



**COMPLETED 07/13/07 SH**  
**DRB CASE ACTION LOG (FINAL PLAT)**

REVISED 9/28/05

**This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.**

DRB Application No.: <b>07DRB-00183 (FP)</b>	Project # <b>1003794</b>
Project Name: <b>VOLCANO POINT SHOPPING CENTER</b>	
Agent: <b>Peterson - 98<sup>th</sup> Central LLC</b>	Phone No. <b>884-3578</b>

Your request for (SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 7/11/07 by the DRB with delegation of signature(s) to the following departments.  
**OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED**

TRANSPORTATION: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

UTILITIES: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

CITY ENGINEER / AMAFCA: Declaration of Easements OK  
 \_\_\_\_\_  
 \_\_\_\_\_

PARKS / CIP: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

PLANNING (Last to sign): recorded   
 \_\_\_\_\_  
 \_\_\_\_\_

- Planning must record this plat. Please submit the following items:**
- The original plat and a mylar copy for the County Clerk.
  - Tax certificate from the County Treasurer.
  - Recording fee (checks payable to the County Clerk). RECORDED DATE: \_\_\_\_\_
  - Tax printout from the County Assessor.
  - 3 copies of the approved site plan. Include all pages.**
  - County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.**
  - Property Management's signature must be obtained prior to Planning Department's signature.**
  - AGIS DXF File approval required.** OK
  - Copy of recorded plat for Planning.**

Project Number 1003794



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

September 8, 2010

**Project# 1003794**

10DRB-70224 MAJOR - - 1 YEAR EXTENSION OF SUBDIVISION  
IMPROVEMENTS (1 YR SIA)

TIERRA WEST LLC agent(s) for PETERSON 98TH/CENTRAL LLC request(s) the referenced/ above action(s) for all or a portion of Lot(s) 3 & 4, **VOLCANO POINT SHOPPING CENTER** zoned SU-2 FOR PCA, located on the west side of 98TH ST NW between CENTRAL AVE NW and VOLCANO RD NW containing approximately 1.98 acre(s). (K-9)

At the September 8, 2010, Development Review Board meeting, the one year extension of the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by September 23, 2010, in the manner described below.

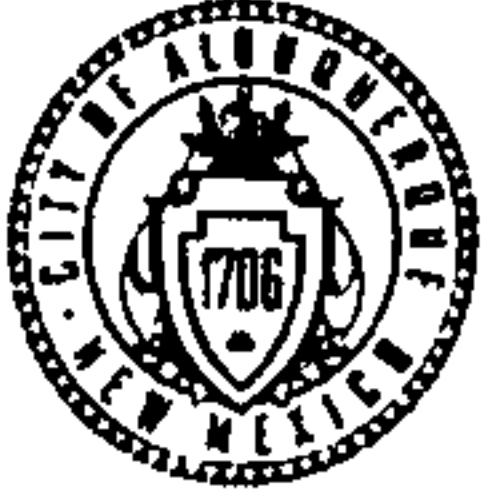
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued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

  
Jack Cloud, AICP, DRB Chair

Cc: Tierra West LLC – 5571 Midway Park Place NE – Albuquerque, NM 87109  
Cc: Peterson 98<sup>th</sup>/Central LLC – 2325 San Pedro NE, # 2A – Albuquerque, NM 87110  
Marilyn Maldonado  
File



CITY OF ALBUQUERQUE  
 PLANNING DEPARTMENT  
 DEVELOPMENT REVIEW BOARD

September 8, 2010

**Project# 1003794**  
 10DRB-70224 MAJOR - - 1 YEAR EXTENSION OF SUBDIVISION  
 IMPROVEMENTS (1 YR SIA)

TIERRA WEST LLC agent(s) for PETERSON 98TH/CENTRAL LLC request(s) the referenced/ above action(s) for all or a portion of Lot(s) 3 & 4, **VOLCANO POINT SHOPPING CENTER** zoned SU-2 FOR PCA, located on the west side of 98TH ST NW between CENTRAL AVE NW and VOLCANO RD NW containing approximately 1.98 acre(s). (K-9)

**AMAFCA**

No comments.

**COG**

Central Ave and 98 St have both been identified as ITS Corridors in the AMPA Regional ITS Architecture and ITS Corridor Map. Please contact City of Albuquerque-DMD at 291-6220 for ITS enhancement planning and programming information.

MPO Project ID 802.3 has been identified in the 2030 MTP as a City of Albuquerque project to construct median streetscape improvements from the Western City Limits near 106<sup>th</sup> St to Coors Blvd. There is no funding programmed for the years 2010-2015. Coordination with DMD is recommended to insure development consistent with this project.

For informational purposes, Central Ave and 98<sup>th</sup> St have a functional classification of urban principal arterial.

**TRANSIT**

**Project # 1003794**  
**10DRB-70224 MAJOR -- 1 YEAR EXTENSION OF SUBDIVISION IMPROVEMENTS (1YR SIA)**

Adjacent and nearby routes  
 Route #54, Bridge-Westgate route passes the site on Central southbound on 98<sup>th</sup> street.

Adjacent bus stops  
 None

Site plan requirements  
 None

Large site TDM suggestions  
 None.

Other information  
 None.

<b>ZONING ENFORCEMENT</b> No comments.
<b>NEIGHBORHOOD COORDINATION</b> Avalon NA (R) West Side Merchants Assoc.
<b>APS</b> This will have no adverse impacts to the APS district.
<b>POLICE DEPARTMENT</b> No comments.
<b>FIRE DEPARTMENT</b> No comments.
<b>PNM ELECTRIC &amp; GAS</b> No comments.
<b>COMCAST</b> No comments.
<b>QWEST</b> Concerning the subject case number(s), Qwest has no adverse comments at this time provided all utility easement rights are maintained. Prior to any final plat approval, we will need a copy for review.
<b>ENVIRONMENTAL HEALTH</b> No comments.
<b>M.R.G.C.D</b> No Adverse Comments
<b>OPEN SPACE DIVISION</b> Open Space has no adverse comments
<b>CITY ENGINEER</b> The Hydrology section has no objection to the 1-year extension request.
<b>TRANSPORTATION DEVELOPMENT</b> No objection to extension request.
<b>PARKS AND RECREATION</b> No objection
<b>ABCWUA</b> No objection
<b>PLANNING DEPARTMENT</b> Refer to comments from affected agencies plus any public hearing comments regarding proposed extension.

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

HEARING DATE 9-8-10(SIA)



# DRB CASE ACTION LOG (FINAL PLAT )

REVISED 9/28/05

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

DRB Application No.: 07DRB-00183 (FP)  
Project Name: VOLCANO POINT SHOPPING CENTER  
Agent: Peterson - 98<sup>th</sup> Central LLC

Project # 1003794  
Phone No. 884-3578

Your request for (SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 7/11/07 by the DRB with delegation of signature(s) to the following departments.  
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\_\_\_\_\_  
\_\_\_\_\_

UTILITIES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CITY ENGINEER / AMAFCA: Declaration of Easements  
\_\_\_\_\_  
\_\_\_\_\_

PARKS / CIP: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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\_\_\_\_\_  
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- AGIS DXF File approval required. OK
- Copy of recorded plat for Planning.

Project Number 1003794



**DEVELOPMENT REVIEW BOARD  
ACTION SHEET**

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

July 11, 2007

9:00 A.M.

**MEMBERS:**

Sheran Matson, AICP, DRB Chair  
Sandra Handley, Administrative Assistant

Wilfred Gallegos, Transportation Development  
Brad Bingham, Alternate City Engineer

Roger Green, ABCWUA  
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: 12:10 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# 1002529**  
07DRB-70049 MAJOR - 2YR SUBD  
IMP AGMT (2YR SIA)

BORDENAVE DESIGNS agent(s) for CAS, LLC / ROBRO, INC request(s) the above action(s) for all or a portion of Lot(s) 1-4, **CAS ADDITION**, zoned SU-1 FOR C-1 & SU-1 FOR O-1, located on COORS BLVD NW BETWEEN WESTSIDE DR NW AND CALABACILLAS ARROYO containing approximately 6 acre(s). [REF: 04EPC-01840] (B-13, / B-14). ~~TWO-YEAR-SIA-EXTENSION~~ **WAS WITHDRAWN AT THE AGENT'S REQUEST.**

2. **Project# 1006539**  
07DRB-70047 BULK LAND  
VARIANCE  
07DRB-70043 VACATION OF PUBLIC  
EASEMENT  
07DRB-70045 VACATION OF PUBLIC  
RIGHT-OF-WAY  
07DRB-70048 MINOR -  
PRELIMINARY/ FINAL PLAT  
APPROVAL  
07DRB-70046 VACATION OF  
PRIVATE EASE.

BOHANNAN HUSTON INC agent(s) for MESA DEL SOL, LLC request(s) the above action(s) for all or a portion of Tract(s) 4-A-1 & 4-B, **MESA DEL SOL (to be known as INNOVATION PARK)** zoned SU-2 PLANNED COMMUNITY, located on I-25 and UNIVERSITY BLVD SE containing approximately 2,270.5622 acre(s). (Q-16, R-15-17, S-14, S-16-17, T-16) **BULK LAND VARIANCE WAS APPROVED. THE VACATION OF PUBLIC EASEMENT, VACATION OF PUBLIC RIGHT-OF-WAY AND VACATION OF THE PRIVATE EASEMENT WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 7/11/07 AND THE APPROVAL OF THE GRADING PLAN ENGINEERING STAMP DATED 6-8-07, THE PRELIMINARY WAS APPROVED. THE FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF WAS DELEGATED TO PLANNING FOR A 15 DAY APPEAL PERIOD, FOR AGIS DXF FILE AND TO RECORD.**

3. **Project # 1004075**  
06DRB-01537 Major-Vacation of Pub  
Right-of-Way  
06DRB-01539 Major-Vacation of  
Public Easement

BOHANNAN HUSTON INC agent(s) for MESA DEL SOL LLC request(s) the above action(s) for all or a portion of Tract(s) 4A, 4B, 4C and 1 through 15, **MESA DEL SOL**, zoned PLANNED COMMUNITY, located on INTERSTATE 25 SW, between BROADWAY BLVD SW and LOS PICAROS RD SW containing approximately 2,294 acre(s). [REF: 06DRB-00744] [*Deferred from 11/15/06, 12/13/06 & 07/11/07*] (R-16, Q-16, R-15, R-17, S-14, S-16, S-17, T-16. **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**



4. **Project# 1000976**  
07DRB-70042 MAJOR -  
PRELIMINARY PLAT APPROVAL  
07DRB-70044 MINOR - TEMP DEFR  
SWDK CONST

ABQ ENGINEERING INC. agent(s) for RIVERSIDE WEST LLC request(s) the above action(s) for all or a portion of Tract(s) 1 & 2, **LANDS OF WESTLAND DEVELOPMENT CO.,INC.**, zoned SU-1 FOR PRD, located on ERVIEN LN SW between COORS BLVD SW and UNSER BLVD SW containing approximately 40.85 acre(s).*[Deferred from 07/11/07]* (M-10 & N-10) **DEFERRED AT THE AGENT'S REQUEST TO 07/18/07.**

07DRB-70107 MINOR - SDP FOR  
SUBDIVISION

CONSENSUS PLANNING agent(s) for RIVERSIDE WEST LLC request(s) the above action(s) for all or a portion of Tract(s) 1 & 2, **LANDS OF WESTLAND DEVELOPMENT, RIVERSIDE WEST SUBDIVISION** zoned SU-1/PRD, located on ERUIEN LANE SW BETWEEN COORS BLVD SW AND AMOLE ARROYO containing approximately 40.85 acre(s). *[Deferred from 07/11/07]* (M-10) **DEFERRED AT THE AGENT'S REQUEST TO 07/18/07.**

5. **Project# 1005334**  
07DRB-70062 VACATION OF PUBLIC  
RIGHT-OF-WAY  
07DRB-70063 MINOR -  
PRELIMINARY/ FINAL PLAT  
APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for THOMAS SCHROEDER request(s) the above action(s) for all or a portion of Lot(s) 1, Block(s) 13, **MESA GRANDE ADDITION**, zoned O-R, located on MESA GRANDE PL SE between GRACELAND ST SE and VALVERDE SE containing approximately .1062 acre(s). (K-17) **THE VACATION OF PUBLIC RIGHT-OF-WAY WAS APPROVED AS SHOWN ON EXHIBIT B. THE PRELIMINARY AND FINAL PLAT WAS APPROVED AND DELEGATED TO PLANNING FOR FINAL SIGN OFF, A 15 DAY APPEAL PERIOD, AND REAL PROPERTY'S SIGNATURE AND TO RECORD THE PLAT.**

6. **Project# 1006549**  
07DRB-70061 VACATION OF PUBLIC  
EASEMENT

SURVEYS SOUTHWEST LTD agent(s) for BENCOR, BRUCE WALKOWSKI, request(s) the above action(s) for all or a portion of Tract(s) Z, **MILLS & BOREN SUBDIVISION**, located on MENAUL BLVD NE between CARLISLE BLVD NE and SOLANO DR NE. (H-17) **THE VACATION OF PUBLIC EASEMENT WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

7. **Project # 1002371**  
07DRB-00577 Major-Vacation of  
Public Easements  
07DRB-00576 Minor-Prelim&Final Plat  
Approval

TIERRA WEST LLC agent(s) for HOFFMANTOWN WEST CHURCH request(s) the above action(s) for all or any portion of Tract(s) 1-A-1, Block(s) 15, ALBAN HILLS (to be known as **HOFFMANTOWN WEST CHURCH**) zoned SU-1 for R-2 with church related uses, located on LA ORILLA RD NW between COORS BLVD NW and the CORRALES DRAIN containing approximately 17 acre(s). [REF: 02DRB01824, 03DRB02150, 05DRB00560, 03DRB02085, 03DRB02086, 03EPC01285, 07DRB00286] [*Deferred from 5/30/07 & 6/6/07*] (D-12) **THE VACATION OF PUBLIC EASEMENT WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO THE CITY ENGINEER FOR AMAFCA'S SIGNATURE AND TO PLANNING FOR A 15 DAY APPEAL PERIOD AND TO RECORD THE PLAT.**

**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.**

8. **Project# 1004246**  
07DRB-70090 MINOR -  
PRELIMINARY/ FINAL PLAT  
APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for PETE AND PEGGY DASKALOS request(s) the above action(s) for all or a portion of Lot(s) 10-A, Tract (s) A, Block(s) 35, **NORTH ALBUQUERQUE ACRES, UNIT B**, zoned SU-2/IP, located on HOLLY AVE NE BETWEEN SAN PEDRO NE AND LOUISIANA NE containing approximately 5.3279 acre(s). *[Deferred from 07/11/07]* (C-18) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

- 07DRB-70093 MINOR - SDP FOR  
SUBDIVISION

TIERRA WEST LLC agent(s) for KOZANI, LLC request(s) the above action(s) for all or a portion of Lot(s) 10-A, Tract(s) A, Block(s) 35, **NORTH ALBUQUERQUE ACRES, UNIT B**, zoned SU-2 FOR IP USES, located on PASEO DEL NORTE NE BETWEEN SAN PEDRO DR NE AND LOUISIANA BLVD NE containing approximately 5.42 acre(s). *[Deferred from 07/11/07]* (C-18) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

9. **Project# 1004871**  
07DRB-70105 MINOR - SDP FOR  
BUILDING PERMIT

THOMAS E. ROBSON ARCHITECT agent(s) for ALBUQUERQUE INNKEEPERS, LLC request(s) the above action(s) for all or a portion of Lot(s) 1A, **CAVAN SUNPORT CENTRE**, zoned SU-1 FOR IP, located on YALE BLVD SE BETWEEN ROSS AVE SE AND INTERNATIONAL AVE SE containing approximately 2.9 acre(s). *[Deferred from 07/11/07]* (L-15/16) **DEFERRED AT THE AGENT'S REQUEST TO 07/25/07.**

10. **Project# 1002329**  
07DRB-70099 MINOR - SDP FOR  
BUILDING PERMIT

RD HABIGER & ASSOCIATES INC. agent(s) for ST  
STEPHEN'S UNITED METHODIST CHURCH  
request(s) the above action(s) for all or a portion of  
Tract(s) SS-1, **ST. STEPHENS UNITED  
METHODIST CHURCH**, zoned SU-1 FOR CHURCH  
AND RELATED USES, located on JUAN TABO NE  
BETWEEN MONTGOMERY NE AND MANITOBA  
NE containing approximately 4.5 acre(s). (F-21) **THE  
SITE PLAN FOR BUILDING PERMIT WAS  
APPROVED WITH FINAL SIGN OFF DELEGATED  
TO PLANNING FOR 3 COPIES.**

10 **Project# 1005354**  
A. 07DRB-70078 EPC APPROVED SDP  
FOR SUBDIVISION

DEKKER/PERICH/SABATINI agent(s) for SAWMILL  
VILLAGE LLC request(s) the above action(s) for all or  
a portion of Lot(s) B-2-A, **DUKE CITY LUMBER  
ADDITION** and Tract(s) 2D, **ARBOLERA DE VIDA**,  
zoned S-2/S-1 FOR PRD & MICROBREWERY,  
located on BELLAMAH NW BETWEEN ASPEN NW  
AND 19<sup>TH</sup> ST NW containing approximately 9.97  
acre(s). [*Deferred from 06/27/07*] [**Carol Toffaleti,  
EPC Case Planner**] (J-13) **THE SITE PLAN FOR  
BUILDING PERMIT WAS APPROVED WITH FINAL  
SIGN OFF DELEGATED TO PLANNING FOR  
CAROL TOFFALETI, EPC CASE PLANNER'S  
INITIALS AND 3 COPIES.**

07DRB-70071 MINOR -  
PRELIMINARY/ FINAL PLAT  
APPROVAL

BOHANNAN HUSTON INC agent(s) for SAWMILL  
COMMUNITY LAND TRUST request(s) the above  
action(s) for all or a portion of Lot(s) B-2-A, **DUKE  
CITY LUMBER ADDITION** (to be known as  
**SAWMILL VILLAGE**) zoned SU-2/S-1 FOR PRD &  
MICROBREWERY, located on BELLAMAH AVE NW  
BETWEEN ASPEN NW AND 19<sup>TH</sup> ST NW containing  
approximately 7.4628 acre(s). [REF: 07DRB-00499,  
00500] [*Indef deferred from 06/27/07*] (J-13) **THE  
PRELIMINARY PLAT WAS APPROVED. THE  
FINAL PLAT WAS INDEFINITELY DEFERRED FOR  
THE SIA.**

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

11. **Project #1003828**  
07DRB-00717 MINOR -  
PRELIMINARY/ FINAL PLAT  
APPROVAL

WILLIAM T CANIGLIA, agent(s) for CANDELARIA VILLAGE COMPANY request(s) the above action(s) for all or a portion of Lot(s) 38, **CANDELARIA VILLAGE**, zoned R-1, located on 12<sup>TH</sup> ST NW and DON FRANCISCO PL NW containing approximately 0.338 acre(s). *[Defer from 06/20/07 & 7/11/07 ]* (G-13) **DEFERRED AT THE AGENT'S REQUEST TO 08/22/07.**

07DRB-70094 SIDEWALK VARIANCE  
07DRB-70095 SIDEWALK WAIVER

WILLIAM CANIGLIA agent(s) for CANDELARIA VILLAGE LLC request(s) the above action(s) for all or a portion of Tract(s) A, **CANDELARIA VILLAGE**, zoned R-1, located on 12<sup>TH</sup> ST NW BETWEEN VALLE LANE NW (G-13) **THE SIDEWALK WAIVER AND THE SIDEWALK VARIANCE WERE APPROVED AS SHOWN IN THE EXHIBIT C IN THE PLANNING FILE.**

12. **Project# 1005251**  
07DRB-70091 MINOR -  
PRELIMINARY/ FINAL PLAT  
APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for CHARLES OAKS request(s) the above action(s) for all or a portion of Lot(s) 7-12, A, Block(s) 19 & 20, **PARIS ADDITION**, zoned M-2, located on 1<sup>ST</sup> ST NW BETWEEN MOUNTAIN RD NW AND SUMMER RD NW containing approximately 1.6046 acre(s). [REF: 06DRB-01616] (J-14) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR CROSS ACCESS EASEMENT FOR LOTS 12-A AND A-1 AND TO PLANNING FOR DRB APPLICATION NUMBER ON THE VACATION NOTE AND FOR AGIS DXF FILE AND TO RECORD.**

13. **Project# 1005219**  
07DRB-70086 VACATION OF  
PRIVATE EASEMENT  
07DRB-70087 MINOR -  
PRELIMINARY/ FINAL PLAT  
APPROVAL

WAYJOHN SURVEYING INC agent(s) for DAVID HILLSON request(s) the above action(s) for all or a portion of Tract(s) A-1-A & A-1-B, **WAGGOMAN - DENISON ADDITION**, zoned C-2, located on CENTRAL AVE SE BETWEEN WYOMING BLVD SE AND ZUNI RD SE containing approximately 1.687 acre(s). (K-20) **THE VACATION OF PRIVATE EASEMENT WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD AFTER THE PAPER EASEMENT IS RECORDED.**

14. **Project# 1002017**  
07DRB-70092 MINOR -  
PRELIMINARY/ FINAL PLAT  
APPROVAL

PRECISION SURVEYS INC agent(s) for DAVID & PAMELA MONTOYA request(s) the above action(s) for all or a portion of Tract(s) A, **M-T INVESTMENT NORTH**, zoned SU-2/M-1, IP, IP-EP, located on EDITH BLVD NE BETWEEN ALAMEDA BLVD NE AND ALAMEDA RD NE containing approximately 9.4116 acre(s). [*Defer from 7/11/07*] (C-16) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

15. **Project# 1003359**  
07DRB-70089 MINOR -  
PRELIMINARY/ FINAL PLAT  
APPROVAL

RIO GRANDE SURVEYING CO agent(s) for KASSAM BUSINESS CENTER LLC request(s) the above action(s) for all or a portion of Lot(s) 8,9,10,23,24 & 25, Tract(s) A, Block(s) 26, **NORTH ALBUQUERQUE ACRES, UNIT B**, zoned SU-2/IP, located on EAGLE ROCK AVE NE BETWEEN SAN PEDRO NE AND LOUISIANA NE containing approximately 6 acre(s). [*Defer from 7/11/07*] (C-18) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

16. **Project# 1005197**  
07DRB-70096 MINOR -  
PRELIMINARY/ FINAL PLAT  
APPROVAL

JACK'S HIGH COUNTRY INC agent(s) for T W INVESTMENT LLC request(s) the above action(s) for all or a portion of Tract(s) 1-A & 2-A, **LANDS OF RAYCO**, zoned SU-2 HC & SU-2 MR, located on BROADWAY SE BETWEEN SAN JOSE SE AND MECHEM SE containing approximately 7.5471 acre(s). [REF: 06ZHE 01466] *[Defer from 7/11/07]* (M-14) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

17. **Project# 1006596**  
07DRB-70106 MINOR -  
PRELIMINARY/ FINAL PLAT  
APPROVAL

JACK'S HIGH COUNTRY INC agent(s) for MARY FRANCES PADILLA request(s) the above action(s) for all or a portion of Tract(s) M-6, **LANDS OF TEODORA PADILLA**, zoned RA-2, located on RIO GRANDE BLVD NW BETWEEN TEODORO LANE NW AND CANDELARIA RD NW containing approximately 0.5548 acre(s). *[Defer from 7/11/07]* (F-13) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

18. **Project# 1003105**  
07DRB-70104 MINOR -  
PRELIMINARY/ FINAL PLAT  
APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for FRED & JAMIE MOSSMAN request(s) the above action(s) for all or a portion of Tract(s) A-2-A & B-1, **THE PLAZA AT PASEO DEL NORTE**, zoned C-2, located on EAGLE RANCH RD NW BETWEEN PARADISE BLVD NW AND IRVING NW containing approximately 13.8983 acre(s). (C-13) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR SIDEWALK EASEMENT FOR ADA RAMPS AND TO PLANNING FOR AGIS DXF FILE AND TO RECORD THE PLAT.**

19. **Project# 1000195**  
07DRB-70103 MINOR -  
PRELIMINARY/ FINAL PLAT  
APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for ASSOC. BUILDERS CONTRACTORS NM CHAPTER request(s) the above action(s) for all or a portion of Tract(s) M-1, **GATEWAY INDUSTRIAL PARK**, zoned SU-1 PLANNED INDUSTRIAL DEVELOPMENT, located on CLAREMONT AVE NE AND BROADWAY BLVD NE containing approximately 2.2412 acre(s). (H-15) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED AS A ADMINISTRATIVE AMENDMENT DIVIDING PROPERTY INTO 2 LOTS.**

20. **Project# 1004361**  
07DRB-70097 MINOR -  
PRELIMINARY/ FINAL PLAT  
APPROVAL

CHESH ENT INC agent(s) request(s) the above action(s) for all or a portion of Lot(s) 1-A-P-1 & 13-A-P-1, **TULANE TOWNHOMES**, zoned R-3, located on TULANE NE BETWEEN COMANCHE NE AND CARLISLE NE containing approximately 0.1464 acre(s). (G-16) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR REAL PROPERTY'S SIGNATURE, AGIS DXF FILE AND TO RECORD THE PLAT.**

21. **Project# 1004715**  
07DRB-70098 EXT OF MAJOR  
PRELIMINARY PLAT

MARK GOOWWIN & ASSOCIATES agent(s) for JTH. LLC request(s) the above action(s) for all or a portion of Tract(s) 6 & 7, **JUAN TABO HILLS, UNIT 2**, zoned RD, located on JUAN TABO BLVD NE BETWEEN EUBANK BLVD NE AND FOUR HILLS containing approximately 82.9917 acre(s). (M-21/22) **THE ONE-YEAR EXTENSION OF THE PRELIMINARY PLAT WAS APPROVED. THE CONDITIONS OF FINAL PLAT STILL APPLIES.**

22. **Project# 1005586**  
07DRB-70108 MINOR -  
PRELIMINARY/ FINAL PLAT  
APPROVAL

CARTESIAN SURVEYING INC. agent(s) for DRAGONFLY DEVELOPMENT request(s) the above action(s) for all or a portion of Lot(s) 18, 23-27 & PORTIONS 6-17, Tract(s) A, Block(s) 21, **NORTH ALBUQUERQUE ACRES, UNIT A**, zoned SU-2/O-1, located on PASEO DEL NORTE NE BETWEEN WYOMING BLVD NE AND BARSTOW AVE NE containing approximately 7.7621 acre(s). [Defer from 7/11/07 ] (D-19) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**



23. **Project # 1004976**  
07DRB-00303 Minor- Final Plat  
Approval

FORSTBAUER SURVEYING LLC agent(s) for CALABACILLAS GROUP request(s) the above action(s) for Tract(s) A-1, B-1, C-1, **BLACK ARROYO DAM**, zoned C-2 (SC) located on GOLF COURSE RD NW between WESTSIDE BLVD NW and DRIFTWOOD AVE NW containing approximately 13 acre(s). [REF: 06DRB-00044] [Deferred from 3/21/07 & Indef def 03/28/07] (A-12) **FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD THE PLAT.**

~~24.~~ **Project # 1003794**  
07DRB-00183 Minor- Final Plat  
Approval

PETERSON - 98TH CENTRAL LLC request(s) the above action(s) for all or a portion of Tract(s) 1-A, ROW 1, UNIT A, WEST OF WESTLAND (to be known as **VOLCANO POINT SHOPPING CENTER**) zoned SU-2 PCA, located on 98<sup>th</sup> ST NW, between CENTRAL AVE NW and VOLCANO RD NW containing approximately 5 acre(s). [REF: 06EPC-01587] [Maggie Gould, EPC Case Planner] [Deferred from 2/21/07 & 3/07/07 & Indef def from 03/14/07] (K-9) **FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO THE CITY ENGINEER FOR RECORDING OF DECLARATION OF EASEMENTS AND TO PLANNING TO RECORD THE PLAT.**

25. **Project# 1005141**  
07DRB-70037 MINOR - FINAL PLAT  
APPROVAL

ABQ ENGINEERING agent(s) for LOUISE ABQ 2005, LLC request(s) the above action(s) for all or a portion of Block(s) 11, Tract(s) L-1, **PANORAMA HEIGHTS**, zoned O-1, located on INDIAN SCHOOL RD NE BETWEEN EASTRIDGE DR NE AND CONSTITUTION AVE NE containing approximately 7.71 acre(s). [Indef def 06/13/07] (J-22) **FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR POSSIBLE VOIDING OF THE INFRASTRUCTURE LIST & STRIPING AND TO PLANNING TO RECORD THE PLAT.**

26. **Project# 1004919**  
07DRB-70073 MINOR -  
PRELIMINARY/ FINAL PLAT  
APPROVAL

WAYJOHN SURVEYING INC agent(s) for DAVID MURPHY request(s) the above action(s) for all of a portion of Tract(s) 127-B, 128-B, 129-B-2, 129-B-1, 131 & 131-A (to be known as **NORTH 2<sup>ND</sup> STREET BUSINESS CENTER**) zoned M-1, located on 2<sup>nd</sup> ST NW between MONTANO NW and GRIEGOS NW containing approximately 6.1315 acre(s). *[Deferred from 06/27/07 & 07/11/07]* [REF: 06DRB-00747] (F-15) **DEFERRED AT THE AGENT'S REQUEST TO 07/18/07.**

27. **Project # 1005363**  
07DRB-00346 Minor- Final Plat  
Approval

TERRAMETRICS OF NEW MEXICO agent(s) for GIL CORDOVA request(s) the above action(s) for all or any portion of the north half of Lot(s) 33, **ALVARADO GARDENS, UNIT 3**, zoned RA-2 located on RIO GRANDE BLVD NW between CANDELARIA RD NW and GRIEGOS RD NW containing approximately 2 acre(s). *[Deferred from 3/28/07 & Indef def from 04/04/07]* (G-12 /13) **THE FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF APPROVAL AND TO RECORD THE PLAT.**

28. **Project # 1004932**  
06DRB-01654 Minor-Prelim&Final Plat  
Approval

PRECISION SURVEYS INC. agent(s) for ALAN M. & LINDA MALOTT request(s) the above action(s) for all or a portion of Block(s) B (to be known as **LOT B-1, MONTE VISTA ADDITION**), zoned O-R, located on CAMPUS BLVD NE and TULANE AVE NE and containing approximately 1 acre(s). *[Indef deferred from 11/29/06]* (K-16) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR THE PLAT TO SHOW 11- FEET OF VACATED RIGHT-OF-WAY AND TO PLANNING FOR REAL PROPERTY'S SIGNATURE, AGIS DXF FILE AND TO RECORD THE PLAT.**

29. **Project # 1004354**  
07DRB-00032 Minor- Final Plat  
Approval

TIERRA WEST LLC agent(s) for KRANIA LLC request(s) the above action(s) for all or a portion of Lot(s) 27, Block(s) 9, Tract(s) O, ORIGINAL TOWNSITE OF WESTLAND (to be known as KRANIA) zoned SU-2 FOR IP, located on 98<sup>TH</sup> ST NW, between CENTRAL AVE NW and VOLCANO RD NW containing approximately 8 acre(s). [Carmen Marrone for Petra Morris, EPC Case Planner]. [Deferred from 1/24/07 & 1/31/07 & Indef def from 02/07/07 ] (K-9) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH NO DELEGATION.**

**NO ACTION IS TAKEN ON THESE CASES:**

APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING

30. **Project# 1001317**  
07DRB-70088 SKETCH PLAT  
REVIEW AND COMMENT

PLAZA SURVEYING LLC agent(s) for CHRIS AND ELMA LANDGRAF request(s) the above action(s) for all or a portion of Lot(s) 1 & 2, **RINCON DEL RIO**, zoned RA-2, located on TRELIS NW BETWEEN CAMPBELL RD NW AND ORO VISTA NW containing approximately 1.2342 acre(s). (G-12) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

31. Approval of the Development Review Board Minutes for June 27, 2007. **THE DEVELOPMENT REVIEW BOARD MINUTES FOR JUNE 27, 2007 WERE APPROVED BY THE BOARD.**

ADJOURNED: 12:10 P.M.

# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
HYDROLOGY DEVELOPMENT SECTION**

DEVELOPMENT REVIEW BOARD – SPEED MEMO

**DRB CASE NO/PROJECT NO: 1003794**

**AGENDA ITEM NO: 24**

**SUBJECT:**

Final Plat

**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:**

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  
(CPN 790383)

**DATE:** JULY 11, 2007  
505-924-3986



**DEVELOPMENT REVIEW BOARD  
ACTION SHEET**

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

March 14, 2007

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

\*\*\*\*\*

**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.
- B. Changes and/or Additions to the Agenda
- C. New or Old Business

Adjourned: 10:50 A.M.

**CASES WHICH REQUIRE PUBLIC NOTIFICATION**

**MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS**

- 1. **Project # 1000376**  
07DRB-00190 Major-One Year SIA

TIERRA WEST LLC agent(s) for BUILDERS INVESTMENTS CO. OF NEW MEXICO LTD request(s) the above action(s) for Lot(s) 1-117, Unit 1 & Lot(s) 1-35, Unit 2, **PARADISE SKIES, UNITS 1 & 2**, zoned RT, located on BANDELIER DR NW, between MCMAHON BLVD NW and UNSER BLVD NW containing approximately 23 acre(s). [REF: 03DRB-00188, 06DRB-00359] (A-11) **ONE YEAR SIA WAS APPROVED.**

2. **Project # 1002739**  
07DRB-00172 Major-Two Year SIA

MARK GOODWIN & ASSOCIATES agent(s) for KB HOME NEW MEXICO INC request(s) the above action(s) for all or a portion of Tract(s) B-1, Parcel 2-D, LANDS OF RIO BRAVO ROSNER (to be known as **ANDERSON HEIGHTS, UNIT 1**) zoned RD/R-LT, located on 118<sup>TH</sup> ST SW, between GIBSON BLVD SW and DENNIS CHAVEZ BLVD SW containing approximately 248 acre(s). (N-8/P-8) **TWO YEAR SIA WAS APPROVED.**

3. **Project # 1000965**  
07DRB-00192 Major-One Year SIA

BOHANNAN HUSTON INC. agent(s) for ANDALUCIA DEVELOPMENT CO., INC. request(s) the above action(s) for TRACTS B & 2, LANDS OF RAY GRAHAM III (to be known as **VALLE PARAISO SUBDIVISION @ ANDALUCIA @ LA LUZ**) zoned SU-1 PRD (5DU/AC), located on COORS BLVD NW, between NAMASTE RD NW and LA BIENVENIDA PL NW containing approximately 33 acre(s). [REF: 05DRB-00270] (F-11) **ONE YEAR SIA WAS APPROVED.**

4. **Project # 1002330**  
07DRB-00195 Major-Two Year SIA

ADVANCED ENGINEERING & CONSULTING LLC agent(s) for JENNIFER LIN request(s) the above action(s) for all or a portion of Tract(s) G-2-A & G-2-B, **MONTGOMERY COMPLEX**, zoned SU-1 FOR C-2 USES, located on MONTGOMERY BLVD NE, between CARLISLE BLVD NE and I-25 containing approximately 5 acre(s). [REF: 03DRB-00401, 03DRB-00402, 03DRB-00347][*Deferred from 3/14/07*] (F-16) **DEFERRED AT THE AGENT'S REQUEST TO 3/21/07.**

5. **Project # 1005387**  
07DRB-00198 Major-Vacation of Pub  
Right-of-Way

SURVEYS SOUTHWEST LTD, agent(s) for CENTURION PROPERTIES LLC, request(s) the above action for all or a portion of abutting Lot(s) 1-7 and 13-19, Block(s) 28, **NEW MEXICO COMPANY'S ORIGINAL TOWNSITE**, zoned SU-3, located on 7<sup>TH</sup> St SW between Gold Ave SW and Silver Ave SW. (K-14) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. A CONDITION OF FINAL PLAT: SANITARY SEWER EASEMENT IS RETAINED.**

**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.

6. **Project # 1000624**  
07DRB-00264 Minor-SiteDev Plan  
BldPermit

DON DUDLEY, ARCHITECT agent(s) for RIO GRANDE PROPERTIES, KEITH CHESHIRE request(s) the above action(s) for all or any portion of Lot(s) 30 & 31, Block(s) 0000, **ALAMEDA BUSINESS PARK**, zoned SU-2 IP-EP located at the intersection of ALAMEDA PARK DR NE and PASEO ALAMEDA NE containing approximately 2 acre(s). (C-16) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR STANDARD DRAWING NOTES AND PLANNING FOR 3 COPIES AND TO RECORD THE PLAT.**

7. **Project # 1005348**  
07DRB-00270 Minor-SiteDev Plan  
BldPermit

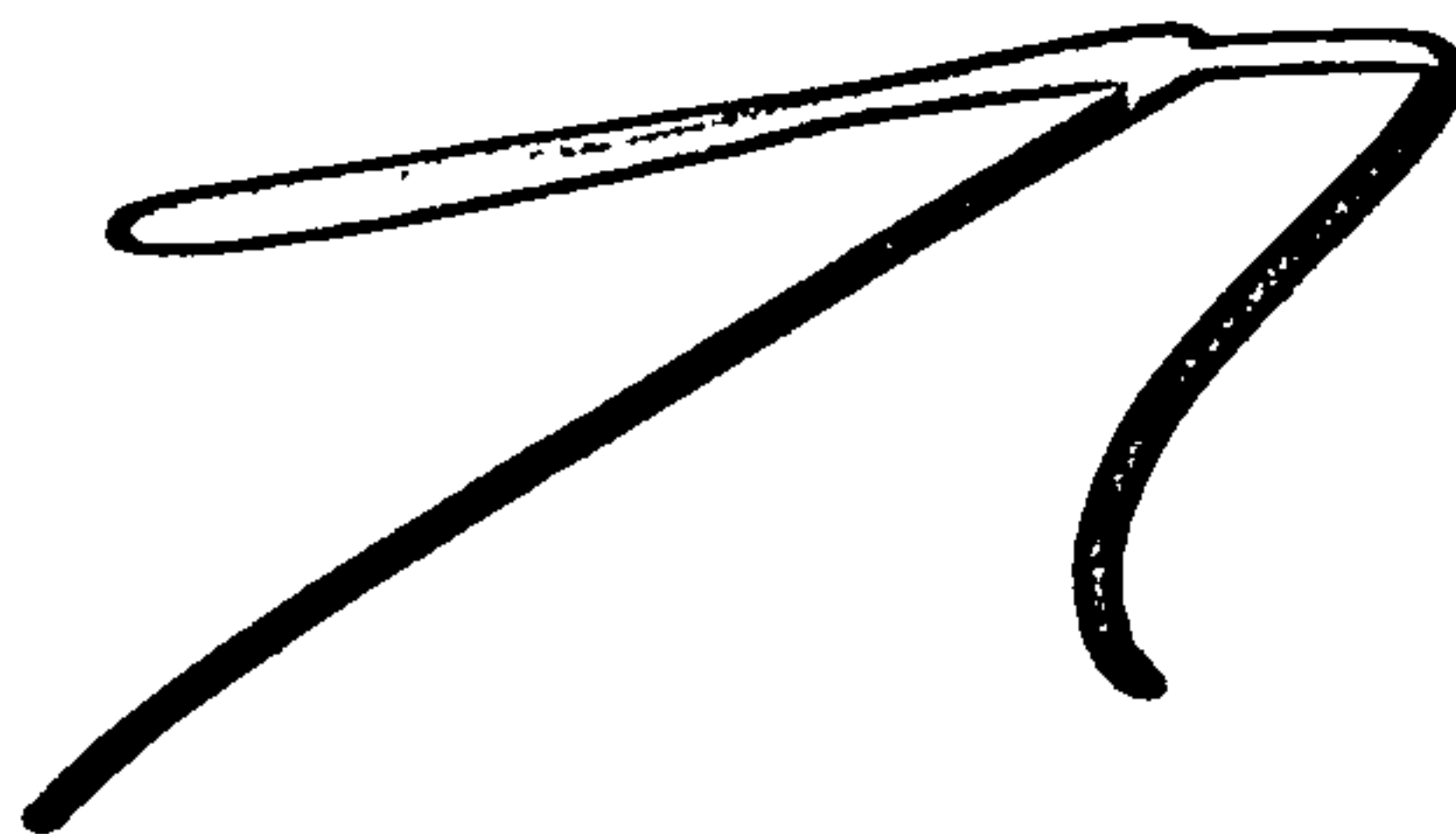
CLAUDIO VIGIL ARCHITECTS agent(s) for SOLEDAD DEVELOPMENT GROUP LLC request(s) the above action(s) for all or any portion of Tract(s) 9, **LADERA BUSINESS PARK, UNIT 1**, zoned SU-1 FOR LIGHT INDUSTRIAL located on LA MORADA PL NW, between 98<sup>TH</sup> ST NW and UNSER BLVD NW containing approximately 7 acre(s). [This case heard under Project #1005416 in error] (H-10) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR COMMENTS THAT WERE PROVIDED ON 3/14/07 AND PLANNING FOR 3 COPIES OF THE SITE PLAN.**

8. **Project # 1001523**  
07DRB-00208 Minor-Amnd SiteDev Plan  
Subd  
07DRB-00207 Minor-Prelim&Final Plat  
Approval

MARK GOODWIN & ASSOCIATES PA agent(s) for ROBBY L ROBERSON request(s) the above action(s) for all or a portion of Tract(s) 20-23, **LADERA BUSINESS PARK, UNIT 2**, zoned SU-1 FOR LIGHT INDUSTRIAL USES, located on UNSER BLVD NW, between VISTA ORIENTE ST NW and LA MORADA PL NW containing approximately 5 acre(s). [REF: 02DRB00518] [*Deferred from 2/28/07*] (H-9) **THE AMENDED SITE PLAN FOR SUBDIVISION WAS WITHDRAWN AT THE AGENT'S REQUEST. THE PRELIMINARY AND FINAL PLAT WAS INDEFINITELY DEFERRED.**

9. **Project # 1003794**  
07DRB-00181 Minor-SiteDev Plan  
Subd/EPC  
07DRB-00182 Minor-SiteDev Plan Bldg  
Permit/EPC  
07DRB-00183 Minor-Prelim&Final Plat  
Approval

PETERSON - 98TH CENTRAL LLC request(s) the above action(s) for all or a portion of Tract(s) 1-A, ROW 1, UNIT A, WEST OF WESTLAND (to be known as **VOLCANO POINT SHOPPING CENTER**) zoned SU-2 PCA, located on 98<sup>th</sup> ST NW, between CENTRAL AVE NW and VOLCANO RD NW containing approximately 5 acre(s). [REF: 06EPC-01587] [**Maggie Gould, EPC Case Planner**] [*Deferred from 2/21/07 & 3/07 07*] (K-9) **THE SITE DEVELOPMENT PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR 3 COPIES. THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR 3 COPIES. WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATE 3/14/07 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 2/12/07 THE PRELIMINARY PLAT WAS APPROVED. ~~THE FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA.~~**

A large, stylized handwritten signature in black ink, consisting of several sweeping, connected strokes.



10. **Project # 1003801**  
07DRB-00222 Minor-SiteDev Plan  
BldPermit/EPC

CARLISLE SHOPS LLC request(s) the above action(s) for all or any portion of Lot(s) 28A, Block(s) A, **ALTURA ADDITION**, zoned SU-1 FOR C-1 WITH EXCLUSIONS located on CARLISLE BLVD NE between INDIAN SCHOOL RD NE and HANNETT AVE NE containing approximately 1 acre(s). [REF: 07EPC00012, 05EPC00745, 04EPC01821] [Anna DiMambro, EPC Case Planner] [Deferred from 3/07/07] (J-16) **THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR EPC CASE PLANNER'S INITIALS AND 3 COPIES OF THE SITE PLAN.**

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

11. **Project # 1004073**  
07DRB-00275 Minor-Subd Design  
(DPM) Variance

MARK GOODWIN & ASSOCIATES PA agent(s) for JTH LLC request(s) the above action(s) for all or any portion of Lot(s) 1, 2 and 15-18, Block(s) 21, **JUAN TABO HILLS, UNIT 1**, zoned R-D residential and related uses zone, developing area located on KELSO CT SE and EASY GOER RD SE, containing approximately 2 acre(s). [REF: 05DRB01854] [Deferred from 03/14/07] (M-21) **DEFERRED AT THE AGENT'S REQUEST TO 03/21/07.**

12. **Project # 1005412**  
07DRB-00269 Minor-Prelim&Final Plat  
Approval

SURVEYS SOUTHWEST LTD agent(s) for RON AKIN request(s) the above action(s) for all or any portion of Tract(s) 60-A-1, M.R.G.C.D. MAP 35, **LANDS OF AKIN**, zoned R-1 located on EL NIDO CT NW, between RIO GRANDE BLVD NW and the ALAMEDA DRAIN containing approximately 1 acre(s). (H-13) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO UTILITIES DEVELOPMENT FOR WATER AND SEWER ACCOUNTS AND TRANSPORTATION DEVELOPMENT FOR ACCESS EASEMENT TO TRACT A AND 3 FOOT PUBLIC ROADWAY EASEMENT ALONG RIO GRANDE BLVD NW.**

13. **Project # 1003673**  
07DRB-00272 Minor-Prelim&Final Plat  
Approval

WAYJOHN SURVEYING INC agent(s) for MOCK ASSOCIATES INC request(s) the above action(s) for all or any portion of Lot(s) 6-P1, **OAKLAND SOUTH**, zoned R-D, located on BLACK OAK CT NE , between BARSTOW ST NE and VENTURA ST NE and containing approximately 1 acre(s) (C-20) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO CITY ENGINEER FOR CERTIFICATION OF THE GRADING PLAN AND PLANNING TO RECORD.**

14. **Project # 1003121**  
07DRB-00276 Minor-Prelim&Final Plat  
Approval

STEWART INGHAM agent(s) for ZIA TRUST INC request(s) the above action(s) for all or any portion of Tract(s) 19, M.R.G.C.D. MAP 36 ( to be known as **TRACTS A & B, LANDS OF ZIA TRUST**) zoned R-1 located on FORAKER NW between LOS TOMASES NW and 8<sup>TH</sup> ST NW containing approximately 1 acre(s). [REF: 07 DRB00135] (H-14) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO UTILITIES DEVELOPMENT TO ADD BENEFICIARY AND MAINTENANCE LANGUAGE FOR PRIVATE WATER AND SEWER SERVICE LINES AND ACCESS EASEMENT AND TO PLANNING FOR AGIS DXF FILE AND TO RECORD.**

15. **Project # 1005137**  
07DRB-00205 Minor-Prelim&Final Plat  
Approval

SURVEYS SOUTHWEST LTD agent(s) for FRANK VENAGLIA request(s) the above action(s) for all or a portion of Lot(s) 13-24 with vacated portion of Park Ave SW, Block(s) 21, **NEW MEXICO TOWN COMPANY'S ORIGINAL TOWNSITE**, zoned SU-3 SPECIAL CENTER ZONE, located on GOLD ST SW, between 7<sup>TH</sup> ST SW and 8<sup>TH</sup> ST SW containing approximately 1 acre(s). [REF: 06DRB-01534] [*Indef deferred from 2/28/07*] (K-14) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR REAL PROPERTY'S SIGNATURE.**

16. **Project # 1002345**  
07DRB-00232 Minor-Prelim&Final Plat  
Approval

LAND DEVELOPMENT CONSULTANTS LLC agent(s) for KARSTEN HOMES request(s) the above action(s) for all or any portion of Lot(s) 3 & 8, **BROADWAY INDUSTRIAL CENTER, UNITS 1 & 3**, zoned SU-2/HM located on KARSTEN CT SE between WOODWARD RD SE and SAN JOSE AVE SE containing approximately 18 acre(s). [REF: S-97-76] [Deferred from 3/07/07 & 03/14/07] (M-15) **DEFERRED AT THE AGENT'S REQUEST TO 03/21/07.**

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

17. **Project # 1005403**  
07DRB-00235 Minor-Sketch Plat or Plan

INTEGRATED DESIGN & ARCHITECTURE agent(s) for J & J REAL ESTATE PARTNERSHIP request(s) the above action(s) for Tract(s) 12A1A & 12A1B on **M.R.G.C.D. MAP 35**, zoned R-1 residential zone, located on RIO GRANDE BLVD NW between CONTRERAS PL NW and EL NIDO CT NW containing approximately 2 acre(s). ] (H-13) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

18. **Project # 1000271**  
07DRB-00266 Minor-Sketch Plat or Plan

FORSTBAUER SURVEYING LLC agent(s) for GRACE INVESTMENT CORPORATION request(s) the above action(s) for all or any portion of Lot(s) A-1-A, Block(s) 25, **MESA VERDE ADDITION**, zoned C-2 located on WYOMING BLVD NE , between COPPER AVE NE and MARQUETTE AVE NE containing approximately 1 acre(s). [REF: 00DRB-00229] (K-19) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

19. **Project # 1003128**  
07DRB-00278 Minor-Sketch Plat or Plan

JOSH SKARSGARD agent(s) for BANDELIER EQUITIES LTD CO request(s) the above action(s) for all or any portion of Lot(s) 1-5, Block(s) 11, **NORTH ALBUQUERQUE ACRES, UNIT A**, zoned R-D located on SAN PEDRO DR NE , between PASEO DEL NORTE NE and PALOMAS AVE NE containing approximately 6 acre(s). [REF: 05DRB01424] [Deferred from 03/14/07] (D-18) **DEFERRED AT THE AGENT'S REQUEST TO 03/21/07.**

20. **Project # 1005410**  
07DRB-00265 Minor-Sketch Plat or Plan

FORSTBAUER SURVEYING LLC agent(s) for JOHN & CYNTHIA MECHENBIER request(s) the above action(s) for all or any portion of Lot(s) 4 & 5, **RICHFIELD PARK**, zoned IP located on ALAMEDA BLVD NE between WASHINGTON ST NE and JEFFERSON ST NE containing approximately 2 acre(s). (C-17) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

21. **Project # 1005413**  
07DRB-00271 Minor-Sketch Plat or Plan

CHAMISA CONSTRUCTION INC request(s) the above action(s) for all or any portion of Lot(s) 11-12, Block(s) 5, **UNIVERSITY HEIGHTS**, zoned SU-2 DR and SU-2 RTD located on HARVARD SE between YALE SE and GIRARD SE containing approximately 1 acre(s). (K-16) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

22. **Project # 1005415**  
07DRB-00274 Minor-Sketch Plat or Plan

JACK'S HIGH COUNTRY INC agent(s) for LAWRENCE SEGURA request(s) the above action(s) for all or any portion of Section 12, Township 10 North, Range 2 East (to be known as **LANDS OF LAWRENCE SEGURA**) zoned RA-2 located on CARLOTA NW between GABALDON RD NW and LOS LUCEROS NW containing approximately 1 acre(s). (H-12) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

23. Approval of the Development Review Board Minutes for March 7, 2007. **THE DEVELOPMENT REVIEW BOARD MINUTES FOR 03/07/07 WERE APPROVED BY THE BOARD.**

ADJOURNED: 10:50 A.M.



*Case please completed 3-22-07*

# DRB CASE ACTION LOG (SITE PLAN SUBD.)

REVISED 9/28/05

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

DRB Application No.: 07DRB-00181 (SPS)  
Project Name: VOLCANO POINT SHOPPING CENTER  
Agent: Peterson - 98<sup>th</sup> Central LLC

Project # 1003794  
Phone No.: 884-3578

Project Number

1003794

Your request for (SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 3/14/07 by the DRB with delegation of signature(s) to the following departments.  
**OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED**

TRANSPORTATION: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

UTILITIES: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

CITY ENGINEER / AMAFCA: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

PARKS / CIP: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

PLANNING (Last to sign): 3 copies - Put in Master Plan File  
Change delegation to Let's do let's do  
3/20/07

- Planning must record this plat. Please submit the following items:**
  - The original plat and a mylar copy for the County Clerk.
  - Tax certificate from the County Treasurer.
  - Recording fee (checks payable to the County Clerk). RECORDED DATE: \_\_\_\_\_
  - Tax printout from the County Assessor.
  - 3 copies of the approved site plan. Include all pages.**
  - County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.**
  - Property Management's signature must be obtained prior to Planning Department's signature.**
  - AGIS DXF File approval required.**
  - Copy of recorded plat for Planning.**



# DRB CASE ACTION LOG (SITE PLAN SUBD.)

REVISED 9/28/05

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

DRB Application No.: 07DRB-00181 (SPS)

Project # 1003794

Project Name: VOLCANO POINT SHOPPING CENTER

Agent: Peterson - 98<sup>th</sup> Central LLC

Phone No.: 884-3578

Your request for (SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 3/14/07 by the DRB with delegation of signature(s) to the following departments.  
**OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED**

TRANSPORTATION: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

UTILITIES: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

CITY ENGINEER / AMAFCA: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

PARKS / CIP: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

PLANNING (Last to sign): 3 copies - put in Master Plan File  
Change delegation to Let's & Let's decrease  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- Planning must record this plat. Please submit the following items:**
  - The original plat and a mylar copy for the County Clerk.
  - Tax certificate from the County Treasurer.
  - Recording fee (checks payable to the County Clerk). RECORDED DATE: \_\_\_\_\_
  - Tax printout from the County Assessor.
  - 3 copies of the approved site plan. Include all pages.**
  - County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.
  - Property Management's signature must be obtained prior to Planning Department's signature.
  - AGIS DXF File approval required.
  - Copy of recorded plat for Planning.

Project Number

1003794



*Close please*

*Completed*  
*3-20-07*  
*[Signature]*

**DRB CASE ACTION LOG (SITE PLAN B.P.)**

REVISED 9/28/05

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

DRB Application No.: 07DRB-00182 (SBP)  
Project Name: VOLCANO POINT SHOPPING CENTER  
Agent: Peterson - 98<sup>th</sup> Central LLC

Project # 1003794  
Phone No.: 884.3578

Project Number

1003794

Your request for (SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 3/17/07 by the DRB with delegation of signature(s) to the following departments.  
**OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED**

- TRANSPORTATION: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- UTILITIES: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- CITY ENGINEER / AMAFCA: ~~\_\_\_\_\_~~
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- PARKS / CIP: \_\_\_\_\_
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PLANNING (Last to sign): Scipias  
 ~~\_\_\_\_\_~~  
 ~~\_\_\_\_\_~~  
 ~~\_\_\_\_\_~~  
MS Smiths Amstator Chute Zone

- Planning must record this plat. Please submit the following items:
  - The original plat and a mylar copy for the County Clerk.
  - Tax certificate from the County Treasurer.
  - Recording fee (checks payable to the County Clerk). RECORDED DATE: \_\_\_\_\_
  - Tax printout from the County Assessor.
- 3 copies of the approved site plan. Include all pages.
- County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.
- Property Management's signature must be obtained prior to Planning Department's signature.
- AGIS DXF File approval required.
- Copy of recorded plat for Planning.



# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
HYDROLOGY DEVELOPMENT SECTION**

**DEVELOPMENT REVIEW BOARD – SPEED MEMO**

**DRB CASE NO/PROJECT NO: 1003794**

**AGENDA ITEM NO: 9**

**SUBJECT:**

Final Plat  
Preliminary Plat  
Site Plan for Building Permit  
Site Plan for Subdivision

**ACTION REQUESTED:**

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

P.O. Box 1293

**ENGINEERING COMMENTS:**

An executed SIA must be on file prior to Final Plat and ~~Site Plan approval and for Building Permit~~ sign off by City Engineer.

Albuquerque

An approved grading and drainage plan dated 2-12-07 is on file for Preliminary Plat approval.

New Mexico 87103

www.cabq.gov

**RESOLUTION:**

*signed I.L. → pre-plat  
FP*

APPROVED X; DENIED \_\_\_; DEFERRED X; 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:** MARCH 14, 2007



**DEVELOPMENT REVIEW BOARD  
ACTION SHEET**

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

March 7, 2007

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.
- B. Changes and/or Additions to the Agenda
- C. New or Old Business

Adjourned: 11:10 A.M.

**CASES WHICH REQUIRE PUBLIC NOTIFICATION**

**MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS**

1. **Project # 1003713**  
07DRB-00143 Major-Two Year SIA

ISAACSON & ARFMAN agent(s) for FAMILY HOUSING CORPORATION request(s) the above action(s) for all or a portion of Tract(s) A, **BELL TRADING POST LOFTS**, zoned SU-2 SU-1 FOR RES W/C-1, located on CENTRAL AVE SW, between LAGUNA RD SW and 15<sup>TH</sup> SW containing approximately 1 acre(s). [REF: Z-85-9, 05DRB-00149, 05DRB-00147] (J-13) **TWO YEAR SIA WAS APPROVED.**

2. **Project # 1004246**  
07DRB-00144 Major-SiteDev Plan  
BldPermit

TIERRA WEST LLC agent(s) for KOZANI LLC request(s) the above action(s) for Lot(s) 7-10 and 23-26, NORTH ALBUQUERQUE ACRES, UNIT B (to be known as **HOLLY PLAZA**) zoned SU-2 FOR IP, located on PASEO DEL NORTE NE, between SAN PEDRO DR NE and LOUISIANA BLVD NE containing approximately 5 acre(s). [Deferred from 3/07/2007] (C-18) **DEFERRED AT THE AGENT'S REQUEST TO 5/02/07.**

3. **Project # 1005346**  
07DRB-00134 Major-Vacation of Public  
Easements

SURV-TEK INC agent(s) for ALBUQUERQUE 50 LLC request(s) the above action(s) for all or a portion of Tract(s) D-2, **AEROSPACE TECHNOLOGY PARK**, zoned SU-1 AIRPORT, located WEST OF PASEO DEL VULCAN NW, between I-40 and CITY OF RIO RANCHO containing approximately 50 acre(s). (F-6) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

4. **Project # 1002739**  
06DRB-01621 Major-Vacation of Public  
Easements  
06DRB-01622 Major-Vacation of Pub  
Right-of-Way  
06DRB-01623 Minor-Final Plat Approval

MARK GOODWIN & ASSOCIATES agent(s) for KB HOME NEW MEXICO INC request(s) the above action(s) for **ANDERSON HEIGHTS, UNIT 5A**, zoned RD/RLT, located on 118<sup>TH</sup> ST SW, between DENNIS CHAVES BLVD SW and COLOBEL AVE SW containing approximately 41 acre(s). [REF: 06DRB-01431] [Deferred from 12/6/06, 12/13/06 & 12/20/06] [Deferred from 1/3/07, 1/10/07, 1/17/07, 1/24/07, 1/31/07, 2/7/07, 2/21/07 & 3/07/07] (P-8) **DEFERRED AT THE BOARD'S REQUEST TO 3/21/07.**

5. **Project # 1005346**  
07DRB-00084 Major-Bulk Land Variance  
07DRB-00085 Major-Vacation of Public  
Easements  
07DRB-00086 Minor-Prelim & Final Plat  
Approval

CONSENSUS PLANNING INC agent(s) for ALBUQUERQUE 50 LLC request(s) the above action(s) for all or a portion of Tract(s) D-2, **AEROSPACE TECHNOLOGY PARK** and Tract(s) D & S, **DOUBLE EAGLE AIRPORT AND ADJACENT LANDS**, zoned SU-1 FOR AIRPORT & RELATED FACILITIES, located on PASEO DEL VOLCAN NW, between 1-40 and the CITY OF RIO RANCHO containing approximately 50 acre(s). [REF: 04DRB01505, 04DRB01506] [Deferred from 2/21/07 & 2/28/07] (F-6) **THE BULK LAND VARIANCE WAS APPROVED. THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR 15-DAY APPEAL PERIOD, VACATION OF REST OF 106-FOOT PUBLIC ACCESS & UTILITY EASEMENT AND TO RECORD THE PLAT AND NOTICE OF SUBDIVISION PLAT CONDITIONS.**

**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.**

6. **Project # 1003801**  
07DRB-00222 Minor-SiteDev Plan  
BldPermit/EPC

CARLISLE SHOPS LLC request(s) the above action(s) for all or any portion of Lot(s) 28A, Block(s) A, **ALTURA ADDITION**, zoned SU-1 FOR C-1 WITH EXCLUSIONS located on CARLISLE BLVD NE between INDIAN SCHOOL RD NE and HANNETT AVE NE containing approximately 1 acre(s). [REF: 07EPC00012, 05EPC00745, 04EPC01821] [Anna DiMambro, EPC Case Planner] [Deferred from 3/07/07] (J-16) **DEFERRED AT AGENT'S REQUEST TO 3/14/07.**

7. **Project # 1003794**  
07DRB-00181 Minor-SiteDev Plan  
Subd/EPC  
07DRB-00182 Minor-SiteDev Plan Bldg  
Permit/EPC  
07DRB-00183 Minor-Prelim&Final Plat  
Approval

PETERSON - 98TH CENTRAL LLC request(s) the above action(s) for all or a portion of Tract(s) 1-A, ROW 1, UNIT A, WEST OF WESTLAND (to be known as **VOLCANO POINT SHOPPING CENTER**) zoned SU-2 PCA, located on 98<sup>th</sup> ST NW, between CENTRAL AVE NW and VOLCANO RD NW containing approximately 5 acre(s). [REF: 06EPC-01587] **[Maggie Gould, EPC Case Planner]** [Deferred from 2/21/07 & 3/07 07] (K-9) **DEFERRED AT AGENT'S REQUEST TO 3/14/07.**

8. **Project # 1005189**  
07DRB-00089 Minor-SiteDev Plan  
BldPermit/EPC

BRASHER & LORENZ INC. agent(s) for LITTLE BROTHERS OF THE GOOD SHEPHERD request(s) the above action(s) for all or a portion of Lot(s) 1-A, Block(s) 45, **PEREA ADDITION**, zoned SU-2/SU-1 for found. house & rel. act., located on MOUNTAIN RD NW, between 14<sup>TH</sup> ST NW and BROTHER MATHIAS PLACE NW containing approximately 1 acre(s). [REF: Z-89-100] **[Maggie Gould, EPC Case Planner]** [Deferred from 2/7/07, 2/14/07 & Indef deferred on a no show 2/21/07] (J-13) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR 3 COPIES.**

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

9. **Project # 1004354**  
07DRB-00216 Minor-Amendment to Final  
Plat Conditions

TIERRA WEST LLC agent(s) for PETE DASKALOS request(s) the above action(s) for all or any portion of Lot(s) 22-26, a portion of Lot 27, Block(s) 9, ORIGINAL TOWNSITE OF WESTLAND (to be known as **MONAHITI SUBDIVISION**) zoned SU-2 FOR IP USES located on 98<sup>TH</sup> ST NW, between VOLCANO RD NW and CENTRAL AVE NW containing approximately 9 acre(s). [REF: 05DRB01229, 05EPC01234] (K-9) **WITHDRAWN AT THE AGENT'S REQUEST.**

10. **Project # 1002345**  
07DRB-00232 Minor-Prelim&Final Plat  
Approval

LAND DEVELOPMENT CONSULTANTS LLC agent(s) for KARSTEN HOMES request(s) the above action(s) for all or any portion of Lot(s) 3 & 8, **BROADWAY INDUSTRIAL CENTER, UNITS 1 & 3**, zoned SU-2/HM located on KARSTEN CT SE between WOODWARD RD SE and SAN JOSE AVE SE containing approximately 18 acre(s). [REF: S-97-76] [Deferred from 3/07/07] (M-15)  
**DEFERRED AT AGENT'S REQUEST TO 3/14/07.**

11. **Project # 1003857**  
07DRB-00230 Minor-Prelim&Final Plat  
Approval

PRECISION SURVEYS INC agent(s) for MICHAEL A GONZALES request(s) the above action(s) for all or any portion of Tract(s) C-1, C-2 & D, LANDS OF BROMO GONZALES and Tract(s) 31-B-1, M.R.G.C.D. MAP 41, Lot(s) 4-6, 10-12, SIMPIER ADDITION 2, Block(s) E, (to be known as **TRACTS A & B BARELAS COFFEE HOUSE**) zoned SU-2 FOR NCR & SU-2 RT located on SIMPIER LN SW, between 8<sup>TH</sup> ST SW and 4<sup>TH</sup> ST SW containing approximately 2 acre(s). [REF: 07DRB00166] (L-14) **THE PRLIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR REAL PROPERTIES SIGNATURE AND AGIS DXF FILE.**

12. **Project # 1005402**  
07DRB-00234 Minor-Prelim&Final Plat  
Approval

WAYJOHN SURVEYING INC agent(s) for ANSELMO GUTIERREZ request(s) the above action(s) for all or any portion of Lot(s) 17 & 18, Block(s) 9, **EAST CENTRAL BUSINESS ADDITION**, zoned C-3, located on COCHITI RD SE BETWEEN DOROTHY ST SE AND SHIRLEY ST SE, containing approximately 1 acre(s). (L-21) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING TO RECORD THE PLAT.**

13. **Project # 1002730**  
06DRB-01521 Minor-Final Plat Approval

ISAACSON & ARFMAN agent(s) for INFILL SOLUTIONS II LLC request(s) the above action(s) for all or a portion of Lot(s) 13-A-1, Block(s) 6, Tract(s) 3, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **VILLA FIRENZE**) zoned R-D, located on CORONA AVE NE, between VENTURA ST NE and MENDOCINO DR NE containing approximately 4 acre(s). [REF: 06DRB-01204] *[Deferred from 10/25/06 Indef deferred 11/8/06 & Indef deferred 11/29/06]* (C-20) **THE FINAL PLAT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING TO RECORD THE PLAT.**

14. **Project # 1004913**  
07DRB-00072 Minor- Final Plat Approval

JEFF MORTENSEN & ASSOCIATES INC., agent(s) for REGENTS OF UNM REAL ESTATE request(s) the above action(s) for PARCELS 1, 2, A & B, **UNPLATTED LANDS OF UNM**, zoned C-3 heavy commercial zone, located on UNIVERSITY BLVD NE, between INDIAN SCHOOL RD NE and LOMAS BLVD NE containing approximately 20 acre(s). [REF: 06DRB00730, 06DRB00731] *[Final Plat was indef deferred 1/31/07 for SIA]* (J-15) **THE FINAL PLAT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING TO RECORD THE PLAT.**

15. **Project # 1005390**  
07DRB-00206 Minor-Prelim&Final Plat Approval

BORDENAVE DESIGNS agent(s) for TIMOTHY OTT request(s) the above action(s) for all or a portion of Lot(s) 9, 10 & 12, **NZ OFFICE COMMERCIAL CENTER**, zoned IP industrial park zone, located on RANDOLPH RD SE, between YALE BLVD SE and UNIVERSITY BLVD SE containing approximately 4 acre(s). *[Deferred from 2/28/07]* (M-15) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 3/07/07 THE PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA.**

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

16. **Project # 1005392**  
07DRB-00215 Minor-Sketch Plat or Plan
- SANDRA HILDEBRAND agent(s) for VIOLA & ROSS LUCERO request(s) the above action(s) for Lot(s) 3, **TOWN OF ATRISCO GRANT**, zoned R-1 located on GALLEGOS RD SW, between OLD COORS RD SW and GARCIA RD SW containing approximately 1 acre(s). (L-11) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
17. **Project # 1005394**  
07DRB-00223 Minor-Sketch Plat or Plan
- ROBERT MIERA request(s) the above action(s) for all or any portion of Lot(s) 17 thru 20, Block(s) K, **NEW KIMO ADDITION**, zoned SU-2 located on SAN PEDRO DR NE and TAYLOR AVE NE, between MENAUL NE and LOMAS NE containing approximately 1 acre(s). [REF: V-86-32] (H-18) **DUPLICATE REQUEST. WAS WITHDRAWN BY APPLICANT.**
18. **Project # 1005398**  
07DRB-00228 Minor-Sketch Plat or Plan
- DANIEL DUNN request(s) the above action(s) for all or any portion of Lot(s) 1, 2 & 3, Block(s) 3, **GARCIA ADDITION**, zoned S-R located on 11<sup>TH</sup> ST NW between MOUNTAIN NW and SAWMILL NW containing approximately 1 acre(s). (J-13) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**



19. **Project # 1005401**  
07DRB-00233 Minor-Sketch Plat or Plan
- WAYJOHN SURVEYING INC agent(s) for ROBERT MIERA request(s) the above action(s) for all or any portion of Lot(s) 17-20, Block(s) K, **NEW KIMO ADDITION**, zoned SU-2 for R-2 & O-1 office and institution zone, located on SAN PEDRO DR NE between TAYLOR AVE NE and CUTLER AVE NE containing approximately 1 acre(s). (H-18) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
20. **Project # 1005403**  
07DRB-00235 Minor-Sketch Plat or Plan
- INTEGRATED DESIGN & ARCHITECTURE agent(s) for J & J REAL ESTATE PARTNERSHIP request(s) the above action(s) for Tract(s) 12A1A & 12A1B on **M.R.G.C.D. MAP 35**, zoned R-1 residential zone, located on RIO GRANDE BLVD NW between CONTRERAS PL NW and EL NIDO CT NW containing approximately 2 acre(s). (H-13) **INDEFINITELY DEFERRED ON A NO SHOW. AGENT REQUESTED TO BE HEARD ON 3/14/07.**
21. Approval of the Development Review Board Minutes for February 28, 2007. **THE DRB MINUTES FOR 2/28/07 WERE APPROVED BY THE BOARD.**

ADJOURNED: 11:10 A.M.



**PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
HYDROLOGY DEVELOPMENT SECTION**

**DEVELOPMENT REVIEW BOARD – SPEED MEMO**

**DRB CASE NO/PROJECT NO: 1003794**

**AGENDA ITEM NO: 7**

**SUBJECT:**

Final Plat  
Preliminary Plat  
Site Plan for Building Permit  
Site Plan for Subdivision

**ACTION REQUESTED:**

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

P.O. Box 1293

**ENGINEERING COMMENTS:**

Albuquerque

An executed SIA must be on file prior to Final Plat and Site Plan approval and for Building Permit sign off by City Engineer.

An approved grading and drainage plan dated 2-12-07 is on file for Preliminary Plat approval.

New Mexico 87103

www.cabq.gov

**RESOLUTION:**

3/14/07

APPROVED \_\_; DENIED \_\_; DEFERRED X; 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:** MARCH 7, 2007

# CITY OF ALBUQUERQUE



*for to agent*

*ajer*

**PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
HYDROLOGY DEVELOPMENT SECTION**

**DEVELOPMENT REVIEW BOARD – SPEED MEMO**

**DRB CASE NO/PROJECT NO: 1003794**

**AGENDA ITEM NO: 7**

**SUBJECT:**

Final Plat  
Preliminary Plat  
Site Plan for Building Permit  
Site Plan for Subdivision

**ACTION REQUESTED:**

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

P.O. Box 1293

**ENGINEERING COMMENTS:**

An executed SIA must be on file prior to Final Plat and Site Plan approval and for Building Permit sign off by City Engineer.

Albuquerque

An approved grading and drainage plan dated 2-12-07 is on file for Preliminary Plat approval.

New Mexico 87103

www.cabq.gov

**RESOLUTION:**

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:** MARCH 7, 2007



**DEVELOPMENT REVIEW BOARD  
ACTION SHEET**

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

February 21, 2007

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.
- B. Changes and/or Additions to the Agenda
- C. New or Old Business

Adjourned: 12:10 P.M.

**CASES WHICH REQUIRE PUBLIC NOTIFICATION**

**MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS**

- 1. **Project # 1005310**  
07DRB-00083 Major-SiteDev Plan  
BldPermit

GREGORY T HICKS & ASSOCIATES agent(s) for STEVE GRIEGO request(s) the above action(s) for all or a portion of Tract(s) 9-C, **RENAISSANCE CENTER**, zoned SU-1 FOR IP, located on CHAPPELL DR NE, between MISSION DR NE and RENAISSANCE BLVD NE containing approximately 1 acre(s). [REF: 06AA01769, DRB-96-495, V-96-110] (F-16) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR PLAT SHOWING CROSS ACCESS EASEMENT LANGUAGE AND PLANNING FOR 15-DAY APPEAL PERIOD AND 3 COPIES.**

2. **Project # 1005346**  
07DRB-00084 Major-Bulk Land Variance  
07DRB-00085 Major-Vacation of Public  
Easements  
07DRB-00086 Minor-Prelim & Final Plat  
Approval

CONSENSUS PLANNING INC agent(s) for ALBUQUERQUE 50 LLC request(s) the above action(s) for all or a portion of Tract(s) D-2, **AEROSPACE TECHNOLOGY PARK** and Tract(s) D & S, **DOUBLE EAGLE AIRPORT AND ADJACENT LANDS**, zoned SU-1 FOR AIRPORT & RELATED FACILITIES, located on PASEO DEL VOLCAN NW, between 1-40 and the CITY OF RIO RANCHO containing approximately 50 acre(s). [REF: 04DRB01505, 04DRB01506] *[Deferred from 2/21/07]* (F-6) **DEFERRED AT THE AGENT'S REQUEST TO 2/28/07.**

3. **Project # 1002739**  
06DRB-01621 Major-Vacation of Public  
Easements  
06DRB-01622 Major-Vacation of Pub  
Right-of-Way  
06DRB-01623 Minor-Final Plat Approval

MARK GOODWIN & ASSOCIATES agent(s) for KB HOME NEW MEXICO INC request(s) the above action(s) for **ANDERSON HEIGHTS, UNIT 5A**, zoned RD/RLT, located on 118<sup>TH</sup> ST SW, between DENNIS CHAVES BLVD SW and COLOBEL AVE SW containing approximately 41 acre(s). [REF: 06DRB-01431] *[Deferred from 12/6/06, 12/13/06 & 12/20/06]* *[Deferred from 1/3/07, 1/10/07, 1/17/07, 1/24/07, 1/31/07 & 2/7/07 & 2/21/07]* (P-8) **DEFERRED AT THE BOARD'S REQUEST TO 3/7/07.**

4. **Project # 1005273**  
06DRB-01692 Major-Vacation of Pub  
Right-of-Way

SURVEYS SOUTHWEST LTD agent(s) for MELLOY BROS ENTERPRISES INC request(s) the above action(s) for all or a portion of Block(s) 2, **PARIS ADDITION** & Block(s) 4, **ROMERO ADDITION**, zoned C-2, located on KINLEY AVE NW, between 5<sup>TH</sup> ST NW and 4<sup>TH</sup> ST NW containing approximately 1 acre(s). *[Deferred from 1/3/07]* (J-14) **WITHDRAWN AT THE AGENT'S REQUEST.**

5. **Project # 1000614**  
06DRB-01670 Major-Vacation of Pub  
Right-of-Way

TIERRA WEST LLC agent(s) for LA CUEVA OESTE HOMEOWNER'S ASSOCIATION request(s) the above action(s) for **LA CUEVA OESTE UNIT 4**, zoned R-D residential and related uses zone, developing area, located on HOLLY AVE NE, between SAN PEDRO DR NE and LOUISIANA BLVD NE containing approximately 1 acre(s). [REF: 05DRB-00982] [Deferred from 1/3/07 & 2/21/07] (C-18) **DEFERRED AT THE AGENT'S REQUEST TO 2/28/07.**

**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.**

6. **Project # 1001278**  
07DRB-00150 Minor-SiteDev Plan  
Subd/EPC  
07DRB-00151 Minor-Vacation of Private  
Easements  
07DRB-00152 Minor-Prelim&Final Plat  
Approval

CONSENSUS PLANNING INC AND SURV-TEK INC., agent(s) for PAT AND LILLIE MILLIGAN request(s) the above action(s) for all or a portion OF Tract 94, Town of Atrisco Grant, Unit 6, Lots A, B and a portion of C & D, Gonzales Family Lands, Tract H, Coors Plaza (to be known as **COORS TOWN CENTER**) zoned SU-1 FOR C-2 PERMISSIVE USES, located on COORS BLVD SW, between CENTRAL AVE SW and BRIDGE BLVD SW containing approximately 18 acre(s). [REF: 01EPC00747, 00748, 00749, 00750] [Russell Brito, EPC Case Planner] (K-10) **APPLICATION #07DRB-00152 WAS WITHDRAWN AT THE AGENT'S REQUEST. THE SITE PLAN FOR SUBDIVISION AND THE VACATION OF PRIVATE EASEMENTS WAS INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

7. **Project # 1005237**  
07DRB-00176 Minor-SiteDev Plan  
Subd/EPC  
07DRB-00177 Minor-SiteDev Plan Bldg  
Permit/EPC  
07DRB-00178 Minor-Prelim&Final Plat  
Approval

JEFF MORTENSEN & ASSOCIATES INC agent(s) for MARK 3S INC request(s) the above action(s) for all or a portion of east half of Lot(s) 9 and Lot(s) 10, Block(s) 20, Tract(s) 3, NORTH ALBUQUERQUE ACRES, UNIT 3 (to be known as **TRACTS A & B, MARK 3S HOLLY DEVELOPMENT**) zoned SU-2 MIXED USE, located on HOLLY AVE NE, between VENTURA ST NE and HOLBROOK ST NE containing approximately 2 acre(s).

REF:06DRB01758, 01759, 01760] [Carmen Marrone/Petra Morris, EPC Case Planner] (C-20) THE SITE PLAN FOR SUDIVISION WAS APPROVED AND SIGNED OFF BY THE BOARD. WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 2/21/07 THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT FOR RECORDING OF SANITARY SEWER MAINTENANCE AGREEMENT AND CITY ENGINEER FOR THE SIA AND 3 COPIES. THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR THE AGIS DXF FILE.

8. **Project # 1003794**

- ☐ 07DRB-00181 Minor-SiteDev Plan Subd/EPC
- 07DRB-00182 Minor-SiteDev Plan Bldg Permit/EPC
- 07DRB-00183 Minor-Prelim&Final Plat Approval

PETERSON - 98TH CENTRAL LLC request(s) the above action(s) for all or a portion of Tract(s) 1-A, ROW 1, UNIT A, WEST OF WESTLAND (to be known as **VOLCANO POINT SHOPPING CENTER**) zoned SU-2 PCA, located on 98<sup>th</sup> ST NW, between CENTRAL AVE NW and VOLCANO RD NW containing approximately 5 acre(s). [REF: 06EPC-01587] [Maggie Gould, EPC Case Planner] [Deferred from 2/21/07] (K-9) DEFERRED AT THE AGENT'S REQUEST TO 3/7/07.

9. **Project # 1005189**

- 07DRB-00089 Minor-SiteDev Plan BldPermit/EPC

GARRETT SMITH LTD. agent(s) for LITTLE BROTHERS OF THE GOOD SHEPHERD request(s) the above action(s) for all or a portion of Lot(s) 1-A, Block(s) 45, **PEREA ADDITION**, zoned SU-2/SU-1 for found. house & rel. act., located on MOUNTAIN RD NW, between 14<sup>TH</sup> ST NW and BROTHER MATHIAS PLACE NW containing approximately 1 acre(s). [REF: Z-89-100] [Maggie Gould, EPC Case Planner] [Deferred from 2/7/07, 2/14/07 & Indef deferred on a no show 2/21/07 ] (J-13) INDEFINITELY DEFERRED ON A NO SHOW.

10. **Project # 1005126**  
07DRB-00065 Minor-SiteDev Plan  
BldPermit/EPC

PCM agent(s) for MR DON GIBSON, PASTOR request(s) the above action(s) for all or a portion of Lot(s) 313, TOWN OF ATRISCO GRANT, UNIT 8 (to be known as **CENTRAL SEVENTH DAY ADVENTIST CHURCH**) zoned SU-1 FOR CHURCH AND PRIVATE SCHOOL, located on ESTANCIA DR NW, between MIAMI NW and JUNIPER NW containing approximately 5 acre(s). [REF: 06EPC01299] [**Maggie Gould, EPC Case Planner**] [*Deferred from 1/31/07*] (H-11) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 2/21/07 THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR SIA AND 3 COPIES AND TO UTILITIES DEVELOPMENT FOR SEWER TAPPING PERMIT AND OPENING OF NEW ACCOUNTS.**

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

11. **Project # 1002315**  
07DRB-00168 Minor-Ext of SIA for Temp  
Defer SDWK

BOHANNAN HOUSTON INC agent(s) for MESA VERDE DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) 13B, **WILDERNESS VILLAGE AT HIGH DESERT**, zoned SU-2 HD/R-R, located on FOOTHILLS TRAIL NE, between WILDERNESS TRAIL NE and HIGH DESERT PLACE NE containing approximately 73 acre(s). [REF:03DRB01651] (F-23) **A TWO-YEAR EXTENSION TO THE FOUR-YEAR AGREEMENT FOR THE DEFERRAL OF SIDEALKS WAS APPROVED.**

12. **Project # 1003762**  
07DRB-00180 Minor-Subd Design (DPM)  
Variance

ISAACSON & ARFMAN PA agent(s) for CHELWOOD HILLS LLC request(s) the above action(s) for all or a portion of Tract(s) PR, **CHELWOOD HILLS SUBDIVISION**, zoned R-LT residential zone, located on EASTDALE DR NE, between CHELWOOD PARK BLVD NE and INDIAN SCHOOL RD NE containing approximately 4 acre(s). (J-22) **A SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM DESIGN STANDARDS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**



13. **Project # 1003684**  
07DRB-00136 Minor-Final Plat Approval

MARK GOODWIN & ASSOCIATES agent(s) for CAPITAL ALLIANCE INVESTMENTS LLC request(s) the above action(s) for all or a portion of Lot 11, Block 9, Lots 10-17, Block 10, Lots 11-15, Block 11, Lots 17 & 18, Block 12, Lots 23-29, Block 13 and Lot 1, Block 14 and Tracts 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 BLVD NW, between UNIVERSE NW and KAYENTA NW containing approximately 11 acre(s). [REF: 06DBR00327, 06DRB00326] (A-10) **THE FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**

14. **Project # 1005380**  
07DRB-00174 Minor-Prelim&Final Plat Approval

MARK GOODWIN & ASSOCIATES, PA agent(s) for EAST ROAD CORPORATION request(s) the above action(s) for all or a portion of Lot(s) 1-A, **BROADWAY INDUSTRIAL CENTER**, zoned SU-2 HM, located on BROADWAY BLVD SE, between SAN JOSE SE and BETHEL SE containing approximately 2 acre(s). [REF: DRB-99-08, S-99-06, V-99-06, DRB-99-300, V-99-98, DRB-97-271, DRB-99-100] (M-14) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**

15. **Project # 1002984**  
07DRB-00161 Minor-Prelim&Final Plat Approval

ROBERT POWERS request(s) the above action(s) for all or a portion of Lot(s) 21, Block(s) 2, **VOLCANO CLIFFS, UNIT 2**, zoned R-1, located on KIMBERLITE DR NW, between CLIFF RD NW and POPO NW containing approximately 1 acre(s). [REF: 06DRB-01386] (E-10) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR REASSESSMENT OF SAD AND PLANNING FOR REAL PROPERTY SIGNATURE AND TO RECORD.**

16. **Project # 1005261**  
07DRB-00175 Minor-Prelim&Final Plat  
Approval

JEFF MORTENSEN & ASSOCIATES INC agent(s) for CITY OF ALBUQUERQUE C/O STUDIO SOUTHWEST request(s) the above action(s) for Lot(s) 1 & 2, Block(s) 2, Bratina Addition No. 2, Lot(s) 1-10, 19, 20 & 21 Franchini Addition and Lot(s) 1, Townes Addition (to be known as **TRACT 1, LANDS OF WESST CORPORATION**) zoned M-1 light manufacturing zone, located on BROADWAY BLVD and JOHN ST NE, between ROMA AVE NE and LOMAS BLVD NE containing approximately 2 acre(s). [REF: 06DRB01651, 06DRB01652] (J-14) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED AND SIGNED OFF BY THE BOARD.**

17. **Project # 1002372**  
07DRB-00179 Major-Final Plat Approval

THOMPSON ENGINEERING agent(s) for DRAGONFLY DEVELOPMENT INC request(s) the above action(s) for all or a portion of Tract(s) 223 & 224, Airport Unit, Town of Atrisco Grant (to be known as **LAS PLAYAS SUBDIVISION**) zoned R-2, located on GLENRIO RD NW, between 68<sup>TH</sup> ST NW and 72<sup>ND</sup> ST NW containing approximately 9 acre(s). (J-10) **THE FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**

18. **Project # 1000462**  
07DRB-00167 Minor-Prelim&Final Plat  
Approval

JACK'S HIGH COUNTRY agent(s) for ARTHUR MORALES request(s) the above action(s) for all or a portion of Tract(s) A, **SPIRITUAL RENEWAL CENTER**, zoned SU-1 special use zone, located on COORS BLVD NW, between LA ORILLA RD NW and EAGLE RANCH RD NW containing approximately 5 acre(s). [REF: 00DRB00585, 00DRB00523] (D-13) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF FILE AND TO RECORD.**

19. **Project # 1004679**  
07DRB-00071 Minor-Prelim&Final Plat  
Approval

SHAKEEL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 15B, ALVARADO GARDENS UNIT 2 (to be known as **CAMPBELL ESTATES**) zoned RA-2, W7 residential and agricultural zone, located on CAMPBELL RD NW, between RIO GRANDE BLVD NW and the RIO GRANDE RIVER containing approximately 2 acre(s). [REF: 06DRB00149] [*Deferred from 1/31/07 & 2/7/07 & 2/14/07*] (G-12) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 2/21/07 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 2/19/07 THE PRELIMINARY PLAT WAS APPROVED WITH CONDITIONS: A SEPARATE PUE EASEMENT SHALL BE SHOWN ON THE FINAL PLAT. SHOW THE WATER METER EASEMENTS ON THE FINAL PLAT. THE FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA.**

20. **Project # 1004254**  
06DRB-01569 Minor-Prelim&Final Plat  
Approval

WAYJOHN SURVEYING INC agent(s) for CHARLES JAEGER request(s) the above action(s) for all or a portion of Lot(s) A-1, **ALVARADO GARDENS, UNIT 3**, zoned R-2 residential zone, located on VERANDA RD NW, between RIO GRANDE BLVD NW and GLENWOOD DR NW containing approximately 1 acre(s). [REF: 05DRB-00964] [*Indef deferred 11/8/06*] [*Deferred from 2/21/07*] (G-12) **DEFERRED AT THE AGENT'S REQUEST TO 2/28/07.**

21. **Project # 1004901**  
06DRB-00689 Minor- Final Plat Approval

WAYJOHN SURVEYING agent(s) for RIVERA INVESTMENTS request(s) the above action(s) for all or a portion of Tract(s) A-1, Block(s) 29, HUNING CASTLE ADDITION (to be known as **HUNING CASTLE TOWNHOMES**) zoned R-3, located on ALCALDE PLACE SW, between LEAD AVE SW and COAL AVE SW containing approximately 1 acre(s). [*Was Indefinitely deferred 5/24/06 for grading and drainage plan and infrastructure list*] [*Deferred from 9/20/06 & 9/27/06 Indef deferred for SIA on 10/4/06*] (K-13) **THE FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**

22. **Project # 1005254**  
06DRB-01627 Minor-Prelim&Final Plat  
Approval

SURVEYS SOUTHWEST LTD agent(s) for GILBERT SANCHEZ request(s) the above action(s) for all or a portion of Lot(s) 85, **LOS ALAMOS ADDITION**, zoned SU-1 FOR APT & OFFICE, located on 4<sup>TH</sup> ST NW, between PLACITAS RD NW and SANDIA RD NW containing approximately 1 acre(s). *[Indef deferred from 11/22/06]* (F-14) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT FOR COMPLETION OF TAPPING PERMITS AND TRANSPORTATION DEVELOPMENT FOR PLACEMENT OF 4-FOOT SIDEWALKS ALONG PLACITAS.**

**NO ACTION IS TAKEN ON THESE CASES:**

**APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING**

23. **Project # 1003857**  
07DRB-00166 Minor-Sketch Plat or Plan

PRECISION SURVEYS INC agent(s) for MICHAEL A GONZALES request(s) the above action(s) for all or a portion of Block(s) E, Tract(s) A & B, **BARELAS COFFEE HOUSE**, zoned SU-2-NCR & SU-2/RT, located on SIMPIER LN SW, between 8<sup>TH</sup> ST SW and 4<sup>TH</sup> ST SW containing approximately 2 acre(s). (L-14) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

24. **Project # 1005389**  
07DRB-00171 Minor-Sketch Plat or Plan

SCOTT SADLER request(s) the above action(s) for all or a portion of Tract(s) 7, Block(s) 0000, **LAS LOMITAS BUSINESS PARK**, zoned SU-1 for IP special use zone, located on CUESTA ABAJO CT NW, between EDITH BLVD NW and JEFFERSON BLVD NW containing approximately 2 acre(s). *[Was listed under Project #1002134 in error] [Indef deferred on a no show 2/21/07]* (D-16) **INDEFINITELY DEFERRED ON A NO SHOW.**

25. **Project # 1004617**  
07DRB-00149 Minor-Sketch Plat or Plan

TONY GUTIERREZ request(s) the above action(s) for all or a portion of Lot(s) 100, Block(s) A, **LA VICTORIA**, zoned C-2, located on BLUEWATER NW, between YUCCA NW and 56<sup>TH</sup> ST NW containing approximately 2 acre(s). [REF: 06DRB-00721] (J-11) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

26. **Project # 1005349**  
07DRB-00097 Minor-Sketch Plat or Plan

ROLANDO PEREZ request(s) the above action(s) for all or a portion of Lot(s) 9 & 10, Block(s) 8, **LOMA VERDE**, zoned R-2, located on SAN PABLO ST NE, between DOMINGO NE and CHICO NE containing approximately 1 acre(s). [*Deferred from 2/14/07*](K-19) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

27. Approval of the Development Review Board Minutes for February 14, 2007. **THE DRB MINUTES FOR FEBRUARY 14, 2007 WERE APPROVED BY THE BOARD.**

ADJOURNED: 12:10 P.M.

**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
February 21, 2007  
DRB Comments**

**ITEM # 8**

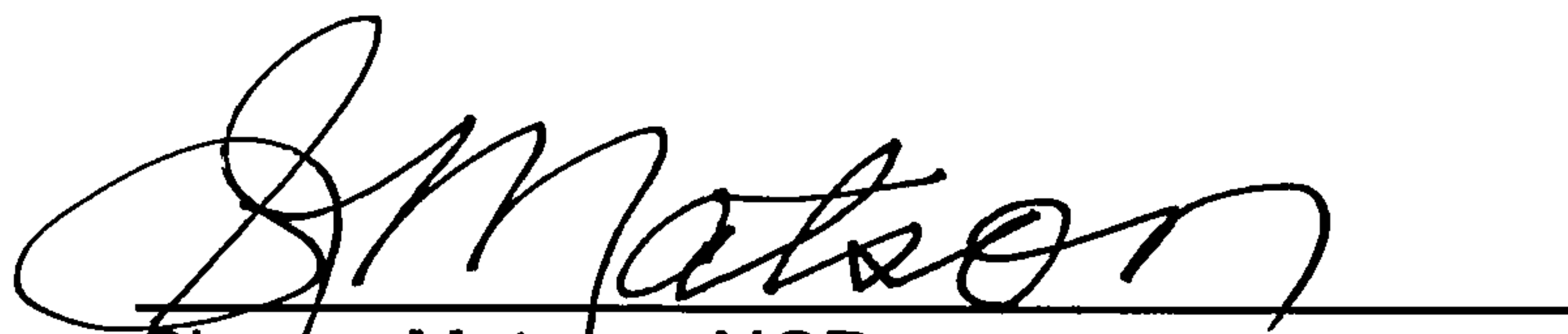
**PROJECT # 1003794**

**APPLICATION # 07DRB-00181,00182  
00183**

**RE: Lot 1-A, Block 45, PEREA ADDITION/spbp/sps/minor plat**

The plat and site plan for subdivision do not match. The plat says "lots" and the site plan says "parcel". The lot sizes don't match either. Most often, the plat is correct since the lots were surveyed. Please make sure the two documents match.

Planning will take delegation to record the plat and for three copies of each site plan. Be sure to include all pages of each plan in the 3 copies. If Maggie Gould has comments on the site plans, we will also take delegation for her initials on the original site plans.



Sheran Matson, AICP

DRB Chair

924-3880 fax 924-3864 smatson@cabq.gov

February 16, 2007

City of Albuquerque  
Planning Department  
Inter-Office Memorandum

# 8

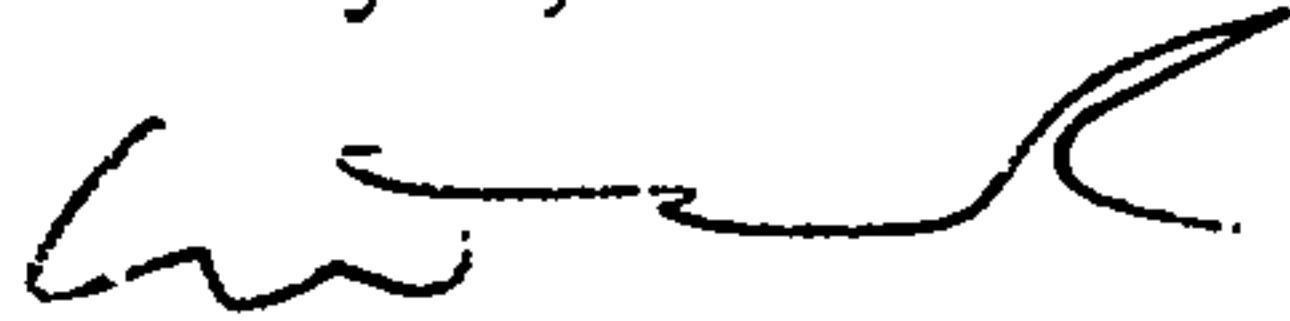
TO: Sheran Matson, DRB Chair  
FROM: Maggie Gould, Associate Planner  
SUBJECT: Project # 1003794

The Environmental Planning Commission approved Project # 1003794 /06EPC 01586/01587, Site Plan for Subdivision and Site Plan Building Permit for Tract 1-A, Row 1, Unit A, West of Westland, Town of Atrisco Grant, located on 98<sup>th</sup> street between Central Avenue and Volcano Road on December 21, 2006. The applicant has satisfied all of the conditions of approval.

The applicant met with staff regarding small changes to the Site Plan. These changes do not significantly alter the intent of the original Site Plan and are acceptable.

If you should have any questions regarding this case, please do not hesitate to call me at 924-3910.

Thank you,



Maggie Gould  
Planner  
Advanced Planning Division

**DEVELOPMENT REVIEW BOARD  
TRANSPORTATION DEVELOPMENT  
Standard Comment Sheet**

DRB- 1003794                      Item No. 8                      Zone Atlas K-9

DATE ON AGENDA    2-21-07

INFRASTRUCTURE REQUIRED (X) YES ( ) NO

CROSS REFERENCE: \_\_\_\_\_

**TYPE OF APPROVAL REQUESTED:**

- ( ) SKETCH PLAT (X) PRELIMINARY PLAT (X) FINAL PLAT  
( ) SITE PLAN REVIEW AND COMMENT (X) SITE PLAN FOR SUBDIVISION  
(X) SITE PLAN FOR BUILDING PERMIT

<u>No.</u>	<u>Comment</u>
1)	Are any sidewalk easements needed on the plat?
2)	Where is the cross access document for the lots?
3)	Where is the access easement needed at along Central?
4)	Where are the Volcano Road improvements?
5)	Where are the Frontage Road improvements?
6)	Small car spaces are 8' by 15'.

If you have any questions or comments please call Wilfred Gallegos at 924-3991. Meeting notes:



# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
HYDROLOGY DEVELOPMENT SECTION**

DEVELOPMENT REVIEW BOARD – SPEED MEMO

**DRB CASE NO/PROJECT NO: 1003794**

**AGENDA ITEM NO: 8**

**SUBJECT:**

Final Plat  
Preliminary Plat  
Site Plan for Building Permit  
Site Plan for Subdivision

**ACTION REQUESTED:**

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

P.O. Box 1293

**ENGINEERING COMMENTS:**

An executed SIA must be on file prior to Final Plat and Site Plan approval and for Building Permit sign off by City Engineer.

Albuquerque

New Mexico 87103

www.cabq.gov

**RESOLUTION:**

3-7-07

APPROVED \_\_; DENIED \_\_; DEFERRED X; 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:** FEBRUARY 21, 2007

#8

**3794**

### DXF Electronic Approval Form

DRB Project Case #:

Subdivision Name:

Surveyor:

Contact Person:

Contact Information:

DXF Received:

Hard Copy Received:

Coordinate System:

  
\_\_\_\_\_  
Approved

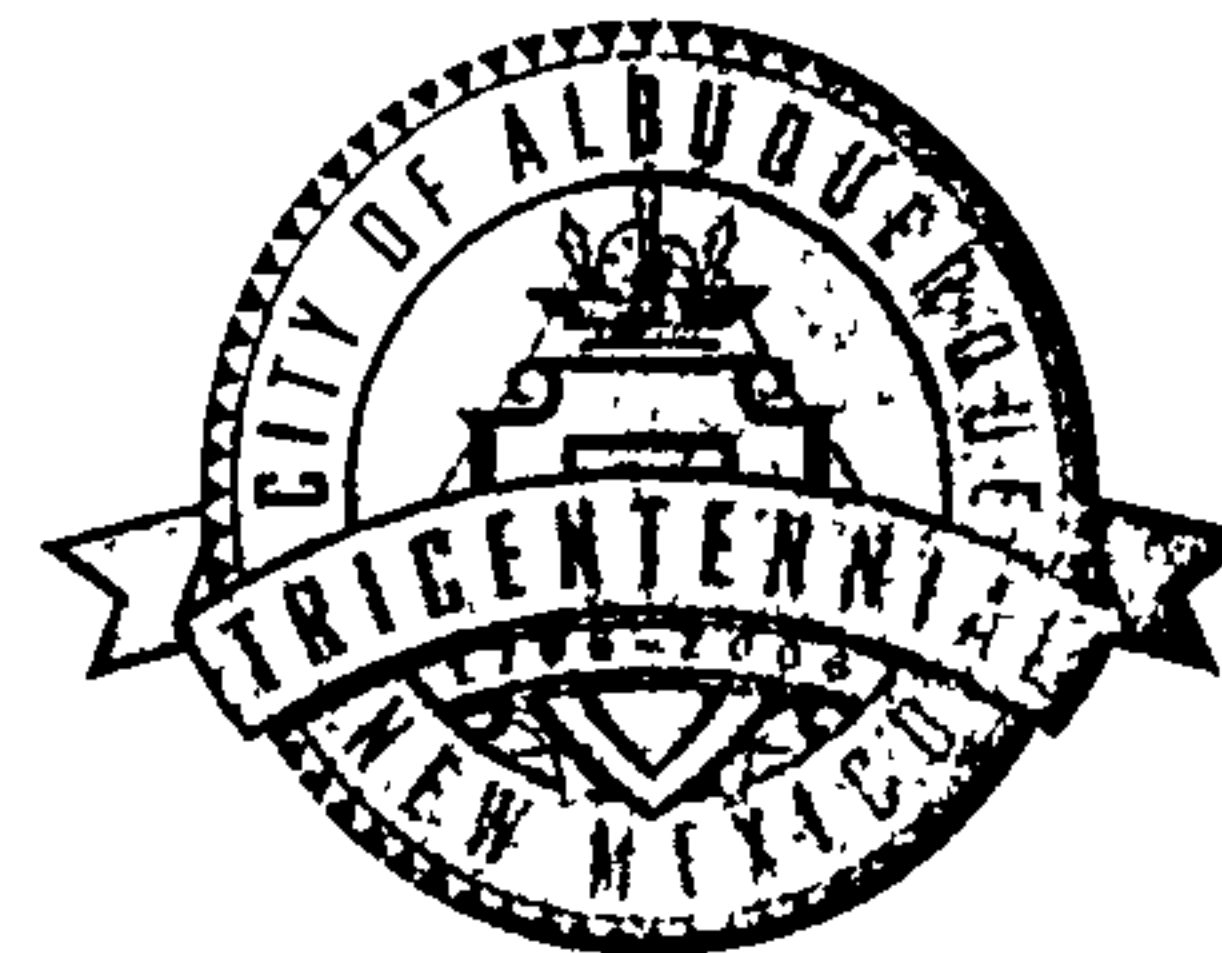
2.14.2007  
\_\_\_\_\_  
Date

\* The DXF file cannot be accepted (at this time) for the following reason(s):

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

**AGIS Use Only**

Copied fc **3794** to agiscov on **2/14/2007** Contact person notified on **2/14/2007**



**PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
HYDROLOGY DEVELOPMENT SECTION**

**DEVELOPMENT REVIEW BOARD – SPEED MEMO**

**DRB CASE NO/PROJECT NO: 1003794**

**AGENDA ITEM NO: 18**

**SUBJECT:**

Sketch Plat

**ACTION REQUESTED:**

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

**ENGINEERING COMMENTS:**

An approved grading and drainage plan must be on file prior to Preliminary Plat approval.  
This project will need an infrastructure list.

P.O. Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)

**RESOLUTION:**

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

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

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

**DATE:** SEPTEMBER 6, 2006

**DEVELOPMENT REVIEW BOARD  
TRANSPORTATION DEVELOPMENT  
Standard Comment Sheet**

DRB-1003794                      Item No. 18                      Zone Atlas    K-9

DATE ON AGENDA 9-6-06

INFRASTRUCTURE REQUIRED  YES ( ) NO

CROSS REFERENCE: \_\_\_\_\_  
\_\_\_\_\_

**TYPE OF APPROVAL REQUESTED:**

- SKETCH PLAT ( ) PRELIMINARY PLAT ( ) FINAL PLAT  
( ) SITE PLAN REVIEW AND COMMENT ( ) SITE PLAN FOR SUBDIVISION  
( ) SITE PLAN FOR BUILDING PERMIT

No.    Comment

- 1) 98<sup>th</sup> Street requires 156' of Right-of-way. Platting actions to the north and south will need to be reviewed.
- 2) 98<sup>th</sup> Street requires a 30' F-F section. A cross section is needed.
- 3) Is the sidewalk in place?
- 4) Standard infrastructure along all frontages may be required per DPM.
- 5) A radius dedication is required a Volcano & Central.
- 6) Where are the curb cuts proposed? Access to Central may not be possible.
- 7) A TIS may be required for development of the property.

If you have any questions or comments please call Wilfred Gallegos at 924-3991. Meeting notes:

**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
September 6, 2006  
DRB Comments**

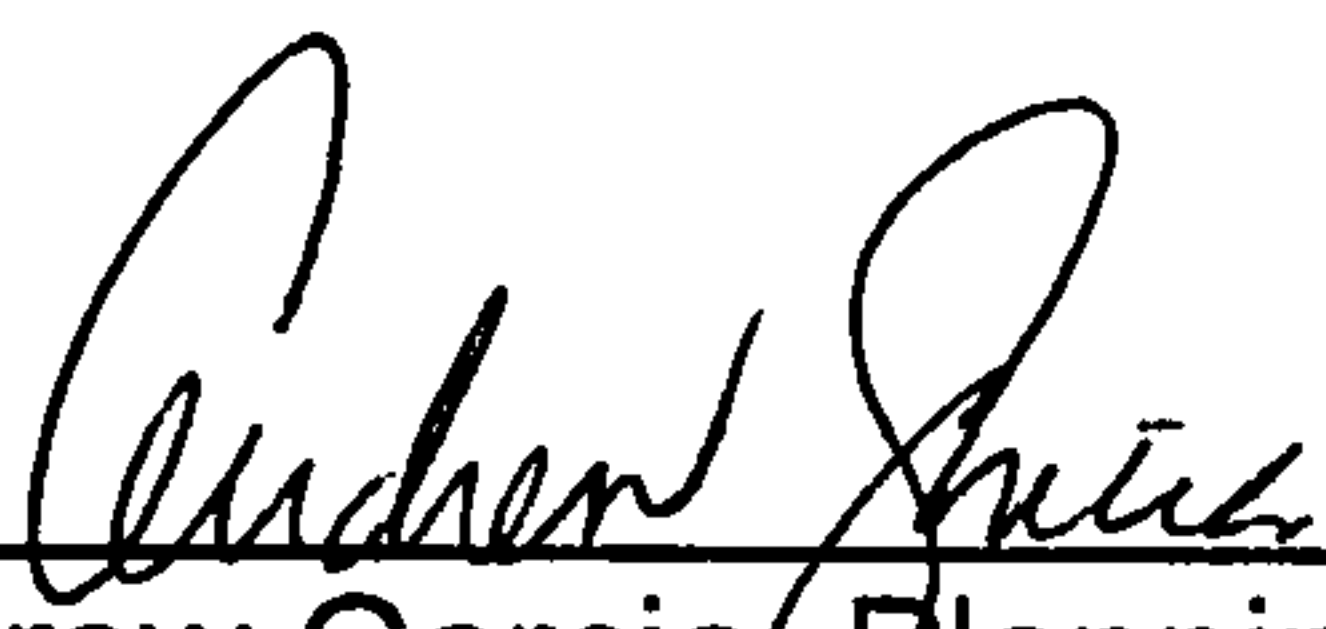
**ITEM # 18**

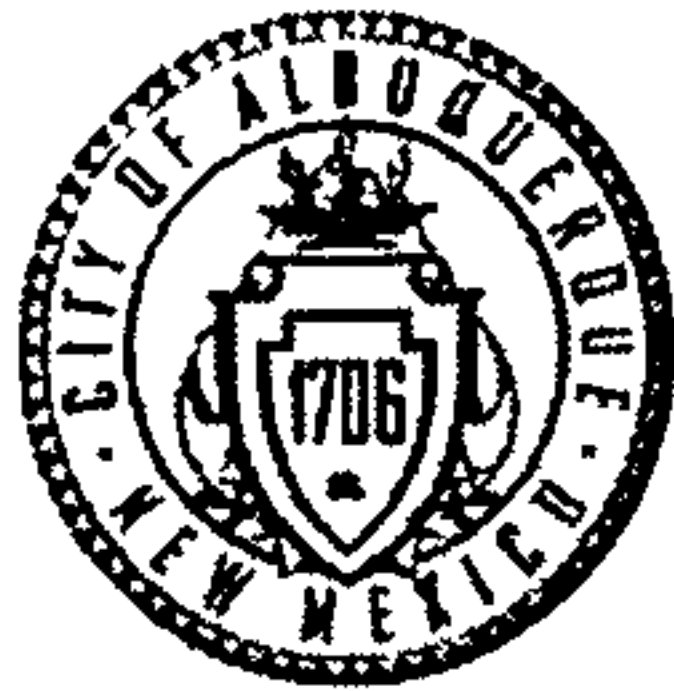
**PROJECT # 1003794**

**APPLICATION # 06-01228**

**RE: Tract 1A, Row 1, West of Westland, Unit 1/sketch**

Planning has no adverse comments to this request.

  
\_\_\_\_\_  
Andrew Garcia, Planning Alternate  
924-3858 Fax 924-3864 agarcia@cabq.gov



## IMPACT FEES

Development Review Board 9/6/06

Agenda Item Number: 18

Project Number: 1003794

Site: Tract 1A, Row 1, West Of Westland, Unit 1

Zoned: SU-2 PCA

Impact Fees are not applicable at this time of platting. However, Impact Fees will be required at the time a building permit is issued for each building according to its use and the impervious acreage for each lot.

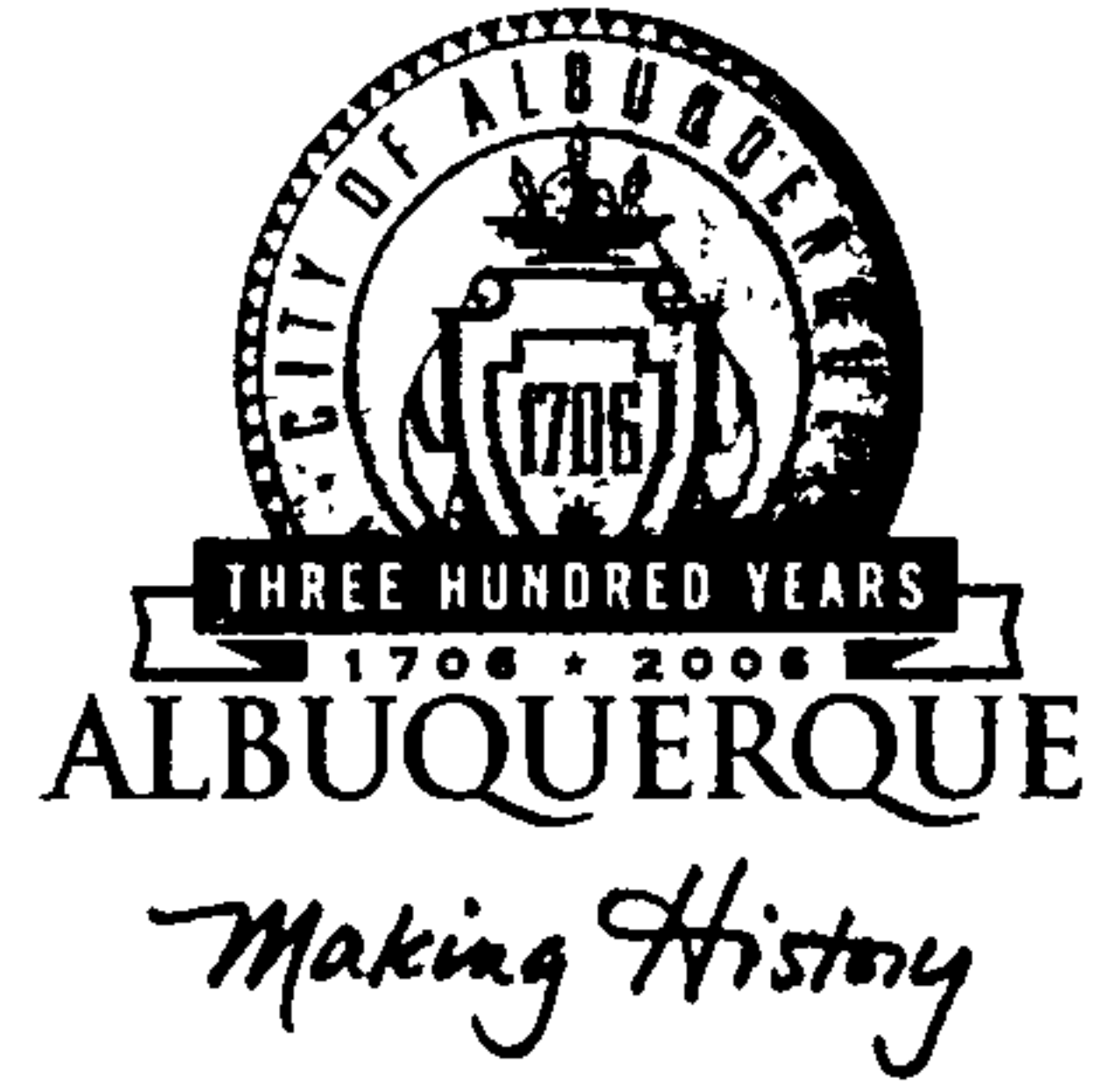
Impact Fees are to be paid at the time of issuance of building permits; however, the total Impact Fees may be paid at a rate of 67% if permits are obtained by December 29, 2006

JACK CLOUD  
IMPACT FEE ADMINISTRATOR

PLANNING TRACKING LOG

Date	Project Name & #	Action Request	Action Taken
9/6/06	West of Westland Proj 1003794	sketch	Comments given

# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
HYDROLOGY DEVELOPMENT SECTION**

**DEVELOPMENT REVIEW BOARD--SPEED MEMO**

**DRB CASE NO/PROJECT NO: 1003794**

**AGENDA ITEM NO: 20**

**SUBJECT:**

- |                                |                                 |                                  |
|--------------------------------|---------------------------------|----------------------------------|
| <b>(01)</b> Sketch Plat/Plan   | <b>(05)</b> Site Plan for Subd  | <b>(10)</b> Sector Dev Plan      |
| <b>(02)</b> Bulk Land Variance | <b>(06)</b> Site Plan for BP    | <b>(11)</b> Grading Plan         |
| <b>(03)</b> Sidewalk Variance  | <b>(07)</b> Vacation            | <b>(12)</b> SIA Extension        |
| <b>(03a)</b> Sidewalk Deferral | <b>(08)</b> Final Plat          | <b>(13)</b> Master Dev. Plan     |
| <b>(04)</b> Preliminary Plat   | <b>(09)</b> Infrastructure List | <b>(14)</b> Cost Allocation Plan |

**ACTION REQUESTED:**

P.O. Box 1293

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

**ENGINEERING COMMENTS:**

Albuquerque

An approved conceptual grading and drainage plan is required for site plan sign-off by the City Engineer.

New Mexico 87103

**RESOLUTION:**

www.cabq.gov

APPROVED \_\_\_\_; DENIED \_\_\_\_; DEFERRED \_\_\_\_; COMMENTS PROVIDED *discussed* 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 8, 2004



**DEVELOPMENT REVIEW BOARD  
TRANSPORTATION DEVELOPMENT  
Standard Comment Sheet**

DRB- 1003794                    Item No. 20                    Zone Atlas    K-9  
DATE ON AGENDA    12-8-04

INFRASTRUCTURE REQUIRED  YES ( ) NO

CROSS REFERENCE: \_\_\_\_\_  
\_\_\_\_\_

**TYPE OF APPROVAL REQUESTED:**

- SKETCH PLAT   ( ) PRELIMINARY PLAT    FINAL PLAT
- ( ) SITE PLAN REVIEW AND COMMENT   ( ) SITE PLAN FOR SUBDIVISION
- ( ) SITE PLAN FOR BUILDING PERMIT

<u>No.</u>	<u>Comment</u>
1)	Right-of-way dedication as required by LRRS. (98 <sup>th</sup> street requires 156' - need to show that the dedicated right-of-way is in conformance with platting actions to the north and south)
2)	Standard infrastructure required per DPM. (It is my understanding that 98 <sup>th</sup> will require sidewalk only and that Volcano Road and Central will require standard infrastructure)
3)	Entrance onto Central may be a right-out only.
4)	Has the Fire Dept and Solid Waste approved.
5)	Ensure that the trash enclosure does not require solid waste to maneuver within Volcano Road.
6)	Curb cuts must comply with DPM (Central 200' from return. Volcano 50' from return.)

**If you have any questions or comments please call Wilfred Gallegos at 924-3991. Meeting notes:**

**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
December 8, 2004  
DRB Comments**

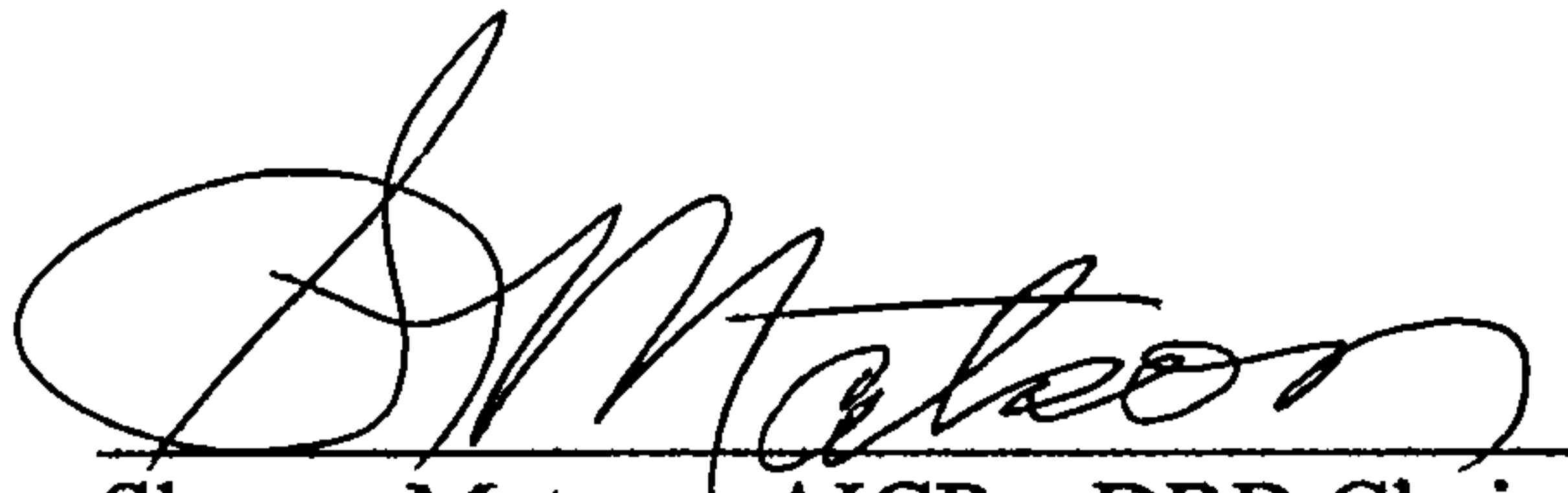
**ITEM # 20**

**PROJECT # 1003794**

**APPLICATION # 04-01805**

**RE: Lot 1A, Town of Atrisco Grant, Row 1/sketch**

Planning has no additional comment at this time on the SU1 zoned property..



Sheran Matson, AICP DRB Chair  
924-3880 Fax 924-3864 [smatson@cabq.gov](mailto:smatson@cabq.gov)



**SUBDIVISION**

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

**SITE DEVELOPMENT PLAN**

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

**STORM DRAINAGE (Form D)**

- Storm Drainage Cost Allocation Plan

Supplemental form

**S Z ZONING & PLANNING**

- 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)
- D A APPEAL / PROTEST of...**
- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

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

**APPLICATION INFORMATION:**

Professional/Agent (if any): Tierra West LLC PHONE: 505-858-3100  
 ADDRESS: 5571 Midway Park Place NE FAX: 505-858-1118  
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: \_\_\_\_\_

APPLICANT: Peterson 98th/Central LLC PHONE: 505-884-3578  
 ADDRESS: 2325 San Pedro NE, #2A FAX: \_\_\_\_\_  
 CITY: Albuquerque STATE NM ZIP 87110 E-MAIL: \_\_\_\_\_  
 Proprietary interest in site: Owner List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: 6 month Extension of Subdivision Improvements Agreement

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

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

Lot or Tract No. Lots 3 & 4 Block: \_\_\_\_\_ Unit: \_\_\_\_\_  
 Subdiv/Addn/TBKA: Volcano Point Shopping Center  
 Existing Zoning: SU-2 for PCA Proposed zoning: No Change MRGCD Map No \_\_\_\_\_  
 Zone Atlas page(s): K-9 UPC Code: 100905704005030106/100905705003530105

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_Z\_, V\_, S\_, etc.): #1003794

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill?  No  
 No. of existing lots: 2 No. of proposed lots: No Change Total area of site (acres): +/- 1.98  
 LOCATION OF PROPERTY BY STREETS: On or Near: 98th Street NW  
 Between: Central Avenue SE and Volcano Road NW

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

SIGNATURE [Signature] DATE 8/11/10  
 (Print) Ronald R. Bohannon, P.E. Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

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

Application case numbers  
10DRB - 70224  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Hearing date Sept 8, 2010

Action	S.F.	Fees
<u>SIA</u>	_____	<u>\$ 50.00</u>
<u>ADV</u>	_____	<u>\$ 75.00</u>
<u>CMF</u>	_____	<u>\$ 20.00</u>
_____	_____	\$ _____
_____	_____	\$ _____
Total		<u>\$ 145.00</u>

Form revised 4/07

[Signature] 8-11-10  
 Planner signature / date

Project # 1003794

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

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

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

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

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

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

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

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

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

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

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

**MAJOR SUBDIVISION IMPROVEMENTS AGREEMENT (DRB09)**

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

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

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

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

Ronald R. Bohannon, P.E.

Applicant name (print)

Applicant signature / date



Form revised October 2007

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

Application case numbers  
 10DRB - 70224

Project # 1003794  
 Planner signature / date 8-11-10

# SIGN POSTING 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. Waterproofed signs will be provided at the time of application. If the application is mailed, you must still stop at the Planning Division 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 Planning Division at a charge of \$3.00 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 two to seven feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign in order to read it.

### 2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs maybe 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 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 August 24, 2010 To Sept 8, 2010.

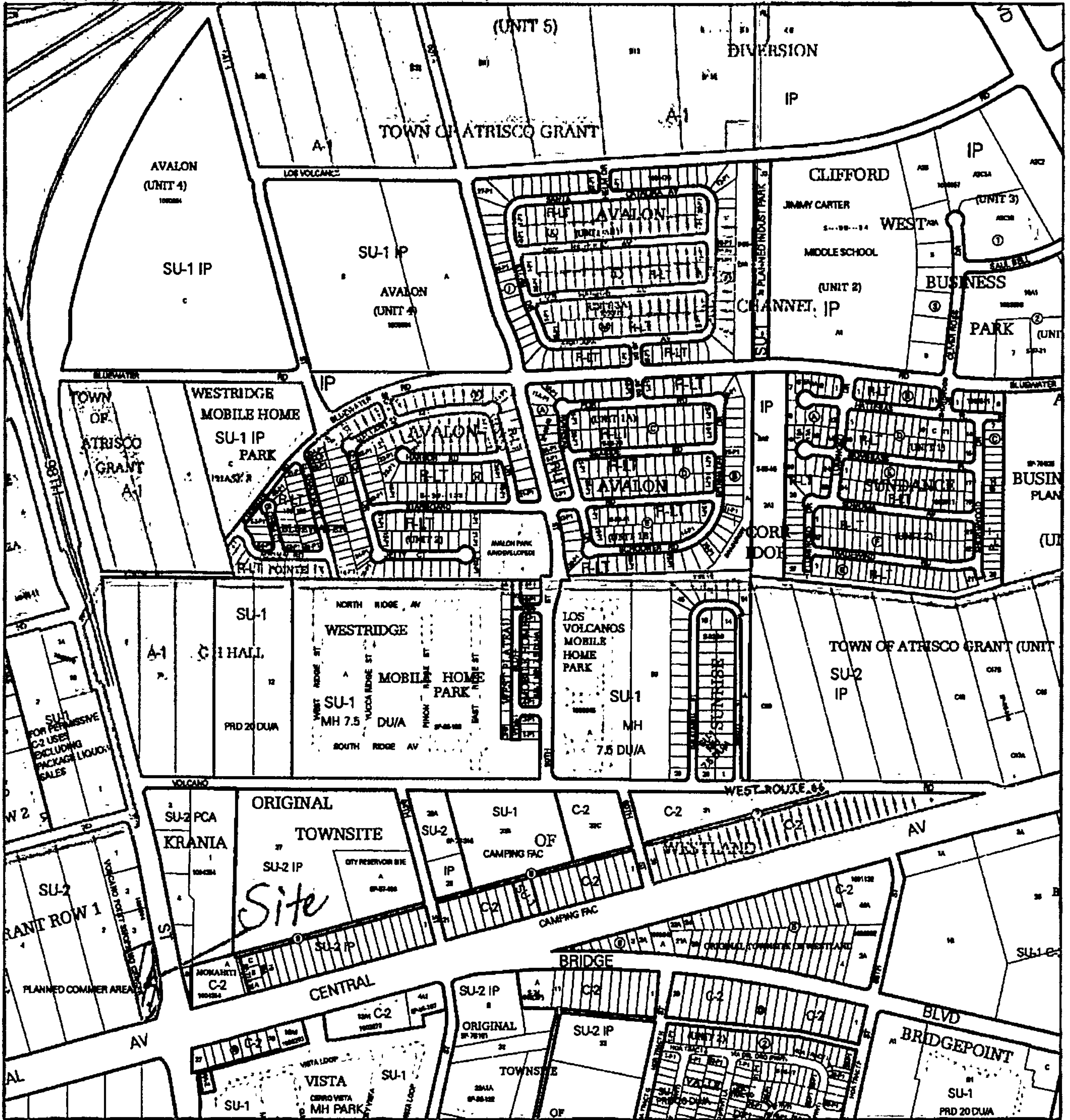
### 5. REMOVAL

- 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 Planning Division staff. I understand (A) my obligation to keep the sign(s) posted for fifteen (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Keeli D. Krueger, 8/11/10  
(Applicant or Agent) (Date)

I issued 2 signs for this application, 8-11-10, [Signature]  
(Date) (Staff Member)



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

**AGIS**  
Albuquerque Geographic Information System

Map amended through: 6/18/2008

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:  
**K-09-Z**

Selected Symbols

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

0 750 1500 Feet

gan

# TIERRA WEST, LLC

August 11, 2010

Mr. Jack Cloud, Chair  
Development Review Board  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103

**RE: Extension of Subdivision Improvements Agreement  
Volcano Point Shopping Center  
Project # 1003794  
Zone Atlas Page K-9**

Dear Mr. Cloud:

Tierra West LLC, on behalf of Peterson – 98<sup>th</sup>/Central LLC, requests approval of a 6-month extension of the Subdivision Improvement Agreement. The project is located at the northwest corner of 98<sup>th</sup> Street NW and Central Avenue and consisted of the construction of a small frontage road and related appurtenances. At this time, construction is not yet complete and final inspections have not been held. Also remaining is the submittal of the close-out package to the City for review. Construction of the improvements should be complete in the next several weeks and the submittal of the close-out package will occur shortly thereafter.

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,



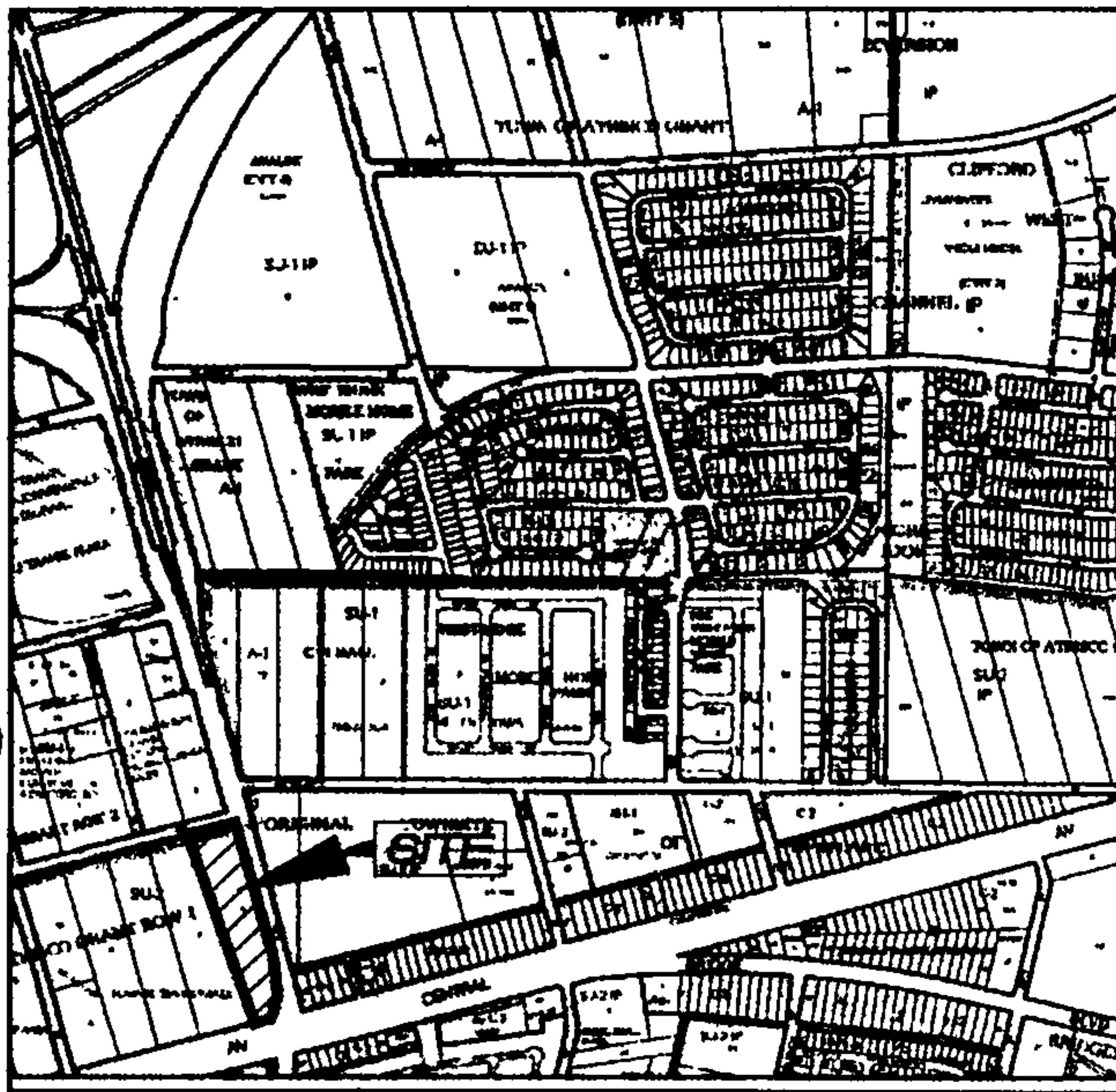
Ronald R. Bohannon, P.E.

Enclosure/s

cc: Douglas Peterson  
Kelly Chappelle, Avalon N.A.  
Evonne Hight, Avalon N.A.  
Larry Nelson, West Side Merchants Assoc.  
Humberto Perez, West Side Merchants Assoc.

JN: 28065  
RRB/kdk

5571 Midway Park Place NE Albuquerque, NM 87109  
(505) 858-3100 Fax (505) 858-1118 1-800-245-3102  
tierrawestllc.com



VICINITY MAP  
NOT TO SCALE

**GENERAL NOTES**

- Bearings are New Mexico State Plane Grid Bearings (Central Zone) originated at the Albuquerque Control Survey Monument A10-L9.
- Distances are ground.
- Distances along curved lines are arc lengths.
- Record Plat or Deed bearings and distances, where they differ from those established by this field survey, are shown in parentheses ( ).
- All corners found in place and held were tagged with a brass disk stamped "HUGG L.S. 9750" unless otherwise indicated hereon.
- All corners that were set are a 5/8" rebar with cap stamped "HUGG L.S. 9750" unless otherwise indicated hereon.
- City of Albuquerque Zone Atlas Page: K-9-2
- U.C.L.S. Log Number: 2007052971
- This property is currently zoned "SU-2 PCA" per the West Route 66 Sector Development Plan, dated January, 1988.

**PURPOSE OF PLAT**

The purpose of this plat is to:

- Divide the existing tract into Four (4) new Lots as shown hereon.
- Grant the additional public utility easements (if any) as shown hereon.
- Dedicate additional street right of way to the City of Albuquerque in fee simple with warranty covenants as shown hereon.

DOC# 2007100902

07/19/2007 09:22 AM Page 1 of 2  
PLAT # 512 03 2007C  
Toulausa Bernalillo County

**TREASURERS CERTIFICATION**

This is to certify that taxes are current and paid on the following:

TRACT 1A : UPC #100905704508230105

*McLennan* 7-13-07  
Bernalillo County Treasurer Date

**LEGAL DESCRIPTION**

That certain parcel of land situate within the Town of Atrisco Grant in Projected Section 21, Township 10 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, comprising all of Tract 1A, Row 1, Unit A, West of Westland, as the same is shown and designated on the plat entitled "PLAT OF TRACTS 1A & 1B, ROW 1, UNIT A, WEST OF WESTLAND, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, APRIL, 1987", filed May 17, 1988, in Volume C36, Folio 129, records of Bernalillo County, New Mexico.

Said parcel contains 4.1592 acres (181,177 square feet), more or less.

**FREE CONSENT AND DEDICATION**

SURVEYED and REPLATTED and now comprising, LOTS 1 THRU 4, VOLCANO POINT SHOPPING CENTER (BEING A REPLAT OF TRACT 1A, ROW 1, UNIT 1, WEST OF WESTLAND) WITHIN THE TOWN OF ATRISCO GRANT IN PROJECTED SECTION 21, TOWNSHIP 10 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, with the free consent of and in accordance with the wishes and desires of the undersigned owner(s) and proprietor(s) thereof. Said owner(s) and proprietor(s) do hereby grant the additional public and private easements as shown hereon, if any. Said owner(s) and proprietor(s) do hereby dedicate additional street right of way in fee simple with warranty covenants to the City of Albuquerque as shown hereon. Said owner(s) and proprietor(s) do hereby warrant that they hold among them, complete and indefeasible title in fee simple to the land subdivided. Said owner(s) and proprietor(s) do hereby consent to all of the foregoing and do hereby represent that they are so authorized to act.

Peterson- 98th/Central, LLC  
By JMD Partnership Ltd Liability Co., Its Managing Member

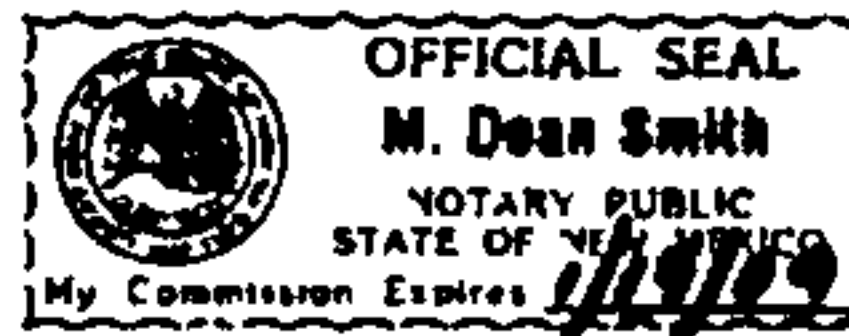
*Doug Peterson*  
By: Douglas H. Peterson, Managing Member

**ACKNOWLEDGMENT**

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO SS

The foregoing instrument was acknowledged before me this 19 day of FEBRUARY, 2007, by Douglas H Peterson

*M. Dean Smith*  
Notary Public  
1/19/09  
My commission expires



**DOCUMENTS USED IN THE PREPARATION OF THIS SURVEY:**

- Plat entitled A PLAT OF TRACTS 1A & 1B, ROW 1, UNIT A, WEST OF WESTLAND, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, APRIL, 1987, filed May 17, 1988, in Volume C36, Folio 129, records of Bernalillo County, New Mexico.
- Plat entitled A PLAT OF LOTS 1A & 1B, BLOCK 1, LANDS OF THE ATRISCO LAND GRANT, WITHIN PROJECTED SECTIONS 28, 29 & 30 T 10 N, R 2 E, N.M.P.M., CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, APRIL 1987, filed September 6, 1988, in Volume C37, Folio 68, records of Bernalillo County, New Mexico.
- Plat entitled A PLAT, LANDS OF THE ATRISCO GRANT, WITHIN SECTIONS 28, 29 & 30, T 10 N, R 2 E, N.M.P.M., ACCOMPANYING A REPORT BY ROBERT B. STEPHENSON, REFEREE IN THIS CAUSE FILED IN THE DISTRICT COURT ON THE 25TH DAY OF AUGUST, 1961, filed March 26, 1962, in Volume D3, Folio 28, records of Bernalillo County, New Mexico.
- Plat entitled "ORIGINAL TOWNSITE OF WESTLAND, WITHIN THE TOWN OF ATRISCO GRANT, BERNALILLO COUNTY, NEW MEXICO, BEING A REPLAT OF PORTION OF UNIT 1 OF LANDS HERETOFORE LEASED TO C.H. CONNER, RECORDED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, N.M. ON MARCH 20, 1933, IN BOOK 4, PAGE 270, LEASES, AND SHOWN ON THE PLAT THEREOF RECORDED IN SAID OFFICE ON MAY 23, 1933", filed March 23, 1935, in Volume D, Folio 53, records of Bernalillo County, New Mexico.
- Warranty Deed filed December 31, 1974, in Book 975, Pages 150-151, records of Bernalillo County, New Mexico.
- Title Report prepared for this property by First American Title Insurance Company, Commitment for Title Insurance No. 631493-AL04, MLF, dated July 29, 2005.
- This property is subject to all exceptions pertaining to this property as listed in SCHEDULE B - SECTION II of the Title Report prepared for this property by First American Title Insurance Company, Commitment for Title Insurance No. 631493-AL04, MLF, dated July 29, 2005.

PLAT OF  
LOTS 1 THRU 4  
**VOLCANO POINT SHOPPING CENTER**  
(BEING A REPLAT OF TRACT 1A, ROW 1, UNIT 1 WEST OF WESTLAND)  
WITHIN  
THE TOWN OF ATRISCO GRANT  
IN  
PROJECTED SECTION 21, TOWNSHIP 10 NORTH, RANGE 2 EAST  
NEW MEXICO PRINCIPAL MERIDIAN  
CITY OF ALBUQUERQUE  
BERNALILLO COUNTY, NEW MEXICO  
JANUARY, 2007

PROJECT NUMBER: 1003194

Application Number: 07DKB-00183

**PLAT APPROVAL**

Utility Approvals:

<i>Lead D. Mark</i>	<u>2-8-07</u>
PNM Electric Services	Date
<i>Lead D. Mark</i>	<u>2-8-07</u>
PNM Gas Services	Date
<i>David H. Salas</i>	<u>2/13/07</u>
Qwest Corporation	Date
<i>Stacy Barber</i>	<u>2-8-07</u>
Comcast	Date
City Approvals:	
<i>H.B. Hat</i>	<u>2-2-07</u>
City Surveyor	Date
N/A	
Real Property Division	Date
<i>H. S.</i>	<u>7-11-07</u>
Traffic Engineering/Transportation Division	Date
<i>Robert Shee</i>	<u>7-11-07</u>
Utilities-Development: A&C/Utility	Date
<i>Christina Sanivasa</i>	<u>7/11/07</u>
Parks and Recreation Department	Date
<i>Bradley J. Bingham</i>	<u>7/11/07</u>
AMA/CA	Date
<i>Bradley J. Bingham</i>	<u>7/11/07</u>
City Engineer	Date
<i>DMaterson</i>	<u>07/18/07</u>
DRB Chairperson, Planning Department	Date

**SURVEYORS CERTIFICATION**

I, Russ P. Hugg, New Mexico Professional Surveyor Number 9750, hereby certify that this plat of survey was prepared from field notes of an actual ground survey performed by me or under my supervision; that it meets the Standards for Land Surveys in New Mexico as adopted by the New Mexico State Board of Registration for Professional Engineers and Professional Surveyors; that it meets the minimum requirements for surveys and monumentation of the Albuquerque Subdivision Ordinance, that it shows all easements of record; and that it is true and correct to the best of my knowledge and belief.

*Russ P. Hugg*  
Russ P. Hugg  
NMPS No. 9750  
January 29, 2007



**SURVOTEK, INC.**  
Consulting Surveyors  
2884 Valley View Drive, N.W. Albuquerque, New Mexico 87114  
Phone: 505-897-3366  
Fax: 505-897-5377



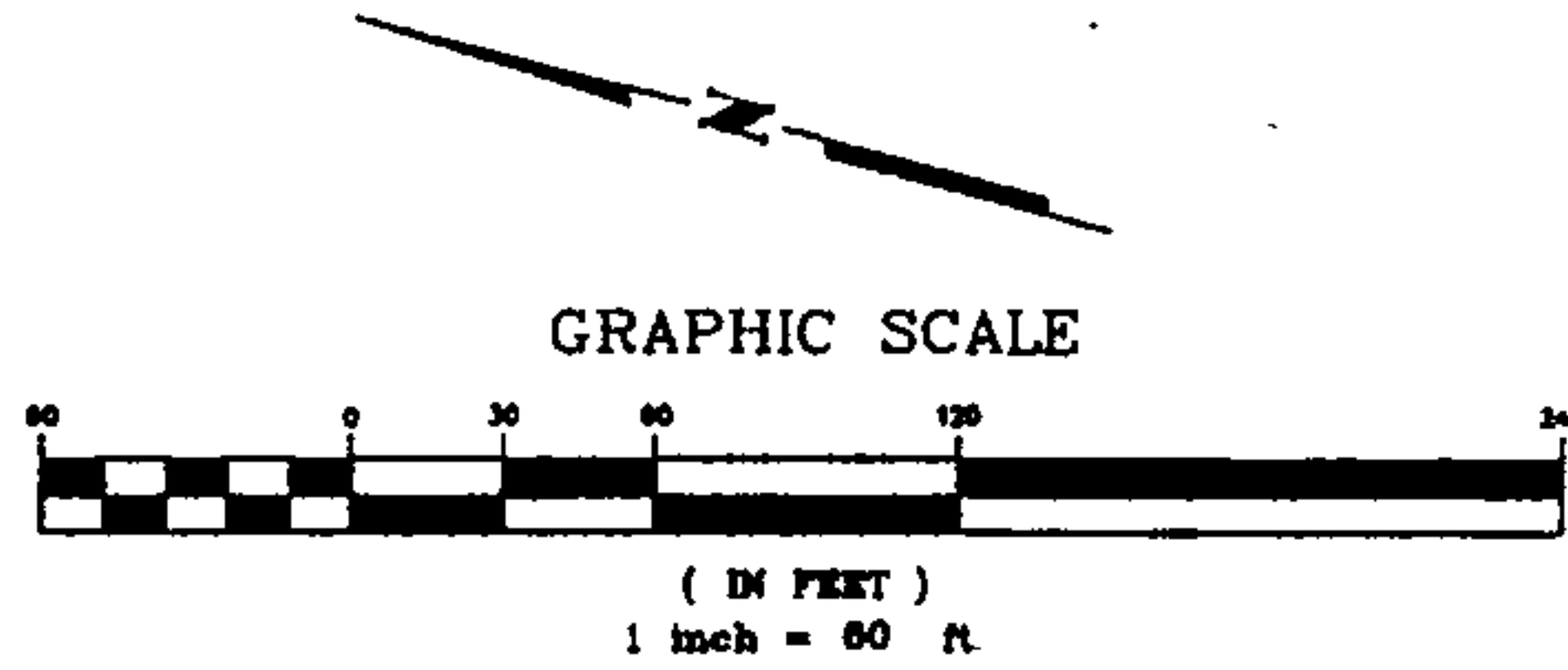
PLAT OF  
 LOTS 1 THRU 4  
**VOLCANO POINT SHOPPING CENTER**

(BEING A REPLAT OF TRACT 1A, ROW 1, UNIT 1 WEST OF WESTLAND)

WITHIN  
 THE TOWN OF ATRISCO GRANT  
 IN

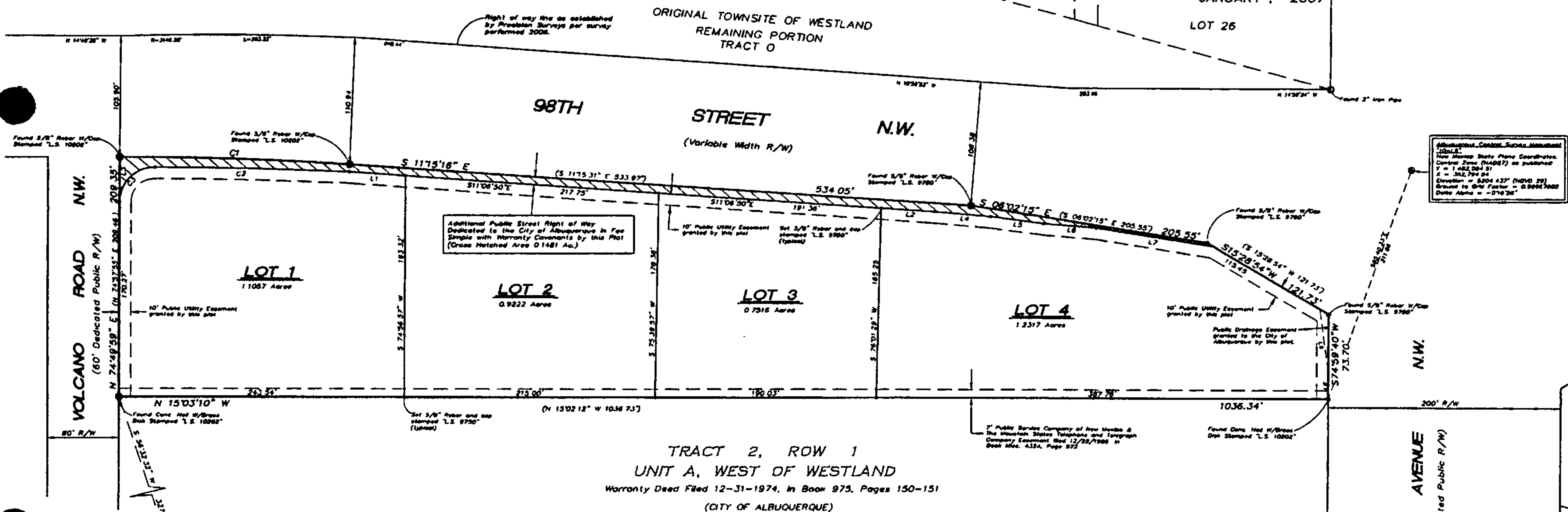
PROJECTED SECTION 21, TOWNSHIP 10 NORTH, RANGE 2 EAST  
 NEW MEXICO PRINCIPAL MERIDIAN  
 CITY OF ALBUQUERQUE  
 BERNALILLO COUNTY, NEW MEXICO

JANUARY, 2007  
 LOT 26



**NOTE**

Lots 1 Thru 4, Volcano Point Shopping Center are subject to that certain "DECLARATION OF CROSS ACCESS AND DRAINAGE EASEMENTS" filed in the office of the County Clerk of Bernalillo County, New Mexico on the 9th day of April, 2007, in Book A136 Page 1969



Albuquerque, Carbon, Santa Fe, and Sandoval Counties, New Mexico State Plane Coordinates. Control Zone (NAD83) as published. Y = 1,483,004.31 X = 382,994.84 Elevation = 5304.437' (MVD 29) Ground to Grid Factor = 0.99997682 Date of Alpha = -071930"

Albuquerque, Carbon, Santa Fe, and Sandoval Counties, New Mexico State Plane Coordinates. Control Zone (NAD83) as published. Y = 1,483,004.31 X = 382,994.84 Elevation = 5304.437' (MVD 29) Ground to Grid Factor = 0.99997682 Date of Alpha = -071930"

**PUBLIC UTILITY EASEMENTS**

PUBLIC UTILITY EASEMENTS shown on this plat are granted for the common and joint use of:

- A. PNM Electric Services for installation, maintenance, and service of underground electrical lines, transformers and other equipment and related facilities reasonably necessary to provide electrical service
- B. PNM Gas Services for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas
- C. QWest Corporation for the installation, maintenance and service of such lines, cables and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to ground pedestals and closures.
- D. Comcast Cable for the installation, maintenance, and service of such lines, cables, and other related equipment and facilities reasonably necessary to provide Cable TV service

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 free access to, from and over said easements, 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 (aboveground 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 by construction of pools, decking, or any structures adjacent to or near easements shown on this plat.

Easements for electric transformers/switchgear, as installed, shall extend ten feet (10') in front of transformer/switchgear doors and five feet (5') on each side.

**DISCLAIMER**

In approving this plat, PNM Electric Services and Gas Services (PNE&G) did not conduct a title search of the properties shown hereon. Consequently, PNE&G does not make any release or assumption of responsibility to which it may be entitled.

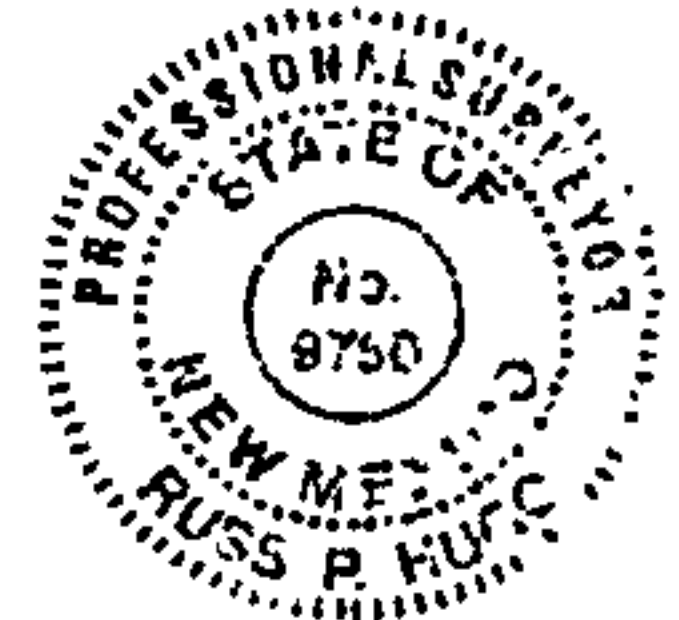
TRACT 2, ROW 1  
 UNIT A, WEST OF WESTLAND  
 Warranty Deed Filed 12-31-1974, in Book 975, Pages 150-151  
 (CITY OF ALBUQUERQUE)

**LINE TABLE**

LINE	LENGTH	BEARING
L1	48.41'	S11°06'50"E
L2	45.81'	S11°06'50"E
L3	39.06'	N74°49'59"E
L4	48.10'	S10°04'56"E
L5	46.13'	S07°37'42"E
L6	45.34'	S10°29'10"E
L7	101.97'	S06°02'15"E
L8	22.88'	N74°59'40"E
L9	55.86'	N67°06'38"E

**CURVE TABLE**

CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING	DELTA
C1	196.21'	3038.76'	98.14'	198.18'	N13°14'10"W	3°41'59"
C2	165.56'	4223.73'	82.79'	165.55'	N13°46'43"W	2°14'45"
C3	47.26'	30.00'	30.14'	42.52'	N60°02'03"W	90°19'55"



**SURVOTEK, INC.**  
 Consulting Surveyors  
 8304 Valley View Drive, N.W. Albuquerque, New Mexico 87114 Phone: 505-897-3388 Fax: 505-897-3377

DOC# 2887188882  
 07/13/2007 08:12 AM Page 2 of 2  
 PLAT R 512 00 B 2007C P 0106 P Toulouse, Bernalillo County



**DEVELOPMENT REVIEW BOARD  
ACTION SHEET**

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

March 14, 2007

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

\*\*\*\*\*

**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: 10:50 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 # 1000376**  
07DRB-00190 Major-One Year SIA

TIERRA WEST LLC agent(s) for BUILDERS INVESTMENTS CO. OF NEW MEXICO LTD request(s) the above action(s) for Lot(s) 1-117, Unit 1 & Lot(s) 1-35, Unit 2, **PARADISE SKIES, UNITS 1 & 2**, zoned RT, located on BANDELIER DR NW, between MCMAHON BLVD NW and UNSER BLVD NW containing approximately 23 acre(s). [REF: 03DRB-00188, 06DRB-00359] (A-11) **ONE YEAR SIA WAS APPROVED.**

2. **Project # 1002739**  
07DRB-00172 Major-Two Year SIA

MARK GOODWIN & ASSOCIATES agent(s) for KB HOME NEW MEXICO INC request(s) the above action(s) for all or a portion of Tract(s) B-1, Parcel 2-D, LANDS OF RIO BRAVO ROSNER (to be known as **ANDERSON HEIGHTS, UNIT 1**) zoned RD/R-LT, located on 118<sup>TH</sup> ST SW, between GIBSON BLVD SW and DENNIS CHAVEZ BLVD SW containing approximately 248 acre(s). (N-8/P-8) **TWO YEAR SIA WAS APPROVED.**

3. **Project # 1000965**  
07DRB-00192 Major-One Year SIA

BOHANNAN HUSTON INC. agent(s) for ANDALUCIA DEVELOPMENT CO., INC. request(s) the above action(s) for TRACTS B & 2, LANDS OF RAY GRAHAM III (to be known as **VALLE PARAISO SUBDIVISION @ ANDALUCIA @ LA LUZ**) zoned SU-1 PRD (5DU/AC), located on COORS BLVD NW, between NAMASTE RD NW and LA BIENVENIDA PL NW containing approximately 33 acre(s). [REF: 05DRB-00270] (F-11) **ONE YEAR SIA WAS APPROVED.**

4. **Project # 1002330**  
07DRB-00195 Major-Two Year SIA

ADVANCED ENGINEERING & CONSULTING LLC agent(s) for JENNIFER LIN request(s) the above action(s) for all or a portion of Tract(s) G-2-A & G-2-B, **MONTGOMERY COMPLEX**, zoned SU-1 FOR C-2 USES, located on MONTGOMERY BLVD NE, between CARLISLE BLVD NE and I-25 containing approximately 5 acre(s). [REF: 03DRB-00401, 03DRB-00402, 03DRB-00347][*Deferred from 3/14/07*] (F-16) **DEFERRED AT THE AGENT'S REQUEST TO 3/21/07.**

5. **Project # 1005387**  
07DRB-00198 Major-Vacation of Pub  
Right-of-Way

SURVEYS SOUTHWEST LTD, agent(s) for CENTURION PROPERTIES LLC, request(s) the above action for all or a portion of abutting Lot(s) 1-7 and 13-19, Block(s) 28, **NEW MEXICO COMPANY'S ORIGINAL TOWNSITE**, zoned SU-3, located on 7<sup>TH</sup> St SW between Gold Ave SW and Silver Ave SW. (K-14) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. A CONDITION OF FINAL PLAT: SANITARY SEWER EASEMENT IS RETAINED.**

**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.

6. **Project # 1000624**  
07DRB-00264 Minor-SiteDev Plan  
BldPermit

DON DUDLEY, ARCHITECT agent(s) for RIO GRANDE PROPERTIES, KEITH CHESHIRE request(s) the above action(s) for all or any portion of Lot(s) 30 & 31, Block(s) 0000, **ALAMEDA BUSINESS PARK**, zoned SU-2 IP-EP located at the intersection of ALAMEDA PARK DR NE and PASEO ALAMEDA NE containing approximately 2 acre(s). (C-16) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR STANDARD DRAWING NOTES AND PLANNING FOR 3 COPIES AND TO RECORD THE PLAT.**

7. **Project # 1005348**  
07DRB-00270 Minor-SiteDev Plan  
BldPermit

CLAUDIO VIGIL ARCHITECTS agent(s) for SOLEDAD DEVELOPMENT GROUP LLC request(s) the above action(s) for all or any portion of Tract(s) 9, **LADERA BUSINESS PARK, UNIT 1**, zoned SU-1 FOR LIGHT INDUSTRIAL located on LA MORADA PL NW, between 98<sup>TH</sup> ST NW and UNSER BLVD NW containing approximately 7 acre(s). [This case heard under Project #1005416 in error] (H-10) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR COMMENTS THAT WERE PROVIDED ON 3/14/07 AND PLANNING FOR 3 COPIES OF THE SITE PLAN.**

8. **Project # 1001523**  
07DRB-00208 Minor-Amnd SiteDev Plan  
Subd  
07DRB-00207 Minor-Prelim&Final Plat  
Approval

MARK GOODWIN & ASSOCIATES PA agent(s) for ROBBY L ROBERSON request(s) the above action(s) for all or a portion of Tract(s) 20-23, **LADERA BUSINESS PARK, UNIT 2**, zoned SU-1 FOR LIGHT INDUSTRIAL USES, located on UNSER BLVD NW, between VISTA ORIENTE ST NW and LA MORADA PL NW containing approximately 5 acre(s). [REF: 02DRB00518] [*Deferred from 2/28/07*] (H-9) **THE AMENDED SITE PLAN FOR SUBDIVISION WAS WITHDRAWN AT THE AGENT'S REQUEST. THE PRELIMINARY AND FINAL PLAT WAS INDEFINITELY DEFERRED.**

9. **Project # 1003794**  
07DRB-00181 Minor-SiteDev Plan  
Subd/EPC  
07DRB-00182 Minor-SiteDev Plan Bldg  
Permit/EPC  
07DRB-00183 Minor-Prelim&Final Plat  
Approval

PETERSON - 98TH CENTRAL LLC request(s) the above action(s) for all or a portion of Tract(s) 1-A, ROW 1, UNIT A, WEST OF WESTLAND (to be known as **VOLCANO POINT SHOPPING CENTER**) zoned SU-2 PCA, located on 98<sup>th</sup> ST NW, between CENTRAL AVE NW and VOLCANO RD NW containing approximately 5 acre(s). [REF: 06EPC-01587] [**Maggie Gould, EPC Case Planner**] [*Deferred from 2/21/07 & 3/07 07*] (K-9) **THE SITE DEVELOPMENT PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR 3 COPIES. THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR 3 COPIES. WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATE 3/14/07 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 2/12/07 THE PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA.**

10. **Project # 1003801**  
07DRB-00222 Minor-SiteDev Plan  
BldPermit/EPC

CARLISLE SHOPS LLC request(s) the above action(s) for all or any portion of Lot(s) 28A, Block(s) A, **ALTURA - ADDITION**, zoned SU-1 FOR C-1 WITH EXCLUSIONS located on CARLISLE BLVD NE between INDIAN SCHOOL RD NE and HANNETT AVE NE containing approximately 1 acre(s). [REF: 07EPC00012, 05EPC00745, 04EPC01821] [Anna DiMambro, EPC Case Planner] [Deferred from 3/07/07] (J-16) **THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR EPC CASE PLANNER'S INITIALS AND 3 COPIES OF THE SITE PLAN.**

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

11. **Project # 1004073**  
07DRB-00275 Minor-Subd Design  
(DPM) Variance

MARK GOODWIN & ASSOCIATES PA agent(s) for JTH LLC request(s) the above action(s) for all or any portion of Lot(s) 1, 2 and 15-18, Block(s) 21, **JUAN TABO HILLS, UNIT 1**, zoned R-D residential and related uses zone, developing area located on KELSO CT SE and EASY GOER RD SE, containing approximately 2 acre(s). [REF: 05DRB01854] [Deferred from 03/14/07] (M-21) **DEFERRED AT THE AGENT'S REQUEST TO 03/21/07.**

12. **Project # 1005412**  
07DRB-00269 Minor-Prelim&Final Plat  
Approval

SURVEYS SOUTHWEST LTD agent(s) for RON AKIN request(s) the above action(s) for all or any portion of Tract(s) 60-A-1, M.R.G.C.D. MAP 35, **LANDS OF AKIN**, zoned R-1 located on EL NIDO CT NW, between RIO GRANDE BLVD NW and the ALAMEDA DRAIN containing approximately 1 acre(s). (H-13) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO UTILITIES DEVELOPMENT FOR WATER AND SEWER ACCOUNTS AND TRANSPORTATION DEVELOPMENT FOR ACCESS EASEMENT TO TRACT A AND 3 FOOT PUBLIC ROADWAY EASEMENT ALONG RIO GRANDE BLVD NW.**

13. **Project # 1003673**  
07DRB-00272 Minor-Prelim&Final Plat  
Approval
- WAYJOHN SURVEYING INC agent(s) for MOCK ASSOCIATES INC request(s) the above action(s) for all or any portion of Lot(s) 6-P1, **OAKLAND SOUTH**, zoned R-D, located on BLACK OAK CT NE , between BARSTOW ST NE and VENTURA ST NE and containing approximately 1 acre(s) (C-20) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO CITY ENGINEER FOR CERTIFICATION OF THE GRADING PLAN AND PLANNING TO RECORD.**
14. **Project # 1003121**  
07DRB-00276 Minor-Prelim&Final Plat  
Approval
- STEWART INGHAM agent(s) for ZIA TRUST INC request(s) the above action(s) for all or any portion of Tract(s) 19, M.R.G.C.D. MAP 36 ( to be known as **TRACTS A & B, LANDS OF ZIA TRUST**) zoned R-1 located on FORAKER NW between LOS TOMASES NW and 8<sup>TH</sup> ST NW containing approximately 1 acre(s). [REF: 07 DRB00135] (H-14) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO UTILITIES DEVELOPMENT TO ADD BENEFICIARY AND MAINTENANCE LANGUAGE FOR PRIVATE WATER AND SEWER SERVICE LINES AND ACCESS EASEMENT AND TO PLANNING FOR AGIS DXF FILE AND TO RECORD.**
15. **Project # 1005137**  
07DRB-00205 Minor-Prelim&Final Plat  
Approval
- SURVEYS SOUTHWEST LTD agent(s) for FRANK VENAGLIA request(s) the above action(s) for all or a portion of Lot(s) 13-24 with vacated portion of Park Ave SW, Block(s) 21, **NEW MEXICO TOWN COMPANY'S ORIGINAL TOWNSITE**, zoned SU-3 SPECIAL CENTER ZONE, located on GOLD ST SW, between 7<sup>TH</sup> ST SW and 8<sup>TH</sup> ST SW containing approximately 1 acre(s). [REF: 06DRB-01534] [*Indef deferred from 2/28/07*] (K-14) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR REAL PROPERTY'S SIGNATURE.**

16. **Project # 1002345**  
07DRB-00232 Minor-Prelim&Final Plat  
Approval

LAND DEVELOPMENT CONSULTANTS LLC agent(s) for KARSTEN HOMES request(s) the above action(s) for all or any portion of Lot(s) 3 & 8, **BROADWAY INDUSTRIAL CENTER, UNITS 1 & 3**, zoned SU-2/HM located on KARSTEN CT SE between WOODWARD RD SE and SAN JOSE AVE SE containing approximately 18 acre(s). [REF: S-97-76] [Deferred from 3/07/07 & 03/14/07] (M-15) **DEFERRED AT THE AGENT'S REQUEST TO 03/21/07.**

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

17. **Project # 1005403**  
07DRB-00235 Minor-Sketch Plat or Plan

INTEGRATED DESIGN & ARCHITECTURE agent(s) for J & J REAL ESTATE PARTNERSHIP request(s) the above action(s) for Tract(s) 12A1A & 12A1B on **M.R.G.C.D. MAP 35**, zoned R-1 residential zone, located on RIO GRANDE BLVD NW between CONTRERAS PL NW and EL NIDO CT NW containing approximately 2 acre(s). ] (H-13) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

18. **Project # 1000271**  
07DRB-00266 Minor-Sketch Plat or Plan

FORSTBAUER SURVEYING LLC agent(s) for GRACE INVESTMENT CORPORATION request(s) the above action(s) for all or any portion of Lot(s) A-1-A, Block(s) 25, **MESA VERDE ADDITION**, zoned C-2 located on WYOMING BLVD NE , between COPPER AVE NE and MARQUETTE AVE NE containing approximately 1 acre(s). [REF: 00DRB-00229] (K-19) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**



19. **Project # 1003128**  
07DRB-00278 Minor-Sketch Plat or Plan

JOSH SKARSGARD agent(s) for BANDELIER EQUITIES LTD CO request(s) the above action(s) for all or any portion of Lot(s) 1-5, Block(s) 11, **NORTH ALBUQUERQUE ACRES, UNIT A**, zoned R-D located on SAN PEDRO DR NE , between PASEO DEL NORTE NE and PALOMAS AVE NE containing approximately 6 acre(s). [REF: 05DRB01424] [Deferred from 03/14/07] (D-18) **DEFERRED AT THE AGENT'S REQUEST TO 03/21/07.**

20. **Project # 1005410**  
07DRB-00265 Minor-Sketch Plat or Plan

FORSTBAUER SURVEYING LLC agent(s) for JOHN & CYNTHIA MECHENBIER request(s) the above action(s) for all or any portion of Lot(s) 4 & 5, **RICHFIELD PARK**, zoned IP located on ALAMEDA BLVD NE between WASHINGTON ST NE and JEFFERSON ST NE containing approximately 2 acre(s). (C-17) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

21. **Project # 1005413**  
07DRB-00271 Minor-Sketch Plat or Plan

CHAMISA CONSTRUCTION INC request(s) the above action(s) for all or any portion of Lot(s) 11-12, Block(s) 5, **UNIVERSITY HEIGHTS**, zoned SU-2 DR and SU-2 RTD located on HARVARD SE between YALE SE and GIRARD SE containing approximately 1 acre(s). (K-16) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

22. **Project # 1005415**  
07DRB-00274 Minor-Sketch Plat or Plan

JACK'S HIGH COUNTRY INC agent(s) for LAWRENCE SEGURA request(s) the above action(s) for all or any portion of Section 12, Township 10 North, Range 2 East (to be known as **LANDS OF LAWRENCE SEGURA**) zoned RA-2 located on CARLOTA NW between GABALDON RD NW and LOS LUCEROS NW containing approximately 1 acre(s). (H-12) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

23. Approval of the Development Review Board Minutes for March 7, 2007. **THE DEVELOPMENT REVIEW BOARD MINUTES FOR 03/07/07 WERE APPROVED BY THE BOARD.**

ADJOURNED: 10:50 A.M.

Current DRC  
 Project Number: \_\_\_\_\_

FIGURE 12

**ORIGINAL**

Date Submitted: 8-27-08  
 Date Site Plan Approved: 8-27-08  
 Date Preliminary Plat Approved: \_\_\_\_\_  
 Date Preliminary Plat Expires: \_\_\_\_\_  
 DRB Project No.: 1003794  
 DRB Application No.: 08DRB-70238

**INFRASTRUCTURE LIST**

(Rev. 8-20-05)

**EXHIBIT "A"**

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

Lots 3 thru 4 Volcano Point Shopping Center

**PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN**

Lots 1 thru 4, Volcano Point Shopping Center (Replat of Tract 1A, Row 1, Unit 1 West of Westland) within The Town of Atrisco Grant in Projected Section 21, Township 10 North, Ranch 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico

**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. This 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 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 #
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Size	Type of Improvement	Location	From	To
30' - 40' F-F	Pavement Section	Central Avenue Frontage Road	South Property Line	200' West of 98th Street
8"	Standard Curb and Gutter North and South Sides	Central Avenue Frontage Road	South Property Line	200' West of 98th Street

Construction Certification		
Private		City Cnst Engineer
Inspector	P.E.	
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Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
<input type="text"/>	<input type="text"/>						/	/	/
<input type="text"/>	<input type="text"/>						/	/	/
Approval of Creditable Items:							Approval of Creditable Items:		
Impact Fee Administrator Signature      Date							City User Dept. Signature      Date		

**NOTES**

If the site is located in a floodplain, then the financial guarantee will not be released until the LOMR is approved by FEMA.  
Street lights per City requirements.

1

2

3

AGENT / OWNER	DEVELOPMENT REVIEW BOARD MEMBER APPROVALS		
Mae Peterson NAME (print) Peterson - 98 <sup>th</sup> /Central, LLC FIRM Mae Peterson SIGNATURE - date	<i>John Clark</i> DRB CHAIR - date 8/27/08	<i>Christina Sandoval</i> PARKS & RECREATION - date 8/27/08	
	<i>[Signature]</i> TRANSPORTATION DEVELOPMENT - date 8/27/08		AMAFCA - date
	<i>Roger [Signature]</i> UTILITY DEVELOPMENT - date 8/27/08		- date
	<i>Bradley J. Bingham</i> CITY ENGINEER - date 8/27/08		- date

DESIGN REVIEW COMMITTEE REVISIONS				
REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER

**FIGURE 12**  
**SUBDIVISION IMPROVEMENTS**  
**AGREEMENT-PUBLIC AND/OR PRIVATE**  
**(Procedure B)**

**AGREEMENT TO CONSTRUCT**  
**PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS**

THIS AGREEMENT is made this 2<sup>ND</sup> day of October, 2008, by and between the City of Albuquerque, New Mexico ("City"), a municipal corporation, whose address is P. O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103, and Peterson-98<sup>th</sup>/Central LLC ("Subdivider"), a New Mexico Limited Liability Company, whose address is 2325 San Pedro NE, #2A, Albuquerque, NM 87110 and whose telephone number is 505-884-3578, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. Recital. The Subdivider is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as [describe:] Lots 3 and 4, Volcano Point Shopping Center, recorded on July 13, 20 07 in the records of the Bernalillo County Clerk at Book 2007C, Folio 186, Doc # 2007100902 (the "Subdivision"). The Subdivider certifies that the Subdivision is owned by [state the name of the present real property owner exactly as shown on the real estate document conveying title in the Subdivision to the present owner:] Peterson-98<sup>th</sup>/Central LLC ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as Volcano Point Shopping Center describing Subdivider's Property.

As a result of the development of the Subdivision, the Subdivision Ordinance ("S.O.") and/or the Zoning Code, Section 14-16-3-11, require the Subdivider, at no cost to the City, to install certain public and/or private Improvements, which are reasonably related to the development of the Subdivision, or to financially guarantee the construction of the public and/or private Improvements as a prerequisite to approval of the final plat of, or the Site Development Plan for the Subdivision.

2. Improvements and Construction Deadline. The Subdivider agrees to install and complete the public and/or private improvements described in Exhibit A, the required infrastructure listing ("Improvements"), to the satisfaction of the City, on or before the 1st day of August, 2010 ("Construction Completion Deadline"), at no cost to the City. The improvements are shown in greater detail on the Subdivider's proposed and approved plans, which have been filed with the City Engineer and are identified as Project No. 790385.

Note: To compute the Construction Completion Deadline: If a final plat will be filed after Subdivider meets the requirements of this Agreement, the Construction Completion Deadline can be no later than two years after execution of this Agreement. (See Subdivision Ordinance Section 14-14-3.) If a final plat will not be filed pursuant to this Agreement, the Construction Completion Deadline can be no later than one year after approval of the preliminary plat by the Development Review Board (DRB), unless the DRB grants an extension, not to exceed one additional year per extension, and the Subdivider processes an amendment to the Agreement. (See Subdivision Ordinance Section 14-14-3.) If this Agreement, with any amendments does not utilize the maximum time allowed for completion of construction, the Subdivider may obtain an extension of the Construction Completion Deadline if Subdivider shows adequate reason for the extension.



**Work Order Requirements.** The City agrees to issue a Work Order after:

A. The Subdivider causes to be submitted all documents, and meets all requirements listed in Development Process Manual, Volume 1, Chapter 5, Work Order Process, and figure 1, including submitting a Certificate of Insurance in a form acceptable to the City. The certificate must establish that the Subdivider has procured or has caused to be procured public liability insurance in the amount of not less than One Million Dollars (\$1,000,000) combined single limit for accidents or occurrences which cause bodily injury, death or property damage as a result of any condition of the Subdivision, the Improvements or the Subdivider's construction activities within, or related to the Subdivision. The insurance policy must name the City of Albuquerque, its employees and elected officials, as their interest may appear, as additional insured's. The Subdivider must maintain the insurance until the City accepts the public Improvements and/or approves the private Improvements. The cancellation provision must provide that, if the policy is either canceled prior to the expiration date of the policy or is materially changed or not renewed, the issuing company will mail 30 days written notice to the City, attention City Engineer.

B. The Subdivider complies with all applicable laws, ordinances and regulations, including, but not limited to the City Excavation Ordinance and Sidewalk Ordinance, and pays the following required engineering, staking, testing fees, and other related City fees and County Clerk recording fees:

<u>Type of Fee</u>	<u>Amount</u>
<u>Engineering Fee</u>	<u>3.25% of Actual Construction Cost</u>
<u>Excavation &amp; Sidewalk Fees</u>	<u>As required per City-approved estimate</u>
<u>Street Restoration Fees</u>	<u>As required per City-approved estimate (Fig. 7)</u>

*(Note: The Subdivider must pay the City all City fees which have been incurred during construction before the City will accept the Public Improvements.)*

4. **Surveying, Inspection and Testing.** The improvements shall be inspected, surveyed and tested in accordance with all applicable laws, ordinances, and regulations, and according to the following terms:

A. **Construction Surveying.** Construction surveying for the construction of the Public Improvements shall be performed by **Surv-Tek**, and construction surveying of the Private Improvements shall be performed by **Surv-Tek**. If the construction surveying is performed by an entity other than the City, the City may monitor the construction surveying and the Subdivider shall ensure that the construction surveying entity provides all construction surveying field notes, plats, reports and related data to the City which the City requires for review. Record drawings shall be provided by the entity performing the survey. The Subdivider shall pay the City a reasonable fee for any construction surveying performed by the City.

B. **Construction Inspection methods.** Inspection of the construction of the Public Improvements shall be performed by **Tierra West LLC**, and inspection of the Private Improvements shall be performed by **Tierra West LLC**, both New Mexico Registered Professional Engineers. If the inspection is performed by an entity other than the City, the City may monitor the inspection and the Subdivider shall ensure that the inspecting entity provides all inspection results, reports and related data to the City, which the City requires for review. The City retains the right to perform its own general overall inspection of the construction project at any time prior to final acceptance of the Improvements, if deemed necessary or advisable by the City engineer. The Subdivider shall pay the City a reasonable fee for the level of inspection performed by the City.

C. Field Testing. Field-testing of the construction of the Public Improvements shall be performed by Geo-Test, and field testing of the Private Improvements shall be performed by Geo-Test, both certified testing laboratories under the supervision of a New Mexico Registered Professional Engineer, in accordance with the current City of Albuquerque Standard Specifications for the Public Works Construction. If any field-testing is performed by an entity other than the City, the City may monitor the field testing and the Subdivider shall ensure that the field testing entity provides all field testing results, reports, and related data to the City which the City requires for review. The Subdivider shall pay the City a reasonable fee for any field-testing performed by the City.

D. Additional Testing. The City retains the right to perform all additional testing which the City Engineer deems is necessary or advisable and the Subdivider shall pay the City a reasonable fee therefore.

5. Financial Guaranty. If final plat approval is not requested prior to construction of the Subdivision, a financial guaranty is not required. If final plat approval is requested, the Subdivider must provide the City with a financial guaranty in an amount of not less than 125% of the estimated cost of constructing the Improvements, as approved by the City Engineer. The financial guaranty must be irrevocable and may be in the form of a letter of credit, escrow deposit or loan reserve letter issued by a Federally Insured Financial Institution; a bond issued by a surety qualified to do business in New Mexico; or other pledge of liquid assets which meets all City requirements. The City must be able to call the financial guaranty at any time within the sixty (60) days immediately following the Construction Completion Deadline.

To meet the Subdivision Ordinance requirements, the Subdivider has acquired or is able to acquire the following "Financial Guarantee:"

Type of Financial Guaranty: Loan Reserve Letter  
Amount: \$ 90,888.34  
Name of Financial Institution or Surety providing Guaranty:  
Bank of Oklahoma  
Date City first able to call Guaranty: August 1, 2010  
[Construction Completion Deadline]: August 1, 2010  
If Guarantee other than a Bond, last day City able to call on Guaranty is:  
October 1, 2010  
Additional information: \_\_\_\_\_

6. Notice of Start of Construction. Before construction begins, the Subdivider shall deliver an acceptable Notice to Proceed to the City and shall arrange or a preconstruction conference and all required inspections.

7. Completion, Acceptance and Termination. When the City receives Subdivider's final acceptance package, the City shall review it for completeness and accuracy. (See DPM Volume 1, Chapter 5, Work Order Process, Step 9.) If the package is acceptable, the City shall approve the package and issue a Certificate of Completion and Acceptance for the Public Improvements and a Certificate of Completion for the Private Improvements. Thereafter, the Subdivider's obligations to the City pursuant to this Agreement shall terminate, with the exception of the bond or other guarantee which the Subdivider has provided to assure the materials and workmanship, as required by the Subdivision Ordinance. After the City approves the final acceptance package, the City will promptly release this Agreement and the Financial Guaranty.

8. Conveyance of Property Rights. When the Improvements are completed, if the City does not own the real property upon or in which the Public Improvements are constructed, the Subdivider will convey to the city all real and personal property rights

which the City deems reasonably necessary, and all Public Improvements, free and clear of all claims, encumbrances and liens before the City will accept the Public Improvements. Conveyance may be made by appropriate dedication on the final plat of the Subdivision.

9. Reduction of Financial Guaranty Upon Partial Completion. The subdivider shall be entitled to a reduction of the Financial Guaranty as a result of completing construction of part of the Improvements if the following conditions are met:

A. Loan Reserve Financial Guaranty. If a loan reserve letter was provided as the Financial Guaranty, the Subdivider must follow the procedures and meet the requirements detailed in the Development Process Manual, Volume 1, Chapter 5.

B. Non-Loan Reserve Financial Guaranty. If a Financial Guaranty other than a loan reserve letter has been provided, the completed Improvements must be freestanding, functionally independent of any Improvements which have not yet been completed and completed in substantial compliance with the approved construction plans, as determined by City on-site inspection in order to qualify for a Financial Guaranty reduction. If the Improvements, which have been, completed meet all City requirements, the City Engineer will estimate the cost of completing the remaining Improvements. Thereafter, the subdivider must submit the following documents to the City for review and approval:

- (1) A revised Financial Guaranty in an amount of not less than 125% of the cost of completing the remaining Improvements, as estimated by the City;
- (2) A bond or other instrument acceptable to the City, which guarantees the completed Improvements against defective materials and workmanship for the period required by the Subdivision Ordinance.
- (3) Conveyance of real and personal property rights which meet the requirements of Section 8 of this Agreement.

After the City receives and approves the required documents, the City shall issue a Partial Certificate of Completion and Acceptance for the completed Public Improvements and a Certificate of Partial Completion for the completed Private Improvements.

10. Indemnification. Until the Improvements are accepted by the City, the Subdivider shall be solely responsible for maintaining the premises upon which the Improvements are being constructed in a safe condition. The Subdivider agrees to defend, indemnify and hold harmless the City and its officials, agents and employees from any claims, actions, suits or other proceedings arising from or out of the negligent acts or omissions of the Subdivider, its agents, representatives, contractors or subcontractors or arising from the failure of the Subdivider, its agents, representatives, contractors or subcontractors to perform any act or duty required of the Subdivider herein; provided, however, to the extent, if at all, Section 56-7-1 NMSA 1978 is applicable to this Agreement, this Agreement to indemnify will not extend to liability, claims, damages, losses or expenses, including attorney fees, arising out of (1) the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs or specifications by the indemnitee, or the agents or employees of the indemnitee; or (2) the giving of or the failure to give directions or instructions by the indemnitee, where such giving or failure to give directions or instructions is the primary cause of bodily injury to persons or damage to property. The indemnification required hereunder shall not be limited as a result of the specifications of any applicable insurance coverage. Nothing herein is intended to impair any right or immunity under the laws of the State of New Mexico.

11. Assignment. This Agreement shall not be assigned without the prior written



consent of the City and the Subdivider and the express written concurrence of any financial institution or surety, which has undertaken to guarantee the completion of the Improvements. The City's approval will not be withheld unreasonably. If so assigned, this Agreement shall extend to and be binding upon the successors and assigns of the parties hereto.

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

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

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

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

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

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

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

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


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


21. Authority to Execute. If the Subdivider signing below is not the Owner of the Subdivision, the Owner must execute the Power of Attorney below.

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

SUBDIVIDER: Peterson-98<sup>th</sup>/Central LLC

CITY OF ALBUQUERQUE

By [Signature]:   
Name: Douglas Peterson  
Title: Managing Member  
Dated: SEPTEMBER 23, 2008

Approved by:   
City Engineer  
Dated: 10-02-08

*Wg 10/1/08*

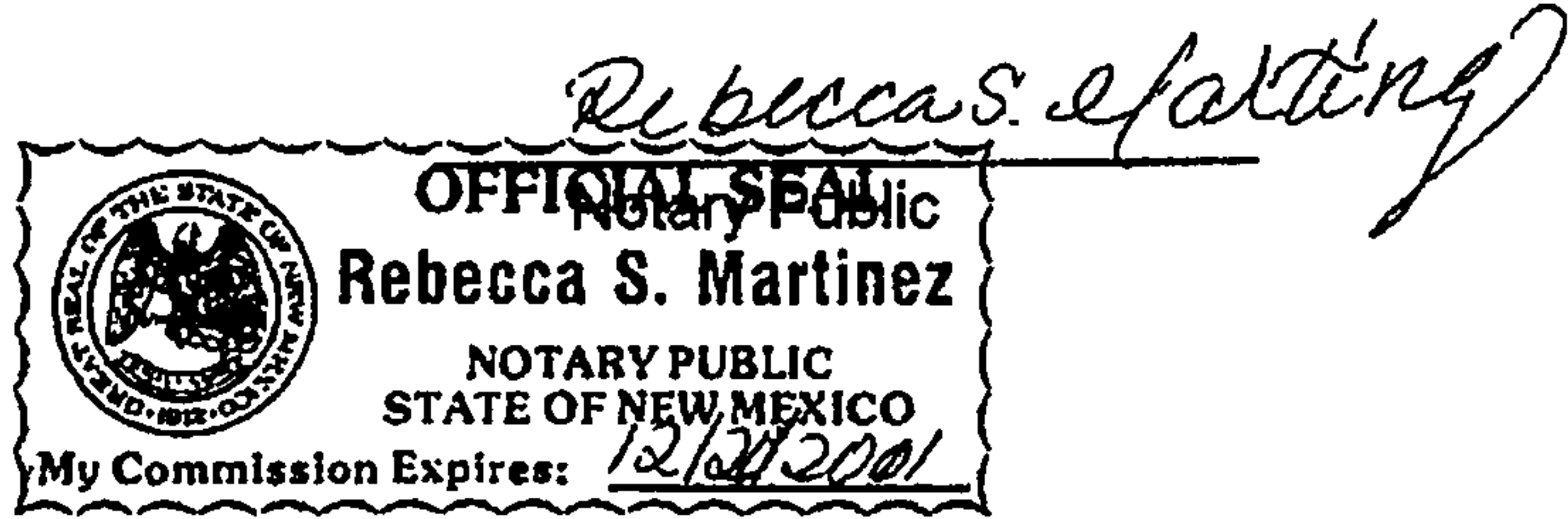
*W  
9-30-08*

SUBDIVIDER'S NOTARY

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

This instrument was acknowledged before me on 23<sup>rd</sup> day of September, 2008  
by [name(s) of person(s):] Douglas Peterson, Managing Member of Peterson-98<sup>th</sup>/Central LLC.

My Commission Expires:  
12/20/2011



CITY'S NOTARY

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

This instrument was acknowledged before me on 2<sup>nd</sup> day of October, 2008 by  
Richard Duarte, City Engineer, of the City of Albuquerque, a municipal corporation, on  
behalf of said corporation.

My Commission Expires:  
10-07-08

Linda Evans  
Notary Public

Current DRC  
Project Number: \_\_\_\_\_

FIGURE 12

**ORIGINAL**

Date Submitted: 8-27-08

Date Site Plan Approved: 8-27-08

Date Preliminary Plat Approved: \_\_\_\_\_

Date Preliminary Plat Expires: \_\_\_\_\_

DRB Project No.: 1003794

DRB Application No.: 08DRB-70236

**INFRASTRUCTURE LIST**

(Rev. 8-29-05)

**EXHIBIT "A"**

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

Lots 3 thru 4 Volcano Point Shopping Center

**PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN**

Lots 1 thru 4, Volcano Point Shopping Center (Replat of Tract 1A, Row 1, Unit 1 West of Westland) within The Town of Atrisco Grant in Projected Section 21, Township 10 North, Ranch 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico

**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. This listing is not necessarily a complete listing. During the DRA 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 guarantees. 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 approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Const Engineer
		30' - 40' F-F	Pavement Section	Central Avenue Frontage Road	South Property Line	200' West of 98th Street	/	/	/
		8"	Standard Curb and Gutter North and South Sides	Central Avenue Frontage Road	South Property Line	200' West of 98th Street	/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/
							/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
							/	/	/
							/	/	/
Approval of Creditable Items:							Approval of Creditable Items:		
Impact Fee Administrator Signature      Date							City User Dept. Signature      Date		

**NOTES**

If the site is located in a floodplain, then the financial guarantee will not be released until the LOMR is approved by FEMA.  
Street lights per City requirements.

1  
2  
3

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**AGENT / OWNER**

Mae Peterson  
NAME (print)  
Peterson - 98th/Central, LLC  
FIRM  
Mae Peterson  
SIGNATURE - date

**DEVELOPMENT REVIEW BOARD MEMBER APPROVALS**

John Clark 8/27/08  
DRB CHAIR - date

Christina Sandoval 8/27/08  
PARKS & RECREATION - date

W.A.S. 8/27/08  
TRANSPORTATION DEVELOPMENT - date

Roger Duce 8/27/08  
UTILITY DEVELOPMENT - date

Bradley J. Bishop 8/27/08  
CITY ENGINEER - date

\_\_\_\_\_  
AMAFCA - date

\_\_\_\_\_  
- date

\_\_\_\_\_  
- date

**DESIGN REVIEW COMMITTEE REVISIONS**

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER

# FINANCIAL GUARANTY AMOUNT

09/12/2008

Type of Estimate: SIA Procedure - B - w/F.G.

Project Description:

**Project ID #: 790385, Lots 3&4 NWC 98th & Central NW, Phase/Unit #: 1**

**Requested By: Ron Bohannon with Tierra West**

Approved estimate amount:		\$53,552.20
Contingency Amount:	15.00%	\$8,032.83
Subtotal:		\$61,585.03
NMGRT	6.75%	\$4,156.99
Subtotal:		\$65,742.02
Engineering Fee	6.60%	\$4,338.97
Testing Fee	4.00%	\$2,629.68
Subtotal:		\$72,710.67
FINANCIAL GUARANTY RATE		1.25
Retainage Amount:		\$ .00
<b>TOTAL FINANCIAL GUARANTY REQUIRED</b>		<b><u>\$90,888.34</u></b>

APPROVAL:

DATE:

*A Woodall*

9-12-08

Notes: 15% contingency, plans and final eng est have not been approved, street lights per COA requirements, FEMA approved LOMR required prior to release of FG if site is in a flood plan.



September 23, 2008

Mr. Bruce Perlman  
Chief Administrative Officer  
City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103

RE: Loan Reserve for Peterson – 98<sup>th</sup>/Central LLC  
City Project No.: 790385  
Project Name: Lots 3 & 4 Volcano Point Shopping Center

Dear Mr. Perlman:

This is to advise the City of Albuquerque ("City") that, at the request of Peterson – 98<sup>th</sup>/Central LLC ("Subdivider"), the Bank of Oklahoma, N.A. ("Financial Institution") in Oklahoma City, Oklahoma holds a loan reserve the sum of **Ninety thousand eight hundred and eighty-eight dollars & 34/100, (\$ 90,888.34 )** ("Loan Reserve") for the exclusive purpose of providing the financial guarantee which the City requires Peterson – 98<sup>th</sup>/Central LLC ("Subdivider") to provide for the installation of the improvements which must be constructed at **Lots 3 & 4, Volcano Point Shopping Center, Project No. 790385** ("Project"). The amount of the Loan Reserve is 125% of the City's estimated cost of the Project, as required by the City's Subdivision Ordinance. The improvements are identified in the agreement between the City of Albuquerque and Subdivider, which was recorded on [date, leave blank:] October 2, 2008 in the records of the Clerk of Bernalillo County, New Mexico in Book Misc. [leave blank:] NA pages [leave blank:] NA to [leave blank:] NA, as amended ("Agreement").

*Document # 2008108835*

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


2. Liability of Financial Institution. Although the City may approve the Financial Institution's release of a part of the loan reserves, the approval will not constitute the City's final acceptance of part or all of the Project. However, no matter what agreement exists between the Subdivider and the City, the total liability of the Financial Institution to the City with respect to the loan reserves established pursuant to this Loan Reserve Letter shall at all times be limited to the


lesser of the amount stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City, and the Financial Institution's liability to the City under this Loan Reserve Letter shall cease upon termination of the loan reserve as provided in Section 4 herein.

3. Draw on Reserve. If by [insert "Construction Completion Deadline" as stated in Agreement:] August 1, 2010, the improvements described in the Agreement have not been fully installed, inspected, approved and accepted by the City, then, upon presentation between [insert Construction Completion Deadline:] August 1, 2010 and [60 days thereafter:], October 1, 2010 inclusive, the City may demand payment from the Financial Institution up to the lesser of the amount stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City. The City may demand payment by delivering to the Financial Institution a certified "Demand for Payment" executed by the CAO or the CAO's authorized designee, which shall state that the Subdivider has failed to comply with the terms of the Agreement and also shall state the estimated cost of completing the improvements specified in the Agreement ("Estimated Cost of Completion"). Upon receipt of the Demand for Payment, the Financial Institution promptly shall draw from the loan reserves by cashier's check to the City of Albuquerque the amount of 125% of the estimated cost of completion, not to exceed the lesser of the total Loan Reserve amount stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City. The Financial Institution shall deliver the cashier's check promptly to the City.

4. Termination of Reserve. This loan reserve is for the benefit of the City and shall be irrevocable until the occurrence of one of the following:
- A. Sixty (60) days after the City accepts the completed improvements specified in the Agreement; or
  - B. City delivery of the Demand for Payment and the Financial Institution's payment to the City by cashier's check as required in Section 3 herein; or
  - C. Expiration of the date [60 days after Construction Completion Deadline:] October 1, 2010; or
  - D. Written termination of this Loan Reserve Letter, signed by the City Engineer of the City.

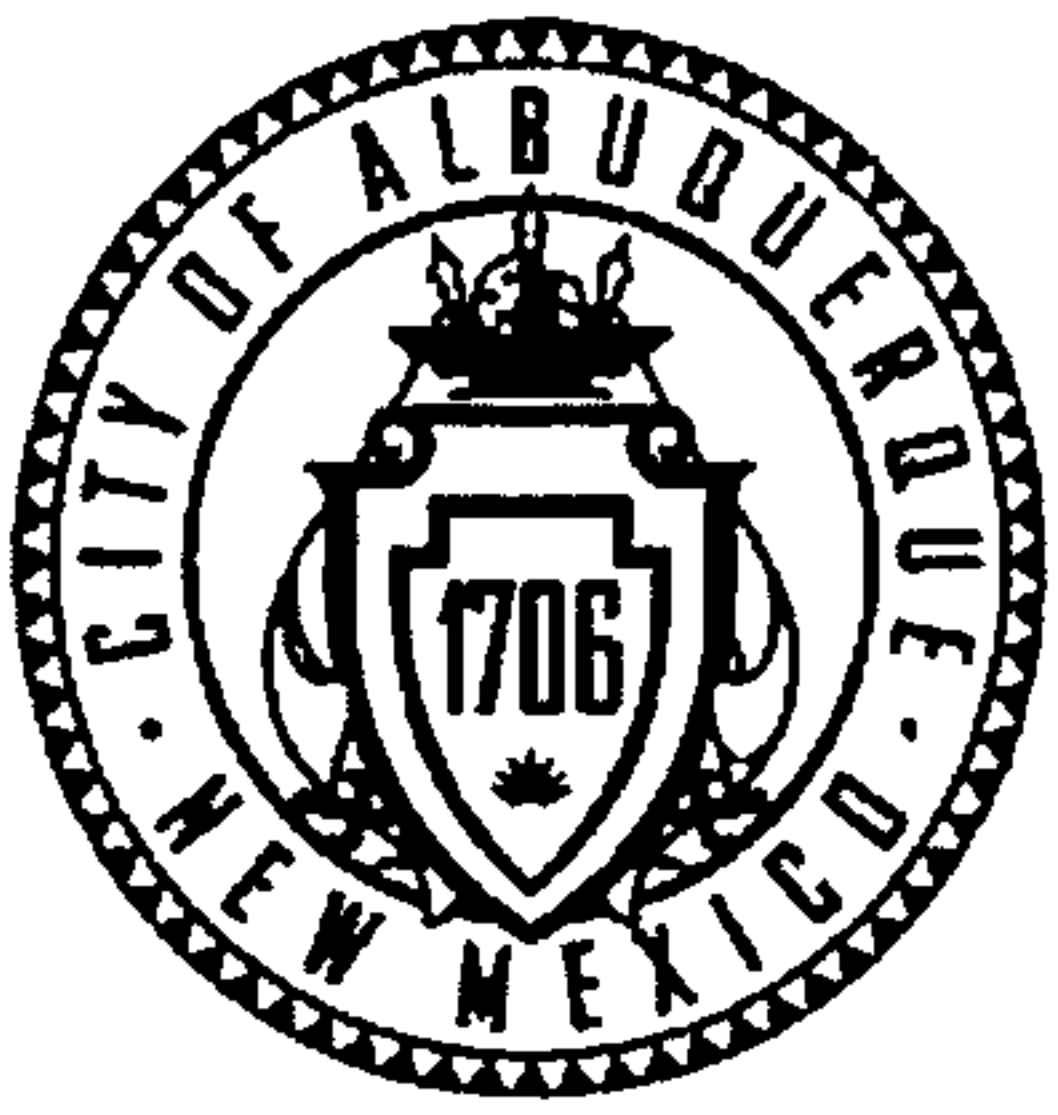
Very truly yours,

By:   
Title: Vice President

ACCEPTED:  
CITY OF ALBUQUERQUE  
By:   
City Engineer  
Title: City Engineer  
Dated: 10-10-08

*Use 10/1/08*  
*or*  
*9-30-08*





# DEVELOPER INQUIRY SHEET

(To be completed prior to application submittal)

The Office of Neighborhood Coordination (ONC) located in Room 120 (basement) of the Plaza Del Sol Building, 600 Second Street NW, Fax: (505) 924-3913 – will need the following information **BEFORE** neighborhood and/or homeowner association information will be released to the applicant/agent on any project being presented to the Planning Department of the City of Albuquerque. If you have any questions, please feel free to contact our office at (505) 924-3914. **Your Developer Inquiry is for the following:**

- Cell Tower Submittal:  Free-Standing Tower -OR-  Concealed Tower  
 EPC Submittal  DRB Submittal  LUCC Submittal  Liquor Submittal  
 Administrative Amendments (AA's) Submittal  City Project Submittal

CONTACT NAME: Keli Krueger

COMPANY NAME: Tierra West LLC

ADDRESS/ZIP: 5571 Midway Park Place NE, Albuquerque, NM 87109

PHONE: 505-858-3100 FAX: 505-858-1118

## LEGAL DESCRIPTION INFORMATION

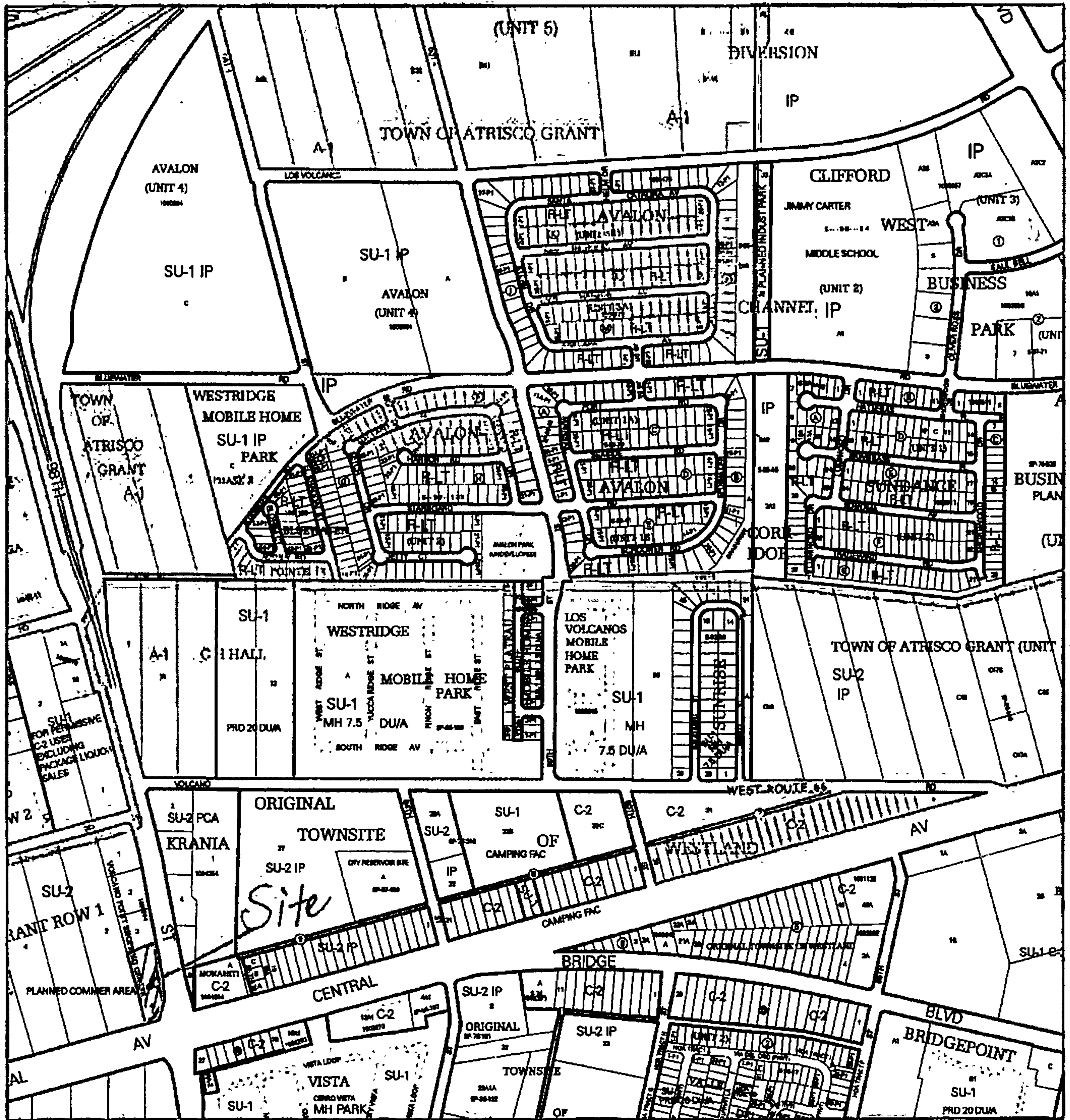
PLEASE FORWARD INFORMATION ON ANY NEIGHBORHOOD AND/OR HOMEOWNER ASSOCIATION IN THE AREA OF THE PROPERTY DESCRIBED BELOW:  
Lots 3 & 4, Volcano Point Shopping Center

LOCATED ON 98th Stree NW LEGAL DESCRIPTION  
STREET NAME OR OTHER IDENTIFYING LANDMARK

BETWEEN Central Avenue SE AND  
STREET NAME OR OTHER IDENTIFYING LANDMARK

Volcano Road NW  
STREET NAME OR OTHER IDENTIFYING LANDMARK

THE SITE IS INDICATED ON THE FOLLOWING ZONE ATLAS PAGE (K-9).  
**(PLEASE MARK/HATCH ZONE MAP WHERE PROPERTY IS LOCATED)**  
**(Zone Map MUST be provided with request)**



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

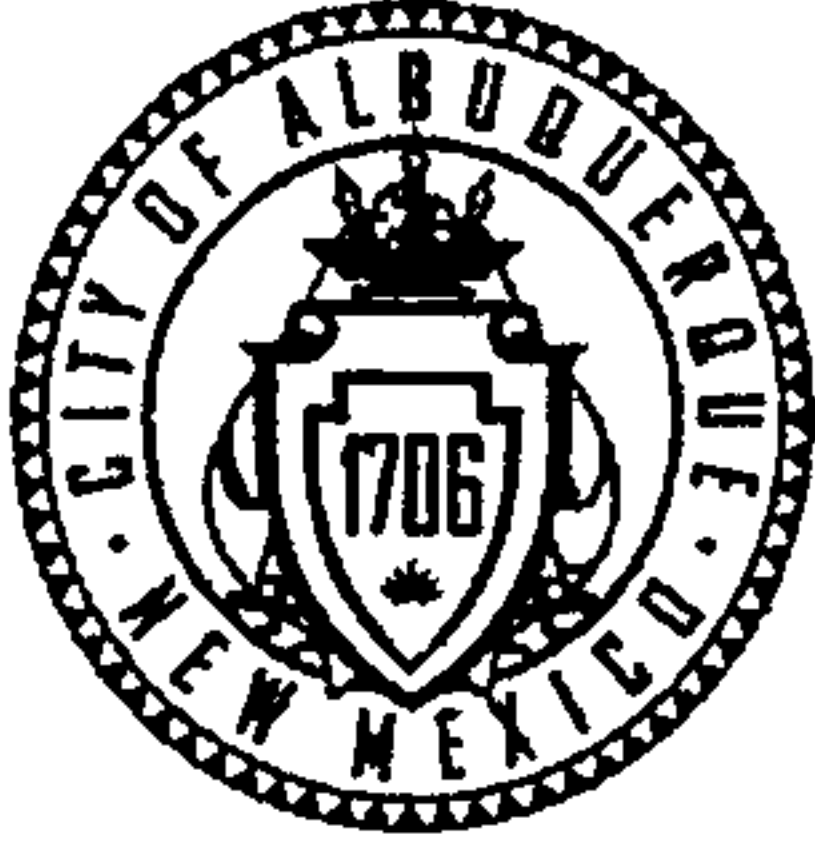
Map amended through: 6/13/2008

Zone Atlas Page:  
**K-09-Z**

Selected Symbols

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

0 750 1500 Feet



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

August 10, 2010

Keli Krueger  
Tierra West, LLC  
5571 Midway Park Place NE/87109  
Phone: 505-858-3100/Fax: 505-858-1118

**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.

Dear Keli:

Thank you for your inquiry of August 10, 2010 requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at **(DRB SUBMITTAL) – LOTS 3 AND 4, VOLCANO POINT SHOPPING CENTER, LOCATED ON CENTRAL AVENUE NW AND VOLCANO ROAD NW** zone map **K-9**.

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

**AVALON N.A. "R"**

Kelly Chappelle, 9135 Santa Catalina Ave. NW/87121 836-1766 (h)  
Evonne Hight, 8624 Hatteras Pl. NW/87121 553-1732 (h)

**WEST SIDE MERCHANTS ASSOC.**

Larry Nelson, 929 Old Coors SW/87105 836-3330 (w)  
Humberto Perez, 701B Old Coors SW/87105 489-2104 (c)

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

Sincerely,

***Stephani Winklepleck***

*Stephani Winklepleck*  
Neighborhood Liaison  
OFFICE OF NEIGHBORHOOD COORDINATION  
Planning Department

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

# !!!Notice to Applicants!!!

## SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, etc. are required under Council Bill O-92 to notify all affected neighborhood and/or homeowner 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 describes the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.>").
  - c) If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
  - d) The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

## Information from the Office of Neighborhood Coordination

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

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

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

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

Thank you for your cooperation on this matter.

\*\*\*\*\*  
(below this line for ONC use only)

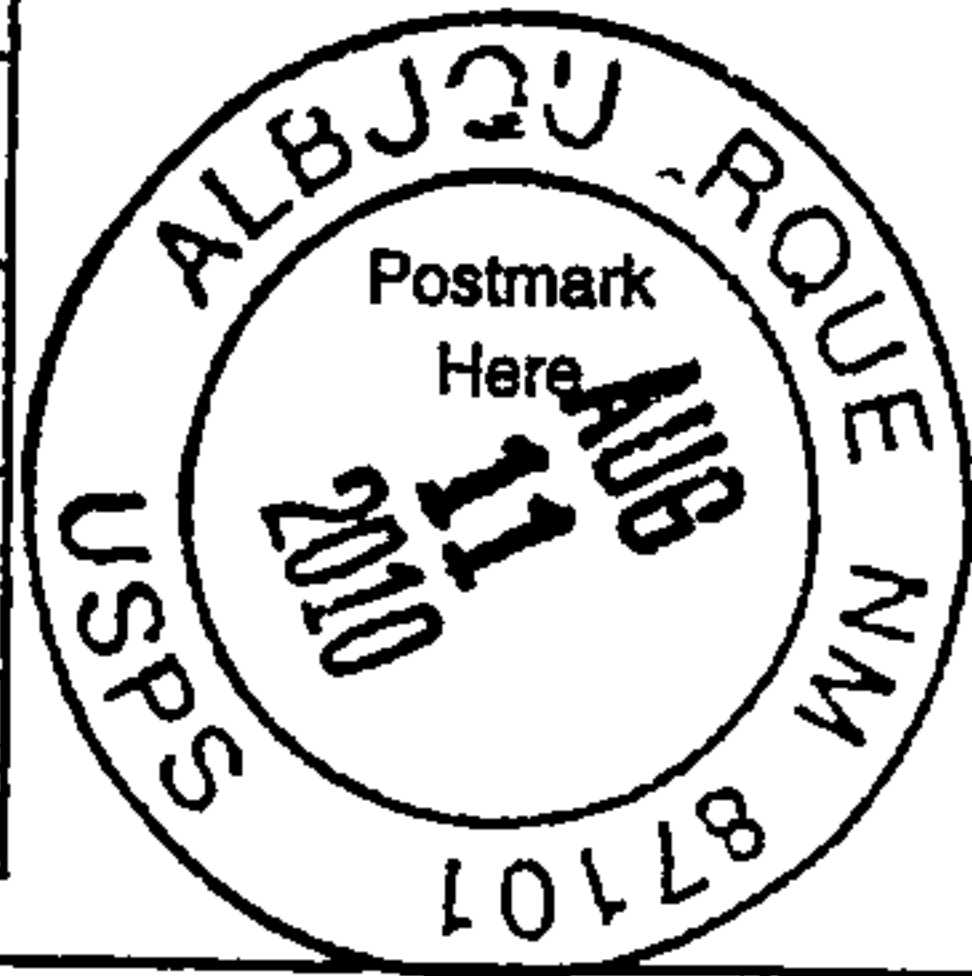
Date of Inquiry: **08/10/10** Time Entered: **8:45 a.m.** ONC Rep. Initials: **siw**

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ .44
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 5.54</b>



Sent To  
 Kelly Chappelle  
 Avalon N.A.  
 9135 Santa Catalina Ave. NW  
 Albuquerque, NM 87121

PS Form 3800, August 2006 See Reverse for Instructions

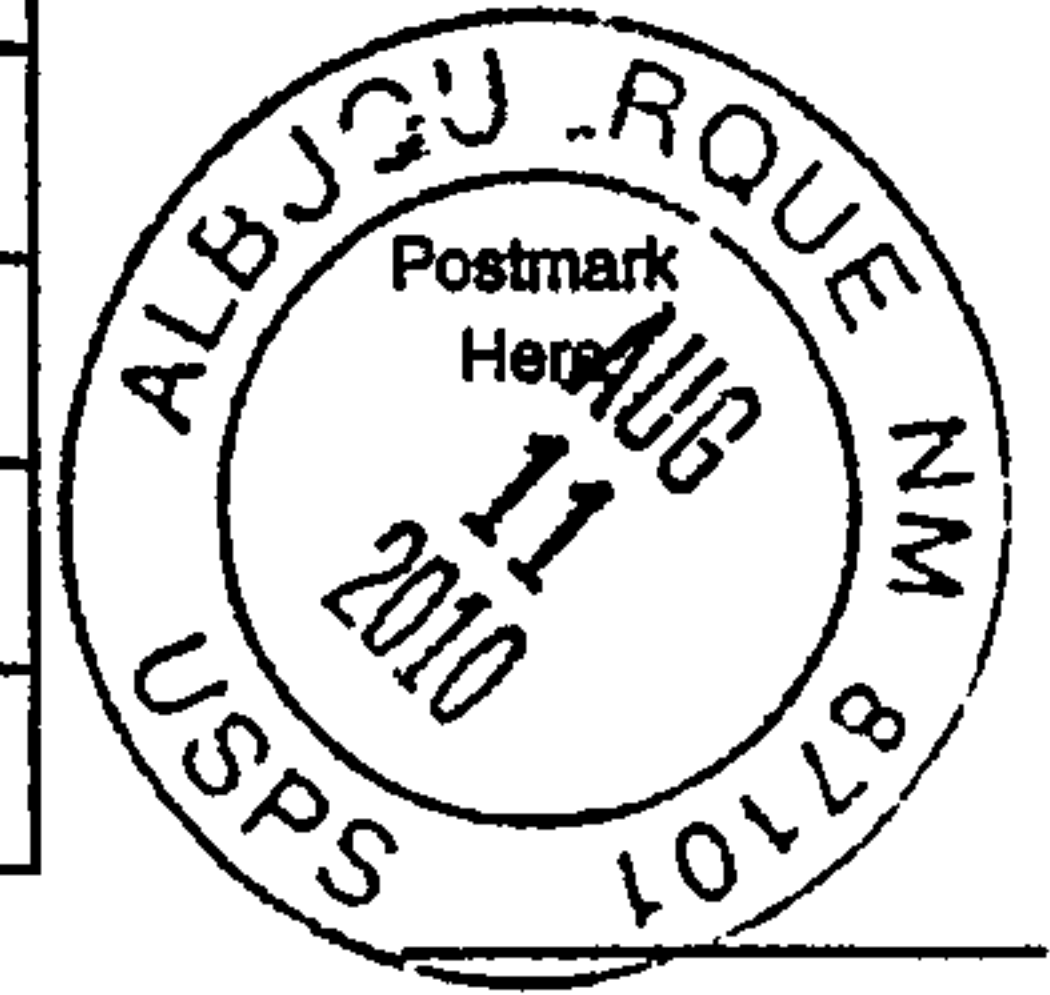
7009 2820 0000 7580 1021

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Sent To  
 Evonne Hight  
 Avalon N.A.  
 8624 Hatteras Place NW  
 Albuquerque, NM 87121

PS Form 3800, August 2006 See Reverse for Instructions

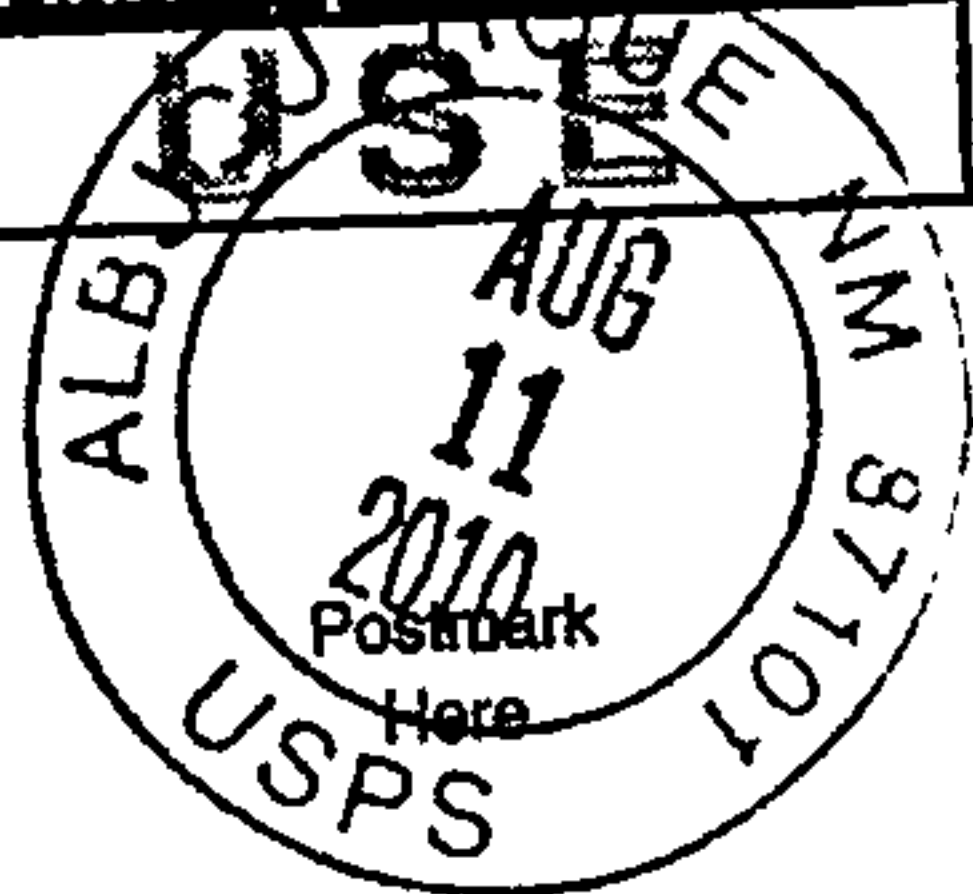
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Sent To  
 Larry Nelson  
 West Side Merchants Assoc.  
 929 Old Coors SW  
 Albuquerque, NM 87105

PS Form 3800, August 2006 See Reverse for Instructions

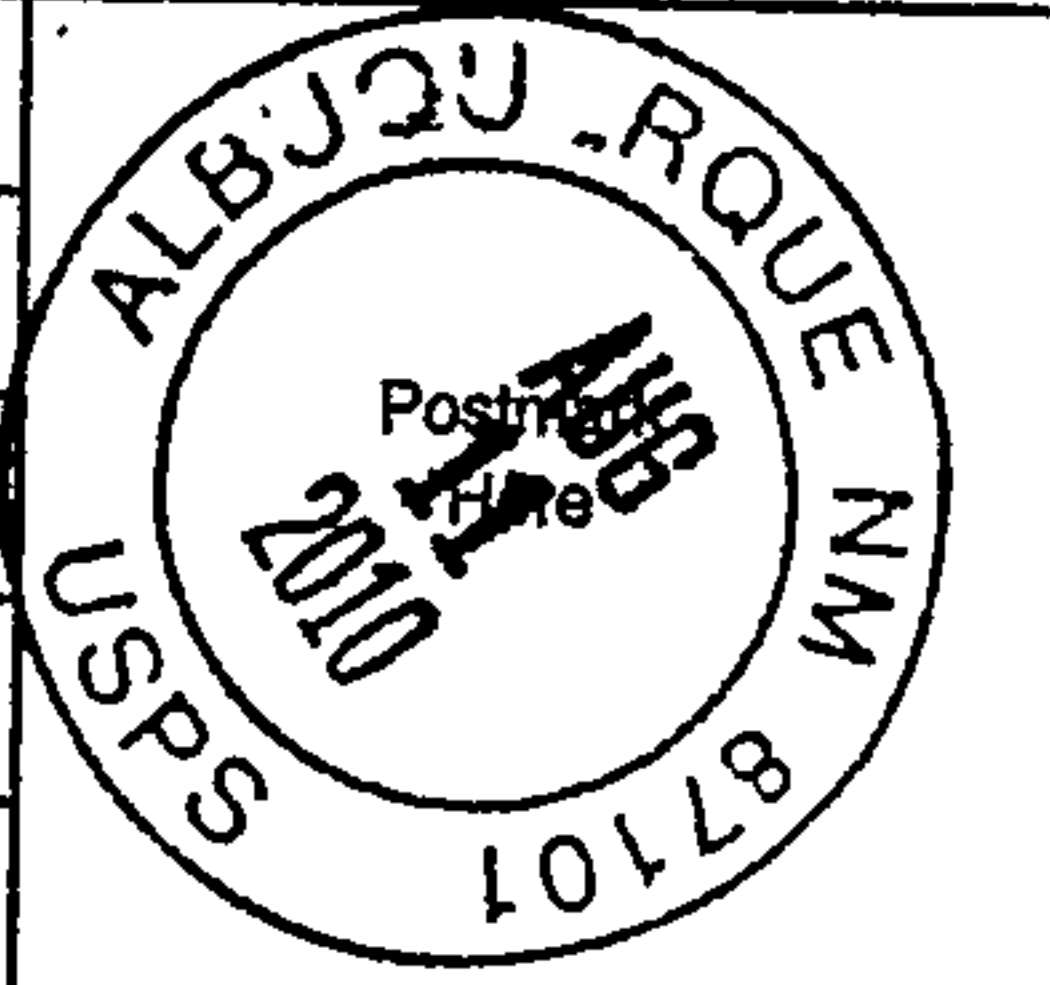
7009 2820 0000 7580 1038

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Sent To  
 Humberto Perez  
 West Side Merchants Assoc.  
 701 B Old Coors SW  
 Albuquerque, NM 87105

PS Form 3800, August 2006 See Reverse for Instructions

7009 2820 0000 7580 1045

Current DRC  
Project Number: \_\_\_\_\_

FIGURE 12

Date Submitted: 3/14/07  
Date Site Plan Approved: N/A  
Date Preliminary Plat Approved: 3/14/07  
Date Preliminary Plat Expires: 3/14/08  
DRB Project No.: 1003794  
DRB Application No.: 07DRB-00183

**ORIGINAL**

**INFRASTRUCTURE LIST**

(Rev. 9-20-05)

**EXHIBIT "A"**

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

Lots 1 thru 4 Volcano Point Shopping Center  
PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN

Tract 1A, ROW 1, UNIT 1 West of Westland  
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. This 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 approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		175'	Left Turn Lane	98th Street	492' North of Central Avenue	300' North of Central Ave.	/	/	/
		100'	Left Turn Lane	98th Street	780' North of Central Avenue	680' North of Central Avenue	/	/	/
		6'	Bike Lane West Side Only	98th Street	North Property	Central Avenue	/	/	/
		6'	Concrete Sidewalk West Side Only	98th Street	North Property Line	South Property Line	/	/	/
			Pavement Overlay	98th Street	Central Avenue	North Property Line	/	/	/
		8"	Standard Curb & Gutter West Side Only	98th Street	South Property Line	North Property Line	/	/	/
		8"	<del>Standard Curb &amp; Gutter South Side Only DELETED</del>	<del>Volcano Road</del>	<del>East Property Line</del>	<del>West Property Line</del>	/	/	/
		6'	<del>Concrete Sidewalk South Side Only DELETED</del>	<del>Volcano Road</del>	<del>East Property Line</del>	<del>West Property Line</del>	/	/	/
		24"	<del>Pavement Section</del>	<del>Volcano Road</del>	<del>98th Street</del>	<del>West Property Line</del>	/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification			
							Private Inspector	P.E.	City Cnst Engineer	
<input type="text"/>	<input type="text"/>	10"	Waterline	Volcano Road	East Property Line	West Property Line	/	/	/	
<input type="text"/>	<input type="text"/>		<del>Improvements to Frontage Road</del>	<del>Frontage Road</del>	<del>East Property Line</del>	<del>West Property Line</del>	/	/	/	
<input type="text"/>	<input type="text"/>		Water Infrastructure to include Valves, Fittings, Valve Boxes and Fire Hydrants as required.					/	/	/
<input type="text"/>	<input type="text"/>		Sanitary Sewer to include Manholes and Service Connections as required.					/	/	/
<input type="text"/>	<input type="text"/>	1" & 2"	Waterline Stubs & Meter Boxes	Lot 1	98th Street	Property Line	/	/	/	
<input type="text"/>	<input type="text"/>	4"	SAS Stub	Lot 1	98th Street	Property Line	/	/	/	
<input type="text"/>	<input type="text"/>	1"	Waterline Stub and Meter Box	Lot 2	98th Street	Property Line	/	/	/	
<input type="text"/>	<input type="text"/>	6"	SAS Stub	Lot 2	98th Street	Property Line	/	/	/	
<input type="text"/>	<input type="text"/>	2"	Waterline Stub and Meter Box	Lot 3	98th Street	Property Line	/	/	/	
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The items listed below are on the CCIP and approved for Impact Fee credits. Signatures from the Impact Fee Administrator and the City User Department is required prior to DRB approval of this listing. The items listed below are subject to the standard SIA requirements.

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							/	/	/
							/	/	/
Approval of Creditable Items:							Approval of Creditable Items:		
Impact Fee Administrator Signature      Date							City User Dept. Signature      Date		

NOTES

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

Street lights per City requirements.

- 1 \_\_\_\_\_ Street Lights and Signs per DPM requirements.
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_

AGENT / OWNER

DOUGLAS PETERSON

NAME (print)

Peterson - 98th/Central, LLC

FIRM

[Signature]

SIGNATURE - date

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

[Signature] 3/14/07  
DRB CHAIR - date

Christina Sandoval 3/14/07  
PARKS & RECREATION - date

[Signature] 3-14-07  
TRANSPORTATION DEVELOPMENT - date

AMAFCA - date

[Signature] 3/14/07  
UTILITY DEVELOPMENT - date

\_\_\_\_\_ - date

Bradley L. Bingham 3/14/07  
CITY ENGINEER - date

\_\_\_\_\_ - date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER
A	3-27-07	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>



**ORIGINAL**

**INFRASTRUCTURE LIST**  
 (Rev 9-20-05)  
**EXHIBIT "A"**  
**TO SUBDIVISION IMPROVEMENTS AGREEMENT**  
**DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST**

Lots 1 thru 4 Volcano Point Shopping Center  
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							Private Inspector	P.E.	City Cnst Engineer
<input type="text"/>	<input type="text"/>						/	/	/
<input type="text"/>	<input type="text"/>						/	/	/

Approval of Creditable Items:		Approval of Creditable Items:	
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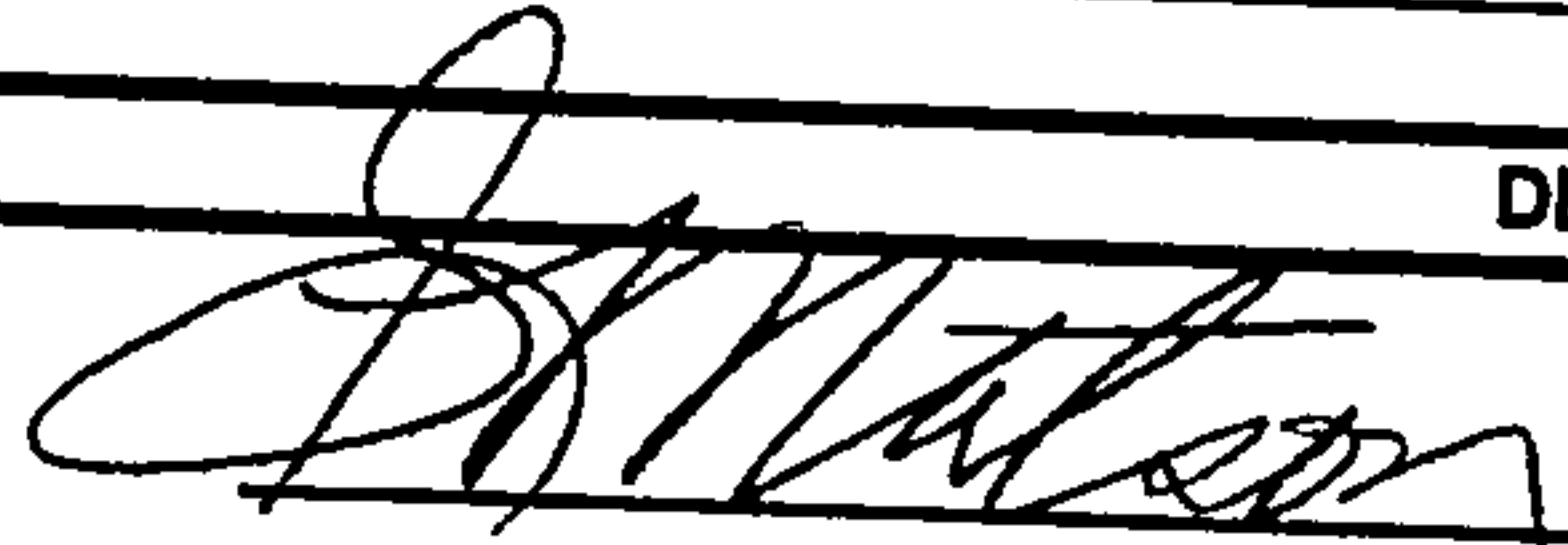
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 Street lights per City requirements.


- 1 \_\_\_\_\_  
 Street Lights and Signs per DPM requirements.
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_


**AGENT / OWNER**


DOUGLAS PETERSON  
 NAME (print)  
 Peterson - 98th/Central, LLC  
 FIRM  
  
 SIGNATURE - date


**DEVELOPMENT REVIEW BOARD MEMBER APPROVALS**

 3/14/07  
 DRB CHAIR - date

 3/14/07  
 PARKS & RECREATION - date

 3-14-07  
 TRANSPORTATION DEVELOPMENT - date

 3/14/07  
 UTILITY DEVELOPMENT - date

 3/14/07  
 CITY ENGINEER - date

\_\_\_\_\_  
 AMAFCA - date

\_\_\_\_\_  
 - date

\_\_\_\_\_  
 - date

**DESIGN REVIEW COMMITTEE REVISIONS**

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER

# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

<p><b>SUBDIVISION</b></p> <p><input type="checkbox"/> Major Subdivision action</p> <p><input checked="" type="checkbox"/> Minor Subdivision action</p> <p><input type="checkbox"/> Vacation</p> <p><input type="checkbox"/> Variance (Non-Zoning)</p> <p><b>SITE DEVELOPMENT PLAN</b></p> <p><input checked="" type="checkbox"/> for Subdivision Purposes <i>&gt; DRB SIGN-OFF</i></p> <p><input checked="" type="checkbox"/> for Building Permit</p> <p><input type="checkbox"/> IP Master Development Plan</p> <p><input type="checkbox"/> Cert. of Appropriateness (LUCC)</p> <p><b>STORM DRAINAGE</b></p> <p><input type="checkbox"/> Storm Drainage Cost Allocation Plan</p>	<p><b>S Z ZONING &amp; PLANNING</b></p> <p><input type="checkbox"/> Annexation</p> <p><input type="checkbox"/> County Submittal</p> <p><input type="checkbox"/> EPC Submittal</p> <p><input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)</p> <p><input type="checkbox"/> Sector Plan (Phase I, II, III)</p> <p><input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan</p> <p><input type="checkbox"/> Text Amendment (Zoning Code/Sub Regs)</p> <p><input type="checkbox"/> Street Name Change (Local &amp; Collector)</p> <p><b>L A APPEAL / PROTEST of...</b></p> <p><input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals</p>
---	--

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

**APPLICANT INFORMATION:**

NAME: PETERSON-98<sup>th</sup>/CENTRAL, LLC PHONE: 884-3578

ADDRESS: 2325 SAN PEDRO NE #2A FAX: 884-6793

CITY: ALBUQUERQUE STATE NM ZIP 87110 E-MAIL: DEAN@PETERSONPROPERTIES.NET

Proprietary interest in site: OWNER (FEE) List all owners: \_\_\_\_\_

AGENT (if any): \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ FAX: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ E-MAIL: \_\_\_\_\_

**DESCRIPTION OF REQUEST:** ① MINOR SUBDIVISION - PRELIMINARY/FINAL PLAT  
② DRB SIGN-OFF OF SP FOR SUBDIVISION & SP FOR BUILDING PERMIT

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No. *(FOR AUTOTZONE ONLY)*

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

Lot or Tract No. 1A Block: Row 1 Unit: A

Subdiv./Addn. WEST OF WESTLAND TRK VOLCANO POINT SHOPPING CENTER

Current Zoning: SU-2 PCA Proposed zoning: \_\_\_\_\_

Zone Atlas page(s): K-9-2 No. of existing lots: 1 No. of proposed lots: 4

Total area of site (acres): 4.16 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? NO

UPC No. 100905704506230105 MRGCD Map No. \_\_\_\_\_

LOCATION OF PROPERTY BY STREETS: On or Near: 98<sup>th</sup> STREET NW

Between: CENTRAL AVE. and VOLCANO RD.

**CASE HISTORY:** *Maggie Gault EPC Case Planner*

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

DRB-1003794 (SKETCH PLAT) 06EPC-01586 06EPC-01587

Check-off if project was previously reviewed by Sketch Plat Plan?, or Pre-application Review Team?. Date of review: 09/06/06

SIGNATURE M. Dean Smith DATE 2/13/07

(Print) DEAN SMITH  Applicant  Agent

**FOR OFFICIAL USE ONLY**

<p><input type="checkbox"/> INTERNAL ROUTING</p> <p><input type="checkbox"/> All checklists are complete</p> <p><input type="checkbox"/> All fees have been collected</p> <p><input type="checkbox"/> All case #s are assigned</p> <p><input type="checkbox"/> AGIS copy has been sent</p> <p><input type="checkbox"/> Case history #s are listed</p> <p><input type="checkbox"/> Site is within 1000ft of a landfill</p> <p><input type="checkbox"/> F.H.D.P. density bonus</p> <p><input type="checkbox"/> F.H.D.P. fee rebate</p>	<p>Application case numbers</p> <p><u>07DRB - 00181</u></p> <p><u>07DRB - 00182</u></p> <p><u>07DRB - 00183</u></p> <p>_____</p> <p>_____</p> <p>Hearing date <u>2-21-07</u></p>	<p>Action</p> <p><u>SPS</u></p> <p><u>SBP</u></p> <p><u>PIF</u></p> <p>_____</p> <p>_____</p>	<p>S.F. Fees</p> <p>_____ \$ <u>0.00</u></p> <p>_____ \$ <u>0.00</u></p> <p>_____ \$ <u>4,25.00</u></p> <p><u>CMF</u> \$ <u>20.00</u></p> <p>_____ \$ _____</p> <p>Total \$ <u>445.00</u></p>
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Josh M. Hean 02-13-07 Project # 1003794

**FORM P(3): SITE PLAN REVIEW - D.R.B. MEETING (UNADVERTISED)**

**SKETCH PLAN REVIEW AND COMMENT**

- Scaled site sketch and related drawings showing proposed land use including structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, 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 request
  - Any original and/or related file numbers are listed on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

**SITE DEVELOPMENT PLAN FOR SUBDIVISION**

- Scaled site plan and related drawings (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
  - Letter of authorization from the property owner if application is submitted by an agent
  - Copy of the document delegating approval authority to the DRB
  - Completed Site Plan for Subdivision Checklist
  - Infrastructure List, if relevant to the site plan
  - Fee (see schedule)
  - Any original and/or related file numbers are listed on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar to the meeting for sign-off. Your attendance is required.**

**SITE DEVELOPMENT PLAN FOR BUILDING PERMIT**

- Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies.
  - Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. 6 copies.
  - Solid Waste Management Department signature on Site Plan
  - 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
  - Letter of authorization from the property owner if application is submitted by an agent
  - Copy of the document delegating approval authority to the DRB
  - Infrastructure List, if relevant to the site plan
  - Completed Site Plan for Building Permit Checklist
  - Copy of Site Plan with Fire Marshal's stamp
  - Fee (see schedule)
  - Any original and/or related file numbers are listed on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar to the meeting for sign-off. Your attendance is required.**

**AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION**

**AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT**

- Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) 6 copies.
  - DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) Copies as needed above
  - 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
  - Letter of authorization from the property owner if application is submitted by an agent
  - Infrastructure List, if relevant to the site plan
  - Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
  - Fee (see schedule)
  - Any original and/or related file numbers are listed on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar to the meeting for sign-off. Your attendance is required.**

**D.R.B. FINAL SIGN-OFF FOR E.P.C. APPROVED S.D.P. for SUBDIVISION**

**D.R.B. FINAL SIGN-OFF FOR E.P.C. APPROVED S.D.P. for BUILDING PERMIT**

- Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies.
  - Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) 6 copies.
  - Solid Waste Management Department signature on Site Plan (not required for SDP for Subdivision)
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter carefully explaining how each EPC condition has been met and a copy of the EPC Notification of Decision
  - Infrastructure List, if relevant to the site plan
  - Copy of Site Plan with Fire Marshal's stamp (not required for SDP for Subdivision)
  - Any original and/or related file numbers are listed on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar to the meeting for sign-off. 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.

DEAN SMITH  
 \_\_\_\_\_  
 Applicant name (print)  
 D. Dean Smith 2/13/07  
 \_\_\_\_\_  
 Applicant signature / date



Form revised JUNE 2005

- Checklists complete
  - Fees collected
  - Case #s assigned
  - Related #s listed
- Application case numbers  
 07DRB - -00181  
 07DRB - -00182

\_\_\_\_\_ 2-13-07  
 Planner signature / date  
**Project # 1003794**

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

**SKETCH PLAT REVIEW AND COMMENT**

**YOUR ATTENDANCE 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 LATEST Official D.R.B. Notice of approval for Preliminary Plat Extension request
- 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
- 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) 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
- Copy of recorded SIA
- 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.
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- 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.
- Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings
- 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.

DEAN SMITH  
 \_\_\_\_\_ Applicant name (print)  
 \_\_\_\_\_ 2/13/07  
 \_\_\_\_\_ Applicant signature / date

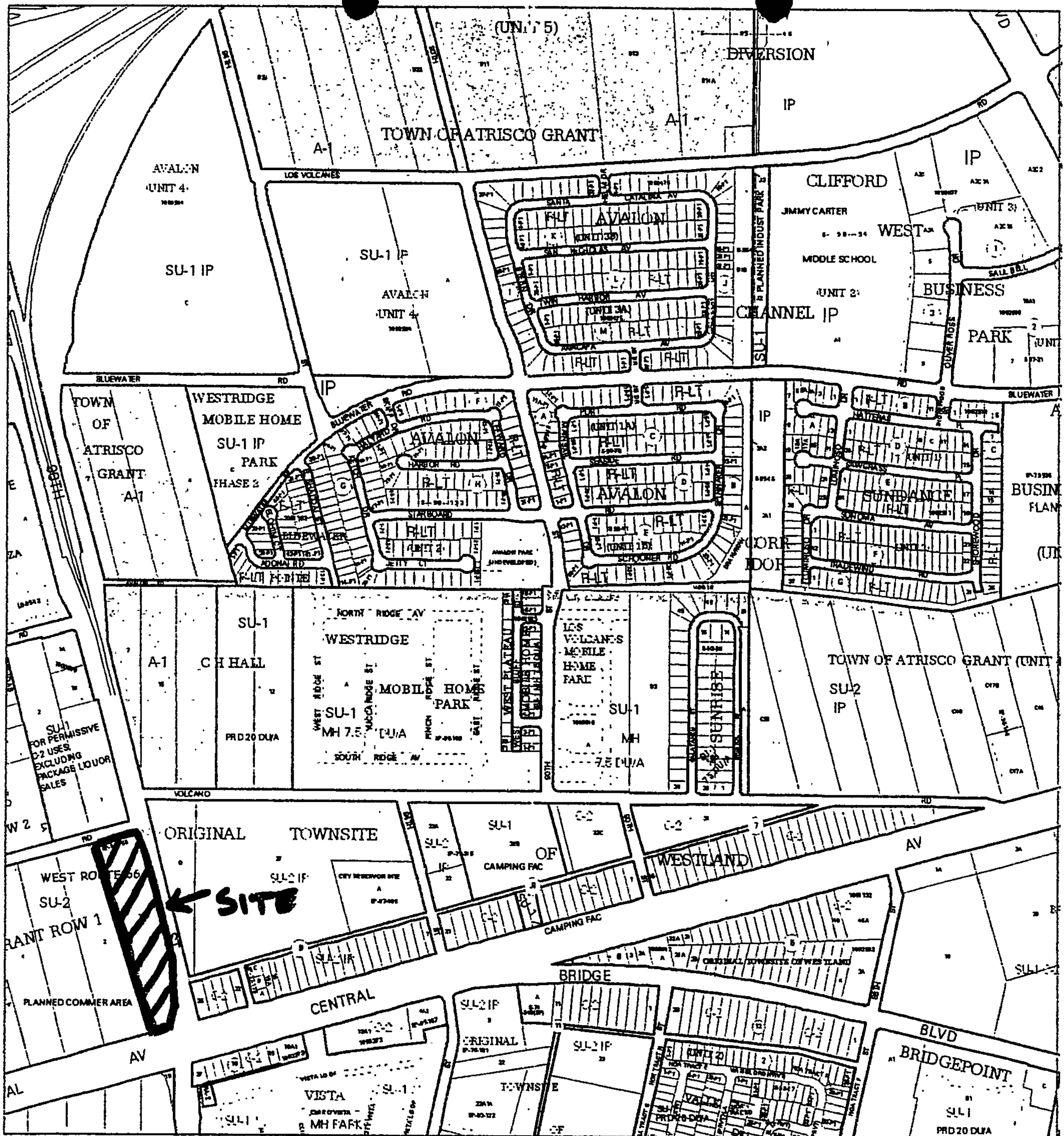


Form revised 8/04, 1/05, 10/05 & NOV 06

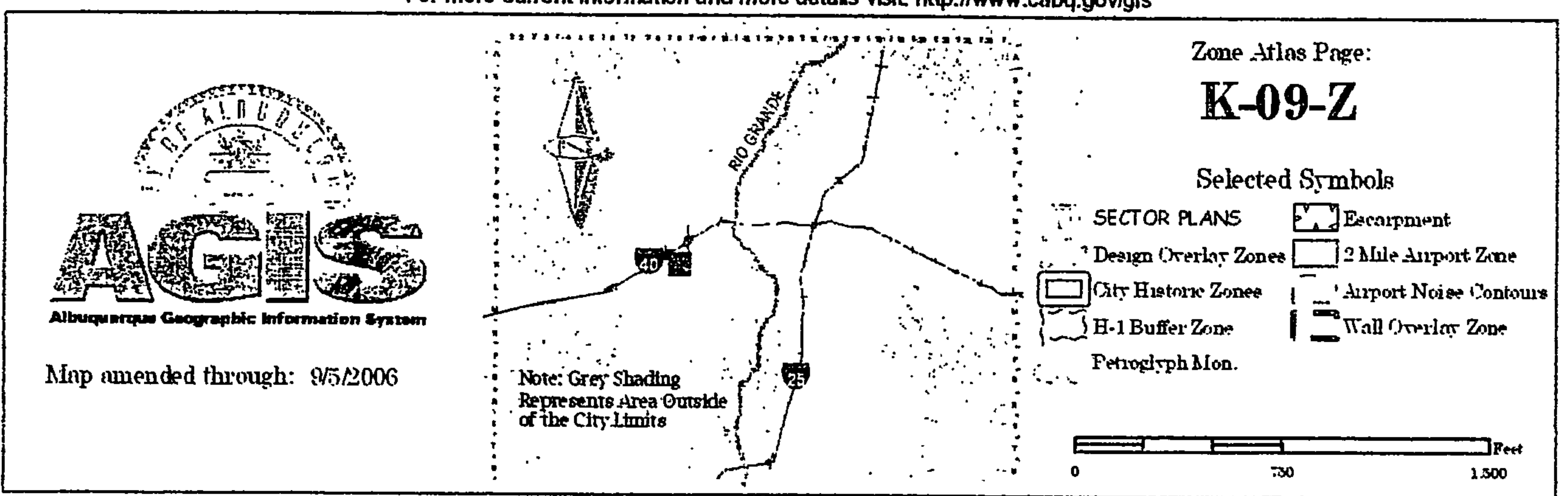
- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers  
 07DRB - \_\_\_\_\_ - 00183  
 \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
 \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

\_\_\_\_\_ 02-13-07  
 \_\_\_\_\_ Planner signature / date  
**Project # 1003794**



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





**PETERSON PROPERTIES**  
**Real Estate Services, Inc.**

HAND DELIVERED  
February 13, 2007

Development Review Board  
City of Albuquerque  
600 2<sup>nd</sup> St. NW  
Albuquerque, NM 87103

RE: PROPOSED SUBDIVISION: VOLCANO POINT SHOPPING CENTER  
98<sup>TH</sup> STREET NW, BETWEEN CENTRAL AVE. AND VOLCANO RD.  
ALBUQUERQUE, NM  
EXPLANATION AND DESCRIPTION OF REQUEST

Dear Development Review Board:

This letter accompanies Applicant's application for Minor Subdivision Preliminary/Final Plat approval with respect to the proposed subdivision referenced above, which is a request for approval of a subdivision of one lot into four lots. Applicant is the fee simple owner of 4.16 acres of real property located on the west side of 98<sup>th</sup> Street NW, between Central Ave. and Volcano Rd. (the "Property"). As shown on the accompanying plat, the Property, which is currently a single platted lot, is long and narrow, with approximately 1,000 feet of frontage along 98<sup>th</sup> Street, a maximum depth of about 210 feet (along Volcano Rd.), and a minimum depth of about 75 feet (along Central Ave.). Applicant's proposed subdivision will create four separate lots pursuant to a site development plan for subdivision approved by the EPC on December 21, 2006 (06EPC-01586). Concurrent with this subdivision request, Applicant is requesting DRB sign-off the EPC approved Site Plan for Subdivision and Site Plan for Building Permit (for Parcel 2 only – the Autozone).

Upon completion of the proposed subdivision, Applicant plans to sell Parcels 1, 2 and 3 for development in accordance with the approved site plan. Applicant intends to maintain ownership of Parcel 4, and to develop, operate and manage a high-quality, visually appealing retail shops building thereon. Applicant will record a document granting cross-access rights between each lot, and to and from each lot and any curb cuts on Volcano Road and/or 98<sup>th</sup> Street.

The requested subdivision would facilitate the development of the Property by creating lots that are more useful, valuable, and therefore marketable, to the type of users that are increasingly interested in locating in the area. The proposed subdivision and subsequent development of the Property would help to achieve the purpose of the West Route 66 Sector Development Plan by enhancing the community image of the area and promoting community confidence in the area as a developable part of the City.



Likewise, development of the Property for small retail and commercial uses would help to serve the needs and interests of the growing population of area residents. This fact was confirmed to the Applicant in meetings held on September 8, 2005 and November 16, 2006, during which members of the Route 66 West and Westgate Heights Neighborhood Associations expressed their need and desire for retail services located closer to home.

Thank you for your consideration and assistance. Please contact me at the number below if there are any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Dean Smith". The signature is fluid and cursive, with the first name "M." and the last name "Smith" clearly visible.

Dean Smith

cc: Jim Peterson  
Doug Peterson

February 6, 2007

City of Albuquerque  
Attn: Development Review Board  
600 2nd Street  
Albuquerque, NM 87102

**Re: PROJECT #1003794  
NWC 98<sup>TH</sup>/CENTRAL  
SATISFACTION OF CONDITIONS IN AMENDED OFFICAL  
NOTICE OF DECISION DATED 01/08/2007**

**Project Summary:**

06EPC-01586 EPC Site Development Plan-Subdivision  
06EPC-01587 EPC Site Development Plan-Building Permit

**LEGAL DESCRIPTION:** Tract 1-A, Row 1, Unit A, **West of Westland**, Town of Atrisco Grant,  
**ZONED:** SU-2 Planned Commercial Area (Zone Atlas Page K-09-Z)  
**LOCATION:** 98<sup>th</sup> ST. NW, between CENTRAL AVE. and VOLCANO ROAD NW, containing approximately 4 acres.

Maggie Gould, Staff Planner

**Conditions:** Site Plan for Subdivision

**Item no. 1.** A letter shall accompany the submittal, specifying all modifications that have been made prior to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions.

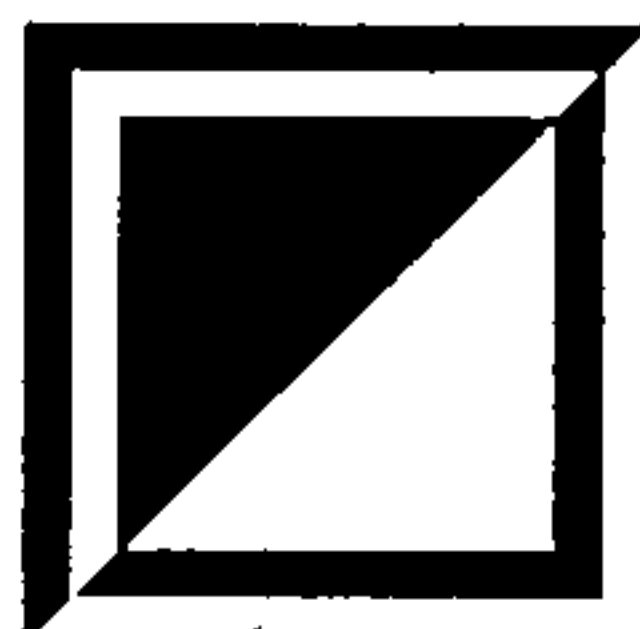
**Response:** This is to serve as the requested letter.

**Item no. 2.** Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that the conditions of approval are adequately met.

**Response:** Dean Smith and Anton Dattilo met with Maggie Gould (Staff Planner) on Monday 22, January 2007 and February 2<sup>nd</sup>, 2007.

**Item no. 3.** Design Guidelines:

- a. The applicant shall amend the landscaping guidelines to include low water as a criteria in addition to native and naturalized.
- b. Applicant shall amend the commercial architecture guidelines to require additional details rather than encourage them.



GEORGE RAINHART, ARCHITECT & ASSOCIATES P.C.  
2325 SAN PEDRO NE SUITE 2-B ■ ALBUQUERQUE, NEW MEXICO 87110  
PHONE: 505-884-9110 ■ FAX: 505-837-9877 ■ Email: graa@gra-arch.com

**Response:**

- a. This has been addressed on the revised landscape plan. Also, the wording has been added to the Landscaping requirements on sheet AS2 (clouded).
- b. The wording on sheet AS2 in the Architecture paragraph 3 has been changed from encouraged to required (clouded).

Conditions: Site Plan for Building Permit

**Item no. 1.** A letter shall accompany the submittal, specifying all modifications that have been made prior to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions.

**Response:** This is to serve as the requested letter.

**Item no. 2.** Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that the conditions of approval are adequately met.

**Response:** Dean Smith and Anton Dattilo met with Maggie Gould (Staff Planner) on Monday 22, January 2007 and February 2<sup>nd</sup>, 2007.

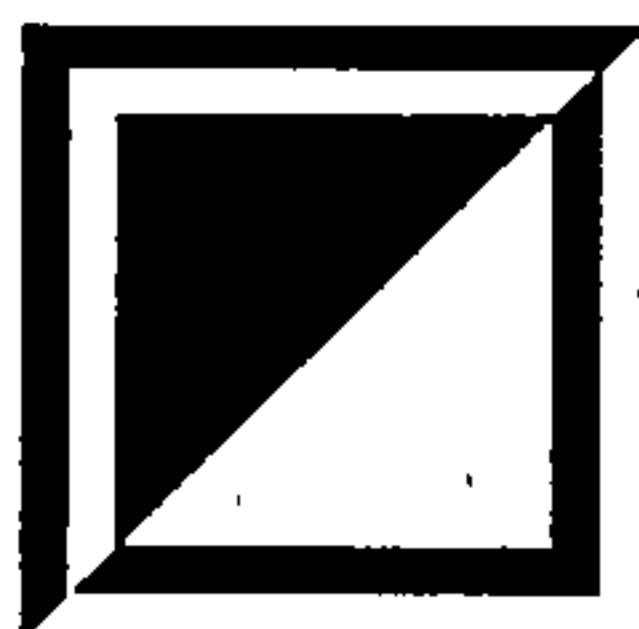
**Item no. 3.** Landscaping

- a. All Landscape areas shall contain 75% live vegetative cover.
- b. Applicant shall replace the Ash trees and 13 of the Honey Locust trees with a similar low water, low allergen tree.
- c. Tree wells shall be 36 square feet, as shown in the design guidelines for the Site Plan for Subdivision.
- d. Applicant shall provide a mixture of evergreen and deciduous trees at 30 feet on center at the west of the property. These are to screen the building from and improve the view for eastbound traffic. The trees will also provide shade for the building.
- e. The landscaping plan as approved by EPC shall be what is installed, regardless of the note to client from Hilltop.
- f. The applicant shall provide landscape calculations before submittal to the DRB.

**Response:**

- a. As per revised landscape plan.
- b. As per revised landscape plan.
- c. Note number 4 on sheet AS3 has been revised to minimum 36 square feet for tree planters (clouded).
- d. As per revised landscape plan.
- e. This is agreed.
- f. As per revised landscape plan

**Item no. 4.** Site Plan Details



GEORGE RAINHART, ARCHITECT & ASSOCIATES P.C.  
2325 SAN PEDRO NE SUITE 2-B ■ ALBUQUERQUE, NEW MEXICO 87110  
PHONE: 505-884-9110 ■ FAX: 505-837-9877 ■ Email: graa@gra-arch.com

- a. Applicant shall provide height information for light posts.
- b. Applicant shall show correct symbol for light posts.
- c. Applicant shall label pylon signs with correct street names.

**Response:**

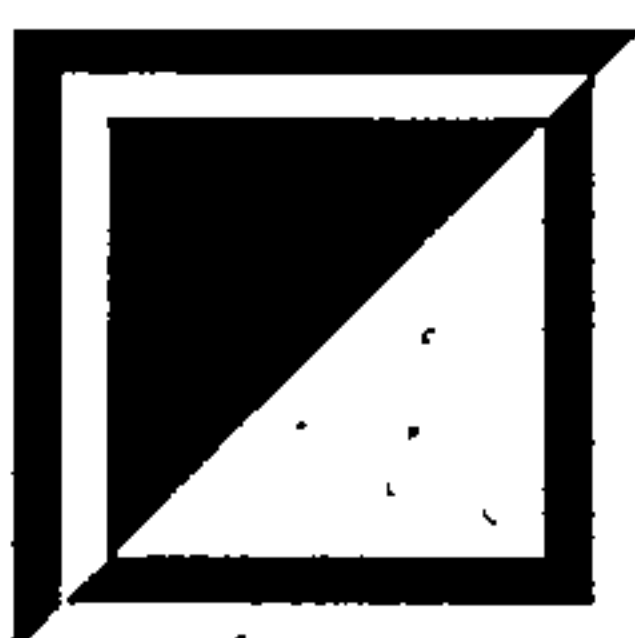
- a. Light post height has been noted on detail 3 sheet AS3 (clouded).
- b. Light symbols have been corrected in the legend on sheet AS3 (clouded).
- c. The pylon signs have been labeled with the correct street names on sheet AS2 (clouded).

**Item no. 5.** Applicant shall provide a minimum of four additional motorcycle parking spaces.

**Response:** Two additional motorcycle spaces have been added to the south of the building on Parcel 4, one additional space has been added near the northeast corner of the building on Parcel 4, and one space has been added to the southeast corner of the proposed fast food restaurant in Parcel 3 (clouded).

**Item no. 6.** Conditions from City Engineer, Municipal Development, Water Authority and NMDOT:

- a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan for subdivision. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructures constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441)
- b. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS is required.
- c. Provide 25' to 30' curb return radii at north and middle site drives.
- d. South site drive is limited to right turn in / right turn out. Drive to be 30' wide with 25' to 30' curb return radii.
- e. Provide north bound left turn bays at north and middle site drives per TIS. Adjustment to 98<sup>th</sup> Street center medians as required.
- f. Provide cross access agreement with City of Albuquerque to extend frontage road across city owned property.
- g. Frontage road to be designed per DPM (includes width) or as directed by Traffic Engineer.
- h. At south side of retail shops, delete 1 parking space where frontage road enters site. Provide end cap that better delineates access to site from frontage road. Provide 2 motorcycle spaces and 2 standard car spaces (see Traffic Engineer).



- i. Site plan shall comply and be designed per DPM Standards and/or as previously approved by Traffic Engineer.
- j. Platting must be a concurrent DRB action.
- k. Dedication of a minimum 62 feet of right-of way from the centerline of 98<sup>th</sup> Street a principal arterial as designated on the Long Range Roadway System map.
- l. Dedication of an additional 6 feet of right-of-way along 98<sup>th</sup> Street as required by the City Engineer to provide for on-street bicycle lanes.
- m. Construction of the on-street bicycle lane along 98<sup>th</sup> Street adjacent to the subject property, as designated on Long Range Bikeways System map.
- n. Place one motorcycle space in front of the fast food and one in front of the retail shops.

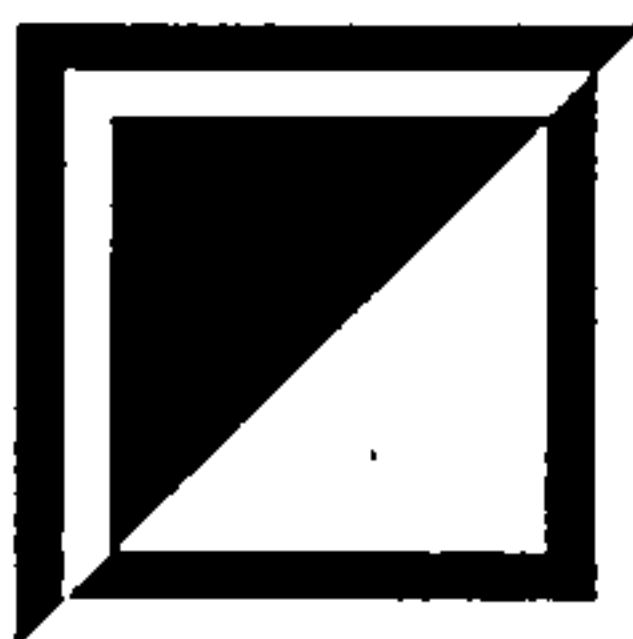
**Response:**

- a. Will be satisfied as per requirements.
- b. Will be satisfied as per requirements.
- c. This has been corrected on site plan sheets AS1 and AS2 (clouded).
- d. This has been corrected on site plan sheets AS1 and AS2 (clouded).
- e. This has been corrected on site plan sheets AS1 and AS2 (clouded). Also will be reflected on the civil drawing.
- f. Applicant has redesigned the southern driveway to avoid the city drainage property and the easement is no long necessary. This has been addresses with the staff planner.
- g. Will be satisfied as per requirements.
- h. This has been corrected on sheets AS1 and AS3 (clouded).
- i. Will be satisfied as per requirements.
- j. Will be satisfied as per requirements.
- k. Will be satisfied as per requirements and is indicated on the site plans for subdivision and site plan for building permit.
- l. Will be satisfied as per requirements and is indicated on the site plans for subdivision and site plan for building permit.
- m. Will be satisfied as per requirements.
- n. This has been corrected on site plans sheets AS1 and AS2 (clouded). Also noted in Response to Item No. 5.

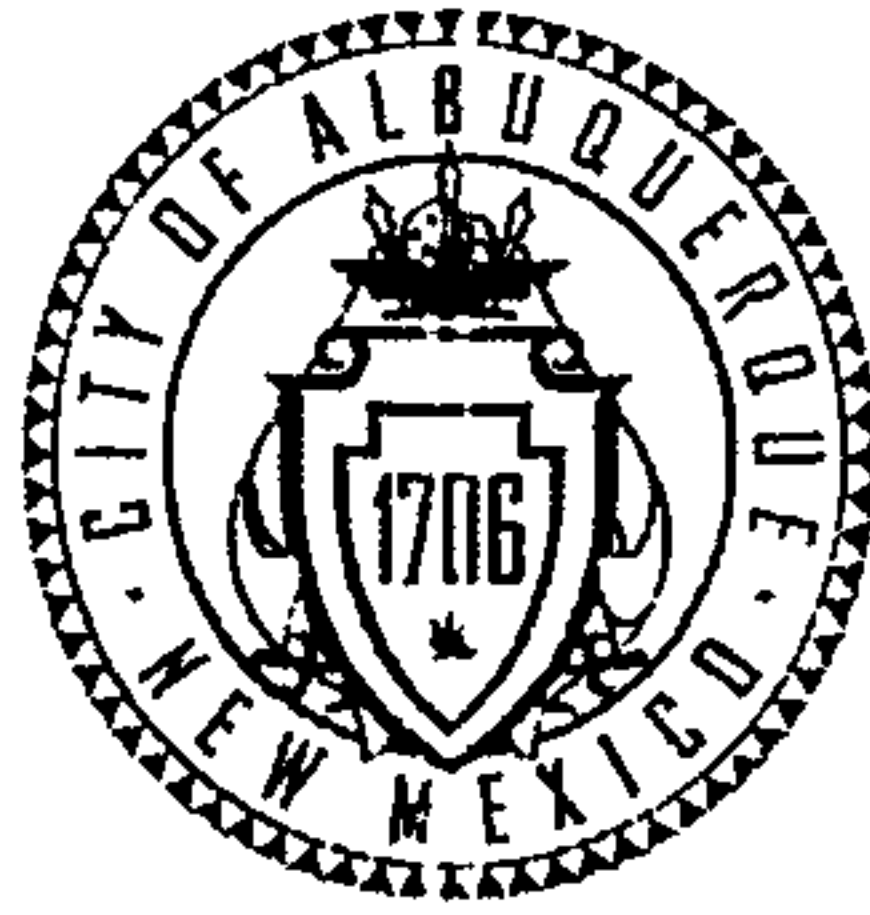
Sincerely,

**George Rainhart Architects and Associates**

  
Anton M. Dattilo  
Project Manager



GEORGE RAINHART, ARCHITECT & ASSOCIATES P.C.  
2325 SAN PEDRO NE SUITE 2-B ■ ALBUQUERQUE, NEW MEXICO 87110  
PHONE: 505-884-9110 ■ FAX: 505-837-9877 ■ Email: graa@gra-arch.com



PETERSON PROPERTIES-OFFICES

98th Central

JAN 09 2007

BY: Attornico

Routed to: File

CC: Aug, Jim, Mae

City of Albuquerque  
Planning Department  
Development Review Division  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Date: January 8, 2007

### AMENDED OFFICIAL NOTIFICATION OF DECISION

Peterson 98<sup>th</sup>/Central LLC  
2325 San Pedro Ne, Ste 2A  
Albuq. NM 87110

FILE: **Project # 1003794\***  
06EPC-01586 EPC Site Development Plan-  
Subdivision  
06EPC-01587 EPC Site Development Plan-  
Building Permit

LEGAL DESCRIPTION: for all or a portion of Tract 1-A, **West of Westland**, Town of Atrisco Grant Row 1, Unit A, zoned SU-2 Planned Commercial Area, located on 98TH ST. NW, between CENTRAL AVE. and VOLCANO ROAD NW, containing approximately 5 acres. (K-9) Maggie Gould, Staff Planner

On December 21, 2006 the Environmental Planning Commission voted to approve Project #1003794/ 06EPC 1001586 a, Site Plan for Subdivision for Tract 1-A, Row 1, Unit A, West of Westland, Town of Atrisco Grant, based on the following Findings and subject to the following Conditions:

#### FINDINGS:

1. This is request for a Site Development Plan for Subdivision for a four-acre parcel, Tract 1-A, Row 1, Unit A, West of Westland, within the Town of Atrisco Grant. The site is located on the northwest corner of 98<sup>th</sup> street and Central Avenue. The site is zone SU-2 PCA, as per the West Route 66 Sector Development Plan.
2. The Site Development Plan for Subdivision will divide the tract into four individual parcels of approximately one acre each.
3. The site is in the Developing Urban Area of the Comprehensive Plan. The Westside Strategic Plan, West Route 66 Sector Development Plan and Central Avenue Streetscape Master Plan also govern the site.

4. Policies of the Comprehensive Plan are furthered by this request.
  - a. Established and Developing Urban Areas

Policies a, d and e would be furthered by this request because it will allow the addition of retail and commercial land uses, it will be compatible with the approved development across the street and it is in an area with access to a full range of municipal services.

Policy i is furthered by this request because this project will offer employment opportunities without adversely impacting a residential area. Policies j and m are furthered because the site is close to residential development and will have an adjacent bike path. This is lower than the site to the west.
  - b. Economic Development

The goal and policies a, b and g would be furthered by this request because this development will allow an opportunity for the development of new business that will provide jobs in an area where they are currently needed.
  - c. Transportation and Transit

The goal is furthered because Central Avenue is an Enhanced Transit Corridor up to 98<sup>th</sup> street. This project is at the edge of that corridor but still has good access to public transportation.
5. Goals and Objectives of the Westside Strategic Plan are furthered by this request.

Objective 1 and Objective 8 are furthered because this request will provide job opportunities

Policy 1.5 is furthered because of the bike path and pedestrian connections.

Policy 3.38 would be furthered by the request because it will develop of commercial services on the West Side at the intersection of 98<sup>th</sup> and Central.

Policy 4.10 is furthered by the transit opportunities , bike path and pedestrian improvements.
6. Goals of the West Route 66 Sector Development Plan are met by this request because the development will provide an acceptable visual impression upon entering the City.
7. Goals of the Central Avenue Streetscape Urban Design Master Plan are furthered by this request: Views will be maintained, Street trees and additional landscaping will be visually appealing, the development will offer an option for a food and shopping for travelers.
8. Access to or from Parcel 4, to or from Central Avenue shall be at the discretion of the City and shall not be in perpetuity.

**CONDITIONS:**

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
  2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
  3. Design Guidelines:
    - a. The applicant shall amend the landscaping guidelines to include low water as a criterion in addition to native and naturalized.
    - b. Applicant shall amend the commercial architecture guidelines to require additional details rather than encourage them.
- 

On December 21, 2006 the Environmental Planning Commission voted to approve Project #1003794/ 06 EPC 01587 a Site Plan for Building Permit for Tract 1-A, Row 1, Unit A, West of Westland, Town of Atresco Grant, based on the following Findings and subject to the following Conditions:

**FINDINGS:**

1. This is a request for a Site Development Plan for Building Permit for an approximately four acres site located at the northwest corner of 98<sup>th</sup> street and Central Avenue.
2. The applicant proposes two retail buildings a 7,360 square foot building to house an Auto Zone, on parcel 2 and a 13,362 square foot retail space with up to seven tenants on parcel 4.
3. The site is directly across Central Avenue from a designated Neighborhood Activity Center.
4. Several policies of the Comprehensive plan are furthered by this request:
  - a. Established and Developing Urban Areas



- i. Policies a, d and e would be furthered by this request because it will allow the addition of retail and commercial land use, it will be compatible with the approved development across the street and it is in an area with access to a full range of municipal services.
    - ii. Policy i is furthered by this request because this project will offer employment opportunities without adversely impacting a residential area. Policies j and m are furthered because the site is close to residential development and will have an adjacent bike path. This is lower than the site to the west.
  - b. Economic Development
    - i. The goal and policies a, b and g would be furthered by this request because this development will allow an opportunity for the development of new business that will provide jobs in an area where they are currently needed.
  - c. Transportation and Transit
    - i. The goal is furthered because Central Avenue is an Enhanced Transit Corridor up to 98<sup>th</sup> street. This project is at the edge of that corridor but still has good access to public transportation.
5. Policies of the Westside Strategic Plan are furthered by this request
  - a. Objective 1 and Objective 8 are furthered because this request will provide job opportunities
  - b. Policy 1.5 is furthered because of the bike path and pedestrian connections.
  - c. Policy 3.38 would be furthered by the request because it will develop of commercial services on the West Side at the intersection of 98<sup>th</sup> and Central.
  - d. Policy 4.10 is furthered by the transit opportunities, bike path and pedestrian improvements.
6. Goals of the West Route 66 Sector Development Plan are met by this request because the development will provide an acceptable visual impression upon entering the City.
7. Goals of the Central Avenue Streetscape Urban Design Master Plan are furthered by this request: views will be maintained, street trees and additional landscaping will be visually appealing, and the development will offer an option for a food and shopping for travelers.
8. Access to or from Parcel 4, to or from Central Avenue shall be at the discretion of the City and shall not be in perpetuity.

**CONDITIONS:**

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. Landscape
  - a. All Landscape areas shall contain 75% live vegetative cover.
  - b. Applicant shall replace the Ash trees and 13 of the Honey Locust trees with a similar low water, low allergen tree.
  - c. Tree wells shall be 36square feet, as shown in the design guidelines for the Site Plan for Subdivision.
  - d. Applicant shall provide a mixture of evergreen and deciduous trees at 30 feet on center at the west end of the property. These are to screen the building from and improve the view for eastbound traffic. The trees will also provide shade for the building.
  - e. The landscaping plan as approved by the EPC shall be what is installed, regardless of the note to client from The Hilltop.
  - f. The applicant shall provide landscape calculations before submittal to the DRB.
4. Site Plan Details
  - a. Applicant shall provide height information for light posts.
  - b. Applicant shall show correct symbol for light posts.
  - c. Applicant shall label pylon signs with correct street names.
5. Applicant shall provide a minimum of four additional motorcycle parking spaces. Place one motorcycle space in front of the fast food and one in front of the retail shops.
6. CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:
  - A. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
  - B. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
  - C. Provide 25' to 30' curb return radii at north and middle site drives.
  - D. South site drive is limited to right turn in / right turn out only. Drive to be 30' wide with 25' to 30' curb return radii.
  - E. Provide northbound left turn bays at north and middle site drives per TIS. Adjustments to 98<sup>th</sup> Street center medians as required.
  - F. Provide cross access agreement with City of Albuquerque to extend frontage road across City owned property.
  - G. Frontage road to be designed per DPM (includes width) or as directed by Traffic Engineer.

- H. At south side of retail shops, delete 1 parking space<sup>2</sup> where frontage road enters site. Provide end cap that better delineates access to site from frontage road. Provide 2 motorcycle spaces and two standard car spaces. (see Traffic Engineer).
- I. Site plan shall comply and be designed per DPM Standards and/or as previously approved by the Traffic Engineer.
- J. Platting must be a concurrent DRB action.
- K. Dedication of a *minimum* 62 feet of right-of-way from the centerline of 98<sup>th</sup> Street a principal arterial as designated on the Long Range Roadway System map.
- L. Dedication of an additional 6 feet of right-of-way along 98<sup>th</sup> Street as required by the City Engineer to provide for on-street bicycle lanes.
- M. Construction of the on-street bicycle lane along 98<sup>th</sup> Street adjacent to the subject property, as designated on Long Range Bikeways System map.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **JANUARY 5, 2007** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED. IT IS NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC'S DECISION.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and 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. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

AMENDED OFFICIAL NOTICE OF DECISION  
DECEMBER 21, 2006  
PROJECT #1003794  
PAGE 7 OF 7

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

*Manone*

*for*

Richard Dineen  
Planning Director

RD/ /ac

cc: Miguel Maestas, Avalon NA, 9400 Harbor Blvd. NW, Albuquerque, NM 87121  
Kelly Chappelle, Avalon NA, 9135 Santa Catalina Ave. NW, Albuquerque, NM 87121  
Matthew Archuleta, Westgate Heights NA, 1628 Summerfield SW, Albuquerque, NM 87121  
Libby McIntosh, Westgate Heights Na, 1316 Ladrones Ct. SW, Albuquerque, NM 87121  
Van Barber, Westside Merchants Assoc., 5201 Central NW, Albuquerque, NM 87105  
Klarissa Pena, Westside Merchants Assoc., 6013 Sunset Gardens SW, Albuquerque, NM 87121  
Melissa Lama, Route 66 West Na, 600 Thoroughbred Dr. SW, Albuquerque, NM 87121  
Efie Mormon, 10125 Central Ave. NW, Albuquerque, NM 87121

**FORM DRWS; DRAINAGE REPORT / WATER & SANITARY SEWER AVAILABILITY**  
THIS FORM IS REQUIRED WITH THE DEVELOPMENT REVIEW BOARD APPLICATION  
FOR MAJOR SUBDIVISIONS AND SITE DEVELOPMENT PLANS.

**PROJECT NAME:** Volcano Point Shopping Center

**AGIS MAP #** K-9

**LEGAL DESCRIPTIONS:** Tract 1A, Row 1, Unit 1 West of  
Westland

X **DRAINAGE REPORT**

A drainage report, as per the Drainage Ordinance, was submitted to the City of Albuquerque Public Works Department, Hydrology Division (2<sup>nd</sup> Floor Plaza del Sol) on 2/12/2007 (date).

Heidi D. Krueger  
Applicant/Agent

02/12/2007  
Date

Joseph M. Rivera  
Hydrology Division Representative

02/12/2007  
Date

X **WATER AND SEWER AVAILABILITY STATEMENT**

A Water and Sewer Availability Statement for this project was requested from the City of Albuquerque Utilities Development Division (2<sup>nd</sup> floor, Plaza del Sol) on 1-22-2007 (date).

Heidi D. Krueger  
Applicant/Agent

02/12/2007  
Date

\_\_\_\_\_  
Utilities Division Representative

\_\_\_\_\_  
Date

**PROJECT #** 1003794

ONE STOP SHOP  
CITY OF ALBUQUERQUE PLANNING DEPARTMENT  
Development & Building Services

PAID RECEIPT

APPLICANT NAME Peterson-98th/Central LLC  
AGENT \_\_\_\_\_  
ADDRESS 2325 San Pedro N.E. Ste 2A  
PROJECT & APP # 100.3794  
PROJECT NAME ~~100.3794~~

\$ 20.00 441032/3424000 Conflict Management Fee  
\$ 425.00 441006/4983000 DRB Actions  
\$ \_\_\_\_\_ 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  
\$ 445.00 TOTAL AMOUNT DUE

\*\*\*NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.

**PETERSON - 98TH/CENTRAL, LLC**  
2325 SAN PEDRO N.E., STE. 2A  
ALBUQUERQUE, NEW MEXICO 87110  
505-884-3578

COMPASS BANK  
ALBUQUERQUE, NM 87125  
95-78/1070

1016

1016

Pay: \*\*\*\*\* Four hundred forty-five dollars and no cents \*\*\*\*\*

DATE: January 30, 2007

AMOUNT: \$\*\*\*\*\*445.00

PAY TO THE ORDER OF: City of Albuquerque  
PO Box 1313  
Customer Service  
Albuquerque, NM 87103

PETERSON - 98TH/CENTRAL, LLC

AUTHORIZED SIGNATURE

120.00

Thank You

001016 107000783 2507577787

\*\*\*\*\*



**PETERSON PROPERTIES**  
**Real Estate Services, Inc.**

SENT VIA FAX ONLY  
MONDAY, MARCH 05, 2007

City of Albuquerque  
Planning Department  
ATTN: Claire Senova, DRB Administrative Assistant to 924-3864

RE: PROJECT #1003794  
NORTHWEST CORNER 98<sup>TH</sup>/CENTRAL; VOLCANO POINT  
REQUEST FOR DEFERRAL

Dear Claire,

As the applicant under the above-referenced project, we hereby request further deferral of our DRB hearing to March 14<sup>th</sup>, 2007.

Sincerely,

Douglas Peterson  
Managing Member of JMD Limited Liability Co.  
Managing Member of Peterson-98<sup>th</sup>/Central, LLC, applicant

Peterson Properties

# Fax

---

**To:** Claire Senova, DRB Administrative Assistant **From:** Douglas Peterson

---

**Fax:** 924-3864

**Fax:** 505.884.6793

---

**Phone:**

**Phone:** 505-884-3578

---

**Date:** 3/5/2007

**Pages:** 2, Including this

---

**Subject:** Project #1003794; NWC 98th/Central  
Request for deferral

---



**Senova, Claire A.**

---

**From:** Douglas Peterson [Doug@petersonproperties.net]  
**Sent:** Monday, March 05, 2007 9:57 AM  
**To:** Senova, Claire A.  
**Cc:** russhugg@survtek.com; Sarah Abeyta; Anton Dattilo; Mae Peterson; JC Peterson  
**Subject:** Project #1003794; Northwest corner of Central/98th; Volcano Point

Hello Claire. Thank you for the information provided in our telephone call this morning. Unfortunately, I will not be able to get the revision to you by noon today. We had a personnel change within my company and, after reviewing the proposed submittal personally, I found some errors that I wish to correct before re-submitting. I respectfully request to appear in front of the DRB again on March 14<sup>th</sup>, 2007. I have the \$50 deferral ready and am happy to pay an additional deferral fee if that's appropriate. I will assume that the revisions (5 copies of all, as we discussed) are to be in to you no later than noon on Monday March 12<sup>th</sup> in order to appear in front of the DRB on 3/14. Thank you.

Douglas H. Peterson  
Peterson Properties Real Estate Services  
2325 San Pedro NE, Suite 2-A  
Albuquerque, NM 87110  
(505) 884-3578 Office  
(505) 884-6793 Fax  
(505) 307-9838 Cell  
[Doug@PetersonProperties.Net](mailto:Doug@PetersonProperties.Net)

#####

This message has been scanned by F-Secure Anti-Virus for Microsoft Exchange.  
For more information, connect to <http://www.f-secure.com/>

ONE STOP SHOP  
CITY OF ALBUQUERQUE PLANNING DEPARTMENT  
Development & Building Services

PAID RECEIPT

APPLICANT NAME Peterson  
AGENT Peterson  
ADDRESS 2325 San Pedro NE  
PROJECT & APP # 1003794 suite 2A  
PROJECT NAME Volcano point shopping center

- \$            441032/3424000 Conflict Management Fee
- \$ 100.00 441006/4983000 DRB Actions Le F&V 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
- \$ 100.00 TOTAL AMOUNT DUE

\*\*\*NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.

**PETERSON - 98TH/CENTRAL, LLC**  
2325 SAN PEDRO N.E., STE. 2A  
ALBUQUERQUE, NEW MEXICO 87110  
505-884-3578

COMPASS BANK  
ALBUQUERQUE, NM 87125  
95-78/1070

1022

1022

Pay: \*\*\*\*\*Fifty dollars and no cents

DATE: March 12, 2007 AMOUNT: \$\*\*\*\*\*50.00

**PETERSON - 98TH/CENTRAL, LLC**  
2325 SAN PEDRO N.E., STE. 2A  
ALBUQUERQUE, NEW MEXICO 87110  
505-884-3578

COMPASS BANK  
ALBUQUERQUE, NM 87125  
95-78/1070

1023

1023

Pay: \*\*\*\*\*Fifty dollars and no cents

DATE: March 12, 2007 AMOUNT: \$\*\*\*\*\*50.00

PAY TO THE ORDER OF: City of Albuquerque  
PO Box 1313

PETERSON - 98TH/CENTRAL, LLC

ONE STOP SHOP  
CITY OF ALBUQUERQUE PLANNING DEPARTMENT  
Development & Building Services

PAID RECEIPT

APPLICANT NAME

AGENT

ADDRESS

PROJECT & APP #

PROJECT NAME

*Peterson 98th Central LLC*

*1003794 / 07ORB 00183*

*Valiano Point*

\$ \_\_\_\_\_ 441032/3424000 Conflict Management Fee

\$ 50<sup>00</sup> 441006/4983000 DRB Actions *deposited 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

\$ 50<sup>00</sup> TOTAL AMOUNT DUE

\*\*\*NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.

\*\*\*DUPLICATE\*\*\*  
City Of Albuquerque  
Treasury Division

6/25/2007 3:56PM LOC: ANNX  
RECEIPT# 00078712 WSH 006 TRANSH 0044  
Account 441006 Fund 0110  
Activity 4983000 TRSCXG  
Trans Amt \$50.00  
J24 Misc \$50.00  
CK \$0.00  
CHANGE

Thank You



# DRB CASE ACTION LOG (SITE PLAN B.P.)

REVISED 12/28/05

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

DRB Application No.: 07DRB-00182 (SBP)  
Project Name: VOLCANO POINT SHOPPING CENTER  
Agent: Peterson - 98<sup>th</sup> Central LLC

Project # 1003794  
Phone No.: 884.3578

Your request for (SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 3/17/07 by the DRB with delegation of signature(s) to the following departments.  
**OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED**

- TRANSPORTATION: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- UTILITIES: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- CITY ENGINEER / AMAFCA: ~~\_\_\_\_\_~~
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- PARKS / CIP: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

PLANNING (Last to sign): Scarpis  
 [Signature]  
 [Signature]  
 [Signature]

- Planning must record this plat. Please submit the following items:**
  - The original plat and a mylar copy for the County Clerk.
  - Tax certificate from the County Treasurer.
  - Recording fee (checks payable to the County Clerk). RECORDED DATE: \_\_\_\_\_
  - Tax printout from the County Assessor.
- 3 copies of the approved site plan. Include all pages.**
  - County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.
  - Property Management's signature must be obtained prior to Planning Department's signature.
  - AGIS DXF File approval required.
  - Copy of recorded plat for Planning.

Project Number 1003794

Anti Zone

\*\*\*\*\*

**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
September 6, 2006  
DRB Comments**

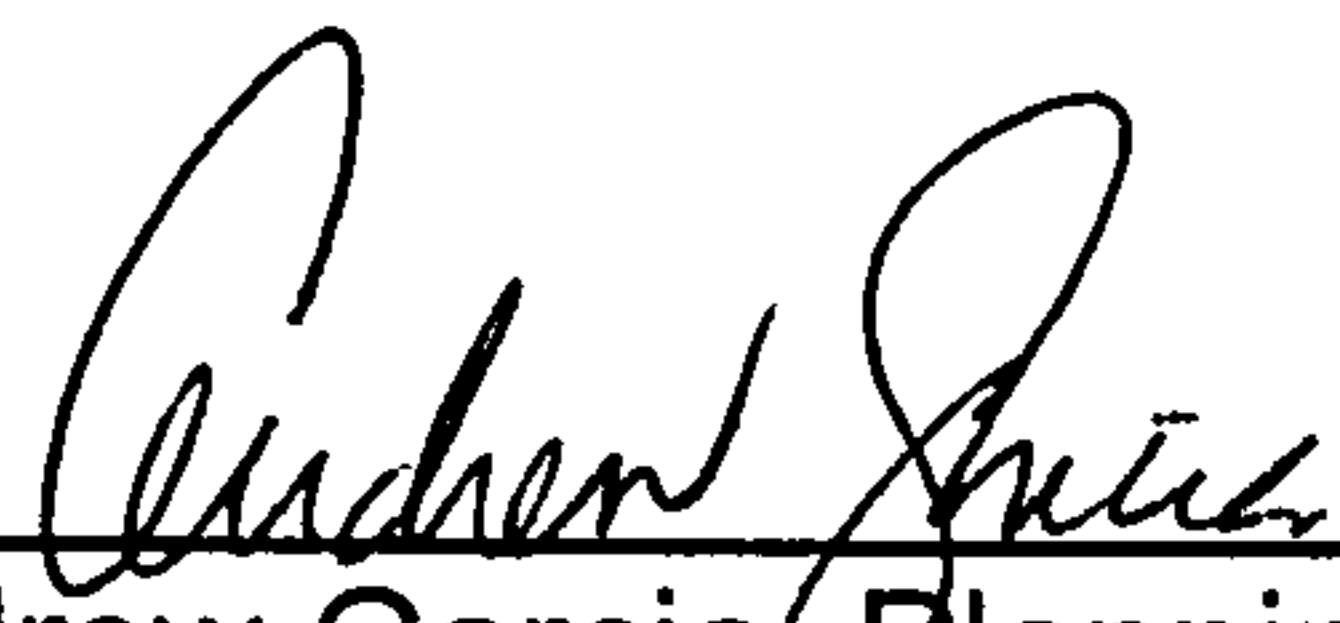
**ITEM # 18**

**PROJECT # 1003794**

**APPLICATION # 06-01228**

**RE: Tract 1A, Row 1, West of Westland, Unit 1/sketch**

Planning has no adverse comments to this request.



---

Andrew Garcia, Planning Alternate  
924-3858 Fax 924-3864 agarcia@cabq.gov



<b>SUBDIVISION</b> <input checked="" type="checkbox"/> Major Subdivision action <input checked="" type="checkbox"/> Minor Subdivision action <input type="checkbox"/> Vacation <input type="checkbox"/> Variance (Non-Zoning)  <b>SITE DEVELOPMENT PLAN</b> <input type="checkbox"/> ... for Subdivision Purposes <input type="checkbox"/> ... for Building Permit <input type="checkbox"/> IP Master Development Plan <input type="checkbox"/> Cert. of Appropriateness (LUCC)	Supplemental form <b>S</b>  <b>V</b>  <b>P</b>  <b>L</b>	<b>ZONING AND PLANNING</b> <input type="checkbox"/> Annexation <input type="checkbox"/> County Submittal <input type="checkbox"/> EPC Submittal <input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning) <input type="checkbox"/> Sector Plan (Phase I, II, III) <input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan <input type="checkbox"/> Text Amendment (Zoning Code/Sub Regs)  <b>APPEAL / PROTEST OF ...</b> <input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals	Supplemental form <b>Z</b>          <b>A</b>
---	---	---	---

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: <u>JMD PARTNERSHIP LTD</u>	PHONE: <u>884-3578</u>
ADDRESS: <u>2325 SAN PEDRO NE SUITE 2-A</u>	FAX: <u>884-6793</u>
CITY: <u>ALBUQ</u> STATE <u>NM</u> ZIP <u>87110</u>	E-MAIL: _____
Proprietary Interest in Site: <u>OWNERS</u> List all owners: _____	
AGENT (if any): <u>Surv-Tek, Inc</u>	PHONE: <u>897-3366</u>
ADDRESS: <u>9384 Valley View Drive NW</u>	FAX: <u>897-3377</u>
CITY: <u>Albuquerque</u> STATE <u>NM</u> ZIP <u>87114</u>	E-MAIL: <u>Hugg@survtek.com</u>

DESCRIPTION OF REQUEST: SKETCH PLAT REVIEW

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. <u>TRACT 1A, ROW 1</u>	Block: _____	Unit: <u>1</u>
Subdv. / Addn. <u>WEST OF WEST LAND</u>		
Current Zoning: <u>SU-2 PCA</u>	Proposed zoning: _____	
Zone Atlas pages(s) <u>K-9</u>	No. of existing lots: <u>1</u>	No. of proposed lots: <u>4</u>
Total area of site (acres): <u>4.1592</u>	Density if applicable: dwellings per gross acre: <u>N/A</u>	dwellings per net acre: <u>N/A</u>
Within city Limits? <input checked="" type="checkbox"/> Yes. <input type="checkbox"/> No, (but site is within 5 miles of the city limits.)	Within 1000FT of a landfill? <u>N/A</u>	
UPC No. <u>100905704506230105</u>	MRGCD Map No. <u>N/A</u>	
LOCATION OF PROPERTY BY STREETS: On or Near: <u>98TH STREET NW</u>		
Between: <u>CENTRAL AVE. NW</u> and <u>VOLCANO ROAD NW</u>		

**CASE HISTORY:**

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

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

SIGNATURE <u>[Signature]</u>	DATE <u>8.18.06</u>
(Print) <u>RUSS HUGG</u>	Applicant <input type="checkbox"/> Agent <input checked="" type="checkbox"/>

FOR OFFICIAL USE ONLY  
3/04

Form revised 9/01, 3/03, 7/03, 10/03,

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>DRB - 01228</u>	<u>SK</u>	<u>5(3)</u>	<u>\$ 0</u>
<input checked="" type="checkbox"/> All fees have been collected	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ _____
	Hearing date <u>9-6-06</u>			Total \$ <u>0</u>
<u>[Signature]</u> 8/24/06				
Planner signature / date		Project # <u>1003794</u>		

**FORMS(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING**

**SKETCH PLAT REVIEW AND COMMENT**

**YOUR ATTENDANCE 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 LATEST Official D.R.B. Notice of approval for Preliminary Plat Extension request
- 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.
- Design elevations & cross sections of perimeter walls **3 copies**
- 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.
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- 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
- Signed** Pre-Annexation Agreement if Annexation required.
- 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.
  - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings
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  - 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.

*John Meyer for Russ Hugg*  
Applicant name (print)  
8/24/06  
Applicant signature / date



Form revised 11/04

- Checklists complete
  - Fees collected
  - Case #s assigned
  - Related #s listed
- Application case numbers  
06DRB-01228

*J. S. S.* 8/24/06  
Planner signature / date  
**Project # 1003794**



**PETERSON PROPERTIES**  
**Real Estate Services, Inc.**

HAND DELIVERED  
August 23, 2006

Development Review Board  
City of Albuquerque  
600 2<sup>nd</sup> St. NW  
Albuquerque, NM 87103

**RE: PROPOSED SUBDIVISION: VOLCANO POINT SHOPPING CENTER  
98<sup>TH</sup> STREET NW, BETWEEN CENTRAL AVE. AND VOLCANO RD.  
ALBUQUERQUE, NM  
EXPLANATION AND DESCRIPTION OF REQUEST**

Dear Development Review Board:

This letter accompanies Applicant's application for Sketch Plat Review and Comment with respect to the proposed subdivision referenced above, which is a request for approval of a subdivision of one lot into four lots. Applicant is the fee simple owner of 4.16 acres of real property located on the west side of 98<sup>th</sup> Street NW, between Central Ave. and Volcano Rd. (the "Property"). As shown on the accompanying sketch plat, the Property, which is currently a single platted lot, is long and narrow, with approximately 1,000 feet of frontage along 98<sup>th</sup> Street, a maximum depth of about 210 feet (along Volcano Rd.), and a minimum depth of about 75 feet (along Central Ave.). Applicant's proposed subdivision will create four separate lots, each having a size and dimensions that are more suitable for (i) the scale of development appropriate at this location, and (ii) the type of uses contemplated by the West Route 66 Sector Development Plan and the Property's SU-2 Planned Commercial Area zoning.

Upon completion of the proposed subdivision, Applicant intends to sell Lots 1, 2 and 3. Applicant intends to maintain ownership of Lot 4, and to develop, operate and manage a high-quality, visually appealing retail shops building thereon. Applicant intends to record a document granting cross-access rights between each lot, and to and from each lot and any curb cuts on Volcano Road and 98<sup>th</sup> Street.

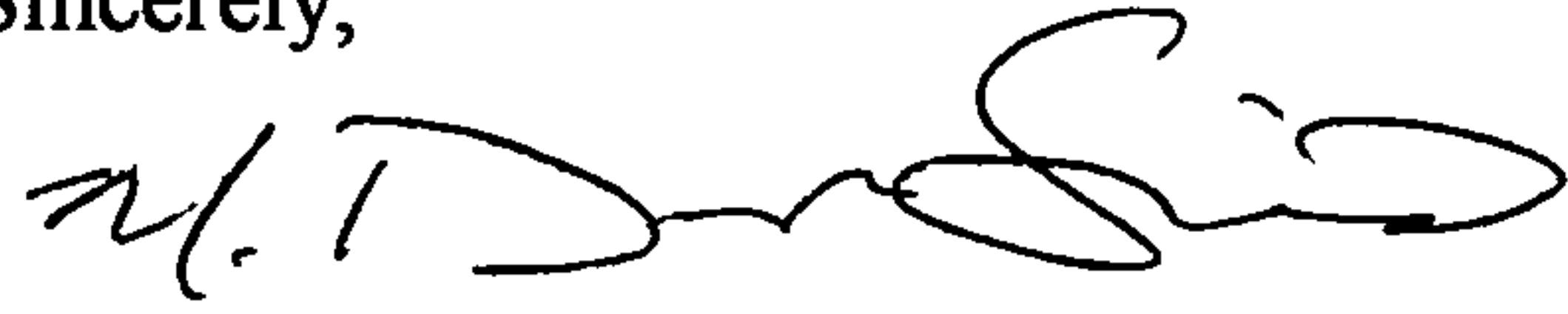
The requested subdivision would facilitate the development of the Property by creating lots that are more useful, valuable, and therefore marketable, to the type of users that are increasingly interested in locating in the area. The proposed subdivision and subsequent development of the Property would help to achieve the purpose of the West Route 66 Sector Development Plan by enhancing the community image of the area and promoting community confidence in the area as a developable part of the City. Likewise, development of the Property for small retail and commercial uses would help to serve the needs and interests of the growing population of area residents. This fact was confirmed to the Applicant in a meeting held at the Alamosa Center on September 8, 2005, during which members of the Route 66 West and Westgate Heights



Neighborhood Associations expressed their need and desire for retail services located closer to home.

Thank you for your consideration and assistance. Please contact me at the number below if there are any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Smith", written in a cursive style.

Dean Smith

cc: Jim Peterson  
Doug Peterson

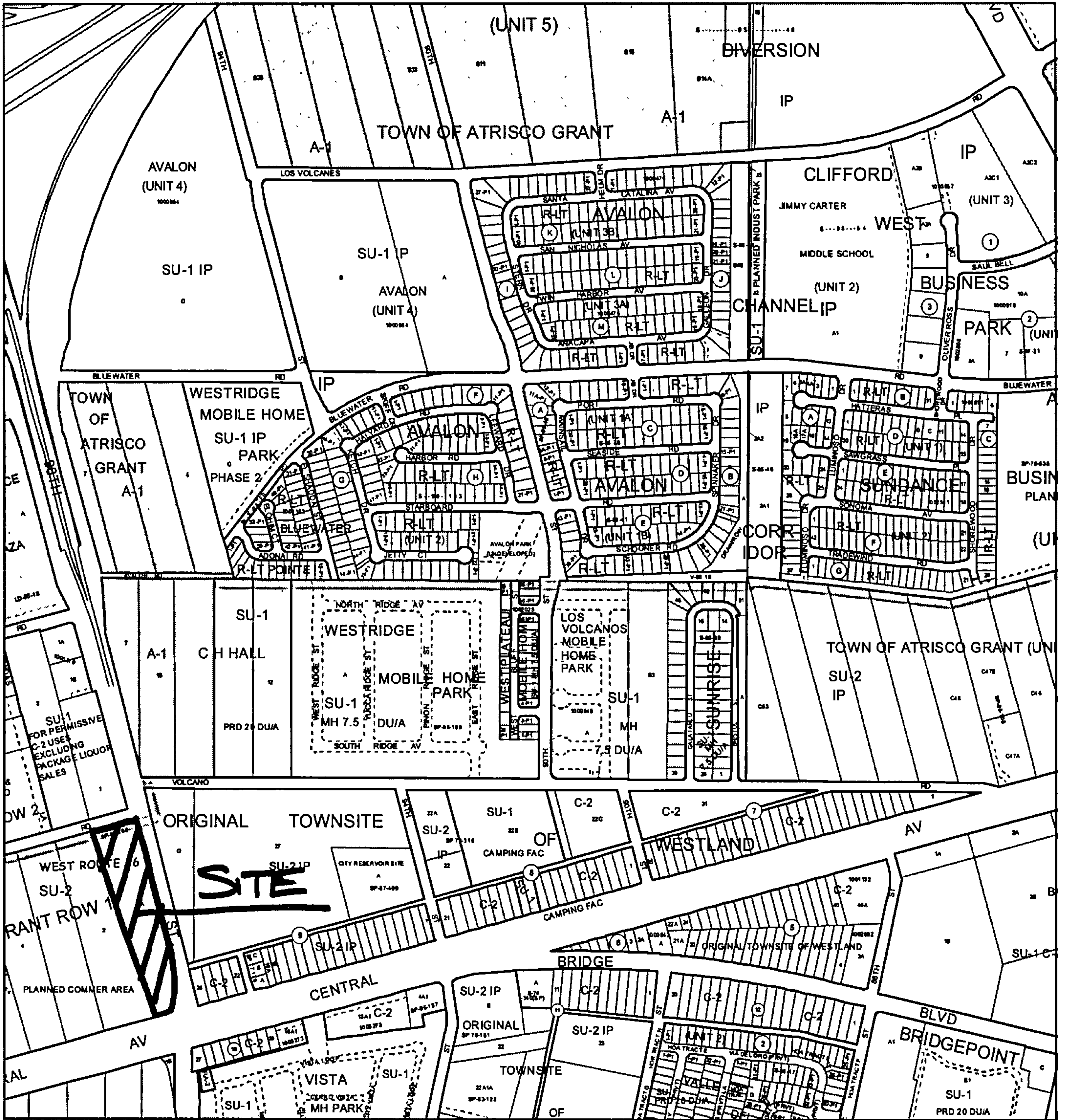
# MEMO:

**To:** File, Doug Peterson  
**From:** Dean Smith  
**Date:** June 1, 2006  
**Re:** 98<sup>th</sup>/Central

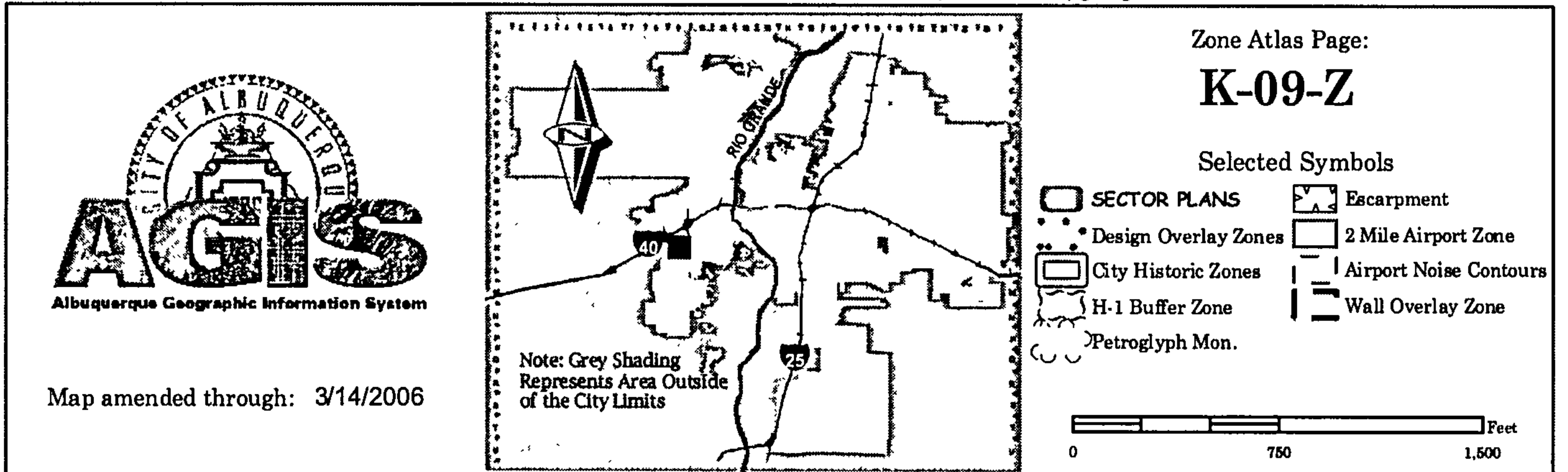
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I had a telephone conversation with Sheran Matson (DRB Chair) today. I explained that we want to subdivide and sell a portion of this property, and I asked if there will be any special requirements (e.g., site plan submittal) in connection with the contemplated subdivision in light of the West Route 66 Sector Development Plan. She stated that we could subdivide the property under standard procedures, and that there will not be any special requirements.

Sheran said to be sure to make reference to today's telephone conversation in our subdivision submittal, as a reminder to her.



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



# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form ~~SKETCH PLAT REVIEW~~

- SUBDIVISION**
- Major Subdivision action
  - Minor Subdivision action
  - Vacation
  - 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

- 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 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICANT INFORMATION:**

NAME: ROBIN TONKIN, RAMPART LLC PHONE: 463-7300  
 ADDRESS: 5512 GRANDE DR NW FAX: \_\_\_\_\_  
 CITY: ALBUQUERQUE STATE NM ZIP 87107-3362 E-MAIL: rgt4@comcast.net  
 Proprietary interest in site: DEVELOPER - BUYER List all owners: SELLER: SHARON L. ROWLAND  
 AGENT (if any): BOB GOLDEN, GOLDEN & ASSOCIATES PHONE: C: 401-9800 O: 898-0321  
 ADDRESS: 4400 TREB VISTAS RD NW FAX: 898-5991  
 CITY: ALBUQUERQUE STATE NM ZIP 87120-5700 E-MAIL: nmgolden@aol.com

DESCRIPTION OF REQUEST: SKETCH PLAT REVIEW & Comment. New SELF-STORAGE FACILITY.

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 1A Block: \_\_\_\_\_ Unit: \_\_\_\_\_  
 Subdiv. / Addn. TOWN OF ATRISCO GRANT ROW 1  
 Current Zoning: SU2-PLANNED COMMERCIAL AREA Proposed zoning: N/A  
 Zone Atlas page(s): K-9-Z No. of existing lots: ONE No. of proposed lots: ONE  
 Total area of site (acres): 3.5 Density if applicable: dwellings per gross acre: N/A dwellings per net acre: N/A  
 Within city limits?  Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? NO  
 UPC No. 100905704506230105 MRGCD Map No. N/A  
 LOCATION OF PROPERTY BY STREETS: On or Near: NORTHWEST CORNER OF 98<sup>TH</sup> AND CENTRAL NW  
 Between: VOLCANO ON THE NORTH and CENTRAL ON THE SOUTH

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_Z\_, V\_, S\_, etc.):  
DRB-87-828

Check-off if project was previously reviewed by Sketch Plat/Plan  or Pre-application Review Team . Date of review: 11-23-04

SIGNATURE Bob Golden, Agent for Robin Tonkin, Rampart LLC DATE 11-29-04  
 (Print) BOB GOLDEN, AGENT FOR ROBIN TONKIN, RAMPART LLC  Applicant  Agent

**FOR OFFICIAL USE ONLY**

Form revised 4/04

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>04DRB - 01805</u>	<u>SK</u>		\$ <u>-0-</u>
<input checked="" type="checkbox"/> All fees have been collected				\$ _____
<input checked="" type="checkbox"/> All case #s are assigned				\$ _____
<input type="checkbox"/> AGIS copy has been sent				\$ _____
<input checked="" type="checkbox"/> Case history #s are listed				\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill				\$ _____
<input type="checkbox"/> F.H.D.P. density bonus				\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate				\$ _____
	Hearing date <u>12.8.04</u>			Total \$ <u>-0-</u>

Clare Senora 11/29/04  
 Planner signature / date

Project # 1003794

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

**SKETCH PLAT REVIEW AND COMMENT**

**YOUR ATTENDANCE 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.
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**MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT**

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Amended preliminary plat approval expires after one year

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

Bob Golden, Agent for Robin Tonkin, Rampart LLC  
Applicant name (print)  
Bob Golden, Agent for Robin Tonkin, Rampart LLC  
Applicant signature / date  
NOVEMBER 29, 2004



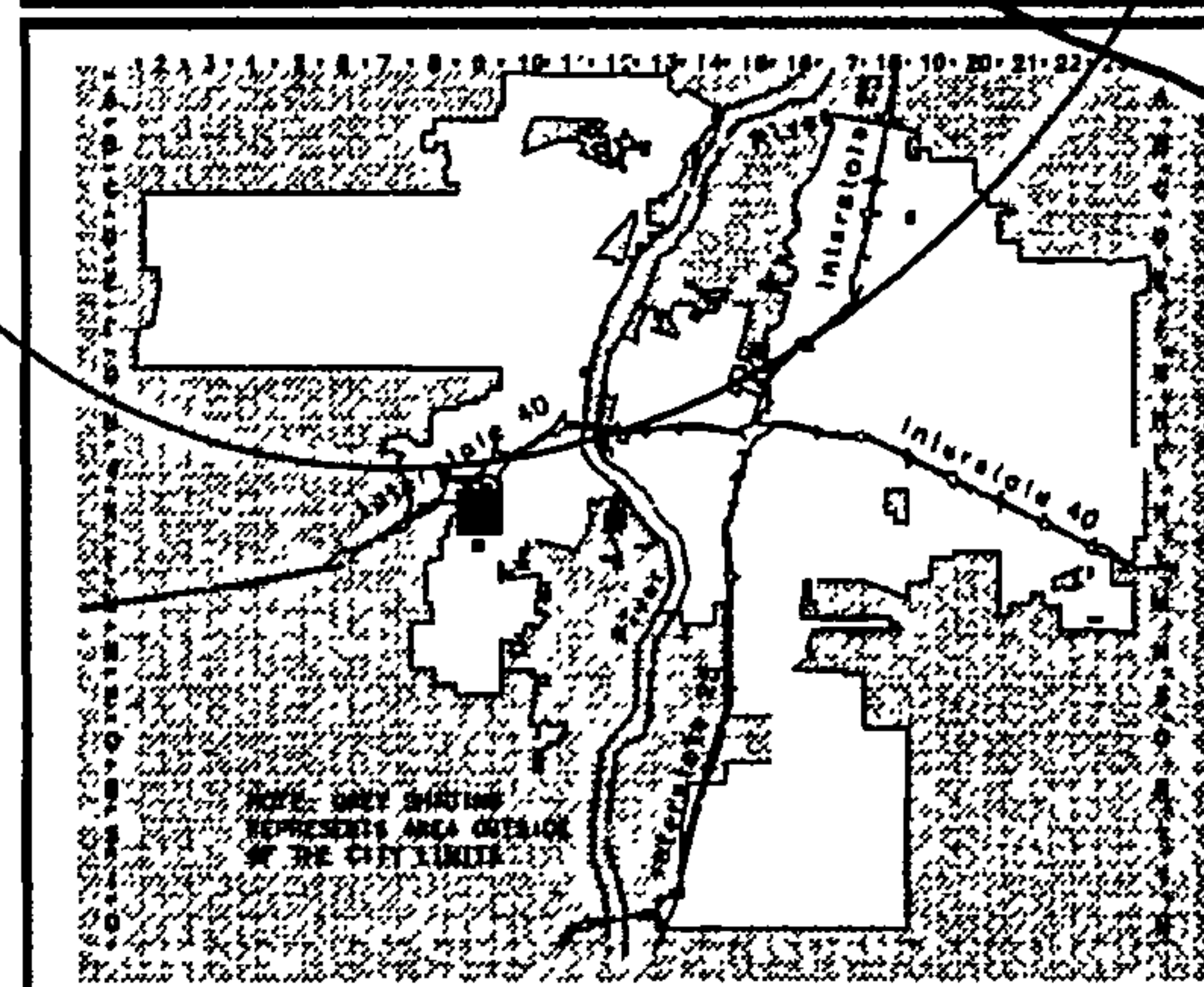
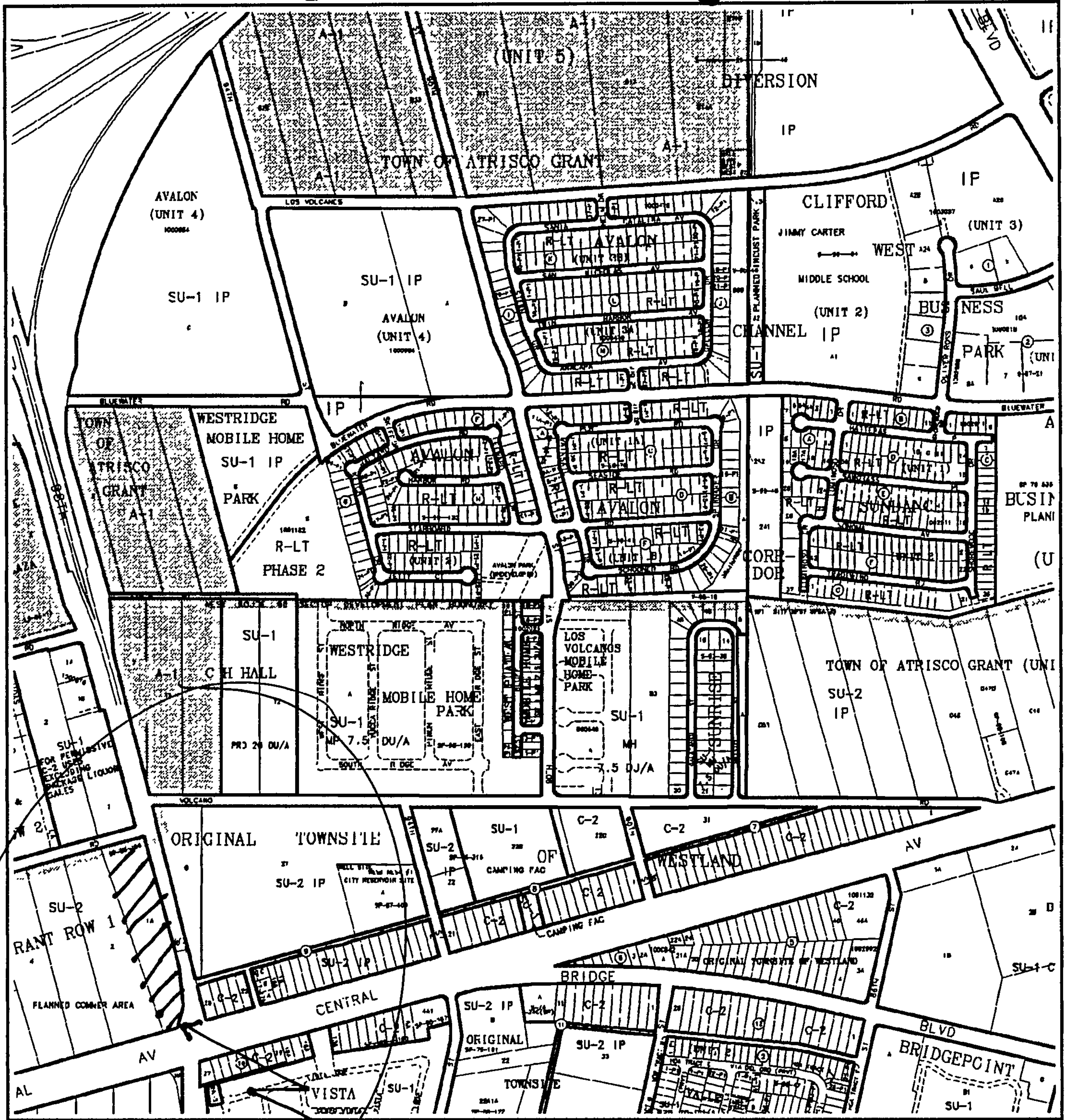
Form revised 11/04

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

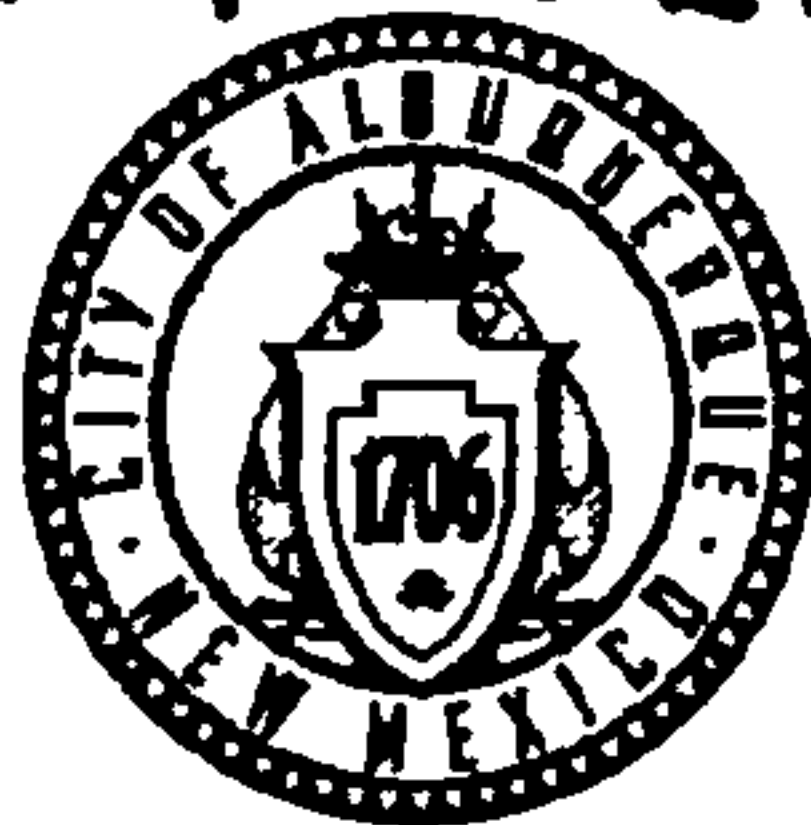
Application case numbers  
04DRB - -01805

Clare Senora 11/29/04  
Planner signature / date

**Project # 1003794**



98TH & CENTRAL



Zone Atlas Page

**K-9-Z**

Map Amended through November 03, 2004

**A** **G** **I** **S**  
 Inquiry Geographic Information System  
 PLANNING DEPARTMENT  
 © Copyright 2004

## **Golden & Associates**

4400 Tres Vistas Road NW  
Albuquerque, NM 87120-5700  
Office: 505-898-0321 Fax: 505-898-5991  
Cell: 505-401-9800 [nmgolden@aol.com](mailto:nmgolden@aol.com)

November 29, 2004

Sheran Matson, Chairwoman  
Design Review Board  
600 Second Street NW  
Albuquerque, NM 87102

924-3352

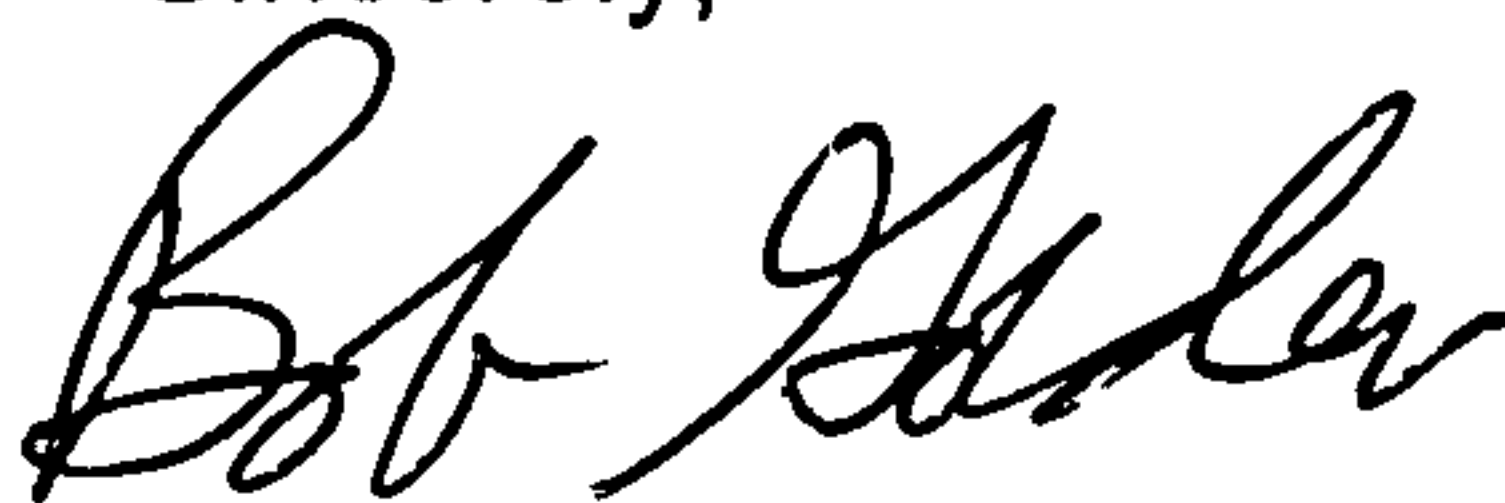
RE: Request for Sketch Plat Review and Comment  
98<sup>th</sup> and Central NW – New Self Storage Facility

Dear Ms. Matson:

My client, Robin Tonkin, Rampart LLC, is planning to build a self storage facility on the northwest corner of 98<sup>th</sup> and Central NW. We request a sketch plat review before we apply for an Environmental Planning Commission hearing. During the Pre-Application Review Team meeting, it was recommended to schedule the sketch plat review to obtain comments before final drawings of the site development plan for building permit.

If you have any questions, please call me at 898-0321.

Sincerely,



Bob Golden, CEO

enclosure

# DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND CROSS-EASEMENTS

This Declaration of Covenants, Conditions, Restrictions and Cross-Easements ("Declaration") is made as of the 20th day of March, 2007, by Peterson - 98th/Central, LLC, a New Mexico limited liability company (hereinafter "Declarant").

## PREAMBLE:

A. Declarant is the fee owner of those certain Parcels of real estate described as Parcel 1, Parcel 2, Parcel 3 and Parcel 4 located at the northwest corner of Central Avenue and 98th Street in the City of Albuquerque, County of Bernalillo, State of New Mexico, which Parcels are designated "Parcel 1", "Parcel 2", "Parcel 3" and "Parcel 4" on Exhibit "A" and are more particularly described in Exhibits "B-1", "B-2", "B-3" and "B-4" respectively, which Exhibits are attached hereto and by this reference incorporated herein. Parcel 1, Parcel 2, Parcel 3 and Parcel 4 are sometimes hereinafter collectively referred to as the "Property" or individually as a "Parcel".

B. Declarant wishes to grant certain easements for the benefit of each Parcel and place certain restrictions upon the Property for the mutual benefit of Parcel 1, Parcel 2, Parcel 3 and Parcel 4.

C. Except as expressly provided herein, the terms of this Declaration shall run in perpetuity and is intended to be and shall be construed as covenants running with the land and shall be binding upon Declarant, each Owner, and all other persons acquiring any right, title or interest in and to the Property or any part thereof, and shall inure to the benefit of Declarant and each person who becomes an Owner of any part of the Property, as well as their respective successors-in-interest.

Declarant hereby declares, grants and establishes the following easements, covenants, conditions, and restrictions for the benefit of the Property.

## ARTICLE I - DEFINITIONS

Unless the context otherwise specifies or requires, the terms defined in this Article I shall, for all purposes of this Declaration have the meaning herein specified.

**Section 1.01. Common Area.** "Common Area" shall mean all of those areas on each Parcel which are not from time to time, and at any applicable time, occupied by





buildings, drive-up service areas and/or structures personal to the use of a particular Owner or Occupant of a Parcel. By way of illustration, and not limitation, Common Area shall include all private streets, driveways, areas of ingress and egress, parking areas, service areas, sidewalks and other pedestrian ways, landscape areas and similar amenities designated and maintained for such uses from time to time. The Owner of each Parcel shall have the right to change, increase or reduce the Common Area located on its respective Parcel at any time and from time to time, provided access as provided for in this Declaration is not adversely affected.

**Section 1.02 Convenience Store.** "Convenience Store" means a retail store selling a variety of consumer convenience items, including, without limitation, alcoholic beverages.

**Section 1.03 Force Majeure Delay.** "Force Majeure Delay" means any delay caused by acts of God, war, civil commotion, riots, strikes, picketing or other labor disputes, governmental restriction, regulations or controls or damage to work in progress by reason thereof or other casualty.

**Section 1.04 Mortgage/Mortgagee.** "Mortgage" shall mean a mortgage, deed of trust or other security device affecting all or any portion of or interest in any one or more Parcel and which has been recorded in the real property files of Bernalillo County (hereinafter "Official Records") and "Mortgagee" shall mean and refer to the mortgagee, beneficiary or other holder of any of the foregoing instruments, providing the name and address of such mortgagee, beneficiary or other holder shall appear among the aforesaid Official Records.

**Section 1.05. Owner.** "Owner" shall mean any Person having any fee simple estate in any portion of the Property, excluding (i) any Person (hereinafter defined) who holds such interest as security for the payment of an obligation (but including any Mortgagee or other security holder in actual possession of any portion of the Property by foreclosure or otherwise, and any Person taking title from any such security holder) and (ii) a governmental entity, including but not limited to the City of Albuquerque, which acquires its interest, by plat or otherwise, via dedication from Declarant or an Owner pursuant to a plat or the granting of entitlements, including but not limited to a building permit.



**Section 1.06. Person.** "Person" shall mean artificial persons or legal entities (such as corporations, limited liability companies, partnerships, trusts, etc.) as well as natural persons.

**Section 1.13 Retail Gas Station.** "Retail Gas Station" means a retail self-service gasoline fueling station.

## ARTICLE II - EASEMENTS

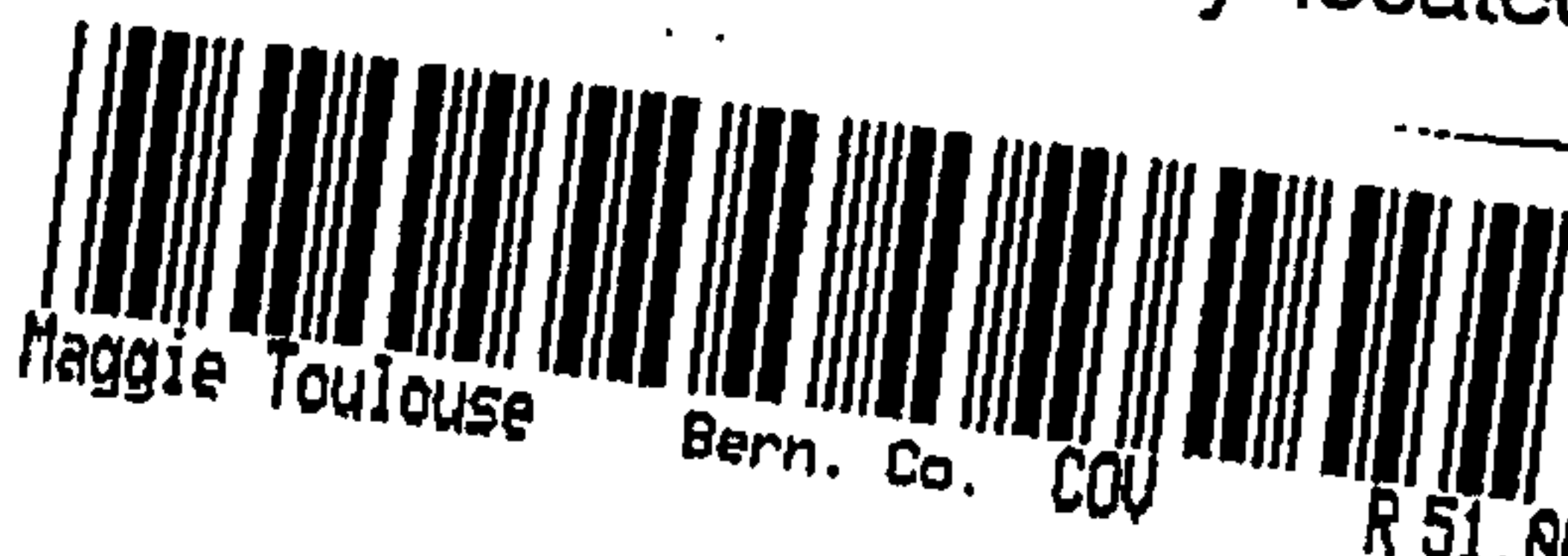
### Section 2.01. Ingress and Egress.

(A) Declarant hereby declares, grants to, and establishes for the benefit of the Owners of Parcel 1, Parcel 2, Parcel 3 and Parcel 4, their lessees, customers and invitees, reciprocal, perpetual, non-exclusive cross-easements of ingress and egress for vehicular and pedestrian traffic over and across the Common Areas of each Parcel as such Common Areas may exist from time to time. Additionally, Declarant hereby declares, grants to, and establishes for the benefit of the Owners of Parcel 1, Parcel 2, Parcel 3 and Parcel 4, a perpetual, non-exclusive, reciprocal easement for vehicular and pedestrian ingress to and egress from any existing or future curb cuts on 98th Street, Volcano Road and/or Central (including via the "Proposed Future Cross Access" point shown on Parcel 4 on the attached Exhibit "A") over, upon and across those areas of the Property crosshatched and designated "Common Access Driveway" and at the "Access Point" all as shown on Exhibit "A" hereto. The easement rights created in this Section 2.01 are collectively referred to as "Access Easements". No Owner of any Parcel shall construct or permit any barrier, fence, wall, building or any other structure of any kind which prevents or materially adversely affects access over the Common Area, the Access Point and/or the Common Access Driveway, except as is needed on a temporary basis in connection with the construction of any improvements on that Parcel. Nothing contained herein shall be construed as a grant by Declarant of any vehicular parking rights in either Parcel 1, Parcel 2, Parcel 3 or Parcel 4 for the benefit of any other Parcel, and the Owner(s) of each Parcel shall at all times provide sufficient parking on each Parcel or portion thereof to satisfy any and all governmental parking requirements applicable thereto. Additionally, no facility on any Parcel containing a vehicular drive-up or



drive-through in which the stopping or standing of motor vehicles in line at a location for dropoff and/or pickup is intended (as, for example, at a restaurant, car wash or bank) shall be assigned, constructed, used or operated in any manner such that motor vehicles in line at such facility stop or stand onto an adjoining Parcel, or otherwise interfere with the normal pattern and flow of pedestrian or vehicular traffic on and across said adjoining Parcel.

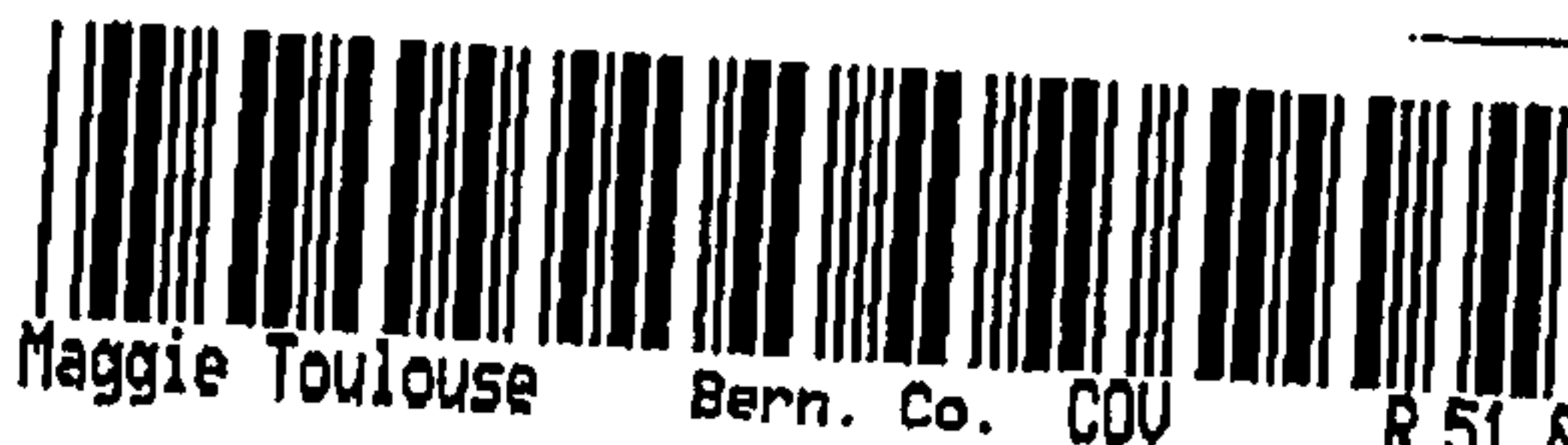
(B) The Owner of each Parcel shall construct and thereafter maintain, at its sole cost and expense, concurrent with the development of said Parcel, such portion of the Common Access Driveway as is located on its respective Parcel. The entire Common Access Driveway will be constructed where shown on Exhibit "A" of quality material typical of a modern commercial development as is contemplated for the Property. The Common Access Driveway shall not be moved or otherwise changed without the consent of all Owners of each Parcel which consent shall not be unreasonably withheld. Notwithstanding the responsibility of each Parcel Owner to construct that portion of the Common Access Driveway as is located on its Parcel, in the event that development of any Parcel shall precede the development of any other Parcel, the Owner of the first Parcel to be developed (hereinafter the "Developing Parcel") shall have the right, but no obligation, to construct (and thereafter maintain at its sole cost and expense until such time as the other Parcel(s) is/are developed) all or as much of the Common Access Driveway on the adjoining Parcel(s) as the Owner of the Developing Parcel, in its sole discretion, deems necessary to provide for adequate ingress and egress to the Developing Parcel. The Owner of the Developing Parcel shall have the right, in its sole discretion and at its sole cost and expense, to temporarily improve the Common Access Driveway over and across the adjoining Parcel(s) to an extent deemed adequate by the Owner of the Developing Parcel for its use. After permanent construction of the Common Access Driveway, that portion of the Common Access Driveway located within each Parcel shall be maintained in good condition and repair, clean and free of all rubbish, by the respective Owner of each Parcel, provided however, if any damage to the Common Access Driveway located within one



Parcel is caused by the Owner of another Parcel, or its lessees or employees, that Owner shall be responsible for repairing any such damage at its sole cost and expense.

The Owner of each Parcel may have as many curb cuts to streets or roads adjacent to such Owner's Parcel as will be allowed by the applicable governmental authority, provided that such Owner provides vehicular and pedestrian access to and from such curb cut and the Common Access Driveway. Once a curb cut is in existence, no Owner shall seek to have such curb cut closed or moved without the express written consent of all other Owners. Neither Declarant nor any Owner represents or warrants that the curb cuts shown on the attached Exhibit "A" will be approved by the applicable governmental authority. In the event that a curb cut is not located as shown on the attached Exhibit "A", the area of the Common Access Driveway shown on the attached Exhibit "A" apparently intended to connect such curb cut with the portions of the Common Access Driveway allowing for north / south traffic shall cease to be part of the Common Access Driveway and may be used as Common Area for the Parcel upon which it is shown on Exhibit "A". Declarant and / or all Owners shall use commercially reasonable efforts to maximize the vehicular accessibility of the Property and any Owners will allow any curb cut(s) approved by the applicable governmental authority to exist on such Owner's Parcel and shall provide vehicular access to and from such curb cut to the Common Access Driveway.

No Owner shall construct or cause to be constructed any improvements on such Owner's Parcel which is east of the eastern edge of the Common Access Driveway as currently depicted on Exhibit "A" attached hereto. Notwithstanding the foregoing, in the event that an applicable governmental authority with jurisdiction, including but not limited to the City of Albuquerque, enacts zoning or other laws that require all or a part of the Property to be developed in a so-called "Architecture Forward" style, such that the building must be adjacent to the street with no parking between the building and the street, the Owners shall use good faith efforts to reconfigure the Common Access Driveway such that any Parcel subject to such zoning or other law remains functionally



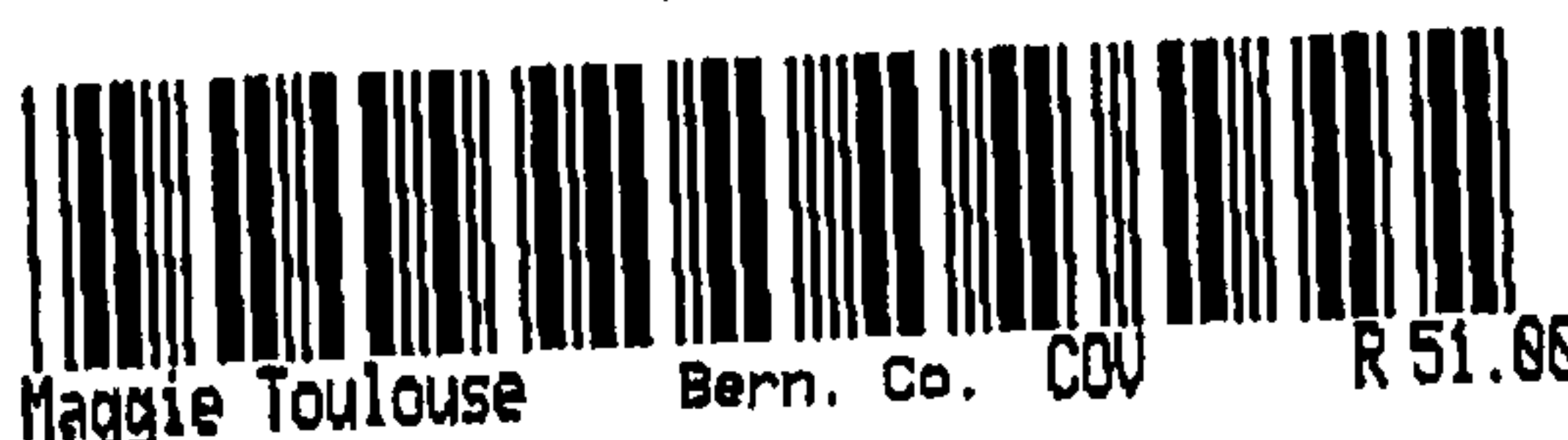
usable under the circumstances and can be built upon in compliance with such law but that cross access which is convenient for customer accessibility is maintained.

**Section 2.02. Utilities.** Declarant hereby establishes and grants for the benefit of each Parcel and the Owners thereof and their successors, assigns and lessees, a perpetual, non-exclusive, reciprocal underground easement across such portions of the Common Areas of each respective Parcel as such are maintained from time to time, for the purpose of installing, maintaining, operating, repairing, replacing and renewing any and all utility lines and related facilities, including without limitation, electricity, water, gas, sewer, telephone, cable television and storm drains (the "Utility Easements"); **provided however**, that notwithstanding the foregoing, on Parcel 1, only the northernmost 10 feet of Parcel 1 and the easternmost 10 feet of Parcel 1 shall be subject to the Utility Easements (the "Parcel 1 Utility Easement Area"). The location of any such utilities shall be subject to the reasonable review and consent (not to be unreasonably withheld) of the Owner of the Parcel to be burdened by such utilities (Owner's consent to be provided within fourteen {14} days or such request is deemed approved); provided that, in any event, no such utilities shall be located within any building footprint (or, with respect to an undeveloped Parcel, an area planned for a building pursuant to the attached Exhibit "A" or another plan agreed upon by the Owner(s) of all Parcels), or encroach upon any permanent improvements located on the Property from time to time, and all such easements, shall (if practical) be located along perimeters or boundary lines of the Property, but in any event shall be situated so as to minimize damage, diminution in value or other negative impacts, upon the burdened Property or Common Areas. The Utility Easements granted hereby are solely for the purposes set forth above, provided, however, that in using the easements granted hereby, any Owner who goes, or causes its agent or any utility company to go, upon any other Owner's property or Common Area shall (i) give the other Owner at least ten (10) days prior written notice together with a drawing of any proposed installation or relocation of any utility line; (ii) cause such use of its utility easement to be conducted in a manner which, under the circumstances, is the least disruptive to the other Owner, its tenants, and the customers and invitees of each of them; (iii) cause such use to be



completed with due regard for the safety of all persons coming onto such Property or Common Area, and (iv) cause, at its expense, any damage to the other Owner's or its tenant's improvements (including without limitation, pavement) to be promptly repaired and restored as near as practicable to the prior condition of such improvement. Each such Owner shall be liable to such other Owner and tenants for any breach of the foregoing obligations, and each such Owner shall indemnify such other Owner and tenants and hold such other Owner and tenants free, clear and harmless from any and all claims, actions, demands, causes of action, costs and expenses whatsoever (including attorneys' fees and court costs) for any personal injury or property damage arising from or as a result of such Owner's use of a utility easement upon such other Owner's Property or Common Area.

**Section 2.03. Drainage.** Declarant hereby establishes and grants for the benefit of each Parcel and the Owners thereof and their successors, assigns and lessees, a perpetual, non-exclusive, reciprocal drainage easement over, upon, under and across the Common Area of each Parcel for the benefit of the other Parcel(s), for the purposes of drainage of storm and surface water (the "Drainage Easements"); **provided however**, that notwithstanding the foregoing, on Parcel 1, only the northernmost 10 feet of Parcel 1 and the easternmost 10 feet of Parcel 1 shall be subject to the Drainage Easements (the "Parcel 1 Drainage Easement Area"), but the entire Common Area of Parcel 1 shall be subject to an easement for surface sheet flow of stormwater only. Although the Owner of each Parcel shall construct facilities for the retention of water solely within the confines of each such Parcel, Declarant hereby establishes a non-exclusive and perpetual easement for the installation, maintenance, repair and replacement of any storm water collection, retention, detention and distribution line, conduit, pipes and other apparatus under and across those portions of the Common Areas of each Parcel as are approved in writing by the Owner of the Parcel burdened thereby; **provided however**, that the foregoing easement shall apply only to the Parcel 1 Drainage Easement Area. The storm water detention areas, if any, indicated on the Site Plan, and all lines, conduits, pipes and other apparatus for water drainage, and all storage systems necessary in connection therewith, shall be hereinafter called the "Water Detention and Drainage Facilities". The easement granted herein shall include

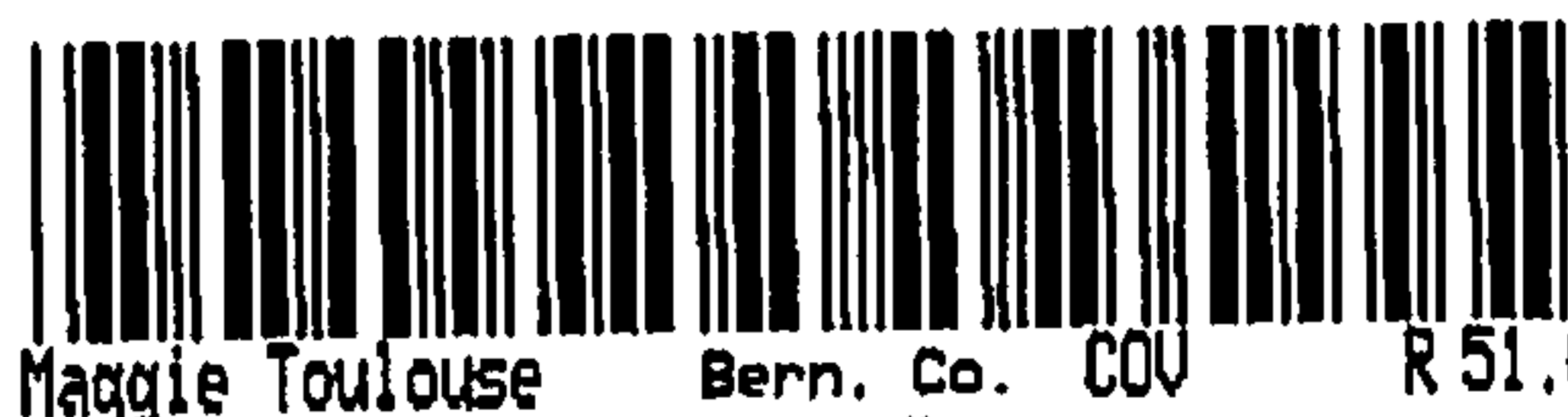


the right of reasonable ingress and egress with respect to any Water Detention and/or Drainage Facilities as may be required to maintain and operate the same. Once constructed, (i) such Water Detention and/or Drainage Facilities shall not be modified, altered, relocated or otherwise changed, without the prior written consent of all Owners of Parcels which would be impacted thereby; and, (ii) each Owner shall operate and maintain, or cause to be operated and maintained, in good order, condition and repair, any Water Detention and/or Drainage Facilities located upon its Parcel and make any and all repairs and replacements that may from time to time be required with respect thereto. No such easement for drainage shall cause an excessive amount of drainage over, upon, under and across the other Owner's Parcel such that the same would unreasonably interfere with the full use and enjoyment by the Owner of such burdened Parcel. In the event that, in order for an Owner to enjoy the drainage easements as granted herein, an easement must be granted to a utility company or governmental entity over a portion of the Property, each Owner, other than the Owner of Parcel 1, shall reasonably cooperate (under the circumstances and with the considerations of this Section 2.03 in mind) with each other Owner in the granting of such easement to such utility company or governmental entity. Notwithstanding anything to the contrary contained herein, the Owner of Parcel 1 shall have the absolute right and the absolute discretion to reject, the request of any other Owner to allow any drainage other than surface sheet flow drainage of stormwater across any portion of Parcel 1 other than the Parcel 1 Drainage Easement Area.

### ARTICLE III USE RESTRICTIONS

#### Section 3.01. Use Restrictions.

(A) For a period of three (3) years after the anniversary date of the day this Declaration is recorded in the Official Records, and until the 180<sup>th</sup> day (subject to extension by Force Majeure Delay) after Parcel 1 no longer has a Retail Gas Station in operation on it, no portion of Parcel 2, Parcel 3 or Parcel 4 shall be used as a Retail Gas Station. For a period of three (3) years after the anniversary date of the day this Declaration is recorded in the Official Records, and until the 180<sup>th</sup> day (subject to extension by Force Majeure Delay) after Parcel 1 no longer has a Convenience Store in

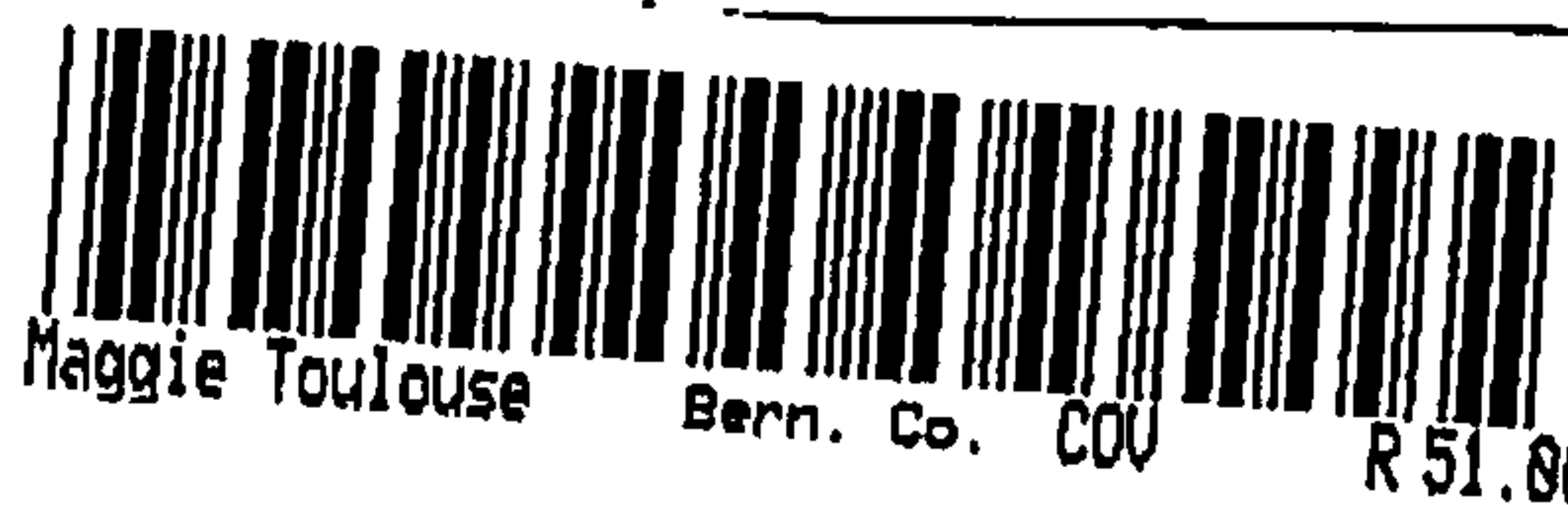


operation on it, no portion of Parcel 2, Parcel 3 or Parcel 4 shall be used as a Convenience Store; provided however, that the foregoing restriction shall not prohibit a drugstore type of facility, supermarket, restaurant, or a retail store where the sales area of either is greater than 6,000 square feet so long as that facility does not sell gasoline. Only the Declarant or the Owner of Parcel 1 (or a party claiming through the Owner of Parcel 1) shall have the right to seek enforcement of this subsection 3.01(A).

(B) For a period of three (3) years from the anniversary date of the day this Declaration is recorded in the Official Records and so long as a Person specializing in the retail sale of automobile parts (hereinafter "Auto Parts Store") is the Owner, occupant, or has the exclusive contractual right to become the Owner of Parcel 2, no portion of Parcel 1, Parcel 3 or Parcel 4 shall be used as a store specializing in (and dedicating the majority of its sales floor area to) the sale of auto parts, auto supplies, or auto accessories. The foregoing shall not prohibit the operation of the Convenience Store, a Retail Gas Station, a vehicle lube facility (such as "Jiffy Lube"), a store specializing in servicing vehicles for repair (such as "Brake Masters"), and/or a store specializing in the retail sale of tires. Furthermore, the foregoing restriction shall not prohibit any Convenience Store located on Parcel 1 from selling auto parts and supplies so long as they are located on less than 250 square feet of the floor area of the Convenience Store.

Notwithstanding the foregoing, if said Auto Parts Store, as occupant and/or Owner of Parcel 2, does not open for business by the third anniversary date of the day the subsequent Owner of Parcel 2 acquires title to Parcel 2 from the Declarant or, once open, closes its business to the public for twelve (12) months or more, then the foregoing use restrictions in favor of Parcel 2 shall terminate, except in the event that said Auto Parts Store discontinues business as a result of fire, other casualty, remodeling, strike, temporary loss of licenses, public taking or other cause beyond its control. Only the Declarant or the Owner of Parcel 2 (or a party claiming through the Owner of Parcel 2) shall have the right to seek enforcement of this subsection 3.01(B).

(C) For a period of three (3) years from the anniversary date of the day this Declaration is recorded in the Official Records and so long as a Person operating a YUM Concept Family Restaurant (meaning collectively A & W Restaurant, KFC, Long





John Silver's, Pizza Hut, and/or Taco Bell and hereinafter collectively referred to as a "YUM Concept") is the Owner, occupant, or has the exclusive contractual right to become the Owner of Parcel 3, no portion of Parcel 1, Parcel 2 or Parcel 4 shall be used for a Yum Concept. The foregoing shall not prohibit any Convenience Store located on Parcel 1 from selling prepackaged proprietary fast food products so long as they are not branded with a YUM Concept brand.

Notwithstanding the foregoing, if the Person operating the YUM Concept, as occupant and/or Owner of Parcel 3, does not open for business by the third anniversary date of the day this Declaration is recorded in the Public Records or, once open, closes its business to the public for six (6) months or more, then the foregoing use restrictions in favor of Parcel 3 shall terminate, except in the event that the Person operating the YUM Concept discontinues business as a result of fire, other casualty, remodeling, strike, temporary loss of licenses or other cause beyond the control of the Person operating the Yum Concept. Only the Declarant or the Owner of Parcel 3 (or a party claiming through the Owner of Parcel 3) shall have the right to seek enforcement of this subsection 3.01(C).

(D) For a period of three (3) years from the anniversary date of the day this Declaration is recorded in the Official Records and so long as a Person specializing in the retail sale of hamburger sandwiches sold through a drive-thru window or delivered to the consumer in the consumer's automobile (hereinafter "Hamburger QSR") is the Owner, occupant, or has the exclusive contractual right to become the Owner of Parcel 4, no portion of Parcel 1, Parcel 2 or Parcel 3 shall be used as a store specializing in the retail sale of hamburger sandwiches sold through a drive-thru window. The foregoing shall not prohibit any Convenience Store located on Parcel 1 from selling prepackaged proprietary hamburger sandwiches so long as they are not prepared/assembled on the premises of Parcel 1.

Notwithstanding the foregoing, if said Hamburger QSR, as occupant and/or Owner of Parcel 2, does not open for business by the third anniversary date of the day this Declaration is recorded in the Public Records or, once open, closes its business to the public for six (6) months or more, then the foregoing use restrictions in favor of Parcel 4 shall terminate, except in the event that said Hamburger QSR discontinues



business as a result of fire, other casualty, remodeling, strike, temporary loss of licenses or other cause beyond its control. Only the Declarant or the Owner of Parcel 4 (or a party claiming through the Owner of Parcel 4) shall have the right to seek enforcement of this subsection 3.01(D).


#### ARTICLE IV - GENERAL

**Section 4.01. Notices.** All notices required to be given pursuant to the provisions of this Declaration shall be in writing and delivered in accordance with the following accepted forms of delivery: (a) hand delivery with a signature and date to verify receipt; (b) Federal Express (or similar over-night carrier) for priority over-night delivery; (c) United States Postal Service postage prepaid, by Certified or Registered Mail, return receipt requested; or (d) facsimile (together with a copy sent by regular United States first class mail) to:

If to Declarant:                        Peterson - 98th/Central, LLC  
    2325 San Pedro NE, Suite 2A  
    Albuquerque, NM 87110  
    Attn: Douglas H. Peterson  
    Phone: 505/884-3578  
    Fax: 505/884-6793

If to any other Owner or occupant:                        To such address as such Owner or occupant shall designate in writing to all other Owners, or to the Owner's or occupant's address in the Property, if no other address is designated, or to such address as is thereafter provided by the parties hereto.

If written notice is hand delivered it shall be deemed received upon delivery. If written notice is mailed via United States Certified or Registered Mail, it shall be deemed received upon the earlier of actual receipt or refusal of delivery by addressee. If written notice is sent via facsimile, it shall be deemed received upon transmission when successful transmission has been confirmed by a printed confirmation sheet. In addition, all notices sent by facsimile shall also be mailed via regular United States Mail.

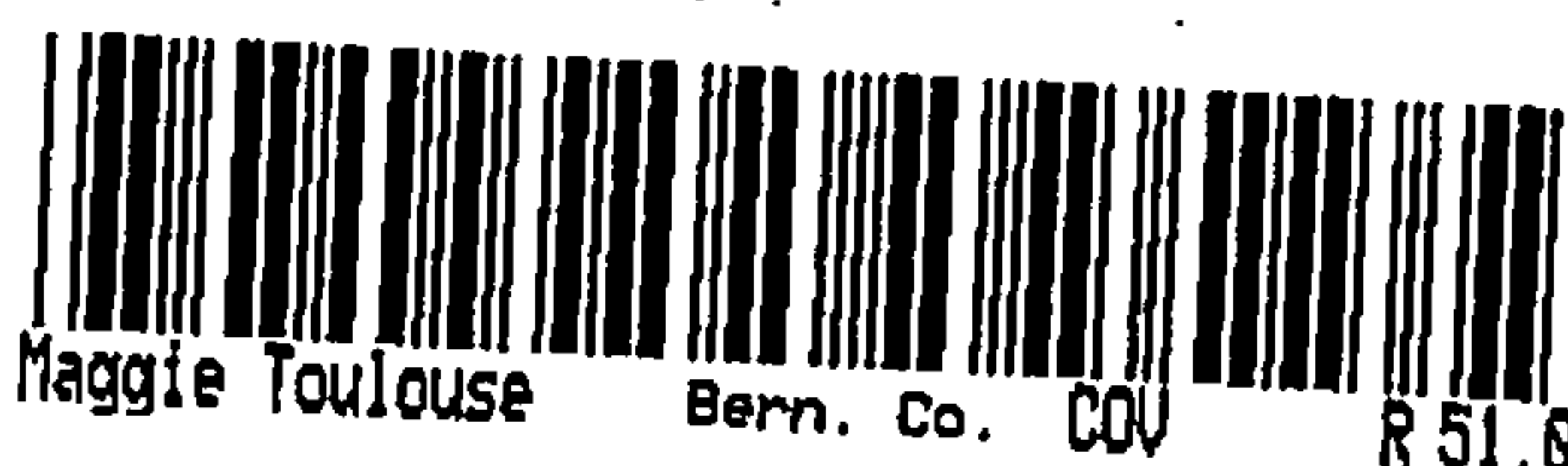


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**Section 4.02. Maintenance.** Each Owner shall at all times maintain its Parcel being a portion of the Property and all improvements thereon in a safe, clean, neat, attractive and sanitary condition, free from nuisance and noxious, or toxic odors, and in all respects in compliance with all hazardous substances regulations, governmental zoning, health, fire and police requirements and each Owner of any portion of the Property will indemnify and defend any adjoining Owner from any claims, damages or costs occasioned thereby. By way of illustration and not limitation, such maintenance shall include (i) maintaining the surfaces of all driveways and parking areas of its portion of the Property in a level, smooth and evenly covered condition with asphalt pavement or similarly appropriate surfacing material; (ii) planting, weeding, irrigating, pruning and otherwise maintaining landscaping on all of its portions of the Property which are not covered by a structure or paving; (iii) re-painting, cleaning and repairing the exterior of all buildings and other improvements on a regular basis; (iv) removing all trash, refuse, papers and debris; (v) placing and keeping in repair and replacing as necessary directional signs, markers, lines and striping; and (vi) operating, keeping in repair and replacing as necessary such artificial lighting facilities as shall be reasonably required for the safe and attractive condition of the Property; and (vii) except for Parcel 1, the prevention of toxic or known hazardous substances from contamination of any surface or underground portion of the Property. The Owner of Parcel 1 shall operate any hydrocarbon storage tanks on Parcel 1 in accordance with all applicable laws, including the compliance with any governmentally mandated environmental remediation requirements.

**Section 4.03. Taxes.** As to any portion of the Property, it is intended that all real estate taxes and assessments by public authority relating to said land and improvements thereon or the ownership thereof, shall be paid prior to delinquency by the respective Owner thereof.

**Section 4.04. Default.** This Declaration shall create privity of contract and estate with and among all grantees of all or any part of the Property and their respective heirs, executors, administrators, successors and assigns. In the event of a breach, or attempted or threatened breach by any Owner of any part of the Property, in any of the terms, covenants, and conditions hereof, any one or all such other Owners of any part



of the Property shall be entitled forthwith to full and adequate relief by injunction and all such other available legal and equitable remedies from the consequences of such breach. In addition to all other remedies available at law or in equity, upon the failure of a defaulting party to cure a breach of this Agreement within thirty (30) days following written notice thereof by another party (unless, with respect to any such breach the nature of which cannot reasonably be cured within such (thirty) 30-day period, the defaulting party commences such cure within such (thirty) 30-day period and thereafter diligently pursues such cure to completion) the non-defaulting party or parties shall have the right to perform such obligation contained in this Declaration on behalf of such defaulting party and be reimbursed by such defaulting party, upon demand, for the reasonable costs incurred in the course of curing such default together with interest thereon at the prime rate for Compass Bank (or any successor institution) plus two percent (2%) (not to exceed the maximum rate of interest allowed by law). The remedies permitted at law or equity of any one or all such Owners specified herein shall be cumulative as to each and as to all.

**Section 4.05. Insurance.** Each Owner shall maintain at all times a commercial general liability policy insuring against claims for death, personal injury or property damage in a combined single limit amount not less than \$2,000,000.00. Upon written request, (which shall not be made more frequently than once per year) each Owner shall provide the other with a certificate of insurance, evidencing the existence of a valid policy of insurance in conformity with the above specifications.

**Section 4.06. Covenants Running With The Land.** Except as otherwise expressly provided herein, the easements and covenants established by this Declaration shall run in perpetuity and are intended to be and shall be construed as covenants running with the land, binding upon, and inuring to the benefit of and enforceable by the Declarant (for so long as Declarant shall also be an Owner) and all subsequent Owners of the Property or any part thereof, provided however, that nothing contained herein shall be construed as a grant for the benefit of any other Owner of any right or easement in any part of its Property for parking purposes. If during the existence of this Declaration, an Owner of all or any part of the Property shall sell or transfer or otherwise terminate its interest as Owner, then from and after the effective



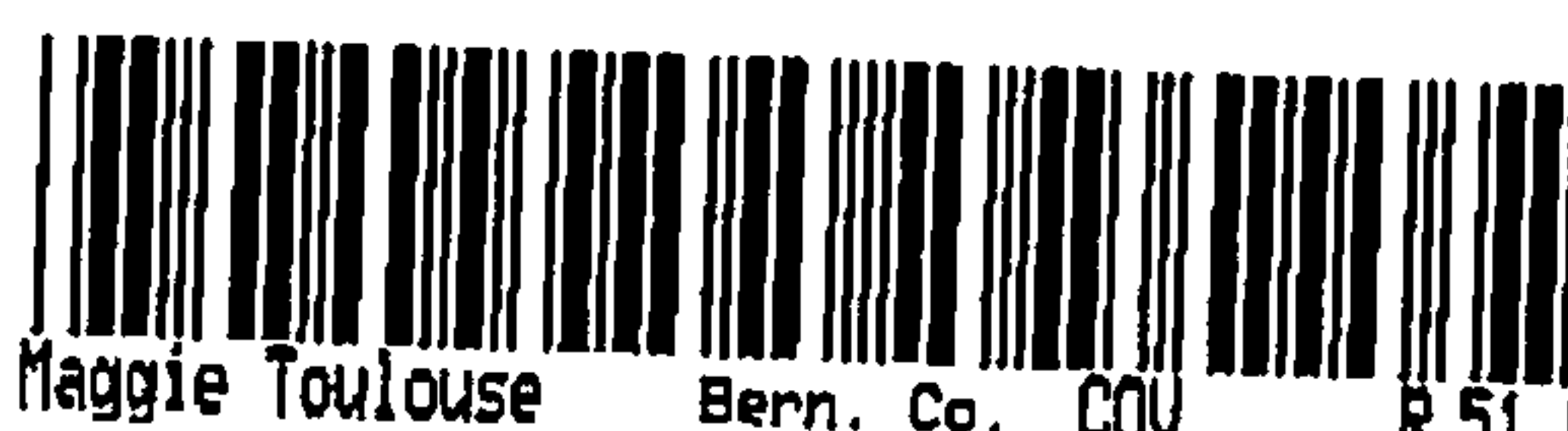
date of such sale, transfer, or termination of interest, such party shall be released and discharged from any and all obligations, responsibilities and liabilities under this Declaration as to the parts sold or transferred provided that the transferee assumes all of said obligations, responsibilities and liabilities, except those obligations, responsibilities and liabilities (if any) which have already accrued as of such date, and any such transferee by the acceptance of the transfer of such interest shall thereupon become subject to the covenants contained herein. The covenants and easements established hereby are not intended and shall not be construed as a dedication of such rights in the Property for public use, and this Declaration shall not be deemed to vest any rights in any customers, invitees or the public at large, but are solely for the benefit of the Owners of the Property and their lessees, customers and invitees to the extent heretofore established.

**Section 4.07. Attorney's Fees.** In the event any Owner is required to enforce the provisions hereof through judicial proceedings, the prevailing party shall be entitled to reasonable attorney's fees and court costs from the non-prevailing party.

**Section 4.08. Estoppel Certificates.** Any Owner of any Parcel shall execute and deliver to any other Owner or its Mortgagee within thirty (30) days after receipt of such other Owner's written request from time to time, an estoppel certificate, in a form reasonably acceptable to each party, which certificate shall state: (a) whether this Declaration has been modified; and (b) to the best knowledge of the Owner to whom such request is made, whether or not the requesting Owner is in Default of this Declaration.

**Section 4.09. Effective Date.** The covenants, conditions, restrictions and cross- easements contained herein shall be effective commencing on the date of recordation of this Declaration in the Official Records.

**Section 4.10. Severability.** Each provision of this Declaration and the application thereof to the Property or any portion thereof are hereby declared to be independent of and severable from the remainder of this Declaration. If any provision contained herein shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of the remainder of this Declaration.



**Section 4.11. Waiver.** No waiver of any default of any obligation by any Owner of all or a part of the Property shall be implied from any omission by the other Owner or Owners to take any action with respect to such default.

**Section 4.12. Relationship of the Owners.** Nothing in this Declaration shall be deemed or construed by any party or by any third person to create the relationship of principal and agent or of limited or general partners or of joint venturers or of any other association between the parties.

**Section 4.13. Jurisdiction.** The laws of the State of New Mexico shall govern the interpretation, validity, performance and enforcement of this Declaration.

**Section 4.14. Subdivision.** Nothing contained herein shall be construed as limiting the right of any Owner to subdivide and/or sell all or any portion of a Parcel to third parties, so long as any third party assumes the rights and obligations established hereunder.

**Section 4.15. Legal Descriptions.** In the event the validity or enforceability of any provision of this Declaration is held to be dependent upon the existence of a specific legal description, the Owners of each Parcel or any portion thereof, shall agree to promptly cause such legal description to be prepared and made a part hereof.

**Section 4.16. Signs.** Subject to governmental approval and this Declaration, each Parcel and its respective Owner shall have the right to erect such signage (including but not limited to building, monument, pylon and/or marquee signage) as is appropriate, as determined in the sole discretion of the Owner of such Parcel, upon such Owner's Parcel. Notwithstanding the foregoing, in the event that a governmental authority with appropriate jurisdiction, including but not limited to the City of Albuquerque, requires that either the Property or a group of Parcels share signage, the Owners of the Property (or of the group of Parcels, as the case may be) shall cooperate in good faith with such governmental requirements and, in good faith, seek agreement as to the location of such signage, the allocation of space thereon, and the allocation of costs thereof.

**Section 4.17. Architectural Compatibility.** Subject to governmental approval and this Declaration, each Parcel and its respective Owner shall have the right to construct the improvements upon such Owner's Parcel in an architectural style as is



appropriate, as determined in the sole discretion of the Owner of such Parcel. Notwithstanding the foregoing, in the event that a governmental authority with appropriate jurisdiction, including but not limited to the City of Albuquerque, requires that either the Property or a group of Parcels be constructed with improvements which share a common or compatible style of architecture, the Owners of the Property (or of the group of Parcels, as the case may be) shall cooperate in good faith with such governmental requirements and, in good faith, seek agreement as to the architectural style. Notwithstanding the foregoing, this Section 4.17 shall impose no obligation upon an Owner to change the architecture of existing improvements upon such Owner's Parcel so as to be compatible with the architectural style of a new building to be constructed on another Parcel.

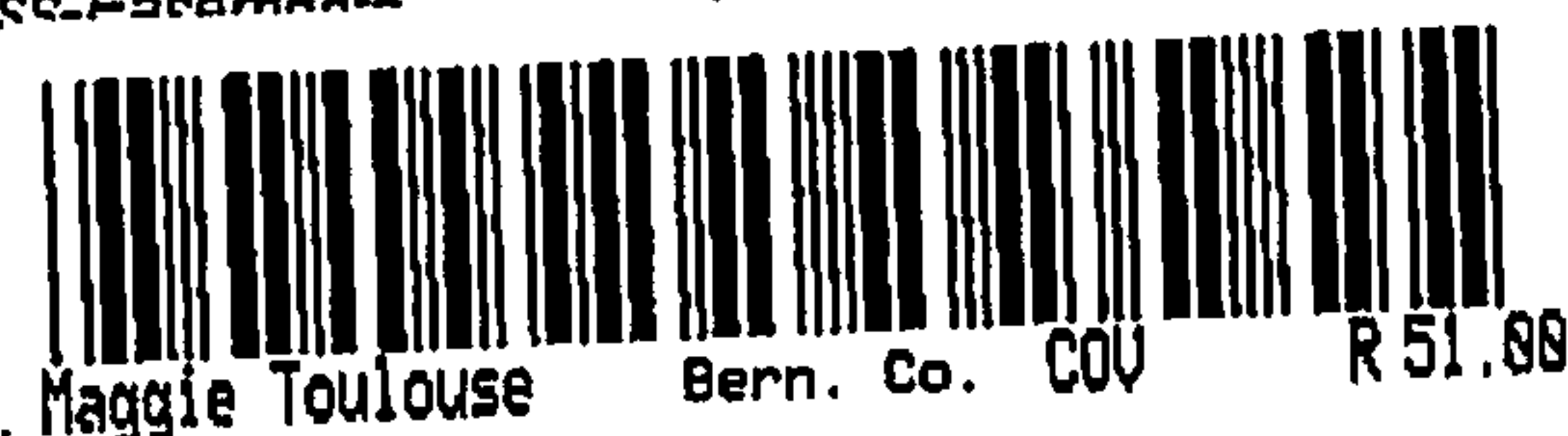
**Section 4.18. Changes in the Event of Governmental Requirements.**

In the event that the requirements of a governmental authority with appropriate jurisdiction, including but not limited to the City of Albuquerque, render any provision of this Declaration to be ineffective in light of the apparent intention of such provision, the Owner's shall seek in good faith to amend this Declaration so as to achieve the apparent intention of this Declaration.

**Section 4.19 Modification.** This Declaration may be modified, amended or canceled only by a written agreement of the then owners of at least 75% of the land area of the Property, which is recorded in the Official Records; provided however, that, notwithstanding the foregoing, the provisions of any subsection of Section 3.01 may not be amended without the written joinder of the owner of the Parcel that is benefited by the restrictions contained in that subsection.

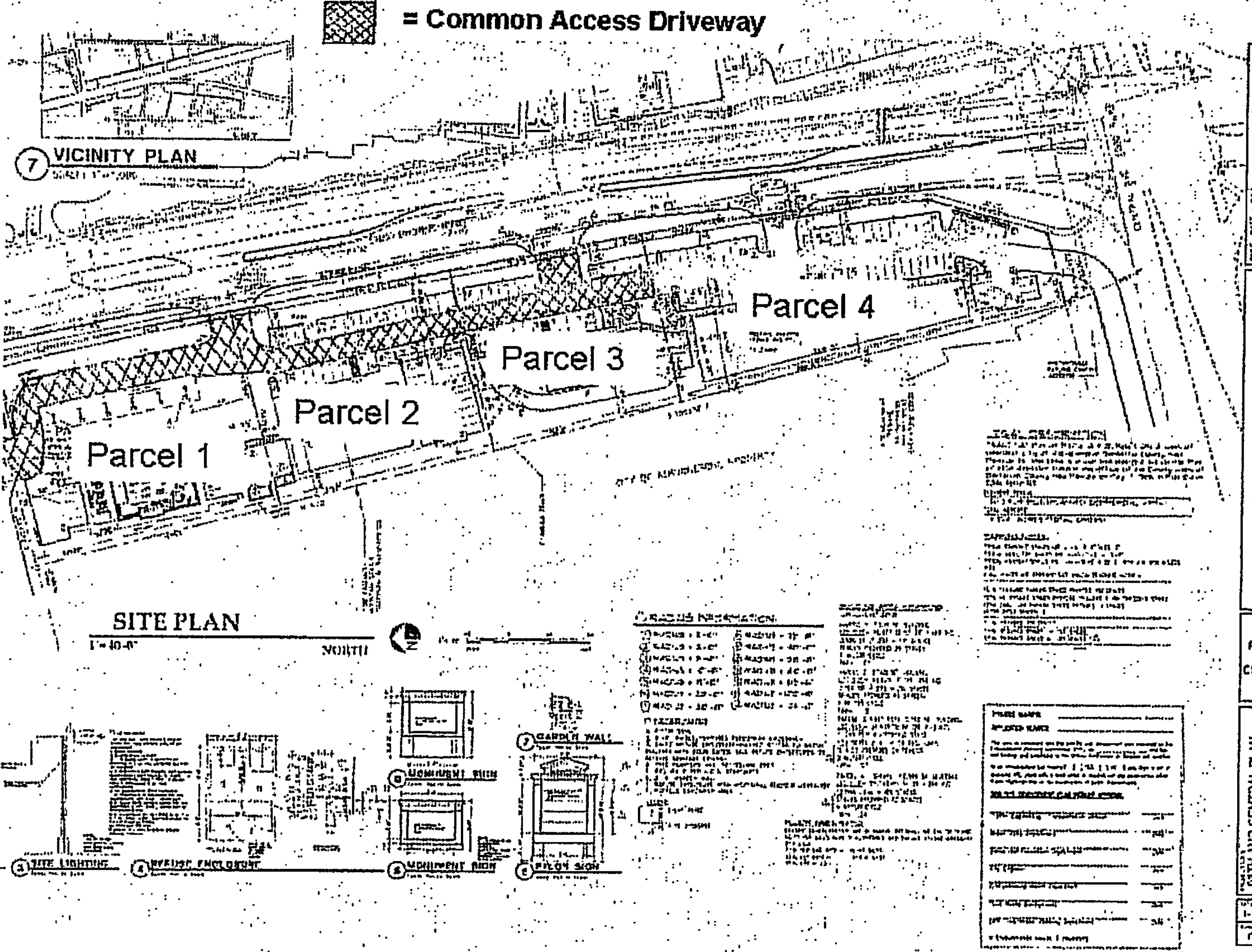
**ARTICLE V - GRANTEE'S COVENANT**

Each grantee, tenant or other person in interest, accepting either a deed or any other interest in any Parcel, whether or not the same incorporates or refers to this Declaration, covenants for himself, his heirs, successors and assigns to observe, perform and be bound by this Declaration and to incorporate this Declaration by reference in any deed or other document of conveyance of all or any portion of its interest in any real property subject hereto.









# Exhibit "A" to Declaration of Covenants, Conditions, and Restrictions

21 E 1 198TH AND CENTRAL PLAZA  
 22 #8  
 23 SITE PLAN FOR 88th & CENTRAL  
 24  
 25

EXHIBIT B-1

PARCEL 1 LEGAL DESCRIPTION

THAT PORTION OF TRACT 1A, ROW 1, UNIT 1 WEST OF WESTLAND WITHIN THE TOWN OF ATRISCO GRANT IN PROJECTED SECTION 21, TOWNSHIP 10 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERN MOST POINT OF THE ABOVE-DESCRIBED TRACT (BEING A POINT BEARING SOUTH 85°40'33" EAST A DISTANCE OF 211.86' TO ALBUQUERQUE CONTROL SURVEY MONUMENT "10-19" NEW MEXICO STATE PLAN COORDINATES CENTRAL ZONE [NAD27] AS PUBLISHED: Y = 1,482,084.51, X = 352,794.84 WITH ELEVATION = 5204.437 [NGVD 29], GROUND TO GRID FACTOR = 0.99967602) AND BEARING A FOUND CONC. NAIL W/ BRASS DISK STAMPED "L.S. 10202"; THENCE NORTH 15°03'10" WEST ALONG THE WEST LINE OF SAID TRACT A DISTANCE OF 792.79 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WEST LINE OF SAID TRACT NORTH 15°03'10" WEST A DISTANCE OF 243.54 FEET TO A POINT (SAID POINT ALSO BEING THE NORTHWESTERN MOST POINT OF THE ABOVE-REFERENCED TRACT; THENCE NORTH 74°49'59" EAST, A DISTANCE OF 170.27 FEET TO A POINT; THENCE SOUTH ALONG A CURVE WITH A CHORD OF 42.52 FEET, CHORD BEARING OF NORTH 60°02'03" WEST, DELTA OF 90°15'55", TANGENT OF 30.14 FEET, RADIUS OF 30.00, AND LENGTH OF 47.26'; THENCE SOUTH ALONG A CURVE WITH A CHORD OF 165.55 FEET, CHORD BEARING OF NORTH 13°46'43" WEST, DELTA OF 02°14'45", TANGENT OF 82.79', RADIUS OF 4223.75', AND LENGTH OF 165.56 FEET; THENCE SOUTH 11°06'50" EAST, A DISTANCE OF 48.41 FEET; THENCE SOUTH 74°56'57" WEST, A DISTANCE OF 193.32 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 1 CONTAINS APPROXIMATELY 48,164.3 SQUARE FEET.



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EXHIBIT B-2

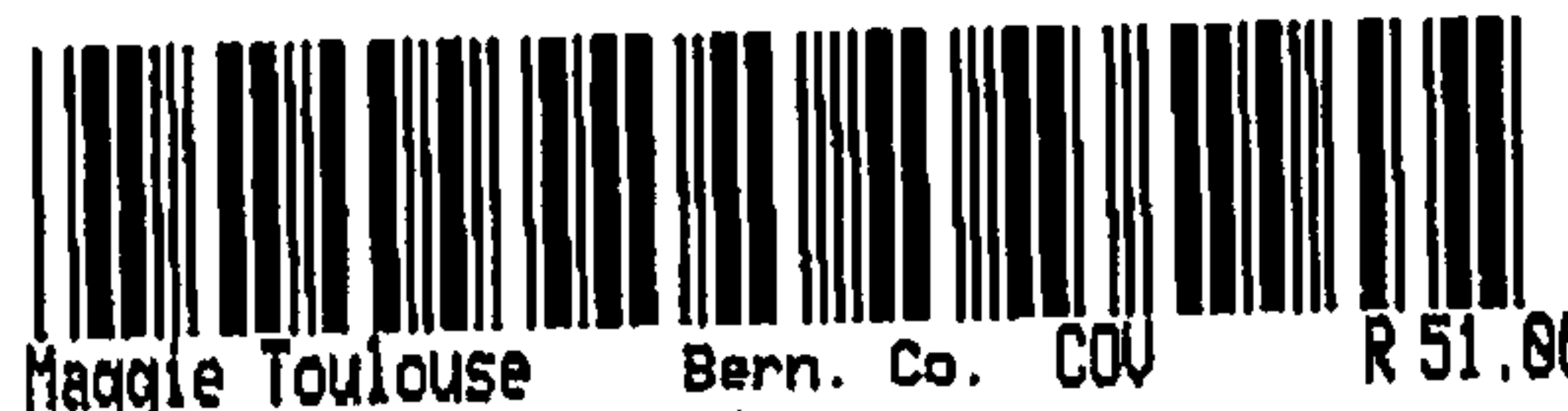
PARCEL 2 LEGAL DESCRIPTION

THAT PORTION OF TRACT 1A, ROW 1, UNIT 1 WEST OF WESTLAND WITHIN THE TOWN OF ATRISCO GRANT IN PROJECTED SECTION 21, TOWNSHIP 10 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERN MOST POINT OF THE ABOVE-DESCRIBED TRACT (BEING A POINT BEARING SOUTH 85°40'33" EAST A DISTANCE OF 211.86' TO ALBUQUERQUE CONTROL SURVEY MONUMENT "10-19" NEW MEXICO STATE PLAN COORDINATES CENTRAL ZONE [NAD27] AS PUBLISHED: Y = 1,482,084.51, X = 352,794.84 WITH ELEVATION = 5204.437 [NGVD 29], GROUND TO GRID FACTOR = 0.99967602) AND BEARING A FOUND CONC. NAIL W/ BRASS DISK STAMPED "L.S. 10202"; THENCE NORTH 15°03'10" WEST ALONG THE WEST LINE OF SAID TRACT A DISTANCE OF 577.79 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WEST LINE OF SAID TRACT NORTH 15°03'10" WEST A DISTANCE OF 215.00 FEET TO A POINT; THENCE NORTH 74°56'57" EAST, A DISTANCE OF 193.32 FEET TO A POINT; THENCE SOUTH 11°06'50" EAST, A DISTANCE OF 217.75 FEET TO A POINT; THENCE SOUTH 75°39'57" WEST, A DISTANCE OF 178.38 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2 CONTAINS APPROXIMATELY 40,171 SQUARE FEET.



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EXHIBIT B-3

PARCEL 3 LEGAL DESCRIPTION

THAT PORTION OF TRACT 1A, ROW 1, UNIT 1 WEST OF WESTLAND WITHIN THE TOWN OF ATRISCO GRANT IN PROJECTED SECTION 21, TOWNSHIP 10 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERN MOST POINT OF THE ABOVE-DESCRIBED TRACT (BEING A POINT BEARING SOUTH 85°40'33" EAST A DISTANCE OF 211.86' TO ALBUQUERQUE CONTROL SURVEY MONUMENT "10-19" NEW MEXICO STATE PLAN COORDINATES CENTRAL ZONE [NAD27] AS PUBLISHED: Y = 1,482,084.51, X = 352,794.84 WITH ELEVATION = 5204.437 [NGVD 29], GROUND TO GRID FACTOR = 0.99967602) AND BEARING A FOUND CONC. NAIL W/ BRASS DISK STAMPED "L.S. 10202"; THENCE NORTH 15°03'10" WEST ALONG THE WEST LINE OF SAID TRACT A DISTANCE OF 387.76 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WEST LINE OF SAID TRACT NORTH 15°03'10" WEST A DISTANCE OF 190.03 FEET TO A POINT; THENCE NORTH 75°39'57" EAST, A DISTANCE OF 178.38 FEET TO A POINT; THENCE SOUTH 11°06'50" EAST, A DISTANCE OF 191.36 FEET TO A POINT; THENCE SOUTH 76°01'29" WEST, A DISTANCE OF 165.25 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 3 CONTAINS APPROXIMATELY 32,740 SQUARE FEET.



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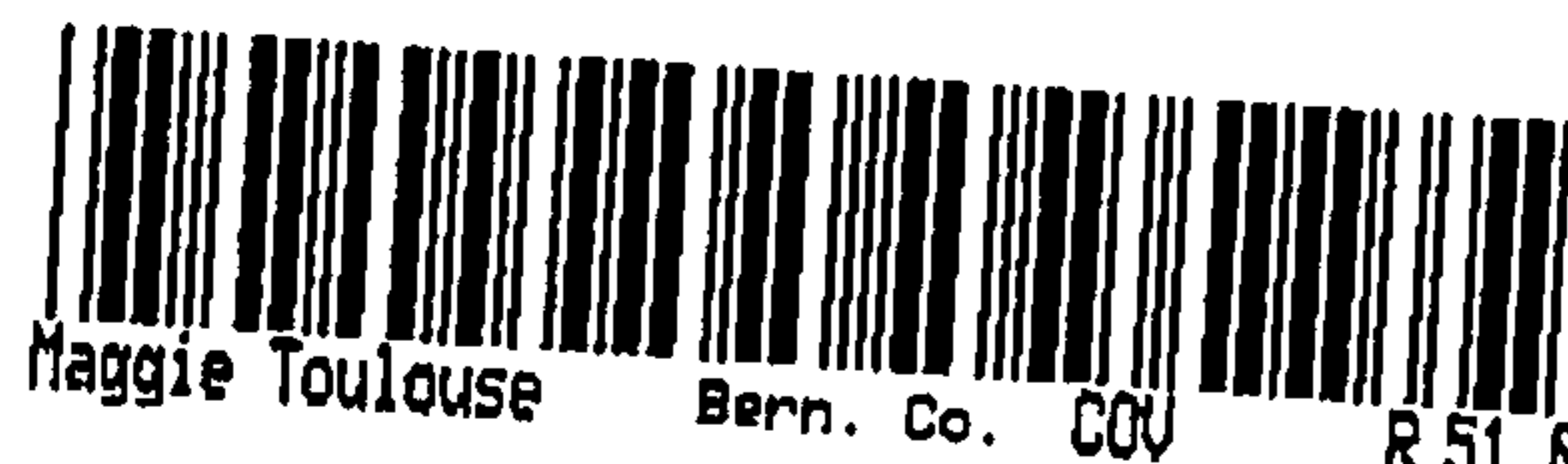
EXHIBIT B-4

PARCEL 4 LEGAL DESCRIPTION

THAT PORTION OF TRACT 1A, ROW 1, UNIT 1 WEST OF WESTLAND WITHIN THE TOWN OF ATRISCO GRANT IN PROJECTED SECTION 21, TOWNSHIP 10 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERN MOST POINT OF THE ABOVE-DESCRIBED TRACT (BEING A POINT BEARING SOUTH 85°40'33" EAST A DISTANCE OF 211.86' TO ALBUQUERQUE CONTROL SURVEY MONUMENT "10-19" NEW MEXICO STATE PLAN COORDINATES CENTRAL ZONE [NAD27] AS PUBLISHED: Y = 1,482,084.51, X = 352,794.84 WITH ELEVATION = 5204.437 [NGVD 29], GROUND TO GRID FACTOR = 0.99967602) AND BEARING A FOUND CONC. NAIL W/ BRASS DISK STAMPED "L.S. 10202" THENCE NORTH 15°03'10" WEST ALONG THE WEST LINE OF SAID TRACT, A DISTANCE OF 387.76 FEET TO A POINT; THENCE NORTH 76°01'29" EAST, A DISTANCE OF 165.25 FEET TO A POINT; THENCE SOUTH 11°06'50" EAST, A DISTANCE OF 45.81 FEET TO A POINT; THENCE SOUTH 10°04'56" EAST, A DISTANCE OF 48.10 FEET TO A POINT; THENCE SOUTH 07°37'42" EAST, A DISTANCE OF 46.13 FEET TO A POINT; THENCE SOUTH 10°29'10" EAST, A DISTANCE OF 45.34 FEET TO A POINT; THENCE SOUTH 06°02'15" EAST, A DISTANCE OF 101.97 FEET TO A POINT; THENCE SOUTH 15°28'54" WEST, A DISTANCE OF 121.73 FEET TO A POINT; THENCE SOUTH 74°59'40" WEST, A DISTANCE OF 73.70 FEET BACK TO THE POINT OF BEGINNING.

PARCEL 4 CONTAINS APPROXIMATELY 53,652.85 SQUARE FEET.



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**PETERSON PROPERTIES**  
**Real Estate Services, Inc.**

#9

HAND DELIVERED  
Monday, March 12, 2007

City of Albuquerque  
Planning Department  
600 2nd St. NW  
Albuquerque, NM 87103

ATTN: Claire Senova, DRB Administrative Assistant c/f the following DRB members:

1. Sheran Matson, AICP, Chair, Planning Department
2. Wilfred Gallegos, Transportation Development, Planning Dept.
3. Brad Bingham, Alternate City Engineer, Planning Department
4. Roger Green, Utility Development, Water Utility Department
5. Christina Sandoval, Parks & Recreation

RE: Project #1003794  
07DRB-00181 Minor-SiteDev Plan Subd/EPC  
07DRB-00182 Minor-SiteDev Plan Bldg Permit/EPC  
07DRB-00183 Minor-Prelim&Final Plat Approval

ENC: 2 CHECKS, EACH IN THE AMOUNT OF \$50, FOR DEFERRAL FEES  
(5 SET OF EACH OF THE FOLLOWING)  
SITE PLAN FOR SUBDIVISION (SHEETS AS1 AND AS2) UPDATED AS OF 3/8/07  
SITE PLAN FOR BUILDING PERMIT AND ELEVATIONS (SHEETS AS3 AND A3.2) UPDATED AS  
OF 3/8/07  
MASTER UTILITY PLAN (SHEET C 3) UPDATED AS OF 3/9/07  
GRADING AND DRAINAGE PLAN (SHEET C 2) UPDATED AS OF 3/9/07  
PLAT OF LOTS 1 THRU 4 OF VOLCANO POINT SHOPPING CENTER, DATED JANUARY, 2007  
INFRASTRUCTURE LIST  
MASTER UTILITY PLAN (SHEET C 3) UPDATED AS OF 3/6/07, INITIALED BY FIRE MARSHAL

Dear Claire and DRB Members,

Enclosed herewith, please find the above-referenced items submitted in follow up to the DRB hearing on the referenced cases on 2/21/07 and in anticipation of their re-hearing on Wednesday 3/14/07.

Sincerely,

Doug Peterson  
Peterson Properties



**PETERSON PROPERTIES**  
**Real Estate Services, Inc.**

July 9, 2007


City of Albuquerque  
Development Review Board  
PO Box 1239  
Albuquerque, NM 87103

**RE: Volcano Point Shopping Center**

To Whom It May Concern:

As the Owner/Developer, I hereby grant Tierra West LLC to act as agent on behalf of Peterson - 98<sup>th</sup>/Peterson, LLC, on matters pertaining to any and all submittals to the City of Albuquerque regarding the above referenced project.

Douglas Peterson  
Print Name

  
Sign Name

7/9/07  
Date

2/20

#1003794

No. Of Lots 4  
Nearest Major Streets Central & 98<sup>th</sup>

FIGURE 12  
SUBDIVISION IMPROVEMENTS  
AGREEMENT-PUBLIC AND/OR PRIVATE  
(Procedure B)

AGREEMENT TO CONSTRUCT  
PUBLIC AND/OR PRIVATE SUBDIVISION IMPROVEMENTS

THIS AGREEMENT is made this 13<sup>th</sup> day of June, 2007, by and between the City of Albuquerque, New Mexico ("City"), a municipal corporation, whose address is P. O. Box 1293 (One Civic Plaza), Albuquerque, New Mexico 87103, and Peterson - 98<sup>th</sup>/Central LLC ("Subdivider"), a New Mexico Limited Liability Company, whose address is 2325 San Pedro NE, #2A, Albuquerque, NM 87110 and whose telephone number is 505-884-3578, is made in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

1. Recital. The Subdivider is developing certain lands within the City of Albuquerque, Bernalillo County, New Mexico, known as [describe:] Tract 1A, Row 1, Unit A, West of Westland, recorded on May 17, 1988 in the records of the Bernalillo County Clerk at Book C36 Folio 129 (the "Subdivision"). The Subdivider certifies that the Subdivision is owned by [state the name of the present real property owner exactly as shown on the real estate document conveying title in the Subdivision to the present owner:] Peterson - 98<sup>th</sup>/Central LLC ("Owner").

The Subdivider has submitted and the City has approved a preliminary plat or Site Development Plan identified as Volcano Point Shopping Center describing Subdivider's Property.

As a result of the development of the Subdivision, the Subdivision Ordinance ("S.O.") and/or the Zoning Code, Section 14-16-3-11, require the Subdivider, at no cost to the City, to install certain public and/or private Improvements, which are reasonably related to the development of the Subdivision, or to financially guarantee the construction of the public and/or private Improvements as a prerequisite to approval of the final plat of, or the Site Development Plan for the Subdivision.

2. Improvements and Construction Deadline. The Subdivider agrees to install and complete the public and/or private improvements described in Exhibit A, the required infrastructure listing ("Improvements"), to the satisfaction of the City, on or before the 15<sup>th</sup> day of June, 2009 ("Construction Completion Deadline"), at no cost to the City. The improvements are shown in greater detail on the Subdivider's proposed and approved plans, which have been filed with the City Engineer and are identified as Project No. 790383.

Note: To compute the Construction Completion Deadline: If a final plat will be filed after Subdivider meets the requirements of this Agreement, the Construction Completion Deadline can be no later than two years after execution of this Agreement. (See Subdivision Ordinance Section 14-14-3.) If a final plat will not be filed pursuant to this Agreement, the Construction Completion Deadline can be no later than one year after approval of the preliminary plat by the Development Review Board (DRB), unless the DRB grants an extension, not to exceed one additional year per extension, and the Subdivider processes an amendment to the Agreement. (See Subdivision Ordinance Section 14-14-3.) If this Agreement, with any amendments does not utilize the maximum time allowed for completion of construction, the Subdivider may obtain an extension of the Construction Completion Deadline if Subdivider shows adequate reason for





the extension.

Work Order Requirements. The City agrees to issue a Work Order after:

A. The Subdivider causes to be submitted all documents, and meets all requirements listed in Development Process Manual, Volume 1, Chapter 5, Work Order Process, and figure 1, including submitting a Certificate of Insurance in a form acceptable to the City. The certificate must establish that the Subdivider has procured or has caused to be procured public liability insurance in the amount of not less than One Million Dollars (\$1,000,000) combined single limit for accidents or occurrences which cause bodily injury, death or property damage as a result of any condition of the Subdivision, the Improvements or the Subdivider's construction activities within, or related to the Subdivision. The insurance policy must name the City of Albuquerque, its employees and elected officials, as their interest may appear, as additional insured's. The Subdivider must maintain the insurance until the City accepts the public Improvements and/or approves the private Improvements. The cancellation provision must provide that, if the policy is either canceled prior to the expiration date of the policy or is materially changed or not renewed, the issuing company will mail 30 days written notice to the City, attention City Engineer.

B. The Subdivider complies with all applicable laws, ordinances and regulations, including, but not limited to the City Excavation Ordinance and Sidewalk Ordinance, and pays the following required engineering, staking, testing fees, and other related City fees and County Clerk recording fees:

<u>Type of Fee</u>	<u>Amount</u>
<u>Engineering Fee</u>	<u>3.25% of Actual Construction Cost</u>
<u>Excavation &amp; Sidewalk Fees</u>	<u>As required per City-approved estimate</u>
<u>Street Restoration Fees</u>	<u>As required per City-approved estimate (Fig. 7)</u>

*(Note: The Subdivider must pay the City all City fees which have been incurred during construction before the City will accept the Public Improvements.)*

4. Surveying, Inspection and Testing. The improvements shall be inspected, surveyed and tested in accordance with all applicable laws, ordinances, and regulations, and according to the following terms:

A. Construction Surveying. Construction surveying for the construction of the Public Improvements shall be performed by Surv-Tek Inc., and construction surveying of the Private Improvements shall be performed by Surv-Tek, Inc.. If the construction surveying is performed by an entity other than the City, the City may monitor the construction surveying and the Subdivider shall ensure that the construction surveying entity provides all construction surveying field notes, plats, reports and related data to the City which the City requires for review. Record drawings shall be provided by the entity performing the survey. The Subdivider shall pay the City a reasonable fee for any construction surveying performed by the City.

B. Construction Inspection methods. Inspection of the construction of the Public Improvements shall be performed by Tierra West LLC, and inspection of the Private Improvements shall be performed by Tierra West LLC, both New Mexico Registered Professional Engineers. If the inspection is performed by an entity other than the City, the City may monitor the inspection and the Subdivider shall ensure that the inspecting entity provides all inspection results, reports and related data to the City, which the City requires for review. The City retains the right to perform its own general overall inspection of the construction project at any time prior to final acceptance of the Improvements, if deemed necessary or advisable by the City engineer. The Subdivider shall pay the City a reasonable fee for the level of inspection performed by the City.

C. Field Testing. Field-testing of the construction of the Public Improvements shall be performed by Vinyard & Associates, and field testing of the Private Improvements shall be performed by Vinyard & Associates, both certified testing laboratories under the supervision of a New Mexico Registered Professional Engineer, in accordance with the current City of Albuquerque Standard Specifications for the Public Works Construction. If any field-testing is performed by an entity other than the City, the City may monitor the field testing and the Subdivider shall ensure that the field testing entity provides all field testing results, reports, and related data to the City which the City requires for review. The Subdivider shall pay the City a reasonable fee for any field-testing performed by the City.

D. Additional Testing. The City retains the right to perform all additional testing which the City Engineer deems is necessary or advisable and the Subdivider shall pay the City a reasonable fee therefore.

5. Financial Guaranty. If final plat approval is not requested prior to construction of the Subdivision, a financial guaranty is not required. If final plat approval is requested, the Subdivider must provide the City with a financial guaranty in an amount of not less than 125% of the estimated cost of constructing the Improvements, as approved by the City Engineer. The financial guaranty must be irrevocable and may be in the form of a letter of credit, escrow deposit or loan reserve letter issued by a Federally Insured Financial Institution; a bond issued by a surety qualified to do business in New Mexico; or other pledge of liquid assets which meets all City requirements. The City must be able to call the financial guaranty at any time within the sixty (60) days immediately following the Construction Completion Deadline.

To meet the Subdivision Ordinance requirements, the Subdivider has acquired or is able to acquire the following "Financial Guarantee:"

Type of Financial Guaranty: Loan Reserve Letter  
Amount: \$ 463,238.09  
Name of Financial Institution or Surety providing Guaranty:  
Bank of Oklahoma  
Date City first able to call Guaranty: June 15, 2009  
[Construction Completion Deadline]: June 15, 2009  
If Guarantee other than a Bond, last day City able to call on Guaranty is:  
August 15, 2009  
Additional information: \_\_\_\_\_

6. Notice of Start of Construction. Before construction begins, the Subdivider shall deliver an acceptable Notice to Proceed to the City and shall arrange or a preconstruction conference and all required inspections.

7. Completion, Acceptance and Termination. When the City receives Subdivider's final acceptance package, the City shall review it for completeness and accuracy. (See DPM Volume 1, Chapter 5, Work Order Process, Step 9.) If the package is acceptable, the City shall approve the package and issue a Certificate of Completion and Acceptance for the Public Improvements and a Certificate of Completion for the Private Improvements. Thereafter, the Subdivider's obligations to the City pursuant to this Agreement shall terminate, with the exception of the bond or other guarantee which the Subdivider has provided to assure the materials and workmanship, as required by the Subdivision Ordinance. After the City approves the final acceptance package, the City will promptly release this Agreement and the Financial Guaranty.

8. Conveyance of Property Rights. When the Improvements are completed, if the City does not own the real property upon or in which the Public Improvements are constructed, the Subdivider will convey to the city all real and personal property rights which the City deems reasonably necessary, and all Public Improvements, free and clear of all claims, encumbrances and liens before the City will accept the Public Improvements. Conveyance may be made by appropriate dedication on the final plat of the Subdivision.

9. Reduction of Financial Guaranty Upon Partial Completion. The subdivider shall be entitled to a reduction of the Financial Guaranty as a result of completing construction of part of the Improvements if the following conditions are met:

A. Loan Reserve Financial Guaranty. If a loan reserve letter was provided as the Financial Guaranty, the Subdivider must follow the procedures and meet the requirements detailed in the Development Process Manual, Volume 1, Chapter 5.

B. Non-Loan Reserve Financial Guaranty. If a Financial Guaranty other than a loan reserve letter has been provided, the completed Improvements must be freestanding, functionally independent of any Improvements which have not yet been completed and completed in substantial compliance with the approved construction plans, as determined by City on-site inspection in order to qualify for a Financial Guaranty reduction. If the Improvements, which have been, completed meet all City requirements, the City Engineer will estimate the cost of completing the remaining Improvements. Thereafter, the subdivider must submit the following documents to the City for review and approval:

- (1) A revised Financial Guaranty in an amount of not less than 125% of the cost of completing the remaining Improvements, as estimated by the City;
- (2) A bond or other instrument acceptable to the City, which guarantees the completed Improvements against defective materials and workmanship for the period required by the Subdivision Ordinance.
- (3) Conveyance of real and personal property rights which meet the requirements of Section 8 of this Agreement.

After the City receives and approves the required documents, the City shall issue a Partial Certificate of Completion and Acceptance for the completed Public Improvements and a Certificate of Partial Completion for the completed Private Improvements.

10. Indemnification. Until the Improvements are accepted by the City, the Subdivider shall be solely responsible for maintaining the premises upon which the Improvements are being constructed in a safe condition. The Subdivider agrees to defend, indemnify and hold harmless the City and its officials, agents and employees from any claims, actions, suits or other proceedings arising from or out of the negligent acts or omissions of the Subdivider, its agents, representatives, contractors or subcontractors or arising from the failure of the Subdivider, its agents, representatives, contractors or subcontractors to perform any act or duty required of the Subdivider herein; provided, however, to the extent, if at all, Section 56-7-1 NMSA 1978 is applicable to this Agreement, this Agreement to indemnify will not extend to liability, claims, damages, losses or expenses, including attorney fees, arising out of (1) the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs or specifications by the indemnitee, or the agents or employees of the indemnitee; or (2) the giving of or the failure to give directions or instructions by the indemnitee, where such giving or failure to give directions or instructions is the primary cause of bodily injury to persons or damage to property. The indemnification required hereunder shall not be limited as a result of the specifications of any applicable insurance coverage. Nothing herein is intended to impair any right or immunity

under the laws of the State of New Mexico.

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

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

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

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

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

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

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

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


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

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

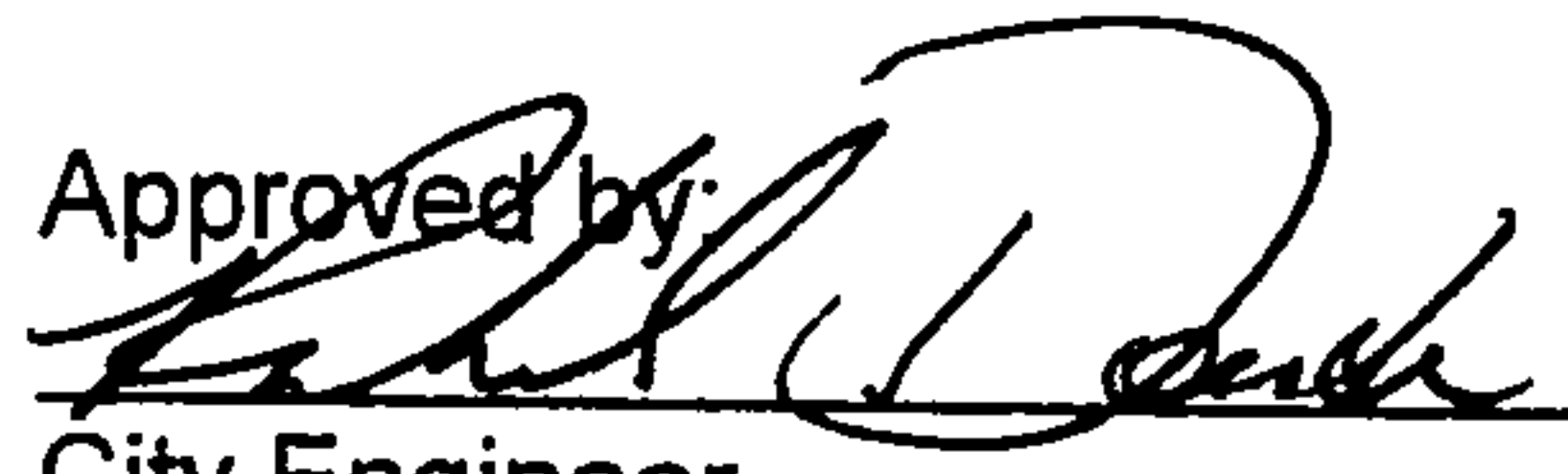
21. Authority to Execute. If the Subdivider signing below is not the Owner of the Subdivision, the Owner must execute the Power of Attorney below.

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

SUBDIVIDER:  
Peterson – 98<sup>th</sup>/Central, LLC  
By JMD Partnership Ltd. Liability Co.  
Managing Member

By [Signature]:   
Name: Douglas H. Peterson  
Title: Managing Member  
Dated: 6/6/07

CITY OF ALBUQUERQUE

Approved by:   
City Engineer  
Dated: 6-13-07

6/13/07

6-11-07

SUBDIVIDER'S NOTARY

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

This instrument was acknowledged before me on 6<sup>TH</sup> day of JUNE, 2007  
by [name(s) of person(s):] Douglas H. Peterson, [title or capacity, for instance, "President" or  
"Owner":] Managing Member of JMD Partnership Ltd. Liability Co., Managing Member of  
[Subdivider:] Peterson - 98<sup>th</sup>/Central LLC



OFFICIAL SEAL  
COLLEEN R. McGRATH  
NOTARY PUBLIC - STATE OF NEW MEXICO  
My commission expires: 10/19/09

Colleen R. McGrath  
Notary Public

10/19/09

CITY'S NOTARY

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

This instrument was acknowledged before me on 13 day of June, 2007 by  
Richard Douste, City Engineer, of the City of Albuquerque, a municipal corporation, on  
behalf of said corporation.

Lisa Cornejo  
Notary Public

My Commission Expires:

July 5, 2010



EXHIBIT A AND POWER OF ATTORNEY ATTACHED

**ORIGINAL**

**INFRASTRUCTURE LIST**  
(Rev. 8-28-05)  
**EXHIBIT "A"**  
**TO SUBDIVISION IMPROVEMENTS AGREEMENT**  
**DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST**

Lots 1 thru 4 Volcano Point Shopping Center  
**PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAN**

Tract 1A, ROW 1, UNIT 1 West of Westland  
**EXISTING LEGAL DESCRIPTION PRIOR TO FLATTING ACTION**

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This 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 approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	P.E.	City Cnst Engineer
		175'	Left Turn Lane	98th Street	492' North of Central Avenue	300' North of Central Ave.	/	/	/
		100'	Left Turn Lane	98th Street	780' North of Central Avenue	680' North of Central Avenue	/	/	/
		6'	Bike Lane West Side Only	98th Street	North Property	Central Avenue	/	/	/
		8'	Concrete Sidewalk West Side Only	98th Street	North Property Line	South Property Line	/	/	/
			Pavement Overlay	98th Street	Central Avenue	North Property Line	/	/	/
		8"	Standard Curb & Gutter West Side Only	98th Street	South Property Line	North Property Line	/	/	/
		8"	<del>Standard Curb &amp; Gutter South Side Only</del> <i>DELETED</i>	<del>Volcano Road</del>	<del>East Property Line</del>	<del>West Property Line</del>	/	/	/
		8"	<del>Concrete Sidewalk South Side Only</del> <i>DELETED</i>	<del>Volcano Road</del>	<del>East Property Line</del>	<del>West Property Line</del>	/	/	/
		24"	<del>Pavement Section</del>	<del>Volcano Road</del>	<del>98th Street</del>	<del>West Property Line</del>	/	/	/

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification		
							Private Inspector	Private P.E.	City Cnst Engineer
		10"	Waterline	Volcano Road	East Property Line	West Property Line	/	/	/
			<del>Improvements to Franchise Road</del>	<del>Franchise Road</del>	<del>East Property Line</del>	<del>West Property Line</del>	/	/	/
			Water Infrastructure to include Valves, Fittings, Valve Boxes and Fire Hydrants as required.						
			Sanitary Sewer to include Manholes and Service Connections as required.						
		1" & 2"	Waterline Slubs & Meter Boxes	Lot 1	98th Street	Property Line	/	/	/
		4"	SAS Stub	Lot 1	98th Street	Property Line	/	/	/
		1"	Waterline Stub and Meter Box	Lot 2	98th Street	Property Line	/	/	/
		6"	SAS Stub	Lot 2	98th Street	Property Line	/	/	/
		2"	Waterline Stub and Meter Box	Lot 3	98th Street	Property Line	/	/	/
		4"	SAS Stub	Lot 3	98th Street	Property Line	/	/	/
		2"	Waterline Stub and Meter Box	Lot 4	98th Street	Property Line	/	/	/
		4"	SAS Stub	Lot 4	98th Street	Property Line	/	/	/



The items listed below are on the CCIP and approved for Impact Fee credits. Signatures from the Impact Fee Administrator and the City User Department is required prior to DRB approval of this listing. The items listed below are subject to the standard SIA requirements.

Financially Guaranteed DRC #	Constructed Under DRC #	Size	Type of Improvement	Location	From	To	Construction Certification			
							Private Inspector	P.E.	City Cnst Engineer	
							/	/	/	
							/	/	/	
Approval of Creditable Items:							Approval of Creditable Items:			
Impact Fee Administrator Signature							Date	City User Dept. Signature		Date

NOTES

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

Street lights per City requirements.

1

Street Lights and Signs per DPM requirements.

2

3

AGENT / OWNER      DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

DOUGLAS PETERSON  
NAME (print)

Peterson - 95th/Central, LLC  
FIRM

[Signature]  
SIGNATURE - date

[Signature] 3/14/07  
DRB CHAIR - date

Christina Landoval 3/14/07  
PARKS & RECREATION - date

[Signature] 3-14-07  
TRANSPORTATION DEVELOPMENT - date

\_\_\_\_\_  
AMAFCA - date

[Signature] 3/14/07  
UTILITY DEVELOPMENT - date

\_\_\_\_\_  
- date

Bradley L. Bingham 3/14/07  
CITY ENGINEER - date

\_\_\_\_\_  
- date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT / OWNER
A	3-27-07	[Signature]	[Signature]	[Signature]

# FINANCIAL GUARANTY AMOUNT

04/10/2007

Type of Estimate: SIA Procedure - B - w/F.G.

Project Description:

Project ID #: 790383, Volcano Point Shopping Center, Phase/Unit #: 1

Requested By: Ronald R Bohannan

Approved estimate amount:		\$290,265.61
Contingency Amount:	10.00%	\$29,026.56
Subtotal:		\$319,292.17
NMGRT	6.875%	\$21,951.34
Subtotal:		\$341,243.51
Engineering Fee	6.60%	\$22,522.07
Testing Fee	2.00%	\$6,824.87
Subtotal:		\$370,590.47
FINANCIAL GUARANTY RATE		1.25
Retainage Amount:		\$ .00
<b>TOTAL FINANCIAL GUARANTY REQUIRED</b>		<b><u>\$463,238.09</u></b>

APPROVAL:

DATE:

Stephen Woodall

4-20-07

Notes: 10% contingency; plans not approved  
Does not Include Street Light, Trenching and Conduit.



June 4, 2007

Mr. Bruce Perlman  
Chief Administrative Officer  
City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103

RE: Loan Reserve for **Peterson – 98<sup>th</sup>/Central LLC**  
City Project No.: **790383**  
Project Name: **Volcano Point Shopping Center**

Dear Mr. Perlman:

This is to advise the City of Albuquerque ("City") that, at the request of **Peterson – 98<sup>th</sup>/Central LLC** ("Subdivider"), the **Bank of Oklahoma**, ("Financial Institution") in **Oklahoma City, Oklahoma** holds a loan reserve the sum of **Four Hundred Sixty Three Thousand Two Hundred Thirty Eight and 09/100, (\$ 463,238.09 )** ("Loan Reserve") for the exclusive purpose of providing the financial guarantee which the City requires **Peterson – 98<sup>th</sup>/Central LLC** ("Subdivider") to provide for the installation of the improvements which must be constructed at **Volcano Point Shopping Center**, Project No. **790383** ("Project"). The amount of the Loan Reserve is 125% of the City's estimated cost of the Project, as required by the City's Subdivision Ordinance. The improvements are identified in the agreement between the City of Albuquerque and Subdivider, which was recorded on [date, leave blank:] June 15, 20 07 in the records of the Clerk of Bernalillo County, New Mexico in Book Misc. [leave blank:] NA, at pages [leave blank:] NA to [leave blank:] NA, as amended ("Agreement").

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

2. Liability of Financial Institution. Although the City may approve the Financial Institution's release of a part of the loan reserves, the approval will not constitute the City's final acceptance of part or all of the Project. However, no matter what agreement exists between the Subdivider and the City, the total liability of the Financial Institution to the City with respect to the loan reserves established pursuant to this Loan Reserve Letter shall at all times be limited to the




lesser of the amount stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City, and the Financial Institution's liability to the City under this Loan Reserve Letter shall cease upon termination of the loan reserve as provided in Section 4 herein.

3. Draw on Reserve. If by [insert "Construction Completion Deadline" as stated in Agreement:] June 15, 2009, the improvements described in the Agreement have not been fully installed, inspected, approved and accepted by the City, then, upon presentation between [insert Construction Completion Deadline:] June 15, 2009 and [60 days thereafter:], August 15, 2009 inclusive, the City may demand payment from the Financial Institution up to the lesser of the amount stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City. The City may demand payment by delivering to the Financial Institution a certified "Demand for Payment" executed by the CAO or the CAO's authorized designee, which shall state that the Subdivider has failed to comply with the terms of the Agreement and also shall state the estimated cost of completing the improvements specified in the Agreement ("Estimated Cost of Completion"). Upon receipt of the Demand for Payment, the Financial Institution promptly shall draw from the loan reserves by cashier's check to the City of Albuquerque the amount of 125% of the estimated cost of completion, not to exceed the lesser of the total Loan Reserve amount stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City. The Financial Institution shall deliver the cashier's check promptly to the City.

4. Termination of Reserve. This loan reserve is for the benefit of the City and shall be irrevocable until the occurrence of one of the following:
- A. Sixty (60) days after the City accepts the completed improvements specified in the Agreement; or
  - B. City delivery of the Demand for Payment and the Financial Institution's payment to the City by cashier's check as required in Section 3 herein; or
  - C. Expiration of the date [60 days after Construction Completion Deadline:] August 15, 2009; or
  - D. Written termination of this Loan Reserve Letter, signed by the City Engineer of the City.

Very truly yours,

By:   
 Darin Davis  
 Title: Vice President

ACCEPTED:  
 CITY OF ALBUQUERQUE  
 By:   
 City Engineer  
 Title: \_\_\_\_\_  
 Dated: 6-13-07

*WJE 6/13/07*

*6-11-07*

**CITY OF ALBUQUERQUE  
APPLICATION TO THE DEVELOPMENT REVIEW BOARD (DRB)**

**INSTRUCTIONS**

PRINT OR TYPE IN BLACK INK ONLY. Use additional sheets if necessary. The completed application is to be submitted to the Planning Division by the applicant or agent. Each application must be accompanied by the required filing fee (checks are preferred and made payable to the City of Albuquerque). All attachments must be submitted with the application and, after folding, shall not exceed 8 1/2 x 14 inches. Incomplete or inaccurate applications may delay hearing or decision date. Additional information may be obtained from the Planning Division (505) 763-3860.

CHECK APPLICABLE CATEGORIES. MORE THAN ONE CAN BE CHECKED.

APPLICATION FOR:		Subdivision Variance	
<input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Major Subdivision	<input type="checkbox"/> Subdivision Design Standards	<input type="checkbox"/> Improvements Guarantee (Bulk Land)
<input checked="" type="checkbox"/> Sketch Plat	<input type="checkbox"/> Sketch Plat	<input type="checkbox"/> Other	
<input checked="" type="checkbox"/> Preliminary Plat and Final Plat	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Sector Plan Review	
	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Text Amendment	
<input type="checkbox"/> Location	<input type="checkbox"/> Site Development Plan	<input type="checkbox"/> Plat Correction	
<input type="checkbox"/> Public Right-of-Way	<input type="checkbox"/> Review & Comment		
<input type="checkbox"/> Private Way	<input type="checkbox"/> Approval (DRB only)		
<input type="checkbox"/> Easement	<input type="checkbox"/> Final Sign Off for DRB		
	<input type="checkbox"/> Amended Plan		

DRB  
87-828

RECEIVED

DEC 02 1987

**APPLICANT INFORMATION**

(a) APPLICANT NAME: SHARON LYNN RICHARD Telephone Number: PWD/TRANS DES  
 Mailing Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Applicant's Proprietary Interest in the Property: OWNER  
 (b) Agent (If Any): NEBAR SHARIFIAN Telephone Number: 768-2760  
 Mailing Address: P.O. BOX 1293  
 City: ALBUQUERQUE State: NM Zip Code: 87103

(c) Signature of Applicant or Agent (Print): Albar Sharifian (Sign) Albar Sharifian  
 (d) Has List of Owners Been Provided?  Yes  No (Required for Preliminary Plat Approval)

**LOCATION OF REQUEST**

(a) Street Address (If Any): NONE  
 (b) Present Legal Description of the Property: 1 Lot(s)/Tract(s): 1  
 Block(s): ROW 1

Subdivision/Addition: UNIT A, WEST OF WESTLAND  
 MPOD Map Number (If Any): NONE

(c) Location of Property by Streets (If Applicable): Located on: 98th STREET, NW  
CENTRAL AVE. and VOLCANO AVE.

(d) Uniform Property Code (UB Digit Number Issued by County Assessor): 100905703505130105

(e) Comprehensive Plan Designation (See map in Zone Atlas; Check Applicable Category):  
 Redeveloping Urban  Established Urban  Developing Urban  Semi-Urban  Rural & Open

(f) Applicable Sector Plan or Other Special Plans (If Any): \_\_\_\_\_

**3. PROJECT DETAILS**

(a) Property is Within Jurisdictional Boundaries Of: CITY OF ALBUQUERQUE  
 (b) Present Zoning: RA-2/M-1 Number of Existing Buildings? (If Applicable) NONE

(c) Proposed Zoning (Complete Only if Zone Change Request is Anticipated): \_\_\_\_\_

(d) Number of Lots Existing: 1 Number Proposed: 2

(e) Number of Existing Dwelling Units (If Applicable): NONE Number Proposed: NONE

(f) Total Land Area Covered By Request: (Acres) 4.3095 (Square Feet) 187722

(g) List Cross References To Zoning and Annexation Cases (If Applicable): N/A

(h) List Any Variance Granted (If Applicable) City: \_\_\_\_\_ County: \_\_\_\_\_ Case No.: \_\_\_\_\_

(i) Has Subject Property Been To DRB Before?  Yes  No If Yes List File Number: \_\_\_\_\_

(k) Have Any Of The Following Been Submitted?  Drainage Report  Request for Water/Sewer Availability Statement  
 Infrastructure LTR

- VACATION ONLY:** Give Reason for Request. Use separate sheet. State exactly what is being vacated. Give reasons why the vacation should be granted as per Subdivision Ordinance requirements. Include a sketch of areas to be vacated.
- SITE DEVELOPMENT PLAN ONLY:** Attach previously approved site plan and Notification of Decision. If an amended plan, list changes to previously approved plan.
- SUBDIVISION ONLY:** Include attachments as required by the DPM & Subdivision Ordinance. Attach any variances or easements granted for this property which effects platting if applicable. Attach zoning actions if applicable.
- SUBDIVISION VARIANCE REQUEST:** Include letter of request for improvements guarantee (Bulk Land). Other information as required per the Development Process Manual and Subdivision Ordinance.

**PLANNING DIVISION INTERNAL USE ONLY**

Application & Fees Accepted By: Carl Beermann Date: 12-3-87

Fee Paid Dollars \$ \_\_\_\_\_ Method of Payment \_\_\_\_\_

Is case to be advertised?  Yes  No If Yes Number of Signs Issued: 0

Map Number: K-9  
 Hearing Date: 12-22-87  
 S- \_\_\_\_\_  
 SCS- \_\_\_\_\_  
 SC \_\_\_\_\_  
 V- \_\_\_\_\_  
 SV- \_\_\_\_\_

DRB NUMBER: 87-828

**CITY OF ALBUQUERQUE  
APPLICATION THE DEVELOPMENT REVIEW BOARD (DRB)**

**INSTRUCTIONS**

PRINT OR TYPE IN BLACK INK ONLY. Use additional sheets if necessary. The completed application is to be submitted to the Planning Division by the applicant or agent. Each application must be accompanied by the required filing fee (checks are preferred and made payable to the City of Albuquerque). All attachments must be submitted with the application and, after folding, shall not exceed 8 1/2 x 14 inches. Incomplete or inaccurate applications may delay hearing or decision date. Additional information may be obtained from the Planning Division (505) 768-3860.

(CHECK APPLICABLE CATEGORIES - MORE THAN ONE CAN BE CHECKED)

**APPLICATION FOR:**

- Minor Subdivision**  
 Sketch Plat  
 Preliminary Plat and Final Plat  
 Vacation  
 Public Right-of-Way  
 Private Way  
 Easement

- Major Subdivision**  
 Sketch Plat  
 Preliminary Plat  
 Final Plat  
 Site Development Plan  
 Review & Comment  
 Approval (DRB only)  
 Final Sign Off for EPC  
 Amended Plan

- Subdivision Variance**  
 Subdivision Design Standards  
 Improvements Guarantee (Bulk Land)  
 Other  
 Sector Plan Review  
 Text Amendment  
 Plat Correction  
 Plat Amendment

**1. APPLICANT INFORMATION**

(a) APPLICANT NAME: Rowland Nursery Telephone Number: \_\_\_\_\_  
 Mailing Address: 2633 CAGUA DRIVE  
 City: ALBUQUERQUE State: NEW MEXICO Zip Code: 87110  
 Applicant's Proprietary Interest In the Property: OWNER  
 (b) Agent (If Any): AKBAR SHARIFIAN Telephone Number: 768-2760  
 Mailing Address: P.O. Box 1293  
 City: ALBUQUERQUE State: New Mexico Zip Code: 87110-3  
 (c) Signature of Applicant or Agent (Print): AKBAR SHARIFIAN (Sign) [Signature]  
 (d) Has List of Owners Been Provided?  Yes  No (Required for Preliminary Plat Approval)

**2. LOCATION OF REQUEST**

(a) Street Address (If Any): \_\_\_\_\_  
 (b) Present Legal Description of the Property: Lot(s)/Tract(s): TRACT 51 UNIT A  
 Block(s): \_\_\_\_\_  
 Subdivision/Section: WEST OF WESTLAND  
 NAGCO Map Number (If Any): \_\_\_\_\_  
 (c) Location of Property by Streets (If Applicable): Located on: NOLASCO Between: CENTRAL and VOLCANO RD.  
 (d) Uniform Property Code (18 Digit Number Issued by County Assessor): 100905703505130105  
 (e) Comprehensive Plan Designation (See Map in Zone Atlas; Check Applicable Category):  
 Redeveloping Urban  Established Urban  Developing Urban  Semi-Urban  Rural & Open  
 (f) Applicable Sector Plan or Other Special Plans (If Any): \_\_\_\_\_

**3. PROJECT DETAILS**

(a) Property Is Within Jurisdictional Boundaries Of: CITY OF ALBUQUERQUE  
 (b) Present Zoning: M-1 Number of Existing Buildings? (If Applicable): 0  
 (c) Proposed Zoning (Complete Only if Zone Change Request is Anticipated): UA  
 (d) Number of Lots Existing: 1 Number Proposed: 2  
 (e) Number of Existing Dwelling Units (If Applicable): 0 Number Proposed: 0  
 (f) Total Land Area Covered by Request: (Acres) .1523 (Square Feet) 6634  
 (g) List Cross References To Zoning and Annexation Cases (If Applicable): \_\_\_\_\_  
 (h) List Any Variance Granted (If Applicable) City: \_\_\_\_\_ County: \_\_\_\_\_ Case No.: \_\_\_\_\_  
 (i) Has Subject Property Been To DRB Before?  Yes  No If Yes List File Number: \_\_\_\_\_  
 (k) Have Any Of The Following Been Submitted?  Drainage Report  Request for Water/Sewer Availability Statement  
 Infrastructure List

4. VACATION ONLY: Give Reason for Request. Use separate sheet. State exactly what is being vacated. Give reasons why the vacation should be granted as per Subdivision Ordinance requirements. Include a sketch of areas to be vacated.  
 5. SITE DEVELOPMENT PLAN ONLY: Attach previously approved site plan and Notification of Decision. If an amended plan, list changes to previously approved plan.  
 6. SUBDIVISION ONLY: Include attachments as required by the DPM & Subdivision Ordinance. Attach any variances or easements granted for this property which affects platting if applicable. Attach zoning actions if applicable.  
 7. SUBDIVISION VARIANCE REQUEST: Include letter of request for Improvements guarantee (Bulk Land). Other information as required per the Development Process Manual and Subdivision Ordinance.

**PLANNING DIVISION INTERNAL USE ONLY**

Application & Fees Accepted By: Carl Benavide Date: 4-14-88  
 Fee Paid Dollars \$ 0 Method of Payment 0  
 Is case to be advertised?  Yes  No IF Yes Number of Signs Issued: 0  
 Map Number: K-9  
 Hearing Date: 5-3-88  
 S- \_\_\_\_\_  
 SCS- \_\_\_\_\_  
 SC- \_\_\_\_\_  
 V- \_\_\_\_\_  
 SV- \_\_\_\_\_

DRB NUMBER: 88-1242  
DRB-87-828 (0240L)

DEVELOPMENT REVIEW BOARD--SPEED MEMO

CITY OF ALBUQUERQUE  
PUBLIC WORKS DEPARTMENT/ENGINEERING GROUP

DRB CASE NO.:  
DRB-87-0828

AGENDA ITEM NO.: 21

SUBJECT:

(01) Sketch Plat (02) Bulk Land Variance (03) Sidewalk Variance  
 (04) Preliminary Plat (05) Site Development Plan (06) Vacation  
 (07) Final Plat (08) Infrastructure Listing (09) Sector Plan Bndry  
(10) Sector Plan (11) Other

ACTION REQUESTED: REV/CHG:  APP: SIGN-OFF: EXTN: AMEND

COMMENTS:

1. No adverse comments.

*Flood Plain Dedication*

RESOLUTION:

APPROVED \_\_\_\_\_; DENIED \_\_\_\_\_; DEFERRED INDF; COMMENTS PROVIDED \_\_\_\_\_; WITHDRAWN \_\_\_\_\_  
SIGNED-OFF: (SDP) (FP) (IL) (SP) BY: (WUD) (CE) (TRANS) (PRKS) (PLNG)  
DELEGATED: (SDP) (FP) (IL) (SP) TO: (WUD) (CE) (TRANS) (PRKS) (PLNG)  
FOR: (ABOVE)

SIGNED: Fred J. Aguirre, Hydrologist  
City Engineer/AMAFCO Designee

DATE: December 22, 1987

DEVELOPMENT REVI BOARD

ITEM NO. 21

TRANSPORTATION SECTION - DEVELOPMENT DIVISION

DRB CASE NUMBER: DRB- 87-828

DATE ON AGENDA: 12/21/37

ZONE ATLAS PAGE: K-5

CROSS REFERENCE CASES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMENTS: Need owners signature  
Need to advertise for bulk land variance  
Note Tract 1B reserved for RLW



DEVELOPMENT REVIEW BOARD  
Standard Comment Sheet  
TRANSPORTATION SECTION - DEVELOPMENT DIVISION

ITEM NO: 6

DRB CASE NUMBER: DRB-87-828

DATE ON AGENDA: 5/3/88

ZONE ATLAS PAGE: K-9

CROSS REFERENCE CASES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMENT #

1 No adverse comments

RECHECK DATE

MEETING NOTES:

SPEED-MEMO

PLANNING DIVISION

CITY OF ALBUQUERQUE

TO: #21 12-22-87

SUBJECT: DRB-87-828

INSTRUCTIONS:

Pink: retained by sender

Yellow: retained by recipient

White: returned to sender

MESSAGE:

Owner's signature not required prior to plat approval

existing zone boundaries should be shown on plat

Tract 1B should be clearly labeled as proposed right-of-way acquisition

REPLY:

Date Requested by

SIGNED

*[Signature]*

DATE

SIGNED

DATE



1 REMAINDER OF

ONIDAS

3E

VOLCANO

O

27

K9

AMSTINES

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# 18  
# 1003794  
9-6-06

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NO NAME

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