



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

July 15, 2015

Project# 1003973

15DRB-70239 EXT OF SIA FOR TEMP DEFR SDWK CONST

FLOYD DEVELOPMENT SERVICES, LLC agent(s) for RCS-NM HOLDING I, LLC request(s) the above action(s) for all or a portion of Lot(s) 1-5A & 114A-127 TAOS AT THE TRAILS UNIT 2, **THE TRAILS UNIT 2** zoned VTRD, located on TREELINE BETWEEN UNIVERSE AND OAKRIDGE

At the July 15, 2015 Development Review Board meeting, a 2 year extension to the agreement for the deferral of sidewalks was approved. Please provide an exhibit to the Design Review Committee indicating the lot number/addresses where sidewalks are still deferred.

If you wish to appeal this decision, you must do so by July 30, 2015, 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, DRB Chair



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 5, 2013

Project# 1003973

13DRB-70566 EXT OF SIA FOR TEMP DEFR SDWK CONST

EASTERLING CONSULTANTS LLC agent(s) for RCS TAOS LLC request(s) the above action(s) for all or a portion of **TAOS AT THE TRAILS Unit(s) 2**, zoned SU-2 SMALL LOT RESIDENTIAL, located on TREELINE BETWEEN OAK RIDGE AND UNIVERSE (C-09)

At the June 5, 2013 Development Review Board meeting, a two year extension to the agreement for the deferral of sidewalks was approved. Please provide an exhibit to the Design Review Committee indicating the lot number/addresses where sidewalks are still deferred.

If you wish to appeal this decision, you must do so by June 20, 2013, 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.

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Jack Cloud, DRB Chair

Cc: EASTERLING CONSULTANTS LLC
Marilyn Maldonado
File



		Supplemental Form (SF)	
SUBDIVISION		S	Z
<input checked="" type="checkbox"/> Major subdivision action			ZONING & PLANNING
<input checked="" type="checkbox"/> Minor subdivision action			<input type="checkbox"/> Annexation
<input type="checkbox"/> Vacation		V	<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
<input type="checkbox"/> Variance (Non-Zoning)			<input type="checkbox"/> Adoption of Rank 2 or 3 Plan or similar
SITE DEVELOPMENT PLAN		P	<input type="checkbox"/> Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
<input type="checkbox"/> for Subdivision			
<input type="checkbox"/> for Building Permit		D	<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> Administrative Amendment (AA)			
<input type="checkbox"/> Administrative Approval (DRT, URT, etc.)		L	A
<input type="checkbox"/> IP Master Development Plan			APPEAL / PROTEST of...
<input type="checkbox"/> Cert. of Appropriateness (LUCC)			<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other
STORM DRAINAGE (Form D)			
<input type="checkbox"/> Storm Drainage Cost Allocation Plan			

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

APPLICATION INFORMATION:

Professional/Agent (if any): Floyd Development Services, LLC PHONE: (505) 366-4187
 ADDRESS: 918 Pinehurst Road SE, Suite 101 FAX: N/A
 CITY: Rio Rancho STATE NM ZIP 87124 E-MAIL: Hugh@developnm.com
 APPLICANT: RCS - NM HOLDING I, LLC PHONE: (303) 466-2500
 ADDRESS: 371 Centennial Parkway, Suite 200 FAX: N/A
 CITY: Louisville STATE CO ZIP 80027 E-MAIL: banderson@RealCapitalSolutions.com
 Proprietary interest in site: Developer List all owners: RCS - NM HOLDINGS I, LLC, DR Horton - Owner

DESCRIPTION OF REQUEST: Two year extension of sidewalk deferral

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 1-5A & 114A-127 Taos at the Trails Unit 2 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: The Trails Unit 2
 Existing Zoning: VTRD Proposed zoning: N/A MRGCD Map No _____
 Zone Atlas page(s): C-09-Z UPC Code: _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): _____
COA Project # 730079, DRB Project # 1003973

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: _____ No. of proposed lots: _____ Total site area (acres): _____
 LOCATION OF PROPERTY BY STREETS: On or Near: Treeline
 Between: Universe and Oakridge
 Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: _____

SIGNATURE _____

DATE July 1, 2015

(Print Name) Hugh W. Floyd

Applicant: Agent:

FOR OFFICIAL USE ONLY

Revised: 11/2014

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>15DRB-70239</u>	<u>ESIA</u>	_____	<u>\$ 50.00</u>
<input type="checkbox"/> All fees have been collected	_____	<u>CMF</u>	_____	<u>\$ 20.00</u>
<input type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ _____
	Hearing date <u>July 15, 2015</u>			Total <u>\$ 70.00</u>

7-1-15
Staff signature & Date

Project # 1003973

FORM V: SUBDIVISION VARIANCES & VACATIONS

COA Project # 730079 - RCS-NM Holdings I, Taos at the Trails (Sidewalk Deferral)

BULK LAND VARIANCE (DRB04) (PUBLIC HEARING CASE)

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

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

VACATION OF PUBLIC EASEMENT (DRB27)

VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)

- The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies.**
(Not required for City owned public right-of-way.)
- Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.

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

SIDEWALK VARIANCE (DRB20)

SIDEWALK WAIVER (DRB21)

- Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the variance or waiver
- List any original and/or related file numbers on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)

- Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the variance
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

DRB meetings are approximately 30 DAYS after the filing deadline. Your attendance is required.

TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)

EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)

- Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the deferral or extension
- List any original and/or related file numbers on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

VACATION OF PRIVATE EASEMENT (DRB26)

VACATION OF RECORDED PLAT (DRB29)

- The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
- Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter/documents briefly describing, explaining, and justifying the vacation **6 copies**
- Letter of authorization from the grantors and the beneficiaries (private easement only)
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

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

Hugh W. Floyd, Floyd Development Services, LLC

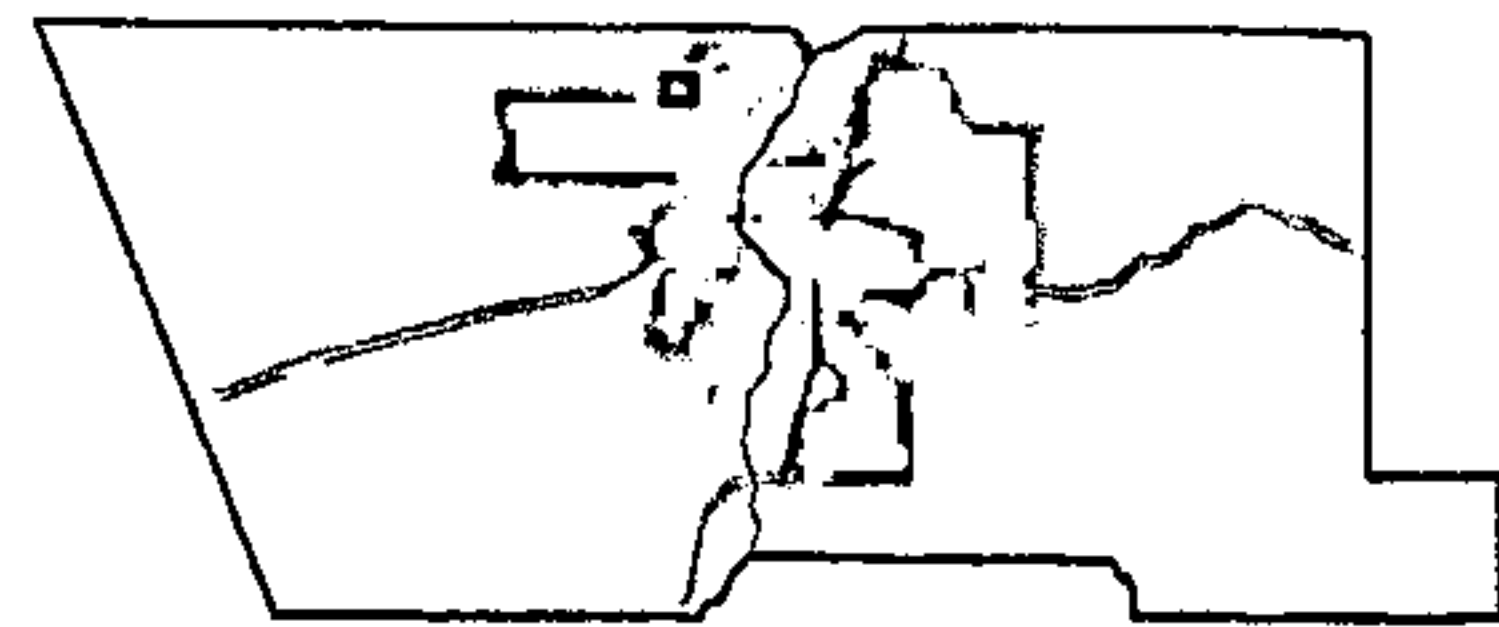
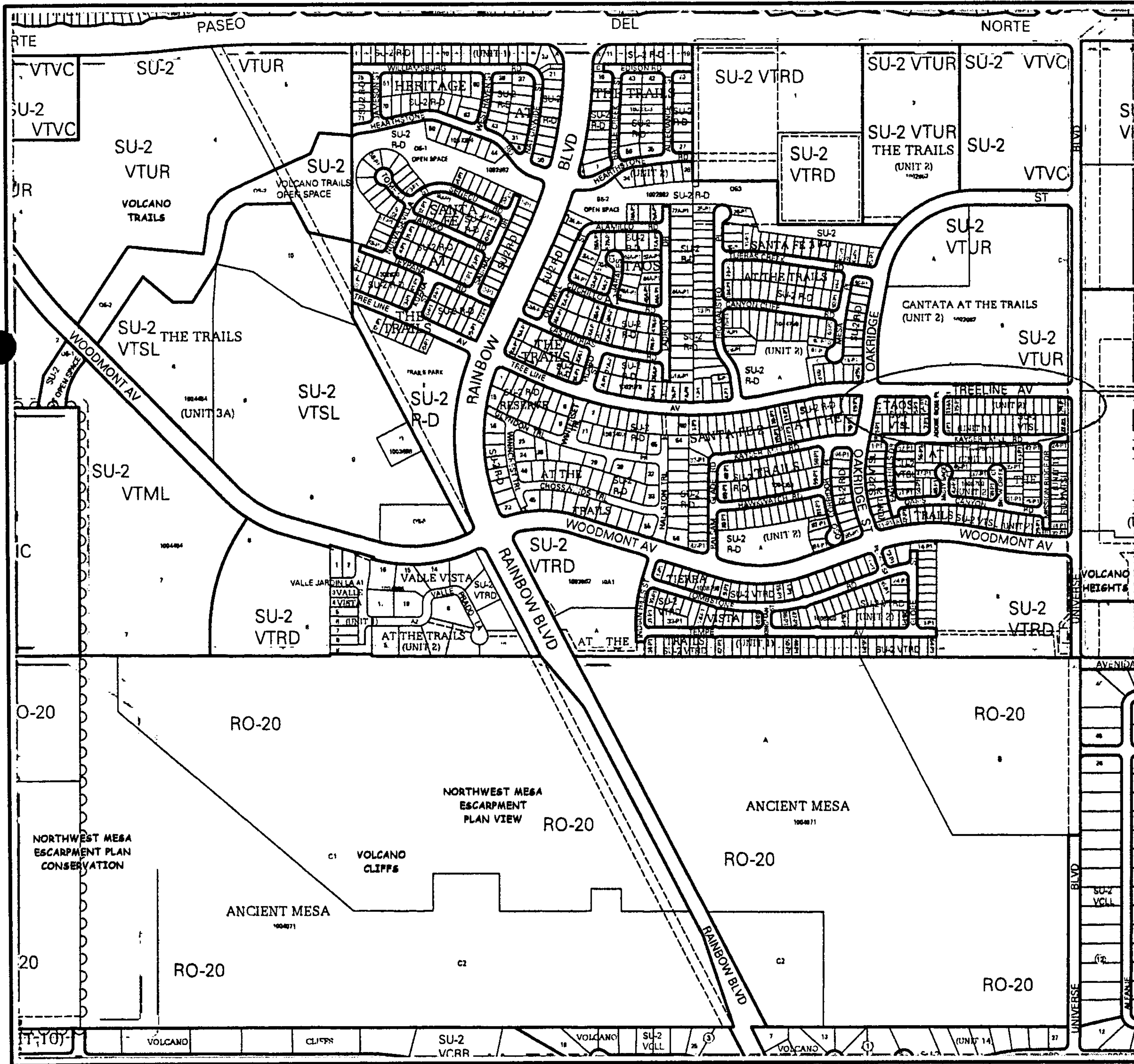
[Signature] Applicant name (print)
 Applicant signature / date 7/1/15



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

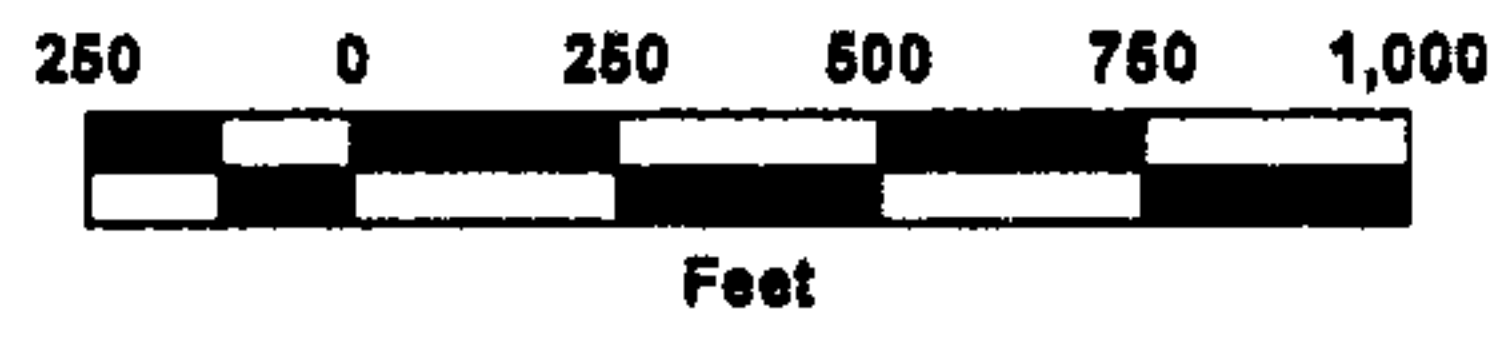
Application case numbers
 15-DRB-70239

Form revised 4/07
[Signature] 7-1-15
 Planner signature / date
 Project # 1003973

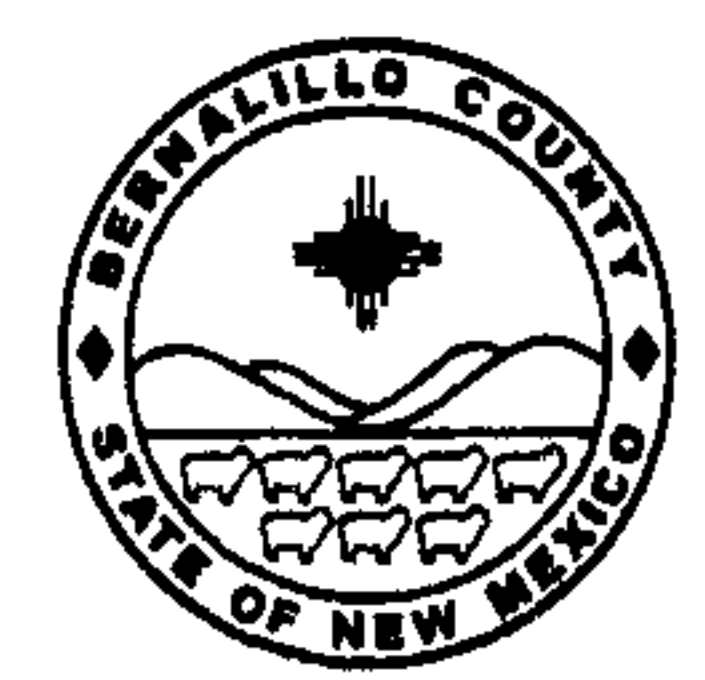


LEGAL DESCRIPTION
 T11N
 R2E
 SEC 16

UNIFORM PROPERTY CODE
 1-009-064



Map amended through January 2015



PUBLIC WORKS DIVISION
 GIS PROGRAM

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

C-9-Z

Floyd Development Services, LLC

918 Pinehurst Road SE, Suite 101
Rio Rancho, NM 87124

Phone (505) 366-4187

June 30, 2015

City of Albuquerque
Development Review Board
Plaza del Sol
600 Second Street NW
Albuquerque, NM 87102

Re: City of Albuquerque Project # 730079
Sidewalk Deferral, Taos at the Trails, Unit 2

Floyd Development Services, agent for RCS – NM HOLDINGS I, LLC (RCS) is requesting a **Two (2) Year** Sidewalk Deferral Extension for City of Albuquerque Project #730079. The original Sidewalk Deferral Agreement was executed on August 10, 2007. There are four (4) Extension Agreements and one (1) Assignment and Amendment (See “Related Filings” below). We are requesting that the Development Review Board approve the Extension of the SIA Temporary Deferral of Sidewalk Construction so that Floyd Development Services can execute Extension #5 for RCS – NM HOLDINGS I, LLC.

This request pertains to that section of Treeline Avenue west of Universe and east of Oakridge. The majority of the lots have been built upon, but due to slower house sales over the last two years there are a few remaining lots. This extension would allow more time for the builders to access those few lots for construction before building the sidewalk. I appreciate your consideration in this matter.

Included with this submittal:

- Letter dated July 1, 2015 from Sharon K. Eshima, Manager with RCS-NM HOLDINGS I, LLC appointing Floyd Development Services as agent of record
- Drawing showing the sidewalks subject to the proposed extension (6 copies)
- Zone Atlas map with the entire property(ies) clearly outlined
- *Draft 5th Extension Agreement*

Related filings:

- Original Agreement dated 10th day of August, 2007 recorded in the office of the Clerk of Bernalillo County, New Mexico on August 13, 2007, in Book N/A, pages 1 through 4, as Document No. 2007116775 ("Earlier Agreement"), by which the Developer agreed to complete the construction of certain infrastructure improvements on or before the 23rd day of May 2008
- The Agreement was amended by a 1st Extension to Agreement dated March 28, 2008 recorded on April 2, 2008, in Book n/a, pages 1 through 3, as Document No. 2008037143 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 10, 2009

Floyd Development Services, LLC

Development Review Board

Page Two

May 24, 2013

- The Agreement was amended by a 2nd Extension to Agreement dated September 15, 2009 recorded on September 24, 2009, in Book n/a, pages 1 through 4, as Document No. 2009107597 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 10, 2011
- The Agreement was amended by an Assignment and Amendment to Agreement dated August 30, 2011 recorded on September 2, 2011, in Book n/a, pages 1 through 6, as Document No. 2011079976 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 10, 2012
- The Agreement was amended by a 3rd Extension to Agreement dated August 20, 2012 recorded on August 21, 2012, in Book n/a, pages 1 through 5, as Document No. 2012084884 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 10, 2013
- The Agreement was amended by a 4th Extension to Agreement dated June 21, 2013 recorded on June 21, 2013, in Book n/a, pages 1 through 4, as Document No. 2013069762 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 10, 2015

Sincerely,



Hugh W. Floyd
Project Engineer

Enclosures

Agent Letter

Owner Information:

Real Capital Solutions

371 Centennial Parkway, Suite 200
Louisville, CO 80027

Phone: 303-533-1615

Agent Information:

Hugh Floyd

Floyd Development Services, LLC

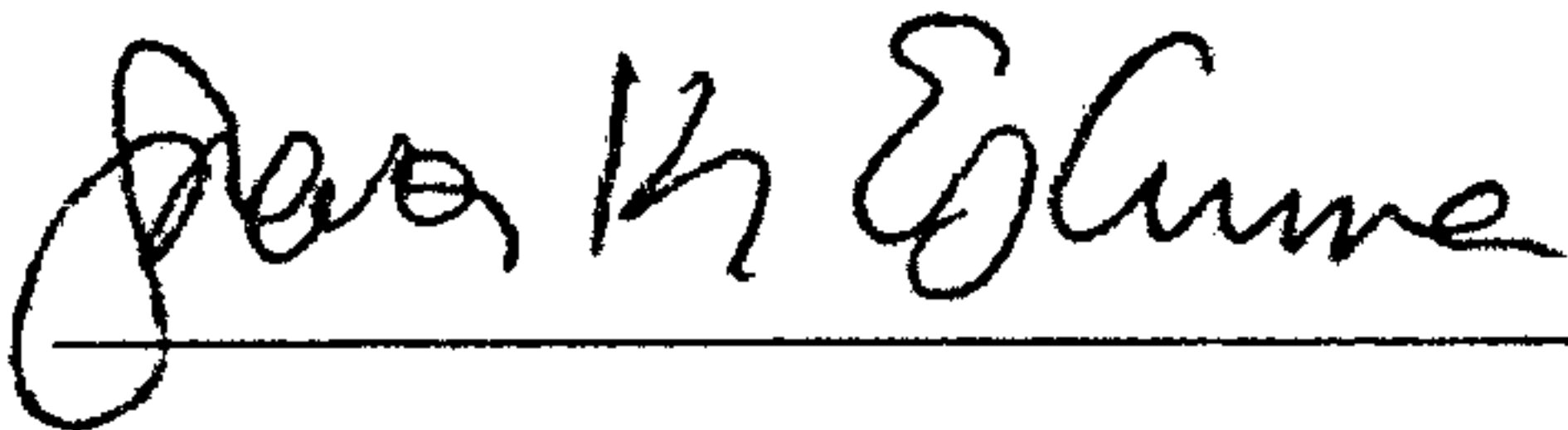
918 Pinehurst Road SE, Suite 101

Rio Rancho, NM 87124

Cell Phone: 505-366-4187

Subdivision Name: Taos at the Trails, Unit 2 – Ownership: RCS-NM HOLDINGS I, LLC

I, ~~SHAWN Eshma~~ ^{manager KC} ~~Vice-President~~ of RCS-NM HOLDINGS I, owner of the above referenced land, hereby authorize Floyd Development Services LLC to be agent of the property listed above.



~~Vice-President~~ ^{manager KC}
RCS-NM HOLDINGS I, LLC

Date

7/1/15

TAOS UNIT 2 AT THE TRAILS
5th EXTENSION AGREEMENT

SIDEWALK DEFERRAL
PROJECT NO.: 730079

This Agreement made this ____ day of _____, 20 __, by and between the City of Albuquerque, New Mexico, a municipal corporation ("City") and (name of developer:) RCS-NM HOLDINGS I, LLC ("Developer"), whose address is 371 Centennial Parkway, Suite 200, Louisville, CO 80027, and whose telephone number is 303-466-2500, is made in Albuquerque, New Mexico and is entered into as of the date of final execution of this Agreement.

WHEREAS, the City and the Developer entered into an Agreement on the 10th day of August, 2007, which was recorded in the office of the Clerk of Bernalillo County, New Mexico on August 13, 2007, in Book N/A, pages 1 through 4, as Document No. 2007116775 ("Earlier Agreement"), by which the Developer agreed to complete the construction of certain infrastructure improvements on or before the 23rd day of May 2008; and

WHEREAS, the Earlier Agreement was amended by a 1st Extension to Agreement dated March 28, 2008 recorded on April 2, 2008, in Book n/a, pages 1 through 3, as Document No. 2008037143 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 10, 2009; and

WHEREAS, the Earlier Agreement was amended by a 2nd Extension to Agreement dated September 15, 2009 recorded on September 24, 2009, in Book n/a, pages 1 through 4, as Document No. 2009107597 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 10, 2011; and

WHEREAS, the Earlier Agreement was amended by an Assignment and Amendment to Agreement dated August 30, 2011 recorded on September 2, 2011, in Book n/a, pages 1 through 6, as Document No. 2011079976 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 10, 2012; and

WHEREAS, the Earlier Agreement was amended by a 3rd Extension to Agreement dated August 20, 2012 recorded on August 21, 2012, in Book n/a, pages 1 through 5, as Document No. 2012084884 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 10, 2013; and

WHEREAS, the Earlier Agreement was amended by a 4th Extension to Agreement dated June 21, 2013 recorded on June 21, 2013, in Book n/a, pages 1 through 4, as Document No. 2013069762 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 10, 2015; and

WHEREAS, it appears that the Developer will be unable to complete construction of the improvements by the deadline specified in the Agreement; and

WHEREAS, the City is willing to grant Developer an extension of time in which to complete construction of all or part of the improvements, provided the Developer posts an acceptable financial guaranty, as required by the City's Subdivision Ordinance and the Development Process Manual; and

WHEREAS, the Developer is able to provide the required financial guaranty.

NOW THEREFORE in consideration of the above and the mutual promises contained herein, the parties agree.

1. The required completion date for construction of the improvements, as set forth in the attached **Exhibit A**, is extended (Complete either A or B:)

A. For all improvements, the 10th day of June 2017.

B. On portions of the improvements as follows:

<u>IMPROVEMENTS</u>	<u>COMPLETION DATE</u>
_____	_____
_____	_____
_____	_____

2. With this Extension Agreement, Developer has provided the City with the following financial guaranty:

Type of Financial Guaranty: Subdivision Bond # 5048903

Amount: \$ \$10,643.83

Name of Financial Institution or Surety providing Guaranty:

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

If Guaranty is a Letter of Credit or Loan Reserve, then last day City able to call Guaranty is: N/A

Additional information: _____

3. The parties agree that all terms and conditions of the Earlier Agreement are not in conflict with this Extension Agreement and shall remain valid, in force, and binding upon the parties. By executing this Agreement, the parties only intention is to extend the construction completion deadline established in the Earlier Agreement and establish a revised financial guaranty for the benefit of the City.

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

DEVELOPER: RCS-NM HOLDINGS I, LLC
ALBUQUERQUE:

CITY OF

By [signature]: _____

By: _____

Name [print]: _____

Shahab Biazar, City Engineer

Title: _____

Dated: _____

Dated: _____

DEVELOPER'S NOTARY

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

This instrument was acknowledged before me on ____ day of _____, 20____
by [name of person:] _____, [title or capacity, for
instance, "President" or "Owner"] _____
of [Developer:] _____

(SEAL)

Notary Public

My Commission Expires: _____

CITY'S NOTARY

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

This instrument was acknowledged before me on ____ day of _____, 20____
by Shahab Biazar, City Engineer of the City of Albuquerque, a municipal corporation, on behalf
of said corporation.

(SEAL)

Notary Public

My Commission Expires: _____

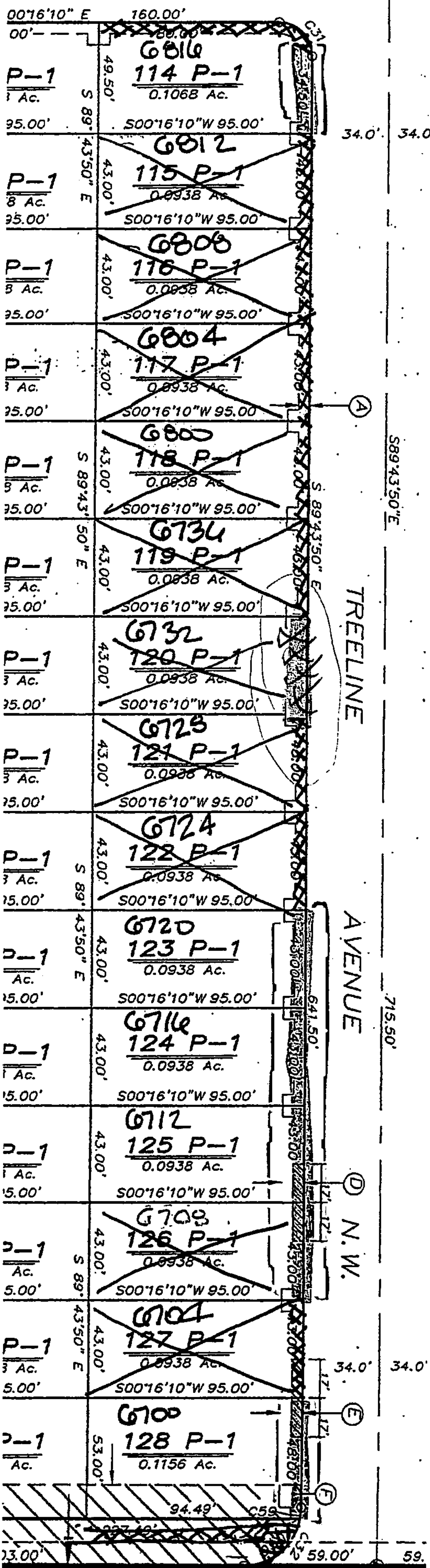
PROJECT #

1003973

July 15. 2015

ES/A

1 OF 6



SW
 REMAINING TO
 BE CONSTRUCTED



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AVENUE

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715.50'

34.0'

59.00'

53.00'

94.49'

5.00'

3 Ac.

128 P-1

127 P-1

126 P-1

125 P-1

124 P-1

123 P-1

122 P-1

121 P-1

120 P-1

119 P-1

118 P-1

117 P-1

116 P-1

115 P-1

114 P-1

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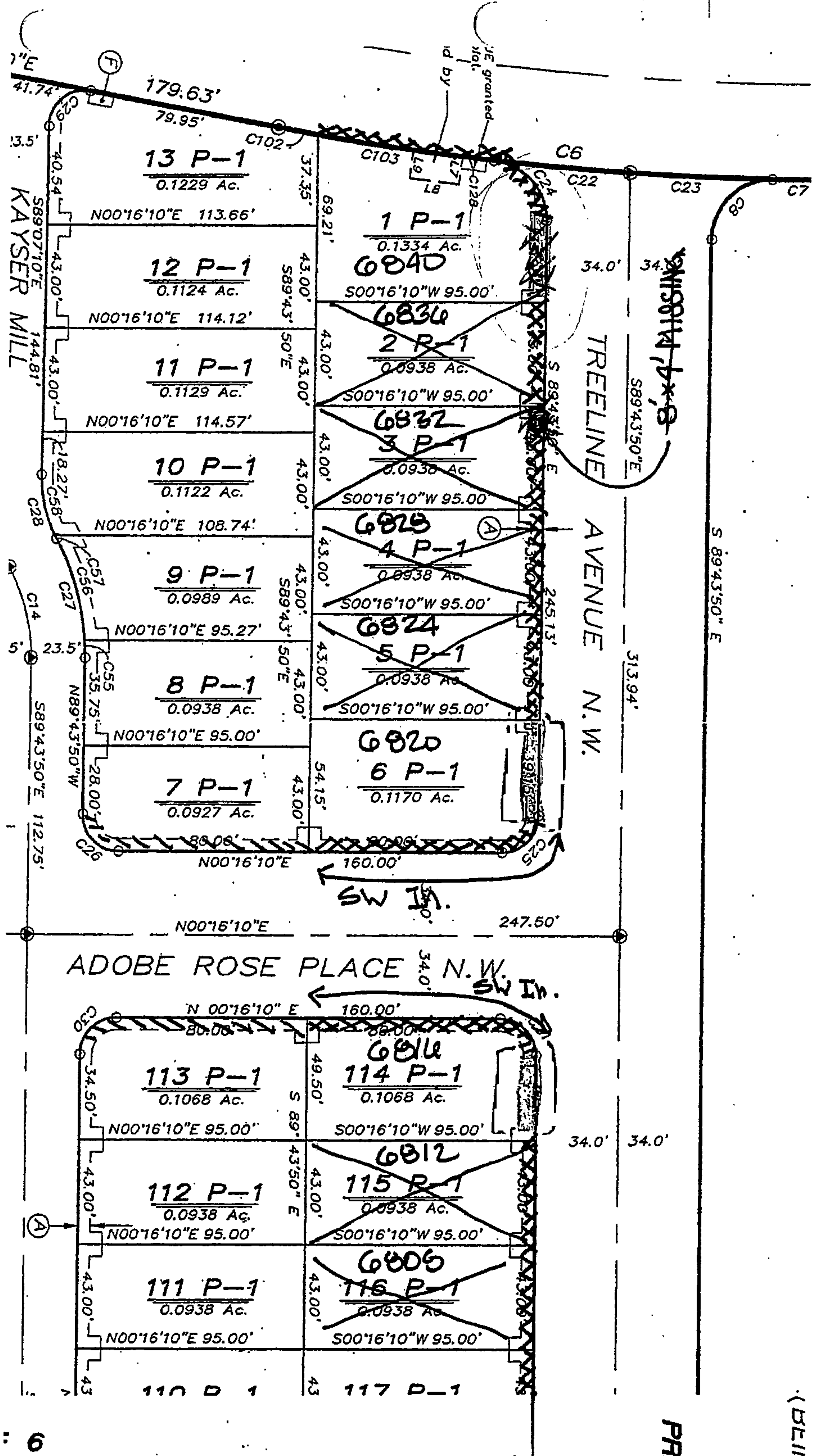
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PROJECTED SECTION 16,

NEW MEXICO

CITY OF

BERNALILLO

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15 P-1

Lot Line

FORM V: SUBDIVISION VARIANCES & VACATIONS

COA Project # 730079 - RCS-NM Holdings Unit 2, Taos at the Trails (Sidewalk Deferral)

BULK LAND VARIANCE (DRB04)

(PUBLIC HEARING CASE)

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SIDEWALK VARIANCE (DRB20)

SIDEWALK WAIVER (DRB21)

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SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)

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

Hugh W. Floyd, Easterling Consultants LLC

Hugh W. Floyd Applicant name (print)
5/23/13 Applicant signature / date



Form revised 4/07

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

Application case numbers
13DRB - 70506

[Signature] 5-24-13
Planner signature / date
Project # 1003973



Supplemental Form (SF)

SUBDIVISION

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

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

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

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

APPLICATION INFORMATION:

Professional/Agent (if any): EASTERLING CONSULTANTS LLC PHONE: 505-821-6646
 ADDRESS: 3613 NM 528 NW, SUITE E-2 FAX: 505-897-2965
 CITY: ALB. STATE NM ZIP 87112 E-MAIL: HFLOYD@ECENGR.COM

APPLICANT: RCS-TAOS LLC PHONE: 303-406-2500
 ADDRESS: 371 CENTENNIAL PARKWAY, SUITE 200 FAX: n/a
 CITY: LOUISVILLE STATE CO ZIP 80027 E-MAIL: n/a
 Proprietary interest in site: DEVELOPER List all owners: RCS-TAOS LLC - DEVELOPER
DR HORTON - OWNER

DESCRIPTION OF REQUEST: TWO YEAR SIDEWALK DEFERRAL EXTENSION
COA PROJECT # 730079

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. SOUTH SIDE OF TREELINE AVENUE Block: BETWEEN UNIVERSE + OAKRIDGE Unit: TAOS UNIT 2
 Subdiv/Addn/TBKA: SIDEWALK DEFERRAL Taos at the trails
 Existing Zoning: DTS L, SU2 TRAILS SMALL LOT RESIDENTIAL Proposed zoning: n/a MRGCD Map No n/a
 Zone Atlas page(s): C-09-2 UPC Code: n/a

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 1003973
CITY OF ALBUQUERQUE PROJECT # 730079

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 2 No. of proposed lots: n/a Total site area (acres): n/a
 LOCATION OF PROPERTY BY STREETS: On or Near: Treeline
 Between: TREELINE Oakridge and UNIVERSE

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

SIGNATURE [Signature] DATE 5-24-13
 (Print Name) CHERI DUNKLEBERGER FOR HUGH W. FLOYD Applicant: Agent:

FOR OFFICIAL USE ONLY

Revised: 4/2012

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>13DRB .70566</u>	<u>ESIA</u>		<u>\$ 50.00</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>CME</u>		<u>\$ 20.00</u>
<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>June 5, 2013</u>			Total <u>\$ 70.00</u>

[Signature] 5-24-13 Staff signature & Date

Project # ~~1003972~~ 1003973

COA Project # 730079 - RCS-NM Holdings Unit 2, Taos at the Trails (Sidewalk Deferral)

BULK LAND VARIANCE (DRB04)

(PUBLIC HEARING CASE)

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

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

VACATION OF PUBLIC EASEMENT (DRB27)

VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)

- The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies.**
(Not required for City owned public right-of-way.)
- Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.

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

SIDEWALK VARIANCE (DRB20)

SIDEWALK WAIVER (DRB21)

- Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the variance or waiver
- List any original and/or related file numbers on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)

- Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the variance
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

DRB meetings are approximately 30 DAYS after the filing deadline. Your attendance is required.

TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)

EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)

- Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the deferral or extension
- List any original and/or related file numbers on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

VACATION OF PRIVATE EASEMENT (DRB26)

VACATION OF RECORDED PLAT (DRB29)

- The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
- Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter/documents briefly describing, explaining, and justifying the vacation **6 copies**
- Letter of authorization from the grantors and the beneficiaries (private easement only)
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

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

Hugh W. Floyd, Easterling Consultants LLC

[Signature]
Applicant name (print) Hugh W. Floyd
Applicant signature / date 5/25/13

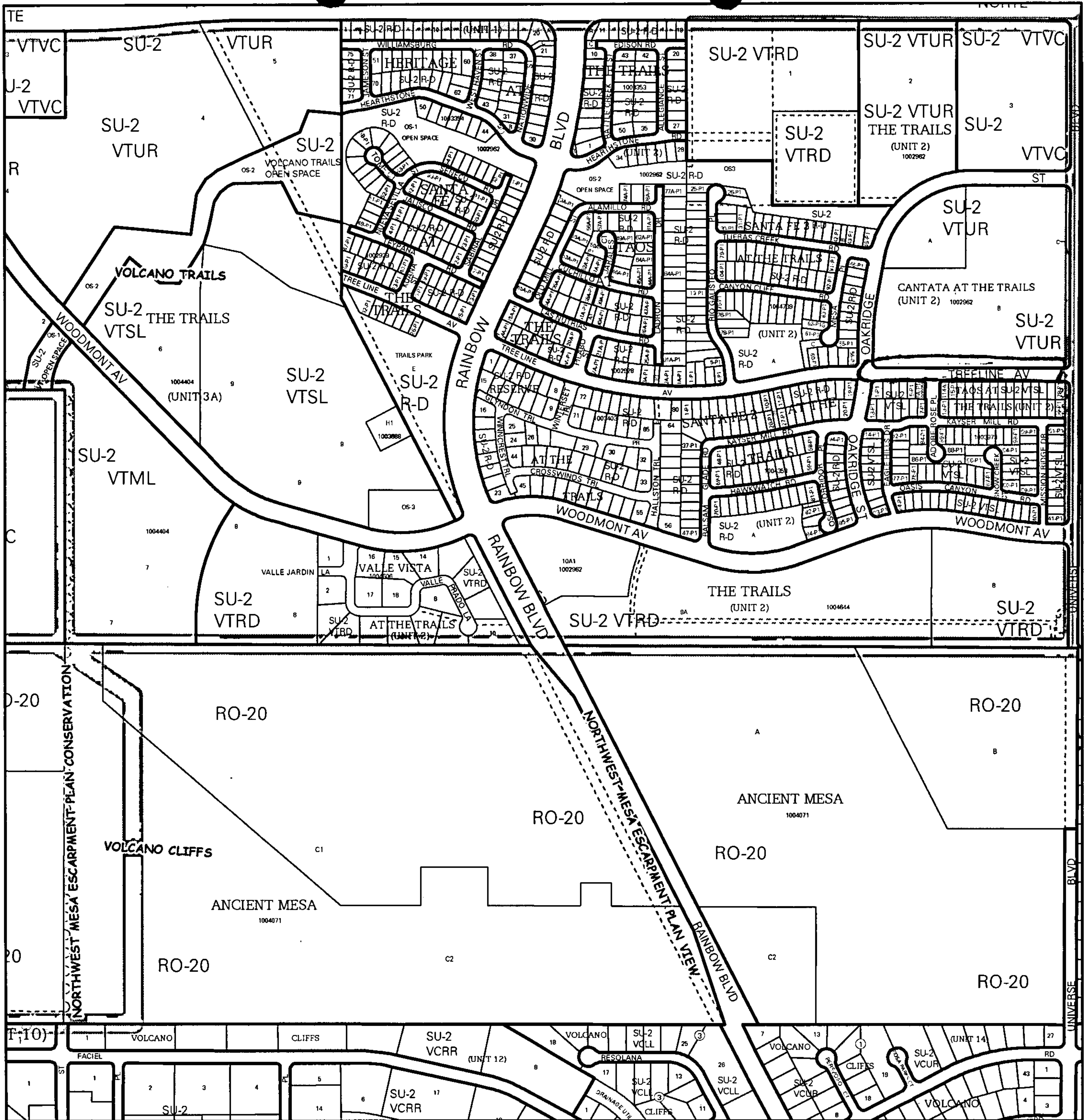


Form revised 4/07

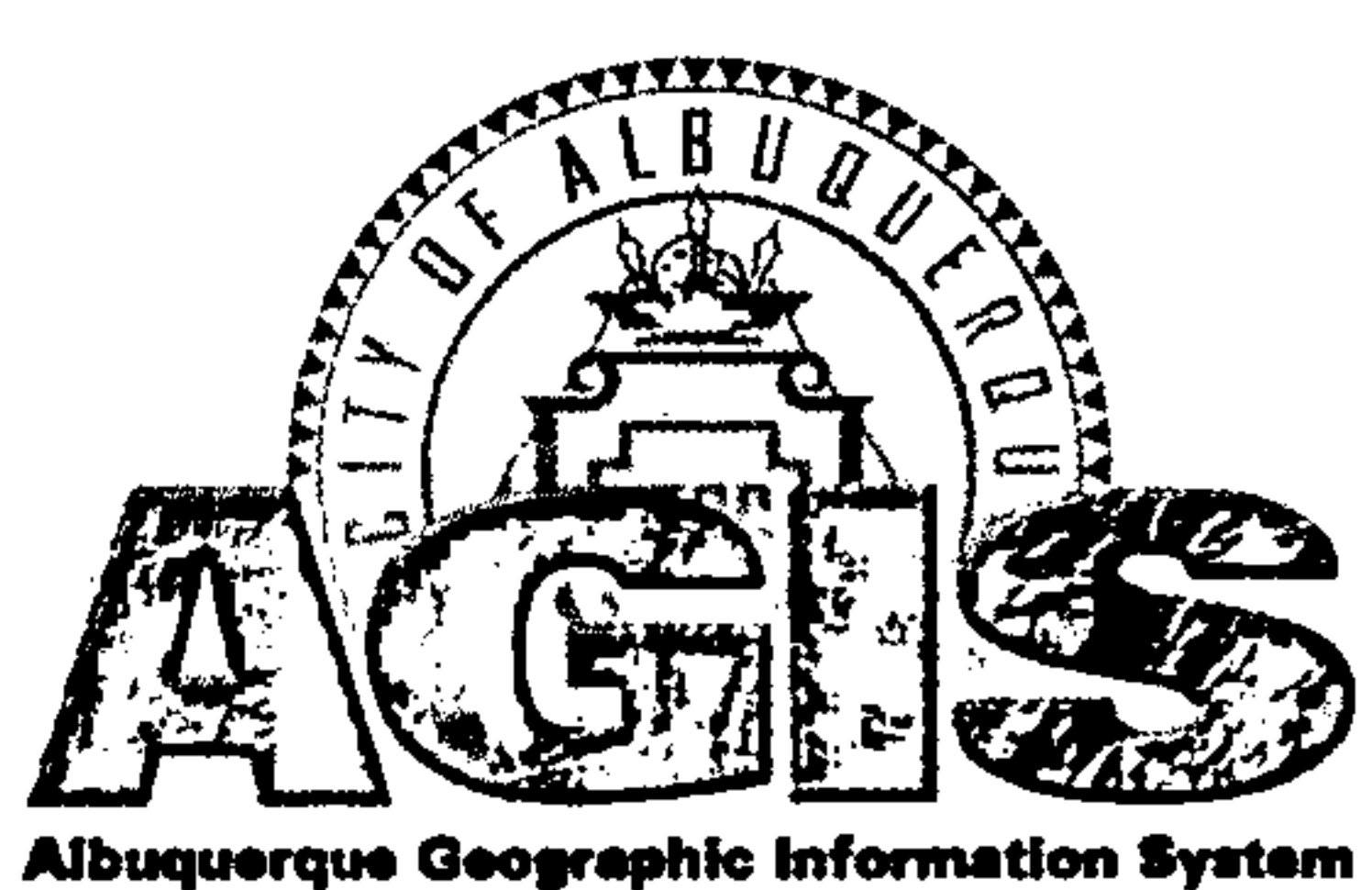
- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
13DRB - 20566

[Signature] 5-24-13
Planner signature / date
Project # 1003973

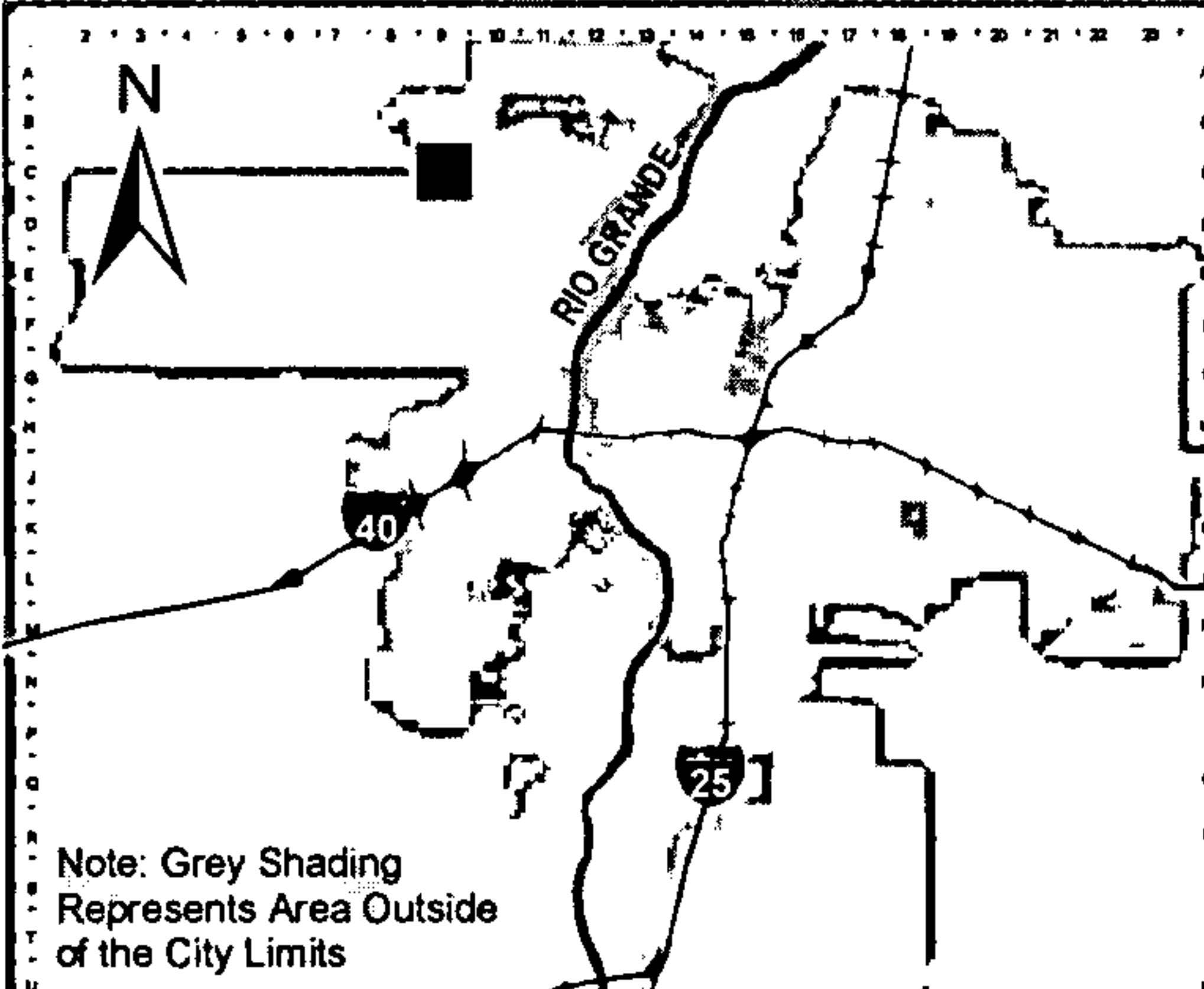


For more current information and details visit: <http://www.cabq.gov/gis>



Albuquerque Geographic Information System

Map amended through: 1/10/2013



Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
C-09-Z

Selected Symbols

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

0 750 1,500 Feet

Easterling Consultants LLC

3613 NM 528 NW, Suite E-2
Albuquerque, NM 87114

Office (505) 821-6646
Fax (505) 897-2965

May 24, 2013

City of Albuquerque
Development Review Board
Plaza del Sol
600 Second Street NW
Albuquerque, NM 87102

Re: City of Albuquerque Project # 730079
Sidewalk Deferral, Taos at the Trails, Unit 2

Easterling Consultants, agent for RCS – Taos, LLC (RCS) is requesting a **Two (2) Year** Sidewalk Deferral Extension for City of Albuquerque Project #730079. The original Sidewalk Deferral Agreement was executed on August 10, 2007. There are three (3) Extension Agreements and one (1) Assignment and Amendment (See “Related Filings” below). We are requesting that the Development Review Board approve the Extension of the SIA Temporary Deferral of Sidewalk Construction so that Easterling Consultants can execute Extension #4 for RCS – Taos, LLC.

This request pertains to that section of Treeline Avenue west of Universe and east of Oakridge. The majority of the lots have been built upon, but due to slower house sales over the last two years there are a few remaining lots. This extension would allow more time for the builders to access those few lots for construction before building the sidewalk. I appreciate your consideration in this matter.

Included with this submittal:

- Letter dated April 24, 2013 from Sharon K. Eshima, Manager with RCS-Taos, LLC appointing Easterling Consultants as agent of record
- Drawing showing the sidewalks subject to the proposed extension (6 copies)
- Zone Atlas map with the entire property(ies) clearly outlined
- *Draft 4th Extension Agreement*

Related filings:

- Original Agreement dated 10th day of August, 2007 recorded in the office of the Clerk of Bernalillo County, New Mexico on August 13, 2007, in Book N/A, pages 1 through 4, as Document No. 2007116775 ("Earlier Agreement"), by which the Developer agreed to complete the construction of certain infrastructure improvements on or before the 23rd day of May 2008
- The Agreement was amended by a 1st Extension to Agreement dated March 28, 2008 recorded on April 2, 2008, in Book n/a, pages 1 through 3, as Document No. 2008037143 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 10, 2009

Easterling Consultants LLC

Development Review Board

Page Two

May 24, 2013

- The Agreement was amended by a 2nd Extension to Agreement dated September 15, 2009 recorded on September 24, 2009, in Book n/a, pages 1 through 4, as Document No. 2009107597 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 10, 2011
- The Agreement was amended by an Assignment and Amendment to Agreement dated August 30, 2011 recorded on September 2, 2011, in Book n/a, pages 1 through 6, as Document No. 2011079976 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 10, 2012
- The Agreement was amended by a 3rd Extension to Agreement dated August 20, 2012 recorded on August 21, 2012, in Book n/a, pages 1 through 5, as Document No. 2012084884 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 10, 2013

Sincerely,



Hugh W. Floyd
Project Engineer

Enclosures

RCS - TAOS, LLC
RCS - TRAILS 9-A, LLC
371 Centennial Parkway, Suite 200
Louisville, CO 80027
303-466-2500

April 24, 2013

Anthony Lopez
Senior Engineer
COA Construction
City of Albuquerque
Plaza del Sol
600 Second NW
Albuquerque, NM 87102

Re: Taos at the Trails and Tierra Vista Subdivisions

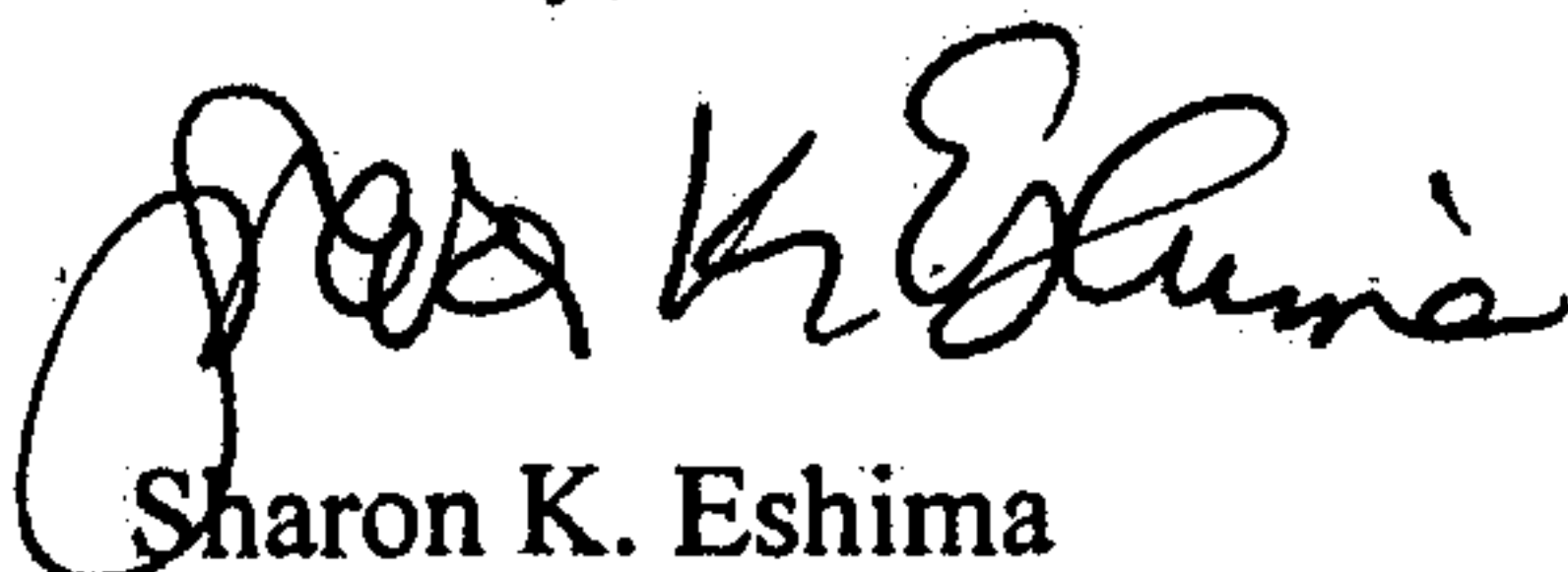
Dear Mr. Lopez:

This letter is written on behalf of RCS - Taos, LLC, the owner of the Taos at the Trails subdivision, and RCS - Trails 9-A, LLC, the owner of the Tierra Vista subdivision (RCS - Taos, LLC and RCS - Trails 9-A, LLC are collectively referred to herein as "Owner"). Prior to February 1, 2013, the development of both of these subdivisions was managed by Galway Construction, Inc. on behalf of the Owner. As of February 1, 2013, the Owner engaged Easterling Consultants, LLC to manage the continued development of these subdivisions. Please feel free to work directly with Hugh Floyd as Owner's representative at the following address:

Hugh Floyd, PE
Easterling Consultants, LLC
3613 NM 528 NW, Suite E-2
Albuquerque, NM 87114
Office (505)-821-6646
Cell (505)-366-4187
Fax (505)-897-2965

If you ever need to speak directly with the Owner, please contact our VP of Homebuilding, Brian Paul, at 303-533-1615.

Sincerely,



Sharon K. Eshima
Manager

DRAFT

4th EXTENSION AGREEMENT

**SIDEWALK DEFERRAL
Taos at the Trails, Unit 2
Tree Line Avenue, Deferred Sidewalk**

PROJECT NO.: 730079

This Agreement made this ____ day of _____, 20 __, by and between the City of Albuquerque, New Mexico, a municipal corporation ("City") and (name of developer:) RCS-NM Holding I, LLC ("Developer"), whose address is 371 Centennial Parkway, Suite 200, Louisville, Colorado 80072, and whose telephone number is 303-466-2500, is made in Albuquerque, New Mexico and is entered into as of the date of final execution of this Agreement.

WHEREAS, the City and the Developer entered into an Agreement on the 10th day of August, 2007, which was recorded in the office of the Clerk of Bernalillo County, New Mexico on August 13, 2007, in Book N/A, pages 1 through 4, as Document No. 2007116775 ("Earlier Agreement"), by which the Developer agreed to complete the construction of certain infrastructure improvements on or before the 23rd day of May 2008; and

WHEREAS, the Earlier Agreement was amended by a 1st Extension to Agreement dated March 28, 2008 recorded on April 2, 2008, in Book n/a, pages 1 through 3, as Document No. 2008037143 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 10, 2009; and

WHEREAS, the Earlier Agreement was amended by a 2nd Extension to Agreement dated September 15, 2009 recorded on September 24, 2009, in Book n/a, pages 1 through 4, as Document No. 2009107597 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 10, 2011; and

WHEREAS, the Earlier Agreement was amended by an Assignment and Amendment to Agreement dated August 30, 2011 recorded on September 2, 2011, in Book n/a, pages 1 through 6, as Document No. 2011079976 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 10, 2012; and

WHEREAS, the Earlier Agreement was amended by a 3rd Extension to Agreement dated August 20, 2012 recorded on August 21, 2012, in Book n/a, pages 1 through 5, as Document No. 2012084884 in the records of Bernalillo County Clerk, State of New Mexico, extending the construction deadline to June 10, 2013; and

WHEREAS, it appears that the Developer will be unable to complete construction of the improvements by the deadline specified in the Agreement; and

WHEREAS, the City is willing to grant Developer an extension of time in which to complete construction of all or part of the improvements, provided the Developer posts an acceptable financial guaranty, as required by the City's Subdivision Ordinance and the Development Process Manual; and

WHEREAS, the Developer is able to provide the required financial guaranty.

NOW THEREFORE in consideration of the above and the mutual promises contained herein, the parties agree:

1. The required completion date for construction of the improvements, as set forth in the attached **Exhibit A**, is extended (Complete either A or B:)

A. For all improvements, the 10th day of June.

B. On portions of the improvements as follows:

<u>IMPROVEMENTS</u>	<u>COMPLETION DATE</u>
_____	_____
_____	_____
_____	_____

2. With this Extension Agreement, Developer has provided the City with the following financial guaranty:

Type of Financial Guaranty: _____

Amount: \$ _____

Name of Financial Institution or Surety providing Guaranty: _____

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

If Guaranty is a Letter of Credit or Loan Reserve, then last day City able to call Guaranty is: _____

Additional information: _____

3. The parties agree that all terms and conditions of the Earlier Agreement are not in conflict with this Extension Agreement and shall remain valid, in force, and binding upon the parties. By executing this Agreement, the parties only intention is to extend the construction completion deadline established in the Earlier Agreement and establish a revised financial guaranty for the benefit of the City.

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

DEVELOPER: RCS-NM Holdings I, LLC

CITY OF ALBUQUERQUE:

By [signature]: _____

By: _____

Name [print]: _____

Bryan Wolfe, City Engineer

Title: _____

Dated: _____

Dated: _____

DEVELOPER'S NOTARY

STATE OF _____)

) ss.

COUNTY OF _____)

This instrument was acknowledged before me on ____ day of _____, 20____
by [name of person:] _____, [title or capacity, for
instance, "President" or "Owner"] _____
of [Developer:] _____

(SEAL)

Notary Public

My Commission Expires: _____

CITY'S NOTARY

STATE OF NEW MEXICO)

) ss.

COUNTY OF BERNALILLO)

This instrument was acknowledged before me on ____ day of _____, 20____
by Bryan Wolfe, City Engineer of the City of Albuquerque, a municipal corporation, on behalf of
said corporation.

(SEAL)

Notary Public

My Commission Expires: _____

June 5. 2013