



DEVELOPMENT REVIEW BOARD  
Action Sheet/ Minutes  
Plaza del Sol Building Basement Hearing Room

July 22, 2015

MEMBERS:


- Jack Cloud..... DRB Chair
- Racquel Michel ..... Transportation Development
- Kris Cadena ..... ABCWUA
- Rita Harmon .....City Engineer
- Carol Dumont..... Parks & Recreation

*Angela Gomez ~ Administrative Assistant*

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

- 1. **Project# 1004095**  
15DRB-70248 EPC APPROVED SDP  
FOR BUILDING PERMIT  
TIERRA WEST LLC agents for MICHAEL BUSHELL ET. AL. request the referenced/ above action for Tract D-1, **HUBBELL PLAZA**, zoned C-2, located on the west side of COORS BLVD NW between CENTRAL AVE NW and BLUEWATER RD NW containing approximately 1.4459 acre(s). (K-10) **THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO WATER AUTHORITY TO ADDRESS COMMENTS AND TO PLANNING.**

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

- 2. **Project# 1003445**  
15DRB-70235 – SITE DEVELOPMENT  
PLAN FOR BUILDING PERMIT   
DEKKER PERICH SABATINI agents for PRESBYTERIAN HEALTHCARE SERVICES request the referenced/ above action for Tract D, **FOUNTAIN HILLS PLAZA** zoned SU-1/ PDA, located on the south side of PARADISE BLVD NW between NUNZIO AVE NW and EAGLE RANCH RD NW containing approximately 5.13 acres. (C-12) **DEFERRED TO 7/29/15.**

# DRB CASE ACTION LOG - BLUE SHEET

- Preliminary/Final Plat (P&F)
- Site Plan for Subdivision (SPS)
- Site Plan for Building Permit (SBP)

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

**Site Plans:** It is the responsibility of the applicant/agent/developer/owner to insert the DRB approved Site Plan for Subdivision and/or Site Plan for Building Permit in each copy of building permit plansets. If the building permit plans have been submitted prior to the Site Plan for Subdivision and/or Site Plan for Building Permit being signed-off, then it is the responsibility of the applicant/agent/developer/owner to insert a copy of the signed-off Site Plan for Subdivision and/or Site Plan for Building Permit in each copy of the building permit plansets.

**PROJECT#** 1004095

**NAME:** HUBBELL PLAZA

**AGENT:** TIERRA WEST LLC *7-22-15*

\*\*Your request was approved on 7-22-15 by the DRB with delegation of signature(s) to the following departments - outstanding comments to be addressed as follows:\*\*

**Transportation:**

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**ABCWUA:** *address comments*

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**City Engineer:**

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**Parks and Recreation :**

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**Planning:** *lead to sign*

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**PLATS:**

**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.
- County Treasurer's signature must be obtained prior to the recording of the plat with 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.

**ALL SITE PLANS:**

- 3 copies of the approved site plan. Include all pages.

**Cloud, Jack W.**

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**From:** Quevedo, Vicente M.  
**Sent:** Tuesday, July 21, 2015 1:31 PM  
**To:** Cloud, Jack W.  
**Cc:** Ron Bohannan; Vinny Perea  
**Subject:** DRB Memorandum - Project 1004095  
**Attachments:** 1004095 DRB Memo.pdf

Jack,

Good afternoon. This correspondence and attached memo serve as confirmation that the applicant for EPC Project 1004095 has met all of the required EPC Conditions of Approval. Please let me know if you require any additional information. Thank you.

Respectfully,

**Vicente M. Quevedo, MCRP**  
Urban Design and Development Planner  
City of Albuquerque, Planning Department  
t (505) 924-3357  
f (505) 924-3339  
[vquevedo@cabq.gov](mailto:vquevedo@cabq.gov)

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## DRB Memorandum

**To:** Jack Cloud, Development Review Board Chair

**From:** Vicente M. Quevedo - Planner 

**CC:** - Ron Bohannon, P.E. & Vinny Perea, Engineer Intern, EIT – Tierra West, LLC

**Date:** Tuesday July 21, 2015

**Re:** Project 1004095, 15EPC-40015 – Site Development Plan for Building Permit

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The applicant met with Planning Staff on July 1, 2015 to review the conditions of approval imposed by the EPC dated June 12, 2015.

The applicant has submitted a revised site development plan for building permit set and Staff agrees that all of the required conditions of approval for Project 1004095 have been met. If you have any additional questions, please feel free to contact me directly. Thank you.

#9



COMPLETED 06/09/05 SH

DRB CASE ACTION LOG (SITE PLAN B.P. & SUB)

REVISED 2/5/04

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.: 05DRB-00912 (SBP)
Project Name: HUBBELL PLAZA ADDITION
Agent: Alex Harrison Architect

Project # 1004095
Phone No.: 299-6322

Project Number

Your request for (SDP for SUB) (SDP for BP) (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 6/8/05 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

X TRANSPORTATION: DIMENSION LABELING for SBP

- Four empty checkboxes for transportation comments.

UTILITIES:

- Four empty checkboxes for utilities comments.

CITY ENGINEER / AMAFCA:

- Four empty checkboxes for city engineer comments.

PARKS / CIP:

- Four empty checkboxes for parks/cip comments.

PLANNING (Last to sign): 3 copies of both plans

- Four empty checkboxes for planning comments.

- 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.
-Include 3 copies of the approved site plan along with the originals.
-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.

1004095

#9



# DRB CASE ACTION LOG

(SITE PLAN B.P. ~~Y~~ SUB)

REVISED 2/5/04

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.: 05DRB-00912 (SBP)  
Project Name: HUBBELL PLAZA ADDITION  
Agent: Alex Harrison Architect

Project # 1004095  
Phone No.: 299-6322

Your request for (SDP for SUB) (SDP for BP) (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 6/8/05 by the DRB with delegation of signature(s) to the following departments.

**OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED**

SPBP

TRANSPORTATION: DIMENSION LABELING for SFBP

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

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

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

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SPSubd

PLANNING (Last to sign): 3 copies of both plans

SPBP

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- 
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**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.

- ~~Include 3 copies of the approved site plan along with the originals.~~
- 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

1004095



**DEVELOPMENT REVIEW BOARD  
ACTION SHEET**

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

June 8, 2005

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: 12:30 P.M.

**CASES WHICH REQUIRE PUBLIC NOTIFICATION**

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

- 1. **Project # 1001004**  
05DRB-00813 Major-Two Year SIA

TIERRA WEST LLC agent(s) for WEST BLUFF LLC request(s) the above action(s) for all or a portion of Lot(s) 1-9, Tract(s) 8 & 9, **WEST BLUFF CENTER SUBDIVISION**, zoned R-T, located on OURAY RD NW, between CORONA DR NW and ALAMOGORDO DR NW containing approximately 2 acre(s). [REF: 03DRB00521, 03DRB00357, 01DRB00498] (H-11) **TWO-YEAR SIA WAS APPROVED.**

2. **Project # 1001228**  
05DRB-00801 Major-Two Year SIA

JANE ALICE BLACK DAVIDSON request(s) the above action(s) for all or a portion of Tract(s) 2A & 2B, **KELLY TRACTS**, zoned RA-1, located on GABALDON DR NW, between MOUNTAIN RD NW and I-40 containing approximately 4 acre(s). [REF: 03DRB00875, DRB-97-528, DRB-93-136, AX-87-16] (H-12) **TWO-YEAR SIA WAS APPROVED.**

3. **Project # 1001376**  
05DRB-00806 Major-Two Year SIA

MARK GOODWIN & ASSOCIATES agent(s) for MESA VERDE DEVELOPMENT CORP request(s) the above action(s) for Lot(s) 8-24 & 9-23, Block(s) 3 & 4, Tract(s) 1, NORTH ALBUQUERQUE ACRES, UNIT 3, (to be known as **DESERT RIDGE TRAILS NORTH**, zoned RD, located on WYOMING BLVD NE, between BEVERLY HILLS NE and FLORENCE NE containing approximately 33 acre(s). [REF:02DRB01363, 02DRB01965, 02DRB01966, 02DRB01967, 02DRB01968] (B-19) **TWO-YEAR SIA WAS APPROVED.**

4. **Project # 1001306**  
05DRB-00804 Major-Vacation of  
Public Easements  
05DRB-00805 Minor-Prelim&Final Plat  
Approval

SURV-TEK INC agent(s) for PETE DASKALOS PROPERTIES request(s) the above action(s) for all or a portion of Tract(s) 1-C, **SEVILLE**, zoned SU-1 FOR C-1 USES, located on the northeast corner of IRVING BLVD NW and UNIVERSE BLVD NW containing approximately 9 acre(s). (A-10) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. PRELIMINARY AND FINAL PLAT WERE INDEFINITELY DEFERRED.**



5. **Project # 1003011**  
05DRB-00439 Major-Vacation of Pub  
Right-of-Way - **WITHDRAWN**

CITY OF ALBUQUERQUE agent(s) for BRAKE MASTERS, INC. request(s) the above action(s) for all or a portion of Block(s) 4 & 5, Tract(s) A, **INEZ ADDITION**, zoned C-2, located on WYOMING BLVD NE, between PROSPECT AVE NE and MENAUL BLVD NE containing approximately 5 acre(s). [REF: 03DRB02088, 03DRB02089] [Deferred from 4/13/05 & 5/11/05 & 5/25/05] (H-19) **WITHDRAWN AT THE AGENT'S REQUEST.**

6. **Project # 1003856**  
05DRB-00721 Major-Preliminary Plat  
Approval  
05DRB-00722 Minor-Subd Design  
(DPM) Variance  
05DRB-00723 Minor-Temp Defer  
SDWK

COMMUNITY SCIENCES CORP agent(s) for MICHAEL'S HOMES request(s) the above action(s) for all or a portion of Tract(s) 8B1A1 & 10A2A, M.R.G.C.D MAP 52 (DON FELIPE #2) (to be known as **IZABEL SUBDIVISION**) zoned RA-2, located on WEST GLEN SW, between METZGAR SW and WEST LEA SW containing approximately 9 acre(s). [REF: 04DRB0969] [Deferred from 5/25/05 & 6/8/05] (Q-10) **DEFERRED AT THE AGENT'S REQUEST TO 6/15/05.**

05DRB-00827 Minor-SiteDev Plan  
Subd

COMMUNITY SCIENCES CORP agent(s) for MICHAEL'S HOMES request(s) the above action(s) for all or a portion of Tract(s) 8-B-1-A-1 & 10-A-2-A, MRGCD MAP 52 (DON FELIPE #2) (to be known as **IZABEL SUBDIVISION**), zoned RA-2, located on WEST GLEN SW, between METZGAR SW and WEST LEA SW containing approximately 9 acre(s). [REF: 04DRB0969] [Deferred from 5/25/05 & 6/8/05] (Q-10) **DEFERRED AT THE AGENT'S REQUEST TO 6/15/05.**

7. **Project # 1004184**  
05DRB-00810 Major-Bulk Land  
Variance  
05DRB-00811 Minor-Prelim&Final Plat  
Approval

COMMUNITY SCIENCES CORP agent(s) for SALAZAR FAMILY TRUST ET AL request(s) the above action(s) for all or a portion of Tract(s) 13-D, EL RANCHO GRANDE, UNIT 1 AND Tract(s) A, LANDS OF SALAZAR FAMILY TRUST, SALAZAR QUATRO TRUST, JSJ INVESTMENT CO & FALBA HANNETT, zoned R-LT & SU-1 Mixed Use, located on AMOLE HUBBELL ARROYO, between BLAKE SW and DENNIS CHAVEZ SW containing approximately 190 acre(s). [REF: Z-99-58, Z-98-5, Z-98-6] (N-9) **BULK LAND VARIANCE WAS APPROVED. PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR VARIOUS EASEMENT LANGUAGE AND AMAFCA CONCURRENCE.**

**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 # 1000651**  
05DRB-00910 Minor-SiteDev Plan  
BldPermit/EPC

HERMAN HOOD agent(s) for D & B GLASS COMPANY request(s) the above action(s) for Tract(s) A-29-A3, **NORTHEAST UNIT, TOWN OF ATRISCO GRANT**, zoned SU-1/PDA, C, & OFFICE USES, located on COORS BLVD NW, between REDLANDS RD NW and CORONA DR NW containing approximately 2 acre(s). [REF: 05EPC-00585, ZA-88-472] [David Stallworth, EPC Case Planner] (G-11) **SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR LABELING DIMENSIONS AND TO PLANNING FOR CASE PLANNERS SIGNATURE AND WALL DESIGN.**

9. **Project # 1004095**  
05DRB-00912 Minor-SiteDev Plan  
BldPermit/EPC  
05DRB-00976 Minor-Site Dev Plan  
Subdivision/EPC

ALEX HARRISON ARCHITECT agent(s) for DIONS request(s) the above action(s) for all or a portion of Tract(s) E1, **HUBBELL PLAZA ADDITION**, zoned C-2, located on COORS BLVD NW, between CENTRAL AVE NW and BLUEWATER RD NW containing approximately 1 acre(s). [REF:DRB-96-221, Z-86-24-1] [Carmen Marrone, EPC Case Planner] (K-10) **SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION FOR DIMENSION LABELING AND PLANNING FOR 3 COPIES OF THE SITE PLAN. THE SITE PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR 3 COPIES OF THE SITE PLAN.**

10. **Project # 1004237**  
05DRB-00913 Minor-SiteDev Plan  
BldPermit

JOHN KLEE agent(s) for ALBUQUERQUE VAULT COMPANY request(s) the above action(s) for all or a portion of Tract(s) B-2, **ATRISCO BUSINESS PARK , UNIT 1**, zoned SU-1, located on COORS BLVD NW, between CENTRAL NW and BLUEWATER NW containing approximately 3 acre(s). (K-10) **SITE PLAN FOR BUILDING PERMIT WAS APPROVED AND SIGNED OFF BY THE BOARD.**

11. **Project # 1004224**  
05DRB-00887 Minor-SiteDev Plan  
BldPermit

RHOMBUS PA INC agent(s) for SCOTT BARLOW request(s) the above action(s) for all or a portion of Lot(s) 31, Block(s) 30, Tract(s) A, **NORTH ALBUQUERQUE ACRES, UNIT B**, zoned SU-2 FOR 1P, located on SAN PEDRO NE, between WILSHIRE AVE NE and containing approximately 1 acre(s). [Deferred from 6/1/05 & 6/8/05] (C-18) **DEFERRED AT THE AGENT'S REQUEST TO 6/15/05.**

12. **Project # 1004231**  
05DRB-00886 Minor-SiteDev Plan  
BldPermit

JIM MILLER agent(s) for JOHN WILGER request(s) the above action(s) for all or a portion of Lot(s) 19, **LADERA INDUSTRIAL PARK, UNIT 2**, zoned SU-1, located on 98<sup>TH</sup> STREET NW and UNSER BLVD NW and containing approximately 2 acre(s). [REF: Z-92-45, 01EPC01405, Project 1001523] [Listed under Project 1004096 in error] [*Deferred from 6/1/05*] (H-9) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 6/8/05 THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR SIA AND TRANSPORTATION DEVELOPMENT FOR DIMENSION LABELING AND 3 COPIES OF THE SITE PLAN.**

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

13. **Project # 1003655**  
05DRB-00916 Minor-Subd Design (DPM)  
Variance

ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 15, 16 & 17 & PORTION OF Lot 18, NORTH ALBUQUERQUE ACRES, (to be known as **LA VISTA @ DESERT RIDGE TRAILS**) zoned R-D, located on WYOMING NE, between EAGLE ROCK NE and MODESTO NE containing approximately 3 acre(s). [REF: 04DRB01373] (C-19) **WITHDRAWN AT THE AGENT'S REQUEST.**

14. **Project # 1003057**  
05DRB-00893 Minor-Prelim&Final Plat  
Approval

SURVEYS SOUTHWEST agent(s) for ROBERT RUSSELL request(s) the above action(s) for all or a portion of Lot(s) 5 & 6, Tract(s) A-2-C, **BLOCK 1, UNIT 3, CLIFFORD WEST BUSINESS PARK**, zoned IP industrial park zone, located on UNSER BLVD NW, between OLIVER ROSS DR NW and SAUL BELL RD NW containing approximately 12 acre(s). [REF: 03DRB01903, 01902, 01904] (K-9/K-10) **PRELIMINARY AND FINAL PLAT APPROVED AND SIGNED OFF BY THE BOARD.**

15. **Project # 1004159**  
05DRB-00891 Minor-Prelim&Final Plat  
Approval

SURVEYS SOUTHWEST agent(s) for ANGELO BRUNACINI request(s) the above action(s) for all or a portion of Lot(s) 19 & 20, **JOURNAL CENTER, PHASE 2, UNIT 2**, zoned IP industrial park zone, located on RUTLEDGE RD NE, between SNAPROLL ST NE and HAWKINS ST NE containing approximately 4 acre(s). [REF: 05DRB00795] *[Listed under Project #1003572 in error]* (D-17) **PRELIMINARY PLAT APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR CROSS-ACCESS/DRAINAGE TO THE EAST LOT 7.**

16. **Project # 1004241**  
05DRB-00915 Minor-Prelim&Final Plat  
Approval

SURVEYS SOUTHWEST LTD agent(s) for GARRETT SMITH request(s) the above action(s) for all or a portion of Lot(s) 5, 6, 7 & 8, Block(s) C, **HIGHLAND ADDITION SOUTH** and Lot(s) 7, Block(s) 4, **LEWIS & SIMONDS ADDITION**, zoned SU-2, located on HAZELDINE AVE SE, between BROADWAY BLVD SE and SANTA FE SE containing approximately 1 acre(s). [REF: DRB-97-433, ZA-79-148] (K-14) **PRELIMINARY AND FINAL PLAT APPROVED AND SIGNED OFF BY THE BOARD.**

17. **Project # 1002423**  
05DRB-00907 Major-Final Plat  
Approval

BOHANNAN HUSTON INC agent(s) for CENTEX HOMES request(s) the above action(s) for all or a portion of Tract(s) A-1, ROSNER TRACT, **EL RANCHO GRANDE, UNIT 11**, zoned R-LT, located on CARTAGENA AVE SW and MESSINA DR SW containing approximately 19 acre(s). [REF: 04DRB00702] (N-8) **FINAL PLAT APPROVED AND SIGNED OFF BY THE BOARD.**

18. **Project # 1003594**  
05DRB-00906 Minor-Prelim&Final Plat  
Approval

BOHANNAN HUSTON INC agent(s) for D R HORTON HOMES request(s) the above action(s) for all or a portion of Lot(s) 109-A thru 113A, Tract(s) N, **VENTANA MESA, UNIT 1**, zoned R-LT, located on VENTANA WEST PARKWAY NW, between VENTANA RIDGE RD and PASEO DEL NORTE BLVD NW containing approximately 1 acre(s). (B-9) **PRELIMINARY AND FINAL PLAT APPROVED AND SIGNED OFF BY THE BOARD.**

19. **Project # 1003821**  
05DRB-00897 Minor-Final Plat  
Approval

ISAACSON & ARFMAN agent(s) for INFILL SOLUTIONS II request(s) the above action(s) for all or a portion of Tract(s) D, HOLIDAY PARK, UNIT 2, (to be known as **EMBUDO CANYON SOUTH**) zoned R-2, located on JUAN TABO BLVD NE, between GOLDEN GATE AVE NE and BRUSSELS AVE NE containing approximately 2 acre(s). [REF: 05DRB00334, 00335] (G-21) **FINAL PLAT APPROVED AND SIGNED OFF BY THE BOARD.**

20. **Project # 1003822**  
05DRB-00898 Major-Final Plat  
Approval

ISAACSON & ARFMAN agent(s) for INFILL SOLUTION II request(s) the above action(s) for all or a portion of Tract(s) B, HOLIDAY PARK, UNIT 2, (to be known as **EMBUDO CANYON NORTH**) zoned R-2, located on JUAN TABO BLVD NE, between BRUSSELS AVE N E and COMANCHE NE containing approximately 3 acre(s). [REF: 04DRB01888, 00332, 00333] (G-21) **FINAL PLAT APPROVED AND SIGNED OFF BY THE BOARD.**

21. **Project # 1003886**  
05DRB-00908 Minor-Final Plat  
Approval

MARK GOODWIN & ASSOCIATES, PA agent(s) for EVERGREEN DEVELOPMENT. LLC request(s) the above action(s) for all or a portion of Tract(s) C & 42, MESA VILLAGE SUBDIVISION, (to be known as **SILVER LEAF SUBDIVISION**) zoned R-3, located on LOMAS AVE NE, between SELLERS DR NE and EASTERLY DR NE containing approximately 52 acre(s). [REF: ZA-73-44, Z-77-53] (J-20) **FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR VARIOUS EASEMENTS, LABELING DIMENSIONS AND PLANNING FOR AGIS DXF FILE AND PROPERTY MANAGEMENT'S SIGNATURE.**

22. **Project # 100635**  
05DRB-00917 Minor-Prelim&Final Plat  
Approval

TIERRA WEST LLC agent(s) for DE BARTOLO DEVELOPMENT request(s) the above action(s) for all or a portion of Tract(s) 38-1A1, 38-2A1 and 38-3A1, **TAYLOR RANCH**, zoned SU-1 FOR C-1, located on MONTANO RD NW, between MONTANO PLAZA DR NW and COORS BYPASS BLVD NW containing approximately 4 acre(s). [REF: 00DRB00878, 02DRB01040, 05DRB00547] (E-12) **PRELIMINARY PLAT APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR ACCESS EASEMENT LABELING.**

23. **Project # 1003672**  
05DRB-00704 Minor-Prelim&Final Plat  
Approval  
05DRB-00705 Minor-Temp Defer  
SDWK

RIO GRANDE ENGINEERING agent(s) for ERIMY PROPERTIES LTD request(s) the above action(s) for all or a portion of Lot(s) 6 & 7, Block(s) 3, Tract(s) 3, NORTH ALBUQUERQUE ACRES, UNIT 3, (to be known as **ESTRADA COURT**) zoned R-D residential and related uses zone, developing area, located on OAKLAND AVE NE, between VENTURA BLVD NE and BARSTOW BLVD NE containing approximately 3 acre(s). [REF: 04DRB01423] (*Deferred from 5/4/05 &*

5/18/05 & 5/25/05) (C-20) WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 6/8/05 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 4/30/05 THE PRELIMINARY PLAT WAS APPROVED WITH CONDITIONS OF FINAL PLAT: PUBLIC ACCESS EASEMENT WILL BE ADDED TO LOT 1. AN OFFSITE DRAINAGE EASEMENT ON LOT 8 SHALL BE GRANTED TO AMAFCA PRIOR TO FINAL PLAT APPROVAL. AN APPROVED PERIMETER WALL DESIGN IS REQUIRED. FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA.

24. **Project # 1003667**  
04DRB-01406 Minor-Prelim&Final Plat  
Approval

WAYJOHN SURVEYING INC agent(s) for DEBBIE LOBBEREGT request(s) the above action(s) for all or a portion of Block(s) 11, Tract(s) 25, **GLENWOOD HILLS, UNIT 2**, zoned R-1 residential zone, located on PASO DEL PUMA NE, between CEDAR BROOK AVE NE and SUNSET CANYON PL NE containing approximately 3 acre(s). [Indef Deferred 9/22/04, deferred from 6/1/05] (F-23) **WITHDRAWN AT THE AGENT'S REQUEST.**

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

25. **Project # 1003102**  
05DRB-00911 Minor-Sketch Plat or  
Plan

INFILL SOLUTIONS request(s) the above action(s) for all or a portion of Lot(s) 12-A LANDS OF FERRARI-ESQUIBEL-PALMER, (to be known as **TRAILHEAD COMMONS**) zoned SU-1 PRD, C-1 (22 du acre), located on the southwest corner of LA GRIMA DE ORO RD NE and JUAN TABO BLVD NE containing approximately 2 acre(s). [REF: 04DRB00236] (F-21) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**



26. **Project # 1001304**  
05DRB-00909 Minor-Sketch Plat or  
Plan

CHRISTOPHER CALOTT request(s) the above  
action(s) for all or a portion of Lot(s) 14, 15,16, 17-B  
and 17-C, Block(s) 18, **PEREA ADDITION**, zoned SU  
- SF, located on the northwest corner of ROMA ST  
NW and 14<sup>TH</sup> ST NW containing approximately 1  
acre(s). [REF: 01ZHE1659, 02DRB00493,  
02LUCC00450] (J-13) **THE ABOVE REQUEST WAS  
REVIEWED AND COMMENTS WERE GIVEN.**

27. ADJOURNED: 12:30 P.M.

**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT**

#9

**INTER-OFFICE MEMO**

**June 6, 2005**

**TO:** Sheran Matson, DRB Chair  
**FROM:** Carmen Marrone, Senior Planner  
**RE:** **Project #1004095, Dion's Restaurant**

On May 19, 2005, the EPC approved a Site Plan for Building Permit for Tract E-1, Hubbel Plaza Addition. The applicant proposes to develop a 5700 sq. ft. Dion's Restaurant on the site as part of the Coors/Central Shopping Center.

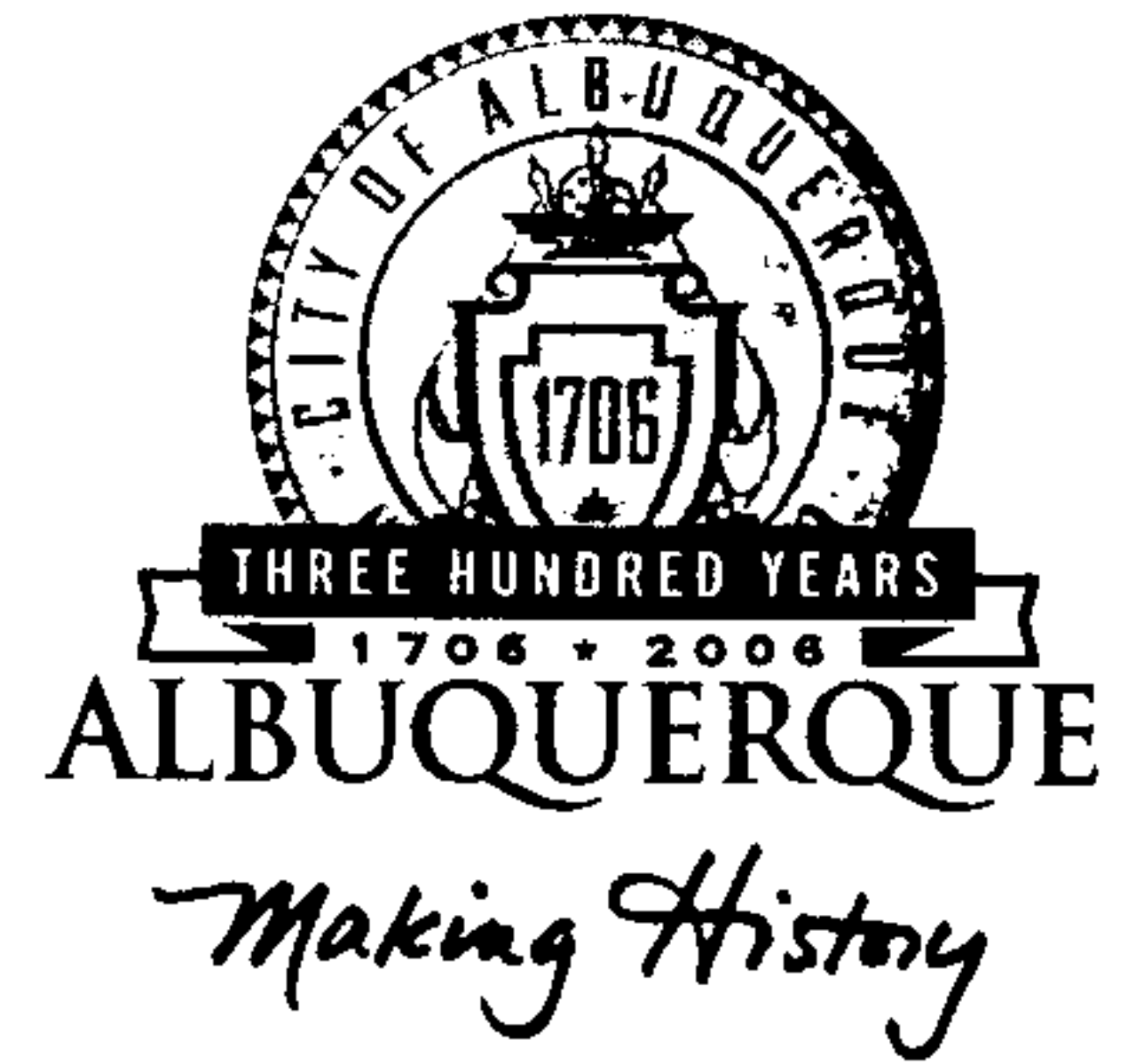
The DRB submittal for the Site Plan for Building Permit generally meets all of the EPC conditions with the following exceptions:

**Condition 2:** The Site Plan for Subdivision needs a DRB signature block.

**Condition 5:** Indicate the new pedestrian walkway on the Landscape Plan and provide raised curbs on either side of the walkway.

**Condition 10:** Provide signage for motorcycle parking.

# CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD--SPEED MEMO

**DRB CASE NO/PROJECT NO: 1004095**

**AGENDA ITEM NO: 9**

**SUBJECT:**

Site Plan for BP

**ACTION REQUESTED:**

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

P.O. Box 1293

**ENGINEERING COMMENTS:**

No adverse comments.

Albuquerque

New Mexico 87103

**RESOLUTION:**

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

www.cabq.gov

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

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

FOR:

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

**DATE:** June 8, 2005





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 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: rrb@tierrawestllc.com

APPLICANT: Michael Bushell PHONE: 303-521-5777  
 ADDRESS: 5975 S. Quebec Street, Suite 141 FAX: 303-832-8915  
 CITY: Greenwood Village STATE CO ZIP 80111 E-MAIL: michael@oakrealtypartners.com  
 Proprietary interest in site: \_\_\_\_\_ List all owners: SEE ATTACHED DOCUMENT

**DESCRIPTION OF REQUEST:**

\*\*\*\*Site Development Plan For Building Permit \*\*\*\*

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. TR D-1 Block: \_\_\_\_\_ Unit: TOWN OF ATRISCO Grant  
 Subdiv/Addn/TBKA: HUBBELL PLAZA  
 Existing Zoning: C-2 Proposed zoning: C-2 MRGCD Map No \_\_\_\_\_  
 Zone Atlas page(s): K-10-Z UPC Code: 101005748043510104

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_Z\_, V\_, S\_, etc.): 1004095

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill? N/A  
 No. of existing lots: 1 No. of proposed lots: 1 Total site area (acres): 1.4459ACRES  
 LOCATION OF PROPERTY BY STREETS: On or Near: Coors  
 Between: Central and Bluewater

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

SIGNATURE \_\_\_\_\_ DATE 07/14/2015

(Print Name) Ronald R. Bohannon Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

Revised: 4/2012

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>15DRB-70248</u>	<u>SDP</u>	_____	\$ _____
<input type="checkbox"/> All fees have been collected	_____	<u>CME</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 22, 2015</u>			Tot: \$ <u>20.00</u>

07/14/2015

Staff signature & Date

Project # 1004095

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

- SKETCH PLAT REVIEW AND COMMENT (DRB22)** **Maximum Size: 24" x 36"**
- 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) clearly outlined
  - Letter briefly describing, explaining, and justifying the request
  - List any original and/or related file numbers on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

- SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB18)** **Maximum Size: 24" x 36"**
- 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
  - 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) clearly outlined
  - 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)
  - List any original and/or related file numbers on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

- SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB17)** **Maximum Size: 24" x 36"**
- 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
  - 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) clearly outlined
  - 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)
  - List any original and/or related file numbers on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

- AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB01)** **Maximum Size: 24" x 36"**
- AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB02)** **Maximum Size: 24" x 36"**
- 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) **6 copies**
  - Zone Atlas map with the entire property(ies) clearly outlined
  - 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)
  - List any original and/or related file numbers on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

- FINAL SIGN-OFF FOR EPC APPROVED SDP FOR BUILDING PERMIT (DRB05)**
- FINAL SIGN-OFF FOR EPC APPROVED SDP FOR SUBDIVISION (DRB06)**
- 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 for Building Permit
  - Zone Atlas map with the entire property(ies) clearly outlined
  - 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)
  - List any original and/or related file numbers on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. 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

Applicant name (print)

07/14/2015

Applicant signature / date



Form revised October 2007

- Checklists complete
  - Fees collected
  - Case #s assigned
  - Related #s listed
- Application case numbers  
15 - ORB - 70248

Planner signature / date  
7-14-15  
Project # 1004095



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

Map amended through: 9/2/2014

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:  
**K-10-Z**

Selected Symbols


0 750 1,500 Feet

# Oak Realty Partners Inc.

5975 S. Quebec Street, Suite 141  
Greenwood Village, CO 80111

July 13, 2015

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

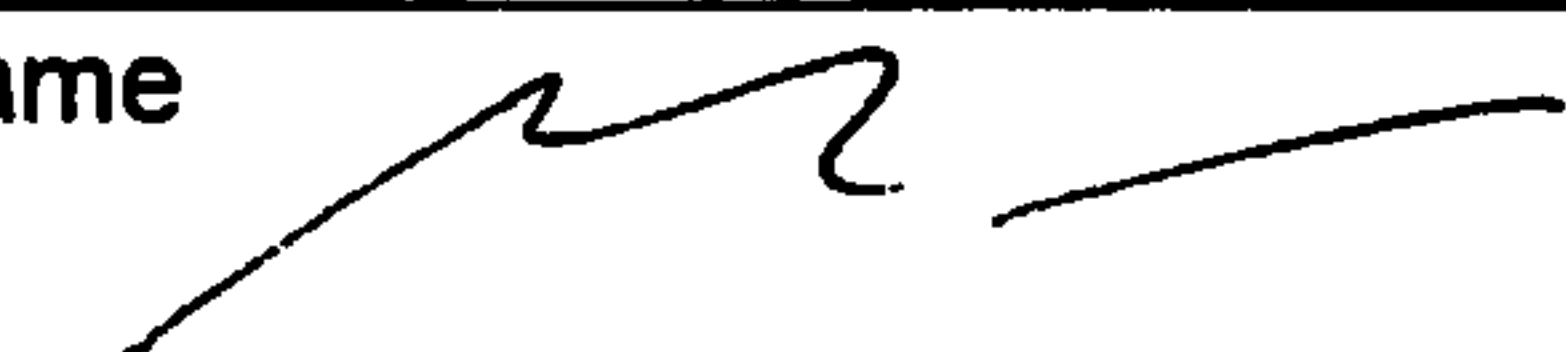
**RE: SITE DEVELOPMENT PLAN FOR BUILDING PERMIT  
TRACT D-1 (REPLAT OF TRS A THRU F HUBBELL PLAZA AND LT1 OF  
TRC-27 AIRPORT UNIT TOWN OF ATRISCO GRANT) HUBBELL PLAZA  
ZONE ATLAS PAGE K-10-Z**

Dear Chairman Cloud:

The purpose of this letter is to authorize Tierra West LLC to act as agent on behalf of:

- Coors Center DSG, LLC
- Coors Center SG, LLC
- Coors Center MB, LLC
- Coors Center JP, LLC
- Coors Center SZ, LLC
- Coors Center RVM, LLC
- Coors Center SC, LLC

Undivided interest in Tract D-1 pertaining to any and all submittals made to the City of Albuquerque for the above-referenced site.

Michael Bushell  
Print Name  
  
Signature  
Authorized Agent  
Title  
7/13/15  
Date



gwr

# TIERRA WEST, LLC

July 14, 2015

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

**RE: REQUEST FOR SITE DEVELOPMENT FOR BUILDING PERMIT  
TRACT D-1 (REPLAT OF TRS A THRU F HUBBELL PLAZA  
AND LT1 OF TRC-27 AIRPORT UNIT TOWN OF ATRISCO GRANT  
HUBBELL PLAZA)  
PROJECT# 1004095; ZONE ATLAS PAGE K-10-Z**

Dear Mr. Cloud:

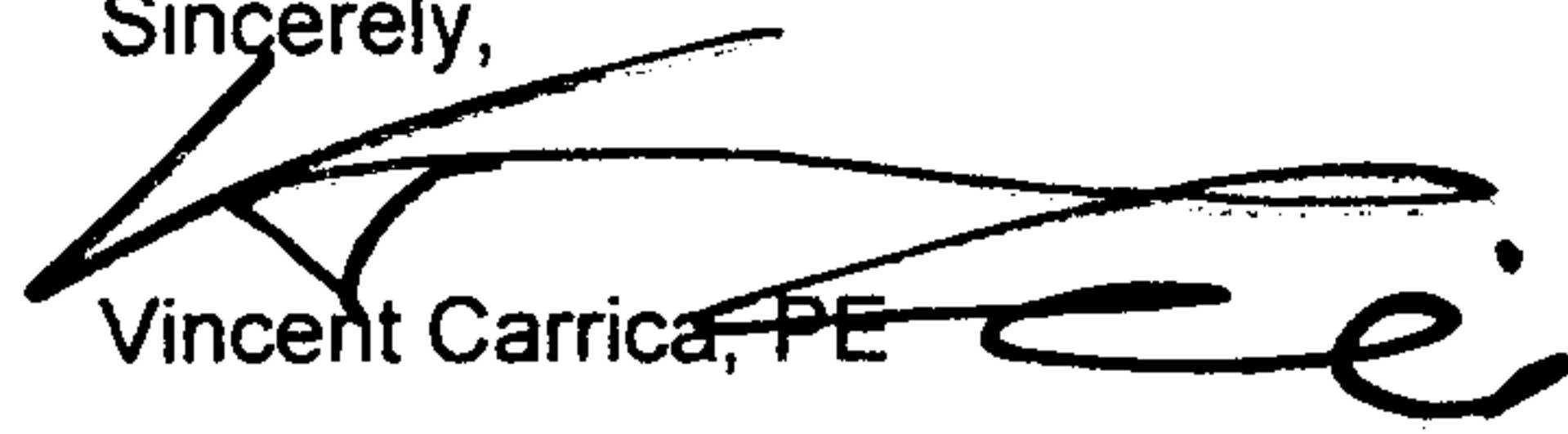
Tierra West LLC, on behalf of Coors Center DSG LLC, Coors Center SG LLC, Coors Center MB LLC, Coors Center JP LLC, Coors Center JP LLC, Coors Center SZ LLC, Coors Center RVM LLC, Coors Center SC LLC and Coors Center BL LLC, requests approval for the Site Development Plan for Building Permit for the above-referenced project.

The purpose of this request is to allow for the development of Tract D-1 within the Hubbell Plaza Shopping Center, located at the northwest corner of Coors Boulevard and Central Avenue. The site is to be reconfigured from a detention pond to a pad site for a Freddy's Steakburgers drive-thru restaurant. All access to site will come internally from the shopping center and will not require any improvements to Coors Boulevard. All necessary utility, access and drainages easements will remain to allow for the development of the tract as well as continue to accept drainage flows from the shopping center; therefore no improvements will be necessary outside of the subject site.

The Site Development Plan was reviewed and heard by the Environmental Planning Commission on June 11, 2015 and delegated final sign-off authority to the Development Review Board. The EPC conditions of approval were addressed to allow for ease of traffic circulation within the site and drive-thru lanes. The updated site layout was also reviewed during a meeting with the city staff planner, Vicente Quevedo, and was met with no objections to the changes made since the EPC hearing.

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

Sincerely,

  
Vincent Carrica, PE

Enclosure/s

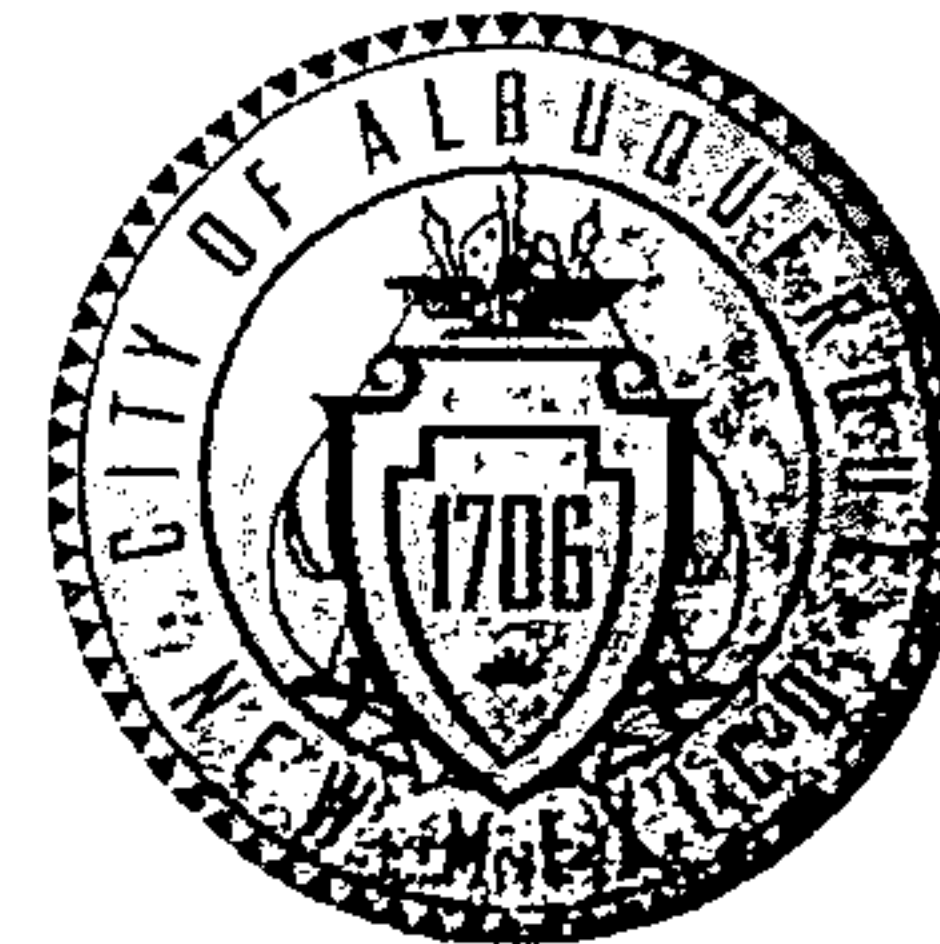
cc: Paul Hoover  
Michael Bushell

JN: 2015036  
VC/vp

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

# CITY OF ALBUQUERQUE

PLANNING DEPARTMENT  
URBAN DESIGN & DEVELOPMENT DIVISION  
600 2nd Street NW, 3rd Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3860 Fax (505) 924-3339



## OFFICIAL NOTIFICATION OF DECISION

June 12, 2015

Michael Bushell  
5975 S. Quebec Street, Suite 141  
Greenwood Village, CO 80111

**Project# 1004095**  
15EPC-40015 Site Development Plan for Building Permit

### LEGAL DESCRIPTION:

The above action for all or a portion of Tract D-1, Hubbell Plaza, Town of Atrisco Grant, zoned C-2 (SC), located on Coors Blvd. NW between Central Ave. NW and Bluewater Rd. NW, containing approximately 1.45 acres. (K-10)

Staff Planner: Vicente Quevedo

On June 11, 2015, the Environmental Planning Commission (EPC) voted to APPROVE Project# 1004095, 15EPC-40015, a Site Development Plan for Building Permit, based on the following findings and conditions:

### Albuquerque FINDINGS - 15EPC-40015 - June 11, 2015 - Site Development Plan for Building Permit

1. This is a request for a site development plan for building permit for Tract D-1, Hubbell Plaza, Town of Atrisco Grant located on Coors Blvd. between Central Ave. and Bluewater Rd. and containing approximately 1.45 acres. The subject site is zoned C-2 (SC).
2. The applicant is proposing a 3,450 sf restaurant building with 50 parking spaces. The restaurant will have a drive-thru window for take-out service. The proposed use and drive-thru window are allowed per the underlying C-2 zoning.
3. The property was zoned C-2 in January 1978 (Z-77-189) and the shopping center was built prior to 1987. An as built site development plan for subdivision was included as a condition of approval in 2005, at the time that a site development plan for building permit for the Dion's restaurant was submitted to the EPC for approval (05EPC-00567). No design standards were included on the most recent DRB approved site development plan for subdivision.

OFFICIAL NOTICE OF DECISION

Project #1004095

June 11, 2015

Page 2 of 8

4. An updated Grading and Drainage Plan per the City of Albuquerque's Development Process Manual (DPM) and demonstrating First Flush requirements must be submitted and approved prior to the issuance of a building permit per Hydrology Department Comments.
5. The applicant has made specific site development plan revisions in an attempt to address all agency comments (See attached letter from applicant dated May 21, 2015).
6. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, Coors Corridor Sector Development Plan, West Route 66 Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The request furthers the following applicable goals and policies of the Comprehensive Plan:
  - A. Policy II.B.5.d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.  
*The proposed restaurant building will be located appropriately within an existing commercially zoned shopping center site. The intensity of the use and design on the new building respects neighborhood values as it will have little to no impact on the surrounding residential areas. In addition, carrying capacities of the existing roadways will not be significantly affected along with any natural environmental conditions.*
  - B. Policy II.B.5.e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.  
*Full urban services are available to the surrounding properties and existing residential neighborhoods are not in close proximity to the proposed subject site.*
  - C. Policy II.B.5.j: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:
    - In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.  
*The proposed restaurant will be located in an existing commercially zoned area and will not create transportation problems.*
  - D. Policy II.B.5.k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.  
*The applicant has stated that a trip generation analysis was completed for the use of the subject site as a restaurant and showed little or no significant impact to require any further*

OFFICIAL NOTICE OF DECISION

Project #1004095

June 11, 2015

Page 3 of 8

*traffic study. Residential neighborhoods are not located within close proximity to the subject site.*

- E. Policy II.B.5.m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

*The proposed restaurant building elements contribute to ensuring that unique vistas east of the subject site and that the quality of the visual environment overall is improved.*

- F. Section II.B.7. - Activity Centers: The Goal is to expand and strengthen concentrations of moderate and high-density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities.

- G. Policy II.B.7.a: Existing and proposed Activity Centers are designated by a Comprehensive Plan map where appropriate to help shape the built environment in a sustainable development pattern, create mixed use concentrations of interrelated activities that promote transit and pedestrian access both to and within the Activity Center, and maximize cost-effectiveness of City services. Each Activity Center will undergo further analysis that will identify design elements, appropriate uses, transportation service, and other details of implementation.

*The subject site is located within the West Route 66 Major Activity Center. The proposed restaurant encourages and attracts automobiles which increases auto travel needs. A pedestrian connection south to the existing shopping center is proposed at the southwest corner of the subject site.*

8. The request partially furthers the following applicable goals and policies of the Comprehensive Plan:

- A. Policy II.B.5.1: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

*While the building will be constructed out of quality materials such as steel, concrete, stucco and metal roofing in addition to a proposed iconic three-dimensional custard cone wall mounted sign (that gives the building unique character), the building design itself is not innovative as it is almost identical to every other Freddy's Steakburgers restaurant building in Albuquerque.*

9. The request furthers the following applicable goals and policies of the West Side Strategic Plan, Atrisco Park Community:

- A. Atrisco Park Community Policy 3.33: It is appropriate for new development, both residential and non-residential, to occur in this Community. Redevelopment efforts associated with the existing five acre tracts in this area shall be encouraged.

*The proposed non-residential development constitutes new development on a vacant 1.45 acre tract of land within the Atrisco Park Community.*

OFFICIAL NOTICE OF DECISION

Project #1004095

June 11, 2015

Page 4 of 8

- B. Atrisco Park Community Policy 3.38: Expansion of commercial services and public services, especially in the vicinity of the Coors Blvd. and Central Ave. intersection should be encouraged. *The request constitutes an expansion of commercial services in the vicinity of the Coors Blvd. and Central Ave. intersection.*

10. The request furthers the following applicable goals and policies of the Coors Corridor Sector Development Plan:

A. Issue 3: Land Use and Intensity of Development Policies

Policy 3: Recommended Land Use: The Plan recommends land uses that are identified on page 69 of the Plan.

Policy 5: Development Intensity: Intensity of development shall be compatible with the roadway function, existing zoning or recommended land use, environmental concerns, and design guidelines.

*The request furthers the CCSDP's Land Use and Intensity of Development Policies 3 and 5. The Plan recommends commercial use for the area where the subject site is located. The intensity of development is compatible with the roadway function, existing zoning and recommended land use, environmental concerns and design guidelines.*

B. Issue 4: Visual Impressions and Urban Design Overlay Zone Policies

Policy 1: Views within the corridor: Appropriate and pleasing visual impressions within the corridor should be established and preserved.

Policy 2: Views beyond the corridor: Significant views beyond the corridor, including the volcanoes, escarpment, Arroyos, Bosque, Rio Grande Valley and the Sandia Mountains as viewed from Coors Blvd. should be preserved and enhanced.

Policy 3: New development: New development in the Coors Corridor should be designed to be compatible with the natural landscape and the built environment in accordance with the design regulations and guidelines.

*The request furthers the CCSDP's Visual Impressions Policies 1, 2, and 3 because the proposed restaurant building will not block views from the corridor. In addition, the design of the building is compatible with the existing built environment.*

C. Site Planning and Architecture Policies

Policy 2: Building setback height and bulk: Buildings should be located and designed to provide a pleasing and functional relationship to the roadway, the site, and adjacent or related buildings and structures.

Policy 4: Site landscaping: Landscape design and improvements should be complementary to the individual size and to the overall appearance of the corridor in accordance with the design regulations and guidelines.

*The request furthers the CCSDP's Site Planning and Architecture Policy 2. The building setback, height and bulk are in compliance with the Zoning Code. Sheet A211 provides the*

OFFICIAL NOTICE OF DECISION

Project #1004095

June 11, 2015

Page 5 of 8

*necessary 45 degree angle plane detail to demonstrate that the proposed building height meets the necessary height requirements of the Zoning code.*

Policy 7: Access: Separate vehicular and pedestrian access should be provided. Pedestrian access to structures shall not utilize driveways as walkways. Pedestrian connections between uses in commercial developments shall be emphasized.

*The request furthers the CCSDP's Site Planning and Architecture Policies 4 and 7. Adequate landscaping is provided throughout the site and a pedestrian connection is proposed from the southwest corner of the subject site west to the existing shopping center site.*

11. The request furthers the following goals and policies of the West Route 66 Sector Development Plan;
  - A. *The West Route 66 Sector Development Plan does not have specific goals and objectives, but does have a design overlay zone. The request conforms with the design overlay zone in the West Route 66 Sector Development Plan.*
12. The Los Volcanes Neighborhood Association, West Mesa Neighborhood Association, South Valley Coalition of Neighborhood Association's, South West Alliance of Neighbors (SWAN) and Westside Coalition of Neighborhood Association's were all notified of this request. A facilitated meeting was not recommended or held. There is no known neighborhood opposition to this request.
13. The purpose of additional signage or re-design of the northern access is to discourage traffic from entering the drive-thru from the currently proposed northern access.

***CONDITIONS OF APPROVAL – 15EPC-40015 – June 11, 2015 Site Development Plan for Building Permit***

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.

OFFICIAL NOTICE OF DECISION

Project #1004095

June 11, 2015

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3. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.
  
4. Public Service Company of New Mexico Conditions for Approval for Project #1004095 Site Plan for Subdivision and Site Plan for Building Permit(Freddy's Restaurant at Coors/Central) 15EPC-40014. 15EPC-40015:
  - a.) It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
  
  - b.) Screening should be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Please refer to the PNM Electric Service Guide at [www.pnm.com](http://www.pnm.com) for specifications.
  
5. Transportation Development Department Condition of Approval:
  - a.) Add the following note to the clear sight triangle: "Landscaping and signage will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in this area."
  
6. Fire Department/Planning Condition of Approval:
  - a.) Fire Department Connections (City Ordinance Sec 912.2 Location and Sec 912.1.2 Visible Location): The Fire Department Connection shall be within 100 feet of a hydrant. The Fire Department Connection shall not have an obstructed apparatus access. The Fire department connection shall not be accessible via the drive-thru.
  
7. Access shall be adjusted either to the north or from the north property line where access to the drive-thru is ninety degrees or less.
  
8. If condition 7 cannot be accomplished, then directional signage shall be added to the site development plan for building permit to adequately limit the site traffic accessing the drive-thru. Subject to approval by the Traffic Engineer prior to DRB final sign-off.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JUNE 26, 2015**. The date of the EPC's decision is not included in the 15-day period for filing an

OFFICIAL NOTICE OF DECISION

Project #1004095

June 11, 2015

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appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. 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.

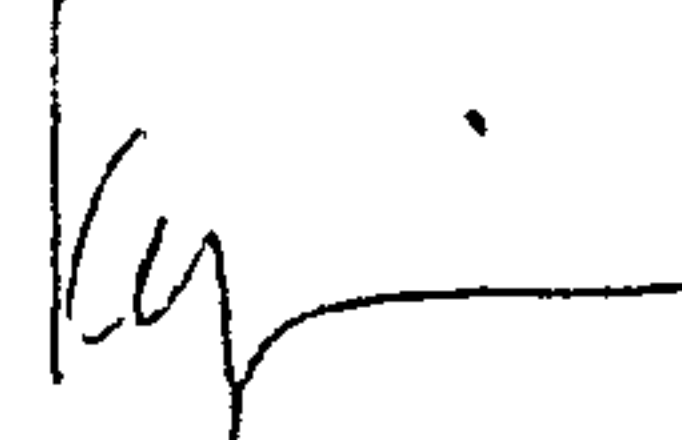
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,

  
per Suzanne Lubar  
Planning Director

SL/VQ

cc: Michael Bushell, 5975 S. Quebec Street, Suite 141, Greenwood Village, CO 80111



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Project #1004095

June 11, 2015

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Tierra West, LLC, 5571 Midway Park Place NE, ABQ, NM 87109  
Ben Sandoval, 6516 Honeylocust Ave. NW, Albuquerque, NM 87121  
Ted Trujillo, 6601 Honeylocust Ave. NW, Albuquerque, NM 87121  
Louis Tafoya, 6411 Avalon Rd. NW, Albuquerque, NM 87105  
Steven Budenski, 5732 La Anita Ave. NW, Albuquerque, NM 87105  
Rod Mahoney, 1838 Sadora Rd. SW, Albuquerque, NM 87105  
Marcia Fernandez, 2401 Violet SW, Albuquerque, NM 87105  
Johnny Pena, 6525 Sunset Gardens SW, Albuquerque, NM 87121  
Jerry Gallegos, 417 65<sup>th</sup> St. SW, Albuquerque, NM 87121  
Gerald Worrall, 1039 Pinatubo Pl. NW, Albuquerque, NM 87120  
Harry Hendriksen, 10592 Rio Del Sole Ct. NW, Albuquerque, NM 87114

# CITY OF ALBUQUERQUE



July 9, 2015

Ronald Bohannon, PE  
Tierra West, LLC  
5571 Midway Park Place NE  
Albuquerque, NM 87109

RE: **Freddy's (Formerly Whataburger)**  
**Grading and Drainage Plan**  
**Engineer's Stamp Date 7-07-2015 (File: K10-D001B)**

Dear Mr. Bohannon:

Based upon the information provided in your submittal received 7-07-15, the above referenced plan is approved for action by DRB on the Site Plan for Building Permit.

PO Box 1293

Prior to Building Permit approval, DRB approval is required. If you have any questions, you can contact me at 924-3924.

Albuquerque

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne Wolfenbarger".

New Mexico 87103

Jeanne Wolfenbarger, P.E.  
Senior Engineer, Planning Dept.  
Development Review Services

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

Orig: Drainage file  
c.pdf Addressee via Email

gan

# TIERRA WEST, LLC

July 16, 2015

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

**RE: RESPONSE TO EPC CONDITIONS OF APPROVAL  
FREDDY'S AT COORS AND CENTRAL  
TRACT D-1 (REPLAT OF TRS A THRU F HUBBELL PLAZA AND LT 1 OF TRC- 27 AIRPORT  
UNIT TOWN OF ATRISCO GRANT) HUBBELL PLAZA  
ZONE ATLAS PAGE K-10-Z**

Dear Chairman Cloud:

Please find the following responses addressing the EPC conditions of approval for Site Plan for Building Permit for the subject site mentioned above:

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.  
**Response: This letter is intended to address the EPC conditions of approval. Modifications made to the site plan include shifting the north driveway entrance as far north as possible and adding an additional pedestrian connection to come directly from the Coors Boulevard Right-of-Way. The shift in the driveway entrance is to give vehicles more ease of entering the drive-thru with a 90 degree turn instead of a 180 degree turn, as was the case for the previous layout submitted to EPC. A letter from Jeanne Wolfenbarger dated July 9, 2015 approved the grading plan for DRB action for Site Plan for Building Permit.**
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.  
**Response: When the site layout was updated to address the conditions of approval, we met with the staff planner, Vicente Quevedo, on Wednesday, July 1, 2015 to discuss changes made. Vicente is aware of the changes made to the site plan and has no concerns of addressing EPC's conditions of approval.**
3. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.  
**Response: The site plan complies with the regulations of the Zoning Code for C-2(SC) zoning as well as the Coors Corridor Sector Development plan which this subject site falls within.**
4. Public Service Company of New Mexico Conditions for Approval for Project #1004095 Site Plan for Subdivision and Site Plan for Building Permit (Freddy's Restaurant at Coors/Central) 15EPC-40014. 15EPC-40015:

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

- a.) It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.

**Response: All existing utility easements and Coors right-of-way were determined on and adjacent to property. These easements and right-of-way were labeled on the site plan.**

- b.) Screening should be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Please refer to the PNM Electric Service Guide at [www.pnm.com](http://www.pnm.com) for specifications.

**Response: The transformer for the site will be placed near the NW corner of building in the landscaped area in a manner where the front of the transformer will face the drive-thru aisle, giving the minimum ten feet of clearance. The remaining three sides will be far away from any other structure to allow for six feet of clearance minimum.**

5. Transportation Development Department Condition of Approval:

- a.) Add the following note to the clear sight triangle: "Landscaping and signage will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in this area."

**Response: The note mentioned for the clear site triangle was placed on the Site Plan under the "General Notes" section as well as placed on the Traffic Circulation Layout and Landscape Plan.**

6. Fire Department/Planning Condition of Approval:

- a.) Fire Department Connections (City Ordinance Sec 912.2 Location and Sec 912.1.2 Visible Location): The Fire Department Connection shall be within 100 feet of a hydrant. The Fire Department Connection shall not have an obstructed apparatus access. The Fire department connection shall not be accessible via the drive-thru.

**Response: The Fire Department Connection will be located remotely in the landscaped area directly south of the parking lot. This assures that the connection will be outside of the drive-thru area and within 100-feet of the existing hydrant located southwest of the site.**

7. Access shall be adjusted either to the north or from the north property line where access to the drive-thru is ninety degrees or less.

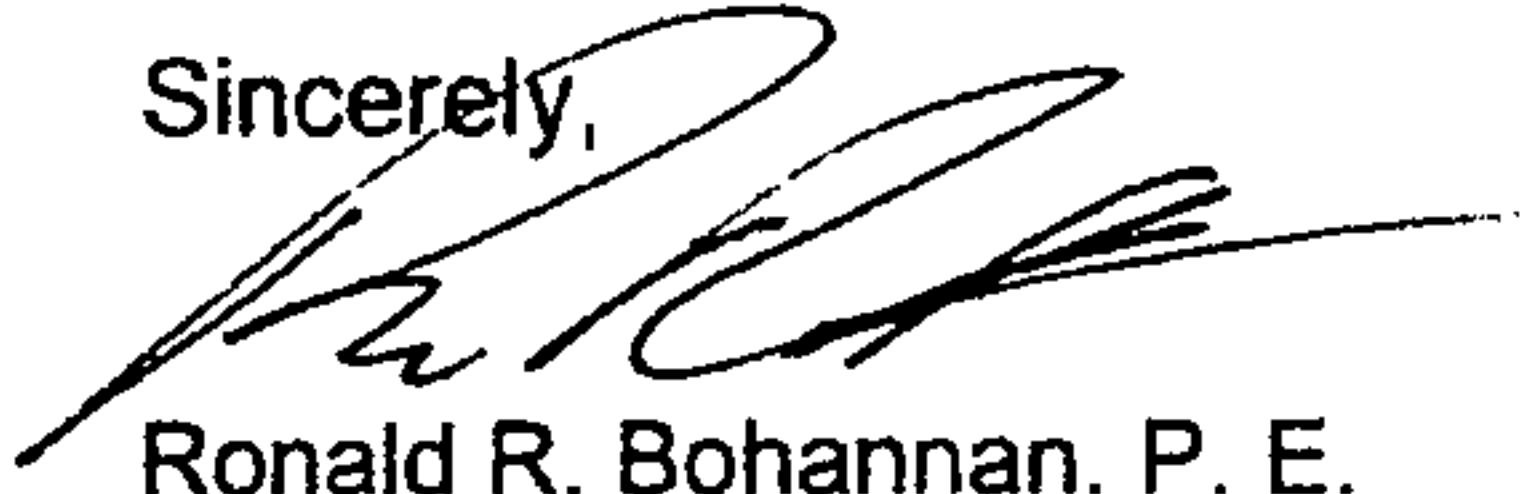
**Response: The north driveway entrance was shifted as far north as possible. This gives a 90 degree turn into the drive-thru aisles instead of 180 degrees, as was the case in the previous layout.**

8. If condition 7 cannot be accomplished, then directional signage shall be added to the site development plan for building permit to adequately limit the site traffic accessing the drive thru. Subject to approval by the Traffic Engineer prior to DRB final sign-off.

**Response: Condition 7 was accomplished so condition 8 does not apply.**

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: Paul Hoover  
Michael Bushell

JN: 2015036

PROJECT #

11003-1095

July 22. 2015

SBJ

# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

**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

**S Z ZONING & PLANNING**

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

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

**APPLICANT INFORMATION:**

NAME: DION'S PHONE: 858-1010  
 ADDRESS: 8525 JEFFERSON NE FAX: 858-2421  
 CITY: Albany STATE NM ZIP 87113 E-MAIL: BSCOTTE@DIONSP1ZZA.COM  
 Proprietary interest in site:  List all owners: \_\_\_\_\_  
 AGENT (if any): ALEX HARRISON - ARCHITECT PHONE: 299-6322  
 ADDRESS: 8605 MOUNTAIN RD. NE FAX: 298-7749  
 CITY: Albany STATE NM ZIP 87112 E-MAIL: ALEX8605@ATT.NET

DESCRIPTION OF REQUEST: BUILD 5700 SF RESTAURANT ON VACANT LOT WITHIN EXISTING SHOPPING CENTER

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. E1 Block: \_\_\_\_\_ Unit: \_\_\_\_\_  
 Subdiv. / Addn. HUBBELL PLAZA ADDITION  
 Current Zoning: ~~K-10~~ C-2 Proposed zoning: SAME  
 Zone Atlas page(s): K-10 No. of existing lots: 1 No. of proposed lots: 1  
 Total area of site (acres): 1 Density if applicable: dwellings per gross acre: \_\_\_\_\_ dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes.  No, but site is within 5 miles of the city limits.) Within 1000FT of a landfill? \_\_\_\_\_  
 UPC No. 101005748140110105 MRGCD Map No. \_\_\_\_\_

LOCATION OF PROPERTY BY STREETS: On or Near: COORS BLVD NW  
 Between: CENTRAL AVE. NW and BLUEWATER RD. NW

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX-, Z-, V-, S-, etc.):  
DRB 796-221, 2-86-24-1

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team  Date of review: 3/15/05

SIGNATURE ALEX HARRISON DATE 4/5/05  
 (Print) \_\_\_\_\_ Applicant  Agent

**FOR OFFICIAL USE ONLY**

Form revised 4/04

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

Application case numbers	Action	S.F.	Fees
<u>05DRB-00912</u>	<u>SBR</u>	<u>P3</u>	<u>\$ 30</u>
<u>05DRB-00916</u>	<u>CME</u>	_____	<u>\$ 20.00</u>
_____	<u>SPS</u>	_____	<u>\$ 0</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
Hearing date <u>06/08/05</u>	_____	_____	Total <u>\$ 20.00</u>

Sandy Handley 05/31/05  
 Planner signature / date

Project # 1004095

**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
  - 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
  - Blue-line 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
  - Blue-line 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.

ALEX HARRISON  
 Applicant name (print)  
[Signature]  
 Applicant signature / date



Form revised October 2004

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

Application case numbers  
 05DRB - \_\_\_\_\_ - 00912  
 \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
 \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Sandy Sandley 05/31/05  
 Planner signature / date  
**Project # 1004095**

# ALEXANDER HARRISON - ARCHITECT

8605 Mountain Road NE, Albuquerque, New Mexico 87112, 505-299-6322

May 27, 2005

Sheran Matson  
DRB Chair  
Development Review Board  
City of Albuquerque

RE: Dion's Restaurant, Coors & Central  
Project #1004095 / 05EPC-00567

Dear Ms. Matson,

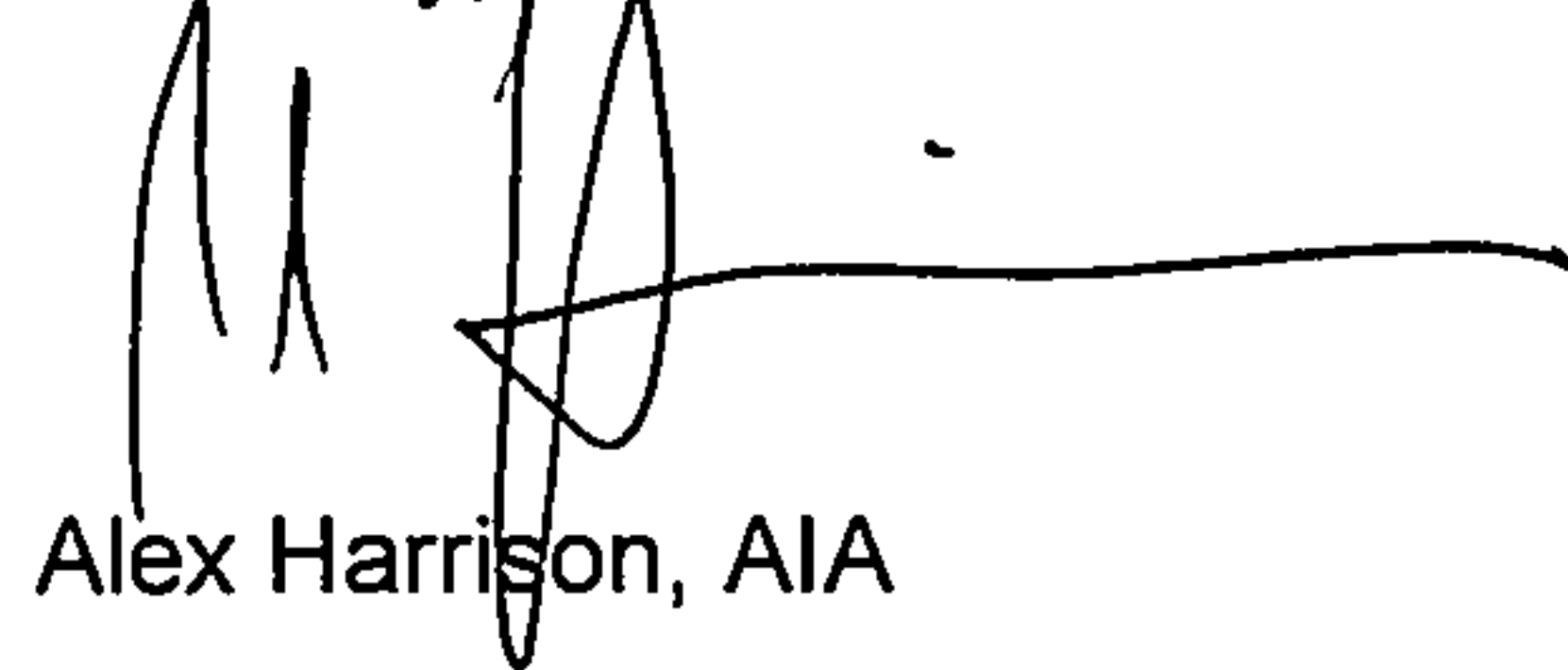
We received EPC approval, with conditions, on May 19, 2005. Attached documents include:

Declaration of Easements with Covenants and Restrictions Affecting Land (ECR)  
Sheet 1—Site Plan for Subdivision  
Sheet 2—Site Plan for Building Permit  
Sheet 3—Landscaping Plan  
Sheet 4—Grading and Utility Plan  
Sheet 5—Building Elevations

The conditions have been addressed as follows:

1. This letter accompanies submittal.
2. Sheet 1 has been labeled "Site Plan for Subdivision"
3. Sheet 2 has been labeled "Site Plan for Building Permit"
4. All walls will be similar in materials and color to the building as shown on Sheet 5 - Building Elevations
5. Pedestrian walkway has been added, see Sheets 1 and 2 - Site Plans
6. Cross-access and cross-parking agreements are included in the attached ECR, see specifically page 739.
7. Light poles have been reduced to 20', see Sheets 2 and 5.
8. Note stating: "All roof-top equipment will be screened by parapet walls" has been added to Sheet 5
9. EPC and DRB requirements will be completed or provided for. Permanent improvements to the transportation facilities will be constructed to City standards.
10. One of the parking spaces has been designated for motorcycle parking, see Sheet 2.

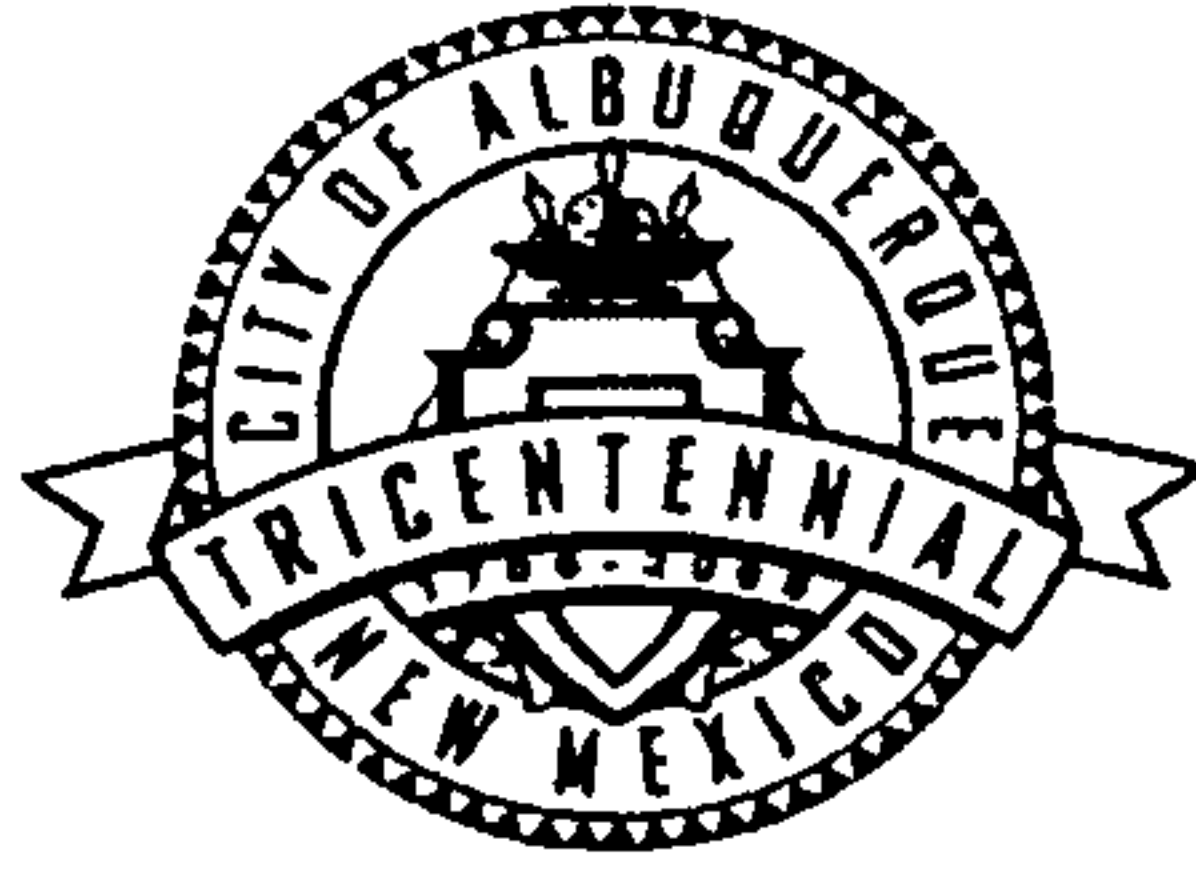
Sincerely,



Alex Harrison, AIA







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

Date: May 20, 2005

**OFFICIAL NOTIFICATION OF DECISION**

FILE: **Project # 1004095\***  
05EPC-00567 EPC Site Development Plan-  
Building Permit

Dion's  
8525 Jefferson NE  
Albuq. NM 87113

**LEGAL DESCRIPTION:** for **Tract E1**, being a portion of the **Hubbell Plaza Shopping Center**, zoned C-2 (SC), located on COORS BLVD. NW, between CENTRAL AVE. NW and BLUEWATER RD. NW, containing approximately 1 acre. (K-10) Carmen Marrone, Staff Planner

On May 19, 2005 the Environmental Planning Commission voted to approve Project 1004095/ of 05EPC 00567 a Site Plan for Building Permit, for Tract E-1, Hubbell Plaza Addition, based on the following Findings and subject to the following Conditions:

**FINDINGS:**

1. This is a request for approval of a site plan for building permit for Tract E-1, Hubbell Plaza, a one-acre tract of land within the Coors-Central Shopping Center, located at the northwest corner of Coors and Central NW. The site is zoned C-2 (SC) which requires site plan approval by the EPC.
2. The original site plan for subdivision for the shopping center is unavailable. The applicant has provided an "as-built" site plan, Sheet 1, that should be treated as the official site plan for subdivision to guide future development of the shopping center. Sheet 1 should be labeled "Site Plan for Subdivision" and should receive DRB approval.
3. The most current site development plan for the shopping center proposed an 11,500 square foot building on the site (Z-86-24-1). The applicant proposes to construct a 5700 square foot Dion's Restaurant on the site. The restaurant will have a drive-up window for take-out service.

5. Provide a pedestrian walkway from the front entrance of the building to the northern-most drive aisle. This will require the elimination of two parking spaces in the middle row of parking.
6. Provide cross-access and cross-parking agreements to allow the shopping center to absorb any parking spillover.
7. All pole-mounted lighting shall be lowered to a maximum height of 20'. Relocate the pole-mounted light, located at the east end of the middle row of parking, one parking space west to align with the pedestrian walkway that is suggested by staff.
8. Provide a note on the Elevation Plan stating that all roof-top equipment will be screened from the right-of-way by parapet walls or some other similar feature.
9. City Engineer Conditions:
  - a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
  - b. 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 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).
  - c. Provide cross access agreement if applicable.
10. One of the parking spaces shall be designated for motorcycle parking.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY JUNE 3, 2005 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.

OFFICIAL NOTICE OF DECISION  
MAY 19, 2005  
PROJECT #1004095  
PAGE 4 OF 4

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).

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,

*For*   
Richard Dineen  
Planning Director

RD/CM/ac

cc: Alex Harrison, Architect, 8605 Mountain Rd. NE, Albuquerque, NM 87112  
David Edwards, Los Volcanes NA, 637 Honeylocust Pl. NW, Albuquerque, NM 87121  
Max Garcia, Los Volcanes NA, 6619 Honeylocust Pl. NW, Albuquerque, NM 87121  
Louis Tafoya, West Mesa NA, 6411 Avalon Rd. NW, Albuquerque, NM 87105  
Bennie Matlock, West Mesa NA, 837 Loma Hermosa Dr. NW, Albuquerque, NM 87105

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

PAID RECEIPT

APPLICANT NAME DION'S  
AGENT ALEX HARRISON  
ADDRESS 8605 MOUNTAIN RD. NE  
PROJECT & APP # 1004095/00912  
PROJECT NAME ~~THE~~ DION'S

\$ 20.00 441032/3424000 Conflict Management Fee  
\$ \_\_\_\_\_ 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  
\$ 20.00 TOTAL AMOUNT DUE

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

2268  
ALEXANDER HARRISON  
DBA-ALEXANDER HARRISON-ARCHITECT  
8605 MOUNTAIN RD NE  
ALBUQUERQUE, NM 87112-5038  
DATE 5/31/05  
95-681/1070  
PAY TO THE ORDER OF CITY OF ALBUQUERQUE \$ 20.00  
TWENTY + 00/100 DOLLARS  
Manzano Office  
BANKWEST 1-800-488-2265  
FOR \_\_\_\_\_  
⑆ 107006813⑆ 277037883⑆ 02268

DUPLICATE\*\*\*  
Albuquerque  
Treasury Division  
10:42AM LDC: A'IX  
US# 008 TRANS: 0006  
Fund 0110  
TRSCS  
\$20.00  
\$20.00  
\$20.00  
\$0.00  
CHANGE

Thank You

OFFICIAL NOTICE OF DECISION  
MAY 19, 2005  
PROJECT #1004095  
PAGE 2 OF 4

4. The site is located within the Established Urban Area of the *Comprehensive Plan*. The proposed site plan for building permit furthers applicable goals and policies of the *Comprehensive Plan* by proposing a use that is compatible with the existing shopping center per Policy 5j and that will serve the surrounding neighborhoods while minimizing adverse effects of noise, lighting, pollution, and traffic on residential environments per Policy 5i. In addition, the site plan proposes development that is appropriate to the area and that will improve the quality of the visual environment per Policies 5l and 5m.
5. Coors Boulevard, adjacent to the subject site, is a designated "Enhanced Transit Corridor" under the Centers and Corridors component of the *Comprehensive Plan*. The proposed site plan furthers the goals for Enhanced Transit Corridors by providing pedestrian connections from the public sidewalk to the building, by providing a wide landscaped buffer along the public sidewalk to enhance the walking experience, by locating the building close to Coors Blvd. and by not locating parking adjacent to Coors Blvd.
6. The site is within the boundaries of the *Coors Corridor Plan* with a goal to promote visual harmony between new and existing buildings and to improve the appearance of Coors Blvd. The proposed site plan is consistent with the goals of the Coors Corridor Plan by providing a quality development that compliments the existing shopping center and improves the pedestrian and vehicular environment along Coors Blvd.
7. With a few adjustments, the site plan will be consistent with applicable goals, policies, and regulations.
8. There is no known neighborhood opposition.

**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. Sheet 1 shall be labeled "Site Plan for Subdivision" and shall receive DRB approval.
3. The site plan, Sheet 2, should be labeled "Site Plan for Building Permit" and not just "Site Plan".
4. All walls shall be similar in materials and color to the building.

86 65812

66 732

DECLARATION OF EASEMENTS WITH COVENANTS AND RESTRICTIONS  
AFFECTING LAND (ECR)

BY

COORS CENTRAL, LTD. (DEVELOPER)  
and  
TASSO and ANNA CHRONIS (CHRONIS)

COORS CENTRAL SHOPPING CENTER

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
FILED FOR RECORD

1988 III 18 PM 1:29

*Doc 373A PG 732-758*  
DOLores C. WALLER  
CO. CLERK & RECORDER  
*[Signature]* DEPUTY

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- D - Site Plan - Additional Property
- E - Legal Description - Additional Property
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DECLARATION OF EASEMENTS WITH COVENANTS AND RESTRICTIONS  
AFFECTING LAND (ECR)

COORS CENTRAL, LTD., a New Mexico limited partnership ("Developer") and TASSO and ANNA CHRONIS, husband and wife ("Chronis") declare and agree:

1. Recitals. Developer is the owner of Parcel I and II as shown on the plan attached hereto as Exhibit A, and which are more particularly described on Exhibit B and Exhibit C. Developer is also the owner, through a related entity, of the "Additional Property" lying adjacent to Parcel II on the north and described on Exhibits D and E attached hereto. Developer desires that Parcel I and Parcel II (excepting from Parcel II that land labeled "Future Development" on Exhibit A) be developed in conjunction with each other pursuant to a general plan of improvement to form a commercial shopping center (the "Shopping Center") and desire that Parcel I and Parcel II and the Additional Property be subject to the easements and the covenants, conditions and restrictions hereinafter set forth. Chronis desires to join in certain of the reciprocal easements granted hereby, to assure the orderly development of the Shopping Center and to enhance the value of the Chronis Property. Chronis owns the property labeled as the "Chronis Property" on Exhibit A and more particularly described on Exhibit F.

2. Consideration. Developer and Chronis mutually subject Parcel I, Parcel II, the Additional Property and the Chronis Property to the conditions of this ECR in consideration that the following conditions will be binding upon the parties hereto and will attach to and run with Parcels I, II, the Additional Property, and the Chronis Property and will be for the benefit of and will be limitations upon all future owners of Parcels I, II, the Additional Property and the Chronis Property and that all easements herein set forth will be appurtenant to the dominant estates, and in consideration of the mutual promises, covenants, conditions, restrictions, easements and encumbrances contained herein.

3. Building/Common Areas.

(a) "Building Areas" as used herein will mean that portion of Parcel I shown on Exhibit A as "Food Supermarket" and that portion of Parcel II adjacent to the Food Supermarket and labeled "Building Area," and that portion of the Chronis Property shown as "Existing Tasso's Restaurant" and will also mean any area upon which buildings may be constructed on the Shopping Center, subject to the restrictions contained herein.

(b) "Common Areas" will be all of the Shopping Center and the Chronis Property except the Building Areas.

(c) Conversion to Common Areas: Those portions of the Building Areas on each parcel which are not or cannot from time to time be used will become part of the Common Area for the uses permitted hereunder and will be improved, kept and maintained as provided in this ECR. An area converted to Common Area may be converted back to Building Area by the development as Building Area, if at the time of conversion back to Building Area it meets the requirements of this ECR.

#### 4. Buildings.

(a) Use: Buildings in the Shopping Center will be for commercial purposes of the type usually found in a retail shopping center. The tenants occupying the buildings will be primarily retail and service tenants of the type normally associated with a retail shopping center. During the term of this ECR, the building on Parcel I (the "Supermarket") will be continuously operated (except for reasonable periods for repair and restoration) during customary supermarket operating periods, as a food supermarket or related uses. If Parcel I is conveyed by Developer and Developer retains ownership of Parcel II, the owner of Parcel I will be in default under this paragraph after notice from Developer of such owner's failure to comply with this paragraph, and after the expiration of thirty (30) days from such owner's receipt of such notice, if such owner has not cured the failure to comply within such thirty (30) day period. Chronis will have no rights or obligations under this paragraph.

(b) Developer's Remedy for Breach of Use Restrictions: Developer's sole remedy for an owner's breach of the use restrictions set forth in the preceding paragraph will be to be relieved of the use restriction regarding no other supermarket, as set forth in paragraph 4(i)(4) of this ECR. In the event of such owner's default and failure to timely cure, Developer may, at any time thereafter, record with the Clerk of Bernalillo County, New Mexico, a notice of such owner's failure to comply with such use restriction, and the restriction regarding no other supermarket use will automatically be deemed removed from all properties subject to this ECR.

(c) Location: No building will be constructed on the Shopping Center, except within the Building Areas. Chronis will have no rights or obligations under this Paragraph.

(d) Design and Construction of the Shopping Center: The Supermarket and the remaining buildings in the Shopping Center will be designed so that the exterior elevations will be architecturally and aesthetically compatible with each other. The design and construction will be in conformity with sound architectural and engineering standards and the construction will be first quality. Owners of Parcels I and II will

coordinate with each other as to the exterior design and landscaping of improvements in the Shopping Center, and each will have the right to reasonably approve the exterior architectural design and landscaping for their respective improvements within the Shopping Center and any modifications thereof. Chronis will have no rights or obligations under this paragraph.

(e) Construction on Parcel I: The owner of Parcel I will commence construction of the Supermarket as soon as reasonably practical, will diligently pursue construction of the Supermarket to completion, and will complete construction and open the Supermarket for business no later than August 1, 1987. The owner of Parcel I will be in default under this paragraph after notice from Developer of failure to comply with this paragraph, and after the expiration of ten (10) days from receipt of such notice, if such owner has not cured the failure to comply within such ten (10) day period. Chronis will have no rights or obligations under this paragraph.

(f) Developer Construction on Shopping Center Portion of Parcel II: Developer will commence construction of the buildings on Shopping Center portion of Parcel II ("Developer's Buildings") as soon as reasonably practical, and Developer will diligently pursue construction of Developer's Buildings to completion. Developer will, by August 1, 1987, complete construction of at least 15,000 square feet of tenant space in Developer's Buildings adjacent to Parcel I on the north. Developer will be in default under this paragraph after notice from the owner of Parcel I (if conveyed by Developer) of Developer's failure to comply with this paragraph, and after expiration of ten (10) days from Developer's receipt of such notice, if Developer has not cured the failure to comply within such ten (10) day period. Chronis will have no rights or obligations under this paragraph.

(g) Failure to Comply with Construction Deadlines: If the owner of Parcel I or of Parcel II fails to comply with the deadlines set forth in subparagraphs (e) and (f) above, after notice and opportunity to cure as required above, then the other party will be entitled to collect from the defaulting party a penalty in the amount of \$1,000 per day. Such penalty will commence on the day after expiration of the applicable cure period after notice of default, and will continue until the defaulting party complies with the construction provisions set forth above. However, a party is not entitled to assert a right to the \$1,000 per day penalty until the party seeking to assert such right is itself in compliance with the construction deadline set forth above. In addition, upon failure of the owner of Parcel I to comply with the construction deadline and after applicable notice of opportunity to cure, Developer will be released from the use restriction regarding

no other supermarket. Developer will be entitled to record a notice of such failure to comply with construction deadline with the Clerk of Bernalillo County, New Mexico and the use restriction set forth in paragraph 4(i)(4) hereof will automatically be deemed released from all properties subject to this ECR. Chronis will have no rights or obligations under this paragraph.

(n) Construction on Chronis Property: Any substantial exterior modifications to the existing building on the Chronis Property, and any new building on the Chronis Property, will be architecturally and aesthetically compatible with the Shopping Center. The design and construction will be in conformity with sound architectural and engineering standards and the construction will be first quality. Chronis will submit any plans for such improvements to Developer and any owner of Parcel I for prior approval of exterior design and landscaping. Failure of Developer or any owner of Parcel I to respond in writing within thirty (30) days after receipt of such plans will be deemed approval thereof by such party. In no event will the building in the Chronis Property ever exceed the height of the building existing on the date of this ECR, without the consent of the owners of Parcels I and II.

(i) Other Use Restrictions: The following additional restrictions apply to the properties subject to this ECR, except that Chronis will have no rights or obligations under this paragraph:

(1) Restaurants. In that portion of the Shopping Center adjacent to Parcel I, Developer will not place a restaurant on Parcel II within 150 feet of Parcel I, without the prior written consent of the owner of Parcel I. The owner of Parcel I will not place a restaurant in Parcel I, without the prior written consent of Developer. Any consent under this subparagraph may be withheld pending receipt of such information and satisfaction of such requirements as is appropriate in planning for the operation of a supermarket and shopping center, and will not be unreasonably withheld.

(2) Developer's Pad. The Pad on Parcel II labeled on Exhibit A with a building labeled "F-Future" and located adjacent to Tasso's Restaurant on Coors Road will be limited to one story in height.

(3) All Pads. All portions of the Shopping Center subdivided into "Pads" for outlying buildings will contain at least 3 feet of property area per square foot of building area.

(4) Supermarkets. So long as Parcel I contains an operating Supermarket, no other grocery supermarket may be operated on Parcel II or on the Additional Property; however,

Developer may operate a convenience grocery store, such as a "7-11" or "Circle K."

5. Common Areas Use.

(a) Grant of Easements: The following easements are granted:

(1) Common Areas. Each party, as grantor, hereby grants to the other party for the benefit of the other party, and Developer declares, for the mutual benefit of the Property subject hereto, its customers, invitees and employees, a nonexclusive easement for roadways, walkways, ingress and egress to and from the public rights-of-way adjacent to the Properties subject to this ECR, drainage of storm waters, irrigation, landscaping, the parking of motor vehicles and use of facilities installed for the comfort and convenience of customers, invitees, employees, agents and contractors on the Common Areas of the grantor's parcel. In no event, however, will Parcels I or II have the right to drain storm waters onto or to pond waters upon, the Chronis Property, nor will Chronis have the reciprocal right upon Parcels I and II. Further, Chronis will at all times maintain sufficient parking on the Chronis Property to meet appropriate zoning code standards.

(2) Easement Property: Developer also declares and grants an easement for the benefit of Parcel I and Parcel II, upon a portion of the Additional Property, for the use by the owners, their customers, invitees and employees, a non-exclusive easement for ingress and egress and for parking. The portion of the Additional Property subject to the ingress, egress and parking easement is depicted generally as the "Easement Property" on Exhibit A. Developer may at any time determine the exact location of the Easement Property by legal description and record a definitive description thereof in the real property records of Bernalillo County, New Mexico.

(3) Access to Airport Drive: Developer reserves an easement upon generally those portions of Parcel II labeled on Exhibit A as "Future Access" across the "Future Development" Property for the benefit of Parcels I and II and for the benefit of the Additional Property, for the use by the owners, their customers, invitees and employees, non-exclusive easements for ingress and egress. Developer may at any time determine the exact location of the "Future Access" easements by legal description and record definitive descriptions thereof in the real property records of Bernalillo County, New Mexico.

(4) Access to Bluewater Road N.W.: Developer reserves an easement upon generally those portions of the Additional Property labeled on Exhibit D as "Access Drives" across the Additional Property for the benefit of Parcels I

and II, for use by the owners, their customers, invitees and employees, non-exclusive easements for ingress and egress. Developer may at any time determine the exact location of the "Access Drives" by legal description and record definitive descriptions thereof in the records of Bernalillo County, New Mexico. Regardless of the exact location, the Access Drives will provide at least two (2) access lanes and one service drive from Parcel II to Bluewater Road N.W. within each drive. to be at least thirty feet (30') wide.

(b) Use: Subject to existing easements of record, the Common Areas will be used for roadways, walkways, storm water drainage, irrigation, landscaping, ingress and egress, parking of motor vehicles, loading and unloading of commercial and other vehicles, for driveway purposes, and for the comfort and convenience of customers, invitees and employees of all businesses and occupants of the buildings constructed on the Building Areas.

(c) No Barriers: No party will construct or maintain any walls, fences, or barriers of any kind on the Common Areas, or any portion thereof, which will prevent or impair the use or exercise of any of the easements granted herein, or the free access and movement, including without limitation, pedestrians and vehicular traffic between the various parcels, provided, however, reasonable traffic controls as may be necessary to guide and control the orderly flow of traffic may be installed so long as access driveways to the parking areas in the Common Areas are not closed or blocked. The only exceptions to this provision will be (1) for changes to the Building Areas and Common Areas permitted by this ECR, and (2) for incidental encroachments upon the Common Areas which may occur as a result of the use of ladders, scaffolding, store-front barricades and similar facilities resulting in temporary obstruction of the Common Areas, all of which are permitted so long as their use is kept within reasonable requirements of construction work being expeditiously pursued.

(d) Limitations on use:

(1) Customers: Customers and invitees will not be permitted to park on the Common Areas except while shopping or transacting business on the properties subject to this ECR.

(2) Employees: Employees will not be permitted to park on the Common Areas, except in areas designated as "employee parking areas," if such areas are so designated by Owner or Developer on their own parcels. The parties may individually require that the employees of the other parcels park on such parcels.

(3) General: All of the uses permitted within the Common Areas will be used with reason and judgment so as not

to interfere with the primary purpose of the Common Areas which is to provide for parking for the customers, invitees and employees of those businesses conducted within the Building Areas and for the servicing and supplying of such businesses. Persons using the Common Areas in accordance with this ECR will not be charged any fee for such use.

(e) Utility and service easements: The parties and future owners of the Properties subject hereto will cooperate in the granting of appropriate and proper easements for the installation, repair and replacement of storm drains, sewers, utilities, ponding areas, bus bays and shelters, and other proper services necessary for the orderly development and operation of the Common Areas and buildings to be erected upon the Building Areas. All such parties will use their best efforts to cause the installation of such utility and service lines prior to paving of the Common Areas.

(f) Additional Property: Developer or Developer's successors and assigns may develop the Additional Property as a shopping center. If the Additional Property is developed as a shopping center, the owner of the Additional Property and the owners of Parcels I and II will mutually subject the Additional Property and Parcels I and II to non-exclusive easements for roadways, walkways, ingress and egress, parking and other uses similar to the easements for common areas granted by this ECR. Chronis will have no rights or obligations under this paragraph.

6. Common Areas: Development, Maintenance and Taxes.

(a) Development.

(1) Landscaping: The respective portions of the Shopping Center will at all times have landscaping in accordance with applicable City of Albuquerque ordinances, regulations, rules and requirements. The owners of Parcels I and II may require additional landscaping upon the Chronis Property for aesthetic purposes. Chronis will cooperate in the placement of such additional landscaping, provided that the cost of installation and maintenance of such landscaping will be borne by the owners of Parcels I and II.

(2) Development Timing: When any building is constructed within the Building Areas on a parcel, the Common Areas on that parcel will be developed in accordance with Exhibit A at the expense of the owner of such parcel. The owners of Parcels I and II may elect to share site improvement costs as to the Shopping Center and the Easement Property on a pro rata basis according to the floor area of the improvements then planned in the Shopping Center. If either party constructs improvements on its parcel prior to the development of the other parcel, the developing party may grade, pave and



use any portion of the Common Areas of the other party's parcel. The developing party will cause all of such work to be separately bid on a competitive basis, and the costs and proposed work will be approved in advance by the other party in writing, provided that such approval will not be unreasonably withheld, and the other party agrees to reimburse the developing party for such costs when any portion of its parcel is so developed. Reimbursement will be within thirty (30) days after receipt of an itemized billing. If not paid within such thirty (30) day period, such billing will bear interest from the date of completion of such work to the date of payment at the rate of 12% per annum. Chronis will have no rights or obligations under this paragraph.

(3) Grading and Drainage Plan: The owners of Parcels I and II will perform all site work on their respective parcels in compliance with the grading and drainage plan approved by the City of Albuquerque. Chronis will have no rights or obligations under this paragraph.

(b) Maintenance.

(1) Standards: Following completion of the improvement of the Common Areas, the owners thereof will maintain the Common Areas in good condition and repair. The maintenance is to include, without limiting the generality of the foregoing, the following:

A. Maintaining the surfaces in a level, smooth and evenly covered condition with the type of surfacing material originally installed or such substitute as will in all respects be equal in quality, use and durability.

B. Removing all papers, debris, filth and refuse and thoroughly sweeping the area to the extent reasonably necessary to keep the area in a clean and orderly condition, and free of snow and ice.

C. Placing, keeping in repair and replacing any necessary appropriate directional signs, markers and lines.

D. Operating and keeping in repair and replacing, where necessary, such artificial lighting facilities as will be reasonably required.

E. Maintaining all perimeter walls in good condition and state of repair; and

F. Maintaining all landscaped areas and making such replacements of shrubs and other landscaping as is necessary; however Chronis' responsibility for maintenance of landscaping is limited in paragraph 6(a)(1) hereof.

(2) Responsibility: The owners of Parcels I and II may mutually agree that Developer or Developer's representative will assume responsibility for maintenance of the parking, driveways and landscaping portions of the Common Areas located in the Shopping Center. At any time, upon at least sixty (60) days' prior written notice, Developer may discontinue the practice of maintaining such portions of the Common Areas located on Parcel I, at which time owner will continue responsibility for maintenance of such owner's Common Areas. Chronis will have no rights or obligations under this paragraph.

(3) Expenses:

(a) The respective owners will pay the maintenance expense of their parcels, except that, during the period that Developer is maintaining Parcel I parking, driveways and landscaping, the owner of Parcel I will pay Developer, monthly in advance, that portion of the Shopping Center Common Area Costs (hereinafter defined) that the number of square feet of Parcel I bears to the total number of square feet in the Shopping Center. Parcel I's share of Shopping Center Operating Costs will be estimated in advance by Developer and will be computed on the basis of periods of twelve (12) consecutive calendar months except that the first such period may be of greater or less duration, commencing and ending on such dates as may be designated by Developer. Such estimate will be paid in advance by the owner of Parcel I promptly upon receipt of monthly bills therefor from Developer without any deduction or set-off whatsoever. The owner of Parcel I will pay to Developer on demand the amount, if any, equal to the difference between such owner's proportionate share of the actual Shopping Center Common Area Cost and the estimated Shopping Center Common Area Cost. The balance, if any, of such estimate remaining after the payment of the actual Shopping Center Common Area Cost will be held by Developer and applied to the next monthly payment provided to be paid in this section. Such owner will not be entitled to receive interest on any additional payments paid hereunder. Developer may, at its option, adjust the twelve (12) month estimate of payments provided to be paid in this section quarter-annually in order to reduce discrepancies between the estimated payments and the payments actually required to pay the actual Shopping Center Common Area Cost.

(b) For the purpose of this section, the term "Shopping Center Common Area Cost" is hereby defined to mean the total cost and expense incurred in operating, managing, equipping, lighting, repairing, insuring, replacing and maintaining the Common Areas, excluding only items of expense commonly known and designated as carrying charges, but specifically including, without limitation, repair and maintenance of clocks and fountains, gardening and landscaping, storm

drainage systems and other utility systems, sprinkler systems, security personnel, traffic control equipment, the cost of public liability and property damage insurance, repairs, line painting, lighting, sanitary control, removal of snow, trash, rubbish, garbage and other refuse, removal and/or repair of graffiti or damage caused by vandals, depreciation on or rentals of machinery and equipment used in such maintenance, the cost of personnel to implement such services, to direct parking, and to police the Common Areas and fifteen percent (15%) of all the foregoing costs to cover Developer's administrative and overhead costs.

(c) Taxes: Each owner of the properties subject hereto will agree to pay or cause to be paid, prior to delinquency, directly to the appropriate taxing authorities all real property taxes and assessments which are levied against that part of the Common Areas owned by it.

7. Signs. Developer may impose reasonable sign standards upon the properties subject hereto.

8. Indemnification/Insurance.

(a) Indemnification: The owner of each parcel subject hereto will indemnify and save the other owners harmless from any and all liability, damage, expense, causes of action, suits, claims or judgments arising from injury to person or property and occurring on its own parcel, except if caused by the act or neglect of the other owners.

(b) Insurance: Each owner will provide comprehensive general liability insurance affording protection to itself and the other party, naming the other owners as an "additional insured" under the policy or policies, for a combined bodily injury and property damage limit of liability of not less than \$1,000,000 each occurrence.

9. Eminent Domain.

(a) Right to award: Nothing herein will be construed to give any owner any interest in any award or payment made to any other owner in connection with any exercise of eminent domain or transfer in lieu thereof affecting the other owner's parcel or give the public or any government any rights in the properties subject to this ECR. In the event of any exercise of eminent domain or transfer in lieu thereof of any part of the Common Areas, the award attributable to the land and improvements of such portion of the Common Areas will be payable only to the owner in fee thereof and no claim thereon will be made by the owners of any other portion of the Common Areas.

(b) Collateral claims: All other owners of the Common Areas may file collateral claims with the condemning authority for their losses which are separate and apart from the value of the land area and improvements taken from another owner.

(c) Tenant's Claim: Nothing in this paragraph will prevent a tenant from making a claim against an owner pursuant to the provisions of any lease between tenant and owner for all or a portion of any such award or payment.

(d) Restoration of Common Areas: Provided that the condemnation has not rendered the business conducted on a parcel economically infeasible to operate, the owner of the fee of each portion of the Common Areas so condemned will promptly repair and restore the remaining portion of the Common Areas so owned as near as practicable to its condition immediately prior to such condemnation or transfer to the extent that the proceeds of such award are sufficient to pay the cost of such restoration and repair and without contribution from any other owner.

#### 10. Modifications:

(a) Modification - cancellation: This ECR may be modified or cancelled only by written consent of all record owners of the parcels affected by such action, which consents will not be unreasonably withheld. Chronis will execute such modifications hereof as may be reasonably required by the lenders or tenants of Parcels I and II.

(b) Delegation of authority. At least as long as Developer is the initial user and/or operator of Parcels I and II or both the parcels, whether as owner or lessee, the authority for modifying this ECR will rest with Developer alone as to the parcels Developer owns, uses or operates.

(c) Attorney in Fact. Any purchaser, lender, lessee, assignee, grantee, sublessee or other party having any interest in the portions of Parcels I or II or the Additional Property that Developer has an interest in, will be deemed to have appointed Developer as their attorney-in-fact for their respective parcels for the purpose of negotiating and entering into any modifications of this ECR, except for extending the duration hereof. Cancellation of this ECR will not be considered a modification.

#### 11. Remedies.

(a) Parties Entitled to Relief. In the event of breach of this ECR, only all record owners of Parcel I as a group, or all the record owners of Parcel II as a group, or all record owners of the Additional Property as a group, or Developer so long as it has an interest in any part of Parcel I or Parcel

It, or all the record owners of the Chronis Property as a group, will be entitled to institute proceedings at law or in equity for full and adequate relief from the consequences of said breach (except as set forth in sections 4(b) and (g) hereof). The unsuccessful party in any action will pay to the prevailing party a reasonable sum for attorney's fees, costs and expenses of such action, which will be deemed to have accrued on the commencement of such action and will be enforceable whether or not such action is prosecuted to judgment.

(b) Remedies for default: If the owner of any parcel will, during the term of this ECR, default in the full, faithful and punctual performance of any obligation required hereunder, and if at the end of thirty (30) days after written notice from any owner of a parcel or the party to whom its authority has been delegated, stating with particularity the nature and extent of such default, the defaulting owner has failed to cure such default, or, if such default is not susceptible of cure within thirty (30) days, if a diligent effort is not then being made to cure such default, then any other owner of a parcel of land subject to this ECR or the party to whom its authority has been delegated will, in addition to all other remedies it may have at law or in equity, have the right to perform such obligation of this ECR on behalf of such defaulting owner and be reimbursed by such defaulting owner of the cost thereof with interest at the rate of twelve percent (12%) per annum. Any such claim for reimbursement, together with interest, will be a secured right and a lien will attach and take effect upon recordation of a proper claim of lien by the claimant in the office of the Bernalillo County Clerk, New Mexico. The claim of lien will include the following: (1) the name of the claimant; (2) a statement concerning the basis of the claim of the lien, (3) the last known name and address of the owner or reputed owner of the parcel against which the lien is claimed; (4) a description of the property against which the lien is claimed; (5) a description of the work performed or payment made which has given rise to the claim of lien hereunder and a statement itemizing the amount thereof; and (6) a statement that the lien is claimed pursuant to the provisions of this ECR reciting the date, book and page of the recordation hereof. The notice will be duly verified, acknowledged and contain a certificate that a copy thereof has been delivered to the party against whom the lien is claimed, in accordance with the notice provisions of this ECR, and otherwise to the address for mailing of tax statements with respect to the property against which the lien is claimed. The lien so claimed will attach from the date of recordation solely in the amount claimed thereby and it may be enforced in any manner allowed by law for the foreclosure of liens. Notwithstanding the foregoing, such liens will be subordinate to any mortgage or deed of trust given in good faith and for value now or

hereafter encumbering the property subjected to the lien, and any purchaser at any foreclosure or (as well as any grantee by deed in lieu of foreclosure) under any first mortgage or deed of trust will take free and clear from any such then existing lien, but otherwise subject to the provisions of this ECR. The failure of the owner or owners of any of the parcels subject to this ECR to insist in any one or more cases upon the strict performance of any of the promises, covenants, conditions, restrictions or agreements herein, will not be construed as a waiver or relinquishment for the future breach of the provisions hereof.

(c) Duration: Unless otherwise cancelled and terminated, this ECR and all the easements, rights and obligations hereof will automatically terminate and be of no further force or effect after fifty-seven (57) years after the date hereof, except that the access and/or utility easements described herein, if any, will continue in full force and effect until terminated in writing by the parties entitled to modify this ECR in accordance with the provisions of 10(a) hereof.

12. Rights and Obligations of Lenders. The charges and burdens of this ECR are, and will at all times be, prior and therefore superior to the lien or charge of any mortgage or deed of trust made in good faith and for value affecting the properties subject to this ECR or any improvements now or hereafter placed thereon. However, a breach of any of the easements, covenants, or restrictions hereof will not defeat or render invalid the lien or charge of any mortgage or deed of trust. The superiority of this ECR will be limited to the extent that title to any property acquired through sale under foreclosure of any mortgage or deed of trust effected by powers of sale, judicial proceedings, or otherwise, will be subject to all the charges and burdens affecting the properties subject to this ECR.

13. Release From Liability. Any persons acquiring fee or leasehold title to the properties subject to this ECR or any portion thereof will be bound by this ECR only as to the parcel or portion of the parcel acquired by such person. Such person will be bound by this ECR only during the period such person is the fee or leasehold owner of such parcel or portion of the parcel, except as to obligations, liabilities or responsibilities that accrue during such period. Although persons may be released under this paragraph, the easements, covenants and restrictions in this ECR will continue to be benefits and servitudes upon the properties subject to this ECR, running with the land.

14. Rights of Successors. The easements, restrictions, benefits, and obligations hereunder will create mutual benefits and servitudes upon the properties subject to this ECR running with the land. This ECR will bind and inure to the

benefit of the parties hereto, their respective heirs, personal representatives, tenants, successors, and/or assigns. The singular number includes the plural and any gender includes all other genders.

15. Paragraph Headings. The paragraph headings herein contained are inserted only as a matter of convenience and for reference and in no way define, limit, or describe the scope or intent of this document nor in any way affect the terms and provisions hereof.

16. Not a Public Dedication. Nothing herein contained will be deemed to be a gift or dedication of any portion of the Common Areas to the general public or for the general public or for any public purposes whatsoever, it being the intention of the parties hereto that this ECR will be strictly limited to and for the purposes herein expressed. The right of the public or any person to make any use whatsoever of the Common Areas of the parcels herein affected, or any portion thereof (other than any use expressly allowed by a written or recorded map, this ECR, a deed or a dedication) is by permission, and subject to the control of the owner of such parcel. Notwithstanding any other provisions herein to the contrary, the owners of the parcels affected hereby may periodically restrict ingress and egress from the Common Areas in order to prevent a prescriptive easement from arising by reason of continued public use. Any restriction on ingress and egress will be limited to the minimum period necessary to prevent the creation of a prescriptive easement and will occur at such a time as to have a minimum effect on the parties hereto.

17. Document Execution and Change. Until this document is fully executed and delivered by Chronis and Developer, there is not and will not be an ECR of any kind between the parties hereto upon which any commitment, undertaking or obligation can be founded. Once this document is fully executed and delivered it contains the entire ECR between the parties hereto, in executing it, the parties do not rely upon any statement, promise or representation not herein expressed. This ECR once executed and delivered will not be modified, changed, or altered in any respect except by a writing executed and delivered in the same manner as required for this ECR.

18. Notices. Any notice, demand, approval or disapproval, consent or submission for approval or consent permitted or required hereunder (any "Notice") will be in writing, and any such Notice will be sent to the parties hereto by registered or certified mail, return receipt requested, postage prepaid, addressed to the parties at the address(es) set forth following their signatures.

DATED: \_\_\_\_\_, 1986

DEVELOPER:

COORS CENTRAL, LTD., a New Mexico limited partnership

By: [Signature]  
Its: General partner

By: [Signature]  
Its: General Partner

Address:

c/o Wiggins & Price, Lawyers  
P.O. Box 25424  
Albuquerque, New Mexico 87125  
CHRONIS:

[Signature]  
TASSO CHRONIS

[Signature]  
ANNA CHRONIS

Address:

5925 Central Avenue N.W.  
Albuquerque, New Mexico 87105

CONSENTED AND AGREED TO:

COORS ROAD SOUTH PARTNERSHIP,  
a New Mexico general partnership

By: [Signature]  
Its: General Partner

P.O. Box 25424  
Albuquerque, New Mexico 87125



STATE OF NEW MEXICO )  
 ) ss  
COUNTY OF BERNALILLO )

The foregoing instrument was acknowledged before me this 2nd day of July, 1986, by Jane F. Black and Greg D. Black, General Partners of Coors Central, Ltd., a New Mexico limited partnership, on behalf of said partnership.

W. M. Roach  
Notary Public

My commission expires:

10-14-86

STATE OF NEW MEXICO )  
 ) ss  
COUNTY OF BERNALILLO )

The foregoing instrument was acknowledged before me this 18th day of July, 1986, by Tasso Chronis and Anna Chronis, his wife.

W. M. Roach  
Notary Public

My Commission Expires:

10-14-86

STATE OF NEW MEXICO )  
 ) ss  
COUNTY OF BERNALILLO )

The foregoing instrument was acknowledged before me this 2nd day of July, 1986, by Jane F. Black, general partner of Coors Road South Partnership, a New Mexico general partnership, on behalf of said partnership.

W. M. Roach  
Notary Public

My Commission Expires:

10-14-86

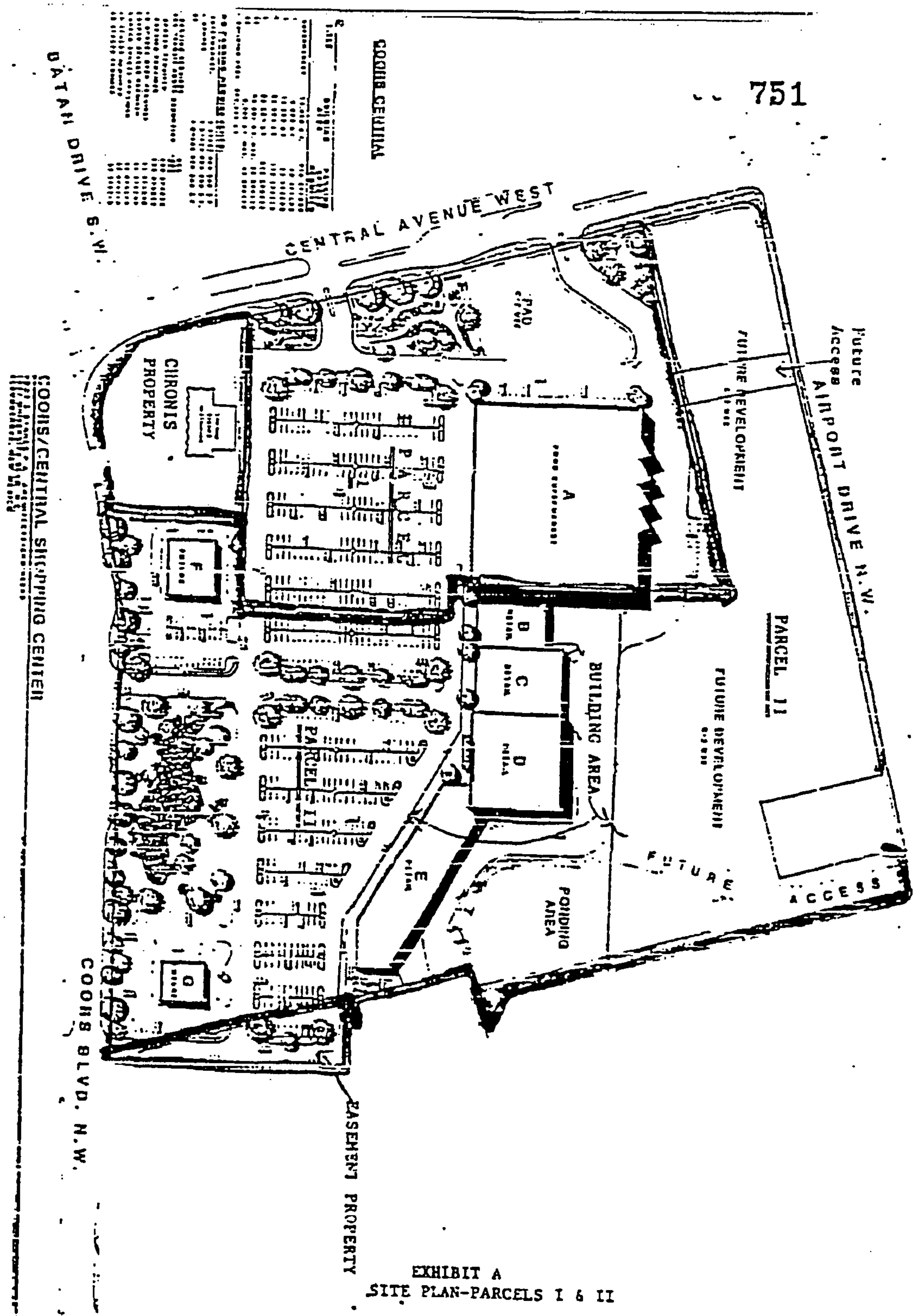


EXHIBIT A  
SITE PLAN-PARCELS I & II

ORIGINAL COPY TOO LIGHT  
IN DENSITY TO PHOTOGRAPH  
BY MICROFILM PROPERLY.

EXHIBIT B  
 PARCEL I  
 LEGAL DESCRIPTION

LEGAL DESCRIPTION

That certain parcel of land situated within the Town of Alameda Grant in projected Section 22, Township 10 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, comprising a portion of Lot 2, as the same is shown and designated on the plat entitled "LOTS 1 & 2 OF TRACT C-27, AIRPORT UNIT OF THE TOWN OF ATRISCO GRANT", filed in the office of the County Clerk of Bernalillo County, New Mexico, on February 15, 1981, in Volume C20, folio 170, and a portion of Tracts C-25 and C-26, as the same are shown and designated on the plat entitled "PLAT SHOWING A PORTION OF TRACTS ALLOTTED FROM TOWN OF ATRISCO GRANT IN SCHOOL DISTRICT 28, BERNALILLO COUNTY, NEW MEXICO", filed in the office of the County Clerk of Bernalillo County, New Mexico, on December 5, 1944, in Volume D, folio 117, and a portion of Tract C-24A, as the same is shown and designated on the plat entitled "LOT 1, CHRONIS BUSINESS PARK, REPLAT OF PART OF TRACTS C-22, C-23, & C-24, TOWN OF ATRISCO GRANT, AIRPORT UNIT & INTO TRACT C-24A", filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 21, 1976, in Volume C11, folio 112, more particularly described as follows:

BEGINNING at the Southeast corner of the parcel herein described, said corner being the Southeast corner of said Tract C-24A, a point on the Northerly right of way line of Central Avenue West, whence the New Mexico State Highway Commission Monument "NM-448-NLA" bears N 74° 51' 10" E, 137.25 feet distant; Thence,

S 74° 58' 33" W, 531.15 feet along the Southerly line of said Tracts C-24A, C-25, C-26 and Lot 2, and said Northerly right of way line of Central Avenue West to the Southwest corner of the parcel herein described; Thence,

N 12° 55' 56" W, 591.81 feet to the Northwest corner of the parcel herein described; Thence,

S 89° 22' 10" E, 606.52 feet to a point; Thence,

N 00° 37' 30" E, 31.40 feet to a point; Thence,

S 89° 22' 10" E, 340.00 feet to the Northeast corner of the parcel herein described, a point on the Easterly line of said Tract C-24A; Thence,

S 00° 37' 30" W, 436.40 feet along said Easterly line of Tract C-24A to the Southeast corner and point of beginning of the parcel herein described.

Said parcel contains 6.0000 acres, more or less.

## EXHIBIT C

PARCEL II  
LEGAL DESCRIPTION

Lot numbered Two (2) of Lots 1 and 2 of Tract C-27, AIRPORT UNIT OF THE TOWN OF ATRISCO GRANT, Bernalillo County, New Mexico, as the same is shown and designated on the Plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico, on February 15, 1983.

Tract C-24-A, CERONIS BUSINESS PARK, Replat of part of Tracts C-22, C-23 and C-24, Town of Atrisco Grant Airport Unit 4, into Tract C-24-A, Bernalillo County, New Mexico, as the same is shown and designated on the Replat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 23, 1976.

Parcel C-25, a certain tract of land, lying and being within the boundaries of said Atrisco Land Grant, in the County of Bernalillo, State of New Mexico. Bounded on the North by land of the Atrisco Grant, on the East by land of the Atrisco Grant, on the South by U.S. Highway 66, and on the West by land now or formerly owned by George Lovato, being one of the several tracts allotted from the Atrisco Land Grant, along one of the several tracts allotted from the Atrisco Land Grant, along the North line of U.S. Highway 66, and more particularly described as follows:

Beginning at the NW corner No. 1 whence the NE corner of Section 3, T. 10 N., R. 2 E., N.M.P.M. bears N. 2°26' E., 17,083.01 ft. distant and running thence N. 74°54' E., 210.00 ft. to the NE corner No. 2; thence S. 15°06' E., 1037.00 ft. to the SE corner No. 3; thence S. 74°54' W., 210.00 ft. along the North line of U.S. Highway 66 to the SW corner No. 4; thence N. 15°06' W., 1037.00 ft. to point of beginning.

Parcel C-26, a certain tract of land situate in School District No. 28, Bernalillo County, N.M., bounded on the North by land of the Atrisco Grant; on the South by U.S. Highway 66; and on the East by land of the Atrisco Grant; and on the West by land now or formerly owned by Trinidad Lovato, being one of the several tracts of land allotted from the Atrisco Land Grant along the north line of Highway 66, and more particularly described as follows:

Beginning at the NE corner No. 1 whence the NE corner of Section 3, T. 10 N., R. 2 E., N.M.P.M., bears N. 2°26' E., 17,083.01 ft. distant and running thence S. 15°06' E., 1037.00 ft. to the SE corner No. 2; thence S. 74°54' W., 210.00 ft. along the north line of U.S. Highway 66 to the SW corner No. 3; thence N. 15°06' W., 1037.00 ft. to the NW corner No. 4; thence No. 74°54' E., 210.00 ft. to point of beginning.

PLUS,

C-1

That certain parcel of land situate within the Town of Atrisco Grant in projecte Section 22, Township 10 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, comprising Lot 1-A, as the same is shown and designated on the plat entitled "REPLAT OF LOT 1, CHRONIS BUSINESS PARK, ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO", filed in the office of the County Clerk of Bernalillo County, New Mexico, on November 25, 1980, in Volume B18, folio 85, and the Northerly portion of Lot 1-B1, as the same is shown and designated on the plat entitled "SUMMARY PLAT, LOTS 1-B1 & 1-B2, BEING A REPLAT OF LOT 1-B, CHRONIS BUSINESS PARK, ALBUQUERQUE, NEW MEXICO", filed in the office of the County Clerk of Bernalillo County, New Mexico, on March 22, 1984, in Volume B20, folio 145, more particularly described as follows:

BEGINNING at the the Northeast corner of said Lot 1-A and the Northeast corner of the parcel herein described, a point on the Westerly right of way line of Coors Road North, whence the New Mexico State Highway Commission Monument "NM-448-N1A" bears S 06° 39' 21" E, 1046.43 feet distant; Thence,

S 00° 37' 50" W, 523.54 feet along said Westerly right of way line of Coors Road North to a point of curvature; Thence,

Southeasterly . 184.63 feet along said Westerly right of way line of Coors Road North on the arc of a curve to the left (said curve having a radius of 1972.00 feet and a chord which bears S 02° 03' 17" E, 184.58 feet) to a point on curve; Thence,

S 85° 15' 37" W, 10.00 feet along said Westerly right of way line of Coors Road North to a point on curve; Thence,

Southeasterly . 108.12 feet along said Westerly right of way line of Coors Road North on the arc of a curve to the left (said curve having a radius of 1982.00 feet and a chord which bears S 06° 18' 09" E, 108.11 feet) to a point on curve and the Southeast corner of the parcel herein described; Thence,

N 89° 22' 10" W, 203.56 feet to the Southwest corner of the parcel herein described, a point on the West line of said Lot 1-B1; Thence,

N 00° 37' 50" E, 762.58 feet to the Northwest corner of said Lot 1-A and the Northwest corner of the parcel herein described; Thence,

N 75° 01' 28" E, 199.16 feet to the Northeast corner and point of beginning of the parcel herein described.

plus,

Tract C of Unit No. 1 of Atrisco Business Park as shown and designated on plat filed on October 3, 1972, in Volume D5, page 62 records of Bernalillo County, New Mexico.

Less:

LEGAL DESCRIPTION

That certain parcel of land situate within the Town of Alameda Grant in projected Section 22, Township 10 North, Range 2 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, comprising a portion of Lot 2, as the same is shown and designated on the plat entitled "LOTS 1 & 2 OF TRACT C-27, AIRPORT UNIT OF THE TOWN OF ATRISCO GRANT", filed in the office of the County Clerk of Bernalillo County, New Mexico, on February 15, 1983, in Volume C20, folio 170, and a portion of Tracts C-25 and C-26, as the same are shown and designated on the plat entitled "PLAT SHOWING A PORTION OF TRACTS ALLOTTED FROM TOWN OF ATRISCO GRANT IN SCHOOL DISTRICT 28, BERNALILLO COUNTY, NEW MEXICO", filed in the office of the County Clerk of Bernalillo County, New Mexico, on December 5, 1944, in Volume D, folio 117, and a portion of Tract C-24A, as the same is shown and designated on the plat entitled "LOT 1, CHRONIS BUSINESS PARK, REPLAT OF PART OF TRACTS C-22, C-23, & C-24, TOWN OF ATRISCO GRANT, AIRPORT UNIT & INTO TRACT C-24A", filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 23, 1976, in Volume C11, folio 112, more particularly described as follows:

BEGINNING at the Southeast corner of the parcel herein described, said corner being the Southeast corner of said Tract C-24A, a point on the Northerly right of way line of Central Avenue West, whence the New Mexico State Highway Commission Monument "NM-448-N1A" bears N 74° 51' 10" E, 337.25 feet distant; Thence,

S 74° 58' 33" W, 631.15 feet along the Southerly line of said Tracts C-24A, C-25, C-26 and Lot 2, and said Northerly right of way line of Central Avenue West to the Southwest corner of the parcel herein described; Thence,

N 12° 55' 56" W, 591.81 feet to the Northwest corner of the parcel herein described; Thence,

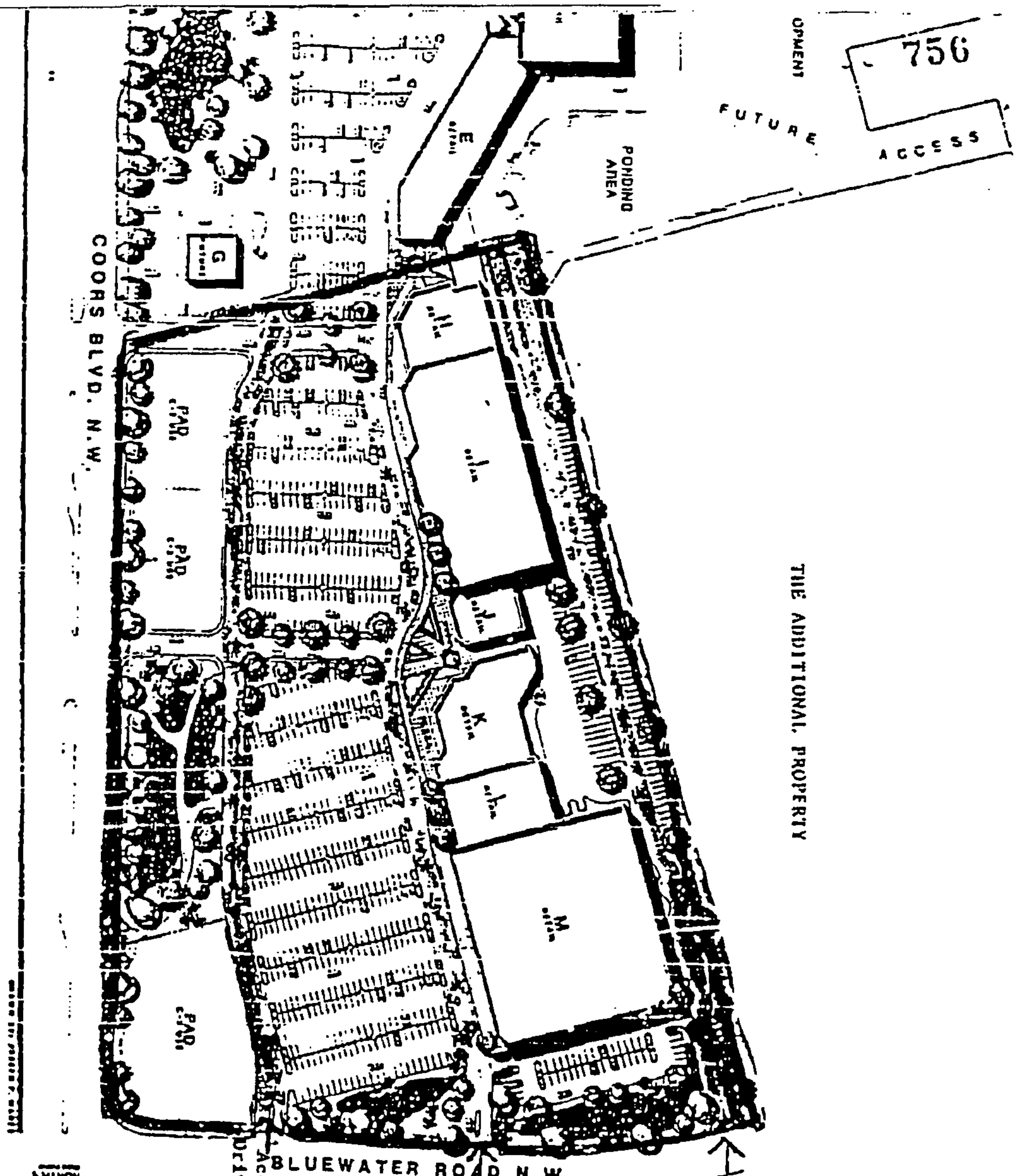
S 89° 22' 10" E, 406.82 feet to a point; Thence,

N 00° 37' 50" E, 51.40 feet to a point; Thence,

S 89° 22' 10" E, 340.00 feet to the Northeast corner of the parcel herein described, a point on the Easterly line of said Tract C-24A; Thence,

S 00° 37' 50" W, 435.40 feet along said Easterly line of Tract C-24A to the Southeast corner and point of beginning of the parcel herein described.

Said parcel contains 8.0000 acres, more or less.



THE ADDITIONAL PROPERTY

LEVEL	DATE	NO.	AMOUNT
1	12/31/77	100000	100000
2	12/31/78	100000	100000
3	12/31/79	100000	100000
4	12/31/80	100000	100000
5	12/31/81	100000	100000
6	12/31/82	100000	100000
7	12/31/83	100000	100000
8	12/31/84	100000	100000
9	12/31/85	100000	100000
10	12/31/86	100000	100000
11	12/31/87	100000	100000
12	12/31/88	100000	100000
13	12/31/89	100000	100000
14	12/31/90	100000	100000
15	12/31/91	100000	100000
16	12/31/92	100000	100000
17	12/31/93	100000	100000
18	12/31/94	100000	100000
19	12/31/95	100000	100000
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31	12/31/07	100000	100000
32	12/31/08	100000	100000
33	12/31/09	100000	100000
34	12/31/10	100000	100000
35	12/31/11	100000	100000
36	12/31/12	100000	100000
37	12/31/13	100000	100000
38	12/31/14	100000	100000
39	12/31/15	100000	100000
40	12/31/16	100000	100000
41	12/31/17	100000	100000
42	12/31/18	100000	100000
43	12/31/19	100000	100000
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45	12/31/21	100000	100000
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92	12/31/68	100000	100000
93	12/31/69	100000	100000
94	12/31/70	100000	100000
95	12/31/71	100000	100000
96	12/31/72	100000	100000
97	12/31/73	100000	100000
98	12/31/74	100000	100000
99	12/31/75	100000	100000
100	12/31/76	100000	100000

EXHIBIT D  
SITE PLAN - ADDITIONAL PROPERTY

ORIGINAL COPY TOO LIGHT  
IN DENSITY TO PHOTOGRAPH  
BY MICROFILM PROPERLY.

## EXHIBIT E

## ADDITIONAL PROPERTY

A certain tract or parcel of land being situate within Unit No. 1 of Atrisco Business Park, being designated as Tract D, filed October 3, 1972, in Vol. D-5, page 62, County of Bernalillo, State of New Mexico.



## EXHIBIT F

## CHRONIS PROPERTY

Lot 1-B2 and Lot 1-B1, as the same is shown and designated on the plat entitled "Summary Plat, Lots 1-B1 & 1-B2, Being a replat of Lot 1-B, Chronis Business Park, Albuquerque, New Mexico", filed in the office of the County Clerk of Bernalillo County, New Mexico, on March 22, 1984, in Volume B290, folio 145, less the Northerly portion of Lot 1-B1 more particularly described as follows:

BEGINNING at the the Northeast corner of said Lot 1-A and the Northeast corner of the parcel herein described, a point on the Westerly right of way line of Coors Road North, whence the New Mexico State Highway Commission Monument "NM-448-N1A" bears S 06° 39' 21" E, 1046.43 feet distant; Thence,

S 00° 37' 50" W, 523.54 feet along said Westerly right of way line of Coors Road North to a point of curvature; Thence,

Southeasterly , 184.65 feet along said Westerly right of way line of Coors Road North on the arc of a curve to the left (said curve having a radius of 1972.00 feet and a chord which bears S 02° 03' 17" E, 184.58 feet) to a point on curve; Thence,

S 85° 15' 37" W, 10.00 feet along said Westerly right of way line of Coors Road North to a point on curve; Thence,

Southeasterly , 108.12 feet along said Westerly right of way line of Coors Road North on the arc of a curve to the left (said curve having a radius of 1982.00 feet and a chord which bears S 06° 18' 09" E, 108.11 feet) to a point on curve and the Southeast corner of the parcel herein described; Thence,

N 89° 22' 10" W, 203.56 feet to the Southwest corner of the parcel herein described, a point on the West line of said Lot 1-B1; Thence,

N 00° 37' 50" E, 762.58 feet to the Northwest corner of said Lot 1-A and the Northwest corner of the parcel herein described; Thence,

N 75° 01' 28" E, 199.16 feet to the Northeast corner and point of beginning of the parcel herein described.