Handley 08/17/06
Planner signature / date

Project # 1003612

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:
☐ DECISION OF THE ZONING HEARING EXAMINER

__ Project number of case being appealed; _____
__ Application number of case being appealed; _____
__ Reason for the appeal *
__ Appellant's basis of standing as an appellant *
__ Letter of authorization from the appellant if this application for appeal is submitted by an agent
__ Copy of the Official Notification of Decision regarding the matter being appealed
__ Fee (see schedule)

Appeal to the Landmarks and Urban Conservation Commission regarding:
☐ CERTIFICATE OF APPROPRIATENESS DECISION OF THE PLANNING DIRECTOR OR STAFF

__ Project number of case being appealed; _____
__ Application number of case being appealed; _____
__ Reason for the appeal *
__ Appellant's basis of standing as an appellant *
__ Letter of authorization from the appellant if this application for appeal is submitted by an agent
__ Copy of the Official Notification of Decision regarding the matter being appealed
__ Fee (see schedule)

Appeal to the Environmental Planning Commission regarding:
☐ DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER

__ Project number of case being appealed; _____
__ Application number of case being appealed; _____
__ Reason for the appeal *
__ Appellant's basis of standing as an appellant *
__ Letter of authorization from the appellant if this application for appeal is submitted by an agent
__ Copy of the Official Notification of Decision regarding the matter being appealed
__ Fee (see schedule)

Appeal to the City Council through the Land Use Hearing Officer regarding:
☐ ADMINISTRATIVE AMENDMENT OR DECISION OF THE PLANNING DIRECTOR OR STAFF
☐ DETERMINATION OR ACTION OF THE ENVIRONMENTAL PLANNING COMMISSION
☒ DETERMINATION OR ACTION OF THE DEVELOPMENT REVIEW BOARD
☐ ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL
☐ DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION

✓ Project number of case being appealed; 1003612
✓ Application number of case being appealed; 06DRB-00737 and 06DRB-00738 and 06DRB-00739
✓ Reason for the appeal * See Attachment
✓ Appellant's basis of standing as an appellant * See Attachment
__ Letter of authorization from the appellant if this application for appeal is submitted by an agent
✓ Copy of the Official Notification of Decision regarding the matter being appealed
✓ Fee (see schedule)

* Criteria for reasonable appeals and criteria for standing as an appellant are given in *Zoning Code §14-16-4-4*. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

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

GHP LTD, CO.
Applicant name (print)
By: MANAGER
8/14/06
Applicant signature / date

Form revised 10/04 & March 2005

☑ Checklists complete
☑ Fees collected
☑ Case #s assigned
☐ Related #s listed

Application case numbers
06CC-01198
-
-

Sandy Handley 08/16/06
Planner signature / date

Project # 1003612

ATTACHMENT

1. GHP LTD. CO. owns a portion of the property for which Applicant in its applications for Plat approval stated that it owns.

2. The Development Review Board vacated the street which gives access to the property owned by GHP LTD. CO. without the approval of the Appellant.

GHP LTD. CO.

By: _____
Philip Pickard, Manager

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.

OFFICIAL NOTICE OF DECISION

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.

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

PHILIP PICKARD

FACSIMILE TRANSMITTAL SHEET

TO: SUSAN SEGAL
FROM: PHILIP PICKARD

COMPANY:
DATE: 8-17-06

FAX NUMBER: 388-1635
TOTAL NO. OF PAGES INCLUDING COVER:

PHONE NUMBER:
SENDER'S REFERENCE NUMBER:

RE:
YOUR REFERENCE NUMBER

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

ENCLOSED ARE THE DEEDS FOR THE PROPERTIES WE OWN AT 98TH & I40 WE STILL OWN 1.6 ACRES THAT IS IN DISPUTE WITH DRAGONFLY AND 2.42 ACRES WE PURCHASED FROM THE DEPARTMENT OF TRANSPORTATION. ATTACH THIS TO THE DEAL TO BE DELIVERED TODAY.

CALL ME

PHILIP

7600 PAN AMERICAN FWY
ALBUQUERQUE, NM 87109
505.362.8200
505.856.6220 F

NEW MEXICO DEPARTMENT OF TRANSPORTATION
QUITCLAIM DEED

THIS INDENTURE, made and entered into this 3rd day of February, 20 06, by and between New Mexico Depatment of Transportation, party of the first part, and D.C.L.P Trust, party of the second part.

WITNESSETH: That the said party of the first part, for consideration paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents, demise, release and forever quitclaim, unto the said party of the second part and to its heirs and assigns, the following described strip, tract or parcel of land and real estate, lying, situate and being in the County of Bernalillo, State of New Mexico to wit:

A certain tract or parcel of land situate in projected Sections 16 and 17, Township 10 North, Range 2 East, N.M.P.M., within the Town of Atrisco Land Grant, City of Albuquerque, County of Bernalillo, New Mexico, being a portion of the existing (2005) right of way of Interstate Highway 40 and being more particularly described by metes and bounds as follows:

Commencing at a point on the curve connecting the easterly right of way line of 98th Street, Northwest to the present (2005) northerly right of way line of Interstate Highway 40 within the City of Albuquerque, County of Bernalillo, New Mexico, from which point NGS triangulation station "Reward", having New Mexico Coordinate System grid coordinates X=1,491,190.69, Y=1,487,364.03, Central Zone, NAD83, bears S25°03'31"W and 1038.85 feet distant;

Thence southeasterly a distance of 472.31 feet on the said northerly right of way of Interstate Highway 40 along the arc of a curve to the left having a radius of 680.59 feet, a central angle of 39°45'40" and a chord that bears S56°34'22"E a distance of 462.89 feet to a point of tangency;

Thence S76°27'12"E along the said northerly right of way of Interstate Highway 40 a distance of 202.44 feet to an angle point;

Thence S70°18'52"E along the said northerly right of way of Interstate Highway 40 a distance of 197.40 feet to a point of curvature;

Thence southeasterly a distance of 260.26 feet on the said northerly right of way of Interstate Highway 40 along the arc of a curve to the left having a radius of 719.41 feet, a central angle of 20°43'40" and a chord that bears S80°40'42"E a distance of 258.85 feet to a point of compound curvature;

Thence northeasterly a distance of 947.05 feet on the said northerly right of way of Interstate Highway 40 along the arc of a curve to the left having a radius of 2309.88 feet, a central angle of 23°29'25" and a chord that bears N77°13'13"E a distance of 940.43 feet to an angle point;

Thence N89°57'54"E a distance of 30.23 feet to the northeast corner of the parcel herein described;

Thence S58°47'58"W a distance of 505.65 feet to the southeast corner of the parcel herein described;

Thence N85°00'00"W a distance of 379.19 feet to an angle point;

Thence S83°26'44"W a distance of 89.88 feet to a point of curvature;

Thence northwesterly a distance of 328.36 feet along the arc of a curve to the right having a radius of 651.34 feet, a central angle of 28°53'03" and a chord that bears N82°06'43"W a distance of 324.89 feet to a point of reverse curvature;

(See reverse side)

Mary Herrera Bern. Co. QCD R 11.00
2006017758
Page: 1 of 2
02/07/2006 01:50P
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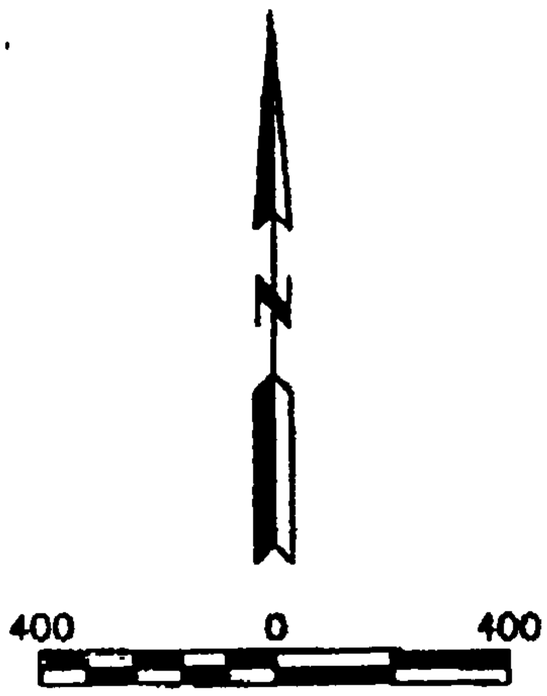
EXHIBIT "A"



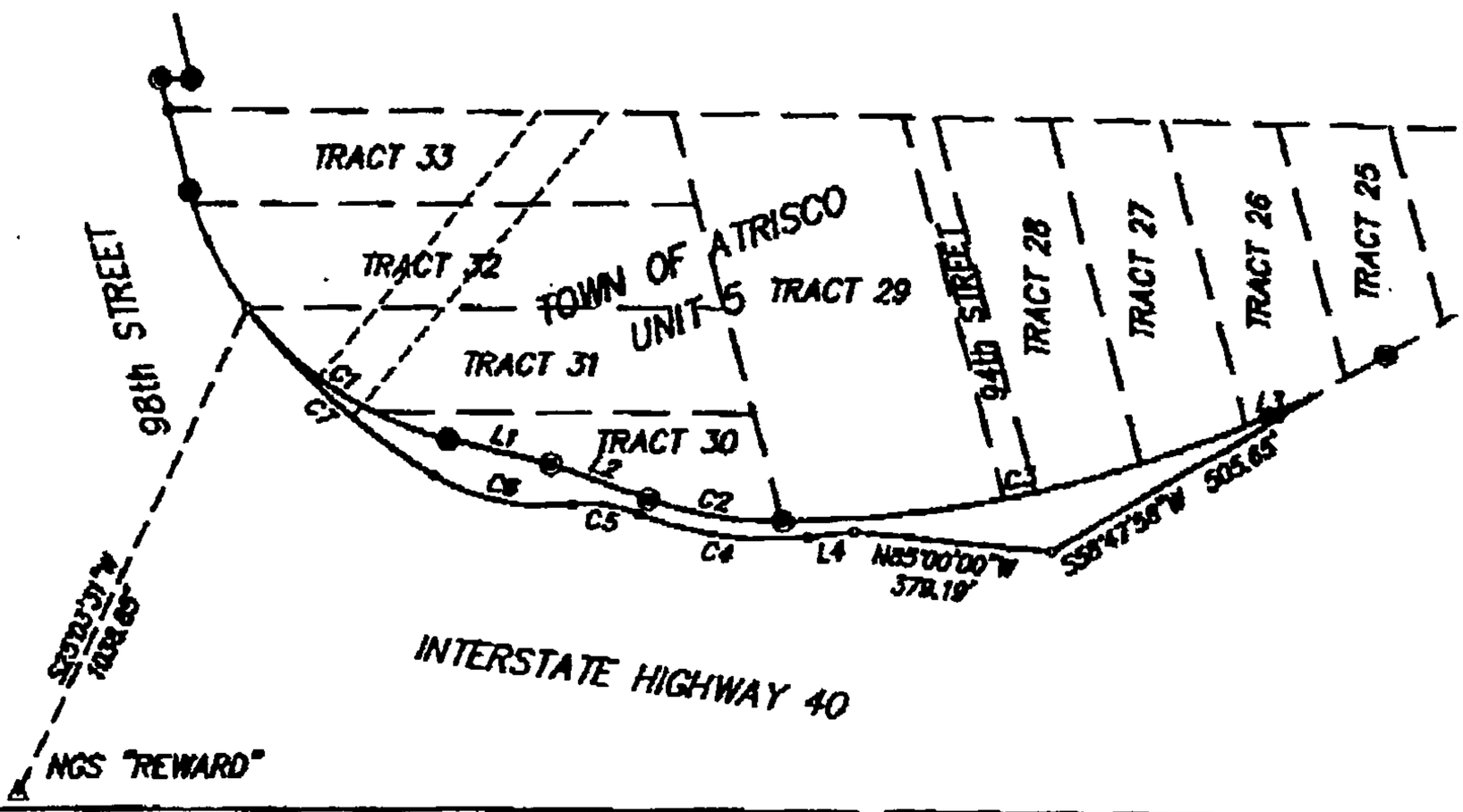
LEGEND

● N.M.D.O.T. BRASSCAP

• COMPUTED CORNER

NOTES

1) BEARINGS SHOWN ARE NEW MEXICO COORDINATE SYSTEM, CENTRAL ZONE, NAD83 GRID BEARINGS.
2) DISTANCES SHOWN ARE GROUND DISTANCES.



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	472.31'	680.59'	39°45'40"	S56°34'22"E	462.89'
C2	260.26'	719.41'	20°43'40"	S80°40'42"E	258.85'
C3	842.05'	2309.86'	23°29'25"	N77°13'13"E	840.43'
C4	328.36'	651.34'	28°53'03"	N82°06'43"W	324.89'
C5	128.67'	250.00'	29°28'55"	N82°24'29"W	127.20'
C6	277.36'	416.27'	38°10'55"	N78°03'27"W	272.26'
C7	466.01'	1250.00'	22°16'38"	N47°48'51"W	462.96'

LINE TABLE		
LINE	LENGTH	BEARING
L1	202.44'	S76°27'12"E
L2	197.40'	S70°16'52"E
L3	30.23'	N89°57'54"E
L4	89.05'	S83°26'44"W

SURVEYOR'S CERTIFICATION

I, PHILIP W. TURNER, A LAND SURVEYOR LICENSED IN ACCORDANCE WITH THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS EXHIBIT WAS PREPARED BY ME, OR UNDER MY DIRECT SUPERVISION, FROM THE RETURNS OF AN ACTUAL SURVEY PERFORMED ON THE GROUND ON JULY 3, 2004, THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT IT SATISFIES THE MINIMUM STANDARDS FOR SURVEYS AS DETERMINED BY THE NEW MEXICO BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS. THIS DOCUMENT IS NOT PLAT OF SURVEY, NOR A SUBDIVISION NOR A LAND DIVISION AS DEFINED BY THE NEW MEXICO SUBDIVISION STATUTE.

02-01-05

PHILIP W. TURNER *N.M.P.S. 10204* *DATE*

PHILIP W. TURNER NEW MEXICO No. 10204 REGISTERED PROFESSIONAL SURVEYOR

PREPARED BY:
TERRAMETRICS OF NEW MEXICO
P.O. BOX 30192
ALBUQUERQUE, NEW MEXICO 87190-0192
(505) 884-9087

Albuquerque Title Company
TI #247257BC

WARRANTY DEED

JOSEPH DAVIS, Sole Successor Trustee of the CHARLES DAVIS REVOCABLE TRUST, UNDER AGREEMENT DATED APRIL 13, 1996, as to an undivided 1/3 interest; JOSEPH DAVIS, a married man, as his sole and separate estate, as to an undivided 1/3 interest; and CHARLES DAVIS, JR., a single man, as to an undivided 1/3 interest, for consideration paid, grants to PHILIP PICKARD, Trustee of the Pickard Irrevocable Trust I *, whose address is 7600 Pan American Freeway, N.E., Albuquerque, New Mexico 87109, the following described real estate in Bernalillo County, New Mexico:

* Dated December 1st, 1995.

Beginning at the Southwest corner, a point on the Northeasterly Right-of-Way line of U.S. Highway I-40 at its interchange with 98th Street Northwest, whence New Mexico Highway Department Traverse Station I 40-22C, a brasscap in concrete at New Mexico Plane Co-ordinates X=351,570.46 and Y=1,486,959.08 (Central Zone) bears S. 09°15'16" W., 1050.42 feet distant, and the corner common to Sections 16, 17, 20 and 21, Township 10 North, Range 2 East, N.M.P.M., marked by a Whiteman Engineering Company brasscap in place, bears S. 28°09'02" E., 661.42 feet distant; Running from said beginning point N.00°24'15" E., leaving said Right-of-Way line, 42.95 feet to the Northwest corner of the parcel herein described; Thence S. 89°27'55" E., 1036.02 feet to the Northeast corner; Thence S. 00°24'15" W., 158.10 feet to the Southeast corner, a point on said northeasterly Right-of-Way line of U.S. Highway I-40; Thence Westerly and to the right, following a curve in said Right of-Way line having a radius of 2314.64 feet and a central angle of 8°40'20" (the chord of said curve running S. 83°21'40" W., 349.99 feet) a distance along the arc of 350.34 feet to a point of compounding of curve; Thence Westerly and to the right, following a curve in said Right-of-Way line having a radius of 718.31 feet and a central angle of 23°57'47" (the chord of said curve running N. 80°21'16" W., 298.24 feet) a distance along the arc of 300.42 feet to and of curve; Thence N. 71°01' W. along said Right-of-Way line, 199.89 feet; Thence N. 76°35'20" W., along said Right of Way line, 177.16 feet to a point of curve; Thence Northwesterly and to the right, following a curve in said Right of Way line having a radius of 680.51 feet and a central angle of 2°49'04" (the chord of said curve running N. 74°02'10" W., 33.46 feet) a distance along the arc of 33.47 feet to the point of beginning.

Subject to patent reservations, restrictions and easements of record and to taxes for the year 2003 and years thereafter.

with warranty covenants.

WITNESS our hands and seals this 6th day of March, 2003.

2004153334
Page: 1 of 3
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Mary Herrera Bern Co. NM R 13.00

CHARLES DAVIS REVOCABLE TRUST, UNDER AGREEMENT DATED APRIL 13, 1996

By: Joseph Davis, Trustee
JOSEPH DAVIS,
SOLE SUCCESSOR TRUSTEE

Joseph Davis
JOSEPH DAVIS, Individually

CHARLES DAVIS, JR.

ACKNOWLEDGMENT

STATE OF California)
)
COUNTY OF Santa Clara)

This instrument was acknowledged before me on March 7th, 2003, by JOSEPH DAVIS, a married man, individually and as Sole Successor TRUSTEE OF THE CHARLES DAVIS REVOCABLE TRUST, UNDER AGREEMENT DATED APRIL 13, 1996

MY COMMISSION EXPIRES:
April 22, 2004

Patricia Hill
NOTARY PUBLIC

STATE OF _____)
)
COUNTY OF _____)

This instrument was acknowledged before me on March _____, 2003, by CHARLES DAVIS, JR., a single man.

MY COMMISSION EXPIRES:
_____

_____
NOTARY PUBLIC

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Page: 2 of 3
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Mary Herrera Bern. Co. MD R 13.00

ESTATE OF CHARLES DAVIS

By: _____
JOSEPH DAVIS,
Personal Representative

_____
JOSEPH DAVIS, Individually

_____
CHARLES DAVIS, JR.

ACKNOWLEDGMENT

STATE OF _____)
)
COUNTY OF _____)

This instrument was acknowledged before me on March _____, 2003, by JOSEPH DAVIS, a married man, individually and as Personal Representative of the ESTATE OF CHARLES DAVIS.

MY COMMISSION EXPIRES:
_____

_____
NOTARY PUBLIC

STATE OF Missouri)
)
COUNTY OF Jackson)

This instrument was acknowledged before me on March 10, 2003, by CHARLES DAVIS, JR., a single man.

MY COMMISSION EXPIRES:
_____

DENNIS WALKER
Notary Public – State of Missouri
County Of Jackson
My Commission Expires Mar 29, 2008

_____
NOTARY PUBLIC

2004153334
Page: 3 of 3
11/01/2004 11:43A
Bk-A86 Pg-2998

Mary Herrera Bern. Co MD R 13.00

Return to: Albuquerque Title Company
TI # 247757

WARRANTY DEED

CHARLES E. BARNHART, joined by his spouse KATHLEEN BARNHART; THOMAS G. CORNISH, as Trustee of the Thomas G. Cornish and Marion W. Cornish Revocable Trust under Agreement dated April 8, 1999; and FALBA M. HANNETT, a widow and FALBA M. HANNETT, as Personal Representative on the Estate of George W. Hannett, for consideration paid, grant to PHILIP DAVID PICKARD, SR., as Trustee of the Pickard Irrevocable Trust III, under Trust Agreement dated December 31, 1995, whose address is 7600 Pan American Fwy, ALB NM 87109, the following described real estate in Bernalillo County, New Mexico.

A tract of land situate within the Sections 16 and 17, Township 10 North, Range 2 East, New Mexico Principal Meridian, Bernalillo County, New Mexico, being more particularly described by survey of Elder Company in 1974, with bearings related to the New Mexico Highway Department monumentation, as follows:
Beginning at the Northwest corner, a point which is the intersection of the Easterly line of 98th Street NW, with the Southerly of Ester Road NW, whence New Mexico Highway Department Traverse Station I-40-22C, a brass cap in concrete at New Mexico Plane Co-ordinates (Central Zone) X=351,570.46 and Y=1,486,959.88 bears S. 11°25'31" E., 1710.95 feet distant, and the corner common to Sections 16 and 17, 20 and 21, Township 10 North, Range 2 East, N.M.P.M., marked by a Whiteman Engineering Company brass cap in place, bears S. 33°49'39" E., 1472.82 feet distant;
Running from said beginning-point S. 89°35'51" E., along said Southerly line of Ester Road NW, 914.67 feet to the Northeast corner;
Thence S. 14°59'25" E., leaving said road line, 617.21 feet to the Southeast corner, a point on the Northerly boundary of land of Charles Davis, originally known as the "Armijo" tract;
Thence N. 89°27'55" W., along said tract line, 566.16 feet to the Northwest corner thereof;
Thence S. 00°24'15" W., along the Westerly boundary of said Davis tract, 42.95 feet to a point on the Northeasterly right-of-way line of U.S. Highway I-40 at its interchange with 98th Street NW;
Thence Northwesterly and to the right, following a curve in said right-of-way line having a radius of 656.51 feet and a central angle of 58°02'34" (the chord of said curve running N. 44°38'38" W., 660.04 feet) a distance along the arc of 689.38 feet to end of curve;
Thence N. 14°54'45" W., along the Easterly line of 98th Street NW, 175.50 feet to the point of beginning.

Subject to lack of ingress and egress.

Subject to reservations, restrictions and easements of record, and to property taxes for the current year and all subsequent years.

with warranty covenants.

WITNESS our hands and seals this 1st day of October, 2004.

CHARLES E. BARNHART

KATHLEEN BARNHART

THOMAS G. CORNISH, Trustee of the Thomas G. Cornish and Marion W. Cornish Revocable Trust

FALBA M. HANNETT

FALBA M. HANNETT, as Personal Representative of the Estate of George W. Hannett, deceased

2004153335
Page: 1 of 1
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Bk-A86 Pg-2988
Mary Herrera Bern. Co. NM R 9.00

ACKNOWLEDGMENT

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

This instrument was acknowledged before me on October 1, 2004 by Charles E. Barnhard, joined by his spouse Kathleen Barnhart, Thomas G. Cornish, as Trustee of the Thomas G. Cornish and Marion W. Cornish Revocable Trust under Agreement dated April 8, 1999, Falba M. Hannett, a widow, individually and as Personal Representative of the Estate of George W. Hannett, deceased

Notary Public

My Commission Expires: 7/12/05

ONE STOP SHOP
CITY OF ALBUQUERQUE PLANNING DEPARTMENT
Development & Building Services

PAID RECEIPT

APPLICANT NAME GHP LTD CO

AGENT "

ADDRESS 7600 PAN AMERICAN FWY NE

PROJECT & APP # 1003612/06CC01198

PROJECT NAME

$ _____ 441032/3424000 Conflict Management Fee

$ _____ 441006/4983000 DRB Actions

$ 55.00 441006/4971000 EPC/AA/LUCC Actions & All Appeals CC

$ 50.00 441018/4971000 Public Notification

_____ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY***
( )Major/Minor Subdivision ( )Site Development Plan ( )Bldg Permit
( ) Letter of Map Revision ( )Conditional Letter of Map Revision
( ) Traffic Impact Study

$ 105.00 TOTAL AMOUNT DUE

***NOTE: *If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an* additional charge.

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION
- S — X — Major Subdivision action
- S — ___ — Minor Subdivision action
- V — X — Vacation
- V — X — Variance (Non-Zoning)

SITE DEVELOPMENT PLAN
- P — ___ — for Subdivision Purposes
- P — ___ — for Building Permit
- P — ___ — IP Master Development Plan
- P — ___ — Cert of Appropriateness (LUCC)

STORM DRAINAGE
- D — ___ — Storm Drainage Cost Allocation Plan

ZONING & PLANNING
- Z — ___ — Annexation
- Z — ___ — County Submittal
- Z — ___ — EPC Submittal
- Z — ___ — Zone Map Amendment (Establish or Change Zoning)
- P — ___ — Sector Plan **(Phase I, II, III)**
- P — ___ — Amendment to Sector, Area, Facility or Comprehensive Plan
- P — ___ — Text Amendment (Zoning Code/Sub Regs)
- P — ___ — Street Name Change (Local & Collector)

APPEAL / PROTEST of...
- L, D, A — ___ — 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

APPLICANT INFORMATION:

NAME: Dragonfly Development, Inc. PHONE 291-0353
ADDRESS: 12809 Donette Court NE FAX: 293-3580
CITY: Albuquerque STATE NM ZIP 87112 E-MAIL:
Proprietary interest in site: Owner List **all** owners
AGENT (if any) Thompson Engineering Consultants, Inc PHONE: 271-2199
ADDRESS P.O. Box 65760 FAX: 830-9248
CITY: Albuquerque STATE NM ZIP 87193 E-MAIL: tecnm@yahoo.com

DESCRIPTION OF REQUEST: Preliminary Plat Review, Vacation of Public Right-of-way, Sidewalk Deferral

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

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

Lot or Tract No Lot 37 Block: ___ Unit ___
Subdiv. / Addn Town of Atrisco Grant
Current Zoning: SU-2/R-LT Proposed zoning.
Zone Atlas page(s) J-9 No of **existing** lots: 1 No. of **proposed** lots: 41
Total area of site (acres): 6.42 Density if applicable: dwellings per gross acre. 6.4 dwellings per net acre
Within city limits? X Yes No___, but site is within 5 miles of the city limits) Within 1000FT of a landfill? NO
UPC No. 100905804009230902 MRGCD Map No.
LOCATION OF PROPERTY BY STREETS: On or Near: ~~Eubar~~ Endee Road N.W
Between 98th Street N.W. and 94th Street NW

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 04DRB 01868

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

SIGNATURE David B. Thompson DATE 5-26-06
(Print) David B. Thompson ___ Applicant X Agent

FOR OFFICIAL USE ONLY Form revised 4/04

- ☐ **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

06 DRB - ___ - 00737	PP	S(2)	$ 1560.00
06 DRB - ___ - 00738	VRW	___	$ 300.00
06 DRB - ___ - 00739	TDS	___	$ Ø
___ - ___ - ___	CMF	___	$ 20.00
___ - ___ - ___	Adv	___	$ 75.00
		Total	$ 1955.00

Hearing date June 21, 2006

Andrew Garcia 3-26-06 -15- Project # 1003612

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

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

☒ **MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL**

- ✓ Proposed Preliminary Plat including the Grading Plan (folded to fit into an 8.5" by 14" pocket) **24** copies
- ✓ Proposed Infrastructure List
- ✓ Design elevations & cross sections of perimeter walls **3 copies** (11" x 17" maximum)
- ✓ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ✓ Letter briefly describing, explaining, and justifying the request
- ✓ Property owner's and City Surveyor's signature on the proposed plat
- ✓ FORM-DRWS Drainage Report, Water & Sewer availability statement filing information
- ✓ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- ✓ Sign Posting Agreement
- W **Signed** Pre-Annexation Agreement if Annexation required.
- ✓ TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
- ✓ Fee (see schedule)
- __ Any original and/or related file numbers are listed on the cover application

Preliminary plat approval expires after one year.
DRB Public hearings are approximately ONE MONTH after the filing deadline **Your attendance is required.**

☐ **MAJOR SUBDIVISION AMENDMENT TO PRELIMINARY PLAT (with significant changes)**
☐ **MAJOR SUBDIVISION AMENDMENT TO INFRASTRUCTURE LIST (with significant changes)**
☐ **MAJOR SUBDIVISION AMENDMENT TO GRADING PLAN (with significant changes)**

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

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

Amended preliminary plat approval expires after one year
DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

☐ **MAJOR SUBDIVISION EXTENSION OF SUBDIVISION IMPROVEMENTS AGREEMENT**
(Temporary sidewalk deferral uses FORM-V)

- __ **1** copy of each of the following items
- __ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- __ Letter briefly describing, explaining, and justifying the request
- __ Plat or plan reduced to 8 5" x 11"
- __ Official D R B. Notice of the original approval
- __ Approved Infrastructure List If not applicable, please initial. _____
- __ Previous SIA extension notice, if one has been issued If not applicable, please initial. _____
- __ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- __ Sign Posting Agreement
- __ Any original and/or related file numbers are listed on the cover application
- __ Fee (see schedule)

DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required

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

David B Thompson
Applicant name (print)

Applicant signature / date 5-26-06

Form revised 11/04 and **JUNE 05**

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

Application case numbers
06 DRB - _____ - 00737
_____ - _____ - _____
_____ - _____ - _____

Andrew Garcia 3/26/06
Planner signature / date

Project # 1003612

FORM V: SUBDIVISION VARIANCES & VACATIONS

☐ **BULK LAND VARIANCE** **(Public Hearing Case)**

- ☐ Application for subdivision (Plat) on FORM S-3, including those submittal requirements. Variance and subdivision should be applied for simultaneously. (**24** copies)
- ☐ Letter briefly describing and explaining: the request, compliance with criteria in the Development Process Manual, and any 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) Fee is for Variance. Plat fee is listed on FORM-S
- ☐ Any original and/or related file numbers are listed on the cover application

DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

☑ **VACATION OF PUBLIC RIGHT-OF-WAY**

☐ **VACATION OF PUBLIC EASEMENT**

- ☑ The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24** copies (Not required for dedicated and City owned public right-of-way)
- ☑ Drawing showing the easement or right-of-way to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) **24** copies
- ☑ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☑ 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)
- ☐ Any original and/or related file numbers are listed 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 ONE MONTH after the filing deadline. **Your attendance is required.**

☐ **SUBDIVISION DESIGN VARIANCE (VARIANCE FROM MINIMUM STANDARDS OF THE DEVELOPMENT PROCESS MANUAL)**

☐ **SIDEWALK DESIGN VARIANCE**

☐ **SIDEWALK WAIVER**

- ☐ Scale drawing showing the proposed variance or waiver (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings These actions are not approved through internal routing.
- ☐ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☐ Letter briefly describing, explaining, and justifying the variance or waiver
- ☐ Any original and/or related file numbers are listed on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

☑ **TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**

☐ **EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**

- ☑ Drawing showing the sidewalks subject to the proposed deferral or extension (folded to fit into an 8 5" by 14" pocket) **6** copies for unadvertised meetings. These actions are not approved through internal routing.
- ☑ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☑ Letter briefly describing, explaining, and justifying the deferral or extension
- ☑ Any original and/or related file numbers are listed on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

☐ **VACATION OF PRIVATE EASEMENT**

- ☐ The complete document which created the private easement (folded to fit into an 8 5" by 14" pocket) **6** copies for unadvertised meetings These actions are not approved through internal routing.
- ☐ Scale drawing showing the easement to be vacated, its relation to existing streets, etc (folded to fit into an 8 5" by 14" pocket) **6** copies
- ☐ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☐ Letter briefly describing, explaining, and justifying the vacation
- ☐ Letter of authorization from the grantors and the beneficiaries
- ☐ Fee (see schedule)
- ☐ Any original and/or related file numbers are listed 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.

David B Thompson
Applicant name (print)

David B Thompson 5-26-06
Applicant signature / date

Form revised April 2003

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

Application case numbers
06 DRB - - 00738
06 DRB - - 00739
- - -

Andrew Garcia 3/24/06
Planner signature / date

Project # 1003612

-17-

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of $3.75 each.

1. LOCATION

   A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
   B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
   C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

   A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
   B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

   A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
   B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from June 6, 2006 To June 21, 2006

5. REMOVAL

   A. The sign is not to be removed before the initial hearing on the request.
   B. The sign should be removed within five (5) days after the initial hearing.

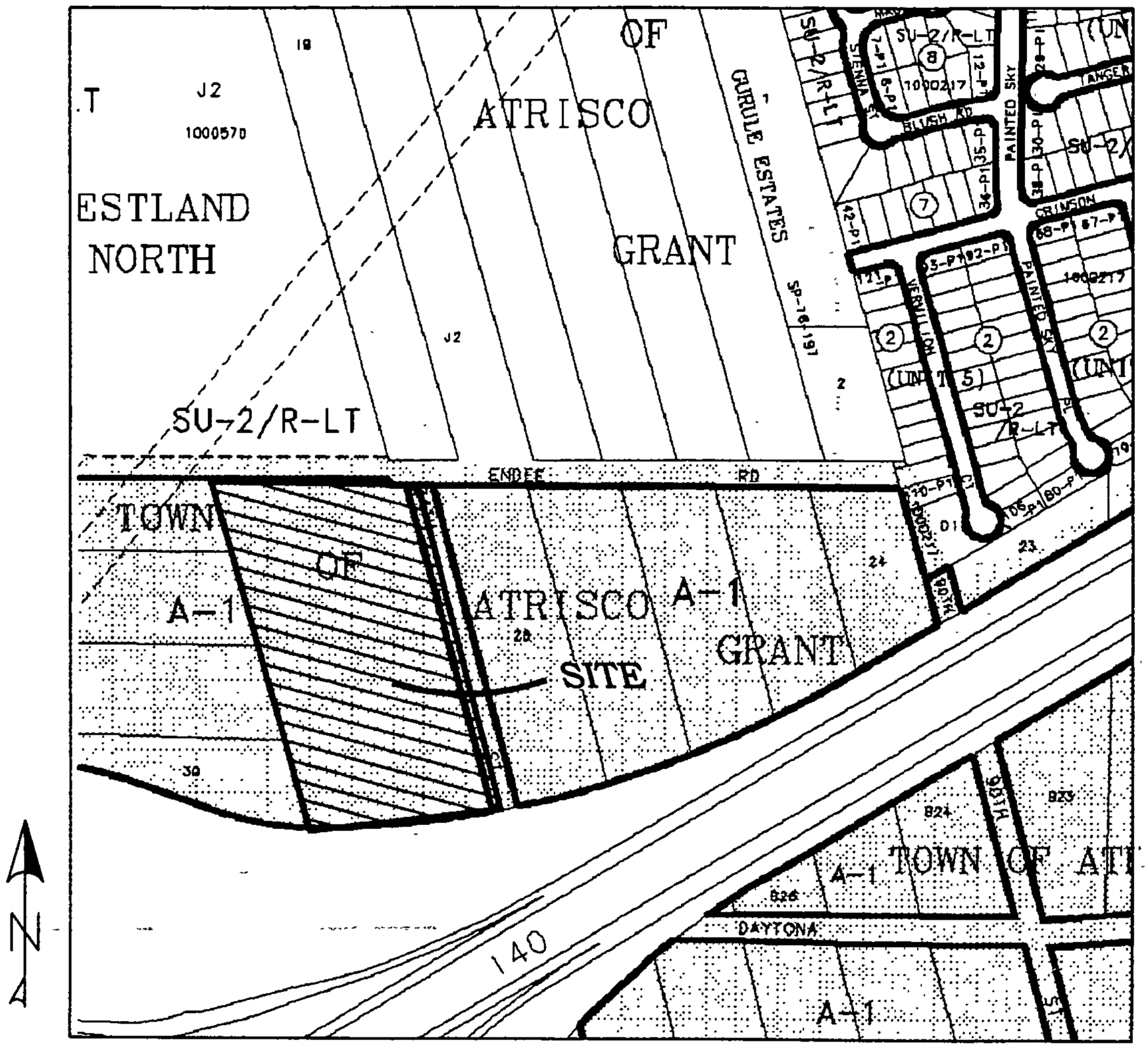
I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

_____ 5-26-06
(Applicant or Agent) (Date)

I issued 2 signs for this application, May 26, 2006 _____
(Date) (Staff Member)

DRB PROJECT NUMBER: 1003612

Rev. 1/11/05



VICINITY MAP : J-9-Z

THOMPSON Engineering Consultants, Inc.

May 26, 2006

Ms. Sheran Matson
Development Services
Planning Department
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

Re: SUBMITTAL OF PRELIMINARY PLAT, VACATION OF PUBLIC ROW, AND SIDEWALK DEFERRAL FOR SUNDORO SOUTH UNIT 9 SUBDIVISION (DRB 1003612)

Dear Ms. Matson:

Enclosed please find an application and all required enclosures for Preliminary Plat, Vacation of Public ROW, and Sidewalk Deferral submittal for the Sundoro South Unit 9 Subdivision. The proposed subdivision will have 41 residential lots. The property is currently zoned SU-2/R-LT and is included in the Westland Sector Development Plan.

We are requesting the vacation of 30 foot-wide public right-of-way of 94th Street from Endee Road to Silica Avenue. Westland Development vacated the eastern 30 feet of right-of-way with the filing of Sundoro South Unit 6.

The submittal also includes a request for deferral of sidewalks within the subdivision. The sidewalk construction deferral will consist of all sidewalks within the subdivision at the front of the lots. The deferral is requested so that the sidewalks are not damaged during the construction of the individual homes.

If you should have any questions, please call me at 271-2199.

Sincerely,

David B. Thompson, P.E.

P.O. Box 65760 • Albuquerque, NM 87193 • (505) 271-2199 • Fax (505) 830-9248

FORM DRWS: DRAINAGE REPORT / WATER & SEWER AVAILABILITY

THIS FORM IS REQUIRED WITH THE DEVELOPMENT REVIEW BOARD APPLICATION FOR MAJOR SUBDIVISIONS AND SITE DEVELOPMENT PLANS.

PROJECT NAME Shadoro South Unit 9

AGIS MAP # J-9

LEGAL DESCRIPTION Tract 37, Town of Atrisco Grant

____ **DRAINAGE REPORT**

A drainage report, as per the Drainage Ordinance, was submitted to the City of Albuquerque Public Works Department, Hydrology Division (2nd floor Plaza del Sol) on 7-21-05 [date].

Applicant / Agent — 5-24-06 Date

Hydrology Division Representative — 5/24/06 Date

____ **WATER AND SEWER AVAILABILITY STATEMENT**

A Water and Sewer Availability Statement for this project was requested from the City of Albuquerque Utilities Development Division (2nd floor Plaza del Sol) on 12-1-04 [date].

Applicant / Agent — 5-24-06 Date

Utilities Division Representative — 5/24/06 Date

DRB#____-____

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.

ALBUQUERQUE
Making History

City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

May 23, 2006

David Thompson
Thompson Engineering Consulting
P.O. Box 65160/87193
Phone: 271-2199/Fax: 830-9248

Dear David:

Thank you for your inquiry of **May 23, 2006** requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **A TRACT SITUATED IN TRACTS 31 AND 32 OF TOWN OF ATRISCO GRANT LOCATED ON 94TH STREET NW BETWEEN ERDEE ROAD NW AND INTERSTATE 40 FREEWAY** zone map **J-9**

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

PARKWAY N.A. (PKW) "R"
***Bonita Powe-Morgan**
8032 Waterbury Ave. NW/87120 831-1357 (h)
Palmira Perea-Hay
8039 Waterbury NW/87120 839-8123 (h)

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

Sincerely,

Stephani Winklepleck
Neighborhood Program Coordinator
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD ASSOCIATION.

planningrnaform(10/08/05)

NOTICE TO APPLICANTS

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

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

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

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

* *

(below this line for ONC use only)

Date of Inquiry: **05/23/06** Time Entered: **1:15 p.m.** ONC Rep. Initials: **SW**

7003 2260 0007 2297 4573

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

ALBUQUERQUE, NM 87120

Postage	$ 0.39	UNIT ID: 0118
Certified Fee	2.40	Postmark Here
Return Receipt Fee (Endorsement Required)	1.85	MAY 25 2006
Restricted Delivery Fee (Endorsement Required)		Clerk: KVBOQG
Total Postage & Fees	$ 4.64	05/25/06

R.J. PINO STA ALBUQUERQUE

Sent To: Ms. Bonita Rowe-Morgan
Street, Apt. No.; or PO Box No.: 8032 Waterbury Ave. NW
City, State, ZIP+4: Albuquerque, NM 87120

7003 2260 0007 2297 4566

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

ALBUQUERQUE, NM 87120

Postage	$ 0.39	UNIT ID: 0118
Certified Fee	2.40	Postmark Here
Return Receipt Fee (Endorsement Required)	1.85	MAY 25 2006
Restricted Delivery Fee (Endorsement Required)		Clerk: KVBOQG
Total Postage & Fees	$ 4.64	05/25/06

R.J. PINO STA ALBUQUERQUE

Sent To: Ms. Palmira Perea-Hay
Street, Apt. No.; or PO Box No.: 8039 Waterbury Ave. NW
City, State, ZIP+4: Albuquerque, NM 87120

THOMPSON Engineering Consultants, Inc.

May 25, 2006

Ms. Bonita Powe-Morgan
Parkway Neighborhood Association
8032 Waterbury Ave. NW
Albuquerque, NM 87120

RE: SUNDORO SOUTH UNIT 9 SUBDIVISION PRELIMINARY PLAT
VACATION OF PUBLIC RIGHT-OF-WAY REVIEW

Dear Ms. Powe-Morgan:

We are writing to you on behalf of our client, Dragonfly Development, Inc. Our client seeks to develop a 41 lot subdivision. The location of the site is between Interstate 40 and Endee Road NW just west of 94th Street (please refer to enclosed vicinity map). This submittal also includes the vacation of a portion of 94th Street. The subdivision and vacation is scheduled to be heard before the City of Albuquerque Development Review Board on Wednesday, June 21, 2006.

If you should have any questions please call me at 271-2199.

Sincerely,

David B. Thompson, PE

P.O. Box 65760 • Albuquerque, NM 87193 • (505) 271-2199 • Fax (505) 830-9248

THOMPSON Engineering Consultants, Inc.

May 25, 2006

Ms. Palmira Perea-Hay
Parkway Neighborhood Association
8039 Waterbury Ave. NW
Albuquerque, NM 87120

RE: SUNDORO SOUTH UNIT 9 SUBDIVISION PRELIMINARY PLAT
VACATION OF PUBLIC RIGHT-OF-WAY REVIEW

Dear Ms. Perea-Hay:

We are writing to you on behalf of our client, Dragonfly Development, Inc. Our client seeks to develop a 41 lot subdivision. The location of the site is between Interstate 40 and Endee Road NW just west of 94th Street (please refer to enclosed vicinity map). This submittal also includes the vacation of a portion of 94th Street. The subdivision and vacation is scheduled to be heard before the City of Albuquerque Development Review Board on Wednesday, June 21, 2006.

If you should have any questions please call me at 271-2199.

Sincerely,

David B. Thompson, PE

P.O. Box 65760 • Albuquerque, NM 87193 • (505) 271-2199 • Fax (505) 830-9248

CITY OF *ALBUQUERQUE*

TRAFFIC IMPACT STUDY (TIS) / ENVIRONMENTAL HEALTH INFORMATION FORM

APPLICANT: DRAGONFLY DEV LLC **Date of request:** 10/7/04 **Zone atlas page(s):** J-9

CURRENT:
Zoning COUNTY A-1 **Legal Description -**
Lot or Tract # _____ Block #_____

Parcel Size (acres / sq.ft.) 6.4 acres Subdivision Name_____

REQUESTED CITY ACTION(S): ESTABLISHMENT OF RLT

Annexation	[X]	Sector Plan	[ ]	Site Development Plan:		Building Permit	[ ]
Comp. Plan		Zone Change	[ ]	a) Subdivision	[ ]	Access Permit	[ ]
Amendment	[ ]	Conditional Use	[ ]	b) Build'g Purposes	[ ]	Other	[ ]
				c) Amendment	[ ]		

PROPOSED DEVELOPMENT: **GENERAL DESCRIPTION OF ACTION:** [1]

No construction / development [ ] # of units - 45
New Construction [X] Building Size - _____(sq. ft.)
Expansion of existing development [ ]

Notes: 1. Changes made to development proposals / assumptions, from the information provided above, may change the TIS or AQIA analysis requirements.

Applicant or Representative [signature] Date 10/7/04
(To be signed upon completion of processing by Traffic Engineer and Environmental Health)

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [ ] NO [X] BORDERLINE [ ]
Planning Dept., Dev. & Bldg. Services Div., Transportation Dev. Section - 2nd FL. 600 2nd St. NW Plaza del Sol Bldg. 924-3994

THRESHOLDS MET? YES [ ] NO [X] Mitigating reasons for not requiring TIS: Previously studied:
Notes:

IF A TIS IS REQUIRED: A scoping meeting (as outlined in the Development Process Manual) must be held to define the level of analysis needed and the parameters of the study. **Any subsequent changes to the development proposal identified above may require an update or new TIS.**

[signature] 10-7-04
TRAFFIC ENGINEER DATE

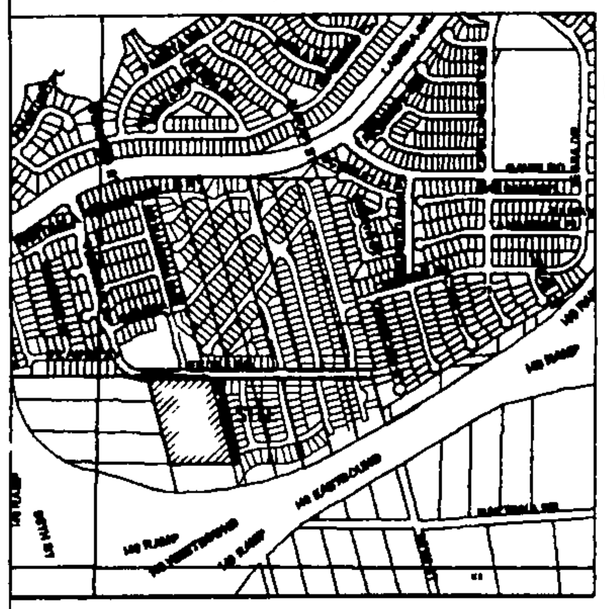
Per letter dated August 7, 2003 from the Director of the Environmental Health Department to the Director of the Planning Department, "all 5 CO monitors within Bernalillo County are yielding 8-hour average CO levels at less than 50% of the Federal CO standard ..." and "based on our review of the available scientific data, we do not foresee a circumstance where preparation of a detailed air quality study for a land use development will be warranted - regardless of the project size, location or traffic generated".

Required TIS **must be completed prior to applying to the EPC.** Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS - SUBMITTED ___/___/___ _____ _____
- FINALIZED ___/___/___ TRAFFIC ENGINEER DATE

-26- -27-

VICINITY MAP (J-9) NO SCALE



SUBDIVISION DATA

1 DRB Proj. No.
2. Zone Atlas Index No J-9
3 Current Zoning SU-2/R-LT
4. Gross acreage 7.0649 Acres
5 Total Number of Lots created - 41 residential
6 No. of existing tracts: 3
7 Miles of full width streets created: 0.26 mi.
Miles of partial width streets created: 0.12 mi
Area of streets dedicated to City of Albuquerque: 1.7812 Ac
8. Date of Survey: July, 2005
9. TALOS LOG NO: 2005324186

PURPOSE OF PLAT

The purpose of this plat is to replat three tracts into forty-one residential lots and four tracts, dedicate public right of way and grant easements.

NOTES

1. Bearings are Grid Bearings, Central Zone, NAD 1927, based upon NMSHD MONUMENT "1-40-21A" and NGS MONUMENT "REWARD"
2. All distances are ground
3 Monuments recovered and accepted or set are noted on plat.
4 Record bearings in parenthesis. Record bearings from the following sources:
a. Description contained in Quitclaim Deed, Doc. No. 84 74711, filed September 28, 1984
b. SUNDORO SOUTH SUBDIVISION UNIT 1, filed July 28, 2004; Book 2004C, page 228
c Plat showing a portion of Tracts Allotted from TOWN OF ATRISCO GRANT, filed December 5, 1944; Vol D, folio 117
5 Ten feet (10') Public Utility Easement along all street rights of way is hereby granted with the filing of this plat.

FOR BERNALILLO COUNTY TREASURER'S OFFICE USE ONLY

THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND PAID ON

UPC# 1 008 058 040 082 30902

PROPERTY OWNER OF RECORD:

BERNALILLO COUNTY TREASURER'S OFFICE

COUNTY CLERK RECORDING LABEL HERE

DESCRIPTION

A tract of land in Albuquerque, Bernalillo County, New Mexico, within projected Section 16, Township 10 North, Range 2 East, N.M.P.M., said tract being and comprising the following lots and parcels:
an Unplatted tract a.k.a., "Lands of Griego" as the same is described in a Quitclaim Deed filed on September 28, 1984, as Document No. 84747711, records of Bernalillo County, New Mexico, an Unplatted parcel of land adjoining the North side of the "Lands of Griego", said parcel being undedicated and being known as "Endee Road" as it appears on County Zone Atlas Sheet J-9, and the West one-half of Ninety-fourth Street, NW, and being more particularly described as follows:

BEGINNING at a point on the North line of said tract, from which point NMSHD Monument "1-40-21A" (x = 354594.87, y = 1488788.30, New Mexico State Plane Grid Coordinates, Central Zone, NAD 1927), bears N 84°46'13" E, a ground distance of 2020.00 feet, and running from said beginning point along the Northerly line of said tract thence, S 89°48'05" E, a distance of 31.12 feet to the Northeast corner of the herein described tract, said point being on the Centerline of 94th Street;
thence, following the centerline of said street, S 15°11'39" E, a distance of 818.33 feet to the Southeast corner of the herein described tract;
thence, N 89°40'08" W, a distance of 501.01 feet to the Southwest corner of the herein described tract,
thence, N 15°11'39" W, a distance of 617.24 feet to an angle point,
thence, along a curve to the right having a radius of 208.00 feet, a central angle of 23°42'50", chord bearing N 76°58'42" W 85.48 feet, an arc length of 86.09 feet to the Northwest corner of the herein described tract;
thence, S 89°48'05" E, a distance of 519.38 feet,
thence, S 15°20'22" E, a distance of 14.79 feet,
thence, S 89°48'05" E, a distance of 28.29 feet;
thence, S 15°00'46" E, a distance of 4.92 feet to the place of beginning, containing 7.0649 acres, more or less.

FREE CONSENT AND DEDICATION

The subdivision hereon described is with the free consent and in accordance with the desires of the undersigned owner(s) and/or proprietor(s) thereof and said owner(s) and/or proprietor(s) do hereby grant: all access, utility and drainage easements shown hereon including the right to construct, operate, inspect, and maintain facilities therein; and all public utility easements shown hereon for the common and joint use of gas, electrical power and communication services for buried distribution line, conduits, and pipes for underground utilities where shown or indicated, and including the right of ingress and egress for construction and maintenance, and the right to trim interfering trees and shrubs. Said owner(s) and/or proprietor(s) do hereby consent to all of the foregoing and do hereby certify that this subdivision is their free act and deed. Said owner(s) warrant that they hold among them complete and indefeasible title to the land subdivided

Phillip Lindberg, Authorized representative of Dragonfly Development Inc. a New Mexico Corporation.

Notary Public

PRELIMINARY PLAT APPROVAL:

Glen B. Rankin, PS, City Surveyor, City of Albuquerque — Date 5/25/06

PRELIMINARY PLAT OF

SUNDORO SOUTH SUBDIVISION UNIT 9

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO

WITHIN THE TOWN OF ATRISCO GRANT
PROJECTED SECTION 16, T. 10 N., R. 2 E., NMPM

MAY 2006

PRELIMINARY PLAT APPROVED BY DRB ON 4/12/06

PROJECT NUMBER: x
Application Number: x

Utility Approvals:

PNM Electric Services	Date
PNM Gas Services	Date
Qwest Telecommunications	Date
Comcast Cable	Date

City Approvals:

City Surveyor	Date
Real Property Division	Date
Environmental Health Department	Date
Traffic Engineering, Transportation Division	Date
Water Utility Department	Date
Parks and Recreation Department	Date
AMAFCA	Date
City Engineer	Date
DRB Chairperson, Planning Department	Date

SURVEYOR'S CERTIFICATE

I, Thomas D. Johnston, licensed as a Professional Surveyor under the laws of the State of New Mexico, do hereby certify that this plat was prepared by me or under my supervision, that I am responsible for this plat, that it shows all easements of the recorded plat and made known to me by the title company, utility companies or by the owner of record, meets the minimum standards for monumentation and surveys of the Albuquerque Subdivision Ordinance, and meets the Minimum Standards for Land Surveys as adopted by the New Mexico State Board of Registration for Professional Engineers and Surveyors, effective October 1, 2000 and is true and correct to the best of my knowledge and belief

Thomas D. Johnston, N.M.P.S. No. 14288 — Date

THOMAS D. JOHNSTON NEW MEXICO 14288 REGISTERED LAND SURVEYOR

WAYJOHN SURVEYING INC
330 LOUISIANA BLVD., N.E.
ALBUQUERQUE, N.M. 87108
PHONE: (505) 255-2052 FAX: (505) 255-2867

RECORDING INFORMATION FOR COUNTY CLERK OWNER: PLANNED INVESTMENT PROPERTIES LOCATION: SECTION 16 T 10 N., R. 2 E., N.M.P.M. SUBDIVISION: SUNDORO SOUTH UNIT 9	DRAWN: E W K	SCALE: N/A	FILE NO. SP-6-02-2005
	CHECKED: T D J		
	DRAWING NO. SP60205 DWG	3 MAY 2006	SHEET 1 OF 5

-28-

-29-

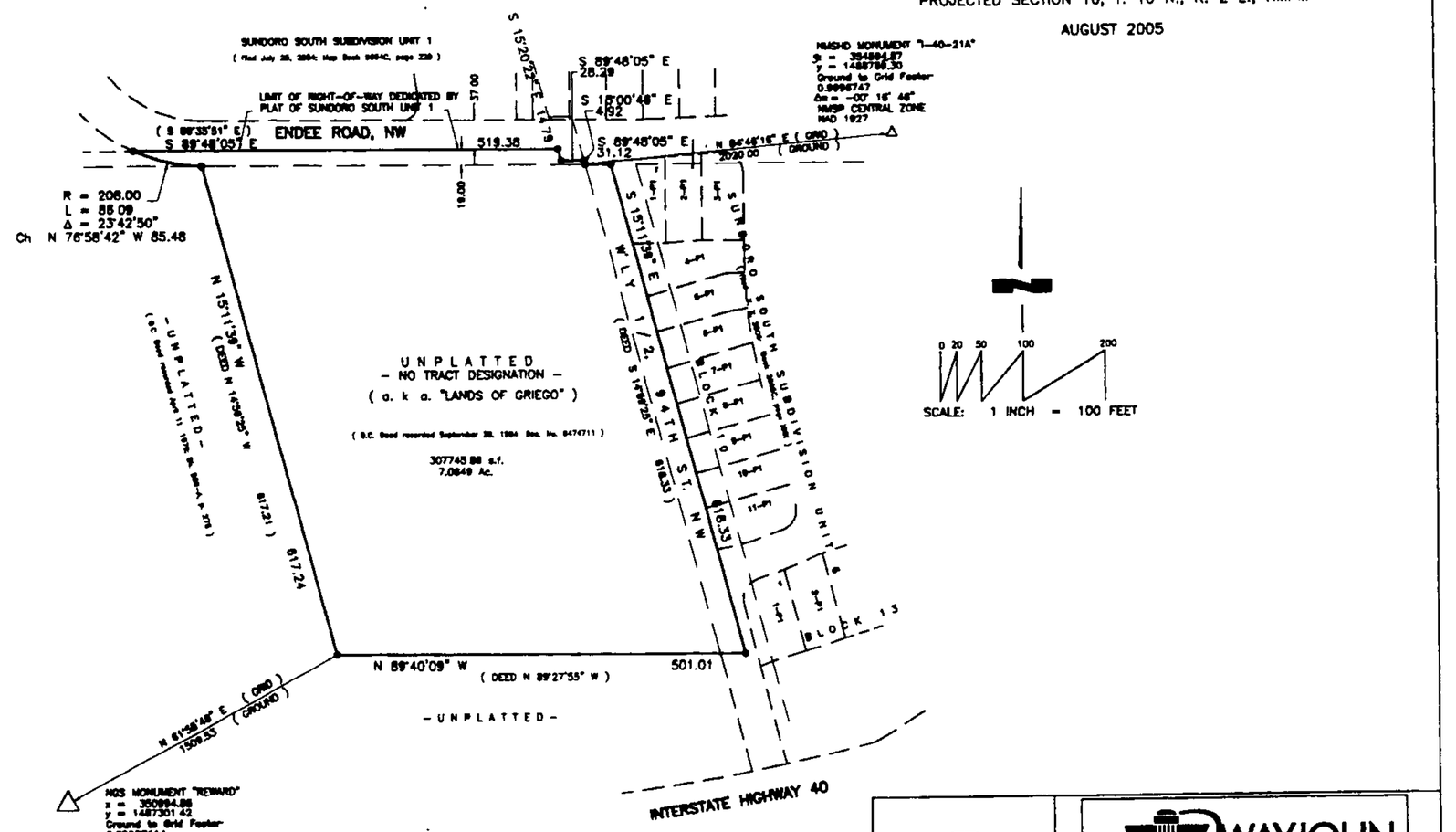
COUNTY CLERK RECORDING LABEL HERE

PRELIMINARY PLAT OF
SUNDORO SOUTH SUBDIVISION UNIT 9

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO

WITHIN THE TOWN OF ATRISCO GRANT
PROJECTED SECTION 16, T. 10 N., R. 2 E., NMPM

AUGUST 2005



THOMAS D. JOHNSTON NEW MEXICO 14269 REGISTERED LAND SURVEYOR

WAYJOHN SURVEYING INC
330 LOUISIANA BLVD., N.E.
ALBUQUERQUE, N.M. 87108
PHONE: (505) 255-2052 FAX: (505) 255-2867

RECORDING INFORMATION FOR COUNTY CLERK
OWNER:
PALMETTO INVESTMENT PROPERTIES
LOCATION SECTION 16
T. 10 N., R. 2 E., N.M.P.M.
SUBDIVISION SUNDORO SOUTH UNIT 9

DRAWN: E W K	SCALE:	FILE NO.
CHECKED: T D J	1" = 100'	SP 6-02-2005
Drawing No. SP60205.DWG	3 MAY 2006	SHEET 2 OF 5

-30-

COUNTY CLERK RECORDING LABEL HERE

PRELIMINARY PLAT OF
SUNDORO SOUTH SUBDIVISION
UNIT 9
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
WITHIN THE TOWN OF ATRISCO GRANT
PROJECTED SECTION 16, T. 10 N., R. 2 E., NMPM

MAY 2006

PUBLIC UTILITY EASEMENTS

Public Utility Easements shown on this plat are granted for the common and joint use of:
1. The PNM Electric Services Division for the installation, maintenance and service of overhead and underground electrical lines, transformers, poles and any other equipment, fixtures, structures and related facilities reasonably necessary to provide electrical service.
2. The PNM Gas Services Division for installation, maintenance, and service of natural gas lines, valves and any other equipment and facilities reasonably necessary to provide natural gas.
3. Qwest for installation, maintenance and service of such lines, cable and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to above ground pedestals and closures.
4. Comcast Cable for installation, maintenance and service of such lines, cable and other related facilities reasonably necessary to provide Cable TV services.

Included, to the right to build, rebuild, construct, reconstruct, locate, Relocate, change, remove, modify, renew, operate and maintain facilities for the purposes described above, together with the free access to, from and over said easement, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (above ground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Safety Code caused by construction of pools, decking or any structures adjacent to within or near easements shown on this plat.

In approving this plat, the utility companies did not conduct a Title Search of the properties shown hereon. Consequently, the utility companies do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat. Easements for electric transformers/switchgears, as installed, shall extend ten feet (10') in front of transformers/switchgear doors and five feet (5') on each side.

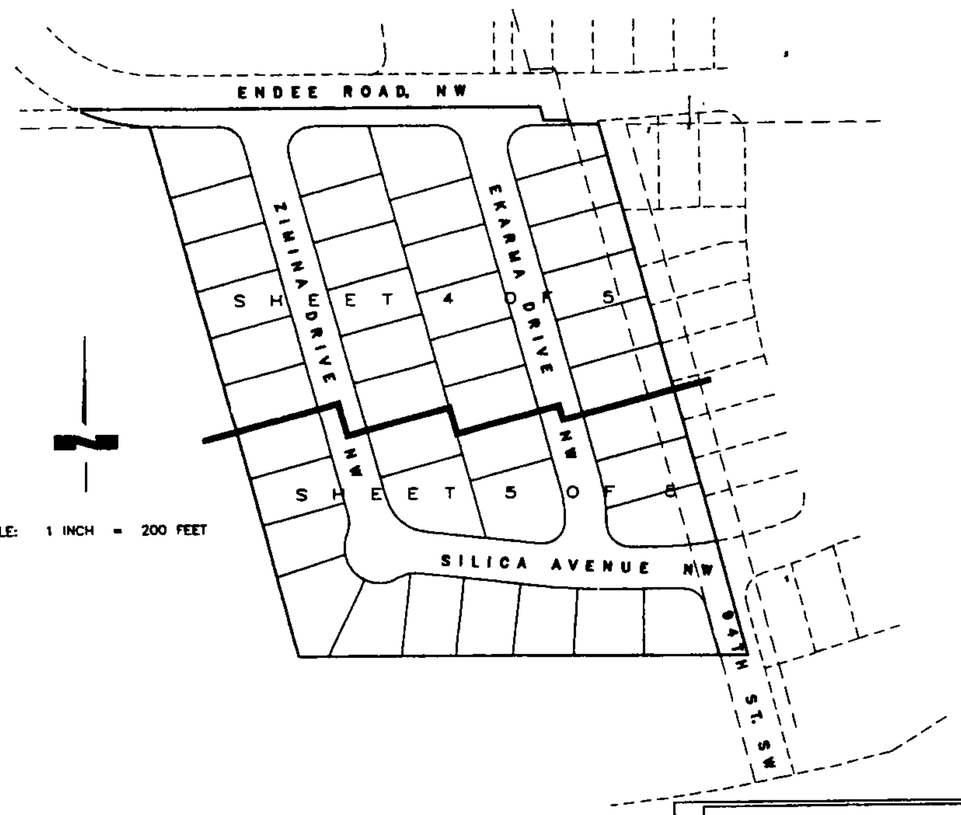
METAL TAGS STAMPED "WAYJOHN PS 14269" WERE ATTACHED TO ALL RECOVERED AND ACCEPTED BOUNDARY CORNERS.

BOUNDARY CORNERS RESET WERE SET WITH A 1/2" REBAR AND PLASTIC CAP STAMPED "WAYJOHN PS 14269"

NOTE: CENTERLINE (IN LIEU OF R/W) MONUMENTATION IS TO BE INSTALLED AT ALL CENTERLINE PC's, PT's, ANGLE POINTS AND STREET INTERSECTIONS AS SHOWN HEREON, AND WILL CONSIST OF A FOUR INCH (4") ALUMINUM ALLOY CAP STAMPED "CITY OF ALBUQUERQUE", "CENTERLINE MONUMENT", "DO NOT DISTURB", "PLS #14269".

CURVES					
NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	15°23'34"	150.00	40.30	S 07°29'52" E	40.18
C2	21°26'26"	150.00	56.13	N 04°28'26" W	55.80
C3	08°33'12"	250.00	37.32	N 85°31'10" E	37.29
C4	08°27'01"	477.00	83.70	S 86°58'43" E	83.67
C4A	04°00'06"	477.00	33.31	S 85°45'15" E	33.31
C4B	02°26'56"	477.00	20.39	S 88°58'48" E	20.39
C5	68°33'34"	75.00	88.74	S 49°28'26" E	84.48
C5A	34°16'47"	75.00	44.87	S 32°20'02" E	44.21
C5B	34°16'47"	75.00	44.87	S 66°36'49" E	44.21
C6	15°23'34"	150.00	40.30	S 07°29'52" E	40.18
C7	74°36'26"	25.00	32.56	N 52°29'52" W	30.30
C8	105°23'34"	25.00	45.98	S 37°30'08" W	39.77
C9	40°27'18"	25.00	17.65	N 05°02'00" E	17.29
C10	68°33'34"	52.00	62.22	S 49°28'26" E	58.58
C11	148°28'10"	40.00	104.35	S 49°28'26" E	77.18
C12	40°27'18"	25.00	17.65	S 76°01'08" W	17.29
C13	08°27'01"	500.00	58.28	S 86°58'43" E	58.26
C14	75°00'35"	25.00	32.73	N 52°41'56" W	30.44
C15	94°47'12"	25.00	41.36	N 46°51'12" E	36.80
C16	82°08'00"	25.00	40.20	S 44°08'14" E	36.01
C17	16°39'15"	127.00	36.91	N 06°32'02" W	36.79
C18	17°07'25"	173.00	51.70	N 06°37'57" W	51.51
C19	74°36'26"	25.00	32.55	N 52°29'52" W	30.30
C20	105°23'34"	25.00	45.98	S 37°30'08" W	39.77
C21	08°33'12"	227.00	33.88	N 85°31'10" E	33.88
C22	00°15'38"	380.86	1.84	N 81°06'44" E	1.84
C23	13°52'11"	25.00	6.05	N 84°40'28" E	3.51
C24	08°26'13"	400.00	44.94	S 11°58'33" E	44.91
C25	68°33'34"	52.00	62.22	S 49°42'42" E	8.04

CENTERLINE TANGENTS		
NUMBER	BEARING	DISTANCE
L1	N 81°14'34" E	17.36
L2	S 15°11'39" E	106.36



SCALE: 1 INCH = 200 FEET

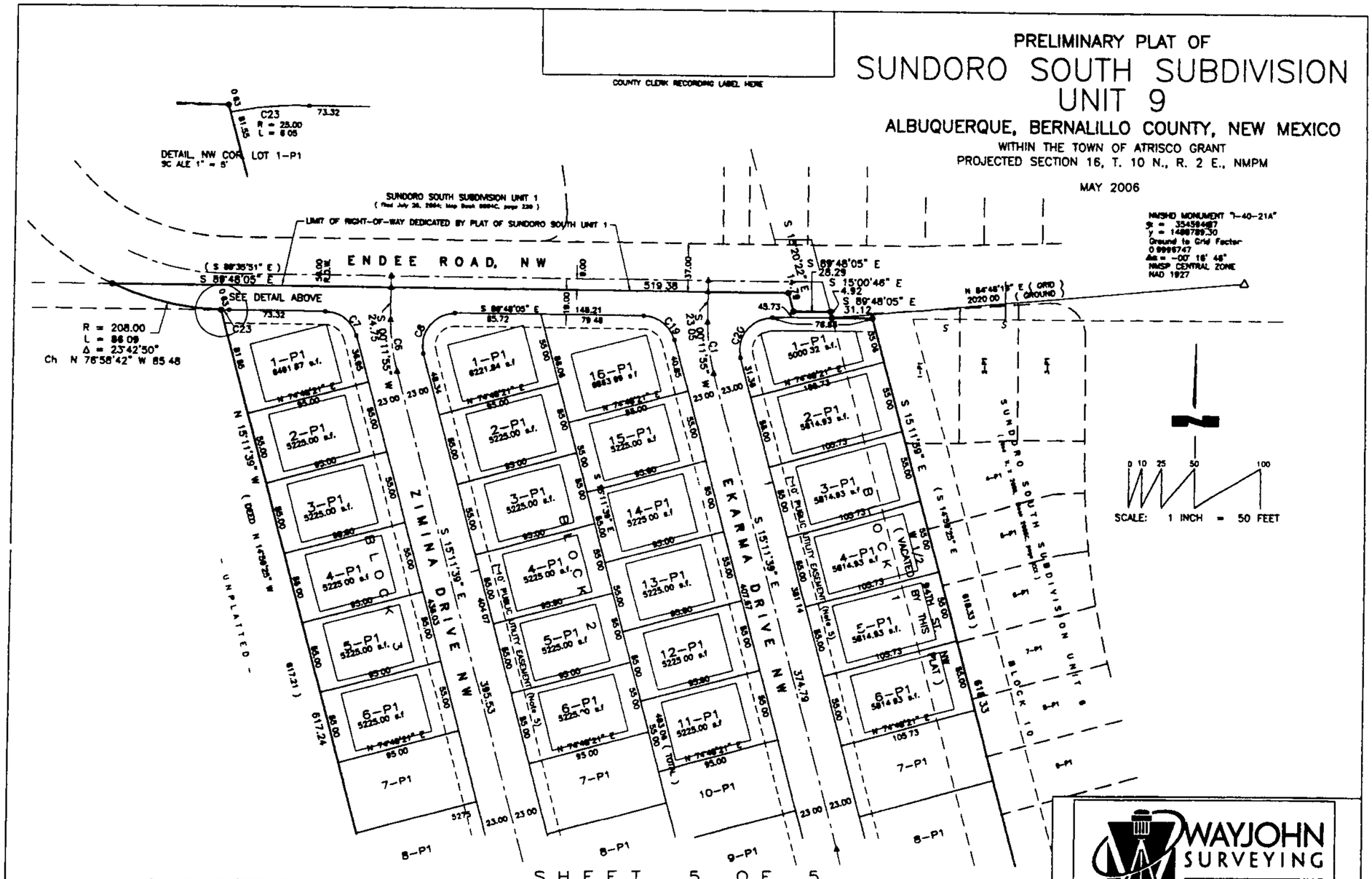
WAYJOHN SURVEYING INC
330 LOUISIANA BLVD., N.E.
ALBUQUERQUE, N.M. 87108
PHONE: (505) 255-2052 FAX: (505) 255-2887

DRAWN: E W K	SCALE:	FILE NO.
CHECKED: T D J	1" = 50'	SP-6-02-2005
DRAWING NO. SP60205.DWG	3 MAY 2006	SHEET 3 OF 5

PRELIMINARY PLAT OF
SUNDORO SOUTH SUBDIVISION UNIT 9
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
WITHIN THE TOWN OF ATRISCO GRANT
PROJECTED SECTION 16, T. 10 N., R. 2 E., NMPM

MAY 2006

COUNTY CLERK RECORDING LABEL HERE



METAL TAGS STAMPED "WAYJOHN PS 14269" WERE ATTACHED TO ALL RECOVERED AND ACCEPTED BOUNDARY CORNERS.

BOUNDARY CORNERS RESET WERE SET WITH A 1/2" REBAR AND PLASTIC CAP STAMPED "WAYJOHN PS 14269"

NOTE: CENTERLINE (IN LIEU OF R/W) MONUMENTATION IS TO BE INSTALLED AT ALL CENTERLINE P.C.'s, P.T.'s, ANGLE POINTS AND STREET INTERSECTIONS AS SHOWN HEREON, AND WILL CONSIST OF A FOUR INCH (4") ALUMINUM ALLOY CAP STAMPED "CITY OF ALBUQUERQUE", "CENTERLINE MONUMENT", "DO NOT DISTURB", "PLS #14269"

SHEET 5 OF 5

WAYJOHN SURVEYING INC
330 LOUISIANA BLVD., N.E.
ALBUQUERQUE, N.M. 87108
PHONE: (505) 255-2052 FAX: (505) 255-2867

DRAWN: E W K	SCALE:	FILE NO.
CHECKED: T D J	1" = 50'	SP-6-02-2005
DRAWING NO. SP60205 DWG	3 MAY 2006	SHEET 4 OF 5

-31-

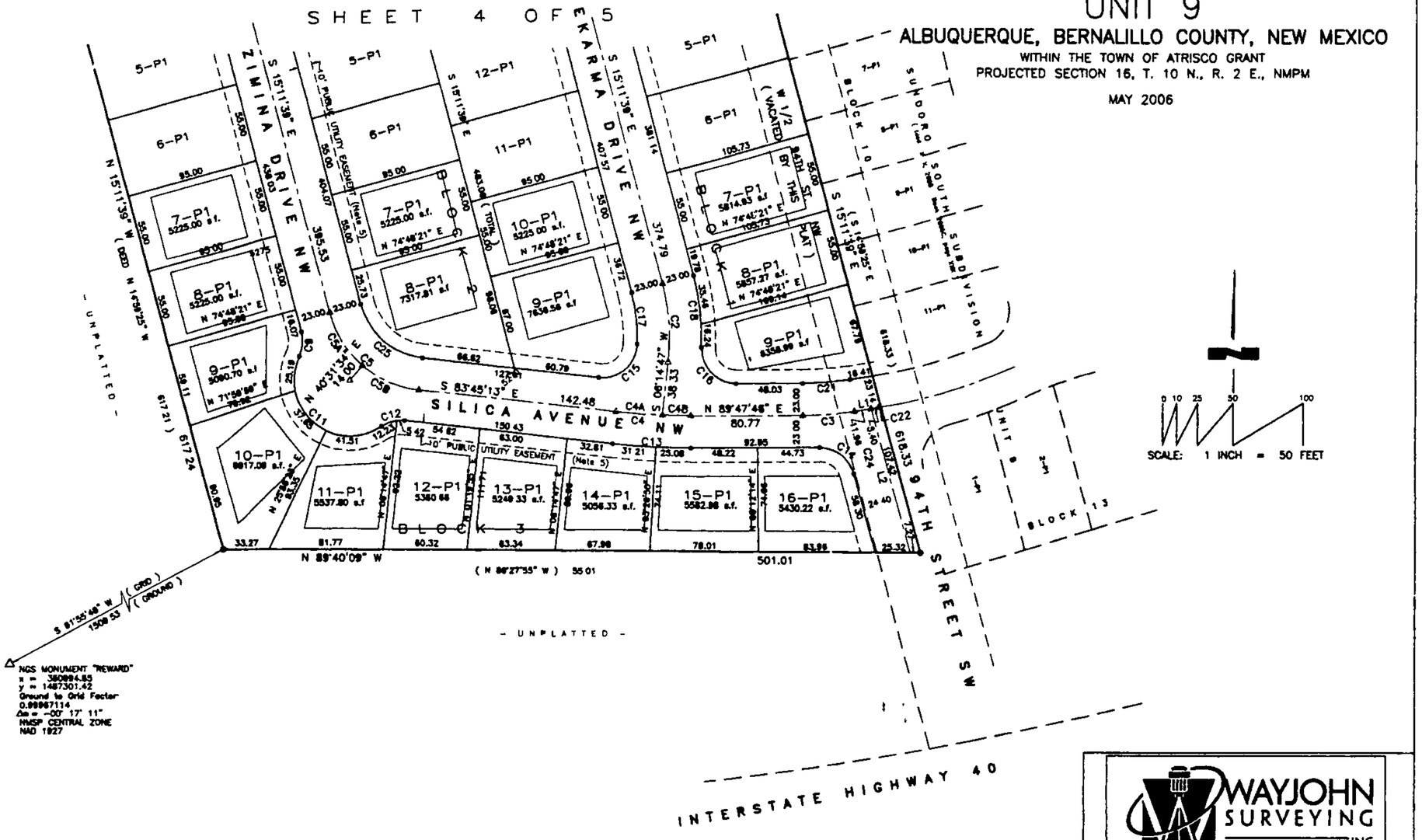
PRELIMINARY PLAT OF

SUNDORO SOUTH SUBDIVISION UNIT 9

ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO

WITHIN THE TOWN OF ATRISCO GRANT
PROJECTED SECTION 16, T. 10 N., R. 2 E., NMPM

MAY 2006



NGS MONUMENT "REWARD"
x = 360994.85
y = 1487301.42
Ground to Grid Factor
0.99967114
Δm = -00° 17' 11"
NMSP CENTRAL ZONE
NAD 1927

METAL TAGS STAMPED "WAYJOHN PS 14289" WERE ATTACHED TO ALL RECOVERED AND ACCEPTED BOUNDARY CORNERS.

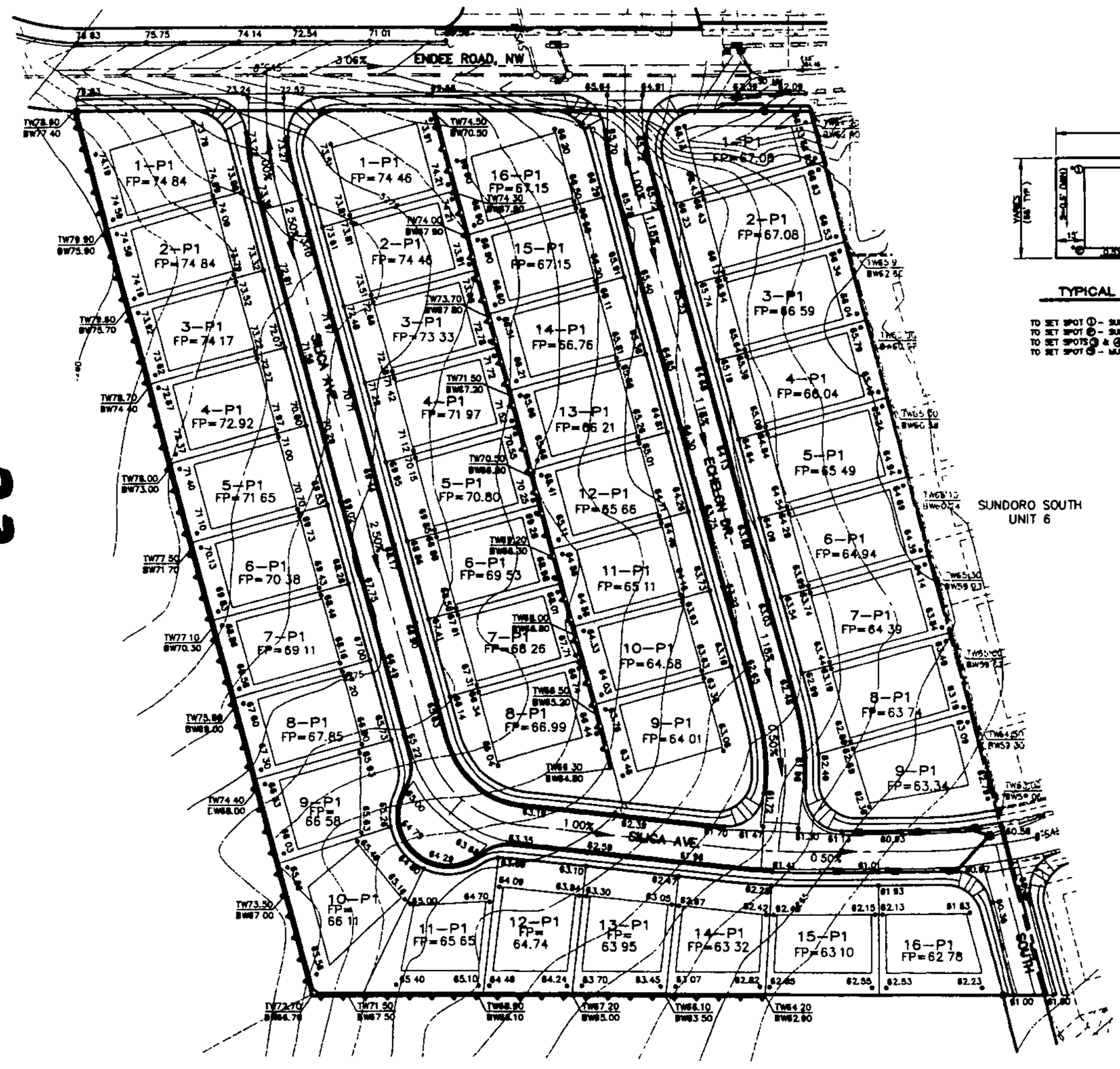
BOUNDARY CORNERS RESET WERE SET WITH A 1/2" REBAR AND PLASTIC CAP STAMPED "WAYJOHN PS 14289"

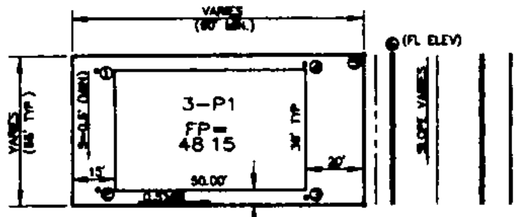
NOTE. CENTERLINE (IN LIEU OF R/W) MONUMENTATION IS TO BE INSTALLED AT ALL CENTERLINE PC's, PT's, ANGLE POINTS AND STREET INTERSECTIONS AS SHOWN HEREON, AND WILL CONSIST OF A FOUR INCH (4") ALUMINUM ALLOY CAP STAMPED "CITY OF ALBUQUERQUE", "CENTERLINE MONUMENT", "DO NOT DISTURB", "PLS #14289".

WAYJOHN SURVEYING INC
330 LOUISIANA BLVD., N.E.
ALBUQUERQUE, N.M. 87108
PHONE: (505) 255-2052 FAX: (505) 255-2887

DRAWN. E W K	SCALE:	FILE NO.
CHECKED. T D J	1" = 50'	SP-6-02-2005
DRAWING NO. SP60205.DWG	3 MAY 2006	SHEET 5 OF 5

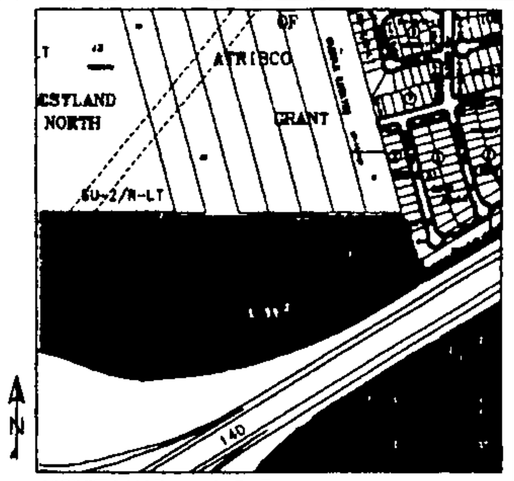
-32-



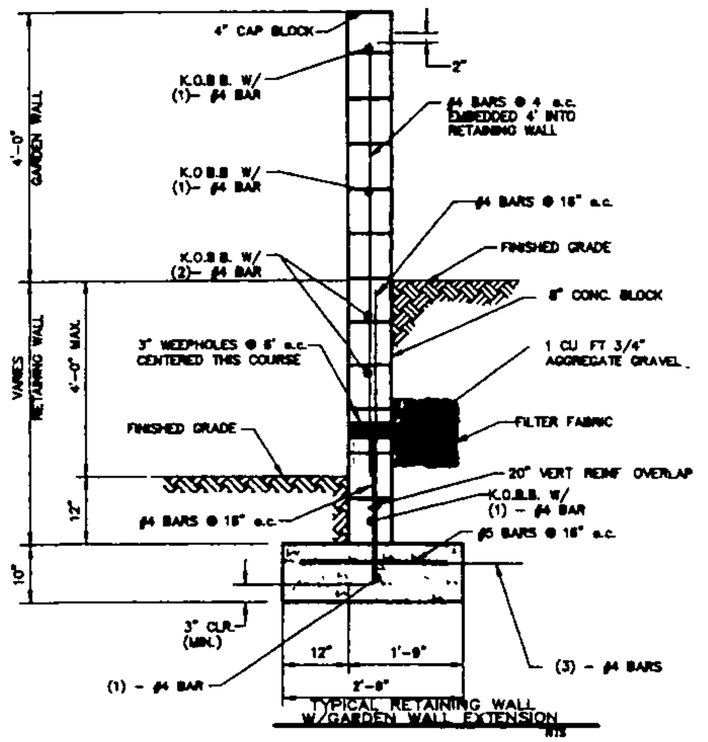


TYPICAL LOT GRADING PLAN
NO SCALE

TO SET SPOT ① - SUBTRACT 0.25' FROM THE PAD ELEV
TO SET SPOT ② - SUBTRACT 0.2' FROM SPOT ①
TO SET SPOTS ③ & ④ - SUBTRACT 0.4' FROM SPOTS ② & ① RESPECTIVELY
TO SET SPOT ⑤ - MULTIPLY 01 BY 2.0%, ADD CURB HEIGHT, AND ADD TO SPOT



VICINITY MAP J-9-Z



TYPICAL RETAINING WALL W/GARDEN WALL EXTENSION

LEGEND

FP=08.07	FINISHED PAD SITE ELEVATION	●	PROPOSED MANHOLE
	PROPOSED SPOT ELEVATION		PROPOSED STORM DRAIN
	TOP OF CURB AND FLOWLINE ELEVATIONS		PROPOSED STANDARD CURB AND GUTTER
	EXISTING MAJOR CONTOUR		PROPOSED STANDARD CURB AND GUTTER
	EXISTING MINOR CONTOUR		PROPOSED BASIN BOUNDARY
(100)	PROPOSED BASIN NUMBER		PROPOSED INLET
	PROPOSED RETAINING WALL		PROPOSED WHEEL CHAIR RAMPS

APPROVED FOR ROUGH GRADING

SIGNATURE DATE

SCALE: 1"=40'

Thompson Engineering Consultants Inc.

CITY OF ALBUQUERQUE
PUBLIC WORKS DEPARTMENT
TRANSPORTATION DEVELOPMENT

SUNDORO UNIT 9
GRADING AND DRAINAGE PLAN

DESIGN REVIEW COMMITTEE | CITY ENGINEER APPROVAL

City Project No. XXXX | Zone Map No. J-9-Z | PLATE 1

AS BUILT INFORMATION | BENCH MARKS | SURVEY INFORMATION | ENGINEER'S SEAL | REMARKS | DESIGN

Z:\PROJECTS\LINDBORG-HAHN\SUNDORO-9\BASE\G&D.DWG 7-20-05 8:40:32 pm EST

-33-

Vacated
EXHIBIT B
Date 6/21/06

AS BUILT INFORMATION	BENCH MARKS	SURVEY INFORMATION	ENGINEER'S SEAL
CONSTRUCTION		FIELD NOTES	
WORK STAKED BY		NO. BY DATE	
INSPECTION ACCEPTANCE BY			
FIELD CHANGES			
CONSTRUCTED BY			
DATE			
MICRO-FILM INFORMATION			
RECORDED BY			
DATE			
NO			

NO	DATE	REMARKS	BY

DESIGN
DESIGNED BY DBT DATE
DRAWN BY DGM DATE
CHECKED BY DBT DATE

Thompson Engineering Consultants, Inc
P.O. BOX 65760 ALBUQUERQUE, NM 87193
PHONE: (505) 271-2199 FAX: (505) 830-8438

CITY OF ALBUQUERQUE
PUBLIC WORKS DEPARTMENT
TRANSPORTATION DEVELOPMENT

SUNDORO UNIT 9
VACATION EXHIBIT

DESIGN REVIEW COMMITTEE | CITY ENGINEER APPROVAL | DATE

City Project No. XXXX | Zone Map No. J-9-Z | EXHIBIT

VICINITY MAP J-9-Z

VACATED AREA

SCALE: 1"=40'

30' WIDE PUBLIC R.O.W. TO BE VACATED AREA= 0.3365 ACRES

SUNDORO SOUTH UNIT 6

EKARMA DRIVE

ZIMINA DRIVE

SILICA AVENUE

94TH ST.

ENDEE ROAD, NW

1-P1 2-P1 3-P1 4-P1 5-P1 6-P1 7-P1 8-P1 9-P1 10-P1 11-P1 12-P1 13-P1 14-P1 15-P1 16-P1

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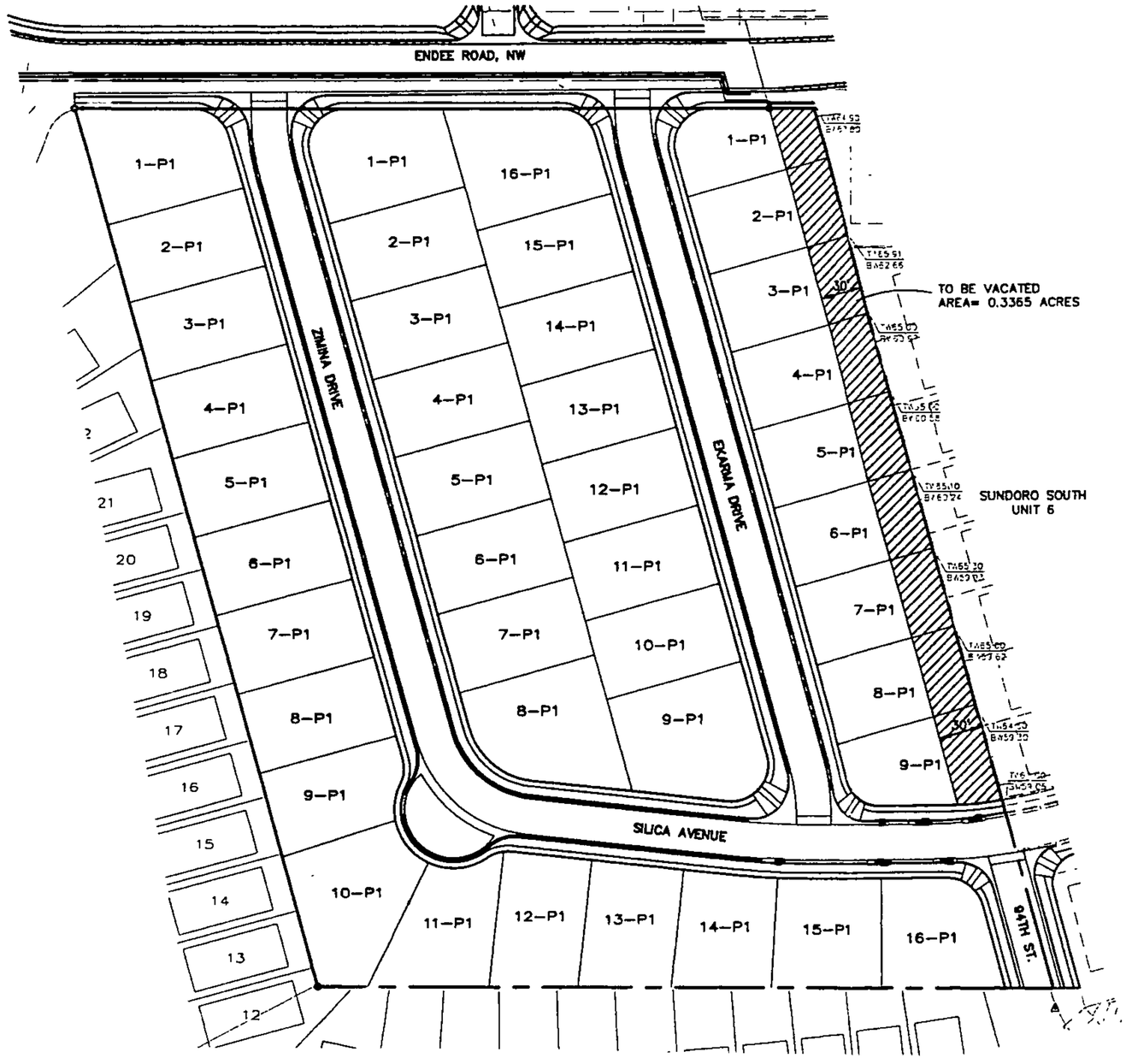

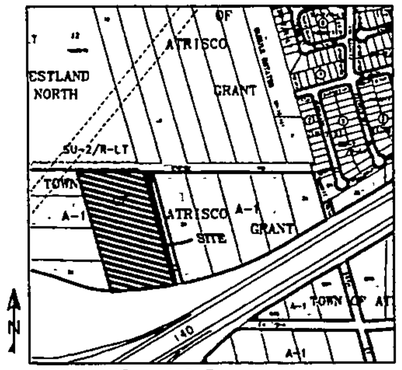

VICINITY MAP : J-9-Z

VACATED AREA

VACATION
EXHIBIT B
Date 6/21/06

N

SCALE: 1"=40'

AS BUILT INFORMATION
CONTRACTOR
WORK STAKED BY
INSPECTOR
ACCEPTANCE BY
FIELD VERIFICATION BY
DRAWINGS CORRECTED BY
MICRO-FILM INFORMATION
RECORDED BY
DATE
NO.

BENCH MARKS

SURVEY INFORMATION
FIELD NOTES
NO. BY DATE

ENGINEER'S SEAL

NO.	DATE	REMARKS	BY

DESIGN
DESIGNED BY DBT DATE
DRAWN BY DBM DATE
CHECKED BY DBT DATE

Thompson Engineering Consultants, Inc
P.O. BOX 65760
ALBUQUERQUE, NM 87198
PHONE: (505) 271-2199
FAX: (505) 830-8428

CITY OF ALBUQUERQUE
PUBLIC WORKS DEPARTMENT
TRANSPORTATION DEVELOPMENT

SUNDORO UNIT 9
VACATION EXHIBIT

DESIGN REVIEW COMMITTEE | CITY ENGINEER APPROVAL

City Project No. XXXX | Zone Map No. J-9-Z | EXHIBIT

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-35-

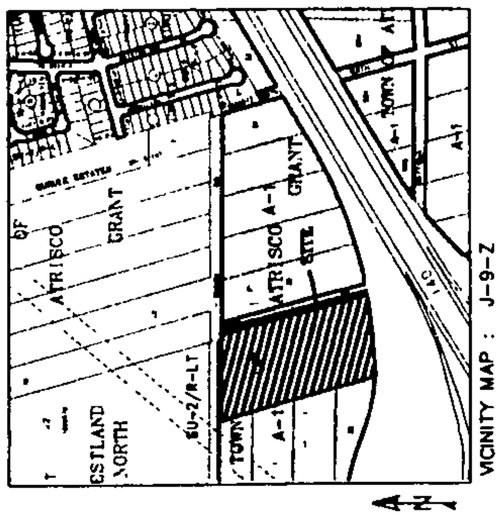
Sidewalk

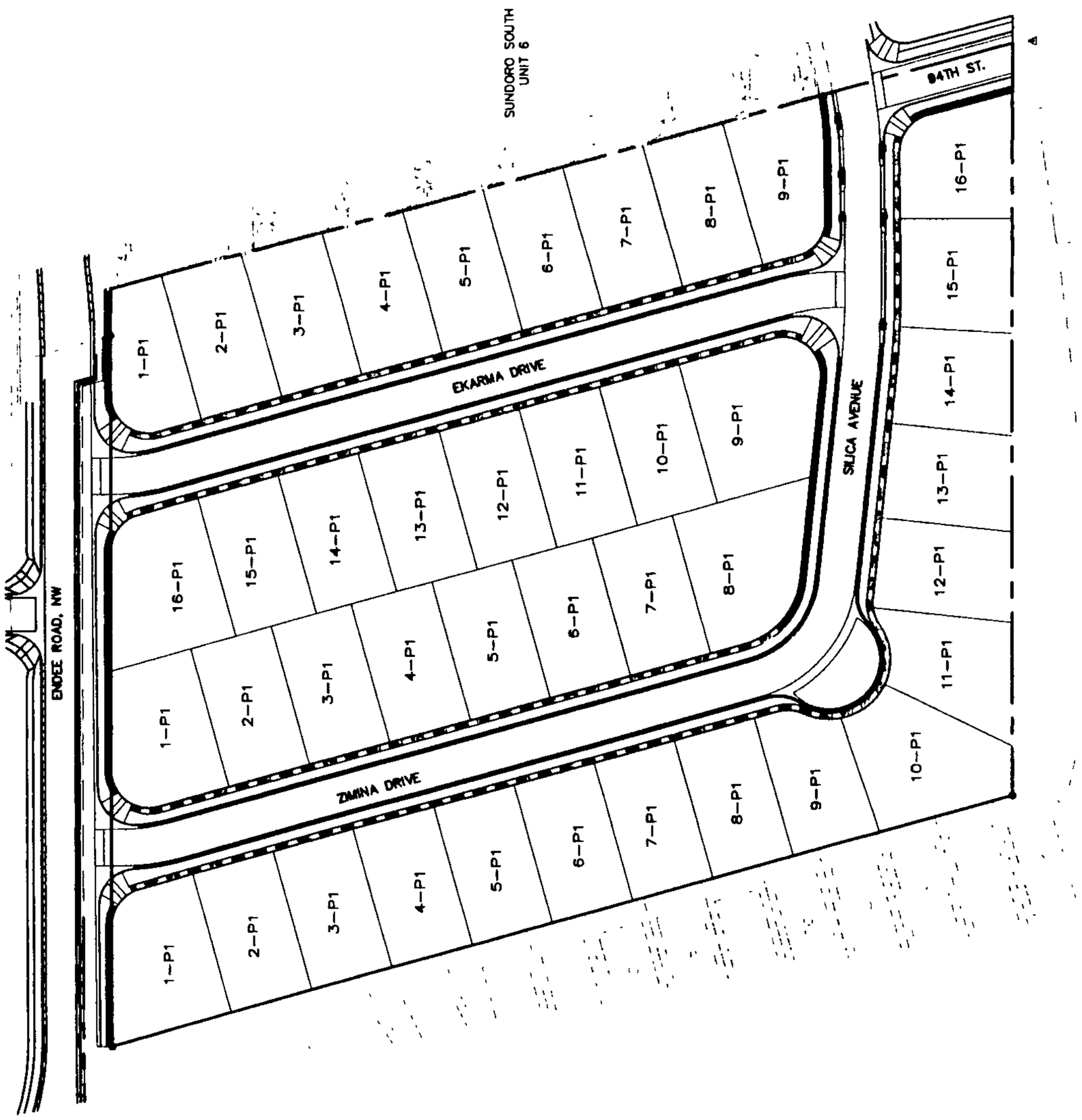
EXHIBIT C

Date 6/21/06

PROPOSED 4' SIDEWALK

DEFFERRED 4' SIDEWALK





SCALE: 1"=40'

NO.	DATE	REMARKS	BY

DESIGNED BY DGT DATE

DESIGN

DRAWN BY DGM DATE

CHECKED BY DGT DATE

CITY OF ALBUQUERQUE
PUBLIC WORKS DEPARTMENT
TRANSPORTATION DEVELOPMENT

SUNDORO UNIT 9
SIDEWALK EXHIBIT

DESIGN REVIEW COMMITTEE | CITY ENGINEER APPROVAL | DATE

City Project No. XXXX | Zone Map No. J-9-Z | EXHIBIT

Thompson Engineering Consultants, Inc.
P.O. BOX 65760 ALBUQUERQUE, NM 87193
PHONE: (505) 271-3199 FAX: (505) 830-9428

ENGINEER'S SEAL

SURVEY INFORMATION

FIELD NOTES

NO.	BY	DATE

BENCH MARKS

AS BUILT INFORMATION

CONTRACTOR
SIGNED BY
INSPECTOR'S
ACCEPTANCE BY
FIELD
VERIFICATION BY
CHANGES
COMPLETED BY
DATE

MICRO-FILM INFORMATION

NO
RECORDED BY
DATE

Z:\projects\lindsborg-harris\SUNDORO-9\PLANSET-REVISED\SW-EXHIBIT.dwg 5/24/2006 1:31:24 PM MST

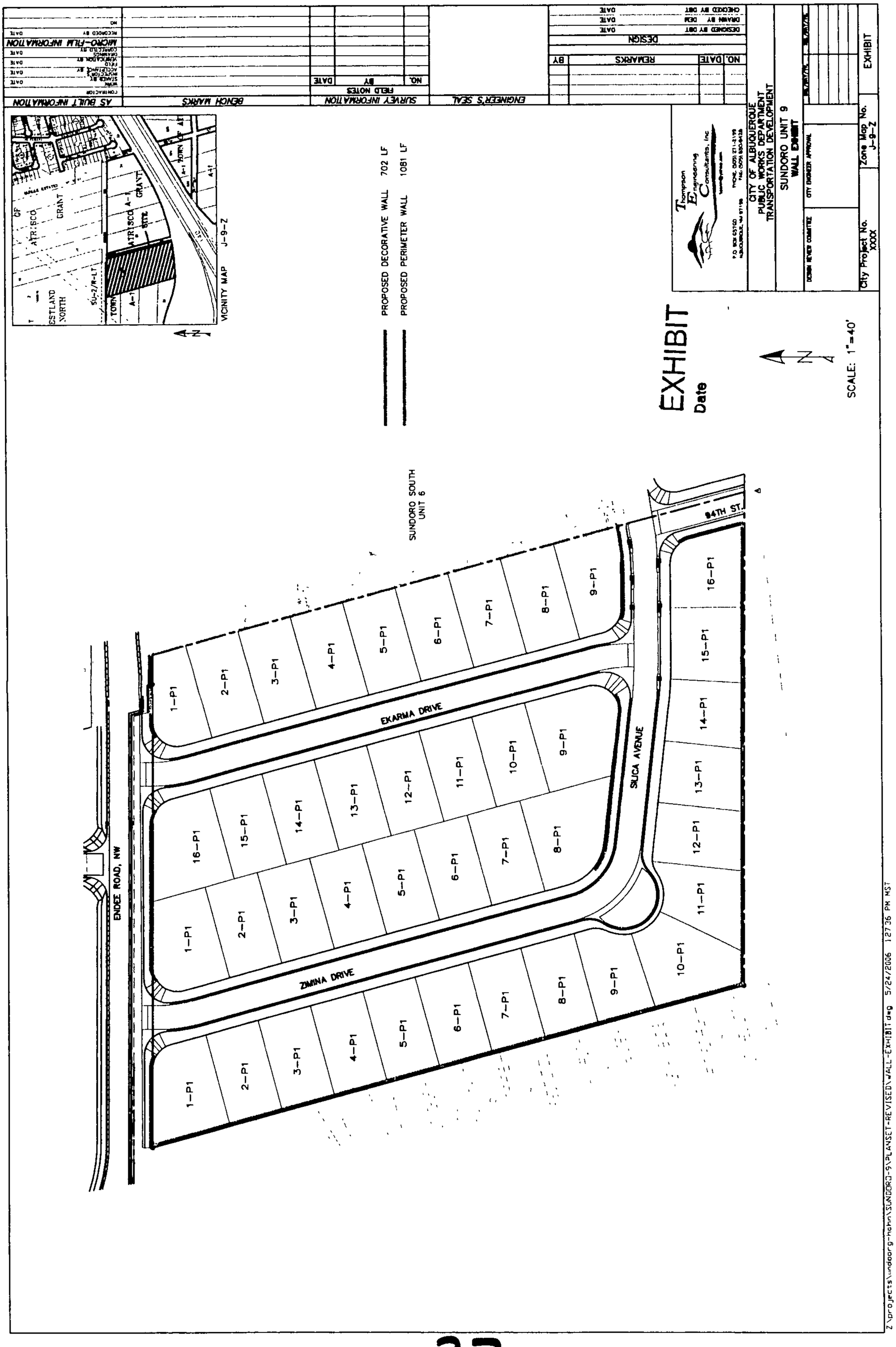


EXHIBIT
Date
SCALE: 1"=40'
PROPOSED DECORATIVE WALL 702 LF
PROPOSED PERIMETER WALL 1081 LF
VICINITY MAP J-9-Z
ESTLAND NORTH
ATRISCO GRANT
SU-2/R-LT
TOWN
A-1
SITE
SUNDORO SOUTH UNIT 6
94TH ST.
EKARMA DRIVE
ZIMINA DRIVE
SILICA AVENUE
ENDEE ROAD, NW
1-P1
2-P1
3-P1
4-P1
5-P1
6-P1
7-P1
8-P1
9-P1
10-P1
11-P1
12-P1
13-P1
14-P1
15-P1
16-P1
CITY OF ALBUQUERQUE
PUBLIC WORKS DEPARTMENT
TRANSPORTATION DEVELOPMENT
SUNDORO UNIT 9
WALL EXHIBIT
City Project No. XXXX
Zone Map No. J-9-Z
EXHIBIT
Thompson Engineering Consultants, Inc
AS BUILT INFORMATION
BENCH MARKS
SURVEY INFORMATION
ENGINEER'S SEAL
DESIGN
REMARKS
NO.
DATE
BY
MICRO-FILM INFORMATION

DEDICATION

THE TOWN OF ATRISCO, a corporation without recourse and without representation or warranty as to the accuracy of the foregoing map or any of the tract lines or dimensions thereof hereby dedicates the roads drives avenues and easements shown thereon as thoroughfares for public use

IN WITNESS WHEREOF THE TOWN OF ATRISCO a corporation has caused this dedication to be executed by its officers and its corporate seal affixed hereto this 6th day of July 1943

THE TOWN OF ATRISCO Inc

Attest: Jake S Armijo Secretary

By S J Armijo President

STATE OF NEW MEXICO
COUNTY OF BERNALILLO ss

On this 6th day of July 1943 before me a Notary Public in and for said County personally appeared S J ARMIJO who being by me duly sworn did say that he is President of The Town of Atrisco a corporation organized under the laws of the State of New Mexico that the seal affixed to the foregoing instrument is the corporate seal of said corporation that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors and the said S J ARMIJO did acknowledge said instrument to be the free act and deed of said corporation

IN WITNESS WHEREOF I have hereunto set my hand and seal the day and year first above written

My commission expires June 10 1946

L A Woodward Notary Public

I Edward Ross County Surveyor of Bernalillo County N M do hereby certify that I have examined the foregoing plat and approved the same this 1st day of July 1943

Edward Ross County Surveyor

I Edna Monahan County Clerk of Bernalillo County N M do hereby certify that the foregoing plat was approved and accepted for Filing by the Board of County Commissioners of said County at its meeting of July 13 1943

Edna Monahan County Clerk

JUDY B. WOODWARD County Clerk of Bernalillo (Albuq) New Mexico, do hereby certify that the map on which this certificate appears is a true copy made under my direction and under the proper signs of Deeds 136 at Page Albuquerque Bernalillo Land 1939 as a map filed for record on the 6th day of July 1943

JUDY B. WOODWARD
County Clerk, Bernalillo County
New Mexico

LANDS OF ATRISCO GRANT

NORTH AIRPORT UNIT

NORTHEAST UNIT

NORTHEAST UNIT NO. EIGHT

AIRPORT UNIT

NOTE The conflict herein shown between Northeast Unit one and Unit No. Eight is from a map of Unit No. Eight (part of the records of the Town of Atrisco) which said map erroneously shows Atrisco Drive (Southern Union Gas Co. pipe line easement) running parallel with Rose Ave Drive

The various tracts herein shown represent only those tracts deeded out of the Town of Atrisco Grant which can be definitely located through available maps or other reliable references

T W A AIRPORT LEASE
1880 ACRES

NOTE Unless otherwise indicated all roads are 66' at right angle

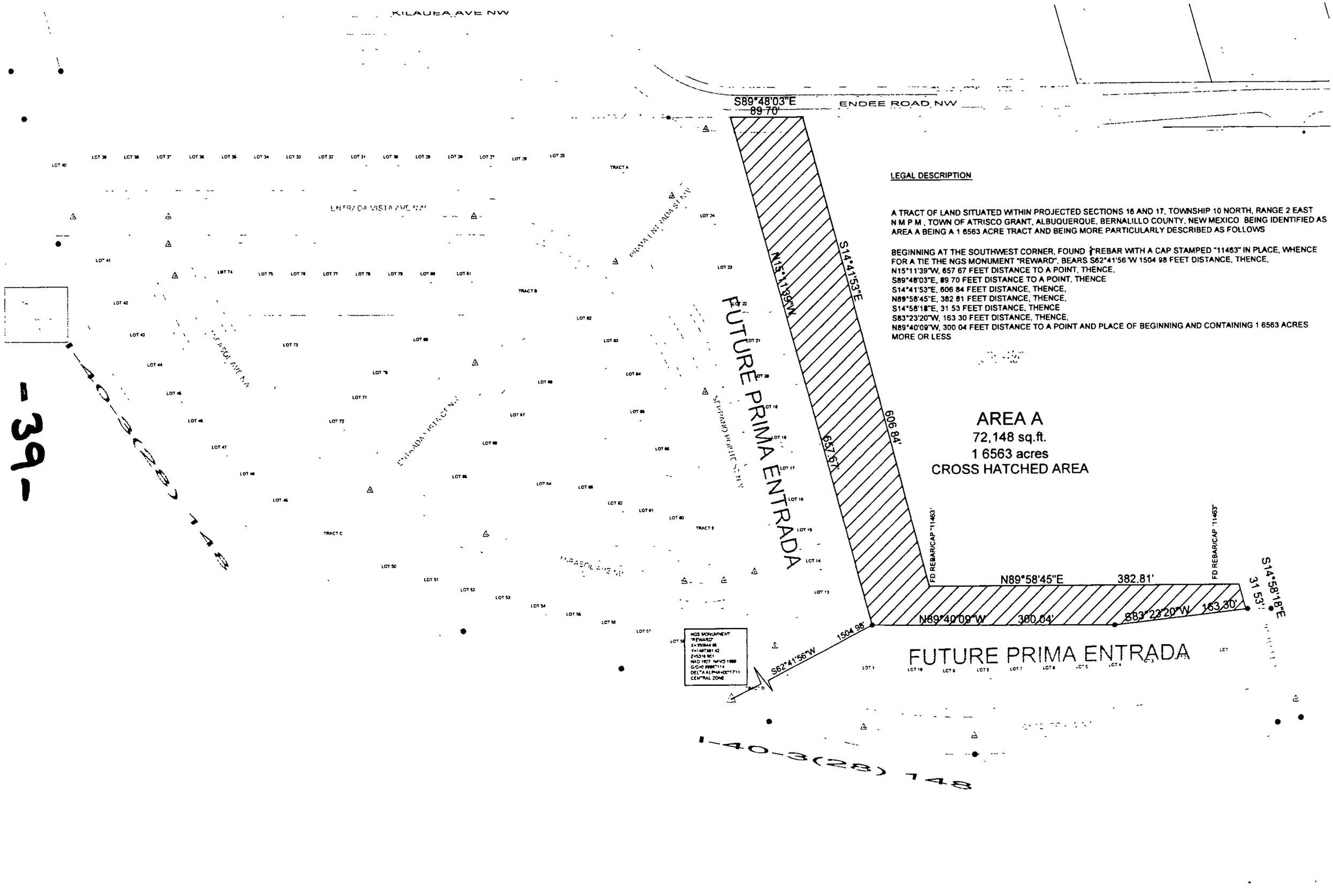
UNIT NO. FIVE

UNIT NO. FOUR

TOWNSITE OF WESTLAND

ORIGINAL TOWNSITE OF WESTLAND

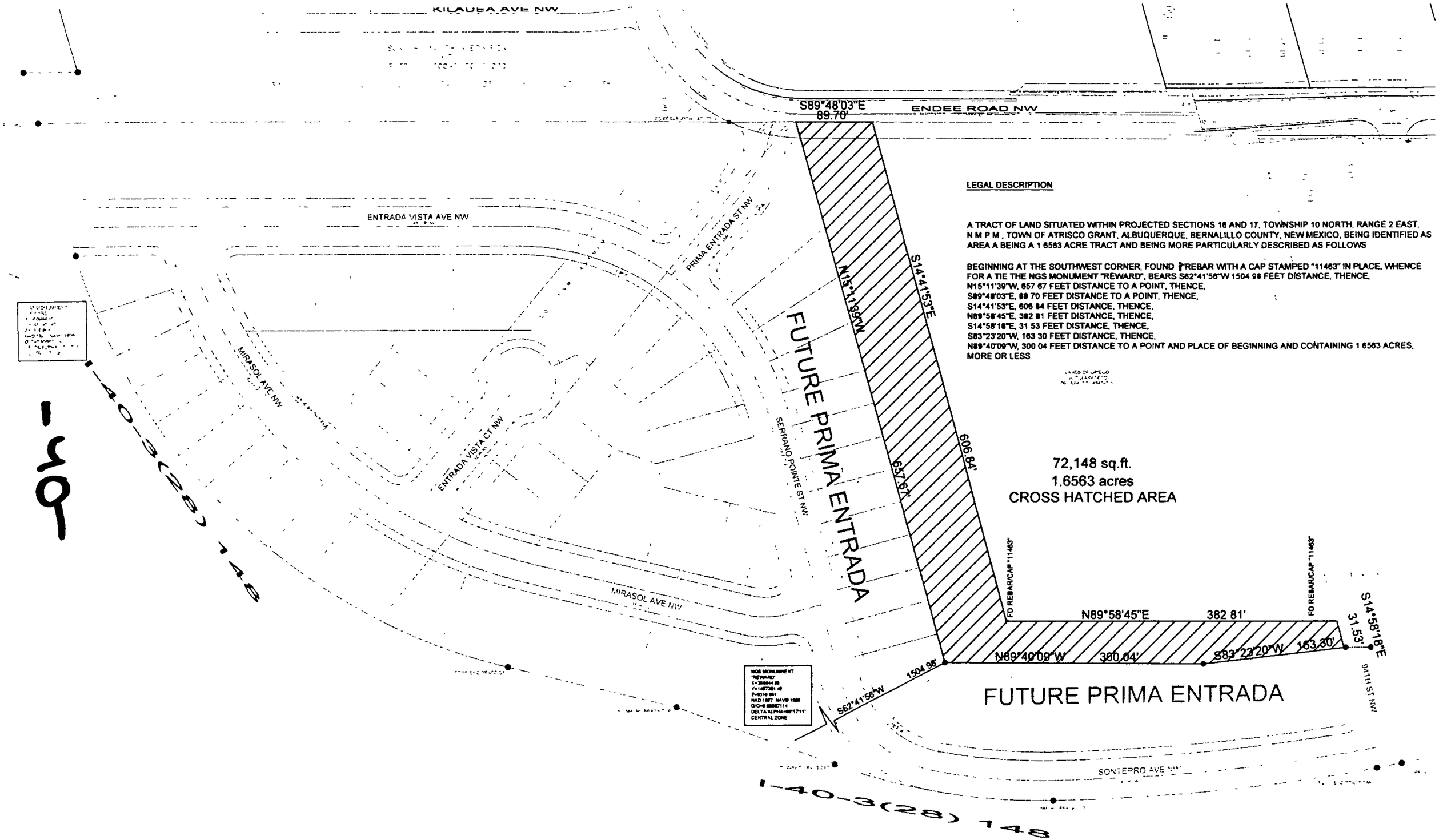
TOWN OF ATRISCO



LEGAL DESCRIPTION

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTIONS 16 AND 17, TOWNSHIP 10 NORTH, RANGE 2 EAST N M P M , TOWN OF ATRISCO GRANT, ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO BEING IDENTIFIED AS AREA A BEING A 1 6563 ACRE TRACT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE SOUTHWEST CORNER, FOUND ½"REBAR WITH A CAP STAMPED "11463" IN PLACE, WHENCE FOR A TIE THE NGS MONUMENT "REWARD", BEARS S62°41'56"W 1504 98 FEET DISTANCE, THENCE,
N15°11'39"W, 657 67 FEET DISTANCE TO A POINT, THENCE,
S89°48'03"E, 89 70 FEET DISTANCE TO A POINT, THENCE
S14°41'53"E, 606 84 FEET DISTANCE, THENCE,
N89°58'45"E, 382 81 FEET DISTANCE, THENCE,
S14°58'18"E, 31 53 FEET DISTANCE, THENCE
S83°23'20"W, 163 30 FEET DISTANCE, THENCE,
N89°40'09"W, 300 04 FEET DISTANCE TO A POINT AND PLACE OF BEGINNING AND CONTAINING 1 6563 ACRES MORE OR LESS



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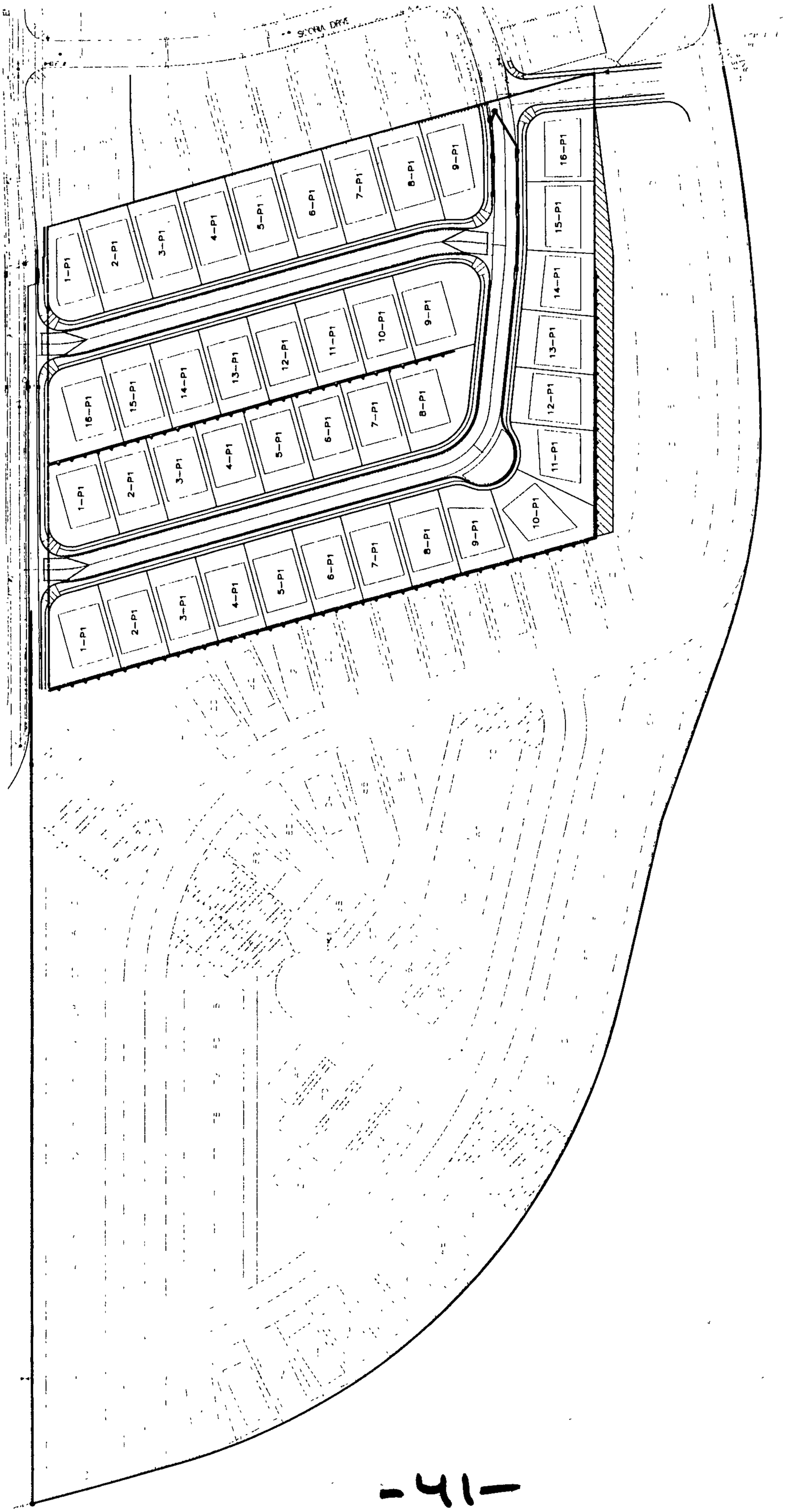
N89°40'09"W, 300 04 FEET DISTANCE TO A POINT AND PLACE OF BEGINNING AND CONTAINING 1 6563 ACRES, MORE OR LESS


SYCAMORE DRIVE
1-P1
2-P1
3-P1
4-P1
5-P1
6-P1
7-P1
8-P1
9-P1
10-P1
11-P1
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13-P1
14-P1
15-P1
16-P1

EXHIBIT

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTIONS 16 AND 17, TOWNSHIP 10 NORTH, RANGE 2 EAST, N M P M , TOWN OF ATRISCO GRANT, ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, BEING IDENTIFIED AS AREA A BEING A 1 6563 ACRE TRACT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

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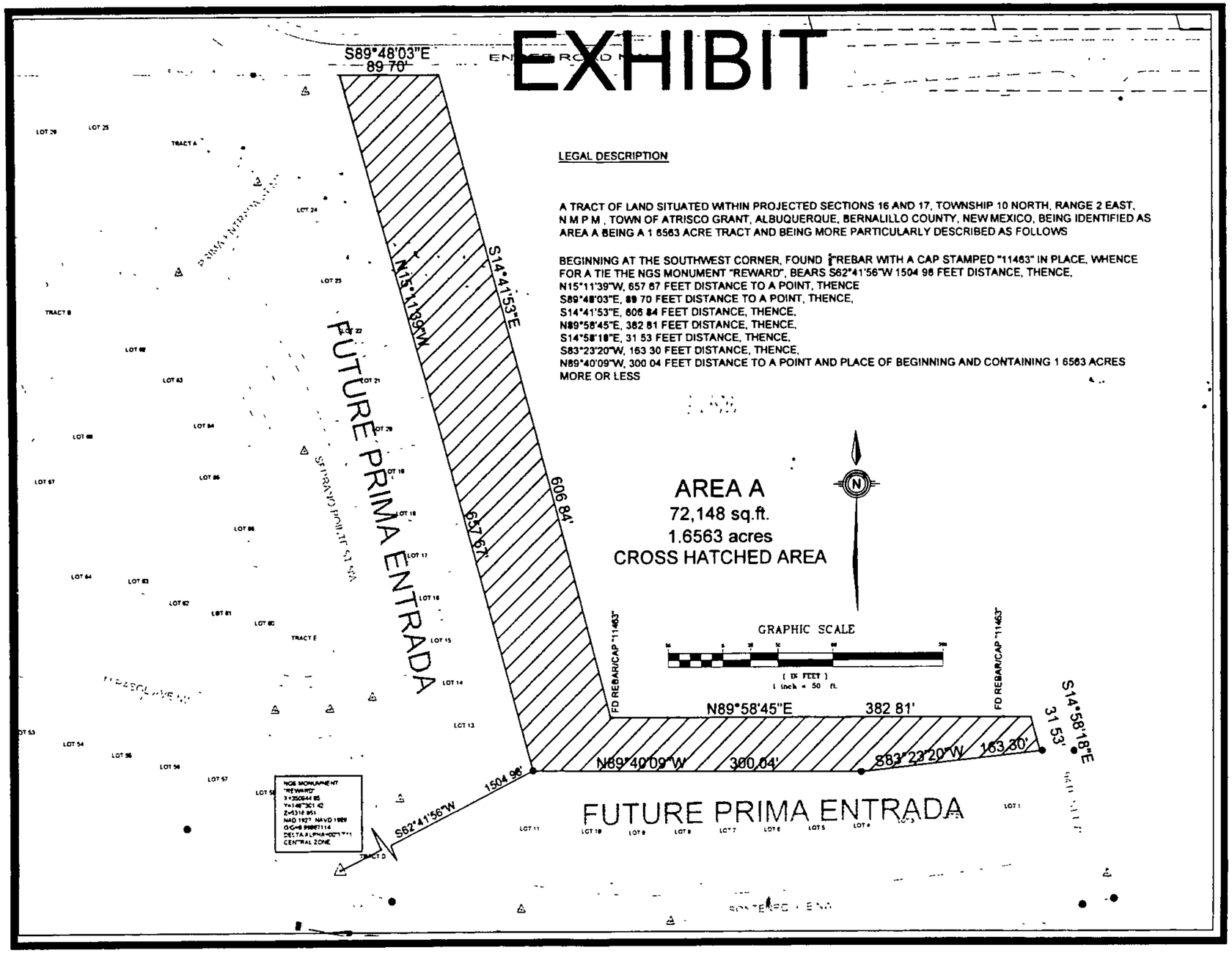


PRIMA ENTRADA

SUNDARO SOUTH UNIT 9

131

CITY OF ALBUQUERQUE

FYI

ALBUQUERQUE
Making History

NOTIFICATION OF HEARING for the DEVELOPMENT REVIEW BOARD

June 6, 2006

TO: Bonita Powe-Morgan and Palmira Perea-Hay, Parkway Neigh. Assoc.

This letter will serve as your notification from the City of Albuquerque, under provisions of 0-92 pertaining to a request for: **Requests the following for approximately six (6) acre(s) – Major Preliminary Plat Approval; Major Vacation of Public Right-of-Way; and Minor Temporary Deferral of Sidewalks for the Sundoro South Unit 9 Subdivision that will have forty-one (41) residential lots.**

Proposed by: **Thompson Engineering and Consulting, Inc. at 271-2199**
Agent for: **Dragonfly Development, Inc.**

P.O. Box 1293

For property located: **On or near Endee Road NW between 98th Street NW and 94th Street NW.**

The case number(s) assigned is: **06DRB- 00737, 00738, 00739, Project # 1003612**

Albuquerque

City Planning accepted application for this request on **May 26, 2006.**

The owner, applicant, and/or agent certified at the time of application acceptance
New Mexico 87103 that they notified you of the proposed action by *certified mail, return receipt requested.*

Please be advised that this application is scheduled for a hearing before the Development Review Board (DRB) at **9 a.m.** on **Wednesday, June 21, 2006** in the
www.cabq.gov **Planning Hearing Room, Lower Level, Plaza Del Sol Building, 600 Second St. NW.**

You should contact **Claire Senova** at **924-3946** to confirm this date, time, and to seek further information.

If you have any questions **-OR-** have not been contacted by the applicant, please call **Stephani Winklepleck** at **924-3902** or by e-mail at swinklepleck@cabq.gov.

Sincerely,

Stephani I. Winklepleck

Stephani I. Winklepleck
Neighborhood Program Coordinator
OFFICE OF NEIGHBORHOOD COORDINATION
PLANNING DEPARTMENT

cc: Claire Senova, DRB Administrative Assistant

CITY OF PLANNING
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST

Meeting Date: JUNE 21, 2006
Zone Atlas Page: J-9-Z
Notification Radius: 100 Ft.

Project# 1003612
App#06DRB-00737
App#06DRB-00738
App#06DRB-00739

Cross Reference and Location: ENDEE RD NW BETWEEN 98TH STREET AND 94TH STREET NW

Applicant: DRAGONFLY DEVELOPMENT, INC.
Address: 12809 DONETTE COURT NE
ALBUQUERQUE, NM 87112

Agent: THOMPSON ENGINEERING CONSULTANTS, INC.
PO BOX 65760
ALBUQUERQUE, NM 87193

Special Instructions:

Notice must be mailed from the
City's 15 day's prior to the meeting.

Date Mailed: JUNE 2, 2006
Signature: YVONNE SAAVEDRA

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP / LEGAL LIST

PROJECT # 1003612
APPLICATION # _____

ZONE ATLAS PAGE #	ZONE ATLAS #	GRID LOCATIONS	PARCEL SEQUENCES	NAME AND ADDRESS
J-9	1009058	040-092	309-02	✓
		023-051	01	✓ Dup
	1008058	484-087	402-20	✓ Dup 2
	1009058	079-090	303-01	✓ Dup
		100-092	02	✓ Dup 2
		135-070	06	✓
		120-095	03	✓ Dup 2
		017-134	318-04	✓ Dup 2
		012-137	03	✓
		007-138	02	✓
		040-151	313-20	✓ Dup 2
		062-157	30	✓ Dup 2
		034-191	305-06	✓ Dup 2
		052-192	05	✓ Dup 2
		069-193	04	✓ Dup 2
		087-192	02	✓ Dup 2

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP / LEGAL LIST

PROJECT # 1003612
APPLICATION # _____

ZONE ATLAS PAGE #	ZONE ATLAS #	GRID LOCATIONS	PARCEL SEQUENCES	NAME AND ADDRESS
K-9	1009057	103-413	203-01	✓
		115-495	805-01	✓ Dup
		134-500	02	✓ Dup2
	1009058	125-021	301-04	✓ Dup2
		138-024	01	✓ Dup2

mainframe@coa1mp3.ca
bq.gov
06/01/2006 10:56 AM

To
cc
bcc
Subject

1 R E C O R D S W I T H L A B E L S PAGE
1

01009058 *** THIS UPC CODE HAS NO MASTER RECORD ON FILE
0100905804009230902 LEGAL: T10N R2E SEC 16 TR SITUATED IN TRS 31, 32 & 33
TOW LAND USE:
PROPERTY ADDR: 00000 N/A
OWNER NAME: DRAGONFLY DEVELOPMENT INC
OWNER ADDR: 12809 DONETTE CT NE
ALBUQUERQUE NM 87112

0100905802305130901 LEGAL: PORT OF TR 30 & 31 SEC 16 & 17 T10N R2E TOWN OF
AT LAND USE:
PROPERTY ADDR: 00000
OWNER NAME: GHP LTD CO
OWNER ADDR: 07600 PAN AMERICAN FW NE
ALBUQUERQUE NM 87109

0100805848408740220 LEGAL: TR S ITUA TED IN TRS 30 THRU 33 SEC 16 & 17 T11N
R2E LAND USE:
PROPERTY ADDR: 00000
OWNER NAME: GHP LTD CO
OWNER ADDR: 07600 PAN AMERICAN FW NE
ALBUQUERQUE NM 87109

0100905807909030301 LEGAL: NORT HERL Y PORTION OF TRACT B-28, UNIT 5, TOWN
OF A LAND USE:
PROPERTY ADDR: 00000 N/A
OWNER NAME: WESTLAND DEVELOPMENT CO INC
OWNER ADDR: 00401 COORS NW
ALBUQUERQUE NM 87121

0100905810009230302 LEGAL: NORT HERL Y PORTION OF TRACT B-27 UNIT 5 TOWN OF
ATR LAND USE:
PROPERTY ADDR: 00000 N/A
OWNER NAME: WESTLAND DEVELOPMENT CO INC
OWNER ADDR: 00401 COORS NW
ALBUQUERQUE NM 87121

0100905813507030306 LEGAL: S'LY POR TS TRS B-24 THRU B-28 UNIT 5 TOWN OF
ATRIS LAND USE:
PROPERTY ADDR: 00000
OWNER NAME: A.M.A.F.C.A
OWNER ADDR: 02600 PROSPECT NE
ALBUQUERQUE NM 87107

0100905812009530303 LEGAL: NORT HERL Y PORTION OF TRACT B-26 UNIT 5 TOWN OF
ATR LAND USE:
PROPERTY ADDR: 00000 N/A
OWNER NAME: WESTLAND DEVELOPMENT CO INC
OWNER ADDR: 00401 COORS NW
ALBUQUERQUE NM 87121

0100905801713431804 LEGAL: TR I PLA T FOR SUNDORO SOUTH SUBDIVISION UNIT 1
LAND USE:
PROPERTY ADDR: 00000
OWNER NAME: WESTLAND DEVELOPMENT CO INC
OWNER ADDR: 00401 COORS BL NW
ALBUQUERQUE NM 87121

0100905801213731803 LEGAL: LT 3 8-P1 BLK 1 PLAT FOR SUNDORO SOUTH SUBDIVISION LAND USE:
PROPERTY ADDR: 00000 KILAUEA
OWNER NAME: MILLS JEFFREY A & ADRIANA
OWNER ADDR: 09600 KILAUEA AV NW
ALBUQUERQUE NM 87120

0100905800713831802 LEGAL: LT 3 7-P1 BLK 1 PLAT FOR SUNDORO SOUTH SUBDIVISION LAND USE:
PROPERTY ADDR: 00000 KILAUEA
OWNER NAME: NGUYEN LAN CHI
OWNER ADDR: 09604 KILAUEA AV NW
ALBUQUERQUE NM 87120

0100905804015131320 LEGAL: TR A PLA T FOR SUNDORO SOUTH SUBDIVISION UNIT 1 LAND USE:
PROPERTY ADDR: 00000
OWNER NAME: WESTLAND DEVELOPMENT CO INC
OWNER ADDR: 00401 COORS BL NW
ALBUQUERQUE NM 87121

0100905806215731330 LEGAL: TR L PL AT FOR SUNDORO SOUTH SUBDIVISION UNIT 1 LAND USE:
PROPERTY ADDR: 00000
OWNER NAME: WESTLAND DEVELOPMENT CO INC
OWNER ADDR: 00401 COORS BL NW
ALBUQUERQUE NM 87121

0100905803419130506 LEGAL: TR O F LA ND WITHIN THE W/2 W/2 NW/4 SW/4 SEC 16 T10 LAND USE:
PROPERTY ADDR: 00000
OWNER NAME: WESTLAND DEVELOPMENT CO INC
OWNER ADDR: 00401 COORS BL NW
ALBUQUERQUE NM 87121

0100905805219230505 LEGAL: PARC EL J -2-B PLAT OF PARCELS J-2-A & J-2-B WESTLAN LAND USE:
PROPERTY ADDR: 00000
OWNER NAME: WESTLAND DEVELOPMENT CO INC
OWNER ADDR: 00401 COORS BL NW
ALBUQUERQUE NM 87121

0100905806919330504 LEGAL: TR I N TO WN OF ATRISCO GRANT SEC 16 T10N R2E CONT 5 LAND USE:
PROPERTY ADDR: 00000 N/A
OWNER NAME: WESTLAND DEVELOPMENT CO INC
OWNER ADDR: 00401 COORS BL NW
ALBUQUERQUE NM 87121

0100905808719230502 LEGAL: TR I N TO WN OF ATRISCO GRANT T10N R2E SEC 16 CONT 5 LAND USE:
PROPERTY ADDR: 00000 N/A
OWNER NAME: WESTLAND DEV CO INC
OWNER ADDR: 00401 COORS BL NW
ALBUQUERQUE NM 87121

0100905710341320301 LEGAL: TR C BUL K LAND VACATION & DEDICATION PLAT OF TRACT LAND USE:
PROPERTY ADDR: 00000
OWNER NAME: 98TH STREET LAND CO LLC
OWNER ADDR: PO BOX 14708
ALBUQUERQUE NM 87191

```
0100905711549520501   LEGAL: TR B  29  EXC POR TO R/W IN UNIT 5 TOWN OF
ATRISCO G  LAND USE:
                      PROPERTY ADDR: 00000   N/A
                         OWNER NAME: I-40 SOUTH LLC
                         OWNER ADDR: PO BOX AA
ALBUQUERQUE NM       87103
0100905713450020502   LEGAL: TRAC T B  30 EXC POR TO R/W IN UNIT 5 TOWN OF
ATRISC  LAND USE:
                      PROPERTY ADDR: 00000   N/A
                         OWNER NAME: I-40 SOUTH LLC
                         OWNER ADDR: PO BOX AA
ALBUQUERQUE NM       87103
0100905812502130104   LEGAL: S PO RT T RACT B-27 UNIT 5 TOWN OF ATRISCO GRANT
LAND USE:
                       PROPERTY ADDR: 00000   N/A
                          OWNER NAME: I-40 SOUTH LLC
                          OWNER ADDR: PO BOX AA
ALBUQUERQUE NM       87103
0100905813802430101   LEGAL: S PO RT T RACT B-26 UNIT 5 TOWN OF ATRISCO GRANT
LAND USE:
                      PROPERTY ADDR: 00000   N/A
                         OWNER NAME: I-40 SOUTH LLC
                         OWNER ADDR: PO BOX AA
ALBUQUERQUE NM       87103
 .
 QUIT
```

100905710341320301	LEGAL: TR C BULK LAND VACATION & DEDICATION PLAT OF C AVALON SUBDIVISION PROPERTY ADDR: N/A OWNERS NAME: 98TH STREET LAND CO LLC OWNERS ADDR: PO BOX 14708 ALBUQUERQUE, NM 87191
100905711549520501	LEGAL: TR B 29 EXC POR TO R/W IN UNIT 5 TOWN OF ATR 4.70 ACRES PROPERTY ADDR: N/A OWNERS NAME: 1-40 SOUTH LLC OWNERS ADDR: PO BOX AA ALBUQUERQUE, NM 87103
100905713450020502	LEGAL: TR B 30 EXC POR TO R/W IN UNIT 5 TOWN OF 0 NT 4.85 ACRES PROPERTY ADDR: N/A OWNERS NAME: 1-40 SOUTH LLC OWNERS ADDR: PO BOX AA ALBUQUERQUE, NM 87103
100905812502130104	LEGAL: SPORT TRACT B-27 UNIT 5 TOWN OF ATRISCO GRANT PROPERTY ADDR: N/A OWNERS NAME: 1-40 SOUTH LLC OWNERS ADDR: PO BOX AA ALBUQUERQUE, NM 87103
100905813802430101	LEGAL: SPORT TRACT B-26 UNIT 5 TOWN OF ATRISCO GRANT PROPERTY ADDR: N/A OWNERS NAME: 1-40 SOUTH LLC OWNERS ADDR: PO BOX AA ALBUQUERQUE, NM 87103

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.

ALBUQUERQUE
Making History

City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

May 23, 2006

David Thompson
Thompson Engineering Consulting
P.O. Box 65160/87193
Phone: 271-2199/Fax: 830-9248

Dear David:

Thank you for your inquiry of May 23, 2006 requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **A TRACT SITUATED IN TRACTS 31 AND 32 OF TOWN OF ATRISCO GRANT LOCATED ON 94TH STREET NW BETWEEN ERDEE ROAD NW AND INTERSTATE 40 FREEWAY** zone map **J-9**

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

PARKWAY N.A. (PKW) "R"
***Bonita Powe-Morgan**
8032 Waterbury Ave. NW/87120 831-1357 (h)
Palmira Perea-Hay
8039 Waterbury NW/87120 839-8123 (h)

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

Sincerely,

Stephani Winklepleck
Neighborhood Program Coordinator
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD ASSOCIATION.

planningrnaform(10/08/05)

Project # 1003612

DRAGONFLY DEVELOPMENT, INC
12809 DONETTE COURT NE
ALBUQUERQUE, NM 87112

Project # 1003612
PALMIRA PEREA-HAY
Parkway N.A.
8039 WATERBURY NW
ALBUQUERQUE, NM 87120

100905813507030306

A.M.A.F.C.A
2600 PROSPECT NE
ALBUQUERQUE NM 87107

100905710341320301

98TH STREET LAND CO LLC
PO BOX 14708
ALBUQUERQUE, NM 87191

Project # 1003612

THOMPSON ENGINEERING CONSULTANTS, INC
PO BOX 65760
ALBUQUERQUE, NM 87193

100905802305130901

GHP LTD CO
7600 PAN AMERICAN FW NE
ALBUQUERQUE NM 87109

100905801213731803

MILLS JEFFREY A & ADRIANA
9600 KILAUEA AV NW
ALBUQUERQUE NM 87120

100905711549520501

I-40 SOUTH LLC
PO BOX AA
ALBUQUERQUE, NM 87103

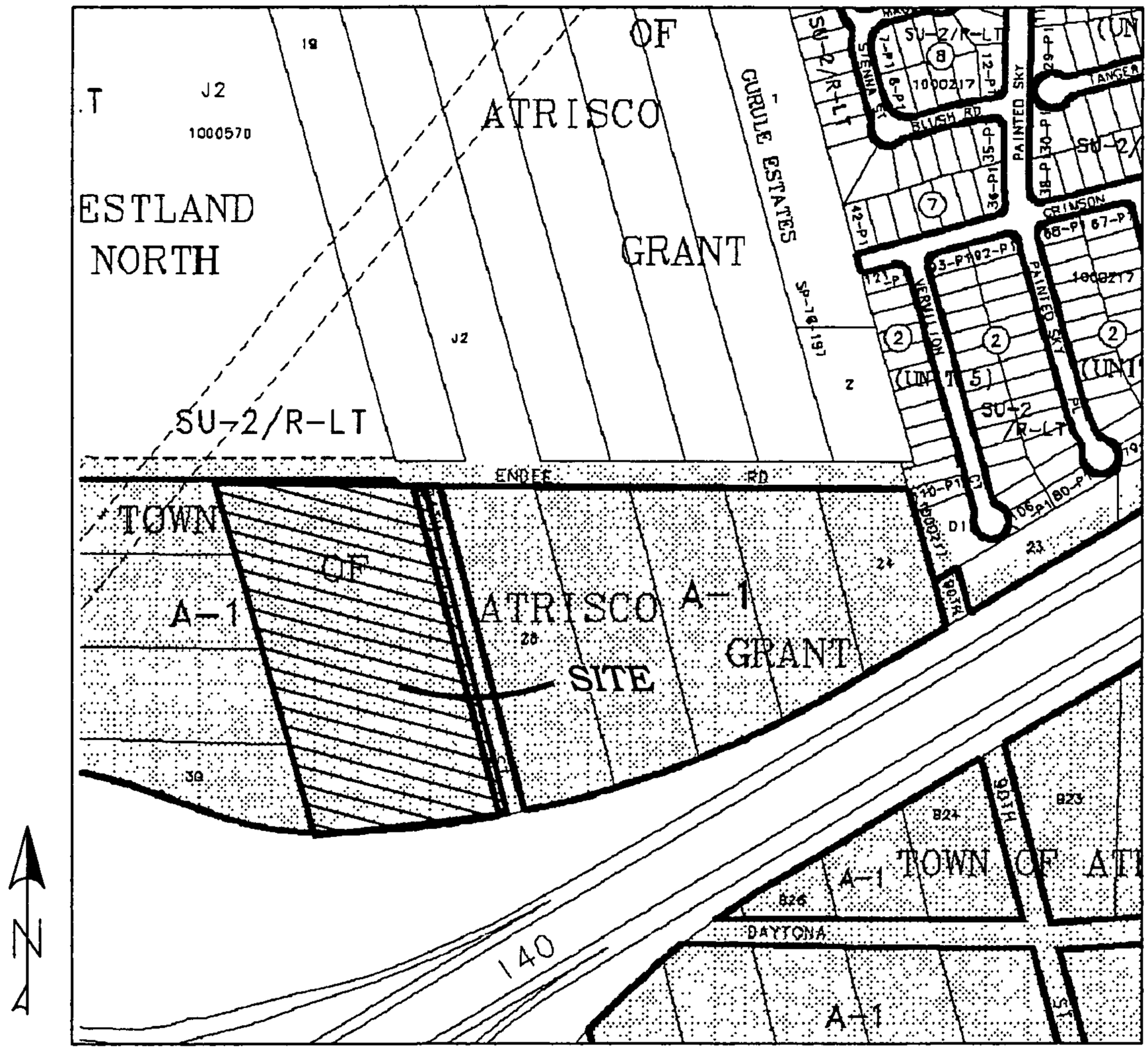
Project # 1003612
BONITA POWE-MORGAN
Parkway N.A.
8032 WATERBURY AVE NW
ALBUQUERQUE, NM 87120

100905807909030301

WESTLAND DEVELOPMENT CO INC
401 COORS NW
ALBUQUERQUE NM 87121

100905800713831802

NGUYEN LAN CHI
9604 KILAUEA AV NW
ALBUQUERQUE NM 87120



VICINITY MAP : J-9-Z

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 21, 2006

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] (J-9)

AMAFCA No objection to requested actions. The subdivision is subject to a funding agreement between the owner and AMAFCA. AMAFCA will sign the Final Plat.

COG The Long Range Bikeway System identifies a bike path on the southern vicinity of the project boundaries with Interstate 40. Please coordinate with DMD Trails to include appropriate elements of the trail accordingly.

Transit — No objection to the request.

Zoning Enforcement — No adverse comments.

Neighborhood Coordination — Letter sent to Parkway NA (R).

APS **Sundoro South Unit 9 Subdivision** is proposing 41 residential lots. The proposed development will impact Painted Sky Elementary, Jimmy Carter Middle School, and West Mesa High School. **All three schools are exceeding capacity.**

School	2006-07 Projections	2006-07 Capacity	Space Available
Painted Sky	1,004	850	-154
Jimmy Carter	1,180	1,178	-2
West Mesa	2,706	2,100	-606

A new southwest high school is planned to open with a 9th grade academy in 2008 with the remainder of the school to open in 2009. The new northwest high school will relieve West Mesa High School.

APS

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

Provide new capacity (long term solution)
Construct new schools or additions
Add portables
Use of non-classroom spaces for temporary classrooms
Lease facilities
Use other public facilities
Improve facility efficiency (short term solution)
Schedule Changes
Double sessions
Multi-track year-round
Other
Float teachers (flex schedule)
Shift students to Schools with Capacity (short term solution)
Boundary Adjustments / Busing
Grade reconfiguration
Combination of above strategies

All planned additions to existing educational facilities are contingent upon taxpayer approval.

Police Department

A review of the following DRB case(s) indicates the following problems or crime may occur or that the following concerns may need to be evaluated or addressed on this site or in this area. These comments do not indicate that a thorough CPTED evaluation has been done, or that other criminal activities may not occur. Traffic Volume- decreased to area. Traffic Control- peak time traffic onto major streets. Burglaries- Homes empty during daylight hours. Speeding violations- Heavy traffic. Lighting issues- dusk-dawn lighting required. Maintenance and landscaping - area needs to be maintained per city ordinance. Alarm response- homes will use burglar alarms. Need for neighborhood association- need to maintain values of property and area is kept clean.

Fire Department — Fire Department is not approving street widths less than 32 feet at this time. Per Ray Sanchez, AFD. All required fire hydrants shall be installed and made serviceable prior to and during construction of subdivision.

PNM Electric & Gas — Approved.

Comcast — No comments received.

QWEST	No comments received.
Environmental Health	No comments received.
M.R.G.C.D.	No comments received.
Open Space Division	No adverse comments.

City Engineer

An approved drainage report dated 11-14-05 is on file for Preliminary Plat approval. No objection to Vacation request. No objection to Sidewalk Deferral request.

Transportation Development

Street widths do not meet DPM requirements. Why is there a jog on Endee (Lot 1-P1). Do the offset intersections meet DPM criteria? A traffic distribution map is needed. (The proposed lots to the south need to be included.) Why does Endee road only have 12' of pavement? How wide is Endee with the new dedication? Is this a major local? (6' sidewalk). Has the extension of 94th street south of Silica been resolved? Signing per DRC needs to be added to the infrastructure list.

Parks & Recreation

Defer to Transportation. No objection to the preliminary plat.

Utilities Development — No objection to Vacation request. No objection to Preliminary Plat approval. No objection to Sidewalk Deferral.

Planning Department

When this parcel was annexed, was it included in the Westland North Sector Plan boundaries?

The sidewalk exhibit is missing. Be sure to turn in 5 copies at least one week before the hearing.

The vacation exhibit does not state what type of vacation it is. The area is highlighted but not identified.
5 revised vacation exhibits are needed stating what is proposed for vacation…at least one week before the hearing.

Where are the 4 tracts mentioned in the purpose of plat?

Impact Fee Administrator

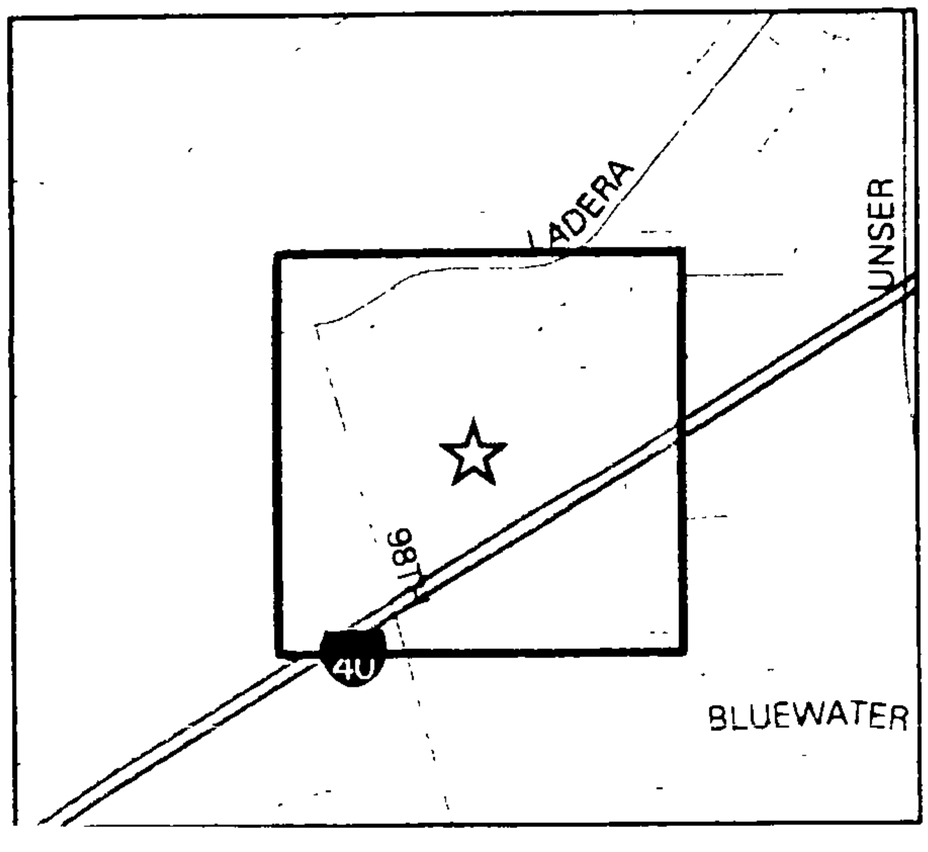
No comment on proposed vacation. Impact Fees will not be required at this time; however, construction of a new single family residence within the proposed subdivision will require payment of Impact Fees. Based on a house size of approximately 2,000 square feet, it is estimated that impact fees will total approximately $5,740 if a permit is obtained prior to December 29, 2006 and $8,567 thereafter.

IT IS REQUIRED THAT THE APPLICANT AND/OR AGENT BE PRESENT AT THE HEARING

cc:Dragonfly Development Inc., 12809 Donette Ct NE, 87112
Thompson Engineering Consultants Inc., P.O. Box 65760, 87193

ZONING MAP

Note: Grey shading indicates County.



1 inch equals 500 feet

Project Number:
1003612
Hearing Date:
6/21/06
Zone Map Pag
J-9
Additional Case Numbers:
06DRB-00737
06DRB-00738
06DRB-00739

PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW,** on **Wednesday, June 21, 2006,** beginning at **9:00 a.m.** for the purpose of considering the following:

Project # 1003175
06DRB-00733 Major-Two Year SIA

BOHANNAN HUSTON INC agent(s) for D R HORTON INC request(s) the above action(s) for all or a portion of Tract(s) 33C-1-A, **SUN GATE SUBDIVISION,** zoned R-LT, located on GIBSON BLVD SW, between BLAKE RD SW and MESA ARENOSA DR SW containing approximately 24 acre(s). [REF: 04DRB-01126] (N-9)

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] (J-9)

roject # 1004913
06DRB-00730 Major-Vacation of Public Easements
06DRB-00731 Minor-Sketch Plat or Plan

JEFF MORTENSEN & ASSOCIATES INC agent(s) for REGENTS OF THE UNIVERSITY OF NEW MEXICO (REAL ESTATE) request(s) the above action(s) for all or a portion of Parcel(s) 1, 2, A & B, UNPLATTED LANDS OF UNM (to be known as **TRACTS A, B, C, & D, UNM LANDS WEST**) zoned C-3, located on UNIVERSITY BLVD NE, between INDIAN SCHOOL RD NE and LOMAS BLVD NE containing approximately 20 acre(s). (J-15)

Details of the application(s) may be examined at the Planning Department Development Services Center One Stop Shop, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 8:00 a.m. and 4:30 p.m., Monday through Friday except holidays. INDIVIDUALS WITH DISABILITIES needing special assistance to participate in this hearing should contact Claire Senova, Planning Department, at 924-3946. TTY users may call the New Mexico Relay Network by calling toll-free 1-800-659-8331.

Claire Senova
for Sheran Matson, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, JUNE 5, 2006.

#3

THOMPSON Engineering Consultants, Inc.

June 27, 2006

Ms. Claire Senova
Development Services
Planning Department
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

Re: REQUEST FOR DEFERRAL FOR PRELIMINARY PLAT, VACATION OF PUBLIC ROW, AND SIDEWALK DEFERRAL FOR SUNDORO SOUTH UNIT 9 SUBDIVISION (DRB 1003612)

Dear Ms. Senova:

Sundoro South Unit 9 subdivision (DRB 1003612) is scheduled to be heard before the DRB on June 28, 2006. Please defer the DRB hearing to Wednesday, July 12, 2006, as we are still working with the property owner to the east concerning access issues to the property to the south.

If you should have any questions, please call me at 271-2199.

Sincerely,

David B. Thompson, P.E.

P.O. Box 65760 • Albuquerque, NM 87193 • (505) 271-2199 • Fax (505) 830-9248

LAW OFFICES *of* SEGAL & WHITTAKER, LLP

Real Estate Attorneys

SYLVAIN SEGAL
NM Recognized Specialist in Real Estate Law

JEANNETTE MARTINEZ WHITTAKER
Attorney at Law

July 10, 2006

Sheran Matson, AICP
Planning Manager
DRB Chair
Planning Department
Development and Building Services Division

Re: Project No. 1003612
Major-Preliminary Plat Approval; Major-Vacation of Public Right of Way; Minor-Temporary Deferment Sidewalk

Dear Ms. Matson:

I am the attorney for GHP LTD Co. the adjoining owner to the property described in the Notice of the Public Hearing to be held in the above matter on Wednesday, July 12, 2006 at 9:00 a.m. Please be advised that there is a boundary dispute between my client and Dragonfly Development Inc. and until such dispute is settled, we object to any attempt to obtain preliminary plat approval or vacation of the public right-of-way.

Very truly yours,

Sylvain Segal
SS/sa
cc: Phil Pickard

RECEIVED
JUL 10 2006
LAND DEVELOPMENT SECTION

Suite 101, 6201 Uptown Blvd , N E ■ Albuquerque, New Mexico 87110
phone 505-888-8888
fax 505-888-1635

July 10, 2006

Project # 1003612

BY HAND

Sheran Matson
Planning Manager
Planning Department
PO Box 1293, 600 2nd St., NW
Albuquerque, NM 87103

Dear Sheran Matson,

DRAGONFLY DEVELOPMENT: VACATION OF PUBLIC RIGHT-OF-WAY

This letter is to formally protest the vacation of 94th St. We purchased property at the very south of 94th St. against the freeway, from the Mew Mexico Department of Transportation; 94th St. is the access to our property. Please advise us as to the City of Albuquerque's position on the vacation of 94th St. Please do not allow our access to be taken away! We look forward to your reply to our Attorney Sylvain Segal. Thank you for your time regarding this matter...

Sincerely,

David Pickard
DCLP Trust
cc: Sylvain Segal, Attorney

RECEIVED
JUL 10 2006
LAND DEVELOPMENT SECTION

7600 PAN AMERICAN FWY
ALBUQUERQUE, NM 87109

Received 01/12/06

Albuquerque Title Company
TI #2436956B

WARRANTY DEED

GHP LTD COMPANY, a New Mexico limited liability company, for consideration paid grants to Fuller Homes, Inc., a Texas corporation, whose address is P.O. Box 13900, Albuquerque, New Mexico 87192, the following described real estate in Bernalillo County, New Mexico:

SEE EXHIBIT "A" ATTACHED

SUBJECT TO: Patent reservations, restrictions and easements of record and taxes for the year 2006 and subsequent years.

With warranty covenants.

WITNESS its hand and seal this 15th day of December, 2005.

GHP LTD. COMPANY

By: _____
Phillip Pickard, Managing Member

ACKNOWLEDGEMENT FOR CORPORATION

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

The foregoing instrument was acknowledged before me this 15th day of December 2005, by Phillip Pickard, as Managing Member of GHP Ltd Company, a New Mexico limited liability company.

_____
Notary Public

My commission expires

BERTHA E. BACA

2005184583
Page: 1 of 2
12/16/2005 03:11P
Bk-A188 Pg-4928
Mary Herrera Bern. Co. NM

GF/TI NO. 24369SBB

EXHIBIT A

A tract of land being situated in The Town of Atrisco Grant within projected Sections 16 and 17, Township 10 North, Range 2 East, N.M.P.M., Albuquerque, Bernalillo County, New Mexico, together with that vacated portion of 94th Street Northwest (VAC05DRB-00107) and being more particularly described as follows:

BEGINNING at the northwest corner of the tract herein described, also being a point on the Easterly I-40 right of way, whence for a tie to the NGS Monument, bears S 12 deg. 10' 24" W, 1358.57 feet distance; thence
S 89 deg. 48' 03" E, 878.49 feet distance, leaving said right of way to the northeast corner of the tract herein described; thence
S 15 deg. 11' 39" E, 657.67 feet distance to a point; thence
S 89 deg. 40' 09" E, 300.04 feet distance to a point; thence
N 83 deg. 23' 22" E, 193.58 feet distance to a point; thence
S 14 deg. 59' 23" E, 142.81 feet distance to a point, also being a point on the northerly right of way line of I-40, also being a point on a curve; thence
404.98 feet distance along the arc of a curve bearing to the right (said arc having a central angle of 10 deg. 01' 29" and a chord bearing of S 83 deg. 56' 54" W, 404.46 feet) distance to a point of compound curvature; thence
260.23 feet distance along the arc of a curve bearing to the right (said arc having a central angle of 20 deg. 45' 05" and a chord bearing of N 80 deg. 41' 11" W, 258.81) feet distance to a point; thence
N 70 deg. 18' 12" W, 197.43 feet distance to a point; thence
N 76 deg. 26' 35" W, 202.41 feet distance to a point, also being a point on curve; thence
730.10 feet distance along the arc of a curve bearing to the right (said arc having a central angle of 61 deg. 28' 16" and a chord bearing of N 45 deg. 43' 22" W, 695.59) feet distance to a point of tangency; thence
N 14 deg. 59' 23" W, 161.80 feet distance to a point and place of beginning.

Mary Herrera Bern. Co. NM R 11.00
2005184583
Page: 2 of 2
12/16/2005 09:16P
Bk-A198 Pg-4696

1. Filed approx. April 25, 2006

2. Fuller cannot convey QCD because they did not acquire the property from GHP

3. answer - June 13, 2025

4. Counterclaim -
1. $178,000
2 Fraud in inducement

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

NO. _____

DRAGONFLY DEVELOPMENT, INC.,

Plaintiff,

v.

GHP LTD. CO.

Defendant.

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

Plaintiff Dragonfly Development, Inc., a New Mexico corporation ("Dragonfly") by and through their attorneys, Moses, Dunn, Farmer & Tuthill, P.C. (Joseph L. Werntz and Steven J. Hile), for its Complaint against Defendant herein, states:

1. This Court has jurisdiction of the parties and subject matter of this action, and venue is proper in this Court.

2. Dragonfly is a New Mexico corporation doing business in Bernalillo County, New Mexico.

3. Defendant GHP Ltd. Co. ("GHP") is a New Mexico limited liability company doing business in Bernalillo County, New Mexico. Philip Pickard ("Pickard") is an individual residing in Bernalillo County, New Mexico, and upon information and belief is the managing partner or managing member of GHP.

4. Before December 2005, GHP claimed to own property ("GHP Property") pursuant to a warranty deed recorded November 1, 2004, in Book A86 at Page 2911, records of Bernalillo County, New Mexico.

5. Before December 2005, Dragonfly claimed to own certain real property ("Dragonfly Property") pursuant to a warranty deed recorded August 26, 2004, in Book A83 at Page 1104, records of Bernalillo County, New Mexico.

6. Before December 2005, a dispute arose between GHP and Dragonfly regarding the boundaries of their respective properties, and an apparent overlap or conflict between the boundaries of the GHP Property and the Dragonfly Property.

7. On December 7, 2005, Dragonfly and GHP executed that certain Boundary Agreement, a copy of which is attached hereto as **EXHIBIT A**. The original Boundary Agreement was recorded January 11, 2006, in Book A110 at Page 5017, records of Bernalillo County, New Mexico.

8. The Boundary Agreement establishes by agreement a common boundary between the Dragonfly Property and the GHP Property.

9. The Boundary Agreement required the parties to have a licensed surveyor or engineer mutually agreeable to Dragonfly and GHP, in consultation with Thompson Engineering Consultants, Inc. prepare legal descriptions of the respective Dragonfly and GHP properties using the agreed boundary line.

10. The Boundary Agreement requires that GHP execute and deliver to Dragonfly a quitclaim deed for the Dragonfly Property using the new legal description prepared as described in Paragraph 9 above, and requires that Dragonfly execute and deliver to GHP a quitclaim deed

for the GHP Property using the new legal description prepared as described in Paragraph 9 above.

11. After the Boundary Agreement was executed, on or about December 15, 2005, GHP sold the GHP Property (as redefined by the Boundary Agreement) to Fuller Homes Inc. ("Fuller"). A copy of the deed to Fuller is attached as **EXHIBIT B**.

12. Dragonfly has been at all times ready, willing and able to deliver a quitclaim deed to GHP for the GHP Property as required by the Boundary Agreement. However, GHP has failed and refused to execute a quitclaim deed to Dragonfly for the Dragonfly Property, despite its obligation to do so under the Boundary Agreement.

COUNT I
FOR DECLARATORY JUDGMENT

13. Dragonfly incorporates paragraphs 1 through 12 by reference.

14. An actual controversy exists between Dragonfly and GHP as to their respective property rights and obligations under the Boundary Agreement, and declaratory relief is appropriate under the Declaratory Judgment Act, § 44-6-1 et seq. NMSA 1978.

15. This Court should enforce the Boundary Agreement, and order GHP to execute and deliver to Dragonfly a quitclaim deed for the Dragonfly Property, based on the boundary line established in the Boundary Agreement. If GHP fails or refuses to do so, this Court should appoint a special master to execute and deliver the quitclaim deed on behalf of GHP.

COUNT II
FOR INJUNCTIVE RELIEF

16. Dragonfly incorporates paragraphs 1 through 12 by reference.

17. Dragonfly is developing the Dragonfly Property for sale, and is currently doing earth work and grading thereon.

18. GHP, through Pickard, has demanded from Dragonfly a payment which is neither provided for nor contemplated by the Boundary Agreement, and has threatened to build a fence on what it claims is the original disputed boundary line between the Dragonfly Property and the GHP Property, and which line is now on the Dragonfly Property pursuant to the Boundary Agreement.

19. Such a fence would prevent Dragonfly from timely completing its development of the Dragonfly Property, would prevent Dragonfly's sale of the property, and would cause immediate and irreparable harm to Dragonfly, for which Dragonfly has no adequate remedy at law.

20. This Court should enter its preliminary injunction, and after trial on the merits, its permanent injunction, restraining, enjoining and prohibiting GHP and its members, agents, contractors and representatives from entering onto or constructing or attempting to construct a fence or any structure of any kind on the Dragonfly Property.

21. No bond should be required from Dragonfly, because the Court would only be maintaining the status quo with respect to the property. Further, GHP has no interest in either the GHP Property sold to Fuller or the Dragonfly Property, and it would not suffer any damage as a result of the maintenance of status quo until this matter is resolved by the Court.

WHEREFORE, Dragonfly prays for this Court's order and judgment as follows:

A. Declaring the rights of Dragonfly under the Boundary Agreement, and ordering GHP to execute and deliver to Dragonfly a quitclaim deed for the Dragonfly Property, using the boundary line as established in the Boundary Agreement;

B. Appointing a special master to execute and deliver the quitclaim deed in GHP's place should GHP fail or refuse to execute and deliver the quitclaim deed;

C. Enter its preliminary injunction, and after trial on the merits, its permanent injunction, restraining, enjoining and prohibiting GHP and its members, agents, contractors and representatives from coming onto the Dragonfly Property, or constructing or attempting to construct any fence or any other structure on the Dragonfly Property; and

D. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

MOSES, DUNN, FARMER & TUTHILL, P.C.

By _____
Joseph L. Werntz
Steven J. Hile
Attorneys for Plaintiff
612 First Street NW
PO Box 27047
Albuquerque NM 87125-7047

1.1107/033

VERIFICATION

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

I, **PHILIP LINDBORG**, being duly sworn, state upon oath that I am President of Dragonfly Development, Inc., Plaintiff in the lawsuit herein, and I have read and understand the foregoing **Complaint for Declaratory Judgment and Injunctive Relief,** and that the statements contained therein are true and correct, except any made on information and belief, as to which I believe them to be true.

_____
PHILIP LINDBORG

ACKNOWLEDGED, SUBSCRIBED AND SWORN TO before me on _____, 2006, by PHILIP LINDBORG.

My commission
expires _____.

_____
NOTARY PUBLIC

Albuquerque Title Company
TI #243695 BB

WARRANTY DEED

GHP LTD COMPANY, a New Mexico limited liability company, for consideration paid grants to Fuller Homes, Inc., a Texas corporation, whose address is P.O. Box 13900, Albuquerque, New Mexico 87192 . the following described real estate in Bernalillo County, New Mexico:

SEE EXHIBIT "A" ATTACHED

SUBJECT TO: Patent reservations, restrictions and easements of record and taxes for the year 2006 and subsequent years.

With warranty covenants.

WITNESS its hand and seal this 15th day of December, 2005.

GHP LTD. COMPANY

By: _____
Philip Pickard, Managing Member

ACKNOWLEDGEMENT FOR CORPORATION

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

The foregoing instrument was acknowledged before me this 15th day of December 2005, by Philip Pickard, as Managing Member of GHP Ltd Company, a New Mexico limited liability company.

_____
Notary Public

My commission expires

_____

830.9248

2005184583
Page: 1 of 2
12/16/2005 03:16P
Bk-A108 Pg-4986
Mary Herrera Bern Co. NM

GF/TI NO. 24369SBB

EXHIBIT A

A tract of land being situated in The Town of Atrisco Grant within projected Sections 16 and 17, Township 10 North, Range 2 East, N.M.P.M., Albuquerque, Bernalillo County, New Mexico, together with that vacated portion of 94th Street Northwest (VAC05DRB-00107) and being more particularly described as follows:

BEGINNING at the northwest corner of the tract herein described, also being a point on the Easterly I-40 right of way, whence for a tie to the NGS Monument, bears S 12 deg. 10' 24" W, 1358.57 feet distance; thence
S 89 deg. 48' 03" E, 878.49 feet distance, leaving said right of way to the northeast corner of the tract herein described; thence
S 15 deg. 11' 39" E, 657.67 feet distance to a point; thence
S 89 deg. 40' 09" E, 300.04 feet distance to a point; thence
N 83 deg. 23' 22" E, 193.58 feet distance to a point; thence
S 14 deg. 59' 23" E, 142.81 feet distance to a point, also being a point on the northerly right of way line of I-40, also being a point on a curve; thence
404.98 feet distance along the arc of a curve bearing to the right (said arc having a central angle of 10 deg. 01' 29" and a chord bearing of S 83 deg. 56' 54" W, 404.46 feet) distance to a point of compound curvature; thence
260.23 feet distance along the arc of a curve bearing to the right (said arc having a central angle of 20 deg. 45' 05" and a chord bearing of N 80 deg. 41' 11" W, 258.81) feet distance to a point; thence
N 70 deg. 18' 12" W, 197.43 feet distance to a point; thence
N 76 deg. 26' 35' W, 202.41 feet distance to a point, also being a point on curve; thence
730.10 feet distance along the arc of a curve bearing to the right (said arc having a central angle of 61 deg. 28' 16" and a chord bearing of N 45 deg. 43' 22" W, 695.59) feet distance to a point of tangency; thence
N 14 deg. 59' 23" W, 161.80 feet distance to a point and place of beginning.

2005184583
8300637
Page: 2 of 2
12/16/2005 03:16P
Mary Herrera Bern Co WD R 11.00 Bk-A188 Pg-4686

OWNER'S POLICY OF TITLE INSURANCE

Issued by **Lawyers Title Insurance Corporation**

POLICY NUMBER

A 75-220906.

LandAmerica Lawyers Title

Lawyers Title Insurance Corporation is a member of the LandAmerica family of title insurance underwriters.

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, LAWYERS TITLE INSURANCE CORPORATION, a Virginia corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

IN WITNESS WHEREOF, LAWYERS TITLE INSURANCE CORPORATION has caused its corporate name and seal to be hereunto affixed by its duly authorized officers, the Policy to become valid when countersigned by an authorized officer or agent of the Company.

LAWYERS TITLE INSURANCE CORPORATION

Attest: _____ Secretary

LAWYERS TITLE INSURANCE CORPORATION SEAL 1925 RICHMOND VA

By: _____ President

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
   (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
   (a) created, suffered, assumed or agreed to by the insured claimant,
   (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
   (c) resulting in no loss or damage to the insured claimant,
   (d) attaching or created subsequent to Date of Policy; or
   (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the Insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
   (a) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
   (b) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
      (i) to timely record the instrument of transfer; or
      (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

ALTA Owner's Policy (10-17-92)

SCHEDULE A

File Number	Policy Number	Date of Policy	Amount of Insurance
02404553-HEV(mc)	A75-2209906	August 26, 2004 at 3:14 p.m.	$489,442.78
			Premium
			$

1. Name of Insured:

   Dragonfly Development Inc., a New Mexico corporation

2. The estate or interest in the land which is covered by this policy is:

   Fee Simple

3. Title to the estate or interest in the land is vested in:

   Dragonfly Development Inc., a New Mexico corporation

4. The land referred to in this policy is described as follows:

   A tract of land situate in Section 16, Township 10 North, Range 2 East, N.M.P.M., within the Town of Atrisco Grant, Bernalillo County, New Mexico, and being more particularly described as follows;

   Beginning at the Southeast corner of said tract, the Southwest corner of said Section 16 bears South 49° 35' 42" West and is 951.07 feet distant;
   Thence, from the above said point of beginning, North 89° 27' 55" West a distance of 469.87 feet to the Southwest corner of said tract;
   Thence North 14° 59' 25" West a distance of 617.21 feet to a point on the South right-of-way line of Endee Road Northwest, for the Northwest corner;
   Thence South 89° 35' 51" East along said right-of-way line a distance of 469.57 feet to the Northeast corner;
   Thence South 14° 59' 25" East a distance of 618.33 feet to the point of beginning.

ALTA Owner's Policy (10/17/92)

SCHEDULE B

Policy Number: A75-2209906
File Number: 02404553-HEV

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Encroachments, overlaps, conflicts in boundary lines, shortages in area, or other matters which would be disclosed by an accurate survey and inspection of the premises.
4. Any lien, claim or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Community property, survivorship, or homestead rights, if any, of any spouse of the insured (or vestee in a leasehold or loan policy).
6. Any titles or rights asserted by anyone including, but not limited to, persons, corporations, governments, or other entities, to lands comprising the shores or bottoms of navigable streams, lakes or land beyond the line of the harbor or bulkhead lines established or changed by the United States Government.
7. Unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims or title to water.
8. Taxes or assessments which are not shown as existing liens by the public record.
9. Taxes for the year 2004, and thereafter, not yet due or payable.
10. In compliance with Subsection D of 13.14.18.10 NMAC, the Company hereby waives its right to demand arbitration pursuant to the title Insurance Arbitration Rules of the American Arbitration Association. Nothing herein prohibits arbitration of all arbitrable matters when agreed to by both the Company and the insured.

Countersigned by

_____
AUTHORIZED SIGNATORY

SCHEDULE B CONTINUED

ALTA Owner's Policy (10/17/92)

SCHEDULE B CONTINUED

Policy Number: A75-2209906
File Number: 02404553-HEV

11. Reservations contained in Patent from the United States of America, recorded in Book 35, Page 91, records of Bernalillo County, New Mexico.

NAMED INSURED ENDORSEMENT

Attached to Policy No. **A75-2209906**
File No. **02404553 Heather Ewing Veitch**

Issued by

Lawyers Title Insurance Corporation

Paragraph 1(a) of Conditions and Stipulations is deleted and the following paragraph is substituted in its place:

"insured": the insured named in Schedule A, and, subject to any rights or defenses the Company would have had against the named insured, those who succeed to the interest of the named insured by operation of law as distinguished from purchase including, but not limited to, heirs, distributees, devisees, survivors, personal representatives, next of kin, or corporate, partnership or fiduciary successors, and specifically, without limitations, the following:

(i) the successors in interest to a corporation, limited liability company, or limited liability partnership named as insured in Schedule A resulting from merger, consolidation, conversion, or distribution of the assets of the corporation, limited liability company, or limited liability partnership upon partial or complete liquidation;

(ii) the successors in interest to a general or limited partnership, limited liability company, or limited liability partnership named as an insured in Schedule A which dissolved but does not terminate;

(iii) the successors in interest to a general or limited partnership named as an insured in Schedule A resulting from distribution of the assets of the general or limited partnership upon partial or total liquidation;

(iv) the successors in interest to a joint venture named as an insured in Schedule A resulting from distribution of the assets of the joint venture upon partial or complete liquidation;

(v) the trustee or successor trustee of a written trust instrument established by the insured named in Schedule A for estate planning purposed to whom title is transferred after the policy date;

(vi) the successor or substitute trustee of a trustee named in a written trust instrument established by the insured named in Schedule A for estate planning purposes; or

(vii) the successor in interest to a trustee or trust resulting from distribution to the beneficiaries of the trust of all or part of the assets of the trust established by the insured named in Schedule A for estate planning purposes.

This endorsement is made a part of the policy and is subject to all the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and prior endorsements, if any, nor does it extend the effective date of the policy and prior endorsements or increase the face amount thereof.

Dated: **August 26, 2004**

Lawyers Title Insurance Corporation

Countersigned:

By: _____
Authorized Agent

NOTICE OF AVAILABILITY OF FUTURE INCREASE IN COVERAGE

Attached to Policy No. A75-2209906
File No. 02404553 HEV

Issued by

Lawyers Title Insurance Corporation

READ THIS NOTICE TO FAMILIARIZE YOURSELF WITH IMPORTANT INFORMATION REGARDING YOUR TITLE INSURANCE COVERAGE:

An Owner's Policy may be endorsed to reflect the current value of the estate insured (upon payment of the current basic premium according to the schedule less the amount previously paid for said policy) if the insurer's underwriting standards are met; provided, however, that the effective date of the policy shall remain unchanged and no affirmative coverages or down dates shall be added to the policy.

PLEASE KEEP THIS TITLE INSURANCE POLICY. IT IS AN IMPORTANT LEGAL DOCUMENT. AS YOU REVIEW IT FROM TIME TO TIME, BE AWARE THAT YOU MAY INCREASE YOUR TITLE POLICY AMOUNT IF YOU ADD IMPROVEMENTS, OR IF THE VALUE OF YOUR PROPERTY INCREASES OVER TIME. BY REQUESTING AN INCREASE IN COVERAGE AND PAYING THE APPLICABLE PREMIUMS. THIS WILL NOT CHANGE THE TERMS OF THE POLICY OTHER THAN THE AMOUNT.

Dated: **August 26, 2004**

Lawyers Title Insurance Corporation

Countersigned:

By: _____
Authorized Agent

Note: This endorsement shall not be valid or binding until countersigned by an authorized signatory.
NOTICE OF AVAILABILITY OF FUTURE INCREASE IN COVERAGE, Form NM49 (5/15/00)

NEW MEXICO MULTIPURPOSE ENDORSEMENT

File No. 02404553 HEV

Issued by

Lawyers Title Insurance Corporation

Attached to Policy Number **A75-2209906.**

1. Exceptions numbered One (1), Two (2), and Three (3) of Schedule B, Part I are hereby deleted.

This endorsement is made a part of the policy, binder or commitment and is subject to all the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy, binder or commitment and prior endorsements, if any, nor does it extend the effective date of the policy, binder or commitment and prior endorsements or increase the face amount thereof.

Dated: August 26, 2004

Lawyers Title Insurance Corporation

Countersigned:

By: _____
Authorized Agent

NM11 (10/85)
MULTIPURPOSE ENDORSEMENT

5985 Vision Form ENFANM11 Rev. 02/09/96

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

No. CV 2006-3080

DRAGONFLY DEVELOPMENT, INC.,

Plaintiff,

vs.

GHP LTD, CO.,

Defendant.

ANSWER AND COUNTERCLAIM

Answer

COMES NOW the Defendant by its attorneys, SEGAL & WHITTAKER, LLP (Sylvain Segal) and for its answer to Plaintiff's Complaint:

1. Denies each and every allegation contained in paragraphs 8, 9, 11, 12, 15, 18, 19, 20 and 21 of the Complaint.

2. Denies knowledge and information sufficient to form a belief as to the allegations contained in paragraphs 2 and 17 of the Complaint.

As First Affirmative Defense

3. The Complaint fails to state facts sufficient to constitute a claim for relief against this Defendant.

As Second Affirmative Defense

4. The Agreement between the parties, a copy of which is attached to the Complaint, was entered into by the Plaintiff with a fraudulent intent in that the Plaintiff never contemplated an exchange of properties with the Defendant but led the Defendant to believe that the Plaintiff was acting in good faith and is therefore unenforceable.

As Third Affirmative Defense

5. The Agreement referred to in the Complaint was entered into between the parties based upon the misrepresentations of the Plaintiff without the consent or knowledge of the Defendant and is therefore unenforceable.

WHEREFORE, Defendant demands judgment dismissing the Complaint together with the costs of this action.

Counterclaim

COMES NOW the Defendant by its attorneys, SEGAL & WHITTAKER, LLP (Sylvain Segal) and for its counterclaim against the Plaintiff alleges:

1. This Court has jurisdiction of the parties and subject matter of this action and venue is proper in this Court.

2. Heretofore the parties claimed to own the same piece of land as set forth in the Complaint.

3. The dispute between the parties was supposed to have been settled by entry into the Boundary Agreement attached to the Complaint as Exhibit A.

4. Under the terms of the Boundary Agreement, a boundary was established as shown on a Subdivision Plat Plan.

5. The legal descriptions of the Plaintiff's property and the Defendant's property were to established by a licensed surveyor and the parties were to exchange Quitclaim Deeds so as to eliminate the dispute.

6. Although the Defendant is willing to execute a Quitclaim Deed in favor of the Plaintiff, it appears at this moment that the Plaintiff is taking the position that it is not required to execute

a Quitclaim Deed to the Defendant of that portion of the property determined to belong to the Defendant.

7. Upon information and belief, the Plaintiff never intended to execute a Quitclaim Deed notwithstanding its agreement to do so, but intended that the Defendant rely upon its agreement to do so.

8. In reliance upon the agreement to execute a Quitclaim Deed, the Defendant signed the agreement referred to above.

9. Because of the Plaintiff's failure to execute a Quitclaim Deed, the Defendant has been damaged.

10. The Defendant had previously entered into an agreement to sell its property to a third party, but because of the dispute the Defendant was unable to sell all of the property agreed to be sold to the third party and had to accept a reduction in price of approximately $178,000.00.

WHEREFORE, Defendant demands judgment against the Plaintiff for such sums as the Defendant shall prove upon the trial of this action together with the costs of this action.

SEGAL & WHITTAKER, LLP

By: _____
Sylvain Segal
Attorney for Defendant
6201 Uptown Blvd. NE, #101
Albuquerque, NM 87110
(505) 888-8888

I HEREBY CERTIFY that a true copy of the foregoing pleading was mailed to:

Joseph L. Werntz/Steven J. Hile
MOSES, DUNN, FARMER & TUTHILL, P.C.
P.O. Box 27047
Albuquerque, NM 87125-7047

this 7 day of June 2006.

_____
SYLVAIN SEGAL

MOSES, DUNN, FARMER & TUTHILL, P.C.
Attorneys at Law

Telephone: (505) 843-9440
Facsimile (505) 247-3213

612 First Street, NW
P.O. Box 27047
Albuquerque, NM 87125-7047

FACSIMILE COVER SHEET

Date: 8-1-06

Number of pages: 4
(including this cover sheet)

TO: Kevin Curran

Fax No. 924-3440

Firm: Wayne Chew

842-8607

FROM: Joe Werntz

RE:

Message: GtP answer

The original document(s) being transmitted:

( ) will not be sent to you
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The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. postal service.

Please contact _____ at (505) 843-9440 if there are any difficulties in receiving this transmission.

#4

Current DRC
Project Number:

ORIGINAL

Figure 12

INFRASTRUCTURE LIST
(Rev 9-20-05)

Date Submitted: 5-26-06
Date Site Plan Approved: N/A
Date Preliminary Plat Approved: 8.2.06
Date Preliminary Plat Expires: 8.2.07
DRB Project No.: 1003612
DRB Application No.: 06DRB-00737

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

SUNDORO SOUTH UNIT 9
PROPOSED NAME OF PLAT AND/~~OR SITE DEVELOPMENT PLAN~~

TRACT 37, 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	Private P. E.	City Cnst Engineer
		Paving							
		~~12'~~ 20' wide	Residential Paving w/curb and gutter, 4' sidewalk south side	Endee Road	West Boundary	East Boundary	/	/	/
		26' wide	Residential Paving w/curb And gutter, 4' sidewalk both sides*	Zimina Drive	Endee Road	Silica Ave	/	/	/
		26' wide	Residential Paving w/curb And gutter, 4' sidewalk both sides*	Ekarma Drive	Endee Road	Silica Ave.	/	/	/

RIGINAL

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification: Private Inspector	Private P. E.	City Cnst Engineer
		Paving Cont.							
		26' wide	Residential Paving w/curb	Silica Ave.	Zimina	East	/	/	/
			And gutter, 4' sidewalk both sides*		Drive	Boundary			
		26' wide	Residential Paving w/curb	94th Street	Silica Ave.	South	/	/	/
			And gutter, 4' sidewalk both sides*			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 14	East Boundary	/	/	/

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ORIGINAL

NOTES

If the site is located in a floodplain, then financial guarantee will not be released until the LOMR is approved by FEMA.
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)

DRB CHAIR — 8/02/06 Date

Christina Sandoval — 8/2/06
PARKS & GENERAL SERVICES Date

Thompson Engineering Consultants, Inc.
FIRM

SIGNATURE — 5-26-06 Date

TRANSPORTATION DEVELOPMENT — 8-2-06 Date

UTILITY DEVELOPMENT — 8/2/06 Date

AMAFCA Date

Date

Date

Bradley L. Bingham — 8/2/06
CITY ENGINEER Date

Date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

Reed from Phil Pickard
8-2-06

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTIONS 16 AND 17 TOWNSHIP 10 NORTH RANGE 2 EAST N M P M TOWN OF ATRISCO GRANT ALBUQUERQUE BERNALILLO COUNTY NEW MEXICO BEING IDENTIFIED AS AREA A BEING A 1 6563 ACRE TRACT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE SOUTHWEST CORNER FOUND ⅝" REBAR WITH A CAP STAMPED "11463" IN PLACE WHENCE FOR A TIE THE NGS MONUMENT "REWARD" BEARS N 41 56' W 1504 98 FEET DISTANCE THENCE
N15 11'39"W 657 67 FEET DISTANCE TO A POINT THENCE
S89°48'03"E 89 70 FEET DISTANCE TO A POINT THENCE
S14 11'53 E 605 04 FEET DISTANCE THENCE
N89 58'45"E 382 81 FEET DISTANCE THENCE
S1[illegible] E 31[illegible] FEET DISTANCE THENCE
S 83 23'20 W 161 [illegible] FEET DISTANCE THENCE
N89 40'09 W 300 04 FEET DISTANCE TO A POINT AND PLACE OF BEGINNING AND CONTAINING 1 6563 ACRES MORE OR LESS

AREA A
72,148 sq ft
1 6563 acres
CROSS HATCHED AREA

S89°48'03"E
N89°58'45"E 382 81'
N89°40'09"W 300.04'
S83°23'20"W 161.20'
S14°11'53"E
N15°11'39"W
S14°56'
TRACT E
TRACT A (TEMP DRAINAGE EASEMENT) OPEN SPACE
TRACT B OPEN SPACE
TRACT C OPEN SPACE
TRACT D OPEN SPACE
TRACT E OPEN SPACE
TRACT F OPEN SPACE
TRACT G OPEN SPACE
ISLETA AVE NW
ATRISCO DRIVE NW
ATRISCO AVE NW
SELECTIVE PRIVATE PROPERTY

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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.

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.

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

DRB MINUTES FROM THE JUNE 21, 2006, DEVELOPMENT REVIEW BOARD MEETING.

2. 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]* (J-9)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

David Thompson, Thompson Engineering Consultants Inc., P.O. Box 65760, 87193
William Kraemer, Garcia Kraemer & Associates, 200 Lomas NW, #1111, 87102

ALL PERSONS WERE SWORN IN

CHAIR MATSON: We are now on Item 2, Project #1003612, Sundoro South, Unit 9. The Board reiterated comments from responding agencies listed on the staff report shown below.

AMAFCA No objection to requested actions. The subdivision is subject to a funding agreement between the owner and AMAFCA. AMAFCA will sign the Final Plat.

COG The Long Range Bikeway System identifies a bike path on the southern vicinity of the project boundaries with Interstate 40. Please coordinate with DMD Trails to include appropriate elements of the trail accordingly.

Transit	No objection to the request.
Zoning Enforcement	No adverse comments.
Neighborhood Coordination	Letter sent to Parkway NA (R).

APS **Sundoro South Unit 9 Subdivision** is proposing 41 residential lots. The proposed development will impact Painted Sky Elementary, Jimmy Carter Middle School, and West Mesa High School. **All three schools are exceeding capacity.**

APS

School	2006-07 Projections	2006-07 Capacity	Space Available
Painted Sky	1,004	850	-154
Jimmy Carter	1,180	1,178	-2
West Mesa	2,706	2,100	-606

A new southwest high school is planned to open with a 9th grade academy in 2008 with the remainder of the school to open in 2009. The new northwest high school will relieve West Mesa High School.

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.
Provide new capacity (long term solution)
Construct new schools or additions
Add portables
Use of non-classroom spaces for temporary classrooms
Lease facilities
Use other public facilities
Improve facility efficiency (short term solution)
Schedule Changes
Double sessions
Multi-track year-round
Other
Float teachers (flex schedule)
Shift students to Schools with Capacity (short term solution)
Boundary Adjustments / Busing
Grade reconfiguration
Combination of above strategies

All planned additions to existing educational facilities are contingent upon taxpayer approval.

Police Department

A review of the following DRB case(s) indicates the following problems or crime may occur or that the following concerns may need to be evaluated or addressed on this site or in this area. These comments do not indicate that a thorough CPTED evaluation has been done, or that other criminal activities may not occur. Traffic Volume- decreased to area. Traffic Control- peak time traffic onto major streets. Burglaries- Homes empty during daylight hours. Speeding violations- Heavy traffic. Lighting issues- dusk-dawn lighting required. Maintenance and landscaping - area needs to be maintained per city ordinance. Alarm response- homes will use burglar alarms. Need for neighborhood association- need to maintain values of property and area is kept clean.

Fire Department	Fire Department is not approving street widths less than 32 feet at this time. Per Ray Sanchez, AFD. All required fire hydrants shall be installed and made serviceable prior to and during construction of subdivision.
PNM Electric & Gas	Approved.
Comcast	No comments received.
QWEST	No comments received.
Environmental Health	No comments received.
M.R.G.C.D.	No comments received.
Open Space Division	No adverse comments.

City Engineer

An approved drainage report dated 11-14-05 is on file for Preliminary Plat approval. No objection to Vacation request. No objection to Sidewalk Deferral request.

Transportation Development

Street widths do not meet DPM requirements. Why is there a jog on Endee (Lot 1-P1). Do the offset intersections meet DPM criteria? A traffic distribution map is needed. (The proposed lots to the south need to be included.) Why does Endee Road only have 12' of pavement? How wide is Endee with the new dedication? Is this a major local? (6' sidewalk). Has the extension of 94th street south of Silica been resolved? Signing per DRC needs to be added to the infrastructure list.

Parks & Recreation

Defer to Transportation. No objection to the preliminary plat.

Utilities Development	No objection to Vacation request. No objection to Preliminary Plat approval. No objection to Sidewalk Deferral.

Planning Department

When this parcel was annexed, was it included in the Westland North Sector Plan boundaries?

Planning Department

The sidewalk exhibit is missing. Be sure to turn in 5 copies at least one week before the hearing.

The vacation exhibit does not state what type of vacation it is. The area is highlighted but not identified. Five (5) revised vacation exhibits are needed stating what is proposed for vacation…at least one week before the hearing.

Where are the 4 tracts mentioned in the purpose of plat?

Impact Fee Administrator

No comment on proposed vacation. Impact Fees will not be required at this time; however, construction of a new single family residence within the proposed subdivision will require payment of Impact Fees. Based on a house size of approximately 2,000 square feet, it is estimated that impact fees will total approximately $5,740 if a permit is obtained prior to December 29, 2006 and $8,567 thereafter.

THE ABOVE REQUEST WAS DEFERRED AT THE AGENT'S REQUEST TO JUNE 28, 2006.

DRB MINUTES FROM THE JUNE 28, 2006, DEVELOPMENT REVIEW BOARD MEETING.

3. 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]* (J-9)

Neither the applicant nor the agent were present.

The following action was taken:

THE ABOVE REQUEST WAS DEFERRED AT THE AGENT'S REQUEST TO JULY 12, 2006.

DRB MINUTES FROM THE JULY 12, 2006, DEVELOPMENT REVIEW BOARD MEETING.

13. 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]* (J-9)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

David Thompson, Thompson Engineering Consultants Inc., P.O. Box 65760, 87193
William Kraemer, Garcia Kraemer & Associates, 200 Lomas NW, #1111, 87102

CHAIR MATSON: We are now on Item 13, Project #1003612, Sundoro South Subdivision, Unit 9. Please state your names and what you are doing.

ALL PERSONS WERE SWORN IN

MR. THOMPSON: My name is Dave Thompson, Thompson Engineering Consultants.

MR. KRAEMER: My name is William Kraemer, Garcia Kraemer & Associates. We are here today requesting major preliminary plat approval, major vacation of public right-of-way and a minor temporary deferral of the sidewalk.

CHAIR MATSON: For what?

MR. KRAEMER: For a portion of Lot 37, Town of Atrisco to be known as Sundoro Unit 9, zoned SU-2 RLT located on Endee Road between 98th and 94th Streets. The vacation is of 94th Street.

CHAIR MATSON: Up front I will tell you that we are going to defer for one week at the Board's request because we have Mr. Pickard who is opposed to the vacation. He is unable to be here today. We will go ahead and do comments and also we have the question of the west boundary of the property. What have you got there. It looks pretty scary.

MR. THOMPSON: As I told you earlier in the week once I found out about the protest, I have a signed Boundary Agreement. Actually I have 2 copies for you. A signed Boundary Agreement between our property owner and the property owner to the west which is Mr. Pickard. It's filed. Also a Warranty Deed that shows that Mr. Pickard and GHP Ltd sold the property to Fuller Homes.

CHAIR MATSON: Okay, I'll take everything I can get.

MR. KRAEMER: I took one copy. Also, reliance on that agreement David Soule has processed and secured preliminary plat approval for the piece that Pickard said he owns. We are at a loss as to understand why he would object to this vacation.

CHAIR MATSON: Hopefully next week we will get it straightened out. In the meantime, Claire, is there anyone signed up to speak?

MS. SENOVA: No, there is not.

CHAIR MATSON: Okay, we'll go to Parks?

MS. SANDOVAL: We have no comments at this time.

CHAIR MATSON: Hydrology?

MR. BINGHAM: The vacation of 94th Street per your exhibit does not preclude access to his, Mr. Pickard's property. So I would concur with the vacation as shown. You are providing alternative access to Silica and Zemena. You are not vacating 94th to his property. However, I still want to make sure it lines up with what Prima Entrada did previously which it doesn't appear that this particular version of the plat does.

MR. THOMPSON: Since the last meeting I have contacted Rio Grande Engineering, the engineer, for that property and he sent me all of his information and I talked to him about 94th Street. We also have contacted Westland to dedicate a portion of a Tract S from Sundoro South Unit 6 and they are amenable to that. Mr. Soule from Rio Grande Engineering said that he would work with us on the alignment.

MR. BINGHAM: Okay. It does sort of show a jog on your wall alignment on what his portion of 94th Street showed and what yours does.

MR. THOMPSON: We are very close to having all that resolved.

MR. BINGHAM: Good. I think that does need to be resolved before we approve the final plat. Your grading plan is approved.

CHAIR MATSON: Planning?

MR. GARCIA: There was a comment the last time we spoke, where are the 4 tracts mentioned in the Purpose of the Plat? Did you fix that?

MR. THOMPSON: Yes. We will fix that before final plat or do you want me to fix it on preliminary, well, we're going to have to redo the preliminary plat so we'll put that in there.

MR. GARCIA: Also, as a condition of final plat, I will read this, if a final plat is approved after October 31, 2006, the subdivider must comply with the City Council Resolution R-06-74 regarding Pre-development Facility Fee Agreements with Albuquerque Public Schools (APS). That's all I have.

CHAIR MATSON: Utilities told me before he left the room that he had no objections so we'll move on to Transportation.

MR. GALLEGOS: You have my comments from the last time. There was a couple of changes on the infrastructure list for 6-foot sidewalk along Endee. I think the rest of the stuff we had pretty much gone over and I, like Brad, want to see the 94th Street extension down to the south resolved.

CHAIR MATSON: We are going to defer this item to July 19, 2006 at the Board's request.

MR. KRAEMER: We are wondering if it might be appropriate to make it a two-week deferral rather than a one-week deferral.

CHAIR MATSON: If you want to do that it's fine.

MR. KRAEMER: Okay.

CHAIR MATSON: Okay we'll defer to July 26, 2006.

THE ABOVE REQUEST WAS DEFERRED AT THE BOARD'S REQUEST TO 7/26/06.

DRB MINUTES FROM THE JULY 26, 2006, DEVELOPMENT REVIEW BOARD MEETING.

6. 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) **DEFERRED AT THE BOARD'S REQUEST TO 8/2/06.**

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

David Thompson, Thompson Engineering Consultants Inc., P.O. Box 65760, 87193
William Kraemer, Garcia Kraemer & Associates, 200 Lomas NW, #1111, 87102

CHAIR MATSON: We are now on Item 6, Project #1003612, Sundoro South Subdivision, Unit 9. I told you gentlemen earlier that we were going to defer this case until Kevin Curran came in. Is there something else you wish to say at this time?

ALL PERSONS WERE SWORN IN

MR. KRAEMER: No.

CHAIR MATSON: There isn't?

MR. KRAEMER: No we will graciously wait until that happens.

CHAIR MATSON: All right. We will close the public hearing at this time and then reopen it once he reappears.

CHAIR MATSON MADE THIS STATEMENT AFTER ITEM 10 ON THE AGENDA:

Because we are lacking legal counsel for Item 6 which is a public hearing item we are going to defer to August 2, 2006 at the Board's request.

THE ABOVE REQUEST WAS DEFERRED AT THE BOARD'S REQUEST TO 8/2/06.

DRB MINUTES FROM THE AUGUST 2, 2006, DEVELOPMENT REVIEW BOARD MEETING.

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)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

David Thompson, Thompson Engineering Consultants Inc., P.O. Box 65760, 87193
William Kraemer, Garcia Kraemer & Associates, 200 Lomas NW, #1111, 87102
Wayne Chew, P.O. Box X, 87103, here for the applicant.

PERSONS PRESENT IN INTEREST:

Philip Pickard, 7600 Pan American Freeway NE, 87109

CITY STAFF PRESENT:

Kevin Curran, Assistant City Attorney

CHAIR MATSON: We are now on Item 4, Project #1003612, Sundoro South Subdivision, Unit 9. Dave I assume you are going to explain the project again.

ALL PERSONS WERE SWORN IN

MR. THOMPSON: We have before you a 41 lot subdivision that has been heard about a month ago for the first hearing. We are requesting preliminary plat approval and vacation of public right-of-way and sidewalk deferral. At the meeting there was an issue about the access to the property to the south of ours.

Previously, Sundoro South, Unit 6 came in and vacated 94th Street all the way from Endee Road to I-40, leaving only 30-foot of right-of-way for access to the property to the south. In our discussions with Westland they agreed to have us include them on our plat and dedicate back 20-feet of that right-of-way to provide access.

MR. THOMPSON: We submitted a preliminary plat to them for review and unfortunately I did not get the review until this morning. It looks like we need to have some discussions with them about how all of this is going to work to provide access to the property to the south. We are in contact with Westland. They agreed to dedicate the right-of-way and join our plat. We just need to coordinate with them.

There was an issue that you made us aware of on other items. I guess I'll let you explain that.

CHAIR MATSON: Wilfred did you want to make any comments about the Westland issue?

MR. GALLEGOS: No, I'll write out the condition of final plat for Claire on that. I think Brad and I have the same one. That condition of final plat is for 94th Street basically to be dedicated back.

CHAIR MATSON: Mr. Kraemer did you want to say anything at this time?

MR. KRAEMER: No.

CHAIR MATSON: Mr. Chew did you want to say anything?

MR. CHEW: No, I'll defer to Mr. Kraemer.

CHAIR MATSON: I am going to go to our City Attorney. He has acquired some additional documentation that I'd like him to just describe in the record.

MR. CURRAN: Thank you Madam Chair. I've been in some conversations with Mr. Chew. Mr. Chew graciously faxed over some agreements and some pleadings that involve a boundary dispute. I'm sure the Board is aware of the dispute and the applicant is aware of.

I think for the Board's edification they should be placed in the record. Specifically what I am referring to is a Boundary Agreement between Dragonfly Inc and GHP Ltd and that document is recorded January 11, 2006. I will hand that to the Board Secretary for inclusion in the record.

The second document I'd like to put in the record is a complaint for Declaratory Judgment and Injunctive Relief, which is a lawsuit that's been filed on the property. To paraphrase it's a lawsuit filed to enforce the terms of the Boundary Agreement that I just submitted. I can hand that to Claire.

The third document is the Answer and Counterclaim to the lawsuit that was filed. The Answer and Counterclaim is filed by GHP Ltd. They are the defendants and they are a party, as I mentioned, to the Boundary Agreement.

MR. CURRAN: Included with the Boundary Agreement are 4 exhibits which I've handed to the Board Secretary to be attached to the Boundary Agreement. If the applicant has no objection, I would move that they be placed in the record.

MR. CHEW: None whatsoever.

CHAIR MATSON: Okay. Mr. Curran where does that leave us in terms, do you think, in the issue of the dispute of the boundary?

MR. CURRAN: Obviously we've got a boundary of the subdivision that is in litigation. The prudent course of action I believe is not to grant final plat approval until the boundary dispute is decided as a final matter. I would recommend in this case that a preliminary plat approval be granted with the condition that the final plat is conditioned on number one, either a dismissal of the law suit with prejudice or other final disposition of the matter. I would also suggest that the Warranty of Title Statement on the final plat include an indemnity from the owner to the City as to the title of the property. The language of which would be acceptable to the City Attorney's Office.

CHAIR MATSON: Okay. Does anyone have anything to say? You don't need to stand up Mr. Chew.

MR. CHEW: First of all I want thank you and Kevin for the courtesy of at least to us ahead of time. Although I'm going to differ slightly with Kevin's interpretation. We do not believe it's a boundary dispute whatsoever. There is a Boundary Agreement which is before you which had been signed by the two parties. At the same time the Counterclaim and Answer that's also before you specifically requests compensation. There is no dispute as to the boundary. In fact, if you read the Answer and Counterclaim it doesn't talk about any dispute as to the Boundary Agreement, it simply says we want compensation.

As to his proposal, I think that would be workable, is that correct Mr. Thompson?

MR. THOMPSON: Yes.

MR. CHEW: Okay, that would be workable. We would certainly appreciate that. The final point I wanted to make was there are two projects that were online on this one here. We have Mr. David Soule of Fuller Homes who actually bought the property, so to speak, from Mr. Pickard. He is here also to simply state that the property they bought from Mr. Pickard we are not disputing that whatsoever. We would like to see it approved and in order to allow his project to proceed as well as our project. Those are the only comments I'd like to make.

CHAIR MATSON: Okay. I see Mr. Pickard is here now. Do you wish to speak?

MR. PICKARD WAS SWORN IN

CHAIR MATSON: If you'll state your name and address please.

MR. PICKARD: Philip Pickard, 7600 Pan American Freeway, Albuquerque, NM 87109 and I'm here representing GHP.

We started the process through the City to develop our subdivision next door and David Soule was our engineer. It was found there was a boundary dispute. Philip Lindborg and I met to discuss a boundary dispute. The solution was that if we went to court basically what happens is that you split the "baby", you know, you kind of carve up the problem. So that was our attempt to do that with the Boundary Agreement. The Boundary Agreement states that they are going to give me land and I'm going to give them land. At that time, when we sat down to sign that agreement, it wasn't known what they were going to give us or what we were going to give them.

Subsequently, we found out from our surveyor the intent on their behalf was not to give us anything. We were to give them one and a half acres and they were going to give us nothing which was not the intent of the agreement. I sent a letter out saying that I believe they bamboozled us, were playing games with us. The intent of the agreement wasn't for us to give them land and them give us nothing in return. We said that was not a valid agreement. We said we would not stand by that agreement.

They are attempting to get a subdivision approved on our land which I don't think is proper, I don't think it's legal, I don't think it's reasonable. I think what they've done is the Boundary Agreement is the only agreement between us and it stipulates in the agreement they're going to give us land. In return we are going to give them land. They have given us no land. We stated that if they are not going to give us any land then they have to compensate us. We sold land to Fuller and we had to discount our contract by a large sum of money. So we said if you are not going to give us some land, then you have to compensate us in some form. I would say until this is resolved I would ask that the City not approve anything. They sued us to try to enforce the agreements. I would just ask that you guys not do anything with this land until it gets resolved. You would be approving a subdivision of our property that we have not asked you to do. Any questions from anyone?

CHAIR MATSON: No, but there may be some responses from the applicant.

MR. PICKARD: Oh I'm sure.

CHAIR MATSON: Mr. Kraemer, if you'll move the mike please.

MR. CHEW: Certainly the document will speak for itself that we presented to you that was signed by Mr. Pickard. In my review of it I do not see any clause there that recites the we're going to give him land and he's going to give us land.

MR. CHEW: The second thing is we are asking approval on the land that we acquired from Parajito. Our development plan that we are asking for approval of is based simply on that land. We are not intruding, we are not asking, we are not taking anything from Mr. Pickard. In that sense we feel pretty comfortable. We have been provided information from the title company that if we do sell this land we will also get a clean title policy in a commitment to the prospective buyer.

The most important thing is Mr. Pickard signed that Boundary Agreement. Again, if you would take time to review it at your leisure, we believe that the document speaks for itself.

MR. PICKARD: If I could see a copy of the agreement I'll point out the paragraph where it states that they are going to deed us land and in return we are going to deed them land.

As I said when Philip Lindborg from Dragonfly and I met we didn't know what tracts they were going to give us or what we were going to give them. This was just a good faith agreement that we were all trying to work this out. This was drafted by their attorney and I thought he and I were friends so we sat down and said we'll do this, we'll work it out and we'll all kind of end up happy.

It says in Paragraph 5, "Dragonfly shall execute and deliver to GHP a quitclaim deed using the new legal description for GHP Property and prepared pursuant to paragraph 4 above", which never happened. The following paragraph "GHP shall execute and deliver to Dragonfly a quitclaim deed using the new legal description for the Dragonfly property as prepared pursuant to the Paragraph 4 above". Neither of those were done. They never prepared a deed for us nor did we prepare a deed for them.

Paragraph 4 says "there will be a new survey done". So that survey was done and it turned out that the only person that was giving land was us not them. It's very clear, he said let's follow the agreement. The agreement was very clear. What our intent was we were trying to "split the baby" and work this out. We had a problem because there is an overlap. This is what we were trying to do here.

In reality they prepared the survey, they prepared the document and in good faith I signed it. I didn't learn until later I was giving up an acre and a half and I lot a quarter of a million dollars and they were giving up nothing. In a court of law I believe what will come out is that this doesn't mean anything because they never gave us anything. Therefore, we don't have to give them anything. That's what's going on here.

CHAIR MATSON: Mr. Kraemer?

MR. KRAEMER: I finally have something to say. With due respect to Mr. Pickard, I think the important thing is that this Board is not the one that's going to resolve the dispute that's in litigation. That will be resolved by the courts one way or the other.

MR. KRAEMER: Mr. Pickard's property, the GHP property, has already received preliminary plat approval. Preliminary plat approval is not going to do anything to in any way prejudice the parties rights in this matter because the resolution of that will be through the courts and the conditions recommended by Mr. Curran I think completely allow this to go through this next step of the process.

Mr. Pickard and his interests can't be harmed, if, in fact, they prevail. If they prevail compensation will have to be paid.

So we urge the Development Review Board to go ahead and approve this preliminary plat based on the conditions recommended by Mr. Curran so we'll be on the same level playing field that their property was when they got approval.

CHAIR MATSON: Okay.

MR. PICKARD: I've got a survey showing the disputed piece of property and that was not included in our subdivision. It was carved out so that it wasn't included so there was no dispute. Here is the subdivision we did for Fuller and here is the one before you. The cross-hatched is the land in question and that was carved out and we still retain that, we still own that. So that was not included in that subdivision action.

MR. CURRAN: Madam Chair can we make that a part of the Development Review Board record as well, the survey you are holding up?

MR. PICKARD: Sure.

CHAIR MATSON: Is that a copy we can have?

MR. PICKARD: Sure.

CHAIR MATSON: If not Mr. Pickard we can certainly make one upstairs. Is that the only copy you have?

MR. PICKARD: It's the only copy I have. In the litigation they have all my other copies.

MR. CURRAN: Madam Chair, can I ask Mr. Pickard just a couple of questions for my own edification?

CHAIR MATSON: Sure.

MR. CURRAN: It's my understanding that GHP has sold the property to Fuller Homes, is that correct?

MR. PICKARD: We sold the subdivided land and we retained the 1.6 acres.

MR. CURRAN: That's shown on the exhibit that you just submitted?

MR. PICKARD: Yes, we still retain that.

MR. CURRAN: Was the sale to Fuller based on the boundary line as shown in the Boundary Agreement?

MR. PICKARD: No it was not. I was shown by that exhibit. So we kept the 1.6 acres out, that was in question with them, and we sold Fuller, we had to reduce the price of the land and we sold that to Fuller.

MR. CURRAN: Okay, so the property that Fuller has purchased is minus this disputed, what I'll call disputed, strip of property.

MR. PICKARD: Yes.

MR. CURRAN: Okay, that's all I have.

CHAIR MATSON: Mr. Chew?

MR. CHEW: Madam Chair, this is not the place, as Mr. Kraemer said to debate the merits of the documents. I simply want to point out on paragraph two of the Boundary Line Agreement that was signed by Mr. Pickard. It makes reference to Exhibit number 2, which was part of the agreement. That part of the agreement defines the boundary line. I'm a little perplexed and confused as to Mr. Pickard's statement that he wasn't sure where their boundary line was going to be.

That Boundary Line Agreement comports with the property he sold to Fuller Homes. That Boundary Line Agreement comports with the property that we acquired from Parajito on which we have a title policy and on which they are agreeable to provide us with another title policy once we develop and sell it to the builder.

CHAIR MATSON: Okay.

MR. PICKARD: Can I see the agreement and respond to that one? The agreement says a new survey was going to be prepared. Not one attached to this. It says a new one was going to be prepared. This was just their proposed subdivision as they had designed it.

CHAIR MATSON: Mr. Pickard where is the reference to a new survey?

MR. PICKARD: Paragraph Four, "a perfect legal description for the Dragonfly property and the GHP property based upon the bulk land survey and subdivision plat plan shall be prepared by a licensed surveyor or engineer mutually agreeable to Dragonfly and GHP in consultation with Thompson Engineering. That was done and that's where the problem arose. What was attached here was their concept.

MR. PICKARD: Paragraph 4 says that we are all going to prepare a survey, then they are going to give us land in Paragraph 5 and we're going to give them land in Paragraph 6. Paragraph 4 occurred and it's not attached here. I just gave you a copy of it.

Five they never gave us any land and Six we never gave them land. So nothing has occurred here. We still own our strip and there is still a dispute. If you approve a preliminary plat you're approving a preliminary plat of land that I have a title policy on, which I think is improper.

CHAIR MATSON: The way I read four that you just read from, it looks to me like the bulk land survey and subdivision plat plan was already done maybe and then they were going to do an appropriate legal description based on that survey and plat plan. I don't read it to say that they are going to do another survey.

MR. PICKARD: That's in fact what happened. We hired the surveyor that's on that piece, that was a new survey done. That was done subsequent to this agreement. I have the bill for it. It was prepared.

CHAIR MATSON: All right, any responses? No. Mr. Curran do you have any other comments you want to make?

MR. CURRAN: I guess I have one additional question for Mr. Pickard. It appears in your answer you've alleged fraud. It looks like it's fraud in the inducement. What you've testified to though sounds a little bit like a mistake. Which is it or maybe it's both?

MR. PICKARD: When I sat down with Philip Lindborg, he told me we're going to "split the baby". They're going to give me land and I'm going to give them land. So what came out later is they had no intention, they've never had any intention of giving us anything. That's what came out. When we sat down to sign that agreement they told us they were going to give us some land, we were going to give them some land, which was a good faith situation. What I found out later was they, in fact, never intended to give us any land at all. That's where the fraud comes in. I believe they knowingly, in advance of signing that agreement, knew exactly what they were going to do.

MR. CURRAN: And you have evidence to that effect?

MR. PICKARD: Well I believe it will come out.

MR. CURRAN: All right, that's all I have.

MR. CHEW: I'd like to ask Mr. Pickard one question?

CHAIR MATSON: Of course Mr. Chew.

MR. CHEW: You have a title policy on the property that's depicted in this exhibit that you've attached and submitted to the Development Review Board, is that correct Mr. Pickard?

MR. PICKARD: That's correct.

MR. CHEW: Could I have a copy of that?

MR. PICKARD: Yes, you requested it at the interrogatories.

CHAIR MATSON: Mr. Thompson could you come up for just a minute? We're sort of confused here about boundaries.

MR. CURRAN: I'm looking at the exhibit that Mr. Pickard's provided and I'm trying to find the southern boundary of your subdivision on his exhibit and I'm looking at his southern boundary of your subdivision on his exhibit. I'm comparing it to the southern boundary of your preliminary plat and I can't reconcile the two lines. Can you?

MR. THOMPSON: No I can't. That's the problem. When Dragonfly purchased the property by deed and when Mr. Pickard purchased his property by deed the boundaries overlapped. So this boundary does not match this boundary.

MR. CURRAN: Okay.

MR. PICKARD: There is one in existence that overlays and it basically is there west boundary is here and south boundary is here showing the lots. This is their south and west line of lots comes to this point here.

MR. THOMPSON: That's where they overlap.

MR. CURRAN: Okay.

MR. PICKARD: I believe my surveyor does have a copy of that in existence and it shows the overlap with that strip.

MR. CHEW: Mr. Curran, part of the issue was at this point in time the exhibit we provided to you, the Boundary Agreement Exhibit, there's an Exhibit Number 4 which purports to be the deed that Mr. Pickard took his property under. If you'll flip the page there is a legal description on that deed. That legal description does not comport even with his allegation as to where the line is. In fact, his line that he says is a dispute, is much further then the deed…

MR. CURRAN: To the east, you motioned to the east.

MR. CHEW: Right. His distance is incorrect, his distance on his deed and his distance on his proposed boundary line are not the same.

MR. CURRAN: When you say his proposed boundary line, you are referring to the exhibit he submitted.

MR. CHEW: That is correct.

MR. CURRAN: My closing comments or hopefully they are closing comments, are that the Development Review Board is not really empowered to determine boundary disputes. The Development Review Board is empowered to approve or disapprove subdivisions and vacate property.

Again, I would suggest that as long as the final plat is conditioned on a resolution of this dispute, a final resolution of this dispute I would advise, or I would think it's okay for the Development Review Board to give a preliminary plat approval and allow the District Court to determine the boundary dispute or hopefully the parties can come to a resolution that allows the case to be dismissed with prejudice.

CHAIR MATSON: I think we'll close the floor to comments now and go to the individual members of the Development Review Board, Parks?

MS. SANDOVAL: I defer to Transportation regarding the vacation request and have no objection to any of the other actions.

CHAIR MATSON: Hydrology?

MR. BINGHAM: I have no objections to the vacation request of 94th Street. I have an approved grading and drainage plan dated 11-14-05. I have a condition of 94th Street which Wilfred will read into the record when it gets to him. No objection to the sidewalk deferral. That's it.

CHAIR MATSON: In terms of Planning's comments I believe that it's only fair since we've already granted a preliminary plat to Fuller Homes that we also at least give Sundoro South, Unit 9 the same status with some conditions of final plat which I will read in a few minutes. Utilities?

MR. GREEN: I have no objection to any of the requests.

CHAIR MATSON: Transportation?

MR. GALLEGOS: I had some questions on the infrastructure list the last time. Did those get addressed?

MR. THOMPSON: Actually I don't have the infrastructure list with me.

CHAIR MATSON: There is a copy here.

MR. GALLEGOS: You need to add signage per DRC on the Notes and then on Endee Road you were going to widen out as your responsibility and it was supposed to be a 6-foot sidewalk. It was not supposed to be a 12-foot wide paving path. I'm not sure what it was out there so put 20 since I don't know what it is now. Put 20 and when we get to DRC we'll see where we're at.

MR. THOMPSON: Okay.

MR. GALLEGOS: I think the last time we talked about having to come back for a Subdivision Design Variance in order to keep your street widths to match the other subdivisions within the area. So that will be a condition of final plat. The last condition, at least from Transportation that relates also to Hydrology is: 94th Street south of Silica Avenue needs to be dedicated and it can either be in conjunction with the Westland property or with the other property to the south to provide adequate access. Other then that I have no other objections Madam Chair.

CHAIR MATSON: With the signing of the infrastructure list dated today and approval of the grading and drainage plan dated 11-14-05 the preliminary plat is approved subject to the provisions of the Subdivision Ordinance.

We have several conditions of final plat. Number one is dismiss the lawsuit with prejudice or make sure there is a final disposition of that lawsuit. Number two is the Warranty of Title Statement should include an indemnity from the owner as to the title of the property in favor of the City approved by the City Attorney. The third condition is if the final plat is approved after October 31, 2006 the subdivider must comply with the City Council Resolution R-06-74 regarding Pre-development Facility Fee Agreements with the Albuquerque Public Schools (APS). The fourth and the fifth conditions of final plat were read by Wilfred Gallegos.

MR. CURRAN: Madam Chair may I make one suggestion to the conditions of final plat?

CHAIR MATSON: Okay.

MR. CURRAN: I believe that final disposition of the lawsuit should be made consistent with the boundaries as shown on the preliminary plat. Or else, the applicant will need to come in and amend the preliminary plat so that the boundaries are consistent with the resolution of the lawsuit as determined by the courts or the parties.

CHAIR MATSON: So, or amend the preliminary plat to be consistent with…

MR. CURRAN: Madam Chair I think the best way to enter that condition is to have Claire transcribe the condition as I've stated it instead of you trying to paraphrase it.

CHAIR MATSON: Okay. We are also approving the vacation of public right-of-way as shown on Exhibit B in the Planning file subject to the provisions of the Subdivision Ordinance. The applicant has one-year to file the plat showing the vacation. The Development Review Board is approving a temporary deferral of construction of sidewalks on the interior streets as shown on Exhibit C. Approval of this variance is subject to the provisions of the Development Process Manual (DPM). You guys are done except for a copy of your infrastructure list.

MR. THOMPSON: Thank you.

CHAIR MATSON: You're welcome.

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW – 3rd Floor

Albuquerque, NM 87102

NOTICE OF APPEAL

August 24, 2006

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on August 17, 2006. You will be notified by mail as to when this appeal will be heard before the **Land Use Hearing Officer.**

Please refer to enclosed Bill (F/S OC-04-6, Land Use Hearing Officer Rules of Procedure and Qualifications) for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

CITY COUNCIL APPEAL NUMBER: **AC-06-23**

PLANNING DEPARTMENT CASE FILE NUMBERS: 06DRB-00737; 00738; 00739
Project #1003612

APPELLANT(s): GHP Ltd. Co.
7600 Pan American Fwy NE
Albuquerque, NM 87109

AGENT: N/A

cc: Dragonfly Development, Inc., 12809 Donette Ct NE, Abq., NM 87112
Thompson Engineering Constultants, Inc., PO Box 65760, Abq., NM 87193
Bil Kraemer, Garcia Kraemer & Associates, 200 Lomas Blvd NW, #1111, Abq., NM 87102
Wayne Chew, PO Box X, Abq., NM 87103
Philip Pickard, 7600 Pan American Fwy NE, Abq., NM 87109
Scott Howell, Property Manaqgement, Legal Dept/4th Floor City/County Building
Marilyn Maldonado, Planning Dept., 4th Floor PdS
DRB File

Enclosure: LUHO Rules of Procedure and Qualifications (6 pages)

ZONING MAP

Note: Grey shading indicates County.

1 inch equals 500 feet

Project Number:
1003612
Hearing Date:
6/21/06
Zone Map Page
J-9
Additional Case Numbers:
06DRB-00737
06DRB-00738
06DRB-00739

July 10, 2006

Project # 1003612

BY HAND

Sheran Matson
Planning Manager
Planning Department
PO Box 1293, 600 2nd St., NW
Albuquerque, NM 87103

Dear Sheran Matson,

DRAGONFLY DEVELOPMENT: VACATION OF PUBLIC RIGHT-OF-WAY

This letter is to formally protest the vacation of 94th St. We purchased property at the very south of 94th St. against the freeway, from the Mew Mexico Department of Transportation; 94th St. is the access to our property. Please advise us as to the City of Albuquerque's position on the vacation of 94th St. Please do not allow our access to be taken away! We look forward to your reply to our Attorney Sylvain Segal. Thank you for your time regarding this matter...

Sincerely,

David Pickard
DCLP Trust
cc: Sylvain Segal, Attorney

RECEIVED
JUL 10 2006
LAND DEVELOPMENT SECTION

7600 PAN AMERICAN FWY
ALBUQUERQUE, NM 87109

LAW OFFICES *of* SEGAL & WHITTAKER, LLP

Real Estate Attorneys

SYLVAIN SEGAL
NM Recognized Specialist in Real Estate Law

JEANNETTE MARTINEZ WHITTAKER
Attorney at Law

July 10, 2006

Sheran Matson, AICP
Planning Manager
DRB Chair
Planning Department
Development and Building Services Division

Re: Project No. 1003612
Major-Preliminary Plat Approval; Major-Vacation of Public Right of Way; Minor-Temporary Deferment Sidewalk

Dear Ms. Matson:

I am the attorney for GHP LTD Co. the adjoining owner to the property described in the Notice of the Public Hearing to be held in the above matter on Wednesday, July 12, 2006 at 9:00 a.m. Please be advised that there is a boundary dispute between my client and Dragonfly Development Inc. and until such dispute is settled, we object to any attempt to obtain preliminary plat approval or vacation of the public right-of-way.

Very truly yours,

Sylvain Segal
SS/sa
cc: Phil Pickard

RECEIVED
JUL 10 2006
LAND DEVELOPMENT SECTION

Suite 101, 6201 Uptown Blvd., N E ■ Albuquerque, New Mexico 87110
phone 505-888-8888
fax 505-888-1635

PLANNING TRACKING LOG

Date	Project Name & #	Action Request	Action Taken
12/15/04	Proj 1003612 Sunders South Unit 9	Sketch	Comments given

City of Albuquerque
Parks and Recreation Department

PO Box 1293, Albuquerque, New Mexico 87103
Inter-Office Correspondence

Development Review Board Comments

Project Number: 1003612
Application Number: 04DRB-01868

DRB Date: 12/15/04
Item Number: 23

Subdivision: Sundoro South, Unit 9
Lots 37, Town of Atrisco Grant

Request for:

- [x] Sketch Plat Review & Comment
- [ ] Bulk Land Variance
- [ ] Site Development Plan for Subdivision
- [ ] Site Development Plan for Building Permit
- [ ] Preliminary Plat
- [ ] Final Plat
- [ ] Vacation of Public RoW
- [ ] Vacation of Public Easement
- [ ] Vacation of Private Easement
- [ ] Temp. Deferral of Sidewalk Construction
- [ ] Sidewalk Variance
- [ ] SIA Extension
- [ ] Other

Zoning: A-1 (county)

Zone Page: J-09

New Lots (or units) : 41

Parks and Recreation Comments:

This request will be subject to the following requirements of the City Park Dedication and Development Ordinance:

Prior to sign-off on the final plat, a fee in-lieu of and equal to the value of the required park land dedication for 41 new residential lots will be required. The fee will be based on an estimate of land value to be provided by the City Real Property office. Alternatively, the applicant may submit current appraisal information mutually acceptable to the applicant and the City.

The park development requirement will be met via the payment of a fee prior to issuance of building permit for each new dwelling unit.

Signed: CS

Christina Sandoval, (DMD) Phone: 768-3808

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION

ALBUQUERQUE
Making History

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1003612 **AGENDA ITEM NO: 23**

SUBJECT:

(01) Sketch Plat/Plan	(05) Site Plan for Subd	(10) Sector Dev Plan
(02) Bulk Land Variance	(06) Site Plan for BP	(11) Grading Plan
(03) Sidewalk Variance	(07) Vacation	(12) SIA Extension
(03a) Sidewalk Deferral	(08) Final Plat	(13) Master Dev. Plan
(04) Preliminary Plat	(09) Infrastructure List	(14) Cost Allocation Plan

ACTION REQUESTED:

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

ENGINEERING COMMENTS:

An approved drainage report is required for Preliminary Plat approval.
An approved infrastructure list is required for Preliminary Plat approval.
Development projects with land area of 1 acre or more, are required to file a Notice of Intent (NOI) with the US Environmental Protection Agency for storm water discharge during construction.
An executed Subdivision Improvements Agreement with financial guarantees and a special agreement with AMAFCA is required for Final Plat sign-off.

RESOLUTION:

discussed

APPROVED ____; DENIED ____; DEFERRED ____; COMMENTS PROVIDED X; WITHDRAWN

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

DATE: December 15, 2004

P.O. Box 1293
Albuquerque
New Mexico 87103
www.cabq.gov

CITY OF ALBUQUERQUE

DEVELOPMENT REVIEW BOARD

TRANSPORTATION DEVELOPMENT

Standard Comment Sheet

DRB- 1003612 Item No. 23 Zone Atlas J-9

DATE ON AGENDA 12-15-04

INFRASTRUCTURE REQUIRED ( )YES ( )NO

CROSS REFERENCE: _____

_____

TYPE OF APPROVAL REQUESTED:

(X)SKETCH PLAT ( )PRELIMINARY PLAT ( )FINAL PLAT

( )SITE PLAN REVIEW AND COMMENT ( )SITE PLAN FOR SUBDIVISION

( )SITE PLAN FOR BUILDING PERMIT

No.	Comment
1)	Need traffic distribution map to verify street widths.
2)	Why a 35' right-of-way at lot 9?
3)	Offset of intersection with subdivision to the north must meet DPM requirements.
4)	Standard infrastructure per DPM required.
5)	These lots need to be included as part of a TIS.
6)	Right-of-way for Endee needs to be revisited.

If you have any questions or comments please call Wilfred Gallegos at 924-3991. Meeting notes:

P.O. Box 1293
Albuquerque
New Mexico 87103
www.cabq.gov

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DECEMBER 15, 2004
DRB Comments

ITEM # 23 & 24

PROJECT # 1003612 & 1003813 APPLICATION # 04-01868 & 01869

RE: Sundoro Units 8 & 9/ sketch

How about some landscaping tracts or open space or a park??

Be sure the zoning & minimum lot size is on the preliminary plat.

An approved perimeter wall design is required at preliminary plat application.

Must have final Notice of Decision before making further DRB application.

Sheran Matson, AICP DRB Chair
924-3880 fax 924-3864 smatson@cabq.gov

City of Albuquerque

DEVELOPMENT PLAN REVIEW APPLICATION

	Supplemental form	Supplemental form
SUBDIVISION	**S**	**ZONING** **Z**
☒ Major Subdivision action		☐ Annexation & Zone Establishment
☐ Minor Subdivision action		☐ Sector Plan (Phase I, II, III)
☐ Vacation	**V**	☐ Amendment to Sector, Area, Facility or Comprehensive Plan
☐ Variance (Non-Zoning)		☐ Zone Change
SITE DEVELOPMENT PLAN	**P**	☐ Text Amendment
☐ ...for Subdivision Purposes		**APPEAL / PROTEST of...** **A**
☐ ...for Building Permit		☐ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeal
☐ IP Master Development Plan		
☐ Cert. of Appropriateness (LUCC)	**L**	

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.

APPLICANT INFORMATION:

NAME: Dragonfly Development, Inc. PHONE: 291-0353
ADDRESS: 12809 Donette Court NE FAX: 293-3580
CITY: Albuquerque STATE NM ZIP87112 E-MAIL: ____
Proprietary interest in site: Developer
AGENT (if any): Thompson Engineering Consultants, Inc. PHONE: 271-2199
ADDRESS: 4800 Juan Tabo NE, Suite C FAX: 237-8422
CITY: Albuquerque STATE NM ZIP 87111 E-MAIL: tecnm@yahoo.com

DESCRIPTION OF REQUEST: Sketch Plat Review of Subdivision
Is the applicant seeking incentives pursuant to the Family Housing Development Program? ☐ Yes. ☒ No.

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

Lot or Tract No. Lot 37 Block: ____ Unit: ____
Subdiv. / Addn. Town of Atrisco Grant (TBK Sierra Unit 9
Current Zoning: County A-1 Proposed zoning: City RLT
Zone Atlas page(s): J-9 No. of **existing** lots: 1 No. of **proposed** lots: 41
Total area of site (acres): 6.42 Density if applicable: dwellings per gross acre: 6.4 dwellings per net acre: 10
Within city limits? ☒ Yes. No ☐, but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill? No
UPC No. 100905804009230902 MRGCD Map No. ____

LOCATION OF PROPERTY BY STREETS: On or Near: Ladera Drive NW
Between: 98th Street NW and Gavin Road NW

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
04EPC 01552, 04 ANX 01259, 04 ANX 01550, 04EPC 01652
Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team ☐. Date of review: ____

SIGNATURE _____ DATE 12-07-04

(Print) David B. Thompson ☐ Applicant ☒ Agent

☐ **INTERNAL ROUTING**

	Application case numbers	Action	S.F.	Fees
☑ All checklists are complete	04DRB - ____ - 01868	SK	5(3)	$ 0
☑ 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				Total
☑ F.H.D.P. density bonus	Hearing date 12-15-04			$ 0
☑ F.H.D.P. fee rebate				

12-7-04
Planner signature / date

Project # 1003612

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

☒ **SKETCH PLAT REVIEW AND COMMENT** **YOUR ATTENDENCE IS REQUIRED.**

- ☒ Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings. Sketches are not reviewed through internal routing.
- ☒ Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, 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) precisely and clearly outlined and crosshatched (to be photocopied)
- ☒ Letter briefly describing, explaining, and justifying the request
- ☒ Any original and/or related file numbers are listed on the cover application

☐ **MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT** **Your attendance is required.**

- ☐ Preliminary Plat reduced to 8.5" x 11"
- ☐ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☐ Letter briefly describing, explaining, and justifying the request
- ☐ Copy of previous D.R.B. approved infrastructure list
- ☐ Copy of the Official D.R.B. Notice of approval
- ☐ Any original and/or related file numbers are listed on the cover application

Extensions are not reviewed through internal routing.

Extension of preliminary plat approval expires after one year.

☐ **MAJOR SUBDIVISION FINAL PLAT APPROVAL** **Your attendance is required.**

- ☐ Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings, **4** copies for internal routing.
- ☐ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☐ Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
- ☐ Property owner's and City Surveyor's signatures on the Mylar drawing
- ☐ SIA financial guaranty verification
- ☐ Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
- ☐ Any original and/or related file numbers are listed on the cover application
- ☐ **DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED**

☐ **MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL** **Your attendance is required.**

- ☐ Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings, **4** copies for internal routing.
- ☐ Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, 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) precisely and clearly outlined and crosshatched (to be photocopied)
- ☐ Letter briefly describing, explaining, and justifying the request
- ☐ Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
- ☐ Property owner's and City Surveyor's signatures on the Mylar drawing
- ☐ Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
- ☐ Fee (see schedule)
- ☐ Any original and/or related file numbers are listed on the cover application
- ☐ infrastructure list if required **(verify with DRB Engineer)** **NO INTERNAL ROUTING**
- ☐ **DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED**

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

☐ **AMENDMENT TO INFRASTRUCTURE LIST (with minor changes)**

☐ **AMENDMENT TO GRADING PLAN (with minor changes)**

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

- ☐ Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings, **4** copies for internal routing.
- ☐ Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings, **4** copies for internal routing.
- ☐ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☐ Letter briefly describing, explaining, and justifying the request
- ☐ Original Mylar drawing of the proposed amended plat for internal routing only. Otherwise, bring Mylar to meeting.
- ☐ Property owner's and City Surveyor's signatures on the Mylar drawing, if the plat is being amended
- ☐ Any original and/or related file numbers are listed 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.

DAVID THOMPSON
Applicant name (print)

12-7-04
Applicant signature / date

Form revised February 2003

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

Application case numbers
04DRB - 01862
- -
- -

12-7-04
Planner signature / date

Project # 1003612

WESTLAND NORTH

SU-2/R-LT

1000570

TOWN OF ATRISCO GRANT UNPLATTED

WESTLAND SECTOR DEV. PLAN BOUNDARY

TIERRA OESTE (UNIT 3)

1001243

P-D

C1

R-D

TIERRA OESTE

LADERA

PARKWAY

R-D

(UNIT 3)

(UNIT 5)

(UNIT 6)

(UNIT 4)

CASA MARBELLA

CASA NORTE

CASA

PARKWAY

(UNIT 7)

(UNIT 8)

PARKLAND VIEW

D

PARKWAY PARK

R-D

PARKWAY

SP-88-86

C1

PAINTED SKY ELEMENTARY

PARKLAND

VIEW

CRABAPPLE RD

GAVIN RD

TESSA

LADERA DR

PAINTED SKY (UNIT 1)

(UNIT 2)

SKY

MANDARIN PL

TANGERINE CT

TOWN OF ATRISCO GRANT

SU-2/R-LT

CURTIS ESTATES

SP-2000

ENDEE

TOWN OF ATRISCO A-1 GRANT

A-1

PROJECT LOCATION

140

DAYTONA

(UNIT 5)

WEST SIDE

SU-1 TRANSIT FACILITY AND DAYCARE

1000937

TRANSIT FACILITY

IP

UNSER

DIVERSION

FRWY

RANCHO

R-D

15 DU/A

SANTA CRUZ

SP-98-109

EL RANCHO ATRISCO

HANOVER

EAST

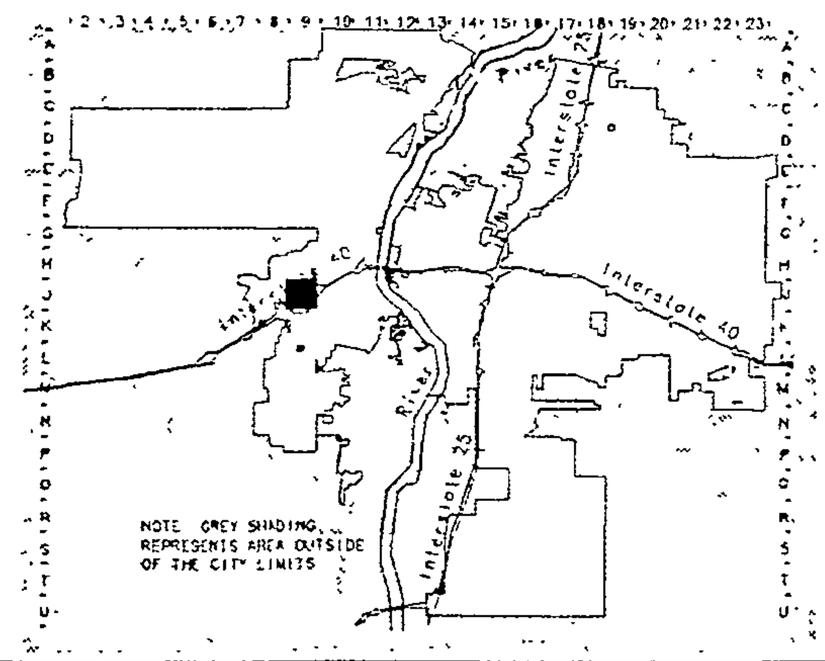
SAN ATRISCO SECTOR DEV. PLAN BOUNDARY

UNSER BLVD DESIGN OVERLAY ZONE

TOWN OF ATRISCO GRANT

SU-2/R-LT

BLVD



CITY OF ALBUQUERQUE · NEW MEXICO · 1706

A Albuquerque G Geographic I Information S System

PLANNING DEPARTMENT

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GRAPHIC SCALE IN FEET

250 0 750 1000

Zone Atlas Page

J-9-Z

Map Amended through October 01, 2003

THOMPSON Engineering Consultants, Inc.

December 7, 2004

Ms. Claire Senova
DRB Administrative assistant
Land Development Coordination Division/Planning
Plaza del Sol – 2nd Floor West
600 2nd Street NW
Albuquerque, NM 87102

RE: REQUEST FOR SKETCH PLAT REVIEW FOR SUNDORO UNIT 9

Dear Ms. Senova:

Please schedule a Sketch Plat Review at DRB for the above referenced subdivision. Enclosed are a DRB application, a zone atlas page with project area identified, and six copies of the conceptual layout for the proposed subdivision. The subdivision is proposed to have 41 single family residential lots with a minimum width of 56 feet. The property is currently zoned County A-1. The request for annexation and Zone Map Amendment to RLT zoning has been approved by EPC and is awaiting a hearing at the City Council. We are working with Westland Development to coordinate our infrastructure. This subdivision will become part of the Sundoro Development following all development standards as required by Westland Development. At the Preliminary Plat submittal, we will be requesting a vacation of one-half of the 94th Street right-of-way.

If you should have any questions please call me at 271-2199.

Sincerely,

David B. Thompson, PE

4800 Juan Tabo NE, Suite C • Albuquerque, NM 87111 • (505) 271-2199 • Fax (505) 237-8422